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PROCEEDINGS AND DEBATES OF THE 100th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Monday, March 2, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are aware of Your presence, O God, in the world and in our hearts, and we respond with prayer, praise, and thanksgiving. Help us, gracious God, to see our prayers, not only for these moments of great and high experience or for the crisis that tear the human soul, but for those quiet moments of reflection when the discipline of personal prayer can give our lives a peace and serenity that passes all human understanding. Grant this, we pray. Amen.

THE JOURNAL

The **SPEAKER.** The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment, joint resolutions and concurrent resolution of the House of the following titles:

H.J. Res. 3. Joint resolution to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations;

H.J. Res. 53. Joint resolution to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week"; and

H. Con. Res. 46. Concurrent resolution concerning the 75th anniversary of the founding of Hadassah, the Women's Zionist Organization of America.

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 46) entitled "Joint resolution to recognize and acknowledge that February 14, 1987, will mark the seventy-fifth anniversary of Arizona's statehood and to designate the year 1987 as Arizona's Diamond Jubilee."

The message also announced that the Senate had passed joint resolutions of the following titles, in which the concurrence of the House is requested:

S.J. Res. 9. Joint resolution to designate the week of March 1, 1987, through March 7, 1987, as "Federal Employees Recognition Week";

S.J. Res. 20. Joint resolution to designate the month of March, 1987, as "Women's History Month"; and

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week."

The message also announced that pursuant to section 4302 of Public Law 99-570, the majority leader on December 11, 1986, appointed Paula Hawkins as a member of the Board of Directors of the National Trust for Drug-Free Youth.

The message also announced that pursuant to sections 42 and 43 of title 20, of the United States Code, the Vice President on November 24, 1986, appointed DANIEL PATRICK MOYNIHAN to the Board of Regents of the Smithsonian Institution.

The message also announced that pursuant to section 1361 of Public Law 99-498, the majority leader on January 5, 1987, appointed Chen Shih Tso of California and Remebios Oliver of Florida, from the private sector, to the Alien Youth Education Opportunity Panel.

The message also announced that pursuant to Public Law 99-661, the majority leader on October 21, 1986, appointed Mr. WILSON to the Board of Directors of the Barry Goldwater Scholarship and Excellence in Education Foundation.

The message also announced that pursuant to section 301 of Public Law 99-371, the President pro tempore appointed—

On October 21, 1986, Jack Brady of West Virginia and Dr. Gary Austin of Illinois;

On January 16, 1987, Gertrude S. Galloway of Maryland, vice Jack Brady, resigned. Dr. Frank Bowe was designated Chairperson;

to the Commission on the Education of the Deaf.

The message also announced that pursuant to section 1321 of Public Law 99-498, the majority leader on January 5, 1987, appointed Dr. William Danforth of Missouri, Dr. Richard Benjamin Young of Mississippi, and Larry Jones of Kansas, from private life, to the National Commission on Responsibilities for Financing Postsecondary Education.

The message also announced that pursuant to Public Laws 99-500 and 99-591, the Democratic leader on October 21, 1986, appointed Col. Edward King, retired, from private life, to the Commission on Central American Negotiations.

The message also announced that pursuant to section 304 of Public Law 99-603 the President pro tempore appointed on—

December 12, 1986, Ben Gramling of South Carolina;

January 5, 1987, Henry Voss of California;

from private life to be members of the Commission on Agricultural Workers.

The message also announced that pursuant to Public Law 94-201, the Chair on behalf of the President pro tempore appoints Mrs. Sharon Rockefeller of West Virginia, from private life, as a member of the Board of Trustees of the American Folklife Center.

The message also announced that pursuant to Public Law 90-206, the President pro tempore appointed Ms. Esther Coopersmith vice Edward R. Morgan, deceased, to the Commission on Executive, Legislative and Judicial Salaries.

The message also announced that pursuant to sections 276h-276k, as amended, of title 22 of the United States Code, the Chair on behalf of the Vice President appoints Mr. DODD as Chairman of the Senate delegation to the Mexico-United States Interparliamentary Group during the 100th Congress.

The message also announced that pursuant to sections 276d-276g, as

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

amended, of title 22 of the United States Code, the Chair on behalf of the Vice President appoints Mr. ZORINSKY as Chairman of the Senate delegation to the Canada-United States Interparliamentary Group during the 100th Congress.

The message also announced that pursuant to Public Law 94-304 as amended by Public Law 99-7, the Chair on behalf of the Vice President appoints Mr. WIRTH and Mr. FOWLER and designates Mr. DECONCINI as Cochairman of the Commission on Security and Cooperation in Europe.

The message also announced that pursuant to Public Law 99-93 as amended by Public Law 99-151, the Chair on behalf of the Vice President appoints Mr. BIDEN, chairman; Mr. DECONCINI; Mr. DIXON; and Mr. GRAHAM to the U.S. Senate Caucus on International Narcotics Control.

The message also announced that pursuant to section 1505(a)(B)(ii) of Public Law 99-498, the Chair on behalf of the President pro tempore appoints Mr. MELCHER as a member of the Board of Trustees of the Institute of American Indian and Alaska Native Culture and Arts Development.

The message also announced that pursuant to Public Law 96-114 as amended by Public Laws 98-33 and 99-161, the Chair announces the appointment by the majority leader of Max Keller and Earl T. Leonard, from private life to the Congressional Award Board.

The message also announced that pursuant to sections 1928a-1928d, as amended, of title 22 of the United States Code, the Chair on behalf of the Vice President appoints Mr. BIDEN as chairman of the Senate delegation to the North Atlantic Assembly during the 100th Congress.

The message also announced that pursuant to Public Law 93-29, as amended by Public Law 98-459, the Chair on behalf of the President pro tempore appoints Peg Lamont of South Dakota, from private life, to the Federal Council on the Aging.

The message also announced that pursuant to Public Law 99-660 the Chair announces the appointment by the majority leader of Mr. CHILES as a member of the National Commission to Prevent Infant Mortality.

The message also announced that pursuant to Public Law 84-944, the Chair on behalf of the Vice President appoints Mr. JOHNSTON, as member and Chairman, to the Senate Office Building Commission.

PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO FILE REPORT ON H.R. 558, URGENT RELIEF FOR THE HOMELESS ACT

Mr. FAUNTROY. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs may have until midnight tonight to file a report on the bill H.R. 558, as amended, the Urgent Relief for the Homeless Act.

The SPEAKER. Is there objection to the request of the gentleman from the District of Columbia?

There was no objection.

APPOINTMENT AS MEMBERS OF COMMITTEE ON HOUSE RECORDING STUDIO

The SPEAKER. Pursuant to the provisions of 2 U.S.C. 123(b), the Chair appoints as members of the Committee on the House Recording Studio the following Members on the part of the House:

Mr. ROSE of North Carolina;
Mr. SWIFT of Washington; and
Mr. BADHAM of California.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON MERCHANT MARINE AND FISHERIES

The SPEAKER pro tempore (Mr. BENNETT) laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

> COMMITTEE ON
> MERCHANT MARINE AND FISHERIES,
> *Washington, DC, February 18, 1987.*
>
> Hon. JIM WRIGHT,
> *Speaker of the House, House of Representatives, H-209, The Capitol, Washington, DC*
>
> DEAR MR. SPEAKER: Pursuant to Public Law 301 of the 78th Congress, I have appointed the following Members of the Committee on Merchant Marine and Fisheries to serve as Members of the Board of Visitors to the United States Coast Guard Academy for the year 1987:
>
> The Honorable Earl Hutto of Florida;
> The Honorable William J. Hughes of New Jersey; and
> The Honorable Robert W. Davis of Michigan.
>
> As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.
>
> With warmest personal regards, I am,
> Sincerely,
> WALTER B. JONES,
> *Chairman.*

INTRODUCTION OF LEGISLATION TO ALTER NUCLEAR WASTE STORAGE REQUIREMENTS

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. DANIEL. Mr. Speaker, today I am introducing legislation to amend the Nuclear Waste Policy Act of 1982 to remove the requirement for a second repository for disposition of high-level nuclear waste.

Five years ago, when this legislation became law, some decisions were made, insofar as disposition was concerned, which have been made inappropriate by the passage of time.

Then, it was estimated there would be a need to store 140,000 metric tons of waste by the year 2020; now, it is reasonable to assume we will need far less storage—perhaps no more than half of the original estimate.

It is thus apparent that the addition of some 5,000 metric tons to the projected capacity for the first nuclear waste repository will meet reasonable forecasts through 2020.

At the same time requirements are declining, costs are growing. And this at a time when every spending source is being scrutinized to determine those which can be curtailed or abandoned.

Much time and effort has been expended on the search for a first site, which is obviously needed, and for a second site, which is definitely not.

My bill will terminate the search for a second repository, so that we can focus on development of that which we know we need.

I urge my colleagues to join me in this effort.

INTRODUCTION OF THE MEDICARE DIABETIC FOOT DISEASE PREVENTION ACT

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I rise today, Mr. Speaker, to introduce legislation which would provide Medicare coverage for costs of therapeutic shoes for diabetic individuals who suffer from severe diabetes-related foot disease.

Mr. Speaker, amputations are much more common among diabetics than the general population. It is estimated that each year some 40,000 diabetics are required to have lower extremity amputations. Of those, anywhere from 10,000 to 16,000 are age 65 or over and Medicare eligible. Amputation could be prevented, however, in as many as 50 to 75 percent of affected individuals if proper foot care were reimbursable under Medicare.

For patients with severe diabetic foot disease, specially designed therapeutic shoes are necessary. It is these specially designed shoes that I, along with the American Diabetes Association [ADA], am proposing be covered under Medicare part B.

Mr. Speaker, the bill I am introducing today, developed in conjunction with the ADA, provides Congress with the opportunity to improve the quality of life for diabetics while reducing costs incurred by the Medicare system.

Mr. Speaker, this measure enjoys substantial bipartisan support. I urge my colleagues to join with me and the 37 original cosponsors in supporting the Medicare Diabetic Foot Disease Prevention Act.

GOOD NEWS AFTER TOWER REPORT

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Tower Commission Report said that people failed, not the process. In trying to absorb the stunning conclusions of the Tower Report, let us not forget that had these people, now most of them resigned, followed the process and respected our institutions and laws, Iran-Contragate would never have happened; but just as the Tower Report cast a huge ugly shadow over our country, three bits of good news leave a small light at the end of the tunnel.

First, the appointment of Howard Baker is a dramatically positive move, because he understands people, the Congress, and the democratic process.

Second, the potential withdrawal of Mr. Gates as Director of the CIA, giving the President a chance to appoint someone not tainted by the scandal.

Third, the announcement by the Soviets that they are ready to negotiate an intermediate range missile agreement in Europe separate from star wars. This just might mean an arms control agreement, and it is now up to the President's new foreign policy team to get their act together so this opportunity is not missed.

But Mr. Speaker, we can change all we want, we can make all the changes in the Congress and laws we want, but it is up to the President now to take charge, to start with a new management style where he knows what his foreign policy is and how it should be implemented.

We are rooting for the President, Mr. Speaker, and we hope that in his speech on Wednesday a new chapter in his Presidency starts.

□ 1210

WISHING A HAPPY BIRTHDAY TO TEXAS AND HON. BOB MICHEL

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, today is the 2d day of March, a day doubly sanctified for Texans and peculiarly significant for the Members of the House. It was the 2d day of March, 1836, that a ragtag group of colonists gathered in a crude, unfinished building in a place called Washington on the Brazos, and formally declared the independence of Texas from the Empire of Mexico, thus beginning a 9-year career as one of the independent nations of the Earth.

It also was on the 2d of March, in 1793, that the patron saint of Texas, Sam Houston, was born.

What many people do not know is that it was on the 2d day of March, 1923, exactly 130 years after the birth of Sam Houston, that a great American was born, namely Bob Michel, the distinguished minority leader of the House of Representatives. I know that all of us wish for Texas a happy birthday, and I know that all of us wish for Bob Michel a very happy birthday, and many happy returns of the same.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Gallo) to revise and extend his remarks and include extraneous material:)

Mr. Michel, for 60 minutes, on March 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Gallo) and to include extraneous matter:)

Mr. Courter in two instances.
Mr. McKinney.
Mr. Shaw.
Mr. Lent.

(The following Members (at the request of Mr. Fauntroy) and to include extraneous matter:)

Mr. Anderson in 10 instances.
Mr. Gonzalez in 10 instances.
Mrs. Lloyd in five instances.
Mr. Hamilton in 10 instances.
Mr. Brown of California in 10 instances.
Mr. Annunzio in six instances.
Mr. Jones of Tennessee in 10 instances.
Mr. Boner of Tennessee in five instances.
Mr. de la Garza in 10 instances.
Mr. Daniel.
Mr. Solarz.
Mr. Barnard.
Mr. Leland.
Mr. Edwards of California in two instances.
Mr. Matsui in two instances.
Mr. Downey of New York in two instances.

SENATE JOINT RESOLUTIONS REFERRED

Joint resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 20. Joint resolution to designate the month of March, 1987, as "Women's History Month"; to the Committee on Post Office and Civil Service.

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week"; to the Committee on Post Office and Civil Service.

ENROLLED JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.J. Res. 3. Joint resolution to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural experiment stations; and

H.J. Res. 53. Joint resolution to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week."

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 46. Joint resolution declaring 1987 as "Arizona Diamond Jubilee Year."

ADJOURNMENT

Mr. FAUNTROY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 3, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

686. A letter from the Principal Deputy Assistant Secretary of Defense (Comptroller), transmitting a report of the value of property, supplies and commodities provided by the Berlin Magistrate for the quarter October 1, 1986, through December 31, 1986, pursuant to Public Law 99-190, section 8014 (99 Stat. 1205); to the Committee on Appropriations.

687. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the

period March 1, 1987 to April 30, 1987, pursuant to 10 U.S.C. 2431(b); to the Committee on Armed Services.

688. A letter from the Vice President, Chesapeake & Potomac Telephone Co., Washington, DC, transmitting, a copy of the company's statement of receipts and expenditures and a comparative general balance sheet for the year 1986, pursuant to the act of April 27, 1904, chapter 1628 (33 Stat. 374, 375); to the Committee on the District of Columbia.

689. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Alton G. Keel, Jr., of Virginia, U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, Ambassador Extraordinary and Plenipotentiary-designate, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

690. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

691. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report on the progress of construction of the Moscow Embassy complex; to the Committee on Foreign Affairs.

692. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

693. A letter from the Deputy Federal Inspector, Alaska Natural Gas Transportation System, transmitting the agency's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

694. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting the Department's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

695. A letter from the Associate Director, Office of Management and Budget, ACTION, transmitting the agency's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

696. A letter from the Chairman, Federal Election Commission, transmitting the Commission's 1986 report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

697. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting a report of the Commission's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

698. A letter from the Chairman, National Credit Union Administration, transmitting the agency's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

699. A letter from the Assistant Secretary (Management), Department of the Treasury, transmitting the Department's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

700. A letter from the General Counsel, Executive Office of the President, transmitting the Office's 1986 calendar year report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

701. A letter from the Freedom of Information/Privacy Officer, Interstate Commerce Commission, transmitting the Commission's 1986 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

702. A letter from the Secretary of Agriculture, transmitting notification of a revision to five systems of records, deletion of a system, transfer of a system, and notice of a new system, maintained by the Animal and Plant Health Inspection Service, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

703. A letter from the Secretary of Commerce, transmitting the report on competition advocacy for fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

704. A letter from the Secretary of Health and Human Services, transmitting the Department's 1986 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

705. A letter from the Secretary, Railroad Retirement Board, transmitting a report of the Board's activities under the Freedom of Information Act for calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

706. A letter from the Acting Director, Office of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting the Commission's 1986 report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

707. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notice of proposed refunds of offshore lease revenues in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

708. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

709. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

710. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

711. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

712. A letter from the Marshal, Supreme Court of the United States, transmitting his annual report on the administrative costs of protecting Supreme Court officials from February 16, 1986 to February 15, 1987, pursuant to 40 U.S.C. 13n(c) (August 18, 1949, chapter 479, section 9(c) (96 Stat. 1958)); Public Law 99-218 (99 Stat. 1729); to the Committee on the Judiciary.

713. A letter from the Chief Justice of the Supreme Court, transmitting various amendments to the Federal Rules of Evidence adopted by the Court, pursuant to 28 U.S.C. 2076 (H. Doc. No. 100-41); to the Committee on the Judiciary and ordered to be printed.

714. A letter from the Chief Justice of the United States, transmitting various amendments to the Federal Rules of Civil Procedure and the Supplemental Rules for Certain Admiralty and Maritime Claims adopted by the Court, pursuant to 28 U.S.C. 2072 (H. Doc. No. 100-40); to the Committee on the Judiciary and ordered to be printed.

715. A letter from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting a report of the grants of suspension of deportation, pursuant to 8 U.S.C. 1254(c); to the Committee on the Judiciary.

716. A letter from the Chairman, U.S. Sentencing Commission, transmitting the 1986 annual report of the activities of the Commission in its initial year of operation, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

717. A letter from the Commandant, U.S. Coast Guard, transmitting a list of activities that are to be considered for performance by contract by non-Government personnel during fiscal year 1987, pursuant to 99-640; to the Committee on Merchant Marine and Fisheries.

718. A letter from the Chairman, Marine Mammal Commission, transmitting the Commission's 14th annual report, calendar year 1986, pursuant to 16 U.S.C. 1404; to the Committee on Merchant Marine and Fisheries.

719. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to repeal the Anadromous Fish Conservation Act of 1965; to the Committee on Merchant Marine and Fisheries.

720. A letter from the Chairman, Merit Systems Protection Board, transmitting the fiscal year 1986 report describing the number of appeals submitted to the Board, pursuant to 5 U.S.C. 7701(i)(2); to the Committee on Post Office and Civil Service.

721. A letter from the Executive Assistant, Personnel Appeals Board, U.S. General Accounting Office, transmitting the Board's annual report for the period October 1, 1985 through September 30, 1986; to the Committee on Post Office and Civil Service.

722. A letter from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting a report entitled, "The Airliner Cabin Environment—Air Quality and Safety", which includes a review of the National Academy of Sciences recommendations, pursuant to 49 U.S.C. 1303; to the Committee on Public Works and Transportation.

723. A letter from the Administrator, General Services Administration, transmitting an informational copy of a report of building project survey for Stamford, CT, pursu-

ant to 40 U.S.C. 610(b); to the Committee on Public Works and Transportation.

724. A letter from the Assistant Secretary for Conservation and Renewable Energy, Department of Energy, transmitting notification of the delay in submission of the annual revisions to the comprehensive program management plans for the wind and ocean energy programs; revised plans to be available within 60 days, pursuant to 42 U.S.C. 9203(c) and 9002(d); to the Committee on Science, Space, and Technology.

725. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space, and Technology.

726. A letter from the Assistant Secretary of the Navy (Shipbuilding and Logistics), Department of the Navy, transmitting a cost comparison study of the public works functions at the Naval Station, Roosevelt Roads, PR, which has revealed that conversion of Department of Defense activities to contractor performance is the most efficient and cost effective, pursuant to Public Law 99-190, section 8089 (99 Stat. 1216); jointly, to the Committees on Armed Services and Appropriations.

727. A letter from the Federal Inspector, Alaska Natural Gas Transportation System, transmitting the 27 report on the status of the Alaska Natural Gas Transportation System, pursuant to 15 U.S.C. 719e(a)(5)(E); jointly, to the Committees on Energy and Commerce and Interior and Insular Affairs.

728. A letter from the Under Secretary of State of Management, transmitting the sixth annual report on Implementation of the Foreign Service Act of 1980, pursuant to 22 U.S.C. 4173; jointly to the Committees on Foreign Affairs and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Submitted February 27, 1987]

Mr. de la GARZA: Committee on Agriculture. H.R. 177. A bill to amend the Food Stamp Act of 1977 and the Temporary Emergency Food Assistance Act of 1983 to expedite and expand the provision of emergency food to the homeless; with an amendment (Rept. 100-8). Referred to the Committee of the Whole House on the State of the Union.

Mr. de la GARZA: Committee on Agriculture. H.R. 1123. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy (Rept. 100-9). Referred to the Committee on the Whole House on the State of the Union.

[Submitted March 2, 1987]

Mr. ST GERMAIN: Committee on Banking, Finance and Urban Affairs. H.R. 558. A bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children; with amendments (Rept. 100-10, Pt. 1). And ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DANIEL (for himself, Mr. Gregg, Mr. Oberstar, and Mr. Stangeland):

H.R. 1324. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. SMITH of New Jersey (for himself, Mr. Frenzel, Mr. Wolf, Mrs. Bentley, Ms. Kaptur, Mr. Fish, Mr. Hyde, Mr. Young of Alaska, Mr. Coble, Mr. Bateman, Mr. Staggers, Mr. Leland, Mrs. Collins, Mr. Swift, Mr. Mrazek, Mr. Smith of Florida, Mr. Bilirakis, Mr. Fazio, Mr. Jones of North Carolina, Mr. Martinez, Mr. Solomon, Mr. Daub, Mr. Dymally, Mr. Atkins, Mr. Berman, Mr. Penny, Mr. Borski, Mr. Nelson of Florida, Mr. Rahall, Mr. Fauntroy, Mr. Weiss, Mr. Crockett, Mr. Lightfoot, Mr. Towns, Mr. Garcia, Mr. Dwyer of New Jersey, Mr. Gallo, and Mr. Boehlert):

H.R. 1325. A bill to amend title XVIII of the Social Security Act to allow Medicare payment for therapeutic shoes for individuals with severe diabetic foot disease; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. WAXMAN:

H.R. 1326. A bill to amend the Public Health Service Act to provide for additional funds to community and migrant health centers for the purpose of reducing the incidence of infant mortality; to the Committee on Energy and Commerce.

H.R. 1327. A bill to amend the Public Health Act to establish a National Health Service Corps Loan Repayment Program to otherwise revise and extend the program for the National Health Service Corps; to the Committee on Energy and Commerce.

By Mr. DOWNEY of New York (for himself, Mr. Pickle, Mr. Berman, Mrs. Schroeder, Mr. Synar, and Mr. Morrison of Connecticut):

H.R. 1328. A bill to improve international intellectual property protection, to improve foreign market access for U.S. companies that rely on intellectual property protection, and for other purposes; to the Committee on Ways and Means.

By Mrs. LLOYD:

H.R. 1329. A bill to repeal the provisions of the Tax Reform Act of 1986 which require partnerships, S corporations, and personal service corporations to adopt certain taxable years; to the Committee on Ways and Means.

By Mr. LUNGREN:

H.R. 1330. A bill to require the Secretary of the Treasury to issue a portion of certain Treasury obligations in the form of obligations indexed for inflation, and for other purposes; to the Committee on Ways and Means.

By Mr. LUNGREN (for himself, Mr. Gekas, Mr. Lagomarsino, Mr. Daub, and Mr. DeWine):

H.R. 1331. A bill to amend title 18 of the United States Code to provide the penalty of death for certain crimes committed by persons serving Federal life sentences; to the Committee on the Judiciary.

By Mr. LUNGREN (for himself, Mr. Denny Smith, Mr. Gekas, Mr. Shaw, Mr. Dannemeyer, Mr. Lagomarsino, Mr. Davis of Illinois, Mr. Daub, Mr. Fields, Mr. Shumway, Mr. Kyl, Mr. DeWine, Mr. Lott, and Mr. DioGuardi):

H.R. 1332. A bill to amend title 18 of the United States Code to establish procedures for imposition of the death penalty for Presidential assassination, and for other purposes; to the Committee on the Judiciary.

By Mr. LUNGREN (for himself, Mr. Hyde, Mr. Lagomarsino, Mr. Gekas, Mr. Dreier of California, Mr. Shaw, Mr. Livingston, Mr. Blaz, Mr. DeWine, and Mr. Nielson of Utah):

H.R. 1333. A bill to amend title 28 of the United States Code to reform habeas corpus procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. LUNGREN (for himself, Mr. Hyde, Mr. Gekas, Mr. Shaw, Mr. Dreier of California, Mr. Livingston, Mr. Lagomarsino, Mr. Oxley, Mr. Dannemeyer, Mr. Pashayan, Mr. DeWine, Mr. Wortley, and Mr. Nielson of Utah):

H.R. 1334. A bill to amend title 18 of the United States Code to reform the fourth amendment exclusionary rule; to the Committee on the Judiciary.

By Mr. LUNGREN (for himself, Mr. Fish, Mr. Hyde, Mr. Lagomarsino, and Mr. Lott):

H.R. 1335. A bill to amend title 28 of the United States Code to provide for reassignment of certain Federal cases upon request of a party; to the Committee on the Judiciary.

By Mr. RUSSO:

H.R. 1336. A bill to correct the tariff rate inversion on certain iron and steel pipe and tube products; to the Committee on Ways and Means.

By Mr. SKELTON:

H.R. 1337. A bill to amend section 794 of title 18, United States Code, to provide more severe penalties for certain forms of espionage; to the Committee on the Judiciary.

By Mr. WISE:

H.R. 1338. A bill to establish a Department of Trade as an executive department of the Government of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. WOLF:

H.R. 1339. A bill relating to enforcement of the restrictions against imported pornography; to the Committee on Ways and Means.

By Mr. BENNETT:

H.J. Res. 164. Joint resolution to establish a Joint Committee on Intelligence to oversee the intelligence activities of the U.S. Government, to have appropriate legislative authority, and for other purposes; to the Committee on Rules.

By Mr. GAYDOS:

H. Res. 108. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 1st session of the 100th Congress; to the Committee on House Administration.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. Lipinski and Mr. Boehlert.

H.R. 87: Mr. Callahan, Mr. Stratton, Mr. Nichols, Mr. Kastenmeier, Mr. Synar, Mr. Applegate, Mr. Bruce, Mr. Brown of California, Mr. Mica, Mr. Bilirakis, Mr. Quillen, Mr. Hall of Ohio, Mr. Flake, and Mr. Gephardt.

H.R. 286: Mr. Vento and Mr. Applegate.

H.R. 306: Mr. Wilson.

H.R. 379: Mr. Henry, Mr. Lagomarsino, Mr. Boland, Mr. Bustamante, Mr. Konnyu, Mr. Whittaker, Mr. Neal, Ms. Kaptur, and Mr. Eckart.

H.R. 502: Mr. McMillan of North Carolina.

H.R. 509: Mr. Rowland of Georgia and Mr. Ballenger.

H.R. 618: Mr. Foglietta, Mr. Pease, Mrs. Kennelly, Mrs. Schroeder, Mr. Bosco, Mrs. Collins, Mr. Skaggs, Mr. Biaggi, Mr. Kanjorski, Mr. Vento, Mr. Kennedy, Mr. Waxman, Mr. Dixon, Mr. Roe, Mr. Towns, and Mr. Cooper.

H.R. 653: Mrs. Bentley.

H.R. 805: Mr. Huckaby.

H.R. 898: Mr. Ford of Tennessee and Mr. DeFazio.

H.R. 915: Mr. Levin of Michigan, Mr. Owens of New York, Mr. Garcia, Mr. Weiss, Mr. Ackerman, Mr. Crockett, Mr. Fauntroy, Mr. Mfume, Mr. Edwards of California, Mrs. Boxer, Mr. Towns, Mr. Dwyer of New Jersey, and Mr. Hayes of Illinois.

H.R. 980: Mr. Beilenson, Miss Schneider, Mr. Frank, Mr. Owens of New York, Mr. Atkins, Mr. Wortley, and Mr. Wilson.

H.R. 1007: Mr. Annunzio, Mr. Fields, Mr. Jacobs, Mr. Gray of Pennsylvania, Mr. Bustamante, Mr. Flippo, Mr. Matsui, Mr. Martinez, and Mr. Downey of New York.

H.R. 1018: Mr. Lehman of Florida.

H.R. 1085: Mr. Swindall, Mr. McCandless, Mr. Kolter, and Mr. Packard.

H.R. 1087: Mrs. Bentley, Mr. Neal, Mr. Lagomarsino, Mr. Darden, Mr. Walker, Mr. Davis of Illinois, Mr. Porter, and Mr. Roth.

H.R. 1099: Mr. Craig.

H.R. 1101: Mr. Lancaster.

H.R. 1103: Mr. Michel, Mr. Fazio, Mr. Courter, Mr. Dwyer of New Jersey, Mr. Erdreich, Mr. Marlenee, and Mr. Howard.

H.R. 1155: Mr. Whittaker, Mr. Sundquist, and Mr. Stangeland.

H.R. 1181: Mr. Pease, Mr. Neal, and Mr. Sabo.

H.R. 1245: Mr. Davis of Illinois, Mr. Frenzel, and Mr. Fields.

H.J. Res. 79: Mr. Aspin, Mr. Bates, Mr. Bennett, Mr. Carr, Mr. de la Garza, Mr. de Lugo, Mr. Derrick, Mr. Dyson, Mr. Early, Mr. Foglietta, Mr. Gray of Pennsylvania, Mr. Hamilton, Mr. Jacobs, Mr. Jeffords, Mr. Kostmayer, Mr. Leland, Mr. McKinney, Mr. McMillen of Maryland, Mr. Nagle, Mr. Pursell, Mr. Richardson, Mr. Roybal, Mr. Russo, Mr. Sawyer, Mr. Sharp, Mr. Shumway, Mr. Staggers, Mr. Visclosky, Mr. Watkins, and Mr. Wise.

H.J. Res. 83: Mr. Coats, Mr. Herger, Mr. Lewis of Florida, Mr. Lott, Mr. Ravenel, Mr. Edwards of Oklahoma, and Mr. Stenholm.

H.J. Res. 100: Mr. McCloskey, Mr. Coble, Mr. Rowland of Georgia, Mr. Bliley, Mr. Coleman of Texas, Mr. Hyde, Mr. Chappell, Mr. Daniel, Mr. Walgren, Mr. Wortley, Mr. Lent, Mr. McDade, Mr. Hunter, Mr. Boland, Mr. Weber, Mr. Scheuer, Mr. Molinari, Mr. Gejdenson, and Mr. Early.

H.J. Res. 122: Mrs. Bentley, Mr. Frenzel, Mr. Badham, Mr. Roe, Mr. Mineta, Mr. Lehman of Florida, Mr. Conte, Mr. Broomfield, Mr. Daniel, Mr. Latta, Mr. Fazio, Mr. Gingrich, Mr. Neal, Mr. Scheuer, Mr. Matsui, Mr. Dixon, Mr. Stangeland, Mr. Mazzoli, Ms. Oakar, Mr. Hefner, Mr. Hamilton, Mr. Levine of California, Mr. Lagomarsino, Mr. Howard, Mr. Fauntroy, Mr. Gray of Illinois, Mr. Hyde, Mr. Solarz, Mr. McMillen of Maryland, Mr. Kanjorski, Mr. de la Garza, Mr. Garcia, Mr. Gregg, Mr. Thomas A. Luken, Mr. Hutto, Mr. Nowak, Mr. Pepper, Mrs. Collins, Mr. Roybal, Mr. Murphy, Mr. Barnard, Mr. Horton, Mr. Hubbard, Mr. Stallings, Mr. Pursell, Mr. Henry, Mr. Spratt, Mr. Hayes of Louisiana, Mr. Coelho, Mr. Hertel, Mr. Frost, Mr. Tauzin, Mr. Thomas of Georgia, Mr. McEwen, Mr. Bryant, Mr. Traficant, Mr. Hunter, Mr. DioGuardi, Mr. Watkins, Mr. Rodino, Mr. Burton of Indiana, Mr. Martinez, Mr. Boucher, Mr. Kolter, Mr. Valentine, Mr. Yates, Mr. Miller of California, Mr. Edwards of Oklahoma, Mr. Fish, Mr. Brown of California, Mr. Bilirakis, Mr. Coble, Mr. Nielson of Utah, Mr. Stump, and Mr. Dymally.

H.J. Res. 125: Mr. Rangel, Mr. Lehman of California, Mr. Mfume, Mr. Bonior of Michigan, Mr. Clay, Mr. Martinez, Mr. Anderson, Mr. Anthony, Mrs. Bentley, Mr. Berman, Mr. Coelho, Mr. Coyne, Mr. Green, Mr. Kildee, Mr. Howard, Mr. Rahall, Mr. Morrison of Connecticut, Mr. Hertel, Mr. McCloskey, Mr. Hall of Texas, Mr. Roe, Mr. Scheuer, Mr. Borski, Mr. Moakley, Mr. Moorhead, Mr. Nielson of Utah, Mr. Roberts, Mr. Rodino, Mr. Tauke, Mr. Walgren, Mr. Wilson, Mr. Waxman, Mr. Fuster, Mr. Fazio, Mr. Boner of Tennessee, Mr. Traxler, Mr. Leland, Mr. Savage, Mr. Sabo, Mr. Owens of New York, Mr. Feighan, Mr. Gray of Illinois, Mr. Kostmayer, Mr. Wortley, Mr. Natcher, Mr. Mrazek, Mr. Smith of Florida, Mrs. Collins, Mr. McHugh, Mr. Dwyer of New Jersey, Mr. Rowland of Georgia, Mr. Ackerman, Mr. Bevill, Mr. Vento, Mr. Levine of California, Mr. Livingston, Mr. Hayes of Illinois, Mr. Dymally, Mr. Richardson, Mr. Frost, Ms. Oakar, Mr. Espy, Mr. Jenkins, Mr. Crockett, Mr. DeWine, Mr. Yatron, Mr. Fauntroy, Mr. LaFalce, Mr. Towns, Mr. Guarini, Mr. Garcia, Mr. Barnard, Mr. DioGuardi, Mr. Dowdy of Mississippi, Mr. Hansen, Mr. Henry, and Mr. Solarz.

H.J. Res. 132: Mr. Espy, Mr. Lungren, Mr. Florio, Mr. Leland, Mr. Wolpe, Mr. Visclosky, Mr. McMillen of Maryland, Mr. Garcia, Mr. Levine of California, Mr. Dingell, Mr. Gephardt, Mr. Beilenson, and Mr. Traficant.

H. Con. Res. 14: Mrs. Boxer, Mr. Gilman, Mr. Fascell, Mr. Frost, Mr. Armey, Mr. Weber, Mr. Volkmer, Mr. Gray of Illinois, Mr. Bustamante, Mr. Dwyer of New Jersey, Mr. Mavroules, Mr. Atkins, Mr. Feighan, Mr. Markey, Ms. Kaptur, Mr. DeWine, Mrs. Bentley, Mr. Fish, Mr. Sawyer, Mr. McMillen of Maryland, Mr. Mineta, Mr. Bateman, Mr. Mack, Mr. Weiss, Mr. Annunzio, Mr. Solarz, Mr. Ackerman, Mr. Inhofe, Mr. Robinson, Mr. Ritter, Mr. Bryant, Mr. Traficant, Mr. Vento, Mr. Rodino, Mr. Buechner, Mr. Chandler, Mr. Biaggi, Mrs. Collins, and Mr. Udall.

H. Con. Res. 28: Mr. Rowland of Georgia.

H. Res. 67: Mr. Weiss, Mr. Florio, Mrs. Patterson, Mr. DeFazio, Mr. Ortiz, Mr. Bosco, Mr. Howard, Mr. Applegate, Mr. Wyden, Mr. Hughes, Mr. Tallon, Mr. Dicks, and Mr. Thomas of Georgia.

H. Res. 71: Mr. Gray of Illinois, Mr. Horton, Mr. Applegate, Mr. Perkins, Mr. Evans, Mr. Espy, Mr. Murtha, and Mr. Dymally.

EXTENSIONS OF REMARKS

THE ANTI-PIRACY AND MARKET ACCESS ACT OF 1987

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. DOWNEY of New York. Mr. Speaker, today, I am introducing the Anti-Piracy and Market Access Act of 1987 to address a serious international trade problem confronting U.S. companies.

International trade and the national trade deficit are probably the two most pressing issues facing Congress and the administration this year. The only lasting solution to our trade crisis is to increase our exports. Yet, we cannot expect U.S. companies to increase their sales overseas in the face of inadequate and ineffective intellectual protection and impenetrable barriers to market access overseas. Barriers to U.S. companies that rely on intellectual property protection are particularly troublesome because existing trade agreements for the most part do not deal with these problems.

The Anti-Piracy and Market Access Act of 1987 is intended to open foreign markets to U.S. exporters of intellectual property and to prevent the piracy of that property in foreign markets. "Intellectual property" is a phase that encompasses the fruits of the American creative community: books, computer software and hardware, films, pharmaceuticals, high-tech electronics, and sound recordings. Manufacturers of these creative works ask for nothing more than the right to compete fairly elsewhere in the world. Unfortunately, the access of these industries to foreign markets is severely handicapped by trade-related investment measures, import duties, import quotas, screen quotas, and discriminatory regulations aimed at protecting local black-market profiteers.

Even in the absence of traditional import restraints, however, foreign markets can and have been closed. For example, special licensing requirements make sales in foreign markets unprofitable for U.S. exporters. By the same token, market access is of no use if a market has been destroyed by unrestrained counterfeiting. Although a U.S. company may have spent millions of dollars in developing a new type of semiconductor, producing a record, software program, book or motion picture, it can never expect to compete in a market where its products are being sold by pirate companies which have incurred none of the production costs.

In 1985 alone, the estimated losses from piracy of intellectual property rights in 10 selected countries totaled nearly $1.5 billion. Of this amount, the record and tape industry lost $643 million in domestic and worldwide sales; the publishing industry lost $427 million; the computer software industry lost $128 million; and the motion picture industry lost $131 million.

Pirated computer software is sold for as little as 1 percent of the U.S. list price, and is not specifically covered in the copyright laws of many countries. Pirated software is often supplied free of charge or at low prices as an inducement to purchase computer hardware, which is itself often pirated.

The publishing industry reports that at least 560 reference, professional, trade, personal computer, and college text books have been pirated and sold around the world. Pirates, operating under fictitious names as publishers or bookstores, typically obtain a single edition of a book from the U.S. copyright owner and then reprint and sell pirated copies. The chairman of the Indonesian Publishers Association has described book piracy in that country as a crime that "could endanger the life of publishers and paralyze the book world."

The record and tape industry also has been hard hit by intellectual piracy, losing an estimated $180 million annually in Indonesia alone. Approximately 30 million pirate tapes of international sound recordings are produced for the domestic market annually in Indonesia. In Thailand, pirate cassettes are available at virtually every retail outlet—department stores, music shops, and widely through street-hawkers.

The motion picture industry also suffers from piracy, Mr. Speaker. Canada and Japan, the two largest markets for United States films, are areas of particular concern—the former country because of its protectionist "cultural" policies and antiquated copyright laws; the latter country because of its lax copyright enforcement efforts and the tolerance of home video piracy. Unauthorized public performance of motion picture products occurs in bars, restaurants, tea houses, and resort hotels throughout Canada and Japan. Under Canadian copyright law, copyright owners do not have the right to prohibit retransmission by cable systems or broadcast of their works, or even a right to receive compensation. The United States motion picture industry is also severely hampered by Canada's market access barriers, such as its Province-by-Province approach to censorship: there are presently eight different provincial censor boards to which the United States motion picture companies must submit their product before it can be released publicly.

The importance of foreign market access is critical for the intellectual property industries and for the U.S. trade balance. The U.S. motion picture and television production industry earns 35 to 40 percent of its revenue from overseas markets—even under present conditions. It is critical to recognize that despite the wide variety of trade barriers and ineffectual copyright laws around the world, each year the U.S. film industry nets a $1.1 billion trade surplus.

All of this international piracy and protectionism has drained billions of dollars from our export potential. A review of the most recent national trade estimate report makes clear that U.S. companies that depend on intellectual property protection are being hurt by unfair practices in countries throughout the developing world as well as in the developed world.

The harm from piracy and closed markets does not just affect this year's profits; piracy deprives U.S. companies and creative individuals of the resources to develop next year's technological innovations and artistic works as well. It is no wonder that the United States' most competitive industries are losing their edge.

If we are to address effectively this harm to our domestic industries that depend on intellectual property protection, if we are to make important progress on our overall trade deficit, if we are to expand our levels of exports, we need new mechanism in U.S. trade law.

The Anti-Piracy and Market Access Act of 1987, Mr. Speaker, attacks the piracy of copyright and trademark goods. In addition, it provides a planned response to markets that are closed to our intellectual property exports.

Title I addresses the problems of intellectual property protection. Title II is designed to aid the export of copyrighted and patented goods. Each establishes a mechanism designed to identify priority problems. Thorough negotiations with designated priority countries are then required over the next 6 months. Finally, if after negotiations a settlement cannot be reached, Presidential action is called for.

Title III and title IV augment existing provisions aimed at intellectual property protection and market access contained in the generalized system of preferences [GSP] and the Caribbean Basin Initiative [CBI]. Presently, the President must consider piracy and market access in deciding whether or not to designate a country as eligible for benefits under these concessionary trade laws. There is, however, no mandate for him to revoke selected benefits of beneficiary countries.

In addition, under CBI, the present law only allows the President to revoke all benefits from offending countries; he is not given the ability to dole out punishments that are proportionate to the offense. This makes sanctions less likely. Although some countries deserve to be removed from the CBI, this bill would allow for less than complete termination of benefits for countries, depending on the severity of their actions. Under both CBI and GSP, the bill requires a cut in benefits.

If we enact the Anti-Piracy and Market Access Act of 1987, Mr. Speaker, it will have some very important and long-lasting effects. If we had market access for our products in other countries to the extensive degree that they have access in ours, and if we could be assured that other nations would end the piracy of our intellectual property, we would be taking an important step toward ending the trade crisis and restoring our competitiveness.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 1328

A bill to improve international intellectual property protection, to improve foreign market access for United States companies that rely on intellectual property protection, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anti-Piracy and Market Access Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) adequate and effective protection of American intellectual property is essential to the well-being of all sectors of the American economy;

(2) strengthened and expanded multilateral agreements, and bilateral agreements, are necessary to promote adequate and effective intellectual property internationally, and to open foreign markets to the most competitive United States exports;

(3) the misuse of legitimate cultural policies for protectionist purposes constitutes a particular danger to the economic welfare of the United States;

(4) adequate and effective protection of intellectual property rights for United States companies abroad is vital to the international competitiveness of the United States; counterfeiting and intellectual property piracy, on the other hand, lead to trade distortions and loss of export markets;

(5) United States companies that rely on intellectual property protection are among the most advanced and competitive in the world;

(6) existing international agreements and institutions established to protect intellectual property rights and promote open international trade do not adequately protect the interests of the United States; and

(7) foreign barriers, including restrictions and conditions on investment, licensing, and various other regulatory restrictions on business operations, seriously impede the ability of United States companies that rely on intellectual property protection to operate overseas, thereby harming the economic interests of the United States.

(b) PURPOSES.—The purposes of the Act are—

(1) to recognize that adequate protection of intellectual property, and fair and equitable market access for United States companies that rely on intellectual property protection, are major elements of United States foreign economic policy that have significant commercial importance;

(2) to provide for the development, with appropriate consultations, of an overall strategy to improve the protection of United States intellectual property abroad, and to foster open international markets for United States companies that rely on intellectual property protection, which will include continued and strengthened unilateral, bilateral, and multilateral efforts and will use all appropriate instruments to achieve the objectives set forth in this Act;

(3) to recognize the importance of using all appropriate multilateral institutions to improve the substantive norms and standards for intellectual property protection;

(4) to foster adequate and effective protection of intellectual property rights of United States persons; and

(5) to eliminate the broad array of unfair and discriminatory foreign trade practices now imposed on United States companies that rely on intellectual property protection.

TITLE I—ACTIONS TO INCREASE INTERNATIONAL INTELLECTUAL PROPERTY PROTECTION

SEC. 101. INVESTIGATIONS AND FINDINGS.

(a) ANALYSIS OF BARRIERS AND EXTENT OF MARKET ACCESS.—The Trade Representative shall, within thirty days after issuing the annual report to Congress made pursuant to section 181 of the Trade Act of 1974, publish in the Federal Register—

(1) a list of all foreign countries and instrumentalities, based upon the identification and analysis of foreign trade barriers conducted pursuant to section 181, that deny adequate and effective protection of intellectual property rights to United States persons; and

(2) a list of those countries listed pursuant to paragraph (1) that are identified by the Trade Representative as priority foreign countries.

(b) In making the identification of priority foreign countries under subsection (a), the Trade Representative shall take into account the following—

(1) the identification and analysis of acts, policies, and practices which constitute denial of adequate and effective intellectual property protection, and the estimate of the trade-distorting impact on United States commerce of such acts, policies, or practices contained in the annual report required under section 181 of the Trade Act of 1974;

(2) the potential size of markets for the relevant United States products and services; and

(3) the onerous nature and significance of acts, policies, or practices that deny fair and equitable market access to United States companies that rely upon intellectual property protection.

(c) ADDITIONS TO PRIORITY LIST.—Upon petition by any affected company, the Trade Representative may add foreign countries to the list of priority foreign countries at any time if there is a change in circumstances justifying such addition after publication of the list of priority foreign countries under subsection (a).

SEC. 102. NEGOTIATIONS TO ESTABLISH ADEQUATE AND EFFECTIVE PROTECTION OF INTELLECTUAL PROPERTY RIGHTS.

(a) INITIATION OF NEGOTIATIONS.—Upon identification of priority foreign countries under section 101, the President shall enter into negotiations with such priority foreign countries to establish adequate and effective protection of intellectual property rights for United States persons in those priority foreign countries.

(b) APPLICATION OF AGREEMENT BENEFIT.—Notwithstanding any other provision of law, any agreement entered into under this section may provide that the benefits and obligations of such agreement apply solely to the parties to such agreement. The President shall take into account actions which may be necessary to reconcile such statement with the United States international obligations.

(c) COMPENSATION AUTHORITY.—If the President has taken action under section 103 with respect to any foreign country, the President may enter into trade agreements with such foreign country for the purpose of granting new concessions as compensation for such actions taken by the President in order to maintain the general level of reciprocal and mutually advantageous concessions.

(d) NEGOTIATIONS OBJECTIVES.—The objectives of negotiations conducted pursuant to subsection (a) shall be—

(1) to provide for adequate and effective protection of intellectual property by priority foreign countries;

(2) to obtain and strengthen bilateral and multilateral agreements to provide for such adequate and effective protection of intellectual property;

(3) to develop and strengthen internationally agreed rules, including dispute settlement procedures, which—

(A) are consistent with the commercial and intellectual property policies of the United States;

(B) will supplement, if necessary, the rules and approaches already found in the appropriate international intellectual property conventions; and

(C) will improve the protection afforded to United States intellectual property abroad; and

(4) to press for development and enforcement of substantive norms and standards for the adequate and effective protection of all forms of intellectual property.

SEC. 103. REMEDIES.

(a) If the United States is unable to enter into an agreement, pursuant to negotiations conducted according to section 102, with any priority foreign country, the President, no later than six months after designation of such priority foreign country, shall take such action as he deems appropriate, including but not limited to, any of the following:

(1) terminate, withdraw, or suspend any portion of any trade agreement entered into with such foreign country or instrumentality under—

(A) the Trade Act of 1974;

(B) section 201 of the Trade Expansion Act of 1962; or

(C) section 350 of the Tariff Act of 1930;

(2) proclaim an increase in, or the imposition of, any duty on any article imported from such foreign country or instrumentality;

(3) proclaim a tariff-rate quota on any article imported from such foreign country or instrumentality;

(4) proclaim the modification or imposition of any quantitative restriction on the importation of any article from such foreign country or instrumentality;

(5) suspend, in whole or in part, benefits accorded articles from such foreign countries or instrumentalities under title V of the Trade Act of 1974 (19 U.S.C. 2461; et seq.); and

(6) take any other action pursuant to subsection (b) or (c) of section 301 of the Trade Act of 1974 with respect to any product or service of such foreign country or instrumentality;

(b) The President may exercise his authority under this section on a nondiscriminatory basis or solely against the foreign country or instrumentality involved.

(c) The trade measures imposed by the President under subsection (a) shall have a material economic impact on the priority foreign country in question.

(d) In implementing this section, the President may defer action for thirty days upon providing written certification to the Congress that negotiations are making substantial progress.

SEC. 104. CONSULTATIONS.

(a) CONSULTATIONS WITH CONGRESS AND THE PRIVATE SECTOR.—For purposes of conducting negotiations under section 102, and determining the appropriate actions to be taken under section 103, the President shall provide an opportunity for the presentation of views by interested parties, including interested Members of Congress, appropriate committees of the Congress, and the committees established pursuant to section 135 of the Trade Act of 1974, and shall keep such parties currently informed with respect to—

(1) the negotiating priorities and objectives for such country involved;

(2) the assessment of negotiating prospects, both bilateral and multilaterial; and

(3) any United States concessions which might be included in negotiations to achieve the objectives described in section 102.

SEC. 105. DEFINITION.

"Adequate and effective protection of intellectual property" means that a country provides adequate and effective means under its law for foreign persons to secure, to exercise, and to enforce exclusive rights in all forms of intellectual property, including patents, trademarks, copyrights, mask works, trade secrets, and proprietary technical data.

TITLE II—ACTIONS TO OPEN FOREIGN MARKETS

SEC. 201. INVESTIGATIONS AND FINDINGS.

(a) ANALYSIS OF BARRIERS AND EXTENT OF MARKET ACCESS.—The Trade Representative shall, within thirty days after issuing the annual report to Congress made pursuant to section 181 of the Trade Act of 1974, publish in the Federal Register—

(1) a list of all foreign countries and instrumentalities, based upon the identification and analysis of foreign trade barriers conducted pursuant to section 181, that deny fair and equitable market access to United States companies that rely on intellectual property protection; and

(2) a list of those countries listed pursuant to paragraph (1) that are identified by the Trade Representative as priority foreign countries.

(b) In making the findings and identification of priority foreign countries under subsection (a) the Trade Representative shall take into account the following—

(1) the identification and analysis of acts, policies, and practices which constitute significant barriers to, or distortion of, United States property protected by patents and copyrights exported or licensed by United States persons, and the estimate of the trade-distorting impact on United States commerce of such acts, policies, or practices contained in the annual report required under section 181 of the Trade Act of 1974;

(2) the potential size of markets for United States companies that rely on intellectual property protection; and

(3) the onerous nature and significance of acts, policies, or practices that deny fair and equitable market access to United States companies that rely on intellectual property protection.

(c) ADDITION TO PRIORITY LIST.—Upon petition by any company that relies upon intellectual property protection, the Trade Representative may add foreign countries to the list of priority foreign countries at any time, if there is a change in circumstances justifying such addition after publication of the list of priority foreign countries under subsection (a).

SEC. 202 NEGOTIATIONS TO OPEN FOREIGN MARKETS.

(a) INITIATION OF NEGOTIATIONS.—Upon identification of priority foreign countries under section 201, the President shall enter into negotiations with such priority foreign countries in order to enter into agreements with such countries setting specific terms to provide United States companies that rely upon intellectual property protection with fair and equitable market access in such countries.

(b) APPLICATION OF AGREEMENT BENEFIT.—Notwithstanding any other provision of law, any agreement entered into under this section may provide that the benefits and obligations of such agreement apply solely to the parties to such agreement. The President shall take into account any actions which may be necessary to reconcile such treatment with United States international obligations.

(c) COMPENSATION AUTHORITY.—If the President has taken action under section 203 with respect to any foreign country, the President may enter into trade agreements with such foreign country for the purpose of granting new concessions as compensation for such actions taken by the President in order to maintain the general level of reciprocal and mutually advantageous concessions.

(d) NEGOTIATING OBJECTIVES.—The general objectives of negotiations conducted pursuant to subsection (a) shall be—

(1) to provide for fair and equitable market access in all priority foreign countries to United States companies that rely upon intellectual property protection;

(2) to obtain multilateral or bilateral agreements that provide the United States companies that rely upon intellectual property protection fair and equitable market access in all priority foreign countries; and

(3) to prevent foreign barriers and restrictions on United States companies that rely upon intellectual property protection from causing continued harm to those companies.

SEC. 203. REMEDIES.

(a) If the United States is unable to enter into an agreement, pursuant to negotiations conducted according to section 202, with any priority foreign country, the President, no later than six months after designation of such priority foreign country, shall take such action as he deems appropriate, including but not limited to, any of the following:

(1) terminate, withdraw, or suspend any portion of any trade agreement entered into with such foreign country or instrumentality under—

(A) the Trade Act of 1974;

(B) section 201 of the Trade Expansion Act of 1962; or

(C) section 350 of the Tariff Act of 1930;

(2) proclaim an increase in, or the imposition of, any duty on any article imported from such foreign country or instrumentality;

(3) proclaim a tariff-rate quota on any article imported from such foreign country or instrumentality;

(4) proclaim the modification or imposition of any quantitative restriction on the importation of any article from such foreign country or instrumentality;

(5) suspend, in whole or in part, benefits accorded articles from such foreign countries or instrumentalities under title V of the Trade Act of 1974 (19 U.S.C. 2461, et seq.); and

(6) take any other action pursuant to subsection (b) or (c) of section 301 of the Trade Act of 1974 with respect to any product or service of such foreign country or instrumentality.

(b) The President may exercise his authority under this section on a nondiscriminatory basis or solely against the foreign country or instrumentality involved.

(c) The trade measures imposed by the President under subsection (a) shall have a material economic impact on the priority foreign country in question.

(d) In implementing this section, the President may defer action for thirty days upon providing written certification to the Congress that negotiations with the country in question are making substantial progress.

SEC. 204. CONSULTATIONS.

(a) CONSULTATIONS WITH CONGRESS AND THE PRIVATE SECTOR.—For purposes of conducting negotiations under section 202, and determining the appropriate actions to be taken under section 203, the President shall provide an opportunity for the presentation of views by interested parties, including interested Members of Congress, appropriate committees of Congress, and the committees established pursuant to section 135 of the Trade Act of 1974, and shall keep such parties currently informed with respect to—

(1) the negotiating priorities and objectives for each country involved;

(2) the assessment of negotiating prospects, both bilateral and multilateral; and

(3) any United States concessions that might be included in negotiations to achieve the objectives described in section 202.

SEC. 205. DEFINITION.

In general, "companies that rely upon intellectual property protection" are defined as companies, or divisions or subsidiaries of companies, whose principal line of business involves creation, production, or licensing of literary or artistic works that are copyrighted or which manufacture products that are patented or for which there are process patents.

TITLE III—GENERALIZED SYSTEM OF PREFERENCES

SEC. 301. Section 504 of the Trade Act of 1974, as amended, is amended by renumbering the current subsection at (a)(2) to read (a)(3), and by adding the following new subsection as (a)(21):

"(2) The President shall, by no later than January 4, 1988, withdraw, suspend, or limit, as he deems appropriate, the application of duty-free treatment accorded under this title with respect to any article or with respect to any beneficiary country if he finds that such a country does not provide adequate and effective intellectual property protection or fair and equitable market access to United States persons, unless the President certifies to the Congress, and continues to certify at six month intervals, that such country has taken substantial action toward providing adequate and effective intellectual property protection and enforcement of fair and equitable market access for United States persons."

SEC. 302. Subsection (c) of section 503 of the Trade Act of 1974 is amended by adding at the end thereof the following new paragraph:

"(3) The President may not designate as, or shall remove from designation, any eligible article under this section which has been determined by any Federal or State court or Federal agency or appropriate jurisdiction to infringe any patent, copyright, trademark, mask work, or trade secret interest."

TITLE IV—CARIBBEAN BASIN ECONOMIC RECOVERY ACT

SEC. 401. The Caribbean Basin Economic Recovery Act is amended—

(a) by designating sections 215, 216, and 218 (19 U.S.C. 2704, 2705, 2706) as sections 216, 217, and 218 (19 U.S.C. 2705, 2706, 2707) respectively; and

(b) by inserting the following new section (19 U.S.C. 2704):

"SEC. 214. WITHDRAWAL, SUSPENSION, OR LIMITATION OF DUTY-FREE TREATMENT.

"(1) The President may withdraw, suspend, or limit the application of the duty-free treatment accorded under section 2701 of this title with respect to any article or with respect to any country, except that no rate of duty may be established in respect to any article pursuant to this section other than the rate which would apply but for this subchapter. In taking any action under this subsection, the President shall consider the factors set forth in sections 2701 and 2702(c) of this title.

"(2) The President shall withdraw, suspend, or limit, as he deems appropriate, the application of duty-free treatment accorded under this title with respect to any article or with respect to any beneficiary country if he finds that such a country does not provide adequate and effective intellectual property protection or fair and equitable market access to United States persons, unless the President certifies to the Congress, and continues to certify at six months intervals, that such country has taken substantial action toward providing adequate and effective intellectual property protection and enforcement of fair and equitable market access for United States persons."

INTELLIGENCE OVERSIGHT AND THE IRAN ISSUE: LEARNING FROM THE PAST AND CHANGING FOR THE FUTURE

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. COURTER. Mr. Speaker, as a member of the House Select Committee to Investigate Covert Arms Transactions with Iran, I will be studying for months to come the administration's dealings with Iran and the Nicaraguan resistance. In the back of our minds, all Members will be considering what, if any, changes are needed in congressional oversight of cladestine intelligence operations.

Already, as evidenced by numerous bills submitted in the first days of this Congress, many are inclined to tighten the leash still further, especially by imposing inflexible notification requirements.

Others, however, are stepping back to examine the causes, rather than the circumstances, of what has become a foreign policy and domestic political fiasco. As revealed by the articles I am submitting for the RECORD, many believe the venture might have been halted in its infancy if the people directing it had not been convinced that damaging leaks to the media were inevitable unless the operation was tightly held. Therefore, the White House excluded those—both in the administration and in Congress—who might have counseled caution or at least shared some of the political risk. One cause of this debacle, in short, was lack of trust. It was because of distrust that the White House waived even pared-down congressional notification requirements. The problem was not that there were insufficient restrictions on administration freedom, but rather that exisiting procedures, both internal to the executive branch and relating to Congress, were bypassed.

As HENRY HYDE, a member of both the Intelligence and Iran Committees, has concluded, "it is clear the President and his closest advisers have lost faith in the existing intelligence oversight arrangement. Mutual trust is the key ingredient here, and right now it is conspicuously missing."

"The test of a policy is not its openness, but its wisdom," Charles Krauthammer observes. "If the outcome of the North affair is that the covert becomes impossible, then it will have been far more damaging than we now imagine." Strategic theorist Edward Luttwak likewise agrees that the highly secret nature of the venture and primary reliance on private individuals rather than on CIA was an attempt to avoid leaks. Harvard Prof. James Q. Wilson adds that "our allies do not trust us, and we increasingly do not trust each other." Leaks have flourished, he says, because the United States consensus on foreign policy aims and methods was destroyed during the Vietnam war and has never recovered. Nonetheless, he judges that extensive leaks about sensitive operations have served hardly any American interests. He suggests a "new compact" to help control the debate without publishing "every secret, every name, every Swiss bank account."

Wilson, like Luttwak and Krauthammer, believes part of that should be consolidation of congressional oversight into a joint committee with a small professional staff. Again this session, HENRY HYDE has offered a bill to accomplish that goal, which he explains in the attached submission. HYDE argues that such a committee would be more efficient, reliable and bipartisan, as well as more secure. He notes that one hurdle to overcome will be congressional reluctance to reduce drastically the number of Intelligence Committee slots. Already, Members vigorously compete for these positions, which are considered "a major political asset." Let us hope, as the Daily Oklahoman editorialized, that this time around Members are "able to subordinate their political considerations to the national interest" by supporting a joint committee.

[From the Wall Street Journal, Jan. 20, 1987]

CONSOLIDATE THE INTELLIGENCE PANELS

(By Henry J. Hyde)

Now that the 100th Congress is under way, both the Senate and House have select committees probing the Iran-contra affair. A new challenge confronts the majority Democrats, however, as to whether they really want to improve congressional oversight of the administration's covert and other intelligence activities.

A case in point was the president's decision to defer informing congressional leaders on the intelligence oversight committees of what he was up to in Iran. That decision may have been legally correct; but surely it was politically disastrous, as prior notification would have provided the president with some political risk insurance against the inevitable day this initiative would become public knowledge. Interestingly and ironically, Jimmy Carter also postponed reporting to Congress in instances related to hostage rescues, according to former CIA Director Stansfield Turner. Mr. Carter, like Mr. Reagan, believed prior notification to Congress risked revelations that would have jeopardized the lives of those involved in these operations.

After serving two years on the House Intelligence Committee, I can understand the president's concern about leaks. Time after time, the president has seen the details of extremely sensitive covert operations disclosed in the media. As we all know the well-timed leak is a Washington art form that is often used to torpedo an administration initiative that some informed source doesn't agree with. Admittedly, many of these revelations come from within the executive branch, but Capitol Hill is culpable as well.

Indeed, the leaks have become so pervasive that the president has been bypassing many of the people within his own administration who ordinarily would have known about these sensitive activities. The same holds true for Congress, where it is clear the president and his closest advisers have lost faith in the existing intelligence oversight arrangement. Mutual trust is the key ingredient here, and right now it is conspicuously missing.

While the president revamps his National Security Council, a parallel overhaul is needed in the legislative branch that will restore the president's confidence that Congress can keep a secret. Specifically, it is time to merge the current House and Senate Intelligence committees into a Joint Committee composed of a small group of Republicans and Democrats who, in addition to the requisite trustworthiness, competence and responsibility, also possess the restraint to subordinate political considerations to the national interest. Such a committee would have full and exclusive legislative authority over all intelligence matters and be staffed by a small cadre of nonpartisan professionals with the same exemplary personal qualities as the committee's members. In recognition of political reality, the majority-party membership from each house would have a one vote edge.

A joint oversight panel would diminish the possibilities for partisan posturing and significantly reduce the number of people with access to sensitive information. This would not only minimize the risk of damaging unauthorized disclosures, but it would also substantially increase the likelihood of the Federal Bureau of Investigation and the Justice Department identifying leak sources—something that rarely occurs now, because of the large number of individuals in the "intelligence information loop." As the outgoing chairman of the House Intelligence Committee, Rep. Lee H. Hamilton, once noted, "Leaks are inevitable when so many people handle secrets." I agree and believe that Congress has a real opportunity to set an example for the executive branch.

It is also worth noting that Congress has increasingly insisted upon being briefed and consulted by the executive branch concerning national-security and foreign-policy questions. A significant percentage of these "leadership" briefings are intelligence-related and require the involvement of high-level executive-branch officials who are often hard pressed to meet the demands of both the House and Senate Intelligence committees. This is particularly true during fast-breaking crises. A consolidated, secure oversight panel would provide one point of contact for consultations and briefings in those instances when time is of the essence.

In short, a Joint Intelligence Committee would provide a much more efficient, secure, reliable and bipartisan oversight environment, thereby drastically reducing the possibility that the president might again postpone informing Congress of clandestine activities. Consequently, I have introduced a revision of a proposal to bring this about that had nearly 170 bipartisan co-sponsors in the last Congress. Giving it new-found momentum is the sorry spectacle of almost daily leaks from those involved in the Iran-Contra investigation.

Can the momentum behind this proposal be sustained? The test will come when the leadership of both parties must turn down the many applications from members of Congress who view service on an intelligence oversight committee as a major political asset.

[From the Daily Oklahoma City Oklahoman, Jan. 21, 1987]

One Panel Better Than Two

Members of Congress sincerely interested in avoiding the kind of situation that led to the Iran-Contra affair could do worse than heed the advice of one of their colleagues, Rep. Henry J. Hyde, D-Ill.

He believes merging the current Senate and House Intelligence committees into a joint, bipartisan intelligence committee would produce a more compact, secure congressional oversight operation that would win the confidence of the administration and the public. His premise is debatable, politicians being what they are, but it is certainly worth a try.

With the 100th Congress now in session, the inquiry into the arms sales to Iran and alleged diversion of profits to Nicaraguan rebels will get bigger and broader. Apparently nothing will keep it from developing into a full-scale Watergate-type circus. Too many people in Washington have a vested interest in making it so.

Secrecy is the key word in all of this. Last Saturday marked the first anniversary of Reagan's signing of a secret order authorizing direct U.S. arms shipments to Iran through the Central Intelligence Agency and other government channels. It also directed the CIA not to inform Congress of the operation.

The unusual degree of secrecy surrounding the order and the failure of the White House to consult with congressional leaders are responsible for much of the present turmoil. By law the president is supposed to inform Congress of such actions either in advance or "in a timely fashion" afterward. Defining that phrase is the gist of the problem.

Hyde says Reagan's decision to defer telling Congress may have been legally correct but it was politically disastrous. Prior notification would have given Reagan some "political risk insurance" against the inevitable day the operation would become public knowledge.

But Hyde also says that, after serving two years on the House Intelligence Committee, he understands the president's concern about leaks. Not only Reagan but other chief executives have had this problem. In the current situation the leaks were so pervasive Reagan has been bypassing even people within his own administration, Hyde says.

He proposes a joint intelligence committee composed of Republicans and Democrats who would not only be trustworthy, competent and responsible but would also be able to subordinate their political considerations to the national interest. That may be asking too much of members of Congress.

[From the New York Times, Nov. 17, 1986]

How To Administer Covert Operations

(By Edward N. Luttwak)

Washington.—If nothing else, recent events—particularly the air intrusion into Nicaragua that left Eugene Hasenfus a prisoner, and the still obscure Iran arms deal—show by implication that the "rogue elephant" C.I.A. of the 1960's is now well and truly tamed. The White House has declared that C.I.A. operatives were involved in the Iranian mission, but it was current or retired employees of the National Security Council who were reportedly in charge of both operations.

What we have now learned is that there is something even worse than a "rogue elephant" Central Intelligence Agency—and that is the present situation, in which the delicate business of conducting secret operations is left to White House officials and the volunteer helpers they enlist.

The resulting lack of professional expertise was evident in the Nicaraguan case. If the C.I.A. had been involved, the C-123 aircraft that crashed north of Managua would not have been carrying compromising documents: a careful search for any identifying papers and labels is a routine part of preflight preparations for clandestine C.I.A. missions. In the Iranian case, the problem was not so much amateurism as a failure to coordinate the venture with key allied governments; the C.I.A. would have done that, while preserving secrecy, by relying on its contacts with officials in foreign governments. As it was, the handful of overburdened individuals who conducted the Iranian operation lacked both the required contacts and the ability to minimize the damage when word got out—as it always will sooner or later.

Past experience shows that secrecy can be combined with coordination with our allies. The French kept a secret of Henry A. Kissinger's talks with Vietnamese envoys in Paris; Pakistan helped to mediate his talks with the Chinese; the British have kept secrets many times, and so have the Israelis and the Saudis. But individuals operating on their own from an office in the White House basement will inevitably find it difficult to manage a delicate initiative like the Iranian mission and at the same time to maintain liaison with allied capitals. The result is certain to be a severe loss of confidence when the inevitable disclosure follows.

Why then was the C.I.A. not in charge of the Iranian affair? Because as matters now stand the C.I.A. simply cannot carry out genuinely secret operations—as opposed to pseudosecret "covert" actions, such as the supply of arms to the Afghans, which was a matter of public knowledge almost from the start.

The problem is twofold: the C.I.A. will not now act without permission from Congressional intelligence committees, and Congress has failed to develop practicable oversight procedures and safeguards. The result is paralysis. No official of the C.I.A. in his senses would knowingly particpate in a secret operation unless duly authorized by Congress, lest he find himself answering charges and possibly going to jail as a result of future investigations. On the other hand, no professional would risk taking part in a supposedly secret operation overseas if the details had been communicated—as they must be—to congressional committees. There are simply too many people involved, with too many reasons of their own for leaking to the press.

It was this paralysis that the President's volunteers tried to overcome in the Iranian and Nicaraguan cases, no doubt out of a sense of responsibility as well as sheer frustration.

So long as the United States remains engaged all over the world, each Administration will face the need to act secretly in delicate matters large and small, often entirely uncontroversial. If we are to do so at all competently, Congress must provide proper oversight. The most effective arrangement would include a single joint committee, with a small, stable staff, operating under strict rules (along the lines of the Joint Atomic Energy Commission, which kept the most sensitive secrets quite intact for decades). Policy would still be disputed, of course, and restrictions would no doubt continue to be imposed, but at least the C.I.A. could resume its proper function—and we would be spared the embarrassments and real diplomatic damage caused by unprofessional and uncoordinated secret operations.

[From Time magazine, Dec. 8, 1986]

When Secrecy Meets Democracy

(By Charles Krauthammer)

Can Americans do anything in secret anymore? You are a Russian or an Israeli or an Iranian. Tomorrow you are approached by an American agent to help his cause in a secret operation. Do you accept the offer? Not unless you have a lot of life insurance and a craving for publicity.

The arms-for-Iran turned into cash-for-the-*contras* scandal is just beginning to unravel. One sure consequence of that unraveling will be an endless series of disclosures—names, dates, places, faces—that will make it very unsafe to be an American agent. For some Americans that will mean the end of a political career. Elsewhere survival has a different meaning. In the early '80s, Israel had, then lost, contacts in the middle levels of the Iranian military. "They died out," said an Israeli official to the New York *Times*. "I mean that literally. Our contacts were executed."

The U.S. is the only country in the world where "covert" funding for "secret" wars is not only front-page news but the subject of open parliamentary debate. At a meeting with columnists and editors last year, President Reagan was asked why he was not doing more to help efforts in Congress to send aid to the rebels in Angola. Reagan replied that he didn't want to go that route, but that he would give covert aid instead. The President was speaking on the record.

In American political debate, the words covert and secret have lost all meaning. It is not just that, as the European traveler invariably notes, Americans are more open and informal in their social relations. It is that the very idea of secrecy carries a moral taint. Americans are passionately democratic, and thus acutely sensitive to the contradition between democracy, with its promise and premise of openness, and the secret world of diplomatic and paramilitary intrigue.

Only what is known can be consented to. Secrecy smacks of tyranny. Americans do not readily accept the argument that secrecy is necessary for reasons of state. Americans would never stand, for example, for Britain's Official Secrets Act. In Europe the state predates democracy. In America, where the state and democracy were joined at birth, reasons of state are not permitted to supersede reasons of democracy.

The contradiction between secrecy and democracy did not much matter to Americans during their first century and a half when they looked mostly inward and let two great oceans and the British navy keep the world at bay. It was only after America suddenly became a great power after World War I that the contradition presented itself most starkly. Woodrow Wilson immediately proposed a typically American solution. From the New World, a new way to do international business: open covenants, openly arrived at, America would indeed enter the corrupting arena of great power politics—but incorruptibly without secrets. In 1929 Secretary of State Henry L. Stimson found out about American code-breaking and interception operations. He abruptly terminated them with his deservedly famous dictum. "Gentlemen do not read each other's mail."

Another world war, the cold war and now the "low-intensity war" against terrorism have dimmed American faith in gentlemanliness. The first of these gave birth to the OSS, the second to the CIA and the third to everything from secret Delta Force commandos to Lieut. Colonel Oliver North and the other NSC "cowboys" who dreamed up the Iran-*contra* connection.

Still, Americans remain uneasy about secrecy. The firestorm reaction to the Iranian fiasco has much to do with its secrecy. "They were running the State Department, the CIA and the Defense Department out of the basement of the White House without any kind of congressional oversight," comlained Patrick Leahy, vice chairman of the Senate Intelligence Committee. Sure, disclosure would have prevented the fiasco, but in the same way that the guillotine prevents headaches. Disclosure of a secret mission to a leaky Congress might kill it, and thus kill any chance of failure (or illegality). It also kills any chance of success.

As will undoubtedly be proved in the North affair, secrecy is a breeding ground for genius. Without secrecy we would not have had the Kissinger trip to China or the interception of the *Achille Lauro* hijackers above the Mediterranean (North's idea, by the way). The problem with the North operation was not the secrecy. It was the policy of trading arms for hostages and then misappropriating the profits. The test of a policy is not its openness, but its wisdom. If the outcome of the North affair is that the covert becomes impossible, then it will have been far more damaging than we now imagine.

American antipathy to secrecy could be somewhat mitigated by one act of furniture rearranging that would deal Congress back in on the intelligence game and thus reduce the tension between secrecy and democracy. In the past two decades congressional oversight of intelligence operations has increased dramatically. The CIA must report some of its activities to as many as eight committees (Intelligence, Foreign Affairs, Armed Services, and Appropriations in both houses) with hundreds of members and staff. Because of these reporting arrangements, certain to lead and to endanger policy and people, both the Carter and Reagan Administrations increasingly entrusted secret missions to the NSC, which is not equipped to run them. One change that might encourage the return of secret work to the CIA (which is so equipped) would be the consolidation of congressional oversight into a single Joint Committee on Intelligence modeled after the old Joint Atomic Energy Committee, which had an almost spotless record of maintaining confidentiality.

But the deeper issue remains. Americans abhor secret covenants secretly arrived at because they smack of Old World real-politick, a way of doing business that the American Republic was to make obsolete. But this objection is today no more than nostalgia and sentimentality. America cannot be Sweden. (And without America, where would Sweden be?) Americans may not like being a superpower, but they have no choice, there being no one else to carry the burden. So they have to face the responsibilities of power. And one of them is the necessity for secrecy.

There will be future covert actions, and some are sure to go wrong. No amount of structural tinkering will prevent that. A world of Ayatullahs and Sandinistas is a world that will often demand clandestine deals. The particular deal now unraveling was cockeyed to begin with and probably illegal. Nevertheless, we may have to deal secretly again. If we are going to play the great power game, and ask others to risk their lives to help us win it, we had best accept the need for sordid secrecy. Or give up the game altogether.

[From the New York Times, Dec. 24, 1986]

REDUCING DISCORD OVER FOREIGN POLICY

(By James Q. Wilson)

CAMBRIDGE, MA.—In time, the investigation into the Iranian arms controversy will end. There may be prosecutions, new laws, a reorganization of the National Security Council. But one thing that is vitally necessary may not happen at all—creation of a new compact between the executive and legislative branches that will permit the United States to discharge more effectively its responsibilities as a great power.

From Vietnam, through Watergate, to the present, in Democratic and Republican Administrations, the estrangement between the White House and Capitol Hill has deepened. Congress distrusts the President and insists on multiplying checks—oversight committees, the War Powers Act, media leaks and legislative vetoes. The White House responds in kind—building up the National Security Council staff as an isolated and autonomous operational agency, appealing over the heads of Congress to the public, managing its own pattern of leaks and counter-leaks.

I do not know all the facts, but it appears that use of the National Security Council staff for the Iranian arms transfer may have reflected a desire to avoid the seemingly inevitable public disclosures that have been facilitated by the competitive and decentralized pattern of Congressional oversight of foreign operations. If that is true, it means that the very methods Congress has put in place to check the President's foreign policy powers have led to results wholly at variance with what Congress intended. As we have so often learned, in government good intentions are not enough.

With respect to foreign affairs, the Constitution is, as the late constitutional scholar Edward Corwin put it, an "invitation to struggle." That is desirable, for it insures that essential checks and balances will operate. But of late the struggle has become an alley fight—a cacophonous, decentralized, unmanaged public quarrel over every detail of every policy.

From World War II to Vietnam, this struggle was moderated by a bipartisan consensus as to the major aims and methods of foreign policy, a consensus given effect by a strong pattern of leadership in Congress and a Presidency sensitive to the need for Congressional support. Vietnam destroyed that consensus. It has not been rebuilt. Perhaps it cannot be rebuilt, but reasonable people in both branches of government want, and I believe can obtain, a moderation of the inevitable discord.

We may disagree over foreign policy, but hardly any American interests are served by extensive leaks about every sensitive operation we may wish to undertake.

They are not served by detailed public reporting of financial contributions by friendly governments to efforts made on behalf of Afghan rebels, even when assistance to those rebels enjoys strong bipartisan support on Capitol Hill.

And they are not served by detailed disclosures of intelligence-gathering operations.

People may disagree about how greatly all this helps the Soviet Union. But there can be no disagreement about this: our allies increasingly do not trust us, and we increasingly do not trust each other.

There is no point in assigning blame; both branches of government, always information sieves, have of late become geysers. This torrent of leak and counter-leak once did not exist, despite the separation of powers. This means that it need not exist now, even though we retain the separation of powers.

I suggest that when the Iranian issue has subsided, the White House and Congress attempt to establish a new compact that permits the fullest debate over the goals and major methods of foreign policy without aiding and abetting the media's understandable desire to track down and publish every secret, every name, every Swiss bank account.

The compact might take the following form:

1. The White House will make clear that the National Security Council and its staff exist for advisory purposes only. They will not conduct sensitive operations.
2. Congress will merge the House and Senate intelligence committees into a Joint Congressional Committee on Intelligence with a small, bipartisan membership and a small, highly professional and nonpartisan staff.
3. The executive branch will adopt and enforce procedures designed to minimize intelligence leaks from its agencies. These leaks occur for purposes of aggrandizing one's own agency and policies and punishing those of one's bureaucratic rivals. (There is a widespread impression that the executive branch already tries to detect and punish leakers. With rare exceptions, it does not.)
4. Congress will adopt and enforce procedures designed to detect and punish unauthorized leaks from the Joint Intelligence Committee.

None of this will prevent a spirited debate over our role in Central America and the Middle East. And none of this is an adequate substitute for our lack of national resolve to act like a great power with vital, often difficult responsibilities. But it is a beginning.

RIGHT TO LIE

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. EDWARDS of California. Mr. Speaker, last December, the Subcommittee on Civil and Constitutional Rights which I chair, held a hearing on so-called fake clinics. These are centers operated by prolife activists which are set up to look exactly like abortion clinics and which advertise in the yellow pages under headings such as "birth control information services" or "abortion information and referral services."

We heard compelling testimony from a number of women who had been to these centers believing them to be real clinics. In some cases, as the editorial below points out, the effect of their visits reached far beyond than the duration of the visits themselves.

Prolife advocates have a right to speak out against abortion and to try to persuade women to seek alternatives. However, as this recent editorial from the New York Times makes clear, they do not have the right to lie. I commend the editorial to my colleagues' attention.

[From the New York Times, Feb. 21, 1987]

THE RIGHT TO LIE?

More than 100 law enforcement agents are now searching for Dennis Malvasi, a suspect in recent dynamite attacks against New York City abortion clinics. He is a fireworks expert who worked on last year's Statue of Liberty celebrations and is described as "clever, elusive and experienced." A similar description could well be applied to other "pro-life" zealots, to judge by a recent hearing before a House subcommittee. These activists prefer deceit to violence.

When Carla Abbotts decided to terminate her pregnancy, for instance, she looked up clinics in the San Francisco phone book and chose one called A Free Pregnancy Center. She told a counselor she wanted an abortion and was shown a slide show that had "pictures of bloody fetuses in trash cans, and it said abortion led to sterility, death, deformed children and even suicide because of guilt."

Ann Gillespie of Texas and Diana Kulda of Florida, who'd also gone to what they believed were abortion clinics, had similar experiences. Angel Weatherman, from South Dakota, wasn't shown slides—merely told by her counselor that she would go to hell. The counselor also squealed on Ms. Weatherman to her pastor, who dismissed her from her job as a music director.

All these women were worldly enough to realize that the clinics were fake, and went elsewhere for abortions. But a 15-year-old San Franciscan, "Jane Doe," looked up a clinic in the phone book, was terrified by the same slide show and told to come back for further tests. She did, for months, dissuaded every time from going to another clinic. Eventually it was too late for an abortion. The child was given up for adoption. In San Francisco, lawyers for Ms. Abbotts and "Jane Doe" are suing on the basis of false advertising and unfair business practices, and have won a temporary restraining order barring further advertising without the term "abortion alternatives." The District Attorney's consumer fraud department has also filed suit.

In Texas, another such center and its founder were found guilty of deceptive trade practices and fined $39,000. Three New York City centers have been investigated by the State Attorney General, Robert Abrams, and a negotiated settlement is expected soon. Nearly a dozen similar suits are still pending around the country. Meanwhile the so-called clinics, most of whose staff members have no medical training, proliferate. There are probably 2,000 of them.

Robert J. Pearson, who is affiliated with the New York centers, and whose foundation created the slide show, admits that the centers that use it don't openly acknowledge that they are run by anti-abortionists. "We don't hold a flag in our door saying we are pro-life," he says. "But it's honest advertising. We're just not saying what we don't do."

But women are certainly entitled to know whether a "clinic" is prepared to offer a full range of medical advice or pseudomedical tirades. As Stephen Gardner, who successfully prosecuted a Texas center, put it, "The issue is not right to life; the issue is whether these clinics have a right to lie."

MAYOR KOCH IN POLAND

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. SOLARZ. Mr. Speaker, the distinguished mayor of New York City, Ed Koch, has just returned from a 9-day trip to Poland and Hungary. Mayor Koch had the opportunity to meet with dozens of influential Poles, including the mayors of Warsaw and Cracow, Franciszek Cardinal Macharski, Jozef Cardinal Glemp, Lech Walesa, and other intellectuals, academics, and opposition leaders. The mayor also visited Auschwitz for what he called "the most important part of the trip." Mayor Koch has written a frank and informative account of his trip. I am pleased to share this statement with my colleagues.

MY TRIP TO POLAND

(By Edward I. Koch)

I have just returned from a nine-day trip to Poland and Hungary.

I had the opportunity to meet, talk and learn from at least 40 Poles. They ranged in belief and background from government officials including the mayors of Warsaw and Cracow, to Franciszek Cardinal Macharski of Cracow and Jozef Cardinal Glemp of Poland and Lech Walesa. Others were intellectuals, academics, opponents of the regime whom we met at private dinners we had attended to people on the streets. Their willingness to speak freely about the state of Poland and the Polish regime was impressive.

But the most important part of the trip for me was my visit to Auschwitz. Many concentration camps were built by the Nazis in Europe, and a large number of them were located in Poland. Auschwitz was not only a concentration camp, where people were imprisoned, worked to death, beaten, tortured and gassed to death, it was also part of a larger complex which included Birkenau—an extermination camp—30 times larger than the original Auschwitz. The difference between the two is that in the concentration camp Auschwitz they permitted people to work before gassing them. In the extermination camp Birkenau the sole purpose was to put the prisoners to death as quickly as possible. They killed as many as 700 people at one time in one of the gas chambers and then hauled the bodies into ovens to be burned. At the height of this horror 24,000 people were killed a day in Birkenau.

This complex, Auschwitz/Birkenau, was ultimately responsible for the deaths of four million people. Over three million of them were Jews. The estimate is that about 85 percent of those killed in Auschwitz-Birkenau were Jews. The others were nationals of different nations in Europe, including Poles, Gypsies and Russian prisoners of war who weren't Jews, and in most cases were Christians. But the non-Jews were permitted to work under inhumane conditions and the goal was not extermination. Jews were carried on boxcars from 24 countries and some of them were unloaded at Auschwitz and others were sent directly to Birkenau. If the latter, they were oft times marched directly into the gas chambers and their bodies were then taken to the crematorium. If the former, they might work for some brief period of time before being gassed at Auschwitz or taken to Birkenau for extermination.

The morning following my visit to the camps, a middle-aged man came over to the table were I was having breakfast in my hotel and said:

"Shalom, Mayor Koch."

I looked up at the fellow who was clearly an American and replied, "Shalom." He introduced himself as Mel Mermelstein from California.

He asked me what brought me to Poland. I recounted my visit to Auschwitz and described it as one of the most emotional experiences I have ever had. I concluded by asking if he intended to go there.

He said, "I have been to Auschwitz 14 times. I was a prisoner there and I come back as often as I can to pray at the crematorium. My family was brought to Auschwitz from the Carpathian mountains in Hungary, in a boxcar. When we were unloaded at Auschwitz, they separated the women from the men. I could see a Nazi officer, whom I later learned was Dr. Mengele, pointing to my mother and directing her and my younger sister toward one line and my older sister toward another. I later found out that had my older sister gone to the line she was directed toward, it would have allowed her to live at least for a short period of time while working at Auschwitz. However, my mother and younger sister, who were not fit for working according to Dr. Mengele, were being put into the group scheduled for immediate death. My older sister, crying because of the separation, broke away, ran to my mother, and the three of them were taken to Birkenau where they were gassed and cremated.

"My father, brother and I were placed in Auschwitz. At one point my father said that at least one of us must stay alive and in order to do so we had to separate; otherwise, we would all die. He said that whoever survives must tell the world what happened so that it will not be forgotten. I have done that. My father and my brother were killed. I survived.

"I was part of a special detail which hauled the bodies from the gas chamber and took them to the crematoria. When the war was almost at its end and the Russians were close to Auschwitz, the Nazis took 2,000 of us and marched us on the roads to Dachau. And there in the final stages of the war, I contracted typhus just before the liberation by the American Army. The Nazis actually deserted the camp and for six days before the Americans came we were alone. When the Americans came, they placed barrels of food in the camp. Because many of the prisoners were so weak and not accustomed to eating anything other than watery soup, as soon as they ate the good and substantial food they became ill and many died. I go back every year in memory of my parents, my sisters and my brother. I stand at the crematorium."

He went on to say that in addition to conducting his regular business he also lectures on the subject of Auschwitz as his father would have wanted him to do so that people will remember what happened. As he told his story my eyes filled with tears.

I know my tour of Auschwitz-Birkenau will remain a vivid memory throughout the rest of my life. As we entered Auschwitz there was a great deal of snow on the ground and the snow continued to fall. The barracks, originally one-story high, had been built in 1914 to house 340 Austrian soldiers. As a concentation camp each barrack held over 1,700 prisoners. The Nazis had added a second story on to each building. Little more than shells, the barracks were totally unheated and even though I was wearing a heavy coat, I was still very cold. The prisoners without any heat were compelled to sleep three to a wooden bed with no mattress or blanket. Each bed was a triple decker so there were nine prisoners sleeping in the wooden frame. There were no bathrooms in the building. The inmates were allowed to use the central toilet facilities once a day for no longer than a period of ten seconds. They were counted in the early morning every day outside the barracks, where they stood for hours in the worst of winter weather with many dying as they stood in place.

When you enter Auschwitz, you are shown a 40-year old film made by the Soviet Union. The film is narrated in different languages and shows the liberation of the camp. Strikingly what it does not do is indicate that most of the people in that camp were Jews. Every life is precious and all those who lost their lives at these death camps must be remembered and mourned. But the sheer horror of the genocide committed at Auschwitz-Birkenau perpetrated against the Jews is lost when the overhwelming number of victims are not identified as such since it was their very Jewishness which they could not shed, if they wanted to, which caused their terrible deaths.

Several years ago the Polish government created exhibitions in various barracks in Auschwitz, and one of them memorialized the killing of Jews. Other barracks had exhibits dedicated to different nations, e.g., Belgium and bizarrely, East Germany. Those brought to Auschwitz were brought there not because of their nationality but overwhelmingly because they were Jews; and I say bizarre in the case of East Germany because they were killed by their fellow Germans. In the barracks in which the Jewish experience was portrayed, there were areas set aside behind glass which showed hundreds of suitcases with the names of individuals marked on them that were brought to the camps by those who thought the Nazis were simply resettling them. Another exhibit contained the hair of women who had been shorn. The hair had turned gray with the passage of time. The most piteous exhibit contained thousands of little shoes belonging to the children who had been killed in Auschwitz. It's hard for any human being to comprehend. We were all emotionally overwhelmed as we listened to the young Polish women telling us of the atrocities that had occurred.

At one point they took us to a wall located in the camp which was about 15 feet wide. We were told that prisoners who engaged in some infraction of the rules were brought to that wall and shot by pistol in the head. It was referred to as the Wall of Death. I felt a compulsion to touch the wall with my hand, as though with a kiss after touching my lips. When I was asked later why I did that, I said it was to establish contact with those Jews and Christians who had been put to death at that very site. I thought of what Jews do when they go to touch the Western Wailing Wall. It is also done in a synagogue when the Torah (Five Books of Moses) is carried through the synagogue. Jews will put their prayer shawls to their lips and then touch the Torah with their shawls.

Poland offered more than a visit to Auschwitz. Before leaving the United States I had met with the Consul General of Poland and I told him that I wanted to visit everyone while in Poland—government officials, cardinals, opponents of the regime and in particular, Lech Walesa. I sent a letter to President Wojciech Jaruzelski, the head of the Polish Government, making that request. Later the Consul General informed me that while the government preferred that I not meet with opponents of the government, I was free to do so without restriction.

I was scheduled to fly to Gdansk in the early afternoon on Tuesday, January 27 to meet with Lech Walesa. That morning I attended a meeting with a Jewish community group. The situation of the Jews of Poland is sad. There are an estimated five to seven thousand left in a country that once had 3.5 million. Indeed, it was home to the largest number of Jews in pre-war Europe. Those who are left are old. There are few children and, in effect, that community is dying. There is no rabbi in all of Poland to conduct services.

While I was talking to this group I received a message that General Jaruzelski would not be able to meet with me because he was preparing for his meeting with Assistant Secretary of State John Whitehead who would be arriving shortly.

However, I was invited to meet with the General's first deputy, Jozef Czyrek. In order to meet with his deputy I would have had to leave the meeting immediately. To accept the invitation I would have had to miss my flight to Gdansk and, as a result, my meeting with Lech Walesa. There is only one flight a day from Warsaw to Gdansk. An American Embassy official asked the Polish government if it would hold the plane. They declined. I then responded that it was not possible for me to cancel my appointment with Lech Walesa and that I would be delighted to meet with Czyrek if we could do so when I returned from Gdansk or any other time before I left Poland. However, because of commitments on his schedule, Czyrek was unable to meet with me. There was some speculation amongst the reporters that the offer to see me—and given on such short notice—was made in order to prevent me from going to meet with Lech Walesa. However, I accepted it as a good faith offer on the part of the Polish government and hoped that I will be able to meet with General Jaruzelski when, and if, he comes to the United States.

The flight to Gdansk took about an hour and a half. The plane, operated by LOT Airline, owned by the state, had on it two heavily-armed Polish paratroopers, one in the front and another in the rear to make sure that the plane was not highjacked. The rule is that if you want to get out of your seat during the flight, e.g., to go to the bathroom, it is suggested that you raise your hand, make no sudden motion and wait for permission. Such is life on Polish planes.

When we arrived in Gdansk, we were driven to St. Brygida's Catholic Church. We were met by Monsignor Henryk Jankowski and Lech Walesa. We were followed by hordes of reporters and television crews. The press waited in an adjoining church building while the members of my party and I met with Lech Walesa in the rectory. We had about a half-hour discussion before moving to the dining room for lunch.

The first thing that we did at that meeting was to have a round of vodka, which we desperately needed. Gdansk was bitter cold.

I said, "Most people think of you as a giant and that is undoubtedly because of your spirit and courage. Even though I now know that you are not so tall, you are still for me a giant."

He smiled and I think he liked the compliment. He was asked by myself and others what is it that he would recommend be done by the Polish government. He spoke of the need for changes in the economy, the law and politics. Exactly what those changes should be he was not specific. He did say however, that with respect to the economy, there was an enormous need for new technology and the way to secure it would be to invite American companies to work with Polish individuals, cooperatives and not the government in joint ventures.

Monsignor Jankowski insisted at this point that we all have lunch. We went into his dining room and had a marvelous lunch consisting of a hearty soup, game and a good dessert. Our discussion which lasted about an hour centered on the courage of the Polish people to speak out. Walesa's emphasis was on the need for modernization in Polish industry. And he is right—Polish industry for all practical purposes has deteriorated. That is why Walesa made it clear that unless the economy did change it would be difficult to secure the other changes in law and in politics.

At one point Walesa said to me, "I now feel much more relaxed talking with you."

And here I think he was referring to the fact that he didn't really know who I was. Many people come to see him and some, I am sure, are government informers. Apparently we had by our discussion eliminated any such concern. I invited him to come to New York City and to stay at Gracie Mansion. I reminded him that I had extended such an invitation once before when Walesa won the Nobel Peace Prize. But he had decided at that time not to leave Poland.

Our conversations with Lech Walesa and others throughout Poland indicated that the Polish government had recently sought to reduce the oppressive pressures on its citizenry. We were told repeatedly that there were no political prisoners in jail any more and that when someone committed a political crime, e.g. possession of illegal books or publication of an underground newspaper, they were no longer prosecuted criminally but that heavy fines were imposed instead. If an illegal book or an underground paper, those are called Samisat, was found in your car, your car would be confiscated. Loss of your car is a heavy price to pay in Poland since there are very few cars and when you can get them they are very expensive.

After lunch we toured the two churches which are under the pastorship of Monsignor Jankowski. In one of the churches he showed me a sculpture of Father Jerzy Popieluzsko. It depicted this martyr who was killed by government operatives, the secret police, at the moment he was fished out of a reservior. He had been assaulted, brutalized and then thrown into the reservior. Until this day, it is not clear whether or not he was alive at the time he was thrown into the water. The sculpture shows him hogtied, feet and hands together. And the expression on his face is one of intense suffering.

I suggested to the Monsignor that the sculpture be reduced in size, replicated and sold throughout the world. Proceeds could be used for Solidarity and the Church. He thought that was a wonderful idea and said he would do it. He also said that I would be the first recipient of the miniature statue. I told him that it would be proudly displayed on my desk at City Hall.

Before going to Gdansk, I went to the churchyard in Warsaw where Father Popieluzsko is buried. It is a very impressive grave site. It is marked with a huge granite stone on which there is a large engraved cross. The plot is surrounded by small boulders linked by a chain in the form of rosary. In the church there are special rooms containing memorabilia of Father Popieluzsko. It is hoped and believed by many that he will be declared a saint. I was told that beatification proceedings are now taking place.

During my stay in Poland, I met with two of three cardinals. I first met with Cardinal Macharski of Cracow. He was extremely warm and generous in receiving us. He is tall, slim, ascetic in appearance with a lovely smile and very expressive hands. We discussed Auschwitz. He said that it was the greatest hell on earth ever created by mankind, even more horrible than Hiroshima in his opinion. I asked him about the protests by many groups over the location of a convent of cloistered Carmelite nuns on the outskirts of Auschwitz. The controversy in part is prompted by a sense expressed by some that a Roman Catholic convent just outside the barbed wire where more than three million Jews were killed, in some way intrudes upon the horror committed overwhelmingly against Jews. I told him that there should be a synagogue at Auschwitz as well, or a place of ecumenical worship. Then all those wishing to pray in memory of the dead would do so before entering the gate over which the sign still remains "Arbeit Macht Frei" (Work Will Free You).

I was delighted to report that the day after I returned to New York I received a call from Cardinal O'Connor around 9:30 p.m. He welcomed me home and read to me the text of a telegram that he received from Cardinal Macharski of Cracow. The thrust of the telegram was that he was in accord and intended to pursue plans for the construction of a synagogue in Auschwitz, and wanted me to know.

I also asked Cardinal Macharski if sanctions should be lifted and Most Favored Nation status be granted to Poland. John Davis, Charge d'affaires in Warsaw, told me that it would mean about $40 million more per year in income to that country. The Cardinal said that he believed sanctions should be lifted.

A similar conversation was held with Cardinal Glemp of Warsaw who was also asked by Cardinal O'Connor to meet with me. He is of a different physical type than Cardinal Macharski. He is stouter, more deliberate and just as hospitable. Cardinal Macharski speaks English whereas an interpreter was used with Cardinal Glemp. That always creates some small barrier. He too said without qualification that sanctions should be lifted. He made it clear that there will always be an internal battle between the church and a Communist society. There will always be a difference in their philosophy. Indeed, it is the church that gives the Polish people much of their enormous strength to continue to struggle for freedom.

When I left Poland I was convinced, as a result of all that I had seen, that the Polish people have to be applauded as amongst the most courageous in the world. They live in a country that has a repressive government, a government that in the past had shown its readiness to put people in jail for political crimes and use its army against the Polish people. Recently the repression lessened significantly. One can only hope that the changing face of Poland is genuine. What is certain is that the government is anxious to improve its relations with the West, and especially the United States.

One further note relating to the Jews in Poland. I believe that the Poles who are Christians, and probably 99 percent of them are Catholics, know how the Jews around the world feel about Poland. Many Jews believe that during the Nazi occupation of Poland, Jews were betrayed by many Poles and were not treated by Polish Christians as part of the Polish nation before, during and after the Nazi occupation. I personally believe that there is merit to that belief. Nevertheless, I want to report what Poles would like to say on the subject.

They point out that only in occupied Poland was there a Nazi law which said that if a Polish Christian helped a Jew not only he, but his entire family, would be put to death. In other countries only the volunteer was at risk of being put to death. They pointed out that the largest number of Christians honored in Jerusalem for helping Jews, are Christian Poles. They desperately want to remove the stigma of anti-Semitism while admitting that it existed historically. The most difficult for them to remove is the action that followed World War II. In Kielce, Jews returning to that town were set upon and killed in large numbers in a pogrom. Others were driven from the city. This caused the overwhelming number of Jews who had survived the Holocaust to flee Poland forever.

The Poles I spoke with said that the Kielce pogrom was an aberration or that the Communist government instigated it in order to deflect opposition away from the government by blamming Jews for Poland's problems. They also acknowledge that in 1968 the Gomulka government engaged in a campaign of anti-Semitism for similar reasons. They are ashamed. My own feeling is that notwithstanding my great admiration for the courage of the Polish people in their struggle for freedom, I can never put out of my mind the feeling that many of the deaths that took place in Poland of Jews occurred because of the indifference of their Polish Christian neighbors or even worse because of the physicial assault on them by their fellow citizens. Nevertheless, as I have said so many times, the divisions of the "old country" do not follow us into ours the "new country." We are a nation of more than 175 races and religions and too many of us can recount the historical animosities which existed among the tribes, sub-tribes and the nations of the lands of our forebears. That should not continue here. Whatever it is that I can do to be supportive of the Polish people in their quest for freedom, I will do.

CONGRESSIONAL SALUTE TO DR. FRANK E. DELAVAN

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. MATSUI. Mr. Speaker, I would like to take this opportunity to recognize the achievements of one of Sacramento's outstanding educators, Dr. Frank E. Delavan, who is retiring after 32 years of service to the young people of the Sacramento area.

The career of Dr. Delavan serves as a fine example for all prospective educators. Dr. Delavan began his life's work in 1951 as a teacher at Washington Elementary School. After 10 years in the classroom, Dr. Delavan turned his talents to shaping education policy. In 1961, he became principal of Washington Elementary, and by 1965 he was director of educational research. Within 4 years, Dr. Delavan rose to the post of assistant superintendent for research and development of the Sacramento School District.

In 1971 he decided to broaden his influence and moved to significant consulting positions in the State government. Dr. Delavan served in the important California Department of Education post of manager of the early childhood education office. One year later, he returned to the Sacramento schools as assistant superintendent for the entire Sacramento City Unified School District.

Dr. Delavan has many professional affiliations, including the Association of California School Administrators, the Advisory Council for Educational Research, and the California Educational Research Association where he served as a member of the board of directors. Frank also served on the board of directors of the Sacramento City Teachers Association. He is also active in civic affairs. He is a Little League baseball coach, a scoutmaster, and a member of the Masonic Orders of the Scottish Rite and the Shrine. Dr. Delavan also has made significant contributions to our community as a member of the board of directors of the Mercy Clinic for Children. Dr. Delavan has been president of the Washington Neighborhood Council and a former chairman of the Centennial Methodist Church.

Mr. Speaker, on behalf of the people of Sacramento, I would like to congratulate Dr. Delavan on his outstanding accomplishments. His long years of exemplary service to Sacramento schools have enriched the entire community. I offer my sincere best wishes to this outstanding administrator, teacher, and civic leader, as he enters a well deserved period of rest and relaxation in retirement.

THE WORLD'S A POORER PLACE WITHOUT MORGAN THOMAS

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. DARDEN. Mr. Speaker, attorneys and members of the judiciary in Georgia—as well as many other people throughout the State—recently lost a valued friend with the passing of Morgan Thomas. He served as chief clerk of the Georgia Court of Appeals for 46 years; before, during and after that service he was a dear friend and companion to many others of us, especially in his adopted hometown of Marietta.

When I moved to Cobb County 20 years ago, Morgan Thomas was known as "Mr. Emcee." He presided with wit and wisdom over the monthly Cobb Chamber of Commerce breakfasts, as well as many other civic gatherings.

For the two decades before his death, he held various offices in the Metro Marietta Kiwanis Club. But Morgan Thomas was more than just a face in the crowd at a civic club meeting. He was one of the most unselfish, altruistic people I have ever known; he was extremely loyal to both family and friends, and you could always depend on Morgan Thomas to be there in time of need.

Morgan Thomas held only one elective office—as a member of the Marietta City Council. But perhaps he should have sought higher posts; certainly, he was more able than many who have served in those positions.

Billy Kinney, of the Marietta Daily Journal, wrote a few days after this death that, "The world needs a few more Morgan Thomases." He is absolutely correct. Mr. Speaker, I would like to submit the text of Mr. Kinney's column into the RECORD, to better acquaint my colleagues with the warmth and accomplishments of this remarkable man. All of us who were his friends will sorely miss Morgan Thomas.

[From the Marietta (GA) Daily Journal, Feb. 17, 1987]

THE WORLD'S A POORER PLACE WITHOUT MORGAN THOMAS

(By Bill Kinney)

The world needs a few more Morgan Thomases.

Morgan was a nice guy who didn't finish last. He made us all laugh at ourselves and the things around us. Nothing he said was off color. Blending wisdom with humor, he was truly a delightful fellow.

His former Emory University classmate Sims Garrett, retired Marietta banker, summed him up pretty well when he described Thomas as "a well-liked and well-respected Christian gentleman who never had a mean thought and dedicated his life to helping others."

Tall and lanky, and looking much younger than his 76 years, Thomas came across with an easygoing manner, quick wit and a rich, full voice that seemed to come straight out of the pulpit. His ever-present bow tie was his trademark, and he always looked straight at you with blue eyes sparkling behind black-rimmed glasses and an impish smile.

The very nature of his job pointed up the man's attitude. Fresh out of the University of Georgia law school and jobless in 1934, he took a $166 per month position as deputy clerk of the Georgia Court of Appeals. Later he was named clerk, a job in which he remained for a record 46 years.

"I felt better in a service situation than in an adversary role, like lawyers get involved in," said Thomas, adding, "I never once thought about leaving."

Thomas preceded speakers to the podium representing almost every occupation and interest imaginable, including politicians, religious leaders and business tycoons. He poked clean fun at them all.

Thomas delighted in humorously giving keystone speakers "a hard time" at Cobb civic affairs, particularly the monthly Cobb Chamber of Commerce breakfasts and the chamber's yearly banquet. But the table was turned on him in the case of Atlanta minister Bill Self at a chamber breakfast.

"After that introduction," the preacher said of Thomas, "I feel like a Philistine. I think I've just been slain with the jawbone of an ass."

His spoken wit also showed up in "Morgan's Corner," the weekly summary of the appeals court. A memorable piece of prose was that penned by Thomas after the Legislature added urine tests to breath and blood checks to determine if a person was intoxicated.

Then came a motorist convicted for drunk driving who appealed on the grounds that police had not given him a urine test. When the Court of Appeals reversed the conviction, Thomas wrote: "Listen lawmen, listen well; for here's a brand new wrinkle. Besides the right to breath and bleed, they have the right to tinkle."

After graduating from Columbus High School in 1928, Thomas aimed for a medical career, but opted for working his way through law school when his money ran out in those tough depression days. He said he "learned a lot about life" as the night clerk at a second-rate hotel near the Athens campus.

He liked to relate how he enjoyed writing his full name. William Morgan Thomas, on documents when he first became deputy clerk. His boss, Clerk Logan Bleckley, called him aside and said, "See here boy, you need to drop the William and just use 'Morgan.' You'll save yourself a lot of writing that way."

Many of Thomas's stories and his manner of delivery were learned while car-pooling with master-wit and orator Atlanta Constitution columnist Leo Aikman, whom he fondly recalled "knew only clean stories."

Thomas liked to recall the time when he unwittingly scheduled two dinner meetings in about the same time frame and didn't get fed at either. Discovering his mistake, he raced to Eatonton to address the Kiwanis Club, then hurried back to Atlanta to speak before an Episcopalian dinner, missing both meals and leaving his hosts "with a big case of jitters."

Thomas took great pride in his daughter Teresa, who in the late 1950s was one of the first coeds to graduate from the Georgia Institute of Technology. Another tribute he cherished was having the annual Cobb Symposium breakfast lecture named in his honor. Symposium "godfather" Dr. Noah Meadows and Chamber of Commerce chief Phil Sanders concocted the idea of naming the symposium's breakfast lecture after Thomas.

Meadows, who was a pallbearer at Thomas's funeral, recalled a joke told a few weeks prior to his death. When asked if he had a recommendation as to who could give the "Morgan Thomas Lecture," Thomas without hesitation quipped, "How about Lt. Col. (Oliver) North. He won't talk very long, and everyone can eat breakfast and leave early."

Thomas grew up the son of a Methodist minister and made home places like Americus, Columbus, Cordele, Montezuma and Savannah. It was in Montezuma that he met the woman who later would become his second wife last year after both had been widowed.

Morgan over the years would ring me up and inquire if this or that bit of earthy humor would offend some office-holder or executive.

Last year Thomas called me to report his forthcoming marriage to Eleanor Haddock Farmer coming shortly after the long-lingering death of his first wife Billie. This writer judged Thomas was also seeking approval in that he explained Eleanor had been his childhood sweetheart in Montezuma, and that she knew he was terminally ill with cancer.

This writer advised: "Marry that fine woman. You need each other. Why care what anyone says? It's your lives."

It would be Eleanor who for months nursed Thomas and would call to report on Morgan's struggle with cancer. And it was Eleanor who phoned me at home from his bedside Friday night about 9 o'clock to report his death.

Morgan will be missed. He was a gentle, delightful, useful man who enriched our lives.

THE 30TH ANNIVERSARY OF THE HUNGARIAN REVOLUTION

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. HORTON. Mr. Speaker, as the chairman of the Committee To Commemorate the 30th Anniversary of the Hungarian Revolution, I want to share with my colleagues a statement issued recently by the Coordinating Committee of Hungarian Organizations in North America.

In its statement, the group gives well-deserved support for the ideals and principles declared in the now famous statement by a group of Czech and Slovak human rights activists known as Charter 77.

Charter 77, signed on January 1, 1977, was written by people concerned for basic human and civil rights in Eastern Europe and around the world. It is a rare example of dissent inside the Soviet bloc, and the efforts should be commended by us all.

I want to thank Istvan Gereben and Istvan Magas, the committee's executive secretary and chairman, respectively, for their collective efforts to give credit to these defiant individuals. As the leaders of this committee, they speak for the tens of thousands of Hungarian-Americans concerned for their brothers and sisters behind the Iron Curtain.

Mr. Speaker, following my statement is the letter of support by the Hungarian Organizations. I am sure that I speak for my colleagues in the House and Senate when I offer sincere appreciation and complete support for Charter 77 and the activists who wrote it.

STATEMENT OF THE COORDINATING COMMITTEE OF HUNGARIAN ORGANIZATIONS IN NORTH AMERICA

On January 1, 1977 a group of Czech and Slovak human rights activists in their inaugural declaration, known as Charter 77, defined themselves as a free, informal, open community of people, united by the will to strive individually and collectively for the respect of civic and human rights in their country and throughout the world. Since 1977 Charter 77 has given example of intellectual dissent behind the Iron Curtain that promotes popular participation in politics, moral behavior and ideological pluralism.

Members of Charter 77 were among those Czech, Slovak, Polish, East German, Romanian and Hungarian signatories of an Appeal which, on the thirtieth anniversary of the Hungarian Revolution turned to their friends around the world asking them to join in the commemoration of that Revolution and declared their joint determination to struggle for political democracy in their countries, their national independence and democratic integration, as well as for the rights of all minorities. They emphasized support for one another in their current attempts for a better, free and decent life in their countries and the whole world. They declared that the tradition and the experience of the Hungarian Revolution of 1956 remain their common heritage and inspiration. We are grateful for this historical appeal and on this tenth anniverary of Charter 77 thank the Czech and Slovak members of the democratic opposition in East Central Europe for their solidarity and principled brotherhood.

The Coordinating Committee of Hungarian Organizations in North America salutes the ideals and principles declared in Charter 77 and expresses its admiration of and support for those who signed this momentous document written ten years ago.

ISTVAN B. GEREBAN,
Executive Chairman.
ISTVAN O. MAGAS,
Chairman.

RAY J. MADDEN

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. MOAKLEY. Mr. Speaker, I wish to commend my colleague from Indiana [Mr. VISCLOSKY] for affording Members an opportunity to reflect on the career of our esteemed friend and retired colleague, Ray Madden, on the occassion of his 95th birthday, today.

Mr. Speaker, I will always count to my great fortune having been elected to the Committee on Rules during Ray's chairmanship of that committee. He was a loyal friend and an able chairman, and I learned a great deal from my service with him.

After his Navy service in World War II, Ray practiced law and served his community in the city of Gary as comptroller and Lake County as treasurer, until his election to Congress in 1942. He was selected to serve on the House Rules Committee in 1949, and served on the committee until becoming its chairman from 1973 until he left Congress in 1977.

The evolution of the Rules Committee from the "graveyard of legislation," that it was termed under the chairmanship of Judge Howard Smith of Virginia, into the arm of the leadership that it has become today was a gradual process. But, if a date had to be fixed for the long-delayed entry of the committee into the 20th century, it would certainly be marked by the elevation of Ray Madden to the chairmanship in 1973.

Ray transformed the committee into a more collegial body. His immediate predecessors had placed their stamp on the committee's policy decisions with arbitrary use of their prerogatives. Ray Madden relied more on his ability to persuade his colleagues on the committee, by debate and by dilligent efforts to accommodate their concerns whenever possible.

He came to Congress with a burning zeal to advance the needs of the working men and women who were the backbone of his district, and to use Government to help those who suffered in poverty, in illness, and in old age. And, during the 34 years he served in this House, the fire of that zeal never lessened.

From Ray Madden I learned that the House Rules Committee can be a great force for helping Congress to get on with the Nation's work in a manner that is both efficient and fair. I am grateful to him for that lesson and for his friendship.

Mr. Speaker, at its meeting this morning the Committee on Rules formally observed Ray's 95th birthday, and I insert the committee's resolution at this point in the RECORD:

RESOLUTION—

Resolved, That the Committee on Rules notes, with great pleasure, the observance today of the ninety-fifth birthday of its former chairman, the Honorable Ray J. Madden of Indiana. The committee notes his twenty-four years of service on the committee, four as chairman, and considers this memorable birthday a suitable occasion to salute his service and contributions during thirty-five years as a Member of Congress. The committee extends every fond regard and best wish of the day, and directs that a copy of this resolution be transmitted to the former chairman.

TRIBUTE TO BLACK HISTORY MONTH

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. ROE. Mr. Speaker, it is indeed a great honor to rise today to join my colleagues in the celebration of Black History Month, a time during which we all reflect on the accomplishments and contributions that Black Americans have made to our Nation.

The rich history of Black Americans is inextricably woven into our national fabric. Whether it be the arts, education, the sciences, health care, high technology, politics, sports or many other areas, the extraordinary contributions made by Black Americans to our national experience are virtually limitless.

For example, Dr. Daniel Hale Williams performed the first successful open heart surgery. Dr. Charles Richard Drew developed techniques for separating and preserving blood and blood plasma, techniques that were largely responsible for saving the lives of hundreds of thousands of American soldiers during World War II.

Many Americans are unaware that our Nation's independence was accomplished with the assistance of Black patriots who fought side-by-side with George Washington, Paul Revere, and Ethan Allen. In fact, Crispus Attucks was the first to fall in the Boston Massacre, the event that helped spark the Revolutionary War.

Though we have heard much about the great Black figures from our history, we do not often stop to think about the everyday Black Americans who played a major role in securing the very survival of our democratic way of life.

Yet each has his or her own vital place in our history. I would hope that all of us would take a few moments to take special note of all Black Americans who have served in our Armed Forces in times of peace and in times of need.

Mr. Speaker, it is most significant that we celebrate Black History Month in February, the month when we also observe the birth dates of two of our greatest Presidents: Washington and Lincoln. From Washington we learned the principles of freedom and democracy. From Lincoln we learned that all people, all Americans, regardless of race, color or creed, must be granted both physical and emotional freedom.

Last January, we celebrated for the first time a national holiday dedicated to the birthday of Dr. Martin Luther King, Jr., perhaps the greatest of our modern American Black leaders. I am proud to say that I was an original sponsor of the legislation that rightfully established a national day of recognition for Dr. King, whose noble courage and the hope he brought to the oppressed of the world remain with us today.

In 1926, historian Carter G. Woodson, founder of the Association for the Study of Negro Life and History, proposed the idea of commemorating the achievements of Black Americans each year. Initially observed as Negro History Week, the observance was expanded in 1976 to Black History Month.

Mr. Speaker, to tell the complete story of the contributions that Black men and women have made to this Nation would take a lifetime. As Black History Month comes to a close, let us rededicate ourselves to the ideal that Black history should be celebrated 365 days a year.

THE NUCLEAR REGULATORY COMMISSION'S ASSAULT ON STATE AND LOCAL GOVERNMENT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. DOWNEY of New York. Mr. Speaker, on February 24, 1987, the Nuclear Regulatory Commission held a remarkable meeting here in Washington to begin consideration of a rule change in the licensing process for nuclear powerplants.

Normally, this public meeting would have simply entailed the Commission staff explaining to the Commissioners the reasons for the proposed rule change. Instead, a number of Senators, including New York's Senators MOYNIHAN and D'AMATO, Governors, including Governor Cuomo of New York, and Representatives, including myself and my colleagues Congressman MRAZEK and HOCHBRUECKNER, attended the meeting and strongly stated our opposition to the proposed change in the rules.

Why did so many elected officials see fit to attend the NRC meeting? Mr. Speaker, the NRC rule change is no minor matter. If the NRC adopts the proposed rule, then it will be able to bypass the requirement that State and local governments develop and test a local emergency response plan to deal with an accident at a nuclear powerplant.

In its rush to get nuclear powerplants such as Shoreham and Seabrook operating, the NRC is prepared to jettison its responsibility to see that the people who live in areas surrounding a nuclear plant are properly protected.

In its desire to save the nuclear power industry, it is prepared to run roughshod over the rights of State and local government to exercise police powers in their jurisdictions.

On February 26, 1987, the NRC, by a 4-to-1 vote, decided to go ahead and publish the proposed rule in the Federal Register, thereby beginning a 60-day period for public comment. I urge my colleagues to read the proposed rule carefully and to decide for themselves whether they really want the five unelected Commissioners to turn over local police powers to local electric companies. If they do not like what they read, I urge them to let the NRC know.

Mr. Speaker, I would like to submit the statement which I made at the NRC meeting for inclusion in the CONGRESSIONAL RECORD.

STATEMENT OF HON. THOMAS J. DOWNEY

Mr. Chairman, Members of the Commission. It boggles the mind to think that we might celebrate the 200th Anniversary of the Constitution this year with a wholesale assault on the rights and responsibilities of states to protect the health and safety of their citizens.

The proposed change in licensing rules which you are considering today will have a profound impact on the half million people of the Second Congressional District of New York. These people, and I, are seriously concerned about the health and safety implications of the proposed rule change.

Accompanying me today is Assemblyman Patrick Halpin, of the 11th Assembly District of New York, who is carrying a Resolution adopted by the Assembly of the State of New York which calls upon the Nuclear Regulatory Commission to cease and desist from this action. This Resolution was adopted unanimously and on a bipartisan basis by the Assembly. It reflects the outrage with which the elected representatives of the people of New York State view the rule change.

What are our concerns?

Broadly stated, the rule which your staff has drafted usurps the police powers of state and local governments. This rule change goes far beyond simple regulatory reform. It threatens, in a most serious way, the health and safety of millions of Americans who live in areas around nuclear power plants.

As I read the staff paper. I was struck by the fact that it relegates public health and safety considerations embodied in the emergency planning requirement to a subsidiary role in the licensing process. How else can I interpret the statement that ". . . adequate emergency planning and preparedness are needed and important, but that they represent an additional level of public protection . . . and that therefore some regulatory flexibility is warranted and non-safety costs may be taken into proper account"?

Can anyone tell me what has changed since 1980 when the NRC decided that this "additional level of public protection" was necessary? I can hazard a guess. When I see the words regulatory flexibility, I wonder if this is not part of a broader program of regulatory relief which this Administration advocates so strongly. The staff paper acknowledges that there is no new scientific safety data available which would support this change.

When I look at developments since Three Mile Island, which inspired the 1980 ruling, I see two major tragedies which seem to argue for better planning. The Challenger explosion showed us that even the most expensive technological systems which elaborate fail safe mechanisms can and do fail. Chernobyl showed us what happens when a nuclear accident does happen. Neither of these two events lead me to believe that you would be justified in changing the rule. Instead they point clearly to the need for an emergency response plan developed and implemented with the full cooperation of state and local authorities.

I would ask you to think again about the problem you seek to solve. When you say how can we change the rule to get around the fact that there are state and local authorities who are not cooperating in emergency response plans, you are asking the wrong question. You really should be asking yourselves the question: why do these governments believe that they cannot adequately provide for the health and safety of their constituents? The presence of so many elected officials here today ought to raise some doubts in your mind about the wisdom of your proposed course.

The staff paper also states that "the rule change is based on regulatory policy considerations about the proper role of emergency planning in NRC licensing. . . ." I do not wish to make light of this serious issue but it seems to me that the atomic power industry wants to rewrite the familiar commerical question: How do you spell regulatory relief?

N-R-C.

Actions such as this give my constitutents a bad case of nuclear heartburn.

If you adopt this rule change, you will be telling the American people that emergency planning is a minor detail that can be dispensed with if it stands in the way of putting a nuclear power plant on line. Is that a message you really want to send?

Do you really believe that health and safety considerations take a back seat to regulatory policy considerations?

Do you really think that there are non-safety costs which when taken into proper account will outweight the protection provided by emergency response planning? If you do, would you care to specify them? Would you be willing to specify them on Long Island?

I come back to my original point. There is never a good time to savage the Constitution of the United States, but I find it particularly offensive that you would attempt to do so while the rest of us celebrate the 200th anniversary of our Constitutional liberties.

MALCOLM S. FORBES, JR., OFFERS A HEALTHY PERSPECTIVE ON THE U.S. ECONOMY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. COURTER. Mr. Speaker, in "Major Problem With the American Economy: Hypochondria," Malcolm Forbes sheds a new light on the significance of the U.S. merchandise trade deficit. He points out that the trade deficit figures should not be looked at in a vacuum; rather, we should compare the U.S. debt with those of other economically powerful nations. In addition, a quick examination of our history shows that debtor nation status is nothing new and that our imports, as a percentage of GNP, are not historically high.

Mr. Forbes also points out that a large trade imbalance, in the case of a buoyant economy such as ours, can be seen as a positive sign that foreigners have enough confidence in our economy to want to invest in it. These comments point out that we are unnecessarily and dangerously panicking about the state of our economy. I commend them to the attention of my colleagues.

MAJOR PROBLEM WITH THE AMERICAN ECONOMY: HYPOCHONDRIA

Each day certain economists and others warn us that the American economy is in serious trouble. These hypochondriacs would have us believe that manufacturing is dead, that new jobs are all at the minimum wage, that we are on a spending binge, that we are too much in debt, and that Japan and the rest of the world will soon own all our assets. This caterwauling would be amusing except that so many of our politicos and supposed thought-leaders take this stuff seriously. They are ready to raise taxes, erect trade barriers, debase the dollar and increase government intervention in the economy, all to cure largely nonexistent ills.

MANUFACTURING

We are getting stronger, not weaker. In response to ferocious competition, American goods makers have reacted admirably. Since 1982 manufacturing productivity has gone up at a 4.3% annual pace, a surge almost unprecedented in peacetime America; output has jumped by almost one-third; and payrolls have gone up, not down. As a proportion of our economy, manufacturing output today is *above* the post-WWII average.

TRADE

We have a big merchandise trade deficit. Why is that a sign of decline? Why is a surplus considered a symbol of strength? The U.S. ran a trade shortfall for the first one hundred years of its existence; we became the greatest industrial nation in the world. Japan ran big deficits in the 1950s and 1960s. Was that decay? Mexico runs a trade surplus. Do we want to swap our economy for theirs?

Our imports as a percentage of GNP are no higher today than they were six years ago. During that time, however, we grew while most of the rest of the world stagnated. We could cure the trade deficit by going into a recession and getting European-like rates of unemployment. Would that be a sign of economic virility? Our exports have done well in recent years, considering the collapse of Latin America (a big market for us) and the volatility of the dollar. If the rest of the world would grow, our merchandise trade deficit would shrink just as it has always done before when the global economy was buoyant.

JOBS

Many politicos claim most new jobs are low-pay, lead-enders, "McJobs." The facts from the Bureau of Labor Statistics show just the opposite. Only one new job in ten qualifies as a "McJob." One-third, in fact, are in the managerial, professional category.

BUDGET

In the last decade, the average budget deficit in this country (combining federal, state and local finances) has been far lower than that of Japan and not much worse than that of Germany or Britain. About $100 billion of Uncle Sam's spending goes for capital items that can be legitimately financed by debt. The budget shortfall, moreover, is shrinking.

DEBTOR NATION

In recent years, foreigners have been investing more money in this country than we have invested abroad. That means we are a "debtor nation," which some observers seem to equate with being an economic equivalent of AIDS or herpes. That foreigners put their money here is a sign of confidence; you don't put your money in areas where you think you'll lose it. We could shed our status as a debtor nation by adopting policies that lose the confidence of the rest of the world and by forcing our banks to resume sending out $100 billion-plus a year in dubious loans to Third World nations.

BORROWING

Are we too deeply in debt? The proportion of our federal deficit that is being financed by overseas money is less today than it was seven years ago. Our national debt as a percentage of the GNP is smaller than that of Japan and Germany. The debt-to-equity ratio of corporate America, taking market values, is better today than it was during the 1970s.

If the dollar rises—it's a crisis. If the dollar falls—crisis. If the stock market goes down—that's trouble. If it goes up, it's 1929 all over again.

Foreign observers haven't been much better than our own. To hear their carping, you would never know that if it hadn't been for the stimulus of the U.S. economy, Europe would still be in a deep recession and Japan would have had only a fraction of its growth in recent years.

We certainly have problems, and certain industries have them more than others. But the hysteria about the overall state of the American economy is unhealthy. And wrong.

THE SUPERCONDUCTING SUPER COLLIDER

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. EDWARDS of California. Mr. Speaker, a few weeks ago the administration announced its decision to construct the superconducting super collider, [SSC]. The machine, when completed, will establish the United States as the leader in high energy physics research. Since the administration's decision many newspaper articles throughout the country have appeared endorsing the machine. I would like to bring the following two articles to my colleagues attention as two of the very best.

The articles follow:

[From The Oakland (CA) Tribune, Feb. 12, 1987]

PHYSICISTS' SUPER DILEMMA

(By Peter Aleshire)

You've got to pity physicists—they can no longer pay the mortgage on an ivory tower.

So they've had to come down from on high and muck around with, well, politicians.

Now, it's hard to imagine two types of people with more different world views than physicists and politicians.

Physicists are obsessed with tiny details of the big picture. They'll spend years studying what happens when an electron in an atom jumps from one energy level to another so that they can test some theory that explains how the universe started.

They do not, for the most part, worry about how this information will affect the economy, or the next election.

However, these are the very questions that obsess politicians. Unaccountably, the average member of Congress spends hardly any time thinking about the fascinating dual wave/particle nature of light.

This would be all well and good if the physicists hadn't been so brilliantly successful that answers to their most urgent question can only come from things like the proposed $4.4 billion superconducting supercollider; a gigantic device whose sole purpose is to determine exactly what happens when two protons expire in a head-on collision.

Similarly, politicians could safely shake their heads and make snide cloakroom jokes about eggheads, if the physicists 40 years ago hadn't figured out how to blow up the entire electorate.

So the physicists and the politicians have been thrust into an awkward, symbiotic relationship.

President Reagan's recent decision to support construction of the stunningly expensive superconducting supercollider is a case in point.

There will be a lot of debate about spending the $4.4 billion in the face of the $200 billion federal budget deficit. Physicists will explain that the collider will bolster U.S. technological leadership in a wealth of fields crucial to our ability to compete economically with Europe and Japan. There will be a lot of talk about spinoffs—like super-fast magnetic trains and devices to make pictures of the inside of the body, which are already spinoffs from the super-chilled, superconducting magnets devised for accelerators.

There also will be a lot of talk about how impossible it is to predict what will come of fundamental new knowledge. After all, a century ago electricity was a useless laboratory curiosity good only for frying unwary researchers.

But as far as I'm concerned, forget all that spinoff stuff. That's just an excuse for spending the money.

I want to know why galaxies formed, why mass popped into existence, how the universe is going to end and why radiation is so completely different from electricity.

You see, particle accelerators are designed to smash together subatomic particles with such force that they are converted into extremely dense, microscopic blobs of pure energy. The bigger the accelerator the harder the collision and the denser the blip of energy.

To understand why that matters, you have to realize that 15 billion years ago all the mass and energy in the present universe were packed into a single point with no real size at all, and with infinite mass. Don't try to picture this—it will kill brain cells.

This enigmatic spot began to expand for some reason and, as it cooled, immensely important things like gravity and matter condensed out of the maelstrom. Everything from subatomic particles to the very laws of the universe suddenly appeared at specific "temperatures."

The energy denisty created in the superconducting supercollider will be about equal to the densities that existed when the universe was a tiny fraction of a second old. That's the point at which there appeared objects called quarks—from which one can make things like protons, neutrons, stars and people.

This is also the moment when sudden differences appeared between the force that creates electricity and the force that causes radiation. Prior to that moment, they were the same force. Afterwards, they went by very different rules.

It was as though a universe of water had suddenly undergone a change of state and turned into ice.

So when the supercollider comes on line in 1996, for the first time in the planet's history a little piece of the universe's "ice" will turn back into "water".

Of course, it's still a very cold universe and the droplet of "water" will instantly freeze. But the glimpse of "water" will provide clues to some of the most fundamental mysteries of our "ice"-bound universe.

It will reveal something about why matter clumped into masses like galaxies as the universe cooled, whether there are whole new types of energy and matter and whether the universe will expand forever. The supercollider will point the way toward elegant, inexpressibly beautiful mathematical formulas that explain the workings of the whole universe.

In short, the supercollider will be an astonishing triumph of human imagination and determination, a token of our saving grace, the claim we have on the Creator's bemused affection.

Robert Wilson, who talked Congress into financing an earlier $500 million accelerator at Fermilab in Illinois, said it best when he stubbornly refused to argue that spinsoffs from the accelerator would somehow help the defense industry.

"Is there anything connected with the hopes of this accelerator that in any way involves the security of the country?" asked Sen. John Pastore.

"No sir, I do not believe so," replied Wilson.

"Nothing at all?" demanded Pastore.

"Nothing at all," said Wilson unperturbably.

"It has no value in that respect?"

"It has only to do with the respect with which we regard one another, the dignity of men, our love of culture. It has to do with those things. It has to do with, are we good painters, good sculptors, great poets? I mean all the things we really venerate and honor in our country and are patriotic about. It has nothing to do directly with defending our country except to make it worth defending."

[From The Oakland [CA] Tribune, Feb. 10, 1987]

SUPERCOLLIDER COULD BE A STEAL AT $5 BILLION

(By Peter Aleshire)

The question as to whether the world's biggest atom smasher is worth $4.4 billion is like one of those optical illusions. Concentrate on one part of the picture, and it looks like a vase—concentrate in a different place and it looks like the outline of two faces looking at one another.

The question became more political than academic recently when President Ronald Reagan announced that he supports plans to build the mammoth collider by 1996. Reportedly, that means a $60 million addition to the Department of Energy's budget for fiscal 1987 and peak funding of perhaps $500 million a year once construction begins sometime in the early 1990's—which would effectively double the Federal budget for high-energy physics research.

The only question now is whether Congress will go along and whether the continued inability of the government to bring the budget deficit under control will change the best-laid plans.

Now, if I were just the science writer, I would have no trouble advising Congress how to vote. It seems to me that 4 million years of human evolution demand that we build this 53-mile-around underground tunnel in which protons will collide with such energy that they'll recreate conditions that existed when the universe was a quadrillionth of a second old.

The results of those microscopic collisions will help physicists determine how the universe began, why energy condensed into mass, why galaxies formed, what will eventually become of the universe, and they will contribute toward the development of a single mathematical theory that explains all of the wildly different forces in the universe—from the firing of the neutrons in your brain to the orbit of the Earth.

But, then, I'm also the medical writer. The construction costs of the supercollider would just about pay the State's Medi-Cal bill for a year. Right now, today, we've got children being beaten to death because there are no child protective service workers to investigate the early, tell-tale reports of abusive parents. We've got people sleeping every night in cardboard boxes. We've got babies being born dead because their poverty-stricken mother can't find a doctor to provide prenatal care.

Ostensibly, we can't deal with all of these problems because the Federal Government has got a $200 billion deficit. That's an inconceivable amount of money. Convert one-year's deficit into a stack of $1,000 bills and it would be a navigation hazard to an orbiting space shuttle.

So, obviously there's a terrible budget crisis in Washington and everyone's got to tighten their belt. A few years of sacrifice, a judicious increase in taxes to pay off the debt, and then we can talk about supercolliders.

Except, this is the same government that is spending about $5 billion annually on research into a missile defense system that won't work, if we're lucky, and will make the world far more dangerous if it does. One aircraft carrier task force—capable of standing by helplessly off the coast of Lebanon—costs twice as much as the supercollider. This is a government handing out tax breaks and spending about $300 billion a year on the military.

Therefore, I say we've got to build the collider, a thin tube surrounded by 8,000 huge superconducting magnets that will goad protons into head-on collisions at nearly the speed of light.

I could summon up a bunch of prosaic reasons for building the collider, a 10-foot-wide tunnel 60-feet underground. It'll create 7,000 jobs; it'll ensure America's dominance in the world of physics which is crucial to our whole high-technology economy, it will draw thousands of brilliant new people into physics who will in their careers discover many wonders; it will create spinoff industries.

Already, supermagnets built for accelerators have spawned magnetic resonance imagers—the latest way to make life-saving pictures of the inside of the body.

Those are probably the kinds of arguments that will be used to sell Congress on the collider.

I offer them out of expediency—having also been, in my checkered career, the political writer.

But as far as I'm concerned, they're just an excuse. The real reason to build the collider is to be faithful to our long-dead ancestors who first watched the fire started by a lightening strike and wondered. It's what we're about, like cats are about fluid leaps and pouncing on small moving things.

Still, I have to admit, at times like this, the memories of desperate women trying to find doctors for their dying babies take the fun out of spending $4.4 billion on atom smashers.

CONGRESSIONAL SALUTE TO MR. BURNETT MILLER

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. MATSUI. Mr. Speaker, I would like to call the attention of my colleagues in the U.S. House of Representatives to the exemplary community service performed by R. Burnett Miller, who receives the Sacramento Board of Realtors' 1986 Sacramento Citizen of the Year Award.

Burnett is invaluable to our community. He has devoted over 35 years of his life to improving Sacramento and assuring that our unique city's historical and cultural assets are preserved for future generations of Sacramentans. Burnett is selflessly and unselfconsciously dedicated to the people of Sacramento, and he serves as an outstanding role-model to all citizens, young and old.

Burnett has given freely of both his time and energy, and has long been a community leader in Sacramento. He has served as a city councilman and as mayor, and has served as a volunteer on the Board of Directors for Mercy Hospital, the Sacramento Regional Foundation, the Sacramento History Center, the Sacramento Trust for Historic Preservation, Friends of the Arts Commission and the Library Foundation. He continues to serve currently as chairman of the Crocker Art Museum Association's Capital Building Campaign.

The arts have long held Burnett's attention and Sacramento is richer due to his strong commitment to improving and enriching our community's cultural arts. His efforts on behalf of the arts have included serving as president of the Sacramento Regional Arts Council, membership in the Conductor's Circle for the Sacramento Symphony, participation in the formation of the metropolitan arts commission, founding the Crocker Art Gallery Association and the library foundation and participation in the building of the State railroad museum.

Mr. Speaker, Burnett Miller is a dedicated American and a strong, thoughtful, and compassionate community leader. On behalf of the people of Sacramento I congratulate Burnett as he receives the 1986 Sacramento Citizen of the Year Award for his extended achievement and service to our city, I offer my sincere best wishes to Burnett, his wife Mimi, and his other family members, and thank him for his dedicated service to the people of Sacramento.

THE DEATH OF BROOKS SMITH

HON. GEORGE (BUDDY) DARDEN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. DARDEN. Mr. Speaker, I am saddened to inform my colleagues of the recent death of Brooks Smith, a well-respected member of the journalism community in the State of Georgia.

Brooks Smith also was an outstanding contributor to civic life in my hometown of Marietta. And, my family and I will remember him as a kind, generous, and helpful neighbor.

During the 20 years as publisher of the Marietta Daily Journal, Brooks Smith built that daily publication from a circulation of just 3,800 to a sturdy readership of 20,000—with a matching advance in its prestige among Georgia newspapers. It was also during that time that the Marietta Daily Journal began acquiring other metropolitan Atlanta newspapers—the beginning of what has become the dynamic Neighbor Newspapers.

Brooks Smith was a native of Vinita, OK, and a graduate of Baylor University. He served as a reporter, bureau manager, and Southern division sports editor for United Press International, and was an editor on UPI's New York war desk during World War II.

While he was Southern division news manager for UPI after the war, he won recognition for his outstanding coverage of the tragic Winecoff Hotel fire in Atlanta in 1946.

Brooks Smith was a member of the Marietta Rotary Club for 30 years and was president during the club's golden anniversary celebration of 1954-55. He was a former chairman of the Cobb County Red Cross, a director of the YMCA, a Kennestone Hospital volunteer, a Cobb Chamber of Commerce director, and a volunteer with the Meals-on-Wheels Program.

Mr. Speaker, I ask my colleagues to join me in expressing our condolences to his widow, Lucia Rogers Smith, and to other members of the family of Brooks Smith—an outstanding practitioner of the art of journalism. I also would like to have included in the CONGRESSIONAL RECORD the invocation which my wife, Lillian, offered during the funeral service for Brooks Smith—a man who, as she reminded us all that day, was a friend, a neighbor, and a true Christian example.

"Let us pray:

O Father, in this solemn and sacred moment, we recognize You as the giver of all good and perfect gifts. The world was blessed by the life and labors of our friend and neighbor, Brooks Smith. Life, to him, was a priceless trust, a search for the truth. Brooks Smith presented to the world a living example of the admonition, "Ye shall know the truth and the truth shall set you free." He felt that the pen was a far more powerful instrument than the sword. He attempted to remove the chains of ignorance and superstition from the minds of your children, and to allow peace and truth to cover the earth as the waters cover the sea.

For the eternal influence Brooks exerted in his private and public life, we thank Thee. Truly he lived an exemplary life. We thank You for the Christian home he and Lucia established. We thank You for the wonderful children and grandchildren who came from this fine union. They can always be thankful for their heritage, remembering "A good name is rather to be chosen than great riches."

Father, turn the search light of truth on each mind and heart in this church at this moment. May each one here remember that life is so uncertain and we are given a limited period in which to make our contribution to society. May we live a life of service for others as Brooks did, and know that truly it is more blessed to give than to receive.

May our lives, as was Brooks' life, be consistent with the message our words proclaim. When we stand before the final Judge, our God, may He say to us, as we know He is saying now to Brooks, "You have fought a good fight, you have finished the race, you have kept the faith, enter thou into the joy of the Lord." Amen.

THE 100TH ANNIVERSARY OF THE AUBURN, NY, CHAMBER OF COMMERCE

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. HORTON. Mr. Speaker, March 9, 1987, is a very special day to me and to my constituents in the Auburn, NY, area. On that day the Chamber of Commerce of Auburn and Cayuga County will celebrate its 100th anniversary as a business and trade organization.

The chamber, with over 400 members, has played a crucial role in the economic development of central New York. From its inception as the Auburn Board of Trade on March 9, 1887; to the Business Men's Association of Auburn two decades later; and to the Auburn Chamber of Commerce in 1915, the Chamber of Commerce of Auburn and Cayuga County has been at the forefront of business activity.

The responsibilities that come with representing a business community in a city require a great deal of time and effort. The responsibilities of representing not only the urban center but the rural communities throughout the county, which the chamber does, seem overwhelming. Chamber President Thomas Penman and 1987 Chairman William A. Naiva are to be commended for their skill and diligence in managing the organization.

Cayuga County rests among New York's most beautiful setting—the Finger Lakes region. Its pristine beauty often hides the fact that it is in upstate New York—in our Nation's frost belt. Economic development in this region, we are told, is a thing of the past. Business and industry are moving to the West and South. The area is slowly decaying at its foundation, they say.

Well, those who believe that are wrong; dead wrong. The Chamber of Commerce of Auburn and Cayuga County recently formed an economic development council in an effort to attract more business and industry to the area. Even though the council is in its infancy, it has been a tremendous success. Despite continued difficult times in and around the area, Cayuga County continues to make a resounding comeback from the recession-filled years of the early 1980's.

A centennial anniversary is an exciting and wonderful occasion, and worthy of being honored. The people of Cayuga County can take pride in the success of the chamber. Thousands of citizens have taken part in the activities of this organization, and literally hundreds of thousands more have benefited directly from its work. These benefits include a stronger local economy, improved schools and a clear sense of "community." These are the things that make Auburn the city it is. And the people of the Chamber of Commerce of Auburn and Cayuga County have played a critical role in this development.

Mr. Speaker, when the official anniversary of the chamber comes next week, I hope those involved—directly or indirectly—will take time to reflect on the history of the organization and on the positive impact it has made on central New York.

I want to send my personal congratulations to Tom and Bill and the entire membership of the Chamber of Commerce of Auburn and Cayuga County for a job well done.

BLACK AND IN BUSINESS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. LELAND. Mr. Speaker, I would like to bring to the attention of my colleagues the following article which appeared in the February 23, 1987, edition of the Houston Post. The article probes into the concerns and efforts of the little-recognized minority entrepreneurs in the Houston area and can be used when studying the issue of minority-owned businesses on a national scale.

The Houston City Council recently approved an ordinance designed to augment the percentage of the total dollar spent by the city of Houston toward minority-and women-owned businesses. Since 1984, the number of minority-owned businesses in Houston has increased significantly. There are approximately 11,000 businesses owned by blacks in Houston, a figure that represents nearly 16 percent of the total number of businesses in Harris County. There have been distinct efforts made to award government contracts to these businesses by the city of Houston.

It is my hope that my colleagues will be able to use this article as a model when the issue of minority-owned businesses arises in their respective districts. I commend this article to my distinguished colleagues.

[From the Houston Post, Feb. 23, 1987]

BLACK AND IN BUSINESS—MINORITY ENTREPRENEURS STRIVE FOR PIECE OF AMERICAN DREAM

(By Margaret Downing)

Talk to them and they sound the same theme in separate conversations from different experiences. They work long, some would say incredibly long, hours. They are detail experts, contemplating expansion, contained by cost-effectiveness.

They are the successful and the up-and-coming black businessmen and women of Houston and they are just like their white counterparts—embodiments of the American ethic of pride, hard work and determination.

And, of course they are not like them.

To be black and in business in Houston is to be struggling with a bad economy.

But, some black leaders say, as minorities they face additional problems. Financing may be harder to get, with bank loans particularly difficult to negotiate, they say. The supportive networks of contacts and relationships with the white, majority business community often aren't there.

There are prejudices to overcome. The same consumers who avidly buy barbecue from a black-owned business, may hesitate at a black-owned car repair shop, back off from a black architectural firm, and have no intention of ever doing business with a black realty firm.

And these prejudices apply not only to whites, but to blacks who take their business elsewhere, black leaders say. A catch phrase rebounding about the black business community in Houston goes like this:

"A dollar in the Asian community turns over four times before it leaves. Only 80 cents of the first dollar in the black community stays there before it leaves."

"We have seen a lot of black businesses fall to the economy," said Earl B. Loggins, chairman of the board of the Houston Citizens Chamber of Commerce, the black chamber in Houston, which has more than 2,500 members.

Out of the more than 70,000 businesses in Harris County, 11,050 are owned by blacks, according to government figures. That's roughly 16 percent. The majority are small operations with sole proprietorships accounting for most of them.

The percentage of contracts given out to minority-and women-owned businesses in Houston by the city is increasing. In 1985, out of $569.1 million in contracts let, $57.5 million or 10.1 percent went to minority-or women-owned business. In 1986, out of $542.5 million in contracts, $75.9 million or 13.9 percent went to minority-or women-owned businesses.

According to Houston City Councilman Rodney Ellis, before passage in 1984 of the Women and Minority Business Enterprise ordinance, less than 1 percent of the total dollar spent by the city went to minority-and women-owned businesses.

Assessments of the status of black-owned business in Houston are as varied as the people issuing them.

Some blacks open their own businesses after being stymied in their attempts to reach the top of a corporation.

"A person wants the satisfaction of knowing he can more so control his own future, his standard of living. It's a matter of being compensated better through efforts of your own energies rather than working for someone else," said Milton Carroll, chairman of the Texas Southern University Board of Regents and president of a machine shop that caters to the oil service business and has diversified with defense industry contracts.

"There's a lot of black businesses around Houston that people don't read about or talk about. People take them for granted.

"We have the architects, the engineers, the doctors, but there are other service and retail establishments in Houston," said Carroll.

According to Richard Wiltz, economic development coordinator for the Houston-Galveston Area Council, it isn't a lack of expertise that keeps blacks from running their own businesses.

"We have a number of people who've run businesses for others, so that's really not the problem," Wiltz said.

"Capital and collateral are the biggest problems," said Wiltz.

What many blacks don't realize is that plenty of funding help is still available in the Houston area, either through several federal programs such as the Small Business Administration or the MESBIC Financial Corporation of Houston, Wiltz said.

Councilman Ellis sees the situation from a slightly different perspective.

"I think that there is a basic problem in the black community of not having enough people who are of the entrepreneurial nature," said Ellis.

"A lot of people in my generation—I'm 32—grew up being taught that if you go to school and get a good education, that is your passport to prosperity," said Ellis.

"We've put a lot of emphasis on higher education. I have three degrees myself. Somewhere along the way there is a need to push the message to take the risk and start a business."

Black accomplishments in business are frequently compared—unfavorably—with those of the Oriental immigrants to this country, many of whom seem to arrive here with nothing and within just a few years are handling thriving businesses.

Ellis and other blacks readily acknowledged this, but gave differing reasons for the situation.

To Ellis it's simple. "A number of other ethnic groups come from a system where there was a strong entrepreneurial background. I have gone to the Far East on a number of occasions and in Taiwan, for instance, it has always amazed me everybody's always selling something."

To J.J. Smith, project director for the Minority Business Development Center, which is designed to aid minority businesses in getting financial assistance and contracts, the reason also is simple.

"Many Asians will take businesses that have low profit margins and make them work. They work seven days a week and live behind or above the business.

"You're not going to find many Americans doing that, and blacks are very American in their culture," Smith said.

Also, Smith said, "There is a tendency for blacks to want to disperse, to integrate, while you find most other groups . . . tend to come together. This puts a black business person at a competitive disadvantage. There's no way a black-owned supermarket is going to compete with Safeway in an integrated neighborhood. A Safeway could succeed in the black comunity," Smith added.

There have been problems in other cities with the minority- and women-owned businesses with companies owned and dominated by whites setting up a black chief operating officer as a figurehead to unfairly capture the new business. Ellis said this has not happened here to any great extent.

"I think our major contractors realize the city is very determined on this," agreed Councilman Judson Robinson. "Our affirmative action section headed by Mrs. (Lee Elliott) Brown has done a great job of seeing those kind of shams are revealed for what they really are."

Robinson, whose father started his real estate business in 1944, said he went into the business because "it was just something that all of us children understood that our parents expected us to become involved in.".

He thinks strides have been made since then, when black-owned businesses dealt mostly with the black community.

"In 1944, because things were segregated the majority community did not want to rent you a house. We fell in and performed a service that persons out of the majority community did not want to do," said Robinson. "Today, I think the first thing a person looks at is the color of the dollar, and if the dollars are green they go after them."

According to Loggins of the Houston Citizens Chamber, despite the problems blacks in Houston are increasingly interested in going into business for themselves. "Some of them feel like they might have been better off when this economy hit. They would have had something instead of just being terminated."

Blacks are countering their lack of entree into the white business world with networking groups of their own.

Lorenza Williams and Renee Ferrell founded The Houston Business Exchange for minority networking in June. The Tuesday morning group has 48 members in its one-person-per-profession membership, with a goal of more than 100 members in the next six months.

And, this Thursday, as part of a nationwide program, Black Enterprise Magazine is coming to Houston to sponsor "Professional Exchange: A Networking Forum." The seminar, scheduled for 6-11 p.m. at the Holiday Inn Crowne Plaza, 2222 W. Loop South, is cosponsored by the Wall Street investment house Shearson Lehman Brothers Inc., the Houston Citizens Chamber and Houston's Black Professional Organizations.

In announcing the program, Earl G. Graves, editor of the magazine, said, "We recognize that reaching our full potential for success in the worlds of business, finance or the professions requires much more than knowledge, skill and determination.

"We must work diligently to build our own versions of old boys networks."

Norman D. Campbell is a 35-year-old black businessman who in December 1985 engineered a leveraged buyout of Star Adair Insulation, an insulation company that had filed for reorganization under Chapter 11 of the federal bankruptcy laws.

By reducing its operations to a Houston base and concentrating on the Gulf Coast for business—as opposed to a previous sales territory of 25 states—Campbell was able to get the company in the black again.

Why take on a failing company as his first private entrepreneurial venture?

"I felt like I had the personal ability to make it work as a company. My background had been in business . . . My father had his own business, his own dry cleaners," said Campbell, who holds a graduate degree in business from Southern Methodist University.

"In business you just have to accept the fact you don't leave at 5 o'clock. You have to have the type of personality that you enjoy the challenge."

REPRESENTATIVE MILLER APPLAUDS CONTRA COSTA COUNTY'S EFFORTS FOR THE HOMELESS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. MILLER of California. Mr. Speaker, my constituents of Contra Costa County, CA, have made an extraordinary commitment to helping the homeless in our community. I want to highly commend their efforts.

We have not seen a housing crisis of the magnitude we are witnessing today since the Great Depression. Homelessness is rising in every area of the country, in rural areas as well as the inner cities. For whatever reason—the unavailability of affordable housing, lack of employment opportunities, or deinstitutionalization of the mentally ill—up to 3 million Americans are now without homes.

Forty percent, the fastest growing segment of the homeless, are families with children. In an effort to cope with living without a home, families are being torn apart. Parents with children are forced to decide between their children sleeping in a car, dilapidated shelters, or on a street corner and placing them in foster homes. In many cases, the father leaves the family when a shelter refuses to take the family as a whole. Of the 800,000 children living on the streets, a great number regularly miss school, if they attend at all, and suffer from emotional trauma associated with homelessness.

Contra Costa County, where perhaps as many as 10,000 individuals are homeless, established an Office on Homelessness last November. As a recent article from a Contra Costa newspaper details, the office was created by a county task force with donations of $10,000 from the Hands Across America benefit and office space from the United Way. With a dedicated director in Ms. Carol Severin and a group of committed volunteers, the office has recently conducted a countywide survey to determine the extent of the homeless problem in Contra Costa. They also plan benefits and an indepth study of homelessness in Contra Costa in the near future.

We will soon be considering H.R. 558, urgently needed legislation to provide relief for the homeless. While this bill and additional long-term measures are critical to ending homelessness, we cannot succeed without the continued efforts of local communities and organizations across the Nation. I am proud that my constituents are working hard to meet this challenge.

The article follows:

CC HOMELESS WILL BE COUNTED NEXT MONTH

(By Craig Jarvis)

MARTINEZ.—Contra Costa's new Office on Homelessness next month will try to take a head count of people in Contra Costa who don't have anywhere to live.

It will be the first such survey in the county, where the number of homeless is anybody's guess.

Organizers said the survey won't reveal the true homeless population here, since it will rely strictly on phone inquiries for shelter various agencies receive during one week.

The organizers, however, say it is a starting point that will provide preliminary figures and a sense of where people are without homes. With that information, the county can begin to look for money to solve the problem.

From Feb. 15 to 21, social service agencies, crisis hotlines, police departments, churches, hospitals and others will be asked to fill out a survey form for each shelter or housing inquiry they receive.

The forms will list the caller's first name and last initial, to protect anonymity and will include questions on the number of children, what area they are in and where they have lived or been employed.

Alameda County will conduct the survey at the same time. It is the second year in a row that county has taken the poll.

"It's an easy and quick study we're doing," Contra Costa Office on Homelessness Director Carol Severin said Wednesday. She said she hopes to conduct a more in-depth study later that would include information on racial makeup, geographic distribution, how long the people have been homeless, where they go for help and how many children are involved.

The Office on Homelessness opened last November, after hiring Severin from a consortium of five agencies offering homeless services in Santa Clara and San Mateo counties.

The office was created by a county task force. Severin's salary as part-time director is financed by a $10,000 donation from the Hands Across Contra Costa County benefit. A volunteer staff is being assembled to work in Concord office space donated by United Way.

The office is applying for community development funds through the county and Concord, and will soon apply to Walnut Creek and look for private donations, Severin says.

There are no reliable estimates on the size of the homeless population here, although some county officials have estimated about 3,000 and Contra Costa Suicide Prevention guesses about 1,700. Those figures are based on census and employment statistics.

"We really don't know the number," Severin said. "In San Mateo County it is estimated on a given night there are 10,000 homeless. That's a smaller county than this, and it has the same pockets of poverty and wealth."

Since the survey will rely on phone calls, it will exclude the people who have given up calling for help, she said. "We know that most homeless people will not be calling for services that week."

Some people don't want to be identified, even in an anonymous survey because of embarrassment or fear of retribution, she said. Those people include the employed homeless, women with children and families without shelter.

"There is a major concern in Contra Costa about the homeless situation," supervisor Tom Powers of Richmond said Wednesday. "We need to find out who it is that is homeless."

Phoenix House in Concord has received $500,000 from the state to develop three drop-in centers in East, West and Central County. Two of them will allow the homeless to clean up and be referred to available shelters, and the third will be a six-bed emergency shelter.

Contra Costa is also applying for funds to finance a program that would provide first- and last-month rents so qualified applicants can afford a home once they find one.

"Often folks are homeless, for one reason, because they can't pay rent," Powers said. "The landlords require at least double the rent for the first time in. Some of those folks don't have that. They're making minimum wage."

The county Social Services Department also provides vouchers for brief stays in motels. The Richmond Rescue Mission runs an 86-bed shelter on private donations, but reports it is always full.

DIRECTOR TACKLES IMMENSE TASK OF ORGANIZING PROGRAM

A few months back, when Carol Severin was approached by the Contra Costa County Task Force on Homelessness—a somewhat disorganized group with lofty goals and $10,000 from Hands Across Contra Costa—she had to wonder whether she was ready to take on a county that was so clearly behind the times in recognizing the homeless.

Severin was working as an advocate and fundraiser for the homeless in San Mateo County at the time and had played a major role in bringing to light the homeless problem there. Enough so that a million dollar homeless program was started that included developing three new homeless shelters.

Now, glancing around the single room donated by the United Way organization, the Office of Homelessness looks somehow lacking—the walls are bare, papers are scattered all over the place.

There is no computer system, no charts and little filing space.

It doesn't take long to realize that the Office of Homelessness is Carol Severin.

And what could be—and in most cases would be—a rag-tag operation, is surprisingly organized.

With little in terms of resources, Severin has made the most of an overwhelming responsibility.

In the two months since she came to Contra Costa, Severin has helped to organize the county's task force and has put together a workable program to get the county moving in the right direction.

Her first project will be trying to take a count of how many homeless are in Contra Costa. A countywide survey will be conducted for the first time in Contra Costa from Feb. 15 to 21.

The Office of Homelessness is also sponsoring a comedy benefit at Fubar's Comedy Club on Feb. 16. A group of local comedians are expected to perform, including Deb and Mike, Tree, Steve Carey and an unannounced headliner.

The money raised will go toward establishing a Housing Crisis Loan Fund to provide first and last month's rent and deposit assistance for the homeless. Those who are unable to attend but wish to support the cause may donate their tickets to low income people through the Office of Homelessness.

The tickets for the benefit are $10 apiece and can be purchased from Fubar's Comedy Club, 2219 Morello Ave., in Pleasant Hill. Call Fubar's at 685-FUBR or the Office of Homelessness at 827-3598 for tickets.

The Office of Homelessness is also planning to start an information and referral service for the homeless.

Severin can't do it all on her own, though. She is in need of volunteers to help her answer the phone which has been ringing off the hook and to help out with the paperwork.

The Office of Homelessness also needs money. It is a nonprofit organization and relies on charitable donations.

If you are interested in volunteering your time or money, call the Office of Homelessness at 827-3598. It is located at the United Way office in Concord, 1070 Concord Ave., Suite 270.

AMERICAN EXCELLENCE ACT OF 1987

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. MOORHEAD. Mr. Speaker, I would like to bring to the attention of my colleagues the administration's American Excellence Act of 1987 that was introduced on February 19, H.R. 1155. Our Nation is plagued with a trade deficit growing at an alarming rate. Technological progress is at a standstill. The President has recognized these problems and has established a national goal of assuring competitive preeminence into the 21st Century. This bill is an important step toward achieving the national goal. This bill is vital in maintaining U.S. competitiveness in the world market without embracing protectionism. Title III, the Omnibus Intellectual Property Rights Improvement Act of the bill is important to me as ranking minority member on the Courts, Civil Liberties and Administration of Justice Subcommittee.

Title III addresses the problems faced by intellectual property owners. Our intellectual property owners cannot obtain adequate protection under the current patent, trademark, and copyright laws in many countries. Ideas are stolen. Products are counterfeited. Foreign works and goods are coming into this country using our copyrights and patents. We see that American industry does not have sufficient incentives to invent new products when they know that adequate protection is not available. Research and development is dwindling. Unemployment is increasing while the demand for goods is decreasing. Trade with foreign nations is plummeting because of our inability to place new products on the market.

Title III encourages innovation, promotes research and stimulates trade by better protecting intellectual property rights. It seeks to establish protection for products of patented processes, to restore the term of agricultural chemical and animal drug patents to compensate for Federal premarketing regulatory delays, to promote licensing of patented technology, and to reduce the cost of enforcing patent rights, Though I am not committed to every feature of this proposal, I believe it has considerable merit.

I would like to briefly highlight two areas of particular interest to me: Protection of products produced by patented processes, and patent term restoration.

Title III seeks to provide protection to products resulting from patented processes. This provision is similar to the bill, H.R. 380, which I introduced several weeks ago. Under existing patent law provisions, a patent is infringed only if the patented product is used, made, or sold in the United States. This is sufficient in the case of product patents because the sale in the United States of a patented product is an infringement irrespective of where it is made. However, there is not an effective way under current patent laws to obtain damages and prevent a firm from using the protected process overseas and then selling the product of the process in the United States. Title III closes this damaging loophole in U.S. patent laws and extends the rights of a patentee with a process patent to exclude others from using, selling or importing products made by the patented process.

Besides protecting products of patented processes, title III, restores the patent term for agricultural chemical and animal drug patents which are subject to mandatory Federal premarketing regulatory review. Though Federal premarketing regulatory review is necessary to ensure safe and effective products and processes, the patentee is precluded from commercially exploiting his product or process during a portion of the term because of the review. Title III seeks to balance the need for safety and effectiveness with the patentee's right to exploit fully his invention and provides for an extension of the patent term equal to the length of the Federal regulatory review. Patent term restoration therefore allows a patentee to obtain full benefits of the invention.

In conclusion, title III is necessary to adequately protect intellectual property. Without title III, American jobs, American industry, and American production are at stake by the increasing flood in our markets of pirate goods from abroad. Title III will stimulate innovation by providing better protection to owners of new inventions. As new products are made and research and development increased, our economy will grow. Increased trade will result in a decrease in the trade deficit. My colleagues, I urge you to give great consideration to title III and help America maintain competitive preeminence into the 21st century.

VIEWS ON H.R. 558

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. McKINNEY. Mr. Speaker, I would like to submit for the CONGRESSIONAL RECORD a letter sent to me by Connecticut Gov. William O'Neill which expresses his views on homelessness. I am pleased to receive the Governor's support for legislation H.R. 558, the Urgent Relief for the Homeless Act, and I am sure his concerns are representative of those of State leaders across the country.

Testimony presented to the Subcommittee on Housing and Community Development during hearings on H.R. 558 and letters such as Governor O'Neill's attest to the need to help those who desperately require assistance, the homeless. This week the House will consider H.R. 558, and it is my hope that my colleagues will give their full support to this urgent legislation.

The letter follows:

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, February 27, 1987.

Hon. STEWART MCKINNEY,
House Banking Subcommittee on Housing, and Community Development, Washington, DC.

DEAR STEWART: Since I was unable to testify at your February 4 hearing in Washington, D.C., I appreciate the opportunity to convey to you my views on homelessness. You and your Subcommittee have been a driving force in the national effort to aid the homeless. I especially want to thank you for introducing H.R. 558, the Urgent Relief for the Homeless Act. This bill would make a major contribution to our State's effort to address this national disgrace. Moreover, you are to be commended for your leadership in organizing the "Great American Sleepout" that will help accelerate the passage of H.R. 558.

In Connecticut, we are blessed with a healthy economy, a high standard of living and low unemployment. But despite this prosperity, there also exists an underclass with no money, no hope and no home. This homeless underclass does not discriminate: its membership includes citizens and families from all walks of life. As Charles Dickens once wrote: "It was the best of times, it was the worst of times . . . it was the spring of hope, it was the winter of despair. . . ." For most of the over three million residents of Connecticut, life is indeed filled with "hope" but for over 25,000 of our citizens life breeds no more than "despair."

One factor that makes a significant contribution to the severity of the homeless problem in Connecticut is the steady and steep decline in the Federal commitment to low-income housing since 1980. At that time, the level of new budget authority for housing needs nationwide was $26.7 billion. For FY 88, new budget authority for assisted housing is projected to fall to $3.9 billion.

Connecticut has not escaped the effects of this trend. In fact, the cuts in Federal subsidies for low-income housing has hit needy families in our State the hardest. When you consider that the waiting list for two- and three-bedroom apartments suitable for families is now *closed*, and those lucky enough to be on the waiting list can expect to wait up to five years before they can move into a Federally-subsidized unit, it is no wonder that families in our State are now becoming more and more evident among the homeless population.

Another indicator of the housing situation in our State which sheds light on the homeless problem is the Rental Housing Crisis Index calculated by the National Low Income Housing Coalition. Any index greater than 1.00 indicates more very low-income renter households in need of affordable housing than there are rental units available in the State. In 1980, Connecticut's index was 1.496. By 1985, it had nearly doubled to 2.803. This lack of available low-income rental housing is reflected in the growing number of homeless we see on our streets every day.

In Connecticut, we have already implemented an aggressive program to help these people. I appointed a Governor's Task Force on the Homeless to devise an action plan that would offer a comprehensive and coordinated approach for providing shelter, housing and support services for the homeless. Pursuant to the Task Force plan, the spending for the homeless increased to $3.1 million in fiscal year 86-7 for shelters and services, including $200,000 for new shelters, $515,000 for social services, $250,000 for a statewide security deposit grant program and a Federal contribution of $520,000. In addition, the State approved $500,000 in bonds for an innovative housing program that provides grants or loans to private nonprofits for the acquisition, rehabilitation or construction of rooming houses or multifamily dwellings for homeless persons or families.

In conclusion, I once again commend you for taking the lead on this critical matter. Your bill will greatly complement what we have already been doing in our State. I cannot stress to you enough that even though our State and others have implemented programs to help the homeless, it is vital that this national tragedy be addressed with a coordinated Federal response. One of the themes in my 1987 budget is sustaining the Connecticut Family. Our Family is highly interdependent; if we ignore the needs of one segment of one society, the whole State will suffer. The same can be said for the entire Nation. Thus, it is unacceptable to have a Nation where there are more homeless today than during the Great Depression.

Sincerely,

WILLIAM A. O'NEILL,
Governor.

BLACK HISTORY MONTH

HON. C. THOMAS McMILLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 24, 1987

Mr. MCMILLEN of Maryland. Mr. Speaker, I rise today to call my colleagues' attention to a most distinguished military career, that of Sherian Grace Cadoria, brigadier general in the U.S. Army. I am pleased to announce that the women of Mount Moriah plan to honor General Cadoria for her contributions to the armed services at a luncheon on February 28 in Annapolis, MD.

General Cadoria's career thus far spans 24 years in a number of important duty assignments. She has served particularly well in the vital field of human resources development and personnel management. In each of her tours of duty, she has demonstrated not only a strong sense of leadership that is worthy of our admiration, but also a clear understanding of and dedication to the vital role of military personnel in the preparedness of the U.S. Army. Her current assignment reflects her efforts in this area; presently General Cadoria is Director for Manpower and Personnel for the Joint Chiefs of Staff in Washington, DC.

In her service to her country, General Cadoria has been cited often for her outstanding performances. She is a recipient of the Legion of Merit; the Bronze Star Medal with two oak leaf clusters; the Meritorious Service Medal, with oak leaf clusters; the Air Medal; and the Army Commendation Medal with three oak leaf clusters. In all, General Cadoria has been promoted 11 times in her distinguished career.

Complementing her professional achievements is her impressive academic background. General Cadoria is a graduate of Southern University A&M with a BS degree in business education and of the University of Oklahoma with a MA degree in social work. She has also attended a number of military schools, including the National Defense University, the U.S. Army War College, the U.S. Army Command and General Staff College, and the advanced course at the The Adjutant General School.

Mr. Speaker, it is my pleasure to speak today of General Cadoria's accomplishments in our Nation's service during Black History Month, a time when we reflect upon the many contributions that black Americans have made to our Nation's progress and prosperity. General Cadoria's life and career serve as an inspiration to all Americans—not only to the thousands of blacks and women in the military, but to each of us who seeks the very best in ourselves.

LITTLE CONSISTENCY IN PUNISHMENT OF TRAITORS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. SKELTON. Mr. Speaker, in recent years, an increasing number of Americans have been caught selling some of our most vital national security information to other governments. The exposure of the Walker family spy ring back in 1985 shocked and angered us, but they were neither the first nor the last to sell their country out for a few dollars.

Surprisingly, there is little consistency in the way we punish traitors when they are finally brought to justice. For example, Jerry Whitworth, a lackey in the Walker ring, will be eligible for parole in 60 years, while John Walker, the ring leader, will be eligible for parole in just 10 years.

The judge who sentenced Walker vowed to do everything in his power to keep Walker from being paroled.

Mr. Speaker, the John Walkers of America—people who jeopardize the security of every man, woman, and child in our Nation—do not even deserve to be considered for parole. They should know going into any schemes that when they are caught, they will lose their freedom forever.

Until we have a constitutionally acceptable Federal death penalty, we must see to it that people like John Walker go to jail for life, period. Today I am reintroducing legislation which would impose a mandatory life sentence without parole for persons convicted of selling out the security of our Nation, in cases where the death penalty is not imposed.

People who have turned their backs on America in such a vile way must never again be allowed to enjoy the freedoms and privileges of the society they spurned.

DEDICATION OF WILLIAM WOODWARD MEMORIAL MUSEUM

HON. THOMAS A. LUKEN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. THOMAS A. LUKEN. Mr. Speaker, on March 7, 1987, the William Woodward Memorial Museum will be dedicated to Woodward High School in Cincinnati, OH. The museum will preserve over 10,000 items of memorabilia associated with Woodward High School and its founder.

William Woodward was born March 8, 1768. He had a profound effect on education in Cincinnati. In 1831, on land which he donated, Woodward High School was built using income from a trust fund which he had set up for "the better educating of the poor children of Cincinnati." This institution now has 1,600 students enrolled, and is the oldest continuing free public high school in the United States.

Among its many notable graduates is President William Howard Taft who delivered the principal address at the dedication of a new school building in 1910. An 1874 graduate, Taft said:

> Four years of the best mental discipline of my life were spent in Woodward High School and I shall always be grateful for the opportunity afforded me. Mr. Woodward erected a monument more enduring than brass. I am proud to be an alumnus of Woodward High School.

There are many treasures which will be kept in the William Woodward Memorial Museum: A little footwarmer used in the Woodward family sleigh, a Bible in two volumes owned by Woodward's sister Rebecca, fireplace bricks from the 1831 school building, the old Woodward school bell, and an American flag carried into the Civil War by Woodward volunteers.

The museum is believed to be the only one of its kind in this country. It has been financed completely by the people and businesses of Cincinnati. I ask you to join me in saluting their efforts to keep alive the history of this unique Cincinnati institution for its present and future students.

THE RETIREMENT OF BETTY S. BECKER

HON. DAN DANIEL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. DANIEL. Mr. Speaker, Mrs. Betty S. Becker, Congressional Inquiry Division, Office of Legislative Liaison, retired on September 2, 1986, after having completed over 35 years of civilian service with the Government. For 33½ years, Mrs. Becker has served the Office of Legislative Liaison and was tasked with secretarial and administrative duties pertaining to this office.

Since October 1970, her vast experience, both in the administrative field and within Legislative Liaison, has been constantly used to good effect. Because of her superior management of special projects, the branch chief was relieved of many tedious tasks and could devote his energies to the primary mission of the office.

Mrs. Becker has been recognized as the authority within the branch in correspondence procedure and, in addition, edited all replies sent to Members of Congress. During her tenure, she composed and prepared literally thousands of such letters.

Mrs. Becker has received several awards during her career to include the Meritorious Civilian Service Award, outstanding performance ratings, and cash awards.

Mrs. Becker will be missed by those who worked with her on a day-to-day basis, and by those of us who benefited from her expertise and efficiency.

IN PRAISE OF LINDA G. STUNTZ FOR HER WORK AS ENERGY AND COMMERCE MINORITY STAFF DIRECTOR AND CHIEF COUNSEL

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. LENT. Mr. Speaker, last Friday was a sad day for the Energy and Commerce Committee minority. That day, February 27, was Linda Stuntz' last as minority staff director and chief counsel for the committee. Linda has been on the committee staff since 1981 and has served as staff director and chief counsel during both the 99th and 100th Congresses. She is greatly admired on Capitol Hill, especially by the Republican members of the committee and the minority staff, for her professionalism, dedication, and legislative expertise.

When Linda joined the minority staff 6 years ago she was already a competent energy attorney. Over the 6 years since, she has become recognized as an expert in energy legislation. But Linda knows that expertise alone is not enough to succeed in the legislative arena. She understands that perseverance and dedication are required as well and possesses an abundance of both.

When called upon to shift from the role of counsel in a few issue areas into the one of minority staff director and chief counsel, she mastered the task with grace and skill. Instead of having knowledge and understanding of a few areas of the law, it was necessary for Linda to be an expert in every issue that might come before the Energy and Commerce Committee—a Herculean task considering the committee's wide jurisdiction.

Proving her talents as a manager as well as a lawyer, Linda earned the respect of those on both sides of the aisle. Her opponents are her best advocates, praising her abilities and considering her a formidable foe. The members and staff of the committee depended on her, listening to her well-thought-out arguments and reasons, and relying heavily on her mastery of legislative procedure.

She will be deeply missed by us all, although I know that she will not be a stranger to Capitol Hill. Right now I will take the liberty of speaking for all of my colleagues on the Energy and Commerce Committee when I say "Linda, we thank you for doing a magnificent job and wish you every success in the continuation of your career."

WE NEED TO STOP SHIFTING FEDERAL BUDGET BURDENS TO THE STATES THROUGH UNFUNDED MANDATES

HON. DOUG BARNARD, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 2, 1987

Mr. BARNARD. Mr. Speaker, I have introduced legislation aimed at preventing an existing problem with congressional spending from becoming much worse. That problem is the growing tendency to circumvent budgetary controls on new Federal domestic spending by enacting national policy mandates and then requiring State and local governments to pick up the tab.

This tendency is not associated with any one political party or any particular ideological persuasion. Conservatives sometimes support imposing mandates on States and localities as a roundabout way to return domestic responsibilities from Washington. Liberals on occasion see unfunded mandates as the only available avenue for pursuing desirable social objectives. Both in Congress and within the administration, such efforts are often rationalized by comparison of the Federal budget deficit to the relatively sound fiscal condition of States and localities. Of course, virtually all State and local governments are required by Constitution or statute to approve and maintain balanced budgets, and it hardly seems fair to penalize them for succeeding where we have so far failed.

This legislation, H.R. 1278, would not flatly prohibit the imposition of new costs on State and local governments, but it would ensure that such actions are not taken without due analysis and debate of the consequences. How many Members were aware that our fiscal year 1986 budget reconciliation bill imposed massive new costs on our constituents back home through mandatory extension of Medicare coverage to new State and local employees? This initiative and many others of the same nature may well be sound Federal policy. My point is that it is fiscally irresponsible to impose such new costs without careful analysis and a guaranteed opportunity to assess and debate the impact on our constituents as State and local taxpayers.

This bill will address both objectives through two simple amendments to the Congressional Budget Act of 1974. The first section creates a point of order, waivable through the normal procedures of each Chamber, against any legislation imposing a new obligation on State and local governments costing on a national basis more than $50 million per year. Sequestrations under the Gramm-Rudman-Hollings legislation are specifically exempted from this point of order. The second section beefs up the existing requirement, honored primarily in the breach, that the House and Senate Budget Committees conduct detailed analysis accompanying the budget resolution report of the impact of budgetary decisions on State and local governments. In combination, these two provisions would help guarantee that massive new costs to our constituents would no longer be adopted unintentionally or negligently, buried in the fine print of some fast-moving bill.

Some Members may object that this bill adds yet another procedural requirement to an already overburdened congressional budget process. I would respond that the fundamental purpose of the budget process is endangered if we fail to recognize efforts to shift costs back to our constituents in the guise of reducing or containing Federal spending. As a former Governor of my State, George Busbee, used to say when he was chairman of the National Governors' Association, "you can't save a buck by passing the buck." Imposing Federal costs on States and localities clearly violates the spirit of the Congressional Budget Act, and this bill would simply place the most minimal safeguards into the letter of the act.

I want to make a special appeal to those Members who have over the years supported termination or reduction in the General Revenue Sharing Program for States and localities. As you know, revenue sharing for States was eliminated back in 1980, and payments to cities and counties ended on October 1, 1986. In my opinion, the best argument for revenue sharing has been that it provides some assistance in offsetting the cost of unfunded Federal mandates, in areas ranging from environmental protection to wage rates on Federal projects. If our position is that we no longer can afford to help pay for existing unfunded obligations, then I think the least we can do is make some effort to ensure that major new obligations are not imposed on States and localities without some compelling national need. Otherwise, Governors, State legislators, and city and county officials, not to mention our constituents, may justifiably conclude that we are indifferent to our entire system of federalism.

This bill is strongly supported by the bipartisan National Governors' Association and National Conference of State Legislatures. I urge Members from both parties to offer immediate support for this legislation, symbolizing a bipartisan commitment to adopt a fresh and honest approach with State and local officials without whom all our efforts toward fiscal responsibility will come to naught.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 3, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 4

9:30 a.m.

Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of Assistant Secretary for Health, Centers for Disease Control, and the Prospective Payment Assessment Commission.
SD-116

Banking, Housing, and Urban Affairs
To resume oversight hearings on corporate takeovers.
SD-538

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Transportation Safety Board.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on available and emerging technologies for the control of precursors of acid rain.
SR-406

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Extension Service, Economic Research Service, and the National Agricultural Statistics Service.

SD-138

Foreign Relations

Terrorism, Narcotics and International Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs, focusing on international narcotics programs.

SD-419

Judiciary

To continue hearings to review the President's proposed budget request for fiscal year 1988 for the Department of Justice.

SD-226

Conferees

on H.R. 2, to authorize funds for construction of highways, for highway safety programs, and for mass transportation programs, and to expand and improve the relocation assistance program.

2167 Rayburn Building

10:30 a.m.

Agriculture, Nutrition, and Forestry

Business meeting, to consider committee rules of procedure and other pending calendar business.

SR-332

1:30 p.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on the current readiness and sustainability posture of U.S. forces.

SR-222

2:00 p.m.

*Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Senate, Senate Sergeant at Arms and Doorkeeper, Library of Congress (Congressional Research Service), and the Bio-Medical Ethics Board.

SD-366

Budget

To resume hearings on preparation for reporting the concurrent resolution on the fiscal year 1988 budget.

SD-608

MARCH 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Alcohol, Drug Abuse and Mental Health Administration, and the Health Resources and Services Administration.

SD-116

Governmental Affairs

To resume hearings on how the international spread of nuclear weapons affects specific U.S. national security interests.

SD-342

Rules and Administration

To hold hearings on S. 2, S. 50, S. 179, and S. 207, bills to provide for spending limits and public financing for Senate general elections.

SR-301

Small Business

Rural Economy and Family Farming Subcommittee

To hold hearings to examine new perspectives on rural economy.

SR-428A

10:00 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Architect of the Capitol, and the General Accounting Office.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the North Atlantic Division, and the Pacific Ocean Division.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Commerce.

S-146, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Railroad Administration of the Department of Transportation, and the National Railroad Passenger Corporation (AMTRAK).

SD-138

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation relating to Federal Savings and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds.

SD-538

Foreign Relations

To hold hearings on the nominations of Alfred H. Kingon, of New York, to be the Representative of the United States to the European Communities, with the rank and status of Ambassador, Richard N. Viets, of Florida, to be Ambassador to the Republic of Portugal, Jack F. Matlock, Jr., of Florida, to be Ambassador to the Union of Soviet Socialist Republics, and Alton G. Keel, Jr., of Virginia, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

SD-419

Labor and Human Resources

Education, Arts, and Humanities Subcommittee

To hold hearings on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

Labor and Human Resources

To hold hearings on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.

SD-430

1:00 p.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To continue open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on the current readiness and sustainability posture of U.S. forces.

SR-222

1:30 p.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Customs Service, Department of the Treasury.

SD-116

2:00 p.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Government Printing Office, Congressional Budget Office, Black Employees of the Library of Congress, Office of Technology Assessment and the Ethnic Employees of the Library of Congress.

SD-124

*Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To resume hearings on the President's proposed budget request for fiscal year 1988 for the National Aeronautics and Space Administration, focusing on the national space transportation program and policy.

SR-253

3:00 p.m.

Armed Services

Conventional Forces and Alliance Defense Subcommittee

To hold closed hearings to review those programs in the President's budget request for fiscal year 1988 which fall within the subcommittee's jurisdiction.

S-407, Capitol

MARCH 6

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.

SD-116

Commerce, Science, and Transportation

Consumer Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Highway Traffic Safety Administration.

SR-253

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee

To hold oversight hearings on the implementation of the Paperwork Reduction Act (P.L. 96-511).

SD-342

Labor and Human Resources
Employment and Productivity Subcommittee

To hold hearings on America's training needs.

SD-430

Joint Economic

To hold hearings on the employment-unemployment situation for February.

SD-138

10:00 a.m.

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings to review the economic and foreign policy implications for the decline of the dollar.

SD-419

10:15 a.m.

Appropriations
HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Veterans Administration.

SD-124

MARCH 9

9:30 a.m.

Appropriations
Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the General Services Administration, National Archives and Records Administration, and the Executive Office of the President.

SD-116

2:00 p.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.

SD-138

Energy and Natural Resources
Research and Development Subcommittee

To hold oversight hearings on uranium mining, reclamation, and enrichment.

SD-366

MARCH 10

9:30 a.m.

Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee

To hold hearings on proposed legislation to promote the export of U.S. agricultural commodities and the products thereof, including S. 308, S. 310, S. 399, S. 500, S. 512, and H.R. 3.

SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.

SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Management and Budget, and the Office of Federal Procurement Policy.

SD-116

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

10:00 a.m.

Foreign Relations

To continue hearings on proposed legislation authorizing funds for foreign assistance programs.

SD-419

Labor and Human Resources
Employment and Productivity Subcommittee
Labor Subcommittee

To hold joint hearings on the status of dislocated workers as a result of plant closings.

SD-430

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Minerals Management Service, Department of the Interior.

SD-192

2:30 p.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.

SD-138

MARCH 11

9:30 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Family Support Administration.

SD-192

Energy and Natural Resources

To resume oversight hearings on the world oil outlook.

SD-366

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.

SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Marine Mammal Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation authorizing funds for housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

SD-538

Labor and Human Resources

To hold hearings on catastrophic health insurance.

SD-430

2:30 p.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.

SD-116

MARCH 12

9:30 a.m.

Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee

To resume hearings on proposed legislation to promote the export of U.S. agricultural commodities and the products thereof, including S. 308, S. 310, S. 399, S. 500, S. 512, and H.R. 3.

SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of the Secretary, Departmental Management, Office for Civil Rights, Policy Research, and the Office of Inspector General.

SD-116

Commerce, Science, and Transportation

To hold joint hearings with the National Ocean Policy Study to review coastal management policy.

SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee

To hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.

SD-366

10:00 a.m.

Appropriations
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain international organizations and programs, and certain activities of the Agency for International Development.

S-128, Capitol

Appropriations
HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation.

SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Tennessee Valley Authority, and the Appalachian Regional Commission.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Panama Canal Commission, and the National Transportation Safety Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.
SD-192

MARCH 13

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation, and the Office of Science and Technology.
SD-124

MARCH 16

10:00 a.m.
Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

MARCH 17

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Bureau of Standards, Office of Productivity, Technology and Innovation, and the National Technical Information Service, all of the Department of Commerce.
SR-253

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.
SD-192

MARCH 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.
S-146, Capitol

Labor and Human Resources
To hold hearings on the uninsured worker.
SD-430

2:00 p.m.
Appropriations
Energy and Water Department Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to review fairness in public broadcasting.
SR-253

MARCH 19

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Independent Counsel Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Highway Administration, and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.
SD-192

MARCH 20

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Treasury, and the National Treasury Employees Union.
SD-116

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on the Independent Counsel Act.
SD-342

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.
SD-124

MARCH 23

10:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 24

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on overfunding and underfunding on pensions.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Aeronautics and Space Administration's space station program.
SR-253

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings to review the current status of renewable energy technologies.
SD-366

MARCH 25

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.
SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State.
S-146, Capitol

Labor and Human Resources
To hold hearings on children's health care policy.
SD-430

MARCH 26

9:00 a.m.
Office of Technology Assessment
The Board, to meet to consider pending business.
Room to be announced

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the Federal Aviation Administration's management of the airport and airway trust-fund.
SR-253

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.
S-126, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.
SD-192

2:00 p.m.
*Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary and the Office of the Inspector General, Department of Transportation.
SD-196

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Telecommunications and Information Administration, Department of Commerce.
SR-253

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume hearings to review the current status of renewable energy technologies.
SD-366

MARCH 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

MARCH 30

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, international narcotics control, and anti-terrorism assistance.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.

Room to be announced

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

APRIL 2

9:30 a.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold oversight hearings on the clean coal technology program.

SD-366

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the St. Lawrence Seaway Development Corporation, and the Architectural Transportation Barriers Compliance Board.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

APRIL 3

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.

SD-116

APRIL 6

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

APRIL 7

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the implementation of the airport improvement program.

SD-253

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold hearings on the President's budget request for fiscal year 1988 for the Department of Energy's Office of Energy Research for the Superconducting Super Collider (SSC).

SD-366

APRIL 8

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the national airspace system plan.

SD-253

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.

SD-192

*Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Securities and Exchange Commission and the Civil Rights Commission.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-192

APRIL 9

9:30 a.m.

Energy and Natural Resources

Research and Development Subcommittee

To resume oversight hearings on clean coal technology program.

SD-366

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.

SD-124

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.

SD-138

1:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.

SD-192

APRIL 10

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the De-

partment of the Treasury, U.S. Postal Service, and general government.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

APRIL 21

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.
SD-192

10:00 a.m.
*Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Small Business Administration, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.
SD-116

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.
SD-192

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.
SD-138

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

APRIL 27

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.
SD-192

APRIL 28

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.
SD-192

APRIL 29

10:00 a.m.
*Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Attorney General, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

APRIL 30

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.
SD-192

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.
SD-192

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the De-

partments of Labor, Health and Human Services, Education, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.

SD-138

MAY 6

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

*Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.

S-146, Capitol

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 7

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.

SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (R, E&D, F&E, Airport Grants).

SD-138

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

*Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (FAA Operations).

SD-138

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 12

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.

S-126, Capitol

*Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation, and the Equal Employment Opportunity Commission.

S-146, Capitol

MAY 13

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 14

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 15

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

MAY 20

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.

S-146, Capitol

JUNE 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.

SD-192

CANCELLATIONS

MARCH 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.

SD-366

HOUSE OF REPRESENTATIVES—*Tuesday, March 3, 1987*

The House met at 12 noon.

The Reverend Dr. William Holmes, National Methodist Church, Washington, DC, offered the following prayer:

Almighty and loving God, You have always been for us so down to earth, so identified with all that's human, that we dare to seek Your presence in this place, and in the issues that come before this 100th Congress. May this House be more than just a Chamber of political assembly; may it also be a House of hospitality for justice, mercy, peace—the very qualities through which our ancestors sought and found Your presence. Be down to earth again, identify with us, and offer in this place once more these crucial issues by which we can serve You through serving others. Amen.

THE JOURNAL

The **SPEAKER.** The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **BROWN** of Colorado. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER.** The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **BROWN** of Colorado. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER.** Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 284, nays 65, answered "present" 7, not voting 77, as follows:

[Roll No. 15]

YEAS—284

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Archer
Atkins
AuCoin
Baker
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Bilbray
Boggs
Bonior (MI)
Borski
Boucher
Boxer
Brennan
Brooks
Bruce
Bryant
Buechner
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coats
Coelho
Coleman (MO)
Collins
Combest
Coyne
Daniel
Darden
Davis (MI)
de la Garza
DeFazio
Derrick
DeWine
Dicks
Donnelly
Dorgan (ND)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Flippo
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Hastert
Hatcher
Hayes (IL)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Hopkins
Horton
Houghton
Hubbard
Huckaby
Hughes
Hutto
Hyde
Jenkins
Johnson (CT)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lightfoot
Lipinski
Livingston
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Manton
Markey
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McKinney
McMillan (NC)
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Olin
Owens (NY)
Oxley
Packard
Panetta
Patterson
Pease
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Rinaldo
Ritter
Robinson
Rodino
Roe
Rogers
Rose
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Scheuer
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (OR)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sundquist
Swift
Synar
Tallon
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—65

Applegate
Badham
Barton
Bentley
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Burton
Cheney
Coble
Coughlin
Courter
Craig
Crane
Dannemeyer
DeLay
Dickinson
Dreier
Emerson
Fields
Gekas
Goodling
Gregg
Henry
Holloway
Hunter
Inhofe
Ireland
Kolbe
Leach (IA)
Lewis (CA)
Lewis (FL)
Lott
Lowery (CA)
Mack
Madigan
Martin (IL)
Martin (NY)
McCandless
Meyers
Miller (OH)
Moorhead
Parris
Pashayan
Penny
Roemer
Roth
Roukema
Rowland (CT)
Schaefer
Schroeder
Sikorski
Skeen
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stump
Swindall
Thomas (CA)
Vucanovich
Walker
Weber
Whittaker

ANSWERED "PRESENT"—7

Aspin
Clay
Florio
Jacobs
Kostmayer
Obey
Skaggs

NOT VOTING—77

Annunzio
Armey
Biaggi
Boland
Boner (TN)
Bonker
Bosco
Broomfield
Brown (CA)
Bunning
Chapman
Coleman (TX)
Conte
Conyers
Cooper
Crockett
Daub
Davis (IL)
Dellums
Dingell
DioGuardi
Dixon
Dornan (CA)
Early
Feighan
Flake
Gephardt
Gingrich
Grandy
Grant
Harris
Hawkins
Hayes (LA)
Howard
Hoyer
Jeffords
Johnson (SD)
Kasich
Kemp
Konnyu
Kyl
Lehman (CA)
Lewis (GA)
Lloyd
Lukens, Donald
MacKay
Marlenee
Mavroules
McDade
McEwen
McGrath
McHugh
Michel
Moakley
Morrison (WA)
Mrazek
Nielson
Oakar
Ortiz
Owens (UT)
Price (IL)
Price (NC)
Ridge
Roberts
Rostenkowski
Savage
Schneider
Spence
Stangeland
Sweeney
Tauke
Tauzin
Towns
Weldon
Wilson
Wolf
Young (AK)

☐ 1220

Mr. DREIER of California and Mr. APPLEGATE changed their votes from "yea" to "nay."

So the Journal was approved.

The result of the vote was announced as above recorded.

CONGRATULATIONS TO THE WINNERS OF THE WESTINGHOUSE SCIENCE TALENT SEARCH

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **WEISS.** Mr. Speaker, last night a select group of our Nation's brightest and most promising high school students were honored as the winners of the Westinghouse science talent search, the oldest and most prestigious competition for teenage scientists.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I am very pleased that 15 of this year's 40 finalists, and 3 of the top 10 winners are from my home State of New York. I am particularly proud of the two finalists who reside in my congressional district: Alexander Grannis and Mason Ng. I had the opportunity to meet with these two brilliant young men during their whirlwind visit to Washington.

This year's competition was particularly notable because for the first time in the contest's history, the top two prizes were awarded to young women.

At a time when our Nation's educational system is being criticized and our technological competitiveness is slipping, these 40 young women and men chosen for their inquiring and intelligent minds and their motivation to pursue science and mathematics in the future are a great source of pride and inspiration.

I congratulate all of the winners and wish them success in their future endeavors.

A TRIBUTE TO JOSEPH WEISSMEYER

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, it was with sadness that I recently learned of the death of Joseph Weissmeyer, an excellent transcriber in our Office of Official Reporters. He will be missed.

Joe was born in Baltimore, MD, on January 11, 1926, and moved to the Washington, DC, area as a young child. He attended Eastern High School in the District of Columbia but left before graduation to volunteer for service in the U.S. Navy during World War II, at which time he was stationed in the Philippines. After the war, he attended and graduated from Veterans' High School, which was established specifically for returning veterans.

After attending Gregg College of Stenography in Chicago, IL, Joe became a court reporter and worked in Birmingham, AL, and Atlanta, GA. Joe returned to Washington in the early fifties, graduated from Stenotype Institute, then joined the staff of Columbia Reporting Co., as a transcriber. On May 1, 1965, Joe was appointed to the staff of the Official Reporters by our former Speaker, John McCormack.

In his 22 years as a transcriber for the House of Representatives, Joe did a superb job in all phases of his work. He was a dedicated and conscientious employee; a pleasant, cheerful, cooperative worker, who was willing to go the extra mile whenever called upon. Joe was a well read, inquisitive person who retained a thirst for knowledge. Joe always had time to work with new transcribers, answering their questions with patience, kindness, and a great willingness to share his wealth of knowledge.

Joe and his wife, Jeanne, were married for 37 years and had two daughters, Claire and Ruth. His family are here today. Joe was a devoted, loving husband and father who enjoyed regaling his colleagues with stories of his family life.

Joe died very unexpectedly on the evening of January 12 while pursuing one of his favoring pastimes—reading.

All of us in the House of Representatives benefit from the dedication and hard work of our staff; and it is my feeling, Mr. Speaker, that the years of Joe's service in this institution should not pass unnoted. Let us join together in extending to Jeanne, Claire, and Ruth Weissmeyer, and to Joe's brother, Sheldon, and his family, our deepest and most heartfelt sympathy on the death of their husband, father, and brother, and our good, dear friend, Joe.

□ 1230

THE ADMINISTRATION SHOULD TELL THE TRUTH ABOUT LONG-TERM CARE

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, the administration recently put its seal of approval on a plan to provide catastrophic health care coverage for older Americans. The administration plan focuses on the problem of extended hospital stays, something that affects fewer than 5 percent of all Medicare beneficiaries.

But the administration isn't ready to take on the real catastrophe—the lack of effective home, community, and nursing home coverage under Medicare. They claim that public education about the problem is all they can do right now. And, clearly, seniors and the general public aren't getting the facts from the Government. A recent membership survey done for the American Association of Retired Persons found that almost 80 percent of those polled thought Medicare already covered nursing home stays.

But the administration is stalling on the implementation of a cost-effective proposal to inform seniors of Medicare's severely limited long-term care benefits. What's needed is a simple flier in Social Security check envelopes explaining what Medicare does and does not cover in the whole range of long-term care services. This is not exactly a radical idea; in fact, a task force under the auspices of the administration's own Department of Health and Human Services recommended it.

But in an area where misinformation is rampant, it is at least a start. Enclosing a short flier with each Social Security check is a cost-effective way to reach every older person in America. The only expense—about $2 million at the most—is printing and inserting brochures. Almost every senior would get a brief brochure explaining that nursing home benefits are very limited and that home care is difficult to receive. The leaflet would tell seniors that they have to look to the private sector for long-term care coverage, and let them know where to turn for more information.

I thought this plan was an excellent way to let seniors know the truth about their benefits. But the administration is dragging its feet. The same senior administration officials who would have us believe the specious claim that their catastrophic proposal provides the elderly that last full measure of security would deny easy access to the truth. Are they perhaps afraid that popular and political support for their plan would suffer if people actually knew what the real gaps in Medicare are? And how the administration plan doesn't fill those gaps?

In early January, administration officials decided not to stuff April's checks with this information. Were they more concerned with the President's image than being truthful with our seniors?

I think Congress' mission is clear. We have to force the administration to let HHS include information about long-term care with Social Security checks. I will soon be introducing legislation to require that the Social Security Administration mail this essential information to seniors. Maybe one of these days the administration will get the message: We've got to be straight with the Nation's elderly.

ADMINISTRATION HOISTED ON ITS OWN PETARD

(Mr. DOWNEY of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOWNEY of New York. Mr. Speaker, this week we've been treated to a world-class irony. Who would ever have thought that Mr. Gorbachev would lend a helping hand to pull Ronald Reagan off the political canvas.

For years we've heard the Reagan administration talk of its undying devotion to its arms control proposal of zero intermediate-range missiles. Some of us said all along this was just a Richard Perle gambit, an offer made for the sole reason of provoking a Soviet rejection. We were accused of being spoilsports.

But now, lo and behold, the Soviets have accepted the Reagan offer. They have come over to Ronald Reagan's side. They want to get rid of their SS-

20's. They have seen the light. But other lights are on, very late, in Richard Perle's office as his people work feverishly to devise new wrinkles they hope the Soviets won't buy.

Will they succeed? Will the administration continue its lifetime .000 arms control batting average? Stay tuned; time will tell.

GIVING SMALL FARM BANKS ADDITIONAL FLEXIBILITY IN WRITING DOWN FARM DEBT

(Mr. SLATTERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLATTERY. Mr. Speaker, last Thursday, Congressman ROBERTS and I introduced legislation that would encourage agriculture banks to work with farmers to restructure farm debt.

Our bill, H.R. 1310, would allow agriculture banks to write off farm loan losses over a period of 10 years. Under current law, farm banks must recognize an immediate loss at the time farm debt is written down. Many banks, already operating on the margins of their capital requirements, may not be able to absorb these losses. Given some flexibility, an orderly write down of farm debt may help save some small rural banks and be a sensible alternative to foreclosure for the farmers involved.

H.R. 1310, would simply extend to small farm banks the flexibility that large banks have already been granted. Farmers and lenders clearly need this additional tool to work together to renegotiate debt repayment.

THE MANY IMPORTANT THINGS THE PRESIDENT DIDN'T FORGET

(Mr. GEKAS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEKAS. Mr. Speaker, is it not awful that the President of the United States forgets once in a while, but the media, who harp on this, and the Reagan critics who harp on this, forget that it was the President of the United States at Iceland who did not forget.

The President of the United States in Iceland did not forget that the Soviets are tough to deal with on any arms proposal. He did not forget that the Soviets were demanding that the United States abandon the star wars initiative. The President of the United States did not forget that the Soviet Union would not even consider disarmament unless SDI were removed from the table.

The President of the United States did not forget to stand tall on the American people's behalf for the security of our Nation in the future; to stand tall, he did not forget to insist on SDI as a part of the overall disarmament picture.

Now, Gorbachev accepts the Reagan proposal without linkage to SDI, but the media has forgotten that, and the critics of the Reagan administration and of the President have forgotten that that is the case.

I do recall, I think, that the media has praised the President of the United States for something that he did in Iceland—but I forget.

MR. REAGAN'S VERY IMPORTANT EXPLANATION TO THE AMERICAN PEOPLE

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, on October 21, 1985, I sent a letter to former National Security Adviser Robert McFarlane asking whether, despite a congressional ban on U.S. aid to the Contras, the administration was working to send private donations to the Contra forces.

Mr. McFarlane's response to me was clear and unmistakable: He denied that he, the National Security Council, or the administration was involved in sending private funds to the Contras. Now, 17 months later, I personally, and our Nation as a whole, have been shocked into the basic realization; We were lied to.

At the time Mr. McFarlane denied any involvement by this administration in sending private donations to the Contras, at least $25 million had been steered to that force in Central America.

Mr. Speaker, the major casualty of the Iran-Contra affair was not Mr. McFarlane, Mr. North, Admiral Poindexter, or Mr. Reagan. The major casualty was this administration's credibility.

This week, as the President comes before the American people to make his explanation, he must rise to a difficult task. He not only must assure that we will never again attempt to swap arms with terrorists for hostages; he must also assure us that his staff will obey the laws of the land as we expect every American to do.

At stake is not only the survival of this Presidency, but our Nation's ability to weather this crisis and face the many other problems confronting us. The hiring of Howard Baker is an important first step, but it is only the beginning.

□ 1240

THE LIABILITY CRISIS: CHILLING AMERICA'S VOLUNTEER SPIRIT

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, as detailed in a recent Peat, Marwick & Mitchell survey, volunteers across America are increasingly reluctant to come forward to help their PTA, Red Cross, local hospital, or Boy Scouts. Why? Because they're afraid of being sued.

The liability crisis, which has caused so much chaos and cost to our health care providers, to our business enterprises making them less competitive, to our municipalities, park districts, volunteer fire departments and other units of local government, has even reached America's volunteer spirit.

The unpredictability of our tort system and the consequent high costs of D&O coverage are devastating Americans' willingness to serve on community college boards, as little league coaches, or to help in the fight against child abuse.

I've introduced H.R. 911—the emergency designation is appropriate—which encourages States to protect unpaid volunteers of not-for-profit organizations from most negligence liability.

Is this legislation really needed? Talk to your local United Way or Girl Scout Council or blood bank. They'll tell you. Even local bar associations, with their all volunteer boards, think this is necessary and good legislation.

Few will object and thousands will applaud your cosponsorship of H.R. 911.

THE NEW W-4A FORM

(Mr. BUECHNER asked and was given permission to address the House for one minute and to revise and extend his remarks.)

Mr. BUECHNER. Mr. Speaker, yesterday the IRS introduced the new W-4A form as the answer to all the confusion American taxpayers have previously endured. The new form, we are told, is shorter but probably less accurate—resulting in the withholding of even more of a taxpayer's money.

We are also told by the IRS that it will waive interest penalties for taxpayers who end the year without enough tax withheld as long as they have made a good faith effort to complete them accurately.

Unfortunately Mr. Speaker, we are still left with the possibility of the $500 fine which remains on the books. The current law states that individuals who incorrectly file the W-4 form may be fined $500 if there was no reasonable basis for including such information. Who decides what's reasonable? The IRS?

I am introducing legislation today that—for all intents and purposes—shifts the burden of proof to the IRS. My bill would also repeal that $500 penalty for 1987 and then gradually phase it back in when taxpayers would finally know how to handle the W-4. Those who intentionally try to defraud would still be subject to criminal penalties. The other portion of my bill would permit taxpayers to deduct the cost of professional assistance in filling out the form, regardless of whether he or she itemizes.

Although the steps taken by the IRS are in the right direction, confusion still reigns. I invite my colleagues to join me in this effort by cosponsoring this important legislation.

CONGRESS SHARES IN THE GUILT

(Mr. ACKERMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ACKERMAN. Mr. Speaker, last year this Congress voted to weaken the gun control laws. Yesterday a 12-year-old boy, Nathan Ferris, from De Kalb, MO, shot himself to death with his father's gun. I cannot fully understand the depth of remorse that his father must feel, but I do know that this Congress shares in the guilt.

THE TRUTH IN IMPORT ADVERTISING ACT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Congress I guess has played around with trade legislation for such a long time that we are continuing to open up our markets and exporting nothing but our jobs in our manufacturing sector.

I believe we should change our course. I start out today by saying maybe we should send the Environmental Protection Agency to Japan. Second of all, export Clayton Yeutter to Korea. Finally, maybe force every Member of Congress and every Senator, their staffs and all Federal employees to drive a standard shift Yugo full time.

It is evident that Congress has done nothing, absolutely nothing about trade and even though the value of the dollar has dropped against other currencies, we still have a powerful trade deficit.

Today I have introduced a measure that I believe might give the people of this country a helping hand, The Truth in Import Advertising Act, which maybe would force all of these imports coming in to list where they come from, truthfully, and maybe American people in some shopping stores throughout the country can look and see what is made in Japan, what is made in Korea and maybe buy what is made in the good old U.S.A.

The Truth in Import Advertising Act, give it a tumble.

A UNIQUE CHARITABLE FUNDRAISING EVENT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, on Sunday, March 1, there was a very unique fundraising event held in Mesa, AZ, for the benefit of cancer research at Desert Samaritan Hospital.

The event featured a team of some amateur baseball players, 20 in number, from across the country who paid between $1,000 and $2,000 apiece for the privilege of playing 9 innings of baseball against the Los Angeles Angels. Featured on the amateur team was our colleague and friend from the State of Kentucky, JIM BUNNING, who treated the Los Angeles to his Hall of Fame assortment of pitches. Our colleague would be the first to admit that he no longer strikes terror in the hearts of major leaguers, but his presence in Mesa last Sunday was a valuable addition to a fundraising event that raised in excess of $60,000 for cancer research.

On behalf of the Desert Samaritan Hospital of Mesa, AZ, I want to extend my thanks to the Los Angeles Angels, to their general manager, Mike Forte, and to our colleague, JIM BUNNING, for participating in this very important event.

□ 1250

LET US SUPPORT OUR CENTRAL AMERICAN ALLIES

(Mr. HUNTER asked and was given permission to address the House for 1 minute.)

Mr. HUNTER. Mr. Speaker, today, the President sends to the Congress his report on full funding of the National Bipartisan Commission on Central America. This report, mandated by Congress, outlines what we need to do to help bring economic—and political—stability to Central America.

As Congress has repeatedly said, we have a moral and strategic commitment to the democratic countries of Central America. Today, El Salvador, Honduras, Guatemala, and Costa Rica all have democratically elected heads of state. These governments cannot endure if we do not help them face their economic, educational, and health problems.

The President's report is a serious effort to address the issues of building democracy. I urge my colleagues to review the report, and to work with the Executive in putting together a bipartisan policy of consolidating democracy and economic development in Central America.

PRODUCT LIABILITY REFORM

(Mr. ROTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTH. Mr. Speaker, in a recent article entitled, "Legal Lunacy 1986," the American Bar Association engages in some long overdue self-criticism. The article cites outrageous abuses of litigation fever threatening to wreck our legal system.

It is past time for tort reform. I welcome latecomers to the battle to restore some common sense to the common law.

The lawyers officially admitted the need for tort reform at their recent New Orleans convention.

Product liability reform also forms a major part of the President's competitiveness package.

I especially commend the President for retaining the fault-based standard of liability, as does my bill, H.R. 430.

It is time that we returned to a standard of negligence based on simple and clear fault.

The liability explosion is closing businesses, destroying jobs, and crippling our ability to compete with foreign products. We must promptly enact this tort reform legislation.

The way to reduce the product liability cost spiral, the American Bar Association, the President, and we in the Congress now recognize, is via Federal tort reform.

Its not too late to restore legal sanity by ending the absolute fault legal lunacy.

APPOINTMENT AS MEMBER OF HOUSE OF REPRESENTATIVES PAGE BOARD

Mr. MICHEL. Mr. Speaker, pursuant to section 127 of Public Law 97-377, I appoint the gentleman from Missouri [Mr. EMERSON], as a Member of the House of Representatives Page Board.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. GRAY of Illinois) laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
March 2, 1987.

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 4:45 p.m. on Monday, March 2, 1987 and said to contain a message from the President whereby he transmits a report on nuclear nonproliferation.

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT PURSUANT TO NUCLEAR NON-PROLIFERATION ACT OF 1978—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs:

(For message, see proceedings of the Senate of today, Tuesday, March 3, 1987.)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has been concluded on all the motions to suspend the rules.

EXPRESSING OPPOSITION OF CONGRESS TO BUDGET PROPOSALS TO REDUCE CAPACITY OF VETERANS' ADMINISTRATION TO PROVIDE HEALTH CARE TO ELIGIBLE VETERANS

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 27) expressing the opposition of Congress to proposals in the budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

The Clerk read as follows:

H. CON. RES. 27

Whereas Congress has made a commitment to provide comprehensive assistance, including medical assistance, to veterans of the Armed Forces of the United States;

Whereas, as part of that commitment, the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) signed by the President on April 7, 1986, requires the Veterans' Administration to furnish needed hospital care and provides discretionary authority for the agency to furnish needed outpatient and nursing home care to certain veterans;

Whereas, in enacting Public Law 99-272, Congress clearly intended that the Veterans' Administration maintains the capacity to provide health care to these eligible veterans and not reduce the current size of the agency's medical-care system; and

Whereas the Veterans' Administration budget request for fiscal year 1988 proposes to eliminate funding for care of certain veterans that, if accepted by the Congress, would deny hospital care to 13,548 veterans and would reduce outpatient visits by at least 113,000: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress strongly opposes the policy contained in the Veterans' Administration budget for fiscal year 1988 to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans through a reduction in funding levels.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes and the gentleman from New York [Mr. SOLOMON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution is noncontroversial. It is sponsored by every member of the Committee on Veterans' Affairs. If adopted, it would express the opposition of Congress to proposals contained in the administration's budget that would reduce the capacity of the VA to provide health care to many eligible veterans.

The administration's proposal includes a $75 million rescission in health care for the current fiscal year. Proposed reductions in fiscal year 1988 would put veterans' health care $209 million below the Congressional Budget Office baseline and about $246 million below current services. Should Congress adopt the administration's request, it would require a staff reduction of more than 3,800 employees and hospital and inpatient care would be denied to thousands of veterans.

We believe a modest amount of funds must be included in the administration's budget for the care of homeless veterans. We believe the place to do this is through the VA's domiciliary program. During the past 15 or 20 years, every administration has reduced the total number of domiciliary beds in its budget. There should be no further reductions. Rather, VA should begin to increase its domiciliary program to take care of the increasing demand. We believe VA could convert 600 beds at a cost of $15 million; this would help homeless veterans and others who are without income and who need help.

The administration's budget contains no additional funds for the care and treatment of veterans with AIDS. In recent testimony before the committee, we learned that more than 1,000 veterans are now receiving care in VA facilities. The number of cases seems to be doubling about every year. Those who are discharged from the military service because they have AIDS come into our VA system and are eligible for treatment. Hospitals who administer to these patients should be receiving additional funds since the cost for each patient per year is about $40,000. The VA is conducting several AIDS research projects and we should do more. The VA has made major medical breakthroughs in other areas of medicine and we hope VA researchers will find a way to cure this dreaded disease.

Mr. Speaker, as I said earlier, this resolution was adopted unanimously by our committee. I want to commend my distinguished colleague, the gentleman from New York, Mr. SOLOMON, the ranking minority member of the committee, for his cooperation and leadership in developing the committee's proposal which we submitted to the Budget Committee last week. All of us on the committee, Democrats and Republicans alike, are determined that the quality of health care be maintained for our Nation's veterans.

Mr. Speaker, if it were not for Congress, veterans' health care would have been greatly reduced during the past decade. Thanks to the Congress, and especially the House of Representatives, veterans are in pretty good shape and we intend to keep it that way. By adopting this resolution, we will again assure our veterans that the Nation does care and will be ready in time of need.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as ranking minority member of the Committee on Veterans' Affairs, I rise in strong support of House Concurrent Resolution 27, which I am proud to cosponsor, along with our committee's very able and distinguished chairman, SONNY MONTGOMERY.

Mr. Speaker, this is the first legislative item to come to the floor of this body since I had the privilege of becoming senior ranking minority member of the committee, and I cannot think of a better one to have first. House Concurrent Resolution 27 is entirely consistent with the philosophy toward veterans' benefits that I intend to pursue as ranking member. First and foremost, Mr. Speaker, veterans' benefits are earned by faithful honorable service to our Nation.

The men and women who voluntarily have joined the military services, or who were drafted in the past, gave up career and educational opportunities to defend our freedoms. And often their duties involve the risk of their lives in dangerous places where they are far from family and friends. Yet they go because they love their country. Then when these loyal Americans leave military service to pick up their civilian lives, they are often several years behind their peers who did not serve.

They have to play catch-up for years to come, before they can pull even—if ever—and that, Mr. Speaker, explains the reason for veterans' benefits.

Veterans' benefits are in large part designed for readjustment to civilian life, and it should matter little whether a veteran was called upon to actually be in combat.

For some veterans, there is no complete return to civilian life. Whether in combat or in training, they were injured or became sick.

The country at its very beginnings after the Revolutionary War decided as a matter of policy, based on moral obligation, to take care of such veterans. And the moral obligation is obviously just as strong today.

Mr. Speaker, it has been suggested that the many veterans who were fortunate enough to have left military service mentally and physically intact, should be thanked and then forgotten, except on Veterans Day. Well, as long as I am ranking member of the Veterans' Affairs Committee, I am going to work to see that that is not going to happen, and certainly I am going to work with Mr. MONTGOMERY in that regard.

Mr. Speaker, today we have in place the best system of veterans' benefits, including health care, to be found anywhere in the world. But it is under attack for a variety of reasons, many having to do with the very real budgetary crisis, which is still with us.

Our concurrent resolution would express the view of Congress that health care funding for the veterans' administration should remain at the present level. The health care portion of the VA budget is under a most severe attack because it contains most of the so-called controllable, or discretionary, spending for the VA.

Mr. Speaker, the VA's proposed budget for fiscal year 1988, as pointed out by Mr. Montgomery's astute analysis of the funding situation, is not quite enough to provide a current services VA health care budget. The committee's strongly held bipartisan view and policy is that the VA's health care budget must be kept at a current services level.

The VA is being called upon to meet ever increasing needs and has improved its ability to provide far more needed health care services for veterans without increasing its real spending power.

The veterans' population is growing older in average age, and requires more extended care for chronic illness. The VA must address the problems of homeless veterans, and the number of AIDS victims seeking VA hospital treatment is growing with alarming rapidity. We can't ignore these needs, and they won't go away.

Finally, Mr. Speaker, I think it is imperative that America's obligations to its veterans be recognized for what they are, national, and not State or local, obligations. The costs of veterans' programs are a direct cost of war and defense in peacetime, and the National Government should bear them gladly, unless we have come to believe that the price of our freedoms has become too great or too burdensome. To me, and to most Americans, our freedoms will always be worth whatever price we must pay for them.

Mr. Speaker, our committee has unanimously reported House Concurrent Resolution 27 to the House. It is worthy of the vote of every Member, and I urge its favorable consideration.

□ 1300

Mr. MONTGOMERY. Mr. Speaker, I want to thank the ranking minority member for those kind words.

Mr. Speaker, I yield 3 minutes to the gentleman from Georgia [Mr. ROWLAND], who is a member of our Veterans' Affairs Committee and has been very helpful.

Mr. ROWLAND of Georgia. I thank the gentleman for yielding me this time.

Mr. Speaker, this is a crucial time with crucial decisions to be made if we are to continue to provide proper health care to the Nation's most deserving group of citizens—our veterans. That is why I wholeheartedly lend my name and unequivocal support to the concurrent resolution recommended to this body by a unanimous vote of the Committee on Veterans' Affairs.

In just 13 years, two out of every three American males age 65 and older will be veterans. It is only natural and quite evident that, as this population grows older, its need for health care will increase. Now is the time to lay the groundwork for this increase. It is certainly not the time to cut veterans' health care.

Year after year, the Office of Management and Budget bombards the Veterans Administration health care budget with proposals for unreasonable reductions in employee levels, patients treated, and funding levels. These proposals come with potentially devastating effects. But year after year, the Veterans' Affairs Committee and the Members of this body deny these proposals. We have been able to maintain a straight line, or current services, health care budget over the past several years. Still, OMB tries to chip away, wasting our time and theirs. One has to look only as far as the most recent budget proposal to see that they aren't giving up. In response, our committee last Wednesday submitted another current services health care spending plan to the Budget Committee for its consideration.

As the gentleman from Mississippi [Mr. MONTGOMERY] has said many times, "we don't go overboard. We don't ask for the Moon. We simply ask for what is right and what is absolutely essential." And that is what we come before this body asking again today. Give us what is right so that we may continue to provide for those who have so honorably served their country.

I want to commend my colleagues SONNY MONTGOMERY, chairman of the Veterans' Affairs Committee, and GERALD SOLOMON of New York, the ranking minority member, for their longstanding active and vocal commitment to this Nation's veterans and their families. Thanks to their leadership, as well as that of the former ranking minority member, JOHN PAUL HAMMERSCHMIDT of Arkansas, our veterans' health care budget has remained stable over the past several years. Congressional intent in this matter is well established; it is simply time to reemphasize our intent. It is time to say "enough is enough."

Mr. Speaker, I urge each of my colleagues to support House Concurrent Resolution 27, which expresses opposition to budget proposals that would greatly harm our ability to see to veterans' current health care needs and prepare for the future.

We often speak of commitments and obligations and responsibilities on this floor, but I submit that none are more important than those we reserve for the Nation's defenders. We must not diminish the capacity of the VA to provide them with health care.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas, JOHN PAUL HAMMERSCHMIDT, the former ranking Republican on the Veterans' Affairs Committee, an outstanding gentleman who has done so much as an advocate of veterans' benefits.

Mr. HAMMERSCHMIDT. I thank the gentleman for yielding me this time.

Mr. Speaker, as senior member of the Subcommittee on Hospitals and Health Care, I rise in strong support of House Concurrent Resolution 27. This resolution expresses congressional opposition to reducing veterans' health care services below existing levels.

I wish to commend the chairman, Mr. MONTGOMERY, the ranking member, Mr. SOLOMON, and the House leaders for bringing this important veterans initiative to the floor in a timely manner.

This measure is strongly supported by every member of the Veterans' Affairs Committee and every major veterans organization in the country. The resolution states that we will not allow—that we will not tolerate—a reduction in health care services to America's veterans.

The projected increase in the elderly population of the United States is being experienced earlier in the veterans population than in the general population. By 1991 over 60 percent of all males over the age of 65 will be veterans, most of them World War II veterans.

The VA budget recommendation for veterans health care services is inconsistent with the congressional commitment to our veteran population and its diverse and changing medical needs.

As our country's veterans population begins to age, more, not less, health care services will be needed. Our World War II veterans are increasing-

ly in need of, and clearly entitled to, veterans health care assistance.

America's veterans have never failed us, and we must never fail them. I urge all of my colleagues to support House Concurrent Resolution 27.

Mrs. BOGGS. Mr. Speaker, will the gentleman yield?

Mr. HAMMERSCHMIDT. I yield to the gentlewoman from Louisiana.

Mrs. BOGGS. I thank the gentleman for yielding to me.

Mr. Speaker, as a member of the Appropriations Subcommittee on Veterans' Affairs, I rise in complete support of this legislation. I thank the gentleman who has yielded to me for his service to the veterans of this country and to the gentleman from Mississippi and the gentleman from New York for bringing this bill to the floor in such a timely fashion.

Mr. HAMMERSCHMIDT. I am delighted to yield to the gentlewoman. I know of her long-time active support for veterans in this country.

Mr. MONTGOMERY. Mr. Speaker, I also would like to follow up and thank the gentlewoman from Louisiana [Mrs. BOGGS] for her good work on that Subcommittee on Appropriations.

Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts [Mr. BOLAND], the chairman of the Subcommittee on HUD and Independent Agencies.

Mr. BOLAND. I thank the gentleman for yielding to me.

Mr. Speaker, I would first like to commend the Veterans' Affairs Committee for bringing this concurrent resolution to the floor. I especially want to recognize the gentleman from Mississippi [Mr. MONTGOMERY], chairman of the Veterans' Affairs Committee, for his leadership on veterans matters. I also want to recognize the gentleman from New York [Mr. SOLOMON], the ranking minority member of the Veterans' Affairs Committee and the gentleman from Arkansas [Mr. HAMMERSCHMIDT], the ranking minority member of the Subcommittee on Hospitals and Health Care, for their outstanding work for veterans.

I would also like to commend the gentlewoman from Louisiana [Mrs. BOGGS], the gentleman from New York [Mr. GREEN], and the other members of the HUD-Independent Agencies Appropriations Subcommittee for their support of veterans' programs.

Mr. Speaker, I rise in strong support of House Concurrent Resolution 27. This concurrent resolution expresses the Congress' opposition to proposals in the budget to reduce the VA's capacity to provide health care to eligible veterans.

The 1988 budget proposes to cut staffing at VA hospitals by 3,810 and—when new activations are absorbed—the net reduction would total 6,000 fte. The administration also proposes to rescind $75,000,000 of 1987 medical care funds. This rescission would have the effect of reducing staffing by 1,400. Last year the administration proposed cutting hospital staffing by 8,848.

The administration's budget proposals continue to reflect the wrong budget priorities. Hospital staffing should not be reduced. Such action would mean that fewer patients would be treated at VA hospitals. With growing demand, primarily due to the increasing number of aging veterans, staffing should not be reduced below the current level.

Last year, Congress appropriated $326,000,000 above the budget request to maintain the existing staffing level.

The Appropriations Committee does not intend to report a bill to rescind $75,000,000 in medical care funding as proposed by the administration.

I am sure the 1988 appropriations bill will contain funds to support at least the current staffing level.

I urge Members to vote for House Concurrent Resolution 27.

□ 1310

Mr. SOLOMON. Mr. Speaker, I just want to commend the gentleman from Massachusetts for a very excellent statement. We concur with his statement and we certainly are glad that the $75 million rescission is not going to go into effect because the Congress does not intend to follow up with the legislation in 1988, so we thank the gentleman very much.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I would like to commend the gentleman from Massachusetts and the other members of the subcommittee, the ranking minority member of the subcommittee. They have been real friends of veterans. We authorize and they appropriate. They have been there when the appropriation is needed.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nebraska [Mrs. SMITH] a long-time advocate for the veterans of this country.

Mrs. SMITH of Nebraska. Mr. Speaker, I rise today in strong support of this resolution, which serves to reaffirm the commitment of this Congress to our country's veterans. I appreciate the quick action by the gentleman from Mississippi [Mr. MONTGOMERY] and the Veterans' Committee in bringing this resolution to the floor.

This resolution, House Concurrent Resolution 27, expresses the opposition of Congress to provisions of the administration's proposed Veterans' Administration budget for fiscal year 1988 that would reduce the VA's capacity to provide health care to eligible veterans.

Under current law, the VA is required to furnish hospital care to veterans with service-connected disabilities; to certain special categories of veterans, such as former POW's; and to veterans with non-service-connected disabilities whose income does not exceed $18,000 with one dependent, or, in the case of a single veteran, $15,000.

For veterans with non-service-connected disabilities, the law provides that hospital care may be provided if resources and facilities are available, and requires veterans whose incomes exceed the means level to pay a fee equal to the Medicare copayment.

Apparently, the administration has a different idea about how the means test should operate, in spite of the clear congressional record on the issue.

In its 1988 veterans budget proposal, the administration has proposed a rescission of $75 million in fiscal year 1987 and also has proposed to reduce spending by $92.2 million in fiscal year 1988. These reductions would eliminate funding for veterans with non-service-connected disabilities whose income exceeds $20,000 if single, or $25,000 if married.

The Veterans' Committee has determined that the administration proposals would deny hospital care to 13,548 veterans and reduce outpatient visits by at least 113,000.

I am here today to say that the administration has no business sending this kind of proposal to the Congress. We will gladly consider reductions recommended by the administration in many areas of the budget—but we simply will not go along with drastic reductions in health care for our veterans.

And we will continue to pass these resolutions of objection again and again until the administration understands that this Congress will not put up with attacks on veterans programs.

Those who would cut back on veterans programs would do well to remember that without our veterans, this country wouldn't be here. The veterans of this Nation deserve the very best we can give them—and they certainly deserve more than this budget proposal would provide.

I hope passage of this resolution will reassure veterans that the Congress has no intention of going along with proposals to drastically reduce veterans health care benefits.

I urge unanimous passage of the resolution.

Mr. MONTGOMERY. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of the resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 27, expressing Congress' opposition to cuts in the Veterans' Administration's medical care proposed in the administration's budget.

In recent years, many programs have been reduced in an effort to control the budget deficit. The Veterans' Administration has not been spared from these cuts. However, Congress has attempted to make sure that veterans who need medical care can get it.

In the budget proposal recently submitted to Congress, the administration has proposed to rescind $75 million of the fiscal year 1987 VA medical care budget. Additionally, the administration is proposing to cut $92.2 million from that budget again in fiscal year 1988, making it very difficult for the VA to adequately provide care for many veterans. These programs should be funded at a current services level in order to ensure that veterans receive the medical care they need and deserve.

Veterans in this country have risked their lives to protect our way of life. When their country needed them, veterans responded. Now they need the help of their country, and we must not abandon them.

I urge my colleagues to support House Concurrent Resolution 27.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to my cochairman on the POW-MIA task force, a gentleman who really has done so much for the veterans of this Nation, the gentleman from New York, Mr. BEN GILMAN.

Mr. GILMAN. Mr. Speaker, I rise in support of House Concurrent Resolution 27, expressing congressional opposition to the proposal to eliminate funding for category C health care benefits provided by the Veterans' Administration. I commend the gentleman from Mississippi, the distinguished chairman of the Veterans' Committee, Mr. MONTGOMERY, and my friend and colleague the gentleman from New York [Mr. SOLOMON], for introducing this resolution, reaffirming Congress' commitment to assist our veterans in meeting their health care needs.

Last Congress this body enacted and the President signed into law, the Veterans' Administration Health Care Amendments of 1986. This legislation established new eligibility standards for health care for veterans and created three categories of veterans—two categories of no-cost eligibility, and a third category, encompassing those veterans who may receive health care on a shared-cost basis. These changes ensured the continued ability of the VA to provide quality health care to those veterans most in need, while still meeting our obligation to assist higher-income veterans. Category C veterans are those veterans with income in excess of $20,000 per year. Space in a VA facility is provided to those veterans on a space and resource availability basis if the veteran agrees to pay the cost of the medical care or $520—equivalent to the Medicare copayment level—for the first 90 days. For each succeeding 90 days of care, the veteran is required to pay medical costs or one-half of the inpatient deductible of $260. When we made these changes, I believe that many Members felt that we had gone as far as we could, or wanted to, in restricting access to free health care and that we did not anticipate any further changes in the program for many years to come.

Now we are presented with an administration budget that proposes eliminating the health-care subsidy for the category C veterans. This proposal prescribes a recission for this program for the last 5 months of fiscal year 1987 and a complete elimination for fiscal year 1988. I strongly oppose this and any proposal to further cut the health care benefits afforded our veterans. If we were not bound by severe budget constraints, I know this Chamber would vote to increase funding for all the veteran's health care programs. If we eliminated funding for category C veterans, we would be denying hospital care to approximately 13,548 veterans and health care to another 113,000 more. We must not forget our commitment to our veterans who served our Nation so willingly.

Accordingly, I urge my colleagues to voice their opposition to proposals to cut funding for the category C health care program, and to support House Concurrent Resolution 27.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GREEN] who is the ranking minority member on the Appropriations Subcommittee, the counterpart of the gentleman from Massachusetts [Mr. BOLAND] who has done so much for us in the VA.

Mr. GREEN. Mr. Speaker, I thank my colleague, the gentleman from New York, for allotting me some time.

I am delighted to rise here and join the chairman of the HUD and Independent Agencies Appropriation Subcommittee, of which I serve as the ranking minority member, in supporting this resolution.

I think the administration's proposals in terms of veterans' health care make little sense. They make little sense from a health point of view, of course; but they also make little sense from the point of view of overall budget considerations.

The fact of the matter is that the veteran population in this country is overwhlemingly World War II veterans and that population is growing, as simple arithmetic will show, is now a group that is already eligible for Medicare or will very soon become eligible for Medicare. Under those circumstances, it does not seem to make any sense whatsoever to force those veterans out of the VA health care system and into the general health care system.

The fact of the matter is that the VA health care system, the VA hospitals, are very leanly staffed indeed. As my other colleague, the gentleman from New York [Mr. GILMAN] suggested a moment ago, were the budget situation better, we would probably be increasing the staff there, rather than simply trying to hold the line, but certainly there is no question that care for our veterans can be given most efficiently in the VA hospitals, and for the administration at this point and under the circumstances to try to take these veterans and dump them on the general health care system does not seem to make any sense at all, either from the point of view of health or from the point of view of public economics.

□ 1320

Mr. MONTGOMERY. Mr. Speaker, I commend the gentleman from New York [Mr. GREEN] as I did earlier, for his comments. He certainly has been supportive of fair funding for the veteran.

Mrs. LLOYD. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 27—to express the strong opposition of Congress to the administration's proposed Veterans' Administration's budget for fiscal year 1988 which would reduce the VA's capacity to provide health care to eligible veterans.

The Veterans' Affairs Committee has already heard testimony concerning the administration's proposed budget from such distinguished groups as the Veterans' Administration, the Paralyzed Veterans of America, the Disabled American Veterans, the Veterans of Foreign Wars, the American Legion, the Vietnam Veterans of America, and a panel of Veterans' Administration executive health care professionals.

I want to go on record today in joining these groups in sounding my strong objection to what I believe is one of the most alarming portions of the administration's fiscal year 1988 budget proposal—the $75 million rescission of already appropriated funds in the Veterans' Administration fiscal year 1987 health care budget.

We owe a tremendous debt of gratitude to our Nation's veterans—they answered our country's call to service with valor and honor and I am deeply concerned about the message this rescission sends. More importantly, I am concerned about its effect. Chairman MONTGOMERY, of the House Veterans' Affairs Committee, estimates that approval of the $75 million rescission is likely to result in a reduction of 15,600 inpatients treated by the VA, and 212,000 fewer outpatient visits. Furthermore, the proposed rescission would result in the termination or furlough of thousands of VA employees, jeopardizing the quality of care provided to veterans who are treated.

I believe quality health care is a basic tenet to the dignity and respect we owe our veterans. I urge my colleagues to join with me in supporting House Concurrent Resolution 27 so that we can continue to adequately serve our veterans' health care needs.

Mr. RAHALL, Mr. Speakr, I rise today in support of House Concurrent Resolution 27. This resolution expresses the strong opposition of Congress to the administration's proposed Veterans Administration [VA] budget for fiscal year 1988 which would reduce the VA's capacity to provide health care to eligible veterans. As the resolution states, the proposed VA budget would deny hospital care to 13,548 veterans and reduce outpatient visits by at least 113,000.

The Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99-272) requires the VA to furnish hospital care to veterans with service-connected disabilities—and to certain other categories of veterans, such as former prisoners of war, and veterans with non-service-connected disabilities whose income does not exceed $18,000 with one dependent, or $15,000 in the case of a single veteran. For veterans with non-service-connected disabilities, the law provides that hospital care may be provided if resources and facilities are available, and requires veterans whose incomes exceed a certain level to pay a nominal fee. As these restrictions clearly show, veterans have already paid their share toward deficit reduction.

I am in full agreement with the recently released report of the Veterans Affairs Committee in which it objects to the administration's proposed rescission of $75 million in fiscal year 1987, and proposed cut of $92.2 million in fiscal year 1988. This reduction in funding would eliminate funding for veterans with non-service-connected disabilities whose income exceeds $20,000 if single, or $25,000 if married. It is also highly objectionable that the administration's VA budget includes arbitrary "productivity increases," insufficient extended care resources, inadequate outpatient care resources, and an inadequate response to special populations such as AIDS patients and the homeless.

I have submitted testimony to the House Committee on the Budget outlining my concerns in this regard. According to the distinguished chairman of the House Committee on Veterans' Affairs, in terms of health benefits to veterans, the administration budget is $288 million short of what is needed to provide services at the current medical care level. Our veterans served this country valiantly. They fought to preserve the freedom we all cherish. These proposals cast a gloomy shadow of doubt on the promises made to these men and women upon enlistment. We owe a great deed of thanks to these Americans; these proposals simply defy reason.

While there must be reductions in Federal spending, the nature of the administration's reductions are unacceptable. Programs which benefit our Nation's veterans have suffered their fair share under the necessity of deficit reduction. I urge my colleagues to join me in supporting the passage of this resolution in opposition to the administration's proposals to further drastic cuts in VA programs.

Mr. YATRON. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 27 and I commend my distinguished colleagues, Mr. MONTGOMERY and Mr. SOLOMON, for introducing this much-needed legislation. As you know, House Concurrent Resolution 27 expresses congressional opposition to the administration's budget proposals which seeks to impose drastic cutbacks for the Veterans' Administration's health care programs.

Our Nation has a long-standing commitment to provide care and assistance to those Americans who have bravely served in the Armed Forces. The administration's budget proposals would damage this commitment. Veterans' medical programs will be especially hard-hit; the quality of the VA's facilities and services will continue to erode. The administration's proposals fall nearly $300 million short of maintaining current services. The cumulative result of these proposals is 6,220 fewer direct VA health care personnel, 113,000 fewer outpatient treatment visits for veterans and 13,500 fewer inpatient treatments. In addition, a much-needed upgrading and improvement of VA facilities will again be postponed.

These figures are a cause for concern. The administration's budget proposals will contribute to a significant decrease in the quality of health care provided to our Nation's veterans. These brave men and women deserve better; they deserve the best care and services that we can offer. Our commitment to America's veterans must continue unabated. House Concurrent Resolution 27 is an important step in these efforts. I urge my colleagues to continue this commitment and support passage of House Concurrent Resolution 27.

Ms. SLAUGHTER of New York. Mr. Speaker, I rise today in strong support of House Concurrent Resolution 27, expressing Congress's opposition to administration budget proposals which would reduce the capacity of the Veterans' Administration to provide health care. This resolution is a very important expression of Congress's determination that further cuts in veterans' benefits, particularly medical benefits, cannot be tolerated.

Today, many of the men and women who risked their lives for our Nation in World War II are reaching retirement age. Over the past four decades we made a commitment to them that the veterans' health care system would be there as a safety net should they require medical assistance. Now at the very time when they will increasingly need that promised assistance, it is threatened; the safety net removed.

In the 1985 Consolidated Omnibus Budget Reconciliation Act Congress determined that because of the budget deficit crisis only certain categories of veterans would continue to be guaranteed access to health care facilities. These were the neediest and those whose medical problems stemmed directly from their service to the Nation. Others would be accepted only as resources were available and some of these would be required to pay substantial portions of the cost of their care.

Most veterans accepted this change as their share of the sacrifice all Americans were asked to bear in the fight against the deficit. However it is unacceptable to ask them to again bear the brunt of that fight, to subject them annually to the fear of losing what they thought they had been guaranteed. We must now hold fast and honor the commitment we have made to provide veterans' health care.

To accept the administration cuts is to break faith with our veterans. All veterans would be forced to worry whether the care they had counted on and were promised will be available when they need it. I refuse to place that burden on the 70,000 men and women in my district who have already sacrificed so much for their Nation. I urge my colleagues to affirm our commitment to veterans by voting for House Concurrent Resolution 27.

Mr. EDWARDS of California. Mr. Speaker, as a member of the Veterans' Affairs Committee, I rise in strong support of this concurrent resolution.

The Reagan administration's budget proposal for the VA health care system would reduce the amount and the quality of the health care provided to the Nation's veterans. This is simply unacceptable.

In the face of our aging veteran population and their increasing needs, a less than current services health care budget will not do. The VA currently is suffering from a shortage of nurses and other professional staff. This proposed budget would severely exacerbate such pressing problems.

The Nation has a historic commitment to the care of those who rose in its defense. It's a commitment we intend to keep.

Mr. ORTIZ. Mr. Speaker, I rise today in support of House Concurrent Resolution 27, expressing strong opposition of the Congress to proposals contained in the Veterans' Administration budget for fiscal year 1988 to reduce, through a reduction in funding levels, the capacity of the Veterans' Administration to provide health care to eligible veterans. I thank our distinguished chairman of the Committee on Veterans' Affairs, the Honorable G.V. "SONNY" MONTGOMERY and the ranking member, the Honorable GERALD B.H. SOLOMON, for their sponsorship of this legislation reinforcing the commitment Congress has made to provide comprehensive assistance, including medical assistance, to veterans of the Armed Forces of the United States.

It is unconscionable for our Nation to turn its back on the very men and women who have sacrificed their lives, the cherished time with their families and loved ones, their education, and their health, so that we may enjoy the freedom we hold so dear. How very disappointing it is to see a funding proposal that ignores the law and reduces the health care delivery system of the Veterans' Administration. The intent of the Veterans' Administration to scale down the capacity to provide medical care by mission changes which close surgical capabilities of existing, selected facilities, reduce selected acute care facilities to predominantly extended care centers and/or outpatient care facilities, and close an outpatient clinic, jeopardizes a fundamental part of the medical care system of the United States. Additionally, the proposed budget does not reflect the problem of homeless veterans or the anticipated need for extended care of the increasing number of veterans over the age of 65, predicted to peak at 8.9 million by 1999. One only needs to view the long waiting lists and the numbers of veterans needing long-term care who today are turned away. Additionally, the increasing aging veteran population and changes in the practice of medicine contributes to the steady rise in demand for the Veterans' Administration outpatient care. Over 35,000 veterans who are turned away each month and the excessively long waiting lists for many types of outpatient care is clear evidence of the need for increased outpatient capacity.

Mr. Speaker, we in the Congress must persevere in providing the resources so necessary to furnish health care for our veterans who have sacrificed so much. We must continue to demonstrate our willingness to provide these resources, so that those members serving in our Armed Forces will realize our continuing commitment to provide them the health services they so richly deserve.

Mr. BIAGGI. Mr. Speaker, I rise in full support of this resolution, (H. Con. Res. 27) which expresses the strong opposition of Congress to the administration's proposed Veterans' Administration health care budget cuts.

I am very proud to observe that this august body has strongly and successfully resisted efforts during recent years to reduce the quality of health care for our Nation's veterans. Today, we have the opportunity to assume that responsible and leadership role once again. I want to especially commend the House leadership and the distinguished chairman of the House Veterans' Affairs Committee, Mr. MONTGOMERY, for giving us this important opportunity.

Simply put, the administration's VA health care budget proposal is unrealistic and totally unacceptable. They have proposed a rescission of $75 million in fiscal year 1987, and a reduction of $92.2 million in fiscal year 1988, which would eliminate funding for veterans with non-service-connected disabilities whose income exceeds $20,000 if single, or $25,000 if married. These cuts would eliminate some 3,800 VA jobs over the next 18 months, as well as denying hospital care to 13,548 veterans and reducing outpatient visits by at least 113,000.

In addition, the administration's proposed budget does not adequately address growing VA health care trends, such as treatment of veterans with AIDS—the VA is currently treating 1,000 veterans with AIDS at an average annual cost of $40,000 per patient; extended care for the elderly veteran population—60 percent of all males over the age of 65 will be veterans in 1991; and treatment of homeless veterans—an unknown proportion of whom also suffer from mental illness.

This body has long maintained that the quality of health care for our Nation's veterans must not be allowed to diminish, and for good reason. Our Nation's veterans has served these United States courageously and selflessly during times of need. Many sacrificed life and limb while fulfilling a deep sense of duty to their country. Now, it is our turn to repay this substantial debt in a very modest way—to assist them with their health care, housing, education, and other basic needs. It is a very small price to pay for the invaluable service thay have given their country. In fact, the question we should be asking ourselves is not where can we cut, but rather, how can we help? We can begin by giving our unanimous support to House Concurrent Resolution 27.

Mr. RANGEL. Mr. Speaker, I appreciate this opportunity to stand before you and my colleagues to express my unequivocal support for the rights of our veterans. We have before us today, House Concurrent Resolution 27, a bill that expresses this Congress' strong opposition to the administration's recommendations for the Veterans Administration budget. I strongly support the sentiments of this resolution as a statement of our commitment to addressing the growing health needs of our veteran population.

The administration states in its budget proposal that "benefits and services are provided to meet the Nation's obligation to the veterans of military service." Well, as a former veteran who has reviewed the President's budget carefully, I have a sinking feeling that the President is unaware of this Nation's obligation to veterans. This is obviously the only reason why the administration's fiscal year 1988 budget proposes to reduce the Veterans' Administration's capacity to provide health care to currently eligible veterans.

Obviously, the President needs to go back to this staff and ask why he was not told that his budget proposals would deny hospital care to 13,548 veterans. This must be the case indeed, because surely President Reagan would not have offered these recommendations had he known that these proposals are evidently contrary to our commitments to this Nation's veterans.

While on the surface the administration's budget may seem to provide the basic services, the underlying fact of the matter is that the health care needs of our veterans are becoming more complex. As our veteran population gets older their health care needs increase. Another factor that must constantly be kept in mind is the fact that health care cost have been on the rise for more than a decade, and there is no end to these skyrocketing prices in the near future.

Mr. Speaker, I support this legislation because it is necessary to remind the President that the Members of the 100th Congress, are fully aware of the contributions made by our veterans in protecting the principles of our democracy. They have done their duty, now we must do ours.

Providing adequate funding for health care programs, pensions, education, and rehabilitative services was the intention of congressional action taken in 1985 in the Consolidated Omnibus Budget Reconciliation Act. The administration's budget undermines the very principles of this act. I encourage my colleagues to join me in taking a strong stand in opposition to this insensitive budget proposal by supporting House Concurrent Resolution 27.

Mr. YOUNG of Florida. Mr. Speaker, I rise in support of House Concurrent Resolution 27, a resolution expressing the opposition of the Congress to budget proposals that would reduce the number of veterans eligible for Veterans' Administration health care benefits.

This legislation reaffirms the commitment by Congress to ensure that our Nation makes good on its promise to provide the best medical care available for our veterans. House Concurrent Resolution 27 clearly states or unwillingness to deny medical care to veterans because their income is above a certain level. When these courageous Americans come to the defense of our country in its time of need, they did not provide service based on their wealth or income. They served out of a desire to protect our treasured freedom and liberty.

Now, in their time of need, these veterans should not be asked to qualify for the benefits and health care they rightfully earned through their service. Instead, we should be honored to provide our veterans with the benefits they so richly deserve.

In Florida, where our veterans population is increasing at a rate of 5,000 per month, we have worked to provide the highest quality Veterans' Administration medical staffs and volunteer systems and most modern and technologically advanced hospitals. The Bay Pines Veterans' Administration Medical Center in Pinellas County, which I represent, stands as a living working memorial to the unselfish service of our veterans and our desire to provide for their health care needs.

Mr. Speaker, with the passage of House Concurrent Resolution 27, we will reassure our Nation's veterans that we intend to uphold our promise to provide whatever assistance may be necessary to them, regardless of their income, and that as Members of the U.S. House of Representatives we will continue to serve them to the best of our ability.

Mr. GALLO. Mr. Speaker, today we are faced with a serious question and the answer to that question must be a resounding "yes." The question before us today in the form of House Concurrent Resolution 27 is: Will we uphold our commitment to our veterans who have served our country with distinction and who now need the help of the American people to secure the medical care that they require?

House Concurrent Resolution 27, expresses the sense of Congress that we must keep that commitment by blocking efforts to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

In general, our Federal Civilian Health Assistance Program is based on the ability of the patient to pay for his or her care. Our health care policy for our veterans, however, has always been held to a higher standard—a commitment that recognizes the special and extraordinary effort put forth by our men and women who have defended our Nation through military service.

Members of the House are today being asked to uphold that commitment to a higher standard by voicing objection to imposition of a means test in cases involving veterans in need of medical care.

I support this resolution because I believe that our veterans should have access to the best medical care available through our system of VA hospitals and other supporting facilities.

Any cutbacks in this area would hurt these individuals whose status would be changed by this new policy, but at the same time it would hurt the VA health care system as a whole by reducing the resources available to health care personnel within the VA hospital system.

As the average age of our veterans increases, the need to uphold this commitment to quality health care grows greater.

As cosponsor of a bill to make the new GI bill permanent, I am committed to the principle that those men and women who serve their country with distinction as members of our Armed Forces should be recognized as worthy of our help as veterans of that service.

I support this resolution and urge my colleagues to join me in support of this commitment to our veterans.

Mr. HORTON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 27, which expresses the opposition of Congress to proposals in the Federal budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

I am a veteran. I am a member of the American Legion and of the Veterans of Foreign Wars. I was a foot soldier under General Patton in World War II, and participated in the invasion of North Africa and Italy. I have a direct interest in this issue.

But my interest goes much further. I have served in this body for 25 years, including the turbulent years of Vietnam. I know the costs—physical and emotional—of serving in the armed services. I also know that the Federal Government made a commitment that we would take care of those who have taken care of our country, and guarded our way of life. We have a moral obligation; we cannot renege.

On the surface, the President's budget looks fairly promising—more than a $200-million increase. But after careful examination, we find that it will require an additional $250 million just to keep the VA at its current strength.

Mr. Speaker, our veterans community continues to age. Its needs for health care are increasing. This is not the time to cut back on vital services provided by the VA. We cannot allow the current fiscal constraints to justify reduced services to our veterans. Simply put, we cannot balance our budget on the backs of those honorable men and women who have served their country in the armed forces.

I urge your strong support of House Concurrent Resolution 27, and of our veterans. They expect nothing more than basic health care. They deserve nothing less.

Mr. HOLLOWAY. Mr. Speaker, I rise in support of House Concurrent Resolution 27, the expressed opposition by the Congress to the proposals of the administration to reduce the veterans health care budget thereby reducing the capacity of the Veterans' Administration to provide adequate health care to eligible veterans. I was a cosponsor of a similar resolution. The State of Louisiana is the home of approximately 438,000 veterans. Of this number, 47,940 live in my congressional district; 16,920 are older veterans who are facing advanced age and the infirmities that go along with it. It is critical that the faithful and loyal service of these men and women be recognized and appreciated. These brave Americans left their comfortable lives when called upon to defend the freedom of their country. As a grateful and understanding Nation, we must be sure to provide adequate health care to these veterans in their times of need.

There are three VA medical centers in Louisiana. The medical center which happens to be in my district, VAMC, Alexandria, is currently expanding its beds and services. The Congress has already addressed the growing need for additional beds at this facility because of increased demand. I cannot, in good faith, support a budget proposal that would deny hospital care to 13,548 veterans nationwide, reduce the staffs in our VA hospitals by 3,810, and reduce outpatient visits by 113,000.

The price of freedom is not cheap. The cost of our veterans' benefits are the direct result of the cost of war and the cost of defense in peacetime. Our Nation must be willing to recognize the needs of our older and infirmed veterans and it is for this reason that I cannot support any reduction in spending at the expense of those who * * * have borne the battle. I am hopeful that the Senate will also act swiftly to restore the faith of our Nation's veterans.

Mr. MONTGOMERY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 27.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous matter, on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

EXTENDING THE DATE FOR SUBMITTING REPORT REQUIRED BY NATIONAL COMMISSION ON DAIRY POLICY

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1123) to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

The Clerk read as follows:

To amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

H.R. 1123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF DATE FOR REPORT OF NATIONAL COMMISSION ON DAIRY POLICY.

Section 143(c) of the Food Security Act of 1985 (7 U.S.C. 1446 note) is amended by striking out "1987" and inserting in lieu thereof "1988".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 20 minutes and the gentleman from Wisconsin [Mr. GUNDERSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1123 will amend the Food Security Act of 1985 to extend for 1 year the date by which the National Commission on Dairy Policy must submit its report to the Secretary of Agriculture and Congress.

Mr. Speaker, the Food Security Act of 1985 declared that it is the policy of Congress to respond to the development of new technologies in the domestic milk production industry by reviewing the present milk price support program and its alternatives, and by adopting policies that are needed to prevent significant surplus production in the future while ensuring that the current small- and medium-sized family farm structure of the industry will be preserved for new generations of producers and consumers alike.

In carrying out this policy, the act established a temporary National Commission on Dairy Policy composed of 18 members engaged in the commercial production of milk in the United States. The Commission's function is to study: First, the current Federal Price Support Program for milk, alternatives to the program, and the future functioning of the program; second, new technologies that will become a part of the milk production industry before the end of this century; third, the effect that developing technologies will have on surplus milk production; and fourth, the future structure of the milk production industry.

On the basis of its study, the Commission will make findings and develop recommendations for consideration by the Secretary and Congress with respect to the future operation of the Federal Price Support Program for milk. A report containing the results of the Commission's study, and recommendations based on those results, will be submitted to the Secretary of Agriculture and Congress.

The Food Security Act of 1985 established March 31, 1987, as the date by which the National Commission on Dairy Policy must submit its report to the Secretary of Agriculture and Congress. However, as a result of a delay in the establishment of, and appointment of members and staff to, the National Commission on Dairy Policy, an extension of time until March 31, 1988, is needed. The Commission is just now beginning its work, and an additional year is needed for completion of the required tasks. Therefore, it is appropriate to extend the final reporting date for the Commission until March 31, 1988.

Mr. Speaker, I urge my colleagues to support H.R. 1123 and extend to March 31, 1988, the date by which the

National Commission on Dairy Policy must submit its report to the Secretary of Agriculture and Congress.

Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Texas [Mr. STENHOLM], the new chairman of The Subcommittee on Livestock, Dairy, and Poultry.

Mr. STENHOLM. Mr. Speaker, I rise in strong support of H.R. 1123, which simply amends section 143(c) of the Food Security Act of 1985 to extend the date by which the National Commission on Dairy Policy must submit its report to the Secretary of Agriculture and Congress from March 31, 1987, to March 31, 1988.

Currently, the National Commission on Dairy Policy is required to conduct a study on the following: First, the current price support program for milk; second, alternatives to the current program; third, the future functioning of such program; fourth, new technologies that will become a part of the milk production industry before the end of this century; fifth, the effect that developing technologies will have on surplus milk production; and sixth, the future structure of the dairy industry.

However, as a result of a delay in the establishment of, and appointment of members and staff to, the National Commission on Dairy Policy, an extension of time until March 31, 1988, is needed. Yet, let me be quick to point out that the need for a report and recommendations before the new final reporting date of March 31, 1988, still exists.

Mr. Speaker, for all of these reasons, I urge the adoption of this measure.

Mr. GUNDERSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Food Security Act of 1985, better known as the 1985 farm bill, contained language I originally introduced as a free-standing bill to create an advisory board known as the National Dairy Policy Commission. Specifically, sections 141-146 of the farm bill authorize the establishment of that 18-member board.

What is unique about this body from the perspective of national dairy policy is that it is composed entirely of dairy producers, not processors, academicians, or industry analysts. Never before in the history of the Federal Dairy Program has a producer board been officially sanctioned to advise Congress on the formulation of price support policy.

Accordingly, the commission's charge to study the current Dairy Price Support Program and its alternatives, and recommend that policy which best minimizes Government purchases of surplus dairy products while preserving the family farm structure of dairy agriculture is a most serious responsibility. We are literally asking dairy producers, themselves, to tell us where they think Federal dairy policy ought to be going in the next decade within those two broad parameters.

The original language of the 1985 farm bill requires the Commission to report to Congress by March 31, 1987. At the time the farm bill passed, this was thought to be a reasonable completion date for the Commission's work.

The March 1987 date also fits well into the schedule of the 100th Congress which would, then, have plenty of time to review the recommendations of the Commission before the end of the present Dairy Termination Program on September 30, 1987, and take any necessary legislative action before the next possible change in Federal dairy policy at the beginning of 1988.

Unfortunately, a longer-than-expected search and selection process delayed the appointment of the Commission until September 30, 1986, and rendered the March 1987 reporting date impossible to meet. As such, the bill before us today, H.R. 1123, really is legislation of simple necessity and singular purpose for it extends the completion date of the Commission's final report for 1 year—until March 31, 1988.

At the same time, our committee recognizes that at least one major event under current Federal law could occur before we receive the final report of the Commission. Specifically, the Secretary is authorized to reduce the price support level for milk on January 1, 1988, by 50 cents per hundredweight of milk if Government purchases are estimated to exceed 5 billion pounds, milk equivalent, during calendar year 1988.

Accordingly, we are also asking the National Dairy Policy Commission to provide Congress with a preliminary report no later than October 1, 1987, with respect to whether the Secretary's specific authority to make a price support reduction of 50 cents per hundredweight of milk ought to be retained, altered, eliminated, or replaced by some other policy before the end of the current session of Congress. The Commission is to base this preliminary recommendation on the same criteria that will guide its final report.

Mr. Speaker, the National Dairy Policy Commission represents our honest attempt to directly involve dairy producers in the determination of future Federal dairy policy. It would be foolhardy to artificially limit this involvement simply because of unanticipated delays in the appointment of the Commission.

As such, I urge my colleagues to join me in voting for H.R. 1123 which would extend the final reporting date of the National Dairy Policy Commission until March 31, 1988.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DE LA GARZA. Mr. Speaker, I yield such time as he may consume to my distinguished colleague, the gentleman from Virginia [Mr. OLIN].

Mr. OLIN. Mr. Speaker, I rise in strong support of H.R. 1123.

Mr. Speaker, I rise in support of H.R. 1123, extending the working life of the National Commission on Dairy Policy.

The need to study our national dairy policy is evident. We've changed the law repeatedly over the past several years. Our dairy farmers and processors are pleading for stability in their industry. We need some direction of what must be done in order to reach an acceptable balance of supply and demand.

Because of a late start, the Dairy Policy Commission has not had the opportunity to fully consider all of the options we expect of it. If this study is to have any value, the Commission must have adequate time for hearings, for discussion, and for formulation of recommendations.

Meanwhile, the dairy policy in place is working. It is set up to continue to function well as the National Commission on Dairy Policy goes about its task for another year. During that time, the current program should not be tinkered with; leave it alone, and it will work. Then, with the benefit of the Commission's study, we can go forward toward a long-range national dairy policy.

I urge my colleagues to support H.R. 1123.

Mr. DE LA GARZA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas [Mr. DE LA GARZA] that the House suspend the rules and pass the bill, H.R. 1123.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1123.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING APPEAL RIGHTS TO CERTAIN OFFICERS AND EMPLOYEES OF THE U.S. POSTAL SERVICE

Mr. McCLOSKEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 348) to amend title 39, United States Code, to extend to certain officers and employees of the U.S.

Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service.

The Clerk read as follows:

H.R. 348

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 1005(a) of title 39, United States Code, is amended by adding at the end thereof the following:

"(4)(A) Subchapter II of chapter 75 of title 5 shall apply—

"(i) to any preference eligible in the Postal Service who is an employee within the meaning of section 7511(a)(1)(B) of such title; and

"(ii) to any other individual who—

"(I) is a management official or supervisor in the Postal Service, or an employee of the Postal Service engaged in personnel work in other than a purely nonconfidential clerical capacity; and

"(II) has completed 1 year of current continuous service in the same or similar positions.

"(B)(i) The second sentence of paragraph (2) of this subsection applies with respect to the provisions of subparagraph (A) of this paragraph, to the extent that such provisions relate to preference eligibles.

"(ii) The provisions of subparagraph (A) of this paragraph shall not, to the extent that such provisions relate to an individual under clause (ii) of such subparagraph, be modified by any program developed under section 1004 of this title.

"(5)(A) The Director of the Office of Personnel Management may obtain review of any final order or decision of the Merit Systems Protection Board by filing a petition for judicial review in the United States Court of Appeals for the Federal Circuit if—

"(i) the Postal Service—

"(I) determines, in its discretion, that the Board erred in interpreting a law, rule, or regulation affecting postal personnel management, and that the Board's decision will have a substantial impact on a postal law, rule, regulation, or policy directive; and

"(II) notifies the Office of its determination under subclause (I) of this clause in accordance with procedures prescribed by the Office; and

"(ii) the order or decision is issued in an appeal brought pursuant to section 7513(d) of title 5 (as applied with respect to the Postal Service under paragraph (4) of this subsection).

"(B) In addition to the named respondent, the Merit Systems Protection Board and all other parties to the proceedings before the Board shall have the right to appear in the proceedings before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.".

(b)(1) The amendments made by subsection (a) shall be effective after the expiration of the 30-day period beginning on the date of the enactment of this Act.

(2) An action which is commenced under section 1005(a)(1)(B) of title 39, United States Code, before the effective date of the amendments made by subsection (a) shall not abate by reason of the enactment of this Act. Determinations with respect to any such action shall be made as if this Act has not been enacted.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Indiana [Mr. McCLOSKEY] will be recognized for 20 minutes and the gentleman from New York [Mr. HORTON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. McCLOSKEY].

Mr. McCLOSKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I bring to the floor today H.R. 348, a bill which would allow nonveteran managerial and supervisory employees of the U.S. Postal Service access to an impartial review of adverse personnel actions. H.R. 348 is cosponsored by every member of the Post Office and Civil Service Committee and is substantially similar to legislation (H.R. 2854) passed by the House in the 99th Congress.

In hearings held last week, the Subcommittee on Postal Personnel and Modernization found that there has been virtually no change in the appeals process since hearings were conducted in 1985. Indeed the committee report filed subsequent to those hearings and markup is still an accurate statement of the situation we face today.

Under current law, only postal employees who are veterans or who are covered by collective bargaining agreements may appeal adverse personnel actions to an outside entity—the Merit Systems Protection Board. This is the same right as afforded to nonpostal Federal employees in the competitive civil service. H.R. 348 corrects this apparent inequity by allowing all nonveteran postal supervisory employees the opportunity to appeal an adverse personnel action to the MSPB.

The only significant difference in H.R. 348 and the bill passed by the House in 1985 is a provision to accommodate the U.S. Postal Service. This provision permits the Postal Service to seek, through the Office of Personnel Management, judicial review of certain MSPB decisions which have a precedent-setting impact on postal personnel policy.

The Congressional Budget Office estimates that implementation of this legislation would not result in a net cost to the Federal Government. H.R. 348 does not create a new appeal rights procedure; it simply extends the existing procedure to postal supervisory employees who are not veterans or do not have access to arbitration.

I commend my distinguished colleague the gentleman from California [Mr. DYMALLY] for again introducing this important legislation. In addition, I would like to thank our full committee chairman, Mr. FORD, the ranking minority member, Mr. TAYLOR, my colleague Mr. HORTON who has shown such a strong and evenhanded interest in this matter and all of the members of the committee for their support of H.R. 348.

Mr. Speaker, I urge my colleagues in the House to vote for passage of H.R. 348.

□ 1330

Mr. HORTON. Mr. Speaker, I yield myself 7 minutes.

Mr. Speaker, I rise in the strongest support of H.R. 348, a bill introduced by Congressman DYMALLY, of which I am a principal cosponsor. H.R. 348 provides postmasters and postal supervisors with much needed adverse action appeal rights. Before I discuss the bill, I want to emphasize to my colleagues the broad bipartisan support this legislation enjoys. H.R. 348 was unanimously reported from the Postal Personnel Subcommittee of the Post Office and Civil Service Committee. It was then discharged by the full committee at the direction of both Chairman FORD and ranking member TAYLOR. Both of these distinguished committee leaders, as well as practically every Democrat and Republican on our committee, are cosponsors. It is a good and important bill.

H.R. 348 gives final Merit System Protection Board [MSPB] appeal rights to postmasters and supervisors in adverse action cases. It allows them a final, independent and objective hearing of their side of an adverse action case initiated by the Postal Service. I am saddened and shocked to tell you that the MSPB appeal rights would be the only independent and objective hearing allowed a postmaster or postal supervisor in the entire Postal Service adverse action process.

Congressman DYMALLY and I worked very closely last year on two cases involving postmasters. We saw firsthand how the Postal Service's adverse action process works. An individual, once charged by the Postal Service, is, for all practical purposes, guilty.

He or she receives charges in writing and is then given a period of time to respond in writing. A decision is then made; often the individual is summarily dismissed. He or she has been given very little opportunity to refute the charges—no hearing, no legitimate appeals process. Honestly, this is the only system of its kind that I know of in the United States. It needs to be changed. I must add, however, that I am encouraged by the Postal Service's apparent willingness to consider changes. Postal Service officials are currently working with affected employee organizations to pursue necessary changes.

Changes in the Postal Service system, however, do not diminish in any way the need for this bill. MSPB appeal rights are essential to a fair process. Further, MSPB appeal rights do not represent a radical departure from current Postal Service policy. In fact, postmasters and supervisors who are veterans of our Armed Forces already enjoy this final protection. A fair hearing process should be the right of all postmasters and supervisors regardless of their military service. Women are especially hurt by this exclusion because, obviously, fewer women are veterans, both as a percentage and in real numbers.

It should be understood that a decision by a postmaster to pursue this final appeal is not an easy one. It is hard. It causes serious financial strains. An employee exercising this appeal must pay attorney fees, for his or her case to be heard, and is usually without employment or compensation because the adverse action often results in dismissal. My point is this: a postmaster or supervisor would pursue this final appeal only if he or she felt 100 percent confident of innocence. The current Postal Service process, as I stated earlier, unfortunately doesn't provide a forum for a fair presentation.

I could recite case after case where unfair adverse actions have been taken against individuals. I could recite case after case where punishments have far exceeded the alleged transgression. This bill is important. It allows for a final and objective appeal. I hope it will also temper the Postal Service in its rigid application of existing unfair procedures.

Finally, to my good friend and colleague Congressman DYMALLY. My hat goes off to you. It has been a pleasure working with you on this legislation. You have been a reasoned, strong, and vocal advocate. I am proud to be your principal cosponsor, and I look forward to working with you so that this legislation becomes public law. I urge my colleagues to support passage of H.R. 348.

Mr. Speaker, before I reserve the balance of my time, I would like to address a question to the subcommittee chairman, Mr. MCCLOSKEY, regarding the intent of the subcommittee in covering certain groups of employees.

Mr. Speaker, H.R. 348 extends the right to appeal an adverse action to the Merit Systems Protection Board, to all management officials, supervisors, and certain employees engaged in personnel work in the Postal Service, is that correct?

Mr. McCLOSKEY. Mr. Speaker, will the gentleman yield?

Mr. HORTON. I yield to the gentleman from Indiana.

Mr. McCLOSKEY. The gentleman from New York is correct. The intent of H.R. 348 is to extend MSPB appeal rights to nonveteran employees who, under title 39, United States Code, do not have the right to be represented in a collective bargaining unit.

Mr. HORTON. Therefore, under this interpretation, all postmasters and postal supervisors are covered under H.R. 348 because they may not join a bargaining unit?

Mr. McCLOSKEY. That's right. Let me point out that there are certain Postal Service employees who are not represented in a bargaining unit at this time, but they are not covered by this legislation. That is because these employees are entitled, under title 39, to be included in a bargaining unit, if they so choose.

Mr. HORTON. Mr. Speaker, let me clarify one final point. The subcommittee's understanding of the intent of H.R. 348 is that all postmasters, even those who are the only employee in a post office, are considered "management officials," and, therefore, are covered under this bill?

Mr. McCLOSKEY. That is the intent of the drafters of the legislation, and the subcommittee's understanding when it unanimously approved H.R. 348 during markup. These postmasters and, indeed, other managerial and supervisory employees who are determined to be "management officials," through court rulings or administrative determinations, are clearly covered under H.R. 348.

Mr. HORTON. I thank the gentleman from Indiana for his clarification.

Mr. Speaker, I reserve the balance of my time.

Mr. McCLOSKEY. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. DYMALLY].

Mr. DYMALLY. Mr. Speaker, as the sponsor of H.R. 348, I rise in strong support of this bill to grant all postmasters and postal supervisors the right to an impartial review by the Merit Systems Protection Board of an adverse personnel action.

I would like to commend our subcommittee chairman, Mr. MCCLOSKEY, and our ranking minority member, Mr. YOUNG of Alaska, for their hard work in bringing this legislation to the floor so quickly. Also, let me thank our full committee chairman, Mr. FORD, and ranking minority member, Mr. TAYLOR, and Mr. HORTON for their strong support of H.R. 348.

During the 99th Congress, similar legislation passed the House under suspension of the rules, with strong bipartisan support. Today, only 2 months after it was reintroduced, H.R. 348 has over 80 cosponsors, including every member of the Post Office and Civil Service Committee.

Clearly, my colleagues agree that postmasters and postal supervisors are entitled to a third-party review of an adverse action which may threaten their jobs and careers.

Under current law, veterans preference eligibles in these positions may appeal a conduct-related adverse action to the Merit Systems Protection Board, an independent Federal agency. My bill simply extends this same right to nonveterans in these positions.

Mr. Speaker, after our subcommittee hearing on this bill last week, I am more convinced than ever that H.R. 348 is needed to restore fairness to the adverse action appeal system in the Postal Service.

The internal grievance procedure which is available now to nonveteran postmasters and supervisors simply is not objective. Because an appeal of an adverse action is reviewed by postal managers in one chain-of-command; too many adverse action decisions are rubberstamped, without a meaningful opportunity for an accused employee to present his or her entire case.

So, while in theory, the internal appeal process is objective, in reality, it serves to cover up numerous instances of arbitrary or vindictive adverse actions.

Finally, I would like to make it clear that H.R. 348 covers a limited group of postal employees for a good reason. Postmasters, postal supervisors, other management officials, and certain employees engaged in personnel-related work, are the only groups of postal employees who are not entitled to representation by a bargaining unit, under title 39, United States Code. Employees who are, or may be, represented by a bargaining unit do have access to a third-party review of an adverse action, in the form of arbitration. Therefore, they are not covered under H.R. 348.

Mr. Speaker, this bill promotes two simple concepts: fairness and equal treatment for postal employees. I urge favorable consideration of H.R. 348 by my colleagues.

□ 1340

Mr. HORTON. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GILMAN], and I want to thank him for his support of this legislation.

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 348, the Postal Employees Appeal Right Act and commend the gentleman from California [Mr. DYMALLY], the gentleman from New York [Mr. HORTON], and the gentleman from Indiana [Mr. MCCLOSKEY] for bringing the measure to the floor at the time.

The postmaster and postal supervisor adverse action appeal rights bill passed the House in December 1985, after being cosponsored by every member of the Committee on Post Office and Civil Service. The Senate Committee on Governmental Affairs also unanimously approved a companion measure to this bill but, unfortunately, the full Senate did not act on the legislation before adjournment.

H.R. 348 grants nonveteran postmasters and postal supervisors the same access to an impartial review of an adverse action as their counterparts with veterans preference status. Under existing laws, only postal managers who are veterans may appeal and conduct related adverse action to the merits systems protection board, an independent federal agency created to resolve employee grievances.

In contrast, postal managers who are not veterans only have access to an internal administrative appeal procedure. Subcommittee hearings on this issue revealed that the internal appeal process tends to lack objectivity, because an appeal passes through a hierarchical chain of command. H.R. 348 merely extends the opportunity for an impartial appeal to all postmasters, postal supervisory, and certain personnel employees, nonveterans as well as veterans.

H.R. 348 is limited to coverage of the above-mentioned groups of employees because they are the only postal employees not entitled to collective bargaining fights under the law.

Finally, the bill contains one amendment approved by the Senate committee during the last session, which concerns the procedure by which the agency, in cooperation with the Office of Personnel Management, may appeal rulings of the Merit Systems Protection Board in adverse action cases to the Federal courts.

Mr. Speaker, the objective of this adverse action appeal rights bill is simple fairness in assuring the right to have an appeal of a job-threatening adverse action heard before an impartial forum. Accordingly, I urge my colleagues to support H.R. 348.

Mrs. LLOYD. Mr. Speaker, I want to commend the Subcommittee on Postal Personnel and Modernization for accelerating consideration of H.R. 348, which proposes to extend to all Postal Service supervisory and managerial employees the right to appeal adverse personnel actions to the merit systems protection board.

This legislation recognizes and seeks to correct a provision of a which unfairly denies to some postmasters, supervisors, and management employees the right to appeal adverse personnel actions of the Postal Service to the Merit Sysetem Protection Board.

Because the law allows only military veterans access to the MSPB, it effectively deprives nonveteran employees—many of whom are women—the opportunity to have an impartial review of adverse personnel actions taken against them by the Postal Service.

This House responded to this injustice during the last Congress when it passed a similar bill, H.R. 2854. I urge my colleagues to join me today in reaffirming our commitment to equal opportunity for postal supervisors and managers.

Mr. McCLOSKEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HORTON. Mr. Speaker, I would like to again urge my colleagues to support H.R. 348, the postal employees appeal rights bill. It is a very important piece of legislation. It is time that we moved, and moved expeditiously on it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. Gray of Illinois). The question is on the motion offered by the gentleman from Indiana [Mr. McCloskey] that the House suspend the rules and pass the bill, H.R. 348.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCLOSKEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 348, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

NATIONAL APPLIANCE ENERGY CONSERVATION ACT OF 1987

Mr. SHARP. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 87) to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances, as amended.

The Clerk read as follows:

H.R. 87

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Appliance Energy Conservation Act of 1987".

SEC. 2. DEFINITIONS.

(a) Energy Conservation Standard.—Section 321(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)(6)) is amended to read as follows:

"(6) The term 'energy conservation standard' means—

"(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with test procedures prescribed under section 323; or

"(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), and (13) of section 322(a); and

includes any other requirements which the Secretary may prescribe under section 325(o)."

(b) New Definitions.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding at the end the following paragraphs:

"(19) The term 'AV' is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

"(20) The term 'annual fuel utilization efficiency' means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

"(A) weatherized warm air furnaces or boilers are located out-of-doors;

"(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills or ducts from the outdoors and does not communicate with air in the conditioned space; and

"(C) boilers which are not weatherized are located within the heated space.

"(21) The term 'central air conditioner' means a product, other than a packaged terminal air conditioner, which—

"(A) is powered by single phase electric current;

"(B) is air-cooled;

"(C) is rated below 65,000 Btu per hour;

"(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

"(E) is a heat pump or a cooling only unit.

"(22) The term 'efficiency descriptor' means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

"(A) For furnaces and direct heating equipment, annual fuel utilization efficiency.

"(B) For room air conditioners, energy efficiency ratio.

"(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

"(D) For water heaters, energy factor.

"(E) For pool heaters, thermal efficiency.

"(23) The term 'furnace' means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

"(A) is designed to be the principal heating source for the living space of a residence;

"(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

"(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

"(D) has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

"(24) The terms 'heat pump' or 'reverse cycle' mean a product, other than a packaged terminal heat pump, which—

"(A) consists of one or more assemblies;

"(B) is powered by single phase electric current;

"(C) is rated below 65,000 Btu per hour;

"(D) utilizes an indoor conditioning coil, compressors, and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

"(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

"(25) The term 'pool heater' means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

"(26) The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56-1986, or as may be prescribed by the Secretary.

"(27) The term 'water heater' means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

"(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

"(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

"(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

"(28) The term 'weatherized warm air furnace or boiler' means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system."

SEC. 3. COVERAGE.

Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended to read as follows:

"COVERAGE

"SEC. 322. (a) IN GENERAL.—The following consumer products, excluding those consumer products designed solely for use in recreational vehicles and other mobile equipment, are covered products:

"(1) Refrigerators, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding—

"(A) any type designed to be used without doors; and

"(B) any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

"(2) Room air conditioners.

"(3) Central air conditioners and central air conditioning heat pumps.

"(4) Water heaters.

"(5) Furnaces.

"(6) Dishwashers.

"(7) Clothes washers.

"(8) Clothes dryers.

"(9) Direct heating equipment.

"(10) Kitchen ranges and ovens.

"(11) Pool heaters.

"(12) Television sets.

"(13) Any other type of consumer product which the Secretary classifies as a covered product under subsection (b)."

SEC. 4. TEST PROCEDURES.

Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended to read as follows:

"TEST PROCEDURES

"SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1987 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

"(b) AMENDED AND NEW PROCEDURES.—(1)(A) The Secretary may amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3).

"(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

"(C) The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

"(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

"(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

"(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy.

"(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to the energy use or efficiency of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

"(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to energy use or efficiency of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

"(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

"(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

"(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

"(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

"(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency or energy use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

"(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency or energy use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

"(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325."

SEC. 5. ENERGY CONSERVATION STANDARDS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS

"SEC. 325. (a) PURPOSES.—The purposes of this section are to—

"(1) provide Federal energy conservation standards applicable to covered products; and

"(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

"(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
"Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice	23.5 AV+471
Side mounted freezer without ice	27.7 AV+88
Bottom mounted freezer without ice	27.7 AV+88
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers	14.8 AV+223

"(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

"(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

"(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

"(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

"(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

"Product Class	Ratio
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.5
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides	8.5
With Reverse Cycle, Without Louvered Sides	8.0

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for room air conditioners.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

"(2) The heating seasonal performance factor of central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 6.8 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 6.6 for products manufactured on or after January 1, 1993.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999. The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (2) shall be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 2002.

"(B) The Secretary shall publish a final rule after January 1, 1994, and no later than January 1, 2001, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

"(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall be not less than the following for products manufactured on or after January 1, 1990:

"(A) Gas Water Heater:	.62 – (.0019 x Rated Storage Volume in Gallons)
"(B) Oil Water Heater:	.59 – (.0019 x Rated Storage Volume in Gallons)
"(C) Electric Water Heater:	.95 – (.00132 x Rated Storage Volume in Gallons)

"(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

"(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

"Wall	
Fan type	
Up to 42,000 Btu/hour.	73% AFUE
Over 42,000 Btu/hour..	74% AFUE

Gravity type	
Up to 10,000 Btu/hour.	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE
"Floor	
Up to 37,000 Btu/hour.	56% AFUE
Over 37,000 Btu/hour..	57% AFUE
"Room	
Up to 18,000 Btu/hour.	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE

"(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraph (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

"(f) STANDARDS FOR FURNACES.—(1) Furnaces (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 78 percent, except that—

"(A) boilers (other than gas steam boilers) shall have an annual fuel utilization efficiency of not less than 80 percent and gas steam boilers shall have an annual fuel utilization efficiency of not less than 75 percent; and

"(B) the Secretary shall prescribe a final rule not later than January 1, 1989, establishing an energy conservation standard—

"(i) which is for furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992;

"(ii) which provides that the annual fuel utilization efficiency of such furnaces shall be a specific percent which is not less than 71 percent and not more than 78 percent; and

"(iii) which the Secretary determines is not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement.

"(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after September 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1994.

"(B) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

"(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any amendment shall apply to products manufactured on or after January 1, 2012.

"(g) STANDARDS FOR DISHWASHERS; CLOTHES WASHERS; CLOTHES DRYERS.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

"(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

"(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

"(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

"(B) After January 1, 1990, the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any such amendment shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(h) STANDARDS FOR KITCHEN RANGES AND OVENS.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

"(i) STANDARDS FOR OTHER COVERED PRODUCTS.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (13) of section 322(a) if the requirements of subsections (l) and (m) are met and the Secretary determines that—

"(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12-month period ending before such determination;

"(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12-month period;

"(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

"(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

"(2) Any new or amended standard for covered products of a type specified in paragraph (13) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

"(3) The Secretary may, in accordance with subsections (l) and (m), prescribe an energy conservation standard for television sets. Any such standard may not become effective with respect to products manufactured before January 1, 1992.

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is five years after—

"(1) the effective date of the previous amendment made pursuant to this part; or

"(2) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect,

except that in no case may an amended standard apply to products manufactured within three years (in the case of refrigerators, refrigerator-freezers, and freezers, room air-conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or five years (in the case of central air-conditioners and heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for any such covered product if the standards contained either in the last final rule required for such product under subsections (b) through (h), as the case may be, of this section or in a final rule published for such product under subsection (j) or this subsection should be amended.

"(2)(A) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(i) amended standards will result in significant conservation of energy;

"(ii) amended standards are technologically feasible; and

"(iii) amended standards are cost effective as described in subsection (l)(2)(B)(i)(II).

"(B) The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is five years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may an amended standard apply to products manufactured within three years (in the case of refrigerators, refrigerator-freezers, and freezers, room air-conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or five years (in the case of central air-conditioners and heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces) after publication of the final rule establishing a standard.".

"(l) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

"(2)(A) Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

"(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) For purposes of clause (i)(V), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

"(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

"(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

"(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).

"(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types (or classes).

"(m) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

"(1) The Secretary—

"(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered products to which the rule may apply;

"(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice; and

"(C) may identify proposed or amended standards that may be prescribed.

"(2) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

"(3) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

"(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary must consider under subsection (l)(2)) or will result in the effects described in subsection (l)(4);

"(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

"(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

"(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

"(4) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

"(n) SPECIAL RULE FOR CERTAIN TYPES OR CLASSES OF PRODUCTS.—(1) A rule prescribing an energy conservation standard for a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

"(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

"(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

"(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which such higher or lower level was established.

"(o) Inclusion in Standards of Test Procedures and Other Requirements.—Any new or amended energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

"(p) Determination of Compliance With Standards.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this part) established in, or prescribed under, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.

"(q) Small Manufacturer Exemption.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any energy conservation standard established in or prescribed under this section for any period not longer than the 24-month period beginning on the date such rule becomes effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

"(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.".

SEC. 6. REQUIREMENTS OF MANUFACTURERS.

Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6296(d)) is amended to read as follows:

"(d) Information Requirements.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency or energy use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to ensure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

"(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

"(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act."

SEC. 7. EFFECT ON OTHER LAW.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended to read as follows:

"EFFECT ON OTHER LAW

"Sec. 327. (a) Preemption of Testing and Labeling Requirements.—(1) Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987, this part supersedes any State regulation insofar as such State regulation provides at any time for the disclosure of information with respect to any measure of energy consumption of any covered product if—

"(A) such State regulation requires testing or the use of any measure of energy consumption or energy descriptor in any manner other than that provided under section 323; or

"(B) such State regulation requires disclosure of information with respect to the energy use or energy efficiency of any covered product other than information required under section 324.

"(2) For purposes of this section, the term 'State regulation' means a law, regulation, or other requirement of a State or its political subdivisions.

"(b) General Rule of Preemption for Energy Conservation Standards Before Federal Standard Becomes Effective for a Product.—Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987 and ending on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation, or revision thereof, concerning the energy efficiency or energy use of the covered product shall be effective with respect to such covered product, unless the State regulation or revision—

"(1) was prescribed or enacted before January 8, 1987, and is applicable to products before January 3, 1988;

"(2) is a State procurement regulation described in subsection (e);

"(3) is a regulation described in subsection (f)(1) or is prescribed or enacted in a building code for new construction described in subsection (f)(2);

"(4) is a regulation prohibiting the use in pool heaters of a constant burning pilot;

"(5) is a regulation described in subsection (d)(5)(B) for which a waiver has been granted under subsection (d); or

"(6) is a regulation effective on or after January 1, 1992, concerning the energy efficiency or energy use of television sets.

"(c) General Rule of Preemption for Energy Conservation Standards When Federal Standard Becomes Effective for a Product.—Except as provided in section 325(b)(3)(A)(ii) and effective on the effective date of an energy conservation standard established in or prescribed under section 325 for any covered product, no State regulation concerning the energy efficiency or energy use of such covered product shall be effective with respect to such product unless the regulation—

"(1) is a regulation described in paragraph (2) or (4) of subsection (b);

"(2) is a regulation which has been granted a waiver under subsection (d); or

"(3) is in a building code for new construction described in subsection (f)(3).

"(d) Waiver of Federal Preemption.—(1)(A) Any State with a State regulation which provides for any energy conservation standard or other requirement with respect to energy use or energy efficiency for any type (or class) of covered product for which there is a Federal energy conservation standard under section 325 may file a petition with the Secretary requesting a rule that such State regulation become effective with respect to such covered product.

"(B) Subject to paragraphs (2) through (5), the Secretary shall, within the period described in paragraph (2) and after consideration of the petition and the comments of interested persons, prescribe such rule if the Secretary finds (and publishes such finding) that the State has established by a preponderance of the evidence that such State regulation is needed to meet unusual and compelling State or local energy interests.

"(C) For purposes of this subsection, the term 'unusual and compelling State or local energy interests' means interests which—

"(i) are substantially different in nature or magnitude than those prevailing in the United States generally; and

"(ii) are such that the costs, benefits, burdens, and reliability of energy savings resulting from the State regulation make such regulation preferable or necessary when measured against the costs, benefits, burdens, and reliability of alternative approaches to energy savings or production, including reliance on reasonably predictable market-induced improvements in efficiency of all products subject to the State regulation.

The factors described in clause (ii) shall be evaluated within the context of the State's energy plan and forecast.

"(2) The Secretary shall give notice of any petition filed under paragraph (1)(A) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, thereon. The Secretary shall, within the 6-month period beginning on the date on which any such petition is filed, deny such petition or prescribe the requested rule, except that the Secretary may publish a notice in the Federal Register extending such period to a date certain but no longer than one year after the date on which the petition was filed. Such notice shall include the reasons for delay. In the case of any denial of a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, such denial.

"(3) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that such State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of the covered product on a national basis. In determining whether to make such finding, the Secretary shall evaluate all relevant factors, including—

"(A) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(B) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State;

"(C) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(i) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(ii) in the current or projected sales volume of the covered product type (or class) in the State and the United States; and

"(D) the extent to which the State regulation is likely to contribute significantly to a proliferation of State appliance efficiency requirements and the cumulative impact such requirements would have.

"(4) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that the State regulation is likely to result in the unavailability in the State of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the State at the time of the Secretary's finding, except that the failure of some classes (or types) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a rule for other classes (or types).

"(5) No final rule prescribed by the Secretary under this subsection may—

"(A) permit any State regulation to become effective with respect to any covered product manufactured within three years after such rule is published in the Federal Register or within five years if the Secretary finds that such additional time is necessary due to the substantial burdens of retooling, redesign, or distribution needed to comply with the State regulation; or

"(B) become effective with respect to a covered product manufactured before the earliest possible effective date specified in section 325 for the initial amendment of the energy conservation standard established in such section for the covered product; except that such rule may become effective before such date if the Secretary finds (and publishes such finding) that, in addition to the other requirements of this subsection the State has established, by a preponderance of the evidence, that—

"(i) an energy emergency condition exists within the State which—

"(I) imperils the health, safety, and welfare of its residents because of the inability of the State or utilities within the State to provide adequate quantities of gas or electric energy to its residents at less than prohibitive costs; and

"(II) cannot be substantially alleviated by the importation of energy or the use of interconnection agreements; and

"(ii) the State regulation is necessary to alleviate substantially such condition.

"(6) In any case in which a State is issued a rule under paragraph (1) with respect to a covered product and subsequently a Federal energy conservation standard concerning such product is amended pursuant to section 325, any person subject to such State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (1) with respect to such product in such State. The Secretary shall consider such petition in accordance with the requirements of paragraphs (1), (3), and (4), except that the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (1) should be withdrawn as a result of the amendment to the Federal standard. If the Secretary determines that the petitioner has shown that the rule issued by the State should be so withdrawn, the Secretary shall withdraw it.

"(e) EXCEPTION FOR CERTAIN STATE PROCUREMENT STANDARDS.—Any State regulation which sets forth procurement standards for a State (or political subdivision thereof) shall not be superseded by the provisions of this part if such standards are more stringent than the corresponding Federal energy conservation standards.

"(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—(1) A regulation or other requirement enacted or prescribed before January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product.

"(2) A regulation or other requirement, or revision thereof, enacted or prescribed on or after January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product if the code does not require that the energy efficiency of such covered product exceed—

"(A) the applicable minimum efficiency requirement in a national voluntary consensus standard; or

"(B) the minimum energy efficiency level in a regulation or other requirement of the State meeting the requirements of subsection (b)(1) or (b)(5),

whichever is higher.

"(3) Effective on the effective date of an energy conservation standard for a covered product established in or prescribed under section 325, a regulation or other requirement contained in a State or local building code for new construction concerning the energy efficiency or energy use of such covered product is not superseded by this part if the code complies with all of the following requirements:

"(A) The code permits a builder to meet an energy consumption or conservation objective for a building by selecting items whose combined energy efficiencies meet the objective.

"(B) The code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard established in or prescribed under section 325, except that the required efficiency may exceed such standard up to the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under sub- section (d).

"(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding such energy conservation standard established in or prescribed under section 325 or the efficiency level required in a State regulation referred to in subparagraph (B) is on a one-for-one equivalent energy use or equivalent cost basis.

"(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which meets but does not exceed such standard or the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(E) If the code sets forth one or more optional combinations of items which meet the energy consumption or conservation objective, for every combination which includes a covered product the efficiency of which exceeds by more than 5 percent either standard or level referred to in subparagraph (D), there also shall be at least one combination which includes such covered product the efficiency of which does not exceed such standard or level by more than 5 percent, except that at least one combination shall include such covered product the efficiency of which meets but does not exceed such standard.

"(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost).

"(G) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.

"(4)(A) Subject to subparagraph (B), a State or local government is not required to submit a petition to the Secretary in order to enforce or apply its building code or to establish that the code meets the conditions set forth in this subsection.

"(B) If a building code requires the installation of covered products with efficiencies exceeding both the applicable Federal standard established in or prescribed under section 325 and the applicable standard of such State, if any, that has been granted a waiver under subsection (d), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d).

"(g) NO WARRANTY.—Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost which is required to be made under the provisions of this part shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved or that such energy use or estimated annual operating cost will not be exceeded under conditions of actual use.".

SEC. 8. CITIZEN SUITS.

Section 335(a) of the Energy Policy and Conservation Act (42 U.S.C. 6305) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedules set forth in section 325."; and

(4) by adding after the last sentence the following:

"The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to paragraph (3) of this subsection. If the court finds that the Secretary has failed to comply with a deadline established in section 325, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.".

SEC. 9. ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW.

Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended to read as follows:

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"Sec. 336. (a)(1) In addition to the requirements of section 553 of title 5, United States Code, rules prescribed under section 323, 324, 325, 327, or 328 of this part shall afford interested persons an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

"(2) In the case of a rule prescribed under section 325, the Secretary shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

"(A) other interested persons who have made oral presentations; and

"(B) employees of the United States who have made written or oral presentations with respect to disputed issues of material fact.

Such opportunity shall be afforded to the extent the Secretary determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

"(3) A transcript shall be kept of any oral presentations made under this subsection.

"(b)(1) Any person who will be adversely affected by a rule prescribed under section 323, 324, or 325 may, at any time within 60 days after the date on which such rule is prescribed, file a petition with the United States court of appeals for the circuit in which such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be transmitted by the clerk of the court to the agency which prescribed the rule. Such agency shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323, 324, or 325 may be affirmed unless supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

"(5) The procedures applicable under this part shall not—

"(A) be considered to be modified or affected by any other provision of law unless such other provision specifically amends this part (or provisions of law cited herein); or

"(B) be considered to be superseded by any other provision of law unless such other provision does so in specific terms by referring to this part and declaring that such provision supersedes, in whole or in part, the procedures of this part.

"(c) Jurisdiction is vested in the Federal district courts of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

SEC. 10. ANNUAL REPORT.

Section 338 of the Energy Policy and Conservation Act (42 U.S.C. 6308) is amended by adding at the end the following: "Nothing in this section provides a defense or justification for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this part."

SEC. 11. CONFORMING AMENDMENTS.

(a) In General.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 324 is amended—

(A) in subsection (a)(1), by striking out "paragraphs (1) through (9)" and inserting in lieu thereof "paragraphs (1), (2), (4), (6), and (8) through (12)";

(B) in subsection (a)(2), by striking out "paragraphs (10) through (13)" and inserting in lieu thereof "paragraphs (3), (5), and (7)"; and

(C) in subsection (a)(3)—

(i) by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (13)";

(ii) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) the Commission or the Secretary has made a determination with respect to such type (or class thereof) that labeling in accordance with this section will assist purchasers in making purchasing decisions,"; and

(iii) by striking out "section 323(a)(5)" in subparagraph (B) and inserting in lieu thereof "section 323(b)(1)(B)";

(D) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(b) Rules in Effect; New Rules.—(1)(A) Any labeling rule in effect on the date of the enactment of the National Appliance Energy Conservation Act of 1987 shall remain in effect until amended, by rule, by the Commission.

"(B) After the date of the enactment of the National Appliance Energy Conservation Act of 1987 and not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (13) of section 322(a) (or class thereof) is prescribed under section 323(b), the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).";

(E) in subsection (b)(3)—

(i) by striking out "section 323" both places in which it appears and inserting in lieu thereof "section 323(b)";

(ii) by striking out "(13)" and inserting in lieu thereof "(12)"; and

(iii) by striking out "(14)" and inserting in lieu thereof "(13)";

(F) in subsection (b)(5)—

(i) by striking out "(10) through (13)" and inserting in lieu thereof "(3), (5), and (7)"; and

(ii) by striking out "(14)" and inserting in lieu thereof "(13)"; and

(G) in subsection (f), by striking out "or (2)" in the second sentence.

(2) Section 326(b)(3)(A) is amended by inserting "established in or" before "prescribed under".

(3) Section 332(a)(5) is amended by striking out "energy efficiency standard prescribed under" and inserting in lieu thereof "energy conservation standard established in or prescribed under".

(b) Stylistic Conforming Amendments.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 322(b)(1) is amended by striking out "(b)(1)" and inserting in lieu thereof "(b) Special Classification of Consumer Product.—(1)".

(2) Section 324 is amended—

(A) by striking out "Sec. 324. (a)(1)" and inserting in lieu thereof "Sec. 324. (a) In General.—(1)";

(B) in subsection (c)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c) Content of Label.—(1)";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) Effective Date.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) Study of Certain Products.—";

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) Consultation.—"; and

(F) in subsection (g), by striking out "(g)" and inserting in lieu thereof "(g) Other Authority of the Commission.—".

(3) Section 326 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—";

(B) in subsection (b)(1), by striking out "(b)(1)" and inserting in lieu thereof "(b) Notification.—(1)"; and

(C) in subsection (c), by striking out "(c) Each" and inserting in lieu thereof "(c) Deadline.—Each".

(4) Section 329 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Confidentiality.—".

(5) Section 332 is amended—

(A) in subsection (a), by striking out "Sec. 332. (a)" and inserting in lieu thereof "Sec. 332. (a) In General.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Definition.—".

(6) Section 333 is amended—

(A) in subsection (a), by striking out "Sec. 333. (a)" and inserting in lieu thereof "Sec. 333. (a) In General.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) Definition.—";

(C) in subsection (c), by striking out "(c) It" and inserting in lieu thereof "(c) Special Rule.—It"; and

(D) in subsection (d)(1), by striking out "(d)(1)" and inserting in lieu thereof "(d) Procedure for Assessing Penalty.—(1)".

(7) Section 335 is amended—

(A) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) LIMITATION.—";

(B) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) RIGHT TO INTERVENE.—";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) AWARD OF COSTS OF LITIGATION.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) PRESERVATION OF OTHER RELIEF.—"; and

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) COMPLIANCE IN GOOD FAITH.—".

(8) Section 339 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) AUTHORIZATIONS FOR THE SECRETARY.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) AUTHORIZATIONS FOR THE COMMISSION.—"; and

(C) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) OTHER AUTHORIZATIONS.—".

The SPEAKER pro tempore. Is a second demanded?

Mr. MOORHEAD. Mr. Speaker, I demand a second.

The SPEAKER pro tempore. Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. SHARP] will be recognized for 20 minutes and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes

The Chair recognizes the gentleman from Indiana [Mr. SHARP].

Mr. SHARP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is with great pride that I rise to speak in support of the National Appliance Energy Conservation Act of 1987. This watershed piece of energy conservation legislation is before the House today for the second time in the last 6 months, having been pocket vetoed by the President after the 99th Congress. Based upon the administration's recent change of heart, however, I am confident that we are now only days from enacting this bill into law. Of all the converts to the cause of appliance standards who have joined the coalition's ranks in recent months, the addition of the administration is perhaps the most welcome.

The central tenet of this legislation is conceptually simple: the more efficient the appliance, the less energy is consumed. Appliance standards operate by requiring the elimination of the least efficient appliances. Since major home appliances account for some 20 percent of the Nation's total energy consumption, even minor adjustments in the efficiency of these products lead to dramatic results. The appliance standards contained in H.R. 87 are projected to provide American consumers, as they purchase new appliances, with a net savings of at least $28 billion, or nearly $300 per household, through the year 2000. That translates into a 6-percent reduction in residential energy consumption nationwide, and a 10-percent reduction in peak electricity demand—the equivalent of 22 large and costly central powerplants that will not have to be built.

The glue that binds the appliance standards bill is a tradeoff between strong Federal standards and strong preemption of State regulation. That tradeoff has engendered an extraordinary coalition of appliance manufacturers, who need the uniformity and predictability of a national standard for their long-range planning, and environmental and consumer groups, who support the positive effects of nationwide appliance regulation.

It is significant that H.R. 87, which began as a cottage industry in the latter days of the 99th Congress, passed the Senate 2 weeks ago by a vote of 89 to 6, and has 160 cosponsors in the House. In addition, there is already talk of "Appliances II" in the near future—updating this bill to include products such as plumbing fixtures or fluorescent ballast lighting. I welcome these initiatives, and hope to assist their progress. The collaborative efforts of this broad coalition stand as a model of consensus legislation, and I hope we can build on this foundation in the 100th Congress and beyond.

I want to express special praise and thanks to my colleague, the gentleman from Massachusetts, Mr. MARKEY, whose leadership on this bill now spans two Congresses and has not waned since his departure from the chairmanship of the Energy Conservation and Power Subcommittee. I would also like to praise the efforts of the ranking minority member of my subcomittee, Mr. MOORHEAD, whose efforts in support of this bill have been tireless and invaluable. I look forward to similar bipartisan vientures with the gentleman during the next 2 years.

It is particularly heartening to me that we are moving major energy conservation legislation during a misplaced lull in the Nation's commitment to this important piece of the energy puzzle. The foundation we are laying today is an insurance policy against the types of energy crises which afflicted us during the 1970's.

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Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wish to commend the members of our subcommittee, including especially Congressman MARKEY, who worked on this bill very hard during the last Congress, Congressman SHARP, Congressman DINGELL and our ranking Republican member of our full Committee on Energy and Commerce, Congressman LENT. Without the cooperation of all of these gentlemen we never would have gotten this matter worked out to bring the bill before you today.

Mr. Speaker, H.R. 87, the National Appliance Energy Conservation Act, resolves a 12-year debate among appliance manufacturers, environmentalists, conservationists, the Department of Energy, and the States over the role of appliance energy efficiency standards. It addresses, reasonably and responsibly, the situation which exists in our country today. Today, 10 States have their own appliance efficiency standards while some 10 to 12 additional States are moving to join them. Indeed, even some cities, such as Austin, TX, have adopted their own appliance standards.

Contemporaneously, the Department of Energy is developing national appliance efficiency standards as required by the National Energy Conservation Policy Act of 1978 and by court order. Unfortunately, even after DOE's national standards are promulgated, States and local governments will still be able to adopt additional or different appliance efficiency standards due to the imperfect preemption provision contained in the 1978 act. Thus, the worst possible situation is evolving in the United States today. We are headed toward national standards developed by DOE plus more stringent State and local standards whenever State and local governments choose to so act.

Recently, a number of arguments have been raised against the bill. I would like to respond to the arguments against H.R. 87 which have been raised in these analyses. Contrary to statements made by opponents of the bill, support for this bill does not mean supporters believe in interfering with the market or believe that consumers will not choose energy conservation. Far from it. I know that the market has worked well in the area of energy conservation. Between 1972 and 1984, refrigerator efficiency increased by 71 percent, room air-conditioner efficiency increased by 25 percent, clothes washer efficiency by 55 percent, and dishwasher efficiency by 54 percent. I know that consumers have in the past and will in the future choose energy efficient appliances and do not need to be directed by Government to do so. Nor, as has been alleged, does H.R. 87 present an opportunity to vote for mandatory energy savings and against voluntary energy savings. That choice is not before Congress and has not been before Congress since 1978 when the National Energy Conservation Policy Act was enacted.

The analyses opposing H.R. 87 do not acknowledge the existence of the National Energy Conservation Policy Act or the fact that it requires DOE to develop such appliance energy efficiency standards. Currently, DOE is developing national standards which they plan to propose in 1988. None of the analyses opposing H.R. 87 makes any distinction between problems which will result from the national standards set forth in H.R. 87 and those which will result from the standards to be promulgated by DOE. Accordingly, we are told that H.R. 87 will disrupt the manufacturing of appliances, eliminate many lower cost, less efficient appliances from the marketplace, impose unnecessary costs on persons living in extreme climates, reduce U.S. competitiveness in foreign markets, and open U.S. markets to foreign competition. If for the sake of argument one assumes that these consequences will result, these consequences would be a product of national standards, irrespective of whether those standards are in H.R. 87 or are promulgated by DOE.

Moreover, to the extent that problems, such as those I just mentioned, could result from national standards, none of these analyses focuses on the beneficial impacts H.R. 87 will have in eliminating or mitigating any such problems. For example, it is likely that DOE's national standards will disrupt appliance manufacturing. That is because DOE's standards are being developed by persons who do not manufacture appliances and who do not comply with standards. Thus, the possibility that DOE's standards will not be technically feasible or practical is high. Additionally, it is likely that DOE's standards will be effective immediately, requiring manufacturers to sue DOE in order to correct any problems with the standards.

H.R. 87 responds specifically to this problem. Thus, appliance manufacturing will not be disrupted by H.R. 87 as it provides for delayed effective dates for all standards. Manufacturers will have sufficient time to design and produce products that comply with the standards. Moreover, the standards in H.R. 87 were negotiated by the manufacturers so that we know now they are technically feasible and practical.

Finally, to the extent that opponents of the bill focus on H.R. 87, the solutions they would substitute for H.R. 87 are unrealistic. For example, there is a proposal to replace the standards in H.R. 87 with standards based on the average efficiencies achieved by existing appliances. This proposal is unrealistic. None of the States with appliance standards will agree to have their standards both lowered and preempted by the strong preemption mechanism contained in H.R. 87. They only agreed to a strong preemption mechanism because the standards in H.R. 87 are equivalent to or more stringent than their standards. The manufacturers only agree to stringent national standards because, under H.R. 87, it will now be difficult to change frequently and randomly appliance standards. Thus, the proposal strikes at the core of H.R. 87 and enjoys no coalition support. Apparently, its proponents believed that they could secure lower appliance standards and a strong preemption mechanism but that belief misapprehends the fundamental compromise which is the basis for H.R. 87.

Another unrealistic solution put forward by an opponent of H.R. 87 is that manufacturers should have voluntarily produced appliances more efficient than any State standards and thus obviated the need for State standards. This proposal does not acknowledge the volatility of the process whereby State and local governments adopt appliance standards and the manufacturer's need for stability. Under existing law, States and localities can quickly and easily adopt and change appliance standards. In Austin, TX, for example, the city imposed stringent efficiency standards for central cooling and heating systems for residences, talked about weakening them, but ultimately retained a high standard for split system air-conditioners. Austin adopted standards of 8.5 SEER in 1986 and 9 SEER in 1987 and is now considering adopting a standard of 9.5 SEER in 1988. Under H.R. 87, manufacturers have until 1992 before they are required to comply with a standard of 10 SEER. Voluntary production of highly efficient appliances will not alter the volatility of the State and local standard adoption process. Thus, in H.R. 87, the manufacturers agreed to comply with stringent efficiency standards in order to secure stability via a strong preemption mechanism and lengthy lock-in periods.

I would like to turn now to the two weightiest criticisms I have heard of H.R. 87. First, critics have alleged that some consumers will be forced to purchase more expensive, more efficient appliances than they would otherwise choose. While this might be true, a study done by Robert Tollison and Robert Ekelund found this number to be small and decreasing over time. This study also concluded that the net impact on these consumers is positive when lower appliance operating costs are taken into account. For example, the projected increase in the cost of refrigerators might be as high as $16 by 1990, the date the refrigerator standards go into effect. The average annual savings in operating costs would be $24 over the operating cost of a 1982 model and $19 over a 1984 model. The majority of consumers will benefit from this legislation as it will reduce the price of energy-efficient appliances, eliminate fraudulent sales of sub-standard units, and increase the competitiveness of the appliance industry.

Second, critics argue that the rationalization of the U.S. appliance marketplace through the enactment of national standards and a strong preemption mechanism may create an environment more conducive to foreign competition. They argue that, in the past, with multiple differing State appliance standards in effect, foreign manufacturers have been less interested in the U.S. market. With national standards in place, foreign manufacturers may enter our markets. Alternatively, manufacturers argue that failure to pass H.R. 87 could provide foreign manufacturers with a new competitive opportunity. They argue that U.S. manufacturers will lose production volume, hurting their economies of scale, while foreign manufacturers will have a shot at marketing niches which expand their volumes and enhance their economies of scale. Small manufacturers could be hurt because they depend on the national marketplace to remain in business. If their market is slashed, they are particularly vulnerable to a loss of volume. Only time will tell whether U.S. manufacturers are hurt or benefited by enactment of H.R. 87. I believe that on balance the benefits of H.R. 87 outweigh the possible future costs of foreign competition with U.S. manufacturers.

In sum, H.R. 87 assures that Federal energy standards will be set at a level reasonable for all parties. It prevents a patchwork of State standards from interrupting interstate commerce and fragmenting the national marketplace. It gives appliance manufacturers sufficient time to redesign, retool, and produce appliances that meet the required standards. By preserving the economies of scale and distribution inherent in a national marketplace, H.R. 87 should assure that the cost of appliances to consumers is not increased. Similarly, by preserving a national marketplace, H.R. 87 will allow manufacturers to produce more and varied appliances, again benefiting consumers. Thus, I believe that the benefits of H.R. 87 far outweigh any possible costs. I urge my colleagues to support this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 87, the National Appliance Energy Conservation Act [NAECA]. I commend my colleague the gentleman from Massachusetts [Mr. MARKEY] for introducing this important piece of legislation and for his persistency in bringing this bill before the House.

H.R. 87 sets minimum standards on energy efficiency for major energy-consuming household appliances. A nearly identical measure, H.R. 5465, was adopted by unanimous consent during the 99th Congress by both the House and the Senate before being pocket-vetoed by the President.

The conservation of our Nation's energy should be a top priority of the 100th Congress. Although our Nation is currently not mired down in an energy crisis, it is expected that our oil supply will begin to run out within the next three to four decades. Therefore, it is imperative to set forth programs which will help to preserve our nation's energy supply for years to come.

Due to the absence of national standards, many States have set their own, and these standards can vary greatly. Manufacturers, consumer groups, and environmentalists are in agreement that national standards for home appliances will be more beneficial and less costly than a proliferation of differing State standards. In order to provide a more stable market for the development of energy-efficient products, it is necessary to enact Federal efficiency standards for appliances. This will also provide a reliable basis for managing energy consumption and resources.

Mr. Speaker, I am pleased that the House has acted so expeditiously on this important legislation, which is an important step in returning to a national policy of energy conservation. Accordingly, I urge my colleagues to support H.R. 87 to insure that national efficiency standards are set to help preserve our Nation's energy resources.

Mr. SHARP. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY] who has taken up chairmanship of a new subcommittee in the Committee on Energy and Commerce but who is still active and who gave considerable leadership to this issue in the last Congress.

Mr. MARKEY. I thank the gentleman very much.

Mr. Speaker, I would like at the outset to compliment the gentleman from California, Mr. MOORHEAD, who despite significant philosophical differences in terms of how the world may perceive the working relationship that exists in the Congress, in fact on a pragmatic basis, on a day-to-day basis worked together with the majority to craft not only this piece of legislation but many others that I think are going to very constructively help us deal with the long-term energy problems in this country. I wanted to publicly compliment him for that spirit of bipartisanship, to compliment as well Mr. LENT, the ranking minority member of the full committee and to compliment the chairman of the full committee, the gentleman from Michigan, Mr. DINGELL, without whose help, and his staff's efforts, it would have been impossible to produce this final product; also the chairman of the Subcommittee on Energy and Power, PHIL SHARP, and his staff, who have brought this bill here on an expeditious basis in order to make it possible for us to get this bill on the books so that appliance companies, utilities, environmental groups can all begin to live under it.

I would also like to compliment staff person Richard Lehfeldt, who had primary responsibility for the carrying out of this bill throughout the subcommittee and the full committee and to the floor for deliberation, along with the other staffs of the majority and minority who have worked on this legislation.

This is an important piece of legislation that in fact will produce benefits that will never quite be as obvious as some of the more dramatic things that we do in this House because of things that will never happen because we pass this legislation. Because we pass this legislation 22 new central-powered generating stations will never be built, will never be built. The consumers will never have to pick up that cost; the grid lines will never have to be constructed; the controversy that might surround the production of coal or nuclear in any particular State or local community will never have to be addressed.

Why? Because that much less energy will be consumed because this bill will pass. We are here thinking smarter and working smarter and not harder. It is something that I believe on a bipartisan basis can produce legislation of this nature. It is something that we are all going to be proud of, something that will have a very subtle but important effect upon the massive expenditures which we are to have to make in this country over the next generation to produce the energy which we need. We are going to find very few new major oil discoveries or natural gas discoveries in our country over the next generation. That is just a matter of geology. But that does not mean that we still cannot continue to have a very productive economy as we improve the ratio between the use of energy and the amount of output that our overall economy can in fact generate from that more limited usage. That is what we have done in the past 6 or 7 years; that is what we are going to continue to do; that is what this bill is all about.

I want to compliment all who participated in its drafting and moving it to this point and to its ultimate passage today.

☐ 1400

Mr. MOORHEAD. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. LENT].

Mr. LENT. Mr. Speaker, I am pleased to express my support for the National Appliance Energy Conservation Act and the solution it provides for the problems which exist in the appliance market today as a result of existing law. DOE is currently developing national energy efficiency standards. Ten States currently have their own different appliance efficiency standards and some 10 to 12 other States are moving to join them. This trend is creating an assortment of separate and conflicting standards for the appliance industry to meet. As appliance manufacturers must tailor their products to meet this variety of standards, this trend is also increasing the costs of producing appliances, and ultimately, the costs of products to consumers.

The solutions that H.R. 87 provides for the problems in today's appliance market is the establishment of stringent national energy efficiency standards for major household appliances and home heating and air-conditioning units and the establishment of a strong mechanism to preempt State and local standards. Thus, States and local governments are willing to have their standard preempted because the standards in H.R. 87 do not undercut their efforts in this area. The manufacturers agreed to the standards because they provide them with certainty and they are technically feasible. Moreover, delays have been built into the effective dates for each standard to create a realistic schedule for implementation. Finally, uniform national standards will permit manufacturers to lower costs through the production and distribution efficiencies achieved by serving a nationwide market. Thus, consumers will benefit from price reductions due to these production economies as well as from savings in energy consumption.

This legislation was developed by a broad coalition of manufacturing and environmental interest groups. It demonstrates how competing interests can develop responsible and realistic answers to significant issues facing our country. I urge my colleagues to support this legislation.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I commend the committee for its speedy action on this issue.

In the Connecticut State House in 1975, as I first sat in that chamber, we were confronted by the fact that other countries were as much as 50 percent more efficient than the United States in their consumption of energy, making their export ability greater than ours, their gross national product grew with less energy commitment, making them far more competitive.

As we look at this legislation, this bill will help us over the next 20 years reduce between $66 and $100 billion of new plant construction. It will save consumers approximately $28 to $30 billion in additional rate costs, and will leave American appliance manufacturers predominant in this country, and with the possibilities for markets overseas.

This committee deserves the commendation of the entire House as we take a look at the new energy challenges that lie before us. It is all too easy to become inactive at a time of low energy prices and surpluses, but these are the times that a congress and a government must act to make sure that we are not confronted with the gas lines of the early and late 1970's; to make sure that this Nation is not once again crippled by the debilitating state of energy dependence on foreign producers.

I commend the chairman and his staff for his previous work and the minority for their great effort.

Mr. MOORHEAD. Mr. Speaker, I yield 6 minutes to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to this legislation that is before us today. It is the answer to a question that does not need to be answered. It comes from a time in the late 1970's when we felt that there was a shortage of energy in this country and that we needed to ration the available energy.

We passed a law in 1978 that basically required that standards be set. The Department of Energy, in the early 1980's, passed standards that basically said the marketplace is working; we do not need to set definite standards. There was a court case that said that that approach was not viable and that the Department of Energy should come back and set some reasonable standards.

The result is this legislation. It is a piece of legislation where there has been an agreement basically to set extremely high standards, standards higher than anything currently in any of the State standards, with one or two exceptions. There is going to be a tremendous cost to the American consumer.

In the committee report that accompanied this particular bill in the last Congress, the cost was estimated to be $1.4 billion per year to the American consumer; $1.4 billion is not a trivial cost. This is not a minor piece of legislation. It is going to impact very heavily every American citizen in this country.

The standards that are going to be set are going to cause increased foreign imports to come into this country. Many of the foreign manufacturers of appliances have not felt that they could impact our domestic markets because of the wide range of products and the low cost of some of these products, but these standards are going to, in some cases, knock out 100 percent of existing products; in many cases, 70, 80, 90 percent of the existing appliances. When you replace the low-cost appliances with high-cost appliances, it makes it very attractive for foreign competition to come into this marketplace.

When we are trying to become more competitive internationally, now is not the time to open our market to more foreign competition.

This legislation also takes away freedom of choice. Many of the low-cost appliances in each product range will be totally knocked out of the marketplace. A consumer wishing to buy an air-conditioner in my State of Texas will not have a wide range of choice. He will have one or two ranges that are very expensive, so he perhaps will not be able to buy that air-conditioner.

By the same token, a consumer in the Northeast who is a low-income consumer and needs to buy a new heater perhaps will not be able to buy that heater or will have to use it less because of the cost of the heater.

These standards, once set, can never be lowered. The legislation specifically prohibits any standard, once being set, from being reduced. I have some doubt that the people who will be setting the standards are going to be so educated and intelligent that they can pick the perfect standard right off the bat. There is going to be some that are set too high, but under this legislation, once set, they can only be increased; they can never be decreased.

There is a cost-benefit ratio in this legislation that claims that the cost of implementing the new standard, the energy savings, should pay for the new appliance in a 3-year time period, but in the next paragraph, it says but if it does not do it, do not change the standard, just ignore the cost-benefit ratio.

Mr. Speaker, I could go on and on about this legislation, but the bottom line is that it is bad public policy. It is going to be very expensive. It should be defeated.

I voted against it in the committee and the subcommittee, and I am still opposed to it at this time.

Mr. Speaker, I submit for the RECORD my dissenting views on this legislation.

DISSENTING VIEWS

I oppose the National Appliance Energy Conservation Act of 1987. My main reason for opposing the bill is that H.R. 87 short shrifts American consumers. This bill, which has not been the subject of a single day of hearings in this Congress and had only one day of hearings in the 99th Congress, imposes $14.2 billion in higher appliance costs on American consumers. It does not serve the public interest to rush to judgement on this vital consumer legislation.

Mandatory appliance efficiency standards will deprive American consumers of the fundamental right of choice by forcing them to choose among the shrinking selection of increasingly expensive appliances. The cost of products covered by this legislation will rise by $1.4 billion per year and entire categories of appliances will be banned from the marketplace. For example, 90 percent of heat pumps, 90 percent of central air-conditioners, 90 percent of refrigerators and freezers, and 70 percent of the oil and gas furnaces now on the market will not meet the efficiency standards in H.R. 87. These products will be banned from the marketplace.

The "inefficient" products banned from the marketplace will be the least expensive products. The committee has issued legislation to divert the income of the elderly and poor towards conservation programs. I support energy conservation, but conservation should not be imposed on the American people irrespective of cost. If consumers want more efficient air-conditioners and refrigerators, they should be permitted to purchase them. There are products in the market today that exceed the standards in H.R. 87. Consumers have the option to purchase more efficient appliances if they want them. However, those consumers who want to save their money in the near term should be free to do so.

I am sure U.S. manufacturers will be able to meet the ambitious standards in H.R. 87. However, the cost to American consumers of meeting these standards will be burdensome. In point of fact, the estimate that the appliance costs will rise by $1.4 billion per year comes from a group that actually supported the legislation and may be understated.

Proponents of H.R. 87 have minimized the trade impact of this legislation. They have argued that trade in appliances covered under H.R. 87 is minimal, and foreign penetration of domestic markets is insignificant. However, according to the Commerce Department, there is substantial trade in these appliances and the legislation will have a serious negative impact on the American trade deficit.

A recent report, 1987 U.S. Industrial Outlook, indicates imports are growing in some appliance categories. According to this report, "Increasing imports, more than weather or consumer preference for central air-conditioning systems, caused 1986 domestic shipments of room air-conditioners to fall more than 15 percent from their 1985 level of 3 million units." (Outlook, p. 22-9).

H.R. 87 promises to aggravate the looming trade deficit in appliances. I researched recent trends in appliance exports and imports and found a serious problem. Exports of six major categories of appliances has declined by 8 percent since 1984 and imports of five major categories of appliances rose 46 percent over the same period. We face a serious problem in appliance trade and H.R. 87 will only lead to a further deterioration of the American position.

In a year when Congress is grappling with solutions to our massive trade deficit, I question the propriety of encouraging more appliance imports. A 15 percent decrease in domestic market share is a serious trade problem, one that is overlooked in H.R.87. American manufacturers export refrigeration equipment and air-conditioners to 130 countries. Mandatory efficiency standards raise the costs of American appliances, and is certain to make them less competitive in foreign markets where cost is a more important consideration than energy efficiency. I regret that the first major piece of legislation considered by the committee in 1987 will aggravate our trade problems.

One of the underlying assumptions in H.R.87 is the mistaken belief that conservation can only be achieved by government fiat. However, our experience over the past ten years demonstrates that we do not need government standards in order to improve the energy efficiency of appliances. In recent years, the energy efficiency of refrigerators increased 48 percent and the efficiency of central air-conditioners increased 27 percent. Moreover, these substantial improvements came in the absence of mandatory appliance standards.

There are excellent laws on the books that require efficiency labels, giving the consumer the information necessary to make product choices. Experience shows that mandatory efficiency labels have successfully encourage consumers to purchase efficient products. At the same time, labels have allowed consumers the freedom of choice. I do not share the belief that we "must protect the consumer from himself."

Another impetus to H.R.87 is a projection that the legislation will lead to $28 billion in economic benefits by the year 2000. This estimate is fundamentally flawed and should be dramatically reduced. For one thing, the report uses present day dollars. Obviously, a 1987 dollar in the year 2000 will not have the same value it has in 1987. In addition, the report assumes there will be no change in use patterns after the consumer has been forced to purchase more efficient appliances. Lower operating costs will tend to result in higher usage and distinct changes in consumer behavior. The report also is based on unreasonable discount rates to exaggerate the benefits of H.R.87. Recognizing these factors, the projected benefits of H.R.87 shrink to somewhere in the range between $0 and $4 billion.

The establishment of national appliance efficiency standards also ignores sharp climatic variations in different regions of the country. To insist that air-conditioners in Minnesota and Indiana have the same energy-efficiency ratings as air-conditioners in Mississippi and Texas ignores the fact that an air-conditioner may be operated four or five times as much in warmer climates. For example, a comparison of hours of air-conditioner operation in different cities demonstrates that annual usage in Detroit is 265 hours, while usage in New Orleans is 1,370 hours. Annual heating hours in these two cities is 2,533 hours and 1,099 hours, respectively. H.R.87 makes no allowance for variation.

This lack of allowance for climatic variations imposes costs on the consumer. While consumers in New Orleans may be able to recapture the higher cost of their air-conditioner through lower operating costs over a period of years, they will not be able to recapture the cost of their expensive heat pump. At the same time, Detroit consumers will not be able to recapture the higher cost of an air-conditioner designed for the climate in New Orleans.

One of the "selling points" of H.R.87 is "energy security". Proponents argue mandatory energy efficiency standards will reduce energy consumption. However, this legislation approaches energy security from exactly the wrong perspective. Instead of ordering the American people to use less energy, we should remove the government restrictions on domestic energy production. The removal of natural gas controls, repeal of the Fuel Use Act, and opening up our public lands in the West, Alaska, and Outer Continental Shelf (OCS) will go much further toward improving our energy security than government appliance efficiency standards.

It is somewhat ironic that this is the first piece of energy legislation considered by Congress since the collapse in world oil prices in January 1986. In the past fourteen months, Congress has done nothing about the most serious energy threat confronting our nation since 1979. Over this period, the United States has lost 800,000 barrels per day of domestic production, or 9 percent of total domestic production. At the same time, oil consumption rose by over 1 million barrels per day and oil imports rose by 22 percent. Congress has done nothing about this serious problem.

At best, H.R. 87 will reduce domestic energy consumption by 1 percent to 2 percent over a ten year period. However, the rising dependency on foreign oil imports will erase any benefit from the legislation. In the end, we know government appliance standards will not be the foundation of our energy security. Energy security is best achieved through maintenance of American energy production. At the present time, the best way to maintain U.S. oil production is through an oil import fee or tax incentives for domestic exploration and development.

On November 1, 1986, President Reagan vetoed H.R. 5465 on the grounds that the legislation intruded unduly into the marketplace, limited the freedom of choice available to consumers, unintentionally harmed consumers, especially low income and elderly consumers, abridged traditional state responsibilities and perogatives, and mandated a long series of complicated future rulemakings. Only one of these objections has been addressed, the future rulemakings.

An amendment authored by the ranking Republican member of the Energy and Power Subcommittee and adopted by the subcommittee eliminated mandatory rulemakings in favor of discretionary rulemakings after the mandatory rulemakings. While this amendment is a distinct improvement to H.R. 87, most of the objectionable provisions cited by President Reagan in his veto message were not addressed by the committee and remain in the legislation.

The committee had the opportunity to come up with national appliance conservation standards that were reasonable. Instead, we adopted legislation that embraced appliance efficiency standards that were totally unreasonable. According to the Senate report on S. 83, the companion bill to H.R. 87, "The standards in most cases are as strong as, or stronger than, any State standards currently in effect."

I can appreciate the fact that litigation over the 1978 statute has established the requirement for national appliance standards. However, it is not apparent to me they must be measured by the excesses of the few states that currently have standards. Those states that do not have standards will not only be forced to accept standards, but the strictest possible standards. H.R. 87 locks in these unreasonable standards, since the bill has no provision to lower standards if they prove unrealistic or burdensome. In fact, H.R. 87 specifically forbids any lowering of appliance standards. Since prices have no place to go but up, the legislation will have an inflationary impact.

The legislation also establishes conditional cost effectiveness tests for the implementation of appliance standards. A standard is deemed "economically justified" if the additional cost to consumers of appliances that comply with the standards is less than three times the value of the energy savings during the first year of use. However, a determination that a product does meet this test cannot be taken into consideration when the Department of Energy makes an evaluation of economic justification. It is virtually impossible to fail the determination of economic justification under this criterion.

In effect, H.R. 87 creates Corporate Average Fuel Economy (CAFE) standards for appliances instead of automobiles. These CAFE standards have proven to be unworkable for automobiles and there is no reason to expect they will work any better for refrigerators, heat pumps, or central air-conditioning units.

Mr. SHARP. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. WYDEN], a member of our subcommittee, who has been very aggressive in pursuing energy conservation.

Mr. WYDEN. Mr. Speaker, I urge support of the National Appliance Energy Conservation Act of 1987.

If we as a nation are to use energy wisely, we must take advantage of conservation whenever we can. Passage of this bill will be a major victory in the battle for wise energy use and reduction of dependence on foreign energy sources.

Mr. Speaker, States like my home State of Oregon historically have been the birthplace and proving grounds of progressive approaches to energy regulation. Though this bill creates national standards, it does not entirely deprive the States of flexibility in regulating energy conservation.

For example, the bill allows the Secretary of Energy to waive Federal preemption where State regulation is needed to address local interests. The standards for granting waivers are designed to give the States the necessary leeway to handle unusual and compelling local problems while protecting industry from a proliferation of State standards that differ from one another.

Also, of great importance to Oregon, the bill will not bar flexible, performance-based building codes designed to promote energy conservation. These codes do not require builders to install appliances that exceed Federal efficiency standards. However, they allow builders to install more efficient appliances as an alternative to meeting high energy conservation standards for walls, windows, or other building components.

The bill requires trades to be on a one-to-one basis. We should note that rarely does the savings achievable with an appliance exactly match what is achievable elsewhere. Although States should make their tradeoffs as near to one to one as possible, they need not be exact.

I would like to point out two technical changes we made to the building code language in subcommittee. First, we clarified that tradeoffs may be made on an equivalent cost basis. This change makes the wording of section 327(f)(3)(C) consistent with 327(f)(3)(F). Second, we made a small change in the wording of 327(f)(3)(E) to clarify that half the options a State code offers for a particular appliance must fall within 5 percent of the Federal standard. It's my understanding that this change has been discussed with the managers of the bill in the Senate, and they concur that the House language more clearly captures the intent of the legislation.

Mr. Speaker, this excellent bill addresses a national problem without unduly tying the hands of the States. It will benefit manufacturers and consumers alike and has deservedly earned their broad support. But most importantly, this bill will help our Nation use energy more efficiently. And that, Mr. Speaker, helps everybody in the long run.

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Mr. Speaker, I again commend the gentleman from Indiana [Mr. SHARP].

Mr. MOORHEAD. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I am pleased that we are here today to consider H.R. 87, the National Appliance Energy Conservation Act of 1987, so early in the 100th Congress. By now, we are all aware that H.R. 87 is substantially identical to legislation passed by voice vote by both the House and Senate in the last Congress. However, the President chose not to sign that bill into law.

As a cosponsor of that legislation, as well as the bill before us today, I am especially pleased that the administration has accepted the few changes made in the bill and will not oppose this version of the National Appliance Energy Conservation Act of 1987.

The legislation amends the Energy Policy and Conservation Act of 1975 [EPCA] to establish specific energy conservation standards for major home appliances. H.R. 87 is the result of last year's breakthrough in lengthy negotiations between appliance manufacturers and energy conservation groups, led by the Natural Resources Defense Council [NRDC].

Most appliance manufacturers and energy conservationists now agree that national standards for home appliances would be more beneficial and less costly than a proliferation of differing State standards. A single national standard maintains a more stable market for the development of energy efficiency products by manufacturers. In addition, a single standard provides a reliable basis for forecasting and managing energy consumption and resources. Furthermore, at present it appears more efficient and less costly to set standards by law than to invoke a Federal rulemaking process.

Since a number of States recently have begun to look seriously at establishing their own standards for home appliances, this legislation is very important to ensure that energy efficient appliances remain available to consumers nationwide. It is equally important to ensure the survival of our own appliance manufacturing companies, many of which are located in my home State of Ohio, which are under increasing competitive pressure from foreign manufacturers.

The last thing U.S. appliance manufacturers need is to have various State laws further impede their competition by requiring multiple energy efficiency standards.

Mr. Speaker, some argue that H.R. 87 is an unnecessary intrusion into both the marketplace and States rights. However, both the manufacturers and the States support it. Some say that uniform energy efficiency standards will increase consumer costs. But the American Council for an Energy-Efficiency Economy estimates that consumers will save at least $28 billion by the year 2000 if this legislation is enacted.

Some say this legislation is unnecessary in light of abundant and cheap energy supplies. However, I believe H.R. 87 is a necessary and prudent step on the side of energy conservation that will result in significant energy savings in the coming years.

I urge my colleagues to support this important legislation.

Mr. SHARP. Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, here we are again today fighting another piece of legislation that would cripple American industries trying to compete with foreign imports. When will the Members in this Chamber learn that we have got to stop coming up with new ideas to hurt our competitiveness.

The more we clamp down on our industries to comply with federally mandated regulations that have nothing to do with market decisions that either consumers or businesses would make, we reroute more and more dollars toward inefficient usages.

The words "inefficient" and "competitive" are oxymorons. They are mutually exclusive terms. And it appears that the existence of this Congress is often also mutually exclusive with competitiveness. The more we pass legislation like this, the more we exclude the ability of businesses to compete. Think about that the next time you start whining about our trade deficit.

This bill will also have a profound impact on the poor and unemployed in this Nation. It is estimated that the cost of a refrigerator will be up to $40 more, up to $50 for an room air-conditioner, up to $125 for central air-conditioning, and up to $150 more for a gas furnace.

These price increases will no doubt push these appliances out of the realm of affordability for many poor consumers. And the argument that they will save on energy costs in the future ignores the fact that they would otherwise choose how much energy to use by deciding how to use their appliance—how often, at what temperature, et cetera. We will take away another consumer choice, which, when left to the free market, would have accomplished the same thing.

This bill is the first in a series of debacles planned for this Congress that will impair our economic strength. Soon we will consider the plant closing bill, the Parental Leave Act, the raising of the minimum wage. Now is the time to stop these bills before they do more damage than that already done by ill conceived government decisions.

This bill may have been a good idea before we worried about our competitive ability. But now that we finally admit to ourselves how important it is for business to be able to compete, let's take this opportunity to understand why anticompetitive legislation such as the National Appliance Energy Conservation Act of 1987 must be defeated.

Mr. GEJDENSON. Mr. Speaker, I am proud to rise in support of H.R. 87, the National Appliance Energy Conservation Act of 1987. This legislation will save consumers money on their utility bills, reduce the need for the construction of expensive new powerplants, and will help maintain the competitiveness of the American appliance industry with foreign producers.

I am elated that the appliance industry and the environmental community have agreed on this consensus legislation after over a decade of conflict on appliance efficiency standards. I am also pleased that President Reagan has pledged not to veto this bill, ending his 6-year long fight against appliance efficiency standards.

When I first started working on this issue as a member of the Connecticut State Legislature in 1975, everybody said the Federal Government ought to set energy efficiency standards. After I arrived in Congress in 1980, the Reagan administration eliminated the national standards passed by Congress. I responded with national appliance efficiency legislation which I introduced in the 98th and 99th Congress.

Now that everyone has agreed on the need for national appliance efficiency standards we can get down to the business of saving consumers money, and saving energy. H.R. 87 will save consumers over $28 billion on their utility bills by the year 2000. The energy saved by these standards is equivalent to the energy produced by 22 large nuclear powerplants, with none of the cost, and no nuclear waste.

Assuming that each of these nuclear plants cost $3 billion, over $66 billion in powerplant construction costs will be avoided. As a result, the dreaded "rate shock" that can occur when new powerplants come on line could be avoided and the consumer's energy costs further reduced.

Another benefit of the bill is that it will help the American appliance industry become more competitive in world markets. The Japanese are producing refrigerator/freezers that are twice as efficient as typical American models. More efficient appliances will help ensure that the American appliance industry is not overwhelmed by foreign competition as has happened in so many other manufacturing industries.

Mr. Speaker, there are no losers with this bill, only winners. Improving energy efficiency is the cheapest way to increase America's energy supplies. As a domestic energy source it also reduces our dependence on unstable foreign energy supplies. Finally, it is the most environmentally sound energy source because it reduces emissions from fossil fuel plants and the generation of nuclear waste.

Mr. SLATTERY. Mr. Speaker, I rise in support of the National Appliance Energy Conservation Act. I am an original cosponsor of this legislation, and I was very disappointed that it was not signed into law last year.

This legislation is strongly supported by a coalition of appliance manufacturers, environmentalists, utilities, and consumer groups. It will require appliances to be 15 to 25 percent more efficient than the average appliances sold in 1985. It will give consumers a net savings of $28 billion through the year 2000, or almost $300 per household.

In short, this legislation will reduce the Nation's need for new electric powerplants, save energy consumers billions of dollars and will also provide significant environmental and industry benefits.

This bill will bring much needed uniformity to the American appliance marketplace. In the absence of national standards, several States, including Kansas, have adopted standards for some or all major appliances. This regulatory uncertainty and patchwork of State standards will make it more difficult to market products, unless the Federal Government steps in to bring order to the situation.

Mr. Speaker, this bill is long overdue, both Houses of Congress have moved quickly this year to place this legislation on the President's desk, and I am pleased that he intends to sign it this year. I urge my colleagues to join me in supporting this important initiative.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the arguments against this legislation we have been told that the legislation would hurt us in competition with foreign products. We have also been told that it would cost the consumer more money than he is now paying for the product. These arguments just do not prove out when we look into the facts behind the case.

We are going to have to have national standards. They have been mandated by an act of Congress and by the courts. We know now that there are already 10 State standards in different States that are entirely different. There are going to be at least 10 or 12 more that are being worked on at the present time.

This is not a question of having no standards or having the standards that we are presenting. We are trying to preempt the many State standards so that there can be one standard for our country, so that the products can be produced cheaper with less difficulty and with less engineering, and so that the products that we produce will be of a higher standard than we have at the present time.

It has been estimated that the savings to the consumer for the lower cost energy would be more than the additional cost that might be set on the appliances that are sold. The argument that foreign competitors will be able to do better just simply is not substantiated by the facts. Of course, we are going to have to wait and see what happens, as we always do with legislation, but I think the benefits of H.R. 87 completely outweigh the possible future cost of foreign competition with U.S. manufacturers.

Mr. Speaker, I yield back the balance of my time.

Mr. SHARP. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Indiana [Mr. SHARP] that the House suspend the rules and pass the bill, H.R. 87, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. SHARP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 83) to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. MOORHEAD. Mr. Speaker, reserving the right to object, and I will not object, I will ask the gentleman from Indiana the reason for his request.

Mr. SHARP. Mr. Speaker, if the gentleman will yield, I appreciate the gentleman's asking the question so that our other colleagues will know.

The bills are nearly identical. Certainly they are in all provisions and concepts, and there are only very slight alterations in technical language. In order to expedite the consideration and not entail further activities in the process, we simply will take the Senate language where there are some slight technical differences.

Mr. MOORHEAD. Mr. Speaker, I thank the gentleman, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "National Appliance Energy Conservation Act of 1987".

SEC. 2. DEFINITIONS.

(a) ENERGY CONSERVATION STANDARD.—Section 321(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)(6)) is amended to read as follows:

"(6) The term 'energy conservation standard' means—

"(A) a performance standard which prescribes a minimum level of energy efficiency or a maximum quantity of energy use for a covered product, determined in accordance with test procedures prescribed under section 323; or

"(B) a design requirement for the products specified in paragraphs (6), (7), (8), (10), and (13) of section 322(a); and includes any other requirements which the Secretary may prescribe under section 325(o)."

(b) NEW DEFINITIONS.—Section 321(a) of the Energy Policy and Conservation Act (42 U.S.C. 6291(a)) is amended by adding at the end the following paragraphs:

"(19) The term 'AV' is the adjusted volume for refrigerators, refrigerator-freezers, and freezers, as defined in the applicable test procedure prescribed under section 323.

"(20) The term 'annual fuel utilization efficiency' means the efficiency descriptor for furnaces and boilers, determined using test procedures prescribed under section 323 and based on the assumption that all—

"(A) weatherized warm air furnaces or boilers are located out-of-doors;

"(B) warm air furnaces which are not weatherized are located indoors and all combustion and ventilation air is admitted through grills or ducts from the outdoors and does not communicate with air in the conditioned space; and

"(C) boilers which are not weatherized are located within the heated space.

"(21) The term 'central air conditioner' means a product, other than a packaged terminal air conditioner, which—

"(A) is powered by single phase electric current;

"(B) is air-cooled;

"(C) is rated below 65,000 Btu per hour;

"(D) is not contained within the same cabinet as a furnace the rated capacity of which is above 225,000 Btu per hour; and

"(E) is a heat pump or a cooling only unit.

"(22) The term 'efficiency descriptor' means the ratio of the useful output to the total energy input, determined using the test procedures prescribed under section 323 and expressed for the following products in the following terms:

"(A) For furnaces and direct heating equipment, annual fuel utilization efficiency.

"(B) For room air conditioners, energy efficiency ratio.

"(C) For central air conditioning and central air conditioning heat pumps, seasonal energy efficiency ratio.

"(D) For water heaters, energy factor.

"(E) For pool heaters, thermal efficiency.

"(23) The term 'furnace' means a product which utilizes only single-phase electric current, or single-phase electric current or DC current in conjunction with natural gas, propane, or home heating oil, and which—

"(A) is designed to be the principal heating source for the living space of a residence;

"(B) is not contained within the same cabinet with a central air conditioner whose rated cooling capacity is above 65,000 Btu per hour;

"(C) is an electric central furnace, electric boiler, forced-air central furnace, gravity central furnace, or low pressure steam or hot water boiler; and

"(D) has a heat input rate of less than 300,000 Btu per hour for electric boilers and low pressure steam or hot water boilers and less than 225,000 Btu per hour for forced-air central furnaces, gravity central furnaces, and electric central furnaces.

"(24) The terms 'heat pump' or 'reverse cycle' mean a product, other than a packaged terminal heat pump, which—

"(A) consists of one or more assemblies;

"(B) is powered by single phase electric current;

"(C) is rated below 65,000 Btu per hour;

"(D) utilizes an indoor conditioning coil, compressors, and refrigerant-to-outdoor-air heat exchanger to provide air heating; and

"(E) may also provide air cooling, dehumidifying, humidifying circulating, and air cleaning.

"(25) The term 'pool heater' means an appliance designed for heating nonpotable water contained at atmospheric pressure, including heating water in swimming pools, spas, hot tubs and similar applications.

"(26) The term 'thermal efficiency of pool heaters' means a measure of the heat in the water delivered at the heater outlet divided by the heat input of the pool heater as measured under test conditions specified in section 2.8.1 of the American National Standard for Gas Fired Pool Heaters, Z21.56-1986, or as may be prescribed by the Secretary.

"(27) The term 'water heater' means a product which utilizes oil, gas, or electricity to heat potable water for use outside the heater upon demand, including—

"(A) storage type units which heat and store water at a thermostatically controlled temperature, including gas storage water heaters with an input of 75,000 Btu per hour or less, oil storage water heaters with an input of 105,000 Btu per hour or less, and electric storage water heaters with an input of 12 kilowatts or less;

"(B) instantaneous type units which heat water but contain no more than one gallon of water per 4,000 Btu per hour of input, including gas instantaneous water heaters with an input of 200,000 Btu per hour or less, oil instantaneous water heaters with an input of 210,000 Btu per hour or less, and electric instantaneous water heaters with an input of 12 kilowatts or less; and

"(C) heat pump type units, with a maximum current rating of 24 amperes at a voltage no greater than 250 volts, which are products designed to transfer thermal energy from one temperature level to a higher temperature level for the purpose of heating water, including all ancillary equipment such as fans, storage tanks, pumps, or controls necessary for the device to perform its function.

"(28) The term 'weatherized warm air furnace or boiler' means a furnace or boiler designed for installation outdoors, approved for resistance to wind, rain, and snow, and supplied with its own venting system."

SEC. 3. COVERAGE.

Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended to read as follows:

"COVERAGE

"SEC. 322. (a) IN GENERAL.—The following consumer products, excluding those consumer products designed solely for use in recreational vehicles and other mobile equipment, are covered products:

"(1) Refrigerators, refrigerator-freezers, and freezers which can be operated by alternating current electricity, excluding—

"(A) any type designed to be used without doors; and

"(B) any type which does not include a compressor and condenser unit as an integral part of the cabinet assembly.

"(2) Room air conditioners.

"(3) Central air conditioners and central air conditioning heat pumps.

"(4) Water heaters.

"(5) Furnaces.

"(6) Dishwashers.

"(7) Clothes washers.

"(8) Clothes dryers.

"(9) Direct heating equipment.

"(10) Kitchen ranges and ovens.

"(11) Pool heaters.

"(12) Television sets.

"(13) Any other type of consumer product which the Secretary classifies as a covered product under subsection (b)."

SEC. 4. TEST PROCEDURES.

Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended to read as follows:

"TEST PROCEDURES

"SEC. 323. (a) GENERAL RULE.—All test procedures and related determinations prescribed or made by the Secretary with respect to any covered product (or class thereof) which are in effect on the date of enactment of the National Appliance Energy Conservation Act of 1987 shall remain in effect until the Secretary amends such test procedures and related determinations under subsection (b).

"(b) AMENDED AND NEW PROCEDURES.—(1)(A) The Secretary may amend test procedures with respect to any covered product if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3).

"(B) The Secretary may, in accordance with the requirements of this subsection, prescribe test procedures for any consumer product classified as a covered product under section 322(b).

"(C) The Secretary shall direct the National Bureau of Standards to assist in developing new or amended test procedures.

"(2) If the Secretary determines, on his own behalf or in response to a petition by any interested person, that a test procedure should be prescribed or amended, the Secretary shall promptly publish in the Federal Register proposed test procedures and afford interested persons an opportunity to present oral and written data, views, and arguments with respect to such procedures. The comment period shall not be less than 60 days and may be extended for good cause shown to not more than 270 days. In prescribing or amending a test procedure, the Secretary shall take into account such information as the Secretary determines relevant to such procedure, including technological developments relating to energy use or energy efficiency of the type (or class) of covered products involved.

"(3) Any test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary, and shall not be unduly burdensome to conduct.

"(4) If the test procedure is a procedure for determining estimated annual operating costs, such procedure shall provide that such costs shall be calculated from measurements of energy use in a representative average use cycle or period of use, as determined by the Secretary, and from representative average unit costs of the energy needed to operate such product during such cycle. The Secretary shall provide information to manufacturers with respect to representative average unit costs of energy.

"(c) RESTRICTION ON CERTAIN REPRESENTATIONS.—(1) No manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to the energy use or efficiency of a covered product to which a test procedure is applicable under subsection (a) or the cost of energy consumed by such product, unless such product has been tested in accordance with such test procedure and such representation fairly discloses the results of such testing.

"(2) Effective 180 days after an amended or new test procedure applicable to a covered product is prescribed under subsection (b), no manufacturer, distributor, retailer, or private labeler may make any representation—

"(A) in writing (including a representation on a label); or

"(B) in any broadcast advertisement,

with respect to energy use or efficiency of such product or cost of energy consumed by such product, unless such product has been tested in accordance with such amended or new test procedures and such representation fairly discloses the results of such testing.

"(3) On the petition of any manufacturer, distributor, retailer, or private labeler, filed not later than the 60th day before the expiration of the period involved, the 180-day period referred to in paragraph (2) may be extended by the Secretary with respect to the petitioner (but in no event for more than an additional 180 days) if the Secretary determines that the requirements of paragraph (2) would impose an undue hardship on such petitioner.

"(d) CASE IN WHICH TEST PROCEDURE IS NOT REQUIRED.—(1) The Secretary is not required to publish and prescribe test procedures for a covered product (or class thereof) if the Secretary determines, by rule, that test procedures cannot be developed which meet the requirements of subsection (b)(3) and publishes such determination in the Federal Register, together with the reasons therefor.

"(2) For purposes of section 327, a determination under paragraph (1) with respect to any covered product or class shall have the same effect as would a standard prescribed for a covered product (or class).

"(e) AMENDMENT OF STANDARD.—(1) In the case of any amended test procedure which is prescribed pursuant to this section, the Secretary shall determine, in the rulemaking carried out with respect to prescribing such procedure, to what extent, if any, the proposed test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

"(2) If the Secretary determines that the amended test procedure will alter the measured efficiency or measured use, the Secretary shall amend the applicable energy conservation standard during the rulemaking carried out with respect to such test procedure. In determining the amended energy conservation standard, the Secretary shall measure, pursuant to the amended test procedure, the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average of such energy efficiency or energy use levels determined under the amended test procedure shall constitute the amended energy conservation standard for the applicable covered products.

"(3) Models of covered products in use before the date on which the amended energy conservation standard becomes effective (or revisions of such models that come into use after such date and have the same energy efficiency or energy use characteristics) that comply with the energy conservation standard applicable to such covered products on the day before such date shall be deemed to comply with the amended energy conservation standard.

"(4) The Secretary's authority to amend energy conservation standards under this subsection shall not affect the Secretary's obligation to issue final rules as described in section 325."

SEC. 5. ENERGY CONSERVATION STANDARDS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended to read as follows:

"ENERGY CONSERVATION STANDARDS

"SEC. 325. (a) PURPOSES.—The purposes of this section are to—

"(1) provide Federal energy conservation standards applicable to covered products; and

"(2) authorize the Secretary to prescribe amended or new energy conservation standards for each type (or class) of covered product.

"(b) STANDARDS FOR REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—(1) The following is the maximum energy use allowed in kilowatt hours per year for the following products (other than those described in paragraph (2)) manufactured on or after January 1, 1990:

	Energy Standards Equations
"Refrigerators and Refrigerator-Freezers with manual defrost	16.3 AV+316
Refrigerator-Freezers—partial automatic defrost	21.8 AV+429
Refrigerator-Freezers—automatic defrost with:	
Top mounted freezer without ice	23.5 AV+471
Side mounted freezer without ice	27.7 AV+488
Bottom mounted freezer without ice	27.7 AV+488
Top mounted freezer with through the door ice service	26.4 AV+535
Side mounted freezer with through the door ice	30.9 AV+547
Upright Freezers with:	
Manual defrost	10.9 AV+422
Automatic defrost	16.0 AV+623
Chest Freezers and all other freezers	14.8 AV+223

"(2) The standards described in paragraph (1) do not apply to refrigerators and refrigerator-freezers with total refrigerated volume exceeding 39 cubic feet or freezers with total refrigerated volume exceeding 30 cubic feet.

"(3)(A)(i) The Secretary shall publish a proposed rule, no later than July 1, 1988, to determine if the standards established by paragraph (1) should be amended. The Secretary shall publish a final rule no later than July 1, 1989, which shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1993. If such a final rule is not published before January 1, 1990, any amendment of such standards shall apply to products manufactured on or after January 1, 1995. Nothing in this subsection provides any justification or defense for a failure by the Secretary to comply with the nondiscretionary duty to publish final rules by the dates stated in this paragraph.

"(ii)(I) If the Secretary does not publish a final rule before January 1, 1990, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, the regulations which established standards for such products and were promulgated by the California Energy Commission on December 14, 1984, to be effective January 1, 1992 (or any amendments to such standards that are not more stringent than the standards in the original regulations), shall apply in California to such products, effective beginning January 1, 1993, and shall not be preempted after such effective date by any energy conservation standard established in this section or prescribed, on or after January 1, 1990, under this section.

"(II) If the Secretary does not publish a final rule before January 1, 1992, relating to the revision of the energy conservation standards for refrigerators, refrigerator-freezers and freezers, State regulations which apply to such products manufactured on or after January 1, 1995, shall apply to such products until the effective date of a rule issued under this section with respect to such products.

"(B) After the publication of a final rule under subparagraph (A), the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for the products described in paragraph (1).

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which the previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(c) STANDARDS FOR ROOM AIR CONDITIONERS.—(1) The energy efficiency ratio of room air conditioners shall be not less than the following for products manufactured on or after January 1, 1990:

"Product Class:	Ratio
Without Reverse Cycle and With Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	9.0
14,000 to 19,999 Btu	8.8
20,000 and more Btu	8.2
Without Reverse Cycle and Without Louvered Sides:	
Less than 6,000 Btu	8.0
6,000 to 7,999 Btu	8.5
8,000 to 13,999 Btu	8.5
14,000 to 19,999 Btu	8.5
20,000 and more Btu	8.2
With Reverse Cycle and With Louvered Sides	8.5
With Reverse Cycle, Without Louvered Sides	8.0

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) After January 1, 1992, the Secretary shall publish a final rule no later than five years after the date of publication of a previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for room air conditioners.

"(C) Any amendment prescribed under subparagraph (B) shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standards, the earliest date by which a previous amendment could have been effective;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such amended standard.

"(d) STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.—(1) The seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps shall be not less than the following:

"(A) Split Systems: 10.0 for products manufactured on or after January 1, 1992.

"(B) Single Package Systems: 9.7 for products manufactured on or after January 1, 1993.

"(2) The heating seasonal performance factor of central air conditioning heat pumps shall be not less than the following:

(A) Split Systems: 6.8 for products manufactured on or after January 1, 1992.

(B) Single Package Systems: 6.6 for products manufactured on or after January 1, 1993.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (1) should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1999. The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established under paragraph (2) shall be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 2002.

"(B) The Secretary shall publish a final rule after January 1, 1994, and no later than

January 1, 2001, to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2006.

"(e) STANDARDS FOR WATER HEATERS; POOL HEATERS; DIRECT HEATING EQUIPMENT.—(1) The energy factor of water heaters shall be not less than the following for products manufactured on or after January 1, 1990:

"(A) Gas Water Heater:	.62−(.0019 x Rated Storage Volume in gallons)
"(B) Oil Water Heater:	.59−(.0019 x Rated Storage Volume in gallons)
"(C) Electric Water Heater:	.95−(.00132 x Rated Storage in gallons)

"(2) The thermal efficiency of pool heaters manufactured on or after January 1, 1990, shall not be less than 78 percent.

"(3) The efficiencies of gas direct heating equipment manufactured on or after January 1, 1990, shall be not less than the following:

"Wall	
Fan type	
Up to 42,000 Btu/hour.	73% AFUE
Over 42,000 Btu/hour..	74% AFUE
Gravity type	
Up to 10,000 Btu/hour.	59% AFUE
Over 10,000 Btu/hour up to 12,000 Btu/hour	60% AFUE
Over 12,000 Btu/hour up to 15,000 Btu/hour	61% AFUE
Over 15,000 Btu/hour up to 19,000 Btu/hour	62% AFUE
Over 19,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE
"Floor	
Up to 37,000 Btu/hour.	56% AFUE
Over 37,000 Btu/hour..	57% AFUE
"Room	
Up to 18,000 Btu/hour.	57% AFUE
Over 18,000 Btu/hour up to 20,000 Btu/hour	58% AFUE
Over 20,000 Btu/hour up to 27,000 Btu/hour	63% AFUE
Over 27,000 Btu/hour up to 46,000 Btu/hour	64% AFUE
Over 46,000 Btu/hour..	65% AFUE

"(4)(A) The Secretary shall publish final rules no later than January 1, 1992, to determine whether the standards established by paragraphs (1), (2), or (3) for water heaters, pool heaters, and direct heating equipment should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 2000, to determine whether standards in effect for such products should be amended. Such rule shall provide that any such amendment shall apply to products manufactured on or after January 1, 2005.

"(f) STANDARDS FOR FURNACES.—(1) Furnaces (other than furnaces designed solely for installation in mobile homes) manufactured on or after January 1, 1992, shall have an annual fuel utilization efficiency of not less than 75 percent, except that—

"(A) boilers (other than gas steam boilers) shall have an annual fuel utilization efficiency of not less than 80 percent and gas steam boilers shall have an annual fuel utilization efficiency of not less than 75 percent; and

"(B) the Secretary shall prescribe a final rule not later than January 1, 1989, establishing an energy conservation standard—

"(i) which is for furnaces (other than furnaces designed solely for installation in mobile homes) having an input of less than 45,000 Btu per hour and manufactured on or after January 1, 1992;

"(ii) which provides that the annual fuel utilization efficiency of such furnaces shall be a specific percent which is not less than 71 percent and not more than 78 percent; and

"(iii) which the Secretary determines is not likely to result in a significant shift from gas heating to electric resistance heating with respect to either residential construction or furnace replacement.

"(2) Furnaces which are designed solely for installation in mobile homes and which are manufactured on or after September 1, 1990, shall have an annual fuel utilization efficiency of not less than 75 percent.

"(3)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine whether the standards established by paragraph (2) for mobile home furnaces should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 1994.

"(B) The Secretary shall publish a final rule no later than January 1, 1994, to determine whether the standards established by this subsection for furnaces (including mobile home furnaces) should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2002.

"(C) After January 1, 1997, and before January 1, 2007, the Secretary shall publish a final rule to determine whether standards in effect for such products should be amended. Such rule shall contain such amendment, if any, and provide that any amendment shall apply to products manufactured on or after January 1, 2012.

"(g) STANDARDS FOR DISHWASHERS; CLOTHES WASHERS; CLOTHES DRYERS.—(1) Dishwashers manufactured on or after January 1, 1988, shall be equipped with an option to dry without heat.

"(2) All rinse cycles of clothes washers shall include an unheated water option, but may have a heated water rinse option, for products manufactured on or after January 1, 1988.

"(3) Gas clothes dryers shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1988.

"(4)(A) The Secretary shall publish final rules no later than January 1, 1990, to determine if the standards established under this subsection for products described in paragraphs (1), (2), and (3) should be amended. Such rules shall provide that any amendment shall apply to products the manufacture of which is completed on or after January 1, 1993.

"(B) After January 1, 1990, the Secretary shall publish a final rule no later than five years after the date of publication of the previous final rule. The Secretary shall determine in such rule whether to amend the standards in effect for such products.

"(C) Any such amendment shall apply to products manufactured after a date which is five years after—

"(i) the effective date of the previous amendment; or

"(ii) if the previous final rule did not amend the standard, the earliest date by which a previous amendment could have been in effect;

except that in no case may any amended standard apply to products manufactured within three years after publication of the final rule establishing such standard.

"(h) STANDARDS FOR KITCHEN RANGES AND OVENS.—(1) Gas kitchen ranges and ovens having an electrical supply cord shall not be equipped with a constant burning pilot for products manufactured on or after January 1, 1990.

"(2)(A) The Secretary shall publish a final rule no later than January 1, 1992, to determine if the standards established for kitchen ranges and ovens in this subsection should be amended. Such rule shall contain such amendment, if any, and provide that the amendment shall apply to products manufactured on or after January 1, 1995.

"(B) The Secretary shall publish a final rule no later than January 1, 1997, to determine whether standards in effect for such products should be amended. Such rule shall apply to products manufactured on or after January 1, 2000.

"(i) STANDARDS FOR OTHER COVERED PRODUCTS.—(1) The Secretary may prescribe an energy conservation standard for any type (or class) of covered products of a type specified in paragraph (13) of section 322(a) if the requirements of subsections (l) and (m) are met and the Secretary determines that—

"(A) the average per household energy use within the United States by products of such type (or class) exceeded 150 kilowatt-hours (or its Btu equivalent) for any 12-month period ending before such determination;

"(B) the aggregate household energy use within the United States by products of such type (or class) exceeded 4,200,000,000 kilowatt-hours (or its Btu equivalent) for any such 12-month period;

"(C) substantial improvement in the energy efficiency of products of such type (or class) is technologically feasible; and

"(D) the application of a labeling rule under section 324 to such type (or class) is not likely to be sufficient to induce manufacturers to produce, and consumers and other persons to purchase, covered products of such type (or class) which achieve the maximum energy efficiency which is technologically feasible and economically justified.

"(2) Any new or amended standard for covered products of a type specified in paragraph (13) of section 322(a) shall not apply to products manufactured within five years after the publication of a final rule establishing such standard.

"(3) The Secretary may, in accordance with subsections (l) and (m), prescribe an energy conservation standard for television sets. Any such standard may not become effective with respect to products manufactured before January 1, 1992.

"(j) FURTHER RULEMAKING.—After issuance of the last final rules required under subsections (b) through (h) of this section, the Secretary may publish final rules to determine whether standards for a covered product should be amended. An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment made pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct hearing equipment and furnaces) after publication of the final rule establishing a standard.

"(k) PETITION FOR AN AMENDED STANDARD.—(1) With respect to each covered product described in paragraphs (1) through (11) of section 322(a), any person may petition the Secretary to conduct a rulemaking to determine for a covered product if the standards contained either in the last final rule required under subsections (b) through (h) of this section or in a final rule published under this section should be amended.

"(2) The Secretary shall grant a petition if he finds that it contains evidence which, assuming no other evidence were considered, provides an adequate basis for amending the standards under the following criteria—

"(A) amended standards will result in significant conservation of energy;

"(B) amended standards are technologically feasible; and

"(C) amended standards are cost effective as described in subsection (l)(2)(B)(i)(II).

The grant of a petition by the Secretary under this subsection creates no presumption with respect to the Secretary's determination of any of the criteria in a rulemaking under this section.

"(3) An amendment prescribed under this subsection shall apply to products manufactured after a date which is 5 years after—

"(A) the effective date of the previous amendment pursuant to this part; or

"(B) if the previous final rule published under this part did not amend the standard, the earliest date by which a previous amendment could have been in effect, except that in no case may an amended standard apply to products manufactured within 3 years (for refrigerators, refrigerator-freezers, and freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens) or 5 years (for central air conditioners and heat pumps, water heaters, pool heaters, direct heating equipment and furnaces) after publication of the final rule establishing a standard.

"(l) CRITERIA FOR PRESCRIBING NEW OR AMENDED STANDARDS.—(1) The Secretary may not prescribe any amended standard which increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

"(2)(A) Any new or amended energy conservation standard prescribed by the Secretary under this section for any type (or class) of covered product shall be designed to achieve the maximum improvement in energy efficiency which the Secretary determines is technologically feasible and economically justified.

"(B)(i) In determining whether a standard is economically justified, the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed its burdens by, to the greatest extent practicable, considering—

"(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to such standard;

"(II) the savings in operating costs throughout the estimated average life of the covered product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the covered products which are likely to result from the imposition of the standard;

"(III) the total projected amount of energy savings likely to result directly from the imposition of the standard;

"(IV) any lessening of the utility or the performance of the covered products likely to result from the imposition of the standard;

"(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

"(VI) the need for national energy conservation; and

"(VII) other factors the Secretary considers relevant.

"(ii) For purposes of clause (i)(V), the Attorney General shall make a determination of the impact, if any, of any lessening of competition likely to result from such standard and shall transmit such determination, not later than 60 days after the publication of a proposed rule prescribing or amending an energy conservation standard, in writing to the Secretary, together with an analysis of the nature and extent of such impact. Any such determination and analysis shall be published by the Secretary in the Federal Register.

"(iii) If the Secretary finds that the additional cost to the consumer of purchasing a product complying with an energy conservation standard level will be less than three times the value of the energy savings during the first year that the consumer will receive as a result of the standard, as calculated under the applicable test procedure, there shall be a rebuttable presumption that such standard level is economically justified. A determination by the Secretary that such criterion is not met shall not be taken into consideration in the Secretary's determination of whether a standard is economically justified.

"(3) The Secretary may not prescribe an amended or new standard under this section for a type (or class) of covered product if—

"(A) for products other than dishwashers, clothes washers, clothes dryers, and kitchen ranges and ovens, a test procedure has not been prescribed pursuant to section 323 with respect to that type (or class) of product; or

"(B) the Secretary determines, by rule, that the establishment of such standard will not result in significant conservation of energy or that the establishment of such standard is not technologically feasible or economically justified.

For purposes of section 327, a determination under subparagraph (B) with respect to any type (or class) of covered products shall have the same effect as would a standard prescribed for such type (or class).

"(4) The Secretary may not prescribe an amended or new standard under this section if the Secretary finds (and publishes such finding) that interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the United States at the time of the Secretary's finding. The failure of some types (or classes) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a standard for other types (or classes).

"(m) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Any new or amended energy conservation standard shall be prescribed in accordance with the following procedure:

"(1) The Secretary—

"(A) shall publish an advance notice of proposed rulemaking which specifies the type (or class) of covered products to which the rule may apply;

"(B) shall invite interested persons to submit, within 60 days after the date of publication of such advance notice, written presentations of data, views, and arguments in response to such notice; and

"(C) may identify proposed or amended standards that may be prescribed.

"(2) A proposed rule which prescribes an amended or new energy conservation standard or prescribes no amendment or no new standard for a type (or class) of covered products shall be published in the Federal Register. In prescribing any such proposed rule with respect to a standard, the Secretary shall determine the maximum improvement in energy efficiency or maximum reduction in energy use that is technologically feasible for each type (or class) of covered products. If such standard is not designed to achieve such efficiency or use, the Secretary shall state in the proposed rule the reasons therefor.

"(3) After the publication of such proposed rulemaking, the Secretary shall, in accordance with section 336, afford interested persons an opportunity, during a period of not less than 60 days, to present oral and written comments (including an opportunity to question those who make such presentations, as provided in such section) on matters relating to such proposed rule, including—

"(A) whether the standard to be prescribed is economically justified (taking into account those factors which the Secretary must consider under subsection (l)(2)) or will result in the effects described in subsection (l)(4);

"(B) whether the standard will achieve the maximum improvement in energy efficiency which is technologically feasible;

"(C) if the standard will not achieve such improvement, whether the reasons for not achieving such improvement are adequate; and

"(D) whether such rule should prescribe a level of energy use or efficiency which is higher or lower than that which would otherwise apply in the case of any group of products within the type (or class) that will be subject to such standard.

"(4) A final rule prescribing an amended or new energy conservation standard or prescribing no amended or new standard for a type (or class) of covered products shall be published as soon as is practicable, but not less than 90 days, after publication of the proposed rule in the Federal Register.

"(n) Special Rule for Certain Types or Classes of Products.—(1) A rule prescribing an energy conservation standard for a type (or class) of covered products shall specify a level of energy use or efficiency higher or lower than that which applies (or would apply) for such type (or class) for any group of covered products which have the same function or intended use, if the Secretary determines that covered products within such group—

"(A) consume a different kind of energy from that consumed by other covered products within such type (or class); or

"(B) have a capacity or other performance-related feature which other products within such type (or class) do not have and such feature justifies a higher or lower standard from that which applies (or will apply) to other products within such type (or class).

In making a determination under this paragraph concerning whether a performance-related feature justifies the establishment of a higher or lower standard, the Secretary shall consider such factors as the utility to the consumer of such a feature, and such other factors as the Secretary deems appropriate.

"(2) Any rule prescribing a higher or lower level of energy use or efficiency under paragraph (1) shall include an explanation of the basis on which such higher or lower level was established.

"(o) Inclusion in Standards of Test Procedures and Other Requirements.—Any new or amended energy conservation standard prescribed under this section shall include, where applicable, test procedures prescribed in accordance with section 323 and may include any requirement which the Secretary determines is necessary to assure that each covered product to which such standard applies meets the required minimum level of energy efficiency or maximum quantity of energy use specified in such standard.

"(p) Determination of Compliance With Standards.—Compliance with, and performance under, the energy conservation standards (except for design standards authorized by this part) established in, or prescribed under, this section shall be determined using the test procedures and corresponding compliance criteria prescribed under section 323.

"(q) Small Manufacturer Exemption.—(1) Subject to paragraph (2), the Secretary may, on application of any manufacturer, exempt such manufacturer from all or part of the requirements of any energy conservation standard established in or prescribed under this section for any period not longer than the 24-month period beginning on the date such rule becomes effective, if the Secretary finds that the annual gross revenues of such manufacturer from all its operations (including the manufacture and sale of covered products) does not exceed $8,000,000 for the 12-month period preceding the date of the application. In making such finding with respect to any manufacturer, the Secretary shall take into account the annual gross revenues of any other person who controls, is controlled by, or is under common control with, such manufacturer.

"(2) The Secretary may not exercise the authority granted under paragraph (1) with respect to any type (or class) of covered product subject to an energy conservation standard under this section unless the Secretary makes a finding, after obtaining the written views of the Attorney General, that a failure to allow an exemption under paragraph (1) would likely result in a lessening of competition.".

SEC. 6. REQUIREMENTS OF MANUFACTURERS.

Section 326(d) of the Energy Policy and Conservation Act (42 U.S.C. 6296(d)) is amended to read as follows:

"(d) Information Requirements.—(1) For purposes of carrying out this part, the Secretary may require, under this part or other provision of law administered by the Secretary, each manufacturer of a covered product to submit information or reports to the Secretary with respect to energy efficiency or energy use of such covered product and the economic impact of any proposed energy conservation standard, as the Secretary determines may be necessary to establish and revise test procedures, labeling rules, and energy conservation standards for such product and to insure compliance with the requirements of this part. In making any determination under this paragraph, the Secretary shall consider existing public sources of information, including nationally recognized certification programs of trade associations.

"(2) The Secretary shall exercise authority under this section in a manner designed to minimize unnecessary burdens on manufacturers of covered products.

"(3) The provisions of section 11(d) of the Energy Supply and Environmental Coordination Act of 1974 shall apply with respect to information obtained under this subsection to the same extent and in the same manner as they apply with respect to energy information obtained under section 11 of such Act.".

SEC. 7. EFFECT ON OTHER LAW.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended to read as follows:

"EFFECT ON OTHER LAW

"Sec. 327. (a) Preemption of Testing and Labeling Requirements.—(1) Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987, this part supersedes any State regulation insofar as such State regulation provides at any time for the disclosure of information with respect to any measure of energy consumption of any covered product if—

"(A) such State regulation requires testing or the use of any measure of energy consumption or energy descriptor in any manner other than that provided under section 323; or

"(B) such State regulation requires disclosure of information with respect to the energy use or energy efficiency of any covered product other than information required under section 324.

"(2) For purposes of this section, the term 'State regulation' means a law, regulation, or other requirement of a State or its political subdivisions.

"(b) General Rule of Preemption for Energy Conservation Standards Before Federal Standard Becomes Effective for a Product.—Effective on the date of enactment of the National Appliance Energy Conservation Act of 1987 and ending on the effective date of an energy conservation standard established under section 325 for any covered product, no State regulation, or revision thereof, concerning the energy efficiency or energy use of the covered product shall be effective with respect to such covered product, unless the State regulation or revision—

"(1) was prescribed or enacted before January 8, 1987, and is applicable to products before January 3, 1988;

"(2) is a State procurement regulation described in subsection (e);

"(3) is a regulation described in subsection (f)(1) or is prescribed or enacted in a building code for new construction described in subsection (f)(2);

"(4) is a regulation prohibiting the use in pool heaters of a constant burning pilot;

"(5) is a regulation described in subsection (d)(5)(B) for which a waiver has been granted under subsection (d); or

"(6) is a regulation effective on or after January 1, 1992, concerning the energy efficiency or energy use of television sets.

"(c) General Rule of Preemption for Energy Conservation Standards When Federal Standard Becomes Effective for a Product.—Except as provided in section 325(b)(3)(A)(ii) and effective on the effective date of an energy conservation standard established in or prescribed under section 325 for any covered product, no State regulation concerning the energy efficiency or energy use of such covered product shall be effective with respect to such product unless the regulation—

"(1) is a regulation described in paragraph (2) or (4) of subsection (b);

"(2) is a regulation which has been granted a waiver under subsection (d); or

"(3) is in a building code for new construction described in subsection (f)(3).

"(d) Waiver of Federal Preemption.—(1)(A) Any State with a State regulation which provides for any energy conservation standard or other requirement with respect to energy use or energy efficiency for any type (or class) of covered product for which there is a Federal energy conservation standard under section 325 may file a petition with the Secretary requesting a rule that such State regulation become effective with respect to such covered product.

"(B) Subject to paragraphs (2) through (5), the Secretary shall, within the period described in paragraph (2) and after consideration of the petition and the comments of interested persons, prescribe such rule if the Secretary finds (and publishes such finding) that the State has established by a preponderance of the evidence that such State regulation is needed to meet unusual and compelling State or local energy interests.

"(C) For purposes of this subsection, the term 'unusual and compelling State or local energy interests' means interests which—

"(i) are substantially different in nature or magnitude than those prevailing in the United States generally; and

"(ii) are such that the costs, benefits, burdens, and reliability of energy savings resulting from the State regulation make such regulation preferable or necessary when measured against the costs, benefits, burdens, and reliability of alternative approaches to energy savings or production, including reliance on reasonably predictable market-induced improvements in efficiency of all products subject to the State regulation.

The factors described in clause (ii) shall be evaluated within the context of the State's energy plan and forecast.

"(2) The Secretary shall give notice of any petition filed under paragraph (1)(A) and afford interested persons a reasonable opportunity to make written comments, including rebuttal comments, thereon. The Secretary shall, within the 6-month period beginning on the date on which any such petition is filed, deny such petition or prescribe the requested rule, except that the Secretary may publish a notice in the Federal Register extending such period to a date certain but no longer than one year after the date on which the petition was filed. Such notice shall include the reasons for delay. In the case of any denial of a petition under this subsection, the Secretary shall publish in the Federal Register notice of, and the reasons for, such denial.

"(3) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that such State regulation will significantly burden manufacturing, marketing, distribution, sale, or servicing of the covered product on a national basis. In determining whether to make such finding, the Secretary shall evaluate all relevant factors, including—

"(A) the extent to which the State regulation will increase manufacturing or distribution costs of manufacturers, distributors, and others;

"(B) the extent to which the State regulation will disadvantage smaller manufacturers, distributors, or dealers or lessen competition in the sale of the covered product in the State;

"(C) the extent to which the State regulation would cause a burden to manufacturers to redesign and produce the covered product type (or class), taking into consideration the extent to which the regulation would result in a reduction—

"(i) in the current models, or in the projected availability of models, that could be shipped on the effective date of the regulation to the State and within the United States; or

"(ii) in the current or projected sales volume of the covered product type (or class) in the State and the United States; and

"(D) the extent to which the State regulation is likely to contribute significantly to a proliferation of State appliance efficiency requirements and the cumulative impact such requirements would have.

"(4) The Secretary may not prescribe a rule under this subsection if the Secretary finds (and publishes such finding) that interested persons have established, by a preponderance of the evidence, that the State regulation is likely to result in the unavailability in the State of any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities, and volumes that are substantially the same as those generally available in the State at the time of the Secretary's finding, except that the failure of some classes (or types) to meet this criterion shall not affect the Secretary's determination of whether to prescribe a rule for other classes (or types).

"(5) No final rule prescribed by the Secretary under this subsection may—

"(A) permit any State regulation to become effective with respect to any covered product manufactured within three years after such rule is published in the Federal Register or within five years if the Secretary finds that such additional time is necessary due to the substantial burdens of retooling, redesign, or distribution needed to comply with the State regulation; or

"(B) become effective with respect to a covered product manufactured before the earliest possible effective date specified in section 325 for the initial amendment of the energy conservation standard established in such section for the covered product; except that such rule may become effective before such date if the Secretary finds (and publishes such finding) that, in addition to the other requirements of this subsection the State has established, by a preponderance of the evidence, that—

"(i) an energy emergency condition exists within the State which—

"(I) imperils the health, safety, and welfare of its residents because of the inability of the State or utilities within the State to provide adequate quantities of gas or electric energy to its residents at less than prohibitive costs; and

"(II) cannot be substantially alleviated by the importation of energy or the use of interconnection agreements; and

"(ii) the State regulation is necessary to alleviate substantially such condition.

"(6) In any case in which a State is issued a rule under paragraph (1) with respect to a covered product and subsequently a Federal energy conservation standard concerning such product is amended pursuant to section 325, any person subject to such State regulation may file a petition with the Secretary requesting the Secretary to withdraw the rule issued under paragraph (1) with respect to such product in such State. The Secretary shall consider such petition in accordance with the requirements of paragraphs (1), (3), and (4), except that the burden shall be on the petitioner to show by a preponderance of the evidence that the rule received by the State under paragraph (1) should be withdrawn as a result of the amendment to the Federal standard. If the Secretary determines that the petitioner has shown that the rule issued by the State should be so withdrawn, the Secretary shall withdraw it.

"(e) EXCEPTION FOR CERTAIN STATE PROCUREMENT STANDARDS.—Any State regulation which sets forth procurement standards for a State (or political subdivision thereof) shall not be superseded by the provisions of this part if such standards are more stringent than the corresponding Federal energy conservation standards.

"(f) EXCEPTION FOR CERTAIN BUILDING CODE REQUIREMENTS.—(1) A regulation or other requirement enacted or prescribed before January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product.

"(2) A regulation or other requirement, or revision thereof, enacted or prescribed on or after January 8, 1987, that is contained in a State or local building code for new construction concerning the energy efficiency or energy use of a covered product is not superseded by this part until the effective date of the energy conservation standard established in or prescribed under section 325 for such covered product if the code does not require that the energy efficiency of such covered product exceed—

"(A) the applicable minimum efficiency requirement in a national voluntary consensus standard; or

"(B) the minimum energy efficiency level in a regulation or other requirement of the State meeting the requirements of subsections (b)(1) or (b)(5), whichever is higher.

"(3) Effective on the effective date of an energy conservation standard for a covered product established in or prescribed under section 325, a regulation or other requirement contained in a State or local building code for new construction concerning the energy efficiency or energy use of such covered product is not superseded by this part if the code complies with all of the following requirements:

"(A) The code permits a builder to meet an energy consumption or conservation objective for a building by selecting items whose combined energy efficiencies meet the objective.

"(B) The code does not require that the covered product have an energy efficiency exceeding the applicable energy conservation standard established in or prescribed under section 325, except that the required efficiency may exceed such standard up to the level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(C) The credit to the energy consumption or conservation objective allowed by the code for installing covered products having energy efficiencies exceeding such energy conservation standard established in or prescribed under section 325 or the efficiency level required in a State regulation referred to in subparagraph (B) is on a one-for-one equivalent energy use or equivalent cost basis.

"(D) If the code uses one or more baseline building designs against which all submitted building designs are to be evaluated and such baseline building designs contain a covered product subject to an energy conservation standard established in or prescribed under section 325, the baseline building designs are based on the efficiency level for such covered product which meets but does not exceed such standard or the efficiency level required by a regulation of that State for which the Secretary has issued a rule granting a waiver under subsection (d).

"(E) If the code sets forth one or more optional combinations of items which meet the energy consumption or conservation objective, for every combination which includes a covered product the efficiency of which exceeds either standard or level referred to in subparagraph (D), there also shall be at least one combination which includes such covered product the efficiency of which does not exceed such standard or level by more than 5 percent, except that at least one combination shall include such covered product the efficiency of which meets but does not exceed such standard.

"(F) The energy consumption or conservation objective is specified in terms of an estimated total consumption of energy (which may be calculated from energy loss- or gain-based codes) utilizing an equivalent amount of energy (which may be specified in units of energy or its equivalent cost).

"(G) The estimated energy use of any covered product permitted or required in the code, or used in calculating the objective, is determined using the applicable test procedures prescribed under section 323, except that the State may permit the estimated energy use calculation to be adjusted to reflect the conditions of the areas where the code is being applied if such adjustment is based on the use of the applicable test procedures prescribed under section 323 or other technically accurate documented procedure.

"(4)(A) Subject to subparagraph (B), a State or local government is not required to submit a petition to the Secretary in order to enforce or apply its building code or to establish that the code meets the conditions set forth in this subsection.

"(B) If a building code requires the installation of covered products with efficiencies exceeding both the applicable Federal standard established in or prescribed under section 325 and the applicable standard of such State, if any, that has been granted a waiver under subsection (d), such requirement of the building code shall not be applicable unless the Secretary has granted a waiver for such requirement under subsection (d).

"(g) No Warranty.—Any disclosure with respect to energy use, energy efficiency, or estimated annual operating cost which is required to be made under the provisions of this part shall not create an express or implied warranty under State or Federal law that such energy efficiency will be achieved or that such energy use or estimated annual operating cost will not be exceeded under conditions of actual use.".

SEC. 8. CITIZEN SUITS.

Section 335(a) of the Energy Policy and Conservation Act (42 U.S.C. 6305) is amended—

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or";

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary in any case in which there is an alleged failure of the Secretary to comply with a nondiscretionary duty to issue a proposed or final rule according to the schedules set forth in section 325."; and

(4) by adding after the last sentence the following:

"The courts shall advance on the docket, and expedite the disposition of, all causes filed therein pursuant to paragraph (3) of this subsection. If the court finds that the Secretary has failed to comply with a deadline established in section 325, the court shall have jurisdiction to order appropriate relief, including relief that will ensure the Secretary's compliance with future deadlines for the same covered product.".

SEC. 9. ADMINISTRATIVE REVIEW AND JUDICIAL REVIEW.

Section 336 of the Energy Policy and Conservation Act (42 U.S.C. 6306) is amended to read as follows:

"ADMINISTRATIVE PROCEDURE AND JUDICIAL REVIEW

"Sec. 336. (a)(1) In addition to the requirements of section 553 of title 5, United States Code, rules prescribed under section 323, 324, 325, 327, or 328 of this part shall afford interested persons an opportunity to present written and oral data, views, and arguments with respect to any proposed rule.

"(2) In the case of a rule prescribed under section 325, the Secretary shall, by means of conferences or other informal procedures, afford any interested person an opportunity to question—

"(A) other interested persons who have made oral presentations; and

"(B) employees of the United States who have made written or oral presentations with respect to disputed issues of material fact.

Such opportunity shall be afforded to the extent the Secretary determines that questioning pursuant to such procedures is likely to result in a more timely and effective resolution of such issues.

"(3) A transcript shall be kept of any oral presentations made under this subsection.

"(b)(1) Any person who will be adversely affected by a rule prescribed under section 323, 324, or 325 may, at any time within 60 days after the date on which such rule is prescribed, file a petition with the United States court of appeals for the circuit in which such person resides or has his principal place of business, for judicial review of such rule. A copy of the petition shall be transmitted by the clerk of the court to the agency which prescribed the rule. Such agency shall file in the court the written submissions to, and transcript of, the proceedings on which the rule was based, as provided in section 2112 of title 28, United States Code.

"(2) Upon the filing of the petition referred to in paragraph (1), the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter. No rule under section 323, 324, or 325 may be affirmed unless supported by substantial evidence.

"(3) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(4) The remedies provided for in this subsection shall be in addition to, and not in substitution for, any other remedies provided by law.

"(5) The procedures applicable under this part shall not—

"(A) be considered to be modified or affected by any other provision of law unless such other provision specifically amends this part (or provisions of law cited herein); or

"(B) be considered to be superseded by any other provision of law unless such other provision does so in specific terms by referring to this part and declaring that such provision supersedes, in whole or in part, the procedures of this part.

"(c) Jurisdiction is vested in the Federal district courts of the United States over actions brought by—

"(1) any adversely affected person to determine whether a State or local government is complying with the requirements of this part; and

"(2) any person who files a petition under section 325(k) which is denied by the Secretary.".

SEC. 10. ANNUAL REPORT.

Section 338 of the Energy Policy and Conservation Act (42 U.S.C. 6308) is amended by adding at the end the following: "Nothing in this section provides a defense or justification for a failure by the Secretary to comply with a nondiscretionary duty as provided for in this part."

SEC. 11. CONFORMING AMENDMENTS.

(a) In General.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 324 is amended—

(A) in subsection (a)(1), by striking out "paragraphs (1) through (9)" and inserting in lieu thereof "paragraphs (1), (2), (4), (6), and (8) through (12)";

(B) in subsection (a)(2), by striking out "paragraphs (10) through (13)" and inserting in lieu thereof "paragraphs (3), (5), and (7)"; and

(C) in subsection (a)(3)—

(i) by striking out "paragraph (14)" and inserting in lieu thereof "paragraph (13)";

(ii) by striking out subparagraph (A) and inserting in lieu thereof the following:

"(A) the Commission or the Secretary has made a determination with respect to such type (or class thereof) that labeling in accordance with this section will assist purchasers in making purchasing decisions,"; and

(iii) by striking out "section 323(a)(5)" in subparagraph (B) and inserting in lieu thereof "section 323(b)(1)(B)";

(D) by striking out subsection (b)(1) and inserting in lieu thereof the following:

"(b) Rules in Effect; New Rules.—(1)(A) Any labeling rule in effect on the date of the enactment of the National Appliance Energy Conservation Act of 1986 shall remain in effect until amended, by rule, by the Commission.

"(B) After the date of the enactment of the National Appliance Energy Conservation Act of 1986 and not later than 30 days after the date on which a proposed test procedure applicable to a covered product of any of the types specified in paragraphs (1) through (13) of section 322(a) (or class thereof) is prescribed under section 323(b), the Commission shall publish a proposed labeling rule applicable to such type (or class thereof).";

(E) in subsection (b)(3)—

(i) by striking out "section 323" both places in which it appears and inserting in lieu thereof "section 323(b)";

(ii) by striking out "(13)" and inserting in lieu thereof "(12)"; and

(iii) by striking out "(14)" and inserting in lieu thereof "(13)";

(F) in subsection (b)(5)—

(i) by striking out "(10) through (13)" and inserting in lieu thereof "(3), (5), and (7)"; and

(ii) by striking out "(14)" and inserting in lieu thereof "(13)"; and

(G) in subsection (f), by striking out "or (2)" in the second sentence.

(2) Section 326(b)(3)(A) is amended by inserting "established in or" before "prescribed under".

(3) Section 332(a)(5) is amended by striking out "energy efficiency standard prescribed under" and inserting in lieu thereof "energy conservation standard established in or prescribed under".

(b) Stylistic Conforming Amendments.—Part B of title III of the Energy Policy and Conservation Act is amended as follows:

(1) Section 322(b)(1) is amended by striking out "(b)(1)" and inserting in lieu thereof "(b) Special Classification of Consumer Product.—(1)".

(2) Section 324 is amended—

(A) by striking out "Sec. 324. (a)(1)" and inserting in lieu thereof "Sec. 324. (a) In General.—(1)";

(B) in subsection (c)(1), by striking out "(c)(1)" and inserting in lieu thereof "(c) Content of Label.—(1)";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) Effective Date.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) Study of Certain Products.—";

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) Consultation.—"; and

(F) in subsection (g), by striking out "(g)" and inserting in lieu thereof "(g) Other Authority of the Commission.—".

(3) Section 326 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) In General.—";

(B) in subsection (b)(1), by striking out "(b)(1)" and inserting in lieu thereof "(b) Notification.—(1)"; and

(C) in subsection (c), by striking out "(c) Each" and inserting in lieu thereof "(c) DEADLINE.—Each".

(4) Section 329 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) IN GENERAL.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) CONFIDENTIALITY.—".

(5) Section 332 is amended—

(A) in subsection (a), by striking out "SEC. 332. (a)" and inserting in lieu thereof "SEC. 332. (a) IN GENERAL.—"; and

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) DEFINITION.—".

(6) Section 333 is amended—

(A) in subsection (a), by striking out "SEC. 333. (a)" and inserting in lieu thereof "SEC. 333. (a) IN GENERAL.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) DEFINITION.—";

(C) in subsection (c), by striking out "(c) It" and inserting in lieu thereof "(c) SPECIAL RULE.—It"; and

(D) in subsection (d)(1), by striking out "(d)(1)" and inserting in lieu thereof "(d) PROCEDURE FOR ASSESSING PENALTY.—(1)".

(7) Section 335 is amended—

(A) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) LIMITATION.—";

(B) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) RIGHT TO INTERVENE.—";

(C) in subsection (d), by striking out "(d)" and inserting in lieu thereof "(d) AWARD OF COSTS OF LITIGATION.—";

(D) in subsection (e), by striking out "(e)" and inserting in lieu thereof "(e) PRESERVATION OF OTHER RELIEF.—"; and

(E) in subsection (f), by striking out "(f)" and inserting in lieu thereof "(f) COMPLIANCE IN GOOD FAITH.—".

(8) Section 339 is amended—

(A) in subsection (a), by striking out "(a)" and inserting in lieu thereof "(a) AUTHORIZATIONS FOR THE SECRETARY.—";

(B) in subsection (b), by striking out "(b)" and inserting in lieu thereof "(b) AUTHORIZATIONS FOR THE COMMISSION.—"; and

(C) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(c) OTHER AUTHORIZATIONS.—".

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 87) was laid on the table.

GENERAL LEAVE

Mr. SHARP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on both bills, H.R. 87 and S. 83.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

AUTHORIZING FILING OF AMENDMENT RELATING TO H.R. 558, URGENT RELIEF FOR THE HOMELESS ACT

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to have until 5 o'clock today to file with the Clerk an amendment to appear in today's CONGRESSIONAL RECORD relating to H.R. 558, the Urgent Relief for the Homeless Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. LENT. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Florida whether the amendment contains any changes to what has been reported by the respective committees.

Mr. PEPPER. Mr. Speaker, if the gentleman will yield, I am pleased to reply to the able gentleman by saying that this amendment will consist of the text of the introduced bill, as well as the amendments adopted by the Committees on Banking, Finance and Urban Affairs and Energy and Commerce. In addition, it will incorporate the text of H.R. 177, as reported from the Agriculture Committee, the Food Assistance for the Homeless Act of 1987.

The purpose of this is to allow for Members to have before them in an expeditious and timely fashion, the bill which the Committee on Rules will hear tomorrow to be able to draft amendments. We understand from the leadership that the bill will be considered on the floor on Thursday, and this will make sure that everyone who wishes to offer an amendment will be able to have it considered.

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Mr. LENT. So that the gentleman can reassure me then that the only thing this consolidation does is to marry the various parts of the legislation that are not in conflict between the committees?

Mr. PEPPER. I am not prepared to say what the committees have offered, but we are putting it all together and we will not have time until 5 o'clock to get it all together to make it available to the House.

Mr. LENT. All I would like is a reassurance if the gentleman please.

Mr. PEPPER. There will be only changes as recommended by the committee.

Mr. LENT. OK. So that everything in this bill which marries the various sections of the legislation as they came from the committee is without any change from what the committees have put out and reported?

Mr. PEPPER. The gentleman is correct in that.

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

WOMEN'S HISTORY MONTH

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 20) to designate the month of March 1987, as "Women's History Month," and ask for its immediate consideration.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object but simply would like to inform the House that the minority has no objections to the legislation now being considered.

Mr. Speaker, it is with a great deal of pride that I rise in full support of Senate Joint Resolution 20 designating the month of March 1987 as Women's History Month—a resolution of which I am a cosponsor of House Joint Resolution 79.

Mr. Speaker, as a woman and Member of this body it is indeed an honor and pleasure to take this opportunity to acknowledge the many individuals and organizations who have worked long and hard to make Women's History Month possible. A month which provides a special occasion on which to note the civic, educational, and political contributions of our Nation's women. The tireless efforts of the women today and throughout our Nation's history have made it possible for me to stand here before you today.

As legislators, representing the American people, I feel it is our responsibility to the future generation of women to recognize the significant contributions of women both past and present and to dispell the stereotype of the marginal women.

We as Americans live in one of the most open and free societies in the world today. It is time for us all, both men and women, to join together as one people.

Mr. Speaker, as we begin to celebrate the bicentennial of our Constitution we should all take a minute to reflect on the preamble of this great document which begins we the people, a people in every walk of life who have made this Nation of ours great. The American woman has contributed to every aspect of our society—the homemakers, the professionals, the educators, the civic leaders, medical professionals, and those who serve in our armed services. We the people must continue to work toward maintaining a free and just society.

I feel by designating March as Women's History Month is an appropriate time to look back on the achievements and contributions of our Nation's women.

I urge my colleagues to join me in supporting this resolution.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 20

Whereas American women of every race, class, and ethnic background have made historical contributions to the growth and strength of the Nation in countless recorded and unrecorded ways;

Whereas American women have played and continue to play a critical economic, cultural, and social role in every sphere of our Nation's life by constituting a significant portion of the labor force working in and outside of the home;

Whereas American women have played a unique role throughout our history by providing the majority of the Nation's volunteer labor force and have been particularly important in the establishment of early charitable philanthropic and cultural institutions in this country;

Whereas American women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement, not only to secure their own right of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements to create a more fair and just society for all; and

Whereas, despite these contributions, the role of American women in history has been consistently overlooked and undervalued in the body of American history: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of March, 1987, is designated as "Women's History Month," and the President is requested to issue a proclamation calling upon the people of the United States to observe such month with appropriate ceremonies and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

A NEW APPROACH TO NICARAGUA NEEDED

(Mr. HENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HENRY. Mr. Speaker, no issue so bitterly divides the Congress as that pertaining to United States foreign policy in regard to Nicaragua. No matter what position we take on the question of funding the Contra forces, we are pilloried by intense opposition from our constituents. If we choose to support administration policy, we are accused of insensitivity to the atrocities of war. If we choose to oppose administration policy, we are accused of naivete as to the Marxist-Leninist bent of the current Nicaraguan Government, and the grave implications of that reality for our national interest and that of the Central American region itself.

One of the mystifying aspects of our debate over what to do about the Sandinista regime has been the distinctly differing way in which the issue itself has been addressed within the Congress itself and the public at large. Within the Congress, there is virtually universal agreement that the current Sandinista regime is firmly aligned with the Marxist-Leninist bloc of countries, and that our policies must be guided accordingly. While we have exhibited disagreement over what the particular character of these policies ought to be, we seemingly agree on the fundamental assessment of what it is we are dealing with.

Our constituents, on the other hand, still seem to be divided on the question of the nature of the Sandinista regime itself. Differing assessments as to the nature of the regime yield differing criteria as to what is an appropriate American response.

This set of differing assessments has subsequently befuddled much of our internal debate over American foreign policy toward Central America in general, and Nicaragua in particular. And as a consequence, we have allowed ourselves to fall into the trap of reducing our options in Central America to that of either supporting or not supporting the Contra forces, rather than exploring new alternatives which potentially hold greater promise for successfully upholding our national interest in the region.

In the months which have passed since the Congress last addressed this issue, the question of our policy toward Nicaragua has become even more obscured through revelations and unanswered questions pertaining to the Iran arms sales. Whether we like it or not, the issue of promoting constitutionalism and the rule of law abroad has become entwined with that of protecting constitutionalism and the rule of law at home. An already contentious issue has become yet more contentious. And a great responsibility rests upon us in Congress to resolve the political and policy impasse with which we are faced.

As one who supported administration policy, let me reiterate the reasons for that support, and summarize what I believe to be legitimate goals of that policy:

First, clearly, the administration is correct in its insistence that the Sandinista government is a Communist-aligned regime. Not unlike the Russian revolution of 1917, the hopes of the Nicaraguan people who overthrew years of corrupt and oppressive government in the name of democracy found their own 1979 revolution betrayed. The liberators quickly became the new oppressors. And as many will convincingly argue, the repressions of the current Sandinista government exceed those of the former Somoza regime.

Second, the administration is equally correct in noting the Leninist and expansionist nature of the Sandinista government. Indeed, it was President Carter who first formally objected to the militarization of the Nicaraguan society and economy, and its use as a base for exporting revolution throughout the region.

Third, the administration's policy vis-a-vis Nicaragua has not been a total failure. Indeed, if nothing else, it has first, drawn a line against further communist encroachment in the region; second, established bipartisan recognition of the threat posed by the Sandinista government; and third, consumed the Nicaraguan Government with the need to consolidate its own revolution, so it could not expend its resources wholly to the export of revolution throughout the region without cost.

Having said this, let me suggest that there are, nonetheless, weaknesses in current policy which must be admitted and addressed if we are to move forward from this point.

First, while administation policy has achieved its short-term goal of forestalling the export of Communist-insurgent revolution in the region, it holds little hope of overturning the Government of Nicaragua. The reasons for this are several. In seeking to consolidate itself against counterrevolutionary activity, the Sandinista regime has become increasingly repressive to the point of being an armed garrison, which could likely be overturned only with substantial and direct military intervention—a policy which the administration itself has publicly repudiated on numerous occasions.

Second, the counterrevolutionary Contra elements have failed to unify around a vision of hope which bears moral and political authenticity to the Nicaraguan masses. I do not dispute the disillusionment of the Nicaraguan people with their present government. But neither do I believe the Contras have gained the moral initiative whereby to inspire an uprising of their own people. Further, the continuing Somoza connections among the Contra leadership, in particular, and their undisciplined conduct in battle belie whatever promises they make. While a short-term strategy of allying ourselves with these elements to check Communist oppression may have been an acceptable political expedient, it is hardly the basis for a long-range American foreign policy with which the American people wish to be identified.

Third, we have reached the point in the contemporary Central American setting where an execssive reliance on military solutions is counterproductive to the process of democratization in the region. Militarizing our allies in Central America does not foster the movement to civilian government and public institutions, which is the stipulated goal of our policy in the region.

Fourth, and finally, our own domestic political concerns over the Iran arms transfer demand constitutional accountability. And because this issue is inevitably intertwined with our current foreign policy toward the Central American region, a reassessment of current policy is inescapable, whether we have favored that policy or not.

Necessity mandates a change in policy. But such necessity must not be allowed to serve as an excuse to abandon a proactive policy which recognizes legitimate national interests in the region. During the last several years, Congress has allowed itself to fall into the trap of supporting present policy, or abandoning present policy with nothing to put in its stead. Given the imminence of a change in policy, it is incumbent upon us all to work together on both sides of the aisle in the pursuit of a proactive, constructive, bipartisan policy in the region which vigorously upholds our national interests.

What would be the benchmarks of such a policy?

First, it must come to an explicit agreement and convergence of views as to the nature of the present Sandinista regime. Quite frankly, I think we are already there. But we have allowed our political disagreements on specific policy to overwhelm the necessity of a strong, bipartisan statement which speaks not only to the American public, but also to the world community of nations which has interpreted our disagreement over specifics as disagreement on fundamentals. Such a policy should have no hesitancy in admitting the Marxist-Leninist character of the present regime.

Second, such a policy should clearly draw the line on territorial encroachments and terrorist activities by that regime. It should invoke the multilateral support, participation, and commitments of our Western Hemisphere friends, most pointedly the Central American and Contadora nations themselves, who have been insistent on this issue.

Third, such policy should speak clearly and explicitly to the degree of militarization which will be tolerated within Nicaragua, the nature and extent of armaments which will be tolerated, and the threat which such armaments pose, not simply to our own national security, but to the peace and tranquility of the region.

Fourth, such policy should not abandon consistent pressures on Nicaragua to fulfill the promises of democracy, political pluralism, and human rights which were made during the revolution. The Sandinista regime has been strong on words, but weak in performance in regard to these commitments. It should be exposed for what it is, and collectively the Western Hemisphere nations should continue to be insistent that changes occur domestically within the nation.

While there will shortly be a vote on the release of the final $40 million of the $100 million appropriated in support of the Contra forces by the 99th Congress, I would stress again that this issue is truly secondary to the broader concerns I have addressed. We must not allow ourselves to be beguiled, on either side of the issue, into reductionist rhetoric which substitutes the Contra debate for the need to formulate coherent, bipartisan, multinational policy in the region. It is time to deliberately enunciate a full-fledged policy which actively solicits and secures the support of our friends in Central America and the broader Latin American community of nations.

Why not, for example, simply invoke the proposal of the Contadora group as our own? And in exchange for declaring our national intent to enforce those proposals, secure clear commitments from the Contadora group for their diplomatic support for such a policy? And in conjunction with such an effort, why not formally accept the recent initiative of the Central American republics, and pledge our national resolve to its enforcement in exchange for their public endorsement and support of these proposals?

A bipartisan, multinational response to the Sandinista regime would not be a retreat from the purposes of present policy so much as an improvement upon it. And in that vein, I have offered these comments with the hope that our obligation to represent the national interest can rise above the partisan temptations that threaten to leave us without any policy and exposed as politically inept and weak in the international community of nations.

In summary, Mr. Speaker, I would emphasize once again that there is no basis from which to move beyond present policy until another has been readied to put into its place. And while signals from the administration are uncertain as to its willingness to pursue such an approach, we as a Congress must move forward on our own if we are to avoid the culpability for abandoning Nicaragua and the Central American region as a consequence of repudiating the inadequacies and limitations of present policy.

THE EFFECTS OF SANCTIONS ON SOUTH AFRICANS

(Mr. INHOFE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INHOFE. Mr. Speaker, I was privileged to receive a visit recently from two courageous South African women who came to the United States to help us learn more about the real situation in South Africa. These women are not politicians. They are mothers who want to see peace, understanding, and freedom in their country.

Both women, Annmarie, an Afrikaner and Mary Jane, a black from an urban area, are members of Kontak, a nonpolitical organization of women dedicated to promoting interracial goodwill. They talked about the human suffering caused by our sanctions policy, which has hit all racial groups in South Africa. Soup lines in white neighborhoods as well as black attest to the broad impact of sanctions and disinvestment.

Mary Jane, who could not use her real name because of fear of attack against her and her family, was very clear about the effects of sanctions on her people. "Sanctions don't only hit the flesh," she told me. "They go to the bone."

In a country where the extended family is still prevalent among the black population, as many as 30 people depend upon a single wage packet. That's a lot of people who go hungry when one wage earner loses his or her job. South Africa simply does not have the programs or resources to assist the unemployed on a consistent or long term basis.

A Kodak worker who was released from his job when Kodak pulled out of South Africa stated the situation in stark terms:

> Most of us have nowhere to go. Disinvestment has destroyed our lives and our future. If this makes those people who have called for sanctions happy, then they've got what they want. But all we face now is suffering. We're desparate because we don't know where we'll live or how we'll feed our families.

Both Mary Jane and Annmarie stressed the need for jobs in South

Africa. They pointed to the very positive social responsibility programs of American firms in their country. The companies work with community leaders in developing and implementing projects that the people want and need. They bring jobs and progress to the communities in which they are located. When these companies move out of South Africa, the local firms that take over do not have the resources to continue the social responsibility programs on the same scale. The people hurt are predominantly black.

Problems in the schools are also a major concern to black South African parents. The school boycott has ended, but the trouble hasn't. Mary Jane said that urban children go to school at 8 a.m., but they are lucky if the "comrades" do not disrupt classes before 11. Because of the dangers and disruption in the schools, many parents are forced to send their children to stay with relatives in the country and attend school there, which is very hard on families and their pocketbooks.

Do the people who advocate sanctions in South Africa have to worry about losing their jobs, their families going hungry, or their children being caught in a school riot? Desmond Tutu doesn't. He lives in Bishopcourt in one of the most exclusive sections of Cape Town. His children have never attended the schools in South Africa. His salary doesn't depend on a wage packet.

Oliver Tambo has been out of the country for over 20 years. Whatever he may say about the effect of sanctions is based on reported information. He is not face to face with the people.

From Mary Jane's point of view, a black mother who lives daily with the effects of apartheid and sanctions, proponents of sanctions failed in their assessment of the situation in South Africa. They thought they would bring the government to its knees, but they failed to look beyond their crusade to the social context and the effects of sanctions on the people.

A lot of people in South Africa are confused. The United States said it wanted to help the South African people by encouraging the South African Government to abandon apartheid, which is what we should be doing. But then the United States instituted sanctions. Contrary to the expectations of sanctions supporters, the South African Government has not been moved toward more rapid reform; in fact, it has dug in. What's more, the very people the United States intended to help are the ones most hurt by sanctions. Joe Niehus, a good personal friend and minister from Oklahoma who recently returned from South Africa tells of an Indian man from Durban who asked him why America is trying to cut them off at the knees.

The United States should continue to work to end apartheid, but sanctions are neither an effective nor humane means of achieving that goal. We need to reassess our policy and develop a positive approach that does not harm the very people we are seeking to help. I urge my colleagues to join me in this policy change.

AGRICULTURAL LOAN ASSISTANCE ACT OF 1987

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, I am addressing the House regarding legislation which I have reintroduced: the Agricultural Loan Assistance Act of 1987. Joining me in reintroducing this legislation are my colleagues Mr. Annunzio, Mr. Dorgan, Mr. Durbin, Mr. Glickman, Mr. Hubbard, Mr. Levin, Mr. Lightfoot, Mr. Madigan, Mr. Penny, Mr. Price of Illinois, Mr. Stallings, Mr. Thomas of Georgia, and Mr. Towns.

The farm economy remains in a critical state. Last year over 60,000 farmers went out of business. More banks, including a disproportionate number of agricultural banks, failed than at any time since the Great Depression.

The legislation we are reintroducing is designed to provide farmers and their bankers with some needed flexibility in farm lending. Farmers do not leave farming, nor do banks foreclose, unless they have exhausted all other options. Historically, agricultural banks have maintained a strong capital base and followed prudent banking practices which have allowed them to stay with their customers. But farm banks are not immune from the hard times that have come to agriculture.

The problems faced by farm lenders are due to a unique combination of financial pressures. A precipitous drop in farmland value has reduced the collateral value of many loans, while rising interest rates and low crop prices have eroded farmers' ability to keep up with their payments. All signs indicate that rural lenders and their customers will face continued pressure this year.

Farm banks are particularly vulnerable to the fluctuations of the agricultural economy because, in many cases, they are small in size and have made the bulk of their loans to farmers for operating credit. Over 1,700 banks have more than 50 percent of their portfolios in agricultural loans, and that figure does not even cover loans to agribusiness and other rural businesses dependent on a strong and profitable agricultural sector.

For the economy to improve, American farmers must be able to make a profit, they must be able to sell their exports, and they need lower interest rates. But these things take time—time that many farmers and bankers do not have to spare. Farmers need capital to get their crops in the ground over the next few months. Credit decisions must be made now.

Our bill has two main components to ease the credit squeeze in rural areas. First, it allows agricultural banks to write down loans from their book value to their fair market value. Banks can do this now, but under current law, they must deduct the amount written off from their capital all at once.

Even though agricultural banks are well-capitalized, they cannot withstand losses of this magnitude, so banks are forced to foreclose rather than write down loans. This benefits neither banks nor farmers. A farmer ends up losing his or her farm, and banks end up with farmland they do not want but often cannot sell. The bill would permit banks to amortize losses over a period of 10 years, thus creating an incentive for banks to deal with their problems in a way that can help to minimize those losses.

A second part of the bill permits eligible banks to amortize their losses on the reduced value of farmland they acquired in the process of handling an agricultural loan. This provision will help reduce the continued downward pressure on agricultural land prices and assist banks in managing the swollen land portfolios many of them now hold.

These regulatory adjustments will offer agricultural banks a chance for self-help. The bill provides a safety net for hard-pressed agricultural lenders and their farmer-customers by permitting banks to negotiate with farmers on appropriate debt restructuring measures. This legislation is by no means a complete farm solution, but it will provide needed transitional assistance to keep rural credit available.

The Independent Bankers Association of America, the American Farm Bureau Federation, and the American Farmland Trust support this bill as an important component of efforts to maintain the stability of agricultural lending. I urge my colleagues to join me in giving this issue high priority so that farmers and bankers can continue to operate this spring.

AGRICULTURAL LOAN ASSISTANCE ACT OF 1987

EXPLANATION OF PROVISIONS

The bill would permit a commercial bank which is significantly involved in agricultural lending to amortize, over a period of up to 10 years, two kinds of losses resulting from its lending activity to agriculture (provided that such losses did not result from fraud or criminal abuse on the part of the bank). The two kinds of losses eligible for multiyear amortization are:

(1) Losses on agricultural loans, whereby in the absence of the bill the bank would have to charge off the entire loss in the immediate year that it is recognized.

Example: An agricultural bank makes an operating loan to a farmer who owes $100,000 on the loan. A bank regulatory agency classifies the loan, so that $30,000 of loss must be recognized by the bank in 1987. Without the bill, the bank must charge off $30,000 in 1987; with the bill, the bank may charge off $3,000 per year during 1987-1996.

(2) Losses on reduced value of property (mostly farmland) which a bank acquired in the process of handling an agricultural loan, whereby the bank still holds the property but must devalue it as an asset.

Example: an agricultural bank acquires 200 acres of farmland in 1986 in a farm debt workout situation. At the time acquired, the land was valued at $2,000 per acre ($400,000), but in 1987 is appraised and revalued at $1,500 per acre ($300,000). Without the bill, the bank asset value of the land would be reduced by $100,000 in 1987; with the bill, the bank may reduce the asset value of the land by $10,000 per year in 1987-1996.

The bill provides for a five-year period (1987-1991), during which losses that are recognized of the two kinds described above could be stretched out over a period of up to 10 years. The bill should result in no cost to the U.S. Treasury, since the banks themselves would absorb the losses over the period of time that is provided.

The amortized farm loan loss accounting will help agricultural banks to remain competitive suppliers of credit to farmers, by permitting the banks to absorb part of their farm lending losses over a period of time sufficient for the agricultural economy and the banks' earnings to have an opportunity to recover. Once the banks' net earnings recovered, the retained earnings and capital position of the agricultural banks could be fully replenished.

GILMAN LAUDS ACCOMPLISHMENTS OF ARMY'S KEVIN HOUSTON

(Mr. GILMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GILMAN. Mr. Speaker, most college basketball fans throughout our Nation think of Navy's David Robinson when asked to consider the outstanding basketball player representing the academies of the Armed Forces. However, I would like to call to their attention and to the attention of my colleagues in Congress—the outstanding achievements of Army's Kevin Houston, who leads all Division I basketball players in the Nation in points scored and in freethrow percentage.

Kevin hails from Pearl River, NY; a community which I am proud to represent. Kevin, the son of Jerry and Jean Houston, is a 1982 graduate of Pearl River High School, where he was known to many of his schoolmates as "Huey." Kevin participated in cross country as well as basketball, but ran cross country to better compete in his true calling, basketball. Kevin's high school basketball coach, Mr. Joe Ryan, says, "We thought we had something special in Kevin, but few colleges were willing to go out on a limb for him * * * I am constantly amazed at what he can do. He's a cerebral ballplayer; a thinking man's ballplayer * * * It's been a thrill just to be associated with him."

Kevin's knowledge of the game to a large extent is due to his father, who coached for 11 years at the high school level and at Fordham University for a year. According to Coach Ryan, Kevin also continued to improve throughout his high school career, worked hard, and showed a knack for overcoming adversity and rising to the occasion. Kevin, although quiet, was a team leader and popular among his schoolmates. Says Ryan, "He literally is the All-American type of kid. He will always keep his values." Indeed, Kevin has remained popular in Pearl River; a contingent of anywhere from 30 to 50 Pearl Riverites have regularly attended Kevin's games both home and away throughout his senior year.

Despite his promise, Kevin was not seriously pursued by any Division I basketball team besides Army, primarily because he was 5'11" and not endowed with great speed. He decided to attend the U.S. Military Prep School to get an idea of what the Army was all about. Kevin evidently liked what he saw, and soon entered West Point Military Academy, where he has certainly distinguished himself in many areas.

Most obvious among his accomplishments is his excellence on the basketball court, where he started in every Army game from his freshman year onward. Kevin is Army's all-time leading scorer with 2,325 points in 113 games. He also holds Army's highest single-game record with 53 points, which he set in the quarter-finals of the Metro Atlantic Athletic Conference [MAAC] tournament against Fordham last Saturday. Kevin led his team to victory by scoring 4 points in the last 20 seconds to tie the score, and then ultimately led his team to a 98-94 win in overtime. Coincidentally, this was the game in which he also broke the previous Army career scoring record, and the victory came against the team which his father had once coached. Kevin led the Nation in scoring this season, averaging 32.9 points a game for a total of 953 points, also an Army record. Kevin shot about 48 percent from 3-point range, and an amazing 91.2 percent from the foul line to lead the Nation. He finished his basketball career with Army on Sunday night. Unfortunately, Army fell to defending MAAC champion Fairfield, 65-60, in the semifinals of the MAAC tournament. Kevin injured his knee with 6 minutes to play, and was obviously hampered as he stoically finished the game. Not coincidentally, Army did not score a point during the time after Kevin's injury, although Kevin did finish the game with 28 points.

Last night, Kevin was honored for his basketball achievements when he was given the MAAC's Outstanding Player of the Year Award. While this award was most definitely deserved, it does not account for all of Kevin's achievements at West Point. Kevin managed to balance his basketball exploits with meeting the rigorous challenge of West Point's academic curriculum, and fulfilling a whole host of military requirements not faced by most outstanding Division I basketball players. In fact, Kevin's coach, Mr. Les Wothke, commented that the way in which Kevin could manage to keep up with his many obligations and heavy academic workload and still be such a dominating player makes his accomplishments even more impressive.

Kevin has also become what West Point strives to produce, a leader. As a leader, Kevin has also served as fine role model for the younger cadets. Coach Wothke said, "The distinct thing about West Point is that they specifically develop leadership skills. Kevin is a team leader in many ways. He assured leadership through his dedication and example rather than vocally."

Moreover, unlike Navy's David Robinson, Kevin does not possess tremendous physical gifts, such as height or blazing speed or great leaping ability. Rather, he has worked hard to make the most of his abilities. Said Coach Wothke, "Kevin to me is the ultimate as a player. He accomplishes everything possible with the ability he has. He has no shortcomings; he can rebound, he plays good defense, he can get the ball to the open man, and he has a great shot. In the land of giants and 7 footers, he stands above them at 5'11". One of the most inspiring aspects of athletics is man striving to meet his potential. Kevin has come as close as anyone to meeting his full potential on the basketball court on a regular basis, and is rightfully not only an inspiration to young people aspiring to be great basketball players, but to all those who strive to reach their potential in any given endeavor.

Kevin has faced many challenges at West Point, both on and off the court, and has dealt with all of them successfully. Kevin's father, Jerry, stated, "West Point has enabled Kevin to grow in many areas. I am really pleased that he could go to West Point and he took full advantage of each opportunity to develop himself." In addition, his success on the court has not gone to his head. According to his father, "Kevin has always been a family oriented guy. He has deep-rooted values that are only coming to the surface."

I am pleased that I had the opportunity and the privilege to bring Kevin to the attention of my colleagues not only because of his basketball skills per se, but even more important because he sets a fine example for all of us on so many different fronts. During these times when the validity of the ideal of the student-athlete is being called into doubt, Kevin Houston emerges as the personification of such an ideal. He truly represents what we as Americans hold to be most important: Dedication, perseverance, integrity, family values, belief in one's own ability, a commitment to teamwork, and a willingness to serve one's country. I am proud that a young man of his talents and qualities has not only decided to serve his country, but is happy to do so. I wish Kevin and his family the best, and only hope that West Point continues to attract young people of the same high caliber as Kevin Houston.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 779 AND H.R. 778

Mr. McMILLEN of Maryland. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of both H.R. 779 and H.R. 778.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ASSURING A PROSPEROUS FUTURE FOR AMERICA—PEOPLE RESTORING AN INTERNATIONAL COMPETITIVE ECONOMY—"PRICE"

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DELAY] is recognized for 60 minutes.

Mr. DELAY. Mr. Speaker, today, I and hundreds of other people in a broad spectrum of businesses and organizations are launching a new undertaking; a joint venture to assure a prosperous future for America. The name of our working group will be "People Restoring an Internationally Competitive Economy" [PRICE]. The focus of PRICE's efforts will be on the issue of competitiveness, the newest buzzword on Capitol Hill. There is a wave of activity that is building—something like the wave that created last year's drug bill—that will either lift us and carry us to America's upcoming position of global productive preeminence or will crash on top of American industry and our soaring standard of living and wipe out all the progress we have seen in the last 6 years.

If you go out and ask average Americans what they understand competitiveness to mean, they say words like efficiency, productivity, lower prices, better quality, an increased standard of living. But you come up to Capitol Hill and ask the same question and you begin to realize just how out of step with America many are up here. You start hearing words like weakness, protectionism, restricted imports, retaliation, tariffs, quotas. It makes you sick to your stomach to hear the negativity, the fatalism, the pessimistic outlook for America. And even more sickening is what will happen if it is not made clear to Americans that this fatalistic approach is going to return us to the malaise of the 1970's; American consumers will see their purchasing power fade away along with their pride and their renewed patriotism of the 1980's.

One of the major differences in the two attitudes about competitiveness is just how "competitiveness" is defined. As the Young Commission on Industrial Competitiveness notes, "Competitiveness is the degree to which a nation can, under free and fair market conditions, produce goods and services that meet the test of international markets while simultaneously maintaining or expanding the real incomes of its citizens." Unfortunately, many of my colleagues don't define "competitiveness" this way. They define it as limiting the choices of American consumers by reducing imports at any cost and protecting the jobs of one inefficient American industry at the expense of many other efficient industries.

They choose to promote the inefficient allocation of resources in an otherwise free market something like a virus in an otherwise healthy body; it starts slowing everything down, making the body sluggish, keeping energy and nutrition from other vital areas until the body finally succumbs. The only thing that remains healthy is the virus—or in this case—the protected industry. Once you disrupt the free flow of resources to their most efficient usage, you disrupt the rest of the country in hundreds of related industries. But, these special interest voices that call for protectionism at the expense of everyone else are both loud and well funded. And they have been very effective at painting a doom and gloom picture of the American economy and job market.

Every day you hear of the thousands of lost jobs to foreign imports, the factory shutdowns, the deindustrialization of our country, and so on. For instance, the Congressional Textile Caucus, in a recent "Dear Colleague" letter, said that "Import growth in textiles and apparel rose 17.2 percent over 1985, contributing further to the almost 700,000 American job opportunities lost to imports since 1981." Notice that they didn't say lost jobs, they said lost job opportunities. I'm not quite sure what they mean by that because the fact is that there were 18,000 more people working in textile mills in 1986 than in 1985. Unemployment in the textile industry is well below the national average for all other industries. Total domestic textile industry profits surged 105 percent in the third quarter of 1986 over the same period in 1985. Domestic textile production has risen more than 20 percent in the last 2 years—a rate five times faster than the overall growth in U.S. manufacturing. The textile industry's capacity utilization rate hit 93.6 percent in September 1986—the highest level recorded in 20 years!

And the rest of the economy is enjoying much of the same prosperity that the textile industry is. During the last 4 years, as the trade deficit has increased dramatically, the United States has created over 11 million new jobs, 406,000 of which were in manufacturing. During the Carter years of comfortable trade surpluses, we lost 1½ million jobs from 1979 to 1981 alone. Since 1981, output per hour in manufacturing has grown at an average annual rate of 3.8 percent, more than twice the annual average rate of 1.5 percent recorded between 1973 and 1981. Recently, U.S. productivity has been accelerating, rising to a 1982 and 1983 average of 2.5 percent compared with only 1.4 percent for Japan. As a percentage of the population, there are more people over the age of 16 working now than at any time since World War II.

The employment-population ratio for persons over 16 years of age reached a new postwar peak of 61.3 percent at the end of 1986. Another recent myth about the economic expansion is the one claiming that the majority of the 11 million jobs created have been fast-food jobs. Since 1970, we have added 2.5 million such fast-service jobs, but during the same period we have also added 11 million management and professional jobs, and 10 million technical sales and precision—skilled—product and repair jobs.

So where lies the doom and gloom? What has happened to create these huge and awful trade deficits? The fact is, we are enjoying one of the longest periods of economic expansion since World War II. However, at the same time, the recovery of economic activity in most other foreign countries has been weak. Since we export to those same countries, our level of exports suffered because their economies could no longer support them. At the same time, our domestic demand, which is what this country spends on goods and services, grew much more rapidly than in other countries and remains at a much higher level today. In short, what Americans want to purchase exceeds what we produce and so we are importing the difference. The fact that we demand more than we did is one of the aspects of an economic expansion. We make more money and goods cost less so we want to buy more.

Another aspect of an economic expansion and a healthy economy is that more people in foreign countries wish to invest in this country and fewer people in this country wish to invest in foreign countries. When more people are investing here and demanding dollars, the price of the dollar goes up. This makes our goods more expensive in the already weak export markets of our overseas trading partners. Furthermore, although we have a huge trade deficit, we are enjoying an exactly equal investment surplus. Since no one wants to invest in a weak economy, you'll have to blame our robust and growing economy for that.

Yet, if we are going to enjoy this economic expansion, and continue to increase our standard of living, we must be able to choose those consumer items that we want most at prices we can afford. Many of the fair traders claim that import penetration prevents American companies from competing, even in their home market. But if U.S. consumers can purchase less expensive foreign goods, American capital and labor are freed for the production of other goods and services, meaning a higher standard of living for all Americans. Much of the imports penetration has been in the labor-intensive goods, moving America toward a higher standard of living based on productivity.

It's somewhat ironic that the State of Massachusetts, whose congressional delegation overwhelmingly supports protectionist measures, is an example of a State that is prosperous today because of the free market choices it made years ago. Massachusetts has one of the lowest unemployment rates and highest growth rates in the country. It is known for being the center of high-technology research and innovation. Yet, around the late 1800's, it was known as the nationwide center of textile mill production. Around the turn of the century, many of the textile mills closed down and moved south where the labor was much cheaper at the time.

There was a certain degree of unemployment at the time but today, these old textile mills, with their towering smoke stacks, now house computer software designers, biotechnology research firms, and high technology entrepreneurs. Undoubtedly, the choices they made 80 years ago have not only paid off for the State of Massachusetts, but have helped maintain this country's lead in technological innovation and high standard of living. If the protectionist philosophy that we see today had been implemented back then, there is little doubt that they would today be making socks and underware instead of computer software and biotechnology. There is also little doubt that Japan and the Soviet Union would have an overwhelming technological advantage over our economy.

Now lets turn to an industry that was protected—steel. Despite three different types of protection beginning in the 1960's, voluntary restraint agreements, trigger price mechanisms and quota restraints, the integrated steel industry is still not prepared to compete on the world market. The steel industry has been less profitable than the average of all manufacturing since 1960. Protections did not achieve their long-term goal of modernizing the industry. Moreover, in all but 2 or 3 years, the protective apparatus has had minimal effects on domestic output and domestic employment. Employment in the industry has declined continually since the first episode of protection was introduced in 1968, and by 1984 it was half what it had been. Furthermore, the primary cause for the steel industry's losses were not caused by imports but rather by a decrease in domestic consumption coupled with increasingly efficient domestic minimills.

These minimills currently account for 20 percent of the domestic market and are competitive worldwide. The chairman of the biggest and most profitable minimill, Nucor steel, attributes his success to productivity. Through a broad range of incentive based productivity bonuses, production workers at Nucor steel earn substantially more than unionized workers in the large integrated steel mills. These big mills are 38 percent less productive than the Japanese, and will probably never be able to compete, even with reduced wages.

So why protect an industry from foreign competition? Those who advocate protectionism would have us believe that it is fiscally sound for America on the whole. Well, it just isn't. Because of voluntary restraint agreements, U.S. consumers have paid $2.2 billion per year more for new imported and domestic cars. Imported models increased by an average of $2,500 each, and U.S. models increased by an average of $1,000. This translates into a cost of $160,000 per $28,300 job saved. Similarly, each $10,300 job "saved" for American shoe workers costs consumers $68,300. And these increases are hidden to most American consumers and are regressive in nature.

The low- and fixed-income individuals, as well as unemployed workers, are most affected by increased prices because more of their income must be spent on necessity items such as clothing, sugar, shoes, and automobiles, all of which are protected in one way or another. Protectionism acts as a regressive tax, with a 23-percent tax surcharge on people earning less that $10,000 annually and only a 3-percent tax on those earning more than $60,000 a year. It is ironic that the very ones in this Congress who are such champions for the poor and increased social spending suddenly lose their sense of compassion when they promote protectionism.

Furthermore, jobs protected in one sector would be more than offset by increased unemployment in related firms. Recently proposed restrictions on textile imports, for instance, could cost 61,000 retail jobs.

My congressional district is in Texas down around Houston. We currently have a 10-percent unemployment rate due to the drop in the price of oil. But I have consistently opposed an oil import fee as a solution to the problems of the oil industry. The increased cost of oil as a result of the fee would only serve to drive refining and petrochemical plants and their jobs offshore. Also, we would see the cost of living of average American increase with more expensive gasoline, heating oil, natural gas, and utility costs. I just wish that other Members of Congress had the same macroeconomic view. I would be amiss to say that I have not had to take some heat from my constituents for not supporting the import fee. Yet, they continue to support me because deep down they know that it is the right thing to do; it simply appeals to their instincts of fair markets and good government.

So what can we in Congress do to rectify our trade imbalance? Well, we can start enacting intrusive Government regulations and bring about a recession in this country. A recession or depression is one of the quickest ways to reduce a trade deficit. During a recession, domestic demand drops, the value of the dollar drops, more investments are made overseas instead of here, unemployment goes up and our awful trade deficit will simply vanish. Incidentally, we did have a trade surplus during the Great Depression. Or, we can work to make our industries still more competitive with foreign imports. We can continue the process already begun by President Reagan to reduce Government regulations and refine our laws affecting trade. I will outline exactly what I mean by this in a few minutes. However, I might note that any legislation proposed to reduce our trade deficit or increase our competitiveness or both, must pass a three-part litmus test that I and my coworkers will be promoting. For any effort to pass muster it must; First, increase the standard of living for a majority of Americans; second, lead to expanded consumer choices; and third, increase employment opportunities. If it fails in any one of these areas, it will fail the test and will fail the American public. Those who have a vision toward 1988 might take note of these efforts; they will be hard to ignore.

COMPETITIVENESS CAUCUS

There is a lot of finger pointing in the debate on American competitiveness. We hear so much about the unfair trading practices and restricted markets of other countries, the flabby corpocracy of American big business that has lost it edge, and the paper entrepeneurs who speculate in the casino economy. Before we set off on another wave of blaming others, let's take a sober look at ourselves right here in this Chamber. When the buck stops here, we squander away our opportunities to encourage a truly competitive economy.

Consider our record in the last Congress. We kept using the Federal budget to subsidize and perpetuate waste and inefficiency. Our votes kept alive a long list of budgetary sinkholes like the Economic Development Administration, the Appalachian Regional Commission, Urban Development Action Grants, Amtrak subsidies, Urban Mass Transit subsidies, and SBA loans—the kind of things on which nobody in their right mind would spend their own money. Which is why we raided an empty Treasury and simply added to the budget deficit. Or we tried to pass the buck more subtly and once again consented to cost-shifting devices like Davis-Bacon labor subsidies, cargo preference requirements, Buy American provisions, and import quotas on textiles and shoes. We make pork barrel travesties of serious environmental concerns by passing Superfund legislation that fails to target guilty parties, squanders huge sums on low-priority cleanups, passes on burdensome costs throughout the productive sectors of the economy, and will leave the most important environmental problems largely untouched.

We set target prices for various agricultural commodities way above their market value, triggering an avalanche of overproduction which buried us under a mountain of subsidy payments and so much grain and milk that there are no more places to store it. Or we tried to add to the rigidities in labor and capital markets with political mischief like plant closing requirements and pay equity studies. Then we tried to bury our mistakes in phony budget cuts and rhetorical deference to deficit reduction legislation which lacked any enforcement teeth.

With this kind of track record, does anyone really take seriously this Chamber's professed interest in enhancing competitiveness? Do we stop throwing up paper walls that make believe our economy can afford to ignore more efficient lower cost producers in the rest of the world?

If this Chamber is serious about competition, not just that popular buzzword "competitiveness," we're going to have to start playing with real numbers, real facts, and real incentives to productivity. We can't afford any longer to squander scarce productive resources on special interests that demand much and produce little.

I recently came across an analysis of our performance on competitiveness issues which measures what we do—not what we say. The competitive enterprise index, prepared by the Competitive Enterprise Institute, took a detailed look at the voting record of the 99th Congress on issues that affect the productivity and effectiveness of our market economy. With regard to this body, the results were, in my view, disappointing if not too surprising. House Members as a whole during the 99th Congress supported competitive enterprise principles only 40 percent of the time. On trade issues alone, the average House score was an even lower 35 percent.

Perhaps more disturbing is the performance of members of the recently formed Congressional Competitiveness Caucus. The average Competitive Enterprise Index rating on trade issues for its Members from this Chamber during the last Congress, was only 29. In other words, the self-proclaimed champions of competitiveness, by their deeds and not their words, supported competitive enterprise principles on trade issues only 29 percent of the time. Although there are a handful of Members who are noteworthy exceptions to this average, an application of truth-in-labeling for this group might suggest a more appropriate name the Congressional Protectionist Caucus.

SPECIFIC LEGISLATIVE AGENDA

Now that I have outlined what we should not do, I would like to briefly address the legislative agenda that this Congress should focus on to affect our competitiveness in a positive way.

BUDGET DEFICIT

Anyone listening to the ritualistic budget debate we go through year after year in this body would hear an awful lot about aggregate spending totals but precious few words about the rate of return these various Federal outlays provide to our shareholders, the American taxpayers. We've lost sight of the price we pay whenever a dollar of unnecessary Federal spending commands scarce resources that would otherwise have gone to productive investment and job-creating economic activity. When we take a dollar away from the private citizen or the corporation, we remove the choice that would have been made on how to most efficiently and productively spend that dollar. The competitiveness problem with our budget policy isn't that we're taking too few dollars from our citizens in taxes. It's that our excessive spending on marginal commitments to well-organized special interest constituencies is shutting out opportunities for private citizens to use their original resources more productively. Until this Congress stops interfering in the allocation of America's precious pool of privately created wealth, and redirecting it toward crass political purposes, our annual budget resolutions will be a negative sum game that don't just redistribute wealth, but destroy it.

In the competition for how we direct the resources of our society, Congress has an unfair advantage. It gets to spend first. Private producers only get to look in their emptied pockets and ask questions later. But this spending is said to be for neglected public purposes, which really means it's devoted to high-cost, low-value items on which everyone else has said—no thanks, I'd rather not waste my own money on that.

In today's fiercely competitive global economy, the United States can no longer afford the political indulgences of the past. When the Federal Government flushes billions of dollars down the drain in special interest handouts and cost-shifting income transfers, we all pay for it doubly—once through the cost of taxes and Federal borrowing—and again through the higher costs of our products in the international marketplace. And this, my friends, translates into fewer sales, fewer jobs, lower income, and a shrinking standard of living for everyone. First on our list of things to do to help competitiveness is—reduce the budget deficit without raising taxes.

DEREGULATION

The competitive rationale for freeing the U.S. economy through deregulation has now become obvious. The limited deregulation of the trucking, airline, and rail industry has resulted in transportation and logistic cost savings on the order of $100 billion annually. And as we look into the future, we can expect comparable savings resulting from deregulation of financial services and telecommunications. Akio Morita, chairman of Sony Corp. was recently asked, "What advice can you provide to help us reduce our trade deficit?" and he responded, "Your industry needs more relief from government regulation in order to restore your worldwide competitiveness."

The benefits of trucking deregulation lead the pack. As a result of the vestiges of economic regulation in Texas, for example, it costs Neiman-Marcus at least $1,000 more to ship a containerload of bluejeans from a Texas manufacturer than from a Taiwan manufacturer. That situation clearly does nothing to advance the textile industry's "Buy American" campaign.

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Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. DELAY. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, would the gentleman repeat those figures? I find those figures incredible. The gentleman is saying that because of the regulations——

Mr. DELAY. No, the regulations of trucking in Texas.

Mr. WALKER. Because of the internal regulations within the State of Texas itself?

Mr. DELAY. It costs $3,900 to send blue jeans from El Paso to Dallas, and it costs $3,000 in containers to send the same amount of blue jeans from Taiwan to Dallas.

Mr. WALKER. I thank the gentleman for clearing up the point. Those are incredible figures, and I think it illustrates the gentleman's point very, very well, that if we do not do something about getting government off the backs of the people who are trying to compete in a world economy, we are going to not be able to do anything in terms of the economic decisions we make here to regain that competitiveness.

I thank the gentleman and he makes an excellent point.

Mr. DELAY. I thank the gentleman for his remarks.

Mr. Speaker, when trucking deregulation was being considered by Congress in 1980, the Congressional Budget Office forecast that by 1984 the legislation, if enacted, would save consumers $5 to $8 billion a year in the prices paid for goods and services. The facts are now available, and the economic benefits produced by partial deregulation are exceeding the CBO's initial estimates by a factor of 10. Moreover, current calculations of the annual savings enjoyed by U.S. producers and distributors as a result of partial deregulation range from a conservative $56 billion to a high of $90 billion. Much of the increased efficiency being experienced in corporate America can be attributed to the improved management of inventory and delivery system. Costs have been cut dramatically because businesses have been better able to receive raw materials when they are needed and to deliver finished goods to customers when they are demanded. Maintaining inventories is much more expensive than Members of Congress or the general public realize.

The decision by Congress to partially deregulate the transportation industry has resulted in huge savings to American businesses and consumers. In 1980 no motor carrier had the authority to operate in all 48 contiguous States. By 1985 more that 4,000 motor carriers had that authority. In 1985 compared with 1980 expenditures, businesses had realized $30 billion in savings from reduced inventories and $26 billion in savings from improved transportation efficiency. That $56 billion represents $1,000 in disposable income for every family of four in the United States.

Therefore, the goal of this Congress should be to create an environment in which any public or private carrier that is safe and financially responsible can haul anything anywhere at any price for anyone at any time. As it now stands, seven progressive States and the Federal Government have gotten out of the business of fixing prices and regulating market entry. Now it is time for the other 43 States to follow suit. We in Congress should now complete the job of deregulation. First, we should dismantle the remaining Interstate Commerce Commission controls over the industry. This would spare truckers the expensive paperwork burden of gaining formal approval of their rates and routes. Also, truckers should be protected from State trucking regulation, which interferes with or raises the cost of interstate trucking. We can do these things today and save the average family of four almost $1,500 over the next 5 years.

AIRLINE DEREGULATION

Airline deregulation has been one of the major consumer victories of the last 30 years. Travelers have received $6 billion in benefits per year. About one-third of this was in lower fares and two-thirds came from more frequent flights. Competition has spawned a wide range of fare options. Widespread use of discount fares is largely the reason average passenger fares have declined in real terms. Between 1978 and 1985, the average domestic fare per passenger mile declined 7 percent after adjusting for inflation. More important, it has been estimated that prices are 39 percent lower than they would have been without deregulation. In 1978, only 41 airlines offered scheduled passenger service. Today, there are 175 carriers, despite mergers among the airlines. The number of passengers on U.S. airlines has jumped over 50 percent in the last 8 years. This increase in air travel has brought more airline jobs. Full-time employees and certified carriers have increased by 28 percent since 1978. In addition, the industry employs 45,000 part-time workers and thousands of other employees in the noncertified commuter and air taxi sector.

Critics of deregulation often cite reduced safety as a negative result of having less government control. Despite a huge increase in passengers and flights due to deregulation, there were 11 fewer midair collisions in 1985 and 1986 than in 1978—the lowest numbers in two decades.

RAILROAD DEREGULATION

Railroads were the first American industry to be regulated. They remain the most heavily regulated of all segments today. The rail industry was partially deregulated under the Staggers Rail Act of 1980. By some accounts, that has already saved the American economy over $20 billion annually. Evidence reveals the Staggers Act to be the most successful piece of transportation legislation ever passed by Congress. Rail profitability has improved sharply since Staggers, although earnings still trail those of most other industries. The relative improvement in rail earnings has not been because of rate increases, but rather because of new business and cost reductions. The productivity of freight railroads and the quality of rail freight service have improved dramatically since the measure was enacted. Rail rate increases since deregulation have been more moderate than prior to Staggers. As a result, railroads are regaining market share from trucks and barges and are approaching revenue adequacy.

Yet, these gains are threatened by very strong pressures to reregulate rail under the guise of so-called competitive access, as well as restrictions on the ability of railroads to hold sales and arbitrary caps on maximum rates that could be charged those with the most inelastic demand. Under the rubric of "increased competition" some would subject the railroad industry to a new system of pervasive economic regulation through the judicial system. The effect could be to destroy privately owned rail trackage and lead to the Federal Government having to take over the function of maintaining the Nation's rail system.

What the rail industry really needs is further deregulation. Partial deregulation has been helpful, but it has not allowed the same degree of rationalization that has occurred in other modes. Evidence indicates that wage rates and work rules have changed far less than in trucking or air transport. Rail faces serious competitive pressures from other modes and is hampered by still burdensome regulation in its ability to respond to them.

ENERGY

Again, the energy industry is another industry that has enjoyed only partial deregulation. However, this Congress has turned back progress when it today passed the "National Appliance Energy Conservation Act," a bill to impose minimum energy efficiency standards on household appliances. Countless products that are deemed inefficient could be driven off the market. According to the American Council for an Energy Efficient Economy, consumers will pay up to $1.4 billion more annually for everyday appliances. The burdensome regulatory apparatus created by bills such as this ignore the different needs of consumers and smaller manufacturers. Left to the free market, refrigerator efficiency has improved on average by 48 percent and central air-conditioner efficiency by 27 percent since 1972—and most importantly, without Federal regulations.

The most persuasive case in point is oil and natural gas deregulation. The price controls of the 1970's and the misnamed Windfall Profits Tax of 1980 are estimated to have increased the U.S. oil import bill in 1985 by about $10 billion. We should rapidly bring to an end the last vestiges of the government knows best era of energy policy. This includes completing natural gas deregulation. For instance, the Fuel Use Act prevents certain industries, such as utilities, from using natural gas even though it is substantially cheaper than alternatives. This translates into higher electricity costs for American families and increased oil imports. According to one very conservative estimate, over $6 billion could be saved in construction costs for pollution abatement equipment on generating plants that would not be required if natural gas were burned rather than coal. This pollution equipment is three times more costly than that required on gas burning plants. Furthermore, repealing the Fuel Use Act would create at least 300,000 new jobs by the end of the century due to increased efficiencies and would add $15 to $35 billion to real GNP each year.

FINANCIAL DEREGULATION

Efficient financing is essential for a competitive economy. However, the failure of this body to modernize our banking laws is one of the major reasons why the United States is slipping as a provider of worldwide financial services. Only 1 American bank remains among the world's top 10 banks.

Unfortunately, many Congressmen seem to be looking backward. Current congressional proposals in the financial services area have not taken cognizance of the changes that have occurred in the marketplace. There is a great need to bring the financial service industry into the electronic era. Instead, legislative proposals principally deal with the so-called loopholes in banking law that need to be closed—the nonbank bank loophole, the nonthrift thrift loophole, the South Dakota loophole. Rather than viewing these marketplace occurrences as loopholes, however, Congress should realize that these are innovative responses to an outmoded regulatory structure that inhibits financial service firms from satisfying consumer demands for additional products and services. Many of the problems we see today are the result of obsolete laws that compartmentalized institutions and confined them to overspecialized lending.

This Nation's financial institutions are one of the most important segments of the economy contributing to our ability to compete. Banks fund the most competitive sectors of our economy by providing innovative businesses with the needed funds to purchase new equipment and capital. Without this ability to modernize, we shackle our industries to outmoded and obsolete ways of doing business. We in Congress should assist banks in making these loans by freeing their ability to be innovative. For example, we should relax banking regulations to allow direct investments in real estate, equity loans, and corporate ownership of banking institutions, all of which are allowed by most of our overseas competitors. These expanded asset powers stimulate both economic growth and capital formation—the seeds of a productive and competitive economy.

ENVIRONMENT, HEALTH, AND SAFETY

Americans are increasingly sensitive to the quality of their life and their environment. Thus, we have a large body of well-intended environmental, health, and safety regulations. In the best of worlds, these laws would ensure compatibility between the various commercial activities and environmental values. Unfortunately, they don't. To a very large degree, these rules have become surrogates for failed national industrial policy purposes. Many of these rules discourage plant closings, plant relocations, new technologies, and greatly retard growth across the board. Many of these regulations force efficient and responsible businesses to shoulder the costs imposed by irresponsible firms—Superfund is a conspicuous example. Last year we passed a bill that requires oil producers to pay for most of the cleanup of toxic wastesites, even though the oil industry contributed only a small fraction of the total volume of waste. Estimates are that more than 70 percent of the total taxes collected under Superfund are paid by 12 companies. The efficiency implications of forcing the full costs of hazardous-waste cleanup on the petrochemical industry—given the extremely competitive world markets for these products—may well be devastating.

ANTITRUST REGULATIONS

We should also take note of our ill-conceived efforts to expand antitrust restrictions. The U.S. economy suffers from a range of self-inflicted regulatory restrictions on voluntary arrangements that could otherwise advance economic welfare. As businesses attempt to adapt to fluctuating global markets, changing consumer demands, and new tax laws, the Federal Government to protect the consumer, clamps down on these efforts to adapt. We should not fear these changes. Many times, business decisions involving innovative arrangements, cooperative measures to enhance efficiency, and partial mergers are viewed with a jaundiced eye on Capitol Hill. Yet these attitudes among my colleagues are costing us dearly in our ability to compete. Antitrust has itself become a restraint on trade. Our Nation's antimerger laws, which contrast starkly with the promerger policies in Japan and other industrial nations, put special restraints on firms that have demonstrated superior business performance. Furthermore, since 70 percent of American goods are subject to foreign competition, there is little danger that closer U.S. business ties on research, development and marketing will harm American consumers. They could, however, help U.S. firms increase efficiency and better compete with their foreign counterparts. Now that we have moved into a global economy, we should realize how antiquated these laws are today.

Current administration proposals to revise this country's antitrust would significantly aid our strongest business in their efforts to establish global markets. Another positive proposal would allow companies seeking protection from imports to be eligible for a limited antitrust exemption that would permit mergers, acquisitions and joint ventures for a 5-year period without fear of lawsuits by the Government or private competitors.

Of course, countless other burdensome regulations should also be addressed in our attempt to unshackle America's entrepreneurial spirit. Crosscutting requirements such as "Minority set-asides" and "Buy America" provisions, which have nothing to do with the function of the program they fall under, reduce the purchasing power of our scarce moneys. All such costs should be appropriated by line items in Congress to set them apart from the legitimate elements of the program. Subsidies and other special incentives undermine the incentive structure necessary to encourage productive behavior. Why work when you can get paid from Washington? Examples includes direct subsidies such as the Export-Import Bank, Small Business Administration, and more importantly, loan guarantees and deposit programs which have proliferated in recent years. One of the most costly aspects of our current economy is the waste associated with unnecessary and frivolous litigation. We are and will remain a litigious society. However, that litigation is best directed to resolving areas not subject to voluntary agreement. We have experienced a gradual erosion of the right of contract with the onslaught of "victim's compensation" concerns and "market power" considerations. These paternalistic responses view consumers as hopeless pawns in a corporate dominated world. When this paternalistic, government knows best trend comes to an end will come the day that businesses can make decisions based on markets,—not based on Washington's unrealistic political whims.

LABOR REFORM

One of the slowest sectors of our economy to adjust to the new competition of a global economy has been organized labor. Unfortunately, intransient attitudes in labor negotiations on the part of unions has cost thousands of jobs and cost many lost working days in labor disputes. An organization for economic cooperation and development study found that, for each 1,000 workers, 813 days in the United States are lost each year due to labor unrest compared with 31 days in Germany and only 6 in Japan. In many U.S. industries, management has attempted to purchase labor peace with wages not justified by productivity gains. Subsequently, this money was not spent on technological improvements and new equipment thus contributing to the demise of the industry. Few would argue that labor unions did much to maintain anyone's standard of living by demanding high wages and benefits in the steel industry. Instead of taking cuts in pay, they now have no job.

The so-called double-breasting bill that has been introduced this Congress would vastly increase the power of construction union organizers and their anticompetitive impacts on the construction industry. This legislation would amend the National Labor Relations Act to redefine what constitutes a "single employer." Under the new definition, multiple business entities would be deemed a single employer if they were performing similar work, in the same or in different geographical areas, and having directly or indirectly—substantial ownership, common management, or common control. What this means is that if one person owned substantial stock in several companies that performed similar work or was involved in the management of more than one company, those companies could be deemed a single employer. Once a single employer, the legislation would demand that an employer impose forced unionism on workers at all his construction sites once union officials had secured compulsory unionism arrangements at a single site. The bill would also have the far reaching effect of automatically unionizing employees even before they were hired, regardless of their wishes not to be unionized. Even if a majority of hired workers on a job in a right-to-work State did not want to be members of a union, this legislation would give them no choice.

This bill, H.R. 281, will escalate construction costs, thus making this vital industry less competitive. Competitive bidding on construction projects will be greatly decreased. Violent and destructive strikes, picketing, and other threats against lives and property will increase as union officials use H.R. 281 to extend their sway over the entire construction industry. Also, the use of restrictive, uncompetitive union work rules will increase and the free enterprise system will be damaged by the setting of wage rates not set by market conditions.

AGENDA FOR PEOPLE RESTORING AN INTERNATIONALLY COMPETITIVE ECONOMY (PRICE)

So what are the goals of PRICE? How can we affect the choices that are made in this Chamber by Members who are, for the most part, isolated from everyday working Americans and their priorities and attitudes about free markets.

Well, I will be the first to admit that this will not be a short term or glamorous project. I, and my coworkers here in Congress and in the private sector will be prepared to work for weeks, months, or years to promote our positive attitudes and positive solutions to America's problems of global competitiveness. No longer will a select uninformed few decide the course or our economy to the detriment of all who live in it. They will now have to be accountable to my coworkers and our special interest group, the average American. I am speaking of those who hold the traditional values of hard work and true living in the spirit of the American dream. Not the vocal few who see the decline in American ingenuity, the obsolescence of the free market, and the depreciating value of individual choices.

Our focus will be to first begin to redirect the debate on individual bills that harm our overall ability to compete. Examples of these are parental leave, plant closing, and raising the minimum wage. We will do this through a network of Congressmen, Senators, private interest groups, and interested citizens. We will hold lectures, press conferences, even demonstrations if we have to. We will attempt to educate the staffs that make the decisions about legislation excluding only those few who do not wish to know the truth. As our message gets out, our members will grow and we will begin to remind grassroots America of just what is at stake if they allow the debate to return us to the failed decisions of the 1970's.

In this same manner, we will affect the parameters of debate on more far-reaching legislation such as the trade bill and the farm bill. If we can't prevent these bills from including intrusive and damaging policies that hurt our economy, then we will inform the average American as to just what their representation in Congress feels about their choices and their standard of living. We will educate them as to the true effects of the legislation that had promised a better America but delivered a depressed demoralized one. However, we will not do so with the misleading rhetoric that has couched the debate over these issues thus far. We will not use misleading economic statistics or partisan dogma.

We will also utilize the vote rating I mentioned earlier that is compiled by the Competitive Enterprise Institute. They arrive at their figures by compiling all votes judged to have a significant impact on competition, freedom, and economic opportunity. CEI classifies as procompetitive votes for free trade, deregulation, termination of subsidies, privatization, lower tax rates, and increased consumer choice. CEI classifies as anticompetitive votes for protectionism, government regulation, pork-barrel projects, special interest subsidies, loan guarantees, tax increaes, and so forth. We will begin exposing targeting members who speak for increased economic opportunity but who vote against those opportunities at every juncture.

In addition, all legislation will be judged by the three part litmust test that I mentioned earlier. When a bill is considered by this or the other body, its merits will be weighed according to whether it: First, increases the standard of living for a majority of Americans, not just for a special interest group; second, whether it leads to expanded consumer choices; and third, whether it increases employment opportunities. I feel that any reasonable citizen or Member of Congress, regardless of party affiliation, would accept these three tests as a sound way to judge legislation.

I will also propose a bill to require Congress to include on all legislation authorizing spending a "Consumer Impact Statement." This statement will cut through the emotional appeals and glittery, media oriented statements to expose the true impacts the act will have on the American consumer. This will give those Members who consider themselves champions for the poor and oppressed the opportunity to really do something to gain the respect of their following.

Those Members will now be able to go to their constituents and tell them how they helped reduce the cost of a loaf of bread by voting against huge agriculture subsidies. Or how those families will be able to buy new shoes for their children because rubber footwear will no longer be at uncompetitive prices due to import protection. And how families will now be able to afford a new car because we no longer restrict the entry of the cars they have wanted for so long. But most importantly, you can tell yourself that you did something to really help someone in a responsible and compassionate way without having to hurt someone else in the process.

This special order only begins the long-term process that we have committed ourselves to. We are not clamoring for headlines, we are not promoting a Presidential candidate. The star of our efforts will be the average American, the one who gets stomped on by most of the decisions made in this Chamber. We welcome your support and we look forward to the challenge of those who don't support us. Certainly by November 1988, we will have made our message well known, and the voting levers pulled by the American jury will determine the verdict.

☐ 1520

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1272

Mr. HUTTO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1272.

The SPEAKER pro tempore (Mr. McMILLEN of Maryland). Is there objection to the request of the gentleman from Florida?

There was no objection.

THE FEDERAL GOVERNMENT MUST BE A FULL PARTNER OF AMERICAN EXPORTERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, the U.S. economy is at a crossroads. Foreign competition matters as never before. Changes in our competitive position in the world economy can make the difference between national prosperity and national bankruptcy.

In this new era, the United States faces the mind-boggling prospect of a $1 trillion foreign debt. This is no time for business as usual or minor technical or procedural changes. The process and substance of U.S. economic policy needs basic remodeling.

Our trade laws and economic policy reflect the way the world was between 1945 and 1970. During this golden era, foreign competition had little impact on American economic fortunes. So much has changed since then. It is time we bring our laws and policies up to date.

This means asking difficult, big questions. What should be the government's role in the economy? Should we emulate or crack down on foreign governments that do things differently?

More to the point, how can Congress reassure average middle-class Americans that an open trading system continues to make sense, that the deck is not stacked against them? What is it going to take, to borrow a line from Lane Kirkland, to ensure that we trade goods, not living standards, with the developing countries?

I believe that the answer to these questions is a dose of good old fashioned, hard-nosed American pragmatism.

Stand pat, free trade-at-any-cost homilies are not the answer. Neither is protectionism, which would amount to the United States, the greatest power on earth, crawling into its shell.

Last Thursday, I introduced a bill that is practical, not ideological. My bill reflects how I believe H.R. 3 could be strengthened. The provisions in it are intended to build on the considerable effort invested in drafting and passing this landmark legislation.

For the public to remain convinced that an open trading system is worth keeping, I believe the Federal Government must:

First, go to bat for American firms by using tough, hard-nosed negotiating strategies to secure our products fair access to foreign markets;

Second, exercise our leverage as the world's most important market to win agreement in the new GATT round on rules to control increasingly sophisticated dumping, subsidizing and targetting by foreigners in our market;

Third, productivity in the workplace and competitiveness in the marketplace by providing the proper means and incentives for American workers to sharpen their skills and for American businesses to adjust to import competition; and

Fourth, identify in advance the impact fiscal and monetary policies will have in our ability to compete in order to focus attention on problems before the damage is done.

My bill would transform the Federal Government into a full partner of American exporters. It would institutionalize active, coordinated trade and export promotion policies by making important changes to the Office of the U.S. Trade Representatives and the Foreign Commercial Service.

Further, my bill would require this and future administrations to use our clout when unfair barriers get in the way of American sales. We shouldn't defy the rules of the game. But neither should we be a shrinking violet about using our leverage as the world's biggest market to get the rules changed to conform to our idea of fairness.

This no-nonsense negotiating strategy should apply to foreign unfair practices in our home market as well. H.R. 3 contains four provisions mandating action not presently permitted by international rules. I propose that Congress put other countries on notice that if the new GATT round does not yield adequate improvements to the dumping and subsidies laws, the United States will act unilaterally to protect its interests by implementing these provisions.

When the deck is stacked against Americans in ways beyond the reach of traditional trade policy, special actions are required. Trade is a two-way street. When it is not conducted in this manner, the U.S. Government should speak up and, if necessary, act. It is time to state out loud, in a constructive spirit, that with respect to Japan the deck is stacked. The public has a right to know why.

It is not much of an oversimplification to say that Japan's economic policies suppress the living standard of its people to subsidize exports. In addition, Japan maintains a web of unofficial, largely private sector barriers forming a protective veil against imports that remains in place long after formal trade barriers are negotiated away.

Japan is now a rich country. Its national survival no longer depends on policies that were put in place to rebuild the country from the devastation of World War II. For the good of the world economy, the United States, as only it can, must exercise the leadership to require Japan to take the painful political actions necessary to restructure its economy. It is in this spirit that I offer very carefully crafted amendments to section 301 of the Trade Act of 1974 to induce Japan's leadership to implement the structural reforms its own advisers have recommended.

Competitiveness begins in the workplace. The President's budget and the Lovell Commission report have acknowledged the need for retraining dislocated workers; however, both plans lack definition and a dedicated source of funding. I am releasing the details of a plan which would provide the resources and the incentive for workers to retrain and improve their basic skills. My proposal is designed to rapidly reemploy dislocated workers, to enhance the number and nature of opportunities they face, and to improve the overall productivity of the American work force along the way.

My bill also refines section 201 of the Trade Act of 1974, which provides temporary relief to industries injured by imports. Management and labor would be required to agree on the general framework of restructuring—not a detailed plan—that must take place for the industry to be viable after the expiration of relief. At the same time, Presidential discretion to refuse relief recommended by the ITC would be narrowed but not closed. In most cases, relief would take the revenue-generating form of tariffs or auctioned quotas to fund fully adequate adjustment assistance programs for affected workers and communities. My bill would transform section 201 into a complete, self-financed adjustment package that carefully balances all interests.

The budget deficit is at the heart of our trade problems. I believe it is time we make the link between the budget deficit and the trade deficit very visible to the voting public in a Federal budget competitiveness impact statement.

Basic accounting tells us that the key to the trade deficit lies in the imbalance between savings and investment in the domestic economy caused by Government borrowing to finance the deficit. We can get a good idea of what the trade deficit is going to be for the coming year simply by estimating the excess of the budget deficit and private investment over domestic savings.

My bill would require every President's budget proposal to project the trade deficit for the year covered by the proposal. The trade deficit projection would be based on an analysis of the proposed budget's impact on the savings-investment balance of the economy. The House and Senate Budget Committees would have to make the same estimates in their proposals. In essence, each document would propose a budget deficit and a trade deficit.

In this way, the Federal Government would be fully accountable in advance for impact of the Federal budget on the Nation's competitiveness. Moreover, a Federal budget competitiveness impact statement would expose the gimmickry of asset sales, which have no impact on the economy's savings-investment balance and trade deficit.

Similarly, to ensure the timely exposure of macroeconomic conditions which handicap American workers and firms, my bill creates a foreign exchange rate policy with tightly defined reporting and oversight requirements. By clarifying and refining similar provisions in H.R. 3, my bill would ensure that no administration ever again falls asleep at the switch of exchange rate policy and that existing and future exchange rate misalignments are quickly identified and corrected.

Without action on each of these fronts, I am skeptical that the faith of Americans in an open trading system can be maintained in the coming decades. That faith has already seriously eroded in many parts of the country in light of our unilateral industrial disarmament in the past 5 years.

The time has come for the Federal Government to make a compact with the citizens of this country. It must pledge to shed its complacency and do all it can to demonstrate that an open trading system makes as much sense for average Americans in the 1990's as it did in the 1960's.

Failure to deliver on this commitment may have more far-reaching implications for American strategic interests than the arms race. I offer these ideas as a suggestion of how the United States can begin to regain control of its economic destiny.

□ 1530

Mr. Speaker, I have identified four things which we must do in this trade bill during the next few months. Fleshing out the actual language which I suggest to accomplish these purposes, I have written analyses of the bill that I introduced just last week. Today I would like to insert two of those analyses, one dealing with dislocated worker assistance and one dealing with section 201 of the Trade Act of 1974, in the RECORD.

Mr. Speaker, the text of those two analyses is as follows:

SECTION-BY-SECTION ANALYSIS OF PEASE DISLOCATED WORKER ASSISTANCE AND LABOR PRODUCTIVITY PROGRAM

I. BACKGROUND

The Administration, in its budget proposal, and the Lovell Commission have proposed a new, $1 billion integrated dislocated worker assistance program emphasizing rapid delivery of employment services and retraining benefits.

The Lovell Report estimated that about 500,000 eligible workers would avail themselves of the program each year. The Commission allowed for $1,300 per participant for a 13 week training course ($700 million). An additional $120 million and $80 million would fund administrative costs of enhanced employment services and supplemental income maintenance during retraining, respectively. The $80 million would amount to perhaps one month of supplemental income maintenance per person.

Clearly, $1 billion is not enough money to provide adequate retraining and income maintenance benefits for all 500,000 plus eligible workers that the Lovell Report estimates will apply for the program annually. The Lovell Report acknowledges that many retraining and remedial education programs last 9 months to a year and cost much more than $1,300. The Administration's budget appears to actually devote $400 million in new funds to the effort. As long as general revenues are to be the source of funding, an adequate dislocated workers program is probably beyond reach.

The Administration and Lovell proposals properly identify an important problem, but meet only halfway the challenge it presents. Resources for retraining, in particular, are spread too thin. The reason for this, of course, is a failure to face up to the funding question. Political considerations as to what can justifiably be spent from general revenues seem to have driven the design of the program. It makes more sense first to design the program according to the nature of dislocated workers' needs and then to make any necessary adjustments in light of funding constraints.

Society has an interest in providing the adequate incentive and means for a dislocated worker to retrain. However, it would not be sound public policy to lure people into the classroom when it would be more appropriate for them to learn new skills on the job.

On-the-job training provides the worker with an income and the government with tax revenue while the training takes place. All other things being equal, it would often seem to be preferable to classroom training (provided it doesn't cost the government any more and doesn't displace other workers).

Older workers pose a special problem. With only five to ten years left in the work force, they are less adaptable to and interested in retraining. In any event, retraining a worker for a job he will hold for only a few years does not represent a good return on the public's investment. A program that offers only training overlooks and, in effect, discriminates against older dislocated workers.

Older dislocated workers typically face two options: retiring early or taking an unskilled job paying much less than their previous job. Most dislocated workers are not in a position to retire early. While some European countries subsidize early retirement programs for older dislocated workers, this idea is a nonstarter in the United States at this time. Accordingly, most older dislocated workers, unlike their younger colleagues who can retrain for skilled, higher paying jobs, are consigned to unskilled low-paying jobs.

In fairness to this group, my proposal includes the option for workers 55 and over of utilizing part of their unused UI benefits and/or their training entitlement as a supplemental wage allowance. Spread over a 1-year period, the supplemental wage allowance would supplement the low wage older workers will be paid in what will often be an entry level job. Most jobs provide a raise within a year. The allowance would cushion the fall in their earning power during the first—lowest-paying—year of their new job.

II. PROPOSAL

Broadly speaking, the goals of this proposal are: First, to reemploy dislocated workers as rapidly as possible; second, to enhance the number and nature of employment opportunities for the average dislocated worker; and third, to improve the productivity of the work force as much as possible along the way. Put another way, the purpose of this proposal is to promote positive adjustment. This is the term used in the GATT and the OECD. In the 1970's, all OECD countries formally agreed to undertake policies to promote structural or positive adjustment in their economies as a means toward promoting world trade and economic efficiency.

The proposal has five parts: rapid delivery and administration of employment services by states, the option to convert unemployment insurance benefits, a lump-sum—voucher—entitlement to retraining and remedial education under JTPA title III, exisitng TAA benefits, and funding.

A. State employment services

The recommendations of the Lovell Commission concerning administrative improvements to state employment services would be implemented. States would be required to:

(1) respond rapidly, and on site, to mass layoffs and plant closings;

(2) inform eligible dislocated workers of Unemployment Insurance benefit conversion options and JTPA training entitlement (see B and C below), employment services available under JTPA Section 303 as well as job opportunities for which workers may wish to retrain; and

(3) request the U.S. Department of Labor, when they have reason to believe that imports may have caused or contributed importantly to the dislocation, to commence a TAA eligibility investigation; DOL would be required to reach a determination within three months of receiving request for investigation from states.

B. Unemployment insurance

Dislocated workers would be eligible to utilize UI benefits for:

(1) pure income maintenance (traditional UI);

(2) conversion to an on-the-job training allowance paid to an employer hiring a

worker for a position in which he will receive on-the-job training (the amount of the allownce could be up to 50% of remaining or unused UI benefits);

In order to qualify as an approved program of on-the-job training, an employer's program must offer training in an occupation in a growth industry, an occupation requiring the use of new technological skills, or an occupation for which demand for labor exceeds supply. Training would be prohibited in positions which are seasonal, intermittent, temporary, political, religious, Federal or on commission; or

(3) conversion to a supplemental wage allowance paid to workers aged 55 and older in an amount no greater than that raising their new salary to 80% of their old salary;

C. JTPA title III

Title III of the Job Training Partnership Act would be amended to provide to dislocated workers a $4,000 entitlement administered by the states in the form of a voucher. The voucher could finance:

(1) Remedial education or retraining programs and, under certain circumstances, supplemental income maintenance after the expiration of UI and while in training. Workers would have to be enrolled in such a program by time basic UI expires to be eligible. The training program must be approved by the state, and any portion of the voucher not needed to pay for training may be used for income maintenance beyond UI if: a) the worker's training program continues after the expiration of UI or supplemental UI, and b) the worker satisfies a means test administered by the state. The voucher could also be used to obtain training from an employer who does not provide employment;

(2) An on-the-job training allowance paid to an employer which by the expiration of basic UI had hired a worker for a position in which he will receive on-the-job training (payment would be made under the conditions described in (B)(2) above and stretched out over one year commencing with the termination of UI); or

(3) A supplemental wage allowance for workers aged 55 and over who by the expiration of UI are working in a job which pays less than their old job. The amount of the allowance could not be greater than that raising the new salary to more than 80% of the old salary. Payment would be stretched out over one year commencing with the termination of UI.

D. Trade adjustment assistance (TAA) benefits

The existing Trade Adjustment Assistance program would be retained in its current form. Eligible workers could collect up to 52 weeks of Trade Readjustment Allowances (supplemental income maintenance) beyond UI. The final 26 weeks would be available only if they were engaged in retraining or remedial education. Relocation benefits would also be available per current law. Since workers eligible for TAA are currently eligible for JTPA Title III benefits, they would also be entitled to the $4,000 lump-sum (voucher) entitlement described in (C) above.

E. Funding

In general, the program would be funded by the $400 million increase for dislocated worker assistance proposed in the president's budget and by an extension of the 0.2% portion of the FUTA tax scheduled to expire on 12/31/87. The president would be directed to negotiate the right to impose a small import fee to finance the cost of benefits for trade impacted (TAA-eligible) dislocated workers. Unlike the Senate bill, an import fee would not automatically be imposed if such negotiations fail.

Total cost of the program is estimated at roughly $2 billion—$120 million of administrative improvement in state-administered employment services and the remainder for the new JTPA training entitlement and a continuation of the existing level of TAA benefits.

III. ANALYSIS OF PROPOSAL

This proposal is designed to present the dislocated worker with rapid delivery of employment services as well as the means and the incentive to retrain, to undertake remedial education or, for the older worker, to take on a new, albeit lower paying, job, rather than use up his UI benefits and become long-term unemployed.

The UI-conversion and lump-sum entitlement features provide a healthy incentive for the dislocated worker to make his decision as to what path he will follow as early as possible. The earlier an on-the-job training allowance beneficiary finds his new job, the longer his OJT allowance will last and the more attractive a candidate he will be to a prospective employer. Similarly, the earlier a worker exercises his right to a training voucher, the more money will be available for income maintenance after the expiration of UI.

The prospect of supplemental income maintenance during retraining makes the lump-sum entitlement approach particularly beneficial for workers who live in the area in which local community colleges and state-supported vocational schools provide qualify, low cost retraining and educational opportunities.

By providing a training entitlement to all dislocated workers, this proposal would narrow the present distinction in the treatment of trade-impacted and non trade-impacted dislocated workers. Training benefits for the two groups would be identical. The only remaining distinction would be in the area of income maintenance. Trade-impacted workers eligible for TAA would continue to enjoy access to Trade Readjustment Allowances for 52 weeks after the expiration of Unemployment Insurance benefits. Non trade-impacted workers would enjoy access to income maintenance beyond UI only to the extent that the cost of training is less than the $4,000 amount of the JTPA entitlement and they demonstrate need.

It is widely recognized that supplemental income maintenance is important to the success of a worker adjustment program. Workers must be able to satisfy the basic needs of their families while they retrain. However, in an era of budgetary austerity, the United States is not in a position to extend a TRA-style program of supplemental income maintenance to all dislocated workers. The lump-sum entitlement feature of my proposal is designed to close this gap in treatment as much as possible in light of current funding constraints. By contrast, the Administration's proposal would eliminate a program providing adequate supplemental income maintenance program for some (TRA) with a program providing adequate supplemental income maintenance for none.

TITLE-BY TITLE ANALYSIS OF PEASE TRADE BILL—SECTION 210 OF THE TRADE ACT OF 1974

I. BACKGROUND

There have been a number of proposals in recent years to reform Section 201, the statute authorizing the president to grant temporary relief to industries suffering from injurious import competition (known in the GATT as Escape Clause or Article XIX relief).

These attempts have focussed on making the statute more attractive to both private industry and the Executive Branch. Neither has been particulary inclined to use this internationally legal import relief mechanism. Private industry is reluctant to file a petition which may cost more than a million dollars when presidents can walk away from even the most convincing case of import injury with only a vauge, one paragraph explanation. Administrations feel little obligation to grant relief under Section 201 since the statute does not ensure that the injured industry will actually adjust to import competition and operate viably after the temporary relief has expired.

Congress is perhaps the biggest loser when Section 201 either is not used or functions ineffectively. Fraustrated constituents turn to Congress, pressing it to pass protectionist legislation that is inevitably illegal under the GATT. Congress established the trade laws in the first place to insulate itself from such pressures.

Several proposals have attempted to address these problems by creating a "second track" procedure. Under this procedure, which the petitioner may choose over the existing one, the petitioning industry agrees to form a multipartite adjustment council. If the ITC approves an industry adjustment plan drafted by the council and determines that the industry passed the injury test, then the ISTR would be required to impose import relief.

The rationale for these proposals is that the prospect of mandatory relief would provide a healthy incentive for industries battered by imports to file under Section 201 rather than to press Congress for legislation. Further, linking mandatory relief to approval of an industry adjustment plan is intended to ensure that the petitioning industry will implement measures necessary for it be able to stand on its own two feet after the expiration of temporary relief.

Proposals making mandatory relief contingent upon the approval of a detailed industry adjustment plan have inevitably run into resistance.

(1) Centalization—Many believe that it is not feasible for a centralized council to make decisions on individual investments, plant closings, wage reductions, etc. especially in a large, diverse and decentralized or non-unionized industry. They believe that decisions as to who should retrench and who should expand (and in which lines of business) should in the interest of efficiency be left as much as possible to the market. They criticize a procedure which would have a few government bureacrats, big businessmen and big labor officials essentially planning the course the whole industry will take. In their veiw; this approach raises the red flag of industrial policy.

(2) Labor—In the past, the adjustment plan was to spell out in considerable detail a comprehensive adjustment strategy—including "measures which workers . . . could usefully undertake." Therefore, mandatory relief would ride on the approval of an all-encompasing adjustment plan that addressed, among other things, wages and work rules, and that was negotiated on a nation-wide basis. This procedure could usurp the industry's normal collective bargaining structure and could set the unions up as scapegoats in the event the ITC rejected the plan and, in the absence of man-

datory relief, the USTR refused to grant relief. Accordingly, labor was uncomfortable with this approach.

(3) Elimination of Presidential Discretion—Eliminating presidential discretion in the administration of pure import protection would likely be viewed by Democratic and Republican presidents alike as an unnecessarily extreme. Moreover, key Members of Congress are known to be uncomfortable with this approach.

Yet, the question remains, now can the statute be amended to induce presidents and industries to use it? Short of making relief mandatory when injury is found and a plan is approved, how can presidents be shown that true adjustments will take place and how can industries be assured that there is a good chance a serious 201 petition will result in relief?

II. DESCRIPTION OF LEGISLATIVE PROPOSAL

With an appreciation of problems encountered by these past efforts, my bill proposes a compromise.

First, with respect to the central planning problem, the multipartite group would no longer be responsible for devising a detailed "central plan" for the industry. Rather, it would have industry and labor explicitly agree on an estimate of how big or small the industry will be after it takes the steps necessary to return it to viability. This is an important first step in the process. Interested parties must confront the question of whether returning the industry to viability means expansion or retrenchment, investment or restructuring. Industry and labor would then agree on the direction and extent of basic industry-wide changes (investment, modernization, elimination of inefficient lines of production and operations) that must take place to enable the industry to stand on its own two feet after the temporary protection has expired. The market—not Washington Bureaucrats—would be left to mediate company-specific business decisions as to how the industry-wide objectives would be played out. Companies would be accountable for their particular role in achieving the industry-wide objectives through the submission of confidential commitments Secretary of Commerce of how they intend to act upon the stated industry-wide objectives. Also, an annual review process would be established to ensure good faith progress is made by individual parties toward the achievement of these objectives.

Second, wage and work rule questions would be worked out in an analogous fashion. The multipartite group may as part of the industry's strategy agree whether, but not to what extent or in what pattern, wage and work rule changes will be part of industry restructuring. These issues could be placed on the table, but they could not be negotiated in the multipartite forum. The actual negotiations over wage and work rule questions, if called for by the industry strategy, would be worked out through the industry's existing bargaining structure.

Lastly, with respect to the presidential discretion problem, this proposal stops short of issuing a blanket requirement that import relief must be granted when the ITC finds injury and an adjustment plan is submitted. It effectively maintains the national economic interest escape clause but tightens it up to the point where an Administration would not be able to invoke the clause with impunity. The USTR would be required to publicly rationalize his decision against a set of specific criteria. This is intended to discourage any flaunting of congressional intent on ideological or foreign policy grounds. As a result, petitioning industries that prove injury and commit to face up to competitive realities would stand a better chance of winning temporary relief under Section 201. Accordingly, such industries would be more inclined to go the 201 route.

Specifically:

A. The Department of Commerce would be required to establish an Industry and Competitiveness Team. The Team would be coordinated by a representative of the Commerce Department and would consist of representatives of companies, workers, communities, and officials of the Department of Labor. A representative of the Department of Agriculture would assume the duties normally assigned to the Department of Commerce if the petition related to agriculture. Rather than mapping out in a national forum a blow by blow description of the investments, restructuring, plant closings, wage reductions, etc. to be included in a comprehensive adjustment plan, the Team would be responsible for the following:

(1) Assessing the level of output and productive capacity consistent with the industry's viable operation after the expiration of any temporary import protection and achievement of objectives per (2) below;

(2) Defining the broad objectives of the industry regarding the industry-wide restructuring and/or investment that must occur in order for it to operate viably after the expiration of any temporary import protection;

(3) Assessing the extent of worker and community dislocation and the need for adjustment assistance accompanying the injury to and proposed restructuring of the industry; and

(4) Outlining the steps to be taken by industry and government to effectively remedy worker and community dislocation identified per (3) above.

B. Members of the industry would submit on a confidential basis to the Commerce representative on the Council their intentions regarding how they will act upon the industry-wide objectives outlined by the council in (A) above. The Council will submit the findings under (A) above to the ITC no later than four months after the petition is filed. At that time, the Commerce representative on the Team will forward the confidential commitments made by the members of the industry to the ITC. He would also attach his opinion as to whether the Team's strategy would be likely to (1) render the industry viable after the expiration of any temporary relief, and (2) effectively remedy worker and community dislocation accompanying the injury to and restructuring of the industry.

C. When the ITC announces its injury determination, its report to the USTR will include the Council's findings under (1), (2), (3), and (4) above and its own opinion as to whether these findings and confidential company commitments would be likely to (1) render the petitioning industry viable after the expiration of temporary relief; and (2) effectively remedy worker and community dislocation. The ITC would also be required to analyze the likely impact on consumers of any relief it recommends.

D. If the ITC finds injury, then the USTR must grant the import relief recommended by the ITC or the substantial equivalent thereof unless he determines at least one of the following sets of circumstances to exist:

(1) The imposition of temporary import relief and the implementation of the industry adjustment strat- egy would not render the petitioning industry viable after the termination of such relief;

(2) The benefits of rendering the petitioning industry viable in terms of the preservation of jobs, communities and the nation's industrial or agricultural economic base are not of sufficient magnitude to warrant any temporary period of increased consumer prices or scarce supply that would ensue; or

(3) The costs to the domestic economy of compensation or economic losses in other sectors due to foreign countermeasures would outweigh the benefits of rendering the petitioning industry viable.

These criteria are a clarification of the term which the president may invoke under the existing statute if he wishes to refuse relief: national economic interest. Under this new proposal, the USTR would be able to deny Section 201 relief only if he found one of the above circumstances to exist and he justified his determination through written substantive analysis to the House Ways and Means and Senate Finance Committees. The Commerce Department and ITC analyses would also be made available to the Committees at that time. Existing congressional override procedures woulr remain in effect.

E. Relief recommended by the ITC and granted by USTR must take the revenue generating form of tariffs, auctioned quotas or tariff-rate quotas unless either party determines that each such form of relief would be impracticable or would significantly hinder the implementation of the industry's competitiveness and adjustment strategy. The proceeds of the relief would be deposited in an Industry Competitiveness and Adjustment Trust Fund and would finance adjustment assistance necessary to effectively remedy worker and community dislocation accompanying the injury to and restructuring of the industry. Specifically, the proceeds could fund adjustment assistance through existing government programs including Trade Adjustment Assistance, the Job Training Partnership Act and the Public Works and Economic Development Act of 1965 (for community assistance).

F. Miscellaneous provisions include:

(1) the transfer of authority from the president to the USTR;

(2) a change in the injury standard definition of "substantial cause" so that the existence of a recession will not prevent an affirmative injury determination by the ITC; and

(3) a requirement that consideration of TAA petitions be expedited upon an affirmative ITC injury determination.

III. ANALYSIS OF PROPOSAL

This proposal seeks to provide the necessary incentives for petitioners and Administrations to use Section 201 while avoiding the planning, labor and presidential discretion problems encountered in past proposals. It also seeks to transform the statute into a complete adjustment mechanism.

Petitioning industries would be held accountable to a strategy designed to return them to viability by the time temporary import relief expires. For the first time, the statute would also require thorough worker and community adjustment to take place. It is not enough for the companies associated with the industry to adjust to import competition. For Section 201 to work effectively as the pressure valve of "free trade," (i.e., for it to insulate Congress from persistent requests for special protection), it must directly address the human as well as corporate financial dimensions of import injury.

My bill ensures adequate worker and community adjustment by directing the government to capture the economic rent arising from the imposition of import relief and by using the accompanying proceeds to pay for benefits under existing worker and community adjustment programs to the extent necessary to remedy dislocation.

ACQUIRED IMMUNE DEFICIENCY SYNDROME [AIDS]

The SPEAKER pro tempore (Mr. McMILLEN of Maryland). Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 60 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I will not use the entire 60 minutes, but I will probably take about 10 to 15 minutes to talk about a subject that is not really the most appetizing subject the American people are dealing with today or any other day, but it is one that probably is going to become the most important issue facing the people of this country in the latter 1980's and the 1990's and beyond, and that is the issue of the disease, AIDS.

There is a great deal of information circulating around this country regarding the AIDS virus that is either erroneous or not completely true or half true, and the people of this country are carrying out their daily activities based upon this information, and it could very well kill many of them.

Now in Florida today we have a lot of young people down there on the beaches enjoying themselves in the Sun. A lot of people my age went down there when we were young and had a lot of fun also. On the beaches today there are people who are passing out brochures on safe sex with the use of condoms, indicating that there is such a thing as safe sex outside the bonds of matrimony or a monogamistic relationship as such. But that no longer exists in this country or probably anyplace in the world.

I would like to point to a study that was conducted in San Francisco among homosexual people from 1980 to 1985. Because of the venereal diseases these people were encountering, they decided to start using condoms to cut down the VD rate of increase. Well, the condoms were used, and the rate of VD went down by 70 percent; that is, conventional venereal diseases. At the same time that the VD rate was reduced by 70 percent because they used condoms, the AIDS epidemic increased among them from 12 to 67 percent.

Now, think about that. At the very time there was a decrease by 70 percent in the cases of clinical gonorrhea, AIDS or people who tested seropositivity to AIDS rose from 12 percent to 67 percent, and they were using condoms during that test period. So people who tell us that you cannot get the AIDS virus because you are using condoms simply are not telling us the truth. It is better than nothing, I suppose, but it certainly is not going to eliminate the risk.

Another thing that a lot of people believe is that heterosexual people cannot get the disease and that the only people who are suffering under this disease are homosexual. The fact of the matter is that it is a disease that is pervasive throughout society, and more and more people in the heterosexual community, people who are promiscuous and who are out with multiple sex partners, are going to get this disease.

The fact of the matter is that so far we have 31,036 cases of AIDS, people with actual AIDS virus; 17,851 people have died. That leaves currently 13,185 people alive with active AIDS virus, and they are in hospitals being treated right now. They are going to die. They estimate that 20 percent of the people who have the AIDS virus and know it have not told the people about it. They are not going through clinical procedures to stop the progression of the disease. Evidently they are afraid of being known to have AIDS in their systems. That would bring the total up to somewhere around 40,000 people that have been known AIDS victims so far.

The CDC in Atlanta, the organization that tells how many people have AIDS virus in their systems, estimates that at least 1.5 million people have the AIDS virus in their systems. According to other people, for instance Dr. Robertson of the Research Testing and Development Corporation of Lexington, GA, they estimate that at least 2 to 4 million people have AIDS virus in their systems. Now, if you take the low figure, let us say 2 million, as having the AIDS virus in their systems, that means at least 98 percent of the people who have the AIDS virus in their systems do not know it. They do not know it, and yet they continue to go about their daily activities, many of them, infecting other human beings, and they themselves do not even know they have the virus. That is a tragic state of events. People who do not know they have the virus are infecting other people.

The fact of the matter is that an estimated 10,000 people per day are being infected with the AIDS virus. It is going into their systems. That is more than the number of live births in the United States. At least half of those people, according to Dr. Robertson, are going to die from the disease. Now, if we take the low figure of 2 million people who have the AIDS virus today, we know that it has been doubling every 10 to 12 months. If it continues on that growth pattern, that means next year there will be 4 million people with the AIDS virus in their systems, the following year 8 million, the following year 16 million, the following year 32 million, and in 5 years we will have 64 million people in the United States with the virus in their systems.

According to Dr. Robertson and Dr. Vernon Mark of Harvard and others, half of those people are going to die. That means that 35 million people in the United States are likely to die from AIDS unless something is drastically changed in the way we inform the American people about this tragic, catastrophic disease. Yet what we are being told now across the airways is that there is such a thing as safe sex, and I am telling you that that is a falsehood. It is not true. People can no longer afford to be promiscuous. If they are, they are playing Russian roulette with their lives, and if they are people who are in a situation where a family is involved, they are playing Russian roulette not only with themselves but with their loved ones and their spouses.

People ask me what should be done, and I and my staff and others in the Congress are looking at the possibility of mandatory AIDS testing, not just for a select few people in this country but for everybody of school age and older. The reason for that is that we do not believe everybody has AIDS, but we need to find out who does, we need to track it, and we need to let the people who know it, know that they have the AIDS virus in their systems, and submit to them that they have to change their habits and not be involved with people who have not been exposed to the disease, because even though you do not have an active case of AIDS, if you have the virus in your system, it can be communicated to other people and is being communicated on a daily basis.

□ 1540

Mr. Speaker, I would like to read, and I will submit this for the RECORD, Mr. Speaker, an article that was in the Washington Post today, I believe it was the Washington Post, it is an article by Robert Byrd of the Associated Press, and here is what it says:

> Early results from a study in Washington, DC, indicated that drug use is rampant among street prostitutes and as many as half are infected with the virus that causes AIDS.
>
> Researchers from Howard University, who are surveying as many as 200 prostitutes, found that 13 out of the first 26 they tested were infected with AIDS virus. The findings were presented Monday in Atlanta at the annual convention of the American Society for Microbiology.
>
> All 13—as well as 9 of the 13 who weren't infected—were users of injectible drugs, which would place them at risk for AIDS regardless of their sexual habits. The disease is transmitted most often through sexual contact or contaminated drug needles.
>
> "We expected some of them to be drug users, but not all," said a study coordinator, Dr. Robert Delapenha of Howard University's medical school and hospital.

The early study results show that the infection rate among street prostitutes may be high. But the hookers' drug use means that the study so far is showing little, if anything, about how the women became infected.

"We have to preface any conclusions by saying that IV (intravenous) drug use is a confounding factor," Delapenha said Monday.

"They are at risk, but what specifically makes them at risk is unclear," said Howard researcher Dr. Wayne Greaves.

"There's no way of telling whether they acquired the virus through sex or IV drug abuse," Delapenha added.

The early findings in Washington differ from previous surveys in Miami, where a 40-percent infection rate has been reported among prostitutes, and Seattle, where a survey found a 5-percent infection rate.

"This might be suggesting there is a regional variation," Delapenha said.

I would like to point out here, the reason I think this testing must be done is so that we can track where the AIDS virus is the most prevalent in this country so that we can start dealing with it more effectively. Right now, we have got our head in a sack from a scientific standpoint about where the AIDS virus is and where it is going. We do not know who has it; we do not know who does not have it. But we do know anyone who has the virus in their system is a carrier and will communicate it to other people.

"It is hard to tell so far, our numbers are so small," he went on. "It is hard to tell, our numbers are so small," and yet we know that at least 2 million people in this country have a virus in their system but we do not have any way of knowing who they are or where they are.

The Howard survey, in cooperation with scientists at the National Cancer Institute, will continue for "as long as it takes to get significant numbers," he said. "We're hoping for between 100 and 200 (participants)."

At first, Howard researchers contacted prostitutes on the street and asked them to participate in the survey. "The response was small initially," Delapenha said. Later, the first hookers who agreed to be tested spread the word and helped recruit others.

Street prostitutes, rather than high-priced "call girls" or "escorts," are the focus of the Howard survey. Previous studies have found very low infection rates among "escort" prostitutes.

"We chose to look at street prostitutes, to assess the risk of the average person using prostitutes," Greaves said.

AIDS, or acquired immune deficiency syndrome, has struck more than 30,000 people in this country and has already killed 17,000 of them. It is estimated that 1.5 million Americans are infected with the virus that causes AIDS, and that 20 to 30 percent of those will actually contact the disease.

Most people say the minimum figure is 2 million and more likely to be as many as 4 million. This article says that 20 to 30 percent will die according to Dr. Robertson of the Georgia Research Institute. He believes 50 percent of the people infected with the AIDS virus that have not yet realized that they have it will die and possibly a great many more. It could be 100 percent; we just do not know.

I think the bottom line is that I have been studying this thing for probably a year and a half and every day the research that I am doing as a layman leads me to believe the problem is worse than I thought it was before.

Now, I have received expert testimony from Dr. Robertson and others.

Mr. ROTH. Mr. Speaker, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentleman. I would like to take this opportunity to compliment the gentleman from Indiana for the tremendous amount of work he has done in this field. I know that he has spent countless hours on this particular issue and I think it is very important to bring the attention of the Congress to this issue because this is something that I think that our country, in fact the entire world, is going to be wrestling with for a good long time.

When we study history and take a look at what happened in 1348 to 1350 and beyond, the bubonic plague and the like, we may be facing something like that here. I think for a person like yourself to devote that much time and to give that energy to this issue I think is something that we in this country can be very thankful for. Not only in this country but throughout the world.

So I compliment the gentleman for all the time and effort he has put into this issue, not only in studying it, but in raising the consciousness and the sensitivity of this particular issue around the world.

Mr. BURTON of Indiana. I thank the gentleman for his very kind remarks. I just, along the line of what the gentleman just said, on March 18, March 18, Dr. Robertson of the Research Testing and Development Corp. of Georgia is going to be here in the Capitol. I am sponsoring a luncheon along with some of my colleagues to try to bring this to the attention of anybody in the Congress who wants to listen. Also Dr. Mark of Harvard University is going to be here to discuss it as well, and they will be able to tell in very clear testimony the risk to the American people generally and to individuals specifically that exists from the AIDS virus.

I hope all of my colleagues who are watching in their offices will come to this luncheon on the 18th of March. It is going to be at noon. Representative DANNEMEYER and I and others are going to be sponsoring that. We will buy you a sandwich. We will buy you a Coke; all you have to do is sit there and listen. If you are worried about controversy involved with the AIDs issue and the political fallout that may ensue from going to a meeting like that, it will be a closed meeting. The doctors probably will have a press conference afterwards; you may participate as a Member of Congress, if you so choose. You may not participate, if you so choose; it is up to you. But we will not embarass anybody by coming to the meeting.

For Members of Congress who are the leaders of this country, who are supposed to deal with great issues that affect every single citizen of America not to become informed about the AIDs virus which is a nuclear bomb that may explode over this country is irresponsible.

So I urge all of my colleagues both on the Democrat and Republican side of the aisle to inform themselves on this issue. I will make available all the studies that I have received so far to you. If you cannot come to the meeting on the 18th, I implore you, please be there on the 18th at noon.

U.S. POLICY TOWARD ETHIOPIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 60 minutes.

Mr. ROTH. Mr. Speaker, with much of the world's attention now diverted to other hotspots, the Ethiopian Government is ordering its soldiers to round up another 180,000 men, women, and children for internment. The army, acting at the direction of the Workers Party of Ethiopia, will use Soviet military aircraft and hundreds of trucks to transport Ethiopians from their homelands to collectivized farms hundreds of miles away. The Ethiopian Government calls the scheme voluntary resettlement and argues that its purpose is to take its populace out of depleted drought-stricken areas. Nothing could be further from the truth. It's no coincidence that the area targeted for resettlement, the north-central highlands, is the location of most of Ethiopia's able-bodied insurgents.

Western relief workers confirmed the worst of our fears about the resettlement scheme when the Government first launched the program during the height of Ethiopia's famine. Husbands and wives were separated. Mothers were torn from their children. The healthy were selected for resettlement, leaving the young, the old, the ill, and the crippled behind. On the long journey south crammed into trucks without food or water, thousands died along the way.

Eyewitness accounts from foreign relief workers and those who managed to escape saw hundreds herded at gunpoint into Soviet-built aircraft. A Catholic nun witnessed pregnant and nursing women forced against their will into the waiting transport. In one case, four famine victims who resisted were shot to death in the northern town of Adigrat in front of several hundred witnesses. In the relief camp at Korem, where the Government's secret resettlement quota was 20,000 per month, doctors returned to the wards each morning to find many of their patients missing. Soldiers marched into intensive care wards, ripping blankets off the frightened patients and selecting their victims. Blankets, tents, clothing, and food donated from the West were often withheld to force men and women into submission. In all, over 600,000 were taken for resettlement and remain trapped to this day behind barbed wire armed camps.

Because the Ethiopian regime devoted almost all of its resources to resettlement, it spent very little on famine relief. Western donations of food piled up on the docks because trucks were being used for resettlement. The Government charged Western donors $12.40 for every ton of food and provisions offloaded at the docks, using the money to pay off Soviet troops used in the resettlement plan. The scheme earned the Government millions of dollars in hard currency which they used in part to purchase Soviet weaponry and to finance the Cuban contingency based in Ethiopia.

In the midst of the famine crisis, the regime spent $100 million to celebrate in lavish fashion the 10th anniversary of the revolution and the inauguration of the Workers' Party of Ethiopia. Mengistu's indifference to the warnings of a famine disaster led to mass deaths and starvation. Police were sent to make a human fence around the capital to prevent starving refugees from entering the city during the 4-day celebration. Despite these outrageous abuses, many of the private volunteer relief workers were directed to remain silent from their organization's headquarters for fear of being expelled from the country.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield so I may ask just one question?

Mr. ROTH. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, just one question. That is a strong Communist regime, the Mengistu regime, is it not?

Mr. ROTH. It is probably the most dedicated Soviet satellite of any in the world. In fact, they never deviate from the Soviet line, for example, on United Nations votes and the like.

Ethiopia is ruled by the world's worst violator of human rights.

In 1977, a ruthless Mengistu Haile Mariam seized absolute power, executing thousands of people who got in his way. Since then, Mengistu has been consistently extreme, consistently brutal, consistently anti-American, and consistently pro-Soviet. Embracing the Soviet model, he has established a Marxist-Leninist party, a vast network of informers and secret police, state ownership, and the collectivization of agriculture. His vision is one of a unitary, totalitarian state. The forced conscription of 14-year-old boys and girls has enabled Mengistu to raise an army numbering close to one-half million.

Recent reports indicate that Ethiopian troops have been spotted in both Angola and Mozambique assisting their Communist brethren. In documents captured in January by the Mozambique National Resistance Movement [RENAMO], plans were found detailing the use of 7,000 Ethiopian combat troops to help prop up the Marxist government of Mozambique. At least 100 Ethiopian officers would be assigned special roles in military intelligence and as air force pilots. Armed to the teeth by the Soviets, Ethiopians might soon replace the more expensive Cuban troops in Africa to further Soviet exploits and expansionist ambitions.

Ethiopia is located in the heart of the horn of Africa. Its strategic importance is evident in its proximity to the Persian Gulf States, the Red Sea, and its neighboring countries of Sudan and Somalia. The Soviet naval installation at Dahlak stockpiles surface-to-air missiles and resupplies Soviet ships in the Red Sea and Indian Ocean. The Asmara airport provides the basing for Soviet long-range Indian Ocean reconnaissance aircraft.

Apart from its military utility, the Soviets have in Ethiopia a Marxist-Leninist political beachhead. The establishment of a Communist state in one of Africa's most populous and geostrategic countries is an important lynchpin in Soviet ideological warfare. Ethiopia's voting record in the United Nations is in perfect conformity with that of the Soviet Union. Ethiopia's party-controlled media dutifully follows the Soviet line on Afghanistan and its other world exploits. Throughout the famine crisis, scant mention was made in the Ethiopian press of Western contributions while every blanket donated by a Soviet bloc country was given prominent headlines.

Mengistu's policies have created hundreds of thousands of Ethiopian refugees in Somalia, Sudan, and Djibouti. Testimonies from the recent wave of high-level defectors, including Foreign Minister Goshu Wolde, Relief and Rehabilitation Commissioner Dawit Wolde Giorgis, and ambassadors to France, Sweden, and Egypt further confirm the extent of Mengistu's abusive regime.

Mengistu's name alone inspires terror among Ethiopians. Criticism of the regime are grounds for prolonged detention or execution. You can name any individual right which we take for granted and it does not exist in Ethiopia. Its prisons are full of victims of arbitrary arrests. Thousands have disappeared or have been summarily executed without trial. And torture is a common practice.

Despite these conditions, the United States continues to be Ethiopia's largest trading partner. We drink their coffee and we lend them our money. We grant the country the privilege of most-favored-nation status. European governments continue to offer Ethiopia large amounts of foreign aid for economic development along Marxist lines. Multilateral development banks like the World Bank give the regime highly concessional loans and economic assistance.

Western countries need to recognize that our policies of appeasement and hope have not moderated the ways of Mengistu. It is time for us to reject the wishful thinking that Mengistu will some day discard his Soviet connection and seek friendship with the West. Unless the regime changes, there will always be famine and starvation, and millions more will die.

As President Reagan said in his 1985 address to the United Nations, freedom is not the sole prerogative of a chosen few. We champion freedom not only because it is practical and beneficial, but because it is morally right and just. The Ethiopian people who have suffered so much over the past 12 years deserve to know that the West cares and that they have not been abandoned. We must be bold in our conviction that we stand behind the forces of freedom in Ethiopia—freedom from terror, freedom from famine, and freedom from totalitarianism.

□ 1600

How many times do we have Members stand in the well of this House and say, "No more holocausts"? Well, there is a holocaust going on in Ethiopia right now, and what is even more frightening is that this resettlement program is going to be starting up again this month. The dictator in Ethiopia, Mengistu, has himself stated that the government will be resettling from 180,000 to 300,000 men, women, and children.

We must be bold in our conviction that we stand behind the forces of freedom in Ethiopia: freedom from terror, freedom from famine, and freedom from totalitarianism. At the opening of the 100th Congress the gentleman from Pennsylvania [Mr. GRAY] joined me in sponsoring legislation which condemns the Ethiopian Government, imposes stiff sanctions, and calls for democracy in Ethiopia.

The brutality of the Ethiopian regime speaks to all Americans. I hope that concerned readers and those people who are concerned about this issue will support H.R. 588. Let us send a clear message and leave no doubt that the United States stands for human rights, freedom, and justice, not only in some parts of the world, but in every country in the world.

Mr. BURTON of Indiana. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, the gentleman from Wisconsin [Mr. ROTH] and I must have a mutual admiration society, because the gentleman in the well I think has presented a very important message to the people of this country and the Congress today.

The problems that exist in Ethiopia are legion, and we unfortunately have been duped by Mengistu and the Ethiopian Government into swallowing hook, line, and sinker their call for aid which they use to perpetrate atrocities on their people and perpetuate themselves in power.

The thousands and thousands and thousands of tons of food that we have sent over there, as the gentleman stated very clearly, have been used not to help the starving masses in many parts of the country that the Government does control, but to perpetuate that government in power and to put those people even at greater risk, and the gentleman mentioned today in his message.

Let me just say that I have one real criticism that I would like to level at members of our Government regarding this issue. We seem to have in our Department of State an attitude that we can wean governments, Communist governments, away from the Soviet Union by giving them aid and comfort and being a good friend to them. The facts are that it just simply does not happen that way. Mengistu is a perfect example. He gets weapons from the Soviet Union, and he gets food to perpetuate himself in power from the United States of America. And he uses that food in many cases to buy more weapons, instead of feeding the people who are starving to death.

Many humanitarians in this country and humanitarian organizations, food aid and others who worked so hard to raise money for the starving masses in Ethiopia, instead of that food getting to its intended purpose, it just merely helped perpetuate the Mengistu Communist tyrannical government in power.

Now I would just talk briefly about one thing that the gentleman in the well mentioned, and that is Mozambique. We made some terrible blunders in Ethiopia, but our State Department is about to embark on an equally terrible blunder in Mozambique. I have talked to people in the State Department just this last week regarding their attitudes toward aid, both economic and military and humanitarian aid, to Mozambique. They have a government very similar in makeup to Mengistu's Communist dictatorship in Ethiopia, and the Mozambican Government has terrorized its people; it has killed 70,000 of its people in reeducation and relocation camps, just as they have done in Ethiopia. Yet our State Department is advocating that we give more economic aid to the Government of Communist Mozambique.

They want us to give military aid to the Government of Mozambique, as they tried to do last year in the foreign aid bill. In addition to that, the Renamo freedom fighter forces in Mozambique they want not to be recognized by us while during this time Dhlakama, the head of the RENAMO forces, tells us that they control 75 to 80 percent of the country.

So I think that one of the messages that I would like to see gotten across, as the gentleman is trying to do today, is that we should adopt a policy of standing tall in adopting and fighting for the Reagan doctrine. That is, we will fight with freedom fighters and stand with freedom fighters around the world to put these countries back in the democratic column, whether it is in Ethiopia, on the Horn of Africa, or Mozambique and the southern part of Africa.

It is extremely important—extemely important—that we do not get into bed with Communist dictatorships who continue to terrorize and destroy their people.

I would just like to end up by saying that the idea that we can wean governments away from the Soviet bloc is ridiculous. It has not happened in the past, it is not going to happen in the future, and the United States of America should not be a party to genocide, as we have been in Ethiopia, and we may very well be in Mozambique.

Mr. ROTH. I thank the gentleman for his comments.

Mr. WOLF. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Speaker, I want to commend the gentleman from Wisconsin for taking this special order. I was sitting in my office and I heard him speaking, and I was compelled to come over here just to tell him how much I appreciate it.

I visited Ethiopia. I was, I think, the first Member of Congress who stayed in the refugee camps. I went there in December 1984. It clearly is a Communist country.

The gentleman made the comment with regard to what America had done with regard to the Soviet Union. The Soviet Union did send rice, food that the Ethiopian people do not even eat. The only material that I saw that the Soviet Union sent was Soviet gunships and military equipment, yet the American people out of the goodness of their hearts sent food.

They have moved the Ethiopian people from one part of the country down to the other part of the country in this new relocation plan which the gentleman addressed in such a way that many of them have died. It would be like moving somebody from Denver, who has been raised in the cold climate of Denver, and moving them down to Guatemala, without giving them malaria shots or anything like this. Yet they put them on these trucks and airplanes—and I might say that they are Russian airplanes, Soviet airplanes—fly them down there, open up the door, and sometimes they are literally left out on open fields, where the people die.

I was shocked too to hear the gentleman say that we still give most-favored-nation status to Ethiopia. Does the gentleman have a bill which would repeal that most-favored-nation status?

Mr. ROTH. Our bill H.R. 588 would repeal that, yes, because at this time Ethiopia does enjoy most-favored-nation status.

Mr. WOLF. That is unbelievable. I hope that the gentleman will put me down as a cosponsor for that legislation. The gentleman from Ohio [Mr. HALL], the gentleman from New Jersey [Mr. SMITH], and myself have legislation to cut off most-favored-nation status for Romania, because they are persecuting the different religious groups in Romania, bulldozing churches and synagogues, and doing things like that. When I heard the gentleman say that this country gives most-favored-nation status to Ethiopia, I was shocked. Why does the administration not cut off and make a finding and prohibit the most-favored-nation status from being given to Ethiopia? Does that gentleman know why?

Mr. ROTH. No, I do not have an explanation for that, but that is one of the reasons we want to have hearings on this legislation, so that we can have the administration appear before Congress and give us an explanation.

I appreciate the gentleman's remarks, because he has been there and has actually seen the various resettlement camps. We have to speak out. It is our obligation, and our duty. I very much appreciate the gentleman's comments and his contribution. He is the type of Member who has done so much, and we thank him, and we are going to ask him to do more.

Mr. WOLF. I thank the gentleman, and when he gets to hearings, and I assume that he will get to hearings, I would like to have an opportunity to testify at the hearings and join him in whatever effort he makes. I pledge to stay with him until the end, until we knock out that most-favored-nation status, and let the word go out that

Mr. TOBY ROTH is committed to staying with this until the very end, and the Ethiopian Embassy, if they are listening today, ought to take it to heart that they will—because of the efforts that he is making—they will lose the most-favored-nation status unless they clean up their act.

Mr. ROTH. I thank the gentleman from Virginia for his very good comments, and I appreciate all the work and effort that he has put into this legislation. Like myself, he does not serve on the subcommittee dealing directly with Africa. This is more or less an issue that he and I have adopted because of what is taking place in those countries. We cannot stand by and be silent when the screams of these innocent victims are raised. We must be there to answer.

□ 1610

I have the highest respect for the gentleman from Virginia for helping us in that endeavor.

Mr. WOLF. I thank the gentleman.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I listened carefully to what the gentleman said a little while ago, and I find his figures a little astounding and somewhat unbelievable. Did I really hear the gentleman say that the Ethiopian Government is in the process of committing mass genocide, and that over the period of the last 2 years have killed 100,000 people within their country? Did I really hear the gentleman say that?

Mr. ROTH. That is exactly what you heard me say. I said, if I may repeat, that in the last 2 years some 600,000 people have been subjected to this resettlement program. 100,000 have perished.

Mr. WALKER. Would the gentleman characterize that as genocide?

Mr. ROTH. I would characterize that as genocide.

Mr. WALKER. And that that genocide against their own people has been to the tune of 100,000 people dying? Does the gentleman have any idea how many people that is? That would be the equivalent in this country of the government going out and killing over a 2-year period 1,000 people in every congressional district in the country. Now is that what the gentleman is contending is going on in Ethiopia?

Mr. ROTH. If I may reclaim my time, I would say that I would consider it genocide if a government killed 1,000 people in every congressional district in our country, yes. I would characterize that as genocide.

Mr. WALKER. The gentleman is saying that is what is going on in Ethiopia, that they have killed the equivalent, if we had it in the United States, of 1,000 people in every congressional district in the country that the Ethiopian Government carried out, that Communist government, is that what the gentleman is telling us?

Mr. ROTH. On a per capita ratio, I think the gentleman's figures are correct, if not understated.

Mr. WALKER. The gentleman also said something about the fact while people are starving to death in that country they went out and bought 480,000 bottles of Scotch for a party.

Mr. ROTH. That is right. That is what I said. That is a matter of record, yes.

Mr. WALKER. 480,000 bottles.

Mr. ROTH. And you are one of those Congressmen that has been voting, I am assuming, to give more and more aid, when what we should be doing is sending a message that we want this genocide to stop.

Mr. WALKER. Well I hope I have not voted that way, if what the gentleman said is true. But I am really having trouble with the gentleman's figures, because knowing that the gentleman was going to deliver this special order, I went and checked with the Ethiopian Embassy about what is going on in Ethiopia, and what the gentleman said here today just does not jell at all with what the Embassy of Ethiopia said. Let me tell the gentleman what the Embassy of Ethiopia said about that resettlement program. This is what the government says. They said, "The settlers are well on the way to self-sufficiency. We are gratified that our settlement program has proven a success beyond our expectations."

The gentleman is saying that is a lie?

Mr. ROTH. Let me respond by taking back my time and responding this way: There are some 10,000 "unaccompanied" children in Ethiopia as a result of the resettlement program.

Mr. WALKER. Come on now, if the gentleman will yield—

Mr. ROTH. There are some 10,000 "unaccompanied" children.

Mr. WALKER. If the gentleman will yield, let me tell you what the Ethiopian Embassy says about those kids.

Mr. ROTH. I am sorry, I will yield in just a second, but I want to make this statement. Some 10,000 "unaccompanied children" are the result of the government's resettlement program. Now that is a State Department euphemism for orphans.

The gentleman from Pennsylvania does a tremendous amount of research, and we applaud him for that. There is no Member of this House that is better prepared for floor debate than the gentleman from Pennsylvania. But, my good friend from Pennsylvania, I want to ask you this: You said you went to the Ethiopian Embassy and you got all of the facts.

Mr. WALKER. My staff went over.

Mr. ROTH. Your staff. Let me ask the gentleman from Pennsylvania this: The next time a member of organized crime is picked up and arrested, who are you going to go to for the facts, the Mafia dons or the Justice Department?

Mr. WALKER. But I think the gentleman has to admit that in this case he is talking about a duly constituted government. It is a government that we recognize, do we not?

Mr. ROTH. We recognize it. But I do not know of anyone who voted for it.

Mr. WALKER. Wait a minute now, we recognize this government. You said we give them most-favored-nation status, and that we are their biggest trading partner. Is that not what the gentleman said in his remarks?

Mr. ROTH. That is correct, I said that, yes.

Mr. WALKER. It seems to me it is entirely responsible to go to the embassy of that government and find out what they have to say. Let me tell the gentleman what they say about the kids you have just mentioned a moment ago. He says, in their own information, given to my staff by the Ethiopian Embassy, they say, and I quote:

> The resettlement localities are sites wherein the young and the old have recuperated and regained their energy and craving for life. These places are sites where children frolic and smile, looking toward a more bright future.

That is what the government says. I mean that is a direct quote from the government. Is the gentleman saying that a government that we duly recognize is a liar?

Mr. ROTH. I appreciate the gentleman from Pennsylvania and his facts and his studious work in the gathering of the facts. But has the gentleman talked, for example, to the head of the Ethiopian resettlement program who has defected? Have you talked to the foreign minister, the equivalent of our Secretary of State, who has defected? Have you talked to the Ambassador to France, Ethiopia's Ambassador to France who has defected? Have you talked to our former colleague, Millicent Fenwick, who is the Ambassador to FAO? Have you talked to any of these people to get the facts? I would dare say that you have not.

Have you talked to the Doctors Without Borders? I have just returned from Paris, because like the gentleman from Pennsylvania, when I heard that all of these people, all of these people were being massacred in the resettlement program, it was difficult for me to believe. I held a news conference in Paris to talk about these issues with a group called the Doctors Without Borders. At that news conference, the first one to ask a question was not a French reporter, or a German, or a

British reporter, although we had reporters from all of those countries there, but an American reporter. The American reporter started to debate the issue with me, like the gentleman from Pennsylvania is doing, and the American reporter said, "I have some background from Ethiopia and I have talked to the leaders of Ethiopia, and they have guaranteed me that no more than 10,000 were killed."

Analyze that statement for a minute. In what other country in the world have only 10,000 been killed?

The Economist, who keeps a report card on all of the nations of the world on human rights violations, has rated Ethiopia the worst in the world. They have said that any freedom known in the world does not exist in Ethiopia. Yet the gentleman from Pennsylvania has voted to give all of this aid to Mengistu and to the leaders in Ethiopia.

Mr. WALKER. Will the gentleman yield?

Mr. ROTH. I am happy to yield to the gentleman from Pennsylvania.

Mr. WALKER. Of course, this gentleman has not voted that way at all and I would not. But what I want to establish here is the point that the Ethiopian Embassy is saying the things that I told the gentleman and I gave the gentleman direct quotes. Now the question I have asked of the gentleman is, Is the Ethiopian Embassy lying? Is that what the gentleman is telling this House, that the quotes that I have given you are just patent falsehoods and lies and that, in fact, we should not accept any kind of language of this type as being in any way related to the facts? Is that what the gentleman is saying?

Mr. ROTH. I will take back the balance of my time and answer the gentleman from Pennsylvania. I would say, yes, I totally disagree with the information you have from the Ethiopian Government, and I base that on these findings. I have repeatedly talked to our own government—AID, and to the Doctors Without Borders over a 3-year period of time. The Doctors Without Borders had the moral courage to go to the world, the conscience of the world, and to tell the world what was taking place in Ethiopia, the thousands that were being slaughtered in Ethiopia, and for that they were dispelled from Ethiopia.

I have talked with the people of Cultural Survival, Jason Clay, a Harvard University group who have continually monitored what is taking place by interviewing many of the people who have escaped from Ethiopia. I have talked with Yonas Deressa, and many of the people who have defected. I have talked with many of the people, for example, in the Italian Government, the French Government, the United Kingdom and the European community, who are very much concerned about this. I have talked with Millicent Fenwick, who you know was one of the most respected Members of our House when she served here with us, and who was the Ambassador, until a few days ago, to the FAO.

□ 1620

These are some of the people that I have talked to. The information that they have given us is completely contrary to the information the gentleman from Pennsylvania has.

Mr. WALKER. Mr. Speaker, if the gentleman will yield to me, I thank the gentleman for clarifying that point. In other words, if I understand the gentleman correctly, based upon accounts that he has received from a number of distinguished people worldwide, the material that I read, that I quoted from the Ethiopian Embassy—and there was considerably more, too—but that that material is in fact a lie; and that we should regard those kinds of information as being completely without validity.

Here is my problem, I will tell the gentleman. The gentleman has pointed out that the policy of this Government is that we are in support of the Ethiopian regime at the present time. When our committee looked at this last year and came up with a supplemental appropriation for emergency famine relief, we seemed to come down more on the side of the Ethiopian Government than we did on the side of the facts that the gentleman is relating.

Let me give you some language that was in our report——

Mr. ROTH. Reclaiming my time, Mr. Speaker, in defense of the people in this country that want to help, when you see people starving and when you see people——

Mr. WALKER. Oh, I understand.

Mr. ROTH. In dire straits such as that, I think it is only human nature for your heart to go out to people.

Mr. WALKER. I understand, but what I want to quote to the gentleman is what our Committee on Appropriations in this House said last year; at a time that the gentleman tells us that there were thousands of people being killed by genocide in Ethiopia, our Congress mustered up all of its moral indignation and wrote this:

> The Committee is concerned that the Government of Ethiopia is not acting responsibly. That aid is not getting to all who need it.

That is what we said. That was the extent of our indignation about a genocide affecting thousands upon thousands of people.

Now it seems to me that what we did was react more to what the Ethiopian Government was saying about the situation over there than what the gentleman claims is the real case.

Let me say to the gentleman that I agree thoroughly with him; he is not the person who is telling falsehoods on the floor; he is the guy speaking the truth on the floor, and he is absolutely right. The material I got from the Ethiopian Embassy, when you read through it, it is a pack of lies. It can be regarded as nothing else.

The Communist government in Ethiopia is lying to this Congress, it is lying to the world. What is happening in Ethiopia is an absolutely appalling episode in the history of mankind, and for this Congress not to have done something more serious than simply saying we are concerned that the Government is not acting responsibly is a travesty.

We ought to be doing exactly what the gentleman proposes; we ought to cut them off from any kind of aid; we ought to cut them off by sanctions; we ought to take the strongest possible action against and government that is committing mass genocide against its own people; and I thank the gentleman for taking this special order because I think it helps clarify what is really happening in the world today.

Mr. ROTH. I thank the gentleman from Pennsylvania [Mr. WALKER] for his contribution.

Mr. LELAND. Mr. Speaker, will the gentleman yield? And I hope the gentleman from Pennsylvania [Mr. WALKER] will stay here and engage in this colloquy with me also.

Mr. ROTH. I yield to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Speaker, I understand the sincerity and the devotion to humanity that the gentleman from Wisconsin [Mr. ROTH] has, and the concern that he has for the humanity of the people of Ethiopia.

Let me ask the gentleman how many times he has been to Ethiopia.

Mr. ROTH. I have not been to Ethiopia, but I have never had cancer yet, either, nor heart disease, and I know I do not want them.

Mr. LELAND. The gentleman's point is partially well taken, but I would like to suggest that this gentleman from Texas just got back from Ethiopia, where I engaged in great discussion with the chairman of the politburo, Mr. Mengistu, the head of state of Ethiopia; many other government officials of Ethiopia as well as the private nonprofit, nongovernmental entities who represent the private sector of this country in Ethiopia.

To a person, whether we are talking about Government official or private, voluntary organizational representatives in Ethiopia. They have suggested to me that yes, there was a problem with the resettlement program. Never was there any hint of mass genocide attempted on the part of the Ethiopian Government.

There was also an admission on the part of the Ethiopian officials that indeed, when they began the resettlement project or resettlement program as they have called it, from the north to the south, that indeed they made many mistakes, some of which the allegations that were made by some of the private voluntary organizational representatives from our country and some governmental officials from this country as well as elected Members of Congress; that those allegations were to some to great extent true. That they did separate families, and so forth, but they did it, and they said they did it, out of desperation to try to help to resolve the problem, the fact that the land in the north is exacerbated; that the land in the north is land that there is no opportunity to really grow crops there.

If you go there, Mr. Roth, which is the suggestion that I was alluding to earlier, and see for yourself, you would know that the lands there, to some great extent, are uninhabitable. Not to mention the problems with the thousands upon thousands of refugees in the north who abandoned their own homelands because the danger of war is so imminent in the Tigre and Eritrea Provinces.

Now they stopped because of the criticism on the part of the international community; they stopped the resettlement project, the resettlement program.

Mr. ROTH. If I may reclaim my time, Mr. Speaker, that is a point we want to make; that is, we want them to stop the resettlement program, and the reason——

Mr. LELAND. They stopped it.

Mr. ROTH. That we are so concerned about that is because yes, they stopped the resettlement program but now Chairman Mengistu said that he is starting up the resettlement program again this month.

Mr. LELAND. Exactly, and I was about to get to that.

Mr. ROTH. He is going to be resettling some 180,000 to 300,000——

Mr. LELAND. No. 600,000. 600,000.

Mr. ROTH. 600,000? Well, that is even worse.

Mr. LELAND. And he is——

Mr. WALKER. Another 100,000 will die.

Mr. LELAND. Wait a minute. Wait a minute.

How do you know they are lies, I ask the gentleman from Pennsylvania [Mr. Walker]. How does he know they are lying? What evidence does he have that they are lying?

Mr. WALKER. Mr. Speaker, will the gentleman from Wisconsin [Mr. Roth] yield?

Mr. ROTH. I yield to the gentleman.

Mr. WALKER. Mr. Speaker, this statement, the gentleman himself has just made, that everybody over there admits that there were all kinds of mistakes made in the resettlement program——

Mr. LELAND. But that does not necessarily——

Mr. WALKER. This is a statement of their Government.

Mr. LELAND. That does not——

Mr. WALKER. If the gentleman will yield to me.

Mr. ROTH. I—I will yield to the gentleman from Pennsylvania and then to the gentleman from Texas.

Mr. WALKER. This is a statement of their Government:

> We are gratified that our settlement program has proved a success beyond our expectations.

It has proved a success—that is a lie, just based on what the gentleman from Texas told us a few minutes ago. That is a blatant lie.

The Ethiopian Government is lying to the world. The Communist government of Ethiopia are a bunch of liars.

Mr. ROTH. Taking back my time, Mr. Speaker, I yield to the gentleman from Texas [Mr. Leland].

Mr. LELAND. I appreciate that.

Mr. Speaker, when I was in Ethiopia, and I speak to the gentleman from Wisconsin [Mr. Roth], when I was in Ethiopia, we discussed the whole issue of communism versus non-Communist people. It was suggested to me, by our own charge in Ethiopia that there may be, at most, 400 Communists, Ethiopian people, in Ethiopia; but there are 42 million people, 2 million of which suffer at the hands of malnutrition and hunger; and they are still locked in the northern part, the northern reaches of Ethiopia with no opportunity to get to food, much less to try to grow food.

The problems are mostly—not only that, if I can finish, the gentleman must understand, too, that there are thousands upon thousands upon thousands of children who are not a part of the resettlement program, these children are orphans who were orphaned by the famine. Those thousands upon thousands of children are not being cared for. The Ethiopian Government does not have the capacity, the PVO's over there do not have the capacity to take care of these children.

If we impose sanctions——

Mr. ROTH. Mr. Speaker, I will take back my time because I want to make a point here that has to be made.

The gentleman from Texas, our friend [Mr. Leland], tells us that he was told in Ethiopia there are only about 400 Communists, really, in Ethiopia.

Mr. LELAND. True Communists in the Government of Ethiopia.

Mr. ROTH. Right, and there are 40 million people in Ethiopia.

Mr. LELAND. And by the way, they say they are Communist aspirants.

Mr. ROTH. That is a point we want to make.

First of all, the issue that bothers me more than anything else is not whether it is a Communist government, although that is a problem——

Mr. LELAND. Thank you.

Mr. ROTH. What bothers us is that all of these people have died in that country because of the resettlement program; and it is not the people ruling——

Mr. LELAND. Toby, that is not true.

Mr. ROTH. It is not the people ruling in Ethiopia.

□ 1630

Mr. LELAND. Will the gentleman yield?

Mr. ROTH. In just a second, in just a second.

As the gentleman said, there are 400 dedicated Communists out of 40 million people.

Mr. LELAND. Communist aspirants.

Mr. ROTH. Aspirants. But they are the ruling class, they are the elite. What we are saying is we do not want to help the elite, we want to help the people of Ethiopia.

Mr. LELAND. So how are you going to do it?

Mr. ROTH. The Ethiopian Government votes consistently with the Soviet Union at the United Nations. The Ethiopian Government is totally a Marxist government. But that aside, what we are concerned about is the resettlement program starting up and the history of the past resettlement program is that so many people have perished.

Mr. LELAND. Can I purvey to the gentleman some information which I have?

Mr. ROTH. I want to make my point because the gentleman from Texas made a statement before, "Have you visited Ethiopia? Where are you getting your facts from?" I want to tell him that we have had people at the American Embassy like David Korn who are very well informed, who have written books on what has taken place on the genocide.

Mr. LELAND. Will the gentleman yield?

Mr. ROTH. When I finish my statement. He said the biggest tragedy of all is not the famine, because their rainy season has come back, but what is the biggest cause of starvation to date is the villagization which is taking place. This, when you talk to the doctors, the French group, when you talk to the people of Cultural Survival, when you talk to the Ethiopian Ambassador to France who has defected, whether it is the secretary of state of Ethiopia who has defected or the head of the Ethiopian Relief and Rehabilitation Commission, Dawit Wolde Giorgis.

Mr. LELAND. All of whom are my friends, all of whom are my friends.

Mr. ROTH. All of them are your friends, and all of them, I am sure, will tell you that what we have said here is the case. If the facts are correct and they are corroborated by the people that we have talked to, then we have to speak out, we cannot say that we will close our eyes to the resettlement program. That is why we have to speak out.

Mr. LELAND. If the gentleman will yield, this gentleman never suggested that you close your eyes. The fact of the matter is that they have said what they want to do, with the cooperation of the West and other international communities who want to come and help them to achieve their purposes, the goals of resettlement, is that they want to call us in to help them, to monitor and to look at the situation as it is, not as you have heard it is.

Mr. ROTH. I will take back the balance of my time. I respect the gentleman from Texas very much and I appreciate it when the man speaks from his heart and I know he is doing that. But we have other people who also have a different viewpoint.

But I want to make this observation: We talked, for example, with people like Millicent Fenwick.

Mr. LELAND. Who has never been to Ethiopia.

Mr. ROTH. We have talked with people who have not only been to Ethiopia, but doctors who have helped the people in Ethiopia.

Mr. LELAND. Has the gentleman talked to the current charge?

Mr. ROTH. I proposed the very questions that the genteman from Texas is proposing because we do not want to believe what is taking place in Ethiopia. So I asked my friends in France, Doctors Without Borders, I said: "Could it be possible, could those resettlement camps possibly be that bad? Could there be that much terror?" The doctors said to me: "If there wouldn't be, why would they have to be guarded 24 hours a day by armed forces, by armed troops?"

We know from Cultural Survival, Jason Clay and others who have questioned the people and who have escaped from the resettlement camps that this is exactly what is taking place. Now, if the Ethiopian people want any form of government that they want, that is fine with me, but the Ethiopian people do not have anything to say about it because of the cadre of 400 elite people running that country of 40 million people.

The Ethiopian people are very gifted people, a people that can do great things. But with the government they have today, they are no better than slaves.

Mr. LELAND. So what is the gentleman suggesting that we do?

Mr. ROTH. My point is that a year ago, as the gentleman mentioned before, the Western World spoke out and Mengistu stopped the resettlement program.

Now, what I am saying is Mengistu wants to start up—he doesn't want to, he is starting up the Resettlement Program again. I said 180,000 and the gentleman has just said 600,000, just coming from there.

Mr. LELAND. Six hundred thousand.

Mr. ROTH. We do not want to see that happen again because we do not want that on our conscience. We feel that we have to speak out in regard to this Resettlement Program because we feel a genocide is taking place.

Now, when I was in Paris, as I mentioned before the gentleman came to the floor, we held a news conference. I used the figure of 100,000 perishing and one of the Western reporters said, "No, I just came from Ethiopia and they assured me no more than 10,000 perished." Well, 10,000 is an awful lot of people to have on your conscience.

I want to yield now to the gentleman from Georgia.

Mr. GINGRICH. I would like to ask our good friend from Texas because I am confused about something here; let me put it in context. I have not been to Ethiopia, but then I have to say that, candidly, Churchill never met Hitler and Churchill never visited the Soviet Union in the twenties and thirties, but he was a great deal more accurate about the nature of communism than most of the well-meaning folks who visited Stalin's Russia and came back home explaining that Stalin was really a nice guy.

That is my point: First of all, when the Ethiopian Foreign Minister resigns and he says unequivocally:

> I had watched with helplessness as my country slipped further and further into authoritarianism and absolute dictatorship with the inevitable consequences of intolerance and repression, I cannot continue in good conscience to serve a government whose shortsighted and religiously doctrinaire policies are leading the country and the people into misery and destruction, one which has clearly lost the trust of the people as well as the moral right to govern.

In the Economist magazine's World Human Rights Guide, Ethiopia is chosen to be the worst single country in the world today. "Many extremes of torture, thousands of extra-judicial killings and disappearances, the military has arbitrary powers and uses them."

Mengistu himself in a May Day Parade in 1977 said:

> The recent role played by workers, peasants and progressive men in uniform in weeding anarchists and infiltrators has proven the Marxist-Leninist theory that the working class is the most revolutionary of all classes.

Now 1977-78 is a period when the Red Terror killed thousands of people apparently in the capital of Ethiopia.

The collectivization program for farming was organized by the East Germans, and my point is just this: You can go through incident after incident, citation after citation, fact after fact and three or four things come clear. Mengistu and his leaders all say they are Marxist-Leninists.

Mr. LELAND. Yes.

Mr. GINGRICH. OK. Marxist-Leninism is a technical term meaning the position of state tyranny using the Secret Police. It is a very specific term, different than Marxist, different than Socialist. A Marxist-Leninist believes in democratic centralism, which is a word meaning if you disagree with the party, the police, the Secret Police, show up.

Second, they are clearly systematically allied with the Soviet Union.

Third, according to the French sources we spoke with——

Mr. LELAND. Will the gentleman yield?

Mr. GINGRICH. In just a second.

Mr. ROTH. I will be happy to yield in time.

Mr. LELAND. The gentleman is putting a lot on my plate.

Mr. GINGRICH. I will summarize it into one simple question.

Third, the French doctors and others are saying unequivocally that this is a government much like Stalin in the Ukraine in the 1930's, which is systematically using the destruction of human beings as an act of policy.

Mr. LELAND. Oh, my God.

Mr. GINGRICH. Well, that is what they are saying. I am just reporting what witnesses say who have not just visited, they have lived there.

Now in that setting I say to my good friend from Texas, what would it take to convince the gentleman that these are not good people and that helping them stay in power is not smart?

Mr. ROTH. I yield to the gentleman from Texas in order to answer that question.

Mr. LELAND. First of all, this gentleman is not suggesting that we try to help the government in power to stay in power. That is not what I am saying. The clear illustration that I am trying to project at this time or to convey at this time is if in fact admittedly there are about 400 admitted Communist aspirants in Ethiopia and there are 42 million people there, then in fact what I want to do is to see us continue to assist whatever 42 million minus 400 is. Let us help those millions of people by way of continuing to give them our humanitarian aid. The other things is that by policy the People's Republic of China has a policy of infanticide. Yet we embrace them and we have full diplomatic relations, in full blown diplomatic relations with them.

Not only that, the gentleman must understand too we have full blown diplomatic relationship with the Soviet Union, the people whom we are accusing of their being friends with. We are friends with them, too. We loan them money to buy our wheat. They are indebted to us. Yet these are our big bad enemies.

Is the Government of Ethiopia just guilty of the fact that they just cannot bomb us back? Is that how we develop our friends?

Not only that, let me draw another analogy, if you will: Thousands upon thousands of people in Chile have disappeared, died, have been murdered by a policy of the non-Marxist-Leninist government of Chile.

If we want to be balanced in our equation with respect to foreign policy, obviously, obviously there are too many inconsistencies for us to try to base our friendship, our relationship on our so-called consistent foreign policy when it is so full of conflict and contradictions.

□ 1640

Mr. ROTH. Mr. Speaker, I just want to make this comment. The issue that I am driving at here is that I am not in favor of allowing them to restart the resettlement program. I am concerned about the 42 million, not the 400.

Mr. LELAND. Will the gentleman accede to an invitation issued through me by way of the Chairman of the Politburo of Ethiopia to go and visit Ethiopia?

Mr. ROTH. I would be happy to do that, but the point is this: I would like to have the gentleman from Texas join me and others in requesting—if you know Mengistu, would you request him and demand that he not start up the resettlement program because of the history of the past?

Mr. LELAND. Let me respond to the question by saying that I would like for the gentleman to revisit the issue of resettlement, as I had to do with him as a Representative of this body, as a matter of fact, in order that we could get some clear analyses of the problems there that afflict the people of Ethiopia.

I am not so sure and sold on the fact that resettlement, done right, is not a good solution. All I am saying to the gentleman is that we ought to, instead of, at this moment, trying to throw the baby out with the bathwater, if you will, what I suggest is that we reexamine the issue itself.

By the way, my colleague, and I am talking about the gentleman from Pennsylvania [Mr. WALKER], has allued to the fact that, indeed, Mr. Korn was there in Ethiopia. Mr. Cheek is there now. He, to some great extent, holds my viewpoint on the issue of resettlement, not as an official American policy, but at least in terms of trying to be objective about the Resettlement Program.

He went with me to one of the resettlement projects. He went with me to Gondar, where we visited thousands of kids who were orphaned by the famine, who had nothing to do with resettlement, by the way, who need someplace to go, and if you move them from one place to another, that is called resettlement.

This is not government-forced. These peoples' parents died by the thousands from the famine. I am worried about them.

If I may just conclude, you are talking about 600,000 people who have been resettled. You had a much lesser figure. We are talking about 600,000 people; at most, we are talking about 1,200,000.

I care about them. But I am also concerned about the millions of children, the millions of other people who suffer so tremendously. Most of the people in Ethiopia died in 2 years as a result of the drought and the famine.

The lands are exhausted. There is nothing to do in the north. People live on the tops of mountains, inaccessible to any kind of infrastructure that would provide a conduit to get to them for relief efforts.

That is what this is all about.

Mr. ROTH. Mr. Speaker, in response to that, I would say that I would certainly very much appreciate the gentleman from Texas working with us in stopping the resettlement program.

We know from talking with many people that the reason there are so many orphans is because many people lost their lives in the resettlement program.

Mr. LELAND. Mr. Speaker, if the gentleman will yield further, the majority of the children who are orphans lost their families—I was there in 1984. I was there in 1983. I just came back a few weeks ago. I have seen with my own eyes people dying and orphaning children.

I have seen children dying by the hundreds. It is not fair for us to just arbitrarily come out and pick out one program to say that these people died because of one of those programs, and it is much more important to us than the orphaned children of people who died in the famine.

Mr. ROTH. Too many people died in Ethiopia and in other parts of the world, too. But we have to speak out because the history of the resettlement program indicates that thousands have died. This is why we do not want to allow them to start up the resettlement program again.

Too many have died already. We know that if they start up the resettlement program, many more thousands will die.

Mr. LELAND. Not if they have changed, not if they have reorganized the program and tried to undo the problems and mistakes that they made in the first place.

Mr. ROTH. Mr. Speaker, if I can reclaim my time, I just want to make this statement.

In all these countries, not only Ethiopia, but in southern Russia and many other countries where they started villagization and collectization, tremendous famine has unused. Look what happened in the Ukraine back in the 1930's when Stalin was collectivizing. That is what they are doing in Ethiopia today.

That is why I am opposed to what is going on in Ethiopia.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I think a couple of points need to be made here. First of all, I find it incredible that we come on the floor and argue that the Government of Ethiopia is not a Communist government. It is, in fact, a Communist government.

Mr. LELAND. Nobody argued that.

Mr. WALKER. It is, in fact, a Communist government, which is totally allied with the Soviet Union; that is using its military troops, its military transports to forcibly resettle people.

For the life of me, I cannot possibly understand how anybody in this body, in this country, could suggest that forced resettlement of people is a good idea, regardless of the reason. I think that is a terrible kind of policy, regardless of the circumstances involved, and we know that this is a forced resettlement program that we are talking about.

Finally, let me say that the gentleman from Texas [Mr. LELAND] has suggested that we should not be selective about our foreign policy. We are selective about our foreign policy all the time.

We single out nations and decide to impose sanctions. Now, if you have the nation that is, at least in some experts' minds, the number one human rights violator in the world, should we not, as a nation, come down rather hard on that nation. Should we not do some things that are necessary in order to stop the mass genocide?

One more point: I was also interested when the gentleman from Texas said that we ought to keep the humanitarian aid flowing. I agree with that. We ought to try to help the people there who are starving through no fault of their own. However, I think the gentleman from Wisconsin [Mr. ROTH] a little while ago indicated that what is happening is that as we send in our humanitarian aid, the Government is taxing that aid as it hits the docks, so that the Government is profiting from that aid and, in fact, what we are doing with our aid is supporting all of those troops and those Russian troops that are there in the country that are persecuting the people.

That is an atrocity, too, and we ought not be a part of that kind of atrocity.

I think we ought to have a lot of work in this Congress toward going after human rights violators wherever they are: South Africa or Ethiopia; Chile or Nicaragua. Let us get after them all. Let us not selectively say, "Oh, well, because it is Ethiopia, we ought to ignore them and concentrate instead on Chile."

Let us go after human rights violators wherever they are. Ethiopia is No. 1 on a lot of peoples' lists. We ought to be after it right now.

I congratulate the gentleman from Wisconsin [Mr. ROTH] for his bill.

□ 1650

HOW CONGRESS RESPONDS TO THE PROBLEMS OF THE HOMELESS

The SPEAKER pro tempore. (Mr. MCMILLEN of Maryland). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to talk this afternoon about the upcoming $500 million bill to respond to the problems of the homeless.

In the entire context of the 100th Congress, which now, as it enters its third month, has been a peculiarly slow-moving and, I think, unfocused Congress so far, reflecting where we are at as a national government, it is ironic that as we celebrate the 200th anniversary of the Constitution we are exhibiting many of the very problems that the Founding Fathers were aware of as they faced the difficulties after the Articles of Confederation had failed. I think the process by which the Congress is considering this $500 million bill, the whole way in which we are confronting the issue of the homeless, fits the pattern which led the Founding Fathers to decide that they needed a Constitutional Convention.

We clearly have a problem of homelessness in America. We clearly need to address that problem as a society and as a people. Our community needs to deal with those in the community who need help.

I was very struck in December of 1986 by a Science magazine editorial entitled "Scienceless to Homeless," written by Richard Jed Wyatt, the chief of the neuropsychiatry branch, National Institute of Mental Health, and Evan G. DeRenzo, director of admissions of the Collingswood Nursing Center of Rockville, MD. Let me read for my colleagues what they said. I quote from the editorial as follows:

> America's homeless crisis began in 1963 when deinstitutionalization became law through enactment of the Mental Retardation Facilities and Community Mental Health Centers Act. Hundreds of thousands of disabled patients with schizophrenia, affective disorders, alcoholism, and severe personality disorders were released from large institutions to the streets. Once deinstitutionalized, these individuals created their own communities of isolation, alienation, hopelessness, and despair. By law, the former residents of structured institutions became the homeless.
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> This situation occurred because a social welfare movement, based on virtually no scientifically gathered data, became public policy. Remarkably, only one controlled pilot study performed in England was available at the time the law was passed. The country undertook a noble, but unfeasible, and ultimately unjustifiable project because the essential research had not been done. Once the decision to deinstitutionalize was in place, a sense of urgency prevailed. Patients became caught on colliding tectonic plates, pushed and stretched in all directions by psychiatrists, unions, nurses, psychologists, and social workers. The legal system, legislators, and the media all thought they knew—or at least gave the impression that they knew—what was wrong with our mental health system. Few, however were able or willing to provide the requisite care.

Now, the point I want to make is that as these two doctors go back and look at how we ended up with the current crisis of homelessness, they say that the Great Society, the whole mood of liberalism of America in the 1960's, meaning well, did harm, promising good, did bad.

What have we learned? Listen again to these two doctors as they describe in this editorial from Science magazine the current situation:

> There is no reason to believe that our current concerns for the homeless and our inadequately conceived solutions will not create new problems. Again, inexplicably, there are essentially no controlled studies to show us how to handle the problem.

They go on to say this:

> We must ameliorate the miseries of our homeless mentally ill. But in doing so we must not make the situation worse. Today, it is inconceivable that a new medication would be introduced before large-scale clinical trials were conducted among diverse patient populations. Furthermore, once the drug became widely available we would continue to monitor its effectiveness and potential toxicity. If the new medication turned out to be less effective or more toxic than originally thought, it would be removed from the market, or at least its usage would be narrowed. Controlled clinical trials of medications limit the risk to a few.
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> Why do we not have similar criteria for our social experiments? In the case of deinstitutionalization, no large-scale efficacy trials were performed. Toxicity and adverse consequences were not monitored. We are only now beginning to identify who the homeless mentally ill are. Well-designed and replicated controlled experiments are necessary. Without such studies we will repeat our mistakes. And we are certain to cause new, unforeseeable hardships. Before we prematurely institute new public policies, we should collect the necessary data to rationally initiate social welfare system changes. By calling for careful studies, we do not advocate inaction until all the answers are known; we must deal with today's difficulties today. But unless we invest time, energy, money, and our good minds toward a solution, today's problem will remain for tomorrow.

Let me be quite clear. The $500 million is going to be spent on bureaucracy, on buildings, and a modest amount of the money on health. It will be spent in the name of the homeless because that will make politicians feel better and give the news media a better story, but it will not be spent on any carefully designed program. A large portion of it will be spent, quite simply, on building more bureaucracy and on doing more of what we have done in the past. Furthermore, by sending out the signal that homelessness is now a Federal Government problem, there is a very real likelihood that the churches and synagogues and local groups will begin to relax and the real effect may be that in fact less true aid reaches the average homeless person.

Let me carry this a stage further. If we do not know who the homeless are—and there is every evidence that we do not—and if we do not know why they are homeless—and there is every evidence that we do not—then the first step ought to be to spend far less than $500 million just finding out what we are talking about. For $50 million, 10 percent of the proposed spending, we could be designing, with scientific help, in a systematic way, a dramatically better approach to this problem. We could be discovering what went wrong and what we should do. But that $50 million, frankly, would not make the politicians happy, and it would not make the news media feel better because there would not be a large, immediate rush to do something even if we do not know what we are doing.

What seems to be happening is that as the Reagan administration loses its momentum and loses its sense of focus with the entire Iran problems that have occurred in the last few months, we are reverting to precisely the liberal welfare state-Great Society policies of the past. If we see a problem, throw money at it; if it is a good title, write a bill around it. If it will make people happy, build a bureaucracy to do it.

Yet I would suggest that that is the worst possible thing for us to be doing right now, and let me tell you why. We are walking a tightrope. I think it is no accident that while we debate hundreds of millions of dollars here, there are negotiations going on that involve hundreds of billions of dollars. The fact is that Brazil, Argentina, and Mexico, between them representing over $260 billion in debt, are teetering on the brink.

The fact is that large regions of the United States, the great farm and grain areas of the Midwest, and the oil patch of Texas, Louisiana, and Oklahoma, considerable parts of the United States, are in considerable economic pain. The fact is that most of the Third World in the last couple of years has not had much growth, and that the United States, by going deeper in debt, has been the engine pulling the world's economy along. We have ended temporarily the inflation of the 1970's, the liberal welfare state legacy of too much spending and too big a Government, but it is temporary. Not many Members of this Congress have reflected yet on the fact that in the very first month of the 100th Congress we reverted to precisely the highest inflation rate of 4½ years. It was almost as though it was symbolic, as the Democrats took over the other body and came to control both bodies of Congress, that inflation went back up dramatically to 8.7 percent on an annual basis.

That should be a warning to all of us. It is possible for economic disaster to happen. It is not necessary; just as driving home this evening in rush-hour traffic, it is possible to have a wreck, but it is not necessary. But I would suggest that a Congress which thinks we ought to write a check first and think later is a Congress that increases the likelihood of a world crisis, a Congress that is not confronting the real challenges.

□ 1700

Let me suggest in this 200th anniversary of the Constitution of the United States that we look at the real challenges with the kind of courage and the kind of directness that the Founding Fathers would have had. Let me suggest that there are in fact very real challenges to this country.

I believe that the average American knows intuitively that while the Reagan administration for 6 years has bought us time, that we face very big problems. In fact, I would suggest that the average American knows that while our problems can be solved, they are much bigger than the politicians in Washington or the Presidential candidates are talking about.

In fact, there are six major gaps between the America that should be and the America that we have.

First, between the amount of Government spending we can afford and the amount we are currently spending. Second, between America's commitment to competing in the world market and our loss of foreign and domestic markets to foreign competitors. Third, between the amount of private savings set side for retirement and health care and the increase in longevity and health care costs. Fourth, between the take-home pay standard of living and quality of life Americans want and what they are getting.

Fifth, between traditional values we believe in and the radical values that threaten us. Sixth, between the political, economic, and military policies of nations which comprise the free world alliance and the strategies and structures necessary to sustain an alliance of free people.

These six gaps are very big. For example, if we were to try to raise taxes enough to balance the Federal budget, we would crush the private economy and guarantee a deep recession. That deep recession would guarantee the passage of very severe protectionist bills, and those protectionist bills would start a trade war that could conceivably lead to the Great Depression.

That is not scare talk. As a history teacher, that is simply a description of 1929, 1930, and 1931. If Brazil, Mexico, and Argentina, for example, were to suddenly find themselves in a world with high trade barriers, they could not pay any of their bank loans. If they default on their bank loans, Citibank and Chase Manhattan and other big banks could not keep their door open. That is not a scare any more than a doctor telling you that if you insist on driving your car at 130 miles an hour and you hit a brick wall or a telephone pole you probably will not be in very good shape after the wreck.

So the first gap is very real, and it is not a question of whether or not we need more revenue. The fact is, that from 1980 to 1986 the amount of revenue the Federal Government got went up by $400 billion; almost 80 percent. But the amount of money we spent went up even faster than the increased revenue. So the first step is how do we control the amount of Government spending and, therefore, get ourselves to a balanced budget.

Second, we are simply not competitive in the world market today. This is not just a question of Chrysler or Ford or General Motors. There was one test in 1981 where 75 percent of the Japanese students tested scored higher in mathematics than the top 5 percent of American students. Now, think of that. In the age of computers, 75 percent of the Japanese were scoring higher in math than the top 5 percent of Americans. That is a gap so enormous that if we are going to compete in the world market, our changes in math and science education are going to be fundamental. Not just teacher testing or some kind of minimum change in standards or merit pay, none of those begin to get to the core of our problem which is fundamentally rethinking the quality of learning in America today.

Third, everyone knows in their heart that we face a real, long-term challenge in how much people are saving and how long they are living. There is an interesting article in National Journal recently called "False Security." "False Security" talks about the Social Security system and what is happening and where we are at in terms of how long we live and how much we are saving for.

I think there are a couple of things we need to look at. When Franklin Roosevelt invented Social Security and the Social Security System in the 1930's, the average person died at 63 and retirement was set at 65. If you think about that, it is a remarkable achievement. Since Roosevelt's day, we have added 11 years to the retirement plan and zero to the work plan.

Now, I do not believe you can go out to America, outside of Washington, and find anyone who believes in their heart that you can add 11 years of retirement and zero years of work. I think it is clear, just at a commonsense level, that if the fastest growing number of people in America are people over 85, that we face a real problem. I think it is clear, just at a commonsense level, that if we have added 11 years of life and zero years of work, we face a real problem. I think it is even more clear when you add in the fact that as people have fewer children, there are fewer young workers.

When Social Security first began, there were at one time as many as 42 workers paying taxes for every person retired. Today there are three workers paying taxes for every person retired. When I retire, my children will have about two workers for every person who is retired.

Now, if you are living longer, expecting more out of the system and have fewer people paying for you, obviously in the long run we face a problem. In fact, that is why 3 million senior citizens sent $10 to James Roosevelt and his committee. Not because he scared them but because they were already scared and he simply sent them the opportunity to send in their money.

I think all of us have to confront the reality that we need to rethink at a fundamental level the whole question of how we take care of retirement, how we take care of a population which is going to grow older, and how do we take care of health care costs, which is in many ways one of the most rapidly rising of all factors in American life.

The fourth gap is one I encounter every day. It is between how much take-home pay, the standard of living and the quality of life we want and that which we get. I do not meet any Americans who think they are overpaid. I do not meet any Americans who think they would not like to live in a nicer neighborhood. I do not meet any Americans who would not like to take care of acid rain, eliminate toxic waste and generally improve the quality of life. Yet, all of those things require greater productivity and a higher ability to develop jobs, take-home pay and standard of life.

Fifth, there is a very real crisis building between the traditional values we believe in and the radical values that threaten us. I think there are two obvious examples. The AIDS epidemic is going to be, apparently, the most severe public health crisis in the 20th Century. Potentially a public health crisis which by early in the next century will rival the Black Death in its impact. The World Health Organization has projected that by the end of the century there may be as many as 100 million people carrying the disease around the planet. By early in the 1990's we may be losing more young men and women to AIDS every year than we lost in the entire Vietnam war. In addition to AIDS, we face a very real radical values threat in cocaine and heroin use. When we are told that there are 200,000 illegal drug abusers in New York City alone, we face a crisis that affects us in crime rate, when people rob us in order to pay for their habit. We face a crisis that threatens to corrupt our judges and our sheriffs when the drug dealers get rich enough that they can bribe the law enforcement system. We face a crisis in that literally there may be more Latin American intervention in the United States in the form of drug dealers than there is any threat of American intervention in Latin America.

Sixth, we have to confront the reality that the United States is the only country which can hold together the free world. We are the only nation big enough, we are the only country powerful enough, we are the only economy large enough. Yet, we are just not cutting it.

Anyone who has read Halberstam's new book, "The Reckoning," can see the difference in Japanese attitude toward the United States. Between the 1950's when the Japanese were in awe of us and thought we were a tremendously powerful and advanced country. In the 1980's when many of the Japanese hold us in contempt because they think we do not work hard enough, our schools are not tough enough, our technology is no longer advanced enough.

We face a real crisis and it is a crisis for reasons that go to the heart of celebrating our Constitution. We Americans believe in freedom. We think freedom is really important. We value it; we have fought for it for 200 years. Yet freedom cannot survive on this planet if America is weak.

□ 1710

If we are not big enough and strong enough and technologically advanced enough and well enough educated and economically rich enough to sustain freedom, who is going to suppress terrorism? Who is going to contain the Soviet empire? If we are not large enough to lead Germany and Japan, who is going to hold together an alliance that stretches right now from Berlin to Tokyo and on around the planet?

And yet the simple objective facts are that we are not growing our economy strong enough. We are not teaching our children well enough. We do not have the kind of lifetime learning to let our adults learn new careers. We are not investing enough and saving enough to build the factories for the high technology future. If we do not sustain those things in the long run, no matter what this year's defense budget, our defenses will grow weaker.

I raise this issue, sixth, the gap between the leader we need to be in the free world and the leader we are decaying toward, because I think that is the thing that drives everything else. If the United States was not the keystone of holding the other free world alliance, the first five gaps would make us uncomfortable, but we could survive them. We could decay. Great Britian decayed for over 60 years. Argentian has decayed. People do not realize it very often, but in 1920 Great Britain had the second standard of living in the world. Today Great Britain ranks about 23d. This is the year that the Italian standard of living per person will pass the British.

In 1920 Argentina ranked No. 7 in the world. Today after many years of misgovernment, dictatorship, and bad economic decisions, Argentina ranks below 50; yet while they have grown poorer compared to other countries, technology carried them along. They got radio and then television and then refrigerators and then air-conditioning; so the average person feels better even if their prosperity grew slower than that of their neighbor's.

The United States does not have that luxury. If we decide we can decay, we are deciding I think for our children and grandchildren to end the western alliance, to eliminate our capacity to lead the free world and we are deciding for a dramatically more dangerous world in which we cannot contain terrorism and we cannot contain the Soviet Empire.

Now, the six problems, the six gaps I have mentioned, are big problems. Anyone who thinks we are going to solve the problem of too much Government spending easily has not watched Washington for the last decade. Anyone who thinks we are going to compete easily with Japan or Hong Kong or Taiwan or West Germany or France has not looked at how good a competitor they have become. Anyone who thinks we are going to save enough to compete with the Japanese, we currently save 3 percent and they save 18 percent of their income, without changing our habits, has never been through a family who tried to change from saving 3 percent of its income to 18 percent. That scale change, whether it is personal or whether it is for the whole country, is a big change.

Anyone who thinks we are suddenly magically going to solve the Social Security problem or the Medicare problem or the health care problem without real long hard work does not understand either the politics or the reality of those issues, and I could go on.

Let me just say that anyone who thinks that spending more money in and of itself is going to solve the problem of AIDS or the problem of drug addiction has not looked at how real those problems are and we have learned the hard way in the Pentagon that just spending more money on defense does not necessarily get you a better defense. Yet if we are faced with those problems, what should we do about it?

Let me suggest, first, that we face that reality that just having more money spent not only is not going to solve the problem, it may make it worse.

I would suggest that if you look at some indicators, there are remarkable factors out there that suggest that spending more money in fact increases the problems. It does not decrease them, and spending more money makes it more likely that the country will get sicker.

If you look at what we have spent in recent years on certain things, it is phenomenal. Let me give you a list that was created by Steve Robinson of my staff who really went around and picked up some random facts that are startling. In 1971 annual expenditures, State, local, and Federal for family planning clinics was $11 million. By 1981, 10 years later, expenditures were $442 million.

In 1972, the teenage pregnancy rate for 15- to 19-year-olds was 95 per 1,000. By 1981, the rate was 113 per 1,000.

Teenage abortions went from 190,000 a year to 430,000 a year.

Source: Wall Street Journal, October 14, 1986.

In other words, after a 4,000-percent increase in family planning expenditures by Government, we increased the number of young girls who were having babies and we increased even more rapidly the number of young girls who were having abortions.

Second, participation in the school lunch program has fallen from 27 million in 1979 to 22.9 million in 1982; yet the cost has increased from $1.3 billion in 1975 to $2.5 billion in 1984.

Source: Republican Study Committee, March 18, 1986.

Third example: Government spending on 23.4 million poor in 1974 was $228 billion, or $9,744 per person. In 1984, the Government spent $368 billion or 33.7 percent more, or $10,920 per person.

Fourth example: In 1969 the poverty rate for children in West Virginia was 24.3 percent. In New York State that year, it was 12.7 percent.

By 1979, the West Virginia rate had fallen to 18.5 percent, while the New York rate had risen to 19 percent; yet New York's Aid to Family and Dependent Children benefit rates were

90 percent higher than in West Virginia.

Now, the source for that is the Wall Street Journal, March 26, 1986.

But consider that one indicator. In a decade, approximately, the relative positions of New York and West Virginia were swapped. West Virginia by some standards had less poverty and was therefore better off; New York had dramatically more poverty and therefore was worse off, yet New York was paying more to help the very people it supposedly wanted to help. In fact, by paying more it was apparently getting more people who were willing to be paid.

Fifth. Under the Emergency Jobs Act of 1983, the Federal Government spent $4,500,000,000 between June 1983 and June 1985 to create 35,000 jobs. Thus it spent $128,000 for each job created. Less than 40 percent of these jobs went to people who were previously unemployed, so the total cost to reduce unemployment by 14,000 jobs was $4,500,000,000, or $325,000 per job.

Estimates show that the average cost for the private sector to create a new job is $33,000 per job.

Source: Washington Times, February 19, 1987.

Let me emphasize the point here. In the Liberal Welfare State Great Society tradition of yelling, "Let's help jobs, let's help jobs," this Congress passed a bill to spend $4½ billion, entitled "The Emergency Jobs Act."

Now, how could you be against the Emergency Jobs Act? Yet the study done proves pretty conclusively that if the Government had not taken the money away from the private sector, if we had allowed corporations to invest that money and entrepreneurs to invest that money, they would have created 10 times as many jobs; so in a sense the Emergency Jobs Act by taking the money away, by spending it through bureaucracy, killed nine new jobs for every job it temporarily created.

Now, should a politician stand up here and be excited and happy about that? If this had been called "The Let's Kill Jobs Act of 1983", it could never have passed; yet the evidence is that by allowing the bureaucracy to spend the money stupidly, we took resources that could have built new computer chip factories to compete with Japan, new auto factories to compete with Germany, and instead of building the kind of factories we need and creating the kinds of jobs we need, we created government temporary jobs at a cost so large that for the 14,000 truly unemployed that were helped, we killed nine new jobs in the private sector for every single job we created through Government.

Sixth. In 1974, the average family farm income was $18,204, while the average U.S. family income was $13,094. In other words, in 1974 if you were on a typical family farm, you had a substantially higher income, about a 40-percent higher income than if you were a normal average family.

□ 1720

By 1984, 10 years later, the average family farm income was $23,658, while the U.S. family income was $27,464. In other words, in 10 years, time, the average farm family went from being 40 percent better off than the average family to being 10 percent worse off.

Now what was Government's contribution? As late as 1977, commodity crop payments to farmers were $3.8 billion. In 1986 they were $25.6 billion.

I think that the agricultural program is the best case to make the point that I want to make about the so-called homeless bill coming up this week. The No. 1 increase in Federal spending under Ronald Reagan has not been in defense, it has been in farming. The farm programs have gone up by close to 700 percent, an enormous increase, dramatically bigger than the defense buildup. What has happened is that Government spending went up; farmers' prosperity has gone down.

In Iowa there has been a drop in the value of the land, the very possession of which is the key to farming. In most of middle America grain farmers are in desperate trouble.

Are things better off because the Federal Government spent literally billions and billions of dollars? No, they are worse off. And why are they worse off? They were worse off because the large, powerful factors affecting America are bigger than Government can deal with head-on. They are worse off because just throwing money at the problem is not a solution.

I would have thought that in Jimmy Carter's years, when we finally ended up with 13-percent inflation and 21-percent interests rates, that Congress and the Democratic Party would have learned something. But look at the bill coming out this week; $500 million to help people who we are not sure how many there are, where they are, what kind of help they need, or what would be appropriate.

As the editorial that I read earlier from Science magazine indicates pretty clearly, we are repeating precisely the mistakes of Lyndon Johnson's Great Society. We are running directly back—now that the Democrats have both the House and Senate—we are running directly back to precisely the kind of big-spending, big-bureaucracy, centralized Government mess that got us back into inflation in the first place. And all year long, as the inflation rate grows higher, I hope that the liberal Democrats who are so eager will look carefully at what they are once again doing to America.

I want to carry it a stage further. It is not just a partisan problem; it is not just a liberal welfare state. The reality is that all of the six gaps that I described are very, very big. The problems facing America, facing us as a people, facing our communities, our families, our neighborhoods, are two or three magnitudes bigger than the solutions that our politicians and our news media have come up with.

Let me explain. A magnitude is a very big number; it is an order of 10. If you go out to lunch tomorrow and you think that you are getting a $2 meal and you make an order-of-magnitude mistake, they give you a check for $20. Three magnitudes then is huge—a tremendous differene.

The best analogy that I can draw is, imagine that we in Washington, DC, are trying to get quickly to Los Angeles, a distance of about 2,500 miles. In a solution three orders of magnitude too small, someone would come in here and say, "Let's start walking west. The U.S. Congress ought to walk west, and we can get to Los Angeles, because we can go 2½ miles."

Now 2½ miles is literally three orders of magnitude too small, if your problem is to get to Los Angeles. Anywhere else in the United States, if somebody came in and said, "Let's start walking to L.A.," he would be shrugged off. You would laugh him out of the room. You'd say, "Who's got the next idea?"

In Washington, DC, not only is the proposal to walk west 2½ miles taken seriously, it is good for at least 3 years of hearings, and the major public-policy debate becomes whether to walk west in Nikes or Reeboks.

If Members think that I am exaggerating, let them read the Science magazine editorial on the homeless, or let them read the recent Congressional Quarterly story on the homeless, which points out that the current argument over the number of homeless in Chicago is a magnitude. The most accurate count seems to be that there are in fact only 10 percent as many homeless as the people who get on television say that there are.

Now which group is the Congress helping, the 90 percent that apparently does not exist, or the 10 percent that does exist, but we cannot find right now, because a very significant proporation of them are in fact mental health problems, not problems of economics?

If we build section 8 housing for the homeless and they refuse to stay in it, because in fact 75 percent are young males who often have either a drug problem or a schizophrenic problem, are our friends then going to come in and say next that we need homeless police who make them stay in the section 8 housing?

This is a mindless exercise in precisely the kind of solution that is characterized as saying, "Why don't we walk west and we can get to Los Angeles." It is simply not based on accurate studies. It is not based on any kind of knowledge. And there is no serious group in the Congress saying, "Why don't we study the problem seriously? Why don't we hire the best people in the country? Why don't we look at it carefully?" And we might discover, by the way, that virtually all the problem could be taken care of by doing virtually two things: by encouraging churches and synagogues to take care of the relatively small numer of people who are not a mental health problem, and then dealing with the mental health part of this problem as a mental health problem.

That would eliminate the $500 million bill, which is simply throwing money at the bureaucracy and hoping that it acts intelligently, something which I would have thought that the entire Great Society would have taught us is not a very successful program.

But if Washington is a city where the average politician says, "Let's walk west 2½ miles" and then debates it for 3 years, you can appreciate why some politicians get called "new ideas" politicians because they run into the room and say, "I know, why don't we jump in my car and start driving west; we can get 25 miles." That is a full order of magnitude higher than walking.

Let me make a suggestion to my colleagues. I think that this is the central issue for 1987 and for 1988 in this country. The only technically correct solution to the great challenge of getting to Los Angeles quickly from Washington, DC, is an airplane. It can be a turboprop or a jet; it can be a commercial airliner or a private plane or a corporate plane or a military plane, but it is an airplane.

Now an airplane is a lot bigger than walking west, and I have a suggestion: That this Congress not just talk about being the 100th Congress; that we not just talk about how we have a historic moment in history; that we not just talk about the Constitution; but that this Congress instead try to live up to the parallel to our Founding Fathers.

You know, they had enormous courage. They were willing to get together and try to change dramatically what they were doing. They were willing to take real risks.

When the Founding Fathers gathered in Annapolis, which is where it first started, a group got together and they said, "You know, we're just not solving our problem. We're just not able to make the Articles of Confederation work. We're worried about America. It's not strong enough to deal with foreign countries; its economy isn't solid; it's not getting the job done. How do we help America get stronger?"

They did not promptly rush out and pass a $500 million bill so that they could issue a press release and go home patting themselves on the back. They said, "This is going to be hard, and it's not going to be done by 10 or 15 people. We're not a dictatorship."

They reached out across the whole country. They asked all of the people. Remember how the Constitution begins. It does not say, "The Government of the United States." It says, "We the people." Notice how important that that is.

It starts with the notion of "We, the people" because the Founding Fathers went back to the people and said, as I am trying to say here to my colleagues and also to anyone else who is watching or reading later, we, the people, have six enormous gaps. We, the people, have to invent major airplanes. We have to invent programs big enough, of the right order of magnitude, to meet those gaps. We, the people, have to recognize that this is not going to be easy.

The reason nobody has done it in the Democratic or Republican Party is simple: It is very hard, and it is very scary. No one wants to go home and talk about the fact that we have added 11 years of life and zero years of retirement, because they are scared. Nobody wants to go home and suggest that AIDS may have 100 million people carrying it by the end of the century around the world, because they are scared. Nobody wants to look across the river at McNamara's Pentagon and admit that it is a huge bureaucratic monstrosity that has to be overhauled from the bottom up, because it is scary.

□ 1730

Yet, I would suggest that the 200th anniversary of the Constitution is the perfect time to say, all right, let us be Americans; let us roll up our sleeves; let us look reality in the face; let us get the job done. And how did the Founding Fathers do it?

First of all, they had the courage to say to the country we need to face up to the fact that we need fundamental change, and we need to do what is necessary. Then they said, why not elect representatives to go to Philadelphia to the Constitutional Convention and ask them to really look at it from the ground up, ask them to rethink it. And let me suggest to my colleagues that there is a rule that Peter Druker describes in his management books: He says if you are not already doing something would you start it, and if you would not start it, then just maybe you should consider the possibility that you should quit doing it.

If we were to really look, for example, at all of our current civil service rules, would we really keep them? Would we really invent a system that makes it impossible to fire somebody no matter how insolent they are, no matter how seldom they show up, no matter how they treat citizens?

Is it any wonder, given current civil service rules, how angry the average American gets at the Internal Revenue Service agent, or how frustrated the veteran gets when they go to the veterans' hospital and all too often, as I was told this morning—I am not making this up, but I was told by six veterans in my office this morning that they deal with somebody who is just working 9 to 5, and they are going home, and you have to wait your turn in line, and they could care less who you are, and that is what I was told, because it is a Government bureaucrat and they do not care. Would we really invent a civil service set of rules that are that cumbersome and complex? I do not think we would really design procurement at the Pentagon that is so complicated that it takes us twice as long to field a new weapons system as it should and it is twice as expensive. I do not think so.

Would we really go out and say we are going to deal with AIDS as though it is a civil liberties issue, even though it may kill 50,000 people a year in the 1990's? I do not think so.

In area after area would we really say there is nothing we can do about 20,000 drug addicts in New York City? I do not think so. But that requires starting at the beginning and reasking the tough questions. Would we accept a Congress that is going into its third month and has had a handful of votes, almost no serious sessions, no real debate, and yet thinks of itself as the 100th Congress?

If you were designing from the ground up, would you have all of these subcommittees, all of these little chairmen with little fiefdoms running around with all of these extra staffers designed to write press releases so that their bosses look important? Would you really keep all kinds of rules to make the Congress cumbersome and difficult and expensive?

Would we accept the notion that as a country we cannot solve our problems and so we just try to hide from them, which is frankly what both parties are tempted to do in all too many areas. The Democrats do not seem eager to reform the welfare state, and Republicans all too often are not eager to cut the Defense Department. Each has pet sacred cows, and we are too willing to gore or goad the other side's sacred cows. But in fact, as a community, as America, do we not need to focus on all of them? Do we not need to say that our goal is, by the end of this century, to rethink health care, to rethink education, to rethink retirement, to rebuild America so that by the year 2000, which is not very far away—13 years, think about it—in the not very distant future a child born today, this year, will graduate from high school in the 21st century. Should not out goal be to do whatever is necessary for that child to be able to have the kind of education, the kind of job, the kind of Government that allows us to compete with anyone anywhere in the world?

Over the next few months I am going to systematically lay out the kinds of changes that I think have to be considered, not because there is any Gingrich plan that in and of itself is necessarly appropriate, not because there is a Gingrich idea or a Gingrich solution which in and of itself has to be adopted, but because we need to start arguing about airplanes. And those airplanes are not just money. We need to start arguing about big solutions, big approaches.

There are changes. I was very struck with the recent U.S. News February 23 issue, the cover of which was entitled, "Lying in America: Public Concern Over Honesty and Standards of Behavior Has Reached the Highest Level Since Watergate." That is the title.

The question I would ask is it would be easy just to point to the White House. Let us look at Wall Street with people being arrested and handcuffed. Let us look at the U.S. Congress where we have at least one committee chairman who has been cited to the Ethics Committee, and no report has ever been issued. Let us look at the whole notion that, of course, we expect politicians to lie; we expect campaigns to be deceptive. It seems to me those are not functions of money; those are functions of changing behavior, changing values, and changing assumptions.

Finally, let me suggest a scary benchmark for all of us. Andrei Sakharov, the Soviet physicist, said recently, talking about Gorbachev's proposed reforms, "Something real is happening." Any younger American who thinks we are going to be able to compete with Japan economically and the Soviets diplomatically and militarily without rethinking what we are doing had better look at what Gorbachev is up to. Here is a relatively young dictator who may well be in charge of his country for 25 years who is starting off saying at the most basic, fundamental levels that he is going to shake up the Soviet system.

Now if we are going to compete with somebody like that, without shaking up the American system, we are just kidding ourselves.

Let me close on an optimistic note. There is a recent Focus report, issued by the Roosevelt Center for American Policy Studies in February, which every Member of this Congress ought to look at. It is entitled. "One year To Go: Citizen Attitudes In New Hampshire."

These are their major findings. They say, first of all, while participants expressed satisfaction with current levels of employment, inflation, and interest rates, they displayed great anxiety about the future of the economy. The Federal budget deficit is viewed as a drag on the future.

The trade deficit is seen as a threat to jobs and prosperity. Overall there is a pervasive unease about the future of the economy.

Finding 2: Beyond this generalized economic anxiety, participants expressed life cycle economic fears. Younger people worried about that home ownership was out of reach; middle-aged parents worried about providing quality college education for their children; older participants worried about catastrophic illness and about the viability of the Social Security System.

Finding 3: There were deep concerns about social conditions in our country.

Finding 4: Across the political spectrum, participants were troubled about the moral condition of American society.

Finding 5: Current U.S. foreign policy is not going well.

Finding 6: Overall participants were not too optimistic or enthusiastic about the direction of the country.

They then went on at the Roosevelt Center to ask questions about politics, and there are a couple of key things I would suggest. Finding No. 3 was participants had numerous negative feelings about the current political and Presidential selection process.

Listen to these words:

> Participants felt that the process was essentially manipulative, dominated by pollsters and media experts who instructed candidates in successful dissembling. Participants felt the political process overloads them with information that is unnecessary, unreliable, or contradictory. Participants felt that the political process emphasizes negative dialogue about the past at the expense of positive discussions of the future.

I think that the Roosevelt Center is doing all of America a service with this kind of Focus group. They got people together who are registered voters in both parties, and they sat them down, and they listened for several hours to what they were concerned about. I think every politician who cares about this country should take heart from that Focus group, because what did they say? They said they know America is in trouble. They said they really have to solve some big problems. They said those problems relate to us as people; they relate to us if we are young and we want a job and we want a house. They relate to us when we are middle-aged and want to make sure our kids get through school; they relate to us when we are older and we worry about Social Security and about catastrophic illness.

□ 1740

They also said they were tired of the mud-slinging, negative campaigning, and they were ready for a serious dialogue.

My proposal is simple: The pressures to pass liberal-welfare-state politics-as-usual bills is going to be overpowering. We already see it coming this week. The pressure to throw money at problems and suggest that that will somehow solve them is going to be enormous.

I would like to suggest to my colleagues and to every American that the No. 1 challenge today for politicians, for the news media, and for citizens is to rethink what we are doing, not just to spend more money doing it; to reexamine every program, not just to spend 6 percent more or 6 percent less, and to re-think how we do it.

I was very struck recently with an essay on welfare, which made the point that serious welfare reform is not just a function of the Federal Government, it is not just a function of the state government, it is in fact a function of the entire society. That we as a community have an obligation to deal with it.

Michael Novak wrote an article entitled, "A Chance to Change Our Welfare Ways." He made the point that in a bipartisan, nonideological group—they had 20 scholars get together, all the way from the left to the right. They studied it; they issued a report called "A Community of Self-Reliance: The New Consensus on Family and Welfare."

They came up with 10 major recommendations. This is what Novak says:

> Families, schools, religious institutions, professional associations of every kind, and the media must become involved in responding to the plague of dependency. Thus, four of the recommendations outline principles for the private sector.
>
> The last six are for government. The most important call attention to the following principles:
>
> Every benefit to able-bodied persons entails obligations to society.
>
> These obligations include accepting the responsibility to support one's own children through work and to give one's children a sound education in the home and at school.
>
> Clear and fair sanctions are required for those who do not meet work obligations, since public policy must assist the needy not only finacially, but also by *signaling* the behaviors required of citizens in a free society.
>
> The principle of federalism must be respected, but adjustments are needed to give states and localities the necessary room for innovation. States and localities are currently at the leading edge of new programs to attack dependency at its roots.

I draw from all this, in closing, these thoughts. First, the bill coming up this week should be sent back to committee. We do not need another Great Society program, to spend $500 million without thinking. We need a clear, carefully designed, systematic approach to understand the mental health component of homelessness, to design a national program that is not just a Washington program, is not just a Federal Government program, but draws on neighborhoods, on churches and synagogues, on voluntary associations, on city governments, and on state governments before we even think about the Federal Government.

The Federal Government's job should be to figure out what it is that we are confronted with in the form of the mental health concerns with the homeless and how we could shape a national policy within which each of those local elements could be developed.

Second, this Congress should decide, frankly, to quit wasting time. When Brazil is potentially going to default on $105 billion, when Lebanon is in the process of being occupied by the Syrian army, when Gorbachev is working hard to modernize the Soviet Union, when our young people in school this afernoon are getting less education than the Japanese or Germans they have to compete with for a lifetime, we need to be working. We need to be focusing on the right issues. We are not doing that.

We are not, in my judgment, earning the right to really consider ourselves the 100th Congress. We are not earning the right to go and celebrate the Constitution in Philadelphia. We are not doing the things the Founding Fathers would have hoped for.

It is not too late, but time is running. We are on a tightrope. Ronald Reagan led America back for the chaos and the collapse of the liberal welfare state, from 13-percent inflation, 22-percent interest rates, and massive unemployment.

The indicator in January, as the inflation rate went back up to 8.7 percent, the highest in 4½ years, is that if we do bad things we can make ourselves sick. Much like an alcoholic who has been temporarily better, we run the great danger that if starting this week we reach out for $500 million here and $2 billion there and $7 billion there, by the end of this year we will once again be sick.

It is possible to go back into the swamp of the liberal welfare state, to create once again the bureaucracy, the mindless spending, the habit of throwing money at problems, that made America sick in the seventies.

We are not a very healthy society. It would not take much to push us into a recession; it would not take much to push us into inflation. We have an even less healthy world economy. It would not take much to cause a great debt crisis, and in fact to recreate the conditions of the Great Depression.

We are playing with fire. This Congress should stop that practice now, should begin rethinking what we are doing, and should lay on the table all of the challenges necessary to make America healthy again.

Ronald Reagan, in his first inaugural, in 1981, standing on the Capitol steps, said: "We have every right to dream heroic dreams. After all, we're Americans."

Let me suggest that he did not mean by that that we were black or white or yellow or brown or red. He did not mean by that that we had been born on the North American continent. That American was a way of life, a way of thinking; it was the Declaration of Independence, the Constitution, the rule of law; it was the process of free elections; it was the economic power of the free enterprise system; it was the inventiveness of high technology improving our lives.

I would say in all honesty that while the first term of Ronald Reagan solved a number of problems and brought us up from the swamp of the liberal welfare state, for 2 years now we have been marking time. We have been slowly drifting and we are about to start getting sicker again.

If we are to regain the right to say to our children and our grandchildren, "We have every right to dream heroic dreams," we have a lot of work to do. This Congress is currently not doing it. This week is measured against the challenges we face, a minor disaster. It is time to quit wasting our time; it is time to quit wasting our money; it is time to force ourselves to the difficult challenge of looking at those six gaps and forcing the right magnitude of solutions and beginning the real debate about how to have a healthy, safe, prosperous, and free America in the 21st century.

DEMONSTRATING THE NUMBER OF HOMELESS IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. CONYERS] is recognized for 30 minutes.

Mr. CONYERS. Mr. Speaker, we gather here on the eve of the passage of a very important bill that addresses the alarming increase of homelessness in the last few years. We have homeless relief legislation made the top priority of the Congress, in which we now take Federal action in response to the overwhelming evidence that the explosion in the number of homeless has outrun the ability of the local governments, charitable organizations and individuals to cope with the problem.

Cities across the country, from Los Angeles to Washington, report that homeless people, including those with families and children, are routinely being turned away from emergency shelters due to the lack of space.

So I join with a number of my colleagues who tonight will, with Mitch Snyder and others, spend a night out on the grates to indicate to the President of the United States, who said that he did not know of any homeless, that they are all around us here in the Nation's Capitol; they are on the 17th Street side of the Executive Office Building; they are in Lafayette Park, across from the White House on Pennsylvania Avenue; they are in front of the Library of Congress; they are all over. It is hard not to have seen them.

In my city of Detroit, we think there are about 27,000 homeless people. In my State of Michigan, there are 90,000. In America, there are somewhere between 3 and 4 million; we do not really know for sure, nobody has ever counted them.

Because of the studies that have gone on and the increased attention, we know homelessness is a cause of the following: Increased unemployment, inadequate community resources for the mentally ill, many of them desperately need help; increased in personal crises, cuts in public assistance, and the decline of the number of low-cost, low-income housing units that are available.

□ 1750

So we will be taking up for probably rather speedy passage a new bill that will bring new money into the Federal Emergency Management Agency, at least tripling the amount of money that will be going to the homeless in America.

I want to congratulate the Speaker and the majority leader, the more than 100 Members who have cosponsored this legislation and to let everybody know that the time has come that we face up to this problem. The homeless have been unseen for far, far too long. What we are going to be doing tonight to continue to dramatize this situation and what we will be doing here in the Congress tomorrow, I think is evidence of the compassion and understanding of the situation that millions of Americans are facing.

I am very pleased to be a part of this endeavor.

I hope that more people in America will realize that this problem is one that can no longer be ignored. We know there are many more homeless than there used to be. We know that there are these tremendous sociological problems that are bearing down upon us. We are saying to everybody in this country that no one needs to be homeless.

So I join very proudly in this effort with those who have worked with Mitch Snyder, with the Coalition for the Homeless across this country, we join in and say that there can be a remedy fashioned, there is a solution and I think this is a most encouraging thing that has happened in the last several years on this subject.

Mr. Speaker, I yield back the balance of my time.

SUBMISSION OF RULES OF THE SELECT COMMITTEE ON AGING OF THE HOUSE FOR THE 100TH CONGRESS

(Mr. ROYBAL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROYBAL. Mr. Speaker, pursuant to the requirement of clause 2(a) of rule XI of the Rules of the House of Representatives, I submit herewith the rules of the Select Committee on Aging for the 100th Congress in the RECORD at this point. The rules were adopted by the committee on February 25, 1987.

RULES OF PROCEDURE—SELECT COMMITTEE ON AGING

(As adopted February 25, 1987, 100th Congress, 1st Session)

INTRODUCTION

The permanent Select Committee on Aging was established on October 2, 1974 when the amendment to H. Res. 988, the Committee Reform Amendments of 1974, was adopted by the House. The amendment was subsequently incorporated in the Rules of the House of Representatives as Rule X (i), which reads as follows:

(g) There shall be in the House the permanent Select Committee on Aging, which shall not have legislative jurisdiction but which shall have jurisdiction

(1) to conduct a continuing comprehensive study and review of the problems of the older American, including but not limited to income maintenance, housing, health (including medical research), welfare, employment, education, recreation, and participation in family and community life as self-respecting citizens;

(2) to study the use of all practicable means and methods of encouraging the development of public and private programs and policies which will assist the older American in taking a full part in national life and which will encourage the utilization of the knowledge, skills, special aptitudes, and abilities of older Americans to contribute to a better quality of life for all Americans;

(3) to develop policies that would encourage the coordination of both governmental and private programs designed to deal with problems of aging; and

(4) to review any recommendations made by the President or by the White House Conference on Aging relating to programs or policies affecting older Americans.

The Honorable William J. Randall of Missouri was appointed the first Chairman of the new Select Committee on Aging by Speaker Carl Albert on February 6, 1975.

The Honorable Claude Pepper succeeded as Chairman on January 17, 1977, having been appointed by Speaker Thomas P. O'Neill, Jr.

The Honorable Edward R. Roybal succeeded Congressman Pepper as Chairman on January 1983, also having been appointed by Speaker Thomas P. O'Neill, Jr.

In keeping with House rules that committees with membership of 20 or more members have at least 4 subcommittees, the following subcommittees have been established:

Subcommittee No. 1—Retirement Income and Employment, Mr. Roybal, Chairman, Mr. Tauke, Ranking Minority Member.

Subcommittee No. 2—Health and Long-Term Care, Mr. Pepper, Chairman, Mr. Regula, Ranking Minority Member.

Subcommittee No. 3—Housing and Consumer Interests, Mr. Bonker, Chairman, Mr. Hammerschmidt, Ranking Minority Member.

Subcommittee No. 4—Human Services, Mr. Biaggi, Chairman.

RULE NO. 1—GENERAL PROVISIONS

(a) Rules of the House—The Rules of the House are the rules of the Permanent Select Committee on Aging and its subcommittees so far as applicable, except that a motion to recess from day to day is a motion of high privilege in committee and subcommittee.

(b) Authority to sit and act—For the purpose of carrying out any of its functions and duties under House Rules X and XI, the committee is authorized to—

(1) sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(2) require, subject to Committee Rule 6, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it deems necessary. The Chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(c) Investigations—The committee is authorized at any time to consider such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of an expense resolution) to incur expenses (including travel expenses) in connection therewith.

(d) Application—Each subcommittee of the committee is a part of the committee and is subject to the authority and direction of the committee and to its rules so far as applicable. Except where the terms "full committee" and "subcommittee" are specifically referred to, the following rules shall apply to the Select Committee on Aging and its subcommittees as well as to the respective chairmen.

RULE NO. 2—REGULAR AND SPECIAL MEETINGS

(a) Regular Meeting Days—The Permanent Select Committee on Aging shall meet on the First Thursday of each month at 2:00 p.m. except when the House of Representatives has adjourned or recessed, except that regular meetings shall be cancelled when they conflict with meetings of either party's caucus or conference. The chairman is authorized to dispense with a regular meeting or to change the date thereof.

(b) Special Meetings—The Chairman may call additional meetings when circumstances warrant. A special meeting of the committee may be requested in accordance with the provisions of House Rule XI 2(c). Subcommittees shall meet at the call of the subcommittee chairman.

RULE NO. 3—PROCEDURE FOR HEARINGS AND MEETINGS

(a) Open meetings and hearings—All meetings and hearings shall be open to the public except when the committee, in open session and with a majority present, determines by a rollcall vote that all or part of the remainder of the meeting or hearing on that day shall be closed to the public. All meetings and hearings of the Committee shall also be conducted in accordance with the provisions of House Rule XI (2)(g)(1) and (2).

(b) Agenda—Every member of the Committee, unless prevented by unusual circumstances, shall be provided an agenda at least 3 calendar days (excluding Saturdays, Sundays and legal holidays) prior to each meeting or hearing explaining—

(1) the purpose of the meeting or hearing; and

(2) the names, titles, background and reasons for the appearance of any witness. The minority staff shall be responsible for providing the same information on witnesses whom the minority may request.

The Chairman, with the consent of the ranking Minority Member, may waive the 3 calenadar day requirement.

(c) Ranking Majority Member to Preside—If the chairman is not present at any meeting of the committee, the ranking member of the majority on the committee who is present shall preside at that meeting.

(d) Coordination—In order that the chairman of the full committee may coordinate committee facilites and hearing plans, each subcommittee chairman shall notify him of any hearing plans at least two weeks in advance of the date of commencement of hearings, including the date, place, subject matter, and the names of witnesses, willing and unwilling, who would be called to testify, including, to the extent he is advised thereof, witnesses whom the minority members may request. The minority members shall supply the names of witnesses they intend to call to the chairman of the full committee or subcommittee at the earliest possible date.

(e) Public notice—The chairman of the committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before the commencement of the hearing. If the chairman determines that there is good cause to begin the hearing sooner, he shall make the announcement at the earliest possible date.

(f) Subcommittee hearings—A subcommittee holding hearings in the field may hold a hearing on any matter that is within the committee's jurisdiction, whether or not the matter falls within the jurisdiction fixed for that subcommittee.

(g) Investigative hearings—Investigative hearings held by the committee shall be conducted in accordance with House Rule XI 2(k).

(h) Broadcast of hearings—When approved by a majority vote of the committee, an open meeting or hearing of the committee may be covered, in whole or in part, by television broadcasts, radio broadcasts, and still photography, or by any such methods of coverage, subject to the provisions of House Rule XI, 3. In order to enforce the provisions of this paragraph, or to maintain an acceptable standard or dignity, propriety and decorum, the committee may order such alteration, curtailment, or discontinuance of coverage as it determines necessary.

(i) Public record—A stenographic record of all testimony shall be kept of public hearings and shall be made available on such conditions as the chairman may prescribe.

RULE NO. 4—SCHEDULING OF WITNESSES; INTERROGATION

(a) Procedure—A committee member may question a witness only when recognized by the chairman for that purpose. In accordance with House Rule XI 2(j)(2), each committee member may request up to 5 minutes to question a witness in any hearing until each member who so desires has had such opportunity. Until all such requests have been satisfied, the chairman shall, insofar as practicable, recognize alternately on the basis of seniority those majority and minority members present at the time the hearing was called to order and others on the basis of their arrival at the hearing. Thereafter, additional time may be extended at the discretion of the chairman.

(b) Statements—Witnesses appearing before the committee shall, as far as practicable, submit written statements at least twenty-four hours in advance of their appearance.

(c) Scheduling of witnesses—Whenever any hearing is conducted by the committee upon any measure or matter, every effort shall be made to insure broad representation from interested groups and individuals in order to insure a balanced hearing record faithfully representative of all views, both pro and con, on such measure or matter.

(d) Minority witnesses—The minority party members of the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

RULE NO. 5—PROXIES

(a) In general—A member may vote by proxy on any measure or matter before the committee and on any amendment or motion pertaining thereto.

(b) Limitations—A proxy shall be in writing and be signed by the member granting the proxy; it shall show the date and time of day it was signed and the date for which it is given and the member to whom the proxy is given. Each proxy authorization shall state that the member is absent on official business or is otherwise unable to be present, and shall be limited to the date and the specific measure or matter to which it applies; and, unless it states otherwise, it shall apply to any amendments or motions pertaining to the measure or matter.

RULE NO. 6—SUBPOENA POWER

(a) Authority to issue subpoenas—A subpoena may be authorized and issued by the committee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or any member designated by the committee. The provisions of House Rule XI (2)(m) shall apply to the operation of this Rule.

(b) Enforcement of subpoenas—Compliance with any subpoenas issued by the committee may be enforced only as authorized by the House.

RULE NO. 7—COMMITTEE PUBLICATIONS

(a) Reports—No report, staff study or other document which contains findings, conclusions, policy recommendations or suggestions or which purports to express publicly the findings or recommendations of the committee may be released to the public or filed with the Clerk of the House unless approved by a majority of the committee at a meeting, a quorum being present.

(b) Additional views—If, at the time of approval of any measure or matter by the committee, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report approved by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that any such supplemental, minority, or additional views are included as part of the report.

(c) Other reports—Any report, staff study or other document printed by the committee for release to the public and not approved by the committee shall bear on its cover the following disclaimer: "This document has been printed for informational purposes only. It does not represent either findings or recommendations adopted by this Committee."

RULE NO. 8—QUORUMS

(a) In general—One-third of the members of the committee shall constitute a quorum of the committee for the purpose of convening meetings and conducting business (other than for the consideration of any report, measure or recommendation, and voting on the authorization of subpoenas and on the closing of hearings and business meetings to the public). The provisions of House Rule XI (2)(f) shall also apply to the operation of this rule.

(b) Quorum for taking testimony—Two members shall constitute a quorum for taking testimony and receiving evidence.

(c) Points of order—Any committee member present at a committee meeting may make a point of order that a quorum is not present under the conditions set forth in this rule, but a quorum shall be deemed present unless a member objects to the transaction of business because of the lack of a quorum.

RULE NO. 9—ROLLCALLS

A rollcall of the members may be had upon the request of any member.

RULE NO. 10—COMMITTEE RECORDS

Generally—(a) The committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting. (b) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member and shall be available for public inspection at the discretion of the Chairman in consultation with the Ranking Minority Member.

RULE NO. 11—COMMITTEE BUDGET

(a) *Preparation*—The chairman of the full committee shall prepare, after consultation with the subcommittee chairmen and ranking minority member, a budget for the committee which shall include an adequate budget for the subcommittees to discharge their responsibilities.

(b) *Approval*—After the budget has been approved by the majority caucus, the chairman shall submit it to the full committee for consideration at a meeting, a quorum being present.

RULE NO. 12—TRAVEL

(a) *In general*—Any member of the committee may initiate travel requests to include travel requests for staff personnel.

(b) *Limitations*—Travel requests originating in a subcommittee must be approved by the chairman of the subcommittee. Requests for travel by minority members or minority staff are subject to the approval of the ranking minority member of the committee. All travel entailing the use of committee funds is subject to the final approval of the chairman.

RULE NO. 13—STAFF

(a) *In general*—Except as otherwise provided by House Rule XI, clauses 5 and 6, the staff of the committee shall be subject to the direction of the chairman of the full committee and shall perform such duties as he may assign.

(b) *Authority*—The chairman of the full committee shall have authority to hire and discharge employees of the professional and clerical staff of the full committee and of subcommittees subject to appropriate approval.

(c) *New positions*—No authorization for the creation of new positions shall be approved unless first approved by the majority caucus and subsequently by a majority vote of the committee, a quorum being present.

RULE NO. 14—AMENDMENTS OF RULES

(a) *In general*—The rules of the committee may be modified, amended, or repealed by a majority vote of the members voting at a meeting at which a quorum is present.

(b) *Limitations*—Written notice of any proposed change shall be provided to each member of the committee not less than 3 calendar days (excluding Saturdays, Sundays and legal public holidays) before the meeting date on which such change is to be considered.

RULE NO. 15—SUBCOMMITTEES

(a) *Establishment*—There shall be four (4) subcommittees with which shall have assigned or fixed jurisdictions.

(b) *Sizes and ratios*—The chairman of the full committee shall consult with the ranking minority member with respect to the size of each subcommittee, with due regard for the preference of members for subcommittee assignments, except that party representation on each subcommittee shall be no less favorable to the majority party than the ratio for the full committee.

(c) *Ex officio members*—The chairman and ranking minority member of the full committee shall be ex officio members of all subcommittees. They are authorized to vote on subcommittee matters; but, unless they are regular members of the subcommittee, they shall not be counted in determining a subcommittee quorum other than a quorum for the purpose of taking testimony.

(d) *Non-member participation*—Any member of the committee shall have the privilege of sitting with any subcommittee during its hearings or deliberations and participate therein, but shall not have authority to vote on any matter, nor be counted present for the purpose of a quorum for any subcommittee action, nor, except as the subcommittee chairman or a majority of the subcommittee may permit, participate in questioning witnesses under the five minute-rule, nor raise points of order unless such member is a member of such subcommittee.

(e) *Task Forces*—The chairman of the full committee may appoint task forces as he deems appropriate and necessary. The party representation of such task forces shall be determined in the same manner as party representation on subcommittees.

SELECT COMMITTEE ON AGING

Edward R. Roybal, Calif., chairman.
Claude Pepper, Fla.
Mario Biaggi, N.Y.
Don Bonker, Wash.
Thomas J. Downey, N.Y.
James J. Florio, N.J.
Harold E. Ford, Tenn.
William J. Hughes, N.J.
Marilyn Lloyd, Tenn.
Mary Rose Oakar, Ohio.
Thomas A. Luken, Ohio.
Beverly B. Byron, Md.
Dan Mica, Fla.
Henry A. Waxman, Calif.
Mike Synar, Okla.
Butler Derrick, S.C.
Bruce F. Vento, Minn.
Barney Frank, Mass.
Tom Lantos, Calif.
Ron Wyden, Oreg.
Geo. W. Crockett, Jr., Mich.
William Hill Boner, Tenn.
Ike Skelton, Mo.
Dennis M. Hertel, Mich.
Robert A. Borski, Pa.
Rick Boucher, Va.
Ben Erdreich, Ala.
Buddy MacKay, Fla.
Norman Sisisky, Va.
Robert E. Wise, Jr., W. Va.
Bill Richardson, N. Mex.
Harold L. Volkmer, Mo.
Bart Gordon, Tenn.
Thomas J. Manton, N.Y.
Tommy F. Robinson, Ark.
Richard H. Stallings, Idaho.
James McClure Clarke, N.C.
Joseph P. Kennedy II, Mass.
Louise McIntosh Slaughter, N.Y.
Matthew J. Rinaldo, N.J.
John Paul Hammerschmidt, Ark.
Ralph Regula, Ohio.
Norman D. Shumway, Calif.
Olympia J. Snowe, Maine.
James M. Jeffords, Vt.
Thomas J. Tauke, Iowa.
George C. Wortley, N.Y.
Jim Courter, N.J.
Claudine Schneider, R.I.
Thomas J. Ridge, Pa.
Christopher H. Smith, N.J.
Sherwood L. Boehlert, N.Y.
Jim Saxton, N.J.
Helen Delich Bentley, Md.
Jim Lightfoot, Iowa.
Harris W. Fawell, Ill.
Jan Meyers, Kans.
Ben Blaz, Guam.
Patrick L. Swindall, Ga.
Paul B. Henry, Mich.
Bill Schuette, Mich.
Floyd Spence, S.C.
William F. Clinger, Jr., Pa.
Constance A. Morella, Md.
Patricia F. Saiki, Hawaii.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANNUNZIO (at the request of Mr. FOLEY), for today through Thursday, March 5, on account of illness in the family.

Mrs. LLOYD (at the request of Mr. FOLEY), for today on account of illness.

Mr. MAVROULES (at the request of Mr. FOLEY), for today on account of illness.

Mr. MCGRATH (at the request of Mr. MICHEL), for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. MORELLA) and to revise and extend their remarks and include extraneous material:)

Mr. ARCHER, for 60 minutes, on March 10.

Mr. ROTH, for 60 minutes, on March 3.

Mr. EMERSON, for 30 minutes, on March 4.

Mr. COMBEST, for 60 minutes, on March 18.

Mr. GINGRICH, for 60 minutes, today and 60 minutes, March 5.

(The following Members (at the request of Mr. GINGRICH) and to revise and extend their remarks and include extraneous material:)

Mr. SHUMWAY, for 60 minutes, on March 5.

Mr. LUNGREN, for 5 minutes, on March 4.

(The following Members (at the request of Mr. DYMALLY) and to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, on March 3, 4, and 5.

Mr. LAFALCE, for 5 minutes, on March 3, 4, and 5.

Mr. CONYERS, for 30 minutes, today.

Mr. BRUCE, for 60 minutes, on March 11.

Mr. PANETTA, for 60 minutes, on March 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. MORELLA) and to include extraneous matter:)

Mrs. SAIKI.
Mr. LUNGREN.
Mr. FAWELL.
Mr. FRENZEL.
Mr. RINALDO.
Mr. GRADISON.
Mr. BROOMFIELD in four instances.
Mr. CRANE in two instances.
Mr. BARTON of Texas.
Mr. MILLER of Ohio in three instances.
Mr. LEWIS of California.
Mr. OXLEY.
Mr. BAKER.
Mr. SOLOMON in four instances.
Mr. KEMP in two instances.
Mr. KYL.
Mr. MCGRATH.
Mr. COURTER in two instances.
Mr. COATS.
Mr. SCHULZE.
Mr. LIGHTFOOT.
Mr. HENRY.
Mr. SAXTON.
Mr. WEBER.

(The following Members (at the request of Mr. DYMALLY) and to include extraneous matter:)

Mr. YATRON in two instances.
Mr. FRANK.
Mr. DYMALLY.
Mr. TRAFICANT.
Mr. VENTO.
Mr. HOCHBRUECKNER in two instances.
Mr. MINETA.
Mr. DWYER of New Jersey.
Mr. WAXMAN.
Mr. HALL of Ohio in two instances.
Mr. MILLER of California in two instances.
Mr. STUDDS.
Mr. RAHALL.
Mr. STARK.
Mrs. LLOYD in two instances.
Mr. RODINO in two instances.
Mr. NELSON of Florida.
Mr. ORTIZ.

ADJOURNMENT

Mr. CONYERS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 4, 1987, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

729. A letter from the Secretary of Education, transmitting a copy of final regulations for postsecondary education programs for handicapped persons, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

730. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

731. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting notification of Presidential Determination No. 97-9, "Certifications for Narcotics Source and Transit Countries under Public Law 99-570," certifying that 23 major narcotics producing and/or trafficking countries have cooperated fully with the United States, or taken adequate steps on their own, to control narcotics production, trafficking, or money

laundering; that certification of two countries—Laos and Lebanon—is in the vital national interests of the United States, and the determination that the President will not certify five countries; to the Committee on Foreign Affairs.

732. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting notification of the intent to continue assistance for El Salvador under the Anti-Terrorism Assistance [ATA] Program as per chapter 8, section 571 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

733. A letter from the Chairman, Federal Labor Relations Authority, transmitting a report of the agency's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

734. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting a report of the Board's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

735. A letter from the Managing Director, Interstate Commerce Commission, transmitting a report of the Commission's compliance with the competition advocacy program, pursuant to 41 U.S.C 419; to the Committee on Government Operations.

736. A letter from the Secretary to the Board, U.S. Railroad Retirement Board, transmitting a report of the Board's compliance with the Government in the Sunshine Act for calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

737. A letter from the Secretary of Health and Human Services, transmitting a report concerning prenatal care for eligible low-income, requested in the Senate Committee on Appropriations Report No. 99-151; jointly, to the Committees on Appropriations and Energy and Commerce.

738. A letter from the Secretary of Labor, transmitting the ERISA annual report for 1985, describing the Department's administration of its responsibilities under ERISA during calendar year 1985, pursuant to 29 U.S.C 1143(b); jointly, to the Committees on Ways and Means and Education and Labor.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 558. A bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children; with amendments (Rept. 100-10, Pt 2. Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 87. A bill to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; with an amendment (Rept. 100-11). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. PANETTA (for himself, Mr. de la Garza, Mr. Madigan, Mr. Emerson, Mr. Foley, Mr. Coelho, and Mr. Jeffords):

H.R. 1340. A bill to improve the administration of the Department of Agriculture commodity distribution activities, and for other purposes; to the Committee on Agriculture.

By Mr. BOUCHER (for himself, Mr. Evans, and Mr. Bryant):

H.R. 1341. A bill to amend title 28, United States Code, to allow suits against the United States for acts or omissions of contractors in carrying out the Atomic Weapons Testing Program, and to substitute the United States as the party defendant in suits brought against such contractors; to the Committee on the Judiciary.

By Mr. BIAGGI:

H.R. 1342. A bill to improve American competitiveness through grants for workplace literacy programs; to the Committee on Education and Labor.

By Mr. BOUCHER:

H.R. 1343. A bill to amend the Food Security Act of 1985 to streamline the procedure for use of conservation plans to comply with the prohibition on production on highly erodible lands, and for other purposes; to the Committee on Agriculture.

By Mrs. BENTLEY:

H.R. 1344. A bill to authorize appropriations for the restoration of Fort McHenry; to the Committee on Interior and Insular Affairs.

By Mr. BOUCHER (for himself and Mr. DeWine):

H.R. 1345. A bill to amend title 35 of the United States Code to extend the term of patents for agricultural and chemical products for the period during which they underwent regulatory review; to the Committee on the Judiciary.

By Mr. BRUCE (for himself, Mr. Annunzio, Mr. Dorgan of North Dakota, Mr. Durbin, Mr. Glickman, Mr. Hubbard, Mr. Levin of Michigan, Mr. Lightfoot, Mr. Madigan, Mr. Penny, Mr. Price of Illinois, Mr. Stallings, Mr. Thomas of Georgia, and Mr. Towns):

H.R. 1346. A bill to amend the Federal Deposit Insurance Act to establish an emergency temporary procedure to facilitate the restructuring or canceling of certain agricultural loans by agricultural banks; to the Committee on Banking, Finance and Urban Affairs.

By Mr. BUECHNER:

H.R. 1347. A bill to amend the Internal Revenue Code of 1986 to permit expenses incurred in filing withholding certificates to be deductible whether or not the individual itemizes his deductions, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 1348. A bill to amend title 18, United States Code, to provide for dismissal of a criminal case, before or after judgment, upon a finding of error in the grand jury proceedings from which the indictment arose; to the Committee on the Judiciary.

By Mr. DeWINE (for himself, Mr. Fish, Mr. Gekas, Mr. Frank, Mr. Boucher, Mr. Coble, Mr. Kastenmeier, Mr. Moorhead, Mr. Hughes, Mr. Dannemeyer, Mr. McCollum, Mr. Burton of Indiana, Mr. Oxley, Mr. Lagomarsino, Mr. Martinez, Mr. Hyde, Mr. Hansen, Mr. Chandler, and Mr. Sundquist):

H.R. 1349. A bill to amend title 18, United States Code, with respect to penalties, for driving under the influence of drugs and alcohol in the special maritime and territorial jurisdiction of the United States, and with respect to implied consent for certain tests to determine the drug and alcohol content of blood; to the Committee on the Judiciary.

By Mr. DORNAN of California:

H.R. 1350. A bill to prohibit the displaying of the flag of Libya at United States facilities, ceremonies, and official functions; to the Committee on Foreign Affairs.

By Mr. DUNCAN:

H.R. 1351. A bill to provide that certain good-faith transfers of property made by the Southern Industrial Banking Corp. to depositors shall not be voidable under title 11 of the United States Code; to the Committee on the Judiciary.

By Mr. DYMALLY:

H.R. 1352. A bill to amend title 32, United States Code, to provide that the protections afforded to Federal employees under subchapter II of chapter 75 of title 5, United States Code, be extended to National Guard technicians; jointly, to the Committees on Armed Services and Post Office and Civil Service.

By Mr. DYSON (for himself, Mr. Shumway, Mr. Robinson, and Mr. Craig):

H.R. 1353. A bill relating to the use of steel shot in the hunting of migratory birds; to the Committee on Merchant Marine and Fisheries.

By Mr. FAUNTROY:

H.R. 1354. A bill to establish a Federal Task Force on the Homeless; jointly, to the Committees on Banking, Finance and Urban Affairs; Agriculture; and Energy and Commerce.

By Mr. FAWELL (for himself, Mr. Boulter, Mr. Gunderson, Mr. DioGuardi, Mr. Dornan of California, Mr. Jeffords, Mr. Fish, Mr. Swindall, Mr. Oxley, Mr. Hyde, Mr. Shumway, Mr. Denny Smith, Mr. Packard, Mr. Martinez, Mr. Crockett, Mr. Daub, Mr. DeLay, and Mr. Buechner):

H.R. 1355. A bill to increase Government economy and efficiency and to reduce the deficit by implementing a recommendation of the President's Private Sector Survey on Cost Control relating to the sharing of Veterans' Administration and Department of Defense health-care resources; jointly, to the Committees on Veterans' Affairs and Armed Services.

By Mr. FLORIO (for himself and Mr. Coats):

H.R. 1356. A bill to amend the Railroad Unemployment Insurance Act to assure sufficient resources to pay benefits under that act, to increase the maximum daily benefit provided under that Act, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. FRANK:

H.R. 1357. A bill to amend title II of the Social Security Act to eliminate the disparity between the benefits payable to individuals who retired in or after 1979 (when the decoupling changes in the benefit formula became effective) and the benefits payable to individuals similarly situated who retired before that year, by providing that the benefits payable to the former individuals may never be less than those payable to the latter; to the Committee on Ways and Means.

H.R. 1358. A bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age; to the Committee on Ways and Means.

H.R. 1359. A bill to amend title II of the Social Security Act to increase the primary insurance amounts of individuals who retire after attaining the age of 62, in or after 1979 (when the decoupling changes in the benefit formula became effective), in order to aid in eliminating the present disparity between the benefits payable to such individuals and the benefits payable to individuals similarly situated who retired before 1979; to the Committee on Ways and Means.

By Mr. FRENZEL:

H.R. 1360. A bill relating to the tariff classification of certain plastic sheeting; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 1361. A bill to amend the Tax Reform Act of 1986 with respect to the allocation of interest to foreign-source income; to the Committee on Ways and Means.

By Mr. GUARINI:

H.R. 1362. A bill to suspend temporarily the duty on acet quinone base; to the Committee on Ways and Means.

By Mr. HENRY:

H.R. 1363. A bill to prohibit the designation of furniture and furniture parts as eligible articles for purposes of the Generalized System of Preferences; to the Committee on Ways and Means.

By Mr. JONES of North Carolina (for himself, Mr. Ackerman, Mr. Bennett, Mrs. Bentley, Mr. Biaggi, Mr. Borski, Mrs. Boxer, Mr. Coelho, Mr. Conte, Mr. Conyers, Mr. Crockett, Mr. Davis of Michigan, Mr. Dellums, Mr. DioGuardi, Mr. Downey of New York, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Fazio, Mr. Ford of Michigan, Mr. Gaydos, Mr. Hall of Ohio, Mr. Hayes of Illinois, Mr. Hefner, Mr. Hertel, Mr. Hochbrueckner, Mr. Horton, Mr. Houghton, Mr. Howard, Mr. Hunter, Mr. Kanjorski, Ms. Kaptur, Mr. Lent, Mr. Lipinski, Mr. McKinney, Mr. Manton, Mr. Mrazek, Mr. Murtha, Mr. Oberstar, Mr. Owens of New York, Mr. Pepper, Mr. Quillen, Mr. Rahall, Mr. Roe, Mr. Schumer, Ms. Slaughter of New York, Mr. Solarz, Mr. Thomas of Georgia, Mr. Towns, Mr. Traficant, Mr. Vento, Mr. Volkmer, Mrs. Vucanovich, Mr. Weiss, and Mr. Young of Alaska):

H.R. 1364. A bill to counter restrictive practices in the maritime transportation of automobiles, and for other purposes; jointly, to the Committees on Merchant Marine and Fisheries and Ways and Means.

By Mrs. KENNELLY:

H.R. 1365. A bill to amend title XX of the Social Security Act to increase the amount available for social services block grants thereunder, and to require the States to submit more detailed annual reports on the expenditure and use of the funds provided by such grants; to the Committee on Ways and Means.

By Mr. KYL:

H.R. 1366. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. LIGHTFOOT:

H.R. 1367. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purposes; to the Committee on Education and Labor.

By Mr. LUNGREN (for himself, Mr. DeWine, Mr. Lewis of California, Mr. Price of Illinois, Mr. Horton, Mr. Daniel, Mr. Dornan of California, Mr. Blaz, Mr. Dymally, and Mr. Frank):

H.R. 1368. A bill to delay for 1 year the effective date of the provision of the Tax Reform Act of 1986 which increases from 80 to 90 percent the current year tax liability test for estimated tax payments by individuals; to the Committee on Ways and Means.

By Mr. McGRATH:

H.R. 1369. A bill to amend the Social Security Act to safeguard the integrity of the Social Security trust funds by ensuring prudent investment practices; to the Committee on Ways and Means.

H.R. 1370. A bill to accelerate the inclusion of the Medicare (part A) trust fund among the Social Security trust funds removed from the unified budget of the U.S. Government; jointly, to the Committees on Ways and Means and Government Operations.

By Mr. MINETA:

H.R. 1371. A bill to strengthen the system of congressional oversight of the intelligence activities of the United States; jointly, to the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs.

By Mr. MRAZEK (for himself, Mr. Petri, Mr. Kolter, Mr. Towns, Mr. Savage, Mrs. Johnson of Connecticut, Mr. Lagomarsino, Mr. Wortley, Mr. Manton, Mr. Hochbrueckner, Mr. Gingrich, Ms. Kaptur, and Mr. DioGuardi):

H.R. 1372. A bill to provide Federal funds for State professional medical liability programs that comply with certain Federal standards, and for other purposes; jointly, to the Committees on the Judiciary and Energy and Commerce.

By Mr. OBERSTAR (for himself, Mr. Evans, and Mr. Perkins):

H.R. 1373. A bill to amend the National Apprenticeship Act to require minimum funding for certain outreach recruitment and training programs, to restore a national information collection system, to limit the authority to conduct reductions in force within the Bureau of Apprenticeship and Training of the Department of Labor, and for other purposes; to the Committee on Education and Labor.

By Mr. ST GERMAIN:

H.R. 1374. A bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself and Mrs. Kennelly):

H.R. 1375. A bill to amend the Internal Revenue Code of 1986 to repeal the limitation on the use of losses from nonlife insurance companies against the income of life insurance companies; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey:

H.R. 1376. A bill to amend the Foreign Assistance Act of 1961 to authorize appropriations for the child survival fund; to the Committee on Foreign Affairs.

By Mr. SOLOMAN:

H.R. 1377. A bill to amend the Foreign Service Act of 1980 to remove the requirement that the Director General and the Chairman of the Board of Foreign Service be members of the Senior Foreign Service and to clarify the definition of "Management Officials" as used in chapter 10 of title I of the Act; to the Committee on Foreign Affairs.

H.R. 1378. A bill to amend the Federal Property and Administrative Services Act of 1949 to allow volunteer fire departments and emergency rescue squads to receive donations of Federal surplus personal property; to the Committee on Government Operations.

H.R. 1379. A bill to amend the Immigration and Nationality Act; to the Committee on the Judiciary.

H.R. 1380. A bill to authorize the Administrator of Veterans' Affairs to establish a national cemetery in or near the Capital District region, Albany, NY; to the Committee on Veterans' Affairs.

H.R. 1381. A bill to direct the President to impose certain limitations on the amount of milk protein products that may be imported into the United States; to the Committee on Ways and Means.

By Mr. TRAFICANT:

H.R. 1382. A bill to establish requirements for the labeling of consumer commodities to indicate the foreign and domestic content of the commodities; to the Committee on Energy and Commerce.

By Mr. VALENTINE (for himself, Mr. Daniel, Mr. Jones of North Carolina, Mr. Neal, Mr. Hefner, and Mr. Price of North Carolina):

H.R. 1383. A bill to prohibit the Secretary of the Army from issuing certain permits in connection with a proposed water pipeline project until an environmental impact statement for that project has been completed; to the Committee on Public Works and Transportation.

By Mr. WAXMAN (for himself, Mr. Cooper, Mr. Moorhead, Mr. Berman, Mr. Sundquist, and Mr. Morrison of Connecticut):

H.R. 1384. A bill to require the inclusion of copy-code scanners in digital audio recording devices; to the Committee on Energy and Commerce.

By Mr. SCHULZE:

H.J. Res. 165. Joint resolution designating the week of September 20, 1987, through September 26, 1987, as "National Mushroom Week"; to the Committee on Post Office and Civil Service.

By Mr. CONYERS (for himself, Mr. Gray of Illinois, Mr. Bennett, Mr. Bustamante, Mr. Solarz, Mr. Fuster, Mr. Towns, Mr. Stokes, Mr. Dellums, Mr. Morrison of Connecticut, Mr. Mineta, Mr. Fazio, Ms. Oakar, Mr. Hayes of Illinois, Ms. Snowe, Mr. Dixon, Mr. Lowry of Washington, Mrs. Collins, Mr. Espy, Mr. Bevill, Mr. Horton, Mr. Owens of New York, Mr. Wilson, Mr. Vento, Mr. Thomas A. Luken, Mr. Savage, Mr. Mfume, Mr. Pursell, Mr. Leland, Mr. Dymally, Mr. Bliley, Mr. Lehman of California, Mr. Hayes of Louisiana, Mr. Clay, Mr. Fauntroy, Mrs. Boxer, Mr. Bateman, Mr. Ravenel, and Mr. Crockett):

H. Con. Res. 57. Concurrent resolution expressing the sense of Congress respecting the designation of jazz as a rare and valuable national American treasure; to the Committee on Post Office and Civil Service.

By Mr. RANGEL:

H. Con. Res. 58. Concurrent resolution expressing the sense of the Congress that the President should grant a posthumous full, free, and absolute pardon to Marcus Garvey for any offenses against the United States for which he was convicted; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Con. Res. 59. Concurrent resolution expressing the sense of the Congress that Fort Crailo in Rensselaer, NY, should be designated as the home of "Yankee Doodle;" to the Committee on Post Office and Civil Service.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred to as follows:

By Mr. BOUCHER:

H.R. 1385. A bill for the relief of Travis D. Jackson; to the Committee on the Judiciary.

By Mr. FORD of Michigan:

H.R. 1386. A bill for the relief of Marsha D. Christopher; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 1387. A bill for the relief of O. Edmund Clubb; to the Committee on the Judiciary.

By Mr. FRANK:

H.R. 1388. A bill for the relief of David Butler, Aldo Cirone, Richard Denisi, Warren Fallon, Charles Hotton, Harold Johnson, Jean Lavoie, Vincent Maloney, Austin Mortensen, and Kurt Olofsson; to the Committee on the Judiciary.

By Mr. GRADISON:

H.R. 1389. A bill for the relief of William J. Ault; to the Committee on the Judiciary.

By Mr. SMITH of New Jersey:

H.R. 1390. A bill for the relief of Chu Pei Yun (Zhu Bei Yun); to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. Broomfield.

H.R. 75: Mr. McGrath, Mr. Clinger, Mr. Gray of Illinois, Mr. Jones of North Carolina, Mr. Bevill, Mr. Martinez, and Mr. Quillen.

H.R. 77: Mr. Daub.

H.R. 87: Mr. Coats, Mr. Lowry of Washington, Mr. Lewis of Florida, and Mr. Matsui.

H.R. 95: Mr. Dymally, Mr. Frank, Mr. Garcia, Mr. Gray of Illinois, Mr. Leland, Mr. Savage, Mr. Towns, and Mr. Fuster.

H.R. 175: Mr. Coble.

H.R. 246: Mr. Badham and Mr. Clinger.

H.R. 306: Mr. Daub and Mr. Dornan of California.

H.R. 312: Mr. Williams, Mr. Dowdy of Mississippi, Mr. Wortley, Mrs. Collins, Mr. Hayes of Illinois, and Mr. Brennan.

H.R. 317: Mr. Lehman of California, Mr. Kostmayer, Mr. Miller of California, Mr. Towns, Mr. Rahall, Mr. Beilenson, Mr. Bennett, Mr. Dyson, Mr. Dwyer of New Jersey, Mr. Smith of Florida, Mr. Frank, Mr. Solarz, Mr. Kleczka, Mr. Savage, Mr. Mrazek, Mr. Robinson, Mr. Jontz, Mr. Bosco, and Mr. Bilbray.

H.R. 325: Mr. Fauntroy, Mr. Hawkins, and Mr. Mfume.

H.R. 332: Mr. Martinez, Mr. Savage, Mr. Ford of Tennessee, and Mr. Crockett.

H.R. 334: Mr. Rangel, Mr. Towns, and Mr. Crockett.

H.R. 347: Mr. Applegate, Mr. Bates, Mr. Boehlert, Mr. Boland, Mr. Brown of California, Mr. Bryant, Mr. Carper, Mr. Clarke, Mr. Dixon, Mr. Feighan, Mr. Ford of Michigan, Mr. Frost, Mr. Glickman, Mr. Gray of Pennsylvania, Mr. Guarini, Mr. Hall of Ohio, Mr. Hawkins, Mr. Jontz, Mrs. Kennelly, Mr. Levin of Michigan, Mr. Levine of California, Mr. Martinez, Mr. McCloskey, Mr. McHugh, Mr. Mfume, Mr. Owens of Utah, Mr. Panetta, Mr. Sawyer, Mr. Vento, Mr. Walgren, and Mr. Weiss.

H.R. 348: Mr. Durbin, Mr. Manton, Mr. Dwyer of New Jersey, Mr. Ballenger, Mrs. Lloyd, Mr. Davis of Michigan, Mr. Petri, Mr. Richardson, Mr. Sundquist, and Mr. Torricelli.

H.R. 360: Mr. Beilenson, Mrs. Boxer, Mr. Brennan, Mr. Campbell, Mr. Dymally, Mr. Evans, Mr. Flake, Mr. Foley, Mr. Garcia, Mr. Hertel, Mr. Jontz, Mr. Kennedy, Mr. Leland, Mr. Roe, Mr. Savage, Mr. Sawyer, Mr. Skaggs, Mr. Udall, Mr. Wise, Mr. Yates, and Mr. Valentine.

H.R. 378: Mr. Solarz, Mr. Swift, and Mr. Beilenson.

H.R. 381: Mrs. Boxer.

H.R. 382: Mr. Hoyer, Mr. Horton, Ms. Slaughter of New York, Mr. Stark, Mr. Gilman, and Mr. Boucher.

H.R. 384: Mrs. Boxer.

H.R. 385: Mr. de la Garza.

H.R. 386: Mrs. Patterson.

H.R. 387: Mr. Downey of New York, Mr. Berman, and Mr. Andrews.

H.R. 388: Mr. Savage, Mr. Markey, Mr. Walgren, Mr. Pashayan, Mrs. Lloyd, Mr. Duncan, Mr. Leland, Mr. Hutto, Mr. Fish, Mrs. Byron, Mr. Mica, Mr. Mavroules, Mr. St Germain, and Mr. Hansen.

H.R. 457: Mr. Murphy, Mr. Ford of Tennessee, and Mr. Crockett.

H.R. 459: Mr. Gallo.

H.R. 486: Mr. Bates, Mr. Myers of Indiana, Mr. Hammerschmidt, Mr. Morrison of Washington, Mr. Synar, Mr. Robert F. Smith, and Mr. McKinney.

H.R. 499: Ms. Kaptur.

H.R. 514: Mr. Lancaster, Mr. Lantos, Mr. Crockett, Miss Schneider, Mr. Smith of New Jersey, Mr. Rowland of Connecticut, Mr. McCandless, Mr. Applegate, and Mrs. Patterson.

H.R. 543: Mr. Dwyer of New Jersey, Mr. Crockett, Mr. Mrazek, Ms. Oakar, Mr. Robinson, Mr. Moody, Mr. Penny, Mr. Lott, and Mr. Lantos.

H.R. 558: Mr. Biaggi, Mr. Lewis of Georgia, and Mr. Brennan.

H.R. 570: Mrs. Vucanovich and Mr. Packard.

H.R. 574: Mr. Weiss, Mr. DeFazio, and Ms. Slaughter of New York.

H.R. 592: Mr. Dyson, Mr. Sunia, Mr. Buechner, Mr. Leland, Mrs. Johnson of Connecticut, Mr. Coughlin, Mr. Towns, Mr. Porter, Mr. Kolter, Mr. Coleman of Texas, Mr. Penny, Mr. Marlenee, Mr. DioGuardi, Mr. Neal, and Mr. Daniel.

H.R. 593: Mr. Livingston, Mrs. Bentley, Mr. Towns, Mr. Volkmer, Mr. Regula, Mr. Gray of Illinois, Mr. Bevill, Mr. Ravenel, Mr. Martinez, and Mr. Matsui.

H.R. 594: Mr. Thomas of California, Mr. Gradison, Mr. Stark, Mr. Frenzel, and Mr. Neilson of Utah.

H.R. 602: Mrs. Lloyd, Mr. Robert Smith, Mr. Bryant, Mr. Chapman, Mr. Dannemeyer, Mr. de la Garza, Mr. Fields, Mr. Lagomarsino, Mr. Penny, Mr. Smith of New Hampshire, Mr. Stangeland, and Mr. Stump.

H.R. 617: Mr. Inhofe, Mr. Hunter, and Mr. Clinger.

H.R. 618: Mr. Lewis of Georgia, Mr. Lehman of Florida, Mr. Oberstar, and Mr. Dymally.

H.R. 636: Mr. Weiss.

H.R. 653: Mr. Kildee.

H.R. 665: Mr. Tallon, Mr. Bilbray, Mr. Davis of Illinois, Mr. Bilirakis, Mr. Glickman, Mr. Shaw, Mr. Edwards of Oklahoma, Mr. Denny Smith, Mr. Armey, Mr. Whittaker, Mr. Barnard, Mr. Wyden, Mr. Kolbe, Mr. Young of Alaska, Mr. Herger, Mr. Rhodes, Mr. Stump, and Mr. Bustamante.

H.R. 666: Mr. Huckaby, Mr. Sundquist, Mr. Pickett, Mr. Yatron, Mr. Martin of New York, Mrs. Vucanovich, Mr. Livingston, Mr. Price of Illinois, Mr. Smith of Florida, Mr. Coats, Mr. Frank, Mr. Williams, Mr. Dowdy of Mississippi, Mr. Dannemeyer, Mr. Jones of North Carolina, Mr. DioGuardi, Mr. Pashayan, Mr. Nowak, Mr. Saxton, Mr. Tauzin, Mr. Robinson, Mr. Inhofe, Mr. Bevill, Mr. Glickman, Mr. Denny Smith, Mr. Dwyer of New Jersey, Mr. Applegate, Mr. Swindall, Mr. Gunderson, Mr. McEwen, Mr. Lagomarsino, Mr. Archer, Mr. Roe, Mr. Martinez, Mr. McKinney, Mr. Lightfoot, Mr. Parris, Mr. Hutto, Mr. Lujan, Mr. Schaefer, Mrs. Bentley, Mr. Davis of Illinois, Mr. Burton of Indiana, Mr. Jontz, Mr. Marlenee, Mr. Thomas of California, Mr. Emerson, and Mr. Daniel.

H.R. 671: Mr. Savage, Mr. Boland, Mr. Kastenmeier, Mr. Edwards of California, Mr. Roe, Mr. Howard, Mr. Ackerman, and Mr. Frank.

H.R. 678: Mr. Savage, Mr. Smith of Florida, Mr. Murtha, Mr. Kastenmeier, Mr. Torres, Mr. Ackerman, and Mr. Frank.

H.R. 679: Mr. Savage, Mr. Smith of Florida, Mr. Murtha, Mr. Kastenmeier, Mr. Torres, Mr. Ackerman, and Mr. Frank.

H.R. 680: Mr. Savage, Mr. Boland, Mr. Mrazek, Mr. Smith of Florida, Mr. Murtha, Mr. Kastenmeier, Mr. Edwards of California, Mr. Torres, Mr. Roe, Mr. Howard, Mr. Ackerman, and Mr. Frank.

H.R. 737: Mr. Foglietta, Mr. Wilson, Mr. Mavroules, Mr. McMillen of Maryland, Mr. Solarz, Mr. Dwyer of New Jersey, Mr. Saxton, Mr. Olin, Mrs. Bentley, Mr. Mfume, Mr. Morrison of Connecticut, Mr. Towns, Mrs. Lloyd, Mr. Kolter, Mr. Pickett, Mr. DeFazio, and Mr. Mrazek.

H.R. 758: Mr. Coelho and Mr. Sundquist.

H.R. 761: Mr. Schumer, Mr. Scheuer, Mr. Fauntroy, Mr. Ackerman, Mr. DeFazio, Mr. Kostmayer, Ms. Kaptur, and Mr. Olin.

H.R. 792: Mr. Sundquist, Mr. Parris, Mr. Gallo, Mr. Kolter, Mr. Markey, Mr. Roe, and Mr. Crane.

H.R. 896: Mr. Hawkins.

H.R. 916: Mr. Leath of Texas, Mrs. Patterson, Mr. Ravenel, Mr. Barnard, Mrs. Bentley, Mrs. Byron, Mr. Hastert, and Mr. Lagomarsino.

H.R. 921: Mr. Johnson of South Dakota, Mr. Dixon, Mr. Foglietta, Mr. de Lugo, Mr. Fuster, Mr. Coleman of Texas, Mr. Hertel, Mr. Scheuer, Mr. Dwyer of New Jersey, Mr. Stark, Mr. Clay, Mr. Conyers, Mr. Savage, Mr. Lowry of Washington, and Mr. de la Garza.

H.R. 936: Mr. Solomon, Mr. Garcia, Mr. Konnyu, Mr. Nielson of Utah, Mr. Madigan, and Mr. Tallon.

H.R. 977: Mr. Atkins, Mr. Ridge, Mr. Howard, Mr. Mrazek, Mr. Green, Mr.

Fauntroy, Mr. Roe, Mr. Espy, Mr. Biaggi, Mr. Towns, Mr. Weldon, Ms. Kaptur, Mr. Lagomarsino, Mrs. Johnson of Connecticut, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Porter, Mr. Martinez, Mr. Saxton, Mr. Rowland of Connecticut, Mr. Rinaldo, and Mr. Molinari.

H.R. 994: Mr. Hunter, Mr. Ireland, Mr. Armey, Mr. Dannemeyer, Mr. Courter, Mr. Lagomarsino, Mr. Holloway, and Mr. Nielson of Utah.

H.R. 998: Mr. Porter, Mr. Schaefer, Mr. Nichols, Mr. Bonker, Mr. Clinger, Mr. Swift, and Mr. Stump.

H.R. 999: Mr. Hiler, Mrs. Johnson of Connecticut, Mr. Gekas, Mr. Nielson of Utah, Mr. Skeen, Mr. Saxton, Mr. Kasich, Mr. Lewis of Florida, Mr. Bilirakis, Mr. Hunter, Mr. Petri, Mr. Clinger, Mr. Lagomarsino, Mr. Craig, and Mr. Combest.

H.R. 1018: Mr. Huckaby.

H.R. 1068: Mr. LaFalce, Mr. Latta, and Mr. Kemp.

H.R. 1075: Mr. Lagomarsino, Mr. Ravenel, Mr. Jeffords, Mr. Garcia, Mr. Smith of New Jersey, and Mr. Lehman of California.

H.R. 1076: Mr. Roe and Mr. Towns.

H.R. 1085: Mr. Moakley, Mr. Barnard, and Mr. Dymally.

H.R. 1105: Mr. Staggers, Mr. Savage, Mr. Eckart, Mr. Lott, and Mrs. Byron.

H.R. 1135: Mr. Markey, Mr. DeFazio, and Mr. Lowry of Washington.

H.R. 1153: Mr. Dyson and Mr. Gray of Pennsylvania.

H.R. 1154: Mr. Borski, Mr. Brooks, Mrs. Byron, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Erdreich, Mr. Espy, Mr. Evans, Mr. Fuster, Mr. Gordon, Mr. Grant, Mr. Gray of Illinois, Mr. Hayes of Louisiana, Mr. Howard, Mr. Hoyer, Mr. Hutto, Mr. Kanjorski, Mr. Kostmayer, Mr. Mfume, Mr. Murphy, Mr. Ortiz, Mr. Perkins, Mr. Rahall, Mr. Russo, Mr. Savage, Mr. Slaughter of Virginia, Mr. Smith of Florida, Mr. Staggers, Mr. Volkmer, Mr. Hayes of Illinois, Mr. Cooper, Mr. Nowak, Mr. Leland, Mr. Williams, Mr. Emerson, Mr. Combest, Mr. Davis of Michigan, and Mrs. Bentley.

H.R. 1157: Mr. Johnson of South Dakota.

H.R. 1158: Mr. Waxman, Mrs. Boggs, Mr. de Lugo, Mr. Bryant, Mr. Miller of California, Mrs. Johnson of Connecticut, Mr. Fazio, and Mr. Derrick.

H.R. 1180: Mr. Hayes of Illinois, Mrs. Boxer, Mr. Gray of Illinois, Mr. Beilenson, Mr. Udall, Mr. Nowak, Mr. Dymally, Mr. Downey of New York, Mr. Feighan, Mr. Gray of Pennsylvania, Mr. Owens of New York, Mr. Frank, Mr. Scheuer, Mr. Bates, Mr. Clay, Mr. Conyers, Mr. Ford of Tennessee, Mr. Mavroules, Mr. Olin, Mr. Rahall, Mr. Schumer, Mr. St Germain, Mr. Traxler, Mr. Evans, Mr. Ackerman, Mr. Edwards of California, Mrs. Collins, Mr. Fazio, Mr. Foley, Mr. Penny, Mr. Swift, Mr. Towns, Mr. Torricelli, Mr. Weiss, and Mr. Garcia.

H.R. 1266: Mr. Edwards of California, Mr. Conyers, Mr. Atkins, Mr. Conte, and Mr. Lehman of Florida.

H.R. 1272: Mr. Andrews, Mr. Lipinski, and Mr. Evans.

H.J. Res. 8: Mr. Skeen, Mr. Houghton, Mr. Kasich, Mr. Herger, Mr. Davis of Illinois, Mr. Morrison of Washington, Mr. Swindall, Mr. Weldon, Mr. Buechner, Mr. Lott, and Mr. Ravenel.

H.J. Res. 25: Mr. Jeffords, Mrs. Bentley, Mr. Edwards of Oklahoma, Mr. Brennan, Mr. Conyers, Mr. Lewis of Florida, and Mr. Rose.

H.J. Res. 40: Mr. Hughes, Mr. Morrison of Connecticut, Mr. Quillen, Mr. Dornan of California, Mr. Denny Smith, Mr. Bustamante, Mr. Hunter, Mr. Lowry of Washington, Mr. Miller of Washington, Mr. Fish, Mr. Moorhead, Mr. Ritter, Mr. Henry, Mrs. Lloyd, Mr. Howard, Mr. Rodino, Mr. Kasich, Mr. Thomas of Georgia, Mr. Sabo, Mr. Dowdy of Mississippi, Mr. Ortiz, Mr. Madigan, and Mr. Sisisky.

H.J. Res. 52: Mr. Howard, Mr. Hyde, Mr. Biaggi, Mr. Coyne, Mr. Clinger, Mr. Gregg, Mr. Borski, Mr. Young of Florida, Mr. Fauntroy, Mr. Archer, Mr. Vento, Mr. Weber, Mr. DeFazio, Mr. Dwyer of New Jersey, Mr. Guarini, Mr. Lungren, Mr. Schaefer, Mr. Wyden, Mr. Hughes, Mr. Bilirakis, Mr. Studds, Mr. Andrews, Mrs. Patterson, Mr. Weiss, Mr. DeWine, Mr. Fish, Mr. Johnson of South Dakota, Mr. Thomas of Georgia, Mr. Torricelli, Mrs. Boxer, Mrs. Byron, Mr. Whittaker, Mr. DioGuardi, Mr. DeLay, Mr. Crockett, and Mr. Brennan.

H.J. Res. 62: Mrs. Johnson of Connecticut and Mr. Wyden.

H.J. Res. 64: Mr. Biaggi, Mrs. Boxer, Mr. Brooks, Mr. Dymally, Mr. Hughes, Mr. Lancaster, Mr. Livingston, Mr. Martinez, Mr. Mineta, Mr. Schulze, Mr. Weiss, Mr. Young of Florida, Mr. Ford of Tennessee, Mr. Guarini, and Mr. Brennan.

H.J. Res. 90: Mr. Derrick, Mr. St Germain, and Mr. Fawell.

H.J. Res. 92: Mr. Smith of Florida, Mr. McGrath, Mr. Bliley, Mr. Tallon, Mr. Fuster, Mr. Mack, Mr. Martin of New York, Mr. Lagomarsino, Mr. Pickett, Mr. Daub, Mr. Gregg, Mr. English, Mr. Wolf, Mr. Espy, Mr. Dyson, Mr. Livingston, Mr. Young of Florida, Mr. Huckaby, Mr. Gray of Pennsylvania, Mr. Towns, Mr. Applegate, Mr. Levin of Michigan, Mr. Atkins, Mr. Chappell, Mr. Hastert, Mr. Grant, Mr. Kleczka, Mr. Andrews, Mr. Horton, Mr. Boner of Tennessee, Mr. Henry, Mr. Garcia, Mr. Gallo, Mr. Sawyer, Mr. Clinger, Mr. Bevill, and Mr. Buechner.

H.J. Res. 110: Mrs. Morella, Mr. Evans, Mr. Bilirakis, Mr. Penny, Mr. Boehlert, Mr. Clarke, Mr. Wortley, Mr. Smith of New Hampshire, Mr. Weber, Mr. Porter, Mr. Kolbe, Mr. Weldon, Mr. Campbell, Mr. Savage, Mr. Daub, Mr. Howard, Mr. Roth, Mr. Kildee, Mr. Dornan of California, Mr. Gonzalez, Mr. Wise, Mr. Torricelli, Mr. Lowery of California, Mr. Jeffords, Mr. Emerson, Mr. Holloway, Mr. Berman, Mr. Neal, Mr. Bryant, Mrs. Boxer, Mr. Saxton, Mr. Smith of New Jersey, Mr. Johnson of South Dakota, Mr. McEwen, Mr. Stump, and Mr. Scheuer.

H.J. Res. 111: Mrs. Boxer, Mr. Horton, Mr. Blaz, Mr. Solarz, Mr. Boner of Tennessee, Mr. Howard, Mr. Lagomarsino, Mr. Montgomery, Mr. Lipinski, Mr. Gallo, and Mr. Weiss.

H.J. Res. 119: Mr. Crockett, Mr. Espy, Mr. Atkins, Mr. Solarz, Mr. Lagomarsino, Mr. Mrazek, Mr. Scheuer, and Mr. Savage.

H.J. Res. 140: Mr. Atkins, Mr. Sabo, Mr. Lipinski, Mr. Bosco, Mr. Sikorski, Mrs. Patterson, Mr. Neal, Mr. McMillen of Maryland, Ms. Kaptur, and Mr. Volkmer.

H.J. Res. 143: Mr. Stump.

H.J. Res. 144: Mr. Early, Mr. Bates, Mr. Jacobs, Mr. Valentine, Mr. Stark, Mr. Bryant, Mr. Towns, Mr. Gray of Illinois, Mr. Harris, Mr. Campbell, Mr. Smith of Florida, Mr. Mrazek, Mr. Rinaldo, Mr. Roe, Mr. Levin of Michigan, Mr. Solarz, Mrs. Lloyd, Mr. Staggers, Mr. Wolf, Mr. Rahall, Mr. Dorgan of North Dakota, Mr. Frank, Mr. Scheuer, Mr. Lehman of Florida, Mr. Henry, Mr. Gilman, Mr. Fazio, Mr. Conte, Mr. de la Garza, Mr. Horton, Mr. Erdreich, Mr. Sabo, Mr. Bosco, Mr. Kolter, Mr. Leland, Mr. Chapman, Mr. Crockett, Mr. Atkins, Mr. Miller of Ohio, Mr. Garcia, Mr. Espy, Mr. Wortley, Mr. Lancaster, Mr. Yates, Mrs. Collins, Mr. Leach of Iowa, Mr. Kastenmeier, Mr. Howard, Mr. Pepper, Mr. Lipinski, Mr. Neal, Mrs. Patterson, Mr. Wise, Mr. Owens of New York, Mr. Bevill, Mr. Lewis of California, Mr. McGrath, and Mr. Tallon.

H.J. Res. 149: Mr. Stallings, and Mr. Lagomarsino.

H.J. Res. 154: Mr. Callahan, Mr. Fuster, Mr. Sunia, Mr. Smith of Florida, Mr. Leland, Mr. Mfume,, Mr. Scheuer, Mr. McKinney, Mr. Fazio, Mrs. Lloyd, Mr. Guarini, Mr. Oberstar, Mr. Dymally, Mr. Carper, Mr. Kolter, Mr. Bryant, Mr. Hoyer, Mr. Gingrich, Mr. Horton, Mr. Lagomarsino, Mr. Yatron, Mr. Mrazek, Mr. Synar, Mr. St Germain, Mr. Hansen, Mr. Coyne, Mrs. Collins, Mr. Murphy, Mr. Akaka, Mr. Gordon, Mr. Fauntroy, Mr. Daub, Mr. Kanjorski, Mr. Ortiz, Mr. Bonior, of Michigan, Mr. Gray of Illinois, Mr. Fascell, Mr. Roe, Mr. DioGuardi, Mr. Towns, Mr. Lewis of Florida, Mr. Jones of Tennessee, Mr. Fields, Mr. Espy, Mr. Kostmayer, Mr. Grandy, Mr. Savage, Mr. Petri, Mr. Hiler, and Mr. Atkins.

H. Con. Res. 30: Mr. de la Garza, Ms. Kaptur, Mr. Boehlert, Mr. McMillen of Maryland, Mr. Latta, Mr. Whittaker, Mr. DioGuardi, Mr. Gilman, Mr. Hochbrueckner, Mr. Penny, Mr. Lipinski, Mr. Porter, Mr. Boner of Tennessee, Mr. Hertel, Mr. Valentine, Mr. Skeen, Mr. Spence, Mr. Towns, Mr. Jones, of Tennessee, Mr. Eckart, Mr. Howard, Mr. Manton, Mr. Fish, Mr. Hubbard, Mr. Bennett, Mr. Hopkins, Mr. Upton, Mr. Shumway, Mr. Traficant, Mr. Hiler, Mr. Montgomery, Mr. Gingrich, Mr. Bryant, Mr. Stump, Mr. Martin of New York, Mr. Swindall, Mr. Gordon and Mr. Hastert.

H. Con. Res. 32: Mrs. Morella, Mr. Evans, Mr. Bilirakis, Mr. Penny, Mr. Boehlert, Mr. Smith of New Hampshire, Mr. Weber, Mr. Porter, Mr. Kolbe, Mr. Weldon, Mr. Campbell, Mr. Savage, Mr. Daub, Mr. Howard, Mr. Kildee, Mr. Dornan of California Mr. Wise, Mr. Torricelli, Mr. Lowery of California, Mr. Jeffords, Mr. Berman, Mr. Bryant, Mrs. Boxer, Mr. Emerson.

H. Con. Res. 35: Mr. Boehlert, Mr. Fish, Mr. Mineta, Mr. Vento, and Mr. Wolpe.

H. Con. Res. 52: Mr. Kostmayer, Mr. Bates, Mr. Olin, Mr. Atkins, Mr. Beilenson, Mr. Dwyer of New Jersey, Mr. Shumway, Mr. Horton, Mr. Edwards of California, Mr. Kolter, and Mr. Lipinski.

H. Res. 65: Mr. Davis of Illinois, Mr. Dornan of California, Mrs. Vucanovich, Mr. Stallings, Mr. Dannemeyer, Mr. Shumway, Mr. DioGuardi, Mr. Buechner, Mr. Hiler, Mr. Swindall, Mr. Weldon, Mr. Walker, Mr. Barton of Texas, Mr. DeLay, Mr. McMillan of North Carolina, Mr. Lagomarsino, Mr. Porter, Mr. Brown of Colorado, Mr. Solomon, and Mr. Young of Florida.

H. Res. 68: Mr. Thomas of Georgia, Mr. Wolpe, and Mr. Oberstar.

H. Res. 71: Mr. Solarz, Mr. Howard, Mr. McDade, Mr. Roe, Mr. Conyers, Mr. Owens of New York, and Mrs. Patterson.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 778: Mr. McMillen of Maryland.
H.R. 779: Mr. McMillen of Maryland.
H.R. 1272: Mr. Hutto.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 558

By Mr. MICHEL:

—at the end of the bill, add the following new title:

TITLE VI—DEFICIT-NEUTRAL PROVISIONS

SEC. 601. LIMITATION ON AUTHORIZATIONS OF APPROPRIATIONS.

Notwithstanding any other provision of this Act to the contrary, any authorization of appropriations (or authorization to provide other budget authority) in this Act shall be considered to be only an authorization to approve the transfer, to the program or activity involved, of amounts provided in appropriation Acts before the date of the enactment of this Act.

By Mr. PEPPER:

(Amendment in the Nature of a Substitute.)

—Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urgent Relief for the Homeless Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals (including elderly or handicapped persons) and families with children;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, which will endanger the lives and safety of the homeless;

(3) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all of the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all of the homeless in need of assistance; and

(4) the Federal Government has a moral obligation, a governmental responsibility, and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender greater respect for the human dignity of the homeless.

(b) Purpose.—It is the purpose of this Act—

(1) to establish an Interagency Commission on Homelessness;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

TITLE I—FEDERAL FUNDS TO ASSIST THE HOMELESS

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

(a) Grants for Health Services for the Homeless.—For an authorization of appropriations of $75,000,000 for grants for health services for the homeless, see section 201.

(b) Community Services Demonstration Projects for Homeless Chronically Mentally Ill Individuals.—There are authorized to be appropriated for payments pursuant to section 504(f) of the Public Health Service Act $25,000,000 for fiscal year 1987 in addition to those funds already appropriated. The additional funds authorized to be appropriated by this subsection shall be available only for the provision of community-based mental health services to homeless chronically mentally ill individuals.

(c) Grants for Facilities to Assist the Homeless.—There are authorized to be appropriated to carry out title III $75,000,000 for fiscal year 1987.

(d) Emergency Food and Shelter Program.—

(1) There are authorized to be appropriated for the emergency food and shelter program carried out by the Federal Emergency Management Agency pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 $20,000,000 for fiscal year 1987.

(2) The limitation on the maximum total administrative costs of the program described in paragraph (1) shall be 5 percent of the amount appropriated for the program for any fiscal year.

(e) Emergency Shelter Grants Program.—

(1) There are authorized to be appropriated for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 $100,000,000 for fiscal year 1987.

(2) In addition to the allocations required under the program described in paragraph (1) pursuant to the provisions made applicable by section 101(g) of Public Law 99-500 or Public Law 99-591, the Secretary of Housing and Urban Development shall (for amounts appropriated after the date of the enactment of this Act) allocate assistance under the program to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary.

(3) The Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the program described in paragraph (1) pursuant to section 523(2)(B) of the provisions made applicable by section 101(g) of Public Law 99-500 or 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

(f) Transitional Housing Demonstration Program.—There are authorized to be appropriated for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 $30,000,000 for fiscal year 1987.

(g) Section 8 Housing Assistance.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is authorized to be increased by $100,000,000.

(2) The amounts made available under this subsection shall be used solely to assist the homeless (as defined in section 304), with primary benefit for homeless families with children. In making such amounts available, the Secretary of Housing and Urban Development shall—

(A) give priority to public housing agencies that ensure that comprehensive support and services are provided to households assisted with such amounts; and

(B) coordinate the use of such amounts with other activities carried out pursuant to this Act.

Each annual contributions contract entered into with a public housing agency to obligate the authority made available under this subsection to assist the homeless shall bind the Secretary of Housing and Urban Development to make such authority, and any amendments increasing such authority, available to the public housing agency for an aggregate period of 5 years.

(4) Any contract for assistance payments entered into by a public housing agency and a property owner with respect to amounts made available under this subsection to assist the homeless may provide that such assistance payments shall be project based.

(5) The amounts made available under this subsection shall not be subject to section 16 of the United States Housing Act of 1937.

(6) Not later than the expiration of the 30-day period following the date of the enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subsection. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act.

(h) Emergency Community Services Homeless Grant Program.—

(1) There are authorized to be appropriated for the emergency community services homeless grant program, to be carried out by the Office of Community Services of the Department of Health and Human Services, $50,000,000 for fiscal year 1987.

(2) Funds awarded under this subsection shall be used only for the following purposes:

(A) Expansion of comprehensive services to the homeless to provide followup and long-term services to enable the homeless to make the transition out of poverty.

(B) Promotion of private sector and other assistance to the homeless.

(3) From the amounts made available under the authorization in paragraph (1), the Secretary of Health and Human Services shall make grants to States that administer programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.). The Secretary shall allocate emergency community services homeless grant program funds to the States in accordance with the formula set forth in section 674(a)(1) of such Act except that, if a State does not apply for such funds or does not submit an approvable application, the Secretary shall use the funds to make grants directly to agencies and organizations in such State in accordance with the criteria set forth in paragraph (4)(B).

(4) In order to receive an emergency community services homeless grant under this subsection, a State shall—

(A) submit an application to the Secretary of Health and Human Services in such form and at such time as the Secretary may require, describing the agencies, organizations, and activities that the State intends to support with emergency community services homeless grant program funds;

(B) ensure that it will award all of the grant funds it receives to community action agencies that are eligible to receive funds under section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A)) and organizations serving migrant and seasonal farmworkers, except that not less than 90 percent of the funds received shall be awarded to such agencies and organizations that, as of January 1, 1987, are providing services to meet the critically urgent needs of the homeless;

(C) ensure that emergency community services homeless grant funds are not used to supplant other programs for the homeless administered by the State; and

(D) ensure that no emergency community services homeless grant funds will be used to defray State administrative costs.

(i) Job and Literacy Training.—

(1)(A) Section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)) is amended—

(i) by redesignating clauses (D) and (E) as clauses (E) and (F), respectively; and

(ii) by inserting after clause (C) the following: "(D) qualifies as a homeless individual under title II or III of the Urgent Relief for the Homeless Act;".

(B) Section 141(e) of the Job Training Partnership Act (29 U.S.C. 1551(e)) is amended by inserting before the period at the end the following: ", including exceptions necessary to permit services to homeless individuals who cannot prove residence within the service delivery area".

(2)(A) Section 306(b) of the Adult Education Act (20 U.S.C. 1205(b)) is amended—

(i) in paragraph (1), by inserting "homeless adults," after "English language skills,";

(ii) in paragraph (7), by inserting "organizations providing assistance to the homeless," after "antipoverty programs,"; and

(iii) in paragraph (8), by inserting "homeless adults," after "English language skills,".

(B) Section 309(a)(1)(A) of the Adult Education Act (20 U.S.C. 1207a(a)(1)(A)) is amended—

(i) by inserting "homeless adults," before "elderly"; and

(ii) by inserting a comma after "individuals".

(j) Community Development Block Grant Program.—Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended in the second sentence by inserting "or 1984" after "fiscal year 1983".

(k) Permanent Housing for Handicapped Homeless Persons.—There are authorized to be appropriated to carry out title IV $25,000,000 for fiscal year 1987.

SEC. 102. DISBURSEMENT OF FUNDS.

(a) Schedule for Disbursement.—Any amount made available by appropriation Acts under the authorizations in this title (other than subsection (a), (b), (e), or (f) of section 101) shall be disbursed by the Federal agency receiving such amount to the appropriate grantees or administering entities before the expiration of the 3-month period beginning on the date on which such amount becomes available.

(b) Evaluations by Comptroller General.—The Comptroller General of the United States shall evaluate the disbursement and use of the amounts made available by appropriation Acts under the authorizations in this title (other than subsections (a) and (b) of section 101), and submit a report to the Congress setting forth the findings of such evaluation, upon the expiration of the 4-month and 12-month periods beginning on the date of the enactment of this Act.

SEC. 103. CALCULATION AND AVAILABILITY OF FUNDS.

(a) Calculation.—The amounts authorized in this title shall be in addition to any amount appropriated for the programs involved before the date of the enactment of this Act.

(b) Availability.—Any amount appropriated under an authorization in this title shall remain available until expended.

TITLE II—HEALTH SERVICES FOR THE HOMELESS

SEC. 201. GRANTS FOR HEALTH SERVICES FOR THE HOMELESS.

Part D of title III of the Public Health Service Act (42 U.S.C. 247d et seq.) is amended by striking subpart IV and inserting the following new subpart:

"GRANT PROGRAM FOR HEALTH SERVICES FOR THE HOMELESS

"Subpart IV—Health Services for the Homeless

"Sec. 340. (a) Establishment.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants for the purpose of enabling grantees, directly or through contracts, to provide for the delivery to homeless individuals of outpatient health services.

"(b) Minimum Qualifications of Grantees.—The Secretary may not make a grant under this subpart to an applicant unless—

"(1) the applicant is a public or nonprofit private entity;

"(2) the applicant has the capacity to effectively administer a grant under this subpart; and

"(3) with respect to outpatient health services that are covered in the appropriate State plan approved under title XIX of the Social Security Act—

"(A) if the applicant will provide under the grant any such outpatient health services directly—

"(i) the applicant has entered into a participation agreement under the appropriate State plan; and

"(ii) the applicant is qualified to receive payments under the appropriate State plan; and

"(B) if the applicant will provide under the grant any such outpatient health services through a contract with an organization—

"(i) the organization has entered into a participation agreement under the appropriate State plan; and

"(ii) the organization is qualified to receive payments under the appropriate State plan.

"(c) Preferences in Making Grants.—The Secretary shall, in making grants under this subpart, give preference to qualified applicants that—

"(1)(A) are experienced in the direct delivery of primary health services to homeless individuals or medically underserved populations;

"(B) are experienced in the treatment of mental illness in homeless individuals or medically underserved populations; or

"(C) are experienced in the treatment of substance abuse in homeless individuals or medically underserved populations; and

"(2) agree to provide for outpatient health services to homeless individuals through both public entities and private organizations.

"(d) Required Services.—The Secretary may not make a grant under this subpart to an applicant unless the applicant agrees that the applicant will, directly or through contract—

"(1) provide outpatient health services at locations accessible to homeless individuals;

"(2) provide to homeless individuals, at all hours, emergency outpatient health services;

"(3) refer homeless individuals to medical facilities for necessary inpatient services;

"(4) provide outreach services to inform homeless individuals of the availability of outpatient health services; and

"(5) aid homeless individuals in establishing eligibility for assistance, and in obtaining services, under entitlement programs.

"(e) Restrictions on Use of Grant Funds.—(1) The Secretary may not, except as provided in paragraph (2), make a grant under this subpart to an applicant unless the applicant agrees that grant funds will not, directly or through contract, be expended—

"(A) to provide inpatient services, except with respect to short-term residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make, without consideration, any cash payment to any individual; or

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) If the Secretary finds that the purpose of this subpart cannot otherwise be carried out, the Secretary may make a grant under this subpart to an otherwise qualified applicant that will expend grant funds for the purposes described in paragraph (1)(C).

"(f) Limitation on Charges for Services.—The Secretary may not make a grant under this subpart to an applicant unless the applicant agrees that, whether outpatient health services are provided directly or through contract—

"(1) outpatient health services under the grant will be provided without regard to ability to pay for the outpatient health services; and

"(2) if a charge is imposed for the delivery of outpatient health services, such charge—

"(A) will be made according to a schedule of charges that is made available to the public;

"(B) will not be imposed on any homeless individual with an income less than the official poverty level; and

"(C) will be adjusted to reflect the income and resources of the homeless individual involved.

"(g) Requirement of Matching Funds.—(1)(A) The Secretary may not make a grant under this subpart to an applicant—

"(i) in an amount exceeding 75 percent of the costs of providing outpatient health services under the grant; and

"(ii) unless the applicant will make available non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under subparagraph (B)) for each $3 of Federal funds provided in such grant.

"(B)(i) Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(ii) Such determination may not include any cash or in-kind contributions that, prior to February 26, 1987, were made available by any public or private entity for the purpose of assisting homeless individuals (including assistance other than the provision of outpatient health services).

"(2) The Secretary may waive the requirement established in paragraph (1)(A) if—

"(A) the applicant involved is a nonprofit private grantee under section 330; and

"(B) the Secretary determines that it is not feasible for the applicant to comply with such requirement.

"(h) Requirements With Respect to Administration.—The Secretary may not make a grant under this subpart to an applicant unless the applicant—

"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant;

"(2) agrees to establish an ongoing program of quality assurance with respect to the outpatient health services provided under the grant;

"(3) agrees to ensure the confidentiality of records maintained on homeless individuals receiving outpatient health services under the grant;

"(4) with respect to providing outpatient health services to any population of homeless individuals a substantial portion of which has a limited ability to speak the English language—

"(A) has developed and has the ability to carry out a reasonable plan to provide outpatient health services under the grant through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan; and

"(5) agrees to submit to the Secretary an annual report that describes the utilization and costs of outpatient health services provided under the grant and that provides such other information as the Secretary determines to be appropriate.

"(i) Limitation on Administrative Expenses of Grantee.—The Secretary may not make a grant under this subpart to an applicant unless the applicant agrees that the applicant will not expend more than 10 percent of any such grant on the costs of administering the grant.

"(j) Applications for Grants.—The Secretary may not make a grant under this subpart unless an application containing the agreements required in this subpart has been submitted to, and approved by, the Secretary. The application shall be in such form, be in such manner, and otherwise contain or be accompanied by such information as the Secretary determines to be appropriate.

"(k) Use of Grant Funds for Referrals to Certain Advocacy Systems.—Any grantee under this subpart may, with respect to title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, expend grant funds for the purpose of referring homeless individuals who are chronically mentally ill, and who are eligible under such Act, to systems that provide advocacy services under such Act.

"(l) Use of Self-Help Organizations.—Any grantee under this subpart may provide outpatient health services through contracts with nonprofit self-help organizations that—

"(1) are established and managed by current and former recipients of mental health services who have been homeless individuals; and

"(2) with respect to the provision of outpatient health services described in subsection (b)(3), are organizations qualified under subparagraph (B) of such subsection.

"(m) Technical Assistance.—The Secretary may, without charge to any grantee under this subpart, provide technical assistance to any such grantee with respect to the planning, development, and operation of programs to carry out the purpose of this subpart. The Secretary may provide such technical assistance directly, through contract, or through grants.

"(n) Annual Reports by Secretary.—Not later than January 10 of each year, the Secretary shall submit to the Congress a report describing the utilization and costs of outpatient health services provided under this subpart during the immediately preceding fiscal year.

"(o) Funding.—(1) There are authorized to be appropriated to carry out this subpart $75,000,000 for fiscal year 1987, of which $2,000,000 shall be available for technical assistance under subsection (m).

"(2) Any amount appropriated under paragraph (1) shall remain available until expended.

"(p) Definitions.—For purposes of this subpart:

"(1) The term 'homeless individual' means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations.

"(2) The term 'medically underserved population' has the meaning given such term in section 330(b)(3).

"(3) The term 'official poverty level' means the nonfarm income official poverty line defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981.

"(4) The term 'organization' includes individuals, corporations, partnerships, companies, and associations.

"(5) The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management services.

"(6) The term 'primary health services' has the meaning given such term in section 330(b)(1).

"(7) The term 'substance abuse' means the abuse of alcohol or other drugs.".

SEC. 202. PROVISION OF HEALTH SERVICES TO THE HOMELESS BY NATIONAL HEALTH SERVICE CORPS.

Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended by adding at the end the following new paragraph:

"(3) Homeless individuals (as defined in section 340(p)(1)) may be a population group under paragraph (1).".

TITLE III—INTERAGENCY COMMISSION ON HOMELESSNESS AND GRANTS FOR FACILITIES TO ASSIST THE HOMELESS

SEC. 301. INTERAGENCY COMMISSION ON HOMELESSNESS.

(a) Establishment.—There is established a commission to be known as the Interagency Commission on Homelessness.

(b) Membership.—The Commission shall be composed of 7 members as follows:

(1) The Secretary of Housing and Urban Development, or the designee of the Secretary.

(2) The Secretary of Health and Human Services, or the designee of the Secretary.

(3) The Secretary of Agriculture, or the designee of the Secretary.

(4) The Secretary of Defense, or the designee of the Secretary.

(5) The Director of the Federal Emergency Management Agency, or the designee of the Director.

(6) The Administrator of General Services, or the designee of the Administrator.

(7) The Administrator of Veterans' Affairs, or the designee of the Administrator.

(c) Duties.—The Commission shall carry out the following duties:

(1) Review all Federal activities and programs that assist the homeless.

(2) Monitor, evaluate, and improve efforts to assist the homeless in cooperation with other Federal agencies, private voluntary organizations, States, and units of local government.

(d) Chairperson.—The chairperson of the Commission shall be elected by the members of the Commission.

(e) Staff and Offices.—The Secretary of Housing and Urban Development shall provide the Commission with such staff and office facilities as are necessary to ensure that the Commission carries out its functions under this section in an efficient and expeditious manner.

(f) Reports From Other Agencies.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the head of each Federal agency shall submit to the Congress and the Commission a report setting forth—

(1) the programs administered by the agency that assist the homeless and the number of the homeless assisted by such programs;

(2) impediments to the use by the homeless of the programs administered by the agency (or the services or benefits provided under such programs), including statutory and regulatory restrictions on such use; and

(3) efforts made by the agency to increase the opportunities for the homeless to gain shelter, food, and supportive services.

(g) Annual Report.—The Commission shall submit annually to the President and the Congress a report setting forth the findings and conclusions of the Commission. The report shall include—

(1) an assessment of the extent and nature of the problems relating to homelessness and the needs of the homeless;

(2) a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving such problems and meeting such needs;

(3) an assessment of the level of Federal assistance necessary to fully resolve such problems and meet such needs; and

(4) any recommendations of the Commission for legislation, administrative actions, and other actions to resolve such problems and meet such needs.

(h) Termination.—The Commission shall cease to exist, and the requirements of this section shall terminate, upon the expiration of the 3-year period beginning on the date of the enactment of this Act.

SEC. 302. USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY FOR FACILITIES TO ASSIST THE HOMELESS.

(a) Identification of Underutilized Buildings and Property.—The Secretary of Housing and Urban Development shall identify underutilized public buildings and property suitable for use for facilities to assist the homeless. The Secretary shall actively solicit information from other Federal agencies, States, and units of local government to identify such buildings and property.

(b) Availability for Facilities To Assist the Homeless.—The Secretary of Housing and Urban Development shall take such actions as may be necessary to make buildings and property identified under subsection (a) available for use for facilities to assist the homeless operated by private voluntary organizations, units of local government, and States.

(c) Prohibition on Transfer of Ownership of Federal Buildings or Property.—Federal buildings or property may be made available under this section only through the use of long-term leases. Ownership of the buildings and property shall not be transferred from control of the Federal Government.

SEC. 303. GRANTS FOR FACILITIES TO ASSIST THE HOMELESS.

(a) In General.—The Secretary of Housing and Urban Development shall make grants to private voluntary organizations, units of local government, and States to better enable them to provide assistance to the homeless in buildings or on property made available for such purpose (including properties made available under section 302).

(b) Involvement of Secretary of Health and Human Services.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall—

(1) jointly establish selection criteria for grants under this section;

(2) jointly evaluate and select the applications for grants under this section, except that the Secretary of Health and Human Services shall have sole responsibility for approval of any portion of an application relating to outpatient health services; and

(3) enter into such agreements as may be necessary to carry out such joint responsibilities.

(c) Use of Funds.—

(1) Funds received under this section may be used only for the following activities undertaken in buildings or on property made available for such purpose (including properties made available under section 302):

(A) Purchase, lease, renovation, conversion, or construction of facilities to assist the homeless. Such facilities shall be safe and sanitary and, when appropriate, meet all applicable State and local housing and building codes and licensing requirements in the jurisdiction in which the facility is located.

(B) Provision of supportive services for the homeless.

(2)(A) If funds received under this section are used to purchase, construct, or substantially rehabilitate a facility to assist the homeless, the facility shall be used to assist the homeless for not less than a 10-year period.

(B) The Secretary of Housing and Urban Development may waive the requirement established in subparagraph (A) if—

(i) the unit of local government in which the facility is located certifies that the facility is no longer needed to assist the homeless; and

(ii) the grantee demonstrates to the satisfaction of the Secretary that the facility is no longer needed to assist the homeless.

(C) If the Secretary of Housing and Urban Development grants a waiver under subparagraph (B), the grantee—

(i) in the case of a facility owned by the Federal Government, shall return control of the facility to the Federal Government, unless the Secretary approves the continued use of the facility for activities that directly benefit lower income persons for the remainder of the 10-year period; or

(ii) in the case of a facility not owned by the Federal Government, shall repay the full grant amount or continue to use the facility for activities that directly benefit lower income persons for the remainder of the 10-year period.

(3) Not more than $10,000 of any grant provided under this section may be used for outpatient health services (exclusive of the cost of any renovation, conversion, or construction).

(d) Limitations on Administrative Expenses.—Not more than 5 percent of a grant made under this section may be expended for administrative expenses.

(e) Eligibility Requirements.—Any private voluntary organization, unit of local government, or State may submit an application for assistance under this section, in such form as the Secretary of Housing and Urban Development and the Secretary of Health and Human Services determine to be appropriate.

(f) Selection.—Assistance may be provided under this section only to an applicant that—

(1) has shown a demonstrated commitment to alleviating poverty;

(2) has the continuing capacity to effectively provide assistance to the homeless; and

(3) complies with such other requirements for assistance under this section as the Secretary of Housing and Urban Development and the Secretary of Health and Human Services may establish.

(g) Priorities.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall—

(1) reserve, to the maximum extent practicable, not less than 50 percent of all funds provided under this section for the support of facilities designed to primarily benefit homeless families with children (and a portion of such funds shall be used for child care facilities);

(2) in making grants to States and units of local government, give priority to States and units of local government that—

(A) have in effect laws, ordinances, or policies that preserve lower income housing (such as single room occupancy housing) and prevent the displacement of lower income persons;

(B) use non-Federal funds (including funds from private voluntary organizations) to supplement assistance provided under this section; and

(C) support and participate in the activities proposed by the applicant; and

(3) give priority to facilities designed to provide, alone or together with associated supportive services provided by other organizations, comprehensive assistance to the homeless in order to both meet their immediate needs and to enhance opportunities for the homeless to permanently improve their lives.

(h) Allocation.—In selecting applications for grants under this section, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall ensure that the funds are provided to the geographical areas of greatest need, taking into consideration the particular needs of different geographical regions, communities of different population sizes, and urban, suburban, and rural communities.

(i) Accountability.—The Secretary of Housing and Urban Development (or, in the case of outpatient health services or facilities used for such services, the Secretary of Health and Human Services) shall monitor the use of funds made available pursuant to this section as follows:

(1) The Secretary shall inspect each facility assisted pursuant to this section and, at least annually, the State or unit of local government in which the facility is located shall certify to the Secretary that—

(A) the homeless are receiving the assistance specified in the application;

(B) public buildings, property, and grant funds are being used in a cost-effective manner; and

(C) the recipient of assistance under this section is complying with the terms of any lease or grant agreement entered into with the Secretary.

(2) Each recipient of assistance under this section shall maintain such records as the Secretary requires taking into account the nature of the recipient (including the private voluntary organization implementing the program) and as may be reasonably necessary to disclose the amount and disposition of the proceeds of the assistance. For purposes of audit and examination, the Secretary shall have access to any records of the recipient that are related to assistance received under this section.

(j) Regulations.—Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall by notice establish such requirements as may be necessary to carry out the provisions of this section. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act. Such notice shall—

(1) provide that a notice of funding availability shall be published in the Federal Register not later than the expiration of the 30-day period beginning on the date on which amounts become available to carry out this section;

(2) require all applications for grants under this section to be submitted not later than the expiration of the 30-day period beginning on the date on which the notice of funding availability is published in the Federal Register; and

(3) provide that the final selection of applications for grants under this section shall be completed not later than the expiration of the 60-day period beginning on the date on which the notice of funding availability is published in the Federal Register.

SEC. 304. DEFINITIONS.

For purposes of this title:

(1) The term "Commission" means the Interagency Commission on Homelessness established in section 301.

(2) The term "facility to assist the homeless" means a building or property used to provide living accommodations or supportive services (or both) for the homeless.

(3) The term "homeless" means families and individuals who—

(A) are lower income families and individuals (including lower income families and individuals who are elderly families and individuals or handicapped families and individuals), as such terms are defined in section 3(b) of the United States Housing Act of 1937; and

(B) lack traditional or permanent housing.

(4) The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management services.

(5) The term "private voluntary organization" does not include any organization in which any part of the net earnings inures to the benefit of any member, founder, contributor, or individual.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(7) The term "supportive services" means food, child care, assistance in obtaining permanent housing, outpatient health services, employment counseling, nutritional counseling, security arrangements necessary for the protection of residents of facilities to assist the homeless, and such other services essential for maintaining independent living as the Secretary of Housing and Urban Development determines to be appropriate. Such term includes the provision of assistance to the homeless in obtaining other Federal, State, and local assistance available for such persons, including mental health benefits, employment counseling, and medical assistance. Such term does not include major medical equipment.

(8) The term "unit of local government" includes any combination of local governments.

TITLE IV—PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS

SEC. 401. STATEMENT OF PURPOSE.

It is the purpose of this title to provide grants for the acquisition and rehabilitation of property to serve as permanent housing for handicapped homeless persons.

SEC. 402. AUTHORITY TO PROVIDE GRANTS TO STATES.

The Secretary shall, to the extent of amounts approved in appropriation Acts, make grants to States in order to enable the States to provide grants to nonprofit organizations for the acquisition and rehabilitation of property to serve as permanent community-based housing for handicapped homeless persons.

SEC. 403. ALLOCATION OF GRANTS TO STATES.

(a) Allocation Formula.—The Secretary shall allocate assistance under this title to States in a manner that ensures that the percentage of the total amount available under this title for any fiscal year that is allocated to any State is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for the prior fiscal year that is allocated to the State (including the metropolitan cities and urban counties located in the State).

(b) Letter of Participation.—No grant may be provided to any State under this title unless, not later than the expiration of the 90-day period following the announcement of an allocation under this section, the State submits to the Secretary a letter of participation. Such letter shall include—

(1) the commitment of the State to comply with the matching funds requirement in subsection (e) by the time all assistance allocated to the State under this section is obligated and a description of the sources and amounts of such matching funds;

(2) the assurances of the State that it will facilitate the provision of supportive services consistent with the needs of the residents of the facilities established using amounts provided under this title;

(3) a designation of a State agency whose primary responsibility is handicapped persons to assist the State housing finance agency in operating the program of the State under this title; and

(4) a description of the methods by which the State will distribute the amounts received under this title to nonprofit organizations, including the methods by which the State will—

(A) distribute amounts received through reallocation under subsection (d); and

(B) reallocate amounts under section 404(b).

(c) Allocation of Assistance.—The Secretary shall allocate assistance under this title to each State not later than the expiration of the 30-day period following receipt from the State of a letter of participation in compliance with the requirements of subsection (b).

(d) Reallocation of Amounts.—

(1) The Secretary shall annually recapture and reallocate any amount allocated under subsection (a) that is unused or returned to the Secretary.

(2) The Secretary shall recapture and reallocate any amount received by a State under subsection (a) that is not committed for later obligation to a specific housing project before the expiration of the 6-month period following the date of receipt. The Secretary may extend such period by not more than 6 additional months if the Secretary determines that the State is unable to commit the amounts within the initial 6-month period due to reasons that are not within the control of the State.

(3) The Secretary shall recapture and reallocate any amount recaptured by a State under section 404(b) that is not committed for later obligation to a specific housing project before the expiration of the 3-month period following the date of recapture by the State.

(e) Matching Funds Requirement.—

(1) Each State receiving a grant under this section shall be required to supplement the assistance provided under this section with an equal amount of State and local government funds—

(A) that are to be used solely for acquisition or rehabilitation; and

(B) not more than 50 percent of which may be local government funds.

(2) The Secretary may waive all or part of the requirement established in paragraph (1) if the State demonstrates to the satisfaction of the Secretary that—

(A) the State is experiencing a severe financial hardship that makes it unable to provide an equal amount of funds; and

(B) the local governments of the areas in which the nonprofit organizations receiving grants from the State under section 404 are located will contribute local government funds in an aggregate amount equal to the amount of such contribution waived for the State under this paragraph.

(f) Administration of Assistance.—Each State shall act as the fiscal agent of the Secretary with respect to assistance provided to the State under this title.

SEC. 404. DISTRIBUTION OF AMOUNTS TO NONPROFIT ORGANIZATIONS.

(a) In General.—Each State receiving a grant under this title shall use the funds to provide grants to nonprofit organizations.

(b) Reallocation of Amounts.—Each State shall, not less than once during each fiscal year, recapture and redistribute any assistance committed under subsection (a) that is unobligated at the expiration of the 12-month period following commitment or is returned to the State. The State shall commit for later obligation to a specific housing project any amount recaptured under this subsection before the expiration of the 3-month period following the date of recapture.

SEC. 405. USE OF FUNDS BY NONPROFIT ORGANIZATIONS.

(a) In General.—Each nonprofit organization receiving assistance under this title shall use the funds for the acquisition or rehabilitation (or both) of property to serve as permanent community-based housing for handicapped homeless persons.

(b) Design and Location Requirements.—

(1) Community-based housing assisted under this title shall be designed for not more than 8 handicapped persons. Such housing shall be safe and sanitary and, when appropriate, meet all applicable State and local housing and building codes and licensing requirements in the jurisdiction in which the housing is located.

(2) In the case of community-based homes assisted under this title, not more than 1 home may be located on any 1 site and no such home may be located on a site contiguous to another site containing such a home.

(c) Continued Use for Handicapped Homeless Persons.—

(1) Each nonprofit organization receiving assistance under this title shall certify to the State that it will maintain as housing for handicapped homeless persons for not less than a 20-year period any building for which assistance is used under this title.

(2) The Secretary may waive the requirement established in paragraph (1) if the nonprofit organization demonstrates to the satisfaction of the Secretary that—

(A) the facility is no longer needed to assist handicapped homeless persons, in which case the funds resulting from the sale of the facility will be returned to the State for reallocation under this title; or

(B) the funds resulting from the sale of the facility will be used by the nonprofit organization to provide additional housing for handicapped homeless persons.

SEC. 406. ADMINISTRATIVE PROVISIONS.

(a) Regulations.—Not later than the expiration of the 30-day period following the date of the enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this title. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act. The Secretary shall issue regulations based on the initial notice before the expiration of the 12-month period following the date of the enactment of this Act.

(b) Initial Allocation of Assistance.—Not later than the expiration of the 30-day period following the date on which funds become available to carry out this title, the Secretary shall notify each State of its allocation of assistance under this title. Such assistance shall be allocated and may be used notwithstanding any failure of the Secretary to issue regulations under subsection (a).

(c) LIMITATION ON USE OF FUNDS.—No assistance received under this title (or any State or local government funds used to supplement such assistance in accordance with the requirements of this Act) may be used to replace other public funds previously used, or designated for use, to assist handicapped persons, homeless persons, or handicapped homeless persons.

(d) LIMITATION ON ADMINISTRATIVE EXPENSES.—No State or nonprofit organization may use more than 5 percent of a grant received under this title for administrative purposes.

(e) ACCOUNTABILITY.—

(1) The Secretary shall monitor, and annually audit, the use of funds made available under this title.

(2) Not less than annually, the State in which housing assisted under this title is located shall certify to the Secretary that—

(A) handicapped homeless persons are receiving the assistance specified in the application; and

(B) the recipient of assistance under this title is complying with the terms of any agreements entered into under this title.

(3) Each recipient of assistance under this title shall maintain such records as the Secretary requires taking into account the nature of the recipient (including the nonprofit organization implementing the program) and as may be reasonably necessary to disclose the amount and disposition of the proceeds of the assistance. For purposes of audit and examination, the Secretary shall have access to any records of the recipient that are related to assistance received under this title.

SEC. 407. REPORT TO CONGRESS.

The Secretary shall submit to the Congress an annual report summarizing all activities carried out under this title and setting forth any findings, conclusions, or recommendations of the Secretary as a result of such activities.

SEC. 408. DEFINITIONS.

For purposes of this title:

(1) The term "community-based housing" includes—

(A) any building used solely for housing for handicapped homeless persons that is integrated into the neighborhood in which it is located; and

(B) dwelling units that are to be used for housing for handicapped homeless persons and are included in a larger multifamily housing project, condominium project, or cooperative project that is integrated into the neighborhood in which it is located.

(2) The term "handicapped" means an individual who is handicapped within the meaning of section 202 of the Housing Act of 1959.

(3) The term "handicapped homeless person" means a handicapped individual who is homeless or at risk of becoming homeless.

(4) The term "homeless" means an individual—

(A) whose income does not exceed 80 percent of the median income of the area, as determined by the Secretary; and

(B) who has no access to either traditional or permanent housing.

(5) The term "nonprofit organization" means any governmental or private nonprofit entity that is approved by the Secretary as to financial responsibility.

(6) The term "Secretary" means the Secretary of Housing and Urban Development.

(7) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

TITLE V—FOOD ASSISTANCE FOR THE HOMELESS

SEC. 501. ANNUAL ADJUSTMENT OF INCOME ELIGIBILITY STANDARDS.

Section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended by inserting "shall be adjusted each October 1 and" after "eligibility" the first place it appears.

SEC. 502. INELIGIBILITY FOR EARNED INCOME DEDUCTION.

The third sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by inserting before the period at the end the following: ", except that such additional deduction shall not be allowed with respect to earned income that a household willfully or fraudulently fails (as proven in a proceeding provided for in section 6(b)) to report in a timely manner ".

SEC. 503. EXCESS SHELTER EXPENSE.

The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking "$147" and inserting "$168"; and

(2) by striking "$256, $210, $179, and $109 a month, respectively, adjusted on October 1, 1986" and inserting "$292, $239, $204, and $124 a month, respectively, adjusted on October 1, 1988".

SEC. 504. THIRD PARTY PAYMENTS FOR CERTAIN HOUSING.

Section 5(k)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)) is amended—

(1) in subparagraph (D) by striking "or" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) housing assistance payments made to a third party on behalf of a household residing in temporary housing if the temporary housing unit provided for the household as a result of such assistance payments lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption; or".

SEC. 505. FOOD STAMP OUTREACH TO HOMELESS INDIVIDUALS.

(a) AUTHORITY TO CONDUCT OUTREACH.—Section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking "shall (A)" and inserting "(A)(i) except as provided in subclause (ii), shall",

(2) by inserting ", and (ii) may conduct food stamp outreach activities directed at households that do not reside in permanent dwellings and households that have no fixed mailing addresses" after "Act", and

(3) in clause (B) by inserting "shall" after "(B)".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended—

(1) by redesignating clause (4) as clause (5); and

(2) in clause (3) by inserting after "households," the following: "(4) food stamp outreach activities permitted under section 11(e)(1)(A)(ii) of this Act,".

SEC. 506. DISTRIBUTION OF SURPLUS CHEESE.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC CHEESE

"SEC. 202A. (a)(1) Notwithstanding any other provision of law, in each of the fiscal years 1988, 1989, and 1990 cheese acquired by the Commodity Credit Corporation that is in excess of quantities needed to—

"(A) carry out other domestic donation programs,

"(B) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(C) meet international market development and food aid commitments, and

"(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act,

may be made available under this section by the Secretary.

"(2) The Secretary may make such excess cheese available in any State, in addition to the normal allotment of cheese (adjusted by any reallocation) under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

"(A)(i) individuals in such State who are eligible to receive cheese under this Act are not receiving cheese distributed under other provisions of this Act, or

"(ii) the number of unemployed individuals in such State has increased during the 90-day period ending on the date the certification is made, and

"(B) the distribution of cheese under this subsection in such State will not substantially displace the commercial sale of cheese in such State.

"(3) Cheese made available under this subsection by the Secretary shall be made available without charge or credit in such fiscal year, in a usable form, for use by eligible recipient agencies in such State.

"(b) In each of the fiscal years 1988, 1989, and 1990, the amount of cheese made available under subsection (a) shall not exceed 14,000,000 pounds.

"(c) Whenever the Secretary receives a request submitted under subsection (a)(2), the Secretary shall immediately notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that such request was received.".

SEC. 507. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS.

(a) AUTHORIZATION.—Section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting "$51,850,000 for the fiscal year ending September 30, 1988, $53,950,000 for the fiscal year ending September 30, 1989, and $56,200,000 for the fiscal year ending September 30, 1990," after "1987,".

(b) PROGRAM EXTENSION.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking "1987" and inserting "1990".

SEC. 508. ISSUANCE OF RULES.

Not later than July 1, 1987, the Secretary of Agriculture shall issue rules to carry out the amendments made by this title.

SEC. 509. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATES.—

(1) Except as provided in paragraphs (2) and (3), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 502, 504, and 505 shall take effect on the date the Secretary of Agriculture issues rules under section 508 or on July 1, 1987, whichever occurs earlier.

(3) The amendments made by sections 503 and 506 shall take effect on October 1, 1987.

(b) APPLICATION OF AMENDMENTS.—

(1) The amendments made by section 503 shall not apply with respect to allotments issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to any household for any certification period beginning before the effective date of such section.

(2) The amendments made by sections 502 and 504 shall not apply with respect to allotments issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to any household for any month beginning before the respective effective date of the section involved.

SENATE—*Tuesday, March 3, 1987*

The Senate met at 4 p.m. and was called to order by the Honorable BARBARA A. MIKULSKI, a Senator from the State of Maryland.

The PRESIDING OFFICER. Today, our prayer will be offered by the Reverend Hampton Joel Rector, a staff aide in Senator BYRD's office.

PRAYER

Dr. Hampton Joel Rector, an ordained Methodist minister, offered the following prayer:

Gracious Heavenly Father and Holy Spirit. We are flawed creatures. Our knowledge is in part. Our virtue is lacking. Our wisdom is incomplete. But by faith, we know that whatever we commit to Your hands and to Your guidance is committed indeed. Therefore, in this hour, we commit to You ourselves, our decisions, our work, and our rewards.

Move graciously through this Chamber and through these Halls. Move through our minds and through our hearts. Touch us with a higher knowledge. Imbue us with a deeper virtue. Grant to us a wisdom not our own, and sanctify our wills to serve Your eternal kingdom, that all that is accomplished in this Senate today may more fully reflect Your purposes for ourselves, for our Nation, and for our world.

And keep ever before us the faces and conditions of those men and women and children on whose behalf we labor here, that all of our deeds may be wrought in compassion and performed in justice.

For these things we pray in the name of our Lord and Saviour, Jesus Christ. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 3, 1987.

TO THE SENATE:

Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA MIKULSKI, a Senator from the State of Maryland, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Ms. MIKULSKI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Madam President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Madam President, following the two leaders under the standing order today, there will be special orders for the recognition of the following Senators, each for not to exceed 5 minutes: Senators PROXMIRE, ARMSTRONG, MCCONNELL, and MURKOWSKI.

There will then be a period for the transaction of morning business, during which Senators may speak, under the order previously entered, up to 5 minutes each.

Following the morning business, I would hope to be able to consider some measures by unanimous consent. One would be H.R. 1056, an act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guarantee of mortgage-backed securities. Also, I would hope we would be able to discharge the Banking Committee from further consideration of H.R. 431, a bill to extend for 6 months the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act, and any other resolutions or bills that might be cleared.

There will be no rollcall votes this afternoon.

ARMS CONTROL IN THE 100TH CONGRESS

Mr. BYRD. Madam President, the events of this past weekend in Moscow and Geneva, and the positive reaction announcement from the White House just an hour or so ago on the matter of intermediate nuclear forces in Europe highlights the importance of arms control for the 100th Congress.

It will be during the 100th Congress that much of the roadmap of weapons developments and/or reductions will be charted for the next decade. If no major arms control treaty or treaties are concluded during this Congress, the informed pool of experience and the negotiating relationships built over the last few years will be mainly lost. The next President will start from scratch, build his own team, orient his priorities, and all this takes considerable time. The opportunity for concluding important treaties will probably not be available again until the early 1990's.

The action by Soviet General-Secretary Gorbachev, in delinking the negotiations on a Euromissile treaty from progress on other negotiating tables is a step forward. Seven Senators from the arms control observer group visited Geneva this past weekend to confer with our negotiators and with the Soviet negotiators, in order to continue the confidential assessment and consultation function the group has been performing for some 2 years now. The group has reported to me that they had very productive and extensive discussions over a 3-day period, during which time Secretary Gorbachev made his delinking announcement. Although the Soviet proposal merely dusts off the position that they had abandoned at Reykjavik, the group came away with a sense of optimism regarding the prospects for real progress in the near term, meaning this spring and summer. There are obstacles which must be overcome, such as in the area of verification and in the balance of missile forces of somewhat shorter range than that of the SS-20's.

I wrote the President yesterday urging him to direct our negotiators to aggressively pursue prospects for agreement in this particular arena, so as to test Soviet intentions and to challenge them to demonstrate their good faith to reach a fair, verifiable, and mutual arms control accord.

I would note, Madam President, that the language of Mr. Gorbachev's statement, which is very carefully drawn and measured, indicates some positive movement on the question of Soviet flexibility on the question of acceptable SDI research and testing on defensive strategic systems outside the laboratory. He said that the conclusion of an agreement on space weaponry should be conditioned by a decision on the prevention of deployment of weapons in outer space. He omitted the word "development" in association with "deployment," an omission of central importance, an omission which could not have been anything but deliberate. Those who are versed in these matters regard this as an invitation for us to probe the Soviets on this

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

matter. I indicated this to the President in my letter of yesterday, saying that I believed that we "have now reached the point in the negotiations where it seems imperative to discuss, in detail, specific testing programs which are acceptable under the terms of the ABM Treaty."

This flexibility should be aggressively pushed by our negotiators, and I would hope that the White House will provide the necessary instructions to those capable negotiators in Geneva to explore these vital matters.

Madam President, as I mentioned, I have written the President on a wide range of arms control matters that confront the Nation and the Senate. In summary, I have indicated the following additional points in addition to those I have already enumerated:

First, I have attempted to build bipartisan support for the President in pursuing arms control. The Senate stands behind him. The American people want him to try. This is the motivation behind our reauthorization of the arms control observer group. It is the genesis of the Senate resolution Mr. DOLE and I authored 2 weeks ago today, adopted overwhelmingly by the Senate, supporting the President's commitment to arms control. That resolution also urged the Soviets to take the delinking action which was effectuated this past weekend. The same motivation underlay my putting the two nuclear testing treaties on a fast track on the Senate. The Foreign Relations Committee, with the pushing of the distinguished chairman, Mr. PELL, reported those treaties out. However, the President has not yet made good on his commitment to put them on the top of his priority list for this Congress, and to demonstrate, as so often in the past, his ability to deliver his side of the aisle. When I am convinced he has done this, and that those treaties will have his support and can be approved, I call them up for consideration.

In addition, Madam President, I mentioned to the President that I will support early efforts to manadate American adherence to the ceilings of the central numerical sublimits of the SALT II accords. I support this primarily on purely military grounds. In this respect, I said that "continued noncompliance by the United States simply gives the Soviets a pretext to outproduce us in ballistic missiles and rapidly to add more warheads to their heavy missiles. So long as the Soviets continue to adhere to those ceilings, as they are now doing, it is in our military interest to do likewise.

Last, I indicated that I had been pleased to enter into consultative arrangements with the administration regarding its new interpretation of the terms of the ABM Treaty. I indicated that, "Since certain interpretation would undoubtedly have the effect of changing the strategic rules of the game underlying the superpower relationship in fundamental ways, and have long-term budget impacts which will have to be addressed by the Senate, it is critical that a strong consensus exist with the Senate before revisions are adopted. Clearly, such a consensus has not yet been built."

Madam President, these are weighty matters for our Nation. I hope the President will develop an intense and sustained involvement in this process. It is only with such a commitment that results can be achieved which are vital to our national security and beneficial for the future course of superpower relations.

Madam President, I ask unanimous consent that the letter to which I earlier alluded be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 2, 1987.

THE PRESIDENT,
The White House, Washington, DC.

DEAR MR. PRESIDENT: The 100th Congress coincides with the last two years of your Presidency, and I thought it would be useful at this time to offer you my views on a subject certain to consume much of the time of both branches of government in the weeks and months to come—arms control.

The Senate reauthorized the existence of the bipartisan Arms Control Observer Group on the first day of this Congress. This influential and experienced group again visited Geneva last weekend, to confer with our negotiators and continue the confidential assessment and consultation function it has been performing over the last two years. It will undoubtedly play an important role during the Senate's consideration of any treaty you submit for advice and consent. The level of cooperation between the two branches in the functioning of this group over the last two years has been impressive and unprecedented in the arms control field.

While the group was in Geneva, Soviet General Secretary Gorbachev's announcement that the Soviet Union was reinstating its previous position to go forward toward a treaty on medium-range nuclear weapons in Europe, without linking it to progress on other arms control matters, came as a positive step. I urge you to direct our negotiators to aggressively pursue prospects for an agreement in this particular arena, so as to test Soviet intentions and to challenge them to demonstrate their good faith to reach a fair, verifiable and mutual arms control accord.

In addition, just as we have to look at the situation in Central America in a broader context than the contras, we must also look at the possibilities for arms control in a broader context than the Strategic Defense Initiative. As a supporter of SDI research, I feel the program has promise and that research must go forward; however, we should not sacrifice progress in arms control by focusing totally on the SDI solution.

We have now reached the point in the negotiations where it seems imperative to discuss, in detail, specific testing programs which are acceptable under the terms of the ABM Treaty.

The Senate recently took two additionally modest steps on arms control matters. First, it adopted, by an overwhelming vote, a resolution which I authored with Mr. Dole providing the strong support of the Senate for "vigorous" efforts on your part to pursue a fair, comprehensive, effective, and verifiable arms control agreement with the Soviet Union.

There is little doubt that a broad consensus exists in the Congress and among the American people that all efforts should be exerted to achieve such an agreement or agreements. I can assure you that the Senate will undertake a very thorough and timely review, on a high priority basis, of any agreement you are able to reach, and that it will provide the appropriate advice and consent.

Also the Senate Foreign Relations Committee favorably reported two nuclear testing treaties which had been held by the Committee for over a decade since submitted by Presidents Richard Nixon and Gerald Ford—the Threshold Test Ban Treaty of 1974 and the Peaceful Nuclear Explosions Treaty of 1976. The Committee included reservations pertaining to on-site verification requirements which you had indicated you desired, enlarging upon the provisions with respect to verification contained in the treaties. Although I believe there is a general consensus among my colleagues that these treaties are currently being observed by both nations, and although many of my colleagues are persuaded that additional verification requirements are not needed to assure compliance with the treaties, I have supported your position in light of your commitment, expressed in a letter to Senator Barry Goldwater of October 10, 1986, to put these treaties on the top of your priority list for this Congress. The final goal of these steps addressing nuclear testing, as you stated in that letter, is the prompt initiation of negotiations with the Soviet Union toward a Comprehensive Test Ban Treaty—a goal which has been supported by every Administration of both parties beginning with President Eisenhower's.

The Committee's action provides you with all the support necessary to negotiate an on-site verification regime with the Soviet Union. The practical development of such a concept would constitute a major breakthrough with the Soviets which could then be extended to a variety of other arms control matters now being negotiated. In addition, I believe that approving these treaties could provide you with a mechanism to galvanize the arms control process and to put the burden of responsibility onto the Soviet Union for making progress on testing. You will recall that I presented these arguments to you personally in the oval office on Friday, February 6, 1987.

Despite my personal appeal to you on this issue, the mark-up of the treaties by the Senate Foreign Relations Committee demonstrated conclusively that you have not convinced Senators from your party to stand behind your written commitment to give top priority to these treaties. Instead, Republican Senators expressed their opposition to them, and it is clear that without your personal intervention, there will not be a two-thirds majority available to approve them. I certainly do not intend to precipitate a situation in which the Senate does not provide at least a two-thirds majority for approval of these treaties, for that would constitute a setback for the modest quantum of cooperative arms control effort that currently exists with the Soviet Union.

Therefore, without your active leadership in winning support from Senate Republicans, I cannot responsibly call the two treaties up for consideration on the Senate floor.

I also would like to take this occasion to remind you that in return for your commitment to make progress on the nuclear testing issue, and to give you the leverage you requested with the Soviets in Iceland, Democrats agreed to your request last October to remove amendments relating to various arms control matters from the Continuing Resolution. Several of those amendments embodied deeply held convictions in the Congress on the essential elements of a proper framework for progress on arms control. They were not given up easily.

In this light, I believe there are actions that are within the power of the Senate which are appropriate for us to take at an early opportunity. First, adherence to the central numerical sublimits of the SALT II accords is, I believe, not only beneficial for the future of arms control, but also is vital for our national security interests from a purely military standpoint. So long as the Soviet Union continues to adhere to those limits, which is currently the case, I believe we should also adhere to them. Your program of outfitting manned bombers with cruise missiles has now put the United States above those ceilings and I will support early action to require necessary compensatory measures to put us back into compliance. I believe continued noncompliance by the United States simply gives the Soviets a pretext to outproduce us in the ballistic missile field, and rapidly to add more warheads to their heavy missiles. This is, of course, disadvantageous to the United States from a military standpoint. Even worse, the Soviets can argue that they are simply responding to our actions, and gain a propaganda victory at our expense. There is, then, nothing to be gained and much to lose by continuing the current policy of breaking those numerical limits.

There is a further and equally critical matter, and that is your approach to the interpretation of the terms of the 1972 Antiballistic Missile Treaty, which is currently in force with the Soviets. Your Administration, at the request of Senator Sam Nunn, Senator Claiborne Pell, myself, and other Senators, provided the Senate the detailed record of the negotiations which produced the Treaty. Other Senators and I are currently in the process of analyzing that record.

I am pleased you have agreed to engage in consultations with the Senate regarding any alterations the Administration might propose in the interpretation of that record to which all have agreed up until recently, and regarding the parameters of your SDI proposals in relation to that record. I am arranging for the appropriate group of Senators, including the leadership of both parties, the Chairman and ranking members of the Armed Services, Foreign Relations and Intelligence Committees and of the Defense Appropriations Subcommittee, and the members of the Arms Control Observer Group to be available to consult with your representatives—in support of the treaty-related oversight work to be conducted by the Senate Foreign Relations Committee. Such consultations would, in my view, have to be extensive and deliberate. It would not be reasonable, given the importance and complexity of these issues, for such consultations to be concluded by early March, as the Administration's intention has been reported by the news media. Such a deadline would rush the process so as to make it a charade. Also, it would be particularly puzzling in light of the assertions in the same media report (1) that your Decision Memorandum on this subject orders the State Department to conclude its legal analysis on the Treaty interpretation by the end of April, 1987, and (2) that you have instructed your negotiators in Geneva "not to negotiate or even discuss limits on defensive systems that would be more restrictive than the Administration's new interpretation." [*New York Times*, February 22, 1987.] Your representatives, at an organizational meeting in the Capitol, agreed that such consultations should be deliberate and extensive over a period of at least several months.

I am very concerned that unilateral adoption of the so-called "broad" or "new" interpretation of the terms of the ABM Treaty by the Executive branch would have the effect of pre-empting the constitutional responsibilities of the Senate in its advice and consent role. In addition, since any revised interpretation would undoubtedly have the effect of changing the strategic rules of the game underlying the superpower relationship in fundamental ways, and have long-term budget impacts which will have to be addressed by the Senate, it is critical that a strong consensus exist with the Senate before revisions are adopted. Clearly, such a consensus has not yet been built.

These and other arms control matters are of great importance for our nation. I believe their importance argues for your intense and sustained involvement in pursuing—and instructing all components and officials of your Administration with related responsibilities to pursue vigorously—armed control agreements which protect and enhance the national security of the United States. In my judgment, it is only with such a commitment, that results can be achieved which are vital to our national security and beneficial for the future course of superpower relations.

Sincerely yours,

ROBERT C. BYRD.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DOLE. Madam President, I am happy to yield to the distinguished Senator from Tennessee if he wants to proceed, not on my time.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Tennessee may proceed.

Mr. BYRD. Madam President, will the distinguished Senator yield to me?

Mr. GORE. I am happy to yield.

Mr. BYRD. I thank the distinguished Republican leader for his courtesy in yielding to Mr. GORE.

I ask unanimous consent that the time not be charged to the Republican leader. How much time does the Senator wish to have?

Mr. GORE. Are 10 minutes all right?

Mr. BYRD. And that the distinguished Senator from Tennessee be allowed to control 10 minutes of time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GORE. Thank you, Madam President, and I, too, wish to express my thanks to the distinguished Republican leader for allowing me to go forward.

ARMS CONTROL

Mr. GORE. Madam President, I wanted to speak in order to compliment the majority leader on the statement he had just made and on the letter which was released not long ago from the majority leader to the President. At the suggestion of the majority leader, I also wish to give a brief summary to my colleagues of the events which were witnessed by the arms control observer group in Geneva over the last few days.

Since we returned last night, President Reagan has announced that he is asking our negotiators to come back to Washington for brief consultations related to the tabling in Geneva of a draft treaty to deal with intermediate range nuclear forces or the European missile issue.

This is a very positive step, and Madam President, it is a bold step for us to provide the details of the way we think that treaty should be written. So, too, is the statement of General Secretary Gorbachev a few days ago, announcing that the Soviet Union is going to delink the issue of European missiles from the other issues under discussion in Geneva; namely, space defense systems and strategic missiles. Together, these two statements by heads of state give a powerful momentum to the arms control talks in Geneva.

I think it is worth examining briefly what General Secretary Gorbachev really did.

To begin with, Mike Glickman, our negotiator in the INF talks, observed the Soviet Union has removed an obstacle that impeded progress on INF.

It is worth remembering, however, that this obstacle was initially placed there by the Soviet Union in the aftermath of Reykjavik when they reestablished a linkage between INF and the other two negotiations.

They felt at that time, apparently, that a decision to relink INF with the other two talks would build pressure in Europe for progress on the other two matters under discussion.

To their evident surprise, there was ferocious criticism of their relinkage from political parties in Western Europe both from the right end of the spectrum and the left part of the spectrum. It was virtually unanimous. So in the face of this opposition they decided to reverse direction.

Second, I think they clearly decided that the formula arrived at to deal with INF forces at Reykjavik was in their interest as well as in the interest of the United States and its allies.

Third, I believe the Russians did wish to give impetus to the other two talks.

Madam President, I think it is quite significant that General Secretary Gorbachev chose to take this step only 2 days after the release of the Tower Commission report.

It is an extraneous matter in one way, but in another way it reaffirms the basic strategic decision by the Soviet Union to deal with President Ronald Reagan.

That judgment on their part is correct because there is bipartisan support in the Senate for the arms control initiatives under way in Geneva at President Reagan's direction.

We also found, Madam President, intriguing hints of progress on the other two parts of the arms control talks, and there may be questions confronting the Senate in the next few months which might have a relation to the discussions underway there, and I anticipate further discussions along those lines in the days and weeks ahead.

There are obstacles that stand in the path of a successfully completed INF agreement.

First of all, the issue of verification must be successfully resolved.

The Soviets with whom we met gave us indications that there was a new attitude in the Soviet Union with respect to verification. But, as we say here in America, "the proof is in the pudding," and we want to see their detailed discussions on how they can resolve the problems that we have with respect to verification. That having been said, I and others did get the impression that the Soviets wish to resolve that particular problem. That is the impression that clearly was given by the Soviets and by our negotiators.

But the Soviets must understand that the United States and our allies feel very strongly that an INF agreement cannot go forward—particulary on a zero-zero basis, that is, 100 in Russia and 100 in the United States basis, unless we deal satisfactorily with the issue of short-range missiles. There are short-range missiles that have been improved to the point where they can, some of them, serve at least partly the same purposes that the SS-20's have served in the past.

The Soviets have a lot of missiles like that. We have virtually none. There is nothing between the Lance, which is an short-range missile, and the Pershing II and the ground-launch cruise missiles which are long-range INF missiles. So we have to deal with that.

The Soviets gave indications that there would be a way to solve the short-range problem by accepting equal levels at greatly reduced numbers, and, implicitly, that would give us the right to build up to whatever number of short-range missiles remain to the Soviet Union. But we are not in this context talking about all short-range INF missiles. Principally we are talking about the SS-23. The other short-range missiles could be handled in follow-on negotiations to begin immediately after the conclusion of an INF treaty. But the Soviet Union needs to know that there is strong bipartisan insistence here in the United States and virtual unanimity among the allies that those particularly troubling short-range missiles have to be dealt with at the same time we deal with an INF treaty.

Madam President, in conclusion, let me reiterate the point that timing is all important because the next few months will tell the tale. If one assumes that the treaty we are talking about—I hope it does not just involve INF, and I hope that it will contain a breakthrough in the other two areas—is to be ratified during this President's term, it really should be submitted to the Senate by February of next year.

If one assumes that it would require 6, to 7, to 8 months of work in drafting the treaty and working out these excrutiatingly difficult details, then you really are talking about this summer for the beginning of the drafting process. That means that the fundamental agreement in principle, if you will, or however we want to word it and approach it, on a so-called grand compromise, or whatever, has to come in the next round of negotiations. That round will begin April 23. It will last 6 to 8 weeks. Both countries realize that is the critical time. I think it is extremely significant that President Reagan has asked Ambassador Kampelman and his staff to come back now in order to talk about the draft INF Treaty, and the instructions that will be given to our negotiators as they begin their preparations for the next round of negotiations.

I fully endorse the statement and letter that Senator BYRD discussed a moment ago. We need to move forward here in this Senate toward a process of building the kind of American bipartisan support for the opportunities which may become very real in the next few months in Geneva. I look forward to being a part of that process. I again thank the distinguished Republican leader for allowing me to speak during this time.

I yield the floor.

RECOGNITION OF THE REPUBLICAN LEADER

Mr. DOLE addressed the Chair.

The ACTING PRESIDENT pro tempore. Under the standing order the Republican leader is recognized.

INF NEGOTIATIONS

U.S. PROPOSAL

Mr. DOLE. Madam President, as many have just heard a few moments ago, and it has been alluded to by previous speakers—the President has announced that we will table a new, detailed INF proposal tomorrow in Geneva. I welcome that development as an important step forward on the road toward the kind of significant, equitable and fully verifiable arms reduction agreement that has been one of the top priorities of the President and this country.

We have been consulting on this proposal with our allies in Europe and Asia. The President's decision to go ahead means we have achieved the kind of unified allied position that is essential as we deal with the Soviets. That same kind of allied unity was also responsible for the Soviets giving up their unwarranted linkage of progress on INF to satisfaction of other Soviet arms control demands, as Gorbachev recently announced.

I should also note, in relation to Gorbachev's announcement, that it represents no grand concession on the Soviets part. In fact, as Max Kampelman said yesterday in Geneva, the Soviets are merely removing an obstacle that they erected in the first place.

Judging by the comments I have read and heard from other Senators, I expect there will be wide support in the Senate for the kind of proposal the President outlined in his statement. Apparently, it will track with the tentative agreement reached in Reykjavik, with the following elements clearly spelled out: That short-range forces such as the Soviet scaleboard and SS-23 forces are included; that there will be an effective verification regime; and that there will be appropriate action to compensate for current Soviet superiority in battlefield nuclear and conventional forces.

So I think there is going to be wide agreement on where we are, and where we should go from here. But I do think it is necessary to clear the air a bit on the question of how we got here.

REAGAN STRATEGY WORKS

As recently as the past 2 weeks, some observers—including some Senators on the other side of the aisle—have charged that arms control was dead in this administration. And this is not the first time we have heard that kind of talk. We heard it when the President first announced SDI. We heard it when he refused to give SDI away at Reykjavik. We heard it when he announced an end to unilateral American adherence to SALT. And, as I said, we heard it again just recently, on the basis of nothing but a few press accounts of discussions in the White House about interpreting the ABM Treaty.

And each time, the obituary that the President's critics had written turned out to be wrong.

In fact, it is time we all recognized one simple fact. And it is time the President's critics—who relish so much criticizing him—acknowledged this same simple fact. We are where we are—potentially nearing a historic agreement, the first ever to reduce nuclear weapons—precisely because of Ronald Reagan's arms control strategy. Ronald Reagan, without his buildup of American Forces, without SDI—we would not have the chance for any good agreements.

ELEMENTS OF REAGAN STRATEGY

The President's strategy has been based on three straightforward propositions.

First, America must be strong, especially in the field of strategic and theater nuclear weapons. Because, if we are not strong, then the Soviets will have no initiative to negotiate in the first place. And part of our strength—a critical part as far as the arms control negotiations are concerned—has been the President's strategic defense initiative, SDI, and his determination—in the face of heavy criticism and a lot of ridicule by some of the media—not to give it away.

Next, America must be united—both internally and with our allies. If arms control becomes a big partisan issue here, if we start legislating constraints on the President, or giving things away to the Soviets on the floor of the Senate, we are going to have no agreements, period.

Finally, America must be willing to negotiate seriously. We must have a creative, aggressive diplomacy, that gives away nothing central to our security, but considers openly all proposals which can preserve our vital interests while reducing the risks of nuclear war.

That is the kind of strategy Ronald Reagan has pursued—here in Washington, in Geneva, in Reykjavik. That is reflected once again, in the announcement we have just heard a few minutes ago. That is why we are where we are. And that is why we have some realistic hope that we can make real progress on nuclear arms reductions in the months ahead.

Finally, let me say this. Let us hope for an agreement. But let us not permit our hopes to run away from us. As I said, there are tough issues—verification and the rest—that still have to be worked out. The Soviets have indicated they are serious about wanting a separate INF agreement; but they have not yet proved it. Until they do, let us keep our feet on the ground.

TRADE, EMPLOYMENT, AND PRODUCTIVITY ACT OF 1987

Mr. DOLE. Madam President, on February 19, I introduced S. 539, the administration's competitiveness bill. It is a large and important piece of legislation, and in an effort to streamline the process of its consideration, I am joining a number of my colleagues today in introducing smaller, separate bills which incorporate the major components of the larger bill.

These smaller bills have been tailored to assure referral of each bill to one of the seven committees which have jurisdiction over a part of the competitiveness package. For my part, I am submitting a bill which includes title V of the President's Trade, Employment, and Productivity Act of 1987, as well as two subtitles of title I. It is my understanding that this is the portion of the President's program which naturally falls into the domain of the Finance Committee.

It is my understanding that Chairman BENTSEN is hoping to begin markup of trade legislation in late April, when the House has promised to send its version of trade legislation to the Senate. At that time, the Finance Committee will have before it both the Bentsen bill, S. 490, which I have cosponsored, and that part of the administration's competitiveness bill which I am introducing today.

Although I do not necessarily agree with all the provisions of either the Bentsen bill or the administration bill, I believe they are both outstanding efforts provide us an essential starting point for our deliberations. As I have said before, it is fairly clear we are going to have a trade bill this year, and these bills offer some of the building blocks which we will need to put an effective trade policy in place.

Let me mention some of the key features of the trade legislation which the President has recommended.

First, it would provide negotiating authority for the Uruguay round of trade negotiations in tandem with expanded requirements for consultation between the administration, on the one hand, and the Congress and private sector, on the other.

Second, it would strengthen the President's authority under section 301 of the Trade Act of 1974 to respond to closed foreign markets. In particular, it would set a deadline on cases involving dispute settlement, and would establish reciprocal access to foreign markets as an additional factor for consideration in the President's decision to undertake an investigation of a foreign practice.

Third, it would amend section 201 of the Trade Act of 1974 to provide expedited relief for persishable agricultural products, additional options for relief, including temporary suspension of certain Federal regulations, and clarification that relief can be granted during a recession.

Finally, it makes numerous changes in antidumping laws, section 337 intellectual property standards, provisions of the Export Trading Company Act, and provisions of the Foreign Corrupt Practices Act. Although many of these are of a seemingly technical nature, they hold enormous implications for U.S. firms conducting business overseas.

I might add that this bill also contains subtitles E and F from title I of the administration's bill, pertaining not to trade directly, but to competitiveness in a much broader sense. They are included in the bill because they fall within the jurisdiction of the Finance Committee.

One of these subtitles is the "Greater Opportunities Through Work Program of 1987," which would establish a new employment and training effort under the existing AFDC program. The purpose of this initiative would be to encourage young teenage parents and children receiving AFDC who lack a high school education and stay in or return to school. Older AFDC recipients would be eligible to particpate in a variety of employment and training activities.

The other subtitle establishes the Employment Security Administrative Financing Act of 1987, which would help to give States greater flexibility in dealing with the problems of the unemployed.

As I stated on February 19, the President is to be congratulated for his creative and far-reaching proposals on competitiveness. At a time when everyone talks about the issue, the President is the one person who has made concrete proposals for doing something about it. His initiatives deserve our urgent attention. They may not be the last word on the subject, but they represent a very impressive start.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

BAKER APPOINTMENT OFFERS FRESH BEGINNING

Mr. DOLE. Madam President, I want to make one comment about a recent change in the White House. All my colleagues, except maybe those who have just come to the Senate, can recall that Howard Baker stood at this spot in the Senate day after day as the minority leader and then majority leader. He left the U.S. Senate to pursue other work that he wished to complete in his lifetime. One was to practice law. Another was to take a look around the country in hopes of what might be a successful effort in 1988 to be the Republican nominee for President.

Then a strange thing happened last week. The President called Senator Baker.

Senator Baker, being the patriot that he is, in his willingness to serve the President of the United States, laid aside his ambitions and told the President of the United States that he would serve as his Chief of Staff.

As I said last Friday about 4 o'clock in the afternoon, shortly after the word "filtered out," it was the right choice, the right time, for the right job and at the right place. It seems to me that that is obviously just as true today.

Howard Baker will not be able to solve all the problems, but he will give the President the needed assist. He has a sensitivity to Congress. Some may not like Congress, some may like to abolish it, but that will probably not happen in the foreseeable future. So they will have to put up with us.

Howard Baker has been there. He has worked with the Democrats, Republicans, Senators, and Members of the House. In fact, I think tomorrow he is very probably going to visit the House membership first, another indication of his sensitivity since he is a creature of the Senate.

I want to congratulate the President. He made the choice. The President decided he wanted Howard Baker to be his Chief of Staff, which, to me, is just another indication of the President's wisdom and his good judgment. I believe that we will see how working in tandem these two outstanding men in this case, former Senator Howard Baker as Chief of Staff and Ronald Reagan as President of the United States, will work with Members on both sides, will work with Members of the Cabinet, will work with the American people.

As I have said from the start, there is a lot of fuss and fury about Iran, the controversy, and the Contras. There probably should be some. But as I travel around the country, I find that many Americans are concerned with what we are doing with the legislative agenda. I would hope tomorrow evening the President will sort of lay that all out and suggest that mistakes were made, perhaps, that he made them, or made some of them, maybe omission or commission, whatever, and then we would move on with the legislative agenda.

Right now it is fairly quiet around here, but it is not quiet in committees. And as Senator BYRD has indicated, we are going to have less legislative action for a few days or a few weeks until we get everything out that is going to be coming one of these days, coming out of every committee. We will be having a very heavy legislative schedule. Perhaps at that time we can start the domestic agenda, and go ahead with the Iranian investigation by the select committees but otherwise get on with the business.

That will be the primary obligation and responsibility of Howard Baker. There is no doubt in my mind, or in the mind of anyone else who understands and knows Senator Baker, that he is up to the job.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

THE PRESIDENT'S CHIEF OF STAFF—FORMER SENATOR HOWARD BAKER

Mr. PROXMIRE. Madam President, it is a pleasure to agree and disagree with the distinguished Republican leader. I agree with him wholeheartedly with respect to his predecessor, Howard Baker. It is a marvelous choice. It is the right man at the right place at the right time. I am sure he will do a fine job there. I do not know a man who can do a better job.

I greatly honor my friend from Kansas. However, I do want to take issue with those, including perhaps the Senator from Kansas, who are all out for the SDI.

ANTIAIRCRAFT EXPERIENCE IN WWII TELLS US WHY SDI WILL FAIL

Mr. PROXMIRE. Madam President, is the confidence that President Reagan has in the success of the strategic defense initiative [SDI] based on the past military experience of our country? Ask yourself what is the forerunner of an antiballistic missile defense? Is the answer not obvious? The forerunner is antiaircraft defense. Antiaircraft defense developed as a response to the enormous effectiveness of air attack at the end of World War I. In the ensuing years between World War I and World War II, major countries greatly advanced the efficiency and power of their military aircraft. At the same time military powers throughout the world poured substantial research into the means of combating air attack.

In many ways the development of air forces and of antiaircraft between the world wars and especially during World War II were very similar to the development of missiles armed with nuclear warheads and antimissile or SDI systems in recent years. In both cases the development of offensive military forces provoked and stimulated the development of defensive military systems to combat the new offensive. Just as military aircraft are the forerunners of the modern intercontinental ballistic missiles, antiaircraft the forerunner of the strategic defense initiative or SDI. What then can we learn from our experience with antiaircraft in World War II. In that war this country poured the full might of its technology and its economic strength into developing a defense against air attack. Our German and Japanese opponents did the same. Was the antiaircraft mission more or less demanding than the mission of SDI today? The answer is easy. The antiaircraft mission of World War II was a piece of cake compared to the challenge SDI faces. What can we learn about the prospects of success of the antimissile defense or SDI by studying the record of success or failure of the antiaircraft defense mission in World War II?

First, of course, we must recognize how much more difficult it will be to stop the missile technology with the endless numbers of missiles a superpower enemy can pour into the skies. These include a variety of delivery vehicles. For example, there are short range cruise missiles fired from submarines. There are smart bombs fired from aircraft that may be nearby or thousands of miles away. There are nuclear devices carried ashore by terrorists. There are multiple target reentry vehicles or missiles that carry 10 or more warheads. Each of them can be independently targeted. And the list goes on. Every year adds further threats. Compared to this, how simple is the antiaircraft task of defending against fighter planes and bombers.

Second, there is the actual success rate in World War II compared to the promised success rate estimated by champions of antiaircraft weapons. Was the antiaircraft success rate, the 90 percent promised by some SDI advocates? Was it 50 percent? or 10 percent? or less? Consider some antiaircraft statistics from the U.S. Army historians office of World War II. The 12th Army Group in Europe in the period of June 6, 1944 to May 8, 1945—roughly a 1-year period had a success rate—and get this—not of 90 percent or 50 percent or even 1 percent. It was 0.248 percent, or 1 kill for every 400 shots with 90, 40, and 37 millimeter guns. The 6th U.S. Army in the Pacific from October 20, to December 25, 1944—a 2-month period—has a success rate of 0.22 percent. That is little better than 1 kill for every 500 shots. For the 40 millimeter guns they did better. There they had a success rate of 0.69 percent or 1 kill for every 400 shots. The 9th Air Defense Command in the battle of Antwerp culminating on June 3, 1945 experienced a success rate that varied from a high of 1 kill for every 250 shots with 90 millimeter guns to a low of—and get this—of exactly 4 kills with 26,407 shots from 20 millimeter guns.

Madam President, all these figures come from the end of World War II. This was a time when antiaircraft had had its most intense experience and its most thorough testing. Over all that experience showed the astounding failure in this intensely developed pre-SDI military technology. Again, I ask, can anyone reasonably argue that the mission of shooting down thousands of incoming missiles would be easier than the antiaircraft mission of World War II? Consider: the speed of today's missiles is infinitely greater than the speed of aircraft. The number of missiles in a preemptive Soviet attack would be far, far greater than the number of planes in the largest air attack in history. Flack and decoys would greatly complicate the defense mission of SDI. Ah, but would not the present SDI strategy of striking offensive missiles in the boost phase greatly improve the effectiveness of the defense? Answer: Yes, indeed. This is precisely why the Soviets are now engaged in a feverish attempt to convert their land based stationary deterrent into mobile land, sea and air based mode. How would SDI succeed against mobile launchers? If there is a way to succeed in striking sub or bomber based or other mobile based ICBM's in their boost phase, let us hear about it. Why could we expect better success against missiles emerging from mobile launchers than our experience in World War II with antiaircraft?

Madam President, maybe SDI can do better than the 4 kills with 26,000 shots from 20 millimeter guns in the Antwerp battle. But could it achieve the 94 percent rate promised now by SDI proponents? And if it succeeded to a 99 percent extent and the Soviets did not increase or modernize their arsenal at all, the National Academy of Sciences tells us we could still expect between 35 and 55 million dead Americans. Madam President, we should have learned a greater military lesson in the virtual total failure of antiaircraft. SDI is simply a new technological chapter in the same book. To think we can convert a failure rate of more than 99 percent to a success rate of better than 99 percent is not just unrealistic. It is madness.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The Senator from Colorado, under the previous order, is recognized.

Mr. ARMSTRONG. Madam President, I ask unanimous consent that my time be given to the Senator from Alaska [Mr. MURKOWSKI].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I thank the Chair. I thank my friend from Colorado.

RECOGNITION OF SENATOR MURKOWSKI

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized.

VETERANS' ADMINISTRATION PROCUREMENT IMPROVEMENT ACT OF 1987

Mr. MURKOWSKI. Madam President, I rise to introduce, along with Senators STAFFORD and SIMPSON, the proposed "Veterans' Administration Procurement Improvement Act of 1987." This legislation is designed to substantially improve the Veterans' Administration's [VA] Procurement Program. During my tenure as chairman of the Committee on Veterans' Affairs, I was extremely interested in examining ways to make the VA both more effective and efficient. As ranking minority member, I continue to be interested in these issues. Thus, I introduce today legislation which will make such important and long overdue improvements in the VA's procurement system that, once fully implemented, will save hundreds of millions of dollars which can be used to meet a growing demand on the part of our veterans for increased medical care services.

Let me be clear that the millions of dollars which will be saved as a result of these proposed improvements will, in fact, save each medical center money in procurement costs. When a medical center can cut its costs, those dollars can be used to provide health care to veterans. That is the bottom line.

SUMMARY OF PROVISIONS

Madam President, the substantive provisions of the bill would:

First, require the Administrator of Veterans' Affairs to develop and fully implement an agencywide plan for the standardization of medical and pharmaceutical supplies purchased by the VA;

Second, require that VA medical centers purchase items through national contracts to be awarded by the VA;

Third, require that VA medical centers enter into contractual agreements with local vendors; and

Fourth, require that VA medical centers report annually to the Administrator on the procurement activities for the previous year.

BACKGROUND

Because of efforts by the President and the Congress to reduce the Federal budget deficit, we have been and continue to be faced with very difficult choices regarding Federal spending priorities. Moreover, due to the discretionary nature of the VA's medical care account, efforts have been focused on this program to make funding reductions. We must reduce the Federal deficit and I strongly believe that this effort should be of the highest national priority. Veterans—along with all Americans—have shown their willingness to make sacrifices toward this goal and they have indeed done so over the last several years. It is only fair and appropriate that the veteran and other taxpaying Americans be assured that precious Federal dollars are not unnecessarily spent. We must be sure that the VA is getting "the best bang for the buck." To this end, it is essential that we take a hard look at all VA programs and make the needed improvements in a timely manner.

Madam President, one area where reforms are urgently needed is in the area of medical procurement and supply. Each year, the VA's Department of Medicine and Surgery spends approximately $1.2 billion to purchase needed supplies, pharmaceuticals, and equipment to run its 172 hospitals, 118 nursing homes, 16 domiciliaries, and other clinics and facilities. For years the area of procurement received little congressional attention or careful examination. However, in 1983, the President's private sector survey on cost control, otherwise known as the "Grace Commission," proposed certain changes in the VA's Procurement Program. As a result of those recommendations, the VA contracted with Coopers and Lybrand to conduct a study on the VA's Procurement Program. I have had the opportunity to review that report which was completed last year. I believe that the Coopers and Lybrand report made outstanding recommendations which should be promptly implemented by the VA. Therefore, I am today introducing legislation to require the Administrator of Veterans' Affairs to implement a program to improve the VA's procurement system.

I shall briefly explain the current structure and operations of the VA's procurement system and how my proposed legislation will make improvements to the system. Currently, the VA procures medical and pharmaceutical supplies through several primary sources. VA medical centers are first required to purchase items through the VA's supply depots. This system consists of three VA supply depots which are located at Hines, IL; Bell, CA; and Somerville, NJ. The VA supply depots receive, store, and distribute medical supplies, equipment, subsistence, and pharmaceuticals. They serve to consolidate the supply needs of VA medical centers and to provide a cost-effective procurement mechanism. The VA's Marketing Center, also located at Hines, is responsible for purchasing the items for the supply depots. In 1984, the supply depots stocked about 1,650 items and sold about $256 million worth of merchandise. The supply depots provide the most cost-effective method of purchase; yet it is utilized to provide only 16 percent of the total items purchased by the medical centers. There are several reasons for this low percentage—one of which is that medical centers have lacked the ability to adequately assess their procurement needs in such a way as to allow the supply depots sufficient time to fill and transport the needed items.

Another procurement source is the Federal supply schedule [FSS]. According to Coopers & Lybrand, although FSS is used throughout the Federal Government and is designed to be a favorable purchasing mechanism, the items procured through FSS are often at unfavorable prices. This occurs because "bulk discount" is not provided for large volume purchases. That is, no discount is provided that takes into account the quantity of the purchase. There is no question that the VA is one of the Nation's largest purchasers of medical supplies and pharmaceuticals and should receive the most favorable prices, but, it simply does not.

Finally, the VA is currently authorized to purchase items through local procurement. If, for example, a medical center runs low on Tylenol and there is not ample time to order the item for the supply depot or from another mandatory supply source, then the medical center will most often purchase the item from a local drug store and will pay drastically higher prices. Although the VA is to use local purchase only as a last resort, this method is frequently used. In fact, 38 percent of medical supplies and 17 percent of pharmaceuticals are purchased through local procurement. This method is the most expensive way to purchase items and therefore significantly increases procurement costs. It is estimated that items obtained through this method are 25- to 50-percent higher in cost than if the item were purchased through the VA's supply depot. The VA spent approximately $868 million on local purchase in fiscal years 1984 and 1985. These items are bought locally without the benefits of prearranged or negotiated contractual agreements with suppliers. On the other hand, the private sector—which generally uses more innovative procurement policies—rarely purchases in this manner. They maintain that over 90 percent of the items they purchase are done so under some type of prenegotiated agreement. Because the VA often lacks contractual agreements with local vendors, they purchase items at open market prices. It is no different than when you or I go down to the local drug store to have a prescription filled. The VA—the largest health care provider in the world—pays essentially the same price as we do.

STANDARDIZATION OF MEDICAL AND PHARMACEUTICAL SUPPLIES

Madam President, section 2 of my bill requires the Administrator of Veterans' Affairs, not later than 3 years after the date of enactment, to develop and fully implement an agency-wide plan to standardize medical supplies and pharmaceuticals procured by the VA. The purpose of standardization is to reduce the number of different types and brands of items which are used to serve the same purpose. For example, currently there are about 140 different brands of specimen cups which are available on the open market. The VA currently has contracts on about 40 different brands and stocks in its supply depots about 24 different brands. In practical terms, this means that the VA's marketing center will not obtain the best price because the volume of purchase will be reduced due to the great variety of different brands of the same functional item being purchased. Further, the VA supply depot must use its limited warehouse space to store the many items which are functionally the same. Under the standardization program, the VA would, with input from the field, choose to purchase and stock one specimen cup and medical centers would be required to use that product. According to Coopers & Lybrand, standardization is the long-term solution to reducing the cost of procurement. They further argue that through the reduction in the number of brands the VA's purchasing power will increase, thus decreasing costs significantly.

The private sector is moving quickly toward standardization. Humana, Inc., a private sector health-care delivery corporation—which is comprised of about 90 hospitals containing 20,000 hospital beds—has implemented this program and plans to standardize 85 percent of all medical supplies. According to their figures, this program saves about 17 percent of item costs. As a result of the implementation of standardization, Humana has saved approximately $57 million over 3 fiscal years. As the VA medical-care system is four times larger than Humana, one can speculate that savings of hundreds of millions could result from standardization within the VA.

Although the VA is required to complete the standardization process within 3 years, I fully expect that this will be an ongoing continuous process due to product enhancements and development, as well as changing medical technology and delivery systems. In undertaking this project, I encourage the VA to seek the active participation of the field—both medical center personnel who use the products and personnel from the VA's supply depots and marketing centers.

REQUIREMENTS FOR THE PROCUREMENT OF MEDICAL AND PHARMACEUTICAL SUPPLIES

Section 3 of my bill requires VA medical centers to purchase at least 80 percent of their medical and pharmaceutical supplies through national contracts which are to be awarded by the VA. The intent of this provision is to require that items be purchased in the most cost-effective manner possible.

I recognize that the medical centers may not always have the ability to purchase through the supply depot and, in fact, it is not always desirable or reasonable to do so. Thus, local purchase will still occur but only in cases where there is an emergency need for the item or if it is not available through the national contract. In these cases, however, the medical centers would be required to establish contractual agreements with local vendors so that they would not have to pay open market prices for those items. Additionally, the VA medical centers would be required to annually report to the Administrator if they purchase more than 20 percent of their supplies through methods other than the national contracts.

CONCLUSION

Madam President, as I have mentioned, the provisions of this bill would make long overdue improvements in the VA's Procurement Program. Many millions of dollars could be saved once my proposed legislation is enacted and fully implemented. I look forward to working on this measure with the chairman of the Veterans' Affairs Committee, my good friend from California, Senator CRANSTON, other committee members, the VA, veterans' service organizations, and others who share my interest in improving the VA's Procurement Program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Administration Procurement Improvement Act of 1987".

SEC. 2. STANDARDIZATION OF MEDICAL AND PHARMACEUTICAL SUPPLIES PROCUREMENT.

Not later than 3 years after the date of the enactment of this Act, the Administrator of Veterans' Affairs shall develop and fully implement an agency-wide plan for the standardization of all medical and pharmaceutical supplies procured by the Veterans' Administration. The plan shall provide for the procurement of generic medical and pharmaceutical supplies.

SEC. 3. REQUIREMENTS FOR THE PROCUREMENT OF MEDICAL AND PHARMACEUTICAL SUPPLIES.

(a) IN GENERAL.—Subchapter II of chapter 81 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 5025. Procurement of medical and pharmaceutical supplies

"(a) Except as provided in subsection (b) of this section, the Veterans' Administration shall procure medical and pharmaceutical supplies only under national contracts awarded by the Veterans' Administration.

"(b)(1) Subject to paragraph (2) of this subsection, a Veterans' Administration medical center may procure a medical or pharmaceutical item or a supply of such an item under a local contract instead of a national contract awarded by the Veterans' Administration only if the medical center has an emergency need for that item or supply or that item or supply is not available under a national contract. In the case of a procurement to meet an emergency need, a medical center may procure only the quantity of the medical or pharmaceutical item or supply necessary to meet that need.

"(2) Not more than 20 percent of the medical and pharmaceutical supplies procured by the Veterans' Administration medical centers in any fiscal year (measured as a percent of the total cost of all medical and pharmaceutical supplies procured by the medical centers in that fiscal year) may be procured under local contracts.

"(c) The Administrator shall award, in the case of each Veterans' Administration medical center, a contract or contracts for the procurement of a medical and pharmaceutical item or supply of such an item to a person or persons regularly engaged in the wholesale supply of medical and pharmaceutical supplies in the medical and pharmaceutical supplies marketing area in which that medical center is located.

"(d) Any provision of law that is inconsistent with subsections (a), (b), and (c) of this section shall not apply, to the extent of the inconsistency, to the procurement of medical and pharmaceutical supplies by the Veterans' Administration.

"(e) At the beginning of each fiscal year, the medical center director of each Veterans' Administration medical center shall transmit to the Administrator a report containing a list and the quantity of all medical and pharmaceutical items or supplies procured by that medical center under a local contract during the preceding fiscal year.

"(f) For the purposes of this section, the term 'local contract' means a contract awarded under subsection (c) of this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5024 the following new item:

"5025. Procurement of medical and pharmaceutical supplies.".

(c) APPLICATION.—Subsection (b)(2) of section 5025 of title 38, United States Code (as added by subsection (a)) shall apply to medical and pharmaceutical supplies procured by the Veterans' Administration medical centers on or after October 1, 1990.

ORDER OF BUSINESS

Mr. MURKOWSKI. Madam President, I yield my time under the previous order to my colleague Mr. BOSCHWITZ.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Minnesota is recognized.

Mr. BOSCHWITZ. Madam President, I thank my colleague.

PRAISE FOR THE NEW CHAIRMAN OF THE AGRICULTURE COMMITTEE

Mr. BOSCHWITZ. Madam President, during the consideration of committee budgets, I opposed the idea of expanding the budget of the Agriculture Committee as much as the chairman, Senator LEAHY, desired. I want to take this opportunity on the floor of the Senate to say I was mistaken in my judgment, and that Senator LEAHY was correct. Indeed, I would support an effort to expand the budget, perhaps even beyond Senator LEAHY's earlier request.

Why this change of heart? There are a couple of reasons. Since my earlier statement on this issue, which I made in committee, I have had more of an opportunity to compare the Agriculture Committee budget to the budgets of other committees, and by comparison we are certainly underfunded. Furthermore, I have become aware of the lack of funds to hire specialists in some areas of vital interest to rural America.

Also, I must support Senator LEAHY's initial expenditures of committee funds by taking the committee out on the road. I have held about 300 farm hearings during my term in the Senate on farms, in cafes, in church basements and schools throughout rural Minnesota. But the Agriculture Committee's tour of the farm regions of the Midwest, where there is so much hurt and pain, did much to increase the committee's and this new chairman's understanding and credibility, and I would be remiss in not saying so.

Senator LEAHY is right: the Agriculture Committee does need additional funding even at this critical time of budget difficulty. Senator LEAHY and I do not always agree, but his tour of our region and stewardship of the committee thus far are worthy of my support. Since I had earlier opposed him, I wanted to clarify the record.

Madam President, in the event I have time remaining, I yield to my colleague from New Mexico [Mr. DOMENICI].

The ACTING PRESIDENT pro tempore. The Senator from New Mexico is recognized. There are approximately 2 minutes remaining in the Senator's time.

Mr. DOMENICI. Madam President, parliamentary inquiry. If the 2 minutes are yielded back, what is the situation before the Senate?

The ACTING PRESIDENT pro tempore. At the conclusion of the time previously ordered, the Senate will immediately proceed to routine morning business. The Senator would then have 5 minutes to speak.

Mr. DOMENICI. I yield back the 2 minutes previously yielded by the distinguished Senator from Minnesota.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business in which we will proceed for approximately 15 minutes, Senators being allowed a maximum time of 5 minutes under the rule.

The CARLSBAD POTASH INDUSTRY

Mr. DOMENICI. Madam President, on February 10, 1987, the Carlsbad potash industry filed a dumping case against Canada at the ITC and the Commerce Department. Today, March 3, not too many days thereafter, the ITC held the preliminary staff hearing. This is a matter of public record. The issues which were addressed were: Has the United States potash industry been injured? Is there reasonable indication that imports coming into the United States from Canada at less-than-fair value is the cause of the injury? And third, is there a threat that Canadian sales at less-than-fair value will injure the United States potash industry in the future?

I am pleased to tell the Senate that this case is moving expeditiously, but more importantly the lawyers for the Canadian producers seemed to concede today that the U.S. industry has been injured. However, they argued that the Canadian sales were not the cause of the injury. But I am pleased to tell the Senate and the people in Carlsbad, NM and Eddy County in the State of New Mexico, that at least the case is moving and moving rapidly; that the Canadians have made a major admission, namely that the potash industry in the United States, principally located in my State, has been injured.

The witnesses for the Carlsbad producers included Thomas D. Lundberg, David Henderson, and James Gallagher from Lundberg Industries, Ltd. and Lloyd E., Harcrow and R. Paul Jolley of New Mexico Potash Corp.

Madam President, today I stand to tell this country about the state of our Nation's potash industry. I am proud of Carlsbad, which is the heart of the U.S. potash industry. Its people and businesses have suffered considerably from the unfair trade practices of the Canadians.

But Carlsbad is fighting back, mainstreet America against big government in Canada. The community of Carlsbad deserves a fair shake and an environment of fair competition in the potash marketplace.

Approximately 85 percent of U.S. production of potash takes place in

New Mexico, near Carlsbad. Other producers are in Utah and California. Most potash ore is obtained by underground mining. Smaller amounts are recovered through surface extraction and solution mining.

During the past two decades, the industry has struggled through the effects of crop surpluses, wordwide recessions, cheaper foreign potash, outright dumping of foreign potash, and changing corporate ownerships. Today, however, what remains of our Nation's potash industry is more efficient and competitive than ever before. Companies and labor have implemented cost-saving measures and managed to survive difficult times.

However, for the past 2 years the real problem has been the marketing practices of some Canadian producers. Our industry cannot compete with Canadian potash dumped on our markets at less-than-fair value. That is, at prices below the cost of producing the potash. There is a history of Canadian dumping of this product. Antidumping duty orders were in effect against Canada throughout the 1970's.

Canada has considerable potash resources and a small domestic market for potash. Thus, Canada exports nearly all of its potash, with two-thirds of their production coming to the U.S. market.

The Canadian industry is dominated by the Potash Corp. of Saskatchewan [PCS], a Crown corporation owned by the Province of Saskatchewan. The PCS was established in 1976 when the Provincial Government nationalized 4 of 10 potash mines in the Province, plus a quarter interest in a fifth.

The Provincial Government in the 1970's hoped to capitalize on soaring potash demand to increase its revenues. The government saw the potash business as a job program, and as an answer to unemployment problems. Unfortunately, as potash demand eased, the Provincial objectives shifted to maintaining employment and sales levels. The Saskatchewan government accomplished its objectives by selling potash at below cost to the large U.S. market.

It has been the U.S. potash industry and the people of Carlsbad that have paid the price of this unfair competition.

Today, PCS controls about 45 percent of Canada's potash capacity. As a provinical corporation, it pays no taxes. In fact, other Saskatchewan producers are taxed, with a portion of those taxes used to support PCS.

On behalf of the U.S. potash industry, two producers filed a petition with the Department of Commerce and the International Trade Commission on February 10. They asked the Government to initiate investigations and to issue an antidumping duty order with respect to imports of potash from Canada.

Recent Canadian sales and offers of sales have been at prices far below the average cost of production for Canadian potash mines. The U.S. Bureau of Mines estimates the average production cost for Canadian potash is $40 per metric ton, at the minesite. The industry petition cites several examples of where Canadian potash was sold at prices below the cost of production.

After adjusting the sale prices for transportation and other postmine costs, the payback to the mine from these sales is estimated to be between $0 and $22 per ton.

It is no wonder the Canadian producers are losing money—lots of it. The losses have become so great that the Saskatchewan government is reportedly trying to sell PCS.

The Canadians have continued to ignore the recent weak market, pursuing policies that will ruin the U.S. potash industry. Examples of this behavior include the following:

Expanding their productive capacity by more than 14 percent since 1983, during a period of weak demand.

Maintaining relatively high production levels and reducing inventories, thereby disregarding the dictates of rational supply and demand behavior.

Pursuing predatory market practices to increase their U.S. market share from about 72 percent of U.S. consumption in 1983 to 85 percent in 1986.

Sustaining considerable financial losses, with PCS losing $69 million in 1985 and a like amount in 1986.

The last example is clear evidence of the less-than-fair-value pricing by the Canadians in their efforts to keep the mines open and people employed. Other Canadian potash producers reported losses for the same time period. The exact amount of potash losses is not available in their annual reports.

At the same time, our Nation's potash industry has lost market share and productive capacity. In 1981, nearly 3,300 people were employed in the production of potash in New Mexico. Employment now stands at about 2,100. This has been a devastating blow to the people and economy of Carlsbad.

While the rest of the Nation has enjoyed an economic expansion, Carlsbad has suffered terribly. And the situation is actually worse than the numbers suggest. Many of those still employed in the industry wonder from day-to-day if and when the mine will be shut down. Some mines have been closed for months at a time. For example, the Lundberg mine recently reopened after being shut from November through February. Those still employed in the potash industry often work less than full time due to the shutdowns.

It is my hope that the Department of Commerce and the International Trade Commission will act quickly on this matter. Assuming affirmative determinations, an antidumping order should be issued this year.

I have worked with the industry for many years on this and similar problems. In February 1979, I met with potash industry managers and union members in Carlsbad to discuss our concerns. In 1983, I set up an ad hoc group of leaders from the community, labor, and the potash companies. In 1984, I supported the producers' petition for relief from potash dumping by East Germany, Spain, and the Soviet Union. In 1986, I introduced legislation to enforce the assurances against dumping, given by the Canadian companies in the 1970's, and hosted the ad hoc group in Washington to review ways of addressing the Canadian dumping problem.

Others have worked diligently to resolve this problem. The mayor of Carlsbad, Bob Forrest, has headed up the local efforts to help the potash industry. Other leaders and members of the ad hoc group have pursued this great resolve, including Bill Hunt, Jack Skinner, Eddie Lyons, Stan Doyle, Tom Lundberg, J.R. Tomblin, John Bumpers, Niven Morgan, Lloyd Harerow, Paul Jolly, and many others. I appreciate their untiring efforts on behalf of the potash industry.

I will continue to do what I can to encourage American workers and businesses to use our trade laws to defend themselves from the unfair trade practices of foreign governments. In the case of potash, it is time to stop the unfair practices of Canada and to ensure a fair environment for our potash industry to compete in the United States market.

ARMS CONTROL

Mr. PELL. Madam President, I rise to congratulate our majority leader on the letter he wrote the President of the United States, which has been made known to our colleagues. I think it is an excellent and incisive letter, which covers all the aspects of arms control with which we are faced today, and I find myself in concurrence with every thought in it.

I hope the President and our former colleague, the new Chief of Staff at the White House, Mr. Baker, will give it the attention and serious thought it deserves and that the positive decisions so urgently needed now will be made.

Having just returned from Geneva, I am frankly encouraged by the possibility of a solid, verifiable agreement on intermediate-range nuclear missiles. Such an agreement is not a certainty, but a dedicated effort by the leaders on both sides can lead to success. It is an opportunity waiting to be seized.

It is clearly possible that an agreement could be forged which would eliminate multiple-warhead Soviet SS-

20 missiles threatening Western Europe, as well as the United States Pershing II ballistic missiles and ground-launched cruise missiles in Europe. Such an accord could sharply reduce Soviet SS-20 missiles in Soviet Asia, and, hopefully, lead to their elimination.

There are issues to be resolved involving how to handle shorter range missiles and devise verifiable restrictions on remaining intermediate-range missiles. I hope that a solution to shorter range missiles will be found that prevents a competition in that class of weapon and lays the groundwork for elimination of many shorter range missiles.

I was encouraged by General Secretary Gorbachev's decision to drop the link he reestablished several months ago between agreement in INF and agreement in other areas. If an accord can now be reached on INF, I believe there will be a powerful incentive for both sides to break the deadlock that now stymies agreement on strategic offensive and defensive arms.

I was further encouraged to learn that the United States will table an INF treaty text tomorrow. Following discussions here, talks will be continued in Geneva.

Madam President, I had the opportunity in recent days to discuss the present status and prospects for the negotiations directly with American and Soviet negotiators in Geneva.

I and six colleagues on a delegation of the Senate Arms Control Observer Group were involved in a series of very informative meetings in Geneva. In addition to myself, the delegation included two other cochairmen, the Senators from Alaska and Indiana, Mr. STEVENS and Mr. LUGAR, and the Senators from Tennessee, Virginia, Oklahoma, and Pennsylvania, Mr. GORE, Mr. WARNER, Mr. NICKLES, and Mr. SPECTER.

While in Geneva, we met with Ambassadors Max Kampelman, Maynard W. Glitman, and Ronald F. Lehman, and other members of the U.S. delegation to receive an overview of the negotiating effort and to assess and discuss the specific state of and prospects for success in the three separate negotiations—INF, START, and defense and space. In addition, we met with our negotiators and the chiefs of the Soviet delegation led by Deputy Foreign Minister Yuliy Vorontsov in three formal sessions over a number of hours.

Madam President, we are all acutely aware of the current difficulties the administration is undergoing. This has inevitably led to problems in decision-making and policy promulgation in the arms control field and in other areas. I hope that recent positive steps, including, most especially, the appointment of our distinguished former colleague, Senator Howard Baker, as White House Chief of Staff will be a help.

I hope very much that the President's team, including Senator Baker, Frank Carlucci, and Secretary of State Shultz, will be able to lead in the achievement at a very early date of a solid, verifiable agreement in Geneva.

DIPLOMACY

Mr. PELL. Madam President, I believe it was Winston Churchill who recommended more jaw, jaw and less war. Or to put it in present day terms, we should have more talk of diplomatic pressure and less of military pressure.

In this regard, I was quite struck by the poem "Diplomacy," written by a constituent of mine, A. Lawrence Schaeffer, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

DIPLOMACY

Sometimes there are some small ideas that we
may think, but should not tell our friends about,
because a point of view that they can't see
exists within our hearts, and others doubt
our honesty when words express such thought,
or think that it is silly to invent
a way of thinking they have not been taught,
and so can't quite be heard as being meant
in any way as serious, or real;
thus wisdom makes us hold back all such things
however great the strength which makes us feel,
and even if retention of them stings
us deeply, it is better not to hurt
our gracious friends and be compared to dirt.

EXTENSION OF TIME FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of routine morning business may be extended for an additional 20 minutes and that Senators may be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER (Mr. REID). Without objection, it is so ordered.

FEDERAL EMERGENCY MANAGEMENT AGENCY COMMENDED FOR ASSISTANCE IN MISSISSIPPI DISASTER

Mr. COCHRAN. Mr. President, I rise to commend the Federal Emergency Management Agency for the expeditious way it is responding to the disaster which struck my State of Mississippi this past weekend.

Last Saturday, a devastating tornado ripped through Jones County, a swath about 2 miles wide, 20 iles long, and did a tremendous amount of damage. There are 8 people who are dead, nearly 100 are injured, and at least 500 are homeless as a result of that disaster.

After the storm occurred on Saturday, Federal officials were on their way to Mississippi immediately to participate in a survey of the damaged area to try to assess the damage to determine whether or not Federal disaster assistance should be made available.

That work has now largely been completed, and I was advised by the Governor's office this afternoon that a formal request for disaster assistance has been transmitted to the President through the Federal Emergency Management Agency office in Atlanta. I have requested the President to sign this declaration as soon as possible so that all possible Federal assistance will be made available to the disaster victims.

Let me say, Mr. President, for the information of Senators that not only was the Agency of the Federal Government very helpful and cooperative up to this point on this occasion, but civilian and voluntary agencies have really performed in a very commendable way.

The Red Cross, the Salvation Army, which set up canteens in different areas where the storm had struck making available meals to disaster victims, have all been very great and caring, demonstrating concern and sensitivity to Mississippians in this difficult time.

I am hopeful that the disaster declaration when it is approved by the President, and I am confident that it will be, will make available all of the Federal assistance that is permitted under the law.

This will include temporary housing assistance to those who are homeless and unemployment benefits for those who are temporarily out of work as a result of the storm.

The Small Business Administration has a low-interest loan program which will make available other benefits to those who qualify where damaged property was not adequately covered by insurance.

It has been estimated, Mr. President, that at least $25 million in property damage has been done by this storm, $3 million just to timber alone. It is estimated that some $8 million damage has been done to public schools. Churches were destroyed and damaged. Many homes have been damaged and destroyed. The people have suffered a very serious blow in my State, but they are determined to recover, to rebuild, and to get back on their feet.

Mr. President, I know that all of the Members of the congressional delegation are going to continue to monitor the activities of FEMA and other Federal agencies as they try to bring the quickest and most beneficial assistance to the people who have been hard hit by this destruction.

I yield the floor.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR DOLE'S BICENTENNIAL MINUTES

Mr. SIMPSON. Mr. President, on behalf of the minority leader, Mr. Dole, I ask unanimous consent to have printed a bicentennial minute, a continuing saga, a series which is of great interest. I find it fascinating. It is something that gives a little better knowledge of our history in this place as we celebrate the 200th anniversary of our Constitution. This, in combination with Senator Byrd's history of the U.S. Senate, will become very important to those who succeed us in this place.

The PRESIDING OFFICER. Without objection, it is so ordered.

A BICENTENNIAL MINUTE

MARCH 3, (1789): DEMISE OF THE CONFEDERATION CONGRESS

Mr. DOLE. Mr. President, 198 years ago today, on March 3, 1789, the old Confederation Congress ceased to exist. Created in 1781 under the Article of Confederation, that legislative body had replaced the Second Continental Congress, which had been established in 1775. As we commemorate the Constitution of 1787 and the Senate that came into existence on March 4, 1789, it is appropriate that we take a brief look at the national legislature the Constitution's framers sought to replace.

The structure of the Confederation Congress resembled that of the earlier Continental Congress. The framers of the Articles of Confederation, in the midst of a war for independence from Great Britain, were understandably suspicious of centralized power. As a Confederation, each of the 13 States gave up very little power to the Congress. This was made clear in the second article, which provided that:

> Each State retains its sovereignty, freedom and independence, and every power, jurisdiction and right, which is not expressly delegated to the United States in Congress assembled.

In this Confederation Congress, which was the sole organ of the Government, each State had 1 vote. Delegates, as the Members were called, served 1-year terms. No Member could remain in office for more than 3 years in any 6-year period. As a further guarantee of control, States paid Members' salaries and reserved the right to recall them at any time and for any reason. State legislatures also determined the qualifications and the method of electing their individual delegates.

The Confederation Congress met in Philadelphia until June 1783. During the latter half of 1783 and in 1784, it met successively at Princeton, Annapolis, and Trenton. In 1785, the Congress settled in New York City, where it remained until its demise.

THE APPOINTMENT OF FORMER SENATOR HOWARD BAKER

Mr. SIMPSON. Mr. President, I want to say how pleased I am personally to see former Senator Howard Baker as the new Chief of Staff of our President. He will do a superb job. He has the trust and affection and regard of all of us here. It will be a distinct pleasure to work with him. He brings a knowledge and a savvy of this remarkable arena that will serve him well. The things we have ahead of us are bigger than the Iran-Contra issue. We have a country to run and it is going to take Democrats and Republicans together to do that appropriately. Unless we open those avenues of communication between the Congress and the White House, we will not get our task performed. I look forward to Howard Baker visiting with our leader on our side and Senator Byrd and Representatives Wright and Foley, and Michel and all the players. I know there is plenty to do if we get at it. We must do that.

I thank the Chair.

BILL PLACED ON CALENDAR—H.R. 1056

Mr. BYRD. Mr. President, there is a bill, H.R. 1056, which has been read the first time. I believe it is awaiting second reading.

The PRESIDING OFFICER. The majority leader is correct. The bill will be read the second time.

The legislative clerk read as follows:

> A bill (H.R. 1056) to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

Mr. BYRD. Mr. President, I object to any further proceedings on this measure at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

ISSUANCE OF CERTAIN GRANTS AND LOANS BY THE ENVIRONMENTAL PROTECTION AGENCY

Mr. BYRD. Mr. President, I believe that Calendar Order No. 19, House Joint Resolution 153, has been cleared on the other side of the aisle for action.

Mr. SIMPSON. Yes, Mr. President, that is correct.

Mr. BYRD. I thank the distinguished assistant Republican leader.

I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 19.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the joint resolution by title.

The legislative clerk read as follows:

> A House joint resolution (H.J. Res. 153) to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Is there debate on the joint resolution?

Mr. BAUCUS. Mr. President, today I am pleased to support passage of House Joint Resolution 153, a joint resolution which will require the Environmental Protection Agency to award financial assistance to schools under the Asbestos School Hazard Abatement Act [ASHAA] grant and loan program in time to commence and complete cleanup work during the summer recess of 1987. I introduced an identical measure, Senate Joint Resolution 54, in the Senate last month.

I applaud my colleagues in the Senate and House of Representatives who have shown consistent support of asbestos cleanup legislation including this resolution.

Asbestos is a known cause of cancer and debilitating lung disease. The EPA estimates that 15 million children, almost one-third of the Nation's school population, and 1.4 million schoolworkers are in schools contaminated by asbestos-containing materials. About 31,000 school buildings in the Nation contain asbestos.

Children appear to be at increased risk of developing asbestos caused diseases due to apparent greater sensitivity, high respiration rates, and a longer remaining lifetime during which the diseases may develop.

The administration's proposal to rescind $47.5 million of the $50 million—the portion earmarked for grants and loans to schools is an outrage.

In its budget, the EPA asserted that the grant and loan funds are unnecessary because prior appropriations have greatly reduced the problem. Contrary to EPA's claims, it is evident that ASHAA funds are desperately needed.

Last year, Congress demonstrated the importance it places on the identification and cleanup of asbestos problems which endanger schoolchildren and employees of schools by passing the Asbestos Hazard Emergency Response Act. This act signed into law by President Reagan will impose additional requirements on schools for inspection and cleanup of hazardous asbestos, making the availability of ASHAA funding yet more critical.

Passage of this resolution is another step in the right direction to eliminate the asbestos problems plaguing the United States. Passage of the Asbestos Hazard Emergency Response Act in the last session of Congress was an incredible victory for the health of school children and employers all over this Nation. But schools are not the only place asbestos threatens the health of Americans. Congress must now build on the progress made in the last session by supporting asbestos cleanup initiatives in Federal and public buildings.

I urge my colleagues to join me in supporting this important legislation.

Mr. BURDICK. Mr. President, I rise today in support of House Joint Resolution 153, a joint resolution requiring the Environmental Protection Agency [EPA] to award the fiscal year 1987 grants and loans for school asbestos cleanup made available by the Asbestos in Schools Hazard Abatement Act of 1984 [ASHAA].

Congress passed ASHAA to provide loans and grants to schools that otherwise could not afford to solve their asbestos problems. We did so because asbestos is a known human carcinogen. Some 15 million children and 1.4 million workers—in approximately 31,000 school buildings across the country—are potentially at risk from inhaling the lethal fibers from damaged asbestos.

For each of fiscal years 1985 and 1986, Congress appropriated approximately $50 million for the loan and grant program. Of these funds, EPA awarded my State of North Dakota a total of about $610,000. However, there is a lot more that needs to be done—the total figure is upwards of $5 million for complete cleanup in North Dakota alone.

The administration has proposed to rescind for 1987 the portion of ASHAA funding earmarked for the loans and grants. This figure amounts to $47.5 million of the total $50 million appropriated by Congress last year. Frankly, the administration's action is unacceptable. This situation poses a serious threat to the health of our Nation's schoolchildren. In order for local school districts to make the proper arrangements with contractors for asbestos cleanup, they must know if they will be receiving ASHAA funds early in the spring. This is mandatory as most cleanup activities are carried out during the summer months when the school buildings are empty. Also I note that in the first two rounds of ASHAA awards, local school districts requested over $70 million in assistance, but only $92 million was available. These figures point out that across this country there is a tremendous need for the loan and grant money.

House Joint Resolution 153 deserves the support of the entire Senate. Its aim is to protect our Nation's schoolchildren from the serious threat posed by the presence of hazardous asbestos, by ensuring the timely availability of the loans and grants. I am proud to support this legislation and encourage my colleagues to do the same.

Mr. MOYNIHAN. Mr. President, I rise to speak on behalf of House Joint Resolution 153, though I would rather not have done so; I had hoped that such measures would not be necessary.

The resolution before us would require the Environmental Protection Agency to proceed immediately to award the grants and loans that Congress authorized for the cleanup of asbestos in the schools in fiscal 1987. Prompt action is necessary if the needed work is to be accomplished while schools are empty this coming summer.

The administration's attempt to rescind nearly all of the $50 million authorized and appropriated for the Asbestos-in-Schools Program in fiscal 1987 itself required us to take action. But the disruption of the application process by which these moneys are distributed requires that we move swiftly. Delay would force much of the good work planned for this summer to be postponed yet another year. This is simply unacceptable.

As my colleagues will remember, this issue is one that has concerned me for some time. I was the chief Democratic sponsor of the Asbestos in Schools Hazard Abatement Act of 1984. Under the authority of that act, the Federal Government has already distributed $50 million in grants and loans to our Nation's school systems to remove hazardous asbestos.

Just last year, I sponsored S. 2083, the Asbestos Hazard Emergency Response Act of 1986, along with my colleagues on the Environment and Public Works Committee, Senators MITCHELL, BAUCUS, and LAUTENBERG. Passed by both Houses and signed into law by the President as Public Law 99-519, that bill expanded the role of the Federal Government in this matter. Congress has made clear that we intend to help; we must not and shall not allow the administration to prevent it.

If there is any more pervasive hazardous substance than asbestos, I do not know of it. "Asbestos" actually refers to several different fibrous silicate minerals, all high in strength, flexibility, and heat resistance. This material has seen wide use in this country as cheap and effective reinforcing and insulating material. Since the advent of the 20th century 30 million metric tons of asbestos have been used for floor tiles, asbestos-cement pipes and walls, and insulation. In 1973 it reached its peak popularity in the United States, when 800,000 metric tons were used. Since then use has dropped to less than 250,000 metric tons per year. Most public buildings—including schools—have some, and it is present in thousands of buildings in my home State of New York as well as in the office buildings of the U.S. Senate.

And the hazard is beyond doubt. Asbestos fibers are released into the air as materials containing them decay or are damaged. The fibers are tiny and may be easily inhaled witout immediate effect. But once they are lodged in the body, they cannot be removed.

Any number of studies have indicated that asbestos can cause cancer in humans. There also is the long and tragic experience with occupational exposure to asbestos; thousands of former shipyard workers have asbestosis, a debilitating lung disease, and many others have cancers of the lung, stomach and colon. Still others are afflicted with mesothelioma, a rare and fatal form of abdominal cancer for which asbestos is the only known cause.

The long latency period of cancer and the fact that asbestos, once ingested, cannot be removed by the body's defenses, means that children exposed to asbestos at school are at particularly high risk.

The EPA has long acknowledged that regulations to limit the widespread use of asbestos are needed. As long ago as October 17, 1979, the agency issued an Advance Notice of Proposed Rulemaking [ANPR] addressing commercial and industrial use of asbestos (44 Federal Register 60061), and announced publicly that it was considering banning certain uses of asbestos. But nothing beyond identification and notification of possible asbestos hazards was required of school officials by EPA. And there was not enough information available to the schools to tell how to do even that.

It is not surprising that ad hoc local efforts have been mounted to remove potentially deadly asbestos materials from schools across the country. People with only the best of intentions have responded to great pressure and public outcry, but oftimes without the necessary expertise for safe and effective remedial programs. Besides proper and effective efforts, there have been all too many horror stories of shop teachers or school custodians tearing out asbestos insulation over a weekend with students as untrained helpers. It simply is unacceptable for Congress to allow fear and inexperience to add to the existing danger any longer.

I doubt that I have to convince anyone here of the danger that asbestos poses to the school children of our country. But evidently the Office of Management and Budget has yet to get the message. They cannot be unaware of the overwhelming support this program enjoys in both Houses of Congress. I can only imagine that they do not think the presence of asbestos in our schools is a problem worthy of our attention.

Mr. President, I disagree. It is worthy of the attention of all of us, and of quick and decisive action by the Federal Government. I ask that the Senate get this program back on track by approving House Joint Resolution 153.

PROVIDING A HEALTHY ENVIRONMENT IN SCHOOL

Mr. LAUTENBERG. Mr. President, I rise today in support of this joint resolution calling on the Environmental Protection Agency to move full speed ahead on the process for awarding grants and loans to needy schools to clean up dangerous asbestos.

This joint resolution is prompted by EPA's refusal to act on the 1987 round of applications and awards. The pending administration proposal to rescind the appropriation for this program is at least partly responsible for the delay.

I strongly oppose the administration's request to resind the appropriation for the grant and loan program of the Asbestos School Hazard Abatement Act [ASHAA]. Congress has shown its support for this program by providing $50 million to fund a third round of projects in schools which have hazardous asbestos problems and a demonstrated financial need. In addition, by passing the Asbestos Hazard Emergency Response Act of 1986, Congress has shown the high priority it places on the identification and cleanup of asbestos problems which endanger the schoolchildren and employees of this country.

The timing of the announcement of ASHAA awards is important to the success of the program. Most cleanup projects must be carried out in the summer when school is not in session. In order to make arrangements with contractors, the schools must know early in the spring if they will be receiving ASHAA funds. For this reason, we are most concerned that there not be any unnecessary delays in any stage of the application process.

While I recognize that the administration has submitted a rescission proposal for ASHAA, I must point out that there is no evidence that Congress will act to approve the rescission. I think it is essential to keep the program moving along as if there were no rescission pending. Absent congressional action on the rescission, EPA must implement the congressional intent that there be a round of awards in spring, 1987, and not delay the process leading up to the awards.

This resolution underscores the congressional requirement that ASHAA grants and loans be made in time for cleanup work to go forward this summer. I urge my colleagues to support the joint resolution.

Mr. STAFFORD. Mr. President, I support passage of House Joint Resolution 153. This measure reaffirms the commitment that Congress has made several times in the last several years to rid our school buildings of the hazards associated with asbestos.

The legislation simply directs the Environmental Protection Agency to get on with the job of awarding grants to school districts with the most severe asbestos problems and the least resources. Money was appropriated for this job last year, and Congress intended that that money be spent.

The administration has proposed that the grant money be rescinded. The Environmental Protection Agency is delaying making grants, stating that it is waiting to see whether Congress will go along with the rescission request. Passage of this resolution will eliminate any doubt—not that any doubt was justified—as to congressional intent that the money be spent.

Passage of this resolution at this time will also assure that at least some of the available grant money will be awarded in time for corrective work to be completed over the summer vacation period. Without this resolution, it is possible that the administration will continue to delay grant awards so that cleanup work cannot be completed before schools open in the fall.

The health risks associated with asbestos need no enumeration, and we know very well that the risks are highest for children exposed to asbestos fibers at a young age. The numbers of schools containing asbestos is also well-documented.

It is time the administration recognized the depths of the commitment Congress had made to eliminating asbestos risks in schools wherever we can. Passage of this resolution will hasten that recognition.

The PRESIDING OFFICER. The question is on the third reading and passage of the joint resolution.

The joint resolution (H.J. Res. 153) was ordered to a third reading, read the third time and passed.

The preamble was agreed to.

Mr. BYRD. I move to reconsider the vote by which the joint resolution was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO EXTEND UNTIL SEPTEMBER 15, 1987, the EMERGENCY ACQUISITION AND NET WORTH GUARANTEE PROVISIONS OF THE GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982

Mr. BYRD. Mr. President, I believe this has been cleared on the other side. I ask unanimous consent that the Committee on Banking be discharged from further consideration of H.R. 431, the Garn-St Germain extension bill. I further ask unanimous consent that the Senate proceed to the consideration of the bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will state the bill.

The legislative clerk read as follows:

A bill (H.R. 431) to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

AMENDMENT NO. 33

(Purpose: To strike the extension of the net worth certificate program)

Mr. BYRD. Mr. President, I send to the desk an amendment by Mr. METZENBAUM and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD], for Mr. METZENBAUM, proposes an amendment numbered 33.

Mr. BYRD. I ask unanimous consent that further reading be dispensed with.

The PRESIDING OFFICER. Without objection, it so ordered.

The amendment is as follows:

On page 2, strike out lines 1 through 3.

On page 2, line 4, strike out "(c)" and insert in lieu thereof "(b)".

On page 2, lines 4 and 5, strike out "or section 206(a)".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BYRD. Mr. President, the amendment has been cleared on all sides.

The amendment (No. 33) was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment. If there is no further amendment to be proposed, the question is on the engrossment of the amendment and the third reading of the bill.

The bill (H.R. 431) was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill passed.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS-CONSENT REQUESTS

Mr. BYRD. Mr. President, I have a series of unanimous-consent requests I believe have been cleared on the other side. I shall state them for the attention of the Senate and particularly for the attention of the assistant Republican leader.

DISCHARGE AND REFERRAL OF BILL—S. 405

Mr. BYRD. Mr. President, I ask unanimous consent that the order of April 11, 1986, be executed with respect to S. 405, introduced by Mr. McCain, such that the bill be discharged from the Committee on Agriculture, Nutrition, and Forestry, and referred jointly to the Committees on Appropriations and the Budget, pursuant to that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE OF BILL FROM COMMITTEE—S. 474

Mr. BYRD. Mr. President, I ask unanimous consent that the bill S. 474, introduced by Mr. Kennedy, be discharged from the Committee on Foreign Relations, and that it be referred to the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCHARGE AND JOINT REFERRAL OF BILL—S. 139

Mr. BYRD. Mr. President, I ask unanimous consent that the bill S. 139, introduced by Mr. Sarbanes, be discharged from the Committee on Commerce, Science and Transportation, and that it be referred to the Committee on Environment and Public Works.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL JOINTLY REFERRED—S. 610

Mr. BYRD. Mr. President, I ask unanimous consent that the bill S. 610, which was sent to the desk on Thursday, entitled the "Low-Income Opportunity Improvement Act of 1987" be jointly referred to the Committes on Governmental Affairs and Finance and, provided that a concurrent sequential referral take place at the time both committees report, to the Committees on Agriculture, Nutrition, and Forestry; Banking, Housing and Urban Affairs; and Labor and Human Resources for a period not to exceed 15 days of session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF DURATION OF OFFICE OF CLASSIFIED NATIONAL SECURITY INFORMATION

Mr. BYRD. Mr. President, I send to the desk a bill which has been cleared on both sides. I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 632) to amend the Legislative Branch Appropriations Act of 1979, as reenacted, to extend the duration of the Office of Classified National Security Information within the Office of the Secretary of the Senate, and for other purposes.

Mr. BYRD. Mr. President, the existing statutory authority of classified national security information in the Senate expired February 28, 1986. Based on concerns raised by a number of Senators, and which I share, relating to safeguarding classified information within the Senate, there is under consideration a plan to reconstitute the office in the interest of increasing its contributions to overall Senate security.

Members of the Senate Rules Committee, Governmental Affairs Committee, Intelligence Committee, Appropriations Committee and the Senate leadership support the need for a central repository within the Senate for classified information and records of the individuals authorized access to such information. These aforementioned committee chairmen have provided me and the distinguished republican leader proposals for upgrading this office in accordance with current security requirements.

However, since it is essential that we maintain the continuity of the current Office of Classified National Security Information, I am submitting this legislation which provides for an extension of this office through June 5, 1987.

I ask unanimous consent that the bill be read the third time and passed and the motion to reconsider laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that a resolution submitted earlier today by Mr. Dodd, Senate Concurrent Resolution 26, be placed on the calendar. Has that been cleared?

Mr. SIMPSON. It has been cleared.

The PRESIDING OFFICER. Without objection, it will be placed on the calendar.

MEASURE PLACED ON CALENDAR

Mr. BYRD. Now, I ask my friend if clearance has been given to placing on the calendar Senate Resolution 159, a resolution submitted earlier today by Senators Wirth and Heinz.

Mr. SIMPSON. Mr. President, that matter has been cleared on this side of the aisle.

Mr. BYRD. Mr. President, I make such a request then.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the distinguished assistant Republican leader.

Mr. SIMPSON. Will the majority leader yield for a moment?

Mr. BYRD. Yes.

Mr. SIMPSON. I wish to associate myself with Senate Resolution 159 with regard to the issue of An American version: Three Generations of Wyeth Art, that extraordinary family of N. C. Wyeth, Andrew and James. It has been my privilege to come to know Jamie Wyeth and his wife Phyllis. I think this is a remarkable resolution. I ask unanimous consent to add myself as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNIVERSARY OF FOUNDING OF ARKANSAS TERRITORY

Mr. BUMPERS. Mr. President, it is with the greatest pleasure that I commemorate the anniversary of the creation of the Arkansas Territory on March 2, 1819, some 168 years ago. Arkansas was included in the Louisiana Purchase of 1803 and the name of the future State was first officially used in 1806 when the territorial legislature created the district of Arkansas. In his early travels in this wilderness, the French explorer La Salle gave the following description of the land of the native inhabitants, "Their country is very beautiful, having abundance of peach, plum and apple trees, and vines flourish there; buffaloes, deer, stags, bears, turkeys, are very numerous. They have even domestic fowls. They have very little snow during the winter, and the ice is not thicker than a dollar."

In 1819, the Arkansas Territory found itself with a population of 14 thousand Americans. This number quickly grew to 30 thousand and by 1830 as more settled conditions developed in the territory. Immigration to Arkansas exploded in the late 1830's as it increased to 98 thousand in 1840. Improved travel conditions are credited for making such large migrations easier. Black slaves accounted for 14 percent of the American population in 1820 and 20 percent by 1840. This population influx was also accompanied by the unfortunate westward trek of a number of Indian tribes.

During the 1820's, it would not be an uncommon sight to see a steamboat traveling the waters of the Arkansas and White Rivers in the territory. Some 83 steamboats carried on a great amount of the trade and immigrant transportation of the day. Road travel was complicated by the lack of bridges and fallen trees. The Federal Government provided funds to the territory for the improvement of navigation and for road development. This was a time of dramatic growth and change in the territory.

The frontier contributed to an adventurous and sometimes unpredictable life for the people of the territory. Often times gentlemen would seek to resolve conflicts between themselves through the old custom of duelling. At best, the dispute would be settled before shots were actually about to be fired or immediately after both parties had fired inaccurately. A near miss most always seemed to provide more incentive for settling problems through a more diplomatic means. William E. Woodruff, the editor of the Arkansas Gazette in 1824, stated that duelling was, ". . . a flagrant violation of the laws of God and man; at variance with, and destructive of, every principle of good morals, and an insult to the community at large . . . ." Duelling gave way to a more lawful and orderly society.

The pioneer and adventuresome spirit of the Arkansas Territory still exists today in the rugged beauty of the State from the Ozark and Boston Mountains in the rich farmland of the delta. Arkansas is indeed unique in the development of its culture and heritage. It is only proper that we remember all of those people who have contributed to that culture and heritage by developing the Arkansas Territory.

Mr. PRYOR. Mr. President inasmuch as we are celebrating the bicentennial of our Constitution this year, I wanted to bring to my colleagues' attention an important event in my State's history yesterday that was impacted by a section of the Constitution.

On March 2, 1819, Arkansas County in the Missouri Territory was reorganized as the Arkansas Territory with its capital at Arkansas Post on the Mississippi River. Article IV, section 3, paragraph 2 of the Constitution grants Congress the power to "make all needful rules and regulations concerning the management of the property or territory belonging to the United States."

Arkansas was discovered by Hernando de Soto in 1541 during his exploration of the Ozark Mountains. In 1682, Rene-Robert Cavelier, Sieur de La Salle, claimed the entire Mississippi Valley for France. His claim, which he called Louisiana, included the Arkansas region. In 1803, the United States acquired Arkansas as part of the Louisiana Purchase. In 1812, the northern part of the Louisiana Territory, including Arkansas, became the Mississippi Territory. And what followed in 1819 was the creation of Arkansas as a separate territory. We attained statehood in 1836, a sesquicentennial celebration of that event which we observed last year.

Mr. President, as we observe segments of the history of our Constitution, I wanted my colleagues to be aware of this important date in my State's history that points to one section of our Constitution.

SOUTH DAKOTA QUESTIONNAIRE

Mr. PRESSLER. Mr. President, recently I mailed a short questionnaire to a selected number of my constituents whose opinions I value highly. The questionnaire covered a number of issues which will receive careful attention during the 100th Congress. The responses included many comments and ideas which will be very helpful to me in the months ahead. My staff has prepared a tabulation of the responses and a summary of the comments made in the spaces provided in the questionnaire. I ask unanimous consent that this summary be printed in the CONGRESSIONAL RECORD in order that my colleagues may also have the benefit of the views of this group of thoughtful and public-spirited South Dakotans.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

ANALYSIS OF QUESTIONNAIRE RESPONSES

SMALL BUSINESS

I. *Question.* What is the biggest single thing Congress could do to help small business?

A total of 364 responses to this question were received out of 1,000 surveys tabulated. The written responses to this question have been categorized according to the twelve most frequent responses; these are listed below. The total number of responses in each category was divided by the total number of responses to the question to arrive at a percentage figure showing the frequency of each response.

[In percent]

Balance the budget and cut the deficit	25
Reduce paperwork, time-consuming reports and redtape	16
Improve the agricultural economy and this will help small business in rural areas	10
Decrease imports and increase exports of agricultural goods	7
Small business should be able to receive low-interest loans for startup and expansion	6
Give small business tax breaks and incentives for new job creation	6
Liability insurance costs are too high	6
Control the number of corporate mergers and limit Government payments to large corporate farms.	6
Support the SBA	4
Support Senator James Abdnor for head of SBA	3
Creditworthiness of borrowers should be checked better	3
Miscellaneous	8

TAX REFORM

1. *Question.* The Tax Reform Act of 1986 greatly changed the nation's tax code. Among the other changes, the legislation eliminates the preferential treatment of capital gains, income averaging, Investment Tax Credits, and the deduction for state and local sales taxes. Some say no more changes should be made for a while. If the 100th Congress does reconsider tax reform, which tax preferences do you believe should be reinstated or should remain out of the tax code?

Leave the tax code as it is for a period of years for business stability:

[In percent]

Agree	57
Disagree	43

	Reinstate	Remain out
Capital gains	64	36
Income averaging	71	29
Investment tax credits	52	48
Deduction for sales tax	74	26

FARM POLICY

I. *Question.* The effectiveness and cost of farm policies will receive a great deal of attention during the next session of Congress. What changes in the farm policy would you support?

[In percent]

Maintain current policies	12
Implement mandatory production controls	18
Strictly limit individual Farm Program payments	30
Reduce Government price support levels	12
Negotiate an international treaty to reduce crop acreage worldwide	17
Make equal payments to all farmers and allow them to make their own crop and marketing decisions	11

The world carryover grain supply is at a record level. All major grain producing nations have larger than usual surpluses. This surplus has depressed market prices and increased farm program costs. What would be the most effective means of reducing the surplus?

[In percent]

Unilateral imposition of mandatory production controls in the United States	19
Negotiation of an International Agricultural Conservation Reserve Program to retire an equal percentage of cropland in all major grain producing nations	65
Continue full production and subsidize exports to force other nations to cut back on production	16

II. *Comments.*

[In percent]

Government should not interfere with farming. Price supports should be gradually phased out	21
There should be a dollar limit on payments, especially to large corporate farms	17

The United States should limit imports of farm commodities into the country and subsidize our exports	10
Let supply and demand operate in the market	10
Surplus food should be sent to hungry nations	10
Cut back on production	8
The United States should encourage research into making fuel from surplus grain	7
Worldwide agreement is not possible.	7
Miscellaneous	10

TRADE POLICY

I. *Question.* The American oil industry is suffering from reduced prices in the face of world-wide surplus. Do you think that a fee on imported oil is necessary either to help our domestic oil industry or to alleviate the federal budget deficit?

[In percent]

Yes	50
No	50

II. *Comments.*

[In percent]

Many responses were critical of the oil industry and included comments to the effect that oil companies should work through their problems just as farmers and small businesses are doing. A number of respondents felt that the oil companies had a successful period in the 1970's and the market should be allowed to determine price	40
Some respondents expressed concern about American dependency on foreign oil and felt the Government should limit imports of oil and support home suppliers. A fee would be acceptable to help reduce the deficit	16
A small percentage felt that the Government should not interfere in the free market	13
Several people thought the country should develop domestic resources—oil, timber, nuclear energy—and the possibility of using surplus grain for grain fuels should be researched	10
The balance of the comments are miscellaneous comments. Notable among those are a small percentage who feel the United States should buy more oil from Mexico as a means of retiring the foreign debt, helping Mexico, and dealing less with the Middle East	21

ARMS SALES AND NICARAGUA

I. *Question.* Some have severely criticized the President's handling of the issues of arms sales to Iran and support for the Contras in Nicaragua. What is your view?

[In percent]

Support the President	40
The President should have taken a different course of action	11
Judgment should be reserved until all the facts have been thoroughly investigated	49

II. *Comments.*

[In percent]

One fourth of the comments in this issue were statements supporting aid to the Contras in Nicaragua	25
Ten percent of the comments were against aid to the Contras	10
Eighteen percent of the comments were supportive of the President's policy toward Iran	18
Sixteen percent indicated that they believe the President had been wrong to sell arms to Iran and that he had not been totally honest with the public on this subject	16
Some respondents were critical of Congress, Democrats and the press, saying that they were all on a witch hunt	19
Miscellaneous	13

DEFENSE SPENDING AND FOREIGN AID

I. *Question.* The national defense budget for the current fiscal year increased over the previous year enough to cover inflation. In other words, there is no real growth in the defense budget this year. Do you think the spending level is:

[In percent]

Too much	31
Adequate	58
Too little	11

II. *Comments.*

[In percent]

There is too much waste and inefficiency in the defense procurement process	44
An adequate defense is a national priority and a primary function of Government	27
10 percent of the comments favor SDI	10
7 percent oppose SDI	7
Another 7 percent believed defense spending should be reduced and more money should be spent helping people at home	7
More defense purchases should be made from small businesses	5

I. *Question.* Foreign aid spending for the current fiscal year is $13.4 billion. This is $2 billion less than requested by the President and $1 billion less than last year's spending level—a cut of over 8 percent. What are your views on foreign aid?

[In percent]

All foreign aid should be eliminated	18
Foreign aid is necessary, but we are spending too much	70
A superpower like the U.S. should be spending more on foreign aid	3
The amount we give to other nations is about the right amount	9

II. *Comments.*

[In percent]

Most comments in this section were supportive of foreign aid, but with some qualifications. The United States, many said, needs to evaluate who is receiving aid to be sure that it is being put to its intended use—not as in the Philippines. Others said the United States is sending too much money to Communist nations and countries that do not reciprocate and support the United States in world affairs	38
A small percentage of respondents feel the United States should spend less money abroad and more here at home to help our own people	19
15 percent of the comments favored foreign aid in general	15
8 percent of the comments opposed foreign aid in general	8
Some respondents believe foreign aid should be in goods and services—surplus wheat, technology, health and education materials, and so forth—humanitarian aid, and disaster assistance	13
Miscellaneous	9

APPEAL RIGHTS FOR CERTAIN POSTAL EMPLOYEES

Mr. HEFLIN. Mr. President, on February 19, 1987, I joined Senator PRYOR, the distinguished chairman of the Senate Governmental Affairs Subcommittee on Civil Service, Post Office, and General Services, and 11 other of my distinguished colleagues here in the U.S. Senate, as an original cosponsors of virtually identical legislation which I introduced during the 99th Congress.

This legislation was almost enacted into law last year, but it became entangled in some procedural snarls here in the Senate during the waning days of the last Congress. It passed the House by voice vote on December 9, 1985. It also received unanimous, bipartisan support in the House Committee on Post Office and Civil Service. It was reported favorably out of the Senate Government Affairs Committee; however, it died on the Senate Calendar.

As we resurrect this legislation, we firmly believe that it will blossom into law, and that S. 541 will receive overwhelming support in both Houses of Congress.

This companion legislation to H.R. 348, introduced in the House last month by Mr. DYMALLY, would modify significantly the current procedures and appeal rights of postal supervisors and Postmasters, generally. Presently, they must follow an internal review process, with no right of appeal outside of the Postal Service—for example, to the Merit Systems Protection Board.

It would bring these nonbargaining, nonveteran postal employees under the same protective, statutory coverage as veterans—that is, "preference eligibles"—and Federal employees under civil service.

Mr. President, in my professional judgment, it is inherently unfair for an employee to defend against a serious disciplinary action through a strictly internal review process. The very nature of such a bureaucracy simply does not lend itself to impartiality when an agency acts as the prosecutor, jury, judge, and the appeals entity. By allowing nonbargaining, nonveterans postal supervisory and managerial personnel the same statutory, procedural and appeal rights as many Federal/postal employees, we will be rectifying any perceived and/or existing flawed internal review process. This legislation would do just that. It would not create a new administrative appellate procedure, but would merely extend the existing one to a broader class of persons. In this way, we would be ensuring equal protection and due process to all heretofore described uncovered employees before certain adverse actions are initiated against them. I might add that this is the only group of postal employees not entitled to collective bargaining rights under law.

Finally, Mr. President, S. 541, includes an amendment requested last year by the U.S. Postmaster General and approved by the Senate Governmental Affairs Committee. The amendment would authorize the U.S. Postal Service, along with the Office of Personnel Management, to file a petition for judicial review of a final Merit Systems Protection Board order or decision in adverse postal cases. I have no objection to this amendment.

Mr. President, I urge swift and final passage of this long overdue legislation. Thank you.

A TRIBUTE TO DEAN CORLEY

Mr. HEFLIN. Mr. President, it is with sadness that I rise today, to inform my colleagues of the death of Donald Earl Corley, who served from 1972 to 1984 as the dean of the Cumberland School of Law. Dean Corley was a great Alabamian who was dedicated, above all else, to the law. His work and devotion helped to ensure that all citizens of our Nation would enjoy the rights and liberties provided by the Constitution, for he was instrumental in their instruction and perpetuation.

Donald Corley was a man who worked toward the fulfillment of a dream. This dream was of a Cumberland that was revitalized and able to meet the needs of students and of our society. His efforts now provide an example to all, and his accomplishments have forged the foundation of a great institution of legal learning. Yet, Cumberland is so much more than this. Dean Corley charted a course that Cumberland can follow for many years. This course provides the school with a goal and a meaning beyond the already important responsibility of legal education. This course demands the involvement of not just the students and the faculty, but of the alumni and the community at large, for the goal benefits all. The course that Dean Corley set for Cumberland when he became dean in 1972 was toward a better system of justice for individuals, for our communities, our State, and our Nation.

An education in the law is not just training for a professional occupation. It should not merely teach certain skills or crafts with which an individual can earn a living. Rather, the disciplines and concepts encountered in law school should retrain the mind to think in terms of the precepts which we have inherited from our ancestors, which have been passed down through generations with necessary change, and which are embraced to ensure that the liberties of every individual in our society are protected and preserved. Dean Corley understood this distinction and worked toward this goal. His efforts and guidance provided students with much more than a knowledge of the cases, codes, and regulations—his endeavors produced graduates who were ready to be practitioners. More importantly, however, his efforts produced knowledgeable attorneys who understand the relationships of the rule of law to Western civilization.

Donald Corley worked to see that the facilities offered to the students of Cumberland were among the best in the Nation. The law building was greatly enlarged during his deanship. He also strived to see that the instruction given to students by their professors was the best available anywhere. This faculty was impressively strengthened during his tenure as dean, and remains excellent because of the attitude he fostered, and the goals he set. Additionally, his work resulted in a library which was visibly improved. Books and periodicals are instruments of instruction to law students, and the students at the Cumberland School of Law now have a much improved and larger library of such instruments. Furthermore, the improvement of the Law Review publication was a notworthy accomplishment of his administration.

At Cumberland, Dean Donald Corley worked to accomplish many things. He molded characters as well as minds. While he instituted a greater number of required courses necessary for completion of a degree, he encouraged students to pursue their own interests by offering many learning opportunities for their own choosing, as well as choices of law-related student activities. The Moot Court competitions, the creation of "the American Journal of Trial Advocacy and the Center For Advocacy and Clinical Education," among other things, allowed for an exposure to areas and techniques of the law which the students would later face in practice. In this way, he focused on improving the practice of law among the future lawyers who graduated form Cumberland.

He instilled in students and faculty alike a desire for excellence. He encouraged an atmosphere of accomplishment, of uniqueness, or professionalism, and of recognition and fulfillment of the individual talents and abilities held by each person. He was instrumental in shaping Cumberland as it stands today—a modern law school which, nevertheless, provides a complete and traditional legal education.

Many people, indeed, have been and will be touched by the devoted work, energy, and dedication of Donald Corley. However, I do not believe that anyone could ever realize the complete impact of his entire contribution and influence. He was a great man who served his State, his community, his school, and his family well. He also worked to serve the cause of justice—the cornerstone of the American way of life. For this, he will always be remembered. For this, we will always hold his name in the highest esteem, and will be indebted to his legacy. This legacy is, surely, the Cumberland School of Law of today.

NEW MEXICO SCHOOL FOR THE DEAF, 100TH ANNIVERSARY

Mr. DOMENICI. Mr. President, I want to recognize that February 24 was a very special day, the 100th anniversary of the New Mexico School for the Deaf.

Not too long ago, persons who were hearing impaired received very little help in overcoming their handicap. We wasted so much talent, we probably lost many discoveries that might have helped humanity. That was because so many individuals never got a chance to express themselves to others, to make their contribution to mankind.

Frankly, we handicapped our Nation by failing to recognize these talents.

However, schools like the New Mexico School for the Deaf have helped us recognize this ignorance and neglect, and have helped hearing impaired individuals become confident and successful.

The New Mexico School for the Deaf was started by a deaf man named Lars M. Larson. Following his graduation from Gallaudet College here in Washington, DC, he headed for New Mexico in a covered wagon. On November 10, 1885, Mr. Larson opened a private school for the deaf in Santa Fe.

Less than 2 years later, the territorial legislature created the first educational facility for the deaf, headed by Mr. Larson. In those early days, Mr. Larson often had to operate without funds, and even personally loaned the territory money in order to complete construction of the school.

This dedication and enthusiasm continues at the school today.

The school for the deaf currently offers a four track curriculum: College preparatory, vocational and technical training, functional living for those who suffered a mild hearing impairment, and functional living for those more severely impaired.

The school has also developed two major statewide outreach programs: A technical assistance and diagnostic service, plus a "step high" program. The Technical Assistance Outreach Program helps to evaluate children with impaired hearing and school programs that work with the hearing impaired. The Step High Program focuses on the needs for parental intervention in the education of the handicapped children. The Step High Program specifically provides training and education of parents of hearing impaired infants.

The New Mexico School for the Deaf has also conducted a follow-up study on its recent graduates. The results are very impressive: 37 percent are employed; 32 percent have entered post secondary programs; 3 percent are in sheltered workshops; and 11 percent are living at home.

Among last year's graduates, 15 out of the 16 were accepted into post secondary programs.

Mr. President, this record is very impressive and the New Mexico School for the Deaf has developed some very effective programs to address the needs of the hearing impaired citizens of our Nation. I know my colleagues share my enthusiasm and join me in congratulating the New Mexico School for the Deaf on its 100 years of success and to wish them a bright and bountiful future.

TRIBUTE TO MAYOR H.A. ALEXANDER

Mr. HEFLIN. Mr. President, I am delighted to rise, today, to pay tribute to Mayor H.A. Alexander, of Moulton, AL, who has been one of the most outstanding public servants that Alabama has ever seen. No one has been more devoted to the city of Moulton, or to Lawrence County. His contributions and accomplishments are truly remarkable. Benjamin Franklin once wrote that: "To serve the public faithfully, and at the same time please it entirely, is impossible."

However, Dr. Franklin never had the pleasure of meeting Mayor Alexander, who has come as close to disproving this observation as anyone I have ever known.

Mayor Alexander was recently recognized as the Lawrence County Chamber of Commerce "Man of the Year," the first time, I understand, that such an award has been presented. I had planned to attend the awards banquet, but a snowstorm which dumped 20 inches of snow on the Capitol closed the airports and highways in and around Washington. There was no way that I could get to Moulton. However, I cannot think of a more deserving recipient for this award. I wish to congratulate the mayor on this great honor. He has long held the gratitude and the confidence of the people he represents. I am delighted to see that he has been repaid in this way for his efforts on their behalf.

Mayor Alexander was first elected to office 19 years ago, but his service to his community extends far beyond his term as mayor. He has worked to better his community since he served as elementary school principal, high school coach, and high school principal during the Great Depression and into the beginning of World War II, and has labored to provide outstanding service to the people of Moulton and Lawrence County, to Alabama, and to our Nation since that time.

The efforts Mayor Alexander has made have been sustained through many years. His participation in numerous organizations and efforts has helped countless people. His presence has had a lasting impact on the entire area. It would be impossible to discuss all of the ways he has helped, but I will list several of the highlights. Since 1944 he has been the chairman of the Lawrence County March of Dimes. In 1945 he served in the Medical Corp., U.S. Army, aboard the U.S.S. *Comfort* in the South Pacific, and in 1946 he became the U.S. Draft Board Appeal Agent for Moulton and Lawrence County. He worked to establish the first Moulton Chamber of Commerce, and served as its President for 2 years. He served as chairman of the Moulton Water Works Board from 1946 to 1970, and was instrumental in securing grants and loans to establish the city's first adequate water supply. He is past vice president of the Tri-County Board, past chairman of the Moulton Industrial Development Board, and was a member and the past chairman of the Joe Wheeler Electric Membership board of directors. He served as a member of the housing authority board of directors, as past chairman of the board of directors of the Moulton Elementary School, and as a member of the Tri-County Appalachian Regional Health Planning Commission board of directors and executive board. He has also been a member of the board of directors and executive board, as well as president and vice president of the North Alabama Regional Council of Governments.

As one can see, Mayor Alexander possesses and has served with great zeal and energy. He has accomplished much. He has been involved in every aspect of the welfare of the people of his community from their health, their housing, and their educations to their water supply. He has said that he initially became involved in government because he thought he could contribute. This is something of an understatement. His contributions both before and since the time of his election as mayor have been immense.

When he was elected mayor of Moulton in 1968 he was confronted with and solved many problems and challenges. He was faced with a budget that was $45,000 in the red, there was little or no equipment with which government services were to operate, and the fire department consisted of a truck in a barn. However, where there is a will there is a way. And when the "will" you are talking about is that of Mayor H.A. Alexander, there develop many ways.

With the full support of an excellent city council, and the help of the citizens of Moulton, the mayor has turned the city of Moulton into one of the most outstanding and progressive municipalities in Alabama. He has combined innovation and imagination together with much hard work to provide the city with the best facilities, services, and opportunities that are available in the Nation. With over $22 million that he has obtained in Federal and State grants and loans, Mayor Alexander has seen the construction of the first city hall and city recreation facility. In his tenure, the city has obtained a fire station and fire equipment, an 80 acre lake for quality water supply, and an expanded sewage treatment and disposal system. Roads have been improved, 10 new subdivisions have been built, a shopping mall has been added, and the city now has a 72 acre industrial site. Furthermore, he has worked to renovate the downtown area. While he has served, the city budget has tripled. These are all improvements which enhance the lives of the citizens of Moulton, and of Lawrence County.

I believe that the great mayor of Moulton has set one of the finest examples of service and leadership in the entire Nation, and I know that the people of Moulton could not agree more. We are all indebted to him and will be the beneficiaries of his work for many years.

In the future, I anticipate that under the leadership of Mayor H.A. Alexander, the city of Moulton will reach new heights of accomplishment, and will continue to thrive and prosper to the benefit and the happiness of each of its citizens.

Mr. President, I ask unanimous consent that the attached articles be printed in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Times Daily, Jan. 27, 1987]

MOULTON TURNS OUT TO HONOR ITS VETERAN MAYOR

(By Winford Turner)

MOULTON.—Mayor H.A. Alexander has been giving to Moulton and Lawrence County for more years than he can count but Monday he found himself on the receiving end.

Monday was "unofficially" H.A Alexander Day in Moulton and it was that way because it would have taken a proclamation from the mayor himself to make it official and he admits "that wouldn't have been a good thing to do."

The 79-year-old Alexander is completing his 19th year as mayor and on Monday some of his friends took time out to say thanks for the many things he has done for the city and county.

Congressman Ronnie Flippo came to town late Monday afternoon and paid tribute to the man that has brought in more than $22 million in federal grants for Moulton since he was elected mayor in 1968.

Flippo said he couldn't think of a more dedicated public official than H.A. Alexander. The Congressman presented Alexander with a flag to be flown at the city hall which the mayor was able to obtain funding for five years ago.

But the highlight of Alexander's day came Monday night during a packed banquet of the Moulton-Lawrence County Chamber of Commerce where he was honored.

Flippo was unable to make the banquet and U.S. Sen. Howell Heflin had to cancel out at the last moment as guest speaker because of a snow storm in Washington. But, the show went on and Alexander said it made him proud.

"There is no way that I can say thanks to all of the people that put this thing on," Alexander said. He said the plaque given to him will always mean something special.

"I'm a little surprise at this," he admitted during an interview before the banquet. "Usually, a person is honored just as he retires from office. I still got 18 months left in my fifth term. Perhaps they are telling me it is time to quit."

But with a wink in one of his eyes, Alexander paused and said, "I just don't know what will happen when it comes time for me to run for reelection. I'll have to take a look at how my health is and how much that I've yet got to accomplish."

Alexander owned and operated a hardware store in the downtown district after he retired as a principal and football coach. He was instrumental in the 1950s at getting the chamber of commerce re-organized. He later, in the 1960s, served as chairman of the Moulton water board.

It was while serving as water board chairman, that Alexander got the idea to run for mayor after being encouraged by friends.

"The city was always running out of water in the summer and I had just got us a grant for a new water system," he recalled. "A lot of people thought that was a good job and they wanted me to run for mayor."

In his five campaigns, he has had opposition three times but no one has ever came close to beating him.

Alexander said he is proud of the accomplishments Moulton has made under his leadership. They include an adequate water system, a new city hall, the city's first golf course, and a recreational park.

He also will admit that he had a hand on bringing industry to the county, including the Champion Paper Mill at Courtland.

"I had a little hand in it," he said. "They invited me to sit on the stage when they dedicated the facility and broke ground."

Alexander has watched the city grow from a population of 1,700 in 1958 to 3,197 in the 1980 census.

"I've really enjoyed working for the city," Alexander said. He started out making $50 per month. Now, as mayor and as building inspector he gets $1,500 per month."

A lot of nice things were said about H.A. Alexander Monday night at the banquet, but local attorney Harold Speake, one of the leaders in the chamber of commerce, probably summed it up best when he said, "we can give him all of the honors in the world, but we'll never be able to repay him for the things he has done for us and this town. . . . He certainly has made it a better place for us to live and raise our families."

[From the Times Daily, Feb. 1, 1987]

Mayor: Success Comes From Caring

The Moulton-Lawrence County Chamber of Commerce last week honored Moulton Mayor H.A. Alexander for his many years of service to the community. Alexander is the dean of mayors in Northwest Alabama. This week he took time out of his schedule to discuss his career, the past and future of his town, during an interview with Times Daily regional editor Winford Turner.

Question. It has ben reported that you've been mayor of Moulton for 19 years. That is a long time. What has been the key to your success?

Alexander. I was elected mayor in 1968 and I have little more than a year left on my fifth term. the key to success? It all depends, of course, on who you talk to. But in my case, I guess it would be caring what happens to your community and its people.

Question. You said you are close to completing your fifth term in office. Will there be a sixth term?

Alexander. That is a decision that I have not made yet. It will depend upon a lot of things. First, there is my health, which at the moment is good. Second, we must look at the things that we've accomplished and the things that are yet to be accomplished. If we feel we have not completed our job, of course, running again will be a strong possibility. But, we'll make that decision down the road.

Question. Jyles Machen of Huntsville, an aide for former Rep. Bob Jones, once remarked that there was nobody any better at getting grants for his town and community than Mayor H.A. Alexander. How do you do it?

Alexander. When Jyles use to work this area for Congressman Jones we always kept him busy. And, we do the same thing to Congressman Ronnie Flippo and his aides. How do we do it? We just take a look at the projects that we need, how much they will cost and then we go looking for money to finance them. If there is a chance out of a hundred that we can get some grant money, we'll go for it. But, we just don't go out there and file an application for money to finance something that we don't need. First, there has to be a need. And, if there is a need there is usually a way.

Question. How much grant money have you brought in to your town since you've been mayor?

Alexander. It is an estimate of course, but I would say close to $22 million. But, let me point out that we began receiving grant money before I was mayor. I was chairman of the town's water board and we got a grant for a new water system back then.

Question. What got you interested in politics?

Alexander. Like I said, I was chairman of the water board and it seemed like every year we were having water problems in the summer. This was happening every year and we decided to do something about it. After we got the grant money to build a good water system, a lot of the business people thought we did a good job and asked us to run for mayor. We did and we're still here.

Question. What would you consider your major accomplishments thus far?

Alexander. Well, of course, the water system. But, we've got a new city hall, we've got a golf course and we've got a good recreational park.

Question. What about industry?

Alexander. Of course, Champion is the county's largest industry. I like to think that I had a hand in that. A lot of us were in on the original discussions. I was invited to sit on the stage when they dedicated the facility and broke ground. Then, we've got the George C. Wallace Industrial Airpark, which we all have real high hopes for.

Question. You're 79 years old and got a late start on your political career. What did you do before you got involved in politics?

Alexander. I am retired as a principal and coach. Then, I went into business in Moulton. We operated a hardware store here for several years.

Question. Is the position of mayor of Moulton a full-time post?

Alexander. It has been full time since we've been in office.

Question. What is the salary?

Alexander. When I became mayor it was $50 per month and that included expenses. Of course, the fact that I was retired from my other professions helped a lot. Today, I get about $1,000 per month from being mayor and about $500 per month for being the town's building inspector.

Question. There has to be a long list of people that you owe thanks to over the past several years. Could you just name a few?

Alexander. There probably are thousands. First of all, the people of Moulton. I owe thanks to them for being understanding and caring about their city. Back when we began to get grant money, of course, the late U.S. Sen. John Sparkman and former Congressman Bob Jones were real helpful. I don't know what we would have done without them. Then, there is Congressman Ronnie Flippo and U.S. Sen. Howell Heflin. These two guys are a real good combination for this Valley. Then, or course, there is no way to measure the importance that the late publisher Barrett Shelton of Decatur and his friend and co-worker and our friend, the late Maynard Layman, meant to this Valley and our region of north Alabama, especially.

Question. What do you think about the chamber of commerce banquet this week where they honored you?

Alexander. I thought they were out in left field. Like I said, when I heard about it, it makes you wonder. Usually, something like this doesn't happen until you retire. You don't think they are trying to tell me something, do you? Seriously, though, I do appreciate it. The banquet the other night was one of the highlights of my career and personal life. There are no better people than the people of Moulton, Ala.

Question. One final question: What do you see for Moulton in the future?

Alexander. Continued growth. We had 1,700 residents here when I became mayor in 1968. The 1980 Census listed our population at about 3,200. The city will continue to grow. It is going to be up to the leaders and residents of the city to work together to make the best of it.

THE IRAN AFFAIR, OUR ALLIES, AND U.S. WORLD LEADERSHIP

Mr. HELMS. Mr. President, I am deeply concerned that the firestorm of criticism of the administrations arms sales to the Khomeini regime may cause the American people to forget that our allies in Europe have been selling billions upon billions of dollars' worth of weapons to Iran since 1980. The major media have carefully overlooked the massive European arms trade to Iran in the blitz to undermine President Reagan.

Our world leadership role is suffering and this is something that we, as a nation, cannot afford. We need to put the Iran affair in perspective and move forward at home and abroad to solve some truly vital problems confronting our Nation.

Europeans, as former colonial powers, have traditionally been jealous of American initiatives and presence in the Near East. Undoubtedly, they are hoping that the fallout from the Iran affair will tend to reduce American diplomatic influence and American commercial presence in the region.

The news media are caught in a corner of their own making. They cannot now admit that they played a major role in the downfall of the Shah. The spread of international terrorism unleashed by Khomeini's regime in Iran would never have happened without the downfall of the Shah which the media had such a large share in orchestrating.

There has been endless criticism about the White House having allowed a comparatively small, but significant, amount of weapons to be sent to Iran. Of course, it was a mistake to send these advanced weapons to Iran. Yet, there have been no expressions of outrage over the billions of dollars' worth of arms that our European allies have been only to happy to sell to Iran. There has been a strange silence with respect to the massive European delivery of weapons to Iran month after month, year after year, for over a decade.

Mr. President, it seems to me that it is time that Congress looked into the matter of our allies selling billions of dollars of weapons to Iran in order to prolong and to profit from the Iran-Iraq war. Certainly, the first order of business should be to bring the tragic Iran-Iraq war to a just end. After all, the original issue which precipitated the war, the boundary dispute concerning the Shatt el Arab waterway, was discussed by Iran and Iraq in 1975 and the Treaty of Algiers signed that year by both parties looked forward to a peacefully negotiated settlement.

Historically, because the United States was never a colonial power in the Middle East, we have through the years enjoyed very fine relations with the people of Iran. We have helped them, throughout most of this century, to modernize their nation, to increase its standard of living, and to promote through economic development more opportunity for the common man and woman.

EUROPE EXPORTS BILLIONS OF DOLLARS OF ARMS TO IRAN

Mr. President, it is a fact that Europeans have been long jealous of American involvement with Iran and our role in building the ancient Persian nation. Certain financial and industrial circles in Europe have long been antagonistic to our diplomatic and commercial interests in the Near East and would like to see the United States out of diplomacy and commerce there. Indeed, these interests would like to see us frozen out of the inevitable postwar reconstruction of Iran and Iraq which would run into the hundreds of billions of dollars of business.

Mr. President, I do not condone selling or giving weapons to the Khomeini regime—for whatever reason. On numerous occasions, I have spoken out against Iran's deep involvement in international terrorism and the atrocities that Khomeini's regime has committed against not only the Iranian people but also the people of the Near East, Europe, and these United States. I regret that the administration was misled in its approach to Iran.

The President has said that he wants the American people to have all of the facts about the Iran affair. The Tower Commission's report is a major step forward and indicates the President's sincere efforts to get to the bottom of the problem. I certainly hope that all of the facts will come out. The American people deserve to know the whole truth about this affair.

Mr. President, while all of us are concerned about the sales of some 30 million dollars worth of arms to Iran, the fact remains that our European allies are profiting handsomely by building up the terrorist regime in Tehran through billions of dollars of arms sales. According to some estimates, the Europeans have sold Iran over 30 billion in arms and over 40 billion to Iraq.

Mr. President, we need to keep a sense of perspective as we move through the investigations surrounding the Iran affair. In my view, the United States has no apologies to make to anyone in Europe, England, West Germany, France, Belgium, Austria, Sweden, Switzerland, Greece, Spain, and Portugal, among others, have been selling billions of dollars of weapons to Khomeini. As a matter of fact, all of the commotion about the Iran affair here has tended to obscure the really massive European weapons sales which are prolonging the war.

It is as if we have turned back the clock to the days of Sir Basil Zaharoff, the famous European merchant of death, who scandalized the international community during the early part of this century by his hidden machinations to cause wars and by his profiting from the arms sales to the belligerents once the wars got underway. In fact, Congress has on several occasions investigated what the press years ago referred to as the merchants of death. Where are the media today with respect to the issue of European arms sales to Iran?

Mr. President, it is certainly no secret that European governments and arms dealers have been and are falling all over themselves to sell every conceivable type of weapon and military supply to Iran. Our allies, in fact, should be apologizing to us about their profiteering on the Iran-Iraq war which has claimed over 1½ million lives.

Europe has sold arms to both sides in the conflict. It has been estimated that Iran has brought some $30 billion and Iraq has brought some $40 billion in arms from Europe. This is not to mention over $100 billion of European trade in nonmilitary items. According to Business Week in its December 29, 1986 issue, "In Europe, roughly 750,000 jobs are in the military sector and tied to some degree to the Iran-Iraq conflict." The Business Week article gave important details on the European arms sales to Iran.

Mr. President, I ask unanimous consent that this article from Business Week of December 29, 1986, be printed in the RECORD at the end of my remarks as exhibit 1.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, another fine article relating to European arms sales to Iran appeared in the August 1986 issue of Readers' Digest. As Readers' Digest states, its author, "reveals how the terrorist networks are abetted, through greed and corruption, by America's own friends and allies." The author, Nate Adams, contributes data which develops the theme that European governments have become politically dependent on the vast arms trade with Iran and have a vested interest in the continuation of the war. Because so many workers are disproportionately employed in the arms manufacturing industries in Europe, should this trade cease, the resultant unemployment problems could be politically costly to governments in power.

Mr. President, I ask unanimous consent that this article by Nate Adams entitled "Profiteers of Terror: The European Connection" which appeared in the August 1986 Readers' Digest be printed in the RECORD at the end of my remarks as exhibit 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

BRITISH INTERESTS IN DESTABILIZING IRAN

Mr. HELMS. Mr. President, some observers of the international oil scene in seeking to find an explanation for the well-known British Broadcasting Corp.'s anti-Shah and pro-Khomeini programming in 1979 and other British special operations against the Shah have advanced the following explanation.

According to these observers, the British Government underestimated the investment required to extract oil from the North Sea. The initial estimate in 1973 called for a $15 billion commitment. At this level of investment, the lift cost per barrel for the oil would have been about $6 and the final selling price would have been $13 on the European market.

By 1978, however, the original estimate was seen to be dramatically in error. The commitment has risen to a $70 billion investment. The British National Oil Co. had about 50 percent of the project, British Petroleum had about 15 percent and Shell had about 15 percent. The British Government, therefore, was in deep trouble owing to the incorrect original estimates of the cost of the project. British solvency was certainly called into question.

At this new level of commitment, interest and principal payments exceeded the revenues to be gained at the 1978 selling price of $13 per barrel. This necessitated a new world price level for oil if Britain were to be able to continue its North Sea position and its solvency.

According to these observers, the British Government concluded that the destabilization of Iran was necessary in order to undermine its production and reduce the amount of oil available in international markets. By removing large amounts of Iranian oil production from world markets, the world price, therefore, would rise and Britain could cover its position. Britain, therefore, according to these sources, then undertook a policy aimed at bringing about the fall of the Shah. As one instrument of this policy, their government unleashed the British Broadcasting System to beam hostile programming into Iranian territory to encourage unrest.

The impact of the Khomeini revolution coupled with the impact of the Iran-Iraq war, drove the average world price for oil to over $20 per barrel. The value of British proven reserves in the North Sea skyrocketed to over $300 billion. Britain has realized approximately $60 billion over the last 7 years from North Sea oil revenues.

Sources also suggest that Britain brought the United States State Department and the Central Intelligence Agency into the scheme as well and that this accounts for the Carter administration policy toward Iran which assisted in the destabilization for political and financial reasons of the Shah under the public relations cover of human rights.

Mr. President, we should ask ourselves whether or not it was advisable to assist in the downfall of the Shah. Oil costs only about 50 cents per barrel to produce in the Middle East. Had market forces been allowed to operate over the last 15 years, some analysts believe that the current price would be about $5 per barrel. It was about $3 per barrel in 1973. In order to protect our own domestic production base, it would have been a simple matter to place a tariff of say $10 per barrel on imported oil. We could have avoided the tragic situation now affecting our oil producing States and we would have realized a substantial amount of revenue for the public treasury to be set against our budget deficit problem.

TRADITIONAL IRANIAN-AMERICAN FRIENDSHIP

Relations between the United States and Iran, formerly called Persia, have been most cordial for the better part of this century. Iranians had been caught between the imperial designs of the British empire on the one hand and the Russian empire on the other hand for several centuries. In 1906, after an almost bloodless revolution, the Iranian nation limited the absolute monarchy of the ruling Shah and established a progressive constitution which included a Majlis, or national parliament, in order to promote a democratic and representative form of government.

Unfortunately, the imperial competition of the Europeans continued and the notorious Treaty of St. Petersburg was signed by Britain and Russia in 1907. Iran was carved into so-called spheres of influence by these Old World powers. The economic and social situation in Iran disintegrated and forward looking Iranians looked for assistance in ordering their financial affairs from not England nor Russia. The Iranian Parliament looked to the New World, to these United States, to help them bring a better living standard for their people.

Mr. President, with all of the coverage about Iran in recent years from the undermining of the Shah's government and its replacement by Khomeini's terrorist regime to hostage crisis after hostage crisis there has not been one word that I have seen about the key role played by an American private citizen by the name of W. Morgan Shuster at the beginning of this century. He was instrumental in establishing our traditional friendship with the Iranian people.

Who was W. Morgan Shuster? He was an American advisor to the Iranian Government just after the turn of the century. He was a man whose integrity, fortitude, and sense of duty to the betterment of the Iranian people won him a place in the hearts of the Iranian nation and in history.

In December 1910, the Iranian Majlis, or parliament, requested the United States to provide a team of financial advisors to assist Iran in its economic development. Mr. Shuster was selected by our Government to undertake this task as a private citizen and four more Americans were dispatched to Iran to assist him.

Once in Iran, Mr. Shuster became the Treasurer General of Iran and regularized its system of taxation, tax collection, and budget process with a team of 28 people. He was devoted to the welfare of the Iranian people and did everything in his power to uphold the 1906 Constitution. He championed the cause of members of the parliament who resisted the intrigues of the colonial powers seeking to undermine Iran's sovereignty and independence. His firm stand in support of Persian nationalists, including the fiercely patriotic women of Persia, resulted in a number of assassination plots against him.

Russia intrigued against Shuster and gave Iran a British-approved ultimatum demanding that Shuster be removed from his position as Treasurer-General. Tehrani women sent representatives to the Majlis who threatened their husbands, brothers, and fathers with reprisals if they caved into the Russian ultimatum. The parliament supported Shuster but the Russians later sent its army into Iran and killed thousands of innocent Iranians. The British collaborated with the military intervention and the fledging constitutional government was crushed and Mr. Shuster expelled.

A London newspaper, "The Nation," published an article about the situation as follows:

> The plain fact is that Russia from the first has determined to thwart Mr. Shuster because he displayed an American energy and fearlessness which would soon have made Persia solvent and well-governed.

As Shuster describes in his book entitled "The Strangling of Persia," which was published in 1912, the shifting scenes were those—

> . . . in which two powerful and presumably enlightened Christian countries played fast and loose with truth, honor, decency and law, one, at least, hesitating not even the most barbarous cruelties to accomplish its political designs and to put Persia beyond hope of self-regeneration.

Mr. Shuster's book of some 400 pages describes the imperial designs of Britain and Russia and their intrigues undertaken to suppress true Persian independence and sovereignty.

Mr. President, how little the world has changed during this century. If we honestly look at the situation in the Persian gulf today, we still find the imperial designs and intrigues of not only Sovietized Russia but also our friends and allies in Western Europe.

It is a fact of history that the only times in recent Iranian history when foreigners were not exploiting Iranian resources; when dams, roads, and communication systems were built; when medicine and education reached the people at all levels of society; when women were given important roles in the government and in the work force; and, when the nation as a whole was moving into modern times, is the period when Iran and the United States were close allies.

Mr. President, for the past three decades, six American Presidents have supported Iran's economic development and social progress and have directly participated in Iran's modernization efforts.

It was President Truman who forced the Soviet Union to withdraw its army from Northern Iran and thwarted Soviet plans for cutting Iran into pieces and creating a separate Azerbaijan state under Soviet control.

President Truman and Eisenhower helped to revitalize the postwar economy in Iran. Presidents Kennedy, Johnson, Nixon, and Ford continued this American commitment. Iran's oil revenues, on which its budget was based, rising from $25 million in 1953 under the regime of British Petroleum to some $500 million a few years later with the entry of American oil companies under more positive arrangements for Iran. Growing oil revenues propelled Iran's modernization under the Shah.

With American assistance, malaria was eradicated. Malaria had afflicted some 30 percent of the Iranian people including at least 90 percent of those living on the Caspian Sea coast.

With American assistance, roads and dams were constructed; potable water supplies were developed; petrochemical plants, oil refineries, universities, and a telecommuncation system were built.

RESTORING OUR WORLD LEADERSHIP

Mr. President, it was not Ronald Reagan who pulled the rug out from under the Shah. It was Jimmy Carter who did that and helped to unleash Khomeini's terrorist regime against the civilized part of mankind. Any objective review of the media from the late 1970's will show the profound slant against the Shah and support for the supposedly saintly Khomeini in exile in Paris. How often did we hear from self-appointed instant pundits about "Moslem fundamentalism" as a positive and progressive force in the Moslem world and the world at large?

The world knows better today but the genie has been let out of the bottle. We can only hope that it will be eliminated before any more innocent blood is spilled in the Iran-Iraq war or as a result of Khomeini's international terrorist infrastructure.

The Iranian nation deserves better than to be ruled by a fanatic and wholly corrupt mullocracy whose tyrants are daily filling their pockets and filling their secret Swiss bank accounts with kickbacks on arms purchases extracted from the blood of their own youth daily dying on the battlefield in an unnecessary war.

Mr. President, all Americans are concerned about the Iran affair and hope that things will be set right. President Reagan has taken a number of steps to rectify the situation which grew out of the poor advice and bad judgment of his staff. I do not doubt that further steps will be taken and that we will be able to move forward as a nation to confront the challenges which will be posed to us over the next 2 years in the international arena.

The United States does not exist in a vacuum. We face today the gravest challenges to our national security than at any other time in our history. While we all want to get our internal political and administrative house in order, we simply cannot forget for one moment that we must maintain a dynamic and robust foreign policy with respect to the rest of the world.

We cannot allow the Iran affair to paralyze our world leadership role. We cannot allow the Soviet Union and its allies to take advantage of our temporary internal political problems. We cannot allow our commercial and diplomatic interests to be undermined by those who seek to take advantage of the Iran affair here at home. We cannot allow the security and wellbeing of 240 million Americans to be held hostage to international terrorism, to Soviet aggression, to European intrigues, or even to the sanctimonious media at home.

Mr. President, it is time that we move boldly forward at home and abroad. The Tower Commission report is in. Congress and the independent counsel are working on the details of the Iran affair. President Reagan has undertaken a sincere effort to strengthen the White House. It is time to move ahead and to procede on a bipartisan basis where we can on the foreign front. Our national dignity and our world leadership role need to be recovered as quickly as possible in order to defend our permanent and vital interests around the globe.

EXHIBIT 1

[From Business Week, Dec. 29, 1986]

HOW THE WORLD KEEPS THE IRAN-IRAQ WAR GOING

(By Jonathan Kapstein in Brussels and John Rossant in Paris, with Jonathan Birchall in London, Neal Sandler in Jerusalem, Jeffrey Ryser in São Paulo, William J. Holstein in New York, and bureau reports)

Days after the U.S. Congress opened hearings into the Iranian arms sale scandal, the government of Prime Minister Margaret Thatcher quietly made an arms sale decision of its own. It cleared the sale of six radar systems worth $370 million to Iran. Plessey Co., which manufacturers the state-of-the-art AR 3-D radars, said Iran promised not to deploy the system in its war against Iraq. But many diplomats and industry observers believe that if the conflict continues, the promise will not be kept.

Why would one of America's closest allies give Iran potentially important military help at such a sensitive moment? The answer: jobs. Plessey needs the order to guarantee work for 1,800 employees, 1,500 of them in a factory at Cowes, on the Isle of Wight. "The deal represents about two years of work for Plessey Radar," says one analyst.

The six-year-old Iran-Iraq war is big business. Governments, companies, and individual arms dealers in about 40 countries supply military equipment to one or both sides. Estimates of the volume of business are tricky. But knowledgeable arms industry sources say better-armed Iraq has acquired some $40 billion worth of weapons and matériel, including nonlethal supplies, since the war broke out. Iran has obtained about $30 billion worth. The war thus is consuming more matériel than any other conflict since the Vietnam War.

NEW RESPECTABILITY

The U.S. furor over Iranian arms sales is igniting controversy elsewhere, but it's doubtful any of these debates will seriously hinder Persian Gulf arms sales. Sweden is investigating how laser-guided RBS 70 antiaircraft missiles made by Sweden's Bofors are finding their way into Iranian hands. Belgian authorities are conducting a similar inquiry about Belgian weapons. Britain's Labor Party is criticizing the government for allowing nonlethal British equipment, such as vehicles, to be sold to both sides. And Israel's Defense Ministry in early December told Israeli arms merchants that it must approve each sale of Israeli weapons around the world from now on.

Despite such moves, some experts believe the White House's sale of arms to Iran has given the business new respectability, encouraging other nations to participate more openly. With jobs and economies now tied to the war, it will be hard for many to resist. Although arms makers in France, West Germany, Italy, and other European nations have long supported the $90 billion annual world trade in military equipment, the Gulf war has significantly enlarged their business. In Europe, roughly 750,000 jobs are in the military sector and tied to some degree to the Iran-Iraq conflict.

France, the world's third-largest arms maker after the U.S. and the Soviet Union, has sold $11.5 billion worth of weapons to Iraq since 1980 and hundreds of millions of dollars worth to Iran. When Luchaire, the big French metal and armaments company, got caught red-handed last February shipping ammunition to Tehran, the French government acted shocked. But within three months, it awarded the Légion d'Honneur, France's highest civilian award, to Luchaire Chairman Daniel Dewavrin for "services to industry."

SHADOWY MIDDLEMEN

The Gulf war has also fueled the spectacular growth of arms industries in the developing world, giving rise to companies that are challenging the dominance of Europe and the U.S., particularly in lower-technology areas. Brazil's Engesa-Engenheiros Especializados, the nation's largest arms maker, would lose a third of its sales if the war suddenly stopped. Says a Western diplomat in Brasilia: "Iraq's war needs are the humming engine behind this country's growth in arms production."

Although most headlines dwell on shadowy independent middlemen, arms experts say illicit deals lacking the approval of a government or major arms producer represent only a small portion of total world traffic, including the business going to Iran. But because most sales are highly sensitive, middlemen shield governments and manufacturers by providing fake end-user certificates, dummy invoices, and secretive transshipments. Governments, says Hamilton Spence, managing director of Interarms (UK) Ltd., a major British arms manufacturer and trader, are aware of these devices. "The only way it can be done on such a large scale," says Spence, "is by going through cracks in the system of controls, which have been deliberately created by governments."

FOCAL POINT

The sheer quantity of weaponry that Iran has received—despite a U.S. embargo—indicates that governments are at least tacitly supporting the traffic. "A shipment of 150,000 rounds of 155 mm ammunition requires a large ship and vehicles to transport it to the port," says Spence. "That is not something that can be done without a government noticing," Adds a top executive of South Africa's Arms Corp. (Arms-cor), which is a major supplier to Iran: "Let's be honest about who makes decisions on arms sales. It is the Prime Minister or President of a country and the Defense Minister."

One of the focal points for the Iran arms trade is London. Iran maintains the Iranian Arms Procurement Office, also called the Iranian Logistics Support Centre, at 4 Victoria St., within sight of the Houses of Parliament and Westminster Abbey. The office is staffed by about 30 Iranians, including a dour receptionist wearing full Islamic *chador.*

Each week for the past two years an Iranian agent attached to the procurement office has delivered a list of needed supplies to the military attaché at the Israeli Embassy in London. High-level Iranian diplomatic sources say the list is then transmitted to Tel Aviv and fed through an Israeli armed-forces computer, which tracks where parts and weapons are available. The data are transmitted back to the Iranian agent in London for forwarding to Tehran. Israel is said to get a 10%-to-20% commission on each contract. Israel denies any such role.

South Africa, too, plays a secret but critical role in sustaining Iran's war effort. Armscor, the state arms monopoly, has two major ammunition plants, each producing 300,000 to 400,000 155 mm artillery shells a year. That clearly exceeds the needs of South Africa's own military. "The South Africans do not need that kind of capacity." says Mark A. Bely, technical director of Mecar, a U.S.-owned arms company in Belgium. "Who does? Iran, that's who."

Intelligence sources say that Armscor, which manufactures a version of France's Mirage jet fighters for South Africa's military, also is now making spare parts for the U.S. F-4 Phantom jet fighters that the Iranian regime inherited. The South African government officially declines to comment on arms sales to Iran. But, says the Armscor executive, "when you are a pariah country, people call you."

Even Sweden, Switzerland, and Austria, countries that pride themselves on neutrality, are instrumental in fueling a war that has claimed nearly 1.5 million lives. Swedish law bars the sale of Swedish-made weapons to any war zones or combatants. Yet some Swedish companies organize shipments of arms that end up in Iran. From January, 1984, until late this year, Scandinavian Trading Co. (Scanco), headed by Karl-Erik Schmitz, allegedly brokered the shipments of explosives to Iran for use in warheads and artillery, including 105 mm and 155 mm U.S.-made artillery.

PROBES

Dutch researchers say Schmitz arranged for other European companies, including Dutch munitions maker Muiden Chemie, Belgian group Poudreries Réunies, and Nobel Dynamit, the West German subsidiary of Bofors, to ship explosives. The end-user certificates showed the destination as Yugoslavia. There the explosives were given still other end-user documents asserting they were destined for Kenya. But in fact, the ships carrying the munitions went to Iran.

Swedish authorities are investigating to determine Scanco's precise role and whether it violated Swedish law. Scanco executives were unavailable for comment. But in an even more sensitive case, Bofors' RBS 70 missiles began showing up in Iranian hands early last year. The Swedes are now investigating how the missiles, shipped to a legitimate customer in Singapore, arrived in Bahrain and Dubai, where they were trans-shipped to Iran. "We can never guarantee that products we sell to a legitimate buyer are not sold again and finally may reach a country we would not be allowed to sell to—like Iran." says Rune Borg, a senior vice-president of Nobel Industries, Bofors' parent.

An unsung player in many Iranian arms shipments is Denmark. Danish ships carried the weapons from Eilat, Israel, to Iran that were at least partially responsible for the release of three U.S. hostages in Lebanon. "We know of 11 voyages during the past year from Israel to Iran," says Henrik Berlau, vice-president of the Danish Seamen's Union in Copenhagen. "They form a curious pattern. After each batch of voyages, an American hostage was released."

An estimated 60 to 70 Danish vessels carry weapons in a well-concealed scheme that includes bills of lading designating cargo as farm equipment and machine parts. A typical voyage starts in an obscure port in France or Italy. Often it is run in stages, with one ship delivering its cargo to another at a second port. Sometimes a ship even changes names. But Danish shippers are eager to get the work because the freight rates for arms are three to four times those for other cargoes.

FALSE BEARDS

The estimated $500 million to $1 billion in arms the Reagan Administration sent to Iran is unlikely to give the ayatollahs a decisive advantage, but it sends an important symbolic message to the rest of the world's arms industry. "It will make it legitimate for all the characters in false beards—all the cloak-and-dagger arms traders—simply to come out into the open," says Heino Kopietz at the International Institute of Strategic Studies in London.

Thanks to Iran's network of suppliers, it already is getting all the mass-produced supplies such as light arms and ammunition that it needs. "People have set themselves up to manufacture [armaments] on a continuous basis," says one London-based arms dealer. "And once you can do that, you can bring the price right down. The prices the Iranians are getting now are unbelievable."

The key question is whether the White House's involvement will now make it easier for Iran to get more sophisticated weapons and parts, for which it has been forced to pay premiums of as much as 300%. Some European governments and companies are privately angry about Third World competitors making inroads into the lucrative Gulf market, and they could ease what restraint they have shown in the past. "It depends now on the will of governments who have been holding back," says one European diplomat. "They are under pressure from manufacturers who see everyone else making a fast buck and who say, 'If they can, why can't we?" Even if the U.S. halts all arms dealing with Iran, the world arms industry will guarantee that—for a price—the war can continue.

[From Reader's Digest, August 1986]

EXHIBIT 2

PROFITEERS OF TERROR: THE EUROPEAN CONNECTION

(By Nathan M. Adams)

Innocent travelers gunned down in airports, a cruise ship and a jetliner hijacked, a nightclub blown up—the death toll of terrorism has sounded with frightening regularity this past year. As Americans worry about the future, they wonder: How can these killers operate with seeming impunity? Who pays their way? To find out, Reader's Digest Senior Editor Nathan M. Adams spent months crisscrossing Europe and the Middle East. In this exclusive report, he reveals how the terrorist networks are abetted, through greed and corruption, by America's own friends and allies.

VIENNA, AUSTRIA.—Early this year, suave, confident 40-year-old Monzer Al-Kassar sat in police headquarters and smiled at the investigator thumbing through his Syrian passport. Numbered 045785, the document showed that Al-Kassar, born in En Nebk, Syria, was a "merchant." On the surface, he was the director of an import-export firm called Alkastronic, with offices in Vienna, Marbella, Beirut and Damascus.

Police suspect that, in reality, Monzer Al-Kassar is an arms supplier for terrorists. Among his associates is the PLO's Abul Abbas, who masterminded the *Achille Lauro* hijacking in October 1985. Al-Kassar has also been linked to terrorist cells such as the Popular Front for the Liberation of Palestine, and is suspected of past links to the Red Army Faction in West Germany.

Arrested twice for drug trafficking, Al-Kassar has been connected to major deals involving up to 100 kilos (220 pounds) of heroin. Some of it, from terrorist-connected suppliers in Syria and Lebanon, finances his own luxurious life-style. Police suspect the rest helps buy arms and explosives for terrorist operations in France, Spain and Holland.

Only a few of these details were known to the detective, who had summoned Al-Kassar to discuss his company's sales of silencer-equipped assassination pistols, rockets and other weapons to Libya, Iran, South Yemen, plus suspected sales to terrorist organizations in Syria and Lebanon. Much of Alkastronic's business is conducted with Eastern-bloc firms, but also included are companies in France, Spain, Portugal and England, some of them government backed.

During 1984 and 1985, Alkastronic secured almost $60 million in arms deals, of which $45 million was a contract with Iran. But since the transactions had not taken place in Austria, the detective could find no violation of his country's laws.

He pushed Al-Kassar's passport back across the desk. "Do you know Abul Abbas?" he asked.

Indeed Al-Kassar did. He had been host to the terrorist in Vienna only two years before. "I know him in the same way I know your Foreign Minister Leopold Gratz [1] and Minister of Trade Norbett Steger."

The officer blinked, disbelieving, then warned Al-Kassar that only Austrian citizens could be issued licenses to export arms. Al-Kassar assured him that he had no intention of violating Austria's laws. There was much the officer did not know—such as the million-schilling (U.S. $70,000) bribe Al-

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[1] Gratz resigned last June in the wake of his party's election losses.

Kassar was arranging to pay a senior Austrian minister in hopes of obtaining citizenship. Reports in the files of the Drug Enforcement Administration in Washington reveal that an influential Austrian businessman, arms trafficker, associate of major heroin smugglers and close friend of top Austrian officials was involved in the bribe scheme.

BUSINESS IS BUSINESS

Monzer Al-Kassar is but one of an estimated 200 arms dealers who supply outlaw nations in the Middle East from or through Austria. He is also an example of how official corruption and voter indifference have transformed Austria into a major avenue for terrorist operations throughout Europe. Ironically, Austria itself is a victim nation. In 1981, a gunman for the notorious Libyan-sponsored Abu Nidal murdered a Vienna city councilman. And last December, Austrians were among the casualties at Vienna's Schwechat airport massacre.

The use of Austria as a killing ground has not diminished Vienna's appetite for the billions of dollars generated through arms sales and trade with countries that support terrorists. For example, on February 14, 1985, Austria's state-owned steel conglomerate, Voest-Alpine, secretly signed a billion-dollar agreement with Iran. In return for oil—some of which was resold to third nations such as Israel and South Africa—Austria agreed to provide "goods, material and equipment," which in fact masked a large number of 155-mm. howitzers. To circumvent its own law forbidding such sales to nations at war, the government is believed to have shipped the cannons via Libya.

Recently intelligence agents detected an Austrian export of chemicals used to manufacture poison gas. The customer: Iran's enemy, Iraq. Officially Austria has condemned the use of such gas by Iraq and actually treats Iranian victims in its hospitals.

Neutral Austria is not the only European nation that has refused to join in trade sanctions against Middle Eastern states exporting international terrorism. NATO members and other close allies share equal blame. Consider:

FRANCE

In February, Paris secretly concluded a deal with Libyan representatives for the sale of dozens of Exocet anti-ship missiles. Since the missiles were "urgently" required, French officials should have known that their likely target was the U.S. Sixth Fleet, then on maneuvers along Qaddafi's "Line of Death" at the mouth of the Gulf of Sidra. The Exocets added to the impressive Libyan arsenal of Western weapons, which also includes French-made Mirage fighter-bombers.

Meanwhile, despite a rash of Iranian-controlled kidnappings of French citizens in Beirut, and an epidemic of terrorist attacks and bombings on French soil last year, trade between Paris and Teheran continues. And Luchaire, a partially state-owned manufacturer, clandestinely shipped hundreds of thousands of artillery shells to Iran last year in flagrant violation of a government decree banning the sale of munitions to a nation at war.

At least a dozen French companies export weapons to Libya and Iran. Some specialize in smuggled American war materiel, but when the U.S. Customs Service requests French cooperation in tracking down such deals, it is routinely cold-shouldered.

WEST GERMANY

On April 29, 1984, the United States was angered to learn that a team of technicians had been sent to Iran on behalf of a West German firm, Kraftwerke Union, to study the feasibility of completing two nuclear reactors—which could help Iran build a nuclear weapon within a few years. Kraftwerke Union assured NATO allies that Iran had signed the nuclear nonproliferation agreements. But the signature on the document was that of the late Shah—not the Ayatollah Khomeini.

Another contract signed by West German firms with pre-Khomeini Iran provided for delivery of four diesel submarines so quiet that they can penetrate advanced defenses. Their manufacturer, Howaldtswerke-Deutsche Werft AG, is partially owned by the West German government. These modern U-boats are also manufactured under West German license and supervision in Turkey. Military experts point out that Turkey, unconstrained by German law, could easily transfer them to Iran. Such advanced submarines could threaten oil tankers near the Persian Gulf and U.S. ships in the Indian Ocean.

Meanwhile, sophisticated West German optics and range-finding equipment—much of it secretly delivered to Iran through Greek suppliers—has vastly improved the accuracy of Khomeini's artillery and tank guns. And the standard Iranian-infantry weapon is the reliable West German-designed G-3 assault rifle.

Since the overthrow of the Shah, exports from West Germany to Iran have increased nearly 80 percent. Says a former high official of West Germany's intelligence agency, the Bundesnachrichtendienst, "Since the United States will not deal with Iran, why shouldn't we Germans make the profits?"

Bonn and Teheran have a secret understanding that Iranian-sponsored terrorists will avoid targets on German soil in return for Bonn's commerical investment. West Germany also enjoys brisk trade with Libya. Through the first six mouths of 1985, for example, Bonn imported 191,000 barrels of Libyan crude oil daily. Not surprisingly, West Germany has been among the staunchest opponents of economic sanctions against states that support terrorism.

ITALY

Of all the European nations trading with the outlaw states of the Middle East, none is more of an economic hostage than Italy. Every year, Italy averages nearly $5 billion in trade with Libya, a former colony. Some 50 Italian companies are owed an estimated $600 million by Qaddafi in deferred payments for work that has already been completed.

In addition, Qaddafi owns nearly 15 percent of Fiat, Italy's largest private company. Two of Qaddafi's representatives sit on the Fiat board, and last year Libya creamed off an estimated $18.5 million from Fiat's profits.

Last October, Italian authorities released the planner of the *Achille Lauro* hijacking, Abul Abbas, after his plane had been intercepted by U.S. F-14 fighters and forced to land in Sicily. Abbas has since promised to carry out attacks against American citizens in the United States itself. His case is not unique. Until only recently, the Italian government like West Germany, France and Greece, had permitted the free movement of Arab terrorists through its territory in return for promises not to attack Italian targets.

In May 1986, a former chief of Italy's intelligence service disclosed that in the past he had helped Qaddafi obtain arms and advised him on intelligence matters. The rationale: to curry favor on behalf of Italian business interests in Libya.

Like other NATO allies, Italy has done a booming business in military sales to the Middle East. The export of heavy hardware to Qaddafi includes advanced Augusta anti-tank helicopters, Assad Class missile corvettes, more than 200 self-propelled howitzers, Otomat missiles, plus a warehouseful of acoustic mines and torpedoes.

Meanwhile, Italy remains Qaddafi's best customer. Last year the country imported an average 200,000 barrels of Libyan oil each day—a total of 70 million barrels over 12 months. Predictably, Prime Minister Bettino Craxi has been another outspoken critic of economic sanctions against Libya.

GREECE

Greece has resisted nearly every U.S. request to crack down on terrorism, and Prime Minister Andreas Papandreou quickly aligned himself with Qaddafi in condemning the United States for its Libyan raid. Terrorist groups that operate freely in Greece include Lebanon's Iranian-controlled Hisballah (Islamic Jihad) and those led by Abu Nidal and Abul Abbas.

Using Athens as a springboard, terrorists hijacked TWA's Flight 847 on June 14, 1985, and last November, the Egyptair Boeing 737 in which 60 were killed. When a bomb exploded in a TWA flight over Greece last April, the person believed responsible was in the Athens airport awaiting a flight to Beirut.

Even when such terrorists are identified by Western intelligence agencies, Greek authorities resist taking effective action. Last fall, U.S. intelligence notified the Greek government that six Abu Nidal gunmen, en route to South America where they planned to attack a U.S. embassy, were awaiting departure from Athens at a local hotel. Police arrested the terrorists, but refused to hold them, and instead promptly "expelled" them to the Middle East. The scenario has been repeated at least a dozen times.

One reason may be Greece's surging arms sales to both Libya and Iran. On July 7, 1984, Libya's ambassador to the U.N. Ali Treiki, visited Athens, where he and Papandreou agreed on the sale of millions of dollars' worth of military equipment—some of it in return for oil.

Major international arms dealers say that, in return for payoffs ranging as high as $3000 per missile and up to $10 per round of ammunition, Greek defense officials will issue shippers export papers—called End User Certificates—which disguise the destination of arms. Because Greece is a NATO member, there are few restrictions against shipping weapons to it. And these include some of the most up-to-date arms on the market—U.S. air-to-air missiles, radar and complex range-finding equipment. Libya and Iran, however, are often the real buyers.

ISRAEL

On April 22, 1986, the U.S. government announced that 17 people were being charged with conspiring to sell more than $2-billion worth of U.S. missiles, tanks, helicopters and jet fighters to Iran. One of those charges was a retired Israeli general, Avraham Bar-Am.

Bar-Am issued a public warning to the Israeli government that he would disclose its involvement in the scheme unless it inter-ceded on his behalf. Many Americans were stunned by the implication that Israel would be involved with providing military weapons to a nation like Iran, which is clearly documented as a key exporter of terror.

They are perhaps naive.

Israel is one of Iran's most reliable sources for both arms and munitions—despite denials by the Israeli government. In 1984, for example, 20 F-4 jet engines, originating in Israel, were delivered by a Greek oil company to Teheran. And on January 29, 1985, an Israeli company in Tel Aviv telexed an offer to sell to brokers, among them Iranians, 150 U.S. Sidewinder air-to-air missiles and 200 M-48 tanks with 105-mm. guns.

While it is illegal to ship such materiel from the United States without stringent documentation identifying the purchaser, Israel is not subject to the same laws. Supposedly, U.S. equipment intended for Israel must not be resold without approval. But this did not deter the Israeli firm from selling the arms package to Iran.

Intelligence sources have identified several government-backed Israeli suppliers of weaponry, including a wealthy Israeli industrialist with headquarters in Austria, and a retired colonel with close ties to Iranian military officials. Both men are said to act at least semi-officially for Israel's government. And both have made millions supplying arms to Iran.

What lies behind Israel's military support of such outlaw regimes as Khomeini's is the cynical logic that an Iran and an Iraq at war are less of a threat to Israel's security. Thus, Jerusalem stands prepared to fill gaps in Khomeini's arsenal.

Cashing In. Overall, Western European trade with Libya is estimated at over $10 billion a year. And there no longer can be any question of how Qaddafi spends his share of the profits. Considers, for example, the murder of Peter Kilburn, a U.S. citizen and a librarian at Beirut's American University, who had been kidnapped by a gang of local extortionists in Beirut in early December 1984. On April 12, 1986, Qaddafi representatives got in touch with the gang. Kilburn was purchased for $1 million—just for the purpose of killing him. His corpse was found dumped on a roadside on April 17.

Despite these horrors, victims and non-victims alike continue to earn profits from those nations responsible. Neutral Sweden—its leader Olof Palme assassinated earlier this year—cashed in last April when its munitions producer, Bofors, sold $60-million worth of its RBS-70 laser-guided anti-aircraft missiles to the Ayatollah Khomeini. And Pilatus, a subsidiary of Switzerland's giant Oerlikon-Buhrle arms producer, sold more than 80 PC-7 and PC-9 turboprop aircraft to Khomeini between 1984 and 1986.

During the May '86 summit meeting in Tokyo, European leaders agreed to suspend arms sales to nations that export terror—but, predictably, there was no mention of applying economic sanctions. And meanwhile, the European thirst for Iranian and Libyan oil continues.

Most U.S. counterterrorist experts say that terrorism exported by Libya and Iran could be reduced substantially by stringent trade embargoes. But if the United States expects its Western allies to take action, it must keep its own house in order. At the Tokyo conference, European leaders pointed out that subsidiaries of five U.S. companies had been producing and marketing nearly 70 percent of Libya's oil. (In January, President Reagan had ordered these companies to cease all operations in Libya by June 30.)

To make sure they stay out of Libya, Congress should provide criminal penalties for officers of U.S. companies that continue to deal with Qaddafi. And there is much that the United States can do to convince Europe that local police action and the exchange of intelligence data cannot by themselves win the war against terrorism. Congress should suspend trade credits for European nations that refuse to isolate terrorists. And the Administration should not buy military equipment from these nations.

In the 1930s Hitler's Germany was shamelessly unopposed by most of Europe. The West must realize that today's international terrorism similarly threatens its freedoms. Until it acts, innocent Americans and Europeans alike will continue to die.

ANNUAL REPORT ON ACTIVITIES TO PREVENT NUCLEAR PROLIFERATION—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 23

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 2, 1987, during the adjournment of the Senate received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I have reviewed the activities of United States Government departments and agencies during the calendar year 1986 related to the prevention of nuclear proliferation, and I am pleased to submit my annual report pursuant to Section 601(a) of the Nuclear Non-Proliferation Act of 1978 (Public Law 95-242).

The report concludes that the United States continued to make significant progress during 1986 in its efforts to achieve its non-proliferation goals.

A central objective of my Administration has been the prevention of the spread of nuclear explosives to additional countries. I intend to continue my pursuit of this goal with unflagging determination and a deep sense of personal commitment.

RONALD REAGAN.

THE WHITE HOUSE, *March 2, 1987.*

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ASSISTANCE FOR DEMOCRATIC RESISTANCE IN SOUTH AMERICA—MESSAGE FROM THE PRESIDENT—PM 24

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with accompanying papers; which was referred to the Committee on Appropriations:

To the Congress of the United States:

The one hundred million dollars in assistance for the Nicaraguan democratic resistance approved by the Congress in October of last year was intended as only one aspect of an integrated, comprehensive approach for United States efforts to promote economic and political development, peace, stability, and democracy in Central America and to encourage a negotiated resolution of the conflict in the region. In that law (Title II of the Act making appropriations for military construction for the fiscal year ending September 30, 1987, as contained in Public Laws 99-500 and 99-591, hereinafter "the Act"), the Congress recognized, as does the Executive branch, that the Central American crisis has its roots in a long history of social injustice, extreme poverty, and political oppression. These conditions create discontent, which is often exploited by communist guerrillas in their war against democracy. The focus of United States policy in Central America goes beyond the military aspects of the problem. To help address the underlying social and economic causes of conflict in the region, the Congress directed that additional economic assistance be made available for four Central American democracies: Costa Rica, El Salvador, Guatemala, and Honduras.

PROGRESS TOWARD DEMOCRACY

Democracy is making great strides in these four countries. Their progress in building societies in which their citizens enjoy freedom of choice and equal justice under law stands in marked contrast to the totalitarian subjugation suffered by the Nicaraguan people. This progress, however, cannot be sustained without concurrent economic growth. Political freedom cannot prosper in an environment of hunger and despair. Nor, as found by the National Bipartisan Commission on Central America (NBCCA), can we expect the Central American democracies to recover from a severe economic recession without significant outside assistance. The Central American democracies cannot attract adequate private investment to achieve sustainable economic growth in the current environment of violence and subversion. The four democratic nations of Central America will have little appeal for investors as long as there is an aggressive communist regime nearby—a militant regime bent on ideological expansion and already in command of the largest army in the history of Central America.

CONGRESSIONAL ATTEMPT TO AID THE DEMOCRACIES

To help the Central American democracies preserve their hard-earned progress in making democracy work, the Congress in October 1986 approved in section 205 of the Act the transfer of three hundred million dollars in unobligated funds for economic assistance to the Central American democracies. Title III of the Act also appropriated an additional three hundred million dollars for this purpose, to be available through fiscal year 1987. Unfortunately, despite the best intentions of those in the Congress who supported the additional assistance for Central America and despite this Administration's strong support for that assistance, the Foreign Assistance Appropriations Act mandated that the three hundred million dollars be regarded as part of the specified (and very limited) FY 1987 worldwide total for economic support fund assistance, thus precluding us from considering this sum as additional assistance. As a practical result there could be no increased aid for Central America. When this became apparent, we shared the great disappointment of bipartisan supporters in the Congress, not to mention the Central Americans who were counting on this assistance after it had been approved in both the Senate and the House of Representatives.

REPORT TO CONGRESS ON ASSISTANCE NEEDS

Clearly, there is the desire in the Congress to make good on this commitment. Toward that end, there is a provision in the law that the Executive branch should develop a plan for fully funding the assistance to the Central American democracies proposed in the January 1984 report of the National Bipartisan Commission on Central America. I am transmitting that plan to the Congress with this message.

The Bipartisan Commission determined that the Central American crisis was the result of a long history of interrelated political, security, and socio-economic conditions and recommended a greatly expanded financial assistance program for the years 1984-89. The Central American Democracy, Peace and Development Initiative (CAI), transmitted to the Congress in February 1984, was designed to accomplish most of the NBCCA's recommendations. This program concentrated on strengthening democratic institutions, arresting economic decline while promoting stabilization and recovery, and increasing the benefits of growth. Results in the political sector have been more rapid than anticipated. In the economic and social areas much also has been achieved. Nevertheless, this progress remains fragile and much remains to be done. The plan herewith transmitted to the Congress proposes a 3-year extension of the program's execution until 1992. The extension would increase the total amount of funds originally recommended in the CAI for the period FY 1984 to FY 1989 from $6.4 billion to $6.9 billion in appropriated funds for the period FY 1984 to FY 1992. As economic recovery in the region proceeds, the benefits of growth, economic, and political stabilization will be enjoyed by an ever-increasing percentage of the region's population.

After reviewing the findings of this study, I have concluded that additional assistance is required immediately in order to help meet the economic goals of the Bipartisan Commission and to keep faith with the millions of men and women who through hard work and sacrifice are making democracy a living reality in Central America.

This assistance is urgently required to help meet the great economic and social needs of the struggling democratic governments of the region. By generating conditions of violence in Central America that undermine prospects for economic growth, the Communist government of Nicaragua works to discredit the democratic system as a viable alternative for development. To offset this effort, it is the responsibility of the friends of democracy to help Central America's democrats prove that even in adversity democracy offers their people a better way of life. The Soviet Union and its allies have provided the Sandinista regime military hardware and sufficent economic aid to keep Nicaragua's failed economy afloat. The United States must help those small nations in Central America that have chosen freedom.

REQUEST FOR ADDITIONAL ASSISTANCE

To carry out the recommendations contained in the report being forwarded to the Congress, section 215(2) of the Act further provides expedited procedures for requests from the President for additional economic assistance for the Central American democracies. I hereby request that such expedited consideration be given to my request for an additional $300,000,000 for fiscal year 1987 as economic support fund assistance for Costa Rica, El Salvador, Guatemala, and Honduras, notwithstanding section 10 of Public Law 91-672.

In order to assure that this additional assistance is fully consistent with applicable requirements of law and sound budget principles, I further request that the amounts made available for this additional economic assistance for Central America be transferred from unobligated balances in such accounts as I may designate for which appropriations were made by the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473); the Department of Defense Appropriations Act, 1986 (as contained in Public Law 99-190); the Department of Defense Appropriations Act, 1987 (as contained in Public Laws 99-500 and 99-591); and the Department of State Appropriations Act, 1987 (as contained in Public Laws 99-500 and 99-591).

I urge the prompt enactment of a joint resolution expressing approval of this request.

RONALD REAGAN.

THE WHITE HOUSE, *March 3, 1987.*

MESSAGES FROM THE HOUSE

At 6:03 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill and joint resolution, without amendment:

S. 83. An Act to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; and

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 49. A concurrent resolution authorizing the use of the rotunda of the Capitol on April 28, 1987, for ceremonies to observe the days of remembrance of victims of the Holocaust.

The message further announced that pursuant to the provisions of Public Law 301 of the 78th Congress, the chairman of the Committee on Merchant Marine and Fisheries appoints the following to serve as members of the Board of Visitors to the U.S. Coast Guard Academy for the year 1987: Mr. HUTTO, Mr. HUGHES, Mr. DAVIS of Michigan, and Mr. JONES of North Carolina, ex officio.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker has signed the following enrolled joint resolutions:

S.J. Res. 46. Joint resolution declaring 1987 as "Arizona Diamond Jubilee Year";

H.J. Res. 3. Joint resolution to recognize the 100th anniversary of the enactment of the Hatch Act of March 2, 1887, and its role in establishing our Nation's system of State agricultural epxeriment stations; and

H.J. Res. 53. Joint resolution to designate the week beginning March 1, 1987, as "Federal Employees Recognition Week".

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 49. A concurrent resolution authorizing the use of the rotunda of the Capitol on April 28, 1987, for ceremonies to observe the days of remembrance of victims of the Holocaust; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 26, 1987, the following reports of committees were submitted on February 27, 1987:

By Mr. PELL, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 158. An original resolution expressing the Senate's commitment to the Threshold Test Ban Treaty and the Peaceful Nuclear Explosions Treaty with effective verification.

By Mr. MELCHER, from the Special Committee on Aging:

Special Report entitled "Developments in Aging—1986" (Rept. No, 100-9).

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

Special Report on Legislation Activities of the Committee on Commerce, Science, and Transportation (Rept. No. 100-10).

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 26, 1987, the following executive reports of committees were submitted on February 27, 1987, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations, with reservations and declarations:

Ex. N, 94-2. Two Treaties between the United States and the Union of Soviet Socialist Republics on (1) the limitation of Underground Weapon Tests, and the protocol thereto, signed in Moscow on July 3, 1974, and (2) Underground Nuclear Explosions for Peaceful Purposes, and the protocol thereto, signed in Washington and Moscow on May 28, 1976 (Exec. Rept. No. 100-1).

TEXTS OF RESOLUTIONS OF ADVICE AND CONSENT TO RATIFICATION

Threshold Test Ban Treaty

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Underground Weapon Tests, and the Protocol thereto, signed in Moscow on July 3, 1974, subject to the following reservation and declaration:

Reservation.—The advice and consent of the Senate to ratification of the Treaty on the Limitation of Underground Nuclear Weapon Tests is subject to the condition that the President shall not proceed with ratification of this treaty until he has certified to the Senate that the Union of Soviet Socialist Republics has concluded with the United States additional agreements expanding upon the obligations stated in Article II of the Treaty on Limitation of Underground Weapon Tests, including provisions for direct, accurate yield measurements taken at the site of all appropriate nuclear detonations, so that the limitations and obligations of these treaties, *inter alia* the 150-kiloton limit, are effectively verifiable.

Declaration.—The Senate declares its support for the President's commitment of October 10, 1986, to propose, upon ratification of the Treaty on the Limitation of Underground Nuclear Weapon Tests, and the Protocol thereto, signed in Moscow on July 3, 1974, and the Treaty on the Underground Nuclear Explosions for Peaceful Purposes, and the Protocol thereto, signed in Washington and Moscow on May 28, 1976, immediate negotiations with the Soviet Union on further testing constraints, consistent with the commitment made by each party in Paragraph 2 of Article I of the Treaty on the Limitation of Underground Nuclear Weapon Tests to "limit its underground nuclear weapon tests to a minimum" and the obligation of the two parties in Paragraph 3 of Article I to "continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests."

Peaceful Nuclear Explosions Treaty

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Treaty between the United States of America and the Union of Soviet Socialist Republics on Underground Nuclear Explosions for Peaceful Purposes; and the Protocol thereto, signed in Washington and Moscow on May 28, 1976, subject to the following reservation and declaration:

Reservation.—The advice and consent of the Senate to ratification of the Treaty on Underground Nuclear Explosions for Peaceful Purposes is subject to the condition that the President shall not proceed with ratification of this treaty until he has certified to the Senate that the Union of Soviet Socialist Republics has concluded with the United States additional agreements expanding upon the obligations stated in Article II of the Treaty on Limitation of Underground Weapon Tests, and the Protocol thereto, signed in Moscow on July 3, 1974, including provisions for direct, accurate yield measurements taken at the site of all appropriate nuclear detonations, so that the limitations and obligations of these treaties, *inter alia* the 150-kiloton limit, are effectively verifiable.

Declaration.—The Senate declares its support for the President's commitment of October 10, 1986, to propose, upon ratification of the Treaty on the Limitation of Underground Nuclear Weapon Tests, and the Protocol thereto, signed in Moscow on July 3, 1974, and the Treaty on the Underground Nuclear Explosions for Peaceful Purposes, and the Protocol thereto, signed in Washington and Moscow on May 28, 1976, immediate negotiations with the Soviet Union on further testing constraints, consistent with the commitment made by each party in Paragraph 2 of Article I of the Treaty on the Limitation of Underground Nuclear Weapon Tests to "limit its underground nuclear weapon tests to a minimum" and the obligation of the two parties in Paragraph 3 of Article I to "continue their negotiations with a view toward achieving a solution to the problem of the cessation of all underground nuclear weapon tests."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself, Mr. Proxmire, Mr. Humphrey, Mr. Rudman, Mr. Durenberger, Mr. Warner, and Mr. Trible):

S. 621. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DURENBERGER:

S. 622. A bill to provide for temporary duty-free treatment for cyclosporine; to the Committee on Finance.

By Mr. FORD (for himself and Mr. Hollings):

S. 623. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1988, 1989, and 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DANFORTH:

S. 624. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction of personal interest for yachts, boats, and other similar vessels used as a second residence; to the Committee on Finance.

By Mr. DOMENICI (for himself and Mr. Stevens):

S. 625. A bill to amend the Federal Election Campaign Act of 1971 to limit candidate expenditures of personal funds; to the Committee on Rules and Administration.

By Mr. BRADLEY (for himself, Mr. Lautenberg, Mr. Moynihan, Mr. D'Amato, Mr. Ford, Mr. Hecht, Mr. Dodd, Mr. Wirth, Mr. Metzenbaum, and Mr. Johnston):

S. 626. A bill to prohibit the imposition of a fee at the Statue of Liberty National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PELL:

S. 627. A bill to authorize grants to States to enable States and local educational agencies to meet priority educational needs in the areas of school dropouts, programs to combat illiteracy, programs for the gifted and talented, for basic skills instruction for secondary school students, and for school library resources, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. GRASSLEY (for himself, Mr. Danforth, Mr. D'Amato, Mr. Kerry, Mr. Durenberger, and Mr. Hecht):

S. 628. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Simon, Mr. Dixon, Mr. Moynihan, Mr. Bentsen, Mr. Matsunaga, Mr. Inouye, Mr. McCain, Mr. Cranston, Mr. Bradley, and Mr. DeConcini):

S. 629. A bill to establish literacy programs for individuals of limited English proficiency; to the Committee on Labor and Human Resources.

By Mr. PELL (for himself, Mr. Pressler, Mr. Biden, Mr. Specter, Ms. Mikulski, Mr. D'Amato, and Mr. Simon):

S. 630. A bill to prohibit the use on Cyprus of military equipment provided to Turkey by the United States and to require that certain information regarding activities on Cyprus of the Turkish armed forces be included in the periodic reports submitted to Congress; to the Committee on Foreign Relations.

By Mr. MURKOWSKI (for himself, Mr. Stafford, and Mr. Simpson):

S. 631. A bill to improve the procedures for the procurement of medical and pharmaceutical supplies by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. BYRD:

S. 632. A bill to amend the Legislative Branch Appropriation Act, 1979, as reenacted, to extend the duration of the Office of Classified National Security Information within the Office of the Secretary of the Senate, and for other purposes; considered and passed.

By Mr. LAUTENBERG (for himself, **Mr. Stafford, and Mr. Durenberger**):

S. 633. A bill to prohibit the disposal of plastic products in the waters under the jurisdiction of United States, to require a study to determine ways to eliminate plastic pollution, to require a public awareness program about plastic pollution, and to implement Annex V to the International Convention for the Prevention of Pollution from ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

By Mr. SPECTER:

S. 634. A bill to amend the Clayton Act and the Securities Exchange Act of 1934 with respect to mergers and corporate tender offers, and for other purposes; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. Cochran) (by request):

S. 635. A bill to amend title 35, United States Code, to protect intellectual property rights, and for other purposes; to the Committee on the Judiciary.

By Mr. DOLE (by request):

S. 636. A bill to amend the Social Security Act to provide greater opportunity for individuals to achieve self-sufficiency, to amend the Trade Act of 1974 to authorize trade negotiations, and for other purposes; to the Committee on Finance.

By Mr. HATCH (for himself, Mr. Armstrong, Mr. Cohen, Mr. Humphrey, Mr. Kasten, Mr. McCain, Mr. McClure, Mr. Nickles, Mr. Thurmond, and Mr. Wallop):

S. 637. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purpose; to the Committee on Labor and Human Resources.

By Mr. QUAYLE:

S. 638. A bill to require the Secretary of Health and Human Services to develop standards governing the notification of individuals who have been exposed to hazardous substances or physical agents, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BURDICK:

S. 639. A bill to eliminate restrictions on the taxing power of the State to impose, collect, and administer State and local sales and use taxes on sales in interstate commerce; to the Committee on Finance.

By Mr. BURDICK (for himself and Mr. Conrad):

S. 640. A bill for the relief for the city of Dickinson, North Dakota; to the Committee on Energy and Natural Resources.

S. 641. A bill for the relief of the city of Minot, North Dakota; to the Committee on Energy and Natural Resources.

By Mr. TRIBLE (for himself, Mr. **Mr. Kasten, and Mr. Warner**):

S. 642. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. WALLOP (for himself and Mr. Simpson):

S. 643. A bill to amend section 402 of the Surface Mining Control and Reclamation Act of 1977 to permit states to set aside in a special trust fund up to 10 percent of the annual state allocation from the Abandoned Mine Land Reclamation fund for expenditure in the future for purposes of abandoned mine reclamation; to the Committee on Energy and Natural Resources.

By Mr. MATSUNAGA (for himself, Mr. Inouye, Mr. Cranston, and Mr. Wilson):

S. 644. A bill to provide for the duty-free entry of certain structures and parts for use in the W. M. Keck Observatory Project, Mauna Kea, Hawaii; to the Committee on Finance.

By Mr. MITCHELL (for himself and Mr. Baucus):

S. 645. A bill to provide for the public financing of general elections for the United States Senate, and for other purposes; to the Committee on Finance.

By Mr. HATCH (by request):

S. 646. A bill to improve the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. SASSER:

S. 647. A bill to establish a limitation on the rates of interest which may be imposed on credit card accounts, and to provide for more detailed disclosures by credit card issuers in application for credit cards; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 648. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. EVANS (for himself and Mr. Adams):

S. 649. A bill to amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327); to the Committee on Energy and Natural Resources.

By Mr. GARN:

S. 650. A bill to amend the National Bank Act with regard to conversions of nonqualified thrift lenders, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

S. 651. A bill to amend the Foreign Corrupt Practices Act with regard to business practices and records; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CRANSTON (for himself, Mr. Evans, Mr. Adams, and Mr. Kerry):

S. 652. A bill to amend the Export Administration Act of 1979 with respect to the export of goods and technology subject to export controls for national security purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ (for himself and Mr. Garn):

S. 653. A bill to amend the Bank Holding Company Act of 1956 with regard to export trading companies; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ:

S. 654. A bill to make various amendments to the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX:

S. 655. A bill to conserve the coastal wetlands of the United States; to the Committee on Environment and Public Works.

By Mr. McCLURE (by request):

S. 656. A bill to remove the burden of economic regulation from natural gas transportation and use, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself, Mr. Thurmond, Mr. Burdick, Mr. Pell, Mr. Inouye, Mr. Hollings, Mr. Packwood, Mr. Weicker, Mr. Chiles, Mr. Stafford, Mr. Nunn, Mr. McClure, Mr. Domenici, Mr. Glenn, Mr. Ford, Mr. Bumpers, Mr. Leahy, Mr. Danforth, Mr. Zorinsky, Mr. Metzenbaum, Mr. Chafee, Mr. Riegle, Mr. Matsunaga, Mr. Heinz, Mr. Moynihan, Mr. DeConcini, Mr. Durenberger, Mr. Boschwitz, Mr. Armstrong, Mr. Cohen, Mr. Exon, Mr. Boren, Mr. Levin, Mr. Bradley, Mr. Heflin, Mr. Humphrey, Mr. Mitchell, Mr. Dodd, Mr. Kasten, Mr. D'Amato, Mr. Specter, Mr. Dixon, Mr. Trible, Mr. Wilson, Mr. Lautenberg, Mr. Simon, Mr. Gore, Mr. Kerry, Mr. Rockefeller, Mr. Sanford, Mr. Adams, Mr. Wirth, Mr. Fowler, Mr. Shelby, Mr. Daschle, Mr. McCain, and Mr. Reid):

S.J. Res. 74. A joint resolution to designate the month of May, 1987 as "National Cancer Institute Month"; to the Committee on the Judiciary.

By Mr. THURMOND:

S.J. Res. 75. A joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week"; to the Committee on the Judiciary.

By Mr. QUAYLE (for himself, Mr. Hatch, Mr. Durenberger, Mr. Domenici, Mr. Cochran, Mr. Thurmond, Mr. Pressler, Mr. Grassley, Mr. Kennedy, Mr. Bradley, Mr. Pell, Ms. Mikulski, Mr. Riegle, Mr. Reid, Mr. Kerry, and Mr. Daschle):

S.J. Res. 76. A joint resolution to designate the week of October 4, 1987, through October 10, 1987 as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WIRTH (for himself, **Mr. Heinz, and Mr. Simpson**):

S. Res. 159. A resolution commending the purpose and organizers of the art exhibit, "An American Vision: Three Generations of Wyeth Art", scheduled to open in the Soviet Union in March of 1987.

By Mr. QUAYLE (for himself, Mr. Dole and Mr. Kasten):

S. Con. Res. 25. A concurrent resolution to establish a Joint Committee on Intelligence Oversight; to the Committee on Rules and Administration.

By Mr. DODD:

S. Con. Res. 26. A concurrent resolution to express the sense of the Congress that a cooperative effort to improve the foreign language and international awareness of the American people will help the United States compete economically.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself, Mr. PROXMIRE, Mr. HUMPHREY, Mr. RUDMAN, Mr. DURENBERGER, Mr. WARNER, and Mr. TRIBLE):

S. 621. A bill to amend the Nuclear Waste Policy Act of 1982 to provide for the disposal of high-level radioactive waste and spent nuclear fuel in a single repository, and for other purposes; to the Committee on Energy and Natural Resources.

NUCLEAR WASTE POLICY REFORM AMENDMENTS ACT

● Mr. HUMPHREY. Mr. President, I am pleased to join Senator MITCHELL and others in the introduction of legislation that would make important amendments to the Nuclear Waste Policy Act of 1982.

The Nuclear Waste Policy Act was enacted to provide for the disposal of high-level radioactive waste and spent Nuclear Fuel. The purpose of the 1982 act was to establish a Federal policy for the permanent disposal of radioactive waste which will provide a reasonable assurance that the public and the environment will be adequately protected from the hazards posed by radioactive waste and spent nuclear fuel. Much has changed since the enactment of the Nuclear Waste Policy Act. I believe we need to reevaluate fundamentally where we are going with this program.

The Nuclear Waste Policy Act authorized the construction of one geologic repository for the disposal of Nuclear waste as well as the study and activities leading up to construction for a second repository. Actual construction of a second repository is not authorized under current law. At present, three sites, one in Nevada, one in Texas, and one in Washington, have been chosen for characterization for the first repository.

The Department of Energy's May 28, 1986 decision to postpone indefinitely any site-specific work related to the second repository was based on many of the same grounds which lead me to cosponsor this legislation. The Department cited technical and economic factors as the bases for its may decision: Projection rates for the volume of spent nuclear fuel have declined; significant progress has been made toward the siting of the first repository; and, sound fiscal management advises against the unnecessary expenditure of hundreds of millions of dollars.

The legislation which is being introduced today, first introduced in April 1986, proposes to stop the wasteful and senseless siting and construction of a second nuclear repository for which there is no practical or technical need at an estimated cost of well over $10 billion.

According to a report by the General Accounting Office, as of May 31, 1986, cumulative costs of the second repository program already totaled in excess of $63 million. Recently, Energy Secretary Herrington estimated before the Senate Energy and Natural Resources Committee that the cost of characterization studies at each of the three sites for the first repository would cost approximately $1 billion. Current estimates predict that construction of the first repository will cost from $7 billion to over $11 billion. These figures are more than double DOE's cost estimates from just 5 years ago.

Given the escalating costs of siting and construction, prudent action demands that Congress reevaluate the need for a second repository. Is it technically necessary to build two repositories? Will protection of public health and safety be better served by two repositories? The answer to both questions is a resounding "no."

The 1982 act includes an overall limit of 70,000 metric tons on the amount of nuclear waste that can be stored in the first repository. Importantly, the Department of Energy admits that there is no technical reason prohibiting the design and construction of the first repository large enough to accommodate waste volumes of up to 140,000 metric tons. More importantly, the 70,000-metric-ton limit was based on highly exaggerated high level waste estimates. Since enactment of the Nuclear Waste Policy Act in 1983, the Energy Information Administration's spent nuclear fuel projections have decreased markedly. Improvements in fuel-burning technologies, the improvement of fuel storage capabilities, and the possibility that no additional nuclear generating capacity will come on line before the end of the century, suggest that we will have less and not more nuclear waste than was originally anticipated. The Energy Information Administration's 1986 estimates include projections for 2020 levels of spent nuclear fuel at as low as 79,300 metric tons.

There is certainly no outstanding safety reason for the establishment of two repositories. In fact, public and environmental risk would most likely increase through the need to transport to and store waste at more than one high level nuclear waste facility.

Recently, the Department of Energy issued a "draft mission plan amendment." This plan includes DOE's revised schedule for the first and second repository and restates the Department's view that "it would be prudent to postpone site-specific activities for the second repository."

I believe that the Secretary of Energy was on the right course when he moved to "postpone indefinitely plans for any site-specific work related to a second repository." However, I further believe that fiscal and technical data strongly support not just the postponement but the elimination of the entire second repository program. Therefore, I endorse this legislation to suspend all activities relating to crystalline rock and the second repository program. This bill would lift the overall cap of 70,000 metric tons. In addition, if the Department of Energy is unable to meet the 1998 deadline for operation of a high level waste repository, this legislation would halt progress on the radioactive waste disposal program until a special commission of experts reports to Congress on the Deep Geologic Program and other available nuclear waste disposal technologies.

Mr. President, I am pleased to join in support of this legislation. I urge my colleagues to carefully consider this legislation and to support the abolition of an unnecessary and expensive Federal program.●

By Mr. DURENBERGER:

S. 622. A bill to provide for temporary duty-free treatment for cyclosporine; to the Committee on Finance.

TARIFF TREATMENT OF CYCLOSPORINE

● Mr. DURENBERGER. Mr. President, today I am introducing legislation that provides for temporary duty-free treatment for the pharmaceutical cyclosporine. Currently, cyclosporine is manufactured by Sandoz of Switzerland. There are no domestic manufacturers of this pharmaceutical.

Cyclosporine is an excellent immunosuppressant. Its primary benefit is that it selectively inhibits the specific white blood cell responsible for rejecting transplanted organs. In addition, many research facilities have been experimenting with the drug in connection with a variety of diseases including diabetes, rheumatoid arthritis, and acquired immune deficiency diseases.

Sandoz has agreed to donate cyclosporine for research being performed at the University of Minnesota Medical School. However, since cyclosporine is subject to a tariff of 1.5 percent ad valorem, shipments of the pharmaceutical are often delayed in customs processing. Moreover, the university is forced to divert its limited research funding to cover the cost of the tariff.

I believe the application of the tariff in this instance serves no useful purpose, and therefore I am introducing this legislation to provide duty-free treatment for cyclosporine.

I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That subpart B of part 1 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) is amended by inserting the following item:

"907.78 Cyclosporine (provided
for in item 439.30,
part 3C, schedule 4) .. Free........ No change... On or before
12/31/91".

SEC. 2. The amendment made by the first section of this Act applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the fifteenth day after the date of the enactment of this Act.●

By Mr. FORD (for himself and Mr. HOLLINGS):

S. 623. A bill to amend the Independent Safety Board Act of 1974 to authorize appropriations for fiscal years 1988, 1989, and 1990, and for other purposes; to the Committee on Commerce, Science, and Transportation.

INDEPENDENT SAFETY BOARD ACT AMENDMENTS

● Mr. FORD. Mr. President, today I am introducing legislation to authorize the expenditure of funds for the National Transportation Safety Board for fiscal years 1988 through 1990.

I am pleased to be joined in introducing the Independent Safety Board Act Amendments of 1987 by the chairman of the Commerce Committee, Senator HOLLINGS.

The bill I am introducing is virtually identical to H.R. 4961, legislation which unanimously passed both the Senate and House of Representatives last fall. However, several weeks after the 99th Congress adjourned, the President chose to veto H.R. 4961, citing his belief that it would authorize excessive appropriations.

Mr. President, like our bill in the previous Congress, this legislation would provide funding necessary to ensure a continuation of current program and staffing levels. Specifically, our bill would authorize $26.2 million in fiscal 1988, $27.5 million in fiscal 1989, and $28.8 million in 1990. These amounts have been increased over those in last year's bill to reflect the mandatory 3-percent pay increase which took effect on January 1, as well as increased costs related to the new Federal employee retirement program.

The National Transportation Safety Board was created by the Department of Transportation Act of 1966, and was established as an independent Federal agency by the Independent Safety Board Act of 1974. The Board's responsibilities include investigating and determining the probable cause of accidents in five transportation areas: aviation, highways, rail, pipeline, and marine. Following its investigations, the Board also has the responsibility of making recommendations to Federal, State, and local agencies to prevent the recurrence of accidents. The Board is also responsible for conducting special studies and investigations on matters pertaining to transportation safety and reviewing and evaluating the performance of other transportation agencies in achieving safety.

Mr. President, in the past few years, there has been an increasing concern with respect to transportation safety. Recent accidents in the aviation and rail industries have highlighted the paramount importance of safety and the need to do everything possible to enhance the safe operation of the various modes of transportation.

The President claimed that by vetoing H.R. 4961, he was not in any way hindering the assurance of a safe transportation system. However, I take exception with his statement. The Board has repeatedly said that anything less than the amounts included in our bill will mean that an already strained agency will be forced to do less—fewer accident investigations, fewer safety recommendations and reports, and less information on what caused major transportation accidents. And less work in this critical area is pennywise and pound foolish.

I look forward to early action on this legislation. Hearings will be held this week, at which time we will hear from NTSB Chairman, James Burnett. It is my hope that very soon after that, the Commerce Committee can begin its consideration of this bill and we can again be assured of the necessary funding for transportation safety and accident investigation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Independent Safety Board Act Amendments of 1987".

SEC. 2. Section 304(a)(2) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(a)(2)) is amended by striking "and to cause notice of the issuance and availability of such reports to be published in the Federal Register".

SEC. 3. Section 304(b)(6) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1903(b)(6)) is amended—

(1) By striking "and" after "intangible);"; and

(2) by inserting immediately before the period at the end thereof the following: "; and (H) require payment or other appropriate consideration from Federal agencies and State, local, and foreign governments for the reasonable cost of goods and services supplied and to apply the payment or consideration received to the Board's appropriations.".

SEC. 4. Section 304(b) of the Safety Board Act of 1974 (49 App. U.S.C. 1903(b)) is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting immediately after paragraph (9) the following:

"(10)(A) The Board may conduct a school or schools for the purpose of training employees of the Board in those subjects necessary for the proper performance of all authorized functions of the Board. The Board may also authorize attendance of other governmental personnel, personnel of foreign governments or personnel from the transportation industry at courses given in such school or schools, except that, if the attendance of such persons increases the cost of operation of such school or schools, the Board may require the payment or transfer of sufficient funds or other appropriate consideration to offset such increased costs. In providing any training to employees of the Board or other agencies of the Federal Government, the Board shall be subject to the provisions of chapter 41 of title 5, United States Code.

"(B) Funds received by the Board under this paragraph shall be credited—

"(i) to appropriations current at the time the expenditures are to be or have been paid;

"(ii) to appropriations current at the time such funds are received; or

"(iii) in part, as provided under clause (i) and in parts, as provided under clause (ii) of this subparagraph.".

SEC. 5. The last sentence of section 307(a) of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1906(a)) is amended to read as follows: "The Board shall make copies of each such recommendation and response to each such recommendation available to the public at reasonable costs.".

SEC. 6. Section 309 of the Independent Safety Board Act of 1974 (49 App. U.S.C. 1907) is amended—

(1) by inserting "(a) GENERAL AUTHORIZATION.—"immediately after "SEC. 309.";

(2) by adding at the end of subsection (a), as so designated by paragraph (1) of this section, the following: "There are authorized to be appropriated for the purposes of this Act not to exceed $26,200,000 for the fiscal year ending September 30, 1988, $27,500,000 for the fiscal year ending September 30, 1989, and $28,800,000 for the fiscal year ending September 30, 1990, such sums to remain available until expended."; and

(3) adding at the end thereof the following:

"(b) EMERGENCY FUND.—An emergency fund of $1,000,000 is authorized for expenditure by the Board to be available for necessary expenses, not otherwise provided for, of the Board for accident investigations. There is authorized to be appropriated such sums as may be necessary to establish such emergency fund and to replenish such fund annually. Such sums shall remain available until expended. Whenever the Board determines to expend any sums in the emergency fund, the Board shall notify the appropriate committees of the Congress of such determination, together with an identification of the activity for which such sums will be expended, a justification for using such sums for such activity, and reasons why such activity could not be performed under the amounts made available by any act providing annual authorization and appropriations of funds provided for other activities of the Board.". ●

By Mr. DANFORTH:

S. 624. A bill to amend the Internal Revenue Code of 1986 to disallow the deduction of personal interest for yachts, boats, and other similar vessels used as a second residence; to the Committee on Finance.

TAX TREATMENT OF INTEREST ON YACHTS, BOATS, AND SIMILAR VESSELS

● Mr. DANFORTH. Mr. President, today I introduce legislation to close the "yacht loophole." For those who aren't familiar with it, the yacht loophole is the provision of last year's tax bill which permits owners of yachts and other boats to treat them as second homes and deduct interest on loans secured by their boats.

The Tax Reform Act of 1986 greatly changed our tax laws governing the deductibility of interest. Under the new rules, consumer interest is generally nondeductible with the exception that qualified residence interest is still deductible. Qualified residence interest is interest on debt secured by the taxpayer's principal or second residence. The amount of such debt cannot exceed the lesser of: First, the fair market value of the residence; or second, the taxpayer's cost basis for the residence (including the cost of home improvements), plus the amount of medical and educational expenses paid for with the proceeds of the loan.

Thus, taxpayers can continue to deduct interest on loans secured by their principal residence and one secondary home. The problem arises in the definition of second homes. For purposes of this rule, a second home includes a yacht or boat provided it is equipped with cooking facilities, a bed, and a bathroom.

The 1986 Tax Act eliminated the deductibility of interest on student loans, medical loans, and first car loans, but retained deductibility of interest on yachts and pleasure boats. This makes no sense. Why do we tell American taxpayers that investments in yachts are more important than investments in education? I don't believe for a minute that a majority of Congress would contend that yachts are more important than education to the future of our country.

Last year on the floor of the Senate I described this issue as one of fairness. I used the example of Joe Dokes and Mr. Gotrocks. Joe Doke's wife is in the hospital, and he borrows money to pay the medical bills. He cannot deduct the interest on that loan. Mr. Gotrocks, on the other hand, has a 60-foot yacht he purchased with borrowed money. Gotrocks gets to deduct the interest on his loan. Who are we kidding? There is nothing remotely fair about this situation. It is an aberration of common sense, and American taxpayers deserve better and fairer tax laws.

Not all boatowners have 60-foot yachts, but the size of one's boat is not the issue. The issue is squarely one of fairness. We have missed that mark by a nautical mile.

Mr. President, I am not out to get boat owners. I am amazed at the number of phone calls and letters that I have received on this topic. The implication made by many of the people who have contacted me is that a boat should be treated the same as a second home. Perhaps these people are right. Perhaps we should examine the entire interest deductibility issue again and the treatment of second homes in particular. But for now, I am convinced that a tax system that subsidizes yacht ownership over education is flawed at its core. This is an egregious example of the inadequate job that we did in certain areas of last year's tax bill, and it is a demonstration of the need to revisit some of the decisions made.

I want to emphasize a technical, but nevertheless significant, aspect of my bill. Unlike many of the provisions of the Tax Reform Act of 1986, my bill is not retroactive. It does not affect taxpayers who purchased boats in reliance on existing law. It affects only new boat owners and new loans. Specifically, my bill applies to boats purchased and loans made after the date of enactment. As a practical matter. I will offer this bill as an amendment to other tax legislation at which time I expect to change the effective date to the date of committee or full Senate action.

Mr. President, I ask unanimous consent that the full text of my bill be included in the RECORD immediately following my statement.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 624

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SECOND RESIDENCE NOT TO INCLUDE BOATS FOR PURPOSES OF PERSONAL INTEREST DEDUCTION.

(a) IN GENERAL.—Subclause (II) of section 163(h)(5)(A)(i) of the Internal Revenue Code of 1986 (relating to definition of qualified residence) is amended by inserting "(other than a boat or similar vessel)" after "1 other residence".

(b) EFFECTIVE DATE.—

(1) Except as provided in paragraph (2), the amendment made by this section shall apply to—

(A) indebtedness incurred after the date of the enactment of this Act, and

(B) any indebtedness incurred on or before such date which was not secured by the boat or similar vessel on such date.

(2) The amendment made by this section shall not apply to the refinancing after the date of the enactment of this Act incurred on or before such date if the principal amount of the refinancing does not exceed the outstanding principal amount of the indebtedness being refinanced on the date of the refinancing.●

By Mr. DOMENICI (for himself and Mr. STEVENS):

S. 625. A bill to amend the Federal Election Campaign Act of 1971 to limit candidate expenditures of personal funds; to the Committee on Rules and Administration.

LIMITING CANDIDATE EXPENDITURES OF PERSONAL FUNDS

Mr. DOMENICI. Mr. President, many speeches discussing the need for congressional campaign reform will be made this year on the floor of the U.S. Senate.

We will hear a drumbeat of complaints over the evils that money brings to the electoral process. Bills have been introduced to control this type of spending or that type of spending.

Reform is clearly in the wind.

Yet every one of these reforms, whether intended to do so or not, will amost certainly distort the process, helping one type of candidate or one party, while hurting another.

This is a complicated issue, where change begets unexpected results. I doubt that many of the reformers of the seventies foresaw the growth of the political action committees [PACs] of the eighties, a growth that came directly from reform.

Mr. President, I am not comfortable with the sharply escalating costs of Federal elections: I believe that sense of discomfort, that unease, is shared by most or all of my colleagues. But what do we do about it?

As we search for reforms, I believe our goal must be to create as much fairness and balance in our elections as possible.

There is one issue where imbalance certainly exists, yet it is an imbalance that has been ignored in reform discussions.

This issue involves the tremendous advantage available to the very wealthy candidate, if that candidate decides to spend large sums of his or her own money on his or her own campaign.

Because of the way electioneering laws have been layered upon decisions of the Supreme Court, these candidates of wealth carry a distinct advantage into the voting booth: They can spend to their heart's content, while their poorer opponent faces legislated limits on the money he or she can raise.

Unless we are careful, Mr. President, the congressional marketplace will become a Gucci boutique.

I am convinced that any reform package must address this obvious inequity and, possibly even more important, that the dollar impact is the inequity in time. While the wealthy candidate simply writes a fat check to his own campaign, the poorer candidate must spend 50, 60, maybe 70 percent of his or her time and energy scrounging for the contributions needed to compete.

My colleagues know I am not a wealthy man. I do not, in any way, disparage the right of a person of wealth to run for public office, whether great or small.

But I believe—and I believe deeply—that in a democracy we must not allow individuals who control vast wealth to enter the election booth with a big, sometimes unassailable, advantage.

Put simply, the U.S. Senate must never be allowed to become a House of Lords.

To correct this inequity, Mr. President, I send a bill to the desk, a bill designed to restore a greater balance of opportunity between the candidates of wealth and the rest of us.

This bill will not be the answer to all our election financing problems. That issue is too complex. But it will plug what has become one of the most unfair, most dangerous leaks in the entire process.

Before explaining the specifics of my bill, I need to discuss how the current law operates. This law was written in 1974, and has, with one major exception, remained static for 13 years.

What we in the Congress did in 1974 was impose personal limits on campaign financing. Personal contributions, including those by individuals to their own campaigns, were limited to $1,000 per election: $1,000 for a primary; $1,000 for a general election.

The overall limit an individual could contribute annually to all Federal elections—candidates, PACs, and national committees—was set at $25,000.

And PAC contributions were limited to $5,000 per candidate per race.

Those figures sounded reasonable. That approach did not provide the perfect solution to the vexing problem of campaign financing, but at least that approach offered a solution which was balanced, one with reasonable limits for everyone.

The scale of fairness remained in balance until 1976, when the Supreme Court found that a spending limit on the candidate himself was unconstitutional, as it limited the candidate's first amendment rights to present his own views to the public.

The result: Candidates of wealth could now heap family treasure onto their effort to attain public office, while the opponent continued to confront those rather tight 1974 financing restrictions.

I shall not present a laundry list of the personal wealth that has been pumped into campaigns for the Senate and House of Representatives in recent years. It has been considerable. Personal expenditures in the range of $5 million to $10 million have occurred on several occasions.

Some won and some lost. But let me underline this point: The opponents in each of those races were forced to seek their financing—and to spend lots of time doing it—from thousands of smaller contributors.

That's not all bad, of course. I am proud of the fact that 20,000 individuals contributed to my 1984 campaign for reelection, providing 70 percent of the money I was able to raise.

Nevertheless, the potential that family wealth can be used to purchase a seat in this Chamber remains ever present. It is a possibility that runs counter to the philosophy of a democracy. It is a possibility we must struggle to lessen.

It is not easy to craft a path to fairness, one that is clearly constitutional, one that will restore the balance between candidates of wealth and the rest of us.

But despite that difficulty, we must try. This bill represents that effort, that search for balance.

How does my bill work? First, we must remember that the Court has said there is no legal way to restrict the total number of dollars a candidate can spend on his own campaign. So we must deal with the alternative, making it easier for the opponent to compete, loosening the constraints on the nonwealthy opponent.

Under my proposal, the current dollar PAC and individual spending limits will remain effective and unchanged, so long as all candidates in a race hold to certain limits in their personal spending.

But should a wealthy candidate unleash the family wallet, my bill would loosen the current financing limits on the opponent. These limits would not be loosened for the wealthy candidate, only the opposition.

Specifically, my bill requires that, within 15 days after a Senatorial candidate qualifies for the ballot, that candidate must file a statement with the Federal Election Commission.

In that statement, the candidate must declare whether he or she intends to spend a total of $250,000 or more in personal and family funds during the campaign. This total would include loans to the campaign.

A candidate who fails to file a declaration is assumed to plan to exceed the $250,000 limit.

I wish to reiterate this point: If all candidates hold to their low-spending promises, then current contribution limits are maintained; this bill will have no effect whatsoever on those limits.

But if a candidate decides to exceed the $250,000 limit, the opponents in that race—whether it is a primary or the general election—will be permitted special, higher limits on contributions:

The individual contribution limit for the low-spending opponent in that campaign only would be raised to $10,000 from the current $1,000;

The current limit of $5,000 for a single PAC would also be increased to $10,000;

The over-all, per-person cap of $25,000 would be increased to $37,500, with the increase available only—I repeat, only—for donations to candidates running against those declared big-spenders;

Should a candidate change his or her mind and breach the $250,000 barrier once the campaign is under way, the candidate must notify Federal authorities and the opposition within 24 hours by certified mail; and

Should the wealthy candidate lose in the primary, the contribution limitations would drop back to current limitations for the general election.

This approach has grown from two thoughts: The need to minimize the dollar advantage of enormous wealth, together with the concurrent need to maximize the opponent's time pursuing a campaign on the issues, rather than caught in the quicksand of fundraising.

I should also point out that the $250,000 ceiling is arbitrary. I selected it as a level that, while representing a small percentage of the cost of most Senate campaigns these days, still is well beyond the means of most candidates for the Senate.

My bill also deals with the problem of a last-minute deluge of money. My bill prohibits—I repeat, any—personal contributions or loans by any candidate or the candidate's family during the final 60 days before any election, regardless of whether the candidate has reached the $250,000 limit.

Thus, all candidates can be assured they will not confront a last minute deluge of family money, money the poorer opponent could never offset with last-minute contributions, even with the higher limits.

Further, no candidate may recoup personal contributions, or repay personal loans, through the use of campaign contributions once the election has passed. This would prohibit the wealthy candidate lending vast sums to the campaign, then recovering the money through unlimited PAC receipts after the election.

This entire approach, I will be the first to admit, may not be perfect. But it represents what I view as a good, solid start toward eliminating much of the bias inherent in the existing Federal election financing process.

Forcing a candidate to disclose intent will not curb such spending, particularly if the rich candidate experiences difficulties raising funds. But it will move us somewhat away from silver-spoon campaigns.

Is this bill aimed at wealthy colleagues in the Senate? No; I don't think so. That certainly is not the intent. I would guess that most of the very wealthy Members of the Senate would not object to this legislation. I think they would recognize the imbalance that exists.

Mr. President, nearly a century ago, in 1889, Andrew Carnegie wrote that there were three ways to dispose of surplus wealth: "It can be left to the families of the decendents; or it can be bequeathed for public purposes; or, finally, it can be administered during their lives by its possessors."

Carnegie, during his lifetime, gave away $350 million. He built libraries. He financed church organs. He gave grants to colleges and universities. He set up the Carnegie Foundation for the Advancement of Teaching, and the Endowment for International Peace.

Yet what Carnegie spent during a lifetime was exceeded last fall in 30-second spots, bumper stickers, and election consultants to elect 468 persons to the U.S. Congress.

Unless we return some balance to the process, a latter day Carnegie might be tempted to pour his family treasury into a race for Congress, sweeping aside any responsible alternative. There would be nothing we could do about it.

Mr. President, I urge my colleagues to study and support this legislation.

I shall take a couple of minutes to tell the Senate what this bill does. Campaign finance reform is in the air. We are now talking about the fact that it costs too much to run campaigns. The Senator from New Mexico, I believe, is known in the Senate to be among the Senators who are not rich.

I have nothing against richness, I have nothing against Members of the Senate who, either on their own or by inheritance, are either millionaires or multimillionaires. It would not even bother me if they are hundred millionaires.

On the other hand, what this bill is trying to create is some fairness in the campaign laws of this land. We have seen in the past decade individual candidates for the Senate, who have won and are among my best friends, who spent $3 million of their own money to get here. Others spent $5 million of their own money. I think the record would reveal that perhaps as much as $11 or $12 million of one's own money has been spent in an election campaign.

Now, Mr. President, I am a lawyer. I do not practice that profession any longer, but I understand that the U.S. Supreme Court has said that under our Constitution you cannot preclude somebody seeking election from spending as much of their own money as they want.

So I have been wondering how we can in the process of reform do something to assure that constitutional right, but make it come out just a little more fairly. So I am introducing a bill, which I believe has a reasonable chance of making those men and women who in the future seek to run for the U.S. Senate and spend millions of dollars of their own money think twice before they unleash the family treasury.

My bill is a very simple one. It says that if you are going to spend over $250,000 of your own or family money in a campaign to become a U.S. Senator, you have to declare publicly you so intend to do that. The bill goes into detail as to when you must declare that you intend to spend more than $250,000 of your own money.

If that declaration is filed, it is taken as a clear indication that that person with a lot of money intends to spend it, and so we say to those who have to run against a candidate, man or woman, who says, "I am going to spend a lot of my own money," "We want to give you a fair shot at competing." The way we are going to do that is to make it easier for that person running against the rich candidate to raise money. One, we are going to raise the limit from $1,000 to $10,000 that the person running wants to help in that campaign.

I think that is a very good approach. It sends a message to somebody who wants to spend a lot of their own money, "Your opponent can go to a lot of Americans and instead of getting just $1,000 from each one and spending hours and hours of time, they are going to be able to get $10,000 from any given American for a primary and a general election."

Second, we are going to say to that American who does not have a lot of money, "You can raise twice as much money from any political action group as you could have under normal law, if your opponent was a rich man or a rich woman who chooses to use his or her own wealth to run against you."

I think those are effective disincentives for those who would use their own personal wealth to try to get elected.

And then it seemed to the Senator from New Mexico that another very interesting thing was happening in these elections; candidates go out and borrow money under their own name and then they win the election.

Interestingly enough, they have won the election, an election financed on borrowing money. This bill says that if you happen to be one of those winners, you cannot, after the campaign is over, go out and solicit political action money to pay off your debt.

I think that is a rather exciting concept. If you are going to use your own money to win one of these seats, you cannot take the office and then go into the American lobbying marketplace and pay off your debts. You won't be able to say, "I put my John Henry on the note. Now you know I am a Senator. You give me contributions to pay back my debt so that I will not have to pay back the bank on my own."

Now, frankly, some will say that maybe the third part of this bill may not be constitutional. I believe it is. In fact, I would relish the U.S. Supreme Court passing on that one. It seems to me it is simple, very easy. It is fairness. It is preventing rich people for riding borrowed money in the waning days of a campaign, money they will pay off with political action funds after taking their seat in the Senate, a seat with extraordinary power of persuasion.

I am not trying to spend more money on campaigns. I am merely saying that when rich Americans can spend all they want, all they can afford, and their opposition must spend huge amounts of time trying to raise money to compete with them, the opposition deserves a break.

My bill puts a disincentive in, making it easier for the not-so-rich person to raise substantial amounts of money to compete with the very rich people who seek to use their own money to become a U.S. Senator.

I understand that there will be full hearings on reform in the next few days. I am proud to introduce the bill today, and I will circulate a "Dear Colleague" letter soon. I intend to bring this matter to the attention of the Rules Committee as part of real reform.

If there is to be fair play for the average candidate, we must remove the built-in bias in favor of the very, very wealthy running for this job.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(a)(1)(A) Within 15 days after a candidate qualifies for the ballot, under applicable State law, for each election under this Act, such candidate shall file with the Commission, a declaration stating whether or not such candidate intends to expend, in the aggregate, $250,000 or more from his personal funds, or the funds in his immediate family, or incur personal loans in excess of such amount, in connection with his campaign for such office.

"(B) For purposes of this subsection, 'immediate family' means a candidate's spouse, and any child, stepchild, parent, grandparent, brother, sister, half-brother, or half-sister of the candidate, and the spouse of any such person and any child, stepchild, parent, grandparent, brother, half-bother, sister, or half-sister of the candidate's spouse, and the spouse of any such person.

"(C) The statement required by this subsection shall be in such form, and contain such information, as the Commission may, by regulation, require.

"(2) Notwithstanding any other provision of law, in any election in which a candidate declares that he intends to expend more than $250,000, or intends to incur personal loans in excess of such $250,000 or does expend or incur loans in excess of such amount, or fails to file the declaration required by this subsection, the limitations on contributions in subsection (a) of this section, as they apply to all other individuals running for such office shall be increased for such election as follows:

"(A) The limitations provided in subsection (a)(2)(A) shall be increased to an amount equal to 200 percent of such limitation,

"(B) The limitations provided in subsection (a)(1)(A) shall be increased to an amount equal to 1000 percent of such limitation, and

"(C) The limitations provided in subsection (a)(3) shall be increased to an amount equal to 150 percent of such limitation, but only to the extent that contributions above such limitation are made to candidates affected by the increased levels provided in subparagraphs (A) and (B).

"(3) If the limitations in this section are increased pursuant to paragraph (2) for a convention or a primary election as they relate to an individual candidate, and such individual candidate is not a candidate in any subsequent election in such campaign, including the general election, the provisions of subparagraphs (A) and (B) of paragraph (2) shall cease to apply.

"(4) Any candidate who—

"(A) declares, pursuant to paragraph (1) that he does not intend to spend, in the aggregate, $250,000 or more from his personal funds or the funds of his immediate family or incur personal loans in excess of such amount in connection with his campaign; and

"(B) subsequently does spend or incur loans in excess of such amount, or intends to spend or incur loans in excess of such amount,

shall notify and file an amended declaration with the Commission and shall notify all other candidates for such office within 24 hours after changing such declaration or exceeding such limits, whichever first occurs, by sending such notice by certified mail, return receipt requested.

"(5) Any candidate who makes expenditures from his personal funds or the personal funds of his immediate family, or incurs personal loans in connection with his campaign for election to office shall not repay, either directly or indirectly, such loan for such expenditures, to himself or to his immediate family, from any contributions made to such candidate or any authorized committee of such candidate, if such contribution was made after the date of such election.

"(6) Notwithstanding any other provision of law, no candidate may make expenditures from his personal funds or the personal funds of his immediate family, or incur personal loans in connecton with his campaign for election to such office at any time after 60 days before the date of such election. The provisions of this paragraph shall apply to all candidates regardless of whether such candidate has reached the limits provided in this subsection.

"(7) The Commission shall take such action as it deems necessary under the enforcement provisions of this Act to assure compliance with the provisions of this subsection.".

By Mr. BRADLEY (for himself, Mr. Lautenberg, Mr. Moynihan, Mr. D'Amato, Mr. Ford, Mr. Hecht, Mr. Dodd, Mr. Wirth, Mr. Metzenbaum, and Mr. Johnston):

S. 626. A bill to prohibit the imposition of a fee at the Statue of Liberty National Monument, and for other purposes; to the Committee on Energy and Natural Resources.

PROHIBITING AN ENTRY FEE AT THE STATUE OF LIBERTY NATIONAL MONUMENT

● Mr. BRADLEY. Mr. President, immigrants no longer pass through the Great Hall on Ellis Island in New York or witness firsthand from steamer decks the Statue of Liberty's light of freedom and welcome. But for all Americans, immigrants and visitors, Lady Liberty remains the preeminent symbol of the promise of American life. The statue represents hope and opportunity, racial harmony and compassion. The base of the statue appropriately houses the American Museum of Immigration, a museum which celebrates and commemorates the immigrants' presence in our society.

The statue belongs to all of us and Americans demonstrated their powerful feelings toward her in the outpouring of public donations which financed Lady Liberty's dramatic renovation. Until last month, most visitors to the statue had to pay $3.25 per person to ride the ferry to Liberty Island. If they wanted to ride the elevator to the statue's observation deck, they might have paid an additional quarter. But access to the statue itself and to the American Museum of Immigration was appropriately free.

Starting last month, however, an entrance fee of $1 per person has been levied on each visitor to the statue or the Museum of Immigration. Mr. President, this new entrance fee, small though it is, is inappropriate and ill-conceived. It is an insult to the country and to the American people who have always contributed so generously to the statue.

Today, I am introducing legislation to repeal this new entrance fee. Senators Lautenberg, Moynihan, D'Amato, Ford, Hecht, Dodd, Wirth, Metzenbaum, and Johnston, are joining me as cosponsors. The legislation has one purpose, to remove the new $1 entrance fee at the Statue of Liberty. It will not affect entrance fees at any other national park—including several in New Jersey which also saw increased fees last month.

The Statue of Liberty was never intended as a revenue source for the U.S. Government. In light of its high purpose and message, people should be encouraged, not discouraged, from visiting the statue. And, given sufficient opportunity, the public will give freely to maintain the statue, as they have so generously in the past.

Lady Liberty says at her base, "Give me your tired, your poor, your huddled masses yearning to breathe free . . ." She should not say, "Give me a buck."

I ask unanimous consent for the text of the legislation to be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That notwithstanding any other provision of law, after the date of enactment of this Act, the Secretary of the Interior shall not charge any entrance or admission fee at the Statue of Liberty National Monument, New Jersey and New York.●

● Mr. MOYNIHAN. Mr. President, I would like to speak for a moment in sponsorship of S. 626, a bill requiring the removal of the recently instated entrance fee at the Statue of Liberty National Monument.

As part of the fiscal year 1987 appropriations bill, Congress granted the Park Service authority to impose new entrance fees and to raise existing ones for our national parks and monuments. We made it abundantly clear, however, that this should not apply to urban parks. These parks receive a distinctly different type of visitor than Yellowstone or the Grand Canyon, and recognizing this the Congress chose specifically to exempt them from any fee. Many of these are sites of great historic importance, part of our collective past, and it is only reasonable that the public should continue to have access to them without restrictions.

And now the Park Service, unbelievable as it may seem, has determined that the Statue of Liberty is not an "urban park!" I think it is fair to say that New York City and its environs constitute one of the largest metropolitan areas in the United States and urban certainly is a word that properly describes this environment. Liberty Island, on which the statue rests, is surrounded by Staten Island, Brooklyn, Jersey City and the island of Manhattan. That is a rather urban set of neighbors.

And any entrance fee aside, the Statue of Liberty is already one of the more costly of our national parks or monuments to visit—the boat ride alone costs over $3 per person. For a large family this can be quite an expense. Moreover, people from all parts of the country donated over $70 million to restore the statue and the facilities on Liberty Island to their former state. It is clear that the public has already provided ample financial support for the statue—indeed, the Statue of Liberty Foundation, a privately funded organization, gave $6 million directly to the Park Service in

1986 to cover the Government's share of the project. This accounts for more than a few years worth of $1 entrance fees.

Mr. President, the public has done its part. When we gave the Park Service authority to impose new fees I do not think anyone anticipated this outcome. We should correct the situation forthwith, and I therefore urge the immediate adoption of this legislation.●

● Mr. METZENBAUM. Mr. President, I am pleased to cosponsor legislation being introduced today by my distinguished colleague, Senator BILL BRADLEY. His bill, S. 626, rescinds the $1 per person entrance fee for visitors to the Statue of Liberty, which took effect last month.

When Congress approved legislation last year to temporarily increase the use of entrance fees at national park sites, it acknowledged the serious budget crisis facing this Nation. In some instances, user fees are a sensible approach to providing services without draining the Federal Treasury.

But the Statue of Liberty is a special case. Its very words say it all: "Give me your tired, your poor, your huddled masses yearning to be free's . . ." In fact, of all American symbols, the Statue of Liberty may best represent the great American ideal of freedom and equality for all, and the public should always enjoy unrestricted access to it.

Millions of Americans donated their pennies and dollars last year to renovate the statue. The overwhelming public response shows that Americans consider liberty their statue. Everyone rejoiced when at last the work was completed and unveiled last July.

It is totally inappropriate to charge the public for admission to their statue. You can't put a price tag on liberty.

This bill will correct an earlier oversight and allow Lady Liberty to remain free.●

● Mr. D'AMATO. Mr. President, I rise today in support of the legislation being introduced by my distinguished colleague from New Jersey, Senator BRADLEY. I commend him for his leadership on this issue.

The bill being introduced today, Mr. President, concerns a symbol of freedom to citizens throughout our country and our world—the Statue of Liberty. Last year, in a national outpouring of private sector support, the statue was refurbished so visitors can continue to enjoy its beauty for years to come. However, the Park Service recently said that visitors could do so only if they paid a $1 entrance fee.

The bill we are introducing today repeals this fee. We feel very strongly that the Statue of Liberty should be exempt from any entrance charge.

Although the fiscal year 1987 continuing appropriations bill gave the Park Service the legal authority to charge such a fee during fiscal year 1987, in passing this bill the Congress recognized the potential need for exemptions and did exempt urban parks from this authority. We believe that the Statue of Liberty should be exempted under the same authority given to exempt urban parks. However, the Park Service has not included the Statue of Liberty under its definition of an urban park.

Also, the Statue of Liberty is clearly a special case because of the volume of private sector support it has already received. The Statue of Liberty Foundation spent over $70 million on the restoration of the statue, and in fiscal year 1986 they provided $6 million directly to the Park Service to cover the Park Service's share of the restoration. To then ask the public, which has already provided tremendous support for the statue on a voluntary basis, to turn around and pay an entrance fee to visit the statue clearly ignores this contribution.

Mr. President, this is not simply a New York issue. Nor is it simply a New Jersey issue. It is a national issue which touches everyone who views the statue as a national symbol for the people of this Nation and this world. I urge my colleagues to join in cosponsoring this legislation.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join my New Jersey colleague, Senator BRADLEY in introducing legislation to prohibit the National Park Service from charging an entrance fee to visitors to the Statue of Liberty, one of our greatest national treasures.

Recently, Mr. President, the Park Service imposed a $1 entrance fee upon visitors to the statue. I strongly opposed this decision. As I said in a letter to Park Service Director Mott, by charging admission to the statue, the very symbol of the land of the free will not be free at all.

I am hopeful that the Senate will act quickly to approve this legislation. I urge my colleagues to join in cosponsoring this important measure. I ask unanimous consent that my letter to Park Service Director Mott be inserted in the RECORD at the conclusion of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD as follows:

U.S. SENATE,
Washington, DC, February 13, 1987.

Mr. WILLIAM PENN MOTT, JR.,
Director, National Park Service, Department of the Interior, Washington, DC.

DEAR MR. MOTT: I am writing to inform you of my disapproval of the Park Service's policy of implementing or increasing entrance fees at several of our national parks, particularly the Statue of Liberty.

Citizens and visitors from foreign countries now will have to pay to see one of our nation's national treasures. The very symbol of the land of the free will not be free at all.

I am committed to a responsible fiscal policy, but not to one that puts a price tag on our heritage. I urge you to reconsider this action and to provide me with an explanation of how the additional revenue will be used by the Park Service.

Sincerely,

FRANK R. LAUTENBERG.●

By Mr. PELL:

S. 627. A bill to authorize grants to States to enable States and local educational agencies to meet priority educational needs in the areas of school dropouts, programs to combat illiteracy, programs for the gifted and talented, for basic skills instruction for secondary school students, and for school library resources, and for other purposes; to the Committee on Labor and Human Resources.

TARGETED EDUCATIONAL ASSISTANCE ACT

Mr. PELL. Mr. President, it is with great pleasure that I am reintroducing the Targeted Educational Assistance Act. This legislation restricts use of funds under the chapter 2 block grant to five areas of national priority: basic skills instruction for secondary students, programs to combat illiteracy, programs for the gifted and talented, school dropout prevention programs and school library resources.

This legislation ensures that the Federal education dollar is directed to areas of greatest need. Under current law, chapter 2 funds are allocated to State and local educational agencies based on population. The guidelines for use of these funds in statute are general, and final determination of their expenditure is left in the hands of State and local school districts. In effect, this has resulted in a situation where chapter 2 dollars are spent on general education programs, and are not targeted to needy populations or needy areas of concern.

To my mind, this is inconsistent with the long-standing Federal role in education—that of providing for the needs of the underserved, and that of providing assistance for areas of national priority. In this regard, I am reminded of the words of Horace Mann:

> Education, beyond all other devices of human origin, is the great equalizer of the conditions of men * * * the balance wheel of the social machinery.

I am deeply concerned that we are failing to pay heed to this fundamental responsibility. For there are critical problems that continue to cry out for Federal attention.

Massive educational inadequacy at all levels of ability holds our future hostage. It sentences us to the ever-increasing price of welfare, unemployment and crime. It lays to waste our productive potential. And, it jeopardizes our national and economic security.

Class after class of high school dropouts saps the strength of our economy. Secondary students systematically graduate without sufficient reading ability. The number of illiterate adults remains constant. And our most promising national resource—gifted and talented students—is wasted by the absence of sufficiently challenging programs. Clearly, the education block grant must concentrate its efforts on these, our most pressing educational challenges.

Our most important task at hand is that of bringing into the mainstream the large number of students our educational system is presently unable to reach. The national dropout rate remains unacceptably high. Each year, over 25 percent—or 1 million students—remain outside the grasp of equal opportunity because they drop out of school.

Sadly, this deplorable situation will only become more threatening as time goes on. Our drive toward excellence—for tougher standards and increased course requirements—may push students who are close to the brink of dropping out of school over that edge.

There is significant need to increase basic skills instruction at the high school level. Thirteen percent of all 17-year-olds have inadequate reading, writing and comprehension skills. School systems simply lack the resources to ensure that each student performs adequately on reading tests as they proceed through their secondary schools. Many of these students are therefore routinely graduated out of school year after year. They enter a job market ill-prepared, and sorely lacking in basic skills.

The highly successful chapter 1 program indicates that compensatory education enables a student to make significant improvements in reading and computational ability. Unfortunately, due to the funding constraints of this important program, most compensatory education programs extend only to the fifth grade. Clearly, we need to increase these services at the high school level.

Our gifted and talented students, to whom we will inevitably pass the mantle of leadership, are inadequately challenged by our schools. There are over 2½ million gifted and talented children in this country. Well over half of them achieve below their ability level. It is a national disgrace not to push them to the full limit of their potential.

We do not have a major Federal commitment to ending illiteracy, and we are long overdue in acting in this area. By the most conservative estimates, well over 26 million people in this country are unable to read. If you rank the members of the United Nations according to the illiteracy of their populations, the United States ranks an unimpressive 49th out of 158 nations.

Underlying all of these priorities is the need to provide assistance to school libraries. There is no greater capital to our school students than the stockpile of information housed in their libraries. We will reap the rewards of an investment of this nature severalfold.

The Targeted Educational Assistance Act [TEAA] requires that use of chapter 2 funds be consistent with these five national priorities. Under this legislation, chapter 2 funds are restricted to one or more of these five areas: basic skills instruction at the secondary level, programs for the gifted and talented, school dropout programs, programs to combat illiteracy, and school library resources.

This restriction on permissable use of funds serves to make the block grant work more effectively. For it guarantees that money allocated to State and local education agencies under chapter 2—currently $500 million—is committed to serving our neediest populations and areas of national concern.

The TEA Act preserves the current formula for allocating funds to both State and local education agencies. It maintains the jurisdiction that SEA's and LEA's currently hold over the allocation of their chapter 2 funds. And it enables districts to determine their own priorities among the five categories.

It is important to remember that it is through our educational institutions that we uphold our commitment to justice and to freedom. In the words of President James Garfield: "Next in importance to freedom and justice is popular education, without which neither freedom nor justice can be permanently maintained."

As I look toward the end of the decade, there is much work to be done if we are to make public education the truly noble and worthwhile endeavor that Garfield envisioned. In too many areas of education we fall short. Too many schools in this country are plagued by massive inadequacy. Too many of our Nation's children fall through the cracks.

The Targeted Educational Assistance Act ensures that the chapter 2 block grant upholds our Federal commitment to provide equal opportunity through our classrooms. It places this program squarely in the mainstream of the Federal role in education. And in doing so, it renews our pledge to guarantee that education is for all our citizenry, and not just for a limited few.

It is my intent to hold hearings on this legislation in conjunction with reauthorization hearings on the Education Consolidation and Improvement Act. We will begin hearings on both chapter 1 and chapter 2 next week. It is my hope that the Targeted Educational Assistance Act will serve as a model for reauthorization of chapter 2, and I look forward to an examination of this legislation during these hearings.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 627

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Targeted Educational Assistance Act".

STATEMENT OF PURPOSE

Sec. 2. Section 561(a) of the Education Consolidation Improvement Act of 1981 (hereafter in this Act referred to as the "Act") is amended to read as follows:

"(a) It is the purpose of this chapter to provide a single authorization of grants to States to be used in accordance with the educational needs and priorities of State educational agencies in the critical areas of—

"(1) school dropout prevention programs;

"(2) programs to combat illiteracy;

"(3) programs for the gifted and talented;

"(4) basic skills instruction programs for elementary and secondary school students; and

"(5) the organization and use of school library books and textbooks.".

AUTHORIZATION OF TARGETED ASSISTANCE PROGRAM

Sec. 3. (a) Authorization of Appropriations.—Section 562(a) of the Act is amended by striking out "for fiscal year 1982 in each of the five succeeding fiscal years" and inserting in lieu thereof "for fiscal year 1988 and for each of the succeeding fiscal years ending prior to October 1, 1993".

(b) Technical Amendment.—Section 562(b) of the Act is amended by striking out "July 1, 1982, and ending September 30, 1987" and inserting in lieu thereof "October 1, 1987, and ending September 30, 1993".

STATE AND LOCAL APPLICATIONS

Sec. 4. (a) State Application.—Section 564(a)(3) of the Act is amended by striking out "subchapters A, B, and C" and inserting in lieu thereof "subchapters A, B, C, D, and E".

(b) Local Application.—Section 566(a)(1) of the Act is amended to read as follows:

"(1) sets forth the planned allocation of funds under this chapter, for programs authorized by one or more subchapters of this chapter which the local educational agency intends to support, including the allocation of funds required to implement section 587;".

SCHOOL DROPOUT PREVENTION PROGRAMS

Sec. 5. Subchapter A of chapter 2 of the Act is amended to read as follows:

"Subchapter A—Dropout Prevention Program

"STATEMENT OF PURPOSE

"Sec. 571. The purpose of this subchapter is to reduce the number of elementary and secondary school students who do not complete elementary and secondary school education.

"USES OF FUNDS

"Sec. 572. (a) Funds allocated for use under this subchapter shall be used by State and local education agencies to establish and demonstrate—

"(1) programs to identify potential dropouts and prevent them from dropping out;

"(2) programs to identify and encourage children who have already dropped out to reenter school and complete their elementary and secondary education; and

"(3) model systems for collecting and reporting information to officials of local educational agencies on—

"(A) the number, ages, and grade levels of the children not completing elementary and secondary education, and

"(B) the reasons why such children have dropped out of school.

"(b) Activities authorized under this subchapter may include—

"(1) the establishment of school district or school-level policies, procedures, and plans for dropout prevention and school reentry;

"(2) guidance and counseling services, including peer interaction activities;

"(3) ombudsman or mentor services for potential school dropouts;

"(4) development and implementation of extended day or summer programs, designed to address poor achievement, language deficiencies, or course failures;

"(5) the establishment or expansion of work-study, apprentice, or internship programs;

"(6) projects designed to use the resources of the community to provide services to the local educational agency or potential school dropouts;

"(7) the evaluation and revision of program placement of students at risk;

"(8) reviewing curriculum relevancy;

"(9) activities designed to improve student motivation and the school learning environment;

"(10) training for school personnel to identify children at risk of dropping out, to intervene in the instructional program with support and remedial services, to develop realistic expectations for student performance, and to improve student-staff interactions; and

"(11) other services and activities which directly relate to the purpose of this subchapter.

"(c) In order to conduct the activities authorized by this subchapter, each State and local educational agency may use funds reserved for this subchapter to make grants to and enter into contracts with local educational agencies, institutions of higher education, community-based organizations, and other public and private agencies, organizations, and institutions.".

SPECIAL PROGRAMS FOR THE GIFTED AND TALENTED

SEC. 6. Subchapter B of chapter 2 of the Act is amended to read as follows:

"SUBCHAPTER B—SPECIAL PROGRAMS FOR THE GIFTED AND TALENTED

"STATEMENT OF PURPOSE

"SEC. 574. It is the purpose of this subchapter to permit State and local educational agencies to use funds available for this subchapter to plan, develop, operate, and improve programs designed to meet the special educational needs of gifted and talented children.

"AUTHORIZED ACTIVITIES

"SEC. 575. Activities authorized under this subchapter may include—

"(1) support programs which are designed to meet the educational needs of gifted and talented children at the preschool, elementary, and secondary levels;

"(2) providing for inservice teacher training of personnel to teach gifted and talented children;

"(3) providing for the special needs of disadvantaged gifted and talented children from low-income families; and

"(4) providing instructional equipment and materials including software.

"DEFINITIONS

"SEC. 576. For the purpose of this subchapter, the term 'gifted and talented children' means children, and whenever applicable youth, who are identified at the preschool, if applicable, elementary, or secondary school level as possessing demonstrated or potential abilities that give evidence of high performance capability in areas such as intellectual, creative, specific academic, or leadership ability, or in the performing or visual arts, and who, by reason thereof, require services and activities not ordinarily provided by the school.".

PROGRAMS TO COMBAT ILLITERACY

SEC. 7. Subchapter C of chapter 2 of the Act is amended to read as follows:

"SUBCHAPTER C—PROGRAMS TO COMBAT ILLITERACY

"STATEMENT OF PURPOSE

"SEC. 578. It is the purpose of this subchapter to permit State and local educational agencies to use funds available under this subchapter to reduce the number of children and adults who are functionally illiterate.

"AUTHORIZED ACTIVITIES

"SEC. 579. (a) Activities authorized under this subchapter may include—

"(1) the planning, development, and operation of programs which are designed to improve the basic literacy skills of the student and adult population;

"(2) training of personnel to teach basic literacy skills;

"(3) programs for the recruitment and training of volunteers;

"(4) outreach, guidance, and counseling services; and

"(5) programs which use the resources of the community to help develop and implement solutions for the problem of illiteracy.

"(b) In order to conduct the activities authorized by this subchapter, each State and local educational agency may use funds reserved for this subchapter to make grants to and enter into contracts with local educational agencies, institutions of higher education, libraries, museums, and other public and private agencies, organizations, and institutions.".

BASIC SKILLS INSTRUCTION; SCHOOL LIBRARIES

SEC. 8. (a) AUTHORIZATION OF PROGRAMS.—Chapter 2 of the Act is amended—

(1) by redesignating subchapters D and E as subchapters F and G, respectively; and

(2) by redesignating sections 583, 585, 586, and 587 as sections 585, 586, 587, and 588, respectively, and

(3) by adding after subchapter C, as amended by section 7, the following new subchapters:

"SUBCHAPTER D—BASIC SKILLS INSTRUCTION

"STATEMENT OF PURPOSE

"SEC. 580. It is the purpose of this subchapter to permit State and local educational agencies to use Federal funds available for this subchapter to improve basic skills instruction for economically disadvantaged secondary school students.

"ACTIVITIES AUTHORIZED

"SEC. 581. (a) Activities authorized under this subchapter may include—

"(1) the planning, development, and operation of programs designed specifically to increase the basic skills proficiency of educationally and academically disadvantaged secondary school students;

"(2) teacher training, inservice, or retraining in basic skills instruction;

"(3) the payment of a salary supplement for teachers for providing after school or evening instruction to students; and

"(4) guidance and counseling services.

"(b) Each State and local educational agency conducting activities authorized under this subchapter shall make every effort, in carrying out such activities, to consult with parents of students in need of basic skills instruction.

"DEFINITION

"SEC. 582. For the purpose of this subchapter, the term 'economically disadvantaged secondary school students' means students aged 14 to 17, inclusive, who are counted under section 111(c) of the Elementary and Secondary Education Act of 1965, as modified by chapter 1 of this Act, in the fiscal year preceding the fiscal year for which the determination is made.

"SUBCHAPTER E—SCHOOL LIBRARY RESOURCES

"STATEMENT OF PURPOSE

"SEC. 583. It is the purpose of this subchapter to permit State and local educational agencies to use Federal funds available for this subchapter for the acquisition and use of school library books, textbooks and other printed material.

"ACTIVITIES AUTHORIZED

"SEC. 584. (a) Activities authorized under this subchapter may include the acquisition and use of—

"(1) school library books and textbooks for the use of children and teachers in public and private elementary and secondary schools which shall be used for instructional purposes only.

"(2) other printed and published instructional materials suitable for use in providing education and academic subjects for use by children and teachers in public and private elementary and secondary schools which shall be used for instructional purposes only.

"(b) Such acquisition shall take into account the needs of children in both public and private schools based upon periodic consultation with teachers, librarians, and private school officials.

"(c) Nothing in this section shall be construed to authorize the purchase or acquisition of instructional equipment or computer hardware or software.".

(b) TECHNICAL AMENDMENTS.—

(1) Section 564(a)(3) of the Act is amended by striking out "section 586" and inserting in lieu thereof "section 587".

(2) Section 566(a)(2) of the Act is amended by striking out "section 586" and inserting in lieu thereof "section 587".

By Mr. GRASSLEY (for himself, Mr. DANFORTH, Mr. D'AMATO Mr. KERRY, Mr. DURENBERGER and Mr. HECHT):

S. 628. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on educational loans; to the Committee on Finance.

RESTORING DEDUCTION FOR INTEREST ON STUDENT LOANS

Mr. GRASSLEY. Mr. President, today, I am introducing legislation that will reinstate the deduction for interest on student loans.

Under the Tax Reform Act of 1986, the deduction for interest on consumer loans is being phased out. Unfortunately, educational expenses were lumped together with consumer expenses and the deduction for student loans is also being phased out.

Mr. President, by taking this action, Congress has actually imposed a new tax on individuals seeking to better themselves through education. In effect, Congress has imposed a tax on human potential.

Congress justified repealing the deduction last year on the grounds that it was in some way a significant disincentive to saving. However, unlike loans for most other personal items, student loans are not discretionary, but in fact in our society they are very much a necessity, since it is difficult for most students and their families to save enough to pay the full cost of education.

In addition, under the new law, interest on loans secured by a primary or secondary residence and used then in turn for educational expenses remains deductible, and that is a very inequitable situation because this has the effect of discriminating against lower income taxpayers who are not fortunate enough to own homes but these very same people have dreams of educating their children or obtaining an education for themselves.

Its also important to emphasize that funding for education has been reduced in the President's budget as it has in 6 out of the last 7 years. Some of these funds will, no doubt, be restored by the Congress. However, adequate and effective funding will probably never be fully realized regardless of how good a job Congress does of readjusting the President's budget. Therefore, reinstating the deductibility of interest on loans for educational expenses will help ease the continuing burden of these expenses.

Mr. President, the new law regarding education deductions just is not fair or productive, and it is time to make an adjustment. Education is a national investment which will be an important factor in determining the future of America. A well-educated work force is vitally important if we are to compete effectively in the international economy. Restoring the tax deduction for interest on student loans is an expression of the value we place on education and its role in maintaining the position of the United States as the leader of the free world.

Therefore, I urge my colleagues to join me and the cosponsors of this legislation who happen to be Senators Danforth, D'Amato, Kerry, Durenberger, and Hecht in supporting the education and future of America by adjusting the Tax Code to allow a fair deduction to all Americans for what we all realize are reasonable educational expenses.

I ask unanimous consent to include the bill in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 628

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) paragraph (2) of section 163(h) of the Internal Revenue Code of 1986 (defining personal interest) is amended by striking out "and" at the end of subparagraph (D), by redesignating subparagraph (E) as subparagraph (F), and by inserting after subparagraph (D) the following new subparagraph:

"(E) any interest on a qualified educational loan, and".

(b) Paragraph (4) of section 163(h) of such Code (defining qualified indebtedness) is amended to read as follows:

"(4) Qualified educational loan; qualified medical indebtedness.—For purposes of this subsection—

"(A) Qualified educational loan.—

"(i) In general.—The term 'qualified educational loan' means any indebtedness incurred to pay qualified educational expenses which are paid or incurred within a reasonable period of time before or after the indebtedness is incurred.

"(ii) Coordination with paragraph (3)(B).—Any qualified education loan shall not be taken into account for purposes of applying the limitation of paragraph (3)(B).

"(B) Qualified medical indebtedness.—The term 'qualified medical indebtedness' means any indebtedness secured by a qualified residence of the taxpayer which is incurred after August 16, 1986, to pay qualified medical expenses which are paid or incurred within a reasonable period of time before or after such indebtedness is incurred.

"(C) Qualified educational expenses.—For purposes of this paragraph—

"(i) In general.—The term 'qualified educational expenses' means qualified tuition and related expenses of the taxpayer, his spouse, or a dependent for attendnace at an educational institution described in section 170(b)(i)(A)(ii).

"(ii) Qualified tuition and related expenses.—The term 'qualified tuition and related expenses' has the meaning given such term by section 117(b), except that such term shall include any reasonable living expenses while away from home.

"(D) Dependent.—For purposes of this paragraph, the term 'dependent' has the meaning given such term by section 152.

"(E) Qualified medical expenses.—For purposes of this paragraph, the term 'qualified medical expenses' means amounts, not compensated for by insurance or otherwise, incurred for medical care (within the meaning of subparagraphs (A) and (B) of section 213(d)(1)) for the taxpayer, his spouse, or a dependent."

(c) Subclause (II) of section 163(h)(3)(B)(ii) of such Code is amended by striking out "qualified indebtedness" and inserting in lieu thereof "qualified medical indebtedness".

(d) The amendments made by this section shall apply to taxable years beginning after December 31, 1986.

By Mr. BINGAMAN (for himself, Mr. Simon, Mr. Dixon, Mr. Moynihan, Mr. Bentsen, Mr. Matsunaga, Mr. Inouye, Mr. McCain, Mr. Cranston, and Mr. Bradley):

S. 629. A bill to establish literacy programs for individuals of limited English proficiency.

ENGLISH PROFICIENCY ACT

Mr. BINGAMAN. Mr. President, I rise to reintroduce legislation intended to raise the communication and literacy skills of persons whose native language is other than English. This bill, the English Proficiency Act, is substantially similar to the version I introduced in the 99th Congress. I am pleased to add Senators Simon, Dixon, Moynihan, Bentsen, Matsunaga, Inouye, McCain, Cranston, and Bradley, as original cosponsors of this legislation. A companion bill, H.R. 579, has been introduced by Representative Matthew Martinez and enjoys wide support in the House.

This bill focuses on those adults and out-of-school youth whose first language is not English. The U.S. Department of Education estimates the illiteracy rate among this group at 48 percent, compared to only 9 percent among those whose native language is English. The overall illiteracy rate for all U.S. adults is 13 percent. Studies have found that among the fastest growing minority—the Hispanic community—the illiteracy rate is as high as 56 percent. What concerns me as much as these figures is the strong correlation between illiteracy in the primary language and illiteracy in English. Eighty six percent of persons whose primary language is not English indicate they are illiterate in their native language as well. As these figures show, those who are limited English proficient are disproportionately represented among our Nation's illiterate population.

Contrary to conventional wisdom, limited English speakers are interested in learning English. An Education Week article of November 5, 1986 report that thousands of prospective students, many of them recent immigrants, are being turned away from adult English language classes. Whether in Los Angeles, Houston, New York City, or Albuquerque, adult education officials report too few classes for too many students. The article describes that adult education officials in Los Angeles were unable to serve roughly 40,000 adults seeking English language instruction in 1986—more than twice the number turned away in 1985. My State of New Mexico reports that while there is greater opportunity for adult learners in urban areas, the rural communities are suffering from little or no English classes at all.

The immigration law enacted by the last Congress will also increase the number of non-English speakers seeking language instruction. Between 2.6

and 6 million undocumented aliens now residing in the United States will become eligible for naturalization if they entered the United States before 1982. Learning English goes hand-in-hand with naturalization, and our current service providers do not appear to be equipped to handle the influx of these prospective students. It would be unfortunate if the lack of English classes becomes a barrier toward citizenship—a result contrary to the purposes of the immigration bill.

Ironically, many individuals feel that the best way to address this situation is to declare that English is the official language of the United States, rather than advocating more English language programs. Recently, an "English only" constitutional amendment was introduced in the New Mexico State Legislature. Not surprisingly, it was severely criticized by State leaders and educators and overwhelmingly defeated by the legislature. I do not believe that by dictating that English be our State or national language we insure English proficiency. If we follow that simple formula, then no one takes responsibility for expanding English classes, improving language instruction and training, and increasing program funding. A genuine first step to insure English proficiency is to provide access to English classes.

This legislation has real meaning for my home State, because to lower its current 14 percent illiteracy rate New Mexico must address the special needs of its limited English population. Unlike a State such as California, which has a large immigrant population, New Mexico has a large population of native-born limited English speakers. According to the 1980 U.S. Census, Hispanics in New Mexico make up 37 percent of the total State population, and American Indians 9 percent. In these two groups New Mexico finds the largest number of its limited English speakers.

Naturally, schools are assumed to have major responsibility for literacy instruction, yet, we continue to lose too many of our young people through our schools. Recently released figures by the State Department of Education show New Mexico's annual high school drop-out rate is 7.4 percent for 1985-86. Native American students have the highest drop-out rate at 12.2 percent, followed by Hispanic students at 8.1 percent, and the lowest rate for anglo students at 5.8 percent. What these figures don't tell us is what the drop-out rate would be over a 4-year period, which I believe would be a more accurate assessment of how many students remain in school. Intervention for these at risk students poses an even greater challenge to schools and parents alike. This bill recognizes the higher drop-out rate among limited English youth by targeting literacy services to out-of-school youth.

Equally targeted are limited English speaking adults. According to the State Department of Education, 22 percent of New Mexico's total population, or 282,447 persons, are either not in school or have not graduated from high school or earned an equivalent diploma. Of this total, close to half have only 8 years or less of formal education. Adult basic education typically tries to meet the needs of the adult portion of this group, but it served only 20,500 adult New Mexicans in fiscal year 1986. This legislation will allow more communities to have literacy services to provide for the large portion of our adults who are limited English speakers.

Mr. President, this measure establishes within the Office of Adult Education of the Department of Education a grant program for the operation of English literacy programs for eligible recipients, which may be community-based organizations, local educational agencies, tribally-controlled schools, institutions of higher learning, public libraries, or prisons. Demonstration programs are authorized to develop improved approaches and techniques for educating Americans of limited English proficiency. The bill also establishes a clearinghouse to gather and disseminate literacy training and educational materials for the limited English population. The bill authorizes $50 million for each of fiscal years 1988, 1989, and 1990. This amount will serve annually 142,857 limited English speakers. The 1980 census estimates the total limited English proficient population aged 14 and over is 3,422,592. Thus, the $50 million will still reach only 4 percent of the eligible population.

It is certainly my intent that this legislation include those minority populations which meet the definition of limited English proficient—including the Hispanic community, the American Indian and Native Alaskans, and the Asian Americans and Pacific islanders. The demographic trends of our Nation anticipate that by the year 2000, 1 out of every 3 Americans will be a member of a minority group. If we fail to address the special educational needs of these groups we deny ourselves and these individuals a more productive future.

I bring to the attention of this body the support of 39 education-related and minority organizations supporting the English Proficiency Act. I will ask that a list of these organizations be printed in the RECORD following the conclusion of my remarks.

This bill is a modest first step, one I hope my colleagues will support.

Mr. President, I ask unanimous consent that the list of organizations to which I referred earlier be printed in the RECORD at this point.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

The following organizations have endorsed the English Proficiency Act. February 18, 1987:

American Civil Liberties Union,
American G.I. Forum of United States,
American Jewish Congress,
American Jewish Committee,
Asian Pacific American Bar Association,
Asian Americans for Equality,
Aspira of America,
Association for Community Based Education,
Center for Applied Linguistics,
Children's Defense Fund,
Chinese for Affirmative Action,
Cuban National Planning Council,
Indochina Resource Action Center,
International Reading Association,
Japanese American Citizens League,
Joint National Committee for the Languages,
League of United Latin American Citizens,
Mexican American Legal Defense and Educational Fund,
Mexican American Women's National Association,
NAACP Legal Defense Fund,
National Asian Pacific Democratic Council,
National Association of Latino Elected and Appointed Officials,
National Association for Bilingual Education,
National Center for Urban Ethnic Affairs,
National Coalition of Title I/Chapter I Parents,
National Community Education Association,
National Council of La Raza,
National Education Association,
National Hispanic Bar Association,
National Indian Education Association,
National Italian American Foundation,
National PTA,
National Puerto Rican Coalition,
National Puerto Rican Forum,
Native American Science Education Association,
Organization of Chinese Americans, Inc.,
Organization of Pan Asian American Women,
Puerto Rican Legal Defense and Educational Fund,
Teachers of English to Speakers of Other Languages, and
70,001, Inc.

Mr. BINGAMAN. Mr. President, I also ask unanimous consent that the bill be printed in its entirety in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be referred to as the "English Proficiency Act".

FINDINGS AND PURPOSE

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) proficiency in English, the common language of the United States, is essential in American life and a prerequisite to natural-

ization and the full exercise of civic rights and responsibilities;

(2) limited English literacy is a barrier to participation in the political and economic mainstream of the Nation, diminishing economic competitiveness and restricting citizen participation in democratic processes;

(3) parents who possess limited English literacy skills are unable to be full partners in their children's education resulting in low levels of educational attainment and high dropout rates among those children;

(4) many endeavors which serve the technological, economic, and national security interests of the United States require advanced skills among workers in the private and public sector, and a solid foundation of basic skills including proficiency in English is essential in obtaining these complex skills;

(5) it is in the national interest to assist individuals of limited English proficiency to acquire the English language skills to enable them to become full and productive members of society;

(6) significant numbers of adults and out-of-school youth in the United States lack oral English proficiency and functional English literacy skills;

(7) individuals of limited English proficiency include both citizens and non-citizens;

(8) individuals seeking legalized status pursuant to the Immigration and Nationality Act as amended by the Immigration Reform and Control Act of 1986 (Public Law 99-603) need an opportunity to be enrolled in a course of study in the English language;

(9) many individuals of limited English proficiency lack English literacy skills because they have not been provided equal educational opportunities by State and local educational agencies;

(10) research and surveys demonstrate that adults of limited English proficiency have a strong desire to achieve full competence in the English language;

(11) existing resources are not sufficient to meet the special needs of individuals of limited English proficiency; and

(12) community-based nonprofit organizations are often the most appropriate entities in providing successful English literacy programs focused on individuals of limited English proficiency.

(b) PURPOSE.—It is the purpose of this Act, in order to promote opportunities for all individuals to achieve literacy in English, to—

(1) provide financial assistance for development, the establishment, operation, and improvement of English language and literacy programs specifically designed and targeted to meet the needs of limited-English proficient persons; and

(2) to establish a national clearinghouse to compile information on literacy curriculum and resources for limited-English proficient youth and adults and thereby assist local grantees implementing programs funded under this Act.

DEFINITIONS

SEC. 3. For the purposes of this Act:

(1) The term "individual of limited English proficiency" means an adult or out-of-school youth who has limited ability in speaking, reading, writing, or understanding the English language and—

(A) whose native language is a language other than English; or

(B) who live in a family or community environment where a language other than English is the dominant language.

(2) The term "adult" means an individual who has attained 16 years of age.

(3) The term "out-of-school youth" means an individual who is under sixteen years and beyond the age of compulsory school attendance under state law who has not completed high school or the equivalent.

(4) The term "English literacy program" means a program of instruction designed to help limited English proficient adults, out-of-school youths, or both achieve full competence in the English language.

(5) The term "Secretary" means the Secretary of Education.

(6) The term "community-based organization" means a private nonprofit organization which is representative of a community or significant segments of a community and which provides education, vocational education, job training, or internship services and programs and includes neighborhood groups and organizations, community action agencies, community development corporations, union-related organizations, employer-related organizations, tribal governments, and organizations serving Native Alaskans and Indians.

FINANCIAL ASSISTANCE FOR ENGLISH LITERACY PROGRAMS

SEC. 4. (a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish within the Office of Adult Education a program of grants for the development, establishment, operation, and improvement of English literacy programs for individuals of limited English proficiency. Such grants may provide for the training of personnel to provide English language instruction, and support services including child care and transportation costs for program participants.

(b) GRANT RECIPIENTS.—

(1) A grant under this section may be made to community-based organizations, local educational agencies, tribally controlled schools, institutions of higher education (including community colleges), public libraries, and prisons.

(2) Eligible grant recipients under paragraph (1) may be located in any of the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and the Northern Mariana Islands.

(c) APPLICATION.—

(1) Any eligible institution under subsection (b) may submit an application for a grant authorized under subsection (a). Such application shall be made to the Secretary at such time, and in such manner, as the Secretary considers appropriate.

(2) Applications for grants authorized under subsection (a) of this section shall contain information regarding—

(A) the number of limited-English proficient adults and out-of-school youth to be served by the applicant;

(B) the activities which would be undertaken under the grant and the manner in which such activities will promote English literacy and enable individuals in the program to participate fully in national life;

(C) a statement of the applicant's ability to serve individual adults and out-of-school youth of limited English proficiency, including the qualifications and training of personnel who will participate in the proposed project;

(D) the resources necessary to develop and operate the proposed program and the resources to be provided by the applicant; and

(E) the specific goals of the proposed program and how achievement of these goals will be measured.

(d) AVAILABILITY.—Grants under this section shall be available for not more than three years. The Secretary may terminate a grant only if the Secretary determines that—

(1) the applicant's program has not made substantial progress in achieving the specific educational goals set out in the application; or

(2) there is no longer a need for the applicant's program.

(e) SET-ASIDE FOR COMMUNITY-BASED ORGANIZATIONS.—Not less than 50 percent of funds available under this section shall be used to make grants to community-based organizations.

(f) REPORT.—A grant recipient under this section shall submit to the Secretary a report on the program's progress and activities for each fiscal year.

DEMONSTRATION PROGRAMS AND EVALUATION

SEC. 5. (a) PROGRAM AUTHORITY.—Subject to appropriations under this section, the Secretary, through the Office of Adult Education, shall directly, and through grants and contracts with public and private nonprofit agencies, institutions, and organizations, carry out a program—

(1) to develop innovative approaches and methods of literacy education for individuals of limited English proficiency utilizing new instructional methods and technologies; and

(2) to establish a nationwide clearinghouse on literacy education for individuals of limited English proficiency to collect and disseminate information concerning effective approaches or methods, including coordination with manpower training and other education programs.

(b) EVALUATION AND AUDIT.—The Secretary shall directly, and through grants and contracts with public and private agencies, institutions, and organizations, evaluate the effectiveness of programs conducted under this Act. Programs funded under this Act shall be audited annually.

AUTHORITY OF SECRETARY

SEC. 6. In the administration of programs under this Act, the Secretary shall have authority to accept in the name of the United States, grants, gifts, or bequests of money for the purposes of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. (a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for the purposes of this Act $50,000,000 for each of the fiscal years 1988, 1989, and 1990.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

(c) LIMITATION.—Not more than 5 percent of funds available under this Act shall be used to carry out the purposes of section 5(a).

By Mr. PELL (for himself, Mr. PRESSLER, Mr. BIDEN, Mr. SPECTER, Ms. MIKULSKI, Mr. D'AMATO, and Mr. SIMON):

S. 630. A bill to prohibit the use on Cyprus of military equipment provided to Turkey by the United States and to require that certain information regarding activities on Cyprus of the Turkish Armed Forces be included in the periodic reports submitted to Congress; to the Committee on Foreign Relations.

PROHIBITION ON USE OF CERTAIN MILITARY EQUIPMENT ON CYPRUS

Mr. PELL. Mr. President, the Congress has authorized and appropriated millions of dollars to help Turkey meet its legitimate defense needs and NATO obligations. Ten percent of all United States military assistance is going to Turkey during the current fiscal year.

Most of this assistance has been used to modernize those Turkish forces which are essential to securing NATO's southern flank. However, some of this assistance has been used to upgrade Turkish occupation forces on Cyprus. This activity is a flagrant violation of the intent of Congress. Turkish forces on Cyprus do not serve any NATO function; they serve only to weaken alliance solidarity by perpetuating the tragic division of the island. Cyprus is not a threat to Turkey, but the Turkish occupation is a threat to the continued health of the alliance.

The Congress has authorized assistance to Turkey with the expectation that it will facilitate a just solution to the Cyprus problem, including the removal of Turkish troops. But it turns out that a portion of our assistance is being used to enforce the status quo; that American taxpayers' dollars are subsidizing the modernization of Turkish forces on Cyprus; that American dollars are being used to perpetuate the very situation they are designed to reverse.

This activity subverts the intent of the Congress and must be stopped. The legislation my colleagues and I are introducing today should do just that. It explicitly prohibits United States defense articles provided to Turkey from being transferred to or used on Cyprus. It also requires the administration to regularly report on the number of Turkish Armed Forces on Cyprus.

I wish this problem could have been resolved without resort to legislative action. I would have preferred that the administration take diplomatic steps to ensure that the use of U.S. security assistance conformed to congressional intent. But unfortunately no strong steps have been taken. Indeed, Secretary Weinberger recently announced that Turkey's actions have been consistent with U.S. law. If this is the view of members of the administration then the only solution is a legislative one.

The time has come to renew our efforts to achieve a just settlement of the Cyprus problem. American policy toward Cyprus during the last 6 years can best be characterized as one of benign neglect. This legislation will send a strong message that the withdrawal of Turkish troops from Cyprus and the achievement of a just settlement is an American policy priority.

Ms. MIKULSKI. Mr. President, I join today with my distinguished colleagues Mr. Pell of Rhode Island, Mr. Biden of Delaware, Mr. D'Amato of New York, Mr. Spector of Pennsylvania, and Mr. Pressler of South Dakota in introducing a bill to prohibit the use of military equipment provided to Turkey from being used by Turkish occupying forces on the island of Cyprus.

Mr. President, the citizen's of Cyprus have lived under Turkish oppression since 1974, the year in which Turkish forces invaded the island, forcing nearly 200,000 Greek Cypriots to flee from their homes in the northern part of the island. Turkey has perpetuated the Cyprus problem ever since that invasion by continuing to occupy over one-third of the island and by maintaining an ever-growing force of Turkish troops. By our own State Department's account, the number of occupying troops on Cyprus now stands at over 30,000, the highest figure since the 1974 invasion.

Congress, in 1974, in response to the invasion, imposed an arms embargo against Turkey, which remained in effect until 1978. At that time aid was resumed to Turkey for the explict purpose of fulfilling its NATO obligations, and for reasons of self-defense. At that time, too, Congress made clear that a lasting solution to the Cyprus problem must include a withdrawal of Turkish military forces.

As we know, just the opposite has happened. In addition to increasing the number of occupying forces, the Turkish Government also has upgraded the quality and level of armaments on Cyprus. Many of these, we have reason to believe, of American origin. Since Cyprus is not a NATO ally and clearly poses no threat to Turkey's security, Turkey's actions represent a clear and flagrant violation of section 620(c) of the Foreign Assistance Act.

We cannot allow this military buildup to go on. By halting the flow of money to the Turkish forces on Cyprus, Congress will be sending a very strong message about what its priorities are—protecting our legitimate strategic interests in the Aegean, ensuring that our aid is being used for its intended purpose, and effecting the withdrawal of Turkish troops from Cyprus.

By Mr. LAUTENBERG (for himself, Mr. Stafford, and Mr. Durenberger):

S. 633. A bill to prohibit the disposal of plastic products in the waters under the jurisdiction of the United States, to require a study to determine ways to eliminate plastic pollution, to require a public awareness program about plastic pollution, and to implement annex V to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978; to the Committee on Environment and Public Works.

PLASTIC POLLUTION CONTROL ACT OF 1987

● Mr. LAUTENBERG. Mr. President, today I am introducing the Plastic Polution Control Act of 1987. I am pleased to be joined by Senators Stafford and Durenberger in introducing this legislation. The bill addresses the serious problem of plastic product pollution.

I commend my colleague, Senator Chafee, for his legislative efforts in this area and his commitment to this issue. I look forward to working with him and our colleagues in the Environment and Public Works Committee to pursue a legislative solution to this problem. I also commend my House colleagues, Congressmen Hughes, Howard, and Studds for introducing legislation concerning plastic pollution.

Just last September on the beaches of Sandy Hook, 100 New Jersey environmentalists clearly demonstrated the scope of this problem. In little over an hour, the group reported that just 15 of its "trash attackers" picked off one of the beaches: 700 plastic containers and six pack rings, 600 plastic tampon applicators, and other refuse. When the effort was over the group reported that it filled a flatbed truck with garbage, 80 percent of which they said was plastic refuse.

New Jersey faces a special problem with the Fresh Kills landfill on the coast in Staten Island. Garbage, including disposed plastic products, such as hospital wastes, is carried and falls into the water from barges, and from the landfill itself. This refuse then washes up on New Jersey's beaches, and pollutes our waters.

Plastic pollution is a major problem in New Jersey and throughout the Nation. Our marine life and birds are being killed. New Jersey's coastal economy depends on a clean coastal environment. Our fishing industry is threatened. Our beaches and vital tourism industry are at risk. We are facing significant environmental and economic losses.

The evidence continues to grow about the entanglement of marine animals in plastic debris and the ingestion of plastics by marine organisms. The devastating impacts of plastic trash on marine animals was brought to light in 1972, when staffers at the Marine Mammal Stranding Center of New Jersey, located in Brigantine, NJ, found a sea turtle which had ingested a plastic bag.

Despite such evidence plastics continue to be dumped. The National Academy of Science estimates that commercial fishing fleets dump more than 52 million pounds of plastic packing material into the sea each year. The Academy also estimates that these fleets lose more than 298 million pounds of plastic fishing gear annually.

Increasing attention has been focused on the issue, and with this attention has come an increasing awareness of the serious extent of the problem. Sea turtles, birds, and even the great whales have become victims of plastics carelessly discarded into the ocean. Virtually every marine species is susceptible to the dangers posed by plastic debris.

In the Northern Pacific Ocean as many as 250,000 birds are believed to die every year in nets laid by Japanese salmon fisherman. At least 30,000 northern fur seals reportedly die each year from plastic entanglement.

Yet neither domestic nor international laws respond to these problems. Neither the Refuse Act of 1899, the Clean Water Act, nor the Ocean Dumping Act is specifically designed or interpreted to address this kind of plastic pollution. The international law, applicable to the problem is annex V to the International Convention for the Prevention of Pollution From Ships, as modified by the 1978 Protocol. Annex V has not been ratified by the United States, however. To take effect, it must be ratified by at least 15 countries whose fleets jointly have 50 percent of the gross tonnage of the world's merchant marine shipping fleet.

My bill would close the gap in our pollution laws. Subject to certain exceptions, such as accidental loss or disposal necessary to save life, the bill would specifically prohibit disposal of plastic products. Such prohibition would apply to our waters, including the exclusive economic zone 200 miles from our coasts. It would also apply to disposal in areas, such as beaches and landfills, where such material could be washed or blown into the water. Violators of this new law would be subject to stiff criminal and civil penalties. The bill also would allow citizens to sue to enforce the new law.

The legislation also requires EPA to conduct a 6-month study of ways to eliminate plastic pollution. The study includes determining the feasibility of using alternative products for, labeling, or making from degradable plastics those products determined to cause significant harm to marine life, wildlife, birds, or their habitat.

The bill also mandates a comprehensive public awareness program about plastic pollution. And it provides an international approach to the problem. Once annex V is ratified and in force, the bill would implement its international restrictions on disposal of plastic products and other garbage. The domestic regulations of the bill, however, take effect even before annex V enters into force.

This bill is an important step toward cleaning up our beaches, and waterways, and protecting our treasured wildlife and marine species. It takes a comprehensive approach to a significant and pervasive threat to the economies of our coastal communities and the environment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SHORT TITLE

SECTION 1. This act may be cited as the Plastic Pollution Control Act of 1987.

TITLE I—PLASTIC POLLUTION CONTROL MEASURES

DEFINITIONS

SEC. 101. As used in this Act, the term—

(1) "plastic product" means any container, item, thing, or other device which is composed substantially of plastic;

(2) "waters under the jurisdiction of the United States" means—

(A) the waters of the United States, including the territorial sea, and

(B) the waters included within a zone, contiguous to the territorial sea of the United States, of which the inner boundary is a line coterminous with the seaward boundary of the territorial sea, and the outer boundary is a line drawn in such a manner that each point on it is 200 nautical miles from the baseline from which the territorial sea is measured;

(3) "United States" includes the several States, the District of Columbia, the Virgin Islands of the United States, American Samoa, Guam, and Northern Mariana Islands.

(4) "Administrator" means the Administrator of the Environmental Protection Agency, unless indicated otherwise.

(5) "Secretary" means the Secretary of the department in which the Coast Guard is operating, unless indicated otherwise.

(6) "Ship" means a vessel either of United States registry or nationality or foreign registry or nationality (other than a public vessel) of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, and fixed or floating platforms;

(7) "Person" means an individual, firm, public or private corporation, partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body.

PROHIBITED ACTS

SEC. 102. (a) It is unlawful to dispose of plastic products into the waters under the jurisdiction of the United States from a ship or other source, or to dispose of any plastic product in an area where such plastic product is likely to be carried into the waters under the jurisdiction of the United States, either by ordinary or high tides, or by storms, floods, winds, or otherwise.

(b) Subsection (a) of this section shall not apply to:

(1) the disposal of plastic products from a ship necessary for the purpose of securing the safety of a ship and those on board or saving life at sea;

(2) the escape of plastic products resulting from damage to a ship or its equipment provided all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape;

(3) the accidential loss of the plastic product, such as the loss of synthetic material incidental to the repair of fishing nets, if all reasonable precautions have been taken to prevent such loss;

(4) the disposal of plastic products from sources other than ships necessary for saving life or securing the safety of such source, or resulting from damage to such source, if all reasonable precautions have been taken before and after the occurrence of the damage, for the purpose of preventing or minimizing the escape; or

(5) disposal specifically allowed pursuant to a valid permit under the Marine Protection Research and Sanctuaries Act or Clean Water Act.

The President shall ensure that public vessels of the United States comply with this Act to the maximum extent consistent with the operational capabilities and requirements of those vessels.

CRIMINAL PENALTIES

SEC. 103. (a) Effective 6 months after enactment, any person that shall willfully and knowingly violate, or that shall willfully and knowingly aid, abet, authorize, or instigate a violation of section 102, upon conviction for such violation, in addition to or in lieu of any civil penalty that may be imposed under section 104, shall be fined not more than $50,000 or imprisoned for not more than 3 years, or both. In the discretion of the court, up to one-half of such fine may be paid to the person or persons giving information leading to conviction.

(b) The United States Sentencing Commission in establishing guidelines for sentences under this section shall take into account the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, ability to pay, effect on ability to continue business, economic benefit resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require.

(c) This section shall be carried out with respect to foreign ships consistent with the obligations of the United States under international law.

(d) Courts shall not apply the penalty of imprisonment in this section to U.S. ships for acts for which such a penalty cannot be imposed on foreign ships consistent with the obligations of the United States under international law.

CIVIL PENALTIES

SEC. 104. (a) Effective 6 months after enactment, any person who violates section 102 shall be liable to the United States for a civil penalty. The Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, the Administrator, or the Secretary of Interior may assess either a Class I or Class II penalty. Up to one half of such penalties may be paid to the person or persons giving information leading to the assessment of such penalty.

(b) CLASS I.—The amount of a Class I civil penalty may not exceed $1,000 per violation. Before issuing an order assessing a Class I penalty, the person assessed such penalty must be given written notice of the proposal to issue such order and the opportunity to request, within 30 days of the date such notice is received by such person, a hearing on the proposed order. Such hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

(c) CLASS II.—The amount of a Class II penalty under this subsection may not exceed $25,000 for each such violation. Each day of continuing violation shall constitute a separate violation of section 102.

(d) A Class II civil penalty for a violation shall be assessed by an order made on the record after opportunity (provided in accordance with this subsection) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, written notice shall be given to the person to be assessed a civil penalty under such order of the proposal to issue such order and provide such person an opportunity to request, within 15 days of the date the notice is received by such person, such a hearing on the order.

(e) In determining the amount of a civil penalty, the nature, circumstances, extent, and gravity of the violation or violations, and with respect to the violator, ability to pay, effect on ability to continue business, the economic benefit resulting from such violation, any history of prior violations, the degree of culpability, and such other matters as justice may require shall be taken into account.

(f) Any civil penalty which may be imposed under this section, may be compromised, modified, or remitted, with or without conditions. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owed by the United States to the person charged.

(g) Any person who requested a hearing respecting the assessment of a civil penalty may file a notice of appeal, in the case of a Class I penalty, in the United States District Court for the District of Columbia, or in the district in which the violations is alleged to have occurred, or in the case of a Class II penalty, in the United States Court of Appeals for the District of Columbia or, in any other circuit in which such person resides or transacts business. Such notice may only be filed within the 30-day period beginning on the date the order making such assessment was issued. Such notice must also simultaneously be filed with the Secretary of Interior, the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, or the Administrator, as the case may be, and the Attorney General.

(h) If any person fails to pay an assessment of a civil penalty—

(1) after the order making the assessment has become a final order and if such person does not file for judicial review of the order in accordance with subsection (g) of this section, or

(2) after a court in an action brought under subsection (g) has entered a final judgment in favor of the Secretary of the Department in which the Coast Guard is operating, the Secretary of Commerce, the Secretary of Interior, or the Administrator, the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 30-day period referred to in subsection (g) or the date of such final judgment, as the case may be, in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

ENFORCEMENT

SEC. 105. It shall be the responsibility of each Federal department, agency, or other instrumentality of the United States to assist in the administration of this Act, including the reporting of violations and conducting investigations with respect thereto, including the United States Coast Guard, National Oceanic and Atmospheric Administration, Department of Interior, and Environmental Protection Agency.

CITIZEN SUITS

SEC. 106. (a) Except as provided in subsection (b) of this section, a person may bring an action on his own behalf—

(1) against any person alleged to be in violation of this act or regulations issued thereunder; or

(2) against any officer of the United States where there is an alleged failure to perform any act or duty under this Act that is not discretionary.

(b) No action may be commenced under subsection (a) of this section—

(1) prior to 60 days after the plaintiff has given notice, in writing and under oath, to the alleged violator, or the United States officer concerned, the State in which the alleged violation occurs, and the Attorney General; or

(2) if an officer of the United States has commenced enforcement or penalty action with respect to the alleged violation and is conducting such procedures diligently.

PLASTIC POLLUTION REDUCTION STUDY

SEC. 107. (a) The Administrator shall undertake a study to determine methods to reduce or eliminate the disposal of plastic products into the waters under the jurisdiction of the United States.

(b) Such study shall include, but not be limited to the following:

(1) identifying specific plastic products whose use, misuse, or improper disposal has caused significant harm to marine life, birds, wildlife, or their habitat;

(2) evaluating the feasibility of using alternative products to products described in subparagraph 1 of this subsection in terms of cost effectiveness, including an assessment of environmental risks, disposability, durability, public health and safety, and availability of such alternative products.

(3) evaluating the feasibility of labeling a product or products identified in subparagraph (1) of this subsection in a manner that indicates the penalties established by this Act and the harms caused by improper disposal of such products. Determination of feasibility shall include considerations of the cost effectiveness of such labeling, of the manner of distribution of a product, and the size of the product;

(4) evaluating the feasibility of making a product or products described in subparagraph (1) of this subsection from degradable plastic resins. Determination of feasibility shall include considerations of the properties of the end products of degradable plastic products, such as biotoxicity, potential for bioaccumulation, persistence, and fate within the environment under various physical conditions; and considerations of the efficiency and variability of degradation due to differing environmental conditions. Determination of feasibility shall also include considerations of the purpose of such product, including the duration for which such product was designed to remain intact.

(c) In carrying out the study required by this section, the Administrator shall—

(1) consult with the National Oceanic and Atmospheric Administration, the United States Fish and Wildlife Service, the National Marine Fisheries Service, the Consumer Product Safety Commission, the Food and Drug Administration, the Coast Guard, and all other Federal departments and agencies engaged in research, investigation, or studies involved directly or indirectly with plastic pollution; and

(2) solicit and consider views and recommendations from representatives of the plastics industry, beverage industry, glass industry, paper industry, metal industry, fishing industry, consumer interest groups, environmental groups, and other interested and affected groups, industries, businesses, and individuals.

(d) On or before the expiration of the 6 month period following the date of enactment of this Act, the Administrator shall report to Congress concerning the results of such study, together with the recommendations of the Administrator on ways to eliminate or significantly reduce plastic pollution of the waters under the jurisdiction of the United States. In making such recommendations, the Administrator shall consider and include in the report a statement as to the environmental, public health, and economic impacts of each such action so recommended. The Administrator shall identify those recommendations as to which the Administrator believes there is existing authority to implement, and those, the implementation of which, will require action by Congress. The Administrator shall also include in the report an indication of those governmental and private sector entities and persons consulted pursuant to subsection (c) of this section, along with indications of the views of such consulted entities and persons.

PLASTIC POLLUTION PUBLIC AWARENESS PROGRAM

SEC. 108. (a) Within 3 months of enactment, the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of Interior, shall commence and conduct a public outreach program to educate the public, including recreational boaters, fishermen, and others, as to the harms caused by the improper disposal of plastic products and the penalties for violations of this Act.

(b) Within 3 months of enactment, the Administrator of the Environmental Protection Agency, the Administrator of the National Oceanic and Atmospheric Administration, and the Secretary of Interior, shall commence and conduct, in such manner as they shall determine, public service announcements pertaining to the harms caused by the improper disposal of plastic products and the penalties for violations of this Act.

TITLE II—IMPLEMENTATION OF ANNEX V

ADMINISTRATION AND ENFORCEMENT

SEC. 201. (a) Upon ratification, with the advice and consent of the Senate, and as is consistent with this Act, Annex V, (Regulations for the Prevention of Pollution by Garbage from Ships, 1973), to the International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (hereinafter in this title referred to as "Annex V"), shall be administered and enforced by the Secretary.

(b) The Secretary shall prescribe regulations to carry out the provisions of Annex V.

(c) The Secretary may utilize by agreement, with or without reimbursement, personnel, facilities, or equipment of other Federal departments and agencies in administering Annex V and this title.

PROHIBITED ACTS

SEC. 202. It shall be unlawful to dispose of any material from a ship in violation of Annex V. The prohibition contained in paragraph 1(a) of Regulation 3 of Annex V, shall include application within the waters under the jurisdiction of the United States.

PENALTIES

SEC. 203. Violations of section 202, shall be subject to the penalties of sections 103 and 104 of this Act, and shall take effect for purposes of this Title when Annex V enters into force.

TITLE III—RELATION TO OTHER LAW

SEC. 301. (a) Nothing in this Act may be interpreted or construed to supersede or preempt any other provisions of Federal or State law.

(b) Nothing in this Act shall be construed or interpreted as preempting any State from imposing any additional requirements.

(c) Nothing in this Act shall affect or otherwise impair the rights or obligations of any person under Federal, State, or common law.

TITLE IV—AUTHORIZATION

SEC. 401. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.●

By Mr. SPECTER:

S. 634. A bill to amend the Clayton Act and the Securities Exchange Act of 1934 with respect to mergers and corporate tender offers, and for other purposes; to the Committee on Finance.

MERGERS AND CORPORATE TENDER OFFERS

Mr. SPECTER. Mr. President, today I am introducing legislation to address a variety of abusive practices associated with contests for corporate control. We are all familiar with the flurry of hostile corporate takeover activity in the last several years. Our stock markets have taken on the appearance of casinos, in which the ownership of even our Nation's largest and most well-established corporations turns on the whims of a handful of self-styled raiders.

Mr. President, the bill I introduce today is based, in part, on a series of bills I introduced in the 98th and 99th Congress to address corporate mergers.

During the 98th Congress, I introduced S. 2447, the Corporate Distribution Tax Reform Act of 1984, to close tax loopholes which favored and thereby encouraged takeovers for the purpose of establishing royalty trusts. I also introduced S. 2448, to ensure that all shareholders share equally in the event of a merger. S. 2448 would have amended the Securities Exchange Act to make it unlawful for any person to make an offer for more than 20 percent of an equity class of a company's stock unless such person is the issuer of the security or the offer is a cash offer for all of the outstanding shares of the equity class.

During the 99th Congress, I introduced S. 1695 to prevent the Securities and Exchange Commission from overturning, through rulemaking, the Delaware Supreme Court decision of Unocal Corp. against Mesa Petroleum Co. That decision upheld Unocal's self-tender offer that specifically excluded Mesa from participation as a lawful defensive tactic under Delaware State corporate law. I believe that if the Federal Government is to take the extraordinary step of intruding into an area of the law such as this which has long been within the States' domain, Congress—not the SEC—should be the one to act. Any direct prohibition of specific tender offer tactics should come from Congress, not the SEC, and the bill I am introducing today is designed to move Congress to take the necessary action.

There is much debate regarding the merits of hostile corporate takeovers. To some, this phenomenon is nothing more than speculation gone mad, and sharply contrary to the national interest because it distracts corporate management from the long-term economic interests of the corporation and its shareholders.

But others argue with great force that takeover activity provides an essential check on inefficient and lazy corporate management, forcing much-needed restructuring of companies whose entrenched management is otherwise unwilling or unable to make such changes.

Mr. President, few if any of us doubt that mechanisms should exist whereby shareholders, by tendering their shares, can place effective control of a corporation in hands antagonistic to the corporation's incumbent management. That is the essence of shareholder democracy. But few of us can doubt, Mr. President, that the hostile tender offer process Congress last comprehensively addressed almost two decades ago has become riddled with abuses, both on the part of management and the so-called raiders.

Mr. President, the bill I am introducing today addresses nine aspects of the corporate takeover phenomenon, and proposes specific reforms. The bill is the product of considerable staff analysis, some of my own experience as a lawyer, in this field, and my own personal discussions with leading lawyers, economists, business analysts, and corporate executives.

I have no illusion that this bill will be enacted verbatim, and frankly that is not my intention. Rather, I am offering this comprehensive proposal as a starting point for debate, and I know the debate will be considerable. My discussions and study, in the meantime, will continue. My views on certain of these issues may well change on the basis of the debate and discussion which I hope this bill will engender, and in hearings before the Antitrust subcommittee of the Judiciary Committee on which I serve. In the weeks ahead, I will be continuing my discussions with business leaders and others.

I shall briefly summarize the bill's treatment of nine issues of particular concern in the takeover field.

ANTITRUST

The first section of this bill provides needed reforms in the Hart-Scott-Rodino Act. Hart-Scott-Rodino provides the mechanism by which the Federal Government reviews proposed mergers to ensure that they are not anticompetitive. This legislation makes a number of changes to the Hart-Scott-Rodino Act to ensure that its goals can be achieved.

First, the bill would close the so-called partnership loophole in Hart-Scott-Rodino. Because of existing regulations, premerger antitrust review of very large transactions can be avoided if the acquiring party forms a partnership to conduct the acquisition. There is widespread agreement that this is an unacceptable interpretation of the act and should be reversed.

Second, the bill would raise the threshold at which premerger review is triggered. This change is designed to exempt from premerger review the numerous small transactions with limited potential antitrust impact. The agencies involved then could focus their attention on large transactions which have greater potential for a negative impact on competition.

Third, the bill would eliminate Hart-Scott-Rodino's differential treatment of cash and noncash transactions. Under current law, the reviewing agencies have significantly less time to review transactions that are structured as cash sales. This difference was designed to prevent premerger review from becoming a deterrent to hostile takeover attempts where speed is of the essence and where, it was expected, the transactions would not be particularly large anyway. Unfortunately, the deferential treatment has resulted in the agencies having to review some of the largest and most complex friendly mergers in history under severe time constraints. There is no logical reason for maintaining this distinction.

Finally, the antitrust portion of the bill would restore the ability of the FTC and Justice Department to share with State attorneys general the information they receive during their Hart-Scott-Rodino premerger reviews. State attorneys general play an important role in enforcing antitrust laws, a role that the Federal Government recognized by providing them with access to material filed during the premerger review. That access, however, has been cut off as a result of recent agency and judicial interpretations. This legislation will enable the FTC and Justice Department to resume their past practice of sharing information with State attorneys general who agree to keep the information strictly confidential.

GREENMAIL

In addition to its four important changes in the antitrust law, the bill also would make important takeover-related changes in the tax and securities laws.

In an effort to restrict the payment of greenmail, the bill would place controls on greenmail profits. Greenmail, of course, has occurred with some regularity where a would-be raider has purchased a sizeable block of a corporation's stock and threatens to make a hostile tender offer. To eliminate the threat to its control, incumbent management repurchases the block of shares at a premium price—that is, at a price well above the going market price. Commonly, the premium is more than $50 above the market, and earns the raider tens of millions of dollars. Shareholders other than the raider are not offered the premium price.

As a result of greenmail payments, a corporate treasury may be drained and the value of other shares decreased, thereby injuring the other shareholders. This bill would place a tax of 80 percent on greenmail profits. Greenmail profits would be defined as the gain realized on the sale of stock by any 5 percent shareholder who either has held his shares for less than 1 year or has suggested a public tender offer for the corporation's shares.

By placing a high tax on greenmail profits, we obviously can discourage this practice—but we must legislate carefully. The greenmail provision in this bill is drawn narrowly, so as to reach only payments made by a corporation to a 5-percent shareholder during an actual or threatened tender offer. The 5-percent threshold already is accepted in the law as a potentially controlling interest; mandatory disclosure obligations are triggered at the 5-percent level; and it is at this level that the confrontational negotiations characteristic of greenmail situations typically begin.

Because the excise tax applies only to repurchases by the corporation itself, short-term speculative trading will not be discouraged. Moreover, the tax applies only to the premium amount paid, not to the shareholder's entire profit on a sale. A broader tax, applicable to all profits earned by 5-percent shareholders during a tender offer, might unfairly sweep within its net a shareholder who has not engaged in greenmail.

In short, Mr. President, the bill's greenmail provision addresses this glaring problem in as narrow a manner as possible. It will not alter the balance as between management and raiders. It will not discourage short-term speculative trading. And, by imposing a tax rather than civil or criminal penalties, it makes its point—no more greenmail—in a language both management and raiders understand: dollars and cents.

GOLDEN PARACHUTES

The next abuse addressed by the bill is the so-called golden parachute contract, by which corporate managers ousted as a result of a change of control take with them from the corporate coffers huge severance payments. Golden parachute contracts do at least two things: they personally enrich departing management to the tune of tens of millions of dollars; and they serve as a deterrent to takeovers actually occurring, by building in a huge additional cost to the would-be raider. It is the shareholders, of course, who pay for each of these.

The Congress was sufficiently concerned about golden parachutes that we sought to limit them in the 98th Congress. In 1984, we imposed a 20-percent tax on any parachute agreement that is more than three times the executive's average annual compensation over the previous 5 years. The corporation also loses its tax deduction for the payments.

While well-intentioned, the 1984 law worked poorly, U.S. News & World Report observed that golden parachutes were turning platinum, because the law was a perfect blueprint for corporations: peg the parachute payments to 2.99 percent of the executive's salary, just under the law's threshold, and no tax penalty will accrue. As a result, executives at up to one-half of the country's 1,000 largest corporations now have such potentially lucrative golden parachute agreements.

The golden parachute provision of this bill greatly lowers the permissible level of severance payments, and greatly increases the tax penalty on payments that exceed it. In short, it lowers the threshold from three times the executive's average compensation to two times; and it raises the tax penalty from 20 percent to 50 percent.

Why permit such severance bonuses at all? The standard rationale is that severance contracts eliminate the personal anxiety of executives about takeovers which may cost them their jobs. With their personal finances secure, the executives are supposed to be able to deal more rationally and objectively with takeover bids—able, in short, to concentrate on maximizing shareholder returns. I am willing to accept this notion, and thus do not seek to ban severance contracts altogether. I am convinced, however, that the current law engenders not security but greed, and that shareholders suffer as a result. Surely the 2-year salary windfall still permitted under my proposal is enough to get an ousted corporate executive back on his or her feet.

CREEPING TAKEOVERS

This bill also would close the Williams Act's so-called 10-day window, which permits "creeping takeovers." The act requires any person who acquires 5 percent of a company's shares to make that fact public, and to disclose whether he or she has any plans to attempt a takeover. Under the act, however, the individual need not make either disclosure for 10 days after having reached the 5-percent level. Because the individual can continue purchasing shares during the 10-day period, his or her ownership may greatly exceed 5 percent by the time the public actually is informed.

The 10-day window thus permits a creeping takeover: the raider slowly and gradually purchases stock, careful to remain below the 5-percent level; then, upon reaching 5 percent and triggering Federal disclosure requirements, the raider rapidly purchases a powerful bloc of shares in the 10 days before disclosure must be made. What interests are served by depriving management and the market of this information for such a lengthy period? None, and having decided that accumulation of a 5-percent interest is so significant as to warrant disclosure, Congress should have required immediate disclosure. This bill does so, by amending section 13(d)(1) of the Securities Exchange Act to require disclosure within 24 hours.

UNIFORM VOTING RIGHTS

An additional section of this bill would require that common stock traded on national exchanges have uniform voting rights. As a practical matter, publicly traded companies traditionally have adhered to the principle of one share—one vote. Only recently, as part of the ongoing struggle by executives, raiders and their lawyers to carve out some tactical advantage, have companies sought to create common stock with nonuniform voting rights. These companies have issued shares with inferior voting rights—or no rights at all—as a way of raising necessary capital without the risk of undesirable votes by shareshares—for example, in a proxy fight to oust the incumbent management.

To defenders of this new practice, the issue is one of private contract. So long as no purchaser is misled or deceived as to the voting rights associated with a particular share of stock, why should the company and the purchaser not be free to enter into this arrangement, at a price reflecting its value? To critics, the context of the debate is as important as its contours: the new practice plainly is an effort to protect incumbent management from the threat of a takeover, and does so at the expense of shareholder democracy.

My sense is that the critics of nonuniform voting rights have the better argument, for the same reasons that we would not permit an ordinary citizen to sell or otherwise alienate his or her right to vote—even pursuant to contract, even with full knowledge as to the consequences, and notwithstanding that one might construct a perfectly tenable economic argument for permitting such a practice. I believe that the notion of shareholder participation in the governance of corporations should be preserved and encouraged. Indeed, there is strong evidence that the stock exchanges themselves prefer such an approach, although no one of them acting individually can afford to impose such a requirement.

Accordingly, this bill would prohibit nonuniform voting rights within a class of common stock in any corporation traded on a national exchange. It would not affect the right of a company to differentiate among classes (for example, distinctions between common and preferred stock), and it would provide a 2-year transition period so as not to disrupt trading in the shares of companies which already have issued nonuniform stock.

TWO-TIRED TENDER OFFERS

The bill also eliminates the coercive raider tactic known as the two-tiered tender offer. This tactic consists of an extremely attractive first tier cash offer, for only a limited number of shares—enough to give the offeror a controlling interest in the company's stock rather than for all the stock. If a controlling interest is obtained, the second tier of the takeover will occur: a much less attractive offer for the remaining shares, frequently not payable in cash. By making a two-tiered tender offer, a bidder may create a shareholder stampede in which shareholders tender their shares without awaiting a thorough analysis or management response. Shareholders may fear that if they do not subscribe to the high-valued first tier of the offer, they will be forced later to accept the lower-valued second tier.

This practice has been condemned by the Security Exchange Commission's Advisory Committee, which recommended the requirement set forth in this bill: that all tender offers be cash offers for all of the outstanding shares of a class. In this way, we can assure that shareholders are not pressured into making uninformed decisions, and that the benefits of a takeover are equally available to all shareholders.

The bill purposely avoids addressing a related issue, whether an offer by a company to repurchase a portion of its own shares should be open to all shareholders. Just as the two-tier tactic discriminates among shareholders, a management self-tender may dsicriminate even more explicitly: a very generous cash offer may be made, which is open to all shareholders other than the threatening raider. Target companies have used this tactic to repurchase enough shares, at a premium price, to prevent a raider from gaining control. The raider is excluded so that he cannot take advantage of the generous offer, and is left instead with shares in a company it cannot control. The use of this defensive tactic prompted calls for an all-holders rule, which would require that such self-tenders be open to all shareholders. I have not yet determined my own position on whether an all-holders rule is appropriate, and so have not included such a provision in this bill. My hope is that the debate over this bill will provide a forum for tackling this and other issues not specifically addressed herein but certainly worthy of our attention.

EXTRAORDINARY TRANSACTIONS DESIGNED TO DEFEAT ONGOING TAKEOVER BIDS

The lexicon of defensive tactics used by incumbent management to prevent takeovers is colorful indeed: management may sell the crown jewels, use the Jonestown defense or create a poison pill, a porcupine provision, or some other shark repellant. The common goal of these tactics is to make the company a far less attractive takeover target, either by making a takeover more extensive or by selling or otherwise encumbering a substantial corporate asset. As to the crown jewels—the company's prized assets—the transaction usually will be in the form of an option, exercisable only in the event of a change of control. Thus, the more seemingly disadvantageous to the company, the more unlikely that the sale of assets actually will occur. For the real goal in such a transaction is to structure an option so onerous that the target company becomes unattractive to the raider. A poison pill involves a different sort of option: the threatened company issues shares which, in the event of a takeover, become convertible into cash or the common stock of the raiding company. The poison pill is designed to substantially increase the cost of a takeover, making it less attractive to the raider.

If successful in scaring away a bidder, these tactics do so only by skewing the proper valuation of a company, and shareholders are deprived of a tender offer which may have been to their advantage. By linking sales of assets or stock conversion rights to a change in control, management lays bare its true motive and interest: protecting its own control, without any real regard for the merits or reasonableness of the underlying option.

This bill ends these most unreasonable types of defensive tactic by making it unlawful, during a tender offer, for a target company to (1) take any action providing for the issuance of new securities with special rights effective upon a change of control; or (2) enter into any agreement providing for any option or transfer of corporate assets upon a change of control. Whatever the arguable merits of permitting a company to structure such transactions in anticipation of becoming a takeover target, I am convinced that we should take at least this first step and forbid a company from entering into such transactions once a takeover contest has begun.

JUNK BOND FINANCING

This bill addresses junk bonds in only two relatively minor ways, and does not attempt generally to limit the use of such securities to finance takeover bids. First, the bill simply requires that no registered company issue so many bonds, of such a low rating, as to cause of reduction in the rating of the company's previously issued securities. Investors who purchase top-rated bonds should not have to fear that a company will issue so many high-risk junk bonds that the value of their bonds is dragged down as well.

Second, the bill amends the Securities Exchange Act to subject a bank's purchase of junk bonds to the existing margin requirements, where the proceeds will be used in connection with a tender offer. Margin requirements have long been used to help stabilize the functioning of our capital markets, by limiting the amount of debt that can be used to acquire stock. Even defenders of junk bonds and junk bond-financed takeovers have expressed concern about the purchase of junk bonds by lending institutions, especially savings and loan associations. In the past 2 years, an unprecedented number of lending institutions have failed, or required Federal assistance. I have concluded that, whatever the arguable merits of junk bonds generally, some restrictions must be placed on the purchase of high-risk bonds by our lending institutions.

The bill subjects a lending institution's investment in junk bonds to existing margin requirements by deeming the purchase to be a loan of money for the purpose of buying securities (that is, the target company's securities). Under existing margin rules, this credit could not exceed 55 percent of value of the securities. I believe this accurately reflects the true nature of banks' purchases of junk takeover securities, and that this is precisely the sort of high risk venture the margin rules should control.

LEVERAGED BUY-OUTS

Finally, the bill addresses one aspect of leveraged buy-outs. There has been considerable criticism of such transactions when the group taking the company private includes key members of its current management. In such situations, management is both attempting to buy a controlling interest in the company, and advising the shareholders whether to accept the purchase offer. In short, management is on both sides of the transaction, and obvious questions arise as to its ability to pursue its personal self-interest while still fulfilling its fiduciary obligations to shareholders.

As a special matter, management invariably recommends that the shareholders accept its offer. The only effort currently made to ensure that the offer is fair is for management to hire an investment banking firm to provide its professional opinion as to the fairness of the offer. Just as invariably, the outside firm decrees a range of fairness into which the management/bidders' offer conveniently falls. I do not mean to sound too cynical, but this obviously is a situation fraught with difficulties and potential risks to shareholders.

While I do not agree, as some commentators have argued, that management should be banned altogether from attempting a leveraged buy-out, I do believe that certain additional procedural safeguards are necessary. This bill would establish two additional requirements where management, in effect, chooses to deal with itself. First, it would extend to 60 days the Williams Act's requirement that tender offers be open for a minimum of 20 days. Where management is dealing with itself, it seems particularly appropriate to slow down the process, permit shareholders more time to analyze the situation, and perhaps allow competing bidders to emerge.

Second, the bill would require the company to obtain a report by a court-appointed independent appraiser, rather than the self-serving fairness opinion typically obtained now. The company would apply to U.S. District Court for the appointment of such an appraiser, with the cost paid by the bidding group. The independent appraiser would report directly to the shareholders. While I have no illusions that this will eliminate all controversy in this area, I believe it will ensure greater objectivity and fairness. This of course, serves the interests of both shareholders and management.

Mr. President, as I stated at the beginning of my remarks, I hope that this bill will spark the in-depth debate and discussion which these issues merit. While I have spent considerable time studying these issues and formulating the eight major components of this bill, I know that there are complexities I may not have considered. While I am not unalterably committed to every particular of this bill—and, in fact, am continuing to seek input and advice from experts around the country—I am committed to moving the debate forward, and ensuring that the 100th Congress takes a serious and long overdue look at these issues.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ACQUISITION OF STOCK OR ASSETS

SECTION 1. Section 7A(a) of the Clayton Act is amended—

(1) in paragraph (2), by striking out "$10,000,000" each place it appears in subparagraphs (A), (B), and (C) and inserting in lieu thereof "$15,000,000"; and

(2) in paragraph (3)(B), by striking out "$15,000,000" and inserting in lieu thereof "$25,000,000".

(b)(1) Section 7A(b)(1)(B) of the Clayton Act is amended by striking out "(or in the case of a cash tender offer, the fifteenth day)".

(2) Section 7A(e) of the Clayton Act is amended—

(A) by striking out "(or in the case of a cash tender offer, the 15-day waiting period)" each place it appears, and

(B) in paragraph (2) by striking out "(or in the case of a cash tender offer, 10 days)".

(c) Section 7A(h) of the Clayton Act is amended by inserting before the period at the end thereof the following: ", or to officers and employees of appropriate Federal law enforcement agencies or to any officer or employee of any State law enforcement agency upon the prior certification of an officer of any such Federal or State law enforcement agency that such information or documentary material will be maintained in confidence. The maintenance in confidence requirement does not preclude any use of such information or documentary material for official law enforcement purposes, including the preparation of comments regarding consent agreements or decrees proposed by the Commission or the Attorney General under any of the antitrust laws or the Federal Trade Commission Act".

(d) Section 7A of the Clayton Act is amended by adding at the end thereof the following new subsection:

"(k) For purposes of this section, the term 'person' shall include, in the case of a partnership, any general partner and any partner with an equity interest of 50 per centum or more.".

(e) The amendment made by this section shall apply to every acquisition which is consummated after the date of enactment of this Act.

EXCISE TAX ON GREENMAIL PROFITS

SEC. 2. (a) GENERAL RULE.—Chapter 46 of the Internal Revenue Code of 1986 (relating to golden parachute payments) is amended by adding at the end thereof the following:

"SEC. 4999A. GREENMAIL PROFITS.

"(a) IMPOSITION OF TAX.—There is hereby imposed on any person who realizes any greenmail profits a tax equal to 80 percent of the amount of such profits.

"(b) GREENMAIL PROFITS.—For purposes of this section—

"(1) IN GENERAL.—The term 'greenmail profits' means the excess of the amount realized over the aggregate market value of the stock on the date of the sale or exchange of the stock by a 5-percent shareholder in the corporation—

"(A) if such shareholder held such stock (as determined under section 1223) for a period of less than 1 year, and

"(B) if, at some time during the 1-year period ending on the date of such sale or exchange, there was a public tender offer for stock in such corporation or a 5-percent shareholder submitted a written proposal to such corporation which suggests or sets forth a plan involving a public tender offer.

"(2) 5-PERCENT SHAREHOLDER.—The term '5-percent shareholder' means any person who owns (directly or through the application of section 318) stock possessing 5 percent or more of the total combined voting power of all classes of stock entitled to vote.

"(3) PUBLIC TENDER OFFER.—The term 'public tender offer' means any offer to purchase (or otherwise acquire) stock in the corporation if such offer was required to be filed or registered with any Federal or State agency regulating securities.

"(c) EXCEPTION FOR CERTAIN SHAREHOLDERS AND EMPLOYEES.—The tax imposed by subsection (a) shall not apply to any gain realized by any person on the sale or exchange of stock in any corporation if, throughout the 6-month period ending on the date of such sale or exchange, such person was—

"(1) an officer, director, or employee of such corporation, or

"(2) a 5-percent shareholder.

"(d) ADMINISTRATIVE PROVISION.—For purposes of subtitle F, any tax imposed by this section shall be treated as a tax imposed by subtitle A.".

(b) CLERICAL AMENDMENT.—

(1) Chapter 46 of such Code is amended by striking out the chapter heading and the table of sections and inserting in lieu thereof the following:

"CHAPTER 46—GOLDEN PARACHUTE PAYMENTS; GREENMAIL PROFITS

"Sec. 4999. Golden parachute payments.
"Sec. 4999A. Greenmail profits.".

(2) The table of chapters for subtitle D of such Code is amended by striking out the item relating to chapter 46 and inserting in lieu thereof the following:

"CHAPTER 46. Golden parachute payments; greenmail profits.".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to sales and exchanges after January ___, 1987, in taxable years ending after such date.

(2) EXCEPTION FOR CERTAIN AGREEMENTS.—The amendments made by this section shall not apply to any sale or exchange pursuant to a written agreement in existence on January ___, 1987.

CREEPING TAKEOVERS

SEC. 3. Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended by striking out "within ten days" and inserting in lieu thereof "within 24 hours".

UNIFORM VOTING RIGHTS

SEC. 4. (a) Section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78l) is amended by adding at the end thereof the following:

"(n)(1) A security may not be registered under subsection (b) of this section on a national securities exchange if such security is a common stock that is part of a class of securities of the issuer which is nonvoting or which carries disproportionate voting rights.

"(2) Paragraph (1) shall not prohibit the continued registration of a common stock that is part of a class which carries disproportionate voting rights if such common stock (A) was admitted to listed trading on a national securities exchange prior to the date of enactment of this subsection, (B) remains continuously listed on such exchange, and (C) within two years of the date of enactment of this subsection, meets the minimum standards for original listing in effect on the date of enactment of this subsection with respect to disproportionate voting rights of the national securities exchange which had the third highest trading volume in 1986.

"(3) For purposes of this subsection, a class of common stock carries a disproportionate voting right if the beneficial owner of a share of any class of common stock of the issuer is entitled to cast more or less than one vote on the basis of such share on any matter requiring the vote of the common stock of the issuer.".

(b) Section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o-3) is amended by adding at the end thereof the following:

"(i)(1) A security may not be quoted on an automated quotation system operated by a national securities association registered pursuant to this section if such security is a common stock that is part of a class of securities of the issuer which is nonvoting or which carries disproportionate voting rights.

"(2) Paragraph (1) shall not prohibit the continued quotation of a common stock that is part of a class which carries disproportionate voting rights if such common stock (A) was prior to the date of enactment of this subsection quoted on an automated quotation system operated by a national securities association, and (B) within two years of the date of enactment of this subsection, meets the minimum standards for original listing in effect on the date of enactment of this subsection with respect to disproportionate voting rights of the national securities exchange which had the third highest trading volume in 1986.

"(3) For purposes of this subsection, a class of common stock carries a disproportionate voting right if the beneficial owner of a share of any class of common stock of the issuer is entitled to cast more or less than one vote on the basis of such share on any matter requiring the vote of the common stock of the issuer.".

PROSCRIBED DEFENSES

SEC. 5. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(h) During a tender offer for, or request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, other than an offer, request, or invitation by the issuer, it shall be unlawful for the issuer of such securities to—

"(1) enter into any agreement, contract, or other undertaking, amend its charter or bylaws, or take any other action providing for the issuance of a class of securities having exceptional rights as to voting, dividends, or the receipt of specified assets to become effective upon the occurrence of a change of corporate control; or

"(2) enter into any agreement, contract, or other undertaking which provides for the granting of an option or for the sale or other disposition of corporate assets to a third party upon the occurrence of a change of corporate control.".

GOLDEN PARACHUTES

SEC. 6. (a) RESTRICTIONS ON GOLDEN PARACHUTE PAYMENTS.—

(1) MORE RESTRICTIVE DEFINITION OF PARACHUTE PAYMENT.—Section 280G(b)(2)(A)(ii) of the Internal Revenue Code of 1986 (defining parachute payment) is amended by striking out "3 times" and inserting in lieu thereof "2 times".

(2) INCREASE IN EXCISE TAX FROM 20 TO 50 PERCENT.—Section 4999(a) of the Internal Revenue Code of 1986 (relating to excise tax on golden parachute payments) is amended by striking out "20 percent" and inserting in lieu thereof "50 percent".

(3) EFFECTIVE DATES.—

(A) IN GENERAL.—The amendments made by this section shall apply to payments under agreements entered into or renewed after the date of the enactment of this Act, in taxable years ending after such date.

(B) SPECIAL RULE FOR CONTRACT AMENDMENTS.—Any contract which was entered into on or before the date of the enactment of this Act, and which is amended after such date in any significant relevant aspect, shall be treated as a contract entered into after such date.

(b) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(i) During a tender offer for, or request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, other than an offer, request, or invitation by the issuer, it shall be unlawful for the issuer of such securities to enter into or amend, directly or indirectly, agreements containing provisions, whether or not dependent on the occurrence of any event or contingency, that increase, directly or indirectly, the current or future compensation of any officer or director, except that this provision shall not prohibit routine increases in compensation, or other routine compensation agreements, undertaken in the ordinary course of the issuer's business.".

TWO-TIERED TAKEOVERS

SEC. 7. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(j)(1) After the date of enactment of this subsection, it shall be unlawful for any person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to make a tender offer for, or a request or invitation for tenders of, any class of any equity security which is registered pursuant to section 12, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G), or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 20 per centum of such class unless—

"(A) such person is the issuer of that security; or

"(B) the offer is a cash offer for all outstanding shares of the class.

"(2) When two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person' for purposes of this subsection.

"(3) In determining, for purposes of this subsection, any percentage of a class of any security, such class shall be deemed to consist of the amount of the outstanding securities of such class, exclusive of any securities of such class held by or for the account of the issuer or a subsidiary of the issuer.

"(4) The Commission shall, by rules and regulations or upon application of an interested person, exempt from the prohibition contained in paragraph (1) any class of securities of any issuer upon such terms and conditions and for such period as it deems necessary or appropriate if it finds that such action is not inconsistent with the public interest or the protection of investors.".

JUNK BONDS

SEC. 8. (a) Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(k) It shall be unlawful for the issuer of any security which is registered pursuant to section 12 of this title, or which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any closed-end investment company registered under the Investment Company Act of 1940, to issue any security which that issuer or investment company knows or has reason to know will cause a reduction in the rating, if any, by a nationally recognized bond rating house, of that issuer's outstanding securities.".

(b) Section 7 of the Securities Exchange Act of 1934 (15 U.S.C. 78g) is amended by redesignating subsections (e) through (g) as subsections (f) through (h), respectively, and by inserting after subsection (d) the following:

"(e)(1) For purpose of subsection (d) and the rules and regulations thereunder, a bank that purchases, directly or indirectly, noninvestment grade securities the proceeds of which will be used, directly or indirectly, to purchase or carry securities in the context of a tender offer or a request or invitation for tender covered by section 14(d) of this Act or the acquisition of securities which would require the filing of a report under section 13 of this Act shall be deemed to have extended or maintained credit for the purpose of purchasing or carrying such securities and such credit shall be deemed to be secured directly or indirectly only by such securities.

"(2) For purposes of this subsection the term 'noninvestment grade securities' means—

"(A) unrated bonds or preferred stock;

"(B) bonds or preferred stock with a rating at or lower than Ba by Moody's, BB by Standard and Poor's, or an equivalent rating by a nationally recognized bond rating house;

"(C) other debt instruments that are, or will become, subordinated in right of payment to the payment of any substantial amount of unsecured indebtedness; or

"(D) any equity or quasi-equity instruments other than common stock or preferred stock (except as provided above), including warrants or other rights to acquire such equity or quasi-equity instruments.".

LEVERAGED BUYOUTS

SEC. 9. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(l)(1) It shall be unlawful for one or more officers, directors, or employees of an issuer of any security which is registered pursuant to section 12 of this title, or which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any closed-end investment company registered under the Investment Company Act of 1940, to acquire all or substantially all of the shares of a class of that issuer's or company's equity securities unless—

"(A) at least 60 days have elapsed between the day the proposed acquisition is publicly announced and the day the acquisition occurs; and

"(B) the issuer or company has obtained a report by an independent appraiser, as provided in paragraph (2), on the proposed acquisition.

"(2) For the purpose of paragraph (1)(B), an issuer or investment company may apply to a United States district court for the district in which it is located for the appointment of an independent appraiser, and such court shall have jurisdiction to appoint an appraiser to review the terms of the proposed acquisition and to report to the issuer or the company and to the shareholders of the issuer or the company regarding the fairness of the valuation to be used in the proposed acquisition. The costs of conducting the review and preparing the report shall be paid by the party proposing to acquire the shares.".

By Mr. THURMOND (for himself and Mr. COCHRAN) (by request):

S. 635. A bill to amend title 35, United States Code, to protect intellectual property rights, and for other purposes to the Committee on the Judiciary.

OMNIBUS INTELLECTUAL PROPERTY RIGHTS IMPROVEMENT ACT

● Mr. THURMOND. Mr. President, today, I rise to introduce a bill that contains several provisions of the administration's trade and competitiveness package that was recently introduced (S. 539). The provisions of the bill that I am introducing today are some of the major issues contained in the administration bill which fall within the jurisdiction of the Judiciary Committee.

The proposals in this bill contains adjustments in laws governing intellectual property, antitrust, and civil RICO. This package also contains provisions dealing with interstate compacts and civil rights law.

Title I contains the following intellectual property provisions: Standard of review and detrebling of damages for patent licensing arrangements; process patents; patent term restoration; patent misuse; licensee challenges to patent validity; and amendments to reduce the cost of patent litigation. This title also contains amendments to the Freedom of Information Act and a new proposal with regard to digital audiotaping equipment.

Title II contains provisions which make reforms in the laws governing antitrust: antitrust settlements, antitrust damages, mergers, interlocking directorates, and international antitrust.

Title III contains the Worker Readjustment Act which has provisions relating to civil rights and interstate compacts included in it.

Title IV contains amendments to the civil remedy in the racketeer influenced and corrupt organizations laws.

This bill proposes changes in many areas of the law, and represents part of the administration's response to the critical problem of competitiveness within the arena of international trade. I look forward to consideration of these important issues by the Judiciary Committee.●

By Mr. HATCH (for himself, Mr. ARMSTRONG, Mr. COHEN, Mr. HUMPHREY, Mr. KASTEN, Mr. MCCAIN, Mr. MCCLURE, Mr. NICKLES, Mr. THURMOND, and Mr. WALLOP):

S. 637. A bill to amend the Fair Labor Standards Act of 1938 to facilitate industrial homework, including sewing, knitting, and craftmaking, and for other purpose; to the Committee on Labor and Human Resources.

FAIR LABOR STANDARDS ACT

Mr. HATCH. Mr. President, today I am reintroducing what has become known as the Freedom of Workplace Act. Quite simply, it is legislation which would grant workers the right to work at home under the protections of the Fair Labor Standards Act.

I am sure all Senators have had the opportunity to read the numerous articles which have appeared in the press as well as their own mail on this issue. The eighties have created both opportunities and obstacles for families trying to get ahead. The option to work at home has, for some families, removed one such roadblock and permitted them to take advantage of the opportunity. For example, home employment can be a particularly important option for people who live in rural areas such as Kanab, UT, which is geographically isolated from job centers.

Unfortunately for workers in six industries, homework is prohibited by regulations promulgated by the Labor Department in 1942. Some of our colleagues in the House and Senate are not as old as these regulations. I think it is time we lifted this barrier to our citizens' free choice of a workplace.

I commend Secretary of Labor Brock for his recent efforts to update the homework regulations as well as for his recent enforcement actions. I believe, however, that the legality of home employment must be settled once and for all with legislation. The current regulatory prohibitions were issued 4 years after the passage of the Fair Labor Standards Act without any specific authority in the law. Authority was granted to the Wage and Hour Administrator to "restrict, regulate, or prohibit" homework in the FLSA in 1948.

The legislation I am proposing does not remove any responsibility from the Department of Labor to enforce the Fair Labor Standards Act, nor does it prevent the Labor Department from issuing appropriate regulations. The essence of the Freedom of Workplace Act is to guarantee the right of an individual to work at home, not the right of unscrupulous employers to exploit them. A blanket prohibition of home employment, however, as an enforcement method is unfair and unwarranted.

I am very pleased to have Senators ARMSTRONG, COHEN, HUMPHREY, KASTEN, MCCAIN, MCCLURE, NICKLES, THURMOND, and WALLOP as cosponsors of the Freedom of the Workplace Act, and I hope others will join us in supporting this legislation. I believe it is a step in the right direction—that of providing workers with more options and more flexibility to cope with changing times.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 637

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 11(d) of the Fair Labor Standards Act of 1938 is amended—

(1) by striking out the word "The" and inserting in lieu thereof "(1) subject to the provisions of paragraph (2), the "; and

(2) by adding at the end thereof the following new paragraph:

"(2) Nothing in paragraph (1) of this subsection shall be construed to prohibit an individual from engaging in industrial homework (including sewing, knitting, jewelry or craftmaking) or performing any service in or about the individual's place of residence as an employee of any employer covered by the provisions of this Act if the employer pays the minimum wage rate prescribed by this Act and complies with the maximum hours provision of this Act.".

By Mr. QUAYLE:

S. 638. A bill to require the Secretary of Health and Human Services to develop standards governing the notification of individuals who have been exposed to hazardous substances or physical agents, and for other purposes; to the Committee on Labor and Human Resources.

HEALTH RISK NOTIFICATION ACT

● Mr. QUAYLE. Mr. President, today I am introducing S. 638, the "Health Risk Notification Act of 1987." This legislation is designed to establish a program of notification to individuals who are considered to be at risk of contracting a disease as a result of their exposure to a hazardous substance or physical agent.

A few weeks ago, my colleague, Mr. METZENBAUM, introduced S. 79, the "High Risk Occupational Disease Notification and Prevention Act of 1987." I have developed alternative legislation on this subject because, while I believe S. 79 addresses an important problem, I also believe that its solution is very seriously flawed, in terms of its scientific and medical basis and its virtually unprecedented liability potential.

I believe that S. 79 establishes a very important principle—that when the Federal Government knows something that is relevant to the health of a specific individual, it is the Government's obligation to inform the individual of this information. However, S. 79 goes far beyond that basic ethical principle, and I felt that it was necessary to develop a more flexible and scientifically sound approach to notification.

My bill would establish a two-stage process to determine under what circumstances notification is or is not appropriate:

First, the bill would require that the Secretary of the Department of Health and Human Services develop standards for notification to populations which are at risk as a result of their exposure to a hazardous substance or physical agent. These standards would deal with the types and contents of the notification and under what circumstances and conditions those populations should be notified. For example, in some circumstances it might be necessary to notify the individual, and in other circumstances it might make the most sense to notify physicians or the appropriate labor union. This basic concept is derived from the "decision logic" for individual worker notification developed by the NIOSH Board of Scientific Counselors. Specifically, the bill would require that the Secretary develop standards to deal with the question of notification for:

The subjects of epidemiological record studies which indicate that the subjects are at risk of contracting a disease as a result of their exposure to hazardous substances or physical agents; and populations beyond the studied subjects, in instances where extrapolation of study results is deemed to be scientifically valid.

Second, once these standards have been developed, the actual notification determination will be made through a peer review process conducted by expert scientists who will review the study in question for its scientific quality and apply the above standards to the study. This provision is based on the premise that the best way of determining whether notification should be triggered is on the basis of the best scientific advice available.

I urge my colleagues to join me in cosponsoring this bill. I believe it is a viable and sound alternative to the version introduced by my distinguished colleague from Ohio, and it is an alternative that I intend to pursue.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Risk Notification Act of 1987".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds that—

(1) during the past two decades, significant scientific progress has been made in—

(A) the identification of hazardous substances and physical agents;

(B) the identification of medical problems associated with exposure to such substances and agents; and

(C) the diagnosis and treatment of diseases related to such exposure;

(2) substantial progress has been made in controlling the exposure of individuals to such substances and agents;

(3) despite the progress described in paragraphs (1) and (2), there are gaps in efforts to promote the health and safety of individuals exposed to such substances and agents; and

(4) a significant gap in such efforts is the absence of standards governing risk studies supported or conducted by the Department of Health and Human Services which develop information about significant risks to the health of individuals who have been exposed to such substances and agents and who have not given informed consent to such studies.

(b) Therefore, it is the purpose of this Act to require the Secretary of Health and Human Services to promulgate standards governing the disclosure of information, developed in risk studies conducted or supported by the Department, concerning significant risks to the health of individuals who have been exposed to hazardous substances and physical agents and who have not given informed consent to such studies.

ESTABLISHMENT OF STANDARDS

SEC. 3. Title III of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART K—STANDARDS FOR RISK STUDIES CONCERNING EXPOSURE TO HAZARDOUS SUBSTANCES OR PHYSICAL AGENTS

"ESTABLISHMENT OF STANDARDS

"SEC. 395. (a) The Secretary, in consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control, shall promulgate standards governing the provision of notice by the Department of Health and Human Services to study subjects and nonstudied individuals.

"(b) Standards promulgated under subsection (a) shall include—

"(1) the factors to be considered in determining whether to provide notice to study subjects, and the relative importance of such factors, including—

"(A) the reliability of the information obtained through the risk study;

"(B) the soundness of the methodology used in the risk study;

"(C) the biological plausibility of the risk study;

"(D) the significance of the health risk to such subjects;

"(E) the duration and intensity of exposure of such subjects to a hazardous substance or physical agent;

"(F) the medical benefits and other consequences to such subjects which may result from the provision of notice; and

"(G) the potential effects of failing to provide notice to such subjects and of providing incorrect notice to such subjects;

"(2) procedures for determining whether the results of a risk study can be applied to nonstudied individuals in accordance with the factors specified in paragraph (1) and in accordance with generally accepted scientific principles, including consistency with other studies;

"(3) criteria concerning the appropriate type of notice to be provided under this section to study subjects and nonstudied individuals, including criteria which specify the circumstances under which notice should be provided to study subjects and nonstudied representatives, or through other mechanisms for providing notice to individuals which are established by law; and

"(4) the appropriate contents of a notice (including any appropriate health and medical monitoring information) to be provided under this section to study subjects and nonstudied individuals.

"(c) The Secretary shall promulgate the standards required by this section by rule on the record after opportunity for a hearing in accordance with sections 556 and 557 of title 5, United States Code. In conducting such hearing, the Secretary shall obtain recommendations with respect to such standards from a panel of scientific experts and from a panel of representatives of labor, business, and State and local health agencies.

"PEER REVIEW PROCEDURES

"SEC. 396. (a) The Secretary, in consultation with the Director of the National Institutes of Health and the Director of the Centers for Disease Control, shall establish procedures for the appointment of scientific peer review groups to review risk studies subject to the standards promulgated under section 395. Such scientific peer review groups shall make recommendations to the Secretary—

"(1) with respect to—

"(A) whether the provision of notice to study subjects is required by such standards; and

"(B) in any case in which such notice is required, the appropriate type and content of such notice in accordance with the standards promulgated under paragraphs (3) and (4) of section 395(b); and

"(2) with respect to—

"(A) whether nonstudied individuals can be identified with respect to such study;

"(B) whether the standards promulgated under section 395(b)(2) require the provision of notice to such individuals; and

"(C) in any case in which such notice is required, the appropriate type and content of such notice in accordance with the standards promulgated under paragraphs (3) and (4) of section 395(b).

"(b) The Secretary shall publish a notice of proposed rulemaking under section 553 of title 5, United States Code, to implement the recommendations of each peer review group appointed under this section.

"(c) Any scientific peer review group required under this section shall be appointed and paid without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title regarding classification and General Schedule pay rates, except that officers and employees of the United States shall not receive additional compensation for service as a member of any such group.

"REVIEW OF RISK STUDIES CONDUCTED PRIOR TO THE PROMULGATION OF STANDARDS

"SEC. 397. (a) The Secretary, through the Director of the National Institutes of Health and the Director of the Centers for Disease Control, shall establish procedures consistent with section 396 for the review of each risk study conducted or supported by the Department prior to the date on which the standards promulgated under section 395 become effective.

"(b) The Secretary shall establish priorities for the review of each risk study to which subsection (a) applies. Such priorities shall be based upon—

"(1) the number of individuals who were exposed to the hazardous substance or physical agent which was the subject of the risk study, and the extent of such exposure;

"(2) the significance of the health effects to study subjects and nonstudied individuals resulting from such exposure; and

"(3) the medical benefits of providing notice to study subjects and nonstudied individuals.

"(c) The Secretary shall ensure that the standards established under section 395 are applied, in accordance with the priorities established under subsection (b), to the risk studies to which subsection (a) applies.

"APPLICATION TO RECIPIENTS OF GRANTS AND CONTRACTS

"SEC. 398. (a) The Secretary shall by regulation require the provision of the assurances described in subsection (b) by each individual or entity which applies for a grant, contract, or cooperative agreement under which a risk study subject to the standards promulgated under section 395 will be conducted.

"(b) The assurances referred to in subsection (a) are assurances satisfactory to the Secretary that an entity will disclose to the Secretary—

"(1) any results of a risk study which indicate any potential risk that study subjects will contract a disease; and

"(2) any information that would assist in providing notice to study subjects.

"HEALTH PROMOTION AND DISEASE PREVENTION

"SEC. 399. (a) The Secretary shall prepare and distribute such materials—

"(1) containing medical information relating to any disease or condition with respect to which notice is provided under this part; and

"(2) relating to health promotion and disease prevention,

as the Secretary considers appropriate in carrying out this part.

"(b) In providing any notice required under this part, the Secretary shall cooperate with State and local public health agencies and private employers.

"(c) The Secretary may provide notice required under this part through contracts with State and local governments or private employers if such governments or employers request that the Secretary enter into such a contract.

"(d) In order to provide any notice required under this part, the Secretary, consistent with section 552a of title 5, United States Code, (relating to privacy) may request information from—

"(1) any Federal agency solely for the purpose of obtaining names, addresses and work histories of employees subject to notification under this section; and

"(2) any employer insofar as Federal access already is provided for under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) and the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), and regulations promulgated pursuant to such Acts.

"LIABILITY

"SEC. 399A. Neither the United States nor any employer or officer thereof (including any employer or State or local government acting pursuant to section 399(c)) shall be liable under Federal or State law for monetary damages with respect to any omission or act performed pursuant to this part.

"EFFECT ON OTHER LAW

"SEC. 399B. (a) This part does not affect any claim for worker's compensation or any action brought under Federal or State law that asserts a claim for personal injury, damages, or any other relief.

"(b)(1) No finding or determination under this part that a study subject or a nonstudied individual may contract a disease as a result of exposure to a hazardous substance or physical agent shall constitute a legal basis for damages or any compensation award, nor shall be admissible as evidence in any legal action with respect to any matter or in any proceeding relating to worker's compensation.

"(2) The provision of notice to a study subject or a nonstudied individual under this part shall not constitute a legal basis for damages or any compensation award, and shall not be admissible as evidence in any legal action with respect to any matter or in any proceeding relating to worker's compensation.

"(3) No act taken pursuant to this part, nor any failure to act pursuant to this part, shall constitute a legal basis for damages or any compensation award, nor shall be admissible as evidence in any legal action with respect to any matter or in any proceeding relating to worker's compensation.

"REPORTS

"SEC. 399C. (a) Within one year after the date of enactment of this part, the Attorney General, in consultation with the Secretary, shall prepare and transmit to the Congress a report analyzing whether any changes in laws governing tort liability for exposure to hazardous substances and physical agents are appropriate in order to ensure that the provision of notice under this part does not affect liability under such laws.

"(b) Within 2 years after the date of enactment of this part, the Attorney General, in consultation with the Secretary, shall prepare and transmit to the Congress a report describing the amount and types of litigation resulting from the provision of notice to study subjects and nonstudied individuals under this part.

"(c) Within 4 years after the date of enactment of this part, the Secretary shall prepare and submit to the Congress recommendations on whether the provisions of this part should be modified to apply to all research conducted or supported by all Federal agencies.

"DEFINITIONS

"SEC. 399D. For purposes of this part—

"(1) the term 'Department' means the Department of Health and Human Services;

"(2) the term 'Federal agency' has the meaning given to the term 'agency' by section 551(1) of title 5, United States Code;

"(3) the term 'medical monitoring' means periodic medical examinations for, or laboratory tests for the diagnosis of, a disease that is the subject of a notice;

"(4) the term 'nonstudied individual' means an individual who was not the subject of a risk study and whose exposure to the same hazardous substance or physical agent was similar in duration and intensity as the exposure of a study subject;

"(5) the term 'notice' means a statement—

"(A) specifying that a risk study has developed information indicating that a study subject or nonstudied individual is at significant risk of contracting a disease because of exposure to a hazardous substance or physical agent; and

"(B) containing such other information as may be required under the standards promulgated under section 395;

"(6) the term 'risk study' means—

"(A) an epidemiological study conducted or supported by the Department—

"(i) which develops information about significant risks to the health of individuals who have been exposed to a hazardous substance or physical agent; and

"(ii) to which informed consent was not given pursuant to subpart A of part 46 of title 45, Code of Federal Regulations; and

"(B) any other study conducted or supported by the Department which—

"(i) provides evidence that supports data based on studies of humans; and

"(ii) develops information about significant risks to the health of individuals who have been exposed to a hazardous substance or a physical agent; and

"(7) the term 'study subject' means an individual who was the subject of a risk study.".●

By Mr. TRIBLE (for himself, Mr. KASTEN and Mr. WARNER):

S. 642. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes; to the Committee on Energy and Natural Resources.

NUCLEAR WASTE POLICY ACT AMENDMENTS

Mr. TRIBLE. Mr. President, the bill I introduce today makes needed changes in the Nuclear Waste Policy Act of 1982 by removing the requirement of a second repository for the disposal of high-level nuclear waste and spent nuclear fuel.

There is no need for our Nation to pursue the plans for a second permanent repository. The requirement for a first and second repository was based on a projected need to store 140,000 metric tons of high-level nuclear waste by the year 2020. However, recent projections from the Department of Energy suggest that earlier estimates were exaggerated.

DOE's Energy Information Administration [EIA] recently released projected ranges of nuclear waste in the United States by the year 2020. The figures range from 75,000 metric tons to 126,000 metric tons. The lower estimate of 75,000 is only 5,000 metric tons over the capacity of the repository to be located in the Western United States.

Moreover, there is no technical basis for the 70,000 ton capacity. That figure was arrived at merely by dividing the original projection of total nuclear waste in the United States in half.

The revised data compiled by the Energy Information Administration clearly indicated that the first repository can provide more than adequate storage for all the waste generated in the United States until the year 2020 merely by removing an arbitrary cap.

There is another reason for terminating the second repository program. While DOE is projecting declining waste production, estimates of the costs of disposal sites rose from $19.6 billion to $26.7 billion in only 18 months.

At a time of fiscal restraint, it makes little sense to incur the expense of an analysis of sites for a second repository. It is essential that we teriminate the second repository and get on with a sound, fiscally responsible nuclear waste disposal program. I would hope that my colleagues would see this is a prudent solution, and join me in supporting this legislation.

Mr. KASTEN. Mr. President, today, my colleague from Virginia and I are introducing legislation to amend the Nuclear Waste Policy Act of 1982 to provide for a single site for the Nation's high level nuclear waste.

It is now clear that a single site for the Nation's high level waste will better protect the public's health and safety. Protection of the public must be the paramount goal in developing and implementing our nuclear waste policy.

When the Nuclear Waste Policy Act was written, the Department of Energy was projecting that nearly 150,000 tons of highly radioactive waste would require storage by 2020. Today, the Energy Information Administration is projecting that about half as much waste will be produced. Others estimate that only about a third as much waste as DOE projected will actually exist by 2020.

This amount of waste can readily be handled by a single repository. In testimony before the Energy and Water Subcommittee of the Appropriations Committee last year, the DOE went on record, admitting that there was no physical reason why all of the Nation's high level nuclear waste could not be served by a single facility.

In fact, a single facility would save billions of dollars. The characterization of a site alone is now estimated to cost up to a billion dollars. Replicating a second waste facility will cost billions more. This waste of funds should not be tolerated.

The responsible thing for Congress to do is remove the arbitrary limit set on the size of the Nation's first repository.

Taking this action will better protect the public, and save billions.

By Mr. WALLOP (for himself and Mr. SIMPSON):

S. 643. A bill to amend section 402 of the Surfaces Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 percent of the annual State allocation from the abandoned mine land reclamation fund for expenditure in the future for purposes of abandoned mine reclamation; to the Committee on Energy and Natural Resources.

SURFACE MINING CONTROL AND RECLAMATION ACT AMENDMENTS

Mr. WALLOP. Mr. President, today Senator SIMPSON and I are introducing a bill to amend the Surface Mining Control and Reclamation Act of 1977 to allow the State of Wyoming, and any other State that cares to do so, the ability to set aside up to 10 percent of its annual allocation from the abandoned mine lands fund in a special trust fund. Money in this special fund could be used after the abandoned mine lands tax on coal expires in 1992 to address remaining mine reclamation problems such as continuing problems with mine subsidence in cities like Rock Springs, WY.

Our bill does not alter any other State's allocation, and it does not change the original intent of the Surface Mining Act or the purpose in which abandoned mine land [AML] moneys were to be spent. It would, however, provide States with an option that does not presently exist. Under this option, if the State of Wyoming chose to set aside 10 percent of its projected allocation between now and 1992 in a trust fund, it would end up having about $13 million of its own moneys in that fund.

The purpose of this bill is to give every State, not just Wyoming, the flexibility to set aside a portion of their AML State share moneys to work on a problem that may continue beyond 1992 because of technical inabilities to completely solve the problem, or other reasons.

A case in point is the city of Rock Springs, WY, which has had both businesses and private homes severely damaged at various times over the last 40 years as a result of subsidence which has been triggered by scores of abandoned mines beneath the city. The State of Wyoming has had an approved abandoned mine land plan with the Department of Interior since 1982, and has used about $11 million in grant money throughout Rock Springs in attempting to end this problem. Yet, the problem still exists partially because of the method presently used to fill the mine voids, a method consists of backfilling the voids by pumping in a slurry mixture.

Last summer, Mr. President, when I visited the home of Mr. and Mrs. Fred Urutia on Adams Street, I saw firsthand what this damage has done to the physical property and the resulting loss in value of a major investment. There were angled walls and ceilings, major cracks in walls throughout a home in which you have to walk downhill to get from one end to another. Describing the Urutias' home as severely damaged would truly be a gross understatement.

Tragically, Mr. President, this is only one home out of more than several dozen that would fit this description, not to mention the damage subsidence has caused to public buildings, roads, and other facilities. Because of the ongoing subsidence, large areas of the city have lost their value to such an extent that now the Federal Housing Administration has announced it would no longer insure home loans in those areas of the city that potentially could be subject to extreme subsidence.

Mr. President, the Wyoming congressional delegation played an integral part in establishing the 1977 law, especially the AML program with the hopes that the people of Rock Springs, and other Wyoming towns facing subsidence problems would be helped as a result. And, since 1977, Wyoming has paid more taxes into the fund than any other State, over $250 million, and we have received over $100 million which places us No. 4 on the list of States that have received benefits from the AML fund. The State has used these moneys to reclaim abandoned mine lands and to either remove or eliminate safety hazards caused by past mining for coal and other minerals as the 1977 Surface Mining Act intended. Yet, we fear all these problems will not totally disappear as the tax does in 1992.

The citizens of Rock Springs have this same very real concern, and have asked the Wyoming delegation for help, and that is what Senator SIMPSON and Congressman CHENEY and I intend to do today. It would be doubly tragic if 1992 came and went, the tax expired, and the State that contributed the largest amount was still left with the problem the law was intended to solve because of imperfect, insufficient technology. It is our hope that common sense will prevail, and Congress will enact this adjustment to the law.

AMENDMENT TO SECTION 402 OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

Mr. SIMPSON. Mr. President, I rise today in support of the bill introduced by my good friend and colleague, MALCOLM WALLOP, and myself. This bill would amend section 402 of the Surface Mining Control and Reclamation Act of 1977.

This amendment would permit all States to set aside in a special trust fund up to 10 percent of the annual State allocation which each State receives from the abandoned mine land reclamation fund for expenditure in the future for purposes of abandoned mine reclamation.

Mr. President, in my State of Wyoming and other States similar to it which produce vast quantities of coal, the coal companies pay significant amounts of tax into the abandoned mine land program established by the Surface Mining Control and Reclamation Act of 1977. This then is deposited into several accounts which are administered by the Office of Surface Mining. One such account—the "State share" account—returns 50 percent of the collected taxes to the State in which the coal was mined. The other 50 percent goes into the discretionary account of the Secretary of Interior for distribution among the States as the Secretary sees fit.

The State of Wyoming, I think it would surprise people to know, is the second largest coal producing State in the United States outpaced only by Kentucky because we have 134 million tons per year mined mostly by surface mining. That results in a much greater payment in taxes than is received in return through the Abandoned Mine Land Program.

This bill which I am supporting today would amend section 402 of the Surface Mining Control and Reclamation Act of 1977. It would allow the State of Wyoming to retain up to 10 percent of the State share money which it receives directly as returned from the Secretary of Interior through the Abandoned Mine Land Program. It would in no way affect the Secretary's discretionary fund. There is no attempt here to increase the amount of money which will be annually allocated to the State of Wyoming or other similarly situated States. Instead, it merely provides some much needed flexibility for the State of Wyoming in determining how it wishes to best spend the State share moneys which it received.

This amendment will help to allow the State of Wyoming to retain up to 10 percent of its annual State allocation and to deposit that money in a special State trust fund.

The Legislature in Wyoming has just concluded its deliberations. Malcolm and I both labored in that body in Cheyenne before we came to this arena. They have just concluded, and in that session they established such a State trust fund. This legislation is in place.

It is very important to note that this bill limits the State's expenditures of its trust fund moneys solely to those expenditures which will accomplish the purposes of the Surface Mining Control and Reclamation Act.

Real need for this amendment is seen when one examines current law. Under current law there is a 3-year limitation on all States receiving State share moneys. This limitation requires each State which receives its 50 percent of the funds collected in the State share account to spend those moneys within 3 years after the allocations or otherwise lose those allocations by returning them to the Secretary for expenditure in any eligible area, as the Secretary may deem fit.

Another provision in current law which is surely going to cause problems in the very near future is the fact that the collection of taxes from coal extraction pursuant to the Abandoned Mine Land Program will terminate on August 3, 1992. After this time no further taxes will be collected to fund the State share grants and soon thereafter the moneys will simply dry up and States will be unable to fund very important reclamation projects.

This bill will remove the 3-year limitation and allow expenditure after 1992 in order that the State may create its own trust fund for future use in locations and at times which the State believes to be most prudent. Other States may do as they wish.

Mr. President, this legislation is very important if the very valid purposes of the Abandoned Mine Land Program are to continue beyond 1992. It provides the State with the flexibility to salt away some funds for future use beyond the expiration of the Federal program but it maintains Federal restrictions on the purposes for which that money may be used.

I am most pleased to join my fine friend and colleague, Malcolm Wallop, in support of this legislation which, I say again, will in no way affect the allocations and the various moneys made available to other States which participate in the Abandoned Mine Land Program. It is merely a method of providing flexibility and I certainly urge the passage of this legislation.

By Mr. MATSUNAGA (for himself, Mr. Inouye, Mr. Cranston, and Mr. Wilson):

S. 644. A bill to provide for the duty-free entry of certain structures and parts for use in the W.M. Keck Observatory project, Mauna Kea, HI; to the Committee on Finance.

DUTY-FREE ENTRY OF CERTAIN OBSERVATORY EQUIPMENT

Mr. MATSUNAGA. Mr. President, I rise to introduce legislation which will provide for the duty-free entry of certain structures and parts to be used in the W.M. Keck Observatory project at Mauna Kea, HI. I am joined by my distinguished senior colleague from Hawaii [Mr. Inouye] and my equally distinguished colleagues from California [Mr. Cranston and Mr. Wilson].

Mr. President, the W.M. Keck Observatory project is sponsored by the California Association for Research in Astronomy [CARA] and is entirely financed with private funds contributed by the W.M. Keck Foundation and other supporters of astronomy at the California Institute of Technology and at the University of California. Once the telescope is completed in 1992, its operating costs will be assumed by the University of California system, and time will be shared between scientists from Cal Tech, the University of California, and the University of Hawaii, on whose land this project is being built. This facility will be twice as large as the 200-inch Hale Telescope on Mount Palomar and will enable scientists to peer 12 billion years into the past, three-quarters of the way to the origins of the universe. This telescope will be powerful enough to see a single candle on the Earth's Moon or a black hole at the center of the galaxy. The W.M. Keck Telescope, which will operate with optical and infrared capability, will assist American scientists in answering some of the most perplexing and difficult astronomical riddles.

Mr. President, this legislation is necessary because the U.S. Customs Service has denied an application for duty-free entry of mirror blanks for the multiple mirror telescope being erected on Mauna Kea. The Customs Service determined that since the mirror blanks are components as defined by 15 CFR 301.2(k) of the regulations of the Departments of Commerce and Treasury, the duty-free entry must be denied because components may not enter duty-free under item 851.60 of the Tariff Schedules of the United States [TSUS]. However, the California Institute of Technology asserts that the mirror blanks are not components but would more aptly be described as instruments and thus eligible for exemption under item 851.60 of the TSUS.

This legislation would provide that the mirror blanks, which must be imported for finishing from West Germany, and the dome, which must be imported from a specialty steel plant in Canada, are not subject to duty. In my judgment, Mr. President, the Congress should grant duty-free entry of the structures and parts for use in the W.M. Keck Observatory project as a sign of our commitment to scientific research and exploration. I urge my colleagues to move expeditiously so that the construction of this extraordinary space exploratory device may proceed as planned.

Mr. President, I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty the following articles for the use of the California Association for Research in Astronomy in the construction of the optical telescope for the W.M. Keck Observatory Project, Mauna Kea, Hawaii:

(1) The telescope structure.

(2) The observatory domes, produced by Britain Steel, Ltd., of Vancouver, British Columbia, Canada.

(3) The primary mirror blanks, produced by the Schott Glassworks, Frankfurt, Republic of Germany.

If the liquidation of the entry of any such article has become final, the entry shall, notwithstanding any other provision of law, be reliquidated and the appropriate refund of duty made.

By Mr. MITCHELL (for himself and Mr. BAUCUS):

S. 645. A bill to provide for the public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Finance.

SENATE CAMPAIGN COST LIMITATION AND PUBLIC FINANCING ACT

Mr. MITCHELL. Mr. President, I am today introducing legislation with Senator BAUCUS providing for partial public financing of general election campaigns for the U.S. Senate. This legislation is modeled on legislation which I have introduced in the last two Congresses.

Although recent Congresses have been unable to agree on changes in our system of campaign finance, the prospects improve each year, as the public and Members of Congress become more disillusioned with the current system. That system is out of control, as evidenced by the skyrocketing costs of campaigns for Congress and the increasing intrusion of fund raising into the legislative process.

The modern campaign for the Senate has turned into a nonstop fundraising effort that undermines public confidence in our system and interferes with our duties as elected representatives.

As Members of Congress, we are caught up in a tread mill of campaign spending that moves faster with each election cycle. Every year, we must devote more and more of our time to the financing of campaigns, both for ourselves and our colleagues. There is not a Member of Congress today who can be pleased with the current system; with the demands the pursuit of money places on our time to be effective legislators; or with the attitudes the current system engenders in the American people.

Money has overtaken the election process. It has created a system which is demeaning to Congress as the elected representatives of the people, demeaning to our constituents who elect us to office, and demeaning to the Nation and its great democratic traditions.

The last congressional election campaign was the most expensive in history. Almost $400 million was spent on the 468 elections for congressional office, with ever increasing contributions from political action committees and new campaigns by independent groups. Final figures have not been tabulated for all congressional races. But preliminary tallies indicate that campaign expenditures in the last election increased by about 20 percent above the preceding election cycle.

For Senate candidates alone expenditures increased by 27 percent over the amount spent in the preceding election cycle. The cost of campaigns has escalated so rapidly that the final tabulation will probably show that almost twice as much was spent on the 1986 election as was spent just 6 years ago.

In many years during this last election, the campaign degenerated into a nonstop fundraising effort to finance unlimited television commercials, without time for candidates to communicate directly to the electorate.

It was no coincidence that last year's election turnout was one of the lowest, even for a non-Presidential election year, that the Nation has ever seen.

I am firmly persuaded that something must be done to reform the manner of raising funds and to curtail the costs of running for elective office.

It is no longer good enough to deplore the increased expense that virtually limits campaign challenges to the well-off or the well-connected.

It is time to act.

Since 1883, Congress has attempted to regulate campaign financing. The 1925 Federal Corrupt Practices Act was for many decades the principal law governing Federal election campaigns. But by 1971, an enormously increased electorate and revolutionary changes in communicating with it demanded change.

The subsequent abuses of the Wategate period, when hundreds of thousands of dollars in cash were used for illegal activities and some of our major corporations were virtually shaken down for money by the administration, led to the first major campaign reform of modern times, the 1974 law.

As written, that law rested on two equally important limitations: One was a ceiling on campaign contributions; the other was a ceiling on campaign spending.

Those limits are equally important because they address two separate problems.

A limit on contributions is essential to prevent the perception that money can buy influence. No perception is ultimately more damaging to a democracy. When people think that money buys influence—whether their belief is accurate or not—their confidence in the fairness of the laws and the fair way the laws are written is eroded.

And when public confidence erodes, the common interest in preserving our system of government is undermined. One reflection of that weakened common interest is in the low voter turnout—people don't vote when they think their vote makes no difference. We cannot allow that perception to ripen to the point where people don't think Government represents them.

So a limit on contributions is essential.

The other limitation in the 1974 law was a limit on campaign spending.

The need for that is self-evident. The only factor in an election campaign that limits spending is the election date. No other factor now does so. This is not surprising. When should a candidate decide enough voters have been reached? What makes a candidate think enough voters have been persuaded?

All the circumstances of an election campaign argue against limits. Every candidate believes that amplifying the message, reaching more people, saturating the airwaves will help to win.

This is rooted in human nature. Competitors in any race want to win. We rely on this fact of human nature to maintain a healthy democracy. We want eager candidates and hard-working representatives. We do not want election races so meaningless that not even the candidates care who wins.

The tension between the factors involved in campaigning and governing is real, but the current election law ignores it.

The 1974 campaign reform bill both recognized this tension and attempted to resolve it. The law recognized the two realities involved: Public perceptions of undue influence-buying that taint an elected candidate's independence in office, and the human nature that causes candidates to run in the first place.

But the 1974 law never took effect. It was immediately challenged from two sides. One side claimed an unfettered first amendment right to spend as much as could be raised. The other claimed that limits on the spending of personal wealth constituted an infringement on first amendment rights as well as property rights.

In Buckley versus Valeo, a majority of the Supreme Court accepted sufficient elements of both arguments to rule the spending limits in the 1974 law unconstitutional. The one exception the Court made was to agree that Congress could condition the receipt of public financing on spending limits.

As a result, today's Presidential elections are conducted under spending restrictions that reflect in part each candidate's ability to attract public support.

But no similar limits are imposed on other Federal elections.

And as a final irony, the spending restrictions in Presidential campaigns have had the effect of concentrating the worst effects of unfettered fund-raising and expenditures on congressional campaigns.

The litany of problems with our method of electing Members of Congress is well known.

Campaigns last too long and cost too much.

Fund-raising is time-consuming and absorbs the personal attention of candidates, so candidates focus on the most efficient means of fund-raising. That means PAC's. Political Action Committees which numbered just over 600 a decade ago now number over 4,000.

It is not surprising that ordinary people feel that the proliferation of PAC's and the amounts they can donate overwhelm the role of small individual contributions.

A 1985 study found that fewer than 2 percent of the public contribute to political causes at all. But more significantly, it found that smaller contributions play less and less of a role in campaign budgets.

Contributions of less than $100 made up 38 percent of the typical Senate campaign budget in 1974. In 1984, those small contributions accounted for just 15 percent of the typical Senate campaign budget.

The outcome of the development is obvious. People believe that when candidates depend on self-identified political interests for their election, they can be less responsive to the concerns of unorganized voters.

The bill I am introducing would impose overall limits on campaign spending for candidates who volunteer to participate in the public finance system. The expenditure limits would be $600,000 plus the voting age population of the State times 35 cents. Candidates are encouraged to voluntarily agree to the spending limits by the offer of matching Federal funds.

Because of concern that the general election limits can easily be circumvented by excessive expenditures in primary campaigns, I have also included primary campaign expenditure limits in this bill. As with the limits on general election expenditures, the expenditures on primary campaigns would be voluntary but there would be no inducement of matching public funds.

My legislation is designed to create an incentive to seek small individual contributions and the public support of which they are a reflection. It seeks to strengthen the voice of the average voter by limiting the Federal match to the first $200 of individual contributions.

The bill would impose overall contribution limits that restrict total PAC contributions to 20 percent of the expenditure limits that apply in each State. And to prevent the circumvention of this rule, the bill attempts to control the influence of independent expenditures by providing matching funds to offset such expenditures made on behalf of one candidate or against the other candidate.

This legislation is not the only answer to campaign finance. Several bills have been introduced which I believe merit attention. I offer this bill as one approach to the problem. Although I believe it offers the best approach, I also want to consider other proposals.

This legislation does not attempt to deal with every problem in campaign finance. I realize that the final legislation enacted into law must be more comprehensive, because it must anticipate the likely circumvention of the spending limits that will occur as campaign money subject to the limits finds its way to other political committees.

I don't underestimate the ability of campaign consultants to figure out ways to get around the limitations that may be placed on campaign spending. For that reason I believe this issue requires thorough study in the Senate Rules Committee so that all the potential problems can be anticipated.

Public financing of Senate campaigns will not guarantee substantive debate. No legislation can guarantee that. It will not prevent wealthy individuals from ignoring public financing and launching campaigns financed from their personal wealth. But so long as the Supreme Court equates money with free speech no legislation can overcome that prospect.

Instead, this reform seeks to address one of the real factors inherent in election campaigns—the tendency to spend without limit. And it seeks to begin the process of returning some control over the costs of seeking public office.

Except for election years, calls for campaign reform do not galvanize public attention.

But there are instances when it is our duty to act even in the absence of public demand. Election campaign reform is precisely such an instance, because it is, by its nature, an issue that does not evoke public demand until there is a scandal. Instead, the current campaign finance system has the much more subtle effect on the public of breeding a growing cyncism in our system of government. While it may not now be reflected in strong support for public financing today, we cannot afford further decline of public confidence in our election system.

As Members of Congress who participate in the campaign funding process, we are all well acquainted with the current system. I don't know of one Member of Congress who is pleased with that system.

It is awkward to try to change the system while we must operate within it. To do so opens us up to charges of inconsistency and hypocrisy. Yet we must be prepared to move forward, even in the face of such criticisms, because the only realistic alternative is to do nothing. And that is unacceptable.

Many Members of Congress have suggested changes they would like to see, but a consensus has been impossible to achieve. This is due in part because we perceive the issue through the prism of what is in our own personal interest or what we believe to be the interest of the political party of which we are a member. Because the stakes are so great, there is a reluctance to change.

But this issue demands more. We must put aside our self interest and act for the common good. We have an opportunity in this 100th Congress to restore public confidence in the election process. We must not again let that opportunity pass.

I ask unanimous consent that a copy of the bill and a summary of its provisions be inserted in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senate Campaign Cost Limitation and Public Financing Act".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new title:

"TITLE V—PUBLIC FINANCING OF SENATE GENERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) the definitions set forth in section 301 of this Act apply to this title;

"(2) 'general election' means any regularly scheduled or special election held for the purpose of electing a candidate to the United States Senate;

"(3) 'primary election' means (A) an election, including a runoff election, held for the nomination by a political party of a candidate for election to the United States Senate, or (B) a convention or caucus of a political party held for the nomination of such candidate;

"(4) 'eligible candidate' means a candidate who is eligible, under section 502, to receive payments under this title;

"(5) 'authorized committee' means, with respect to any candidate for election to the United States Senate, any political committee which is authorized in writing by such candidate to accept contributions or to make expenditures on behalf of such candidate to further the election of such candidate; and

"(6) the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouse of such individual, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of such individual.

"ELIGIBILITY FOR PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title, with respect to an election—

"(1) a candidate in a general election shall certify to the Commission, in accordance with the provisions of this Act or regulations promulgated pursuant to this Act, that—

"(A) he or she is seeking election to the United States Senate,

"(B) such candidate and the authorized committees of such candidate have—

"(i) received contributions from individuals in amounts of $100 or less, which qualify for matching funds pursuant to this title, for that campaign in a total amount of not less than 5 per centum of the overall expenditure limit; and

"(ii) received such contributions only from individuals who are residents of the State in which such candidate is seeking election;

"(C) at least two candidates have qualified for the election ballot for election to the same seat under the law of the State involved;

"(D) the candidate and the authorized committees of such candidate—

"(i) will not make campaign expenditures in the general election greater than the limitations set forth in section 315(j)(1);

"(ii) will abide by the limitations on campaign expenditures for the primary election pursuant to section 315(j)(2) and section 504;

"(iii) will not accept any contributions in violation of section 315(a); and

"(iv) will not make expenditures from personal funds which exceed the limitation established in section 503;

"(E) he or she will agree to cooperate in the case of an audit and examination by the Commission under section 509 and to pay any amounts required under such section; and

"(F) such candidate and the authorized committees of such candidate have received contributions aggregating not less than the amount of contributions certified under section 505.

"(2) a candidate of a political party in a State that has legal requirements for such candidacy, shall, within seven days after receiving such nomination, certify to the Commission his or her intention to accept payments under section 508 and to comply with applicable provisions of law with respect to such payments;

"(3) an independent candidate or a candidate of a political party in a State other than a State referred to in paragraph (2), shall, within seven days after qualifying for the general election ballot under the law of the State involved, certify to the Commission his or her intention to accept payments under section 508 and to comply with applicable provisions of law with respect to such payments;

"(4) a candidate in an election shall, within seven days after qualifying for the election ballot under the law of the State involved, agree that such candidate and the authorized committees of such candidate—

"(A) will obtain and furnish to the Commission any evidence such Commission may request about the campaign expenditures and contributions of such candidate; and

"(B) will keep and furnish to the Commission any records, books, and other information it may request; and

"(b) A candidate eligible, under this section, to receive payments shall apply to the Commission for the initial matching payment referred to in section 505(b)(1)(A).

"(c) Agreements, certifications, and declarations under this section shall be filed with the Commission at the time and in such manner as the Commission requires.

"LIMITATION ON EXPENDITURES OF PERSONAL FUNDS

"SEC. 503. No candidate who is eligible under section 502 to receive payments under section 508 and who does receive such payments shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $35,000, with respect to the election involved.

"LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

"SEC. 504. (a) A candidate who is otherwise eligible to receive payments in a general election under section 508 and who receives such payments shall make primary election expenditures in accordance with the provisions of this section to be an eligible candidate.

"(b)(1) In any election in which an eligible candidate receives 70 percent or more of the vote in such election, the limitation on expenditures for candidates in such primary election shall be an amount equal to one-third of the limitation on expenditures in the general election.

"(2) In any election in which an eligible candidate receives less than 70 percent of the vote in such election, the limitation on expenditures for such primary election shall be an amount equal to one-half of the limitation on expenditures in the general election.

"(3) In any election in which an eligible candidate receives payments under section 508 and exceeds the limitation on primary election expenditures established in this section, all such expenditures in excess of such limitation shall be considered general election expenditures for purposes of the limitation on such general election expenditures provided in section 315(j)(1).

"(c) No eligible candidate shall accept contributions from multicandidate political committees which, in the aggregate, exceed 20 per centum of the expenditure limit for the general or primary election.

"ENTITLEMENT TO PAYMENTS

"SEC. 505. (a) Every candidate who meets the eligibility requirements in section 502 is entitled to payments for use in such candidate's general election campaign in an amount equal to the amount of contributions, qualified to be matched pursuant to this title, as such candidate and the authorized committees of such candidate receive for that campaign up to an amount equal to one-half of the amount of allowed expenditures as provided in section 315(j)(1).

"(b)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to—

"(A) an initial payment in an amount equal to the contributions initially certified under section 502(a)(1)(B); and

"(B) additional matching payments equal to the amount of contributions received from individuals in amounts of $200 or less, to be paid in—

"(i) multiples of $20,000 under section 508, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1)(B), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(ii) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the expenditure limitation applicable to such candidate under section 315(j)(1), unless otherwise provided in this title.

"(3) An eligible candidate for whom the limitation on expenditures established in section 315(j)(1) is made inapplicable under section 506, shall be entitled to payments in an amount equal to the difference between the limitation on expenditures applicable to such eligible candidate under section 315(j)(1) and 110 per centum of the total expenditures made by the opponent of such eligible candidate who has made the largest amount of expenditures in such election, up to an amount equal to three times the limitation on expenditures. Such payments shall be made in multiples of $20,000 as such candidate becomes eligible for such amounts, except that the final payment shall be made in an amount equal to the balance of the total to which such candidate is entitled.

"(4) If the expenditures made by a candidate exceed an amount equal to three times the limitations on expenditures which applies to such candidate, the limits in subsection (b)(1)(B) providing that only contributions in amounts of $200 or less are eligible for matching payments shall not apply to the opponents of such candidate who are eligible candidates receiving funds pursuant to this title.

"(c) In determining the amount of contributions received by a candidate and the authorized committees of such candidate for the purposes of providing matching funds pursuant to this title—

"(1) no contribution received by the candidate or any of the authorized committees of such candidate as a subscription, loan, advance, deposit, or as a contribution of products or services, shall be taken into account;

"(2) no contribution shall be taken into account if such contribution is not made by a written instrument which identifies the person making such contribution by full name and mailing address;

"(3) no contribution received from a political committee or any other organization shall be taken into account;

"(4) no contribution received from any individual shall be taken into account to the extent that such contribution exceeds $200 when added to the total amount of all other contributions made by that individual to or for the benefit of such candidate in connection with the general election campaign of such candidate;

"(5) no contribution (A) which is received before September 1 of the year immediately preceding the year in which the general election for the campaign to which the contribution is made is held and (B) which is not maintained in a separate account until the date on which such candidate qualifies for the general election ballot under the law of the appropriate State for election, shall be taken into account;

"(6) no contribution received from any person or source other than an individual shall be taken into account; and

"(7) no contribution received ninety days after the date on which the election involved is held shall be taken into account.

"(d) Notwithstanding the provisions of subsection (a), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by such candidate and the authorized committees of such candidate and any other payments made to the candidate under this title for such candidate's general election campaign, exceeds the amount of the expenditures limitation applicable to such candidate for that campaign under section 315(j)(1) unless the provisions of such section have been waived by this title.

"(e) All payments received by a candidate or the authorized committees of such candidate under this title shall be deposited at a national or State bank in a separate checking account which shall contain only funds so received. No expenditures of funds received under this section shall be made except by checks drawn on such account.

"(f) No contribution received and maintained pursuant to subsection (c)(5) shall be used to make any expenditure until the date on which the candidate qualifies for the general election ballot under the law of the appropriate State.

"(g) Each qualified candidate shall receive matching funds equal to the amount of independent expenditures made on behalf of such candidate's opponent or against such candidate when such amount of independent expenditures exceeds 5 per centum of such candidate's overall expenditure limit. Any amounts so received shall not be included in the limits provided for in section 315(j)(1) or subsection (b)(2) or (d) of this section.

"WAIVER OF OVERALL EXPENDITURE LIMITATION; ADDITIONAL PUBLIC FINANCING FOR CERTAIN CANDIDATES

"SEC. 506. (a)(1) Not later than the date on which a candidate qualifies for the general election ballot under the law of the appropriate State, or ninety days before the date of any general election, whichever is earlier, each candidate in the general election for United States Senate shall file with the Commission a declaration of whether such candidate intends to make expenditures in excess of the limitations on expenditures provided under section 315(j)(1).

"(2) Not later than sixty days before the date of such general election, each candidate who has reason to believe that he may make expenditures in excess of such limitations shall notify the Commission to that effect, unless such candidate filed with the Commission a timely declaration that he intended to exceed such limitations, as provided in paragraph (1).

"(3) Each candidate for election shall notify the Commission and each other candidate for the same election within forty-eight hours after such candidate, or any of the authorized committees of such candidate makes any expenditure, or incurs any obligation to make an expenditure, in excess of the limitation on expenditures contained in section 315(j)(1).

"(4) Each candidate for United States Senator filing in a primary election, at the time of such filing, shall file with the Commission a declaration of whether such candidate intends to make expenditures in excess of the limitations on expenditures provided in section 315(j)(2).

"(5) The Commission is authorized to determine, upon its own initiative or upon the request of any candidate for election, whether any candidate has made expenditures or incurred obligations to make expenditures in excess of the limitations contained in section 315(j).

"(b) The limitation on expenditures contained in section 315(j)(1) shall not apply to any candidate for election if any other candidate in the same election—

"(1) fails to file with the Commission a timely declaration as provided in paragraph (1) of subsection (a);

"(2) files with the Commission a notice as provided in paragraph (2) of subsection (a);

"(3) is required to notify the Commission in connection with the making of expenditures as provided in paragraph (3) of subsection (a); or

"(4) is not bound by the limitations on expenditures provided in section 315(j), or does not accept matching payments pursuant to the provisions of this title.

"(c)(1) The provisions of section 505(d) shall not apply to a candidate who elects to receive payments under this title if the expenditure limitation contained in section 315(j)(1) is made inapplicable to such candidate under subsection (b) or (d) of this section.

"(2) The additional amount to which a candidate is entitled under this subsection shall be based only upon the amount of contributions received after the date on which such expenditure limitation is made inapplicable, except that any contribution which is received from an individual after the date on which the limitation on expenditures is made inapplicable shall not be subject to the limitation provided in section 505(c)(4).

"(d) The limitation on expenditures contained in section 315(j)(1) shall not include any matching payments received, pursuant to subsection (b)(3) or (g) of section 505, by a candidate for election.

"CERTIFICATIONS BY COMMISSION

"SEC. 507. (a) No later than forty-eight hours after a candidate files a request with the Commission to receive payments under section 508, the Commission shall certify the eligibility of such candidate to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled. Such request shall contain—

"(1) such information and shall be made in accordance with such procedures as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by such Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 509 and judicial review under section 513.

"(c) Any candidate who knowingly and willfully submits false information to the Commission under this section shall be punished as provided in section 514.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 508. (a) The Secretary of the Treasury shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts he maintains under such section, a separate account to be known as the 'Senate General Election Campaign Account' (hereafter in this title referred to as the 'Account'). The Secretary shall deposit into the Account, for use by candidates eligible for payments under this title, the amount available after the Secretary determines that amounts in the fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The moneys in the Account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 507, the Secretary of the Treasury shall pay the amount certified by such Commission to the candidate to whom the certification relates.

"(c) Payments received under this section shall be used only to defray election campaign expenses incurred with respect to the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved, and ending on the date ninety days after the date of the election, or the date ninety days after the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first. Such payments shall not be used (1) to repay any loan to any individual, or (2) to make any payments, directly or indirectly, to such candidate individually or to any member of the immediate family of such candidate.

"(d) Notwithstanding any other provision of this title, a candidate may be reimbursed for an expenditure, not otherwise prohibited, which was made prior to a certification by the Commission pursuant to this section, and made in reliance on such certification.

"EXAMINATION AND AUDITS; REPAYMENTS

"SEC. 509. (a)(1) After each general election, the Commission may conduct an examination and audit of the campaign accounts of the eligible candidates, as designated by the Commission, in order to determine whether the contributions certified for matching payments and the expenditures made from such matching payments complied with the provisions of this title.

"(2) After each special election, the Commission may conduct such an examination and audit of the campaign accounts of each eligible candidate in such election.

"(b)(1) If the Commission determines that any payment or any portion of any payment made to an eligible candidate under section 508 was in excess of the aggregate amount of the payments to which such candidate was entitled, the Commission shall notify such candidate, and such candidate shall pay to the Secretary of the Treasury an amount equal to the excess amount.

"(2) If the Commission determines that a candidate who has received funds under section 508 for use in his general election campaign has campaign funds in excess of the amount of the campaign expenses allowed pursuant to section 315 and this title, the Commission shall so notify the candidate and such candidate shall pay to the Secretary an amount equal to the amount of the unexpended funds. In making its determination under this paragraph, the Commission shall consider all amounts received as contributions to have been expended before any amounts received under this title are expended.

"(3) If the Commission determines that any amount of any payment made to a candidate under section 508 was used for any purpose other than to defray campaign expenditures, it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to two times the amount of such misused funds.

"(4) No payment shall be required from a candidate under this subsection in excess of the total amount of all payments received by the candidate under section 508 in connection with the campaign with respect to which the event occurred which caused the candidate to have to make a payment or repayment under this subsection.

"(5) Any amount received by an eligible candidate may be retained for a period not exceeding ninety days after the date of the general election for the liquidation of all obligations to pay election campaign expenses incurred during the period specified in section 508(c). At the end of such ninety-day period any unexpended balance remaining in the accounts of the candidate's authorized committees shall be promptly repaid to the Secretary. In making such determination, all amounts received as contributions shall be considered as having been expended before any amounts received under this title are expended.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a campaign more than twenty-four months after the date of the election to which the campaign related.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the appropriate account.

"OTHER POWERS AND DUTIES OF THE COMMISSION

"SEC. 510. (a) The Commission is authorized to conduct examinations and audits, in addition to the examinations and audits under sections 507 and 509, to conduct investigations, and to require the keeping and submission of any books, records, or other information necessary to carry out the functions and duties imposed on such Commission by this title.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination with the administration of such laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO CONGRESS

"SEC. 511. (a) The Commission shall, as soon as practicable after the close of each calendar year, submit a full report to the Senate setting forth—

"(1) the expenditures incurred by each qualified candidate, and the authorized committees of such candidates;

"(2) the amounts certified under section 507 for payment to each such candidate; and

"(3) the amount of any payments required from any candidate pursuant to section 509, and the reasons for each such payment.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission shall submit, not later than March 1 of each year immediately following a year in which any election for United States Senator is held, a special report to the Senate setting forth—

"(1) the amounts certified under section 507; and

"(2) an estimate, to the extent practicable, of the amount of money necessary to make all payments to which eligible candidates and the national committees of each political party will be entitled with respect to the next two Federal elections.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 512. (a) The Commission is authorized to appear in and defend against any action filed under section 513, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized to appear, through attorneys and counsel described in subsection (a), in the district courts and other appropriate courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of any examination and audit made pursuant to section 509.

"(c) The Commission is authorized to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a). Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"JUDICIAL REVIEW

"SEC. 513. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, the national committee of any political party, and any individual eligible to vote for a candidate for the office of Senator of the United States are all authorized to institute an action under this section, including an action for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection has exhausted all administrative or other remedies provided by law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"PENALTY FOR VIOLATIONS

"SEC. 514. Violation of any provision of this title is punishable by a fine of not more than $10,000, or imprisonment for not more than five years, or both.".

LIMITATIONS ON EXPENDITURES IN GENERAL ELECTION CAMPAIGNS

SEC. 3. (a) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of this section expenditures made on behalf of any candidate (as determined under section 315(b)(2)(B)) for the office of Senator of the United States shall be considered to be expenditures made by such candidate.

"(j) Except as otherwise provided in section 505 of this Act, a candidate who receives payments for use in his general election campaign for the office of Senator of the United States, pursuant to section 508 of this Act may not make expenditures—

"(1) in such general election campaign in excess of $600,000, plus 35 cents multiplied by the voting age population of the State in which the election is held, as certified under subsection (e); and

"(2) in such eligible candidate's primary election campaign in excess of—

"(A) one-third the general election expenditure limit applicable to such candidate if any candidate in such primary receives 70 percent or more of the vote; or

"(B) one-half the general election expenditure limit applicable to such candidate if no candidate in such primary receives 70 percent or more of the vote.

"(k) Every person (other than a political committee) who makes independent expenditures in excess of $50 for or against a candidate under title V of this Act during a calendar year shall file a statement with the Federal Election Commission containing such information and at such times as the Commission by regulation may require.

"(l) No candidate who is eligible to receive payments under section 508 shall accept contributions from multicandidate political committees which, when added to all contributions received by such candidate from such committees exceeds 20 per centum of the expenditure limit for the general or primary election of such candidate, as established in subsection (j).".

(b) Section 315(c)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)(1)) is amended by striking out "subsection (b) of this section and subsection (d) of this section" and inserting in lieu thereof "subsections (b), (d), (j), (k), and (l) of this section".

(c) Section 315(c)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)(2)(B)) is amended by inserting before the period the following: ", except that with respect to the provisions of subsections (j), (k) and (l), the term 'base period' means the calendar year of 1988".

INTERMEDIARY OR CONDUITS

SEC. 4. Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended by—

(1) striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit";

(2) redesignating such paragraph (8) as paragraph (8)(A); and

(3) adding at the end thereof the following:

"(B) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit (i) exercises any control or any direction over the making of the contribution; or (ii) solicits the contribution or arranges for the contribution to be made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for such candidate; or (iii) engages in any activities of the same kind which resulted in the intermediary or conduit reporting such activities to the Commission under subsection (A) prior to January 1, 1987.

"(C) For purposes of subsection (B), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if (i) the intermediary or conduit has been retained by the candidate's committee for the purpose of fundraising and is reimbursed for expenses incurred in soliciting contributions; (ii) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fundraising, or the individual occupies a significant position within the candidate's campaign organization; or (iii) in the case of a political committee, the intermediary or conduit is an authorized committee of the candidate.".

STUDY AND REPORT BY COMMISSION

SEC. 5. The Federal Election Commission shall, for one year, study and monitor the efficacy of the programs resulting from amendments made by this Act. The Commission shall begin such study one year after the date of the first election in which the amendments made by this Act apply and shall report to Congress no later than April 1 of the year following the completion of such period of studying and monitoring.

BROADCAST RATES

SEC. 6. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: "provided that in the case of a candidate in an election which may directly result in the election of a person to the office of United States Senator, this provision shall only apply if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of the Federal Election Campaign Act;".

INCOME TAX CHECKOFF

SEC. 7. Section 6096 of the Internal Revenue Code of 1986 is amended by—

(1) striking out "$1" each place it appears and inserting in lieu thereof "$2"; and

(2) striking out "$2" and inserting in lieu thereof "$4".

EFFECTIVE DATE

SEC. 8. This Act and the amendments made by this Act shall apply to any campaign for election to the United States Senate for which the election is held more than one year after the date of enactment of this Act but shall not apply to any election for the United States Senate in 1988 or prior to such elections in 1990.

AUTHORIZATION OF APPROPRIATIONS

SEC. 9. There are authorized to be appropriated, in addition to the amounts available pursuant to section 508 of the Federal Election Campaign Act of 1971, as added by this Act, such sums as may be necessary to carry out the provisions of this Act.

SUMMARY: SENATE CAMPAIGN COST LIMITATION AND FINANCING ACT

(By Senator George Mitchell)

This Act would provide partial public financing for Senate general election campaigns. Participation is voluntary. Candidates would agree to spending limitations for both primaries and general elections, however, public financing would be provided only for the general election. If a candidate chooses public financing, the following conditions will apply:

Qualifying Mechanism.—In order to qualify for public funds, a candidate must raise 5 percent of the spending limit in amounts of $100 or less from individuals who are residents of the candidate's state. Contributions of $100 or less raised after September 1st of the year preceding the year in which the election takes place will count toward the qualifying requirements.

Spending Limits.—The overall spending limit is $600,000 plus 35 cents times the voting age population of the state. A candidate and his family may contribute no more than $35,000 to the campaign.

Participating candidates agreeing to public funds in the general election, must also agree to an expenditure limit in the primary election. For uncontested primary elections (those in which a candidate receives 70 percent of the vote or more) the expenditure limit is one-third the general election expenditure limit. For contested primaries (those in which a candidate receives less than 70 percent of the vote) the expenditure limit is one-half the general election spending limit. If a candidate exceeds the expenditure limit in the primary, all expenditures in excess of the limit will count toward the general election expenditure limit.

Public Funding.—Individual contributions of $200 or less will be matched with public funds, up to 50 percent of the spending limit. If an individual contributes more than $200 to a candidate, only the first $200 will be matched.

Waiver of Spending Limits; Additional Funding.—When a non-participating candidate exceeds the spending limit, funds are provided to the participating candidate to raise his expenditure limit to 110 percent of his opponents expenditures, not to exceed three times the expenditure limit. When a non-participating candidate's expenditures exceed three times the expenditure limit, contribution limits for purposes of matching funds are removed. A publicly financed candidate may spend funds in anticipation of reimbursement.

Independent Expenditures.—If independent expenditures in excess of 5 percent of the expenditure limit are made against a publicly financed candidate or in support of his opponent, the publicly financed candidate will receive funds to offset the independent expenditures.

Television Advertisements.—A candidate who does not accept public financing can be charged regular commercial rates for television ads. A publicly funded candidate will continue to receive the lowest unit rate costs for television advertisements, as under current law.

Overall PAC Limitations.—PAC contributions to senate candidates may not exceed 20 percent of the expenditure limit applicable to the primary election and 20 percent of the expenditure limit applicable to the general election. Bundling of contributions by a PAC or a PAC official will count toward the PAC contribution limit.

Bundling.—Contributions made through an intermediary or conduit not connected with the candidate will be considered a contribution both by the original source and by the conduit or intermediary.

Tax Return Check-off.—The individual check-off on tax returns will be increased from $1 to $2.

Effective Date.—The effective date of the act will be one year after the date of enactment, but not prior to the 1990 Congressional elections.

State	Voting age population (in thousands)	Expenditure limit [1]
Alabama	2,949	$1,632,150
Alaska	373	730,550
Arizona	2,399	1,439,650
Arkansas	1,729	1,205,150
California	19,811	7,533,850
Colorado	2,432	1,451,200
Connecticut	2,445	1,455,750
Delaware	469	864,150
Florida	9,111	3,788,850
Georgia	4,402	2,140,700
Hawaii	782	873,700
Idaho	705	846,750
Illinois	8,490	3,571,500
Indiana	4,033	2,011,550
Iowa	2,115	1,340,250
Kansas	1,809	1,233,150
Kentucky	2,728	1,554,800
Louisiana	3,186	1,715,100
Maine	874	905,900
Maryland	3,333	1,766,550
Massachusetts	4,525	2,183,750
Michigan	6,633	2,921,550
Minnesota	3,098	1,684,300
Mississippi	1,833	1,241,550
Missouri	3,744	1,910,400
Montana	595	808,250
Nebraska	1,177	1,011,950
Nevada	724	853,400
New Hampshire	765	867,750
New Jersey	5,815	2,635,250
New Mexico	1,035	962,250
New York	13,472	5,315,200
North Carolina	4,748	2,261,800
North Dakota	495	773,250
Ohio	7,891	3,361,850
Oklahoma	2,445	1,455,750
Oregon	2,016	1,305,600
Pennsylvania	9,023	3,758,050
Rhode Island	750	862,500
South Carolina	2,467	1,463,450
South Dakota	509	778,150
Tennessee	3,503	1,826,050
Texas	11,891	4,761,850
Utah	1,058	970,300
Vermont	401	740,350
Virginia	4,337	2,117,950
Washington	3,317	1,760,950
West Virginia	1,435	1,102,250
Wisconsin	3,515	1,830,250
Wyoming	360	726,000

[1] Expenditure limit: 35 cents (voting age population) plus $600,000.

Mr. BAUCUS. Mr. President, one of the most important issues this Congress must address is campaign financing reform.

The current system for financing congressional campaigns is simply out of control.

Federal election spending has skyrocketed. From 1976 to 1984, spending on House and Senate elections rose from $115 to $374 million, and the average cost of winning a Senate election rose from $609,100 to $2,954,545.

PAC contributions also have skyrocketed. When the Federal Election Campaign Act was enacted in 1974, 608

PAC's were registered, and contributed $12 million to congressional races. In 1984, 4009 PAC's were registered, and contributed $105 million to congressional races. And PAC spending has risen faster than overall campaign spending: PAC's made 15 percent of all congressional contributions in 1974, but 29 percent in 1984.

The dramatic increase in congressional campaign spending and contributions has created several problems.

First, Senators must spend so much time and energy raising money that they cannot focus enough attention on their jobs. As Majority Leader BYRD has said, Senators are becoming "part-time legislators and full-time fundraisers." In addition, the demands of fundraising may be dissuading some capable men and women from seeking election in the first place.

Second, intense fundraising pressures may make Senators more susceptible to appeals from special interests.

Third, extensive fundraising and spending undermines public confidence in Congress as an institution. The New York Times reflected this concern when it said that "PAC's make Congress look bought, more so every day as more PAC's slosh around more money." And in Montana, the Missourian also reflected this concern when it recently said that "Despite what your Congressman might tell you, when money talks, he listens."

THE BOREN-BYRD PROPOSAL

Last year, we took an important step when the Senate approved Senator BOREN's amendment limiting overall PAC contributions and reducing the maximum PAC contribution amount from $5,000 to $3,000. However, this amendment was not ultimately enacted into law. What's more, it only scratched the surface: no matter what we do about PAC's, we will not achieve meaningful campaign finance reform unless we solve the root problem: the escalating cost of congressional elections, and the intense fundraising pressure it generates.

This year, Senators BOREN and BYRD have introduced comprehensive reform legislation that indeed would address this root problem. Their "Senatorial Election Campaign Act of 1987," which I have cosponsored, would make several important reforms. It would establish a public financing-spending limitation system similar to the one that applies to Presidential campaigns, would limit PAC contributions along the lines of last year's Boren bill, and would tighten the rules that apply to contribution "bundling" and independent expenditures.

If enacted, the Boren-Byrd bill would dramatically improve our campaign financing system. And it already has galvanized public debate and created a public atmosphere in which we have a better chance of enacting campaign finance reform legislation than at any other time this decade.

THE SENATE COST LIMITATION AND PUBLIC FINANCING ACT

The bill Senator MITCHELL has developed, and which I am joining him to introduce today, is designed to complement some aspects of the Boren-Byrd bill and, in the spirit of constructive debate, suggest alternatives to other aspects.

The bill uses a "matching" rather than a "grant" system for providing public financing. It also takes a different approach to limiting PAC contributions. And it sets different spending limits. These differences can, I am sure, be worked out as the debate progresses.

The most significant difference, however, is that the bill applies not only to general elections, but also to primary elections. This is difficult to do, because the timing and operation of primary elections varies widely from State to State. However, I believe that the effectiveness of any congressional public financing-spending limitation system will be greatly enhanced if it applies to primary as well as general elections.

CONCLUSION

Mr. President, the time has come to put our own house in order. We must reform the congressional campaign financing system and restore full public confidence in the integrity of representative government. I hope that the legislation we are introducing today will make a significant contribution to this effort.

By Mr. HATCH (by request):

S. 646. A bill to improve the Education Consolidation and Improvement Act of 1981, and for other purposes; to the Committee on Labor and Human Resources.

EDUCATION CONSOLIDATION AND IMPROVEMENT ACT AMENDMENTS

● Mr. HATCH. Mr. President, I am pleased to introduce, on behalf of the administration, legislation which is part of a concerted national effort to stimulate American economic growth and to regain our competitive edge. I am proud to join the President of the United States and my colleagues in this body in this endeavor. Clearly, the introduction of the Trade, Employment, and Productivity Act of 1987 is a demonstration to the American people that their Government shares their hope for the future of the American economy, and has taken definitive action to promote continued prosperity.

The legislation I am introducing today is designed to plant the seeds for future growth. This bill calls for investments in education, job training, and basic science—areas which will continue to pay dividends 10, 20, and 30 years from now. The President is right on target in emphasizing these key areas. Any comprehensive competitiveness initiative would be incomplete without them. Behind every American export is American ingenuity—inventiveness that results from fundamental basic research in our colleges and universities, from talented individuals putting their know-how to work, and from a skilled workforce who can make designs and ideas real. The purpose of this legislation is to strengthen this capability.

Obviously, in a bill recommending such sweeping changes in existing programs, there are bound to be areas of disagreement, and I cannot claim to support every provision written here. Recent events in my own State of Utah have reemphasized that the choices will not be easy or simple, though Utahans have always believed in free enterprise and exhibit a can do spirit that I find personally inspiring.

I am anxious to work with the administration and my colleagues toward the fullfillment of our mutual goals, and I commend the President for his dedication to the task at hand.●

By Mr. SASSER:

S. 647. A bill to establish a limitation on the rates of interest which may be imposed on credit card accounts, and to provide for more detailed disclosures by credit card issuers in application for credit cards; to the Committee on Banking, Housing, and Urban Affairs.

CREDIT CARD ACCOUNT HOLDER PROTECTION ACT

● Mr. SASSER. Mr. President, I am today introducing legislation to address a persistent problem across America. I am referring to the continuing high interest rates charged on credit cards and the shocking lack of information available to consumers about the terms and conditions of credit cards.

Over the past few years we have seen dramatic declines in the interest charged on mortgages and the interest charged on consumer loans. We've seen the prime rate drop from 18.5 percent in May 1980 to 7.5 percent currently. We've seen the Federal Reserve's discount rate drop from 14 percent in 1980 to 5.5 percent presently.

Yet, we have seen no dramatic decline in the interest rate charged on most bank credit cards. Indeed, the average interest rate on credit cards stood at 17.3 percent in 1980. Today, the average interest rate charged on credit card purchases is roughly 17.5 percent. Some credit card companies charge as much as 22 percent for the use of their cards. That's some 10 to 12 percentage points above the prevailing prime rate. And that's some 12 to 15 percent above the Federal Reserve discount rate, the rate most banks pay for their money.

In short, banks are charging interest rates on credit cards that are wholly unrelated to the prevailing cost of money and to in the inflationary risks of lending.

Mr. President, this is a national problem demanding national attention. A quick glance at the number of credit card users in America underscores the depth of the problem.

There are some 72 million Americans who own 161 million credit cards. Statistics show that some 62 percent of all American families hold at least one credit card.

Not only are these Americans paying outrageous interest rates on their bank credit cards, they are often using cards that they know little about. This must end. If our free market is to work for credit card users, we must make sure consumers have before them adequate information on the terms with the credit cards.

My legislation, the Credit Card Account Holder Protection Act, would address both of these important points. First, my bill would impose an equitable nationwide interest cap on bank credit cards. This cap would be set at 6 points above the Federal Reserve's discount rate.

In addition, my bill would require that any application for a bank credit card or any solicitation for such a credit card disclose the following: any annual fee; any grace period in which debt can be paid without interest penalties; the amount of any finance charges which will be imposed; any penalties which will be imposed; any minimum fees or charges associated with the card; any transaction fees or charges; and any other fees or charges associated with the card.

Mr. President, we must move now to restore a sense of equity to this important market. My legislation is an important step toward doing so. I urge my colleagues to support this effort.●

By Mr. DeCONCINI (for himself and Mr. McCain):

S. 648. A bill to provide for the transfer of certain lands in the State of Arizona, and for other purposes; to the Committee on Energy and Natural Resources.

TRANSFER OF LANDS IN ARIZONA

● Mr. DeCONCINI. Mr. President, today I, along with my distinguished colleague, Mr. McCain, am introducing a measure to convey certain Forest Service lands to the Payson Unified School District No. 10 for use as a school site.

The town of Payson, AZ, is surrounded by Forest Service lands. Almost one-half of the land within the town limits is also owned by the Federal Government. This situation, combined with the rapid population growth in the Payson area, has set the stage for several serious dilemmas facing Payson.

There is a limited tax base of Payson School District to raise money to acquire the land it needs for services. There is also no privately owned land available which can serve the school district's needs. Because of this, the Payson Unified School District sought a special use permit from the Forest Service in 1961. The land was specifically acquired to build school facilities. This special use permit expires in 1998. The school facilities, including classrooms, administrative buildings, athletic fields, a gymnasium and parking lots, have been built.

The facilities are used by the community as a whole. In addition to serving as an educational center, the buildings and grounds are often used for recreation, fine arts exhibitions, college extension courses and community organization activities. The Payson School District has expended over $4 million in building improvements and $92,525 in land improvements. Annual permit fees have continued to increase, from $3,528 in 1986 to $10,845 in 1987 and $21,690 in 1989. The tax base of Payson Unified School District does not expand, however.

Because of the nature of these facilities and the expense the school district incurred to develop them, Payson Unified School District No. 10 is seeking conveyance of this 60 acre tract from the Forest Service. There is no other land available for expansion, and, for this reason, Federal lands must be used. The Forest Service has no designated use planned for this tract of land, which is leased under the special use permit to Payson Unified School District for use as a school. Thus, the transference of title to this land will not only eliminate the regulatory burden of the Forest Service, but will enable the school district to manage the land well. The school district will have it available for use as a school as long as necessary.

I believe that the best solution for Payson Unified School District No. 10's problem is offered in this legislation. This bill is vital to the future of Payson schools, Mr. President. I urge its expeditious consideration by the Energy and Natural Resources Committee.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 648

Be it enacted by the Senate and House of Representative of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture is authorized and directed to convey, without consideration except for administrative cost associated with the preparation of title and legal description, to the Payson United School District #10, Arizona, a parcel of land comprising approximately 60 acres, known as the Payson School Site, in the Town of Payson, County of Gila, Arizona.

Sec. 2. Title to any real property acquired by the Payson United School District #10, pursuant to this Act shall revert to the United States if the school district attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the town permits the use of any portion of such property for any purpose incompatible with the purposes specified in section 3 of this Act.

Sec. 3. Real property conveyed to the Payson United School District #10 pursuant to this Act be used for a public school.●

By Mr. EVANS (for himself and Mr. Adams):

S. 649. A bill to amend the Reclamation Authorization Act of 1976 (90 Stat. 1324, 1327); to the Committee on Energy and Natural Resources.

RECLAMATION AUTHORIZATION ACT

● Mr. EVANS. Mr. President, I rise today to introduce legislation, along with my colleague, Senator Brock Adams, to increase the authorization level for the Oroville-Tonasket irrigation district rehabilitation project in the State of Washington. Increasing the authorization ceiling is necessary to enable the Bureau of Reclamation to complete the project on schedule.

The Oroville-Tonasket irrigation project was authorized by Congress in 1976 to replace an antiquated delivery system with a pressurized delivery system to benefit apple growers in north-central Washington. At that time, the authorization ceiling was determined by a feasibility report issued in May 1975, and a January 1976 reanalysis of costs and benefits. The project was authorized at $39.4 million in January 1976 prices. In today's dollars, that translates to an authorization ceiling of $70.8 million. As of July 31, 1986, the Bureau of Reclamation had spent $62.5 million, and had obligated an additional $3.2 million. Another $3 million must be paid to the Department of Justice to cover a settlement agreement with contractors.

The Bureau estimates that it will need an authorization ceiling of $88 million to complete the project. This amount includes both the costs to complete the third phase of the project and to repair problems that have been encountered with the construction of the second phase of the project. As a result of these problems in the system, the irrigators dependent on the water delivery system have experienced heavy damage to sprinklers and regulators. In some cases, irrigators have not been able to use the system at all. The construction problems are attributable to both the design of the system and defective materials.

I support the introduction of this legislation as it is crucial to the farmers dependent on that irrigation system to have the rehabilitation project completed. I must take this opportunity, however, to express my strong concerns about the practices and policies of the Bureau of Reclamation that seem to continually result in cost overruns and extended delays in completing projects. At this point, the cost of fixing the problems associated with the earlier construction will be more costly than finishing construction of the original project. Our farmers are dependent upon the Federal Government fulfilling the commitments made to them when Congress authorizes water projects. I think a fuller examination of the reasons for delays and cost overruns is necessary.

Mr. President, I think it is important that this legislation go forward so that the farmers in the Oroville-Tonasket area do not continue to suffer from an inadequate water system. I do intend, however, to examine the situation at the Oroville-Tonasket irrigation district more fully. The farmers who are dependent on irrigation systems should not be subject to the endless delays and broken promises that so frequently accompany Bureau projects.●

Mr. ADAMS. Mr. President, I am happy to join my fellow Senator from Washington State, Mr. EVANS, in introducing this legislation.

The Bureau of Reclamation is currently constructing the Oroville-Tonasket unit extension project in the Oroville-Tonasket irrigation district in north-central Washington. The purpose of this project is to rehabilitate the district's existing deteriorated irrigation system. Legislation is needed to raise the authorization ceiling on the project from $39,370,000—January 1976 prices—to $88,000,000—January 1986 prices. This is not as large an increase as it appears—at today's prices the current ceiling is $70.8 million—so this legislation only raises the ceiling another $17.2 million. This increase is necessary not only to complete the final stages of the project, but to fix problems encountered in earlier phases that resulted in damage to district irrigators' on-farm systems.

I would like to emphasize, Mr. President, that my support for raising this authorization ceiling is not an endorsement of Bureau of Reclamation practices that result in early underestimates of project costs, and subsequent cost overruns. These practices are causing delays and threatened cancellation of important water projects all across the West. This situation demands further consideration and action from Congress. Failure to raise this authorization ceiling, however, would result in cancellation of the project. This would be a needless waste of the time and money spent so far. It would also result in injustice to district irrigators dependent on completion of the project who have suffered inconvenience and damage to their personal property in the course of its development. Mr. President, I ask my colleagues to give this legislation favorable consideration.

By Mr. CRANSTON (for himself, Mr. EVANS, Mr. ADAMS, and Mr. KERRY):

S. 652. A bill to amend the Export Administration Act of 1979 with respect to the export of goods and technology subject to export controls for national security purposes; to the Committee on Banking, Housing, and Urban Affairs.

HIGH TECHNOLOGY TRADE ENHANCEMENT ACT

Mr. CRANSTON. Mr. President, I am pleased to introduce, with my colleague, Senator DAN EVANS, a major revision of the U.S. Export Administration Act. We are happy to be joined in this effort by Senator ADAMS and Senator KERRY both of whom have put substantial time and thought into the subject as well.

We are confident that our proposal will further the continuing debate over U.S. export control policy. Our emphasis is twofold: decontrol and delicense items where such actions will not endanger our national security, and eliminate the Department of Defense's de facto veto authority over the export control system and licensing review process.

We believe that the overcontrol of U.S. commodities harms both our national security and economic interests. By refocusing our control resouces on higher levels of technology, technology that is truly "critical," we will do a better job of preventing diversion of sensitive technology to our adversaries while promoting more exports.

The chorus of voices advocating reform has escalated to a point where the status quo can no longer be sustained.

The recent National Academy of Sciences [NAS] report is the most recent addition to the widening chorus and its analysis has been invaluable in identifying problems and offering avenues for change that would improve the current licensing system and promote both U.S. national security and economic interests.

The NAS report, "Balancing the National Interest: U.S. National Security Export Controls and Global Economic Competition," was written by a distinguished and well-respected panel comprised of a former Secretary of Defense, two former National Security Agency directors, a former Secretary of the Air Force, as well as other intelligence, defense and business leaders. I highly recommend this work to my colleagues. In writing this bill, Senator EVANS and I used the work of the National Academy of Sciences to guide the recommendations we have made. We believe all of our reforms are in keeping with the panel's findings.

California is the Nation's leading export State, and as such has a special stake in the export control process. It is a leading center for high-technology development and production world wide; it employs more than 30 percent of the nation's total high-technology work force; and it accounts for more than one-fourth of all export license applications received in Washington each year.

These factors lend particular credibility to the the countless anecdotes I have heard throughout California that together tell one story: A story of lost sales, withdrawn licenses, and an absence of confidence in our present system of controls that licenses will be awarded promptly and with a consistent rationale. The frustration is deep and pervasive.

I am convinced that the greater reach of U.S. export controls, the extraterritorial application of U.S. controls and the greater complexity of U.S. procedures undermine the original intent of controls—to restrict access of critical goods to Soviet bloc countries—and undermine the competitiveness of our high-technology industries as well. In a phrase, we kill two birds with one stone.

The overall economic costs to the U.S. associated with national security export controls is very difficult to quantify. However, the report completed for the NAS study concluded that the direct, shortrun economic costs to the U.S. economy was $9.3 billion in 1985. It also estimated a reduction in U.S. employment of 188,000 jobs. The cost to business to comply with the regulations is some half-a-billion dollars annually. The overall impact on the aggregate U.S. economy of the value of lost export sales and reduced R&D effort was estimated, conservatively, at $17.1 billion.

Compounding these statistics are the delays businesses often encounter in obtaining a license approval. The Commerce Department estimates an average of 27 days to process a license. The NAS survey found a 6-week average processing time, and moreover, found that 5 percent of applications took longer than 100 days to be processed. When you compare this with approval times in Japan of 2 to 3 days, the competitive disadvantage U.S. businesses face is obvious.

While it is difficult to quantify precisely the overall effects of U.S. export controls, these figures indicate the problems are serious and pervasive.

Commerce Secretary Baldrige has spoken out about the "Deamericanization" of global high-technology exports. By this he means a significant and growing shift away from the use of American products. Given the overcontrol of U.S. exports and the complex web of unilateral American restrictions, foreign companies are moving away from purchasing U.S. parts and components for their future products. California companies have told me that major foreign companies are instructing their managers to "design out" U.S. parts and components from their products to escape the complex and cumbersome U.S. reexport licensing requirements.

U.S. economic security is based on a creative and vibrant commercial sector that keeps ahead of the technological curve. Economic security is the foundation for our national security.

Imagine the effect of a decline in U.S. leadership in a sector such as semiconductors. It would have a devastating effect upon national security. While there are a number of measures that must be taken to retain the vitality of high technology in the United States reform in the export control sector must be a part of any response.

Before turning to a more detailed account of our bill, I would like to highlight a few of the main provisions.

First, a major area of reform concerns the role of the Department of Defense in the export control system. Increasing concern about Soviet access to Western technology ignited efforts by the United States, spearheaded by the Department of Defense, to tighten export controls on "dual use" items for national security purposes—technology or products that have both commercial and military applications.

The rising tension caused by the zeal with which the Department of Defense has sought to restrict exports has caused gridlock throughout the entire system. DOD's increased presence and role in controlling dual use technology exports has amounted to a de facto veto power over the export licensing and control process in areas ranging from slowing effective implementation of the foreign availability provisions of the 1985 act, to delaying action to liberalize trade with the PRC, to creating uncertainty and delays in the licensing of individual cases.

The Congress and the President gave the Secretary of Commerce the lead and controlling role in the administration of the Export Administration Act. Ultimately, reconfirmation of this fact and institutional clarification of the Defense Department's role in the licensing process would be the most useful reform we could make. The confusion and incessant in-fighting is the root problem in our export control regime.

We do not change the ability of the Defense Department to review licenses, but make two reforms:

First, we put some teeth into the time frame in which DOD reviews a license. Specifically, when a license is referred to DOD, Defense will have 10 days to make its recommendation—good, bad or indifferent. Only in cases where the Defense Department recommends denial and where the Secretary of Commerce differs with that assessment, the matter is referred to the President. He will then have 10 days to make a decision.

Also, we recommend eliminating the requirement that the President must notify the Congress when he disagrees with his Secretary of Defense on whether a certain license should be issued or whether a certain item should be added to, or deleted from, the control lists. We find this requirement astonishing, indeed unprecedented. The President is the Commander in Chief of the Armed Forces and as such should not be required to notify the Congress when he disagrees with the Defense Secretary. We believe this requirement has been used more as a tool of intimidation than having any real value in the process.

Second, with certain exceptions, we propose eliminating licenses and reexport licenses to Cocom countries for those products subject to multilateral controls within Cocom. With more than 99 percent of licenses for Cocom routinely approved, the United States is clearly licensing too many items. By focusing on the highly critical items—those items that require an individual validated license and are not eligible for a distribution license—our proposal will cut licensing requirements to Cocom by 82 percent. The United States will be better able to focus export control resources on those items that are most critical.

We have also proposed: requiring the Secretary of Commerce to publish a list of those unilateral controls the U.S. maintains together with a specific justification for each control; decontrolling low level technology to free world destinations; permitting distribution licenses for the People's Republic of China; redefining foreign availability to include west-west trade and requiring the Commerce Department to make a decision on alleged foreign availability within an established time period; ensuring industry's voice is represented in negotiating sessions with our Cocom allies; and updating language on licensing requirements for embedded microprocessors.

The point of these reforms is straightforward: The United States will succeed in limiting technology transfers to the East only to the degree that we coordinate efforts and cooperate with our Cocom allies to enact effective multilateral controls. Given the globalization of the high-technology industry, unilateral controls will not be effective for national security purposes, and in the end will undermine the competitiveness of U.S. industry.

What follows is a more detailed review of the bill.

COCOM DELICENSING

National security export controls exist to deny the Soviet Union and Eastern bloc countries access to strategic technology that would further those countries' military capabilities. Since 1949, the United States has cooperated with its allies, through a group known as Cocom, to control the export of "dual-use technology," that is, commercial goods and information that would be of value to the Warsaw Pact military capabilities.

Cocom, the Coordinating Committee on Multilateral Export Controls, is a group of 16-member nations that have agreed to restrict strategic exports to controlled countries. Cocom members are allies of the United States and include the NATO countries and Japan. Iceland is not included because that country has not been a significant manufacturer of high-technology goods.

We have proposed to eliminate the licensing requirement on most exports to our allies—the Cocom countries. No license would be required for controlled exports to Cocom if the commodity is currently eligible for export under a distribution license. This would eliminate approximately 82 percent of the licenses to Cocom—88 percent by total value.

Commodities that are highly critical and require an individual validated license would continue to require an individual validated license. These items include: commodities that have sensitive nuclear uses; commodities whose primary use is military; electronic or other devices primarily used for surreptitious interception of wire or oral communications; commodities listed as in short supply; and aircraft parts and accessories that have primarily a military application.

To ensure that the United States knows what controlled items are being shipped and to whom, the Secretary of Commerce may require an exporter to notify the Department of Commerce of those exports. Existing import certificate/delivery verification procedures could be modified to provide an equally effective and less burdensome alternative to individual licensing among Cocom governments. The Secretary will continue to be able to review goods shipped to specified end users and could require licenses if he found a Cocom country engaging in a pattern and practice of noncompliance with Cocom agreements.

In fiscal year 1985, Commerce approved over 99.8 percent of licenses to Cocom. Clearly, the United States is licensing too many items to our allies.

The concept of a Cocom-free license zone is not a new idea. In 1983, the House of Representatives passed legislation establishing a license-free Cocom zone. The provision was later dropped in conference. The United States currently permits shipments of commodities to Canada for use in that country without export licenses. The United States should build upon and extend a Canadian-like model to other allies.

The effectiveness of our multilateral export control system hinges more on how Cocom as a whole controls exports to non-Cocom countries than on whether members license exports to each other. In our view, the United States should spend less time regulating exports to our allies and concentrate much more time and effort in orchestrating an effective, coordinated response to deal with diversion of critical technology from non-Cocom countries that do not necessarily share similar national security concerns or a similar world view.

REEXPORT DELICENSING

Paralleling the decontrol of licensing requirements to Cocom, our bill eliminates reexport licensing requirements within and to Cocom countries for those goods eligible for a distribution license. For highly sensitive commodities, those that require an individual validated license as explained above, a reexport license would continue to be required.

The United States extends the authority of its export control laws and regulations well beyond its national territory. The United States is the only Cocom member which licenses reexports. Once an item has left the United States and been exported to a company in France, for example, that French company must get the approval of the U.S. Government should it want to reexport that product to West Germany or any other country.

Our Cocom allies are strongly critical of this extraterritorial application of U.S. export control laws and consider them an infringement of Cocom members' sovereignty. Apart from the legal merits of this issue, it is clear that U.S. reexport requirements are having an increasingly corrosive effect on relations with our allies and are undermining the effectiveness of the Cocom alliance. If other countries followed the U.S. example, the international trading system would come to a stop. Permission would be needed from several different governments to export products containing components from different parts of the world. Such a situation would be untenable.

The effectiveness of U.S. reexport controls is highly questionable. The NAS study found that the U.S. approach is ineffective for two reasons:

> First, if direct controls by the host government do not adequately deter questionable sales, indirect controls asserted from a considerable distance are unlikely to be any more effective. Second, because the COCOM countries are not merely conduits of U.S. goods and technology but the source of equally sophisticated items of interest to the Soviet bloc, any policy that fails to address directly the weaknesses of COCOM is self-deluding.

Perhaps the most serious result of U.S. reexport system is the degree to which we hurt our own exporters. The overwhelming majority of reexport applications are from the foreign affiliates of U.S. headquartered companies. Unrelated foreign firms initiate only 10 percent of reexport applications. The disparity is even greater in the case of applications from Cocom member countries. The NAS study maintains it is reasonable to conclude that non-U.S. firms based in other Cocom countries frequently ignore or are unaware of U.S. reexport authorizations requirements.

In greatly reducing reexport licensing requirements, our aim is to use export control resources more wisely by stopping ineffective controls that serve mainly to hamstring our own exporters without reaping measurable gains in controlling exports to our adversaries.

DECONTROL OF LOW-LEVEL TECHNOLOGY

Approximately 30 percent of high-technology trade is for goods below the AEN, or administrative exception note, level. The AEN level describes low technology commodities that can currently be approved for sale to non-Cocom destinations solely by national discretion. In other words, an exporter from a Cocom country can export an AEN level commodity by simply notifying its government. No prior approval by Cocom or a license is required.

However, under current law, U.S. businesses need a license to export the same goods to non-Cocom, or other free world destinations. Our proposal would eliminate licensing requirement for these low-level exports to the Free World, thus providing businesses with an even playing field to compete in these product categories.

Products below the AEN level are already available uncontrolled throughout the world. The NAS study found these controls are essentially a paper exercise. A sample of processed applications contained no AEN cases that were either denied or returned without action. This is another example of U.S. overcontrol of goods where the United States imposes unilateral licensing requirements, costs, restriction, and uncertainties that are not borne by foreign-based competitors.

UNILATERAL CONTROLS

We have added a requirement that the Secretary of Commerce review annually items that the United States controls unilaterally and require that those items that are no longer appropriate be deleted. A list of remaining controls is to be published in the Federal Register with a justification for continuing a unilateral control.

The intent here is to force a closer analysis by the U.S. Government of the items it controls unilaterally and to encourage action by the U.S. Government to bring our Cocom partners into the process of controlling that item. Unilateral controls should be imposed only in cases where the United States is the sole-source manufacturer. Otherwise, unilateral controls should be viewed as temporary measures, used only until the United States has an opportunity to present sufficient evidence to persuade its allies to cooperate in the control of the good.

FOREIGN AVAILABILITY

Implementation of the foreign availability provisions of the law have been disappointing. The concept of foreign availability is simple: In case where there is foreign availability of a U.S. controlled item, that good should be decontrolled.

The working definition of foreign availability is another matter. It has proved too limiting to carry out the practical concept of foreign availability. The Export Administration Act regulations define foreign availability as follows:

> "Foreign availability" for a national security-controlled item exist when the Secretary of Commerce determines that a non-U.S. origin item of comparable quality is available-in-fact to proscribed countries in quantities sufficient to satisfy their needs to that U.S. exports of such an item would not make a significant contribution to the military potential of such countries.

This means that a non-Cocom origin item must be available to adversaries in quantities sufficient to satisfy their military needs. In practice, this working definition has proven ineffective in decontrolling items. In the 4 years since the Office of Foreign Availability has been in existence, there have been only three positive foreign availability findings, leading to preliminary decontrol decisions.

The failures of the foreign availability provisions are both procedural and substantive. There are no specific time constraints placed upon the completion of foreign availability determinations. We have proposed some processing time limits. The Department of Commerce would be required to let the exporter know within 15 days that the allegation had been received. Commerce would then have 3 months to make a determination, subject to a 6-month extension should the President request time to negotiate multilateral controls on the item to control its foreign availability.

We have also made substantive changes to deal with what is commonly known as west-west foreign availability. In other words, we require that the uncontrolled availability of goods and technology in Free World countries be sufficient grounds for making a foreign availability determination and decontrol of that item to the West. The Secretary of Commerce is required to license exports to any Free World destination if the end user can obtain that comparable item from another source not subject to control.

To streamline the process of deciding a foreign availability case, we reiterate that a foreign availability determination is under the purview of the Department of Commerce. This is not a new requirement; but, rather a reconfirmation of the status quo. We expect that other appropriate agencies would continue to provide technical input into the decisionmaking process.

DEPARTMENT OF DEFENSE ROLE

The Export Administration Act gives the Secretary of Defense broad authority to review licenses to any country to which exports are controlled for national security purposes and to make its recommendations to the President. The bill does not change that authority. It does put teeth into the timeframe DOD has to review a referred license: When a license is referred to DOD, Defense will have 10 days to make its recommendation—good, bad or indifferent. Only in cases where the Defense Department recommends denial and where the Secretary of Commerce differs with the assessment, the matter is referred to the President. He will then have 10 days to make a decision. In the absence of action, the Secretary of Commerce's decision shall stand. In cases of conditional responses from Defense, the Secretary of Commerce shall regard such recommendations as advisory.

Also, we have proposed the elimination of the requirement that the President, the Commander in Chief of the armed services, notify Congress in the event he disagrees with his Secretary of Defense on matters concerning individual licenses or items added to or deleted from the control lists. This requirement is unprecedented and has contributed to the de facto veto authority DOD has exercised over the export control process.

These reforms are intended to streamline the decisionmaking process, giving businesses greater certainty that their licensing requests will be handled in an expeditious and rational manner.

There are a number of other revisions that we have made. Senator EVANS has taken the lead in advocating that the Department of Commerce and the Department of Defense combine their data bases so that agencies are making decisions from the same information. And I will, therefore, leave to him a fuller explanation of this provision. In addition, we have required the appointment of a representative from the electronics industry to the Cocom negotiating team to bring industry expertise to the delegation. We have clarified existing law regarding the control of goods containing embedded microprocessors, essentially bringing the statutory language up to date with existing technology, and permitted the use of a distribution license for certain exports to the People's Republic of China.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 652

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "High Technology Trade Enhancement Act of 1987".

SEC. 2. MULTIPLE LICENSE AUTHORITY.

Section 4(a)(2)(A) of the Export Administration Act of 1979 (hereafter in this Act referred to as "the Act") is amended in the first sentence by inserting "(except the People's Republic of China)" after "controlled countries".

SEC. 3. INTEGRATED CASE REVIEW SYSTEM.

Section 4 of the Act is amended by adding at the end thereof the following:

"(g) INTEGRATED CASE REVIEW SYSTEM.—The Secretary, in consultation with all appropriate agencies, shall develop a plan to implement a fully integrated export licensing case review system.".

SEC. 4. EXPORTS TO MEMBERS OF COORDINATING COMMITTEE.

(a) AMENDMENT.—Section 5(b)(2) of the Act is amended to read as follows:

"(2)(A) Except as provided in subparagraph (B), no authority or permission may be required under this section for the export of goods or technology to a country which maintains export controls on such goods or technology cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee or pursuant to an agreement described in subsection (k) of this section if the goods or technology were eligible for export under a bulk license specified in section 4(a). The Secretary may require any person exporting any goods or technology under the provisions of this paragraph to notify the Secretary of Commerce of those exports.

"(B)(i) The Secretary may require a license for the export of such goods or technology to such end users as the Secretary may specify by regulation.

"(ii) The Secretary may require a license for the export of such goods or technology to a country if the Secretary determines that such country is engaging in a pattern and practice of noncompliance with the Coordinating Committee agreement or other applicable agreement.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be effective 6 months after the date of enactment of this Act.

SEC. 5. AUTHORITY FOR REEXPORTS INVOLVING MEMBERS OF COORDINATING COMMITTEE.

Section 5(b) of the Act is amended by adding at the end the following:

"(3)(A) Except as provided in subparagraph (B), no authority or permission required under this section for the reexport of any goods or technology subject to the jurisdiction of the United States to any country which maintains export controls on such goods cooperatively with the United States pursuant to the agreement of the group known as the Coordinating Committee or pursuant to an agreement described in subsection (k) of this section if the goods or technology were eligible for export under a bulk license specified in section 4(a).

"(B) The Secretary may require a license for the reexport of such goods to such end users as the Secretary may specify by regulation.".

SEC. 6. EXPORT OF LOW TECHNOLOGY ITEMS.

Section 5(b) of the Act is amended by adding after paragraph (3) the following new paragraph:

"(4) No authority or permission to export may be required under this section for the export to any country other than a controlled country of any goods or technology which, if it were made pursuant to the agreement of the group known as the Coordinating Committee, would require only notification of participating governments of the Committee. The Secretary may require any person exporting any such goods or technology to a country other than a controlled country to notify the Department of Commerce of those exports.".

SEC. 7. CONTROL LIST.

Section 5(c) of the Act is amended—

(1) by adding at the end of paragraph (2) the following: "The President shall notify the Secretary of his determination with respect to the inclusion of such items on the list not later than 10 days after such referral. Whenever the President fails to notify the Secretary pursuant to this paragraph within the 10-day period, the Secretary shall proceed as though the Secretary's view regarding the inclusion of such items on the list was adopted.";

(2) in the third sentence of paragraph (3) by striking "an opportunity" and inserting "a 30-day period"; and

(3) by adding after the third sentence of paragraph (3) the following: "Notwithstanding paragraph (2), after consideration of comments and consultation with appropriate heads of departments, the Secretary shall make a determination of any revisions in the list not later than 15 days after the end of the review period.".

SEC. 8. ELIMINATION OF UNILATERAL CONTROLS.

Section 5(c) of the Act is amended by adding at the end the following:

"(4) Pursuant to the review procedures in paragraph (3), the Secretary shall eliminate each year all items on the control list maintained unilaterally by the United States except for controls on goods or technology in which foreign availability does not exist or which the United States is actively pursuing negotiations to achieve multilateral cooperation. The Secretary shall publish in the Federal Register each year a list of those unilateral controls that are not eliminated together with a specific justification for each such control and report to Congress the steps that are being taken to gain multilateral cooperation.".

SEC. 9. MILITARILY CRITICAL TECHNOLOGIES.

Section 5(d) of the Act is amended—

(1) in the first sentence of paragraph (2) by inserting immediately before the period ", in consultation with the Secretary";

(2) in the first sentence of paragraph (5) by inserting ", in consultation with the Secretary," after "Defense"; and

(3) in the second sentence of paragraph (5) by inserting ", in consultation with the Secretary," immediately before "determines".

SEC. 10. FOREIGN AVAILABILITY.

(a) AVAILABILITY IN PARTICULAR COUNTRIES.—Section 5(f) of the Act is amended—

(1) in the first sentence of paragraph (1) by inserting "including sources within any such country and" after "sources outside the United States,";

(2) in the second sentence of paragraph (1)—

(A) by striking "controlled countries" and inserting "a country to which exports are controlled under this section"; and

(B) by inserting "to that country" before "during the period of such foreign availability".

(b) Foreign Availability Determinations.—

(1) Section 5(f)(1) of the Act is amended by adding at the end thereof "Except as provided in paragraph (4), the Secretary shall have authority to make a foreign availability determination under this subsection notwithstanding the approval or disapproval of any other official, department, or agency.".

(2) Section 5(f)(3) of the Act is amended to read as follows:

"(3)(A) The Secretary shall make a foreign availability determination under paragraph (1) or (2) with respect to goods or technology on the Secretary's own initiative or upon receipt of an allegation from an exporter or a representative of an exporter or group of exporters that such availability exists. The Secretary shall publish in the Federal Register notice of the commencement of any investigation to make such a determination on the Secretary's own initiative, or on the basis of the receipt of such an allegation, as the case may be. Within 15 days of receipt of an allegation, the Secretary shall also publish the date of the receipt of the allegation. In making any such determination, the Secretary shall accept the representations of exporters, or their representatives, which are made in writing and supported by any evidence. The Secretary may not require a validated license for the export of goods or technology at the end of the 3-month period beginning on the date of the notice of an investigation on the Secretary's own initiative, or on the date of the receipt of an allegation, with respect to such goods or technology, unless—

"(i) the Secretary determines, on the basis of the weight of the evidence, that foreign availability of the goods or technology does not exist, or

"(ii) the President has made a determination under paragraph (4) that it is in the national security interests of the United States to eliminate any such foreign availability.

The Secretary shall publish any determination under the preceding sentence in the Federal Register.

"(B) In making determinations of foreign availability the Secretary may consider such factors as cost, reliability, the availability and reliability of spare parts and the cost and quality thereof, maintenance programs, durability, quality of end products produced by the item proposed for export, and scale of production. For purposes of this paragraph 'evidence' may include such items as foreign manufacturers' catalogues, brochures, or operation or maintenance manuals, articles from reputable trade publications, photographs, and depositions based upon eyewitness accounts. For purposes of this subsection, 'comparable quality' means the availability in fact of goods or technology that are practical or functional substitutes for a good or technology.".

(c) Negotiations by the President.—

(1) For national security reasons.—Section 5(f)(4) of the Act is amended in the first sentence by striking "export controls" and all that follows through "United States" and inserting "the President determines, with respect to the commencement of an investigation of foreign availability by the Secretary under paragraph (3), that it is in the national security interests of the United States to eliminate any such foreign availability".

(2) Negotiating period.—Section 5(f)(4) of the Act is amended by striking the third sentence.

SEC. 11. EXPORT CONTROLS ON GOODS CONTAINING CONTROLLED PARTS AND COMPONENTS.

Section 5(m) of the Act is amended to read as follows:

"(m) Goods Containing Controlled Parts and Components.—Export controls may not be imposed under this section or any other provision of law on a good solely on the basis that the good contains controlled parts or components if such parts or components are essential to the functioning of the good, are customarily included in sales of the good in noncontrolled countries, and comprise less than 35 percent of the value of the good, unless the good itself, if exported, would by virtue of the functional characteristics of the good as a whole make a significant contribution to the military potential of a controlled country which would prove detrimental to the national security of the United States.".

SEC. 12. NATIONAL SECURITY REVIEW.

(a) Department of Defense Review.—Section 10(g) of the Act is amended to read as follows:

"(g) Special Procedures for Secretary of Defense.—(1) Notwithstanding any other provision of this section, the Secretary of Defense is authorized to review any proposed export of any goods or technology to any country to which exports are controlled for national security purposes and, whenever the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of any such country, to recommend to the President that such export be disapproved.

"(2) Notwithstanding any other provision of law, the Secretary of Defense shall determine, in consultation with the Secretary, and confirm in writing the types and categories of transactions which should be reviewed by the Secretary of Defense in order to make a determination referred to in paragraph (1). Whenever a license or other authority is requested for the export to any country to which exports are controlled for national security purposes of goods or technology within any such type or category, the Secretary shall notify the Secretary of Defense of such request, and the Secretary may not issue any license or other authority pursuant to such request before the expiration of the period within which the President may disapprove such export. The Secretary of Defense shall carefully consider any notification submitted by the Secretary pursuant to this paragraph and, not later than 10 days after notification of the request, shall—

"(A) recommend to the President and the Secretary that the President disapprove any request for the export of the goods or technology involved to the particular country if the Secretary of Defense determines that the export of such goods or technology will make a significant contribution, which would prove detrimental to the national security of the United States, to the military potential of such country or any other country;

"(B) notify the Secretary that he would recommend approval subject to specified conditions; or

"(C) recommend to the Secretary that the export of goods or technology be approved. Whenever the Secretary of Defense fails to make a recommendation of notification pursuant to this section within the 10-day period, the Secretary shall approve or deny the request for a license or other authority to export at the Secretary's discretion. Whenever the Secretary of Defense makes a recommendation to the President pursuant to subparagraph (2)(A), the Secretary shall also submit his recommendation to the President on the request to export if the Secretary differs with the Secretary of Defense. If the President notifies the Secretary, within 10 days after receiving recommendations from the Secretary of Defense and the Secretary, that he disapproves such export, no license or other authority may be issued for the export of such goods or technology to such country. Whenever the President fails to notify the Secretary pursuant to this subsection within the 10-day period, the Secretary shall proceed to act upon the request for a license or other authority to export.

"(3) The Secretary shall approve or disapprove a license application, and issue or deny a license, in accordance with the provisions of this subsection, and, to the extent applicable, in accordance with the time periods and procedures otherwise set forth in this section.".

(b) General Accounting Office Report.—The Comptroller General of the United States shall, during the 3-year period beginning on the date of the enactment of this Act, review the effect of the amendments made by this section on export control procedures under the Act and shall, not later than the end of each 1-year period during that 3-year period, submit a report to the appropriate committees of the Congress concerning procedural improvements to ensure the removal of export controls under the Act without adversely affecting the national security interests of the United States.

SEC. 13. INDUSTRY REPRESENTATIVE TO COCOM.

The President shall appoint at least one person representing the electronics industry in the United States to be an advisor to the United States delegation to the Coordinating Committee on Export Controls, whose function shall be to participate in negotiations with respect to the agreement of the Coordinating Committee.

● Mr. EVANS. Mr. President, I am pleased to join today with my coauthor, Senator Cranston, to introduce a bill to improve our export control program.

This legislation is in response to growing complaints from U.S. exporters and an expanding body of criticism from independent analysis such as the General Accounting Office and the National Academy of Sciences about Government efforts to control exports of commercial goods which also could have military applications, so-called dual-use items.

It is not surprising that problems exist. Administering the Export Administration Act properly requires a careful balancing of two fundamentally contradictory propositions. As a democratic society with a free-market economic orientation, our natural inclination is to promote broad dissemination of our ideas and our products. At the same time, we are responsible for guaranteeing the security of the free world. To meet that obligation, we must take appropriate steps to deny to potential adversaries any resources which might provide them with a militarily significant advantage.

In recent years, Soviet-bloc efforts to acquire militarily significant technology from the West have intensified. Information from the Department of Defense [DOD] and the intelligence community suggest that this increased effort has paid dividends for United States adversaries. According to the DOD report, "Soviet Acquisition of Militarily Significant Western Technology: an Update," "virtually every Soviet military research project * * * benefits from these technical documents and hardware."

Nevertheless, in its most recent report to Congress, the Joint Chiefs of Staff have concluded that the United States is equal to or ahead of the Soviet Union in the 20 "most important basic technology areas."

The National Academy of Sciences reached a similar conclusion in an export control study released last month. "Although in some cases different conclusions may be drawn, the panel has determined that for most types of dual-use technology the Soviet Union is on average 5 to 10 years behind the West and does not appear to be closing the gap."

However, if the Joint Chiefs compared U.S. technology achievements with those of our friends rather than our adversaries, it is not clear they would reach a similar conclusion. The National Academy of Sciences concluded in their report that the United States faces significant competitive challenges from free world countries in a number of key technology areas. In fact, in some of these areas the United States is no longer leading the world.

Japan is the acknowledged leader in several semiconductor technology and commercial products categories. A recent Defense Science Board study asserted that semiconductor technology leadership is "the key" to leadership in electronics generally.

The Japanese also have a clear lead in technologies critical for fiber optics and are mounting a serious challenge in computer hardware and software development. The European Community and others are moving aggressively to develop independent space programs.

Our dominance of the commercial aviation market is being challenged. Between 1980 and 1985 Airbus captured 17 percent of the world market. As late as the mid-1970's, U.S. firms sold 95 percent of the world's commercial aircraft.

These and other countries are rapidly developing state-of-the-art capabilities in biotechnology, robotics, machine tools, and new materials such as high-performance ceramics.

Overall, we still lead the world technology race. But we cannot expect to continue to play a leading role in new technology development in the future if we unduly restrict the activities of U.S. firms in the world marketplace.

We recognize that it is important to do what we can to limit Soviet bloc access to our highest technology products because many of these products have potential military applications. But it makes little sense to focus so intently on controlling exports of our technology that we impede our own efforts to conquer the next technological frontier. In the technology race, we must pursue a combined strategy of restraining our opponents and running faster ourselves.

This bill will help move us toward a more appropriate balance in our export control process. We will significantly reduce the licensing burden for exporting all but our highest technology goods to our NATO allies and Japan and will allow license-free shipment of low-technology goods to other free world nations. As a result, the Departments of Commerce and Defense can focus their efforts on controlling exports of high technology goods of greatest military value.

Reexport control revision is another area we address. Improvement of our multilateral export control system depends on improved cooperation among Cocom nations and others with whom we have Cocom-like agreements. Extraterritorial operation of our export control laws continues to be an impediment to better cooperation. As a result, we have eliminated any requirement for U.S. authorization of reexports within Cocom for everything except goods in the highest technology category.

We also will streamline the process of decontrolling goods for which functionally equivalent substitutes are available elsewhere in the world and will mandate annual review of the list of unilaterally controlled U.S. items.

Of particular importance is the provision relating to the Department of Defense. Current law gives DOD excessive leverage in the interagency review process by not setting forth a defined dispute resolution process and by requiring the President to notify Congress in every case he disagrees with a Defense Department recommendation to deny a license. Our bill deletes the reporting requirement and establishes a time limit for resolving Commerce-Defense licensing disagreements.

In addition, our bill will provide for a variety of procedural changes that should result in a more efficient and effective export control program.

With each passing day, the world economy is changing. More and more countries are getting aboard the high technology train to the future. We must make every effort, consistent with our security obligations, to make certain we are on board when the train arrives.●

By Mr. HEINZ (for himself and Mr. GARN):

S. 653. A bill to amend the Bank Holding Company Act of 1956 with regard to export trading companies; to the Committee on Banking, Housing, and Urban Affairs.

BANK HOLDING COMPANIES

● Mr. HEINZ. Mr. President, today I am introducing a portion of the administration's Trade, Employment, and Productivity Act that would strengthen the Export Trading Company Act of 1982 and improve U.S. export promotion efforts. I do so with great enthusiasm because this bill incorporates both bank ETC amendments and a commerce trade data system that I introduced in the 99th Congress and which the Banking Committee reported without objection last September. It is heartening to see these issues recognized as a vital element of the effort to restore U.S. competitiveness.

I believe there is no longer any question that restoring competitiveness has become one of our highest national priorities. When I authored the original ETC Act in the Senate in 1981, a $40 billion trade deficit—small by today's standards—was already signalling the decline of our competitive posture. I argued that America must change its attitude toward trade and recognize that expanding U.S. exports was of vital importance to the health of our economy. The ETC Act made unprecedented changes in banking and antitrust laws and its passage offered promise that aggressive U.S. export trading companies would provide the leadership needed to restore our competitive edge.

Five years later, one has only to look at the U.S. trade figures to see the failure of America's export promotion efforts. The U.S. trade deficit has increased 325 percent to $170 billion. While real GNP has grown 13 percent and imports have risen an incredible 42 percent, exports have actually declined by 7 percent over 5 years. The often irrational regulation of our ETC's and our export control system, halfhearted Government efforts to promote exports, and the dismal performance of our Export-Import Bank combine to create an impression that our Government views exporting as something best left to other nations.

The accumulation of record deficits and the drift of our export policy cannot continue without undermining our prosperity and threatening economic welfare worldwide. I believe that strong and effective export trading companies must be important component of our new competitiveness.

In making my case for changes to the 1982 ETC Act, I would first like to review what was intended by the law and how it has worked. The Act clearly delineated circumstances under which banks could engage in international, trade-related activities where there was a great need for their participation but which had previously been offlimits under the Glass-Steagall Act. This step was taken without prejudicing the safety and soundness concerns that have characterized our bank regulatory policies for the past 50 years. The act also clarified existing antitrust laws and enforcement policies by clearly defining, in the form of a certificate, the types of coordinated activities companies could undertake to promote exports.

Despite these vitally important changes in the law, the act has failed to live up to expectations. As of December 1986, Commerce had issued only 70 certificates of review involving 300 firms, and only a half-dozen of those in all of 1986. A total of 43 bank ETC's had been formed but only 28 of those, representing $85 million of investment, remained in active operation.

Lackluster ETC performance since 1982 has, of course, been partially a result of the dismal environment for U.S exports overall. When the new ETC law was signed, the dollar's value was skyrocketing and key markets in Latin America collapsing under the weight of the debt crisis. In remaining healthy markets, potential exporters of high-technology goods and an array of services in which the United States enjoys a comparative advantage were blocked by trade barriers. It would have been a truly dedicated entrepreneur indeed who chose to take on the normal start-up problems of a young ETC in such a dismal trading environment. What really troubles me, however, is the fact that those hardy souls that did overcome adversity and start ETC's are either marginally profitable, retrenching, or out of business.

Based on my review of the operations of these companies, I believe it is clear that their viability was limited by flaws in the 1982 legislation and more importantly by over-cautious and inappropriate implementation of the 1982 Act. Consequently, the bill I am introducing today would strengthen those portions of the law that in their intent or application have proved impediments to the formation of ETC's.

I am convinced that a strengthened law can provide the export stimulus we all hoped for in 1982 and my conviction is supported by recent legal developments. In January, a challenge to the Commerce anti-trust certificate process was rejected by the U.S. Circuit Court for the Third District, thereby clarifying the antitrust protections in the law. That decision has prompted a flurry of applications from potential ETC's that had been on the sidelines. Whereas only a half dozen certificates were granted in all of 1986, applications are now coming in at the rate of one a week.

This bill incorporates langauge on bank ETC's reported by the Banking Committee last September, and adds technical amendments related to the Commerce certificate of review process. The first four amendments address the problems facing banks interested in operating ETC's. Passage of the 1982 law was intended to open the door for banks to engage in trade related activities in order to take advantage of the increasing link between trade and finance in world trade. Unfortunately, some provisions of the act and the Federal Reserve Board's interpretation of others have been so restrictive that the open door seems more illusion than reality. A 1986 GAO study of bank ETC's agrees with my conclusions and is fully supportive of the changes I am proposing.

The 1982 Act requires that ETC's be organized and operated principally for purposes of exporting goods or services produced in the United States. . . . This langauge placed appropriate emphasis on export activity and the Federal Reserve interpreted it to mean that more than 50 percent of an ETC's income must come from exports. The effect of this interpretation has been to count third-country transactions effectively as imports since earnings from exports must exceed earnings from all other sources.

This penalty for third-country transactions is inappropriate. Such deals do not adversely affect the U.S. merchandise trade balance. In fact, they represent important profit opportunities for ETC's that increase U.S. services income and they build business relationships.

A second related problem with the Federal Reserve's interpretation of the definition of an ETC is the Fed's exclusion of all earnings from export of services produced by the ETC itself or an affiliate as export-related income. This not only understates export income but effectively prevents an ETC from setting up a division abroad that provides services. This is an unnecessary and unwarranted constraint on ETC activity.

This bill would solve both of these problems by counting the revenue derived from third-country transactions and other services as export revenue for purposes of the ETC revenue test, eliminating these penalties and impediments to ETC activity.

I note that the administration has not included one important provision in this section that was included in the Banking Committee's bill last year at the request of Senator D'AMATO. That language reaffirmed restrictions in current law on securities and insurance activities of bank ETC's. This is an important clarification and I support its inclusion in the legislation. I am confident that when this bill is again considered by the Banking Committee that it will be reinstated.

To protect the safety and soundness of banks getting involved in the export trading business, the ETC Act placed quantitative limits on bank extensions of credit of affiliated bank ETC's. This protection is duplicated by section 23A of the Federal Reserve Act which both sets lending limits and defines collateral requirements that must be met when institutions like ETC's borrow from affiliated banks. This duplicative collateral requirement has proven unnecessarily onerous because of the nature of ETC collateral. Especially for young ETC's, accounts receivable are the principal form of collateral and must equal 120 percent of an extension of credit under section 23A. This bill would simply exempt ETC's from the requirements of section 23A while maintaining the quantitative limits on bank lending to ETC's in the act to protect bank safety.

The next two sections of the bill address issues raised by the excessively conservative regulations established by the Federal Reserve relating to leverage and inventory limits. Current Fed regulations in these areas place significant bureaucratic impediments in the way of ETC applications and discourage otherwise sound proposals on the basis of single financial indicators.

Federal Reserve regulations require that applications proposing an asset to equity ratio of more than 10 to 1 be reviewed in Washington rather than at the regional Federal Reserve Banks. The common practice for ETC's in other countries is to operate with asset to equity ratios of 25 to 1, yet Fed regulations signal that ratios far below this level will face significant bureaucratic difficulty, delay and expense. The bill does not oppose establishment of a sensible guideline for reviewing ETC applications. It does require that the Board not disapprove an application solely on the basis of a proposed asset to equity ratio unless that ratio is greater than the 25 to 1 that prevails in competing countries.

A second problem arises from the Fed Board's requirement that proposals to permit an ETC to hold inventory in excess of $2 million also be referred to Washington. This figure is extraordinarily low, particularly as ETC's begin to expand. The bill would prohibit establishment of an arbitrary dollar limit on inventories and would require case-by-case review of such levels.

The next 10 amendments would make technical changes to clarify definitions, standards of review, and reporting requirements in the present ETC Act relating to Export Trade Certificates of Review. These provisions are intended to provide greater certainty in the application of the law and, in part, to codify the results of the recent decision by the Third Circuit Court of Appeals to which I previously referred.

The bill would amend certain definitions in the ETC Act to clarify the coverage of law. It would require that members seeking protection under a certificate be specified in the application, ensuring that the protections of the certificate would extend to all named members. It would distinguish between the definition of an applicant for a certificate under the act and person as used elsewhere in the act to ensure that no limit is placed on aggrieved parties who may bring suit under the act. It would make clear that the definition of exports may include transactions supported by Government credit thereby permitting holders of a certificate of review to respond to international tenders supported by U.S. Government credit.

The bill clarifies judicial review procedures in line with recent court action. It would delete the erroneous standard of judicial review in the act and replacd it with the clearly erroneous standard familiar to judges under the Administrative Procedures Act. It would establish clearly that the only record for judicial review of Commerce certificates under the act is the Commerce Department's administrative record in keeping with normal practice under administrative law. It also establishes that the standard of review of the Secretary's determination is whether it was based upon substantial evidence.

The bill would clean up some minor technical problems with the act. It would require that the Secretary of Commerce submit notices of ETC application to the Federal Register within 10 days of receipt. Current language calls for publication within 10 days which is often impossible and is clearly a matter outside the Secretary's control. The bill would also tighten the requirement for annual reports by holders of certificates of review to ensure that the reports provide not only an update of the original application but sufficient information to permit Commerce to certify that conduct under the certificate complies with the standards set in the act.

The bill unifies the standards for antitrust review in the law into a single standard that reflects current antitrust law and policy. The enumeration of four standards has caused confusion to the business community with regard to internal consistency and consistency with other anti-trust law. The unified standard is intended to ensure such consistency while continuing to proscribe anti-competitive practices, measures that would unreasonably control prices in the United States, and unfair methods of competition.

The final element of the bill would establish an export promotion data system in the Commerce Department as an aid to exporters. It sets standards and requirements for the system, calls for implementation during fiscal year 1987 and a report to Congress on progress made within 6 months of enactment. Within 18 months, a further study is to be undertaken assessing possible expansion of the system and including recommendations for administrative and legislative actions needed to implement an expanded system.

I note that the administration bill instructs the Secretary of Commerce to deliver his final report on the expanded system to the Senate Finance Committee and the Trade Committee of the House. Since export promotion activities are clearly within the jurisdiction of the Banking Committee, it would be my plan to amend this instruction to the Secretary during Banking Committee mark-up of trade legislation.

Mr. President, the proposed legislation I have outlined today would correct serious weaknesses in the U.S. export promotion effort. Most importantly, it would address problems with the Export Trading Company Act that have become clear in the 4 years since its enactment. I would not pretend to suggest that these changes by themselves will lead to the creation of thousands of new ETC's. A resurgent outlook of ETC's depends on improvements in the ETC Act but also a turnaround in the broad environmental factors that have so badly depressed U.S. exports in general.

Ongoing developments in the trade environment offer signs of hope. The dollar's value, which provided such a powerful disincentive to U.S. exports in recent years, has declined more than 30 percent from its peak in 1985. Introduction of a number of omnibus trade bills, including the administration's competitiveness package, have created a positive climate for necessary changes in trade laws to improve our competitive position. In this improving competitive environment, I believe that the changes I am proposing in the ETC Act can result in development of strong and aggressive export trading companies that will play the leading role that we all hoped for in enacting the original law in 1982.●

By Mr. HEINZ:

S. 654. A bill to make various amendments to the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EXPORT ADMINISTRATION AMENDMENTS ACT

● Mr. HEINZ. Mr. President, it is with a great deal of satisfaction that I rise today to introduce export control reform proposals put forward by the administration in the Trade, Employment, and Productivity Act. This is a welcome task because it reflects a recognition by the administration of serious problems in the U.S. export control system that continue to plague U.S. exporters despite a major overhaul of the system in 1985.

When we amended the Export Administration Act, it was the intent of Congress that the system become more effective at blocking Soviet access to technologies critical to their military effort, while at the same time becoming less intrusive into legitimate export activities of our high technology companies. I would say that, in general, significant improvements have been made in the system under the new legislation.

At the same time, export policy continues to err far too much on the side of caution. Too many low technologies are subject to control. A wide array of possible steps to remove technologies from the control list and simplify procedures for exports to safe destinations have not been taken.

I have been increasingly concerned about these problems and the cost our exporters have had to bear as a result of them. I believe the administration's bill focuses on many areas that are in need of reform, and I welcome it. At the same time, Senator DIXON and I have introduced a set of amendments to the Export Administration Act of 1979—bill S. 547—that addresses many of the same issues, but makes more significant reforms than the administration proposes. I look forward to a lively discussion of these various approaches to the issues in hearings and markup of legislation in the Banking Committee.

I include at this point for the record the administration's summary of the export control provisions in its competitiveness legislation.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

IMPROVING EXPORT CONTROLS

The following measures will streamline and improve our export controls program and eliminate undue burdens imposed by the program on American exporters, without sacrificing our national security objectives.

MULTIPLE VALIDATED LICENSE AUTHORITY FOR THE PRC

Current law does not permit establishment of distribution licenses or comprehensive operations licenses for any proscribed country.

New provision provides such authority to the PRC.

DOMESTIC SALES TO COMMERCIAL ENTITIES OF CONTROLLED COUNTRIES

Current authority to control transfers of items in the U.S. to embassies or "affiliates" of governments at which national security controls are directed does not clearly apply to commercial entities controlled by such governments.

New provision gives clear authority.

PROCEDURES FOR FOREIGN AVAILABILITY TO PROSCRIBED COUNTRIES

Current law provides no time limits (except for technical advisory committees) for completing assessments, nor for a grace period for interagency and international negotiations and decontrol. It also does not provide definition of foreign availability.

New provisions requires completion of assessments in 120 days; provides 60 days (180 days for multilateral decontrol) grace period; and, adopts generally the definition of foreign availability currently in the regulations.

FOREIGN AVAILABILITY TO FREE WORLD COUNTRIES-EXPEDITED LICENSING

Current law has no provision for assessment of foreign availability to Free World countries.

New provisions require such assessments and, if unrestricted availability is found to exist, U.S. licenses for shipments to such countries are deemed approved after 20 days (with 15 day extension possible), unless denied because of risk of diversion to proscribed countries.

OBJECTIVES FOR COCOM NEGOTIATION

New provision establishes guidelines for COCOM negotiations: That unilateral controls are ineffective, that multilateral controls must be enforced to be effective and that the control list should be shortened.

PRIOR CONVICTIONS

Current law authorizes DOC to ban use of export license upon conviction of a violation of specified statutes.

New provision adds EAA and IEEPA to the statutes listed.

ISSUANCE OF TEMPORARY DENIAL ORDERS

Current law establishes an "imminent violation" test for obtaining temporary denial orders (TDO). TDOs are effective for 60 days.

New provision adds another test: "to facilitate enforcement of the EAA." Also, extends the effective period of TDOs to 180 days.

Department of Commerce Contact: Kristin Paulson.●

By Mr. BREAUX:

S. 655. A bill to conserve the coastal wetlands of the United States; to the Committee on Environment and Public Works.

COASTAL WETLANDS RECOVERY ACT

● Mr. BREAUX. Mr. President, today I am introducing legislation designed to restore our Nation's vanishing coastal wetlands. These areas, once viewed as wastelands, have come to be recognized as some of our most valuable lands. They are valuable for more than their aesthetic qualities—although there is perhaps nothing more beautiful than a Louisiana marsh at dawn. They are valuable because they provide our Nation with incalculable economic benefits. The litany of benefits is not new to many Senators but it bears repeating. Almost all of the species important for commercial fishing spend some portion of their life cycles in wetlands or in estuaries. Our recreational fisheries, in which more than 50 million Americans participate and which generate billions of dollars for our economy, are dependent on wetlands as well. Wetlands play an important role in flood control, by absorbing floodpeaks and releasing water slowly. Along our coasts, they absorb the storm surges of hurricanes and tropical storms, protecting inhabited areas. They also provide for recharge of ground water aquifers, and act as natural filters to protect water quality. Finally, wetlands are habitat for many species of wildlife, including economically important furbearers and many species of waterfowl important to hunters and naturalists. Scientists estimate that the value of the many environmental and commercial features of wetlands could exceed $40,000 per acre.

Our efforts to protect valuable wetland resources have been significant. Through section 404 of the Clean Water Act, Congress has developed a program to regulate the dredging and filling of wetlands. Through the Duck Stamp Program, established in 1935, hunters have contributed more than $200 million for the protection of over 3 million acres of wetlands. Last year, Congress approved the Emergency Wetland Resources Act, which focused new emphasis and funding on our vanishing wetland resources. I am proud of my role as the primary author in the House of Representatives of that legislation. I am also pleased that last year the Congress approved a provision I sponsored in the Water Resources Act, authorizing the Corps of Engineers to create, protect, and enhance wetlands in conjunction with flood control projects in the lower Mississippi River valley. And Congress approved the so-called swampbuster provision of the farm bill last Congress, limiting incentives for conversion of wetland areas for agricultural purposes.

This partial list of accomplishments in wetland conservation is commendable, yet I believe we have not done enough to focus attention and resources on the problems of coastal wetland loss and degradation. These wetlands, among the most biologically productive ecosystems on Earth, not only suffer all of the damages inflicted in inland wetlands, they are also subject to erosion, saltwater intrusion, and the gradual rise of the sea level.

The situation in my home State of Louisiana is particularly dramatic. We are losing approximately 55 square miles of coastal wetlands each year. Scientists have estimated that, if the situation is not addressed, Plaquemines Parish, an area with a population of more than 26,000, will disappear in the next 50 years. In fact, a report issued by a group of Louisiana's coastal scientists predicts:

> If current trends continue, the ecosystem that supports the Nation's oldest bilingual culture, as well as 25 percent of the Nation's fishing industry, will be destroyed in the next century.

Although some of the worst problems occur in Louisiana, other areas of the Nation are being hit hard as well. By the year 2000, Connecticut is expected to lose 86 percent of its wetlands. San Francisco Bay has lost 75 percent of its marshes and Tampa Bay has lost 88 percent of its seagrasses and 46 percent of its mangroves.

It would be easy to say that these are local problems, best addressed by the States. But the fact is the Federal actions have often been a major cause of the problems and the resources lost are national if not international in scope. In Louisiana's case, scientists tell us that the channelization of the Mississippi River is one of the major causes of the erosion of our coastal wetlands. Coastal marshes are dynamic ecosystems, continually being replenished by sediment brought by spring floods and eroded by the waters of the sea. By taming the river, we have deprived the coastal marshes of the sediment needed to keep the system in balance. The channelization of the river not only provided benefits to New Orleans and Baton Rouge, but also to Cairo, IL, St. Louis, MO, and all of the millions of people who live in the 41 percent of the country that is drained by the Mississippi River.

The erosion problem has been exacerbated by the energy exploration and development which is so vital to our national security. Canals dug through the marshes for oil exploration, pipelines, and support services have not only destroyed coastal wetlands, they have allowed saltwater into marsh areas, killing the vegetation that literally holds the land together. The result has been an acceleration of the natural erosion processes.

The scope of the problem demands that we muster all of our resources to develop solutions. There are some, I am sure, who will say that we need to further study the problem before we act. Further research will undoubtedly be a significant aspect of our efforts to protect and restore our coastal wetlands. But the fact remains that we have been studying these areas for at least a decade and we have already learned much about coastal wetland loss. While much remains to be learned, I say that we don't have the time to simply continue to study but not act on the basis of our current knowledge. Wetland studies continue within EPA, the Departments of Commerce, Agriculture, and the Interior, and in major universities around the Nation. The normal planning period for a Corps of Engineers project can extend up to 17 years—17 years. At the current rate of loss, Louisiana will lose 935 square miles of wetlands in 17 years, an area almost the size of the entire State of Rhode Island.

In most cases, and particularly in Louisiana, we know the essential aspects of the problem. We also know some of the things we can do to address the problem. We can divert more freshwater and sediment into the marshes to build wetlands. We can provide sand to nourish barrier beaches and plant vegetation to help hold the land together. We can plug canals, put in water control structures and undertake other activities to restore these important areas. We just have to start.

That is why I am today introducing legislation to conserve the coastal wetlands of the United States. My legislation would put the Corps of Engineers into the business of restoring our Nation's wetlands. Under the legislation, the Secretary of the Army, working with the States, would identify coastal wetland systems which have particular value as fish and wildlife habitat or for purposes of flood or pollution control and which are threatened with erosion or other degradation. Within 2½ years of the passage of the legislation, the Secretary of the Army would develop action plans for the Nation's 10 most threatened coastal wetland systems. Plans for all threatened coastal wetlands would be required in 5½ years. In developing these plans, the Secretary would work with other Federal agencies that have expertise and responsibilities in wetland areas, such as the Fish and Wildlife Service, the Environmental Protection Agency, the National Marine Fisheries Service, and the State coastal agencies. The plans would be required to include projects recommended by the State unless the Secretary determined that the projects were not technically feasible. Once the plans were completed, projects included in the plan would be funded on a cost-sharing basis, with the Federal Government paying 75 percent of the costs and non-Federal interests paying 25 percent. During the period when the plans are being developed, the legislation authorizes emergency actions to protect coastal wetlands.

Protection of our coastal wetlands will not come cheaply. My legislation authorizes up to $30 million each year to carry out any completed plan. This is not an unreasonable figure when you consider what is at stake. Beside the economic loss of fisheries, fur bearing animals and waterfowl, we are in danger of losing much more. In Louisiana, and in other areas as well, wetlands serve as protection against hurricanes. The storm surges that hit the coastal areas lose their strength over the miles of marsh before reaching heavily populated areas. Without wetlands, the city of New Orleans, with more than 600,000 people, faces a very real peril. Other populated areas would be similarly threatened with loss of life and devastating economic impacts.

Mr. President, we have learned, at a very late hour, that coastal wetlands serve us in many ways. We need action to protect them as soon as possible. This legislation can be an important step forward. I hope that the bill will focus attention on a vital issue, and will provide a catalyst for new discussion and action in meeting our coastal wetlands crises. I sincerely hope that my fellow Senators will join me in sponsoring this legislation and working to restore our vanishing coastal wetlands.

Mr. President, I ask that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—COASTAL WETLANDS RECOVERY ACT

SECTION 1—SHORT TITLE

This Act may be cited as the "Coastal Wetlands Recovery Act."

SECTION 2—FINDINGS

The Congress finds that coastal wetlands are of great economic and ecological value; that man's activities have accelerated wetlands loss and degradation; and that the active efforts of all levels of government are necessary to accomplish wetlands recovery.

SECTION 3—IDENTIFICATION AND DESIGNATION OF THREATENED COASTAL WETLANDS

Within 6 months of enactment, the Secretary of the Army, in consultation with other federal and state agencies and after considering public comment, must identify threatened coastal wetlands and designate the 10 most threatened of these wetlands.

SECTION 4—WETLANDS ACTION PLANS

The Secretary must prepare a plan for each of the 10 most threatened wetlands within 2 years of making such designations under Section 3, and within 5 years for all other identified threatened wetlands.

Each wetland action plan must define the boundaries of the threatened wetland, the causes of wetland loss or degradation, the specific actions to be undertaken for wetland recovery, a timetable for accomplishing specific actions, and respective financial and other responsibilities of the coastal state and the federal government for plan implementation. The plan may include such actions as water control, sediment manipulation, and shoreline restoration. The plan will be developed in conjunction with the state coastal agency, and will include any actions recommended by the state agency unless these actions are not technically feasible.

The cost of implementing the plan will be divided on a 75 percent federal—25 percent non-federal basis.

Wetland action plans will be periodically reviewed by the state agency and the Secretary, and modified or terminated as mutually agreed upon by these agencies. Any plan must be consistent with other federal law and any applicable coastal zone management plan.

SECTION 5—DEMONSTRATION PROJECTS

During fiscal years 1988 and 1989, the Secretary may carry out such actions as necessary to meet emergency wetland erosion or degradation problems within one or more of the 10 most threatened coastal wetlands designated under Section 3.

SECTION 6—AUTHORIZATION OF APPROPRIATIONS

This section authorizes such sums as necessary for identification and designation of threatened coastal wetlands, and for wetland action plan preparation. The section also authorizes up to $30 million each year to implement any plan, with the stipulation that no more than 75 percent of the annual and total costs of carrying out the plan may be federally funded. Up to $20 million is authorized for each of fiscal years 1988 and 1989 to carry out demonstration projects.

SECTION 7—DEFINITIONS

This section defines coastal wetlands and other necessary terminology.●

By Mr. McCLURE (by request):

S. 656. A bill to remove the burden of economic regulation from natural gas transportation and use, and for other purposes; to the Committee on Energy and Natural Resources.

ENERGY PRODUCTIVITY AND REVITALIZATION ACT

Mr. McCLURE. Mr. President, today I introduce, by request, the Energy Productivity and Revitalization Act of 1987. This measure consists of the energy provisions from the President's competitive initiative, S. 539, the Trade, Employment and Productivity Act of 1987, which was introduced on February 19.

This measure contains provisions intended to remove the burden from economic regulation of the transportation and use of natural gas. In particular, the bill provides open access for the transportation of natural gas through open access carriage. The bill also provides for removal of Federal price controls on the first sales of natural gas and for the repeal of the regulation of certain nonprice aspects of such sales.

In addition, the measure repeals certain restrictions on natural gas and petroleum use under the Fuel Use Act, as well as the incremental natural gas pricing provisions in title II of the Natural Gas Policy Act.

Mr. President, since 1981, these issues have received extensive legislative attention by the Committee on Energy and Natural Resources. During the 98th and 99th Congresses, extensive oversight and legislative hearings have been held by the full committee and the Subcommittee on Energy Regulation and Conservation on similar proposals from this administration and from Members, including Chairman JOHNSTON and Senators BINGAMAN, BOREN, BRADLEY, BUMPERS, DOMENICI, GRAMM, HECHT, LONG, NICKLES, and others.

In the closing days of the last Congress, just prior to adjournment, several business meetings were held by the Committee on Legislation with both similar and identical provisions to those I introduce today. I am confident, Mr. President, that during this Congress we can continue, with bipartisan support, to make progress on legislation to resolve these critical economic regulatory issues that now serve to constrain the energy productivity of the United States.

By Mr. KENNEDY (for himself, Mr. THURMOND, Mr. BURDICK, Mr. PELL, Mr. INOUYE, Mr. HOLLINGS, Mr. PACKWOOD, Mr. WEICKER, Mr. CHILES, Mr. STAFFORD, Mr. NUNN, Mr. MCCLURE, Mr. DOMENICI, Mr. GLENN, Mr. FORD, Mr. BUMPERS, Mr. LEAHY, Mr. DANFORTH, Mr. ZORINSKY, Mr. METZENBAUM, Mr. CHAFEE, Mr. RIEGLE, Mr. MATSUNAGA, Mr. HEINZ, Mr. MOYNIHAN, Mr. DECONCINI, Mr. DURENBERGER, Mr. BOSCHWITZ, Mr. ARMSTRONG, Mr. COHEN, Mr. EXON, Mr. BOREN, Mr. LEVIN, Mr. BRADLEY, Mr. HEFLIN, Mr. HUMPHREY, Mr. MITCHELL, Mr. DODD, Mr. KASTEN, Mr. D'AMATO, Mr. SPECTER, Mr. DIXON, Mr. TRIBLE, Mr. WILSON, Mr. LAUTENBERG, Mr. SIMON, Mr. GORE, Mr. KERRY, Mr. ROCKEFELLER, Mr. SANFORD, Mr. ADAMS, Mr. WIRTH, Mr. FOWLER, Mr. SHELBY, Mr. DASCHLE, Mr. MCCAIN, and Mr. REID):

S.J. Res. 74. A joint resolution to designate the month of May 1987 as "National Cancer Institute Month"; to the Committee on the Judiciary.

NATIONAL CANCER INSTITUTE MONTH

● Mr. KENNEDY. Mr. President, today I introduce a congressional joint resolution designating the month of May 1987 as "National Cancer Institute Month."

This year, the National Cancer Institute [NCI] will be 50 years old. During May of this year a number of commemorative ceremonies will be held regarding this historical landmark. All of us know of the remarkable research advances over the last several years and it is useful to recollect that for half a century we in the Senate have supported the efforts of this institute to deal with the scourge of cancer. We reaffirmed our support in the National Cancer Act of 1971, which I was pleased to sponsor in the Senate, and again in our four subsequent reauthorizations of NCI.

I am pleased to note that my longtime friend and colleague, the Honorable CLAUDE PEPPER, has introduced companion legislation in the House of Representatives. He was a sponsor of the original legislation establishing NCI 50 years ago.

Mr. President, I ask unanimous consent that the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 74

Whereas in 1937 the "National Cancer Institute" was created by law,

Whereas the intent of Congress in enacting legislation in 1937 was to initiate a new, high priority, highly visible, national program for the conquest of cancer,

Whereas Congress continue to stress the importance of the National Cancer Institute through the creation of the 1971 National Cancer Act and its 1974, 1978, 1982, and 1986 reauthorizations,

Whereas the National Cancer Institute represents a unique structure for a coherent and systematic attack on the vastly complex problems of cancer through the National Cancer Institute,

Whereas the National Cancer Institute created a network of cancer centers that has increased from three before 1971 to 59 in 1986, thus providing the Nation with an invaluable national resource for cancer research, treatment, control, prevention, and training,

Whereas recombinant DNA techniques and monoclonal antibody technologies has contributed so much to discovering the blueprint of cancer and now hold enormous promise for rapidly diagnosing and characterizing tumors and for treating patients,

Whereas cancer research scientists supported by the National Cancer Program funded by the National Cancer Institute determined the function of a normal human oncogene, and are elucidating the role of oncogene products in cancer, discovered the structure of the T-cell receptor, demonstrated the role of viruses in the causation of cancer, discovered that the virus HTLV-III is the cause of AIDS, showing that fundamental research in cancer biology forms the underpinnings for all other cancer research programs,

Whereas it has been shown that systemic therapies, largely developed through clinical trials, can cure cancer with more than 50 per centum of patients potentially curable and numerous cancers now have five-year survival rates over 75 per centum such as thyroid, endometrium, melanoma, breast, bladder, Hodgkin's disease, and prostate and with children's five-year cancer survival rates reaching an all-time high of 60 per centum,

Whereas progress continues in understanding and planning strategies to interfere with cancer metastasis and overcome drug resistance,

Whereas collaboration between surgery, radiation therapy, chemotherapy, and therapy with biological response modifiers has greatly improved the outcome for cancer patients, allowing for less radical surgery by utilizing adjuvant radiation and new success in hard-to-treat tumors through improved chemotherapy,

Whereas the National Cancer Institute has mounted a major program of research on cancer prevention which serves as the basis for a prevention awareness program stressing what individuals can do to lower personal cancer risk by modifying lifestyle factors such as diet, and

Whereas the National Cancer Act has fostered the transfer of information from basic research to the patient's bedside, while strengthening a network that links basic science laboratories, cancer centers, cooperative groups of clinical researchers, community oncologists, practicing physicians, and nurse oncologists, and facilitate the application of the results of research: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the month of May, 1987 is designated as "National Cancer Institute Month", and the President of the United States is authorized and requested to issue a proclamation calling upon the people of the United States and all appropriate Government agencies to observe the month with appropriate programs and activities.●

By Mr. THURMOND:

S.J. Res. 75. A joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week"; to the Committee on the Judiciary.

NATIONAL PODIATRIC MEDICINE WEEK

● Mr. THURMOND. Mr. President, I am pleased to introduce today a resolution designating the week of August 2–8, 1987, as National Podiatric Medicine Week.

It is appropriate, Mr. President, during this year of the 75th anniversary of the American Podiatric Medical Association [APMA], to briefly recall the history of podiatric medicine.

Although this branch of medicine may be traced to ancient Egypt and Greece, it was not until the 18th century that individuals who specialized in foot care were generally called chiropodists. David Low, an Englishman, first used the term in 1785 in his text dealing with the causes of corns, warts, bunions, and other painful foot problems. Foot specialists in the United States began to gain acceptance in the 1830's, when so-called "corn doctors" started to make rounds in the larger Eastern cities.

The number of chiropodists and the practice of chiropody grew after the Civil War, but the profession was largely uncontrolled. There were no licensing laws, no professional organizations, and no specialized schools.

The year 1912 saw the formation of the National Association of Chiropodists, and it immediately began to develop State regulations for the profession. An official professional journal was initiated, and the first school of chiropody was opened in New York City.

By World War I, chiropody had progressed from an unorganized aggregate of barbers, shoemakers, shoe salesmen, hairdressers, and masseurs, to at least a partially organized profession.

In 1958, the National Association of Chiropodists became the American Podiatry Association, whose name again changed in 1984 to the American Podiatric Medical Association.

The foot health specialist in 1987 differs vastly from his forebears both in education and professional skills. Ninety percent of the men and women who today attend one of the seven colleges of podiatric medicine possess baccaulaureate or higher degrees.

Each must also successfully complete the Medical College Admission Test [MCAT] prior to being accepted at one of the podiatric colleges. Next comes a rigorous 4-year program of studies leading to the degree of doctor of podiatric medicine. For most graduates, post doctoral residency training of 1, 2, or 3 years is pursued to further sharpen their medical and surgical skills.

Podiatric medicine has witnessed tremendous growth and progress over the past 75 years. This has resulted, most importantly, in the planning for and delivery of much improved quality foot care to those in need.

Mr. President, I urge my colleagues to join me in cosponsoring this resolution.●

By Mr. QUAYLE (for himself, Mr. HATCH, Mr. DURENBERGER, Mr. DOMENICI, Mr. COCHRAN, Mr. THURMOND, Mr. PRESSLER, Mr. GRASSELY, Mr. KENNEDY, Mr. BRADLEY, Mr. PELL, Ms. MIKULSKI, Mr. RIEGLE, Mr. REID, Mr. KERRY, and Mr. DASCHLE):

S.J. Res. 76. A joint resolution to designate the week of October 4, 1987, through October 10, 1987 as "Mental Illness Awareness Week"; to the Committee on the Judiciary.

MENTAL ILLNESS AWARENESS WEEK

● Mr. QUAYLE. Mr. President, on behalf of a number of my colleagues and myself, I am introducing a joint resolution to authorize the President to issue a proclamation designating the week of October 4-10, 1987, "Mental Illness Awareness Week."

The purposes of this resolution is to focus public attention on concerns surrounding and advances in treating mental illness. Mental illness is a problem of grave concern and consequence in our society, though it is commonly and unnecessarily feared and misunderstood. Currently, 31, to 41 million Americans suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living. As many as 12 million children suffer from mental illness, which impairs vital developmental and maturational processes. The elderly are also particularly vulnerable to mental illness. More than 10 million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder and major depression. It is estimated that between 30 and 50 percent of the homeless suffer serious, chronic forms of mental illness. Drug, alcohol and mental disorders affect almost 19 percent of American adults in any six-month period. Although mental-disorder deaths are estimated to be 33,000, with suicide accounting for at least 29,000, the real number is thought to be at least three times higher. All told, mental illness costs our Nation $106,200 million annually in health care expenses and lost productivity.

Regrettably, fear and misunderstanding of mental illness still pervade the Nation. Often the mentally ill are portrayed as being morally weak, and not suffering from a condition accepted as a disease. Those afflicted, because of the dual nature of their predicament, their illness, and their shame often do not seek help. Gradually, families of mentally ill citizens and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate for an adequate continuum of care from hospital to community.

Mental illness is an increasingly curable disability with excellent prospects for amelioration and recovery when properly recognized and treated. Recovery from psychiatric problems is not only possible, but probable. About two-thirds of all mentally ill patients show significant signs of recovery with their initial treatment. Much of the progress in the treatment can be attributed to research in recent decades. This research has led to a wide array of new and more effective modalities of treatment—pharmacological, behavioral, psychosocial—for some of the most incapacitating forms of mental illness—including schizophrenia, major affective disorders, phobias, and panic disorders.

Mental health treatment provides a very effective cost-containment tool because treatment can result in reduced utilization of more costly medical hospital, medical and surgical services. A study by the National Institute of Mental Health found that utilization of medical and surgical services dropped anywhere from 5 to 85 percent following psychiatric care.

This joint resolution is inspired and dedicated to such groups as the American Psychiatric Association [APA] whose members conduct research for the treatment of mental illness and treat those suffering from the disease. Medical specialty societies like the APA, which itself represents 29,000 psychiatrists nationwide, stand at the center of efforts to bring mental illness under control. The APA and its membership believe that only through the understanding of the causes of mental illness and the knowledge of available treatment and successful cures will the fear and misunderstanding of this disease diminish with people then seeking timely and appropriate care.

Mental illness is an increasingly treatable disease; it is worthy of our attention and concern. I urge support and passage of this important resolution.

I ask that the Senate Joint Resolution 76 be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 76

Whereas mental illness is a problem of grave concern and consequence in American society, though one widely but unnecessarily feared and misunderstood;

Whereas thirty-one to forty-one million Americans annually suffer from clearly diagnosable mental disorders involving significant disability with respect to employment, attendance at school, or independent living;

Whereas more than ten million Americans are disabled for long periods of time by schizophrenia, manic depressive disorder, and major depression;

Whereas between 30 and 50 per centum of the homeless suffer serious, chronic forms of mental illness;

Whereas alcohol, drug, and mental disorders affect almost 19 per centum of American adults in any six-month period;

Whereas mental illness in at least twelve million children interferes with vital development and maturational processes;

Whereas mental disorder-related deaths are estimated to be thirty-three thousand, with suicide accounting for at least twenty-nine thousand, although the real number is thought to be at least three times higher;

Whereas our growing population of the elderly is particularly vulnerable to mental illness;

Whereas mental disorders result in staggering costs to society, totalling an estimated $106,200,000,000 in direct treatment and support and indirect costs to society, including lost productivity;

Whereas mental illness is increasingly a treatable disability with excellent prospects for amelioration and recovery when properly recognized;

Whereas families of mentally ill citizens and those persons themselves have begun to join self-help groups seeking to combat the unfair stigma of the diseases, to support greater national investment in research, and to advocate for an adequate continuum of care from hospital to community;

Whereas in recent years there have been unprecedented major research developments bringing new methods and technology to the sophisticated and objective study of the functioning of the brain and its linkages to both normal and abnormal behavior;

Whereas research in recent decades has led to a wide array of new and more effective modalities of treatment (both somatic and psychosocial) for some of the most incapacitating forms of mental illness (including schizophrenia, major affective disorders, phobias, and phobic disorders);

Whereas appropriate treatment of mental illness has been demonstrated to be cost effective in terms of restored productivity, reduced utilization of other health services, and lessened social dependence; and

Whereas recent and unparalleled growth in scientific knowledge about mental illness has generated the current emergence of a new threshold of opportunity for future research advances and fruitful application to specific clinical problems: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week beginning on October 4, 1987, is designated as "Mental Illness Awareness Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. Boren, the names of the Senator from Montana [Mr. Baucus], the Senator from Maryland [Mr. Sarbanes], and the Senator from South Dakota [Mr. Daschle] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 10

At the request of Mr. Cranston, the names of the Senator from North Dakota [Mr. Burdick], the Senator from North Dakota [Mr. Conrad], and the Senator from Maine [Mr. Mitchell] were added as cosponsors of S. 10, a bill to amend the Public Health Service Act to improve emergency medical services and trauma care, and for other purposes.

S. 11

At the request of Mr. Cranston, the name of the Senator from Arkansas [Mr. Bumpers] was added as a cosponsor of S. 11, a bill to amend title 38, United States Code, to establish certain procedures for the adjudication of claims for benefits under laws administered by the Veterans' Administration; to apply the provisions of section 553 of title 5, United States Code, to rulemaking procedures of the Veterans' Administration; to provide for judicial review of certain final decisions of Administrator of Veterans' Affairs; to provide for the payment of reasonable fees to attorneys for rendering legal representation to individual claiming benefits under laws administered by the Veterans' Administration; and for other purposes.

S. 39

At the request of Mr. Moynihan, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 85

At the request of Mr. Johnston, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 109

At the request of Mr. Inouye, the names of the Senator from Tennessee [Mr. Gore], and the Senator from Washington [Mr. Adams] were added as cosponsors of S. 109, a bill to permit the naturalization of certain Filipino war veterans.

S. 187

At the request of Mr. Melcher, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 187, a bill to provide for the protection of Native American rights for the remains of their dead and sacred artifacts, and for the creation of Native American cultural museums.

S. 243

At the request of Mr. Dixon, the names of the Senator from Massachusetts [Mr. Kerry], the Senator from Arizona [Mr. DeConcini], the Senator from Wisconsin [Mr. Kasten], and the Senator from North Dakota [Mr. Burdick] were added as cosponsors of S. 243, a bill to amend United States Housing Act of 1937 to permit tenant management of public housing.

S. 260

At the request of Mr. Thurmond, the name of the Senator from Florida [Mr. Graham] was added as a cosponsor of S. 260, a bill to reform procedures for collateral review of criminal judgments, and for other purposes.

S. 271

At the request of Mr. Humphrey, the names of the Senator from Nebraska [Mr. Zorinsky], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 271, a bill to amend section 1001 of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 308

At the request of Mr. Cochran, the name of the Senator from Kentucky [Mr. McConnell] was added as a cosponsor of S. 308, a bill to amend the Agricultural Act of 1949 to provide certain agricultural program adjustments for soybeans, and for other purposes.

S. 332

At the request of Mr. DeConcini, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of S. 332, a bill to provide for a General Accounting Office investigation and report on conditions of displaced Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Salvadorans, and for other purposes.

S. 338

At the request of Mr. D'Amato, his name was added as a cosponsor of S. 338, a bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid.

S. 347

At the request of Mr. Sasser, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of S. 347, a bill to amend chapter 171 of title 28, United States Code, to allow members of the Armed Forces to sue the United States for damages for certain injuries caused by improper medical care provided during peacetime.

S. 350

At the request of Mr. Durenberger, the names of the Senator from Virginia [Mr. Trible] and the Senator from Arizona [Mr. DeConcini] were added as cosponsors of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 429

At the request of Mr. Durenberger, the name of the Senator from Oklahoma [Mr. Nickles] was added as a cosponsor of S. 429, a bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes.

S. 444

At the request of Mr. Boschwitz, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 444, a bill to amend the Internal Revenue Code of 1986 to retain a capital gains tax differential, and for other purposes.

S. 451

At the request of Mr. Matsunaga, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of S. 451, a bill to require the Secretary of the Interior to conduct a study to determine the appropriate minimum altitude for aircraft flying over national park system units.

S. 453

At the request of Mr. Murkowski, the names of the Senator from Montana [Mr. Melcher] and the Senator from Rhode Island [Mr. Pell] were added as cosponsors of S. 453, a bill to amend title 38, United States Code, and the Veterans' Dioxin and Radiation Exposure Compensation Standards Act to improve the standards for determining whether a radiation-related disease is service-connected, and for other purposes.

S. 457

At the request of Mr. Symms, the names of the Senator from Utah [Mr. Garn] and the Senator from Virginia [Mr. Trible] were added as cosponsors of S. 457, a bill to amend the Tax Reform Act of 1986 to delay for 1 year an increase from 80 to 90 percent in the current year liability for estimated tax payments by individuals, and for other purposes.

S. 472

At the request of Mr. Cranston, the name of the Senator from Connecticut [Mr. Weicker] was added as a cosponsor of S. 472, a bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads.

S. 514

At the request of Mr. Kennedy, the names of the Senator from Utah [Mr. Hatch] and the Senator from Washington [Mr. Adams] were added as cosponsors of S. 514, a bill to amend the Job Training Act to establish an incentive bonus for the successful placement of certain employable dependent individuals, to provide targeting of assistance from certain carryover funds for such individuals, and for other purposes.

S. 515

At the request of Mr. Zorinsky, the names of the Senator from North Dakota [Mr. Conrad], the Senator from Oklahoma [Mr. Nickles], and the Senator from Montana [Mr. Baucus] were added as cosponsors of S. 515, a bill to provide equitable treatment under the highly-erodible land conservation provisions of the Food Security Act of 1985 to farmers who produced alfalfa and other multiyear grasses and legumes in a rotation practice during each of the years 1981 through 1985.

S. 525

At the request of Mr. McConnell, the name of the Senator from Kentucky [Mr. Ford] was added as a cosponsor of S. 525, a bill to amend the Food Security Act of 1985 to streamline the procedure for use of conservation plans to comply with the prohibition on production on highly erodible lands, and for other purposes.

S. 530

At the request of Mr. Heinz, the names of the Senator from Kansas [Mr. Dole], the Senator from Rhode Island [Mr. Chafee], and the Senator from Louisiana [Mr. Breaux] were added as cosponsors of S. 530, a bill to delay for 1 year the changes made by the Tax Reform Act of 1986 in the taxable years of certain entities, and for other purposes.

S. 562

At the request of Mr. Weicker, the names of the Senator from Louisiana [Mr. Breaux], the Senator from Hawaii [Mr. Matsunaga], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of S. 562, a bill to establish the National Marine Policy Commission, and for other purposes.

S. 568

At the request of Mr. Hatch, the name of the Senator from South Carolina [Mr. Thurmond] was added as a cosponsor of S. 568, a bill to protect patent owners from importation into the United States of goods made overseas by use of a United States patented process.

S. 607

At the request of Mr. Cranston, the names of the Senator from New Mexico [Mr. Bingaman], the Senator from Missouri [Mr. Bond], the Senator from North Carolina [Mr. Sanford], the Senator from Washington [Mr. Adams], the Senator from Florida [Mr. Graham], the Senator from New York [Mr. Moynihan], and the Senator from Illinois [Mr. Simon] were added as cosponsors of S. 607, a bill to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

SENATE JOINT RESOLUTION 13

At the request of Mr. Symms, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of Senate Joint Resolution 13, a joint resolution proposing an amendment to the Constitution of the United States with respect to the English language.

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the name of the Senator from Arizona [Mr. DeConcini] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Arizona [Mr. DeConcini], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and presidential elections.

SENATE JOINT RESOLUTION 39

At the request of Mr. Simon, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Arizona [Mr. McCain], the Senator from South Dakota [Mr. Daschle], and the Senator from Wisconsin [Mr. Proxmire] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 43

At the request of Mr. Cranston, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution designating April 24, 1987, as "National Day of Remembrance for the Victims of the Armenian Genocide."

SENATE JOINT RESOLUTION 45

At the request of Mr. D'Amato, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of Senate Joint Resolution 45, a joint resolution to designate the week of April 26, 1987, through May 2, 1987, as "Hemochromatosis Awareness Week."

SENATE JOINT RESOLUTION 47

At the request of Mr. Cranston, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Louisiana [Mr. Breaux], the Senator from Mississippi [Mr. Cochran], the Senator from Kansas [Mr. Dole], the Senator from South Carolina [Mr. Hollings], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate "National POW Recognition Day."

SENATE JOINT RESOLUTION 49

At the request of Mr. Dole, the names of the Senator from Wyoming [Mr. Wallop], the Senator from Alabama [Mr. Heflin], the Senator from North Dakota [Mr. Conrad], the Senator from Illinois [Mr. Dixon], the Senator from Arizona [Mr. DeConcini], the Senator from Texas [Mr. Gramm], the Senator from Arkansas [Mr. Bumpers], and the Senator from Michigan [Mr. Levin] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

SENATE JOINT RESOLUTION 53

At the request of Mr. Cranston, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Rhode Island [Mr. Chafee], the Senator from Ohio [Mr. Metzenbaum], and the Senator from New York [Mr. Moynihan] were added as cosponsors of Senate Joint Resolution 53, a joint resolution to designate the period commencing November 22, 1987, and ending November 28, 1987, as "American Indian Week."

SENATE JOINT RESOLUTION 54

At the request of Mr. Baucus, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of Senate Joint Resolution 54, a joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1984 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

SENATE JOINT RESOLUTION 59

At the request of Mr. Thurmond, the names of the Senator from Minnesota [Mr. Boschwitz], the Senator from Maine [Mr. Mitchell], and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of Senate Joint Resolution 59, a joint resolution to designate the month of May 1987 as "National Foster Care Month."

SENATE JOINT RESOLUTION 63

At the request of Mr. Bradley, the names of the Senator from Texas [Mr. Bentsen], the Senator from Delaware [Mr. Biden], the Senator from Oklahoma [Mr. Boren], the Senator from Minnesota [Mr. Boschwitz], the Senator from North Dakota [Mr. Conrad], the Senator from New York [Mr. D'Amato], the Senator from Minnesota [Mr. Durenberger], the Senator from Ohio [Mr. Glenn], the Senator from Alabama [Mr. Heflin], the Senator from Massachusetts [Mr. Kennedy], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Joint Resolution 63, a joint resolution to designate March 21, 1987 as "Afghanistan Day."

SENATE JOINT RESOLUTION 64

At the request of Mr. Chiles, the names of the Senator from North Carolina [Mr. Sanford], the Senator from Hawaii [Mr. Inouye], the Senator from Illinois [Mr. Simon], the Senator from Mississippi [Mr. Stennis], the Senator from Michigan [Mr. Levin], the Senator from New Jersey [Mr. Lautenberg], the Senator from New York [Mr. Moynihan], the Senator from Nebraska [Mr. Zorinsky], the Senator from Georgia [Mr. Nunn], the Senator from South Carolina [Mr. Hollings], the Senator from Connecticut [Mr. Dodd], the Senator from Tennessee [Mr. Gore], the Senator from Ohio [Mr. Metzenbaum], the Senator from West Virginia [Mr. Rockefeller], the Senator from Rhode Island [Mr. Pell], the Senator from Massachusetts [Mr. Kerry], the Senator from South Dakota [Mr. Pressler], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from Virginia [Mr. Warner], the Senator from Indiana [Mr. Quayle], the Senator from Colorado [Mr. Armstrong], the Senator from Maine [Mr. Cohen], the Senator from Nevada [Mr. Hecht], the Senator from Pennsylvania [Mr. Specter], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Simpson], the Senator from Utah [Mr. Hatch], the Senator from Mississippi [Mr. Cochran], the Senator from Iowa [Mr. Grassley], the Senator from Indiana [Mr. Lugar], the Senator from Wisconsin [Mr. Kasten], the Senator from Delaware [Mr. Roth], the Senator from New Mexico [Mr. Domenici], and the Senator from California [Mr. Cranston] were added as cosponsors of Senate Joint Resolution 64, a joint resolution to designate May 1987, as "Older Americans Month."

SENATE JOINT RESOLUTION 66

At the request of Mr. Burdick, the names of the Senator from Mississippi [Mr. Stennis], the Senator from Nebraska [Mr. Exon], the Senator from New Jersey [Mr. Bradley], the Senator from Mississippi [Mr. Cochran], the Senator from Arizona [Mr. DeConcini], the Senator from Hawaii [Mr. Inouye], the Senator from Maryland [Mr. Sarbanes], and the Senator from Virginia [Mr. Trible] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the week of November 22 through November 28, 1987, as "National Family Week."

SENATE JOINT RESOLUTION 69

At the request of Mr. Simon, the names of the Senator from Connecticut [Mr. Weicker], the Senator from Mississippi [Mr. Cochran], and the Senator from Louisiana [Mr. Johnston] were added as cosponsors of Senate Joint Resolution 69, a joint resolution to designate the week beginning April 20, 1987, as "World Population Awareness Week."

SENATE CONCURRENT RESOLUTION 6

At the request of Mr. Humphrey, the name of the Senator from Mississippi [Mr. Stennis] was added as a cosponsor of Senate Concurrent Resolution 6, a concurrent resolution expressing the sense of the Congress with respect to the denial of health insurance coverage for disabled adopted children.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. Murkowski, the names of the Senator from New Mexico [Mr. Bingaman], the Senator from North Dakota [Mr. Burdick], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Concurrent Resolution 7, a concurrent resolution to express the sense of the Congress regarding its opposition to reductions in Veterans' Administration funding levels to pay for health care for certain categories of eligible veterans.

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. Dole, the name of the Senator from Texas [Mr. Gramm] was added as a cosponsor of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol Rotunda.

SENATE CONCURRENT RESOLUTION 11

At the request of Mr. Simon, the name of the Senator from California [Mr. Cranston] was added as a cosponsor of Senate Concurrent Resolution 11, a concurrent resolution calling for the release of Reverend Tshenuwahi Simon Farisani from detention in Venda, a homeland in South Africa.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. DeConcini, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of Senate Concurrent Resolution 14, a concurrent resolution expressing the sense of Congress concerning support for the evolution to full democracy in the Republic of Korea.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. Heflin, the names of the Senator from Kentucky [Mr. Ford], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. Cranston, the name of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of Senate Concurrent Resolution 17, a concurrent resolution regarding the promotion of democracy and security in the Republic of Korea, and for other purposes.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. Gore, the name of the Senator from Arkansas [Mr. Pryor] was added as a cosponsor to Senate Concurrent Resolution 20, a concurrent resolution to express the sense of Congress that funding for the vocational education program should not be eliminated.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Danforth, the name of the Senator from North Dakota [Mr. Conrad] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of United States exports of oilseeds and products and inconsistently with the European Community's obligation under the General Agreement on Tariffs and Trade.

SENATE CONCURRENT RESOLUTION 25—ESTABLISHING A JOINT COMMITTEE ON INTELLIGENCE OVERSIGHT

Mr. QUAYLE (for himself, Mr. Dole, and Mr. Kasten) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

S. Con. Res. 25

Resolved by the Senate (the House of Representatives concurring), That there is hereby established a Joint Committee on Intelligence Oversight (hereinafter referring to as the "joint committee") which shall be composed of ten members appointed as follows:

(1) five members of the Senate, three to be appointed by the majority leader of the Senate and two to be appointed by the minority leader of the Senate; and

(2) five members of the House of Representatives, three to be appointed by the majority leader of the House of Representatives and two to be appointed by the minority leader of the House of Representatives.

(b) The joint committee shall select a chairman and a vice chairman from among its members at the beginning of each Congress. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. The chairmanship and the vice chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The chairman during each even numbered Congress shall be selected by the Members of the House of Representatives on the joint committee from among their number and the chairman during each odd-numbered Congress shall be selected by the Members of the Senate on the joint committee from among their number. The vice chairman during each Congress shall be chosen in the same manner from that House of Congress other than the House of Congress of which the chairman is a Member.

SEC. 2. (a) The jurisdiction and duties of the joint committee shall be as provided in section 3 of Senate Resolution 400, 94th Congress, relating to the Select Committee on Intelligence, approved May 19, 1976.

(b) All bills, resolutions, and other matters in the Senate or the House of Representatives relating primarily to the jurisdiction of the joint committee shall be referred to the joint committee. The joint committee shall from time to time report to the Senate and the House of Representatives, by bill or otherwise, its recommendations with respect to matters which are (1) referred to the joint committee, or (2) otherwise within the jurisdiction of the joint committee.

SEC. 3. The joint committee shall be administered in accordance with the provisions of sections 4 through 14 and section 16 of Senate Resolution 400, 94th Congress, except that all staff shall be appointed jointly by the chairman and vice chairman and such appointments shall be made without regard to political affiliation and solely on the basis of fitness to perform the duties of the position.

SEC. 4. For purposes of the resolution, all references in Senate Resolution 400 to—

(1) the term "select committee" shall be treated as referring to the "joint committee"; and

(2) the term "Senate" shall be treated as referring to either House of the Congress, subject to the rules and procedures of the House of Representatives.

● Mr. QUAYLE. Mr. President, the one thing on which all sides can agree concerning the Iran-Contra controversy is that we ought not to allow it to paralyze the executive branch. The President has been anxious to get all the facts so he can put this crisis behind him. That was the whole point of the Tower Board Report. The President has changed the staffing and organization of the National Security Council. He also has appointed a new NSC Adviser, a new Chief of Staff, and will soon select a new CIA Director. More changes within the executive are likely.

Mr. President, these efforts by the President are steps in the right direction but I think we in the Congress can and should do more. One of the key causes of the Iran-Contra affair, after all, was the lack of communication between the executive and legislative branches, which itself was fueled by a lack of trust.

This is something we in Congress can and should correct by modifying our own institutions. As noted in the Tower Report, establishment of a Joint Intelligence committee would go a long way toward depriving the executive of any serious excuse for not confiding in Congress. Presidents, the report notes, seem to have become increasingly concerned about leaks of classified information and rightly or wrongly blame Congress disproportionately.

In fact, various Cabinet officials from prior administrations indicated to the board that they believe Congress bears no more blame than the executive branch for unauthorized disclosure of classified information. But the report goes on to note that the number of members and staff involved in reviewing covert activities is so large—nearly 70 people—that it is cause for concern and provides a convenient excuse for a President to avoid congressional consultation.

Mr. President, we should not give the executive this excuse. When the House and Senate Intelligence Committees were first established in 1974 their key purpose was to investigate and make sure that imprudent and illegal covert activities were brought to light and ended. Congress still must do this but we must do more. Our oversight must also serve a serious advisory function. It must help rebuild our intelligence capability and provide prudent assistance in tasking the CIA. This is especially so given congressional interest in supporting such liberation movements as the Afghan freedom fighters and the Cambodian rebels, in stemming the tide of illicit subversive drug trade, and in assuring that our Government is not caught off guard by coups such as those that have taken place in Iran, the Philippines, and Nicaragua.

For this kind of oversight we do not need large House and Senate Committees competing over how our intelligence system should be operated or funded. What we need is the sort of competence and consensus that can only come with the creation of a Joint Intelligence Committee consisting of a bipartisan but select membership supported by an elite professional staff.

Instead of 32 Congressmen and 2 committees manned with nearly 60 or so professional and assistant staff all handling code-word information, we should consider consolidation and reduction. In this regard, the old Joint Atomic Energy Committee serves as a model.

In fact, when I chaired the Temporary Select Committee to Study the Senate Committee System, we heard testimony from former Senator Howard Baker on the virtues of establishing a Joint Intelligence Committee. One of the key advantages to such consolidation is that it would increase the staff's access to the committee membership and, thus, increase the attractiveness of working on staff. This, in turn, would only further improve staff retention and professionalism.

Mr. President, the Temporary Select Committee to Study the Senate Committee System unanimously supported the recommendation to create a Joint Intelligence Committee. I believe it is time that we act on that recommendation. I, therefore, am submitting a concurrent resolution cosponsored by Senator DOLE and Senator KASTEN that would establish a Joint Committee on Intelligence Oversight that would consist of no more than 10 House and Senate Members selected by the House and Senate Republican and Democratic leadership.

It is a simple resolution and a clear step that we should take to increase trust and help reduce the likelihood of future Irangates.●

● Mr. KASTEN. Mr. President, I rise today as an original cosponsor of Senator DAN QUAYLE's legislation establishing a Joint Select Intelligence Committee. Senator QUAYLE was the leader on this effort when Howard Baker was still in the Senate. I am proud to join with him in this effort here today.

Just after the conclusion of the Vietnam war and our experience with Watergate, both the Senate and the House established Select Committees on Intelligence.

The original goals of these Select Intelligence Committees included maintaining strong congressional oversight while at the same time safeguarding our overall intelligence capabilities.

But there are problems with the current committee structure. Congressman HENRY HYDE of Illinois has said:

> It appears that the only way to mount a successful covert operation these days is for such an activity to have the nearly unanimous support of both Intelligence Committees and the involved agencies of the Intelligence community. Anything short of that is doomed to failure, as opponents can selectively leak material—with the expressed purpose of torpedoing the operation.

Mr. President, the cost of such leaks is paid for by the American public. Knowing such things as our adversaries' capabilities and intentions is our first line of defense. A strong intelligence community focuses our diplomacy, saves billions of defense dollars, and must be preserved.

Because of our oversight system we have made some of the most covert operations overt. I am certain you will find disagreement over how much these leaks help serve the Soviet Union. However, there can be no disagreement about how much our allies increasingly don't trust us because of it.

Assigning the blame won't help. Both branches of Government must bear their share. The question is, How can we rectify this situation?

I believe that it is time for a change within the legislative branch of Government. We must merge existing intelligence committees into one. By doing so, we can help build back the trust and confidence that must exist between the executive and legislative branches of Government.

The Tower Commission report states the following:

> There is a natural tension between the desire for secrecy and the need to consult Congress on covert operations. Presidents seem to become increasingly concerned about leaks of classified information as their Administrations progress. They blame Congress disproportionately.
>
> However, the number of Members and staff involved in reviewing covert activities is large; it provides cause for concern and a convenient excuse for Presidents to avoid Congressional consultation.

This legislation will establish a joint committee which will be composed of 10 Members. There will be five from the Senate and five from the House. The majority leaders of both sides will appoint three Members while the minority leaders will appoint two. It is similar to the Joint Atomic Energy Commission which kept some of our most sensitive secrets intact for many years.

So long as we continue to keep the lines of communication open throughout the world, each administration will need to act secretly. If this is to be done competently, Congress must have the proper oversight. I believe this legislation would help us to achieve that goal.●

SENATE CONCURRENT RESOLUTION 26—RELATIVE TO IMPROVEMENT OF FOREIGN LANGUAGE SKILLS AND INTERNATIONAL AWARENESS OF THE AMERICAN PEOPLE

Mr. DODD submitted the following concurrent resolution; which was placed on the calendar by unanimous consent:

S. Con. Res. 26

Whereas the citizens of the United States lack adequate knowledge in foreign languages and international affairs compared to several of our major trading partners;

Whereas the lack of international competence has contributed to the largest international trade deficit in our Nation's history by undermining the ability of United States firms to deal with foreign clients and to compete with better-trained foreign competitors;

Whereas in order to be competitive in the international marketplace United States business firms must be able to communicate effective with clients in other countries;

Whereas 30 percent of American business profits are derived from trade, 40 percent of American farm products are made for export, and over four million Americans travel abroad on business each year, yet the majority of American business people have no training in foreign languages or international affairs;

Whereas less than 1 percent of American students study the languages, cultures and geography of nations which have three-fourths of the world's population;

Whereas only 5 percent of American elementary school students study a foreign language, only 20 percent of American colleges and universities require a foreign language for admission, and only 5 percent of American college graduates are fluent in a foreign language;

Whereas the Nation currently faces a severe shortage of foreign language educators which impedes the expansion of international curricula in the Nation's schools, colleges, and universities;

Whereas the President of the United States recently proclaimed March 1, 1987, through March 7, 1987, as "National Foreign Language Week" and stated that "As the world becomes increasingly interdependent, the United States has a great need for people fluent in foreign languages in . . . the foreign service, international business, and education."; and

Whereas recent reports of the National Commission on Excellence in Education, the National Advisory Board on International Education, the Carnegie Foundation for the Advancement of Teaching, the Southern Governor's Association, the Council of Chief State School Officers, the National Association of State Boards of Education, and the Business-Higher Education Forum have all emphasized the importance of foreign language and international education to the Nation's long-term economic and security interest: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress finds that the ability of the United States to compete economically depends—

(1) on creating an awareness among the American public of the internationalization of our economy, and

(2) on increasing the knowledge of foreign languages and international affairs in the business and educational communities.

Sec. 2. Congress calls upon all levels of Government and the business and educational communities to cooperate in a concerted effort to improve the foreign language skills and international awareness of the American people.

SENATE RESOLUTION 158—ORIGINAL RESOLUTION REPORTED EXPRESSING SUPPORT FOR THE THRESHOLD TEST BAN TREATY AND THE PEACEFUL NUCLEAR EXPLOSIONS TREATY

Under the authority of the order of the Senate of February 26, 1987, Mr. Pell, from the Committee on Foreign Relations, reported the following original resolution on February 27, 1987, during the adjournment of the Senate, which was placed on the calendar:

S. Res. 158

Whereas the Senate has asked the President to seek advice and consent to ratification of the Threshold Test Ban and Peaceful Nuclear Explosions Treaties;

Whereas effective verification is an essential element of any arms control agreement;

Whereas the President believes that the TTBT and PNET are not effectively verifiable: Now, therefore, be it

Resolved, That it is the sense of the Senate that:

(1) The President should seek to expand upon Article II of the TTBT with an agreement including provisions for direct, accurate yield measurements taken at the site of all appropriate nuclear detonations, or equivalent enhanced verification methods;

(2) The President should communicate to General Secretary Gorbachev that the United States is committed to the TTBT and PNET and that it desires an agreement for effective verification in 1987.

SENATE RESOLUTION 159—COMMENDING THE ORGANIZERS OF THE ART EXHIBIT "AN AMERICAN VISION: THREE GENERATIONS OF WYETH ART"

Mr. WIRTH (for himself, Mr. Heinz, and Mr. Simpson) submitted the following resolution; which was placed on the calendar by unanimous consent:

S. Res. 159

Whereas the art of N.C., Andrew and James Wyeth has been assembled into an extraordinary exhibit entitled: "An American Vision: Three Generations of Wyeth Art";

Whereas this exhibit will open on March 11, 1987 in Leningrad, Union of Soviet Socialist Republics, under the auspices of President Reagan's Initiative for Cultural Exchange with the Soviet Union;

Whereas the Wyeth family exhibit is the largest American art exhibit to travel to the Soviet Union in the last 25 years;

Whereas the Soviet Union will respond in kind to this cultural initiative by sending a comparable art exhibit to the United States in 1988;

Whereas this important cultural exchange will strengthen the international ties between the United States and the Soviet Union, and thereby improve the prospects for world peace and understanding;

Whereas this ambitious project would not have been possible without the generous contributions and dedicated efforts of the Wyeth family, Brandywine River Museum, the U.S.S.R. Academy of Arts, American Telephone and Telegraph Company, the U.S. Information Agency, Mabel Brandon, Suzanne Massie, and the City of Leningrad; Now, therefore, be it

Resolved, That the United States Senate hereby commends the traveling exhibit, "An American Vision: Three Generations of American Art", its international debut in Leningrad, and its purpose of strengthening cultural relations between the United States and the Soviet Union; and be it further

Resolved, That the United States Senate hereby commends the organizers of "An American Vision", including the Wyeth family, Brandywine River Museum, the U.S.S.R. Academy of Arts, American Telegraph and Telephone Company, the U.S. Information Agency, Mabel Brandon, Suzanne Massie, and the City of Leningrad.

Mr. WIRTH. Mr. President, today I am pleased to submit—with my colleague from Pennsylvania, Senator HEINZ and my colleague from Wyoming, Mr. SIMPSON—a resolution to commend the first art exchange with the Soviet Union under President Reagan's cultural initiative. This extraordinary exhibit, entitled "An American Vision: Three Generations of Wyeth Art," is scheduled to open in Leningrad next Wednesday, March 11.

Mr. President, I cannot think of a more appropriate display of American vitality and beauty, for Soviet citizens to behold, than three generations of Wyeth family art. With the assistance of the Brandywine Museum of Chadds Ford, PA, the work of family patriarch, N.C. Wyeth, his son, Andrew, and grandson, James, has been assembled into a superb collection for the benefit of us all.

The first to enjoy these fruits of artistic genius will be the people of the Soviet Union. Under the terms of the cultural exchange program crafted by President Reagan and General Secretary Gorbachev at their 1985 Geneva summit, the Wyeth show is the first exhibit to be sent to the Soviet Union. The Soviets, in turn, have agreed to send a comparable exhibit to our country in 1988.

By far the most important dimension of this exchange is that it provides an opportunity for opening and improving relations with America's principal rival. At a time when the Soviets are showing an increased sensitivity to world opinion, we should be encouraging the exchange of art and ideas. And what better way to increase understanding—and the prospects for peace—between our two peoples than to share the fabulous vision of the Wyeth family?

The Wyeth display is important on a number of other levels. It is the largest American art exhibit to be sent to the Soviet Union in a quarter-century. It is the first time that the three Wyeth painters have displayed their work together.

Perhaps most notable, it is a sterling example of cooperation among American companies, the American government and their Soviet counterparts. As we note in our resolution, the Wyeth exhibit would not have been possible without the contributions of the Brandywine River Museum, the U.S.S.R. Academy of Arts, American Telephone & Telegraph Co., the United States Information Agency and the city of Leningrad.

I would also like to single out two outstanding Americans who helped pave the way for "An American Vision": Mabel Brandon and Suzanne Massie. Their tireless efforts were indispensable in arranging the exhibit.

Finally, let me thank the chairman of the Foreign Relations Committee, Senator PELL, and the ranking minority member, Senator HELMS, for their willingness to consider promptly this important resolution. The Senate's approval of this resolution will send a clear signal of support for the Wyeth exhibit, for the President's cultural initiative, and for his continued efforts to improve bilateral relations with the Soviet Union.

AMENDMENTS SUBMITTED

EXTENSION OF CERTAIN PROVISIONS OF GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT

METZENBAUM AMENDMENT NO. 33

Mr. BYRD (for Mr. METZENBAUM) proposed an amendment to the bill (H.R. 431) to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982; as follows:

On page 2, strike out lines 1 through 3.

On page 2, line 4, strike out "(c)" and insert in lieu thereof "(b)".

On page 2, lines 4 and 5, strike out "or section 206(a)".

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources.

The hearing will take place Wednesday, March 11, 1987, 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to receive testimony concerning the world oil outlook and its implications for the domestic oil and natural gas industry. The witnesses will be Dr. John Lichtblau, Dr. Scott Jones and Dr. Daniel Dreyfus.

For further information, please contact Betsy Moler, senior counsel to the committee, at (202) 224-0612.

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGETING AND ACCOUNTING

Mr. CHILES. Mr. President, my new Governmental Affairs Subcommittee on Federal Spending, Budgeting and Accounting will be holding hearings on March 6, regarding oversight of the Paperwork Reduction Act and the application of the act in reviewing income tax forms, specifically the new W-4 form.

On March 13, the Subcommittee on Federal Spending, Budgeting and Accounting will hold hearings on the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and property by Federal agencies.

Both hearings will begin at 10 a.m. in room 342 of the Senate Dirksen Building.

During the hearing on March 6, we expect to hear from representatives from OMB and the Treasury Department. The hearing on March 13, will focus on the Drug Enforcement Agency [DEA], Customs Service, Justice Department, and the General Accounting Office.

Members of the public who wish to submit statements regarding to either hearing should contact the subcommittee's staff at (202) 224-9000. Written statements should be mailed to room 326 Senate Dirksen Building, Washington, DC 20510.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, March 11, 1987, at 9 a.m. in SR332, to receive testimony on the proposed new credit regulations affecting Farmers Home Administration loan programs. Mr. Vance L. Clark, Administrator of the FHA, is scheduled to testify along with other witnesses.

For further information regarding the hearing, please contact Dave Freshwater at 224-2035.

SPECIAL COMMITTEE ON AGING

Mr. MELCHER. Mr. President, I would like to announce for the public that the Special Committee on Aging has scheduled a hearing entitled "The Proposed Fiscal Year 1988 Budget: What It Means for Older Americans."

The hearing will take place Friday, March 13, 1987 at 10 a.m. in room 628 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this hearing is to assess how the President's fiscal year 1988 budget would impact programs for the elderly, and to review the process through which agencies developed their fiscal year 1988 budget priorities.

For further information, please contact Max Richtman, staff director, at (202) 224-5364.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON TECHNOLOGY AND THE LAW

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Technology and the Law, be authorized to meet during the session of the Senate on Tuesday, March 3, 1987, to resume hearings on S. 442 Semiconductor Chip Protection Act extension of 1987.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE LASTEST FAD: TRADE LEGISLATION

● Mr. ARMSTRONG. Mr. President, it is ironic that when you look around Congress you see men and women who in their manner, decorum, and dress are models of conservative behavior. And yet, these same elected representatives chase after the lastest fads, packaged as legislative ideas, with a fervor equal to the most ardent shopper's pursuit of the current fashion.

We might all be better off if the floor of the House and Senate was resplendent in the latest and most outlandish creations and our minds were less cluttered with the fads of this week, this month, this year.

The current fad is, or course, trade. Trendsetters tell us that the trade deficit is the source of our ills and trade legislation will cure the problem.

This fad, as with all others, is based more on emotion than fact. Much of what we've been hearing about trade over the last several months has as much hype as ads that once convinced us to buy pet rocks, mood rings, and Nehru jackets.

For that reason, I urge a careful reading of Mr. Robert J. Samuelson's column in yesterday's Washington Post. Samuelson makes a convincing case that arguments in support of trade legislation and related proposals are based on "statistical mythmaking." He shoots holes in flawed reports from the Joint Economic Committee and refers to what he calls "Economics Propaganda 101."

I ask that Mr. Samuelson's column be printed in the Record and commend it to all who read these pages.

The article follows:

[From The Washington Post, Feb. 18, 1987]

An Imperfect Job Machine

(By Robert J. Samuelson)

One great strength of the U.S. economy—or so it has seemed—has been its ability to generate jobs: about 12 million since late 1982. Now we're told it ain't so. Introducing his new trade legislation, Senate Finance Committee Chairman Lloyd Bentsen of Texas recently embraced the new revisionism. Sure there are more jobs, he says, but they're lousy jobs. Nearly 60 percent of the new jobs in the past six years are low-skilled jobs paying less than $7,000 a year.

Welcome to Economics Propaganda 101. The notion that the U.S. economy is producing mostly low-paying, unskilled jobs is an economic fiction. Generally speaking, the mix between well-paid and poorly paid work is the same as in the 1970's. Creating the impression that it's otherwise an exercise in statistical mythmaking designed to advance (as in Bentsen's case) a political agenda purporting to protect high-paying jobs. The danger in believing these myths and enacting policies based on them is that we will damage a job-creation process that, on the whole, has been a success.

The myths, of course, have an intuitive appeal. The spotty prosperity of the mid-1980s leaves many pockets of distress. In Bentsen's home state, the latest unemployment rate for Houston is 10 percent. Across the country, factory shutdowns have forced millions of workers into lower-paying jobs. Consider a Labor Department study of 5.1 million workers displaced between January 1979 and January 1984. Of those with full-time jobs by early 1985, nearly one-fifth had taken pay cuts of 20 percent or more.

These visible examples of downward mobility involve undeniable individual suffering. But in an economy of 111 million workers, their overall social significance is diluted. Countertrends go unnoticed or are underreported. The same study of displaced workers found that one-third of those reemployed had earnings gains of 20 percent or more. Extravagant theories of social change, such as the disappearance of the middle class, have been built on the misleading use of selective statistics.

The genuinely serious jobs problem lies elsewhere. despite the new jobs, the civilian unemployment rate (6.7 percent in January) is undesirably high. Even at this level, though, most skilled workers can find jobs. Some unemployment reflects people—mainly women and younger workers—moving from home or school into jobs. The average jobless spell is now less than four months. High unemployment's real victims are the least skilled, poorest workers.

The dilemma is this: Policies that help these workers also produce inflation. The 1960s' and 1970s' obsessive pursuit of "full employment" (usually defined as 4 percent unemployment) created enough demand to improve the job prospects of those at the bottom. Unfortunately, it also spawned an overheated economy and wage-price spiral. No one talks about the dilemma anymore because no one has a solution. The temptation is to find a new "problem" for which a new "solution" can be devised. The alleged proliferation of poverty-level jobs fills this void.

Bentsen's figure comes from a study done for the Congressional Joint Economic Committee. The study defined low-income jobs as those paying half the median wage in 1973, adjusted for subsequent inflation. By 1984 a low-paying job meant $7,012 or less. A high-paying job paid more than twice the 1973 median, adjusted for inflation, or $28,048 in 1984. The study claimed that 58 percent of the new jobs between 1979 and 1984 were low-paying.

In fact, this low-wage explosion is mostly a statistical illusion, reflecting the impact of inflation and recession on workers' earnings. Wage gains in the late 1970s temporarily rose faster than prices. A reversal occurred when inflation accelerated and the 1981–82 recession depressed wage gains. As "real" (inflation adjusted) wages dropped, some people moved from the study's "middle" to "lower" category while holding the same job. In the study this shift meant a new poverty-level job although the job hadn't changed.

Comparing 1979 (average unemployment: 5.8 percent) with 1984 (average unemployment: 7.4 percent) also was misleading. The study doesn't actually compare jobs but rather the wage and salary incomes of workers. The difference is important. In 1984 more workers with good-paying jobs were on layoff or between jobs, reducing their annual earnings—even if their salaries or wage rates hadn't changed. The study made it appear that they had simply gotten lower-paying jobs.

As the recovery has continued and "real" wages have slowly risen, the "low" category has contracted. An updating of the JEC study to 1985 puts 31.4 percent of workers in this group, the smallest proportion since 1973 except for two years (1978, 1979). And because the study measures annual earnings—not pay rates—roughly nine-tenths of the people in the low category either have part-time work (less than 35 hours a week) or, like students, work part of the year. In 1986 the median annual earnings of full-time workers was $18,600 and rose 2.6 percent after inflation.

There's huge ferment in the job market. More women work, baby-boom workers face the competition of their own numbers and many industries have acute problems. Downward wage pressures exist, but the picture of a low-wage explosion is a vast exaggeration. Equally suspect are suggested policies—trade protection, restrictions on plant closings—to save high-paying jobs. Europe has embraced this approach by restricting the ability of companies to fire workers. Existing jobs are protected, but new ones discouraged. Companies hesitate to hire if they can't easily fire. Excessive wages cause firms to substitute machines for people and let attrition cut their work forces. Since 1970 Europe's jobless rate has risen from 2 percent to about 11 percent.

Our system is imperfect. "Hard core" unemployment is more unyielding than it seemed in the inflationary 1960s and 1970s. For other workers, some job security is lost in return for a flexibility that allows companies to hire, fire and reduce pay to adjust to changing circumstances. The process is messy and often cruel, but in profit-making economy jobs cannot be saved by forcing companies to do unprofitable things. The American job machine has not created a utopia, but it works. Those who think they can make it work better bear a heavy burden of proof.●

COMMUNITY MOURNS SOVIET REFUSENIK

● Mr. SIMON. Mr. President, with the passing of Inna Meiman, my friend who was allowed to come to the United States too late to treat her cancer, the case for Inna's husband, Naum, becomes more pressing.

A very kind story was printed in the Washington Jewish Week last week which expresses the unique qualities that Inna possessed.

I ask that the article be printed in the Record.

The article follows:

Community Mourns Soviet Refusenik

(By Jon Greene)

Soviet cancer victim Inna Kitrosskaya Meiman was mourned Tuesday at a community funeral service at Congregation Ohr Kodesh in Chevy Chase, attended by former refuseniks, congressmen and Soviet Jewry activists. Meiman's son Lev Kitrosskaya, a Soviet refusenik who was given permission Sunday to attend his mother's funeral, arrived just before the funeral procession left for Chesed Shel Emes cemetery in Washington, where Meiman was buried.

Meiman, 54, was allowed to leave the Soviet Union last month for treatment of an inoperable tumor on her neck, but she died only three weeks later, on Feb. 10, at the Lombardi Cancer Research Center of Georgetown University Hospital. She had applied for a Soviet exit visa in 1983, when it became clear that her only hope for survival would be specialized radiation treatment.

Soviet officials refused to allow Meiman's husband Naum to accompany her to the United States for her medical treatment on the grounds that he knew state secrets. Naum Meiman has been a refusenik since he applied for emigration in 1975, and he was once a member of the Helsinki Accords monitoring group of Moscow dissidents. Meiman, who requested that his wife be buried in the U.S., was refused permission Friday to attend his wife's funeral.

"We owe it to Inna Meiman, to her husband and her son, and to all others who suffer . . . to rededicate ourselves to her cause—the cause of Soviet Jewry," eulogized Ambassador Richard Schifter, assistant secretary of state for human rights and humanitarian affairs. Schifter spoke of Meiman's courageous perseverance against Soviet obduracy. "She had an ability to find things about which she could smile."

Rabbi Lyle Fishman and Cantor Edwin Gerber of Ohr Kodesh led the funeral with Rabbi Stuart Weinblatt of the Washington Board of Rabbis. Pallbearers included Soviet Jewish emigres Alexander Slepak and Boris Usin, Judge David Davidson of the Jewish Community Council, Mark Levin of the National Conference on Soviet Jewry (NCSJ), Chaim Lauer of the UJA Federation of Greater Washington, and Mischa Plam, husband of Meiman's stepdaughter.

"She had been killed by Soviet indifference, by Soviet obduracy," denounced Jerry Goodman, NCSJ executive director in his eulogy. In another eulogy, Anne Garrels, NBC State Department correspondent, related meeting Meiman in Moscow. Inna Kitrosskaya first met Naum Meiman at a dinner party which Garrels hosted, and the couple married soon afterward. "She wrestled with giants," Garrels remembered.

The funeral was attended by Sen. Timothy Wirth (D-Col.) and Sen. Paul Simon (D-Ill.). The Jewish Community Council and the National Conference on Soviet Jewry organized the funeral and burial with Chesed Shel Emes Society of Greater Washington and Danzansky-Goldberg Funeral Chapels.

Former Sen. Gary Hart (D-Col.) personally lobbied Soviet leaders in December to let Meiman seek treatment in the West, partly because Olga Plam, Meiman's stepdaughter, resides in Colorado. Although Hart was unable to attend Meiman's funeral he provided a written eulogy, read by Goodman. Hart credited Meiman with "tremendous inner strength" as she stood up to tyranny and oppression.

"Inna lost a personal battle to cancer," Hart wrote, "but she won many more battles than she lost—and those she left unfinished, we are determined to win in her memory."●

SOUR GRAPES

● Mr. ARMSTRONG. Mr. President, whenever we hear someone belittle the accomplishments of others, we say that's just "sour grapes."

Sour grapes is a good, vivid phrase we've taken from one of Aesop's fables—"The Fox and the Grapes." In that story, the fox tried, but failed to reach a bunch of grapes hanging just out of reach. To disguise his own failure, the fox declares the grapes must be sour and not worth eating.

Sour grapes is what we are hearing today from those who belittle the tremendous growth in jobs over the last several years. Our economy has created nearly 13 million new jobs since the turnaround from the recession at the beginning of this decade. That is a remarkable achievement.

And yet, the sour-grapes-gang pooh-pooh's all this. They disparage these jobs by claiming that they are all low paying jobs or part-time jobs or service jobs.

But, as Janet Norwood, the Commissioner of Labor Statistics, points out in her article in last Sunday's New York Times, not only are these people running down good jobs, their facts are slanted, if not just plain wrong.

Sure, we have created more service jobs, but a great many of these are high paying professional and managerial jobs. Norwood points out that the share of low paying jobs in the economy has been dropping. She argues that the current level of low paying jobs, which is higher than it was in 1979, is a reflection of the severity of the 1981 recession, not the ability of the economy to produce good jobs since then.

Ms. Norwood's article deserves careful attention and I will ask that it be printed in the Record at the conclusion of my remarks.

But, Mr. President, we are still left to wonder why this effort to denigrate 13 million jobs is being made in the first place. Why all the sour grapes?

I suspect that if you have no real jobs program of your own, then you are tempted to run down the other fellow's. What's worse, if your own policies in fact lead to fewer jobs, why then you are even more tempted to run down the accomplishments of the most recent years.

If you support an increase in the minimum wage—which almost every study agrees kills jobs for young and minority workers—why then you had better run down the other guy's jobs program.

If you support Government jobs creation programs—one version of which the Government Accounting Office priced out of a cool $128,000 per job—why then you had better run down jobs created by the private sector.

If you support protectionist trade policies—which protect a few jobs at great expense to everyone else—why then you had better run down jobs created in the last few years.

If you support tax increases, then you had better run down jobs created by a policy of tax decreases.

This, I suspect, is the real agenda behind the campaign to belittle the economy's job machine.

The reality of the last few years doesn't fit with the ideology of greater Government involvement in our economic life. Rather than changing their ideology, adherents of these policies want to change our perception of reality. Fortunately, we have enough people around who care more about jobs than ideology to blow the whistle on this game.

I ask that the article be printed in the Record.

The article follows:

[From the New York Times, Feb. 22, 1987]

The Job Machine Has Not Broken Down

(By Janet L. Norwood)

The United States has had enormous success in creating new jobs—nearly 13 million during the current recovery. Even though our unemployment rate is still quite high, a larger proportion of our population is working today than ever before. But some of our factories have closed down. And more and more jobs are in services. Do these trends mean that the new jobs are primarily part-time, dead-end jobs with low pay? Or that workers are leaving good factory jobs only to end up as minimum wage workers in fast-food restaurants, as some have suggested?

What do we know about newly created jobs? They certainly are not all part-time; more than 90 percent of the jobs created since the current recovery began in November 1982 are full-time. Many of the new jobs are in service areas, such as restaurants and department stores, which often pay less than the average. But others are in legal, business and health services, which frequently pay more than the average. Both types of jobs are in the service sector, which has been growing for a long time and now employs more than 7 in every 10 workers. The service sector employs many low-paid workers, but it also provides jobs for 85 percent of our professionals and nearly three fourths of our managers, who tend to have relatively high earnings, whatever their industry.

We are living in a period of change. Employment growth is shifting from factories to service establishments, and occupational growth is shifting from blue collar to white collar jobs. Workers have lost jobs both in high-paying steel foundries and low-paying leather and textile factories. New jobs have appeared both in high-paid business services and in low-paid fast-food restaurants. And occupations that require training have been growing much faster than occupations that require little education.

During the last few years, researchers have examined these issues in several different ways. Some have concluded that low-paid jobs have increased and high-paid jobs have decreased during the 1980's. Others have found an increase in the dispersion of earnings within each group and still others have found an increase in high-wage occupations. All of these studies have made important contributions to public discussion. But the findings are extremely sensitive to the particular set of data used, the years chosen for the analysis, and the decisions made about what constitutes low earnings and what constitutes high earnings.

Most of the studies done thus far, like one recently completed by Barry Bluestone and Bennett Harrison for the Joint Economic Committee of Congress, have attempted to find a long-term trend in the size of different wage groups. Our work at the Bureau of Labor Statistics suggests, however, that there is a strong cyclical pattern that overwhelms any long-term trend.

The accompanying chart demonstrates this point. Using the earnings classification developed in the J.E.C. study—with low-wage workers earning up to half the 1973 median wage, or $7,263, in 1985 dollars—the chart traces the proportion of low-wage workers in the workforce between 1973 and 1985. As the chart shows, the proportion of workers earning low wages peaked in the recession years of 1975 and 1981-82, but declined in subsequent recovery years.

The current recovery period (since the end of 1982) has generated a considerable reduction in the low-earnings share. Like many other employment indicators, however, this measure was affected more sharply by the 1981 to 1982 recession than by earlier recessions. Thus, despite the recent improvement, the proportion of low-wage earners, although lower than in the recession of 1973 to 1975 and the early part of the recovery that followed, remains higher than in 1979.

This lack of progress reflects the impact of the 1981 to 1982 recession rather than a general inability of our economy to generate good jobs. We have nearly five years of earnings data for the recovery after the end of the 1973 to 1975 recession, but only three years (1983 to 1985) of data during the current recovery. Clearly we need more years of recovery to improve the situation.

This cyclical pattern may also shed light on another point raised by the Joint Economic Committee study—that many people are being forced to take part-time jobs. The number of persons working part-time for economic reasons increased markedly during the recession of 1981 and 1982. While still very high, the number has dropped 18 percent during the 50 months of the current recovery. This compares with a drop of only 14 percent (from a lower level) in the first 50 months of recovery after March 1975. Actually, the vast majority of those in the low-wage category are intermittent workers, some of them students. Only about 10 percent are year-round full-time workers.

We also should not overlook the fact that the economic performance of a geographical area strongly affects the amount of wage growth in the area—for both low-paying and high-paying jobs. Review of selected occupations from Bureau of Labor Statistics area wage surveys shows clearly the wage increases for both types of jobs were higher in Boston, an area with very low unemployment, than in Detroit, a city hard hit by the last recession; the increases were higher in Miami, a labor market dominated by service industries, than in Pittsburgh, the home of durable manufacturing like steel.

Good jobs or bad jobs? We have to be careful about drawing final conclusions about a complex issue.●

BLACK HISTORY MONTH

● Mr. GLENN. Mr. President, since 1976, February has been celebrated as "Black History Month." During this month in particular the country recognizes the many achievements and contributions of black Americans. However, while I feel that it is right to honor their achievements, I do not believe we should restrict our expressions of honor to 1 month a year. Because black Americans are as much a part of our American heritage as any other racial or ethnic group, recognition of their achievements and contributions should be part of our consciousness all of the year.

Ohio, in particular, has been the home of many great black Americans. From Crispus Attucks, in the Revolutionary War, to Robert Goodman, in our recent action in Lebanon, black Americans have fought for the principles of freedom and justice that we all hold dear. As another outstanding example, I am proud that the first black American to become a full colonel in the regular army was Charles Young, an Ohioan.

In the arts, Ohio is honored to claim the noted black poet and author Paul Laurence Dunbar as it own, as well as writer Mari Evans and author Charles Chestnutt. We also are proud of the achievements of fellow Ohioans Jesse Owens, the great track and field star, and Mary Edmonia Lewis, the first black American to receive recognition as a sculptress. These are only a few of the black Ohioans who have excelled in their chosen professions. In the future I am certain that the great Buckeye State will continue to produce black leaders and professionals who will exemplify all that is great in this country.

The United States has produced many great men and women of all races, religions, and colors. It is my hope that we will not only honor black Americans during the month of February as a distinguished part of the group, but that we will strive to make their achievements and gains a part of our everyday consciousness.●

HOW MANY SOVIET POLITICAL PRISONERS

● Mr. ARMSTRONG. Mr. President, the Soviet Government has recently announced that some 140 political prisoners confined in jail or in forced-labor camps are being freed under a partial amnesty. It appears that those unlucky enough to be sent to punitive "psychiatric hospitals" are not included. Observers are divided on the significance of the move.

This Soviet action is, however, dwarfed by the response of the U.S. Department of State, which immediately released an additional 9,000-plus Soviet political prisoners. How did State achieve this astounding feat? By the stroke of a pen. Or perhaps more correctly, by judicious juggling of estimates.

Specifically, at a press briefing, the State Department spokesman noted that the Soviet release of 140 prisoners "represents almost 20 percent of the approximately 750 known prisoners of conscience" in the Soviet Union. The key here is the word "known."

Until quite recently the State Department seemed to have "known" that the Soviets had far more than 750 political prisoners. The State Department human rights report for 1984 states that "10,000 is generally considered the minimum" estimate. Likewise, the 1985 report states that "most observers believe there are as many as 10,000 "prisoners of conscience" in the U.S.S.R. Now, in 1987, we only "know" about 750 of the former 10,000.

The problem here is that the State Department is conveniently fuzing two different ways of accounting for these prisoners. The 750 figure appears to be an extrapolation from the list of 900 names compiled by a Soviet emigre and former political prisoner named Kronid Lubarsky, who now lives in Munich. Mr. Lubarsky's list is a solid, reliable attempt to specifically follow the cases of individual persons whose circumstances are known. However, under Soviet conditions it must be assumed that there are many other cases we know little or nothing about. Thus, Mr. Lubarsky can track the sad progress of 900 cases about which we know something, but at the same time we have reason to believe the actual number of such cases is much larger, say, 10,000.

This is not difficult to understand. What is difficult to understand is why the State Department transparently discarded the usual 10,000 figure for the much narrower estimate of 750. There's a big difference between saying that Mr. Gorbachev has released almost 20 percent of prisoners of conscience than saying he has released only 1.4 percent of them.

Not only has State used the lower figure in this instance, the established 10,000 estimate has reportedly been dropped from the draft of the 1986 human rights report, now in preparation. What is remarkable is that even the 10,000 figure must be considered a very low estimate based on an extremely narrow interpretation of the concept prisoner of conscience.

After all, the Soviet Gulag holds by conservative estimate upwards of 4 million prisoners, with credible guesses running up to 6 million. Most of the inmates are classified as common criminals. The United States has a prison population—Federal, State, and local—of about 700,000—well under one-fifth the Soviet total, even though the two countries are of similar size. Either the Soviet Union is a hyperlawless society, or people are in jail for something other than what lands people behind bars in this country.

I have a particular interest in this matter because for several years now I have been trying, without success, to get the administration to enforce a U.S. law that prohibits the importation into this country of items made with forced labor. While this law is enforced today against Mexico, the administration has yet to take action to ban from entry into this country certain products—gold and gold ores, tractor generators, agricultural machinery, tea, and petroleum products—that we have reason to believe are made with forced labor and are being imported from the USSR.

The 1983 State Department report to Congress of forced labor in the Soviet Union cites the familiar estimate of a total prison and camp population of 4 million, "of whom at least 10,000 are considered to be political and religious prisoners." In my correspondence on this issue with the Departments of State, Commerce, Treasury and with the CIA, the same figures have been repeatedly used. Never in any of this correspondence have these numbers been disputed.

Now, without explanation, the State Department decides to publicly asset a completely different estimate based on different criteria. This must lead us to question why the Department apparently is attempting to magnify the significance of the Soviets' decision to let a relatively small number of people out of jail.

There is a heated debate on the importance of the current glasnost' campaign Mr. Gorbachev is using to try to get the Soviet economy going. As with similar moves in the past, such as during the Khrushchev period, the danger for the West is a headlong rush into the illusion that the Soviets are making basic changes in the Communist system. The State Department has a particular responsibility to not toss numbers around in a way that distorts the reality of what is and what is not happening in the Soviet Union.●

GENERIC CERTIFICATES

● **Mr. BOSCHWITZ.** Mr. President, I have come across an article printed in a recent Cargill newsletter about the use of generic certificates. Since the Department of Agriculture started issuing these certificates last May, they have had a significant impact on marketing patterns and commodity prices. I have found that this program is widely supported by farmers since the certificates provide farmers much greater flexibility in marketing their crops. I request that this article titled "Generic Certificates: USDA Response to Stocks Squeeze" be printed in the CONGRESSIONAL RECORD.

The article follows:

GENERIC CERTIFICATES: USDA RESPONSE TO STOCKS SQUEEZE

(By Don Hilger, Senior Economist, Commodity Marketing and Robbin Johnson, Vice President, Public Affairs)

Faced with the prospect of continued stagnant export markets and ballooning government grain stocks, officials at the U.S. Department of Agriculture (USDA) earlier this year chose to implement the generic certificate provision of the 1985 farm bill.

Since then, generic certificates have had a significant effect, although hard to measure, on marketing patterns and commodity prices.

Certificates are a form of currency issued by USDA primarily to farmers in return for participation in the federal farm program. The program stated in early May and soon after, the USDA began to make adjustments in an effort to improve its performance. As a result of these changes, a fluid marketplace developed for certificates.

In that marketplace, farmers have essentially four options with certificates: (1) they can sell the certificates; (2) they can use them to redeem grain under loan; (3) they can purchase Commodity Credit Corporation (CCC) stocks; or (4) they can redeem the certificates for cash: The grain industry's options are more limited: (1) it can sell the certificates; or (2) it can use certificates to buy CCC stocks.

Early in the program certificates began trading near 102-103 percent of their face value. Gradually, they moved to a trading range of 110-120 percent, where values remained for most of the summer and fall harvest months. More recently, values have been 105-110 percent. Redemption also fell into a pattern where roughly 80 percent of redemptions were against farmer-owned grain under loan, the balance against catalogued commodities.

Initially, no one was certain how this program would work. While it has been criticized by some and praised by others, the certificate program significantly eased the grain-storage problem and increased "free" stocks.

HARVEST SQUEEZE

In the months leading up to harvest, certificate values and redemption patterns reflected the desire to create space for new crops. Farmers primarily and country elevators secondarily wanted certificates to get control of stocks to clear them out and make room for the coming harvest. This was especially true for corn and sorghum.

Certificate premiums paid through the summer and harvest, in other words, largely reflected the value farmers placed on their own time and on their ability to control on-farm or nearby commercial storage.

Some estimates have placed this "value" of the farmer's time at harvest at $300-700 per hour.

While impossible to quantify precisely, half to two-thirds of the premium certificates commanded in the period may have reflected what it was worth to farmers to be able to harvest and store their new crop in a timely fashion. This saved them weather and related yield loss risks; it avoided quality risks of uncovered storage or the cost of building additional space. And it gave them assurances the government was unable to provide that defaulted grain would be moved in time.

Allowing farmers to redeem certificates against their own grain caused a giant governmental headache and probably saved it significant costs. The government had an obligation to remove defaulted loans from on-farm storage. The government also had an obligation—moral if not stronger—to make loans available to all eligible producers, who already had qualified by voluntarily curbing acreage planted. To move grain physically from congested areas of the Midwest to make room for new crop loans easily could have involved cash outlays of $.75 to $1.00 per bushel.

Not all areas suffered storage problems. The Corn Belt had serious problems but the Southeast suffered a drought. Certificates bridged the gap between the two areas, with producers in storage surplus areas selling their certificates to producers in regions where storage was tight.

The alternative of paying cash to reconcentrate stocks physically would have cost the government several hundred million dollars. Logistics probably would have snarled grain movement and left some areas congested. In effect, the certificate program probably stretched storage space in some midwestern states 30 percent at little cost to taxpayers and at a substantial savings to the cash outlays necessary to accomplish the same effect.

USDA Generic Certificates to Date

Program:	*Million*
Advance 1986 Deficiency and Diversion, May 1986	$1,350
Advance 1986 Deficiency, Aug. 1986	1,200
Crop Disaster, Aug.-Dec. 1986	450
1986 Conservation Reserve, Oct. 1986	100
1986 Wheat, Barley, Oats Deficiency, Dec. 1986	1,250
1987 Advance Deficiency and Diversion, Nov. 1986-March 1987	3,000
TEA-FFP-BICEP Ethanol programs, July 1986-July 1987	600
Total	7,950

MARKET EFFECTS

Another important effect of generic certificates to date has been to increase "free" stocks and thereby reduce market prices, especially for corn. This probably did result in some "recycling" by drawing some grain under loan. However, these costs often are exaggerated, and the deferred savings from the price reduction often are ignored.

For one thing, sharp price reductions created a carrying-charge market. This provided an incentive for voluntary carrying of more "free" stocks by farmers and the trade.

Second, the resulting reduction in price had salutary effects on both foreign production and total usage. On the competitive production side, for example, corn acreage in Thailand and Argentina declined in response to lower world prices.

On the consumption side, domestic corn use now has increased nearly 200-300 million above last year and well above earlier estimates. Also, exports are beginning to pick up. The People's Republic of China (PRC) is buying corn from the United States again. As another example, the U.S. share of South Korean corn imports is likely to rebound from less than 40 percent last year to 75 percent this year.

These effects on demand are necessarily hard to quantify. And they are just beginning to be visible. But, taken together they can add up to a significant reduction in the amount of stocks the government will have to finance. The pick up comes in larger "free carryover, less foreign production, more domestic usage and higher exports. And the resulting savings are cumulative in two ways: (1) governmental storage costs for several years could be saved: and (2) the demand base is larger and growing more quickly.

A further indirect evidence of this effect is the correlation between commodity redemption patterns for certificates and increased disappearance. Corn redemptions have been heaviest and the growth in usage is highest for corn. Wheat is next highest in redemptions and in usage growth. Little soybean redemption has occurred, and in fact, recent soybean sales reports indicate a significant decline in demand for U.S. soybeans.

It is important to understand the efficiency of this certificate related price reduction. It reduces prices in a manner that is highly focused and that creates maximum uncertainty for competitors. The uncertainty arises from the fact that prices could fall to market-clearing levels rather than just to legislated loan minimums. The focus arises from the fact that many lower bushels actually move through the loan redemption cycle than would be the case if marketing loans were used to achieve the same effect.

So, two major effects of the certificate program were to stretch storage space very efficiently and to promote additional disappearance of commodities in largest surplus at low cost. While it may be that certificates cost more than cash payments in a narrow sense, they probably cost the government substantially less than achieving the same results by trying to finance cash programs that would have yielded the same benefits.

The last effect that should be noted is on marketing patterns. Basically, generic certificates have added a new factor in the marketplace that needs to be analyzed and understood by farmers and the grain industry. Certificates, in other words, are not a substitute for cash markets. Rather, they are a source of liquidity and opportunity in markets that have been distorted by government price and acreage controls. Merchants gain logistical control and marketing opportunities from this increased liquidity. So, too, do farmers in managing then grain marketing plans. So, too, do processors and leaders in gaining access to needed inputs.

Agricultural markets that have been declining or stagnating for five years are beginning to revive. The United States is beginning to reassert international competitiveness. Farmers have gained additional opportunities. In many ways, the certificate program has moved U.S. agriculture further toward a return to market based principles at less cost than purchasing that reform directly with cash outlays.●

EL GRITO DE BAIRE

● Mr. GRAHAM. Mr. President, on this day in 1895 a young man from a small town in Cuba stood in the town square and announced the beginning of the last war of independence against Spain. His name was Saturnino Lora, but that is not important. The small town was Baire, and aside from that one brief outcry for independence, it played no special part in winning the war. But "El Grito de Baire," the shout of Baire, became the symbol of the stubborn Cuban desire for freedom, a desire which had lasted through the bloody wars of independence with Spain, a desire which burned as a bright flame for over a quarter century of struggle against oppression, a desire which ignited the imagination of the American people and forged a common bond between the Americans of the late nineteenth century and what finally became a free Cuba.

El Grito de Baire was a colorful, patriotic national holiday in that free Cuba. Businesses and schools closed. There were banners and parades. The Cuban people celebrated the heroism of their guerrilla fighters: Maximo Gomez, Antonio Maceo, and Jose Marti. They celebrated the dedication and sacrifice of Jose Marti who died in battle a month after invading Cuba to route the Spaniards. They celebrated their own intolerance for the injustices imposed by a hostile regime—and their own courage in throwing off the repressive yoke of Spain.

"El Grito de Baire" became the joyful shout of a free people who had refused to give up on the land and the liberty they loved. It is a shout tinged with sadness today, for the many Cuban-Americans who remember the days of the free Cuba—and for their children and grandchildren who have only the stories and a heritage of memories.

There will be celebrations today in many Florida communities. There will be fervor and patriotism and that same stubborn Cuban desire for independence—a desire which neither time nor the events of history has ever dimmed.

In Key West there will be a special poignancy in remembering the day. It is in the old Key West cemetery that a monument exists to the American soldiers who died in the sinking of the battleship U.S.S. *Maine* in Havana Harbour in 1898. The *Maine* had been sent to Cuba to protect Americans living there from the fierce fighting between the Cubans and the Spanish. The sinking was never explained but it galvanized American public opinion and led to a call for involvement which echoed the "Grito" from Baire.

Our own help to the Cuban people led to the Spanish-American War and by the end of the year to the Treaty of Paris. Cuba became an independent nation. The United States became a world power with stewardship of Guam and Puerto Rico and the Philippines. Together we mourned our dead—and together we rejoiced in our mutual freedom.

For more than 25 years, a century ago, the people of Cuba struggled to be free. For more than 25 years, in our time, they have valiantly repeated that struggle. Brave Cubans have lost the freedom of self-expression in their own country—and still they speak out. Brave Cubans have risked their lives, and given them, to win their country back—and still there are those who try. Brave Cubans have spent lifetimes imprisoned and tortured in their own country for their political beliefs—beliefs you and I are proud to hold.

Fidel Castro has crushed the dream and cut off the bold music of an independent Cuba. He has cast the dark shadow of foreign oppression across a bright land. He has turned promise and productivity into widespread hardship and shortages. He has torn apart families, exported violence and totalitarian precepts in our democratic hemisphere. He bartered a free country into a client state.

But there is one thing he has never been able to do. There is one sound which must haunt the dreams of Fidel Castro. He has never silenced "El Grito de Baire." The call to all Cubans to fight for freedom still echoes in the small towns of Cuba and in the cane fields and across the mountains. You can hear it faintly in the hum of Havana's traffic and in the wash of the waves against the Isle of Pine's beaches. It is an anthem of the human spirit that blows across Baire today, and Sancti Spiritus and Puerto Padre and Cardenas with all the coiled power of a hurricane.

It has been 92 years since that first utterance of "El Grito de Baire" and in that time the Cuban people have tasted the sweetness of freedom and the terrible bitterness of its loss. The celebrations today will be celebrations of hope. The call to freedom has reverberated down through Cuban history—through war and peace, through democracy and dictatorship, through the words of the prophets and poets, past and rhetoric of the political puppets and into the hearts of the Cuban people.

We applaud this commemoration of the "Grito de Baire." It is appropriate that this day be observed. We join with Cuban-Americans everywhere in marking February 24 as the day of the Call to Independence. For over 200 years we have heard it, too.●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $14.3 billion in budget authority, but over in outlays by $13.4 billion. The report does not include the Surface Transportation Act because the bill has not been enacted by Congress yet. When the bill is enacted, only $4.2 billion in budget authority will remain.

I ask that the letter from the Congressional Budget Office, dated March 2, 1987, and the CBO Weekly Scorekeeping Report be printed in the RECORD.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC., March 2, 1987.

HON. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 120. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32 and is current through February 27, 1987. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

No changes have occurred since the last CBO report.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF FEBRUARY 27, 1987

[Fiscal year 1987 in billions of dollars]

	Current level[1]	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,079.0	1,093.4	−14.3
Outlays	1,008.4	995.0	13.4
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,225.5	[2] 2,322.8	−97.3
Direct loan obligations	42.5	34.6	8.0
Guaranteed loan commitments	140.5	100.8	39.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion (Public Law 99-509).

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF FEBRUARY 27, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100–4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100–6)	−7	−1	
Total enacted this session	−11	−5	
III Continuing resolution authority			
IV. Conference agreements ratified by both Houses			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustments benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund[2]	(3)	(3)	
Payments to health care trust funds[2]	(224)	(224)	
Farmily social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund[2]	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds[1]	57	50	
Total entitlements	754	467	
Total current level as of Feb. 27, 1987	1,079,012	1,008,400	833,855
1987 budget resolutions (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,400	
Under budget resolution	14,338		18,545

[1] Included at request of Senate Budget Committee.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding. ●

JOHN BRADEMAS ON HIGHER EDUCATION

● Mr. MOYNIHAN. Mr. President, the wisdom of John Brademas is well known to the Members of this body through his more than two decades of distinguished service in the House of Representatives. Since leaving that body, he has continued to advance intelligent discussion of public policy issues in his position as the president of New York University. His analysis, particularly of the state of higher education in our society, never misses the mark or fails to arouse interest.

Dr. Brademas recently delivered three important speeches, of which I hope my colleagues will take note. At a time when the present administration seems too willing to find fat in the education budget, Dr. Brademas argues eloquently that science and education enrich our democratic system and improve our economy. His keen insights into our Nation's debilitating deficit problem also demand our attention.

I commend his remarks to the attention of my colleagues, and ask that they be printed in the RECORD.

The material follows:

ADDRESS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

"IS THE AGENDA FOR SCIENCE TOO IMPORTANT TO BE LEFT TO SCIENTISTS"

(At a Symposium on "A New Agenda for Science" Sigma Xi Centennial Annual Meeting)

I am honored to have been invited to participate in this centennial symposium on "A New Agenda for Science" sponsored by Sigma Xi, and I thank my old friend, your distinguished past president and one of America's statesmen of science, Lew Branscomb, for asking me to be with you.

I wish all of the family of Sigma Xi a very happy 100th birthday. As, in the words of your motto, "companions in zealous research," you are to be congratulated on your century-long record of uniting scientists of all disciplines in stimulating the progress of science.

Allow me to thank you, too, for the opportunity this occasion affords me to be back in the city where I spent nearly a quarter of a century of my own life. It has been five and a half years since I left Washington, D.C. for Washington Square, but you will not be surprised to hear me say that I have found many similarities between the worlds of Congress and campus. In both arenas, one wrestles with money, ideas and egos.

Indeed, I shall speak to you today from the twin perspectives of one who for 22 years served as a legislator concerned with translating ideas and values into some sort of viable action and now as a university president, leads an institution dedicated to the creation and transmission of knowledge.

I am, I need hardly insist, neither a natural scientist nor an authority on science policy. But my experience as both practicing politician and practicing academic—and as citizen—required me on Capitol Hill and requires me still at NYU to deal with issues that are the direct and indirect consequence of what you as scientists do in your everyday lives.

Whether as a legislator attempting to devise a rational formula for channeling Federal tax dollars to states and local school systems to help educate handicapped children or voting on an amendment to continue work on the MX Missile . . . or as a university president making judgments about the areas of science on which to concentrate resources that are never unlimited; or, in cooperation with the leaders of our Medical Center, determining the appropriate mix of research, clinical care and education for the decade ahead—these are concrete instances of how, in compelling and existential ways, I found and still find myself affected by scientists and science.

So—although I have immense respect for the power of science and the influence of scientists in our lives and on our world—I trust you will agree that it is precisely because of this power and influence that the agenda of science is much too important to be left, at least solely, to scientists.

I take it, may I add, that most of you would not quarrel with a reverse spin of this proposition, that is to say, that you would also agree that the decisions taken by the government of the United States are so crucial to the lives of us all that you would not want the agenda of government to be left solely to the politicians!

Allow me then to talk with you this morning about the condition of science in the United States and of the strategies that have sparked American scientific achievement over the last generation.

Then I should like to comment on several factors, particularly some weaknesses in American science, that may impel us as a nation to rethink the agenda for it.

Finally, I shall offer some observations on the policies of the Federal government toward science and education, recommend ways we might change those policies and conclude with a few suggestions for amending the science agenda.

I shall not pretend to be exhaustive but, I hope, instructive.

American Dominance in Science

I begin by taking note of the dazzling trajectory of science. Our century has witnessed the greatest advances in scientific knowledge and technological innovation in human history. We have conquered smallpox, unleashed the promise of agriculture and gained insight into the structure of matter. The laser and computer, the semiconductor and recombinant DNA—all are fruits of modern science. In a supreme tour de force, we went to the moon.

Although scientists worldwide have fueled this engine of knowledge, over the past four decades, science has been dominated by Americans.

It was not always so. From 1901 to 1941, the first forty years that Nobel prizes were awarded, only seventeen American scientists received them. By contrast, in the second forty years, there were 117 American winners in science, more than from the rest of the world combined. Only last week, in the latest competition, Americans won half the science prizes.

The basis for this spectacular burst of American scientific achievement was a new research partnership proposed in the famed 1945 report, Science—The Endless Frontier, prepared by Vannevar Bush.

The Bush strategy rested on two premises. First, in the words of the report, "[S]ince health, well-being and security are proper concerns of government, scientific progress . . . must be of vital interest to the [Federal] government." Second, the government should direct its support of basic, as distinguished from applied, research to the nation's universities.

Bush's recommendations led to the creation of the National Science Foundation and a huge surge in Federal support of science at American Universities through the National Science Foundation, Department of Defense, National Institutes of Health and other departments and agencies.

This experiment in government-university cooperation met with remarkable success. When the NSF counted 85 significant advances over two decades in mathematics, chemistry, astronomy and the earth sciences, responsible for more than 70 percent of the strides were academic scientists.

At a time when some are questioning the value of the Vannevar Bush stategy, I think it essential to understand how congenial a spawning ground for science American universities are. As President Reagan's former Science Adviser, Dr. George A. Keyworth, said, "No other research institutions—federal laboratories, nonprofit organizations or industrial laboratories—give so much return on investment in the long term. No other institutions produce both knowledge and people."

Beyond the coupling of new discovery with the preparation of future discoverers, the university environment offers inherent advantages over other settings with its emphasis on excellence, on independent thought, risk-taking and the freedom to fail as well as succeed.

Having recalled the blueprint that made possible American superiority in science, I turn to the current debate.

The Science Debate

As everyone here knows better than I, the way in which we develop science in the United States has become a subject of intense concern. The Sigma Xi centennial project is one of several important efforts to reexamine how we do science in this country and what it is we do.

Perhaps the most extensive such scrutiny is the science policy review now being undertaken by the House Committee on Science and Technology, chaired by my distinguished and now retiring former colleague, Don Fuqua of Florida.

Why this renewed focus on science? I'm sure there are many reasons but among the most obvious are these: the rapidity combined with the complexity of scientific change, the evident importance of research to fundamental national goals, the tight budgetary climate in Washington, and rising apprehension about serious gaps in our capabilities for science.

Let me speak briefly to each of these points.

First, on the question of the speed and difficulty of science, Gerald Holton, Harvard's eminent historian of science and presently David Kriser Visiting Professor at New York University, has said that neither the general public nor most intellectuals understand either the way scientists think or what scientists actually do.

Moreover, Holton says, "the metabolism of the science/technology complex" is a "burden" to Americans. The scale of technological intervention in our lives, he observes—the deployment of nuclear reactors, computerization of the workplace, the design of vast weapons systems—baffles many of us.

Especially serious, Holton insists, is that persons in positions of great responsibility, particularly in the Federal government, are often not well enough informed to make wise decisions about the use of such technologies.

Although, he adds, half the bills Congress considers relate to science and technology, few members of Congress understand scientific issues.

A former National Security Adviser and now professor of history at New York University, McGeorge Bundy, warns how dangerous such ignorance can be in respect of defense policy. Says Bundy, alluding to major weapons systems and singling out the Strategic Defense Initiative, both Congress and the public must insist on the information necessary to comprehend both "the objectives of research and the criteria for choices."

Bundy's advice seems all the more compelling in light of events of recent weeks. President Reagan, after Reykjavik, charges critics of SDI with weakness on defense. Yet many respected scientists assert that Star Wars will never defend anything in that it is technologically improbable if not impossible.

Considering the power and pervasiveness of science in modern life, we must ask: Are we teaching Americans enough science to cope? And how much do our leaders really need to know and understand in order to make wise judgments about science-related matters?

A second reason we are now rethinking science is that there are greater opportunities for new discovery than ever before. As another speaker here today, Erich Bloch, the distinguished director of NSF, has said, "Breakthroughs in instrumentation, computation, experimentation and theory seem to be occurring in every discipline."

The acceleration and range of scientific progress lead to a further concern. Are we missing research opportunities? Can American scientists stay at the forefront of knowledge? Will foreign scholars overtake us?

Science and American Strength

A third factor making science—and education generally—more visible is a growing recognition on the part of the American people of the significance to their own individual lives and to our society as a whole of what happens in our classrooms, libraries and laboratories—or does not happen.

Let me linger on this observation for a moment. It is central.

I note that three years ago I served on the bipartisan National Commission on Student Financial Assistance, created by Congress to assess student aid programs, and that I chaired its subcommittee on graduate education. Our commission's report was issued in December of 1983.

What impressed me most from all the hearings and discussions my colleagues and I had with scholars, business leaders and top government officials was their overwhelming support for increasing the nation's investment in graduate education and research.

Why? For three principal reasons: to strengthen our economy in an increasingly competitive world, to insure the nations security in a dangerous world and to enhance the quality of our national life.

Let me say something on the first point, the relationship between investment in graduate training and research and the economy.

I must tell you that as president of New York University, with the opportunity to sit on a variety of corporate, public and pro bono boards, I now see more leaders of American business, industry and finance in a month than as a Congressman I would meet in a year.

Despite the diversity of their responsibilities, one concern that knits together most of these corporate CEOs is the declining competitive position of the United States in a number of fields.

But there is more than anecdotal evidence here.

I cite a series of powerful speeches by Mr. Bloch. I note the study of the President's Commission on Industrial Competitiveness and reports prepared by the Business-Higher Education Forum.

Indeed, in recent months, two organizations have been formed the chief focus of which is our international competitive standing.

One, the bipartisan Congressional Economic Leadership Institute, was created at the direction of a group of Senators and representatives. This Institute will bring together experts from academia, industry and labor to educate members of Congress on issues relating to our economic strength.

The other, the Council on Competitiveness, composed of university, business and labor leaders, will seek to make our waning competitive situation the top priority of decisionmakers in government and industry.

The NSF, the National Governors' Association and the Conference Board have also just announced a joint project to find ways that business, government and universities can cooperate to bolster the economic position of the United States.

All these organizations and studies have emphasized the close nexus between scientific research, on the one hand, and, on the other, American productivity and strength in world markets.

Everywhere one turns, one finds evidence of this concern.

A report entitled, "The High Tech Race," in Fortune magazine this month says of this connection, "Capital, abundant natural resources and economies of scale in the world's largest developed market all contributed to the doubling of output per man-hour over the past 40 years. But the largest single factor has been the forward march of U.S. science and technology."

The title of the lead article in this week's issue of Science magazine is, "What Has Happened to Productivity Growth?" Says the author, Martin Neil Baily of the Brookings Institution, "The collapse of U.S. productivity growth is the most severe and persistent of recent economic problems."

And here, of course, one must not omit mention of our trade deficit, now estimated at $150 billion, with losses both in traditional manufacturing—steel, autos and machine tools—and in high technology, where the Fortune essay warns that this year, for the first time, United States imports are expected to exceed exports. The American share of world high tech markets has declined in seven of ten sectors.

I remind you that these weaknesses threaten our defense edge as well. The National Academy of Sciences said recently that Japanese and other foreign companies now supply "critical components" for American missiles, electronic warfare devices and other advanced weapons systems. Two groups—one established by the Department of Defense, the other by the National Security Council—are preparing reports on the dangers of our relying on other countries for semiconductors, the silicon chips at the heart of computers, robots and missiles.

Now having remarked on the increasing awareness of the linkages between science and both the nation's economy and defense, I point to still another cause for the rise of science on the nation's agenda, the soaring deficit in the Federal budget.

For the magnitude of the deficit, at last reckoning some $220 billion for the current fiscal year (I cannot resist reminding you of Mr. Reagan's campaign promise to balance the budget by 1984!) forces difficult choices among competing needs.

Science must vie with other programs—defense, public works, agriculture—for its share of limited Federal resources.

And not surprisingly, political leaders are pressed to examine anew priorities for research and to justify in more immediate terms the cost of a project and its probable payoff.

You know the questions better than I. Is the Federal government distributing science dollars for the most productive research, and how is "productive" defined and who defines it?

Again, are we managing the nation's investment in science in the most efficient and cost-effective ways?

The tragedy of the Challenger and the widespread perception of waste, fraud and abuse in Pentagon procurement are two of the most dramatic examples of why such questions are asked by the man and woman in the street as well as by captains of industry and Congressional committee chairmen.

Eroding Research Capacity

The final reason I would assign for the renewed interest in science is the troubled condition both of science education at all levels and of university-based scientific research.

The educational pipeline for science and engineering in this country has been springing serious leaks all along the way.

Our elementary and secondary schools are producing a nation of scientific illiterates. One recent report to the American Association for the Advancement of Science found a substantial number of Americans believing in astrology, lucky numbers and UFOs. Only one in three adults knows clearly what a molecule is and but one of six understands the meaning of the term DNA.

Disastrous gaps in science education at the elementary and secondary levels have been documented by such groups as The National Science Board Commission on Precollege Education in Mathematics, Science and Technology, co-chaired by William T. Coleman, the former Secretary of Transportation, and Cecily Selby, now of New York University.

These studies reveal, for example, that more than half our high school students take no mathematics or science beyond the tenth grade, and that virtually every state is short of teachers in these fields.

At the college level, the situation is little better. The percentage of freshmen interested in science has been sliding for the past decade, with the decline for minorities particularly sharp. The National Science Board Committee on Undergraduate Science, Mathematics and Engineering Education reported recently that undergraduate laboratory instruction was generally "tedious and dull," faculty were underprepared and curricula outdated.

Beyond this array of problems, several other studies warn of serious weaknesses in the research infrastructure of American universities.

Here I remind you that the title of the report I earlier cited of the National Commission on Student Financial Assistance was Signs of Trouble and Erosion: Graduate Education in America.

I can tell you without fear of rebuttal that studies produced in the nearly three years since our report was issued have strikingly reinforced our conclusions.

For example, another group on which I sat, the Committee on Government-University Relationships in Support of Science (GURSS), sponsored by the National Academies of Engineering and of Sciences, and the Institute of Medicine, also uncovered grave flaws in academic science.

And as I have already observed, over this past year, in a number of speeches, Mr. Bloch has eloquently identified serious deficiencies in the nation's research capabilities.

Finally, last spring, a report entitled, A Renewed Partnership, was issued by a Panel on the Health of U.S. Colleges and Universities. This group, co-chaired by David Packard, chairman of Hewlett-Packard and former Secretary of Defense, and Professor Allan Bromley of Yale, was created by the White House Science Council at the request two years ago of then Science Adviser to the President, George Keyworth.

The conclusions of both Mr. Bloch and the Packard-Bromley panel are, to reiterate, on all fours with each other and with those of both the study groups with which I was involved.

In the last ten years, says Bloch, there has been a troubling decline in the number of doctorates in mathematics, the physical sciences and engineering, with the Soviet Union and Japan turning out proportionately more engineers than the United States. He warns that this gap could grow wider as the American college-age population drops over the next decade.

I need not persuade this audience that across these several graduate disciplines, minorities are grossly underrepresented.

After years of neglect and inadequate support, university laboratories, equipment and facilities are in an alarming state of disrepair. The needs in this area are staggering—some estimates run as high as $10 billion for equipment and $20 billion for facilities.

The report on the status of academic science prepared by the White House Science Council group—the Packard-Bromley panel—also deplores the deterioration of facilities, the obsolescence of equipment and loss of trained manpower.

I would point out, too, that a serious problem in areas such as engineering and computer science is faculty vacancies. The allure of industry for some of our ablest professors is often irresistible; better salaries and superior laboratories are the most obvious advantages.

In view of our crumbling research infrastructure, it is not surprising that so-called outputs of research appear to be in decline. The American share of world scientific literature has fallen in most fields as has the rate at which our literature is cited by others, an indication of quality.

Now I have attempted to suggest to you several reasons for the current intense focus on the role of American science, and I have emphasized the problems and pressures endangering our research enterprise.

In my view, if we are to meet the nation's needs—economic, security and quality of life—we must, far more vigorously than we have been doing, improve science education at every level, from the earliest grades through graduate school. And essential to achieving this goal will be strong support from government at every level—local, state and Federal—as well as from the private sector.

In like fashion, to restore our university-based research capacity to the strength appropriate to the United States of America in the last years of this century and into the 21st will also require vigorous support from a diversity of sources—foundations, corporations and individuals as well as state governments and, especially important, the Federal government.

Recent Policy Recommendations

Here I want to speak of some recent recommendations for action by the Federal government to deal with some of the problems I have discussed.

Virtually all of the studies I have cited are highly critical of present national policy toward science education and academic research. All call for more, not less, action on the part of the Federal government.

For example, the Coleman-Selby panel asks for a $1.5 billion Federal commitment to improve pre-college science education.

As I have indicated, some of the sharpest criticisms of present policy have come from a high official of the current Administration and from a committee designated by a senior White House appointee.

Both Mr. Bloch and the Packard-Bromley panel consider the Federal investment in university research inadequate, and urge that more Federal funds be channeled into academic science.

How much greater should that investment be? Both Bloch and the White House panel argue strongly for a doubling of Federal support of basic research conducted at universities.

So where does my analysis lead us?

First, I have ascribed much of the extraordinary strength of American science to its roots in colleges and universities.

Second, I have noted that we are reexamining our science-producing system, and I have pointed out some problems that afflict that system.

Third, I have cited several recent recommendations for public policy for academic science and the virtual consensus among them.

Because we meet today in Washington, D.C.; because as a member of Congress I dealt with education legislation; and because I believe current policies threaten further to erode the nation's science and engineering base, I should like now to comment on the effect of these policies.

Whether they emanate from the President, Congress or regulatory agencies, for purposes of understanding their thrust, we can divide the policies into four categories: **budgets, taxes, regulations and science** advice.

Budgets

First, budgets. Here I choose three areas to make my point: mathematics and science education, university-based science research and development, and student financial aid.

Although Congress two years ago enacted legislation authorizing $425 million to improve the training of science and math teachers, the measure has never been fully funded. This year the appropriation is $45 million dollars, and in his latest budget, Mr. Reagan attempted to fold the program into a block grant to the states, further weakening this effort to attack a problem that continues to beset our schools.

With respect to the Administration's R&D budget, I cite the common opinion of three authorities—Mr. Bloch; Dr. Lawrence Bogorad, president of the AAAS; and Dr. Frank Press, president of the National Academy of Sciences. All three point to two troubling trends:

First, the military proportion of the Federal research and development budget has ballooned during the Reagan years from about half to nearly three-fourths of all Federal R&D spending.

Second, the already small share of dollars allocated to basic research is steadily dropping.

When one considers the budget for academic research and development, the picture is mixed. At a time when expert panels urge a doubling of Federal support of basic research at universities, the Administration's latest budget asked for a 4 percent increase in such funds.

The President seems to be giving with one hand and taking away with the other. This year the Administration sought a large boost in money for basic research for NSF, NASA and the Department of Energy but only a negligible hike for basic research in the life sciences.

Particulary destructive were the Administration's call for severe cuts in funds for the national Institutes of Health, which account for 40 percent of Federal support of university science.

Mr. Reagan has also pressed for radical changes in the ways that teaching hospitals are reimbursed for the cost of graduate medical education, and he has sought to eliminate all funds for health professions education and nurse training. The President may be fairly described as dangerous to the nation's health!

On another front, I must note that the Administration did address one of the most serious problems plaguing academic science, the deterioration of facilities. Although the Packard-Bromley panel recommended a Federal expenditure of $5 billion over ten years, the increase requested for NSF for these purposes was less than $40 million.

But the worst casualty of the President's latest budget, more than offsetting any gains for academic research, was student financial assistance.

Now I served in Congress with six Presidents of the United States—three Democrats: Kennedy, Johnson, and Carter; and three Republicans: Eisenhower, Nixon, and Ford—and all six supported the use of Federal tax dollars for higher education. Ronald Reagan is therefore the first President of our generation to have waged war on our colleges and universities and the students who attend them. This language may seem harsh but unfortunately it is easy to document what I'm saying.

In every budget this Administration has proposed since 1981, Mr. Reagan has called for deep cuts in aid to talented but needy students.

The Administration budget for fiscal 1987 would have slashed student aid by 23 percent in real terms below the amount appropriated for fiscal 1986.

Particularly alarming were proposals that would have eliminated two million student aid awards and sharply reduced another one million. Hardest hit would have been 800,000 students now receiving Pell grants, which go to the neediest.

Changes the Administration wanted in the Guaranteed Student Loan program, on which over 3 million students now depend, threatened its collapse.

If enacted, the Reagan budget would have meant that by 1991, only five years from now, funds for Pell grants would have been reduced by one-third and for the GSL program, by sixty percent.

Beyond the Reagan budgets, of course, is the Gramm-Rudman Act. Although its mechanism for automatic cuts was declared unconstitutional last summer, both the President and Congress continue to accept its deficit targets. The pressure to reduce the deficit made the battles this year over research monies, NIH funding and student aid even more difficult than usual.

In light of what I have just said, you will understand how pleased I am that the bipartisan coalition that characterized all my time in Congress once again this year rejected the most damaging of the Administration's proposals on student aid.

And I am glad, too, that Republicans and Democrats in Congress joined to restore funds for biomedical research, health professions education and nurse training.

Moreover, the House and Senate recently reauthorized the Higher Education Act, the vehicle for Federal support of most student aid programs. In doing so, Congress created two new graduate fellowship instruments, one for areas of national need, such as engineering and computer science, the other for minorities.

Despite these victories, I remind you that budget austerity is likely to be with us for a long time to come.

But Reagan budgets and Gramm-Rudman are not the only grave threats to research.

Tax Reform

Although the tax reform bill signed into law this week by President Reagan represents major improvements in making the tax code fairer-and as a long-time legislator, I doff my hat to my former colleagues, Dan Rostenkowski and Bob Packwood, for their extraordinary leadership—the measure also contains provisions that threaten serious harm to the nation's colleges and universities.

First, some estimates are that the new law will reduce charitable contributions to higher education by as much as $1.2 billion annually. Giving will suffer because of the elimination of the charitable deduction for non-itemizers as well as the imposition of a minimum tax on major gifts of appreciated property, which account for 40 percent of all contributions to colleges and universities.

Another feature mandates a $150 million ceiling per institution on access to tax-exempt financing by private colleges and universities while continuing access to such financing by public colleges and universities. As you know, many institutions of higher education must rely on tax-exempt bonds to construct and renovate facilities and modernize equipment.

This particular limitation means that for the first time, Federal policy will by law place private colleges and universities in a position inferior to our public counterparts.

Given what I have been saying about the importance of research to the nation's economic strength and to our national security, you will understand why I must note that this revision of the law strikes directly at the nation's research capabilities. Some two dozen private institutions will be affected by this change, among them many of the nation's leading research universities, including, in my own state alone, New York University, Columbia, Cornell and Rochester.

This provision, in effect, by compelling these universities to go to the more costly conventional market, taxes them and solely because they are private, a strange proposal for a President who rhetorically praises the private sector of American life.

A third change under the new law will tax scholarships and fellowships to the extent that students do not use the stipends for tuition and equipment, a blow to graduate students who need such support for room and board.

And finally, the elimination of deductions for state and local sales taxes will damage education. With these taxes no longer deductible, it may be harder for states to levy them, thereby losing a traditional source of financing for public schools and universities.

Here I should mention one change that is favorable to higher education. The tax law includes a new 20-percent tax credit for corporate sponsorship of basic research at colleges and universities.

But overall, the tax reform law represents a serious loss this year for higher education in our country.

Regulations

As if the cumulative impact of these budget and tax measures were not damaging enough, research universities have had to be concerned about another set of potentially harmful Federal policies—regulations.

A study for the Science Policy Task Force of the House of Representatives, entitled, The Regulatory Environment for Science, says, ". . . no matter where the research occurs, individual investigators look up from their benches to see an unbelievable host of controls, obscuring the good intentions of their research."

Last February, for example, the Office of Management and Budget, without any prior consultation with the university community, announced that overhead charges on Federal research grants would be limited to 26 percent of the direct cost of the research with a still lower cap of 20 percent to be applied in 1988.

As David Packard, co-chairman of the White House Science Council Panel, said, "The [Office of Management and Budget] did precisely what we recommended they not do," adding that "the OMB lacks any understanding of what the problem is all about."

Fortunately, leaders of the research community were able to work out with OMB representatives a mutually acceptable formula for paying overhead charges. But the fundamental issue of how to pay for indirect costs of research remains.

There is yet another matter that must concern all scientists dedicated to the free flow and exchange of information and ideas.

Through regulatory and other administrative actions, the Reagan Administration is attempting to restrict access to such flow and exchange in ways that have ominous implications for a free and open society.

Let me illustrate. The present Administration has:

Sought to narrow the scope of the Freedom of Information Act, which guarantees public access to most government documents;

Barred entry of foreign speakers into the United States for fear of what they might say;

Urged lifetime censorship on over 150,000 employees of the Federal government, denying them the right to publish without government approval;

Attempted to block the exchange of unclassified information at scientific meetings;

Expanded the reach of pre-publication review of research financed by the government;

Prohibited foreign scientists from attending meetings or conducting research in the United States.

Now it is possible to argue that at least one of the reasons that so many of these Federal policies in respect of science—budgets, taxes and regulations—seem unwise is the lack of a sound mechanism for providing science advice to the President. Let me explain.

Science Advice

We once had a well-respected scientific advisory apparatus. Established by President Eisenhower, it was headed by a science adviser who chaired a President's Science Advisory Committee, composed of prominent scientists and engineers. President Nixon undid this arrangement. Although the post of science adviser was eventually reestablished, it never regained the status it enjoyed when supported by a committee of distinguished figures.

As Gerald Holton said recently, a single Presidential adviser without responsibility to a separate committee "is not only dangerous but contradicts all we know about the growth of scientific knowledge." Seven past Presidential science advisers have agreed on the need for such a science advisory committee.

Even in attenuated form, the science advisory function has fared poorly under Mr. Reagan. As you all know, for most of this year, there was no permanent science adviser. The Office of Science and Technology Policy, directed by the science adviser, suffered a staff cut and is slated for a drastic budget reduction.

It is all the more curious that the Administration has neglected its science office at a time when the White House is awash in issues of enormous scientific complexity—among others, the feasibility of Star Wars, the future for manned space flight, the implications of Chernobyl, and the effort to combat AIDS.

A Troubled Partnership

From what I have so far said, it should surprise no one when I observe that there are points of serious friction in the government-university relationship as it affects science.

The combination of, on the one hand, contracting budgets and expanding hopes for science with, on the other, insistent demands for support, has aggravated these tensions. I simply list some symptoms of the strain.

More and more universities, desperate for funds for science facilities, go directly to Congress, bypassing merit-based peer review.

University administrators, scientists and regulatory agencies squabble about who should pay for what research costs.

Thousands of scientists pledge non-participation in Star Wars research; a Department of Defense official brands them 'disloyal', implying they will lose all future Pentagon support.

President Derek Bok of Harvard warns that money pressures may lead scientists to secret or restrictive agreements with government and industry, thereby compromising free inquiry.

Competition for dollars pits so-called little science against big science, single scientists against teams and centers, short-term innovation against long-term discovery, and the growing number of research universities against one another.

Certainly, many of these conflicts are endemic to the government-university relationship and are part of the natural give and take of a democratic society. Indeed, in our report on how to improve this partnership, the GURSS committee on which I sat came to two judgments. The differences in the goals, activities and perspectives of government, science and the universities lead inevitably to misunderstandings. Government officials, university administrators and scientists will be well served by arrangements for discussions that will increase the prospects of mutual comprehension and consensus.

What we must seek to prevent, as president Paul Gray of MIT, says, is the development of "a wall of ice" between "democratic and scientific institutions."

Now it may be true that shaping sound policy for science will require more patience, persistence and wisdom than the process of scientific discovery itself. Permit me, nonetheless, to offer some directions in which I believe we should be moving as we seek to fashion a new agenda for science in the United States.

An Agenda for Action

First, we must continue fully and openly to debate the policies that most effectively strengthen science.

I commend in this respect the splendid contributions of both Sigma Xi and the House Task Force on Science Policy.

Your society's centennial project brings an enlightening grassroots perspective to the current dialogue on policy. In surveying its 115,000 members, Sigma Xi is tapping the views of scientists from all disciplines and all parts of the country about the education and activity of scientists.

Moving on a parallel track is the House Task Force on Science Policy, now reviewing the role of the Federal government in supporting research. During the past two years the Task Force has commissioned studies and heard testimony from experts in academia, government, business and the foundations. Their report will be published next January.

I am pleased to have been among those invited by the American Council on Education to join its new Commission on National Challenges in Higher Education whose purpose is to identify the appropriate Federal role in higher education. This 33-member Commission, which includes college and university presidents, scholars, and business and labor leaders, will issue its findings next year. Our task includes assessing, among other issues, student aid and the needs of academic research.

Beyond activities such as these, I believe universities should themselves—through lectures, discussions and seminars—join the science policy debate. Where better than our nation's campuses, in a spirit of free inquiry, to raise difficult questions, present opposing views and find a framework for consensus?

Second, to remove strain from the science-producing network, we must build new alliances.

An effective model for such cooperation is the Government-University-Industry Research Roundtable. In keeping with the recommendation of the GURSS report in strengthening the government-university science partnership, this group was established to promote communication among the key players in the research process. Chaired by Dale R. Corson, the former president of Cornell, the Roundtable brings together representatives from government, the academy and business to share ideas and solve problems.

This year, for example, the Roundtable helped put out the brush fire caused by the clash over indirect costs. And working with five Federal agencies, the Roundtable initiated a project at the research universities of Florida to test a way to control these costs.

University-Industry Cooperation

Third, to stimulate scientific innovation, we must forge new linkages between universities and industry.

The promise as well as the pitfalls of the expanding web of university-industry relationships merit, I realize, an entire speech.

Let me here simply say that during my years in Congress, I represented a district in Indiana closely tied to the automotive industry. Exactly twenty-three years ago last summer, the two United States Senators from Indiana and I went to the Oval Office in the White House to tell President Kennedy that unless he did something to help, the Studebaker plant in South Bend, nationally and internationally famed among American corporations, would collapse. This was a time long before Penn Central, Lockheed, New York City and Chrysler—and Studebaker did collapse.

As a result of that experience, I became convinced that one of the major causes of the economic decline of my native Midwest was the failure of business executives, government officials and the faculties of the great Midwestern universities to work together to develop new kinds of business. I thought it dangerous to continue to rely solely on the automotive industry.

Yet too many business leaders in Northern Indiana walked across the campus on Saturday afternoon to the Notre Dame football stadium without pausing to look at the splendid array of engineering laboratories Father Hesburgh had built.

Now, as a university president, I believe more firmly than ever that if we are to have a more competitive economy in this country, colleges and universities must cooperate more closely with industry.

For the past few years I have been chairing the New York State Council on Fiscal and Economic Priorities, created by Governor Mario Cuomo. The Council, composed of twenty-eight New Yorkers from every walk of life, is a mechanism to encourage all sectors of our state to join in spurring economic growth.

Indeed, earlier this month, in a report on the national employment outlook for 1987, The New York Times emphasized the importance of universities to the economy of the region where I now live. Referring to the Middle Atlantic states, the Times said, ". . . like the proverbial phoenix, much of the region has recovered and become an economic success story of the 1980s. More than anything else, economists say, its rejuvenation grows out of the strength of its higher education system."

The Politics of Science

My fourth exhortation this morning is that we seek to break through the sound barriers between and among scientists, citizens and their elected representatives.

I have earlier spoken of the need for the public to better understand science in order to make responsible choices about science and technology.

But as social scientist Kenneth Prewitt suggests, the issue of science literacy can be stood on its head. Scientists may know less about the public—particularly in the political realm—than the public knows about science.

But it is now too late, says Prewitt, for science "to evade the consequences of the participatory democratic culture in which it is practiced and from which it draws support."

In other words, scientists must pay more attention to politics. You who are involved in the science policy debate must move from the arena of analysis to that of action.

Each of you must make the case for science—for both scientific research and science education—so that those who make decisions about the direction and financing of science—including Presidents, Congressmen and other public officials—will be able to decide more rationally and more wisely.

But it is not enough for you to confine your efforts to science or even to universities. You should also lend your voices and your votes to strengthening education of every kind and at every level.

For if the agenda for science is too important to be left to scientists, scientists in turn—with your special gifts of mind and creativity, of integrity and tenacity—are too important to the entire range of challenges that confront us not to play a role in setting the agenda for the nation.

Conclusion

Let me sum up what I have tried to do here today.

First, I have spoken of the American strategy for advancing science and have given some of the reasons I think that strategy is now being re-examined.

I then took note of some recent recommendations for strengthening scientific research and for improving science education and contrasted these proposals with budgetary, tax and regulatory policies now being purchased in Washington.

I went on to suggest an agenda for science that would emphasize new partnerships and stronger support for our science-producing network in this country. And I made a plea for more vigorous advocacy of education generally.

I conclude my remarks with words that seem especially appropriate as you of Sigma Xi begin your second century.

They are the words of Alfred North Whitehead, who once solemnly warned, "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe the American race is doomed . . . so long as the American people and the men and women they choose to lead them acknowledge the value of such intelligence and insist on the resources to support it.

REMARKS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

"THE AMERICAN ECONOMY: THE POLITICAL DIMENSION"

Introduction

I am honored to have been invited to take part in this series on The American Economy and to share this platform with the learned and lucid Leonard Silk who daily does the impossible: makes economics understandable.

The 92nd Street Y, founded over a century ago, continues to be one of this city's—indeed, the nation's—most important forums for discussion and debate on pressing issues. So I am glad to be with you.

And let me here salute several persons who have made these lecture programs a prominent feature of the intellectual landscape of New York City:

The Director of the Education Department of the 92nd Street Y, Dr. Robert Glick—who, I might add, came to you by way of New York University; and

Associate Director Laura Kaminsky; as well as the Chairman of the Lecture Program—and son of one of the most prominent members of the New York University's Board of Trustees—William Heyman.

Now given tonight's topic "The American Economy: The Political Dimension," I find no difficulty in choosing which side of that title to emphasize. I do not pretend to be an economist. I speak to you rather from the perspective of one who for twenty-two years served in the United States House of Representatives, where my major legislative concerns were education, the arts and humanities, services for the elderly and the handicapped. I did, however, serve in the leadership of my party as House Majority Whip—and from that vantage point was, of course, involved in a range of fiscal and budgetary matters that came before Congress.

Moreover, the institution I am today privileged to lead, New York University, is itself an economic enterprise of considerable size and complexity. With some 47,000 students, over 14,000 employees and an annual budget nearing $800 million, NYU is the largest private university in the world.

I also sit on a number of corporate and pro bono boards and chair Governor Cuomo's New York State Council on Fiscal and Economic Priorities and also chair the Board of Directors of the Federal Reserve Bank of New York.

So though I've left Capitol Hill for the campus and no longer cast votes on budget resolutions and authorization and appropriations bills, I still find myself dealing in one way or another with matters economic—and given the impact of decisions of governments at every level on the economy—with matters political.

Clearly, the title of tonight's program makes this same point, namely, that in the American system, economics and politics are in constant interaction.

And so I want first tonight to comment on some connections between the American economy and our political system and the implications of these connections for both economic performance and government.

Then I want to make some observations about the major economic challenges facing the country as we enter the final decades of the 20th century.

I want to speak of the policies for the Administration that has been in power in Washington, D.C., for the past six years and indicate some ways in which I think those politics have seriously frayed the economic fabric of the United States.

Finally, because I spent most of my adult life in electoral politics and because we are less than a week away from elections that will determine the composition of the 100th Congress and the one with which President Reagan will have to live in his last two years in office, I shall reflect on those elections and their repercussions for future economic policies.

The political-economic nexus

Let me begin with the nexus between politics and economics.

Few will quarrel with the assertion that electoral outcomes are sensitive to the performance of the economy. Politicians regularly ride the tide of the economy into office, and some are swept out of office by the currents of economic change.

On this matter, I speak with some authority. During my years in Congress, I represented a district in Indiana closely linked to the ebb and flow of the automotive industry. Here was an economic fact of life that I could ignore only at my electoral peril.

In fact, exactly twenty-three years ago last summer, the two United States Senators from Indiana and I sat in the Oval Office at the White House with President Kennedy and told him that, unless he did something to help, the Studebaker plant in South Bend, nationally and internationally famed among American corporations, would collapse. This was a time before Penn Central, Lockheed, New York City and Chrysler—and Studebaker did collapse.

Although, in fact, I survived the demise of the Studebaker, economic forces played an important part in my own defeat at the polls in 1980. The oil price shocks of 1973 and 1979 had taken their toll in the region of the country I represented, depressing the automotive sector and all but decimating a once-healthy recreational vehicle industry centered in Elkhart, Indiana. Unemployment in my district was 15 percent—double the national rate. Inflation was high.

As a leader of my party in Washington, I was easily linked to these troubles. The voters of my district, including blue-collar union workers who could normally have been expected to support me, were upset. On election day their political choices were colored by their economic pain.

And, of course, this pattern was being played out, with variations, across the entire country with the result that Ronald Reagan defeated President Carter, the Republicans captured the Senate for the first time in 26 years, and the Democratic margin in the House was cut by 34 seats.

The state of the economy was not the sole determining factor in the 1980 elections. The hostage crisis in Iran and President Carter's growing unpopularity were, of course, vital factors in that campaign. But in asking voters, "Are you better off today than you were four years ago?", candidate Reagan revealed a canny appreciation of the economic dimension of politics.

If politicians see their fate tied to economic fortunes, not surprisingly, they also attempt to influence the state of the economy. I need not for so sophisticated an audience as this try to count the ways.

Having at least indicated some examples of how the political sphere intersects with the economic, let me turn to consider the current state of the American economy.

A different world and its consequences

The economic world of 1986 is far different from that of 1954 when I first ran for Congress. Thirty-two years ago the United States lay secure in its borders, confident of its destiny, preeminent in manufacturing and commerce. We had many advantages: a skilled workforce, productive industries, abundant natural resources. The United States could afford to finance much of the postwar recovery of the free world, and American arms shielded allies and former foes alike as both rebuilt their industrial capacity.

That time is long past. Modern management and finance, technology, and the spread of knowledge and skills have globalized the economy. It is now possible to design products in one country, engineer them in another, produce them in a third and distribute them all over the world.

The consequences of this changed economy for the United States have been far reaching and severe.

Let me offer some indices of our difficulties:

In 1984, for the first time in 75 years, the United States became a debtor to the rest of the world.

The American percentage of world exports, measured in constant dollars, shrank by nearly one-third between 1960 and 1974.

Since 1970 the growth of American productivity has dipped by half.

Real wages and salaries, the income on which most families depend, have since 1973 been falling.

We are losing high paying manufacturing jobs and replacing them with lower paying jobs in services.

Average unemployment has risen by nearly 2 percent in each of the last three decades. More than 40 percent of black teenagers are jobless.

The assault on American markets, meanwhile, continues unabated.

Other nations sold one-quarter of the automobiles that Americans bought in 1984 and, by 1990, will probably account for over 40 percent.

The story is much the same for consumer goods: We no longer even manufacture black and white television sets while half our color sets and two-thirds of our radios come from abroad.

Since 1960 the American steel and textile industries have been badly battered, and now distress has spread from the rustbowl to Silicon Valley. American makers of semiconductors have lost half a billion dollars over the past two years and have laid off 65,000 workers over the last five.

All these factors hold profound consequences not only for our economic position in the world but for our national security and for the general quality of life for all Americans. Let me comment.

Serious weaknesses in our economy clearly threaten our defense edge. The National Academy of Sciences recently reported that Japanese and other foreign companies now supply "critical components" for American missiles, electronic warfare devices and other advanced weapon systems. The National Security Council is preparing a report that warns of the "dire effects" of dependence on foreign-supplied semiconductors.

The economic strains of recent years have also been felt by American households. The proportion of our people living in poverty has remained stubbornly high and economic gains appear to have benefitted those with the greatest wealth. The middle-class feels increasingly squeezed.

Because each generation of Americans, has always exceeded the standards of its parents in education, health, income, occupational status and material well-being, we have taken economic mobility for granted. But now a new prospect emerges: For the first time in our history, our children's standards of living may not equal, let alone surpass, our own.

Reaganomics: Promise vs. performance

Because we are confronted with these chilling economic facts and because we meet less than one week before Election Day, with President Reagan flying around the country urging Americans to vote for him just one more time, it seems only fair to ask what we are likely to get if we do so.

And one tried, although not always true, way to test a politician is to see what he promised and what he performed.

So I turn your minds back to 1981 when the new President gave the nation his plan for our economic future. Here, to refresh your memory, is what the plan called for:

(a) A massive tax cut;
(b) A massive defense build up; and
(c) By 1984, a balanced budget

In fact, the new President promised that by fiscal year 1986, the Federal budget would show a $29 billion surplus.

Well, as the President likes to say, we got the tax cut and we got the military build up.

Whatever happened to the balanced budget?

Well, the budget deficit that was just officially announced—but not by the President—for fiscal 1986 was $221 billion.

Given that the President promised we would enjoy a $29 billion surplus in fiscal '86, the gap between Ronald Reagan's promise and Ronald Reagan's performance last year was $250 billion.

Perhaps it's easier to remember if I simply say that the shortfall was a quarter of a trillion dollars.

In fact, as we assess Mr. Reagan's promises against his performance, let's look at his stewardship of the American economy since he first went to the White House.

Between fiscal years 1982 and 1986, the sum of Ronald Reagan's budget deficits is a cool $1 trillion—and I remind you, in view of his campaign promises, that this gigantic figure was not planned! It wasn't supposed to happen.

I think I know enough about American politics to assert that if Jimmy Carter had let that much red ink flow, the Wall Street Journal would have been running daily editorials calling for his impeachment!

Faced with such hard evidence of the failures of his economic policies to produce what he promised, what has Mr. Reagan done?

Has he called for a boost in taxes?

Has he asked to reduce the rate of increase in military spending?

Has he been pressing hard to get rid of what he branded the bloated programs of the welfare state?

You and I know that we need not linger long to answer any of these questions.

Mr. Reagan has remained adamant in his opposition to raising taxes, although he did swallow some tax hikes that were pushed down his throat by such wild-eyed radicals as Senator Robert Dole and Congressman Dan Rostenkowski whose leadership helped save the Treasury an estimated $75 billion over the last few years.

On defense spending, Mr. Reagan has repeatedly sided with Secretary Weinberger in holding sacrosanct budget requests for the Pentagon while here again, a Republican Senate and a Democratic House have demanded restraints that have prevented even larger budget deficits.

And with respect to domestic programs, the irony is that the reign of Ronald Reagan has meant de facto endorsement of, according to one reliable estimate, 90 percent of their constant dollar costs.

For recall, if you will, that Mr. Reagan has left relatively untouched both Social Security and Medicare and, to cite just one other example to make my point, I remind you that the cost of farm subsidies in 1986 will reach $30 billion compared to that item in Jimmy Carter's last budget—$4 billion.

Now, to reiterate, Mr. Reagan is this week criss-crossing the nation pleading for the American people to "stay the course."

So it is only fair, assuming that as responsible citizens we believe there ought to be at least some semblance between what a politican promises while campaigning and what he performs once in office, to ask some tough questions, especially as Election Day approaches.

For what are the consequences for our country of this extraordinary exercise of fiscal irresponsibility on the part of Ronald Reagan?

I think there are several, and I put them in the form of some rhetorical questions.

First, can a nation that has piled up in just six years a $1 trillion deficit—double the deficits of our entire previous 200 years—be able to compete effectively in a world that is more and more economically interdependent and economically Darwinian?

Second, can a nation that will in a couple of years owe the rest of the world a debt of half a trillion dollars exercise the kind of economic statesmanship that has in the last generation come to be expected of the United States of America?

Third, can a nation that has seemingly lost control over its soaring external trade deficits be able to resist the understandable pressures of protectionism and continue to champion free trade?

Fourth, can a nation of 230 million people of every size, shape and description live together as a civilized, decent society without investing in education, health, public facilities and all the other infrastructure—both physical and intellectual—that the 21st century will demand?

And finally, can a nation that so heedlessly permits such reckless fiscal policies effectively bear the burdens—and the costs—of defending the institutions of freedom and democracy in a world grown more perilous every day?

Again, we need not ponder these questions long to know the answer. The questions stand, in my opinion, as stinging indictment of the economic program of Ronald Reagan.

Now having offered some strong opinions on the Reagan record over the past six years, let me comment on what the next few years will hold. I begin by making a few general observations about the outcome of the elections next week.

The political landscape

I am reminded here of a speech I delivered two years ago—just after the 1984 elections—to a group of corporate leaders from around the world in which I attempted to analyze for them the impact I foresaw on American policies of the re-election of President Reagan and the changed composition of Congress.

I made the case then that the President would face an increasingly recalcitrant House and Senate—and that is what we have seen with many members of his own party, especially in the Republican-controlled Senate—rejecting important parts of his programs. I also predicted that Mr.

Reagan would be under renewed pressure both here and abroad to reach an effective arms accord with the Soviet Union.

Now to gaze into my crystal ball for 1986 * * *

First, the new Congress, whatever its composition, will not be a rubber stamp for Ronald Reagan. Here are at least two reasons: sitting Senators and Representatives, like the President, benefit from incumbency; and the American electorate very clearly does not embrace all President Reagan's positions on policy.

A second observation: As my old friend and leader Tip O'Neill is fond of saying, "All politics is local." And this assertion is particularly relevant to mid-term elections.

No broad themes or polarizing issues have emerged this year although Mr. Reagan is trying to make the campaign a referendum on "Star Wars."

The uneven national patter of recovery and recession has made it difficult for him to speak with clear voice about the state of the economy. Moreover, in distressed areas like the farm belt and oil states, many Republicans are distancing themselves from their leader. All this will make it difficult to interpret the election results as a clear mandate for any one set of policies of programs although, in my view, Republican loss of the Senate would further weaken support for SDI in the 100th Congress.

And finally, the President's power will steadily diminish as we enter the 1988 presidential election cycle.

What does this mean for Ronald Reagan? To a far greater extent than in his first years in office and much more than in the past few years, the President will have to work very had to build majorities to pass his programs. How far he gets will depend in large part on the balance of forces with which he will have to contend in the 100th Congress.

Congress versus the President

What will that balance be?

Well, the House of Representatives will remain in Democratic hands. The current party breakdown is 253 Democrats and 182 Republicans and it would take an unprecedented upheaval among the voters—which no one expects—to give the Republicans a majority. The more common pattern is for the party controlling the White House in the sixth year of a presidential cycle to lose seats.

The Senate, of course, remains the cliffhanger of this year's election. The Democrats need a net gain of just four seats to take control, and the races are tight enough to have both parties predicting victory. You've all seen the story in this morning's Times.

Even if the Republicans maintain their majority in the Senate, simple arithmetic dictates that it will be by only the narrowest of margins. In this event, the President would not have much leeway in pushing controversial proposals.

If the Democrats regain control, although again the margin would be small, the effect will be much greater. The reason: there will be a complete turnover of all committee chairmanships. To give you an idea of the implications of such a change for domestic and foreign policies, consider these persons who would probably assume chairmanships: John Stennis on Appropriations, Sam Nunn on Armed Services, Lawton Chiles on Budget, Lloyd Bentsen on Finance, Claiborne Pell on Foreign Relations, Joseph Biden on Judiciary, Edward Kennedy on Labor and Human Resources.

This much is certain: After November 4, we will still have divided government in the United States, with the White House occupied by one party and at least one chamber of Congress controlled by the other. So we should not expect, for the next two years at least, to see sweeping legislative initiatives pushed by coherent ideological majorities.

Beyond the party breakdown, who sits where in Congress can have important consequences. There are several actors within each body who wield great influence in forging policies and budgets.

For example, even if the Senate remains Republican, there are men there ambitious to succeed Mr. Reagan in 1988—particularly Majority Leader Robert Dole. Such a Senate, nominally Republican, could well prove a center of still more intense opposition to a number of Reagan's policies, both foreign and domestic.

One other possible outcome of the election is a Senate evenly divided, 50 Republicans and 50 Democrats. Such a situation would put Vice President George Bush in a position as presiding officer of the Senate to cast tie-breaking votes.

Here let me recall an exchange I had earlier in the year at a breakfast in New York at which the Senate Majority Leader was present.

I teasingly said to Senator Dole, "Bob, what if the elections produce a 50-50 result in the Senate and George Bush has to sit there day after day casting deciding votes on busing, abortion and prayer in public schools?"

To which Dole replied, smiling broadly and rubbing his hands, "We can hope, can't we?"

In my own judgment, Bob Dole ought to get down on his hands and knees and pray but not on Pat Robertson's network!—for Democratic control of the Senate. Why?

For one thing, Senator Dole would then be liberated from the time-consuming demands of managing business in the Senate—a task that drove Howard Baker to leave the Senate to run for the presidency full time.

Second, Dole would also, as Minority Leader, be able much more easily to distance himself from the White House in the last two years of what, in my judgment, will be an increasingly troublesome period for Mr. Reagan. And Dole could have a field day flailing away at Democrats in control of both the House and Senate.

Turning to the House of Representatives, the retirement of Tip O'Neill after ten years as Speaker of the House sets in motion a succession of top leadership changes. Current Majority Leader Jim Wright, who will almost certainly ascend unchallenged to the Speakership, is an astute and articulate legislative strategist with considerable expertise in budget and energy matters. He can be expected to assume a high profile in his dealings with the Senate and the White House.

The Majority Leader will undoubtedly be Thomas Foley of Washington, a highly respected and intelligent lawmaker, who succeeded me as Majority Whip, third-ranking member of the House Leadership.

In the next Congress, the position of Whip—who serves as vote-getter, sounding board and policy strategist for the party—will, for the first time, be elective. The two principal contenders are Congressman Tony Coelho of California, a tireless and highly effective fundraiser for Democratic candidates, and Congressman Charles Rangel of New York, a senior member of the Ways and Means Committee, Chairman of the Select Committee on Narcotics and highest-ranking black in the leadership structure of the House and someone who enjoys great personal popularity among his colleagues.

If Coelho wins, the Northeast and Middle West will be for the first time in half a century unrepresented in the House Democratic leadership circle. Whether this consideration will offset the considerable fundraising skill of Tony Coelho remains to be seen.

But this much is clear. There will be a new House leadership team anxious to put its own stamp on the 100th Congress.

Lameduck President

Another piece in the giant jigsaw puzzle of American politics is the impact of a lameduck President. No President since Dwight Eisenhower has served a full second term. An incumbent chief executive who cannot seek re-election may feel free to propose a radical program, but legislators who must cast votes on it and then confront their own electoral prospects may be more likely to resist.

Reagan's time in office has been schizophrenic: two years of extraordinary success in winning congressional approval of his legislative goals, followed by four years of increasing opposition to his politics from both Republicans and Democrats.

The closing days of the 99th Congress followed the latter pattern with Congress either pushing measures the Administration did not want, such as sanctions on South Africa, or substantially reducing defense spending below Administration requests; or compelling the President to accept its own initiatives, such as the superfund bill to clean up toxic waste dumps or the massive immigration reform legislation.

I believe the next two years will follow much the same course as the last four. Ronald Reagan will find himself pulled not only by Democrats but also by Republicans on both his left and right, and in both chambers.

And clearly one of the areas of policy that emerges as the most challenging for the Reagan Administration and the 100th Congress is deficit reduction.

The deficit dilemma

As Congress recessed two weeks ago, legislators of both parties agreed that the biggest item of unfinished business is the budget deficit, which, I remind you, was $221 billion in FY86.

Congress committed itself in the Gramm-Rudman legislation to reducing the deficit to $108 billion in FY87 and to zero by 1991.

Now I am among those who believe there is a way out of the deficit impasse.

Indeed, what has to me been the greatest tragedy of the Reagan years has been the failure to take advantage of what I at least believe has been an opportunity to get a handle on the soaring budget deficits with all their grim consequences for the nation's future.

For, in my judgment, a bicameral—that is to say, House and Senate—and bipartisan-that is to say, Democratic and Republican—accommodation on the Federal budget has been present in Washington, D.C.—waiting in the wings, yearning to be born.

What are the outlines of that accommodation? There should, in my judgment, if we are effectively to control the deficits, be concerted action on three fronts.

First, we must slow the rate of growth in defense spending.

Second, we must increase tax revenues. I here repeat my earlier assertion that the principal causes of the large deficits the nation is now experiencing are the huge Reagan tax cut of 1981 and the huge Reagan increases in military spending.

If there can be agreement on these two points—to repeat, slowing the rate of growth in defense spending and increasing tax revenues—the third component of the solution is to limit certain domestic expenditures, including such programs as veterans' and civil servants' benefits, subsidies for farmers and businessmen, and medicare.

I believe that congressional leaders like Senator Dole and Robert Byrd and Congressman Wright and Bob Michel and the key players on the budget and tax-writing committees—men like Pete Domenici and Lawton Chiles and Bob Packwood in the Senate and Bill Gray and Dan Rostenkowski in the House—could agree on the kind of accord I have outlined.

The problem, therefore, at least in my view, has not been so much Congress and has not been so much Democrats and Republicans on Capitol Hill.

The problem—the missing ingredient in the solution—has been the President of the United States.

For so long as Mr. Reagan says "no" to a slowdown in the rate of growth in defense spending and so long as he insists that the budget of the government of the United States will be balanced only through tax revenues produced by supply-side economics combined with cuts in domestic programs—so long as he takes this position, there will be no serious progress toward a responsible Federal budget.

Conclusion

What is the result of six years of economic policy driven by ideology and divorced from reality?

The result is that a great nation has stumbled onto a minefield, and my concern is that at some point, those mines will begin to explode.

The mines?

A national debt that has doubled in five years * * *

Federal budget deficits that total one trillion dollars in the same period * * *

A trade deficit now exceeding $150 billion * * *

And, above all, a refusal on the part of our country's highest leaders to face up to the implications of the economic policies—their economic policies—that brought us to this situation.

This, in my view, is where we find ourselves on election eve 1986.

ADDRESS OF DR. JOHN BRADEMAS, PRESIDENT, NEW YORK UNIVERSITY

"SCHOLARSHIP AND PUBLIC POLICY"

I am honored to have been invited to take part in this series on the Future of American Education, and I am for several reasons glad to be here.

First, the New York Public Library is one of the world's largest libraries, our own miracle on Fifth Avenue. The 84 branches of the New York Public Library offer readers, scholars and browsers a magnificent and unparalleled trove of riches, as your latest acquisition of Shelley papers attests.

Second, your invitation allow me to salute three distinguished New Yorkers, all friends, whose remarkable leadership has helped preserve and augment this precious resource:

The chairman of the board of the New York Public Library, Andrew Heiskell; and I thank him for his kind introduction;

The honorary chairman of the board, a life trustee of New York University, the marvelous Brooke Astor; and, of course,

The Library's highly respected President, Vartan Gregorian.

I am also delighted to greet Lord Anthony Quinton the distinguished president of Trinity College, Oxford, and chairman of the British Library, and Lady Quinton.

You may be interested to know that Lord Quinton was my tutor at Oxford a generation ago and that Lady Quinton is an outstanding sculptor.

As you know, I served for twenty-two years as a Member of Congress and while there took part in writing most of the legislation enacted during that time in support of schools, colleges and universities as well as the arts and humanities, museums and libraries, including the one in which we meet tonight.

Obviously, as President of New York University since 1981, I continue to be preoccupied with issues of education.

It is from this background as legislator and leader of the nation's largest private university that I speak to you tonight on the theme of "Scholarship and Public Policy."

Let me explain these terms as I shall use them. By "public policy," I refer chiefly to the laws, regulations and rhetoric of the Federal government while by "scholarship," I mean the activities of teaching, learning and seeking new knowledge that are carried on in the nation's colleges and universities.

I want first to comment on the condition of scholarship in the United States and then on the policy of the Federal government toward it.

SCHOLARSHIP AND THE NATION'S ASPIRATIONS

All of us are aware of the near tidal wave of reports in the last few years urging reforms of elementary and secondary schools but more recently, analyses have been appearing of our institutions of higher learning.

Surely one reason for this recent flurry of studies and reports is the rising recognition on the part of the American people of the significance to their own individual lives and to society as a whole of what happens—or does not happen—in our classrooms, libraries and laboratories.

Here I note that four years ago, I was engaged in the work of the National Commission on Student Financial Assistance, a twelve-member bipartisan panel created by Act of Congress to review student aid programs and recommend improvements in them. The Commission members were appointed, four each, by President Reagan, then House Speaker O'Neill and then Senate President pro tempore Thurmond.

I chaired the Commission's subcommittee on graudate education, and what my colleagues and I concluded about graduate training and research forms an appropriate framework for considering scholarship, as I have defined it, more generally in the United States, that is to say, teaching, learning and research at both undergraduate and graduate levels.

Here let me translate the unanimous findings of our Commission into three broad findings or judgments.

First, the enterprise of higher education lies at the heart of a powerful and expanding economy. The research and scholarship conducted on American campuses were major springbroads from which we launched our extraordinary economic growth following World War II, and our universities will be a critical determinant of our economic health in the remainder of this century and beyond.

Second, colleges and universities are indispensable to our national security. To design sophisticated weapons systems or implement $300 billion annual defense budgets is simply not possible without highly trained scientists, technicians and analysts. In like fashion, university-level education is central to our foreign policy. History and the social sciences and knowledge of cultures and languages other than our own are as essential to our diplomacy and the defense of our borders as are arms.

Third, colleges and universities are crucial to sustaining a lively and creative intellectual, cultural and civil life. The research carried on at universities has formed the cornerstone of our efforts to conquer disease, improve schools, reclaim the environment and create more humane working conditions. And by expanding our knowledge of ourselves and our place in the world, the arts, sciences and letters enrich us as individuals and as a society.

Beyond the instrumental ends served by institutions of higher learning—strengthening the economy, securing our international position and enhancing the quality of our national life—there is another dimension to the contribution of our colleges and universities. Simply put, the world's wealthiest and most powerful free society has an obligation to foster the life of the mind as an important end in its own right. As the inheritors of Western civilization, we have a duty to preserve and add to that legacy for generations to come.

CHALLENGES FACING HIGHER EDUCATION

Now given the evident importance of scholarship to our most fundamental national aspirations, what are some of the forces that are now determining the landscape of American higher education?

I shall briefly indicate the most significant factors.

The shrinking pool of high school seniors over the next decade is a fact facing all academic institutions. By 1996 the number of Americans 18 to 22 years of age will have fallen by nearly 30 percent. At the same time, there is a shift toward older learners. One-third of today's college and university students are twenty-five or older.

Other demographic changes will also profoundly affect higher education. For example, racial and ethnic minorities comprise an increasing proportion of the young, and by 1990 will account for 30 percent of all 18 to 22 year olds. But statistics show that blacks and Hispanics are less likely to graduate from high school and therefore less likely either to be prepared for or go to college.

The composition of the next generation of college students will present one set of challenges to our institutions of learning. Another set revolves around what the students will be taught once on campus.

Here again I can only sum up a few trends. The liberal arts have in the last two decades been falling out of favor, with undergraduates not persuaded that the study of philosophy or history or literature can prepare them for careers in a competitive marketplace.

Fortunately, more and more colleges and universities are now making the case that a liberal education is vital to professional as well as personal development—and leading figures outside the academy, especially from the world of business, are reinforcing this attitude.

Another challenge facing colleges and universities is to build and maintain faculties of high quality.

In areas such as engineering and computer science, faculty vacancies are already a serious problem. The allure of industrial and corporate life for some of our ablest professors is often irresistible; better salaries and superior laboratories are the most obvious advantages.

In other fields the problem is nearly reversed. The depressed employment market in the humanities and social sciences means that faculty turnover is limited; tenured faculty, in effect, block the progress of younger academics.

There is, not surprisingly, evidence that for the nation's most intellectual promising young men and women, academic careers are losing their attractiveness. In their recent book, "American Professors: A National Resource Imperiled," Howard R. Bowen and Jack H. Schuster estimate that to meet future teaching and research needs, American colleges and universities must recruit nearly half a million persons into professional ranks over the next 25 years. Yet the authors report that there has been a gravitational shift of students—among them the most gifted—away from careers in the academy.

Let me now speak to the principal financial challenges confronting colleges and universities: the costs of faculty salaries, rebuilding facilities and student aid.

At the core of an institution of higher learning are its scholars and teachers. Generating the resources to continue properly to compensate faculty will be an ongoing imperative for every college and university. Retaining current faculty and attracting outstanding young scholars as junior faculty will require both fair salaries and access to modern equipment and facilities.

To perform the tasks of the 21st century, the academic enterprise must also rebuild itself physically. After decades of neglect and inadequate support, the infrastructure of our colleges and universities—the laboratories, libraries, classrooms and equipment that support research and teaching—is in an alarming state of disrepair.

The needs in this area are staggering—some estimates run as high as $10 billion for equipment and $20 billion for facilities.

And, finally, the costs to students of attending college, particularly a private one, have steadily risen. Over the past five years, the average tuition at American colleges and universities has escalated at twice the rate of inflation. In the face of mounting tuition, colleges and universities must find ways to ensure that qualified students who lack the financial means are not for that reason turned away.

Now I have given you a snapshot of the problems and pressures—demographic, academic, financial—facing American colleges and universities. To master these various challenges will require a vigorous response from all levels of government—local, state and Federal—as well as from foundations, corporations and individual donors.

RECENT POLICY RECOMMENDATIONS

I should like now, therefore, to take note of some recent studies and reports by scholars and business and government leaders that both emphasize the importance of higher education to America's future and suggest recommendations for action by the Federal government to deal with many of the problems I have here cited.

Virtually all of these studies are extremely critical of present national policy toward higher education and research.

Curiously, some of the sharpest critiques have come from a senior official of the Reagan Administration and from a committee designated by a White House adviser.

In a series of speeches, Erich Bloch, Director of the National Science Foundation, has identified serious deficiencies in the nation's research capabilities and has asked for greater support for academic science from the Federal government.

Last spring, a report entitled, "A renewed Partnership," was issued by a Panel on the Health of U.S. Colleges and Universities. This committee, co-chaired by David Packard, chairman of Hewlett-Packard and former Secretary of Defense, and Professor Allan Bromley of Yale University, was created by the White House Science Council at the request two years ago of Dr. George A. Keyworth, then Science Adviser to the President.

The conclusion of both Bloch and the Packard-Bromley panel are on all fours with each other and with those of the National Commission on Student Financial Assistance.

In the past decade, says Bloch, there has been a troubling decline in doctorates in mathematics, the physical sciences and engineering, with the Soviet Union and Japan turning out proportionately more engineers than the United States.

Beyond his concern about the poor condition of university laboratories and equipment, Bloch is also disturbed by the nation's research priorities. The military portion of the Federal research and development budget has ballooned during the Reagan years from about half to nearly three-fourths of all Federal spending on R & D.

The report on the status of academic science prepared by the White House Science Council group—the Packard-Bromley panel—also deplores the deterioration of facilities, obsolescence of equipment, and shortages of science and engineering faculty. "Our universities today," warn these experts, "simply cannot respond to society's expectations for them or discharge their national responsibilities in research and education without substantially increased support."

Both Bloch and the White House panel argue strongly for a doubling of Federal support of basic research conducted at universities.

And what are some of the "expectations" and "responsibilities" to which our universities must attend?

Let me speak particularly of two areas: our competitive strength in an increasingly globalized economy; and our national security in an increasingly dangerous world.

The recent announcement of a $19.2 billion U.S. trade deficit in the month of November, a deficit described by a Commerce Department official as "horrendous," is a symbol of the problems confronting the American economy.

The decline of American productivity and so of American competitiveness in the world economy is stirring apprehension in a variety of quarters, from Capitol Hill to Main Street. An October 1986 essay in Fortune magazine notes that "the largest single factor [that] contributed to the doubling of output per man-hour over the past forty years . . . has been the forward march of U.S. science and technology."

Everywhere today there are signs of warning. The American share of the world high-tech market dropped last year in seven of ten sectors. The National Academy of Sciences said recently that Japanese and other foreign countries now supply "critical components" for American missiles, electronic warfare devices and other advanced weapon systems. And an essay in a fall 1986 issue of Science declared, "The collapse of U.S. productivity growth is the most severe and persistent of recent economic problems."

So salient is the apprehension about the decline in American productivity that more and more voices are urging renewed attention to education, research and development as essential ingredients to restoring America's economic position in the world. Among those making this case are the President's Commission on Industrial Competitiveness; the bipartisan Congressional Caucus on Competitiveness; the Council on Competitiveness, formed by John K. Young, president of Hewlett-Packard; the National Governors Association; and Deputy Treasury Secretary Richard Darman.

I remind you as well of several recent admonitions about the troubled condition of science education in this country. Two National Science Board commissions—one on pre-college and another on undergraduate studies in mathematics, science and technology, have joined the National Commission on Student Financial Assistance, Erich Block and the Packard-Bromley group in criticism of current national policy toward science education and university-based research.

All these voices call for more, not less, action by the Federal government.

Now where does my analysis lead?

First, I have asserted that investment in our colleges and universities is essential to our future as a free people—to our economic strength, our national security, our quality of life.

Second, I have indicated both major changes in the topography of higher education and principal challenges to the system.

Third, I have cited several recent recommendations for public policy toward scholarship and the virtual consensus they represent.

Because as a Member of Congress I dealt for over two decades with education legislation and because I believe current policies pose an unprecedented danger to what I have called "scholarship," I should now like to examine their effect.

Whether they emanate from the President, Congress or regulatory agencies, these policies are implemented in three ways, through budgets, taxes and regulations.

BUDGETS

First, budgets. This morning's papers brought us preliminary reports on the budget recommendations for fiscal 1988 President Reagan sent to Congress yesterday.

By way of general comment, I observe that at a time when most Americans believe we need all the education we can get, the Administration's fiscal 1988 budget slashes funds for education generally by 28 percent and for higher education specifically by an astonishing 45 percent.

Let me cite three areas of the Reagan budget: university-based science research and development, international studies, and student financial aid.

The Reagan proposals for academic research and development present a mixed picture. The President seems to be giving with one hand and taking away with the other. In fiscal 1988, the Administration seeks a large boost in money for basic research for the National Science Foundation and for the Department of Energy. That the budget recommends a doubling of funds for NSF by fiscal year 1992 is in large part a tribute to the leadership of Erich Bloch.

Nevertheless, once again this year, the Administration is urging cuts in funds for the National Institutes of Health, which account for 40 percent of Federal support of university science.

Also this year, as he did in last budget, Mr. Reagan is pressing for radical changes in the ways teaching hospitals are reimbursed for the cost of graduate medical education, and the White House seeks a virtual elimination of funds for health professions education and nurse training. This President may be fairly described as dangerous to the nation's health!

Although the amounts involved are modest, Mr. Reagan is renewing his campaign to kill support for yet another area where, as the Iranian fiasco dramatically demonstrates, we need all the information and wisdom we can get—international studies. The President continues his hostility to such investment despite the judgment of such persons as Secretary of Defense Weinberger and former Secretary of State Kissinger that knowledge of foreign languages, cultures, political and social system is vital to the nation's security.

But the worst casualty of the Reagan fiscal 1988 budget is clearly financial assistance to college and university students.

Here I must note that I served in Congress with six Presidents of the United States—three Democrats: Kennedy, Johnson and Carter; the three Republicans: Eisenhower, Nixon and Ford—and that all six supported the use of Federal tax dollars for higher education. Ronald Reagan is therefore the first President of our generation to have waged war on our colleges and universities and the students who attend them. If this language seems harsh, it is unfortunately all too easy to document what I'm saying.

In every budget this Administration has proposed since 1981, Mr. Reagan has called for deep cuts in aid to talented but needy students. According to today's New York Times, in fiscal 1988 the Administration would slash student assistance by a full 45 percent below the amount appropriated for fiscal 1987. College student aid funds would drop to $4.5 billion from $8.2 billion.

The Department of Education said the number of student awards is expected to fall to 6.4 million from 9.4 million. Hardest hit would be one million students now receiving Pell Grants, which go to the financially neediest. These students would simply lose this crucial help.

The Administration's attack on student aid is not confined to so fundamental a building block of American higher education as the Pell Grants, long supported by both Republicans and Democrats in Congress. Indeed, the budget would abolish all of the following programs: Supplemental Educational Opportunity Grants (SEOG); National Direct Student Loans (NDSL); State Student Incentive Grants (SSIG); the Graduate and Professional Opportunities Program (GPOP); Jacob Javits National Graduate Fellowships; and even the College Work Study Program.

If enacted, the White House '88 budget would force all but the very, very poorest students to turn to loan programs that would make going to college much more expensive and would substantially increase student indebtedness. For example, changes the Administration wants in the Guaranteed Student Loan program, on which over 3 million students in this country now depend, would make these loans more costly for borrowers.

Moreover, the much-vaunted and supposedly new Income-Contingent Loan program, introduced with such fanfare by Secretary of Education William J. Bennett, would no longer subsidize interest rates on student loans and would link repayment schedules to a student's earnings after college. Some experts estimate that student borrowers under such a program would have even bigger bills to pay as a result and would stay in debt for decades.

This program, I note, is really not new. In fact, after a long and heated debate, Congress last year rejected the Administration's request for $90 million for the same scheme, said the proposal needed further study and established a $5 million pilot program to do so.

Suddenly, without our understanding whether the experiment, which has not yet begun, works or not, the program has been escalated from $5 million to $600 million.

It is essential to recognize that the impact of these and the other student aid changes the Administration is urging would fall most heavily on students from low and middle income families. As of the autumn of 1983, nearly half the undergraduate students receiving some form of Federal assistance were from families of incomes below $15,000 while 80 percent of the students came from families with incomes of less than $30,000.

Nor is there truth to the Administration's allegation that the aid programs are too generous and that students and their families should pay a larger portion of college costs. At New York University, for example, the nation's largest private university, 80 percent of our overwhelmingly low and middle income family students work part time and nearly two-thirds of them depend on some form of financial aid.

Across the country, between 1979-80 and 1983-84, students receiving aid and their families increased their share of the cost of going to an independent college or university by 72 percent; these families were paying an average of $5,700 a year.

Moreover, more and more students at both private and public colleges and universities are having to borrow to meet their college costs. According to a report released on December 28, 1986, by the Joint Economic Committee of Congress, a decade ago, in 1975-76, loans constituted less than a fifth of financial aid (from college, Federal and state programs), but by 1985-86, more than half such assistance came in the form of loans. Today's average student borrower graduates from a private college with nearly $9,000 in loans to repay, and from a public college, with a $6,685 debt.

"The rising cumulative debt of college students that is documented in this paper is disturbing," Congressman David R. Obey of Wisconsin and Senator Paul S. Sarbanes, of Maryland, chairman and incoming chairman, respectively, of the Committee, said in issuing the report. "We do not know whether we are overburdening a generation, whether these loans can be repaid, whether undergraduate debt burdens are discouragaing young people from attending graduate schools or whether young people are being pressured away from important but lower-paying careers because of the salary demands which such debt may impose."

The Obey-Sarbanes report is all the more reason to view with much skepticism an Income-Contingency Loan plan that would mean still more debt for the next generation of American college students.

Especially misleading in this connection is the contention of Secretary of Education Bennett that colleges and universities are rich and, therefore, able to dip into their huge endowments to hold down tuitions. Not so.

In fact, only 200 of the 3,200 institutions of higher education in the United States have endowments of more than $1 million. Indeed, only 10 independent institutions account for one-third of the total endowments of private colleges and universities. So as the Federal government cuts back on assistance to students, most colleges and universities are simply unable to draw on substantial financial resources to make up the shortfall.

Secretary Bennett's assertion that increases in Federal student aid have fueled hikes in tuition is equally ill-informed. On the contrary, as Terry W. Hartle of the American Enterprise Institute explains, tuition rises in the 1970s lagged behind the growth in Federal student assistance while in the 1980s, such aid has not kept up with college costs.

Beyond the Reagan budgets, of course, is the Gramm-Rudman Act. Although its mechanism for automatic cuts was declared unconstitutional last summer, both the President and Congress have continued to accept its deficit targets. The pressure to reduce the deficit made the fiscal 1987 budget battles over research monies, NIH funding and student aid even more difficult than usual.

Given annual Federal deficits hovering around $200 billion—deficits, I may say, that are certainly not the consequence of wild-eyed spending on libraries, museums, colleges and universities—but austerity is likely to be with us for a long time to come.

Now I have not here spoken of Federal support of libraries but because I address you tonight in one of the great libraries of the nation, let me simply say that Mr. Reagan year after year, and once again in his fiscal 1988 budget, has attempted to slash funds for libraries. Those of you who care about libraries will be interested to know that the budget would eliminate all Federal funds for academic and research libraries, public library services and construction, interlibrary cooperation and literacy programs.

But Reagan budgets and Gramm-Rudman are not the only threats to the strength of scholarship in our country.

TAX REFORM

Although the tax reform bill President Reagan signed into law last October 22 represents major improvements in making the tax code fairer—and as a long-time legislator, I commend my former colleagues, Representative Dan Rostenkowski and Senator Bob Packwood, on their remarkable skill—the measure also contains provisions that threaten serious harm to the nation's colleges, universities, libraries and museums.

First, the new law will reduce charitable contributions. Some estimates predict a drop of as much as $1.2 billion annually in gifts to higher education.

Giving from both small and large donors will suffer. Modest givers will be affected by the elimination of the charitable deduction for taxpayers who do not itemize, and major philanthropists by the imposition of a minimum tax on substantial gifts of appreciated property, which account for 40 percent of the value of all contributions to colleges and universities.

Another feature of the new law mandates a ceiling—of $150 million per institution—on access to tax-exempt financing by private colleges and universities.

This restriction does not apply to the use of such financing by public colleges and universities. This change means that for the first time, Federal policy will by law place private colleges and universities in a position inferior to their public counterparts.

As you know, many institutions of higher education must rely on tax-exempt bonds to construct and renovate facilities and modernize equipment. Because so much high-level, high-quality research in this country takes place at independent universities, this revision of the law strikes directly at the nation's capabilities both to conduct essential research and produce the next generation of scholars and scientists.

Some two dozen private institutions will be adversely affected by this particular change, among them many of the nation's leading research universities, including, in New York State alone, Columbia, Cornell, Rochester and New York University.

By compelling such universities to go to the more costly conventional market, this provision, in effect, imposes a new tax burden on them and solely because they are private rather than public institutions. I am glad to tell you that our state's distinguished Senior Senator, Daniel Patrick Moynihan, has indicated that he will lead an effort in the 100th Congress to reverse this onerous and unfair part of the tax law.

A third change in the new legislation will tax scholarships and fellowships to the extent that students do not use the stipends for tuition and equipment, a blow to graduate students who need such support for room and board.

And finally, the elimination of deductions for state and local sales taxes will damage education generally. With these taxes no longer deductible, it may be harder for states to levy them, thereby losing a traditional source of financing for public schools and universities.

Here I must mention one revision in the 1986 legislation that is favorable to higher education—a new 20 percent tax credit for corporate sponsorship of basic research at colleges and universities.

But overall, the tax reform law represents a grave loss for higher education generally in the United States and a particular blow to private colleges and universities, a bizarre product for an Administration that rhetorically praises the private sector of American life.

REGULATIONS

As if the cumulative impact of these budget and tax measures were not damaging enough, colleges and universities have also had to be concerned about another set of potentially harmful Federal policies—regulations.

Last February, for example, the Office of Management and Budget, without any prior consultation with the university community, announced that overhead charges on Federal research grants would be limited to 26 percent of the direct cost of the research with a still lower cap of 20 percent to be applied in 1988.

As David Packard, co-chairman of the White House Science Council panel, said, "The [Office of Management and Budget] did precisely what we recommended they not do," adding that "the OMB lacks any understanding of what the problem is all about."

Fortunately, leaders of the research community were able to work out with OMB representatives a mutually acceptable formula for paying overhead charges. But universities must still anticipate further attempts to make them pay a greater portion of indirect costs of research.

FREE FLOW OF INFORMATION AND IDEAS

And finally, I turn to a matter that must concern all those dedicated to the free flow and exchange of information and ideas.

Through regulatory and other administrative actions, the Reagan White House is attempting to restrict access to such flow and exchange in ways that have ominous implications for an open society.

Let me illustrate my point. The Administration has:

Sought to narrow the scope of the Freedom of Information Act, which guarantees public access to most government documents;

Barred entry of foreign speakers into the United States for fear of what they might say;

Urged lifetime censorship on over 150,000 employees of the Federal government, denying them the right to publish without government approval;

Attempted to block the exchange of unclassified information at scientific meetings; and

Issued guidelines that would reduce the collection and dissemination of information developed by Federal agencies on which both government and the private sector rely.

IMPORTANCE OF INDEPENDENT HIGHER EDUCATION

Here I must interrupt the flow of my argument to speak for a moment about another depressing consequence of current national policies toward higher education. For taken together, these policies pose a particular threat to independent colleges and universities.

I remind you that the United States is one of the few countries in the world with a major system of private higher learning, one not under government control.

Private institutions, heavily dependent for income on tuition, are especially endangered by, for example, cuts in student aid. Twenty years ago, some 50 percent of American college and university students were enrolled at independent ones; today, less than a quarter attend private institutions.

In my view, if we take seriously our words about the value of pluralism in higher education, we must look to the condition of our private as well as public colleges and universities.

Indeed, senior members of the Reagan Administration are a visible testament to the significance of independent higher education. Eleven of the twelve members of the President's Cabinet, including Secretary of Education Bennett, a graduate of Williams College and Harvard, studied at private institutions. Donald Regan, White House Chief of Staff, is a University of Pennsylvania graduate; Vice President Bush is a Yale man; and, of course, in the Oval Office sits the most famous alumnus of Eureka College, Illinois.

RHETORIC CONTRADICTS ACTIONS

Here I note that five-and-a-half years ago, in May, 1981, I was present at the University of Notre Dame in my home Congressional district when President Reagan declared, "If ever the great independent colleges and universities . . . give way to and are replaced by tax-supported institutions, the struggle to preserve academic freedom will have been lost."

The President was right.

But from what I have so far said, it must be clear that the rhetoric of Ronald Reagan stands in sharp contradiction to his actions.

A President who praises the place of private values in public policies pursues a course especially damaging to the private colleges and universities of the land.

A President who pleads for a greater awareness of education supports budget cuts, tax changes and regulatory measures that would sabotage the institutions and activities of scholarship.

A President who paints a future of "Star Wars" defense shields and earth-orbiting space planes urges a budget that is blind to the link between those dreams and the educated men and women needed to make them come true.

For from where are these highly trained people to come if not from the nation's colleges and universities? President Reagan has not seemed to understand the close connection between the achievement of goals he himself espouses and a strong system of higher education.

BIPARTISAN TRADITION

Here let me reiterate a fundamental fact about Federal support for learning and research over the last generation. It has always been bipartisan.

I must insist, then, that today's battle over appropriate policies toward higher education is not between Democrats and Republicans. Rather the struggle is between, on the one hand, the bipartisan tradition of legislators, Presidents and other public officials of both parties who have worked together to strengthen our colleges and universities, and, on the other, a narrow, ideological view that would undermine them.

Evidence for this assertion came last spring from the Secretary of Education in President Reagan's first term, Terrel Bell. In an article in Phi Delta Kappan, Bell, a Utah Republican, wrote of his battles while in office with "the lunatic fringes of ideological political thought" and "zealots" pressing "radical and off-the-wall ideas."

More recently, Mr. Bell chaired the National Commission on the Role and Future of State Colleges and Universities, whose report was issued two months ago. The study strongly deplores the attitude of the Reagan Administration toward student aid and concludes, "Public officials who proposed budget reductions in education at a time when the republic is handicapped by the burden of an undereducated populace are unthinkingly abetting an act of national suicide. . . ."

The Bell report continues, "Tragically for the American people, the Federal student financial aid program today is on the chopping block in Washington."

It has then been heartening to me to see over the last five years a renaissance on Capitol Hill of the bipartisan coalition that characterized all my time in Congress.

In fact, some of the most stinging criticisms of Mr. Reagan's higher education policies have come from members of Congress of his own party. The former Chairman of the Senate Subcommittee on Education, Arts, and Humanities, Robert T. Stafford, Republican of Vermont, described the Administration's proposals as "mean-spirited" and "absolutely ludicrous." New York State's Republican Senator, Alfonse

D'Amato, accused Mr. Reagan of "an unwarranted attack on working middle-class families" while Senator Lowell Weicker, Republican of Connecticut, pointed to the "great discrepancy between the President's rhetoric and the figures in his budget," declaring that "President Reagan can't talk about an 'American comeback' while cutting support for education."

Here I remind you that last October, both the Senate and the House of Representatives approved a budget resolution for the current fiscal year which rejected the most damaging of the Administration's proposals on student aid. Clearly, Republicans as well as Democrats on Capitol Hill understand, even if the President does not, that when Mr. Reagan savages education, he directly threatens both the prosperity and the security of the United States.

CONCLUSION

Let me summarize what I have sought to do here tonight. First, I have indicated some of the major challenges facing American higher education today.

I then noted several significant recommendations for mastering these challenges, and contrasted these proposals with budgetary, tax and regulatory policies now being pursued in Washington.

I also commented on the opposition in Congress on the part of both Republicans and Democrats to the Reagan Administration's continued attacks on colleges and universities.

As we begin a new year and a new session of Congress, I offer the prediction that education and the family of issues related to it—science and technology, research and development—will emerge over the next two years as a powerful political theme. Of the Senators and Representatives elected to the 100th Congress, we have already heard several, many of whom will occupy positions of leadership and some of whom have their sights set on 1988 and the race for the presidency, speaking of the imperative of enhancing the nation's investment in knowledge if America is to regain its competitive edge in a global economy. "Increase productivity!" will be the cry. And the quest for productivity is, of course, directly linked to the strength of the nation's schools, colleges and universities.

Beyond the economic argument for greater support for education is, to reiterate, another, made all the more dramatic by the Administration's mishaps in the life and death arena of foreign policy. I refer to the matter of the security of our nation in a perilous world.

So even as I look with apprehension and dismay at the impact on American colleges and universities of the policies of the present Administration, I take some comfort from the election results of last November and look with hope to the 100th Congress and my former colleagues there, both Republican and Democrats.

For clearly, if our republic is to survive—nay more, to flourish—we must invest more than we have been doing in educated men and women.

I conclude my analysis with the solemn but eloquent words of Alfred North Whitehead, "In the conditions of modern life, the rule is absolute. The race which does not value trained intelligence is doomed."

Well, I do not believe the American race is doomed . . . so long as the American people and the men and women they choose to lead them acknowledge the value of such intelligence and insist on the resources to support it.●

IMPORTANT DECISION TO HANDICAPPED PERSONS

● Mr. HARKIN. Mr. President, as the new chairman of the Senate Subcommittee on the Handicapped, I am extremely pleased to announce that an important action was taken by the Supreme Court today reaffirming the right of a person with a disability to prove in court that he or she has been subjected to discrimination on the basis of ignorance and irrational fears by a recipient of Federal financial assistance.

In a 7-to-2 decision, the Court in School Board of Nassau County, Florida against Arline held that Ms. Arline, who suffered from the disease of tuberculosis, can be a handicapped person within the meaning of section 504 of the Rehabilitation Act of 1973 and that her case should be remanded to the district court to determine, based on the applicable facts, whether she is otherwise qualified for her position.

This case is important to handicapped persons for several reasons. First, the Court reaffirmed that Congress enacted section 504 to protect persons with disabilities from discrimination with respect to employment as well as education, transportation, housing, health care, and other programs receiving Federal financial assistance.

Second, the Court once again recognized that the regulations promulgated by the Department of Health and Human Services were drafted with the oversight and approval of the Congress and provide an important source of guidance on the meaning of section 504.

Third, the Court recognized that Congress defined the term "person with a disability" to include not only a person who has an actual physical or mental impairment but also a person who has a history of such an impairment—but who currently does not have such an impairment—as well as a person who is regarded by others as having such an impairment.

The second and third prongs of the definition reflect Congress' concern with protecting persons against discrimination stemming not only from simple prejudice but from archaic attitudes, misperceptions, ignorance, irrational fears, and pernicious mythologies about the nature and causes of disabilities and the transmissions of illnesses.

The school district argued that Ms. Arline was dismissed from her job not because of her handicap, that is, her diminished physical capabilities, but because of the threat that her relapses of tuberculosis posed to the health of others. The Court rejected this argument and instead concluded that her contagiousness and her physical impairment each resulted from the same underlying condition, tuberculosis.

> Allowing discrimination based on the contagious effects of a physical impairment would be inconsistent with the basic purpose of section 504, which is to ensure that handicapped individuals are not denied jobs or benefits because of the prejudiced attitudes or the ignorance of others.

The Court went on to state that,

> Society's accumulated myths and fears about disability and diseases are as handicapping as are the physical limitations that flow from actual impairment.

The Court also recognized that misperception and mythology have not only resulted in exclusions of persons with such illnesses as tuberculosis but have also resulted in segregation and exclusion of persons with other disabilities such as persons with cancer and epilepsy.

Fourth, the Court recognized that each individual should have a right to make his or her case in court and not have his or her case decided on the basis of stereotypes and generalizations.

> The fact that some persons who have contagious diseases may pose a serious health threat to others under certain circumstances does not justify excluding from the coverage of the Act all persons with actual or perceived contagious diseases.

In other words, the fact that an individual is granted his or her day in court, does not guarantee that he or she demonstrated that there has been discrimination. There must be an individualized inquiry as to whether the person, with reasonable accommodation, is otherwise qualified to perform the essential functions of the job.

> Such an inquiry is essential if section 504 is to achieve its goal of protecting handicapped individuals from deprivations based on prejudice, sterotypes, or unfounded fear, while giving appropriate weight to such legitimate concerns of grantees as avoiding exposing others to significant health and safety risks.

The Court recognized that in making individualized findings that courts should normally defer to the reasonable medical judgments of public health officials.

In sum, the Supreme Court provided Ms. Arline with the opportunity to demonstrate that in her case the school district subjected her to discrimination by failing to retain her as a teacher in the school system in a job that would not pose a health or safety threat to students and other employees. Because of this decision, other handicapped persons will also enjoy such an opportunity to make their case in court.●

JAPAN'S WISHFUL THINKING

Mr. BOSCHWITZ. Mr. President, I ask to insert in the RECORD a commentary by Robert J. Samuelson which appeared in the January 28, 1987, edition of the Washington Post. The title of the article is "Japan's Wishful Thinking."

As Mr. Samuelson points out, no country can pursue a one-dimensional path of promoting exports while shutting off its borders to imports and restricting growth without suffering disruptive consequences in the long run. That has been a point we have been making to our trading partners, most particularly Japan, for some time. The article is a very instructive and relevant one as Congress begins to consider comprehensive trade legislation this year, and I ask that it be printed in the Record.

The article follows:

Japan's Wishful Thinking

(By Robert J. Samuelson)

The Japanese are starting to grumble. A newspaper poll recently reported that the proportion of people complaining about their lives increased from 22 percent to 35 percent during the past year. The main problem is the rising yen, which is hurting many companies. It's hard to sympathize. Japan's massive trade surplus was bound to result in a much higher yen, making Japan's exports more expensive. A prudent nation would have prepared for the end of its export boom. Japan hasn't.

Japan's illusion has been that it could export its way to prosperity without suffering—as most nations do—any disruptive effects from trade. The rising yen is now shattering this pleasant dream. Either Japan will increase its domestic growth and imports, or a rising yen will reduce exports and cause a recession. Everyone should hope Japan expands faster at home, because a healthy world economy needs a growing Japan. But the job won't be easy. It requires the wrenching social change that Japan avoids: eliminating many of its heavily subsidized farmers.

Farms now occupy land that could be better used for housing, as James Fallows argues in the January issue of The Atlantic. With land scarce, housing prices are exorbitant and—to afford a home—the Japanese become huge savers. If Japan didn't protect its farmers, it would import more food and have more land for housing. Food costs would drop, and housing would become cheaper. Savings might decline and, as consumption rose, the Japanese might buy more abroad. In any case, they would surely live better.

The whole point of international trade is to raise everyone's living standards. Countries specialize in what they do best, and trade allows these strengths to be shared. By this logic—the theory of comparative advantage—Japan would long ago have stopped protecting its farmers. Instead, it maintains strict quotas against imported rice and beef. The truth is that Japan has never fully embraced comparative advantage.

The Japanese export obsession stems from Japan's paucity of raw materials—fuel, minerals, grains. The nation needs to export to buy these essential imports. By contrast, imports that disrupt exisiting industries aren't considered desirable, even if they improve living standards. The result is national hypocrisy. "We open our markets slowly, but smugly preach free trade to the rest of the world," writes Kenichi Ohmae, head of the Tokyo office of McKinsey & Co., the consulting company, in his forthcoming book "Beyond National Borders."

Politically, this formula stirs resentment against Japan around the world. Economically, it is shortsighted, as the foreign exchange markets are now showing. Exports alone can't create steady economic growth. The problem is that generating more spending at home involves difficult political choices. Some easy measures (more government spending, tax cuts, lower interest rates) might help temporarily. But changes that allow the Japanese to spend more on themselves would disrupt the status quo. They would hurt farmers, while easing Japan's urban congestion. Consider:

In a country where 70 percent of the land is mountains, forests or water, farmland occupies about the same amount of land as all nonfarm uses—homes, businesses, schools, parks and roads, according to Fallows. Even in cities, there are scattered rice paddies.

In 1986, Japanese wholesale rice prices were (depending on the type of rice) 6 to 10 times higher than the world price. Beef prices were four times higher than in the United States and nine times higher than in Australia, Ohmae said.

The Japanese spend about 23 percent of their disposable income on food, about a quarter higher than the U.S. share (18.6 percent in 1984). Rice subsidies alone cost an extra $18 billion, estimates the U.S. Rice Millers' Association.

The price of an average new Japanese home costs nearly seven times average family income. In the United States, the average home costs about three times median family income, and new U.S. homes are 50 percent larger than their Japanese counterparts.

To be fair, Japan didn't create the low yen. High U.S. interest rates—leading to large Japanese investments in dollar bonds—were a major cause. Nor can anyone deny that much of Japan's export success reflects the high quality of its cars, electronics and machinery. But the low yen couldn't last, and the Japanese didn't see that because they didn't want to. A low yen fit their vision of an ideal world. By making their manufactured goods more competitive, it created jobs. Meanwhile, imports became more expensive and less threatening. Japanese economic forecasts consistently have missed the yen's rise. These errors reflect wishful thinking on a national scale.

It was precisely Japan's rising trade surpluses and its increasing overseas investments that made a higher yen inevitable. Put simply, Japan now earns far more abroad—mostly in dollars—than it wants to spend. The surplus dollars, when sold for yen, push up the yen's value. It may go even higher. Economist Lawrence Krause of the University of California, San Diego, predicts a rate of 100 to the dollar within four years, up a third from today's rate (about 150). But many Japanese still don't grasp the basic causes of the yen's rise. They blame Treasury Secretary James A. Baker III for taking down the dollar.

Only the Japanese know all the changes necessary to produce faster growth at home. More important, only the Japanese can decide what kind of society they want. By now, though, they ought to realize that they cannot have trade only on their own terms. Like other nations, they have to take the bitter with the sweet. Either they accept comparative advantage—seizing the opportunity to live more comfortably, but abandoning their least efficient industries—or suffer slow growth and continuing trade conflicts.

Thirty years ago, Japan's poverty-stricken self-image fit its circumstances. Now, it's a parody of Japan's economic power. Will the rising yen force Japan to transform itself? Krause, for one, thinks so: "When reality changes, Japanese policy changes. I have yet to see an example when culture or constituencies have kept them from doing what has to be done." Japan and everyone else will be better off if he's proven correct.●

IN RECOGNITION OF THE COLLEGE SATELLITE NETWORK'S BROADCAST "DRUGS: WHY NOT?"

● Mr. ROTH. Mr. President, I would like to commend the College Satellite Network [CSN] on its efforts to inform our Nation's college students about the realities of drug and alcohol abuse. On February 18, CSN held a 3-hour, interactive satellite television program called "Drugs: Why Not?" The program addressed the issues of drug and alcohol abuse, and allowed well over 100,000 students from nearly 500 colleges and universities to participate in the event by watching the program, asking questions via telephone, and responding to polls taken during the show.

The program was divided into three parts, with three different panels of experts with differing viewpoints discussing the various issues involved in drug abuse. The first two segments were entitled "The Extent and Effect of Drug Use Today" and "Drugs and Athletics." Panelists included entertainers, drug experts, athletes, and other well-known figures. I am delighted to have participated, along with Representatives Benjamin Gilman and Charles Rangel, in the final segment of the program, "The Politics of Drug Abuse."

CSN now plans to provide edited versions of the program, along with educational viewer guides, to high schools and colleges around the country. These written guides provide simple and direct information about the various drugs to which they may be exposed. Together, the program and materials provide an interesting and informative look at drug abuse.

CSN presented this broadcast in collaboration with the Entertainment Industries Council and the National Association of Campus Activities. The Entertainment Industries Council [EIC] has actively sought to deglamorize drugs in the media and has worked with me and the Permanent Subcommittee on Investigations in the past.

The drug issue is one of the most serious problems currently facing our Nation. We have done a great deal recently to reduce the supply of drugs entering the Nation. Now we must also focus our efforts on the difficult and time-consuming task of reducing the demand. There is no better way to accomplish this goal than to educate people on the real dangers of drug abuse. I find CSN's efforts to educate our Nation's high school and college students an encouraging and positive step in this direction.●

THE POLITICS OF IDEALISM

● Mr. DECONCINI. Mr. President, during the past few months students have demonstrated in Mexico, South Korea, France, Spain, and China. These student complaints are not identical, although there are common themes which unite them. Some are dissatisfied with government policies providing access to higher education. Some are distraught about diminishing economic opportunities. Some are tools of the far right and some are tools of the far left. Others are supporting greater democratic freedoms. But what really unites them, except those who are truly being used, is their affinity for idealism, courage, and untempered faith in the right to dissent.

Students in the United States have used these traits to channel and promote change. We have seen this in areas of civil rights, South Africa, and Central America. Generally, these demonstrations have been peaceful. To a large degree, they have also met with success. Students in Mexico, South Korea, and China have seen this success. They have viewed it on the news and when studying in the United States. America's open door policy toward students from all types of governments to study in American schools only broadens this exposure to democratic ideals.

For instance, diplomatic relations between Washington and Beijing resumed in 1979. Since this date, it is estimated that more than 17,000 Chinese study in United States universities every year, at any given time. This has been economically helpful and culturally beneficial for both countries.

No Communist country has ever allowed this volume of students to study in the United States. Yet there are certain risks. A University of Arizona graduate student returned to Shanghai and was arrested after he participated in a prodemocracy demonstration. Yang Wei, who was supposed to return to Tucson to continue his study of cell and molecular chemistry, is now incarcerated and confined merely to study his jail cell. He has not been allowed to see friends or relatives. His wife in the United States still does not know where he is being held or what he is being charged with.

Mr. President, the major crime committed by Yang Wei is his effort to support democratic freedoms. If the Chinese mean to intimidate those students still studying in the United States, this is a shameful means to achieve that purpose. If the Chinese mean to frighten students in China, this is a pitiful example for how they will address democratic rallies in the future. I am saddened by the fact that a University of Arizona graduate student is in jail. I am hopeful that he will be released soon and return to Tucson to complete his studies. I will continue to carefully monitor what actions the Chinese authorities take responding to these prodemocratic demonstrations.

ST. DAVID'S DAY

● Mr. SIMON. Mr. President, Sunday March 1 was St. David's Day, the Welsh national holiday. The Welsh, one of the groups inhabiting the British islands prior to the invasion of the Anglo-Saxons, have played an important role in the development of the United States. The first Welsh immigrant came to the United States in 1667. In 1691, a group of Welsh Quakers obtained 40,000 acres of land in the colony of Pennsylvania. In subsequent years, Quakers and other Welsh groups settled predominantly in New York, Ohio, Wisconsin, Missouri, Kansas, Utah and Washington. The Welsh came to America predominantly to work as skilled labor in the production or iron, coal, slate and tin, but soon contributed to all aspects of American life.

A Welsh language flourished in the United States throughout the 19th century and in the early 20th century. The Welsh were well respected as poets and more than 100 bards were identifiable in America by 1870. The eisteddfod, a Welsh intellectual competition, was also introduced in America in the 1850's.

Since the second generation of Welsh Americans generally learned English, the Welsh language lost its place in the Welsh-American culture. Presently it is only spoken in small regions of southern Ohio and eastern Pennsylvania.

Today, in honor of St. David's Day, I would like to pay tribute to the Welsh people for their great contribution to the development of the United States.●

"AMERICA II"— A VALIANT EFFORT

● Mr. CHAFEE. Mr. President, a leading newspaper in Australia, the West Australian, recently wrote in an editorial,

> An America's Cup Final without the New York Yacht Club. It seems almost impossible.

This is a feeling that I share with many sailing enthusiasts. As Dennis Connor and the *Stars and Stripes* capture America's attention, I do not want to overlook the outstanding effort put forth by the New York Yacht Club [NYYC] and *The America II Challenge* in their own quest for the Cup.

The NYYC, which hosted the America's Cup races in Newport, RI, for 132 years, selected *America II* as its representative for this year's challenge in Fremantle, Australia. In the first two rounds of the Louis Vuitton challenger trials, *America II* posted 20 wins and only 3 losses, and was second of the 13 challengers. But in the third round of the challenger trials, *America II* was plagued by equipment failure. Three of her five losses in that important round were by less than 1 minute, and *America II* missed the semifinal round by just 1 point.

It is difficult to imagine the amount of time and energy Capt. John Kolius and the crew of the *America II* invested in their effort to win back the America's Cup. For nearly 2 years the crew and the entire *America II Challenge* organization concentrated all of their energy on one single goal: winning the cup. Although their defeat was a painful one, anyone familiar with the character of those involved with *America II* knows that they will be back. Special recognition should be paid to Helmsman Kolius and his crew, Richard DeVos and the executive board, and Tom Ehman, Jr., and his outstanding staff in Newport, RI, for all of their hard work.

I am extremely proud to have served on the board of directors of *The America II Challenge.* I know I speak for many Rhode Islanders who share the disappointment of all who worked so hard for *The America II Challenge,* and we thank them for their valiant efforts to bring the cup back to Newport. The next challenge is not far away, and I look forward to the day when majestic 12 meters are once again racing on a course in the Rhode Island Sound. I am confident that this organization will bring the cup back to Newport, RI, in 1991.

Mr. President, I ask that a copy of an editorial which appeared in the *Providence Journal,* on December 16, 1986, appear in the RECORD.

The Editorial follows:

[From the Providence Journal, Editorial Dec. 16, 1986]

A WRENCHING SETBACK

A journey that began three years ago and cost $15 million and uncountable manhours of energy and agony ended last weekend awash in the unpredictable seas off Fremantle, Australia. The New York Yacht Club's boat wasn't the first to fail in the effort to bring back the America's Cup from down under. However, the elimination of America II was especially wrenching.

For one, it means that the NYYC, sole defender of the Cup since wresting it from England when it was first put up in 1851, now can't correct the horrible mishap that occurred in 1983—when the club let the Aussies win. After that only loss in 25 defenses dating back before the Civil War, to have the formerly invincible NYYC not even make it to the semi-finals this time for selecting a challenger was a distressing comedown. Rhode Islanders share the disappointment.

Although an American boat may yet get a shot at regaining the Cup, only a NYYC victory would have guaranteed the return of the races to Newport, where they had become a triennial tradition. The surviving U.S. contenders, USA and Stars & Stripes, call San Francisco and San Diego homeport. While pulling for one or the other to win, this probably would put the next race on the West Coast. At that, neither may get by tough entries from New Zealand and France to even take on Australia.

Whatever, it's only a sport, albeit an increasingly expensive one, right? While the Cup races mean a lot of business for the host region (projected here as a potential billion-dollar bonanza), the competition is what counts. And though they came up losers, the NYYC and its valiant crew gave it their all. For that, and their declared intention to try again in 1990, Rhode Island salutes them.●

BEN OMANN

● **Mr. DURENBERGER.** Mr. President, I would like to call to the attention of my colleagues, a tribute that recently appeared in the St. Cloud Daily Times, recounting the dedicated life of State Representative Ben Omann, who served the citizens of the St. Cloud area in the Minnesota Legislature. Ben Omann succumbed to cancer less than a month after he was reelected to his office on an unopposed ballot. For a great part of his life, Ben farmed in fields located in central Minnesota, just north of the Twin Cities. He eventually offered to others in the area the wisdom and insight he had attained through his experience by writing a column that appeared in weekly newspapers called "Over the Fence."

The people of Minnesota, and particularly his family, friends and colleagues in the State legislature will miss his expertise, crisp perspective and warmth that clearly showed his love for people and the land. Although many mourn our loss of Ben Omann, we are comforted in knowing that the people he touched, and the laws he legislated manifest only the best of his many positive, commonsense traits.

Mr. President, because of the outstanding contributions made by this caring, effective leader, I submit for the RECORD tributes in honor of Representative Ben Omann, as they appeared in the St. Cloud Daily Times.

The tributes follow:

OMANN PRAISED FOR VALUES, HUMOR

(By Mike Kennedy)

HE LOVED FAMILY, FARMING

"We constantly need reminding, even as we grow older, that this life is just a short passing time that prepares us for the long stretch."—From Rep. Ben Omann's "Over the Fence" column, June 1986.

Ben Omann had a special request before he died.

That request will be honored Saturday when he's buried in a pine coffin built by his eight sons.

Omann, 67, who was elected Nov. 4 to his third term in the Legislature, died Wednesday after fighting blood cancer for two years.

He checked into St. Cloud Hospital last Wednesday, said sons Bernie and Ralph. A day later, he asked that his sons begin building a coffin.

"It was difficult to do the first night," said Ralph, 40, a pilot with People's Express airline in New Jersey. "But after that, we got to thinking that maybe he wanted us to spend some time together as boys."

If that was the intent, it worked, Ralph said. The brothers had a chance to prepare for their father's death. They finished the coffin Wednesday afternoon.

Omann's death wasn't unexpected. Doctor's had diagnosed the cancer two years ago and gave him approximately two years to live.

But the amiable House member from St. Stephen had been out in his fields chopping corn just a month ago.

"Farming was his first love," said Bernie, 20, a student at St. Cloud State University. Although too sick to get off his couch about 10 days ago, Omann bought 30 head of feeder cattle over the telephone.

He and three sons, John, Peter and Paul, owned and operated Omann Insurance Agency in St. Joseph and Sartell, but it was working out in the fields that made Omann the happiest.

Omann often wrote about farming in "Over the Fence," a homespun column he wrote for weekly newspapers in the area.

"Chopping corn silage is one of the most pleasurable jobs of the farm," he wrote in September. "The weather is usually favorable, and it is a nice feeling to harvest the whole stalk rather than just the ear."

Writing those columns and keeping in touch with people is what made Omann such a popular legislator, his sons said.

"He's a good Joe. He's a pretty down-to-earth guy," said Dennis Hanson, vice president of St. Stephen State Bank. "He didn't have harsh opinions of people or situations."

Jim Trobec, St. Cloud, cousin to Omann and fellow farmer, said he was a spiritual man who enjoyed the outdoors and believed that the "soil belongs to God, we're just renting it."

Before becoming involved in state politics, Omann served as a St. Stephen school board member in the 1960s and made a run at a seat on the Stearns County Board of Commissioners in the early 1970s, but dropped out.

He had planned to retire from politics in 1988. He was re-elected Nov. 4 without opposition to another two-year term.

"He said the only thing he would have really liked to have tried was retirement," Ralph said.

Retirement would have given him more time to watch his favorite sport, baseball, or play the organ or sing in the St. Stephen Catholic Church choir.

Omann decided at 58 that he wanted to play the organ. He took lessons and played during services at St. Stephen Church and at home.

"He'd play for hours and hours until it drove Mom (Olivia Omann) crazy," Ralph said. "He'd play when he didn't feel well."

Omann directed his church's choir for about 25 years before giving it up in 1980 because he couldn't make it back from the state Capitol for practices. He did, however, continue to sing in the choir.

On Sunday, choir members stopped by St. Cloud Hospital to sing for Omann. Family members wheeled him into a lounge area to hear the group.

"He lit up like a light bulb. I hadn't seen him with such energy and life since I've been back home," said Ralph, who flew back to Minnesota about a week ago.

Even during the times he drifted in and out of consciousness, Omann managed to retain his renowned sense of humor. He was used to having family members in his hospital room, but awoke Saturday morning and found only one son present.

"Where the hell is everybody when the old man is dying?" Omann asked.

Before dying, he planned out everything about his funeral, from the songs to the readings and right down to the food served at the reception.

Ever the farmer, Omann wanted good quality beef served.

Ever the politician and diplomat, Omann selected Rep. Sylvester Uphus, IR-Sasuk Centre, and Sen. Joe Bertram, DFL-Paynesville, to do the readings at the service, Bernie said.

"He said he wanted someone from both sides."

LEGISLATOR DIES AT 67; SPECIAL ELECTION SLATED

(By Bill McAllister)

Rep. Ben Omann, IR-St. Stephen, was remembered by colleagues Wednesday as a quiet but honest lawmaker who embodied the conservative values of his agrarian legislative district.

Omann, 67, died of blood cancer Wednesday morning at St. Cloud Hospital, just 15 days after he had been re-elected without opposition to his third term in the Minnesota House of Representatives.

"Oh, boy, we were afraid of that," said Rep. K.J. McDonald, IR-Watertown, upon hearing the news. "Oh gosh, he's such a wonderful character . . . I always liked the way Ben was always able to bring the warring sides together in reconciliation and peace-keeping."

"I'm very sorrowful," said Roger Knauss of Rockville, chair of the Independent-Republican party in Senate District 16, which included Omann's House District 16A.

"He was a very well-liked, quiet person. I don't think he had an enemy out there that I know of," Knauss said. "There was an honesty and an integrity about him that you didn't question."

Gerry Nelson, press secretary for Gov. Rudy Perpich, said that Perpich would call for a special election in time for Omann's successor to be sworn in on Jan. 6, the first day of the 1987 session. That means the election probably will be held in the third week of December, Nelson said.

Omann began his legislative career in a similar fashion, winning a special election to succeed Sen. Ed Schrom, DFL-Albany, who had died in office.

He was defeated for re-election that fall by Joe Bertram of Paynesville, but won election to the House seat two years later. For four years, he represented northeastern Stearns, northwestern Benton and southern Morrison Counties, including the cities of Rice, Avon and Swanville, and the western part of Sartell.

Omann was not a prolific legislator, pushing only one bill, for example, in the 1985 session.

"He didn't see that as the purpose of government," said Rep. Steve Wenzel, DFL-Little Falls.

Omann said once that the Legislature should clamp down on the number of bills.

"Sometimes I think we ought to have a fee—so many free bills, then you've got to pay something," he joked. "That would cut it down."

Although a labored speaker, Omann had moments of humor or eloquence.

When arguing in a House committee last year that state financial assistance for townships should be increased, Omann complained about the quality of township roads.

"I have a neighbor who says his is so bad he blew out the spare tire in his trunk," Omann said, greatly amusing the committee.

Nelson recalled as "moving" a speech by Omann this March on behalf of Rep. Randy Staten, DFL-Minneapolis, the only black member of the Legislature. The House, in perhaps the most hushed and intense floor session of its modern history, was about to vote on whether to expel Staten for writing bad personal checks during a bout with chemical dependency.

Omann agreed that Staten would deserve to be expelled if he was not contrite.

"But only he and his God know that. Because I do not know, I give him the benefit of the doubt," Omann said. "If Rep. Staten is truly sorry for what he has done, the least I can do is offer him feelings of compassion."

The House voted to censure Staten, not expel him.

A devout Catholic and pro-life advocate, Omann's religious ardor got him in trouble during the 1984 election season. Referring to her pro-choice position on abortion, Omann said that Democratic vice presidential candidate Geraldine Ferraro was "not really a Catholic," a comment that drew criticism from a local priest and a local academic, as well as Omann's opponent.

But McDonald saw Omann's up-front Catholicism as a plus.

"His deep spirituality always came through," he said.

Retiring Rep. Bernie Brinkman, DFL-Richmond, said that Omann would soften his conservative views on welfare and agriculture by expressing compassion for those in need.

"He wasn't a guy who would get up, shout, holler and scream," Brinkman said.

Colleagues say that they were encouraged by Omann's relative physical stamina during the 1985 session, just after his cancer had been diagnosed. But those who saw him in the past several weeks say that they knew he was seriously ill.

Omann's cancer might have been a partial explanation of why he was unopposed for re-election, said Rep.-elect Jeff Bertram, DFL-Paynesville.

But Omann had been a good representative too, said Bertram, who managed his brother's Senate race against Omann.

Wenzel said his caucus asked him to recruit a DFL candidate to oppose Omann this year, and "I simply refused to do so."

Omann "represented the best interests of his district on all issues," Wenzel said.

Omann probably was unbeatable, and his successor will have to come from the same part of the legislative district, Wenzel said.

Nelson said that Gov. Perpich will declare a vacancy in House District 16A and will set a date for filings to open for the office.

Candidates may file for seven days. Seven days later, a primary election would be held if more than two IRs or more than two DFLers sought the seat. Two weeks after that, the general election would be held.

Speculation about who would succeed Omann has already begun in private.

"I do personally know of some interest there, but I wouldn't want to divulge that at this time," Knauss said.

Jeff Bertram said he also has heard rumors about candidates.●

THE HEART OF CANTON

● Mr. GLENN. Mr. President, I would like to bring to my colleagues' attention an article describing the warmth of the people in Canton, OH. Canton is well-known for the Professional Football Hall of Fame and the home of President William McKinley. But it is also the home of Mr. Charles Torrence, Jr., a man who lost his legs in a railroad accident 37 years ago. After suffering this tragedy, it would have been easy for Mr. Torrence to give up on life and spend his remaining years living on the welfare of others. But he refused to slow down or become a burden to his community. Mr. Torrence has given inspiration to countless people in Canton and they have responded with a genuine affection for him. And even though Canton has experienced economic difficulties in recent years, it is a city on the mend. Its downtown area is being revitalized with new businesses and buildings, and Charles Torrence reminds Canton of the spirit it takes to succeed in the face of adversity. Mr. President, I ask that this article be printed in the RECORD.

The articles follows:

THE HEART OF CANTON, OH

(By Henry Hurt)

Police Officer David Bober, on late-night patrol in Canton, Ohio, tensed as he heard the radio dispatcher's report: a man had been run over by a train. Bober sped the car toward a railroad crossing downtown. The big switching locomotive sat growling as trainmen with lanterns frantically directed Bober back 500 feet up the dark track bed.

Shining his light under a car, Bober saw the crumpled upper part of a man's body. The legs, severed far above the knees, lay outside the tracks. Doctors alone could not save this man, Bober, thought. And even if he survives, what then? . . .

A week later, Charles Torrence, Jr., 24, emerged from a sporadic coma. His memory of the traumatic event was foggy. Police believe that Torrence, then a laborer at Republic Steel, was on his way home after visiting friends. To save time, he swung onto the slow-moving train and somehow fell between the cars.

For a young man with no marketable skills, the future was heavy with gloom. Charlie's family and friends promised perpetual love and care. Doctors spoke of surgery that might fit the small stubs of his legs with artifical limbs. But hovering over this well-intended concern was a pervasive, cloying pity—something Charles Torrence had never known in his tough, independent life. It hammered at a chord of pride deep within him, and played back in quiet resentment.

"I didn't want help from anybody," Charlie Torrence says today, 37 years after losing his legs. He speaks with a powerful voice, resonant with pride. "I wanted to see what I could do on my own—just God and me. I never doubted I was going to be all right." His words carry a conviction steeled by his having proved his point.

Divorced and without children, Charlie did not have to worry about dependents. He was eligible for Social Security disability. His goal was to live a normal life—at least those parts of life he considered important. They had to do, unabashedly, with the heart. And Charlie Torrence did not need his legs for that. Nor did he need legs to win the heart of this old northeastern Ohio town.

One of the niceties Charlie has refused over the years is a wheelchair. "It wouldn't help me a bit," he says. "I couldn't jump curbs and hop potholes. And it would sit up too high and give me bad balance. It would be worthless for my kind of traveling."

Charlie's kind of traveling has been a source of inspiration and hair-raising concern to the people of Canton for nearly four decades. Charlie travels on an 18-inch-wide homemade cart that sits about five inches off the ground. A padded back comes up to the level of his shoulders. With one wheel on the front and two on the rear, the contraption is put into motion by two semicircular wooden and rubber "walking blocks" powered solely by the strong muscles of Charlie's huge arms and chest. In a kind of rowing motion, he leans forward and clamps the blocks onto the pavements to pull the cart ahead.

Charlie sits soldier-straight, tightly buckled onto his cart. The rich black skin of his face covers well-chisled features. His hair is flecked with gray. His head and eagle eyes are constantly in motion, sweeping the streets. Peering through tinted glasses, those eyes check out anything that moves. As he talks, a pipe billowing smoke juts from his teeth. His words come resolutely, with a bristle to them that puts one on notice that this man brooks no nonsense and asks for nothing. To a stranger, the tough crust around Charlie Torrence is as thick as the calluses on his hands.

Charlie lives with his sister in their small, wood-frame house about two miles from downtown Canton. Nearly every day he travels to town, crossing the railroad tracks on a pathway not far from where he lost his legs. He shops around for his lunch and, occasionally, joins a friend at the counter. It is said that Charlie can move from his cart to the top of a counter stool so quickly that no one has ever really seen exactly how he does it.

Lunch done, he makes his rounds through the streets. Dozens of people wave to him and speak. He banters merrily with them, generous with advice and philosophy. He may debate with someone about pipe tobacco or discuss something going on at his church. An affectionate warmth fills the air during these encounters—a camaraderie so natural that a visitor resigns himself to remaining an outsider.

He is quick to offer directions to those who seem to need them. Patrolling policemen occasionally stop to chat, and Charlie usually is ready with some report about street or traffic conditions. More than once, when the railroad safety gates have been stuck, Charlie has positioned himself on the tracks to direct traffic.

Some of Charlie's friends are high-school students. "Kids used to get their experience from real life," Charlie says. "Now they get most of it by watching television, which leads to frustration and friction and then to trouble getting along with others. Kids need to live in the real world if they're ever going to be happy and understanding how to deal with what comes their way."

If Charlie senses any pity coming his way, he is quick to denounce it. "I'm a lot better off than most people who feel sorry for me," he says. "I just wish they would look at me and try to understand what's in my heart, what makes me go. It could do them some good. I think that's why God kept me around."

What is in Charlie Torrence's heart? "Courage, faith and will-power. They're in everybody's heart, but some people don't ever find them in themselves because they spend their time worrying about what they don't have, or complaining. Why, some people even complain about the weather!"

To Charlie, the weather is particularly irrelevant. Rain, snow and cold are simply challenges to his determination to go where he pleases. Jim Hillibish, a reporter for the Canton Respository who has known Charlie for years, remembers when he and his wife offered Charlie a ride on a miserable night. "He thanked us and refused," Hillibish recalls. "He said he felt better traveling his own way." Later Hillibish drove past Charlie, who was pulling himself the four miles home through driving rain.

"I don't like to ride in cars," says Charlie. "It gets me out of rhythm. I know my own pace. I know exactly when I have to leave to get where I'm going, and when I'm going to get there."

The act of getting there is a very important part of Charlie's life. It has to do with why he thinks he was spared that night on the railroad tracks. "I like to travel the streets and let people see me," he says. "I want them to see how you can handle anything that comes your way, as long as you are determined you're going to do it. I think it helps people when they see that."

"You'll never count all the lives Charlie has touched," says Walter Kohler, a 25-year veteran of the Canton police department. "People worrying about their problems see Charlie pulling himself along in the bitter cold, and their problems get put into perspective in a hurry."

The Canton police worry that Charlie might get run over and killed, traveling as he does. He has been hit by motorists at least five times, and the last collision a couple of years ago gave him a broken collarbone. The Police Boys Club built Charlie a new cart, and Police Chief Tom Wyatt made sure Charlie got a bright-orange vest. A couple of orange flags now fly from the cart on a six-foot antenna.

Clearly, no one in Canton would even consider trying to alter Charlie's habits. Indeed, he is as prominent a figure as anyone in the town. "The whole city regards him as someone very special," says Mayor Samuel D. Purses. "He shows us the importance of never giving up." Stanley A. Cmich, who served as mayor of Canton for 20 years, simply states, "I believe that every one of our citizens over the years has come to love Charlie for his optimism, for the example he sets. He shows us all that we can and must take control of our lives, no matter what happens to us."

The people of Canton, perhaps, need Charlie's inspiration more than ever. A proud, boisterous old industrial city, Canton has changed dramatically over the past 35 years. She has seen her downtown falter as shopping malls have sprung up in suburbs. Major industries have closed, leaving an unemployment rate higher than the national average. Still, President William McKinley's home and the Pro Football Hall of Fame attract many visitors, and renovation has begun in parts of the downtown area.

Depsite her problems, Canton has a richness of heart. It is a heart that has room to cherish and respect a man who has no legs and who pulls himself through the streets on a tiny cart. There is a graciousness, a camaraderie in this ubiquitous regard for Charlie Torrence.

Where do such noble instincts come from? In a sense, Canton's citizens are simply reflecting those values inspired by Charlie Torrence. He made a courageous decision when he declared he would do things his way—alone, with God's help. Against all worldly odds, he has prevailed and shown others something about himself and, he hopes, something about God. Most important of all to Charlie, he has shown them something noble about themselves.●

THE GREAT HELMSMAN OF BROWN COUNTY

● Mr. DURENBERGER. Mr. President, the people in Brown County, NM, have recently experienced a "changing of the guard" in the office of their county auditor. This is unusual in the fact that the same person has held that position for the last 24 years. Stepping down from this office as of January 5, 1987 is Otis Loose, known to most in the area as "the Great Helmsman of Brown County."

Otis Loose dedicated a great deal of time and effort to overseeing and drafting fiscal policies for the county. He established a smooth running operation that has become a model of efficient, effective county government. Though the position is an elected one, Loose only faced one opponent, and that race occurred at the very dawn of his service. Since then, he received unwavering support from the people of his southern Minnesota county.

Mr. President, in honor of Mr. Loose's 24 admirable years of service to the people of southern Minnesota, I would like to submit to the RECORD the following article which appeared in the Mankato Free Press that pays a deserved tribute to this devoted public servant.

BROWN COUNTY'S HELMSMAN MOVES ON

(By Sherry Crawford)

NEW ULM.—This week marks the passing of not only 1986, but another departure that will leave a noticeable difference in the pattern of Brown County official dealings.

Otis Loose, the Great Helmsman of Brown County, is retiring.

Loose, county auditor for 24 years, will not take the oath of office on Monday, Jan. 5, with other newly elected county officials, abandoning a load of responsibilities that has mounted over the years.

He was first elected in 1962, when he was 42. The New Ulm native decided it was time for a change from running a retail sporting goods store in downtown New Ulm. He and Henry Nicklesson were partners in the business from 1950 through 1955. They split then, and Loose operated the retail side of the business until, he said, "it didn't look like a good place to be at the age of 65," so he sold it.

Loose says there was no particular reason he chose to run for auditor. He filed against incumbent auditor C.E. "Dee" Schmid, but Schmid withdrew from the race on the last day of filing, Loose said, and Schmid's chief deputy, Asta Reinerts Jr., stepped in.

Loose and his wife decided that since they had committed themselves to his seeking the post, they had better campaign hard.

"We walked door to door in every city in the county," Loose recalled, and mailed campaign literature throughout the rural areas they couldn't cover by foot.

It worked. Loose won, but it was close: 5,212 to 4,695. That was his first and last election with opposition.

When he first started, Loose said, his office handled the pop machine commission, Loose chuckled. The recorder's office had the cigarette and candy commission and the custodian, who then had an apartment in the basement of the courthouse, handled coffee and rolls.

Loose's is the business office of county government, handling payroll, insurance, accounting and preparing the annual financial statement. He does his own office's budget and helps with other departments', which are then presented to the county board for approval.

He also clerks for the board, carrying out its directives, manages the county's drainage system, supervises the distribution of a variety of licenses and voter registration and county, state and federal elections. He handles filings for office in townships, cities, school districts, and prepares tax lists for the treasurer. He supervises the printing of a tax statement, preparation of each year's delinquent tax list and the collection of those taxes, and helps in preparation of tax-forfeited land sales.

In the larger counties that have full-time administrators, those positions are now being given responsibility for accounting, the county budget, preparing the financial statement, directing personnel and overseeing planning and zoning.

Jerry Bentz, Brown County's treasurer, will take on administrative duties after this week for one year, and Marlin Helget, the new auditor, will also take office.

Despite the workload, Loose is quick to say he never regretted his choice, and never thought of quitting. He was, he said, "fortunate enough to work with members of governing bodies who tried to operate according to state statutes. I felt they were fair, so one term led to another."

He has worked with four different county boards and two different county attorneys. He mentions the county attorney because Loose views the county attorney as a partner with him in offering important information to the county board on the legal and financial impacts of decisions the commissioners face.

"You have to remember that in Minnesota, local government is designed so the decisionmaking body is made up of part-time officials," Loose said, wagging his finger to make his point. "They must be surrounded with full-time appointed and elected officials, and employees, who provided the necessary information. If they don't have that, they're in trouble."

His job has grown over the last few years to be about 50-50 auditor and administrative duties, he said, as civil rights and comparable worth have expanded record-keeping and the need for uniform testing and interviewing for hiring.

He is firm in his advice on two topics: one, that the system would work better if the state Legislature went back to meeting every other year, and two, candidates for public office should have business background or have served on a lower level of government.

The first stems from the frustration of having to constantly check annual law changes by the Legislature. The second stems from the damage Loose says uninformed and poorly prepared public officials can do, at all levels of government.

"No one should go to the state Legislature unless they have experience on a city council, a school board, town board or county board," Loose said. "We can't afford to deal with rookies anymore."

He also said the best public official is the one who doesn't rely on the position's compensation for a livelihood.

The satisfaction his job has brought him, he said, has come from successful, major projects that left the county with no bonded indebtedness. Those included gradually remodelling the courthouse from 1964 through 1977, twice remodelling the jail to pass state standards and expanding facilities for family services, extension, corrections and soil and water conservation offices.

The county has directed the dredging of Lake Hanska for more recreational use, a project considered "a classic and a first for lake preservation," Loose said. And he has been "well-pleased" with the data processing project the county has shared with the city of New Ulm.

He will, he said, miss his association with people he has worked with for many years. But he looks forward to golfing, travelling, and watching his three grandchildren's athletic efforts.

"I'm sure it will take me a while to move at a pace of lesser activity," he said of his retirement, "but I'm going to try real hard."

He'll still be around on a consulting basis, as the board calls. Loose is placid in his review of his ups and downs, but the dry wit is always there.

A good illustration of it came at the county board meeting Dec. 23, his last as auditor clerking for the board.

The commissioners, in closing the meeting, agreed to ask County Attorney Jim Olson to draft a letter thanking Loose for his years of service to the county and the board. They then asked Loose to add that to the minutes of the board meeting.

Loose calmly wrote that motion and second in the minutes before he asked the commissioners, with a faint grin, "Is that unanimous?"●

EXPORT TRADING ACT AMENDMENTS

● Mr. SIMON. Mr. President, I am pleased that the administration has joined with the Congress to consider legislation as one step toward a resolution of our trade problem.

In particular, I am glad to see that President Reagan has proposed a review of the Export Trading Company Act of 1982. This law is meant to increase U.S. exports by allowing small- and medium-sized companies to band together and sell their goods overseas.

In my travels, I have learned that few of our smaller businesses have the resources to adequately market their goods overseas. It's not that our businesses are uncompetitive; often they just have not thought of exporting their goods and don't know where to begin.

This law gives them a start by allowing companies to join together under an antitrust waiver administered by the Department of Commerce. The waiver allows smaller companies that might compete in the United States to jointly set prices, sales strategy and other needs for export sales. Many of our trading partners, particularly the Japanese, have allowed these kinds of associations for their companies with great success in world markets.

Though only 71 companies now take advantage of our law, it has helped businesses.

David Brost of Brost International Supply Co., told my staff recently that until the 1982 law was passed, his Chicago company was an enigma to U.S. customs and trade officials, and to his overseas customers.

Mr. Brost said the law has also helped smaller businesses because it allows them to put together "door-to-door" service for overseas customers, from manufacturing to sales to packing and shipping. No longer must they or their overseas customers deal through several middlemen.

"The Export Trading Company offers more," Mr. Brost said. "It's very efficient. You have the power of control, from first order or commitment clear to the sale."

The success of our smaller businesses in overseas trading is a key part of any solution for our trade problem. The Export Trading Company Act can have an important role in helping smaller businesses compete overseas.

I look forward to reviewing the President's proposals for amendments to this act in Senator METZENBAUM's Antitrust Subcommittee of the Judiciary Committee and I applaud the President for his recognition that we must help U.S. businesses in gaining a share of the world market for U.S. goods.●

THE LABOR PRODUCTIVITY ASSISTANCE ACT OF 1987

● Mr. KENNEDY. Mr. President, last Thursday, I joined my distinguished colleagues from Ohio, Senator GLENN and Senator METZENBAUM, in introducing S. 617, the Labor Productivity Assistance Act of 1987. This bill establishes low interest labor productivity assistance loans that supplement existing job training programs for individuals who are unemployed, displaced homemakers or dislocated workers.

Participants could borrow up to $5,000 to finance enrollment in accredited training programs, employment searches, and relocation. The 12-year amortized payback of the loans would not begin until their income reaches 150 percent of the poverty line.

S. 617 takes the present and future challenges posed by our economy head on. Between 1962 and 1973, the productivity growth rate remained steady at 2.5 percent. In the past 12 years the rate has dropped to 1 percent. By making low interest loans available to workers to enhance their job skills, the Federal Government will provide an important mechanism for improving overall labor productivity.

The labor productivity assistance loan program will also help reverse the disturbing decline of American wages. A recent study submitted to the Joint Economic Committee revealed that 60 percent of the jobs created in the last 7 years paid less than $7,400. Workers who take advantage of this program to improve their job skills will be able to obtain higher wages at the workplace.

But what about those workers without jobs? Federally guaranteed loans for training will improve the employment outlook for millions of Americans looking for work by providing skills and training to enhance employability.

The unemployment rate is still stuck at an unacceptable 7 percent, and Congress cannot ignore creative new solutions to the problem.

Finally, S.617 demonstrates that the Federal Government can take a budget-conscious approach to social problems. This is an off-budget program funded through the Federal financing bank. The legislation permits the bank to sell any loan obligation acquired under this program at the market price. The proceeds from the sale or redemption of any obligations and the interest collected on loans held by the loan fund would be redeposited in the fund. Over time, then, much of the initial expenditure needed to create the loan program will be returned.

I hope my colleagues on both sides of the aisle will join me in support of this important legislation. By doing so, we will help the millions of Americans—both employed and unemployed—who wish to improve their job skills. And we will do so with the knowledge that we have not added to the national debt.●

TEN MILE NUCLEAR EMERGENCY PLANNING ZONE

● Mr. HUMPHREY. Mr. President, last week, the New Hampshire House State-Federal Relations Committee approved a resolution opposing any reduction in the 10-mile emergency evacuation zone around Seabrook Station Nuclear Power Plant. I commend the House State-Federal Relations Committee for this action.

Last December, the owners of Seabrook filed a petition to waive the Nuclear Regulatory Commission's existing 10 mile emergency planning zone regulation in favor of an emergency planning zone of 1 mile in radius. This would constitute a 99-percent reduction in total emergency planning area.

On January 21, I introduced a bill, S. 369, to require an emergency evacuation plan for an emergency planning zone of at least 10 miles in radius for each nuclear facility. S. 369 would maintain the Nuclear Regulatory Commission's current onsite and offsite safety standards. In light of the Commission's recent proposal to relax emergency planning standards, it is doubly important to uphold nuclear safety requirements through statute.

I believe that maintenance of the current 10-mile emergency planning zone requirement is essential in order to adequately protect public health and safety. The Nuclear Regulatory Commission established the 10-mile standard after the 1979 accident at Three Mile Island to ensure that protective measures can and will be taken in the event of a radiological emergency. This necessary safety regulation should by no means be subject to ad hoc reductions or waivers.

The fact is, people living near a nuclear plant will want to evacuate the area during a nuclear accident. An emergency response which does not plan for an evacuation zone of at least 10 miles would be neither workable nor safe.

Mr. President, again I commend the New Hampshire House State-Federal Relations Committee for taking action on this vitally important safety issue. I that the text of the resolution be printed in the RECORD.

The text of the resolution follows:

STATE OF NEW HAMPSHIRE RESOLUTION

A resolution urging the Nuclear Regulatory Commission to deny the petition of Public Service Company of New Hampshire, et al., to reduce the 10 mile emergency planning zone in radius of the Seabrook Station Nuclear Power Plant

Whereas, the Nuclear Regulatory Commission has adopted rules to provide for the protection of the public health and safety which require that the plume exposure pathway emergency planning zone for nuclear power plants shall consist of an area about 10 miles in radius (10 CFR 50.47); and

Whereas, Public Service Company of New Hampshire has petitioned the Nuclear Regulatory Commission and the Atomic Safety Licensing Board for an exemption or waiver of those provisions of the Code of Federal Regulations requiring a plume exploure pathway emergency planning zone in excess of one mile in radius of Seabrook Station, alleging that such requirements are unnecessary; and

Whereas, the members of the New Hampshire House of Representatives, in fulfilling their obligation to protect the health and safety of the citizens of New Hampshire, support the current emergency planning regulations as a minimum acceptable zone of protection; now, therefore be it

Resolved by the House of Representatives;

That the House of Representatives urges the Commissioners of the Nuclear Regulatory Commission to deny the December 18, 1986, petition filed by Public Service Company of New Hampshire, et al. (Docket Nos. 50-443-OL and 50-444-OL); and

That copies of this resolution, signed by the Speaker of the House of Representatives, be forwarded by him to the President of the Senate of the United States, the Speaker of the House of Representatives of the United States, each member of the New Hampshire delegation to the United States Congress, and to each commissioner of the Nuclear Regulatory Commission.●

TWO WISCONSINITES ARE NAMED CENTURY III LEADERS

● Mr. KASTEN. Mr. President, providing a good education for our young people is one of the most important tasks we have. Well-educated young people are our most precious natural resource, one that we cannot afford to misuse.

Two young women from my home State of Wisconsin recently have been named Century III Leaders for 1987. Emily L. Holder of Black River Falls and Lauralee Raddatz of Mequon were chosen by the National Association of Secondary School Principals [NASSP], which administers the Century III Leaders Program.

Emily is the daughter of Mr. and Mrs. Basil Holder and is a senior at Black River Falls High School where Roger Sands is principal. Emily's winning essay was entitled "The Russians—Are They Our Enemy?"

Lauralee, the daughter of Mr. and Mrs. Richard Raddatz, was chosen for this award based on her essay entitled "Helping to Create Tomorrow's Leaders." Dr. John Box is principal of Mequon-Homestead High School where Lauralee is a senior.

Mr. President, these two young women will be representing Wisconsin at the national meeting for the Century III Leaders in Colonial Williamsburg March 6-9. They will be joined by two winners from each State and the District of Columbia. According to the Century III Leaders Program, the participants will discuss important business, political, and educational issues facing America and the world. In addition, they will propose possible alternatives as America enters its third century. These students will be given the opportunity to meet with their peers, as well as to hear from leaders across the country.

I share the pride of their parents and of their schools in Kim's and Lauralee's exceptional writing skills. They each have been awarded $1,500 college scholarships which will give these two fine women a head start on continuing their educations.

Mr. President, I applaud this high recognition of two talented Wisconsin students and congratulate all of the participants in the Century III Leaders Program.●

VOLUNTEERS OF AMERICA WEEK

● Mr. BREAUX. Mr. President, the week of March 8-15 is Volunteers of America Week. This is also the year that the organization is celebrating their 91st year of service to our country.

In honor of this occasion and in order to better acquaint Members with the activities of this organization, I would like to insert a brief history of the Volunteers into the CONGRESSIONAL RECORD.

The material follows:

A BRIEF HISTORY OF VOLUNTEERS OF AMERICA

At the end of the 19th century the United States experienced an influx of thousands of immigrants in search of a better life. Cities soon became crowded and living and working conditions were deplorable. It was in this challenging setting in 1887 that young Ballington and Maud Booth arrived in New York City. They liked the new republic that lacked the rigid class distinctions of 19th century England and quickly became naturalized citizens. However, they could not ignore the conditions and the degradation to people that existed and consequently dedicated their lives to helping Americans in need.

It was an exuberant crowd that pushed its way into New York's Cooper Union on March 8, 1896 to hear Ballington Booth announce the birth of Volunteers of America. The purpose of the organization was stated as "the reaching and uplifting of all sections of the people and bring them to the immediate knowledge and active service of God."

Soon after this first public announcement, VOA began structuring itself as a national nonprofit Christian human service agency. In a matter of months, VOA was legally incorporated and completely organized through the help of a dedicated staff and many volunteer supporters.

Gradually social programs evolved to supplement the evangelic work. Maud Booth organized the Volunteer Prison League which was directly responsible for the elimination of striped uniforms, the ball and chain, the lock-step, the silent system, enforced idleness and harsh discipline. Other social reforms and services soon followed.

By the turn of the century, VOA was well established as a human service agency that effectively combined religion and social work. New programs and new services were begun whenever and wherever community needs dictated. The principle of tailoring programs to local requirements and needs has been basic to VOA throughout its history.

Today, Volunteers of America is one of the nation's largest multipurpose human care organizations and serves over 170 communities across the U.S. It operates over 400 programs for the elderly, families, youth, offenders, drug abusers, alcoholics and the disabled.

Through the years, Volunteers of America has demonstrated that it is a dynamic organization, able to keep up with the ever-changing world around it. Now, more than ever, VOA recognizes the constant need for the development of new and more creative ways to solve problems, meet the community needs, and improve the overall quality of life for all members of our society. To better fulfill these needs, today and in the future, VOA is developing a new direction for the delivery of human services.

The new direction seeks to bridge the gap between social service needs and private sector social responsibility. By forming partnerships with business and industry, affiliated agencies, and churches, Volunteers of

America is expanding the opportunities for others to become involved with human care programs. These partnerships will benefit all concerned—by providing an outlet for people's concern for their fellowman, and by providing greater availability of services for those who need them.

Throughout its history, Volunteers of America has adhered to the principles of its founders. The original mission is still very much alive; and, the constant development and re-evalaution of goals assures the continued growth of the organization in its service to the nation.●

WISCONSIN'S OLDER CITIZENS AID DEVELOPING NATIONS

● Mr. KASTEN. Mr. President, we live in a complex society. This Nation, spanning both time zones and temperate zones, is a vast collection of people, places, businesses and institutions that flourishes despite overwhelming interdependencies.

It is a tribute to the free market system that the United States has remained so strong with a limited level of government intervention. Problems do exist, however, and it is the obligation of both the Federal Government and the people of our Nation to use what resources we have to eliminate these problems.

One of our greatest resources is retired Americans. These former businessmen and businesswomen possess a wealth of detailed, practical knowledge about the workings of the marketplace, and this knowledge should be utilized for all it is worth. The value of older Americans to our society should never be thought to end on their last day at the office.

One of our greatest problems is the nagging trade deficit. For 1986, this figure came to more than $170 billion. Despite legislative efforts and the devaluation of the dollar, our trade deficit persists. Thousands of Americans have lost their jobs and the domestic economy has been weakened as a result.

Mr. President, today I applaud an ongoing effort that uses the business skills of retired Americans to assist developing countries to expand their own economic base, allowing them greater freedom to purchase American goods. I believe that this is the type of initiative that could go a long way toward reducing our trade deficit.

The International Executive Service Corps [IESC] enlists the help of thousands of people from across the country in a volunteer effort to carry the business principles of free enterprise to developing countries. Individual projects throughout the world are furthered by IESC personnel, strengthening local economies and injecting the vitality of free market principles into foreign lands.

Mr. President, in recent months the outstanding efforts of two Wisconsinites have been especially noteworthy. Mr. Francis W. Biehl of Menomonee Falls and Mr. Robert Mueller of Appleton have selflessly given their time and effort in support of the IESC program.

Francis Biehl is the past president of Biehl Engineering, a consultant to industry on the structure and design of foundations and buildings. An expert in energy conservation, code development and standard compliance, Mr. Biehl assisted at the Condominio Suites de Likin in Guatemala City, Guatemala.

This building complex is threatened by erosion from waves. Mr. Biehl provided essential technical advice on the installation of a low-cost marine geotextile membrane, known as Sea Scape, that gives the Condominio Suites de Likin a fighting chance to control shoreline erosion.

Robert Mueller spent 10 years as senior process engineer and production manager for the American Can Co. He was responsible for the utilization of new materials and the development of new processes for flexible packaging in the food industry.

Mr. Mueller provided vital assistance to the Chesterfield Milk Corp. in St. Lucia. This firm specializes in the repackaging of dry milk for sale in local supermarkets. His help played a vital role as the firm started initial production, trained management and personnel, and developed purchasing procedures, inventory control, and warehousing methods.

Mr. President, I am convinced that a fundamental reason for our trade deficit is that many nations simply do not have the disposable income available to buy foreign goods. An intensive effort to spark world economic growth will result in increasing levels of wealth in foreign nations. As individual income grows, so will purchases of American-made goods. In such an environment, our trade deficit cannot help but improve.

Mr. President, I salute Francis Biehl and Robert Mueller for the positive role that they have played in spurring foreign growth. But more importantly, I salute them for having the courage and industriousness to continue to contribute to society after their official working days have ended. They have my admiration, and they serve as fine role models for older Americans throughout the Nation.●

LEGAL CHALLENGES TO INDEPENDENT COUNSELS APPOINTED PURSUANT TO THE ETHICS IN GOVERNMENT ACT

● Mr. GLENN. Mr. President, I rise in order to bring a very important matter to the attention of the Senate. Last week, Mr. Michael Deaver and Lt. Col. Oliver North, in separate legal actions, challenged the constitutionality of the independent counsel provisions of the Ethics in Government Act of 1978, as amended. These provisions—which authorize the appointment of independent counsels to investigate, and where necessary, prosecute top administration officials suspected of criminal conduct—were invoked to authorize the current investigations of Mr. Deaver and Lieutenant Colonel North being conducted by Whiteney North Seymour, Jr., and Lawrence Walsh, respectively.

Yesterday, the New York Times published an article written by Senator Carl Levin and Senator William Cohen, my distinguished colleagues on the Committee on Governmental Affairs, concerning the Deaver and North legal challenges. This article points out that the independent counsel concept was designed to ensure that high administration officials suspected of criminal activity could be investigated and prosecuted in an atmosphere free from any conflict of interest or appearance of conflict of interest. I commend Senator Levin and Senator Cohen for their insightful article on the independent counsel law.

The Deaver and North legal actions challenge the Ethics in Government Act at a critical time. Independent Counsel Seymour is reported in the press to be prepared to seek the indictment of Mr. Deaver, and Independent Counsel Walsh is in the midst of his investigation to determine whether any criminal conduct occurred involving the President's Iran initiative and the diversion of funds to the Contra Forces.

As chairman of the Committee on Governmental Affairs, which secured the enactment of the Ethics in Government Act, I am particularly concerned that the ethics law be vigorously defended. I believe that the Senate legal counsel should appear as amicus curae in the Deaver and North cases to support the constitutionality of the independent counsel provisions.

In light of the legal challenges to the Ethics in Government Act, I ask that the text of the New York Times article be printed in the Record.

The article follows:

The Deaver-North Challenge

(By Carl Levin and William S. Cohen)

Washington.—On the day that Michael K. Deaver joined Lieut. Col. Oliver L. North in challenging the constitutionality of the independent counsels investigating them, Congress's ears were still ringing with Mr. Deaver's call for an independent counsel investigation to clear his name and Colonel North's declaration of his desire to explain everything to the American people.

Their constitutional challenges cannot be automatically dismissed as frivolous despite the obvious dissonance between their original willingess to cooperate and their present unwillingness to be investigated. Nonetheless, the statute establishing independent counsels provides the best guarantee to the public that people closest to the President are investigated and prosecuted fairly.

The statute they have challenged was enacted in 1978, in response to abuse during Watergate and the disturbing specter of an executive branch refusing to investigate itself. Momentum for the law came from outrageous misconduct by executive branch officials.

In the light of the Watergate debacle, many in Congress realized that even a vigorous investigation or prosecution by the Justice Department, if aimed at high Government officials, would no longer be automatically accepted as thorough and fair.

The solution devised by Congress was the independent counsel process, key provisions of which permit a special court to select a person independent of the Justice Department to conduct investigations of high-level officials suspected of criminal acts.

When designing this law, members of Congress took great care to avoid constitutional pitfalls. The statute is grounded on Section II, Article II of the Constitution, which specifically authorizes Congress to "vest" a court of law with the power to appoint lower-level, executive "officers."

The statute thus names, a special court of senior Federal judges to select and appoint the individuals who serve as independent counsels. At the same time, the statute provides that the Attorney General be the sole Federal official with authority to decide when an independent counsel is needed.

Once appointed, an independent counsel does not act on behalf of the legislative or judicial branches, and conducts the prosecution largely apart from the authority of the Attorney General. The independent counsel possesses full power over the specified investigation; neither the Congress nor the courts can dictate his prosecutorial decisions. One critically important check on his power, unlike other statutes whose constitutionality has been successfully challenged, is the statute's provision giving the Attorney General power to remove the independent counsel.

Finally, the statute is narrowly written to apply only to criminal investigations of the most senior Government officials, whose prosecution by the Department of Justice might "result in a personal, financial or political conflict of interest." This last point is perhaps the most important.

If a court could strike down all or part of the independent counsel law, people like Mr. Deaver and Colonel North who are suspected of wrongdoing would not necessarily escape prosecution. The Justice Department would become responsible for the cases. Handling of such sensitive cases by the Justice Department, however, would come at a high price—less public confidence that investigations of top Government officials were being conducted rigorously and impartially. Yes, there are alternatives, but none is as satisfactory as the independent counsel process.

Skepticism is inevitable when one of the President's closest advisers, the Attorney General, is asked to investigate his peers and perhaps even his boss, the President.

The Deaver and Iran-contra matters are classic examples of this. Nothing undermines the public's support for the administration of justice more than the suspicion of favored treatment—apparent as well as real—of high Government officials.

We believe the independent counsel statute is still the worst solution to some of the country's most politically charged criminal cases.●

INCREASING WORLD FOOD SECURITY

● Mr. BOSCHWITZ. Mr. President, an article about global agricultural trade problems and food security for importing countries written by Richard Gilmore appeared in the December 1 issue of Newsweek International. Richard Gilmore serves as the president of the GIC group—an agribusiness consulting and trading company—in Washington, DC. This article displays innovative thinking about international agricultural policy. I think these ideas merit closer consideration, so I would like to bring this article to the attention of my colleagues. Mr. President, I ask that this article be printed in the RECORD.

The article follows:

AGRICULTURAL SURPLUSES

(By Richard Gilmore)

As long as governments remain nationalistic in their agricultural policies the ability of trade to balance available supplies against demand remains limited. To make matters worse, the policies of the 1980s are out of sync with the market. Logical outlets for supplies are cut off at a time when agricultural products are most affordable; production controls and export subsidies are bankrupting national agricultural budgets; industrial countries burdened by surpluses are virtually dumping on the world market.

Many Americans blame competitors like the European Economic Community (Common Market) or Canada and importers like Japan. The U.S. government's prescription for regaining the country's once dominant position as a supplier for grains and oilseeds relies on direct subsidizing of exports and reducing loan levels. Australia reproaches the United States for adopting an export strategy that undercuts efficient producers and destabilizes world prices. France, adhering to the principle of internal price stability within the Common Market, seeks an orderly marketing arrangement for agricultural exporters. Members of this club would supply their traditional markets according to quotas or predetermined target levels.

A WEB OF OBSTRUCTIONS

Among importers, Japan embraces the concept of food self-sufficiency as an article of faith. It restricts the importation of certain commodities to protect its own producers. The imports of China and the Soviet Union relate more to national security objectives than to the workings of the market. The Common Market, although a net food producer, has built an autonomous food system through import levies and a variety of tariff and nontariff instruments. When it comes to sugar or ethanol, exporters trying to sell in the American market run into a wall of quotas fortifying American growers and processors.

Short on foreign exchange, developing countries with persistent food shortages have built their own blockades. They are set on reducing their dependence on imports. Food security can be distinguished from self-sufficiency by the degree of reliance on internal resources. As defined by the World Bank, "Food security is access by all people at all times to enough food for an active and healthy life." What India has achieved in wheat or Indonesia in rice, however, too often gets confused with ambitious self-sufficiency plans.

The result is that importers and exporters alike have spun a web of obstructions that prevent trade from channeling abundant food supplies to consumers. Instead of responding to changing prices registered through trade, the food industry can dig in its heels and fight off change. Continuing on this course could drain national treasuries and, eventually, agricultural prosperity worldwide.

Getting off this treadmill is essential. Rather than dump agricultural surpluses on the world market, efficient producers could make long-term supply commitments to food-short developing countries, which could then plan for accelerated development of their agricultural economies. There are several ways to pursue this objective. Multiyear food aid commitments by donor countries are one widely discussed alternative.

A bolder approach, grounded in commercial principles, would be to link national stocks and food production to food requirements in developing countries over time. The U.S. payment-in-kind (PIK) program currently in effect is a suitable model in that it creates new instruments, PIK certificates, which are backed by government food stocks and negotiable in the marketplace. Producers may use these certificates to redeem their government crop loans or sell them in the open market. Since they were issued, PIK certificates have sold at a premium, consistently allowing farmers who handle them astutely to make money. Eventually, the certificates enter the export stream, to the benefit of buyers and sellers alike.

The main drawback to PIK as a blueprint for a new international food aid system is that it is tied to drawdowns of food stocks. To create a more stable supply environment, global PIK-line certificates would have to be backed by both national food stocks and production capabilities. Donor countries would issue certificates to qualified recipient countries, which could then cash them in for commodities to cover immediate needs, hold them for future use or sell them for hard currency, perhaps at a premium. Recipients would have more flexibility than they do under current aid programs, and donors could gain by creating additional purchasing power for countries at minimal cost.

Even without PIK, developing countries can gain food security through appropriate crop selection and income generating programs. Traditional food crops like tubers can be grown commercially for local consumption. Labor intensive technologies in agriculture are another way to provide income at a low cost. Private industry, too, could supply venture capital in the agricultural sector of developing countries. Its participation is a prerequisite to capital formation in these countries, which is now at a low ebb.

These steps offer a potential remedy. At a minimum they direct change to the objective of equitable growth and make use of current resources for that purposes.●

PROCEDURAL RULES OF THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, in accordance with the requirement to publish the rules of each Senate committee in the RECORD each year, I submit the procedural rules of the select committee and ask that they be printed in the RECORD.

The material follows:

RULES OF THE SELECT COMMITTEE ON ETHICS

(Adopted February 23, 1978)

PART I—ORGANIC AUTHORITY

Subpart A—S. Res. 338 as amended

Resolved, That (a) there is hereby established a permanent select committee of the Senate to be known as the Select Committee on Ethics[1] (referred to hereinafter as the "Select Committee") consisting of six Members of the Senate, of whom three shall be selected from members of the majority party and three shall be selected from members of the minority party. Members thereof shall be appointed by the Senate in accordance with the provisions of Paragraph 1 of Rule XXIV of the standing rules of the Senate at the beginning of each Congress.[1] For purposes of paragraph 4 of rule XXV of the Standing Rules of the Senate, service of a Senator as a member or chairman of the Select Committee shall not be taken into account.

(b) Vacancies in the membership of the Select Committee shall not affect the authority of the remaining members to execute the functions of the committee, and shall be filled in the same manner as original appointments thereto are made.

(c)(1) A majority of the Members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquiries, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three Members shall constitute a quorum for the transaction of routine business of the Select Committee not covered by the first paragraph of this subparagraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one Member of the quorum is a Member of the Majority Party and one Member of the quorum is a Member of the Minority Party. During the transaction of routine business any Member of the Select Committee constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the Members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.[2]

"(d)(1)[3] A member of the Select Committee shall be ineligible to participate in any initial review or investigation relating to his own conduct, the conduct of any officer or employee he supervises, or the conduct of any employee of any officer he supervises, or relating to any complaint filed by him, and the determinations and recommendations of the Select Committee with respect thereto. For purposes of this subparagraph, a Member of the Select Committee and an officer of the Senate shall be deemed to supervise any officer or employee consistent with the provision of paragraph 12 of rule XXXVII of the Standing Rules of the Senate.

"(2) A Member of the Select Committee may, at his discretion, disqualify himself from participating in any initial review or investigation pending before the Select Committee and the determinations and recommendations of the Select Committee with respect thereto. Notice of such disqualification shall be given in writing to the President of the Senate.

"(3) Whenever any member of the Select Committee is ineligible under paragraph (1) to participate in any initial review or investigation or disqualfies himself under paragraph (2) from participating in any initial review or investigation, another Member of the Senate shall, subject to the provisions of subsection (d), be appointed to serve as a member of the Select Committee solely for purposes of such initial review or investigation and the determinations and recommendations of the Select Committee with respect thereto. Any Member of the Senate appointed for such purposes shall be of the same party as the Member who is ineligible or disqualifies himself."

SEC. 2. (a) It shall be the duty of the Select Committee to—

(1) receive complaints and investigate allegations of improper conduct which may reflect upon the Senate, violations of law, violations of the Senate Code of Official Conduct[4] and violations of rules and regulations of the Senate, relating to the conduct of individuals in the performance of their duties as Member of the Senate, or as officers or employees of the Senate, and to make appropriate findings of fact and conclusions with respect thereto;

(2) recommend to the Senate by report or resolution by a majority vote of the full committee disciplinary action (including, but not limited to, in the case of a Member: censure, expulsion, or recommendation to the appropriate party conference regarding such Member's seniority or positions of responsibility; and, in the case of an officer or employee: suspension or dismissal)"[5] to be taken with respect to such violations which the Select Committee shall determine, after according to the individuals concerned due notice and opportunity for hearing, to have occurred;

(3) recommend to the Senate, by report or resolution, such additional rules or regulations as the Select Committee shall determine to be necessary or desirable to insure proper standards of conduct by Members of the Senate, and by officers or employees of the Senate, in the performance of their duties and the discharge of their responsibilities; and

(4) report violations by a majority vote of the full committee of any law to the proper Federal and State authorities.

"(b)(1) Each sworn complaint filed with the Select Committee shall be in writing, shall be in such form as the Select Committee may prescribe by regulation, and shall be under oath.

"(2) For purposes of this section, 'sworn complaint' means a statement of facts within the personal knowledge of the complainant alleging a violation of law, the Senate Code of Official Conduct, or any other rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate.

"(3) Any person who knowingly and willfully swears falsely to a sworn complaint does so under penalty of perjury, and the Select Committee may refer any such case to the Attorney General for prosecution.

"(4) For the purposes of this section, 'investigation' is a proceeding undertaken by the Select Committee after a finding, on the basis of an initial review, that there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(c)(1) No investigation of conduct of a Member or officer of the Senate, and no report, resolution, or recommendation relating thereto, may be made unless approved by the affirmative recorded vote of not less than four members of the Select Committee.

"(2) No other resolution, report, recommendation, interpretative ruling, or advisory opinion may be made without an affirmative vote of a majority of the members of the Select Committee voting.

"(d)(1) When the Select Committee receives a sworn complaint against a Member or officer of the Senate, it shall promptly conduct an initial review of that complaint. The initial review shall be of duration and scope necessary to determine whether there is substantial credible evidence which provides substantial cause for the Select Committee to conclude that a violation within the jurisdiction of the Select Committee has occurred.

"(2) If as a result of an initial review under paragraph (1), the Select Committee determines by a recorded vote that there is not such substantial credible evidence, the Select Committee shall report such determination to the complainant and to the party charged together with an explanation of the basis of such determination.

"(3) If as a result of an initial review under paragraph (1), the Select Committee determines that a violation is inadvertent, technical or otherwise of a *de minimus* nature, the Select Committee may attempt to correct or prevent such a violation by informal methods.

"(4) If as a result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence but that the violation, if proven is neither of a *de minimus* nature nor sufficiently serious to justify any of the penalties expressly referred to in subsection (a)(2), the Select Committee may propose a remedy it deems appropriate. If the matter is thereby resolved, a summary of the Select Committee's conclusions and the remedy proposed shall be filed as a public record with the Secretary of the Senate and a notice of such filing shall be printed in the Congressional Record.

"(5) If as the result of an initial review under paragraph (1), the Select Committee determines that there is such substantial credible evidence, the Select Committee shall promptly conduct an investigation if (A) the violation, if proven, would be sufficiently serious, in the judgment of the Select Committee, to warrant imposition of one or more of the penalties expressly referred to in subsection (a)(2), or (B) the violation, if proven, is less serious, but was not resolved pursuant to paragraph (4) above. Upon the conclusion of such investigation, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

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[1] Changed by Section 102 of S. Res. 4 (February 4, 1977).

[2] Changed by S. Res. 78 (February 24, 1981).

[3] Added by S. Res. 110 (April 2, 1977).

[4] Added by Section 201 of S. Res. 110 (April 2, 1977).

[5] Added by Section 205 of S. Res. 110 (April 2, 1977).

"(6) Upon the conclusion of any other investigation respecting the conduct of a Member or officer undertaken by the Select Committee, the Select Committee shall report to the Senate, as soon as practicable, the results of such investigation together with its recommendations (if any) pursuant to subsection (a)(2).

"(e) When the Select Committee receives a sworn complaint against an employee of the Senate, it shall consider the complaint according to procedures it deems appropriate. If the Select Committee determines that the complaint is without substantial merit, it shall notify the complainant and the accused of its determination, together with an explanation of the basis of such determination.

"(f) The Select Committee may, in its discretion, employ hearing examiners to hear testimony and make findings of fact and/or recommendations to the Select Committee concerning the disposition of complaints.

"(g) Notwithstanding any other provision of this section, no initial review or investigation shall be made of any alleged violation of any law, the Senate Code of Official Conduct, rule, or regulation which was not in effect at the time the alleged violation occurred. No provisions of the Senate Code of Official Conduct shall apply to or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code. The Select Committee may conduct an initial review or investigation of any alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Select Committee.

"(h) The Select Committee shall adopt written rules setting forth procedures to be used in conducting investigations of complaints."[6]

(i)[7] The Select Committee from time to time shall transmit to the Senate its recommendation as to any legislative measures which it may consider to be necessary for the effective discharge of its duties.

SEC. 3. (a) The Select Committee is authorized to (1) make such expenditures; (2) hold such hearings; (3) sit and act at such times and places during the sessions, recesses, and adjournment periods of the Senate; (4) require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers, and documents; (5) administer such oaths; (6) take such testimony orally or by deposition; (7) employ and fix the compensation of *a staff director, a counsel, an assistant counsel, one or more investigators, one or more hearing examiners,*[8] and such technical, clerical, and other assistants and consultants as it deems advisable; and (8) to procure the temporary services (not in excess of one year) or intermittent services of individual consultants, or organizations thereof, by contract as independent contractors or, in the case of individuals, by employment at daily rates of compensation not in excess of the per diem equivalent of the highest rate of compensation which may be paid to a regular employee of the Select Committee.[9]

(b)(1)[10] The Select Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the executive branch of the Government) whenever the Select Committee determines that the retention of outside counsel is necessary or appropriate for any action regarding any complaint or allegation, which, in the determination of the Select Committee is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee.

"(2) Any investigation conducted under section 2 shall be conducted by outside counsel as authorized in paragraph (1), unless the Select Committee determines not to use outside counsel."; and

"(c)[11] With the prior consent of the department or agency concerned, the Select Committee may (1) utilize the services, information and facilities of any such department or agency of the Government," and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

With the consent of any other committee of the Senate, or any subcommittee thereof, the Select Committee may utilize the facilities and the services of the staff of such other committee or subcommitte whenever the chairman of the Select Committee determines that such action is necessary and appropriate.

"(d) Subpoenas may be issued (1) by the Select Committee or (2) by the chairman and vice chairman, acting jointly. Any such subpoena shall be signed by the chairman or the vice chairman and may be served by any person designated by such chairman or vice chairman. The chairman of the Select Committee or any member thereof may administer oaths to witnesses."[12]

"(e)(1)[13] The Select Committee shall prescribe and publish such regulations as it feels are necessary to implement the Senate Code of Official Conduct.

"(2) The Select Committee is authorized to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulations of the Senate within its jurisdiction.

"(3) The Select Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(4) The Select Committee may in its discretion render an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

"(5) Notwithstanding any provision of the Senate Code of Official Conduct or any rule or regulation of the Senate, any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of paragraphs (3) and (4) and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

"(6) Any advisory opinion rendered by the Select Committee under paragraphs (3) and (4) may be relied upon by (A) any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered: *Provided, however,* That the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and, (B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

"(7) Any advisory opinion issued in response to a request under paragraph (3) or (4) shall be printed in the Congressional Record with appropriate deletions to assure the privacy of the individual concerned. The Select Committee shall, to the extent practicable, before rendering an advisory opinion, provide any interested party with an opportunity to transmit written comments to the Select Committee with respect to the request for such advisory opinion. The advisory opinions issued by the Select Committee shall be compiled, indexed, reproduced, and made available on a periodic basis.

"(8) A brief description of a waiver granted under paragraph 2(c) of rule XXXIV or paragraph 1 of rule XXXV of the Standing Rules of the Senate shall be made available upon request in the Select Committee office with appropriate deletions to assure the privacy of the individual concerned."

SEC. 4. The expenses of the Select Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Select Committee.

SEC. 5. As used in this resolution, the term "officer or employee of the Senate" means—

(1) an elected officer of the Senate who is not a Member of the Senate;

(2) an employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) the Legislative Counsel of the Senate or any employee of his office;

(4) an Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) a member of the Capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) an employee of the Vice President if such employee's compensation is disbursed by the Secretary of the Senate; and

(7) an employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate.

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[6] Added by Section 202 of S. Res. 110 (April 2, 1977).

[7] Changed by Section 202 of S. Res. 110 (April 2, 1977).

[8] Added by Section 204 of S. Res. 110 (April 2, 1977).

[9] Added by S. Res. 230 (July 25, 1977).

[10] Added by Section 204 of S. Res. 110 (April 2, 1977).

[11] Changed by Section 204 of S. Res. 110 (April 2, 1977).

[12] Section added by S. Res. 312 (Nov. 1, 1977).

[13] Section added by Section 206 of S. Res. 110 (April 2, 1977).

Subpart B—Public Law 93-191—Franked Mail, Provisions Relating to the Select Committee

SEC. 6. (a) The Select Committee on Standards and Conduct of the Senate shall provide guidance, assistance, advice and counsel, through advisory opinions or consultations, in connection with the mailing or contemplated mailing of franked mail under section 3210, 3211, 3212, 3218(2) or 3218, and in connection with the operation of section 3215, of title 39, United States Code, upon the request of any Member of the Senate or Member-elect, surviving spouse of any of the foregoing, or other Senate official, entitled to send mail as franked mail under any of those sections. The select committee shall prescribe regulations governing the proper use of the franking privilege under those sections by such persons.

(b) Any complaint filed by any person with the select committee that a violation of any section of title 39, United States Code, referred to in subsection (a) of this section is about to occur or has occurred within the immediately preceding period of 1 year, by any person referred to in such subsection (a), shall contain pertinent factual material and shall conform to regulations prescribed by the select committee. The select committee, if it determines there is reasonable justification for the complaint, shall conduct an investigation of the matter, including an investigation of reports and statements filed by that complainant with respect to the matter which is the subject of the complaint. The committee shall afford to the person who is the subject of the complaint due notice and, if it determines that there is substantial reason to believe that such violation has occurred or is about to occur, opportunity for all parties to participate in a hearing before the select committee. The select committee shall issue a written decision on each complaint under this subsection not later than thirty days after such a complaint has been filed or, if a hearing is held, not later than thirty days after the conclusion of such hearing. Such decision shall be based on written findings of fact in the case by the select committee. If the select committee finds, in its written decision, that a violation has occurred or is about to occur, the committee may take such action and enforcement as it considers appropriate in accordance with applicable rules, precedents, and standing orders of the Senate, and such other standards as may be prescribed by such committee.

(c) Notwithstanding any other provision of law, no court or administrative body in the United States or in any territory thereof shall have jurisdiction to entertain any civil action of any character concerning or related to a violation of the franking laws or an abuse of the franking privlege by any person listed under subsection (a) of this section as entitled to send mail as franked mail, until a complaint has rendered a decision under subsection (b) of this section.

(d) The select committee shall prescribe regulations for the holding of investigations and hearings, the conduct of proceedings, and the rendering of decisions under this subsection providing for equitable procedures and the protection of individual, public, and Government interests. The regulations shall, insofar as practicable, contain the substance of the administrative procedure provisions of sections 551-559 and 701-706, of title 5 United States Code. These regulations shall govern matters under this subsection subject to judicial review thereof.

(e) The select committee shall keep a complete record of all its actions, including a record of the votes on any question on which a record vote is demanded. All records, data and files of the select committee shall be the property of the Senate and shall be kept in the offices of the select committee or such other places as the committee may direct.

Subpart C—Standing Orders of the Senate Regarding Unauthorized Disclosure of Intelligence Information, S. Res. 400, 94th Congress, Provisions Relating to the Select Committee

SEC. 8. * * *

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed, shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the Select Committee on Standards and Conduct to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the Select Committee on Standards and Conduct shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the Select Committee on Standards and Conduct determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

Subpart D—Public Law 95-105, Section 515, Relating to Receipt and Disposition of Foreign Gifts and Decorations Received by Members, Officers and Employees of the Senate or Their Spouses or Dependents, Provisions Relating to the Select Committee on Ethics

SEC. 515. (a)(1) Section 7342 of title 5, United States Code, is amended to read as follows:

§ 7342. Receipt and disposition of foreign gifts and decorations.

"(a) For the purposes of this section—

* * * *

"(6) 'employing agency' means—

"(A) the Committee on Standards of Official Conduct of the House of Representatives, for Members and employees of the House of Representatives, except that those responsibilities specified in subsections (c)(2)(A), (e), and (g)(2)(B) shall be carried out by the Clerk of the House;

"(B) the Select Committee on Ethics of the Senate, for Senators and employees of the Senate;

"(C) the Administrative Office of the United States Courts, for judges and judicial branch employees; and

"(D) the department, agency office, or other entity in which an employee is employed, for other legislative branch employees and for all executive branch employees.

"(b) An employee may not—

"(1) request or otherwise encourage the tender of a gift or decoration; or

"(2) accept a gift or decoration, other than in accordance with the provisions of subsections (c) and (d).

"(c)(1) The Congress consents to—

"(A) the accepting and retaining by an employee of a gift of minimal value tendered and received as a souvenir or mark of courtesy; and

"(B) the accepting by an employee of a gift of more than minimal value when such gift is in the nature of an educational scholarship or medical treatment or when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States, except that—

"(i) a tangible gift of more than minimal value is deemed to have been accepted on behalf of the United States and, upon acceptance, shall become the property of the United States; and

"(ii) an employee may accept gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging) of more than minimal value if such acceptance is appropriate, consistent with the interests of the United States, and permitted by the employing agency and any regulations which may be prescribed by the employing agency.

"(2) Within 60 days after accepting a tangible gift of more than minimal value (other than a gift described in paragraph (1)(B)(ii), an employee shall—

"(A) deposit the gift for disposal with his or her employing agency; or

"(B) subject to the approval of the employing agency, deposit the gift with that agency for official use. Within 30 days after terminating the official use of a gift under subparagraph (B), the employing agency shall forward the gift to the Administrator of General Services in accordance with subsection (e).

"(3) When an employee deposits a gift of more than minimal value for disposal or for official use pursuant to paragraph (2), or within 30 days after accepting travel or travel expenses as provided in paragraph (1)(B)(ii) unless such travel or travel expenses are accepted in accordance with specific instructions of his or her employing agency, the employee shall file a statement with his or her employing agency or its delegate containing the information prescribed in subsection (f) for that gift.

"(d) The Congress consents to the accepting, retaining, and wearing by an employee of a decoration tendered in recognition of active field service in time of combat operations or awarded for other outstanding or unusually meritorious performance, subject to the approval of the employing agency of such employee. Without this approval, the decoration is deemed to have been accepted on behalf of the United States, shall become the property of the United States, and shall be deposited by the employee, within sixty days of acceptance, with the employing agency for official use or forwarding to the Administrator of General Services for disposal in accordance with subsection (e).

"(e) Gifts and decorations that have been deposited with an employing agency for disposal shall be (1) returned to the donor, or (2) forwarded to the Administrator of General Services for transfer, donation, or other disposal in accordance with the provisions of the Federal Property and Administrative Services Act of 1949. However, no gift or decoration that has been deposited for disposal may be sold without the approval of the Secretary of State, upon a determination that the sale will not adversely affect the foreign relations of the United States. Gifts and decorations may be sold by negotiated sale.

"(f)(1) Not later than January 31 of each year, each employing agency or its delegate shall compile a listing of all statements filed during the preceding year by the employees of that agency pursuant to subsection (c)(3) and shall transmit such listing to the Secretary of State who shall publish a comprehensive listing of all such statements in the Federal Register.

"(2) Such listings shall include for each tangible gift reported—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance;

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift;

"(D) the date of acceptance of the gift;

"(E) the estimated value in the United States of the gift at the time of acceptance; and

"(F) disposition or current location of the gift.

"(3) Such listings shall include for each gift of travel or travel expenses—

"(A) the name and position of the employee;

"(B) a brief description of the gift and the circumstances justifying acceptance; and

"(C) the identity, if known, of the foreign government and the name and position of the individual who presented the gift.

"(4) In transmitting such listing for the Central Intelligence Agency, the Director of Central Intelligence may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the Director certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources.

"(g)(1) Each employing agency shall prescribe such regulations as may be necessary to carry out the purpose of this section. For all employing agencies in the executive branch, such regulations shall be prescribed pursuant to guidance provided by the Secretary of State. These regulations shall be implemented by each employing agency for its employees.

"(2) Each employing agency shall—

"(A) report to the Attorney General cases in which there is reason to believe that an employee has violated this section;

"(B) establish a procedure for obtaining an appraisal, when necessary, of the value of gifts; and

"(C) take any other actions necessary to carry out the purpose of this section.

"(h) The Attorney General may bring a civil action in any district court of the United States against any employee who knowingly solicits or accepts a gift from a foreign government not consented to by this section or who fails to deposit or report such gift as required by this section. The court in which such action is brought may assess a penalty against such employee in any amount not to exceed the retail value of the gift improperly solicited or received plus $5,000.

"(i) The President shall direct all Chiefs of a United States Diplomatic Mission to inform their host governments that it is a general policy of the United States Government to prohibit United States Government employees from receiving gifts or decorations of more than minimal value.

"(j) Nothing in this section shall be construed to derogate any regulation prescribed by any employing agency which provides for more stringent limitations on the receipt of gifts and decorations by its employees.

"(k) The provisions of this section do not apply to grants and other forms of assistance to which section 108A of the Mutual Educational and Cultural Exchange Act of 1961 applies."

(2) The amendment made by paragraph (1) of this subsection shall take effect on January 1, 1978.

RULE 1: GENERAL PROCEDURES

(a) Officers: The Committee shall select a Chairman and a Vice Chairman from among its members. In the absence of the Chairman, the duties of the Chair shall be filled by the Vice Chairman or, in the Vice Chairman's absence, a Committee member designated by the Chairman.

(b) Procedural Rules: The basic procedural rules of the Committee are stated as a part of the Standing Orders of the Senate in Senate Resolution 338, 88th Congress, as amended, as well as other resolutions and laws. Supplementary Procedural Rules are stated herein and are hereinafter referred to as the Rules. The Rules shall be published in the Congressional Record not later than thirty days after adoption, and copies shall be made available by the Committee office upon request.

(c) Meetings:

(1) The regular meeting of the Committee shall be the first Thursday of each month while the Congress is in session.

(2) Special meetings may be held at the call of the Chairman or Vice Chairman if at least forty-eight hours notice is furnished to all members. If all members agree, a special meeting may be held on less than forty-eight hours notice.

(3)(A) If any members of the Committee desires that a special meeting of the Committee be called, the member may file in the office of the Committee a written request to the Chairman or Vice Chairman for that special meeting.

(B) Immediately upon the filing of the request the Clerk of the Committee shall notify the Chairman and Vice Chairman of the filing of the request. If, within three calendar days after the filing of the request, the Chairman or the Vice Chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, any three of the members of the Committee may file their written notice in the office of the Committee that a special meeting of the Committee will be held at a specified date and hour; such special meeting may not occur until forty-eight hours after the notice is filed. The Clerk shall immediately notify all members of the Committee of the date and hour of the special meeting. The Committee shall meet at the specified date and hour.

(d) Quorum:

(1) A majority of the members of the Select Committee shall constitute a quorum for the transaction of business involving complaints and allegations of misconduct, including the consideration of matters involving sworn complaints, unsworn allegations or information, resultant preliminary inquires, initial reviews, investigations, hearings, recommendations or reports and matters relating to Senate Resolution 400, agreed to May 19, 1976.

(2) Three members shall constitute a quorum for the transaction of the routine business of the Select Committee not covered by the first subparagraph of this paragraph, including requests for opinions and interpretations concerning the Code of Official Conduct or any other statute or regulation under the jurisdiction of the Select Committee, if one member of the quorum is a Member of the Majority Party and one member of the quorum is a Member of the Minority party. During the transaction of routine business any member of the Select Committee, constituting the quorum shall have the right to postpone further discussion of a pending matter until such time as a majority of the members of the Select Committee are present.

(3) The Select Committee may fix a lesser number as a quorum for the purpose of taking sworn testimony.

(e) Order of Business: Questions as to the order of business and the procedure of the Committee shall in the first instance be decided by the Chairman and Vice Chairman, subject to reversal by a vote by a majority of the Committee.

(f) Hearings Announcements: The Committee shall make public announcement of the date, place and subject matter of any hearing to be conducted by it at least one week before the commencement of that hearing, and shall publish such announcement in the Congressional Record. If the Committee determines that there is good cause to commence a hearing at an earlier date, such notice will be given at the earliest possible time.

(g) Open and Closed Committee Meetings: Meetings of the Committee shall be open to the public or closed to the public (executive session), as determined under the provisions of paragraphs 5(b) to (d) of Rule XXVI of the Standing Rules of the Senate. Executive session meetings of the Committee shall be closed except to the members and the staff of the Committee. On the motion of any member, and with the approval of a majority of the Committee members present, other individuals may be admitted to an executive session meeting for a specified period or purpose.

(h) Record of Testimony and Committee Action: An accurate stenographic or transcribed electronic record shall be kept of all Committee proceedings, whether in executive or public session. Such record shall include Senators' votes on any question on which a recorded vote is held. The record of a witness' testimony, whether in public or executive session, shall be made available for inspection to the witness or his counsel under Committee supervision; a copy of any testimony given by that witness in public session, or that part of the testimony given by the witness in executive session and subsequently quoted or made part of the record in a public session, shall be made available to any witness if he so requests. (See Rule 6 on Procedures for Conducting Hearings.)

(i) Secrecy of Executive Testimony and Action and of Complaint Proceedings:

(1) All testimony and action taken in executive session shall be kept secret and shall not be released outside the Committee to any individual or group, whether governmental or private, without the approval of a majority of the Committee.

(2) All testimony and action relating to a sworn complaint shall be kept secret and shall not be released by the Committee to any individual or group, whether governmental or private, except the respondent, without the approval of a majority of the Committee, until such time as a report to the Senate is required under Senate Resolution 338, 88th Congress, as amended, or unless otherwise permitted under these Rules. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(j) Release of Reports to Public: No information pertaining to, or copies of any Committee report, study, or other document which purports to express the view, findings, conclusions or recommendations of the Committee in connection with any of its activities or proceedings may be released to any individual or group whether governmental or private, without the authorization of the Committee. Whenever the Chairman or Vice Chairman is authorized to make any determination, then the determination may be released at his or her discretion. Each member of the Committee shall be given a reasonable opportunity to have separate views included as part of any Committee report. (See Rule 9 on Procedures for Handling Committee Sensitive and Classified Materials.)

(k) Ineligibility or Disqualification of Members and Staff:

(1) A member of the Committee shall be ineligible to participate in any Committee proceeding that relates specifically to any of the following:

(A) The member's own conduct;

(B) The conduct of any employee or officer that the member supervises, as defined in paragraph 11 of Rule XXXVII of the Standing Rules of the Senate;

(C) The conduct of any employee or any officer that the member supervises; or

(D) A complaint, sworn or unsworn, that was filed by a member, or by any employee or officer that the member supervises.

(2) If any Committee proceeding appears to relate to a member of the Committee in a manner described in subparagraph (1) of this paragraph, the staff shall prepare a report to the Chairman and Vice Chairman. If either the Chairman or the Vice Chairman concludes from the report that it appears that the member may be ineligible, the member shall be notified in writing of the nature of the particular proceeding and the reason that it appears that the member may be ineligible to participate in it. If the member agrees that he or she is ineligible, the member shall so notify the Chairman or Vice Chairman. If the member believes that he or she is not ineligible, he or she may explain the reasons to the Chairman and Vice Chairman, and if they both agree that the member is not ineligible, the member shall continue to serve. But if either the Chairman or Vice Chairman continues to believe that the member is ineligible, while the member believes that he or she is not ineligible, the matter shall be promptly referred to the Committee. The member shall present his or her arguments to the Committee in executive session. Any contested questions concerning a member's eligibility shall be decided by a majority vote of the Committee, meeting in executive session, with the member in question not participating.

(3) A member may also disqualify himself from participating in a Committee proceeding in other circumstances not listed in subparagraph (k)(1).

(4) The President of the Senate shall be given written notice of the ineligiblity or disqualification of any member from any initial review, investigation or other proceeding requiring the appointment of another member in accordance with subparagraph (k)(5).

(5) Whenever a member of the Committee is ineligible to participate in or disqualifies himself from participating in any initial review, investigation, or other substantial Committee proceeding, another Member of the Senate who is of the same party shall be appointed by the Senate in accordance with the provisions of paragraph 1 of Rule XXIV of the Standing Rules of the Senate of the Senate, to serve as member of the Committee solely for the purposes of that proceeding.

(6) A member of the Committee staff shall be ineligible to participate in any Committee proceeding that the staff director or outside counsel determines relates specifically to any of the following.

(A) the staff member's own conduct;

(B) The conduct of any employee that the staff member supervises;

(C) the conduct of any Member, officer or employee for whom the staff member has worked for any substantial period; or

(D) a compliant, sworn or unsworn, that was filed by the staff member. At the direction or with the consent of the staff director or outside counsel, a staff member may also be disqualified from participating in a Committee proceeding in other circumstances not listed above.

(l) Recorded Votes: Any member may require a recorded vote on any matter.

(m) Proxies; Recording Votes of Absent Members:

(1) Proxy voting shall not be allowed when the question before the Committee is the initiation or continuation of an initial review or an investigation, or the issuance of a report or recommendation related thereto concerning a Member or officer of the Senate. In any such case an absent member's vote may be announced solely for purpose of recording the member's position and such announced votes shall not be counted for or against the motion.

(2) On matters other than matters listed in paragraph (m)(1) above, the Committee may order that the record be held open for the vote of absentees or recorded proxy votes if the absent Committee member has been informed of the matter on which the vote occurs and has affirmatively requested of the Chairman or Vice Chairman in writing that he be so recorded.

(3) All proxies shall be in writing, and shall be delivered to the Chairman or Vice Chairman to be recorded.

(4) Proxies shall not be considered for the purpose of establishing a quorum.

(n) Approval of Blind Trusts and Foreign Travel Requests Between Sessions and During Extended Recesses:

During any period in which the Senate stands in adjournment between sessions of the Congress or stands in a recess scheduled to extend beyond fourteen days, the Chairman and Vice Chairman, or their designees, acting jointly, are authorized to approve or disapprove blind trusts under the provision of Rule XXXIV, and to approve or disapprove foreign travel requests which require immediate resolution.

(o) Committee Use of Services or Employees of Other Agencies and Departments:

With the prior consent of the department or agency involved, the Committee may (1) utilize the services, information, or facilities of any such department or agency of the Government, and (2) employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable. With the consent of any other committee of the Senate, or any subcommittee, the Committee may utilize the facilities and the services of the staff of such other committee or subcommittee whenever the Chairman and Vice Chairman of the Committee, acting jointly, determine that such action is necessary and appropriate.

RULE 2: PROCEDURES FOR SWORN COMPLAINTS

(a) Sworn Complaints: Any person may file a sworn complaint with the Committee, alleging that any Senator, or officer, or employee of the Senate has violated a law, the Senate Code of Official Conduct, or any rule or regulation of the Senate relating to the conduct of any individual in the performance of his or her duty as a Member, officer, or employee of the Senate, or has engaged in improper conduct which may reflect upon the Senate.

(b) Form and Content of Complaints: A complaint filed under paragraph (a) shall be in writing and under oath, and shall set forth in simple, concise and direct statements:

(1) The name and legal address of the party filing the complaint (hereinafter, the complainant);

(2) The name and position or title of each Member, officer, or employee of the Senate who is specifically alleged to have engaged in the improper conduct or committed the violation (hereinafter, the respondent);

(3) The nature of the alleged improper conduct or violation, including if possible, the specific provision of the Senate Code of Official Conduct or other law, rule, or regulation alleged to have been violated.

(4)(A) A statement of the facts within the personal knowledge of the complainant that are alleged to constitute the improper conduct or violation.

(B) The term "personal knowledge" is not intended to and does not limit the complainant's statement to situations that he or she personally witnessed or to activities in which the complainant was a participant.

(C) Where allegations in the sworn complaint are made upon the information and belief of the complainant, the complaint shall so state, and shall set forth the basis for such information and belief.

(5) The complainant must swear that all of the information contained in the complaint either (a) is true, or (b) was obtained under circumstances such that the complainant has sufficient personal knowledge of the source of the information reasonably to believe that it is true. The complainant may so swear either by oath or by solemn affirmation before a notary public or other authorized official.

(6) All documents in the possession of the complainant relevant to or in support of his or her allegations may be appended to the complaint.

(c) Processing of Sworn Complaints:

(1) When the Committee receives a sworn complaint against a Member, officer or employee of the Senate, it shall determine by majority vote whether the complaint is in substantial compliance with paragraph (b) of this rule.

(2) If it is determined by the Committee that a sworn complaint does not substantially comply with the requirements of paragraph (b), the complaint shall be returned promptly to the complainant, with a statement explaining how the complaint fails to comply and a copy of the rules for filing sworn complaints. The complainant may resubmit the complaint in the proper form. If the complaint is not revised so that it substantially complies with the stated requirements, the Committee may in its discretion process the complaint in accordance with Rule 3.

(3) A sworn complaint against any Member, officer, or employee of the Senate that is determined by the Committee to be in substantial compliance shall be transmitted to the respondent within five days of that determination. The transmittal notice shall include the date upon which the complaint was received, a statement that the complaint conforms to the applicable rules, a statement that the Committee will immediately begin an initial review of the complaint, and a statement inviting the respondent to provide any information relevant to the complaint to the Committee. A copy of the Rules of the Committee shall be supplied with the notice.

RULE 3: PROCEDURES ON RECEIPT OF ALLEGATIONS OTHER THAN A SWORN COMPLAINT; PRELIMINARY INQUIRY

(a) Unsworn Allegations or Information: Any member or staff member of the Committee shall report to the Committee, and any other person may report to the Committee, any credible information available to him or her that indicates that any named or unnamed Member, officer or employee of the Senate may have—

(1) violated the Senate Code of Official Conduct;

(2) violated a law;

(3) violated any rule or regulation of the Senate relating to the conduct of individuals in the performance of their duties as Members, officers, or employees of the Senate; or

(4) engaged in improper conduct which may reflect upon the Senate. Such allegations or information may be reported to the Chairman, the Vice Chairman, a Committee member, or a Committee staff member.

(b) Sources of Unsworn Allegations or Information: The information to be reported to the Committee under paragraph (a), may be obtained from a variety of sources, including but not limited to the following:

(1) sworn complaints that do not satisfy all of the requirements of Rule 2;

(2) anonymous or informal complaints, whether or not satisfying the requirements of Rule 2;

(3) information developed during a study or inquiry by the Committee or other committees or subcommittees of the Senate, including information obtained in connection with legislative or general oversight hearings;

(4) information reported by the news media; or

(5) information obtained from any individual, agency or department of the executive branch of the Federal Government.

(c) Preliminary Inquiry:

(1) When information is presented to the Committee pursuant to paragraph (a), it shall immediately be transmitted to the Chairman and the Vice Chairman, for one of the following actions.

(A) The Chairman and Vice Chairman, acting jointly, may conduct or may direct the Committee staff to conduct, a preliminary inquiry.

(B) The Chairman and Vice Chairman, acting jointly, may present the allegations or information received directly to the Committee for it to determine whether an initial review should be undertaken. (See paragraph (d).)

(2) A preliminary inquiry may include any inquiries or interviews that the Chairman and the Vice Chairman deem necessary or appropriate. In particular, the preliminary inquiry may seek independent credible evidence that tends to corroborate the information received and may also include discussions or correspondence with the complainant, if any, and the respondent, if any.

(3) At the conclusion of a preliminary inquiry, the Chairman and Vice Chairman shall receive a full report of its findings. The Chairman and Vice Chairman, acting jointly, shall then determine what further action, if any, is appropriate in the particular case, including any of the following:

(A) No further action is appropriate, because the alleged improper conduct or violation is clearly not within the jurisdiction of the Committee;

(B) No further action is appropriate, because there is no reason to believe that the alleged improper conduct or violation may have occurred; or

(C) The unsworn allegations or information, and a report on the preliminary inquiry, should be referred to the Committee, to determine whether an initial review should be undertaken. (See paragraph (d).)

(4) If the Chairman and Vice Chairman are unable to agree on a determination at the conclusion of a preliminary inquiry, then they shall refer the allegations or information to the Committee, with a report on the preliminary inquiry, for the Committee to determine whether an initial review should be undertaken. (See paragraph (d).)

(5) A preliminary inquiry shall be completed within sixty days after the unsworn allegations or information were received by the Chairman and Vice Chairman. The sixty day period may be extended for a specified period by the Chairman and Vice Chairman, acting jointly. A preliminary inquiry is completed when the Chairman and the Vice Chairman have made the determination required by subparagraphs (3) and (4) of this paragraph.

(d) Determination Whether to Conduct an Initial Review: When information or allegations are presented to the Committee by the Chairman and the Vice Chairman, the Committee shall determine whether an initial review should be undertaken.

(1) An initial review shall be undertaken when—

(A) there is reason to believe on the basis of the information before the Committee that the possible improper conduct or violation may be within the jurisdiction of the Committee; and

(B) there is reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred.

(2) The determination whether to undertake an initial review shall be made by recorded vote within thirty days following the Committee's receipt of the unsworn allegations or information from the Chairman or Vice Chairman, or at the first meeting of the Committee thereafter if none occurs within thirty days, unless this time is extended for a specified period by the Committee.

(3) The Committee may determine that an initial review is not warranted because (a) there is no reason to believe on the basis of the information before the Committee that the improper conduct or violation may have occurred, or (b) the improper conduct or violation, even if proven, is not within the jurisdiction of the Committee.

(A) If the Committee determines that an initial review is not warranted, it shall promptly notify the complainant, if any, and any known respondent.

(B) If there is a complainant, he or she may also be invited to submit additional information, and notified of the procedures for filing a sworn complaint. If the complainant later provides additional information, not in the form of a sworn complaint, it shall be handled as a new allegation in accordance with the procedures of Rule 3. If he or she submits a sworn complaint, it shall be handled in accordance with Rule 2.

(4)(A) The Committee may determine that there is reason to believe on the basis of the information before it that the improper conduct or violation may have occurred and may be within the jurisdiction of the Committee, and that an initial review must therefore be conducted.

(B) If the Committee determines that an initial review will be conducted, it shall promptly notify the complainant, if any, and the respondent, if any.

(C) The notice required under subparagraph (B) shall include a general statement of the information or allegations before the Committee, and a statement that the Committee will immediately begin an initial review of the complaint. A copy of the Rules of the Committee shall be supplied with the notice.

(5) If a member of the Committee believes that the preliminary inquiry has provided sufficient information for the Committee to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred, the member may move that the Committee dispense with the initial review and move directly to the determinations described in Rule 4(f). The Committee may adopt such a motion by majority vote of the full Committee.

RULE 4: PROCEDURES FOR CONDUCTING AN INITIAL REVIEW

(a) Basis for Initial Review: The Committee shall promptly commence an initial review whenever it has received either (1) a sworn complaint that the Committee has determined is in substantial compliance with the requirements of Rule 2, or (2) unsworn allegations or information that have caused the Committee to determine in accordance with Rule 3 that an initial review must be conducted.

(b) Scope of Initial Review:

(1) The initial review shall be of such duration and scope as may be necessary to determine whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred.

(2) The initial review may include any inquiries or interviews that the Committee deems appropriate to obtain the evidence upon which to make the determination required by subparagraph (1), including the

taking of sworn statements and the use of subpoenas.

(c) Opportunity for Response: An initial review may include an opportunity for any known respondent or his designated representative, to present either a written or oral statement, or to respond orally to questions from the Committee. Such an oral statement or answers shall be transcribed and signed by the person providing the statement or answers.

(d) Status Reports: The Committee staff or outside counsel shall periodically report to the Committee in the form and according to the schedule prescribed by the Committee. The reports shall be confidential.

(e) Final Report: When the initial review is completed, the staff or outside counsel shall make a confidential report to the Committee on findings and recommendations.

(f) Committee Action: As soon as practicable following submission of the report on the initial review, the Committee shall determine by a recorded vote whether there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within the jurisdiction of the Committee has occurred. The Committee may make any of the following determinations:

(1) The Committee may determine that there is not such substantial credible evidence. In this case, the Committee shall report its determination to the complainant, if any, and to the respondent, together with an explanation of the basis for the determination. The explanation may be as detailed as the Committee desires, but it is not required to include a complete discussion of the evidence collected in the initial review.

(2) The Committee may determine that there is such substantial credible evidence, but that the alleged violation is inadvertent, technical, or otherwise of a de minimis nature. In this case, the Committee may attempt to correct or to prevent such violation by informal methods. The Committee's final determination in this matter shall be reported to the complainant, if any, and to the respondent, if any.

(3) The Committee may determine that there is such substantial credible evidence, but that the alleged violation, if proven, although not of a de minimis nature, would not be sufficiently serious to justify the severe disciplinary actions specified in Senate Resolution 338, 88th Congress, as amended (i.e., for a Member, censure, expulsion, or recommendation to the appropriate party conference regarding the Member's seniority or positions of responsibility; or for an officer or employee, suspension or dismissal). In this case, the Committee, by the recorded affirmative vote of at least four members, may propose a remedy that it deems appropriate. If the respondent agrees to the proposed remedy, a summary of the Committee's conclusions and the remedy proposed and agreed to shall be filed as a public record with the Secretary of the Senate and a notice of the filing shall be printed in the Congressional Record.

(4) The Committee may determine, by recorded affirmative vote of at least four members, that there is such substantial credible evidence, and also either:

(A) that the violation, if proved, would be sufficiently serious to warrant imposition of one of the severe disciplinary actions listed in paragraph (3); or

(B) that the violation, if proven, is less serious, but was not resolved pursuant to the procedure in paragraph (3). In either case, the Committee shall order that an investigation promptly be conducted in accordance with Rule 5.

RULE 5: PROCEDURES FOR CONDUCTING AN INVESTIGATION

(a) Definition of Investigation: An "investigation" is a proceeding undertaken by the Committee, by recorded affirmative vote of at least four members, after a finding on the basis of an initial review that there is substantial credible evidence which provides substantial cause for the Committee to conclude that a violation within its jurisdiction has occurred.

(b) Scope of Investigation: When the Committee decides to conduct an investigation, it shall be of such duration and scope as is necessary for the Committee to determine whether a violation within its jurisdiction has occurred. In the course of the investigation, designated outside counsel, or if the Committee determines not to use outside counsel, the Committee or its staff, may conduct inquires or interviews, take sworn statements, use compulsory process as described in Rule 7, or take any other actions that the Committee deems appropriate to secure the evidence necessary to make this determination.

(c) Notice to Respondent: The Committee shall give written notice to any known respondent who is the subject of an investigation. The notice shall be sent to the respondent no later than five working days after the Committee has voted to conduct an investigation. The notice shall include a statement of the nature of the possible violation, and a description of the evidence indicating that a possible violation occurred. The Committee shall offer the respondent an opportunity to present a statement or to respond to questions from members of the Committee, the Committee staff, or outside counsel.

(d) Right to a Hearing: The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate.

(e) Progress Reports to Committee: The Committee staff or outside counsel shall periodically report to the Committee concerning the progress of the investigation. Such reports shall be delivered to the Committee in the form and according to the schedule prescribed by the Committee, and shall be confidential.

(f) Report of Investigation:

(1) Upon completion of an investigation, including any hearings held pursuant to Rule 6, the outside counsel or the staff shall submit a confidential written report to the Committee, which shall detail the factual findings of the investigations and which may recommend disciplinary action, if appropriate. Findings of fact of the investigation shall be detailed in this report whether or not disciplinary action is recommended.

(2) The Committee shall consider the report of the staff or outside counsel promptly following its submission. The Committee shall prepare and submit a report to the Senate, including a recommendation to the Senate concerning disciplinary action, if appropriate. A report shall be issued, stating in detail the Committee's findings of fact, whether or not disciplinary action is recommended. The report shall also explain fully the reasons underlying the Committee's recommendation concerning disciplinary action, if any. No recommendation or resolution of the Committee concerning the investigation of a Member, officer or employee of the Senate may be approved except by the affirmative recorded vote of not less than four members of the Committee.

(3) Promptly after the conclusion of the investigation, the Committee's report and recommendation shall be forwarded to the Secretary of the Senate, and a copy shall be provided to the complainant and the respondent. The full report and recommendation shall be printed and made public, unless the Committee determines by majority vote that it should remain confidential.

RULE 6: PROCEDURES FOR HEARINGS

(a) Right to a Hearing: The Committee may hold a public or executive hearing in any inquiry, initial review, investigation, or other proceeding. The Committee shall accord a respondent an opportunity for a hearing before it recommends disciplinary action against that respondent to the Senate. (See Rule 5(e).)

(b) Non-public Hearings: The Committee may at any time during a hearing determine in accordance with paragraph 5(b) of Rule XXVI of the Standing Rules of the Senate whether to receive the testimony of specific witnesses in executive session. If a witness desires to express a preference for testifying in public or in executive session, he or she shall so notify the Committee at least five days before he or she is scheduled to testify.

(c) Adjudicatory Hearings: The Committee may, by majority vote, designate any public or executive hearing as an adjudicatory hearing; and, any hearing which is concerned with possible disciplinary action against a respondent or respondents designated by the Committee shall be an adjudicatory hearing. In any adjudicatory hearing, the procedures described in paragraph (j) shall apply.

(d) Subpoena Power: The Committee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such correspondence, books, papers, documents or other articles as it deems advisable. (See Rule 7.)

(e) Notice of Hearings: The Committee shall make public an announcement of the date, place, and subject matter of any hearing to be conducted by it, in accordance with Rule 1(f).

(f) Presiding Officer: The Chairman shall preside over the hearings, or in his absence the Vice Chairman. If the Vice Chairman is also absent, a Committee member designated by the Chairman shall preside. If an oath or affirmation is required, it shall be administered to a witness by the Presiding Officer, or in his absence, by any Committee member.

(g) Witnesses:

(1) A subpoena or other request to testify shall be served on a witness sufficiently in advance of his or her scheduled appearance to allow the witness a reasonable period of time, as determined by the Committee, to prepare for the hearing and to employ counsel if desired.

(2) The Committee may, by majority vote, rule that no member of the Committee or staff or outside counsel shall make public the name of any witness subpoenaed by the Committee before the date of that witness' scheduled appearance, except as specifically authorized by the Chairman and Vice Chairman, acting jointly.

(3) Any witness desiring to read a prepared or written statement in executive or public hearings shall file a copy of such statement with the Committee at least two working days in advance of the hearing at which the statement is to be presented. The

Chairman and Vice Chairman shall determine whether such statements may be read or placed in the record of the hearing.

(4) Insofar as practicable, each witness shall be permitted to present a brief oral opening statement, if he or she desires to do so.

(h) Right to Testify: Any person whose name is mentioned or who is specifically identified or otherwise referred to in testimony or in statements made by a Committee member, staff member or outside counsel, or any witness, and who reasonably believes that the statement tends to adversely affect his or her reputation may—

(1) Request to appear personally before the Committee to testify in his or her own behalf; or

(2) File a sworn statement of facts relevant to the testimony or other evidence or statement of which he or she complained.

Such request and such statement shall be submitted to the Committee for its consideration and action.

(i) Conduct of Witnesses and Other Attendees: The Presiding Officer may punish any breaches of order and decorum by censure and exclusion from the hearings. The Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(j) Adjudicatory Hearing Procedures:

(1) Notice of Hearings: A copy of the public announcement of an adjudicatory hearing, required by paragraph (e), shall be furnished together with a copy of these Rules to all witnesses at the time that they are subpoenaed or otherwise summoned to testify.

(2) Preparation for Adjudicatory Hearings:

(A) At least five working days prior to the commencement of an adjudicatory hearing, the Committee shall provide the following information and documents to the respondent, if any:

(i) a list of proposed witnesses to be called at the hearing;

(ii) copies of all documents expected to be introduced as exhibits at the hearing; and

(iii) a brief statement as to the nature of the testimony expected to be given by each witness to be called at the hearing.

(B) At least two working days prior to the commencement of an adjudicatory hearing, the respondent, if any, shall provide the information and documents described in divisions (i), (ii) and (iii) of subparagraph (A) to the Committee.

(C) At the discretion of the Committee, the information and documents to be exchanged under this paragraph shall be subject to an appropriate agreement limiting access and disclosure.

(D) If a respondent refuses to provide the information and documents to the Committee (see (A) and (B) of this subparagraph), or if a respondent or other individual violates an agreement limiting access and disclosure, the Committee, by majority vote, may recommend to the Senate that the offender be cited for contempt of Congress.

(3) Swearing of Witnesses: All witnesses who testify at adjudicatory hearings shall be sworn unless the Presiding Officer, for good cause, decides that a witness does not have to be sworn.

(4) Right to Counsel: Any witness at an adjudicatory hearing may be accompanied by counsel of his or her own choosing, who shall be permitted to advise the witness of his or her legal rights during the testimony.

(5) Right to Cross-Examine and Call Witnesses:

(A) In adjudicatory hearings, any respondent who is the subject of an investigation, and any other person who obtains the permission of the Committee, may personally or through counsel cross-examine witnesses called by the Committee and may call witnesses in his or her own behalf.

(B) A respondent may apply to the Committee for the issuance of subopenas for the appearance of witnesses or the production of documents on his or her behalf. An application shall be approved upon a concise showing by the respondent that the proposed testimony or evidence is relevant and appropriate, as determined by the Chairman and Vice Chairman.

(C) With respect to witnesses called by a respondent, or other individual given permission by the Committee, each such witness shall first be examined by the party who called the witness or by that party's counsel.

(D) At least one working day before a witness' scheduled appearance, a witness or a witness counsel may submit to the Committee written questions proposed to be asked of that witness. If the Committee determines that it is necessary, such questions may be asked by any member of the Committee, or by any Committee staff member if directed by a Committee member. The witness or witness' counsel may also submit additional sworn testimony for the record within twenty-four hours after the last day that the witness has testified. The insertion of such testimony in that days' record is subject to the approval of the Chairman and Vice Chairman acting jointly within five days after the testimony is received.

(6) Admissibility of Evidence:

(A) The object of the hearing shall be to ascertain the truth. Any evidence that may be relevant and probative shall be admissible, unless privileged under the Federal Rules of Evidence. Rules of evidence shall not be applied strictly, but the Presiding Officer shall exclude irrelevant or unduly repetitious testimony. Objections going only to the weight that should be given evidence will not justify its exclusion.

(B) The Presiding Officer shall rule upon any question of the admissibility of testimony or other evidence presented to the Committee. Such rulings shall be final unless reversed or modified by a majority vote of the Committee before the recess of that day's hearings.

(7) Supplementary Hearing Procedures: The Committee may adopt any additional special hearing procedures that it deems necessary or appropriate to a particular adjudicatory hearing. Copies of such supplementary procedures shall be furnished to witnesses and respondents, and shall be made available upon request to any member of the public.

(k) Transcripts:

(1) An accurate stenographic or recorded transcript shall be made of all public and executive hearings. Any member of the Committee, Committee staff member, outside counsel retained by the Committee, or witness may examine a copy of the transcript retained by the Committee of his or her own remarks and may suggest to the official reporter any typographical or transcription errors. If the reporter declines to make the requested corretions, the member, staff member, outside counsel or witness may request a ruling by the Chairman and Vice Chairman, acting jointly. Any member or witness shall return the transcript with suggested corrections to the Committee offices within five working days after receipt of the transcript, or as soon thereafter as is practicable. If the testimony was given in executive session, the member or witness may only inspect the transcript at a location determined by the Chairman and Vice Chairman, acting jointly. Any questions arising with respect to the processing and correction of transcripts shall be decided by the Chairman and Vice Chairman, acting jointly.

(2) Except for the record of a hearing which is closed to the public, each transcript shall be printed as soon as is practicable after receipt of the corrected version. The Chairman and Vice Chairman, acting jointly, may order the transcript of a hearing to be printed without the corrections of a member or witness if they determine that such member or witness has been afforded a reasonable time to correct such transcript and such transcript has not been returned within such time.

(3) The Committee shall furnish each witness, at no cost, one transcript copy of that witness' testimony given at a public hearing. If the testimony was given in executive session, then a transcript copy shall be provided upon request, subject to appropriate conditions and restrictions prescribed by the Chairman and Vice Chairman. If any individual violates such conditions and restrictions, the Committee may recommend by majority vote that he or she be cited for contempt of Congress.

RULE 7: SUBPOENAS

(a) Procedure: Subpoenas may be issued either—

(1) by majority vote of the Committee, or

(2) by the Chairman and Vice Chairman, acting jointly.

All subpoenas shall be signed by the Chairman or the Vice Chairman and may be served by any person eighteen years of age or older, who is designated by the Chairman or Vice Chairman. Each subpoena shall be served with a copy of the Rules of the Committee and a brief statement of the purpose of the initial review, investigation, or other proceeding.

(b) Subpoena Power: Pursuant to Federal law (2 U.S.C. 190(b)), the Committee is authorized to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate as it deems advisable. The Committee is similarly authorized to require by subpoena or otherwise the attendance of such witnesses or the production of such correspondence, books, papers, documents, or other articles as it deems advisable.

(c) Withdrawal of Subpoena: The Committee may, by majority vote, withdraw any subpoena issued by it or issued by the Chairman and Vice Chairman, acting jointly.

The Chairman and Vice Chairman, acting jointly, may withdraw any subpoena issued by them.

RULE 8: VIOLATIONS OF LAW; PERJURY; LEGISLATIVE RECOMMENDATIONS; AND APPLICABLE RULES AND STANDARDS OF CONDUCT

(a) Violations of Law: Whenever the Committee determines by majority vote that there is reason to believe that a violation of law may have occurred, it shall report such possible violation to the proper state and federal authorities.

(b) Perjury: Any person who knowingly and willfully swears falsely to a sworn complaint or any other sworn statement to the Committee does so under penalty of perjury. The Committee may refer any such case to the Attorney General for prosecution.

(c) Legislative Recommendations: The Committee shall recommend to the Senate by report or resolution such additional rules, regulations, or other legislative measures as it determines to be necessary or desirable to ensure proper standards of conduct by Members, officers, or employees of the Senate. The Committee may conduct such inquiries as it deems necessary to prepare such a report or resolution, including the holding of hearings in public or executive session and the use of subpoenas to compel the attendance of witnesses or the production of materials. The Committee may make legislative recommendations as a result of its findings in an initial review, investigation, or other proceeding.

(d) Applicable Rules and Standards of Conduct:

(1) No initial review or investigation shall be made of an alleged violation of any law, rule, regulation, or provision of the Senate Code of Official Conduct which was not in effect at the time the alleged violation occurred. No provision of the Senate Code of Official Conduct shall apply to, or require disclosure of any act, relationship, or transaction which occurred prior to the effective date of the applicable provision of the Code.

(2) The Committee may conduct an initial review or investigation of an alleged violation of a rule or law which was in effect prior to the enactment of the Senate Code of Official Conduct if the alleged violation occurred while such rule or law was in effect and the violation was not a matter resolved on the merits by the predecessor Committee.

RULE 9: PROCEDURES FOR HANDLING COMMITTEE SENSITIVE AND CLASSIFIED MATERIALS

(a) Procedures for Handling Committee Sensitive Materials:

(1) Committee Sensitive information or material is information or material in the possession of the Select Committee on Ethics which pertains to illegal or improper conduct by a present or former Member, officer, or employee of the Senate; to allegations or acquisition of such conduct; to any resulting preliminary inquiry, initial review, or investigation by the Select Committee on Ethics into such allegations or conduct; to the investigative techniques and procedures of the Select Committee on Ethics; or to other information or material designated by the staff director, or outside counsel designed by the Chairman and Vice Chairman.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of Committee Sensitive information in the possession of the Committee or its staff. Procedures for protecting Committee Sensitive materials shall be in writing and shall be given to each Committee staff member.

(b) Procedures for Handling Classified Materials:

(1) Classified information or material is information or material which is specifically designated as classified under the authority of Executive Order 11652 requiring protection of such information or material from unauthorized disclosure in order to prevent damage to the United States.

(2) The Chairman and Vice Chairman of the Committee shall establish such procedures as may be necessary to prevent the unauthorized disclosure of classified information in the possession of the Committee or its staff. Procedures for handling such information shall be in writing and a copy of the procedures shall be given to each staff member cleared for access to classified information.

(3) Each member of the Committee shall have access to classified material in the Committee's possession. Only Committee staff members with appropriate security clearances and a need-to-know, as approved by the Chairman and Vice Chairman, acting jointly, shall have access to classified information in the Committee's possession.

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive and classified documents and materials shall be segregated in secure filing safes. Removal from the Committee offices of such documents or materials is prohibited except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman, and Vice Chairman, acting jointly. Members may examine such materials in the Committee's offices. If necessary, requested materials may be taken by a member of the Committee staff to the office of a member of the Committee for his or her examination, but the Committee staff member shall remain with the Committee Sensitive or classified documents or materials at all times except as specifically authorized by The Chairman or Vice Chairman.

(3) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(4) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

(d) Non-disclosure Policy and agreement:

(1) Except as provided in the last sentence of this paragraph, no member of the Select Committee on Ethics, its staff, or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics shall release, divulge, publish, reveal by writing, word, conduct, or disclose in any way, in whole, or in part, or by way of summary, during tenure with the Select Committee on Ethics or anytime thereafter, any testimony given before the Select Committee on Ethics in executive session (including the name of any witness who appeared or was called to appear in executive session), any classified or Committee Sensitive information, document or material, received or generated by the Select Committee on Ethics or any classified or Committee Sensitive information which may come into the possession of such person during tenure with the Select Committee on Ethics or its staff. Such information, documents, or material may be released to an official of the executive branch properly cleared for access with a need-to-know, for any purpose or in connection with any proceeding, judicial or otherwise, as authorized by the Select Committee on Ethics, or in the event of termination of the Select Committee on Ethics, in such a manner as may be determined by its successor or by the Senate.

(2) No member of the Select Committee on Ethics staff or any person engaged by contract or otherwise to perform services for the Select Committee on Ethics, shall be granted access to classified or Committee Sensitive information or material in the possession of the Select Committee on Ethics unless and until such person agrees in writing, as a condition of employment, to the non-disclosure policy. The agreement shall become effective when signed by the Chairman and Vice Chairman on behalf of the Committee.

RULE 10: BROADCASTING AND NEWS COVERAGE OF COMMITTEE PROCEEDINGS

(a) Whenever any hearing or meeting of the Committee is open to the public, the Committee shall permit that hearing or meeting to be covered in whole or in part, by televsion broadcast, radio broadcast, still photography, or by any other methods of coverage, unless the Committee decides by majority vote that such coverage is not appropriate at a particular hearing or meeting.

(b) Any witness served with a subpoena by the Committee may request not to be photographed at any hearing or to give evidence or testimony while the broadcasting, reproduction, or coverage of that hearing, by radio, television, still photography, or other methods is occurring. At the request of any such witness who does not wish to be subjected to radio, television, still photography, or other methods of coverage, and subject to the approval of the Committee, all lenses shall be covered and all microphones used for coverage turned off.

(c) If coverage is permitted, it shall be in accordance with the following requirements:

(1) Photographers and reporters using mechanical recording, filming, or broadcasting apparatus shall position their equipment so as not to interfere with the seating, vision, and hearing of the Committee members and staff, or with the orderly process of the meeting or hearing.

(2) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(3) Personnel providing coverage by the television and radio media shall be currently accredited to the Radio and Television Correspondents' Galleries.

(4) Personnel providing coverage by still photography shall be currently accredited to the Press Photographers' Gallery Committee of Press Photographers.

(5) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and the coverage activities in an orderly and unobtrusive manner.

RULE 11: PROCEDURES FOR ADVISORY OPINIONS

(a) When Advisory Opinions are Rendered:

(1) The Committee shall render an advisory opinion, in writing within a reasonable time, in response to a written request by a Member or officer of the Senate or a candidate for nomination for election, or election

to the Senate, concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(2) The Committee may issue an advisory opinion in writing within a reasonable time in response to a written request by any employee of the Senate concerning the application of any law, the Senate Code of Official Conduct, or any rule or regulation of the Senate within the Committee's jurisdiction, to a specific factual situation pertinent to the conduct or proposed conduct of the person seeking the advisory opinion.

(b) Form of Request: A request for an advisory opinion shall be directed in writing to the Chairman of the Committee and shall include a complete and accurate statement of the specific factual situation with respect to which the request is made as well as the specific question or questions which the requestor wishes the Committee to address.

(c) Opportunity for Comment:

(1) The Committee will provide an opportunity for any interested party to comment on a request for an advisory opinion—

(A) which requires an interpretation on a significant question of first impression that will affect more than a few individuals; or

(B) when the Committee determines that comments from interested parties would be of assistance.

(2) Notice of any such request for an advisory opinion shall be published in the Congressional Record, with appropriate deletions to insure confidentiality, and interested parties will be asked to submit their comments in writing to the Committee within ten days.

(3) All relevant comments received on a timely basis will be considered.

(d) Issuance of an Advisory Opinion:

(1) The Committee staff shall prepare a proposed advisory opinion in draft form which will first be reviewed and approved by the Chairman and Vice Chairman, acting jointly, and will be presented to the Committee for final action. If (A) the Chairman and Vice Chairman cannot agree, or (B) either the Chairman or Vice Chairman requests that it be taken directly to the Committee, then the proposed advisory opinion shall be referred to the Committee for its decision.

(2) An advisory opinion shall be issued only by the affirmative recorded vote of a majority of the members voting.

(3) Each advisory opinion issued by the Committee shall be promptly transmitted for publication in the Congressional Record after appropriate deletions are made to insure confidentiality. The Committee may at any time revise, withdraw, or elaborate on any advisory opinion.

(e) Reliance on Advisory Opinions:

(1) Any advisory opinion issued by the Committee under Senate Resolution 338, 88th Congress, as amended, and the rules may be relied upon by—

(A) Any person involved in the specific transaction or activity with respect to which such advisory opinion is rendered if the request for such advisory opinion included a complete and accurate statement of the specific factual situation; and

(B) any person involved in any specific transaction or activity which is indistinguishable in all its material aspects from the transaction or activity with respect to which such advisory opinion is rendered.

(2) Any person who relies upon any provision or finding of an advisory opinion in accordance with the provisions of Senate Resolution 338, 88th Congress, as amended, and of the rules, and who acts in good faith in accordance with the provisions and findings of such advisory opinion shall not, as a result of any such act, be subject to any sanction by the Senate.

RULE 12: PROCEDURES FOR INTERPRETATIVE RULINGS

(a) Basis for Interpretative Rulings: Senate Resolution 338, 88th Congress, as amended, authorizes the Committee to issue interpretative rulings explaining and clarifying the application of any law, the Code of Official Conduct, or any rule or regulation of the Senate within its jurisdiction. The Committee also may issue such rulings clarifying or explaining any rule or regulation of the Select Committee on Ethics.

(b) Request for Ruling: A request for such a ruling must be directed in writing to the Chairman or Vice Chairman of the Committee.

(c) Adoption of Ruling:

(1) The Chairman and Vice Chairman, acting jointly, shall issue a written interpretative ruling in response to any such request, unless—

(A) they cannot agree,

(B) it requires an interpretation of a significant question of first impression, or

(C) either requests that it be taken to the Committee, in which event the request shall be directed to the Committee for a ruling.

(2) A ruling on any request taken to the Committee under subparagraph (1) shall be adopted by a majority of the members voting and the ruling shall then be issued by the Chairman and Vice Chairman.

(d) Publication of Rulings: The Committee will publish in the Congressional Record, after making appropriate deletions to ensure confidentiality, any interpretative rulings issued under this Rule which the Committee determines may be of assistance or guidance to other Members, officers or employees. The Committee may at any time revise, withdraw, or elaborate on interpretative rulings.

(e) reliance on Rulings: Whenever an individual can demonstrate to the Committee's satisfaction that his or her conduct was in good faith reliance on an interpretative ruling issued in accordance with this Rule, the Committee will not recommend sanctions to the Senate as a result of such conduct.

(f) Rulings by Committee Staff: The Committee staff is not authorized to make rulings or give advice, orally or in writing, which binds the Committee in any way.

RULE 13: PROCEDURES FOR COMPLAINTS INVOLVING IMPROPER USE OF THE MAILING FRANK

(a) Authority to Receive Complaints: The Committee is directed by section 6(b) of Public Law 93-191 to receive and dispose of complaints that a violation of the use of the mailing frank has occurred or is about to occur by a Member or officer of the Senate or by a surviving spouse of a Member. All such complaints will be processed in accordance with the provisions of these Rules, except as provided in paragraph (b).

(b) Disposition of Complaints:

(1) The Committee may dispose of any such complaint by requiring restitution of the cost of the mailing if it finds that the franking violation was the result of a mistake.

(2) Any complaint disposed of by restitution that is made after the Committee has formally commenced an initial review or investigation, must be summarized, together with the disposition, in a notice promptly transmitted for publication in the Congressional Record.

(3) If a complaint is disposed of by restitution, the complainant, if any shall be notified of the disposition in writing.

(c) Advisory Opinions and Interpretative Rulings: Requests for advisory opinions or interpretative rulings involving franking questions shall be processed in accordance with Rules 11 and 12.

RULE 14: PROCEDURES FOR WAIVERS

(a) Authority for Waivers: The Committee is authorized to grant a waiver under the following provisions of the Standing Rules of the Senate:

(1) Section 101(h) of the Ethics in Government Act of 1978, as amended, (Rule XXXIV) relating to the filing of financial disclosure reports by individuals who are expected to perform or who have performed the duties of their offices or positions for less than one hundred and thirty days in a calendar year;

(2) Section 102(a)(2)(D) of the Ethics in Government Act, as amended, (Rule XXXIV) relating to the reporting of gifts;

(3) Paragraph 1 of Rule XXXV relating to acceptance of gifts; or

(4) Paragraph 5 of Rule XLI relating to applicability of any of the provisions of the Code of Official Conduct to an employee of the Senate hired on a per diem basis.

(b) Requests for Waivers: A request for a waiver under paragraph (a) must be directed to the Chairman or Vice Chairman in writing and must specify the nature of the waiver being sought and explain in detail the facts alleged to justify a waiver. In the case of a request submitted by an employee, the views of his or her supervisor (as determined under paragraph 11 of Rule XXXVII of the Standing Rules of the Senate) should be included with the waiver request.

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision.

(d) Availability of Waiver Determinations: A brief description of any waiver granted by the Committee, with appropriate deletions to ensure confidentiality, shall be made available for review upon request in the Committee office. Waivers granted by the Committee pursuant to the Ethics in Government Act of 1978, as amended, may only be granted pursuant to a publicly available request as required by the Act.

RULE 15: DEFINITION OF "OFFICER OR EMPLOYEE"

(a) As used in the applicable resolutions and in these rules and procedures, the term "officer or employee of the Senate" means:

(1) An elected officer of the Senate who is not a Member of the Senate;

(2) An employee of the Senate, any committee or subcommittee of the Senate, or any Member of the Senate;

(3) The Legislative Counsel of the Senate or any employee of his office;

(4) An Official Reporter of Debates of the Senate and any person employed by the Official Reporters of Debates of the Senate in connection with the performance of their official duties;

(5) A member of the capitol Police force whose compensation is disbursed by the Secretary of the Senate;

(6) An employee of the Vice President, if such employee's compensation is disbursed by the Secretary of the Senate;

(7) An employee of a joint committee of the Congress whose compensation is disbursed by the Secretary of the Senate;

(8) An officer or employee of any department or agency of the Federal Government whose services are being utilized on a full-time and continuing basis by a Member, officer, employee, or committee of the Senate in accordance with Rule XLI(3) of the Standing Rules of the Senate; and

(9) Any other individual whose full-time services are utilized for more than ninety days in a calendar year by a Member, officer, employee, or committee of the Senate in the conduct of official duties in accordance with Rule XLI(4) of the Standing Rules of the Senate.

RULE 16: COMMITTEE STAFF

(a) Committee Policy:

(1) The staff is to be assembled and retained as a permanent, professional, nonpartisan staff.

(2) Each member of the staff shall be professional and demonstrably qualified for the position for which he or she is hired.

(3) The staff as a whole and each member of the staff shall perform all official duties in a nonpartisan manner.

(4) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(5) No member of the staff or outside counsel may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Committee without specific advance permission from the Chairman and Vice Chairman.

(6) No member of the staff may make public, without Committee approval, any Committee Sensitive or classified information, documents, or other material obtained during the course of his or her employment with the Committee.

(b) Appointment of Staff:

(1) The appointment of all staff members shall be approved by the Chairman and Vice Chairman, acting jointly.

(2) The Committee may determine by majority vote that it is necessary to retain staff members, including a staff recommended by a special counsel, for the purpose of a particular initial review, investigation, or other proceeding. Such staff shall be retained only for the duration of that particular undertaking.

(3) The Committee is authorized to retain and compensate counsel not employed by the Senate (or by any department or agency of the Executive Branch of the Government) whenever the Committee determines that the retention of outside counsel if necessary or appropriate for any action regarding any complaint or allegation, initial review, investigation, or other proceeding, which in the determination of the Committee, is more appropriately conducted by counsel not employed by the Government of the United States as a regular employee. The Committee shall retain and compensate outside counsel to conduct any investigation undertaken after an initial review of a sworn complaint, unless the Committee determines that the use of outside counsel is not appropriate in the particular case.

(c) Dismissal of Staff: A staff member may not be removed for partisan, political reasons, or merely as a consequence of the rotation of the Committee membership. The Chairman and Vice Chairman, acting jointly, shall approve the dismissal of any staff member.

(d) Staff Works for Committee as Whole: All staff employed by the Committee or housed in Committee offices shall work for the Committee as a whole, under the general direction of the Chairman and Vice Chairman, and the immediate direction of the staff director or outside counsel.

(e) Notice of Summons to Testify: Each member of the Committee staff shall immediately notify the Committee in the event that he or she is called upon by a properly constituted authority to testify or provide confidential information obtained as a result of and during his or her employment with the Committee.

RULE 17: CHANGES IN SUPPLEMENTARY PROCEDURAL RULES

(a) Adoption of Changes in Supplementary Rules: The Rules of the Committee, other than rules established by statute, or by the Standing Rules and Standing Orders of the Senate, may be modified, amended, or suspended at any time, pursuant to a majority vote of the entire membership taken at a meeting called with due notice when prior written notice of the proposed change has been provided each member of the Committee.

(b) Publication: Any amendments adopted to the Rules of the Committee shall be published in the Congressional Record not later than thirty days after adoption.●

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS

● Mr. HEFLIN. Mr. President, it is required by paragraph 4 of rule 35 that I place in the Congressional Record notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee has received a request for a determination under rule 35, for Mr. Era E. "Gene" Callahan, a member of the staff of Senator Alan J. Dixon, to participate in a program in Taiwan, Hong Kong, and Shanghai, Peoples Republic of China, sponsored by the National Association of Industry and Commerce of the Republic of China, from January 6 through 17, 1987.

The committee has determined that participation by Mr. Callahan in the program in Taiwan, Hong Kong, and Shanghai, Peoples Republic of China, at the expense of the National Association of Industry and Commerce of the Republic of China, was in the interest of the Senate and the United States.●

LOUIS C. HINER, JR.

● Mr. QUAYLE. Mr. President, it is my sad duty to report to the Senate on the passing of one of Indiana's favorite sons, the long-time Washington bureau chief for the Indianapolis News, Louis C. Hiner, Jr., who died on February 7 at the age of 67.

Born in Astoria, OR, Lou Hiner grew up in Indiana, where his father was editor and publisher of the Rushville Republican. After a year at Indiana University, where he worked on the Indiana Daily Student, Lou left to join the U.S. Air Force as a pilot instructor during World War II. He later returned to Indiana University for another year, intending to pursue a career in medicine. But that noblest of professions, journalism, won out, and Lou went on to become city editor of the Rushville Republican and editor of the Martinsville Reporter before joining the News' staff as a Statehouse reporter in 1947.

Lou was assigned to head the News' Washington bureau following the election of President Eisenhower in 1952. Lou served in that capacity until his untimely death, and during his 26-year tenure here, Lou was also the correspondent for two other properties of Central Newspapers, the Muncie Evening Press and the Phoenix Gazette.

Mr. President, Lou Hiner was a most distinguished journalist—a graceful writer and an astute and experienced observer of events in both Indiana and Washington. Lou had a particular flair for reporting the human interest side of news stories. He was intensely interested in giving his readers more than what happened. He gave them his keen analytical insights into why things happened.

In Lou Hiner, America and Indiana have lost a reporter's reporter, a patriot, a gentleman and a friend. I know that his many friends and admirers in Washington and across the Hoosier State will miss him and join me in offering heartfelt condolences to Lou's wife, Phyllis, to their two sons, Gregory and Bradley, and to Lou's daughter by a previous marriage, Mrs. Carolyn Coons of Chicago.

Joining me in this tribute to Lou Hiner today is Indiana's senior Senator, Richard G. Lugar.

At the conclusion of his remarks, I ask that there appear in the Record the February 9, 1987, Indianapolis News editorial, "Louis Hiner Jr.," and the text of the eulogy delivered at Lou's February 10 funeral by his long-time friend, colleague, and competitor, Benjamin R. Cole, who was the Washington bureau chief for the Indianapolis Star for 37 years until his retirement last July 31.

● Mr. LUGAR. Mr. President, with heavy heart, Senator Quayle and I report the sad loss of Louis C. Hiner, Washington bureau chief of the Indianapolis News and a legend of the Washington press corp.

Lou Hiner was a standard bearer for the causes of journalistic integrity and human honesty. For more than 40 years, he served the citizens of Indiana, reporting first on the intricacies of Indiana politics at the statehouse, and then here in Washington where he established a record for good judgment and accurate reportage. He was a servant of the people of Indiana as surely as any elected officer during his long tenure.

Lou came to Washington during the Eisenhower administration. It was an era in which our Nation was on the brink of historic change. After World War II, the United States took a role as protector of freedom in the world and our Government grappled with this more complex world. The journalistic world too, was in that same state of evolution. Lou dutifully reported on many turbulent events of the past 35 years in Washington and was an intregal part of that evolution. His example teaches us simply that a good reporter has a serious responsibility: to uphold the virtues of truth and fairness above all else.

Lou has been a loyal and trusted friend. Please join Senator QUAYLE and me in offering condolences to Lou's family and friends, and share with us his treasured memory.

The material follows:

[From the Indianapolis News, Feb. 9, 1987]

Louis Hiner, Jr.

[NOTE.—In the newspaper business there is no higher calling than being a good reporter.—Eugene C. Pulliam]

The man who inspired this statement could have been Louis Chase Hiner Jr., who was a reporter for The News for 40 years.

For 34 of those eventful years he held what most reporters would call the most coveted desk on the staff, chief Washington correspondent.

He worked last Friday as usual, submitting his regular column for Saturday publication. He died Friday night in his sleep. An appropriate sidelight on that Saturday column was that it was not submitted to the usual cuts in order to fit the space, as most columns are. His editor decided that it was so good that it should run exactly as it came in over the wire.

Mr. Hiner's career was rich and varied. He served his journalistic apprenticeship at The Rushville Republican and The Martinsville Reporter before going to work at The News in 1947.

He covered state government as his first assignment, where he demonstrated unusual talent as an interpreter of the Indiana political scene.

He received his first national assignment in 1948 when he covered the presidential campaign. His front page bylines were frequent, and his copy sparkled with imagery and human interest.

He was the logical choice to represent The News in Washington when a vacancy occurred in the bureau in 1953. His job was to focus on the Washington political delegation from Indiana and to report the background and human interest stories.

His byline continued to be followed by News readers, and his political coverage always offered that special "Indiana angle."

He became "Lou" to presidents, cabinet members, senators, representatives and many of the influentials in Washington. Always unflappable, he was not overawed by the great and near-great; he sought out the stories where they were and reported them with grace and clarity.

The present publisher of The News, Eugene S. Pulliam, a former managing editor of The News, said that Mr. Hiner was one of the most talented and aggressive reporters he had ever known.

Beyond his professional competence, Mr. Hiner was an affable, worthy and respected fellow worker in the journalistic vineyard.

At conventions and political gatherings, where the pressure was often almost unbearable, he was even tempered with his colleagues and even handed with sensitive political issues.

Today, the governmental leaders he wrote about during his remarkable 40-year career are writing and speaking about him—all with affection and admiration.

But the highest tribute—and the one he would be proudest of—has come from one of his fellow reporters who knew him from the first day he joined The News staff: "Lou was a pro."

Ben Cole's Remarks at Funeral of Louis C. Hiner

Father Bonner, Phyllis, Carolyn, Greg, Bradley, friends and colleagues of Louis Hiner:

Let us join together this day in a celebration of the life of a good man, a true and loving husband and father, a faithful friend, a patriotic citizen, and a gifted and dedicated journalist.

The first time I ever saw Lou Hiner was a day in 1947 when he came to the Statehouse pressroom in Indianapolis with Ed Ziegner of the Indianapolis News. I shall always remember my first impression of that tall, reed-slender, red-haired, grinning young man. He was, I thought, the friendliest human being I had ever met. Lou was 28 and I was 31. Can you believe anybody was ever that young?

Lou had been in the Army Air Corps during the war, flying four-engine bombers and training other young men in that dangerous adventure. He had been a basketball star at Rushville High School, which had one of the best teams in a state noted, or, I should say, notorious for its basketball hysteria.

He had also played on the Indiana University basketball team during his college years. He was a superbly coordinated individual, the key, no doubt, to his skill as an aviator.

I learned that, in addition to being friendly, Lou could be a fierce journalistic competitor. Our papers were bitter rivals in those days and we were hot blooded participants in that feud, one of the last great newspaper battles of an era that is no more.

Learning to respect one's competitor is the beginning of journalistic wisdom, and I assure you Lou earned my profound respect. The victory, they told us, belonged to the swift, and we ran our legs off for The Star and the News.

Then, suddenly, I was transferred to Washington in 1949. The News and The Star were merged into a single publishing company, rivals now under a single roof.

Lou Hiner was the logical selection to come to Washington in 1953 as my competitor and colleague. He arrived in January, 1953, in an old Dodge sedan with a leaky main bearing.

Later that year, Lou brought Phyllis and little Greg from Indianapolis to their first home in Falls Church.

The experiences Lou and I shared in the following 34 years are beyond my powers to describe and far removed from your credulity. We had, together, successes and failures; we had elation and disappointments. We worked together, and competed, in a little office, 20 feet by 20 feet, where privacy was nonexistent. (If I were to say there were never tensions between us, I should speak an untruth.)

Have you ever been in the situation of listening while your competitor phones in an exclusive story that you are powerless to match and honor-bound not to steal? We went through that ordeal almost daily.

Over those 34 years, our families grew. We each had our share of mortgages and measles, disasters large and small, we had our individual joys and sorrows.

We lived side by side in our tiny bureau and learned to know each other as few men ever become acquainted. We used to laugh at the uncanny way we would often say the same thing at the same time.

Day by day, I knew his life story: How he loved his home and family, how proud he was of the achievements of his children; how overjoyed he was with being a grandfather. I understood his self image, his aspirations—both those attained and those that slipped away. I learned about his youth, about the tragedy of losing his mother when he was still a teenager. I was witness to his frustrations and elation.

And out of all this, I grew to know a complex and absorbingly interesting man.

Now he is gone, carrying away with him knowledge and experience that The Indianapolis News can never replace; and we have lost a friend.

God gives us the gift of life on this earth, and it is our duty to make that life worth dying for. Lou did that.

It is God's mysterious way that the price of human love is human sorrow. We pay that price; but, indeed, we must also rejoice to have shared life with Louis Hiner.

"Behold how good and pleasant it is when brothers dwell (together) in unity.

"It is like the precious oil upon the head, running down upon the beard, upon the beard of Aaron, running down the collar of his robes!

"It is like the dew of Hermon, which falls on the mountains of Zion!

"For there the Lord has commanded the blessing, life for evermore."●

WISCONSIN SCIENCE STUDENTS HONORED IN TALENT SEARCH

● Mr. KASTEN. Mr. President, the American public education system was shaken to its foundation upon the release of "A Nation of Risk," the report by the National Commission on Excellence in Education. It warned of a pronounced decline in the quality of education, especially in the areas of math and science.

Educational institutions reacted with unanimous alarm, but perhaps nowhere was the outcry stronger than in Wisconsin. Wisconsin long has prided itself on the fine reputation of its public education system and the excellence of the students that system produces. Because anything less than excellence cannot be tolerated, a national effort was launched to improve students' math and science abilities.

Wisconsin's young people are committed; committed to themselves, to their families and friends, to their schools and communities, and to their country.

Mr. President, that commitment has paid off in Wisconsin and been echoed throughout the country. The pursuit of greater knowledge in the fields of math and science now is showing tangible results.

I am pleased to report that five high school seniors in Wisconsin have won honors in the Science Service's annual science talent search. Elizabeth Barclay, Henry Chang, and Laura Horowitz, all from James Madison Memorial High School; Kevin Kramer from Brookfield Central High School; and Tien Nguyen from Milwaukee Trade and Technical High School have every reason to be proud. They are living proof that high quality scientific thought is once again taking place in America.

These students have done thoughtful analyses on topics such as the "Morphometric Study of Green Alga-Coleochaete," "Mapping of the Replication Mutations of High Copy Number Plasmid Mutants," "Effects of Cyclosporin on T Cel Immunity," "The Deviation from Beer's Law," and "Stability Studies on the Restriction Endonuclease PstI," respectively. This is amazing. I have trouble even pronouncing some of these topics. These students are to be commended.

Elizabeth, Henry, Laura, Kevin, and Tien have done a wonderful job. Now it is our responsibility to further improve our educational system and see that their children have a chance to do the same.●

AFGHANISTAN: LETTERS FROM THE STATE OF MISSOURI

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the congressional task force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Missouri.

DEAR SENATOR HUMPHREY: The Soviet invasion of Afghanistan has been going on since 1979. What has the United States done to help these people?

These courageous, gallant, and fearless people are engaged in a war against Soviet occupation that resorts to raw terror as a mode of military operation. These atrocities compare to the worst that the Nazi's used in Germany.

What are we doing and what will we do to help these freedom fighters?

Respectfully yours,

HARRY GROSSMAN,
St. Louis, MO.

DEAR SENATOR HUMPHREY: My husband and I want you to know that we are both appalled at the accounts of Soviet atrocities on the Afghanistan people which we have read about in The Reader's Digest and have seen on CBS news.

How can we as a nation stand by and let the Soviets get away with this? The news spends so much time on South Africa and leaves out a situation, in our opinion, so much worse-the complete annihilation of a people.

We ask that you lobby for more and quicker aid to the Freedom Fighters in Afghanistan as well as a world wide campaign of public opinion pressure on the Soviets to get out of Afghanistan.

Thank you,

JAMES AND GLORIA DAVIDSON,
Hannibal, MO.●

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON FRIDAY, MARCH 6, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 6, 1987

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that no resolution over under the rule come over on Friday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders have been recognized under the standing order, the following Senators be recognized, for not to exceed 5 minutes each, on Friday next: Messrs. PROXMIRE, ARMSTRONG, HEFLIN, HECHT, HEINZ, LEVIN, SASSER, and BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that after the recognition of the Senators under the orders previously entered for Friday, there be a period for the transaction of routine morning business, not to exceed 30 minutes, and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-118, reappoints the Senator from Hawaii [Mr. MATSUNAGA] to the Japan-United States Friendship Commission.

The Chair, on behalf of the President pro tempore, pursuant to Public Law 99-498, appoints the following individuals to the Advisory Commission on Student Financial Assistance: Dr. Raymond M. Burse, of Kentucky, and Dr. Jim Flippin, of Mississippi.

APPOINTMENTS BY THE MAJORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 99-603, announces the appointment of the following individuals to the Commission for the Study of International Migration and Cooperative Economic Development: Representative JOHN W. BRYANT, of Texas; Mr. Dale deHaan, of New York; and Senator Art Torres, California State Senate.

ACTIONS WITH RESPECT TO BILLS, RESOLUTIONS, AND STATEMENTS

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may have until the hour of 7 p.m. today to introduce bills, resolutions, and statements into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO TAKE CERTAIN ACTION ON WEDNESDAY AND THURSDAY NEXT

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have between the hours of 10 a.m. and 3 p.m. on tomorrow and again on Thursday in which to report bills, resolutions, and nominations and to submit committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

PLACEMENT OF PROGRAM IN RECORD

Mr. BYRD. Mr. President, may I ask the Chair, has an order been entered that throughout the 100th Congress the daily statement of the program appear in the RECORD just prior to the motion to adjourn or recess?

The PRESIDING OFFICER. There is no such order to that effect.

Mr. BYRD. Will the distinguished assistant Republican leader have any objection to such program's appearing daily just prior to the motion to adjourn or recess?

Mr. SIMPSON. Just as a format?

Mr. BYRD. Yes.

Mr. SIMPSON. No. There will be no objection to that, Mr. President.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Does the distinguished assistant Republican leader have any further business he would like to transact today?

Mr. SIMPSON. Mr. President, I thank the majority leader for his courtesy. I have no further business that requires attention on this side. I thank him for his usual courtesies to me.

Mr. BYRD. Mr. President, I thank my able and distinguished friend.

PROGRAM

Mr. BYRD. Mr. President, on Friday, the Senate will meet at the hour of 10 a.m.

After the two leaders have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, ARMSTRONG, HEFLIN, HECHT, HEINZ, LEVIN, SASSER, and BAUCUS; after which there will be a period for the transaction of morning business, not to exceed 30 minutes, and Senators will be permitted to speak therein for not to exceed 5 minutes each.

I do not anticipate any rollcall votes on Friday. I hope that legislation can be cleared for action by then for action by unanimous consent. And it will be my intention on Friday to go over until next Tuesday so that the Senate will not be in on Monday. This will give committees the opportunity to meet and to report nominations and measures to the calendar.

I hope that they will continue at their good pace in conducting meetings. Hopefully, before many days there will be measures on the calendar and the Senate can proceed to its calendar business.

ADJOURNMENT UNTIL 10 A.M. FRIDAY MARCH 6, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 10 a.m. on Friday next.

The motion was agreed to, and at 6:09 p.m. the Senate adjourned until Friday, March 6, 1987, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 3, 1987:

DEPARTMENT OF STATE

Daryl Arnold, of California, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Singapore.

Robert H. Pelletreau, Jr., of Connecticut, a career member of the Senior Foreign Service, class of minister-counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tunisia.

THE JUDICIARY

Roger B. Andewelt, of the District of Columbia, to be a judge of the U.S. Claims Court for the term of 15 years, vice Thomas J. Lydon, term expired.

Joseph P. Stadtmueller, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin, vice John W. Reynolds, retired.

DEPARTMENT OF JUSTICE

Earl L. Rife, of Ohio, to be U.S. Marshal for the northern district of Ohio for the term of 4 years (reappointment).

William J. Jonas, Jr., of Texas, to be U.S. Marshal for the western district of Texas for the term of 4 years (reappointment).

EXECUTIVE OFFICE OF THE PRESIDENT

Midge Decter, of New York, to be a member of the Advisory Board for Radio Broadcasting to Cuba for a term expiring October 27, 1989 (reappointment).

NATIONAL COUNCIL ON THE HANDICAPPED

Sandra Swift Parrino, of New York, to be a member of the National Council on the Handicapped for a term expiring September 17, 1989 (reappointment).

Alvis Kent Waldrep, Jr., of Texas, to be a member of the National Council on the Handicapped for a term expiring September 17, 1989 (reappointment).

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Jean Vaughan Smith, of California, to be a member of the National Council on the Humanities for the remainder of the term expiring January 26, 1990, vice Helen Marie Taylor.

Paul J. Olscamp, of Ohio, to be a member of the National Council on the Humanities for a term expiring January 26, 1992, vice Anita Silvers, term expired.

Anne Paolucci, of New York, to be a member of the National Council on the Humanities for a term expiring January 26, 1992, vice Frances Dodson Rhome, term expired.

Charles A. Moser, of Virginia, to be a member of the National Council on the Humanities for a term expiring January 26, 1992, vice Samuel DuBois Cook, term expired.

John Shelton Reed, Jr., of North Carolina, to be a member of the National Council on the Humanities for a term expiring January 26, 1992, vice Louise Ano Nuevo Kerr, term expired.

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

William F. Merlin.
Arnold B. Beran.
Peter J. Rots.

IN THE ARMY

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be General

Gen. John R. Galvin [redacted], U.S. Army.

In the Navy

The following-named commanders of the Reserve of the U.S. Navy for permanent promotion to the grade of captain in the line in the competitive category as indicated, pursuant to the provisions of title 10, United States Code, section 5912:

UNRESTRICTED LINE OFFICERS

Ackermann, Roy August
Albi, Lynn
Ale, Donald Lee
Anciaux, Louis Navin
Anderson, Charles Swanson
Anderson, Stanley Ivar
Armstrong, Roland Jon
Armstrong, William Charles
Atkinson, Oliver Thompson, Jr.
Ayres, Steven Edward
Baldwin, Dan William, Jr.
Banks, Richard Allan
Barausky, Kenneth P.
Baravik, Andrew Wayne
Barker, Edward Elliott
Barr, Richard Conklin, Jr.
Barry, Andrew Michael
Bell, Edmond Vearl
Benson, Ray Wallace
Bernier, Joseph Peter
Bialecki, Lawrence Adalbert
Bohanna, James Lee
Bone, Theron Carl
Boostrom, Roger Layton
Brainerd, Austin Lawrence
Brandt, Philip Hovan
Brilliant, Irwin Joel
Brintzinghoffer, David M.
Brookman, John Edward
Broz, Joseph Peter
Bubb, John Warren
Bubeck, Robert Clayton
Buller, Ray Camon
Burkholder, James Brooke, Jr.
Calise, Victor Edward
Campo, John Anthony, Jr.
Carstens, Roger Webster
Carter, Francis Hunter, Jr.
Carter, Rowland Frank
Casey, Bruce Lee
Chenoweth, John Pressly, III
Coffey, Matthew Joseph, Jr.
Collins, Richard James
Collver, William Craig
Colvin, Joseph Thomas
Combs, Edwin Lawrence, Jr.
Commeree, Laurence Morgan
Connell, William Lawrence
Conner, Douglas Blease
Conyers, James Bland, Jr.
Cooper, Bruce Paul
Cooper, William Joseph
Copenbarger, Paul David
Couch, Hugh Richard
Craig, Stephen McCormack
Crane, Wendell Earl
Cress, James Thomas, Jr.
Crooks, Russell Wallace, Jr.
Crowell, Robert Lamson
Crowly, Joseph Arthur, Jr.
Cummings, Peter Charles
Curtis, Theodore Small, Jr.
Dalton, William Holbrook
Dansker, Alfred Steven
Davis, Wilbur Arthur, Jr.
Degraffenreid, Kenneth Ernie
Dennis, John Carlisle, III
Devlin, John Francis
Diehl, James Michael
Dillow, Richard Max

Dinsmore, Edmund Keating
Dishman, David Reese
Distad, John Theodore, Jr.
Dolben, Joseph Alfred
Downing, Edward Converse, Jr.
Downton, Charles Edwards, III
Dreyer, Gregory Frank
Duffy Paul Charles
Dukiet, Walter William, Jr.
Dykes, Ralph Vincent
Eagleton, Hugh Edward
Eck Michael Alan
Ecton, Stanley Alan
Edmondson, John Andrew
Ellis, Douglas Dorn
Ensminger, Ronald Jay
Ernst, Ronald Paul
Faulds, Dennis John
Field, James Emory, III
Fisher, James David
Fissel, Jack Emanuel
Flynn, Edward Charles
Foster, John Leith
Foy, Warren Lee, Jr.
Francis, William David
Freber, Scott McLeod
Friel, John Joseph
Frikker, Peter Michael
Garcia, Juan Manuel, Jr.
Gemma, Lawrence Eugene
Germann, Larry Fritz
Gildea, Richard Francis
Gillease, Dennis Bernard
Gilsenan, John Smith
Goings, Hilda Caroline
Golden, Robert Thomas
Goodrich, Freeman Ricker
Graner, Richard Eugene
Griffiths, Ralph Emerson
Hackett, Douglas Bradbury
Haley, John Hopkins, Jr.
Hamilton, Michael Paul
Hare, Jeffrey Stephen
Harrison, Joseph George, Jr.
Hayek, Charles Peter
Hebdon, Frederick James
Heinz, Bruce Raymond
Henry, Wayne Odell
Higdon, James Noel
Hinson, William Harlan, Jr.
Hodson, Robert William
Holland, Michael Raymond, Jr.
Holman, Richard Kenneth
Huber, Gerald Patrick
Hughes, David Kantz
Jackson, Donald L.
Jacobs, Linwood
Jensen, Eric Axel
Johannesen, John Bailey
Johnson, Andy Divine
Johnson, Bruce Andrew
Johnstone, Charles Perry
Jones, Harley Thorton
Jones, Thomas Richard
Joransen, William Stuart
Jordan, Michael Francis
Jordan, Peter Stanley
Kaczorowski, James Peter
Kay, Richard Owen
Kearney, David Eugene
Kehoe, Henry Patrick
Kerr, John Edwin
Kidd, Isaac Campbell, III
Kidd, Robert Bourland
King, Robert Kenneth
Kirn, Peter Clarkson
Laakso, Thomas Randall
Labouisse, John Peter, III
Laible, John Charles
Laskowski, Edward John
Laskowski, Leo Stanley
Lazenby, Maurice, III
Leake, David Howard
Leroy, David Charles
Lewis, Robert Ernest
Lightstone, William Henry
Lindquist, Douglas Wayne
Logan, Robert Henry
Loome, James Michael
Lopez, Henry Bernard
Losquadro, John Louis
Lovvorn, Larry Brown
Lowry, Charles Frederick
Mack, John Andrew, Jr.
Mack, Robert Clark
Maher, Jay Allison
Marshall, Eric More
Martin, John Charles
Mason, James Norris
Mason, Marvin Hawley, Jr.
Matthews, Billy Carroll
Mayer, Conrad Joseph
Mays, William Clarke S., III
Mazurczak, Michael, II
McAfee, Robert Craig
McCarthy, Dana Garrett
McConnell, William Spear
McGlothlin, Earl Wain
McGraw, Bennette Dean
McLachlan, John Duff
McMichael, Maurice Marshall
McNally, Michael Alan
McNamara, Robert Hugh
McVeigh, Michael Robert
Meacham, Lary Ross
Meek, Calvin Leland
Merrill, Charles Barrett, Jr.
Meyer, Lawrence Walter
Mezger, Thomas Birmingham, Jr.
Michel, Albert John, Jr.
Millen, Howard Earl
Miller, Alan Scott
Mitchell, Charles Jeffrey
Moder, Alvan Spencer
Monroe, David Richard
Mooney, William Morris, Jr.
Moore, William Arthur, Jr.
Moran, Richard Fraser
Morehead, Robert George
Morris, Mark Haely
Morrison, Stephen Bradley
Mortensen, Carl Eric
Morton, Calvin Thomas
Moss, George McKiethan, Jr.
Munro, Larry George
Niehaus, Christopher Alan
Norris, David Melville
Osborn, Clifford Robert
Overby, Sherman Willard, Jr.
Page, Loren Howard
Palm, Daniel John
Palmer, David Frederick
Parry, John Collins, Jr.
Patrick Ralph Jomarcus
Peacock, Donald James
Pearson, Gerard Dale
Perdue, Peter Lee
Peterson, Christopher Alan
Phelps, Chester Vincent, Jr.
Phelps, Walter Owen
Poole, Jeffrey Christopher
Powers, Jonathan Robert
Prevatt, Bruce Chapman
Pugh, Jon Gilbert
Quinlan, John Hugh
Rae, Alistair James Girvin
Ritchie, William Douglas
Rivers, Michael Thomas
Roberts, James Ronald
Roe, Jack Willholt, Jr.
Roesh, Donald Richard
Ross, Gary Ray
Rudell, Frederick Lawrence
Russell, Jerold
Salzmann, John Alexander, Jr.
Schear, James Paul
Schenck, Francis Roland
Schlosser, Ginger Ann
Schuck, Jerome Joseph
Schwartz, Norbert V., Jr.
Scott, Thomas Jefferson, Jr.
Sells, Harry Edward
Sentz, John David, Jr.
Shenk, Robert Edwards
Sieberns, David Otto
Smith, Dixon James
Smith, Donald Howard
Smith, Donald Lewis
Smith, Gary Douglas
Smith, Jackson Stanley, Jr.
Smith, James Harrell
Smith, John Byron
Smith, Ronald Allen
Soderman, Arne Paul
Sonn, James Albert
Soraghan, Joseph Raymond
Sorensen, William Harold
Spangenberg, Fank A., III
Speidel, David Poor
Spencer, Michael Paul
Springman, Paul Jacob
Stedfield, William Coleman
Steinam, Edwin John, Jr.
Stevens, Lawton Terry, Jr.
Stevens, Ronald Frank, Jr.
Stewart, Charles Robert
Still, Michael Jeffrey
Stillwell, Mark Richard
Stohr, Richard Jacob
Strasheim, Frank Lloyd, Jr.
Street, Jimmy Charles
Stryer, Ronald Joseph
Sturm, Robert Henry
Sullivan, John Eugene
Swager, James Ray
Swallow, Tolliver Gene
Swanson, James Raymond
Tarrant, Stanley Russel
Taylor, James Maynard
Thomas, Orville Gordon
Thompson, Galen Scott
Thompson, Stuart Richard
Thurston, Charles Wayne, Jr.
Till, John Earl
Totushek, John Benjamin
Trease, Charles Jackson, Jr.
Trulock, Ronald Eugene
Trussell, Grayson Lee
Tschirhart, Paul Michael
Underwood, Glenn Richard
Urban, Jack
Vanloy, Alan Eric
Vanwormer, Kenneth Russell
Verdery, Edward Hutchinson
Viskup, Steven Alan
Vivona, Richard Barney
Walker, Daniel Lewis
Walker, Theodore Charles
Wallington, George Lewis
Walton, Peter Rust
Warburton, Roger Stanley
Watson, Michael Philip
White, Hugh R.
White, Robert Edmund
Wilbur, Warren Albert, Jr.
Wilcox, John Wesley
Williams, Richard Samuel
Williams, Robert Julian
Willis, Barry Smartt
Winnard, David Edward
Winstead, Charles Leigh
Wood, Sheldon Horace, Jr.
Wright, Foster Eugene
Young, Gary Alan

UNRESTRICTED LINE OFFICERS (TARS)

Arms, David S.
Bone, John R.
Crum, James Lawrence
Ditto, Charles Francis
Hampe, Walter R.
Hampton, Phillip M.

Hargis, David Lawrence
Harris, Oscar Ingram, Jr.
Hertel, Michael Monroe
Hubbell, James Hamilton
Keith, Stephen Thomas
Kraus, George William
Lutz, Larry G.
McKenzie, Robert D.
Merritt, Hardy L.
Richardson, Patrick James
Ryan, Carl J.
Simmons, Donald Kent
Simonson, Scott T.
Spangler, John Henry
Vandivort, Walter Derris
Zilinsky, Thomas J.
Zinger, David Ransford

ENGINEERING DUTY OFFICERS

Adkins, Howard Eugene, Jr.
Andres, Stephen Michael
Auerbach, Jerome Martin
Balestra, Louis Joseph, Jr.
Beeby, Gered Howard
Cole, Otis Robert, III
David, Marshall John, Jr.
Gatlin, Carl Earl, Jr.
Long, Steven Kenneth
Lucas, Robert Gillem
Luckard, Joseph James, Jr.
Mager, George Liell, Jr.
Martin, Charlie Ray
Meinert, David Warren
Olson, Stephen Robert
Paquette, Dale Leonard
Rawls, Hugh Miller, Jr.
Sexton, Michael Ray
Simmons, Robert Thomas
Solymossy, Joseph Martin

AERONAUTICAL ENGINEER DUTY OFFICERS (AERONAUTICAL ENGINEERING)

Birkler, John Louis, III
Burkhead, Franklin, Jr.
Egnotovich, Michael M.
Whittington, Joseph Hugh

AERONAUTICAL ENGINEER DUTY OFFICERS (AVIATION MAINTENANCE)

Baynes, Jesse Carl
Earnest, Randolph Cress
Herron, William Edward
Hoenstine, Ronald W.
Silliman, Glennon Michael
Spriggs, Donald Kenneth
Stearns, Rodney Charles
Steubing, Kenneth Michael
Sullivan, John Gerald

SPECIAL DUTY OFFICERS (CRYPTOLOGY)

Ballowe, Terrence James
Bell, George Barrow
Bratiotis, Christos
Felcyn, John Jerome
Geiger, Gerald Albert
Griswold, Edson
Hurley, Daniel Caspr, Jr.
Kelly, Daniel Joseph
Lawrence, Fred Parker
McGroarty, James Patrick
Mulcahy, Peter Morin
Osthaus, John Gordon
Pokryfka, Richard Thaddeus
Simpson, John Bruce
Updike, Jod Edward
Watkins, Gary A.
Williams, Ralph MaClean

SPECIAL DUTY OFFICERS (MERCHANT MARINE)

Macfaden, William Hugh
Schaefer, Patrick Louis
Silva, Edward J.
Trippe, Richard Madison, Jr.
Weiss, John War

SPECIAL DUTY OFFICERS (INTELLIGENCE)

Anderson, Lane Schofield, II
Applegate, Allen Richard
Arnold, Lance Morgan
Aynesworth, James Levin
Barrett, William Sisson
Blanchard, Duane Everett
Braisted, Lawrence Edward
Cerny, Robert Thomas
Craig, William Hubert
Cross, Robert Reeves
Driver, Ross Norman
Eagan, William Richard, Jr.
Ferguson, Larry Walter
Ferrara, Alfred J.
Fitzgerald, David Monroe, Jr.
Foor, Rolland Edward, III
Gaudio, Joseph Aldo
Gorman, Daniel Joseph
Grace, Perry Rutledge
Grassey, Thomas Brandt
Griffin, Marion Fred
Hill, Richard Alan
Houston, W. Brock
Hoyle, William Roberson
Huff, James Allen
Jackson, Gerald S.
Judd, Harlan Benjamen
Keller, Harold Dayton, Jr.
Kennedy, Paul Chester
Lanata, Arthur Lionel J., Jr.
Lipson, Merek Evan
MacMillan, Douglas Stewart
Malander, James Blanchard
McBirnie, Thomas Joseph, Jr.
Miner, Robert Scott, III
Monk, Ronald Preston
Monroe, Maxwell Dow
Moody, Holmes Gerald
Morrison, Charles Davis
Morse, Stanley Chauncey
Pallick, Harry Daniel
Peterson, Omas Lewayne
Pirie, Robert Bruce
Poe, Larry Lafayette
Prior, Robert Henry
Rabb, Michael Tribble
Reeves, Walter Robert
Renne, Merlin Moulthrop
Rodelli, Melvyn Alfred
Sartin, Tommy Ray
Six, Steve
Smith, Gordon Haskell
Smith, Norman Austin
Snyder, Donald Arthur Deel
Thompson, Jeffrey Lee
Waldron, Michael Lewis
Williams, Russell Samuel

SPECIAL DUTY OFFICERS (INTELLIGENCE) (TAR)

McPherson, Andrew Morgan
Swift, Frank Richard

SPECIAL DUTY OFFICERS (PUBLIC AFFAIRS)

Kilpatrick, Joseph Warren, Jr.
Martin, David Peter
Myers, James Clark
Newman, Henry Alexander, Jr.
Pinto, Edmund
Rubin, Phillip Sumner
Toth, Ronald Louis

SPECIAL DUTY OFFICERS (OCEANOGRAPHY)

Morgan, Douglas Ray
Sprague, Vance Glover, Jr.

The following-named U.S. Naval reserve officers, to be appointed permanent lieutenant commander in the line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Collis, Jerry Carroll
Gallaher, Robert David
Jewett, Carlton Boyd
Lang, Thomas Michael
Parthum, Herbert William, Jr.
Ringler, Thomas Jay
Shiver, Wayne S.
Smith, Guy M.

The following-named U.S. Naval reserve officers, to be appointed permanent lieutenant in the line of the U.S. Navy, ursuant to title 10, United States Code, section 531:

Allen, Bradford James
Anderson, Kimberly Dhree
Anderson, Thomas Xavier
Andreika, Stanley Alan
Arvonen, George Mark
Ballantyne, Charles C.
Barello, Peter Eugene
Barnes, Jonathan Dwight
Barnett, Larry Benton
Bates, Jeffrey Brian
Bednarcik, Raymond S., Jr.
Blakeney, Thomas Howard, Jr.
Bockelman, William D.
Boettcher, David Paul
Bolling, Edgar Ray, Jr.
Bos, Steven Charles
Bowman, Glenn S.
Bradford, James Douglas
Bradley, Stephen Craig
Bradshaw, Kent Douglas
Brey, Sylvia Ann
Bricker, Martin P.
Brooks, Michael George
Brough, Jeffrey Allen
Butler, Claudia Spencer
Cahill, Maureen Marie
Campbell, James Kendall
Carpenter, Norman Alvin, Jr.
Carroll, Charles Michael, Jr.
Carter, Joseph Stephen
Cazier, Dale P.
Chan, Francis
Chappell, James L.
Cheek, Sidney Michael
Chenoweth, Charles Henry
Chester, Alden P., III
Chilson, David Andrew
Chlastawa, Jean May
Clark, Patrick Douglas
Collins, Dennis M.
Collins, Harold Henry
Collins, Timothy Rand
Cooley, Charles Richard, Jr.
Cooper, Joseph Alan
Coughlin, David Robert
Cox, William Robert
Dabbene, Salvatore Michael
Daggett, Francis Linwood
Darby, Peter Jay
Davies, Susan Ann
Davis, James F.
Davison, Jeffery Allen
Deeble, Kenneth M.
Dempsey, Chris Ray
Dieker, Steven Anthony
Dillon, Corrine Therese
Dire, James Richard
Disano, Michael David
Dowling, Hampton Howard
Dullard, John Patrick
Dumler, Bruce Eugene
Dunn, Michael Lawrence
Dykhoff, David Craig
Eason, William Timothy, III
Emich, David Brian
Eoff, Mark Sterling
Erichsen, Robin Anne
Esmele, Myles, Jr.
Esten, Guy Morgan
Estrin, Michael Gregory
Feallock, Mark Conrad
Fenwick, Charles Louis, Jr.
Field, Robert Christian
Filbert, Dorothy Lucille
Fink, Daniel Charles
Fleck, George William
Frake, Steven Chester
Franklin, Mark H.
Fuller, Joalan Victor
Fuller, Robert B.

Gaddis, Donald E.
Garcia, Thomas Gordon
Gardner, Hugh F.
Gartrell, Scott MacFarlane
Gibson, Michael Dennis
Gilbert, Christopher Gerard
Gillcrist, James Joseph
Gitlin, Marc Steven
Glass, David Nelson
Gough, Kathleen Edna
Guse, Stephen Lee
Hall, Larry D.
Ham, James Malcolm
Hamilton, Jon Douglas
Hansemann, Lyle Martin
Harrison, Douglas C.
Haynes, Larry J.
Held, Robert Earl
Higgins, Michael Martin
Hill, Cecil Clayton, Jr.
Hoffmeier, Donna Lee
Holman, Rene Ann
Hornbake, Michael Lawrence
Hubbard, Paul Kenneth
Hubble, Hartwell Harvey, Jr.
Hutchinson, Kent E.
Jackson, John Joseph
Jacobson, Gordon Jerome
Jaech, Justin Anthony
Jensen, Christopher Harry
Jones, Kevin Albert
Jordan, Anne Stuart
Jordan, Michael Leroy
Judson, Gunter
Kasler, James Fredrick
Kelly, Candace Lee
Kelly, Sean T.
Kennerley, William Robert
Kiley, Michael Emmett
Kirkpatrick, Ross L.
Klein, Jeffrey Meredith
Kuehn, Steven Charles
Kupcha, Joseph Andrew
Labelle, Timothy Douglas
Lackie, John Hodge
Lainhart, Carleen Spagnoli
Lambert, David F.
Lambert, Reiner Wolfgang
Lansing, Sanford Davidson
Lau, Peggy Lois
Lawrence, Gregory Edson, III
Lay, Dirk Zane
Layman, John Robert
Lemasters, Douglas Edward
Lesterbrutscher, Lindsey
Lindenmayer, Martin Josep
Little, Dennis Marvin
Loftus, Karen Vandivere
Ludlow, Francis Xavier
Lyon, Joseph Stone, Jr.
Makfinsky, Michael L.
Mankoff, Robert Morgan
Marciniak, John Gary
Matthews, Charles Henry
Mattox, Jefferson Hoppenjans
Mayfield, Arthur James, Jr.
McAuley, Michael Scott
McCarthy, Michael Scott
McCartin, Michael John
McDonald, Mark Thomas
McKenna, Patrick Edward
McKenzie, Leigh Maureen
McMurray, Kenneth Lee
McNaught, Robert Arthur
McSherry, Leo Patrick
McSwain, Joseph Allan
Meier, Robert Anthony
Milldrum, Dane
Mills, William Clark
Mitchell, Eugene Milton, Jr.
Mobley, Charles Rodney
Molidor, Mark Patrick
Moore, Patricia Ann Roberts
Morgan, James Dennis
Morris, Stephen McGovern
Morton, David Brice
Muir, James Robert
Mulligan, Michael James
Negron, Anthony
Nilsen, John F.
Nix, Daryl W.
Obrien, Eugene T.
Okerstrom, Eric James
Orourke, Patricia Ann
Owen, Scott Gregory
Parker, Joe Harold
Patchett, Robert M.
Patrou, Bruce Michael
Patton, William Anthony
Pauli, Kyra Valerie
Pauls, Jeffrey Michael
Pierce, Jack Pickardt
Poff, Thomas Paul
Posey, Kenneth Edwin
Pressley, Kenneth Eric
Prochilo, Thomas Richard
Rarey, David Kane
Rhodes, Mary Louise
Ricardo, Ralph Herbert, Jr.
Rice, Michael Richard
Ridgeway, Mark George
Robbins, Richard Dale
Robins, Philip A.
Rodriguez, Roberto
Rogers, Sarah Frances Reid
Rollins, Garnie Wade, Jr.
Rosado, Nelson Charles
Rougas, John N.
Rowe, Douglas K.
Ryder, Warren Scott
Saunders, Stanley L.
Sawyer, Jeffrey Thomas
Schmidt, John William
Schofield, Eric Tyler
Schwenk, Michael
Scott, Henry C.
Scudder, Richard Pearsall
Shetterly, Andrew H.
Skinner, Kenneth James
Smidt, Jackie L.
Smith, Douglas Redford
Smith, Jeffrey Alan
Smith, Joan Kristina
Smith, Michael Charity
Smith, Ronald Alan
Spaulding, Russell John
Steakley, Dan Harold
Steeley, Glen David
Steelman, Jimmie C.
Strickland, Barbara Ann
Summers, William Thomas II
Sweeney, Michael R.
Thompson, James B., Jr.
Thorstensen, Donald W.
Tingle, James Ayoub
Toher, Matrin E.
Toole, Benny Byron, Jr.
Topacio, Ricardo Ibita
Tribbie, M.K.
Tweet, Randall David
Vaughan, Thomas Amory
Wagner, Robert Michael
Walker, Harold Gillmore II
Ware, Steven Vanrensselaer
WEishaput, Paul Joseph
Wensing, Kevin Michael
West, Mark D.
Westphal, Alan Charles
Williams, Stephen Bernard
Wilson, John Philip
Wilson, Walter Louis, Jr.
Wisniewski, David Michael
Wolfe, Robert John
Woods, David Wade
Yates, George Evans
Young, H. F. Rick III
Zoehrer, Eric Allen

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the line of the U.S. Navy, pursuant to title 10, United States Code, Section 531:

Aaberg, Wayne Thomas
Adams, David Glenn
Anderson, Craig Philip
Anderson, Edsel Graig
Ankiel, Richard A.
Athmann, Ronald James
Auten, Kenneth W.
Ballinger, Cynthia Johanna
Barnum, Trudy Jean
Becknell, Gary W.
Bennett, Ann Todd
Berdar, Charles Joseph
Berger, Michael Dominic
Bernier, Denise Rene
Birgfeld, Kenneth Jr.
Black, Craig Richard
Bloch, Suzanne Ruth
Boone, Layne Renee
Bourgeois, Rosa Susan
Boutwell, Brian Harold
Brackin, William Leo
Brasel, Richard Lee
Brenton, Daniel Paul Joseph
Brents, Barry S.
Brose, Christopher Valentine
Brown, Kevin Norman
Brown, Stephen Lawrence
Bruhn, David Daniel
Burke, Brian William
Burke, Paul Vincent
Burke, Robert P.
Burt, James Edward
Butcher, Katharine Jan
Caballer, Jose Manuel
Campagna, Peter Thomas
Carlson, Joseph T.
Cassidy, David Patrick
Caston, Venetia Louise
Cecconi, Richard Craig
Chesnut, Jay Maddox
Ciriello, Salvatore, Jr.
Clark, Michael Steven
Cobb, Rex NMN
Conklin, William Arthur
Conley, Kenneth Brian
Connor, John L.
Cook, Hugh H., III
Coy, John R.
Croucher, Ivan Michael, Jr.
Croyder, Harry Maddock
Davis, Lorraine Stankowski
Davis, Stephen Fairbank, Jr.
Demery, Oliver Eugene
Dickinson, Nina Willenbecher
Dillard, Bruce Archie
Doren, Stephanie Yvonne
Duckwitz, Jay O.
Duff, Mary Henderson
Duncan, Delores Ann
Edwards, Richard T.
Elam, William Alonzo
Epperson, Jerry Dee
Escobedo, Albert Vincent
Estrada, William Ruben
Evans, Lawrence Terrell
Ezell, Harvey Eugene
Faulhaber, Brian Louis
Fedorshak, Marion
Fennie, Jessie Lee
Ford, Robert James
Fortson, Joseph Carey
Foster, Douglas Lamoine
Gallagher, Daniel Joseph
Garrott, Bruce Douglas
George, Andrea Lynn
Giacchetti, Robin Andrea
Gildersleeve, Joseph S.
Givens, Christopher Lee
Glover, Arthur Desmond Shelt
Haberbosch, Douglas E.
Hanko, William Peter

Hardas, Billy P.
Harvey, David Bruce
Hawley, David Henry
Helmers, Timothy J.
Herndon, Ronald Lee
Hill, Jeffrey McNeil
Hobbs Terrance, Deniece
Hochmuth, Claire Chantal
Hodge, Mark Monroe
Holzmann, Rochelle Corinne
Hopkins, Terry Howard
Howell, David William
Howlett, Jeffrey Richmond
Humiston, Randall Thomas
Humphrey, Jack Lee
Humphreys, Michael Allen
Isban, Joy Alice
Iverson, Lucinda Lynn
Iwanowicz, Stephen Edward
Jackson, Walter E.
Johnson, Richard William
Kampe, Kris Allen
Kapolka, Daphne
Kelgard, Donald Scott
Kennedy, Ronald Walter
Kinnavy, Katherine Therese
Kisiel, Thomas Kenneth
Knell, James M.
Kotlar, Kim Leslie
Kruse, Rodney Lee
Lafleur, Judith Lydia
Lausman, David Alan
Laventure, George Michael
Lee, George, Jr.
Levasseur, Philip George
Linson, Desiree Denese
Loftus, Deborah Ann
Logan, Thomas M.
Longenberger, Lewis J.
Lumsden, Catherine Anne
Lynn, Robin Mary
Mackenzie, Warren Gair, Jr.
Massey, Andrew Phillip
Matulonis, Sandra Jean
Mazzone, Robert Walter
McGlothin, James Jeffrey
McGonnell, Fenton Thomas, III
McGrain, Kerry
McLean, Jeffrey Eric
McNamara, Richard Daniel
McSherry, Marcia Louise
Medeiros, David S.
Meyer, Gail Margaret
Mitchell, Deborah Jeannette
Moran, Eugene Francis
Moran, Timothy
Morgan, Harold Robert, Jr.
Morin, Gregg L.
Myers, James William
Nenno, Sharon Marie
New, Martha L.
Owens, Donald Ray
Paje, Rufino Amigable
Palmatier, Howard Edward
Palmisano, Joseph Donald
Pankratz, Mark Walter
Pardini, Lisa Judi
Parnell, Rebecca Ann
Patterson, Wyndell Stanley
Pelkofski, James Anthony
Peters, Timothy Partick
Peterson, Robert Donald
Pfirrmann, Frederick William
Piccone, David Blake
Pike, Jesse W.
Pollin, John Murph
Ponds, Fernandez Lewis
Porter, Clyde Cornell, Jr.
Powell, Craig Dean
Powell, Mark Edison
Purvis, Michael Gregg
Quin, George Stites, Jr.
Ramsburg, William Erich
Reiter, Michael Robert
Rice, Allen Stuart
Riendeau, Alfred Arsene, Jr.
Riggs, John Forrest
Rinaldi, Brian Lloyd
Ritchie, Steven Craig
Robinson, David Alan
Rogers, William Donald, Jr.
Ruiz, Rosa Victoria
Rush, Kathryn Gayle
Saffold, Earnest Lee
Samples, Mark Alan
Schwering, John Eberhardt, Jr.
Scolpino, Anthony James
Scorby, John Charles, Jr.
Scott, Margaret Lee
Shakespeare, John Arden
Shaulis, John Bradley
Shuman, Edwin Arthur, IV
Simmons, Frank Lloyd
Smith, Stephen Charles
Snead, Thomas Charles
Sommers, John Douglas
Sozansky, Paul Leon
Stanley, Scott Michael
Staples, Mark Taylor
Stefansson, Katherine Elizab
Stock, Janet Ann
Stocks, Jay Thomas
Stoessel, Susan Annette
Stroschein, Thomas M.
Swank, David Philip
Talley, Betty Elaine
Talmadge, Stephen Alfred, Jr.
Taylor, John Wesley
Tow, Michael Elvis
Train, Elizabeth Langdon
Ugorcak, Elizabeth Ann
Urciuoli, Dianne K.
Vazquez, Sheldon Perry
Walsh, Evelyn Jean
Walsh, John Barry
Waltz, James David
Ward, Thomas Loren
Wears, Mildred Rebecca
Webb, Charles David
Weyandt, Daniel S.
Whitaker, Aileen Elizabeth
Whitaker, Mark Laurence
Willis, Karen Donette
Womack, George Gresham
Yoder, John Thomas IV
Zangardi, John Anthony
Zeman, Steven J.
Zink, Annette Marie
Zocher, Clay Arnould

The following-named U.S. Naval Reserve officers, to be appointed permanent ensign in the line of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Armbruster, Robert R.
Barnes, Robert E.
Beamer, Steven G.
Black, Brian D.
Bonner, James H.
Coast, Timothy J.
Coghan, Adam J.
Coudriet, Randall F.
Coury, Joseph E.
Crites, Randy B.
Daley, Lee D.
Davenport, Robert E.
Davis, Barry F.
Dulaney, Gregory T., Jr.
Emblidge, John M
Faller, Carl F.
Faulkner, Kenneth E.
Gabriel, Karl F.
Gale, John H., III
Gallagher, Dennis M.
Galletta, Anthony M.
Gembarski, Joseph A.
Gerren, David W.
Gohmen, Mark D.
Greig, Brian C.
Grignol, Ronald M., Jr.
Hinck, John A.
Hunt, David R.
Hyatt, Robert L.
Ide, Nicholas S. K.
Jensen, Garth A.
Johnson, Thomas G.
Kaiser, Christopher J.
Keegan, James R.
Keyser, Chris A.
Kusters, John G., Jr.
Lee, Ernest J., Jr.
Legare, Joseph A.
Marks, Michael I.
Martin, Kenneth J.
McGowan, Thomas D.
Merwin, Michael L.
Miller, Gregory A.
Mowattlarssen, Erling, Jr.
Mutz, Steven B.
Navarro. Ariel A.
Norris, Lawrence J.
Olson, Bradley P.
Orcutt, Lawrene K.
Ostwald, Leo H., Jr.
Padron, Pedro
Perry, Dale W.
Pred, Michael B.
Price, Robert R.
Profilet, William J.
Ratchford, Andrew R.
Rehm, Eric A.
Roberts, Jay B.
Robinson, John E.
Schanilec, Kevin A.
Schoenborn, Terrence M.
Smith, Bobby D.
Spear, Thomas M., Jr.
Steele, John H., Jr.,
Tebbutt, Steven H.
Truelove, Shawn M.
Tucker, Ronald P.
Vandell, John T.
Vincent, Patrick J.
Walters, Timothy J.
Weithman, Donatus F., II
Whelan, Michael T.
Williams, James L.
Wiseman, Karl R.
Wood, Benjamin D. M.
Zirkle, Matthew A.

The following-named U.S. Naval Reserve officer, to be appointed permanent captain in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Deck, David H.

The following-named U.S. Naval Reserve officer, to be appointed permanent commander in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Briggs, Jackie R.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Burns, Arthur Charles
Coleman, Claude Leroy
Freer, Douglas Hall
Gastaldo, Edward
Gubler, Kelly D.
Hiland, Dave
Johnson, Wayne T.
Kusuda, Leo
McHugh, John Joseph
McKee, Cameron C.
Miller, Jackie Robinson

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Medical Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Alberto, Gino, Jr.
Anderson, Russell Scott
Baker, Lee Thomas
Brazee, Sylvia Young
Brinker, Jeffrey Richar
Brown, John Francis
Butler, James Arthur
Champa, James Rudolph
Chinnock, Richard Edwin
Cicora, Ralph Allen
Curtis, Richard D.
Danaher, Patrick Robert
Dickson, David Perry
Dinneen, Michael Paul
Doucette, David Joseph
Drake, Almond Jerkins I.
Dubik, Michael Carlyle
Edelman, Martin Joseph
Edwards, Ernest L., Jr.
Edwards, Kenneth John
Emerine, Richard Wayne
Fox, Edward Patrick
Gibb, Matthew Dewolfe
Kelly, Brian John
Kelso, John Montana
Kistler, Aaron M.
Lee, John James
Llewellyn, David Mark E.
Lovins, Darrell Evan
McCarten, Michael Damia
McGee, John Joseph
McLarney, Thomas Joseph
Nowicki, Steven Douglas
Olesen, Mark Clifford
Pollard, Anthony L.
Prior, Charles Anthony
Riley, Anthony Bruce
Sentell, John William
Sternberg, Timothy Lamo
Sykes, Steven Harvey
Timoney, James Michael
Torkildson, Joseph Char
Trezza, Scott A.
Tucker, Elmo Glenn
Whealton, Edward
Wheeler, William Walter
Wilson, Robert Francis
Wong, Henry C.
Zackowski, Scott Willia

The following named regular officers to be reappointed permanent lieutenant in the supply corps of the U.S. Navy, pursuant to title 10, United States Code, section 5582(B):

Cooper, David Lee, Jr.
Hoskins, Albert Wayne
Kirst, Todd D.

The following-named U.S. Naval Reserve Officer, to be appointed permanent lieutenant in the Supply Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bruder, Kenneth Albert, Jr.
Colom, Christopher Michael
Coyne, John W.
disque, William Hammond
Dunscomb, Kenneth Daniel
Eble, Joseph John
Griffith, Vincent Lafayette
Holcomb, Michael David
Jamieson, Werner Keith
Johnson, Michael Christopher
Ligaya, Antonio Maglaqui
Stout, Dell Daymond
Valovcin, James
Vogel, Philip Lynn
Voth, Craig John

The following named regular officers to be reappointed permanent lieutenant (junior grade) in the supply corps of the U.S. navy, pursuant to title 10, United States Code, section 5582(B):

Caudill, Michael Ray
Ryan, William Patrick

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Supply Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Adams, Gary Griffith
Alber, Mary Lee
Bailey, Scott William
Baumann, Michael Bernard
Benjamin, Thomas Alan
Bennett, Robert John
Bergmann, Thomas Mauritz
Bower, Mark Edward
Brooks, Paul Arnold
Brubaker, Thomas Scott
Bushore, Ira Erick
Campbell, Danny Wayne
Davis, Michael James
Douglass, Robert Cameron
Ebert, Lee Glenn
Eggenberger, Marion Ann
Ellis, Steven Brady
Gwozdz, Robert Louis
Hart, Jonathan Blake
Hart, Kevin Michael
Hathcock, Carl Russel
Hayes, Sherman Travis
Holmes, Robert Dewitt, Jr.
Ivancovich, David Lynn
Jones, Martin Arthur
Jones, Melvin Glen
Kane, Michael Walter
Kirk, Michael Kennedy
Klekotka, John Francis, Jr.
Koehler, Keith Duane
Krnc, James John
Larochelle, Lawrence Eli
Lavin, David Ellis
Lipka, Peter William
Love, Herbert Scott
Malabre, Richard Charles
McClelland, Richard Scott
McEvoy, Charles Patrick
McQuilkin, William Clinton
Migliore, Stephen James
Neafsey, Philip Joseph
Neils, Elizabeth Stephanie
Ohl, Mark Antoni
Opitz, Allan Lee
Orear, Dennis Paul
Palko, Daniel Anthony
Powell, Steven Howard
Pritchard, Jeffrey William
Pry, David Anthony
Rector, Herschel Herman, Jr.
Reeves, Ross Robert
Reid, Jerome Leon Dacosta, Jr.
Rister, Charles Thomas
Robinson, Michael Wayne
Rodriguez, Manuel Vincent
Rogers, Robert Scott
Sawher, Walter, III
Sisk, Steven Kenneth
Swol, Christopher Douglas
Turner, Robert Burchel
Veenstra, Douglas John
Vrigian, Kirk Alan
Weber, Robert Maxwell
Williams, Bruce Earl
Williamson, Wayne John

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Chaplain Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Allen, Allen C.
Bird, Stephen A.
Botton, Kenneth V.
Branscum, Dan C.
Brown, Michael O.
Brown, Norman F.
Brown, Robert A.
Burt, Robert F.
Cadenhead, Julia T.
Danner, James L.
Diaz, John L.
Elkin, Frederic F.
Falkenthal, Thomas W.
Feagle, Robert H.
Fosback, Chris E.
Griffin, Kenneth L.
Gubbins, John M.
Gwudz, John S.
Hale, Robert M.
Haynes, Michael W.
Hermann, Rory M.
Holland, Earnest W.
Iasifllo, Louis V.
Jones, Alphonso
Kaul, John L.
Kirk, John E.
Knopp, Alfed L.
Kreiensieck, Ronald A.
Leslie, Reo N.
Lodge, Richard A.
Michener, Raymond W.
Milewski, Robert F.
Moore, Richard K.
Murphy, Pleasant L.
Nixon, Henry, Jr.
Nordhaus, Jeffrey, J.
Panitz, Jonathan A.
Powers, Richard M.
Prescott, William C.
Quinn, John T.
Reed, David D.
Ritter, Steven C.
Rodriguez, Robert J.
Simons, Gary G.
Sims, Timothy C.
Stahl, Martin R.
Valko, Robert A.
Vanderbilt, David S.
Verner, Thomas R.
Vukovich, Alex

The following named U.S. Naval Reserve officer, to be appointed permanent lieutenant in the Chaplain Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Allen, Allen Cagle

The following named regular officers to be reappointed permanent lieutenant in the Civil Engineer Corps of the U.S. Navy, pursuant to ttitle 10, United States Code, section 5582(B):

Ewell, Allen Elmer, Jr.
Peck, James Tarleton Van Le

The following named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Civil Engineer Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Beisswanger, Brad
Coles, Christopher Kevin
Dawkins, Christian Nathan
Duffy, William Scott
Elkins, Larry Warren
Mattheiss, Bruce William
Rubino, Francis Joseph
Tyahla, Stephen Francis

The following-named regular officers to be reappointed permanent lieutenant (junior grade) in the Civil Engineer Corps of the U.S. Navy, pursuant to title 10, United States Code, section 5582(B):

Hofmann, Tracy Diane
Honkomp, Christopher John
Kelley, David Frederick
Schofield, James McKenna

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Civil Engineer Corps of the U.S. Navy, pursuant to title 10, United States Code Section 531:

Allen, Paz Gomez
Bowling, David Jeffrey
Buffkin, Mark Dubose
Cozier, David Robbins
Kenealy, William Edward

Landis, Jonathan Robert
Morton, Douglas Gray
Mouritsen, John Warren
Patterson, Polly Stark
Snow, Ralph Gordon
Stader, James Francis
Vogelsang, Kevin George
Voltz, Jeffrey David
Williams, Bobby Leroy

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant commander in the Dental Corps of the U.S. Navy, pursuant to title 10, United States Code section 531:

Biolo, Mark W.
Davis, Nelson Charles
Kinderknecht, Keith Edw
Mazzeo, Frank, Jr.
Perez, Mark Richard
Smith, Thomas B.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Dental Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Awramik, Joyce Lynn
Baemmert, Robert John
Beasley, Willie Keith
Bernhardt, Adam George
Christiansen, Douglas N.
Clarke, Steven Reed.
Engel, Kirk Fred.
Fischer, William Freder.
Gillespie, Ray Cooke.
Hammond, Gary James.
Handler, Henry John.
Hann, William Byron.
Howell, Randolph Jean.
Leonard, William John.
Lerner, Lance Lewis.
Lewis, John A.
Moles, Jon.
Peck, Scott Richard.
Regan, Daniel Albert.
Rhodes, Robert Stephen.
Rickabaugh, Jeffery Lyn.
Schutt, Robert William.
Stewart, Chad Lee, Jr.
Stewart, Thomas Kevin.
Tary, Melanie Ann.

The following-name regular officer to be reappointed permanent lieutenant commander in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Bedsole, James Wendell.

The following-named U.S. Naval Reserve officer, to be appointed permanent lieutenant commander in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Nacev, Vladimir.

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Allred, Vondell.
Baysinger, Mark Olin.
Bowen, Branford.
Brado, James Frank.
Brouker, Mark Edward.
Burroughs, David S.
Cerenio, Justo Dacayo.
Churchill, Freda Vaugha.
Clenney, James Albert.
Dellinger, Douglas Carr.
Digiovacchino, Cheryl L.
Dobson, Beverly Paige.
Giambarresi, Leo Ignazi.
Gleisner, David Paul.
Gould, George Clavel.
Grasso, Paul Richard.
Griffith, Richard Obrie.
Heller, Randal George.
Hudson, James Neil.
Kirshner, Andrew Mark.
Krieger, David NMN.
Lane, Edward Milton.
Larson, Larrance Edwin.
Leibold, Virginia Ellen.
Lininger, Linda Ann
Mann, Robert Allen
McCoy, Raymond Delbert
Minagawa, Rahn Yukio
Music, Francesca Christ
Reeves, Dennis Lynn
Salmon, Betty Jean
Sanderson, Roy Don
Santora, Julia Rose
Schultz, George William
Sheldon, Charles M. JR
Shepardson, John Daniel
Vaughan, George Herman
Weber, Mary Particia
Wells, Patricia Ann
Winter, Steven Jerome

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Medical Service Corps of the U.S. Navy, pursuant to title 10, United States Code, section 531:

Brown, Brenda Gail
Byron, Michael Ray
Cahill, John Thomas
Dillindberg, Amy
Koerner, Harold Pfter
Loftus, Greg Robert
Long, Ronald Eugene
Lopes, Nancy Elizabeth
Macdonald, Jeffrey Alan
Mcdonald, Sharon M.
Passman, Robin Dale
Pomerville, John Roger
Rakes, Gary Howard
Robinson, Olen Richard
Rumbaugh, John Robert
Taylor, Mark Curtis
Whalen, Daniel Gerald

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant in the Nurse Corps of the U.S. Navy, pursuant to title 10 United States Code, section 531:

Barendse, Barney Robert
Beck, Marcy S.
Benninger, Charles Olin
Boren, Denise Margaret
Campbell, Joanne Elizab
Castleman, Lorraine Joy
Dillon, Anite Louise
Dubbs, Lynette Tyrrell
Goodman, William Lee
Kneller, Ellen Kay
Langlais, Marguerite An
McCunf, Renee Yvonne
McManaway, David Willia
Muesse, Kathleen Ann
Panko, Susan Marie
Rosemond, Andrea Barbar
Sharp, Melisa Kay Benne
Steiner, Kenneth Keith
Wallermilne, Marilyn Lo
Welch, Ann Elizabeth
Weston, Dee R.
Yancigay, Dawn Ann
Zimmerman, Esther Kay

The following-named U.S. Naval Reserve officers, to be appointed permanent lieutenant (junior grade) in the Nurse Corps of the U.S. Navy, pursuant to title 10 United States Code, section 531:

Bost, Lura Alyece
Brosten, Kariena Jane
Brown, Linda May
Bruhn, Nancy Patricia
Curll, Nancy Lee
Dawson, Brian Stuart
Eason, Deborah Jean
Faddis, Nolabeth
Fink, Mark Hamilton
Funk, Deborah Arlene
Giguere, Arthur Joseph
Gilmore, Therese Rose
Greenwood, Bonnie Elain
Greenwood, Mary Ida Fox
Grosdidier, Rene August
Hanrahan, Edward Joseph
Heyde, Lisa Anne
Jones, Ellen Francesica
Jones, Scott Morgan
Kissinger, James Willia
Kozlak, Joanne Theresa
Long, Polly Hatch
Lyons, Lisa Ann
Madison, Rick Alan
Markert, Karen Ruth
Marks, Sara Marie
McHugh, Susan Elizabeth
Micho, Jerry James
Simpkins, Gregory Louis
Singleton, Carolyn Jean
Smith, Marcia Kimberley
Smithmorse, Beverly Ann
Stanley, Thomas Ray
Wolf, Carol Anne
Wolfe, Shirley Belle
Zeckser, Darlene Vesta

The following-named limited duty officers to be reappointed permanent lieutenant as regular officers in the line of the U.S. Navy, pursuant to title 10, United States Code, section 5589(e):

Curry, Robert Francis, Jr.
Derrick, Gary Lee
Hohl, Thomas Kent
Langston, Arthur L.
Liles, Kenneth Alan
Morgan, Francis Clayton
Reichenberg, David Martin

The following-named limited duty officers to be reappointed permanent lieutenant (junior grade) as regular officers in the line of the U.S. Navy, pursuant to title 10, United States Code, section 5589(e):

Gibson, Marshall Kent
Hehr, Larry Edward
Hulver, Leslie Eugene
Richards, Stephen Paul
Rossi, Walter Alan
Wetzel, David Ronald

The following-named temporary limited duty officer, to be appointed permanent lieutenant (junior grade) in the line of the U.S. Navy, pursuant to title 10, United States Code, section 5589(a):

Hampbel, Werner Tranzend

The following-named temporary limited duty officers, to be appointed permanent lieutenant as limited duty officers in the line of the U.S. Navy, pursuant to title 10, United States Code, section 5589(a):

Avery, Kenneth Richard
Shreiner, Terry Lee

EXTENSIONS OF REMARKS

TRIBUTE TO WILLIE J. FULTON

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. TRAFICANT. Mr. Speaker, it is with great pleasure that I rise today to honor Willie J. Fulton, retired councilman of the sixth ward in Warren, OH. Tonight he will be honored, and his distinguished career recognized, by the Black Elected Officials of Ohio.

Mr. Fulton has chosen as a life-long pursuit to come to the aid of his community and fellow man at every opportunity. He is a man to be respected for his efforts at seeing to it that blacks in his area, and everywhere, are able to seek out better jobs and equal employment. As an involved member of his community in numerous capacities, he has diligently set out to make Warren a better place to live, not only for blacks, but for all its citizens.

Willie served in the U.S. Army for nearly 4 years before being honorably discharged. He worked for the Republic Steel Corp. before becoming the first black letter carrier in the Warren Post Office in 1948. He worked for better jobs and opportunities for blacks during this time before retiring his post in 1971.

As a member of the NAACP for many years, serving in the capacity of treasurer and executive board member, and as chairman of the housing committee, he has led many battles against racial discrimination. After leading several lawsuits and boycotts, he was successful in winning election to become councilman of the sixth ward in Warren in 1975. His retirement as councilman will end a career in this position for six terms.

Mr. Fulton is chairman of the public utilities committee for the city of Warren, vice chairman of the traffic committee, member of the traffic commission for Warren, member of the board of directors for the Alliance for Community Understanding. He is also a former director and stockholder of the black weekly newspaper, the Mahoning Valley Challenger, a member of the Third, Fourth, and Fifth Street Improvement Club, a member of Club Yazoo—a national class club, a member of the National Association of Letter Carriers, the United Steelworkers, the Alliance for Postal Employees Union, a member of King Solomon Lodge No. 87 A.F. & A.M., and is a past worshipful master.

Mr. Fulton has been recognized for his contributions to society on numerous occasions. He has received the Trumbull County Branch NAACP Service Award, the United Negro College Fund Meritorious Service Award, and a special award from his own high school class given in 1977.

Mr. Fulton belongs to Friendship Baptist Church and he and his wife, Barbara have three sons. I join Willie's family in their pride for this man. He has led his family and community to believe in strong and worthy values, even in the hardship of a sometimes reluctant society. For what he has chosen to give to his community in the way of guidance and patient leadership for so many years, I join the many grateful people of Warren in appreciating Mr. Fulton's dedication. I wish Willie and Barbara the best in his retirement and look forward to his further contributions in making Warren, OH, an even better place to live.

TRIBUTE TO LT. COL. GEORGE MUSULIN

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. CRANE. Mr. Speaker, on Saturday, February 21, a great American patriot and World War II hero, Lt. Col. George Musulin, passed away in the Bethesda Naval Hospital. Colonel Musulin is probably best remembered for spearheading "Operation Halyard," a daring and dramatic rescue of some 500 American servicemen from Nazi-occupied Yugoslavia in 1944.

As the leader of an OSS mission to rescue American airmen that had been shot down over Yugoslavia on the way back from raids on Axis oil installations and communications in Romania, Colonel Musulin and his team parachuted into Yugoslavia to set up the "Operation Halyard" rescue. On August 9, 1944, the first group of American airmen were evacuated by three waves of C-47's from a makeshift airfield only 80 miles from Belgrade. Through subsequent evacuations from secret airfields in the heart of Axis-controlled Yugoslavia, the Halyard mission brought its total of rescued airmen evacuated and returned to combat duty to 432.

The airmen who were evacuated to safety by Colonel Musulin had been rescued and protected by the Chetnik forces of Gen. Draza Mihailovich, the Yugoslav resistance leader who called upon his people to fight back against the German occupation. Despite an offer to be evacuated to safety in Italy with the last group of Americans, General Mihailovich elected to stay and lead his people in the fateful fight against General Tito's Communist aggressors. Ironically, even though Mihailovich's forces rescued and smuggled out American flyers downed in Yugoslavia during the war, Mihailovich, a victim of Communist propaganda, was executed as a war criminal by Tito's forces.

Colonel Musulin and the American airmen rescued in the Halyard operation appealed to the State Department to intervene on behalf of General Mihailovich's defense. Unfortunately, little was done, and, as a result, America has to live with this injustice. More recently, Musulin and the airmen have lobbied Congress to get a modest sized memorial built to commemorate General Mihailovich's role for saving the lives of American servicemen in World War II. Again, the State Department has proven to be a major force of opposition. Hopefully, someday the State Department will officially recognize the role General Mihailovich played and allow these American servicemen to finally honor the man who saved their lives. Until then, however, all Americans can remember with gratitude the service that Lt. Col. George Musulin gave to his country, and his part in bringing these former MIA's home.

I have included an article from the Washington Times that summarizes the accomplishments of Colonel Musulin. The article follows:

GEORGE MUSULIN, 72, FREED 400 TRAPPED GI'S

Retired U.S. Army Lt. Col. George S. Musulin, 72, a World War II officer who commanded an operation to rescue American soldiers trapped behind enemy lines in Yugoslavia, died Saturday from diabetes and kidney failure in Bethesda Naval Hospital. He lived in McLean.

Col. Musulin commanded "Operation Halyard," responsible for airlifting more than 400 American soldiers from Nazi-occupied Yugoslavia in August 1944. The central facts about the operation and its success based on the cooperation of Gen. Draja Mihailovich, leader of the Yugoslav Nationalist Resistance Forces, were not made public until 20 years later.

David Martin, author of "Patriot or Traitor: The Case of General Mihailovich," called the mission "probably the most daring operation of its kind anywhere in Axis-occupied Europe during the whole of World War II."

According to Mr. Martin, the events that led to Col. Musulin's participation in the operation started in mid-October 1943, when he parachuted into Yugoslavia as a member of the American mission at the headquarters of Gen. Mihailovich. Toward the end of 1943, reports that Gen. Mihailovich had collaborated with the Germans spurred the British and Americans to move toward Marshal Josep Tito. On May 31, 1944, Col. Musulin and about 100 British and American officers were evacuated by American forces, leaving Gen. Mihailovich abandoned.

Col. Musulin supervised the first evacuation. Afterward, he was reassigned to Bari, Italy, which served as headquarters of the American Office of Strategic Services and the British Secret Operations Executive intelligence agencies. There, he suggested organizing a more ambitious effort to evacuate the Americans who had missed the first evacuation.

Col. Musulin encountered heavy resistance to this idea because of the pro-Tito attitudes of both Britian and the United States, according to Mr. Martin. By mid-July 1944, Col. Musulin succeeded in persuading superiors to rescue a growing number of Americans still in Gen. Mihailovich's territory. Col. Musulin was appointed commanding officer of the three-man mission.

On Aug. 4, 1944, Col. Musulin parachuted into supposedly friendly territory in Yugoslavia near the town of Pranjani, where he found about 250 Americans and gradually

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

led them to a secret air strip where they boarded rescue planes.

By the end of the mission, more than 400 American soldiers had been rescued, Mr. Martin said.

After the war, Col. Musulin joined first the Office of Naval Intelligence and then the Central Intelligence Agency, where he was assigned to Athens, Greece and Frankfurt, Germany, before receiving an assignment in Washington. He retired from the CIA in 1974.

Col. Musulin was born in New York and raised in Johnstown, Pa. He graduated from the University of Pittsburgh and played on the university's football team. After college, he played professional football for a few years with the St. Louis Gunners and the Chicago Cardinals.

He was part of the U.S. infantry before volunteering for service with the OSS.

Col. Musulin's wife, Stella Makavich Musulin, died in 1985. He is survived by one son, Nicholas Musulin of McLean; three daughters, JoAnne de la Riza of Great Falls, Milena Sanchez of Madrid, Spain, and Georgene Murray of McLean; and five grandchildren.

Funeral services will be at 10:45 a.m. today at the Fort Meyer Chapel at the Arlington National Cemetery, where burial will follow.

The family suggests that expressions of sympathy be in the form of contributions to the St. Luke Serbian Eastern Orthodox Church, c/o of Free Serbian Diocese, P.O. Box 5468 Friendship Station, Washington.

ETHNIC SUPPORT FOR THE ENGLISH LANGUAGE AMENDMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BROOMFIELD. Mr. Speaker, I would like to bring to the attention of my colleagues an editorial written in the February 19, 1987 issue of the Macomb Daily, in Macomb County, MI, in support of my English language amendment. In my opinion, this article provides an excellent response to those critics of the English language amendment who have labeled it discriminatory.

By way of introduction, the author of this editorial, Mr. Mitch Kehetian, is a first generation American who is proud of the success experienced by immigrants for over 150 years. These individuals built the American dream and prospered because they learned English at an early age, without the aid of a host of Federal programs that promote language divisions in our society.

[From the Macomb Daily, Feb. 19, 1987]

ENGLISH: SHOULD BE OFFICIAL LANGUAGE IN AMERICA

(By Mitch Kehetian)

U.S. Rep. William S. Broomfield has my vote.

The 18th-district congressman from Oakland and Macomb counties has introduced legislation in the House to make English the official language of the United States.

It's about time someone had the courage on Capitol Hill to say to all who come to this land that English is the language Americans speak.

Before the liberals and social planners call for my hide, I want them to know I come from ethnic stock and that my immigrant parents were tougher on me than my English teachers at the Cary School in Old Delray.

"You listen to your teachers so you don't have to work in the foundry when you grow up," my father lectured.

That same rule applied to all my fellow classmates at that old dingy school on Detroit's southwest confines. My graduating class from Cary School was a true reflection of the United Nations: Hungarians, Ukrainians, Germans, Italians, Poles, Croatians, Serbs, Czechs, Slovaks, Macedonians, Armenians, etc.

And you know, we all made it. We made it in life because our proud immigrant parents wanted their children to master the language of this new homeland.

Oh sure, some of us still had to attend special classes to learn and master the Old Country language. But we didn't do it at public expense. Our ethnic churches paid the freight.

But through the years some of our esteemed social planners came up with the pipe dream that we encourage the use of the many ethnic languages in our daily functioning—whether in school or at work—and with the federal government's blessing.

They tell us that a child from a foreign land would fail to make it unless that child was also taught in its native tongue.

Those who have read this column over the years know I've written, with pride, about the proud heritages that make up Macomb County's ethnic populace, including my Armenian lineage.

In many of our schools taxpayer dollars are spent to hold classes in the foreign language of its large ethnic enrollments, under the premise a multi-linguistic society is what America should become.

It's true we are a nation of many ethnic groups, and of many racial and religious creeds. In some of our large cities, there is no attempt to speak English. And the dangers from such a path will only impede the advancement of the young, foreign-speaking newcomers.

Broomfield's concerns are real.

"There have been growing concerns over the past few years that the future of the United States could be one of many minorities, each speaking their own native tongue, in a divided, polygot nation," he warns.

As an example, he cited the action taken in California where the voters wisely approved recently—by a wide margin—a referendum making English the official language of the state.

Needless to say, the measure was fought by minority groups and some of the state's high office holders.

But common sense prevailed, for a change.

Broomfield, sensing some might misinterpret his proposed legislation, emphasizes that his measure is not intended to discourage Americans from learning languages other than English.

In plain simple English, the congressman wants to prevent any erosion of English.

When I'm attending an ethnic function I have no problem if the language being spoken is foreign to my ears—but don't force the American society to live with multi-languages because someone feels to do otherwise would be offensive.

When you take the pledge of allegiance at citizenship time, it should be in English. You do because this is America.

I treasure my ethnic heritage and take pride that I can speak the language of my immigrant parents. But others should not be forced to live with it at work, at school or at our government buildings.

We can start by curtailing the forced use of foreign languages in some of our public schools because someone thinks the student can only make it in America by learning in his foreign language.

Do you know how my fellow foreign-speaking classmates in Old Delray made it?

We did because our English teachers at Cary School made it work.

And our immigrant parents wanted it that way.

AN INNOCENT VICTIM OF THE IRAN SCANDAL

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. YATRON. Mr. Speaker, an article in the New York Times of February 15 incorrectly identified the National Endowment for Democracy as "the public arm of Project Democracy." In fact, Project Democracy is the antithesis of the idea of the public funded National Endowment for Democracy, which was approved by, and is funded by, Congress. It only subsequently gained the support of the Reagan administration.

The National Endowment for Democracy is an independent, nongovernmental organization run by a bipartisan board of directors composed of distinguished Americans, including representatives of business and labor. It was established to assist people throughout the world to implement effective self-government. Congress and the Department of State closely monitor its activities.

Mr. Speaker, the Endowment has a long list of accomplishments for its few short years of existence. The Endowment is an important vehicle for encouraging democratic institutions and for promoting respect for internationally recognized human rights, which are fundamental to the operation of democratic institutions.

On February 23, Walter Mondale and Frank Fahrenkopf, Jr., wrote an op-ed piece in the New York Times entitled "An Innocent Victim of the Iran Scandal," which addresses the confusion between Project Democracy and the National Endowment for Democracy. This informative piece outlines the goals and objectives of the Endowment and addresses the confusion with Project Democracy.

Mr. Speaker, I commend this article to the attention of my colleagues:

[From the New York Times, Feb. 23, 1987]

AN INNOCENT VICTIM OF THE IRAN SCANDAL

(By Walter F. Mondale and Frank J. Fahrenkopf, Jr.)

WASHINGTON.—Because so much remains unknown about the Iran-contra scandal, information frequently comes out in the form of revelations that may contain only part of the truth and can be badly misleading. If we are not careful, many good and innocent people doing very worthwhile things could be harmed.

A case in point is the recent disclosure that the White House, under the direction of Lieut. Col. Oliver L. North, was carrying out secret activities under something called

Project Democracy. According to the report, the project's "public arm" is the National Endowment for Democracy, a private, bipartisan organization established to strengthen democratic institutions in the world.

The allegations that the Endowment has any relationship whatsoever to Colonel North's activities, whatever they were, is entirely unfounded. Even the suggestion that the Endowment is an "arm" of Project Democracy is wrong and clearly at odds with legislative history.

In early 1983, Congress was presented with two separate legislative proposals to foster democratic political and social institutions abroad. The first was Project Democracy, an Administration request for $65 million to fund a range of programs through the United States Information Agency, the Agency for International Development of the State Department. The second proposal was to authorize funding for the National Endowment for Democracy.

The Endowment idea was inspired by the success that private foundations associated with West Germany's political parties have had in strengthening democratic institutions in the developing world. As envisioned, the Endowment would be a private, nonprofit entity that would openly fund democracy-building programs carried out by institutes associated with labor, business, our two major political parties and other private-sector organizations.

Believing that the work of promoting democracy could most effectively be carried out by the private sector, Congress authorized funding for the Endowment and not the package of programs called Project Democracy. This approach gained the Administration's full support.

This history is important because it shows that from the very beginning Congress placed a high value on the private, bipartisan character of the Endowment and its independence from the current or any future Administration.

Under the leadership of a broadly representative board of distinguished Americans, the Endowment has made great progress. It has developed strong oversight procedures pertaining to the selection, monitoring and evaluation of all grants. It reports fully to Congress on its activities and, as required by statute, keeps the State Department informed as well. The commitment to openness has always been fundamental to the concept and actual operation of the Endowment.

In all cases, the Endowment has been responsive to the democatic needs and initiatives of its partners abroad, in the belief that internally generated change is preferable to change that is artificially imposed from the outside.

The Endowment's work covers a wide range of countries. In the Philippines, Haiti, Taiwan, Guatemala, South Korea, Chile and Paraguay, its programs have supported or are helping to stimulate a process of democratic transition. In developing democracies such as Argentina, Peru and Colombia, as well as the Caribbean and Central America, it provides aid to groups seeking to consolidate democratic institutions and procedures and to strengthen the commitment to democratic values.

The Endowment is also engaged in the difficult job of encouraging pluralist trends in the closed societies of the Communist world. Even in societies wracked by conflict, such as South Africa, Afghanistan, Northern Ireland and Nicaragua, it supports those who are working peacefully to sustain democratic possibilities and values.

The present controversy only heightens the importance of such open support for our friends abroad. We must not allow totally unrelated activities alleged to have been carried out under the rubric of an otherwise defunct "Project Democracy" to discredit the efforts of the National Endowment for Democracy.

H.R. 1006—A BILL TO STRENGTHEN UNITED STATES-MEXICAN RELATIONS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. RICHARDSON. Mr. Speaker, I would like to bring to the attention of my colleagues a speech by Ambassador Abelardo Valdez entitled "Strengthening the United States-Mexico Relation: A Proposal for Establishing a Free-Trade and Coproduction Zone." Relations between the United States and Mexico are at an all-time low. We share a 2,000-mile border with our southern neighbor, and something clearly must be done to improve our relationship. I have introduced legislation, H.R. 1006, designed to provide an innovative solution to some of the problems being experienced by both the United States and Mexico. This bill would authorize the President to begin negotiations with the Government of Mexico for the establishment of a free trade and coproduction zone. This zone would stimulate the economy and create jobs on both sides of the border. Ambassador Valdez has been a driving force behind this legislation. The speech he made before the United States-Mexico conference gives a clear and articulate explanation of the need for such legislation. I respectfully request permission to have this speech entered into the RECORD. I urge my colleagues to give it special attention and to give serious thought to cosponsoring my bill. Thank you.

Strengthening the United States-Mexico Relation: A Proposal for Establishing a Free-Trade and Coproduction Zone

(By Ambassador Abelardo L. Valdez) [1]

Ladies and Gentlemen, Distinguished Guests: It is a great pleasure for me to participate in a conference with the stated aim of "Strengthening the United States-Mexican Relationship." No topic is more urgent in these difficult times. Although Mexico and the United States have enjoyed friendly relations for many decades, that cordiality has recently experienced and endured many strains. A variety of issues—including immigration, narcotics trafficking, foreign investment, trade, and foreign policy, especially relating to Central America—have generated a barrage of rhetoric and reaction which have darkened the sky which both nations share.

Removing the clouds of misunderstanding between our two countries requires a realistic appraisal of the frequent and differing pressures which either party may feel, as well as a respect for the policy goals which each seperately may envision. Our challenge is to formulate enlightened policies which generate opportunities for each society to turn the energies of its people—in both the public and private sectors—to the problems which have mired us in mistrust and which will foster co-operation in areas where confrontation has too often prevailed.

As neighbors, we need to advance our individual interests by pursuing policies and programs that provide mutual benefits. Strengthening the relationship between Mexico and the United States requires that political leadership in both nations look beyond the policy differences to find a common vision and a common agenda for action. If we are to assist in that quest, we must go beyond a mere academic discussion of problems and focus on concrete proposals which will create opportunities for mutual progress and benefit.

During my remarks today, I will offer one such proposal for your consideration and support. I hope that it will prepare the ground for seeds which will germinate and grow. Indded, I hope that our gathering here in San Diego will sow ideas which will flourish into a harvest of economic growth and increased cooperation for both great nations.

As we meet today, we are just a few miles from a unique strategic frontier—the United States-Mexico Border. The border is the only place on earth where the developing and developed worlds meet for nearly 2,000 miles. That great frontier links both countries in a web of economic, political, and inter-personal relationships—a web which holds both sides in a shared destiny.

My proposal, which calls for a dramatically increased level of investment and trade going both ways across that border, could help bridge our divergent histories, combine similar hopes, and build common opportunities. I am convinced that it would ameliorate present suspicions and lead to the mutual respect which should prevail between proud and good neighbors.

The border traverses a mingling of people and problems that know no neat division between one side and another. In Houston, San Antonio, Albuquerque, Phoenix, Los Angeles, and here, in San Diego, the cultural and human ties are too interwoven to be interrupted by a line on a map. The money passing back and forth, from small remittances to large investments, the families on both sides, and the whole range of interests and relationships between the two countries, have already begun to blur the conventional distinction between foreign and domestic policies. In essence, our policy toward Mexico and its policy toward us are not foreign at all. By the circumstances of our relations, human, economic, and geographic, those policies have become an extension of each country's domestic policy.

I think it is also important to recognize that despite different levels of economic development, Mexico and the United States are confronted today with a host of common economic challenges. My proposal would help to address some of those economic challenges. Because our relations in many ways epitomize the overall relationship between the industrialized North and the developing South throughout the world, I submit that its implementation could have positive implications far beyond the United States and Mexico.

Both nations need to improve their competitiveness, their export performance, and their marketing efforts. Both need to increase employment opportunities. For example, there are many areas along the U.S.

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[1] Former Chief of Protocol for the White House—1979-81, and Assistant Administrator for Latin America and the Caribbean, U.S. Agency for International Development (USAID)—1977-79.

borderlands where 20 percent—plus—unemployment is the norm. Mexico and the United States are major debtor nations, and reducing their internal and external debt burden is a priority need.

In view of this, I think that Mexico and the United States can address these challenges more successfully by combining their forces than by working alone. In my judgment, there are significant opportunities to be developed by Mexico and the United States in the area of co-production or production sharing. This is the basis of my proposal, which has already gained significant endorsement in the political and business sectors of both countries and which continues to attract increasing support in the United States Congress.

Co-production is not a new phenomenon. Mexico and the United States have operated a limited concept of co-production, the Maquiladora, or "twin-plant" concept, for more than twenty years. By 1986, there were an estimated 735 Maquiladora operations, employing over 200,000 workers. The Maquiladora concept has increased employment and improved product competitiveness, but it has not achieved the full potential of co-production, because it does not fully combine the comparative advantages of both the United States and Mexico.

In order to obtain the full benefits of co-production, both nations need to expand co-production beyond the Maquiladora system. My proposal envisions a U.S.-Mexico Free-Trade and Co-Production Zone. Its objective is to stimulate increased trade and investment between Mexico and the United States by increasing the participation of capital and labor from both countries in co-production ventures. Moreover, my proposal aims to generate increased exports of co-produced articles to third country markets. It calls for tax incentives and duty-free treatment for all producers' goods and raw materials leading to a final product manufactured in the Zone. After manufacture, that product could be sold duty-free in both countries, leading to increased access to each marketplace, as well as to those of third countries.

Expanded co-production would add jobs, increase competitiveness, and improve export performance. Tariff and tax incentives would encourage and enable such ventures to combine the comparative advantages of both nations in manufacturing and marketing. Such co-production ventures could be located on both sides of the border. Another objective of the Zone proposal is closer partnership between the labor and capital of *both* countries through the co-production ventures, which the Maquiladora concept has not yet achieved.

The duty-free treatment and income tax incentives would be available only to co-production ventures that utilize capital and labor from both sides of the border for manufacturing articles which use raw materials and components from both countries to the maximum extent feasible. It is not an open-ended free-trade zone such as the one which the United States is presently negotiating with Canada. Mexico is not Canada and Canada is not Mexico. The disparity of economic development between the United States and Mexico argues against the establishment of an open-ended free-trade zone. However, a Zone that would encourage and promote co-production, and which maximizes the comparative advantages of both countries, should be efficacious.

While the Maquiladora system has enjoyed success during the past four years, it is coming under increasing attack from U.S. labor and its supporters in the U.S. Congress. Some criticism on the Mexican side has diminished as the need to create employment and earn foreign exchange has increased exponentially during the past few years. Nevertheless, there is a lingering concern that Mexico is not obtaining the full potential benefit from the limited co-production accomplished with maquiladoras.

My proposal, by creating jobs on both sides of the border, would help blunt organized U.S. labor's current attacks on the Maquiladora concept and obtain support from the U.S. Congress for an expanded program of co-production. It can, also, develop political and business support in Mexico and the United States for co-production.

The Free-Trade and Co-Production Zone idea had its genesis in the immigration debate which was fueled in the early 1980s by the introduction in Congress of several bills to restrict immigration generally, but especially from Mexico; the source of approximately one half of all illegal aliens entering the United States. The hope then was that a Free-Trade and Co-Production Zone would focus on the lack of economic opportunity for millions of Mexican citizens and provide a policy option for the U.S. Government. It was hoped that the two governments would move to increase job creation and stem the flow of Mexican immigrants through increased industrialization and export-oriented industries that would combine the comparative advantages of both nations.

In part, this thesis was supported by the successful experience of the Maquiladora program along the border. However, the Zone proposal goes further than the Maquiladora by providing greater tariff and income tax incentives to co-production ventures involving the capital and labor of both nations. It recognizes the need for job creation on both sides of the border and the reality that the Zone would have to be based on mutual interest, if it is to succeed.

Commencing in 1981, the Zone proposal began to attract the attention of the U.S. Government and the private sector. In that year, the U.S. Trade Advisory Committee, which was preparing a Presidential Report on North American Trade Agreements, cited the Zone proposal as one way to expand trade between the United States and Mexico, although it did not specifically endorse the idea.

In the following years, the Zone proposal stirred up a good deal of debate in Mexico and the United States. As the Mexican economic crisis grew and the interest in the Maquiladora and employment creation rose to new heights on both sides of the border, the U.S. Congress began to take note of the Zone proposal. In August 1985, U.S. Representative Bill Richardson (D-NM) and four co-sponsors introduced a bill in the House of Representatives authorizing the President to enter into negotiations with the Government of Mexico to establish a Free-Trade and Co-Production Zone. The bill was entitled "The U.S.-Mexico Border Revitalization Act" (H.R. 3199). The Richardson bill would have limited the extent of the Zone to the U.S.-Mexico borderlands.

In November 1985, the Board of Directors of the Chamber of Commerce of the United States approved a policy statement endorsing the Zone concept. That statement reads as follows:

"STATEMENT ON ESTABLISHING A FREE-TRADE AND COPRODUCTION ZONE ALONG THE UNITED STATES-MEXICO BORDER

"The Chamber supports the concept of authorizing the President to negotiate with the Government of Mexico, on a reciprocal and mutually beneficial basis, the establishment of a Free-Trade and Co-Production Zone that would include the U.S.-Mexico borderlands, as a first step to achieving a free-trade area between the United States and Mexico over the long term, and providing liberalized trade and favorable tax incentives to U.S.-Mexico joint ventures located within the Zone to promote the co-production of articles. . . ."

Also, in November 1985, Mexico took the initiative to join the GATT, after debating this controversial issue for several years. By joining GATT, Mexico signaled its intent to open its market to foreign trade. It was an encouraging event for proponents of the Zone proposal.

H.R. 3199 did not pass during the 99th Congress, but in 1986 Representative Richardson sponsored an amendment to the immigration bill, which provided similar authority to the President to negotiate with Mexico for the establishment of a Free-Trade and Co-Production Zone. The amendment was approved and made part of the immigration bill passed by the House. However, the House-Senate Conference did not adopt the amendment.

Despite this drawback, the Zone idea has continued to gain support from Members of Congress, especially from the border states. Encouraged by this support, Representative Richardson has introduced this week a new version of the U.S.-Mexico Border Revitalization Act (H.R. 1006).[2]

The stated purpose of the legislation is to "increase job creation, support economic development, improve competitiveness, and increase the export performance of the United States." The bill would authorize the President of the United States "to negotiate with the Government of Mexico on a reciprocal and mutually beneficial basis, for the purpose of developing and entering into a bilateral agreement to establish a United States-Mexico free-trade and co-production zone. The Zone would include, but not be limited to, the United States-Mexico borderlands, as determined by the President." It should be noted that this legislation sets no geographical limits for the Zone, except that it must include the borderlands at a minimum.

The Richardson bill authorizes tariff and income tax incentives to be granted by the United States to qualifying U.S.-Mexico co-production ventures established in the United States on a basis comparable to the incentives granted by the Government of Mexico to U.S.-Mexican co-production ventures established in Mexico. The bill recognizes that the details regarding the standards for qualifying co-production ventures to receive the duty-free treatment and income tax incentives and for establishing the Zone must be negotiated by both governments. Nevertheless, the bill indicates that some basic qualifications should exist for such co-production ventures.

Whether Rep. Richardson's bill is enacted and whether Mexico and the Untied States can begin to look beyond the problems in their relations to pursue the opportunities that would be provided by the Zone concept is still an open question. I hope that the United States and Mexico will answer this question in an affirmative and timely manner.

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[2] The bill requires that an agreement between the United States and Mexico to establish a Free-Trade and Co-Production Zone would enter into force only after Congress has passed a bill to implement the agreement.

I believe that a concrete program of coproduction, such as the one that I have set forth, could be a rallying point for both nations to strengthen their economic relations and realize tremendous potential economic benefit by forming an economic partnership which combines the best resources of both countries. Moreover, the program could become a model for future cooperation between the developing and industrialized countries.

I do not advocate this proposal as a panacea for all the economic ills that affect the United States and Mexico, but I hope you will agree that it is a positive idea with real potential.

At the beginning of my remarks, I invited you to help formulate enlightened policies which would generate mutual benefits, so that the energies of our people might be fully utilized in sparking economic growth and creating a better life for all our people. I hope you see the elements of an enlightened policy in the proposal which I have outlined and that you will assist in its adoption and implementation by Mexico and the United States.

I am convinced that one day, perhaps in the not too distant future, some form of it will be embraced by Mexico and the United States. What is required to bring us to that day is a commitment by both countries to work toward a common vision and a common economic agenda. This is the kind of vision and agenda I wish to inspire by this proposal. I sincerely hope you will help foster and promote this positive idea.

IMPROVING WORKPLACE LITERACY

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BIAGGI. Mr. Speaker, today I am proud to be introducing legislation to improve American competitiveness through grants for workplace literacy programs. This bill, which amends the Adult Education Act, will assist in developing programs simultaneously addressing adult literacy, basic skills, and intellectual development in the work force. This program will be a potent tool in improving adult literacy while also stimulating the productivity of the work force and the national economy.

Quite simply, this Nation is facing perhaps the most severe trade crisis in our history. We speak of our trade problems in terms of unfair foreign trade practices and world economic conditions, both of which we have limited control over. Yet I believe we are losing sight of the most important factor in influencing America's competitive posture in world trade—the role of our Nation's educational system. We must address the most pressing needs of our work force by providing educational services which develop intellectually and technically skilled people who can function effectively within a rapidly changing economy and who can adapt to the ever-changing environment of the workplace. The Federal Government must take a leadership role in promoting programs to meet these needs and I firmly believe this workplace literacy initiative is a firm step in that direction.

The competitive position of the United States is severely impaired by the inadequate literacy level of much of our work force. I am, and Congress must be, deeply troubled by the horrendously high number of functional illiterates in our Nation's work force. The National assessment of educational progress has determined that 43 percent of persons ages 21 through 25 are unable to perform at a level sufficient to master multistep instructions, communicate ideas and directions to other workers, or calculate at a level needed for high technology occupations. Yet tragically, this is not just a problem confined to our young workers. This problem is especially acute among older employees, who if dislocated from long-term employment, lack a firm foundation of basic skills to qualify for other jobs. And finally, low basic skills functioning is especially prevalent among American minority groups who comprise an ever increasing percentage of the work force, including those with limited proficiency in English.

All of these facts point to the dramatic need for programs specifically aimed at improving the literacy of our people and increasing basic skills and knowledge essential to effectively and efficiently perform in the workplace. To put it simply, the economic survival of our Nation lies in the developed intelligence and skills of our citizens.

Education agencies, organizations, and institutions have a crucial role to play in providing immediate, intensive employer-specific education programs to meet the work force needs of companies as they modernize, expand, diversify, and relocate. As firms change their operations to remain competitive, current employees need to upgrade their knowledge and skills to remain productive and employable. As workers are displaced by economic change, they need to be aware of new career opportunities and have ready access to programs which will provide the upgraded intellectual skills required by these new opportunities. Education agencies and institutions must work in partnership with business, industry, and labor to provide the education and training options required for adaptation and change within the new economy.

Our goals should be to upgrade literacy so that the 1980's work force is intellectually equipped and motivated in their current employment and at the same time provide a work force that can adapt to jobs in the next decade. This approach will provide employed individuals more tools to move to better jobs, thus freeing positions to be filled by unemployed and lesser skilled persons.

In closing, I wish to underscore the importance of this legislation in addressing the immediate, pressing, and specific needs of both employers and employees, thus benefiting our Nation as a whole. At this time, I wish to insert the full text of this bill in the RECORD. I urge all of my colleagues to give this measure their careful consideration. It is an initiative whose time has definitely come. While our society will not collapse tomorrow from a lack of adequate literacy skills, our competitive stature and our position in the world will continue to deteriorate if we do not take appropriate action now.

H.R. 1342

A bill to improve American competitiveness through grants for workplace literacy programs

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Adult Education Act Amendments of 1987".

SEC. 2. WORKPLACE LITERACY PARTNERSHIPS GRANTS.

The Adult Education Act (20 U.S.C. 1201 et seq.) is amended by inserting after section 315 the following:

"SEC. 316. BUSINESS, INDUSTRY, LABOR, AND EDUCATION PARTNERSHIPS FOR WORKPLACE LITERACY.

"(a) GRANTS TO STATES.—(1) The Secretary is authorized to make grants to States which have State plans approved by the Secretary under section 306 to pay the Federal share of the cost of adult education programs which teach literacy skills needed in the workplace through partnerships between—

"(A) business, industry, or labor organizations, or private industry councils; and

"(B) State educational agencies, local educational agencies, institutions of higher education, or schools (including employment and training agencies or community-based organizations).

"(2) Grants under paragraph (1) may be used—

"(A) to fund 90 percent of the cost of programs which meet the requirements of subsection (b);

"(B) for administrative costs incurred by State educational agencies and local educational agencies in establishing programs funded under subparagraph (A); and

"(C) for costs incurred by State educational agencies in obtaining evaluations described in paragraph (3)(A)(iii).

"(3) A State shall be eligible to receive its allotment under subsection (e) if it—

"(A) includes in a State plan submitted to the Secretary under section 306 a description of—

"(i) the requirements for State approval of funding of a program under paragraph (2)(A);

"(ii) the procedures under which applications for such funding may be submitted; and

"(iii) the method by which the State will obtain annual third-party evaluation of student achievement in, and overall effectiveness of services provided by, all programs which receive funding out of a grant made to the State under this section; and

"(B) satisfies the requirements of section 306(a).

"(b) PROGRAM REQUIREMENTS.—Programs funded under subsection (a)(2)(A) shall be designed to improve the productivity of the workforce of a State through improvement of literacy skills needed in the workplace by—

"(A) providing adult literacy and other basic skills services and activities;

"(B) providing adult secondary education services and activities which may lead to the completion of a high school diploma or its equivalent;

"(C) meeting the literacy needs of adults with limited English proficiency;

"(D) upgrading or updating basic skills of adult workers in accordance with changes in workplace requirements, technology, products, or processes;

"(E) improving the competency of adult workers in speaking, listening, reasoning, and problem solving; or

"(F) providing education counseling, transportation, and non-working hours child care services to adult workers while they participate in a program funded under subsection (a)(2)(A).

"(c) PROGRAM APPLICATIONS.—An application to receive funding for a program out of a grant made to a State under subsection (a)(1) shall—

"(1) be submitted jointly by—

"(A) a business, industry, or labor organization, or private industry council; and

"(B) a State educational agency, local educational agency, institution of higher education, or school (including an employment and training agency or community-based organization).

"(2) set forth the respective roles of each member of the partnership; and

"(3) be submitted to the State educational agency in the time and manner and contain such additional information as such agency may require.

"(d) DIRECT GRANTS.—If a State is not eligible for a grant under subsection (a) the Secretary shall use the State's allotment under subsection (e)(2) to make direct grants to applicants in that State who are qualified to teach literacy skills needed in the workplace.

"(e) STATE ALLOTMENTS.—(1) The Federal share of expenditures for programs in a State funded under subsection (a)(2)(A) shall be paid from a State's allotment under this subsection.

"(2) From the sum appropriated for each fiscal year under subsection (f) the Secretary shall allot—

"(A) $25,000 to each of American Samoa, Guam, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and the Virgin Islands; and

"(B) to each remaining State an amount which bears the same ratio to the remainder of such sum as—

"(i) the number of adults in the State who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in the State, bears to

"(ii) the number of such adults in all States.

"(3) At the end of each fiscal year the portion of any State's allotment for that fiscal year which—

"(A) exceeds 10 percent of the total allotment for the State under paragraph (2) for the fiscal year; and

"(B) remains unobligated;

shall be reallocated among the other States in the same proportion as each State's allocation for such fiscal year under paragraph (2).

"(f) APPROPRIATIONS AUTHORIZATION.—For the purpose of making grants under this section there is authorized to be appropriated to the Secretary—

"(1) $50 million for each of fiscal years 1988, 1989, and 1990; and

"(2) such sums as may be necessary for fiscal years 1991 and 1992.".

Amounts appropriated under this subsection shall remain available until expended.

SEC. 3. DEFINITIONS.

Section 303 of the the Adult Education Act (20 U.S.C. 1201 et seq.) is amended by adding at the end the following:

"(k) The term 'community-based organization' has the meaning given such term in section 4(5) of the Job Training Partnership Act (21 U.S.C. 1501 et seq.).

"(l) The term 'private industry council' means the private industry council established under section 102 of the Job Training Partnership Act (21 U.S.C. 1501 et seq.).

WORLD BANK PRESIDENT BARBER CONABLE ADDRESSES THE SAFE MOTHERHOOD CONFERENCE IN KENYA

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HALL of Ohio. Mr. Speaker, World Bank President Barber Conable delivered a landmark address to the Safe Motherhood Conference in Nairobi, Kenya, on February 10, 1987. In his speech, he called for a worldwide campaign to reduce by half the number of women who die in pregnancy or childbirth by the year 2000.

To help achieve this goal, Mr. Conable called for a joint effort by developing countries, the World Bank, other donors, and nongovernmental organizations and private groups. In order to move the work of the conference beyond rhetoric and into action, he announced that the World Bank plans to establish a Safe Motherhood Fund under the management of the World Health Organization to undertake operational research that will support the development of country programs and projects in the maternal health field. The Bank plans a contribution of $1 million toward the proposed 3-year budget of $5 million.

In his statement, the World Bank President outlined a commitment by that institution to programs that will have a direct, positive impact on women in the poorest nations. As Mr. Conable correctly observed, "The women of the Third World are the poorest of the poor, but their work can make the difference between poverty and hope."

Mr. Conable cited numerous examples of how women in the developing world can become productive, and through their productivity, enhance the quality of life for their families and for their nation. He made it clear that the World Bank will be significantly involved in issues affecting women in the Third World:

> Through the Bank's advisory, lending and research efforts, we will place far more emphasis on the role of women in development. In cooperation with our member countries, we will make that emphasis operational.

Many of my colleagues and I have been keenly interested in seeing the World Bank increase its commitment to alleviating poverty in the developing world. Barber Conable's speech before the Safe Motherhood Conference is an encouraging indication that he is in the process of moving the World Bank in the direction of targeting more of its lending activities toward assisting the poorest of the poor throughout the world. The following statement by Mr. Conable at the conference was especially heartening:

> And we plan to double our lending for population, health and nutrition activities. By 1990 we expect to have projects in about 50 countries, with approximately 12-14 new operations per year. Lending for population, health and nutrition could reach $500 million per year, about twice our level in 1984/85.

I intend to continue to work with my colleagues to help the World Bank to make these goals a reality.

For the benefit of my colleagues, the full text of World Bank President Barber Conable's address follows:

ADDRESS BY BARBER B. CONABLE, PRESIDENT, WORLD BANK

Thank you, Minister. Mr. President. Your Excellencies. Ladies and Gentlemen.

Sometimes we forget that development is the work of women as well as men.

We meet today to reaffirm that simple truth and to act on it.

The Safe Motherhood Conference recognizes a reality so basic that it has been easy to overlook. We have come together to remedy that oversight.

But we are not here just to publicize a problem. We are here to attack it, to save lives and to build better ones.

Thanks to the vision and hospitality of our host, the Government of Kenya, we can put our shared resources of knowledge and experience to the service of women's health.

Thanks to the support of the World Health Organization, the United Nations Fund for Population Activities, the U.N. Development Program and all the other donors, we can make this Conference the beginning of a new commitment to common decency and common sense.

Common decency tells us that it is intolerable that 1,400 women die every day in the process of carrying or delivering their children. And common sense tells us that those needless deaths waste not only precious lives but precious human resources.

All over the world women are the sustaining force of families, communities, nations. In the Third World women must also be full, forceful partners in sustaining development.

It is appropriate that we acknowledge this truth in Africa. For somewhere on this continent, sometime between 140,000 and 280,000 years ago, some biologists believe there lived a woman whom they call Eve and see as a common ancestor of all humanity. If so, her chromosomes are the shared inheritance of everyone living today.

They link us each to one another. They make us not just "riders on the earth together, brothers on that bright loveliness in the eternal cold," but brothers and sisters with a single family history and a single destiny.

We can take charge of that destiny. We can take steps today to ensure that millions of women live to see tomorrow and live to make their families' futures and their nations' futures more secure.

The first step is toward better health for childbearing women, a life-saving step toward safe motherhood, a life-giving step toward sustained human development.

We all know the statistics: almost half a million maternal deaths a year in the developing world, 80 percent of them in South Asia and sub-Saharan Africa. Women in poorer countries often face 100 times the risk of death in pregnancy that women in developed countries face. They begin childbearing much earlier, end later, and have on average several more pregnancies. We all know how avoidable most maternal deaths are, how small an investment in basic health care and improved nutrition is needed to bring large returns in survival, in strength, in progresss.

Those findings can be our guides to action. Those statistics must prompt us to act. For statistics, an English physician has said, only represent people with the tears wiped off. Let us look, dry-eyed, at the people behind the numbers.

The women of the Third World are the poorest of the poor, but their work can make the difference between poverty and hope.

It is their backs that are bent in the fields to till and plant, to weed and fertilize and harvest.

Their backs are bent at the well to draw water and to carry it home.

Their backs are bent under loads of fuelwood and the weight of young children.

Their backs are bent over cookfires and looms and market stalls and sickbeds.

For too long, those bent backs have been too little visible to those who plan development in terms of macroeconomic policy, of roads and power lines, of schools and hospitals, of factories and ports and irrigation projects.

We have assumed that the benefits of these programs would, in time, flow to men and women alike. But our assumptions have been imperfect, our results uneven. Macroeconomic planners have slighted the growth that comes from the bottom up.

In developing nations—but not in those nations alone—too many women are at the bottom. Their arms hold the family together. Their hands build the foundation of stable, growing communities.

But development efforts have not lent enough strength to those arms, have not entrusted enough resources to those hands. And, along with women, development itself has suffered. To sustain itself, development must help women up.

It already has. Only not far enough or fast enough. At the end of the United Nations Decade for Women, the World Conference here in Nairobi recorded satisfying advances. But those, like my wife, who attended that meeting, left it conscious of how much remains to be done to equip women to participate effectively in development and share in its rewards.

Female enrollment in schools has quadrupled since 1950, but in the developing nations, six out of every ten school-age girls are still at home, not in class.

Female literacy has roughly doubled since 1960, but where more than two-thirds of the men in developing nations are now readers and writers, only half the women have the same skills. And in many of the poorest nations, 80 percent of the women over 25 have had no schooling at all.

It is in those regions, as well, that women do the hardest work for the least pay. Often, for no pay.

While women all over the world have made significant gains in the job market—both in absolute and qualitative terms—farm and village women in the Third World and the urban poor remain overworked and under-rewarded. In Africa, women produce as much as 80 percent of the food supply but earn little income and own even less property.

When, as in Bangladesh, credit for small business or agriculture is available to women, they have shown themselves to be excellent risks, with better repayment rates than men. Where, as here in Kenya, they can get agricultural extension services, such women have readily adopted improved farming methods.

But the resources they have to invest—in seed, livestock, tools and household technology, for example—are so minimal that women's productivity remains low. Their earnings may be enough to make the difference between starvation and subsistence, but not to pay the passage from disadvantage to opportunity.

Sustained development must bridge that gap. It must not only create opportunity, but expand access to it.

We who work in development cannot advance far if we leave women significantly behind. Their potential is great. Our efforts on their behalf have been uncertain. Frequently we have not even consulted them or included them in development planning. This makes it difficult to focus on the opportunities and the obstacles women face, to enhance women's productivity and thus improve the quality of life for entire families.

The World Bank will do its part. We have already started intensifying staff involvement in issues affecting women. Through the Bank's advisory, lending and research efforts, we will place far more emphasis on the role of women in development. In cooperation with our member countries, we will make that emphasis operational.

Let me mention a few specific steps the Bank will undertake.

We will prepare action plans on women in development for our lending programs in selected countries, so that our agricultural, industrial, educational and health programs promote women's progress along with other development goals.

We will emphasize issues affecting women in our dialogues with member countries.

We will encourage development policies that provide appropriate incentives for women and ensure that women have the means to respond.

We will develop program initiatives in agricultural extension and agricultural credit targeted for women, and expand credit and training for women to improve their employment prospects outside agriculture.

We will help promote both formal and informal education for women and girls.

And we plan to double our lending for population, health and nutrition activities. By 1990 we expect to have projects in about 50 countries, with approximately 12-14 new operations per year. Lending for population, health and nutrition could reach $500 million per year, about twice our level in 1984/85.

Women's health is basic to women's advance in all fields of endeavor. And as a mother's health is the bulwark of her family, it is the foundation of community and social progress. Working for safe motherhood, we will be working for steady development on all fronts.

Maternal health care—improved nutrition, early warning of likely difficulties in pregnancy, more effective help during childbirth and improved family planning—is an investment in development. It is an affordable and productive investment.

A low-cost system that provides basic health care in communities and timely transportation to more advanced medical help at regional health centers can save thousands of mothers and children. We know that such measures can succeed, particularly in conjunction with other development programs to improve womens' incomes, food supplies and education.

A few hundred miles from my birthplace, a privileged young American woman set out some 50 years ago to bring health to the impoverished, isolated mothers of backwoods eastern Kentucky. In 1925 Mary Breckinridge, who had lost a child of her own at birth, founded the Fronter Nursing Service, sending midwives on horseback over the hilly trails of one of America's poorest regions.

The problems she faced would be familiar to most mothers and to most medical personnel who treat them in developing nations: women too young and too old to have children safely, too poorly fed, too far from hospitals, too vital to the support of their families to die in childbirth. The Frontier Nursing Service faced all those challenges and overcame them.

After 58 years and 20,000 births with only 11 maternal deaths, its success also included the counseling that helped cut the area's birth rate dramatically. "The glorious thing about it," Mrs. Breckinridge wrote, "is that it has worked."

Imaginative health care can also work in the Third World. The World Bank believes it is feasible to strengthen basic health systems enough to reduce maternal mortality by about half within a decade. What is required is a three-tiered approach:

First, stronger community-based health care, relying on non-physician health workers to screen pregnant women, identify those at high risk, and refer them for help; provide good prenatal care and ensure safe delivery for women at less risk; provide family life education and family planning services; and generally encourage better family health and nutrition.

Second, stronger referral facilities—a few hospitals and health centers to act as a back-up network for complicated deliveries and obstetrical emergencies.

Third, an "alarm" and transport system to transfer within a survival timeframe women with high-risk pregnancies and emergencies from the community to the referral facilities.

Such maternal health care should cost no more than about two dollars per capita a year, compared, to an average of nine dollars now being spent for all health care purposes in low-income countries. In many countries we can build on existing networks of basic health services that offer such medical support as immunization and child care. We can train and equip more community health workers, add and upgrade referral facilities, and augment their staff to prevent far more deaths in pregnancy and childbirth. In countries as diverse as China, Sri Lanka and Costa Rica, such health services have already reduced the number of deaths in childbirth and the number of unwanted pregnancies.

We can, in short, be life-savers, economically and effectively. But development is also a life-giving enterprise, and our maternal health programs must enrich the quality of life, as well as prolong it.

Safe motherhood initiatives should be a means and a spur to the education that fits women to earn an income and improve family well-being—education in work skills, education in nutrition, education in timing and spacing pregnancies, education in family health care. These efforts should express and reinforce the involvement of women in community self-help associations.

Example and instruction can come from outside—from local and national leaders, from women's groups and civic organizations, from the news media, schools and universities, even from the theater. But the effort that poor women make themselves to take charge of their productive and reproductive lives is what will matter the most.

Throughout the developing world, women aspire to become full partners with men in creating strong and productive societies. Development programs must help realize this aspiration by supplying the tools to help women help themselves. Through education, better opportunities, higher earning capacity and control over their own earnings, we can ensure greater dignity and productivity for women, thus fostering sensible decisions about child-bearing and health care and guaranteeing that the next generation will be a happier, healthier one.

Unhappily, the reverse is also true. Families where mothers die in childbirth are families that disintegrate. Communities where women are treated as expendable are communities that waste vital resources. Families, communities and nations that help provide for women's health are providing wisely for their own future.

Almost 200 years ago, the great English philosopher and reformer, Mary Wollstonecraft, wrote that "progress in human virtue and improvement in knowledge" depended on women being "more rationally educated." Mary Wollstonecraft, who died in childbirth, would agree that rational education for women begins with the knowledge that gives mothers the strength to bear children safely and to nurture them in hope.

The World Bank wants to help spread that knowledge and the resources to put it to work. That knowledge—its dissemination and application—is our new investment in the strength and progress of women.

Mr. President, allow me to conclude my remarks as I began.

Development is women's work.

Like women's work, it is never done.

This conference, indeed, is just a beginning of our work for Safe Motherhood. It must stimulate not just thought and rhetoric, but effective action.

The World Bank has presented a program for action. In addition, we plan to help establish a Safe Motherhood Fund under the management of the World Health Organization to undertake operational research that will support the development of country programs and projects in the maternal health field. We plan a contribution of $1 million toward the proposed three-year budget of $5 million.

We believe that through the joint efforts of the developing countries, the Bank, other donors, nongovernmental organizations and private groups, we can reduce by half the number of women who die in pregnancy or childbirth by the year 2000.

We believe that this initiative will advance the health, the dignity and the productivity of women in the developing world and the coming generations that depend on them. We urge you to join in this campaign to save lives . . . to offer hope.

The goal is modest. We can reach it. Together, let us begin.

Thank you.

JACK KEMP ON STATE'S OBSTRUCTION OF THE PRESIDENT'S POLICIES

HON. JIM COURTER

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. COURTER. Mr. Speaker, nothing could be more clear than the fact that "diplomacy must be a tool of national strategy, not its rival." And yet nothing is so clearly visible at present as the Department of State's intransigence in the face of Presidential policy supporting several of the foreign democratic resistence movements.

In a strong editorial of February 20, our colleague from New York, Mr. JACK KEMP, has argued for renewing the primacy of policy over bureaucracy, and guaranteeing that America's embattled friends abroad receive diplomatic, as well as military support, for their fight is our own.

I think all my colleagues would benefit from considering the advice of the gentleman from New York. His essay appeared in the Washington Times.

STATE VS. THE PRESIDENT

(By Jack Kemp)

"The difficulty with many career officials in the government is that they regard themselves as the men who really make policy and run the government. They look upon the elected officials as just temporary occupants. Every president in our history has been faced with this problem: how to prevent career men from circumventing presidential policy. Too often career men seek to impose their own views instead of carrying out the established policy of the administration. Sometimes they achieve this by influencing the key men appointed by the president to put his policies into operation . . . [This] has happened in the Department of State,"

When President Harry S. Truman wrote these words in 1948, could he have anticipated that they would still ring true nearly 40 years later?

Diplomacy must be a tool of national strategy, not its rival. That includes saying no to offers that would lead us to a false peace, in much the same way President Reagan said no to Mikhail Gorbachev at the Iceland summit. But some entrusted with the diplomatic endeavors of our country have evinced difficulty in following the president's example.

Last year, unwise negotiations brought us perilously close to terminating aid for the resistance in Nicaragua in return for the mere promise of the Sandinista government to hold elections (which they first promised in 1979) and to stop importing foreign arms. That shortsighted effort was inconsistent with the president's directive, and following his personal intervention it was abandoned.

At the time, I urged that Ambassador Philip Habib, who had become personally identified with this unsustainable policy, be recalled. I believed we needed a new negotiating team that would share the president's goals and would clearly and unequivocally work for freedom and against Communist tyranny in Central America. But the secretary of state defended his chosen envoy, who unquestionably had great experience, having perviously served as President Carter's representative to the region; and Phil Habib's services were retained.

Today, in the wake of the Iran controversy, renewed opposition on the Hill and dismay among the Contra leadership, U.S. policy toward Central America again is at a crossroads.

To sustain support for the president's well-established policy of support for the resistance, our State Department should be describing publicly the minimum conditions for a negotiated transition from Communism to democracy in Nicaragua.

Our officials charged with executing that policy should be outlining the monthly reporting process by which the United States would monitor the departure of Cuban and Soviet colonial forces, the dismantling of the secret police, and the re-establishment of political and religious freedoms and the rule of law.

Instead, just this week, Contra leader Adolfo Calero was quietly forced to resign. Mr. Calero has served as the political commander of the resistance army in the north and the only member of the United Nicaraguan Opposition political directorate that commanded the FDN's loyalty. The resignation of such a distinguished and determined leader can bring comfort only to Sandinistas—and to those who value accommodation over victory. But Mr. Calero was not the State Department's leader of choice, so they did litte to persuade him to stay.

This weekend, special envoy Phil Habib will return to the region for a new round of talks that, among other things, are likely to address the latest peace initiative from Costa Roca that would give the Contras no say over their own future.

Here at home, I fear that we will again hear misguided counsel that we should walk away from the democratic resistance for the false promises of an unenforceable treaty.

The president should not have to rush in at the last minute to avert a policy disaster. And he would never need to do so, if only the senior leadership at the Department of State were more faithful to the president's directives.

The same holds true of our policy in other parts of the world.

The Soviet puppet government in Kabul is negotiating with Pakistan over the fate of the resistance in Afghanistan. The Soviets have embraced these "proximity talks," because they want the mujahideen to believe that they will be abandoned and that a deal will be cut over their heads.

President Reagan has always insisted on a total Soviet withdrawal, respect for Afghan sovereignty, and the right of the Afghan people to determine their own political future.

But now reports indicate that U.S. diplomats may be prepared to accept a "political settlement" growing out of the proximity talks that would commit us to end aid to the resistance while Soviet troops still occupy the country. That would spell the death of the mujahideen.

Sen. Gordon Humphrey and I have written to Mr. Shultz, seeking clarification of this point, but have yet to receive a straightforward response.

There is little reason to believe that the Soviets would honor a withdrawal agreement, once they have achieved their objective of destroying the resistance. And there is less reason to believe that the Afghan people would be free to determine their own political future while a Soviet-dictated government remains in place.

Again, the momentum of the "diplomatic process" threatens to outpace the dictates of national strategy.

In Africa as well, the clear story that emerges is of a State Department out of step with its president. The State Department sought a diplomatic opening to the Soviet outpost of Angola, while first stonewalling and then only reluctantly accepting U.S. support for Jonas Savimbi's resistance forces.

The State Department has forcefully—and successfully—opposed providing any help to the resistance in Communist Mozambique; but has shamelessly come to Congress with requests for economic and even military aid for the Soviet-supported government there.

And the inartfully executed policy of so-called "constructive engagement" in South Africa gave way to economic sanctions and the spectacle of the U.S. secretary of state meeting with the terrorist leader of the African National Congress, Oliver Tambo.

In short, the Reagan Doctrine has not been the Shultz Doctrine. But policy differences between State and the White House do not stop here.

They also cross over into the most fundamental and inspiring undertaking of the Reagan administration: the Strategic Defense Initiative.

Yet just this month, when the SDI Office and Defense Secretary Caspar Weinberger proposed to begin realistic testing, and to move ahead exciting new prospects for real defenses, believe it or not, our own State Department objected, citing allied, congressional, and Soviet concerns over the proper reading of the ABM Treaty.

While the Soviets are testing and deploying nationwide strategic defenses, the senior leadership at the State Department would have us await convoluted discussions about treat terminology. They seem not even to blush at this blatant double standard.

Our arms control policy should be structured to support the president's essential Strategic Defense Initiative, not to undercut it in deference to a treaty the Soviets systematically have been violating.

Instead, the State Department persists in trying to stall SDI in hopes of getting yet another arms control agreement that could well be purchased at the cost of our national security.

When detente still colored the policies of the United States, we naively accepted arms control agreements such as this. But in 1980 the American people rejected the false security of inequitable, unverifiable paper promises in favor of a robust commitment to our defense and a realistic approach to our dealings with the Soviet Union.

Their mandate is ill-served by officials who view arms control agreements as intrinsic goods instead of implements of our national defense, and who counsel that the Soviet Union will not be a threat so long as we follow the path of accommodation.

Dissenting voices are a necessary, healthy element in the policymaking apparatus of a democracy. They challenge assumptions, force more careful thinking and fuller exposition of the chosen policy course. But when the dissenters manage to substitute their opinion for the president's policy, then the process no longer serves the people who elected the chief executive.

In that event, major personnel changes may be required to ensure that the president's policies are faithfully implemented. For no amount of skill nor experience nor good intentions can overcome this fact: no one can truly serve a president while working against his policy directives.

A TRIBUTE TO A GREAT CITIZEN MR. FRANK DAMERVAL

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. STARK. Mr. Speaker, since 1977 Mr. Frank Damerval, a constituent of mine from Pleasanton, CA., had been a member of the Amador Valley Joint Union High School District School Board. During these past 10 years he played a very active and meaningful role on the board.

As are most school boards, this is a policy and decisionmaking board encompassing all of the public schools in the Amador-Pleasanton area. The board meets twice a month to discuss and formulate plans to handle such issues as personnel matters, curriculum design and building and maintenance of the schools.

Frank Damerval attended almost every meeting of the board over the past 10 years. And though he would have just made the hectic commute from a busy work day in San Francisco, where he was an assistant project manager for Bechtel, he participated in these meetings with great enthusiasm. He thought it very important to constantly review what is taught in schools and placed particular emphasis on a homework policy that involved both parents and teachers.

Last year I learned that Mr. Damerval was battling a rare form of leukemia. Yet he remained very active on the school board—still sharing his refreshing ideas on a variety of issues with his colleagues and putting in quality time on discussions which led to many important decisions for the schools.

Sadly, I note Mr. Damerval's death. He gave so much of his time for others that it is especially tragic that time should have run out on him. And though he will no longer work with the school board or the community, the memory of his selfless work and warm personality will live on.

I would like to pay special tribute to his memory today.

OVERDUE BILLS ARE A WAY OF LIFE AT THE UNITED NATIONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. SOLOMON. Mr. Speaker, ever since Congress took decisive action to withhold part of our country's financial support to the United Nations, a deafening wail has gone up from United Nations headquarters. Accusing the United States of trying to bankrupt the organization, the United Nations and its acolytes have missed the whole point. Congressional action to withhold a portion of our financial contribution was aimed at inducing the United Nations to take the necessary financial and administrative reforms without which the United Nations is not likely to survive. Admittedly, shock treatment was necessary because of automatic resistance by the United Nations bureaucracy to any suggestion of reform, and Congress had to prove that we meant business.

But in listening to the criticism that has been directed against what Congress did, we could get the impression that no member country of the United Nations has ever missed paying its contribution before. The truth is, Mr. Speaker, that financial arrearages are a way of life at the United Nations—and they have been since long before Congress took action. It is one of the reasons why Congress had to take action.

Each of the 159 member countries of the United Nations is required to pay an annual assessment in support of the United Nation's operating budget and peacekeeping forces. A recent official report from the United Nations Secretariat reveals that only 21 countries are fully paid up in their financial obligations. Moreover, a significant number of countries are so far behind in their contributions as to be in jeopardy of losing their voting rights in the United Nations General Assembly. Article 19 of the United Nations Charter mandates that a member country lose its vote when its accumulated arrearages add up to more than 2 years' worth of assessed obligations.

For the benefit of the Members, I am providing a summary of this important United Nations document. Dated January 16, 1987, the "Status of Contributions" report shows the arrearages that each country has accumulated up to December 31, 1986. What I have done is to calculate those arrearages as a percentage of the contribution each country was to make in 1986. Any country with a percentage figure of more than 200 percent is in jeopardy of losing its vote. A country with a figure of 100 percent is about 1 year behind in its obligations; a country with a figure of 200 percent is about 2 years behind in its obligations, and so on.

I shared the results of this study with the United Nations. They said they have a different set of figures because their own calculations are made using a different data base than the one contained in the public report. However, the United Nations did acknowledge that 16 countries are now over the limit on arrearages. As is well known, many countries practice a game of "brinksmanship," kicking in a few extra dollars now and then to prevent their vote from being taken away. The Soviet Union has refined this practice to an art form. They have carried huge arrearages for many years—and my study places them at 196.66 percent, dangerously close to the 200-percent threshold—but they always stave off losing their vote by giving a few extra dollars.

But regardless of what the exact figures may be, my study conclusively shows two things:

First, it shows the relative weight of accumulated arrearages against the size of the financial contribution each country is to make. And in this regard, the United States is far down on the list.

Second, it clearly demonstrates that unpaid bills have become a way of life at the United Nations. The recent American withholdings do not represent some kind of unprecedented event in the history of the organization. The truth is that many other countries have been doing it a lot longer than we have.

I ask that my study showing accumulated arrearages as a percentage of 1986 assessments appear at this point in the RECORD.

The material follows:

CUMULATIVE ARREARAGES AS A PERCENTAGE OF 1986 ASSESSMENTS

	Percentage
South Africa	912.44
Poland	331.18
Vietnam	329.26
Guinea-Bissau	320.46
Benin	320.14
Romania	319.31
Nicaragua	319.30
Kampuchea	319.24
Gambia	318.26
Equatorial Guinea	315.06
St. Lucia	309.25
El Salvador	302.09
Liberia	272.60
Lebanon	267.52
Sierra Leone	262.85
Peru	261.20
Dominican Republic	249.29
Central African Republic	240.46
Dominica	230.28
Comoros	221.13
Guyana	217.00
Cuba	208.05
Iran	206.13
Guatemala	201.67
Soviet Union	196.66
Niger	193.64
Ukrainian SSR	193.30
St. Christopher/Nevis	193.11
Israel	191.30
Byelorussian SSR	189.11
Libya	182.49
Paraguay	179.57
Sao Tome/Principe	178.97
East Germany	175.39
Qatar	173.05
Czechoslovakia	168.09
Grenada	164.68
Antigua/Barbuda	160.75
Cape Verde	149.27
Congo	146.13
Zaire	144.42
Burkina Faso	141.14
Mauritania	139.16
Syria	131.73
Burundi	129.71
Mongolia	128.57
Laos	126.87
Turkey	121.09
Hungary	119.01
Somolia	118.45
Bolivia	114.96
Solomon Islands	113.93
Panama	108.97
Maldives	107.58
Togo	107.44
Bulgaria	105.11
Uruguay	104.55
Chad	101.18
Bhutan	97.70
Mali	97.63
Mauritius	94.58
Tanzania	94.24
Brazil	84.20
Argentina	76.18
Madagascar	75.62
Costa Rica	70.04
Nigeria	66.22
Zimbabwe	65.66
United States	65.34
Albania	64.78
Yugoslavia	63.24
Trinidad/Tobago	55.70
St. Vincent/Grenadines	49.91
Honduras	48.93
Iraq	45.77
Gabon	45.23
Ecuador	43.15
Philippines	42.98
Colombia	42.56
Algeria	36.60
Mozambique	32.79
North Yemen	32.50
Cote d'Ivoire	32.12
Haiti	31.57
Morocco	29.45
Jamaica	26.61
South Yemen	25.11
Angola	19.23
Vanuatu	18.63
Afghanistan	18.38
Kenya	17.32
Djibouti	16.56
France	14.83
United Arab Emirates	14.81
Indonesia	13.98
Japan	12.45
United Kingdom	12.34
Cameroon	11.98
Sudan	9.78
Guinea	9.76
Fiji	9.63
Saudi Arabia	8.72
Italy	8.52
Tunisia	6.79
Ireland	6.52
New Zealand	6.50
Portugal	6.33
Rwanda	6.28
Belize	5.89
Seychelles	5.83
Malawi	4.19
Botswana	3.99
Suriname	3.99
Bangladesh	3.95
India	3.57
Zambia	3.10
Samoa	2.78
Oman	2.55
Mexico	2.39
Egypt	2.35
Malta	2.34
Barbados	1.58
Malaysia	1.58
Venezuela	1.58
Sri Lanka	1.43
Cyprus	1.37
Ghana	.96
Nepal	.81
Swaziland	.49
Burma	.48
Chile	.48
Lesotho	.24
Kuwait	.14
Uganda	.12
Spain	.06
Pakistan	.03
Norway	.01
Australia	[1] .00

[1] Australia's arrearages are only $4.

Countries with no arrearages:

Austria, Bahamas, Bahrain, Belgium, Brunei.

Canada, China, Denmark, Ethiopia, Finland.

West Germany, Greece, Iceland, Jordan, Luxembourg.

Netherlands, Papua New Guinea, Senegal, Singapore, Sweden, Thailand.

THE PLIGHT OF SOVIET JEWS

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HOCHBRUECKNER. Mr. Speaker, today I would like to publicly command Lynn Singer and the people who work with her on the Long Island Committee for Soviet Jewry. These people work tirelessly on the behalf of Soviet Jews. Their efforts, unfortunately, are rewarded infrequently. This past Friday, however, they were able to share the joy of Lev Blitshtein and his family. The Blitshteins first applied for permission to emigrate in 1974. At that time Lev Blitshtein was denied a visa on the grounds that, as an administrator in the meat and dairy ministry, he was privy to State secrets. Finally, over 12 years after he first applied for permission to leave, an exit visa was granted in early February.

Lev Blitshtein is but one of the over 370,000 Jews who have applied for permission to leave the Soviet Union. Recently I received a book titled "A Uniquely Jewish List: The Refuseniks of Russia." This book contains the names of 11,000 individuals who have repeatedly applied for, and been denied, permission to emigrate from the Soviet Union. These people are the core of the Refusenik group in the Soviet Union, but they are only a small fraction of the number of Jews who have applied for permission to emigrate. Since 1968, a total of 643,765 people have requested exit visas. This number exceeds the total population of my congressional district by more than 100,000 people. Of these requests, 266,899 have been granted. This means that over 370,000 people still remain trapped inside the Soviet Union, denied the right to freely practice their religion and denied permission to enjoy that freedom elsewhere.

Jews in the Soviet Union face a no-win situation. The teaching of Hebrew and the study of Judaism are strictly forbidden under Soviet law. This is true despite the fact that other ethnic and religious groups are allowed and even encouraged to study and preserve their cultural traditions. Jews who apply for exit visas face the prospect of immediate dismissal from their jobs and are then able to find work only as low-skilled laborers.

In the current spirit of Glasnost, the Soviet authorities have released a few prominent dissidents. However, the numbers of Jews allowed to emigrate has not increased greatly nor has internal persecution of Jews decreased. In 1979, over 51,000 Jews were allowed to leave the Soviet Union. In 1986, no more than 1,000 were issued exit visas.

The Kremlin has been using the status of refuseniks as a political bargaining chip. Congress must emphasize its commitment that the status of Soviet Jews remains an important criteria in assessing United States-Soviet relations.

TERRORIST FIREARMS

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. MRAZEK. Mr. Speaker, I would like to request that the following letter from the Air Transport Association be reprinted in the CONGRESSIONAL RECORD. I believe that this letter accurately corrects some false impressions left by the National Rifle Association. The letter follows:

AIR TRANSPORT
ASSOCIATION OF AMERICA,
Washington, DC, February 26, 1987.

DEAR MEMBER OF CONGRESS: The National Rifle Association (NRA) recently sent you a letter attacking two bills introduced in the 100th Congress to assist in the fight against international terrorism. H.R. 84, introduced by Rep. Biaggi and H.R. 1002, introduced by Rep. Mrazek, would prohibit the importation and domestic manufacturer of plastic firearms that pass undetected through airport security systems.

We write on behalf of the nation's airlines to rebut the NRA's completely erroneous statements that the problem is not "firearms, be they plastic or steel . . .", but the need for ". . . improved methods of screening".

The record of the U.S. airlines' screening system over the past 13 years speaks for itself—it is the model for the rest of the world. Here are some facts that the NRA failed to mention:

Over 7 billion persons screened.

Almost 9 billion carry-on items inspected.

Over 36,000 firearms detected and 15,000 related arrests made, and

At least 117 hijackings or related crimes prevented.

The government and industry are constantly striving to make this excellent record even better. What we don't want to do is to make the task more difficult than it already is. Reasonable controls over the availability of firearms that cannot readily be detected by state-of-the-art methods and equipment currently in use will prevent weapons technology from outpacing detection technology.

We believe the NRA's response to the proposed legislation disregards the best interests of all Americans, the more than 400 million annual air travellers and particularly those who fly frequently. We urge you to cosponsor H.R. 84 and H.R. 1002.

Sincerely,

William J. Burhop,
Senior Vice President,
Government Affairs.

ADVANCES IN DIGITAL AUDIO RECORDING DEVICES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. WAXMAN. Mr. Speaker, today I am joined by my colleagues Jim Cooper, Carlos Moorhead, Howard Berman, Don Sundquist, and Bruce Morrison in introducing legislation that responds to the imminent entry of digital audio tape [DAT] machines in the United States. These machines—which are capable of making master copy quality recordings with home stereo equipment—will exacerbate the already significant problem of unauthorized tapings of copyrighted recordings.

If Congress does not act quickly, the creators and owners of copyrighted works will be working in an unfair system that causes them serious economic harm. And consumers who might anticipate a short-term benefit from DAT will soon find serious long-term consequences: less original music produced, less diversity, and less competition.

To understand the threat DAT poses we must first look at the impact courrent recording equipment has had on the music industry. Cassette recorders were first introduced more than 10 years ago; since then blank tape sales have grown 345 percent. Millions of Americans now tape the equivalent of hundreds of millions of albums each year, costing the recording industry approximately $1.5 billion annually in lost sales.

DAT machines will encourage even more home taping, rendering intellectual property rights meaningless. The economic losses to the music industry will continue to climb, and incentives to create will continue to shrink.

To compensate creators and owners for their financial losses from home taping, past legislation would have required manufacturers and importers of blank tapes and recording equipment to pay a royalty tax on their products. The proposed tape tax has strong opponents, however, who argue that tapers of uncopyrighted material would also be required to pay.

Our legislation seeks a technological solution to a technological problem. It requires all DAT machines shipped in interstate commerce to contain a copy-code scanner. This special electronic chip is one of two elements of a new technology developed by CBS called copy coding. The second element, the encoder, is a small electronic device that can encode any master recording by intermittently removing from the music a tiny sliver of sound. This notch embedded in the recording does not affect the quality of the music, nor is it audible to listeners. But when the notch is detected by the scanner, recordings cannot be copied.

As some of my colleagues know, DAT machines and tapes, like most premium blank tape and recording machines, are manufactured in Japan. The American music industry has tried to reach an agreement with these companies, but the Japanese refuse to include the copy-code scanners in the new machines. The financial gain enjoyed by these Japanese manufacturers will come directly out of the pockets of creators and owners of intellectual property.

As the world's leading exporter of music, the United States should act first to ensure the continued viability of one of the most competitive industries in the world. By depriving the music industry of copyright protections and the full benefit of its creative work, we are threatening the future production of the quality and diversity of music that has become a hallmark of American tradition. Without protection, seed money for new creative works and for subsidizing the cost of recordings that lack mass appeal will dry up.

We are asking very little of DAT manufacturers. The cost of the semiconductor chip is expected to be less than a dollar when produced in mass quantities. This cost is insignificant when weighed against the alternative of leaving the intellectual property of creative artists unprotected. In addition, our bill shall only remain in effect for 3 years after enactment.

Congress has struggled with the ethical and legal questions of home taping and copyright protection for many years. We must devise laws to accommodate new and sophisticated technologies that currently challenge the protection of intellectual property rights. We have an opportunity to set the ground rules for DAT machines now before they are introduced to the U.S. market.

The genius of the technological solution we propose, which is reprinted and summarized below, is that it allows consumers to enjoy the fruits of developing technology while it protects the intellectual property rights of creators and copyright owners. I urge all my colleagues to join us in supporting this effort.

Summary of the Digital Audio Recorder Act of 1987

Section 3(a) of the Digital Audio Recorder Act of 1987 makes it unlawful to manufacture, assemble, or offer for sale, resale, lease, or distribution in commerce (1) a digital audio recording device that does not contain a copy-code scanner or (2) any device, product, or service that renders inoperative a copy-code scanner. Section 3(b) makes it unlawful to render inoperative a copy-code scanner. A copy-code scanner is an electronic circuit built into the recording mechanism of an audio recording device which causes the device to stop taping when it detects a certain signal encoded in recordings.

Under Section 4(a), any person aggrieved by a violation of the Act, or an appropriate officer or agency of the United States, may bring a civil action in district court. The language of Section 4(a) is a typical "standing" provision intended to provide a remedy for anyone harmed by a violation, including songwriters, artists, music publishers, record companies and even competing manufacturers of digital audio recorders. Under Section 4(b), an aggrieved party may elect either the actual damages suffered as a result of the violation or an award of statutory damages.

Section 4(b)(2) gives the court discretion to determine the amount of statutory damages. The minimum award has been set at $1,000 to provide a sufficiently strong deterrent to violators and an equally strong incentive to private enforcers. The maximum award has been set at either (A) $10 multiplied by the number of devices or products involved in the violation or (B) two times the cumulative retail value of the services involved in the violation, to provide a remedy that corresponds to the severity of the violation.

Section 4(e) allows criminal prosecution for violations of Section 3(a) that are committed knowingly, willfully, and for purposes of direct or indirect commercial advantage or private financial gain. No criminal liability attaches to an individual who bypasses, removes, or deactivates a copy-code scanner in violation of Section 3(b).

Section 5 authorizes the Secretary of Commmerce to issue such rules and regulations as may be necessary to exempt certain digital audio recording devices from the requirements of the Act. Under such exemptions, businesses with a legitimate need (such as manufacturers of prerecorded DAT cassettes or radio stations) may obtain recording devices without copy-code scanners.

Section 6 provides that the Act shall remain in effect for a period of three years.

LEGISLATION IN RESPONSE TO THE THREAT OF DAT MACHINES

HON. JIM COOPER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. COOPER. Mr. Speaker, I am pleased to join with Congressmen Henry A. Waxman, Carlos J. Moorhead, and others in introducing a bill which would mandate that DAT machines transported in interstate commerce contain a copy-code scanner chip which makes it possible to control unauthorized taping of copyrighted music recordings. We can now ensure that American music creators and copyright owners, who produce the most popular music in the world, are paid for their work like other workers in this country.

Let me state at the outset that we are not introducing this bill as a panacea for the home taping issue in general. It is my belief that the solution to the digital home taping problem must ultimately be developed under the copyright laws. Thus, the bill contains a 3-year sunset provision so as to preserve the status quo until the Congress has the opportunity to consider a comprehensive solution to the home taping problem.

The advent of DAT machines not only impinges upon the intellectual property rights of creators and owners, but it affects the U.S. balance of trade as well. To our knowledge, all DAT machines will be manufactured abroad. We know of no American companies planning to manufacture these devices.

Japanese manufacturers are expected to offer DAT machines in Japan in March or April of this year. These machines could be available in the U.S. market as early as this summer or fall. Therefore, it is imperative that we act now before the practice of home taping on DAT machines develops into a virulent new form.

We recognize competition in trade as part of the American way. But inventing a machine which enables people to take another's product without paying for it is not competition.

The technological solution to the problem posed by DAT machines requires that the Congress enact legislation to require hardware manufacturers to install copy-code scanners in DAT machines which are shipped in interstate commerce. Nations throughout the world are already moving to protect their creative communities. But the United States, the home of the most creative community in the world and the source of one-half of the world's music, has done nothing. We must act now to protect the American music industry, which is one of the few industries in the United States that returns a positive trade balance.

The bill sends a clear message to the Japanese manufacturers of DAT machines and to their government. The message is simple: The United States will not provide a market for their new technology unless and until these machines are equipped with technological protections for American creators and copyright owners.

The introduction of DAT presents a rare opportunity for us to write on a clean slate. We should implement the interim solution to the digital home taping problem proposed here before severe, incremental damage is caused by this new product. We urge the swift enactment of this simple and equitable legislative response to the threat posed by the DAT machine.

TECHNOLOGICAL ADVANCES IN DIGITAL AUDIO RECORDING DEVICES

HON. CARLOS J. MOORHEAD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. MOORHEAD. Mr. Speaker, I am proud to join my colleagues in introducing a bill which proposes a new technological approach to the audio home taping problem.

Home taping has been fueled by the growing availability of sophisticated recording equipment. Recently, a distinct new threat to the intellectual property rights of the music industry has emerged with the advent of digital audio technology [DAT] machines, the tape version of compact disc technology. Like the CD, it carries sound frequency information in the form of a digital signal, which is laser read.

These machines will revolutionize existing taping technology. With DAT, the distinction between originals and copies will no longer exist as all will sound alike and all will have perfect sound fidelity.

The bill we introduce today incorporates a new engineering invention which makes it possible for consumers to enjoy the benefits of DAT technology without violating the intellectual property rights of creators and copyright owners. The "copy-coding" solution provides a means by which to control unauthorized taping of copyrighted musical recordings.

With this invention, prerecorded music can be encoded with an inaudible signal capable of being read by a special electronic scanning chip installed in DAT machines. Copyrighted music that is encoded would not be able to be taped.

One of the most attractive features of this legislation is that it offers a marketplace solution to the digital home taping problem. Once Congress has enacted legislation requiring manufacturers and importers to include copy-code scanners in their machines, no further governmental involvement is necessary. Instead, the marketplace will take over.

Indeed, that is why the Reagan administration, which shares our concern over the audio home taping problem, has advocated the use of the CBS copy-code system. The White House's competitiveness initiative contains a provision very similar to the bill we introduce today. In the words of the administration,

> Unauthorized reproduction of copyrighted works significantly diminishes the value of copyright protection. Technological advances in digital recording devices * * * will increase the incentive for consumer copying and exacerbate the adverse effect of unauthorized reproduction on copyright owners.
>
> Technological advances, however, have also provided a solution to the difficult problem of permitting copyright holders to recognize the benefits from their creative activities while allowing authorized or unopposed reproduction of audio works. The availability of technology to eliminate unauthorized reproduction of copyrighted audio works distinguishes this situation from previous attempts to resolve this problem.

I believe that my colleagues and I have proposed a reasonable interim solution to the audio home taping problem. I urge my colleagues to join us in this endeavor to protect one of America's most precious industries.

THE FEDERAL HOSPITAL SYSTEM SHARING ACT OF 1987

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. FAWELL. Mr. Speaker, last year I introduced the Federal Hospital System Sharing Act to improve the delivery of health care services provided by the Veterans' Administration and the Department of Defense. Today I am reintroducing this legislation and urging my colleagues to support it.

The Federal Hospital System Sharing Act was originally part of the Grace Caucus legislative package introduced last June. This Grace Commission proposal allows all eligible recipients of VA or DOD health care, including dependents, retirees, or survivors, to receive that care from either VA or DOD facilities. Under current law, VA or DOD hospitals may only share health care resources covering primary beneficiaries.

In most major urban areas, there are typically numerous Federal hospitals. Greater sharing of equipment, personnel, lab services, and beds would reduce some of the duplication that currently exists. Greater savings can be realized by reducing the need to build new facilities or purchase new equipment.

Furthermore, the Federal Hospital System Sharing Act corrects flaws in the 1982 Veterans' Administration and Defense Department Health Resources Sharing and Emergency Operations Act (P.L. 97-174). The 1982 law only extended sharing authority to cover primary beneficiaries, and does not include dependents, retirees, or survivors. If Federal hospital sharing is to be effective, it must include all eligible recipients of VA or DOD health care.

Federal hospital sharing will not reduce the quality of services currently provided by VA and DOD facilities. GAO agrees with Grace Commission findings that increased sharing of hospital resources will reduce costs and streamline duplicative services without adversely affecting the delivery of those services.

Hospital sharing is widely and successfully used in the private sector to reduce unnecessary duplication and waste. Over two-thirds of all private sector hospitals now share one or more services or facilities. In a study of a 25-hospital sharing arrangement in St. Paul/Minneapolis, more than $100,000 a year alone was saved in medical supply purchasing. The successes of the private sector can and should be replicated in the Federal hospital system.

At a time when health care budgets in the VA and DOD have increased over 400 percent during the past decade, the Federal Hospital System Sharing Act is a responsible approach toward deficit reduction without adversely affecting the provision of veteran and military health care.

The text of the Federal Hospital System Sharing Act follows:

H.R. 1355

A bill to increase Government economy and efficiency and to reduce the deficit by implementing a recommendation of the President's Private Sector Survey on Cost Control relating to the sharing of Veterans' Administration and Department of Defense health-care resources

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, this Act may be cited as the "Federal Hospital System Sharing Act of 1986".

PURPOSE

SEC. 2. The purpose of this Act is to improve the efficiency and reduce the costs of

Veterans' Administration and Department of Defense hospitals by expanding the authority to share health-care resources.

SHARING VETERANS' ADMINISTRATION AND DEPARTMENT OF DEFENSE HEALTH-CARE RESOURCES

SEC. 3. (a) Section 501(d)(1) of title 38, United States Code, is amended by striking out the second sentence and inserting in lieu thereof the following: "Under any such agreement, an individual who is eligible to receive direct health care in a facility of one agency that is a party to such a sharing agreement may be furnished health care at a facility of another such agency that is a party to the sharing agreement.".

(b) Section 5011(d)(3) of such title is amended by striking out "individuals who are not primary beneficiaries of" and inserting in lieu thereof "beneficiaries of an agency other than".

(c) Section 5011(g)(1) of such title is amended to read as follows:

"(1) The term 'beneficiary' means a person who is entitled by law to receive direct health care furnished by the Veterans' Administration or the Department of Defense.".

TRUTH IN IMPORT ADVERTISING ACT OF 1987

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. TRAFICANT. Mr. Speaker, today I am introducing legislation which will provide the American consumer the information needed to make an objective decision on whether to purchase foreign or domestic commodities.

My bill, the Truth in Import Advertising Act of 1987 will require that all consumer commodities bear a label which discloses whether the item was produced in the United States and what percentage of the items component parts are domestically produced. In addition, it will require that similar information be provided in any television, radio, or print media advertisements.

I introduced an almost identical bill, H.R. 3803, in the 99th Congress which was supported by a bipartisan group of my House colleagues, as well as several labor and consumer groups.

This legislation does not limit the quantity of imported goods that may come into this country. Nor does it limit the amount of domestic content that a particular good can have. Instead, it puts the forces of the marketplace to work providing the consumer the resources necessary to make an informed decision. I firmly believe that the scrutiny of the marketplace, and the exacting eye of the American consumer, is the toughest test any commodity can face. However, this test can only work if the American consumer has the proper information.

I believe that American made goods and services have received an undeserved reputation as poor quality items, particularly with respect to automobiles and steel products. In addition, I am hearing from my constituents and others that the American people want to purchase American-made goods and want to be sure which goods are foreign made and which are American. Those who oppose this measure are simply telling the American people they do not want them to have the resources necessary to make an objective decision.

Thousands of American jobs have been taken away by foreign imports. If we in the Congress are to stop this exodus and regain our competitive position in the international marketplace, then I believe we need to let our constituents help make the tough decisions. The American people want to be involved and I believe this legislation will allow them the opportunity to help our country grow. I urge you to cosponsor the Truth in Import Advertising Act.

KOREAN TRADE POLICY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. CRANE. Mr. Speaker, a delegation of Korean Government and business officials will soon arrive in the United States for a 13-day buying mission to purchase an estimated $2 billion in American-made goods, including electronics, machinery, cotton, and passenger aircraft. For the 100th Congress currently grappling with the problem of America's competitiveness in world markets, this buying mission is good news. To be competitive, America must produce the best possible products. Obviously, Korea believes that we do.

Led by Trade and Industry Minister Woong-Bae Rha, the Korean buying mission will visit five United States cities, including Chicago, IL. The purpose of the mission is not only to "Buy American" but also to provide in opportunity for American businessmen to learn more about Korea's trade policies and to explore new opportunities for two-way trade expansion and investment.

The United States is the largest customer of Korean products. In 1986, Korea held a $7 billion trade surplus with the United States. However, realizing that trade with the United States is not one way, Korea opened up import markets last year to various United States goods and services which had previously been restricted.

Korea knows it cannot pursue a trade policy that antagonizes the nation which consumes 40 percent of its exports. The upcoming buying mission is continuing evidence Korea's desire to enhance United States-Korean trade relations and to remain a "fair-trading partner" of the United States.

A POSITIVE ARMS CONTROL DEVELOPMENT

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BROOMFIELD. Mr. Speaker, I think we are all encouraged by recent reports that the Soviet Union is no longer holding intermediate nuclear forces hostage to United States concessions on the President's strategic defense initiative.

Soviet leader Gorbachev has now publicly stated that he can accept an INF agreement which is not linked to reductions in strategic offensive systems or SDI. This should be seen as a positive result of the Reykjavik meeting.

While I am heartened by this development, I am also aware that strict verification measures for such an agreement must still be negotiated, and our European allies must not be vulnerable to Soviet superiority in both conventional forces and short-range intermediate nuclear forces.

Nonetheless, I am confident that verification and short-range nuclear systems problems can be resolved and we can move ahead in the INF area.

Finally, there is a lesson to be learned from all this. Skeptics of the President's arms control policy have charged in the past that the Soviet Union would never agree to an arms control agreement as long as the President did not make concessions on SDI. They have been shown to be wrong. SDI is compatible with arms control and General Secretary Gorbachev's statement proves it.

A SALUTE TO THE SESQUICENTENNIAL OF HAMBURG, PA

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. YATRON. Mr. Speaker, I rise today to pay tribute to the town of Hamburg, PA. Throughout 1987, Hamburg residents will be celebrating the 150th anniversary of the town's incorporation in 1837.

Hamburg's history actually predates its incorporation. In 1732, the Minsi Tribe of the Delaware Indians granted deeds for the area to Martin Kaercher, Sr. The early settlers named the area after Bad Homburg, a German town near Frankfurt. In 1772, Martin Kaercher, Jr., laid out the town on a plot of land bordering the Schuylkill River. In the ensuing years, a mill and a furnace were established and the town grew and prospered.

Because of its location on the Schuylkill River, Hamburg soon became an important transportation center. With the construction of the Schuylkill Canal from 1816 to 1825, Hamburg became a major boat-building and loading center for coal from the surrounding anthracite region. The importance of this role diminished as the railroads gradually replaced boat traffic but the town continued to grow. In 1837, the Borough of Hamburg was officially incorporated and a fire company and borough council were established soon thereafter with Daniel Sheiffley elected as the first president of the council. By the turn of the century, Hamburg was well-established as a local industrial center.

Hamburg grew at a stable and even pace throughout the early 20th century. Events of importance include the town's centennial and the beginning of important flood control projects in the 1940's. Because of its location, Hamburg was periodically hard-hit by floods. The projects played an important role in combatting this threat and helped save lives and property during a number of heavy storms, including 1972's Hurricane Agnes.

In 1987, Hamburg continues as a flourishing industrial town in the Central Pennsylvania heartland. Hamburg enjoys a strong industrial base and a citizenry that is dedicated, honest and hard-working. The whole town has been anxiously awaiting the sesquicentennial celebration and a number of commemorative events have been planned by the Sesquicentennial Steering Committee, ably led by Thomas Confer, M. Domer Leibensperger, Arlan Heckman, and Rosalie Bowers. I know that all of my colleagues will join me in honoring the Borough of Hamburg on its 150th anniversary and in wishing all of its citizens continued success and good fortune in the years to come.

THE AMERICA'S CUP CHALLENGE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BIAGGI. Mr. Speaker, recently, the President and a grateful and proud nation recognized the skill, perseverence, and sportsmanship of the crew and support team of the 12-meter sailboat *Stars & Stripes* at the America's Cup races off Fremantle, Australia.

What has not been adequately publicized is the part played by the State University of New York Maritime College at Fort Schuyler—which is located within my congressional district in the Bronx.

To begin with, the *Stars & Stripes* was christened at Fort Schuyler before she left for trials in Hawaii where the big surf and high winds are similar to the conditions on the official course in Australia.

Just as he did in 1983, Dennis Conner had help from Suny Maritime College graduates. His team-one crew included Scott Vogel, class of 1982, as the bowman and Bill Trenkle, class of 1980, as port tailer. The team-two backup crew included Dory Street Vogel, class of 1985, who was the navigator. She is the wife of Scott Vogel.

His support group included John Wenz, class of 1980, who was the skipper of the 64-foot tender *Betsy*.

Another husband-and-wife team from the Maritime College was Richard and Dotty Chesebrough. Richard was in charge of the chase boats; and, while he is not an alumnus, he was the sailing coach and waterfront director at Fort Schuyler for about 10 years. His wife, Dotty, performed the ever-needed clerical work while in Hawaii and Australia. She was employed in the registrar's office at Maritime College until she joined her husband and the *Stars & Stripes* crew in their quest for America's Cup.

To round out Suny Maritime's participation in this great victory, I have to recognize the wonderful coverage of the races on ESPN, narrated by Gary Jobson, class of 1973.

Congratulations to Dennis Conner and his group of outstanding professionals. I especially want to express my compliments to those who continue to uphold the fine traditions of excellence at the State University of New York Maritime College. We are all proud of you and your outstanding contributions to our Nation! Here's wishing you smooth sailing.

SINCLAIR COMMUNITY COLLEGE AT 100

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HALL of Ohio. Mr. Speaker, with all the discussion these days about new educational initiatives, I wish to point out that many of our older educational institutions are doing qite well instructing our citizens. One such institution is Sinclair Community College, within my district, which celebrates its 100th anniversary this year.

The idea for an evening school in Dayton came from David A. Sinclair, secretary of the YMCA. Its first classes were held for 55 students in fall 1887. Two years later, enrollment jumped to 130.

From the beginning, the YMCA Evening School for Adults, as it was first known, tailored classes to meet the needs of local business and workers. Sinclair teamed up with Edwin L. Shuey, a graduate and former professor of Otterbein College. Their philosophy for the new school was: "Find the need and endeavor to meet it."

In the following years, the school offered academic, business, technical, trade, and physical education courses. At one time, it even had a law school. After several name changes, in 1948 the school adopted the name of its founder. In 1959, Sinclair became independent of the YMCA.

A public community college since 1966, Sinclair has grown to an enrollment of more than 17,000. Under the presidency of Dr. David Ponitz, Sinclair has set its sights on becoming the best community college in the country.

Sinclair is well on its way to that goal. Last year, Sinclair received three National Project Excellence Awards.

The college will spend 1987 celebrating its achievements over the past century. And if I know Dave Ponitz, Sinclair is also going to spend this year planning another century of achievement.

ANOTHER GOOD REASON TO SUPPORT EDUCATION VOUCHERS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. COURTER. Mr. Speaker, I was a cosponsor of legislation in the 99th Congress to give parents of chapter I students education vouchers in lieu of other chapter I support. I endorsed this concept because I believe low-income families deserve to have a greater say in the quality of the education available to their children. I also believe that education vouchers infuse an element of competition into the public school system which can only improve our institutions of learning.

But in a recent piece for the New York Post, Gregory Fossedal points out yet another reason for establishing a system of education vouchers: To allow parents to select the school whose policies on moral issues best suit them. Mr. Fossedal insightfully points out that attempts to balance viewpoints on closely held beliefs generally results in a lack of ethical standards. Better to free school boards from the impossible burden of trying to please everyone and ending up pleasing none. I commend the following to the attention of my colleagues.

[From the New York Post, Feb. 28, 1987]

SEX ED TROUBLESOME? PICK ANOTHER SCHOOL

(By Gregory A. Fossedal)

Education Secretary William Bennett and Surgeon General C. Everett Koop called a cease-fire recently in their war over how to teach children to avoid AIDS. The calm, however, is only temporary.

Public and even some parochial schools are busily handing out condoms and other "safe sex" devices.

Parents are preparing to protest on one side or the other, some arguing for a great expansion of sex education programs, others proposing its abolition; some wanting children with AIDS placed in quarantine, others demanding they be covered by civil rights laws.

If Koop and Bennett, two of Ronald Reagan's most committed advisers, can't find a common approach, imagine what local PTA meetings are going to look like.

There is, however, a way to avoid much of the bitterness: by converting to an education voucher system.

Under a voucher system, parents would simply receive a slip of paper, redeemable for cash by a certified school. Armed with the voucher, the parents could go to a local school of their choice—public or private—and enroll their children.

The school hands its vouchers back to the government for reimbursement. Instead of having to lobby the local school board, parents could find a school whose policies already suit them.

Unfortunately, the Reagan administration decided last year not to push for a plan proposed by Bennett which would have set up a trial voucher program for handicapped students only.

Instead, Reagan ordered Gary Bauer, now his chief adviser on domestic policy, to focus on the trendy crusade against drugs.

Now, as AIDS provokes violent conflict at school meetings around the country, is the time to propose a full-fledged, national voucher plan, aided with federal funds and run by the states.

Under a voucher system the AIDS-in-school time bomb would be largely defused. Parents who want their children to receive detailed instructions on everything from using condoms to getting free abortions could send their children to schools that provide those services. Parents who find the ideas offensive could pick other schools.

It might seem odd that reasonable people can't agree on a compromise over such issues. Schools, one would think, could have a little bit of "safe sex" education and sprinkle in a few statements about chasity to please more traditional parents. Or they could simply drop the effort.

The trouble is, schools will feel the heat no matter where they turn. And if they do nothing, some people will scream that something must be done to shield their children.

Bennett and others insist that if schools pass out birth control devices they must promulgate values as well.

Alas, there is no societal consensus. Take, say, homosexuality: To some it is a positive good, to others a neutral choice of sexual preference, to others a mortal sin.

Hence, the attempt to inculcate morality in public schools tends to degenerate into the search for a bland, diluted, least-common-denominator set of ethics.

Education choice offers a way around the thicket on this and other issues, too. Fundamentalists who want their children to pray in school wouldn't have to lobby for a constitutional amendment or pack the Supreme Court with Jerry Falwells.

Nor, on the other hand, would parents who object to school prayer have to worry about such possibilities.

Similar arguments over evolution, classroom discipline and textbook censorship would be the object of much less rancor. Many irritants that have activated New Right voters, particularly in the critical South, would vanish.

That's one reason the plan has growing appeal among Democrats—among them 1988 front-runner Gary Hart, who proposed expanded parental choice in his U.S. education initiative of January.

Where are people like Bennett and Koop as Hart hints at a system of parental choice? Apparently, these and other Reaganites—take note, Jack Kemp, Robert Dole and George Bush—are too busy debating the finer points of distributing condoms and foam.

ARTICLE DOCUMENTS ANTI-AMERICANISM AT UNITED NATIONS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. SOLOMON. Mr. Speaker, I am pleased to enter for the RECORD the article "Hypocrisy Thrives at the U.N." from the February 25 Washington Times, written by Donald Lambro. The article documents the fact that the U.N.'s position on foreign affairs is persistently anti-American, its position on economics redistributionist and antifree enterprise, and its charges of human rights abuses lacking any references to the Soviet Union. One-fourth of this institutionalized anti-Americanism is financed by the United States, while the Soviet Union only pays 4 percent. The United Nations hasn't gotten the message from modest cuts in the American contribution. This Congress should consider cutting the American contribution even more.

[From the Washington Times, Feb. 25, 1987]

HYPOCRISY THRIVES AT THE U.N.

(By Donald Lambro)

Despite U.S. efforts to curb the United Nations' perversely anti-American and anti-West behavior through tighter funding restrictions, the record of the world body is still as hypocritical as ever.

Its resolutions drip with double standards that condemn America's friends and allies yet ignore the deepest human-rights violations of the Soviet Union and its minions around the world.

Here are just a few of the United Nation's worst travesties during the first half of the General Assembly's 41st session, which ended Dec. 19:

On Dec. 3, the General Assembly approved a resolution condemning the U.S. trade embargo against Nicaragua, saying that the United States "has a duty immediately to cease and to refrain from" its action.

U.N. Ambassador Vernon Walters said the resolution "represents the worst tendencies in the United Nations," declaring it hypocritical on its face, since the Marxist government of Nicaragua wields its own trade embargo as a tool of foreign policy, as do cosponsors of the resolution, including Algeria and the People's Democratic Republic of Yemen.

Trade embaragoes "are common throughout the world, yet the United States is singled out for criticism," says United Nations watcher Juliana Piolon, a highly respected senior policy analyst with The Heritage Foundation. When the roll was called, 88 voted to condemn the United States. Only Israel voted with us.

Also on Dec. 3, the United Nations passed two resolutions endorsing a "new world information and communication order" that raised the specter of a *Brave New World* view of press freedoms. Opposed only by the United States and Britain, the order declares that the "rights and freedoms [of the press] may in no case be exercised contrary to the purposes and principles" of the United Nations.

"This strongly implies," Ms. Pilon warns, "that the United Nations could curtail such freedoms if its 'purposes'"—according to a meaning determined by the General Assembly—"were not fulfilled."

On Dec. 4, the General Assembly passed a resolution condemning the April 15, 1986, U.S. raid on Libya, branding it "a serious threat to peace and security." The resolution even declared that Libya had "the right . . . to receive appropriate compensation for the material and human losses inflicted upon it."

Mr. Walters argued that the United States had merely exercised its inherent right of self-defense, spelled out in Article 51 of the U.N. Charter. He also attacked the resolution for failing to even mention Libyan-sponsored terrorist actions against the United States, particularly the West Berlin bombing last April, which killed and injured more than 230 people. But it was to no avail. The resolution passed 79-28.

On the same day, by a vote of 89-24, the United Nations approved a resolution on Afghanistan, expressing "concern and anxiety at the continuing presence of foreign forces" there. However, the resolution never mentioned that the "foreign force" in Afghanistan is the Soviet Union. Indeed, the Soviet Union has never been named by the United Nations as the invader of Afghanistan.

The resolution's wording is so vague, in fact, that it allows a representative of the Ukrainian Socialist Republic to describe Afghanistan's "foreign forces" as "armed groups of mercenary bandits and terrorists."

"While the United Nations never dares criticize the Soviet Union by name," says Ms. Pilon, "it has no hesitation in denouncing the United States."

A number of resolutions were passed that endorse Marxist-style economic redistribution and attack free enterprise. One of them, a Yugoslavian-sponsored measure, condemned the net transfer of resources from developing countries to developed ones. The Nov. 28 vote was 125-10.

In other actions, the General Assembly condemned Chile for human-rights violations but uttered not a word of rebuke against Cuba, one of the Western Hemisphere's worst violators of basic human rights; and it condemned Israel as a "non-peace-loving state" (the only U.N. member to be called that) but praised the terrorist Palestine Liberation Organization (whose declared goal is to destroy Israel) for its "constructive statements."

The United States currently finances one-fourth of the United Nations' entire budget, more than twice as much as any other member nation, costing taxpayers about $1 billion a year. The Soviets pay a minuscule 4 percent.

In the last few years, as a sign of its growing displeasure, Congress has modestly reduced funding for the organization. But last year's record in the General Assembly suggests that the United Nations still hasn't gotten the message. Deeper cuts are needed.

ENGINEER'S CONTRIBUTIONS TO THE GREATNESS OF AMERICA

HON. GEORGE J. HOCHBRUECKNER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HOCHBRUECKNER. Mr. Speaker, the President has declared the week of February 22-28 to be National Engineers Week. As one of the few Members of Congress trained as an engineer, I would like to comment upon the accomplishments of engineers in our society.

Engineers have made many great contributions to our society. Our Nation's defense relies upon the expertise of the engineers who have designed many of the components used by our Armed Forces. Our future security depends upon the continued excellence of American research and development of technology.

The United States is a rich and powerful nation. Much of this wealth is based upon the ability of our engineers. The United States is a leader in this world because of the many technical innovations perfected by American engineers. For generations the phrase "Yankee Ingenuity" has stood for the many achievements and technical advances made by Americans. Recently some countries have been able to compete with us through their ability to apply technologies developed by American engineers. No country has been able to match us in the vast variety of products we have been able to create.

Engineers have helped to make this Nation great. In the near future we risk losing our lead if we do not encourage the youth of America to pursue careers in technical fields. To preserve the economic and military competitiveness of the United States, we must support the youth of this Nation who wish to pursue careers in engineering and other technical fields.

I hope all members of the House will join me during National Engineers Week in expressing their appreciation for the contributions of America's engineers.

PROFESSIONAL MEDICAL LIABILITY REFORM ACT OF 1987

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. MRAZEK. Mr. Speaker, I rise today to reintroduce the Professional Medical Liability Reform Act of 1987. This legislation is very similar to H.R. 2659 that I first introduced in the 99th session of Congress and which had served as a catalyst for debate at the national level on this very important health-care issue.

Two years, ago, I first reported on a national medical malpractice problem which had reached crisis proportions. Unfortunately, this situation has shown little or no improvement during these past 2 years. Federal involvement is now needed more than ever to resolve a crisis that continues to threaten the viability of our health-care delivery system.

A recent General Accounting Office analysis indicates just how bad things have become. During a 2-year period, total medical malpractice insurance costs for doctors and hospitals rose over $2 billion. This represented a 100-percent increase in doctors' insurance costs and a 57-percent increase in hospitals' costs. These staggering increases are not of concern only to health-care providers. Ultimately, these costs are simply passed on to the American health-care consumer.

Dramatic increases in the number of claims and high jury awards have created a situation where doctors are forced to practice defensive medicine, adding billions to the overall cost of health-care. Insurance loss growth continues to outpace premium growth despite the increase in premiums. Reserves held by liability insurance companies are estimated to be hundreds of millions of dollars short of what will be needed to pay future liabilities.

Mr. Speaker, this legislation creates Federal financial incentives to encourage malpractice reform on the State level. In order to qualify for Federal funding, States must establish medical liability arbitration panels to hear and resolve malpractice claims. Panels will have the authority to dismiss frivolous claims and will provide for structured award settlements rather than lump-sum payments. Recoveries for noneconomic losses to compensate for pain and suffering will be limited to $250,000. Attorney contingency fees are limited on a sliding scale.

The act also requires a mandatory offset against awards for compensation received from other sources and establishes a reasonable statute of limitations on when malpractice claims can be filed. Further, the bill establishes a national computer tracking system to monitor doctors sanctioned for disciplinary reasons and creates standards for expert witnesses who testify on behalf of malpractice plaintiffs or defendants.

Mr. Speaker, this comprehensive legislation that I have reintroduced attempts to ameliorate the current malpractice crisis by assuring the equitable financial reparation of victims of medical negligence, providing for the prompt resolution of claims, reducing the burden on our court system, while at the same time, ensuring physician accountability. I ask for the support of my colleagues in the House.

TRIBUTE TO MELDRIM THOMSON, JR., AN AMERICAN HERO

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. KEMP. Mr. Speaker, I rise today to recognize and pay tribute to an outstanding leader, the former Governor of New Hampshire, Meldrim Thomson, Jr., on the occasion of his 75th birthday. As Governor of New Hampshire and as a driving force within the Republican Party and the conservative movement, Mel Thomson's leadership has reached far beyond the Granite State. Mel has served the people of New Hampshire with courage and conviction.

As Governor during the mid 1970's, Mel was cutting taxes and holding the line on spending in New Hampshire when most States were adding to the burden placed on the working men and women of this Nation. Mel led the crusade in New Hampshire to lower taxes and gained the well-deserved reputation as the State's "tax axer." He is indeed well known as a fighter, a patriot who believes in America and who can make others feel strongly about their country, and as a man of candor, integrity, and ability. Mel is a tireless champion of individual rights and is a crusader for expanding opportunity for all Americans to reach as high and climb as far as their God-given talents will take them. Mel is an American patriot and a fighter for the democratic ideals upon which our Nation was founded. He is a strong believer in the values of hard work, honesty, and dedication to the principles that have made America great.

Anyone who knows Mel Thomson will tell you that he gets things done—and pulls no punches. You know where Mel stands and what Mel stands for. New Hampshire and our Nation have benefited from Mel's wisdom and hard work.

Today, I would like to call attention to all that Meldrim Thomson has done for New Hampshire and our Nation, and I am proud to call this outstanding leader and patriot a friend. On the occasion of his 75th birthday, I offer my warmest wishes to Mel Thomson for continued good health and success in all his future endeavors.

TRIBUTE TO CHARLES M. ZIZZA

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. RODINO. Mr. Speaker, I would like to take this time to pay tribute to Mr. Charles M. Zizza, who recently retired from his position as chief of police, the Newark Police Department.

Chief Zizza has devoted his life to public service. He began his long, distinguished career with the Newark Police Department as a patrolman and, after over 30 years of hard work and commitment to protecting the citizens of our community, rose to become the head of the department.

Charles M. Zizza, was born in the city of Newark on March 9, 1919, of Italian immigrants, Savino Zizza (father) and Maria (mother). He is a product of the Newark school system. In 1941, he married Rose Parotino of Long Branch, NJ. They have two daughters, Maryann, who is a teacher in the Belleville school system and Kathy, administrator of the Teamsters welfare fund. The family resides in West Orange, NJ.

Charles began working in 1939 as a machinist at Gould & Eberhardt, Irvington, NJ. World War II found him in the U.S. Navy, (1943-45), where he served as a specialist aviation ordinance and turret technician. After his stint in the U.S. Navy he decided to join the police force where, on July 16, 1949, he was appointed as a patrolman and assigned to patrol in the fourth precinct. The next few years found him assigned to radio division, detective division—night and day bureau—and on December 9, 1956, he was promoted to sergeant of police. Sergeant Zizza supervised in the traffic bureau, fixed post section and the motorcycle unit. On June 19, 1961, he was promoted to lieutenant and assigned as a third precinct plainclothes supervisor, specializing in enforcement of gambling, prostitution, and liquor violations. Lieutenant Zizza also worked in the first precinct before being promoted to captain of police on April 20, 1964, when he was detailed to the patrol division, office of the deputy chief. In 1968 Captain Zizza took command of the first precinct and created one of the most flexible and effective units in the Newark Police Department, the day patrol and pickpocket squad. In 1970 he was promoted to inspector and assigned to the patrol division. In 1974 he was promoted to deputy chief where he worked as head of staff service division and then as chief of staff in the office of the chief of police. On December 6, 1976, he was appointed chief of police upon the retirement of Chief Anthony Barres.

Chief Zizza has studied management and police relations at Montclair State, the FBI Academy, John Jay College, Michigan State and Northwestern University. In 1978 he received an honorary associate degree from Essex County College.

Throughout his career, Chief Zizza has received many civic and professional awards, but he has said that he considers the title "chief of police" his highest honor.

Mr. Speaker, I join the people of Newark and the men and women of the Newark Police Department in paying tribute to one of Newark's finest sons, Chief Charles M. Zizza. We owe him an inestimable debt for his many years of public service, and we wish him and his lovely family well in the years to come.

LEGISLATION TO REPEAL LIMITS PLACED ON CONSOLIDATION

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. SCHULZE. Mr. Speaker, the Internal Revenue Code of 1986 places limitations on the use of tax consolidation by life insurance companies. These limits were carried over from the 1984 tax bill, where Congress developed a new formula for taxing life insurance companies. We now have done, the same for property and casualty companies in the Tax Reform Act. Because of these sweeping changes, limitations on consolidation are no longer necessary, and in fact, diminish overall capacity in the industry and hurt American consumers.

Today, Mrs. KENNELLY and I are introducing legislation to repeal limits placed on consolidation by subsection (c) of section 1503 of the Internal Revenue Code of 1986. The 35-percent limitation on consolidation for life companies is unique to that industry. Unlike the days of old when life companies were taxed under a scheme which differed from other corporations, today, these companies are taxed on a total income base. It was unfortunate that we overlooked consolidation during the development of the 1986 Tax Act.

Let me describe in detail my reasons for requesting the repeal of limitations on consolidation:

PRESENT LAW

In general, an affiliated group of corporations may elect to file a consolidated income tax return and determine its taxable income by taking into account the income or loss of each member of the group. However, when the affiliated group includes a company taxed under section 801—life insurance company, there is a rule which limits the extent to which losses of companies not taxed as life insurance companies may be used against the income of a life insurance company in arriving at consolidated taxable income. This rule limits the amount of loss which may be so used to the lesser of 35 percent of such loss; or 35 percent of the income of the life insurance company members. In addition, no loss of a company not taxed as a life insurance company may be used against the income of a life insurance company until the sixth year in which such companies have been members of the same affiliated group. Note that consolidated taxable income is computed after applying the return on equity rules of section 809. Thus, limiting or not limiting consolidation has no impact on segment balance among stock and mutual life insurance companies.

REASONS FOR CHANGE

Congress enacted the present rules allowing consolidation, with limitations, of life insurance companies with other corporations as part of the Tax Reform Act of 1976. At that time, Congress recognized that the previous "ban of life-nonlife consolidations has been a hardship for casualty companies which are affiliated with life companies." (S. Rep. 94-938, 94th Cong., 2nd Session, 454 (1976)). However, since life insurance companies were then taxed under a special statutory scheme which differed from corporations generally, limitations were imposed on the amount of life company taxable income which could be offset with nonlife losses. The Tax Reform Act of 1984 completely revised the rules for taxation of life insurance companies, and such companies are now taxed on a total income base similar to corporations generally. Therefore, the reasons for special limitations on loss utilization no longer apply.

In addition, allowing full consolidation of casualty insurance company losses against life insurance company income would make a positive contribution to the critical capacity problem which is currently facing the property and casualty insurance industry. The current use of casualty losses against life insurance company income would increase casualty company surplus, which in turn, would increase the casualty company's ability to write insurance.

EXPLANATION OF PROVISION

The legislation would eliminate the limitations on utilization of losses against life insurance companies, presently contained in section 1503(c) of the Internal Revenue Code of 1986.

EFFECTIVE DATE

The repeal would apply to taxable years ending after December 31, 1986.

I urge my colleagues to take another step toward reforming our tax law by cosponsoring our legislation.

THE NATIONAL LAW ENFORCEMENT OFFICERS' MEMORIAL

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HUGHES. Mr. Speaker, in 1984, Congress authorized the construction of the National Law Enforcement Officers' Memorial to honor the lives and supreme sacrifice of the Nation's law enforcement officers who died in their dedication to serve the public. Our society is continually buffeted by tensions of many types. Yet whether our Nation is at war or at peace, our law enforcement officers are always on duty to protect each of us from danger and from crime. It is the difficult and critical crimefighting responsibility of law enforcement officers that is the most dramatic and the first that comes to mind when we think of the mission of our Nation's police officers.

Yet police officers have long been known as peace officers, for they maintain the public peace. The fact is, our police help us exercise the right not only to walk down the street in our own neighborhood unmolested, but to walk down the highway to the county courthouse in exercise of our first amendment civil rights. Our Nation's police provide emergency medical assistance, protection, and myriad other services even when no crime has been committed.

The profession of policing, however, entails a risk that all too often requires the supreme sacrifice. It is our Nation's duty to honor our police officers and those who have been slain in the line of duty.

The National Law Enforcement Officers' Memorial is a small but worthy tribute to the hundreds of thousands of dedicated Americans who hold themselves up to the highest standards of personal conduct and dedicated service of their fellow men and women.

It is an honor to this House that our distinguished Member, the gentleman from New York [Mr. BIAGGI], is serving as the Chairman of the Board of the Memorial. Freshmen Members of the House may not be aware of the proud record of the gentleman from New York who, before his retirement from the New York City Police Department, was the most highly decorated police officer in the history of that great city, and was wounded 10 times in the line of duty.

Mr. Speaker, I commend the work of the gentleman from New York in sponsoring the National Law Enforcement Officers' Memorial Act and for his continuing efforts to see an appropriate memorial erected in the Nation's Capital. Recently columnist James J. Kilpatrick movingly wrote about the deaths of just a few of our Nation's heroes in a column about the importance and propriety of the National Law Enforcement Officers' Memorial. He commended the gentleman from New York. The memorial is not going to be financed at taxpayers' expense, but through private contributions. I ask unanimous consent that the column of James J. Kilpatrick be inserted in the RECORD following my remarks:

[From the Baltimore Sun, Jan. 17, 1987]

(By James J. Kilpatrick)

HONOR THY PROTECTORS

WASHINGTON.—To the best of my recollection, I have used this column only once in the past 22 years to urge support of a public fund-raising effort. That was for the Vietnam Veterans Memorial. Let me break a rule once more. The National Law Enforcement Officers' Memorial Fund deserves your help.

We tend to take our police, like our armed services, pretty much for granted. Except when we see a state trooper on patrol or a cop directing traffic, officers are largely out of sight and out of mind. Few of us ever have met an agent of the FBI or the Drug Enforcement Administration. We tend to forget that law enforcement is a dangerous business and that it demands a devotion to public service beyond anything ever asked of most Americans.

Just as we honor those who have died in military service, so we should honor those who have died in law enforcement. Toward this end, Congress in 1984 unanimously authorized a memorial to law-enforcement officers who have died in the line of duty. Like the Vietnam memorial, this memorial would be erected on public property but it must be privately financed. Work must begin by Oct. 19, 1989. A fund of 85 million will be sought.

Over the past 10 years, more than 1,000 law-enforcement officers have given their lives for our protection. Last year the toll numbered 96. Sixty died of gunshot wounds, 21 from traffic accidents. Eleven died in plane crashes, two from a bomb. One drowned and one died of a heart attack suffered during pursuit of a fleeing felon.

We ought to honor Lt. John P. Frisco of the Windcrest (Texas) Police Department.

He died in December 1985 in attempting to arrest a sneak thief who sped from the scene of the crime in a pickup truck. Frisco was hurled from the truck and killed by another automobile.

We ought to honor Trooper Oren Hindman of South Dakota. He was fatally stabbed in May 1985 as he sought to arrest a man and woman for drunken driving.

We ought to honor Trooper Bruce K. Smalls of South Carolina. One morning in September 1985 he received a report that a motor home was being driven in an erratic manner. As he pulled the vehicle to the side of the highway, he was shot in the face and upper torso with a .357 Magnum handgun.

We ought to honor Benjamin Grogan and Gerald Dove, special agents of the FBI. They died in April 1986 in a gun battle with bank robbers in a Miami suburb.

We ought to honor Officer John Martinez of the California Highway Patrol. As he was clearing accident debris from the San Bernardino Freeway in Alhambra, he was shot and killed by a heroin addict who happened to pass by in a car.

We ought to honor Trooper Robert L. Coggins of North Carolina. In September 1985, attempting to question the driver of a stolen pickup truck, he was overpowered and slain with his own service weapon.

We ought to honor Carlos Negron, a New Jersey state trooper. In May 1984 he was shot to death in a cold-blooded ambush staged by a member of the Black Liberation Army. Negron had approached an apparently disabled van to offer help to the occupants.

We ought to honor the women officers who have served as bravely as their male compatriots. Alma Waters of the Meridian, Miss., Police Department was slain in December 1985 as she attempted to handle a family disturbance. In San Diego, Patrolwoman Kelly A Bazer died this past January of gunshot wounds. A few days later in Kansas City, Patrolwoman Maureen K. Murphy met the same fate.

We ought to honor so many others. Officer Baron Haynes of New York City testified against a criminal defendant: in July of last year he was shot to death in revenge. Probation Officer Harold Gray of Tallahassee was killed by one of his probationers. In Tucson, a drug runner shot and killed Agent Glenn Miles. In Washington, D.C., Officer Kevin Welsh drowned as he sought to save a woman's life.

The prospective memorial is largely the inspiration of New York's Rep. Mario Biaggi, a former police officer who 10 times was wounded in the line of duty. He will serve as chairman of the board. Craig Floyd, his legislative assistant, will serve as executive director. The fund fortunately has secured Jan Scruggs, who made such a spectacular success of the Vietnam Veterans Memorial, to serve as project director. All contributions are tax deductible, and the fund of course will be publicly audited. The address is 1575 I St. N.W., Suite 1075, Washington, D.C. 20005. As we respect the rule of law, let us honor those who enforce it.

FOREIGN POLICY MAKING AND THE NSC

HON. DONALD J. PEASE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. PEASE. Mr. Speaker, I would like to call the House's attention to a passage from a just published American Government textbook.[1] Although written before the Iran-Contra revelations, its insights on the dynamics of foreign policymaking should deepen our understanding of the difficulties that confront us:

"The Cabinet Departments of the Federal bureaucracy further complicate the making of foreign policy. By pursuing their own policy goals, Cabinet Departments invariably intrude on foreign policy considerations, as, for example, the Defense Department does when it encourages our allies to modernize their weapons systems, and as the Treasury Department does when it tries to encourage other nations to increase their imports of American products, and as the Agriculture Department does when it seeks to block the importation of foreign food stuffs. Moreover, as these examples suggest, departments can work at cross purposes and there is a need for some degree of overall coordination. Some had hoped that the National Security Council, established in 1947, would be able to integrate various recommendations and thereby help the President carry out a coherent foreign policy. Over time, however, and especially under Henry Kissinger, the National Security Council has tended to become another foreign policy actor, often at odds with other parts of the executive branch."

INTRODUCTION OF COVERT ACTION NOTIFICATION ACT OF 1987

HON. NORMAN Y. MINETA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. MINETA. Mr. Speaker, today I am introducing the Covert Action Notification Act of 1987. This bill amends the Foreign Assistance Act of 1961 and the National Security Act of 1947 to require, once and for all, that the President provide the Congress with prior notice of all covert actions.

The Iran-Contra fiasco is, of course, the most current example of why the Congress should be present at the takeoff as well as the crash of a covert action. History abounds with other examples justifying the need for prior notice—with no exceptions.

Mr. Speaker, in 1980, I joined with a majority of my colleagues on the Permanent Select Committee on Intelligence, of which I was a charter member, to report a bill—H.R. 7668 of the 96th Congress—that did just that. In our report on that bill, we stated:

When the committee reached its decision to proceed with an intelligence oversight bill, it did so in light of the history of covert action operations, which has been a chequered one. It has been marked by secret wars, attempted assassinations and the overthrow of governments. These kinds of operations can have a significant impact on the foreign policy—albeit the secret foreign policy—of the United States. Yet, with the repeal of the Hughes-Ryan amendment, but for the review of the intelligence committees, there would be no congressional review of these operations. If the intelligence committees are to be the only focus of outside review, such review ought to provide the opportunity for the committees to comment on—not approve—such operations. Congressional comment—prior to initiation—could be very helpful to the President, the busiest executive in the country, who could often be the victim—as well as the beneficiary—of the advice he receives in the executive branch.

Covert operations would be better prepared and more fully considered within the executive branch if it is anticipated that the intelligence committees, with their knowledge and overview of other covert actions, will be examining these operations closely.

Unlike current law, the bill the intelligence committee reported in 1980 did not refer to, nor did its drafters recognize, any constitutional basis for the withholding of prior notice. Unlike current law, our bill did not refer to "timely notice" when prior notice was not given. As noted above, it allowed no exception to the prior notice provision. Unfortunately, the Intelligence Committee's bill was not enacted. So we were forced to compromise and we accepted purposely ambiguous language drafted by the White House and the Senate Intelligence Committee, and hoped for the best. We relied on Senate floor statements noting that prior notice could be dispensed with only in emergency situations, when quick action by the President was necessary. And we relied on statements, such as one contained in the statement of managers accompanying the conference report that "differences must be resolved on the basis of comity and mutual understanding." Sadly, the best did not materialize, and our reliances proved to be misplaced. The Congress was not notified—either prior to its initiation or on a timely basis—of the Iran arms sales. We were not notified of the mining of Nicaraguan harbors.

The bill I introduced today contains essentially the same prior notice provision that the Intelligence Committee recommended in 1980. While it unambiguously requires prior notice in all cases, it permits, as does exising law, such notice to be given to a small leadership group—rather than to the full membership of the two Intelligence Committees—in extraordinary circumstances. Some will argue that what I propose will tie the President's hands in dealing with critical foreign policy questions where an immediate response, without time to notify Congress, may be necessary to save lives or otherwise avoid disaster. I suggest that history supplies us with no examples of such an emergency. If such an emergency did take place, a covert action would not be the likely response; and if a covert action were to be undertaken, surely eight Members of Congress could and should be notified before it began.

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[1] Paul A. Dawson. American Government: Institutions, Policies, and Politics. Glenview, Illinois: Scott, Foresman and Co., 1987. Pages 588-589.

Mr. Speaker, I note that my good friends Mr. STOKES and Mr. BOLAND have introduced a bill which also seeks to tighten up covert action reporting procedures and which addresses many of the problems illuminated by the Iran fiasco. I do not intend to set myself apart from their worthy effort, nor to criticize it. I will seek their advice, render mine and look forward to working together—as we have often done in the past. I have included in the bill I introduced today most of the provisions of their bill. We all agree that the national interest is best served when the Congress, through its Intelligence Committees, is afforded prior notice of covert actions. We differ only on the need to statutorily recognize, as does the Stokes-Boland bill, certain circumstances in which the President could defer notice for up to 48 hours. This difference, I suspect, is based more on our differing expectations of executive branch conduct than on any underlying policy dispute. It is my perception that those in the executive branch charged with the planning and conduct of covert actions will be tempted to view what is intended to be a narrow statutory exception as a grant of power to be exploited, and will usually confuse caution with weakness. A 48-hour delay in notification is too long if the real reason for the delay is to veil questionable conduct or avoid scrutiny of short-term and short-sighted activities which offer immediate political gratification, but no chance of sustained success, and which contradict stated foreign policy goals.

Mr. Speaker, I urge all Members to study these issues and to recognize the need for corrective legislation—whether it be Mr. STOKES' bill, my bill, or others. This is a question, I believe, of institutional prerogative, not partisan politics. We must ensure, whatever we adopt, that the Congress of the United States—not CIA lawyers or NSC staffers—determines what information it needs to exercise its constitutional responsibilities.

LEGISLATION CONVEYING CERTAIN FOREST SERVICE LANDS TO PAYSON UNIFIED SCHOOL DISTRICT NO. 10 IN ARIZONA

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. KYL. Mr. Speaker, today I am introducing legislation to convey certain Forest Service lands to Payson Unified School District No. 10 in Arizona.

In 1961, the Payson School Board entered into an agreement with the Forest Service for a special use permit for the express purpose of building school facilities on 45 acres of Forest Service lands. In 1965, the board was granted an additional 15 acres. It has since made over 4.4 million dollars' worth of building and land improvements with the permission of the Forest Service.

The school has been the educational center for the district's schoolchildren. But it has also served as a place for the community to gather for various other town activities. For example, it has served as the meeting place for community groups, college extension classes and the chamber of commerce.

Unfortunately, the annual payments to the Forest Service for the special use permit have skyrocketed—from $2,850 in 1978 to $10,845 in 1987, and an estimated $21,690 in 1989. The payment will have risen 515 percent between 1986 and 1989, placing a tremendous strain on the district's budget.

The school district is increasingly unable to afford the permit fees, and cannot afford to purchase the lands from the Forest Service. It is located in Gila County, where only about 3 percent of the land is owned privately. That means a low tax base, and insufficient revenues for the purchase.

My bill would convey the 60 acres upon which the school is located to Payson Unified School District No. 10. It includes language to ensure that the land is returned to the Federal Government if the district attempts to convey or otherwise transfer ownership to any other party.

I hope this measure can be considered expeditiously and passed. The text of the measure follows:

H.R. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of Agriculture is authorized and directed to convey, without consideration except for administrative costs associated with the preparation of title and legal description, to the Payson Unified School District No. 10, Arizona, a parcel of land comprising approximately 60 acres, known as the Payson School Site, in the Town of Payson, County of Gila, Arizona.

SEC. 2. Title to any real property acquired by the Payson Unified School District No. 10, pursuant to this Act shall revert to the United States if the school district attempts to convey or otherwise transfer ownership of any portion of such property to any other party or attempts to encumber such title, or if the town permits the use of any portion of such property for any purpose incompatible with the purposes specified in section 3 of this Act.

SEC. 3. Real property conveyed to the Payson Unified School District No. 10 pursuant to this Act be used for a public school.

CAMPUS RADICALS INTIMIDATE CONSERVATIVE SPEAKERS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. SOLOMON. Mr. Speaker, it is my pleasure to insert in the RECORD an article from "The Chronicle of Higher Education" by Les Csorba III. The article outlines the intimidation of conservative speakers at American college campuses, a threat to free speech allowed, if not condoned, by the educational establishment.

COLLEGES' CREDIBILITY DAMAGED BY ABSENCE OF OUTRAGE OVER INTIMIDATION OF CONSERVATIVE SPEAKERS

(By Les Csorba III)

Intolerance toward speakers with conservative political views is increasing on many college campuses today, undermining the credibility of the academy as an institution that forcefully defends free speech.

By and large, academicians are silent about this repression, making tolerance a one-way street, particularly on campuses where radical groups actively oppose American foreign policy or the Reagan Administration's agenda.

Secretary of Education William Bennett reminded an audience at Harvard University last fall that a spokesman for the Nicaraguan freedom fighters—Jorge Rosales—had been hustled out of a lecture hall at that institution as disrupters stormed the podium shouting, "Death, death, death to fascists." It is ironic that this young man, who is fighting a totalitarian regime precisely because it denies him freedom of speech and other civil liberties, should be so brutally silenced at Harvard.

The current denial of free speech on campus evokes memories of years gone by when radical students were agitating for greater freedom. Remember the banners? Remember who held them? Those were the New Leftists.

But look at our quads of learning today. There's Jeane Kirkpatrick, former Ambassador to the United Nations, being shouted down at the University of California at Berkeley. There's Secretary of Defense Caspar Weinberger dodging balloons filled with red dye at Harvard. A speech by former Secretary of State Alexander Haig is disrupted by screamers at the University of Colorado.

There's Adolfo Calero, a Nicaraguan freedom fighter, being hustled off stage at Northwestern University after protesters spilled red liquid on him. Activists at the University of Minnesota yell at the former Black Panther leader, Eldridge Cleaver.

And, more recently, Chief Justice William Rehnquist was shouted down by radicals who raised their fists and chanted, "Rehnquist, we will not accept fascism."

Where are the banners today? Those who championed the cause of tolerance in the 60's are invoking censorship in the 80's. The radical left has effectively succeeded in monopolizing debate by insuring an imbalance of speakers, issuing threats, and using Brown Shirt tactics to prevent those with whom they disagree from speaking.

The response to two recent campus movements illustrates the prevailing leftist ethos.

Those who advocate divestment of interests in companies doing business in South Africa, for example, have been disruptive, violated university regulations, seized or occupied university property, and shown a lack of civility. At the very most, their illegal and disruptive behavior has resulted in a few slaps on the wrist.

In contrast, Accuracy in Academia, essentially a "Naderite" enterprise with a conservative twist, has confined its activities to public criticism of what it considers shoddy intellectual products. Its efforts have not involved disruption or violent confrontation.

The divestment movement, an enterprise of the left, has elicited the sympathy of the politically conscious administrators and faculty members, while Accuracy in Academia, a self-proclaimed conservative organization, has provoked anger. In short, where universities, the American Association of University Professors, the American Civil Liberties Union, and other organizations have been reluctant to condemn the repressive tactics of their political brethren, they have been quick to condemn A.I.A.

Every successful disruption by the radical left increases the likelihood that the administration, the faculty, or the student body will impose censorship on an invited speaker, or that the guest will turn to self-censorship. After such disruptions, the administration or the faculty may view a speaker as too controversial, or as too objectionable to a militant minority, to invite to campus at all.

We are witnessing an embarrassing imbalance of invitations for major universities to a variety of speakers. For example, in 1980, at the University of Colorado, 78 percent of the politically oriented speakers were of the liberal left. A recent study of the past five years found that 82 per cent of the invited speakers were of the liberal left.

In American Crisis IV, Thomas Paine, one of America's early radicals in defense of liberty, wrote: "Those who expect to reap the blessing of freedom must, like men, undergo the fatigue of supporting it." American universities have in years past been forceful in their defense of freedom, particularly academic freedom. But sadly, their endurance is waning and the student-consumers of the educational product are being cheated by the imbalance of the current intellectual menu.

Most reasonable academics, from the left or the right, tend to agree in principle that speakers representing a wide range of views should be accorded the right to speak freely on campus. Yet, in almost every free-speech abuse today, weak-kneed administrators have been reluctant to enforce campus regulations against disruptions and punish those responsible.

A large part of the problem is that many of the demonstrators and disrupters of the 60's and 70's have become the college professors of the 80's. Fortified by tenure, they dominate the faculties of college social-science and humanities departments. They are in some cases openly sympathetic to the disrupters. They may encourage or condone their activities.

Listen for example, to Northwestern University professor Barbara Foley on the occasion of Mr. Calero's visit: "He has no right to speak. . . . He'll be lucky to get out of here alive." Ms. Foley has been denied tenure at the university, but she is appealing the decision with the overwhelming support of her colleagues in the English department, who are crying "discrimination."

Wayne State University President David Adamany has raised one of the few voices to denounce intolerance toward conservative speakers. A year ago, in a speech before an A.A.U.P. chapter, he said, "The whole nation knows that faculty members, students, academic administrators, and some governing boards have in recent years silenced unpopular speakers—especially those on the right. The shame for those of us who are active liberals is that we do not join in a chorus of condemnation of our colleagues when right-leaning speakers are kept off our campuses by threats or silenced by disorder."

Administrators need only enforce existing free-speech protections and regulations instead of appeasing the censors in the face of threats and intimidation. Currently, the outrageous absence of outrage toward these enemies of free speech and a liberal education is destroying the greatness of the American academy.

LAKE GASTON PIPELINE PROJECT

HON. TIM VALENTINE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. VALENTINE. Mr. Speaker, today I am reintroducing legislation to prohibit the Secretary of the Army from issuing certain permits in connection with a proposed water pipeline project until an environmental impact statement for that project has been completed.

My colleagues, Mr. JONES of North Carolina, Mr. NEAL, Mr. HEFNER, Mr. PRICE of North Carolina, and Mr. DANIEL, join me in reintroducing this legislation.

The subject of this bill is the Lake Gaston pipeline project, a proposal to divert 60 million gallons of water per day from Lake Gaston, most of which is located in the Second Congressional District of North Carolina, to be used as a water supply for the residents of the city of Virginia Beach, VA.

Many citizens in the large region surrounding Lake Gaston are concerned about the proposal to divert such a large quantity of water from the Roanoke River Basin. I share that concern, particularly since the U.S. Corps of Engineers appears to have handled the permit process for this massive project with haste and completely inadequate documentation of its environmental and economic effects.

Because the Lake Gaston pipeline project will have widespread environmental impact, because it involves an irretrievable commitment of more water than is presently used by any city in either North Carolina or Virginia, because it could set a major water use precedent, and because it is the subject of great public concern and controversy, it is clear to me that an environmental impact statement should be required before a permit is issued.

In addition, the State of North Carolina requested an environmental impact statement on the project at the very beginning of the permit process. For reasons that I do not understand, the Norfolk District of the Corps of Engineers decided, even before the public was consulted about the project, that an environmental impact statement would not be required.

Since this initial decision, which I believe was misguided, the Corps of Engineers has maintained this position despite the technical and economic documentation provided by many interested parties and despite the calls for an environmental impact statement by dozens of elected officials and by hundreds of citizens.

Mr. Speaker, during the 98th Congress, the House Appropriations Committee directed the Corps of Engineers to conduct a full and complete environmental study of the Lake Gaston pipeline project. Specifically, House Report 98-916, which accompanied H.R. 6040, states:

> The committee directs that none of the funds available to the Corps be used relative to the transfer of water from the Roanoke River Basin (Lake Gaston) to the James River Basin (Virginia Beach, Virginia) until the Corps has made an Environmental Impact Study. . . .

I have been dismayed to learn that the corps, speaking through its then Acting Chief Counsel, said in September 1984, that no environmental impact statement will be undertaken in the absence of action of the full Congress and the President.

The people of the region know that withdrawing water from Kerr Lake for the Lake Gaston pipeline will cause additional fluctuations in the water level of Kerr Lake. The area experienced severe water shortage problems during the 1986 summer drought, which caused boat ramps to be unusable and created navigation hazards. Several studies of the effect of the pipeline have been conducted. The estimates of the additional downdraw in Kerr Lake differ widely. We badly need an environmental impact statement to determine the effects of this project on Kerr Lake.

Another area of great concern is the effect of the project in reducing flows in the Roanoke River downstream from Roanoke Rapids Lake. This area has rapidly growing needs for water for industry, municipal use, and agricultural irrigation. Incredibly, the Corps of Engineers has not even attempted to make a basin-wide projection of water use over the 50 year planning period. The corps has granted a permit that will permanently commit a large amount of water to a user more than 100 miles away without really determining how much water is needed in the basin. I am also concerned that the reduction in flows of water during the dry periods will aggravate the water quality problems that the area is already experiencing.

In short, Mr. Speaker, we need a much better overall assessment of the economic and environmental impact of the Lake Gaston project on the Roanoke River Basin.

We also need to correct the decisionmaking process. The Corps of Engineers has attempted to rush this project through rather than provide the public with the information needed to understand what is being done.

Mr. Speaker, the bill we are reintroducing today will do just one thing: It will give interested citizens in both Virginia and North Carolina a fair and objective assessment of this project. Perhaps this is a good project. I do not think so. But we will never know, or we will find out too late, unless we insist that all the ramifications are considered before we undertake this massive transfer of water.

Virginia Beach is a fine city and has a serious need for a water supply. Yet, in this case, adequate study has not been given to the impact of the project and the alternative sources of water supply. Instead of a careful decisionmaking process, the Corps of Engineers has taken a hasty and careless approach that disregards public concern. This imprudent action by the Corps forces us to come to the Congress for a remedy that should have been granted by administrative action.

LITHUANIAN INDEPENDENCE DAY

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise today to pay tribute to the Lithuanian people on the occasion of the 68th anniversary of the independence of the Republic of Lithuania. Lithuania has a proud history which goes back many centuries; unfortunately, during much of that history, Lithuania has been under the domination of foreign powers. After more than a century of Russian domination, on February 16, 1918, Lithuania declared its independence from Soviet Russia. The Red army then invaded Lithuania, but the brave Lithuanian people were able to expel the aggressors and forced Soviet Russia to sign a peace treaty which recognized Lithuania's right to exist as a free and independent nation. Lithuania was recognized by the United States and other nations, and it became a member of the League of Nations.

This independence lasted a short 22 years. The Lithuanian people, during this time, had developed a strong economy and industry. Their culture and national unity flourished. Most importantly, Lithuanians had freedom. All of this ended in June 1940, when Stalin demanded a Soviet-installed government in Lithuania and sent his army into Lithuania to enforce his wishes. One month later, the Soviet Union annexed this heroic nation into its empire. Thousands of Lithuanians died while fighting for their freedom from the Soviet Union and more were killed when Hitler turned on his former ally and invaded the Soviet Union through the Baltic States. Many thousands of Lithuanians were herded into cattle cars for the long journey across the Soviet Union to labor camps in Siberia. When the Red army returned in 1944, they continued to suppress the Lithuanian freedom-fighters until the early 1950's. Today, Lithuania is still a colony of the Soviet empire.

The Soviet Union since this time, has attempted a Russification of the Lithuanian people. The Soviet government has denied the Lithuanian people their basic human rights, including the right to self-determination. The Catholic Church, to which the majority of Lithuanians belong, is harassed and the culture and language of Lithuania is repressed.

But Lithuanians have never wavered in their resolve to maintain these ties that bind them together and today we salute them as they continue to struggle against Soviet imperialism. The United States has never recognized the brutal takeover of the Baltic States, and the American people support the cause of freedom and sovereignty for the Lithuanian people. The Government of the Soviet Union must know that Americans are aware of the atrocities which they perpetrate against the Lithuanian people and we will continue to pressure the U.S.S.R. to implement the United Nations Declaration on Human Rights and the Helsinki accords. As Americans, we must never forget the importance of freedom and human rights for all peoples and we join with Lithuanians all over the world to celebrate Lithuanian Independence Day as a symbol of our determination that Lithuania once again be free, independence and sovereign nation.

COMMEMORATION OF LITHUANIAN INDEPENDENCE DAY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. COYNE. Mr. Speaker, the plight of the proud people of Lithuania stands today as perhaps the most appalling example of the hypocrisy of the Soviet Union's so-called concern for human rights. For almost 50 years the Soviet dictatorship has callously and deliberately violated the sovereignty of Lithuania while engaging in a ruthless campaign to erase any vestiges of a free press, of free speech, of religious liberty, and of self-determination.

But the spirit and the dream of a free and democratic Lithuania refuses to die. In this country, that flame of liberty is carried by more than 1 million Americans of Lithuania descent. They carry in their hearts the hardship of all Lithuanians subjected to the domination of Communist rule.

This year marks the 69th anniversary of Lithuania's Declaration of Independence. During Lithuania's brief experience with independence the nation made swift and significant strides in areas of education, the arts, economic development, and social programs. The number of schools and factories increased dramatically and workers enjoyed more of the fruits of their labors than ever before. The industriousness, ingenuity, and imagination of the Lithuanian people has been felt here in this country too, where the contributions of Lithuanian-Americans can be found in virtually every field. In my district, Lithuanian-Americans play an important role in reminding all of us of what we have and what we can achieve. I would urge all Americans to honor the courage and resolve of the Lithuanian people in commemorating Lithuanian independence.

Mr. Speaker, I would like to introduce into the RECORD a resolution that was passed recently by Lithuanian Citizens Society Club from my district.

RESOLUTION

We, Lithuanian Americans of Western Pennsylvania assembled this 14th day of February, 1987 at Lithuanian Citizens Society Club of commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1987 marks the 69th anniversity of the restoration of independence to the more than 700 year old Lithuanian State:

That Lithuania was recognized as a free and independent nation by the entire free world, she was a member of the League of Nations, however, she was by force and fraud occupied and illegally annexed by the Soviet Union.

That the Soviet Union is the last remaining colonial empire, subjugating independent countries; Lithuania was one of its first victims.

That the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and independence as is highly evident from the numerous underground press and strong dissident activities.

Now, therefore, be it resolved, That

We are grateful to President Reagan and the Department of State for statements that an official diplomatic non-recognization of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be a position of his administration also; and we are very grateful for the declaration of Baltic Freedom Day.

We urge the United States of America and other nations of the free world to use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps and psychiatric wards people who struggle for human rights and liberty and restore self-government in Lithuania.

We protest against the mobilization of men in occupied Lithuania and other Baltic States by the Soviet Union for the purpose of sending them to an imperialistic war of colonial aggression in Afghanistan. This is against international law and against the human rights of the people.

We ask the U.S. Congress to investigate the cooperation of the Office of Special Investigation with the Soviet institutions and the KGB. We remind that deportation to the Soviet Union of persons who lost their U.S. citizenship is inhuman because there they would land in slave labor camps or would be executed. Such deportation of Balts would be contrary to the non-recognition of the incorporation of the Baltic States into the Soviet Union. On the other hand, the Soviet Union itself was a most nefarious collaborator with the Nazis.

We express our most sincere gratitude to the U.S. Congress for the impressive annual commemoration of Lithuanian independence.

We desire that copies of this Resolution be forwarded to the President of the United States, to the Secretary of State, to the U.S. Congressmen and Senators from our State and to the news media.

THE RAILROAD UNEMPLOYMENT INSURANCE SOLVENCY AND BENEFIT INCREASE ACT OF 1987

HON. DAN COATS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. COATS. Mr. Speaker, today, I am joining my colleague, Chairman FLORIO, in introducing the Railroad Unemployment Insurance Solvency and Benefit Increase Act of 1987.

This legislation was also introduced during the 99th Congress, as H.R. 5501, and was jointly referred to the Committees on Energy and Commerce and the Ways and Means. The Committee on Energy and Commerce favorably reported the legislation, as amended. However, due to the press of legislative business during the final days of Congress, the Ways and Means Committee was unable to consider this legislation. Chairman ROSTENKOWSKI has assured the members of the Energy and Commerce Committee that the legislation will receive the consideration of the Ways and Means Committee during the 100th Congress. I am including in the RECORD the correspondence between Chairman ROSTENKOWSKI and the members of the Energy and Commerce Committee.

Mr. Speaker, it is essential that Congress deal with the financial problems that are facing the railroad unemployment insurance [RUI] system and I believe that this legislation is a necessary step in that direction. The future of the RUI system is crucial to the approximately 40,000 unemployed rail workers who are currently receiving benefits. Further, since the RUI system has often been able to pay benefits only by borrowing money from the railroad retirement pension fund, the financial health of the RUI system has a direct impact on the financial security of railroad retirees.

The financial problems of the RUI system are nothing new. In order to pay benefits, the system has had to borrow from the railroad retirement account in 19 of the last 24 years. I worked throughout the 99th Congress to ensure that those problems would be addressed. Congress cannot afford to delay addressing these problems any longer. The indebtedness of the RUI system to the railroad pension fund now exceeds $800 million. Despite this huge debt, RUI daily benefits are lower than those paid by many of the States.

The legislation we are introducing today is a step toward establishing a financially viable railroad unemployment insurance system that is fair to railroad workers and pensioners, the railroad carriers and the American taxpayer. Although the legislation retains the independent nature of the system, it makes important changes in that system.

First, it requires rail carriers to pay unemployment taxes based on their unemployment experience, instead of the flat tax they currently pay. This will encourage rail carriers to attempt to keep their unemployment rates low.

Second, this bill provides a surcharge which will be triggered when funds in the RUI account fall below certain designated levels. Presently, when the funds in the RUI account are not sufficient to pay unemployment benefits, the RUI system borrows from the railroad retirement system. The RUI system's record of repaying those loans is dismal. Providing a mechanism to raise additional funds will contribute to the financial solvency of both the RUI system and the railroad retirement system.

Finally, the bill includes an amendment that I offered and which was adopted during consideration of the legislation by the Energy and Commerce Committee last Congress. That amendment provides for the increase of the maximum daily benefit afforded unemployed rail workers from its current, unrealistic low level of $25 to $30.

The RUI system is obviously in desperate need of reform. Congress should not delay addressing the problems of the system or of the unemployed rail workers. This bill is supported by both rail labor and management, and I am looking forward to early action on the legislation by both the Energy and Commerce Committee and the Ways and Means Committee.

COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, October 9, 1986.
Hon. DAN ROSTENKOWSKI,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR DAN: On September 30, 1986, the Energy and Commerce Committee reported H.R. 5501, the Railroad Unemployment Insurance Solvency and Benefit Increase Act of 1986. As you know, this bill was jointly referred to the Committee on Ways and Means. We are writing to urge the Ways and Means Committee to take immediate and favorable action on H.R. 5501 so as to permit its enactment during the 99th Congress.

H.R. 5501 is similar to S. 1968, the Railroad Unemployment Insurance Amendments of 1985, that has been reported to the Senate by the Committee on Labor and Human Resources. We anticipate that the Senate will take action on H.R. 5501 before the end of the Congress if the bill passes the House.

The financial problems facing the Railroad Unemployment Insurance (RUI) system are nothing new. For many years, the RUI system has had to borrow from the Railroad Retirement Account in order to pay benefits. Additionally, RUI benefits are lower than those paid to unemployed workers under most states' unemployment insurance systems.

H.R. 5501 is based on an agreement between rail labor and management, as reflected in the consensus recommendation of the Railroad Unemployment Compensation Committee in 1984 and subsequent modifications agreed to in August 1986. Controversial provisions of the original agreement that may adversely affect the Railroad Retirement Account or the funds of the U.S. Treasury have not been included. H.R. 5501 retains the independent nature of the RUI system, while making changes in that system that will help to make it financially solvent. It also provides a long needed increase in benefits which is crucially important to unemployed rail workers.

The future of the RUI system is crucial to the approximately 30,000 unemployed rail workers who are currently receiving benefits. Further, since the RUI system has at times in the past been able to pay benefits only by borrowing money from the Railroad Retirement Account, the financial health of the RUI system has a direct impact on the financial security of railroad retirees.

The system is obviously in desperate need of reform. Congress should not delay any longer addressing the problems of the system or of unemployed rail workers. We look forward to working with you to place the RUI system on sound financial footing.

Sincerely,
JOHN D. DINGELL,
Chairman, Committee on Energy and Commerce.
NORMAN F. LENT,
Ranking Minority Member, Committee on Energy and Commerce.
JAMES J. FLORIO,
Chairman, Subcommittee on Commerce, Transportation, and Tourism.
BOB WHITTAKER,
Ranking Minority Member, Subcommittee on Commerce, Transportation, and Tourism.
DAN COATS,
Member, Committee on Energy and Commerce.

COMMITTEE ON WAYS AND MEANS,
Washington, DC, November 4, 1986.
Hon. NORMAN F. LENT,
Ranking Minority Member, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

Dear NORM: Thank you for contacting me with regard to H.R. 5501, the Railroad Unemployment Insurance Solvency and Benefit Increase Act of 1986.

This legislation was referred to the Committee on Ways and Means on September 11, 1986. Unfortunately, the press of legislative business in the final days of the 99th Congress prevented the Committee on Ways and Means from considering this legislation prior to the Congress' adjournment. If the legislation is introduced in the 100th Congress, please be assured that it will receive the careful consideration of the Committee on Ways and Means.

With warm regards, I am,
Sincerely,
DAN ROSTENKOWSKI,
Chairman.

LITHUANIAN INDEPENDENCE DAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. SOLOMON. Mr. Speaker, in 1939, the representatives of two radical political movements made an agreement historic for its treachery. The dictatorship of the proletariat and the Third Reich of the Aryan race, having already torn the life from men, women, and entire families of their own citizenry, now began the process of expanding their enslaving power to the largely defenseless nations of eastern Europe, depriving these peoples of the independence rightfully theirs under law, taking from all their hopes of growing liberty, and setting loose special police and military detachments that would quickly imprison and murder many of those who had only weeks or months before dreamed of a long and peaceful life.

The Republic of Lithuania, relatively prosperous for 22 years, was one of those nations that were soon totally submerged, its former independence now made a mockery by the title of "Soviet Socialist Republic," a fabrication allowing for the autocratic dictatorship of a party secretary and his political servants. Its people were absorbed by communism, the world largely ignorant of their suffering.

For those whose families suffered during and after this unprovoked attack, for those who watched their nation swallowed up by a political machine fed by cynicism and hypocrisy, the memory of this treachery is bitter. The Lithuanian people have made a vow that their personal and national sorrows from that time will, however, steel them to keep alive the dream of a reborn nation. The date we now commemorate is proof that such a rebirth is possible. The memory of independence and the maintenance of diplomatic recognition for the true representatives of Lithuania strike at the false front of Lithuanian social tranquillity presented by the Soviet Union to the rest of the world. This tenacious refusal by the Lithuanian people to forever kneel in slavery to Communist rule reminds their present occupiers that independence will one day return, driving them from their party and police headquarters and stripping from them the power and privilege they have garnered from the repression of their fellow man.

LITHUANIAN AMERICAN
COUNCIL, INC.,
Chicago, IL, February 4, 1987.

DEAR MEMBER OF CONGRESS: We are most gratified by your impressive work in the House of Representatives and by your dedication to protecting the human rights and the liberty of oppressed nations. We are, therefore, encouraged to remind you that about one million people of Lithuanian descent residing in the United States in February will commemorate the 69th anniversary of the Declaration of Lithuanian Independence which took place on February 16, 1918.

At the request of the Lithuanian American Council, the Honorable Frank Annunzio, Congressman from Illinois, will be sponsoring the commemoration of Lithuania's Independence Day in the House of Representatives on February 25, 1987.

Your extension of remarks on the commemoration of Lithuania's Independence Day or the inclusion of such remarks in the Congressional Record will be gratefully appreciated by all Americans of Lithuanian descent.

Lithuania was one of the first victims of Soviet colonial aggression and now Moscow is seeking to expand its colonial empire even in Central America, constituting a danger even to the U.S.A.

We would like to express in advance our most sincere gratitude for your remarks strongly condemning the Soviet Union's denial of the exercise of self-determination for the Baltic peoples.

Respectfully yours,

TEODORAS BLINSTRUBAS,
National President.
GROZVYDAS LAZAUSKAS,
Secretary.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR COLLEAGUE: The Special Order to commemorate Lithuanian Independence Day has been scheduled for Wednesday, February 25.

Members are invited to be present on the Floor for this Special Order. Members who cannot attend but wish to include statements may do so by sending their remarks (signed) to their respective Cloakrooms or to my office by the close of business on Wednesday.

Inasmuch as commemoration of Lithuanian Independence Day is a symbol of hope for all Lithuanian-Americans and especially for those struggling to gain independence for Lithuania, I hope you will join me in commemorating this anniversary on the Floor of the House on Wednesday, February 25.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

HOUSE OF REPRESENTATIVES,
Washington, DC.

The Ad Hoc Committee on the Baltic States and Ukraine invites you to a Celebration and Commemoration of Lithuanian Independence Day.

When: Wednesday, February 25, 1987—5:00 p.m. to 7:00 p.m.

Where: 2168 R.H.O.B.—Rayburn Gold Room.

Who: Members and appropriate staff (no R.S.V.P. necessary).

DEAR COLLEAGUE: The Lithuanian people enjoyed a rich and independent heritage for close to 500 years before being occupied by Russia in 1795. Throughout this Russian occupation and a subsequent German occupation, the Lithuanian people fought tenaciously for their independence. And, on February 16, 1918, the Council of lithuania was able to once again declare the restoration of Lithuania's independence.

For 22 years, a generation of Lithuanians proudly grew up with true peace and freedom.

As World War II developed, the future of Lithuania was once again uncertain. In the end, Lithuania found itself forcefully incorporated into the Soviet Union by 1944. As the Cold War developed, their situation became even more intractable. The Soviets have systematically sought to strip Lithuania of her heritage. An event which has stood to typify the Soviet policy of oppression and "Russification" in the Baltic States, occurred on a June summer night, 1941, when 50,000 Baltic men, women, and children were forced, kicking and screaming into cattle cars to be sent to an uncertain fate in far of and inhospitable Siberia.

To this day—47 years their independence was stripped—3½ million Lithuanians living in Lithuania and over 500,000 Lithuanian-Americans have been seeking to preserve Lithuanian heritage and to restore Lithuanian freedom.

We look forward to seeing you Wednesday, February 25th, as we remember the Lithuanian people and celebrate a day of freedom that we hope to see again. For more information, please contact Greg Hawkins (Rep. Dennis Hertel) at 225-6276 or Brent Rosenkranz (Rep. Don Ritter) at 225-6411.

Sincerely,

DON RITTER,
Co-Chairman.
DENNIS HERTEL,
Co-Chairman.

REMOVING FURNITURE PRODUCTS FROM GSP PROGRAM

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HENRY. Mr. Speaker, today I have introduced legislation to remove furniture products from the duty-free treatment of the Generalized System of Preferences [GSP] Program.

The American furniture industry is one of many U.S. industries which have been badly hurt by loss of markets to foreign competition. For 1986 furniture imports into the United States reached a level of $3.236 billion. Overall imports account for approximately 20 percent of the U.S. market, but those imports are focused in certain types of furniture where import penetration has reached over 50 percent of the U.S. market.

Despite this level of import competition, the United States continues to allow a substantial amount of furniture to come in under the duty-free GSP Program. The GSP Program provides duty free imports into the United States for less developed countries, with the goal of stimulating trade and economic development. Despite that program's many good features, it has become in some cases simply a means by which our own citizens are pushed out of work.

In 1986, nearly one-half, $1.509 billion, of the total furniture imports into the United States came from GSP-eligible countries. Of that amount, $650 million came in duty free under the GSP Program. These imports are not coming from countries with nascent or newly developing furniture industries. The principal source of United States furniture imports, Taiwan, is a GSP-eligible country. Four of the top ten wood furniture importing countries are shipping furniture products into the United States duty-free. These countries will remain strong competitors for the U.S. industry, regardless of whether they lose the portion of duty free shipments. There is no reason why we should give this preferential treatment, and thus further penalize the U.S. industry.

The legislation I have introduced simply adds furniture and furniture products, other than those for which no significant U.S. production exists, to the list of products which may not be accorded duty-free GSP treatment. Congress has previously prohibited products such as textiles and apparel, footwear, and watches from the GSP Program. My legislation would add furniture to that list of products.

A VISITOR'S TRIBUTE TO THE HAWAIIAN ISLANDS

HON. PATRICIA F. SAIKI

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mrs. SAIKI. Mr. Speaker, I was fortunate to recently receive a tribute to my home State of Hawaii, written by Mr. Marvin Goldberg of Marina del Rey, CA. Mr. Goldberg was inspired to write this prose after a visit to the beautiful islands of Hawaii. This literary piece so accurately describes the magnificent beauty and heritage of Hawaii that I would like to respectfully request that Mr. Goldberg's "Hawaii" be included in the CONGRESSIONAL RECORD as follows:

HAWAII

I have suffered with you the pain of birth as life springs from your heaving womb at the Kilauea Volcano. I have seen the result of that pain in stark, bleak mountains that so majestically have risen from the depths of the Pacific to create your islands, and I have stood in awe of that creation at Haleakala.

I have felt life's blood seep into you and form your lively verdant valleys, as I stood and viewed the miracle of the Iao Needle, and felt a tingle from the drops of sparkling dew that permeated the air at that place where water rushes over shining rocks to find its way into the soil from which a sea of green foliage bursts forth.

I have inhaled the perfume of your Plumeria, seen the waxen beauty of your Anthurium and the profusion of colors erupting from a multitude of flowers to form a montage that even the greatest artist could never put on canvas.

I have drunk your crystal water, which has seeped through layers of sand and lava rock to create an elixir that could set one's head reeling from just the joy of its creation.

I have seen angry swells break on craggy rocks and blow into the air through a hole from which a geyser of spray exploded. I have seen lagoons and pools of placid waters that beckoned to come and feel the coolness and soothing balm of their touch.

I have walked through your history in the village of Lahaina, and have seen the harbor where one could almost hear the lusty cries of the whalers as they shouted "Thar She Blows," as they hunted and massacred those gentle behemoths of the sea that sought refuge in those waters, and I have walked the planks of ships from which the slaughter ensued.

I have walked where royalty once walked, and strolled through fields of giant cane where laborers sweated to reap the sweetness and goodness that nature provided. I have tasted your fruits; your pineapples, mangos, papaya and so many more that your ancient Gods and our God has brought forth on fruited plains.

I have heard the honky tonk sounds at the beach at Waikiki and felt the surge of humanity that has invaded your shores to revel in all of your offerings.

I have stood on the platform above the sunken *Arizona* and have wept as I read the names of those who died aboard her on that day of infamy.

I have seen the crater at the hill of sacrifice in which many of those that fought to save us lie at peace in the shade of allspice trees where red crested Cardinals play.

I have felt your joys, your sorrows, your vibrance and your love, your violence and your tranquility. I have lived! I have seen Hawaii!

RECOGNITION OF JUDGE WILLIAM WAYNE JUSTICE

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. FROST. Mr. Speaker, I would like to offer just a few words to recognize the outstanding service of Federal Judge William Wayne Justice and also bring to your attention an article in the Washington Post of Saturday, February 28, 1987.

Judge Justice has served the eastern district of Texas since 1968 and throughout his career has displayed a degree of determination, courage, and compassion that is seldom matched at any level of public service. Over and over, in the face of intense public criticism and personal abuse, Judge Justice has held to his convictions, acting to insure that our laws are upheld and the dignity our citizens are protected.

During a time and in a place where racial desegregation was feared and its proponents threatened and ostracized, Judge Justice made the hard decisions that led to the desegregation of public schools in east Texas. In more recent years, his commitment to civil liberties has resulted in more humane and effective treatment of juvenile delinquents, provided educational opportunities for Hispanic children and focused State attention on its prison overcrowding problems. He is an outstanding Federal judge who has the courage to make tough decisions based on the principles of law, not the passions of the time. I commend his fine service and encourage all my colleagues to read the following article detailing much of his career.

JUSTICE, TEXAS STYLE—A POPULIST JUDGE, SHAKING UP THE STATE FROM HIS COURTROOM IN TYLER

(By David Maraniss)

TYLER, TX.—Justice in Texas is not an abstraction, but flesh and blood and, as only real life can render it, a federal judge. William Wayne Justice is chief judge of the eastern district of Texas, where the piney woods, catfish ponds, rebel flags, roadside barbecue shacks, pillared mansions, idioms and manners all speak of the Deep South.

This judge named Justice is not so simply defined by title and geography. His courtroom in Tyler, where the necks are said to be redder than the roses, has served as an unlikely forum for many of the major civil liberties issues of modern America.

As the judge who ended racial segregation in east Texas schools, ruled that children of illegal immigrants should not be charged tuition for public education, directed Texas to stop abusing juveniles at state detention centers, ordered junior colleges to reinstate male students expelled because of their long hair, mandated bilingual education in elementary schools and directed an overhaul of the Texas prison system, Justice not surprisingly provokes superlatives—and expletives.

He has been called the most hated man in Texas, the most powerful man in Texas and the real governor of Texas. Civil libertarians view him as a courageous figure unafraid to force bureaucracies to adhere to the Constitution. Many Texas politicians, who consider their state a republic unto itself, regard him as the symbol of federal intervention. Conservative scholars say his orders are costly and impractical, that he has a misguided notion of a judge's role in the balance of powers.

Justice, an unassuming man who has lived all of his 67 years in east Texas (except for service in India during World War II), is a self-proclaimed populist who defines his mission as "to provide equal justice for poor and rich, and to try to follow the law." As he enters his 20th year on the federal bench, he has assumed his normal position—smack in the thick of things.

That was assured on the final day of 1986, when he issued another order in the massive and seemingly endless prison case *Ruiz v. Estelle.* Six years after ordering the state to clean up its prisons, Justice cited Texas for contempt of court, saying it had not sufficiently improved conditions in the system, the second most populous in the nation, behind California's. Unless progress is made by April 1, Justice will fine the state $800,000 a day.

In the days following the order, the postman delivered the expected smattering of hate mail to the judge's chambers.

Postmark Rosenberg: *Mr. Justice, What's the matter with you anyway? Do you honestly believe that the citizens of Texas want prisoners who have murdered back out on the streets just because you don't want two-bed cells? I certainly hope it's your family instead of mine that the scum decide to violate the next time they get out.*

Postmark Houston: *Dear Judge Justice, Please send me your home address so that we might furnish each and every one of the convicts with it so that they might come by and thank you personally. Hopefully they all might like Tyler so much that they will stay there as well.*

Postmark Dallas: *Dear Judge, Based on what I hear and read you are the most despised man in Texas. What do you think your children and grandchildren think of you? Have you thought of them? The state of Texas cannot afford the prisons we have now—not to think of what it will cost after all your ideas are completed. How about a suggestion—retire!*

The contempt finding coincided with word that the prisons had reached the state-mandated population limit—38,377, 95 percent of capacity—and briefly might have to turn away new inmates. That happened for a week in 1982, and sheriffs, stuck with unwanted prisoners for a few extra days, lambasted Justice, who first set capacity standards to prevent unconstitutional overcrowding. Once again, some sheriffs vowed to haul prisoners to the state prison at Huntsville and leave them handcuffed to the gates.

Bill Clements, the gruff Dallas oilman who defeated Mark White for the governorship in November, made an unusual pilgrimage to Tyler to meet Justice a few days before his inauguration. He told the judge that he welcomed the contempt citation because it cleared the air. He also said that he had a plan to get the needed money—perhaps $400 million—to improve prison conditions, and that in the meantime he wanted to put up baracks-type housing on the prison grounds.

Although Justice was interested in action, not words, the meeting marked a turning point. William Turner, the lead attorney for the prisoners, said that beforehand he thought the meeting would be silly, but that it took on great symbolic weight.

"For the first time the state was not attacking Judge Justice," Turner said. "Equally important, a governor was finally taking personal responsibility for the prisons. Instead of the usual distance and deniability, Clements in effect said, 'I'm going to take over here. I'm responsible.' Finally, the symbol of the conservative Republic governor going to make peace with the populist federal judge was fascinating. It was like Nixon going to China."

To many Texans, Justice has seemed as foreign as China. In the letters that flow into his office, he is often told to go back to where he came from, but that trip would be a short one. He was born and reared in Athens, the Henderson County seat, about 35 miles southwest of Tyler.

Athens and Tyler represent the extremes of east Texas society. Tyler, in Smith County, was founded by slave owners who cleared the land for cotton and later grew rich on the black gold of the nearby oilfields. Athens had neither cotton nor oil, just peanuts and black-eyed peas. Ralph Yarborough, the former senator from Texas who for decades led the liberal wing of the state Democratic Party, grew up in Henderson County. He looks on the bright side of that economic divide.

"You've heard, 'where wealth accumulates, men decay'?" Yarborough once said. "Well, our theory for Henderson County is that wealth didn't accumulate and men didn't decay."

Yarborough was a close friend of the judge's father, Will Justice, a lawyer of skill and flair, of whom it was said' "There is no justice in east Texas but Will Justice." As a prosecutor, he went to juries with 156 cases and got convictions on all but one. As a defense attorney, he handled more than 200 capital cases, and the worst sentence a client ever received was 4 years.

When William Wayne was 7, Will Justice made him a partner. He changed the stationery and the nameplate above his office door to "W.D. Justice and Son." The son's reverence for his father was such that he gladly accepted this predetermined fate, saying, "I always felt that I ought to do what he intended for me to do."

As Justice learned it from his father, the law was more than a job. He remembers how his dad would come home every night from his courthouse square office, sit down in bed after dinner, his head propped up by a few pillows, a big cigar in his mouth, a box of kitchen matches at his side, and read his files and case law for hours on end.

That memory is one of three that resonate among his childhood recollections.

Another is of the freight trains that rumbled through Athens several times a day during the Depression, with hungry, jobless men "hanging on the boxcars as thick as flies." Some of those men would knock on the Justices' back door, one of the places in town where they could get some food. The third memory is of playing with black kids and white kids in the back alley and hearing a white friend's mother scold her son for mixing with the other race.

What other people remember about Justice during his early days is less vivid. He was an unexceptional student at the University of Texas. After the war, when he returned to Athens to practice law at Justice & Justice, his manner was conventional and unassuming, revealing a sharp mind but none of his father's flamboyance.

The first case they tried together was a lesson in style. It involved two junk dealers accused of selling stolen property, and young Justice thought they had no case. When his father asked, "Wayne, would you like to make the final argument for us?," he said no way. The father laughed, slapped him on the back, strolled toward the jury and began an irrelevant appeal to passion and prejudice. The jury went out and returned in 10 minutes with an acquittal. "I learned from that," Justice said, "that there is always something that can be said—and should be said."

Justice became a small-town stereotype—an overweight, cigar-smoking Rotary Club president whose career ascent was based on political patronage. Yarborough, the old family friend, was chiefly responsible for his appointment as U.S. attorney in 1962. Six years later, after going to the White House and cutting a deal with fellow Texan Lyndon B. Johnson, Yarborough got Justice the federal judgeship.

By then, Justice's father had died, he himself had quit smoking, started running and working out, and lost 50 pounds. He felt at peace with himself, free to follow his instincts and the law, protected from the vagaries of politics and public opinion by a lifetime appointment.

Justice begain his judgeship two months after the Rev. Martin Luther King Jr. was assassinated in Memphis. In Tyler, he found a city literally divided by railroad tracks. Blacks lived on the north side and attended Emmett Scott High School. Whites lived south of the tracks. They had two high schools: John Tyler, where most of the students were from working-class families, and Robert E. Lee, the rich kids' school.

Nearly 15 years has passed since the courts began desegregating southern schools, but in Tyler change came slowly. The first step was taken in 1963, when students were allowed to switch schools voluntarily. In 1966, the school board chose four black teachers from Scott to teach at Robert E. Lee.

Dorothy Pendleton, who grew up in north Tyler and was educated at all-black schools through her college years, was one of those four black teachers. It was her first experience in an integrated setting, and she remembers feeling "like an animal at the zoo, always stared at." The white teachers, she recalls, tended to be nice to her when they were alone, but "when there were other whites around, it was as though they couldn't see you."

In 1970, as part of an agreement worked out in Justice's court, Scott was closed and the two white high schools were fully integrated. Martin Edwards, who had just been elected the first black member of the Tyler school board, sat in the courtroom during the hearings. Since his viewpoint differed from that of the white school board members, he was forced to retain his own lawyer, at his own expense.

"I shall never forget the day that the decision was ultimately reached," Edwards said. "When I came out of the courtroom and approached the elevator in the federal building, this white man came up to me, accompanied by others, and said, "If anything happens to my girls, I'm coming after you.' I'm going to tell you that scared the hell out of me."

The racial tension worsened in the spring of 1971, with Justice taking the heat. At John Tyler, black students rebelled during a quota-rigged cheerleaders election and staged a walkout. More than 200 blacks were expelled by the school board, which set strict standards for readmission. When a lawyer took the case to Justice's court, the judge veiwed it as a situation where the white school board was "tickled and eager to get rid of black students." He ordered the board to readmit them immediately.

At Robert E. Lee, black students were enraged by the school's confederate symbols—the rebel flags that lined the campus walkways, the "Rebel" nickname, the "Rebellette" cheerleaders. The school colors were red and white, and one day, the football coach gave a pep rally speech that ended, "Always remember to be proud of the red and *white.*" Black kids stormed out and started ripping down the rebel flags.

Debby Magee, a student at Robert E. Lee that year, remembers that her father, like many parents in Tyler, blamed the turmoil on Judge Justice, "Justice was blamed for everything," said Magee who now works in Justice's office and has been disowned by her dad. "You would go home and the parents would talk about this sonuvabitch trying to degrade their children. That's when the 'Impeach Judge Justice' bumper stickers got real hot."

After school, white teen-agers circled the courthouse on Erwin Street, waving confederate flags and cursing the judge. One of his clerks remembers that a barber stopped his haircut in midshear when he revealed that he worked for Justice. The judge's wife, Sue, had to drive back to Athens to get her hair done. The painters who were working on the Justice's house walked off the job. His secretary, Marcelle Simmons, read every piece of hate mail and listened, politely, to every irate telephone call.

"I never hung up on anyone," Simmons said. "I always listened and said, 'I'll pass the message on to the judge.' I would not use their language, however. Many times they called him a nigger lover. I'd get angry, but the judge has the greatest ability to handle it. He'd say, 'I have to do what I think is right. I can't pay any attention. They have a right to criticize.' "

Justice has been ostracized in Tyler ever since. He and his wife are rarely invited to social functions. When the judge dines at the Petroleum Club, he usually sits alone or with his law clerks. When the city honored the great tailback Earl Campbell, who went from John Tyler High School in the mid-'70s to win the Heisman Trophy at the University of Texas, Justice, an avid Longhorns football fan, the man who made it possible for Campbell to attend an integrated high school, was not invited.

"My white coworkers still hate him," said Dorothy Pendleton, entering her 22nd year as a business teacher at Robert E. Lee. "Any time his name comes up, they start moaning. But I love him. His name, is so fitting."

In the long-running confrontation between Judge Justice and the state of Texas, the first key figure was a Mexican American girl from El Paso named Alicia Morales.

As the oldest child in a large family headed by a drunken, unemployed father, Alicia worked after school and on weekends starting when she was 12, and she gave all but $5 of her weekly earnings to her father. One day, when she asked him whether she could keep $8, her father became enraged, beat her with a broom, dragged her to the local detention center and asked to have her sent away. Without a lawyer, without a hearing, Alicia Morales was sent to the state home for girls in Gainesville for nearly four years.

In 1970, Steve Bercu, a public interest lawyer in El Paso, discovered that scores of young boys and girls like Alicia were being sent to state homes without due process. He filed suit in state court and obtained a discovery order to talk with some of the incarcerated youths. When he arrived at Gainesville, the long-haired Bercu was told that the state did not want him to speak to his clients. Since Gainesville was in Justice's district, Bercu made the journey to east Texas and got an injunction from the federal judge ordering the state to let him in.

In his first interviews at the juvenile homes, Bercu heard horrifying stories not only of how these children were being sent away, but of what was happening to them there: of youths being tear-gassed while locked in their cells, of scores of them being chained together and forced to move in unison across a field, picking the earth with sharp hoes, of skinny and effeminate boys being placed in the same units with bullies and rapists. With help from 200 law students at Texas and Southern Methodist University, Bercu and his associates interviewed all 2,700 youths in the state homes. They went to trial in Justice's court with a class action suit charging the state with denial of due process and cruel and inhuman punishment of children.

The state not only defended the system but argued that it was a national model. Their strategy was to deny, resist, threaten witnesses and attack the judge. One day Justice and his law clerk, Richard Mithoff, drove over to the boys' home in Gatesville for a firsthand look at the facility.

"I remember how terribly moved the judge was by what he had seen," Mithoff recalled. "By young children being locked up in solitary confinement. He was dismayed that the state would deny it was happening rather than try to change it."

Near the end of the trial, one of the state's four attorneys, Max Flusche, realized that he was arguing a bad case and closed his cross-examination with the words, "I better quit while I'm behind." But the state did not quit, and after Justice ruled for the plaintiffs and directed the state to make sweeping changes in the system, the attorney general's office began an appeals process that dragged on for 12 years. In the middle of the process, the Texas House of Representatives voted to place a youthful offenders facility next to Justice's home in Tyler.

"Anybody who wants to understand why Justice issues such detailed remedial orders and insists upon compliance ought to go back and study that Morales case," said Otis Carroll, a Tyler attorney. "What the state was doing then would be universally scorned today, yet the legislature supported it and the public either didn't know or didn't care. Justice did what he had to do to get their attention."

The Texas prison case began in the early 1970s when Justice had his law clerks inventory hundreds of inmate *habeas corpus* writs and letters that complained of cruel and unusual punishment in the state prisons, and then recruited a lawyer to develop them into a civil action suit. It was in many respects a replay of Morales on a larger scale.

The state not only denied that there were problems in the corrections system but insisted that its prisons—which had two doctors for every 17,000 prisoners, where 2,000 inmates slept on the floor and where inmate trusties known as building tenders essentially ran the cellblocks through bullying, coercion, rape and blackmail—were the best in the nation. The basic approach of state officials was to drag out the case and blame Justice for any violence in the prisons after he ruled against them.

Today, some state officials acknowledge that their past behavior, not the activism of the federal judge, was the central issue.

"Our attitude has changed dramatically from when this case was first filed," state Attorney General Jim Mattox said last week at a news conference where he discussed the state's response to Justice's recent contempt finding. "There was a time when the state was probably not acting in good faith. Some of the evidence that was put forth was not truthful and honest. We are not taking that approach anymore."

That confession was another sign of how profoundly Texas was changed during Justice's 20 years on the bench. When he started, the Texas mystique was of a place apart, suffused with its own myths and symbols and ways of doing business, which no outsider, especially not a federal judge, could challenge. The Texas way was the right way. Period. It was a place with an enormous contradiction—built on the ethic of rugged individualism and yet denying individual liberties to groups at the bottom of its power structure.

As the frontier myths faded with urbanization, as economic decline brought a certain humility, as the population grew more black and Hispanic, conflict—and change—became inevitable. To an extraordinary degree, that conflict and change was played out in a federal courtroom in Tyler.

Justice's critics, such as University of Texas law professor Lino Graglia, argue that the judge became the instrument of that change, and in so doing misused his authority. "The role of the judge is to interpret the law," Graglia said. "Not to make the law, not to change the social policies that the legislature has established by passing the law."

There is another way of looking at it.

"You know the Harper Lee book 'To Kill a Mockingbird,' " said Richard Mithoff, the former Justice clerk who is now a successful Houston trial attorney.

"Every trial lawyer knows that story of the lawyer—played by Gregory Peck in the movie—who defends a black man accused of raping a white woman in a small southern town. There is that marvelous scene where the lawyer's little girl, Scout, asks the lady next door why it is that her father has been chosen to defend this man. Why her father? And the woman tells Scout, 'There are just some men in this world who have to do the unpleasant work that no one else will do, and your father is one of those rare men.'

"I think Judge Justice is one of those men. I think he is doing what many judges and lawyers would rather not do. He is ruling in the tough cases in the areas that are breaking new ground in constitutional law and doing it with courage and fairness and grace."

HARD WORK PAYS BIG DIVIDENDS FOR MONSOUR FERRIS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. FRANK. Mr. Speaker, one of the most interesting, valuable, and respected citizens of southeastern Massachusetts is Monsour Ferris. A recent article in the Sunday magazine of the Fall River Herald News by John McAvoy chronicles the successful rise in business of this extraordinary man and the impact he has had on the Greater Fall River Area.

I got to know Mr. Ferris in 1982 when the lines of my congressional district were altered to include the area of his residence and his place of business. My mother celebrated her 70th birthday at his large restaurant and function hall, The Venus de Milo, in the presence of several hundred residents of the area and your predecessor, Tip O'Neill. Monsour Ferris is a successful businessman who has a well-developed social conscience. His devotion to charity is extraordinary and he frequently makes the facilities of his business available to a variety of worthy causes.

He and his family have been assets to the Fall River Area, and Monnie Ferris' personality has added greatly to the fun of being active in politics and business in Fall River.

I ask that the article from the Fall River Herald News be printed here. John McAvoy should be proud of the excellent job he did in chronicling this fascinating man.

HARD WORK PAYS BIG DIVIDENDS FOR MONSOUR FERRIS

This is a true Horatio Alger story. It is the story of a poor boy who became a great success and a community leader by hard work and determination, but who never let the trappings of being affluent change him. He still remains the same, unaffected, natural, exuberant "Flint boy." This is the story of a man, who, at age 45, entered a new field of endeavor, one with which he was completely unfamiliar, and emerged as one of its leaders in the entire United States. This is the story of Monsour Ferris.

Monsour Ferris was born in Providence, but moved to Fall River at an early age. He graduated from B.M.C. Durfee High School in 1935. While in high school, he worked after classes at the Empire Bowling Alley on Third and Pleasant streets. Upon graduation he took over the management of the lanes, and he ran them until 1953. Early in his career, he worked days for Coca Cola, Riveredge Printing and at the Quincy shipyard, while continuing at the bowling lanes. For more than three decades, the name Monsour Ferris was synonymous with bowling. In 1953, Ferris bought the Empire Bowling Alleys and when they were heavily damaged by fire in 1955, he acquired lanes in Somerset.

He decided to expand his bowling empire to Swansea, but he needed money to complete this expansion. Ferris went to every bank in Fall River trying to obtain funds. Every bank turned him down. But he still proceeded on with the job. He had planned a 20 lane emporium but he could just muster the wherewithal to complete 20. (Ferris gambled that somewhere, somehow, someone would help him.) So, he opened his Swansea-Bowl-Away with 20 lanes and the building structure for the additional lanes was left an empty shell.

Ferris, ever on the alert to fill his empty shell, realized that all bowling leagues had banquets at the end of their seasons. Why not make use of the vacant building? There was also a need in the area community for a banquet facility for testimonials, weddings, and church-related socials. A lifelong friend named the new establishment Venus de Milo to reflect the beauty she saw in him, and in his spirit. So, the Venus de Milo Restaurant was born out of business adversity, or perhaps through a quirk or accident.

Slowly but steadily, this function room was used by various organizations. It accommodated 400 guests. Its motif was Greek—in colors of blue and gold with columns in the background and a marble bar. The bowling scene changed, and Ferris decided to eliminate the alleys and concentrate on the restaurant. Ferris literally worked 24 hours a day. His labor paid off. The Chariot Room opened in 1962, the Empire Room in 1964 and the Athena Ballroom in 1967, and an addition to the ballroom in 1977.

Today the Venus de Milo boasts the largest and most successful banquet facilities in New England, and is considered one of the top restaurants in the country. It once hosted a banquet for 3,400 people and the average weekend finds 15 wedding receptions being held within its walls. One Memorial Day weekend, 30 weddings took place there.

Monsour Ferris not only worked long hours but he gave attention to even the tiniest detail. In addition, he had a special feel which I call that certain undescribable *je ne sais quoi*—for what the public wants. And he gave it to them. Good food (his Venus soup has become a household word), served hot, combined with prompt service—was a by-word to Venus customers. But above all, Ferris placed his personal imprimatur on all Venus activity. He created an air of relaxed insouciance and a cavalier atmosphere which permeated the premises.

Today "Monnie" Ferris' Venus de Milo employs over 250 people. There are 90 bus boys, 80 waitresses, 40 barmen, one executive chef, one banquet chef, one a-la-carte chef, 100 kitchen workers, 12 maitre D's or room managers and eight office workers. They are all coordinated by Ferris, his sons Ronnie and Monte, and his brother-in-law Charles Sarkees, and like conductors leading a symphony, till the final product lends ease, relaxation and culinary delight to the eater. The logistics of running such an establishment are gigantic but Ferris and his staff have them worked out to a fine art.

"Monnie" Ferris has many qualities that make him lovable to his family and friends. His son Ronnie, a tall handsome fellow with a disarming, unassuming, boyish manner, fondly recalls some of his father's foibles. His father, says Ronnie, "always refers to VIPs as VPIs My father is never too busy to visit a wedding celebration in his restaurant. My father is a great sentimentalist. He loves to sing 'Daddy's Little Girl' to the bride and he sheds genuine tears when he does this. Another must is attending wedding anniversary parties. He has a good voice and he always helps the soloist render, 'When Your Old Wedding Ring Was New.' He congratulates the celebrating couple and once again the tears flow and they are sincere. These anniversaries and weddings touch him beyond measure. My father," Ronnie continues, "will flare up, but he calms down in a minute. He's not capable of being angry for longer than a minute. It's just part of my father's nature and personality. He's the most generous man you'll ever meet."

His longtime executive secretary "Pat" Galligan says "he worked so many years in a bowling alley, he talked loud so he could be heard above the clatter of the pins. He became accustomed to this way of speaking. In ordinary conversation he booms out at you, but he's not aware he's doing it. It's just his natural delivery after a life of bowling alley noise."

Every Christmas Eve "Monnie" would throw a party for the entire staff of the Venus de Milo. He and his family would wait on them and his sons would bartend. There would be much merriment and laughter. The bus boys would yell at him about the things he would chide them for during the year. He would take it good naturedly. These Christmas Eve parties are still held, but now the staff has increased so that it would be impossible for the family to serve them.

One of "Monnie" Ferris' closest friends is Robert Nagle, the dynamic former superintendent of schools. Nagle speaks with great warmth of his long friendship with "Monnie." "I first met him when I was a football referee and he played on "The Roughriders" (a Lebanese team from the Flint). He showed up for a game without a helmet and insisted on playing. The laugh of the matter was he tackled a guy with a helmet and knocked out the poor fellow. That was my first dealing with "Monnie" and in a way it was symbolic of him and our friendship. He has been a wonderful and true friend. Success and good fortune never changed him, he is always completely himself. He loves to do charitable works and help his friends. The longer I know him, the more I'm amazed by the good he does. He always questions 'Is what we're doing good and honorable!' He uses a wonderful expression, 'When opportunity knocks, always open the door.' His great charm lies in the fact he is so uncomplicated."

Another friend of his, Loretta George, is daughter of the man who sold Empire Bowling Alley to Ferris. Loretta is vibrant and possesses flashing dark eyes that dart about as she speaks. She states simply in her dramatic manner, "He is a man for all seasons, we call him The Leader, he's a self-made man." Both Miss George and Nagle, no slouches themselves when it comes to flamboyance, claim that "Monnie" has a personal star quality all his own that permeates the Venus de Milo. They both agree he is a unique personality.

"Monnie" Ferris has been active in the affairs of the Greater Fall River community and in the affairs of the Lebanese community. He has served as president of the Lebanon-American Society of Fall River. He holds membership in the World Lebanese Union. He is a member of the Board of Governors of St. Jude's Children's Hospital (for leukemia stricken children). He was fund-raising chairman of the new St. Anthony of the Desert Church, where he is a communicant and where his brother Norman is the pastor. In 1979, "Monnie" was recognized as Man of the Year by the Fall River Chamber of Commerce for his humanitarian efforts and lasting contribution to Fall River. He was president of the Order of St. Sharbel of the Maronite Diocese in the United States.

"Monnie" Ferris is married to the former Mae Sarkees (whom he calls "Red"), and they have three children, Ronald, Monte, and Sharon (Mrs. Charles Howard), and four grandchildren. He has three brothers and two sisters.

In August of 1986, "Monnie" Ferris underwent heart surgery and the following day he suffered a stroke. He is back at his home now. He is improving daily. He visits Venus de Milo for an hour or two a day. At 70 he can look back at a life filled with excitement, accomplishment and charity—and he did it all "his way," and he never left home to do it.

"It's not fortune or fame or worldwide acclaim
That makes for true greatness you'll find
It's the wonderful art of teaching the heart
To always be thoughtful and kind."

CONGRESSMAN MILLER SALUTES JOHN HENRY JOHNSON'S INDUCTION INTO THE PRO FOOTBALL HALL OF FAME

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. MILLER of California. Mr. Speaker, recently, the inductees into the Pro Football Hall of Fame were nominated, and special hometown pride goes to John Henry Johnson.

John Henry Johnson is a 1949 graduate of Pittsburg High School in California. The city of Pittsburg and I join with the thousands of other fans who have long cheered for John Henry's induction into the football Hall of Fame, where he so rightfully belongs. Johnson's career of 13 years, 6,803 rushing yards and 48 touchdowns, playing for the San Francisco 49'ers, Pittsburgh Steelers and the Houston Oilers is captured in the following Pittsburg Post Dispatch article. His finest years were with the Steelers in Pittsburgh, PA, where he now lives.

There are many people who believe that football was different in the fifties and sixties when football players were real football players." Certainly, John Henry Johnson is in that special class of people.

PITTSBURGH GRID STAR JOHN HENRY JOHNSON ENTERS HALL OF FAME

(By Larry Espinola)

PITTSBURGH.—John Henry Johnson, long considered Pittsburgh's greatest athlete, has finally been recognized as one of professional football's finest.

On Tuesday, Johnson, a 1949 graduate of Pittsburgh High, was voted into the Pro Football Hall of Fame, one of seven men who received the honor this year.

Joining Johnson was another running back, Larry Csonka, as well as quarterback Len Dawson, defensive tackle Joe Greene, offensive linemen Jim Langer and Gene Upshaw and wide receiver Don Maynard.

Johnson becomes the second East County product to be named to the Hall of Fame, which now numbers 140 men. Antioch's Gino Marchetti as defensive end with the Baltimore Colts, received the distinction in 1972.

"I'm elated, I finally made it," said Johnson from his Pittsburgh, Pa, home by telephone 30 minutes after learning the news Tuesday.

Johnson was the candidate recommended by the Old-Timers Committee, which nominates players who completed most of their careers prior to 1962.

Johnson was among the 15 finalists seven times but failed to make it, even though he was the No. 3 all-time NFL rusher when he retired in 1966.

Greene, who with Johnson became the sixth and seventh Steelers voted into the Hall of Fame, said he believed Johnson had been long overlooked.

"I can't understand why the best blocker and best runner Pittsburgh ever had hadn't made it years ago," Greene said in a television interview.

When Johnson's name was among the seven finalists announced last Saturday, he still had doubts about making it.

"I've been there two or three times going into the finals," he said. "Over the years I really had kind of given up.

"I was just sitting on a low key. I really wasn't going to commit myself emotionally. I was just going to see what happened."

Johnson said he went to work Tuesday (in customer relations for a Pittsburgh cable television company) like it was any other day. "I tried to forget about it and went to work, but people are always talking to you about it."

Was he bitter about being elected through the Old-Timers Committee?

"It goes through your mind, but you just disregard that," he said. "I'm just happy to make it, although I still feel that my stats were good enough to go in the other way."

Johnson, who played at 6-feet-2, 225 pounds, rushed for 6,803 yards and 48 touchdowns during a 13-year career with the San Francisco 49ers, the Steelers and the Houston Oilers. He spent his finest seasons with the Steelers, rushing for more than 1,000 yards in both 1962 and 1966.

All seven inductees will be flown to Honolulu for this Sunday's Pro Bowl. They will be inducted into the Pro Football Hall of Fame in Canton, Ohio, on Aug. 8.

Johnson came to Pittsburgh at the age of 16 from Waterproof, La, to live with his older brother, Michael Simpson, who was in the Army stationed at Camp Stoneman. Johnson and his brother lived in Columbia Park, a housing tract for military families off Harbor Street in front of what is today El Pueblo.

"My parents wanted to give me a chance for an education so they sent me to live with my brother," Johnson recalled.

Johnson enrolled at Pittsburgh Junior High School in the spring of 1946 and joined the basketball team. In high school, he played football, basketball and ran track.

"Football came easy," said Johnson. "I like the contact and I was pretty good at it. In the 10th grade I started playing end, then I moved to running back my second year. Everybody likes to be the glory guy, carrying the ball."

"He was just a great athlete," said Andy DeStefano, counselor and former coach at Pittsburgh High. "There really wasn't anything he couldn't do. It was amazing. You had to be there to believe it."

In his day, Johnson was a North Coast Section record-setter in the discus (148-3), 180 low hurdles (19.9) and shot put (55-6¾). As a basketball center, he was named to the all-county team.

After graduating from Pittsburgh High, Johnson received a scholarship in football at Saint Mary's College in Moraga. Saint Mary's dropped football after Johnson's sophomore season, and he transferred to Arizona State University.

Johnson was drafted in the second round of the 1953 NFL draft by the Pittsburgh Steelers, but opted for the Canadian Football League. He played a year for the Calgary Stampeders, and was named MVP in the Western Interprovincial Football Union. The writers in Canada also named him to five positions on the all-star team.

Meanwhile, long-time friend Pete Costanza was negotiating a contract for him with the San Francisco 49ers.

In 1954 Johnson became a 49er, and part of the famed "Million Dollar Backfield" comprised of quarterback Y.A. Tittle and running backs Joe Perry and Hugh McElhenny.

Following the '56 season, Johnson was traded to the Detroit Lions. In 1957, he joined Hall of Fame quarterback Bobby Layne in Detroit.

Last year in an interview with the Post Dispatch, Layne, who died recently, said, "I'd say there were about seven or eight great runners when I was playing—(Jim) Brown, McElhenny, Perry . . . and John was in their class. John was a great blocker. He saved me on many a day. I remember one game we were playing against St. Louis and Larry Wilson (a Hall of Famer) came on a safety blitz. John was hiding behind the line and John hit him straight on. I thought Wilson was dead. They had to carry him off the field. I looked at John and said, 'That's the end of that safety blitz.'"

The Lions won the NFL championship that season with Johnson. In 1960, Pittsburgh Steelers' head coach Buddy Parker, who had coached the Lions in 1957, made a trade to get Johnson.

Johnson seemed to improve with age—probably because for the first time in his career he was the No. 1 back on his team.

"John came to the Steelers when he was in his thirties and he didn't become a 1,000-yard runner until he came to Pittsburgh," explained Pat Livingston, retired sports editor for the Pittsburgh Press.

"He never played on a team before where he was the key man in the backfield," Livingston said. "With the 49ers there was McElhenny and Perry. Then he goes to Detroit and there was Doak Walker."

In six years with the Steelers, Johnson rushed for 4,383 yards, which still ranks second on the Steelers' all-time list behind Franco Harris. Johnson rushed for a career-high 1,141 yards in 1962 and followed with 1,048 yards in 1964. During the '64 season, Johnson rushed for 200 yards against Cleveland. Johnson's totals in '64 also made him the oldest player (35) to rush for 1,000 yards until Washington's John Riggins broke that mark in 1984.

Johnson played one season with the Houston Oilers in the American Football League.

"There wasn't anything on the football field he couldn't do: run, catch, a tremendous blocker," said John Steadman, a columnist for the Baltimore-News American and chairman of the Old-Timers Committee.

"There wasn't a football player, including (Walter) Payton, who could do everything as well as he did. He had tremendous speed for a big man."

THE OIL AGENDA

HON. JOHN BRYANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BRYANT. Mr. Speaker, the current energy crisis—the manipulation of oil prices by Saudi Arabia and the OPEC nations, which has so devastated our United States domestic energy industry that it may be many years before we begin again on the long road to energy independence—poses an incredible threat to our national security.

That threat and possible solutions have been admirably and intelligently studied in a recent series of editorials in the Dallas Morning News, one of which accurately concludes that "Unfortunately, the U.S. never has had a comprehensive, long-range energy policy, and the current administration shows little inclination to develop one. This must change and change quickly."

Lest we defer to foreign nations to determine the price and availability of the energy resources essential to our national security and accept, without lifting a hand, the destruction of a vital American industry and the economy of those areas dependent upon it, we must concur in that assessment and press for a realistic national energy policy that puts us in charge of our own future.

I commend to the attention of the American people, my colleagues in the Congress, and especially the Reagan administration's energy decisionmakers—who thus far have failed to respond in any sensible way to the current crisis—the following editorial comments of the Dallas Morning News:

[From The Dallas Morning News, Feb. 15, 1987]

THE OIL AGENDA—PART 1: NATION JEOPARDIZED BY INDUSTRY COLLAPSE

Yes, the price of oil is inching up. From a breathtaking low of $6 a barrel, the price in recent days has nudged $19 a barrel. Some say the price may reach the low $20s later this year.

But Americans should not be lulled into thinking the "oil shock" that has rocked the United States oil industry is over.

The President's National Petroleum Council is expected to produce a comprehensive survey in March that will show the American oil industry is in a dangerously weakened condition. And that vulnerability will place our country's economy and defenses in jeopardy unless steps are taken to encourage the rebuilding of a domestic energy industry that can keep U.S. supplies flowing regardless of the machinations of the Organization of Petroleum Exporting Countries.

Consider the current state of our country's once-vaunted oil business:

Collapsed oil prices have brought domestic exploration and drilling almost to a halt. Drilling today is at its lowest point in 45 years. Only 950 rigs were operating in December, compared with 4,530 in December 1981. An estimated 23 percent of all industry workers who find or produce oil and gas—more than 128,000 people—already have lost their jobs. More than 40 percent of all firms engaged in contract drilling for oil and gas in 1982 are now out of business.

During the past year, U.S. domestic production dropped from an all-time high in 1985 of 9.1 million barrels per day to 8.35 million per day in January of this year. Worse, with consumption at 3 billion barrels annually, new discoveries in 1986 dropped less than 500 million barrels.

The lowered prices brought by the flood of OPEC oil has encouraged Americans to consume more oil. Our dependence on foreign oil has jumped from 27 percent of domestic consumption in 1981 to more than 42 percent in 1986. More alarming is that U.S. dependence on oil from the volatile Persian Gulf area has grown to 12 percent of consumption from 6.5 percent just two years ago. The amount of oil imported from Saudi Arabia alone had tripled in the last year.

GOVERNMENTS, NOT FREE MARKET, CONTROL POLICY

The United States has been through energy crises before—in 1973-74 and 1979-80. Those were short-term crises, with shortages caused by an embargo and a revolution. We learned then how to use less energy, how to wring more oil out of nearly exhausted fields, how to develop other sources of energy and how to reduce our oil imports.

Those lessons are being quickly forgotten.

What is particularly insidious about the 1985-87 oil price collapse is that it has left the United States domestic oil industry in such a weakened condition that it will be difficult to rebuild, even if the oil price stays up. Banks still are reeling from the default of thousands of oil loans and new investment capital for exploration has vanished. Drilling will continue, but clearly not on the scale needed to close the gap between 3 billion barrels in annual consumption and 500 million in new discovery rate.

Absent corrective measures and proper incentives for our domestic industry, the next oil shock will be much more difficult to absorb. By some estimates, we could be importing as much as 10 million barrels or more of oil *per day* by 1995, probably at much higher prices. OPEC forced prices up before. It can do it again.

Considering that oil imports amounted for nearly a third of our trade deficit in the last year, the prospect of being held hostage to dramatically higher prices is chilling.

If there were a true free market for energy, it would be the natural way to manage the world's energy needs. But there is no free market, and never has been—90 percent of the world's oil and gas is owned directly by governments, which make decisions on the basis of politics more often than economics.

This dictates a role for the U.S. government in assuring a reliable supply of reasonably priced energy at relatively stable prices.

Like it or not, oil and gas are different from other commodities, because they are non-renewable, scarce resources. The energy industry has a different relationship to the economy than other industries. Oil and gas, especially oil, are the strategic commodities in today's world, the primary fuel of the industrial engine.

Recent history has proved conclusively that even moderate reductions in the flow of oil can send prices soaring and the world economy tumbling. The oil price shock of 1973-74 cost the U.S. an estimated 5 percent in gross national product, while the shock of 1979-80 cut another 3 percent. Gross national product losses suffered by U.S. trading partners, especially those with no domestic energy supplies of their own, were even worse. Higher oil prices spurred double-digit unemployment, double-digit inflation, the beginning of the end for the United States' energy intensive manufacturing base, and, of course, mile-long gasoline lines.

Oil also takes on a dimension of life-and-death importance when it comes to security matters that affect the free world. Any nation that can stagger the U.S. economy by turning off the oil spigot has enormous leverage over U.S. foreign policy. More troubling is the prospect of conducting large-scale conventional military operations over an extended period of time with only shrinking domestic supplies to rely on. Defense analysts say a major police action alone could consume a million barrels of oil a day.

Unfortunately, the U.S. never has had a comprehensive long-range energy policy, and the current administration shows little inclination to develop one. This must change and must change quickly.

The Oil Agenda—Part 2: It's Time to Adopt a National Energy Policy

The United States cannot continue to drift without an energy policy. Any energy plan intended to increase domestic oil production must carry the one-two punch of:

A tax on imported oil and refined petroleum products, to place a floor under petroleum prices that will assure the industry and its investors that energy prices will not be forced to ruinous low levels by predatory market manipulation.

An investment tax credit for exploration and that will draw dollars specifically into the oil finding effort.

The first punch would put a floor under energy prices that is approximately the same level as the cost of lifting oil from those marginal U.S. wells that still supply 17 percent of our domestic production. This would be about $17 per barrel. An import fee of this size would cause no price increase to consumers.

Nor, unfortunately, would it bring domestic oil costs in line with imported oil. What it would do is assure investors oil prices would not again collapse to $5, or even $10, and cause massive financial losses and widespread bankruptcies. It would serve to spur recapitalization of the industry and increase domestic drilling.

The second punch would be a tax credit for exploration and drilling activities. Although plans vary in detail, the idea is to allow a credit for "qualified costs" (geological, geophysical, drilling, well casing, equipment and other costs necessary to drill). Some plans would increase the allowance for ultra-expensive wells drilled in deep offshore areas or in the Arctic. Some also would put the amount of credits for deep-water drilling on a sliding scale according to the water depth. Other drilling tax credit plans would set the size of the credit according to the level of imports as a percentage of overall U.S. consumption; the higher the percentage of imported oil, the larger the credit allowed. The tax credits would be phased out as oil prices rise, or as the percentage of imports declines. Nearly all plans would terminate the credit with prices of $30. This plan would help focus investment dollars where they are most needed, exploration for oil, especially in that tough terrain where most domestic untapped oil is to be found.

The opposition to an investment tax credit likely would come from those fearful that introducing a change in the newly reformed tax code would lead to wholesale changes as other industries demand goodies in the name of "fairness." Opposition to the oil import fee is more complicated. The oil industry itself has been divided on the question, with companies importing large quantities of oil opposed to increasing the domestic cost of their imports. Others, who feel the fee would be at least temporarily useful, feel awkward at having suggested the "market" should be allowed to work when prices are rising, but that the industry should be "protected" against risk when prices are falling.

Critics of the import fee, including, to date, the Reagan administration, point out that artifically high energy prices will be an anchor on the economy, and that these prices could possibly spark a raging inflation. Representatives of the petrochemical industry along the Texas coast, which was hard hit by the soaring energy prices of the past decade, say that forcing prices up with an import fee will make the U.S. petrochemical industry less competitive with foreign firms that can get oil feedstocks at a lower market price. Others suggest the fee would be difficult to administer, that too many exceptions would be required for Mexico, Canada and others, and that it would foster a plethora of special aid programs for Northeast consumers dependent on fuel oil.

There is really no denying there is truth in all these arguments. There are, however, counter arguments of greater weight. First, foremost and overwhelmingly is the reduction of dependence on imported oil, especially from the Persian Gulf. Maximizing domestic oil production is obviously a significant part of assuring the U.S. economy can percolate along without being held hostage to madmen across the water. The best way to do this is to assure that more-expensive-to-produce U.S. oil is not at a price disadvantage with foreign producers. A floor under oil prices would assure investors that prices would not take temporary plunges to $9 at the whim of a foreign king. It would also assure that the "stripper" wells (wells producing at under 10 barrels per day with "lifting" costs often in the high teens) would not be capped during down cycles and lost to production forever.

There would be other important benefits: (a) Higher prices would force continued conservation measures, again decreasing long-term dependence on foreign oil; (b) the current hemorrhage in the U.S balance of trade would improve with lower oil import bills; (c) the import fee would be a broad-based tax for raising revenues to reduce the federal deficit; and (d) a healthier energy industry would help shore up financial institutions which have been hard hit by bad energy loans and threaten the stability of the U.S. banking system.

The reluctance of Americans outside of Oilpatch, U.S.A., to accept even slightly higher prices to benefit the oil industry is understandable. But the fact remains that all Americans will benefit from maximizing their independence of foreign oil controlled by foreign kings, holy men and dictators.

The Oil Agenda—Part 3: Supplies Must be Secure at Home, Abroad

An energy policy that will provide U.S. independence of foreign powers will require more than just an import fee floor under oil prices and a drilling tax credit.

It will require a multifaceted program of domestic oil and gas exploration, research and development into alternative energy sources, a full-court press for further conservation measures and an assurance of relatively secure sources of oil and gas within the Western Hemisphere.

For years, the U.S. tax code allowed oil producers to write 27.5 percent of the value of their production. This "depletion allowance" traditionally has been extended to owners of non-renewable natural resources such as oil, gas and coal. While there are several justifications for depletion allowances, the most critical today is the luring of risk capital into the capital-intensive exploration and drilling business.

Small independent producers are allowed to write off 15 percent, but larger producers have no depletion allowance. The depletion allowance for smaller independents should be raised back to 27.5 percent, and larger companies should be given a depletion allowance of 15 percent for oil obtained through new drilling and enhanced recovery.

"STRATEGIC ENERGY DEVELOPMENT INITIATIVE" NEEDED

Each year, President Reagan's Strategic Defense Initiative, generally known as Star Wars, consumes billions of dollars to build in space a shield to protect the U.S. against nuclear attack. At the same time, the U.S. economy grows more susceptible to being taken hostage by Persian Gulf powers in control of the oil spigot. Remarkably, should Star Wars work, it would make the option of conventional war more likely. Yet, world energy trends are making the U.S. more vulnerable to a prolonged energy-intensive conventional war.

Locked beneath the U.S. are hundreds of billions of barrels of oil that simply cannot be recovered with today's technology; there are 110 billion barrels in Texas alone. The U.S. should undertake a major initiative to develop technologies that can recover these now unattainable reserves at lower prices.

The University of Texas, Texas A&M and other schools are at work on promising technologies that need only sufficient funding. For example, at one time it was assumed that oil reservoirs were uniform and that once oil was located it was simply a matter of punching properly spaced holes. The industry now knows this is wrong; reservoirs are complex things whose exact configurations are tough to discern. New and developing technologies that can "CAT scan" an oil field could accurately pinpoint where to drill wells to greatest effect. There is other work being done with "lifting" chemicals that could be injected into fields that would flush oil out from the rock formations in which it is trapped.

Bill Fisher, chairman of the economic geology department at the University of Texas, suggests that public financing of no more than $100 million annually could optimize the technology effort. The amount, a pittance in the total federal budget, should be provided.

SECURE SUPPLIES IN THE WESTERN HEMISPHERE

There are large supplies of oil and gas in and around the Caribbean. Mexico alone boasts proven reserves of 41 billion barrels. Currently, these nations are deeply in debt to U.S. banks. Why not work out a swap of oil rights in return for debt reduction?

For example, the U.S. might buy 1 billion barrels of Mexican reserves at a price of $20 per barrel, just above the current market price. This would cut the Mexican debt 20 percent, thereby greatly reducing its debt service burden and providing capital for regeneration of the Mexican economy. It also would ease the threat to the U.S. and world financial systems. Last, it would provide a nearby and easily defensible source of crude oil for the U.S.

REPEAL THE FUEL USE ACT

In 1978, Congress passed the Powerplant and Industrial Fuel Act to prohibit the use of either natural gas or oil in new industrial boiler facilities and most power plants. Congressional thinking was that the terrible natural gas shortage would be permanent and that then-established distribution patterns should not be disrupted by adding demand. However, the lifting of federal price controls on natural gas touched off an exploration boom that has produced massive surplus of this relatively inexpensive and very clean fuel.

Early fears of one day running out of natural gas seem misplaced. The total resource base of the lower 48 states is estimated to be 835 trillion cubic feet, or 50 times the current annual production. Congress should quickly repeal this act to allow the use of natural gas in all power plants and industrial boilers. This would provide a badly needed shot in the arm for the gas industry, a strong incentive to find additional supplies and a hedge against a cutoff of imported oil.

It is important to understand that U.S. domestic production is currently declining at a rate of 6 percent per year while consumption in 1986 increased at 3 percent. If these trends hold, the U.S. will be importing more than 50 percent of its oil by 1990, and the Organization of Petroleum Exporting Countries will be operating at 90 percent of capacity. This is almost the identical situation that existed at the time of the second oil shock in 1979. The obvious threat of war or embargo easily could take out this fraction of production. There are other chilling possibilities: A Chernobyl-style accident in Western Europe could cause a major shutdown of nuclear plants in Europe highly reliant on the atom. A switch of only a quarter of Europe's atomic generating capacity to petroleum as a result would eat up the excess OPEC capacity and drive up prices.

The best guard against new oil shocks, whatever their source, is clearly a comprehensive national energy policy aimed at strengthening domestic supplies. We must guarantee secure sources in the Western Hemisphere.

CONGRESS SHOULD ACT ON WHITE HOUSE CONFERENCE RECOMMENDATIONS

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BROOMFIELD. Mr. Speaker, as many Members of this body know, the White House Conference met here in Washington last August, with several thousand delegates from all over the Nation in attendance. The delegates drew up 60 final recommendations for the Government to act upon.

These recommendations represent the basic concerns of small businesses throughout the country, and because of the importance of small business to our Nation's economy, they should be listened to.

Since the 100th Congress is now underway, and with the House Small Business Committee now fully organized, I want to take this opportunity to urge that the Congress take action on the White House Conference on Small Business's recommendations.

In summary, the conference supported in its top 10 recommendations, (1) reform of tort and liability laws, (2) opposition to government mandated employee benefits, (3) laws to prevent government and tax-exempt entities from using their favored status to compete unfairly against small business, (4) that government should give top priority to deifcit reduction and balancing the budget, (5) improve international trade efforts—create Cabinet-level department of international trade, (6) that government should promote advancement of entrepreneurial education, (7) repeal the Davis-Bacon Act and Service Contract Act, (8) reform Social Security, (9) enact S. 2760, product liability legislation, and (10) amend and further enforce the Equal Access to Justice Act, and the Regulatory Flexibility Act.

Clearly, these are important issues that we must confront and deal with if we are to make small business more productive and competitive. Two-thirds of the recommendations from the 1980 White House Conference were acted upon favorably by Congress and the Reagan administration. I hope that the 1986 White House Conference on Small Business' recommendations will beat that record.

FOREIGN TRADE UNFAIR TO MINING AND MILLING INDUSTRY

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. RICHARDSON. Mr. Speaker, I appreciate this opportunity to call to my colleagues attention certain special problems faced by a number of segments of our domestic mining and milling industry with respect to unfair foreign trade. Mr. Chairman, it should come as no surprise that our mining and milling industry in the United States is in an extremely depressed condition. Virtually all aspects of the industry are in a severe slump. This has a special impact on my home State, New Mexico, which is an important producer of raw materials.

The domestic uranium industry is a case in point. The industry is suffering from approximately 90 percent unemployment. In my district alone, 7,000 to 8,000 miners and millers are on layoff. U.S. production is at levels prevalent in the early fifties even though U.S. demand is at an all time high and growing.

The reason for this condition is not difficult to ascribe: it is in large part due to unfair foreign competition—foreign trade practices which are inconsistent with market efficiency yet are designed to circumvent current U.S. trade laws. These practices unfairly cost American workers their jobs and aggravate the already astonishing U.S. foreign trade deficit.

I shall list several examples of these unfair trade activities. One is Canada's practice of tying sales of uranium conversion services at the Canadian Government owned uranium conversion facility to sales of Canadian uranium. This unfairly excludes the U.S. conversion industry from competing for a major share of the conversion business. Despite years of blustering by our trade officials, the practice continues.

Another problem is Canada's practice of requiring its energy consumers (principally electrical utilities) to sign high-cost, long-term contracts while releasing surplus production for transfer to the United States at prices far below those on the Canadian home market. This practice is further aggravated by Canada's allocation of Canadian demand among Canadian producers to the exclusion of American producers, and to Canada's de facto allocation of export markets as well. Canada defends these practices as protected by technical loopholes in United States trade laws. I request unanimous consent to include in the RECORD several letters and other documents describing these practices.

These dumping and subsidization loopholes should, and must, be plugged. The alternative is loss of essential U.S. industries—industries which could compete but for the tide of unfair foreign trade practices which they face. H.R. 3, which I am pleased to cosponsor, has some language to address the first problem to which I alluded. I am preparing language with other interested members of the Energy Committee to address the latter. I hope that the subcommittee, the full committee, and the House will favorably act upon legislation directed at these unfair trade activities.

NEW TREATMENT FOR THOSE WITH PARKINSON'S DISEASE

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BIAGGI. Mr. Speaker, this article recently appeared in Parade magazine and I wish to share it with my colleagues. The article focuses on a new treatment for Parkinson's disease, an illness striking over a million elderly Americans each year. I have introduced legislation to assist these people by establishing a

Commission for the Amelioration of Parkinsonism. The Commission is designed to undertake a number of initiatives to expand our knowledge and treatment capacity of this disease. More specifically, the major function of the Commission is to develop a comprehensive national plan for the control of Parkinsonism and it consequences based on the most complete and accurate information available on the disorder.

In the spirit of this legislation, it is with deep interest that I read the following article. It is my hope that not only will more such important breakthroughs occur in the treatment of Parkinson's, but a Commission will be established to track, study, and disseminate this important information to the public—especially our vulnerable elderly population:

Some exciting new work was begun at Yale by Dr. Jonathan Pincus, now professor of neurology at Georgetown, who has helped patients suffering from Parkinson's by altering their diets. Parkinson's is a progressive disease of the nervous system characterized by involuntary tremors, rigidity of the muscles and slowness of movement. The disease involves a deficiency of the chemical dopamine in the brain. With this deficiency, there is a loss of the smooth, rapid movement of the limbs.

The disease is treated with a compound called L-dopa, which acts in the brain to help reduce the tremors and stiffness. But with many patients, amino acids in the protein in their diets compete with the L-dopa to get into the brain, where it can benefit the individual. Dr. Pincus has developed what he terms a "protein redistribution diet," which restricts protein during the day, giving as close to zero protein as possible for breakfast, lunch and throughout the afternoon. During this time, the effect of the L-dopa medication can be fully experienced in the brain. But because protein is needed to maintain health, it cannot be completely eliminated from the diet. At the evening meal, the normal daily requirement of protein is given. Subsequent immobility, which occurs for about three hours, is then limited to that period. This diet has dramatically changed people's lives, allowing them the freedom to work or pursue other activities during the daytime.

BLACK HISTORY MONTH

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. RODINO. Mr. Speaker, it is a great privilege for me to join my colleagues once again in the annual observance of Black History Month. Last month, we took the opportunity to commemorate the unique talents, skills, and cultural character black Americans have given the Nation.

This is a time of celebration, of education, and of rededicating ourselves to the goals of racial equality and equal justice for all. I think it is also a time to look back on our achievements, and look ahead to the struggles we still must face.

Black History Month reminds us of how far we have come, but also of how far we must go before we truly reach the "sunlit path of racial justice." This year the struggle for civil rights has continued, not just in our own country but around the world. When we consider the fight for civil rights we must not ignore the situation that exists in South Africa, where the repugnant doctrine of apartheid continues to deprive basic human rights to a majority of people.

After working so long and hard to pass the legislation designating Dr. King's birthday as a holiday, let us not lose sight of the goals he stood for. Let us look to the day when his dream is finally realized. During this time of reflection, we should remember that they shot down the man, but they could not shoot down his dream, a dream that was stronger than life and more powerful than death.

This year, as we look back to the achievements we have made in the past few decades, let us also look to the struggles that lie ahead. We recall with pride landmark legislation such as the Civil Rights Act, the Voting Rights Act, the Fair Housing Act, nutrition and education programs, and legal services for the poor, to name but a few. But we still must work to preserve and defend these programs from continued attack. We must protect our hard-won victories and continue the steady march toward equal opportunity in our society for all.

This year, we look forward to enactment of the Civil Rights Restoration Act, which will close any loopholes in the civil rights laws and guarantee that their antidiscrimination provisions are applied broadly, as they were originally intended, and the Fair Housing Amendments Act, which strengthens our Nation's laws prohibiting housing discrimination.

Mr. Speaker, I insert the following article, published in the Newark Star-Ledger on February 1, which describes New Jersey's many celebrations of Black History Month:

BLACK HISTORY MONTH—JERSEY EVENTS WILL FOCUS ON AFRO-AMERICAN HERITAGE

(By Ovie E. Lattimore)

February is Black History Month, and organizations throughout New Jersey will celebrate the 61st observance with an array of events featuring music, dance and theater geared toward enriching people's understanding of African-American history.

Black History Month was initially called Negro History Week when instituted in 1926 by Carter G. Woodson, the nation's first recogizned black historian.

In 1976, the Washington-based Association for the Study of Afro-American Life and History, founded by Woodson, officially extended the event from a week to a month and replaced "Negro" with "black" in response to a renewed consciousness among Americans of African descent. Since then, it has become a nationally recognized tribute to black Americans.

The Woodson Foundation will present 18 events in 11 cities featuring such artists as Cissy Houston, Etta James and Nikki Giovanni.

And several other organizations will be sponsoring events throughout the state.

Eighteen-year-old Haven Clayborne will be featured as a flute soloist, accompanied by pianist Carol Fabrini, in the Black History Month program which will be presented by the Grant Avenue Community Center in Plainfield today at 4 p.m.

Tickets for the concert, which will include a performance by the black string ensemble quartette Indigo, are $10 for adults and $8 for children at the door.

The Montclair Art Museum will present an exhibit entitled "The Afro-American Artist in the Age of Cultural Pluralism," starting today and continuing through March 8.

The exhibition highlights the best in contemporary American art as it is presented by Afro-Americans.

Beginning tomorrow and running through Feb. 25, a collective exhibition of works by seven South African expatriate artists titled "Voices From Exile" will be on display at the Montclair State College Art Gallery.

Co-sponsored by the South African Exhibit Project and the U.S. affiliate of the Association Internationale des Defense des Artista, it will be the first American multi-city tour of its kind.

Middlesex County College will host numerous activities beginning tomorrow, ranging from lectures and films to poetry by Newark playwright and poet Amiri Baraka.

Upsala College in East Orange has scheduled an assortment of activities, most of them free.

In addition to film presentations, guest speakers will discuss topics ranging from Africa's contribution to world civilization to apartheid.

Kean College has scheduled three special events and a film series for February in recognition of Black History Month.

Deborah Gray White, an associate professor of history at Ruthers University, will speak on the rise of feminism among black women Feb. 11.

On Feb. 14, Sweet Honey in the Rock, a quintet of women who sing an assortment of selections a cappella will appear at the college, and on Feb. 25, "Daughters of the Revolution," a dialogue between the daughters of Martin Luther King, Jr. and Malcolm X, will be presented.

Lectures by author/satirist Dick Gregory and a representative of the South African Council of Churches will be among the highlights of Ramapo College's Black History Month.

The programs, open to the public, will consist of eight weeks of events on black culture and heritage as well as discussions on political and social issues.

A special program will be presented on Tuesday by three Morris County organizations as part of the month-long observance.

Giles R. Wright, director of the Afro-American History Program for the New Jersey Historical Commission, will be speaking on New Jersey Afro-American History at the Morristown National Historical Park auditorium.

The program, co-sponsored by Historical Speedwell, the Morris County Historical Society and the Voluntary Action Center of Morris County, is open to the public without charge.

Gallman's Newark Dance Theater will present, in conjunction with the City of Newark's Division of Recreation and the Urban League of Essex County a Salute to Black Dance next Sunday at the New Jersey Historical Society in Newark.

Human rights lecturer Randall Robinson will speak on South Africa on Feb. 10 at Brookdale Community College in Lincroft.

The Jersey City Public Library will present a series of Black History programs, starting today at 3 p.m. at the Miller Branch.

And Friends of the Plainfield Public Library will sponsor a handcrafted soft sculpture exhibit at the library on Feb. 15.

The exhibition will include handcrafted ethnic folk dolls in traditional costume and a group of African wooden animals designed by Annette Farr and Gloria Flemming.

JUDGE CHARLES S. DESMOND: THE MAN FOR ALL SEASONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. KEMP. Mr. Speaker, western New York has recently lost one of its most respected and distinguished leaders. I rise today to pay tribute to the memory of a good friend, Judge Charles S. Desmond, who passed away on February 9. Charles Desmond was truly a man of courage, integrity, dedication, and generosity—and much, much more. His wisdom and wit made him one of the most respected and well-liked members of our western New York community. With diligence and dedication, Charles Desmond served for 26 years on the New York State Court of Appeals, and was chief judge on the Court of Appeals from 1960-66, when he was forced to retire because of the mandatory age limit of 70.

Judge Desmond's kindness, wisdom, and humor will certainly not be forgotten particularly by the Kemp family. He has left quite a legacy for western New York, and undoubtedly his works and deeds will live on. Judge Desmond was a champion of education and was a driving force in molding and building Canisius College, in Buffalo, into the strong independent institution of higher learning it is today. Judge Desmond was also a man of boundless devotion to his family, community, profession, and country, serving on numerous community organizations and institutions. Most recently, the judge donated land to his hometown, Eden, NY, for a new library there—yet another gesture of commitment and love for his community.

I encourage all my colleagues in Congress to read the following article from the Hamburg Sun that chronicles the life and accomplishments of this good friend, Judge Charles S. Desmond. His leadership and intellect will be sorely missed by all who knew him, and my wife Joanne and I extend our deepest sympathy and prayers to the Desmond family all of whom are friends and neighbors.

He was like Sir Thomas More, a man of total honesty, integrity, and candor—"a man for all seasons."

We will miss "the Judge" but his example lives on forever as a testimony to his eternal ideals, values, and principles.

The article follows:

FORMER CHIEF JUDGE DESMOND DIES AT 90

A Mass of Christian Burial will be held at 10 a.m., today (Feb. 12) for Charles S. Desmond, 90, of Eden, a retired chief judge of the State Court of Appeals and a nationally known legal scholar who died Monday evening (Feb. 9, 1987) in Mercy Hospital after a brief illness.

The Mass will be held at Immaculate Conception Church in Eden. A private burial will be at Immaculate Conception Cemetery.

Judge Desmond spent 26 years on the court, and was chief judge on the Court of Appeals from 1960 to 1966 when he was forced to retire because of the mandatory age limit of 70. He was the first jurist to hold the title of chief state judge in New York.

His opinions were considered scholarly, thoughtfully and crisply written and were widely quoted, those in the business noted.

He also administered the oath of office to Governor Mario Cuomo when he first took office in 1983. Cuomo and Desmond remained friends, and the governor delivered a stirring tribute to the Eden native during a testimonial dinner last year in Buffalo.

Cuomo noted Desmond was witty, possessed "a quick and incisive mind and pleasant sense of humor . . . a man with a love of people and integrity of person and purpose."

He was the recipient of no less than 13 honorary degrees from colleges and universities, and was the author of two books, "Quillets of the Law" and "Through the Courtroom Window."

He taught at the Cornell University Law School and was an adjunct professor in appellate advocacy at the State Univeristy of Buffalo Law School.

Judge Desmond was elected to the Court of Appeals in 1940, and re-elected in 1954. He was elected, without opposition, to the Court of Appeals in 1959, and in 1962 became the chief judge in New York State.

He was the recipient of numerous local, state and national awards and was affiliated with a number of organizations. He was a World War I veteran of the Marine Corps.

He was married in 1928 to the former Helen Marie Ryan who died in 1958. He is survived by three daughters, Sheila Landon, Kathleen Hughes and Patricia Williams, all of Eden, and 12 grandchildren. Judge Desmond was the father of Charles Ryan Desmond, an Eden town justice who died Jan. 19, 1985.

MR. KARL MASLOWSKI, GOLDEN ANNIVERSARY AS A COLUMNIST WITH THE CINCINNATI ENQUIRER

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. GRADISON. Mr. Speaker, I am pleased to recognize a constituent of mine, Karl Maslowski, who will be celebrating his 50th anniversary as a weekly columnist with the Cincinnati Sunday Enquirer on March 7, 1987.

Since 1937, Mr. Maslowski's weekly column "Naturalist Afield" has sought to educate the community about the importance of wildlife conservation. Through his commitment to wildlife preservation and his consistent support for wildlife issues, Mr. Maslowski has made a valuable contribution to the community at large.

The U.S. Fish and Wildlife Service considers Mr. Maslowski a valuable and important friend. On behalf of the Fish and Wildlife Service, I would like to share with you the text of a letter sent to Mr. Maslowski by Frank Dunkle, Director of the Fish and Wildlife Service, congratulating him on this important milestone in his career and thanking him for his dedication to wildlife preservation.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, February 19, 1987.

Mr. KARL MASLOWSKI,
1034 Maycliffe,
Cincinnati, OH.

DEAR KARL: A number of my staff have called to my attention that your weekly "Naturalist Afield" column in the Cincinnati Sunday Enquirer will mark its golden anniversary March 7.

May I offer you, on behalf of the entire Fish and Wildlife Service, not only our congratulations for arriving at such a milestone, but also our collective thanks and appreciation for your unstinting dedication to the cause of wildlife conservation.

The year 1937 would scarcely seem an auspicious time to begin a newspaper column devoted to wildlife. The Ohio Valley had been ravaged by record floods, and the nation at large was still in the grips of the Great Depression. To advance concern for the needs of wildlife during that time was visionary, at the very least. As you probably realize, "Naturalist Afield" predates even the Pittman-Robertson Federal Aid in Wildlife Restoration Act which marks its 50th anniversary this September. And just as Pittman-Robertson funds have helped buy the habitat wildlife depend on for their very survival, columns such as "Naturalist Afield" and dedicated writer/conservationists such as you have helped nurture and sustain the spirit of conservation among our citizens.

Through the years you have greatly aided this agency in its mission as well. The abiding theme you have articulated so well for fifty years is that habitat is the key to safeguarding our fishery and wildlife resources. Your message is as timely today as it was then. Your articles on protecting eagles, hawks and owls, on providing nesting habitat and feeding stations for a host of migratory birds, and on recognizing the important lessons of endangered species conservation—all have helped raise the threshold of public awareness and helped make our conservation tasks more achievable.

Once again, for the Fish and Wildlife Service, our congratulations and deep appreciation to you and the "Naturalist Afield."

Sincerely,

FRANK DUNKLE,
Director.

FREEDOM OF THE WORKPLACE ACT

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. LIGHTFOOT. Mr. Speaker, today I am introducing legislation to enable people to work in their homes if they choose, and I encourage my colleagues to join with me as cosponsors of this legislation. Senator HATCH is introducing similar legislation in the Senate today.

Under current Department of Labor regulations, homework is prohibited in six industries: women's apparel, embroidered goods, jewelry, gloves and mittens, buttons and buckles, and handkerchiefs. This legislation would lift the ban on these restricted industries. These restrictions have been in place since the 1940's, and no longer meet the needs of the American work force.

Since the 1940's, the American work force has changed. Many Americans would prefer to work at home if given an option. Home labor gives the workers more flexibility and additional time to spend with family members. Reduced costs, such as transportation, clothing and child care, are other added benefits of homework.

Furthermore, giving workers the right to work in their homes especially benefits rural workers. It allows them an employment opportunity that they might not have otherwise had. Since the downturn in the agricultural economy, jobs are scarce and the need for additional income is great. Home employment has helped many rural residents because it has allowed them to continue to farm while earning additional money to help make ends meet.

Even more important is the underlying principle that all workers should be given the freedom to choose their place of work. Under current regulations, only workers employed in the six restricted industries are prohibited from home employment. For example, homework is permitted in the manufacture of men's apparel but not of women's apparel. It is unfair and discriminatory to the workers in these restricted industries to deny them the freedom to choose to work at home.

Opponents of lifting the restrictions claim that sweatshop conditions and child labor abuses would ensue in these industries. They return to the era of the 1940's to argue that the less than desirable labor conditions during that time would again result if homework were permitted. They forget, however, that workers are more knowledgeable about labor laws. Today's workers know that they are guaranteed at least the minimum wage and overtime labor protections under the Fair Labor Standards Act [FLSA].

Opponents further argue that lifting the prohibition on homework would gut the Fair Labor Standards Act. It is not my intention or that of other supporters of lifting the restrictions to deny workers the protections enjoyed under the FLSA. In fact, lifting the prohibition in the six restricted industries would allow the Department of Labor to monitor more closely the activities of these industries. It would also give workers the ability to report any labor abuses without fear of losing their jobs.

In conclusion, I urge my colleagues to support this legislation. It would provide workers with the right to choose where they want to work; it would give the workers in the currently restricted industries the same labor protections enjoyed by homeworkers in other industries; and it would give rural workers an added source of income.

MARY BIANCHINI: 80 AND GOING STRONG

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. GILMAN. Mr. Speaker, it is my pleasure to report to our colleagues that later this month the National Federation of Business and Professional Women will be honoring Mary Bianchini of South Nyack, NY, as their Woman of the Year.

This award is not only timely, for Mary is also celebrating her 80th birthday this month, but it is also appropriate, for few individuals personify the true dedication to public service to which so many of our golden age citizens have dedicated themselves. And the award is especially popular, because Mary Bianchini is beloved by young and old throughout the mid-Hudson region of New York State.

"Mary Bee," as she is universally and affectionately known, has lived several lifetimes within her 80-year lifespan.

Mr. Speaker, I invite all of our colleagues to join with us in saluting this grand lady. "Mary Bee" was the cover girl of the January/February 1987 issue of the National Geriatric Nursing magazine. In our own Rockland County, NY, she is probably the most popular potential cover girl possible!

Since the Geriatric Nursing article summarizes her life and her philosophies better than I can do, I would like to take this opportunity to share it with our colleagues and I request that it be annexed in full along with her statement.

I am certain that all of us in Congress concur with the decision by the National Federation of Business & Professional Women in honoring this remarkable lady and that we all join in wishing Mary a happy 80th and many, many more!

MARY BIANCHINI MAKES A DIFFERENCE

"Call me Mary B. That's how Mary Bianchini introduces herself. She is introduced by professional colleagues and members of her county as "our local radio and television interviewer. Beginning in 1969, when Mary was 62, and until March 17, 1986, radio listeners could tune in every Sunday morning to listen to Mary B. interview knowledgeable people on political, health, environmental, and social issues.

Mary also produced and moderated the "Marybee Community Forum," a weekly program on Channel 6 Cable TV from 1970-1977. And, every week between 6:30 and 7:00 p.m. listeners could see Mary on Cable 6 TV interviewing lawmakers, educators, or entertainers. One day in February 1977, Mary and her TV crew arrived in Washington, D.C. at 8:00 a.m. There, with the help of Congressman Ben Gilman to clear the way, she interviewed a number of senators and congressmen. In April of 1977, she took her show to Albany where she again interviewed key state legislators. That was the year Mary was 70. Mary's goal for her programs was to inform her audience about key issues and involve them in actions to help.

Her efforts to organize fundraising activities for Help Me, Inc., and the American Heart Association, Rockland County chapter (in March of 1985 Mary was crowned "Queen of Hearts" by the AHA), are part of her desire to help build programs for people to help themselves, and her continuing efforts on behalf of many causes have brought her numerous honors.

June 6, 1982 was a big day for Mary, then 75. She was designated "Volunteer of the Year" by the Rockland County Mental Health Association; received a public service award at the Federal level from Congressman Ben Gilman (Mary was a member of the Congressional Advisory Committee on Drug Trafficking and Substance Abuse); was commended by N.Y. State Senator Linda Winikow for state community service; and received a citation from Mario Cuomo, then Lieutenant Governor of New York, for humanitarian service.

Cuomo commended her "for innumerable community endeavors . . . in the highest tradition of community service . . . she exemplifies strength of character, devotion to family, faith, and hard work." On that same occasion, the Civil Service Association Retirees also paid tribute to Mary for her outstanding contributions as charter president and organizer.

In March of 1984, Mary was honored by the Ramapo High School students during Women's History Week. Among her interviewees for that year were Luciano Pavarotti, Henry Kissinger, and the United States Secretary of Commerce, Malcolm Baldridge.

Mary Bianchini was born in Malfalda, Italy, in March 1907. Her father, a stone cutter who emigrated with his family to the United States, settled in Rockland Lake and opened a general store. When she was fourteen, Mary took out working papers and started her occupational career working in a shoe factory for 15 cents an hour. The skills she acquired there were to serve her in good stead during the Depression, when she made shoes for her son.

She later worked as a telephone operator and, in 1929, married the man her parents had chosen for her. The marriage lasted until his death almost thirty years later. Mary expected to have several children and spend her working years as a homemaker, wife, and mother but, after the birth of her son in 1930, financial difficulties caused her to seek employment outside her home. When a shoe factory opened in Nyack, Mary went back to work and within three weeks became the floor supervisor of the shop.

The shoe factory burned down in 1936 and, on the recommendation of a Rockland county supervisor, Mary went to Rockland State Hospital to look for a job as a telephone operator. There were no openings, but the administrator told her that if she would agree to work on the patient units as an aide, when an opening came up for the switchboard, she would be transferred. She agreed and began her career as a practical nurse and a concerned person.

She liked working with patients so much that when the opportunity came to transfer she asked to remain on the patient units. It is not surprising that this outgoing, candid, "together" lady inspired trust in these psychiatric patients. Her matter-of-fact approach to living and strong belief that there is always a solution did much to help the patients she cared for to sort through some of the confusion in their lives.

Mary's skill was such that she became a transfer agent, accompanying patients to court for hearings and to their homes if discharged. This occasionally involved traveling to other parts of the country. She became a licensed practical nurse in 1938, two years after she started working in the state hospital as an aide. When asked why she had not gone on for more education in nursing, since she liked it so much, Mary said she was afraid she would have to do a lot of writing.

Mary believes in good nursing care at the bedside, and this bright, articulate lady, not quite five feet tall, will speak out firmly on this point. From 1948 to 1962, Mary served as third, second, and first vice-president of the state Practical Nurse Association, and she became president of that association in 1962 and served in that role until 1966.

She organized the Rockland County Division of Licensed Practical Nurses, Inc. and became its first president in 1949. She is a charter member of L.P.N. of N.Y., Inc. and the National Federation of L.P.N., Inc. She was a founder of the BOCES Practical Nursing School of Rockland County and still serves on the advisory council of that school. She also helped to found Rockland Community College.

Now, at 79 and eight months after a heart attack and a cardiac arrest, she is still a leading spokeswoman for practical nursing. But Mary is quick to say she owes her life to three registered nurses who were present at the fund-raising dinner dance where she suffered her cardiac arrest. Mary had just returned to her table after dancing (which she loves to do) with Congressman Gilman when she collapsed. The nurses initiated cardiac resuscitation and maintained Mary until the ambulance arrived.

Iris Landau, from New York City, a former intensive care nurse, Gloria Molinaro, a Suffern resident and staff nurse at Good Samaritan Hospital where Mary was subsequently hospitalized, and Ann Serra, a New City resident and school nurse in the South Orangetown School District, were later honored for their quick thinking by the American Heart Association and County Legislature. In a wheelchair, Mary was on hand for the ceremony.

She suffered her heart attack on October 5, 1985. On May 18, 1986, she delivered the keynote address at the New York State Convention for Practical Nurses and, on May 21, she addressed the practical nursing students. Mary's bottom line: "Let's bring back nursing to the patient, where it belongs in the first place."

Realizing there would come a time when nursing would be too strenuous for her, Mary wondered what she would do in her retirement. After her son had graduated from medical school, she applied for and was accepted into the course for radio announcing and speech at the New York School of Radio Broadcasting. Mary was the oldest student in the class and, since she did not like newscasting, she chose interviewing—not a surprising choice in view of her interest and background in working with people.

So after 33 years as a practicing practical nurse, Mary began her fourth career. Although already well known in Rockland County, it would be her broadcasting career that would allow Mary greater opportunity to pursue her humanitarian interests.

Somewhere in the middle of her employment at Rockland State Hospital, Mary also owned and operated a restaurant. Consequently, her invitation to a "light lunch" might produce a menu of fettucini (homemade) with a marinara sauce, a crisp mixed green salad with a freshly made Italian dressing, roast chicken, and homemade red wine and, for dessert, vanilla ice cream with amaretto. Mary is proud of her home and many tokens of appreciation. She has photographs of interviews and special occasions displayed in every room. Her desk and interviewing set-up are in a corner of a huge living room near a large bay window looking onto her backyard. She writes her speeches in longhand.

Outgoing, with a zest for life along with a skill for organization and a talent for leadership, Mary has been president of many groups. In January of 1950, she was invited to address the Rockland County Business and Professional Women's Club (BPWC), and was then invited to join. Two years later she became the vice-president and then the president of that organization. She was then asked to organize The BPWC for the Ramapo and Tapan Zee areas. In 1959, when she was 52, Mary was chosen "Woman of the Year" by the Rockland County BPWC. In 1983, when she was 76, she was honored by that same group as a "Woman of Achievement."

It seems Mary is either founding organizations or joining them. Either way she soon becomes a leader in the group. She was charter president of the Civil Service Employees Association Retirees Chapter 918, Rockland and Westchester counties. She is a past president of the Italian American Club and the Rockland County President of the National Organization of Concerned Grandparents.

On March 7, 1986, Help Me, Inc. had a gala 80th birthday celebration for Mary Bianchini. While, technically, it was her 79th birthday, it marked the beginning of her 80th year. Her son and his family were on hand to celebrate and a 32-page commemorative booklet carried greetings from individuals, businesses, and organizations representing all the members of the Rockland County community.

Throughout her career as a practical nurse, Mary made a difference. As an interviewer on radio and television, she brought important and timely issues to the attention of the members of her community and introduced them to those actively involved in striving to make a better community for everyone. She continues to make a difference in her 80th year of life.

In an interview with Randy Banner of The Rockland Reporter in December 1978, Mary was quoted as saying "I was liberated the day I was born. Whether necessity or drive made me do the things I did, I don't know. But if it was necessity, I was able to do them because I had the willingess to try."

We have shared only a few of the activities in which Mary continues to be involved. Her interests encompass education of all kinds, social issues such as crime, housing, and child and family abuse and, of course, health programs and legislation. Mary has little time to ponder her past; she is too busy with the present and too much involved in planning for the future.

DUTCH FREE TREATMENT OF CERTAIN WEB SHEETS INTRODUCED

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. FRENZEL. Mr. Speaker, today I have introduced H.R. 1360, which reclassifies certain plastic web sheeting into a new duty-free category under the tariff schedules of the United States.

Awa paper is an imported web sheeting which is used by a constituent company in the production of reverse osmosis filter elements sold to original equipment manufacturers of water purification systems. It is a plastic web sheet comprised of polyester fibers bonded with a resin. Previously, Awa paper had been classified under a category of plastic sheets comprised of polyester, which, to me, was the proper category. The tariff here is 4.4 percent ad valorem. Several Customs officials in my area challenged the classification stating that the length of the constituent man-made fibers of Awa paper more properly classifies this product as a nonwoven textile. As a result, the tariff soared to 12.9 percent ad valorem plus 2 cents per pound, triple the previous rate.

Not only is my constituent company struck with a tripling of its original duty affecting its competitiveness abroad, but it now has to contend with textile quotas. Since this is the only business conducted by my constituent company, potential supply problems could put them out of business. While the Awa paper is imported from Japan, Japan is also one of the company's important export markets for the finished product.

The company has sought a domestic source for this type of web, but to date no such source has been determined. The company does use domestic sources for some of its filter element applications, however. The web sheeting imported by my constituent is a critical component of the reverse osmosis filter element which is used in making potable water from brackish ground water, sea water or other water containing high concentrations of salts. Awa paper has a precise thickness and uniform density which are critical to satisfying the performance criteria of the more demanding applications of the filter elements produced by the company. Any variability in the thickness or density of the web used in the filter elements would compromise the usefulness of the product. As I mentioned above, there is no domestic company which can provide the exact web sheeting for this particular usage.

In my bill, I have established a new tariff classification, 870.65 which covers only the Awa paper. Other web sheetings which are produced in the United States are left in the textile category. To further narrow the application of this bill, we have limited the duty-free treatment to web sheeting used in the production or reverse osmosis filter elements for water purification systems.

This product does not belong in a textile category. It does not possess characteristics representative of textiles. It exhibits no drape when laid flat upon a nonflat surface. It cannot be stitched or sewed.

In my opinion, this is a noncontroversial bill which I would hope could be attached to H.R. 3 as it moves through the legislative process.

FEDERAL CREDIT UNION

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. RINALDO. Mr. Speaker, last week, Representative DOUG BARNARD and I reintroduced legislation which we sponsored in the last Congress that would correct a glaring duplication in Federal law. Our legislation, H.R. 1309, would eliminate FTC regulatory jurisdiction over the Nation's Federal credit unions and place it instead in the hands of the National Credit Union Administration.

This bill met with broad support in the previous Congress, when it was endorsed by the Director of the Office of Management and Budget, the chairman of the board of the National Credit Union Administration, and the National Association of Federal Credit Unions—the only national trade association which exclusively represents credit unions chartered by the Federal Government.

Unfortunately, while the provisions of our legislation have met with broad support, it has been tied up with other, more controversial issues which surround the reauthorization of the Federal Trade Commission Act. Because of those issues, Congress has failed to reauthorize this law since it expired in fiscal year 1982.

I do not believe our proposal should be held hostage to those controversies, and I am hopeful it can be considered by the 100th Congress early in this session.

The reasons for this are simple: jurisdiction over credit unions belongs more properly to the NCUA, not the FTC. When the FTC was established in 1914, banks were specifically exempt from its jurisdiction because they were already regulated by the Federal Reserve Board. Because neither savings and loans nor credit unions existed at that time, the original FTC act naturally did not include such exemptions.

Congress appropriately addressed the S&L exemption in the 96th Congress, when I sponsored legislation exempting S&L's from FTC jurisdiction. Those institutions are regulated by the Federal Home Loan Bank Board, and we removed this duplicative regulation through Public Law 96-37, which now has been in effect for over 7 years without any adverse impact.

The time has come to grant the Nation's Federal credit unions similar relief from excessive and unnecessary regulation. I urge my colleagues to join Representative BARNARD and me in pressing for adoption of H.R. 1309, and I am hopeful this bill can be considered without delay.

CHARLES M. CLARK HONORED

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. LEWIS of California. Mr. Speaker, it gives me great pleasure to have this opportunity to recognize a truly remarkable citizen of the 35th District of California, Mr. Charles M. Clark. Mr. Clark was honored by the Mount Baldy Chapter of the California Credit Union League on December 16, 1986.

Mr. Clark is a widely respected career public school teacher, coach, and administrator. He has generously shared his free time with such worthwhile organizations as the Methodist Church, the Boy Scouts of America, Kiwanis International, and the Masons, who have benefited greatly from his many talents.

More than any other organization, the credit unions have been the greatest beneficiary of Charlie's generosity. Charlie Clark's numerous activities with the credit union have spanned many years. He has contributed more than 32 years of service as a volunteer to the credit union movement. Founder of the Western Credit Union National Association of Management Schools at Pomona College, he was dean of student activities for 20 years. For 18 years he volunteered his time and talents to the California Teachers Association Credit Union and the Southern California Central Credit Union. In addition, he has given many years of service to the Western Corporate Federal Credit Union and the board of governors, Mount Baldy Chapter of the California Credit Union League.

Mr. Speaker, I ask that you join me in saluting Charles M. Clark. His many talents and boundless dedication personifies the best of volunteer vitality. He is a most outstanding example for us all, and it is with great respect that I recognize his many contributions today.

A TEXAS FAMILY; A TEXAS LEGEND: VARA MARTIN DANIEL, 1917-87

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. PICKLE. Mr. Speaker, I along with the distinguished Member from Texas, Mr. WILSON, rise to share with you a tribute to the late Vara Martin Daniel.

Even the legendary John Wayne was captivated by the beautiful and talented Vara Faye Daniel, wife of Gov. Bill Daniel of Liberty, TX. In a last-ditch effort to enlist the help of Bill Daniel in producing the movie "The Alamo," the "Duke" flew to the Daniels' Plantation Ranch. He was hand-carrying 20 yellow roses to Miss Vara—and the rest is history.

Vara Martin Daniel, daughter of late Texas State Senator Will M. and Daisy Beavers Martin of Hillsboro, TX, was widely known as the "First Lady of Liberty."

She formerly represented the United States to 40 countries as a personal envoy of Presidents Dwight Eisenhower, John F. Kennedy, and Lyndon B. Johnson. She had been more places and done more things than most women even dare to dream, traveling around the world, on all seven continents.

With her husband, a former Governor of the U.S. Territory of Guam and a former member of the Texas House of Representatives, she established and endowed numerous scholarship-and-academic programs at Baylor University in Waco, the University of Texas at Austin, and the Methodist Boys Ranch in Waco.

Their fabulous Plantation Ranch was the setting for annual crippled children's parties and Easter egg hunts for thousands of area residents. The historic ranch, 25 miles north of Liberty, also served as the headquarters for the famous "Big Thicket Trek" wagon trains that opened the South Texas State Fair in Beaumont for 16 years.

Mrs. Daniel was the first recipient of the "Sons and Daughters of Liberty" award. She also received the Philanthropic Award from the Texas Liberty Association and the Human Relations Award from the Texas State Teachers Association.

She was a distinguished alumna and member of the Hall of Fame of Hill College in Hillsboro, one of only six "Alumna Honoris Causa" of Baylor University, and an honor graduate of Texas Woman's University in Denton. She was a director of the Southeastern Savings & Loan Association in Dayton, past president of the Trivium Club in Liberty, and past regent and secretary of the Libertad Chapter of the Daughters of the American Revolution.

She also was a member of the Baylor University School of Education Advisory Board, the Baylor University Council for Development, and the chancellor's council of the University of Texas, as well as the advisory council of the University of Texas Graduate School of Library and Information Science.

Vara Martin Daniel had been all these places, done all these things and faced all these challenges—all with the eloquent grace of a great lady—who divided her time between her family and her many civic duties, as well as church responsibilities and philanthropic endeavors.

"Miss Vara" was the much loved first lady who was a devoted mother of four and grandmother of seven; and while her husband Gov. Bill Daniel has been called a living Texas legend, it was Vara Faye who was always by his side, whether hunting rogue elephants in Africa or dining with Presidents in the White House.

We shall all miss her and are glad she passed our way.

DEBORAH HOSPITAL ANNIVERSARY

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. SMITH of Florida. Mr. Speaker, on March 13, 1987, the Deborah Hospital Foundation, in North Lauderdale, FL, which supports the Deborah Heart and Lung Center, will be celebrating its 65th anniversary in conjunction with the 15th birthday of the Children of the World Program.

For 65 years Deborah has treated patients without cost to them or their families. This highly specialized hospital provides lifesaving heart and lung treatment to patients from all over the world, including local communities in my home State of Florida.

Deborah, which is the only hospital of its kind east of the Mississippi, means hope and health to people from all races, religions, ethnic or financial backgrounds. Additionally, Deborah's doctors and facilities are considered among the finest in the Nation.

The Deborah Hospital Foundation and the Deborah Heart and Lung Center are to be commended for the great contribution being made to humanity and our community.

JAPAN'S MODERNIZATION EFFORT MAY SPUR UNITED STATES

HON. VIN WEBER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. WEBER. Mr. Speaker, considering our present concern about international competitiveness, it's appropriate that we study the economic modernization efforts of our major trading partners, particularly Japan. In the past Japan has been enormously successful at moving aggressively into high technology fields. Part of their success is clearly attributable to their ability to anticipate future trends in the economy and their willingness to develop long-range plans in response to them.

In 1980, Japan's Ministry of International Trade and Industry [MITI] began plans to build 26 new high-technology cities, specifically designed to bring together universities, industry, and venture capital foundations. These new cities promise to play a vital role in Japan's economy as tightly coordinated technology centers. The United States could certainly profit from a careful scrutiny of this ambitious plan.

Toward that end, I commend to my colleagues the following article by Otto Silha, former publisher of the Minneapolis Star and Tribune and Chair of the Innovative City Project Steering Committee. Mr. Silha's article is an informative overview of Japan's current modernization effort. As we consider ways to remain competitive into the 21st century, we should seriously examine these Japanese initiatives.

[From the Minneapolis Star and Tribune, Jan. 13, 1987]

JAPAN'S "TECHNOPOLIS" PROGRAM MAY GIVE AMERICANS A MUCH-NEEDED HIGH-TECH JOLT

(By Otto Silha)

Japan's Technopolis Concept—an ambitious plan to build more than 20 new high-tech cities—may prove to have the same effort on United States urban growth and development that the Soviet Sputnik had on the U.S. space program.

The project was launched in 1980 under the guidance of the Ministry of International Trade and Industry (MITI). The objective is to build 26 new "Silicon Valleys" spread throughout the Japanese islands. MITI has selected 18 regional cities and is reported to be reviewing eight more sites.

These new cities, many of them under construction, are designed as the engines for Japan's economic growth in the 21st century. Each will contain new university science centers, research parks, joint research and development consortiums, venture capital foundations, and office complexes concentrated in one area to form a critical mass.

In addition to innovative housing, the cities will offer shopping malls, schools, recreational areas and life-long learning centers. They are located in scenic areas, unlike Japan's present major cities.

A leading U.S. student of the Technopolis Concept is Sheridan Tatsuno, senior analyst at Dataquest, a high-tech market-research company in California's Silicon Valley. After visiting 18 of the "Technopolises," he reported his findings in a recently published book, "The Technopolis Strategy: Japan, High Technology and the Control of the 21st Century" (Prentice Hall Press).

Tatsuno sets the background for this aggressive new strategy. After World War II, Japan diligently sought advanced technology to catch up with the West. Copying—not reinventing the wheel—was perceived as the route to the future.

MITI provided national leadership in importing foreign technology, with companies investing in new plants and equipment and developing low-cost manufacturing processes. The national objective—high-quality products—was met. Recent years., However, have brought new challenges. The strong yen value has affected the domestic economy, and companies from South Korea, Taiwan, Sinagapore, Malaysia and, more recently, China are competing successfully in the international markets with even lower-cost products.

A 1980 MITI paper, "Visions for the 1980s" urged Japan's industry to pursue more creative research. More than 30 national research and development projects focused on such leading-edge technologies as fifth-generation computers, biotechnology, lasers, ceramics and bioelectronics. More than 2,000 researchers in the Tsukuba Science City, 35 miles northeast of Tokyo, and six regional testing laboratories, coordinated the project.

To understand the government commitment to put Japan in first place in science, industry, business and finance in the 1990's and beyond, one must realize that MITI is not the only agency pressing ahead in the 1980s. The Science and Technology Agency (STA) and the Ministry of Posts and Telecommunication (MPT) have pursued their own joint-research venture. One of the more ambitious projects involves automated language translation phone systems and artificial intelligence.

Needless to say, Japanese companies are rushing to take advantage of the results of these projects. Since 1984, leading electonics makers have spent $2.5 billion to build more than 80 research laboratories to design and operate the new products for domestic and world markets.

U.S. business leaders have been concerned for many years about the Japanese government's heavy subsidy of research and even marketing subsidies of competitive products. This kind of stimulation has helped to produce 11 major automobile manufacturers compared to only four in the United States. But the Technopolis Concept seems likely to result in an even more aggressive competitive threat to the West.

Tatsuno reports that MITI has studied every science city and hightech region around the world in preparing for Technpolis. The only American model was Silicon Valley, spotlighting the failure of the United States to develop any significant new cities. Disney World is the best we have to offer in such innovations as people movers, efficient power plant and underground construction.

Research consortiums seem to be an important base for the new city developments in the various prefectures, comparable to our states. In Kagoshima, in southern Kyushu (known as Silicon Island because it produces 40 percent of all Japanese semiconductors), the Fine Ceramics Product Research Association has joined together 150 local pottery makers. To the north in Kumamoto, 260 companies have formed the Software Development Association.

In addition to the infrastructure of the new cities, prefectures are building airports and highways, along with tax incentives and other inducements to attract Japanese and foreign companies. Estimates for the governmental expenditures for each city range from $1 to $2 billion, in addition to the private investment.

A law passed last May promotes private investment in international trade-fair facilities, conference halls and joint research laboratories. Investment estimates are in the $45 billion to $55 billion range over the next 10 years, with eight Technopolis sites planned as future regional research cores. The Makuhari new metropolis, a $5.7 billion project patterned after the Hanover Fair in West Germany, is to be built in the Tokyo area for international trade shows and conferences.

Other names signal the areas of concentration—Teletopia, Agripolis, Marinopolis, and New Media City. The recently privatized Nippon Telegraph and Telephone is reported to be developing the Information Network System, a nationwide optical-fiber communication-satellite network, at a cost of $150 billion.

Japan is driven by the new commercial strength of its neighbor countries. Those who doubt its ability to carry out these ambitious programs must factor in the tremendous strides that the country has made in commerce, industry and finance in the past two decades. And the Japanese are long-range planners.

How should the United States react to the new Technopolis challenge? Sheridan Tatsuno, writing from his vantage point, has four suggestions worth considering:

"Develop regional industrial strategies to strengthen our emerging Silicon Valleys and avoid putting 'all our eggs in one basket.' We will require close government-university-industry cooperation to improve our schools, build our infrastructure and generate new companies."

"Investigate the possibility of a U.S.-Japan bilateral Technopolis program to keep up-to-date on changes in Japan. The U.S. Conferences of Mayors and Governors are best positioned to pursue information sharing and cross-investment."

"Develop Japanese science and business libraries that offer translation services, technical journals, Japanese language courses and business programs. These should eventually be expanded into Asian business libraries to include all Pacific Rim nations."

"Organize Pacific Rim networks in our companies, which have many engineers and managers of Asian ancestry, as well as Americans with significant experience working in Asia. By tapping into this pool of knowledge, we can overcome some of the cultural barriers preventing U.S. companies from doing business in Japan and other Asian nations."

When we realize the political pressure for protectionist policies already rising in the United States, it is all the more important for our country to anticipate the new competitive onslaught from Japan and take positive, perhaps drastic, steps to achieve greater productivity produce better products and maintain our position as an economic superpower.

THE EQUITABLE AUTOMOBILE TRANSPORTATION ACT OF 1987

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. JONES of North Carolina. Mr. Speaker, today I rise to introduce the Equitable Automobile Transportation Act of 1987, which 53 Members of Congress have joined me in cosponsoring. This bill, modeled after H.R. 3655 of the 99th Congress, is intended to balance our maritime automobile transportation capabilities with those of Japan and South Korea by requiring those countries to transport an equal number of vehicles on U.S. vehicle carriers as on their own. The bill does not mandate that U.S.-flag vessels carry a given percentage of autos imported into the United States. It merely states that where the auto exporting country's vessels are benefitting from the substantial business generated by United States car buyers, then U.S. vessels should share in the trade. Under the proposal, 100 percent of the transportation service could be provided by carriers other than Japan, South Korea, or United States.

Currently, Japanese interests own, operate, or control the vast majority of the vehicle carriers operating around the world. More than two-thirds of these vehicle carriers are engaged in the lucrative United States-Japan trade, bringing about 2.3 million Japanese automobiles to our shores each year. American consumers spend well over $10 billion purchasing these cars. The American public is ultimately paying for the transportation cost and yet our maritime industry has had very little access to this trade.

Last Congress. H.R. 3655 was reported out of the Merchant Marine and Fisheries Committee. As a result of this preliminary action, Nissan Motor Co. announced the charter of a pure car carrier from Marine Transport Lines for 3 years. This vessel will be built in a Japanese shipyard and will be capable of transporting 4,000 automobiles per voyage. It will carry the U.S. flag. However, this is a small percentage of the 700,000 cars Nissan exports to the United States. In addition, three other U.S.-flag vessles have been contracted for under similar arrangements with Japanese companies, although these efforts hardly represent an equitable share of the trade.

In 1986, Korea sold 168,000 motor vehicles in the United States. Actual imports were even higher because of the Korean autos still carried in dealer inventories. The Korean Institute for Economics and Technology predicts that 420,000 to 500,000 motor vehicles will be exported to the United States in 1987. In 1987, Daewoo, a 50 percent GM-owned company, expects to produce for export to the United States between 80,000 and 100,000 automobiles to be sold as the Pontiac LeMans model. Moreover, Kia Motors, a 10 percent Ford-owned company, expects to produce for export to the United States between 50,000 and 70,000 automobiles to be sold as the Ford Festiva. Mr. Speaker, the Korean auto market is growing exponentially and I am determined to see that we get a fair crack at that cargo.

The bill will provide clear benefits to our national security and economic well-being. The military establishment has repeatedly cited the unique advantages of these specialized roll-on roll-off ships for use in areas without the sophisticated shoreside equipment necessary to service a containership.

It is no mistake that Asian manufacturers are targeting the U.S. market—it is a lucrative one and the demand for their products is high. But when these nations unfairly restrict the allocation of ancillary services necessary to get the goods to market, we have a vested interest in blowing the whistle. The U.S. merchant fleet has been asked to shoulder the burden of foreign protectionism for too many years. Finally, Mr. Speaker, I urge my colleagues to join me in the promotion of our maritime industry by cosponsoring the Equitable Automobile Transportation Act of 1987. Together we can send a message of conviction and strength: that trade is a two-way proposition, and that if we are to buy products like automobiles on the foreign market, our workers, in this case our seamen, should participate in the trade that is created not by Japanese or Korean manufacturers, but by U.S. consumers.

THE STATE OF THE WORLD—1987

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. FLORIO. Mr. Speaker, once again Worldwatch Institute has issued its state of the world picturing an environment stretched beyond its capabilities as a result of increased pollution, depletion of the ozone layer, climate change and the loss of biological diversity. As one who has long been active in environmental issues, and as a member of the Subcommittee on Transportation, Tourism and Hazardous Materials, I would like to direct the attention of my colleagues to the points raised by Lester R. Brown.

Our environment is being taxed by increasing pollutants including the steady depletion of the ozone layer because of increased emissions of chlorofluorocarbons and uncontrolled emissions of carbon dioxide and other greenhouse gases. In addition, acid rain and other forms of air pollution continue to damage our forests, our rivers, lakes, and streams. There is a need or continued efforts to decrease pollution and restore our natural resources.

In the past, there have been efforts in Congress to address several of the problems mentioned in the 1987 State of the World. The 99th Congress heralded several significant environmental accomplishments including a reauthorization of Superfund, the enactment of a Safe Drinking Water Act and, just recently, a reauthorization of the Clean Water Act. I am proud to have played an instrumental role in these efforts.

However, I would like to join Lester Brown in highlighting for my colleagues the need for continued efforts. I hope that the 100th Congress will herald legislation designed to control acid rain and successful efforts in not only decreasing ozone pollution but also negotiating international agreements to decrease chlorofluorocarbons and protect our ozone layer.

I commend to my colleagues the following release issued by Worldwatch Institute and urge their support in addressing the problems posed to our environment.

EARTH'S FUTURE HABITABILITY THREATENED

Human activities are driving many natural systems beyond critical thresholds of stability, posing serious economic consequences and direct threats to the earth's habitability, according to a new report by Worldwatch Institute, a Washington, D.C.-based research organization.

"Since 1950 world population has doubled, food production has nearly tripled, and fossil fuel use has more than quadrupled," said Lester R. Brown, Worldwatch Institute president and director of the study, State of the World 1987. The resulting pressures on the earth's resources have surpassed many natural thresholds, including the capacity of forests to tolerate pollution, of the atmosphere to absorb waste gases, and of cropland to sustain intensive cultivation.

"Many of these threshold crossings, which are making the earth less habitable for future generations, are taking society by surprise," said Brown. "The most threatening globally are the depletion of the ozone layer, climate change, and the loss of biological diversity."

In State of the World 1987, the fourth in Worldwatch's annual series, Brown and six colleagues analyze numerous other issues, including the ecology and economics of urbanization, new approaches to recycling solid wastes, the future of nuclear power after Chernobyl, and the effect of privatization on the efficiency of resource use.

"Daily news events remind us that our relationships with the earth and its natural systems is changing, often in ways we do not understand," Brown said.

Recent reports that the ozone layer in the upper atmosphere over Antarctica is being depleted, apparently by the industrial release of chlorofluorocarbons, is but one example of how our earthly habitat is being altered. The resulting increase in ultraviolet radiation reaching populated areas would cause more skin cancers, impair human immune systems, and retard crop growth.

"Uncontrolled emissions of carbon dioxide and other 'greenhouse gases' threaten to make the earth warmer than at any time in human history," Brown said. In late July 1986, a team of British scientists reported evidence from more than a century of temperature data that the warming has begun. They found a long-term increase in the earth's average temperature, with five of the nine warmest years since 1850 occurring during the last decade.

In October 1986, a conference of distinguished biologists convened in Washington, D.C., sounded a clear warning about increasing threats to species survival. The scientists cautioned that continued degradation of natural habitats could bring a wave of extinctions comparable to that which wiped out the dinosaurs and half of all other extant species some 65 million years ago.

"In industrial regions, acid rain and air pollution pose some of the most serious near-term consequences," Brown observed. Forest damage in Europe, first widely reported in West Germany, continues to spread throughout central and northern Europe in 1986. Trees covering 20 million hectares—an area the size of Austria and East Germany combined—are sick, dying, or dead. In December 1986, Swiss authorities reported that the share of damaged trees in the canton of Zurich had increased from 14 percent in 1983 to 65 percent in 1986.

"The loss of forests is a crossing of natural limits that poses immediate consequences for local populations," Brown continued. "Third World demand for firewood is rising steadily, forcing wood harvesting that exceeds sustainable yield of local woodlands in scores of countries. Satellite data show that India has lost 22 percent of its trees over in just eight years."

"The economic consequences of these threshold crossings are quickly becoming inescapable. Worldwide, the cost of adjusting to a greenhouse gas-induced warming of the earth may loom the largest," said Brown.

For agriculture, a highly climate-dependent sector, shifts in rainfall patterns may require investments totalling hundreds of billions of dollars in new irrigation and drainage systems to maintain global food output.

Thermal expansion of the oceans and the melting of glaciers and polar icecaps will cause sea levels to rise, putting coastal areas at greater risk from flooding. Low-lying countries such as Bangladesh and the Netherlands, the rice-growing river floodplains of Asia, and such major cities as Shanghai, London, and Washington would require vast investments in public works to protect against the rise in sea level.

The Worldwatch report also found that soil erosion is taking a heavy economic toll. The loss of topsoil is contributing to falling crop yields in countries that contain roughly a quarter of Africa's population. In tandem with its contribution to the continent's decline in per capita grain production, soil erosion raises the need for food imports, swelling external debt in countries such as Nigeria and the Sudan.

"The spreading forest damage in Europe is setting the stage for increased rainfall runoff, soil erosion, and disruption of the European forest products industry," warned Brown. "The Swiss now plan to evacuate villages where the loss of trees on mountain slopes above has led to an unacceptable risk of landslides and avalanches. The tourist industry will also suffer, undermining the economies of many Swiss communities."

As wooded areas surrounding Third World cities become scarce, firewood prices are rising. After remaining remarkable stable from 1960 to 1977, average firewood prices in some 40 Indian cities rose 42 percent from 1977 to 1984. In the absence of offsetting gains in income, this price hike translates into a decline in living standards for those who depend on this traditional fuel for cooking and heating.

"With so many unsustainable trends under way, judging the environmental and economic health of societies requires ecological deflators, much like the price deflators used to factor out the effect of inflation when examining economic trends," Brown explained.

"Applying this concept to U.S. agriculture, for example, shows that 57 million tons of annual grain output are produced only by diminishing the agricultural resource base," he continued. "Some 48 million tons are produced on highly erosive land that is scheduled for conversion to grassland or woodland under the Food Security Act of 1985. In addition to this unsustainable output of grain, an additional 9 million tons are produced by depleting groundwater supplies."

Factoring out this unsustainable grain output—which amounts to one-sixth of total annual U.S. harvests—gives a picture of long-term food security that is very different from the one shaped by the "surplus" glutting the world market. The unsustainable U.S. grain output of 57 million tons of grain per year compares with the 22-million ton annual buildup of world grain stocks over the past five years. Subtracting the unsustainable output from all other countries would make food security trends look much grimmer.

"As the enormous costs associated with fossil fuel combustion—primarily acidification and climate change—become more apparent, pressures will force governments to promote energy efficiency and renewable energy sources far more vigorously," Brown said. "An investment in raising world energy efficiency and developing renewable energy reserves that goes far beyond and currently envisaged can now be justified on the basis of the enormous environmental costs that would thereby be averted."

"A handful of countries hold the key to some of the major adjustments facing humanity," he noted. "For example, the United States, the Soviet Union, and China together account for half of the global CO_2 emissions from fossil fuel. These three countries also possess roughly two-thirds of the world's remaining reserves of coal, by far the most abundant fossil fuel. A vigorous effort to curb fossil fuel use by these three countries could go a long way toward slowing the global CO_2 buildup and the projected change in climate."

A similar situation exists with tropical forests. Brazil, Indonesia, and Zaire contain nearly half the world's tropical rainforests, a resource critical to preserving the earth's biological diversity and to restoring stability to the carbon cycle. Unfortunately, none of these three countries has yet developed a comprehensive strategy to protect their forests.

"The course corrections needed to restore a worldwide improvement in the human condition have no precedent," said Brown. Simultaneous efforts are needed to arrest the carbon dioxide buildup, protect the ozone layer, restore forests and soils, stop population growth, boost energy efficiency, and develop renewable energy sources.

"No generation has ever faced such a complex set of issues requiring immediate attention," Brown concluded. "Preceding generations have always been concerned about the future, but ours is the first to be faced with decisions that will determine whether the earth our chidren inherit will be habitable."

SALUTE TO HON. JAMES J. HOWARD AND HON. ROBERT A. ROE

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. SAXTON. Mr. Speaker, I rise to share with my colleagues an account of a very noteworthy event that occurred Friday, February 6, 1987, in Atlantic City, NJ. I am speaking of a salute to Congressman JAMES J. HOWARD and Congressman ROBERT A. ROE for passage of the Water Resources Development Act of 1986.

Sponsored by the New Jersey Alliance for Action, the event was designed to recognize the powerful role that our colleagues, Congressman JIM HOWARD, chairman of the House Public Works and Transportation Committee, and Congressman BOB ROE, chairman of the House Water Resources Subcommittee, played in securing passage of the first real water projects legislation in over 16 years. Over 500 people were in attendance at a dinner chaired by Dr. Robert E. Wonderle, chairman of the New Jersey Alliance for Action. It was my pleasure to introduce the keynote speaker, Mr. Robert K. Dawson, Assistant Secretary of the Army for Civil Works. The following people presented awards: Dr. John L. Buzzi, president, Kupper Associates; Dr. August D. Pistilli, president, American Dredging Co.; Mr. James R. Kelly, president, Delaware River Port Authority; and Mr. James J. Kirk, director, Port Authority of New York and New Jersey. Dr. Richard T. Dewling, commissioner, New Jersey Department of Environmental Protection, delivered a message from the Honorable Thomas Kean, Governor of the State of New Jersey.

A highlight of the evening came during Secretary Dawson's keynote address when he sang a song he had composed, entitled "The New Jersey River". I am submitting this song with its powerful message of tribute to JIM HOWARD and BOB ROE so that all my colleagues can share in this portion of a very enjoyable evening. I know all of my colleagues, and the many citizens of New Jersey who were in attendance at the dinner, join me in saluting the outstanding leadership and hard work of Congressman JAMES J. HOWARD and Congressman ROBERT A. ROE.

THE NEW JERSEY RIVER

(Words and Music by R. K. Dawson)

(As performed at A Salute to Congressman JAMES J. HOWARD and Congressman ROBERT A. ROE for passage of The Water Resources Development Act of 1986.)

Verse 1:
Growing up in Alabama,
My traveling days were few.
But I heard about New Jersey once
In my history class at school.
Ol' Billy Earl did an extra credit report
To bring his grade up to an "A".
He said Albert Einstein himself lives there,
He said they call it "The Garden State."

Verse 2:
I left the Heart of Dixie,
Went to work for Uncle Sam.
Water projects were dead in the water
All across our mighty land.
But a river was moving in Jersey,
Carrying high hopes and great dreams.
Two men from the shore and the Great Falls
Knew just how to harness that stream.

Chorus:
You can paint with water colors,
You can probably water ski.
You can eat a watermelon,
Or have water on your knee.
There are water bugs and water birds, and water buffalo.
But there ain't no water in the law
Without Jim Howard and Bob Roe.

Verse 3:
The Lincoln Memorial is special,
The Statue of Liberty stands tall.
The Tomb of the Unknown Soldier
Helps us look back and recall.
When you see the floodwaters falling
And you hear the ships' whistles blow,
It's part of a living memorial
To Jim Howard and Bob Roe.

Cause there ain't no water in the law
Without Jim Howard and Bob Roe.

OUTSTANDING WOMEN IN MINNESOTA'S HISTORY

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. VENTO. Mr. Speaker, it is with great pleasure that I join my colleagues, Congresswomen BARBARA BOXER and OLYMPIA SNOWE in cosponsoring H.R. 79 designating March 1987, as National Women's History Month

I would like to draw my colleagues attention to some of the women of Minnesota whose heritage we honor, and to recognize their special contributions in the fields of education, agriculture, medicine, and politics.

Minnesota's women have been a guiding force in our renowned educational system. Four of Minnesota's finest colleges were founded by the Catholic Sister Seraphine Ireland and Mother Antonia McHugh: St. Catherine's in St. Paul, St. Theresa in Winona, St. Scholastica in Duluth, and St. Benedict's in St. Joseph. Our State university flourished under the guidance of professors like Maria L. Sanford. One of the first women professors in the United States, Sanford was a leader in establishing parent-teacher groups and adult education programs. Her skills as an orator helped her express egalitarian goals for Negroes, Indians, and women alike. Minnesotans have honored Maria Sanford with a statute displayed in the U.S. Capitol.

Minnesota is the home of one of the great farm organizations, the Patrons of Husbandry, better known as the Grange. The organization was cofounded by Oliver Kelley and Caroline Hall in 1867 and admitted both men and women to its membership rolls from its inception. The story of the Grange exemplifies the necessary partnerships between the men and women of the family farm upon which we still depend today.

Let us not forget Minnesota's medical and social work pioneers: Dr. Martha G. Ripley, founder in 1887 of Maternity Hospital in Minneapolis; Gertrude Brown, first director of the Phillis Wheatley Settlement House, so named for one of America's first published black women poets; Sister Kenny, whose pioneer efforts to combat the horrors of polio built a world-renowned rehabilitation center; and I. Myrtle Carden whose 20 years at the Hallie Q. Brown Neighborhood center in St. Paul saw to the needs of its growing black population.

Women have had the right to vote in Minnesota since 1875. I am proud to note the name of Anna Dickie Olesen of Cloquet, MN. Said to be "one of the five fastest talkers in the United States," Olesen was our first Democratic committeewoman, and in 1922, the first female candidate for the U.S. Senate. In Minnesota's later years, Olesen was joined in public service by such well-known personalities as Representative Coya Knutson from the Red River Valley, Eugenie Anderson of Red Wing, and Jean Wittich of Minneapolis. Anderson was the first American woman to be appointed to ambassadorial rank—serving as an envoy to Denmark, later Bulgaria, and at the United Nations. Wittich was the organizer of the All Party volunteer committee which elected Floyd B. Olson, perhaps Minnesota's best loved Governor, in 1930.

The real story of women, however, is far more than a chronicle of a few eminent persons. It is a story of how all women lived, worked, thought—how they reacted to the tides and currents of their times—and how thousands of their unrecorded decisions affected the direction of our great State and of this Nation.

I am indebted to Ms. Judy Yeager-Jones, State Coordinator of the Minnesota Women's History Month for her assistance, and Dr. Gretchen Kreuter, the notable historian and coauthor of "Women in Minnesota" from which my remarks were extracted.

TRIBUTE TO THE EXXON BATON ROUGE VOLUNTEER RESCUE TEAM

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BAKER. Mr. Speaker, I would like to take this opportunity to recognize the outstanding achievement of the Exxon Baton Rouge Volunteer Rescue Team.

The volunteer group is composed of men from the Exxon Co. USA, Baton Rouge, LA, Refinery and the Exxon Chemical Americas, Baton Rouge, LA, Chemical Plant. The squad is called upon several times a year to provide emergency care and transport for injured or ill plant workers. Since the team was formed in 1979, members have had 80 formal hours of on-the-job training in heavy rescue and emergency care each year. Additionally, individual members train about 200 hours a year on their own time.

Team activities include annual simulated emergencies, inside and outside of the plant. The group also attends employee safety sessions, both to showcase equipment and to provide assistance if needed. The squad is on call constantly—24 hours a day, 7 days a week.

For the past 6 years, the Baton Rouge squad has participated in competitions held by the International Rescue and Emergency Care Association. They returned from the August 1986, competition in Minneapolis, MN, as the world champions. The two-member emergency-medical technician team won their category of competition. The squad also turned in fine performances in heavy rescue and emergency care.

The members of the squad are: Capt. Warren Winstead, Assistant Capt. Jimmy Williams, Charlie Blanchard, Kenny Buff, Darrell Daigle, Dale Mayeux, Barry Miley, Jeff Onstead, Joe Pevey, Ray Pratt, Richard Reed, Dan Rice, Hershell Stafford, Warren Struppeck, and Carey Trisler.

Their expertise in emergency rescue techniques has saved numerous lives and stands as an example to similar industrial rescue groups across the nation. It is an honor for me to commend the inspiring courage of the Exxon Baton Rouge Volunteer Rescue Team. It is a privilege to have the world champion team located in Baton Rouge, LA, and they will remain an inspiration to the true spirit of volunteerism.

THE PRESIDENT'S SPECIAL REVIEW BOARD'S FINDINGS

HON. DAN LUNGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. LUNGREN. Mr. Speaker, nearly 3 months ago, President Reagan announced the formation of his Special Review Board assigned with the task of studying the National Security Council, its operation, and its staff. The Board, consisting of John Tower, Edmund Muskie, and Brent Scowcroft, was also responsible for addressing the Iran/Contra matter in a manner consistent with the President's request that all the facts come out.

In a remarkably short period of time, the President's Special Review Board—(or, Tower Commission)—has just submitted their findings to the President, the Congress, and the American public. And as the board members stated in the reports corresponding letter of transmittal, "While the publication of this material in this report may be troublesome to some in the short term, we believe that, over time, the nation will clearly benefit by your decision to commission this review." I am personally confident that Messrs. Tower, Muskie, and Scowcroft are correct in that assessment.

Mr. Speaker, after reviewing the Tower Commission's findings, I would like to applaud the members of the Commission as well as their dedicated staff for producing both a fair and comprehensive report. Their analysis of the National Security Council's [NSC] 40-year history was excellent; their review of case studies from several administrations exceedingly thorough; and their recommendations for the NSC system very astute. Needless to say, the board ought to rightfully be commended for producing an excellent report in an extremely limited period of time.

Lastly, and perhaps most importantly, I believe President Reagan ought to be praised for commissioning the Special Review Board. His determination in uncovering all the relevant facts concerning the Iran/Contra matter as well as establishing the proper procedure for carrying out future national security goals is welcomed and refreshing.

PRO ANTITRUST REFORM

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BARTON of Texas. Mr. Speaker, the President's Trade Employment and Productivity Act, H.R. 1155, is now before Congress. It is a comprehensive proposal to improve our competitive position in the world economy. In addition to trade law reforms, I was pleased to see antitrust reform included in the bill. To the uninitiated, antitrust reform may, at first glance, seem out of place in a discussion of competitiveness proposals. Let me assure you, nothing could be further from the truth. Our antitrust laws were adopted back in the days where a few U.S. companies threatened monopolistic control of domestic markets. Foreign competition was nonexistent. Today, we face international competition in global markets, and firms ought to be able to restructure to meet that competition, so long as the consumer is protected in the process. The administration's antitrust proposals will help American companies while still protecting American consumers. The package as a whole deserves careful consideration and support in the weeks and months ahead and I applaud the administration's efforts in this regard.

McGRATH MOURNS LOSS OF REV. MORGAN M. DAYS, CALLS DAYS "A GIANT IN THE CIVIC AFFAIRS OF LONG ISLAND"

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. McGRATH. Mr. Speaker, I would like to take this moment to remember a great man who was a true leader among my constituents. I refer to the Rev. Morgan M. Days of Rockville Centre, NY, who recently passed away at the age of 95.

This wonderful and wise man was the spiritual leader of the Shiloh Baptist Church in his community for 49 years. But his influence and impact was far, far wider in the affairs of Long Island.

Reverend Days was a spokesman for the black community at-large and was a giant in the civic affairs of Long Island for many years. He was a shrewd and tenacious figher for his people, and, by sheer force of will, singlehandedly brought about many of the most important developments in the history of Long Island race relations.

Gifted with an intellect that was capable of great vision, he was nevertheless a pragmatist who could grasp the most subtle nuances of a situation. He was a man who instinctively knew what strings needed to be pulled to get the job done, and he played those strings as only a master can.

While his concern for the spiritual affairs of his community occupied his life, he was relentless in his pursuit of civil rights and economic justice. Well into his nineties, Pastor Days was still pursuing his work and fighting for civic betterment.

As chairman of the Rockville Centre Human Rights Commission, Reverend Days was the key figure in the redevelopment of the village's West End. This monument to his ability, and the park that bears his name, will remind future generations of the lasting impact this man had on his community.

Mr. Speaker, utlimately, the most important monument to this great man, among the many things he built, is the bridge he built between people. Above all, Reverend Days, my dear personal friend and colleague, was a bridge builder. My sincere condolences go out to his family and many friends.

IN REMEMBRANCE OF THE RIGHT REVEREND MONSIGNOR LAWRENCE W. DONOVAN

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. HOWARD. Mr. Speaker, I am privileged to place before the House, a commentary on the life of a very great man. The Right Reverend Monsignor Lawrence W. Donovan has led a life of exemplary public service and dedication to God. After being ordained a priest on May 1, 1937, he served as chaplain at two New Jersey hospitals, an orphanage, and boy's reformatory. In 1949 he was appointed pastor of St. Joseph Church in Toms River, NJ. For 38 years he led the people of St. Joseph Parish and accomplished a great deal; a new church and grammar school, a new convent, a rectory, a Catholic cemetery, and the first and only Catholic High School in Ocean County which now bears his name. During his tenure, St. Joseph Parish grew tremendously and is currently the largest parish in the diocese of Trenton and the parent of five new parishes.

In addition, Monsignor Donovan gave much of his time to the surrounding community. Among his many activities were his positions as auxiliary chaplain of the Armed Forces, Lakehurst, member of the Ocean County Red Cross, member of the board of trustees of the Ocean County Heart Association, and charter member of the Elks B.P.O.E. No. 1875. Yet still he found the time to work with the young people of Ocean county as athletic director of St. Joseph Schools. These are only a few of the selfless pursuits of this very dedicated man.

Unfortunately, on January 21, 1987, at the age of 75, Monsignor Donovan passed away. He leaves behind him, however, a lifetime of good works and fond memories. Let us include in our prayers Monsignor Donovan, the members of his family, and the members of St. Joseph Parish as they continue his work on the strong foundation he built. Thank you.

CHRYSLER MUSEUM ADDS RICAU SCULPTURE COLLECTION

HON. OWEN B. PICKETT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. PICKETT. Mr. Speaker, I would like to take a minute, if I may, to engage in a bit of local pride and to share with my colleagues what I believe is exciting news.

Already renowned for its collection of glass and Italian and French paintings, the Chrysler Museum in Norfolk, VA, has now become one of the Nation's most important museums for American sculpture with the significant acquisition of the country's largest and finest private collection of American 19th Century sculpture: the James H. Ricau collection.

Mr. Ricau of Piermont, NY, began collecting American sculpture in the early 1950's and over the next 35 years increased his collection to 70 pieces by 26 artists, 25 of whom are American.

With most of its works dating from 1825 to 1875, the Ricau collection represents the first important flowering of neoclassic sculpture in this country and a milestone in the growth of American art.

Dr. David Steadman, director of the Chrysler Museum, expects to have the collection ready for exhibition in an expanded and renovated facility in the late fall of 1988.

This will be another feature that makes my district worth visiting, and I would encourage my colleagues to do so whenever they can.

TRIBUTE TO FINDLAY COLLEGE

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. OXLEY. Mr. Speaker, I am pleased to inform my colleagues that the Center for Bilingual Multicultural Studies of Findlay College, located in my district, was recently awarded honorable mention by the American Association of Colleges for Teacher Education in their 1986 Distinguished Achievement Award in International Teacher Education competition. I would also like to commend Dr. Jean Nye who put together such an exemplary program.

The Center for Bilingual Multicultural Studies was established in 1984 and offers four separate majors designed to enable students to become fluent in Spanish as well as English. One major in particular, Spanish-business, couples a knowledge of the Spanish language and culture with a fundamental knowledge of business. This combination could easily lead a student to a variety of careers, especially those related to firms which have business dealing with Spanish-speaking customers.

Findlay College was the first college or university in the State of Ohio to have a certified Bilingual Multicultural Teacher Training Program. The Findlay College program is designed to prepare college students of both Spanish-dominated and English-dominated backgrounds to teach in a bilingual setting.

Programs such as these at Findlay College are particularly important today due to the growing importance of international trade. America needs to increase its international business skills to become more competitive in the world market. I commend Findlay College for its foresight in developing such an excellent program.

TRIBUTE TO STEPHEN F. TOBIA, JR.

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. TORRES. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding work of Mr. Stephen F. Tobia, Jr., of the Coca-Cola Co. of Los Angeles.

Mr. Tobia is leaving the Coca-Cola Co. after serving the company and the community since his appointment as manager of public Affairs in 1981. In July 1984, Stephen was appointed vice president, public affairs for the Beatrice Soft Drink Division.

He has served the Greater Los Angeles area with dedication and has earned the respect and gratitude of many organizations and citizens of the region. In 1982 he was selected as one of the Outstanding Young Men of America by the U.S. Jaycees.

Active in numerous professional and civic organizations, Mr. Tobia serves on the board of directors for the California/Nevada Soft Drink Association; chairman of the board for RecyCAL, a statewide environmental/recycling organization; chairman of the East Los Angeles YMCA; and serves on the board of directors for the Southern California Business Men's Association and Big Brothers of Greater Los Angeles.

Mr. Tobia has taken the concept of corporate responsibility and placed it into action by involving Coca-Cola in working partnerships with the community to help alleviate some of the problems of young people. More than simply contributing funds for worthy projects and organizations, under Mr. Tobia's leadership, Coca-Cola has developed comprehensive programs to address some complex youth problems. He has helped to establish dropout prevention programs at Roosevelt and Garfield High Schools. He has worked closely with the Hollenbeck Youth Center to operate a youth gang prevention program for younger children and he has helped the Bilingual Foundation of the Arts bring theater and cultural arts to the community. I mention only a few examples of the outstanding work that Mr. Tobia accomplished during his tenure at Coca-Cola of Los Angeles.

As a member of the Committee on Small Business, I am personally grateful to Mr. Tobia for the outstanding job he did in supporting the development of several groups that work on behalf of small business owners and minority business entrepenuers. His support for the Mexican American Grocers Association and the Latin Business Association deserves special attention because with his help both of these organizations have been able to grow and to improve business opportunities for all Americans.

Stephen Tobia leaves Coca-Cola a legacy of commitment, dedication, and accomplishments. I share the pride his wife Maureen and his two sons must feel for his work and efforts to make southern California a better place for everyone.

Mr. Speaker, I ask that my colleagues join me in commending Stephen F. Tobia, Jr., on his outstanding contributions to the citizens of California and extend him best wishes for continued success in future endeavors.

THE 200TH BIRTHDAY FOR NEW BEDFORD, MA

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. STUDDS. Mr. Speaker, I rise today to commemorate the beginning of a bicentennial year for the city of New Bedford, MA, which I am honored to represent in the U.S. House of Representatives.

The city's history actually dates back over 300 years. In the mid-1600's, members of the Plymouth Bay Colony purchased land along Buzzards Bay from Massasoit, leader of the Wampanoag Tribe, and called it Dartmouth. The territory was formally recognized by the Massachusetts Legislature in 1664, and comprised what are now the communities of Dartmouth, Fairhaven, Acushnet, Westport, and New Bedford.

From the beginning, Bedford Village was an active commercial seaport, with a heavy emphasis on whaling. Residents played a role in the Revolutionary War, as schooners from the town inflicted damage on the English fleet. In retaliation, the British burned many of the shops and storehouses in the Village. Despite this setback, Bedford Village was ready to become an independent community and was incorporated on February 23, 1787 as the independent town of New Bedford. Sixty years later, an election was held to formally establish the city of New Bedford.

Since its creation 200 years ago, New Bedford has met and survived many challenges—the decline of the whaling industry, the rise and fall of the local textile industry, the diversification of its industrial economy, and the pains of urban renewal. Today, New Bedford leads the Nation—for the fourth consecutive year—in the value of its fish landings. But it is the people of New Bedford, nourished by a rich immigrant stream continuing to this moment, who are responsible for the cultural heritage which the city enjoys today.

This is a heritage in which the city's residents can take great pride. It is with the same pride that I am privileged to represent New Bedford in the U.S. Congress. I am pleased to join the people of the city of New Bedford in commemorating 200 years and offer my best wishes for a successful celebration.

TRIBUTE TO DONATO LONGO

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. TORRICELLI. Mr. Speaker, I would like to bring to the attention of my colleagues the outstanding record of Donato Longo. Dan, as he is known to his many friends, attended, and graduated from Scranton Lackawanna Junior College with a degree in business administration. He also holds certificates of completion in accounting and hospital business office management from Kean College.

A devoted family man, Dan has always shown great concern for his community and country. Dan served his country during the Korean war and received a Presidential citation from President Harry S. Truman for his contribution to the development of cold weather combat equipment. Dan resides in the Boro, of New Milford where he served his community for 17 consecutive years—as an elected councilman for 13, and as mayor for 4.

Dan, who is presently employed as the director of patient accounts at Pascack Valley Hospital in Westwood, NJ, currently serves on the Rent Ordinance Advisory Committee with current Mayor Roger Lane.

Dan's great enthusiasm, sense of commitment and civic responsibility are qualities that we have all come to admire and respect. I therefore take pride in recognizing the many accomplishments of this fine friend and public servant.

THE CELEBRATION OF THE CITY OF COTTAGE GROVE'S CENTENNIAL

HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. DEFAZIO. Mr. Speaker, I rise today to pay tribute to the 100th birthday of one of Oregon's most distinguished and historical cities, Cottage Grove.

Cottage Grove was officially incorporated as a town on February 11, 1887. It is one of the oldest cities in my district. The city is representative of the pioneer spirit which makes up so much of Oregon's history.

The city was named in 1855. The influx of settlers into the area created a need for a post office to the south of what was then known as Eugene City. One of Cottage Grove's older residents, whose cottage was in a grove of trees, became the postmaster. Being a practical man, he called his home the Cottage Grove Post Office. This practicality and simplicity of purpose has exemplified the people of the area ever since.

That spirit has given Cottage Grove a sense of pride in community and a strength of character that many towns can only envy. The 7,035 citizens of the city have pulled together to weather the economic hard times that have beset the State. Their current efforts to diversify and to improve the economic vitality of their city will ensure the proud history of Cottage Grove will continue for the next 100 years and beyond.

The area was first settled by the Calapooia Indians. They lived in rough plank and bark houses under the giant cedar and Douglas fir trees which are common to the area. They fished from their canoes on the area's rivers for salmon, trout and eel.

With the discovery of gold in the West, trappers and settlers began pouring into the area. In 1847, a settler by the name of James Chapin set out for Oregon by boat from San Francisco. His schooner, the *Hackstaff*, wrecked off the mouth of the Rogue River, which meets the Pacific Ocean just south of Cottage Grove. Chapin and several other men who survived the wreck headed for Portland by foot. They followed Indian trails across the Calapooia Mountains into the Willamette Valley. Chapin liked what he saw and built his residence on a claim that is now covered by a Weyerhauser Co. lumber mill. A two-story building Chapin built on the site still stands.

In 1857 a grist mill was built near the confluence of Silk Creek and the Coast Fork River. The water used to run the mill came from a wooden dam on the Coast Fork River. The building that housed the mill was four stories tall and could produce 48 barrels of flour a day. The slogan "Pride of Oregon" was on every sack of flour produced by the mill. A sawmill also was built at Silk Creek, thus beginning the long history of the lumber industry in Cottage Grove. Other industries began to spring up along the dirt road that followed the river.

In 1869 the Cottage Grove Hotel was built to service the increasing number of visitors the area attracted. Next came the general store, the blacksmith shop and the livery.

The railroad came in July 1872. With the coming of the railroad came what might be called a "boom" period for the town. Shops and merchants and saloons popped up throughout the town.

On February 20, 1901, Cottage Grove was permanently incorporated as a town in the State of Oregon. The town was one of the most historical in the young State, and it still is today.

I am honored to represent the heritage, pride and history that Cottage Grove stands for. It is my hope that during this 100th year of Cottage Grove's history, that together, the citizens of the city and the Federal Government can lay the foundation for another proud and bountiful 100 years.

SALUTE TO MIDDLESEX COUNTY VOCATIONAL AND TECHNICAL HIGH SCHOOLS

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. DWYER of New Jersey. Mr. Speaker, in light of the President's proposal to eliminate funding for vocational education in the fiscal year 1988 budget, I believe it is important to point out the vital contribution vocational education is making in helping people in our communities to obtain the skills they need to find jobs.

An excellent example of this contribution can be found in the Middlesex County Vocational and Technical High Schools Program which, for the second year, earned top honors in the New Jersey State Department of Education's Vocational Placement Awards Program.

The Middlesex County program placed the highest number of graduates in full-time jobs in the fields for which they were trained. The Perth Amboy campus was also recognized as the individual school with the highest job placement rate for its 1986 graduates, placing 81 percent of its graduates in their career fields.

Established in 1913, the Middlesex County Vocational and Technical High Schools District is our Nation's oldest county vocational school system. It began as a small program in New Brunswick and has since grown to five schools with a combined day and evening enrollment of nearly 12,000 students in 300 programs.

The Middlesex County programs, like others throughout our Nation, deserve high praise for their success in helping our citizens obtain and keep jobs. Vocational education represents a crucial element in our overall education and job training effort, and the administration's proposal to eliminate funding for vocational education is ill-advised and shortsighted.

With our critical need to enhance American competitiveness, and projections for a shortage of skilled workers in the coming decades, vocational education represents one of the most cost-effective investments we can make.

The highly successful vocational and technical education programs in Middlesex County exemplify what works in vocational education, and stand as a compelling reminder of the critical importance of these programs in training our citizens and placing them in jobs.

TRIBUTE TO LARRY BLUMENSTEIN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding individual, Larry Blumenstein. I ask my colleagues to join me in honoring this good friend and valued member of my community. On March 9, Mr. Blumenstein will be presented with the Avodath Hakodesh Community Leadership award at the second annual Agudath Israel of California dinner.

Born to survivors of the Holocaust, Larry was raised in the Fairfax area of Los Angeles and graduated from California State University Northridge. Since his college days, Larry has been active in real estate and is a charter stockholder of Vista Savings Bank of Encino; he has also been a successful financial and investment consultant for over 11 years.

Throughout his professional career, Larry has willingly and generously devoted his time and energy to aid organizations and causes important to his community. For 5½ years he has been involved with planning and rail transit issues and currently serves on the steering committee of the Eastern Sector Transit Coalition, a community coalition of over 30 groups.

But above all, Larry has been an active leader of the San Fernando Valley Orthodox Jewish Community. For over 10 years he has been a member of the board of directors for the Shaarey Zedek Congregation, and has also served as vice president of youth of the congregation. Two of his children, Jenny and Mindy, attend the Emek Hebrew Academy, and Larry and his wife Sharon have chaired the creation and implementation of the Academy's secular studies library and computer center. Together they have also been active in many youth activities, which they consider to be one of the fundamental responsibilities of Jewish community organizations. In addition, Mr. Blumenstein is actively involved with the Jewish Federation Council, San Fernando Valley Region's Community Relations Committee and the Agudath Israel of California Committee on Legislative and Civil Action. Larry's dedication to his religion and the well-being of his community is an inspiration to all.

It is my pleasure and honor to join with my colleagues and Agudath Israel of California in paying tribute to Larry Blumenstein, a successful businessman, a gentle and caring humanitarian and an invaluable resource to the community.

TRIBUTE TO MRS. LUCILE HIBBLER

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. FOGLIETTA. Mr. Speaker, I rise to recognize Mrs. Lucile Hibbler, who is celebrating her 100th birthday today. Lucile was born in Union, SC, and graduated from South Carolina State College in 1910. She taught in elementary and secondary schools for 46 years. She began teaching in one-room schoolhouses in 1910 in South Carolina and continued teaching in other States throughout the decades. Her career took her to schools in North Carolina, Virginia, Mississippi, and New Jersey, before she finally settled in Pennsylvania, where she resides in the First Congressional District.

Lucile Hibbler has always been active in church and civic organizations and has not missed voting in elections since she has resided in Pennsylvania. Although she is now 100 years young. Lucile remains independent and in good health. She does her own shopping, cooking, and household chores in her Philadelphia home, where she lives with her younger 76-year-old sister. In her spare time she reads the newspapers, does crossword puzzles, watches television news, and reads the Bible. Lucile now spends much of her time with her 24-year-old grandson, who is deaf and blind as a result of rubella. She still takes time to talk to the children in the neighborhood, trying to instill in them the importance of self-awareness, good work and eating habits, belief in God, a good education, and respect and love for family members.

I would like to congratulate Mrs. Hibbler on the many wonderful things she has achieved in her lifetime, and wish her many happy returns of the day on this joyous occasion.

APPRENTICESHIPS CAN PLAY A KEY ROLE IN CONTINUED STRENGTH OF U.S. WORK FORCE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 3, 1987

Mr. OBERSTAR. Mr. Speaker, since medieval times, apprenticeships have proven to be an invaluable tool in teaching skills and trades. History abounds with tales of master craftsmen and tradesmen teaching their skills to eager learners. Christopher Columbus, Leonardo da Vinci, Galileo, and even Ebeneezer Scrooge each gained knowledge through apprenticeships.

In 1987, the need to continue the apprenticeship program is strong. Modern apprenticeship programs place qualified applicants in training programs for high demand occupations for the mutual benefit of both the employer and the employee. The challenge for the United States for the remainder of this decade, and well into the next, will be to eliminate the $175 billion trade deficit, the $180 billion Federal budget deficit, and to regain our stature in world economics as a leader in research and development. But we won't accomplish any of this unless our priorities are firmly established and educational programs including apprenticeship training rank high on the list.

Recent studies indicate that the majority of jobs created since 1981 are low-paying, low-skilled positions. Many of these positions are necessary for the functioning of our Nation, but we cannot kid ourselves into believing that we can sustain our economic position by employing our people in nongrowth positions. The key to rebuilding America's competitive edge, to ensuring a prosperous future for our Nation's economy, is through skills education. No better skills training can be found, than that which employs the knowledge of the masters of the trade.

The Bureau of Apprenticeship, established as an entity of the Department of Labor, is charged with the regulation and development of apprenticeship programs. Unfortunately, the staff of the Bureau has been decimated by budget cuts in recent years. During the past 5 years alone, BAT has suffered staff reductions of 43 percent. BAT offices in several major metropolitan areas have been closed and several important services has been discontinued as a result.

These cuts come at a time when it is more important than ever that Americans train for a competitive future. The legislation I am introducing today establishes the BAT as an independent agency of the Department of Labor, and increases the number of full-time Bureau employees to 376, which is the minimum amount necessary to perform the essential functions of the Bureau.

In addition, my bill reestablishes a national information collection system to evaluate the success of existing apprenticeship programs and to encourage development of programs in fields with current or projected opportunities. The previous information collection system was terminated in 1979.

President Reagan has made the competitive issue a top priority for the remainder of his administration. The House leadership has echoed this commitment, thus indicating a strong need for competitive-oriented initiatives. The National Apprenticeship Act amendment is one such initiative—it is a low cost method of maintaining and expanding the quality of this Nation's work force. I urge each of my colleagues to give this legislation their support.

HOUSE OF REPRESENTATIVES—*Wednesday, March 4, 1987*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Give us that due sense of Your compassion, gracious God, and may Your mercies be ever with us. Where we have missed the mark, forgive us; where we lack vision, give us perspective; when we do the work of justice, encourage us, and at all the moments of life, grant us Your peace. May we, in all we do, seek to do justice, love mercy, and ever walk humbly with You. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 153. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 431. An act to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 632. An act to amend the Legislative Branch Appropriations Act, 1979, as reenacted, to extend the duration of the Office of Classified National Security Information within the Office of the Secretary of the Senate, and for other purposes.

The message also announced that pursuant to Public Law 94-118, the Chair, on behalf of the President pro tempore, reappoints Mr. MATSUNAGA to the Japan-United States Friendship Commission.

The message also announced that pursuant to Public Law 99-498, the Chair, on behalf of the President pro tempore, appoints Dr. Raymond M. Burse of Kentucky and Dr. Jim Flippen of Mississippi, from private life, to the Advisory Commission on Student Financial Assistance.

The message also announced that pursuant to Public Law 99-603, the Chair announces the appointments by the majority leader of Representative JOHN W. BRYANT of Texas, Dale deHaan of New York, and California State Senator Art Torres to the Commission for the Study of International Migration and Cooperative Economic Development.

CENSUS BUREAU AGAIN REPORTS WOMEN HOLD LOW-PAYING JOBS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, for those of us who have been concerned about pay equity for a long time, today's paper tells us what we really have already known, that equality is really a matter of economics and if you do not have equality, you do not have equal economics.

Today the Census Bureau one more time tells us that women hold low-paying jobs. It also tells us that over the last 14 years the difference that used to be between men's and women's jobs in the same level has only closed 5 cents. That means a third of a cent a year. That is very, very gradual, and says how far we have fallen back, that we really have not made the economic gains that many people have said and this is the Census Bureau with their hard and fast data to prove it.

Women only make now 64 percent of what men make in the same job.

It also points out that more and more women are moving into poverty at a faster pace. By the year 2000 they predict that every adult in poverty will be female if this trend continues.

It also affects older women.

I think it is time that we move on to real pay equity, real equality, and solve this, because women are getting charged the same thing as men, and it is really falling out on their families and their children in the next generation.

SECRETARY OF STATE GEORGE SHULTZ

(Mr. FISH asked and was given permission to address the House for 1 minute.)

Mr. FISH. Mr. Speaker, 6 days ago each of us received a copy of the Tower Commission Report on the Iran Contra affair. It is a chronicle of national security policy gone awry, a process disregarded. The uncontrolled exploits of a small band that excluded counsel of the voices of reason and common sense.

One of these voices was that of Secretary George Shultz.

The Secretary of State is a gentleman of remarkable conscience, vision, and accomplishment. I have had the privilege of following his service as Director of Management and Budget, Secretary of Labor, Secretary of the Treasury, and Secretary of State. For nearly two decades he has brought his great talents and strengths to bear on critical issues facing the Nation. He is held in high esteem as educator, economist, and chief corporate officer. As Secretary of State he has earned as well the respect and admiration of his peers in foreign governments.

Every Secretary of State has a clear right and obligation to be the major player in shaping foreign policy and the programs designed to implement it. The Secretary is not a "yes man," but a policy advocate and conscientious adviser warning against unwise proposals. As Secretary of State, he has a clear right and obligation to maintain a constructive and diverse dialog on foreign policy and programs. George Shultz serves our Nation with great distinction.

Not withstanding his original disagreement with the wild scheme hatched in the White House basement, George Shultz, "mea culpa" for not continuing his active opposition has been duly noted. It was up front and uncomplicated. He has shown the courage of his convictions and a willingness to carry on loyally.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *March 3, 1987.*

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 6:00 p.m. on Tuesday, March 3, 1987 and said to contain a message from the President whereby he transmits a report on a plan for fully funding the recommendations of the National Bipartisan Commission on Central America and a request for an additional $300 million for economic assistance to the Central American democracies.

With great respect, I am,

Sincerely yours,

DONNALD K. ANDERSON,
Clerk, House of Representatives.

ASSISTANCE FOR DEMOCRATIC RESISTANCE IN SOUTH AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-42)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Appropriations and the Committee on Foreign Affairs and ordered to be printed:

(For message, see proceedings of the Senate of Tuesday, March 3, 1987, at page 4584.)

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 558, URGENT RELIEF FOR THE HOMELESS ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-12) on the resolution (H. Res. 109) providing for the consideration of the bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children, which was referred to the House Calendar and ordered to be printed.

INTRODUCTION OF LEGISLATION MAKING SOCIAL SECURITY AN INDEPENDENT AGENCY

(Mr. ERDREICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ERDREICH. Mr. Speaker, the U.S. Government made a commitment to the retirees of this Nation when it established Social Security, funded from employer and employe contributions. Rightly so, American workers expect and should be able to count on receiving the funds they have contributed to this system upon their retirement.

Unfortunately, the Social Security trust funds have fallen victim to raids by the Treasury Department. In 1985, we in Congress, as well as senior citizens in Alabama and across the Nation, were outraged when the Treasury Department dipped into the Social Security trust funds to finance other Government programs during a budget shortfall. Congress required the repayment of those funds, with interest, and also removed Social Security from the general Federal budget. But I believe that more must be done to ensure that the Government keeps the pledge it has made to our Nation's seniors.

I have introduced legislation to make Social Security an independent agency. This step will prevent Social Security from being used as a political football.

The independence of the Social Security Administration is important, not only for the long-term solvency of the trust funds, but also for the peace of mind of current and future retirees.

American workers contribute to the Social Security System in good faith throughout their working years with the belief that the money will be there when they retire. The passage of my legislation will help make certain that the Government keeps its end of the bargain.

THE PETROLEUM INDUSTRY AT ITS CROSSROADS

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BARTON of Texas. Mr. Speaker, the energy industry in the United States is in trouble today, and nothing is being done about it.

A good friend of mine, Mr. Michel T. Halbouty, of Houston, TX, who has impeccable oil and gas credentials—he has probably found more oil than any single living man today in this country, is a past president of the Houston Petroleum Club, and is the CEO of Halbouty Energy—recently gave a speech to the Houston Rotary Club on February 19 entitled "The Petroleum Industry at Its Crossroads."

This speech, which I will submit for the RECORD, has a four-point plan to restore our energy industry. No. 1, repeal the windfall profit tax. No. 2, deregulate natural gas. No. 3, work with environmental groups to protect the environment as we develop our oil and gas resources. And No. 4, restore full 27½-percent depletion, which we had in this country from 1915 to 1969.

It does not call for an oil import fee, which I support.

Mr. Speaker, I submit this speech for printing in the RECORD, and hope that my colleagues will read it with interest and consider it very seriously.

THE PETROLEUM INDUSTRY AT ITS CROSSROADS[1]

(By Michel T. Halbouty)[2]

The title of this presentation is "The Petroleum Industry at Its Crossroads". There is no question in my mind that under current conditions of the petroleum industry the title is most appropriate. Over the past few months, I have been asked many times about the outlook for the domestic petroleum industry and the impact that a weakened industry will have on the nation. Reporters, colleagues, businessmen, Senators, Congressmen and members of the Administration have asked me questions such as: Is there any real threat to our national security from rising imports of crude oil and products from the Middle East? Aren't we being somewhat over-emotional about the decline of the petroleum industry? Aren't we being hasty in talking about a looming energy crisis when the world is flooded with oil?

In each instance I've answered the barrage of questions by explicitly pointing out the real seriousness of the condition of the petroleum industry. So let's examine the problems, understand what caused them, and see what must be done to solve them. Let's look back to the beginning of the beginning of the oil industry's slide, back a few years ago to the initial breakdown of the industry where the groundwork for our present problems was laid.

The dangerous retrenchment trend that has become prevalent throughout the entire industry was precipitated by a surge of hostile takeover raids and threats against companies. These raids and threats undermined productivity, created depressions in communities and states, and burdened the victim companies with billions of dollars of excess, and unnecessary, debt.

These raids crippled every segment of the industry and in turn affected every service company and satellite entity associated with the industry. The physical and mental harm was devastating. No other event in the history of the industry has caused so much heartache and destitution. The harm will be felt for years to come. Thousands upon thousands of workers were laid off or dismissed completely. Exploration budgets were cut to skeleton levels. The impact of these cuts was indeed demoralizing.

So, to put it in the proper perspective, those who perpetuated the raids sowed the seeds of discord, fear, anxiety, and pessimism and also fostered our great petroleum industry's downward slide. That was the commencement of the industry's current problems.

Then OPEC flooded the world oil markets, causing a severe drop in oil prices. This "double whammy" by the raiders and OPEC badly damaged the economies of our major oil producing states, especially Oklahoma, Louisiana and Texas, and in addition literally brought the petroleum industry to its knees. Independents and service companies went out of business at an alarming rate. State and local governments are suffering from fallen revenues and job losses have produced record unemployment and intense negativism throughout the entire industry.

Financial support for the industry has practically evaporated. Banks insurance companies and other funding entities have no desire to invest in an ailing industry, which further accentuates its depressive state. Sooner or later, what has happened in this one industry will affect every person, home and entity in the country. Still, the apathy in some quarters is disturbing and unrealistic.

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[1] Presented to the Rotary Club of Houston, Houston, Texas, February 19, 1987.

[2] Chairman of the Board and Chief Executive Officer, Michel T. Halbouty Energy Co., Houston, Texas.

This was illustrated by the Washington Post when, the day after the recent Congressional election, it published a long list of important issues to be addressed by this Administration and energy was not even mentioned. When one of this nation's most powerful and influential newspapers, located in the national capital, fails to recognize that energy is a vital issue to be reckoned with, it clearly illustrates how little the problem is understood. The newspaper should have researched and informed the public that domestic exploration for oil and gas is at a standstill and that the nation's oil import dependence is steadily increasing, and if continued, will generate an unacceptable risk for the country. It also should have stressed that without secure petroleum supplies to fuel our military complex, our national strategic security is jeopardized and that in the event of hostilities or outright war, we would stand little chance of sustaining, much less winning, any confrontation.

Although I have singled out the Washington Post for its sin of omission, I also blame the entire media for treating this issue too lightly. I would think that the media in Houston and Texas and elsewhere would highlight the seriousness of the matter daily so as to inform the public that a crisis is upon us. This should be done on the front pages of the papers where it will receive the best over-all coverage instead of in the business section which is read selectively by people who already understand the problems.

I should also point out that the President of the United States did not make a single mention of energy in his State of the Union speech despite urging from leaders from all sectors of the industry. He never even uttered the word. I was so disappointed, it made me want to cry.

It is sad but true, that in the years since the 1973 oil embargo, we failed as a nation to develop and implement a coherent energy policy. It seems that everybody and every entity in Washington is either unaware that a policy does not exist or just doesn't care to establish one. If we had had a strong workable and effective energy policy, the President, the Congress, and more particularly the pubilc, would have recognized that we are experiencing a negative turnaround in our entire energy arena.

They would also have known that as a result of lower oil prices, most of our alternate-energy research and development projects have been curtailed or cancelled. They would have definitely known that of all activities engaged in by the petroleum industry, the exploration for new reserves of oil and gas is the most essential to the nation's welfare. Furthermore, they would surely have known that each day we are not extensively exploring for petroleum is another setback to the nation's energy strength.

They would without a doubt have known that as our production continues to decline, our import level increases and our foreign trade deficit rises. Also, they would have known that imports of crude oil and products rose substantially all last year, reaching 7.9 million barrels a day in September, a record high of 49.8 percent of our daily requirement, and they would have done something to slow down the climb. And, they would have been shocked to know that in one year domestic production has declined 817,000 barrels a day—and our demand has increased from 15.6 million barrels a day to approximately 16.3 million barrels a day. Also, in that same period, our imports have increased 1,100,000 barrels a day, and when these figures are added together, they total a negative turnaround of 2,600,000 barrels a day. This is indeed alarming!

And most of all they would have known and concluded that to continue along this path is inviting and condoning the lessening of our national security and inviting the economic upheaval of this nation. National security and economic concerns are not the only issues. Ahead of us is a slow-down in our overall industry growth and a gigantic responsibility to cut back our overwhelming trade deficit which now approximates $175 billion. Furthermore, our oil reserves are being depleted without any exploration to add to them. Consequently the nation is placing itself in an uncompromising and untenable position of great risk. But most of all, what concerns me is that with all of what is happening the public apparently does not know what is going on or if it does know, it doesn't give a damn.

I have criss-crossed the country over the past year speaking to industry and professional groups of all kinds about the plight of the domestic oil industry. And everywhere I have spoken I have proposed what I consider to be reasonable solutions for our dilemma. While others have called for quotas and import fees, I have called instead for increased incentives to help the industry without the government fooling around with the price structure. We have learned from past experience that when the government controls or manipulates the prices of oil and gas the results have been chaotic or disastrous.

I am a staunch believer in the free enterprise system, but I must say most emphatically that there is a great difference between the free enterprise system and the world oil market. The fact is that there is no free market in oil. There has never been a free market in oil as long as I can remember. The free market in oil passed into oblivion when the Texas Railroad Commission issued its first statewide proration order in August of 1930.

When OPEC exercised its strength during the 1973 embargo the disruption in the market forces was accentuated. Today, non-OPEC countries are competing against tremendous OPEC reserves and as long as that market is controlled by OPEC, there is no free market. Maybe sometime in the future when world oil reserves have declined to the point where demand for oil cannot be met, then the free market on oil will return.

Until that time, stopgap measures and quick-fix approaches will not help the U.S. oil industry. For example, there is a clamor for an import fee. Strong support has come from petroleum independents, a few majors, politicians and state governors, including our own. Although I personally might be helped by an increase in oil prices brought about by an import fee, it will do far more harm than good to the industry as well as to the country. Congress will never pass an oil import fee without placing another kind of tax on domestic oil producers. The exemptions to the import fee could include large numbers of charitable institutions, churches, schools, farmers, to say nothing of friendly-nation exemptions. The bureaucracy to handle the book-keeping could be as large as the Pentagon. An oil import fee would add one more regulation, one more control, and one more tax to this industry, and there is no assurance that the funds derived from the fee would be plowed back into exploration.

What I want is for the government to come up with a better brand of energy leadership than we have seen in the past. Now, this is what I think the Congress and the President should join hands to do:

1. Repeal the Windfall Profits Tax and the Fuel Use Act. The first is simply an excise tax and the second is a major detriment to the proper use of oil and gas.

2. Deregulate all remaining natural gas and let it seek and find its natural price level.

3. Help us to work in harmony with enlightened environmentalists so we can prove that public lands can be drilled without damage to seas and fish life without damage to forests and foliage and scenic delights and without damage to all creatures great and small. It can be done. It has been done.

4. But the most important action they should take, the greatest incentive they could provide us to find the oil and gas we so desperately need to develop and produce, would be the restoration of the full 27½ percent statutory depletion allowance to all producers!

For those of you who are not producers of oil and gas or familiar with the meaning of the statutory percentage depletion, I will take a moment to enlighten you as to what it means and accomplishes. From 1926 until 1969, percentage depletion allowable for oil and gas was set at 27½ percent of income from production. The Tax Reform Act of 1969 reduced it to a 22% rate. Then, in 1975, it eliminated all integrated oil companies (in essence, the majors) and reduced the percentage to 15% to apply only to independent producers. The elimination of depletion percentage from the integrated oil companies in 1975 was a knee-jerk political reaction by the Congress to the dramatic increases in world oil prices that occurred during and after the 1973-74 Arab oil embargo.

The percentage depletion recognizes the depleting nature of oil and gas and allows for the partial return of the producers's capital investment and provides an incentive to invest capital in high risk business. The depletion allows a taxpayer-producer a deduction equal to a specific percentage of the gross income from the production of oil and gas. While there are many limitations and complications, in general, an independent, for example, is allowed a deduction equal to 15% of the gross income from the production attributable to a maximum of 1,000 barrels of production a day. The percentage depletion deduction is treated as any other business deduction in computing a taxpayer's taxable income. For example, for each $100 of gross oil or gas income a deduction of $27.50 would be allowed for a full 27½ percentage depletion deduction.

Thus, in the past, producers were provided with a source of funds free of tax which were generally used for additional exploration and drilling. This was the very reason it was enacted by the Congress in 1926 and it served the nation well while it was in effect. It was responsible for new exploration and the discovery of significant new reserves which otherwise would not have been timely discovered. The statutory depletion percentage was one of the most effective incentives responsible for exploring in frontier and offshore areas. Also it was the catalyst that strengthened independents and kept them drilling 80% of all the wells drilled in the country.

Therefore, I felt that what was needed to encourage more exploration, more reserves, and more production was the restoration of the tax deductible percentage depletion provision. I also felt certain that an import fee would never be passed by the Congress or approved by the Administration, so more than a year ago, I began advocating the restoration of the depletion percentage to all producers. I was the first in the industry to publicly call for such action. I concluded that the depletion percentage would not manipulate or interfere with the price structure of oil and gas, nor would it provide government control on prices. I knew that it would stimulate industry activity without making gasoline and home heating oil prices shoot through the roof, as an import tax most likely would.

The import fee would be a temporary fix. It would cause prices to rise and fall like a monkey on a string. On the other hand, the statutory depletion percentage will bring stability and continuity back to the industry. When I first proposed the restoration I was told by friends and foes alike that I had lost my mind, that it would never be restored. Well, I've kept right on advocating it, and it's surprising how many now think that maybe, just maybe, it could be possible.

Now there are many who are pushing and supporting its passage. It's the most positive incentive the Congress and the Administration can give to a vital industry. I must remind you that geologically from a single drop of water the Grand Canyon was initiated and eventually formed. So I hope that with a single push an avalanche will form to support the restoration of the statutory depletion percentage. And I would also hope it wouldn't take as long as the creation of the Grand Canyon.

My studies indicate that the restoration of the depletion percentage would create investment confidence among the financial community and new money for exploration would flow into the industry. As more money was made from production, more taxes would be paid, thus there would be no reduction to the Treasury. To the contrary, the overall swing would mean more income to the government. Although it would stimulate more activity to have the depletion percentage to apply to all wells now producing, I am realistic to realize that such a proposal would never even be entertained by the Congress. Therefore, I am calling for the percentage to be applied only to wells which produce after the date of the restoration of the depletion percentage.

The independent producing up to 1,000 bbl/day would keep his 15 percent depletion rights on his old wells after the passage and would gain the full 27½ percent on new producers. Therefore, with new producers, independents and majors alike would have the full 27½ percent benefit. The passage of the depletion percentage would create an immediate positive desire for financiers to come back into exploration. Also it would optimistically stimulate the entire industry. The economic stability of this city, this state and the nation would be enhanced.

We cannot afford to lose more production and become more dependent on imports from sources beyond our control. That is tantamount to ransoming our energy security. It places our nation at risk. I think that all of us here agree that the depressed conditions that exist in the petroleum industry will affect the long-term welfare of the nation. We already know how this city and the state have been adversely affected. Without the incentives I have mentioned, and particularly the restoration of the depletion allowance, U.S. exploration will remain stagnant, our dependence on imports will continue to increase, and our vulnerability to oil price shocks and possible oil shortages or stoppages will rise to an excessively dangerous level. There may be time to avoid a national crisis, but what little time there is must be used prudently. Positive action must be taken now.

I want to emphasize that those in the industry, including those in the thousands of satellite businesses which serve it, firmly believe that the Congress and the Administration do not realize the gravity of the depressed condition of the industry and the long-term negative effect it will have on the nation. There have been yards and yards of rhetoric, but no solutions. The industry and the millions who serve and are a part of it feel that they have been let down, forgotten and ignored.

They also feel that the President should state that he will ask the Congress to help him in this mission. God knows it's not a partisan matter. The President's declaration would give encouragement to those in the industry that he has not turned his back on them and that he intends to keep his campaign promises to them. The people of this nation do not want outside forces to control their future. I am sure of that. If they knew the facts they would not sit idly by and watch the continuing deterioration of the U.S. petroleum industry and with it the strategic welfare of the nation.

So it is time for the President and the Congress to assist the industry in solving its problems, and without further delay, to tell the 240 million in this country what is happening and how it is affecting their security and how it will affect their future.

I am convinced that the steps I have outlined would provide the starting point for the revitalization of the domestic petroleum industry. If we do not take positive action soon, we will lose the most precious legacy of all—freedom and independence.

We, as a nation, are 210 years old, and history has shown that at the average life of 200 years, each of the world's great civilizations either faltered or began to falter. I hope and trust that it does not occur to us, and that we will last forever. However, when a nation's most vital industry falters, that nation begins to falter.

In this regard, we had a viable, highly productive petroleum industry. It helped to sustain our freedoms, but the government and the people lost the desire and the passion to preserve it. So, as it dies, many of our freedoms die with it. The petroleum industry is at its cross-roads. Which way it goes, nobody knows, but I do believe that if it continues on the road it is now travelling, it will end in disaster which, in turn, will be the beginning of the end of the United States position as a world super-power. We will then become a second-rate country—brought about by our own hands.

THE PRESIDENT'S SPEECH TONIGHT AND PROBLEMS OF THE PRESIDENCY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, on the noon of the day of the President's most important speech, Republicans are still portraying the President's foreign policy as the dog still wagging the tail. The Democrats are charging now that the tail is wagging the dog. The truth is, our foreign policy has simply gone to the dogs.

This incident reveals that this administration has absolutely no foreign policy, as evidence by the revelations in Nicaragua and the disinformation campaign against Qadhafi that I predict will be a bigger mess for the President than will be the arms deal. But the question before the House will be, How will we restore confidence in the eye of the American people in the office of the Presidency?

It is evident that we have produced a media mannequin, long on image, very short on substance. I defy any Member of this House to tell us or to define for us not only the President's foreign policy, but his policy on energy, his policy on economics, and an industrial policy that might help to cure some of the rust belt problems that we have.

Mr. Speaker, it is time for Congress to become maybe the dogcatcher, to seize these dog days and help to put the American people in touch with the Presidency so that we all might understand a cohesive, viable, and workable foreign policy. We will see with the President's speech this evening.

TIME IS RUNNING OUT ON THE HIGHWAY BILL

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, time is running out. Because of delayed congressional action on a highway bill, many States, including my own State of Illinois, are in danger of losing an entire construction season.

And who will emerge the loser if indeed a construction season is lost? Well, Mr. Speaker, it won't be those here inside the beltway. Rather, it will be the States and localities who will be forced to shelve their plans and designs for new roads and bridges for another year. It will be the contractors and suppliers whose work loads will remain minimal because of lack of work on highway projects. It will be the construction workers who will not have productive jobs. And, Mr. Speaker, it will be the commuters who are forced daily to drive on roads and bridges falling into disrepair increasingly at their peril.

Mr. Speaker, it has been over 5 months since the highway authorization expired. There will be no winners if a conference report does not reach the President soon. I strongly urge the

House and Senate conferees to expedite their work and send us a bill.

INTRODUCTION OF LEGISLATION TO CANCEL PLAN FOR A HIGH-LEVEL NUCLEAR WASTE STORAGE FACILITY

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, I am joining today with my distinguished colleagues from North Carolina, Mr. DAVID PRICE and Mr. MARTIN LANCASTER, in introducing legislation to amend the Nuclear Waste Policy Act of 1982 to cancel a nuclear repository plan in the Eastern United States.

It is clear that there is no present need for an Eastern site for a high-level nuclear waste repository. Furthermore there is no scientific evidence that crystalline rock is a suitable place for permanent storage of high-level nuclear waste. The bill eliminates crystalline rock as a medium for nuclear waste storage.

My district in western North Carolina contains half of the Great Smoky Mountains National Park plus two National Forests, and a large part of the Blue Ridge Parkway. All of these and our vital tourist and second-home industries would be disastrously impacted by a nuclear waste dump, which is not needed.

This bill will relieve the anxiety of millions of people in Eastern America caused by the vacillating policies of the Department of Energy, and make it certain that there won't be a high-level nuclear waste storage facility in Eastern America. We urge its passage.

FARMERS NEED SECURE FARM CREDIT SYSTEM AND FAVORABLE INTEREST RATE

(Mr. MARLENEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARLENEE. Mr. Speaker, the producers of this country are struggling desperately to make a comeback. They find as adversaries a Farm Credit Administration and a Farm Credit System that chains and shackles them with red tape.

The biggest key to farm recovery and stability is a secure Farm Credit System and a favorable interest rate. Right now the long-term variable rate on farm real estate is 13 percent. By comparison, the long-term variable interest rate on a home loan is 8 percent.

□ 1420

How can we have a farm recovery when we have a 5-percent penalty on agricultural loans? It is time for Congress to address the Farm Credit System.

How can the Farm Credit System be stabilized when the credit savings in the system are threatened? The great failure of the 1930's was brought about when the banks failed. I see a system like that and a threat like that at the present time on the Farm Credit System. It is time for Congress to act.

ELIMINATING REQUIREMENT FOR SECOND REPOSITORY FOR HIGH-LEVEL RADIOACTIVE WASTE

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, today, my colleagues, Mr. CLARKE, Mr. LANCASTER, and I are introducing legislation to remove the Nuclear Waste Policy Act's requirements for a second repository for high-level radioactive waste and to make crystalline rock sites ineligible for any repository.

The anticipated need for a second repository was based on the Department of Energy's 1980 projections of the amount of spent fuel that would be produced in this country. New projections have declined by nearly 40 percent, making it clear that one repository could easily handle all of the Nation's high-level nuclear waste for the foreseeable future.

It is alarming that the DOE would consider placing a high-level nuclear repository in a medium as unstable as crystalline rock. Crystalline rock is prone toward cracks through which water can pass and leakage of radioactive waste can occur. It is time to remove the threat that this search has posed to many areas of the country, including Wake and Franklin Counties in the district I represent in North Carolina.

Mr. Speaker, in 1982, Congress passed the Nuclear Waste Policy Act and DOE has vacillated since then on the second site. Enough is enough. Congress must act now to end this unwarranted and unnecessary second site.

REQUIRE RECONFIRMATION OF FEDERAL JUDGES

(Mr. FIELDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FIELDS. Mr. Speaker, today I am introducing a proposed amendment to the Constitution requiring that Federal judges be reconfirmed by the U.S. Senate every 10 years.

Presently, Mr. Speaker, Federal judges serve life terms once they are appointed. The only constitutional mechanism for removal of these judges is impeachment. As we all know, impeachment is a long and arduous process. Historically it has been exercised on only 10 occasions, resulting in actual removal from office of only 5 judges.

In the absence of any other effective formal procedure for removal, Federal judges have been elevated to a stature unprecedented and unequaled by any other Federal official. Consequently, and to the citizenry's misfortune, there is no procedure for the removal of a judge who may be dysfunctional, dishonest, or in any other way unfit to fulfill his or her constitutional responsibilities.

According to article III of the Constitution, Supreme and lower court judges are appointed to office for a term of good behavior. I certainly recognize and compliment the wisdom of the framers of the Constitution who, by separating judicial officials from the political process, preserved and defined the principle of separate, but equal, branches of government.

However, I continue to believe that this separation has resulted not in a more effective judicial system, but rather in a greater disparity between the various branches of government. The life tenure of these judges has them less, not more, accountable for their actions and decisions.

Moreover, the increasing use by these judges of their judicial power as a means for effecting social policy is troubling. Our judicial system was established to interpret the law, not to formulate national policy. However, within the past 15 years, many of our Federal judges have taken to "backdoor legislating" on such controversial issues as school prayer and busing, and abortion. In my own State of Texas such backdoor legislating has occurred on such issues as prison overcrowding and the provision of educational services to illegal aliens. The perpetrator of overreaching judicial bounds has been Federal judge William Wayne Justice.

I sincerely believe that neither this legislative body nor the American citizenry can stand by and watch this transgression of constitutional authority. National policy decisions should not be promulgated by our courts, but rather should be duly deliberated and decided by the people's elected Representatives in Congress or in our State legislatures.

Mr. Speaker, I urge expeditious consideration of this legislation so that our Nation can once again be assured of three separate, but equal, branches of government.

LEGISLATION FOR THE HOMELESS

(Mr. LOWRY of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOWRY of Washington. Mr. Speaker, tomorrow the House of Representatives will have before it consideration of the homeless initiative for this year. I rise to compliment the bipartisan effort made in this House to step forward on this very important issue.

This bill that will be before us tomorrow is the product of three different committees, the Banking, Finance and Urban Affairs Committee, the Energy and Commerce Committee, and the Agriculture Committee. It is the product of people like the ranking minority member of the Committee on Banking, Finance and Urban Affairs, and the chairman of the Subcommittee on Housing and Community Development, the gentleman from Ohio, Mr. Wylie; the gentleman from Texas, Mr. Gonzalez; the gentleman from Connecticut, Mr. McKinney; and many others.

I also rise to comment on an editorial that was very inaccurate this morning in the Washington Post that talked like this was a brandnew initiative before the Congress. The simple fact is that this Congress, since 1982, has had hearings. We had hearings in December of 1982, and in just the Committee on Banking, Finance and Urban Affairs alone we have had seven hearings since that time. This has been true of other committees, the Agriculture Committee, the Committee on Energy and Commerce, where we have been thoroughly looking at who are the homeless and what can be done about that. The bill that will be before us tomorrow is a composite of the information that was learned from that.

None of the 108 bipartisan cosponsors of this legislation think this is the answer to the homeless. The simple fact of the matter is with $500 million you cannot have the answer to the homeless, and no one has said that. But they have said that we have worked on getting the best information we can, and with our limited resources, here is what we have before us.

This is a comprehensive bill that this House has every right to be very proud of, and for the work that has been done for 5 years. I have here a list of just 11 Members of our body who have introduced bills on the homeless over the last 3 years. The gentleman from Ohio, Mr. Wylie; the gentleman from Texas, Mr. Gonzalez; the gentleman from Minnesota, Mr. Vento; the gentleman from Connecticut, Mr. McKinney; the gentlewoman from Ohio, Ms. Oakar; the gentleman from New York, Mr. Weiss; the gentleman from New York, Mr. Schumer; the gentleman from Texas, Mr. Leland; the gentleman from California, Mr. Waxman; and the gentleman from Massachusetts, Mr. Markey, as well as the gentleman in the well, just for some that come off the top of my head who have worked on this issue. We did not just start on this a few months ago. We have been working on this for 5 years, and we will have good legislation tomorrow.

IT'S TIME FOR THE CONGRESS TO MAKE SOME HARD DECISIONS

(Mr. DENNY SMITH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DENNY SMITH. Mr. Speaker, we face a watershed this year in our effort to control the Federal deficit. If we succeed in reducing the deficit to the $108 billion specified in Gramm-Rudman-Hollings, we will be moving within striking distance of our long-sought goal of a balanced budget.

But some of our Democrat colleagues are balking at this effort. They are running up the white flag of surrender, saying that we can't possibly reach the $108 billion target, even before we have made any efforts to do so. They propose tax increases such as the one on stock transactions and demagog on the issue of deficits and fiscal responsibility.

This negative "can't win" attitude may endear them to the big spenders who want Congress to continue big-spending ways. But it is not in the best interest of the American people, who expect us to live up to our promises, not to mention the laws that we pass.

This is not the time to avoid our responsibilities. We need to keep moving forward, not backward, on reducing the deficit. We enacted a law that requires us to reach set targets. Nobody said it would be easy. That's what we promised our constituents we would do, and something we owe them.

If we abandon anything this year, it certainly should not be the $108 billion target. What we should abandon is this talk of being licked before we even try.

SPACEPORT USA: BIGGER AND BETTER

(Mr. NELSON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. NELSON of Florida. Mr. Speaker, I am privileged to represent the No. 1 tourist destination area in the world in the 11th Congressional District. And one particular site in central Florida, Kennedy Space Center's Spaceport USA, deserves special attention.

A record 2.1 million visitors toured Spaceport USA in 1986, an increase of nearly 19 percent over 1985. And, all indications are that Spaceport USA will even break that attendance record in the coming year.

Kennedy Space Center's Spaceport USA, celebrating its 20th anniversary this August, is one of America's Space Program's finest exhibitions. Located in Brevard County, on Florida's shining east coast—the Spacecoast, visitors have the opportunity to share in the excitement of the Nation's space history and to experience the wonder of the future.

New improvements are underway at the visitors' center, including a $2.3 million satellite exhibit and a permanent home for a renowned space art collection. New audio-visual shows, a space research display and a walk through a simulated space station are also planned.

Until then, visitors may still enjoy among other presentations, the adventure film, "The Dream is Alive," at KSC's I-MAX 5 which features 5½ story screen showing thrilling footage shot by NASA astronauts in space. The Earth shuttle, double-decker buses, made guided tours of the center which give guests memorable and closeup views of the space shuttle launch sites. And onsite are an authentic Mercury capsule, and Gemini and Apollo spacecraft, a lunar rover model which was used for astronaut training, a Moon rock, and a number of rocket displays.

Spacecraft USA has the "right stuff" to inspire both young and adult alike—offering an unparalleled education and adventure into the history and future of America's Space Program.

At this point in the Record, I am inserting a Florida Today article, "Kennedy Space Center: Spaceport USA Keeps Getting Bigger—And Better," which describes the exciting future of this fine center.

KENNEDY SPACE CENTER: SPACEPORT USA KEEPS GETTING BIGGER—AND BETTER

The turnstiles at Spaceport USA are clicking feverishly these days.

A record 2.1 million tourists stopped at America's spaceport in 1986, an increase of nearly 19 percent over 1985; 1.7 million climbed aboard air-conditioned buses to tour the nation's launch facilities at Kennedy Space Center and Cape Canaveral Air Force Station.

The accounting books show that nearly $25 million in revenue was collected at Spaceport last year, up from $19 million in 1985. Profits also rose, from more than three quarters of a million dollars in 1985 to $1.5 million last year.

Records, however, are made to be broken. And all indications in early 1987 are that Florida's fourth largest tourist attraction—which celebrates its 20th birthday this August—might surpass the all-time attendance mark set last year.

"This January (1987) was the largest January we've ever had," said Arnold Richman, chief of KSCs visitors services branch. "And this February was the biggest February we ever had."

Still, Spaceport officials are not completely content. Some $4 million will be spent this year in an effort to attract new customers and give others a reason to return.

"You have to give people something new to keep them coming back," Richman said.

Improvements under way are vast and varied. A $2.3 million satellite exhibit is expected to open late this summer or early fall, and a renowned space art collection will be given a permanent home when a $250,000 NASA art gallery opens at Spaceport this summer.

New audio-visual shows depicting the future in space are being produced, and a space research display—one that details earthly consumer goods that have been developed through space technology—is being expanded.

In addition, Spaceports parking lots will be upgraded and expanded by about 300 spaces, and renovations are being made to the lobby of Spaceport Central.

The most adventurous project will take tourists for a walk into the future. "It will feel as if you're walking through a space station," Richman said.

Visitors will have the opportunity to stroll through a simulated space station, a maze of corridors closely resembling the orbiting modules that will be the space-based home of future astronaut crews.

The corridors will house a new exhibit on satellite technology, which will include modules of communications and weather satellites, Earth observation and tracking spacecraft and new generation satellites—yet to be placed into orbit.

The idea, Richman said, is to show the American public "how satellites fit into your everyday life."

Construction also is under way on an art gallery at Galaxy Center, which will become the permanent home of a collection of space art called, "The Artist and the Space Shuttle."

The exhibit is an extension of an art program NASA started in 1962; it depicts all facets of the Space Shuttle program.

More than 100 pieces of art representing the work of about 50 artists, are in the collection. It has been exhibited at the Smithsonian Institution's Air and Space Museum in Washington, DC, and in big-name galleries around the world.

"The construction of a gallery at KSC means the Shuttle collection no longer will be on a revolving tour and continuously being shipped from place to place," said Robert Shulman, director of NASA's art program.

"It's kind of nostalgic for the collection to end up at KSC" he added. "That's where the idea for most of the works began. They have traveled around the world and are now returning to KSC. It kind of closes a circle."

PRESIDENT'S PRODUCT LIABILITY INITIATIVES

(Mr. RITTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. RITTER. Mr. Speaker, product liability laws have become a significant burden on the competitiveness of the United States. As the costs associated with our product liability system, including insurance costs, increase, those costs are reflected in higher prices making U.S. products less attractive in both domestic and foreign markets.

Socially beneficial American products are becoming less available because of product liability costs only to be replaced by foreign products. Some manufacturers, mainly small business, are shutting down, product lines are discontinued, causing a loss of jobs. New products are not seeing the light of day, thereby restricting the innovation of new small businesses. Indeed, the leading issue at the last White House Small Business Conference was reform of the liability insurance and tort system. Product liability reform is a national responsibility. It is our responsibility.

Puritan-Bennett, a Kansas based manufacturer of hospital equipment, stopped making anesthesia gas machines because of the liability crisis. A host of biomechanically engineered products for use in the human body will never see the commercial light of day given the current circumstances.

A Massachusetts company, West End & Hub Spring Co., has refused to place its metal folding crib on the market because of its inability to obtain liability insurance for the product. The product has been certified as meeting Government safety standards. The company has a substantial number of orders for the product.

Vaccine producers are down to two in the United States even though it's our biomedical R&D advances that have created the immunizing products.

Will biotechnology products based on U.S. R&D be produced elsewhere?

We can do something about it via product liability reform.

The administration's proposal for reform will promote the interests of consumers and protect the free flow of goods in commerce by placing reasonsable limitations on the excesses of the current product liability system.

Reforming the system to restore the legal precept of liability based on fault can protect the free flow of goods in commerce, help maintain competitiveness and productivity, and check the excesses of the system.

□ 1430

HENRY AND CHARLOTTE KIMELMAN DONATE FUNDS FOR CANCER TREATMENT CENTER IN THE VIRGIN ISLANDS

(Mr. DE LUGO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. DE LUGO. Mr. Speaker, the Virgin Islands has become accustomed to the achievements and generosity of Henry and Charlotte Kimelman over the last 40 years, but now the Kimelmans have outdone themselves.

Henry and Charlotte have led the Virgin Islands in many business endeavors, and now they are showing the way in generosity.

I want to publicly commend this fine couple on their donation of $200,000 for a proposed cancer treatment center at the St. Thomas Hospital. The center will be named, most fittingly, for Charlotte Kimelman. She has been a long-time leader in Partners for Health, a community group that spearheads efforts to improve many health services for our people.

As things stand now, most Virgin Islanders have to leave the islands to get cancer treatment. Just when these cancer victims need the support of their family and friends, they have to go to strange and often lonely surroundings.

The development of a cancer center will begin to change that. Future patients not only will get good medical care in the Virgin Islands, they will get the psychological boost of staying in their home islands. We can thank Henry and Charlotte and other contributors for that.

Henry and Charlotte have built thriving wholesale businesses that contributed to our tourist industry. Henry also has had a keen interest in local and national politics, and served as U.S. Ambassador to Haiti under former President Jimmy Carter. Through it all, they retained their attachment to the Virgin Islands and its people.

Henry and Charlotte know how to succeed and how to give of themselves, a rare combination. We need many more like them.

THE VATICAN SHOULD RECOGNIZE ISRAEL

(Mr. FEIGHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.

Mr. FEIGHAN. Mr. Speaker, today I am introducing a resolution calling upon the Vatican to recognize Israel and establish formal diplomatic relations with that country. I ask my colleagues to join with me in asking the Vatican to continue the recent warming trend in Catholic-Jewish relations.

At the same time, the action will remove what has been the source of diplomatic embarrassment in the Middle East peace process—most recently demonstrated by the ill-fated mission of Cardinal O'Connor. The heart of the problem lies not with the cardinal, but with the Vatican's policy of refusal to recognize Israel.

Following Vatican II, the Vatican issued "nostra aetate." The doctrine deplored anti-Semitism and rejected the view that the Jews were collectively responsible for the death of Christ. Since then, we have witnessed substantial progress in Catholic-Jewish understanding. In 1985, Pope John Paul II became the first Pope to visit a synagogue. And the Pope has visited the Nazi death camp at Auschwitz. Last November the Anti-Defamation League of the B'nai B'rith along with four Vatican organizations sponsored a colloquium aimed at fostering continued dialog and understanding between Catholics and Jews.

The Vatican can play a constructive role in building understanding among and between the countries of the Middle East. But the first step must be recognition of the State and Government of Israel. Currently, the Vatican stands with the most radical Arab States and the Soviet Union in not according Israel full diplomatic recognition. This position not only undermines the Vatican's own mediating role, but it undercuts those Arab nations that have recognized Israel.

Please join with me in calling upon the Vatican to change its course, continuing the progress in Catholic-Jewish understanding, and removing this sticking point in the Arab-Israeli peace process.

SECOND SESSION OF SPECIAL ORDERS FOR THE SSC

(Mr. BRUCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRUCE. Mr. Speaker, later this afternoon I will be hosting a special order in support of the proposed construction of the superconducting super collider, or the SSC. The SSC is a major science initiative which I believe will demonstrate the commitment of Congress to enhance the long-term economic and technological competitiveness of the United States.

I am extremely pleased to report that the response by my colleagues to this afternoon's special order has been tremendous. In fact, over 40 Members have expressed their desire to go on record in support of this project. I think this is clear evidence that there exists in this body a solid and broad base of support for the SSC.

To accommodate those Members who have expressed their desire to make a statement from the floor, as well as to provide a forum for others who wish to record their support for the SSC, I have scheduled a second session of special orders for Wednesday, March 11.

I would like to thank those Members participating in this afternoon's special order for their enthusiastic response and invite other Members who support funding for the SSC to go on record with their support by participating in next Wednesday's special order.

INTRODUCTION OF THE TRADE EXPANSION ACT OF 1987

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, the trade deficit is an abstraction to many Americans. However, there is nothing abstract about last year's trade deficit of $170 billion. There is nothing abstract about 2 million fewer jobs, billions of dollars lost by American firms at home and abroad, and an eroding confidence in our ability to compete internationally.

Today I am introducing the "Trade Expansion Act of 1987." This comprehensive trade legislation is designed both to enhance our position in the international market and end the continued escalation of the trade deficit. This bill is not protectionist. The purpose of the Trade Expansion Act of 1987 is:

To promote trade expansion and economic growth;

To create an executive-level Department of Trade to develop, coordinate and execute trade policy;

To open foreign markets and promote U.S. exports;

To extend the scope and effectiveness of international and national trade laws; and

To resist predatory trade practices.

Under this legislation, the new Secretary of Trade would aggressively pursue foreign markets. He would be required to determine the economic impact of trade barriers on a country-by-country basis. Each trading partner would be assigned an "export target" for U.S. goods. If the targets were not met because of unfair trade practices, the United States would restrict access to U.S. markets for those unfair traders by the same proportion as the shortfall. The beauty of this approach is that the Secretary would not impose blanket penalties on our trading partners: he would instead identify unfair traders, put a dollar value on their activities, set forth procedures for negotiations, and penalize them only as a last resort for the damage they actually have done.

The Secretary of Trade would also be required to establish bottom-line export goals for Japan leading to a $10 billion increase in United States exports at the end of 3 years.

The omnibus trade bill was reintroduced at the beginning of January. It has my support as a worthwhile effort. It will be the main vehicle for trade reform this Congress; however, I hope my colleagues will take a moment to consider some of the differences between H.R. 3 and the "Trade Expansion Act of 1987."

RAISING TAXES ON THE AMERICAN WORKING PEOPLE

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, let there be no doubt that the Democratic majority in this House of Representatives has as its solution to the deficit problem that we face raising taxes on the American people.

Just recently, yesterday in fact, the Speaker of this House, Mr. WRIGHT, the gentleman from Texas, said that what he wanted to do was have a new tax on what he called the rich.

It turns out that the tax that he is proposing is a $17 billion tax on the pension funds of this country. Most of the money that would come out of the tax program that Mr. WRIGHT suggested would come out of the pension funds of working people in this country.

Now, there are millions of workers across this country who are putting aside money in hopes of having the kind of retirement income that will allow them to sustain dignity in their retirement years; and yet, what does the Speaker of the House come along and do when he wants to raise taxes? He says what we ought to do is tax those pension funds.

That is an atrocity. I think that we ought to be clear that whenever we hear talk around this body that we are going to raise taxes, and we are going to raise taxes on the rich, it is the American working people that get hit the hardest.

□ 1440

PHILIPPINES AMBASSADOR ADDRESSES WASHINGTON GROUP

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. PACKARD. Mr. Speaker, I have thousands of Filipino constituents in my southern California congressional district. Among the Filipino Americans are some of the outstanding civic leaders, educators and businessmen in my district. Therefore, I have followed with great interest what has transpired in the Philippines both before and since I have come to Congress.

Recently, Anna Chennault, a patriotic American of Chinese descent who is extremely knowledgeable about the Far East, invited Ambassador Emmanuel Pelaez of the Philippines to address the Georgetown Club. I want to share with all Americans this outstanding summary of Filipino history and events, and the dedication of the Philippines to democracy and their need for our assistance as summarized by a truly great statesman, Ambassador Emmanuel Pelaez.

Mr. Speaker, I include Ambassador Pelaez remarks for the Record:

Speech of Ambassador Emmanuel Pelaez Before the Georgetown Club, Washington, DC, February 17, 1987

Washington, D.C., is generally viewed as the center of power not only of this hemisphere but also of the entire Western World. It is thus an honor for one to address a gathering of its distinguished citizens like you in Georgetown Club. I am grateful for your having accommodated a change in your schedule so that I could appear before you today. And I wish to thank Anna Chennault for her kind invitation as Chairman of your Speakers' Committee.

Today is just five days away from the anniversary of the start of the "people power" revolution that led to the emancipation of the Filipino nation from the shackles of dictatorship. Many of you will recall with vivid memory that saga, as portrayed on your television screens, of the uncharacteristic outpouring of a mass of humanity that stopped tanks and armoured vehicles in their tracks. Thus was the Philippines liberated from 13 years of authoritarian rule and Corazon Aquino elevated to her rightful place, the Presidency, with hardly a drop of blood being shed.

I recall that event of great moment in Philippine history to underscore the fact that the Filipino people share the same ideals of liberty and democracy held by America. These American ideals were severely tested during the final years of the Marcos regime, when the U.S. faced a dilemma in its policy towards the Philippines. On the one hand, it felt that it had to support the existing regime in view of its military presence in the Philippines. On the other hand, its support for a dictatorial regime was contrary to its democratic ideals and was being increasingly opposed by the Filipino people. America was supporting a regime whose repressiveness was the very antithesis of the democracy for which America's Founding Fathers had stood.

This dilemma in U.S. policy became most acute at about this time last year. By all independent indications, Cory Aquino had defeated Ferdinand Marcos in the presidential election of February 7, 1986. However, Marcos ordered his Commission on Elections and National Assembly to railroad the counterfeit proclamation of his victory—on February 15, 1986.

Tension was thus building up as millions of Filipinos stood poised to battle the regime with a nationwide civil disobedience campaign as outlined by Cory Aquino. It was a situation fraught with anarchy. A dictator isolated in his palace was obsessed with continuing in power at all costs. He still firmly controlled the state's armed forces. But he had lost the confidence of the vast majority of his people.

Meanwhile, the underground communist rebels and their front organizations were angling to see how they could advance their own plans for seizing power as the situation deteriorated.

Efforts by the U.S. to persuade Marcos to undertake reform had proved futile as seen in the failed mission of Sen. Paul Laxalt, President Ronald Reagan's personal emissary to Marcos, in late October 1985. And by altering the national election returns to rob Cory of her victory, Marcos was ready to sacrifice his nation's well-being and the Philippines' ties with the U.S. and other countries just to remain in power.

The U.S. was facing the impossible problem of what to do with a discredited and adamant ruler whose time to exit had come, while trying to obviate an anti-American backlash from millions of Aquino followers and safeguard U.S. interests.

The rest has been history. By February 26, 1986, Marcos had fled the Palace and Cory Aquino was President of the Philippines. In rising with fearless fervor to throw out a dictator, the Filipino people, while emancipating themselves, had resolved for U.S. policy makers their "Philippine dilemma."

COMMON ASPIRATIONS FOR DEMOCRACY

As in America, democracy runs deep in the political legacy bequeathed to the Filipinos by their heroes and martyrs. Liberty as a theme runs the whole gamut of the 19th century writings of the precursors of Filipino nationalism, especially Jose Rizal, who is revered by Filipinos as the father of the Filipino nation. Andres Bonifacio, who led the revolutionary uprising against Spain, had read heavily about the French Revolution. General Emilio Aguinaldo, who proclaimed Philippine independence from Spain on June 12, 1898, specifically urged the drafting of a Constitution based on the American presidential model. He thereafter became President of the first Philippine Republic which was proclaimed in January 1899. This Republic was based on a modern, democratic Constitution, which had been drawn up by representatives of the people. Known to us as the Malolos Constitution, it had a bill of rights, a system of checks and balances and other safeguards for the people's liberties.

Permit me to digress a bit to say a few words on this first Philippine Republic and the developments that came after it. To some of you, this may come as a surprise, but the historical fact is that the Filipino people had already set up their own independent government before the United States came to occupy their country. The United States laid claim to the Philippine Islands by virtue of the Treaty of Paris, ratified on April 11, 1899, wherein Spain purportedly ceded the islands to the United States for the "munificent" sum of $20 million. This cession, however, could not be valid because on April 11, 1899, the date of the effectivity of the Treaty of Paris, Spain had lost control and sovereignty over the Philippine Islands. On that date, the country was in the effective control of the Philippine Republic under Aguinaldo. This the U.S. knew. In fact, Admiral Dewey was invited to the proclamation of Philippine Independence on June 12, 1898, to which he sent Colonel Johnson as his representative. Ironically, Colonel Johnson was a signatory to the independence proclamation.

Given this situation, the United States had to mount a military campaign against the fledgling Republic, sending some 120,000 soldiers to subdue the Filipino forces and to capture General Aguinaldo. And, although Aguinaldo took an oath of allegiance to the United States subsequent to his capture in 1901, the Philippine-American war was to continue up to 1904, before the country was "pacified." In the process, tens of thousands of Filipinos, many of whom were civilians, were killed by American troops.

The "pacification" of the Philippine Islands was brought about not only by the preponderance of American military might, but, even more so, by a change of policy in Washington. By 1902, U.S. policymakers had decided that the military campaign should be replaced by the institution of civil government. Thus, in 1902, the U.S. Congress passed the organic act for the civil administration of the Philippine Islands, popularly known as the Philippine Bill of 1902.

It was fortunate for both our countries that the U.S. sent as the first U.S. administrator of the Philippine Islands a distinguished and able public servant, William Howard Taft. He was an effective administrator, who began his tenure by announcing the theme of "the Philippines for the Filipinos." Mr. Taft organized a U.S. cabinet-style Philippine commission which exercised executive powers, an independent judiciary, a nationwide system of public education, and he attended to the country's basic problems of land reform, health, public works and of the myriad ills of a country just devastated by war.

At the same time, Filipinos first utilized the ballot to elect their local officials in 1905, and a year later, they elected their representatives to a Philippine Assembly, which shared the law-making power with the American Governor-General and his cabinet. This body was to become, in 1916, a bicameral legislature, consisting of a Senate and a House of Representatives, both elective, to whom the lawmaking power was transferred. In 1935, the colonial civil government of the Philippine Islands became an autonomous Commonwealth, with an elective President under a republican Constitution drafted by an elective constitutional convention. The Philippine Commonwealth was to govern until the restoration of Philippine independence on July 4, 1946.

A unique feature of this colonial period was that, although we were under a foreign flag, we Filipinos were all the time free citizens enjoying the freedoms guaranteed by the U.S. Constitution. This was because the Philippine Bill of 1902 extended to the inhabitants of the Philippines the freedoms guaranteed in the bill of rights, except the right to bear arms and to trial by jury. The enjoyment of these freedoms coupled with the right to elect our officials, except the American Governor-General, made the practice of democracy and adherence to its ideals part and parcel of our national life since 1902.

The first test of that adherence came in 1941 when Japan offered us our independence. We spurned the offer and instead fought as allies of the U.S., to maintain our freedoms and the democratic way of life. The second test came when Marcos kept the people in bondage under his authoritarian rule. As in 1941, the people again rose in defense of their freedoms.

In a very real sense, therefore, the Revolution of 1986 represented a reassertion of the democratic legacy and history of the Filipino people. The new Constitution which was ratified by a resounding 77 to 22 percent margin (with 1 percent abstentions) on February 2, 1987 stands for the institutionalization, under new circumstances, of this old faith in democracy. The overwhelming sentiment in favor of this Constitution clearly indicates that the Marcos years of authoritarianism were but a temporary aberration in the Filipino people's long and tortuous quest for the stabilization of democratic institutions and processes.

The new Constitution restores the presidential form of government, based on the principle of separation of powers and checks and balances, as in the years before Marcos' declaration of martial law in 1972. It establishes a bicameral legislature and a re-strengthened judiciary. It contains elaborate articles re-stating the principles of republican government and the bill of rights.

In addition, it provides for new safeguards to prevent any recurrence of authoritarian rule. It limits the president's term to six years. It mandates the formation of a presidential commission on human rights. Obviously to prevent the recurrence of a Marcos style martial law regime, it provides that a declaration of martial law or a suspension of the privilege of the writ of habeas corpus is subject to a veto by the legislature. It provides for the accountability of public officials. On the whole, it means the clear assertion of the supremacy of civilian authority over the military. And along with democratic government, it adopts free enterprise as the engine for generating prosperity in the economy.

Elections for the legislature will be held on May 11, 1987, and for local officials on August 24, 1987. In short, the institutionalization of a democratic framework of government is well under way. Just about one year after taking office, President Aquino has set in train the restoration of Philippine democratic institutions and processes.

BEYOND THE QUEST FOR DEMOCRACY: PROBLEMS OF A DEVELOPING SOCIETY

But as a developing country, the task facing Philippine leaders is not just instituting democracy and steadying its forward momentum. There are complex problems of poverty, of unemployment, of social inequality, of backwardness, of insurgency and of threats of territorial dismemberment.

Indeed, the Philippines can be viewed as a testing ground to prove that democratic principles and free enterprise can be the political and economic tools for resolving problems of underdevelopment. This is so especially in a setting where a fallen dictator continues to plot, with the remnants of his followers, his return to power and where communist rebels, especially in the countryside, proffer their own ideological alternative. And this is more so where the new government is burdened by a huge foreign debt not of its making and had, at the beginning, a depleted treasury along with a huge budget deficit.

In short, what America as a citadel of democracy must understand is that in a developing country, the common man's quest for the exercise of his political rights occurs simultaneously with his hunger for the fulfillment of basic human needs. These are "a little more food in his stomach, a little more clothing on his back and a little more roof over his head." The rise of the communist insurgency precisely means that our democracy must compete with these rebels by proffering to the common man both liberty and a better economic life in a situation of social justice.

HYPOTHESES THAT PRESIDENT AQUINO IS IN A POSITION TO TEST

President Aquino now appears to be in a position to test the veracity of some hypotheses relative to the process of development in Third World countries. I have listed ten (10) of them as follows:

1. That democratic government does not necessarily lead to indiscipline, corruption and anarchy in a developing country;

2. That resolving the massive problems of underdevelopment is a task that can be undertaken by a civilian government to which the military remains subordinate;

3. That violence is not necessary to institute historic social change;

4. That free enterprise need not lead to the widening of the gap between the rich and the poor in a developing country, and that the profit-motive among private entrepreneurs can be compatible with broader social consciousness;

5. That the communists can be more effectively blunted if peace and reconciliation were first applied to the insurgency, in line with a policy of addressing the causes, rather than the symptoms, of discontent,

6. That higher incomes and better living standards can be reached without resort to socialism, nationalization of enterprise or the banning of foreign investments;

7. That nationalism can be upheld while committing the country to global interdependence and international free market mechanisms and arrangements;

8. That friendship with America and continuing close U.S.-Philippine relations are complementary to close relations with Asian neighbors and with all other countries of the world; that nationalism need not mean anti-Americanism;

9. That the national interest of the Philippines can coincide with U.S. concerns for peace and security in the Asian-Pacific region at this time, and especially in terms of the Philippine quest for economic development and assertion of its sovereignty;

10. That neither Marxism-Leninism nor rightist authoritarianism need to be adopted to resolve the dilemmas of developing nations.

CONCLUSION

It is obviously the prime responsibility of the Filipinos themselves to see how these hypotheses can be proven to be eventually true through the Philippine experience. But it would be a concern of American policymakers as well to see to it that President Aquino succeeded in affirming the veracity of these propositions. In a way, the Philippines today would constitute a separate hypothesis for America: that is, that U.S. interests can be better served in the setting of a developing country like the Philippines, through shared convictions about democracy and also through greater understanding of the developmental needs of the Philippines.

America, as we pointed out, had its Philippine dilemma resolved without any major cost on its part. What it may wish to do is to look further into the complex problems confronting the Philippine government today and understand how President Aquino is seeking to address these in her own unique way.

Let me share, therefore, as a parting thought some pertinent words from President Aquinos' address to the Joint Session of the United States Congress on September 18, 1986:

". . . to all Americans. . . . I address this question: has there been a greater test of national commitment to the ideals you hold dear than that my people have gone through? You have spent many lives and much treasure to bring freedom to many lands that were reluctant to receive it. And here you have a people who won it by themselves and need only the help to preserve it . . . Today, I say, join us, America, as we build a new home for democracy, another haven for the oppressed, so it may stand as a shining testament of our two nations' commitment to freedom."

TITLE-BY-TITLE ANALYSIS OF PEASE TRADE BILL CUSTOMS AND IMPORT ADMINISTRATION PROVISIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

Mr. PEASE. Mr. Speaker, yesterday I discussed here on the House floor the new trade bill I introduced last Thursday. I also inserted two analyses of important sections of that bill. Today, I take this opportunity to insert five more analyses of the remaining five sections of my bill. I hope my colleagues will join me in writing this spring the very best trade bill possible.

TITLE-BY-TITLE ANALYSIS OF PEASE TRADE BILL—CUSTOMS AND IMPORT ADMINISTRATION PROVISIONS

(1) Steel import policy

(a) Anti-circumvention.—My bill restates the provision in HR 3 to eliminate circumvention of voluntary export restraint agreements negotiated in connection with the president's steel program. The provision would require a steel product made in a third country from steel melted and poured in a country that had a VRA to be counted against the VRA if the VRA covers the category of product exported to the U.S. from the third country.

My bill adds one clarification to this provision. As presently written, the provision may exclude imports from third countries made from steel melted and poured in a VRA country even if the third country were engaged in such business before the VRA was signed. My new bill directs Customs to permit entry of such products in an amount not to exceed the level exported to the U.S. before September 30, 1984, as documented by the third country and verified by Customs.

(b) VRA enforcement provisions.—My new bill also includes measures to discipline "bunching" (shipping most of quota in a few months) and "overages" (exceeding annual quota limits).

With respect to bunching, if six months statistics show that a country has exceeded 65% of its quota, the Secretary of Commerce would notify the Secretary of Treasury who would be required to monitor on an entry-by-entry basis imports from that country for the remaining months of the year.

With respect to overages, any annual overage would trigger (1) entry-by-entry monitoring of imports the following year, (2) deduction of the amount of the overage from the following year's quota, and (3) a request by the Customs Service for monthly reports on the number and types of export licenses issued by such country.

The reason these provisions would be useful is that there does not now exist explicit penalties for bunching and overages. The president's steel program places primary enforcement responsibility in the hands of the foreign governmental agencies which administer their countries' export licensing programs. As a result, the U.S. government does not become aware of an infringement of a VRA until two or three months after the fact. These provisions represent an attempt to encourage foreign governments to administer their VRAs diligently and to ensure that the U.S. government promptly detects, monitors and penalizes any infringements.

(c) Steel Import Stabilization Act Study.—It was the Sense of Congress that the authority granted the president under the 1984 Steel Import Stabilization Act should be exercised "in a manner to ensure that the foreign share of the U.S. market for steel products is commensurate with a level which would obtain under conditions of fair, unsubsidized competition."

The Act went on to define 20.2% as the foreign market share Congress had in mind. In 1986, the foreign share of the U.S. market was about 23.2%.

When the Act and all the VRAs expire on September 30, 1989, it is unlikely that the foreign market share will be 20.2%. Even if it is, what policy if any should succeed the President's program? It would be naive to think that the foreign unfair trade practices that precipitated the President's program will cease with the expiration of the VRAs. The Europeans subsidize, the Japanese dump, and the Koreans and Brazilians are more efficient than U.S. producers but they are expanding capacity with government support at a time when world steel consumption is stagnant. Why unilaterally open the U.S. market to bear the brunt of the world's overproduction? This would not be free trade, but foolish trade.

Public policy would be served by preparing in advance for this day. It would be a year after the expiration of the VRAs before the industry won relief via countervailing duty and anti-dumping petitions. Foreign countries have the right to declare the VRA null and void if any such petitions are filed before the terms of the agreement expire. Needless to say, the steel industry is not in a financial position to be fully exposed to imports for a year. In any event, the problems facing the industry are so serious and pervasive that more than an ad hoc application of the cvd and anti-dumping laws will be required. This was the reason for the steel industry's Section 201 petition and the ensuing implementation of the President's steel program in the first place.

My bill sets the stage for a healthy and timely national debate over steel policy by requiring the President to report to Congress no later than one year before the expiration of his authority under the Steel Import Stabilization Act. His report would contain recommendations regarding steps to be taken thereafter to ensure that the foreign share of the U.S. market for steel products is commensurate with a level which: (1) would obtain under conditions of fair, unsubsidized competition, and (2) would not pose a threat to the integrity of the U.S. industrial base or U.S. national security. The report would include:

(i) an estimate of the foreign market share that would obtain under conditions of fair, unsubsidized competition;

(ii) an analysis of the effect on domestic prices of steel products, the financial condition of the U.S. steel industry and U.S. steel employment of any discrepancy between the prevailing foreign market share and that identified per (a) above;

(iii) an analysis of the medium to long term balance of supply and demand for steel products in the world and in each of the major steel producing nations;

(iv) an analysis of productivity trends in the steel industries of the U.S. and other major steel producing countries; and

(v) an analysis of the steelmaking productive capacity requirements of the U.S. for national security purposes.

This proposal does not restrict trade or mandate wholesale changes in the President's steel program. It is intended to stimulate a timely and constructive national debate over steel policy. The steel industry, one of the most important sectors of the economy, is in crisis. Its problems deserve the Nation's prospective consideration, rather than a continuation of the rearguard action and ad hoc response of the past decade.

(2) Textile and apparel import policy enforcement

My bill would establish an administrative "early warning system" for enforcement of U.S. rights under the Multifiber Arrangement. My proposal is designed to abide by our MFA obligations while ensuring the rapid control of disruptive import surges.

The United States presently has agreements with four exporters of textile and apparel products (Hong Kong, Taiwan, S. Korea and Japan) limiting the total annual amount these countries may export to our market. Other MFA supplier countries do not have aggregate country limits on exports to the U.S. growth in imports from these countries may proceed unchecked unless the Commerce Department determines that rising imports of a specific product from a specific country are causing market disruption in the U.S. In this case, Commerce may initiate consultations with the foreign government to control import growth in specific product categories. Whether import surges are controlled before they are disruptive depends on the reaction time of the Commerce Department. From 1982-4, imports surged at double digit annual rates of growth before Commerce responded adequately. If the administration of the U.S. textile and apparel import policy had been more effective during this period, last year's textile quota legislation may never have been introduced.

My bill would ensure rapid identification of and response to disruptive import surges. It creates for administrative purposes a presumption of market disruption when the combined U.S. market share of all MFA products from all MFA countries except Hong Kong, Taiwan, S. Korea and Japan rises by more than 0.75 percent per year. Each quarter, Commerce would report to the Ways and Means and Finance Committees whether this threshold has been or is likely to be exceeded. If so, a notice would be placed in the Federal Register requesting comment from private industry demonstrating market disruption. In the following quarterly report to Congress, if it continues to estimate that the 0.75 percent threshold has been or will be exceeded, Commerce would be required either to indicate which "calls" (request for consultations) it had made in order to reduce import growth to the 0.75 percent range or to certify that no market disruption exists.

This proposal would:

(1) abide by the rules of the MFA (which requires import restrictions to be imposed on a country-specific, product-specific basis and in response to demonstrated market disruption); the bill does not mandate any action impeding trade flows; it mandates investigations into the existence of market disruption;

(2) ensure the early identification and control of surges in imports beyond the 6 percent annual growth rate used by the MFA as a guideline; and

(3) link import growth to domestic market growth, favoring greater import growth in years when domestic demand is high and less growth when the domestic market is shrinking (i.e., during recessions).

In 1985, the combined share of the U.S. textile and apparel market held by MFA countries (except the four indicated above) was approximately 11.8 percent. (1986 figures are not yet available.) An increase of 0.75 percent in their share of the U.S. market (to 12.55 percent) would translate into a 7.1 percent annual overall growth in import volume. This calculation assumes that the domestic market grew by its historical 1 percent annual rate.

If the domestic market grew by more than the historical 1 percent rate, say by 2 percent, then an increase of market share to 12.55 percent would represent an 8.2 percent growth in import volume. Conversely, if there were no growth in the domestic market, the corresponding growth in import volume would be 6.1 percent unless the Secretary of Commerce certified to Congress that no product-specific, country-specific market disruption would result.

The 0.75 percent threshold is keyed to yield the MFA benchmark growth rate of 6 percent when the market is stagnant. If the market shrinks (i.e., we are in recession), permissible import growth would be lower. For example, if domestic demand shrinks by 2 percent then market disruption would be presumed to exist as aggregate imports from these countries grows by more than 4 percent.

The MFA does stipulate that, no matter what, import restrictions may not result in negative growth in imports from these countries. Such a caveat is part of my proposal. In other words, the bill states that, for the purpose of administering the MFA, market disruption would be presumed to exist if foreign market share grows by more than 0.75 percent unless any resulting import restrictions would result in a net annual decrease in import volume.

(3) Country of origin marking

My bill would make it a crime to alter or obscure in any way a country of origin marking or to knowingly transport or sell such an item. Criminal penalties in this regard are set at $100,000 or six months or both for the first offense.

(4) Anti-counterfeiting measures

My bill would amend Section 337 of the Tariff Act of 1930 to permit action against counterfeiting of American goods outside of the U.S. This section would permit the exclusion of any goods imported or produced by an entity shown to be engaging in counterfeit trade of American goods outside the U.S.

(5) Scofflaw penalties for customs violations

H.R. 3 includes a provision directing the Secretary of Treasury to prohibit the importation of foreign goods by any person that was either convicted of, or assessed a civil penalty for three separate violations of one or more customs laws involving gross negligence, fraud or criminal culpability over a seven-year period.

(6) Customs valuation

My bill would change from f.o.b. to c.i.f. the basis on which existing customs duties are assessed. This change will bring U.S. practice into conformity with that of most of our trading partners.

Articles imported into the U.S. are currently appraised for customs purposes on a basis (f.o.b.), which does not include the cost of ocean freight, insurance, or other charges incurred in bringing the merchandise in question from the country of exportation to the port of entry in the U.S. Changing to a c.i.f. (cost, insurance, freight) basis will include these costs in the base on which duties (normally ad valorem) are calculated. Accordingly, this change will increase the duties collected by the Customs Service.

UNFAIR TRADE PRACTICES

The bill restates the following provisions in H.R. 3 dealing with Section 301 of the Trade Act of 1974:

(1) The partial transfer of Section 301 authority from the President to the USTR (i.e., the USTR would have authority to decide whether a trade practice is unfair, but the President would retain authority to decide upon retaliation);

(2) The so-called mandatory retaliation feature under Section 301 for "unjustifiable" practices (i.e., practices contrary to international rules); in fact, the President may refrain from retaliating in these cases if he deems retaliation to be contrary to the national economic interest;

(3) The requirement that the USTR make an ultimate determination as to whether a trade practice is unfair or not, even if the president decides not to retaliate;

(4) The requirement that the USTR self-initiate Section 301 investigations into practices that are "unjustifiable" or in consistent with international agreements and that have a significant adverse impact upon U.S. exports; and

(5) The addition of "denial of internationally-recognized worker rights" and "tolerance of cartels" as "unreasonable" trade practices under Section 301 (i.e., the president is provided discretionary authority to act against such practices).

U.S. policy regarding foreign unfair trading practices could be further enhanced by strengthening H.R. 3 in three areas.

I. Mandatory action under section 301

As indicated above, H.R. 3 states that action shall be mandatory under Section 301 for "unjustifiable" or GATT-illegal unfair practices. However, the bill states that the president can refrain from retaliating if he deems retaliation would not be in the national economic interest. Therefore, strictly speaking, action is not mandatory under H.R. 3, it is presumed.

As a general policy, providing the president with this measure of flexibility makes sense. However, when the United States finds itself in a trading relationship, the inequity of which exceeds the scope of traditional trade remedies, special measures are required.

Japan presents such a problem. Japan's fiscal and financial policies and institutions bias it toward production for overseas markets. At the same time, its quasi-market form of industrial organization and reliance upon "administrative guidance" bias it against imports. Each of these policies is beyond the reach of the GATT and traditional U.S. trade policy.

Japan continues to run its economy as if it were experiencing a national emergency like a war or a huge foreign debt. The larger the economy exhibiting these biases, the greater the strain it places upon prospects for growth and stability of the whole world economy.

I strongly believe that it is incumbent upon the U.S. to exercise the leadership necessary to spur the necessary economic reforms in Japan. Nearly every Japan expert I know of believes that Japan will not implement these reforms without serious foreign pressure.

As I see it, the U.S. must convince Japan that it is in its own interest to implement these reforms (i.e., that consequences of failing to do so would be worse). But we must avoid shooting ourselves in the foot in the process (i.e., by blatantly violating the GATT and opening ourselves up to retaliation or legitimate demands for compensation).

Boiled down, this means that there must be no loopholes, no grounds for the Japanese to believe that a president will use his discretion to spare them from painful sanctions. And those sanctions must not blatantly violate the GATT or be protectionist.

For countries exceeding certain global and bilateral trade surplus statistical thresholds, the Section 301 provisions of HR 3 would be amended as follows:

1) The president would not be able to invoke the national economic interest escape clause to avoid retaliating against unfair trade practices that are "unjustifiable" or inconsistent with our rights under international agreements. HR 3 currently affords him this option. Accordingly, the proposal would make retaliation truly mandatory against excessive surplus countries which refuse to eliminate these types of unfair practices; and

2) HR 3 states that the USTR would be required to self-initiate investigations and negotiations into commercially significant unfair trade practices that are "unjustifiable" or inconsistent with U.S. rights under international agreements. For excessive surplus countries, the bill would be amended to add to this list practices that are "unreasonable" or "discriminatory" (i.e., practices not necessarily illegal under international law but nonetheless actionable under U.S. law); unless either (a) The country in question has increased its global imports of goods and services by 20% over the preceding year; (b) The president certifies that the country in question has implemented a series of structural economic reforms sufficient to eliminate its excessive surplus expeditiously. The bill states as a Sense of Congress that implementation of the Maekawa Report satisfy this requirement in the case of Japan.

The definition of excessive surplus country would be any country that accounts for 20% or more of a global U.S. deficit in goods and services of over 2% of U.S. GNP and that maintains a global surplus in goods and services of at least 2% of its GNP. Today, 2% of US GNP would be about $84 bilion, and 2% of Japan's GNP would be about $40 billion (Japan is currently running a global trade surplus of about $90 billion and a bilateral trade surplus with the U.S. of about $60 billion).

If enacted, this legislation would present the Japanese with a clear choice between implementing the recommendations of Prime Minister Nakasone's own blue ribbon commission or facing the prospect of a continuing series of unfair trade investigations, negotiations, findings and, potentially, retaliation.

There would be a clear prospect of retaliation against practices protecting such politically sensitive sectors as Japan's agricultural restrictions (i.e., ban on rice imports). Because the United States would be retaliating against trade barriers which are inconsistent with GATT rules, it would not be liable for compensation and the Japanese would not have a right to retaliate. The president would retain discretion not to retaliate in cases of "unreasonable" or "discriminatory" practices; however, he would be required to pressure the Japanese to reach an agreement eliminating such unfair trade practices and, in any event, to declare them unfair.

This proposal cannot properly be labelled protectionist. But it should have the desired effect of forcing the Japanese either to find their own way to make their system more open to imports or to undertake the structural reforms their top policymakers purportedly endorse but their political system continues to thwart. In this sense it has the essential ingredient emphasized by people accustomed to dealing with Japan; it is results oriented.

II. Leveraging the U.S. negotiating position in the Uruguay round

H.R. 3 has been criticized for mandating action beyond that permitted by international rules. The bill does include four such provisions: foreign industrial targeting, natural resource subsidies, diversionary dumping, and private right of action in dumping cases.

All of these practices are unfair to U.S. businessmen and workers; however, international law has not yet extended its discipline to them. This is the proverbial gray area of unfair trade practices. We feel they are unfair but we have no right under the GATT to retaliate against them. In fact, if we do, other countries may have a case under the GATT to seek compensation from us or to retaliate against us. Nonetheless, the U.S. should not be expected to remain silent on these unfair trade practices just because the international community has yet to reach a consensus on how to control them.

At issue, then, is how Congress should approach unfair trade practices that have not yet been addressed by the GATT. It seems that the common sense and, as it turns out, middle ground approach to this question would be to defer unilateral action by the U.S. until the new GATT has had a chance to work out a multilateral solution.

More specifically, these provisions should be enacted with an effective date four years hence (the new GATT round is scheduled to last four years). Indeed, each of these unfair trade practices is covered by a principal U.S. GATT negotiating objective in H.R. 3.

Under this alternative, each provision would go into effect on January 1, 1991 unless: (1) the USTR certifies by that time that the U.S. principal GATT negotiating objective corresponding to the provision has been substantially satisfied; or (2) the USTR certifies that negotiations relating to the corresponding U.S. principal negotiating objective were continuing and making progress. In this event, the effective date of a provision may be postponed one additional year.

In essence, if in the new GATT round the dumping and subsidies codes are not improved and an agreement on export targeting is not achieved to the USTR's satisfaction, then the U.S. would reserve for itself the right to protect its economic interests. In this way, Congress could crack down on these unfair trading practice at the same time that it reaffirms U.S. support for multilateralism, leverages the U.S. negotiating position in the new round, and reduces the risk of sparking a trade war.

III. Strengthening the role of Government as an active advocate of U.S. commercial interest and enhancing the organization of and resources for unfair trade investigations.

Institutionalizing a truly active trade policy should be one of the highest priorities of a new trade bill. The Reagan Administration decided to start pressing unfair trade cases in August of 1985 in attempt to control the political damage done by its refusal to grant the shoe industry the Section 201 import relief recommended by the ITC. Congress should not accept on faith that this or any future Administration will continue to have an active trade policy. In fact, Congress should start from just the opposite premise.

H.R. 3 requires the USTR to self-initiate investigations into only those practices listed in the annual trade barriers report that (1) were "unjustifiable" (contrary to existing international rules) and (2) had a significant adverse impact upon U.S. exports.

Accordingly, H.R. 3 made only modest progress in transforming the U.S. government into an active advocate of American economic interests. Yet this could be one of the most important and lasting contributions to U.S. economic policy of a new trade law.

What is needed is both a broader mandate from Congress on the scope of self-initiated investigations and greater accountability to Congress on the process of deciding which unfair trade investigations to pursue. Further, the organization and level of investigative resources in the Executive Branch should be enhanced.

Currently, most 301 investigative teams are pieced together with members of the Commerce Department or State Department or USTR. These personnel typically have other responsibilities. Consequently, the quality of their work suffers with respect to both the 301 investigation and their permanent responsibilities. Moreover, while they may have industry expertise (in the case of Commerce personnel), they are neither professional trade investigators nor professional negotiators. Add to this fact that our economic data and analytical resources are dwarfed by those at the disposal of our counterparts in Japan's MITI, and one begins to get the impression that the U.S. government is institutionally ill-equipped for the role of active advocate of American economic interests.

Accordingly, my bill would create a separate office in USTR in which unfair trade investigations are coordinated. This Office of Unfair Trade Investigations could be charged with the following responsibilities:

(1) Producing the USTR's annual report on unfair trade barriers around the world (known as the Section 181 report);

(2) Identifying those practices listed in the Section 181 report that satisfy the "unjustifiable" and "significant adverse impact on U.S. exports" criteria (in H.R. 3) and which therefore trigger a self-initiated 301 investigation;

(3) Identifying foreign unfair trade practices that are not necessarily "unjustifiable" but that have a significant adverse impact on the commercial prospects of firms or industries either too small or financially weak to file a trade case on their own;

(4) Identifying foreign unfair trade practices having a significant adverse impact on U.S. exports that the attainment of a principal U.S. negotiating objective would eliminate; and

(5) Identifying, on a biannual basis, those U.S. government policies and practices which may constitute an unfair trade practice (on the basis of our own trade laws).

Foreign trade practices identified under (2), (3) and (4) above would be presented to the USTR for self-initiation. The USTR would be required to self-initiate investigations into paragraph (2) practices (per HR 3). He (or Secretary of Commerce for anti-dumping and cvd cases) would retain the discretion not to self-initiate investigations into paragraph (3) and (4) practices. The Office would report to the Ways and Means and Finance Committees annually on its findings and presentations of cases to the USTR.

The Office would be headed by a USTR official who would be assisted by an inter-agency council consisting of representatives of the Foreign Commercial Service, International Trade Administration, State Department Economics and Business Section and the Foreign Agriculture Service. It would have responsibility for coordinating all unfair trade investigations and would be given sufficient, additional resources to make it an effective, professional trade investigations operation. The USTR would have the discretion to flexibility to dedicate these resources as circumstances required (i.e., by enhancing the number of permanent trade investigators in the USTR or, in the event personnel from other agencies have been detailed to a specific unfair trade case, by temporarily supplementing resources in that agency).

FOREIGN COMMERICAL SERVICE PROVISIONS

I. Foreign commercial service Pacific rim initiative

In 1986, the United States had a combined trade deficit of over $80 billion with Japan, Taiwan and South Korea. Each of these countries professes a desire to increase the sale of American products in its markets. However, each has expressed the frustration that when steps are taken to open markets, foreign rather than American firms benefit. Government officials from these countries maintain that liberalization results not in a reduction in their respective trade deficits with the U.S., but in an increase in trade among themselves (i.e., for Taiwan and S. Korea, an increase in their deficits with Japan).

American businessmen face a more difficult and unfamiliar business climate in these countries than in Europe or Canada. While business conditions differ in Japan, Taiwan and South Korea, the markets of these countries share certain characteristics. Government involvement in the marketplace is common, if not always official. Business decisions do not necessarily have the short-term, transactional rationale to which Americans are accustomed. Long-standing formal or informal relationships among suppliers, producers and distributors often supersede considerations of price and quality. Gaining market access often results not in a clean opportunity to compete, but in a restrictive joint venture or licensing agreement or a limited share of the market.

The special characteristics of these three markets tend to create an important disincentive to exporters relative to other markets at a time when a major U.S. export drive in this region must materialize if the world's trade imbalances are to adjust smoothly. Given the importance of reducing these bilateral trade imbalances and the high degree of government involvement in these economies, the U.S. government itself should play a more active role in promoting exports.

In essence, the U.S. government should emulate the experience of these countries by actively developing the Far East export potential of American firms. Congress should require the US/FCS to seek out companies capable of selling in these markets in addition to facilitating requests from them. By presenting foreign governments with a list of products sold by such companies that could likely be exported under competitive market conditions, the US/FCS could provide concrete evidence of how import liberalization could reduce trade imbalances and frictions with the U.S.

My bill would establish a pilot program in the Foreign Commerical Service, lasting four years, directing the US/FCS to present to these governments twice a year lists of products and services which could likely be exported under competitive market conditions. The Secretary of Commerce would be required to set goals for the number of products and services to be included in these lists and to report to Congress (Committees on Foreign Affairs and Foreign Relations) semi-annually on the targets and results. The bill authorizes such sums as may be necessary for carrying out its provisions.

II. U.S. and foreign commercial service partnership program

At a time when raising U.S. exports is a high national priority, the activities of the US&FCS are handicapped by the government-wide constraint on resources. This focus on exporting and constraint on resources occurs at a time when the US&FCS is installing a world-wide market research computer system linking foreign posts with U.S. district offices. While the Commercial Information Management System (CIMS) has great promise, it will only be as effective as the market information fed into its database.

In an effort to leverage the resources of the US&FCS, my bill would create as part of the Market Development Coordinator program in HR 3 a US&FCS Partnership program. Under the partnership program, exporting companies or their trade associations could detail skilled international market research analysts knowledgeable in computer databases to foreign US&FCS posts for between one and two years. The private sector would assume the salaries and living expenses of such individuals. The federal government would pay for their transportation and housing.

A private sector partnership program along these lines would be of benefit to all concerned. The US&FCS would receive a professional market research analyst at half the cost of new government personnel. The company or trade association donating the analyst would acquire invaluable contacts and expertise in the foreign market to which its employee was detailed. The analyst would see his career potential enhanced by the contacts he makes and unique perspective he gains while on overseas assignment. His value to any employer would rise commensurately.

III. Foreign commercial service personnel in Taiwan

In 1986, Taiwan had a bilateral trade surplus with the U.S. of over $15 billion. With per capita GNP of over $3,000 and foreign reserves of over $45 billion, Taiwan should be a focus of federal export promotion efforts.

However, relative to other posts of comparable commercial importance, the American Institute of Taiwan is significantly understaffed with Foreign Commercial Service personnel. AIT has only three FCS officers. South Korea, for example, has six.

My bill would amend the Taiwan Relations Act to ensure that the American Institute of Taiwan maintains roughly the same FCS presence as South Korea. It authorized such sums as are necessary to implement this policy.

FEDERAL BUDGET COMPETITIVENESS IMPACT STATEMENT

I. Background

Massive fiscal deficits hang like a cloud over current attempts to improve the international competitiveness of the U.S. economy. Failure to reduce the budget deficit may well vitiate all other "competitiveness" initiatives on the trade deficit.

When the government borrows in private credit markets to finance the deficit, it competes with corporate and individual borrowers for the pool of investable savings in the economy. In other words, government borrowing increases the demand for credit in the nation's financial markets. As a result, either interest rates must rise (if the supply of investable funds remains constant) or the supply of credit must increase (through foreign lending).

Thus, government borrowing to finance fiscal deficits has the following impact on the competitiveness of American business and our balance of payments (trade deficit and foreign debt):

(1) To the extent that domestic savings are not sufficient to finance all private sector and government borrowing, and foreigners do not supply enough credit to make up the difference, interest rates will rise, meaning that the cost of capital to American business will rise;

(2) To the extend that foreigners do supply credit to fill this gap: (a) the value of the dollar will rise (because foreigners must sell their currencies and buy dollars in order to purchase U.S. Treasury bonds and the like) thereby making our exports less competitive and imports more competitive; (b) our trade deficit will increase; and (c) our foreign debt will rise.

The following accounting relationship is the key to understanding conclusions (b) and (c)—and the fundamental connection between fiscal deficits and trade deficits. Please see Appendix I for an explanation of the basis for this accounting relationship.

Current Account Deficit equal Increase in Foreign Debt equal Federal Budget Deficit plus Net Private Domestic Investment minus Net Domestic Savings.

It is not the size of the budget deficit which determines whether fiscal policy will affect our international competitiveness, but whether that deficit can be financed out of the savings available in the domestic economy. Japan, for example, has a sizable fiscal deficit. But it more than finances this deficit out of domestic savings. In fact, it is the great excess of savings in Japan (or underconsumption) that causes that country's excessive trade surpluses.

We can therefore estimate the impact of fiscal policy on our international competitiveness by simply comparing the size of the budget deficit with the excess of savings in the economy over borrowing by businesses and consumers.

The Administration and congressional leaders of both parties have proclaimed competitiveness as the paramount legislative priority. However, as the preceeding analysis demonstrates, no combination of proposals to improve education, training, trade and export promotion policies will necessarily solve our trade problems. Basic accounting principles tell us that the key to our trade and competitiveness problems lies in our fiscal imbalance.

II. Proposal

This bill would require the president in his annual budget proposal to estimate the trade deficit for the coming year based on his (the Council of Economic Advisers') projections of government borrowing and net savings in the economy. These calculations would also yield his projections of how much the nation's foreign debt will grow. Each year, the president's budget would forecast not only the budget deficit, but also a trade deficit of $XXX billion and a foreign debt of $XXX billion.

Each budget should have a Competitiveness Impact Statement, making the president and Congress more visibly accountable for the impact of budget policy on our trade accounts and the international competitiveness of American business.

Specifically, the proposal would:

(1) Require the president to include in his annual budget proposal a Competitiveness Impact Statement. Drafted by the president's Council of Economic Advisers, the analysis would focus on the proposed budget's impact on the international competitiveness of U.S. business and on the U.S. balance of payments position. The analysis would include the following projections for the fiscal year covered by the budget proposal:

A. The amount of borrowing by the federal government in private credit markets;

B. Net domestic savings (defined as personal savings, corporate savings, and the fiscal surplus of state and local government);

C. Net private domestic investment;

D. The current account;

E. The net increase or decrease in foreign indebtedness (defined as net foreign investment); and

F. The direction and extent of the influence of (A) on U.S. dollar interest rates and the real effective exchange of the U.S. dollar; and

(2) Require the House and Senate Budget Committee Reports on the budget resolution to contain the same analysis.

III. Analysis of proposal

The growing exposure of our economy to foreign competition has taught us that we can no longer ignore the foreign trade implications of major economic policy decisions. To the contrary, international competitiveness should from now on be an explicit, prominent variable in discussions on budgetary, monetary and other economic policy decisions.

A Competitiveness Impact Statement on the budget would promote full disclosure and transparency in fiscal policymaking. For example, it would show that while asset sales reduce conventional calculations of the budget deficit, they have no impact on the trade deficit. From the standpoint of the savings-investment balance of the economy, the sale of a government asset to the private sector has the same effect as the sale of Treasury bonds. The supply of private credit available to finance other investment shrinks by the same amount in each case. The federal government soaks up the same amount of national savings whether it sells bonds or assets. In either case, the amount of foreign lending needed to prevent interest rates from rising remains the same.

Further, it would elevate the level of public disclosure on the problem of our "twin deficits." It is a common sense way to begin to focus public attention on a rational solution to our fiscal and trade problems. A balanced budget is not necessarily the right goal; a more appropriate goal would be a correction of the imbalance between the size of the deficit and the supply of domestic savings available to finance it.

Finally, it would increase pressure on all parties, including the president, to negotiate a compromise on the budget. In an era of $170 billion trade deficits in which international competitiveness is supposedly a primary concern, the president and Members of Congress will not want to be seen advocating a budget that yields another trade deficit of, for example, $170 billion.

COMPETITIVE FOREIGN EXCHANGE RATE POLICY

I. Background

On September 22, 1985, the Reagan Administration finally recognized its error in allowing the dollar to become grossly overvalued between 1982 and 1985. On that day, Japan, Germany, Britain, France and the U.S. (known as the Group of Five or G-5) agreed to intervene jointly in currency markets to push the value of the dollar down. This agreement is known as the Plaza Agreement (for New York's Plaza Hotel at which the secret negotiations were held).

Up until this time, attention in Congress on foreign exchange rate issues had focussed on Senator Bradley's bill (introduced in the House by Rep. Lundine) to trigger mandatory intervention in foreign exchange markets when certain statistical thresholds have been crossed. In November 1985, hearings on the Bradley/Lundine bill were held in the House Banking Subcommittee on International Finance.

At these hearings, a consensus emerged that it is impractical to mandate foreign exchange intervention through a rigid, mechanistic formula. It was proposed instead that the Secretary of Treasury be made more accountable to Congress and the public on the question of whether the value of the dollar is appropriate.

Specifically, it was suggested that the Secretary report regularly to Congress on his analysis of whether the value of the dollar is consistent with the underlying competitiveness of American industry. Congress would provide guidance as to how the Secretary should assess whether an exchange rate is appropriate or not. The Secretary would then be directed to seek to correct any bilateral exchange rates which are identified as inappropriate. His report to Congress would include a statement on the nature and results of these efforts.

These proposals became an important part of HR 4800 (HR 3). If implemented properly they could insure against a recurrence of the devastating rise of the dollar between 1982 and 1985 and promote the correction of a number of remaining exchange rate misalignments that continue to penalize American firms.

To ensure that congressional intent is fulfilled, it is necessary to clarify and refine the reporting provisions in HR 3. While the Secretary must be afforded the flexibility to devise his own analytical methodology, he must not be free to exploit any ambiguity in the reporting requirements to avoid identifying exchange rates that are inappropriate or "uncompetitive."

II. Proposal

HR 3 requires the Secretary of Treasury twice a year to provide Congress with a general and country-specific analysis. These reports would then presumably become the focus of public hearings similar to those held on domestic monetary policy (the Humphrey-Hawkins hearings).

A. General Analysis

The general analysis in HR 3 requires the Secretary of Treasury to estimate the exchange rate necessary for there to be a balance in our merchandise trade and current accounts. (The current account equals the merchandise trade balance plus trade in services and interest payments.)

A balance in the merchandise trade or current account is not necessarily the appropriate yardstick by which to measure whether the exchange rate is correct. The trade balance that is appropriate at any given time varies with the business cycle (i.e., imports tend to be low during recessions and high during vigorous expansions). It varies with the terms of trade of the country in question (i.e., a country like Japan which must import raw materials can be expected to run merchandise trade surpluses). It also varies with the stage of development of the country in question (i.e., capital exporting countries like Japan and, before 1982, the U.S. are expected to run current account surpluses since interest earnings on overseas investments tend to be large).

A better question to ask the Secretary is whether the exchange rate is consistent with a trade balance that is sustainable over the medium term (one to three years). This is the yardstick used by the IMF and academic economists.

H.R. 3 indirectly asks this question by requiring an evaluation of the conditions that cause the "actual" exchange rate to exceed the "competitive" exchange rate. However, H.R. 3 does not define what is meant by the "actual" exchange rate. There is no single "actual" exchange rate for the U.S. dollar. There are many such rates between the dollar and the various other currencies of the world.

My bill defines the "actual" exchange rate as the trade weighted exchange rate adjusted for differences in rates of inflation among countries. Known as the "real effective exchange rate," this calculation yields the most neutral and meaningful measurement of exchange rate changes and relationships.

As an example, the dollar has dropped 50% against the yen and by similarly high percentages against some of the European currencies. On average, the dollar has dropped by 30% to 40% against these currencies. However, the dollar has not dropped by nearly as much against the currencies of many of our other important trading partners. In fact, the dollar has dropped by only 5% to 10% from its historical high in 1985 if one takes into account the currencies of these other countries (i.e., Taiwan, Korea, Brazil, Canada etc.) Therefore, a trade-weighted calculation is the best yardstick to require the Secretary to use.

My bill would require the "actual" or trade-weighted, inflation-adjusted measurement of the exchange rate to be analyzed to determine whether it is consistent with a sustainable trade balance. Among the factors the Secretary must take into account in determining what constitutes a sustainable trade deficit would be relationship between foreign debt and exports. The debt/export ratio is the measure of exchange rate sustainability most frequently used by the IMF and economists. Based on this calculation, today's real effective exchange rate would probably not pass the test. It is down by only 5% to 10% from its distorted, all-time-high in 1985 and our foreign debt is widely acknowledged to be still growing at an unsustainable rate.

Accordingly, my bill defines the "competitive" exchange rate as the trade-weighted, inflation-adjusted rate (real effective rate) consistent with sustainable trade balance. It would require the Secretary to:

(1) estimate the "actual" or prevailing real effective exchange rate;

(2) estimate the "competitive" or sustainable real effective exchange rate;

(3) analyze why there is any difference between the two;

(4) make recommendations as to what can be done to correct any difference between the two; and

(5) report on past or existing efforts by the Administration to correct such a difference.

In addition, the bill picks up from H.R. 3 a number of other provisions, including the requirement that the Secretary report on the recommendations the IMF makes to our government each year on our exchange rate policy. These recommendations are known as Article IV consultations.

B. Country-Specific Analysis

H.R. 3's Country-by-Country Analysis requires the Secretary to analyze the extent to which currencies vary from their "competitive" exchange rate with the dollar.

My bill would clarify this section to require the Secretary to analyze the currencies of each country with which we have non-petroleum trade exceeding $5 billion (roughly our top 15 trading partners) to determine if any are inconsistent with:

(1) their "competitive" level (i.e., the level consistent with a sustainable U.S. trade balance); or

(2) the underlying price competitiveness of American products as measured by such fundamental factors as differences in rate of inflation and productivity growth.

According to economic theory, the exchange rate reflects differences in purchasing power of consumers in two given economies. The basic determinants of differences in purchasing power are relative output per unit of labor (productivity) and relative price level stability (inflation).

Consumers with greater purchasing power will tend to have a "strong" currency, reflecting their ability to buy more for their money. If, for some reason, their currency is weaker than their relative strength of purchasing power would imply, they will tend to import less, since they can get more for their money at home. At the same time, they will export more, since foreigners would be able to get more for their money by buying the undervalued products of the country with stronger purchasing power (i.e., lower price level). As a result, demand for the currency of the country whose products are undervalued by the exchange rate will raise at the same time that demand for the currency of its trading partner falls. This trend will proceed until the exchange rate adjusts to accurately reflect the difference in purchasing power between the two countries.

Today, however, exchange rates tend to reflect differences in interest rates and investment yields, not purchasing power. Exchange rate movements are driven by investor demand for financial securities, not consumer demand for goods and services. The great liberalization of the world's capital markets since the late 1960s has rendered the economic theory of exchange rate movements obsolete.

Yet the political and economic fallout from exchange rate movements remains unchanged. It is economically inefficient and inhumanely unfair to subject the lives and jobs of people in the trade goods sector of the economy to the same type of volatile instability found in financial markets. To have a laissez-faire exchange rate policy when rates are flexible and capital is highly mobile is to irresponsibly equate jobs, people and communities with stocks and bonds.

Accordingly, the Secretary should be required to judge each major exchange rate relationship not only by its medium term sustainability, but also by its accuracy in reflecting the basic price competitiveness of American products.

C. Multilateral Exchange Rate Surveillance Findings and Analysis

In the interest of making international exchange rate coordination permanent, Secretary Baker and his counterparts of the other G-7 countries last year agreed to develop a medium term agenda of explicit coordination of fiscal and monetary policies. This is known as the "indicator process." The "indicators" are the specific parameters of fiscal and monetary policy which will form the basis for policy coordination and accountability.

This agenda should be reported to Congress as a way to increase public pressure on all parties to live up to their international responsibilities to keep exchange rates within their "competitive" ranges.

Accordingly, my bill proposes that a third reporting requirement (after the General and Country-Specific Analysis) be included in HR 3. The third section would simply report whether the G-7 consultations found any exchange rates to be inappropriate or unsustainable. It would then state the group's findings on the policies and conditions giving rise to the problem as well as on recommended policy changes. Finally, in the event such findings were not by consensus, the Secretary's report would describe the positions of the various parties.

I believe that the more this process is out in the open, the more the various governments will be under pressure to forego parochial interests and to truly coordinate their policies for the good of the international community. In any event, this reporting requirement does not preclude two governments from conferring in private on the side.

D. Action by the Secretary

My bill would explicitly require the Secretary of the Treasury to take action necessary and appropriate to correct any unsustainable or inappropriate exchange rates identified in any of the above reports. HR 3 does not include an explicit requirement of action on the part of the Secretary in response to problems identified in his reports to Congress.

HISTORY OF THE PRIVATE CALENDAR AND CONDITIONS UNDER WHICH BILLS ON THE CONSENT CALENDAR ARE TO BE CONSIDERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. BOLAND] is recognized for 5 minutes.

Mr. BOLAND. Mr. Speaker, I would like to take this opportunity to set forth some of the history behind, as well as describe the workings of the Private Calendar. I hope this might be of some value to the Members of this House, especially our newer colleagues.

Of the five House Calendars, the Private Calendar is the one to which all private bills are referred. Private bills deal with specific individuals, corporations, institutions, and so forth, as distinguished from public bills which deal with classes only.

Of the 108 laws approved by the First Congress, only 5 were private laws. But their number quickly grew as the wars of the new Republic produced veterans and veterans' widows seeking pensions and as more citizens came to have private claims and demands against the Federal Government. The 49th Congress—1885 to 1887—the first Congress for which complete workload and output data is available—passed, 1,031 private laws, as compared with 434 public laws. At the turn of the century the 56th Congress passed 1,498 private laws and 443 public laws—a better than 3-to-1 ratio.

Private bills are referred to the Committee of the Whole House as far back as 1820, and a calendar of private bills was established in 1839. These bills were initially brought before the House by special orders, but the 62d Congress changed this procedure by rule XXIV, clause 6, which provided for the consideration of the Private Calendar in lieu of special orders. This rule was amended in 1932 and then adopted in its present form on March 22, 1935.

A determined effort to reduce the private bill workload of the Congress was made in the Legislative Reorganization Act of 1946. Section 131 of that act banned the introduction or consideration of four types of private bills: First, those authorizing the payment of money for pensions; second, for personal or property damages for which suit may be brought under the Federal tort claims procedure; third, those authorizing the construction of a bridge across a navigable stream; or fourth, those authorizing the correction of a military or naval record.

This ban afforded some temporary relief but was soon offset by the rising postwar and cold war flood for private immigration bills. The 82d Congress passed 1,023 private laws as compared with 666 public laws.

Under rule XXIV, clause 6, the Private Calendar is called the first and third Tuesday of each month. The consideration of the Private Calendar bills on the first Tuesday is mandatory unless dispensed with by a two-thirds vote. On the third Tuesday, however, recognition for consideration of the Private Calendar is within the discretion of the Speaker and does not take precedence over other privileged business in the House. On the first Tuesday of each month, after the disposition of business on the Speaker's table for reference only, the Speaker directs the call of the Private Calendar. If a bill called is objected to by two or more Members, it is automatically recommitted to the committee reporting it. No reservation of objection is entertained. Bills not objected to are considered in the House as in the Committee of the Whole.

On the third Tuesday of each month, the same procedure is followed with the exception that omnibus bills embodying bills previously rejected have preference and are in order regardless of objection.

Such omnibus bills are read by paragraph, and no amendments are entertained except to strike out or reduce amounts or provide limitations. Matters so striken out shall not be again included in an omnibus bill during that session. Debate is limited to motions allowable under the rule and does not admit motions to strike out the last word or reservation of objections. The rules prohibit the Speaker from recognizing Members for statements or for requests for unanimous consent for debate. Omnibus bills are so passed, are thereupon resolved in their component bills, which are engrossed separately and disposed of as if passed separately. Private Calendar bills unfinished on one Tuesday go over to the next Tuesday on whch such bills are in order and are considered before the call of bills subsequently on the calendar. Omnibus bills follow the same procedure and go over to the next Tuesday on which that class of business is again in order. When the previous question is ordered on a Private Calendar bill, the bill comes up for disposition on the next legislative day.

Mr. Speaker, I would also like to describe to the newer Members of the House, the official objectors system which was established to deal with the great volume of private bills.

The majority leader and the minority leader each appoint three members to serve as Private Calendar objectors during a Congress. The objectors are on the floor ready to object to any private bill which they feel is objectionable for any reason. Seated near them to provide technical assistance are the majority and minority legislative clerks.

The great volume of private bills and the desire to have an opportunity to study them carefully before they are called on the Private Calendar has caused the six objectors to agree upon certain ground rules. The rules limit consideration of bills placed on the Private Calendar only shortly before the calendar is called. The agreement is as follows:

"Reaffirming the policy initially adopted on June 3, 1958, the members of the Majority Private Calendar Objectors Committee have agreed that during the 100th Congress, they will consider only those bills which have been on the Private Calendar for a period of 7 days, excluding the day the bill is reported and the day the calendar is called, reports must be available to the objectors for 3 calendar days. It is agreed that the majority and minority clerks will not submit to the objectors any bills which do not meet his requirement."

This agreement was entered into by the gentleman from Massachusetts [Mr. BOLAND], the gentleman from Virginia [Mr. BOUCHER], the gentleman from Kentucky [Mr. HUBBARD], the gentleman from Wisconsin [Mr. SENSENBRENNER], the gentleman from Ohio [Mr. DEWINE], and the gentleman from Pennsylvania [Mr. GEKAS].

I feel confident that I speak for my colleagues when I request all Members to enable us to give the necessary advance consideration to private bills, by not asking that we depart from the above agreement unless absolutely necessary.

AGREEMENT ON CONSENT CALENDAR CONDITIONS

Mr. Speaker, I am today inserting in the RECORD the agreement between the majority and minority objectors on the Consent Calendar. This agreement outlines the condition under which bills on the Consent Calendar will be considered.

Mr. Speaker, I invite all my colleagues to read this agreement and keep it in mind when requesting that measures be considered on the Consent Calendar. Rule XIII, clause 4, states:

> After a bill has been favorably reported and shall be upon either the House or the Union Calendar any Member may file with the Clerk a notice that he desires such bill placed upon a special calendar to be known as the "Consent Calendar." On the first and third Mondays of each month immediately after the reading of the Journal, the Speaker shall direct the Clerk to call the bills in numerical order, which have been for three legislative days upon the "Consent Calendar." Should objection be made to the consideration of any bill so called it shall be carried over on the calendar without prejudice to the next day when the "Consent Calendar" is again called, and if objected to by three or more Members, it shall immediately be stricken from the calendar, and shall not thereafter during the same session of that Congress be placed again thereon: *Provided,* That no bill shall be called twice on the same legislative day.

The members of the Consent Calendar Committee have agreed for the 100th Congress, upon the following policies and procedures: First, generally, no legislation should pass by unanimous consent which involves an aggregate expenditure of more than $1 million; second, no bill which changes national policy or international policy should be permitted to pass on the Consent Calendar but rather should be afforded the opportunity of open and extended debate; third, any bill which appears on the Consent Calendar, even though it does not change national or international policy, or does not call for an expenditure of more than $1 million, should not be approved without the membership being fully informed of its contents. If it is a measure that would apply to a majority of the Members of the House, in which the minimum amount of consideration that should be given such a bill would be cleared by the leadership of both parties before being brought before the House on the Consent Calendar. Such a bill would be put over without prejudice one or more times to give an opportunity to the Members to become fully informed as to the contents of the bill.

It must be pointed out to the membership that it is not the objective of the objectors to obstruct legislation or to object to bills or pass them over without prejudice because of any personal objection to said bill or bills by any one member or all of the members of the Consent Calendar Objectors Committee, but rather that their real purpose, in addition to expediting legislation, is to protect the membership from having bills passed by unanimous consent, which in the opinion of the objectors, and Members of the House might have objection to.

The members of the Consent Calendar Committee request that the chairman of the standing committee of the House have responsibility for bringing legislation before the House, take into account the contents of this statement before placing the bill on the Consent Calendar. While it is not absolutely necessary for the sponsors of the bill appearing on the Consent Calendar contact the objectors, to avoid the bill being put over unnecessarily, it is a good practice to do so. The committee members welcome the practice of getting in touch with them at least 24 hours in advance of the time the legislation is called up on the regular call of the Consent Calendar. In many instances, such courtesy on the part of the sponsors will clear away questions which the objectors may have and consequently make for expeditious handling of the legislation.

This agreement was entered into by the gentleman from Tennessee [Mr. GORDON], the gentleman from Georgia [Mr. LEWIS], the gentlewoman from South Carolina [Mrs. PATTERSON], the gentleman from Pennsylvania [Mr. WALKER], the gentleman from California [Mr. LUNGREN], and the gentleman from New York [Mr. WORTLEY].

MERGE THE FEDERAL DEPOSIT INSURANCE FUNDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, the near insolvency of the Federal Savings and Loan Insurance Corporation has precipitated the need for a recapitalization of that insurance fund in order to retain investor confidence in the savings and loan system.

Such a recapitalization, whether it be at $15 billion, $7.5 billion, or a $5 billion level, would only be a short-term response to an increasingly serious problem.

In the long term, a merger of the Federal deposit insurance funds is inevitable. I am now drafting legislation which would accomplish that merger, legislation which I have circulated to my colleagues on the House Banking, Finance and Urban Affairs Committee for comment.

While a merger of deposit insurance funds is certainly controversial in some quarters, I am pleased to share with my colleagues an article from the February 25, 1987, Wall Street Journal which makes a strong case for such action. The authors of the article are Mr. William M. Isaac, the past chairman of the Federal Deposit Insurance Corporation; Mr. James A. Marino, who served as a research and planning official at FDIC, and Mr. John D. Hawke, the former general counsel of the Federal Reserve Board.

At this point, I include the article for the RECORD:

[From the Wall Street Journal, Feb. 25, 1987]

A BREATH OF LIFE FOR S&L INSURANCE

(By John D. Hawke Jr., William M. Isaac, and James A. Marino)

The most urgent issue of financial regulation facing Congress and the federal regulatory agencies is the effective bankruptcy of the Federal Savings and Loan Insurance Corporation. FSLIC's primary insurance reserves now stand at only $1.4 billion, down from $1.9 billion at the end of 1986. Estimates of the thrift industry's real deficit net worth vary—a problem that has been compounded by the absence of current market accounting—but some knowledgeable analysts project that FSLIC's ultimate losses could exceed $30 billion.

The intractable question facing policy makers is who should pay for the resuscitation of FSLIC—a question that has both economic and political dimensions. Because of the difficulties inherent in any approach to this question, most of the remedies that have been proposed have amounted to temporizing.

While the current administration proposal could raise (through borrowings) funds sufficient to resolve a substantial portion of the problem, servicing the debt would place an enormous financial burden on the S&L industry and would leave behind a chronically improverished insurance fund. A stripped-down proposal by the U.S. League of Savings Institutions would place less burden on the industry but would be woefully inadequate in terms of addressing the extent of the problems.

A NUMBER OF POLITICAL HURDLES

In the long run, depending on the actual extent of the losses, it is possible that some portion of the cost of resolving the thrift industry's plight will be borne by taxpayers—a conclusion that legislators are naturally reluctant to embrace. In the meantime, and in order to minimize the taxpayer exposure by providing more financial and managerial resources to deal with the S&L problems, FSLIC and the Federal Deposit Insurance Corp., the comparable fund backing the nation's banks, should be merged.

Merging the insurance funds would provide considerable financial resources. S&L deposit insurance assessments over the next five years will total roughly $9 billion. The FDIC's income from assessment and from its investment portfolio will be in the range of $18 billion. These two revenue sources, plus the residual $1.4 billion in the FSLIC fund, would provide nearly $29 billion to handle bank and S&L failures over the next five years without dipping into the corpus of the FDIC fund. Assuming the FDIC spends in the range of $1.2 billion a year on bank failures (one would hope that would not be necessary), the combined fund would generate about $23 billion for handling S&L failures. If an additional cushion were deemed desirable, the administration's proposal to channel $3 billion in excess capital from the federal home-loan banks could be incorporated into the merger plan. The combined agency probably could not prudently spend the money at a faster rate.

To be sure, a number of political hurdles would be faced by any proposal to merge the funds. First, commercial banks will be inclined to oppose a merger if they perceive that the ultimate result will be an increase in their deposit insurance premiums. They have no desire, in short, to pay for bailing out the S&L industry.

Second, some elements of the S&L industry may fear a merger would result in the extinction of S&Ls as a separately identified type of financial institution, dedicated to the home mortgage market.

Third, a merger of the funds would focus attention on the disparities in regulatory treatment of banks and S&Ls. The powers of S&Ls and their holding companies are, in a number of respects, more permissive than the powers of commercial banks and their holding companies. At the same time, S&Ls are permitted to operate with capital ratios significantly lower than those of commercial banking organizations. Thus, many people question whether the two types of institutions can fairly be subjected to a common insurance regime without equalizing their regulatory treatment, and the question is raised whether equalization is politically possible.

We believe these hurdles can be overcome.

The essence of a merger would, of course, be the commingling of the insurance funds. To meet the legitimate concerns of current FDIC-insured institutions that commingling would expose them to higher premiums, bank and S&L assessments could be computed on a separate basis for a specified period—five to seven years, for example. Effective bank premiums would be held to what they would have been if no merger had taken place. This period should be long enough to permit resolution of the current S&L crisis and give commercial banks comfort that the bill will not be paid by the banking industry. Moreover, in view of the FDIC's current $1.7 billion annual incomes on its investment portfolio, the current special premium assessment on S&Ls could be phased out on a straight-line basis over a five-year period, thus addressing a major concern of the S&L industry.

As far as the plan endangering the special lending role of the S&Ls, this line of reasoning ignores the fact that the FDIC has been the insurer of the mutual savings bank industry for more than 50 years.

From a supervisory standpoint, the relationship between the combined insurance agency and the S&L industry could be modeled on the FDIC's current relationship to nationally chartered banks, which are regulated primarily by the Comptroller of the Currency. The Federal Home Loan Bank Board would remain the primary federal regulator of all federally insured S&Ls, while the FDIC would be given the right to examine larger and problem S&Ls and a random sampling of others.

Along with the financial considerations of an FDIC merger are the managerial imperatives for FSLIC.

As the current crisis deepened, the Home Loan Bank Board has brought into the system a number of highly respected former bank supervisors. Nevertheless, dealing with credit quality remains a major problem—something the bank board, unlike the FDIC, has had little experience in handling. The board's traditional priority has been the promotion of home ownership, largely through the promotion of the S&L industry. Some would argue that safety and soundness have often taken a back seat. Certainly, the board's uppermanagement ranks are thin, and FSLIC is tremendously understaffed. At present, who could oversee a large infusion of capital, should it become available?

If the insurance funds were to be merged, Congress undoubtedly would want to use the occasion to phase in common accounting, capital and supervisory standards, thereby bringing to bear more discipline in the S&L industry. While such a phase-in might be viewed as painful by some in the S&L industry, there is no basis in sound policy for a continuation of the current relaxed standards. Indeed, equalization would seem a necessity if the FDIC were to assume the risk of insuring S&Ls, and it also would be a benefit to healthy banks and thrifts that now must compete against undercapitalized and underregulated institutions.

WOULDN'T BE PROBLEM FREE

The occasion of a merger also would bring into sharp focus the disparities in powers between banking and thrift organizations—although it would not be essential to resolve that very difficult set of issues at the outset. It seems inevitable to us, however, that the powers of banks and thrifts will have to be harmonized before very long in any event. One salutary effect of a merger could be to force the issue.

We do not pretend that a merger would be problem free. Such a combination would put strains on the resources of the FDIC as it adjusted to supervision of an industry with which it is not totally familiar. Moreover, the FDIC itself faces a record number of bank failures, and its personnel and financial resources are being taxed. In the long run, however, the enhanced capacity of a merged insurance agency would outweigh any short-run burdens.

It must be recognized that a merger of the insurance funds might not be a complete solution to the plight of the S&L industry, and in the long run an infusion of taxpayers' money might be necessary. Congress must face up to the realities now, so as to minimize that likelihood.

HOW TO BLUNT POSSIBLE EFFECTS OF ANOTHER ENERGY CRISIS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Texas [Mr. BROOKS] is recognized for 5 minutes.

Mr. BROOKS. Mr. Speaker, I rise to point out to this House what seems to be a great confusion within the administration as to the likelihood of another energy crisis afflicting our Nation and the best way to blunt the possible effects of such a situation. Nowhere has this confusion had more impact than on the muddled energy security poicy for our Nation, which is presently rooted in a viable strategic petroleum reserve.

Over the last several years this administration, through the Department of Energy, has attempted over and over again to block funding for construction and filling of the reserve. Fortunately, we in Congress who are concerned about the Nation's energy security have continued to support appropriations for this important project.

Again this year, the President's budget proposals call for an indefinite moratorium on cavern development and a greatly decreased fill rate. Both actions, if not rejected by Congress, would delay until the year 2004 the completion of a minimum 750 million barrel SPR that was agreed to in the late 1970's.

I find it most curious that at the same time that the Energy Department continues its efforts to cripple SPR, former Energy Secretary Donald Hodel in a recent interview stressed that our Nation could face another energy crisis "within 2 to 5 years."

The present Secretary of the Interior noted particularly that our "domestic oil industry has just been devastated," at the same time that our current dependency on foreign oil is "about 38 percent of the domestic consumption, which is, incidentally, more than was the case in 1973, when the Arab oil embargo was imposed against the United States."

The one bright note among Mr. HODEL's information was his assessment that the 500 million barrels of oil already stockpiled in SPR—there, I would remind this House, not because of support by the current administration—has been a help already in preparing for any future disruption of oil supplies. Yet, even here, the Secretary noted that this amount "would last a limited amount of time in the event of a major embargo."

Mr. Speaker, with these facts facing the Nation and the administration, I believe that we in Congress must continue to do all we can to thwart attempts by the President and the Energy Secretary to curtail any portion of SPR development.

Our Nation cannot again afford to ignore the cruical relationship between energy and security. This administration constantly talks about security and requests billions upon billions of dollars each year for defense needs. At the same time, however, it ignores those programs, like SPR, that go beyond mere weaponry and bravado.

I urge that we all seriously consider Mr. HODEL's assessments and continue to support fully a viable reserve.

GENERAL LEAVE

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

TRIBUTE TO THE HONORABLE JOHN GROTBERG

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes.

Mr. HASTERT. Mr. Speaker, I've called this special order to pay tribute to John Grotberg, a former colleague and friend of many in this House who passed away last November. I'm pleased that John's wife, Jean, members of his family and friends are here this afternoon to listen to his colleagues' remembrances of his service to the 14th District of Illinois and his country. I know those who couldn't be here in person share this moment too.

John was born in Minnesota and raised in Valley City, ND, on a family farm, and graduated from George Williams College in Chicago. He was perhaps one of the most versatile Members of this body having been a professional singer, active in theater—where he met his wife Jean who shared his love for music—consultant to a retirement center in St. Charles, IL for Luther Social Services, and corporate director of financial development, public relations director and manager of the Chicago YMCA. In addition, John served in the Illinois House and Senate for 12 years. He devoted his life to public service.

One thing as dear to John as his political service was his community, St. Charles, IL. He served on the chamber of commerce, founded the Baker School of Fine Arts, the Fox Valley Hospice and the Tri-City Family Project. He was also an active member of the Baker Memorial United Methodist Church. In connection with his service to these groups he received several awards of recognition.

I was fortunate to know John as a friend and a colleague. We served in State government together and by his example he taught me a great deal about how to be a caring and effective legislator. I now find myself in this great body and trust that I can serve the people of the 14th District as well as he did during his short tenure in Congress.

John served on the House of Representative's Banking, Housing and Urban Affairs Committee, and Small Business and Government Operations Committees. I understand he didn't necessarily subscribe to the old adage, "freshmen should be seen but not heard." His representational style endeared him to his constituents who knew that he would be as aggressive as any senior Member in addressing their concerns in Congress.

In one of John's campaign pieces he said, "I want Government out of our private lives and businesses, because I care what happens to my friends and neighbors. Growing up in rural Minnesota and North Dakota, I learned a respect and concern for people. . . ." His legislative agenda followed that theme. He hosted town meetings, visited one-on-one with his constituents, solved hundreds of problems, with Government agencies and in all respects was accessible. He loved being here but he never lost sight of those who sent him.

John's courageous fight with cancer was shared by few in this House. Instead, he chose to continue working for his district—even leaving the National Institutes of Health when he was receiving treatment so he could make a vote. He participated in an experimental cancer treatment that may prove to be a building block for the cure for that devastating disease. That was John Grotberg—working for the future of his family, friends, and even people he didn't know.

In honor of John Grotberg's years of service to his community, State, and ultimately country, I have introduced a bill today with a number of original cosponsors to name the Post Office in St. Charles the "John E. Grotberg Post Office Building." Senator ALAN DIXON will be introducing a companion bill in the Senate. This designation will serve as a constant reminder of the legacy he left.

Mr. Speaker, I am submitting a collection of tributes to John from family, colleagues and friends. Among them is a statement from a very close friend of his, Phil Cross. They shared the same struggle and he very eloquently speaks to the optimism that carried John through many hard times and has inspired him to face "the worst" with courage.

MARCH 3, 1987.

Congressman J. DENNIS HASTERT,
515 Cannon Building,
Washington, DC.

DEAR CONGRESSMAN: I am writing to extend my full support of your special order to introduce legislation to name the St. Charles Post Office in honor of the late Congressman John Grotberg.

As a Congressman and former State Senator, John Grotberg served Illinois and the 14th District with distinction, in his many years of activity in politics and Government he embodied the true spirit of public service. I cannot imagine a more fitting honor than naming the Post Office in his hometown after John Grotberg. It will serve as a long-lasting tribute to the life of a man who so honorably served his community.

It is a tragedy to have lost his leadership, but Illinois is a better State as a result of the contributions he made to its people.

Sincerely,

JAMES R. THOMPSON,
Governor.

TRIBUTE TO JOHN E. GROTBERG

It is with great pleasure that we share this occasion to pay tribute to the memorable and Honorable John E. Grotberg.

We, his brothers and sisters, knew John in times and places and ways which his colleagues couldn't have—just as you knew him, better than we, in your own ways. But no matter whether our associations are common or not, we are here for the same purpose. We are here to measure a big man.

In that bear-sized frame lived a humble soul. Most of him was heart, and all of him was courage. No task was too big or too small for him to challenge.

Yes, John Grotberg was a very big man. Yet he fit into the tiniest corner of your heart, or he could fill up a whole person with love and hope, or baloney. He could get under your skin, too, if you let him.

Even as a young man, John had long-distance vision. He saw more out there than cows and plows and corn cultivators. He saw people! And he would be among them—not as a bystander, but as a ringleader.

Now a giant takes big steps. Without even asking, "Captain, may I?", John stepped from our North Dakota farm to a Minneapolis stage, to a St. Louis stage, to the Chicago YMCA, and from there his strides were even more enormous. Big as he was, he could have stepped over hurdles or stepped on them. But he tip-toed gently and genuinely in and among them. He stepped into, and he stepped up. But John never stepped down.

John always said that you have to pay rent on the space you take up in society. He used more space than most of us can imagine, and he rewarded society generously for the privilege of living under its structure. He even add lean-to's to shelter growing needs, out of his own personal kindness.

How do you measure a big man? You take the dimensions of his heritage, his purposefulness, his contributions, his wit, his love of life, the scope of his vision, his respect for humankind, and use a John Grotberg yard stick.

Submitted by Shirley Licha, Valley City, North Dakota on behalf of his brothers and sisters—Bruce, Perry, and Maurice Grotberg; Betty Uloth, Mary Heath, and Jean Huffman.

STATEMENT BY DAN MATTOON, FORMER ADMINISTRATIVE ASSISTANT TO CONGRESSMAN JOHN E. GROTBERG

Congressman John E. Grotberg was genuinely first and foremost a "man among men." Although I know John for nearly 10 years, it wasn't until 1984 that I had an opportunity to work closely with him and really get to know the man. I served as his campaign manager in the 1984 fall general election and became his Administrative Assistant in January, 1985. During that time, I became more and more aware of his philosophy on life and his great enjoyment of it.

Beyond that, seeing his own health problems seemed overwhelming to me. "Why continue in politics with these handicaps?" was my question. But, John was not a quitter and he would be the last one to allow his aches and pains to get in the way of helping a constituent or a fellow legislator. He loved public service and the public loved him. John was never a great researcher of minute details, but he always knew what the "bottom line" was.

In addition, John had a knack for getting people together and sorting out their problems and finding a solution. If John had had some more time in the Congress, I know he could have been a great legislative negotiator, one who could cut across philosophical as well as party lines.

John Grotberg touched so many people during his 61 years. From his days at the YMCA in Chicago to his 12-year tenure in Springfield, Illinois to finally his term in the House of Representatives, John Grotberg was "true blue," a phony bone did not exist in his large frame.

"What you saw, is what you got" from John. I wish he could still be with us. I miss the great singing sessions we had with John and his dear Jean. John, I know you're looking down on us. I hope you will send us down some of your great humor and just plain friendliness. Jane and I miss you very much.

TRIBUTE TO JOHN E. GROTBERG, MARCH 4, 1987

This, like much of life, is a bittersweet occasion. It is bitter because John Grotberg is not with us in body as we would all prefer. It is sweet to know his colleagues admired him enough to stop the Business of the Nation in his tribute. John would appreciate that, and we in his family deeply thank you for this honor.

John would also appreciate the date chosen, the 198th anniversary of the first meeting of Congress under the ratified Constitution. On that date in 1789 people serving their fellow Americans began a journey of faith, dreaming but never knowing the extent of their impact. And the journey they began remains unfinished.

John's life was in that same tradition: in his own way he contributed faithfully and proudly to America's unfinished journey, dreaming but not able to know his full impact. While his stay in Washington was brief, he made his presence felt. His stay in Springfield was more substantial and consequently so was his impact there. But no matter where he served, the needs of the people came first, and he didn't let ideology or adversity get in the way.

Of his personal adversity, a long battle with cancer, he would surely prefer being remembered as living with it rather than dying from it. As his family we ask you to help that perference be remembered. Let us use this moment to reaffirm our commitment to the journey of faith begun so long ago, contributed to by so many along the way, and still unfinished. And when decisions get tough, remember John Grotberg's spirit of compassion and zest for life in the face of adversity, and let it guide you.

In loving tribute,

THE GROTBERG FAMILY.

TRIBUTE TO JOHN GROTBERG BY FORMER CONGRESSMAN BOB MCCLORY

The passing of my long-time friend and successor in the U.S. House of Representatives, Congressman John E. Grotberg, draws a curtain upon a relationship which extended over a period of almost two decades during our respective careers of public service.

When most of Kane County was added to my Thirteenth Congressional District following the 1970 census, I was brought in almost immediate contact with John Grotberg, who at that time was beginning his service as a member of the Illinois House of Representatives and later as a State Senator.

A highly honored citizen, John Grotberg devoted himself to the welfare of others through his professional service with the YMCA and at the Senior Citizens' Center at the Hotel Baker in St. Charles, Illinois. John Grotberg gained a well-earned reputation as a humanitarian and as a respected public figure through his dedication to humanity and his skill in providing legislative and community service from his base in St. Charles, Illinois.

John Grotberg's personal loyalty to me in my public service as a Member of this body from the Thirteenth Congressional District of Illinois (which included St. Charles and most of the rest of Kane County) was a most important factor in my reelection to the Congress between the years 1972 and 1982.

In addition to all of his other great qualities, John Grotberg had a special interest in and talent for music. He had an excellent voice which he trained for choral and for solo performances. Together with his highly talented and beloved wife, Jean, entertainment and pleasure was provided when they displayed their musical talents for large and small audiences, including appearances before intimate groups gathered together in John Grotberg's Congressional office in the Cannon House Office Building.

John and Jean Grotberg have been good friends of my wife, Doris, and me for many years. We respect and honor both of them and have an abiding affection for the Grotbergs and their children and grandchildren.

In urging my colleagues to include these remarks in the final tributes to John Grotberg on the floor of the U.S. House of Representatives, my wife, Doris, and I join in expressing our profound affection and respect for John and Jean Grotberg and express to Jean and the Grotberg children and grandchildren our condolences and affection. John will live forever in our thoughts and in our prayers.

IN MEMORY OF JOHN GROTBERG

John Grotberg was a man who loved people. He enjoyed helping people. John loved the business of Government because Government is the people's business. His love of music and song gave him a special insight into the nature of man. He was tenacious, with great personal courage, never one to accept defeat. A kind and gentle man who's wit and gentle smile was loved by all.

We salute you dear friend and will remember you always.

EDMUND B. THORNTON,
Chairman, La Salle County
Republican Central Committee.

MARCH 2, 1987.

KIWANIS CLUB,
St. Charles, IL, February 4, 1987.

Hon. J. DENNIS HASTERT,
Congress of the United States,
515 Cannon House Office Building,
Washington, DC.

DEAR MR. HASTERT: John Grotberg was a true friend and exemplary model for the service clubs of St. Charles. His service to the community is unequaled and his warmth and zeal are truly missed by all.

The Board of Directors of the Kiwanis Club of St. Charles wish to support your efforts to honor John by resolution and special order on the House floor. Naming the St. Charles Post Office in honor of John Grotberg would be a fitting and lasting tribute in his memory.

Sincerely,

MICHAEL A. DIXON,
President.

TRIBUTES TO FORMER CONGRESSMAN JOHN E. GROTBERG

John E. Grotberg was one of our most distinguished citizens. He spent his lifetime helping people and he was a friend to everyone he met. My home is just a short block from St. Charles Township Cemetary and my wife Doris and I often pass John's grave on our daily walks. There is a simple inscription on his grave stone "He Was Here". In the hearts and minds of all of us he is still here.—Eugene W. Butler, St. Charles, Illinois.

Congressman John Grotberg will long be remembered by myself, family and friends as one of the most important persons that helped in my election as State Representative in the 50th District.

John Grotberg was running for State Senator in the newly formed 25th District and as an incumbent he gave me direction and inspiration on campaigning, how to meet and work with people, and listen to what the constituents had to say.

Working with Senator Grotberg in the Illinois General Assembly I learned that one of the most important things in life is the people around you. He was not only compassionate, but had a good sense of humor that never ended.

Congressman Grotberg was truly a great person, one whom will be greatly missed by people in all walks of life. I for one, feel that I am a better person for having known John Grotberg, and that I am proud to say that I knew him and considered him a friend.—Donald N. Hensel, Illinois State Representative.

John Grotberg was the uncommon man. He savored life and lived it with zest and strong commitment. His legacy will always be the residue of his accomplishments and friendship which positioned his life.—George Schmidt.

Lusty lunged, this Prairie son arrived in March 1925.
His boyhood was spent in Minnesota and on a North Dakota farm.
He grew, He worked. He sang. He dreamed—
And he heard the distant thunder as it rolled across the plains
It seemed to him it called him—called him by his name.
"John, there's need for you to serve, give of your talents and your time,
follow your life's destiny through sunshine and through storm."
John followed as the thunder's call led him from the family farm.
College, business, marriage, a family and a home in Lincoln Land.
Still, the distant thunder called to John for greater service to his fellowman.
"I love this America," John would say, "and cherish democracy . . .
I believe in the Republican Party, it's the only one for me."
And so John's voice was heard in Kane County, politically—
He served as party leader and Republican committeeman.
Then, on to elected representative and senator for the State of Illinois
It was really quite a tribute to this Midwestern country boy.
And the thunder's voice called him higher: asked him to take a stand.
John became the 14th District's United States Congressman.
His special gift of touching others lives was revealed in his will to fight
For fairness in all dealings: he believed the golden rule was right.
He made his mark, he learned the way of how to get things done—
In partnership, with credit given where deserved to every single one.
Again, he heard the distant thunder, calling him to finish here.
He did not want to leave his task undone, but reconciled his fear.
With memories of good times, of he and wife Jean and a love that never changed.
He recalled the fullness of his life, his family and home on Grandma's Lane.
Then the thunder came to take him home—
A final song it sang.
Your friends here in Kane County miss you, John.
Mortality's a debt that each will have to pay—
But John E. Grotberg, the greatness of your legacy lives on day after day.

—By Virginia Kammerer, on behalf of the Kane County Board.

I sincerely appreciate the opportunity to join you, other Members of Congress, and the family of the late Congressman John E. Grotberg in honoring John's lifetime of distinguished public service to his community of St. Charles, and citizens of Illinois and the Nation.

It was my joy and privilege to serve with John in the Illinois General Assembly as a State Representative, and to be elected to the Illinois Senate seat he vacated upon election to the Congress. These years of working with John gave me the opportunity to know him well, and to recognize his untiring dedication to his fellow citizens and the public good. He was blessed with dynamic energies and richly endowed personality which endeared him to all who knew him. He was indeed a friend.—Doris C. Karpiel, State Senator of Illinois.

I am pleased that you have given me this opportunity to remember our friend, Congressman John Grotberg. Many of my fondest memories of John are associated with our four years of service together in the Illinois Senate. John was my mentor when I entered the Senate in 1981 and I relied heavily on his advice and counsel. He was as you know, extremely good in this role, because there were few in the Senate who knew their way around as well as John.

One of the great things about John was his ability to keep all problems in perspective. I can remember many occasions when debate would be raging on some very controversial issue on the Senate floor, tension and tempers would start to rise and then John would seek recognition and use the opportunity to crack a joke about the matter at hand. The tension would be broken and a solution usually quickly followed.

John was one of the hardest working members. He was not afraid to undertake tasks that seemingly had no solution. I remember his work on the revision of the Regional Transit Authority legislation four years ago. He spent tens of hours in meetings with a variety of groups representing all sides of this issue. He was able to negotiate a compromise piece of legislation which has served us very well.

John had many friends on both sides of the aisle. He had a deserved reputation for fairness. He was a leader, both in name and in fact. He used to describe his position on the political spectrum as a "compassionate conservative". While he would always apply this label with tongue in cheek, I believe it fit as well as any other, for like all remarkable people, it was hard to apply a label to John.

John was a leader and public servant, but most of all he was my friend, and I miss him.—Forest D. Etheredge, Illinois State Senator.

John Grotberg is an inspiration to me and to many others diagnosed with terminal cancer or any catastrophic illness. His courage in fighting to regain his health inspired me to fight long past the doctors most optimistic projection for my own life expectancy.

I believe I'm still alive and working toward the realization of many of the project goals that John initiated because of the many projects John did live to see accomplished. He was a charter member of the Make Today Count chapter which has taught me to live, really live, until I die. He was a founding father of Tri-City Family Services which has provided me with so much support. In fact, it's hard to find an area in our tri-city community where John did not have a hand in developing something worthwhile and helpful to his constituents. John was a caring, sharing hero. He is missed but not forgotten.—Phil Cross.

I wish to join John's friends and colleagues in paying special tribute to him and his years of service to the people of Illinois.

I had the pleasure to serve with John in the State Legislature before he went on to Congress. I knew him best as a diligent legislator who pursued a course of action dedicated to the people of his district and his state. But John was also a family man who guided his actions with a sense of fair play and compassion.

I have lost a colleague and a friend, the State has lost a dedicated legislator. He will surely be missed.—Don Totten, Chairman, Cook County Republican Party.

I am delighted to have been asked to participate in the high honor and special recognition of a great leader, a compassionate conservative and humanitarian, Congressman John Grotberg. His entire life was spent in an untiring, unselfish and unabated effort to make life better for all people. Congressman, State Senator and State Representative in government; instigator, innovator and invigorator in civic and church endeavors; husband, father and friend—all titles given added personality when mentioned in concert with the name John Grotberg.

Our friend John personified a lifetime with meaning and purpose. He was humble yet highly honored in all the ways we, as a community, State and Nation can bestow.

We, as a community of his friends and good neighbors, now join in this final tribute of a grateful Nation in honorably naming a Federal building in his hometown to his distinguished memory.—Fred T.L. Norris, Mayor, City of St. Charles.

Mr. Speaker, I yield to the gentleman from Illinois, Mr. Crane.

Mr. CRANE. I thank the gentleman for yielding.

Mr. Speaker, we weren't given the opportunity to know John Grotberg very long as a colleague before death took him from the grasp of our friendship, but in that one term he served in the House of Representatives we came to admire him as a hard working, intelligent, friendly, and cooperative member.

Citizens of the 14th Congressional District of Illinois were well served by John Grotberg, not only here on the floor of the House of Representatives, but also on the committees where he served with distinction. Before illness forced him to reduce his workload, he established a record of significant contributions to the deliberations and decisions of both the House Banking, Finance and Urban Affairs Committee and the Small Business Committee. He was certainly a plus to the Illinois congressional delegation.

John Grotberg was the perfect example of one who devoted his life to his fellow citizens and to his community, with a record of service which included 12 years in the Illinois General Assembly, both as a member of the Illinois House and the Illinois Senate.

I first came to know John as a cheerful, good natured gentleman when I campaigned on his behalf. As you can well imagine, our friendship was cemented when he informed me how much he enjoyed studying psychology under my father, Dr. George Crane, at the old YMCA College in Chicago. We enjoyed social times together, and I especially recall those occasions when he entertained us with his singing as he was accompanied on the piano by his wife, Jean.

We extend our condolences to Jean and their five children.

His death is a great loss to all of us. John Grotberg leaves those who worked with him in Congress with a hollow spot in our hearts which we will never be able to fill, but John's memory will endure with all who knew him, family and friends.

Mr. HASTERT. Mr. Speaker, I yield at this time to the gentleman from Illinois [Mr. Michel], the minority leader.

Mr. MICHEL. Mr. Speaker, I thank the gentleman for taking this special order so that we might memorialize his distinguished predecessor here in the House of Representatives.

Mr. Speaker, it was my sad duty to eulogize John at his funeral service back in St. Charles, IL. At the time I paid tribute not only to John's family, but to his wife Jean and to their children for their courage and example in a time of great personal grief, and I certainly want to echo those remarks today.

John was noted for devotion to his family, and those feelings were so loyally and livingly reciprocated when John needed it so.

He was a gregarious, outgoing person, a trait he demonstrated back in Springfield in the State legislature as well as here in Washington. He was a solid, dedicated, lifelong Republican and made no apologies about it. But he brought to party loyalty a genuine liking for others. There was never the sense of bitterness or personal animosity that so often can mar deeply held political feelings. He really liked his work on the Banking and Housing and Small Business Committees on which he served so ably.

I remember one day on the floor of the House a woman Democratic Member, I think it was Ms. Kaptur from Ohio, a member of the Committee on Banking and Currency, who came over especially to inquire about John's well-being of me when he was hospitalized. She specifically mentioned how they missed his thoughtful contributions and salty comments during their deliberations.

During the TWA hostage crisis, he had his office open round the clock serving as a conduit between the White House, the State Department, and families of the hostages in the 14th Congressional District.

□ 1450

John was also known as someone who could combine genuine patriotic feeling with a sharp eye for constituent concerns.

After one of our formal dinners held in Statuary Hall in the U.S. Capitol Building, the Navy's renowned Sea Chanters chorus performed and John noticed that their accompaniment was played on a Japanese piano.

Soon afterward he had an amendment adopted to the Defense authorization bill requiring performing groups in the Armed Forces to use domestically manufactured instruments.

John had an appreciation for good music and enjoyed harmonizing with anyone so inclined.

As the gentleman from Illinois [Mr. Crane] indicated, there were times when our Illinois delegation got together—we have some good songbirds in that group; some not so good, but I will tell you that John was one of the very finest. Of course, his wife, Jean, is an accomplished violinist. My wife and she, along with another one of our former colleague's wife, had a string ensemble here that just played so beautifully. For my wife, it was a real loss to see John pass from our midst. Even when he was so incapacitated after coming out of the coma, his eyes lit up when he attempted to mouth the words with me when I sang happy birthday to him out there at the hospital.

John was indeed a unique character. I don't know of anyone with more dogged determination to fight for his life against all those odds.

We could all take a leaf from John's book of life on how he faced up to adversity. He fought the scourge of cancer for years and with all his health problems, he always projected a positive image.

He never complained. He never gave up. He just kept hanging in there until the good Lord saw fit to ease the pain.

John certainly did fight the good fight of faith. So, we pay our last respects to our dear friend and colleague with a salute to his exemplary record of public service and to the cherished memories we'll have of knowing one all-around good fellow and a truly beautiful person.

To you, Jean, if you are watching these proceedings, the children and members of the family, we in the congressional family, Members and staff alike, want you to know that we loved John too, and extend our profound expressions of sympathy to each and every one of the members of the family.

I thank the gentleman from Illinois [Mr. Hastert] so much for having taken this time today that we might appropriately acknowledge our departed friend.

Mr. HASTERT. Mr. Speaker, I thank the distinguished leader, the gentleman from Illinois [Mr. Michel] for taking time to pay that fine tribute to our colleague, John Grotberg.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. Porter].

Mr. PORTER. Mr. Speaker, I thank my colleague for taking this special order on behalf of John Grotberg.

Mr. Speaker, I first had the privilege of meeting John Grotberg when both of us were elected to the Illinois General Assembly in 1972. It was perhaps the best thing that happened to me when I went down to Springfield to be fortunate to have as my seatmate in that first general assembly, John Grotberg, who was a little senior to most of the members of our famous class of 1972. Therefore, he brought to the situation although freshmen together, a little more mature and practiced outlook on life.

You could tell immediately about John that he was a person who truly loved life. He loved people. He brought to the general assembly a rather unique brand of conservatism that gave us all a great instruction.

He would often tell me about the individual on the one hand and the State on the other. Certain things, to John, were matters for individuals and no business at all of the Government. He stood for that as a patriot throughout his entire career in serving the people of Illinois and the people of his congressional district.

When I was later elected to the House of Representatives here, John, at the same time, was elected to the Illinois Senate. But frankly, I never thought of John as a senator because I always think of the House of Representatives as the people's house and I have always thought of John as a man of the people.

He served very ably for 12 years in the general assembly in Springfield. Early in that career, he contracted cancer, and I think that here his character as a fighter was established and meant so much to all of us because we watched John struggle with this terrible dread disease. Yet, there was never a moment of complaint; there was only the "I am going to beat it; I am going to fight it; I am going to win." He fought it and won for a long, long time when nobody thought that he would be able to do so.

He loved children. He loved his family, his children, and his grandchildren, his wonderful wife, Jean.

Our minority leader has described how they would sing and Jean would accompany John on the piano. He loved children; he loved his work with children through the YMCA, where he received his education and spent a good deal of his adult career before coming to the legislative bodies. He was surrounded with a loving family like perhaps no other man.

I visited John in his home several months before he died. He was then receiving oxygen. He had a tracheotomy and could not speak. I did not really know whether he recognized his old seatmate when I visited him. He had lost 50 pounds, but what I did learn was that John was surrounded with love.

Jean, the children, the grandchildren, everyone was bestowing upon John that special love that only a family can give, and I thought, he is suffering, but he is certainly a most fortunate man.

John gave of himself friendship to all of us, love to his country, to his friends, to his family. He loved people; he loved politics; he loved serving in the Congress and in the Illinois Legislature. He loved life.

In return, he received love from his family. We admired his strength, his conservative convictions, his patriotism.

We are going to miss him very, very greatly. He was a unique, warm, loving human being who gave of himself and loved his country and his family and his friends.

It is a great loss to all of us. It is an irreplaceable loss.

We are happy to have as his successor, a gentleman committed to the same principles and philosophy. The gentleman from Illinois [Mr. HASTERT] will carry on, I know, the traditions of service and caring and sound principles that John represented to the people of his district and to our country.

We will miss John very, very much.

Mr. HASTERT. Mr. Speaker, I appreciate the comments of the gentleman from Illinois.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] for having taken this special order in honor of the memory of John Grotberg.

John Grotberg had the rare and inimitable quality of being grumpy without being grumpy. Oftentimes, his facial response would reflect a harsh frown, rather than a warm smile, just to see how his colleagues would respond to it. His bark was far worse than his bite.

John Grotberg loathed and detested breakfast meetings, he once told me that he would assure me—he said, "I will never attend another breakfast meeting."

He said, "It is too early; we are not wide awake yet to make sound decisions at that early hour, and I am not going to come to them."

On one occasion, a breakfast meeting was staged without having cleared through John. The breakfast meeting commenced at 8 o'clock in the morning and John arrived about 8:35. I rushed to him and said, "Congressman, I commend you for having made this breakfast meeting."

□ 1500

Our minority leader earlier referred to John's salty remarks. I must refine what he said to me, but he told me in no uncertain terms what I could do with that breakfast. He enjoyed his grumpy role, but he was in fact a "teddy bear."

I recall about a year and a half ago five or six Members of the Congress were there in the Virginia countryside at the invitation of members of a group who were conducting a political seminar for the purpose of encouraging members of this group to become more politically active. There were five or six of us there from the Congress, and John Grotberg was relating an incident that occurred during one of his campaigns that involved a group of impoverished citizens in his district, and he began to weep. He was overcome with the sorrow of those less fortunate than he.

At the conclusion of that meeting one of the members of the group and also a member of the group that was hosting the seminar came to me, and they said, "we were surprised to see that side of Congressman Grotberg." One of them said, "I never saw that soft, warm side."

I said, "You didn't see it because he didn't want you to see it, but it was readily apparent and always present."

From me and from the congressional family, I wish Jean and the family the best, and as has been previously stated, John Grotberg is missed every day in these Halls.

Mr. Speaker, I thank the gentleman for yielding.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from North Carolina [Mr. COBLE] and I now yield to the gentleman from Illinois [Mr. DAVIS]

Mr. DAVIS of Illinois. Mr. Speaker, let me say to the Members of the House and to my colleague, Representative HASTERT, whose district is joined at the hip in Aurora with mine, not far from where John Grotberg made his home in St. Charles, that I thank the gentleman for having this special order.

I stand in the well today with a very heavy heart and send my heartfelt sympathies and condolences to the family, once again to Jean, to John's wonderful children and to Jean herself and to all those back in the State of Illinois who know that they have lost a great Illinoisan and a great statesman, particularly to those in the 14th District who have lost a great statesman but who is being replaced by one who, I believe, will be equally as great in Representative HASTERT.

But let me tell you something: To know John Grotberg was to love him. Most of us from Illinois at one time or another served with him. I always think of him as "Senator Grotberg." I say to Representative PORTER that we served with Senator Grotberg, because he was in the minority leadership of the Senate while I served in the minority leadership of the House, and we worked on many, many pieces of landmark legislation together. He was a very tough conservative legislator, very active in criminal law and tough on criminals.

He was involved in so many landmark pieces of legislation in Illinois that I could not begin to tell you about all of them, but one that we worked diligently on in 1983 was a rewrite of the Regional Transportation Authority Act of Illinois, and those of you within the sound of my voice from that State know of the particular mess that agency was in in 1983. We worked around the clock for some 4 or 5 weeks, I say to Jean, "your husband and I," and I still recall one night sitting in his tiny office over on the Senate side where we were having the final war conference, because it was a difficult chore to jerk this agency back into some semblance of order and good reason and sense.

At one point John excused himself to go to the bathroom, making some of his salty remarks that everybody is fond of quoting when speaking of John. He left the room, and at that time I was trying to quit smoking, and I had a pipe. I had the pipe in my mouth; we were all very tired, and I was sitting there with the pipe in my mouth. I also kept a package of cigarettes in my pocket, I am ashamed to say. I have since quit smoking, but nevertheless at that time I used the pipe without tobacco in it just to keep me from smoking cigarettes. And I will never forget this: John came in. The door was closed to his office, and we were sitting there chatting. I was listening to the other gentlemen in the room, and John came back from the washroom, opened the door, stopped and looked at me, and his eyes got real big and he started to laugh.

He said, "I've never seen anything so bizarre in my life," because I was sitting there virtually at the stage of exhaustion with the pipe in one side of my mouth and a lit cigarette in the other. That shows you how foolish I was and what a great sense of humor this great husband of yours had, Jean.

To know him was to love him. To be with him was a joy. To hear him sing the national anthem made everybody stand a little taller and walk a little faster and made the heart beat a little more rapidly.

He was a great man. This country has lost the brilliant career of a fighter, one who was dedicated to the compassion of government and to the lessening of the intrusion of government into everybody's life.

Mr. Speaker, it is a pleasure to be here today to memorialize and to commemorate the honor and the memory of this great man. Again I thank the gentleman from Illinois [Mr. HASTERT] for giving me the opportunity.

Mr. HASTERT. Mr. Speaker, I thank my colleague, the gentleman from Illinois, for participating.

Mr. Speaker, I now yield to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, I thank the gentleman for having this special order.

I knew John quite well when he first came here. I talked to him several times. He was concerned about committee assignments, and he sought out the advice of those who had been here at least one term. I felt flattered that he would ask me for advice and help in mapping out his strategy.

He wanted to be on the Energy and Commerce Committee, but there were no openings at that time. He, however, got good committee assignments. I worked with him on the Government Operations Committee. He worked very well there.

I am very sorry that he did not live long enough to make the kind of commitment and the kind of dent in this body that he apparently did in the Illinois Legislature. I am sorry I did not know him longer as a legislator.

I think it is great that every Member of the Illinois delegation is here to say good things about him. I think it is great that he had so many friends from that State. Representative HASTERT, who serves with me on the Government Operations Committee, asked me if I would stand by, and I appreciate his mentioning this to me, because I do appreciate the opportunity to add my voice to the chorus of support for John Grotberg and extend my sympathy to his widow, Jean, and his family.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from Utah.

Mr. Speaker, I now yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I add my thanks to Congressman HASTERT for this tribute to my good friend, John.

I did not get to know John very well until such time as we both were freshmen in Congress. We had somewhat similar backgrounds in that each of us served in the Illinois Legislature. I had assumed that he had been in the Illinois Legislature for 14 years, and roughly that was the same period of time I spent there, although we were in different houses when I was there, so I did not get to know him then. We had districts which were back to back, and our wives had much in common. They were both public school teachers, although Jean had taken early retirement to be with John here in his first year in Congress.

We both had offices in the Cannon Building, on the fifth floor, so our paths crossed quite a bit and quite often when going to vote. When going to vote, you sometimes learn a lot about a person as he speaks his concerns about certain types and kinds of legislation. That is where I found the reinforcement of a growing appreciation that John Grotberg was not grumpy. Although it has been expressed that at times he looked a little grumpy, he was not a grumpy man whatsoever.

I recall the first time that Ruth and I had a chance to have dinner with John and Jean over in Geneva, IL, I was not quite sure what kind of a person he was. I knew that in the primary almost everybody got out of the way for John Grotberg because he had such a tremendous reputation. But immediately he put both of us at ease, and we had a very fine friendship that began to grow from that period of time.

Everybody knows that John was outgoing. He was an extrovert. He had a tremendous sense of humor. I learned that more so after being in Congress, because time and again when we had some tight periods, he would always come up with some kind of a story that would relieve the situation or just take the tension out of the air.

I learned that he was a tremendous family man. I learned that more so here, but more than anything else, I learned that he was a sensitive human being, that he was empathetic, as has been expressed in several examples, of the concerns that others had.

Again I will go back to our votes. When you are walking back and forth, having voted and talking about your reasons for your votes, you sometimes learn a great deal about a person. I did not realize that John was a professional singer or that he had that kind of ability, nor did I know that Jean was the musician that she is.

☐ 1510

I can recall going to a birthday party at his office and many, many people piled in there and then the Grotbergs came. It ended up the Grotbergs entertaining all of us with their duets. It was a tremendous experience. It is just part of what John Grotberg always was.

The next time, ironically, that I heard him sing was at his own funeral in recordings, in one of the most moving experiences I have had of complete participation by the Grotberg family expressing the deep, deep love that they had for this father and grandfather, for this "member" of the family.

It was a short tenure in Congress, but he impressed everybody he came in touch with in regard to his performance, certainly in regard also to the courage he exhibited when he had his very last adversity which he took as well as anyone could possibly, possibly take.

John was proud to be a U.S. Congressman. He once said to me, "Harris, that's not bad for a former plowboy from North Dakota."

I found that John indeed left that farm in North Dakota at the age of 16, out to tackle the world. He gained a higher education. He went on to serve in the Young Men's Christian Association for a number of years. He built a distinguished career in politics, in public service in Illinois, and then, of course, capped that with service in the U.S. Congress.

I can think of no finer tribute that John would say "great", than the idea that the post office at St. Charles, IL, might be named after this warm human being, a rational man with a keen mind.

So I say to the gentleman from Illinois, DENNIS HASTERT, without question the gentleman has some very big boots to fill. I thank the gentleman very much for allowing me this opportunity.

Mr. HASTERT. Mr. Speaker, I thank the gentleman. I appreciate my colleague from Illinois participating in and certainly the fine words he has said.

Mr. Speaker, I yield to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, I appreciate the gentleman taking this special order and particularly appreciate him yielding to me some of this time.

I was very well acquainted with John Grotberg. I enjoyed the friendship that I had with him here in the House of Representatives. Our friendship grew out of a joint assignment on the House Banking Committee. As Members of this body know very well, very often the legislation that comes before that committee is of a complex nature and lends itself to very long and weighty consideration.

I remember very often during our meetings both in the subcommittee and the full committee as we would embark upon that kind of consideration of bills, John Grotberg would shine through with some very welcome humor at the most opportune times and really convinced us all that he was a man who was fun to be with, as well, as a man who possessed some very thoughtful, some very keen and helpful insight into many of those pieces of legislation.

I remember also shortly after he arrived here, I had the assignment to contact him on behalf of the Republican Study Committee. The study committee was holding an open house and my assignment was to bring John Grotberg as a newly elected Member to that open house and try to solicit his membership and participation. Knowing the busy schedule that all of us keep, I was somewhat leery about succeeding at that assignment. I phoned John and told him what I had to do and very willingly he accepted. He said, "Of course, I'll go with you." I was somewhat surprised, but he went and we had a good time together. He was very supportive of that effort and many other efforts that I was a part of and that the Republican Party was very much behind.

He was an ally and a friend who I am sure will be esteemed and valued for a long, long time to come.

During the brief time that I knew him I never saw any indication of his suffering. He continued to work hard, to represent well his constituency and I think he was really a man of honor as we associated with him here in the House of Representatives.

Maybe he did have a very short tenure, but I think he left his mark here and certainly it is a mark that I as one Member will revere for years to come.

Mr. Speaker, I thank the gentleman.

Mr. HASTERT. Mr. Speaker, I thank the gentleman from California.

You know, a friend of John Grotberg, a gentleman from St. Charles, Eugene Butler, wrote me. He said:

> My home is just a short block from the St. Charles township cemetery and my wife, Doris, and I often pass John's grave on our daily walks. There is a simple inscription on his gravestone, "He Was Here."

In the hearts and minds of all of us, he is still here. I think those are very touching words and certainly symbolic of the people back home in their feelings about John.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. BRUCE].

Mr. BRUCE. Mr. Speaker, I thank Representative HASTERT for this special order concerning John Grotberg. I had the unique opportunity to serve with John all the time he was in Springfield for more than 12 years. I preceded him in the State senate and then came to the House. It was interesting to see John Grotberg because he was a guy that enjoyed being in the legislative body and enjoyed just playing the game of politics and playing the game of legislation. He could be an unbelievable pain in the rear end, but at the same time when you were just about ready to strangle him at a conference committee, he would come up with an idea that no one else had even thought about and get us out of a terrible conflict between Democrats and Republicans. This may be amazing in Washington, but we used to have conflicts between the house and the senate back in Illinois. We do not have that kind of problem here; but John as a house member would participate and make sure that the senators sort of kept their feet on the ground and made sure that we understood what the house was doing.

He then came to the senate and very soon was in leadership. We had a chance then to meet as assistant majority leaders from time to time. Every once in awhile as presiding officer back in Illinois I would make a ruling that in my heart of hearts I knew was absolutely, positively correct, but John Grotberg was one guy that would stand up and say, "Mr. President, have you just ruled?"

Then he would tell me what I had ruled and I said that I had and he would say, "Would you explain where that is in the rule book."

I would try to explain to him. Sometimes I would make an inadvertent error and John would always in a very gracious, gentlemanly way, make sure that the presiding officer had been admonished in a very nice way.

Sometimes we would make speeches that went over the boundaries sometimes. I was as guilty as anybody, and John would get up and say, "Gee, would the gentleman just repeat what he just said? Did he say such and such?" And in a body filled with tension, I would immediately start to laugh and we would take a look at ourselves and analyze some of the things that we were saying about one another and to one another and across the party lines of the Democrats and Republicans divided in that Illinois State Senate. Then we would get on with the business of doing what we had to do to operate a major State.

That was what I think brought me to like John Grotberg so much was his ability always to be the guy who would be the life of the party, but at the same time would make sure that whatever he was saying everyone would listen to. That is a unique ability. I think everyone in this Chamber that knew John admired his ability to make all of us laugh at ourselves. That is something we are not prone to do. We take ourselves much too seriously. John Grotberg I do not think ever took himself too seriously and certainly made all of us look at ourselves a little bit better. Every time we had legislation, it was interesting the little nicks and crannies of John's interests. He and I were both interested in historic districts throughout the State of Illinois and preserving what is left of the State's history and buildings throughout the State. He and I helped draft legislation, worked on legislation for historic districts. He had an old hotel. I live in an historic district in Illinois. He and I would talk about that particular part. It was an interesting aspect of it, because I hardly knew anything about it until he sat down one day and explained to me all the Federal and State legislation and the whole history of knowing about how to create and preserve historic buildings in the State of Illinois.

We will miss him here. He was a great guy to reduce tensions. I remember the night that he got elected in the primary. He and I spoke on the phone that night because both of us were in the State senate. Both of us were running for the primary and he called to say, "How did you do in Brewster?" He and I would talk back and forth. It was a close race and he did not know really until early the next day that it was all locked up and solid. From that time in March when we had an early primary until the November election when we were serving in the State senate, we would converse all the time. I must say that he wanted to be a U.S. Congressman. The last thing I think he wanted to do was get here. He desired this place, and when he was here, he loved this place.

All of us love him and we certainly will miss him, and I am glad that the gentleman from Illinois [Mr. HASTERT] had this special order today.

Mr. HASTERT. I thank the gentleman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentlewoman from Illinois.

Mrs. MARTIN of Illinois. Mr. Speaker, I too join with my colleagues in thanking the gentleman from Illinois [Mr. HASTERT] for an opportunity to recall and to laugh, which John so often made all of us do.

Some Members may see in the tenor of these speeches that a number of us from Illinois have served together, and if there is one thing that we have learned to regret here it is that some of the spirit of camaraderie is gone occasionally in a House this big, and although Illinois has never been known for easy politics or for necessarily sophisticated repartee and speeches, after 5 o'clock at night, everybody sure went out together and had a good time arguing and becoming friends. So that is what most of us remember.

I was able to serve with John, came through the same training ground that he did, from the house to the upper body, to the senate, and then I came here.

I always thought of John really as kind of a perfect Illinois legislator, in that he was able to fight the good fight and then come back another day. He had some special interests that I am not sure have been mentioned, for the handicapped and for the inner city poor, back from his experiences, working at the YMCA, and he, of course, had fought himself for so long that the legislation that I remember most John fighting for was hospice legislation in the Illinois Senate and how much it meant to him there.

I never thought about John coming here until the time of the remap, and I need to tell no other Members what remaps mean. In the House they determine our lives, and we suddenly become friendlier with legislators that perhaps we have not talked with for years, and they remind us that we have not talked for years.

So I was down in the green beauty of Springfield, IL, looking at the map. Now we Republicans controlled both the Governorship and one of the houses, which would make one think that there would have been a Republican map, and the Republican map as it was drawn moved me from a natural base toward the suburbs of the city of Chicago. It was still a very Republican district, but it came right down the middle of what is currently Representative HASTERT's district.

I was up in a little third-floor room with the maps and the computers all around deciding that I really did not like the Republican map, because I did not like leaving the Mississippi region, and suddenly John came in. He said, "You have never known how lucky you are."

That is the kind of statement that does take you aback. I was sitting there, frankly, feeling very sorry for myself. And I said, "What are you talking about, John? We're talking about my district. What do you mean, I'm lucky?"

He said, "Don't you realize what you've just done? You've moved into what was a chance perhaps someday for me to be in the Congress of the United States." He said, "LYNN, I know that you didn't do it."

I said, "I didn't draw this map, believe me."

He said, "I've never said it." He said, "It's the one thing in my life I have always wanted to do—serve in the Congress of the United States—and I look at you, and you're my friend, and at the same time I would like to strangle you, because you have something I now know I'm never going to get."

Well, Illinois politics are funny things, and the Republican map went down the tubes for a lot of reasons, and a Democratic map and somebody choosing to run for the Senate gave John the chance to do what he had always wanted to do, and deserved the chance to do, and that was to run for the House.

He called me and told me that he was going to do it, and I said, "Don't, John, I don't even know if you'll like it here. I'm not sure. You decide, and if you want to run, I'll support you, but gee, whiz."

He called back and he said, "Want to run? I'm gonna. It's what I want."

Later on, when cancer restruck, I, like everybody, said, "It's not fair. Life is not fair. There are some real junky people in this world, and it is not fair that the good ones get taken."

But I stopped to think that there are not a lot of people who are really able to say about their lives, "I did get what I wanted to get. In doing so I served the people, and in even that brief space of time, I am making life for other people a little better."

That is not a bad thing to be left with. His family loved him. His family was proud of him, and they had every reason to be. We are better for knowing him.

Mr. HASTERT. I thank the gentlewoman from Illinois for her very, very appropriate and fine comments.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Texas, who was a neighbor of John's in the Cannon House Office Building and a fellow freshman of his.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, I want to thank the gentleman from the 14th District of Illinois for taking this special order. Yes, John and I were neighbors. I suppose that I had an extraordinary time during his brief stay. I was able to visit with John in the morning for coffee in his office and catch him running over here for votes.

John and I had a few things in common, not only our fifth floor attic office in Cannon, but the fact that we were both raised in North Dakota and made our ways off to a different State to seek our fortune and eventually found our way to the House.

John was my favorite curmudgeon. He could cut to the heart of a problem, cut to the heart of the comedy in a situation, and slice into that comedy with the most penetrating humor of anybody whom I knew during that first year.

I learned from John two things. First, to be patient. When I would be wanting to scurry over here and get in the middle of things. John would remind me that it would still be going on when we got there, to slow down and think a little bit along the way. Sure enough, like the tortoise and the hare, he always got here, the difference being that he always had everything clearly thought out by the time he got here; that was not always the case with me.

Also, John taught me to have a sense of humor, to look at the other side, and to remember, as certain as I was that that person on the other side of an issue was full of baloney, John reminded me that person was equally confident that I was full of baloney. And there was a certain humor in that.

I miss John Grotberg. I missed him while he was hospitalized, and I missed him after he passed. But I cannot resist the temptation to do something that John Grotberg would applaud me for, to steal a line from one of his colleagues from Illinois and misappropriate it to Texas. As I heard HENRY HYDE say, and if I can paraphrase it and apply it to this case: "I never knew for sure about John, whether he was fish or fowl, devil or saint, so I can't tell you whether John's in heaven or hell, but I can tell you he's not with the complacent and the indifferent."

I thank my colleague for taking this special order.

Mr. HASTERT. I thank the gentleman from Texas.

Mr. HYDE. Mr. Speaker, will the gentleman yield?

Mr. HASTERT. I yield to the gentleman from Illinois.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Speaker, I commend the gentleman from Illinois [Mr. HASTERT] for taking this special order, and I think that it is poetic justice that the gentleman from Illinois [Mr. GRAY] is sitting in the chair, because Illinois has something to be proud of when we think about John Grotberg.

I do not want to repeat all of the accolades and generous comments—not generous in that they were beyond the truth, but warm and beautiful memories of our friend, John Grotberg. There are other aspects of him that I would like to talk about.

I met John Grotberg years ago when he first served in the Illinois Legislature and I served as a member of the house there too, and that is when I first met John. Then when I left the house, John continued on with a distinguished career in the house and in the senate, and then he came here to Washington to brighten all too few days of ours before God called him home.

□ 1530

John Grotberg was different. He had a buoyancy about him, an effervescence. Nothing was ordinary to John. He saw a joy in most mundane subjects.

He was a very concerned person about people and their problems. He was a rare breed because he not only was a public servant in elective office, but he was a party chairman in Kane County. That is a thankless job because all you get is responsibility and burdens and very little pleasure and very little acknowledgment. But if you really are dedicated to serving people, and if you believe that the commonweal is served by a strong Republican Party, as John did, then you commit yourself to its service, and he certainly did with great effect.

I would like to talk about John as the example that he set for us in his final illness. When you wonder and contemplate the mystery of suffering, there really are no answers that we mere humans can fathom as to why some people are selected to bear the unbearable burden of a terminal illness that is painful and debilitating and others of us just merrily go on our way, untouched by this sort of tragedy. I suppose God, in His wisdom, selects the bravest people and for good reason. Perhaps to teach us something about the real world and about reality, and the fact that He suffered Himself, and so He teaches us through the burdening, through the assumption of the burdens of a painful terminal illness by giving a John Grotberg this sort of cross to bear. After all, He bore a cross too.

But the grace under pressure that John Grotberg brought to his illness is something that is really awesome. Cancer he had for many many years, but you would sure never know it. He never was down. He never was depressed, and when I saw him he was always upbeat. He always had a smile, a twinkle in his eye. One characteristic about John besides his smile was a twinkle in his eye, and no matter how ill he became, in his final days that twinkle in his eye was always there.

The last time I saw John he was in the hospital with his beautiful, talented wife beside him, making his last moments very comfortable, and as cheerful as could be under the circumstances. John could not talk, but he had that twinkle in his eye, and he was eager to communicate. You just knew that he had so much to say.

But this grace under pressure is a lesson that we cannot learn too much and too often, how to bear up with courage, with equanimity, with long suffering under this terrible burden.

I think God got lonely for John Grotberg and called him to His side, and John is up there waiting for us to catch up with him. When you contemplate death, it is the most fearful idea that people can think about, but at my age you would have to start thinking about it, and I will tell you, I think about people I have known in my life who have gone ahead that I will look forward to meeting again. Very high among a very short, select list is John Grotberg.

We did love John Grotberg. He taught us a great deal, and his family, who were always supportive of him in his political career. That was no small achievement, I might add, because the family is the primary responsibility that all of us have, and John loved his family. He worked for the approval and the esteem of his family, and that he got. But his family has a great deal to be proud of, a great deal to look up to and to live up to. In some small way I want them to know that we share their sense of loss and their sense of pride in having known John Grotberg, and we really look forward to seeing John again in another life.

I thank the gentleman.

Mr. HASTERT. I thank the gentleman from Illinois for his always appropriate and thoughtful words.

Mr. Speaker, I yield to the gentlewoman from Maryland [Mrs. BENTLEY].

Mrs. BENTLEY. I thank the gentleman from Illinois [Mr. HASTERT] for taking the time so that we could all pay tribute to John Grotberg. I will speak on a sort of a personal basis.

John and I were the oldest two Members of the shall we say 1984 class of the 99th Congress of the Republicans, and we used to kid each other about, you know, who was older. I would say, John, you know you are older than Methuselah. I will never get your age, even though I was a few months above him. But we used to chide each other about that, and we used to chide each also about our ethnic backgrounds. I was Serbian-American and he was Norwegian.

I had the occasion one time to go to his district to speak on Labor Day. I said, you know, John, when I began talking to the group, even though they were mostly Serbians, they all knew you. How does a Norwegian get into that group. He came back with some of his usual humor and kidding, but they did love him, these people loved him. And I had some good reports to give him when I returned, which I was very happy to do because it was not too long thereafter that he came down as has been said here today. He never told any of us that he was ill, that he had a problem. He kept that to himself, and he did have the twinkle in his eye at all times, as has been said, and always had a good line.

The thing I remember most about him was his humor and his pride for his wife's voice. He always talked and boasted about Jean. He was so very proud of her.

TERRY BRUCE, I envy you that I did not have the opportunity to get to know him as you did in the State legislature. I think your one line that you use, that he enjoyed being in a legislative body, was so apropos. And he never took himself too seriously, and that is something I think we can all learn.

As the gentleman from Illinois [Mr. HYDE] said, his grace under pressure was awesome, and indeed it was. We miss him.

I regret that when I went out with our minority leader, Mr. MICHEL, to attend his funeral that unfortunately the weather in Illinois was such that we were not able to get to St. Charles that day. I was sorry that we could not, but I did want to pay my tribute to this very wonderful gentleman who we are all lucky to have known, at least even for a very short while.

Again I thank the gentleman from Illinois [Mr. HASTERT]. We know the gentleman is going to carry on in his same style and his same way.

Mr. HASTERT. I thank the gentlewoman from Maryland. I cannot help but think of my own experience in the years I served with John, and of course the words of Representative MARTIN, that everything came to a head in the Illinois General Assembly at reapportionment time. I remember always we kind of went to John with our problems, knowing he probably would not be very sympathetic, but like an old father or old Dutch uncle, he had the appropriate words. When I went in to have my time with John, I said, John, I think this map is a problem, and John would just kind of grit his teeth and grin, with a sparkle in his eye, and say, "HASTERT, keep your powder dry." I can still hear him saying that today.

Mr. Speaker, I yield to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Speaker, first I would like to commend, as my colleagues have, the gentleman from Illinois [Mr. HASTERT] from the 14th District for having the vision to have this special order and permit those of us who had the pleasure, and great pleasure of serving with John Grotberg an opportunity to speak to the record for the future as well as to extend our deepest sympathies and affection for Jean and for the entire Grotberg family.

I miss John very much. And as a Democrat who sat on the other side of the aisle from him in the Committee on Banking, Finance and Urban Affairs, I still find myself looking down to where his chair was. We had the opportunity to work together on several bills, and I came so much to appreciate his quick wit and wry humor.

I think even in his brief time here I could see the imprint of his experience in the Illinois Legislature when you saw him function as an effective member of our committee. We were able together, and just for the record I wanted to say that the last bill that he had a hand in here was Public Law 99-202, December 23, 1985, the Save for the USA Year, which had to do with savings bonds and increasing the sale of our public debt securities to U.S. citizens.

☐ 1540

He and I worked on that together for a very long period of time, and it is really the bill that permitted me to get to know him better as a person. I thought for the record it might be interesting just to tell the story of this bill and how very much it meant to him.

We had to get signatures; we had to get 218 signatures, and he knew I was interested in savings bonds, and he was as well, so we decided to hitch up as a team. Within about 2 days, John had over 70 signatures. I said, "Gosh, John," I said, "I can't keep up with you."

I said, "How in the world do you do it?" He said, "I know how to work a cloakroom." Within just a few days we had the required number of signatures, and in that particular session of Congress, we had the only bill that managed to make it through that committee, get passed on the floor of this House as well as over on the Senate side, and be signed into law by the President of the United States.

When we were getting our signatures on this side, I said, "Gosh, John," I said, "we've got a problem over in the other body. They're not moving very quickly." He goes, "No problem, follow me."

So we went out this middle door; we walked across the rotunda, we went over to the Senate side and we went into the cloakroom over there; and of course I was a little cautious; I wanted the officer to clear me to go into the cloakroom, and John said, "Just walk right in."

We walked in and he said to the person at the desk, "Where's DOLE?" Well, it turned out that the majority leader at that time was in an airplane somewhere over the United States, and John made sure that we made a telephone call right there; and within 10 minutes Senator DOLE was back to us in the cloakroom, and John said, "When can you schedule it on the floor?" The Senator informed us we should go see the Speaker pro tem, STROM THURMOND, and we got off the telephone. At that time, Senator DOLE had two huge boxes of chocolate candy over in the Senate; John and I both managed to grab a couple handfuls of that candy on the way out the door, and we proceeded to find the Speaker pro tem's office.

Without any knocking or anything, John walked right in to the office, and he said to the young woman sitting at the desk, "We'd like to speak to the Speaker pro tem," who was standing back in the corner, completely startled that these two Members from the other side would have walked in unannounced like that; and John walked up to him and said, "Mr. Speaker, I happen to be a freshman. This lady is a sophomore; and we don't have anything important to do over there; we're just lower-ranking Members, so we decided to really get on savings bonds this year and push them. And we need your help, we need your signature and here's the bill," and Senator THURMOND stood there and kind of looked at this bill and looked at the two of us, and it had to be one of the most unusual requests he had ever had; and we got his signature within 15 seconds.

It was in that way, then, that we got the bill moved over in the Senate; Senator DOLE scheduled it the next day, and it passed the Senate on December 16, 1985, after having passed the House here on December 12, 1985. It was then signed by the President.

I said to John before we left Washington, "You know, John, this is such a big thing, we've got to promote savings bonds in America. When can we go over to the White House? We have to get the President involved in this, the First Lady involved in this.

He said, "Well, why don't we do it in January?" I said, "OK, John, when?" He said, "Well, you take care of it, I'm going on vacation." I said, "Oh, John, you have to be back here for that. You can't miss an event like that."

That was the last time that I really had an opportunity to speak with him. I never knew he was ill, and he was going into the hospital that Christmas, and when I got back here in January, to try to recoup and to put our agenda together to go over to the White House, I found that he was in intensive care, never to come out again.

Last year, I had to go before the National Committee, the private sector group that promotes savings bonds sales in the United States, and to accept a liberty bell on behalf of both John and myself for our efforts in promoting this particular legislation which resulted last year in the largest number of savings bonds sales in the United States in several decades.

I will tell you, it was a very emotional moment for me, because I felt that I wanted to say so many things for John; he was alive at that point, and I wanted him to be there with me and he was not able to be there.

So I think this bill, and the savings bonds sales in 1986 are a true tribute to him. It has been an honor to have served with John Grotberg. He put a human face on this House, and I pray for him and for his family.

Mr. HASTERT. Mr. Speaker, I thank the gentlewoman from Ohio [Ms. KAPTUR] for the very, very, beautiful words.

Mr. WALKER. Mr. Speaker, at the outset, let me thank our colleague, DENNIS HASTERT, for taking this time to honor our former colleague, John Grotberg of Illinois.

I had the pleasure of serving with John on the Government Operations Committee during the 99th Congress. I say pleasure because there was no more willing nor enthusiastic a participant in our Intergovernmental Relations Subcommittee hearings than John. His dedication and hard work deservedly earned John the respect and admiration of his colleagues on our committee. John's contributions were unfailingly thoughtful and valuable.

There is so much that can be said about John's career—his devotion and hard work on behalf of those he represented in Illinois both at the State and Federal levels of government; his dedication to the principles of our democracy; and his passion for greater knowledge with which to serve the public good. But the quality John possessed that I will always remember and admire above all was his indomitable spirit. John came face to face with adversity on innumerable occasions. And yet, his strong will to surmount whatever problem he encountered remained strong. The courage John demonstrated was truly inspiring.

I personally feel very fortunate to have known John. His absence in this House creates a void. But his spirit, I am certain, is ever present. John was an inspiration to all of us, and I am proud to have been able to count him as a friend and a colleague.

Mr. STANGELAND. Mr. Speaker, I want to thank my new colleague, DENNY HASTERT, for taking this special order to reflect on the passing of a great American John Grotberg.

Mr. Speaker, in a city not known for its friendliness, John Grotberg was a true exception. John was pleasant and had a way of making those around him feel comfortable. Around here he is remembered for his sense of humor and powerful singing voice. He was extremely well liked, and I personally considered him a great guy and a friend.

I am proud that John was from my home State of Minnesota, born in the small south-central town of Winnebago. However, it was St. Charles, IL. that John would consider home. For it was there that he raised a family with his wife Jean. It was also there that John worked as manager of the YMCA, and found time to manage a residential community for elderly people in conjunction with the Lutheran social services organization.

Continuing with his spirit of public and community service, in 1973 John sought public office and was elected to the Illinois House of Representatives. He remained a member of the State legislature for 12 years serving the last 8 as a senator.

In spirit of an ongoing battle with cancer, in 1986 John ran for a seat in the 99th Congress when my good friend Tom Corcoran attempted a challenge for the U.S. Senate. Even with his medical situation, John ran a vigorous race and easily disposed of his opponent in a landslide.

It didn't take long for John to make an impact in Congress. I remember his telling me that one night he had been out to hear one of the service bands, I believe it was the Army's. As his friends know, listening to music and singing was one of John's favorite past times. He was very musically inclined.

However, this particular night John became upset when he noticed that many members of the band were using foreign instruments. So he figured he would change this by introducing a bill prohibiting any member of any military band from using foreign instruments. A short time later, his idea was signed into law by President Reagan. As most of us know, it is very rare for a freshman in the minority party to get his idea acted upon so quickly.

There is no question that if cancer had not taken him John could have held his seat for as long as desired. His political career was very promising. But with his untimely death last year we lost more than a colleague, we lost a friend, a gentleman, and a real team player. And with that I would like to again thank you, DENNY, for taking out this special order and convey to you that if John Grotberg had beaten cancer and retired from public office, he would have been your greatest supporter.

Mr. GALLO. Mr. Speaker, today, we pay tribute to a colleague and a friend who made a lasting impression on those of us who had the privilege to serve with him as Members of the 99th Congress. Although he was with us here in Washington a relatively short time, his warmth and his dedication to the people he served will remain as his monument in our minds and our hearts for a long time to come.

John was one of the first individuals that I had the privilege to meet when I came to Washington for orientation sessions as a new Member of Congress in December 1984.

We arrived as newly elected Members of this body and worked together to learn the ins and outs of this great complex of buildings that we refer to as Capitol Hill.

Because we both came to Washington after serving in leadership positions within our respective State legislatures, we shared a great many experiences common to those who have served in legislative leadership capacities.

From this common ground, we developed a close working relationship that grew into a friendship that I will fondly remember for the rest of my life.

Congressman Grotberg's strong commitment to the service of his constituents and his understanding of the political process gave him the ability to be an effective legislator, who could get the job done for his constituents.

His political philosophy was best stated in his own words:

> I call myself a compassionate conservative. I truly believe that government should do for you only what you can't do for yourself. I am convinced that tax dollars must be used judiciously and effectively to provide only those services that can't be provided without government help.
>
> I want government out of our private lives and businesses, because I care what happens to my friends and neighbors. Growing up in rural Minnesota and North Dakota, I learned a respect and concern for people. Working on my father's farm and leading the State 4-H formed my conviction for individual freedoms which I continue to hold.

Congressman Grotberg believed that government should work for the people, not the other way around. Because I have shared that conviction with my friend, John Grotberg, I call upon my colleagues today to honor his memory by publicly recommitting ourselves to the principles of good government that Congressman Grotberg personified.

Mr. GORDON. Mr. Speaker, today we honor the memory of our colleague John Grotberg. John and I were elected to Congress at the same time. He was from Illinois, I from Tennessee. He was a Republican, I a Democrat. We met during our new Member orientation period, and despite these differences we became friends.

John and I served together on the Banking Committee, where John was a dedicated, diligent, hard-working public servant. His intelligence and insight were welcome in the work both of that committee and the House. John always had the ability to say the right thing at the right time, to break the tension, and to get to the heart of an issue.

When John was so tragically taken from us last November, we lost a distinguished colleague and a dear friend. It was an honor for me to serve in this body with John Grotberg, and a privilege for me to call him my friend. I offer my sincere condolences to John's family, and to the people of the 14th District of Illinois. We all miss him.

Mr. DE LA GARZA. Mr. Speaker, today we gather to pay tribute to former Congressman John Grotberg who passed away last November. With his passing not only did we who serve in this body lose a good friend, but the House lost a most able Representative as well.

Although his time in the House was but a brief period he will be remembered with fondness by those of us who served with him here in the Congress for both his contributions to our Nation and by those he so ably represented in the 14th District of Illinois.

One of the privileges of serving in this great body is the people we meet and come to know. Our former colleague John Grotberg is a man whom I am proud to have served with. As an able legislator and one who served both his constituents and his country well, John Grotberg will be greatly missed.

To his family go my very deepest sympathy and prayers.

Mr. HASTERT. Mr. Speaker, just as a short closing, I would like to say John Grotberg was not only a friend of mine, he was a mentor; he was a great man from Illinois. He was a great American, he was a great father and husband and a great family man. If he was here today, he would be very proud to be speaking to this body and of the 198th anniversary of the beginning of the Congress of the United States. He was very proud of this.

He also loved his family so much he would make sure that he wished his son "happy birthday" today.

I thank the Members who participated in this special order.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

WHY CONGRESS SHOULD FUND THE SSC

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. BRUCE] is recognized for 60 minutes.

GENERAL LEAVE

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of this special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. BRUCE. I am pleased to have my colleagues join with me this afternoon to express in a collective, bipartisan manner, our strong and enthusiastic support for the superconductor super collider, or the SSC.

I believe the overwhelming response by my colleagues to today's special order, as well as the broad-based political and geographical support for the project, clearly illustrates the strong which exists within Congress for the SSC.

Its broad popular support notwithstanding, what is the SSC, and what makes it so unique and thus, worthy of the funding we seek?

In purely descriptive terms, the SSC is a powerful scientific instrument for the study of the fundamental nature of matter. Inside the SSC, protons will be accelerated and made to collide. The products of the collisions will then be counted and measured. The collisions, 20 times more energetic that in any existing facility will enable scientists to probe deeper than ever before into the basic nature of matter and energy.

What makes the SSC so unique? Actually the SSC has several unique aspects. First, it would be the world's preeminent basic research facility for high energy physics research. In fact, the SSC would be the most powerful scientific instrument ever built. Frankly, I like the idea of having such a facility located in this country as opposed to Europe or the Soviet Union, which have expressed interest in a similar project.

Second, as an instrument for basic research, the SSC has the capacity to achieve significant research results and technological innovations that not only will serve to enhance America's competitiveness and security, but also promise to touch, in a profound way, the everyday lives of people everywhere.

Of course, the spinoffs from basic research are not always as obvious or immediate as the by-products of applied research. However, the track record for basic research in high energy physics is excellent: In fact, a large portion of present U.S. technology owes its existence to watershed events associated with basic high energy research. Whole new industries in advanced electronics, nuclear medicine, computer chips and ion implanation have established themselves in the United States as a result of basic research projects.

But, I want to emphasize that the goal of basic research has never been defined in terms of its inherent value to industry or its efficacy in solving "down-to earth" problems. Indeed, the primary goal of basic research is to further our understanding of the physical world for its own sake. In short, the goal of basic scientific projects like the SSC is the creation of knowledge.

As Congress considers the cost of investing in a project like the SSC, it must not forget that similar investments in basic research undertaken by the United States in the past are precisely why the United States leads the world in technological innovation today. As George Will pointed out in a recent column, yesterday's discovery of the laws of electromagnetic waves produced today's communication technologies; and quantum mechanics of the 1920's produced today's semiconductor industry.

George Will also urged Congress to bear in mind that many of America's foremost scientists were born elsewhere and came to the United States to be on the moving frontiers of science. Similarly, I believe another unique feature of the SSC is its dramatic appeal that will inspire our own young people in this country to pursue careers in science and technology.

In closing, I want to again thank my colleagues for joining me here this afternoon. Already I have received notification from nearly 50 Members from all over the country who have said they want to go on record in favor of the United States building the super collider.

So many Members have expressed their interest that I have scheduled another special order in support of the SSC next Wednesday, March 11. I want to urge all my colleagues to join us in support of this project either by speaking at next week's special order or by submitting a statement in writing.

□ 1550

Mr. Speaker, I yield to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, I would like to express my appreciation to the gentleman from Illinois for arranging this opportunity to discuss the proposed superconducting super collider or SSC, announced by the Secretary of Energy, John Herrington, on February 10, 1987.

While the physical and budgetary aspects of the 52-mile-long superconducting super collider are enormous, I am certain that future historians will characterize the benefits derived by its discoveries in a similar manner. The SSC will be the world's preeminent research facility for high energy physics, research which has yielded and will continue to yield enormous benefits to society in the areas of science, technology and education. It is my sincere hope that Congress will demonstrate the foresight to authorize and appropriate funding for the project.

As Congress begins to develop budgetary priorities for the future, we must understand the importance of the present strength of America's scientific programs on the future strength of America's economy. During his sixth State of the Union Address, President Reagan established a national goal of ensuring American competitive preeminence into the 21st century. Incorporated in the Trade, Employment, and Productivity Act of 1987 announced by the administration on February 19 is a commitment to double, over the next 5 years, the budgetary resources for programs administered by the National Science Foundation. Working together, the administration and Congress must ensure that America remains the primary point of origin for future scientific discovery.

Congress has also heard concerns voiced from some segments of the scientific community that by making the SSC a priority, that other disciplines will suffer. Should Congress approve the administration's future plans for the National Science Foundation, I am certain that these fears can be allayed. More specifically, past investments in high energy physics have led to advances in a wide variety of scientific areas.

A significant portion of present American technology owes its existence to watershed events associated with the development of modern particle accelerators and related technologies. An impressive list of technologies developed from earlier research in nuclear and high energy physics include computer chips, food processing, nuclear power and advanced electronics.

In fact, I wonder how many individuals are aware that approximately 100 million Americans each year receive diagnostic or therapeutic benefits as a result of this technology. One example is the PET scan (positron emission tomography), a novel technique for directly studying the function of organs such as the brain. When the positron particle was discovered in the 1930's, many viewed it as an abstract curiosity of physicists. Today this abstract discovery provides the basis for an important tool of medical research and diagnosis. Therefore, it is clear that discoveries made by research done with the SSC will indeed have a potentially broad effect on the physical and as well as the economic well-being of our lives.

In closing, the Department of Energy [DOE] has proposed an action-oriented schedule for the development of this project. Before Congress makes a judgment on the feasibility of the Department's schedule, I would hope that Members take the time to review the proposal released by DOE in April.

This project has the potential to improve the quality of our children's and grandchildren's lives in the 21st century. I hope we can display the foresight necessary to realize those virtues now.

I thank the gentleman for yielding this time and for taking this special order.

Mr. BRUCE. I thank the gentleman from California for participating in this special order.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. DEWINE].

Mr. DEWINE. Mr. Speaker, I want to take this opportunity to discuss the importance of the superconducting super collider to our Nation and to express my strong support for the State of Ohio's bid to build the SSC.

The construction and operation of the superconducting super collider will be the most important scientific project in the world, it is designed to answer the deepest questions of physics.

It is critical that this basic research occur in the United States. We have, in the past, been the leader in developing new technologies through basic research in science. If we are going to continue to lead the world in innovation and new ideas, projects such as the SSC must be built in the United States.

The SSC will be an investment in the future competitiveness of the United States, and further knowledge in the area of high-energy physics will keep our Nation on the driving edge of scientific research and technological advancement. This project is essential to keeping the United States the best in science and engineering.

The State of Ohio is among the top contenders for the site of the SSC. The central Ohio site, which is north of Columbus in Delaware, Marion, Morrow, and Union Counties, meets all the criteria set forth by the Department of Energy. The geology of the area provides an excellent site for an SSC tunnel about 150 to 200 feet below the surface. The site also has a rich infrastructure of electrical power, natural gas, water, rail lines, highways, airports, and construction materials facilities.

Over the past 2 years, Ohio State University and the Governor's office have been hard at work putting together a proposal for the construction of the SSC in Ohio, and the next several months are crucial in the ongoing efforts to bring the SSC to Ohio.

The State of Ohio will present a highly competitive and attractive proposal to the Department of Energy in August, a proposal that, I believe, will give Ohio the edge in the final competition.

I urge my colleagues to join me in support of the SSC project so we can maintain America's superiority in science and technology.

Mr. BRUCE. Mr. Speaker, I would like to thank the gentleman from Ohio for his comments concerning the need for all of us to cooperate in getting this project off the ground. Then we are going to fight over who is going to get it.

I think it is wonderful that we have a special order here today to discuss the technical aspects and the need for this project as a national need.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, as a member of the House Science, Space, and Technology Committee, I fully support the President's decision to proceed with the building of the superconducting super collider [SSC].

To fully appreciate the importance of the superconducting super collider, we must look back at the dramatic course which science has taken in the 20th century. The first decades of this century witnessed a revolution in physics which profoundly influenced the other sciences and even the way we see ourselves and our place in the universe. Today we stand on the threshold of a new physics. By building the SSC, we will be able to push back the bounds of theory and knowledge and open up whole new vistas for exploration. And just as our century has benefited from the scientific revolution of the early 1900's, so the SSC and the new physics will promise us unimaginable benefits in knowledge and industry.

We must always remember that the benefits of science are not just for scientists. The probing of the atom during this century has played a major role in the development of lasers, transistors, nuclear power, nuclear medicine, computers, computer chips, advanced electronics, and other important products. According to the Department of Energy, fully one-third of the products and industries which make up our Nation's gross national product are based on knowledge of the atom. If history is any guide, the SSC and the new physics will lead to the creation of whole industries, the likes of which we cannot even imagine.

The SSC will be expensive, but I believe it must be built. I believe also that it can be built with international cooperation with countries such as Japan, Italy, the United Kingdom, and West Germany, thereby significantly reducing its net cost to America. I also believe that we Members of Congress owe it to the taxpayers and the scientific community to ensure that our country builds the best superconducting super collider it can. The Department of Energy has established a rigorous peer review process to ensure that the site for the SSC is chosen for its technical merit. I fully support this peer review process, and I urge my colleagues in Congress to respect these procedures. It is our responsibility in Congress to guarantee that site selection is determined strictly on the basis of technical merit and that the SSC is constructed in the best manner possible.

The SSC will usher in a new era in American science and technology. It will give us the capability to explore the basic forces and structure of our universe, and with this knowledge we will be able to pursue new products and industries. This will be an adventurous undertaking which everyone in Congress will want to enthusiastically support.

□ 1600

Mr. BRUCE. Mr. Speaker, I yield to the gentleman from Colorado [Mr. BROWN].

Mr. BROWN of Colorado. Mr. Speaker, I thank the gentleman for his leadership on this issue.

Mr. Speaker, on January 30, Energy Secretary John Herrington announced the President's decision to support construction in the United States of the world's largest and most advanced high energy accelerator, the superconducting super collider [SSC].

The superconductor super collider will be the world's most powerful scientific research instrument. Congressional support of the SSC is essential to assure America's world leadership and competitiveness in science, technology, and commerce into the 21st century.

SSC will accelerate atomic particles to an energy level that is 20 times greater than currently possible. The collision of atomic particles produced in this process will create new subatomic particles that will be detected and analyzed.

The SSC will be a research tool for further unlocking the secrets of the atom. It will not examine freakish phenomena. Rather it will study the fundamental nature of matter and energy, and the basic forces that hold our world and the universe together. Without SSC, physicists say they will be very limited experimentally. A larger and more powerful technological tool is needed if we are to move forward in this basic science.

The super collider will be to physics what the telescope is to astronomy or the microscope to biology—an indispensable tool of scientific progress.

The significance of the super collider goes far beyond its function as a research tool for professional scientists. It will be a place not only for the research of the present generation of physicists, but also for the education of the next.

It will be a national symbol of America's commitment to scientific leadership in this century and an instrument by which that leadership can be maintained. By attacking some of the most fundamental and challenging problems of physics, the super collider will inspire interest in science, mathematics, and engineering, stimulating education at all levels from preschool to post-graduate.

The incentive to pursue such basic research derives not only from our need to expand the limits of human knowledge, but also from the conviction that doing so will bring great benefits to society.

The super collider can lead not only to new discoveries in our basic understanding, but it also can point the way toward the development of practical, new technologies and products. Past accelerator research has resulted in great advances in medicine, electronics, energy, and communications, for example.

We can reasonably expect that the super collider will have significant spinoffs, discoveries, and innovations that will touch every human being. Continued advances stemming from the challenge of the super collider will enhance the competitive position of American industry in the world marketplace.

The Department of Energy has just begun what is expected to be a year-long process to select a site for the SSC. Over 20 States have expressed an interest in the project, and the selection of a site will be an open and competitive process.

It was at a 1982 summer workshop in Snowmass, CO, that the concept of the superconducting super collider was first studied in detail. Coincidentally, we Coloradans have a perfect site for the project in the eastern part of our

State. It is geotechnically superior, close to universities, major urban centers, and an international airport. I am working hard with Colorado scientists, business, State government, and others in our congressional delegation to help make Colorado's case.

At the same time, we must recognize it is vitally important to the future of American and science and technology that the super collider be built no matter what site is chosen.

Without a commitment from Congress to construct the super collider, the United States will run a distant third in high energy physics by the end of this century, its current leadership overtaken by other accelerator labs now being built in Europe and Russia.

We need the superconducting super collider to advance and maintain American capabilities and world leadership in using science for the peaceful and economic benefit of mankind.

It is the next logical step.

Mr. BRUCE. Mr. Speaker, I thank the gentleman for pointing out that I think the interests are not parochial. Seven States are interested in this project today through the comments of the gentlemen from their respective States, but I think when you take a look at the advancement of science, as the gentleman from Colorado has mentioned, it is not parochial in nature. It is national in scope.

The superconducting super collider, along with the super computing centers, which there are only five, this Congress supported that project. I think we have all benefited as Americans in our quest to be more competitive in the world economy.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Speaker, seldom has the U.S. Congress been positioned to influence the scope and direction of fundamental scientific inquiry as it is at this moment. The opportunity is a unique one—given needed support, the American scientific community now stands at the threshold of pathbreaking discoveries of the basic composition and origins of our universe.

The occasion for this discussion of the focus of U.S. research efforts, Mr. Speaker, is the proposal by the Reagan administration to begin construction of the so-called superconducting super collider. The super collider, we are told, will give us insights, heretofore undreamed of, into the nature of energy and matter, into the basic structures of life.

The super collider will be able to duplicate, on a tiny scale, the energy forces that scientists believe existed at the moment of the creation of the universe. It will enable physicists to identify and study elementary subatomic particles that until now could only be theorized about. This investigation should provide important clues into the most fundamental subject of scientific research: the nature and composition of matter.

The outcome of the debate over the super collider proposal will shape the future of American scientific research. The stakes are high. In a time of severe Government budgetary restraints and painful spending cuts, we are asked to commit $6 billion for the most complex and expensive research initiative ever undertaken.

Strong arguments will be made on both sides of the issue, arguments over the expense and practicality of the super collider, over the proper focus and direction of America's commitment to scientific achievement.

At the outset of this debate, we in Congress must make it abundantly clear that although we may differ over the particular focus of research efforts, or over specific projects proposed, we nevertheless share an intense commitment to support of the American scientific community and to expanding the limits of our scientific knowledge.

Much of the discussion of the super collider has thus far centered on the potential technological extensions of this device and, hence, on the probable economic benefits of it. Indeed, in these days of Federal budgetary crisis, each Government project must be closely examined for necessity, efficiency, and cost-effectiveness.

But, Mr. Speaker, let us not be hesitant to acknowledge that investments in science pay returns not just in dollars and cents, though surely they do, but also in enlightenment and human advancement.

Mr. Speaker, the super collider project promises us benefits of both types. For the first time, this Nation's top scientists will possess the tool needed to peer into the heart of the atom, to unravel the mystery of subatomic composition. No scientific investigation is more basic to our understanding of the physical nature of the universe.

At the same time, we all stand to benefit from the practical technological discoveries and spinoffs that will be the inevitable products of the design, construction, and operation of the super collider.

But a commitment to the super collider does raise significant questions about the direction of American scientific research, Mr. Speaker. No single research effort, no matter how desirable, can be allowed to siphon needed dollars from other, equally indispensable projects. Specifically, we cannot permit the super collider to displace scientific enterprises that are more mundane or less seductive politically.

With that in mind, Mr. Speaker, I condition my otherwise unqualified support for the super collider on assurances from the administration and this Congress that we will not allow this project to disrupt or decimate the rest of the American research effort.

But again, Mr. Speaker, I strongly believe that the future prosperity and vitality of this Nation depends on our determination to expand our scientific and technological knowledge. A commitment to the super collider would be a commitment to the continued scientific excellence and vigor of the United States.

Mr. BRUCE. Mr. Speaker, I thank the gentleman from North Carolina, who is a member of the subcommittee that will be reviewing the whole question of the superconducting super collider, its placement, its size, dimension and authorization. The gentleman is a leader in the question of exactly the composition of the super collider.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. HASTERT] for his comments.

Mr. HASTERT. Mr. Speaker, I commend the gentleman from Illinois for spending time in bringing forth this special order today to focus on the importance of this effort to bring forward this scientific project in this country.

I am pleased to have the opportunity to add my voice to those of my colleagues who are speaking today in support of the construction of the superconducting super collider.

I have been fortunate enough to witness first-hand the development and operation of what is currently our Nation's largest cyclotron, located at Fermilab in Batavia, IL, which is part of the 14th Congressional District, which I represent. Fermilab has achieved tremendous success in its research into the basic characteristics of matter, and has provided this country with scientific knowledge of untold value. Indeed, Fermilab should be looked upon as a very prudent investment by the Congress and the American taxpayer.

The super collider is a much larger version of the Fermilab cyclotron. Its construction would allow scientists to dramatically increase the acceleration of particles of matter to almost the speed of light. This is 20 times faster than is currently possible. The importance of a machine this size—Fermilab is 4 miles in circumference, the super collider would have a circumference of 52 miles—is that it will provide much higher energy, and consequently, a much finer scale of investigation.

But I am not a scientist, and I will leave it to others to explain the highly technical side of this proposal and why it is such an important endeavor to the scientific community. I would argue that we must go forward with this important project so as not to go backward. We only need to look to history and the profound impact that scientific exploration has had on the history of our civilization. The development of electricity was not a coincidence—nor were automobiles and telephones and television and x rays, and more recently computers and lasers. In fact, it has been estimated by the scientific community that as much as one-third of our GNP is directly related to research that we have done in high-energy physics over the last 40 years. Further advances in the areas of electronics, medicine, computers, and radiation detection are just a few of the practical applications which scientists hope can be achieved by additional study of the atom.

Naturally, a decision to dedicate as much as $6 billion of our Federal budget to scientific research is not a decision to be taken lightly, particularly when viewed with respect to competing Federal programs. But it is time for us, all of us, to make a decision. Will this country be at the leading edge of high energy physics research, or will we let others in the international community benefit from our shortsightedness? In the last decade, Europe has moved past the United States in basic research in this area, and the Soviet Union is rapidly gaining ground. The funding of the superconducting super collider will leave little doubt of America's commitment to retake the lead and restore our preeminence in high-energy physics research.

□ 1610

Mr. BRUCE. Mr. Speaker, I thank the gentleman from Illinois [Mr. HASTERT] for his comments, and I now yield to the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am delighted to have the opportunity today to rise in support of the superconducting super collider. This project will enable us to learn more about energy, medicine, information management, and transportation which will benefit future generations.

The super collider is vitally important to the future of America and science and technology. The President has recently announced his support of this project with an estimated cost of $4.5 billion and I would urge all Members to also support funding of this important project.

Site selection procedures have begun, with several States, including Texas, competing for the superconducting super collider research center. While I firmly believe the project should be awarded to a site in Texas, particularly in my congressional district, I think the kind of advanced technology which will be provided by the superconducting super collider should be supported wherever it's located because it will increase the strength of the security and economy of our entire Nation and I again urge your strong support for the superconducting super collider.

Mr. BRUCE. Mr. Speaker, I thank the gentleman from Texas [Mr. BROOKS] for coming and participating in this special order.

I now yield to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, I thank my distinguished colleague from Illinois for providing for this opportunity to discuss the administration's request for authority to construct a superconducting super collider. This proposal has already generated serious disagreement, and this effort to explore the arguments on both sides deserves our support.

As a member of the Science and Technology Committee, now the Science, Space, and Technology Committee, since coming to the House of Representatives, I have had the privilege of observing the inception of a number of major scientific initiatives by the Federal Government. But none comes close to the super collider in the magnitude and scope of the project, the cost of the program, or the potential for advancing our knowledge about the universe in which we live.

The basic statistics associated with the super collider demonstrate the size of this endeavor. It will be the world's largest particle accelerator, consisting largely of two rings of superconducting magnets located in an underground tunnel 52 miles around. It will accelerate proton beams nearly to the speed of light and produce 40 trillion electron volts of energy. Similarly, the purpose of the super collider is breathtaking—to enable physicists to move closer to understanding the fundamental nature of matter and perhaps to learn more about the origins of the universe. The super collider is Federal support for basic science on a grand scale—with great risks and great promise.

Mr. Speaker, the unanswered questions about the project are evident to everyone who has studied the proposal. First, how much will it cost? The Department of Energy estimates that construction will cost $4.4 billion, but others guess that the actual figure will be significantly higher. Whoever is right, we are looking at a massive commitment of taxpayer dollars.

Second, what are the tradeoffs? How should we rate the super collider in comparison to other scientific priorities and to our economic, social, and national security requirements? Can we build the super collider and still maintain acceptable progress on other important programs? In short, who will suffer, and how much will they suffer, if we go ahead with this project?

Third, and perhaps most important, what are the benefits that we can expect from the super collider? And what are the risks if we do not proceed?

I certainly make no claim to have all the answers to all these questions. I am not a scientist, and few of my colleagues, including those on the Science Committee, are professional scientists. But we are charged with reaching a decision on both the technical merits and the budgetary priority of this proposal.

To reach the best decision, we need a free and open dialog between the Congress and the administration as well as outside advice from our best scientific minds. The Energy Research and Development Subcommittee, on which I serve, will examine the questions surrounding the super collider initiative in a few weeks.

Although this hearing will not be held until March 24, some observers have already dismissed the proposal. At least one newspaper column labeled the super collider a $6 billion toy.

In my view, it is much too early to slam the door on this opportunity to advance the frontiers of science. The problems, particularly the difficulty of funding such a massive undertaking, are great. But the fact that such problems exist should not, by itself, scare us into abandoning a unique project before we fully examine our alternatives.

A century ago, the English scientist, Thomas Henry Huxley, observed that:

> The known is finite, the unknown infinite; intellectually we stand on an islet in the midst of an illimitable ocean of inexplicability. Our business in every generation is to reclaim a little more land, to add something to the extent and solidity of our possessions.

The super collider will enable this generation to reclaim a vast extent of intellectual ground—to make a quantum leap in our quest to understand our world.

No one can know exactly what discoveries the super collider will produce. Some proponents have probably overstated the direct, immediate economic benefits. We should not authorize this project in the belief that it will cure the problems of American industrial competitiveness or eliminate our trade deficit overnight. But, based on the results of previous scientific initiatives, we can be sure that our knowledge will be expanded significantly and that the super collider will have ramifications stretching far beyond abstract scientific inquiry into our economic life.

We face a choice on the question of the super collider, but in some respects it is a false choice. Five hundred years ago, Christopher Columbus could have chosen not to explore the sea west of Europe. In the 17th century, Isaac Newton could have chosen not to examine the nature of the physical world. And just a quarter century ago, the United States could have chosen not to launch a massive effort to put a man on the Moon.

In each case a choice was made. But even had other conclusions been reached, the New World would still have been discovered by Europeans, the laws of gravity would still have been discovered, and man eventually would have reached the Moon. And the super collider will be constructed, if not in the United States then in another nation. Our real decision may be whether the United States maintains its position of world leadership in high energy physics and basic scientific research.

Like others, I want all the objections aired and the questions answered before we reach an irrevocable decision. At the very least, we will need a clear statement from the administration of its funding priorities and the depth of its commitments to other important scientific programs. And we will need an equally clear signal from the administration that the site selection process for the super collider will be fair and structured to produce the optimum location for this facility.

Serious questions remain to be answered satisfactorily on this last point. Based on the information available to me at present, the site selection timetable announced by the Department of Energy last month apparently contradicts previous indications to some officials from interested States and provides minimal time, at best, for States to prepare proposals.

The announced schedule raises an obvious question: Why the rush? The super collider is an expensive, long-term project with long-term benefits. Is it not imperative that we make every effort to ensure that the strongest possible proposals are submitted? Does the DOE timetable accomplish that goal? A number of serious, interested parties have already answered that question in the negative.

The matter of fairness is also an issue in the site selection process. The compressed schedule appears to some to favor States that did much of the preliminary work in advance of the administration decision to seek authorization for the project. If these States have the best proposals, will they not still have the best proposals if the process is made more equitable? Is moving up the selection date a few months worth the risk of eliminating sites that might prove to be the most advantageous?

The controversy over the selection process is partially a matter of perception. But perception is a key element in building and maintaining a consensus for this project. If such a consensus exists today, it is certainly fragile. It will be difficult, if not impossible, to maintain this essential support in the face of a widespread perception of unfairness.

I hope the administration will consider this issue carefully so that the debate can focus on the merits of the super collider proposal. It will be a debate about large, complex questions.

We may be standing at the threshold of a great opportunity. In his outstanding 1983 study of the history of man's explorations and discoveries, the distinguished historian and Librarian of Congress, Daniel J. Boorstin, wrote of "mankind's need to know—to know what is out there." That need to know has been an integral part of the American experience and part of the explanation for our scientific and technological leadership. We still have that need to know what is out there, and the super collider may enable us to add major parts of the puzzle of the universe to our knowledge. I urge all my colleagues to consider both the risks and the opportunities carefully as the House decides whether to authorize the super collider.

□ 1620

Mr. BRUCE. Mr. Speaker, I thank the gentleman. I particularly thank the gentleman for his comments about Daniel Boorstin, the Librarian of Congress, and his comments about the nature of America and his comments indicated there are a couple things that run through the strain in this country. One is our need to explore new frontiers that began when this country was discovered by Christopher Columbus and from there the pushing back of the Western borders. That is inside the United States psyche, the need and the ability to explore; also the need to invent as talked about by the Librarian of Congress and our desire always to take a look at a problem and being able to think that there are new things that can be invented by man to change the way we live.

So what the gentleman from North Carolina [Mr. VALENTINE] commented about I think is very important. That book indicates the need for this country to explore and invent new ideas. That is exactly what the super collider is going to do is bring forward new opportunities for this country to expand our economic base, expand our base knowledge, and, therefore, we hope to expand our ability to compete in the world economy.

If I might, Mr. Speaker, just read a few comments from some gentlemen who were not able to make it to the floor today; the gentleman from California [Mr. COELHO] brought forward a piece from the California Journal in which he said:

> The California Journal recently did an exhaustive investigative report on the SSC program and declared that the SSC could be, "the ultimate payoff: undreamed of knowledge of the behavior of the tiniest sub-atomic particles and laboratory replicas of the basic forces that created the universe—a new window on nature in its smallest and largest forms." This window to the world can only be realized through the strong support of this administration and both Houses of Congress.

I think many of my colleagues will agree with me today when I say that this is not just a program for today, but a project for the future. We as a country may be facing economic difficulties, but the superconducting, super collider, is the first step toward economic and scientific prosperity.

Mr. FAZIO. Mr. Speaker, I am pleased to join my colleagues in expressing support for the superconducting super collider, or SSC. I would like to thank my friend, Mr. TERRY BRUCE for calling this special order. Mr. BRUCE's State and mine will soon be competitors for the SSC, but I know the two of us share a mutual enthusiasm for the unprecedented contribution the SSC will make to science that far exceeds our more parochial interests.

When completed in the late 1990's, the superconducting super collider will be the premier scientific device in the world. Consisting of a huge subterranean ring, 52 miles in circumference, the SSC will whip protons around concentric circles at speeds approaching the speed of light and slam them into one another at energies 20 times greater than ever reached before.

The resulting collision will recreate the same conditions which existed in the first microseconds of history, yielding for our scientists valuable insight into the very forces that hold our universe together, and helping us to better understand electricity, gravity, and other phenomena which are around us always, but which we do not completely understand.

Along with this new knowledge of the most essential physical properties, the SSC will have enormous potential for spin-off technologies, much like the Space Program. In the past, high energy physics research has led to important developments in medicine, electronics, and other fields.

The region which will eventually site the giant machine will also reap significant benefits: $4 billion in construction dollars, $250 million in annual operating budgets, 8,000 construction jobs at the peak year, and 2,500 scientists who will operate the machine once completed.

But amid all the excitement over the potential of the SSC, we cannot lose sight of the problems which confront us in the near-term. I applaud the President for making the bold decision to go forward with construction of the SSC, but we here in Congress must now hear from him how he hopes to pay for the device. As a member of both the Budget and Appropriations Committees, I am quite aware, as we all are, of the difficulties confronting any additional spending requests. I hope the President will now come forward with a practical means of funding the project.

Mr. BROWN of California. Mr. Speaker, the Members of the 100th Congress find themselves in the unique position to play a vital role in unlocking the secrets of the universe, and indeed, our very existence. Each time we have placed and supported a high priority on scientific research, leaps of knowledge have been gained. Our science and technology is founded on a basic understanding of subatomic elements, but for further knowledge, we need a more powerful instrument than is now in existence. The conviction among physicists is that a proton-proton collider, or the superconducting super collider [SSC], will reveal much more about the fundamental nature of matter and energy.

Exactly what scientists will discover is unknown, but the possibilities are endless. The superconducting super collider could be to our descendents what the microscope proved to be to our predecessors. The invention of the microscope provided the world with priceless information and possibilities. Scientists were able to develop an understanding of cell structure, biological systems, and even define and combat the causes of many diseases. In the medical field alone, advances made possible by the microscope have averted untold human misery.

The superconducting super collider could be to high energy physics, what the microscope was to biology. It is, in essence, the ultimate microscope, peering into the very smallest elements of matter. Microchips, fluorescent lights, electric motors and heaters, and television sets are all products of modern physics. By breaking down what we know as the fundamental particles, the building blocks of matter, an entirely new world of understanding of the physical world, perhaps even its creation, will be ours. While most of the research conducted with the SSC is at this point considered basic research, in 10 to 20 years, the fruits of this research could possibly be applied to develop a whole new generation of products and tools to enhance our society.

Such developments are likey in several areas. The knowledge gained from the SSC will most likely enable us to achieve great strides in the areas of communications technology; computer technology; genetics and understanding and curing genetic diseases; the development of strong, more versatile materials such as ceramics, fiberglass and nonmetalic composites; and potential new energy sources and power generation. These are only a handful of the possibilities. The SSC will also help us develop a better understanding of our solar system and the universe, perhaps even its origins. In essence, investment in the SSC would be an investment in our children's future.

The SSC, the biggest and most powerful accelerator in the world, would accelerate two beams of protons in opposite directions to nearly the speed of light. The super collider, a circular facility approximately 50 miles in circumference, will allow the gradual acceleration of the protons, along an unlimited flight path. The collisions of the two proton beams and the subsequent transformation of matter, will be of utmost use to physicists in search for the fundamental nature of energy and matter.

No accelerator in existence is powerful enough to meet the needs of physicists. The super collider would boast an energy of 40 trillion electronvolts, (TeV), 20 times that of the Tevatron collider in Illinois, the highest energy accelerator in the world. The heart of the super collider is two rings of superconducting magnets located in a 52-mile circumference, race-track shaped tunnel that is 10 feet in cross section diameter.

Despite its great size, the transformation of the environment will be minimal. The main ring will be buried underground with few visible traces. Two clusters of facilities will be located at the opposite ends of the ring. The area within the ring will be almost entirely untouched.

If the SSC receives Federal funding in fiscal year 1988, the date of completion will be 1996. An unavoidable trend in the history of accelerators has been their increasing cost, with the construction of the SSC estimated at $3.2 billion. Due to careful design and efficient engineering, the SSC has been designed for cost effectiveness. All components—magnet and refrigeration systems, tunnels, electric power distribution—have been incorporated to guarantee economical construction and operation. The annual budget after operation begins is estimated at $270 million in fiscal year 1988 dollars. International collaboration and cost sharing with other nations and private industry would offset some of the costs. The land is assumed to be provided free of charge by site proposers.

The increased scale will also result in the need for a much larger staff. At full operation, the facility will host approximately a staff of 2,500 and 500 visiting scientists. During construction, the onsite work force will peak at 4,500 people.

One must weigh the cost in dollars against the new knowledge and understanding of the ultimate building blocks of matter. The advances in basic knowledge will contribute to our Nation's ability to compete economically and technologically through applications of discoveries. The goal of high energy physics is to discover the fundamental laws that govern the universe. The better we understand where we came from, the more chance we have of controlling where we are going. The future awaits us; and the super collider, by discovering our past, will take us safely into the 21st century.

Mr. ATKINS. Mr. Speaker, the superconducting super collider represents an important opportunity for the United States to regain its place as the leader in the field of high-energy physics research. Advances in this field of research are critical to our ability to maintain our competitive edge in the field of plastics, microelectronics, nuclear fusion—a safe substitute for nuclear fission—medical use of radiation and many other scientific uses.

The United States used to be a world leader in the field of high energy physics and was responsible for many of the early advances in the field. Of late, new accelerators have been built overseas that generate energy levels higher than any of our existing facilities. To reassert our leadership in this area, we in Congress must be willing to appropriate the necessary funding for research and must be willing to seek out the most beneficial funding formula when it's time for construction.

For scientists, high-energy physics research has provided a near complete scientific explanation for the order of the elements in Mendeleyev's periodic table. Physicists have conducted experiments through present accelerators that have identified the properties of these elements by showing linkages between newly discovered subatomic particles. However, energy limits have been reached in certain areas leaving linkages without explanation and leaving questions without answers. The superconducting super collider with its dramatically increased energy level could provide the missing answers and connect the missing links.

The depth of knowledge that we have so far is a result of years of experiments by scientists at the four accelerators that are currently on line throughout the Nation. This work will continue. However, with the superconducting super collider, we would have the ability to go that one step further, possibly discovering additional missing links that might further explain the "big bang" theory of the origin of the universe.

As a Congressman from Massachusetts, home of America's technology region, I am proud of the advances in this field that have been accomplished in my backyard. All that aside, I strongly believe that we should throw our strong support behind this important project and will work to generate support upon my colleagues in the months ahead.

Mr. MICHEL. Mr. Speaker, I'm glad to have this opportunity to join with our colleagues in discussing the superconducting super collider, the world's most powerful particle accelerator.

In one sense it may seem strange for Congressmen to be talking about this basic research tool in high-energy physics. We are used to dealing with matters of fact, with specific points of legislation and with the day-to-day reality of politics.

And the super collider is, at first glance, far removed from that practical way of looking at the world. After all, how often do you hear a Congressman discuss such matters as atoms and protons and quarks and energy of 40 trillion electron volts?

And when you discover what the super collider does, the idea of congressional discussion becomes even more implausible. After all, we are talking about two rings of superconducting magnets located in a 52-mile circumference, racetrack shaped tunnel. In this tunnel, two beams of protons, going in different directions, nearly at the speed of light, collide and detectors observe the result.

All of it sounds like Buck Rogers—or the "Empire Strikes Back," depending upon which generation you come from.

But actually our interest in the super collider is not only understandable, but absolutely necessary. What may appear to be theory today can become the technological and scientific actuality of tomorrow.

The super collider is a way for American scientists to understand the fundamental nature of matter and energy. Progress in high-energy physics demands that the United States build this new, basic research apparatus.

The future of our Nation and, yes, of the world will depend to a great extent on what scientists learn from the super collider. The future of freedom, here and around the world, depends upon many things, not least of which is the intellectual creativity and investigations of our scientists. And the scientific community has reached a consensus that the super collider is vital if the United States is to be the leader of scientific knowledge as we enter the 21st century.

Do I understand the complex and esoteric mysteries of the super collider? No, I do not. I am a layman and I won't pretend to know what happens in the world of higher physics exploration.

But I do know that the overwhelming consensus reached by American scientists is that the super collider is an absolute must for the United States, in terms of what our scientists can learn about the very nature of material reality and the possible applications of that use in the future.

I must say that as a native of Illinois, I have a very special interest in where this super collider is going to be built.

As you know, the Fermi National Accelerator Laboratory, home of the world's current most powerful accelerator, is located in Batavia, IL.

Illinois has thus placed itself in the forefront of this struggle to understand the basic elements of matter.

In an editorial, February 3, 1987, the Los Angeles Times addressed the question of the super collider.

Listen to what the Times said:

> Twenty States, including California, are vying for this prize, but if the decision is made on the merits, the machine should most probably be sited at Fermilab in Batavia, IL, near Chicago, where the country's largest cyclotron (4 miles in circumference) already exists.
>
> In order to use the 52-mile supercollider, atomic particles would first have to be revved up in a smaller machine, like the one at Fermilab. If the supercollider is built somewhere else, a new starter machine will also have to be built—at a cost of about $500 million. Other than the Federal pork barrel, there is no apparent reason to build the supercollider anywhere but Fermilab, which is surrounded by flat and lightly populated farmland with solid limestone beneath it.
>
> The decision to locate the existing 4-mile cyclotron in Illinois was made in 1966 after the consideration of 200 proposals from virtually every state. Fermilab has been a great success. Much as we would love to have the new machine in California, no argument that has been advanced so far outweighs the claims of Illinois.

If those words had appeared in an editorial in the Chicago Tribune or the Peoria Journal Star or some other Illinois newspaper, it might be said this was a "hometown" argument. But when a California newspaper, of the circulation and prestige of the Los Angeles Times, says the super collider should be built in Illinois, that's news.

Mr. Speaker, as I said, the profundity of the task facing the super collider is almost beyond our capabilities to grasp. Think of it: The dream of the ages, the question that philosophers have pondered for centuries, the problem that scientists have been trying to solve—capturing the very basic forces and structure of matter—finally being investigated.

It is the kind of event that transcends mere science and enters into the realm of myth and legend. But at the same time it reminds us that what may appear to be the very essence of theory can have practical effects.

So we are talking of not only basic knowledge about the mysteries of the universe—we are talking about the kind of world we are going to live in, and our children and their children—because the knowledge that will emerge from this super collider will transform the very structure of knowledge itself.

It is estimated that the project will cost anywhere from $4 to $6 billion. That is an enormous use of tax dollars. But we are talking about a project the probable benefits of which will go to generations yet unborn and lead our Nation and the world to frontiers of knowledge beyond our wildest dreams. We need the super collider—and Illinois is the place it belongs.

Mr. COELHO. Mr. Speaker, I want to thank my good friend and colleague, Mr. BRUCE, for giving me this opportunity to speak out in favor of the superconducting super collider.

As my colleagues are aware, California has been chosen as one of five potential sites for this project. My discussion today will not be focused upon the merits of California as a potential site, but instead will help to bring to light many of the fascinating and productive uses of the SSC.

The California Journal recently did an exhaustive investigative report on the SSC program and declared that the SSC could be, "the ultimate payoff: undreamed of knowledge of the behavior of the tiniest subatomic particles and laboratory replicas of the basic forces that created the universe—a new window on nature in its smallest and largest forms." This window to the world can only be realized through the strong support of this administration and both Houses of Congress.

The evolution of the SSC project dates back to the early 1980's and various studies conducted by the American Physical Society's division of particles and fields. This workshop, and all subsequent workshops in the spring of 1983, concluded that there are no scientific obstacles to the construction of a collider system. After the awarding of a Nobel Prize in physics for work in this area, the SSC project became a viable concept for the United States to pursue.

In 1984 funds were allocated by the Department of Energy—with congressional approval—to accelerate research and development of the project. After approximately 2 years, in which to assess demographic, environmental, and economic impacts of this project the Reagan administration has chosen to include this project on their list of viable scientific projects to support.

The Department of Energy recently released a report indicating a need for approximately $4.3 billion to complete the project. While $4.3 billion may seem like a large sum of money for a project which has only futuristic implications, the funding requirements for this project will be spread over a 10-year period, thereby minimizing the effect upon current budgetary constraints.

When looking at the technological and scientific advantages of this system, one cannot overstate the obvious impacts. Both international and domestic markets could benefit from the construction of this project. In addition, the scientific expertise and technology that will spill over into the surrounding communities from the SSC facility will be tremendous. This system could be a major high-technology boost to any State that secures it.

The economic advantages? No scientific center in the world will be able to match the economic contributions that the SSC will make to the community in which it is located. Short term economic impact studies indicate that over 3,000 jobs will be created through the implementation of the program. This would result in a boost to all aspects of consumer spending.

Some have complained of unwarranted burdens to education, transportation, and the community's ecological systems. However, the opponents to the system fail to realize that all of these areas have been thoroughly investigated with a net gain in productivity and environmental stability overall. Any State, whether it be California or Illinois is not about to put any of its citizens at risk over this project. Safety is No. 1 consideration.

I think many of my colleagues will agree with me when I say this is not just a program for today, but a project for the future. We, as a country may be facing economic difficulties, but the superconducting super collider is the first step toward economic and scientific prosperity. As the philosopher Bertrand Russell once worte, "We know very little, and yet it is astonishing that we know so much, and still more astonishing that so little knowledge can give us so much power." That power is in our quest to further our technological studies. The SSC is the gateway to a more prosperous and productive tomorrow. I urge strong support from all my colleagues.

Mr. SENSENBRENNER. Mr. Speaker, I share Representative BRUCE'S enthusiasm for the construction of the superconducting super collider [SSC]. I also applaud the President for making the visionary decision to move ahead with this gargantuan scientific project. In a recent George Will column, we read about the President's vision. After hearing the scientific and budgetary arguments regarding the proposed $4.4 billion atom smasher, the President recalled Jack London's personal credo.

I would rather be a superb meteor,
With every atom of me in magnificent glow,
Than a sleepy and permanent planet.

Mr. Reagan said London's credo was once read to Ken Stabler, the pro quarterback, who was asked what it meant. Stabler replied: "Throw deep."

Stabler was right. So was Reagan in endorsing the SSC. It's now up the Congress to take the snap, and hand off to the Department of Energy [DOE]. Before I go any further, let's go over some of the basics:

What is the super collider?

A basic research tool in high energy physics, the field that studies the fundamental nature of matter and energy.

The world's largest particle acclerator; a proton-proton collider with an energy of 40 trillion electron volts [TeV], 20 times the energy of the tevatron collider in Illinois, the highest energy accelerator in the world. (A flashlight battery has 1.5 volts.)

It will accelerate two beans of protons in opposite directions to nearly the speed of light and bring them into collision at four points where detectors will observe the results of the collisions.

The heart of the super collider is two rings of superconducting magnets located in a 52-

mile circumference, race-track shaped tunnel that is 10 feet in cross-section diameter.

Other facilities include four large interaction halls where experiments will be conducted, a series of injector accelerators—comparable in size to the Fermilab accelerator in Illinois—and technical support buildings and offices.

Why build it?

The super collider will continue scientists' search for the fundamental nature of matter and energy. Scientists have made great progress in understanding the ultimate building blocks of matter and of the basic forces which govern the transformations of matter and energy. However, important questions remain unanswered. The super collider will help answer these questions.

Continued progress in high energy physics research in the mid-1990's requires the study of collisions at energy levels that cannot be achieved with any accelerator now in operation or under construction.

A new, higher energy accelerator is essential; the super collider is such a facility.

Basic science has always led to discoveries and innovations that profoundly affect our lives.

Advances in basic knowledge contribute to the economic and technological competitiveness of the Nation through applications of discoveries and new knowledge and through spinoffs.

High energy physics involves the use and development of the most advance technologies. Frontier science stimulates frontier technology; there are numerous instances of the impact of high energy physics in the areas of nuclear medicine, electronics, superconductivity, cryogenics, et cetera.

The super collider will inspire young students to pursue careers in science and technology.

The super collider will ensure a world leadership position for the United States in this important field of basic science into the next century.

How much will it cost?

In the fiscal years 1984-86, $60 million was spent on R&D and design studies. In fiscal year 1987, the Department plans to spend $20 million.

Construction cost for the accelerator and laboratory is estimated to be $3.2 billion (fiscal year 1988 dollars); costs of R&D, detectors, computers and preoperating activities are about $1.2 billion (fiscal year 1988 dollars) for a total of $4.4 billion.

Annual budget after operation begins is estimated to be $270 million in fiscal year 1988 dollars.

Land is assumed to be provided free of charge by its proposers.

International collaboration and cost sharing with other countries, private industry and State and local governments is being sought.

When will the super collider be built?

If authorized in fiscal year 1988, the facility could be completed in 1996.

Who are the key players involved in the super collider?

DOE provides about 90 percent of the Federal support for high energy physics and will be the responsible Government agency.

DOE will select a contractor to manage the construction and operation of the super collider.

The R&D and design studies in progress at DOE laboratories, universities and industry are being carried out for DOE under the management of the SSC Central Design Group formed by Universities Research Association, Inc., a consortium of 56 universities.

Construction of conventional facilities and fabrication of technical components will be carried out by subcontractors and industry to the maximum extent possible.

How many people will be involved with the super collider?

The onsite work force during construction will peak at about 4,500 people.

Once the facility is operating, the super collider staff will be about 2,500 and about 500 visiting scientists are expected to be onsite at any given time.

As Congress considers the SSC, we should bear in mind that many of America's foremost scientists were born elsewhere and came here to be on the cutting edge of science. The super collider will make America the undisputed leader in the competition to understand the ultimate constituents of matter and the forces that bind those constitutents to form the universe. Understanding the nature of these constitutents and processes is essential to understanding the history of the universe since creation.

Considering the magnitude of this intellectual undertaking, some say it's demeaning to justify the SSC in terms of economic benefits. However, since we live in a real world, the astounding cost of this project must be evaluated in light of our deficit. We don't know what the benefits will be for society. But, the same could be said for the space program at its inception. For this project to go ahead, it's essential the Federal Government receive financial support from State government, industry and foreign governments. It can be done.

President Reagan ended the policy meeting which decided the fate of the SSC, by saying "Throw deep," thereby signaling his support for the super collider. James Miller, head of the Office of Management and Budget, said: "You're going to make a lot of physicists ecstatic."

Reagan replied, "That's probably fair, because I made two physics teachers in high school very miserable."

Mankind has never seen a project as ambitious as the super collider. I believe we all have the desire to throw deep, to reach for the stars, to travel into the frontier. Let's do it in America. Can you think of a better place?

Mr. FROST. Mr. Speaker, I'd like to express my enthusiastic support today for what has become this Nation's No. 1 priority in the field of high energy physics: the superconducting super collider.

For some time now, scientists have used research instruments known as particle accelerators to probe the basic elements and to increase our understanding of the fundamental structure of matter and energy. The accelerator has enabled us to further break apart the atom and identify its smaller component parts, as well as some of the forces which hold them together. In fact, the increase in knowledge made possible by the accelerator has placed us on the brink of understanding the forces present at the creation of the universe.

We are so close to this fundamental understanding of the universe. Yet, despite the important and exciting discoveries of the last 30 years, many more questions have been raised and remain to be answered before we can cross the next threshold. In order to search deeper into these unseen forces, it's now clear that a larger, more powerful accelerator using significantly higher levels of energy is required.

The superconducting super collider is the next step in this search. The SSC would be the world's largest accelerator. It would drive streams of highly energized protons around a 52-mile circumference track. The protons would be guided toward collisions at energy levels that cannot be achieved with any accelerator now in operation or under construction. Sensitive measuring equipment would record the results of these collisions.

Because of the magnitude of the project, scientists believe that the superconducting super collider will yield exciting new discoveries and will help answer some of the most basic questions of physics. It may even launch us in new, unexpected directions of scientific inquiry.

I'm pleased that the administration has decided to go forward with the SSC and has announced plans for the site selection process. It's critical, however, that we not lose the momentum that's now building for this superaccelerator. We must maintain our commitment if major advances in physics studies are to become a reality.

The building of the superconducting super collider is a vital step in the further advancement of scientific knowledge. I join with many of my colleagues in urging support for this nationally important research effort.

Mr. LIPINSKI. Mr. Speaker, it gives me great pleasure to rise today in congratulations to the administration for their decision to build the world's largest and most advanced high energy accelerator, the superconducting super collider [SSC].

For those who are not familiar with the cutting edge of physics research let me offer a brief explanation of what the SSC is and what it will do.

Though most people can imagine the vastness of our outer space universe, it is more difficult to conceptualize the infinite realm of the world that exists beneath that which the eye can detect. I am speaking of atomic and subatomic bits of matter that are the building blocks of everything that we know. These tiny particles of matter will be shot through 52 miles of tunnel at speeds far beyond the speed of light. The particles will be smashed into one another breaking into still smaller pieces where scientists will observe them and their properties.

Aside from the academic questions that this research will answer, the SSC research will have important contributions in other fields of science including electronics, medicine, and astronomy. Every man, woman, and child on the planet may someday benefit from the research done at the SSC.

The United States has been the world leader in high energy physics research since the field was begun. With the construction of the superconducting super collider the United States will continue to be preeminent in the field well into the next century.

The national interest in this project is so great that 20 States in the Union have expressed an interest in having the SSC built in their State. But whichever State is deemed to be most qualified as the site of the superconducting super collider, the entire Nation will benefit from the discoveries made there.

Mrs. VUCANOVICH. Mr. Speaker, it is my pleasure to participate today in this special order to emphasize the importance of President Reagan's decision to proceed with the superconducting super collider [SSC]. The SSC will bring the United States to the forefront of the scientific and technological revolution.

I am excited about the SSC for another reason, too. The State of Nevada has three potential sites, identified by an independent study, which qualify as eligible construction sites, one of which was rated as one of the top five locations in the country. If Nevada is selected as the State where the SSC will be constructed, that would mean a tremendous boom to our economy, as well as establish Nevada as a high-technology State.

The SSC is the basic research tool in high energy physics. High energy physics is the program that studies the fundamental nature of matter and energy. The SSC will be the world's largest accelerator, where protons collide with 20 times the energy of the existing highest energy accelerator in the world.

The super collider will enable scientists to continue their search for the fundamental nature of matter and energy. To progress in high energy physics research requires the study of proton collisions at energy levels that cannot be achieved with any accelerator now in operation. The SSC is basic science; advances in basic knowledge will contribute to the economic and technological competitiveness of our Nation.

The super collider will inspire young students to pursue careers in science and technology, will help prepare many scientists for positions of leadership in academia, industry and government, and ensure a position of world leadership for the United States in the field of basic science. The construction of the SSC will also attract attention from the academic and scientific communities from around the world.

I want to reiterate my support for the President's decision to proceed with this very important research program and urge this body to also support it. This is our opportunity to be on the cutting edge of basic science, play an important role in higher education and challenge physics research in high technology.

Mr. MADIGAN. Mr Speaker, I would like to take this opportunity to express my support for development and construction of the superconducting super collider [SSC], a 52-mile ring particle accelerator which will provide insight into the fundamental nature of matter and energy.

The 52-mile ring will be underground and will accelerate subatomic particles to an energy level approaching the speed of light. As they travel through the ring, the particles will collide to produce previously unknown subnuclear particles. Through studying these new particles, physicists hope to uncover clues to the ultimate structure of matter and, perhaps, to the birth of our universe.

While the SSC will provide no immediate practical results, the importance of this investment in high energy physics cannot be overstated. Studies in the basic nature of matter, energy, space, and time have led to the development of new technologies in such crucial fields as computing, electronics, and medicine. However, existing particle accelerators do not provide energy levels high enough to continue our current rate of progress. Once constructed, the SSC will be the world's largest and most advanced particle accelerator, providing 20 times the energy of any existing accelerator.

It is essential that the United States devote resources toward maintaining its lead in high energy physics and scientific research. We all agree that U.S. competitiveness needs to be enhanced. Failure to proceed with the SSC would allow the Soviet Union, Germany, and Japan, which are building new accelerator facilities, to move ahead of the United States in this important field. On the other hand, construction of the SSC, the world's largest accelerator, will bring international recognition to America for its advances in science and technology.

The United States must continue its quest for excellence and world leadership in science and technology. While assisting scientists in their search for the fundamental nature of matter and energy, the SSC will expand upon the basic knowledge necessary to ensure U.S. economic and technological competitiveness.

Mr. HOCHBRUECKNER. Mr. Speaker, I rise in support of pursuing the exciting technology behind the superconducting super collider [SSC]. Although we cannot see the small universe of atoms, protons, and quarks, that world fascinates us. Today we have the opportunity to explore even further that which makes up the basic matter of our world.

Satisfying our curiosity is just one result of moving ahead with the SSC. Construction of the world's premier particle accelerator will enable high energy physics to advance fundamental science into new realms. The next generation of students and scientists will be challenged by the task of analyzing the volumes of information produced by the SSC. Not only will the super collider encourage international cooperation within the sciences, but industry and business will look to apply its discoveries to the global marketplace. With the SSC, the United States will maintain its role as both a world leader in science and applied technologies and will be better positioned to compete successfully in this highly technological world.

To those who may have doubts, let me remind my colleagues that our Nation has been here before. This is not the first time we have faced this kind of decision. When the predecessor of the SSC was developed, the first photon synchrotron, there was no concept as to what benefits could flow from that development. Today, U.S. leadership in that technology offers the best opportunity for manufacturing the world's smallest computer chips, allowing the United States to recapture the lead in semiconductor technology. Working with a photon synchrotron and x-ray lithography, scientists are on the brink of a revolutionary breakthrough in the miniaturization of computer parts. By taking the lead in the development of synchrotrons and x-ray lithography, the United States can now combine scientific and industry know-how to recapture the front position in computer chip design. As long as Congress funds this kind of research, U.S. competitiveness worldwide will increase.

In other words, the synchrotron's applications to economic educational, scientific, and international projects are concrete and exciting. Just as we must take the opportunity to move forward in computer technology through x-ray lithography, we also must support the superconducting super collider. Because the United States pursued unknown technologies in the past, we now have the ability to revolutionize computing. Both x-ray lithography and the superconducting super collider rely on the strange-sounding machine called a synchrotron. And both offer us amazing opportunities to advance the U.S. position as a robust economic and scientific force in this world.

I urge my colleagues to support this historic project. Our competitive future could depend on it.

Mr. SLATTERY. Mr. Speaker, I commend my distinguished colleague from Illinois, who is also my new colleague on the Energy and Commerce Committee, Mr. BRUCE, for holding today's special order on the superconducting super collider.

When it is built, the SSC will be the biggest, most elaborate and most ambitious physics project ever undertaken, far larger than any currently existing particle accelerator. High energy physics, often called particle physics, is the study of the ultimate constituents of matter. The particle accelerator is its chief tool, because with the collisions of every energetic particles, scientists can observe in a direct way the basic building blocks of nature and the forces that hold them together.

The SSC's basic function will be simple: to accelerate subatomic particles, called protons, to velocities approaching the speed of light as they circle in opposite directions inside separate rings of magnets, and then to direct the protons into head-on collisions. Upon collision, the protons will have so much momentum that they will transform themselves into a more concentrated form of energy than has existed since the earliest moments of the universe.

Before these unstable fragments decay back into energy and forms of matter, their traces will be recorded by detectors. This will enable physicists to probe fundamental mysteries about the origin of matter and energy as they seek to bring the four known forces of nature—electromagnetism, gravity, the weak force—responsible for radioactive decay, and the strong force—which holds atomic nuclei together—into a single, unified theory.

Existing accelerators are similar but cannot propel particles fast enough to produce the energy concentration needed to break apart the most tightly locked components of atoms. Larger circular tracks will have gentler curves and, therefore, require less intense magnetic fields to keep the particles on their required path.

Construction of the SSC will ensure that the United States retains its preeminence in the field of particle physics. Ultimately, however, the success of the SSC will be measured by its scientific discoveries, measurements, interpretations, and innovations. In addition, a multitude of opportunities exist for research and development spinoffs in such areas as nuclear medicine, computer development and other high technology applications.

I know that some members of the academic and scientific research communities have expressed concern that a Federal commitment to the SSC project will squeeze out capital costs for other scientific activities. At this critical time in our Nation's history, we cannot allow further erosion in our academic research and education base. Those of us who support the SSC must be exceptionally vigilant to this danger. The Federal Government must continue to be an active participant with the academic and research communities in building for our future in all areas of relevant inquiry.

Approximately 40 States are taking an active interest in the site selection process for the SSC. My home State of Kansas is one of these States. The Governor of Kansas and the Kansas congressional delegation will be actively involved in promoting the virtues of the Sunflower State as the selection process proceeds. The State has already allocated $50,000 for research and planning and has found an ideal site south of Topeka, in Osage County.

Mr. Speaker, let me briefly review for you some of the fine attributes which Kansas can offer as a potential location for the SSC. We offer a stable geologic structure—a thick layer of shale and limestone that would allow for tunnels 200 to 600 feet below ground. The site has an adequate water supply; the SSC would encircle Pomona Lake, which can supply the 2.5 million gallons needed per day. The Wolf Creek powerplant and the Jeffrey Energy Center would provide sufficient electric generating capacity. The site is easily accessible to Interstate 70 and is within an hour of the Kansas City International Airport and the University of Kansas, one of the best public institutions of higher education in the United States.

Finally, it should be noted that Kansas has 90 percent of the free world's supply of helium. The world's largest liquid helium plant is located in Otis, KS, about 180 miles west of the proposed site. An adequate supply of helium is essential to the success of the SSC. The superconducting in the SSC's name refers to the kinds of magnets developed to guide and move the beams of protons. Essentially, the magnets are cooled with liquid helium to the point that electrical resistance ceases. Without such superconductivity, the magnets would draw massive amounts of electricity and would produce only one-third as much magnetic power, meaning that the accelerator's race track would have to be three times as long.

Mr. Speaker, construction of the SSC would provide an exciting opportunity for the world's leading particle physicists. The State of Kansas stands ready, willing, and eager to help them answer one of the fundamental questions of our existence: What does matter consist of and how does it come into being?

Mr. RICHARDSON. Mr. Speaker, I take great pleasure in participating in this special order in support of the superconducting super collider. The super collider is one of the most important research projects ever undertaken by the United States. The study of the atomic collisions created in the super collider may provide new answers to questions about the origin and nature of matter. The super collider will also enable our scientists to compete with other nations in the critical area of particle physics.

I first became interested in the super collider after hearing about this extraordinary project from Dr. Larry Lattman, President of New Mexico Tech. Dr. Lattman is also the chairman of the Super Collider Site Evaluation Committee. The committee includes eminent physicists from Los Alamos Laboratories, Sandia Laboratories, the University of New Mexico, and other respected scientists.

Mr. Speaker, using funds appropriated by the New Mexico legislature, the committee has been actively engaged in locating the ideal site in New Mexico for the super collider. The committee has commissioned geophysical studies of potential sites and has come up with what appears to be a perfect site in the Estancia Basin. The New Mexico Bureau of Mines is now conducting further studies to be sure this site meets all the criteria for the super collider. The committee is also seeking funds from the legislature to examine the infrastructure and human resources necessary to support the personnel who will be operating the super collider.

In addition to having already conducted the geophysical studies required to locate the site, New Mexico is perhaps uniquely blessed with those resources essential to the super collider project. The project requires 11,000 acres. New Mexico has plenty of land available that is sparsely populated and can be acquired and utilized without disrupting the lives of thousands of people. New Mexico has a moderate climate, which is listed by the Department of Energy as an important factor for the site of the super collider. The proximity of Los Alamos and Sandia Labs makes the scientific expertise necessary to the project readily available.

Mr. Speaker, in conclusion, I would emphasize that New Mexico is an ideal location for the superconducting super collider and is well ahead of the other states in doing the work needed to properly accomodate this project. I realize that there is fierce competition among my colleagues for the location of this project, but I wanted to let you know about the tremendous amount of groundwork that has been done in my home State of New Mexico.

Mr. DAVIS of Illinois. Mr. Speaker, I rise in support of the proposed superconducting super collider.

I am pleased and excited to join my colleagues for this discussion of what will be the world's largest instrument of scientific research. The superconducting super collider's physical size, however, is minor in comparison with the benefits it offers to science, industry, and society.

The potential for scientific discovery resulting from experimentation with the 52 mile particle accelerator is undisputable. The SSC is the key to understanding the most basic elements of energy. It will yield an understanding of the nature of all matter, electromagnetism, gravity, and the most basic forces of the cosmos. Indeed, it will serve as a window through which to view the structure of our universe.

The discoveries of the laboratory take little time finding their applications in industry, and the byproducts of the SSC technology are no exception. A superconducting material is able to conduct electricity with virtually no loss of energy and no resistance. The principles of superconductivity have opened a new era of low-cost transmission cables and energy storage for use in communications and other industries. Superconducting technology is also applied in detecting structural defects in materials, new high-speed transportation systems, and great breakthroughs in medical diagnostics and the treatment of tumors unreachable through today's surgical methods.

As much as the SSC technology is proving to be a valuable asset to the present, it is also a great investment in our future. In addition to its potential for discovery, it will serve as both an inspiration and a training ground for the greatest young scientific minds of our time. The SSC will supply America with the learning facilities needed to nourish the minds of the scientific and industrial leaders of the future.

Among the overwhelming benefits I have mentioned, there is one which gives me particular pride. The attention of the greatest minds and leaders of the world will be focused on America and the SSC. The construction and operation of the superconducting super collider will move the United States of America back into a position that we have abandoned too long. America will regain her competitive edge and, once again, stand before the world as the leader in the high technology field.

I urge my colleagues to recognize the value and importance of the superconducting super collider and to support its construction.

Mr. TRAFICANT. Mr. Speaker, I rise today to participate in a special order on the subject of the superconducting super collider [SSC]. This project, slated to be one of the largest Federal construction projects in our Nation's history, was approved by President Reagan on January 30.

The SSC, a $4.4 billion atom smasher or particle accelerator is two rings of superconducting magnets located in a 52-mile circumference, race track shaped tunnel that is 10 feet in cross-section diameter. The SSC will accelerate two beams of protons in opposite directions to nearly the speed of light and bring them into collision at four points where detectors will observe the results of the collisions. The SSC will continue scientists' search for the fundamental nature of matter and energy.

Construction could begin as early as fiscal year 1989 with operation possible by 1996. This project will utilize a construction work force of 4,500 and upon operation will employ a permanent work group of 2,500. At any one time, up to 500 visiting scientists could also be using this facility.

The substantial cost of the SSC is being weighed against the ultimate gain of scientific knowledge in the field of physics, to determine whether this project is a prudent investment for our Nation. Construction costs for the accelerator and laboratory is estimated to be $3.2 billion. International collaboration and cost sharing with other countries, private industry, and State and local governments will also be sought. The SSC could help this Nation regain our international competitiveness by stimulating scientists and engineers to develop future technologies in high speed electronics, data acquisition and processing systems, large scale cryogenics and superconducting facilities. In addition, the SSC would ensure parity with related programs in Europe well into the next century.

For my State of Ohio, currently one of the leading candidates for this project, the SSC represents an unparalleled opportunity to build on its already strong and growing base in technology. The SSC, if built in Ohio, would focus international attention on our State, stimulate technological innovation in existing industries, attract new high-tech employers, and provide valuable technological support to Federal facilities. Further, I am confident the SSC can be sited in Ohio with the cooperation and enthusiastic support of the public because a friendly atmosphere has been established between the public and those who support the SSC. This atmosphere demonstrates the enlightened self-interest among State, private industry, and local interests.

As a member of the House Science and Technology Committee, I will be participating in hearings during the month of March concerning the SSC and the administration's site selection process recently announced by Secretary of Energy, John Herrington. I welcome this discussion because I believe it is vitally important that Congress make its decision on this project so that the entire process can move forward. While it is certainly true this project is large, costly and complex, the SSC has the potential to provide physicists the resources to understand the fundamental nature of the matter, both as it existed at the beginning of time and how it may still exist, but yet undiscovered.

I want to thank my colleague, Congressman TERRY BRUCE for organizing this valuable discussion on the SSC.

Mrs. MARTIN of Illinois. Mr. Speaker, there is a word we've been tossing around quite a bit lately, and some have already called it nothing more than a buzzword. "Competitiveness" is the cry of the hour.

We all know how fond this city is of buzzwords. They often make us feel like we actually have ideas; they alleviate that annoying feeling that we haven't come to grips with the challenges that confront us.

Well, I for one hope that competitiveness is no such buzzword. I hope that we here in Congress are smart enough to stop talking about our opportunities to excel just long enough to take advantage of those opportunities.

One such opportunity, offering us perhaps the most profound promise, is the project called the superconducting super collider.

What could better demonstrate our commitment to excellence, our pursuit of knowledge, and our alertness to technological challenge than the SSC, the highest of high technology projects. This project will avert a fate that otherwise awaits us—the abdication of our position as the world's best in the field of high energy physics.

The world doesn't stand still; if we accept the challenge, we move ahead. If we reject it, other nations move ahead without us.

I know that some people think that conservatives and Republicans are only in favor of Defense programs, but let me read you a passage from the most recent edition of the National Review that gives some perspective on the challenge—and the opportunity—of the SSC.

> This project may * * * indicate a slow repairing of national will. There was a while there, in the Sixties and Seventies, when, with the lone exception of the moon landing, nothing seemed to get done. The interstate highway system ground to a halt; the SST got built elsewhere; Vietnam went. Some of these efforts may have been bad ideas, but one had the sense that it was essentially self-hatred that did them in, not badness. Perhaps the fit has passed.

Perhaps. But it is up to us. This project represents all that can be great about our Nation. It will demonstrate our commitment to unparalleled excellence, and it will do so long after you and I have left this body. The challenge is to change our destiny, and I urge you to accept it.

Mr. HAYES of Illinois. Mr. Speaker, the recently announced decision by the Secretary of Energy to fund the superconducting super collider [SSC] project is welcome news. This $4.4 billion, 7-year effort would involve the construction of an underground 52-mile ring which would enable scientists to accelerate subatomic particles to velocities approaching the speed of light. Upon collision, these particles will transform themselves into a more concentrated form of energy than has existed since the earliest moments of the Big Bang, which physicists believe gave birth to the universe. By analyzing these new particles, scientists expect to come closer to understanding the fundamental nature of matter. Existing technology cannot propel these particles fast enough to produce the energy concentrations needed to break apart these subatomic particles. The SSC will be the foremost high energy facility in the world upon its completion in 1996.

The SSC will enable American scientists to continue to contribute mightily to the state of basic scientific knowledge. It will employ a permanent work force of 2,500, with a peak construction work force of 4,500. And history shows us that great advances in basic knowledge often lead to new discoveries, spinoffs, and technologies which can result in the development of new industries and job creation for America.

I wish to join my fellow members of the Illinois delegation in applauding this decision by the Energy Department to move forward, and urge that Illinois be given full and fair consideration in the site selection process.

Mr. MORRISON of Washington. Mr. Speaker, I rise in support of the President's decision to move forward with the construction of the superconducting super collider [SSC].

The SSC will allow particle physicists to probe deeply into the heart of matter. This facility is a successor to the cyclotron which was invented by E.O. Lawrence at Berkeley in the thirties. The series of particle accelerators resulting from this invention have, over the course of 50 years, provided us with a profound understanding of our physical world. It is now clear that the proton and neutron, the basic constituents of atomic nuclei, are not elementary. They are composite systems consisting of more fundamental particles called quarks and leptons.

These insights, as a matter of course, lead us to deeper questions. Elementary particle physicists believe that answers to most of these questions, which are fundamental to our understanding of matter and energy, may be provided by the SSC. For this reason, the SSC facility is considered as absolutely vital to the research efforts of American particle physicists.

Equally vital is international cooperation in this venture. It may be appropriate to make construction of the SSC contingent upon this cooperation.

The State of Washington has selected a site in Lincoln County which they will propose to DOE for the SSC. This site is in the congressional district represented by the Hon. TOM FOLEY. Lincoln County meets all the criteria established for the SSC. Spokane International Airport and Seattle-Tacoma International Airport would service the site. In addition, the University of Washington has a highly regarded experimental particle physics group. In the Northwest we are also fortunate to have an abundance of low cost hydropower. The Northwest is strategically located as well with convenient access to the Pacific rim countries. Finally, Washington provides a superb living environment for its citizens. Washington State has an excellent site for the SSC and look forward to the upcoming opportunity to convince DOE of this.

Mr. STENHOLM. Mr. Speaker, the development of a superconducting super collider promises to extend America's leadership in the field of high energy physics well into the 21st century. It will provide us with a deeper understanding of the origins of matter and the relation of matter to energy. Today the United States leads the world because our great Nation alone, in the entire history of mankind, has provided the human mind with the freedom to explore—a freedom not restricted by Government restrictions. In this century we have seen the human mind's creativity triumph over the limitations of nature as Americans have conquered the heavens with the Wright brother's historic flight and Neil Armstrong's historic steps on the Moon.

In extending mankind's reach to the Moon and unlocking the secrets of the atom the United States marshalled the resources necessary to unlock the secrets of these mysteries. The superconducting super collider promises to have an equally significant impact in pushing forward the frontiers of human exploration freeing the mind from the restrictive bonds which nature placed upon it.

An American superconducting super collider will contribute to our national greatness in other ways. In the past American freedom served as an irresistable magnet attracting a generation of the best foreign minds to our shores. I believe the opportunity to work on a superconducting super collider will also prove to be such a magnet attracting a new generation of Fermis and Einsteins willing to cross oceans and continents for the opportunity to work on the SSC and, thereby, contribute to our American greatness.

I also want to take this opportunity to respond to critics who complain that we can't afford an SSC and that expenditures on an SSC will eliminate funds available to other scientific research. As a fiscal conservative and supporter of a balanced budget I must take issue with these arguments. I believe the SSC can be built at an affordable price which will permit continued expediture on other valuable research if DOE makes cost an important criteria in its site selection process.

I join my colleagues in saluting the administration's decision to proceed with the project. I feel that our Nation's tradition of scientific and technological excellence mandates this decision. We owe it to future generations of Americans to support this project and maintain U.S. leadership in high energy physics.

Mr. PORTER. Mr. Speaker, President Reagan's green light January 30 for building the world's largest, most powerful atom smasher has generated excitement among scientists interested in the tiniest matter and from Congressmen interested in the impact on their State.

The superconducting super collider [SSC], a 52-mile underground race track for beams of protons that crash into each other with such speed and force that they divide into even tinier pieces of matter, will reveal to us vast new scientific secrets. Although scientists can not make promises about where the basic research will lead, no one doubts new knowledge will be acquired with broad applications—from health care to transportation of electricity.

The SSC will be a boon to the Nation's science base. While the science of the proposed SSC may sound obscure to all but the most technical minded, pure intellectual curiosity about particles called antimatter in the 1930's led to today's life-saving CAT scan diagnostic equipment in hospitals.

The United States must maintain its high-tech leadership and, so must have the SSC. It will be the most ambitious scientific instrument ever built, and will provide new access into the complex, submicroscopic world of high energy physics.

Mr. LUJAN. Mr. Speaker, I rise in support of the President's decision to move forward with the construction of the superconducting super collider [SSC] which Secretary of Energy Herrington has aptly described as "A beacon for America's science and technology that will be known around the world."

The SSC is the logical consequence of its predecessors. Rapid advances in both particle physics and accelerator technology have made the evolution of bigger machines an inevitable trend, springing from human ambition to expand scientific knowledge and technological capability, and to attempt whatever seems possible.

The SSC is designed to answer some of the deepest questions of physics, and, if history is any guide, it will also produce totally unexpected discoveries, pushing scientific inquiry in new directions.

The incentive to pursue research of this kind derives not only from the ageless human need to expand the limits of knowledge, but also from the conviction born of past experience, that doing so will bring benefits to society. Today's technological marvels grow from yesterday's basic research.

The powerful superconducting magnets of the SSC will both exploit and advance the remarkable new technology of superconductivity whose great potential for industrial application has barely been tapped. In other technologies, such as electronics and computers, and in underground construction techniques, the rigorous demands of the SSC and its particle detectors will also advance the state of the art.

Scientists from around the world will work at the SSC, continuing a long tradition of international cooperation in particle physics, and reversing a trend that in recent years has led many outstanding physicists from many nations, including the United States, to seek superior research opportunities in Europe. As a training ground for physicists at the threshold of their careers, the SSC will play an important role in American higher education. At the same time, it will inspire many young people to embark on careers in science and engineering. The SSC's challenges in research and its innovations in high technology will help prepare many scientists for positions of leadership in academia, industry, and government.

Mr. Speaker, because the SSC will be a major new national laboratory, it will be of enormous benefit not only to the world science community but also to the community in which it is located. A large number of our States, including my own New Mexico, are aggressively seeking to host the SSC. New Mexico has been working for over 2 years to put together a first-rate package to site the SSC in the northern Estancia basin, and I commend the many individuals and organizations who have contributed their time and expertise to date. Indeed, nationwide I think the conditions of State, local, private, and utility interests which are being put together to compete for siting of the SSC, whether they ultimately are successful at hosting the SSC or not, will also find that they can later work together on other important projects to their State's interests. Thus, there are many other benefits to moving forward with the SSC at this time.

We obviously cannot predict what new things will be found with the SSC, or their eventual impact on society. But, by answering some of the questions we are asking, the SSC will open a new window on the cosmos, expanding the foundation of knowledge upon which our future will be built.

TRIBUTE TO RETIRING R. MAX PETERSON, CHIEF OF FOREST SERVICE, USDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. EMERSON] is recognized for 30 minutes.

GENERAL LEAVE

Mr. EMERSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of this special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. EMERSON. Mr. Speaker, I take this opportunity to pay tribute and express my personal thanks to R. Max Peterson, Chief of the Forest Service, USDA, who, on February 2, retired after 37½ years of distinguished public service. He served as Chief of the Forest Service for the last 7½ years, and was the 11th person to hold that position in the agency's 82-year history.

I take particular pride in Mr. Peterson's career since he is a native son of Missouri and the district I have the honor to represent. He was born in 1927 near Doniphan, MO, which is the southwest portion of my district. He grew up near the Mark Twain National Forest, developing a love for the land that was to express itself repeatedly throughout his career. After serving with the Naval Air Corps during World War II, he graduated from the University of Missouri in 1949, with a bachelor's degree in civil engineering.

Mr. Peterson began his career with the Forest Service on the Plumas National Forest, in California, and during the next 9 years, worked on three different national forests in that State. In 1958, he was awarded a Rockefeller Foundation Fellowship to the Water Resources and Land Use Planning Program at Harvard University, where he earned his master's degree in public administration. He returned to work at the Forest Service's northern region headquarters in Missoula, MT, in 1959. In 1961, he was assigned to the Washington office, where he worked on a variety of administrative and engineering assignments. In 1966, he returned to California as regional engineer. In 1971, he was named Deputy Regional Forester for the 13-State southern region, headquartered at Atlanta, GA. The following year, he was named Regional Forester. In 1974, he returned to Washington as Deputy Chief for Programs and Legislation, and became Chief of the Forest Service on July 1, 1979.

As Chief, Mr. Peterson has been responsible for the management of more than 190 million acres of Federal forests and grasslands; a forestry research team of more than 800 scientists; a program of forestry assistance to State and local governments, industry and private landowners; and work and training programs for the unemployed, disadvantaged youth, and older Americans.

In his role as Chief, Mr. Peterson's emphasis has been management excellence and public responsiveness. He has sought to bring together divergent interests to share the National Forest

System lands, so that all the public—present and future generations alike—will benefit from the lands they own. Looking to the future, while recognizing past traditions, the agency recently created a vision statement, crystallized in the phrase "Caring for the land and serving people." His philosophy is that, although America is blessed with abundant natural resources, "it is our challenge and responsibility to insure these resources are used wisely to benefit us not only today, but for generations to come.

Through his leadership and innovation, the Forest Service has been able to serve the American public better and more efficiently, even though faced with budget and personnel reductions. In step with the budgetary times, Mr. Peterson established productivity improvement teams to find ways to increase productivity and decrease costs, and administrative review teams to strengthen the agency's administrative activities. The recommendations from these teams have saved and will save taxpayers tens of millions of dollars.

Yet, Mr. Peterson always took an intense interest in Forest Service employees and their development and never lost regard for the human elements of management decisions. With advance planning and deliberate management, reductions in personnel and funds were handled with a minimum disruption to employees.

Mr. Peterson also saw the need to tap new reserves to get needed resource work done and to provide citizens an opportunity to become involved in conserving their natural resources. He greatly expanded the use of volunteers and other human resource programs.

Mr. Peterson has a keen awareness of the value of long-term planning in providing a base for sound natural resource management. As Deputy Chief for Programs and Legislation, before becoming Chief, Mr. Peterson was deeply involved in the development of the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act, the Forest and Rangeland Renewable Resources Research Act, and the Cooperative Forestry Assistance Act. Under his leadership and in response to the 1974 act a comprehensive national assessment of the renewable resources on all forest and rangelands in the United States was prepared in 1979 and supplemented in 1984. Renewable resource programs for the Forest Service were presented in 1980 and 1986. The agency also undertook the charter to develop integrated land and resource management plans for each national forest. In a process that fully involved the public and utilized the best planning technology, the agency has completed draft or final plans on over 85 percent of the forests, with the remaining plans currently being developed.

Mr. Peterson also worked diligently to resolve a longstanding controversy over roadless areas. Working closely with the Congress and the affected publics, legislation was developed and enacted on a State-by-State basis that designated certain lands as wilderness and released other lands for uses other than wilderness. This congressional review and legislation enactment is nearly complete. I and many of my colleagues participated in this difficult congressional consideration.

Mr. Peterson has been a frequent administration witness at hearings and a regular visitor to Members of Congress. He is widely respected for the depth of his resource knowledge and management skills.

In research management, Chief Peterson emphasized new developments with practical applications, insisting that the results be marketed as soon after development as possible. He is an international leader in forging a research program to determine the causes and effects of acid rain, and to develop solutions to the worldwide problem. He also led development of a biotechnology program in Forest Service research, a competitive grants program, and greater coordination with universities and other research organizations worldwide.

During Chief Peterson's tenure, a number of innovations were developed in State and private programs. Cooperation between State fire organizations and other Federal agencies has been formalized to the point of total national mobility during major fire emergencies. In insect and disease outbreaks, the emphasis is on prevention and using alternatives to chemical pesticides wherever practical. Chief Peterson has also been instrumental in establishing what will be the greatest tree planting effort in the Nation's history, as part of the conservation reserve provided for in the 1985 farm bill.

In all aspects of Forest Service programs, the emphasis has been on providing the latest technology to all potential users.

Mr. Peterson has received numerous awards, culminating in the 1985 Presidential Rank Award as Distinguished Executive, recognizing him for sustained extraordinary accomplishment and leadership.

I have consulted with Chief Peterson over a number of years on a wide variety of topics. I, and I'm sure my colleagues, have deeply appreciated and valued his counsel.

I want to extend our thanks to Mr. Peterson for this counsel, his untiring dedication to public service, his innovations in providing organizational excellence, and his strong leadership in the conservation of natural resources.

Although we will miss Mr. Peterson as Chief of the Forest Service, I am gratified that Secretary Lyng has appointed F. Dale Robertson, presently Associate Chief, as the new Chief. Mr. Robertson brings a wealth of experience in the agency to his new position as Chief.

□ 1630

IT'S TIME TO TAKE ANOTHER LOOK AT THE CONTRAS

The SPEAKER pro tempore (Mr. GRAY of Illinois). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 60 minutes.

Mrs. COLLINS. Mr. Speaker, I called this special order to underscore the need for a new Central American policy. As the first Member of the 100th Congress to introduce legislation calling for a moratorium on Contra funding, I believe that the time has come to take a new look at the wisdom of supporting the Contras.

The Iran/Contra scandal raises important questions concerning foreign policy and congressional authority. This administration's illegal transfer of funds from Iran is a dangerous intrusion into congressional domain and endangers United States foreign policy worldwide.

The Boland amendment was clear. Congress intended to oversee all Contra funding. In 1985, we approved $27 million in humanitarian aid to the Contras. Last year, $100 million was authorized. No other funds were approved.

By sending more money to the Contras from the Iran-arms slush fund, the administration not only violated the law, but attempted to usurp legislative authority.

Furthermore, the Contras are benefiting from this lawbreaking. If nothing is done, they will receive millions of dollars more than Congress intended, and they don't deserve this windfall.

The President claims that these fighters will bring democracy to Nicaragua, but he never explains how.

The Contras do not have the support of the Nicaraguan people; their leaders are former officers of the Nicaraguan National Guard—the very same men who tortured and killed their own citizens under the dictator Anastasio Somoza, and they operate with total disregard for the international standards of human decency.

In December, the human rights group, America's Watch, documented the Contras' use of landmines which killed and injured many civilians. According to press reports, 1,100 civilians were killed or wounded in the fighting in 1986. It is my belief that soldiers who kill civilians and use terrorist tactics cannot bring democracy to Nicaragua.

Evidence also indicates that the Contras have engaged in drug-running black-market currency trading and theft. The most blatant example is the disappearance of $27 million in U.S. funds which went to the Contras in 1985, but has vanished. Attempts by the Government Accounting Office [GAO] to locate them have been unsuccessful. According to a DSG report on the Contras:

First. Since last November, the administration has deflected or refused GAO requests that the State Department's Nicaraguan Humanitarian Affairs Office [NHAO] provide it with documentation that would demonstrate that funds are actually reaching the Contras and are being used for nonlethal items.

Second. The administration has refused to permit the NHAO to send any administrators to Central America to make sure that the aid is being properly distributed.

Third. In addition, the administration has barred the GAO from going to Central America to monitor use of the funds.

Fourth. The State Department has also refused GAO requests dating from last December to examine the bank account records of the brokers and suppliers that have received funds from the Contra aid program.

Fifth. The State Department has twice refused to send officials before the Western Hemisphere Subcommittee to respond to the GAO report.

Sixth. Observers believe that the administration has attempted to frustrate congressional inquiries into where the Contra money has gone because it will become apparent that millions in aid have been diverted quite possibly illegally. The administration clearly fears that, by following the money trail, the press and Congress will discover fraud in the Contra aid program and that public and congressional support for Contra aid will collapse.

These are a few examples of the administration's attempts to cover up Contra misuse of American funds. Time and time again, the President has claimed that democratic leaders would emerge. Each time he wants more money, he promises reforms. But they are never forthcoming.

During the last several weeks, the Contras engaged in another internal power struggle. The administration wants us to believe that this is a reform, but no substantive change emerged: The antidemocratic leaders still command the Contra military forces.

The Contras haven't changed because they can't change. They are the remnants of the repressive Somoza regime which the Nicaraguan people rejected. I think that they will never accept democracy because they are the tools of dictatorship. And they can't win because the Nicaraguan people will never accept them.

I can understand why many of my colleagues have supported the Contras in the past, but now is the time for change. Today, the Contras threaten more than the Nicaraguan people; they are being allowed by this administration to exploit the laws of the United States. In its obsession to support these terrorists, the administration has broken countless laws and left our foreign policy in shambles. The shady deals and secret Swiss bank accounts have destroyed both the confidence of the Central American people and of our allies around the world.

A moratorium on Contra funding will give Congress and the American people time to reassess this support; time to decide if providing money for those who terrorize civilians will further the cause of freedom; time to decide whether giving money to men who steal and run drugs is in the best interest of our Nation; and time to decide whether secret slush funds and sleazy black-bag operations make wise foreign policy.

I urge all the Members of Congress to join me in supporting a moratorium on funding. It's time to take a closer look at the Contras. And its time for Congress to recapture control of foreign policy.

Mr. AKAKA. Mr. Speaker, I rise in indignation at the gross misconduct of the Reagan administration in transferring surplus funds from arms sales to Iran to the counterrevolutionaries in Nicaragua. I recognize that the illegality of the diversion will not be officially determined until independent counsel Lawrence E. Walsh completes his investigation. However, I am not alone in my conviction that the diversion of millions of dollars from the Iran arms sales and the funneling of millions more from private sources carried out by the National Security Council [NSC] staff violated the spirit, if not the intent, of section 105 of the Intelligence Authorization Act for Fiscal Year 1986, popularly referred to as the Boland amendment. This provision prohibited any U.S. agency involved in intelligence activities to expend any funds available to it for the purpose of supporting military or paramilitary operations in Nicaragua.

"Who knew what, and when?" seems to be the question of the year. The President's review board, headed by former Senator John Tower, conducted an investigation that has confirmed NSC staff involvement in covert support for the Contras during a time when all such activity was expressly prohibited. NSC staff, in particular, Lt. Col. Oliver North, began the operation after being assured by the President's Intelligence Oversight Board [IOB] that they were precluded from the Boland amendment prohibition. Such was the IOB's interpretation, but clearly, not the interpretation intended by Congress. The Boland amendment stated that, unless Congress should vote otherwise, "no funds available to" the CIA, the DOD, or any other U.S. agency or entity involved in intelligence activities "may be obligated or expended for the purpose, or which would have the effect, of supporting, directly or indirectly, military or paramilitary operations in Nicaragua by any nation, group, organization, movement or individual."

Let me remind my colleagues that in addition to voicing disapproval of this disreputable chain of events by participating in this special order, we can add bite to the bark in the form of a moratorium on the remainder of the $100 million made available to the Contra forces for this fiscal year. My distinguished colleague from Illinois [Mrs. COLLINS] has introduced H.R. 222, a bill to suspend funding to the Nicaraguan democratic resistance until Congress has completed investigations on the arms sales to Iran and the possible illegal use of U.S. funds for assistance to the Contras. Furthermore, the bill would reduce funding by the amount determined to have been transferred from the arms shipments. A similar bill, H.R. 360, has been introduced by another colleague, Mr. KOLTER of Pennsylvania. I have added my name as cosponsor to both bills.

These are not rescission bills. Instead, the legislation proposes to suspend further funding until the facts are known. I strongly urge my colleagues to join me in supporting the moratorium on Contra aid when the matter comes to the floor for consideration.

Mr. HAYES of Illinois. Mr. Speaker, I rise today to join my colleague from Chicago, Congresswoman CARDISS COLLINS, in this special order to discuss the important subject of aiding the Contras attempting to overthrow the Nicaraguan Government. I share her concern, and I also share her opposition to the President's flawed policy.

My opposition to this policy has been consistent, Mr. Speaker. But I believe that the problems that have surfaced because of the Iran/Contra scandal have helped to raise questions in the minds of even the President's staunchest supporters. Not until after the select committees of Congress have completed their work will we know with any certainty if laws were broken. In the meantime, however, many American citizens have questions about the direction of our Nation's foreign policy. I think it would be most prudent for the Congress to halt aid to the Contras—whether you agree with the policy or not—until such time as we can discern what has occurred. Millions of dollars have been spent, thousands of lives have been lost and yet there have been no military victories for the Contras and Central America is more unstable than at the beginning of this misguided policy.

If what we seek is peace and stability in Central America, it appears the cost of pursuing the Reagan administration's policy may be higher than we ever expected: credibility both at home and overseas. Before we spend another dollar, we should be able to account for the previous dollars spent and for the actions that our Government has undertaken. Even for those of my colleagues who have supported this Contra policy in the past, this would be a responsible step in restoring our Nation's credibility.

Once again, I am glad to join with Congresswoman COLLINS in discussing this important subject.

Mr. RANGEL. Mr. Speaker, I commend the gentlewoman from Illinois [Mrs. Collins] for taking out this special order to give Members the opportunity to state unequivocally that Congress will not tolerate the provision of illegal funding to the Nicaraguan Contras. As the first Member of the 100th Congress to sponsor legislation calling for a moratorium on Contra funding (H.R. 222), the gentlewoman has been a leader in asserting the constitutional power of the Congress over the purse strings and the right of Congress to be informed and involved in the sensitive foreign policy issues related to United States involvement in Nicaragua. I am pleased to join the gentlelady in this special order.

Mr. Speaker, the revelations of the past several months concerning arms transfers to Iran and the diversion of proceeds from those sales to the Contras have shocked and astounded the Nation and the world. We have witnessed a serious breakdown of our foreign policy apparatus, with a National Security staff engaged in ill-advised and illegal activities while an aloof President failed to exercise proper control over these most sensitive foreign policy matters. These operations, carried out under the cloak of secrecy, reveal a pattern of disregard for the law and clearly violate the right of Congress to be informed about the administration's conduct of activities in support of the Contras.

Congress has provided funding for the Contras over the years with a variety of restrictions and limitations. Under the so-called Boland amendment, Congress made clear that U.S. support to the Contras was limited to that specifically authorized by law. Last year, Congress approved $100 million for the Contras, and in 1985 $27 million was authorized for humanitarian aid. The administration's secret transfer to the Contras of additional funds from the Iran arms deals violates the Boland amendment and blatantly ignores the authority of Congress in this area.

Other administration activities, such as encouraging private sector efforts to channel military assistance to the Contras, may well have violated other U.S. statutes. In addition, as the gentlelady points out in her remarks, persistent reports of widespread human rights abuses by Contra elements and the inability to account for as much as half of the $27 million approved for humanitarian aid, raise serious questions about continued U.S. support for the Contras.

The aura of illegality that pervades U.S. support for the Contras and Contra activities has another disturbing dimension. As chairman of the Select Committee on Narcotics, I have been especially concerned by repeated allegations that the Contras have been involved in drug smuggling to the United States to help support their revolution against the Nicaraguan Government. Reports in the press have linked Contra factions to cocaine trafficking, and a preliminary review of these charges by the Select Committee last year revealed enough evidence to warrant further investigation. Indeed, the State Department has admitted that it has evidence implicating officials of a Contra splinter group in drug smuggling, but the administration has been slow to investigate these charges.

If the allegations of Contra involvement in drug trafficking are true, one can only speculate whether our Government is in some way responsible. Perhaps the administration's illegal transfers of funds to the Contras and the failure to inform Congress spawned an attitude among the Contras that our Government would look the other way if they used drug smuggling to finance their revolution. Perhaps strict adherence to the law by the administration would have sent the message that the United States would not tolerate Contra involvement in drug trafficking.

We may never know the answers to these questions. But the entire Iran arms/Contra funding scandal and allegations of Contra drug involvement demonstrate the need for Congress to seriously reevaluate U.S. support for the Contras. The United States should not finance drug criminals in the guise of supporting "freedom fighters" against communism in Central America, and we should not allow the administration to support armed revolution in Central America in violation of the laws of Congress.

Ms. SLAUGHTER of New York. Mr. Speaker, I wish to address my colleagues on one of the most important foreign policy issues facing our Nation today: the United States' continued funding of the armed struggle in Nicaragua.

In the short time I have been in office, I have received hundreds of appeals from my constituents in the form of letters, postcards, petitions, telegrams, phone calls, as well as in person, expressing strong dissatisfaction with our continued funding of the Contra rebels. The message from New York's 30th Congressional District is clear: Stop throwing money at Nicaragua.

In the past 6 years we have spent over $200 million in covert aid, military aid, and humanitarian aid, and the Contras do not control a single village. With each appropriation, the Contras have promised reform yet continue to engage in widespread human rights abuses.

The President will be asking Congress to appropriate the remaining $40 million in aid to the Contras from last year's allocation of $100 million. Before we consider his request I think it is about time the American people got an accurate accounting of how their money has been spent.

First, there must be an accounting for the $27 million in humanitarian aid appropriated by Congress in 1985 which does not appear to have been spent for its intended use. Last year, the State Department was unable to verify how more than half of that $27 million had been spent. Further, there must be a full investigation into the Iranian arms deal and the illegal diversion of funds to the Contra rebels, an act that was in clear violation of the Boland amendment.

How can we justify sending more money to Nicaragua at a time when we are struggling to regain control of our budget deficit? How can this administration say no to the seniors of this Nation, no to students in need of loans to further their education, no to our veterans who have fought and sacrificed so nobly for this country, then request more money for the Nicaraguan conflict? Clearly, our tax dollars could be better spent.

I share the opposition of the American people to any further aid to the Contras. I am supporting legislation that will delay the vote on further aid to the Contras until the taxpayers' money has been accounted for and I will vote to block the remaining $40 million when it comes to the floor for a vote.

The will of Congress has been subverted; the will of the American people has been subverted. This must not continue.

Mr. MATSUI. Mr. Speaker, because it is quite apparent that large sums of money may have been illegally diverted through a secret Swiss bank account in direct violation of the Boland amendment to the Intelligence Authorization Act of 1986, I join my colleagues in protecting the constitutional authority of Congress and assuring the accountability of the executive to the American people and to the Congress.

The transfer of the remaining $40 million in assistance to the Contras in Nicaragua must be deferred until special congressional investigations of the arms sales to Iran and the alleged diversion of proceeds from those sales to assist the Contras are complete. In addition, we must continue to evaluate the economic, political, and military situation in Nicaragua so that our policy is rational and effective.

The Sandinista Government today is a far cry from the one hoped for; there is no free press, credible political opposition, or even a free electoral process. But I believe that sending more money to the Contras is not an effective means of ensuring freedom in Nicaragua and stopping the spread of communism in the region. The Contras have failed to implement promised reforms and continue to engage in widespread human rights abuses. They have also failed to account for the $27 million in humanitarian aid authorized in 1985.

I wholeheartedly support all legislation which will accomplish the important objectives of imposing a moratorium on the remaining $40 million and subtracting an amount from the remaining aid to offset any illegal assistance that may have been transferred, pending the committee's investigation.

This may not answer current questions concerning the administration's management of U.S. foreign policy, but it would be a step in the right direction.

Mr. EVANS. Mr. Speaker, many advocates of "Contra" aid have been clamoring in the past weeks over the "confusion" in Congress between failed administration policies in Iran and effective policies in Central America. They claim we should not cut off aid to the Contras because of a scandal involving arms sales to Iran and a little illegal funding. And so we should not. The proposed moratorium on aid, however, is a reaction to deeper problems than double dipping by Ollie North.

For instance, what happened to most of the $27 million sent to the Contras as "humanitarian" aid just last year? The GAO can't seem to find it. As the recent Iran scandal reveal, the Contras have received a great deal of military aid despite the official ban. And what do they have to show for it? They lack organization, they suffer from internal divisions, they have no Nicaraguan constituency, and they have consistently engaged in violations of human rights. Past experience clearly shows that providing military assistance and intervening in another country's affairs gives no assurance that a more stable, let alone democratic, political environment will result.

Moreover, the embargo against Nicaragua, formerly the number one importer of agricultural implement products in Central America, has hurt industries in west central Illinois, and worsened our employment while helping to galvanize Central American support for the Sandinistas. Our policies in the region ultimately have harmed our own best interests as well as the people of Central America. If we don't want to send bad money after bad, we should channel our efforts into establishing peace in Nicaragua. We must examine the proposal made by President Arias of Costa Rica rather than dismissing out of hand any solution that does not involve rebel forces.

GENERAL LEAVE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

NATIONAL FOREIGN LANGUAGE WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 60 minutes.

Mr. PANETTA. Mr. Speaker, it is my pleasure today to commence a special order on the importance of foreign language study and knowledge as part of Congress' observance of National Foreign Language Week. This commemorative occasion is intended to highlight the growing significance of foreign language education and training for Americans at all ages and from any walks of life. A similar special order will be observed in the other body by Senator CHRISTOPHER J. DODD of Connecticut.

For every year since 1957 the first week of March has been proclaimed National Foreign Language Week, yet an official congressional designation has never been proposed. Given the growing internationalism in the conduct of American economic and political affairs, and the decline in Federal dollars available to support needed international education programs. I believe that it is more urgent than ever that the Congress reaffirm its support for foreign language study.

I have been an advocate of international education programs for a long time, and have continually worked to protect such programs from attempted cutbacks and eliminations. Our future national security and economic prosperity depend on our ability to communicate with our foreign counterparts. As technology shrinks the distances separating the nations of the world, we find ourselves dealing with foreign nationals with greater and greater frequency. Across the negotiating table, in our laboratories, through business deals, and in academic conferences we place ourselves at an immediate disadvantage by our limited ability to communicate. We must wake up and recognize that English is no longer the only game in town. One of the key themes, and tasks, for this Congress is restoring America's competitiveness in a highly complex and competitive world. Improving our foreign langauge training capability is a concrete and attainable goal in the context of international trade and our place in this world.

Japan's remarkable recovery since the end of the war has been the greatest economic success story of the century, much to the chagrin of many of her competitors. The success can be attributed to a number of factors, but I do not think that we can underestimate the importance of Japan's international marketing strategies, including especially its strong emphasis on other languages and cultures. The Japanese have deliberately prepared their businessmen and other professionals to operate in a global marketplace, with multicultural customers. They have learned the language, analyzed the needs, grasped the culture, and tried to understand the basic psyche of all potential consumers. It is estimated that there are 10,000 Japanese businessmen who speak English in the United States, while only about 1,000 American businessmen are in Japan, most of whom can not speak the language.

U.S. companies, for the most part, have marketed their products abroad American style. American advertising campaigns have not been as effective as they could be because we have not taken the time to understand international audiences. For example, in Italy advertisements for Schweppes tonic translated the product as bathroom water. A Coca-Cola ad was phonetically translated into Chinese characters as "bite the wax tadpole." And Chevrolet marketing executives were stumped as to why their Nova car was not selling in Spain until they finally realized that "Nova" translated into Spanish means "does not go." We have committed countless careless, thoughtless and costly mistakes which have done nothing for American prestige, let alone product sales.

The language of business must be the language of the customer. Yet, in only a small percentage of the Nation's business schools are courses in foreign languages or international affairs required. We simply are not preparing these business majors for the future. Likewise our scientists and engineers are quickly finding that the latest breakthroughs in their fields are no longer occurring exclusively in English speaking countries, or being reported only in English language journals.

The need for bi or trilingualism is no less acute in the diplomatic sector. The important role of first rate interpreters and translators was dramatically demonstrated at the recent summit meetings. But in addition to these highly skilled linguists, what a difference it would make if each Embassy and consulate around the world was staffed with professional diplomats who had a working knowledge of the native language—or at least the ability to learn. But the Foreign Service requires absolutely no prior foreign language experience as a prerequisite for entry into the Corps.

In short, foreign language study should no longer be limited to foreign language majors. Students themselves are beginning to realize that knowledge of certain key languages will make them more attractive to potential employers. Accordingly, enrollment in college-level Japanese courses increased 40.2 percent from 1980 to 1983. This trend must be encouraged and expanded to encompass all languages of the world. Japan's is not the only market in which we will compete in the years ahead. Commerce in the Middle East, for example, will grown increasingly significant, to say nothing of its strategic value. Yet over that same 1980-83 period, the number of students studying Arabic actually declined by 0.9 percent.

Higher education institutions should broaden their foreign language programs and make minimum language competency a requirement. Although some colleges and universities are beginning to reinstitute language requirements that were dropped in the late sixties and early seventies, the Federal Government must encourage them to continue along this path. Our Nation needs both broad-based competency and in-depth specialization in international languages and affairs. Our educational institutions must be prepared to meet these dual needs on an unprecedented scale. The Federal Government must provide the leadership to encourage this trend. Encouraging increased foreign language enrollments and requirements, maintaining and upgrading teachers' language skills, and promoting hands on experience abroad will help to set these wheels in motion.

Mr. Speaker, when President Reagan met with General Secretary Gorbachev of the Soviet Union in Geneva in 1985, these two leaders did agree on one indisputable fact in spite of the great differences between our nations: the future security of the world depends on the mutual understanding between the American and Soviet peoples. The only signed agreement to come out of those meetings was a pact to increase cultural and academic exchanges. In pledging their commitment to this new initiative, Mr. Reagan and Mr. Gorbachev recognized that Soviet-American cultural awareness should not be limited to a few top-level Kremlinologists and Americanologists in the upper reaches of power in the two countries; the mutual understanding should filter through to all corners of society.

It is in this spirit that I think Congress should move to encourage improved and expanded foreign language programs, not only in Russian, but in the languages of all regions of the world. It is imperative that we be able to function effectively in the increasingly complex and intertwined network of international relations. For the sake of our role in the world's marketplace, the sake of our security, and the sake of international understanding and cooperation, I consider it imperative for the United States to increase its support for and emphasis on foreign language education, training, and practice at all levels. National Foreign Language Week is an important occasion to stress the significance of foreign languages for our country, now and in the future.

CONSUMER RAIL EQUITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. BOUCHER] is recognized for 20 minutes.

Mr. BOUCHER. Mr. Speaker, today I am introducing along with 25 of our colleagues the Consumer Rail Equity Act.

Introduction of the bill marks the renewal of the effort so ably captained in the 99th Congress by our colleagues Mr. TAUZIN, Mr. TAUKE, Mr. RAHALL, and Mr. ROGERS to secure relief from excessive rail rates for captive shippers. They remain coleaders in this effort, not merely cosponsors, and I look forward to working with them as we press our cause.

Mr. Speaker, I wish to make a few comments which go to the heart of what we hope to achieve before describing the Consumer Rail Equity Act in greater detail.

First, the Consumer Rail Equity Act is not an effort to reregulate the railroads. It neither expands the regulatory umbrella of the ICC nor undermines the basic foundation of deregulation laid by the Staggers Act.

Fully 80 percent of rail traffic, traffic which enjoys the benefits of a deregulated, competitive rail marketplace, is not affected by the bill.

It does, however, hold the promise of effective rate oversight by the ICC for that small number of shippers and consumers who are captive to one railroad.

It promises to coal operators in my Appalachian district the opportunity to compete in domestic and foreign markets.

It holds the promise of protecting consumers from utility rate increases tied to the automatic passthrough of unreasonable rail rates.

Finally, and most importantly, it restores a sense of balance to the Staggers Act, a balance which defers to marketplace competition to set rail rates where competition exists but insists on reasoned regulation to protect the interests of both carriers and shippers where there is no competition.

To achieve these objectives, the Consumer Rail Equity Act: Refines the measurement of revenue adequacy to that employed by State public service commissions, shifts the burden of demonstrating rate reasonableness from the captive shipper to the rail carrier, allows for rates to decline if the rail inflation index declines or if the carrier achieves productivity improvements, limits the consideration of extraneous factors affecting product or geographic competition, and enhances the use of joint rates, reciprocal switching agreements and access to rail facilities to moderate rates.

In short, the Consumer Rail Equity Act attempts to create a level playing field between captive shippers and railroads. It protects the legitimate interests of railroads, shippers, and consumers. And it is entirely consistent with the policy objectives of the Staggers Act.

I urge our colleagues to join this effort as cosponsors of the Consumer Rail Equity Act.

Mr. Speaker, the following section by section analysis of the Consumer Rail Equity Act highlights the specific provisions of the legislation.

CONSUMER RAIL EQUITY ACT—SECTION-BY-SECTION ANALYSIS

INTRODUCTION AND OVERVIEW

The Consumer Rail Equity Act is a regulatory reform measure to improve the operation and implementation of the Staggers Rail Act of 1980. The purpose of this legislation it to reaffirm the balance that was carefully struck in the Staggers Rail Act of 1980 between the needs of large and small railroads, shippers, producers and consumers, while preserving the fundamental structure and premises of the current law. The legislation's goal is to continue and enhance the Staggers Act's emphasis on permitting competitive market forces to govern the terms and conditions of rail freight service wherever possible, while providing a measure of parctical protection for those shippers who remain subject to railroad monopoly power—as Congress also intended in enacting the Staggers Act.

Despite numerous well-founded criticisms and after ample opportunity to carry out the law according to Congressional intent, the Interstate Commerce Commission has not done so. Thus, this modest legislation is needed.

The bill does not change the present statutory threshold for Interstate Commerce Commission jurisdiction over maximum rail rates, and thus does not seek to extend regulatory authority as to the "reasonableness" of any rates that are not subject to Commission review under present law. This legislation does not extend regulation to rates that are below the Commission's present jurisdictional threshold and continues the deregulation of contract rates that was established by the Staggers Act.

The most significant changes from present Commission practice and law that are proposed in the bill include a more realistic test of railroad revenue adequacy than the test being employed by the Commission, a simplification of the Commission's market dominance test, a shifing of the burden of proof with respect to rate reasonableness from the captive shipper to the railroad, and a direction to the Commission to adopt a rate reasonableness test that will assure that those shippers, producers and consumers who must bear most of the burden of helping the railroads achieve revenue adequacy are treated equitably.

The bill also enhances the availability of competitive rail opportunities for shippers and producers, and makes several procedural improvements, including improvements in abandonment proceedings and the procedures for ICC review of State commission rulings on intrastate rail rates. Finally, the bill assures that the national rail transportation policy which is embodied in the Staggers Act is consistent with other national goals of assuring the competitiveness of domestic commodities.

Section 1—Short Title: This section provides that the bill may be cited as "The Consumer Rail Equity Act."

Section 2—Purpose: This section reaffirms the goals of the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4R Act) and the Staggers Rail Act of 1980, and declares the intent of Congress that this bill shall assure that the previous two Acts are administered in a balanced manner that both provides adequate protection for those subject to railroad monopoly pricing power and maximizes the opportunities for intramodal competition.

Section 3—Market Dominance: Under the Staggers Act, the ICC has jurisdiction to determine the reasonableness of only those rates that are charged to "captive shippers". The Act defines a "captive shipper" as a shipper that (1) is paying a rate that exceeds the jurisdictional threshold established in the Act and (2) is subject to railroad "market dominance".

On July 31, 1985, the Commission adopted a new "market dominance" test under which the shipper must prove that it has no transportation alternatives, but the railroad could allege and prove that the shipper has a "product" or "geographic" alternative. "Product" alternatives might be the use of fuel oil instead of coal in the case of a utility or one type of grain instead of a second type of grain in the case of a bakery or feed lot. "Geographic" alternatives might be Pennsylvania coal instead of West Virginia coal or eastern coal instead of western coal in the case of a utility, or midwestern grain instead of North Dakota grain in the case of a bakery or export broker.

While shifting the burden of proving the existence of "product" and "geographic" competition was an improvement in the Commission's market dominance test, it nonetheless left those two obstacles to Commission jurisdiction in place, together with all of the opportunity for delay and discovery abuse they have often presented in the past. If a shipper can prove that it lacks transportation alternatives and is paying a rate of at least 170% to 180% of the railroad's variable costs, the possibility that other forms of competition might effectively discipline a rate that high is too speculative. Market dominance decisions at the Commission have not often turned on the product or geographic competition issues, so those issues have in practice become delaying tactics.

Therefore, the bill eliminates consideration of product and geographic competition in market dominance decisions. The shipper will continue to have the burden of proving that it lacks transportation alternatives and is paying a rate in excess of the cost recovery percentages (currently 180% of variable cost).

Second, the Commission's July 31st decision stated that it would analyze the captivity at the origin of the shipment as well as the captivity at the destination of the shipment. This is also a substantial improvement over prior Commission action, and the bill codifies this change.

Section 4—Rate Reasonableness: A persistent complaint about the present administration and interpretation of the law has been the Interstate Commerce Commission's standard for determining the reasonableness of a rate that is being charged a captive shipper. The Commission has embraced a philosophy of maximum rate reasonableness based almost entirely on demand for rail freight service, rendering the cost to the railroad of providing the transportation nearly irrelevant as a ratemaking consideration. No other regulated industry enjoys such freedom from cost scrutiny. In almost all other instances in which a company possesses monopoly power—and Congress recognized in the Staggers Act that railroads continue to possess monopoly power with regard to captive shippers—some consideration of cost is included in the disciplining of abuses of that monopoly power.

The Consumer Rail Equity Act, will not impose utility-type rate of return-based regulation upon market dominant carriers. The conclusive presumption that no market dominance can be found for a rate yielding revenues between 170 and 180 percent of variable cost, which precludes the Commission from even entertaining a complaint about a rate below that level, represents a fundamental policy judgment of the Staggers Rail Act that some shippers and receivers will be required to pay a greater share of the revenues needed to develop and sustain a sound national rail transporation system.

This bill does not revisit that policy decision of the Congress. This legislation does not quarrel with the jurisdictional threshold of the Staggers Act or with the judgment that some shippers and producers, and by extension some consumers, should pay more than others for rail transportation. Section 4 of the bill does, however, alter the method by which the Commission has been reviewing the reasonableness of rates of carriers possessing monopoly power. The Consumer Rail Equity Act requires the Commission to give careful attention to the railroads' costs and revenue needs.

On September 3, 1985, the ICC adopted the Coal Rate Guidelines which contain the rate reasonableness standards for captive coal. The Commission has since proposed to apply the Coal Rate Guidelines to other captive commodities. It makes little sense to use different rate reasonableness tests for different commodities. Nonetheless, the Commission's current rate reasonableness approach is indefensible.

The final coal rate guidelines provide three alternative "constraints" for captive coal rates. Under all three, the captive shipper has the burden of proof. (A fourth "constraint," phasing, is so ill-defined as to be of little practical use.)

First, if the railroad is revenue adequate, the coal transportation rate is constrained in some unspecified fashion. However, in light of the ICC's consistent failure to adopt a realistic revenue adequacy test, this type of constraint has little significance. This is particularly true since the ICC has indicated that this constraint—which is not defined—will apply only after the rail carrier has been revenue adequate for several years.

Second, according to the ICC, proof that a carrier's revenue inadequacy is due entirely to management inefficiency will constrain the rate. This imposes an unprecedented burden of proof on the shipper, especially in light of the magnitude of overstatement of revenue need built into the ICC's current revenue adequacy test. Thus, even if the ICC keeps its promise to allow adequate discovery to the shipper, it is still unlikely that shippers will attempt this approach to rate relief.

Third, the guidelines retain "stand-alone cost" as an upper limit on rates. Stand-alone cost is the cost to a shipper or group of shippers of building and operating their own railroad at today's price. In other words, if a shipper thinks the quoted rate is unreasonably high, the ICC requires the shipper to demonstrate the cost to build and operate a substitute transportation facility at current prices. To date, the Commission has decided just one case under these guidelines, that of *Omaha Public Power District* v. *Burlington Northern Railroad Company*, Docket 38783, decision served November 20, 1986. The shipper was awarded a total of about $21 million in reparations and interest, which is welcome relief. It should be emphasized, though, that the Commission itself said the rate in question was one of the four highest charged by the railroad. In any event, the decision clarified few of the many questions that exist about stand-alone cost.

No matter how these questions are resolved, however, two things are clear. First, only a very few shippers will ever be able to afford to attempt the application of stand-alone cost. Second, even for those few who can afford it, only those who are moving tremendous volumes of traffic over densely traveled real corridors will have any hope of success. In short, the Commission's final coal rate guidelines do not constitute a fair and workable standard of rate reasonableness for captive coal traffic or for any other commodity.

The bill provides that the Commission, within one year after the enactment of the Act, must adopt a rate reasonableness test that applies to all captive commodities (except recyclables that are subject to a separate statutory rate test). The new test must consider, among other factors, the railroad's need for revenues, the relationship of the rate to the railroad's cost of providing the service (including, where relevant, the fact that the shipper is helping to relieve the railroad's cost burden by supplying cars, paying for loading facilities or the like) and whether and to what extent the railroad's revenue needs require captive shippers to pay rates that exceed the jurisdictional threshold.

The bill also requires that the Commission affirmatively inquire into and make affirmative findings respecting the Long-Cannon factors. Thus, the Commission can no longer avoid implementing these factors, either by suggesting that the complainant has to show that the railroad would be revenue adequate but for its inefficiencies before a rate reduction will be ordered, or by ignoring the third factor altogether.

Section 5—Amendments to Rail Transportation Policy: The bill expands one of the fifteen national goals to be achieved in the implementation of the Staggers Rail Act of 1980, to provide that the Commission must consider the competitive positions of domestically produced commodities. At a time when it is becoming increasingly clear that the nation's position in world markets is not what it should be, Congress will tolerate no unjustifiable barriers to the competitiveness of America's commodities. The bill also clarifies another of the national goals to ensure that rates must be reasonable even if a railroad is revenue inadequate.

Section 6—Inflation Based Rate Adjustments: The Commission quarterly calculates an inflation index called the Rail Cost Adjustment Factor. In response to widespread criticism during the last Congress, the Commission made some welcome changes in how the index is to be applied to tariff rates, but the need for reform remains. The Rail Cost Adjustment Factor that is used by the Commission today does not reflect cost and productivity gains, but reflects only increases in the prices paid by the railroads for goods and services. The bill will require the index to reflect increases in actual costs, not just prices, and productivity gains.

In its decision in Railroad Cost Recovery Procedures, Ex Parte No. 290 (Sub-No. 2), served October 17, 1986, the Commission finally corrected the most egregious error it had previously made concerning the index. It decided that as the index declines, tariff rates raised in reliance on the index must also decline. The bill confirms the Commission's authority to accomplish this change, as the Commission has suggested in the past that it might lack the authority to do so.

The bill also requires the Commission to recompute the index for cumulative forecast errors.

Section 7—Standards and Procedures for Determining Revenue Adequacy: A critical goal of both the Railroad Revitalization and Regulatory Reform Act of 1976 and the Staggers Rail Act of 1980 was the attainment, by our nation's railroads, of "revenue adequacy." Section 10704 of Title 49 thus directs the Interstate Commerce Commission to determine regularly which carriers are receiving adequate revenues, that is, revenues that are sufficient "under honest, economical, and efficient managment," to recover operating expenses, including depreciation and the replacement of obsolete assets, together with a "reasonable and economic profit or return (or both) on capital employed in the business." This very well may be the most important element in the law because this analysis will determine the burden that must be carried by captive shippers.

Again in response to widespread criticism, the Commission proposed during the last Congress to change its revenue adequacy test to the type of test used by public service commissions. Ultimately, the Commission's promise to reform its test was not kept. In a decision served on December 31, 1986, the Commission did agree to exclude deferred taxes—which are an interest-free loan from taxpayers—from investment based, but dropped other important aspects of its proposed test.

Accordingly, this section of the bill seeks to assure that revenue adequacy determinations are based upon realistic measurements of a railroad's financial health. This is accomplished by requiring the Commission to use the same kind of analysis used by public service commissions.

In making revenue adequacy determinations and applying them in administering the law, the Commission shall identify revenues, expenses and the investment base reasonably related to providing rail service, and place railroads on the same footing as any other industry by valuing assets at original cost reduced by straight line depreciation. Deferred taxes will not be included in the investment base, nor assets previously expensed against income. In determining the cost of capital, the Commission shall use actual or embedded cost of debt and reasonable estimates of the cost of equity, based on the kinds of measurements applied by public service commissions.

The revenue adequacy determination is to be made annually and shall allow for adequate public comment on the non-proprietary information submitted by the railroads.

The first two Long-Cannon factors are to be applied in making revenue adequacy determinations. If a railroad is pricing an excess of its traffic inefficiently, the revenue shortfall attributable to that practice should not be considered in deciding whether the carrier is otherwise revenue adequate.

These broader inquiries do not dictate any particular outcome, but they should assist in producing more complete assessments of revenue adequacy.

Finally, to assist the Commission in its rate reasonableness proceedings, the revenue adequacy determination is to include a specific Commission finding on the extent of revenues required to achieve or maintain revenue adequacy.

Section 8—Exemptive Authority: The Commission is directed in 49 U.S.C. § 10505 to pursue exemptions from regulation where the regulation is not necessary to carry out the transportation policy set out in section 10101a, and is either (a) of limited scope or (b) no longer needed to protect shippers from abuse of railroad market power. This section would provide that an exemption "may" be issued if the Commission finds there is no market dominance (within the meaning of section 10709, as amended by Section 3 of the bill) over the transportation involved in the exemption. This section also provides that the Commission should consider whether persons other than shippers (including producers and consumers) require protection from abuse of railroad market power sufficiently to deny issuance of an exemption. These changes are intended to prevent the use of the exemption power in circumstances where competitive forces do not exist to effectively discipline railroad monopoly power.

The bill also provides that exempt commodities or transactions shall be subject to all other relevant federal laws. If an exemption is intended to deregulate a commodity or transaction, then the federal laws that govern all other non-regulated, competitive situations shall apply.

Section 9—Enhancement of Competition: A sound national rail transportation system involves a signficant amount of interdependence among carriers. The majority of rail freight shipments travel over the lines of at least two carriers. Often, the business relationships among carriers are a critical factor in determining whether a shipper will enjoy the benefits of competition between at least two rail carriers.

One important inter-carrier practice is how rates are set for shippers located on one railroad which interconnects with one or more other railroads able to provide the long haul portion of the transportation. If the railroad that serves the shipper will enter into competitive joint rates with the other railroads, the shipper will have a competitive choice for the long haul movement. If that railroad refuses to quote joint rates or cancels existing joint rates, the effect will be to force the shipper to use exclusively the railroad that controls access to the shipper's facility. A captive shipper is created, and marketplace forces are thwarted.

In many areas, two (or more) carriers with long haul lines into the area can serve shippers on each other's lines if they agree to allow one another access to each other's lines in the area, or if one carrier otherwise agrees to act as a switching agent for the other carrier. Thus, the carriers can enter into a terminal facilities agreement, where the carriers are permitted to operate on each other's lines to reach shippers located throughout the terminal area, a reciprocal switching agreement, allowing mutual access to each other's shippers.

The widest possible use of these various inter-railroad practices is essential to providing shippers and receivers wtih competitive alternatives and is essential to the maintenance of efficiency. Current law contains several provisions to assure that rail carriers do not cancel or refuse to enter into these arrangements for anticompetitive reasons. The Commission's record of enforcing these provisions is poor, probably because it has disavowed any affirmative obligation to promote rail to rail competition. This interpretation directly contradicts the language and legislative history of the Staggers Rail Act of 1980. This section of the Consumer Rail Equity Act would strengthen these procompetition provisions.

The bill would amend 49 U.S.C. 10705 to provide that, on request of a connecting railroad or a shipper or receiver, a railroad shall quote a competitive joint rate or proportional rate if interchange of the traffic is practicable. The quoted rate will be deemed conclusively to meet the "competitive" standard if the carrier's revenue to variable cost ratio for the quoted rate is no greater than the ratio for the carrier's existing joint rate or single line rate. The intent is not to force any carrier to carry traffic at noncompensatory rates, because the carrier's existing joint rate or single line rate can always be set at compensatory levels. In addition, section 10705a protects a carrier from forced participation in a non-compensatory joint rate. Rather, the intent and effect will be to overcome the Comission's poor record and to assure that carriers do not use pricing techniques such as cancelling a joint rate or refusing to quote a joint rate to close off an otherwise practicable competitive alternative to the shipper or producer.

This section would also modify existing law regarding reciprocal switching and use of terminal facilities, again because the Commission has misconstrued the law. The Commission's current discretion to order such arrangements is changed to a mandatory direction that the Commission shall order such arrangements when it finds they would be either practicable and in the public interest, or necessary to provide competitive rail service. The effect on competition should be salutary, giving a shipper or receiver in a major metropolitan or terminal area the option of choosing between two or more carriers providing line haul service.

Section 10—Abandonment Procedure: A railroad line (or other facility) that is proposed to be abandoned is typically a line that is of little interest to the abandoning carrier, perhaps because the line is not profitable. However, the facility to be abandoned is often of great importance to the shippers and communities served by the line. Because the impact on a community and its economy can be devastating, an abandonment decision deserves the most careful consideration. In the opinion of many, the Commission has been too quick to grant many abandonments, often on the basis of poor or incomplete factual records.

The changes in this section make no change in substantive law. The railroad must continue to carry the burden of proving that the line to be abandoned is (1) uneconomic and (3) that the abandonment is in the public interest. This section is intended to give the Interstate Commerce Commission the most accurate record on which to base its abandonment decision, consistent with the obvious need to permit railroads to discontinue service expeditiously on money-losing facilities that lack commitment from the affected communities.

Four procedural changes are made. First, in order to clarify that abandonment proceedings are not to be instruments in a war of attrition, a railroad must wait one year after denial of an abandonment application before refiling to abandon the same facility, unless it can show that circumstances have changed materially since the unsuccessful application was denied. Second, if the abandonment is contested, the Commission must allow a hearing on the impact of the proposed abandonment on community or rural development (the standard set by current law) in one or more of the communities affected. The Commission may contract with outside parties to preside at the hearing, and the railroad proposing the abandonment must pay the expenses of the hearing. Third, the financial data used in deciding whether to permit the abandonment must be based on the revenues from and cost of operating the facility at issue, rather than system-wide or industry-wide averages. Finally, to overcome a railroad practice of surcharging a light density line in order to discourage its use and consequently speed its abandonment, the Commission is directed to disregard any adverse effect of such surcharges.

Section 11—State Authority: This section will streamline procedures respecting State jurisdiction over intrastate rail transportation. The fundamental goal of present law is unchanged: a State commission exercising regulatory jurisdiction over intrastate rail transportation pursuant to state law must do so consistently with the provisions of federal law governing interstate rail transportation. This section would simplify the achievement of this goal by eliminating the time-consuming process of Interstate Commerce Commission certification that a state's law, rules and practices are consistent with the federal law. Instead, this section eliminates bureaucratic delays and protects the dignity of the state process by relying upon ICC review of state decisions to assure uniformity of implementation. The ICC's review is limited to an appellate function analogous to that of a court reviewing an administrative agency decision under the Administrative Procedure Act, including a provision for remand of any inconsistent decision to the state agency. The ICC is given 120 days to dispose of any appeal from a state agency decision, thus assuring prompt and effective review.

□ 1640

THE PRICE-ANDERSON AMENDMENTS ACT OF 1987

The **SPEAKER** pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today my friend and colleague PHIL SHARP and I are introducing the Price-Anderson Amendments Act of 1987, which will improve and extend the liability and indemnification provisions governing commercial nuclear powerplants, nuclear research programs, and nuclear activities conducted by private contractors on behalf of the Federal Government.

The original Price-Anderson Act was enacted 30 years ago at the dawn of the commercial nuclear power industry. The compensation provisions of the act have not kept pace with the times. If there were a nuclear accident at a Federal nuclear facility under current law, the public could only count on about $500 million in compensation. If there were a nuclear accident at a commerical nuclear powerplant under current law, the public could only count on about 700 million in compensation.

Without an extension, the existing Price-Anderson Act will expire on August 1 of this year. The expiration of the act would mean that those commercial nuclear powerplants with construction or operating licenses as of August 1 will continue to be covered under the liability limits of the exising law. Government contractors who enter contracts with the Federal Government after August 1, however, would not be covered.

The bill we are introducing today would extend the Price-Anderson Act for 10 years and increase the amount of assured compensation for both nuclear powerplant accidents and government contractor accidents tenfold—to almost $7 billion. The current liability limit of $500 million for other NRC licensees such as nonprofit educational institutions would remain intact.

I introduced similar legislation, H.R. 5650, in October of last year. That bill was the culmination of many months of consideration by the Subcommittee on Energy and the Environment and the full Committee on Interior and Insular Affairs, followed by several weeks of negotiation and compromise between the three House committees with jurisdiction, and consultation with Senators from the key Senate committees. We came very close to producing a workable compromise in H.R. 5650, but one or two issues proved insurmountable.

Mr. Speaker, Mr. SHARP and I still believe that we must extend and improve the Price-Anderson Act. Like it or not, this country has made a decision to utilize nuclear power. The liability limits in the existing act are much too low, but the underlying premise upon which Price-Anderson is based remains sound. It ensures that if there is a nuclear accident in this country, victims will be promptly compensated from a substantial fund, regardless of the financial resources of the responsible parties and without the victims having to spend years in the courts trying to prove who caused the accident. For that reason, we are reintroducing H.R. 5650 as the Price-Anderson Amendments Act of 1987. The new bill differs from H.R. 5650 in only four substantive respects:

First, the new bill provides almost half-a-billion dollars more in public compensation than H.R. 5650, and tenfold more compensation than current law, increasing the limit on liability from about $6.5 billion under H.R. 5650 to nearly $7 billion. Importantly, this increase results from the increased number of nuclear powerplants that will be paying deferred premiums into the compensation fund. The maximum deferred premium that each utility may have to pay is not increased: it remains $63 million per plant.

Second, the bill contains an automatic inflation escalator which would require the NRC to adjust the standard deferred premiums to reflect the effect of inflation every 5 years.

Third, as under current law, the bill permits suits under Price-Anderson only against private parties, not against the United States. The provision in H.R. 5650 permitting suits against the United States, which the Department of Justice believed undermined the Federal Tort Claims Act, has been eliminated.

Finally, the bill we are introducing today would prohibit payment of litigation expenses of insurance pools or industry defendants out of insurance proceeds, deferred premiums or government indemnity funds.

We recognize that this bill does not contain every provision that each member concerned with this matter would like to see in the bill. But we do believe that this bill is a fair and reasonable one. It would assure the public that in the event of a nuclear accident involving a Federal contractor or a commercial nuclear powerplant, the victims would be promptly compensated up to $7 billion. Beyond this limit, the Federal Government would provide full and prompt compensation for additional damages.

We believe that the Price-Anderson Act must be extended before it expires on August 1. The legislation we are introducing would provide many improvements to the existing act without abandoning the basic no-fault structure of Price-Anderson. We urge your support for this critical legislation.

We include a brief summary of the bill in the RECORD:

PRICE-ANDERSON AMENDMENTS ACT OF 1987

SUMMARY

1. PRIMARY LAYER OF FINANCIAL PROTECTION

Utilities are required to maintain as much insurance as is commercially available—currently $160 million.

2. SECONDARY LAYER OF FINANCIAL PROTECTION

The standard deferred premium is raised from $5 million under current law to $63 million (but no more than $10 million per year).

The NRC is authorized to establish maximum aggregate deferred premiums that may be charged any licensee in one year (to prevent undue hardship to utilities based upon factors such as multiple reactors, impact on ratepayers, impact on cash flow, and reactor shutdown). Any amounts over the annual maximum would be required to be paid in subsequent years, with interest.

3. AGGREGATE LIABILITY FOR POWER PLANTS

Nearly $7 billion ($160 million in the first layer, plus $63 million times 108 plants now operating in the second layer equals $6.964 billion). This amount will increase as additional plants are licensed.

4. INFLATION ADJUSTMENT

The NRC is required to adjust the amount of the standard deferred premium once every 5 years to reflect the change in the consumer price index.

5. NRC BORROWING AUTHORITY

NRC is authorized to borrow funds to pay claims if claims emerge at a rate that exceeds payments from deferred premiums or if necessary to guarantee defaulted premiums. Borrowing is subject to appropriations. In the case of funds borrowed to pay defaulted premiums which can not be recovered from the defaulting utility, the funds shall be repaid from the Treasury.

6. THIRD LAYER OF FINANCIAL PROTECTION

(a) Whenever damages are likely to exceed the aggregate limitation on liability, the President is required to submit to the Congress one or more compensation plans which individually or collectively provide for full, equitable, and efficient compensation for all valid claims. Congress would determine what constitutes "full" compensation.

(b) The Congress is committed to taking whatever action it determines necessary to provide for full and prompt compensation of valid claims exceeding the aggregate limitation on liability.

(c) Upon enactment of the bill, the President is required to establish a commission on catastrophic nuclear accidents to study the appropriate means for fully compensating victims of a catastrophic accident that exceeds the amount of aggregate liability and to report appropriate recommendations to the Congress within two years.

7. AGGREGATE LIABILITY FOR OTHER NRC LICENSEES

Current law is preserved for NRC licensees other than large power reactors.

Nonprofit educational institutions will continue to be eligible for federal indemnities in excess of $250,000, up to $500 million. Liability will continue to be limited to $500 million.

8. AGGREGATE LIABILITY FOR DOE CONTRACTORS

The liability of all DOE contractors (waste and non-waste) is tied to the maximum aggregate liability for commercial power plants—nearly $7 billion with 108 commercial reactors licensed. This amount will increase as new commercial reactors are licensed but will *not* decrease as commercial reactors are decommissioned.

9. ADDITIONAL ASSURANCE OF FULL COMPENSATION FOR WASTE ACCIDENTS

The aggregate liability for DOE contractors involved in waste activities would be limited initially to about $7 billion. However, if Congress does not enact a compensation plan providing full and prompt compensation within one year after the President submits a plan, then the $7 billion limitation would be waived. Congress would determine what constitutes "full and prompt" compensation. The result failed to provide full compensation through a compensation plan. This scheme would apply only to waste accidents.

10. INDEMNIFICATION OF DOE CONTRACTORS

DOE is required to indemnify all contractors to the full extent of the contractors' liability.

11. SOURCE OF FUNDS FOR WASTE ACCIDENTS

DOE shall pay up to the commercial limit on liability (nearly $7 billion) out of the Nuclear Waste Fund to compensate claims arising out of a nuclear waste accident involving waste activities under the Nuclear Waste Policy Act. Compensation for all other waste accidents would be paid out of the Treasury.

12. WAIVER OF SOVEREIGN IMMUNITY

Sovereign immunity is wavied for nuclear incidents arising from nuclear waste activities regardless of whether the incident constitutes an extraordinary nuclear occurrence.

13. LITIGATION COSTS

Cost incurred by the nuclear insurance pools or industry defendants in investigating, settling, or defending damage claims can *not* be paid out of insurance proceeds, deferred premiums, or government indemnity funds.

14. LENGTH OF EXTENSION

The NRC and DOE's authority to enter into indemnity agreements with their licenees and contractors, respectively, would be extended for 10 years.

15. STATUTE OF LIMITATIONS

Suit need only be instituted within 3 years from the date the claimant first knew, or reasonably could have known, of the injury.

16. ILLEGAL DIVERSION

Current law is preserved. (Sabotage at a licensed facility or on an intended transportation route is covered; accidents arising from nuclear material stolen and diverted from a facility or intended transportation route are not.)

17. PRECAUTIONARY EVACUATIONS

Price-Anderson coverage extended to liability resulting from precautionary evacuations, including reasonable costs incurred by state and local governments.

18. PUNITIVE DAMAGES

Courts would be barred from awarding punitive damages where the Federal Government would have to pay. This is consistent with the Federal Tort Claims Act's prohibition against punitive damages against the Government. Current law on punitive damage awards against commercial licensees is preserved.

19. FEDERAL JURISDICTION

Consolidates all claims arising out of any nuclear incident, not just extraordinary nuclear occurrences, in federal court.

20. CASELOAD MANAGEMENT PANEL

The federal court in which Price-Anderson claims are consolidated may appoint a special caseload management panel to assist in managing cases.

21. SALE-LEASEBACK AGREEMENTS

Clarifies that licensee-lessees, not passive investor-lessors are liable for payment of Price-Anderson assessments.

22. EFFECTIVE DATE

The provisions of the Act establishing a Presidential commission on catastrophic accidents and providing for consolidation of claims would be effective upon enactment. All other provisions would take effect on August 1, 1987.

SUNDRY DEFERRALS OF BUDGET AUTHORITY UNDER IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-43)

The SPEAKER pro tempore (Mr. GRAY of Illinois) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority totaling $134,437,367 and three revised deferrals of budget authority now totaling $649,146,654.

The deferrals affect programs in the Departments of Agriculture, Defense-Civil, and Health and Human Services.

The details of these deferrals are contained in the attached report.

RONALD REAGAN.

THE WHITE HOUSE, *March 4, 1987.*

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YOUNG of Alaska (at the request of Mr. MICHEL), from March 3 for an indefinite period, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. EMERSON) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, on March 10.

(The following Members (at the request of Mr. DE LUGO) to revise and extend their remarks and include extraneous material:

Mr. BOLAND, for 5 minutes, today.

Mr. KLECZKA, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mr. BROOKS, for 5 minutes, today.

Mr. BOUCHER, for 20 minutes, today.

Mr. TORRICELLI, for 30 minutes, on March 18.

(The following Member (at the request of Mrs. COLLINS) to revise and extend his remarks and include extraneous material.)

Mr. UDALL, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. EMERSON) and to include extraneous matter:)

Mr. HASTERT.
Mr. MCKINNEY.
Mr. HORTON.
Mr. GILMAN.
Mr. KEMP.
Mr. BROOMFIELD.
Mr. GEKAS.
Mr. BLAZ.
Mr. JEFFORDS.
Mr. SMITH of New Hampshire.
Mr. GOODLING.

(The following Members (at the request of Mr. DE LUGO) and to include extraneous matter:)

Mr. GORDON.
Mr. YATRON.
Mr. KLECZKA.
Mr. NELSON.
Mr. LANCASTER.
Mr. DE LA GARZA.
Mr. DYMALLY.
Mr. WOLPE.
Mrs. BOXER.
Mr. LIPINSKI.
Mr. FORD of Michigan.
Mr. BROOKS.
Mr. DELLUMS.
Mr. HAMILTON.
Mr. HUBBARD.
Mr. HOYER.
Mr. PANETTA in two instances.
Mr. MACKAY.
Mr. FASCELL.

ENROLLED JOINT RESOLUTION SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee has examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 153. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to ensure that eligible local educational agencies can complete asbestos abatement work in school buildings during the 1987 summer school recess.

ADJOURNMENT

Mrs. COLLINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 41 minutes p.m.) the House adjourned until tomorrow, Thursday, March 5, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

739. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

740. A letter from the Secretary of Education, transmitting a copy of the final regulations for secondary education and transitional services for Handicapped Youth Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

741. A letter from the Attorney General, Department of Justice, transmitting a copy of the recommendations of the Juvenile Justice and Delinquency Prevention Council for the coordination of Federal juvenile delinquency programs and activities, pursuant to 42 U.S.C. 5616(c); to the Committee on Education and Labor.

742. A letter from the Secretary of Education, transmitting a draft of proposed legislation to enlarge the endowment fund at Howard University, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Education and Labor.

743. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

744. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

745. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Clean Air Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

746. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Thailand for defense articles and services estimated to cost $47 million to the Committee on Foreign Affairs.

747. A letter from the Assistant Secretary of Defense, transmitting the Department's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

748. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report of the actions taken by the Department to increase competition for contracts during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

749. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting a report of the Corporation's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

750. A letter from the Director, Office of Legislative and Public Affairs, National Science Foundation, transmitting a report of the activities of the Foundation under the Freedom of Information Act for calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

751. A letter from the Chairman, U.S. Consumer Product Safety Commission, transmitting a report of the Commission's activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

752. A letter from the Special Counsel, Office of the Special Counsel, U.S. Merit Systems Protection Board, transmitting a report of the activities of his office under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

753. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1988 and 1989, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Science, Space and Technology.

754. A letter from the Secretary of Transportation, transmitting a copy of the lease of the Metropolitan Washington Airports to the Metropolitan Washington Airports Authority, executed on March 2, 1987, pursuant to Public Law 99-590; to the Committee on Public Works and Transportation.

755. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1988 and 1989, pursuant to 31 U.S.C. 1110; to the Committee on Science, Space and Technology.

756. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1988 and 1989 for military functions of the Department of Defense and to prescribe military personnel levels for such Department for fiscal years 1988 and 1989, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Armed Services and Ways and Means.

757. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize supplemental appropriations for fiscal year 1987 for military functions of the Department of Defense, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Armed Services and Ways and Means.

758. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for 2 years, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Merchant Marine and Fisheries and Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WHEAT: Committee on Rules. House Resolution 109. Resolution providing for the consideration of H.R. 558, a bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children (Rept. No. 100-12). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. VANDER JAGT:

H.R. 1391. A bill to extend for 18 months the suspension of duty on isometric mixtures of ethylbiphenyl; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 1392. A bill to provide for the establishment by law of the requirements for strategic and critical materials to be stockpiled in the national defense stockpile, to transfer management of the stockpile to the Secretary of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BOUCHER (for himself, Mr. Tauzin, Mr. Tauke, Mr. Rahall, Mr. Rogers, Mr. Pepper, Mr. Bilirakis, Mr. Bevill, Mrs. Vucanovich, Mr. Marlenee, Mr. Fascell, Mr. Gunderson, Mr. Wise, Mr. Hubbard, Mr. Perkins, Mr. Gaydos, Mr. Huckaby, Mr. Martinez, Mr. Bosco, Mr. Wilson, Mr. Mollohan, Mr. Fauntroy, Mr. Traficant, Mrs. Bentley, Mr. Lancaster, Mr. Jones of North Carolina, and Mr. Owens of New York):

H.R. 1393. A bill to enhance rail competition and to ensure reasonable rail rates where there is an absence of effective competition; to the Committee on Energy and Commerce.

By Mrs. BOXER (for herself, Mrs. Schroeder, Mr. Bryant, Mr. Bennett, Mr. Coelho, Mr. Denny Smith, Mr. Miller of California, Mrs. Lloyd, Mr. Bates, Mr. Levine of California, Mr. Fazio, Mr. Ridge, Mr. Bereuter, Mr. Kostmayer, Ms. Kaptur, Mr. Stark, Mr. Fascell, Mr. Biaggi, Mr. Ackerman, Mr. Berman, Mr. Towns, Mr. Torres, Mr. Frank, Mr. Downey of New York, Mr. Bustamante, Mr. Roe, Mr. Scheuer, Mr. Johnson of South Dakota, Mr. Akaka, Mr. Mrazek, Mr. Sabo, Mr. Gray of Illinois, Mr. Beilenson, Mr. Atkins, Mr. Lancaster, Mr. AuCoin, Mr. Evans, Mr. Torricelli, Mr. Erdreich, Mr. Garcia, Mr. Moakley, Mr. Hertel, Mr. Traxler, Mr. Martinez, Mr. Synar, Mr. Volkmer, Mr. Rahall, Miss Schneider, Mr. Porter, Mr. Gunderson, Mr. DioGuardi, Mr. Campbell, Mr. Tauke, Mr. Wyden, Mr. Neal, Mr. Staggers, Mr. Dwyer of New Jersey, Mr. Glickman, and Mr. DeFazio):

H.R. 1394. A bill to amend title 10, United States Code, to protect military whistleblowers from reprisals resulting from the disclosure of wrongdoing to Members of Congress or inspectors general; to the Committee on Armed Services.

By Mr. CARR:

H.R. 1395. A bill to amend the Internal Revenue Code of 1986 to provide an additional standard deduction of $600 for certain physically disabled individuals; to the Committee on Ways and Means.

By Mr. DANNEMEYER:

H.R. 1396. A bill to amend the Rehabilitation Act of 1973 to exclude individuals with contagious diseases from the definition of handicapped individuals; to the Committee on Education and Labor.

By Mr. DORGAN of North Dakota (for himself and Mr. Gradison):

H.R. 1397. A bill authorizing the negotiation of agreements to eliminate unfair, restrictive, or discriminatory foreign practices in the marine transportation of automobile imports to the United States; to the Committee on Ways and Means.

By Mr. HAYES of Illinois (for himself, Mr. Conyers, Mr. Weiss, Mr. Martinez, Mr. Towns, Mr. Fuster, Mr. Stokes, Mr. Traficant, Mr. Coyne, Mrs. Bentley, Mr. Dellums, Mr. Dymally, Mr. Bustamante, Mr. Perkins, Mr. Kildee, Mr. Gray of Pennsylvania, Mr. Fauntroy, Mr. Lowry of Washington, Mr. Crockett, Mrs. Collins, Mr. Hawkins, Mr. Williams, Mr. Clay, Mr. Udall, Mr. Evans, Mr. Rodino, Mr. Wheat, Mr. Owens of New York, Mr. McCloskey, Mr. Visclosky, Mr. Leland, Mr. Frost, Mr. Gray of Illinois, Mr. Frank, and Mr. Biaggi):

H.R. 1398. A bill to protect and improve the quality of life in the United States through a more vigorous, responsible, and participatory capitalism supported by more business-like policy initiatives and budgetary practices by the President and the Congress; jointly, to the Committees on Armed Services; Banking, Finance and Urban Affairs; Education and Labor; Government Operations; and Ways and Means.

By Mr. DUNCAN:

H.R. 1399. A bill to amend the Trade Act of 1974 to appoint American distributors of Japanese automobiles; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. RODINO:

H.R. 1400. A bill to authorize appropriations to carry out the activities of the Department of Justice for fiscal year 1988, and for other purposes; to the Committee on the Judiciary.

By Mr. ENGLISH (for himself, Mr. Watkins, and Mr. Coelho):

H.R. 1401. A bill to require the Secretary of Agriculture to pay restitution to certain cattle producers for losses incurred in connection with the sale of cattle during a period in which excessive dairy cattle were slaughtered under the whole-herd buy-out program; to the Committee on Agriculture.

By Mr. FUSTER:

H.R. 1402. A bill to amend the Social Security Act to increase the existing dollar limitation on the total amount of the Federal payments which may be made to Puerto

Rico in any fiscal year under the programs of aid to families with dependent children and aid to the aged, blind, and disabled; to the Committee on Ways and Means.

By Mr. HASTERT (for himself, Mr. Fawell, Mr. Hyde, Mr. Davis of Illinois, Mr. Michel, Mr. Madigan, Mrs. Collins, Mr. Gray of Illinois, Mr. Annunzio, Mr. Porter, Mr. Price of Illinois, Ms. Kaptur, Mr. Armey, Mr. Roth, and Mr. Gordon):

H.R. 1403. A bill to designate the U.S. Post Office Building located in St. Charles, IL, as the "John E. Grotberg Post Office Building"; to the Committee on Post Office and Civil Service.

By Mr. HERTEL:

H.R. 1404. A bill to amend the Internal Revenue Code of 1986 to repeal the 10-percent additional tax for early distributions from individual retirement plans; to the Committee on Ways and Means.

By Mr. HUNTER:

H.R. 1405. A bill to encourage increased security spending by the Government of Japan; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. MacKAY (for himself, Mr. Ireland, Mr. Bennett, Mr. Fascell, Mr. Pepper, Mr. Grant, Mr. Chappell, Mr. Young of Florida, Mr. Lehman of Florida, Mr. Hutto, Mr. Nelson of Florida, Mr. Mica, Mr. McCollum, Mr. Shaw, Mr. Lewis of Florida, Mr. Mack, Mr. Bilirakis, and Mr. Smith of Florida):

H.R. 1406. A bill to establish equal and equitable classification and duty rates for certain imported citrus products; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 1407. A bill to create a Department of Trade, to promote economic growth and trade expansion, to open foreign markets, to enhance the competitiveness of United States firms, and for other purposes; jointly, to the Committees on Ways and Means; Foreign Affairs; Energy and Commerce; Agriculture; Banking, Finance and Urban Affairs; the Judiciary; and Government Operations.

By Mr. MURPHY (for himself, Mr. Staggers, Mr. McDade, Mr. Rahall, Mr. Gaydos, Mr. Foglietta, and Mr. Kolter):

H.R. 1408. A bill to provide financing for adjustment to international competition, to provide additional weeks of unemployment compensation for individuals participating in a job training program for dislocated workers; and to strengthen the job training program for dislocated workers under title III of the Job Training Partnership Act; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. PEPPER:

H.R. 1409. A bill to provide for a General Accounting Office investigation and report on conditions of displaced Nicaraguans and Salvadorans, to provide certain rules of the House of Representatives and of the Senate with respect to review of the report, to provide for the temporary stay of detention and deportation of certain Nicaraguans and Salvadorans, and for other purposes; jointly, to the Committees on the Judiciary and Rules.

By Mr. PRICE of North Carolina (for himself, Mr. Clarke, and Mr. Lancaster):

H.R. 1410. A bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement for a second repository for the disposal of high-level radioactive waste and spent nuclear fuel and to make crystalline rock sites ineligible for such a repository; jointly, to the Committees on Interior and Insular Affairs and Energy and Commerce.

By Mr. RANGEL (for himself and Mr. Gilman):

H.R. 1411. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to increase the sums authorized to be appropriated for drug law enforcement programs for the fiscal years 1988 and 1989, and for other purposes; to the Committee on the Judiciary.

By Mr. RITTER:

H.R. 1412. A bill to provide financing for adjustment to international competition, to provide additional weeks of unemployment compensation for individuals participating in a job training program for dislocated workers; and to strengthen the job training program for dislocated workers under title III of the Job Training Partnership Act; jointly, to the Committees on Ways and Means and Education and Labor.

By Mr. TAUKE (for himself, Mr. Taylor, Mr. Horton, Mr. Young of Alaska, Mr. Dymally, Mr. Sikorski, Mr. Lightfoot, Mr. Leach of Iowa, Mr. Nagle, Mr. Smith of Iowa, Mr. Grandy, Mr. Volkmer, Mr. Whittaker, Mr. Bereuter, Mr. Roberts, Mr. Stangeland, Mr. Stenholm, Mr. Wortley, Mr. Skelton, and Mr. Penny):

H.R. 1413. A bill to restore limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. UDALL (for himself and Mr. Sharp):

H.R. 1414. A bill to amend the Price-Anderson provisions of the Atomic Energy Act of 1954 to extend and improve the procedures for liability and indemnification for nuclear incidents; to the Committee on Interior and Insular Affairs.

By Mr. VANDER JAGT (for himself and Mr. Goodling):

H.R 1415. A bill to increase temporarily the duty on apple juice; to the Committee on Ways and Means.

By Mr. WOLPE (for himself and Mr. McKinney):

H.R. 1416. A bill to restrict oil exports to noncontiguous countries; to the Committee on Foreign Affairs.

By Mr. YATRON (for himself, Mr. Leach of Iowa, and Mr. Rodino):

H.R. 1417. A bill to amend the United Nations Participation Act of 1945 to carry out obligations of the United States under the U.N. Charter and other international agreements pertaining to the protection of human rights by providing a civil action for recovery from persons engaging in torture, and for other purposes; jointly, to the Committees on Foreign Affairs and the Judiciary.

By Mr. COATS (for himself, Mr. Miller of California, Mrs. Bentley, Mr. Berman, Mr. Bliley, Mr. Boulter, Mr. Burton of Indiana, Mr. Crockett, Mr. Daniel, Mr. Daub, Mr. de Lugo, Mr. DioGuardi, Mr. Evans, Mr. Lungren, Mr. Garcia, Mr. Gray of Illinois, Mr. Horton, Mr. Kostmayer, Mr. Lehman of Florida, Mr. Miller of Ohio, Mr. Mrazek, Mr. Neal, Mrs. Roukema, Mr. Sisisky, Mr. Smith of Florida, Mr. Solarz, Mr. Traxler, Mr. Weiss, Mr. Weldon, and Mr. Wolf):

H.J. Res. 166. Joint resolution designating the week beginning May 10, 1987, as "National Fetal Alcohol Syndrome Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. EDWARDS of Oklahoma (for himself, Mr. Skelton, Mr. Chandler, and Mr. Ray):

H.J. Res. 167. Joint resolution approving the additional economic assistance for Costa Rica, El Salvador, Guatemala, and Honduras requested by the President on March 3, 1987; to the Committee on Appropriations.

By Mr. FIELDS:

H.J. Res. 168. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. GOODLING:

H.J. Res. 169. Joint resolution designating October 14, 1987, as "William Penn Appreciation Day"; to the Committee on Post Office and Civil Service.

By Mr. HORTON (for himself, Mr. Matsui, and Mr. Waxman):

H.J. Res. 170. Joint resolution designating May 12, 1987, as "American Anatomists Day"; to the Committee on Post Office and Civil Service.

By Mr. NEAL:

H.J. Res. 171. Joint resolution designating the honeybee as the national insect; to the Committee on Post Office and Civil Service.

By Mr. FEIGHAN (for himself, Mr. Berman, Mr. Smith of Florida, Mr. Sikorski, Mr. Torricelli, Mr. Durbin, Mr. Solarz, Mr. Levine of California, Mr. Frank, Mr. Foglietta, Mr. Lantos, Mr. Schumer, Mr. Wolpe, Ms. Kaptur, Mr. Eckart, Mr. Martinez, Mr. LaFalce, Mr. Bonior of Michigan, Mr. Burton of Indiana, Mr. Levin of Michigan, Mr. Bustamante, Mr. DioGuardi, Mr. Vento, Mr. Fish, Mr. Fauntroy, Mr. Kostmayer, Mr. Wortley, Mr. Courter, Mr. Fazio, and Mr. Garcia):

H. Con. Res. 60. Concurrent resolution expressing the sense of the Congress that the Vatican should recognize the State of Israel and should establish diplomatic relations with that country; to the Committee on Foreign Affairs.

By Mr. HAWKINS:

H. Con. Res. 61. Concurrent resolution entitled: Volunteers and the Importance of Voluntarism; to the Committee on Education and Labor.

By Mr. NEAL:

H. Con. Res. 62. Concurrent resolution expressing the sense of the Congress that the President of the United States should seek to negotiate an agreement with the Government of Japan, whereby that nation would pay an annual security fee to the United States Government equal to 2 percent of Japan's annual gross national product, to more equitably compensate the United States for expenditures related to carrying out the provisions of the United States/Japanese Treaty of Mutual Cooperation and Security, and for the security of the free world; to the Committee on Foreign Affairs.

H. Con. Res. 63. Concurrent resolution supporting the initiative of Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America, and for other purposes; to the Committee on Foreign Affairs.

By Mr. NEAL:

H. Res. 110. Resolution expressing the sense of the House of Representatives that Federal excise tax rates should not be increased; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BROOKS:

H.R. 1418. A bill for the relief of Rick Hangartner, Russell Stewart, and David Walden; to the Committee on the Judiciary.

By Mr. CARPER:

H.R. 1419. A bill for the relief of the estate of John F. Schaefer; to the Committee on the Judiciary.

By Mr. LIPINSKI:

H.R. 1420. A bill for the relief of Anthony Stanley Orloff; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 1421. A bill for the relief of Wayne Greenfield; to the Committee on the Judiciary.

H.R. 1422. A bill for the relief of Thomas J. Scanlon; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 5: Mr. Visclosky, Mr. Swift, and Mr. Staggers.

H.R. 10: Mr. Barnard, Mr. McEwen, and Mr. Crockett.

H.R. 39: Mr. Ford of Tennessee, Mr. Wortley, Mr. Price of Illinois, and Mr. Lewis of Georgia.

H.R. 59: Mr. Towns, Mr. Hutto, Mr. Lowery of California, Mr. Wolpe, and Mr. Bryant.

H.R. 74: Mr. Barnard and Mr. Pickett.

H.R. 134: Mr. Traficant.

H.R. 162: Mr. Boucher, Mr. Bates, Mr. Lantos, Mr. Morrison of Connecticut, Mr. Dingell, Mr. Hall of Ohio, Mr. Richardson, Mr. Donnelly, Mr. Conte, Mr. Bilbray, Mr. Coelho, and Mr. Roybal.

H.R. 200: Mrs. Collins, Mr. Solarz, Mr. Conyers, Mr. Weiss, Mr. Crockett, Mr. Fuster, Mr. Edwards of California, Mr. Rangel, Mr. Stangeland, Mr. Fauntroy, Ms. Kaptur, Mr. Martinez, Mr. Hayes of Illinois, Mr. Applegate, Mr. Kolter, Mr. Vento, Mr. Stokes, Mr. Gray of Illinois, Mr. Bates, and Mr. Savage.

H.R. 349: Mr. Morrison of Connecticut.

H.R. 351: Mr. Boehlert.

H.R. 390: Mr. Anderson, Mr. Boehlert, Mr. Chappell, Mr. Clarke, Mrs. Collins, Mr. Conte, Mr. Dwyer of New Jersey, Mr. Dyson, Mr. Flake, Mr. Foley, Mr. Hertel, Mr. Lagomarsino, Mr. Thomas A. Luken, Mr. Morrison of Connecticut, Mr. Rangel, Mr. Solarz, Mr. Waxman, Mr. Wolpe, and Mr. Yatron.

H.R. 509: Mr. Boucher, Mr. Petri, Mr. Espy, and Mr. Olin.

H.R. 537: Mr. Weiss, Mr. Jeffords, Mr. Donnelly, Mr. Morrison of Connecticut, Mr. Solomon, Mr. Hughes, Mr. Smith of New Hampshire.

H.R. 539: Mr. Stump.

H.R. 575: Mr. Stangeland.

H.R. 578: Mr. Weber.

H.R. 621: Mr. Ackerman, Mr. Biaggi, Mr. Bryant, Mr. Bustamante, Mr. Darden, Mr. Dornan of California, Mr. Frank, Mr. Frost, Mr. Lipinski, Mr. Martinez, Mr. Shaw, and Mr. Torricelli.

H.R. 628: Mr. Ortiz.

H.R. 636: Mr. Miller of California, Mr. Frank, Mr. Nowak, Mr. Green, Mr. Fazio, Mr. Olin, Mr. Schumer, Mr. Torricelli, Mr. Hayes of Illinois, Mr. Skaggs, Mr. Rangel, Mr. Towns, Mr. Mineta, and Mr. Penny.

H.R. 661: Mr. Hayes of Illinois.

H.R. 670: Mr. Craig, Mr. Rhodes, Mr. Stump, Mr. DeLay, and Mr. Dornan of California.

H.R. 812: Mr. Perkins, Mr. Biaggi, Mr. Fawell, Mr. Chapman, Mr. Barnard, Mr. Ritter, Mr. Atkins, Mr. Frenzel, Mr. Roe, Mr. Brown of California, Mr. Clinger, Mr. Buechner, Mr. Hutto, Mr. Towns, Mr. Hughes, Mr. Lehman of Florida, Miss Schneider, Mr. Hamilton, Mr. Smith of Florida, Ms. Kaptur, Mr. Fascell, Mr. MacKay, Mr. Feighan, Mr. Emerson, Mr. Pepper, Mr. Bilirakis, Mr. Nelson of Florida, and Mr. Bennett.

H.R. 911: Mr. Henry, Mr. Martinez, Mr. Quillen, Mr. Evans, Mr. Bilirakis, Mr. Green, Mr. Biaggi, Mr. Davis of Illinois, Mr. Saxton, Mr. Kildee, Mr. Hiler, Mr. Shumway, Mr. Inhofe, Mrs. Roukema, Mr. Crane, Mr. Richardson, Mr. Goodling, Mr. Marlenee, Mr. Davis of Michigan, Mr. Bartlett, Mr. Chandler, Mr. Holloway, Mr. Stump, and Mrs. Morella.

H.R. 926: Mr. Evans.

H.R. 939: Mr. Hall of Texas, Mr. Boehlert, Ms. Kaptur, Mr. Wortley, Mr. Denny Smith, Mr. Barnard, Mr. Swindall, Mr. Goodling, Mrs. Johnson of Connecticut, Mr. Petri, Mr. Porter, and Mrs. Bentley.

H.R. 950: Mr. Ford of Michigan, Mr. Jeffords, Mr. Gaydos, Mr. Coleman of Missouri, Mr. Clay, Mrs. Roukema, Mr. Murphy, Mr. Gunderson, Mr. Kildee, Mr. Grandy, Mr. Williams, Mr. Martinez, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Solarz, Mr. Wise, Mr. Penny, Mr. Richardson, Mr. Robinson, Mr. Visclosky, Mr. Atkins, and Mr. Jontz.

H.R. 954: Mr. Flake, Mr. Lewis of California, Mr. Dymally, and Mr. Hayes of Illinois.

H.R. 1024: Mr. Frank, Mr. Smith of Florida, Mr. Towns, Mr. Kolter, Mr. Lipinski, Mr. Atkins, and Mr. Conte.

H.R. 1025: Mr. Gray of Illinois, Mr. Beilenson, Mr. Dannemeyer, Mr. Whittaker, Mr. Frank, Mr. Dymally, Mr. Leland, Mr. de Lugo, Mr. Roe, Mr. Savage, Mr. Mrazek, Mr. Towns, Mr. Fascell, Mr. Solarz, Mr. Lagomarsino, Mrs. Bentley, Mr. Martinez, Mr. Goodling, and Ms. Kaptur.

H.R. 1026: Mr. Mavroules, Mr. Perkins, Mr. Huckaby, and Mr. Yatron.

H.R. 1073: Mr. Penny, Mr. Dellums, Mr. Walgren, and Mr. Morrison of Connecticut.

H.R. 1085: Mr. Whitten and Mr. Hayes of Illinois.

H.R. 1103: Mrs. Schroeder, Mr. McCloskey, Mr. Lewis of Florida, and Mr. Quillen.

H.R. 1117: Mr. Wortley, Mr. Daniel, Mr. Chapman, Mr. DeLay, Mr. Dreier of California, Mr. Erdreich, Mr. Garcia, and Mr. Dornan of California.

H.R. 1119: Mrs. Boxer, Mr. Moody, and Mr. Hawkins.

H.R. 1163: Mr. Boehlert, Mr. Morrison of Connecticut, Mr. Evans, Mr. Dornan of California, and Mr. Martinez.

H.R. 1185: Mr. Daniel, Mr. Petri, Mr. Sikorski, Mr. Kleczka, and Mr. Gunderson.

H.R. 1203: Mrs. Bentley, Mr. English, Mr. Kolter, Mr. Dwyer of New Jersey, Mr. Gejdenson, Mr. Skelton, Mr. Lancaster, and Mr. Weiss.

H.R. 1248: Mr. Smith of Florida, Mr. Frost, Mr. Martinez, and Mr. Kildee.

H.R. 1249: Mr. Smith of Florida, Mr. Kildee, Mr. Edwards of Oklahoma, and Mr. Lantos.

H.R. 1252: Mr. Oberstar and Mr. Sensenbrenner.

H.J. Res. 9: Mr. Hansen, Mr. Lewis of Florida, Mr. Kolbe, Mr. Weber, Mr. Packard, Mr. Barnard, Mr. Skeen, Mr. Bunning, Mr. Parris, Mr. Herger, Mr. Young of Florida, Mr. Solomon, Mr. Jones of Tennessee, Mr. Konnyu, Mr. Davis of Illinois, Mr. Holloway, Mr. Badham, Mr. Buechner, Mr. Baker, and Mr. Kasich.

H.J. Res. 54: Mr. Aspin, Mr. Ballenger, Mr. Bennett, Mr. Biaggi, Mr. Blaz, Mr. Bliley, Mr. Bustamante, Mr. Callahan, Mr. Clay, Mr. Coelho, Mr. Conte, Mr. DeWine, Mr. Dwyer of New Jersey, Mr. Fauntroy, Mr. Flake, Mr. Ford of Michigan, Mr. Gilman, Mr. Guarini, Mr. Gunderson, Mr. Hastert, Mr. Hefner, Mr. Hughes, Mr. Jeffords, Mr. Jones of Tennessee, Mr. Latta, Mr. Levine of California, Mr. Lott, Mr. Thomas A. Luken, Mr. Martinez, Mr. Miller of Washington, Mr. Mineta, Mr. Moody, Mrs. Morella, Mr. Price of Illinois, Mr. Pursell, Mrs. Roukema, Mr. Rowland of Georgia, Mr. Schuette, Mr. Shaw, Mr. Shumway, Mr. Smith of Texas, Mr. Stratton, Mr. Sundquist, Mr. Valentine, Mr. Volkmer, Mr. Weldon, and Mr. Yatron.

H.J. Res. 75: Mr. English.

H.J. Res. 90: Mrs. Morella and Mr. Hayes of Illinois.

H.J. Res. 100: Mr. Montgomery, Mr. Roe, Mr. de la Garza, Mr. Olin, Mr. Archer, Mr. Bevill, Mr. Weldon, Mrs. Lloyd, Mr. Valentine, Mr. Stenholm, Mr. Erdreich, Mr. Fascell, Mr. Bustamante, Mr. Ravenel, Mr. McKinney, Mr. Mollohan, Mr. Robinson, Mr. Hiler, Mr. Lightfoot, Mr. Smith of Florida, Mr. Bilbray, Mr. Gunderson, Mr. Craig, Mr. Porter, Mr. Bilirakis, Mr. Donnelly, Mr. Horton, Mr. Towns, and Mr. Lungren.

H.J. Res. 106: Mr. Lipinski, Mr. Dixon, Mr. Brennan, Mr. Crockett, Mr. Conyers, Mr. Dellums, Mr. Ford of Tennessee, Mr. Wheat, and Mr. Lewis of Georgia.

H.J. Res. 108: Mr. Smith of Florida, Mr. Pickett, Mr. DeWine, Mr. Fauntroy, Mr. Kolbe, Mr. Buechner, Mr. Vander Jagt, Mr. Green, Mr. Bustamante, Mr. Stokes, Mr. Dwyer of New Jersey, Mr. Lungren, Mr. McEwen, Mr. Stump, Mr. Frenzel, Mr. Grant, Mrs. Patterson, Mr. Hughes, Mr. Lehman of California, Mr. Gonzalez, Mr. Weldon, Mrs. Martin of Illinois, Mr. Fawell, Mr. Johnson of South Dakota, Mr. Feighan, Mr. Nielson of Utah, Mr. Staggers, Mrs. Lloyd, Mr. Olin, Mr. Lehman of Florida, Mr. Hall of Texas, Mrs. Boxer, Mr. Inhofe, Mr. Matsui, Mr. Kostmayer, Mr. Solomon, Mr. Hefner, Mr. Shaw, Mr. Spratt, Mr. Walgren, Mr. de la Garza, Mr. Erdreich, Mr. Edwards of Oklahoma, Mr. Chapman, Mr. McCandless, Mr. Montgomery, Mr. Fish, Mr. Flippo, Mr. Ford of Tennessee, Mr. Gray of Illinois, Mr. Guarini, Mrs. Collins, Mr. McMillen of Maryland, Mr. Parris, Mrs. Byron, Mr. Burton of Indiana, Mr. Waxman, Mrs. Bentley, Mr. Boucher, Mr. Sisisky, Mr. Sabo, Mr. Savage, Mr. Derrick, Mrs. Johnson of Connecticut, Mr. Bilbray, Mr. Yatron, Mr. Natcher, Mr. Torricelli, Mr. Brennan, Mr. Coyne, Mr. Swindall, Mr. Mack, Mr. Smith of Texas, Mr. English, Mr. Dornan of California, Mr. Gilman, Mr. Moorhead, Mr. Quillen, Mrs. Kennelly, and Mr. Chandler.

H.J. Res. 119: Mr. Roe, Mr. Owens of New York, Mr. McMillen of Maryland, Mr. Dixon, Mr. Akaka, Mr. Brennan, Mr. Weiss, Mr. Volkmer, Mr. Conyers, Mr. Clay, Mr. Stokes, Mr. Dellums, Mr. Rangel, Mr. Fauntroy, Mrs. Collins, Mr. Ford of Tennessee, Mr. Gray of Pennsylvania, Mr. Leland, Mr. Towns, Mr. Wheat, Mr. Hayes of Illinois, Mr. Flake, Mr. Lewis of Georgia, and Mr. Mfume.

H.J. Res. 128: Mr. Shumway.

H.J. Res. 138: Mr. Hughes, Mr. Lagomarsino, Mr. Dyson, Mr. Wortley, Mr. Martinez, Mr. Bevill, Mr. Torricelli, Mr. Fazio, Mr. Feighan, Mr. Clay, Mrs. Bentley, Mr. Sweeney, Mr. Gilman, Mr. Erdreich, Mr. Horton, Mrs. Boxer, Mr. Ortiz, Mr. Brooks, Mr. Lipinski, Mr. McMillen of Maryland, and Mr. Brennan.

H.J. Res. 152: Mr. Kostmayer, Mr. Wyden, and Mr. Walgren.

H.J. Res. 155: Mr. Volkmer, Mr. Rose, Mr. Hefner, and Mr. Neal.

H.J. Res. 160: Mr. Green, Mr. Miller of Ohio, Mr. Levin of Michigan, Mr. Leland, Mr. Kostmayer, Mr. McEwen, Mr. Dicks, Mr. Robinson, Mr. Morrison of Connecticut, Mr. Horton, Mr. Gray of Illinois, Mr. Traxler, and Mr. Dorgan of North Dakota.

H.J. Res. 164: Mr. Frenzel and Mr. Bates.

H. Res. 23: Mr. Tauke.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 558

By Mr. RIDGE:

(Text of modified substitute made in order under the rule.)

—In section 101(c), strike "$75,000,000" and insert "$70,000,000".

In section 101(d)(1), strike "$20,000,000 for fiscal year 1987." and insert the following: "$35,000,000 for fiscal year 1987, which amount is authorized to be appropriated solely for purposes of preventing homelessness through the portion of the program that provides emergency rent and utility assistance.".

In section 101(g)(1), strike "$100,000,000" and insert "$90,000,000".

EXTENSIONS OF REMARKS

A SALUTE TO THE ILLINOIS AMERICAN LEGION ORATORICAL CONTEST

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. HASTERT. Mr. Speaker, for the past 50 years, the Illinois Department of the American Legion has offered high school students a unique opportunity to think about and discuss our Government and the freedoms we enjoy in this Nation.

During this period they have sponsored an annual high school oratorical contest and it always has a patriotic theme. This year, for instance, college scholarships worth more than $4,000 were awarded to finalists in the statewide competition.

I would like to share with you today the award-winning entry of a sophomore at Rosary High School in Aurora, Suzanne Scanlon. She placed first in the Kane County competition and second in the district contest.

The theme of her remarks center on our observance this year of the bicentennial of our Constitution. I commend the American Legion for their sponsorship of this very worthwhile event.

FREEDOM—OUR DUTIES AND OUR OBLIGATIONS

(By Suzanne Scanlon)

On September 25th, 1789, Congress adopted the first ten amendments to the United States Constitution. They are the Bill of Rights, a large part of the plan on which our government has so long endured. Though often not obvious, the impact and importance of these rights is overwhelming. Many of us don't think about them but without them our country may not be as great as it is today.

Each amendment is so complex in its own way so I chose to focus solely on one aspect of the First Amendment. I quote the First Amendment from the United States Constitution, "Congress shall pass no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble, and to petition of the government for a redress of grievances." The rights granted here are the freedoms of religion, speech and press, and assembly. These privileges seem so simple but yet they are so complex and often it is difficult to understand where our duties lie in them.

Here is an idea that tends to make most Americans think. Have you as a United States citizen ever imagined not having the rights granted to you in the First Amendment? Not being able to voice your opinions, not being able to worship your God, not being able to hold meetings to fight for a cause which you believe in, to follow your dreams? Most likely you haven't given it a thought for the very reason that you are a United States citizen. We must realize that there are many people in other countries who would do anything for the rights we Americans so easily take for granted.

This is where our obligations come in. Since we are so privileged to have these rights, it is our duty to voice our opinions, to fight for our causes, and to follow our dreams. Isn't that what the First Amendment is all about? Making our nation a better place. I would like to address one issue of this Amendment that is so prevalent in today's society. This being the freedom of speech and of the press. "Congress shall make no law abridging the freedom of speech or of the press."

In a free society such as ours with a government of the people, by the people and for the people, what right could be more fundamental than the freedom of expression? But yet, what law could be more controversial?

First of all, it is important to understand the values encouraged through freedom of speech. For example, freedom of speech aids intelligent choice, permits the competition of ideas, and encourages the pride of an individual. Through promoting these ideas, it would be easier for the people of our nation to live up to their responsibility of making their voice heard. For, although it is the obligation of the government to listen to everyone's voice, it must be the obligation of the citizen to make their voice heard. It is only through the variety of every voice of the nation that we can find answers.

Thomas Jefferson obviously understood the importance of free speech when he said, "In every country where man is free to think and to speak, difference of opinion will arise from difference of perception and the imperfection of reason, but these differences when permitted as in this happy country, to purify themselves by free discussion, are but as passing clouds overspreading our land transiently, and leaving our horizon more bright and serene." It is evident that Thomas Jefferson, a writer of the constitution, had a strong understanding of our obligations to the government.

The freedom of expression has been tried. Our government has often been faced with the question, "Is freedom of expression absolute? Is it lawful to say anything about anyone, to anyone, under any situation?" The courts have differed on this. But ideally, it would be the obligation of the citizen to judge when he has gone beyond the protection of the amendment.

At our advanced age, man has reached such a high degree of intelligence, giving us so many more answers but leaving us with so many more questions. Now with our intelligence we have the duty to question our government, our laws, even our officials.

Too often though, we are quick to judge. Somewhere the line must be drawn. It is not our obligation to mock the government but to assist, essentially freedom of the speech and press was established to benefit all the people it protects.

Let us serve our country through constructive criticism and intelligent input. It is mindless to get to the point of slander, defamation, or violence. Our goals can only be reached, our problems can only be solved through peaceful communication. I am certain that our forefather had this in mind when they established this amendment.

In our educated nation, let us hopefully work to the point where we can read between the lines of the Constitution and recognize our duties involved. The courts have so many times been faced with the issue of abuse of these rights. Maybe if everyone realized how senseless slander is, how little it accomplishes, maybe if every citizen could spend one day in a country where they didn't have the right to say whatever they felt, maybe then they wouldn't take it for granted. Maybe then they would respect others. This brings up another underlying duty, respect for others.

We are as obligated to us our freedom of speech as we are to respect the next person's freedom, respect. That is a key word in making our society operate. We must learn that in order for others to value our opinion, we must value others opinion. How barbaric our nation would be if we functioned under an every man for himself situation. We are given the right, the freedom to not only benefit others with our ideas but to benefit from other's ideas.

An anonymous author once wrote about how our government and our freedom will not operate until we learn to respect others. It went like this, "Freedom can never mean license because the world we live in just does not function that way. Individuals do not live isolated lives; they live with their fellow men. If we are to live as civilized human beings, we must respect the rights and needs of others. No one is free to hurt someone else. The hunger for freedom that lies in the hearts of all men does not come automatically. Individuals have to make it work and to do that means the recognition of responsibility and the exercise of restraint. Only when people are willing to live up to their responsibilities can they expect to live in freedom."

I, as an American citizen, as a high school student, am so impressed when I see examples of people who use this freedom to fight for a cause which they believe in. Such was the example of Lueretia Coffin, Elizabeth Cady, Mary Lyon, Susan Anthony; four women who used their freedom of speech and essentially aided in adding an amendment to our constitution. It took many women's voices to open the ears of the government but in the end, women were granted the right to vote. What could be more inspiring than seeing someone following their dream, feeling that that dream was their duty?

Let us remember that only in recognizing our responsibilities and exercising our rights will we succeed. Only in respecting others, living in harmony with all and following the duties of our government will we ever benefit the way the founders of our constitution meant for us to. My one hope is that through exercising my freedom of speech, I have benefitted others. For that is the way it was meant to be.

Let us focus on the words of an anonymous author, "Freedom our heritage from the past, our legacy to the future." For if we truly have a government of the people, by the people and for the people, then it truly is our obligation to serve, for we are the future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Lastly, nothing will ever happen until we make it happen. The privilege is there, it is up to us to use it. I leave you with the words of Robert A. Cook, "If ever American freedoms are lost it will not be because the enemy was so strong but because we ourselves were so lazy that we preferred to play at piety rather than to work at responsibilities."

ST. PATRICK'S DAY 1987

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. GILMAN. Mr. Speaker, every year on March 17, citizens of America and the world join in celebration of St. Patrick's Day. On this special day Americans from all walks of life, from all cultures pay tribute to the rich traditions of the nation and the people of Ireland. We as citizens of the United States take special joy in this happy holiday for we have much to celebrate. There are 40 million Irish Americans, many of whom have made significant contributions to the health and prosperity of our great Nation. And yet, even as we celebrate, we must also be mindful of the continuing tragedy of violence in Northern Ireland. We must then view this St. Patrick's Day 1987 as a day of recommitment as well as rejoicing, for this day not only signifies our love for the people and traditions of the Emerald Isle, but the dawn of another year in which the people of Northern Ireland will have to struggle in the face of violence and despair.

This past year offered hope that we may be able to begin the process of healing that is so desperately needed between the Catholic minority and the Protestant majority. I was proud to join with many of my fellow colleagues in support of H.R. 4329, the Peace, Stability, and Reconciliation in Ireland and Northern Ireland Act of 1986. It is my belief and my fervent hope that this legislation, if properly implemented, will do much to demonstrate America's support for the efforts that have been made to bring peace and stability to this troubled land, and to bring to bear substantial resources to aid in that process.

In 1986, we in the Congress continued to support the Anglo-Irish Agreement in November 1985 which has resulted in a role for the Republic of Ireland in the governance of the north. Here in Washington we shall take this St. Patrick's Day to once again salute those courageous statesmen in Northern Ireland and the Republic of Ireland who have begun to work together in the cause of peace. We also look forward to the day when the injustices of the Diplock Courts will come to an end, thereby enhancing the freedom of the people of Ireland. In order for this to be realized we must also insist upon the lifting of martial law. We would do well to remember however that while any politician can play to the prejudices of hatred and violence only true statesmen can solve such vexing problems as those which confront Ireland and thus advance the cause of peace. As we in the Congress look back upon the progress which has been made we are reminded that there is still a long way to go.

As a member of the Congressional Ad Hoc Committee on Irish Affairs, I look forward to confronting these complex issues for only with aggressive and persistent resolve can we hope to lay the foundation on which peace can be built. I know that my colleagues in the Congress share this dedication. I look forward to working closely with the many Irish-American associations and groups in my home district, the 22d Congressional District of New York to achieve those objectives.

Mr Speaker, let us then give thanks, on St. Patrick's Day 1987, that we as a nation can offer our moral and financial support to our troubled brothers and sisters in Northern Ireland. As we continue to travel up the long, hard road to lasting peace and prosperity in Northern Ireland let us hope that, in the words of our Irish friends, "the road will rise with us and the wind be ever at our backs."

BILL FOR THE RELIEF OF THOMAS J. SCANLON

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. PANETTA. Mr. Speaker, I rise today to reintroduce legislation for the relief of Mr. Thomas J. Scanlon for the loss of personal property while in the service of the U.S. Government.

Mr. Scanlon, who presently resides in my congressional district, served as an economic/commercial officer attached to the U.S. Embassy in Reykjavik, Iceland, in the fall of 1979. On September 10, 1979, Mr. Scanlon was directed by U.S. Ambassador Richard A. Ericson to meet two Federal Aviation Agency [FAA] consultants arriving at Keflavik Airport the following morning and transport them to the Embassy. The sole purpose of the trip was to pick up the FAA officials.

Unable to secure a Government car for the trip, Mr. Scanlon was forced to rely on his own car, a 1977 Mercedes-Benz sedan. On the morning of September 11, while on the way to Keflavik Airport, Mr. Scanlon's car struck a patch of ice causing it to travel out of control and over an embankment. Damage to the car was beyond repair. The car, estimated to have been worth $9,400, was not insured against an accident of that kind.

Accordingly, Mr. Scanlon filed a claim with the claims section of the State Department's Office of Operations for the loss of his car. Investigations conducted by both local police and the State Department held that the accident was not the result of any negligence on the part of Mr. Scanlon. The claims section, however, denied Mr. Scanlon's claim on the basis of a provision—paragraph 315F of volume 6—of the Foreign Affairs Manual which states that employee claims are not payable for any damages of loss of a privately owned motor vehicle incident to its operation. The Department's employee grievance board dismissed an appeal filed by Mr. Scanlon, ruling that the board lacked jurisdiction.

Against the backdrop of huge budget deficits, Mr. Scanlon's claim seems insignificant. Yet I hasten to add that the loss of a car represents a formidable setback for most American families. That Mr. Scanlon's car was lost while being used for the benefit of the U.S. Government and not as the results of negligence, makes his claim all the more compelling.

Mr. Speaker, this body has traditionally offered citizens, after all avenues of administrative recourse have been exhausted, a final means of resolving claims with the U.S. Government. We ought not to allow an arbitrary regulation prevent a dedicated public servant from recovering the loss of personal property destroyed while in the service of the U.S. Government.

Accordingly, I am reintroducing private legislation authorizing the payment of $9,400 for the uncompensated loss of Mr. Scanlon's car.

THE 69TH ANNIVERSARY OF THE RESTORATION OF LITHUANIAN INDEPENDENCE

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 25, 1987

Mr. DONNELLY. Mr. Speaker, I would like to share with my colleagues a resolution adopted by my good friends, the Lithuanian Americans of Brockton, MA, commemorating the restoration of Lithuania's independence:

RESOLUTION

We, the Lithuanian Americans of Brockton, Massachusetts assembled this 22nd day of February, 1987, at St. Casimirs Church Hall to commemorate the restoration of Lithuania's independence, do hereby state as follows:

That February 16, 1987 makes the 69th anniversary of the restoration of independence to the more than 736 year old Lithuanian State;

That Lithuania was recognized as a free and independent nation by the entire free world, she was a member of the League of Nations, however, she was by force and fraud occupied and illegally annexed by the Soviet Union.

That the Soviet Union is the last remaining colonial empire, subjugating independent countries; Lithuania was one of its first victims.

That the Soviet invaders, even though using tortures in jails, concentration camps, psychiatric wards are unable to suppress the aspirations of the Lithuanian people for self-government and independence as is highly evident from the numerous underground press and strong dissident activities.

Now, therefore, be it resolved, That we are grateful to President Reagan and the Department of State for statements that an official diplomatic non-recognition of the forced incorporation into the U.S.S.R. of the three Baltic nations will continue to be a position of his administration also; and we are very grateful for the declaration of Baltic Freedom Day.

We urge the United States of America and other nations of the free world to use diplomatic and other possible pressures that the Soviet Union withdraw its military forces, secret police apparatus, foreign administration, and release from jails, concentration camps, and psychiatric wards people who struggle for human rights and liberty and restore self-government in Lithuania.

We protest against the mobilization of men in occupied Lithuania and other Baltic States by the Soviet Union for the purpose of sending them to an imperialistic war of colonial aggression in Afghanistan. This is against international law and against the human rights of the people.

We express our most sincere gratitude to the U.S. Congress for the impressive annual commemoration of Lithuanian independence.

ROMUALDAS BIELKEVICIUS,
President.
DR. PETER BIZINKAUSKAS,
Chairman.
FRANK M. WALLEN,
Honorary Chairman.

LOTTERY SALES REACH RECORD HIGH

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BIAGGI. Mr. Speaker, U.S. lottery sales reached a record high in 1986, totaling $12.2 billion. The 23 lotteries in this country experienced a whopping 20-percent increase in sales last year. Seven States recorded over $1 billion in sales, and six new States will conduct lotteries in the upcoming year. All of these facts point to one conclusion—an easy, painless, and successful way to raise revenues is to conduct a lottery.

I believe it is high time the U.S. Government did just that. We are experiencing one of the most serious domestic crisis ever to face this Nation. We are trying to cope with a budget deficit in the hundreds of billions of dollars. Yet, ironically, the deficit is being attacked without any attempt to raise new revenues. An easy, painless, and successful solution—establish a national lottery.

I have authored legislation, H.R. 83, to do just that. This bill will establish a national lottery with proceeds directed at reducing our Federal deficit. Under this proposal, persons aged 18 and over would be eligible to play and purchase tickets at a cost of $1. The lottery would award 5 prizes monthly, for a total of 12 separate lotteries each year. A full 75 percent of all revenues generated under the national lottery would be earmarked to reduce the principal on the Federal deficit. Of the remaining 25 percent, 20 percent would be reserved for prizes, and the remaining 5 percent would assist in administrative costs.

We can and we must reduce our Federal deficit. Yet, we can not continue to slash our vital human and social service programs as the sole means of accomplishing that goal. It is time to seriously examine all proposals that can serve as a deficit reducing mechanism. Establishment of a national lottery is a proposal I ask all of my colleagues to give their full consideration.

HAITI: CHALLENGE (AND OPPORTUNITY) FOR THE UNITED STATES

HON. WILLIAM LEHMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. LEHMAN of Florida. Mr. Speaker, recently I participated in a conference on economic development in Haiti sponsored by the South Florida Business League. Also attending this conference was my good friend, Mr. Raul Masvidal, a Cuban-American business leader who dedicates a large portion of his energy and resources to helping the less fortunate, not only in our south Florida community, but also overseas.

Soon after this conference, United States business representatives went on a mission sponsored by the Overseas Private Investment Corporation [OPIC] to examine investment opportunities for joint ventures with the Haitian business sector. Mr. Masvidal was one of the participants on the mission. The observations he made on the trip are the subject of his article published in the Miami Herald on February 21. This article reflects his insight and commitment to fostering a healthier economic climate in Haiti that would positively affect the growth and vitality of its trade with the United States market.

Mr. Speaker, I would like to share this article with my colleagues. I am confident they will appreciate Mr. Masvidal's thoughts on the situation, and consider the suggestions he has offered.

[From the Miami Herald, Feb. 21, 1987]

HAITI: CHALLENGE (AND OPPORTUNITY) FOR U.S.

(By Raul Masvidal)

In the year since the fall of the Duvalier regime, the Republic of Haiti has made tremendous efforts to recharge the nation's economy and to cope with staggering unemployment and debt problems. As always, situations of this kind raise the question: "Are they getting anywhere?"

Based on my first-hand observations, made during the visit of a recent investment mission organized and sponsored by the U.S. Government's Overseas Private Investment Corp. (OPIC) in late January, I would say that a great effort has been made, but there is a long way to go.

As the Federal agency that provides political-risk insurance and finance services to encourage the spread of U.S. private investment in more than 100 developing countries, OPIC has placed a great deal of emphasis on the Caribbean Basin in general and Haiti in particular. The mission I accompanied is the third taken to Haiti since 1981, and it focuses on the most important ingredient to the revitalization of Haiti: foreign investment.

Rebuilding the Haitian economy will not be accomplished by grants-in-aid from the United States and other industrialized nations, because government-to-government programs simply cannot meet the growing needs of the developing nations. For example, Congress has more than doubled U.S. assistance to Haiti for the current fiscal year but this offers no long-term solution. The key factor in a permanent solution is the degree to which Haiti can attract more private investment. Public-assistance programs play an important role in meeting immediate short-term needs such as food, health care, and education, but it is the long-term goal that must be met if Haiti is to achieve some degree of economic stability.

The greatest problem facing Haiti today is unemployment, and it is private-sector investment that will create new jobs, generate new capital, teach new skills, and provide continuity in the life of a community. The Haitian government is well aware of this. During the course of the mission's visit, we met with Gen. Henri Namphy, president of the National Government Council with his key ministers, with the officials of PROMINEX-HAITI, the government's investment-promotion agency, and with individual members of the local business community. All agreed on one thing—Haiti needs more U.S. private investment.

This is at once a challenge and an opportunity. The challenge, of course, lies in the risk of undertaking an enterprise in a country whose economy is in serious trouble. On the other hand, great needs produce great opportunities, and there are many of these in Haiti. Many of the participating companies on the mission have indicated their intention to explore specific joint-venture opportunities in greater depth, indicating that they see a potentially productive investment climate.

Crucial to the underlying foundation of this attractive environment for investments has to be a serious and progressive intent to return to democracy. The current government gave us its unequivocal assurance that the electoral process now under way will culminate in free democratic presidential elections in November 1987. This is one of the most important ingredients. Haiti can offer potential investors.

It is also interesting to note the gradual change in the way smaller companies are beginning to view overseas investment in the area. The traditional pattern for the smaller company's entry into an international market was via exporting, but since the enactment of the Caribbean Basin Initiative (CBI), many have shifted their sights to an actual investment in place. By doing this, they can use the provisions of CBI to sharpen their competitive edge in the domestic marketplace. In addition, many Caribbean nations including Haiti, enjoy favorable treaties with the European Common Market; thus the investor can end up with access to two new markets rather than just one.

Certainly I would not suggest that undertaking an investment project in Haiti will be simple, or that it will produce immediate and spectacular results. It will take time and patience, but a healthier Haiti will mean a stronger Caribbean community and a greater capacity for effective trade in the region. In turn, a healthier Haiti should definitely have a positive and far-reaching impact on Haiti's most logical point of reference in the U.S. market—that is, Miami.

Local investors enjoy a natural advantage not only because of geographic proximity, but also because the nature of the challenge and opportunities presented by the emerging Haitian economy are not unfamiliar to the Miami entrepreneurial community. And if the U.S. business community and the U.S. Government can work together on building the private sector of the Haitian economy, many of the problems can be mimimized or eliminated. OPIC's financing, for example, can provide up to $4 million in direct loans for projects involving smaller businesses. Its guarantees can make up to $50 million available for larger undertakings. And its insurance can protect against unusual risks such as currency inconvertibility, expropriation, or physical damage resulting from a war, revolution, insurrection, or civil strife.

There are opportunities and there are incentives, offered both by the host country and the markets of the Caribbean, that have great promise for the future. But we Americans are not the only ones who know this. If we don't act quickly you may find the Japanese, Koreans, Taiwanese, Germans, French, British, Canadians, and others all set up when you get there. This is a growth opportunity that we cannot afford to miss.

A FRENCH COURT STANDS UP TO TERRORISM

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BROOMFIELD. Mr. Speaker, I commend the recent decision of a French court to stand up to the menace of terrorism. I also want to congratulate the administration for ensuring appropriate United States Government participation in the important trial of a well-known terrorist, George Ibrahim Abdallah, whom the French court sentences to life in prison. The French people can be proud of this tough decision which put a terrorist behind bars. Facing down the terrorist threat is the only sound way to deal with this growing international problem. Countries cannot permit terrorists to intimidate their courts in the administration of justice.

Mr. Abdallah, a Lebanese national, was found guilty of complicity in the 1982 killings of Lieutenant Colonel Ray, an American military attache in Paris, and Yacov Barsimantov, of the Israeli Embassy in Paris.

This trial illustrates the importance of international cooperation as a tool in the fight against terrorism. The administration was correct in insisting that our Government participate actively in the case. This involvement obviously strengthened the prosecution, and led to the successful outcome of the trial.

I salute the presiding judge, Mr. Maurice Colomb and the other members of his court, for their just decision. Their verdict is especially noteworthy in light of the fact that the French Government prosecutor called for "moderation" in order to avoid a renewal of terrorist attacks in France. Before the final verdict was handed down, many experts on the trial assumed that the court would give the accused a light sentence so as not to offend the Lebanese Armed Revolutionary Faction, the terrorist group to which Mr. Abdallah belongs.

While progress in the battle against mindless terrorism is slow in coming, this recent court ruling is a significant step forward.

With these thoughts in mind, I commend the following New York Times article of March 1, 1987, on the terrorist trial to my colleagues in the House:

FRANCE SENTENCES TERRORIST TO LIFE

(By Richard Bernstein)

PARIS, February 28.—A special criminal court sentenced a Lebanese terrorist leader to life imprisonment today after finding him guilty of complicity in the killings of an American and an Israeli diplomat in 1982.

The court chose the harshest sentence allowed under French law, rejecting a plea by the Government prosecutor for "moderation" to avoid a renewal of terrorist attacks against France.

GUILTY OF THE DEEDS

The sentence surprised a majority of legal experts here. They had predicted that the seven-judge court would accept the prosecutor's demand of a sentence of not more than 10 years for the terrorist, Georges Ibrahim Abdallah.

The presiding judge, Maurice Colomb, wearing the black and red robes of a French magistrate, announced the conviction and sentence from the bench after a 70-minute deliberation by the court.

"Yes, Georges Ibrahim Abdallah is guilty of the deeds of which he is accused," he said.

"No," he said. "There are no extenuating circumstances. Consequently, Georges Ibrahim Abdallah is sentenced to imprisonment for life."

JUSTICE HAS BEEN RENDERED

The verdict against Mr. Abdallah, the presumed leader of the Lebanese Armed Revolutionary Faction, came after a weeklong trial that had been widely seen here as a test of France's willingness to take an uncompromising stand against terrorism.

At a news conference held after the verdict, the American Ambassador, Joe M. Rogers, said the United States, a civil plaintiff in the case, was "pleased" by Mr. Abdallah's conviction.

"What we sought in this trial was justice and justice has been rendered," Mr. Rogers said.

Before the verdict, American officials had privately expressed worries that the French Government, believed to be fearful of a renewal of terrorist attacks in France, would refuse an aggressive prosecution of Mr. Abdallah.

It was to strengthen the prosecution that the American Government became a civil plaintiff against Mr. Abdallah, hiring a French lawyer, Georges Kiejman, who played an aggressive role in the trial.

Mr. Kiejman, whose participation culminated Friday in an impassioned two-hour plea in which he asked the judges to ignore the "political dimensions" of the case, said today that the verdict proved France to be a "strong democracy."

The defense lawyer in the case, Jacques Vergès, said Mr. Abdallah, who was not in court today, had "burst into laughter when I announced the verdict to him."

"My client had asked me before the session to accept the decision of the court whatever it was, and his decision is irrevocable," Mr. Vergès said, announcing that he would not appeal.

"This verdict is a declaration of war for Arab fighters," he said.

Mr. Abdallah, who is believed to be one of the most important terrorist leaders ever to stand trial in Europe, was found guilty today of complicity in the killings in 1982 of Lieut. Col. Charles R. Ray, an American military attachė in Paris, and Yacov Barsimantov, a second secretary in the Israeli Embassy here. He was also convicted for involvement in an unsuccessful assassination attempt in 1984 against Robert Onan Homme, who was the American Consul General in Strasbourg.

Ever since Mr. Abdallah's arrest in 1984, his presence on French soil has posed a delicate problem for the French Government. In September that year a French Diplomat in Tripoli, Lebanon, Gilles S. Peyrolles, was kidnapped by members of Mr. Abdallah's group. He was released after the French Government reportedly promised that Mr. Abdallah would be released quickly.

That arrangement, widely reported in the press, was abandoned by France in April 1985, when, for the first time, evidence was discovered directly implicating Mr. Abdallah in the Ray and Barsimantov slayings.

Beginning in December of that year, and resuming in March and again last September, there were several bomb attacks in busy commercial districts of Paris carried our apparently by Middle East extremists in an effort to get Mr. Abdallah released. The attacks killed 13 people, 10 of them in 5 bomb explosions last September.

Among the clear concerns of the French Government now is that there will be an attempt by Mr. Abdallah's supporters to renew terror attempts.

Several incidents during the trial led to speculation that the Government was pressing for a light verdict.

Early on in the proceedings, for example, an investigator for the French counterintelligence police said Mr. Abdallah was only a "small chieftain," in the Lebanese Armed Revolutionary Faction, and not its leader.

Life imprisonment in France, which does not have the death penalty, does not allow a convicted person to be paroled before 15 years.

OUR CHANGING FEDERAL SYSTEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, March 4, 1987, into the CONGRESSIONAL RECORD:

OUR CHANGING FEDERAL SYSTEM

Our federal system of government is a source of strength and a source of tension. It is a source of strength as it attempts to assign tasks to the particular level of government—national, state, or local—most qualified to carry them out. It encourages the kind of division of powers desired by the founders of our nation. At the same time, it is a source of tension because the exact division has not always been clear, and, at any time, one level of government has usually been viewed as dominating the others.

From the 1930s through the early 1980s, the national government was considered the dominant partner in our federal system. Washington took on an ever-greater number of functions, primarily by expanding its grant-in-aid programs. The grants went for highway construction, community and regional development, social services, education and job training, and much more. In fact, by 1980, some 534 categorical grant programs, costing $91.5 billion, were available to state and local governments, and constituted about one-fourth of their total expenditures.

While such grant programs have been important to the lives of many Americans, recent Presidents have felt that they were too numerous and too costly, that the states were often better off financially and administratively to handle many of the programs, and that Washington had intruded too far into some areas of state and local responsibility. In his 1982 State of the Union address, President Reagan called for a "New Federalism" in which the national government would assume complete responsibility for all health care programs, in exchange for the states taking over various transportation, education, and social service programs.

Although the Congress rejected this wholesale transfer of important policy areas away from Washington, it has gone along with President Reagan's recommendations to cut state and local assistance. Both the number of grants and the funding levels have declined, and the total spending on these programs now constitutes a fifth (rather than a fourth just six years ago) of all state and local expenditures. While nearly all programs have been cut back, the hardest hit have been community and social services, education and job training, and economic development. In addition, General Revenue Sharing funds for local governments were terminated last year. The 1988 budget recently proposed by President Reagan calls for further cutbacks, including those for community development, mass transit, and low-income and rural housing. Once again, the state and local governments are assuming a large share of the attempts to reduce the budget deficit.

The impact of these fiscal restraints on our states and cities has been both positive and negative. On the negative side, these governments have been forced to face hard choices between cutting services and raising taxes. They have often not been able to offset lost funds from Washington, and many communities, already heavily burdened with substantial unemployment, have had difficulty raising taxes. Inevitably, essential services have been curtailed.

Despite these cutbacks by Washington, and the prospect for more of them, there is a positive side. The cutbacks have stimulated many new initiatives among cities and states, and have enhanced the importance of these levels of government in our federal system. Local and state governments have become more efficient and better equipped to deal with these problems. According to recent studies, we are seeing more full-time, experienced legislators than a generation ago, more effective and responsive governors and mayors, and more efficient state administrative agencies. In addition, a host of policy innovations have emerged from such governments. Whether it be new programs for health care for the elderly and the indigent, successful state and city economic development programs, "work-for-welfare" projects, public-private cooperation on local services, or creative funding proposals for supporting college students, the states and localities have led the way. These governments have proven again that they are still the great "laboratories" of change in our society.

My sense is that these trends toward greater state and local government responsibility are likely to increase. I am impressed by the energy and innovation evident in state governments today, and their willingness to meet challenges. Local governments are increasingly turning to the states as it becomes clear that the national government is pulling back in domestic areas. Because the huge budget deficits are reducing Washington's fiscal flexibility, the flow of influence and responsibility to the states will not be easily reversed in coming years.

At the same time, I believe that there are several ways that the national government can be more helpful during this period of changing intergovernmental relations. In the first place, we need to provide more predictable funding levels for programs conducted by state and local governments. Too often programs are put in jeopardy from one year to the next. Congress should do a better job in meeting its budget deadlines, and more clearly designate the policy areas in which Washington will maintain its role and funding. Such steps would enable local and state governments to plan more effectively for their needs. Second, requirements imposed by Washington on states and localities must be curbed. Such regulations continue to place administrative and financial burdens on state and local governments. Mandates are often issued—such as for carrying out the 1986 anti-drug law or the new immigration law—without adequate funding. More sensitivity to the costs of these important programs is necessary to maintain effective national, state, and local relations. Third, the Congress and the administration need to continue to review selected areas that have been particularly hard-hit by budget cuts and where the need to restore a federal role may be necessary, such as programs for the hungry or the homeless.

As we seek to sort out the different responsibilities among the national, state, and local governments, changes are inevitable. This process, while unsettling, contributes to the continuing vitality of our federal system.

ADVERSE ACTION APPEAL RIGHTS FOR NATIONAL GUARD TECHNICIANS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. DYMALLY. Mr. Speaker, yesterday I reintroduced legislation to grant civilian technicians in the National Guard the right to appeal conduct-related adverse personnel actions to the Merit Systems Protection Board [MSPB].

This bill is the third in a series of bills I have authored that attempt to ensure a fair and impartial review of an adverse action for Federal employees.

Under current law, Federal employees in the competitive civil service have statutory adverse action appeal procedures which include the right to appeal to MSPB. This appeal right also extends to veterans preference eligibles in "excepted service" positions.

National Guard technicians are, by definition, Federal employees in the excepted service. However, under their authorizing statute, technicians—even those who are veterans—are precluded from appealing an adverse action outside of the Guard Bureau.

An adverse personnel action can affect an employee's livelihood and career. That is why it is important that an adverse action be reviewed by an independent third party.

In the National Guard, adverse actions are reviewed by an internal, administrative review board. While I recognize that an internal review procedure is better than having no rights at all, I fear that a system where an appeal is reviewed by a single chain-of-command does not lend itself to fairness and objectivity. In fact, such a system may cover up punitive or frivilous adverse actions against employees.

The legislation I have introduced amends title 32, United States Code, to extend to civilian technicians in the National Guard the same procedural and appeal rights which are afforded other Federal employees under chapter 75, subchapter II, of title 5, United States Code.

This bill will give a unique group of employees who are intimately involved in our Nation's defense the statutory right of due process and the right to present their case in an adverse action situation before an impartial panel, the MSPB.

Mr. Speaker, I urge my colleagues' support of this adverse action appeal rights legislation.

AMERICAN ANATOMISTS DAY

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. HORTON. Mr. Speaker, today I, together with my colleagues, Bob Matsui and Henry Waxman, have introduced a resolution to designate May 12, 1987, as "American Anatomists Day." I hope my colleagues in the House will join us in this fitting tribute to our Nation's anatomists.

Anatomists continue to play a crucial part in the scientific community. The education of all medical students, here and around the world, begins with an intensive study of human anatomy. It forms the framework from which the field of medicine operates.

It is important to note that anatomy departments in Canada and the United States have been the birthplaces of important subdisciplines as endocrinology, neuroendocrinology, modern cell biology, electron microscopic imaging techniques and, most recently, immunocytochemical localization of specific molecules in cells and tissues.

Mr. Speaker, my colleagues and I introduced this legislation to pay homage to anatomists and their field. We introduced it at this time because 1987 marks the 100th anniversary of the American Association of Anatomists, an internationally renowned organization.

I want to thank my two friends from California for joining me in this effort, and hope that other Members will join us in the tribute.

ESTONIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. GILMAN. Mr. Speaker, earlier last week Americans of Estonian heritage celebrated the 69th anniversary of the declaration of the independence of the Republic of Estonia. The years following the Estonian independence saw the establishment of a government that heralded universal suffrage, 8-hour working days, land reform, laws protecting the rights of cultural and religious minorities, and the flourishing of art, music, literature, science, and sports.

Yet, that nationhood was usurped in 1940 when the Soviet Union annexed Estonia during World War II. An occupying force ever since, the Soviet Union has maintained a rigid policy of russification and sovietization, denying the people of Estonia the right to practice their cultural and religious heritage. In the capital city of Tallinn, only about 50 percent of the people are Estonians.

It is important to note, however, that in their hearts, Estonians and Estonian-Americans yearn for the right to self-determination for that country. Indeed, all those who cherish freedom identify with the 69th anniversary celebration. It is our intention to continue to remind the Soviet Union of its obligations and responsibilities to uphold the rights guaranteed by the Helsinki Final Act. While we were gratified to learn that little Kaisa Randpere was reunited with her family at long last, there are still many innocent men and women of Estonian nationality, most notably Mart Niklus, who remain victims of Soviet domination. They need our assistance in their call for freedom. As this important anniversary is noted, they can be certain that they have our sympathy and support in this humanitarian effort.

A BILL FOR THE RELIEF OF WAYNE GREENFIELD

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. PANETTA. Mr. Speaker, I am reintroducing today a bill for the relief of a constituent of mine, Mr. Wayne Greenfield, of Pacific Grove, CA, who I believe is entitled to compensation for losses he has suffered as a result of actions of the Bureau of Land Management in the Department of the Interior.

On October 25, 1965, Mr. Greenfield purchased 132½ acres of land from a private party. The boundaries of the purchased property were established by a Bureau of Land Management survey in 1963 and were duly recorded in the appropriate county courthouse in California. On October 21, 1974, Mr. Greenfield purchased 42½ acres of land by bid from a superior court sale of private property. Again, the boundaries of the property were based on the 1963 Bureau of Land Management survey. In 1979, the Bureau of Land Management resurveyed the property in question which resulted in the loss of approximately 5 acres of Mr. Greenfield's property. The lost property had a value of about $20,000, including timber and land value, and the value of two active springs. As a result of the same survey, Mr. Greenfield acquired some additional land. However, this land was worth only $5,000, leaving Mr. Greenfield with an unfair loss in land value of about $15,000.

I believe that Mr. Greenfield's loss is a result of mistaken actions by the Bureau of Land Management, and that his case warrants the pursuit of private legislation to redress his loss. I urge my colleagues to grant him the necessary relief.

HYDE PARK HISTORICAL SOCIETY 100TH ANNIVERSARY

HON. BRIAN J. DONNELLY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. DONNELLY. Mr. Speaker, I wish to share with my colleagues the observance of the 100th anniversary of the Hyde Park Historical Society. The society will be observing its 100th anniversary with a banquet program on Saturday, March 14, 1987, at the Christ Episcopal Church Parish House, Hyde Park, MA.

The Hyde Park Historical Society was founded in 1887, just 19 years after Hyde Park was incorporated as an independent Massachusetts town. In its early years, the society acquired artifacts, photographs, and records of settlement for presentation to town residents.

The society occupies Weld Hall in Hyde Park and presently holds its monthly meetings there along with a display of the society's collection. The society assists with inquiries from researchers, students, and anyone seeking genealogical information. It features topics of general historical interest. The society conducts periodic field trips to places of historical interest in Massachusetts.

The Historical Trail for the Bicentennial, and assistance with the restoration of the Civil War Memorial in Fairview Cemetery are major contributions of the society to the residents of Hyde Park.

I hope you will join with me in wishing the Hyde Park Historical Society every success and accomplishment for its second 100 years.

FIGHTING EMPLOYMENT DISCRIMINATION AGAINST CANCER PATIENTS

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BIAGGI. Mr. Speaker, for almost 4 years, I have been actively involved in the fight to outlaw employment discrimination against persons on the basis of cancer history. It is an issue of deep importance and concern to me.

We have made progress in our battle to assist those with cancer, especially in the medical field. We have spent millions of dollars on cancer research, and that investment is finally paying off. In fact, 51 percent of people diagnosed today with cancer will be cured. By the year 1990, 1 out of every 1,000 children reaching the age of 20 will be childhood survivors of this disease. Yet, to me, there is a huge irony surrounding our efforts with respect to medical research. Why have we spent an astronomical sum of money on cancer research, if we, as a society, do not permit full recovery, complete rehabilitation, and acceptance? Why have we, as a nation, made cancer research a medical priority, only to deny those individuals benefiting from the research—namely cancer survivors—fair and equal treatment in our workplace?

Some progress has been made in our battle to provide individuals with a cancer history equal opportunities in the workplace. Congress, in fact, recognized that this huge injustice exists, and that cancer patients should be provided fair and equal treatment in the workplace when we passed House Concurrent Resolution 321 last year. Yet until we enact a statute specifically outlawing cancer-based employment discrimination, our Nation's 1 million victims of this discrimination will be denied adequate and appropriate protection against this outrage.

Later this month, I will be reintroducing legislation to prohibit employment discrimination against persons on the basis of cancer history. I wish to bring this legislation to the attention of my colleagues once again, for you have been supportive of my efforts in the past. I also wish to bring to your attention a specific case of cancer-based employment discrimination, which was recently resolved in the State of Massachusetts. This case will make it clear that we here in Congress must provide equal protection under the law for individuals with a cancer history. While I am pleased at the outcome of this case, unfortunately, it is the exception and not the rule.

> DAMAGES AWARDED
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> A Massachusetts official has ruled that a company must pay $25,000 in emotional distress damages and about $11,500 in lost wages to an office clerk fired because she had breast cancer.
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> Art Cement Products of Springfield also must pay 12 percent yearly interest on the $36,538 total to Lila Brady of Wilbraham, said Commissioner Frederick Hurst of the Massachusetts Commission Against Discrimination. Hurst ruled Wednesday that the company discriminated when an office manager fired Brady in 1981 after she told him she would have to undergo surgery.

OIL LEGISLATION

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. McKINNEY. Mr. Speaker, I am pleased to join today with my good friend from Michigan, [Mr. WOLPE], in introducing legislation that closes a loophole in section 7(d) of the Export Administration Act and also broadens the coverage of section 7(d) so that it applies to all domestically produced crude oil, not just North Slope crude. As my colleagues know, section 7(d) essentially provides that North Slope crude may not be exported without a recommendation by the President and the concurrence of the Congress. Notwithstanding congressional opposition to exports that are not in the national interest, export proposals continue to be made.

This bill modifies section 7(d) of the Export Administration Act by expanding its coverage to include all domestically produced crude. The House agreed to this provision last year as section 321 of H.R. 4800, the omnibus trade bill. Additionally, the legislation extends the coverage of section 7(d) to the output of export refineries, such as the one proposed for construction in Alaska.

On October 2, 1986, I addressed this body to express my concern about the proposal of Alaska Pacific Refining, Inc., to circumvent the existing restrictions in section 7(d) by building a refinery in Alaska at the terminus of the TAPS pipeline to refine 100,000 barrels per day of Alaskan oil solely for export. By converting North Slope crude into a refined or partially refined product, the company apparently intends to exploit a loophole in section 7(d). Notwithstanding congressional expressions of concern last year, the company apparently intends to move forward with the project. On January 13, 1987, Platt's Oilgram News reported that work would begin later this year on the proposed refinery. The article reported that the company had commitments from Thailand, Korea, and Japan for most of the plant's products. Moreover, the article indicated that "[t]he facility will be modular built, with components from Korea and/or Japan." In short, it appears as if Japanese and Korean interests not only intend to reap the financial benefit of building the refinery, but also expect to enjoy the strategic advantage of having the United States help them meet their energy needs, irrespective of the interests of American consumers.

In drafting section 7(d) and in amending it most recently in 1985, the Congress never intended to create a loophole that would give Japan and Korea access to North Slope crude oil without the consent of the President and the Congress. The legislation Mr. WOLPE and I are introducing today closes that loophole and I trust conveys to those who would exploit existing law our seriousness in restricting exports of crude oil that are not in the national interest.

As I hope my colleagues appreciate, we face a very serious energy problem in this country. Recent news reports indicate that the United States is again on a crude oil importing binge. Unless we come to our senses, by 1990 at least 50 percent of all petroleum used in this country will have to be imported. In addition to undermining our energy security, this swelling tide of oil imports threatens to dilute our efforts to reduce the trade deficit. Our oil bill is growing at a remarkable $1 billion per month, which will escalate even higher if crude prices continue edging up. Given this environment, it seems ludicrous to me to permit any domestically produced crude oil to be exported from this country without an explicit recommendation by the President and the concurrence of the Congress.

I urge my colleagues to support this legislation.

SCHOOL BOARD OF NASSAU COUNTY VERSUS ARLINE

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. DANNEMEYER. Mr. Speaker, yesterday the Supreme Court handed down a decision of worldwide significance which will profoundly affect the public health of this Nation. In the case of School Board of Nassau County versus Arline, the Court held that persons with "contagious diseases" are handicapped pursuant to section 504 of the Rehabilitation Act. The implications of this decision are clear; persons with contagious diseases such as meningitis, typhoid fever, AIDS, hepatitis and the plague may now be the subject of affirmative action suits.

As you may know, in order to receive the affirmative action protections of section 504 of the Rehabilitation Act, persons must be handicapped and be found otherwise qualified for the job. Justice Brennan, writing for the majority—7 to 2—holds that a person with a contagious disease is handicapped because he suffers a "physical or mental impairment which limits a major life activity." In the case of Mrs. Arline, the Court finds that she is handicapped but remands the case to district court to determine whether she is otherwise qualified. Both standards must be met for a claimant to fall within the affirmative action protections of section 505.

Justice Rehnquist, writing for the dissent, concludes that Mrs. Arline is not handicapped because she was not fired due to any physical or mental impairment but rather because the school board feared that she would infect others. In addition, Justice Rehnquist concludes that the legislative history of section 504 does not contemplate the inclusion of contagious diseases. Because the act and the legislative history are silent on this point, section 504 cannot protect Mrs. Arline because when the school board received Federal financial assistance it did not contemplate that section 504 would apply to contagious diseases. Therefore, the school board did not knowingly accept Federal funds and the attendant imposition of certain conditions as requried by Pennhurst. Pennhurst holds that where Congress intends to impose a condition on the grant of Federal funds it must do so unambiguously.

Because of the inherent risks posed by this decision, I am introducing legislation which will exclude persons with contagious diseases from the category of handicapped persons under section 504. It is clear that persons with contagious diseases should not be considered handicapped or otherwise qualified pursuant to section 504. The inclusion of persons with contagious diseases is inappropriate because such persons do not meet the three criterion for antidiscrimination coverage:

First, a contagious disease is not a handicap. The statutory definition of handicapped, is one who "has a physical or mental impairment which substantially limits one or more major life activities." Since a person with a contagious disease may or may not be limited in their major life activities, they should not be automatically covered.

Second, those who are handicapped may not meet the second criterion that requires them to "meet all of the programs requirements in spite of the handicap—and without endangering the health and safety of themselves and others." The mere presence of an individual with a contagious disease endangers the health of others due to possible infection.

Third, accommodation of contagious persons must not place an undue burden on an employer. Special equipment and workspace would need to be provided to accommodate the isolation of certain infected workers and protective garments and barriers would be needed to protect the noninfected worker. Thus, the contagious individual does not meet the third criterion since he/she would "impose an undue hardship on the operation" of the program.

When Congress amended the act in 1978 to exclude alcoholics and drug users, the legislative history indicates that it acted to preserve public safety. Congress has never contemplated the inclusion of contagious diseases within the definition of "handicapped individual." Furthermore, we have always treated contagious individuals differently from handicapped individuals. For instance, persons with contagious diseases as well as alcoholics and drug abusers are excluded from the United States by the immigration laws. If the Court's ruling is rationalized to absurd limits, it is possible that the Federal Government or any employer receiving Federal assistance may be faced with affirmative action suits from persons with contagious diseases. Such a decision would require our Federal law to, on the one hand, exclude persons with contagious diseases, while requiring affirmative action to hire individuals with these same diseases.

The interpretation of congressional intent in the Arline decision has far-reaching consequences unintended by Congress. For that reason Congress must not act to clarify its intent. As a member of the Judiciary and Energy and Commerce Committees I will work to see that this decision is effectively overturned.

INTRODUCTION OF A PRIVATE BILL FOR RELIEF OF RICK HANGARTNER, RUSSELL STEWART, AND DAVID WALDEN

HON. JACK BROOKS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BROOKS. Mr. Speaker, today I am introducing a private bill to reimburse three individuals—Rick Hangartner, Russell Stewart, and David Walden—for their out-of-pocket legal expenses incurred during the course of several Government investigations into fraud allegation involving a $115 million contract with the Social Security Administration awarded to the Paradyne Corp. This computer contract was for the modernization of the Social Security Agency's telecommunications and automatic data processing capabilities. Since the award of this contract in 1981, this procurement has been investigated by the Health and Human Services' Inspector General's Office, the Securities and Exchange Commission, the FBI, and by the House Government Operations Committee, which I chair. Presently, as a result of these investigations, criminal indictments against the Paradyne Corp., several of its officers, and a Social Security employee are pending trial in Federal court.

Rick Hangartner and Russell Stewart, both former Paradyne employees, blew the whistle on their employer's activities. David Walden exposed the wrongdoing from within the Social Security Administration. Their willingness to come forward has been accompanied by tremendous cost to both their personal and professional lives. Each has been forced to new jobs, or retire. Further, each has had to submit to lengthy legal proceedings.

My private bill would reimburse to these citizens their out-of-pocket legal expenses associated with their involvement in the Government investigations. This is not a lot of money—approximately $7,000 to $8,000 for each.

The Federal Government and the American taxpayers have benefited greatly from the efforts of these three individuals. I feel strongly that the least that should be done is to reimburse them the out-of-pocket legal expenses they incurred as a result of assisting the Government in exposing such large-scale procurement fraud.

I urge my colleagues to pass this modest measure.

TOURISM WORKS FOR AMERICA

HON. BILL NELSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. NELSON of Florida. Mr. Speaker, it is my privilege to serve as the new chairman of the U.S. Congressional Travel and Tourism Caucus. Along with our new vice chairman, Representative Toby Roth, and secretary-treasurer, Representative Robin Tallon, I have pledged to make the Tourism Caucus stronger and more effective.

The participation of House Members in the caucus is very important to us. The major goal of the Tourism Caucus continues to be to create an awareness of just how important tourism is for the economic well-being of the United States.

I commend to my colleagues a recent Washington Post article, "Tourist Inflow Causes Cut in Travel Deficit," which clearly shows the positive impact the travel and tourism industry has on our Nation's economy. This past year, when 22 million foreign visitors came to the United States and spent $16 billion on U.S. products, tourism experienced its highest growth rate since 1981. In fact, we had a $1 billion trade surplus with Japan alone in travel and tourism.

I invite you to join the efforts of the U.S. Congressional Travel and Tourism Caucus this year. We plan to be actively involved in the formulation of Federal tourism policy and follow these issues, which are especially important to all of our constituents, closely.

I include the newspaper article at this point in the Record:

TOURIST INFLOW CAUSES CUT IN TRAVEL DEFICIT

(By Donna Cassata)

The U.S. travel and tourism industry basked in success last year as 22 million foreign visitors came to the United States and spent $16 billion on U.S. products, a Commerce Department official said yesterday.

The influx of visitors resulted in an 11 percent decline in the U.S. international travel deficit, from $9.7 billion in 1985 to $8.6 billion in 1986, Donna F. Tuttle, undersecretary for travel and tourism, told a meeting of the American Hotel and Motel Association.

"And with so much attention paid to the overall trade deficit we have with Japan, it gives me great pleasure to point out that we have a $1 billion surplus with Japan in travel and tourism," she said.

The U.S. trade deficit for 1986 was $179.8 billion while the trade deficit with Japan totaled $58.6 billion.

European visitors to the United States increased 28 percent while South American arrivals were up 22 percent.

"It was a welcome year for tourism," said Don Wynegar, director of the United States Travel and Tourism Administration's office of research. Wynegar said the figures, which were based on preliminary data from the USTTA, indicate the highest rate of growth for the industry since 1981.

In 1986, 1.7 million Japanese visitors came to the United States, a 10 percent increase over the previous year.

Mexico marked the largest decline, down 14 percent from 1985.

PUBLIC INTEREST SHOULD INCLUDE ALL THE PUBLIC

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BIAGGI. Mr. Speaker, how many times have you watched a television program or listened to a radio program and heard an offensive or derogatory comment directed at an ethnic or minority group?

According to the Federal Communications Commission, the number of such complaints increased by 70 percent in 1986 from 1985.

All told during the past year a total of 297 complaints were filed by outraged members of the public.

One would assume that these complaints occurring at a rate of almost one a day for the entire year would get some special attention at the FCC.

In fact just the opposite occurs. Complaints of this type are lumped together with 13 other categories by the FCC despite the fact that the complaints relate to such offensive things as stereotyping—and ridicule of persons and groups because of their ethnic or racial background.

I am introducing legislation today to establish within the FCC an ethnic and minority affairs clearinghouse. Its purpose would be to not just collect complaints but also work to help promote a more positive portrayal of ethnic and minority groups by radio and TV.

It is my hope that this legislation will help to promote both a greater awareness and sensitivity on the part of the media about their coverage and depiction of ethnic and minority groups.

The FCC licenses radio and television stations. These licenses produce great financial benefits in many instances. A license is awarded to a station that operates in the public interest. Subjecting an ethnic or minority group to ridicule and denigration does not meet this mandate.

The FCC should help ensure that the public interest includes all the public. Our objective is not greater censorship but greater sensitivity.

DR. RAMONA MAPLES' DISTINGUISHED CAREER OF PUBLIC SERVICE

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. DELLUMS. Mr. Speaker, I call your attention to a celebration of the distinguished public service career of Dr. Ramona Maples, which will take place on Sunday, March 8, in Berkeley, CA.

There is much more of this story, Mr. Speaker, than Dr. Maples' retirement from the Berkeley, CA, Unified School District. Ramona Maples' record of accomplishment spans an era of momentous progress for Americans of African descent, and she has been a significant player in the still unfolding drama of minority gains in the field of education.

Ramona Maples received a bachelors degree from the University of California, Berkeley, at the age of 19. She subsequently obtained both masters and doctoral degrees from Cal Berkeley.

She embarked upon a career in elementary and secondary education, serving first as a highly rated teacher in the Richmond Unified School District from 1951 until 1956. After a brief stint of teaching at the junior high school level, she became vice principal of Lincoln Elementary School in Berkeley. In 1958, Dr. Maples was named district administrator of the Berkeley School District, where she served until her recent retirement.

Dr. Maples has provided outstanding leadership to the Berkeley School District. Her tenure as chief administrator has been marked by expanded opportunities for minority teachers at a time when this concept was considered precocious, expanded involvement of the Berkeley district in innovative programs, and the general acclamation that the Berkeley School District is an example of excellence that is emulated by local school districts nationwide.

Here record of capable public service has not restrained Dr. Maples from making equally significant contributions to the bay area community. Some of the organizations that have benefited from her involvement include the Alameda County Democratic Central Committee, the Human Relations Council, the Welfare Committee for the city of Berkeley, the East

Bay Democratic Club, the University of California Alumni Council, and the NAACP. Her contributions to all of these organizations have been valuable, but her involvement with organizing black Cal Berkeley alumni is worthy of special mention. Dr. Maples' cofounding, in 1970, of the Black Alumni Club at University of California Berkeley has provided a visible symbol of the positive impact that minority professionals can exert on their educational institutions and the broader community.

Mr. Speaker, even the exhaustive recitation of Dr. Maples' accomplishments that I have just attempted overlooks her important contributions to the California Youth Authority, her peer review activities with the U.S. Department of Education, and most important to me, Mr. Speaker, the personal contributions of Ramona Maples to the political consensus that moved me to run for Congress. Her commitment to the ideal of justice for all has been a valuable inspiration over the years, and I offer my gratitude for the guidance she has shared.

Thank you, Mr. Speaker, for this opportunity to address the House in commemoration of Dr. Maples' exemplary career of service to her community. I extend her my best wishes and my hope that she will continue her advocacy of activism.

LEGISLATION TO COMBAT THE PRACTICE OF TORTURE

HON. GUS YATRON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. YATRON. Mr. Speaker, I am pleased to join my colleagues, Mr. RODINO and Mr. LEACH, in introducing legislation which provides a legal mechanism to combat the practice of torture. This bill will amend the United Nations Participation Act of 1945 to carry out obligations of the United States under the United Nations Charter by providing a civil action for recovery of victims from persons engaging in torture. The Torture Victim Protection Act was introduced toward the end of the last session of Congress, and received strong bipartisan support among its nearly 100 cosponsors.

This legislation will make every person who, under actual or apparent authority of any foreign nation, subjects any person to torture or extrajudicial killing liable to the party injured. International human rights violators visiting or residing in the United States have formerly been held liable for monetary damages under the Alien Torts Claims Act. Several recent judicial decisions have questioned whether this statute provided a clear basis for future suits in U.S. Federal courts. We have to clarify and expand this area of law. The Torture Victim Protection Act will clearly establish a Federal right of action against human rights violators and authorizes suits by not only aliens, but also U.S. citizens who have been victims of human rights abuse.

The Subcommittee on Human Rights and International Organizations, which I chair, held a series of hearings on the phenomenon of torture. Following these hearings and those before the Senate Foreign Relations Committee, Congress adopted and the President signed a joint resolution on torture. We now must reaffirm the U.S. abhorrence of torture by implementing concrete mechanisms to combat its use.

Millions of individuals throughout the world experience acts of cruelty too brutal to imagine. In addition to their physical suffering, they also must endure the unwillingness of well-meaning people to look at or listen to their story. Seeing proof of torture is too difficult to face—but face it we must. Torture is a powerful and brutal enemy. It cannot be conquered if it is ignored, nor can it be beaten by admonitions or condemnations. It must be attacked directly and forcefully.

I urge my colleagues to support this landmark legislation so we can begin to eradicate this heinous crime.

ANN ARBOR NEWS EDITORIAL ON PLANT CLOSINGS

HON. WILLIAM D. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. FORD of Michigan. Mr. Speaker, I want to share with my colleagues an editorial that appeared in the Ann Arbor News on February 26 on plant closings and the need for advance notice. This editorial succinctly outlines the case for the mandatory advance notice provisions included in H.R. 1122, the Economic Dislocation and Worker Adjustment Assistance Act.

The text of the article follows:

[From the Ann Arbor News, Feb. 26, 1987]

PLANT CLOSINGS—GOVERNMENT, INDUSTRY MUST FIND WAY TO ALLOW ADVANCE WARNING

There has to be a better way of giving workers warning of job layoffs or plant closings than finding out by rumor or secondhand through their union steward.

According to a report from the General Accounting Office last year, the average blue collar worker gets seven days notice that his or her job is about to end. For the average non-union employee, it's two days warning.

That kind of advance notice, if you can call it that, is heartless. What's a worker supposed to do, express his gratitude that he even got that much lead time to clean out his locker and get his affairs in order?

Early warning of plant closings is needed to "mobilize the pre-layoff assistance that can help employees quickly find new jobs and avoid joining the ranks of discouraged, dislocated workers," according to Rep. William Ford, D-Taylor, sponsor of legislation to require that companies give their workers the word well in advance of shutdowns or layoffs.

Obviously there is room for disagreement over whether government should force firms to disclose their intentions.

For one thing, not all layoffs are foreseeable. Times and economic conditions change rapidly, forcing companies to adjust their strategies hurriedly. Long-term plans go out the window.

The National Association of Manufacturers, for example, said Ford's bill was unrealistic. "The small manufacturer who loses a supplier or key customer is often unable to predict its business climate and cannot be bound by strict mandates when it is struggling to survive," said NAM vice president Randolph Hale.

And as Labor Secretary William Brock told a House committee recently, forcing companies to announce plant closings well in advance could instantly dry up needed supplies and financing, "creating a self-fulfilling prophecy."

Brock was on Capitol Hill to tout President Reagan's $980 million program to help about 700,000 dislocated workers a year, a package that contains no requirement for advance notice of plant closings.

Ford said the administration's approach is a Band-Aid. It may be at that because it applies after the fact, i.e., after a worker has been traumatized by the loss of his job and the bitter experience of collecting unemployment benefits.

From the standpoint of philosophy, Brock and the Reagan administration maintain the best way to get companies to warn workers of impending layoffs is to offer incentives that encourage them to voluntarily give advance notice whenever feasible.

Notice all the weasel words: "Encourage," "voluntarily," and "whenever feasible." If you add any more loopholes to that philosophy, a piece of Swiss cheese would look airtight by comparison. If the administration is looking for incentives to provide these companies, it will have to look beyond moral persuasion.

Plant closings and worker dislocation are a serious problem in this country. The manufacturing jobs that are being lost unfortunately aren't being replaced by jobs that pay comparably. Job retraining helps some, but the laidoff worker is just as apt to bounce from one lesser-paying job to another in a frustrating search for the economic stability he once had. In the meantime, frustration feeds on itself, a marriage founders and self-esteem plummets.

Ford's latest bill, scaled back from earlier versions, would require firms to give 90-days notice if 50-100 jobs and 180-days warning for the loss of more than 500 jobs.

Government intervention into private business decisions is taken advisedly, but one must ask whether springing unpleasant surprises on unsuspecting workers is any way to do business, especially when we're getting clobbered by the Japanese and others who seem to have a better fix on good labor-management relations.

CATASTROPHIC HEALTH INITIATIVE

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. ROYBAL. Mr. Speaker, though I greatly fear that this year's catastrophic health cost bill will fail to fill Medicare and Medicaid's real gaps or to solve the full problem of the 37 million uninsured and the 200 million underinsured, I understand that you feel the need to pass Federal MediGap legislation quickly.

In moving forward with such a legislative initiative, I urge the Congress to evaluate critically the merits of each proposal based on the following principles:

Limit out-of-pocket costs for part A and B (preferably to $500 or lower).

Ensure affordability for the poor and near poor.

Maintain the principle that Medicare benefits not be means tested.

Elderly pay their fair share of any benefit expansion.

Nonelderly receive an equal portion of increased general revenue funding.

Retain the cost-sharing principle of Medicare, but at a lower level.

Reduce the nursing home coinsurance rate and hold down deductibles.

Reduce the hospital deductible and limit future increases to COLA.

Cover and hold down catastrophic prescription drug costs.

Eliminate the problems of private MediGap insurance.

Utilize efficiency of Medicare's high dollar return.

Not increase the Federal deficit.

As for a specific package, including a Federal MediGap insurance [FMI] plan and added Medicaid protection, I suggest that you consider the following catastrophic health initiative:

MEDICARE (FEDERAL MEDIGAP INSURANCE)

The $300 catastrophic limit on beneficiary out-of-pocket costs applied to all Medicare coinsurance/deductibles and indexed to the Social Security COLA.

Hospital coinsurance covered for 365 days. The hospital deductible reduced and indexed to the Social Security COLA.

Skilled nursing facility care covered for 150 days. Coinsurance eliminated (or reduced to one-fifth of nursing home costs, applied only to the first 7 days). The 3-day prior hospitalization requirement for nursing home care dropped. The definition of skilled lowered to allow better access to skilled nursing home care.

Intermittent home health care better defined.

Prescription drugs added as a benefit subject to a $100 deductible and a small coinsurance but subject to the above limit. Drugs purchased from participating pharmacies with prices prospectively set by Medicare.

Catastrophic benefits (the limit, drugs, nursing home and home health) go beyond current Medicare benefits and are mostly financed by beneficiaries.

Financing from, first, one-third of the revenues from raising the cigarette tax by 16 cents and indexing the tax, and, second, an FMI premium of about $5 to $10 per month. The remaining expanded, benefit financing paid by the elderly and disabled on a progressive basis and not linked to taxing existing Medicare benefits.

MEDICAID

Expand Medicaid eligibility for poor and near poor nonelderly, especially children.

A spousal protection plan protecting limited amounts of income and assets when one member of elderly couple requires Medicaid long-term care. Also, the personal needs allowance raised from $25 to $35 per month.

Financing by two-thirds of revenues from raising the cigarette tax by 16 cents and indexing the tax.

Why this particular package? It provides important, limited catastrophic protection for beneficiaries without taxing existing Medicare benefits or increasing the deficit. Though this type of MediGap proposal is a step toward catastrophic protection, we must be mindful of its limitations. That is, it does not fill all of the real gaps in Medicare, does not solve the long-term care problem and does not protect most uninsured.

No matter what Congress chooses to do this year with respect to the catastrophic health issue, we must never forget the great and urgent need for a comprehensive, catastrophic health initiative protecting all Americans. Sooner or later, Congress must find the political will to finish the job.

ROCHESTER PRODUCTS EXEMPLARY WORKPLACE LITERACY PROGRAM

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BIAGGI. Mr. Speaker, yesterday I introduced a bill to encourage workplace literacy programs. The legislation is in direct response to the increasing concern regarding American competitiveness and offers an important solution to improving literacy and increasing the basic skills of our work force. This measure, H.R. 1342, will amend the Adult Education Act to include a Federal grant program for activities that teach literacy skills needed in the workplace.

I wish to share with my colleagues an exemplary workplace literacy program now being conducted in my home State of New York. It is a unique service operated by Rochester Products, a division of General Motors and the local representative of the United Auto Workers, local school districts, and the New York State Department of Education. This partnership provides education services to 1,600 of the company's 4,000 employees. These employees have not completed high school and/or possess limited English proficiency. Without the education services provided by this partnership, these 1,600 employees would lack the necessary skills to remain employed as Rochester Products Division [RPD] begins to modernize its production processes and retools to keep pace with rapid technological changes in the world market. Following is a brief overview of the program:

Program attendance: Rochester Products provides employees with paid time off while they attend classes 5 days per week 7 hours daily. Employees enroll in 8-week cycles, but may be recycled if achievement, attendance, and behavioral goals are not met. More than 500 employees have enrolled since the program begain in May 1986, 320 have received instruction, and nearly all of these employees have made significant progress toward their high school equivalency diploma. Over 100 employees have already earned the diploma. Perhaps the most significant statistic to point out is that the program's dropout rate has consistently been less than 5 percent.

Program participants: The participants in this program have consisted largely of minorities, including women, blacks, and Hispanics. In addition, the program has also served the learning disabled. And finally, the program encourages the participation of older workers as well as employees who are educationally disadvantaged or handicapped. The problem of adult literacy cuts across all boundaries of economic level, race, ethnic heritage, and age.

Program objectives: The primary objective of the program is to prepare employees to obtain their high school equivalency diploma through an emphasis on basic skill instruction. Other program goals are to increase English proficiency for those who are deficient in English speaking, reading, writing, listening, and speaking skills, to provide vocational instruction in needed areas, and to improve life skills instruction. In addition, by offering specific training in computer literacy, technical math and blueprint reading, the program provides employees the potential for growth within their current jobs at RPD and allows them to become eligible for job upgrade within the company. And finally, participants also become equipped to move into the larger employing community in the Rochester area.

This program has at its focus the services needed to upgrade the work force of RPD and permit the company to make the changes essential to effectively compete in the marketplace. Most importantly, the program is meeting its goal. I ask each of my colleagues to take a good look at this exemplary program—it is desperately needed on a nationwide level.

My bill, H.R. 1342, will provide funds for these critical literacy programs, and ultimately, assist in the economic development of this Nation. Our marketplace can only be as effective as its workers. Let us do everything possible to ensure a quality work force, a quality marketplace, and a quality nation. Workplace literacy programs are a vital step in our efforts.

TRIBUTE TO THE HONORABLE MELDRIM THOMSON, JR.

HON. ROBERT C. SMITH

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. SMITH of New Hampshire. Mr. Speaker, this weekend, the people of New Hampshire will pay tribute to one of our State's most prominent citizens on the occasion of his 75th birthday. Former Gov., Meldrim Thomson, Jr., will be duly heralded by friends and colleagues for his yet unmatched fight to maintain New Hampshire's unique position as the only State in the Nation with neither a sales nor income tax, and his protection of the liberties of our people.

Mel Thomson first ran for Governor in 1968 on a platform of "ax the tax." During his 6 years in office as the 91st Governor of New Hampshire, from 1973 to 1979, he balanced the State's budget and had a surplus every year he was in office—a lesson from which the Federal Government could learn a great deal.

It is appropriate to recognize him in the U.S. House during this historic 100th Congress and the bicentennial of our Constitution because no one is more dedicated to preserving that document. As Governor, Mel Thomson recognized that—in his words—"we in New Hampshire have inherited a special understanding of the meaning of liberty because we were pace setters in the revolutionary struggle for freedom." The patriots of New Hampshire drafted the first constitution of the colonies on January 5, 1776, and on June 15 of the same year we were one of the first colonies to declare our independence from Britain.

It is in this tradition that Mel Thomson became our State's most ardent populist * * * truly a man of the people. His deep convictions to freedom, his devotion to God, his affection for New Hampshire, and his strong love for Gale and his children serve as a model we all would do well to follow.

Without his inspiration, I would not be a U.S. Congressman today.

Mel Thomson is probably right now at home on his farm in the small town of Orford, NH. He's waiting for spring to make the maple sugar and plant the corn and tomatoes. Or perhaps he's bouncing one of his grandchildren on his knee. He never has stopped teaching, learning and writing about our traditional values and hard-won freedoms. He is an inspiration to us all, an unparalleled patriot, a 20th century Samuel Adams.

Meldrim Thomson is a great American, a gentleman, and a gentle man * * * but most importantly, my friend. Happy 75th birthday, Mel.

THE INTRODUCTION OF THE CONSUMER RAIL EQUITY ACT

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. TAUZIN. Mr. Speaker, I take great pleasure in joining in the introduction of the Consumer Rail Equity Act. Those of us who worked so hard in the last Congress to achieve passage of the act are anxious to see the problems of the ICC's implementation of the Staggers Rail Act resolved in this Congress. I have asked the people of Louisiana to elect me to be their next Governor, and my continuing responsibilities as the Congressman for the Third District of Louisiana, and my new responsibilities of campaigning have led me to the reluctant conclusion that I cannot play the role that I played in the last Congress in achieving passage of this legislation. I am extremely pleased that my distinguished colleague from Virginia [Mr. BOUCHER] has eagerly agreed to lead this effort in this Congress. I would hasten to add, however, that I remain fully committed to the Consumer Rail Equity Act's passage, and will remain at the center of this effort.

Mr. Speaker, the Congress has been patient. We have given the Interstate Commerce Commission over 6 years to carryout the Staggers Rail Act in the balanced, equitable manner that Congress intended. In hearing after hearing in the last Congress, the Commission's errors and omissions were set out for all to see. These included:

A railroad inflation index that only went up, not down, even in the face of persistent decreases in railroad costs;

A rate reasonableness record that had never ordered a railroad captive shipper rate reduced under its Staggers Act interpretations;

A railroad "revenue adequacy" test unique in the annals of American regulatory law, one that found no major railroad even close to revenue adequacy, despite billion dollar railroad diversification programs, and rising stock prices and bond ratings that would be the envy of many major industrial companies;

A complete abdication of the responsibility entrusted to the Commission by the Staggers Rail Act to promote rail competition as the preferred method of disciplining rail rates; and

A disturbing tendency to grant railroad abandonment applications on the basis of incomplete records or even sheer speculation.

Those of us who participated in these hearings went to great lengths to impress upon the Commission our dissatisfaction with this unusually poor record. To us, the Commission was giving deregulation a bad name, and that was most unfortunate. For it was clear that for many of the Nation's shippers, perhaps even a majority, the Staggers Act was working exactly as intended. For their part, the railroads showed that where they faced competition, they were quite capable of meeting or beating the competition. But the success stories of deregulation were being overwhelmed by legitimate complaints about a Commission out of control.

The Commission's record, as revealed in these hearings, truly earned it the description that our distinguished colleague and Chairman, Mr. DINGELL, gave it last year: "brain-dead."

As you know, Mr. Speaker, we tried last September to include a modest compromise of captive shipper protections in the Conrail sale legislation, and failed in the Energy and Commerce Committee by a single vote. There were concerns raised about the impact of including these provisions in the legislation authorizing the sale of Conrail. We now have the opportunity to consider these issues on their own merits without those complications, and the obligation to address the issues in a responsible manner.

These issues are often discussed in such a way that they seem to be little more than extended academic debates about fine points of economic theory or regulatory philosophy, but the impacts are very real. When a railroad can charge any rate with impunity for hauling coal to a utility powerplant, the victim is the ratepayer who pays all the fuel costs on his utility bill. When a branch-line abandonment is granted on the basis of vague, inaccurate financial data and little or no evidence of the impact on the local community, the victims are the shippers who lose all rail service and the community's economic development potential. When a rate reasonableness case festers at the ICC for years and years, with no end in sight, the victims are those whose only protection against being ripped off by a railroad is in the hands of the Commission. When a grain elevator operator is denied access to a competing railroad, the victims include the farmers who see most of a full year's hard work and aggravation in a depressed farm economy go to benefit a railroad that spends billions buying oil and gas properties. There's no fairness here, no equity, and certainly no evidence that the ICC comprehends the magnitude of damage that it has wreaked on America's consumers, shippers and farmers.

The Commission will answer that it has already taken a number of steps to correct the balance. In truth, the record shows that the Commission, under intense pressure from the Congress, reluctantly and begrudgingly took several half-hearted steps toward reform while Congress was in session, and began to retreat even before Congress adjourned. Each of these steps has been appealed to the courts by the railroads, so the issues are far from settled.

Mr. Speaker, the Consumer Rail Equity Act does nothing more than ensure that the carefully crafted balance of the Staggers Rail Act is finally carried into effect. Rates that the Staggers Act intended to be deregulated will remain deregulated; rates that the Staggers Act intended be subject to regulation will finally receive effective and hopefully impartial regulation. Railroads will continue to be allowed to look to the captive shippers to bear the greater share of the revenue adequacy burden.

Our obligation is to preserve the benefits of the Staggers Act while finally making clear to those who cannot depend on competitive market forces for protection that Congress did not forget them or ignore them in our efforts to preserve a national rail transportation system.

MAKING AMERICA COMPETE

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. GRADISON. Mr. Speaker, this week the Economist ran an editorial that I would like to bring to the attention of those who have not seen it. Not only does the piece discuss areas where congressional attention should be focused, it points out those strengths of the American economy that we should be careful not to lose.

MAKING AMERICA COMPETE

THE MANY NON-SOLUTIONS FOR A REAL PROBLEM

To many foreigners, America's current obsession with "competitiveness" is bemusing. The United States is now enjoying its fifth year of solid economic growth. Although last year's 2¼% rise in GNP was unspectacular, the prospects for 1987 are better. Inflation may rise this year, but even at, say, 3½%, it is hardly the stuff of crisis. New jobs have been created by the millions; unemployment, at 6.7% of the workforce, remains the envy of most European countries. In 1981-86, manufacturing productivity grew by an average of 3.6% a year, compared with an annual average of 2.6% since 1946. The trade deficit, $169 billion in 1986, is directly linked to the huge budget deficit: it is more a symptom of slow-moving politics than of an uncompetitive economy.

Yet Washington is awash with schemes that are supposed to improve America's economic performance but will sometimes do the opposite. As Democratic leaders were this week promising trade unionists more protection against imports, President Reagan was launching a national "quest for excellence" and buttressing it in Congress with a 1,000-page plan designed to put American business back on top. "Competitiveness" is a cloak covering a few good proposals (a national patents database), more bad ones (protection from foreign competition for those industries which, mainly through productivity gains, have shed labour) and lobbyists' pleas for more public spending on themselves (and hence a bigger budget deficit).

YOU CAN'T BE COMPETITIVE UNLESS YOU COMPETE

What is going on? Broadly, two things. First, Americans know that not all the country has shared in the prosperity of the 1980's. A few miles outside any glasstowered city center and its lush suburbs are the trailer parks, the hardscrabble farms, the towns that look much like those in the north of England. Many contain horribly resilient pockets of poverty. For many Americans, an economy which can help only some of the people, some of the time, is not good enough.

Second, Americans are confronting unfamiliar economic circumstances. For most of the republic's history it has had an economy that spanned a continent behind high tariff walls. American producers needed to do no more than satisfy the demands and tastes of their huge and voracious domestic market. All that has changed. Foreigners have learned how to sell to Americans, who, in turn, have learned how to love foreign goods.

Many of the solutions touted in the name of competitiveness are disturbingly unAmerican. It is one thing for the voters to look to Washington for a lead on, say, a national campaign for higher educational standards. They are needed, whether or not the economy is strong. But for Americans, and American industrialists especially, to beg Washington's help against foreigners is misconceived. If Americans were ordered to stop buying cheaper and better foreign goods in accord with all the published protectionist pleas, reputable economists calculate that would cut Americans' real incomes by 20 percent. The Reagan administration knows this, so many of its proposals on competitiveness are designed to deflect the protectionist axe.

But the actions of even economically literate politicians are no substitute for what companies can do to help themselves. They can slim their staff (as many are doing), learn more about foreign markets (as too few are doing) and, above all, improve the quality of their design. Too many American companies are still determinedly turning out goods that look as though they were designed in the 1960s, and probably were. They will go on doing so if educated Americans give any votes to politicians who use competitiveness as a five-syllable antonym actually meaning protection.

TRIBUTE TO DOMINICAN COLLEGE

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mrs. BOXER. Mr. Speaker, it is with great pride and pleasure that I call to your attention the accomplishments of an outstanding academic leader who has guided the growth and development of a small liberal arts college in my district, Dominican College of San Rafael, CA.

During the past 6 years, Dominican's longstanding reputation for excellence in education has been even further enhanced under the expert stewardship of its president, Barbara Bundy, who will retire from this position in the spring of 1987.

With Dr. Bundy's guidance, this small, jewel-like coeducational college increased its endowment from $2 to $5 million and implemented the single largest grant program in American higher education—$2.2 million—for faculty and curriculum development.

Both graduate and undergraduate programs were significantly expanded during Dr. Bundy's administration, with an innovative master's program in Pacific Basin studies and an academy for the professional development of teachers designed and successfully implemented, along with new undergraduate programs in international studies, computer science, and nursing.

In addition, Dr. Bundy initiated the Global Education Marin consortium to promote international studies in grades K-16, now the North Bay international studies project funded by the State of California.

Dr. Bundy's creativity and vision, her masterful administrative leadership, and her broad concern for the community will all be missed at Dominican College. I wish Dr. Bundy an exciting new challenge in her next endeavor, and I share the hope of many that it will keep her in our Sixth Congressional District.

THE RURAL NEWSPAPER PRESERVATION ACT

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. TAUKE. Mr. Speaker, today I am introducing with my colleagues Congressmen Gene Taylor, Frank Horton, Don Young, Mervyn Dymally, Gerry Sikorski, Jim Lightfoot, Jim Leach, Dave Nagle, Neal Smith, Fred Grandy, Harold Volkmer, Bob Whittaker, Doug Bereuter, Pat Roberts, Arlan Stangeland, Charlie Stenholm, George Wortley, Ike Skelton, and Tim Penny legislation to aid many rural newspapers struggling to survive under the burdens of a depressed rural economy and sharp increases in postal rates.

It is my understanding that Senator Stevens would have introduced a similar measure today had the Senate been in session.

A provision of the Consolidated Omnibus Budget Reconciliation Act eliminating the limited circulation rate revenue forgone postal subsidy for out-of-county mailings under 5,000 has had an unitended, disproportionately hard impact upon rural newspapers located near county lines, jeopardizing the free flow of information in rural areas. The depressed rural economy rules out the ability of many smaller newspapers to offset the significant increase in their postal rates by attracting more advertising or by raising subscription rates.

To ensure and support the free flow of information in rural areas, Congress established an in-county subsidized mail rate 135 years ago. Congress added the limited circulation rate in 1962 in recognition of the impact upon smaller newspapers, and particularly newspapers located near county lines, of increases in postal rates. These newspapers serve the public through subscriptions as opposed to direct delivery.

The Rural Newspaper Preservation Act will restore the limited circulation rate for mailings of under 5,000 to adjacent counties—as established, the limited circulation rate had no adjacent county requirement. In addition, the act caps the in-county postal subsidy at 20,000 copies of each issue of a publication, refocusing this subsidy on its original purpose of assisting smaller rural newspapers. This cap will also partially offset the revenue forgone funds absorbed by restoring the limited circulation rate.

Please join us in supporting this modest proposal to provide substantial relief to struggling small newspapers, better ensuring the free flow of information in rural areas.

BLACK HISTORY MONTH

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. FASCELL. Mr. Speaker, we recently celebrated "Black History Month" in February. For a month's time, Americans learned about the many contributions and accomplishments of black Americans throughout our Nation's history. One very special event throughout the month of February was the broadcast of a new documentary series on the civil rights movement, "Eyes on The Prize," on the Public Broadcasting System. This outstanding series reviews the civil rights movement from 1954, the year in which the Supreme Court ruled in Brown versus Board of Education that separate was not equal, until 1965, when the Congress of the United States passed the Voting Rights Act.

The civil rights movement in this country is a successful story of nonviolent action, quiet dignity and extraordinary courage in answer to long-standing discrimination and offically-sanctioned violence. It is a story to be cherished by every American who values his or her rights and freedoms under the law of the land. In this 200th anniversary year of the Constitution, "Black History Month" takes on a special significance. The Constitution ensures equality for every American citizen, regardless of race, creed, color or religion. As the civil rights movement showed us, these are rights which once won, must be nurtured and protected, to ensure continued liberty.

The beauty and strength of our Nation is its diversity and common sense of purpose. Reflecting on the civil rights movement gives us an opportunity to understand the precious nature of the rights guaranteed to each of us under the Constitution. Despite the law and the efforts of many, racism still exists in 1987 and economic deprivation is still the rule for many. There is still much to overcome. Black and white Americans who participated in the civil rights movement laid their lives on the line for the cause of democracy and individual freedom, under the guiding light of the Constitution. This is a valuable lesson for all Americans.

KILDEE HONORS DR. ALBERT L. TUURI

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. KILDEE. Mr. Speaker, I am deeply honored and privileged to honor Dr. Arthur L. Tuuri, a man who has contributed so much in the fields of community health and education in the State of Michigan. For more than 40 years, Dr. Tuuri has served not only the medical profession through his work, but he also has served the people of Michigan with his time, effort, and expertise as a volunteer, fundraiser, and organizer.

In many ways, Dr. Tuuri is considered a pioneer in the field of medicine. He is recognized as being one of the Flint area's foremost authorities on polio, and he was the first doctor to introduce exchange transfusions to the city of Flint. His talents were recognized early on by the distinguished Charles Stewart Mott Foundation, which honored him with its first fellowship in pediatrics in 1947.

The Mott Foundation's expectations were more than realized by Dr. Tuuri's dedication and service to children in the Flint community. For more than 20 years, Dr. Tuuri worked as a health consultant and administrative assistant in charge of medical services for the Flint Board of Education. He served children with special needs at Genesee County Health Department clinics and has chaired Genesee County Muscular Dystrophy fund drives. He also was chief of the pediatrics department at Hurley Hospital and designed the physical plant facilities at the Mott Children's Health Center. Dr. Tuuri's work with children has not gone unnoticed in the community. The Durant-Tuuri-Mott School for physically and developmentally disabled children was named in his honor, as was the pediatrics unit at Hurley Medical Center.

An honors graduate of the University of Michigan School of Medicine, Dr. Tuuri has been an active force in the field of education, both as an instructor and a contributor. As an assistant clinical professor at his alma mater, and as a clinical professor at the Michigan State University Medical School, Dr. Tuuri has shared his knowledge with hundreds of students. As an organizer and fundraiser, Dr. Tuuri was instrumental in securing Mott Foundation grants to various hospitals and health clinics across the State of Michigan.

Although the list of his professional accomplishments is indeed impressive, Dr. Tuuri is also noted as a quiet helper in the community. His talents and his compassion have helped countless people throughout Michigan's Seventh Congressional District, especially the children and young people to whom he has dedicated so much of his life.

Mr. Speaker, the work of Dr. Arthur L. Tuuri is a glowing example of how the medical profession can enhance the quality of life in communities across this country. The distinguished service career of Dr. Tuuri is a beacon of light to all young people who aspire to work for the public good. Dr. Tuuri exemplified the ideals espoused by the late Charles Stewart Mott, who said, "Let us be known by our deeds." The deeds of Dr. Tuuri have made our city and State a better place to live, for ourselves, our children, and our childrens' children.

A BILL FOR THE PRIVATE RELIEF OF PEDRO TOLENINO

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. LAFALCE. Mr. Speaker, today I introduce a bill for the private relief of Pedro Tolenino de la Rosa, also known as Dom Lorenzo.

Dom Lorenzo is a natural citizen of the Philippines. He became a Trappist Monk in 1981, and received permission to join the Carthusian Order in 1984. The Carthusians are a very strict Catholic Order whose members devote their lives to prayer, study, farming, solitude and silence. There are only 23 Carthusian Charterhouses in the world, one in the United States, and none in the Philippines.

The Carthusians support themselves by farming. They contribute to the local economy by their purchase of various goods and supplies. They are in no way a burden on American society, rather, they are unassuming, solid contributors to that society.

Since joining the Carthusians, in Vermont, in 1984, Dom Lorenzo has worked hard and adapted well to the strict life of the order. He has done so well, in fact, that he is now training to become a fully ordained priest.

To disrupt the training which Dom Lorenzo has so selflessly undertaken, in order to deport him to the Philippines, where no charterhouse of the Carthusian Order exists, would be psychologically and spiritually devastating to him. It would terminate the life he has worked so hard to achieve. It would also deprive the small Carthusian community of his special presence among them.

I urge my colleagues to join me in an effort to provide special relief to Dom Lorenzo. The bill I introduce today will allow him to attain permanent residence status, and enable him to continue in his extraordinary vocation of service to God and his community.

TRIBUTE TO LEWIS B. ANDERSON

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. HUBBARD. Mr. Speaker, today I would like to pay tribute to Lewis B. Anderson of Mayfield, KY, who died Sunday, February 15, 1987, at the age of 99.

Lewis Anderson was a longtime friend of mine whom I admired very much, and I know he was a treasured friend of many others in western Kentucky as well. For many years he was in the clothing and dry goods business in my hometown of Mayfield, and he was a retired Graves County Judge and former Graves County Circuit Court Clerk. He was a member of the Seventh and College Church of Christ in Mayfield.

His survivors include his lovely wife, Beatrice Gordon Anderson; one son, Cecil Anderson of Mayfield; five daughters, St. L. Kotlar of Grosse Pointe Woods, MI, Bruton Wood of Paducah, KY., Geraldine Anderson of Deerfield Beach, FL, Elwanda Cox of San Mateo, CA, and Jean Simmons of Murray, KY.; 19 grandchildren, 36 great-grandchildren and 13 great-great-grandchildren. One son, Lewis Anderson, Jr., and a daughter, Lou Ella Shelby, preceded him in death.

Lewis Anderson was a great citizen of and an asset to Mayfield and Graves County, KY. Indeed, he will be missed for many years to come. My wife Carol and I join with the countless friends of this outstanding Kentuckian in extending our sympathy to the family of Lewis Anderson.

NICARAGUA AND EL SALVADOR: WHAT ABOUT THE VICTIMS?

HON. CLAUDE PEPPER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. PEPPER. Mr. Speaker, today I am introducing a bill to help displaced Nicaraguans and Salvadorans through a General Accounting Office investigation and report on the conditions of displaced Nicaraguans and Salvadorans. The report is to determine how many Nicaraguans and Salvadorans have been moved, where they have been moved, the reasons for such displacement, their current living conditions, including their food and housing situation, and the general impact that the wars in Nicaragua and El Salvador have had on them.

The bill provides for a GAO investigation covering three main topics: displaced Nicaraguans and Salvadorans in Central America, Nicaraguans, and Salvadorans returned home from the United States, and Nicaraguans and Salvadorans now unlawfully in the United States. The bill requires the Comptroller General to issue this report within 1 year. After the report is issued, the relevant congressional committees shall hold hearings to determine what appropriate steps should be taken to provide for the personal safety and material assistance to displaced Nicaraguans and Salvadorans, whether within their own nation, whether they have fled to other countries in Central America, or whether they are temporarily in the United States.

The bill further provides for a temporary stay of deportation, the Attorney General shall not detain or deport such aliens until at least 270 days after enactment of this legislation.

The chance to achieve peace and democracy in Central America requires a continued United States commitment to the people of Nicaragua and El Salvador. This legislation would give us the information we need to better help our friends and neighbors who have been uprooted and persecuted, often for political purposes. We all agree that they need our help. But if we are going to help them, we have to know where they are, why they are there, and what they need. I urge my colleagues to pass this bill.

FAIR TRADE IN MARINE TRANSPORTATION

HON. BRYON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, today I and my colleague from Ohio [Mr. GRADISON] are introducing legislation which seeks fair treatment for our U.S.-flag operators. Each year millions of cars are imported into the United States from countries such as Japan and Korea, and each year American-flag vessels are virtually precluded from transporting those vehicles to United States shores.

Despite the fact that American-flag vessels have competitive operating costs, they face enormous obstacles in gaining access to foreign automobile transporting markets. For example, last year approximately 2.3 million Japanese autos were exported to the United States and not one of those autos was carried on an American-flag vessel. The Japanese use unfair and discriminatory practices to shut out United States-flag operators from seeking contracts in much the same way they have created barriers to other American exports.

The balance of trade deficit we have with the Japanese will not disappear overnight. But, it can be chipped away if the United States is determined to breakdown trade barriers whenever possible. Currently, United States dollars and the benefits of revenue generated by this marine transportation of vehicles to the United States are going to Japan instead of to the United States. Gaining greater access for American-flag vessels offers at least one small victory for the United States economy and for reducing our trade deficit with the Japanese and other countries.

I believe that Congress must go on record in opposition to these unfair trade practices and must continue to urge the President to make every effort to negotiate an end to marine transportation trade barriers by our trading partners. Forceful negotiations in conjunction with congressional activity on this issue recently opened a tiny portion of this trade to the United States. The Japanese awarded four small contracts to United States-flag vessels for 1987, but this represents only a small percentage of the trade. In order to obtain equal treatment for our operators, the United States must show its commitment to breaking down existing trade barriers.

I urge your support of this important legislation.

STATEMENT OF HON. FRED C. IKLE

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. WILSON. Mr. Speaker, I believe it would be of interest to my colleagues to read the statement submitted by the Honorable Fred C. Ikle, Under Secretary of Defense for Policy before the Joint Congressional Task Force on Afghanistan on February 17, 1987. I therefore ask that the statement be entered in the RECORD in total.

STATEMENT BY HON. FRED C. IKLE, UNDER SECRETARY OF DEFENSE FOR POLICY, BEFORE THE JOINT TASK FORCE ON AFGHANISTAN

Mr. Chairman, members of the Task Force on Afghanistan: It is a distinct pleasure to have been asked to appear before you. These hearings, and in particular the majority leader's eloquent statement, demonstrate our strong, bipartisan concern for the struggle of the Afghan people against the cruel foreign occupation.

One purpose of these hearings, as I understand it, is to throw light on the current flurry of diplomatic activity surrounding the question of a negotiated settlement. Whenever Soviet leaders launch one of their "peace offensives," other governments tend to indulge in a great deal of speculation as to the seriousness of the Soviet proposals. All of us wish to see an end to the barbaric warfare that Moscow has been inflicting on the Afghan people. Hence the temptation is great to believe that the Soviets are finally ready to withdraw.

Unfortunately, it appears the Soviet leadership has not yet come to the realization that their occupation forces must quickly withdraw. More likely, current Soviet initiatives represent a thinly disguised attempt at deception. Deception must be exposed. It is encouraging to see that the Senate, in one of its very first actions in the new session, did just that through its resolution on Afghanistan, adopted by a vote of 92 to 0. Had those absent been there to vote, I have no doubt this would have been unanimous. We all owe a debt of gratitude to Senators Byrd and Humphrey for their leadership in introducing that resolution.

The resolution aptly describes the Soviet initiatives as "a cynical and hypocritical public relations campaign," as reflecting "the apparent belief that words will substitute for genuine action in shaping world opinion." The resolution sums up Soviet objectives when it says, and I quote: "The offer by the Soviet puppet regime in Kabul for a cease-fire and amnesty in the name of national reconciliation is a transparent attempt to isolate the democratic resistance (the Mujahedin), confuse the populace and accomplish the surrender of the democratic resistance while the Soviet military occupation continues unabated."

Soviet "peace" initiatives, whether in the context of Afghanistan or elsewhere, are not new. What is new in the current Soviet initiatives on Afghanistan is the scale and sophistication of the effort.

These initiatives can be traced back to Gorbachev's accession to power. Vague references at the Geneva summit of a need to end the war in Afghanistan and Gorbachev's description of Afghanistan at the 27th Communist Party Congress as a "bleeding wound," were among the initial salvos of this campaign. These moves succeeded in stirring some speculation that perhaps a change was afoot in Soviet policy, that perhaps Moscow was getting tired after seven years of warfare and was looking for a way out. Further Soviet initiatives, including the present series and a succession of apparent changes in Moscow's position on discussion of withdrawal timetables, have been tailored to produce what I would call the "illusion of movement."

Moscow is pursuing a long-term policy whose objective is to outlast the resistance by destroying its support base. That policy has two basic components, one directed toward Afghanistan itself, one aimed at the outside world. Within Afghanistan, the Soviets have pursued a policy that has accurately been described as "migratory genocide." The Soviets have not tried to seize and hold territory, but to subjugate the population either by chasing it out of the country, killing it, or, where feasible by cooptation.

The other component of Soviet policy on Afghanistan, the one directed to the outside world, has sought from the very beginning to create a lack of awareness about the war, so as to curtail outside support for the resistance. Soviet objectives in fact depend upon inducing the outside world to neglect the Soviet war against the Afghan people.

To this end, aside from "peace" offensives, Moscow has also used blunter means to discourage interest in the war. Just one example: On October 5, 1984, the Soviet Ambassador to Pakistan publicly warned independent journalists that they would be killed if they tried to go into Afghanistan. His words are worth quoting. He said: "I warn you, and through you, all of your journalist colleagues: Stop trying to penetrate Afghanistan with the so-called Mujahedin. From now on, the bandits and the so-called journalists—French, American, British, and others—accompanying them will be killed. And our units in Afghanistan will help the Afghan forces to do it."[1]

What has transpired on the ground has not gone according to Soviet plans, however. In fact, it could be said that with regard to several key elements, Soviet strategy has failed, or is failing, to achieve its objectives.

To be sure, the Soviets have succeeded in reducing the population of Afghanistan by a good third of its preinvasion size. They have destroyed parts of the country, and in places deprived the resistance of its local support base, of its source of food and other needed supplies. Yet, even this has not been entirely one-sided, for the Mujahedin no longer have to fear barbaric retaliation upon local villagers for their attacks on Soviet and Afghan puppet forces.

But whereas Moscow had hoped to demoralize, weaken, and otherwise reduce armed opposition, the opposite has happened. The Afghan resistance is now more effective, better equipped than ever before. They are inflicting increasing casualties and materiel losses upon Soviet and Afghan Communist forces, including significant losses in aircraft. Cooperation among the freedom fighters inside Afghanistan has increased substantially. There are now areas where commanders from several different localities and groups cooperate well with each other. Political cooperation and coordination, both in Afghanistan and among the groups in Pakistan, has also improved. The Mujahedin alliance of the different groups is functioning better. In fact, it easily agreed unanimously to reject the deceptive Soviet proposals.

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[1] Remarks were made by the Ambassador, Vitaly Smirnov, to Olivier Warin of French television and the Agence France Press correspondent in Islamabad.

The Soviets had clearly hoped to strengthen the Communist regime in Kabul and make the Afghan Capital and the major cities secure from resistance attacks. They had hoped gradually to replace Soviet with Afghan Communist forces in combat roles, and generally to increase support for the Soviet installed regime.

The Soviets have achieved none of these objectives. On the contrary, seven years after the invasion, Afghan forces continue to perform poorly against the Mujahedin. Morale is bad among the puppet forces and desertion rates continue to be high.

Moscow must have realized that under current conditions not only can it not win, it cannot even make meaningful progress. Unfortunately, this realization has not yet led the Soviet leadership to consider disengagement. Always conscious of the significance of outside support to the resistance, Moscow has apparently determined that this support is the real obstacle to the incorporation of Afghanistan into the Soviet empire. With an assured source of external support the Afghan resistance cannot be subjugated. Without such support Moscow could go about its grisly business much more confident of ultimate success.

Moscow is aware that once democracies lose interest in a cause and disengage, it is only with great difficulty, if at all, that they can renew their commitment. The Gorbachev leadership has made its objective for Afghanistan to disconnect the resistance from the outside world. Despite all its statements on its alleged desire to withdraw, it has not yet moved from its key demands: To eliminate the ability of the Mujahedin to resist the Soviet occupation before Soviet troop withdrawals begin, and to keep its colonial regime indefinitely in power. This demand has not been restricted to cessation of external support. Moscow is also demanding guarantees that such aid not be resumed. In other words, the Soviet Union asks the West to abandon the Afghan freedom fighters and to allow Soviet conquest.

It should have become obvious to the Soviet leadership by now that this attempt to hoodwink the outside world is, and will remain, a failure. International support for the cause of Afghan freedom, far from diminishing, has grown with each passing year. This is true worldwide, not just in the United States and in Western Europe.

The seven years of warfare against the Afghan people put the Soviet Union at odds with virtually all the countries of the world. The yearly United Nations resolutions condemning the Soviet invasion carry by huge majorities, the latest by a vote of 122 to 20. Islamic countries have similarly voiced their opposition to Soviet war against Afghanistan, and have repeatedly asked for Soviet withdrawal. The fifth Islamic summit conference, just held in Kuwait, once again restated that principled stand. Forty-six Islamic leaders were not deceived by the Soviet initiatives; they passed a stronger condemnation of the Soviet warfare than ever before and called on all Islamic states to support the freedom fighters. The commitment to the cause of Afghan freedom has continued to grow throughout the world.

I would be remiss if I did not at this point mention the courageous and praiseworthy role played by Pakistan. To begin with, the Government and people of Pakistan, despite considerable economic and political costs, have extended a most generous welcome to the Afghan refugees, the largest refugee population in the world. Pakistan has been second to none in seeking every possible avenue for a just and fair negotiated settlement. We have supported, and continue to support its efforts in this regard. The Government and people of Pakistan have stood up with great courage and resilience against continued Soviet pressure, attempts at intimidation, and subversion. The United States views most seriously such Soviet attempts, including violations of Pakistani air space and territory. I am sure I am also speaking for Congress by saying that the United States stands by the Government and people of Pakistan and is committed to the territorial integrity of Pakistan. Our security assistance program to Pakistan reflects the vital American interest in the safety and integrity of that ally. I want to stress in this regard the great significance of congressional approval for the requested second multi-year security assistance program for Pakistan. No country has done more, or suffered more, for Afghanistan than Pakistan. It deserves our strong and continued support.

We believe that a settlement to the Afghan conflict will have to be consistent with UN resolutions and result in the prompt, complete, and irrevocable withdrawal of Soviet troops. No more time is required for such withdrawal than it took for the initial Soviet invasion. And any settlement will have to have the broad support of the Afghan people; a Communist front government is thus not acceptable. The true test of national reconciliation will be the voluntary return of the refugees.

It is our hope that the Soviet leaders will recognize sooner, rather than later, that the Soviet empire cannot win in Afghanistan; that colonial and imperial wars of the sort being waged are a thing of the past; that a settlement fair to all the parties is more easily attained now than later; that the costs to Moscow, whether in Afghanistan, throughout the world, or even within the Soviet Union will continue to grow until they become truly awesome.

It is sometimes alleged that the Soviet Union might be worried about hostile military presence in Afghanistan. Of course, before the Soviet invasion of Afghanistan, that country was a friendly neighbor of the Soviet Union, there was no threat at all. Today, the restoration of an independent, non-threatening Afghanistan is still up to Moscow. But if the Soviet leaders persist in waging war against the Afghan people, the day may come when their allegation of a threat across the Soviet-Afghan border might have been turned into a self-fulfilling prophecy. Moscow should seriously ponder this risk.

Without wanting to make more of this than is warranted at this point, there is also mounting evidence that Soviet aggression in Afghanistan is having an impact within the Soviet Union, especially in Muslim Soviet Central Asia. In remarks made recently in Uzbekistan, Gorbachev sharply criticized "Communists and senior officials" for paying "lip service" to Communist "morality and ideals while . . . personally participating in religious rituals." This, when juxtaposed to the fact that early in the war the Soviets had to withdraw from combat their Muslim central Asians because of fraternization with their Afghan coreligionists, when juxtapopsed to the clear sympathy for the latter by Central Asians in general, seems to indicate that Soviet lack of progress in Afghanistan may be influencing the strength of Muslim religious feeling within the Soviet Union. The implications of yet further fruitless bloodshed should be clear.

Let me conclude by reiterating our hope that the Soviet Union will soon conclude that the opportunity for a just and fair negotiating settlement, one that includes the freedom fighters' participation in the determination of their future, should be grasped now. Outside support and sustenance for the valiant Afghans will not go away. The cost to Moscow will only increase without hope of victory. If Moscow truly wants peace, it must show this by deeds. As for us, we will stand by our Afghan friends until just peace is attained.

Thank you.

CADET COL. DAVID MERTES RECEIVES CIVIL AIR PATROL'S HIGHEST CADET AWARD

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. GEKAS. Mr. Speaker, I am pleased to bring to the attention of my colleagues in the U.S. Congress the merits of Cadet Col. David Mertes, a member of the Williamsport Composite Squadron 401. Cadet Colonel Mertes will be recognized at a dinner banquet on March 8, 1987, as the first member of the Williamsport Composite Squadron to receive the Gen. Carl A. Spaatz Award.

The Spaatz Award is the highest of three awards available to Civil Air Patrol cadets. David earned the award after completing all cadet program requirements and passing the four-part Spaatz examination. The exam is comprised of written exams in aerospace education and leadership, a written essay, and a physical fitness test.

Once a cadet earns the Spaatz Award they are promoted to the rank of cadet colonel. Those cadet colonels, who later earn the senior member program awards, are eligible for immediate promotion to Civil Air Partrol captain.

David is currently a sophomore at Boston University in the Aeronautical Engineering Program. He is also a sergeant with the Air Force ROTC and is currently one of my nominees to attend the Air Force Academy.

On behalf of my colleagues in the U.S. Congress, I would like to congratulate Cadet Col. David Mertes on his outstanding accomplishment and extend my best wishes for continued success in all his endeavors.

TRIBUTE TO DR. JOHN K. WOOTEN, JR.

HON. H. MARTIN LANCASTER

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 4, 1987

Mr. LANCASTER. Mr. Speaker, on February 20, 1987, I joined with many others in celebration of the 14 years of service to the Wayne County Public Schools by Dr. John K. Wooten, Jr. On March 1 he retired after 43 years in the field of education, serving during that time as a teacher, principal, assistant superintendent and superintendent of schools.

A native of Lenoir County, he was educated at Atlantic Christian College, East Carolina University, and North Carolina State University. He is an active member of St. Paul United Methodist Church.

When John K. Wooten became superintendent of the Wayne County schools, that system was in turmoil. However, with his calm and steady leadership, he brought harmony and progress to the system.

Dr. Wooten has had a lifelong commitment to vocational education, serving in local, district, and State capacities to ensure that our young people are well prepared for the world of work.

During the 14 year tenure of Dr. Wooten, the Wayne County schools have all become accredited by the Southern Association, and construction projects totaling more than $15 million have been completed.

I am happy to salute Dr. John K. Wooten and his lovely wife, Alma, at this milestone in their lives.

DANNY KAYE: ENTERTAINER AND SPOKESMAN FOR CHILDREN

HON. GEORGE MILLER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 4, 1987

Mr. MILLER of California. Mr. Speaker, the world lost a superb entertainer yesterday with the passing of Danny Kaye.

His magical performances, whether singing to his own thumb as "Hans Christian Anderson" or twisting his tongue about the "chalice from the palace," charmed the world and made generations of young people smile.

He was a performer of rare ability in many fields—as a singer, a dancer, a comedian, a conductor and an actor.

Yet I have little doubt that his proudest role was as the permanent ambassador of UNICEF, the United Nations International Childern's Emergency Fund. Anyone who ever saw Danny Kaye dancing or singing or playing with a child in a remote village or refugee camp immediately came to appreciate the talent and the humanitarian gifts of this extraordinary man.

In "Hans Christian Anderson," Danny Kaye sang to Thumbilina, "When your heart is full of love, you're 9 feet tall." His years of selfless work on behalf of the poorest, the most hopeless and forgotten children around the world surely demonstrated that Danny Kaye had a heart full of love, and one that was made out of pure gold.

His legacy will live on, not only in our memories of his performances, but in the lives of millions of children worldwide who had food, medicine, clothing and emergency care because of his commitment to UNICEF and world relief. To call Danny Kaye just 9 feet tall understimates his height many times.

WILLIAM PENN APPRECIATION DAY

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 4, 1987

Mr. GOODLING. Mr. Speaker, today is the 306th anniversary of the day William Penn was granted a charter for the land now known as Pennsylvania.

As we celebrate the bicentennial of the U.S. Constitution, I feel it only appropriate that we honor a man whose ideas are instrumental to the rights and freedoms guaranteed by that document, a man who recently became an honorary citizen of the country he deeply loved.

Although we normally think of William Penn as the founder of Pennsylvania, Penn's first connections with America was New Jersey. Historians believe it was William Penn who drafted the famous Concessions and Agreements early New Jersey colonists brought with them and used as a basis for their government. It is felt this document is the most likely precursor of our modern Bill of Rights. The charter promised settlers the right of petition, trial by jury, and provided against imprisonment for debt. The charter also guaranteed religious freedom and recognized the importance of personal rights by providing for equal representation of Indians in jury trials.

William Penn was a Quaker who believed in equality and worked to protect the rights of personal conscience and freedom of religion. The principles of religious freedom he so dearly loved helped lay the groundwork for the first amendment to the Constitution.

Mr. Speaker, in recognition of Penn's contributions to the creation of the document which has served our Nation so well for the past 200 years, I urge my colleagues to join me cosponsoring a resolution I introduced today designating October 14, 1987, the anniversary of Penn's birthday, as William Penn Appreciation Day. A comparable resolution has been introduced in the Senate by Senator JOHN HEINZ.

PHYSICIAN'S COMMISSION FORMED TO AID PRISONERS OF CONSCIENCE

HON. STENY H. HOYER

OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 4, 1987

Mr. HOYER. Mr. Speaker, recently a group of more than 50 members of the medical community in North America, Britain, Sweden, France and Israel formed the International Physician's Commission for the Protection of Prisoners. The Commission's goal is to draw attention to the denial of basic medical care to prisoners of conscience in Soviet prisons and labor camps.

The Chairmen of the Commission are three very distinguished physicians, who have both suffered in the Soviet Union and who have witnessed the suffering first-hand:

Dr. Vladimir Brodsky, a former Soviet prisoner, is a cardiologist now living in Israel. Dr. Brodsky recently told of the daily beatings of prisoners by guards and soldiers for no apparent reason. He also painted a very vivid picture of the actual inhuman conditions of the Soviet prison system.

Dr. Lev Goldfarb is a neurologist at the National Institutes of Health in Bethesda, MD. Dr. Goldfarb became a physician for the families of refuseniks and prisoners of conscience.

Finally, Dr. Martin Motew is an obstetrician and gynecologist in private practice in Chicago. Dr. Motew founded the International Physician's Commission after a 1986 visit to the Soviet Union in which he discussed the medical conditions of Soviet prisoners with several prisoners' wives.

Mr. Speaker, I commend the actions of these fine doctors and the humanitarian work of the International Physician's Commission for the Protection of Prisoners. Through their actions and monitoring of prison conditions, lies the hope that those who languish in Soviet prisons for fabricated crimes may yet receive humane treatment and conditions.

THE EFFECT OF GANJA (MARIJUANA) ON THE ECONOMY OF JAMAICA

HON. CHARLES B. RANGEL

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 4, 1987

Mr. RANGEL. Mr. Speaker, although cocaine and crack have received the bulk of recent media attention, abuse of marijuana remains a serious aspect of the total drug abuse problem. The Select Committee on Narcotics, which I am privileged to chair, estimates that about 25 million people are reported to use marijuana regularly in the United States and an additional 15 million people may use it occasionally. As many as 62 million Americans may have used it at least once. The Select Committee estimates that between 30,000 and 60,000 tons of marijuana are being smuggled into the United States annually. For 1986 estimates are that Colombia has maintained its 60 percent share of the market; Mexico 25 percent; Jamaica 5 percent; Belize 4 percent; Guatemala 3 percent, and all other foreign sources 3 percent.

It has been my experience that countries which grow narcotics eventually become consumers of narcotics. Mr. Speaker, in December 1986, Prime Minister Edward Seaga of Jamaica delivered an address before that country's parliament in which he pointed out the ill effects of marijuana (called ganja) on the people and economy of Jamaica. The deleterious health effects of marijuana on individuals may include lung damage, giving rise to chronic bronchitis, emphysema, impotence in young men after extended use, and lowering of blood sugar. Possible psychosocial effects may include loss of ambition, loss of interest in school work and other activities, and memory loss.

"There is no aspect of our national life that is impervious to the serious damage which results from the illicit production of narcotics and from drug trafficking," Prime Minister Seaga said. He stated that agricultural and commercial exports from Jamaica are often delayed in shipping with resulting loss in value, while law enforcement personnel look for ganja concealed in the shipments. According to Prime Minister Seaga, "Ganja is also at the root of a serious threat to our international transportation network." Air Jamaica recently had two of its aircraft seized in the United States following the discovery of marijuana among the mail or passengers' luggage. The ganja trade also adversely affects Jamaica's tourism industry, with tourists complaining of harassment from drug traffickers.

Prime Minister Seaga mentioned in his speech the adverse impact on Jamaica's economy that could result from continued production of ganja, which could result in loss of American economic assistance. The Anti-Drug Abuse Act of 1986 provides that 50 percent of U.S. foreign assistance to any country shall be withheld if that country is classified as a "major illicit drug producting country." Such countries also risk American opposition in obtaining loans from international lending associations, such as the World Bank and the Inter-American Development Bank.

In his speech, Prime Minister Seaga demonstrated that the Government of Jamaica realizes the seriousness of all these problems and the need for strong counter measures. He announced that the Government will intensify its manual eradication program of ganja using the herbicide glyphosate. In addition, he said that the Govenment of Jamaica has increased its destruction of illegal airstrips and tightened security measures at seaports and airports.

Mr. Speaker, I insert the statement of Prime Minister Seaga on ganja to his country's parliament into the CONGRESSIONAL RECORD at this point.

STATEMENT TO PARLIAMENT BY PRIME MINISTER THE RT. HON. EDWARD SEAGA

Mr. Speaker, members of this honorable House will be aware that over recent months the problems of drug trafficking and drug abuse have been coming into increasingly sharp focus in our national life.

This is firstly because Government has consistently accorded the highest priority to stemming what threatens to be a escalation of both problems in our society, and, to the maximum extent permitted by our resources, to eradicating both these scourges from our island.

This Government has over the years taken the position that the production of illicit drugs, drug trafficking and drug abuse, pose a serious threat to the very life of our young nation, and must therefore be combated, contained, and increasingly eradicated if we are to aspire to a better quality of life for all our people.

In the area of drug abuse, it is now well established that marijuana or ganja has the capability of not only destroying the moral fibre of our society, but also of so affecting the individual as to result in a cumulative devastating effect on the society as a whole, if it is allowed to take root particularly among the youth of the country.

In the Jamaican experience ganja has been shown to have several clinical effects which have been confirmed by studies elsewhere.

At the level of the individual these include damage to lungs giving rise to a chronic bronchitis syndrome, emphysema, impotence in young males who have used ganja for upwards of five years on a regular or irregular basis; lowering of blood sugar similar to the effects of an overdose of insulin; spasms of the arteries of the heart, leading to painful attacks as in angina; increase of the heart rate; and gastric or stomach bleeding commonly associated with over indulgence during "crop time" and the harvesting of ganja.

There are also the psycho-social effects which include loss of ambition, loss of drive, loss of motivation and drifting generally; loss of interest in school work, sports, and work projects generally; declining class work achievement; short-term memory decay and loss of memory; and illusions as regards time, space and orientation.

Needless to say, all of the foregoing effects of ganja lead to family conflicts, conflicts at school and at the workplace, loss of self-esteem and self-neglect, and it is an all too easy step into serious involvement with crime and with other drugs such as cocaine.

It should be noted that some 40 percent of admissions to the Bellevue Hospital suffer from recurrent psychoses induced by use of ganja, and that studies conducted have shown that in terms of genetic effects, babies born to ganja smoking mothers are at least two pounds lighter in birth weight. University studies also show a tendency towards limb and other deformities among rats exposed to ganja.

Multiplied on a national scale the potential impact on national health and productivity is frightening, and the Government has been seeking to address this aspect of the problem through the work of the National Drug Abuse Council.

There is no aspect of our national life that is impervious to the serious damage which results from the illicit production of narcotics and from drug trafficking.

At a time when so much of our economic recovery and development depends on increasing our foreign exchange earning capacity through the development of our exports and our tourism, we are already plagued by incidents which threaten to negate all the hard work and honest labour which have gone into the development of our export programmes and the improvement in both productivity and production to meet the demand for Jamaican agricultural and industrial products.

The expansion of our agricultural exports is already jeopardized by the discovery from time to time of consignments of ganja concealed in shipments of our products whether they are fresh fruits and vegetables, flowers, or canned agricultural products. Detention of such products at the ports of entry in overseas markets causes serious spoilage and is threatening the viability of expansion of agricultural exports in a situation in which there is no shortage of international competition in these markets.

Similarly, as we make inroads into the markets for our manufactured goods, the need to delay and even destroy increasingly significant quantities of such goods in the search for concealed shipments of ganja is threatening to dislocate and destroy what promises to be a bright future for the manufacturing sector.

Many have been the items of Jamaican furniture of the highest craftsmanship which, having found a lucrative export market, have had to be subjected to drilling or destruction of the upholstery with a view to determining whether they are being used as containers for illicit shipments of ganja. As this honourable House is well aware, there was also a recent case in which a shipment of cement was found to contain quantities of ganja.

Ganja is also at the root of a serious threat to our international transportation network. The national air carrier has recently had the experience of having two of its aircraft seized in the United States following the discovery of marijuana among the mail or passengers' luggage. These have since been recovered, at great cost, but if instances of shipments of ganja on aircraft leaving Jamaica continue, the time is fast approaching when Air Jamaica will be grounded and prevented from flying into the United States, and other airlines operating in Jamaica and suffering the same fate, will withdraw from these routes. In fact, Air Jamaica, as a result of the continuing fines for shipments of ganja has not received a license from the U.S. authorities. Similarly, certain shipping lines have served notice that they may be forced to withdraw their services from Jamaica as a result of the extent to which ganja has been placed on their vessels, leaving them open to seizure and liable to heavy fines when this illicit cargo is discovered in overseas ports of call.

Not only does drug trafficking have an impact on our international transportation system, but it also threatens our tourism industry by discouraging visitors from coming to Jamaica by being one of the main causes of complaints of harassment according to surveys conducted in our resort areas.

In addition to the unquestionably overriding importance of ridding Jamaica as far as possible and as quickly as possible of ganja and other dangerous drugs and of the attendant socio-economic and political problems, there is now a particular problem in relation to our major trading partner and our major source of external investment, aid, and tourism earnings.

Just prior to its adjournment in October, the United States Congress passed, and President Reagan signed into law, the Drug Enforcement and Control Act of 1986 ("the drug bill") which embodies legislation intended as a response to the drug problem, now regarded as one of the highest priority issues in that country.

Under the drug bill, countries which produce large amounts of illicit drugs, in part for export, are liable to be cut off from any and all U.S. programmes designed to assist their economies. Under the international narcotics control section of the bill, for example, fifty percent of U.S. foreign assistance to any country shall be withheld if that country is classified as a "major illicit drug producing country." In addition, the United States will vote against any loans by the multilateral development banks, such as the World Bank, the Inter-American Development Bank and the IMF, to "drug producing countries." Also, the President will not be permitted to provide any preferential tariff treatment for products from those countries under programmes such as the Caribbean Basin Economic Recovery Act, the CBI, and the generalised system of references. In effect this would have the horrible and far-reaching consequences to any economy by drastically curtailing its programmes of aid, loans and exports.

This honourable House will also be aware of the environmental problems which are increasingly being created as forests have been cleared to grow ganja, leaving the mountains exposed to erosion and loss of valuable top soil.

Mr. Speaker, over recent months there has been an intensification of the ganja eradication campaign and a strong drive has been launched against the growing of ganja on both small and large areas of land islandwide.

To date, eradication has been effected by means of hand or mechanical cutting using machetes or motorised brush cutters. We are, however, faced with the problem that while manual eradication by cutting ties up significant numbers of our security personnel for long periods and requires a re-development of already scarce resources, we are in danger of losing ground in terms of destroying the ganja production available for trading, given the recent rapid expansion of cultivation.

Accordingly, if the eradication campaign is to have the desired impact, manual and mechanical destruction of the ganja crops will now have to be complemented by chemical eradication.

After the most careful consideration, the government has decided to proceed with a controlled programme of spraying, utilising the systemic herbicide "round-up", a glyphosate which has since 1971 been licensed for use in Jamaica as a herbicide, harvest aid and a ripening agent in the cultivation of sugar cane. Being a specific wide-spectrum herbicide, "round-up" has also been used since the 1970's in the cultivation of tobacco and coffee.

This herbicide, well known to the Jamaican agricultural sector is certified by the appropriate health authorities to be even less harmful than table salt and, therefore, poses no threat whatsoever to the health of humans or animals.

Glyphosate is the only chemical which will be used in Jamaica for marijuana or ganja eradication and will only be applied by back-pack spraying and not aerial spraying, which is another method of application employed in similar circumstances in other countries.

The objective will be to spray the fields of immature ganja well in advance of harvesting and to ensure that the possibility of damage to adjacent foliage is avoided.

Much more care will be employed in this campaign than is usually the case in the use of this chemical in spraying cane, coffee, tobacco or other crops in Jamaica.

Mr. Speaker, in the neverending battle being waged against the growers and traffickers, the rate of destruction of illegal airstrips has been escalated and security measures at our sea ports and airports are being constantly tightened and upgraded. Notwithstanding that as we are all painfully aware, there is still a dangerous flow of drugs taking place.

Hence, to further support the eradication campaign which I have outlined, legislation is also being completed to ensure that any vehicle which is involved in the transportation of dangerous drugs by land, air or sea will be seized and subject to forfeiture in instances of conviction. In the event that the convicted person is not the owner of the vehicle, the fine for its recovery will be at least one and a half times the value of the vehicle, whether it be ship, aircraft or any form of motorised vehicle.

Legislation is also being drafted which, in instances where fines are appropriate, will relate the levels of the fines for possession or trafficking in dangerous drugs to the weight and nature of the drug involved, taking into account the prevailing price or market value at the time that the offence is committed. Hence if the weight in ganja is 100 lbs and the fine for trafficking is $500 per ounce, the total fine would be $800,000.

However, as soon as one set of loopholes are closed others are opened as the so-called "ganja barons" wield their corrupt influence in various sectors of the society.

Nevertheless, Mr. Speaker, I am pleased to be able to report to this honourable House today that the excellent work of the security forces has begun to pay dividends. Indeed, four of the top ten "ganja barons" are now behind bars awaiting trial.

As government we have a duty not only to protect each and every member of our society but to protect the country as a whole from becoming a nest infested with dealers who will stop at nothing in their drive to corrupt the country, every facet of its life, its security, its system of justice and politics and anything which will stand in their way.

As government we are committed to safeguarding the best interest of Jamaica and to protecting the health and well-being of the society, our export trade whether in agricultural or industrial products and our tourist industry. To do this we have decided to get to the very root of the problem by intensifying the programme to eradicate ganja at the point of growth and to cut off the trade in, and use of, cocaine and other dangerous drugs.

In this endeavour we know that we can count upon the support of every well-thinking man, woman and child in Jamaica, for without a total national effort in this drive there will be little future for our country. Let those who will stand up, stand up now and be counted. Let there be no further talking from two sides of the mouth, no hypocrisy, and no dealings with the corrupt dealers who wreck the lives of our children and the future of our country.

Let there be no befriending of dealers in dangerous drugs of one sort or another, for one reason or another.

Lest those who ride that tiger.
Find that they dare not dismount.

WELCOMING SOME DISTINGUISHED VISITORS TO THE TERRITORY OF GUAM

HON. BEN BLAZ

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. BLAZ. Mr. Speaker, the U.S. territory of Guam soon will be honored by the visit of some very special friends. I wish to share the significance of these events with Members of Congress because of the importance these visits hold not only for Guam but also for the region and the Nation.

One of the world's foremost religious leaders, the popular and outspoken Jaime Cardinal Sin, Archbishop of Manila and spiritual leader of more than 38 million Catholics in the Philippines, is scheduled to visit Guam on March 7.

On March 14, Mrs. Celia Diaz Laurel and Cocoy Laurel, the wife and son of Philippine Vice President Salvador Laurel, will visit our territory as the guests of the Guam Filipino community.

Their visits are both a symbol of and a tribute to the close and lasting relationship between the people of Guam and the people of the Philippines. Our people have been linked for centuries, beginning with the galleon trade of the spanish era. Today we are linked not only by our democratic ideals but also by the vital roles we play in the defense of the region.

Cardinal Sin, who will be the guest of Guam Archbishop Anthony S. Apuron, is the keynote speaker at the 33d anniversary celebration of the Filipino community of Guam. The territory of Guam is home to a large, talented and energetic community of Filipino-Americans, almost 25,000 strong, which makes up about one-fourth of our population.

Over the past several years, Cardinal Sin has been a force for social justice in the Philippines and one of the leading critics of abuses by the former regime. His efforts were based on his belief that leaders must be constantly aware of the needs of the people so that they are not abused and their welfare is protected and constantly improved.

Mrs. Laurel and her son will be the guests of the University of Santo Tomas Alumni Association of Guam. She will address the association's annual induction ceremony. Vice President Laurel's dynamic role in the reawakening of the democratic spirit of the Philippines and the transition to a new constitutional government has been chronicled in the media and the hearts of his countrymen.

This is a proud moment for our territory and for the United States. Thank you, Mr. Speaker, for allowing me to share it with my fellow Members of Congress.

LEGISLATION TO RESTRICT EXPORTS OF DOMESTICALLY PRODUCED CRUDE OIL

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. WOLPE. Mr. Speaker, I am joined today by my good friend from Connecticut, Mr. MCKINNEY, in introducing legislation to restrict exports of domestically produced crude oil and the output of export refineries when such exports are not in the national interest. I think this legislation is essential to developing a rational energy policy, particularly at a time when important energy issues must be addressed by the Congress.

Before describing the particular provisions of the bill, I wanted to share with you some thoughts about an apparent dichotomy in the formulation of our energy policy. As my colleagues know, we are being asked by a group known as the Coalition for American Energy Security to open up the Arctic National Wildlife Refuge for oil development. This coalition is comprised of major oil companies, trade groups, and Alaska State interests. In the coalition's view, rapid development of this new field is needed to avert an energy crisis in the next decade. Their views are apparently shared by the administration, which also is anxious to open up this area for production.

At the same time, we have been encouraged by Alaskan interests and the administration to permit initiatives that, in my mind, can only undermine our near-term energy security. In particular, efforts are underway to export State royalty oil produced at Cook Inlet to buyers in the Far East. In testimony before the Subcommittee on International Economic Policy and Trade, the administration sought to justify this export proposal as being in the national interest. Additionally, plans appear to be underway to build an export refinery at the Port of Valdez to export up to 100,000 barrels per day of Alaskan North Slope crude in the guise of product to Far East purchasers. If both of these initiatives move to fruition, they will exacerbate the foreign trade deficit, increase our reliance on volatile Middle Eastern oil suppliers, and eliminate jobs on the west coast and in the maritime industry.

In short, we are being told in one instance that an energy crisis will unfold unless further development occurs in Alaska. Yet, we also are being told little harm will come from exporting over 100,000 barrels per day of Alaskan crude in the form of refined or partially refined products.

Beyond the specifics of these two initiatives, a more fundamental issue must be addressed. Alaska produces one fourth of the Nation's energy supply. In enacting and subsequently modifying section 7(d) of the Export Administration Act, Congress has reaffirmed the importance of permitting Alaskan exports only if the national interest would be served. Our underlying premise has been that in a crisis domestic suppliers would be more reliable than those in the Middle East. Nothing has changed that premise. In fact, with it likely that we may be importing up to 50 percent of our crude oil needs by 1990, the need for restrictions on exports is even greater than before.

The legislation I am introducing today reaffirms our commitment to permit exports only if they are in the national interest. Section 1 of the bill is identical to section 321 of H.R. 3, passed last session by the House as part of the omnibus trade bill. It extends the existing restrictions in section 7(d) to all domestically produced crude oil.

Section 2 is designed to close a loophole in section 7(d) by adding a new paragraph (5). By converting North Slope crude into a refined or partially refined product in Alaska, the proposed export refinery could avoid the restrictions in section 7(d) of the law as now written. To eliminate this loophole, the bill provides that exports of refined and partially refined crude oil produced by an export refinery will be treated just like proposed exports of crude oil under section 7(d). The bill defines an export refinery as one that proposes to export more than 33 percent of its output annually. These two provisions have the combined effect of placing export restrictions on the output of the refinery proposed for construction in Alaska. The language also would apply to any other refineries built to exploit this loophole. No other refineries are intended or expected to be affected by this provision. Finally, the bill delegates to the Secretary of Commerce the authority to promulgate regulations to ensure that such export refineries do not export more than 33 percent of their output unless specifically authorized by the President and the Congress pursuant to section 7(d).

I hope my colleagues will join Mr. MCKINNEY and I in passing this legislation.

Thank you.

A full text of the legislation follows:

H.R. 1416

A bill to restrict oil exports to noncontiguous countries

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISIONS TO EXISTING RESTRICTIONS.

Section 7(d)(1) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)(1)) is amended to read as follows:

"(1) No domestically produced crude oil may be exported from the United States, subject to paragraph (2) of this subsection. The prohibition contained in the preceding sentence shall not apply to—

"(A) crude oil which is exported to an adjacent foreign country to be refined and consumed in that country in exchange for the same quantity of crude oil being exported from that country to the United States; except that, with respect to domestically produced crude oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such exchange must result through convenience or increased efficiency of transportation in lower prices for consumers of petroleum products in the United States as described in paragraph (2)(A)(ii) of this subsection, or

"(B) crude oil which is temporarily exported for convenience or increased efficiency of transportation across parts of an adjacent foreign country and reenters the United States."

SEC. 2. APPLICABILITY OF RESTRICTIONS TO PRODUCTS OF EXPORT REFINERIES.

Section 7(d) of the Export Administration Act of 1979 (50 U.S.C. App. 2406(d)) is amended by adding at the end thereof the following:

"(5)(A) The provisions of paragraphs (1) through (4) of this subsection shall apply to the export of any refined petroleum product, or partially refined petroleum product, which is produced by an export refinery to the same extent as the provisions of paragraphs (1) through (4) of this subsection apply to the export of domestically produced crude oil.

"(B) For purposes of this paragraph—

"(i) the term 'refined petroleum product' means gasoline, kerosene, distillates, propane or butane gas, diesel fuel, and residual fuel oil;

"(ii) the term 'partially refined petroleum product' means a mixture of hydrocarbons which existed in liquid phase in underground reservoirs and remains liquid at atmospheric pressure after passing through surface separating facilities, and which has been processed through a crude oil distillation tower, including topped crude oil and other unfinished oils, but excluding refined petroleum products; and

"(iii) the term 'export refinery' means, with respect to a proposed export, any crude oil refinery which, were it to make the proposed export, would have exported more than 33 percent of all refined petroleum products and partially refined petroleum products produced by that refinery—

"(I) during the 1-year period ending on the day of such proposed export, in the case of a refinery that has been in commercial operation for 1 year or more, or

"(II) during the period in which it has been in commercial operation, in the case of a refinery that has been in commercial operation for less than 1 year.

"(C) Within 180 days after the date of the enactment of this paragraph, the Secretary shall issue such regulations as may be necessary to carry out this paragraph.".

IN RELIEF OF THE JUNIOR ACHIEVEMENT OF SACRAMENTO, INC.

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. MATSUI. Mr. Speaker, the Junior Achievement has long been recognized as an outstanding organization dedicated toward the education of our youth. Teenagers, through the firsthand experience of operating their own business, gain practical knowledge in such areas as business basics, economic management and applied management. Such training provides our youth with important skills to assist them in embarking on future careers.

The Junior Achievement of Sacramento, Inc., was established to provide teenagers with practical experience in how American business operates. The program, funded through charitable donations and supervised by adult volunteers from the business community, has greatly enriched the educational experience of our youth. Indeed, the Sacramento program has been recognized for its outstanding achievements and contributions to my community.

As a nonprofit, volunteer organization, the Junior Achievement of Sacramento, Inc., qualifies as an organization exempt from taxation. The Junior Achievement of Sacramento, Inc., established and maintained this status with the Internal Revenue Service since its inception. Unfortunately, due to an inadvertent error by a volunteer to the organization, the exempt status of this nonprofit organization has been jeopardized.

Today, Mr. Speaker, I rise to reintroduce legislation on behalf of this commendable organization seeking resolution of this matter. This bill provides that services performed after June 30, 1977, and before January 1, 1984, in the employ of Junior Achievement of Sacramento, Inc., shall not be treated as employment for the purposes of charter 21 of the Internal Revenue Code of 1951 and title II of the Social Security Act. Furthermore, services shall not be treated as performed after June 30, 1977, to the extent that remuneration for such services is paid after such date. I believe that Junior Achievement of Sacramento, Inc., deserves this extraordinary relief granted by this legislation based upon the following factual information.

The secretary to the volunteer treasurer of this organization inadvertently filed a form 941 for the quarters ending December 31, 1975, March 31, 1976, and June 30, 1976, and erroneously withheld and remitted FICA taxes with those returns. Upon discovery of these filings, the organization immediately filed form 941C requesting a refund of the taxes paid. The request for the refund was denied in January 1977. After that denial, the organization continued to correspond with the Internal Revenue Service regarding the matter, and, upon the advice of their attorney, filed form 941 and paid FICA taxes for two quarters in 1977 under protest. The Service then refunded the taxes paid for the quarter ended December 31, 1975. The organization immediately wrote to the Service stating that apparently their claim for a refund had been reconsidered and granted. Accordingly, the organization filed form 941 and 941C for the quarter ended December 31, 1977, and applied for and received a refund of the taxes paid in the earlier quarters of 1977.

Consequently, the Junior Achievement had every reason to believe that the Service had recognized the organization's exempt status and that the refund for the quarters ended March 31, 1976, and June 30, 1976, would soon be forthcoming. In addition, the FICA taxes originally withheld from the employee in 1976 and 1977 were refunded to the employee. Subsequent to that time, the organization did not withhold any FICA taxes from its employees and filed its quarterly payroll tax returns as an exempt organization. Unfortunately, however, the Service has continued to demand repayment of these taxes.

It is apparent from the chronology of events that upon the discovery of the error in filing taxes, the organization made every attempt to clarify the situation and make amends with the Service. Indeed, the refund of the taxes paid for the quarter ending December 31, 1975, and the quarters in 1977, would indicate that the Service recognized the error and granted the organization's request for a refund due to their exempt status. Furthermore, the organization has continued to file its quarterly payroll tax returns as an exempt organization and has not withheld any FICA taxes from its employees since 1977; yet the Service refuses to recognize the previous error and still demands repayment.

To persist in collecting these taxes is not only unjustifiable but inequitable. To allow a nonprofit organization such as the Junior Achievement to suffer this burden is inexcusable. In addition, it would seriously impair the organization's ability to continue within the community. Therefore, I urge my colleagues to support this legislation and I respectfully request that the committee grant the immediate consideration of this urgent matter in order that this inequity may be resolved in the near future.

H.R. —

A bill for the relief of Junior Achievement of Sacramento, Inc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) for the purposes of chapter 21 of the Internal Revenue Code of 1954 and title II of the Social Security Act, services performed after June 30, 1977, and before January 1, 1984, in the employ of Junior Achievement of Sacremento, Inc., shall not be treated as employment.

(b) For purposes of subsection (a), services shall be treated as performed after June 30, 1977, to the extent that remuneration for such services is paid after such date.

THE APPOINTMENT OF AMERICAN DISTRIBUTORS OF JAPANESE AUTOMOBILES ACT OF 1987

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. DUNCAN. Mr. Speaker, I am pleased to introduce H.R. 1399, a bill to amend the Trade Act of 1974 to encourage Japan to open its market to American manufactured automobiles. H.R. 1399 would require Japanese vehicle manufacturers to utilize United States citizens to import and distribute their vehicles in this country. This requirement would not be imposed if the President certified to the Congress that the Japanese distribution system is not a substantial barrier to United States automobiles in Japan. A 1-year grace period is allowed to permit negotiations to take place to open the Japanese market.

As our merchandise trade deficits with Japan has grown, imports of motor vehicles from Japan have also grown. As a matter of fact, more than half of the 1986 deficit, or $30 billion, is accounted for by the auto industry. In 1981, automobile imports were limited by a voluntary restraint agreement to 1.6 million vehicles. Since 1981, despite VRA, Japanese imports have risen to 2.3 million automobiles. Moreover, VRA has never applied to truck imports from Japan, which have grown from about 270,000 vehicles in 1981 to about 1 million vehicles in 1986.

During all of this growth, United States exports of motor vehicles to Japan have declined to the point of almost disappearing. In the mid-1970's, United States manufacturers exported about 17,000 vehicles each year to Japan. By the mid-1980's, that total had declined to less that 2,000 vehicles per year. While exports of United States vehicles to Japan increased in 1986 to about 2,050 vehicles, this is of no significance. The Japanese motor vehicle market experienced more that 5.5 million sales in 1986; however, all foreign imports made up only about 1 percent.

While there is a great deal we in the Congress can do to address the impact on our economy of growing motor vehicle imports, I believe that much of this problem can be offset if Japan would open its markets to our products.

An important barrier to United States automobile exports to Japan, which has not received sufficient attention is that country's distribution system. In Japan, virtually all consumer goods including automobiles must pass through a distribution "kieretsu"—an integrated marketing network involving manufacturers, exclusively licensed trading companies, financial institutions, and retailers. These families of companies control the distribution of automobiles and other consumer products and keep out foreign products to reduce their access to the market.

Mr. Speaker, the Japanese system is particularly unfair, because in the United States, Japanese manufacturers are free to establish any distribution arrangement that benefits them economically and may change that arrangement whenever it is in their interest. Today, most Japanese cars are sold in this country through manufacturer-owned distribution systems, but there are still independent United States distributors of foreign cars in virtually every State. It has been estimated conservatively that these American companies, many of them privately owned, had an after tax profit in 1986 of more than $100 million.

Recently, Toyota threatened a forced buyout of one of the largest of these independent American distributors, Mid-Atlantic Toyota Distributors, Inc. For 17 years, MAT has distributed Toyota vehicles in Washington, DC, Virginia, West Virginia, Pennsylvania, Delaware, and Maryland. From a tiny network, MAT has grown to over 100 franchised dealers in these States. Toyota has told MAT that it will switch to direct distribution when MAT's contract expires in October. If this occurs, MAT will lose a valuable franchise and will be paid nothing like its true value. If Toyota is able to terminate MAT, we can expect other independent American businessmen to be terminated in the future.

The experience of MAT is a stark example of the disparity in freedom between the American market and the Japanese market right in our own backyard. Many Members of Congress have written to Toyota to protest this threatened termination, but we also must encourage Japan to reduce its distribution barriers to American automobiles. The legislation I am introducing today would require all automobiles manufactured in Japan to be imported and distributed by American owned and controlled companies unless the President certifies to the Congress that the Japanese distribution system is not a substantial barrier to the sale of United States automobiles in Japan. A 1-year grace period is allowed to permit negotiations to take place to open the Japanese market. The President has authority under the Trade Act of 1974 to negotiate the necessary reduction in Japan's nontariff barriers to United States vehicles.

A requirement that all Japanese vehicles be imported and distributed by American owned and controlled companies would have a positive impact on our balance of payments. It has been estimated that such a transfer of the distribution function alone to American companies from Japanese companies would result in a net profit after taxes of more than $600 million annually to American companies. Of course, it is my hope that the authority contained in this legislation would never have to be used. Our goal is to increase trade; to convince the Japanese Government and people that it is in their best interests to open their markets to American products. That is what this legislation is intended to accomplish.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February

4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 5, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:00 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on U.S. strategic warning capabilities, and the Administration's ICBM modernization program.
SR-222

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, on behalf of funds for the Financial Management Service, Bureau of the Public Debt, U.S. Mint, and the Internal Revenue Service.
SD-116

Commerce, Science, and Transportation
Consumer Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Highway Traffic Safety Administration.
SR-253

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold oversight hearings on the implementation of the Paperwork Reduction Act (P.L. 96-511).
SD-342

Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on America's training needs.
SD-430

Joint Economic
To hold hearings on the employment-unemployment situation for February.
SD-138

10:15 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Veterans' Administration.
SD-124

10:30 a.m.
Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on S. Con. Res. 24, supporting the initiative of Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America.
SD-419

2:00 p.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To continue hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on the Administration's ICBM modernization program.
SR-222

12:30 p.m.
Labor and Human Resources
Employment and Productivity Subcommittee
To hold hearings on S. 514, to establish an incentive bonus to States which successfully train and employ long-term welfare dependents, and related amendments.
SD-430

MARCH 9

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the General Services Administration, National Archives and Records Administration, and the Executive Office of the President.
SD-116

10:00 a.m.
Labor and Human Resources
Labor Subcommittee
To resume hearings on S. 79, to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers.
SD-430

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Research Service, and the Cooperative State Research Service.
SD-138

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on uraniun mining, reclamation, and enrichment.
SD-366

MARCH 10

9:30 a.m.
Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To hold hearings on proposed legislation to promote the export of U.S. agricultural commodities and the products thereof, including S. 308, S. 310, S. 399, S. 500, S. 512, and H.R. 3.
SR-332

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense.
SD-192

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.
SD-138

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Management and Budget, and the Office of Federal Procurement Policy.
SD-116

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

10:00 a.m.
Foreign Relations
To continue hearings on proposed legislation authorizing funds for foreign assistance programs.
SD-419

Labor and Human Resources
Employment and Productivity Subcommittee
Labor Subcommittee
To hold joint hearings on the status of dislocated workers as a result of plant closings.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Minerals Management Service, Department of the Interior.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.
SD-138

Judiciary
To resume hearings on the President's proposed budget request for fiscal year 1988 for the Department of Justice, focusing on the Civil Rights Division.
SD-226

2:45 p.m.
Banking, Housing, and Urban Affairs
Business meeting, to consider proposed legislation relating to Federal Savings

and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds, and the nominations of James G. Stearns, of Nevada, to be a Member of the Board of Directors of the Securities Investor Protection Corporation, J. Michael Dorsey, of Missouri, to be General Counsel of the Department of Housing and Urban Development, Judith Y. Brachman, of Ohio, to be an Assistant Secretary of Housing and Urban Development, and Lawrence J. White, of New York, to be a Member of the Federal Home Loan Bank Board.

SD-538

MARCH 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the proposed new credit regulations affecting the Farmers Home Administration loan programs.

SR-332

9:30 a.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Family Support Administration.

SD-192

Energy and Natural Resources

To resume oversight hearings on the world oil outlook and its implications for the domestic oil and natural gas industry.

SD-366

Environment and Public Works
Environmental Protection Subcommittee

To resume hearings on available and emerging technologies for the control of precursors of acid rain, focusing on clean coal technology and the U.S.-Canada joint report of the special envoy on acid rain.

SD-406

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee

To hold oversight hearings on mergers.

SR-385

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Farmers Home Administration.

SD-138

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Marine Mammal Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation authorizing funds for housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

SD-538

Foreign Relations

To hold joint hearings with the Committee on the Judiciary to discuss the Senate consideration of the ABM Treaty in 1972 and its constitutional implications.

SD-419

Judiciary

To hold joint hearings with the Committee on Foreign Relations to discuss the Senate consideration of the ABM Treaty in 1972 and its constitutional implications.

SD-419

Labor and Human Resources

To hold oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.

SD-430

10:30 a.m.

Appropriations
Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for military construction programs.

SD-124

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Labor and Human Resources

To hold hearings on the use of telecommunications in education.

SD-430

2:30 p.m.

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.

SD-116

MARCH 12

9:30 a.m.

Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee

To resume hearings on proposed legislation to promote the export of U.S. agricultural commodities and the products thereof, including S. 308, S. 310, S. 399, S. 500, S. 512, and H.R. 3.

SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of the Secretary, Departmental Management, Office for Civil Rights, Policy Research, and the Office of Inspector General.

SD-116

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee

To hold oversight hearings on export controls.

SD-538

Commerce, Science, and Transportation

To hold joint hearings with the National Ocean Policy Study to review coastal management policy.

SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee

To hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.

SD-366

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee

To hold joint hearings with the House Committee on the Post Office and Civil Service Subcommittee on Census and Population to review the status of the planning of the 1990 Decennial Census.

311 Cannon Building

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee

Business meeting, to consider S. 431 and S. 432, bills to strengthen the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

SD-226

10:00 a.m.

Appropriations
Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain international organizations and programs, and certain activities of the Agency for International Development.

S-128, Capitol

Appropriations
HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation.

SD-124

Appropriations
Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Tennessee Valley Authority, and the Appalachian Regional Commission.

SD-192

Appropriations
Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Panama Canal Commission, and the National Transportation Safety Board.

SD-138

Labor and Human Resources

To resume oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.

SD-430

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.

SD-192

MARCH 13

9:30 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation, and the Office of Science and Technology.
SD-124

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings on the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and property by Federal agencies.
SD-342

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to consider pending calendar business.
SD-430

Special on Aging
To hold hearings to review the President's proposed budget request for fiscal year 1988 and its impact on programs for the elderly.
SD-628

MARCH 16

10:00 a.m.

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

MARCH 17

9:30 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on a Veterans' Administration compliance with a discovery request of NARS vs Turnage.
334 Cannon Building

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Bureau of Standards, Office of Productivity, Technology and Innovation, and the National Technical Information Service, all of the Department of Commerce.
SR-253

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.
SD-192

Energy and Natural Resources
To hold hearings on the nominations of Lawrence F. Davenport, of Virginia, to be an Assistant Secretary of Energy (Management and Administration), Raymond G. Massie, of New Jersey, to be Director of the Office of Minority Economic Impact, Department of Energy, and James W. Ziglar, of Maryland, to be an Assistant Secretary of the Interior (Water and Science).
SD-366

MARCH 18

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.
S-146, Capitol

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to review fairness in public broadcasting.
SR-253

MARCH 19

9:30 a.m.

Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Independent Counsel Act.
SD-342

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Highway Administration, and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Labor and Human Resources
To hold hearings on S. 557, Civil Rights Restoration Act of 1987.
SD-430

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.
SD-192

MARCH 20

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Treasury, and the National Treasury Employees Union.

SD-116

Governmental Affairs

Oversight of Government Management Subcommittee

To continue hearings on the Independent Counsel Act.

SD-342

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.

SD-124

MARCH 23

10:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.

SD-116

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.

SD-192

MARCH 24

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-126, Capitol

Labor and Human Resources

Labor Subcommittee

To hold hearings on overfunding and underfunding on pensions.

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Aeronautics and Space Administration's space station program.

SR-253

2:30 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold hearings to review the current status of renewable energy technologies.

SD-366

MARCH 25

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.

SD-138

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

MARCH 26

9:00 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

Room to be announced

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the Federal Aviation Administration's management of the airport and airway trustfund.

SR-253

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.

S-126, Capitol

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.

SD-192

Labor and Human Resources

Labor Subcommittee

To hold joint hearings on S. 538, to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation.

SD-430

2:00 p.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary and the Office of the Inspector General, Department of Transportation.

SD-196

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Telecommunications and Information Administration, Department of Commerce.

SR-253

2:30 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To resume hearings to review the current status of renewable energy technologies.

SD-366

MARCH 27

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-124

MARCH 30

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

MARCH 31

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.

SD-138

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, interna-

tional narcotics control, and anti-terrorism assistance.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.
SD-116

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the St. Lawrence Seaway Development Corporation, and the Architectural Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-1

APRIL 7

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the implementation of the airport improvement program.
SR-253

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on the President's budget request for fiscal year 1988 for the Department of Energy's Office of Energy Research for the Superconducting Super Collider (SSC).
SD-366

APRIL 8

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the national airspace system plan.
SR-253

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Securities and Exchange Commission and the Civil Rights Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 9

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the

Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.

SD-138

1:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.

SD-192

APRIL 10

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.

SD-124

APRIL 21

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.

SD-192

APRIL 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.

SD-192

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimate for fiscal year 1988 for the Small Business Administration, and the Federal Trade Commission.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.

SD-192

Appropriations

Energy and Water Development Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.

SD-116

APRIL 23

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.

SD-192

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.

SD-116

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.

SD-192

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.

SD-138

APRIL 24

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.

SD-124

APRIL 27

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.

SD-192

APRIL 28

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.

S-126, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.

SD-192

APRIL 29

10:00 a.m

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Attorney General, Immigration and Naturalization Service, and the Federal Prison System.

S-146, Capitol

APRIL 30

9:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.

SD-124

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.

S-126, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.

SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.

SD-192

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.

SD-138

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.

S-146, Capitol

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 7

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.

SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (R, E&D, F&E, Airport Grants).

SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (FAA Operations).

SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 12

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.

S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation, and the Equal Employment Opportunity Commission.

S-146, Capitol

MAY 13

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.

S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

MAY 20

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.

S-146, Capitol

JUNE 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.

SD-192

CANCELLATIONS

MARCH 6

10:00 a.m.

Foreign Relations

International Economic Policy, Trade, Oceans and Environment Subcommittee

To hold hearings to review the economic and foreign policy implications of the decline of the dollar.

SD-419

MARCH 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.

SD-366

HOUSE OF REPRESENTATIVES—*Thursday, March 5, 1987*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray in the words of Henry van Dyke:

"Joyful, joyful we adore Thee,
God of glory, Lord of love!
Hearts unfold like flowers before Thee,
Praising Thee their Sun above.
Melt the clouds of sin and sadness,
Drive the gloom of doubt away,
Giver of immortal gladness,
Fill us with the light of day.

Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **WHEAT**. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **WHEAT**. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 320, nays 73, answered "present" 1, not voting 39, as follows:

[Roll No. 16]

YEAS—320

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Archer
Aspin
Atkins
AuCoin
Ballenger
Barnard
Bateman
Bates
Bellenson
Bennett
Bereuter
Bevill
Biaggi
Bilbray
Boggs
Boland
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Campbell
Carper
Carr
Chandler
Chappell
Clarke
Clinger
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Crockett
Daniel
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Houghton
Howard
Hoyer
Huckaby
Hughes
Hutto
Hyde
Ireland
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lipinski
Lowry (WA)
Lujan
Luken, Thomas
Lungren
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCloskey
McCollum
McCurdy
McDade
McEwen
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (WA)
Mineta
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Olin
Ortiz
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Pepper
Perkins
Petri
Pickett
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Rinaldo
Ritter
Robinson
Roe
Rogers
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauke
Taylor
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—73

Armey
Badham
Barton
Bentley
Bilirakis
Bliley
Boehlert
Boulter
Burton
Cheney
Clay
Coats
Coble
Coughlin
Courter
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
Dickinson
DioGuardi
Dreier
Emerson
Fields
Gekas
Goodling
Gregg
Hansen
Henry
Hunter
Inhofe
Jacobs
Kolbe
Konnyu
Kyl
Lewis (CA)
Lowery (CA)
Lukens, Donald
Mack
Madigan
Marlenee
Martin (IL)
McCandless
Miller (OH)
Molinari
Moorhead
Nielson
Parris
Penny
Ridge
Roberts
Roth
Roukema
Rowland (CT)
Schaefer
Sensenbrenner
Sikorski
Skeen
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Stangeland
Stump
Sundquist
Thomas (CA)
Vucanovich
Walker
Wolf

ANSWERED "PRESENT"—1

Lehman (CA)

NOT VOTING—39

Annunzio
Baker
Bartlett
Berman
Boner (TN)
Callahan
Cardin
Chapman
Conte
Dingell
Dowdy
Early
Feighan
Frenzel
Gephardt
Hayes (LA)
Horton
Hubbard
Leach (IA)
Lewis (FL)
Livingston
Lloyd
Lott
MacKay
Mavroules
McGrath
Moakley
Obey
Pickle
Rhodes
Rodino
Roemer
Slaughter (NY)
Swindall
Tauzin
Traxler
Weber
Whittaker
Young (AK)

□ 1120

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER

The **SPEAKER**. The Chair is going to recognize the distinguished minority leader and one Member on the Democratic side and then ask that further requests to address the House for 1 minute be postponed until we have taken up the rule.

THE PRESIDENT'S SPEECH

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **MICHEL**. Mr. Speaker, the President's speech last night, coming from an American public official, seemed unprecedented in the degree of its honesty, frankness, and acknowledgment of error.

This President has invited upon himself tougher scrutiny than any in-

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

dividual or institution in this country has in a long time, especially the Congress and the press.

This President has gone farther in admitting fault and accepting blame than any Member of Congress or the press in my memory. And it is not because this President has erred so much more than the rest of us.

We as a nation have again addressed a weakness in our system of government and we have to the President's credit, begun taking the steps to correct the flaw.

It is time to move on. It is time to come together. It is time to address other problems—jobs, trade, health care and the deficit. It is time to put the screaming headlines behind us.

There is more to learn, but I'm confident it will all come out.

I applaud the President. He has done, that which was expected of a President and I'm convinced he will continue to do so.

PROTECTING OUR DOMESTIC ENERGY RESOURCES

(Mr. WOLPE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLPE. Mr. Speaker, at a time when both the Congress and the President are focusing attention on strengthening our Nation's competitive position in the international marketplace, it would be a serious mistake to overlook a situation that threatens to increase our dependence on foreign oil.

There is probably no greater threat to the economic security of this Nation than the return of another energy crisis and the upheaval it would bring. Protecting our domestic energy resources is an essential part of our Nation's energy future. That is why we renewed restrictions on the export of Alaskan crude oil last year. And that is why we must now slam the door shut on a new scheme to use a loophole in those restrictions to circumvent the will of Congress, and build an Alaskan refinery to export refined or partially refined oil in place of Alaskan crude.

My good friend, Mr. McKinney, and I are introducing legislation today to close this loophole and guarantee that the production of Alaskan oil will be in America's interest.

I hope our colleagues in the House will share our concern and join us in cosponsoring this important measure.

URGENT RELIEF FOR THE HOMELESS ACT

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 109 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 109

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children, and the first reading of the bill shall be dispensed with. All points of order against consideration of the bill for failure to comply with the provisions of section 401(b)(1) of the Congressional Budget Act of 1974, as amended (Public Law 93-344, as amended by Public Law 99-177) and with the provisions of clause 1(l)(6) of rule XI are hereby waived. After general debate, which shall be confined to the bill and shall continue not to exceed two hours, with forty-five minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Banking, Finance and Urban Affairs, with forty-five minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and with thirty minutes to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments now printed in the bill, it shall be in order to consider the amendment in the nature of a substitute printed in the Congressional Record of March 3, 1987, by Representative Pepper of Florida, as modified by the amendment set forth in section 2 of this resolution, as an original bill for the purpose of amendment under the five-minute rule, said substitute as so modified shall be considered as having been read, and all points of order against said substitute for failure to comply with the provisions of clause 7 of rule XVI and clause 5(a) of rule XXI are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

PERFECTING AMENDMENT RELATING TO OUTLAYS IN FISCAL YEAR 1988

Sec. 2. Amendment to the Pepper Amendment in the Nature of a Substitute to H.R. 558.—In section 202A(a)(1) of the Temporary Emergency Food Assistance Act of 1983, as added by section 506 of the amendment in the nature of a substitute, after "Notwithstanding any other provision of law," insert the following: "and subject to such amounts as are provided in advance in appropriation Acts,".

□ 1130

The SPEAKER. The gentleman from Missouri [Mr. Wheat] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for the purpose of debate only, I yield 30 minutes to the gentleman from Tennessee [Mr. Quillen], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 109 is an open rule providing for the consideration of H.R. 558, the Urgent Relief for the Homeless Act. The rule provides for 2 hours of general debate. The Committees on Banking, Finance and Urban Affairs and Energy and Commerce shall each control 45 minutes of debate time. The remaining 30 minutes of debate time is allotted to the Committee on Agriculture.

The rule makes in order an amendment in the nature of a substitute printed in the Congressional Record of March 3, 1987, by Representative Pepper of Florida, as modified by a perfecting amendment set forth in section 2 of this resolution, as an original bill for the purpose of amendment. The substitute shall be considered for amendment under the 5-minute rule and the substitute, as modified, shall be considered as having been read.

All points of order against the bill for failure to comply with section 401(b)(1) of the Congressional Budget Act, as amended, are waived. Section 401(b)(1) prohibits the consideration of any bill providing new entitlement authority which becomes effective prior to October 1 of the year in which it is reported. Since H.R. 558 as introduced, was reported in calendar year 1987, and the spending authority in section 3 for Medicaid services for the homeless is effective prior to fiscal year 1988, the bill violates section 401(b)(1) of the Budget Act and a waiver is necessary.

The rule also waives all points of order against the measure for failure to comply with clause 2(L)(6) of rule XI. Clause 2(L)(6) of rule XI requires that committee reports be available to Members for 3 days prior to a bill's consideration on the floor. H.R. 558 was reported out of the Energy and Commerce Committee on March 3. Since the committee report has not been available for 3 days, a waiver of clause 2(L)(6) of rule XI is necessary.

Points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, the rule which prohibits the consideration of nongermane amendments, are also waived. The amendment in the nature of a substitute expands the original scope of the bill to include the text of H.R. 177, the Food Assistance for the Homeless Act of 1987. Since H.R. 177 is not germane to H.R. 558, a waiver of clause 7 of rule XVI is necessary. Clause 5(a) of rule XXI, the rule which prohibits appropriations in a legislative bill, is also waived against the substitute. Because section 303(d) of the amendment in the nature of a substitute limits the extent to which appropriated funds may be used for administrative expenses, it technically constitutes an appropriation. Therefore, a waiver of clause 5(a) of rule XXI is necessary.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. QUILLEN. Mr. Speaker, I yield myself as much time as I may use.

Mr. Speaker, I ask for adoption of the rule. The bill has bipartisan support but is controversial. There is also opposition to the rule, primarily I believe, because of the waivers it contains relating both to the Congressional Budget Act and to the rules of the House. I understand an effort will be made to defeat the previous question so that a new rule could be substituted for this one. I do not support this effort, however. This is an open rule permitting any germane amendment to be offered, debated fully and voted on. Thus, the rule offers the opportunity for all Members to influence the content of the bill's provisions.

The bill this rule brings before the House provides an additional $500 million for Federal aid to help our large and growing homeless population. Most of the money in the bill is to fund a number of temporary shelter programs and other emergency services. The bill also authorizes grants to public and private organizations to fund their assistance programs and provide additional services to the homeless.

The bill makes a variety of changes in the Food Stamp Program and permits an increase in the amount of surplus Federal cheese which can be distributed to the needy.

Mr. Speaker, the bill was written with considerable bipartisan support though it is admittedly controversial. Members have expressed concerns about the ways in which the money will be spent and about sound management practices to avoid waste. These are legitimate concerns. Furthermore, because of the huge budget deficit, Members are naturally reluctant to start up new and expensive programs.

Mr. Speaker, I have another concern. In the expenditure of the $500 million and providing shelter for the homeless, and food and other benefits, I do not want this Congress to create more homeless on our streets. I am afraid, upon its enactment, that we will have people coming from all sections of our country to where benefits can be received. Instead of solving the problem, we could make it more complicated.

All of this concern, however, should be tempered somewhat by compassion for those in our society who are homeless, who are out on the streets, and who need our help.

Mr. Speaker, we do not want to see more people out on the streets. We do not want to see more hungry people. We want to see an opportunity for people to get ahead in life and to get ahead on their own.

Mr. Speaker, I ask a "yea" vote on the rule because it is an open rule, and at this point if I may, Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, let me begin by congratulating the Rules Committee for bringing to the floor our first open rule of the Congress. It is nice that we are going to be able to offer amendments to this particular bill, because there are a number of items of controversy.

I must admit, Mr. Speaker, that I was disturbed when I started reading through this rule and found on page 2, line 3, a waiver of the Budget Act. The gentlemen, in describing the bill, have told us that that waiver is in fact in this bill.

Now what I understand is that we have waived the Budget Act because we are having brought before us a flawed bill; that the original bill is introduced and creates a new entitlement program that would not be permissible under Gramm-Rudman.

Now what you are going to hear is that they have corrected that in the substitute that will be offered; and so therefore this budget waiver really is not needed.

Well, let me tell you, I do not think that we ought to have to vote for it if it is not needed. I think that we ought to have a rule out here that says everything this rule says, but does not have the budget waiver in it.

So, therefore, what I am going to ask us to do is to defeat the previous question so that I can offer a substitute rule that will be exactly the same rule as reported from the Committee on Rules but will have the budget waiver taken out of it.

Let me tell you, that is a very specific vote. No one can hide behind the fact that, "I voted for the rule because it was the only thing that I could vote for." This is a very specific vote: You are either for the waiver or you are against the waiver of the Budget Act.

Now I realize that is not exactly an easy question. Some regard the legislation we have before us today as preeminent, and of preeminent importance, and it is more important than any other law or any other commitment that they may have made.

Others of us feel that this is an issue that while important must be viewed in light of some other commitments that we may have made.

□ 1140

Now let me tell you what I think this vote is all about on the previous question. I think it is about "Do we believe that we are above the law?"

We have committed ourselves under the Congressional Budget Act to do certain things. When we vote for these budget waivers what we are saying is we in the Congress think we are above the law, that we can simply flout the law out here. Well, I do not think we ought to be flouting the law. I do not think we are above the law. I think we ought to comply with the law. We ought not have budget waivers.

I also think that this question is, "Do we live up to our commitments?"

You know, there was a recent poll that was widely reported about how low the President had sunk in public esteem. What was not widely reported was how low Congress was in that poll. We were about twice as low as the President. The public regards us as a bunch of thieves, scoundrels, cheats, and whatever.

Now I know most of us would not agree with that characterization around here, but let me tell you we deserve some of our reputation when what we do is consistently fail to live up to our commitments, when we make commitments for political purposes and then fail to live up to them. I think this vote is also about whether or not we keep our promises, because in last year's campaigning most people all over this country who were campaigning for Congress said they were for doing something about the deficit. Well, let me tell you something: In this instance what you are saying is the deficit is not important, waive the Budget Act, go ahead and spend the money. You have to vote "no" on the previous question if you do not want that budget waiver. If you believe that Congress and Congressmen are above the law and can flout it at our convenience, I would suggest that you vote "yes" on the previous question. If you think this is a government of laws and we should either obey the law or change it, then you ought to vote "no." If you think commitments are not important and can be broken whenever it is politically convenient to do so, go ahead, you are the person that ought to vote "yes" on the bill.

If you think commitments are exactly that and ought to be lived up to, then your vote is "no." If you think we can abandon promises to the folks back home when our party leaders in Washington tell us how to vote, well then you ought to vote "yes" on the previous question. But if you think that your promises are a bond between you and the folks that you serve, then you had better vote "no."

Many will vote for the previous question saying this is just another procedural vote or it is a party vote or it is an unimportant vote. You can say that and some of you can even believe it, but you would be wrong.

This is an important vote, one that says a lot about this Congress and its membership. The vote to obey the law, to live up to our commitments and to live up to our promises is a "no" vote on the previous question.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. WYLIE].

Mr. WYLIE. Mr. Speaker, as one of the original cosponsors of aid to the homeless legislation, I rise in support of H.R. 558.

This legislation was introduced with broad bipartisan support. The distinguished majority leader, Mr. FOLEY, the original sponsor of the legislation, along with Mr. MCKINNEY, our ranking Republican on the Housing Subcommittee, should be commended for their efforts. Also, the efforts of our distinguished Speaker, Mr. WRIGHT, didn't hurt getting us where we are today.

Mr. Speaker, the chairman of our subcommittee, Mr. GONZALEZ, deserves special recognition for his leadership on the legislation before us today. Through Mr. GONZALEZ' tireless efforts, beginning in 1982, he has brought the issue of homelessness to the conscience of the Congress of the United States. Since 1982 the Subcommittee on Housing and Community Development conducted some six hearings on the subject of homelessness in America. Along with our chairman, I would like to single out two of my distinguished colleagues on the Banking Committee, Mr. VENTO and Ms. OAKAR. They have provided leadership on this issue which resulted in two homeless assistance programs enacted in the 99th Congress. And, of course, the gentleman from Washington, Mr. LOWRY, has been a driving force behind this bill.

The Banking Committee's portion of H.R. 558 provides additional funding in fiscal year 1987 for three existing programs for the homeless, the FEMA Emergency Food and Shelter Program, Emergency Shelter Grant Program, and the Transitional Housing Demonstration Program, as well as additional funding for the section 8 existing Housing Certificate Program. From a supportive services standpoint, the bill provides additional funding too, through the existing Community Services Block Grant Program. This program provides assistance to local community action agencies in their efforts to help the homeless. The bill also creates two new initiatives, one for a shelter grant program for underutilized facilities and another for a matching grant program to provide permanent community-based housing for the handicapped persons who are homeless or at risk of becoming homeless.

Some of my colleagues have raised questions as to whether this is the best way to proceed. Their points are well taken. I, for example, feel that State and local governments should be doing more to address the particular needs of the homeless within their communities. In this regard, the provisions of this bill directs Federal assistance to State and local governments to work with voluntary nonprofit organizations at the local level in their efforts to assist the homeless. In view of our hearings and based on experience with our existing homeless assistance programs there appears to be a consensus on this point.

Mr. Speaker, the major purpose of this legislation was to focus attention on the fact that there is a problem, and on that no one seems to disagree. But such a conclusion should have been clear to all of us. You can see it in almost any large city in the country. I've seen it in Columbus, but I've also seen how some of the suffering and hardship can be alleviated. In Columbus we have an excellent program to aid the homeless that is funded under a previous piece of legislation that was approved by Congress. It works, but we need more money and additional tools. H.R. 558 will provide that.

Mr. Speaker, this legislation is strongly supported by the United Way, the Salvation Army, the National Council of Jewish Federations, the American Red Cross, the National Conference of Catholic Charities, the National Council of Churches, and by such organizations as the National Mental Health Association, the Association for Retarded Citizens, United Cerebral Palsy, and the Easter Seal Society. These are some of the people who have been in the front lines in our fight to aid the homeless. They will use these funds and use them wisely.

Finally, Mr. Speaker, let me make one more point. Most of these homeless people do not vote and they do not contribute to political campaigns. There is no "Poor-Pac" that I'm aware of. The homeless are truly without representation but they are human beings who need help and that is why we should pass this legislation.

Mr. WHEAT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. I thank the gentleman for yielding.

Mr. Speaker, I would like to rise and say that there have been a few Members who have come up and talked about the waiver of the Budget Act, and that is a significant process here, one that we cannot turn our backs on, the economics of our country.

But, you know, I can remember a vote last term when we came in here and were discussing I believe it was the Jobs Program for Youth. It barely passed the House and it was defeated in the other body.

The argument was, "My God, where are we going to get $180 million with the budget problems in this country for unemployed youth in the metropolitan areas of America?"

But then about a week after that, even though it passed by about three votes, this body passed a $17 billion foreign aid bill and no one even got up and asked for a vote. Now the people of America want Congress to do something about the homeless on our streets. This is an indictment of this Nation. If it takes waiving the Budget Act, then we are going to have to waive it here today. And if we are going to have to make up those funds, we will see where the other side is and where these outspoken critics are of these great deficits when it comes time to cut that military budget or some of those projects that the other side might be concerned about.

I am saying, let us waive the Budget Act; let us not be hypocrites. Yes, we are going to have to do that. Let us do it affirmatively and get some people off the streets.

America does not stand for people sleeping on steel grates; it stands for a lot more than that.

The responsibility for that is incumbent upon us to ensure this possibility. Vote for this rule; stand strong for it.

Mr. WHEAT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me take just a few moments to clear up exactly what this rule does and does not do. This is a 2-hour open rule which provides each Member with the opportunity to be heard on this important measure. With regard to the Budget Act waiver, it is technically true that the Budget Act waiver would be necessary for a provision of H.R. 558, as introduced. It should also be noted that H.R. 558, as introduced, has been substituted for in this rule and the substitute does not contain the provision for which the Budget Act waiver would have been necessary.

So, in fact, in no substantive way is the Budget Act being violated here today.

Mr. GREGG. Mr. Speaker, will the gentleman yield?

Mr. WHEAT. I yield to the gentleman from New Hampshire.

Mr. GREGG. I thank the gentleman for yielding.

Mr. Speaker, I would ask the gentleman if it is the case that you have a substitute which is in proper order under the Budget Act why was not that substitute brought forward under this rule?

Mr. WHEAT. That substitute is being brought forward under this rule but, in fact, the two measures for which the substitute has been substituted have to be brought to the floor in order to consider the substitute today.

Mr. GREGG. Why did the gentleman not make the bill in order today? We do not have in order today the bill that is the substitute; what we have in order today violates the Budget Act.

If the bill you wish to bring forward is the substitute then you should have made that in order. I would like an explanation as to why you are bringing forward the bill which violates the Budget Act.

□ 1150

If the bill that you wish to bring forward was the substitute, you should have made that in order. I would like an explanation as to why you are bringing forward the bill which violates the Budget Act as a primary legislative vehicle.

Mr. WHEAT. If the gentleman would like his answer, there are two reasons why we are coming forward in this way: One, to preserve the legislative history of the two bills as they were originally introduced; and two, we are bringing forward the substitute that is the bill that is in order today. That is the bill that will be debated and discussed on the floor and that each Member will have the opportunity to offer any amendments that they care to today.

Mr. GREGG. Mr. Speaker, if the gentleman will yield further, legislative history is fairly clear by the introduction of the legislation.

If you want to maintain the integrity, however, of the budget process, you should have brought forward the substitute, and not the original bill which violates the budget process. It seems to me that the basic thrust here is a political one; you just want to retain a number of a bill, and in doing that, you are willing to waive the budget process to get there.

That seems to me to use form over substance in its worse manner.

Mr. WHEAT. Mr. Speaker, having raised the form-over-substance argument, I would make it clear that in no substantive way is the Budget Act violated here today, and to suggest that it is clearly to assume form over substance.

Mr. GREGG. Mr. Speaker, will the gentleman yield further to me?

Mr. WHEAT. I yield further to the gentleman.

Mr. GREGG. Mr. Speaker, if the substitute is not approved, the Budget Act would be violated; is that not correct?

Mr. WHEAT. The Budget Act does not contain the provision in H.R. 558 for which a Budget Act waiver would have been necessary.

Mr. GREGG. The bill which is brought forward contains the provision for which the Budget Act is violated. It is a provision which would allow for an entitlement program in violation of the Budget Act; is that not correct?

Mr. WHEAT. H.R. 558 would have violated the Budget Act were it to be considered on the floor today and a waiver would have been necessary. However, we are going to consider a substitute that has been introduced for H.R. 558.

Mr. GREGG. The only way you can consider that substitute is by obtaining a waiver because you are bringing forward the bill. The primary bill, which you are going to be substituting, is in violation.

Mr. WHEAT. Mr. Speaker, the primary bill would have contained the clause that would have required a waiver. We can agree on that point. I hope we can also go forward to agree that we are going to consider this substitute which has been brought forward that does not contain that provision, and for which a Budget Act waiver is not necessary.

Mr. GREGG. Mr. Speaker, if the gentleman will yield further, my point is that if you wish to really go forward with this substitute, you would have made that in order.

Mr. WHEAT. Mr. Speaker, I appreciate the comments and wanted to make it clear what, in fact, the rule does not do. This is an important measure, Mr. Speaker. There are over 3 million people in this country who are currently without homes and the homeless rate in this country continues to grow at an alarming rate of 25 percent per year.

People from all walks of life are finding it increasingly difficult to obtain appropriate housing, health care, and nutrition. Currently we have no effective way of delivering services to the citizens of this country who desperately need them.

The emergency legislation that we consider today, the bipartisan emergency legislation, will be the first step in meeting those needs.

Mr. Speaker, the matter before us is of great importance. I urge that we adopt this resolution so that we may proceed to consideration of this bill.

Mr. QUILLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WHEAT. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. MOODY). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WALKER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 269, nays 138, not voting 26, as follows:

[Roll No. 17]

YEAS—269

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Cooper
Courter
Coyne
Crockett
Daniel
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Flake
Flippo
Florio
Foglietta
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Lujan
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McEwen
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NAYS—138

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Clinger
Coats
Coble
Combest
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Fish
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Hunter
Hyde
Inhofe
Ireland
Jeffords
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stump
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (FL)

NOT VOTING—26

Annunzio
Baker
Berman
Coleman (MO)
Conte
Conyers
Dowdy
Feighan
Foley
Gephardt
Hayes (LA)
Horton
Hubbard
Jones (NC)
Leach (IA)
Livingston
Lloyd
Lott
McGrath
Moakley
Oakar
Roemer
Slaughter (NY)
Sundquist
Tauzin
Young (AK)

☐ 1210

Mrs. ROUKEMA, Mr. LAGOMARSINO, and Mr. KONNYU changed their votes from "yea" to "nay."

Mr. BONIOR of Michigan changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. Moody). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McCANDLESS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 274, noes 126, not voting 33, as follows:

[Roll No. 18]

AYES—274

Ackerman
Akaka
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Bentley
Bevill
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Courter
Coyne
Crockett
Daniel
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Goodling
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)
Hamilton
Harris
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McDade
McEwen
McHugh
McKinney
McMillen (MD)
Mfume
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Saxton
Schneider
Schroeder
Schulze
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron

NOES—126

Archer
Armey
Badham
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Callahan
Chandler
Cheney
Coats
Coble
Combest
Coughlin
Craig
Crane
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Gradison
Grandy
Gregg
Gunderson
Hammerschmidt
Hansen
Hastert
Henry
Herger
Hiler
Holloway
Hopkins
Hunter
Hyde
Inhofe
Ireland
Jeffords
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
McMillan (NC)
Michel
Molinari
Moorhead
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Rhodes
Ritter
Roberts
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Whittaker
Young (FL)

NOT VOTING—33

Annunzio
Baker
Berman
Campbell
Coleman (MO)
Conte
Davis (MI)
Dowdy
Feighan
Gephardt
Hatcher
Hayes (LA)
Hefley
Horton
Houghton
Hubbard
Kennedy
Leach (IA)
Livingston
Lloyd
Lott
McCurdy
McGrath
Meyers
Mica
Moakley
Oakar
Owens (UT)
Roemer
Scheuer
Slaughter (NY)
Tauzin
Young (AK)

☐ 1230

So, the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. Frank). Pursuant to House Resolution 109 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 558.

☐ 1232

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children, with Mr. Kildee in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from Texas [Mr. Gonzalez] will be recognized for 22½ minutes, the gentleman from Connecticut [Mr. McKinney] will be recognized for 22½ minutes, the gentleman from California [Mr. Waxman] will be recognized for 22½ minutes, the gentleman from California [Mr. Dannemeyer] will be recognized for 22½ minutes, the gentleman from Texas [Mr. de la Garza] will be recognized for 15 minutes, and the gentleman from Missouri [Mr. Emerson] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. Gonzalez].

Mr. GONZALEZ. Mr. Chairman, I yield such time as he may consume to the very distinguished chairman of the full Committee on Banking, Finance and Urban Affairs, the gentleman from Rhode Island [Mr. St Germain].

The gentleman from Rhode Island has exerted leadership from the very beginning and has been supportive all the way and is the ranking member of the Subcommittee on Housing and Community Development.

Mr. ST GERMAIN. Mr. Chairman, I rise in strong support of H.R. 558, the urgent relief for the Homeless Act.

I am proud of the fact that the Committee on Banking, Finance and Urban Affairs and its Subcommittee on Housing and Community Development was the first committee of the Congress to recognize and to conduct hearings on the nationwide scope of homeless problems that exists in our country.

In December of 1982, under the able leadership of the distinguished Gentleman from Texas, Mr. Gonzalez, the Subcommittee on Housing and Community Development conducted the first hearing on homelessness since the days of the Great Depression in the 1930's when this issue was last reviewed by a committee of the Congress.

We, on the Banking Committee, have also been in the forefront of proposing a Federal response beginning in 1983. Under the leadership of Chairman Gonzalez and our colleague from Minnesota, Bruce Vento, we have pushed since that time for Federal funds to provide emergency shelter for homeless people.

Mr. Chairman, I can recall very clearly the cries of outrage that met our ears when we proposed the first program of $60 million. We have come a long way from that time, especially with bipartisan support that we have with this bill today.

Joining us at that time in responding to the needs of homeless Americans was the distinguished ranking minority member of the Banking Committee, our colleague from Ohio, Chalmers Wylie. He and his colleague from Connecticut, Stewart McKinney. I commend them now, as I did back in 1983, for their support.

H.R. 558, the Urgent Relief for the Homeless Act, is a bipartisan response to the very real crisis that exists in all of our communities today. This bill has been put together in a bipartisan manner under the direction of the Democratic leadership of the House based on previous attempts of my committee and the Appropriations Committee in responding to the needs of the homeless people.

The bill provides for an emergency authorization of $500 million to be allocated in the quickest possible manner to provide emergency shelter, food and health care for our homeless people. We have worked together on this bill with our colleagues on the Committees on Energy and Commerce, Government Operations, and Education and Labor. It is a committeewide emergency response and, Mr. Chairman, it bodes well for our future response to this problem.

Mr. Chairman, this is only our preliminary response and an emergency one at that. The failure of the administration and the Congress to continue to provide the absolutely essential housing assistance to low- and moderate-income people has directly resulted in the homeless situation that we see in all of our communities. No Member in this Chamber can tell us that they do not have a homeless problem in their districts. It is a problem that exists in our large cities, our small towns, our suburban communities and in our rural areas. The Congress must face up to the problem. We must act on a long-term basis and we on the Banking Committee pledge to do so.

H.R. 4, this year's housing authorization bill, begins the process of rebuilding our Federal housing delivery system and to reestablish a national housing policy. The Subcommittee on Housing and Community Development will complete hearings on H.R. 4 within the next 2 weeks and will begin markup process toward the end of March. I pledge to this House that we on the Banking Committee will bring to the floor a major housing bill within the next 2 months, and we will act with dispatch and bipartisan support that we saw here with last year's housing bill, H.R. 1.

Mr. Chairman, I urge my colleagues to join me in taking this first step to addressing the housing needs of our Nation.

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today I rise in strong support of H.R. 558, the Urgent Relief for the Homeless Act, which provides vitally needed assistance to homeless persons. The $500 million authorized in this legislation provides emergency assistance to the homeless through homeless service providers—religious and nonprofit groups—States and local governments and Community Action agencies. This bill represents the fact that the Federal Government does have a moral and legal obligation to feed, clothe, and house homeless people who are in every community across this country both urban and rural. The pleas of the homeless are now finally being heard by Congress. The homeless have turned to the door of last resort, the Federal Government.

Before proceeding, Mr. Chairman, let me take a moment to commend my colleagues on the Banking Committee who have been active in the forefront on this issue long before it became a prominent and popular issue to support. The distinguished chairman of the full committee, Mr. St Germain, has been supportive from the very start beginning in 1982 when my subcommittee began to explore the growing phenomenon of homelessness. The ranking minority member of the Banking Committee, Mr. Wylie of Ohio, has been supportive of Federal efforts to respond to the needs of the homeless notwithstanding the opposition of the administration and many of his colleagues. The ranking minority member of the Subcommittee on Housing and Community Development, Stewart McKinney, has long been an ardent and eloquent supporter of efforts to address the needs of the homeless people. He has been with us in hearings when only a few of the members turned up during the early discussions of what was happening on our streets. Finally, Mr. Chairman, I want to commend my distinguished colleague from Washington, Mike Lowry, without whom this bill would never have been developed. He has with commitment and energy put together a package encompassing a range of political support that 1 year ago, none of us would have thought possible. Finally, let me commend my colleague, Bruce Vento for all his early work on this issue and his continued and vital support. With consideration of this legislation in the House today, the door is partially opening.

The $500 million in emergency assistance provided in this bill will not eradicate the causes of homelessness; but rather is an emergency short-term effort to assist homeless persons. This bill certainly does not address the causes of homelessness which are deep seated and go beyond the scope of this emergency legislation. The reasons for homelessness lie in the lack of affordable housing in this country for low-income persons, the lack of employment opportunities, and the lack of health and mental health services for the poor. This bill is an emergency effort to assist the homeless and to provide assistance as quickly as possible to local homeless service providers in cities and rural areas in this country. Clearly, the $500 million is a shot-in-the-arm approach to get funding out quickly to the homeless. H.R. 4, the Housing Act of 1987, provides a more long-term approach at providing shelter assistance to the homeless. I look forward to pursuing H.R. 4 in the House this spring.

The issue of homelessness is not a new one for my subcommittee and this emergency effort is a result of several years of continued congressional concern for the homeless. The Housing and Community Development Subcommittee has held at least seven major hearings on the issue of homelessness since December 1982. In fact, the December 1982 hearing was the first congressional hearing to spotlight the need for a Federal response to homelessness since the 1930's. Throughout these hearings the homeless service providers, who have direct hands-on experience with assisting the homeless, have testified that there are 2 to 3 million persons who are homeless in this Nation and recently the U.S. Conference of Mayors has reported that the number of homeless are increasing. Also indicated in the mayor's survey of 24 cities is the fact that the number of homeless women, children, and families is increasing.

Mr. Chairman, if we in the Congress had not succumbed to the administration's efforts to slash, cut, and terminate our assisted housing programs many of the people on our streets today would not be there. In 1980 the Federal Government was providing housing assistance that added 300,000 units to the housing stock for low and moderate income people. If that effort had been kept up, over a million homeless people today would have had some kind of federally assisted shelter. I regret that these efforts were successfully done under the guise of budget reduction. I warned at that time that the results of these housing cuts would have tragic effects. The existence of the homeless people on the streets today bear witness to my warnings.

Since fiscal year 1983 Congress has provided $435 million to feed and shelter the homeless through the FEMA Emergency Food and Shelter Distribution Program. Nonprofit groups such as the Salvation Army, United Way, Council of Jewish Federations, Catholic Charities, and others have combined their volunteer efforts with this meager Federal support to assist thousands of homeless persons. Clearly this has not been enough and thus we are here today with a $500 million package of assistance to the homeless.

H.R. 558, the Urgent Relief for the Homeless Act, authorizes $500 million to be appropriated in fiscal year 1987 through a variety of existing programs to assist the homeless in both urban and rural areas of this country; $175 million is provided for emergency shelter facilities through the HUD Emergency Shelter Grant Program and the underutilized Surplus Grant Program; $155 million is provided for transitional and more permanent housing assistance through the HUD Transitional Housing Program, the HUD Section 8 5-year existing Certificate Program, and the HUD community based housing for homeless handicapped persons; $70 million for food and shelter assistance through the FEMA Emergency Food and Shelter Distribution Program and the HHS Community Services Block Grant Program; and $100 million for community health and mental health programs.

There is an easy answer to the reason why we have poor people living in homeless shelters. Since 1980 this Congress and the administration have agreed to cut the housing budget by 70 percent. As a result, each year we have been able to help fewer and fewer additional poor people with their housing problems. In 1980 we provided enough assistance through HUD and FmHA to help an additional 317,500 families. In his fiscal year 1988 budget the President proposes enough funds to help only an additional 114,100 families.

The total number of additional families helped by the Federal Government between 1980 and fiscal year 1988 is 1,633,000. If we had maintained the same level of assistance for every year since 1980, we could have helped a total of approximately 2,860,000 families. The difference between those families actually helped and those we could have helped if we had not cut those funds so drastically is 1,227,000.

How many homeless people do we have in this country—1 million, 2 million, 3 million? Whatever the total, had we not agreed to the draconian 70-percent budget cuts in our housing programs, 1,227,000 more families and possibly 3,681,000 more individuals could be living in decent housing and not huddling on the streets, in mass shelters, or in substandard housing. The severity of the homeless problem is no mystery when you understand how our Federal housing programs have been decimated over the last 8 years. I hope my colleagues will join me in reversing this devastating trend by providing more permanent long-term housing solutions through H.R. 4, the housing authorization bill of 1987.

H.R. 558 represents a congressional effort to save lives, to provide emergency shelter and health care services to people whose lives are endangered. This bill is the first response. The second response will occur when Congress considers H.R. 4, the Housing Act of 1987, which seeks to focus our attention on increasing permanent housing for people who are now homeless.

I join my colleagues on both sides of the aisle who realize this Federal responsibility and pass H.R. 558, the Urgent Relief for the Homeless Act.

Mr. GONZALEZ. Mr. Chairman, I reserve the balance of my time.

Mr. McKINNEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a basic issue before us today. It is not essentially just the homeless; it is not essentially just that they are cold; it is in fact what kind of America do you want.

Do you want an America that abandons 10 million of its people? Do you want an America where Americans are sleeping on cement in 20-degree weather and colder? Do you want an America where your kids—your kids, not their kids—do not believe in the system because they see what is happening?

I do not think so. I think you all care very deeply about the United States of America.

□ 1250

There was a great Democrat by the name of Lyndon Baines Johnson. When I stood out Tuesday night with the House of Ruth people serving soup and coffee on the grounds of the Patent Office of the United States of America, I saw the plaque in the wall in concrete, which says "dedicated with pride by Lyndon Baines Johnson to the U.S. Government."

There were eight homeless people sleeping at the base of that plaque, in view of your Nation's White House and on Federal property.

What I am really trying to say here is that we have forgotten. You know, it was a Federal court that said deinstitutionalize. But nobody has bothered to answer the question, What happens to these people when they leave the institutions?

Now, as my chairman, whose work on this bill has been magnificent, states there are families in cars, families sleeping under bridges, families sleeping on the sidewalks, and families with no shelter at all.

A lot of people say "why don't they get a job?" I met two gentlemen on the streets of Washington last Tuesday night. They both had jobs. One of the men had a job 8 hours a day 5 days a week for $5 an hour. He had been in Washington for 2 months. I asked him why he was there. He said he was trying to save enough money to find a place to live.

You cannot get started in Washington, DC, on $5 an hour. It is one of the most expensive cities in the world.

This bill is not a panacea; this bill is not going to determine what kind of an America you are going to have. Hopefully, H.R. 4, the omnibus housing bill, will move in that direction and so will the Committee on Energy and Commerce, which has oversight over HHS. However, what H.R. 558 is going to do is to supply emergency relief.

It was 21 degrees Tuesday night in Washington, DC.

The people need help now. This bill is going to give these people assistance through existing channels, in most cases. It will provide emergency community service money, and we have that program; section 8 money, we have that system; transitional housing, we have had that system since November; emergency shelter grants, we have that system; and FEMA emergency food and shelter programs, which we also have. I will let the other committees discuss their provisions and history.

I have never seen in 17 years in this town a Federal agency operate as quickly as FEMA did this week when in 2 days, and remember this when you get discouraged about the enormity of the bureaucracy, they took our $40 million transfer and had it going on its way to the cities and towns.

Where is this money going? It is going to existing structures that are trying to cope. One may ask why, for a national problem, is all our help coming from the Catholic dioceses, the United Jewish Appeal, the Baptist churches, the Lutheran synods? Where are our States and towns? I do not know. I would like to tell them where I think they are, but that is not polite conversation.

They should be helping the problem more. But they aren't, so we have to step in.

You know, I asked one gentleman the other night, I said "why aren't you in a shelter?" He said "Man, the shelters in this city are worse than the sidewalk." We need to give them help and demand that they do right. I will tell you, he said—and I did have to laugh at this; I see the Delegate from Washington sitting out there, and I know he will be happy to know that this guy told me without question Washington was the best city to eat in. So there we are.

Well, I have taken up my time. This is your America. It is your kids' America. It is a nation that everyone wants to be proud of. I think I can best end it by paraphrasing what Gov. Bill O'Neill, a Democrat by the way, from Connecticut said: "Connecticut doesn't have to sit and wait for prosperity, it has it. What Connecticut has to figure out is how to bring that prosperity to everyone."

Thank you very much.

The CHAIRMAN. The gentleman from Connecticut [Mr. McKINNEY] has consumed 6½ minutes.

The gentleman from Texas [Mr. GONZALEZ] has 7½ minutes remaining.

Mr. GONZALEZ. Mr. Chairman, I yield such time as he may consume to our distinguished colleague, the gentleman from the District of Columbia [Mr. FAUNTROY].

Mr. FAUNTROY. I thank the gentleman for yielding.

Mr. Chairman, I want to first of all commend our majority leader, Mr. FOLEY, and our colleague, Mr. McKINNEY, for having initiated this noble effort. I am as well grateful to the Speaker of the House, to the chairman of the Committee on Banking, Finance and Urban Affairs and particularly to the indefatigable chairman of the Subcommittee on Housing who, over the years, has championed decent, safe, and sanitary housing for all of our people.

For a fleeting moment the night before last several of my colleagues were homeless as we shared the feeling of the homeless of our country by sleeping out, some of us on heating exhaust grates and others of us on the cold hard ground because the heating exhaust grates had already been claimed by the homeless who—not only in the District of Columbia but across this Nation—have overrun the capacity of our cities, our States, and most of all our charitable organizations to deal with the growing problem in this country, the problem of homelessness.

It is a problem that has affected not simply the people over the years who have been homeless, have had that as a way of life but increasingly, as our hearings have revealed, literally hundreds of thousands of people, many of them families who now find themselves to be homeless. We know that this bill does not deal with the root causes of that homelessness and we in the Committee on Banking do expect to come before this body in the very near future with H.R. 4, which will attempt to move us in the right direction in solving those immediate problems. But right now we need the kind of Band-Aid that this measure provides for the 2 million across this country who are in fact homeless.

As I lay there freezing about 2 a.m. in the morning with many of my colleagues, I began to ask myself, "What in the world am I doing here?"

How can a nation that can provide a home for MX missiles fail to provide a home for the homeless who are experiencing this traumatic experience across this Nation today?

So I hope that as we prepare to vote on this measure we will commit ourselves not only to the more than $500 million that we are here committing to emergency assistance to the homeless, but also to the broader agenda which the Housing Committee under the leadership of Congressman GONZALEZ will bring forth before this Congress shortly.

Mr. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WORTLEY].

Mr. WORTLEY. Mr. Chairman, "No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, [we] are the less."

John Donne's words ring true today. When individuals in our country are hurting, the country is hurting. The bill before us addresses one of the most severe hurts a human can experience: to be without decent shelter.

Mr. Chairman, whether a result of economic dislocation, the stresses of modern 20th-century life, or physical and mental impairments, we are confronted with a serious problem of homeless persons which demands action by this Congress. The legislation before us would make a significant contribution to alleviating this grave problem. The organizations in my district that work with the homeless tell me that we currently have enough shelter, but there is no money for caseworkers or others who could help the homeless back into the mainstream of society. I am pleased that provisions in this bill would provide funds for such important help.

Much remains to be known about the homeless, beginning with the extent of the problem. The number of homeless that the Department of Housing and Urban Development calculated 2 years ago—250,000 to 350,000—was again repeated in a recent study by Harvard University economist Richard Freeman. Of course, we are also aware of other estimates claiming the number of homeless to be as high as 3 million.

We also need to more accurately determine the composition of the homeless. How many are homeless as a result of urban policies such as rent control and redevelopment which have severely diminished the low-income housing stock by encouraging demolition or conversion to condominiums? In what proportion are the homeless alcoholics, addicted to drugs, criminals, or the mentally disturbed? Unfortunately, there are many instances where even a utopian economy would be of no help, nor would increased Federal funding. A report released by the American Psychiatric Association says it is a "naive and simplistic" notion that such a "complex problem as homelessness among the chronically and severely mentally ill could be solved simply by giving each member of this unfortunate group his or her own low-cost apartment in which to live alone." The APA estimates that 40 percent of the homeless across the country suffer from such major mental disorders as schizophrenia and manic-depressive illness. This has been traced to the excessive deinstitutionalization in the sixties and seventies. But while a room in which to live is not the complete solution, it is absolutely a prerequisite to an eventual answer.

We should also note our accomplishments in this area. The private response to the problem has been heroic. The number of shelters in the last 4 years has increased dramatically, and the overwhelming majority of these shelters are operated by churches, synagogues, nonreligious groups, and other voluntary organizations. The American people have funded this effort by increasing their charitable giving from $47.7 billion in 1980 to $74.3 billion in 1984. In addition, the percent of the adult population doing volunteer work has also increased. Federal assistance exceeded $210 million for emergency food and shelter distributed by FEMA over the last 2 years, and legislation has recently been enacted to provide FEMA with a supplemental appropriation of $50 million bringing total 1987 funding to $130 million. Millions of additional dollars have been applied to the homeless problem through such programs as the Department of Agriculture's Emergency Feeding Programs; HUD's Community Development Block Grant; HHS's Alcohol, Drug Abuse, and Mental Health Block Grant; and HHS's Program for Runaway and Homeless Youth. And, very importantly, last year's comprehensive anti-drug bill greatly expanded food stamp, Medicaid health coverage, job training, and other similar benefits to homeless individuals with no fixed address.

I welcome this important legislation. However, I must also note that I have serious reservations about the actual dollar figures which seem irresponsible given the Federal budget crisis. Increasing the Federal deficit will put upward pressure on interest rates and the trade deficit which could hurt the economy and perhaps worsen the homeless situation. It is moral to provide funding for those who need it, but we also have a moral obligation to future generations for the awesome amount of debt we are creating. If this legislation is enacted, I urge my colleagues to use the appropriations process to find the necessary money in other existing but less worthy programs.

□ 1300

Mr. GONZALEZ. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California [Mr. Torres].

Mr. TORRES. Mr. Chairman, I want to commend the gentleman from Texas [Mr. Gonzalez] and the subcommittee for the energetic time that they have spent in hearings, not just of late, but beginning way back in 1982, on this very critical issue that confronts America today.

I joined with the chairman and our colleagues on the committee in the many hearings, mainly those here in the District of Columbia, to focus on this very difficult problem.

I, too, want to commend the gentleman from Connecticut [Mr. McKinney] and the gentleman from Washington [Mr. Lowry] for pursuit of bringing this issue before us today.

The critics will say that we are just simply throwing money at another problem. My friends on this floor today, I can only say to you that it is a problem that we can do no less but to assist. It is an emergency measure that will deal with the problem of providing shelters, if you will, roofs, a place for the homeless to stay. It will provide food for basic sustenance of those people. It will provide for the medical and the mental health counseling that they so direly need.

I am one of those who joined with my colleague, the Delegate from the District of Columbia [Mr. Fauntroy], in sleeping on the streets the other night. Yes, the gentleman is right; we did not have enough grates to go around, and many of us spent our time on the cold, cold floor and the cold grass on the knoll over by the Library of Congress.

My son Steve, and I did that, along with many of our colleagues from Congress and other concerned Americans who joined us. I have to tell you, ladies and gentlemen here assembled, it was an excruciating experience, having to spend a night on the cold ground with the wind and the noise and all of the other calamities that must hit those poor people who have to do this night in and night out.

The least we could have done, as we did, was spend one night. They spend 365 nights out of the year doing this.

So we were not grandstanding; we were simply demonstrating a sense of solidarity that we need to do this. Yes, it is a problem, and it is not just a problem of the hopelessness of the homeless in this country; it is an overall problem that has to do with deficits and it has to do with our trade imbalance. It has to do with the question that we have exported millions of jobs overseas causing loss of job, homes, and family breakup. These are the consequences that we are paying, and it is not going to stop. It is growing. It is growing.

Today, we have an opportunity to do something about it. I implore upon you, on both sides of the aisle, that we must give support to H.R. 558.

Mr. Chairman, thank you for your leadership on this issue.

Mr. McKINNEY. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. Miller].

Mr. MILLER of Washington. Mr. Chairman, every cold winter night hundreds are turned away in my district in Washington State to sleep in cars, on streets, in doorways.

That is the problem. Some of these people are mentally ill, alcoholics, or drug addicts. But many, I believe a majority in my area, are just temporarily down on their luck. Their unemployment benefits have not come through or have run out or they cannot make the current rental payment. I say that after spending a night in one of Seattle's largest shelters. With increasing job turnover in our ever more technological business world, these numbers are not likely to go down. Fortunately, the rate of increase has slowed.

The nonprofit and religious organizations in my area have made tremendous efforts. So have some of the cities in my district. But it has not been enough. Many are still turned away.

This is not a perfect bill. I believe the resources could be better focused, that we don't need another agency, and that more attention could be given toward encouraging nonprofit organizations and encouraging all localities to do their part—so that no one city becomes a mecca for the homeless. I will therefore support amendments that I believe shall improve the bill.

After improving this bill as much as we can however, we should pass it. We must make the effort to get our homeless off the streets now, while we should also continue to look at this challenge and come up with more thoughtful and focused effort.

Clearly, giving shelter to the homeless must be a national priority. We may argue over whether to spend on this program or that, but I hope we all can agree that nobody in this country should have to go without food or shelter. This bill recognizes that priority.

The CHAIRMAN. The gentleman from Texas [Mr. Gonzalez] has 1 minute remaining and the gentleman from Connecticut [Mr. McKinney] has 12½ minutes remaining.

Mr. McKINNEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. Crane].

Mr. CRANE. Mr. Chairman, I rise in opposition to this well-intentioned, but misdirected piece of legislation.

Mr. Chairman, I certainly support efforts to assist the homeless, but I have serious reservations about this bill. To begin with, it creates a new categorical grant program which identifies and uses underutilized buildings and property to house the homeless. But all too often, these buildings are not suitable for housing the homeless because they are located away from the innercity where the vast majority of the homeless are located. Furthermore, the use of surplus Government buildings to house the homeless could well result in the development of large or mass shelters which are generally agreed to be inappropriate for housing homeless families with children. Since it is a categorical program, the Federal Government will dictate the use of funds, instead of playing the more appropriate role of providing support to State and local governments in their effort to aid the homeless. It also needlessly duplicates an existing program, the Emergency Shelter Grants Program, by providing similar supportive activities for the homeless.

I am also concerned that the funding level for this bill is excessive given the existing efforts of both Congress and the administration to aid the homeless. Since 1984, when Congress began turning its attention to the problem of the homeless, Congress has appropriated $435 million in direct assistance to the homeless. The administration has run successfully the Emergency Shelter Grant Program, which provides assistance to 36 major cities and additional funding is already planned for this program which will provide grant assistance to approximately 469 metropolitan cities and urban counties. It is a program designed to minimize HUD administration and give maximum control to State and local governments. The administration likewise plans to spend $400 million to help fund nearly 600 community health centers and it already funds nearly 300 runaway and homeless youth centers. Given the difficulty which this body is having in meeting the Gramm-Rudman targets, H.R. 558's authorization to spend an additional $750 million is difficult to justify.

The bill will likewise have a limited immediate impact on the plight of the homeless and thus it is not an emergency piece of legislation. Many of the bill's provisions such as converting unused buildings into shelters could well take years to implement. Furthermore, by the time appropriations are enacted in H.R. 558, it will be virtually impossible to spend all of the money authorized for fiscal year 1987 effectively.

All this spending is hard to justify when the definition of a homeless individual is so broad in this bill that even some congressional staffers could fall under its coverage. The original bill terms a "homeless individual" as anyone "who lacks a fixed and adequate nighttime residence" or anyone who lives "in grossly substandard accommodations". The problem with these definitions is that they create entitlements for millions who are not presently considered to be homeless. Furthermore, the writers of the bill were unduly influenced by Mitch Snyder's inflated estimates of the number of homeless. His group, the Community for Creative Nonviolence, claims that nearly 3 million Americans are homeless. A Harvard University study, on the other hand, estimates that the nationwide population of homeless stands at approximately 350,000 roughly the same number estimated by HUD.

The problem of the homeless is also exceedingly complex and to a great extent a local problem. Reports prepared by the House Government Operations Subcommittee on Intergovernmental Relations and Human Resources found that over 1 million low-rent apartment units are lost each year to condominium conversions, abandonment, arson, and demolition. Over the last 10 years, the subcommittee found that the United States lost more than half of its cheap single-room occupancy units used by poor people. The vast majority of decisions to tear down these units were made at the local level. Furthermore, decisions made at the State level to force patients in mental-health hospitals back into the mainstream of society, as part of a process of deinstitutionalization, have had the effect of putting mentally unstable people on the streets and adding them to the ranks of the homeless.

The problem of the homeless is also greatly complicated by the fact that these local conditions vary greatly from locality to locality. The cause of the homeless in some regions derives from deinstitutionalization while in other regions rent control and condo conversions are to blame. Hence, while some Federal programs such as the Emergency Shelter Program have been successful, the majority of Federal programs have difficulty taking into consideration the differing needs of these communities. It is simply too difficult for bureaucrats based in Washington to tailor programs which can adequately deal with these problems. It makes more sense to allow State and city governments, which are closer and more responsive to the people than the Federal Government, to design programs which fit the needs of their communities.

Many State governments, moreover, are running budget surpluses while the National Government is running a massive deficit. Individual States are already beginning to tackle this problem. Roughly half of the States have formal plans which provide shelter, medical care, and counseling. Many municipal governments also have creative and detailed homeless programs. According to a 1984 HUD study, nonprofit organizations such as the Salvation Army, the YMCA, and churches run over 90 percent of the centers which provide services to the homeless. Many already receive funds from existing Federal programs which, in my opinion, leaves little reason to establish another one. We in Congress should therefore commend local efforts to aid the homeless and should likewise urge State governments to do even more to aid the homeless.

In conclusion, I submit that my colleagues reconsider the wisdom of passing this legislation. It is a bill which usurps local initiative by increasing the power of the Federal Government. The plight of the homeless will be served better by allowing local communities to play a greater role in dealing with this problem.

Mr. GONZALEZ. Mr. Chairman, I yield the remainder of our time to the gentleman from Minnesota [Mr. VENTO], who was in the forefront of all of this.

Mr. VENTO. Mr. Chairman, let me thank the gentleman, Chairman GONZALEZ, for his leadership and for the bipartisan spirit that we have had. I understand that some comments were made earlier and I want to reciprocate by recognizing the ranking member, the gentleman from Ohio [Mr. WYLIE], and certainly the gentleman from Connecticut [Mr. MCKINNEY], for their work on this project.

This has been an important issue for me and I think a growing issue of importance for the Members of this body. I am very proud of the way that they have responded in terms of this 100th Congress by placing this issue virtually at the top of the agenda, rather than at the bottom of the agenda, I think, where very often these individuals in our society find themselves. They are certainly the forgotten Americans.

But I do not think we should forget them. I think that their needs should be addressed and they should be met through logical and sensible programs that are incorporated in this measure.

This is really a modest effort to meet, I think, and to provide human dignity to people in our societies who find themselves, for one reason or another, down and out.

Increasingly we find that those are families. We find that they are people who have various types of disabilities, Mr. Chairman, and I would hope that this body, in its graciousness and its wisdom, would respond by overwhelmingly enacting this measure in this Congress.

□ 1310

Mr. KCKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Chairman, I thank the gentleman from Connecticut.

Mr. Chairman, I think that the concern and the care that has filled this Chamber so many times for countries and for people, whether they are people who are in need because of their homelessness or their illness or their wretched state caused by war or famine, is evident in the debate that has taken place so far.

But I would suggest, Mr. Chairman, to the Members here that in our hurry to deal with this problem, in our anticipation that America has a problem that will keep getting bigger, that will expand, we must ask ourselves the question: Who are the homeless, and why are they there?

If we think about it for a moment, we have to recognize that the American Psychiatric Institute has estimated that between 25 and 50 percent of these homeless suffer from severe and chronic mental illness, and that there are a tremendous number of these people who are alcoholics or who have some other dependency. But, more importantly, I think we should remember that many of these people, for whatever reason, have chosen to drop out of society, and since they have chosen to drop out of society, I ask this question: Will a new agency handle their needs? People who will not go in and fill out an application for food stamps, will they really line up to come to this agency, this new agency that is going to cost a lot of money and that in many cases will duplicate existing agencies? And will they be able to calm them, to assure them, and to keep them in whatever shelter may be provided?

So, Mr. Chairman, in thinking of the concerns that this body exhibits and the compassion that we show when we respond to tragedy, is it fair to disregard this question: Is this Band-Aid not being put to some end without proper thought?

Mr. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. Roth].

Mr. ROTH. Mr. Chairman, I appreciate the time yielded to me by the gentleman from Connecticut.

Mr. Chairman, I share the view of the majority of my colleagues on the committee that we need to help the homeless. I must, however, express deep concerns over funding levels authorized in this legislation. The harsh reality of the situation is that paying for this half-billion dollar authorization means adding to our unbearable deficit.

It has been in vogue in recent years to add the word "emergency" or "urgent" to the title of legislation, pass it with a minimum of debate, and send the bill along to the taxpayer. There is no denying that the problem of homelessness is urgent, but we still have an obligation to examine critically how these urgent funds are being spent.

I applaud the sponsors for providing the bulk of the funds in the banking portion of the legislation for three existing programs—FEMA Emergency Food and Shelter, Emergency Shelter Grants, and Traditional Housing Demonstration. These are programs that can be expanded quickly to meet an urgent need and they bring out some of the best elements of federalism.

Whether or not funding levels for the above-mentioned programs and others contained in title I are appropriate, I am particularly concerned about that portion of title III which provides $75 million to use underutilized public buildings and property.

Title III represents a new categorical grant program which relies on Federal Government largesse and does not specifically require a shared financial commitment by other levels of government. In dealing with homelessness the role of the Federal Government should be support for the efforts of other units of government and not the enhancement of bureaucracy.

I am concerned about whether funds allocated under this section can be used efficiently. Funds may be expended for an almost unlimited range of options, including the purchase, lease, renovation, conversion, or even construction, of facilities. This seems to be a scattershot method of dealing with homelessness, and the number of persons who actually receive assistance under this section could be very many—but, just as easily, very few. We are effectively dumping money into a new program, and it is difficult to determine what we will be buying.

Finally, this categorical grant program hardly can be considered an urgent response to homelessness, since its impact will not be immediate. At a minimum, it will take 4 months from the date of enactment until the final selection of applicants. We thus face the prospect that funds authorized under this section may not actually be allocated until fiscal 1988. It would seem more appropriate to take up this issue in the more orderly context of the housing authorization bill, H.R. 4, which already contains more than $300 million in homeless relief.

That the Federal Government has an obligation to assist in solving this pressing social problem is obvious. But each dollar we spend in supplemental money for 1987 we will have to borrow. We should consider how well and how wisely that money is going to be spent. We should also consider whether the States, many of which are falling over themselves to return the windfall from the 1986 tax reform law to their taxpayers, are meeting their share of what is truly a multijurisdictional problem.

Mr. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. Green].

Mr. GREEN. Mr. Chairman, I thank the gentleman from Connecticut for yielding time to me.

Mr. Chairman, I rise to support this measure because it is a measure that is a thoughtful attempt to address a crying problem in this country, one that we can see virtually on our doorsteps any night. It does acknowledge that some of those who are homeless have mental problems or substance abuse problems, but not all of them, and it does recognize that some of the problem involves single people and some involves families. There is a wide variety of reasons that cause people to be homeless in this country, and I think the bill does try to address each of those areas of concern.

I also want to thank the members of the Committee on Agriculture for dealing with a problem that has been very vexatious to us in New York City and that is, I imagine, starting to be felt around the rest of the country. That is the Department of Agriculture's decision to cut down or eliminate food stamps for our homeless who are receiving emergency shelter assistance from the city. Such assistance amounts to a very large amount of money, as has just been said. But to charge that much against food stamp eligibility seems to me to be innocent, and this bill will correct that.

I must say, however, that I should like to leave a message for the Governors of this country, and that is that this bill is not going to solve the problem of those who are mentally ill and who are homeless if the Governors are going to continue to throw people out of the State mental institutions without providing community facilities to deal with their problems. That is what has happened in my State in the past, and Governor Cuomo's administration is now threatening to dump another 10,000 people out of State mental institutions despite the fact that it has failed to provide community mental health facilities for those who are already deinstitutionalized. That is dead wrong, and this bill cannot solve that problem.

Mr. Chairman, another area that I hope we can address later in this Congress is the problem of homeless veterans, but that is not in the Banking Committee's jurisdiction, and I understand that.

The CHAIRMAN. The time of the gentleman from New York [Mr. Green] has expired.

The Chair wishes to advise the gentleman from Connecticut [Mr. McKinney] that he has 6½ minutes remaining.

Mr. McKINNEY. Mr. Chairman, I gladly yield 2 minutes to the gentleman from the beautiful Hudson Valley, the gentleman from New York [Mr. Gilman].

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 558, a bill providing $500 million in assistance to our Nation's homeless in fiscal year 1987. I would like to take this opportunity to thank and commend the gentleman from Washington [Mr. Foley] the distinguished majority leader, for introducing this important measure. I would also like to thank and commend the gentleman from Texas [Mr. Gonzalez] and the gentleman from Connecticut [Mr. McKinney], the distinguished chairman and the ranking minority member, respectively, of the subcommittee of jurisdiction, for the leadership they have demonstrated in bringing this measure before us today.

H.R. 558 increases Federal assistance for the homeless from the original $85 million level appropriated during the 99th Congress for fiscal year 1987 to the more realistic level of $500 million. Moreover, this legislation will put special emphasis on aid to families and children.

Members of Congress were recently reminded of the plight of the homeless by the Community for Creative Nonviolence, whose members camped out next to a statue honoring the homeless on the eastern front of the Capitol grounds for 7 weeks. This protest ended when the Speaker of the House, Representative Jim Wright, endorsed the legislation before us today.

Estimates of the number of homeless in our Nation vary from 350,000 to more than 3 million. Unlike the skid row derelicts who comprised the typical homeless population of the 1960's, today's homeless represent many diverse groups including the unemployed, the mentally ill, evicted families, the aged, alcoholics, drug addicts, abused spouses, abused young people, and abandoned children. Although the causes of homelessness have not been researched to any significant extent, reasons most commonly cited include unemployment, the scarcity of affordable housing, deinstitutionalization of the mentally ill, and social service and disability cutbacks. Obviously, in addition to providing immediate relief to those currently in need of assistance, it is imperative that the problem of homelessness be attacked at its roots. Yet, no single Federal agency or program focuses its efforts specifically on the homeless. H.R. 558 establishes an Interagency Office on Homelessness in the Department of Health and Human Services so that public resources and programs will be used in a more coordinated manner to meet the urgent needs of the homeless.

As a member of the Select Committee on Hunger, I have visited soup kitchens and shelters in urban and rural areas. The volunteers tell me that they are not able to keep up with the needs of the growing number of homeless persons who seek their help. I have also seen, first hand, the growing numbers of men, women and children who are literally eating out of garbage cans and sleeping on the street. In the richest Nation on Earth, it is abhorrent that parents must choose between paying the rent or paying for supper, and children must go hungry. But we also know that specific changes to the Federal food programs can prevent this.

A recent report by the Select Committee on Hunger documents that over one-half of the homeless in 140 shelters across the Nation were considered eligible for food stamps but not receiving them. The administration itself has admitted that homeless persons—isolated in shelters, on the streets, or in abandoned buildings—are the least likely to be aware of such benefits or how to apply for them. This bill would provide a matching reimbursement to States which conduct food stamp outreach campaigns directed to the homeless. The increase to the food stamp shelter deduction in this bill would address one of the most common precipitating causes of homelessness: The rising cost of shelter for low-income households. Adjusting the shelter deduction to a more realistic level would help prevent the choice faced by many low-income families—whether to purchase basic foods or shelter. This preventive measure is necessary in our legislative effort to prevent additional homelessness.

Moreover, this package would prohibit USDA from counting homeless shelter payments made by State or local welfare agencies from being included as income in determining food stamp benefits. Currently, Federal regulations reduce food stamp benefits for homeless persons living in welfare hotels. Yet such persons desperately need food assistance. Homeless families in New York, who are unable to store or prepare food, have lost a large portion of food stamp benefits. Because of this regulation, in New York City, on the border of my district, a mother with two children had their food stamp benefits reduced $122 a month to just $49 a month . . . a more than 50-percent reduction.

According to a study recently released by the U.S. Conference of Mayors, 22 of 25 major cities report an average increase of 25 percent in the number of homeless people seeking help. It is important to remember that the metropolitan areas surrounding the core cities also are undergoing a dramatic increase in the number of homeless people. My own congressional district is in close proximity to New York City. Westchester County, a portion of which I represent, has seen its homeless population rise from 374 homeless families, including 714 children, and 263 homeless individuals in July 1985, to 708 families, including 1,373 children, and 614 individuals as of November 1986. In Orange County, a portion of which I also represent, the department of social services reported that they treated an average of 80 homeless people a month between February and December 1985. This figure rose to an average of 200 cases per month throughout 1986, with spending rising from $630,000 in 1985 to $1.86 million in 1986. Rockland County also has experienced an approximate 14-percent increase in homeless persons from 1985 to 1986.

As these statistics indicate, the 22d Congressional District of New York has seen a dramatic rise in its own homeless population, and must take steps to assist these people. Accordingly, I was pleased to cosponsor H.R. 558, which provides an additional $70 million to the $70 million already funded for the Food and Shelter Program of the Federal Emergency Management Agency, and another $130 million to two programs, the Emergency Shelter Grants Program and the Transitional Housing Program, which received a combined funding level of $15 million.

In regard to health care, H.R. 558 provides $50 million in grants for community-based health care providers to deliver comprehensive, onsite primary care and appropriate casework to the homeless to meet both their mental and physical health needs. Another $50 million would also be provided to community health centers. Underutilized Federal, State and local property and buildings will also be employed to combat homelessness under this legislation; $100 million will be used to establish the Interagency Office on Homelessness and then provide grants to make best use of surplus property to help meet the needs of the homeless. At least half of these funds would be reserved to help families and children, including child care facilities.

I certainly hope that my colleagues realize that the problems facing the 22d Congressional District of New York are also faced by many other areas of the Nation. H.R. 558 does dramatically increase Federal spending to help the homeless, but I sincerely believe this increased spending will still not fully address this problem. Indeed, the $500 million price tag of this legislation is well below other proposals to assist the homeless, some of which range up to several billion dollars per year. I consider H.R. 558 to be as fiscally responsible as is possible given the gravity of the homeless situation. Accordingly, I urge my colleagues to lend their full support to this important measure so that desperately needed assistance for our Nation's homeless will be quickly and effectively delivered.

Mr. McKINNEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I appreciate having the time and the opportunity to speak to an amendment that I am going to offer on behalf of myself and the gentleman from California [Mr. KONNYU] during the consideration of this bill.

Very simply, Mr. Chairman, I was interested in the statements of the gentleman from Texas about the necessity for compassion and about a nation that gives to people who are less fortunate the wherewithal to survive and survive with some dignity. I think that is the direction he wants this bill to go.

I think we also have a duty to allow people to retain their dignity, and I think, with all due respect to the programs of the Great Society, some of the defects of those programs were that they indeed in some cases stripped people of their dignity. I can remember as a young lawyer going to court in San Diego and watching fathers, for example, being prosecuted in welfare fraud cases for the crime of sneaking back into their own houses to visit their own families, their own children. And I realized that with Government programs that direct and give benefits to people, we need to keep in mind that we should not diminish their dignity.

Very simply, the amendment that the gentleman from California [Mr. KONNYU] and I will be offering will allow and will direct States and local governments that partake of funds under this program where they have workfare provisions—and workfare, very simply, is a very popular concept that is being developed in the States—to allow people to work and to have programs developed by local entities to allow people to work for what they get, so in those jurisdictions where workfare is developed and where workfare exists, able-bodied people under the homeless program will be required to do that.

□ 1320

The CHAIRMAN. The time of the gentleman from California [Mr. Hunter] has expired.

Mr. McKINNEY. Mr. Chairman, I yield 1 additional minute to the gentleman from California.

Mr. HUNTER. I thank the gentleman.

Mr. Chairman, it is not going to involve people who are mentally incapacitated; it is not going to involve people who are receiving Aid for Families with Dependent Children. But for those able-bodied people who have no mental defects and who want to receive something from that particular jurisdiction under this program, they will be required to work. I think it will dovetail nicely with the programs, the Workfare Programs that are being set up through the United States right now, particularly under the leadership of liberal and conservative Governors.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding to me.

Mr. Chairman, I was delighted to hear the gentleman say that he was unhappy at having seen, when he was a young lawyer, and he is a youngish Member now, but when he was a young lawyer, he was upset at fathers being prosecuted for sneaking back into the house, because what we did last year in this House was to try to mandate the stakes to amend the AFDC Programs in every State so that two-parent families had to be covered. What happened was the other body, controlled at that point by the other party and the administration, refused to go along.

So I would just want to express my agreement with the gentleman from California. I wish the President and the Senate had agreed with us last year, and I hope he will join us this year in putting that two-family hope back in.

Mr. HUNTER. I hope the gentleman from Massachusetts will support the workfare amendment.

The CHAIRMAN. The gentleman from Connecticut [Mr. McKinney] has 1½ minutes remaining.

Mr. McKINNEY. Mr. Chairman, I am just going to finish my time off, because in my high emotional state earlier I forgot to thank an awful lot of people.

I want to thank Bruce Vento for being the Member that brought this issue to our committee a long time ago and was able to obtain debate, where sometimes I felt, as a minority member, I was howling in the wilderness.

I want to certainly thank my chairman, Mr. St Germain, who knows the problem and works at the problem tirelessly. I want to thank my subcommittee chairman, Mr. Gonzalez from San Antonio. I want to thank my ranking member, Mr. Wiley of Ohio, for giving me his support. I think at first he had some questions but he came through resoundingly and we are delighted to have him aboard.

Mr. Chairman, I cannot tell you how much I appreciate the Speaker of the House of Representatives, Mr. Jim Wright of Texas, and his leadership on this issue. It is funny, I have had other issues before that I cared a great deal about, such as synthetic fuels, and Mr. Wright always has been there even though he is of the opposition party. I appreciate it very much.

I would like to thank Mr. Lowry, who worked so hard on putting this legislation together, as well as the majority leader, Mr. Foley of Washington State, who gave so much help and counsel to this effort. I apologize for not doing it in my first speech, but I really want to thank everybody. Of course, there is always the peripatetic Mr. Frank, who is always there to help when you need help. I thank all of them.

The CHAIRMAN. The gentleman from California [Mr. Waxman] will be recognized for 22½ minutes and the gentleman from California [Mr. Dannemeyer] will be recognized for 22½ minutes.

The Chair recognizes the gentleman from California [Mr. Waxman].

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 558 and ask unanimous consent that I may revise and extend my remarks.

Last Thursday, the Committee on Energy and Commerce ordered reported H.R. 558 with amendments. Since the amendment to title III of the bill, over which we share jurisdiction with the Banking Committee, has already been explained, I will limit my remarks to the provisions in title I and title II authorizing funding for health programs that are exclusively within this committee's jurisdiction.

The substitute before the House authorizes two health initiatives for the homeless totaling $100 million in fiscal year 1987.

The first of these is a grant program of outpatient health care services for the homeless, authorized at $75 million. Under this program, the Secretary of Health and Human Services would make grants to public or private nonprofit organizations to deliver outpatient health care services for the homeless. The services covered would include outpatient mental health services, outpatient substance abuse services, and case management services; the precise mix of services would depend on the needs of the homeless population in each community.

To assure that limited Federal funds are targeted on those communities that are most committed to meeting the health needs of the homeless, grantees would be required to come up with non-Federal funds or in-kind contributions of 25 percent of the cost of operating the project. The Secretary would waive this local matching requirement, but only in certain limited circumstances.

This program is modeled on a successful private sector initiative now underway in 18 cities throughout the country. Funded at $25 million by the Robert Wood Johnson Foundation and the Pew Memorial Trust, this program has demonstrated how health care services can be delivered to the homeless, a population that is completely uninsured, unpopular with providers, and notoriously difficult to reach.

The second committee initiative relates to the Community Support Program run by the National Institute of Mental Health. The CSP Program, which is currently appropriated at $15 million, provides community-based service, to chronically mentally ill adults and children. The committee initiative would authorize an additional $25 million for this program in fiscal year 1987 for project grants to States, localities, or private nonprofit agencies for the delivery of community mental health services to the chronically mentally ill who are homeless. The services that could be made available under this authority include outreach, case management, and assistance with residential programs.

Let me highlight a few basic points about these two initiatives.

First, these programs can be implemented in a short period of time. If appropriations are made available soon, qualified programs can be operating throughout the country by the end of this year.

Second, the benefits of these programs are targeted on the homeless, which the bill defines as individuals who lack housing.

Third, funding under these programs could go to rural as well as urban areas. The committee recognizes that homelessness is not just an urban problem. So long as an applicant is qualified and meets the local matching requirement, the Secretary is authorized to make grants to both rural and urban areas.

Finally, the committee has insisted on reporting requirements which will assure accountability of grantees to the Secretary, and of the Secretary to the Congress. I would expect the committee to oversee the use of funds under both of these initiatives.

Before closing, I want to respond to the concerns raised by the distinguished ranking minority member of the subcommittee, Mr. MADIGAN, and his colleagues in their dissenting views on the committee report. It is true, as he argues, that the Federal Government does fund existing programs of health care for the poor, including Medicaid. In addition, the Federal Government makes substantial funds available to the States through block grants, including the Alcohol, Drug Abuse, and Mental Health Block Grant.

However, the plain fact is that these programs are not reaching the homeless, and many of the homeless are not getting needed care. To reach the homeless, you have to go where they are—on the streets, in the shelters, in the soup kitchens. You have to be prepared to offer a number of different services—primary care, mental health, substance abuse, case management. The existing programs just aren't doing that. The initiatives we've proposed would.

Mr. Chairman, I reserve the balance of my time.

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in listening to the debate so far, one gets the impression that, "Well, this is a new program or new funding for a pressing need in America that we are not answering, in any way, at this time." That is why it is necessary to have an emergency bill to address this newly discovered need in this country. Namely, the status of the homeless.

☐ 1330

Nothing could be further from the truth. In this fiscal year, we are appropriating $260 million, the Federal Government is, directly to address the homeless problem.

In addition to that, there are $6 billion in block grants to State and local governments that can be used by local agencies of government to address this pressing need in the localities of America. Among these are: community services block grants, $335 million.

Community development block grants, Social Services block grants, $2.7 billion.

And mental health block grants, $490 million.

Anyone who believes from the rhetoric taking place on the floor of the House today that this administration or that previous Congresses have not been responsive to this need in our society just does not know what they are talking about. So what we are witnessing here on this floor today is nothing more than what we could describe as a budget-busting effort to exacerbate the deficit that exists in this country.

If I may use this term in the well of the floor of the House, someone around this place should speak for the taxpayers who have to pay the bill, or if I may be so bold, for the unborn generations who are going to get stuck with this debt that we, in order to salve our consciences, are spending money which will be on the backs of future generations who are not here to speak for themselves.

If this need were not being met, I think a case could be made for emergency funding in some amount to deal with this issue; but as I have indicated, we are already spending substantial sums to alleviate this problem.

I would like to remind my colleagues in the House that what we are witnessing today is the very reason that the deficit and spending is literally out of control. Over the 5 years of the Reagan administration from 1982 until 1986, the 5 years for which President Reagan is accountable, when you compare the budget requests that this President has made to Congress and in response what Congress has appropriated, you find that Congress has appropriated $229 billion more in social programs than the President has asked for in that 5-year span—$229 billion more for social programs and this is one example of them.

I believe that the responsible thing for us to do is to adopt an amendment that will be offered by our leader, the gentleman from Illinois [Mr. MICHEL]. The amendment will say very clearly that this bill must be revenue neutral; that is to say for the proponents over here, I believe we are at this stage in our society, given the fact that the deficit this year is going to be anywhere from $150 to $200 billion. If you believe that there is an unanswered social need in this country, you, the proponents of this measure, have to suggest where something in the existing Federal spending stream is of less importance so that it will abate and that this new need that is of more pressing importance will take its place. That is what is called revenue neutrality. This gives this need that is perceived to be pressing an opportunity to in effect beat its way to the top of the mountain and be funded and something else is not going to get the money that it would otherwise receive. That amendment will be offered by the gentleman from Illinois [Mr. MICHEL], called revenue neutrality.

To sum up, in this fiscal year we are spending roughly $260 million for this purpose. With the funding in this bill as authorized over the last 5 years, we will have spent $915 million, close to a billion for this need and someplace along the line we have to ask a very profound, serious question. Is there any point that the proponents of spending in this body will recognize the existence of the deficit and tone down spending a little bit.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, it gives me great pleasure to disassociate myself with virtually everything just said by the previous speaker.

I did not support this bill originally when it was first introduced for two reasons. No. 1, because I did not think it provided help for one agency that spends most of its time actually touching and dealing with poor people everyday, the Community Action Programs; and second, because it provided no real help for the program that has been mentioned several times to deal with deinstitutionalized mental patients. This new legislation corrects both of those oversights, thanks to the action of a lot of people, including Congressman WAXMAN and Congressman LOWRY. For that reason I am happy to join in cosponsorship of this legislation.

I think it is especially interesting to note on the deinstitutionalized mental patients issue that Attorney General Ed Meese made the observation a couple years ago that most of the homeless in America, most of the street people in this country, are really people who have been deinstitutionalized, who have not been able to function in their own communities, and so they wound up on the streets. He said it was not a homeless problem, it was a problem of the deinstitutionalized mental patients.

I think to a large extent he was correct, but the irony of the situation is that even after Mr. Meese defined the problem, this administration for 6 straight years zero budgeted the only program in the Federal budget to provide local communites with some assistance to develop the infrastructure to deal with these deinstitutionalized mental patients, and this bill corrects that. It does not correct the problem of people routinely being deinstitutionalized who are not in any position to care for themselves in communities, but it most certainly does provide direct aid to the community support program which is designed to give local communities an ability to deal with those kind of poor souls.

So I make absolutely no apology whatsoever for funding this bill today in any way we can do it.

We have the administration asking us to provide $3 billion in money for the Pentagon in the supplemental appropriation which we are supposed to vote for next week. That money is allegedly paid for by phony cuts in the budget that everybody knows will never take place and will never save a dime.

I suggest if we can provide $3 billion more to the Pentagon, we can provide half a billion dollars in help to the poorest souls in America who have nowhere else to turn but here.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Chairman, I thank the gentleman.

I want to take just a minute to talk a little bit more about the amendment, the workfare amendment that I am going to offer on my behalf and on behalf of the gentleman from California [Mr. KONNYU] and I would like to engage my colleague [Mr. KONNYU] in a colloquy. He is an expert in the area of those persons who are mentally incapable.

Many people who are homeless today in America in fact have mental problems and that is the cause of their homelessness and to some degree the cause of the inability of the Federal and State Governments to deal with that homelessness.

I would ask the gentleman to explain for the Members of this body the SSI-SSP Program and its present application to homeless people in this country.

Mr. Chairman, I yield to my colleague, the gentleman from California [Mr. KONNYU].

Mr. KONNYU. Mr. Chairman, I thank the gentleman from California [Mr. HUNTER].

Clearly, SSI-SSP is designed for the aged, the blind and the disabled. Under the disabled element, people who are homeless today have the opportunity if they meet that criteria, and certainly if a person's brain is burned out from dope, let us say, and is thereby disabled, that person can apply for that program and get the kind of support both in terms of financial, food stamps, and also, of course, medical support that the general welfare population gets through that.

□ 1340

For example, in my home State, California, that program is a rather favored one, and we have one of the highest cash-grant levels among the States of the Union. So that is how the homeless people can get in under that program, and local welfare agencies generally take great trouble in making sure that those who are eligible end up applying and therefore being put on there for permanent support.

Mr. HUNTER. Let me interrupt the gentleman, then, and ask him this question for the edification of our colleagues. There have been some large numbers put out as being representative of the number of people who are homeless in this country who because of their mental problems could be eligible for this program that you have just described, but also because of the fact that they have mental problems do not sign up for the program or, to use an example, may be drawing under the program in New Orleans, leave unexplainedly to go to California or some other State——

Mr. KONNYU. San Diego, perhaps.

Mr. HUNTER. Perhaps San Diego. And leave absolutely no trail of residency or forwarding address to allow the Federal Government to follow them with their benefits.

I wanted to bring this out, because although it has not been allowed under our amendment on workfare and it is not relevant to the workfare portion, I think that it is important for Members of this body to know that there are Federal programs that deal with many of the homeless right now, and the problem is mating up those homeless people with their Federal benefits. I do not believe that the program that is being presented today on the floor meets those needs.

Does the gentleman have any further comments on that?

Mr. KONNYU. Well, clearly that is a very important element. If, in the example that the gentleman cited, someone who is not mentally competent who is on the SSI-SSP Program let us say in Missouri chooses to go to California and fails to apply there, and meanwhile the checks—the SSI-SSP checks—continue to go to his Missouri address, and therefore he becomes homeless in California—well, those kind of problems that are in the existing system need to be addressed. Obviously they cannot be through this bill because that would require the bill to be referred back to the Committee on Ways and Means. It would not be a germane amendment. We cannot do it this way, but nevertheless at some other opportunity those kinds of assistance that make the current welfare system fairer by keeping the mentally incompetents from being denied actual support are very important.

Mr. HUNTER. So the point is that a lot of people are simply not meeting up with their checks, and that is largely a failure of Federal management, not a lack of Federal dollars.

Mr. KONNYU. Well, or State management, effectively.

Mr. HUNTER. I thank the gentleman.

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to a very distinguished member of our subcommittee, the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Chairman, I would like to commend the gentleman from California [Mr. WAXMAN] as well as the gentelman from Texas [Mr. GONZALEZ] and the gentleman from California [Mr. PANETTA] for their leadership in this area.

Mr. Chairman, we are considering passage of legislation to provide urgent relief for the homeless which represents the first significant Federal commitment to resolving the national crisis of homelessness. Last year when millions of Americans joined "Hands Across America" they expressed their concern for the poor, the hungry, and the homeless in our Nation. The legislation before us today is a response to the American people's call for Federal action.

Federal relief for the homeless and those at risk of homelessness is urgently needed. Each year since 1983 there has been a dramatic increase in the demand for emergency shelter. In 1986, the most significant change in the homeless population reported by major cities was the growth in the number of homeless families with children—who are estimated to comprise an average of 28 percent of the homeless nationwide. In a study conducted last summer of Boston's shelters for homeless families, it was documented that two-thirds of homeless children were under 5 years of age. The health and well-being of these children are at particular risk when they are forced to live in such places as emergency shelters, cars, cardboard boxes, and in abandoned buildings. Homelessness is quickly becoming a children's disaster.

I feel it is fitting to quote from the poignant testimony of David Bright, a homeless boy from New York who appeared at a Select Committee on Hunger hearing last year:

> I am ten years old. I am homeless. I am often hungry * * *. When I grow up I will be President of the United States. When I am the President every American will have a home. Every American will have something to eat every day * * *.

David's words have inspired me to action. I hope that we can all remember his hopes today. Our Nation's strength and national security lies in building a healthy future for children like David. David's dreams are not unrealistic. He makes the simple request that families and individuals living in poverty are assured the basic necessities for survival to make the transition to self-sufficiency—food, shelter, and adequate employment.

While the private sector and many local governments have made a gallant effort over the past 5 years to assist the homeless and poor of our Nation, the spiraling needs have clearly outdistanced the capacity of the private sector and local governments to respond. Families with childen were identified by 18 out of 25 cities surveyed by the U.S. Conference of Mayors as a specific group for whom emergency shelter and services are inadequate.

The legislative package before us today embodies provisions of H.R. 558 as reported from the House Banking and Energy and Commerce Committees as well as H.R. 177, the Food Assistance for the Homeless Act of 1987, introduced by myself and my colleague from California, Mr. PANETTA.

Included in the package are new programs of outpatient physical and mental health grants. These grant programs, first introduced in H.R. 287 by myself and my colleague from California, Mr. WAXMAN, are critically needed because the homeless commonly experience serious health problems which can be prevented or easily treated with early intervention.

While emergency services are urgently needed, the major underlying cause of the dramatic increase in homelessness during the 1980's is the decimation in Federal support for low-income housing—with funds cut by more than two-thirds since 1981. In my home city of Houston, the downturn in the oil and gas industries has caused increased unemployment and compounded the low-income housing shortage. There are currently 19,500 Houston residents on the waiting list for subsidized housing. The United Way of the Texas Gulf Coast reports it will take at least 4 years for the average applicant to secure this housing. Homeless families and those at risk of homelessness due to condominium conversions, rent increases and building deterioration must not be forced to wait in emergency shelters for 4 years.

The legislation before us today addresses the urgent needs of those who are homeless as well as those living on the margins of destitution and homelessness. However, we must recognize that homelessness is a manifestation of the poverty that affects millions in our Nation. This disturbing trend will not disappear until we address comprehensively its underlying causes. I urge my colleagues to vote in support of this legislation, and also to work on implementing comprehensive, long-term solutions.

Mr. DANNEMEYER. Mr. Chairman, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Chairman, I rise today as someone who has spent the last 10 years of his life dealing with these problems in a very firsthand and real way as the mayor of a local distressed community, one of the most distressed communities in the Commonwealth of Pennsylvania, and as the chairman of the government of a county with a population larger than three States in this Union.

What I am here to say today is that while this bill is attempting to deal with the real problems of solving the situation of the homeless back in the heartland of America, we are missing the mark. We cannot as a Federal Government be all things to all people and think that by allocating $500 million—it has not been in my opinion appropriately thought out as to the implementation on a local level, and we are not going to deal with the correct solution to the problem and the end result.

In my opinion we have not done enough in this bill to leverage local initiative—local, county, and State dollars—as well as those private funds—through existing networks that should be used to maximize the use of limited Federal dollars that would be put into solving any homeless situation or any homeless problem.

This bill does not go far enough to carry that message forward. There are those who would say that the Federal courts are the cause of many of the homeless being placed out into our streets today. I disagree with that. Many of the State courts have an equal burden to share, and certainly the State governments have a equal role to play in helping to provide the funds and the resources necessary to deal with the problems of the homeless in our local towns and our cities throughout America.

This bill and this effort at the Federal level should do more to stimulate local initiative than to try to be the end-all and the cure-all for this situation that we have in America.

The second point that I would like to make is that the criteria that we are using to distribute funds through the FEMA Program are based primarily on unemployment. I think that a far more equitable and prudent way to distribute those funds would be to use criteria already established by HUD and criteria that all of us have come to rely on for distributing programs like the Urban Development Action Grants. If we look at those criteria that are set aside for determining the distressed status of local municipalities, we would have a much better handle on getting the limited Federal dollars that we have down to where the problems are.

As this bill is currently written there will be some counties who will not get one dime of these FEMA dollars, yet they have pockets of poverty in them that certainly need to be addressed. I am aware that there is a provision for State set-asides where funds can be targeted. That is not what I am speaking to. I am speaking to what I think is a quick attempt to provide Federal dollars that have not properly been thought out at the local level, and once again I say that this is based upon my experience as having been a local mayor and the chairman of a county government.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. WELDON. I yield to the gentleman from Minnesota.

□ 1350

Mr. VENTO. The FEMA formula has been objected to repeatedly by many.

I think the point needs to be made that that formula is not perfect. There have been some improvements to the formula most recently. But the fact is that the money that is authorized under this bill basically is going through a different formula in terms of the Community Development Action Grant Program, largely under this program.

So I think that that particular criticism is one that ought to be considered in that qualification.

Second, many of the provisions of this bill do provide for a local matching, leveraging, that is, on a 1-to-1 basis, one Federal dollar to one local dollar, which I think should also be noted, which is not typical of the FEMA Program, which did not have that particular characteristic. And the traditional FEMA Program has $20 million authorized, and in this bill although some $135 million have been authorized this year and in the past Congress, but this bill has only $20 million for the FEMA Program with the revised formula in it. So I would hope that the gentleman and others that are interested in this issue would pay attention to those particular points when they are considering the merits of what we have before us.

Mr. WELDON. I thank the gentleman. I am well aware of those points.

I will restate my position, that I think this bill is supposedly designed to better coordinate funds for the homeless; yet, it does the exact opposite. It encourages the continuation of an effort to provide funds to a multitude of different agencies, to provide funds to FEMA, to provide funds through other networks.

I think we have an existing network, the Community Action Agency structure which has proven that it has been effective, and that is the original structure that we should use to implement these dollars. That is not being done by this bill, and I think that is a shortcoming of this bill.

Once again, I would say in summation I think we cannot be the end all and the cure all for this problem. We should be the motivators.

I thank the gentleman from California for yielding me this time.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I rise today in strong support of H.R. 558, the Urgent Relief for the Homeless Act. The scope and magnitude of homelessness in America has been a topic of much debate. It is now clearly a problem we as a nation can no longer ignore.

In my own community of Toledo, St. Paul's Community Center provides shelter for an average of 150 people a night. This center not only provides shelter from the cold and a warm bed, but hot meals, mental health, and counseling services. Utilizing their day care center for the homeless, they are attempting to give the homeless a new start.

I believe this center can serve as a model for others around the Nation. Yet their most pressing need at this time is funding for support staff. Ohio only received $360,000 of the $15 million contained in the continuing resolution for the Emergency Shelter Grant Program. Our actions here today and an appropriation for these programs, which I understand is soon to follow, will assist them greatly in their endeavor. They have also applied for an Emergency Shelter Program grant to expand their activities.

While solutions such as these are working in communities like mine, I know the problem is much worse in other areas of the country. This bill goes a long way toward helping alleviate the worst of these conditions. It is an emergency bill. It will provide temporary shelter for those which happen to find themselves homeless.

These minimal solutions, however, are totally inadequate from the standpoint of basic human dignity. The real answer for the hard-core homeless lies elsewhere. It has been estimated that 85 percent of hard-core homeless have been on the streets for more than a year, many have been homeless their entire adult lives or since being deinstitutionalized. Over half have a disabling mental illness. Ninety percent or more abuse alcohol. Intervention, second stage sheltered housing, and treatment are needed to attack the underlying causes of these desperate and demeaning conditions.

This bill is only the beginning—an emergency measure. We will continue the job we have begun today later this spring with H.R. 4—the Omnibus Housing Act of 1987. Only by doing so do we truly insure that these individuals are given the long-term assistance they require to become self-sufficient and assure that we don't institutionalize shelters.

I urge my colleagues to support H.R. 558. I would like to leave you with a quote from a favorite reading—"Limited charity is not enough. Soup kitchens and secondhand clothes are not enough. The true test of democracy is justice for the most vulnerable among us."

Mr. WAXMAN. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, let me express my appreciation to the gentleman from California [Mr. WAXMAN] for his leadership in this effort and for yielding the time to me, and also to commend the Speaker, Mr. WRIGHT, for the tremendous leadership that he gave us so that we could act urgently on this problem.

The earlier test votes that have been taken indicate that, indeed, there is broad bipartisan support in this body for dealing with this problem, and yet there is, a small minority which has expressed itself best, I think, in the words of the distinguished gentleman from California [Mr. DANNEMEYER], who suggests that the problem either does not exist or that somebody else can take care of it.

I happen to chair the Subcommittee on Human Resources and Intergovernmental Relations which has held hearings across the country on the problem of homelessness. If anyone thinks that the problem of homelessness does not exist in their community anyplace in this country, then they simply have not been looking or they have been ignoring it. The fact is that we have a greater problem of homelessness today in every community in this country than we have had since the Great Depression. And of all of the levels of government, the Federal Government is that level which has responded the least in the effort to deal with this crisis.

A couple of years ago the Federal Government was going to make sure that its surplus supplies and surplus properties would be made available to communities. The fact is that next to nothing was done.

This legislation will for the first time, put the Congress clearly in the fight against homelessness. Resources, modest though they may be, will be placed at the disposal of those people whose very lives depend on solving this problem of homelessness.

There are indications that the problem of homelessness is increasing by some 38 percent every single year. In this bitterest of winters that we have had in many a year, you see the homeless, out of doors, without shelter wherever we look. It is suggested that somebody else can take care of them. The localities and the charitable organizations in our communities have been doing their best to deal with the problem. They are overwhelmed and they need help and leadership from the Federal Government, and that is what this legislation is seeking to do.

We hope that there will be, in fact, urgent and quick funding so that we do not have to be ashamed in this great, powerful, wealthy country of ours that citizens of ours are treated as are the homeless in the poorest countries on the face of the globe.

Mr. Chairman, I strongly support H.R. 558, the Urgent Relief for the Homeless Act. This bill will literally save the lives of homeless men, women, and children who need our help. As the homeless emergency worsened each of the last few years, charitable organizations and local governments could not meet the urgent needs of the most destitute Americans. They pleaded for help from the Federal Government, and now finally we are responding as a cosponsor of this bill, I am proud to be part of what will be the greatest and most needed congressional response to the homeless crisis.

Many cities across the country have been forced to turn away homeless people in need of food and shelter because they lack sufficient beds and supplies. Shelters and soup kitchens with scant resources have strained to meet the needs of the homeless, and in too many cases, these facilities are unsanitary, unsafe, and dehumanizing. All reports indicate that the current winter is witnessing the largest numbers of homeless people since the Great Depression.

This bill has been constructed in reaction to the overwhelming needs of the homeless, and the inability of local private and public groups to adequately meet those needs, under the leadership of Speaker WRIGHT. It will put the 100th Congress on record as recognizing that America has a massive homeless problem that will not go away, and requires a nationally coordinated response.

The Human Resources and Intergovernmental Relations Subcommittee, which I have the privilege to chair, has conducted four hearings on the Federal response to the homeless crisis, and the full Government Operations Committee has issued two reports which found the Federal response to be woefully inadequate.

The reports found that homelessness in America exists in epidemic proportions, and the homeless population is increasing by as much as 38 percent a year.

The reports found the major causes of homelessness to be the scarcity of affordable housing, deinstitutionalization of the mentally ill, unemployment and severe cuts in Federal housing and antipoverty programs. The factors leading to these causes are worsening. The Nation's low-income housing supply, particularly single room occupancy units, continues to dwindle. The hundreds of thousands of mentally ill Americans released from State mental institutions have found few alternatives to the streets. Deinstitutionalization of the mentally ill was initiated with the best of intentions more than 20 years ago, but the Federal Government never adequately supported the funding of community mental health centers to replace the archaic institutions that once imprisoned the mentally ill. The committee also reported that health problems and mental illness were rampant among the homeless.

H.R. 558 addresses these problems. It provides health care and mental health services. It will fund emergency shelter and transitional housing. Although this legislation will not eliminate homelessness, it will do more to ease the symptoms of the problem than has ever been done before by the U.S. government. Much more will need to be done in the future. Private and public low-income housing programs are needed. Job training is required. Responsible welfare reform is another solution. These initiatives must come from the Congress, for the administration continues to insist that the homeless are not a Federal responsibility.

H.R. 558 is the first signal that the Federal Government is ready to assume a larger role in the battle against homelessness. But this is not solely a Federal problem. All components of our society must work together to combat the homeless epidemic, but leadership for such an effort should come from the top. This bill, for the first time, gives the Federal Government a leading role in providing the minimum emergency services, such as shelter, food and medical care, that are so urgently needed. Americans truly incapable of helping themselves should be entitled to these most basic requirements of survival.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, the legislation we are considering today is a modest response to an urgent problem. Over the next couple of years this bill could save thousands of lives, and for thousands upon thousands of people it will improve the quality of their lives. When we consider the fundamental reason that we were elected, we realize that it is to formulate policies which improve the quality of life for all of our citizens; whether that be through a tax system, education, economic policy, national defense or in this case emergency shelters and essential supportive services for the homeless.

None of us here today believe that this bill will eliminate homelessness. This bill may not even provide shelter and supportive services to all the homeless that so desperately need it. However, within the confines of the budget constraints in which we must operate, we have fashioned an approach that meets the most pressing needs in the most efficient and cost effective manner.

Two principles have been at the heart of this effort. First, we have relief to the maximum extent feasible upon existing Federal programs and private efforts that are currently or could be assisting the homeless. Of the $725 million authorized in this bill only $175 million is for new programs; $550 million is for programs that are currently operating. By doing so we have insured that these Federal funds will flow quickly to help the homeless. We are not reinventing the wheel, nor are we establishing new Federal bureaucracy to administer these funds.

Second, we have sought to prioritize our spending so that we concentrate on the most immediate needs of the homeless: Food and shelter. After we have given a homeless person a warm meal and a safe place to sleep we authorize funds to provide essential services to get the family of the unemployed workers back on their feet or to offer the supportive services essential to bring a troubled street person out of the mental fog that is the unavoidable consequences of life on the streets.

This legislation is designed to address the most urgent, the most critical, indeed the most life-threatening situations on the continuum of housing needs in this country. Although in a nation as wealthy as ours it is almost obscene to speak of it, the fact of the matter is that what we are doing today is performing housing triage. This legislation won't help the family living in a squalid inner-city tenement or in a house which lacks running water on a desolate Indian reservation, or a substandard home in a depressed agricultural area. For those people, their life, no matter how unfortunate, is better than life in a shelter or on the street. So I want to reassure my colleagues that there is no gold plating in this bill, and that nobody is going to choose to become homeless so they can avail themselves of the shelters, services or food made available in this bill. What is before us today is a bill to protect human dignity and provide for the most basic of human needs.

Mr. Chairman, this legislation has been ably described by the previous speakers, however I want to express my pleasure that H.R. 558 authorizes $100 million for the Emergency Shelter Grant Program. I first introduced legislation to create such a program in 1982. Although it was authorized in 1983 no funding was provided until, through the good efforts of the Appropriation Committee, the fiscal year 1987 continuing resolution. The program has been a genuine success. Within 2½ months since the regulations were published more than 76 percent of the money was in our communities providing facilities for the homeless. There is every indication that within a few more weeks all the funds will be out on the street. The program is so successful because it delivers funds in accordance with the CDBG formula, requires local communities to match each Federal dollar on a 1-to-1 basis and emphasizes the rehabilitation of existing structures to be used as facilities to help the homeless. I am grateful for the support this program has received from my colleagues and it is rewarding to see the tangible benefits that have already resulted in communities across this Nation from this program.

It is anticipated that later this afternoon an amendment will be offered that would require that any funding for these programs come from reductions in existing appropriations. Whether these amendments are cloaked rhetoric such as "pay as you go" or transfers from "existing accounts" the effect will be to kill funding for this year. The tragedy of this approach is that it seeks to exact a discipline on homeless programs that is not required of any other program we fund. These amendments demand that the poorest of the poor, the least powerful in our society take money away from somebody else before they can have a warm bowl of soup or a blanket and a cot. Considering the magnitude of the problem, and the modesty of the funding, this is simply not a budget issue. The funding in this bill equals approximately one half of 1 percent of our budget deficit and seven one-hundredths of 1 percent of our budget. The authors of these amendments don't tell us where these funds are to be found. They should have gone to the Rules Committee with a plan to fund this bill, and had their amendment made in order. Instead, they are saying "fund it from existing programs." I am confident that my colleagues will recognize the urgent need for this legislation and reject this approach.

Mr. Chairman, each of us in this body must recognize the magnitude of this national tragedy. Only a few blocks from this building, on grounds administered by the Architect of the Capitol, homeless people sleep every night. From the upstairs windows of the White House one can see people sleeping on heating grates. And in each of our hometowns big or small, people huddle in doorways, sleep in cars or wander the night because they have no place to live. In 1982 before the Subcommittee on Housing and Community Development, Dr. Louise Stark spoke of the importance of this effort.

> The most critical aspect of homelessness is shelter. Holding a job while living in the street is an impossibility. Keeping clean while living on the street is a contradiction. Being healthy, both physically and mentally while living on the street is unimaginable. Any hope of reintegrating the homeless into the socio-economic mainstream must begin with shelter.

Today we can provide that hope for our Nation's poorest citizens. I urge my colleagues to support this legislation and take the first step to help the homeless.

☐ 1400

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, is the gentleman from New York [Mr. WEISS] still in the Chamber?

I do not see him here, Mr. Chairman, but he made some remarks that caused me to raise this question. I mentioned it earlier, and perhaps he was not here when I made the comment, but if he believes, or anyone in this Chamber believes that I am of the opinion that we do not have homeless in America, please disabuse yourself of that notion.

The point I seek to make is that we are spending $260 million for this purpose this year. The administration believes that is enough. The administration is opposed to this bill on the grounds that we have adequate funding flowing to State and local governments through various community action grants. That money can be used where appropriate.

I intend to take a few moments at this time, Mr. Chairman, to speak about an amendment that this Member will offer when we get into the amendment stage of the consideration of this bill. It will require that any person who avails themselves of the outpatient health care features of this bill—and bear in mind there is $75 million in this bill for that purpose—would, incidental to that treatment, be tested for the AIDS virus.

I think it is a constructive thing for us to adopt this amendment, and let me explain why I say that. The cornerstone, the building block, the beginning building block of whatever public health effort is undertaken to deal with communicable disease in America is based upon the reportability of a communicable disease. That is routine.

A patient has a symptom, goes to a doctor, the doctor treats the patient, usually conducts a blood test to find out what that shows relative to the symptoms, prescribes some medicine, prescribes a treatment. Our law says—it is fairly uniform around the States of the Union—that if a physician in private practice encounters a communicable disease the doctor is required by law, in addition to treating the patient, to report a communicable disease, a case of it, to State public health authorities. This is routine.

In my State of California, we have 58 diseases that are currently on the list for reportable diseases. Included in this 58 are those with AIDS. Not those having the virus, but those having AIDS.

Why do we infringe on the personal liberty or the civil rights of a patient who is sick and goes to a doctor in this manner? For three basic, sound, fundamental reasons.

One, we want to gather statistical information in this Nation about the seriousness of this disease that the physician is encountering; second, we want to cure it if we can; and, third, we want to prevent its transmission to other people.

Those are the three public-policy reasons at the bottom of this whole scheme of things in public health law in America for having a communicable disease reportable to State public health authorities.

The tragedy of the Nation's response to this epidemic that is moving across our country, namely AIDS, is that we have not brought ourselves at this date to treat those with the virus as a reportable disease. Bear in mind that every person who has the virus for this fatal disease today—we do not know how many, but it is estimated 2 to 4 million Americans, every person with the virus, because of that status, has the capacity to infect another human with the fatal virus on a transfer of bodily fluids.

There is nothing in the law of the U.S. Government today that persons with this fatal virus be reported. Three States in the Union do; Colorado, Idaho, and Minnesota. Most States do not.

The tragedy of the public health response to this disease is compounded by the fact that the Surgeon General of the United States, Dr. Koop, is to this day attempting to defend the nonreportability of those with the virus for AIDS as a communicable disease.

Now listen to the paradox, where we are: Routinely reportable among the 58 are venereal diseases called syphilis and gonorrhea. If a doctor encounters those, he is required to report them. In strict confidence, because it is nobody else's business, and it should not be. Between the doctor and the patient and the statistical gathering network of State public health authorities.

So where we are today in the country is that if you have a curable, communicable veneral disease such as syphilis or gonorrhea, the doctor is required to report that to public health authorities.

If, on the other hand, you have a noncurable, communicable, veneral disease such as the virus for AIDS, there is no requirement that it be reported at all.

Now that is absolutely ridiculous, Mr. Chairman. It cannot be defended; and yet, the Surgeon General of the United States, in response to public pressure brought by one organized special interest group in this country, male homosexuals, has intimidated the Public Health Service from taking the response that it should.

There is little doubt in this Member from California's mind that if 73 percent of the AIDS cases in America came from persons with gray eyes, public health response 2 years ago would have been to quarantine the lot of them; but since 73 percent of the AIDS cases in this country come from male homosexuals, who are a highly organized special interest group, they have literally turned the public health care system on its head to avoid from treating it as a public health issue and today they are treating it as a civil rights issue.

As a result of this virus not being reportable, it is necessary, then, that we in our society in order to find out how many Americans have this disease, to begin testing various segments of our society to find out how many Americans have the virus in their blood.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, there are more homeless people in America today than at any time since the Great Depression, and the recent national economic recovery has not affected the homeless and the hungry. The U.S. Conference of Mayors reports that there has been an average yearly increase of 25 percent in the number of homeless persons seeking help; in Philadelphia, for example, there was a 35-percent increase in the demand for emergency food in 1986, and this figure is expected to increase in 1987. There will be no end in sight to this alarming trend if we do not act quickly and decisively to combat this growing crisis.

This bill is a good beginning. It will go a long way toward funding local programs that address the needs of the homeless. In particular, the various housing provisions contained in the bill will at least partially offset the Reagan administration's budget cuts in programs to house the poor. Overall, there has been a 75-percent decrease in Federal housing subsidies, from $31.9 billion to $9.4 billion, over the last 7 years. Many advocates of the homeless cite the current administration's actions in this area as one of the leading causes of the dramatic rise in the number of homeless. Other provisions in this bill, such as those funding physical and mental health care, job training, permanent housing assistance, and food aid, must also be key components of any rational attempt to deal with the needs of the homeless.

The Reagan administration believes that finding and implementing a solution to the problems of the homeless is the responsibility of private groups and local governments. At the same time, however, the administration has cut aid to State and local governments by approximately 38 percent. For example, last year the administration eliminated the General Revenue Sharing Program, which had in part funded some State and local efforts on behalf of the homeless. And private groups no longer command enough resources to meet the needs of the rapidly growing homeless population without more help from the Federal Government.

We all claim to be concerned about the state of the American family. Contrary to popular belief, the homeless population is not made up solely of single adults; families with children account for almost one-third of all the homeless, and in Philadelphia, this figure is as high as 50 percent. In addition, the U.S. Conference of Mayors reports that families with children are often turned away from temporary shelters, because few of these shelters are equipped to handle them. How can we expect families to remain intact when they are forced to sleep in cars and abandoned buildings or be separated in shelters? We must work to provide adequate facilities for homeless families, and this bill will do much toward that end.

I realize that the causes and solutions to this problem are complex, but it is clear that with one-fourth of the demand for emergency food and shelter currently going unmet, it is time for the Federal Government to take some drastic measures, even if they are only stop-gap solutions. Now is the time for us to do something concrete in the fight against homelessness, and this bill provides a good vehicle for such action. In this, the wealthiest and most powerful country on Earth, homelessness is indeed a national tragedy that can no longer be ignored.

☐ 1410

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in support of H.R. 558, the Emergency Relief for the Homeless Act. I am an original cosponsor of this bill because it does something that we have long talked about but been unable to do—provide emergency relief to those of our citizens who have no home.

Years ago when the words homeless person were uttered, the immediate image that arose was that of those unfortunate men who through alcohol or drug abuse had lost their jobs, families, and homes. Now the face of the homeless person has changed dramatically. There is a new and ever-increasing group of homeless—families with children. In New York, female headed families are one of the fastest growing groups of homeless. This is a shameful state of affairs in a country where a strong commitment to decent housing for all has been the policy for over half a century.

Unfortunately, in States like New York, the number of homeless families is likely to grow. There are thousands of families living doubled and tripled up in units suitable for only one family. The second and third families in these units are already technically homeless—they have nowhere else to go—if the housing authorities find them they will be evicted—and eventually the situation itself will become one that is insupportable, two and three families cannot live cramped together for any considerable length of time. These families will end up literally homeless.

New York is not the only city with this problem. It is one that is growing worse, and that is exacerbated by the lack of available housing in urban areas. In New York there is a vacancy rate of approximately 2 percent, a very low turnover rate in assisted housing units. This coupled with an ever-decreasing amount of new construction amounts to a declaration of war upon low-income families. The more we cut back on housing assistance the more we turn our backs on thousands of people, including young children, who live without knowing where they will sleep each night.

This bill also directs the Department of Agriculture to discontinue the practice of counting vendor payments for temporary housing as household income when determining the size of food stamp allotments. The Department's practice of counting such payments has adversely affected many homeless, including families in New York. These families are often sheltered in temporary lodging such as hotels where cooking facilities are not available, making them more dependent on food stamps. Yet since this policy was implemented many of the homeless have had their food stamp allotments slashed by as much as two-thirds. I would like to thank Congressman LELAND and the Select Committee on Hunger for the work they have done on this issue, and their efforts to help the homeless with the equally urgent problem of inadequate nutrition.

H.R. 558 is an excellent first step in addressing the plight of the homeless, but it is a Band-Aid, not a cure. We need housing legislation. Our inability to have housing legislation passed and in providing funds for new construction has made the problem worse. If we keep on in this manner more Band-Aids will not help what is likely to become an uncontrollable hemorrhage.

I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like to associate myself with the remarks of the gentleman from New York [Mr. GARCIA].

The CHAIRMAN. The gentleman from California [Mr. WAXMAN] has 1 minute remaining.

Mr. WAXMAN. Mr. Chairman, I yield myself the remaining 1 minute simply to respond. I expect further debate on the question of AIDS since Mr. DANNEMEYER is interested in raising this with respect to the homeless. This bill is to provide health care services for the homeless. It seems to me if a homeless person has AIDS, that ought to be one of the health problems that the clinic would provide health services to treat. But to require that they be tested in order to get any health service they need flies in the face of what the public health experts have said to us as recently as last week, in that they do not believe mandatory testing would serve any useful purpose. Furthermore, if we use all the health care that is supposed to be going for mental health and other medical problems that the homeless might have and use that for the testing of everybody that walks in the door to see if they have the AIDS virus, there will not be any money left over.

I just think that when we get into this issue, if an amendment is offered as Mr. DANNEMEYER has indicated he is inclined to present to us, as much as I think it is inappropriate to offer it on this bill, I think it is a bad policy as well and we ought to defeat it.

I yield back the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 15 minutes and the gentleman from Missouri [Mr. EMERSON] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 558 and ask my colleagues to give their speedy approval to this important measure.

The bill is a sound and compassionate response to one of the real tragedies of the 1980's—homelessness.

The bill, for the most part, provides authorizations for a wide variety of programs to assist homeless people. The actual spending, beginning in fiscal year 1988, will be voted on later and will depend on the availability of funds after Congress completes its work on the fiscal year 1988 budget resolution. I would note also that the bill does not create new Government bureaucracies; rather, it is designed to target existing programs to the special needs of the homeless.

I compliment my colleagues on the other committees that have worked on this bill for the innovative and responsible approaches they have selected to attack this deepening problem.

I am pleased to note that the rule on the bill has incorporated into H.R. 558, as title V, the text of H.R. 177, as reported by the Committee on Agriculture.

H.R. 177—title V—was ordered reported by the Committee on Agriculture by voice vote without dissent. It will make several administrative changes in the Food Stamp Program, and extend the TEFAP law, to ensure that appropriate nutrition assistance is made available to homeless persons.

TEFAP is an acronym for the Temporary Emergency Food Assistance Program, and it provides for the orderly and efficient distribution of surplus Commodity Credit Corporation commodities, such as cheese, butter, and flour, to charitable institutions, such as soup kitchens and food banks.

The program is scheduled to expire at the end of this fiscal year, and the bill will extend it for 3 years and authorize appropriations to cover State administrative costs involved in distributing the surplus commodities.

Homeless people are prime beneficiaries of TEFAP assistance; and with homelessness an increasingly serious national problem, the extension made by the bill is appropriate.

The bill also provides for a procedure to ensure adequate distribution of surplus cheese under TEFAP. This provision is needed because of situations in the past when States, under current TEFAP procedures, have run out of cheese to meet the needs of destitute people. Plentiful amounts of surplus cheese are available; it is just a matter of revising application procedures under the program to ensure that the cheese goes where it is needed. The bill effectively responds to that problem.

I note that the rule on H.R. 558 has provided for inclusion of a technical amendment to the surplus cheese portion of the bill. This amendment is designed to avoid an indirect violation of the Budget Act. I have conferred with members of the Agriculture Committee, and we have no objection to the inclusion of this provision to resolve this Budget Act problem.

The major food stamp provisions of the bill will help meet the current food needs of homeless people, and help prevent the growth of homelessness in the future.

Specifically, the bill will authorize State food stamp agencies to conduct outreach programs targeted to the homeless, and authorize Federal funding of one-half the costs of such programs.

It will increase the cap on the excess shelter cost deduction under the Food Stamp Program, effective October 1, 1987. In computing household income to determine eligibility and benefit levels under the program, a deduction is allowed to take into account the cost of housing that exceeds 50 percent of net household income. The bill will increase the cap on the excess shelter cost deduction for the 48 contiguous States by 8.3 percent—to $168 a month—with comparable increases for Alaska, Hawaii, Guam, and the Virgin Islands. This will enable needy families in areas where housing is costly to supplement their food budget without sacrificing their housing budget.

Title V will exclude from household income, for purposes of determining food stamp eligibility and benefits, the following: third party payments for temporary housing, if the housing lacks meal preparation facilities. This will address the problem of homeless persons temporarily living in welfare hotels losing their food stamp benefits under an eligibility rule that otherwise counts third party payments as income.

Also, it will make savings in the food stamp program to partially offset any increased Food Stamp Program costs under the bill, by—

First, imposing a new loss-of-benefits penalty on food stamp recipients who willfully or fraudulently underreport income; and

Second, delaying—until October 1, 1987—a scheduled July 1, 1987, upward adjustment in the food stamp income standards of eligibility to reflect increases in the poverty guideline and similarly changing the schedule for future adjustments.

Our committee's provisions require no increase in deficit spending in fiscal year 1987; and spending in later years would be subject to the budget and appropriation processes. I believe we can find the money for future years and not increase the deficit, but that will be our task later this year.

Mr. Speaker, homelessness is a social tragedy that is demeaning to all of us who are privileged to live in this great Nation. We must help those among us without homes and without hope.

Mr. Chairman, this is a first step toward providing help. It is responsible and balanced legislation. I urge its adoption by the House today.

I would urge my colleagues to understand that homelessness and hunger are not urban phenomenons. They also occur in rural America, perhaps not as noticeably due to the sense of family that pervades small communities or to our ability to reach out to those unfortunate ones in part because of the smaller numbers involved than in the urban areas. But the fact remains that it is a national problem, it is a problem that must be addressed.

Mr. Chairman, I laud the leadership for its initiative and its sensitivity on this issue. I would urge my colleagues to support this legislation and not to adopt any amendments that might be detrimental to the thrust of the bill. Then, we continue after that very good first step, we must address the rest of the problem—the root causes and the base causes of what leads eventually to homelessness and hungry people.

So it is a very good first step. I would urge my colleagues to assist us in giving it a strong vote of approval this afternoon.

Mr. Chairman, the chairman of the subcommittee which deals with this area in our Committee on Agriculture is our distinguished colleague from California [Mr. PANETTA]. I yield 5 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. I thank the chairman for yielding and for his cooperation in this effort to develop the nutrition portion of the homeless bill.

The thrust of title V is to ensure that people who are homeless and have no shelter, inadequate shelter, do not starve, but have provided them some decent nutrition.

There are three points I would like to make at the beginning. One is that this was a bipartisan effort with my colleague, Mr. EMERSON, who is my ranking minority member on the subcommittee. I thank him for his cooperation in developing this initiative. It was reported unanimously by the Committee on Agriculture.

The third point, and I think a very important point, is that with regard to the 1987 costs we have enacted savings within this portion of the bill, within title V, to cover all costs of this bill for 1987. The costs for 1988 and beyond are within the targets that both the Speaker and the chairman of the Committee on the Budget have indicated they would include in the budget resolution.

Mr. Chairman, title V includes five provisions designed to assist the homeless or to prevent additional low-income Americans from being forced into homelessness.

First, States would be given the option to conduct outreach activities to inform homeless persons of their potential eligibility for food stamps. Prior to 1981, outreach was provided to make all potential food stamp recipients aware of the program and how to obtain benefits. The outreach provision in title V is narrowly drawn to provide outreach only to the homeless.

Second, the Temporary Emergency Food Assistance Program [TEFAP] would be extended through fiscal year 1990. This is the program which the administration sought to close down this winter through an illegal deferral of funds. Extending the authorization through fiscal year 1990 is important to reassure the 18 million Americans who depend on the surplus commodities distributed through TEFAP that the food they depend upon will not be snatched away from them.

TEFAP provides the administrative funding, or the glue, which enables grassroots volunteer organizations across the Nation to distribute surplus agriculture commodities to the poor and the homeless. If these funds were taken away, 24 State TEFAP administrators said they would be unable to continue the program; eight States and the District of Columbia said they would greatly reduce distributions. Oklahoma said it would continue the program because of the extraordinary need for emergency food relief in that State, but Oklahoma officials do not know how they would absorb the costs.

Thirty-six State TEFAP administrators told the subcommittee that the demand for emergency food relief is growing. This distressing news came to us soon after the Conference of Mayors reported that the demand for emergency food relief grew 25 percent in major U.S. cities last year. This increased demand, coupled with the startling reports of homelessness in America today, convinced us that nutrition assistance legislation to help the poor and the homeless must be considered immediately.

Third, up to 14 million additional pounds of cheese a year would be distributed through the TEFAP program if the Governor of the State certified that increases in poverty or unemployment necessitated additional distribution of cheese. In developing this request, the Governor would have to ensure that this cheese would not cause a substantial displacement of commercial sales. The Secretary of Agriculture would retain the authority to make the final determination on the distribution of cheese. Frankly, some of us wanted even larger additional cheese distributions but were constrained by budgetary limitations. To avoid a technical violation of section 303(a) of the Congressional Budget Act of 1974, this provision would be subject to appropriations. I would hope that much of this additional cheese would be distributed to the homeless.

Fourth, the food stamp benefits of persons living in so-called welfare hotels would not be reduced to reflect a portion of room charges paid by welfare agencies on their behalf. This is an emergency measure to correct a problem which came to light in New York City, but apparently is occurring elsewhere in the country.

Fifth, title V also contains a provision designed to help check the growth in homelessness. Needy families with excessive housing costs would receive an offset to rising housing costs in the form of an increase in the food stamp shelter deduction for excess housing expenses. Based on an analysis done for me by the Congressional Research Service, the increase in the shelter deduction from $149 a month to $168 a month gets us to where we would be if the shelter deduction has been increased as scheduled during the 1980's and if the adjustment procedure had been made in such a way as to avoid any understatement of the actual cost of rents and utilities.

Finally, two provisions designed to improve the administration of the Food Stamp Program are included in title V. These provisions are also intended to make the bill budget neutral in fiscal year 1987 and limit the overall cost in the succeeding years. First, the annual update of the income eligibility guidelines would be made in October of each year, instead of July. This would standardize all food stamp inflation adjustments, thereby simplifying administration. Second, the earnings deduction in the Food Stamp Program would be denied for periods in which a recipient is proven to have willfully or fraudulently failed to report earnings.

Title V has no net budgetary impact in fiscal year 1987. In fiscal year 1988, the cost is $59 million in budget authority and outlays above the Congressional Budget Office baseline. We have been assured that the leadership will seek to have this amount included in the first budget resolution for fiscal year 1988.

Neither title V nor the other titles in H.R. 558 will eliminate the shame of homelessness in our Nation. Both bills are emergency measures designed to provide some immediate assistance, while we develop long-term programs to deal with the basic causes of homelessness. We on the Agriculture Committee have an immediate responsibility—which this bill achieves. That responsibility is to do our best to ensure that our fellow human beings without shelter at least do not starve in the streets.

I urge your support of H.R. 558.

I include two documents cited in my statement for the RECORD. These are: First, a summary of the subcommittee's survey of TEFAP administrators; and second, the Congressional Research Service analysis of the indexing of the food stamp shelter ceiling.

SUMMARY: SURVEY OF STATE TEFAP DIRECTORS (FEBRUARY 1987)

INTRODUCTION [1]

Under the Agriculture and Food Act of 1981, Commodity Credit Corporation (CCC) held stocks were first made available to foodbanks for distribution to individuals for home consumption. In January 1982, 17 States received a total of 7.8 million pounds of cheese for distribution to households. By the end of 1982, all States were participating in the "Surplus Commodity Distribution Program" and informed by the U.S. Department of Agriculture that they were eligible to receive an unlimited supply of the following commodities: butter, cheese, nonfat dry milk, flour, cornmeal, rice, and honey. Each State was charged with determining eligibility guidelines for recipients and developing distribution plans.

In 1983, Congress approved legislation (P.L. 98-8) creating the Temporary Emergency Food Assistance Program (TEFAP). TEFAP, which superceded the Surplus Commodity Distribution Program, extended the distribution of commodities to emergency feeding sites and provided $50 million to be allocated among the States to defray the cost of commodity distribution activities. TEFAP was reauthorized again in 1983 and in 1985 at $50 million for each year of operation. Program authority is due to expire on September 30, 1987.

In preparation for the consideration of legislation to reauthorize TEFAP, the House Agriculture Subcommittee on Domestic Marketing, Consumer Relations, and Nutrition, distributed a survey to State TEFAP administrators requesting information on current program operations and recommendations for means by which to improve food assistance services to needy recipient households. The results of the survey were summarized by the staff of the Domestic Task Force of the Select Committee on Hunger.

TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM SURVEY RESULTS—DISTRIBUTION

According to State TEFAP administrators, on an average, TEFAP commodities were distributed to 18,005,859 [2] individuals (6,343,733 households) each month during fiscal year 1986. Schedules for allocating commodities to individuals and families through local distributing agencies are determined on a State-by-State basis. The following chart indicates the most frequently used distribution schedules:

Schedule	Number of States	Percent
1. Quarterly	16	32.7
2. Monthly	19	38.9
3. Bimonthly	8	16.8
4. Other [1]	6	12.2

[1] See Appendix II for other distribution schedules by State.

Comments from the States indicate that a plethora of factors determine the frequency of commodity distribution. Characteristics cited with the greatest regularity include: the lack of State storage facilities (15.7 percent); the receipt of TEFAP commodities on an irregular basis from the Federal government (15.7 percent); and lower distribution costs (27.5 percent)—(See appendix III for others).

During fiscal year 1986, 1,001,451,429 pounds of commodities (cheese, honey, butter, rice, flour, nonfat dry milk, and cornmeal) were distributed through State agencies administering TEFAP (See chart #1). At the local level, these commodities were made available through a variety of both public and private service providers which contract directly with State agencies administering TEFAP or serve as secondary distribution sites receiving commodities from local primary distributors (See chart #2).

CHART 1

Commodity:	Pounds
1. Cheese	407,313,427
2. Honey	83,432,966
3. Butter	118,621,424
4. Rice	129,212,997
5. Flour	126,908,183
6. Non-Fat Dry Milk	97,794,760
7. Cornmeal	38,167,672

CHART 2

	States	Number used
Primary organizations:		
1. Food banks	22	90
2. Food pantries	8	428
3. Churches	9	103
4. Soup kitchens	1	5
5. Welfare offices	13	310
6. Community action ag	36	513
7. Veterans orgs	2	2
8. Fraternal orgs	6	32
9. Other [1]	31	710

[1] Denotes the total of other sources defined as a primary organizations. For a state by state description of this category see Appendix IV.

Emergency feeding organizations

The Food Security Act of 1985 (P.L. 99-198) defines Emergency Feeding Organizations (EFO's), in statute, as organizations eligible for priority receipt of commodities and Federal funding assistance for distribution costs. EFO's include the activities and projects of charitable institutions, food banks, hunger centers, soup kitchens, and similar public or private nonprofit eligible recipient organizatons. The following chart illustrates the utilization of EFO's during fiscal year 1986.

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[1] Note.—Survey responses were received from the 49 States and the District of Columbia which operate TEFAP—Alaska does not sponsor a program. This data represents the responses of State TEFAP administrators and has been validated by independent sources.

[2] See Appendix I for state-by-state household TEFAP participation.

	States	Number used
Emergency Feeding Organizations:		
1. Food banks	25	31,588
2. Food pantries	18	12,170
3. Soup kitchens	10	10,131
4. Churches	23	52,068
5. Welfare offices	16	10,763
6. Community Action ag	28	22,276
7. Veterans orgs	8	10,215
8. Fraternal orgs	13	10,202
9. Other [1]	30	7,201

[1] Denotes a cumulative accounting of emergency distribution centers in local areas used by state TEFAP administrators. See Appendix V for state-by-state description of the other types of emergency feeding organizations.

FEDERAL ADMINISTRATIVE FUNDING

Federal funds are made available to States to help defray the expenses of administering commodity distribution activities under TEFAP. During fiscal year 1986, States reported receiving $49,003,628 in administrative funding from the Federal government. These funds were designated to the following activities:

Activities listed by priority (ranked from highest expense):	*State ranked responses for use of funds (percent)*
1. Storage	80.4
2. Personnel	66.7
3. Transportation	62.7
4. Distribution	17.6
5. Telephone	3.9
6. Other	47.1

Two factors which may reflect the availability of commodities for distribution are: (1) the number of State storage facilities (see chart 3); and, (2) how soon after receipt States distribute commodities (see chart 4).

CHART 3

	Number of States	Percent of all States
Number of sites for storage:		
1. 0 [1]	6	10.2
2. 1	13	26.5
3. 2	15	30.6
4. 3	4	8.2
5. 4	3	6.1
6. 5	4	8.2
7. 6 to 16	5	10.0

[1] A zero response indicates that the state does not have any storage facilities for TEFAP commodities.

CHART 4

	Number of States	Percent of all States
Immediate distribution:		
1. Yes	18	35.3
2. No	29	56.9
3. Yes and No	1	2.0
4. No response	3	5.9

STATE CONTRIBUTIONS TO TEFAP

The primary source of financial support for TEFAP is derived from the Federal government; however, State, local and private support—both in monetary and in-kind services—have played an integral role in assuring the availability of commodities to eligible households. During fiscal year 1986, 18 State TEFAP administrators reported the receipt of combined cash and in-kind contributions totaling $10,376,041 from State sources. Charts 5 & 6, which follow, distinguish between the cash and in-kind support provided.

CHART 5.—STATE CASH CONTRIBUTIONS

	States	Percentage of all States
Percent of State Support:		
0	15	29.4
1 to 20	6	11.8
21 to 35	1	2.0
36 to 50	1	2.0
51 to 74	1	2.0
75 to 99	3	5.9
100	10	19.6
No response	14	27.5

CHART 6.—STATE-IN-KIND CONTRIBUTIONS TO TEFAP

	States	Percentage of all States
Percent of State Support:		
0	13	25.5
1 to 20	3	5.9
21 to 35	2	3.9
36 to 50	2	3.9
75 to 99	4	7.8
100	8	15.7
No response	19	37.3

POLICY CONSIDERATIONS

The Food Security Act of 1985 reauthorizes TEFAP *only* through September 30, 1987. Responses to the need for maintaining Federal funding for this program clearly indicate that without support, a majority of the States would be unable to continue commodity distribution services to needy households. (See Appendix VI for individual State responses.)

	States	Percentage
Response:		
Unable	24	47.1
Unknown	16	32.7
Greatly reduced	8	16.3
No response	3	5.9

Sufficiency of commodities for distribution

Currently, USDA determines annual commodity allocations to States through a formula based on year-end unemployment data and 1980 Census Bureau poverty statistics. USDA has solicited comments on various proposals for revising this formula to better reflect economic conditions being experienced by States; however, to date, no changes in the allocation formula have been finalized. Consequently, the commodity allocation for many States may not represent the current need.

A vast majority of the States reported that their present allocations are insufficient to meet the food demand during each distribution cycle. When State TEFAP administrators were asked: "Is there enough food available for emergency/disaster needs in addition to the TEFAP distribution?" States responded in the following fashion:

	States	Percentage
Response:		
No	34	66.7
Yes	15	31.4
No response	1	2.0

During fiscal year 1986, 68.6 percent of the States reported a growing demand for emergency food assistance; 21.6 percent indicated that the need was static; and 5.9 percent responded that the need had declined (3.9 percent of the States did not respond to this inquiry). When queried about the adequacy of foodstuffs available for emergency/disaster need in addition to TEFAP distribution, 47.1 percent indicated that supplies were insufficient and 45.1 percent reported adequate access to commodities (there was no response from 7.8 percent of the States).

Supplemental commodities through reallocation plan

Between July 1, 1986 and September 30, 1986, USDA implemented a national reallocation plan for TEFAP commodities. Under this plan, commodities not used by originally designated States were redistributed to States requesting additional TEFAP foodstuffs. Additional cheese was requested and received by 39.2 percent of the States. The following quarter (the first quarter of fiscal year 1987) 49 percent of the States received additional cheese. When queried about the sufficiency of the supplemental cheese allocations, 26 States reported the supply to be adequate.

State views on reauthorizing TEFAP

It was articulated earlier in this analysis that a majority of the States would be unable to continue commodity distribution in the absence of Federal funding. Realizing the dire need for this Program, administrators overwhelmingly (96 percent of the States) recommend TEFAP reauthorization. (See Appendix VII for program improvements recommended by State administrators).

APPENDIX I.—TEFAP PARTICIPATION (FISCAL YEAR 1986)

State	Average number households per month	Individuals monthly	Reported demand
Alabama	141,425	495,000	Growing.
Arizona	73,000	281,841	Do.
Arkansas	80,000	220,000	Do.
California	330,916	827,290	Do.
Colorado	34,000	85,684	Do.
Connecticut	70,000	N/A	Static.
District of Columbia	45,000	160,000	
Delaware	20,632	82,000	Growing.
Florida	237,594	950,376	Do.
Georgia	86,000	215,000	Do.
Hawaii	27,500	101,750	Do.
Idaho	24,698	71,921	Static.
Illinois	300,000	N/A	Growing.
Indiana	107,659	297,911	Static.
Iowa	147,000	382,000	Do.
Kansas	71,758	179,395	Growing.
Kentucky	204,664	818,656	Do.
Lousiana	209,285	669,712	Do.
Maine	63,000	201,600	Declining.
Maryland	132,640	398,000	Static.
Massachusetts	N/A	400,000	Do.
Michigan	270,000	730,000	Static.
Minnesota	184,000	496,800	
Missouri	48,444	124,751	Growing.
Mississippi	81,500	N/A	Do.
Montana	24,000	60,000	Do.
North Carolina	71,364	187,986	Do.
North Dakota	35,000	93,000	Do.
Nebraska	110,000	300,000	Do.
New Hampshire	8,750	18,700	Do.
New Jersey	300,000	525,000	Declining.
New Mexico	55,420	221,680	Growing.
Nevada	18,608	44,617	Do.
New York	500,000	875,000	Do.
Ohio	285,000	700,000	Do.
Oklahoma	193,440	677,040	Do.
Oregon	69,000	228,000	Do.
Pennsylvania	550,000	2,200,000	Static.
Rhode Island	15,720	37,730	Do.
South Carolina	41,210	140,000	Declining.
South Dakota	465	1,536	Growing.
Tennessee	127,770	500,000	Do.
Texas	460,000	1,700,000	Do.
Utah	92,404	314,173	Do.
Virginia	128,300	513,000	Static.
Vermont	5,482	16,446	No response.
Washington	158,561	499,026	Growing.
Wisconsin	88,000	N/A	Do.
West Virginia	40,920	118,120	Do.
Wyoming	18,605	65,118	Do.

APPENDIX II.—OTHER BASIS FOR TEFAP DISTRIBUTION

Arizona—Less than 10% Distribution weekly, daily.

District of Columbia—As Received.

Hawaii—Once Every 6 weeks.

Indiana—3 times a year.

Maine—3 times a year.

Minnesota—Additional depending on allocation.

Missouri—On-Going for Emergencies.

North Carolina—Also checked monthly & bi-monthly.

New Jersey—Open order basis to non-profit.

New York—Quarterly to New York City.

Oregon—Marked B,C,D and said 'depends'.

Pennsylvania—Monthly if inventory enough.

South Carolina—Some skip a quarter—no funds.

South Dakota—3 times a year.

Tennessee—local agencies determine.

Utah—Monthly to Salt Lake & Ogden.

Virginia—Continues for emergency.

COMMITTEE ON AGRICULTURE SURVEY OF STATE ADMINISTRATORS, 1986—TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM

1. Distribute on a Statewide System

OBS	State	Q1A
1	Alaska	Not answered.
2	Alabama	Bi-monthly.
3	Arkansas	Monthly.
4	Arizona	Do.
5	California	Do.
6	Colorado	Quarterly.
7	Connecticut	Monthly.
8	District of Columbia	Other.
9	Delaware	Bi-monthly.
10	Florida	Monthly.
11	Georgia	Bi-monthly.
12	Hawaii	Other.
13	Idaho	Monthly.
14	Illinois	Do.
15	Indiana	Other.
16	Iowa	Bi-monthly.
17	Kansas	Monthly.
18	Kentucky	Do.
19	Louisiana	Quarterly.
20	Masachusetts	Do.
21	Maryland	Do.
22	Maine	Other.
23	Michigan	Monthly.
24	Minnesota	Bi-monthly.
25	Missouri	Quarterly.
26	Mississippi	Bi-monthly.
27	Montana	Monthly.
28	North Carolina	Quarterly.
29	North Dakota	Do.
30	Nebraska	Do.
31	New Hampshire	Do.
32	New Jersey	Do.
33	New Mexico	Monthly.
34	Nevada	Do.
35	New York	Bi-monthly.
36	Ohio	Monthly.
37	Oklahoma	Do.
38	Oregon	Other.
39	Pennsylvania	Quarterly.
40	Rhode Island	Do.
41	South Carolina	Do.
42	South Dakota	Other.
43	Tennessee	Do.
44	Texas	Monthly.
45	Utah	Quarterly.
46	Virginia	Do.
47	Vermont	Monthly.
48	Washington	Do.
49	Wisconsin	Do.
50	West Virginia	Quarterly.
51	Wyoming	Bi-monthly.

COMMITTEE ON AGRICULTURE SURVEY OF STATE ADMINISTRATORS—1986 TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM, FEDERAL IMPROVEMENTS FOR TEFAP

Alaska	1.	
	2.	
	3.	
Alabama	1.	Make larger quantities of food available.

COMMITTEE ON AGRICULTURE SURVEY OF STATE ADMINISTRATORS—1986 TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM, FEDERAL IMPROVEMENTS FOR TEFAP—Continued

	2.	Ship products into the State on a regular basis.
	3.	Increase funding to help offset costs of distributions.
Arkansas	1.	Include only poverty or per capita income in the allocation formula.
	2.	If any State receives foods above allocation level, the 5% funds should be transferred to dist. state.
	3.	National reallocation plan has been very detrimental to our State.
Arizona	1.	Remove the "temporary" from the program—literally as well as philosophically.
	2.	Increase the amount and variety of products.
	3.	Increase administrative funds or remove those portions of the regulation which increase admin. costs.
California	1.	Advance funding with carry-over provisions.
	2.	Formula adjustment to include a factor for high cost-of-living areas.
	3.	Regional workshop as where required.
Colorado	1.	No state match requirement.
	2.	Remove requirement to audit all agencies each year.
	3.	Change allocation method to States using more current and accurate data.
Connecticut	1.	Increase allotment of cheese and butter.
	2.	Provide additional administrative money.
	3.	Conversion of program to a block grant.
District of Columbia.	1.	Provide adequate funding for administrative expenses.
	2.	Improve shipping cycle.
	3.	Additional technical assistance to the State.
Delaware	1.	Carryover of funds from one fiscal year to the next.
	2.	Flexibility in when States can request shipment of total quarterly allocations.
	3.	Dependability of shipping period requests being met.
Florida	1.	Issue more non-fat dry milk.
	2.	Improve the packaging of flour and cornmeal and strengthen the packaging of honey.
	3.	Butter and honey should be packaged in cans so that it does not have to be frozen or refrigerated.
Georgia	1.	Program would operate better if it were permanent, not temporary.
	2.	Adequate funding.
	3.	
Hawaii	1.	Shorten delivery time.
	2.	Vary distribution.
	3.	
Idaho	1.	Promptness of Federal funding.
	2.	Timely Federal regulations.
	3.	Increased amounts of commodities with additional funding for distribution.
Illinois	1.	Additional funding.
	2.	Reduced paperwork at local level.
	3.	Make a greater variety of food available.
Indiana	1.	Increase funds and products by 25 percent.
	2.	Standardize packaging of butter.
	3.	Specify delivery dates within the shipping period.
Iowa	1.	An increase in the amount of food and funds released and appropriated.
	2.	A more equitable allocation formula.
	3.	An increase in the variety of foods released for TEFAP distribution.
Kansas	1.	Increase the quantity and/or variety of foods to meet distribution needs.
	2.	Stability/consistency is USDA policy, procedures, and funding.
	3.	Better cooperation from USDA vendors to assure deliveries are timely.
Kentucky	1.	Better control over the arrival dates of shipments across the State and reinstate processing contract.
	2.	To allocate funding according to the amount of food distributed.
	3.	Reduction of record keeping requirements.
Louisiana	1.	Increase quantity of commodities available.
	2.	Adherence to requested shipping periods.
	3.	Increase funding to offset a greater percent of program costs.
Massachusetts	1.	More administrative funding.
	2.	Better balance of commodities.
	3.	Larger variety of commodities.
Maryland	1.	Forward funding—appropriate fiscal year 87 in fiscal year 86.
	2.	Permit carryover of funds from prior fiscal year.
	3.	Base administrative funding on value of food distributed.
Maine	1.	More administrative funding.
	2.	More surplus butter. Any beef or peanut?
	3.	
Michigan	1.	Increase the number and variety of products.
	2.	Increase flexibility in ordering products.
	3.	Eliminate matching requirement which does little other than increase administrative costs.
Minnesota	1.	Continue Federal funding to States, at least the current $25 million level.
	2.	Increase the quantity of food USDA is authorized to allocate for TEFAP.
	3.	Administrative regulations are necessary but should not become more complicated nor expensive.
Missouri	1.	Additional Federal funds.
	2.	Nationwide distribution rate.
	3.	Allocations sufficient enough to meet needs, and shipments being two stops and final rather than one.
Mississippi	1.	Increased Federal funding.
	2.	Assessment of policy and procedures.
	3.	All shipments be palletized.
Montana	1.	Provide food at the level requested by States.

COMMITTEE ON AGRICULTURE SURVEY OF STATE ADMINISTRATORS—1986 TEMPORARY EMERGENCY FOOD ASSISTANCE PROGRAM, FEDERAL IMPROVEMENTS FOR TEFAP—Continued

	2.	Enhance funding to large rural State.
	3.	Relax required administrative monitoring.
North Carolina	1.	Providing sufficient quantity of all products.
	2.	Provide sufficient funding to cover all storage and distribution costs.
	3.	Decrease demand of accountability.
North Dakota	1.	Funding should contain a variable to account for sparsely populated areas—transportation too costly.
	2.	Shipping schedules should be more realistic—storage time too long with food arriving different times.
	3.	All items should be distributed each distribution. Admin. funding must be secure.
Nebraska	1.	Need more administrative funding.
	2.	Reduce paperwork requirement placed on local EFO's.
	3.	Eliminate 5% requirement on payment value of commodities.
New Hampshire	1.	Refinement of ordering and delivery schedule.
	2.	Increase in program support dollars for storage and transportation and distribution.
	3.	Additional varieties of commodity foods.
New Jersey	1.	
	2.	
	3.	
New Mexico	1.	A higher adjustment to Federal guidelines establishing the original allocation of money.
	2.	More accurate deliveries.
	3.	
Nevada	1.	USDA food shipments (butter, flour, NFD milk and cornmeal) would meet the demand.
	2.	Increase in Federal funds should cover State and local cost, with agencies providing in-kind contrib.
	3.	
New York	1.	
	2.	
	3.	
Ohio	1.	Guaranteed delivery date.
	2.	Increased dry commodity.
	3.	Assured funding.
Oklahoma	1.	National guidelines for eligibility.
	2.	Adequate or uniform amounts for distribution.
	3.	Stronger regulatory support from USDA.
Oregon	1.	Increased funding.
	2.	More food variety.
	3.	More flexibility in USDA ordering and shipping procedures.
Pennsylvania	1.	Sufficient funding levels.
	2.	Not be dependent on volunteers.
	3.	Less reporting/paperwork, or if needed provide adequate funding to support this.
Rhode Island	1.	To distribute different types of commodities.
	2.	Increase of the 5% cap on reimbursement.
	3.	Reduce Federal reporting requirements.
South Carolina	1.	Adequate funding to ensure the continual operation of enough sites to reach eligible clients.
	2.	Stabilize funding levels and/or allow carry-forward of unspent balances.
	3.	Reduce the amount of eligibility documentation and audit these costs.
South Dakota	1.	The program should remain flexible so that each State can determine what works best.
	2.	Federal regulations should be kept to a minimum.
	3.	Each State should determine the amount of commodities needed for distribution.
Tennessee	1.	Add stability to program.
	2.	More input into allocation process.
	3.	Use of Federal storage when available.
Texas	1.	Increase funding.
	2.	Revise allocation formula.
	3.	Provide greater variety of food; minimize accountability requirements.
Utah	1.	Eliminate some of the reporting requirements, which require more manpower than the funding justifies.
	2.	
	3.	
Virginia	1.	Establishment as a permanent program with stable requirements (eligibility, records, availability).
	2.	Full Federal funding of State and local administrative and distributive costs.
	3.	Allow States to order foods in quantities and when needed.
Vermont	1.	A greater variety of food.
	2.	More funding for local distribution costs.
	3.	Funding for nutritional education and fewer regulations.
Washington	1.	Increased supply of food.
	2.	Improved communication system with shipments.
	3.	Increased level of funding.
Wisconsin	1.	Allocate in sufficient amounts to the value and amount of food distributed.
	2.	Allocation of food be more responsive to current economic needs of population.
	3.	
West Virginia	1.	Prompt deliveries of TEFAP monthly allocations.
	2.	Reevaluation of allocation based on current formula.
	3.	Additional food allocations for States which request assistance.
Wyoming	1.	Make more commodities available as unemployment rate goes up.
	2.	Upgrade requirements for packaging.
	3.	Consider additional funding for rural States that have high expenses to ship commodities thru State.

Congressional Research Service,
The Library of Congress,
Washington, DC, February 9, 1987.

To: House Committee on Agriculture, Attention: Jim Rotherham.

From: Joe Richardson, Education and Public Welfare Division.

Subject: Questions on indexing of the food stamp shelter deduction ceiling.

This memorandum is a preliminary response to your questions concerning the inflation indexing of the ceiling on food stamp shelter deductions.[1]

1. What would the shelter deduction ceiling be now, if the present 15-month "gap" in indexing were accounted for?

As you know, the shelter deduction ceiling was legislatively "frozen" at $115 a month between January 1981 and October 1983.[2] When inflation indexing was resumed, effective October 1983, any increases in (1) renters' costs and (2) prices of fuels and other utilities related to housing, for the period October 1980 through December 1981, as measured by those components of the Consumer Price Index for All Urban Consumers (CPI-U), were not reflected in the shelter deduction ceiling, as directed by 1982 legislation.[3]

A precise measure of what the shelter deduction would be now, if price changes in the appropriate CPI-U components during this 15-month period were taken into account, is not immediately possible for us, given limitations on the data available to us to replicate the procedures normally used for updates, and time limitations. However, a rough approximation is possible. By a rough estimate, the shelter deduction ceiling would now be $159 a month, rather than its present $149.[4]

The procedure used takes account of inflation in the appropriate CPI-U components from October 1980 through June 1986, including the 15 months between October 1980 and December 1981.[5] It indicates that the increase would have been 40.4 percent, as opposed to the 31.5 percent represented by the current shelter deduction ceiling.

This estimate of what the shelter deduction ceiling would be if the period not accounted for in the present $149 ceiling were taken into account should be used with caution. It uses "weights" assigned to the two components (i.e., renters' costs and fuels and other utilities) at the beginning and end of the period under consideration (i.e., September 1980 and June 1986)[6] in computing index changes. This does not take into account significant revisions in assigned weights during the measurement period, changes that might noticeably affect the result because inflation in the two components differed substantially. The updating procedure normally used in calculating inflation adjustments to the shelter deduction ceiling takes these weighting changes into account.

2. How does the food stamp law's mandate to exclude CPI-U components for homeowners' costs and maintenance and repairs affect the inflation adjustment of the shelter deduction ceiling? Would the ceiling be different if different weights were used for the applicable CPI-U components?

As you know, in 1981, PL. 97-35 required that the inflation adjustment of the shelter deduction ceiling exclude the CPI-U component for homeownership costs. The intent of this change, as expressed in the House Committee report on the measure (H. Rept. 97-106), was to remove expenditure items that had been "overstating" inflation in recent years and that were not normal expenses for the overwhelming majority of food stamp households. In response to a Bureau of Labor Statistics (BLS) decision to redefine the "Homeownership" component into two components (i.e., homeowners' costs and maintenance and repairs), P.L. 99-198 directed the exclusion of these two components in lieu of the old homeownership component, as the Agriculture Department had already begun doing after consulting with the BLS.

The most immediately noticeable effect of excluding homeownership costs, and then homeowners' costs and maintenance and repairs, is that changes in these costs are simply not considered in calculating adjustments to the shelter deduction ceiling.

However, perhaps as important, the law's directive to exclude homeowners' costs and maintenance and repairs as components in calculating adjustments has increased the importance (i.e., weighting) given the fuels and other utilities component in the calculation. When the various homeownership-related costs were included in the calculation, the fuels and utilities component had a minority weighting (about 17 percent based on the weighting used for the January 1981 adjustment). With homeowners' costs and maintenance and repairs removed from consideration, the relative influence of changes in costs for fuels and utilities jumped in relation to the remaining component, renters' costs, (to about 52 percent based on the weighting used for the October 1986 adjustment). As a result, the slowing down or speeding up of inflation in prices measured by the fuels and other utilities component has an increased effect on adjustments to the shelter deduction ceiling.

If a different weighting system were used, there would be significant effects on the food stamp shelter deduction ceiling. For example, a rough estimate of what the shelter deduction ceiling would be, if the weights assigned the fuels and other utilities component in the calculation done in answer to your first question has been derived from pre-1981 practices (e.g., 17 percent in 1980), indicates that it might be as high as $168—taking into account inflation from October 1980 through June 1986, as with the earlier estimate. However, as with the approximation in answer to your first question, this estimate should be used with caution since it does not take into account significant weighting changes during the 1980-1986 period.[7]

A Final Note. Because indexing in the Food Stamp program is of continuing interest and because the standard deduction is indexed to the CPI-U, exclusive of homeowners' costs and maintenance and repair components, it might be advisable to take a closer and more precise look at the effects of excluding these components. It also should be noted that since 1982 the major portion of the homeowners' costs component has been calculated using an "owners' equivalent rent" value, and that the CPI-U is scheduled to undergo a major revision in the near future.

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Mr. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the bill before us today makes several changes in programs under the jurisdiction of the Committee on Agriculture. The food assistance for the homeless title of H.R. 558 was reported by the Committee on Agriculture as H.R. 177.

The goal of that legislation is to help meet the food needs of homeless people, an issue the committee has looked at in depth. I support these and other programs aimed at providing food assistance to needy individuals and families. In fact these are but two of the several programs operated in the U.S. Department of Agriculture to provide food assistance. The USDA programs alone account for over $20 billion in 1987 spending.

The committee bill does not increase expenditures in 1987. That was one of the goals of this legislation and I commend the subcommittee chairman for achieving that target. However, there are significant costs to the budget in 1988 and the outyears, with insufficient offsets to accommodate these spending increases. The committee was informed that the 1988 budget resolution will accommodate this additional spending. At this point the 100th Congress has not adopted the 1988 budget resolution and yet we are proposing to spend money we do not know if we will have.

Included in the food assistance title are several changes to the food stamp program and reauthorization and improvement of the Temporary Emergency Food Assistance Program. This title:

First, allows States to conduct outreach activities aimed at persons without permanent homes to encourage them to participate in the Food Stamp Program. The Federal Government will pay one-half of all outreach costs.

Second, increases the shelter deduction for food stamp participants with high shelter costs from $149 per month to $168 per month, effective October 1, 1987.

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[1] Prior to May 1986, the ceiling under discussion actually applied to the combination of shelter and dependent-care expense deductions. However, in this memorandum, it will be referred to as the shelter deduction ceiling for simplicity's sake.

[2] P.L. 97-35 and P.L. 97-253. Different dollar ceilings than the ones under discussion in this memorandum apply to Alaska, Hawaii, the Virgin Islands, and Guam; but, since they are indexed in the same manner, they are not dealt with separately.

[3] P.L. 97-253.

[4] The computed increase is from $113.90, the unrounded amount on which the January 1981 $115 shelter deduction ceiling was based; until 1982, the law prescribed rounding to the nearest $5. The $159 amount is rounded down from $159.97, as required by law, just as the $149 amount was rounded down from $149.75.

[5] June 1986 is used as the end of the period under consideration because food stamp law uses the immediately prior June as the end-point for each October's inflation adjustment.

[6] September 1980 is used as the base month for the actual calculation because (1) the January 1981 adjustment reflected inflation through the CPI-U for September 1980 and (2) procedures regularly used in updating the ceiling call for its use (e.g., any 12-month adjustment begins with the index numbers as they stood in the month 13 months earlier).

[7] For example, the shelter deduction ceiling might be as low as $162 if the most recent weight given fuels and other utilities were used throughout the period under consideration.

Third, exempts housing assistance payments made on behalf of households living in temporary quarters from consideration as income for food stamp purposes. Such payments will not be counted if the temporary housing lacks facilities for preparation and cooking of hot meals or refrigeration.

Fourth, coordinates the annual adjustment of food stamp income levels with annual adjustments of food stamp benefit levels and deductions. All will take place on October 1.

Fifth, denies the earned income deduction to food stamp participants who deliberately fail to report earnings.

Sixth, allows the Secretary, upon certification of need by a State Governor, to provide up to 14 million pounds of surplus cheese for distribution within the State. Governors must certify that there are eligible participants not being served by TEFAP; or, that the unemployment rate within the State has risen; and, that the distribution of surplus cheese will not substantially displace the commercial sales of cheese.

Seventh, reauthorizes TEFAP through 1990 at the following levels: 1988, $52 million; 1989, $53.9 million; 1990, $56.2 million.

According to the Congressional Budget Office there is no cost to the budget in 1987 as a result of the food assistance for the homeless provisions. However, in 1988, the CBO estimates the cost will be $111 million—the total cost, through 1990 is $387 million.

The cost of these provisions in 1988 and the outyears remains a concern to me. As I stated during the subcommittee and committee consideration, the Congress has not yet adopted a 1988 budget resolution and I believe we must be budget conscious. We must be assured that we can pay for future increases in the budget as we make these changes; not only for aid to the homeless but for all expenditures of taxpayer dollars.

H.R. 558, of which the food assistance to the homeless title is just one part, presents even greater budget problems. CBO estimates the cost to be $500 million in 1987, with no offsets to pay for these additional expenditures. At least in the Agriculture Committee we did exercise fiscal responsibility for 1987 and show no additional expenditures to the budget. However, for 1988 and the outyears we, too, have problems.

I am concerned about the homeless individuals and families. However, as we did in House Joint Resolution 102, we must be able to pay for the benefits we provide.

Of the many issues before the 100th Congress, this is one which I find to be difficult to resolve. As I have said before, during the several hearings the subcommittee has held concerning this issue of food assistance to the needy, I firmly believe that in our Nation of abundance, it is a tragedy for one child or one elderly person or anyone to go hungry. We are a generous country—both through Government programs and through the private sector.

USDA programs alone provide over $20 billion in food assistance. Private sector contributions to various nonprofit organizations regularly increase from year to year and approached $80 billion last year. And yet, there is no dispute that there are significant numbers of homeless people in both urban and rural areas of the United States.

The causes of homelessness are many and are complex. They include the deinstitutionalization of mental health patients, redevelopment of cities and the loss of low-rent housing, high-unemployment rates and a breakdown in traditional family structure. The Federal, State, and local programs available to low income individual and families often do not meet the needs of the homeless, despite the billions spent each year.

While housing is the key issue in dealing with homelessness other services are needed as well. These include food assistance, health and mental health clinics and for those who are able, assistance in getting and keepng jobs.

The two major programs under the jurisdiction of this subcommittee that provide food assistance are the Food Stamp Program and the Temporary Emergency Food Assistance Program [TEFAP], neither of which are designed for the homeless but both provide assistance to this group of individuals. Through the Food Stamp Program participants are provided food coupons, which, in most cases, supplement the food budget of low income people. However, for the homeless difficulties arise in making full use of food coupons since they lack homes and cooking and food storage facilities. Last year the Congress amended the Food Stamp Act to allow the homeless to use food coupons in shelters and soup kitchens. This provision was patterned after a proposal that I was working on, along with Chairman PANETTA, concerning demonstration projects designed to allow the homeless to purchase low cost, nutritious meals at soup kitchens. While the amendment adopted last year does not address all concerns we covered in our proposal, I am anxious to see how this further extension of the Food Stamp Program to the homeless will work.

The pilot project we proposed presented a unique opportunity to begin solving a difficult problem in a straightforward manner. Lacking facilities for storage and preparation of food, homeless individuals are unable to make optimal use of food stamp benefits to which they may be entitled. By permitting such eligible individuals to use food stamps to purchase low-cost prepared meals, the proposal would increase the effectiveness of the program for some of its most needy beneficiaries. Those operating the soup kitchens could have used food stamps for the purchase of food in large quantities, thereby maximizing the efficiency of food stamp benefits for the homeless. In addition, the use of food stamps would have been limited to the purchase of food, rather than preparation services and other associated costs, also maximizing Food Stamp Program funds by alleviating hunger and adhere to the goal of the Food Stamp Act.

The second program under our committee's jurisdiction is the Temporary Emergency Food Assistance Program. TEFAP provides surplus commodities to States for distribution to organizations serving low-income people, some of whom are homeless. In 1988 it is anticipated that the commodities made available will include: 420 million pounds of cheese; 180 million pounds of rice; 144 million pounds of flour; 96 million pounds of honey; 96 million pounds of nonfat dry milk; 72 million pounds of butter; and 48 million pounds of cornmeal.

With regard to TEFAP I am pleased that the Congress acted to overturn the proposed deferral of $28.6 million of TEFAP administrative funds. I introduced House Joint Resolution 124, which disapproved that deferral, so that the full amount of money States had planned to use to distribute surplus foods will be available during this year.

The Agriculture Committee may be able to contribute to easing the problems of the homeless but solving this problem will require much more and must involve not only the Federal Government but State and local governments and our communities as well.

Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the good gentleman from California [Mr. PANETTA] for yielding 1 minute of his time to me.

I would like to make two quick points. The first point, the gentleman from Wisconsin [Mr. ROTH] had asked what about the $37,000 welfare hotels? That is a problem that is cured by an amendment put together by myself and the gentleman from New York [Mr. WEISS], but it goes through the Committee on Ways and Means because it is an AFDC problem. Therefore, it was not part of this bill.

I am happy to let the Members know, I have gotten support from both the Speaker of the House, Speaker

WRIGHT, and the chairman of the Committee on Ways and Means, the gentleman from Illinois [Mr. ROSTENKOWSKI] that they will make every effort to put some part of this Schumer bill as part of the welfare reform package due to be on the floor in May.

The second point, and my major point, this bill is a good bill. It does something very needed; it puts roofs over peoples' heads who have none now. But let us not delude ourselves. This bill gets at the symptoms of the problem, but it does not cure the disease of homelessness. That cure only comes from more housing. Most of the homeless are homeless because they do not have housing, and until we meet that fact and build more housing, we are going to have many more homeless who need roofs over their heads.

Mr. EMERSON. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Chairman, this is my first time to speak before this great Chamber, so I hope the few of you bear with me.

I come from the real world, and I wonder how many people we have here who really know what is going on out in the real world today. We talk about $500 million as being a nominal fee. We have lost the whole concept of what this country, and the people who sent us here and pay tax dollars, are all about.

I serve on the Select Committee on Children, Youth and Families and we had a family brought before us, a family who testified on the hardships they had in finding a home.

But when we got to questioning and I asked them, were there opportunities to be there, they said, yes. They wanted the father to leave the family; they wanted to take the children away from the mother.

It is not a problem of not having enough money; it is a problem of putting our money where it should be, to use it where it can be best used.

Here in Washington, undoubtedly, what we do is, rather than try to spread money or put it in the right place, we give another $500 million. We forget that there is such a thing as trying to go back and look at reality; I hope someday that the taxpayers look at some of you and say, "Why did we send them there? They do not even represent us. They give money—all you have to do is ask for money and they give it."

It is time that we stand together and say, "Listen, there are 10 million people out there who would love free housing." I am homeless, if you want to look at it that way.

It is time that we look at it and say, "What is the role of the Federal Government? What are we to do?"

There is no end if we are going to keep offering candy bars. There is no end to the line that is going to line up and wait for candy. I think that we have totally lost touch and I hope that I can make a little difference here in Congress. If I cannot, I would much rather be in Louisiana.

I say to you today that it is time that we look at reality. Are we going to try to ever live with Gramm-Rudman? Are we ever going to try to even think of getting back to the point where we have a balanced budget?

I say to you today that this is a ridiculous bill. We are either going to stop somewhere and have the backbone to vote and quit just laying money out anytime that it appears that we can gain a vote—or anytime there is someone who is going to knock us a little bit for spending it.

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It is time that we all have the backbone and stand up and say "no" and send a message to the country that we are willing to try to manage our money in the way that the people sent us here to manage it. I do not believe there is any district in the country that did not send us here to manage the money right.

So my appeal to the Members would be to vote no on this bill and send a message to the country that we are ready to stand up and be heard. Let us go back to the work ethic in our country that teaches us to work and earn our own living. There is going to be rich, there is going to be poor, and there is going to be middle class. It we do not have that, we are going to be a socialistic country, and I think it is time that we stand up and be heard.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the distinguished chairman of the Committee on the Budget, the gentleman from Pennsylvania [Mr. GRAY].

Mr. GRAY of Pennsylvania. Mr. Chairman, I just think that the people of this great country should know that homelessness is a problem that is real and complex, and it is a national tragedy.

Back in my district in Philadelphia, at a shelter for homeless families, I met a woman who was there because she had been abused by her husband and could not stay in her home any longer. I met a family that was homeless because their home had burned down. I met someone else who was there because he could not find low-income housing.

The needs of all these people must be met if we are ever to overcome the problem of homelessness. H.R. 558 seeks to do just that. This legislation is designed to meet the immediate needs of homeless individuals like the ones described as well as to provide opportunities for homeless individuals to permanently improve their lives.

I believe that each of us has a moral obligation to help the many hundreds of thousands of homeless families and individuals forced to live on our streets. As one of the original cosponsors of this very important legislation I urge support for H.R. 558.

Mr. EMERSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that the chairman of the subcommittee wishes to engage in a colloquy, and I am delighted to yield to him at this time for that purpose.

Mr. PANETTA. Mr. Chairman, I would like to discuss one issue with my good friend and the vice chairman of the subcommittee, BILL EMERSON from Missouri. I want to ensure that we both share the same understanding about the provision of title V which would exclude from income for food stamp purposes the full amount of vendor payments that pay for temporary housing for the homeless in which there are not fully adequate facilities to prepare and store food.

The language in the Committee on Agriculture's report on the bill notes that—

> A welfare hotel room or suite, or similar emergency housing, that possesses inadequate facilities for storage and cooking of food would qualify for this special vendor payment exclusion.

I would hope that the Department of Agriculture would use the rule of reason in interpreting this provision. I assume that a mother who is trying to cook meals on a hot plate, which may be in violation of the local fire code, in a hotel room with a miniature refrigerator that cannot hold more than a day's food would not be considered to be living in a place with adequate cooking facilities. On the other hand, a room with a multiburner stove with an oven and a full-size refrigerator would clearly have adequate cooking facilities. Is that your interpretation of our intent?

Mr. EMERSON. Yes, Mr. Chairman, families placed temporarily in these so-called welfare hotels have special needs. They have limited access to grocery stores, limited food storage, and food preparation facilities. That is the reason for this special treatment of vendor payments made to the hotels on their behalf. Nevertheless, the real problem rests with housing. I believe, and I know that the subcommittee chairman concurs, that keeping families in these welfare hotels and paying huge amounts for grossly inadequate living quarters does not make sense. That is the situation that must be changed. I concur in the subcommittee chairman's interpretation.

Mr. PANETTA. Mr. Chairman, I thank the gentleman from Missouri [Mr. EMERSON] for his cooperation.

Mr. EMERSON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield myself such time as I may consume, and I yield to the gentleman from Minnesota [Mr. VENTO] for the purpose of engaging in a colloquy.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding, and I commend the committee and the chairman for bringing the food and nutrition provisions of this bill to the floor and for their cooperation on the cheese distribution provision of this bill. Would the gentleman from California [Mr. PANETTA] engage in a brief exchange to clarify some of the new provisions regarding cheese distribution?

Mr. PANETTA. Yes, I would be delighted.

Mr. VENTO. I thank the gentleman. Despite the fact that millions of pounds of surplus cheese are sitting in Government storage, recent studies indicate that one-half of the cities surveyed had to turn hungry people away from empty food distribution sites. While the Secretary of Agriculture already has the authority to correct this situation, he has not done so. This legislation does not actually provide the Secretary with additional authority, instead, it urges him to use his existing authority and provides him with guidelines for determining when additional cheese should be released. Under this legislation, the Secretary should release cheese to those States that request additional cheese and meet the criteria outlined. Is that correct, Mr. PANETTA?

Mr. PANETTA. Yes, Mr. VENTO, this legislation is designed to free up an added 14 million pounds of surplus cheese each year for distribution in addition to the normal allocations and any reallocations. The Secretary should release extra cheese to any State that either shows a need for additional cheese or an increase in unemployment that occurred 90 days previous to the State's request, and where the State certifies that such excess cheese will not result in substantial commercial displacement.

I would also like to assure the gentleman that while the committee determined that it was necessary to maintain the Secretary's overall discretion on cheese distribution, we intend to closely monitor this process. The Secretary would be required to notify the committee upon the receipt of a request and we expect the Secretary to make a good-faith effort to comply with all qualifying requests.

Mr. VENTO. When any of the additional 14 million pounds of cheese is provided to States and localities under provisions in this bill, does the Secretary have the authority to reduce the level of current cheese allocations? I am concerned that this situation would result in no net gain in the level of cheese distributions to States that have certified a need for greater food assistance.

Mr. PANETTA. Clearly, it is not our intent that this legislation be implemented in such a manner. The 14 million pounds of cheese referred to in this legislation is to be in addition to the States' normal allocations and any reallocations.

Mr. VENTO. I thank the gentleman for his assurances and for clarifying the intent of this provision. I am hopeful that when the Secretary exercises his discretionary authority over this distribution program that he will comply with the intent of the committee, will take into consideration the needs of the low-income families and homeless persons who rely on this program, and will provide additional cheese to States that submit requests.

Mr. PANETTA. Mr. Chairman, I now yield briefly to the gentleman from Texas [Mr. LELAND].

Mr. LELAND. Mr. Chairman, I wish to thank the gentleman from California [Mr. PANETTA] for yielding, and I thank him for his leadership on this issue.

Mr. Chairman, Federal relief for the homeless and those at risk of homelessness is urgently needed.

The legislation before us today embodies the work of the Agriculture Committee in its consideration of H.R. 177, the Food Assistance Act of 1987, legislation introduced by my colleague from California, Mr. PANETTA and myself. Hunger among the homeless is an issue that has repeatedly surfaced during the hearings and research of the Select Committee on Hunger. At site visits to shelters and soup kitchens across the Nation, we consistently heard from service providers of the need to increase food assistance to the homeless.

The Select Committee on Hunger report, "Hunger Among the Homeless," prepared last week, reveals that the major Federal food assistance program—the Food Stamp Program—is not serving a large percentage of homeless people. The legislation before us today would address this concern by authorizing Federal funding for Food Stamp Program information directed to homeless persons.

The substitute also raises the ceiling on the excess shelter deduction from $152 to $168 in fiscal year 1988. This provision is intended to prevent hunger among the low-income population whose scarce dollars are spent in a market where rents are going up and affordable housing is diminishing. If they buy enough food for a sufficient diet, they will be unable to pay their rent, and thus, eventually they may join the ranks of the homeless. The select committee has repeatedly received testimony that rising housing costs are forcing low-income families to choose between paying the rent and eating.

Third, shelter payments made by State or local welfare agencies to homeless shelters would be precluded from being counted as income, therefore reducing food stamp benefits for homeless families. Homeless families are without food storage and preparation facilities. They must shop daily for meals and must purchase expensive food in small quantities. We must not allow homeless persons who have been denied the right to permanent shelter to also be denied nutrition assistance.

Finally, I want to stress the importance of the reauthorization of the Temporary Emergency Food Assistance Program [TEFAP]. This program provides significant Federal food assistance to both the private voluntary groups engaged in feeding the homeless and to low-income families. Eighteen million people received portions of the basic surplus commodities--rice, flour, nonfat dry milk, cheese, butter, cornmeal, and honey—in fiscal year 1986.

TEFAP is probably the most cost-effective Government food assistance program now in operation. In my own State of Texas it costs only 85 cents per family per year to deliver these basic commodities, because they are delivered through the network of charitiable, voluntary groups. Farmers also benefit when the commodities are distributed because the vast amounts now in storage depress prices and farm income. Commodities deteriorate in inadequate storage while homeless people forage in dumpsters for sustenance.

Some may be concerned that the food assistance provisions of this measure will require limited new moneys in fiscal year 1988 and beyond. By assuring access to food assistance for the homeless, and assuring that rising shelter costs do not cause hunger among low-income families, we will undoubtedly save the long-term costs of the health and social consequences of homelessness.

Again, I urge my colleagues to support the substitute before us today. These sections represent the significant steps for a domestic food aid policy that can prevent additional hunger and homelessness.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I would like to commend our committee chairman, the gentleman from Texas [Mr. LELAND] and our task force chairman, the gentleman from California [Mr. PANETTA] of the Select Committee on Hunger for the work they have done in bringing this legislation to the floor.

Mr. Chairman, I strongly support the passage of House Resolution 558, the Urgent Relief for the Homeless Act, which would authorize $725 million over a 4-year period for an array of Federal programs providing emergency shelter and food, health care, and more permanent housing for the homeless.

I would like to begin by commending my colleagues Mr. LOWRY, House Majority Leader TOM FOLEY, and Mr. STEWART MCKINNEY, as well as Mr. CHALMERS WYLIE, and Mr. FERNAND ST GERMAIN for their leadership in addressing this important issue. I'd also like to commend Mr. LELAND, Mr. PANETTA, and my colleagues on the Select Committee on Hunger for their efforts.

The plight of the homeless in our country has reached a state of crisis. Recent surveys indicate that this winter alone the number of homeless people has risen by 24 percent. The largest increases have been reported among homeless families and children. Most disturbing of all, a study by the U.S. Conference of Mayors and the National Coalition for the Homeless found that in over half the cities surveyed people are turned away from emergency shelters because there is no room to house them.

Several weeks ago I had the opportunity to observe the magnitude of the problem in my own district. During an average month in Yolo County, CA, the most rural and least populated of the three counties I represent, as many as 450 homeless people receive food and shelter. I met with church officials and representatives from local relief organizations who have exhausted their already very limited resources and are begging for Federal assistance. Clearly, the situation is urgent. It is time for us to fulfill our responsibility to shelter and care for our Nation's homeless.

Our churches and our private voluntary organizations have done all they can do. We are not creating, as our critics imply, a problem—not inventing a problem—that we must then solve here. We are responding to the legitimately felt needs of people who have been responding long before the Federal Government was ever involved.

In its fiscal 1988 budget proposal the administration once again places the burden of the deficit reductions on those who are most needy. The administration's budget cuts low-income programs, including child nutrition and antihunger programs, by $6.7 billion and Medicare by $4.6 billion—this will only exacerbate the problem. Our proposal provides funds for programs already in existence which have a proven record of performance. It seeks to address the immediate needs of the homeless and to give them the chance to make permanent improvements in their lives.

Homelessness and hunger are national problems demanding our full attention and leadership. We not only have the opportunity but we have the responsibility to ameliorate the lives of millions of Americans living under deplorable conditions. I again urge favorable consideration of this resolution on behalf of our Nation's homeless.

Mr. PANETTA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, this is the first in a series of small steps in turning back the tide of cuts that have stripped marginal families, marginal working families, from the support systems that have caused them now to have to go and live on the streets.

The tragedy is that it is no longer single individuals or people who were in serious trouble in our society. We now see families with children becoming the fastest-growing subgroup among the homeless, and we must understand that we are now raising children in very, very unhealthy situations.

Hopefully, this legislation will start to turn the corner and bring this country back to a sense that after 6 years of cutting this is the result. Most of us in this body should not be surprised by the presence of the homeless on our streets because it is the policies that we carried out in following the Reagan agenda that cut the low-income housing, that cut shelters for these people, and that brought them to the streets of the United States of America.

Mr. EMERSON. Mr. Chairman, I yielded back my time because at the time I did not have any further requests for time. I should have reserved my time.

So, Mr. Chairman, I ask unanimous consent if I may now reclaim my time.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri [Mr. EMERSON] that he be allowed to reclaim his time?

There was no objection.

Mr. EMERSON. I thank the Chair.

Mr. Chairman, I yield such time as he may require to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, I am pleased to be a sponsor of H.R. 558, the Urgent Relief to the Homeless Act, and rise in its support. I am particularly pleased to see the inclusion of the Food Assistance for the Homeless Act, which was approved by the Agriculture Committee.

Homelessness and substandard housing are facts of life for a disproportionately high number of Washington's rural poor. In my district, in Yakima County alone, 6 of 15 active organizations provided 54,000 bednights to the homeless in 1986, and unfortunately, an unknown number of folks were turned away because of the lack of resources. Rural areas contain 25 percent of Washington's housing stock, but have 38 percent of the substandard housing units—those units requiring major repair or demolition. Towns and private groups have increasingly devoted resources to housing rehabilitation and the needs of the homeless, but it is my belief that they cannot adequately serve these needs without additional assistance from the Federal level. This bill provides additional funding through a variety of programs which have already been shown to work.

Families—and in particular, rural families—are the new homeless. Nearly half of the homeless served in my district are homeless families, with the majority of those having children under 5 years old. Shelter providers serving families are able to place a few in emergency housing for up to 30 days. More typically the placement is 4 to 7 days. While additional funds are provided for emergency needs, this legislation also provides opportunities for the homeless to permanently improve their lives and focuses special emphasis on families and children.

In addition, this bill contains provisions adopted by the Agriculture Committee which provide food assistance for the homeless. It allows States to conduct outreach activities aimed at persons without permanent homes to encourage them to participate in the Food Stamp Program, and it exempts housing assistance payments made on behalf of households living in temporary quarters from consideration as income for food stamp purposes. Finally, this legislation reauthorizes TEFAP through 1990, and allows the Secretary of Agriculture, upon certification of need by a State Governor, to provide up to 14 million pounds of surplus cheese for distribution within the State, providing that it will not displace the commercial sales of cheese.

Again, I rise in strong support of this legislation and encourage my colleagues to vote in favor of this desperately needed assistance for the homeless.

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Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. MORRISON of Washington. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman for yielding to me.

Mr. Chairman, I wanted to thank the gentleman for his excellent statement. We are very proud of the fact that every Member of the Washington State delegation is a sponsor and has worked hard on this legislation. It is very appreciated and also it goes right along with the leadership of STU MCKINNEY and CHALMERS WYLIE and all kinds of other people. It is bipartisan, good legislation.

Mr. MORRISON of Washington. I thank the gentleman for his leadership on this issue.

Mr. EMERSON. Mr. Chairman, I reserve the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise today to express my strong support for H.R. 558, the Urgent Relief for the Homeless Act. This legislation is not only necessary but long overdue. In recent months, reports have indicated that the problem of the homeless has significantly worsened. Our Nation shares the moral obligation to help the many homeless families and individuals forced to live in the streets.

The State and local governments, along with private organizations can no longer carry the weight of the problem of the homeless. The National Government must make a strong stand, a strong stand in helping those that have been left out and left behind.

How can we as elected officials stand by and watch so many of our young and old suffer the pain of winter and violence and the everyday street hazards that they encounter simply because they cannot afford adequate housing and safe housing.

Mr. Chairman, we must take a stand; we must continue to be a caring and sharing society. Today, I am issuing a challenge to all of my colleagues, both Democrats and Republicans, to join me in supporting this important piece of legislation. The provision for adequate housing for all American citizens is a basic right. We can do no less but provide shelter and housing for all of our people.

Mr. FRENZEL. Mr. Chairman, when the debate began on the rule for this bill, I was prepared to vote for H.R. 558. At that time I was unaware that the leadership of this House had scheduled the bill notwithstanding the fact that it violated this Budget Act.

I will acknowledge the needs of the homeless. But I am shocked that this bill, which is not to be effective until next fiscal year, would be rushed to the floor in violation of the Budget Act, and apparently with little other thought of seeking real solutions to a vexing problem.

If this were an emergency, I would probably support the bill, and look to the appropriations bill to tidy up the mess. But, the two committees which processed the bill have plenty of time to present a more thoughtful, budget-conforming version before October 1.

I am particularly distressed that the House leadership and the bill's managers don't seem to care about the budget problem. The rejection of the Michel amendment was convincing evidence to me that controlling our fiscal deficits is a matter of scorn to those who are promoting this bill. Aid to the homeless is a high priority; but so is control of the deficit.

It is possible serve both priorities, and when the House leadership shows interest in so doing, I shall vote for the bill. Until then I am obliged to vote against it.

Mr. DINGELL. Mr. Chairman, I rise in strong support of the legislation.

H.R. 558 is a bill to provide urgently needed housing, health services, and other supportive services to the estimated 1 million homeless. To this end, the bill authorizes a total of $500 million in fiscal year 1987 for a variety of purposes: emergency food and shelter, transitional housing, low-income housing, permanent housing for the disabled homeless, and emergency community services. The bill will also insure that the various Federal agencies with responsibilities in relation to the homeless will be able to coordinate their activities.

Many of the people this bill will benefit are those homeless families with children, mentally ill individuals and people suffering from substance abuse.

The bill is intended to alleviate the suffering of this unfortunate segment of society. The homeless are vulnerable to illness due to adverse conditions on the streets or in makeshift shelters. The homeless suffer from weakened physical condition due to lack of food. And the homeless face barriers in getting access to basic medical care, in part because so many of them are uninsured and lack the ability to pay for services, and in part because the traditional medical care delivery system is not designed to accommodate the homeless.

The Committee on Energy and Commerce has contributed to the effort to address the most pressing needs of the homeless by authorizing $75 million for grants for outpatient health services for the homeless, $25 million for grants for community mental health services to the mentally ill homeless, and $75 million for the conversion of unused or underused public facilities into facilities for the homeless and to provide basic social services in those facilities.

Assistance for the homeless is long overdue. I am pleased that the Congress and this Nation have started to address the needs of this long-neglected group.

I urge my colleagues to support H.R. 558.

Mr. DREIER of California. Mr. Chairman, I rise in reluctant opposition to H.R. 558, the Urgent Relief for the Homeless Act. Nobody denies that there is a homeless problem in this country. The fact that the homeless stream now includes a large number of women and children makes a increased commitment necessary.

But in my view, the $750 million price tag of this legislation, though an impressive statement it makes, provides little substance in which to solve the inherent problems of the homeless. Furthermore, in light of current budget constraints, Federal assistance for the homeless has, thus far, not been modest. Since fiscal year 1984, Congress has appropriated $435 million in direct assistance to the homeless. I believe that, before commiting such a substantially increased level of resources, we should have a better grasp of the magnitude and the nature of the problem.

Who are the homeless, and how many of them are there? Experts seem to differ on this issue. Some say they are deinstitutionalized mental patients, others say they are the unemployed, and still others suggest they are the uneducated. According to the community for creative nonviolence, there are 3 million homeless, but a Harvard University study indicates there are 350,000. The answer, I would guess, falls somewhere in between the enormous variance of these estimates.

State and local governments, and private organizations are better equipped to deal with problems of the poor and homeless in their communities. Although H.R. 558 seeks to utilize this approach, it is still too restrictive and extreme. In my view, their lack of success at the local level in dealing with the homeless problem, whether it be perceived or real, is not so much the result of a lack of resources, but of a lack of understanding of the nature of the problem. If local governments, which are best equipped to deal with the unique needs of their area, have, thus far, been unable to solve the problem, I doubt that the Federal Government will do a better job with H.R. 558.

Lastly, I believe much of this legislation is duplicative and unnecessary. For instance, title III of the bill practically duplicates the emergency shelter grants program at a cost of $100 million. In addition, the FEMA Food and Shelter Program is double the annual appropriations over the last two fiscal years; and, while I applaud the use of surplus food, I fear that this addition, along with the significant increase in the Food and Shelter Program, could negatively impact private sector volunteer efforts.

Mr. Chairman, I am dismayed that I am unable to support H.R. 558. The plight of the homeless is, indeed, a real American tragedy. But I feel strongly that the concept of H.R. 558 is flawed, and will do little to solve the inherent problems of the homeless.

Ms. OAKAR. Mr. Chairman, I rise in strong support of H.R. 558—the urgent relief for the Homeless Act—and to urge my colleagues to join me in supporting this very important and humanitarian initiative.

As a member of the Housing Subcommittee of the Committee on Banking, Finance and Urban Affairs, I have actively participated in the subcommittee's longstanding efforts to identify the extent of our Nation's homeless problem and to develop appropriate responses consistent with the Federal Government's responsibility to provide adequate shelter for its citizens.

America is a proud and prosperous nation, yet the tragedy of homelessness is around us everywhere. There are homeless in urban areas, in rural towns, in the suburbs and the cities. Sadly, the number of homeless persons is growing every year and according to recent estimates it is growing by 25 percent annually. The fact that 2 to 3 million people have no place to live but the streets is a disgraceful condition which should not exist in a country like ours.

Before us today is a package of reasonable and responsible proposals intended to provide immediate assistance to local governments and charitable organizations, who over the years, have tried admirably to provide the necessary assistance and care to the homeless, but the fact is the problem has grown beyond their resources. The Urgent Relief for the Homeless Act will provide a coordinated Federal response to supplement local community efforts.

The urgent relief for the homeless authorizes $20 million for the FEMA Emergency Food and Shelter Program, $100 million for the Emergency Shelter Grants Program, and $30 million for the Transitional Housing Program. Additionally, the legislation authorizes $50 million for community action agencies to provide services to the homeless and it authorizes 4,000 short-term section 8 certificates for housing.

The need for this legislation is unmistakable, but let there be no misunderstanding, this will not solve or eliminate the homeless problem in America. To the contrary, this legislation provides only emergency food and shelter necessary to keep the people now on the streets from dying of malnutrition or exposure to the cold. Eliminating the homeless problem will require medium- and long-term commitments from the administration, Congress, local governments, and local service providers to find or construct adequate permanent housing, to provide sufficient community based housing for the deinstitutionalized mentally ill, to provide employment training and counseling, and to develop adequate programs to treat alcohol and drug dependency. For this reason, I believe the transitional housing program is a key component of this package.

As the sponsor of the Transitional Housing Program, I believe it goes beyond just an emergency focus to provide short-term housing for the homeless and deinstitutionalized mentally ill in homes where they can receive supportive service that include medical and psychological treatment, job counseling, proper nutrition, and Federal assistance which they are qualified to receive.

Although this moves us in the right direction, we still have a long journey to travel to resolve the homeless crisis. We must move forward with enlightened ideas developed in cooperation and coordination with architects and developers, planners and financiers, business and government, all united in commitment to eliminating homelessness by designing and constructing permanent housing that is affordable, safe, decent, and where people can live with dignity and self respect. As the sponsor of the Transitional Housing Program, I know that this and emergency shelter programs can only be an interim solution. As a compassionate nation, it is our moral duty to help the homeless through long term solutions that provide permanent housing and not to accept overcrowded and understaffed shelters as the best that we can do.

If we really want to resolve the problem of homelessness it will take commitment, both personal and financial among national and local interests. There already exists thousands of dedicated volunteers who give generously of their time and effort to help those alone and on the streets. It is now time for us to do the right thing by providing Federal resources to help the local communities get the job done. I rise in strong support of H.R. 558 and to commend my colleagues, Representative FOLEY, Representative COEHLO, Representative LOWRY, Representative GONZALEZ, and Representative MCKINNEY, for their outstanding efforts to help the homeless. I urge my colleagues to join me in supporting this important and necessary legislation.

Mr. CONTE. Mr. Chairman, I rise in support of the substitute offered by my dear friend from Florida [Mr. PEPPER]. I have been proud to stand with him so many times in the past, and I am proud to stand with him again today.

Mr. Chairman, I know that some of my colleagues view this as a local issue. Indeed, the local response to the homeless problem has been nothing short of magnificant. In my own district, the response of communities and a network of hundreds of volunteers at shelters, food banks, and soup kitchens has been impressive and moving. Their response has been a compliment to our capacity as a society. But the truth is that local resources have been overwhelmed. A 1986 Conference of Mayors report found that nearly every city in the country has been forced to turn away homeless people in need of food and shelter.

As the ranking minority member of the House Appropriations Committee, I want to remind my colleagues as we debate today's legislation of the efforts we have already made to assist the homeless. To help meet the need, the Appropriations Committee brought a $50 million urgent supplemental to this floor in January. Another $95 million in homeless funding was in the fiscal year 1987 CR. Since 1983, we have provided literally billions of dollars in homeless assistance through the demonstration transition and block grant programs at HUD; surplus food through USDA's TEFAP Program; VA Outreach, Counseling, and Treatment Programs; FEMA's Emergency Food and Shelter Program; and a wide array of HHS programs. We should take pride in those efforts.

But it is clear that additional resources are needed. Funding today's authorization will be difficult, but it merits our best efforts. I know that this is the era of new federalism and budget deficits. But what role is there for Government if we turn our back on those who need us most? This isn't some billion dollar synfuels boondoggle or a water project bill filled with pork. It's help for those who don't have a home to heat or pork to eat.

When we confront adversity, so often "we get by with a little help from our friends"—sometimes Divine, sometimes earthly. And we all know how important that help can be. The homeless have few friends, few families. In this time of adversity for the homeless, Government must be their friend. I urge my colleagues to support the Pepper substitute, and help the homeless get by with a little help from their friends. Thank you.

Mr. BIAGGI. Mr. Chairman, I rise as a cosponsor and strong supporter of H.R. 558, a bill to provide urgent relief for our Nation's growing homeless population.

This legislation addresses a complex problem facing our Nation that has now reached crisis proportions. Quite simply, there are no simple solutions, but the simple truth is that the number of homeless has grown beyond the ability of local governments and charitable groups to deal effectively with this problem. This legislation will not rid our Nation of the homeless problem, but it will do a great deal to address some of the most pressing needs of our Nation's homeless, by providing emergency food and shelter, and important health care services.

Mr. Chairman, I am proud to say that my home State of New York was the first in the Nation to establish a State program providing grants for the construction of housing with services for the homeless. That was in 1983. To date, that program has committed $70 million to serving 7,000 homeless people. The proposed New York State budget for the upcoming fiscal year includes $180 million to feed, shelter, and care for the homeless.

New York has recognized the seriousness of the homeless crisis and, like so many other States, is doing its best to respond to a positive and significant way. Unfortunately, though, State and local resources are simply not enough to do the whole job. They need help from the Federal Government. We have provided substantial assistance already. In fact, earlier this year we approved an additional $50 million for emergency homeless relief. But, we need to do more, and H.R. 558 gives us that opportunity.

All totaled, this bill authorizes $725 million for a variety of homeless aid programs for this fiscal year and lasting through fiscal year 1990. Contained in this amount is $400 million for housing programs, including the Emergency Shelter Grant Program, the Transitional Housing Program, section 8 low-income housing certificates, and FEMA's Emergency Food and Shelter Program. The bill also authorizes the acquisition and rehabilitation of surplus Government properties for the homeless, and provides for a matching grant program for the acquisition of permanent housing for handicapped homeless.

I am particularly impressed by the provisions in this bill that authorize a total of $100 million in fiscal year 1987 for outpatient health care and mental health services for the homeless; $75 million of that amount would be earmarked for a new grant program that would enable community-based health care providers to serve the homeless with outpatient health care, outpatient mental health services, outpatient drug and alcohol abuse services, and case management services.

This legislation is expected to provide my home State of New York with about $48 million in additional homeless assistance, and for that I am very pleased and thankful. However, one of the biggest benefits it provides New York is that it excludes housing assistance payments made to "welfare hotels" on behalf of homeless families from being used in the calculation of their food stamp benefits. Welfare hotels are especially prevalent in the Westchester County, NY, area I serve. Adoption of this provision will restore lost food stamp benefits to over 5,000 families in New York, and that is a reform that is much needed and overdue.

Mr. Chairman, I want to refer to the Westchester County homeless situation as a fitting example of just how serious our homeless crisis has become. Westchester County is one of our country's richest communities, yet the homeless problem there is already serious and it is getting worse. Let me quote from a letter I received from Westchester County Executive Andrew O'Rourke:

> Between 1983 and 1984 the homeless caseload went up by a factor of four. During the same period the average length of stay for the homeless doubled from two months to four months. Between 1984 and 1985 the average length of stay further increased to five and one-half months. In 1983 the direct cost for housing the homeless, that is the cost of providing emergency housing in shelters, motels and with contracted agencies was $750,000. In 1984 it escalated to $6 million. In 1985 it increased further to approximately $9 million. If indirect costs are added, which include transportation, restaurant allowances and county staff, the total comes to $14 million for 1985.

To make matters worse, Mr. Chairman, I have been informed that three-fourths of Westchester County's homeless are children. These are shocking facts and they leave us with only one choice, to provide immediate and substantial assistance to cope with this crisis.

That is what we are doing today, and I am pleased to note that we are doing more than merely increasing the dollar amount for homeless programs. This bill also establishes an Interagency Commission on Homelessness to coordinate, monitor, and improve the Federal response to the problems of the homeless. In addition, the bill simplifies the procedure for making homeless individuals eligible for participation in the Job Training Partnership Act. It also clarifies that literacy programs should better serve homeless adults and encourages literacy services to be offered in shelters. This is an important part of the long-term solution to our homeless problem.

Mr. Chairman, none of us here expect the homeless problem to go away overnight, with or without this bill. However, the early consideration of this legislation, and the substantive content of this measure, makes it clear that the homeless issue has been targeted as a top national priority, and appropriately so. Much work is left to do in this area, but we are making an important contribution to a final solution here today. I urge the overwhelming passage of H.R. 558.

Mr. SUNDQUIST. Mr. Chairman, I am as deeply concerned and troubled by the plight of the homeless as any of my colleagues in Congress; however, I have some serious reservations about today's bill to aid the homeless.

This homeless package smacks of political shortsightedness. With H.R. 558, we have taken a very legitimate social problem and turned it into political grandstanding for political gain. Once again, Congress is trying too quickly to resolve a very complex problem by throwing money at it.

We need more than cosmetic solutions to the homeless problem. We need solutions that get to the root of the problem, like dealing with the mentally ill—the greatest source of homelessness. Yet, this bill authorizes a mere fraction of the total amount—$25 million—to address the needs of the mentally impaired.

Furthermore, it is ironic that there is no recognition in H.R. 558 that it is the Federal Government's own long-time policy of deinstitutionalizing mental institutions that has led to our current homeless crisis. I don't see any attempt in this bill to change our policies toward the mentally ill—the heart of the problem. Once again Congress is trying to treat the symptoms and not the cause. This bill is too little and too late for the mentally ill, too much money, too quick for the homeless.

This bill is also fiscally shortsighted. In total—with the food and nutrition supplement—the package would dump nearly three quarters of a billion dollars—in the middle of the fiscal year—just as a temporary "bandaid" until new authority can be worked out for fiscal year 1988.

Mr. Chairman, there is no doubt that the homeless need help. But to literally throw almost $1 billion out for temporary, cosmetic surgery is irresponsible—particularly, as we are struggling daily in the Budget Committee to preserve programs for the elderly and for education while meeting our Gramm-Rudman targets.

Mr. Chairman, we must learn to be more practical and more reasonable in our spending decisions. It is irresponsible to authorize nearly $1 billion overnight just because an important social issue has become popularized by the news media. Too often we succeed only in appearing to solve a problem, when in reality new levels of bureaucracy are the beneficiaries of Congress' superficial solutions, not the people who need the help.

The problem of homelessness has been with us for a very long time. A $725 million bandaid will not cure the problem—all it will do is provide politicians with something new to grandstand about.

We need to take some incisive steps to cure the root of the problem, to find out why these people are homeless—and then come up with permanent solutions—not bandaids.

Mr. RAHALL. Mr. Chairman, I rise today in support of the bill, H.R. 558, to provide urgent relief for the homeless. There are more homeless people in America today than at any time since the Great Depression. Despite the last 4 years of economic recovery, the homeless population has been growing at the rate of about 25 percent a year, and the number of homeless is expected to increase still further unless action is taken.

The explosion in the number of homeless Americans has outrun the ability of local governments and charitable organizations to cope with the problem. Cities across the country report that homeless people—including families with children—are routinely being turned away from emergency shelters due to the lack of space.

Efforts to deal with the homeless crisis have been hampered by persistent myths about who the homeless are, why they are in such a desperate situation, and what can be done to help them.

There are six myths which perpetuate a distorted picture of the homeless. These myths are: First, most of the homeless have always lived this way; second, the homeless are almost entirely made up of single adults; third, the vast majority of the homeless are the chronically mentally ill, who generally choose to be homeless; fourth, State and local governments and charitable organizations have the resources to handle the homeless problem; fifth, economic growth will solve the problem; and sixth, the Federal Government cannot afford to deal with the homeless.

The facts are: First, most of the homeless have become homeless only in recent years; second, families with children are the fastest growing group among the homeless, now comprising almost one-third of the homeless population; third, the mentally ill, which make up only 29 percent of the total number of homeless are not a majority of the homeless, and while some do refuse assistance, most mentally ill homeless have not chosen to live that way; fourth, existing shelter programs are already filled beyond capacity, despite the best efforts of charitable organizations and local governments to create more shelters; fifth, there is no correlation between an expanding economy and solving the homeless problem. In fact, the fastest growth in homelessness has occurred during the current economic recovery; and sixth, modest and targeted Federal funding can greatly improve the lives of the homeless without straining the budget.

In response to the alarming increase in homelessness in the last few years, homeless relief legislation has been a high priority of this Congress. On January 21, the Democratic Steering and Policy Committee adopted a resolution urging prompt enactment of legislation and appropriations to care for the homeless. The legislation before us today is the first important step in realizing this goal.

H.R. 558 authorizes $500 million in new budget authority in fiscal year 1987 for a variety of homeless aid programs. The funds authorized are largely for existing local programs that will be unable to meet the needs of the homeless during fiscal year 1987 without additional assistance. Notably, all funds appropriated under this bill's authorizations would remain available until expended.

H.R. 558 authorizes for fiscal year 1987 funding for the following: An existing emergency food and shelter program; an ongoing program for rehabilitating buildings into temporary shelters; support services for the homeless at group homes; rental certificates for low-cost rental housing; new permanent housing for the handicapped homeless; conversion of underutilized government property into facilities for assisting homeless families and individuals; and outpatient health care and mental health services for the homeless.

In addition, food assistance for the homeless, reported out of the Agriculture Committee, have been incorporated into the bill by the Rules Committee. These provisions would not increase spending for fiscal year 1987, but would authorize increased spending of $225 million in fiscal year 1988 through fiscal year 1990 for food assistance to the needy. These provisions amend the Food Stamp Program to better target benefits to the homeless and to prevent homelessness, expand the surplus cheese program, and reauthorize the Temporary Emergency Food Assistance Program [TEFAP] through fiscal year 1990.

As a representative from southern West Virginia, I am very much concerned with the plight of the homeless. The residents of my congrssional district have been burdened with failing industries and the ensuing high unemployment rates for the past decade. While the figures on what monetary relief this bill will provide to West Virginia are either non-existent or very rough in nature, I have gleaned some hope for my State's future ability to address the homeless situation through the assistance of this measure.

While most of the money is distributed on a competitive grant basis, there are a handful of programs which are funded on a formula derived basis. I have obtained tentative figures for the amount which would be made available to West Virginia on three of these programs.

Of the $225 million provided for emergency fiscal year 1987 funds for programs administered by the Housing and Urban Development [HUD], $100 million would be for the Emergency Shelter Grants Program. This program provides grants for the renovation, rehabilitation, or conversion of buildings into emergency shelters to expand the supply of shelters for the homeless. HUD distibutes the grants to local governments, which can use the grants themselves or distribute funds to private charitable organizations. Up to 15 percent of these grants can also be used for supportive services for the homeless such as job counseling and health services. Under the bill, grant applicants could apply for a waiver of this 15-percent cap on supportive services funding. If appropriated, roughly $739,000 of this money would go to West Virginia. Approximately $523,000 would be at the Governor's discretion, while the following amounts would be allocated to the accompanying major cities: $67,000 to Charleston, $70,000 to Huntington, $32,000 to Parkersburg, and $47,000 to Wheeling.

The bill authorizes a total of $70 million in additional fiscal year 1987 funds for an existing food and shelter program and for the Community Services Block Grant Program to provide food, shelter, and services to the homeless; $50 million of this would be authorized for the Community Services Block Grant Program, administered by the Health and Human Services Department [HHS]. The $50 million would be reserved for services for the homeless and would be given only to local Community Action agencies that are already providing services, food and shelter to the homeless. An estimated $538,000 of this amount would be distributed in West Virginia.

The remaining $20 million of this $70 million is earmarked for the on-going Emergency Food and Shelter Program, administered by the Federal Emergency Management Agency [FEMA]. This program provides funds to charitable organizations and local governments that run food and shelter programs for the homeless. Roughly, $224,100 of this money would go to West Virginia, with approximately $17,100 at the Governor's discretion. The counties in my congressional district would receive roughly $60,000 of this amount.

The amounts of Federal funds that are being discussed to address the homelessness crisis are minimal when compared to the overall size of the Federal budget. The cost of H.R. 558 is in fact less than half the cost of one Trident submarine. Furthermore, Federal dollars spent now can avoid higher costs to the Federal Treasury later. Initiatives taken now, to prevent the growing number of families and working poor from becoming homeless in the first place, will reduce future public expenditures to help move these people back into mainstream society. Studies have shown that every additional week spent without a home tends to create further dependency, only adding to the ultimate bill paid by American taxpayers. With homelessness getting worse by the month, it makes fiscal sense for the Federal Government to target resources to reverse this trend before the cost in lives and dollars gets still worse.

Finally, providing the minimum needed for survival is one of the core responsibilities of government. Just as the Federal Government has a responsibility to protect the country against foreign attack, it also has a responsibility to assure that everyone can be sheltered and fed, at least at minimum levels. While some Government programs should be curtailed or eliminated in the fact of budget deficits, giving people a place to sleep at night and food to survive are not "luxury items" in a decent society. The United States, as the world's richest democracy, can surely provide its citizens with the basic requirements for physical survival.

In this vein, I cosponsored H.R. 558. I will support its passage and urge my colleagues to join me and the bill's other many supporters in this effort.

Mr. RODINO. Mr. Chairman, in the last several years, the numbers of men, women, and children living in the streets and alleys of America—one of the wealthiest nations on Earth—have skyrocketed to shocking proportions. We drive past them, huddled on grates for warmth, on our way to work. We see them everyday, standing on the same street corner or wandering aimlessly, always hungry, tired, and hopeless.

Statistics on the number of homeless are difficult to verify, understandably, because of the transient nature of the streets. However, professionals who work with the homeless every day estimate that as many as 3 million of our fellow Americans have no permanent residence, no place to call home. Shelter workers have noted a new dimension to this national tragedy: In many cities, up to half of the homeless population are children. According to figures compiled by the New Jersey Human Services Commission in 1986, over 25,000 persons in the State are homeless. But shelter workers like Rev. Eric Duff of the Apostles' House shelter in Newark says the commission's figures are conservative. He estimates that there are at least 50,000 homeless persons throughout New Jersey, and says that an average of 12,000 women and children are turned away from his shelter every year because of limited space and resources.

The national statistics are equally grim. According to the U.S. Conference of Mayors, which conducted a comprehensive study on the homeless last year, 28 percent of the homeless in America are families with children. In New York City, 76 percent of the homeless are families with children.

Clearly, as the merging figures and studies show, this problem is not isolated to chronically depressed areas of the Nation. It is not limited to society's classic stereotype of street people, "wandering nomads" who prefer the bottle and the street to responsibility and work. Instead, the homeless are young families who cannot afford our Nation's skyrocketing rents. The homeless are steelworkers who lost their jobs when the recession turned their once thriving communitites into ghost towns. The homeless are proud farmers who could not make ends meet and finally lost the family farms. The homeless are young black women who find that their meager wages cannot possibly cover both their children's medical bills and next month's rent. The homeless are elderly and frail Americans who find that their limited Medicare and Social Security checks can't possibly cover the costs of nursing homes. The homeless are young Texas oil workers and their families who once lived comfortably on $50,000 a year, until they lost their jobs when the bottom fell out of the oil-based State economy.

There has been much debate about the causes and extent of homelessness in our Nation, but there is a clear consensus that this human tragedy has grown to frightening proportions, and that it will continue to grow, leaving suffering and shattered lives in its wake, if we as a nation fail to respond.

I have not seen a problem of more tragic proportions since the Great Depression. Then, in the 1930's, Americans and their children lined up at soup kitchens by the hundreds of thousands. Today, sadly, their grandchildren wander the streets, desperately hoping for beds in overcrowded shelters and seeking meals from inadequately funded public kitchens.

In the 1930's President Roosevelt—acknowledging America's historic commitment to compassion for our less fortunate fellow citizens—responded immediately by launching a nationwide campaign to get the people back on their feet, to give them back their dignity. He proposed and pushed hard for the enactment of public work and job training programs, food and housing assistance. He reminded us, with his words and national leadership, that the American Government would not turn its back on the needs of the people. In his second inaugural address to the Nation, President Roosevelt said:

> But, here is a challenge to our democracy: In this nation I see tens of millions of its citizens—a substantial part of its whole population—who at this very moment are denied the greater part of what the very lowest standards of today call the necessities of life.
>
> I see millions of families trying to live on incomes so meager that the pall of family disaster hangs over them day by day * * *.
>
> I see one-third of a nation ill-housed, ill-clad, ill-nourished.
>
> It is not in despair that I paint you that picture. I paint it for you in hope—because the Nation, seeing and understanding the injustice in it, proposed to paint it out. We are determined to make every American citizen the subject of his country's interest and concern; and we will never regard any faithful, law-abiding group within our borders as superfluous. The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little.

In sad contrast, in the 1980's President Reagan has responded to this decade's poor and dispossessed with insensitivity—declaring that "I don't believe there is anyone going hungry in America," pushing for crippling slashes in people programs, and classifying poor Americans as deserving and undeserving.

Does not the social compact between the people and their representative government include the right of all Americans to have a decent place in which to live and raise their children? H.R. 558, the Urgent Relief for the Homeless Act goes a long way in providing this sorely needed assistance for our fellow Americans who, due to unfortunate circumstances—circumstances that could touch any of us—find themselves and their loved ones in the streets. This bill will authorize $500 million in fiscal year 1987 for a variety of homeless aid programs. The funds would be allocated as follows:

$100 million for HUD's Emergency Shelter Grants Program;

$100 million for section 8 rental housing subsidies targeted solely for homeless families;

$75 million for a new grant program to meet both the physical and mental health needs of the homeless;

$75 million for a new grant program to convert surplus Government property into facilities for the homeless;

$50 million for the Community Services Block Grant Program for services for the homeless;

$30 million for HUD's Transitional Housing Demonstration Program;

$25 million for the National Institute of Mental Health Community Support Program to fund services for mentally ill homeless persons;

$25 million for construction of permanent housing for handicapped homeless persons; and

$20 million for the Federal Emergency Management Agency's Emergency Food and Shelter Program.

I am happy to note that, according to analyses conducted by the Washington office of the State of New Jersey, homeless New Jerseyans are expected to benefit from the nearly $6 million expected to be allotted to the State under this bill.

It is up to us to come to the aid of our less fortunate fellow Americans. This is an important first step in crafting a definitive, national solution to this urgent, tragic problem. Americans have always thought of themselves as generous, ready to extend a hand of help to a neighbor in need. The need is greater than ever today. I urge my colleagues to act quickly so that our fellow citizens need not spend another cold, hopeless night in the streets.

Mr. BONKER. Mr. Chairman, I rise today in support of H.R. 558, the Urgent Relief for the Homeless Act. I am pleased to be a cosponsor of this bill, and I commend the efforts of my distinguished colleagues and fellow Washingtonians, Majority Leader TOM FOLEY and Congressman MIKE LOWRY, in offering this urgently needed legislation. I also commend the leadership efforts of the Speaker, Chairman GONZALEZ, and Chairman WAXMAN in moving this legislation so expeditiously.

While there is considerable dispute over the numbers of homeless people—recent estimates range from as low as 250,000 to as many as 3 million—there is little dispute that homelessness is a growing problem that is swamping the current patchwork of services.

The number of homeless in Seattle is estimated at 10,000. Each night these homeless people crowd into the few shelters available, such as the Union Gospel Mission where there are 200 beds for men, 120 beds for women and children, and 100 people sleep on the floor. Another 200 people sleep on the mezzanine floor of the Morrison Hotel every night.

As chairman of the Housing Subcommittee of the Select Committee on Aging, I am particularly pleased that the statement of purpose of H.R. 558 targets the elderly. Hearings conducted by our subcommittee have established that the elderly homeless are especially likely to require the multifaceted approach envisioned by this legislation. Traditionally, these homeless elderly have been without permanent shelter for an average of 6 to 8 years. In addition to shelter, the homeless elderly have unique physical and mental health problems, requiring specially targeted programs.

Accordingly, I would also like to voice my strong support of the amendment offered by the chairman of the Select Committee on Aging, Mr. ROYBAL. This amendment would ensure that funds are targeted to meeting the extreme needs experienced by the homeless elderly.

While most of the elderly are healthier and more prosperous than ever, the needs of the homeless elderly are especially desperate. Without services and housing facilities, many elderly individuals with physical or mental handicaps are condemned to living on the streets and relying on a beseiged system of private and local services. H.R. 558 will provide services needed to help these people live in a decent, sheltered environment.

Local service agencies in the State of Washington have also indicated that a growing number of the elderly are homeless because of impoverishment in old age. This new group of elderly homeless are mostly women who have lost their husbands and later lost their homes. Those with few economic or family resources often have few alternatives to living on the streets. This tragedy cannot be allowed to continue.

H.R. 558 would muster the resources of a number of agencies and departments in order to address the multiple housing, health, and service needs of homeless people. In addition to providing critical short-term shelter and emergency services, this bill also recognizes the need to provide more permanent housing through incremental section 8 units. H.R. 558 would support innovative and cost-conscious efforts to deal with the growing plight of the homeless such as the conversion of unused government buildings for shelter.

Laudable as this legislation is, we must go beyond the efforts of H.R. 558 to address the root causes of homelessness. We must confront the critical shortage of low-income housing that is, in part, the result of years of severe budget cutting in Federal housing assistance. Over the past 6 years, the Reagan administration has cut federally assisted housing programs by more than 70 percent. The President's budget proposal for fiscal year 1988 calls for additional cuts of 28 percent. These kinds of budget cuts in housing programs would quickly undo the benefits of this homeless relief bill.

Mr. Chairman, our national goals of safe and affordable housing for all Americans is being challenged as never before by the rapidly growing numbers of homeless people. Our generosity as a nation is also being challenged to provide for the multiple needs of those who find themselves in this desperate plight. We must extend a hand to homeless people of all ages. H.R. 558 with the amendment by Mr. ROYBAL deserves our enthusiastic support as a major first step in this direction.

Mr. ESPY. Mr. Chairman, I rise in support of H.R. 558, the Food Assistance Act of 1987, which provides food assistance for the homeless and those citizens at risk.

Presently, the private sector is the primary source for food for persons who are among the hungry of this country or those at risk. Passage of H.R. 558 in its current form would increase the availability of adequate Federal food assistance by: First, providing Federal reimbursement to the States for food stamp outreach to the homeless; second, increasing the excess shelter cap deduction to $175 in fiscal year 1988—this provision directly affects Mississippi's Second District, in that, it is intended to prevent hunger among the low-income population whose scarce dollars are spent in a market where rents are going up and affordable, quality housing is diminishing. Third, addressing the Temporary Emergency Food Assistance Program, which provides both significant Federal food assistance to the private voluntary groups engaged in feeding the homeless and to low income families.

Mr. Chairman, I urge passage of H.R. 558. Later during this session we will vote on numerous health aid bills. Combating hunger now, will provide an avenue of prevention later.

Mr. FLAKE. Mr. Chairman, poverty is an issue being addressed by many different interest groups in our country today. While we here in Congress deliberate over what course of action we should take to feed the hungry and house the homeless, there is a steady increase in the number of individuals who require emergency food assistance and emergency shelter. In fact, the number of homeless Americans today exceeds the number of homeless during the Depression era.

America is confronted with a major challenge that has serious consequences for all the people of our Nation. The problem must be addressed now and H.R. 558 will at least let the American people know that this Congress has heard the cry and we are attempting to respond to it in a meaningful way. I agree, H.R. 558 is a Band-Aid approach but it is better than doing nothing. I am hopeful that there will be many bills introduced during this Congress that will focus on the need to resolve this crisis permanently.

The casualties of poverty today exceed many wartime atrocities. There are currently 2 million homeless nationwide. How will America arm itself against this growing menace? Our mothers and children, veterans, and the deinstitutionalized mentally ill are the hardest hit by the blight of poverty. How is it that this segment of our society is being constantly left out of the American dream?

In New York City alone, there was a 29-percent increase in need for emergency food supply and a 24-percent increase in the demand for emergency shelter in 1986 according to a report published by the U.S. Conference of Mayors—December 1986. At the same time there is an all around shortage of the number of affordable low-income housing units in urban areas.

Black Americans are particularly hard hit by the homelessness crisis. Blacks continue to lag behind the majority population in the family income distribution, with over half of the black population living at or below the poverty level, as reported by the National Urban League in "the State of Black America 1987."

To combat this growing problem of hunger and homelessness, I believe the government has an obligation to provide the necessary educational, technical, economic and other supplemental assistance to ensure that all citizens are guaranteed a standard of living that reflects the wealth and resources available to our country. The responsibility of providing food, shelter, and emergency services to the homeless should be under the auspices of one Federal agency.

For the good of the constituents in my district and the welfare of America, we must vote favorably for the passage of H.R. 558.

Mr. WALGREN. Mr. Chairman, I urge support for H.R. 558, the Urgent Relief for the Homeless Act, which would provide new assistance for a range of programs, from housing to mental health.

Homelessness is a growing problem that stems from high unemployment rates, inadequate mental health services, lack of affordable housing, and insufficient welfare benefits. In the last 5 years, the problem has worsened. For example, the administration has made deep budget cuts in programs that help the poor get housing. From fiscal year 1981—President Carter's last budget year—to fiscal year 1987, funds for federally assisted housing were slashed from $31.9 billion to $9.4 billion, more than a 70-percent cut.

Very few homeless willingly choose homelessness as a way of life. In other words, though it may sound simplistic to say it, everyone wants a home. The image of the homeless person is changing from that of the hobo who chooses a gypsy lifestyle to that of the unkempt men and women who sleep on grates and carry all their belongings in shopping bags. The phrase "bag lady" was coined as a direct result of the changing image of the homeless. It also reflects that homelessness is increasingly becoming a woman's issue—70 percent of the homeless single men, but increasing numbers are single women with children, trying to escape domestic violence. Nearly half the homeless are minorities.

The homeless are most visible in large urban areas, but they are also in smaller cities and suburban and rural areas. The exact number of homeless persons is not known, primarily because so few studies have been done to determine their numbers. The figures vary, from one estimate by the Department of Housing and Urban Development citing 250,000 homeless persons nationwide to as many as 3 million, estimated by the Community for Creative Non-Violence.

Adequate housing is a critical need of the homeless but so is adequate health care. Many have mental, alcohol, and/or substance, abuse problems, along with the physical problems from inadequate nutrition, exposure to chronically adverse climatic conditions, and violence in the streets. The homeless are among the 27 million Americans who have no health insurance. Because they often do not carry ID cards, they are denied access to health care provided by many hospitals and emergency rooms.

H.R. 558 would assist the homeless with emergency food and shelter, including an ongoing program for rehabilitating buildings into temporary shelters. An especially important section from my Subcommittee on Health would provide outpatient health care, including mental health and drug alcohol rehab services, in community clinics.

Long-term solutions to the problems of the homeless are desperately needed. This bill takes one small step toward that goal.

Mr. ACKERMAN. Mr. Chairman, I rise in strong support of H.R. 558, the Urgent Relief for the Homeless Act. Congressional action is vitally needed to ease the continuing and expanding crisis of hunger and poverty in America, and to give nationwide priority to the plight of the homeless. H.R. 558 is a comprehensive $500 million package of aid to provide the homeless with a wider range of services, such as health care and more permanent housing. This vital measure deserves the full support of this body.

Homelessness grew at a staggering average rate of 25 percent during 1986. No section of the Nation has escaped the problem. Across the country, emergency shelters are filled beyond capacity, and are forced to turn away people in need. In my home State of New York, on an average night last year, 20,210 people spent the night in emergency accommodations; 85 percent of these people were in New York City. As alarming as these figures are, the Federal Government estimates the total homeless population in my State, including both those in and out of shelters, to be between 40,000 and 50,000 people. Transient loners sleeping on grates, many of whom are mentally disabled or alcoholic, are a real problem, and their plight cannot be ignored by a civilized society. But they are not a majority of the homeless. Families with children make up almost one-third of the homeless and are the fastest growing component.

Last night, along with several of my colleagues, I participated in the "Grate American Sleep Out," which was organized by the Community for Creative Non-Violence. I can tell you, sleeping on the streets is worse than you imagine it is. Those of us who participated, found the cold temperatures and lack of shelter an inconvenience. But for our Nation's homeless, the weather is much more than a nuisance. It's life threatening, and exacerbates an already urgent need for shelter and assistance for the homeless. The people we met living on the streets were not primarily drug abusers and the deinstitutionalized mentally ill. We found that the causes of homelessness are many. A lack of affordable housing, unemployment, inadequate community mental health facilities, and personal and family problems, all contribute to drive people to a life on the streets.

The supply of low-income housing is shrinking even as the need for such housing rises. President Reagan pledged that "we will never abandon those who through no fault of their own must have our help." Yet, in the face of this national crisis, the administration's policies have halted all new construction of publicly assisted housing, while the White House seeks to end subsidies for privately owned low-income housing, and ignore the homeless. As subsidy programs run out, landlords will be able to increase rents, convert projects to condominiums or sell them to investors. Lower income residents will be dumped on the streets, replaced by those able to pay market rents.

The Select Committee on Hunger, of which I am a member, recently held a hearing on hunger among the homeless. The testimony presented, like the results of a recent survey of 140 shelters conducted by the select committee, reaffirm that more and more parents and children are becoming homeless, primarily due to poverty or family disruption such as unemployment, sudden displacement from a previous home, and a lack of affordable housing.

Mr. Chairman, the legislation we are considering today would authorize programs specifically focused on the needs of the homeless. It would fund emergency shelters, transitional housing, increased medical and mental health care and better utilization of surplus Federal facilities. It also would provide additional funding for rental subsidies for low-income housing.

I urge my colleagues to support this measure to provide urgently needed emergency food and shelter funds to our Nation's homeless.

Mr. MOAKLEY. Mr. Chairman, I rise in strong support of H.R. 558, Urgent Relief for the Homeless Act of which I am proud to be a cosponsor. This comprehensive legislative initiative for our homeless population is absolutely critical to the survival of the nearly 3 million Americans who are homeless in our Nation. I commend the authors of this bill as well as the authorizing committees for their expeditious action on this measure. This national tragedy continues to grow at epidemic proportions, a staggering 25 percent since last year. The statistics are particularly disheartening with regard to the increase in homeless families. Families with children are by far the fastest growing group of this population, now nearly one-third of the homeless. The current shelters, programs, and services that previously struggled to help this segment of the population simply do not have the resources necessary to meet this growing need.

It is a national disgrace that so many Americans must live in despair, with little hope for the future. These people don't want pity, they want a chance to get back on their feet and start a new life for themselves and their families. But to get from here to there they need the relief that this legislation provides: Food, temporary shelter, health care, job training and placement assistance, housing, education, child care, and social services. While this bill won't be the answer for the homeless problem, it will be a major first step in properly addressing and treating the problem.

I hope that this legislation will be approved today and will also move swiftly through the other body. There are many, many homeless out there who are depending on us to give them the chance they need to get off the streets and put their lives and the lives of their families back together. Let's give them that chance.

Mr. MILLER of California. Mr. Chairman, I rise as a cosponsor and strong supporter of H.R. 558, the Urgent Relief for the Homeless Act, to provide urgently needed assistance to protect and improve the lives and safety of the homeless. I am particularly pleased that special emphasis is placed on the needs of homeless families with children. H.R. 558 allows about 4,000 rental subsidy certificates to be used by families and sets aside for families at least half of the funds aimed at converting surplus Federal property into homeless shelters and support facilities.

We have not seen a housing crisis of the magnitude we are witnessing today since the Great Depression. For whatever reason—the unavailability of affordable housing, lack of employment opportunities, marginal living standards, or deinstitutionalization of the mentally ill—up to 3 million Americans are now without homes. Homelessness is rising in every area of the country, in rural towns as well as the inner cities. Armies of the homeless have appeared in the once booming Sunbelt economies of Dallas, Oklahoma City, Phoenix, and Santa Barbara, just down the road from the Reagan ranch.

Homelessness has grown even more tragic because families with children comprise the fastest growing segment of Americans without homes. Families now make up 40 percent of the homeless, including up to 800,000 children.

In over 70 percent of the cities recently surveyed by the U.S. Conference of Mayors, families comprise the largest group for whom emergency shelter and other needed services are particularly lacking. Shelters in Boston, Kansas City, Louisville, Norfolk, Phoenix, Nashville, and New Orleans report turning away families because they run out of room in family shelters, or there are no facilities that can accommodate intact families. At the Richmond, CA, rescue mission in my district, which houses 188 beds, up to 15 families are turned away every night.

The long-term effect of homelessness on children and families can be devastating. Most temporary facilities, such as the "welfare hotels," provide unsafe and unhealthy environments for children. Every aspect of a child's life, from health to education, suffers as a result of the homeless experience.

Without funds for emergency assistance, antifamily policy is being implemented in many States where shelters for families are nonexistent or overwhelmed. In an effort to cope without a home, families are being torn apart. Parents with children are forced to decide between their children sleeping in a car, dilapidated shelters, or on a street corner and placing them in foster homes. In many cases, the father leaves the family when a shelter refuses to take the family as a whole.

Lisa and Guy McMullan recently testified with their four children before the Select Committee on Children, Youth and Families, which I chair, about the strains placed on their family when they suddenly found themselves without jobs and without a roof overhead. As they shuffled from shelter to shelter in search of one that would take a two-parent family, the McMullan family was often asked to split up, to leave the father in a care outside, or to put the children in foster care. The McMullan family is yet another example of hard-working Americans who are thrown out in the street by a sudden reversal of their economic circumstances, but who are fighting to break the cycle of homelessness.

Additional testimony before the Select Committee on Children, Youth and Family revealed the physical and emotional trauma of children whose lives are out of order because they live without homes. Chronic physical disorder is nearly twice that of normal children, and children are consistently shown to be depressed, overanxious, frustrated, angry, and at great risk of succumbing to poverty.

We cannot succeed in the fight against homelessness without the continued help of local community and charity organizations across the Nation. I am proud to commend my constituents of Contra Costa County, CA, for the extraordinary commitment they have made to ending homelessness in our community.

Contra Costa County, where perhaps as many as 10,000 individuals are homeless, established an Office on Homelessness last November. The office was created by a 250-person county task force with donations of $10,000 from the Hands Across America benefit and office space from the United Way. With a dedicated director in Ms. Carol Severin and a group of committed volunteers, the office has recently conducted a countywide survey to determine the extent of the homeless problem in Contra Costa. They also plan benefits and an indepth study of homelessness in Contra Costa in the near future.

Along with many of my colleagues, I spent Tuesday night sleeping on a steam grate to help draw attention to the national tragedy of homelessness. But I also came away with a deep appreciation of knowing that I would have a bed to sleep on the next evening. For the many Americans who return to the streets night after night, we must act to help them get back on their feet. While we have a long way to go to meet the challenge, the bill we are considering today is a critical first step.

I urge my colleagues to support H.R. 558.

Mr. BUSTAMANTE. Mr. Chairman, I am not certain as to whether or not the minority intends to offer, or pursue, an amendment to H.R. 558 which would effectively deny a great many States the opportunity to avail themselves of the programs authorized by this legislation. I am referring to the restriction of participation in the food, clothing, shelter and health care programs to those States with comprehensive planning and placement programs already in place.

I object to the idea for a number of reasons. First, with regard to the chronically, mentally ill, we have such legislation on the books. Title V of Public Law 99-660 stipulates that States shall forfeit the portion of development grants dedicated to administrative expenses in 1986 if they do not plan promptly and effectively. This provision provides a strong incentive for the development of comprehensive State mental health plans by the end of fiscal year 1989.

In addition to this redundancy, any such amendment would pose a chicken-or-egg conundrum. Those who argue that the States must have a plan in place assume that the States will already have means at their disposal for implementing such a plan—not just for the chronically mentally ill, but for the homeless and deinstitutionalized in general. How can the States realistically develop such plans without a demonstration of fiscal good faith on the part of the Congress?

In Texas, the Department of Mental Health and Mental Retardation developed a State plan for the mentally ill at the request of then Gov. Mark White. That report, submitted to the State legislature on January 1, 1986, was followed by a 2-day seminar and a second report which focussed specifically on the problem of homelessness across our State. The report on the homelessness brought together, in addition to the Department of Mental Health and Mental Retardation, the housing, agriculture, human services agencies, as well as churches and charities. Texas has attempted to deal with the tragedy of homelessness, but its capabilities in responding to the staggering needs of the homeless will depend on the work we do here today.

We do not need to congratulate ourselves prematurely for the passage of this bill. If we have managed to identify a problem apparent on the streets of our cities, from San Antonio to Houston to Washington, we have not been particularly observant. We must not revert to indifference by asking States to do the impossible.

Mr. LEVINE of California. Mr. Chairman, I rise in strong support of H.R. 558, Urgent Relief for the Homeless. In my district there are approximately 3,000 to 5,000 homeless individuals, and throughout Los Angeles there are 30,000 to 50,000 homeless. The homeless population in Los Angeles is literally larger than the entire populations of many cities and towns. Throughout the country, there are now more homeless than at any time since the Great Depression. This legislation is an important first step in aiding the homeless, and I urge my colleagues to support it.

The homeless population is composed of a broad cross section of society. It cannot be stereotyped by age, marital status, or even employment. Families with children are the fastest growing segment. In my district, emergency shelters and facilities serving the homeless report major increases in the number of families and elderly individuals seeking assistance. Many of homeless are employed, but are still unable to afford shelter.

Serious health problems are another consequence of homelessness. A recent study documented that a significant number of the homeless in Los Angeles tested positive for TB. It is tragic that after the advances we made in this country against TB we are now again losing ground to this disease. TB represents not only a health risk to homeless individuals, but is a public health risk as well. Health and mental health care must be provided for the homeless. This legislation allocates $100 million for a grants to provide the homeless with health and mental health care, drug and alcohol abuse services, and other services.

H.R. 558 also includes provisions to prevent homelessness, and to increase food assistance to the homeless. There is no excuse for any citizen of the wealthest nation on Earth to lack a decent place in which to live. I urge my colleagues to support this legislation.

Miss SCHNEIDER. Mr. Chairman, as we consider legislation to boost the Federal Government's commitment to assisting the homeless, I would like to bring to the attention of my colleagues a unique effort that is underway in my home State of Rhode Island, an effort that should be a great success because it has both public and private sector support.

On February 19, the Travelers Aid Society of Rhode Island unveiled its new free medical van which will offer services and referrals to runaways and homeless youth. Funding for the project was made possible by grants from Gulf and Western, the Frank B. Hazard Trust, the city of Providence and the State of Rhode Island.

What follows is a complete description of the project. I am hopeful that this information will help other States, localities, businesses, and nonprofit organizations develop similar programs to benefit the homeless.

TRAVELERS AID FREE MEDICAL VAN

At the 58th annual meeting of Travelers Aid Society of Rhode Island, President Paul A. Silver presented the latest in a series of the Agency's innovative services—the Travelers Aid Free Medical Van.

This unique project was funded with a $50,000 challenge grant from Gulf and Western and administered by the Bridge agency in Boston. The Bridge agency has utilized a free medical van in conjunction with their runaway program since 1970.

In July 1986, Travelers Aid received funding from the Rhode Island Foundation and ACTION to develop a Runaway Youth Project. This project utilizes outreach workers on the streets in downtown Providence afternoons and evenings. These workers offer services and referrals to runaways and homeless street youth. The Gulf and Western grant is specifically tied to the Runaway Youth Project. In addition to Gulf and Western, moneys for the Medical Van Project come from the Frank B. Hazard Trust, the city of Providence and the State of Rhode Island. "I am proud that the State of Rhode Island is able to contribute $26,000 toward the administrative and operational costs of this sorely needed medical van", Governor Edward D. DiPrete stated, "and I am confident that this van will provide the State's needy population with invaluable medical service."

Travelers Aid has a long history of servicing mobile people in crisis. The Runaway Youth Project is an outgrowth of that service with a concentrated effort to assist a youth population that is increasing at an alarming rate. During the first six months of operation the Travelers Aid Runaway Youth Project serviced 125 homeless youth. Services ranged from emergency medical, shelter, food and/or alcohol/drug detoxification. The free medical van will service all people in the downtown Providence area. The van will be on the streets from 6-10 p.m. Monday through Friday. Monday, Wednesday and Friday the van will be located near the downtown Post Office at Kennedy Plaza. Tuesday and Thursday the van will be on Empire Street near the Blue Cross building. Mayor Joseph R. Paolino, Jr., says, "The City of Providence is pleased to participate in this joint public/private partnership of providing health care to people living on our streets. This is exactly the kind of program we need to begin to address the complex issues at the heart of the homeless population".

Future plans for the van include going to emergency food/shelter facilities as well as education activities in schools and elderly housing/meal sites. The van is staffed by medical professional volunteers including physicians, nurses, physician assistants and nurse practitioners. Darlene M. Ross, R.N., Medical Van Coordinator, is actively recruiting volunteers for one 4 hour shift per month.

"This is a very exciting opportunity for the Agency and the community", comments Paul A. Silver, Board President. Silver, an attorney with Hinckley, Allen, Tobin and Silverstein, is serving his second term as President of Travelers Aid. The medical van was purchased from Allied TransCare Systems of Houston, Texas. Allied is world known for their provision of mobile medical units in overseas nations.

William F. Murphy, Jr., Executive Vice President at Allied, states, "Allied TransCare exists to provide mobile systems tailored to the needs of the community. But the best system in the world is only as good as those who use it. So the real worth of this system lies not with the equipment itself but with the dedication of the volunteers and staff who work diligently to continue the purpose and programs of the Travelers Aid Society of Rhode Island."

Travelers Aid is embarking on an aggressive method of delivering services to those individuals who are most vulnerable. With Travelers Aid outreach workers, the free medical van and crisis intervention/counseling capabilities, a service delivery system will be in place for individuals who would otherwise not avail themselves of needed services. Marion F. Avarista, Executive Director of Travelers Aid, says, "This public and private partnership serves as a model for responding to community needs. As a United Way member agency, our stable funding base provides Travelers Aid the opportunity to enter into joint projects with foundations, trusts, Federal, city and State agencies. The Medical Van Project is by far the best model of cooperation between the public and private sector. The benefits derived from this venture are the people of Rhode Island."

Mr. DE LUGO. Mr. Chairman, I rise in support of H.R. 558, a bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children. This is an important and timely piece of legislation as we encounter each day the increasing problem of homelessness and the tragic and special needs of homeless families and more importantly children.

Our society can no longer ignore the plight of the homeless and their cry for our help. We must demonstrate that as a great nation we have not lost our compassion for the less fortunate among us. But will do whatever we can to ensure that this Nation with its vast resources will be available to assist them.

I would like to commend Majority Leader FOLEY for his leadership in sponsoring this piece of legislation. His sponsorship has sent a loud signal to the Nation that this Congress has heard the cry of the homeless and is actively working to address their needs.

The bill authorizes $500 million in new budget authority in fiscal year 1987 for a variety of homeless aid programs including: $100 million for Housing and Urban Development's Emergency Shelter Grants Program; $100 million for section 8 rental housing subsidies for the sole use of homeless families: $75 million for a new grant program that would meet both the physical and mental health needs of the homeless; $20 million for the Federal Emergency Management Agency's Emergency Food and Shelter Program which would assist private charities and local governments to run food and shelter programs for the homeless; and $25 million for creating residential long-term care facilities for the chronically mentally ill, to name a few.

I am particularly pleased with a provision in the bill which directs the Secretary of Housing and Urban Development to allocate assistance to the territories under the Emergency Shelter Grant Program. When the Emergency Shelter Grant Program was first established in Public Law 99-591, Congress clearly intended for the territories to participate in the program. However, due to the Community Development Block Grant [CDBG] section 107 formula which was adopted for the allocation of the funds, the territories were inadvertently omitted since they only receive CDBG under a section 106 formula. I am pleased and grateful that the committee was so quick to respond after I brought this oversight to their attention, and by this provision have assured that the territories will fully participate in the program.

I would like to comend and thank HENRY GONZALEZ, chairman of the Subcommittee on Housing and Community Development as well as Chairman ST GERMAIN for their support and assistance in providing for the homeless of this Nation including those residing in the territories.

I would also like to thank Chairman BOLAND of the HUD Appropriation Subcommittee for his support and willingness to assist the territories in this effort.

Mr. AuCOIN. Mr. Chairman, the growing rate of homelessness in this country is more than just a social problem; it is a human tragedy of the first magnitude. It is a disaster as large in scale as a major earthquake or flood. And just as in the case of natural disasters, Americans are responding to the suffering with open hands and hearts. Unfortunately, what they have been able to do so far has not been enough.

Conservative estimates put the number of people living on the streets in Oregon at more than 16,000. Following the national trend, women and children—the fastest growing part of the homeless population--make up nearly one-third of the total. Behind the numbers are countless individual stories of illness, job loss, failure, misfortune, abuse, and, worst of all in some cases, utter abandonment of hope that things will ever get better.

In a prosperous society, justly proud of its inventiveness, energy, and compassion, this situation is intolerable.

America's cities, churches, and charities are acting to treat and to heal this open wound in our society. But by spring of 1987, many have exhausted their resources. Battle fatigue is setting in. It is time we in Congress matched their efforts with renewed efforts of our own. It is time to act. It is time to reenlist the Government in service to local communities where the essential work of rescue and restoration is being done.

This legislation before us will not solve the problems of all those who are stuck—for whatever reason—in absolute, Third World poverty. But for some who have fallen completely off the ladder, it will help them back onto the bottom rung. For others, it will give a reprieve from the results of lost jobs so they can renew their hopes. It will provide food, shelter, and health care to families, temporarily at sea and tempest-tossed.

I commend the leadership for bringing this measure—H.R. 558—to the floor, and I urge the strongest support from my colleagues.

Mr. MANTON. Mr. Chairman, I rise in strong support of H.R. 558, the Urgent Relief for the Homeless Act. I want to take this opportunity to commend you, Mr. Chairman, for making this legislation a top priority. Your commitment to this issue has given hope to the millions of Americans who are without adequate shelter. I also want to commend the chairman of the Banking Committee, Mr. ST GERMAIN, and the chairman of the Housing Subcommittee, Mr. GONZALEZ, for moving this emergency bill quickly to the floor. Finally, I want to express my appreciation to all those who played a role in crafting this truly bipartisan homeless assistance measure.

Mr. Chairman, I am an original cosponsor of H.R. 558 which would provide $500 million in fiscal year 1987 emergency assistance to the homeless and $225 million over the next 4 years in food assistance to the needy. This legislation primarily utilizes existing homeless assistance programs so that the funds will reach those in need as soon as possible. H.R. 558 is also sensitive to the changing makeup of the homeless population by targeting funds directly to homeless families. Finally, this legislation recognizes that we must do more than simply warehouse the homeless. H.R. 558 expands and improves programs that provide health care, job counseling, and other services that are designed to move the homeless back into independent living.

Mr. Chairman, in the Ninth Congressional District of New York, which I represent, we have witnessed a frightening and rapid increase in the number of homeless over the past several years. Much of New York's rental housing stock is in a serious state of disrepair. The renovation of our existing stock and the construction of new housing for low- and moderate-income families has been dramatically curtailed due to severe cuts in Federal housing and community development assistance. As a result, a growing number of New Yorkers are without adequate shelter.

In June 1985, the Subcommittee on Housing and Community Development, of which I am a member, held a hearing in my district on the homeless. The subcommittee received dramatic testimony which graphically described the plight of the homeless and the growing demand for shelter. We heard of sick children who are forced to sleep on the floor of emergency shelters and of the thousands of families who are packed into single hotel rooms without adequate facilities. The subcommittee was told about Sunnyside Community Services, a nonprofit organization in my district, which opened a federally assisted housing project for low-income seniors and the disabled. In just 2½ years there were more than 18,000 people on a waiting list for just 78 units. The problem has only gotten worse in New York and across the Nation.

Today, there are anywhere from 2 to 3 million homeless Americans. Since 1980, the homeless population has been growing at a rate of 25 percent a year. Homeless families are the fastest growing segment of the homeless population. The problem is particularly acute in New York City. Approximately 30,000 homeless people are living in shelters in New York City, 18,000 of whom are children. Each night, more than 3,500 homeless families are housed in hotels. In New York, families comprise 76 percent of the homeless population. The New York State and city governments, local nonprofit groups, and church organizations are doing everything possible to assist the homeless. But New York and every city and town across the Nation need a helping hand from the Federal Government.

With the enactment of the Housing Act of 1937, the Federal Government made a commitment to provide affordable housing opportunities for every American. Today, the Federal Government has a moral obligation to make certain that no American citizen is forced to live in the streets of the greatest nation in the world.

Mr. Chairman, H.R. 558 is just a beginning. But it is a step in the right direction. I urge my colleagues to join me in voting for this emergency legislation.

Mr. SCHUETTE. Mr. Chairman, I very much appreciate the opportunity to clarify my position on H.R. 558—Urgent Relief for the Homeless Act.

Despite my concerns about many of the provisions in this bill and its cost to the Federal Treasury, I will support H.R. 558 because of my overriding concern for two aspects of the bill which are of critical importance to my district.

First, I support H.R. 558 because of language which reauthorizes the TEFAP [Temporary Emergency Food Assistance Program] through fiscal year 1990. This program, which was scheduled to expire at the end of the current fiscal year, provides vital financial support to States for the storage and distribution of surplus food commodities to the less fortunate.

In the State of Michigan, for example, 270,000 households benefit from this Commodity Distribution Program. Over 730,000 Michigan residents, or 8.3 percent of the total population of my State, receive these federally supported commodities. In mid-Michigan, the district which I am proud to represent, over 25 percent of farm communities participate in this Commodity Distribution Program. Moreover, because of the recent flooding disaster in my district, this number is expected to increase dramatically to over 50 percent of farm families. Without TEFAP, many States—including the State of Michigan—would not be able to afford to distribute these much-needed commodities to the needy.

Second, I support H.R. 558 because of three additional food assistance provisions of vital importance to central Michigan. H.R. 558 reauthorizes the Food Stamp Outreach Program, which distributes important information about the Food Stamp Program to the homeless. In addition, H.R. 558 also increases the food stamp shelter deduction, and increases the amount of the so-called shelter expenses, which are exempt from consideration in determining Food Stamp Program eligibility.

While I am concerned about the fiscal impact of this bill, H.R. 558 will receive my support because it addresses the urgent needs of the homeless and less fortunate, both around the Nation and in mid-Michigan, where the TEFAP and food stamp provisions are of critical importance.

Mr. EMERSON. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. PANETTA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the question that is before the House is the question of the quality of life that we want in this country. Do we want or tolerate the national shame of having millions of Americans in this country without shelter and without a home? That is really the question that faces all of us today in dealing with this legislation.

This is not going to solve what is a very complex problem in our society, but in the very least it provides some limited help to those in need. We can do no less at this point but to try and move quickly and adopt the legislation before the House.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD of March 3, 1987, by Representative PEPPER, as modified by the amendment set forth in section 2 of House Resolution 109, shall be considered as an original bill for the purpose of amendment under the 5-minute rule, which shall be considered as having been read.

The Clerk will designate the amendment in the nature of a substitute, as modified.

The text of the amendment in the nature of a substitute, as modified, is as follows:

H.R. 558

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Urgent Relief for the Homeless Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) the Nation faces an immediate and unprecedented crisis due to the lack of shelter for a growing number of individuals (including elderly or handicapped persons) and families with children;

(2) the problem of homelessness has become more severe and, in the absence of more effective efforts, is expected to become dramatically worse, which will endanger the lives and safety of the homeless;

(3) due to the record increase in homelessness, States, units of local government, and private voluntary organizations have been unable to meet the basic human needs of all of the homeless and, in the absence of greater Federal assistance, will be unable to protect the lives and safety of all of the homeless in need of assistance; and

(4) the Federal Government has a moral obligation, a governmental responsibility, and an existing capacity to fulfill a more effective and responsible role to meet the basic human needs and to engender greater

respect for the human dignity of the homeless.

(b) PURPOSE.—It is the purpose of this Act—

(1) to establish an Interagency Commission on Homelessness;

(2) to use public resources and programs in a more coordinated manner to meet the critically urgent needs of the homeless of the Nation; and

(3) to provide funds for programs to assist the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

TITLE I—FEDERAL FUNDS TO ASSIST THE HOMELESS

SEC. 101. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS FOR HEALTH SERVICES FOR THE HOMELESS.—For an authorization of appropriations of $75,000,000 for grants for health services for the homeless, see section 201.

(b) COMMUNITY SERVICES DEMONSTRATION PROJECTS FOR HOMELESS CHRONICALLY MENTALLY ILL INDIVIDUALS.—There are authorized to be appropriated for payments pursuant to section 504(f) of the Public Health Service Act $25,000,000 for fiscal year 1987 in addition to those funds already appropriated. The additional funds authorized to be appropriated by this subsection shall be available only for the provision of community-based mental health services to homeless chronically mentally ill individuals.

(c) GRANTS FOR FACILITIES TO ASSIST THE HOMELESS.—There are authorized to be appropriated to carry out title III $75,000,000 for fiscal year 1987.

(d) EMERGENCY FOOD AND SHELTER PROGRAM.—

(1) There are authorized to be appropriated for the emergency food and shelter program carried out by the Federal Emergency Management Agency pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 $20,000,000 for fiscal year 1987.

(2) The limitation on the maximum total administrative costs of the program described in paragraph (1) shall be 5 percent of the amount appropriated for the program for any fiscal year.

(e) EMERGENCY SHELTER GRANTS PROGRAM.—

(1) There are authorized to be appropriated for the emergency shelter grants program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 $100,000,000 for fiscal year 1987.

(2) In addition to the allocations required under the program described in paragraph (1) pursuant to the provisions made applicable by section 101(g) of Public Law 99-500 or Public Law 99-591, the Secretary of Housing and Urban Development shall (for amounts appropriated after the date of the enactment of this Act) allocate assistance under the program to the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, in accordance with an allocation formula established by the Secretary.

(3) The Secretary of Housing and Urban Development may waive the 15 percent limitation on the use of assistance for essential services established for the program described in paragraph (1) pursuant to section 523(2)(B) of the provisions made applicable by section 101(g) of Public Law 99-500 or 99-591, if the unit of general local government receiving the assistance demonstrates that the other eligible activities under the program are already being carried out in the unit of general local government with other resources.

(f) TRANSITIONAL HOUSING DEMONSTRATION PROGRAM.—There are authorized to be appropriated for the transitional housing demonstration program carried out by the Department of Housing and Urban Development pursuant to section 101(g) of Public Law 99-500 or Public Law 99-591 $30,000,000 for fiscal year 1987.

(g) SECTION 8 HOUSING ASSISTANCE.—

(1) The budget authority available under section 5(c) of the United States Housing Act of 1937 for assistance under section 8(b)(1) of such Act is authorized to be increased by $100,000,000.

(2) The amounts made available under this subsection shall be used solely to assist the homeless (as defined in section 304), with primary benefit for homeless families with children. In making such amounts available, the Secretary of Housing and Urban Development shall—

(A) give priority to public housing agencies that ensure that comprehensive support and services are provided to households assisted with such amounts; and

(B) coordinate the use of such amounts with other activities carried out pursuant to this Act.

Each annual contributions contract entered into with a public housing agency to obligate the authority made available under this subsection to assist the homeless shall bind the Secretary of Housing and Urban Development to make such authority, and any amendments increasing such authority, available to the public housing agency for an aggregate period of 5 years.

(4) Any contract for assistance payments entered into by a public housing agency and a property owner with respect to amounts made available under this subsection to assist the homeless may provide that such assistance payments shall be project based.

(5) The amounts made available under this subsection shall not be subject to section 16 of the United States Housing Act of 1937.

(6) Not later than the expiration of the 30-day period following the date of the enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this subsection. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act.

(h) EMERGENCY COMMUNITY SERVICES HOMELESS GRANT PROGRAM.—

(1) There are authorized to be appropriated for the emergency community services homeless grant program, to be carried out by the Office of Community Services of the Department of Health and Human Services, $50,000,000 for fiscal year 1987.

(2) Funds awarded under this subsection shall be used only for the following purposes:

(A) Expansion of comprehensive services to the homeless to provide followup and long-term services to enable the homeless to make the transition out of poverty.

(B) Promotion of private sector and other assistance to the homeless.

(3) From the amounts made available under the authorization in paragraph (1), the Secretary of Health and Human Services shall make grants to States that administer programs under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.). The Secretary shall allocate emergency community services homeless grant program funds to the States in accordance with the formula set forth in section 674(a)(1) of such Act except that, if a State does not apply for such funds or does not submit an approvable application, the Secretary shall use the funds to make grants directly to agencies and organizations in such State in accordance with the criteria set forth in paragraph (4)(B).

(4) In order to receive an emergency community services homeless grant under this subsection, a State shall—

(A) submit an application to the Secretary of Health and Human Services in such form and at such time as the Secretary may require, describing the agencies, organizations, and activities that the State intends to support with emergency community services homeless grant program funds;

(B) ensure that it will award all of the grant funds it receives to community action agencies that are eligible to receive funds under section 675(c)(2)(A) of the Community Services Block Grant Act (42 U.S.C. 9904(c)(2)(A)) and organizations serving migrant and seasonal farmworkers, except that not less than 90 percent of the funds received shall be awarded to such agencies and organizations that, as of January 1, 1987, are providing services to meet the critically urgent needs of the homeless;

(C) ensure that emergency community services homeless grant funds are not used to supplant other programs for the homeless administered by the State; and

(D) ensure that no emergency community services homeless grant funds will be used to defray State administrative costs.

(i) JOB AND LITERACY TRAINING.—

(1)(A) Section 4(8) of the Job Training Partnership Act (29 U.S.C. 1503(8)) is amended—

(i) by redesignating clauses (D) and (E) as clauses (E) and (F), respectively; and

(ii) by inserting after clause (C) the following: "(D) qualifies as a homeless individual under title II or III of the Urgent Relief for the Homeless Act;".

(B) Section 141(e) of the Job Training Partnership Act (29 U.S.C. 1551(e)) is amended by inserting before the period at the end the following: ", including exceptions necessary to permit services to homeless individuals who cannot prove residence within the service delivery area".

(2)(A) Section 306(b) of the Adult Education Act (20 U.S.C. 1205(b)) is amended—

(i) in paragraph (1), by inserting "homeless adults," after "English language skills,";

(ii) in paragraph (7), by inserting "organizations providing assistance to the homeless," after "antipoverty programs,"; and

(iii) in paragraph (8), by inserting "homeless adults," after "English language skills,".

(B) Section 309(a)(1)(A) of the Adult Education Act (20 U.S.C. 1207a(a)(1)(A)) is amended—

(i) by inserting "homeless adults," before "elderly"; and

(ii) by inserting a comma after "individuals".

(j) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.—Section 102(a)(6) of the Housing and Community Development Act of 1974 is amended in the second sentence by inserting "or 1984" after "fiscal year 1983".

(k) PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS.—There are authorized to be appropriated to carry out title IV $25,000,000 for fiscal year 1987.

SEC. 102. DISBURSEMENT OF FUNDS.

(a) SCHEDULE FOR DISBURSEMENT.—Any amount made available by appropriation Acts under the authorizations in this title (other than subsection (a), (b), (e), or (f) of section 101) shall be disbursed by the Federal agency receiving such amount to the appropriate grantees or administering entities before the expiration of the 3-month period beginning on the date on which such amount becomes available.

(b) EVALUATIONS BY COMPTROLLER GENERAL.—The Comptroller General of the United States shall evaluate the disbursement and use of the amounts made available by appropriation Acts under the authorizations in this title (other than subsections (a) and (b) of section 101), and submit a report to the Congress setting forth the findings of such evaluation, upon the expiration of the 4-month and 12-month periods beginning on the date of the enactment of this Act.

SEC. 103. CALCULATION AND AVAILABILITY OF FUNDS.

(a) CALCULATION.—The amounts authorized in this title shall be in addition to any amount appropriated for the programs involved before the date of the enactment of this Act.

(b) AVAILABILITY.—Any amount appropriated under an authorization in this title shall remain available until expended.

TITLE II—HEALTH SERVICES FOR THE HOMELESS

SEC. 201. GRANTS FOR HEALTH SERVICES FOR THE HOMELESS.

Part D of title III of the Public Health Service Act (42 U.S.C. 247d et seq.) is amended by striking subpart IV and inserting the following new subpart:

"Subpart IV—Health Services for the Homeless

"GRANT PROGRAM FOR HEALTH SERVICES FOR THE HOMELESS

"SEC. 340. (a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants for the purpose of enabling grantees, directly or through contracts, to provide for the delivery to homeless individuals of outpatient health services.

"(b) MINIMUM QUALIFICATIONS OF GRANTEES.—The Secretary may not make a grant under this subpart to an applicant unless—

"(1) the applicant is a public or nonprofit private entity;

"(2) the applicant has the capacity to effectively administer a grant under this subpart; and

"(3) with respect to outpatient health services that are covered in the appropriate State plan approved under title XIX of the Social Security Act—

"(A) if the applicant will provide under the grant any such outpatient health services directly—

"(i) the applicant has entered into a participation agreement under the appropriate State plan; and

"(ii) the applicant is qualified to receive payments under the appropriate State plan; and

"(B) if the applicant will provide under the grant any such outpatient health services through a contract with an organization—

"(i) the organization has entered into a participation agreement under the appropriate State plan; and

"(ii) the organization is qualified to receive payments under the appropriate State plan.

"(c) PREFERENCES IN MAKING GRANTS.—The Secretary shall, in making grants under this subpart, give preference to qualified applicants that—

"(1)(A) are experienced in the direct delivery of primary health services to homeless individuals or medically underserved populations;

"(B) are experienced in the treatment of mental illness in homeless individuals or medically underserved populations; or

"(C) are experienced in the treatment of substance abuse in homeless individuals or medically underserved populations; and

"(2) agree to provide for outpatient health services to homeless individuals through both public entities and private organizations.

"(d) REQUIRED SERVICES.—The Secretary may not make a grant under this subpart to an applicant unless the applicant agrees that the applicant will, directly or through contract—

"(1) provide outpatient health services at locations accessible to homeless individuals;

"(2) provide to homeless individuals, at all hours, emergency outpatient health services;

"(3) refer homeless individuals to medical facilities for necessary inpatient services;

"(4) provide outreach services to inform homeless individuals of the availability of outpatient health services; and

"(5) aid homeless individuals in establishing eligibility for assistance, and in obtaining services, under entitlement programs.

"(e) RESTRICTIONS ON USE OF GRANT FUNDS.—(1) The Secretary may not, except as provided in paragraph (2), make a grant under this subpart to an applicant unless the applicant agrees that grant funds will not, directly or through contract, be expended—

"(A) to provide inpatient services, except with respect to short-term residential treatment for substance abuse provided in settings other than hospitals;

"(B) to make, without consideration, any cash payment to any individual; or

"(C) to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment.

"(2) If the Secretary finds that the purpose of this subpart cannot otherwise be carried out, the Secretary may make a grant under this subpart to an otherwise qualified applicant that will expend grant funds for the purposes described in paragraph (1)(C).

"(f) LIMITATION ON CHARGES FOR SERVICES.—The Secretary may not make a grant under this subpart to an applicant unless the applicant agrees that, whether outpatient health services are provided directly or through contract—

"(1) outpatient health services under the grant will be provided without regard to ability to pay for the outpatient health services; and

"(2) if a charge is imposed for the delivery of outpatient health services, such charge—

"(A) will be made according to a schedule of charges that is made available to the public;

"(B) will not be imposed on any homeless individual with an income less than the official poverty level; and

"(C) will be adjusted to reflect the income and resources of the homeless individual involved.

"(g) REQUIREMENT OF MATCHING FUNDS.—(1)(A) The Secretary may not make a grant under this subpart to an applicant—

"(i) in an amount exceeding 75 percent of the costs of providing outpatient health services under the grant; and

"(ii) unless the applicant will make available non-Federal contributions toward such costs in an amount equal to not less than $1 (in cash or in kind under subparagraph (B)) for each $3 of Federal funds provided in such grant.

"(B)(i) Non-Federal contributions required in subparagraph (A) may be in cash or in kind, fairly evaluated, including plant, equipment, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

"(ii) Such determination may not include any cash or in-kind contributions that, prior to February 26, 1987, were made available by any public or private entity for the purpose of assisting homeless individuals (including assistance other than the provision of outpatient health services).

"(2) The Secretary may waive the requirement established in paragraph (1)(A) if—

"(A) the applicant involved is a nonprofit private grantee under section 330; and

"(B) the Secretary determines that it is not feasible for the applicant to comply with such requirement.

"(h) REQUIREMENTS WITH RESPECT TO ADMINISTRATION.—The Secretary may not make a grant under this subpart to an applicant unless the applicant—

"(1) agrees to establish such procedures for fiscal control and fund accounting as may be necessary to ensure proper disbursement and accounting with respect to the grant;

"(2) agrees to establish an ongoing program of quality assurance with respect to the outpatient health services provided under the grant;

"(3) agrees to ensure the confidentiality of records maintained on homeless individuals receiving outpatient health services under the grant;

"(4) with respect to providing outpatient health services to any population of homeless individuals a substantial portion of which has a limited ability to speak the English language—

"(A) has developed and has the ability to carry out a reasonable plan to provide outpatient health services under the grant through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least one individual, fluent in both English and the appropriate language, to assist in carrying out the plan; and

"(5) agrees to submit to the Secretary an annual report that describes the utilization and costs of outpatient health services provided under the grant and that provides such other information as the Secretary determines to be appropriate.

"(i) LIMITATION ON ADMINISTRATIVE EXPENSES OF GRANTEE.—The Secretary may not make a grant under this subpart to an applicant unless the applicant agrees that the applicant will not expend more than 10 percent of any such grant on the costs of administering the grant.

"(j) APPLICATIONS FOR GRANTS.—The Secretary may not make a grant under this subpart unless an application containing the agreements required in this subpart has been submitted to, and approved by, the Secretary. The application shall be in such form, be in such manner, and otherwise contain or be accompanied by such information as the Secretary determines to be appropriate.

"(k) Use of Grant Funds for Referrals to Certain Advocacy Systems.—Any grantee under this subpart may, with respect to title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, expend grant funds for the purpose of referring homeless individuals who are chronically mentally ill, and who are eligible under such Act, to systems that provide advocacy services under such Act.

"(l) Use of Self-Help Organizations.—Any grantee under this subpart may provide outpatient health services through contracts with nonprofit self-help organizations that—

"(1) are established and managed by current and former recipients of mental health services who have been homeless individuals; and

"(2) with respect to the provision of outpatient health services described in subsection (b)(3), are organizations qualified under subparagraph (B) of such subsection.

"(m) Technical Assistance.—The Secretary may, without charge to any grantee under this subpart, provide technical assistance to any such grantee with respect to the planning, development, and operation of programs to carry out the purpose of this subpart. The Secretary may provide such technical assistance directly, through contract, or through grants.

"(n) Annual Reports by Secretary.—Not later than January 10 of each year, the Secretary shall submit to the Congress a report describing the utilization and costs of outpatient health services provided under this subpart during the immediately preceding fiscal year.

"(o) Funding.—(1) There are authorized to be appropriated to carry out this subpart $75,000,000 for fiscal year 1987, of which $2,000,000 shall be available for technical assistance under subsection (m).

"(2) Any amount appropriated under paragraph (1) shall remain available until expended.

"(p) Definitions.—For purposes of this subpart:

"(1) The term 'homeless individual' means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations.

"(2) The term 'medically underserved population' has the meaning given such term in section 330(b)(3).

"(3) The term 'official poverty level' means the nonfarm income official poverty line defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Omnibus Reconciliation Act of 1981.

"(4) The term 'organization' includes individuals, corporations, partnerships, companies, and associations.

"(5) The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management services.

"(6) The term 'primary health services' has the meaning given such term in section 330(b)(1).

"(7) The term 'substance abuse' means the abuse of alcohol or other drugs.".

SEC. 202. PROVISION OF HEALTH SERVICES TO THE HOMELESS BY NATIONAL HEALTH SERVICE CORPS.

Section 332(a) of the Public Health Service Act (42 U.S.C. 254e(a)) is amended by adding at the end the following new paragraph:

"(3) Homeless individuals (as defined in section 340(p)(1)) may be a population group under paragraph (1).".

TITLE III—INTERAGENCY COMMISSION ON HOMELESSNESS AND GRANTS FOR FACILITIES TO ASSIST THE HOMELESS

SEC. 301. INTERAGENCY COMMISSION ON HOMELESSNESS.

(a) Establishment.—There is established a commission to be known as the Interagency Commission on Homelessness.

(b) Membership.—The Commission shall be composed of 7 members as follows:

(1) The Secretary of Housing and Urban Development, or the designee of the Secretary.

(2) The Secretary of Health and Human Services, or the designee of the Secretary.

(3) The Secretary of Agriculture, or the designee of the Secretary.

(4) The Secretary of Defense, or the designee of the Secretary.

(5) The Director of the Federal Emergency Management Agency, or the designee of the Director.

(6) The Administrator of General Services, or the designee of the Administrator.

(7) The Administrator of Veterans' Affairs, or the designee of the Administrator.

(c) Duties.—The Commission shall carry out the following duties:

(1) Review all Federal activities and programs that assist the homeless.

(2) Monitor, evaluate, and improve efforts to assist the homeless in cooperation with other Federal agencies, private voluntary organizations, States, and units of local government.

(d) Chairperson.—The chairperson of the Commission shall be elected by the members of the Commission.

(e) Staff and Offices.—The Secretary of Housing and Urban Development shall provide the Commission with such staff and office facilities as are necessary to ensure that the Commission carries out its functions under this section in an efficient and expeditious manner.

(f) Reports From Other Agencies.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the head of each Federal agency shall submit to the Congress and the Commission a report setting forth—

(1) the programs administered by the agency that assist the homeless and the number of the homeless assisted by such programs;

(2) impediments to the use by the homeless of the programs administered by the agency (or the services or benefits provided under such programs), including statutory and regulatory restrictions on such use; and

(3) efforts made by the agency to increase the opportunities for the homeless to gain shelter, food, and supportive services.

(g) Annual Report.—The Commission shall submit annually to the President and the Congress a report setting forth the findings and conclusions of the Commission. The report shall include—

(1) an assessment of the extent and nature of the problems relating to homelessness and the needs of the homeless;

(2) a comprehensive and detailed description of the activities and accomplishments of the Federal Government in resolving such problems and meeting such needs;

(3) an assessment of the level of Federal assistance necessary to fully resolve such problems and meet such needs; and

(4) any recommendations of the Commission for legislation, administrative actions, and other actions to resolve such problems and meet such needs.

(h) Termination.—The Commission shall cease to exist, and the requirements of this section shall terminate, upon the expiration of the 3-year period beginning on the date of the enactment of this Act.

SEC. 302. USE OF UNDERUTILIZED PUBLIC BUILDINGS AND PROPERTY FOR FACILITIES TO ASSIST THE HOMELESS.

(a) Identification of Underutilized Buildings and Property.—The Secretary of Housing and Urban Development shall identify underutilized public buildings and property suitable for use for facilities to assist the homeless. The Secretary shall actively solicit information from other Federal agencies, States, and units of local government to identify such buildings and property.

(b) Availability for Facilities To Assist the Homeless.—The Secretary of Housing and Urban Development shall take such actions as may be necessary to make buildings and property identified under subsection (a) available for use for facilities to assist the homeless operated by private voluntary organizations, units of local government, and States.

(c) Prohibition on Transfer of Ownership of Federal Buildings or Property.—Federal buildings or property may be made available under this section only through the use of long-term leases. Ownership of the buildings and property shall not be transferred from control of the Federal Government.

SEC. 303. GRANTS FOR FACILITIES TO ASSIST THE HOMELESS.

(a) In General.—The Secretary of Housing and Urban Development shall make grants to private voluntary organizations, units of local government, and States to better enable them to provide assistance to the homeless in buildings or on property made available for such purpose (including properties made available under section 302).

(b) Involvement of Secretary of Health and Human Services.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall—

(1) jointly establish selection criteria for grants under this section;

(2) jointly evaluate and select the applications for grants under this section, except that the Secretary of Health and Human Services shall have sole responsibility for approval of any portion of an application relating to outpatient health services; and

(3) enter into such agreements as may be necessary to carry out such joint responsibilities.

(c) Use of Funds.—

(1) Funds received under this section may be used only for the following activities undertaken in buildings or on property made available for such purpose (including properties made available under section 302):

(A) Purchase, lease, renovation, conversion, or construction of facilities to assist the homeless. Such facilities shall be safe and sanitary and, when appropriate, meet all applicable State and local housing and building codes and licensing requirements in the jurisdiction in which the facility is located.

(B) Provision of supportive services for the homeless.

(2)(A) If funds received under this section are used to purchase, construct, or substantially rehabilitate a facility to assist the homeless, the facility shall be used to assist the homeless for not less than a 10-year period.

(B) The Secretary of Housing and Urban Development may waive the requirement established in subparagraph (A) if—

(i) the unit of local government in which the facility is located certifies that the facility is no longer needed to assist the homeless; and

(ii) the grantee demonstrates to the satisfaction of the Secretary that the facility is no longer needed to assist the homeless.

(C) If the Secretary of Housing and Urban Development grants a waiver under subparagraph (B), the grantee—

(i) in the case of a facility owned by the Federal Government, shall return control of the facility to the Federal Government, unless the Secretary approves the continued use of the facility for activities that directly benefit lower income persons for the remainder of the 10-year period; or

(ii) in the case of a facility not owned by the Federal Government, shall repay the full grant amount or continue to use the facility for activities that directly benefit lower income persons for the remainder of the 10-year period.

(3) Not more than $10,000 of any grant provided under this section may be used for outpatient health services (exclusive of the cost of any renovation, conversion, or construction).

(d) Limitations on Administrative Expenses.—Not more than 5 percent of a grant made under this section may be expended for administrative expenses.

(e) Eligibility Requirements.—Any private voluntary organization, unit of local government, or State may submit an application for assistance under this section, in such form as the Secretary of Housing and Urban Development and the Secretary of Health and Human Services determine to be appropriate.

(f) Selection.—Assistance may be provided under this section only to an applicant that—

(1) has shown a demonstrated commitment to alleviating poverty;

(2) has the continuing capacity to effectively provide assistance to the homeless; and

(3) complies with such other requirements for assistance under this section as the Secretary of Housing and Urban Development and the Secretary of Health and Human Services may establish.

(g) Priorities.—The Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall—

(1) reserve, to the maximum extent practicable, not less than 50 percent of all funds provided under this section for the support of facilities designed to primarily benefit homeless families with children (and a portion of such funds shall be used for child care facilities);

(2) in making grants to States and units of local government, give priority to States and units of local government that—

(A) have in effect laws, ordinances, or policies that preserve lower income housing (such as single room occupancy housing) and prevent the displacement of lower income persons;

(B) use non-Federal funds (including funds from private voluntary organizations) to supplement assistance provided under this section; and

(C) support and participate in the activities proposed by the applicant; and

(3) give priority to facilities designed to provide, alone or together with associated supportive services provided by other organizations, comprehensive assistance to the homeless in order to both meet their immediate needs and to enhance opportunities for the homeless to permanently improve their lives.

(h) Allocation.—In selecting applications for grants under this section, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall ensure that the funds are provided to the geographical areas of greatest need, taking into consideration the particular needs of different geographical regions, communities of different population sizes, and urban, suburban, and rural communities.

(i) Accountability.—The Secretary of Housing and Urban Development (or, in the case of outpatient health services or facilities used for such services, the Secretary of Health and Human Services) shall monitor the use of funds made available pursuant to this section as follows:

(1) The Secretary shall inspect each facility assisted pursuant to this section and, at least annually, the State or unit of local government in which the facility is located shall certify to the Secretary that—

(A) the homeless are receiving the assistance specified in the application;

(B) public buildings, property, and grant funds are being used in a cost-effective manner; and

(C) the recipient of assistance under this section is complying with the terms of any lease or grant agreement entered into with the Secretary.

(2) Each recipient of assistance under this section shall maintain such records as the Secretary requires taking into account the nature of the recipient (including the private voluntary organization implementing the program) and as may be reasonably necessary to disclose the amount and disposition of the proceeds of the assistance. For purposes of audit and examination, the Secretary shall have access to any records of the recipient that are related to assistance received under this section.

(j) Regulations.—Not later than the expiration of the 30-day period beginning on the date of the enactment of this Act, the Secretary of Housing and Urban Development shall by notice establish such requirements as may be necessary to carry out the provisions of this section. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act. Such notice shall—

(1) provide that a notice of funding availability shall be published in the Federal Register not later than the expiration of the 30-day period beginning on the date on which amounts become available to carry out this section;

(2) require all applications for grants under this section to be submitted not later than the expiration of the 30-day period beginning on the date on which the notice of funding availability is published in the Federal Register; and

(3) provide that the final selection of applications for grants under this section shall be completed not later than the expiration of the 60-day period beginning on the date on which the notice of funding availability is published in the Federal Register.

SEC. 304. DEFINITIONS.

For purposes of this title:

(1) The term "Commission" means the Interagency Commission on Homelessness established in section 301.

(2) The term "facility to assist the homeless" means a building or property used to provide living accommodations or supportive services (or both) for the homeless.

(3) The term "homeless" means families and individuals who—

(A) are lower income families and individuals (including lower income families and individuals who are elderly families and individuals or handicapped families and individuals), as such terms are defined in section 3(b) of the United States Housing Act of 1937; and

(B) lack traditional or permanent housing.

(4) The term 'outpatient health services' means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management services.

(5) The term "private voluntary organization" does not include any organization in which any part of the net earnings inures to the benefit of any member, founder, contributor, or individual.

(6) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(7) The term "supportive services" means food, child care, assistance in obtaining permanent housing, outpatient health services, employment counseling, nutritional counseling, security arrangements necessary for the protection of residents of facilities to assist the homeless, and such other services essential for maintaining independent living as the Secretary of Housing and Urban Development determines to be appropriate. Such term includes the provision of assistance to the homeless in obtaining other Federal, State, and local assistance available for such persons, including mental health benefits, employment counseling, and medical assistance. Such term does not include major medical equipment.

(8) The term "unit of local government" includes any combination of local governments.

TITLE IV—PERMANENT HOUSING FOR HANDICAPPED HOMELESS PERSONS

SEC. 401. STATEMENT OF PURPOSE.

It is the purpose of this title to provide grants for the acquisition and rehabilitation of property to serve as permanent housing for handicapped homeless persons.

SEC. 402. AUTHORITY TO PROVIDE GRANTS TO STATES.

The Secretary shall, to the extent of amounts approved in appropriation Acts, make grants to States in order to enable the States to provide grants to nonprofit organizations for the acquisition and rehabilitation of property to serve as permanent community-based housing for handicapped homeless persons.

SEC. 403. ALLOCATION OF GRANTS TO STATES.

(a) Allocation Formula.—The Secretary shall allocate assistance under this title to States in a manner that ensures that the percentage of the total amount available under this title for any fiscal year that is allocated to any State is equal to the percentage of the total amount available for section 106 of the Housing and Community Development Act of 1974 for the prior fiscal year that is allocated to the State (including the metropolitan cities and urban counties located in the State).

(b) Letter of Participation.—No grant may be provided to any State under this title unless, not later than the expiration of the 90-day period following the announcement of an allocation under this section, the State submits to the Secretary a letter of participation. Such letter shall include—

(1) the commitment of the State to comply with the matching funds requirement in subsection (e) by the time all assistance allocated to the State under this section is obligated and a description of the sources and amounts of such matching funds;

(2) the assurances of the State that it will facilitate the provision of supportive services consistent with the needs of the residents of the facilities established using amounts provided under this title;

(3) a designation of a State agency whose primary responsibility is handicapped persons to assist the State housing finance agency in operating the program of the State under this title; and

(4) a description of the methods by which the State will distribute the amounts received under this title to nonprofit organizations, including the methods by which the State will—

(A) distribute amounts received through reallocation under subsection (d); and

(B) reallocate amounts under section 404(b).

(c) Allocation of Assistance.—The Secretary shall allocate assistance under this title to each State not later than the expiration of the 30-day period following receipt from the State of a letter of participation in compliance with the requirements of subsection (b).

(d) Reallocation of Amounts.—

(1) The Secretary shall annually recapture and reallocate any amount allocated under subsection (a) that is unused or returned to the Secretary.

(2) The Secretary shall recapture and reallocate any amount received by a State under subsection (a) that is not committed for later obligation to a specific housing project before the expiration of the 6-month period following the date of receipt. The Secretary may extend such period by not more than 6 additional months if the Secretary determines that the State is unable to commit the amounts within the initial 6-month period due to reasons that are not within the control of the State.

(3) The Secretary shall recapture and reallocate any amount recaptured by a State under section 404(b) that is not committed for later obligation to a specific housing project before the expiration of the 3-month period following the date of recapture by the State.

(e) Matching Funds Requirement.—

(1) Each State receiving a grant under this section shall be required to supplement the assistance provided under this section with an equal amount of State and local government funds—

(A) that are to be used solely for acquisition or rehabilitation; and

(B) not more than 50 percent of which may be local government funds.

(2) The Secretary may waive all or part of the requirement established in paragraph (1) if the State demonstrates to the satisfaction of the Secretary that—

(A) the State is experiencing a severe financial hardship that makes it unable to provide an equal amount of funds; and

(B) the local governments of the areas in which the nonprofit organizations receiving grants from the State under section 404 are located will contribute local government funds in an aggregate amount equal to the amount of such contribution waived for the State under this paragraph.

(f) Administration of Assistance.—Each State shall act as the fiscal agent of the Secretary with respect to assistance provided to the State under this title.

SEC. 404. DISTRIBUTION OF AMOUNTS TO NONPROFIT ORGANIZATIONS.

(a) In General.—Each State receiving a grant under this title shall use the funds to provide grants to nonprofit organizations.

(b) Reallocation of Amounts.—Each State shall, not less than once during each fiscal year, recapture and redistribute any assistance committed under subsection (a) that is unobligated at the expiration of the 12-month period following commitment or is returned to the State. The State shall commit for later obligation to a specific housing project any amount recaptured under this subsection before the expiration of the 3-month period following the date of recapture.

SEC. 405. USE OF FUNDS BY NONPROFIT ORGANIZATIONS.

(a) In General.—Each nonprofit organization receiving assistance under this title shall use the funds for the acquisition or rehabilitation (or both) of property to serve as permanent community-based housing for handicapped homeless persons.

(b) Design and Location Requirements.—

(1) Community-based housing assisted under this title shall be designed for not more than 8 handicapped persons. Such housing shall be safe and sanitary and, when appropriate, meet all applicable State and local housing and building codes and licensing requirements in the jurisdiction in which the housing is located.

(2) In the case of community-based homes assisted under this title, not more than 1 home may be located on any 1 site and no such home may be located on a site contiguous to another site containing such a home.

(c) Continued Use for Handicapped Homeless Persons.—

(1) Each nonprofit organization receiving assistance under this title shall certify to the State that it will maintain as housing for handicapped homeless persons for not less than a 20-year period any building for which assistance is used under this title.

(2) The Secretary may waive the requirement established in paragraph (1) if the nonprofit organization demonstrates to the satisfaction of the Secretary that—

(A) the facility is no longer needed to assist handicapped homeless persons, in which case the funds resulting from the sale of the facility will be returned to the State for reallocation under this title; or

(B) the funds resulting from the sale of the facility will be used by the nonprofit organization to provide additional housing for handicapped homeless persons.

SEC. 406. ADMINISTRATIVE PROVISIONS.

(a) Regulations.—Not later than the expiration of the 30-day period following the date of the enactment of this Act, the Secretary shall by notice establish such requirements as may be necessary to carry out the provisions of this title. Such requirements shall not be subject to section 553 of title 5, United States Code, or section 7(o) of the Department of Housing and Urban Development Act. The Secretary shall issue regulations based on the initial notice before the expiration of the 12-month period following the date of the enactment of this Act.

(b) Initial Allocation of Assistance.—Not later than the expiration of the 30-day period following the date on which funds become available to carry out this title, the Secretary shall notify each State of its allocation of assistance under this title. Such assistance shall be allocated and may be used notwithstanding any failure of the Secretary to issue regulations under susbection (a).

(c) Limitation on Use of Funds.—No assistance received under this title (or any State or local government funds used to supplement such assistance in accordance with the requirements of this Act) may be used to replace other public funds previously used, or designated for use, to assist handicapped persons, homeless persons, or handicapped homeless persons.

(d) Limitation on Administrative Expenses.—No State or nonprofit organization may use more than 5 percent of a grant received under this title for administrative purposes.

(e) Accountability.—

(1) The Secretary shall monitor, and annually audit, the use of funds made available under this title.

(2) Not less than annually, the State in which housing assisted under this title is located shall certify to the Secretary that—

(A) handicapped homeless persons are receiving the assistance specified in the application; and

(B) the recipient of assistance under this title is complying with the terms of any agreements entered into under this title.

(3) Each recipient of assistance under this title shall maintain such records as the Secretary requires taking into account the nature of the recipient (including the nonprofit organization implementing the program) and as may be reasonably necessary to disclose the amount and disposition of the proceeds of the assistance. For purposes of audit and examination, the Secretary shall have access to any records of the recipient that are related to assistance received under this title.

SEC. 407. REPORT TO CONGRESS.

The Secretary shall submit to the Congress an annual report summarizing all activities carried out under this title and setting forth any findings, conclusions, or recommendations of the Secretary as a result of such activities.

SEC. 408. DEFINITIONS.

For purposes of this title:

(1) The term "community-based housing" includes—

(A) any building used solely for housing for handicapped homeless persons that is integrated into the neighborhood in which it is located; and

(B) dwelling units that are to be used for housing for handicapped homeless persons and are included in a larger multifamily housing project, condominium project, or cooperative project that is integrated into the neighborhood in which it is located.

(2) The term "handicapped" means an individual who is handicapped within the meaning of section 202 of the Housing Act of 1959.

(3) The term "handicapped homeless person" means a handicapped individual

who is homeless or at risk of becoming homeless.

(4) The term "homeless" means an individual—

(A) whose income does not exceed 80 percent of the median income of the area, as determined by the Secretary; and

(B) who has no access to either traditional or permanent housing.

(5) The term "nonprofit organization" means any governmental or private nonprofit entity that is approved by the Secretary as to financial responsibility.

(6) The term "Secretary" means the Secretary of Housing and Urban Development.

(7) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

TITLE V—FOOD ASSISTANCE FOR THE HOMELESS

SEC. 501. ANNUAL ADJUSTMENT OF INCOME ELIGIBILITY STANDARDS.

Section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) is amended by inserting "shall be adjusted each October 1 and" after "eligibility" the first place it appears.

SEC. 502. INELIGIBILITY FOR EARNED INCOME DEDUCTION.

The third sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by inserting before the period at the end the following: ", except that such additional deduction shall not be allowed with respect to earned income that a household willfully or fraudulently fails (as proven in a proceeding provided for in section 6(b)) to report in a timely manner ".

SEC. 503. EXCESS SHELTER EXPENSE.

The proviso to the fourth sentence of section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended—

(1) by striking "$147" and inserting "$168"; and

(2) by striking "$256, $210, $179, and $109 a month, respectively, adjusted on October 1, 1986" and inserting "$292, $239, $204, and $124 a month, respectively, adjusted on October 1, 1988".

SEC. 504. THIRD PARTY PAYMENTS FOR CERTAIN HOUSING.

Section 5(k)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)) is amended—

(1) in subparagraph (D) by striking "or" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) housing assistance payments made to a third party on behalf of a household residing in temporary housing if the temporary housing unit provided for the household as a result of such assistance payments lacks facilities for the preparation and cooking of hot meals or the refrigerated storage of food for home consumption; or".

SEC. 505. FOOD STAMP OUTREACH TO HOMELESS INDIVIDUALS.

(a) AUTHORITY TO CONDUCT OUTREACH.—Section 11(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)) is amended—

(1) by striking "shall (A)" and inserting "(A)(i) except as provided in subclause (ii), shall",

(2) by inserting ", and (ii) may conduct food stamp outreach activities directed at households that do not reside in permanent dwellings and households that have no fixed mailing addresses" after "Act", and

(3) in clause (B) by inserting "shall" after "(B)".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of the Food Stamp Act of 1977 (7 U.S.C. 2025(a)) is amended—

(1) by redesignating clause (4) as clause (5); and

(2) in clause (3) by inserting after "households," the following: "(4) food stamp outreach activities permitted under section 11(e)(1)(A)(ii) of this Act,".

SEC. 506. DISTRIBUTION OF SURPLUS CHEESE.

The Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after section 202 the following new section:

"AVAILABILITY OF CCC CHEESE

"SEC. 202A. (a)(1) Notwithstanding any other provision of law, and subject to such amounts as are provided in advance in appropriation Acts, in each of the fiscal years 1988, 1989, and 1990 cheese acquired by the Commodity Credit Corporation that is in excess of quantities needed to—

"(A) carry out other domestic donation programs,

"(B) meet other domestic obligations (including quantities needed to carry out a payment-in-kind acreage diversion program),

"(C) meet international market development and food aid commitments, and

"(D) carry out the farm price and income stabilization purposes of the Agricultural Adjustment Act of 1938, the Agricultural Act of 1949, and the Commodity Credit Corporation Charter Act,

may be made available under this section by the Secretary.

"(2) The Secretary may make such excess cheese available in any State, in addition to the normal allotment of cheese (adjusted by any reallocation) under this Act, at the request of the chief executive officer of such State who certifies to the Secretary that—

"(A)(i) individuals in such State who are eligible to receive cheese under this Act are not receiving cheese distributed under other provisions of this Act, or

"(ii) the number of unemployed individuals in such State has increased during the 90-day period ending on the date the certification is made, and

"(B) the distribution of cheese under this subsection in such State will not substantially displace the commercial sale of cheese in such State.

"(3) Cheese made available under this subsection by the Secretary shall be made available without charge or credit in such fiscal year, in a usable form, for use by eligible recipient agencies in such State.

"(b) In each of the fiscal years 1988, 1989, and 1990, the amount of cheese made available under subsection (a) shall not exceed 14,000,000 pounds.

"(c) Whenever the Secretary receives a request submitted under subsection (a)(2), the Secretary shall immediately notify the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that such request was received.".

SEC. 507. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS.

(a) AUTHORIZATION.—Section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting "$51,850,000 for the fiscal year ending September 30, 1988, $53,950,000 for the fiscal year ending September 30, 1989, and $56,200,000 for the fiscal year ending September 30, 1990," after "1987,".

(b) PROGRAM EXTENSION.—Section 212 of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking "1987" and inserting "1990".

SEC. 508. ISSUANCE OF RULES.

Not later than July 1, 1987, the Secretary of Agriculture shall issue rules to carry out the amendments made by this title.

SEC. 509. EFFECTIVE DATES; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATES.—

(1) Except as provided in paragraphs (2) and (3), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(2) The amendments made by sections 502, 504, and 505 shall take effect on the date the Secretary of Agriculture issues rules under section 508 or on July 1, 1987, whichever occurs earlier.

(3) The amendments made by sections 503 and 506 shall take effect on October 1, 1987.

(b) APPLICATION OF AMENDMENTS.—

(1) The amendments made by section 503 shall not apply with respect to allotments issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to any household for any certification period beginning before the effective date of such section.

(2) The amendments made by sections 502 and 504 shall not apply with respect to allotments issued under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to any household for any month beginning before the respective effective date of the section involved.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GONZALEZ: In section 302(a), strike "property suitable" and insert "other real property (including fixtures) suitable".

In section 302(b), insert ", in accordance with other applicable Federal law," after "shall".

In section 302(c), strike "long-term leases" and insert "leases for at least 1 year".

In section 302(c), strike "control of".

Mr. GONZALEZ (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GONZALEZ. Mr. Chairman, as is obvious here, we have had this bill with referral to three other committees but also there was a fourth, the Committee on Government Operations that had matters within its jurisdiction that are included in this proposed legislation. So that this technical amendment requested by the Government Operations Committee chairman, my colleague from Texas, Mr. BROOKS, would amend a portion of title III of the bill that deals with the underutilized public property to assist the homeless. The amendment ensures that the effective provisions of title III dealing with this underutilization will conform to the existing laws such as the Federal Property and Administrative Services Act.

This amendment has been reviewed and has been agreed to by the distinguished minority ranking member on the subcommittee and it seems to have the general consensus of agreement.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman.

Mr. Chairman, the ranking side of the committee has no objection to this amendment whatsoever.

Mr. BROOKS. Mr. Chairman, I rise in support of the amendments to title III of H.R. 558, regarding the use of surplus and underutilized Federal property to assist the homeless, and I appreciate the courtesy of the managers of the bill in offering it at this time. These are the technical amendments which are mentioned in the reports on H.R. 558 that reflect the interest of the Committee on Government Operations in seeing to it that laws within or jurisdiction dealing with utilization and disposal of Federal property are followed in this instance.

Essentially, the amendments make clear that the provisions of title III with respect to making underutilized public property available for facilities to assist the homeless are implemented, so far as Federal property is concerned, in a manner that will be in harmony, and not in conflict, with existing laws. The principal statute in this regard is the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

The first amendment declares that actions to make underutilized property available are to be carried out in accordance with other applicable Federal law. A second clarifying amendment makes explicit that the words "public buildings and property" refer to real property, including fixtures attached to it.

A third amendment makes specific the intended minimum term for the outleasing of underutilized property. It provides that a lease, the only method by which property is to be made available, shall not be for a period shorter than 1 year. The fourth amendment is merely perfecting in nature, eliminating two unnecessary words.

Mr. Chairman, I believe that with these amendments the bill will provide a broad legislative base for Federal agencies to assist the homeless by making available underutilized public real property. It will also make clear Congress' intent that the legislative authority provided in other applicable law shall be used by the affected agencies to the greatest extent possible consistent with the bill's overall purpose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MICHEL

Mr. MICHEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MICHEL: At the end of the bill, add the following new title:

TITLE VI—DEFICIT NEUTRAL PROVISIONS

SEC. 601. LIMITATION ON AUTHORIZATIONS OF APPROPRIATIONS

Notwithstanding any other provision of this Act to the contrary, any authorization of appropriations (or authorization to provide other budget authority) in this Act shall be considered to be only an authorization to approve the transfer to the program or activity involved, of amounts provided in appropriation Acts before the date of the enactment of this Act.

Mr. MICHEL. Mr. Chairman, let me first get to a fundamental proposition at the heart of this debate. In the United States of America it is intolerable that human beings should sleep outside in the cold. It is equally intolerable that in any weather the streets of America's cities should be used for sleeping. The question is how does American society attack the problem? Not just Congress, not just the administration; our entire society, private and public.

It is a national problem that needs immediate local action. The first thing cities have to do is get people off the streets and now. There is absolutely no excuse for a mayor of any city to allow human beings to sleep in the cold on the streets. No matter what we do here today, the basic minimum we should demand is that local officials save individuals human beings from their immediate dilemma. If it means picking them up in city vehicles and bringing them to city facilities for the night, then so be it. If such action is deemed to be a violation of civil rights of the homeless, then why not bring a test case to court?

But get the people off the streets and into shelters while the lawyers debate the issue. Two nights ago here in Washington, movie stars and politicians slept with the homeless to dramatize their plight. Would it not have been better to have had the movie stars and politicians help get the people off the streets for that one night rather than going through this gimmick? The movie stars go back to Hollywood and to Beverly Hills; the politicians go back out to the suburbs and the men and women they are supposed to help will spend another night right there on the streets.

□ 1450

If you cannot get all the homeless into shelters, some city-owned facility, some church, some charity, some shelter someplace that is at least warm, well, let us get as many as we can.

The entire issue of the homeless is a complicated one. There are many, many former patients of psychiatric hospitals who have been deinstitutionalized and they present a formidable problem in terms of long-range care. Some say up to half the homeless fall under this category and there are disputes about the number of homeless.

There is not even a working definition of homeless, so this bill may not be helping those who need the help.

The Washington Post here in town is not known as a heartless institution toward the homeless. In fact, it is very well-known as a newspaper that favors the kind of Federal programs we have before us here today, but this is what the Post said yesterday:

> The homeless, are wretched people who need help. If the government can help them with some emergency funds, it should. But there is a side of this stampede toward the television cameras that does no one credit and will not help the homeless. It is much more help for the helpers, at best an impulse without clear intent, aid of the kind we should all have learned long ago to distrust.

I feel as though we have stepped back in time, back a decade or so. So often Congress would latch on to a social ill that speaks to the conscience of the country and out of compassion we would act in haste and substitute the depth of our feelings for the effectiveness of our solution. Since the Federal Government is a clumsy and inefficient mechanism, we create a clumsy and inefficient program with dollars substituting for insight, and here we are doing it again.

Earlier this year the cost of this program was supposed to be $50 million. Then it became $250 million. Soon it became half a billion dollars. Just this weekend the $500 million was thrown on top of the $250 million, making the new money three-quarters of a billion dollars; from $50 million to three-quarters of a billion within about 60 days time.

Then on top of that, we already have $260 million I am told already being spent in that area.

There are $6 billion in block grants already in the hands of States that can be used for the problem. What have they done with it all? Will this $1 billion disappear into that same black hole?

This 100th Congress began on January 6, about 60 days ago. In those 60 days we have adopted 24 simple resolutions, 7 concurrent resolutions, 8 joint resolutions and just 5 bills, 2 of which were left over from the previous Congress.

This bill is really the first new bill of substance and expense. With the first bill, what did we do? Authorize more spending that we cannot afford; waive the Budget Act, ignore Gramm-Rudman. If this bill is going to pass, the least we can do is make it a commitment to fiscal integrity. If we believe that $1 billion is a cure to this social ill, then let us not exacerbate the fiscal ill by making it new money. We ought to transfer the funds from existing accounts.

My amendment would accomplish this goal. Do not make us choose between the victims of homelessness and the taxpayers who are already victims of the deficit that began right here in this Congress.

I hope that the end of this process the homeless get their help. I also hope we can spare the taxpayers this additional burden by adopting my amendment.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

(By unanimous consent, Mr. MICHEL was allowed to proceed for 1 additional minute.)

Mr. MICHEL. Mr. Chairman, noting the gentleman from Califorina [Mr. PANETTA] who this morning in a short exchange made mention of the fact that in the agricultural portion of this bill that principle was followed, I would like to applaud the committee for having taken that action.

The text of my amendment would not do violence to what the gentleman has done in his committee; but for the Banking Committee, for the Commerce Committee, in my judgment the same situation ought to prevail. While this is an authorization bill, when we get to the appropriation process then it seems to me the Appropriations Committee ought to make that determination with the priorities and take money from existing funds.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

One of the concerns that I raised with the gentleman is the fact that with regard to title V, we struggled, the gentleman from Missouri [Mr. EMERSON] and I and the other members of the committee struggled to insure that this would in fact be budget neutral in terms of its cost for 1987. As a consequence, we were able to develop that kind of provision for 1987.

The CHAIRMAN. The time of the gentleman from Illinois has again expired.

(At the request of Mr. PANETTA, and by unanimous consent, Mr. MICHEL was allowed to proceed for 1 additional minute.)

Mr. PANETTA. Mr. Chairman, will the gentleman yield further?

Mr. MICHEL. I am happy to yield to the gentleman from California.

Mr. PANETTA. My concern was that in the language of the amendment in its broad sweep that we might pay a double penalty as a result of work we did trying to make this budget neutral; so I would just want to ask the gentleman that since title V is budget neutral, is the gentleman's intention that title V be subject to the gentleman's amendment?

Mr. MICHEL. Well, frankly, if that has already been accomplished, it seems to me it is rather academic. My intention here is to do exactly what you all did, for all practical purposes, in the agricultural portion of this bill, by simply drawing from other accounts so we do not have to ante up brand new money. The language of the amendment does not negate what the gentleman has sought to do.

Mr. PANETTA. I understand that. The key point is that the gentleman's amendment does not require additional transfer——

Mr. MICHEL. Absolutely not.

Mr. PANETTA. In order to require that we can spend money on the provisions we have included for 1987.

Mr. MICHEL. The gentleman is absolutely correct.

AMENDMENT OFFERED BY MR. FRANK TO THE AMENDMENT OFFERED BY MR. MICHEL

Mr. FRANK. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK to the amendment offered by Mr. MICHEL: Insert "covered in budget function 150" after the words "appropriation Acts".

Mr. FRANK. Mr. Chairman, I am not a supporter of the amendment offered by the gentleman from Illinois. I am somewhat appalled by the compassion gap that seems to be breaking out in some parts of this Chamber. We are talking about the poorest and most deprived people in this country. We are talking about people who have borne the brunt of the cuts that have come in years past as other accounts have gone up.

I think we can afford in this wealthy country to provide the money. The gentleman from Illinois, and I was prepared to entrust to the Appropriations Committee in its wisdom finding the money. This is just an authorization. I believe the Appropriations Committee on both sides could have come out, and they might have found some of it here and some it there.

The gentleman from Illinois says no, we are absolutely going to insist that this has to come out of funds already appropriated.

Well, if that is to be the principle, which funds already appropriated should they come out of?

My amendment says they come out of those dealing with foreign operations.

If we are in fact going to say that we cannot afford to help desperately poor elderly people, former mental patients, small children, unless we take it out of money already appropriated, let us look to the State Department. Let us look to forms of foreign assistance and see if they can find it there, and that is what this amendment says.

Now, I emphasize that this does not seem to me to be the preferred way to legislate. I would be prepared to give the Appropriations Committee its discretion; but if we are going to tell the Appropriations Committee that they have to take it out of somewhere, I do not want it taken out of part B of Medicare.

If we pass the gentleman's amendment without my amendment, then the Appropriations Committee might take it out of part B of Medicare. They might take it out of Medicaid. They might take it out of community development block grants for our communities, which have already lost revenue sharing. They might take it out of a lot of places. Maybe they could take it out of star wars, and that would not be bad, but I do not want to gamble.

If in fact, we are going to be told that, I would prefer, as I said, to leave it to the Appropriations Committee; but if we are to give them instructions, I want to give them this instruction.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK. Yes, I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I was wondering if the gentleman could explain to us, is this going to come across the board out of foreign affairs appropriations?

Mr. FRANK. No, I would leave it to the discretion of the Appropriations Committee. Some might come from the State Department. We might be shutting down operations somewhere because the administration's terrorism policy has been so successful that we can operate in fewer countries. Maybe we could save a little on that. We could take it from wherever the Appropriations Committee finds it. There might be some country that will have a kind of revolution and we will not be too crazy about them anymore. We can take it back from them.

I am not in favor of giving this instruction. I am against the gentleman's underlying amendment; but if we are going to have it, I would say that it is up to the Appropriations Committee.

If the gentleman is going to ask me, is this going to come out of Israel and Egypt or what, I would hope not. I think the Appropriations Committee can pick other places. I think there is money that we spend in some other places; Zaire, for instance, I think is still getting some money. I would rather give the money to the homeless here than to Mobutu, or Liberia. I heard a suggestion that Liberia would be a good contributor.

Now, if the gentleman wants to specify, we could not have an amendment in the third degree, but if the gentleman wants to come up with a specification list, I would be glad to withdraw my amendment and yield to the gentleman; so if the gentleman thinks we could take it from Zaire, Liberia and others, then I would yield to him.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, would the gentleman accept a unanimous-consent request that if it does come out of foreign operations that it come out of foreign operations across the board, so that all levels of foreign operations would be impacted the same?

Mr. FRANK. No, I do not accept that, because I think that that is a very mistaken notion. Mr. Chairman, across-the-board people suspend the mental function which we ought to be using. No, not every recipient is equally valuable. Some recipients are more valuable than others. Across the board? Liberia does not seem to me as valuable. Pakistan is doing some good work right now helping us to fight for freedom in Afghanistan. I do not want to cut Pakistan the same as I want to cut Liberia. I do not like this across-the-board stuff. I think that that is intellectual laziness.

I just want to reiterate that I am not for denying money to the homeless unless it comes out of what we have already appropriated, but accept the amendment of the gentleman from Illinois and you put at risk medical care for elderly people, research at the NIH, you put at risk a whole lot of things.

Now the administration may come in and say, "Well, we'll pay for it; we'll do another asset sale, or we'll do another rescission, we'll rescind a little more cancer research." They'd love to rescind cancer research. What we ought to say is, in my judgment, "Let's leave it to the Appropriations Committee."

Even if my amendment is adopted, I will vote against the underlying amendment, but I do say that if we are in fact going to send this instruction, let us instruct that we look at the State Department. You know, they have this big antiterrorism thing. Some of us think that maybe now in their antiterrorism operation they are going to have to stop and think and rethink it the way it has been doing. Maybe in the foreign operations they will find some of the money that we are owed for the arms sales to Iran. Maybe Oliver North will talk, and there is $20 or $30 or $40 million. We can get it out of there. Maybe if he is persuaded that he is going to help the homeless, we could get Mr. North and Mr. Secord and Mr. Poindexter to tell us where some of those tens of millions are. Maybe we can get it from the Sultan of Brunei. We can get it from a lot of places when we really want to.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(On request of Mr. GREGG and by unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, I am tempted to ask: Do we consider Massachusetts as part of the foreign operations budget? But I will not. That might be a Northeast question. But I would ask why the gentleman is so insistent, if he is going to take it out of foreign operations, that he is not going to identify the States right now, on the record, that he feels are appropriate for removing those funds from and give us the dollar figures there, or agree to an across-the-board amendment on those States. Is it because the gentleman has certain States that he does not wish to raise the matter about, or is it because the gentleman is really not sincere in his amendment?

Mr. FRANK. Mr. Chairman, in the first place, the gentleman asked me two very opposite questions: First, why will I not be completely specific, and second, why will I not be totally general?

I think that you may plead in the alternative in court if you are a lawyer. Arguing in the alternative—that is, embracing opposites in your argument—I do not think makes a lot of sense in a parliamentary body.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I have yielded to the gentleman three times, and I yielded the last minute almost entirely to him. I am just trying to answer his point.

The point is this. I did not know that the gentleman from Illinois was going to have the amendment. I do not read the CONGRESSIONAL RECORD as diligently as I should, and I apologize. But I did not have time to specify.

I would be glad to specify. Maybe we could hit up the Sultan of Brunei—they are good at that in this administration—for a little contribution to the homeless. We have Liberia; we have Zaire. I did not have time to do it in detail. That is why I cannot specify completely.

If the gentleman says to me, are there some States that I do not want to hurt, I say yes. I do not want to reduce funds for Israel, for Egypt, for Pakistan. There are some other countries where I do not want to reduce funds.

The gentleman apparently thought that he might embarrass me if I mentioned that I think that some recipients of foreign assistance are more worthy than others. That does not embarrass me in the slightest. I think that anybody with a brain understands that some countries that get foreign assistance are more valuable than others, and that is what I would leave to the discretion of the gentleman from Wisconsin. The ranking member of his subcommittee I believe is the gentleman from New York [Mr. KEMP]. I apparently have more confidence in the gentleman from New York than my friend over there—Mr. EDWARDS, I am sorry; I apologize.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK was allowed to proceed for 1 additional minute.)

Mr. FRANK. Mr. Chairman, I just want to reiterate that I do not want to see the underlying amendment, but if we are going to say that we can only help the homeless by taking it from funds already appropriated, protect medical care, protect the farmers, protect veterans, and let us do it out of the discretionary fund of foreign assistance and State Department operations.

Mr. GREGG. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from New Hampshire.

Mr. GREGG. Mr. Chairman, how much time do I have?

The CHAIRMAN. The gentleman has 15 seconds remaining.

Mr. FRANK. The gentleman has 5 minutes if he wants to get recognition. I will be glad to explain to him how that is done in this Chamber.

Mr. GREGG. Mr. Chairman, I would simply state that it seems to me that if the gentleman from Massachusetts [Mr. FRANK] wishes to bring forth an amendment in which he has already stated that he does not want better than half of the foreign operations budget to be touched, and then states that he wishes to eliminate from the foreign operations budget such a sizable amount of money, that he is not bringing forward an amendment which is a reasonable amendment, he is bringing forward a specious amendment.

Mr. FRANK. Mr. Chairman, just to take back my time, my amendment, compared to that of the gentleman from Illinois [Mr. MICHEL], is a model of specificity in thought.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

Mr. GREGG. The gentleman can ask for more time, of course. If he would like an explanation of how to do that, I will be happy to give it to him.

Mr. PENNY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I was prepared to offer an amendment similar to the amendment presented to this body by the gentleman from Illinois [Mr. MICHEL], but in noticing his amendment in the RECORD, I felt that it would be more appropriate to simply lend my support to that effort.

It seems to me that all of us here have a commitment to the homeless in our society. This legislation is an attempt to devote additional resources to take care of those very real needs. But in doing so we should not run out and borrow the money; we should not run up the deficit. Clearly if this is a high-priority item, and most of us would argue that it is, there must be some items in our overall budget that are of a lower priority that we can borrow from, that we can reduce in order to make room for funding for this new initiative for the homeless.

The amendment offered by the gentleman from Illinois attempts to present the issue in that fashion, to ask us to set some priorities. If we are going to spend more in fiscal year 1987 on the homeless, then let us find something else in the fiscal year 1987 budget that we can cut in order to take care of these needs.

I commend my colleagues on the Committee on Agriculture for keeping that pay-as-you-go principle in mind as they developed their portion of the bill on food assistance, because in fiscal year 1987 we do provide the offsets in other spending areas to make sure that any new food aid funds spent in this bill are covered by those other reductions.

This amendment offered by the gentleman from Illinois says that we have to apply that pay-as-you-go approach to the other programs within this legislation.

I believe that it is really up to the membership here to decide whether we go along with the amendment offered by the gentleman from Massachusetts [Mr. FRANK]. Frankly, whether we turn it back to the Committee on Appropriations to look across a broad number of accounts to find some other areas that can be reduced, or whether we go specifically into the foreign-aid accounts and look there, is not the big issue to me. The big issue is, Will we cut in other areas to offset increases in these areas, so that overall we do not add to the deficit?

The principle can be adhered to whether we adopt the Frank amendment or whether we adopt the Michel amendment as is.

Again, I think that this philosophy has to be evident in all of our work this year when we are facing new demands in the area of competitiveness and retraining for workers displaced by unfair trade, and as we look at other important needs. We cannot solve problems by running up the deficit. We cannot solve problems with borrowed money. We have to toe the line. We have to keep an eye on the bottom line. And I think that this amendment deserves our consideration and our support.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. PENNY. I yield to the gentleman from Illinois.

Mr. MICHEL. I appreciate the gentleman's yielding.

Mr. Chairman, let me applaud the gentleman for the comments that he has made. I noticed the gentleman from Wisconsin [Mr. OBEY] on the floor, who is responsible in no small measure in the appropriation process in the foreign-aid field, and I must say that I have the reservations about spelling out, as I understand that the Frank amendment would do, rather than giving a more free, flexible option to the Committee on Appropriations to make those reductions from the places that I think might be more appropriate. I would be interested in the comment of the gentleman from Wisconsin [Mr. OBEY] relative to what has been proposed here. But I do want to applaud the gentleman for his support and thank him for it.

Mr. McKINNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words and I rise in opposition to the Michel amendment.

Let us not kid ourselves. The Michel amendment is a gutting amendment. If the Michel amendment is accepted, what you do here is just knock out the authorization in this bill, and in effect you have gutted it. Any way you want to describe it, that is what it ends up in being.

I think the main thing though that motivates me getting up at this point, and clearly identifying this as a gutting amendment, it has no intention of aiding the processes of urgent and immediate relief to the homeless at all. The idea is to kill this legislation, and that is what it is. There is no way it can be perfected by any amendments offered thus far.

But I think the distinguished minority leader displays a lack of knowledge of the bill. Obviously he did not read this bill when he said there is no definition of homeless here. In the definition section of this legislation we say definitions, for the purposes of the subpart—

> The term homeless individual means an individual who lacks housing without regard to whether the individual is a member of a family, including an individual whose primary residence during the night is a supervised, public or private facility that provides temporary living accommodations.

That is our definition phrase.

The minority leader says there is no such thing. This reveals that the minority leader, whose intent and explicit intent is to gut the legislation, not to add a perfecting amendment, an improvement to the legislation such as has been the effort of four different committees, three of them having even had hearings on this matter, and having the imprimatur of the Budget Committee on our whole process as being within the terms of the budget. We have approval from the Budget Committee, we have a proper definition of the budgetary compliance in this proposed legislation, and I just feel that the Members ought to know that this amendment is simply a gutting amendment, and I urge the Members to resist and vote against it.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Certainly I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding. The definition of homeless that he read, is that the definition under title II?

Mr. GONZALEZ. The gentleman is correct.

Mr. WALKER. The definition that he read is a definition different from the definition in H.R. 558. Has the definition been changed in the substitute from the definition that was in H.R. 558?

Mr. GONZALEZ. I do not know what the gentleman is referring to as definition in H.R. 558.

Mr. WALKER. I am referring to the same thing, I mean the definition section of title II, and it says, "For purposes of this title, the term homeless means families and individuals who * * *," and it goes on. That definition is different from the one that the gentleman just read to this House.

The only thing I can assume is that between the time that this bill was drafted and the substitute was brought to the floor, that the title of homeless changed. Can the gentleman clarify the point?

Mr. GONZALEZ. First, let me say that this definition I read is a conforming amendment throughout the bill, and that the gentleman must remember that we accepted to proceed on the amendatory processes on the substitute.

Mr. WALKER. Yes.

Mr. GONZALEZ. And what the gentleman is referring to in his perplexity here is the original 558 in the definition portion. The issue is not that at all. The issue is that the distinguished minority leader stated that there was no definition of homeless, and I am saying that there is, and the gentleman clearly recognizes it, and it is existent. Whether it is in the first version or the second version, it is there.

Mr. WALKER. If the gentleman will yield further?

Mr. GONZALEZ. Certainly, I yield to the gentleman from Pennsylvania.

Mr. WALKER. The reason why, of course, it comes up is that it appears as though the definition that the gentleman is using is a changing definition. What the gentleman read is substantially different from what was in the original bill.

The minority leader, I think, validly raises the point that we do not seem to have a clear definition of exactly who it is who is going to get these benefits, and the gentleman has just admitted to me now that, in fact, that definition is a changing definition.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

(On request of Mr. MCKINNEY and by unanimous consent, Mr. GONZALEZ was allowed to proceed for 2 additional minutes.)

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Connecticut.

Mr. McKINNEY. There are two definitions of homeless in the bill, one done by the Energy and Commerce Committee on page 37, which is homeless individual. The other is on page 59 and is one that was done by the Committee on Banking, Finance and Urban Affairs in the Subcommittee on Housing and Community Development, and is listed as the homeless. They are two different definitions, one for the homeless individual and one for the homeless.

Mr. WALKER. Will the gentleman yield to me?

Mr. GONZALEZ. I will be glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. That is different from what the gentleman just told me. He said that in the substitute it was given as a conforming amendment and the term "homeless" means the same thing throughout the bill.

Mr. GONZALEZ. That is right.

Mr. WALKER. The gentleman from Connecticut told us we have two different definitions for homeless in the bill. Now which is it?

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Connecticut.

Mr. McKINNEY. There are two entirely different aspects of this bill. One is housing and one is essentially health. Let us group, or block it that way. The health one is particularly for an individual, obviously, for obvious reasons which we all understand. And the other is the housing one. Other than that, they say the same thing in different words.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not quite certain what to urge people to do, but I think what I am going to suggest you do is support the Frank amendment to the Michel amendment and then I would urge you to vote against both of them, frankly, out of deference to the request of the Reagan administration.

If I had my way, I would take the Frank amendment cold turkey because, as you know, I have been trying for 2 years to hold down the foreign aid bill as chairman of that subcommittee. But before people get too pious and start posing for political holy pictures on the deficit here today, I would like to give you a few numbers.

☐ 1520

I am really interested in the fact that all of a sudden, when we are dealing with the most wretched souls in this country, people with no housing, no community structure to support them, no family structure supporting them, people out there stripped of everything but their mere existence, all of a sudden we are passionate in defense of the budget. But let us take a look at what the administration is asking us to report out when we mark up the appropriations supplemental next week:

The administration is asking me to give them an additional $1,100 million in foreign aid. Not cuts, but additional foreign aid. The administration is asking us to provide $3 billion in additional spending for the Pentagon. The administration overall is asking that we spend $12 billion more, not less—more, and how are they paying for it? They are paying for it by proposing reductions of $5.8 billion—not enough to cover the $12 billion. They are providing reductions of only $5.8 billion and $5.7 of that reduction comes on the domestic side of the ledger.

So I would suggest to you that before we pose for holy pictures on deficit reduction today, Mr. Chairman, that we treat people on an equal footing. In fact, I do not even agree that that is the morally correct thing to do. I agree with the Catholic bishops who say that the poor and the homeless and the defenseless in this society have a prior obligation that exceeds anybody else's, and that until we meet that obligation, we are not meeting our moral obligation anytime we deal with budget issues.

That is part of what this homeless bill is all about today. So I would urge you to vote for the amendment to the Michel amendment, because if we are going to take it out of previously appropriated items, at least let us take it out of an administration priority which they have not been willing to control.

Do you know how much foreign grant military assistance has gone up under Ronald Reagan? Since the day that Ronald Reagan became President, the giveaway military aid—that is the stuff he used to squawk about before he became President—the giveaway military aid has gone up 600 percent in the budget.

Now I suggest, if we are going to pay for this out of the hide of some other program, do it out of foreign assistance; but just remember, institutionally both of these amendments are irresponsible because we have a distinction in process here between what authorizing committees are supposed to do and what the appropriations committees are supposed to do.

We fundamentally corrupt the process by which we legislate when we engage in this funny business of trying to pretend that you are saving a dime on an authorization bill by instructing the appropriations committees to do anything.

We all know this amendment is not going to survive in conference anyway; it is another one of those political amendments that is offered, and I think you ought to do with it what we ought to do with all political amendments, which is to junk both of them after you first adopt the substitute amendment.

Mr. FAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to join with my colleague [Mr. OBEY] a member of the Committee on Appropriations, in opposing this amendment; in fact, the amendment to the amendment as well. I do so soberly, because I have agreed with my friend the minority leader [Mr. MICHEL] in prior years when he moved, for example, to terminate revenue sharing because we did not have the money to pay for it. We probably had not provided money in the budget or appropriations process for this very popular program.

I agreed with him in his approach to providing for drugs in the last session of Congress. I think it was patently inappropriate; a violation of our trust to be up front with the American people to provide funds that were not there, really, to fight a problem we all took very seriously.

This is a different situation than we were in at the end of the last fiscal year. Mr. OBEY has said it well; we are messing around with an appropriations process that has not even had an opportunity to play itself out during the remainder of this fiscal year.

We are marking up a supplemental appropriations bill now. There remains some $7.7 billion, I believe, in discretionary budget authority available. That is not enough to satisfy all demands and we will have to make some choices in the next several months about how we are going to use that authority before the end of this fiscal year. The last thing we need to do is to cause the Appropriations Committee to have no influence about how to allocate and apportion among our priorities as we make these decisions on the supplemental.

In addition, there is no question that we have cut over the last 6 years some $300 billion in domestic spending out of essentially 12 of the 13 subcommittees of the House Committee on Appropriations everything but defense.

To be clear we have, in fact, reduced our domestic budget from the Congressional Budget Office's baseline, in real terms well over $300 billion. This amendment would simply force us to cut more this year out of discretionary appropriations that have declined as a percentage of the total budget by some 5 percent in the last 6 years, without being able to sensitively do so, without being able to set priorities on behalf of all the Members.

It is obvious, Mr. Chairman, that this amendment is politically motivated; it will not work. More appropriately, though, we ought to be focusing on the job the Appropriations Committee will have over the next several months, as I have indicated, and that is not an easy one because we have already had requests that exceed the budget; we have already been asked for funds by the administration, by the committees, the authorizing committees, that really does make it impossible for us to remain within our budget amount.

But we cannot operate with our hands tied behind us as this amendment would require; we cannot do a fair job of allocating resources if we have some automatic process working, where the Committee on Appropriations does not have the opportunity even to comment on where we will get the funds to aid the homeless.

We have made the mistake of not providing enough for these people in the past. We are about to rectify that mistake; let us not agree to amendments that will totally gut this proposal and hold out a promise that we will not be able to keep.

Mr. Chairman, I yield to my friend from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to the Michel amendment.

Mr. VENTO. Mr. Chairman, if we are going to have to adopt one of these amendments, I am going to vote for the Frank amendment, but hopefully we will not opt for either amendment.

The amendment offered requires that any funding for these programs come from reductions in existing appropriations. Whether these amendments are cloaked in rhetoric such as pay-as-you-go or transfers from existing accounts, the effect will kill funding for this year.

The tragedy of this approach is that it seeks to exact a discipline on the homeless programs that is not required in any other program that we find. This type of amendment demands that the poorest of the poor, the least powerful in our society, take money away from somebody else before they can have a warm bowl of soup or a blanket or a cot.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a feeling that the Frank amendment is going to pass in this body, and I think it is rather important to establish the legislative history with regard to that amendment, because I think we are going to have a very clear vote, then, in a moment.

As I understand what the gentleman from Massachusetts [Mr. FRANK] has told us is, that he has specified certain countries where we ought to take the money out. He said Liberia, Brunei, and Zaire were places that he would take it out. I would hope that maybe we could add Mozambique and Ethiopia to the list, because it seems to me that the mass genocide in Ethiopia might be a thing that we would want to talk about.

Mr. FRANK. Mr. Chairman, will the gentleman from Pennsylvania [Mr. WALKER] yield?

Mr. WALKER. I yield to the gentleman.

Mr. FRANK. Mr. Chairman, the gentleman misunderstood me. I would not like to claim that simply by making a couple of illustrative statements in debate I could make binding legislative history.

I did say that I believe Liberia and Zaire would be the ones, but I also said explicitly my intention was, and I said this several times as is my unfortunate habit, to leave it to the discretion of the Subcommittee on Appropriations.

I would only add one other correction. I did not suggest that we should cut aid to Brunei. Brunei, as the gentleman knows, gives aid to us; we are the conduit. So I would ask Brunei to give us more money. I would cut money to the others, but I would leave it up to the subcommittee.

Mr. WALKER. Mr. Chairman, if the gentleman would allow me to reclaim my time. I think, though, the gentleman also stated—and I think it very necessary to make this clear if the gentleman's amendment has a chance of winning—that he would not want the aid to come out of Israel, Pakistan, or Egypt.

The gentleman is shaking his head "yea," and that is clearly, then, the intention, it seems to me, of the House as we vote for this amendment; that we are to take the money out of places other than Israel, Egypt, and Pakistan.

Now, should the gentleman's amendment be adopted, as I have a feeling that it may be, then we are going to have a very clear vote on the Michel amendment; because at that point the Michel amendment becomes the question of whether or not we add more money to the deficit or whether or not we take it out of foreign aid.

□ 1530

Now the gentleman from Wisconsin [Mr. OBEY] said we ought to vote against both. I would suggest when we get to that vote that a lot of people may want to think about that. You may want to think about whether or not you would rather take it out of foreign aid than add to the deficit. In my case I think it might be very reasonable for me to vote "yes" on the Frank amendment and also vote "yes" then on the Michel amendment because it seems to me that at that point we have a clear choice before the House of Representatives.

That clear choice is this: Are you more willing to add to the deficit and thereby run a bypass past the Budget Act than to take money out of foreign aid? In my case I think we ought to take it out of foreign aid and not add to the deficit. It will be interesting to see how the House votes.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be very glad to yield to the gentleman from Illinois.

Mr. MICHEL. I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Wisconsin a few moments ago said this was a political amendment. Now I am not so thin skinned that I would be offended by someone making that characterization of my amendment. I do think, however, from my intelligence on the other side of the Capitol, that there is significant support over there for the kind of amendment that I have offered here in the House of Representatives. I just happen to feel that overall, under budget restraints that we are under today, that we have got to pick and choose some serious priorities and that, frankly, what we are saying here, we are trying to declare our sensitivity to the need here. I would have a quarrel with the total amount. I think we can get by with something less than that. By the same token then we had better, if we are going to be serious about deficit reduction here, make the decision here today that it comes from some other area that frankly is not as important as taking care of the homeless. I think it has certainly been offered in good faith and is not political at all in that sense, other than that this is a political body and political decisions are made every day, across the aisle and on the same side.

Mr. WALKER. I thank the gentleman, because his amendment offered us a broad range of choices. The gentleman from Massachusetts, in his wisdom, has decided that we ought to narrow that range of choices to simply foreign aid. The question then becomes whether or not foreign aid is more importnat than budget deficits, and I would hope that the House will decide that we will take the money out of the foreign aid bill and that we will do so knowing that the money is not to come out of Israel, is not to come out of Pakistan, and is not to come out of Egypt.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman for yielding.

I would like to add further that it is not just foreign aid. I did say budget function 150, which I believe includes the Eximbank, State Department. It is foreign operations in the broad, with some of the development banks. I just wanted to clear that up.

Mr. WALKER. I thank the gentleman for the clarification. It is a little bit broader than I described it. I think it is well to clarify it that way.

But I just want to make the House aware that that is the choice I think that you are going to probably going to have: Add to the deficit or take it out of foreign aid.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I will be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, if the Frank amendment is adopted, how does the gentleman intend to vote on the administration request that we, through expedited procedures, add an additional $300 million in foreign aid to Central America?

Mr. WALKER. Well, I would say to the gentleman that I think that we probably, in prioritization, ought to find money to defend ourselves against the Communist aggression that is taking place in Central America.

Mr. OBEY. So the gentleman is going to vote for more foreign aid next week, is that right?

Mr. WALKER. No, I am for cutting in other places, other areas of foreign aid so we can find money to fight Communists.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. I am perfectly willing, for instance, to cut money out that we now send to Communist countries in order to find money to fight Communists. I am always amazed that in this body we do not seem to have that same sense of priority. So we ought to take it out of Mozambique and give it to Central America.

Mr. MICHEL. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding further.

Mr. Chairman, the request of the administration for $300 million is one coming out of transfer from funds in foreign aid and Defense Department appropriations for that necessary money down in Central America.

Mr. OBEY. Mr. Chairman, will the gentleman yield to me?

Mr. WALKER. I will be glad to yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding.

Mr. Chairman, is the gentleman aware of the fact that with the adoption of the foreign assistance bill last year no money goes to a Communist country unless the President certifies that it is necessary for the national interest? Any money that goes to Communist countries goes there because Ronald Reagan says it is essential in the national interest or it does not go there.

Mr. WALKER. As the gentleman well knows, Ronald Reagan is also subservient in some cases on that to his State Department. I think they made some bad decisions along the way.

So let me say to the gentleman I think we ought to lock it down tight and we ought to stop voting aid to Communists in this body.

Mr. FIELDS. Mr. Chairman, I rise in support of the Michel amendment to H.R. 558, the Urgent Relief for the Homeless Act.

Important, if not incumbent at this time to focus on the Michel amendment—lot of rhetoric to disguise the true intent of the Michel amendment. The amendment offered by our distinguished minority leader is deceptively simple, deceptively logical. It would ensure that the authorization of funds under H.R. 558 does not result in increased appropriations in fiscal 1987. Rather, any authorized funds must come from unobligated funds that have been appropriated prior to this date.

The amendment allows that "any authorization of appropriations * * * shall be considered to be only an authorization to approve the transfer * * * of amounts provided in appropriation acts before the date of the enactment of this act."

Mr. Chairman and colleagues, I cannot believe that we are here today actually considering spending an additional $725 million to address a single issue in this fiscal year when just a few very short months ago Congress, without my support, passed the largest spending bill ever.

Billions of dollars have been appropriated for the various executive departments for fiscal 1987. Much of those appropriated amounts have not yet been spent. If Congress decides that money should flow to help the homeless, it has to recognize that that new priority must push already established priorities to the back of the line.

Furthermore, and I say this without disregard for the true needs of the homeless, H.R. 558 is a hastily and ill-conceived legislative package which attempts to address a poorly understood problem by creating a new categorical entitlement program.

The committee on which I serve, Energy and Commerce, authorized a new categorical program to provide outpatient services to the homeless in this bill. Although I may have no objection to providing these services to those truly without resources, I suspect that this new program will duplicate services already provided through other programs and facilities.

But, we have not taken the time to see how these current resources and established programs might be used to address the needs of the homeless in this country. First we need to understand the nature of the population. Until then I feel that there is little reason to believe that new programs will be effective.

With the current $160 billion deficit staring at us, we cannot simply continue appropriating money for new programs, even if they are designated as emergency or, as in this case, urgent. We cannot afford to throw this much money at a problem that is ill-defined and not well-understood. Nor can we afford to throw this much money at a new program with more administrative overhead. This is poor public policy.

Again, I support the Michel amendment which would preclude additional appropriations in fiscal 1987 for programs authorized under this bill. I urge my colleagues to support this amendment as a demonstration of fiscal responsibility and as a protest against the promulgation of poor public policy. We must make priorities about spending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] to the amendment offered by the gentleman from Illinois [Mr. MICHEL].

The amendment to the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MICHEL], as amended.

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 203, noes 207, not voting 23, as follows:

[Roll No. 19]

AYES—203

Alexander
Applegate
Archer
Armey
Badham
Ballenger
Barnard
Bartlett
Barton
Bates
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Campbell
Chandler
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
Dornan (CA)
Dreier
Duncan
Dwyer
Dyson
Early
Edwards (OK)
Emerson
English
Erdreich
Fawell
Fields
Flippo
Florio
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby

Hughes
Hunter
Hutto
Hyde
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCloskey
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (CA)
Miller (OH)
Molinari
Moorhead
Morella
Morrison (WA)
Myers
Nichols
Nielson
Olin
Oxley
Packard
Parris
Pashayan
Patterson
Penny
Petri
Porter
Pursell
Quillen
Rahall
Ravenel
Ray
Regula
Rhodes
Ridge
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Upton
Valentine
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Wylie
Young (FL)

NOES—207

Ackerman
Akaka
Anderson
Andrews
Anthony
Aspin
Atkins
AuCoin
Bateman
Beilenson
Bevill
Biaggi
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Brennan
Brown (CA)
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dymally
Eckart
Edwards (CA)
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lipinski
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCurdy
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (WA)
Mineta
Mollohan
Montgomery
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rangel
Richardson
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sikorski
Sisisky
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—23

Annunzio
Baker
Berman
Boucher
Brooks
Chapman
Dowdy
Gephardt
Horton
Hubbard
Inhofe
Leach (IA)
Livingston
Lloyd
McEwen
McGrath
Moakley
Moody
Roemer
Skelton
Slaughter (NY)
Tauzin
Young (AK)

□ 1550

The Clerk announced the following pair:

On this vote:

Mr. McEwen for, with Mr. Leach of Iowa against.

Messrs. STAGGERS, JONES of North Carolina, SMITH of Florida, BRYANT, CONYERS, VOLKMER, KANJORSKI, GAYDOS, MURPHY, and KOLTER changed their votes from "aye" to "no."

Messrs. McCLOSKEY, CRAIG, and ALEXANDER, Miss SCHNEIDER, Messrs. COATS, RAHALL, and EDWARDS of Oklahoma, Mrs. MORELLA, and Mr. MORRISON of Washington changed their votes from "no" to "aye."

So the amendment, as amended, was rejected.

The result of the vote was announced as above recorded.

□ 1600

AMENDMENT OFFERED BY MRS. ROUKEMA

Mrs. ROUKEMA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. ROUKEMA: At the end of the bill, add the following new title:

TITLE VI—LIMITATION ON PROVISION OF ASSISTANCE

SEC. 601. REQUIREMENT OF STATE PLANS WITH RESPECT TO MENTALLY ILL INDIVIDUALS.

Nothwithstanding any other provision of this Act to the contrary, assistance made available pursuant to this Act may not be expended in any State that has not by law established a State plan with respect to the provision of community-based services and treatment for mentally ill individuals.

Mrs. ROUKEMA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mr. GONZALEZ. Mr. Chairman, I reserve a point of order on the pending amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order on the amendment.

Mrs. ROUKEMA. Mr. Chairman, I would think that compared to what we have just been through this amendment will be tame.

Mr. Chairman, the amendment I offer today is intended to stimulate a debate on a subject of great severity, but which has not been elevated to the level of national direct focus.

My amendment is directed to the society's neglect. The whole subject of homelessness, and specifically the mentally ill who were deinstitutionalized or who were never in an institution, is an unpleasant one. Discussion of this topic holds a mirror up to the face of society. Until now, society has reacted like Snow White's ugly step mother, who broke the mirror rather than face the truth.

At the outset, let me establish two things for the record. First, I support H.R. 558. I am a cosponsor of the legislation. I supported it in the Housing Subcommittee and in the full Banking Committee. We have a serious homelessness problem in America and the Federal Government has a role to play in solving that problem.

Second, I recognize that the homeless population is diverse. The stereotype of the homeless person as a single male suffering from alcoholism. The nature of the homeless population is changing dramatically. Shelters have seen a dramatic increase in the number of families and children without homes. I understand that there are many segments to that population besides the mentally ill. My amendment, however, and the debate I hope it spurs are focused only on the problem associated with those who are homeless because of deinstitutionalization.

With those two facts established, let me explain my amendment.

Through much of the sixties and seventies, States released the number of patients in State mental institutions. This was a social and medical experiment with the best of intentions. But many States failed completely in their responsibility to develop community based treatment facilities to help the mentally ill cope with life outside an institution.

This abdication of responsibility is an outrage. If the Federal Government must now act because of that abdication, then so be it. But I want the record to reflect clearly that we are cleaning up someone else's mess. There are many Governors and local officials who should be called upon to explain themselves.

My amendment would say to those States that met their responsibility, "We applaud your action and we are willing to help with the money contained in H.R. 558."

However, to those States that did nothing and which still do not have in place any plan to provide community-based treatment centers for the mentally ill, my amendment would say, "The Federal Government is not going to reward your inattention to this problem with a bailout."

Now, I am sure that my colleagues understand that I am offering this amendment to be provocative. The debate on this amendment should put States on notice that they are not being let off the hook.

Congress also spoke on this matter last year by enacting Public Law 99-660, the omnibus health bill. A provision of that law requires States to form plans to deal with the mentally ill. We were long overdue in imposing that requirement. I have only a few reservations about that law. First and most obvious, we in the Federal Government should not have to tell the States to do this. The need was obvious, and States should have been doing it for 15 or 20 years. Second, Public Law 99-660 authorized $10 million in grants to States to develop their plans. Some level of Federal financial assistance may be appropriate, but I do not want the States to think that the Federal Government should or is going to shoulder the bulk of these planning costs. Finally, the law provides only a weak sanction against any State which fails to develop a plan—the Federal Government can withhold administrative fees to the States under the Alcohol, Mental Health, and Drug Abuse Block Grant Program.

Today, with my amendment, we are speaking again to the States, and we are saying, "face your responsibility."

As I indicated, not every State is at fault. Wisconsin and Vermont are States which experts point to as ones which did a good job of providing community alternatives to State institutions. In my own State of New Jersey, Governor Kean's recent budget calls for $12.6 million in new spending to improve community care for the mentally ill, and it outlines a 4-year plan to reduce the number of patients at Greystone Park State Psychiatric Hospital. Unfortunately, such States have been the exception rather than the rule.

The inadequacy of the care available to deinstitutionalized patients is suggested by the large increases since the early 1960's in the rate of admissions to State mental hospitals and by the fact that a growing majority of admitted patients have been hospitalized before. The drop in the resident population of the institutions is accounted for by shorter average stays. Younger ill people who might have been institutionalized 15 years ago now receive only brief and episodic care.

The system is cold, uncaring. Chronically disturbed people are sent out into the community, often to empty lives in single-room-occupancy hotels and skid row rooming houses. And they are the relatively lucky ones. With the severe shortage of even this substandard housing, many of the people end up on the streets.

In addition to my position on the House subcommittee, I am also the vice chairman of the Select Committee on Hunger, which has looked extensively into the problem of hunger among the homeless. If our work on those two committees has taught us anything, it is that homelessness is a complex problem; it has many dimensions. Clearly, it is also a long-term problem and one not solved by this emergency measure. With respect to the mentally ill homeless there is a major health care task to be performed. It is a task which should be performed by health care professionals and not by bureaucrats from the Department of Housing and Urban Development, and it is a task which should be organized primarily by State and local governments and not by the Federal Government.

We should look to a legislative vehicle to enforce the requirements of the law. States have to take up their responsibility or face sanctions.

□ 1610

Mr. GONZALEZ. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. I am glad to yield to my chairman, the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, allow me to say that the gentlewoman, of course, is a very valued member of the subcommittee and has been very diligent in her work. I interposed and reserved a point of order because the gentlewoman's amendment at this point on this urgent act is not germane; however, the point that the gentlewoman makes is very, very valid. It addresses a fact that because of decisions made a few years ago, the State governments have interpreted a Federal decree as meaning that because of economy they would empty the eleemosynary institutions for the mentally ill, which is, or course, a source of homelessness that amounts to a goodly 25 to 30 percent.

However, very sadly I must not accept the amendment, as much as I would like to, because it is not germane at this point to this pending legislation.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. ROUKEMA. Yes, I am happy to yield to the chairman of the Health Subcommittee, the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I want to express a great deal of sympathy with the purpose of the gentlewoman's amendment, which, as I understand it, is to tell the States that we want them to develop the plans that will be necessary to deal with the chronically mentally ill.

Last year the Congress enacted and the President signed into law S. 1744 requiring that States develop comprehensive mental health services plans and over the next 4 years implement those plans. Those plans have to be approved by the Secretary of HHS as complying with the requirements set forth in law.

The States which do not comply will lose a portion of their share of the alcohol, drug abuse, and mental health block grant money. I think that is a formidable sanction.

If other sanctions are needed, I want to work with the gentlewoman to look to see what else will be necessary, either by way of incentives or sanctions, because the States should be doing this job.

If we put this amendment in this bill, I think it would be inappropriate, because the States would not act fast enough and we would be seeing that the States' homeless people would lose out on benefits because the State would be taking 6 months, a year or 2 years to do the plan; but I do agree we need to push them to get those plans.

Mrs. ROUKEMA. Mr. Chairman, I thank the gentleman for that statement, but I would like to clearly get on the record here that States have been dilatory and that it may mean that they are going to view this homelessness bill as an indication that somehow the Federal Government is going to bail them out. That is why I want the record to clearly indicate that is not the intention of this committee. This is a 1-year authorization and that the chairman of the Health Subcommittee understands the true nature of this problem and is in agreement that this is a State health problem where the Governors and local authorities should be complying with the requirements of the law more expeditiously than they presently have indicated.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield further to me?

Mrs. ROUKEMA. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the gentlewoman is absolutely correct. The Congress and the President went on record again last year saying that they must go forward with these plans or they are going to start losing the money they get from the Federal Government; so I would concur with the gentlewoman.

Mrs. ROUKEMA. I would say, Mr. Chairman, that with the concurrence of the chairman of the Health Subcommittee and the understandings established in this debate, I look forward next year or at the appropriate time to a legislative vehicle where we can put in legislative language our understandings and agreements with respect to the responsibilities of the States in this matter.

Mr. Chairman, I ask unanimous consent that my amendment be withdrawn.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. DANNEMEYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DANNEMEYER: In section 201 of the bill: In section 340(d) of the Public Health Service Act (relating to required services, as proposed to be inserted by the bill)—

(1) strike "and" after "services;" in paragraph (4);

(2) strike the period at the end of paragraph (5) and insert "; and"; and

(3) insert after paragaph (5) the following new paragraph:

"(6) ensure that any recipient of outpatient health services pursuant to this subpart is tested for the presence in the bloodstream of the virus causing acquired immune deficiency syndrome (commonly known as HTLV-III/LAV) or for the presence of the antibody to such virus, and that the results of such tests are provided to State public health authorities, which tests results shall remain confidential.

Mr. DANNEMEYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DANNEMEYER. Mr. Chairman, when we were in general debate under this bill, I brought to the attention of the Members an approach that is routinely followed with respect to the treatment of communicable diseases in our society. The basic cornerstone of that treatment and handling of communicable disease is notification to public health officials.

You may say, "Well, why are you talking about notification when your amendment relates to testing?"

It is very simple. Because our society, because our public health authorities in this country have committed a major blunder in terms of making those with the virus reportable, we do not know how many Americans have the virus. The estimates are between 2 and 4 million; but because we have not provided for notification, we must come in through another door to try to figure out and get a handle on how many people in this country have the virus. That is the reason for this amendment.

We would test those persons who come for health services in connection with this legislation for the virus of AIDS.

I want to apologize to the House for bringing just this narrow window of people to be tested. I would like to have the testing requirement expanded to include the following: Federal prisoners, immigrants, persons seeking a marriage license, persons arrested for prostitution, persons arrested for drug use, persons working in the health care industry who would perform invasive procedures, and persons admitted to hospitals. That minimally is what our public health authorities should be doing across this country today; but of course, if my amendment included all these categories to be tested, I would suspect that someone would be on his feet claiming a point of order of nongermaneness because my amendment would be going beyond the scope of the bill. That is why I have narrowly drafted this amendment to only pertain to those to be tested who are seeking health services in this category.

Clearly, the data indicates that over half of them are drug addicts. For that reason they are in the high risk group, those people who historically have contributed 17 percent of the AIDS cases in this Nation.

I want to share with the Members just how serious this epidemic is. It has been estimated, as I have said, that between 2 and 4 million people have the virus. Some estimates are 1 to 2 million. We will take the lower figure, just say 2 million people.

A year ago, public health authorities were telling us that within a year, or 5 years, rather, 20 to 30 percent of that 2 million people would go on to get AIDS. Today the estimate is more like 50 percent that are going to have AIDS within 5 years and the balance of them, the health authorities now tell us, are going to manifest some impairment of the immune system; that is, they are going to have some contact with the health care industry as a result of the impairment of their immune system.

□ 1620

If 50 percent of the 2 million get AIDS in the next 5 years, that is a million people, and estimates are that it takes about $100,000 to care for these people. If you multiply a million times 100,000, we are looking at about $100 billion in health care costs over the next 5 years to take care of these people.

We are going to lose to this disease, unless we find a cure in the next 5 years—more men in our society than we lost to the category of killed in action in World War II, a little less than 300,000 people. That is how serious this disease is.

What is alarming today is that the growth curve of heterosexuals of those getting AIDS today is about where that growth curve was with respect to homosexuals in our society just 4 years ago. Anyone in this country who believes that if they are a heterosexual that they are exempt from getting AIDS, they are deluding themselves. The genus for this disease is promiscuity and perverse sex. Any citizen in our society engaging in promiscuous or perverse sex is at increased risk for AIDS.

The CHAIRMAN. The time of the gentleman from California [Mr. DANNEMEYER] has expired.

(By unanimous consent, Mr. DANNEMEYER was allowed to proceed for 2 additional minutes.)

Mr. DANNEMEYER. Drug users in our society contribute 17 percent of the AIDS cases. This group includes a little more than half of the persons that will be availing themselves of these health-care services under this legislation.

Gallup took a poll last month in this Nation, and I want to share the results with my colleagues:

Eighty-seven percent of the American people believe that we should be testing those who are in the high-risk group for AIDS—male homosexuals, intravenous drug users, and the sex partners of these people.

Seventy-one percent of the American people believe that we should be testing those in the health care industry and in the food industry.

Eighty percent of the American people believe that we should be testing those who apply for a marriage license.

Seventy-seven percent of the American people believe that we should be testing those who enter a hospital for routine treatment.

The heavy majority of the American people are far ahead of the public health authorities in this country. The people of America know intuitively that our public health response has been treating this as a civil rights issue, not as a public health issue. I believe that we should do the responsible thing today and adopt this amendment that just modestly says that those who avail themselves of this homeless treatment through the medical aspects of the bill would be required to submit to a blood test for the virus for AIDS.

The argument perhaps will be made that it is going to cost too much money. In mass quantities this test can cost as little as $2 per test, and most people when they come in for medical care have a blood sample taken. It would be a routine thing to just add the antigen for the virus for AIDS and test it.

I will close by observing that my amendment specifically says that any results of this test are to be kept confidential between the patient and the doctor and the public health authorities, so we are not talking about transgressing on anybody's civil rights.

Mr. WAXMAN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is an irresponsible amendment, especially on this bill. We have a very limited amount of money that we are providing for health-care services for the homeless. If we require that that money be used to test everyone who comes in for services—every man, woman, and child—for AIDS, mandating that they be tested, mandating that money be used for that purpose, I can assure the Members that there is not going to be any money left over for prenatal care, for low-income women, for essential health-care services for the homeless, which are the whole purpose of this bill.

I suppose that there are some Members who will vote for this amendment thinking that since it would make the bill unworkable in terms of getting money to provide health care to these people that they might find it attractive, but I think that there is another level of why this amendment is one that we ought to reject. Even as recently as last week the Centers for Disease Control convened a 900-person meeting of health professionals in Atlanta, and they considered the question of widespread use of the AIDS test. At that meeting there was virtual consensus that mandatory testing in any setting—hospitals, outpatient clinics, or through the State health authorities—is not only ineffective, but actually counterproductive.

The Surgeon General, Dr. C. Everett Koop, testified before our subcommittee, and when he was asked by the gentleman from California [Mr. DANNEMEYER] whether he would support this proposition, he said clearly and explicitly "No." He thinks that it is a wrong measure to take for health reasons, that it would do more to drive away people who have a high risk of having this disease from coming in and getting tested and receiving counseling and we want to encourage them to come in.

This amendment does an enormous amount of mischief. It is bad from a public health point of view. It is very detrimental to the purposes of this legislation.

Let me also add that this is not the place to deal with the AIDS question. This is one of the major public health problems of our time, and we have to be as thoughtful as possible. I have talked to the gentleman from Illinois [Mr. MADIGAN], the ranking minority member of our subcommittee, and we are in the process of working to produce legislation that will be thoughtful, that will be productive in protecting the public health, that will do what is going to be in the best interests of the health community and the Nation to find a way to stop the spread of this disease.

I think that that is a reasonable way to deal with the problem in legislation. We should think through what the options are and give recommendations to the House, not do it in such a haphazard way.

I yield to the distinguished gentleman from Illinois [Mr. MADIGAN] for a colloquy with him and to ask him to confirm that fact that we are working together on this issue.

Mr. MADIGAN. I thank the gentleman for yielding.

Mr. Chairman, even though I am going to vote in opposition to this amendment, I want to emphasize that as a Member of this assembly, I am in debt to the gentleman from California [Mr. DANNEMEYER] for his willingness to come out and be the point man on this issue. As the other gentleman from California [Mr. WAXMAN] has said, this is now the No. 1 public-health problem in the United States. It is not getting better, it is getting worse by the day nobody knows what the dimensions of this problem are going to be even 12 months from now.

Obviously it deserves the attention of the Congress, and it deserves the attention of the Congress in a reasonably expedited way. This would not be occurring, in my judgment, if it were not for the leadership of the gentleman from California [Mr. DANNEMEYER]. As I have said, I am indebted to him for his leadership, but I am inclinded to agree that we should not be identifying the homeless for this particular treatment at this time.

I think that we have to have the courage to talk about prostitutes. I understand that the word "prostitute" has never been mentioned in any public law ever passed by the Congress of the United States. I think that we have to get that kind of thinking behind us, and we have to be willing to talk not only about the homeless, but about prostitutes, about intravenous drug users, about any and all people who may be and who are most susceptible to this disease.

As the gentleman from California [Mr. WAXMAN] has said, he and I are working on legislation. We are working with the administration on that legislation. We need cost figures, and they are promising us that we are going to get help in estimating those figures so that we can produce this year, in calendar year 1987, and bring to the floor of this House, a piece of legislation that will deal with all of the high-risk groups we hope to provide for those individuals the test that they need and the counseling that they need and the provisions for confidentiality that should be associated with these tests and counseling so as to ensure that they will come forward and make themselves available for the test.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 3 additional minutes.)

Mr. MADIGAN. Mr. Chairman, will the gentleman yield further?

Mr. WAXMAN. I continue to yield to the gentleman from Illinois.

Mr. MADIGAN. The gentleman from California [Mr. WAXMAN] has promised me his cooperation in accomplishing this. His staff and my staff and people from the administration are working toward that end right now.

□ 1630

I want to, in reluctant opposition to the other gentleman from California, assure him of my best effort to see that we bring this piece of legislation to the floor of the House of Representatives this year, and I thank the gentleman for yielding.

Mr. WAXMAN. I thank the gentleman for his comments. Reclaiming my time, we need to approach this terrible epidemic in the most responsible fashion possible, not to let hysteria be the way that we will dictate what is the policy, because hysteria can lead us to policies that will be counterproductive to stopping the spread of this disease. So, therefore, I want to hear what the administration wants, what the public health people want, to work with my colleague and friend, the gentleman from Illinois [Mr. MADIGAN] and to have our staff think through what would be appropriate legislation on that subject.

But the legislation that is before us now is health care in a very limited way for the homeless, and this test, which would be mandated, is an expensive test. It could cost an additional $50 to $100 per person for that test, and even more for counseling, and the money that would go into that test and counseling would use up the money that we have scheduled for a whole range of health care services for those people who, by the way, have no other access to health care services at the present time. They are not insured, they are not under Medicaid, they are not under Medicare. They have no other way to get their basic health care needs met.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK. If I am correct, as I read the amendment, it would not require that testing go only to certain risk groups, but every single potential entrant, so that some 64-year-old woman, where there was no history of drug abuse, you would have to test that woman and every single entrant, am I correct?

Mr. WAXMAN. That is correct. What we would want to do is focus a legislative proposal that would be most cost effective in accomplishing the objective of trying to stop the spread of this disease.

Mr. FRANK. If the gentleman will yield further, we have had this problem of people not going into the shelters. We know, we all agree, a certain percentage of this population are people that have mental and emotional problems. To take a woman in her sixties, who has no previous record of sexual activity of any great amount, or of drug abuse, and you tell her she cannot go into the shelter, and she has had emotional problems, until she is tested for AIDS, I do not think that that is a useful thing for us to mandate the local governments to do. I do not think that you are going to do a great favor to the police officers either when you ask them to administer that.

AMENDMENT OFFERED BY MR. BROWN OF COLORADO TO THE AMENDMENT OFFERED BY MR. DANNEMEYER

Mr. BROWN of Colorado. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BROWN of Colorado to the amendment offered by Mr. DANNEMEYER: In the amendment that proposes a new section add the following after the word "tested" "on a voluntary basis".

Mr. BROWN of Colorado. Mr. Chairman, the amendment is very, very simple. It keeps the language of the Dannemeyer amendment, but merely inserts therein that such test is done on a voluntary basis. In other words, testing would be available at these facilities.

I think the gentleman from California has raised an important public health point. I do not mean to diminish the gentleman's efforts in this area at all. He has been a leader in this fight to bring public awareness to this very serious problem.

I am concerned about making the folks that use these facilities the only ones that we have a mandatory test for. It seems to me there is an indication of discrimination here, there is an indication that we have singled these people out for treatment that we do not require of anyone else.

I would certainly acknowledge the gentleman from California has the best of motives, and frankly I think there would be real value in having this test available. The purpose of this amendment, therefore, is to retain the ability to offer this test at these facilities, but it makes it on a voluntary basis instead of requiring it.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I am glad to yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I think the amendment is an improvement, but I still think it is not an improvement that would justify our acting. It is not responsible for us to act on this amendment at all. I think we ought to defer the subject to further legislation.

The gentleman would make it voluntary. At least that would not require the use of all of the funds for some AIDS test before people could be given basic health care. But it would have a reportable requirement which is part of the original amendment.

I will support the gentleman's amendment, but I still think we ought to defeat the whole thing and go on and deal with this in a manner that would permit the House to look at the AIDS question after the committee of jurisdiction, working with the administration, proposes legislation before us.

So I thank the gentleman for his amendment.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. BROWN of Colorado. I am glad to yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I appreciate what the gentleman from Colorado is doing, and it seems to me it is a substantial improvement.

The one problem I have with the amendment has to do with the reportability from two aspects. First of all, you are dealing with the question of reportability in an ad hoc way, because there would be a reportability requirement only for people who came through the shelters at some stage, and not elsewhere. It seems to me that should cause some skewing problems.

Beyond that, we have been told, we just had my local officials down, there is a lot of concern on their part about mandates by us, et cetera. It would seem to me, to the extent that there is a reportability issue, which is a complicated issue, State by State as to who should or should not be, that complicates it.

Without that, I think the gentleman's amendment is a very good one. But approaching the reportability thing in this fashion, mandating that some be and not others I think complicates it, and that is what causes me pause. I am not sure about the public health aspects, what good the data is if you are reporting it with regard to some people and not others. It is certainly useful for scientific and research purposes.

I would hope that the gentleman might change the reportability part, and then I would be wholeheartedly supportive. But the reportability, one, from the standpoint of our mandating the States and, two, dealing only with reportability as to homeless people and not others, I think could lead us into deterring people from going in. I would like the homeless to be able to avail themselves on a voluntary basis of this test, but again we are dealing with people with emotional and mental problems. If you tell them it is reportable, I think you may be discouraging some of the population that we most want to help from taking advantage of the service.

Mr. BROWN of Colorado. I appreciate the gentleman's point, and obviously if he has a further improvement, I am sure that the body would consider it.

This is a very narrow issue. It simply is a question of whether or not you are going to force someone to have this test taken when they go into this facility.

I yield back the balance of my time.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am not sure this is the proper vehicle to address this issue, but there is an amendment before us that deals with this critical health issue, and I intend to vote for it because I think this is so important.

There have been some comments here on this secondary amendment, that this should be a voluntary program. Let me just tell my colleagues why that would not work, and I think ultimately, I really believe this, that we are going to see mandatory AIDS testing for people of grade school level and above across the country, and I think my colleagues ought to know why I feel that way.

Today it is estimated there are 2 million people with the AIDS virus in their systems. Approximately 50 percent of those people are going to get active AIDS and are going to die from it. Now those 2 million people, those 2 million people by and large do not know they have it. As a matter of fact, right now fewer than 40,000 people have had active AIDS in this country. About half of them have died.

If you take 40,000 and recognize that those 40,000 people know they have AIDS, and you know that there are 2 million people estimated that have the virus in their systems, that means that over 98 percent of the people that have had AIDS virus in their system do not know they have it. And they are out there spreading this thing to other people, and they do not even know they have it, let along the people they are coming in contact with.

The only way you are ever going to get to the bottom of this problem is to identify the people with the AIDS virus, and you are not going to do it with a voluntary program. This AIDS virus is doubling every 10 to 12 months. Today we have approximately 2 million people that have the virus. There are going to be 4 million people approximately in 10 to 12 months, and it is projected to double every 10 to 12 months after that. I do not know when the curve will start to turn down, but if it does not turn down over the next 5 years we will have approximately 50 to 60 million people that will have the virus in their system.

If the scientists that I have come in contact with, and the gentleman from California [Mr. DANNEMEYER] has come in contact with are close to being correct, we are going to have millions and millions of people terminally ill with the AIDS virus. What that means simply is we are going to have to get on with getting testing approved by this Congress and the health agencies of this country on a monumental scale, not just on a voluntary basis. We are going to have to make sure we know throughout our society who has the virus and direct those people to change their habits, their sexual habits and the way they conduct their daily lives.

□ 1640

Now, if you break that down, that means 10,000 people per day are acquiring the AIDS virus in their system. That is 10,000 a day. That is more than there are live births in this country.

This thing, according to many scientists, threatens the human species, and we cannot just drag our feet and go on with business as usual and appoint commissions to look into it, because today 10,000 new people acquired the virus.

Now here in Washington, DC, in Washington, DC, a Howard University study shows that 50 percent, approximately, of the prostitutes have AIDS, and we have conventioneers that are coming into this town every day and going down on 14th Street and getting involved with those women, and they are taking this virus back home to their wives and their loved ones.

They do not even know what they are getting, because we are not stopping those people from spreading that disease. Now, we are going to have to identify AIDS carriers, who carries the disease, who has the virus in their system, and we are going to have to come up with a program to redirect their activities; either voluntarily or mandatory at some point in the future.

If people will not change their sexual habits—and I am talking about prostitutes, now, and other people who continue to involve themselves in promiscuous activities after having known they have AIDS—they are going to have to be extricated from society; they are going to have to be moved away.

Now, you may say that this problem is not of the magnitude that we are talking about today. I think very few people in this body are really informed on this issue.

I want to tell the body that 15 years ago the people of this country just started hearing about a disease called genital herpes. We do not hear much about that anymore. Do you know, in the last 15 years, how many people have contracted that disease? 40 million. 40 million people in this country, according to scientists, have genital herpes.

Now, if we continue along the same road we have been following, we are going to see millions of people dying.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. We are going to see millions of people dying from this AIDS virus.

Now some of you are going to say this is hysteria we are talking about, but it is not. This is not a hysterical analysis of the program.

Dr. Vernon Mark of Harvard feels this way; Dr. Robertson of Research, Testing and Development Corp. of Lexington, GA, feels this way; many scientists feel this way, and we are going to have to come to grips with this problem in a relatively short period of time.

Mr. BROWN of Colorado. Mr. Chairman, will the gentleman from Indiana [Mr. BURTON] yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. BROWN of Colorado. Mr. Chairman, I commend the gentleman for his comments. I think his observations about the necessity of testing are very valid.

On a narrow point, I would say if we are suggesting that everyone be tested, we set up a broad system for testing, I would certainly join the gentleman in that effort.

My concern is that we are singling out one group here, and making it mandatory for them and not for others, and I think that is the subject of the amendment.

Mr. BURTON of Indiana. I thank the gentleman for his comments.

Mr. Chairman, when I started my remarks, I said that I was not sure this was the proper vehicle for it, but it does give us an opportunity before this body to bring this point to the fore. I think it is extremely important that everybody in the Congress of the United States realize what we are up against and come to the realization that we have to come to grips with this in a very short period of time.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. DORNAN of California. Mr. Chairman, will the gentleman from Indiana [Mr. BURTON] yield?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. DORNAN of California. Mr. Chairman, I just wanted to point out a statistic that is rather frightening, and shows the enormity of the problem.

This week we will pass 18,000 deaths due to AIDS, and the Surgeon General told me that figure is probably 20 percent low because family doctors across the country, and it is understandable even though wrong, as they have done for years with suicide, alcoholism, syphilis, all sorts of this will, out of respect or love for a family or a friend, put in something else in the death certificate.

Even at 18,000—I just called the Pentagon, just as a comparison, and asked what month we hit 18,000 killed in action in Vietnam. It was as late as November 1967, and you know this country was focused on that death-inflicting conflict in November 1967, 2 months before the Tet offensive. The 18,000 is a horrendous, enormous problem today.

Mr. KOSTMAYER. Mr. Chairman, will the gentleman from Indiana [Mr. BURTON] yield for a question?

Mr. BURTON of Indiana. I yield to the gentleman.

Mr. KOSTMAYER. Mr. Chairman, the gentleman mentioned the survey regarding the prostitutes in this city who have AIDS. Does the gentleman know how many, how large the sample was; how many prostitutes?

Mr. BURTON of Indiana. The study is 200, as I understand it. So far, they have only come to conclusions on 26 of them, but of the 26, half of them have AIDS.

Mr. KOSTMAYER. I appreciate the gentleman yielding further. There were 16 tested; 8 had AIDS; 8 did not.

Mr. BURTON of Indiana. Well, that is not according—that does not jive with my figures.

Reclaiming my time, let me end by saying this: We cannot procrastinate on this for very long. Many of my colleagues and many of the people around the country are talking about safe sex now, and in Fort Lauderdale, FL, they are passing out condoms to young people along with information indicating that you can have sexual contact without having to have any risk whatever of getting AIDS. That simply is not the case.

In a test that was conducted in San Francisco, CA, among the gay or homosexual community involving another veneral disease that was running rampant throughout that community, they decided to use condoms. The condoms were successful in reducing the instances of gonorrhea among these people by 70 percent.

While it reduced the instance of gonorrhea by 70 percent, the number of people who acquired AIDS went from 12 percent to 67 percent, among the same group. So while one VD was going down, AIDS was going up at a dramatic rate.

So if anybody tells you that there is such a thing as safe sex outside of a monogamous relationship, they are simply giving you the wrong information.

This is going to be the No. 1 issue of the late eighties and nineties, and the Congress of the United States must come to grips with this problem.

Mr. DANNEMEYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank my colleague from Colorado [Mr. BROWN] for offering this amendment and for the good intentions that he brings to the issue. Let me explain to you why I think it is an error for the House to adopt the amendment; and I will tell you why.

Up until this time in this Nation, we have been essentially treating the AIDS problem as a civil rights problem. The amendment offered by the gentleman from Colorado [Mr. BROWN] to make this test voluntary continues in that vein, treating this as a civil rights issue.

I believe that it is time we treat this as a public health issue. Now, I respect his obervation that it appears that we are singling out those homeless people who come within the purview of this bill.

I mentioned earlier that I would like to expand those to be tested to include many others: Federal prisoners, immigrants, persons seeking a marriage license, those arrested for prostitution, arrested for intravenous drug use, persons working in the health care industry and persons admitted to hospitals.

The moment that I would include these other people to be tested in my amendment, the people that are opposing my amendment would stand up and raise a point of order of nongermaneness for this other group. That is why I have had to reluctantly only limit it to this group of people covered by the legislation.

Let me explain to you how this thing is so crazy and convoluted. I can illustrate it by comparing how our public health care system treats common venereal diseases that are curable; syphilis or gonorrhea.

In our society today, in every State of the Union, if you go to a doctor and complain of symptoms, and that doctor treats you for syphilis or gonorrhea, which is a curable communicable venereal disease, by law that doctor is required to report that case of a communicable disease to public health authorities.

There is no voluntary participation in the health care process at all. In fact, the patient is told that if they don't reveal who their sexual contacts are they can be quarantined. That is the way public health deals with that issue today.

Contrast the way we are dealing with the virus for AIDS, which is a noncurable communicable venereal disease. It is not even reportable under the system that exists in the public health care system today.

Here, this Member is just trying to say, "Let's test a small group, test a very small group for the virus for AIDS." Why do we test?

□ 1650

We test to gather statistical information on the magnitude of the problem, to cure it and prevent, if we can, the disease from being transmitted to others. I believe any person who has the virus has a duty to know it, so hopefully if they have this virus they are not going to intentionally transfer it to another human. That is why we test people. This is sound public policy. To suggest that we are going to make this whole process voluntary is just a continuation down the wrong course of treating this as a civil rights issue. It is not that. Viruses do not have civil rights. It should be treated as a public health issue. We should reject this amendment making it voluntary and vote for the amendment to require those coming into the treatment centers, half of whom are drug addicts, and drug addicts are contributing 17 percent of the AIDS cases in this country. This is the high risk group. I will repeat to my colleague from Colorado, 87 percent of the American people, in a poll taken by Gallup last month, support not voluntary testing but mandatory testing of these people in high risk groups; namely, male homosexuals who contribute 73 percent of the AIDS cases and intravenous drug users who contribute 17 percent of the AIDS cases, and the sex partners of those people.

If you want to go contrary to the way 87 percent of the American people think we should go, that is your privilege. But I think the people of this Nation are intuitively sick and tired of this issue being treated as a civil rights issue in this country. They want the public health authorities to treat it as a public health issue, and we are moving modestly in that direction by voting down the amendment of the gentleman.

I thank my colleague from Illinois [Mr. MADIGAN] for looking at legislation that would be desirable. Also I can say to my friend from California [Mr. WAXMAN], chairman of the subcommittee on which I serve that when we held hearings a couple of weeks ago with Dr. Koop, and I brought up the numerous bills that I have introduced in this Congress on this issue, Mr. WAXMAN was rather cavalier in suggesting that my bills might never enjoy a hearing. I introduced many of those bills in the last Congress, in September of 1985. Would you believe that I have not had the courtesy of one hearing on any of those bills to date? The point is the issue is being stonewalled. We should stop treating it as a civil rights issue.

Mr. RITTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have some very significant concerns about the Dannemeyer amendment because I believe that this amendment specifically targets the poor for AIDS testing and I think in that regard it is discriminating.

Now, if we can say that a vast percentage of the homeless also happen to be drug addicts, perhaps that is an appropriate target population. But then are we not supposed to target that same drug addict population if they are members of the middle class or the rich?

Now, this amendment, without taking anything away from the importance of the gentleman's interest in testing people for AIDS, this amendment focuses on one group of the population which may be among the poorest in our society.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. RITTER. I will yield to my friend, the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, the gentleman is pointing out another problem with trying to legislate to deal with the AIDS epidemic on this bill. It seems to me the appropriate thing for us to do is to defeat everything that is before us and to write a bill in the committee and not try to write a bill on the floor. I want to concur in the statement of the gentleman that I do not think it makes sense to be making policy until we have thought it through.

Mr. RITTER. I would hope then that the distinguished chairman of the subcommittee would entertain some of the ideas of the gentleman from California with regard to legislation in this area and perhaps at that point he would not be so focused on a legislative vehicle which may not have anything to do with the AIDS issue whatsoever.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. RITTER. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding further.

Mr. Chairman, Mr. MADIGAN and I have already had a discussion. We have pointed out that we are working on a bill together which we expect to present to the House.

Mr. RITTER. I thank the Chairman and yield back the balance of my time.

Mr. ROYBAL. Mr. Chairman, I move to strike the requisite number of words, and I rise against the amendment.

Mr. Chairman, I was hesitant to take the floor on this particular issue but I find it necessary because of the direction that I see that the House is taking.

I served in the field of public health education before I went into the political arena. I worked in the field of tuberculosis. That was a communicable disease.

I remember very well back in the late 1930's and early 1940's that the same kind of hysteria that we find here in this House today we found in State legislatures, in city councils, and in boards of supervisors in the State of California.

It was a time when the incidence of tuberculosis was the very highest. There was not a single sanitarium in the entire country that was not full.

Now tuberculosis is closely associated with poverty, and the one thing that I remember happening then is that the health authorities were constantly telling the legislators that something, of course, had to be done but it had to be done in cooperation with those who understood epidemiology; the epidemiologists of that time and the health authorities.

It took that combination before we were finally able to almost eradicate tuberculosis.

Now, that particular disease is on the rise again, again due to poverty, again due to all these other things that contribute greatly to the incidence of communicable diseases in general.

I believe that we must go back now to the time and carefully consider the fact that experience has taught us a great deal in the last few years and what it did teach us with regard to tuberculosis and other communicable diseases was that it was not the prerogative of the legislator by himself to do anything, but that the legislator in order to be effective had to be in full consultation with the experts of health, epidemiologists, and also be in touch constantly with the problems existing in the community.

Mr. Chairman, I think that this House would be ill advised to adopt any of these amendments.

I think that what we should do is to make it possible for a committee of this House to study the situation in cooperation with the Department of Health, with the health authorities of this Nation and with the experts who are now studying the incidence of AIDS in this Nation.

You probably remember that it was not too long ago that we brought in the first appropriation for AIDS right here in this House. You probably will remember that up to that time not a single penny had been spent on research.

Well, that was 5 years ago. Now we know a little bit more than we did before. But we also have the experience of the past with other communicable diseases. It seems to me that we as legislators should take one step back and as we do that make it possible for the experts to come in, the doctors, those who are involved with this and to advise us as to what the next step should be.

That I offer as humble advice from someone who actually dealt in that field.

Believe me, if we do not do that, I think the time will come when we may live to regret it.

Mrs. BOXER. Mr. Chairman, I move to strike the requisite number of words.

The reason we have been going on a long time about this in a way is a good sign; it means that people on both sides of the aisle understand the critical importance of this AIDS issue.

But, ladies and gentlemen from both sides of the aisle, the way to fight against AIDS is not through this homeless bill. It just is not the proper vehicle. Whether it is voluntary or mandatory, the testing does not belong in this bill. It will have an adverse effect on the spread of AIDS. Under both versions whether it is mandatory or voluntary, there is reportability. We know because the public health experts just had a conference and told us that this is not the way to go.

AIDS is not a political issue. And I am going to say that a lot from this particular well this year, AIDS is not a political issue.

□ 1700

AIDS is a public health issue, and therefore, we must follow the advice of the public health experts.

Every time we are tempted to vote one way or another or make an inflammatory speech, we have to remember what they are telling us. They are telling us not to do the kinds of things that are being done in the Dannemeyer amendment.

Let us please, please vote down these amendments. It is not the appropriate vehicle. Let us remember that when the appropriate committees come in, that is the time that we will be together in fighting this dreadful disease.

Mr. DURBIN. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I would like to stand in opposition to the amendment offered by the gentleman from California. I think to include mandatory testing in this bill singles out one group of Americans, namely the homeless. If we would pass the amendment by the gentleman from California, we would be stigmatizing these unfortunate people.

There is no doubt that in the public eye, there would be a suggestion that the homeless are more susceptible to this disease. We know that is not true. It is a not a group that is at greater risk. We are all at risk, and I think that is very obvious.

I should add, too, that at a meeting of our Select Committee on Children, Youth and Families, a family came before us with four small children and explained what they had been through trying to find shelter. To burden this family and many others with a mandatory AIDS test before giving the kids shelter is inhuman.

I would ask the Members of this committee to reject the amendment offered by the gentleman from California [Mr. Dannemeyer].

Mr. WEISS. Mr. Chairman, will the gentlewoman yield?

Mrs. BOXER. I yield to the gentleman from New York.

Mr. WEISS. Mr. Chairman, I want to agree with the gentlewoman from California [Mrs. Boxer] wholeheartedly. The public health people have, in fact, been telling us repeatedly that mandatory testing of the nature that the gentleman from California [Mr. Dannemeyer] suggests is exactly the wrong way to go from a public health point of view.

The National Institute of Medicine of the Academy of Sciences issued a report on October 1 of this past year saying exactly that. A CDC hearing 2 weeks ago confirmed exactly that.

We in the Congress have reason to be proud of the fact that we have dealt with this as a public health scientific issue. Let us not turn our backs on the approach of public education and research at this stage.

Mrs. BOXER. Mr. Chairman, the gentleman is right. We should not panic when we do this; we should do it the right way.

The gentleman from California [Mr. Waxman] will be coming with us and he is ranking member of the subcommittee. That is the way to deal with this issue.

The CHAIRMAN (Mr. Kildee). The question is on the amendment offered by the gentleman from Colorado [Mr. Brown] to the amendment offered by the gentleman from California [Mr. Dannemeyer].

The amendment to the amendment was rejected.

The CHARIMAN. The question is on the amendment offered by the gentleman from California [Mr. Dannemeyer].

Mr. MADIGAN. Mr. Chairman, the gentleman from California [Mr. Lewis] has been seeking recognition for 20 minutes on this side.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this rather extended debate on the Dannemeyer amendment and substitute thereto is a very, very important signal note that the House, on both sides of the aisle, is beginning to reflect the constituent interests and concern about what is likely to be the most dreaded disease to face our country in our lifetimes.

Indeed, in a very short time, in every neighborhood, in every family, there is going to be expressed concern about the impact of this disease.

I am most pleased that the appropriate committees involved are seriously addressing this matter this year. We will see comprehensive legislation soon.

I, myself, have a package with well over 100 cosponsors on both sides of the aisle, and it involves the highest level of coordination through a top-level commission, analyzing the potential means of solving this problem.

The way to solve it does not involve, in my judgment, a rifling at a specific group of people in a bill like this. We will have a dozen bills in the next couple of weeks, and we can have this debate over and over and it will tend to polarize us on this issue.

Instead, I would urge us to come together to do our homework, to find solutions, and pass legislation that will raise this issue to the highest level of concern within this House.

For that reason, while I respect the concern of my colleague, the gentleman from California [Mr. DANNEMEYER], I would urge very strongly for my colleagues to vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. DANNEMEYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DANNEMEYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 292, not voting 40, as follows:

[Roll No. 20]

AYES—101

Archer
Armey
Ballenger
Bartlett
Barton
Bentley
Bliley
Boulter
Broomfield
Brown (CO)
Bunning
Burton
Coats
Coble
Combest
Crane
Daniel
Dannemeyer
Daub
Davis (IL)
DeLay
DioGuardi
Dornan (CA)
Dreier
Duncan
Emerson
Fawell
Fields
Gallegly
Gingrich
Hall (OH)
Hall (TX)
Harris
Hastert
Hefley
Herger
Hiler
Holloway
Hunter
Hyde
Ireland
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Marlenee
Martin (IL)
McCandless
McCollum
McMillan (NC)
Michel
Miller (OH)
Moorhead
Myers
Nielson
Oxley
Packard
Parris
Petri
Ravenel
Rhodes
Rogers
Roth
Schaefer
Scheuer
Schuette
Schulze
Sensenbrenner
Shumway
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Taylor
Vander Jagt
Volkmer
Walker
Weber
Wilson
Wolf
Wortley
Young (FL)

NOES—292

Ackerman
Alexander
Anderson
Andrews
Applegate
Aspin
Atkins
AuCoin
Barnard
Bateman
Bates
Beilenson
Bennett
Bereuter
Biaggi
Bilbray
Bilirakis
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clay
Clinger
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Edwards (OK)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gilman
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hamilton
Hammerschmidt
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Houghton
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (GA)
Lowry (WA)
MacKay
Madigan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKinney
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Molinari
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schneider
Schroeder
Schumer
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Tauke
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vento
Visclosky
Vucanovich
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wise
Wolpe
Wyden
Wylie
Yates
Yatron

NOT VOTING—40

Akaka
Annunzio
Anthony
Badham
Baker
Berman
Bevill
Boucher
Brown (CA)
Buechner
Chapman
Cheney
Coleman (MO)
Cooper
Craig
Dickinson
Donnelly
Dowdy
Dyson
Gephardt
Gibbons
Hansen
Hopkins
Horton
Hubbard
Inhofe
Leach (IA)
Leath (TX)
Lipinski
Livingston
Lloyd
Luken, Thomas
McEwen
McGrath
Moakley
Roemer
Skelton
Slaughter (NY)
Tauzin
Young (AK)

☐ 1720

The Clerk announced the following pair:

On this vote:

Mr. Cheney for, with Mr. Leach of Iowa against.

Mr. KASICH and Mr. STAGGERS changed their votes from "aye" to "no."

Messrs. WILSON, HYDE, PACKARD, STENHOLM, HALL of Texas, HARRIS, and LENT changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. WALKER

Mr. WALKER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALKER: At the end of title I, insert the following new section:

SEC. 104. LIMITATION ON EXPENDITURE OF FUNDS.

No amount may be made available under an authorization in this Act (or, if made available, obligated or expended) in violation of any other Federal law, including, but not limited to, section 1103 of title 31, United States Code, the Balanced Budget and Emergency Deficit Control Act of 1985, the Congressional Budget Act of 1974, and the Internal Revenue Code of 1986.

Mr. WALKER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Chairman, the amendment that I have before the House at the present time should be noncontroversial, but it probably will not be. It should be accepted by the committee, but it probably will not be.

Let me say that this amendment speaks to the concept of the rule of law. We wonder why we see so much disrespect for the law, why we see so much flouting of the law, why we see so much ignoring of the law. We wonder why the law becomes so unimportant to people within the administration, to people across the country. Well, I think one reason is that they constantly look at this body and they see us constantly voting to violate the laws that we impose upon others.

What this law says, and says very clearly, is that the money spent under this bill must comply with all Federal laws.

Let me read the amendment for the Members. All it says is,

> No amount may be made available under an authorization in this Act or, if made available, obligated or expended in violation of any other Federal law.

It seems to me that is quite clear and it probably should not seem very controversial. Some might contend that it is not even needed. But let me explain why it needs to be passed. We have a homeless shelter here in Washington, DC, that gets money from this Government. The shelter is run by an individual who testified before the Government Operations Committee last year. When asked about the financing of his shelter, he made these statements. He first of all said we are not tax exempt. One of the Members of this body questioning him said, "* * * and therefore, not being tax exempt, you are, if I understand correctly, required to file tax returns and pay income tax on the income from donations?"

The answer to that question was, "Neither of which we do." In other words, that shelter is absolutely in violation of the Internal Revenue Code.

□ 1730

Let me also suggest that several months ago, a couple years ago now, we in a great fit of political passion passed a law for the land that required a balanced budget. Well, we seem to go along, having done these things and passing congressional budget acts and all of that, we then just go about ignoring the commitments that we make.

I will say very bluntly that this amendment, if adopted, would create major problems in implementing the act, but it also raises a very basic question. When the issue arose of whether or not to obey the law and we passed upon that particular question, how did you vote? What is more important in this body, the politics of big spending or the rule of law?

We had a statement made out here earlier today that we fundamentally can corrupt the process by what we do here. I will tell you that it seems to me when we say flatly that some people are above the law, we fundamentally corrupt the process. If you believe in the rule of law, you will vote "yes" on this amendment and support that rule of law. If you vote no, you say quite clearly there are times when the rule of law simply does not matter.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. WALKER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WALKER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 230, not voting 49, as follows:

[Roll No. 21]

AYES—154

Archer
Armey
Ballenger
Bartlett
Barton
Bateman
Bereuter
Bilirakis
Bliley
Broomfield
Brown (CO)
Bunning
Burton
Byron
Callahan
Campbell
Chandler
Clinger
Coats
Coble
Combest
Coughlin
Courter
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Fish
Frenzel
Gallegly
Gallo
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Houghton
Hunter
Hyde
Ireland
Jacobs
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morrison (WA)
Myers
Nielson
Oxley
Packard
Parris
Pashayan
Petri
Pickle
Porter
Quillen
Ravenel
Ray
Regula
Rhodes
Ritter
Roberts
Robinson
Rogers
Roth
Rowland (CT)
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Volkmer
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wolf
Wortley
Young (FL)

NOES—230

Ackerman
Alexander
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bates
Beilenson
Bennett
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Cardin
Carper
Carr
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coyne
Crockett
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gilman
Glickman
Gonzalez
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Huckaby
Hughes
Hutto
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Penny
Pepper
Perkins
Pickett
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Richardson
Ridge
Rinaldo
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates
Yatron

NOT VOTING—49

Akaka
Anderson
Annunzio
Badham
Baker
Bentley
Berman
Bevill
Boucher
Boulter
Brown (CA)
Buechner
Chapman
Cheney
Coleman (MO)
Cooper
Craig
Dickinson
Donnelly
Dowdy
Dyson
Gephardt
Gibbons
Gordon
Hammerschmidt
Hansen
Hopkins
Horton
Hubbard
Inhofe
Leach (IA)
Leath (TX)
Lipinski
Livingston
Lloyd
Luken, Thomas
MacKay
McEwen
McGrath
Moakley
Montgomery
Roemer
Schneider
Schulze
Skelton
Slaughter (NY)
Tauzin
Wylie
Young (AK)

□ 1750

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROYBAL:

In section 101(g)(2), strike "homeless families with children" and insert the following: "elderly persons and homeless families with children (to the extent informed by public housing agencies to be consistent with the composition of the homeless population in the jurisdictions of such agencies)".

In section 303(g)(1), insert after "practicable" the following: "and to the extent informed by applicants for grants under this section to be consistent with the composition of the homeless population in the jurisdictions of such applicants".

In section 303(g)(1), insert "elderly persons and" before "homeless families with children".

Mr. ROYBAL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYBAL. Mr. Chairman, this is a perfecting amendment that only does two things. No. 1, it ensures that the needy elderly person would have equal access to assistance.

The next thing that it does is it includes the elderly person among those to receive primary benefits in section 101(g)(2), which specifically authorizes section 8 housing authority assistance. Then it goes on and it also provides grants for facilities with regard to section 303(g)(1).

It merely then includes the elderly as participants under the provisions of this bill, and nothing else.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, we are well advised of this amendment. It is an improvement on the bill and we accept it on our side.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. ROYBAL. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, the minority is delighted to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROYBAL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEKAS: In section 301, insert after subsection (f) the following new subsection (and redesignate the subsequent subsections accordingly):

(g) INITIAL REPORT.—

(1) Not later than 6 months after the date of the enactment of this Act, the Commission shall submit to the Congress a report setting forth the findings and conclusions of the Commission.

(2) The report required in this subsection shall include a review and evaluation of—

(A) the current funding of programs for the homeless and the effectiveness of such funding;

(B) the impact and effectiveness of current Federal programs for relieving the problems of the homeless; and

(C) the need for additional funding for such programs (including recommended amounts for the programs for which amounts are authorized to be appropriated in this Act, or in the amendments made by this Act.

(3) No authorization of appropriations in this Act, or in the amendments made by this Act, shall be effective until the Commission submits the report required under this subsection. If the Commission determines that the amount provided for any program in this Act is sufficient, then the authorization shall become immediately effective. If the Commission determines that the amount provided for any program in this Act is insufficient or excessive, then the authorization shall not be effective until the Congress, by law, enacts a new authorization of appropriations.

Mr. GEKAS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Chairman, all this amendment does is try to put the horse and the cart in the right order.

The bill as it has been created and is in front of the floor creates an interagency commission to administer all of these various programs and to report back to the Congress on various aspects, whether it is overlapping, whether there is duplication, whether there is money wasted, whether there are insufficient funds in some programs and not others, and then, without waiting to see what that agency does, assigns the money, appropriates the money, and spends the money.

This amendment puts the horse back in front where it belongs, and really implements the will of the authors of this bill. It says that this interagency commission, which now has 30 days to report back to the Congress under the wording of the bill, would simply have 6 months to do so, but that no money shall be spent under the appropriations until that agency, which this bill creates, reports back to the Congress and determines whether or not there has been overlapping, whether or not there has been overspending in any or underspending in any, and if that report confirms the levels of funding that appear in the main body of this bill, then that will be the end of it and the appropriation will take place.

If the money is too much in one area because of overlapping, then the Congress will have another opportunity to cut back on that one to meet the needs on the funding that is already in place.

Members of the committee, my amendment will do no harm to the commitment that we have to the homeless because the stream of funding that is already in the pipeline will continue to flow. It simply means that in order to make sure that we have the right amounts in the right places that we are going to wait until the report of the interagency commission comes back to the Congress.

I ask that this amendment be adopted. The one trouble with it, I know, is that it makes sense. But if you can look beyond that, I ask you to adopt the amendment.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, once again this is a gutting amendment. It says we will wait until you have this authorized and then you have to wait 6 months until you get an interagency report.

The gentleman said that this was placing the horse in front of the cart as it ought to. This does not place any horse anywhere except shooting him dead. This is a gutting amendment, it is nothing else but, and I think that suffices for the moment.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, the fact is this amendment does not put the horse in front of the cart. This amendment shoots the horse. That is what this amendment does, and the fact is that what this amendment is saying is that we are going to study this issue some more, that for the next 3, 4, 5 months we are going to study this issue rather than deal with the urgent problem that exists.

I thank the gentleman for yielding and would ask the defeat of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GEKAS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 124, noes 260, not voting 49, as follows:

[Roll No. 22]

AYES—124

Archer
Armey
Ballenger
Barton
Bateman
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Bunning
Burton
Callahan
Clinger
Coble
Combest
Crane
Daniel
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Hammerschmidt
Hastert
Hefley
Herger
Hiler
Holloway
Houghton
Hunter
Hutto
Hyde
Ireland
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless

McCollum
McMillan (NC)
Meyers
Michel
Miller (OH)
Moorhead
Murphy
Myers
Nielson
Oxley
Packard
Parris
Porter
Quillen
Ravenel
Regula
Rhodes
Ritter
Roberts
Rogers
Roth
Rowland (CT)
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stangeland
Stenholm
Stump
Sundquist
Sweeney
Swindall
Tauke
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Young (FL)

NOES—260

Ackerman
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bates
Beilenson
Bennett
Bentley
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Campbell
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coats
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gilman
Glickman
Gonzalez
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hefner
Henry
Hertel
Hochbrueckner
Howard
Hoyer
Huckaby
Hughes
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Molinari
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Ray
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schuette
Schumer
Sharp
Sikorski
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wortley
Wyden
Yates
Yatron

NOT VOTING—49

Akaka
Annunzio
Badham
Baker
Berman
Bevill
Boucher
Brown (CA)
Buechner
Chapman
Cheney
Coleman (MO)
Cooper
Craig
Dickinson
Donnelly
Dowdy
Dyson
Gephardt
Gibbons
Gordon
Hansen
Hayes (LA)
Hopkins
Horton
Hubbard
Inhofe
Kasich
Leach (IA)
Leath (TX)
Lipinski
Livingston
Lloyd
Luken, Thomas
Lukens, Donald
MacKay
McEwen
McGrath
Moakley
Montgomery
Roemer
Schneider
Schulze
Skelton
Slaughter (NY)
Tauzin
Traxler
Wylie
Young (AK)

□ 1810

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KONNYU

Mr. KONNYU. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. KONNYU:

TITLE VI—WORK-FARE REQUIREMENTS

SEC. 601. STATES WITH WORK-FARE PROGRAMS RELATING TO FEDERAL FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act to the contrary, grant funds under this Act may not be expended in any State—

(1) that by law requires recipients of Federal funds to participate in work-requirement programs; and

(2) that does not by law require that, to the extent practicable, a homeless person participate in such work-requirement programs if the homeless person is—

(A) able-bodied and mentally competent;

(B) receiving services pursuant to this Act; and

(C) ineligible to receive funds under the Federal program with respect to Aid to Families with Dependent Children, or with respect to Supplemental Security Income.

(b) EXCEPTION.—Grant funds under this Act may be expended within the jurisdiction of a local unit of government that by law makes the requirements described in subsection (a).

SEC. 602. STATES WITHOUT WORK-FARE PROGRAMS RELATING TO FEDERAL FUNDS.

(a) IN GENERAL.—With respect to any State that does not by law require recipients of Federal funds to participate in work-requirement programs, grant funds under this Act, notwithstanding any other provision of this Act to the contrary, may not be expended in any such State unless such State—

(1) establishes a program for the purpose of assisting homeless individuals in finding employment; and

(2) requires that, to the extent practicable, homeless individuals who are able-bodied and mentally competent participate in such program if receiving services pursuant to this Act.

(b) EXCEPTION.—Grant funds under this Act may be expended within the jurisdiction of a local unit of government that by law makes the requirements described in subsection (a).

SEC. 603. APPLICABILITY.

This title shall apply to grants provided under contract entered into after the expiration of the 12-month period beginning on the date of the enactment of this Act, or after the expiration of the 180-day period beginning on the date that, with respect to the State involved, the legislative body for such State convenes, whichever comes later.

Mr. KONNYU (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. KONNYU. Mr. Chairman, when the majority has a steamroller bill going, the best that the loyal opposition can do is to offer amendments which perfect the majority's bill.

In this case, Mr. HUNTER and I are offering an amendment which requires States and localities where, if they have a workfare program already for their welfare recipients, to also establish one for the homeless.

For those States and localities that do not have a workfare program, it requires the establishment for the homeless of a job search program.

There are sound and balanced suggestions that we have worked out, certainly in California and other than the homeless and I think all of the 50 States ought to have this.

One of the great tragedies of the homeless is that many of them are able to work and they do not get the kind of assistance that they would if they were AFDC or in one of the other such programs.

This amendment would allow them to get the kind of assistance, positive assistance that those homeless recipients need.

Mr. HUNTER. Mr. Chairman, would the gentleman yield?

Mr. KONNYU. I yield to the gentleman from California to continue this discussion.

Mr. HUNTER. I thank the gentleman for yielding. I want to commend my colleague, the gentleman from California, and simply say that while this bill cannot affect the moneys that are going to be going out in the near future, any reauthorization will be required to have the workfare provision. Very simply, a great many of the people who are homeless today are not mentally incompetent, not physically incapable, they are healthy, able-bodied people who are perfectly capable of working for what they are receiving from the Federal Government and from the State.

I think in light of the fact that workfare programs are proliferating through this country, it is important to dovetail our homeless program with workfare.

I commend the gentleman for this amendment and ask my colleagues to support it.

Mr. PANETTA. Mr. Chairman, will the gentleman yield?

Mr. KONNYU. I yield to the gentleman from California.

☐ 1820

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

For clarification purposes with regard to the Food Stamp Program, since you are dealing with grant funds and since you are dealing with a requirement that already applies to the food stamp area, I take it food stamps are not included with regard to this provision.

Mr. KONNYU. Mr. Chairman, the gentleman is correct.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. KONNYU. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I am delighted to accept the gentleman's amendment.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. KONNYU. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, we have looked over the amendment, this joint amendment. We consider it an improvement, and we accept it on our side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. KONNYU].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. RIDGE

Mr. RIDGE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. RIDGE: In section 101(d)(1), strike "$20,000,000" for fiscal year 1987." and insert the following: "$35,000,000 for fiscal year 1987, of which amount $20,000,000 is authorized to be appropriated solely for purposes of preventing homelessness through the portion of the program that provides emergency rent and utility assistance.".

In section 101(g)(1), strike "$100,000,000" and insert "$90,000,000."

In section 101(h)(1), strike "$50,000,000" and insert "$45,000,000".

Mr. RIDGE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RIDGE. Mr. Chairman, before discussing my amendment, I want to acknowledge the leadership of Chairman GONZALEZ and Mr. McKINNEY in making sure that Congress acts swiftly to assist the thousands of Americans in desperate need of emergency food, shelter, and health care. I am a cosponsor of this bill. I wholeheartedly support its objective: To provide urgent relief to the homeless now in 1987.

But, with all the hope, promise, and assistance in this bill, not 1 cent will be spent specifically to prevent homelessness. While attempting to meet an ever increasing demand for shelter space, and I understand that the Mayor's task force pegs growth in demand at 25 percent in 1987, it does nothing to reduce demand. This bill says—we want to help you but you must be homeless first.

My amendment acknowledges that our responsibility extends to the potentially homeless as well as those without shelter. It will enable many of those on the edge of becoming homeless in the next few months to hold on to their apartment and their self-respect. By utilizing an already existing program operated by the FEMA Board of Charities including the United Way, Catholic Charities, the National Council of Churches, the Salvation Army, the Council of Jewish Federations, and the Red Cross, this amendment seeks to ensure that today's opportunity to prevent homelessness is not squandered. The program bridges a crucial gap by providing one-time rental and utility assistance vouchers to prevent eviction or cutoff. It also can provide assistance with the first month of rent when a homeless individual has found a job and saved the security deposit most landlords require.

This program of prevention deserves to be a significant and specific component of the urgent relief bill. By taking the modest amount of $20 million, we will immediately significantly reduce the strain on our shelters and allow at least a few fortunate individuals and families a chance to maintain their residence, dignity, and self-respect.

Yesterday, every Member of Congress received a letter from the president of an organized network of homeless people in Philadelphia, New York, Chicago, Los Angeles, Baltimore, New Orleans, and Washington. In case my colleagues did not get a chance to read this letter, I want to quote a few lines:

> Shelters are, in our view, 20th Century poor houses. They are, for the most part, institutions that offer no hope, dignity or needed support services. More importantly, and tragically, shelters foster a continuing dependency and despair by those who must use them. The current public policy is moving the nation dangerously close to institutionalizing the "alms" house that prevailed at the end of the century. We urge you, the highest elected legislative body in the nation. To Go Beyond Shelters.

This amendment is a positive step in that direction. Combined with necessary additional food assistance, health care, shelter space and section 8 certificates, I believe this prevention program provides a more balanced approach to keeping individuals and families off the streets. It meets the goals and objectives of our effort and it does it quickly and cheaply. I ask that my fellow colleagues understand that it offers hope to many, who desperately want to maintain their residence and their dignity.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I am very pleased with the gentleman's amendment as a demonstration program, and I promise the gentleman that he will get all of my support in title I of H.R. 4, where we are going to discuss the homeless again. I congratulate him on it. I am sure we on this side accept it.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, I believe on this side, we think it is good. I would just like to commend the gentleman for the amendment and to point out that what the gentleman has in here are some minimums that are to be spent on his program. There are some grant applicants in here who we would encourage to spend even more than that.

There are some minimums, but more could be spent.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. RIDGE. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, we have again been working on this amendment for some time. The gentleman from Pennsylvania [Mr. RIDGE] is a very distinguished and hard-working member of the subcommittee. The gentleman has shown his ever reasonableness and we have reached a reconciliation in our understanding of the amendment.

We certainly accept it on this side, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. RIDGE].

The amendment was agreed to.

Mr. STENHOLM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise at this moment to call the attention of the House to an omission from H.R. 558.

Normally, I would be here to propose an amendment to reform the Davis-Bacon Act in order to keep this from happening. But since the Committee on Education and Labor has agreed this year to seriously consider reform of Davis-Bacon, I rise not to propose an amendment, but propose to discuss with this House what happens when, once again, we attempt to throw money at a problem without dealing legislatively with other problems that affect the homeless.

H.R. 558 has one section that deals with transitional programs meant to provide more than overnight shelter, and to help get people back on their feet in the long term. That is the very goal the House of Laureze is pursuing right here in the District of Columbia.

The House of Laureze, operated by Luther and Marianne Canody, is working to renovate a large, old house in the District to provide longer term shelter and rehabilitation for up to 14 homeless persons. In 1985, the D.C. government agreed to provide a $137,000 loan to the House of Laureze, on which repayments would be forgiven over time based on compliance with the terms of the agreement; $70,000 has already been used to purchase the house itself.

Because the loan included community development block grant funds, the D.C. government has told the Canodys that the Davis-Bacon Act applies to the project. Under Davis-Bacon, the Canodys may not accept donated labor in carrying out repairs and renovations. While there is a controversy as to whether the original loan agreement was based on the use of contributed labor, the fact is, without donations of labor, there are not enough resources to complete the project. This, despite the fact that the Canodys have already received thousands of dollars worth of contributed materials and services not covered by Davis-Bacon. Because of other difficulties flowing from this situation, the D.C. government has threatened to foreclose on the house and shut down this project altogether.

The chairman should hear a familiar ring to this problem. Last year, when the house considered H.R. 1, the housing bill, Congressman FAUNTROY introduced and passed an amendment to allow contributed labor on repairs to tenant-managed public housing. The experience of the Canodys indicates that this type of problem may be more widespread than some think. This appears to be one of those cases. The kind to which critics point with delight, in which our Congress steps on the accelerator with one foot and the brake with the other.

What I ask today is that the chairman and his staff examine this problem and help us develop an appropriate response.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, certainly the gentleman knows that—and he has referred in prior contacts with us—to what we did in H.R. 1 with the Fauntroy amendment that would have permitted donated labor. But I also understand that the gentleman is working very, very hard on short-term and long-term solutions to this problem through administrative channels which I really sincerely believe are acceptable of resolving and taking care of this problem on a short-term basis.

I will tell the gentleman that we certainly are intending to look into this on the basis that we have the H.R. 4 housing authorization bill before us. We will be having hearings on it. The gentleman from Texas [Mr. STENHOLM] can be assured that this problem that he has brought to our attention will certainly be looked into and evaluated.

☐ 1830

Mr. STENHOLM. Mr. Chairman, I appreciate the response of the subcommittee chairman. The gentleman is correct. We are looking for this particular problem to be resolved through the administrative process within the D.C. government, but I believe we will find there are going to be some other improvements. I accept the fact that the Education and Labor Committee will be looking at that in the reform of Davis-Bacon, and I would hope that all the membership, including the subcommittee chairman, would lend us their support in this particular area when we get to it.

Mr. GONZALEZ. Mr. Chairman, as I said, we are grateful to the gentleman, and we look forward to working with him to resolve this problem.

Mr. STENHOLM. Mr. Chairman, I thank the gentleman.

AMENDMENT OFFERED BY MR. MILLER OF WASHINGTON

Mr. MILLER of Washington. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of Washington: Strike section 101(c).

In section 101(d)(1), strike "$20,000,000" and insert "$50,000,000".

In section 101(e)(1), strike "$100,000,000" and insert "$125,000,000".

In section 101, redesignate subsections (d) through (k) as subsections (c) through (j), respectively.

In section 102(a), strike "(e), or (f)" and insert "(d), or (e)".

Strike title III (and redesignate the subsequent titles and sections, and any references to such titles and sections, accordingly).

Mr. MILLER of Washington (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. MILLER of Washington. Mr. Chairman, I will be brief. This amendment is designed to better focus the resources and channel the funds through existing programs at the State and local levels and through nonprofit organizations.

What it does is to eliminate provisions in the bill for a new government interagency commission. It eliminates the new Federal categorical grant program, and it eliminates the section which provides for new construction. All of these provisions, while admirable, I do not believe, are going to provide emergency relief to the homeless now, and that is what we are trying to do. Most of the money saved through this amendment would go to the existing FEMA shelters, the emergency shelter grant programs, to try to help localities and nonprofit organizations get more of the homeless off the streets and into shelters.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. MILLER].

The amendment was rejected.

AMENDMENT OFFERED BY MR. DE LAY

Mr. DELAY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELAY: At the end of title I, insert the following new section:

SEC. 104. LIMITATION ON ELIGIBILITY OF CERTAIN RECIPIENTS.

No amount may be provided under this act for the shelter located at Second and D Streets, N.W., in the District of Columbia, unless the organization operating the shelter is an organization described in section 501(c) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such code.

Mr. DELAY. Mr. Chairman, I hesitate to bring this amendment. I thought I had an amendment drawn to take care of those that do not choose to show their books to the Federal Government, and this amendment is specific to the CCNV facility run by Mitch Snyder at 2d and D Streets. It does not exclude Mr. Snyder and CCNV from getting funds. What it does do is say, if you receive these funds, then you must be described in section 501(c), which is the tax exempt provision of the IRS Code that mandates that your books can be audited.

At the present time, Mr. Chairman, Mr. Snyder and the CCNV refuse to open their books. We have given them, I believe, some $6.5 million to fix up that property, not only that but we have given the property to the District's government under Mr. Snyders' direction, but no one has audited his books. No one has seen his books, and he refuses to show his books to anyone. The Federal Government has given hard-earned taxpayers' money to Mr. Snyder, and we have not seen any of his books. He even has a city office set up by the District of Columbia that takes his contributions and then funnels them to him. But he does not apply and will refuse to apply for a 501(c), tax exempt, status. In fact, he has been quoted before the Subcommittee on Government Activities of the Committee on Government Operations as saying this: they send a letter every year to the IRS refusing to pay taxes, and in his letter Mr. Snyder says—and I am quoting for the RECORD from the letter—"the letter we send the IRS every year explains we don't believe participatory democracy or democracy means the paying of 15 or 20 or 25 percent of one's income."

Mr. Chairman, all my amendment says, is if Mr. Snyder wants any of the funds contained in this bill, he must apply for a section 501(c) tax exempt status and open his books so that we can see what his organization is and certainly make him accountable so we can see where the taxpayers' money is going.

Mr. Chairman, on that note, I'd like to submit for the RECORD an article from a local newspaper explaining what Mr. Snyder's organization is all about. Just 2 weeks ago, Mr. Snyder and his band of protesters nearly caused a riot at an Alexandria City Council meeting. It seems that Mr. Snyder and his disorderly group of protesters caused the early adjournment of the meeting.

A HASTY RETREAT

This town has a well-documented reputation for knuckling under fast.

On Aug. 28, 1814, it took the threat of 5,000 troops to convince the town fathers to negotiate with the British to agree to let them plunder, but not burn, Alexandria after they sacked Washington the week before. Some called it "a disgraceful capitulation," but most historians generally have taken pains to point out that the town was outmanned and outarmed.

On May 24, 1861, exactly one day after Virginia ratified its secession from the Union, President Lincoln, who was said to be annoyed by the sight of a giant Confederate flag waving over a King Street tavern, sent 6,000 soldiers by land and by sea to subdue the rebellious natives. The 4:30 a.m. raid ended with a few minor skirmishes and the taking of 35 prisoners.

And last Saturday, Mayor James Moran and City Council members Del Pepper, Connie Ring and Patsy Ticer put themselves in the history books with their own disgraceful capitulation when they voted to adjourn their meeting following several minutes of verbal abuse from Publicity Thug Mitch Snyder and 200 protesters.

While their cause—objecting to the displacement of hundreds of tenants from the Dominion Gardens apartments—is worth a careful examination and a thorough evaluation of the alternative plan they have drawn up, Snyder's disruptive tactics are not. City officials were correct in not attempting to have the protesters arrested, which is what Snyder wanted, but their attempt to defuse the situation should have stopped there.

The business of the city came to a halt Saturday afternoon, nothing was solved, but Snyder could claim a victory. Council members could have offered to listen to the protestors if they agreed to speak in an orderly manner. Otherwise, police should have removed them from the building.

Instead, the council legitimized uncontrolled behavior as a tool of government and let it be known that those who speak the noisiest get their way. The people of Alexandria elected the council members, not an out-of-town demagogue, to conduct their business.—Kurt Jensen.

BITCH ALONG WITH MITCH

MAYHEM SHUTS DOWN COUNCIL

(By Ed Miller)

It started as a normal City Council Saturday public hearing—the usual all-day snoozerama of requests for special use permits and two-foot encroachments into the public right-of-way.

It ended with the City Council voting to adjourn the meeting early, as protestors stood on the council dais and sat in the chairs of Council members, refusing to let the meeting continue.

"The Mayor is not in charge of this room anymore, the people are in charge," said Mitch Snyder, the Washington activist who Saturday led about 150 people in a boisterous protest of the displacement of up to 5,000 low-income Arlandria residents.

The event began about noon at the Alfred Street Baptist Church. The group then marched to Market Square. Upon learning that the Council was not in regular session, but in a luncheon work session on proposals for relocating Route 1, Snyder led the group to the Council chambers to "make sure no one uses the City Council."

With the Council continuing its work session in an adjacent room, the protestors entered the chambers shouting, "We're fired up, won't take it no more."

"We should not give back their chamber until they agree not to take our homes," Snyder said.

City Manager Vola Lawson quickly called in police officers and sheriff's deputies, who guarded the entrance to the council workroom.

When Mayor Jim Moran entered the chambers, he was shouted down by the group, which who refused his request to vacate council members' chairs so the meeting could continue.

"Kill the Mayor!" shouted one woman.

Moran was heckled again when he told the protestors that a tenant plan for the city to purchase their homes through eminent domain would not work. Moran said the $13 million proposed in the plan was not enough to purchase and renovate the 416-unit Dominion Gardens apartment complex.

"The plan will not work with the numbers and sources of revenue you have here," Moran said.

Snyder then lashed out at Moran, telling him to "tell the folks how you're going to save their homes or shut up.

"You figure out how to do it," he said. "You're talking politics, (the tenants) are talking about human dignity."

Visibly angered, Moran yelled back at Snyder and the two stood face to face exchanging words like an umpire and a baseball manager arguing over a called third strike.

Moran left to chants of "Evict the Mayor," and "Displace the Mayor," and the council voted 4 to 3 to adjourn the meeting.

"You've succeeded in shutting down their hearing," Snyder said.

Snyder urged the protestors to stay in the room until they had to be forcibly removed. "If they arrest us and remove us from here it will be heard around the country," he said as the protestors cheered.

When city officials said they wouldn't arrest anybody, Snyder declared victory anyway. "From here we do whatever we have to do," he said as the protestors marched out of the chambers.

The tenants were protesting the Artery Organization's purchase of Dominion Gardens, a 416-unit apartment complex in Arlandria. Artery bought the units last summer and announced plans to renovate them, which many residents say would raise rents beyond a level they can afford.

McCormack, Baron and Associates, a Kansas City development firm, has presented a plan to the City Council that would enable a tenant group to purchase and rehabilitate Dominion Gardens and keep rents at an affordable level.

Is Mitch Snyder, a convicted criminal, the type of person we want to empower with millions of taxpayers dollars? Absolutely not. I believe that accountability of Mr. Snyder's books is the least we can ask. We are not cutting off any funds. He has already received $6.5 million. In fact, he said that he has received all he wants and does not want any of the funds authorized in this bill—I certainly intend to hold him to that statement—but I, along with many other of my colleagues, would like to see Mr. Snyder's books.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. DELAY. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. Mr. Chairman, would the gentleman like to apply that principle to the Contras?

Mr. DELAY. To the Contras? Are the Contras involved here?

Mr. LOWRY of Washington. Yes. They are receiving Federal money, and we cannot figure out where it has gone.

Mr. DELAY. Reclaiming my time, Mr. Chairman, I will ask, do the Contras take care of the homeless?

Mr. LOWRY of Washington. In one way or another.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, I request very strongly that this single-purpose, vengeful amendment, targeting only one single activity, be defeated at this time.

Nevertheless, on the merits of the amendment the facts are that Mitch Snyder and his organization, the Community for Creative Non-Violence, does not receive and has not accepted direct Federal outlays. Yes, it is true that they make use of federally funded premises and some supportive activities that are federally funded, but this amendment has a thrust of vengeance about it. It singles out this particular organization on 2d Street, and I think that if we do this, besides the questioning of the general justice of this approach, we may unintentionally be foreclosing other organizations, religious in nature, who on the basis of religious belief do not subscribe to section 501(c) of the Internal Revenue Code.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Yes, I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I hope the gentleman would read my amendment, because my amendment does not in any way speak to any religious organization. It is specific for this particular organization that chooses not to open its books.

I would think the gentleman would be wanting a little accountability if this organization applies for Federal funds under this act. I would hope that we would be able to see his books because he has been recorded in this House and in committee hearings as not opening his books and saying that he would refuse to do so.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will allow me to reclaim my time, as I understand the position taken by Mr. Snyder and his group, they are refusing to subscribe to the IRS regulation on the basis that they are not soliciting or accepting direct Federal funding.

I am well aware of the fact that they have solicited their funds nationwide for the purpose of carrying out their activities in their nonviolence committee program, but they would have to be held accountable, and they certainly would be subject to Internal Revenue scrutiny if any of those funds so derived were in any manner, shape or form used for other than nonprofit purposes.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. GONZALEZ. Certainly, I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, the point I want to make is exactly the point the gentleman is making.

If we give money to a grantee under this legislation, the Federal Government would have to hold that grantee accountable for how that money is spent. I have never seen an amendment crafted like this. Originally it was so broad that it would knock out private doctors who were organized under a corporate structure from getting a subcontract with a grantee clinic to serve the homeless.

It is now designed for all practical purposes to say that Mitch Snyder cannot get Federal grant money to help the homeless. If he gets the money—and I do not know if he wants it or not—then we have to hold him accountable for how he uses that money.

I think it is incredible to pass on the House floor legislation singling out one potential grantee who has served the homeless and say that that potential grantee should not even come and apply until he restructures his organization to meet certain legal requirements that are not applicable to any other grantee.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. Yes, certainly I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding.

I do not know of anybody in this House or in GAO or GSA or any other Government organization that has had any accountability from this particular organization, and yet we gave them a $5 million building.

Mr. GONZALEZ. Let me reply to the gentleman.

Mr. DELAY. This amendment says that that is the least we can do.

□ 1840

Mr. GONZALEZ. But that is exactly what is going to happen with any of the funded activities by virtue of this act.

For instance, in the accountability section or clause, if Mitch Snyder or his organization, for example, were in any manner, shape or form, and of course, they do, because if they have anything to do with that 2d Street operation in that building, they are on Federal premises. It says:

> The Secretary shall inspect each facility assisted pursuant to this section and, at least annually, the State or unit of local government in which the facility is located shall certify to the Secretary that—
>
> (A) the homeless are receiving the assistance specified in the application;
>
> (B) public buildings, property, and grant funds are being used in a cost-effective manner; and
>
> (C) the recipient of assistance under this section is complying with the terms of any lease or grant agreement entered into with the Secretary.
>
> (2) Each recipient of assistance under this section shall maintain such records as the Secretary requires taking into account the nature of the recipient (including the private voluntary organization implementing the program) and as may be reasonably necessary to disclose the amount and disposition of the proceeds of the assistance. For purposes of audit and examination, the Secretary shall have access to any records of the recipient that are related to assistance received under this section.

In others words, the gentleman's amendment really is kind of pouncing on one individual where, actually, it would have no relevancy to, it would have no relevancy to any of the expenditures of the funds by virtue of the acceptance of this act.

Mr. DELAY. If the gentleman will yield, the accountability that the gentleman is talking about only applies to one title of this bill. My amendment makes sure that all titles of this bill, all funds of this bill will be accounted for and that it does not cut Mitch Snyder off from funds if he wants to open his books, if he wants to take tax-exempt status and open his books so that we can find and see where this money goes——

Mr. GONZALEZ. Yes; the gentleman can request GAO audits by virtue of this and Mitch Snyder would have to be audited by virtue of this section.

Mr. DELAY. If the gentleman will yield, Mitch Snyder was not audited for turning over the $5 million building.

Mr. GONZALEZ. No, I know. But we are not talking about that. The gentleman's amendment is not addressing that funding, it is addressing the prospective funding if this legislation is approved.

Mr. LOWRY of Washington. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Washington.

Mr. LOWRY of Washington. I thank the gentleman.

Mr. Chairman, if that was so, that was because this legislation did not exist. The absence of having this homeless legislation which then requires this public accountability for recipients would take care of that problem. The amendment is absolutely not necessary.

Mr. GONZALEZ. Let me assure the gentleman that when he says that this particular section on accountability is in one section, yes, but it is a section that the gentleman's amendment is addressing to.

Mr. DELAY. If the gentleman will yield, my amendment addresses all sections of the bill.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief, but I will say flately that this is another case where we are defining that somebody is above the law. All the gentleman is attemtping to do is to assure that where we have had testimony in this Congress that this gentleman refuses to comply with the Tax Code, we are now saying that he ought not get money unless he comes under the provisions of law that we require of every other citizen.

If you vote "no" on the gentleman's amendment what you are saying is this one hero of the Left ought to be above the law. I would suggest that that is wrong. No one in this country should be above the law. We ought to adopt the gentleman's amendment to assure that everybody obeys the law.

Mr. FRANK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to reiterate in case anyone had any doubts that none of us have told the U.S. attorney or any other law enforcement official not to obey the law. Those who are worried about that should know that the appointees of this administration who are charged with enforcing the law in the District of Columbia have at no point been disbarred from doing so. So no one is asking that anybody be above the law. Anybody who has got the authority to prosecute anyone who violated the law ought to prosecute them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DeLay].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DeLAY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 202, not voting 48, as follows:

[Roll No. 23]

AYES—183

Applegate
Archer
Armey
Ballenger
Barnard
Bartlett
Barton
Bateman
Bentley
Bereuter
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Bunning
Burton
Byron
Callahan
Carr
Chandler
Clinger
Coats
Coble
Combest
Courter
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
DeLay
DeWine
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fawell
Fields
Frenzel
Gallegly
Gallo
Gaydos
Gekas
Gingrich
Goodling
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Harris
Hastert
Hatcher
Hefley
Henry
Herger
Hiler
Holloway
Houghton
Huckaby
Hunter
Hutto
Hyde
Ireland
Jacobs
Jenkins
Johnson (CT)
Jones (TN)
Kasich
Kemp
Kolbe
Kolter
Konnyu
Kyl
Lagomarsino
Lancaster
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Martinez
McCandless
McCollum
McDade
McMillan (NC)
Meyers
Michel
Miller (OH)
Molinari
Moorhead
Murphy
Myers
Nichols
Nielson
Oxley
Packard
Parris
Pashayan
Patterson
Petri
Pickett
Pickle
Porter
Price (NC)
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stallings
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Traficant
Upton
Valentine
Vander Jagt
Volkmer
Vucanovich
Walker
Weber
Weldon
Whittaker
Wolf
Wortley
Yatron
Young (FL)

NOES—202

Ackerman
Alexander
Anderson
Andrews
Anthony
Aspin
Atkins
AuCoin
Bates
Beilenson
Bennett
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Coyne
Crockett
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gejdenson
Gilman
Glickman
Gonzalez
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hughes
Jeffords
Johnson (SD)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kostmayer
LaFalce
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Manton
Markey
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Miller (WA)
Mineta
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pease
Penny
Pepper
Perkins
Price (IL)
Pursell
Rahall
Rangel
Richardson
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Smith (FL)
Smith (IA)
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Studds
Swift
Synar
Torres
Torricelli
Towns
Udall
Vento
Visclosky
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wilson
Wise
Wolpe
Wyden
Yates

NOT VOTING—48

Akaka
Annunzio
Badham
Baker
Berman
Bevill
Boucher
Brown (CA)
Buechner
Chapman
Cheney
Coleman (MO)
Cooper
Craig
Dickinson
Donnelly
Dowdy
Dyson
Gephardt
Gibbons
Gordon
Hansen
Hayes (LA)
Hopkins
Horton
Hubbard
Inhofe
Leach (IA)
Leath (TX)
Lipinski
Livingston
Lloyd
Luken, Thomas
MacKay
McEwen
McGrath
Moakley
Montgomery
Quillen
Roemer
Schneider
Schulze
Skelton
Slaughter (NY)
Tauzin
Traxler
Wylie
Young (AK)

☐ 1900

Mr. LANCASTER, Mr. PRICE of North Carolina, and Mrs. SAIKI changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kasich: After section 202, add the following new section:

"SEC. 203. REQUIREMENT OF CERTAIN HOMELESSNESS STUDIES

"(a) In General.—The States shall—

"(1) Complete a study with respect to determining the extent to which the mental health deinstitutionalization policies of the State involved are contributing to the problem of homelessness; and

"(2) Submit to the Secretary of Health and Human Services a report describing the findings made as a result of such study.

"(b) Report to Secretary of Health and Human Services.—The Secretary of Health and Human Service shall summarize the reports submitted by the States pursuant to subsection (a) and submit to the Congress a report with respect to such State reports.".

Mr. KASICH [during the reading]. Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. KASICH. Mr. Chairman, in an effort to move the proceedings along, let me just briefly explain what the amendment does is require that the States do an internal investigation themselves to try to determine what the impact of deinstitutionalization has been on the problem of the homeless.

As many people know, the policies of the State, which have been liberal policies over the last decade, may have created some problems locally in terms of the problems of the homeless, and what we want to do is to try to determine how those policies have worked and what we can do to improve them so that we can take care of the people who need to be released from the institutions and not have them end up in shelters for homeless where we are not doing the kind of things that we ought to do to give them the kind of treatment that they deserve.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, we have had a chance to review the amendment, and we accept the amendment on this side.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. KASICH. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, the gentleman from Ohio [Mr. Kasich] is right on the dime. I have been trying to do this for years. I congratulate the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. Kasich].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MADIGAN

Mr. MADIGAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Madigan: After section 202 of the bill, add the following new section:

SEC. 203. LEGAL FUND WITH RESPECT TO FAMILIES OF MENTALLY ILL HOMELESS INDIVIDUALS.

(a) In General.—(1) The Secretary of Health and Human Services shall, to the extent approved in appropriation Acts, establish a fund for the purpose of providing, subject to paragraph (2) financial assistance to families and legal guardians of mentally ill homeless individuals in order that such families and legal guardians may commence and complete legal proceedings to place the mentally ill homeless family member involved in an appropriate institution for mental diseases.

(2) Such financial assistance may be provided only to such families and legal guardians that are at or below 100 percent of the Federal poverty level.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 1987.

(c) Regulations.—The Secretary of Health and Human Services shall, before the expiration of the 90-day period beginning on the date of the enactment of this Act, issue such regulations as may be necessary to carry out this section.

In section 101(a) of the bill, strike "$75,000,000" and insert "$65,000,000".

In section 201 of the bill: In section 340(o) of the Public Health Service Act (relating to funding, as proposed to be inserted by the bill), strike "$75,000,000" and insert "$65,000,000".

Mr. MADIGAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the Record.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. MADIGAN. Mr. Chairman, this amendment is very important to me, but I know that a number of Members are in tight time constraints with their travel problems tonight.

Mr. McKINNEY. Mr. Chairman, will the gentleman yield?

Mr. MADIGAN, I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Chairman, I congratulate my good friend, the ranking minority member, and I promise to help him, because his idea is basically a very sound one.

Mr. MADIGAN. Mr. Chairman, on the assurance that I can offer this amendment later, to another bill, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DYMALLY. Mr. Chairman, I rise in support of H.R. 558.

Mr. Chairman, there are many ways to measure a nation. One can measure the gross national product of the country to determine its wealth. One can look at the level of food production to see how self sufficient the country is. One can look at defense capabilities to see how formidable the country is. To see whether a nation has a heart you look to its streets. You look at the human condition displayed on those streets.

The United States has a gross national product measured in the trillions of dollars. Despite inadequate rewards, our farmers produce enough food to feed the world. We spend nearly $300 billion per year to defend ourselves against threats from other countries. And today in cities across this wealthy, well-fed, well-defended country it is a common sight to see ill-clad citizens eating their meals not at tables but from garbage cans. In the Nation's Capital where the average winter temperature is 37 degrees it is common to see citizens of this country sleeping not in apartments or houses but on the exhaust grates of the metro system. One can easily see such a sight no more than two blocks from the home of the President of the United States.

Some years ago the idea of outpatient treatment of the mentally ill seemed innovative, and perhaps in a select number of cases it has indeed been innovative. Too often, however, people in serious need of mental health care were sent not to community homes but to the streets, not to outpatient treatment centers but to nowhere. Many of these unfortunate souls are among the number of homeless who wander the streets of our urban centers today helpless in the truest sense of the word.

It is a national shame. And the assuaging of that shame will not come from city ordinances that, in effect, make it unlawful to be homeless. We will not erase our shame by blaming the victims. We will do it only through compassionate action. In the end, the measure of the greatness of a country is not so much its wealth as whether that wealth brings comfort to the citizens; it is not how much food the nation produces, but whether the citizens are properly fed; it is not how formidable a fighting force it has but whether the citizens are secure.

We have under our consideration a bill to authorize compassionate action on behalf of the homeless. It authorizes us to spend less than two ten thousandths of our gross national product, our wealth, on the most needy in this society. It does not appropriate; it just says that we might consider spending that 0.00016 of GNP. It is a gesture to say our hearts are in the right place. Let us make that gesture and resolve to give the gesture a degree of meaning by following it with an equally compassionate appropriation.

Mr. WATKINS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the bill, because I have a deep concern about the homeless of this country, but one thing that I have a deep and sincere concern about is the homeless in the rural areas of this country who have not been brought to the attention of the American people and maybe to this Congress.

The poverty conditions and the shelter conditions in rural America off the highways and out of the urban areas many people have not seen and many people have not heard of, but some of us who only have a rural area many times have only seen those conditions in the rural areas and some here in Washington, DC. I think that it is only fair that I ask the chairman if I could to find what we can do to assure that we have adequate attention and fairness and equity for the homeless in rural America and throughout this country. Those who are silent, those who have not had a voice, and those who are not seen by TV cameras need to be assured that this body is trying to take care of them also.

Mr. Chairman, I would like to ask the chairman if we can be assured that in the bleakest poverty areas of this Nation in rural America that the homeless can be taken care of.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. WATKINS. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, the gentleman knows that he has been intimately involved, particularly in rural and Indian housing sections of our legislation since 1982. Every hearing that we have had since 1982 has indicated the extent and the insidiousness of the problem in the rural areas, even though it is not as easily perceived as in the denser urban areas.

In this legislation, in the allocation formulas, there is as ample provision for the rural sections as there is for the urban.

Mr. WATKINS. The gentleman is saying that the formula that exists there does provide equity in the formula for the homeless citizens in the rural areas of our Nation?

Mr. GONZALEZ. Yes. If the gentleman will yield further, it is found on page 56:

> (h) Allocation.—In selecting applications for grants under this section, the Secretary of Housing and Urban Development and the Secretary of Health and Human Services shall ensure that the funds are provided to the geographical areas of greatest need, taking into consideration the particular needs of different geographical regions, communities of different population sizes, and urban, suburban, and rural communities.

Mr. WATKINS. I appreciate the chairman's remarks, and I thank him very much. The chairman knows that these people do not have a voice unless we stand up for them.

Mr. VENTO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, while I am pleased in most respect with the Regulations published by the Department of Housing and Urban Development, the regulations do not reflect the intent of Congress as it pertains to funding rehabilitation in facilities to assist the homeless which are owned or operated by religiously affiliated organizations. The emergency nature of this program clearly envisioned that assistance could be provided to those organizations which had been assisting the homeless. In many parts of this country, the only assistance provided to the homeless was delivered through groups with a religious affiliation. In spite of the fact that the shelter and services provided by these groups had no religious content nor do they serve to promote religion, the HUD regulation can be used to preclude assisting these groups.

The committee report accompanying the bill clearly states under what conditions Federal funds may be used by these groups to provide shelter and services. I would encourage HUD to reexamine these regulations and publish new regulations consistent with the guidelines in the committee report.

Mr. Chairman, I would be remiss today if I did not recognize the work of a key staff aide that has worked with me on this issue the past 5 years. Steve Judge, my chief legislative assistant, has been a real wellspring of service and diligence from the start of my active involvement. The past 4 months have really been the formative period in which he has been involved in so many meetings and reporting back regularly to me and working to perfect this total work product. Steve Judge is one of the major reasons that this measure has been successful today. I am pleased to have had his able assistance on this and many other legislative duties as well as the entire staff on the Banking Subcommittee on Housing. They are truly talented and hard-working professionals.

Mr. FOLEY. Mr. Chairman, I wish to thank the gentleman from Texas [Mr. GONZALEZ] for his constant efforts and those of the other members of his committee and of the other committees which considered this bill. The prompt attention and extraordinary effort exhibited by all who have worked on this bill testifies to the seriousness of this problem.

Of course, the bill which Mr. MCKINNEY and I have introduced is an emergency bill. The moneys authorized there would be available for appropriation in this fiscal year. We realize, of course, that the problem of homelessness will not be solved overnight, but we cannot stand idly by while helpless people and poverty-stricken families lose the roof over their heads. The homeless are of every description and no one solution addresses the plight of all of them, but we will never solve this problem unless we begin now.

Mr. Chairman, there is disagreement on exactly how many homeless people there are in our country. I do not find this surprising in light of the substantial problems entailed in making any estimate of a transient, disparate population who, by definition, are without addresses. But there is substantial agreement that the numbers of homeless people are increasing, and increasing at an accelerated rate.

Three recent studies, including one by the U.S. Conference of Mayors, have found that the homeless population increased by an alarming 25 percent in 1986. The mayors' study, conducted by a task force headed by Raymond L. Flynn, the distinguished mayor of the city of Boston, found that in 70 percent of the 25 major cities surveyed homeless people were being turned away from shelters. In all they estimated that about one-quarter of all the homeless were being turned away.

Perhaps the most disturbing fact of all is that the fastest growing segment of the homeless population is families with children. Although the total proportion of the homeless represented by this group is still believed to be small, they illustrate that the problem has gone far beyond the conventional views of the homeless which many of us held in earlier years. No longer can anyone say that the homeless are merely those who could settle down but choose not to. They are now people who desperately need shelter but cannot get it.

The Salvation Army has found that large numbers of homeless people among the 60,000 it shelters each night actually have jobs but are beneath the poverty line. Over half of the homeless also suffer from either mental illness or substance abuse problems. They need our help, Mr. Speaker, and we have a moral obligation to extend a helping hand to the homeless and provide at least the bare minimum of shelter, food, and medical care that they need.

Mr. Chairman, H.R. 558 represents a serious effort to address this growing problem. It would authorize $20 million in addition to the $50 million which has just been signed into law for emergency food and shelter under the Federal Emergency Management Agency; an additional $100 million in grants to localities for extra shelter space and an additional $30 million for localities to provide transitional group homes for the homeless who can move out of emergency shelters; $100 million would finance 4,000 rental subsidy certificates, where the Federal Government agrees to subsidize rent for 5 years and the certificate can be used to help a succession of homeless families.

The bill also allows $100 million in health care for the homeless, one quarter through a competitive grant program and three-quarters through centers directed solely toward the homeless. $75 million would be used to identify underutilized Federal State, and local government buildings which could be used in various capacities as facilities to help the homeless. $25 million would fund residential long-term care facilities for the chronically mentally ill homeless.

In addition to these provisions the bill being considered adds some modest but very necessary improvements in our efforts to feed the homeless. These will extend the Temporary Emergency Food Assistance Program for the homeless at $50 million this year, and make it possible to count an extra $19 per month of shelter costs against income for purposes of determining food stamp eligibility. This will be a step toward preventing homelessness before it begins. The Agriculture Department is also directed to match State costs for the administration of outreach programs so that homeless people who qualify for assistance will learn that they are eligible.

Mr. Chairman, H.R. 558 does not attempt to assign blame or point fingers. It is an honest effort to do what we can, however little and however belatedly, to relieve the misery of homelessness for hundreds of thousands of Americans of both sexes and all races and ages, many of whom are ill, or not able to care for themselves; and all of whom deserve the minimum that human decency requires of those of us who are more fortunate.

Mr. RITTER. Mr. Chairman, I agree that giving food and shelter to the homeless is important. But we need not create a brandnew welfare program just to show compassion. It is always the American taxpayer who bears the burden for misguided efforts which don't solve the problem. That's exactly what we have with the homeless bill.

I question the new spending of $500 million for fiscal year 1987, plus $225 million extra for more food stamps. That is on top of $435 million in direct assistance since we first turned our attention to the homeless in fiscal year 1984.

This bill does not necessarily target the homeless. In among the funds for the homeless is food stamp funding for people who are already on welfare. We already have Federal funding in community health care centers and Medicaid which assist homeless people.

There are several other programs that provide food assistance to the needy, and the U.S. Department of Agriculture [USDA] alone accounts for over $20 billion in fiscal year 1987 spending—for food assistance for which the homeless qualify.

In this bill, the definition of homeless is so broad that low-income individuals, in general, are included as well as people sleeping on the streets. But the fact is these people already have programs to address their needs.

If this is a new national priority, we should be able to transfer funds from other areas that are now less of a priority. Although I have great reservations about spending this kind of added money, I voted for an amendment which would have taken these funds out of foreign aid.

Why increase the already vast Federal deficit when States are reaping revenue surpluses from the Tax Reform Act of 1986. We know that States are better able to target funding and we also know that they are in better financial shape than the Federal Government. They haven't done it themselves because they just can't spend money they don't have, like Congress can, and they're not convinced it's that high a priority.

We are not even sure of what the causes of homelessness are.

Are the homeless alcoholics? Then let's address that.

Are the homeless drug abusers? Then let's address that.

Are the homeless unwed mothers? Then let's address that.

The causes of the problems of this group are so diverse that it is impossible to address them in one category—the homeless. Throwing money at a symptom, homelessness, rather than trying to eliminate the causes is an inefficient use of funds.

In fiscal year 1987 the Federal Government has already committed over $260 million, more than in any other previous year, on programs specifically targeted to the homeless. Now we're called to add another three-fourths of a billion dollars.

We need to more seriously consider the role of States, localities and the private sector, which do not have the debt burden that the Federal Government has. They're much closer to the issue as are churches, neighborhood centers, et cetera.

We also are responsible to ensure accountability for the way our constituents' tax dollars are spent. Congressman Tom DeLay, a Member from Texas, put forth an amendment to require individual organizations which who receive funds as a result of this bill to register as tax exempt, nonprofit organizations, under provisions of 501(c)3 of the IRS Code. That means they would have to open their books and tell the American people how they are spending their money.

It's incredible, but that amendment failed.

Another reason I object to this bill is that I fear the motivation of one of the major publicists of the measure, Mitch Snyder. Congressman DeLay's statement to Congress regarding his conversation with Mitch Snyder brings out the attitude of the Committee for Creative Non-Violence [CCNV]. Mr. DeLay, in a statement in the Congressional Record said:

> One of the first things that struck me about the CCNV is that they are much more than a samaritan group looking to help the homeless. According to Mr. Snyder they are both a religious group and political activists, which he considers one and the same. When I asked Mr. Snyder if his organization was both a religious organization and a political activist organization he said, "In our opinion, the two are one." Since they are a religious nonprofit group I naturally assumed that they were a tax-exempt organization. To my surprise Mr. Snyder said that they had chosen not to apply for tax-exempt status. But they don't believe in taxes so they just don't pay. Let me quote Mr. Snyder again. "The letter we send the IRS every year explains we don't believe participatory democracy or democracy means the paying of 15 or 20 or 25 percent of one's income."
>
> We have found that Mr. Snyder's feeling that he is above the law even predates his involvement with the CCNV. In a report detailing Mr. Snyder's criminal record provided to the subcommittee by the FBI, it is apparent that Mr. Snyder has had a pattern of lawlessness. Though he portrays himself as a successful Wall Street executive it seems in 1969 his time in New York was spent opening bank accounts under false names—such as Arthur Sanders and George J. Worts, issuing bad checks, and committing forgery.
>
> In 1969 he was convicted of these crimes: with Arnold Paster, a friend with whom he committed these crimes—Mr. Snyder went West to Las Vegas, NV. There they used a stolen credit card to rent a car which was soon reported stolen. They were then arrested in California. At that point Mr. Snyder used the false name of Mitchell Peters to mask his identity. Does this sound like someone who just happened to be hitch-hiking and just happened to be picked up by someone who stole a car? Of course not. In fact Mr. Snyder was convicted in New York in July 1969 for attempting grand larceny of a car.
>
> Another incident, which I feel is very important to our discussion here, happened in 1974. Mr. Snyder was one of four CCNV members arrested for entering the South Vietnamese overseas procurement office in Washington, DC. He poured a red substance resembling blood on the files, walls, and on other property in the office. They were found guilty of the destruction of property of a foreign government and Mr. Snyder was sentenced to 1 year's probation. This, in itself, is not significant, but the fact that the probation was revoked and he was ordered to serve 3 months is significant.
>
> The probation revocation was due to a letter Mr. Snyder sent to the judge saying that he no longer considered himself on probation and he would no longer continue his commitments to that office. This sounds strangely similar to the letters he sends every year to the IRS saying he doesn't believe in taxes and won't pay. My question is: We are a nation of laws. What happens when everybody decides they are above the law?

When I go back to my district, I want to be able to look my constituents in the eye and let them know that I voted to make those who spend their money accountable.

My constituents in the Lehigh Valley don't want a brandnew welfare program coming out of Washington that adds to the Federal debt burden on the American people. They know when the politicians sense an opportunity to create new programs, with new constituencies, and to add to old programs that are being scaled back. They know when the politicians push new welfare schemes to add to the ranks of people who owe them for their generosity.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as modified, as amended.

The amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. Coelho] having assumed the chair, Mr. Kildee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on families and children, pursuant to House Resolution 109, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

☐ 1910

The SPEAKER pro tempore (Mr. Coelho). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GREGG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 264, nays 121, not voting 48, as follows:

[Roll No. 24]

YEAS—264

Ackerman
Alexander
Anderson
Andrews
Anthony
Applegate
Aspin
Atkins
AuCoin
Barnard
Bartlett
Bates
Bennett
Bentley
Biaggi
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Boxer
Brennan
Brooks
Bruce
Bryant
Bustamante
Byron
Cardin
Carper
Carr
Chandler
Chappell
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Coughlin
Courter
Coyne
Crockett
Darden
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
DioGuardi
Dixon
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fazio
Feighan
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Gallo
Garcia
Gaydos
Gejdenson
Gilman
Glickman
Gonzalez
Grandy
Grant
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hall (TX)

Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Howard
Hoyer
Huckaby
Hughes
Hutto
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Lujan
Manton
Markey
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McDade
McHugh
McKinney

McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Mollohan
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Nagle
Natcher
Neal
Nelson
Nowak
Oakar
Oberstar
Obey
Ortiz
Owens (NY)
Owens (UT)
Panetta
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Ravenel
Ray
Regula
Richardson
Ridge
Rinaldo
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roukema
Rowland (GA)
Roybal

Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Scheuer
Schroeder
Schuette
Schumer
Sharp
Sikorski
Sisisky
Skaggs
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Snowe
Solarz
Spratt
St Germain
Staggers
Stark
Stokes
Stratton
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Yates
Yatron

NAYS—121

Archer
Armey
Ballenger
Bateman
Beilenson
Bereuter
Bilirakis
Bliley
Bosco
Boulter
Broomfield
Brown (CO)
Bunning
Burton
Callahan
Campbell
Clinger
Coats
Coble
Combest
Crane
Daniel
Dannemeyer
Daub
Davis (IL)
DeLay
DeWine
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
Fawell
Fields
Frenzel
Gallegly
Gekas

Gingrich
Goodling
Gradison
Gregg
Gunderson
Hammerschmidt
Hastert
Hefley
Herger
Hiler
Holloway
Houghton
Hunter
Hyde
Ireland
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lott
Lowery (CA)
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
McCandless
McCollum
Michel
Molinari

Moorhead
Myers
Nichols
Nielson
Olin
Oxley
Packard
Parris
Petri
Porter
Pursell
Rhodes
Ritter
Roberts
Roth
Rowland (CT)
Schaefer
Sensenbrenner
Shaw
Shumway
Shuster
Skeen
Slaughter (VA)
Smith (NE)
Smith (TX)
Smith, Denny (OR)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Spence
Stallings
Stangeland
Stenholm
Stump

Sundquist
Sweeney
Swindall
Tauke
Taylor

Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker

Weber
Whittaker
Young (FL)

NOT VOTING—48

Akaka
Annunzio
Badham
Baker
Barton
Berman
Bevill
Boucher
Brown (CA)
Buechner
Chapman
Cheney
Coleman (MO)
Cooper
Craig
Dickinson

Donnelly
Dowdy
Dyson
Gephardt
Gibbons
Gordon
Hansen
Hopkins
Horton
Hubbard
Inhofe
Leach (IA)
Leath (TX)
Lipinski
Livingston
Lloyd

Luken, Thomas
MacKay
McEwen
McGrath
Moakley
Montgomery
Quillen
Roemer
Schneider
Schulze
Skelton
Slaughter (NY)
Tauzin
Traxler
Wylie
Young (AK)

□ 1920

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Craig against.

Mr. Leach of Iowa for, with Mr. Barton against.

Mr. McEwen for, with Mr. Hansen against.

Mr. Schulze for, with Mr. Cheney against.

So the bill was passed.

The result of the vote was announced as above recorded.

TITLE AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. GONZALEZ: amend the title so as to read: "A bill to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 558, URGENT RELIEF FOR THE HOMELESS ACT

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that, in the engrossment of the bill H.R. 558, the Clerk be authorized to correct section numbers, cross references, punctuation, and indentation, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House.

The SPEAKER pro tempore. (Mr. MURPHY). Is there objection to the request of the gentleman from Texas?

There was no objection.

GENERAL LEAVE

Mr. GONZALEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 558, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1930

REQUEST TO SPEAK OUT OF ORDER IMMEDIATELY FOLLOWING THE LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Speaker, I ask unanimous consent that I be permitted to address the House and speak out of order for 3 minutes immediately after an exchange with the majority leader on the program for next week.

The SPEAKER pro tempore (Mr. MURPHY). Is there objection to the request of the gentleman from Illinois?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and received unanimous consent to speak out of order for 1 minute.)

Mr. MICHEL. Mr. Speaker, I ask for this 1 minute for the purpose of inquiring of the distinguished majority leader the program for the balance of this week and next week.

Mr. FOLEY. Mr. Speaker, will the Republican leader yield to me?

Mr. MICHEL. I will be happy to yield to the distinguished majority leader.

Mr. FOLEY. I thank the gentleman for yielding.

The business we have just concluded concludes the legislative program for this week. The House will not be in session tomorrow.

My intention will be to ask unanimous consent shortly that when the House adjourns tonight it adjourn to meet at noon on Monday next.

On Monday we will have a pro forma session. On Tuesday, March 10, the House will meet to consider eight bills under suspension of the rules:

H.R. 626, conveyance of public lands in Alabama;

H.R. 242, conveyance of public lands in Wisconsin;

H.R. 990, conveyance of a certain parcel of land near Ocotillo, CA;

H.R. 14, to designate certain river segments in New Jersey as study rivers under the National Wild and Scenic Rivers Act;

H.R. 191, to authorize a Peace Garden;

H.R. 240, to designate the Santa Fe Trail as a national historic trail;

H.R. 389, Boundary Waters Canoe Act amendments; and

H.R. 797, to authorize donation of certain lands for the Gettysburg National Military Park.

Mr. Speaker, on Wednesday, March 11, and March 12, Thursday, the House will meet at 2 p.m. on Wednesday and 11 a.m. on Thursday to consider an unnumbered House joint resolution relating to a moratorium on Contra aid, subject to a rule being granted.

Friday, March 13, the House will not be in session.

These announcements are made subject to the usual consideration that further program may be announced later and conference reports may be brought up at any time.

Mr. MICHEL. Mr. Speaker, might I inquire of the distinguished majority leader whether the so-called moratorium on Contra aid, is that in any kind of bill form at this time?

Mr. FOLEY. No. I will advise the gentleman that it is anticipated that the bill will be introduced shortly, probably the first part of the week, Monday. We anticipate its being considered by the Committee on Rules on Tuesday.

Mr. MICHEL. I thank the gentleman.

MORATORIUM VOTE

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MICHEL] may proceed with his previous consent request.

(By unanimous consent, Mr. MICHEL was allowed to speak out of turn for 3 minutes.)

Mr. MICHEL. Mr. Speaker, according to what we've just heard, the tentative schedule says that on next Wednesday, the Democratic leadership will bring to the floor a moratorium bill on Contra aid.

I heard a rumor to that effect and now it is confirmed.

We will be told that this is not a bill to stop the Contras from getting the funding. We will be told it is only a moratorium, a way of postponing the funding from getting to the Contras until certain conditions are met.

It is my further understanding that these conditions will deal with questions arising from the ongoing Iran arms deal inquiry. Until we find out where the money went and how much, if any, reached the Contras, we will hold back the $40 million already proposed to those brave fighters.

If the Democratic leadership wants to kill Contra funding, I say you should give us an up or down vote on disapproval. Yes or no. Up or down.

Apparently the Democratic leadership has decided to bring their measure to the floor without hearings, without debate, without even a modicum of consultation with the minority. I only learned about the possibility of this yesterday.

I think we need a negotiating track and a military track if we are to achieve a just peace in Central America. I'm all for the $300 million for the democracies. I'm all for the process of the Arias plan.

But none of that will work if we go back on our word to send the Contras the last $40 million of the original $100 million appropriated last year.

This moratorium is just a trick to let Members think they can get off the hook.

Well, history is not letting us off the hook that easily. We're either going to live up to our word or break our word. And if you vote for this bill, it is, in effect, going back on our word.

If the Democratic leadership wants to kill off the Contras by denying the funds, then I say do so in the full light of day and stop this political, partisan avoidance of the main issue.

Let me add one other point: Members might be told that to vote against the moratorium is to vote against investigation of the Iran arms deal.

That is so much hogwash.

In both Houses, we are pursuing the Iran arms deal, in all its ramifications, including real or alleged Contra connections. There is an independent counsel's investigation.

The President has not only pledged but shown his willingness to cooperate in getting out the facts.

This moratorium is a cover story for killing aid to the Contras. It is stonewalling by those who don't want to admit outright they want to destroy the Contras.

A moratorium on the last $40 million is the functional equivalent of saying to the Contras, to the Sandinistas, and to the Central American democracies:

Yes; we promised assistance to the Contras last year, but don't count on us to fulfill the promise this year.

We're welching on our word.

This moratorium idea is a disgrace. We want a yes or no vote. The honor of the House and the good word of the United States are at stake.

If the Democratic leadership is insistent on bringing up this moratorium next Wednesday, I will make every effort to make sure a disapproval resolution will be considered at the same time—even if I have to do it myself.

ADJOURNMENT TO MONDAY, MARCH 9, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12 noon on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain 1-minute speech requests.

CABINET INITIATIVES SHAPE THE AGENDA OF THE 100TH CONGRESS

(Mr. FISH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FISH. Mr. Speaker, our President and his administration deserve our commendation. While recent events have caused some to say the administration has ground to a halt, nothing could be further from the truth. This holds for the President and for his departments.

The Tower Commission has reported, and the President has endorsed all of its recommendations. Already he has taken corrective measures. I applaud him for these actions and for his appointments. Challenges bring out the best in our President. He acknowledges mistakes, accepts full responsibility, and vows changes. I, for one, am offended by those who rejoice over the President's troubles.

The country must move on. We cannot afford to allow, and the administration is not allowing, this affair to paralyze us. We are indeed fortunate to have a President committed to productively addressing in the final 2 years of his historic Presidency the many issues of national importance.

We need look no further than the Cabinet departments to realize that important issues are being addressed, and have been throughout these months of uncertainty. All we have to do is look at the bold and creative initiatives coming out of the Departments of Commerce, Treasury, Labor, and HHS. They quite clearly demonstrate that the Cabinet-level departments are not affected, much less paralyzed. These Cabinet departments are responsible for the creative thinking that is shaping the agenda of the 100th Congress.

Initiatives have been received in Congress from the Secretaries of the Departments I just mentioned, "the four B's," Baldrige, Baker, Brock, and Bowen. And I hasten to add the name of Clayton Yeutter, the U.S. Trade Representative, to the list of administration officials.

Catastrophic illness cripples elderly Americans physically, mentally and financially. In the President's words, "for too long, many of our Nation's senior citizens have been faced with making an intolerable choice—a choice between bankruptcy and death."

The comprehensive catastrophic illness protection bill proposed by HHS Secretary Otis Bowen is yet another example of the administration's commitment to our Nation's well-being.

This bill addresses a fundamental gap in the health insurance protection of the elderly. Hospital coverage is limited under Medicare, and, even though about 13 percent of the elderly are also covered by Medicaid, many States limit the amount and kind of services they will pay under the program. One major advantage of this bill is that it will not add 1 cent to the Federal deficit.

This proposal is a sound beginning toward a comprehensive catastrophic illness coverage bill in the 100th Congress.

Competitiveness is the battle cry of all of us in Washington, as we continue to face record trade deficits. Many Cabinet actions and proposals bear on this issue—improving our comparative advantages in the global marketplace, while at the same time breaking down trade barriers to improve access to those markets, and ensuring that we do not adopt measures that would tend to reduce overall world trade and world growth. The necessity of taking part in the global economy is not a partisan issue—it is a fact of life and we cannot be parochial by region, spirit, or politics.

The laws of economics dictate that any program seeking to redress the trade imbalance and improve competitiveness must look closely at the national and global economy. Reducing the budget deficit is essential to improving our trade balance and restoring faith in the fiscal system. The value of the dollar, which many economists say has contributed to at least half of the trade deficit, must be kept within an acceptable range to allow U.S. products to be competitive abroad.

Treasury Secretary James Baker has already shown his good political and diplomatic skills in handling this task. The recent efforts of the Plaza Accord and the G-5 meeting in Paris show he is fostering the international economic and monetary cooperation necessary to control exchange rates and thus stimulate foreign demand for American goods. The Secretary's actions warrant bipartisan support, and trade legislation should endeavor to increase his effectiveness.

He will continue to press the LDC debt initiative to reignite growth and ensure that these countries meet their full potential.

The Commerce Department has conceived a comprehensive plan to address our Nation's trade deficit and competitiveness in the world market. On February 9, Secretary Baldrige announced a bold initiative, composed of a combination of legislative and administrative actions, to "improve both the level of U.S. competitiveness and the level of U.S. security."

Faced with the rapid global proliferation of high technology, we increasingly are presented with an export control dilemma. On the one hand, we must protect sensitive technology from flowing to our adversaries and contributing to their military strength. But on the other hand, we cannot inhibit legitimate commercial trade, which is so vital to our economic well being. We all know that exports mean jobs and that a sound, strong, and competitive economy is an important part of our national security. To be effective, our export control system must balance these two objectives.

It appears as if that delicate balance is not being maintained. Too many products which are not on the cutting edge of technology are being controlled. Too many products for which a foreign source of supply exists require a license for export from the United States. In some cases, these products require licenses for export or reexport even to our trading partners. Too often U.S. exporters are faced with delays in receiving export licenses which are out of line with the time it takes for a foreign competitor to receive a similar license. All of these factors place U.S. exporters at a comparative disadvantage in our global marketplace.

So that we can maintain our technological lead, we must carefully define what to control, how to control it, and how best to enforce those controls. Export controls must be streamlined to catch militarily critical goods and technology, while decontrolling the many products at the lower end of the technological scale which no longer make a significant contribution to the military potential of our adversaries.

The Commerce Department, along with the Department of Justice, proposes changes in antitrust laws that will enhance the vitality of American businesses and industries, allowing them to adjust to global competition while continuing to protect consumers and firms from price fixing and monopolies.

Another major commerce initiative is product liability and tort reform. Interstate commerce has been increasingly burdened by product liability law. American consumers suffer when beneficial products are removed from the market and skyrocketing liability insurance costs are passed on through higher prices.

The trade deficit hits U.S. workers hard. Loss of American jobs has a devastating economic and emotional effect on individual families and on the entire economy. Americans who lose their jobs to overseas competition or for whatever reason must be given the opportunity to move into other productive areas; their well-being and the well-being of our industries and economy are at stake. Secretary of Labor Bill Brock has formulated a $7 billion worker adjustment program that will help an estimated 700,000 dislocated workers each year. The proposal offers job search assistance, basic education, and job skill training, and provides training and adjustment opportunities to workers early—long before they exhaust unemployment benefits.

The President and the Nation are well served by his Cabinet. They are realists. They are aggressive and goal oriented. They are reaching out humanely to address the needs of our people and positively to ensure an economically strong America.

THE 35TH ANNUAL NATIONAL PRAYER BREAKFAST

(Mr. COATS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. COATS. Mr. Speaker, on February 5, 1987, I was honored to serve as chairman of the 35th Annual National Prayer Breakfast at the Washington Hilton. This event brought together more than 3,700 people from all of our 50 States, as well as representatives from more than 120 nations. We gathered to listen to God's word, sing His praises, share His love and to lift our thoughts to Him in prayer.

The success of this event is a tribute to the members of both the House and Senate Prayer breakfast groups, as well as the timeless efforts of many volunteers.

Mr. Speaker, I submit the transcript of the 35th National Prayer Breakfast for printing in the RECORD.

NATIONAL PRAYER BREAKFAST—FEBRUARY 5, 1987, 8 A.M.

Pre-breakfast prayer: The Honorable Albert Gore, Jr., U.S. Senator, Tennessee.

Opening Song: U.S. Naval Academy Chapel Choir, Dr. John B. Talley, Director.

Presiding: The Honorable Dan Coats, U.S. Representative, Indiana.

Opening prayer: Admiral Carlisle A. H. Trost, Chief of Naval Operations.

BREAKFAST

Welcome: The Honorable Dan Coats.

Message from the United States Senate: The Honorable Paul Simon, U.S. Senator, Illinois.

Old Testament reading: The Hon. George H. W. Bush, Vice President of the United States.

Solo: Mrs. Sharon Brumbaugh, Miss Robin Howard, accompanist.

Message from the United States House of Representatives: The Honorable Dan Daniel, U.S. Representative, Virginia.

New Testament reading: Coretta Scott King.

Prayer for national leaders: The Honorable John Ashcroft, Governor, Missouri.

Message: The Hon. Elizabeth H. Dole, Secretary of Transportation.

THE PRESIDENT OF THE UNITED STATES

Group song: The Honorable Danny K. Akaka, U.S. Representative, Hawaii.

Closing prayer: Dr. Billy Graham.

NATIONAL PRAYER BREAKFAST, WASHINGTON, DC, THURSDAY, FEBRUARY 5, 1987

Representative DAN COATS. We are honored to have the U.S. Naval Academy Chapel Choir, under the direction of their Director of Music, Dr. John Talley. They will present to us an opening number, which will be followed by our opening prayer.

The U.S. Naval Academy Chapel Choir.

[Musical Selection, "There is a Balm in Gilead," performed by the United States Naval Academy Chapel.]

Representative DAN COATS. Ladies and gentlemen, few know of the wonderful fellowship that exists among the chiefs of our armed forces. Prayer plays a very real part in the lives of these men.

Here to invoke God's blessing on our time together is Admiral Carlisle Trost, Chief of Staff of the U.S. Navy.

Please remain seated as Admiral Trost brings our opening prayer.

OPENING PRAYER

Admiral TROST. Historians tell us that throughout the Civil War there were many instances when Union and Confederate soldiers gathered together, usually to fight, but often by chance, as men of peace. These encounters usually took place when the opposing armies were camped on opposite banks of a river, and the men slipping down the banks to bathe would encounter, sometimes in the middle of the stream, men they had worked to kill just hours before.

From these chance encounters, there were often desultory, but not unfriendly, conversations, usually sparked by mutual interest, pride in themselves, pride in their country, even though separated, perhaps, by political consideration, and talk of home, talk of the harvest back home.

Now as you can imagine, such meetings were strictly forbidden, but they took place anyway, probably a recognition of the bond between these fine men.

We live today in a world of antipathy, degrading of human values. The motives of many people seem to us wrong, hateful, and even incomprehensible. So they must too, have been seen a century and a quarter ago across the gulf of our own Civil War.

I would ask you to join me now in a prayer to God that a new day will soon come, that peace and reconciliation will flourish in this world, and that all of God's children will learn to walk the river of life together, perhaps talking of home and harvest.

Please join me in prayer.

Heavenly Father, we sit at your table this morning, conscious that all we are and all that we have, comes from you. We thank you for the gifts of food, of good fellowship, of thought and speech. We thank you for our very lives.

Lord God, humbly we ask you to open our hearts to the messages we will hear at this gathering this morning.

Unite us in prayer and reflection, so that we may know your will.

Nourish in strength and purpose to go forth from this table to do your work.

Open our eyes to the wonders of your creation, making us conscious, not only of the suffering but also of the joy.

And finally, help us, Lord, help us to do what is right and to shun evil, until that long-hoped-for day, when overcoming our own weakness through your help, we may all meet in peace and love together as one people, with one shared humanity.

All this, we ask in your holy name, oh, Lord, amen.

Representative COATS. Thank you, Admiral Trost.

Please enjoy the rest of your breakfast.

[Thereafter, breakfast ensued.]

WELCOME

Representative COATS. We are delighted with the fellowship that is taking place and is so evident from your conversation.

Good morning, and a warm welcome to each and every one of you.

This 35th Annual National Prayer Breakfast has drawn together people from all 50 of our states and from more than 120 nations from around the world.

We are also joined today by members of our armed force nationwide and worldwide through the Armed Forces Communications Network.

We gather together this morning in the name of Jesus Christ, to listen to God's word, to sing His praises, to share with each other God's wondrous love, and to lift our thought to him in prayer.

The Scriptures say that where two or three are gathered together in prayer, Christ is in their midst. Surely He is with us today.

Last year the President shared with us some of the history of this event. For those who are not aware of how this Prayer Breakfast came to be, allow me to briefly restate the story.

For about ten years prior to the first breakfast in 1953, a handful of senators and congressmen would informally meet and discuss how they might be of greater personal and spiritual support to one another. They decided as a result, to begin to pray together. Two groups, one in the Senate and one in the House, met quietly like this for 10 years.

One night in 1952, General Eisenhower, who was then running for President of the United States, shared a story with Senator Frank Carlson, saying that he had undergone a vivid spiritual experience in the days preceding D-Day, and that spiritual experience had given him great comfort and great strength as he went forward in leading the Allied Forces in World War II. Senator Carlson shared with General Eisenhower that he too had found spiritual strength and comfort with a group of senators that he had been meeting with in the Senate, asking for God's guidance in their lives.

A few months later, the General, who was now the President, asked Senator Carlson over to the White House. And he told him that, "This is the loneliest house I have ever been in."

Carlson said, "Mr. President, I think this may be the right time for you to come and meet with our prayer group."

And Eisenhower did just that.

In 1953, the first National Prayer Breakfast was held, and President Eisenhower attended, as has every President since.

But this is just the visible part of the Prayer Breakfast movement. Each week, members of the House and Senate meet to share and pray. Other prayer groups have been formed in every branch of government, and other fellowships have spread throughout the legislatures of our states and throughout the legislatures and parliaments of the world.

In fact, at this very moment, many prayer groups are meeting and specifically praying for this event. In these prayer meetings, we share our joys and our sorrows, our victories and our defeats, our hopes and our fears. And we turn together to God to seek his presence and help in all that we do.

It is my hope and prayer that each person here this morning will leave with a better understanding of the importance of prayer and fellowship in our daily lives.

Perhaps some will leave with a renewed or strengthened commitment to the prayer and fellowship groups that they are already a part of. Hopefully, others will leave with a decision to begin to seek that wonderful strength that only fellowship and prayer can provide.

I would like to introduce to you this morning, those at the head table, who, while not having a formal part of the program, are a very real part of those of us that are here.

Please join me in welcoming our gracious and dedicated First Lady, Nancy Reagan.

[Extended applause.]

And the outstanding wife of our Vice President, Barbara Bush.

[Applause.]

When our Speaker needs advice on how to deal with the Senate, the man she turns to, the very able Senate Minority Leader, Senator Robert Dole.

[Applause.]

And now some special people, wives whose loyal support make carrying the burdens of our jobs much easier.

I will ask them to stand and remain standing, and please hold your applause until all have been introduced.

Tipper Gore, the wife of Senator Albert Gore, who delivered our prebreakfast prayer.

Jean Simon, wife of Senator Paul Simon.

Ruby Daniel, wife of Dan Daniel, Congressman from Virginia.

Pauline Trost, the First Lady of the Navy.

And my very best friend, and wife of 22 years, Marcia Coats.

Let's give them all a hand.

[Applause.]

Those who have had the privilege of serving in Congress with Senator Paul Simon, know of his integrity, his dedication and commitment.

This morning, he brings us a message from the Senate Prayer Breakfast Group.

Senator Simon.

[Applause.]

MESSAGE FROM THE UNITED STATES SENATE PRAYER BREAKFAST GROUP

Senator SIMON. Thank you, Dan. President and Mrs. Reagan and distinguished guests all.

It is an honor to represent my colleagues in the Senate Prayer Breakfast and bring you greetings.

We meet every Wednesday morning. In a sense, "prayer breakfast" may be the wrong term to describe it. We do have an opening and closing prayer, but it is a frank discussion, just among ourselves, no spouses, no staff, no reporters, about the problems and the potential, and we try and strengthen each other.

We hope that each of us is applying faith to life, just a little bit more because of these breakfasts, and we hope that we accommodate our political actions to our religious beliefs rather than the other way around. And the temptation is always to do the other.

I recall being in the Army, being stationed in Germany shortly after World War II, and I heard a story from many German people about a minister who, unfortunately, accommodated his religious practices to the political realities. He got up at the beginning of the service, and he said, "Will anyone who is of the Jewish faith, please leave this service immediately."

There was silence in the church. Then he said a second time, "Will anyone here who is Jewish, please leave this service immediately."

And as he said it the second time, the Christ on the crucifix came down off the cross and walked out of the church.

It was not a true story, of course, but its lesson is true, true not only in Germany, but in the United States and everywhere. We judge others, when they do not apply their religious beliefs to their practices, but it is more difficult to judge ourselves. What we hope, speaking in behalf of my colleagues, is that you will find this occasion, not an occasion to come here and pat yourself on the back, but an occasion to reflect.

Maybe the real test for me this morning, for example, is not whether I am at the Prayer Breakfast, but whether I am helping those two homeless people who were sleeping on the street on 17th Street, as I drove here this morning.

Somehow, each of us, as a result, whether it is Wednesday morning prayer breakfast in the Senate or a Thursday morning in the House or this large prayer breakfast, some of us, somehow each of us ought to be able to apply faith to life just a little bit more.

Our Wednesday morning prayer breakfasts are a time for reflection, for self-examination and renewal.

We hope and pray this breakfast will be the same for you.

Thank you.

[Applause.]

Representative COATS. Our nation is truly indebted to the dedicated, faithful and very expert service of our Vice President, who brings to us God's word from the Old Testament.

Mr. Vice President.

[Applause.]

OLD TESTAMENT READING

Vice President BUSH. Mr. President.

A nation, like its people, can weaken without a firm spiritual base.

And Isaiah wrote of a universal prescription, which, of course, is faith in God, and so our Old Testament lesson comes from Chapter 40, Verses 28 though 31.

"Do you not know? Have you not heard? The everlasting God, the Lord, the Creator of the ends of the earth, does not become weary or tired.

His understanding is inscrutable. He gives strength to the weary. And to him who lacks might, he increases power. Though youths grow weary and tired, and vigorous young men stumble badly. Yet those who wait for the Lord will gain new strength. They will mount up with wings like eagles. They will run and not get tired. They will walk and not become weary."

Representative COATS. Thank you, Mr. Vice President.

My constituents in the Fourth Congressional District of Indiana have been blessed in the past few years with the talents of Sharon Brumbaugh Hoffman and her partner, accompanist, Robin Howard.

I am pleased that they are able to share with you these blessing this morning.

[Musical selection presented by Sharon Brumbaugh Hoffman, accompanied by Robin Howard.]

[Extended applause.]

Representative COATS. Sharon and Robin, thank you for a beautiful message.

I am thinking our speakers might think that it will be hard to top that message.

Representative Dan Daniel of Virginia is a faithful supporter of the House Prayer Breakfast. As its current vice president, he brings to us a message from the House of Representatives.

[Applause.]

A MESSAGE FROM THE HOUSE OF REPRESENTATIVES

Representative DANIEL. That music was inspiringly beautiful.

For the opportunity for which you have given me to share this occasion with you, Mr. President, I am sincerely and humbly grateful.

It is always uplifting and inspiring of soul and spirit to have the opportunity to attend these occasions, and especially when it gives one the opportunity to associate and break bread with those who labor in the vineyard of the Lord.

The message from the House of Representatives this morning, Mr. President, Mr. Vice President, there has not been a period in my lifetime when divine guidance was more needed. And because we believe that, on every Thursday morning some 50 of us visit, we pray together, we sing together, we fellowship together in our congressional prayer breakfast. It is an occasion to which I look forward perhaps to more than any other that occurs during a given week.

We not only pray together and sing together and eat together, but we share our concerns. And one of our concerns today is the moral degradation that is occurring among some segments of the American people. We are concerned that more and more of our teenagers are turning to narcotic addiction, that our college athletes, professional athletes are willing to barter their honor for a bribe, that some public officials would dishonor their public trust.

Indeed, one of the insidious dangers that constantly threaten the American people is that we shall give all of our time and resources to building a wall around the free world, forget the moral foundation of life and thus be defeated from within.

It is recalled that the Great Wall of China was a massive structure, and when completed, it gave outward evidence of maximum security. And yet within a short time of its building, it is breached three times by the enemy, not by direct assault but by bribing the gatekeeper. The collapse of the Wall did not imperil the country, but a failure in character brought about its downfall.

On the other hand in 4th century Greece, the ruler was approached by a visitor one day who asked, why, of all the city states of Greece, Sparta alone had erected no walls. And he turned to a group of young men standing nearby and said, "Sir, there are the walls of Sparta, and every man a brick."

So while recognizing the imperative need for maximum physical strength, we must all see anew that the ultimate security and all that we cherish and hold dear, lies in the moral fiber, the spiritual, dynamic strength of our people, especially the youth of our nation who must carry this country forward on their own shoulders.

And that is the message from the House.

[Applause.]

Representative COATS. Thank you, Dan. It is a privilege to introduce to you a leader whose courage and commitment have been an inspiration to millions.

The New Testament reading will be presented by Coretta Scott King.

[Applause.]

NEW TESTAMENT READING

Mrs. KING. The New Testament reading is from Paul's letter to Colossians, Chapter 1, verses 15 through 20, 29.

"Christ is the visible likeness of the invisible God. He is the first-born son, superior to all created things. Through him, God created everything in heaven and on earth, the seen and the unseen, including spiritual powers, lords, rulers and authorities. God created the whole universe through him, before him.

Christ existed before all things, And in union with him, all things have their proper place. He is the head of the body, the church. He is the source of the body's life. He is the first-born son, who was raised from death, in order that he alone might have the first place in all things.

For it was by God's own decision that the son has, in himself, the full nature of God. Through the son, then, God decided to bring the whole universe back to himself. God made peace through his son's sacrificial death on the cross, and so brought back to himself all things, both on earth and in heaven.

God's plan is made known to his secret, and his secret to his people. This rich and glorious secret which he has for all peoples.

And the secret is that Christ is in you, which means that you will share in the glory of God.

So we preach Christ to everyone with all possible wisdom to be won and teach them, in order to bring each one into God's presence as a mature individual in union with Christ.

To get this done, I toil and struggle, using the mighty strength which Christ supplies and which is at work in me."

And also, reading from the Gospel of Matthew, Chapter 25, verses 31 through 46.

"When the son of man comes in his glory and all the angels with him, he will sit on his throne in heavenly glory. All of the nations will be gathered before him.

Then he will divide them into two groups, just as a shepherd separates the sheep from the goats.

He will put the righteous people at his right and the others at his left. Then the king will say to the people on his right, 'Come you that are blessed by my father, come and possess the kingdom prepared for you ever since the creation of the world. I was hungry, and you fed me, thirsty and you gave me a drink. I was a stranger and you received me in your homes, naked, and you clothed me. I was sick, and you took care of me in prison, and you visited me.'

The righteous will then answer him, 'When, Lord, did we ever see you hungry and feed you? Or thirsty and give you a drink? When did we ever see you a stranger and welcome you in our homes, naked and clothe you? When did we ever see you sick or in prison and visit you?'

The king will reply, 'I tell you, whenever you did this to one of the least important of these brothers of mine, you did it for me."

And he will say to those on his left, 'Away to the eternal fire, which is prepared for the devil and his angels. I was hungry, but you would not feed me, thirsty, but you would not give me a drink. I was a stranger, but you would not welcome me in your homes, naked, but you would not clothe me. I was sick and in prison, but you would not take care of me.'

Then they will answer him, 'When, Lord, did we ever see you hungry or thirsty or a stranger or naked or sick or in prison, and we would not help you?'

The king will reply, 'I tell you, whenever you refuse to help one these least important ones, you refuse to help me.' These then will be sent off to eternal punishment, but the righteous will go to eternal life.' "

Representative Coats. Thank you, Mrs. King.

We are honored to have Governor John Ashcroft, Governor of the State of Missouri, present to us our prayer for national leaders.

Governor Ashcroft.

[Applause.]

PRAYER FOR NATIONAL LEADERS

Governor Ashcroft. You know, it was nearly 2000 years ago that Paul wrote to a friend of his, Timothy, and he said, "I exhort you, therefore, to pray one for another, for kings and for all who are in authority, that we might lead quiet and peaceable lives in all godliness and honesty."

That is good advice now, just as it was then. I can't think of a more noble aspiration than that we would lead quiet and peaceable lives in godliness and honesty.

I would like to ask you to stand with me and stand in prayer for the leaders of our country and leaders of nations around the world. And please join me in prayer as we petition God to bless those who lead us.

Father of the universe and creator of us all, we bear before you today those who minister to us and minister to you who are our leaders.

We thank you for leaders who are sensitive to your spirit. In particular, we lift up our President, Ronald Reagan and Nancy and the Reagan family. Together, we pray for them.

We pray for our Vice President, George Bush and Barbara and the Bush family.

Father, we covet your blessings for them. We ask you to bless them.

We pray for the members of the Cabinet, who have joined us here this morning, and who serve to translate policy into program for the people. We ask that you would inspire them.

For the members of the Congress, both the Senate and the House, Father, we express our gratitude and we invoke your blessing. Strengthen them, give them courage.

For the members of the Supreme Court and the Judiciary, we pray your blessing upon them, as they rightly settle disputes that come before us.

We know that blessed are the peacemakers.

Revive us again, all of us. Fill each heart with your love. May each soul be rekindled with fire from above.

Creator of us all, create us again, again in your image. We would do your will.

We pray that in all of us, your will be done.

In our leaders, we pray, thy will be done.

For our leaders and for the people, we pray for wisdom.

We know that when Solomon prayed for wisdom, you blessed him and the nation richly. We pause to pray for wisdom.

For our leaders and for ourselves, we pray for righteousness, for we know that righteousness exalts a nation but sin is a reproach to any people.

For our leaders and for ourselves, we pray for vision. Help us to see ourselves for what we are, help us to see you for who you are, help us to see ourselves through your eyes for what we ought to be and what we can be.

We pray for vision, because we know that where there is no vision, the people perish.

Father, endow us with vision, a vision of your truth. For as long as he sought the Lord, God made us to prosper. Make us to prosper.

Father, we pray for our leaders that they be listeners as well as leaders, and that we, as well, listen.

Help us all, amid our responsibilities, to lead, to listen, to listen to your voice, the still, small voice of justice, within us.

This morning we pray for peace. Peace among nations, peace in ourselves, peace with you, peace in our families.

Father, give us all your peace today.

Father, help us to participate and our leaders to participate in your redemptive mission of forgiveness in the world. Through forgiveness, free us from the past, that we might face a future of opportunity and service.

Father, endow us all with memory. May we and our leaders remember, now and forever, that "thine is the kingdom, the power and the glory forever."

Amen.

Representative Coats. Governor Ashcroft, we thank you for that inspiring prayer.

Our speaker this morning is a woman who has distinguished herself in many ways.

Elizabeth Hanford Dole is an honors graduate of Duke University, where she served as student body president. She also received a master's degree in education from Harvard and a doctorate in law from Harvard Law School.

Mrs. Dole has served in several important government positions and currently serves in the President's Cabinet as Secretary of Transportation.

But more important than these achievements, Elizabeth Dole is a woman whose personal convictions and strong faith serve as an example for us all.

Please welcome our speaker this morning, the Honorable Elizabeth Dole, Secretary of Transportation.

[Extended applause.]

ADDRESS OF THE HONORABLE ELIZABETH H. DOLE, SECRETARY OF TRANSPORTATION

Secretary Dole. Thank you very much. Thank you, Dan.

Mr. President, Mrs. Reagan, Mr. Vice President, Mrs. Bush, Mrs. King, Dr. Graham, distinguished colleagues and guests.

I consider it one of the greatest possible privileges to be invited to share this morning a little of my own spiritual journey with fellow travelers. Like most of us, I'm just one person struggling to relate faith to life, but I am grateful that members of the congressional prayer groups have asked me to speak from the heart about the difference that Jesus Christ has made in my life.

But first, I must mention a political crisis, a crisis from which I have learned some very important lessons.

Now this is a political crisis involving high stakes, intrigue, behind-the-scenes negotiations, influence in high places, and even a little romance.

Where have I learned of this crisis? On the front page of the newspapers?

No, the newspapers haven't carried this story.

No, the political crisis I'm talking about occurred around 2,450 years ago.

And we learn about it in the Bible, in the Book of Esther.

Esther is the saga of a woman forced to make a decision concerning the total commitment of her life, a decision she was reluctant to make. She had to be vigorously challenged. And it is this part of her story to which I can so easily relate in my own spiritual journey. For while the particulars of her challenge may differ greatly from the challenges that you and I face, the forces at work are as real as the moral is relevant. The basic lessons Esther had to learn are lessons I needed to learn. Thus, the story of Esther, over the years, has taken on great significance for me. Indeed, it reflects an individual's discovery of the true meaning of life.

The story takes place in the ancient kingdom of Persia, where there lived a particularly faithful man of God named Mordecai. Now Mordecai, a Jew, had a young cousin named Esther, whom he had adopted after the death of her parents and raised as if she were his own daughter. In fact, Mordecai had raised a young woman literally fit for a king, for Esther grew into a woman of extraordinary grace and beauty.

Then one day Xerxes, the King of Persia, commanded that a search be made throughout all the provinces for the most beautiful women, so that he could choose a new queen—a sort of "Miss Persia pageant."

[Laughter.]

Esther, above all others, found favor in the eyes of the king, and this young orphan girl was crowned Queen of Persia.

The king was so delighted with his new queen that he threw a magnificent banquet and even went so far as to lower all the taxes.

Mr. President——

[Laughter.]

I thought you would particularly like that part of the story.

[Laughter.]

Meanwhile, Mordecai, out amongst the people, learned to his horror, that one of the top men in government had developed a very careful plan to put to death all of God's people, the Jews, throughout the entire kingdom.

Of course, Mordecai immediately thought of Esther, and he sent an urgent message saying, "Esther, you must do something. You may be the only person who can persuade the king to call off this terrible plan."

But Esther wants no part of this. Her response to Mordecai: "All the king's officials and the people of the royal provinces know that for any man or woman who approaches the king in the inner court without being summoned, the king has set but one law, that he be put to death. The only exception to this is for the king to extend the golden sceptor to him and spare his life. But 30 days have passed since I was called to go to the king."

In other words, Esther is saying, "Mordecai, you don't understand protocol. I have to follow standard operating procedures. Chances are that if I go to the king, I just might lose my head!" Well, Mordecai has no sympathy with Esther's refusal to help. Tens of thousands of her own people stand to lose their heads. Mordecai feels compelled to send a second message to Esther.

I once heard a very insightful pastor, Gordon MacDonald, highlight three distinct parts to this second appeal, three profound challenges which strike at the heart of Esther's reluctance.

First. Esther think not that you'll escape this predicament any more than other Jews. You'll lose everything you have if this plan is carried out, all the comforts, all the fringe benefits. It seems that Mordecai is saying: if the thing that stops you from being a servant to thousands of people is your comfort and security, forget it, lady, for you are no more secure in there than we are out here. Esther shares the predicament.

The second theme is privilege. If you keep silent, Esther, at a time like this, deliverance and relief will arise from some other place.

God has given you, Esther, the privilege to perform. If you don't use that privilege, he may permit you to be pushed aside and give your role to someone else.

The third theme is providence. Mordecai says, Esther, who knows, but that God had placed you where you are for such a time as this.

Finally, Mordecai's appeal struck home. Esther's response: "Go, gather up all the Jews and fast for me. Do not eat or drink for three days, night or day. I and my maids will fast as you do. When this is done, I will go to the king, even though it is against the law. And if perish, I perish."

That's total commitment. Indeed, the story of Esther is for me a very challenging and humbling one. For there came a time in my life when I had to confront what commitment to God is all about.

My witness contains no road to Damascus experience.

My spiritual journey began many years ago in a Carolina home, where Sunday was the Lord's day, reserved for acts of mercy and necessity, and this was as much a part of our lives as fried chicken and azaleas in the spring.

My grandmother, Mom Cathey, who lived within two weeks of her 100th birthday, was my role model.

I remember many Sunday afternoons with other neighborhood children in her home—the lemonade and cookies—I think that's what enticed us—the Bible games, listening to Mom Cathey as she read from this Bible, which is now one of my most cherished possessions.

She practiced what she preached and lived her life for others. In a tragic accident, Mom Cathey lost a son at the hands of a drunk driver. The insurance policy on his life built a hospital wing in a far-off church mission in Pakistan. Although Mom was not at all a wealthy woman, almost anything she could spare went to ministers at home and missions abroad. When it became necessary, in her 90s, to go into a nursing home, she welcomed the opportunity. I can still hear her saying, "Elizabeth, there might be some people there who don't know the Lord, and I can read the Bible to them."

I love to find the notes in the margin of her Bible, notes written in the middle of the night when she couldn't sleep. For example, I find by Psalm 139, this notation. "May 22, 1952, 1:00 a.m.—my prayer 'Search me, O God, and know my heart—try me, and know my thoughts and see if there be any wicked way in me and lead me in the way everlasting.'"

I can't remember an unkind word escaping Mom's lips in all the years I knew her or an ungracious deed marring her path. My grandmother was an almost perfect role model.

And I wanted to be like her. From an early age, I had an active church life. But as we move along, how often in our busy lives something becomes a barrier to total commitment of one's life to the Lord! In some cases, it may be money, power, prestige.

In my case, my career became of paramount importance. I worked very hard, to excel, to achieve. My goal was to do my best, which is all fine and well. But I'm inclined to be a perfectionist. And it's very hard, you know, to try to control everything, surmount every difficulty, foresee every problem, realize every opportunity. That can be pretty tough on your family, your friends, your fellow workers and on yourself. In my case, it began crowding out what Mom Cathey had taught me were life's most important priorities.

I was blessed with a beautiful marriage, a challenging career, and yet, only gradually over many years did I realize what was missing. My life was threatened with spiritual starvation.

I prayed about this, and I believe, no faster than I was ready, God led me to people and circumstances that made a real difference in my life.

I found Ed Bauman of Foundry Methodist Church, a tremendously sensitive, caring pastor, who helped me see what joy there can be when God is the center of life and all else flows from that center.

A spiritual growth group gave me renewed strength, as I began to meet each Monday night with others who shared my need to stretch and grow spiritually, and I was strengthened through Bible study with other Senate wives. I learned that Sundays can be set aside for spiritual and personal rejuvenation without disastrous effects on one's work week.

And suddenly, the story of Esther took on new meaning.

I finally realized I needed to hear and to heed those challenges Mordecai so clearly stated.

Mordecai's first challenge: Predicament. "Don't think your life will be spared from the slaughter, Esther. If you try to save your life, you'll lose it all!"

It's a call to total commitment, to literally lay her life on the line.

But I can sympathize with Esther's dilemma. She had all the comforts, a cushy life. And when you get all those things around you, it can build up a resistance to anything which might threaten that comfort and security they seem to provide.

I know all too well how she felt. Perhaps you do too. I enjoy the comfortable life. I had built up my own little self-sufficient world. I had God neatly compartmentalized, crammed into a crowded file drawer of my life, somewhere between "gardening" and "government."

That is, until it dawned on me that I share the predicament, that the call to commitment Mordecai gave to Esther is like the call which Jesus Christ presents to me.

"If anyone would come after me," Jesus tells us, "He must deny himself and take up his cross and follow me. For whoever wants to save his life will lose it, but whoever loses his life for me and for the gospel will save it. What good is it for a man to gain the whole world, yet forfeit his soul?"

Hard words to swallow, when you are busy doing your own thing, but the most compelling logic I've ever heard. For if Christ is who he says he is—our savior, the central figure in all of history, who gives meaning to a world of confusing, conflicting priorities, then I had to realize Christ could not be compartmentalized.

It would be different if I had believed that Christ was just a man, as some do. Then I could easily have compartmentalized him, or if I had believed he was just a good teacher of morals, then perhaps I could have just put his book away on my shelf, or if I had thought he was just a prophet, even then, I might have been tempted to file him away.

But I knew that Jesus Christ was my Lord and savior, the risen Lord who lives today, sovereign over all. And I knew it was time to cease living life backwards, time to strive to put Christ first, preeminent, with no competition, at the very center of my life. It was time to submit my resignation as master of my own little universe.

And God accepted my resignation.

Mordecai's second challenge was privilege. "If you don't take this privilege seriously, Esther, God will give it to another."

This too was a challenge I needed to hear.

What God had to teach me was this. It is not what I do that matters, but what a sovereign God chooses to do through me. God doesn't want worldly successes. He wants me. He wants my heart in submission to him. Life is not just a few years to spend on self-indulgence and career advancement. It is a privilege, responsibility, a stewardship, to be lived according to a much higher calling.

This alone gives true meaning to life.

Mordecai's warning to Esther is sobering. God forbid that someday I look back and realize that I was too distracted by things of this world, too busy, too driven, and my work was given to another.

The third challenge: providence. "Esther, who knows, but that God in his providence has brought you to such a times as this."

What Mordecai's words say to me that each one of us has a unique assignment in this world given to us by a sovereign God, to love and to serve those within our own sphere of influence.

We have been blessed to be a blessing; we've received that we might give.

The challenges Esther needed to hear were challenges I needed to hear and continually need to hear: the call to total commitment.

But there is one last lesson I had to learn from Esther—the way in which her heart responded.

Esther called on her fellow believers to pray and to fast, and then she cast herself—indeed, her very life—upon God in dependence on him: "If I perish, I perish."

And how did God work in this situation? What was the outcome of Esther's commitment and dependence on God? Scripture tells us that the king extended the golden sceptor, sparing Esther's life, that his heart went out to her cause and that God's people were gloriously rescued!

Esther could have played it on her own wits and charm and just left God out of the picture, but she knew her cause would only succeed if God were with her, and she rallied others to join her in a spirit of humble dependence through prayer.

It has struck me that this is really our purpose in gathering together this morning at this, the annual National Prayer Breakfast. We have come to humbly acknowledge our dependence on God. We have come, as our invitations to this event state, to seek the Lord's guidance and strength in our individual lives and in the governing of our nation, with the hope that the power of Christ may deepen our fellowship with one another.

But in this city accustomed to giving directions, it's not easy to seek them instead. Dependence on God is not an easy thing for Washington type achievers, and it has not been easy for me.

Often, I find myself faced with tasks demanding wisdom and courage beyond my own, and not just on the big decisions. I am constantly in need of God's grace to perform life's routine duties with the love for others, the peace, the joy inherent in God's call.

I've had to learn that dependence is a good thing, that when I have used up my own resources, when I can't control things and make them come out my way, when I'm wiling to trust God with the outcome, when I'm weak—then, I'm strong. Then I'm in the best position to feel the power of Christ rest upon me, encourage me, replenish my energy and deepen my faith.

Power from God, not from me.

Yes, the story of Esther is actually a story of dependence. It's not a story about the triumph of a man or a woman, but the triumph of God. He is the real hero of this story.

And in the same way, I've come to realize there can be only one hero in my story, too: God in Jesus Christ.

Total commitment to Christ is a high and difficult calling. And one I will struggle with the rest of my days. But I know that for me, it's the only life worthy of our Lord.

The world is ripe and ready, I believe, for men and women who will accept this calling, men and women who recognize they are not immune from the predicaments of the day, men and women who are willing to accept the privilege of serving, and who are ready to see that the providence of God may have brought them to such a time as this.

Thank you, and God bless you.

[Extended applause.]

Representative Coats. Secretary Dole, thank you for a most inspiring personal testimony.

Ladies and gentlemen, it is a great honor for me to present to you someone who is deeply loved and respected, the President of the United States.

[Extended applause.]

REMARKS OF THE HONORABLE RONALD W. REAGAN, THE PRESIDENT OF THE UNITED STATES

President Reagan. Thank you. Thank you very much.

[Applause continued.]

Thank you. Thank you all very much.

Distinguished clergy and Senators and Congressmen, guests, all our good friends, Nancy and I are delighted to be here with you today.

It gives one a very good feeling to see so many of our national leaders here and so many representatives of other countries, gathering together in a community of faith.

200 years ago, another group of statesmen gathered together in Philadelphia to revise the Articles of Confederation and bring forth our Constitution. They often found themselves at odds, their purpose lost in acrimony and self-interest, until Benjamin Franklin stood up and said:

"I have lived a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men. And if a sparrow cannot fall to the ground without his notice, is it probable that an empire could rise without his aid?"

And then he called upon the Convention to open each day with prayer.

How, with so much against them, could our Founding Fathers have dared so much to declare for all the world and all future generations the rights of man, the dignity of the individual, the hopes of all humanity?

Was it because they believed that God was on their side, or was it because they prayed to discover how they might be on God's side?

Our Founding Fathers knew that their hope was in prayer, and that is why our Declaration of Independence begins with an affirmation of faith and why our Congress opens every day with prayer.

It is why the first Congress of the fledgling United States in the Northwest Ordinance, provided for schools that would teach "religion, morality and knowledge," because they knew that no man, no nation could grow in freedom without divine guidance.

If I might be allowed a personal note here, when I attended the commencement ceremonies at the Air Force Academy, I was surprised at how many of the graduating cadets came up to me, hand extended, 930, in all, and told me they were praying for me.

When I mentioned this to the commanding general, he told me that every morning, you could find several hundred cadets in the chapel beginning their day with prayer. Hardly a day goes by that I am not told, sometimes in letters and sometimes by people I meet, that they are praying for me.

It is a warm but humbling feeling. Sometimes I answer when someone says that, I feel I have to say something, and I tell them that if they ever get a busy signal, it is because I am in there ahead of them.

[Laughter.]

I grew up in a home where I was taught to believe in intercessory prayer. I know it is those prayers and millions like them that are building high and strong this cathedral of freedom that we call America. It is those prayers and millions like them that will always keep our country secure and make her a force for good in these too troubled times.

That is why, as a nation, we must embrace our faith for as long as we can endeavor to do good, and we must believe that will be always. We will find our strength, our hope and our true happiness in prayer and in the Lord's will.

I would like to conclude with a story that is told by Dr. Paul Brand, the noted leprosy specialist, in his book, "Fearfully and Wonderfully made."

Dr. Brand tells us of how after World War II, a group of German students, young people, volunteered to help rebuild a cathedral in England that had been a casualty of the Luftwaffe bombings, and as the work progressed, debate broke our on how best to restore a large statue of Jesus with his arms outstretched and bearing the familiar inscription, "Come unto me."

Careful patching could repair all damage to the statue except for Christ's hands, which had been destroyed by bomb fragments. Should they attempt the delicate task of reshaping those hands?

And finally, the young workers reached a decision that still stands today. The statue of Jesus has no hands, but the inscription now reads "Christ has no hands but ours."

Isn't that really what he was always trying to tell us? Trying to tell us that we must be the hands, as we have heard so eloquently here by so many already today.

Well, thank you all.

God bless you all.

[Extended applause.]

Representative Coats. Thank you, Mr. President.

I often wonder what visitors to the Capitol must think when they pass by the door of the House of Representatives Prayer Breakfast and hear 50 or so Republicans and Democrats singing that wonderful old hymn, "Blest be the Tie that Binds."

Our song leader in those breakfasts is the Honorable Danny Akaka of Hawaii.

Will you please stand and join him in singing another well-known hymn, the words of which are printed in your program, "Amazing Grace."

Remain standing after the song for prayer.

Representative Akaka. Let us express our faith and our commitment in this song.

We will sing the second verse without accompaniment, and we will modulate into a higher key for the third verse.

Let's sing together, "Amazing Grace."

[Group Song, "Amazing Grace," led by the Honorable Danny K. Akaka, United States Representative, Hawaii.]

Representative Coats. Ladies and gentlemen, we close this time of fellowship with a prayer by a man whose entire life has been devoted to a single cause, preaching the gospel of Jesus Christ. No one has done it with greater dedication or greater impact.

After the prayer, please remain in your places, till the President and Mrs. Reagan and Vice President and Mrs. Bush have had an opportunity to leave.

For our closing prayer, Dr. Billy Graham.

CLOSING PRAYER

Dr. Graham. Thank you, Dan. President Reagan, Mrs. Reagan, Vice President Bush, Mrs. Bush, distinguished guests.

Patrick Henry wrote in his will: "I have now disposed of all my property to my family. There is one thing more I wish I could give them, and that is faith in Jesus Christ. If they had that, and I had not given them one shilling, they would be rich. And if had not given them that, and I had given them all the world, they would be poor, indeed."

Our faith has been encouraged this morning. I have been to every one of these prayer breakfasts since the first one, except two, and I believe this is one of the most moving that I have attended in all these years.

We are grateful for all of those that have participated and led us, and we leave here, the richer for it.

I am going to ask that we have a moment of silent prayer, and let us pray, not only for the leaders of the nation and the world, but let us pray for those that are hostages, our friend, Terry Waite, and others that are trying to do something, and for all of those that are in need of prayer today that may be in prisons or wherever and pray for ourselves and our families, in just one moment of silent prayer, then I will say just a brief benediction.

[A moment of silent prayer.]

Dr. Graham. The Lord bless thee and keep thee. The Lord make his face to shine upon thee and be gracious unto thee. The Lord lift up his countenance unto thee and give thee peace.

Let us go in peace.

Representative Coats. This has been a great morning. Mr. President and Mrs. Reagan, Mr. Vice President and Mrs. Bush, we thank you for being with us. And we thank all of you for your participation here this morning.

May each of us leave here with joy in our hearts and a renewed commitment to serve the God who made us and who loves us.

Mr. President, thank you.

[Extended applause.]

[Whereupon, the National Prayer Breakfast was concluded.]

EXPRESSING THE SENSE OF CONGRESS REGARDING INABILITY OF AMERICAN CITIZENS TO MAINTAIN REGULAR CONTACT WITH RELATIVES IN THE SOVIET UNION

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of New Jersey. Mr. Speaker, today I am introducing a resolution which focuses on one of the most basic forms of contact and exchange between the United States and the Soviet Union, the unfettered right of families to visit one another.

Although explicitly guaranteed in the 1975 Helsinki accords, the U.N. International Covenant on Civil and Political Rights and the U.N. Universal Declaration of Human Rights, the right of Soviet citizens to travel freely and visit family members outside their country, and the right of American citizens to stay with relatives in the Soviet Union have been severely restricted by official Soviet policy.

The need to reform this tragic policy is compelling. Many of the approximately 5 million Americans who trace their origin to lands now part of the Soviet Union maintain strong family ties. Tens of thousands have tried—and failed repeatedly—to visit family in the U.S.S.R. In 1986, the number of Soviet citizens allowed to visit their relatives in our country was a meager 1,500. In addition, less than 1,000 of the many thousands of Americans who visited the Soviet Union last year as tourists were able to obtain the so-called private visas necessary to stay with relatives in their homes.

Moreover, many families become so discouraged and frustrated by the delays or denials in obtaining private visas which allow individuals to visit in the homes of family members in the Soviet Union that the effort is abandoned.

Others such as the celebrated director of the National Symphony, Mstislav Rostropovich, have had to resort to extraordinary channels to seek approval. The maestro was granted his request to see his sister and brother-in-law only once the case was raised by President Reagan with Mr. Gorbachev in Iceland.

Mr. Speaker, I believe family visitation rights are basic human rights and Soviet reforms have the potential to improve the atmosphere between the two superpowers. Relaxing familial contacts seem particularly propitious at this time in light of Mr. Gorbachev's much publicized Glasnost initiative. I would suggest that proponents of any authentic policy of openness and candor in the Soviet Union have nothing to fear from families visiting their kin. I urge support for the resolution and submit it at this point in the RECORD.

H. CON. RES. 68

Whereas millions of United States citizens, including members of national and ethnic groups such as Armenians, Byelorussians, Estonians, Germans, Jews, Latvians, Lithuanians, Poles, Russians, and Ukrainians, have relatives in the Soviet Union;

Whereas the Soviet Union, as a signatory of the 1975 Final Act of the Conference on Security and Cooperation in Europe, commonly known as the Helsinki Accords, committed itself to "favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families.";

Whereas in that same document the Soviet Union pledged that "applications for temporary visits to meet members of . . . families will be dealt with without distinction as to country of origin or destination . . .; cases of urgent necessity—such as serious illness or death—will be given priority treatment.";

Whereas the Soviet Union has ratified the United Nations Charter and signed other international human rights documents such as the International Covenant on Civil and Political Rights, documents which clearly protect the right to leave one's country and return thereto;

Whereas in anticipation of the Geneva Summit Conference of November 1985, President Reagan stated, ". . . the cause of peace would be served if more individuals and families . . . could come to know each other in a personal way.";

Whereas home visits would immeasurably aid our understanding of the Soviet people and improve relations with the Soviet Union, since family visitation is one of the most basic forms of cultural exchange;

Whereas it is not proper for governments to decide which relationships constitute close family ties for the purpose of determining which relatives should be allowed to visit each other;

Whereas the present policies of the Soviet Union make it virtually impossible for the millions of relatives in the two countries to exchange visits in their homes, and relatives who have used other forms of communication, such as mail, telephone, telegraph, and gift parcels have experienced enormous difficulties;

Whereas because of restrictive Soviet policies, less than 1,000 of the many thousands of Americans who visited the Soviet Union in 1986 were allowed a private visa to stay with relatives in their homes, and only about 1,500 Soviet citizens were allowed to visit their relatives in the United States;

Whereas many Americans who have been frustrated by delay or denial in obtaining private visas to visit family members in their homes in the Soviet Union have resorted to joining package tours to the Soviet Union as a means of seeing their family members;

Whereas relatives should be able to comfort and assist each other in the event of medical emergencies such as those which resulted from the Chernobyl disaster, or when specialized medical treatment is not available in a particular country;

Whereas in the case of serious illness or death the victim's relatives should be guaranteed expeditious determination of their visa applications;

Whereas family visitation is an issue which transcends political differences, and governments which permit normal and regular family visitation demonstrate a commitment to basic values of decency and fairness which are shared by all mankind; and

Whereas at the Vienna Conference on Security and Cooperation in Europe Follow-up Meeting, the United States delegation enumerated the inappropriate restrictions placed by Soviet authorities on Soviet citizens who wish to travel abroad and on United States citizens who wish to visit family members in the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that—

(1) the promotion of unrestricted family visits between related people of the United States and the Soviet Union is an essential part of American policy toward the Soviet Union; and

(2) the President, the Secretary of State, and other members of the administration should raise the issue of family visitation at all appropriate opportunities in discussions with the leadership of the Communist Party and the Government of the Soviet Union.

□ 1940

STOP TORTURING SMALL ANIMALS IN THIS COUNTRY

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, before I address the House on a piece of legislation that I introduced today, I would just like to make an observation that I believe most Members in this body share: Was not the President's speech great last night? He is definitely back in the saddle. Onward, Mr. President, the best is yet to come.

Mr. Speaker, today would have been my father's 95th birthday. He was the finest man I ever knew. He lived a full, rich life of 83 years having passed on to his eternal reward in 1975. This is a fitting day for me to introduce a bill to protect small and helpless animals in this country from a reprehensible and horrible practice always resulting in a painful, violent death. My dad loved all animals and passed on this love to his sons.

My dad raised me, along with my mother, as most parents do in this country, to respect all life including wildlife. Our home was always filled with pets: goldfish, canaries, dogs, cats, and my dad particularly loved horses, and owned harness horses, trotters and pacers, some he drove and raced himself.

He did not want to pay jockeys to race, as with thoroughbreds, so he raised us around harness horses. I hope I always live up to his great tradition of loving and protecting animals.

Today I introduced H.R. 1433, to stop one of the most brutal practices resulting in the torture and death of small animals in many of our States to further another type of racing, greyhounds. There are a lot of decent, fine sportsmen in dog racing, I'm sure, but not all. There has been an ugly practice throughout our Nation, which also involves interstate commerce, where they take little puppies, kittens, piglets, guinea pigs, rabbits, and even chickens and tie them to what's called a whirl-a-gig in a practice called coursing, where they then run these little animals around a racetrack, in secret of course away from the publics' eyes, to train greyhound racing dogs to chase the fake rabbit on the whirl-a-gig on race day. The animals are always ripped to pieces by the dogs, to "bloody"—a cruel term—the race hounds. The tragedy is, it accomplishes nothing. The dogs will chase by instinct. This foul abuse of some of God's litlest animals is rejected as vicious and idiotic in Ireland, Great Britain, and Australia as in most civilized nations, where it would bring severe legal punishment. It must stop.

I ask all of my colleagues to join me in cosponsoring H.R. 1433 and put a rapid end to this unspeakable cruelty.

Mr. Speaker, let me add in conclusion; my statement to the press today as I announced the introduction of H.R. 1433. It follows:

WASHINGTON.—Today, at a press conference, Congressman Robert K. Dornan introduced the Anti-Live Animal Lure Act of 1987, which will stop the reprehensible practice of training racing dogs with live small animals—an event known as coursing. This bill will ban the interstate commercial sale and transportation of animals to be used as lures as well as the training of racing dogs with live lures.

Congressman Dornan was joined at the press conference by several colleagues and representatives of the Humane Society of the U.S., the National Alliance for Animal Legislation, the Friends of Animals, and the Animal Protection Institute.

For every racing dog trained, countless numbers of small animals are cruelly sacrificed. The animal trainers dangle small animals such as rabbits from a device known as a whirl-a-gig and allow the dogs to chase after the animal, which is kept just out of reach. At some point the device is slowed down and the dogs are rewarded by ripping into the soft underbelly of the animal. Although ripped and bleeding, the small animal is often kept on the whirl-a-gig and used again until lifeless.

"It makes me sick to think that hundreds of thousands of these poor animals are cruelly murdered every year in the name of sport," Dornan said. "All decent Americans should be outraged.

"There is absolutely no need to use live animals. Empirical, independent evidence has shown that mechanical devices, like the ones used in actual racing conditions, provide the same training as the use of live lures," Dornan added, "I have introduced this legislation to put an end to this brutal and vicious form of animal abuse. Coursing will only stop when trainers are forced to by law."

GENERAL LEAVE

Mr. KONNYU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of the special order today by the gentleman from California [Mr. SHUMWAY].

The SPEAKER pro tempore (Mr. MURPHY). Is there objection to the request of the gentleman from California?

There was no objection.

THIRD WORLD DEBT CRISIS: THE URGENT NEED TO CONFRONT REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LAFALCE] is recognized for 5 minutes.

Mr. LAFALCE. Mr. Speaker, for almost 5 years, the term "crisis" has been applied to the issue of Third World debt. This debt was contracted principally during the 1970's when real interest rates were low; when commodity prices were rising; and when American foreign policy encouraged developing countries to borrow foreign capital to supplement domestic investment and help finance the purchase of capital goods and energy imports.

At the time, this extensive borrowing was considered sound financial practice. In general, Latin American countries borrowed heavily from commercial banks; African countries borrowed from official sources; and Asian countries blended the two. Beginning in 1980, however, worldwide recession, skyrocketing interest rates, an appreciating American dollar; and declining commodity prices all came together to severely curtail the ability of borrowers to service their international debt.

A full-blown crisis emerged when Mexico announced in the summer of 1982 that it was unable to meet its debt service payments. But the problem went far beyond Mexico. For example, Latin American debtors as a group owed $318 billion, with annual interest payments totaling $38.5 billion. Latin America's 1982 trade surplus, however, was only $8.5 billion, or roughly $30 billion less than what was needed to service its external debt.

By the end of 1982 it was equally apparent that the deteriorating financial situation was not only a crisis for the debtor nations, but also for their creditors—and particularly for several American money-center banks which found themselves dangerously exposed with inadequate capital to cover potential losses. For example, Latin American loans from the nine largest U.S. banks totaled 175 percent of their combined capital in 1982. Under such circumstances, any significant default on outstanding debt by Latin American countries would have constituted a serious threat to the U.S. banking system—and the American economy. In short, debtor and creditor nations alike were linked together in crisis.

Three things were done in response. First, new private lending to most developing countries dried up almost immediately. Second, the Reagan administration reversed its previous policy, and became actively engaged—with the Federal Reserve Board—in leading a coordinated international effort to help manage the situation. Third, on a case-by-case basis, debtor countries received short-term balance-of-payments financing from the International Monetary Fund [IMF], and commercial banks were strongly encouraged to reschedule outstanding loans. In return, debtor countries agreed to undertake domestic and adjustment programs designed to reduce inflation and imports, while promoting exports to earn foreign exchange to meet interest payments.

I welcomed the administration's change of policy; I supported the efforts of the Federal Reserve Board; and I voted for a substantial increase in IMF resources. Everyone involved held their collective breath, and hoped that within a few years, developing countries would regain their creditworthiness; the risk to the world financial system would be reduced; capital would again flow "south;" and economic growth could return.

Unfortunately, it did not happen. After some promising signals, and a lot of wishful thinking, the situation has not improved meaningfully—indeed, living standards in several debtor countries have fallen precipitously, resulting in political instability in a number of newly emerging democracies.

Herculean efforts were made by a number of debtor countries to earn foreign exchange. For example, Latin American imports were slashed by 40 percent; while the volume of Latin exports doubled. But commodity prices continued to fall, and trade surpluses still failed to match interest payments. Domestic savings were tapped to pay external debt, resulting in a 35-percent drop in domestic investment. Yet, international commercial loan windows still remained essentially shut tight to new lending. From 1971 to 1981, there was a net transfer of capital resources into Latin America of almost $100 billion. Since 1982, that net transfer has been totally obliterated, with a net drain of capital averaging about $30 billion annually.

By the middle of 1985, it was apparent that the short-term plan was neither working financially nor was it sustainable politically in the debtor countries. Additionally, it was becoming clear that the impact of the debt burden now extended well beyond the debtor countries and their private creditors. The problem was "moving north" to American manufacturers and farmers who saw their Latin American markets closed and new international competition arise. In October of 1985, Secretary of the Treasury, James Baker unveiled a "new plan" focused on growth and additional lending. Specifically, over a 3-year period, commercial banks would lend $20 billion in new money, the World Bank would increase lending by $9 billion, and debtor nations would continue making structural economic adjustments.

Once again, I applauded the administration's recognition of reality—however delayed in coming. The initial international reaction to the Baker plan was favorable, but it soon became apparent that there was little beyond the rhetoric of the initial speech. Even on its own terms, the proposed new lending program of the Baker plan would fall far short of promoting growth in the 15 major debtor countries that were targeted for assistance. But the program has failed to reach even its own modest goals.

The essence of the Baker plan is to induce private banks to increase their exposure to heavily indebted countries. This program was tested in mid-1986 with protracted and difficult negotiations to provide additional resources to Mexico. Even with extraordinary pressure bought to bear by the Reagan administration and the Federal Reserve Board, and the "carrot" of substantial new official lending, American commercial banks resisted throwing "good money after bad." Finally, agreement was reached in principle, but it has taken an additional 6 months to line up the $7 billion in private lending incorporated into the Mexico package. The most recent pronouncement is that the final agreement will not be officially signed until March 20, with close to 75 smaller banks—mosty American—still refusing to participate. Under such circumstances, I believe that the Mexico package may characterize not the beginning of the Baker plan, but its demise.

As we approach the official fifth anniversary of the debt crisis, the issue is now moving again to the front pages; and we may be reaching a new breaking point.

After 5 years, most American bankers are simply refusing to add to an already unserviceable mountain of debt—not an irrational position. After 5 years of austerity, debtor countries are simply refusing to continue to have their economies—and political stability—held hostage to the inexorable demands of debt servicing when there is apparently little chance that new financing will be forthcoming. After 5 years, official sources of lending are actually contracting. American bilateral programs are being reduced due to budget constraints, while multilateral institutions are actually providing a "negative cash flow" to many debtors. For example, IMF reflows during 1986 exceeded disbursements by about $1 billion, while the World Bank may see its reflows exceed new lending for the next few years unless disbursements on existing loan commitments can be accelerated. And after 5 years, the U.S. trade deficit has grown from almost $40 billion in 1982 to $170 billion in 1986, with the rapid deterioration of our terms of trade with Third World debtors contributing significantly to these problems.

As we approach the fifth anniversary of the debt crisis, we have an increasing number of countries which are, in effect, declaring bankruptcy; we have an administration policy which is not coming to grips with this problem; we have a world financial and trading system whose stability continues to be threatened; and perhaps most ominously, we have a pervading and dangerous sense of weariness with the whole situation. Debtor countries and their creditors are increasingly locked into a series of protracted rescheduling negotiations in which nothing is really resolved, but the mountain of debt is simply pushed forward into the future.

At this point, instead of throwing up our hands, and hoping that the whole intractable problem will somehow disappear, we need to step back, take a fresh look, and develop a new approach. Today, I am introducing legislation in the Congress to help focus debate on the need for such a new approach, and what some of its elements might be. Before I outline the provisions of that legislation, however, let me suggest a framework for analyzing the current situation, and general principles for moving the debate forward.

THE BURDEN OF EXISTING DEBT MUST BE REDUCED BEFORE NEW PRIVATE CAPITAL FLOWS WILL OR SHOULD TAKE PLACE

Everyone understands that debtor countries need additional external finance to foster economic growth, improve their living standards, and maintain political stability. Everyone also understands that the world economy needs growth in the developing world in order to provide additional markets for goods and services from industrialized countries. However, growth of imports in developing countries must be financed by capital flows from abroad. Ideally, this new finance would come from private market sources, through repatriated flight capital, new direct equity investment, and voluntary lending by commerical banks.

But that is not happening—and it is not realistic to expect that it will happen until and unless there is a concerted and effective program to reduce the burden of existing debt. Commerical banks are not making new voluntary loans because they understand better than anyone that developing countries are already overextended financially. Private investors will put equity capital into a country only if they expect adequate domestic market growth, and the current debt servicing requirements ensure that this will not occur. The goal of any effort to reduce the existing debt burden should be to return debtor countries to private creditworthiness as soon as possible. That does not mean reducing the debt to zero—or even close to it—but rather to make debt/export ratios and interest payment/export ratios much more manageable than at present. It is not an impossible task.

THE COSTS OF DEALING WITH EXISTING DEBT BURDENS SHOULD BE SHARED EQUITABLY AMONG PRIVATE CREDITORS, DEBTOR COUNTRIES, AND THE INDUSTRIALIZED WORLD

Up to this point, most of the burden of dealing with the debt crisis has been borne by the debtor countries—as it should be. They contracted for the loans, and they are responsible for the repayment. Over the long term, it is in their best interests to do whatever is necessary to meet those obligations, including difficult adjustments in economic policies.

But the leaders of developing countries will understandably draw the line on adjustment programs which would destabilize their societies. Additionally, creditors need to recognize that meaningful structural adjustment policies may take decades before positive results are realized. A proper balance must be found between the desires of creditors for full payment on schedule, and the reality that debtors cannot always meet that schedule. Historically, we learned that lesson after World War I, when Germany was forced to pay reparations; after World War II, we saw the wisdom of the Marshall plan. Now, in dealing with Third World debt, we need similar vision, and instinct.

This is not to imply that somehow the commercial bankers are the villains in this scenario. I do not think that the private banking system deserves to be criticized for having made Third World loans during the 1970's; and I certainly want to promote public policies which will lead to a resumption of commercial lending to developing countries in the 1990's. The position of the major banks is rather simple, and the direct—they made the loans at market rates, and they expect to be repaid. Period. But sometimes, risk analysis is faulty; and loans go bad. Sometimes, payments must not only be stretched out; but profits have to suffer. And sometimes, debtors default when they simply can not make the payments.

That is the nature of the banking business, and I believe that the private creditors—after 5 years—simply must show a greater willingness to make the adjustments necessary to put this crisis behind us, rather than to prolong it indefinitely for the sake of continued short-term profits. One measure which I think the banks should seriously consider was made recently by the former president of the New York Federal Reserve Bank, Anthony Solomon, who suggested that a "reference point interest rate" be set. For example, if world market interest rates rise beyond that point, the difference would be deferred for payment until the end of the maturity period.

Finally, industrialized countries need to do more, both bilaterally, and through multilateral institutions. Over the past 5 years, Third World exports have risen principally because the U.S. has kept its markets open to such goods. Japan, Germany, and the rest of the OECD countries have not done nearly enough to help Third World countries meet their export requirements; and now that the American trade deficit has reached unsustainable levels, Germany and Japan will have to pick up the slack. Moreover, the role of the World Bank and other multilateral institutions needs to be substantially expanded. However, because of budgetary constraints, it is clear that any significant increase in direct lending programs is politically unfeasible at the present time. Creative mechanisms, therefore, must be found to do more with existing resources in order to allow the multilateral institutions to play a positive intermediary role between debtor countries and their creditors, and to facilitate the transformation of fixed debt obligations into equity interests, or long-term securities.

THERE IS NO ONE SOLUTION—THERE IS NO SHORT-TERM FIX

In 1982, we hoped the short term IMF lending program would do the job—it did not. By 1985 we hoped a new lending program with emphasis on growth would work—it has not. The Institute of International Economics has suggested a massive new World Bank lending program—it's a good idea in theory, but not politically feasible. Others have focused exclusively on debt-for-equity swaps, or the repayment of some portion of interest in local currencies. Again, these are good ideas; but there are severe limits on the amount of debt a country can convert to equity, or the amount of local currencies that can be profitably used. Other proposals call for short-term moratoriums on official debt repayments or the unilateral write down of principal or interest by the banks. The fact is that no one program will get the job done; what is needed is the long-term commitment to use a number of mechanisms to remove the debt overhang.

The legislation I am introducing today in Congress is designed to deal with this problem on a number of fronts, and to stick with the problem until it becomes manageable.

LEGISLATIVE INITIATIVE

First, I want to make it clear that these legislative proposals are just that—proposals. I expect them to be revised, refined and improved. Some of them may not survive closer scrutiny, and should be rejected. But it is critically important, particularly with the apparent absence of any new ideas from the administration, to fully explore these issues now. The events of the past month, only confirm this view.

I. REGULATORY PRACTICES

My legislation calls upon the U.S. bank regulatory authorities to provide maximum flexibility to commercial banks in negotiating any principal and/or interest reductions with respect to Third World loans, including the application of "FASB 15" standards of accounting to restructured loans; requires the Federal Reserve Board, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation to undertake studies to identify current regulatory or statutory obstacles, if any, to commercial banks negotiating interest reductions, or selling their Third World loans at a discount; and mandates a comparative analysis of American regulatory practices and those of other OECD countries in dealing with loan loss reserves and capital adequacy standards regarding high-risk loans to foreign borrowers.

II. ESTABLISHMENT OF AN INTERNATIONAL DEBT ADJUSTMENT FACILITY

In the 1970's, the IMF sponsored a special facility to help developing countries deal with problems associated with the first oil shock. It is now time for a multilateral special facility to be created to deal with Third World debt over the long term. My legislation proposes that the Secretary of the Treasury should immediately open negotiations for the creation of a special debt adjustment facility which would be specifically authorized to:

First, assist creditor banks in the voluntary disposition, in the private sector, of loans to heavily indebted sovereign borrowers;

Second, encourage countries with strong capital surpluses to apply these surpluses to investments in heavily indebted countries;

Third, purchase bank loans to debtor countries at a discount; and

Fourth, establish mechanisms for passing along the benefit of any such discount or other action of the facility to the debtor country, including mechanisms which would allow the facility to—

Hold the discounted debt as the creditor of the borrowing nation;

Arrange debt-for-equity swaps with private investors; and

Transform fixed obligations into long-term securities which create a contingent claim on the export performance of the borrowing country.

III. HOW THE FACILITY WOULD WORK

The activities of the facility would be initiated by a request from a debtor country to have a certain portion of its debt purchased by the facility. Such a request involves a formal recognition that the country is unable to meet its contracted debt service payments on commercial terms and is in need of specific multilateral assistance in managing its external accounts. The request would need to be accompanied by a detailed plan for future economic management of the country, to guarantee that assistance granted by the facility would be used to improve the performance of the debtor economy. Because such a petition may be viewed as to an acknowledgment of bankruptcy by the debtor country, it is assumed that not all heavily indebted countries would choose to avail themselves of this option.

If the facility deems the request meritorious, and the country's management plan effective, the next step would be to determine both the amount of the country's outstanding debt to be purchased, and the depth of the discount appropriate to any such purchases. It is not likely that any country would be able to have the full amount of its outstanding debt purchased by the facility; and whatever portion is sold would probably need to be spread over a number of years. From the point of view of maintaining international surveillance of economic policies of the debtor countries, a rapid buyout of outstanding commercial loans would also not be appropriate. For most countries, then, the plan would involve a multiyear purchase agreement, calling for the facility to attempt to acquire a portion of the outstanding debt in each year. But after a few years, the total amount of debt relief would be substantial.

Once the size of the purchase and the depth of the discount were determined, the facility would make public offers to the commercial banks to purchase the specified amount of loans at the specified discount. Any private holder of the specified country's debt would be able to sell, but the sale would involve a capital loss for the bank by the amount of the discount from face value which the facility had established. I personally believe that the market for these sales would begin with regional American banks, and Japanese, European, and Canadian banks which have already "written-down" some of their Third World debt. Large U.S. money center banks would probably wait to see how the operation works before choosing to restructure any major portion of their current loan portfolio.

The facility would purchase the specified amount of debt by using funds which the facility itself had raised in private credit markets. The precise details of facility capitalization would be negotiated among the major industrialized governments, but it is anticipated that the facility would be able to borrow freely at attractive rates because its borrowings would be backed either by the commitments from industrialized nations or by collateral such as IMF gold reserves—as outlined below. The facility's capitalization would also be independently established to assure that the credit rating of any other multilateral organization would not be affected.

Once the facility purchased loans at the specified discount, it would become a new creditor for the debtor nation involved. But unlike other creditors, it would not attempt to collect the full face amount of the debt which it had purchased, but would instead only seek to recover the discounted value of the loan. A $1 million bank loan, purchased at 80 percent of face value, would become an $800,000 new obligation of the debtor to the facility. This process would both reduce the total amount of debt outstanding in a given country, and produce a reduction in interest payments on the discounted portion of the debt.

The facility would also seek to lower the debtor's interest burden still further on the now-discounted debt through a number of different strategies. First, the facility would seek out private buyers who were interested in purchasing a nation's debt in order to convert it into equity investment in the debtor country. Resale of the discounted debt to such private investors would reduce the annual interest outflow associated with that asset. Second, the facility would seek to package the loans into innovative long-term securities which would prove attractive to investors at lower interest rates than those presently charged by the banks on their sovereign debt. As an example, such a security might carry a specified below-market interest rate, and an option to purchase some key debtor export; for example, oil, at a specified price. Investors would, in effect, be trading lower current interest rates for the hope of future price movements in the Nation's basic exports.

It would probably be neither desirable nor prudent for the facility to quickly dispose of all of its loans to private investors, since a major function of the facility is to maintain a creditor relationship—and the economic policy surveillance which that relationship entails—with the debtor country. But loans held by the facility would still involve a lower debt service burden than similar assets held by commercial banks, since the facility would be able to lend to debtors at rates very close to the facility's own cost of funds. The "spread" between the facility's cost of funds and the loan rate would be lower than commercial banks, since the facility was under no obligation to make a profit on the lending. In addition, if the facility were backed by the governments of major capital-surplus countries, the lower interest rates which generally prevail in these countries would be the facility's reference rate for its own lending.

The new relationship between the facility and the debtor would be expected to persist for a number of years. Assuming satisfactory performance by the debtor, subsequent years would see additional purchasing of debt and the additional discounting. If the activities of the facility are successful, the need for facility assistance should decline steadily in future years, with the need for facility discounting disappearing altogether within 5 to 10 years. At that point, the debtor nation would still have a substantial external debt, perhaps much of it to the new facility, but that debt would involve an annual interest burden which was manageable by the debtor's exports. At that point, the debtor nation would be a candidate once again for new private lending at commercial rates.

IV. THEORETICAL OPPOSITION TO THE IDEA

The cornerstone of opposition to any proposals for debt relief, be it interest concessions or a discounting of principal, is that accepting such "damage" to existing assets might prevent commercial banks from extending credit on a voluntary basis in the future. There are several responses to this concern.

First, one might ask "what voluntary lending?" Since 1982, private banks have sought to reduce rather than increase their exposure to problem debtors, and all the net new lending which has taken place has been "involuntary." Threats to withhold voluntary lending are real only if there is some credible expectation that voluntary lending is likely, and until the debt/export ratio of these countries is reduced, such new voluntary lending is simply not credible.

Second, one can argue from analogy to American corporate bankruptcy law, that banks will make good loans to a customer no matter what the past history of that customer may be. Chapter 11 bankruptcy law makes a clear distinction between "old" debt—prefiling—and "new debt"—postfiling—and companies which have been successfully restructured through the chapter 11 process have generally not had trouble obtaining new loans from banks.

Third, one can argue that the willingness of banks to make loans in the future depends on the manner in which losses on old loans are recognized. If the losses are recognized through sale at a discount, the loan is removed from the bank's books and the bank "exposure" to that particular country declines by the full value of the loan sold. If the losses are recognized through the forced write-downs on loans held by the banks, their "exposure" declines only by the size of the write-down. Under the second proposal, banks would have a higher exposure to a given debtor in the future, and would be in possession of loans to that country which had once been "damaged" by a forced write-down. It is probable that banks would be more willing to extend new loans in the future, if they had been able to reduce exposure and sell the old loans.

V. HOW TO FUND THE NEW FACILITY

In order to facilitate the rapid creation of the special adjustment facility, my legislation would explore the possibility of using existing resources at the World Bank and especially the IMF as collateral to obtain the necessary financial backing to issue the new facility's debt instruments.

I understand that the IMF possesses over 100 million ounces of gold—worth approximately $40 billion—which is not presently used for any purposes other than as a reserve against "a rainy day." Well, that day has arrived—although I hasten to point out that the actual sale of such gold assets is not currently contemplated to be necessary. I would also point out that in the late 1970's a portion of IMF gold was actually sold, and the proceeds were used for loans to the poorest countries of the world, principally to help cope with the impact of higher oil prices. Repayments of those loans are now being "recycled" by the IMF's "structural adjustment facility." What I am suggesting is that the present situation certainly indicates that it would be more than appropriate to set aside a relatively small portion—probably no more than 10 to 15 percent—of the remaining IMF gold reserves to be pledged as collateral for the operations of this new facility.

VI. MORE RAPID LOAN DISBURSEMENTS AND INCREASE IN STRUCTURAL ADJUSTMENT LENDING BY THE WORLD BANK

Even though additional lending resources for the World Bank may be politically difficult to come by in the short term, that institution could still move more aggressively to deal with the debt crisis by disbursing loans more quickly whenever feasible and appropriate, and by increasing the current mix of lending directed toward structural adjustment purposes.

VII. CONDITIONALITY

Finally, the legislation comes full circle by returning to the notion that the debtor countries themselves have to confront the issues that have turned the repayment of their loans into a crisis. First and foremost among those responsibilities is the necessity to adopt policies which will stem the flight of capital, and lead to its eventual return. It is unreasonable to expect foreign banks to start to lend again to debtor countries, if their own nationals largely seek investments elsewhere. I would, however, suggest that the "resting places" for such flight capital—such as the United States—might do more to help debtor countries at least identify the source of this drain on their economies. For example, it might be appropriate to devise a system to provide relevant information to debtor countries concerning bank deposits held by their nationals in U.S. banks, just as financial institutions currently pass on "1099 forms" to the IRS, listing interest payments to American depositors.

Second, I want to reiterate again that the proposed new debt adjustment facility would only be available to those countries whose policies were conducive to their regaining creditworthiness with private lenders. This special facility would in no way provide "an easy way out," or reward debtor countries which had consistently mismanaged their domestic economic affairs.

Over the next month, as we work on the House trade bill, I hope that the ideas put forward in this legislation will serve to generate interest concerning how to deal with this terribly important problem. Over the longer term, I look forward to working closely with my colleagues on the House Banking Committee, other Members of the House and Senate, and administration officials to help fashion a pragmatic new public policy approach to the Third World debt crisis.

Mr. Speaker, the full text of the legislation, H.R. 1423, which I have introduced today follows:

H.R. 1423

A bill to promote a stable international financial system, expand world trade, and alleviate the Third World debt crisis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as "International Debt Policy Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress hereby finds that—

(1) the international trade and finance system is now in the fifth year of trying to manage the Third World debt crisis which emerged in August 1982;

(2) since 1982, debt service requirements and the virtual cessation of new commercial bank lending to developing countries have resulted in massive net transfers of capital from such countries to creditor banks;

(3) while developing countries have significantly improved their current account balances since the beginning of the debt crisis, such improvements have contributed to negative economic growth, declining standards of living, and increased political instability in emerging democracies;

(4) the current levels of developing country debt servicing requirements also erode the trading position and the economic well-being of the United States, place downward pressure on commodity prices, and continue to threaten the stability of the commercial financial system;

(5) the international debt crisis forces debtor countries to reduce their consumption of products from the United States and to increase exports competing with American products, thereby causing injury to the United States economy and job dislocation for its workers;

(6) adjustments by the world economy to the declining United States trade deficit requires substantial market growth abroad, including in the developing countries;

(7) growth in imports in the developing world must be financed by capital flows from abroad; and

(8) current policies and existing mechanisms for resolving the debt crisis have failed to produce adequate new capital flows because of the constraints imposed by the old debt.

(b) Purposes.—The purposes of this Act are—

(1) to increase the stability of the world financial system and promote the safety and soundness of United States banking institutions;

(2) to alleviate the current external debt burdens of heavily indebted developing countries and to encourage the resumption of sustained economic growth in these countries;

(3) to expand the world trading system and raise the level of exports from the United States to the less developed countries in order to reduce the United States trade deficit and promote economic expansion in the developing countries; and

(4) to provide directions to the President and the Secretary of the Treasury regarding the initiatives which should be undertaken by the United States to resolve the debt crisis and achieve the goals of enhancing the stability of the world financial system and expanding international trade and development.

SEC. 3. PROVISIONS RELATING TO THE REGULATION OF DEPOSITORY INSTITUTIONS.

(a) Regulatory Objectives.—It is the sense of the Congress that regulations prescribed by Federal banking regulatory agencies which affect the international assets of United States commercial banks should grant the widest possible latitude to the banks for negotiating principal and interest reductions with respect to obligations of heavily indebted sovereign borrowers.

(b) Flexibility in Debt Restructuring.—It is the intent of the Congress that Federal agencies which regulate and oversee the operations of depository institutions (within the meaning given to such term by clauses (i) through (vi) of section 19(b)(1)(A) of the Federal Reserve Act) allow such institutions maximum flexibility in determining the asset value of restructured loans to heavily indebted sovereign borrowers and in accounting for the effects of such restructuring prospectively.

(c) Regulatory Study.—

(1) Study required.—The Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation shall each conduct a study to determine the extent of any regulatory obstacle to negotiated reductions in the debt service obligations associated with sovereign debt.

(2) Specific factors to be studied.—The study required under paragraph (1) shall include the following:

(A) An analysis of regulatory obstacles to negotiated interest reduction.

(B) An analysis of regulatory obstacles to the sale of loans at discount.

(C) An analysis of the statutory and regulatory changes which would be required to allow banks to sell some sovereign debt at a discount without decreasing the asset value of other loans to the same borrower, to the extent that—

(i) the borrower receives the full benefit of any discount recognized on such sale; and

(ii) the quality of any other outstanding loan of such borrower is enhanced by the sale.

(D) An analysis of—

(i) the manner in which and the extent to which other member nations of the Organization for Economic Cooperation and Development engage in country risk analysis with respect to loans to heavily indebted sovereign borrowers; and

(ii) the extent to which statutory or regulatory provisions or prevailing banking practices in such countries require banks in such countries to allocate specific amounts to reserves against losses on loans to heavily indebted sovereign borrowers on the basis of such country risk analysis or on any other country-by-country basis.

(E) An analysis of—

(i) the prevailing banking practices in the United States with respect to allocations to reserves against losses on loans to heavily indebted sovereign borrowers and the basis on which any such allocation is made; and

(ii) the extent to which the prevailing banking practices in the United States would warrant a statutory or regulatory requirement that domestic banks make specific allocations to reserves against losses on loans to heavily indebted sovereign borrowers on the basis of country risk analysis or on such other country-by-country basis as may be determined to be appropriate.

(3) Report required.—Before the end of the 6-month period beginning on the date of the enactment of this Act, the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, and the Federal Deposit Insurance Corporation shall each transmit a report to the Congress containing the findings and conclusions of each agency with respect to the study required under paragraph (1), together with any recommendations concerning legislation which such agency determines to be necessary or appropriate to remove regulatory obstacles to negotiated reductions in the debt service obligations associated with sovereign debt.

Sec. 4. INTERNATIONAL NEGOTIATING OBJECTIVES.

(a) Proposal To Establish International Adjustment Facility.—The Secretary of the Treasury shall immediately seek to open negotiations with representatives of other countries to propose the establishment of an international debt adjustment facility to help manage the debt problem.

(b) Purpose of Proposed Facility.—In any negotiations described in subsection (a), the Secretary shall propose that the international debt adjustment facility, at the request of a heavily indebted sovereign borrower and subject to the approval by the facility of an economic management plan submitted by such borrower, be authorized to—

(1) assist creditor banks in the voluntary disposition, in the private sector, of loans to the heavily indebted sovereign borrower;

(2) encourage countries with strong capital surpluses to apply those surpluses to investments in heavily indebted countries;

(3) purchase bank loans at a discount; and

(4) establish mechanisms for passing along the benefit of any such discount or other action of the facility to the sovereign borrower, including mechanisms which would allow the facility to—

(A) hold the discounted debt as the creditor of the borrowing country;

(B) arrange debt-for-equity swaps with private investors; and

(C) transform fixed obligations into long-term securities which create a contingent claim on the export performance of the borrowing country.

SEC. 5. ACTION BY MULTILATERAL INSTITUTIONS.

In order to facilitate the rapid creation of the international debt adjustment facility described in section 4, the Secretary shall direct—

(1) the United States, Executive Director of the International Bank for Reconstruction and Development to—

(A) determine the amount of liquid assets controlled by such Bank and not currently committed to any loan program which, subject to action by its Board of Governors, could be pledged as collateral to obtain financing for the activities of the facility described in section 4; and

(B) report the results of such determination to the Secretary before the end of the 60-day period beginning on the date of the enactment of this Act; and

(2) the United States Executive Director of the International Monetary Fund to—

(A) determine the amount of gold stock of the Fund which, subject to action by its Board of Governors, could be pledged as collateral to obtain financing for the activities of the facility described in section 4; and

(B) report the results of such determination to the Secretary before the end of the 60-year period beginning on the date of the enactment of this Act.

SEC. 6. RAPID LOAN DISBURSEMENTS.

In order to provide a rapid infusion of needed capital into developing countries—

(1) Full release of committed loan funds at beginning of project period.—The Secretary of the Treasury shall instruct the United States Executive Director of the World Bank to initiate discussions with other directors of such Bank and to propose that a temporary adjustment be made in the current disbursement practices of such Bank so as to permit, for a period of not more than 4 years, full release of committed loan funds to the central bank of any recipient country at the beginning of a project period, when such action is appropriate and is requested by the recipient country, to the extent that—

(A) adequate accounting safeguards can be maintained to ensure that the terms of the respective loan agreements are honored; and

(B) the recipient country adequately describes how the accelerated disbursement of such funds will contribute to long-term economic growth.

(2) Increases in multilateral development banks' shares of project loans.—The Secretary of the Treasury shall instruct the United States Executive Directors of the multilateral development banks to initiate discussions with other directors of their respective banks and to propose that each bank's share of any project loan already approved and awaiting disbursement should be immediately increased by such amount as the directors of each such bank determine to be appropriate, taking into account the current ability of the recipient country to meet its counterpart funding requirements.

SEC. 7. STRUCTURAL ADJUSTMENT LENDING.

(a) Directions to United States Executive Director of the World Bank.—In order to promote the economic policy adjustments which are needed to assist development countries, the Secretary of the Treasury shall instruct the United States Executive Director of the World Bank to initiate discussions with other directors of the Bank and to propose that—

(1) an increase be made in the amount of structural adjustment lending by the World Bank and any percentage limitation on the number of structural adjustment loans in the World Bank's lending portfolio be removed, except that such Director shall make it clearly understood that United States policy does not favor the displacement or replacement of project lending by structural adjustment lending but the addition of structural adjustment lending to the Bank's loan mix;

(2) appropriate action be taken by the Bank to ensure that the aims of structural adjustment lending can be achieved;

(3) the conditionality of structural adjustment lending should include innovative requirements designed to minimize any adverse impact of such lending on the lowest income groups in the developing countries, including a requirement that each country receiving such lending establish a fund to be used for guaranteeing private loans to microenterprise borrowers within such country; and

(4) appropriate action be taken by the Bank to ensure that structural adjustment lending is consistent with environmentally sound and responsible development practices that lead to sustainable long-term management of the natural resources of these countries.

(b) Report by the Secretary of the Treasury.—

(1) Report required.—The Secretary of the Treasury shall, before the end of the 6-month period beginning on the date of the enactment of this Act and in conjunction with and consultation with the United States Executive Director of the World Bank, prepare and transmit a report to the Committee on Banking, Finance and Urban Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate, on the effectiveness of increased reliance on structural adjustment lending as a means of achieving economic reforms.

(2) Contents of report.—The report prepared under paragraph (1) shall include—

(A) information about the extent to which structural adjustment lending has increased domestic savings rates, liberalized trade, encouraged direct investment in developing countries, and reduced capital flight; and

(B) economic and demographic data on the impact of structural adjustment lending on various income groups within the recipient countries, particularly the impact of such lending on the provision of resources to meet the basic human needs of the lowest income groups, including the need for adequate nutrition and basic health care.

SEC. 8. REDUCING CAPITAL FLIGHT.

It is the sense of the Congress that—

(1) past and continuing transfers of capital from developing countries pose a problem of great importance for which a solution must be found before the international debt crisis can be resolved and economic growth in developing countries can be enhanced and sustained; and

(2) the United States Executive Director of the International Bank for Reconstruction and Development should—

(A) initiate discussions with other directors of the Bank for the purpose of developing policy proposals for both developed countries and developing countries, respectively, which, if implemented, would reduce the level of capital transfers from the developing countries by enhancing incentives to invest in developing countries and thereby reduce the impact of such capital flight on the economics of such countries; and

(B) report any such proposal which is applicable with respect to the United States to the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) HEAVILY INDEBTED SOVEREIGN BORROWER.—The term "heavily indebted sovereign borrower" means a sovereign borrower whose debt obligations have been classified by the appropriate Federal banking agency in the category of Other Transfer Risk Problems or in a category of greater risk of nonperformance.

(2) MULTILATERAL DEVELOPMENT BANK.—The term "multilateral development bank" means the International Bank for Reconstruction and Development, the Inter-American Development Bank, the African Development Bank, and the Asian Development Bank.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Treasury.

(4) SOVEREIGN DEBT.—The term "sovereign debt" means any debt obligation of a sovereign borrower.

(5) WORLD BANK.—The term "World Bank" means the International Bank for Reconstruction and Development.

THE FALL OF THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KLECZKA] is recognized for 5 minutes.

Mr. KLECZKA. Mr. Speaker, for several months interest in the minimum wage has been building, and it now appears likely that the Congress will increase the wage this fall. The article I am submitting to the CONGRESSIONAL RECORD today clearly documents the need to raise the minimum wage.

This study reports that in 1985, 7.4 million workers earned the minimum wage, and 2 million of these workers labored full time, year round but lived in poverty. This is grossly unfair. In order to reinforce the work ethic and to help millions of American workers pull themselves out of poverty, we should raise the minimum wage.

Mr. Sar Levitan and Mr. Isaac Shapiro, who authored this study, should be complimented for their fine work, and I hope that the report will prove useful to all those who are interested in the minimum wage.

THE FALL OF THE MINIMUM WAGE

(By Sar A. Levitan and Isaac Shapiro)[1]

After six years of inaction, the minimum wage now provides less support than it has since 1955. In 1985, 1.9 million salaried and 5.5 million hourly workers earned the minimum wage. Two million workers labored full-time year-round but they and their dependents lived in poverty. Only 30 percent of minimum wage workers were teenagers. According to the latest available statistics, nearly 3 of every 10 minimum wage workers are heads of households. The earnings of many minimum wage workers make vital contributions to their families' standard of living.

A SINKING FLOOR

The minimum wage has remained at $3.35 an hour since January 1981. Because the minimum wage is not indexed, it has been raised in fits and starts since its establishment in 1938, with Congress passing legislation to lift the wage on six occasions, sometimes providing, as it did in 1977, for a series of increases. The minimum wage generally rose in real terms until 1968, stabilized in the 1970s, before falling sharply in the 1980s.

The minimum wage, when adjusted for inflationary effects, is now over 20 percent less than it averaged in the 1970s and a third less than its peak in 1968. Prices have increased 27 percent since Congress last raised the minimum wage (Figure 1).

[Charts not printed in the RECORD].

The traditional target of many minimum wage advocates has been a standard equal to half the average wage for nonsupervisory private workers. This goal reflects the belief that the minimum wage should keep pace with the standard of living of the average worker. In the 1960s the minimum wage averaged just above this target and in the 1970s it averaged 4.2 percentage points below this target, but its level has now dropped to 38 percent of the average hourly rate in private industry.

Minimum wage income is only enough to raise a worker living alone above the poverty threshold. A full-time year-round minimum wage worker earns $6,968 in a year—$1,800 less than the 1986 poverty threshold of $8,741 for a family of three and $4,200 less than the poverty threshold of $11,209 for a family of four. In contrast, throughout most of the 1960s and the 1970s, the minimum wage was sufficient to bring a family of three out of poverty (Figure 2).

EFFECTS

The minimum wage is a statement by society that work conditions below a given standard are unacceptable. The standard applies to low wage labor markets where unions are absent, where workers lack skills and political clout, and where employers are unlikely to adopt beneficient labor practices.

Many individuals and families benefit from the higher wages that result from the mandated minimum. Four-fifths of all minimum wage workers are not poor but a majority of poor workers have earnings clustered around the minimum wage. The wage floor helps some escape poverty and lessen its impact for others. It encourages individuals to work rather than rely on welfare. For minimum wage earners who are not poor, the income is often essential. A teenager can save more money for schooling or a multiearner family may earn enough money to purchase more than the bare necessities.

Statutory increases in the minimum wage do result in some job losses, although the extent of employment dislocation is often overstated. The task for Congress is to strike the right balance and provide a wage high enough to provide meaningful income support without pricing a significant number of workers out of the labor market.

RECOMMENDATIONS

Through a gradual series of increases, Congress should raise the minimum wage until it is equal to half the value of the average hourly pay for nonsupervisory workers in private industry. In order to prevent future deterioration in the standard, the minimum wage should thereupon be indexed at this level of support. If the minimum wage were already indexed at this level, its value in January 1987 would have been $4.42 per hour.

DEPARTMENT OF THE INTERIOR'S 5-YEAR OFFSHORE DEVELOPMENT PLAN FOR CALIFORNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I would like to call my colleagues' attention to the response prepared by a majority of the California delegation to the Interior Department's 5-year offshore development plan in California. As many Members know, the issue of oil and gas development offshore California has been a contentious one for several years. The submission of this plan, and the delegation's response to it, is only the latest exchange in what has become a protracted battle over the scope and pace of leasing Federal lands offshore California.

Unfortunately, the plan prepared by Interior Secretary Hodel serves only to escalate this conflict rather than to diminish it. After 22 months of extensive negotiations with Members of Congress, the Secretary has chosen to ignore virtually every recommendation offered by congressional negotiators empaneled to resolve this issue. The plan submitted to this group on February 2 is so clearly driven by the desires of the oil industry that it is almost totally lacking in credibility. While the negotiations focused on a relatively limited number of tracts, Secretary Hodel's plan proposes to offer fully 82 percent of the areas identified as being of high interest to the oil industry, as well as over 500 tracts of medium and low interest.

In addition, the Secretary's Draft Program ignores recommended stipulations designed to: Protect onshore air quality; limit conflicts with the State's valuable fishing industry; require sufficient oil spill response and cleanup capability; protect rural coastal areas from industrial development; and regulate toxic discharges from exploration and development activities. Nor does the plan offer meaningful subarea deferrals which might limit some of the adverse effects of offshore development. The concept of long-term protection for particularly sensitive areas—a concept which has been accepted as a key to any compromise on this issue—is also ignored. The failure of the Draft Program to incorporate even the most basic principles which emerged during the course of the negotiations is of grave concern to a large majority of the California delegation.

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[1] Sar A. Levitan is director of and Isaac Shapiro is a research associate at George Washington University's Center for Social Policy Studies.

Finally, this proposal was delivered to Congress in the form of a threat. We were told by the Secretary that unless this plan were embraced by the delegation and by the Congress, the minimal protections offered would be withdrawn. Despite the Secretary's ill-advised decision to abandon the effort to reach a consensus, we remain committed to resolving this issue in a manner which serves the best interests of the Nation as well as the best interests of the State of California. For this reason, I believe I speak for a majority of the members of my delegation when I state our willingness to continue to work to achieve a balanced resolution of this difficult issue.

Mr. Speaker, I would like to include for the RECORD a copy of the letter to Secretary Hodel signed by 28 Members expressing the hope that the Secretary will return to the basic principles which have been arrived at through the deliberations to date. The letter follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 4, 1987.
Hon. DONALD P. HODEL,
Secretary, U.S. Department of the Interior, 18th and C Streets, NW., Washington, DC.

DEAR MR. SECRETARY: Twenty-two months ago we undertook a process aimed at achieving a balanced resolution to the question of where, when, and under what conditions offshore drilling is to occur on the California Outer Continental Shelf. The goal was to establish a consensus and reach a compromise in the ongoing dispute which has characterized this issue for several years. Since Congress had established the unique precedent of repeatedly providing year-by-year protection for key coastal areas, you rightly stated that the national interest would require a balance between development and protection. Unfortunately, our review of this plan makes it explicitly clear that you have abandoned the effort to achieve consensus on this divisive issue.

The failure of the Draft Proposed OCS Program to incorporate even the most basic principles which have emerged during this extensive dialogue is of grave concern. For this reason we again reiterate our willingness to continue to work with you directly in a further attempt to achieve resolution on this issue. Our comments at this time on the draft proposed OCS program are a reflection of the efforts to date to build consensus. These comments are also intended to convey our disppointment that so few of the points of agreement produced by these discussions have been utilized by the Department in formulating the present draft Proposed Program. It is our hope that, in considering these comments, you will return to the basic principles which have been arrived at through the deliberations to date.

Pursuant to P.L. 99-591, we are submitting the following comments in an effort to bring about a more balanced approach than that embodied in the draft Proposed Program. It is our intent to assist your agency in adopting a Program which provides protection for the environmental resources at risk, while enhancing the already considerable contribution to domestic petroleum production provided by the California OCS at the present time—a contribution expected to increase by 500 to 700 percent over the next few years as a result of federal OCS leases already let. The desired balance can only come about by incorporating the primary principles established by the negotiations into the Proposed Program. Rejection of these principles by the Department, as has occurred in the draft Proposed Program, only moves this issue toward further controversy and underscores the need for continued Congressional oversight of the OCS Program.

The question before us cannot appropriately be characterized, as it was in our press release accompanying the draft Proposed Program, was a challenge to the Congress to decide "whether we are to have a federal offshore program or a program limited essentially to the Gulf of Mexico." Your statement ignores the major contribution to domestic energy supply presently made by offshore development on federal tracts on the California OCS, as well as the major increases in California OCS production which will be coming on line in the next few years as a result of recent leasing and exploration activities. The real task of our deliberations must be to determine how best to provide increases in that current level of petroleum production from the California OCS while providing maximum protection to sensitive environmental resources on the California coast. Specific areas of the California OCS have repeatedly been identified by the Congress to be of national significance and have therefore been granted special protection on a year-by-year basis. To ignore this Congressional mandate, as the draft Proposed Program has once again done, does nothing to resolve the question at hand.

We have reached the unavoidable conclusion that your draft Proposed OCS Program fails to meet the requirements of P.L. 99-591 as it directed your agency to evaluate and incorporate the proposals originating with the eighteen-member Congressional negotiating team and Governor Deukmejian. The draft Proposed Program also fails to meet several requirements of the OCS Lands Act and Amendments. Proposals submitted to your agency by Governor Deukmejian, Congressman Panetta and Congresssman Regula all contained important provisions which have been rejected by you in preparing the draft Proposed OCS Leasing Program. The Program does not adequately justify your decision to reject these provisions, and also fails to explain your obvious departure from the consensus-building approach which has characterized our efforts to date.

Specific elements of the draft Proposed OCS Program which we find to be inconsistent with the directive provided by P.L. 99-591 to consider the incorporation of these measures in the Program include the following:

The Draft Program proposes an exponential increase in the number of OCS tracts to be offered for lease offshore California, and increases the number of tracts to be offered well beyond the range discussed during congressional negotiations with the Department: We note with concern that the Program now proposes to make available 1120 tracts, including 82 percent of the tracts identified as being of high interest to the oil industry. This represents only a 3 percent change from the Draft Program proposed in February 1986 and a vast departure from the preliminary agreement of July 1985, subsequently rejected by you, which focused on the offering of 150 tracts for lease.

Negotiations conducted subsequent to the release of the February 1986 Draft Program focused on a discussion of a significantly smaller number of high interest tracts. Your retreat from the more limited focus of the discussions to date to an essentially area-wide leasing methodololgy which the draft Proposed Program characterizes as "focus on promising acreage" serves only to further undermine your credibility and repolarize this issue.

The number of actual lease sales offshore California remains at five within the designated five year period, the same number of sales proposed in the Watt Five-Year Program. This number of sales within a five year period ignores the need for a "phased" approach to OCS leasing which would permit a rational planning process to take place.

No long-term protection for sensitive offshore areas: A lengthy negotiating process has endorsed long-term protection for specific key areas as a cornerstone of our efforts to achieve consensus. In spite of requests to incorporate this approach in the Program which were set forth in the proposals of Congressman Regula and Panetta, the draft Proposed Five-Year Program provides no long-term protection whatsoever. Despite the uncertainty of hydrocarbon prospectivity there are areas that, because of the environmental costs of leasing, exploration and development, have been temporarily deferred by the Department. We believe that the Department's failure to endorse the concept of long-term protection is a major departure from the entire context of the discussions to date.

No criteria are set forth for sub-area deferrals: The draft Proposed Program has set forth an intermittent system of minimal shoreline buffer zones within federal waters. These proposed sub-area deferrals range from two to three miles in width and propose only a five year delay for leasing within these areas. While the underlying concept of providing shoreline protection through buffer zones is a sound one, the buffers in the draft Proposed Program are too small and are too short in duration to provide meaningful protection.

With respect to the deferrals which have been applied to the draft Five-Year Program, no criteria are set forth by the Department for the rationale behind these deferrals. While the quasi-buffer zones represented by these five year deferrals provide little in the way of even temporary protection for valuable environmental resources, some criteria for their application must be set forth in the Program. A buffer zone three miles in width does nothing to provide significantly increased oil spill response time. In addition, a three mile buffer does nothing to protect onshore air quality due to the well-documented reactive photochemical process which converts OCS air emissions into smog as they are transported in the atmosphere.

Larger buffer areas need to be incorporated in the Five-Year Programs, as proposed by Congressmen Regula and Panetta. The sub-area deferrals contained in the draft Proposed Program appear to be primarily comprised of extreme deep water tracts which lie outside the boundaries of geologic basins, and therefore beyond the present limits of drilling technology. No protection for marine or coastal resources can be legitimately claimed by the Department for deferral of these areas from the Program since they are unlikely to be leased in any event. Likewise, the two National Marine Sanctuaries offshore California, the Point Reyes OCS Exclusionary Zone, and the Santa Barbara Ecological Preserve and Buffer Zone are each already subject to pre-existing regulations which prohibit OCS leasing activities and can hardly be characterized by the Department as voluntary sub-area deferrals.

Lack of protection for onshore air quality: A majority of the designated negotiators have reached consensus on the need for the inclusion of air quality stipulations at the Program stage. Unfortunately, this mandate to prevent OCS-generated air emissions from causing violations of air quality standards in onshore communities is rejected by the Proposed Program. While we believe that your personal assurance that individual lease sales will include stipulations at least as stringent as those negotiated for Lease Sales 73 and 80 is a step in the right direction, this commitment must be formally reflected in the Program document. The written assurance contained in the document that stipulations will be "similar" to those negotiated for previous sales is simply inadequate.

Lack of reasonable oil spill prevention and response measures: Common sense and past experience with OCS-originated oil spills has indicated the clear need for a programmatic stipulation requiring a demonstrated ability to cope with oil spills in the prevailing meteorological and oceanographic conditions a precondition for OCS operations. The draft Proposed Program rejects this premise and includes no such stipulated preventive and protective measures. This failure to incorporate reasonable safeguards at the Program stage does little to instill confidence in the Department's commitment to clean and safe OCS activities. Likewise, while Congressional proposals for pipeline transportation of any produced petroleum could somewhat lessen the degree of oil spill risk and result in a significant reduction in the release of OCS emissions which lead to onshore air pollution, the draft Proposed Program rejects any stipulation requiring pipelines. No reason is given for omitting this important stipulation.

No adequate protection for commercial fisheries: At a time when the commercial fishing industry is requesting a stipulation protecting livelihoods based on the harvest of renewable fishery resources which provide the basis for regional economies, the draft proposed Program provides no such protection. Displacement of the commercial fishing industry from historically productive fishing grounds, disturbance of large areas of the sea floor through OCS construction activities, and conflicts between OCS operations and fishing gear are real problems being experienced in areas of OCS development. The concerns of the fishing industry, embodied in the Congressional proposals, are not adequately addressed through stipulations in the Proposed Program. Again, no reason is given for this omission.

No mitigation measures for ocean discharge of drilling wastes: While scientific data points to the potential hazards of large-scale discharges of drilling wastes to fragile marine ecosystems in nearshore waters, the draft Proposed Program provides no stipulation controlling these discharges as discussed extensively during the negotiating process.

The program significantly understates the economic value of environmental resources on the California coast: The cost-benefit analysis which is the basis for leasing decisions in the draft Proposed Program is flawed by a significant undervaluation of the affected environmental resources. The social and environmental costs associated with OCS development are thus understated and the resulting cost-benefit analysis is skewed in favor of development. A recent technical analysis which documents the economic value of the environmental resources of much of the California coast is attached (Tinney, et al, 1987) and incorporated herein by reference. This study indicates dollar values for environmental resources which far exceed the values assumed in the documentation for the draft Proposed Program.

Likewise, if social costs, such as those associated with the anticipated degradation of onshore air quality, were objectively evaluated in the Program, significant changes in the cost-benefit analysis would occur. In light of this new information on the economic implications of air quality impacts and the evaluation of environmental resources, a complete revision of the cost-benefit analysis and underlying assumptions in the draft Proposed Five-Year OCS Program should be undertaken by the Department and leasing decisions revised accordingly. The draft Proposed Program also does not address the implications of onshore facilities associated with OCS development which introduce risk factors of their own and further contribute to onshore air quality degradation. Finally, the economic analysis associated with the draft Proposed Program does not adequately deal with the low end scenario in evaluating the effect of depressd petroleum prices in the cost-benefit analysis.

The program ignores alternatives to OCS leasing such as conservation strategies: Several energy conservation strategies have received the support of Congress in recent months but have been vetoed or otherwise rejected by the Administration. These conservation strategies include improved automobile fuel efficiency standards, appliance efficiency standards, and incentive programs for building retrofit. Individually, or in combination, strategies such as these could readily "produce" an amount of domestic energy security equivalent to or exceeding the contemplated major expansion of OCS activities offshore California. These energy conservation strategies could proceed without the risk to environmental resources and regional economies which is inherent in the OCS activities which would likely occur as a result of the draft Proposed Program.

An objective analysis of these conservation alternatives to expanded OCS leasing offshore California must be included at the Programmatic stage. These conservation measures need to be objectively weighed and evaluated in context of the additional sub-area deferrals recommended by the Governor, by Representative Regula, and by Representative Panetta.

Additional unscheduled "supplemental" sales as proposed by the draft Program should not include tracts on the California OCS: The draft Proposed Program contains a discussion of "Supplemental" lease sales which may be held periodically in addition to scheduled sales under certain criteria set forth in the Program. The discussions in the draft Proposed Program appear to indicate that the Department may be planning for an early Supplemental sale of this nature, possibly prior to 1989, to focus on an offering of additional tracts within the Santa Maria Basin, in the Santa Barbara Channel, and within other portions of the California OCS Planning Areas.

Onshore infrastructure and planning capabilities in these areas are already stretched to the limit and a Supplemental sale at this time would disrupt the careful planning process which must accompany the development phase of existing leases. It should further be noted that any such early Supplemental sale on the California OCS would be in violation of the Department's own criteria for such Supplemental sales as delineated in the draft Proposed Program.

The draft Proposed 5-year OCS Program has been submitted to the Congress in the form of a threat: In conclusion, we are shocked to find your draft Proposed Program accompanied by your clearly-stated threat to the Congress that you may retreat from your present minimal sub-area deferrals and propose an even more aggressive OCS Program for California unless Congress goes along with your agenda.

Not once, Mr. Secretary, has the Congress resorted to threats in working with your agency to seek a reasonable resolution to the California offshore drilling dilemma. We find your statements accompanying this draft Proposed Program wholly inconsistent with the spirit and intent of good-faith negotiation which has characterized the efforts in the Congress to bring this to a constructive resolution. Such public statements as those accompanying the draft Proposed Program call into question the credibility of your stated desire to reach consensus. Further, in light of this threat we must question the ability of your agency to objectively balance the need to protect environmental resources on the California coast which are clearly of national significance in and of themselves.

Because the substance of your draft Proposed Program represents such a radical departure from the principles of consensus which have characterized the intergovernmental dialogue over this issue, we must formally request that you revise the Program in such a way as to bring it into conformance with the letter and intent of P.L. 99-951 and the OCS Lands Act and amendments, particularly as the Act relates to providing a balance between development and protection of resources.

Your revision of this Program should reflect the principles outlined above, and should state clearly the criteria under which specific sub-area deferrals and necessary stipulations are selected by your agency. We trust that the forthcoming version of your draft Proposed Program will reflect these changes prior to submission of the full Program to the President and the Congress for review.

Pursuant to P.L. 99-951, we hereby incorporate in our comments to you by reference each of the attached resolutions, responses, and technical comments submitted by local governments, relevant state agencies, and other interest groups. We request a specific written response to each of the individual issues raised in these comments and attachments within the next thirty days, as specified by law, prior to your submission of the national Proposed Five-Year OCS Program to the President and Congress.

Thank you for your cooperation in accepting, incorporating, and responding to these recommendations pursuant to P.L. 99-951.

Sincerely,

Pete Wilson, U.S. Senate; Leon E. Panetta, Member of Congress; Alan Cranston, U.S. Senate; Bill Lowery; Robert

T. Matsui; Henry A. Waxman; Robert E. Badham; Vic Fazio; Julian C. Dixon; Don Edwards; Edward R. Roybal; and George Miller.

Douglas H. Bosco, Matthew G. Martinez; Esteban Edward Torres; Norman Y. Mineta; Ronald V. Dellums; Tom Lantos; Jim Bates; Richard H. Lehman; Anthony C. Beilenson; Howard L. Berman; Ron Packard; George E. Brown, Jr.; Tony Coelho; Mel Levine; Mike Lowry; and Duncan Hunter.

GREAT LAKES EMERGENCY SHORELINE PROTECTION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, I address this body today on behalf of the thousands of private property owners along the great north coast of the United States.

The erosion problem that has been eating away at the dreams of thousands of property owners all along the Great Lakes has been well documented and discussed at length across the nation in recent years. Contrary to what many might believe, it is a rather recent phenomenon. Families who purchased homes along the Great Lakes 20 years ago did so with no knowledge that the seventies and eighties would bring rise to unprecedented high lake levels. Many people chose to settle on the Lakes' scenic shore at a time when this was not a high-risk area and those risks they face today were not well known in advance.

Scientists and engineers have been studying the record high lake levels of this past decade searching for answers and possible signs of the water's retreat. Recently, a Government scientist with the Great Lakes Environmental Research Laboratory reported that if the present trend continues, shoreline cities will be forced to build barriers to halt the damage already estimated in the millions of dollars. Just last week, an article in the Washington Post quoted this same scientist saying that Lake Michigan could rise another 1½ feet in 4 years.

Statistics tell us that record lake levels have been set every month since October 1985 on Lake Erie, averaging about 4½ feet higher than in 1934 when the lakes were at their lowest levels of the century. The causes of this vary from natural occurrences such as heavier-than-normal precipitation and modest climate changes to substantial increases in development. Whatever the causes, the result is indisputable—property owners are losing their beaches, their yards, and their homes.

It is hard to believe now, but as recently as the 1960's, the Federal and State governments were considering methods to increase the levels of the Great Lakes. Existing erosion control structures were being torn down, being called unsightly. Today, just 20 years later, these structures cannot be put up fast enough to halt the damaging forces of the ever-rising lakes.

Unlike the swift and dramatic devastation brought about by tornadoes, severe storm flooding, or earthquakes, shoreline erosion disasters strike slowly, daily, under the cloak of time. The need for help, however, is no less urgent than in other situations for which our Government and communities have ready and willing assistance.

This problem demands solutions rather than mere sympathy because the personal loss of property owners is equally matched by the loss our communities suffer in terms of real estate devaluation and infrastructure damages. As our shoreline erodes, so does the tax base which keeps our communities thriving.

One county in my district has estimated that the potential tax losses due to erosion could be as high as $100,000 each year if the present situation continues. Other hidden costs are incurred by the cities and the counties because of the damage to the utility infrastructure and roads. Local governments, fortunately have the opportunity to overcome these cost burdens while private homeowners are often left virtually helpless.

The legislation I introduced does not propose that the Federal Government simply sweep in and provide handouts to those property owners. It would be unwise and unfair to ask American taxpayers to bear the burden of these costs given our present budget deficit crisis. Instead, my plan offers a balanced and financially responsible approach which allows homeowners to work with their local lending institutions to finance needed erosion control devices and save their property investments.

Ninety percent of the loan value would be backed by the Federal Government. A three to five percent subsidy of the interest rate would be provided by the States. Under those terms, everyone bears a portion of the risk, although the bulk of the burden rests with the individual homeowner who must repay the loans.

Additionally, the States may elect to recapture all the loan subsidy to the borrower upon sale or other disposition of the property. They also may collect an administrative fee to defray the costs of administering the program. Eligibility for these loans would be based on certain criteria, taking into account the immediate need for property improvement, the acceptability of the erosin control device to be used, and the financial status of the borrower as well as other standards.

My bill certainly is not a cure all. It does offer some relief for a problem which the Federal and State governments can—and should—address. This type of program is historically and appropriately within their realm of action.

The devastating erosion problem taking the shore of the Great Lakes is a matter which merits the attention of more than just the beleagured property owner. The long-term benefits gain from our lakefront must be protected and preserved as part of the larger vision of prosperity for our region.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, I rise for the simple reason that today I have introduced a resolution, H. Res. 111, that consists of six articles of impeachment of Ronald W. Reagan, President of the United States.

The first five articles are specific acts that are clearly violations of the law. In the conduct of the Office of the President of the United States, Ronald W. Reagan, in violation of his constitutional oath to faithfully execute the Office of the President of the United States, and to the best of his ability preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has approved and acquiesced in shipment of arms from Israel to Iran in violation of the Arms Exports Control Act, in that, and then I have a recital of specific dates and occurrences, each consisting of a separate and unequivocal violation of the law.

Article 2, in November of 1985, the Central Intelligence Agency provided an agency proprietary aircraft and other assistance in connection with a shipment of United States made Hawk missiles to Iran without a Presidential intelligence finding required by 22 U.S.C. 2422, and so on.

Article 3. On January 6 and 17, 1986, Ronald W. Reagan executed and thereafter failed to notify and review intelligence findings ordering that the Congress not be notified of arms transactions involving Iran that continued from August 1985 to October 1986.

Article 4. I allege that the President in all of this has acted in a manner contrary to his trust as President and subversive of constitutional government.

□ 1950

And in the final Article VI I enumerate in general terms the specifics involving the bill of particulars that would justify impeachment. And I do so at this time because the President clearly—and his leadership in the

House today has confirmed it—has demonstrated his intention, inexorable from the beginning, to conduct war in Central America, to the greatest detriment of the national interest.

We have seen his flawed judgment, as clearly brought out lately in the Tower Commission report, but as more clearly and sadly and tragically demonstrated in the case of the deaths of 214 marines in Beirut in 1983.

Those are clear instances of an impaired judgment on the part of the Chief Executive of our country, who is headed for war and is not about to relent from what I consider to be his inexorable and fatal course of invasion in Nicaragua, which I believe will be disastrous and will be costly in lives and treasure to our country and contrary to the long-range future destiny of our country, our children, our grandchildren, and our great-grandchildren, and for that reason I feel that the Congress must stop a President who has, in heedless disregard for the constitutional responsibility of the Congress, continue on this course because the Congress has failed to call him to the bar of the Congress to account for the actions that have violated the statutes that this very Congress has passed.

I have introduced three different resolutions since 1982 specifically alleging that the President has violated the War Powers Limitation Act, and finally, in 1984, there was a half-hearted attempt, on the part of the House at least, to go into that, but it ended up in being a vote on whether or not one was loyal to the President or not. It was not a question of whether he was in violation of the War Powers Limitation Act, which he has clearly demonstrated by his actions since 1982.

Mr. Chairman, the text of the resolution I have introduced is as follows:

H. RES. 111

A resolution impeaching Ronald W. Reagan, President of the United States, of high crimes and misdemeanors

Resolved, That Ronald W. Reagan, President of the United States, is impeached for high crimes and misdemeanors, and that the following articles of impeachment be exhibited to the Senate:

Articles of impeachment exhibited by the House of Representatives of the United States of America in the name of itself and of all of the people of the United States of America, against Ronald W. Reagan, President of the United States of America, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

In the conduct of the office of President of the United States, Ronald W. Reagan, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has approved and acquiesced in shipments of arms from Israel to Iran in violation of the Arms Export Control Act, in that:

(1) On or about August 6, 1985, Ronald W. Reagan orally approved the transfer of certain U.S.-made TOW missiles from Israel to Iran;

(2) On or about late August and early September 1985, Israel made shipments of 508 U.S.-made TOW missiles to Iran;

(3) No commitment in writing was obtained from Iran against unauthorized retransfer of such weapons as required by 22 U.S.C. 2753; and

(4) No valid written consent for the arms transfer was executed by Ronald W. Reagan, as required by 22 U.S.C. 2753.

In all of this Ronald W. Reagan has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Ronald W. Reagan, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE II

In the conduct of the office of President of the United States, Ronald W. Reagan, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has approved and acquiesced in covert actions by the Central Intelligence Agency in violation of the Foreign Assistance Act, in that:

In November 1985 the Central Intelligence Agency provided an agency proprietary aircraft and other assistance in connection with a shipment of U.S.-made HAWK missiles to Iran without a Presidential intelligence finding required by 22 U.S.C. 2422.

In all of this Ronald W. Reagan has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Ronald W. Reagan, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE III

In the conduct of the office of President of the United States, Ronald W. Reagan, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has ordered that the Congress of the United States not be notified of continuing arms transfers and covert actions in violation to the National Security Act and the Arms Export Control Act, in that:

(1) On January 6 and January 17, 1986, Ronald W. Reagan executed, and thereafter failed to modify or review, intelligence findings ordering that Congress not be notified of arms transactions involving Iran that continued from August 1985 through October 1986; and

(2) Such failure to notify Congress was in violation of the National Security Act, 50 U.S.C. 413, and the Arms Export Control Act, 22 U.S.C. 2753.

In all of this Ronald W. Reagan has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Ronald W. Reagan, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE IV

In the conduct of the office of President of the United States, Ronald W. Reagan, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has during February through September of 1986 approved, acquiesced in or recklessly failed to prevent the diversion of proceeds from Iran arms transactions to forces fighting the government of Nicaragua, in violation of the Boland Amendment (Public Law 99-169, section 105).

In all of this Ronald W. Reagan has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Ronald W. Reagan, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE V

In the conduct of the office of President of the United States, Ronald W. Reagan, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has approved or acquiesced in the shipment of 500 U.S.-made TOW missiles from Israel to Iran on or about October 29, 1986, in violation of the prohibition contained in section 509 of Public Law 99-399 against arms transfers to nations, such as Iran, that support terrorism.

In all of this Ronald W. Reagan has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Ronald W. Reagan, by such conduct, warrants impeachment and trial, and removal from office.

ARTICLE VI

In the conduct of the office of President of the United States, Ronald W. Reagan, in violation of his constitutional oath faithfully to execute the office of President of the United States and, to the best of his ability, preserve, protect, and defend the Constitution of the United States, and in violation of his constitutional duty to take care that the laws be faithfully executed, has presided over a pattern of Executive actions in disregard of the laws of the United States and a pattern of casual and irresponsible Executive decision-making, including:

(1) The sale of arms to Iran in direct conflict with stated Executive policy against terrorism and stated Executive procedures for covert actions;

(2) The illegal diversion of funds to resistance forces in Nicaragua;

(3) The ill-prepared October 1986 Iceland arms control summit; and

(4) The abuse of the U.S. press in perpetrating a disinformation campaign against

Col. Qaddafi of Libya during the summer of 1986.

In all of this Ronald W. Reagan has acted in a manner contrary to his trust as President and subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Ronald W. Reagan, by such conduct, warrants impeachment and trial, and removal from office.

FAMILY PLANNING PROGRAMS IN DEVELOPING COUNTRIES HAVE LOST A KEY LEADER

(Mr. MOODY asked and was given permission to address the House for 1 minute.)

Mr. MOODY. Mr. Speaker, many Members will be saddened to learn of the unexpected death yesterday of Mr. Rafael Salas, Executive Director of the United Nations Fund for Population Activities, UNFPA. The population community will miss his dedication and determination.

Mr. Salas died while he was here in Washington trying to reverse congressional action that led to the cutoff of U.S. support for family planning in developing countries through UNFPA. He wanted to alleviate starvation and unnecessary child and maternal sickness and death. He realized that family planning promotes family health and saves lives.

Mr. Salas joined the UNFPA 17 years ago as its first Executive Director. Under Mr. Salas UNFPA has become the largest international source of aid to population studies and voluntary family planning programs, growing from a budget of several million dollars and a handful of donor nations in 1969 to a budget of $136 million from 100 countries. Over 130 developing countries have become recipients of UNFPA assistance.

Before joining UNFPA, Mr. Salas served as the Executive Secretary, the highest cabinet position in the Philippine Republic. Before that he had been a leader in the "green revolution" which brought the Philippines to self-sufficiency in rice. Prior to government service, he had been a newspaper publisher and a business executive. Mr. Salas received more than 30 honorary degrees from around the world to acknowledge his important work in population.

The United States was instrumental in founding the UNFPA and was traditionally its leading supporter. However, the United States suddenly reversed its policy and sharply reduced its support to the UNFPA in 1985 and completely ended its support in 1986 because of AID's assertion—unsubstantiated, in my judgment—that UNFPA participates in the "management" of China's population program, and further that the China program officially includes coercive practices.

Rafael Salas' message to Congress at the time of his death was simple: The UNFPA does not participate in the management of any abortion programs; nor does UNFPA—directly or indirectly—fund any abortion programs. It does fund voluntary family planning, maternal and child health care, demographic studies, contraceptive research, and training of medical workers—all programs that in fact reduce the incidence of abortion.

Many of us hope that the present administration will reconsider its recent retreat from supporting voluntary family planning in economically distressed countries.

All of us hope that Rafael Salas' great work to relieve suffering, starvation and distress, and enhance the dignity and role of women in developing nations, will not have been in vain.

We mourn his passing. There would be no greater memorial to the ideals of Rafael Salas than to redouble our support for family health care and family planning in the economically developing countries of the world.

CHILD CARE: A TIME FOR ACTION

The SPEAKER pro tempore (Mr. GONZALEZ). Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 60 minutes.

Mrs. COLLINS. Mr. Speaker, I have called the special order today so that Members could have an opportunity to speak on the need for safe, affordable, and accessible child care. As the author of H.R. 95, the Child and Family Development Act, legislation which would establish a comprehensive Federal child care policy, it is my firm belief that this Nation must begin to address the most pressing needs of children and their families: the lack of adequate day care facilities.

For the overwhelming number of working families and single-headed households in America, there is a compelling and drastic need for child care services. The statistics speak for themselves:

Over 55 percent of all women work outside the home, and a whopping 62 percent of them have children under 18 years of age;

Nearly 50 percent—half—of all American mothers return to work before their baby's first birthday, and more than half of mothers with children under age 3 are in the labor force;

Seven out of ten mothers of school age children are working or looking for work; and

If current trends continue to 1995, three out of every four school age children and two out of every three preschool children will have mothers in the work force.

Regrettably, the quantity and quality of child care facilities available to meet this demand is sorely lacking. Worse, even if child care is available, it often costs more than most low-income or middle-income families can afford. As a direct result, as many as 8 million children under age 13 spend time at home alone until a parent or parents return from work. With the large numbers of working families, the term "latch key child" has taken on real meaning.

To add insult to injury, the lack of adequate child care is having an impact on the productivity of American workers. According to a February 16, 1987 issue of Fortune magazine which did a survey, "in some cases child care is as strong an influence on a worker's performance as the number of hours worked, the relationship with a supervisor—and even job security. Corporations are beginning to discover that more and more of their most valued employees are willing to sacrifice work time, productivity and even careers to devote themselves to family matters. Fortune also commissioned a survey on this issue which found "that problems with child care are the most significant predictors of absenteeism and unproductive time at work."

Just what types of child care arrangements are there? Generally, there are six types of child care situations: First, use of a family day care service. This is provided in a caregiver's home with five to six other children. Second, children are placed in a child care center. Third, use of babysitters. Fourth, a smaller percentage are latchkey children. Fifth, others rely on relatives to stay with the children, in their home perhaps where a parent works at home, or last, an employer provides on-site day care services.

It must be noted that day care costs are expensive. According to a child care fact sheet prepared by the Caucus for Women's Issues, home care costs for one child range from $1,500 to $10,000 a year. Most parents pay an average of $3,000 per child per year for day care. The younger the child, the more expensive the care. Indeed, child care often ranks fourth in overall family expenses following immediately after housing, food, and taxes.

The average working family can expect to spend 10 percent of its take-home income on child care. For some women who head households, child care costs can mean the difference between working and staying at home on public assistance. According to a 1982 Census Bureau survey, 45 percent of nonworking single mothers with preschool children would work if child care were available at a reasonable cost.

What has the Federal Government's response to the need for child care been? Not enough. In the first place, child care funding has been cut 21 percent since 1981; $200 million has been eliminated in funding targeted for Federal child care; child nutrition programs have been reduced 30 percent; a program to provide staffing for day care centers has been dropped and the list goes on.

Because of these cutbacks, low-income families earning $10,000 or less must now pay 30 percent of their earnings for child care if they can find it. And for middle-income families, the picture is not much better. The child care tax credit, for example, only reimburses families $9 a day for child care. It is virtually impossible to find day care for that amount.

On a more positive note, Congress in the 99th session, enacted several day care provisions.

These include: Expanded child care opportunities for low-income college students seeking to complete their education. (This was authorized at $10 million, but no funding yet); new programs to provide temporary child care for handicapped and chronically ill children, and lastly, established crisis nurseries for children at high risk of abuse or neglect.

In addition, according to the House Select Committee on Children, Youth and Families, Congress created a special scholarship fund to assist child care providers seeking professional certification, and enacted grants to higher education institutions to prepare students for careers in preschool and early childhood education.

Child care policy in the United States can best be described as "laissez-faire." There is no comprehensive national policy governing the provision of child care services in the United States. Federal funding is fragmented among a hodgepodge of programs. [The four largest Federal day care programs which provide support for child care services are: Social Services Block Grant, under title XX of the Social Security Act, the Head Start Program, the Child Care Food Program and the Child Care Tax Credit under the Internal Revenue Code.] In most cases, day care is only one component of a program that also provides funding for other services.

It has been my belief that we need a coordinated system of safe, affordable, and accessible child care. We, in the Congress, must assume the responsibility of taking the necessary steps to protect our children. Coordination and an accurate assessment of our needs is crucial if we are to move into action.

I have risen to accept this challenge by introducing H.R. 95, the Child and Family Development Act. My bill directs the Secretary of Health and Human Services to evaluate the Nation's child care needs, and to develop a comprehensive program to address that need. It also provides additional Federal funds to develop new child care facilities and to renovate existing ones. Lastly, it would establish training programs for child care personnel, provide technical assistance to States to enable them to upgrade their licensing requirements and coordinate State day care activities.

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The facts clearly show that children and families have a tremendous need for decent and affordable day care. I thank my colleagues for joining me today and I encourage all Members to cosponsor H.R. 95, a comprehensive approach to the needs of children and families.

Among those colleagues that I wish to thank are Mrs. MORELLA, Mr. DYMALLY, Mr. GRAY, Mr. TOWNS, Mrs. BOGGS, Mrs. KENNELLY, Ms. OAKAR, Mr. MFUME, Mr. DIXON, Mr. RANGEL, and Mrs. SCHROEDER for joining me today.

Mrs. MORELLA. Mr. Speaker, I would first like to thank the gentlelady from Illinois for scheduling this special order on child care. I believe the need for affordable and accessible day care is one of the key issues of this decade.

As two-wage-earner families and single heads of households make up a greater and greater percentage of the work force, the demand for day care services will continue to expand. As a Representative from Montgomery County, MD, I represent a district in which 61 percent of the work force are women. It is estimated that out of 78,000 children under 10, there are 43,000 who have need of day care. Yet, as of August 1986, Montgomery County had only 19,000 registered and licensed child care spaces. Nearly 10,000 additional requests are made each year—one-half of which are for infants.

Clearly, there is a strong need for greatly expanded child care services in my district, and the national statistics indicate a similar need nationwide. The Federal Government should provide incentives for day care providers, as well as assistance to families who cannot afford day care services.

I have been encouraged by the current debate over welfare; almost every proposal has included day care services for participants who are registered in education and training programs. We must acknowledge the need for day care services and its relationship to the large percentage of single women with children on public assistance. This factor must be an integral part of any welfare reform package.

Further positive action has been taken at different levels of government to provide child care centers. Montgomery County has announced plans for the first county owned modular child care center, the Shady Grove Child Care Center, to be opened at the Shady Grove Life Sciences Center in the Rockville/Gaithersburg area in April. This center will serve 40 children, and the county plans to open 4 more centers this year, with a goal of 17 centers over a 5-year period.

At the Federal level in Montgomery County, a child care center is planned as part of the consolidation of the National Oceanic and Atmospheric Administration in Silver Spring. Child care services should be encouraged at the Federal, State, and local government levels.

As a new member of the executive board of the congressional caucus on women's issues, I am pleased to be involved in the planning for the Economic Equity Act, which will be introduced in the next month. This package of bills to improve economic equity for women will include several day care proposals, and I am hopeful that day care legislation will be a congressional priority during the 100th Congress. I look forward to working with the gentlelady from Illinois and the other Members speaking here today.

Mr. EDWARDS of California. It is time for the Federal Government to enter the modern world and realize that the 1950's are gone. The nuclear family is no longer the norm of the American family.

Look around you. Today most families are composed of two-income families, and one in six American families is headed by a single woman. Women are continuing to enter the labor force at phenomenal rates, and they are doing so because they have to. In today's world it takes two incomes to live the American dream. Two-thirds of the women in the work force are either sole providers or have husbands who earn less than $15,000. There may have been a time when a woman chose not to remain at home with her kids, but today she has no choice.

So what about the children? Speak with the families in your districts and hear what they have to say. They are worried because there are no available slots in the day care centers in their city, and they are worried because they don't know what their kids are doing in the afternoons when school is out and no one is home to watch them. It is a big problem. The children's defense fund estimates that as many as 6 to 7 million children under the age of 13 are probably left to fend for themselves for a large part of their day.

Even if we wanted to we would not be able to return to the days of a single-earner family. The economy is now too dependent upon this larger labor force. We have to reexamine our aged policies and bring them up to date with the 1980's, and child care should be one of the first policies we address.

We cannot even begin to talk about competitiveness when we are not willing to help our own labor force handle all of the stresses and strains modern society has placed on them.

Lately there has also been a lot of talk about workfare, and what we are finding is it is difficult for a single woman to attend to a job and her children.

Only 4 percent of all American families fit the stereotype of the traditional family—wife at home, husband as breadwinner, and a couple of children. They may have no problem with child care, but don't you think it is time to address the needs of the other 96 percent of our Nation's families?

National child care is a policy this country desperately needs. Our children should not be the victims of our changing economy, and we cannot afford to let this happen for the sake of the future of our country. Let's start addressing the needs of our economy by addressing the needs of our families. We need a national child care policy.

Mr. MARTINEZ. Mr. Speaker, it is common knowledge that our Nation's work force and families are undergoing rapid change. Women, particularly working mothers, are entering the labor force at a rate unsurpassed in our history. Nearly 60 percent of married mothers with children under 5 are now working, compared to only 37 percent in 1970. Almost 6 million families with children were maintained by a single mother in 1984. In addition, it is projected that the growth of single parent as well as duo parent households with absent, working parents will continue far into the next decade.

This is a crucial family issue. As more and more families are forced to join the labor market, even in two-parent households, the need for assistance in maintaining the care and health of the child becomes critical. We know that absence from home can create major strains on working parents, their employers, and their children. This is expressed in the work place in absenteeism, high turnover rates, and a loss of morale and motivation. Forward-thinking companies have recognized this, and have instituted child care programs that have been very successful in reversing these negative trends. Unfortunately, relatively few have followed their lead.

Mr. Speaker, a child care program does not have to be elaborate or expensive in order to be cost beneficial. It may take the form of anything from a simple referral or informational exchange system to an actual onsite daycare center. What is important, whatever the company chooses to do, is that the employer recognizes that its employees benefit from responsible corporate policies, which in turn enhances productivity. Employee and employer both benefit. Morale and productivity increases, and the company's public image is also enhanced.

Mr. Speaker, we here in the Congress have a similar opportunity. We can show the American family that we are indeed aware of their evergrowing need for quality child care. We can take the lead and develop child care initiatives that will be a positive investment in those who hold the future of our country in their hands—our children. Mr. Speaker, that is what I intend to do, and I urge all of my colleagues to support our efforts.

Mr. TOWNS. Mr. Speaker, we in the Congressional Black Caucus have designated 1987 as the "Year of the Child." I am delighted to participate with my colleagues in this special order recognizing the importance of child care.

Certainly, we all recognize the vital role which child care plays in our society. Not only does it offer a strong educational foundation for thousands of young children, but it also allows parents the opportunity and option of working outside of the home.

With child care providing such an integral service to our communities, it becomes absolutely essential that we in Congress put forth maximum efffort to ensure that the child care which our Nation's children receive is of the highest quality.

I am proud to lend my support to legislation—the Child and Family Development Act—introduced by my colleague, Representative CARDISS COLLINS, which seeks to address this pressing need. With its passage we will be making a statement which says that the future of our children, their positive growth and development, is one of our highest priorities.

Mr. DYMALLY. Mr. Speaker, this is a country that places a high value on hard work. We expect it of ourselves. And we believe every adult should be gainfully employed. During World War II a substantial number of women worked outside their homes. In the 1940's and 1950's the opportunity for a woman to work outside the home was often just that, an opportunity. It was a choice that could be made. But it was still expected within our society that the male would provide the primary income for the family while the female would be the primary care giver within the home.

Our society has changed. Most adults, men and women, have jobs outside the home. It is no longer an opportunity a woman may choose; it is a necessity for the economic well-being of the family. It costs a lot of money to live comfortably in the United States today. The cost of living requires most men and women to work outside the home.

While we place a high value on hard work, we pay much less attention to the sociological stress that has been created by the necessity of having all adults in a family work outside the home. We have not provided for the young children in any organized way. Perhaps we still hold to the belief that the woman of the house should be finding the time to maintain the role of primary care giver. It is a false belief today. We have a society in which the demands of work force us to seek a number of care givers. We are becoming a society without primary care givers. Perhaps it would be more accurate to think of our society as one in which there are care managers, namely parents, but in which the care of the young is distributed among a variety of care providers.

There is a serious conflict between our outmoded belief in the primary care giver and the reality of our daily work lives. It is a conflict that will adversely alter our society if it is not dealt with intelligently. It will alter society because we will raise cohorts of children who have been inadequately cared for. We know that many who do not receive proper care never learn to give proper care. In the long term our failure to meet the challenge of making quality child care generally available and generally accessible will be the dissolution of the very thing that is the essence of the family: care.

Our Federal Government exists for the benefit of the people. When a national problem arises that has the potential to undermine as fundamental an element of the society as care, the Federal Government bears some responsibility in resolving the problem. Quite properly the Federal Government has resisted pressure to dictate decisions that should be made by the adult member or members of a family. Some would see the laying out of a Federal child care policy as such an unwarranted intrusion. There was a time when it would have been an uwarranted intrusion. But the circumstances of daily life in this country have changed to such an extent that not to establish a national policy in this area is improper. The families of our country need some help. And I think they have spoken clearly in this respect.

Our esteemed colleague CARDISS COLLINS has provided a blueprint by which we might begin to construct a national child care policy. I think that blueprint, H.R. 95, strikes the delicate balance between the rights of the family and the responsibility of the Government. Under the Collins bill, parents retain their decisionmaking role with respect to child care. The role of the Government will be to provide options. Significantly, Congresswoman COLLINS has recognized that the families with the fewest options now are those whose income is just above the cutoff level for Head Start eligibility. These families cannot afford the cost of private day care and cannot meet the requirements to obtain publicly financed day care.

Wisely, Congresswoman COLLINS does not try to lay out the details of the needed policy. Rather, she defines those boundaries within which a national child care policy must be housed. Her bill allows qualified analysts at the Department of Health and Human Services a finite amount of time to assess the details of the problem and to suggest policies which will address those problems. I think the Congresswoman has done the country a great service by showing the way toward solution to a problem that cries out for a solution. Her work deserves a thorough hearing, and it deserves to be passed into law. I commend her for her leadership and pledge my support to this timely legislation.

Mr. DIXON. Mr. Speaker, I commend my colleague, Representative COLLINS, for her dedication to resolving the critical problem of child care. The issue that she speaks to is urgent. Fifty-five million women, more than ever before, are part of the American workforce. Of these, 60 percent have minor children. Half of all mothers return to work within a year of the birth of their child. Perhaps 8 million children under the age of 13 go without supervision at home every working day.

Despite gains made in recent years, child care is still unaffordable or simply unavailable for many. There are about 3,000 child care providers in this country, and 23 million children in need of such care. With the cost of child care ranging from $1,500 to $10,000 per year, many parents simply go without. For single women who head households, the situation is nearly impossible; with a median annual income of $13,660 even the least expensive forms of child care are often out of reach. With so much need still going unmet despite the efforts of parents, State governments, and the private sector, clearly the time has come to focus Federal attention and resources on the problem in a comprehensive, coherent fashion.

Accordingly, I am very pleased to be a cosponsor of the Family and Child Development Act, Representative COLLINS, farsighted bill to increase the access of low- and middle-income parents to quality child care. It would provide an accurate assessment of the child care shortage in this country by requiring the Secretary of Health and Human Services to study child care needs. It would assure that resources are deployed in an efficient manner by requiring the Secretary to coordinate Federal child care policy. It would provide incentives, like low-cost loans and grants, for the construction of new day care centers and the renovation of existing ones. It would enhance the ability of the neediest families to afford child care by targeting benefits according to family size and income. By addressing this range of problems—assessment, coordination, availability and affordability—I believe this bill provides a sound approach to a critical problem.

I encourage my colleagues to likewise lend their support to this piece of legislation. At a time when Congress is devoting great attention to problems of welfare reform and employability, it is incumbent upon us to address all aspects of these issues. A 1982 Census Bureau study concluded that nearly half of nonworking single mothers would work if affordable child care was available. By approaching these issues in a comprehensive and insightful manner, we will address them more effectively. Representative COLLINS' bill is just such an insightful piece of legislation.

GENERAL LEAVE

Mrs. COLLINS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on this particular special order.

The SPEAKER pro tempore (Mr. GONZALEZ). Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

THE REPRESSION OF CASTRO'S CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. SHUMWAY] is recognized for 60 minutes.

Mr. SHUMWAY. Mr. Speaker, less than 90 miles from the coast of Florida lies one of the world's most brutal regimes. The Castro brothers came to power promising "individual rights that will be fully practiced in real life" and "a representative government based on the genuine expression of the general will." For nearly three decades the Cuban people have endured a very different reality.

In the words of Armando Valladares, a Cuban poet who spent 22 years in Castro's prisons,

> Someday, when the whole truth is known in detail, mankind will feel the revulsion it felt when the crimes of Stalin were brought to light.

Every aspect of life in Cuba is strictly controlled by the Communist Party and monitored by block committees known as Committees for the Defense of the Revolution. These committees report any unusual activities such as unauthorized meetings with foreigners or reception of foreign radio broadcasts. Cubans have reportedly been fined for criticizing Castro in their homes. While many churches have been closed, the ones that remain open are closely monitored by the block committees. Persons who maintain religious beliefs are denied educational and employment opportunities.

The overwhelming repression was described by a young novelist who was persecuted for "ideological diversion."

> It would be almost naive to analyze the repression only in terms of the people the system has decided to sentence to prison or shoot. More subtle, more sinister, more immoral, more impossible to verify and more terrible, is the repression of silence, of compulsion, of threats, of daily extortions, the unceasing official menace, the fear unleashed through the perfect mechanisms that make of man not only a repressed person, but also a self-repressed one, not only a censored person, but a self-censored one, not only one watched over, but one who watches over himself, since he knows * * * that the censorship, the vigilance, the repression, are not simple psychological manias or fantasies of persecution, but rather sinister apparatuses, ready to silently strike us without the free world * * * even managing to know for certain what happened to us.

The Cuban Government maintains a vast network of prisons and concentration camps to enforce the dictates of the Communist Party through arbitrary arrests, torture, and secret executions. Cuba has the highest number of political prisoners, per capita, in the world. Persons are often arrested without warrants, held incommunicado for long periods of time without judicial hearings and without notification of their families.

Since 1977, as a result of legislation passed by the Congress, the State Department has prepared an annual report on human rights practices in countries around the world. In summarizing the situation in Cuba, the 1986 report states that:

> Repression of basic rights today is so pervasive that Cuba holds the dubious distinction of being the Western Hemisphere's most serious violator of human rights and fundamental freedoms.

I would like to share with you some of the highlights of this report which is a sad tribute to the inhumanities of the Cuban Government.

RESPECT FOR THE INTEGRITY OF THE PERSON

The first section of this report focuses on respect for the integrity of the person. It discusses political killing, disappearance, torture, arbitrary arrest, denial of a fair public trial, and arbitrary interference with privacy and the family.

POLITICAL KILLING

Since the Castro regime came to power in 1959, it has frequently resorted to summary execution of its opponents. In 1986, secret executions remained an instrument of policy with the victims being denied any semblance of due process in terms of a trial with minimum guarantees of fairness and justice.

In 1983, 200 farmers refused to sell their crops to the Government below cost. The farmers who protested by burning some of their crops in front of a Government warehouse were arrested. Eleven were executed.

Last August, Antonio Frias Sosa, a 17-year-old student reportedly working with the Cuban Committee on Human Rights, was arrested for having a copy of the Universal Declaration of Human Rights. According to police, he committed suicide a few hours after his arrest.

At the end of 1986, nine persons imprisoned in Combinado del Este prison for religious activities were reportedly awaiting execution.

Disappearance

While there are no clear reports of disappearances, persons arrested for political offenses are often held incommunicado for long periods of time without notification of their families. In fact, friends and relatives risk retribution for merely inquiring about their fate.

Torture

Long-term prisoners released in 1986 confirmed previous reports of the inhuman conditions in Cuban jails, including: torture by prison medical staff and others; beatings by prison officials; inadequate diet; withholding medical care, fresh air, and exercise; denying family visits and mail for years; solitary confinement; physical injury caused by electronic noise machines; and medical experiments on unsuspecting prisoners.

In his book, "Against All Hope," Armando Valladares gives a detailed account based on 22 years of personal experience of the particularly brutal treatment which is reserved for the plantodas, which means steadfast or rooted. This term, which has become a badge of honor in Cuba, refers to those political prisoners who refuse to wear the uniform of the common criminal or to submit to political rehabilitation. Some of the plantados have spent years in solitary confinement and been subjected to the most degrading torture and inhumane treatment.

Arbitrary arrest, detention, or exile

Under article 61 of the Cuban Constitution, the state security forces can secretly arrest without a warrant any person considered to be harmful to the "decision of the Cuban people to build socialism and communism." These persons can be held incommunicado for long periods of time without judicial hearings. Even if a hearing is held, they are not always allowed to have the assistance of a lawyer. Persons arrested for practicing certain religious or criticizing the Government can be charged with counterrevolutionary activities. There is no bail for those who are charged with state security crimes.

Political prisoners are routinely held beyond the term of their lengthy sentence without any new charges or judicial process. Their freedom depends on a personal decision of Fidel Castro who often waits to release them to obtain favor with visiting foreigners. Pastor Macuran Gonzalez was released in 1986 after serving 28 years in prison, though he was sentenced to only 10 years.

Even when they are released, former political prisoners are often subject to constant surveillance and official harassment, including the denial of ration cards, identification documents, and employment. When Ricardo Bofill Pages, president of the Cuban Committee for Human Rights, was released from his second prison term in 1985 he was placed under virtual house arrest, denied the means of earning a living, and denied permission to join his wife and son in the United States.

Denial of fair public trial

In Cuba there is no right to habeas corpus or a judicial determination of the legality of detention. In civil cases the Government exercises effective control over the five-person panel which decides these cases through the presence of two workers' representatives who ensure that the interests of the revolution are protected. Persons charged with counterrevolutionary crimes are often tried and sentenced by secret military tribunals.

Defendants are entitled to legal representation, at least in theory. However, lawyers who are too energetic in the defense of political defendants may find themselves facing lengthy prison terms. In 1983, the Government sought the death penalty for five workers who talked to their colleagues about the need for an independent union. When the first judge sentenced them to imprisonment, Castro demanded a second trial which resulted in death sentences. The first judge and four of the defense lawyers were imprisoned and sentenced to death. Three other lawyers involved in the case received 30-year sentences. As a result of international outcry, all of the death sentences were commuted to lengthy prison terms.

In the words of Dr. Bofill, who was imprisoned for his activities as president of the Cuban Committee for Human Rights:

> Over the past 25 years there have been massive and systematic executions after illegal trials presided over by special tribunals that provide no legal guarantees. * * * The country has been under a virtual state of Martial Law since 1959; Anyone can be arrested without a legal trial or hearing, accused of * * * any * * * charge fabricated by the Cuban Security Police, without evidence of any kind, or solely on the basis of known "confessions" obtained by violent means, and then condemned to death by firing squad.

Arbitrary interference with privacy and family

As I mentioned earlier, block committees are expected to report any unusual activities, including conspicuous consumption or criticism of the Government. There is no privacy in Cuba where homes are routinely searched without a warrant, telephones are tapped and mail is opened.

There is a conscious effort to drive a wedge between parents and their children who are taught that the state's interests have priority over family ties. Children are required to volunteer 75 days a year in remote work camps. Children, even as young as 11 years old, are subjected to prison-like discipline and harsh conditions of forced labor, often working as much as 16 hours a day, 6 days a week. The Government takes advantage of this opportunity to engage in intensive party indoctrination.

RESPECT FOR CIVIL LIBERTIES

The report then turns to civil liberties, including freedom of speech and press, freedom of association, freedom of religion, and freedom of movement.

Freedom of speech and press

It should come as no surprise that a Communist regime such as Cuba controls the media which can only publish or broadcast the party line. The Government jams all foreign radio and television broadcasts, including Voice of America's Cuba Service known as Radio Marti.

Freedom of association

Which membership in the Communist Party is a prerequisite to higher education and many job opportunities, the right of association does not extend beyond the Government-sponsored associations. The Government controls all associations and meetings are monitored by the block committees.

Cuba's repression of freedom of association is clearly demonstrated in the reported arrest, disappearance or death of all of the members of the Committee for Human Rights in Cuba, with the exception of its president Dr. Ricardo Bofill Pages who sought refuge in the French Embassy in Havana where he remains today.

Freedom of religion

Many churches have been closed and some desecrated. Those that remain open are monitored by the block committees. Persons who practice their religion in Cuba are subject to various forms of discrimination, including denial of educational and employment opportunities. Parents who share their religious beliefs with their children can be arrested for the crime of ideological deviationism.

It is illegal to celebrate Christmas, and Holy Week has been replaced by a celebration of the failure of the Bay of Pigs invasion. The Government refuses to recognize the Jehovah's Witnesses Church or to respect the beliefs of the Seventh Day Adventists who object to compulsory work on Saturday. The Jewish community is without a permanent rabbi. The overwhelming discrimination against all religions is reflected in the fact that most persons who practice a religious faith are over 50 years of age.

Freedom of movement

The State Department estimates that there are probably several thousand Cubans in prison for attempting to leave the country, which is a political crime in Cuba. Persons who ask to emigrate risk losing their jobs, homes, and ration books. Their children may be refused further education. Those who are granted permission to leave are often required to pay exorbitant fees for travel documents and thousands of dollars to reimburse the Government for eductional expenses.

The inhumanities of the Castro regime are no secret. It has driven 15 percent of the Cuban population into exile, with 1 million persons seeking refuge in the United States. Yet the international community has been silent. In the words of our U.N. Ambassador Vernan Walters: "For nearly 3 decades, this regime has abused the Cuban people with impunity without even a cursory investigation by the United Nations." It is this silence which allows the atrocities to continue.

Next week the U.N. Human Rights Commission will have an opportunity to vote on a resolution introduced by the United States which calls for an investigation of human rights in Cuba. I am pleased to join with over 40 of my colleagues in introducing a resolution which condemns Castro's tragic record and calls upon the United Nations to place Cuba among the highest priorities of its human rights agenda. I hope you will join me in breaking the silence and sending a message of hope to 15,000 political prisoners who languish in Cuban prisons.

Mr. BADHAM. Mr. Speaker, nowhere in the Western Hemisphere is there a more cruel, repressive and systematic abuser of human rights than in Cuba. Basic rights and freedoms which we in America take for granted—freedom of speech, freedom of religion, and freedom of movement—are denied to the Cuban people. Short-term detention or indefinite incarceration in the notorious prisons and concentration camps of Cuba await those who courageously risk both their own and their families lives to fight for individual freedoms.

These brave Cubans are subject to untold hardships while under detention. Forced labor is common in the Cuban prison system. In fact, a senior official in the Cuban prison system once stated, "prisoners are a primary workforce." In addition, the prisons are also the home for many Cuban children, whose formative years are a mixture of backbreaking labor, poor food, inadequate medical attention, and widespread sexual abuse by common criminals. Systematic torture is still rampant in Cuban camps, and many recently released prisoners have testified that torture practices closely resemble those of Nazi concentration camps.

The plight of Cuba's approximately 15,000 political prisoners is particularly repugnant. In his book, Against All Hope, Armando Valladares chronicles his 22 years in this horrific environment. Political prisoners who refuse indoctrination and brainwashing under the guise of political rehabilitation are often kept naked in sealed cells and are refused medical care, even after prolonged beatings and other tortures. The hopelessness of this situation for the prisoners is exacerbated by knowledge that he or she may be subject to summary execution at any time. Worse yet, the living hell endured by these valiant people is usually indefinite in length, and, in truth, can only be ended by a personal decision by Castro. The fitting choice of a title for Mr. Valledares book is clear when these deplorable conditions are examined.

We cannot, and must not let these atrocities go unnoticed. More important, we cannot, and indeed, must not let these noble aspirations, sacrifices, and sufferings for the cause of freedom be forgotten. As Thomas Paine once said, "He that would make his own liberty secure must guard even his enemy from oppression; for if he violates this duty, he establishes a principle that will reach himself." I urge you to join with Congressman SHUMWAY and me and fulfull our responsibility to make these egregious violations of freedom and liberty known.

Mr. HUNTER. Mr. Speaker, I would like to commend my good friend from California, Mr. SHUMWAY, for the introduction of this most important concurrent resolution. It is tragic that the promises of freedom made to the Cuban people in 1959 were pushed aside in favor of a severely repressive, Communist state.

In its early years, the Cuban revolution had an eager audience in this country and elsewhere in the West. Intellectuals viewed it as a model for the future of Latin America. It is interesting to see how few would make such a recommendation today.

Castro chose communism as the solution to Cuba's economic woes. Cuba, which was one of the wealthiest and best-fed nations in Latin America, found itself dependent on Moscow to keep itself afloat.

Religion has been all but extinguished by the Cuban regime. The Catholic Church, the chosen faith of a large majority of Cubans before 1959, finds itself with fewer priests and smaller congregations. Cubans know that regular attendance at mass could cost them their jobs, social status, or their children's future.

Cuba's Jewish community, once one of the most vibrant in the hemisphere, has been bludgeoned into exile and silence. The number of Jews in Cuba has dwindled, as many have fled to other countries where they can worship in peace. Special attention has been given to smaller sects and Protestant groups. In short, Castro has followed the Moscow line, by keeping religious life in Cuba at an absolute minimum.

There are no political freedoms in Castro's Cuba. Cuba is unquestionably a dictatorship, with no checks and no balances. A brutal secret police insures conformity and order. For those who dare to challenge the status quo, Castro has built his people prisons. Armando Valladares has written eloquently of his tragic imprisonment in Castro's gulags. Against all international standards, political prisoners are detained in deplorable conditions, with torture being an accepted policy.

Mr. Speaker, our country has been immeasurably enriched by the hundreds of thousands of Cubans who have fled their homeland and become Americans. Many of them, however, have friends and relatives left behind. We share their yearning for a Cuba which is free.

Until that day, we must use all leverage to insure that Cuba's Government respects the rights and human dignity of Cuba's people. The resolution introduced by Mr. SHUMWAY is an important step in this direction. I commend him and urge my colleagues to support this measure.

SUBMISSION OF RULES OF THE COMMITTEE ON SMALL BUSINESS OF THE HOUSE OF REPRESENTATIVES FOR THE 100TH CONGRESS

(Mr. LAFALCE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LAFALCE. Mr. Speaker, as chairman of the Committee on Small Business, pursuant to rule XI of the Rules of the U.S. House of Representatives, I submit the Rules of the Committee on Small Business for printing in the CONGRESSIONAL RECORD. The rules were approved in committee last week.

RULES OF PROCEDURE OF THE COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, 100TH CONGRESS

1. GENERAL PROVISIONS

The Rules of the House, and in particular the committee rules enumerated in clause 2 of rule XI, are the rules of the Committee on Small Business to the extent applicable and by this reference are incorporated, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees. Each subcommittee of the Committee on Small Business (hereinafter referred to as the "committee") is a part of the committee and is subject to the authority and direction of the committee, and to its rules to the extent applicable.

2. REFERRAL OF BILLS BY CHAIRMAN

Unless retained for consideration by the full committee, all legislation and other matters referred to the committee shall be referred by the chairman to the subcommittee of appropriate jurisdiction within 2 weeks. Where the subject matter of the referral involves the jurisdiction of more than one subcommittee or does not fall within any previously assigned jurisdictions, the chairman shall refer the matter as he may deem advisable. Bills, resolutions, and other matters referred to subcommittees may be reassigned by the chairman when, in his judgment, the subcommittee is not able to complete its work or cannot reach agreement thereon.

3. DATE OF MEETING

The regular meeting date of the Committee on Small Business shall be the first Tuesday of every month when the House is in session. Additional meetings may be called by the chairman as he may deem necessary or at the request of a majority of the members of the committee in accordance with clause 2(c) of rule XI of the House of Representatives.

At least three days notice of such additional meetings shall be given unless the chairman determines that there is good cause to call the meeting on less notice.

The determination of the business to be considered at each meeting shall be made by the chairman subject to clause 2(c) of rule XI of the House of Representatives.

A regularly scheduled meeting need not be held if there is no business to be considered or, upon at least three days notice, it may be set for a different date.

4. ANNOUNCEMENT OF HEARINGS

Unless the chairman, or the committee by majority vote, determines that there is good cause to begin a hearing at an earlier date, public announcement shall be made of the date, place, and subject matter of any hearing to be conducted by the committee at least one week before the commencement of that hearing.

5. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(A) Meetings

Each meeting for the transaction of business, including the markup of legislation, of the committee or its subcommittees, shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee, and such congressional staff and such departmental representatives as they may authorize, shall be present in any business or markup session which has been closed to the public.

This provision does not apply to any meeting that relates solely to internal budget or personnel matters.

(B) Hearings

Each hearing conducted by the committee or its subcommittees shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives: *Provided, however,* That the committee or subcommittee may by the same procedure vote to close one subsequent day of hearings.

No member may be excluded from nonparticipatory attendance at any hearing of the committee or subcommittee, unless the House of Representatives shall by majority vote authorize the committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to members by the same procedures designated for closing hearings to the public.

6. WITNESSES

(A) Interrogation of witness

The right to interrogate witnesses before the committee of any of its subcommittees shall alternate between the majority members and the minority members. In recognizing members to question witnesses, the chairman may take into consideration the ratio of majority and minority party members present and may recognize two majority party members for each minority party member recognized. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member of the committee who so desires has had an opportunity to question the witness.

(B) Statement of witnesses

Each witness shall file with the committee, 48 hours in advance of his appearance, 100 copies of his proposed testimony and shall make a brief oral summary of his views.

7. SUBPENAS

A subpena may be authorized and issued by the chairman of the committee in the conduct of any investigation or series of investigations or activities to require the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents as he deems necessary. The ranking minority member shall be promptly notified of the issuance of such a subpena.

Such a subpena may be authorized and issued by the chairman of a subcommittee with the approval of a majority of the members of the subcommittee and the approval of the chairman of the committee or a majority of the members of the committee.

8. QUORUM

No measure or recommendations shall be reported unless a majority of the committee is actually present; for purposes of taking testimony or receiving evidence, two members shall constitute a quorum; and for all other purposes one-third of the members shall constitute a quorum.

9. AMENDMENTS DURING COMMITTEE MARKUP

Any amendment offered to any pending legislation before the committee must be made available in written form when requested by any member of the committee. If such amendment is not available in written form when requested, the chairman shall allow an appropriate period of time for the provision thereof.

10. PROXIES

A vote by any member of the committee or any of its subcommittees by proxy is permitted, provided that such proxy shall be in writing, and delivered to the clerk of the committee, shall assert that the member so voting by proxy is absent on official business or is otherwise unable to be present at the meeting of the committee or its subcommittee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn, or other procedural matters. Each proxy shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

11. NUMBER AND JURISDICTION OF SUBCOMMITTEES

There will be six subcommittees as follows:

SBA, and the General Economy (nine Democrats and six Republicans).

Exports, Tourism and Special Problems (six Democrats and four Republicans).

Procurement, Innovation and Minority Enterprise Development (nine Democrats and six Republicans).

Energy and Agriculture (five Democrats and three Republicans).

Regulation and Business Opportunities (nine Democrats and six Republicans).

Antitrust, Impact of Deregulation and Privatization (five Democrats and three Republicans).

During the 100th Congress, the chairman and ranking minority member shall be ex officio members of all subcommittees, without vote, and the full committee shall conduct oversight of all areas of the Committee's jurisdiction.

In addition to conducting oversight in the area of their respective jurisdiction, each subcommittee shall have the following jurisdiction:

SBA, and the General Economy

Access to capital.

General economic problems.

Impact of tax policies.

Job creation.

SBA and SBIC authorizations.

Exports, Tourism and Special Problems

Export opportunities.

Foreign business practices.

Travel and tourism.

Regulatory Flexibility Act and Paperwork Reduction Act.

Special problems not elsewhere assigned.

Procurement, Innovation and Minority Enterprise Development

Participation of small business enterprises in Federal procurement and Government contracts.

Programs to promote minority enterprise development.

Promotion of women-owned business.

Research and development generally.

Small Business Innovation Development Act.

Energy and Agriculture

Agriculture generally.

Energy allocations, marketing, etc.

Rural development.

Regulation and Business Opportunities

Responsibility for, and investigative authority over, the regulatory policies of Federal departments and agencies.

General promotion of business opportunities.

Antitrust, Impact of Deregulation and Privatization

Anticompetitive and unfair activities affecting small business.

Antitrust and monopolies.

Impact of deregulation of common carriers and other industries.

Proposals to privatize Federal assistance.

Securities, acquisitions and mergers.

12. POWERS AND DUTIES OF SUBCOMMITTEES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full committee on all matters referred to it. Subcommittee chairman shall set meeting dates after consultation with the chairman of the full committee and other subcommittee chairmen, with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible. Meetings of subcommittees shall not be scheduled to occur simultaneously with meetings of the full committee.

13. SUBCOMMITTEE REPORTS ON INVESTIGATIVE HEARINGS

The report of any subcommittee on a matter which was the topic of a study or investigation shall include a statement concerning the subject of the study or investigation, the findings and conclusions, and recommendations for corrective action, if any, together with such other material as the subcommittee deems appropriate.

Such proposed report shall first be approved by a majority of the subcommittee members. After such approval has been secured, the proposed report shall be sent to each member of the full committee for his supplemental, minority or additional views.

Any such views shall be in writing and signed by the member and filed with the clerk of the committee within 5 calendar days (excluding Saturdays, Sundays, and legal holidays) from the date of the transmittal of the proposed report to the members.

After the expiration of such 5 calendar days, the report may be filed as a House report.

14. COMMITTEE STAFF

The staff of the Committee on Small Business shall be as follows:

(A) The professional and clerical employees of the committee, except those assigned to the minority or to a subcommittee chairman or ranking minority members as provided below, shall be appointed and assigned, and may be removed, by the chairman. Their remuneration shall be fixed by the chairman and they shall be under the general supervision and direction of the chairman.

(B) The professional and clerical staff assigned to the minority shall be appointed and their remuneration determined as the minority members of the committee shall determine; *Provided, however,* That no minority staff person shall be compensated at a rate which exceeds that paid his or her majority staff counterpart. Such staff shall be under the general supervision and direction of the minority members of the committee who may delegate such authority as they deem appropriate.

(C) Each subcommittee chairperson and each ranking minority member on not more than six subcommittees shall have the right to appoint and assign one person to work on subcommittee business at a salary commensurate with the responsibilities prescribed but at a rate not to exceed 75 percent of the maximum established rate for the employees on the professional staff of the committee. Such staff members shall perform services in facilities assigned to the committee and to the extent that they are not occupied during regular working hours with tasks assigned by the subcommittee chairperson or ranking minority member who appointed them, they shall perform other tasks as assigned by the chairman or the staff director.

15. RECORDS

The committee shall keep a complete record of all actions which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each subcommittee rollcall vote, together with a description of the matter voted upon, shall be promptly made available to the full committee and such votes shall be available for inspection by the public at reasonable times in the offices of the committee.

16. ACCESS TO CLASSIFIED OR SENSITIVE INFORMATION

Access to classified information supplied to the committee and attendance at closed sessions of the committee or its subcommittees shall be limited to members, and to members of the committee staff and stenographic reporters who have appropriate security clearance when the chairman determines that such access or such attendance is essential to the functioning of the committee.

The procedure to be followed in granting access to those hearings, records, data, charts, and files of the committee which involve classified intelligence information or information deemed by a subcommittee to be sensitive shall be as follows:

(a) Only Members of the House of Representatives may have access to such information.

(b) Members who desire to read materials that are in the possession of the committee should notify the clerk of the committee or the subcommittee possessing the materials.

(c) The clerk will maintain an accurate access log which identifies without revealing the material examined, the staff member involved, and the time of arrival and departure of all members having access to the information.

(d) If the material desired is material which the committee or subcommittee deems to be sensitive enough to require special handling, before receiving access to such information, Members of the House will be required to identify the information they desire to read and sign an access information sheet acknowledging such access and that the Member has read these procedures.

(e) Such material shall not be removed from the room.

(f) A staff representative shall insure that the documents used by the Member are returned to the proper custodian or to original safekeeping as appropriate.

(g) No notes, reproductions or recordings may be made of any portion of such information.

(h) The contents of such information shall not be divulged to any person in any way, form, shape, or manner and shall not be discussed with any person who has not received the information in an authorized manner either under these rules or the laws or rules in effect for officials and employees of the executive branch.

(i) When not being examined in the manner described herein, such information will be kept in secure safes in the committee rooms.

(j) These procedures only address access to information the committee or a subcommittee deems to be sensitive enough to require special treatment.

(k) If a Member believes the material should not be classified or considered restricted as to dissemination or use, the Member may ask the committee or subcommittee to so rule; however, as far as material and information in the custody of the Small Business Committee is concerned, the classification of materials as determined by the executive branch shall prevail unless affirmatively changed by the committee or the subcommittee involved, after consultation with the appropriate executive agencies.

(l) Other materials in the possession of the committee are to be handled in accordance with the normal practices and traditions of the committee and its subcommittees.

17. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Upon approval by the committee or its subcommittees, all committee and subcommittee hearings which are open to the public may be covered, in whole or in part, by television broadcast, radio broadcast, and still photography or by any such methods of coverage.

The chairman of the full committee or the chairmen of the subcommittees are authorized to determine on behalf of the full committee or its subcommittees, respectively, whether hearings which are open may be broadcast, unless the committtee or its subcommittees respectively by majority vote determine otherwise.

Permission for such coverage shall be granted only under the following conditions:

(1) Live coverage by radio or television shall be without commercial sponsorship.

(2) No witness served with a subpena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off.

(3) Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras to be permitted in the room. The allocation among the television media of the positions of television cameras permited by a committee or subcommittee chairman in the room shall be in accordance with fair and equitable procedures as devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Television and radio media equipment shall not be installed in, or removed from, the room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used, except that the television media may install additional lighting in the room, without cost to the Government, in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage at the then current state of the art.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage by the other media.

(11) Television and radio media personnel shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Still photography personnel shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

18. OTHER PROCEDURES AND REGULATIONS

The chairman of the full committee may establish such other procedures and take such actions as may be necessary to carry out the foregoing rules or to facilitate the effective operation of the committee.

The committee may not be committed to any expense whatever without the prior approval of the chairman of the full committee.

19. AMENDMENTS TO COMMITTEE RULES

The rules of the committee may be modified, amended, or repealed by a majority vote of its members, but only if written notice of the proposed change has been provided to each such member at least 48 hours before the time of the meeting at which the vote on the change occurs.

Excerpt From the Rules of the House of Representatives, 100th Congress

Prepared by Donald K. Anderson, Clerk of the House of Representatives

Rule XI

RULES OF PROCEDURE FOR COMMITTEES

In General

1. (a)(1) The Rules of the House are the rules of its committees and subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are nondebatable motions of high privilege in committees and subcommittees.

(2) Each subcommittee of a committee is a part of that committee, and is subject to the authority and direction of that committee and to its rules so far as applicable.

(b) Each committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X, and (subject to the adoption of expense resolutions as required by clause 5) to incur expenses (including travel expenses) in connection therewith.

(c) Each committee is authorized to have printed and bound testimony and other data presented at hearings held by the committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of a committee shall be paid from the contingent fund of the House.

(d) Each committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of that committee under this rule and Rule X during the Congress ending at noon on January 3 of such year.

Committee Rules

Adoption of written rules

2. (a) Each standing committee of the House shall adopt written rules governing its procedure. Such rules—

(1) shall be adopted in a meeting which is open to the public unless the committee, in open session and with a quorum present, determined by rollcall vote that all or part of the meeting on that day is to be closed to the public:

(2) shall be not inconsistent with the Rules of the House or with those provisions of law having the force and effect of Rules of the House: and

(3) shall in any event incorporate all of the succeeding provisions of this clause to the extent applicable.

Each committee's rule specifying its regular meeting days, and any other rules of a committee which are in addition to the provisions of this clause, shall be published in the Congressional Record not later than thirty days after the Congress convenes in each odd-numbered year. Each select or joint committee shall comply with the provisions of this paragraph unless specifically prohibited by law.

Regular meeting days

(b) Each standing committee of the House shall adopt regular meeting days, which shall be not less frequent than monthly, for the conduct of its business. Each such committee shall meet, for the consideration of any bill or resolution pending before the committee or for the transaction of other committee business, on all regular meeting days fixed by the committee, unless otherwise provided by written rule adopted by the committee.

Additional and special meetings

(c)(1) The Chairman of each standing committee may call and convene, as he or she considers necessary, additional meetings of the committee for the consideration of any bill or resolution pending before the committee or for the conduct of other committee business. The committee shall meet for such purpose pursuant to that call of the chairman.

(2) If at least three members of any standing committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of, and the measure or matter, to be considered at, that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour and the measure or matter to be considered: and only the measure or matter specified in that notice may be considered at that special meeting.

Ranking majority member to preside in absence of chairman

(d) If the chairman of any standing committee is not present at any meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

Committee records

(e)(1) Each committee shall keep a complete record of all committee action which shall include a record of the votes on any question on which a rollcall vote is demanded. The result of each such rollcall vote shall be made available by the committee for inspection by the public at reasonable times in the offices of the committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each Member voting for and each Member voting against such amendment, motion, order, or proposition, and whether by proxy or in person, and the names of those Members present but not voting.

(2) All committee hearings, records data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the House and all Members of the House shall have access thereto, except that in the case of records in the Committee on Standards of Official Conduct respecting the conduct of any Member officer, or employee of the House, no Member of the House (other than a member of such committee) shall have access thereto without the specific, prior approval of the committee.

Proxies

(f) No vote by any member of any committee or subcommittee with respect to any measure or matter may be cast by proxy unless such committee, by written rule adopted by the committee, permits voting by proxy and requires that the proxy authorization shall be in writing, shall assert that the member is absent on official business or is otherwise unable to be present at the meeting of the committee, shall designate the person who is to execute the proxy authorization, and shall be limited to a specific measure or matter and any amendments or motions pertaining thereto; except that a member may authorize a general proxy only for motions to recess, adjourn or other procedural matters. Each proxy to be effective shall be signed by the member assigning his or her vote and shall contain the date and time of day that the proxy is signed. Proxies may not be counted for a quorum.

Open meetings and hearings

(g)(1) Each meeting for the transaction of business, including the markup of legislation, of each standing committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of the meeting on that day shall be closed to the public: *Provided, however,* That no person other than members of the committee and such congressional staff and such departmental representatives as they may authorize shall be present at any business or markup session which has been closed to the public. This paragraph does not apply to open committee hearings which are provided for by clause 4(a)(1) of Rule X or by subparagraph (2) of this paragraph, or to any meeting that relates solely to internal budget or personnel matters.

(2) Each hearing conducted by each committee or subcommittee thereof shall be open to the public except when the committee or subcommittee, in open session and with a majority present, determines by rollcall vote that all or part of the remainder of that hearing on that day shall be closed to the public because disclosure of testimony, evidence, or other matters to be considered would endanger the national security or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony.

(A) may vote to close the hearing for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security or violate clause 2(k)(5) of Rule XI; or

(B) may vote to close the hearing, as provided in clause 2(k)(5) of Rule XI. No Member may be excluded from nonparticipatory attendance at any hearing of any committee or subcommittee, with the exception of the Committee on Standards of Official Conduct, unless the House of Representatives shall be majority vote authorize a particular committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members by the same procedures designated in this subparagraph for closing hearings to the public: *Provided, however,* That the committee or subcommittee may be the same procedure vote to close one subsequent day of hearing except that the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence and the subcommittees therein may, by the same procedure, vote to close up to five additional consecutive days of hearings.

(3) Each committee of the House (except the Committee on Rules) shall make public announcement of the date, place and subject matter of any committee hearing at least one week before the commencement of the hearing. If the committee determines that there is good cause to begin the hearing sooner, it shall make the announcement at the earliest possible date. Any announcement made under this subparagraph shall be promptly published in the Daily Digest and promptly entered into the committee scheduling service of the House Information Systems.

(4) Each committee shall, insofar as is practicable, require each witness who is to appear before it to file with the committee (in advance of his or her appearance) a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

(5) No point of order shall lie with respect to any measure reported by any committee on the ground that hearings on such measure were not conducted in accordance with the provisions of this clause; except that a point of order on that ground may be made by any member of the committee which reported the measure if, in the committee, such point of order was (A) timely made and (B) improperly overruled or not properly considered.

(6) The preceding provisions of this paragraph do not apply to the committee hearings which are provided for by clause 4(a)(1) of Rule X.

Quorum for taking testimony and certain other action

(h)(1) Each committee may fix the number of its members to constitute a quorum for taking testimony and receiving evidence which shall be not less than two.

(2) Each committee (except the Committee on Appropriations, the Committee on the Budget, and the Committee on Ways and Means) may fix the number of its members to constitute a quorum for taking any action other than the reporting of a measure or recommendations which shall be not less than one-third of the members.

Prohibition against committee meetings during five-minute rule

(i) No committee of the House (except the Committee on Appropriations, the Committee on the Budget, the Committee on Rules, the Committee on Standards of Official Conduct, and the Committee on Ways and Means) may sit, without, special leave, while the House is reading a measure for amendment under the five-minute rule. For purposes of this paragraph special leave will be granted unless 10 or more Members object.

Calling and interrogation of witnesses

(j)(1) Whenever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before the completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(2) Each committee shall apply the five-minute rule in the interrogation of witnesses in any hearing until such time as each member of the committee who so desires has had an opportunity to question each witness.

Investigative hearing procedures

(k)(1) The chairman at an investigative hearing shall announce in an opening statement the subject of the investigation.

(2) A copy of the committee rules and this clause shall be made available to each witness.

(3) Witnesses at investigative hearings may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights.

(4) The chairman may punish breaches of order and decorum, and of professional ethics on the part of counsel, by censure and exclusion from the hearings; and the committee may cite the offender to the House for contempt.

(5) Whenever it is asserted that the evidence or testimony at an investigatory hearing may tend to defame, degrade, or incriminate any person,

(A) such testimony or evidence shall be presented in executive session, notwithstanding the provisions of clause 2(g)(2) of this Rule, if by a majority of those present, there being in attendance the requisite number required under the rules of the committee to be present for the purpose of taking testimony, the committee determines that such evidence or testimony may tend to defame, degrade, or incriminate any person; and

(B) the committee shall proceed to receive such testimony in open session only if a majority of the members of the committee, a majority being present, determine that such evidence or testimony will not tend to defame, degrade, or incriminate any person.

In either case the committee shall afford such person an opportunity voluntarily to appear as a witness, and receive and dispose of requests from such person to subpoena additional witnesses.

(6) Except as provided in subparagraph (5), the chairman shall receive and the committe shall dispose of requests to subpoena additional witnesses.

(7) No evidence or testimony taken in executive session may be released or used in public sessions without the consent of the committee.

(8) In the discretion of the committee, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The committee is the sole judge of the pertinency of testimony and evidence adduced at its hearing.

(9) A witness may obtain a transcript copy of his testimony given at a public session or, if given at an executive session, when authorized by the committee.

Committee procedures for reporting bills and resolutions

(l)(1)(A) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the House any measure approved by the committee and to take or cause to be taken necesary steps to bring a matter to a vote.

(B) In any event, the report of any committee on a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the committee a written request, signed by a majority of the members of the committee, for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subdivision does not apply to the reporting of a regular appropriation bill by the Committee on Appropriations prior to compliance with subdivision (C) and does not apply to a report of the Committee on Rules with respect to the rules, joint rules, or order of business of the House or to the reporting of a resolution of inquiry addressed to the head of an executive department.

(2)(A) No measure or recommendation shall be reported from any committee unless a majority of the committee was actually present.

(B) With respect to each rollcall vote on a motion to report any bill or resolution of a public character, the total number of votes cast for, and the total number of votes cast against, the reporting of such bill or resolution shall be included in the committee report.

(3) The report of any committee on a measure which has been approved by the committee (A) shall include the oversight findings and recommendations required pursuant to clause 2(b)(1) of Rule X separately set out and clearly identified; (B) the statement required by section 308(a)(1) of the Congressional Budget Act of 1974, separately set out and clearly identified, if the measure provides new budget authority (other than continuing appropriations), new spending authority described in section 401(c)(2) of such Act, new credit authority, or an increase or decrease in revenues or tax expenditures; (C) the estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of such Act, separately set out and clearly identified, whenever the Director (if timely submitted prior to the filing of the report) has submitted with such estimate and comparison to the committee; and (D) a summary of the oversight findings and recommendations made by the Committee on Government Operations under clause 4(c)(2) of Rule X separately set out and clearly identified whenever such findings and recommendations have been submitted to the legislative committee in a timely fashion to allow an opportunity to consider such findings and recommendations during the committee's deliberations on the measure.

(4) Each report of a committee on each bill or joint resolution of a public character reported by such committee shall contain a detailed analytical statement as to whether the enactment of such bill or joint resolution into law may have an inflationary impact on prices and costs in the operation of the national economy.

(5) If, at the time of approval of any measure or matter by any committee, other than the Committee on Rules, any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days (excluding Saturdays, Sundays, and legal holidays) in which to file such views, in writing and signed by that member, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(A) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(B) shall bear upon its cover a recital that any such supplemental, minority, or additional views (and any material submitted under subdivisions (C) and (D) of subparagraph (3)) are included as part of the report.

This subparagraph does not preclude—

(i) the immediate filing or printing of a committee print unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(ii) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

(6) A measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business), shall not be considered in the House until the third calendar day (or the tenth calendar day in the case of a concurrent redolution on the budget), excluding Saturdays, Sundays, and legal holidays, on which the report of that committee upon that measure or matter has been available to the Members of the House. Nor shall it be in order to consider any measure or matter reported by any committee (except the Committee on Rules in the case of a resolution making in order the consideration of a bill, resolution, or other order of business, or any other committee in the case of a privileged resolution), unless copies of such report and the reported measure or matter have been available to the Members for at least three calendar days, excluding Saturday, Sundays, and legal holidays during which the House is not in session before the beginning of such consideration: *Provided, however,* That it shall always be in order to call up for consideration, notwithstanding the provisions of clause 4(b), Rule XI, a report from the Committee on Rules specifically providing for the consideration of a reported measure or matter notwithstanding this restriction. If hearings have been held on any such measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the House prior to the consideration of such measure or matter in the House. This subparagraph shall not apply to—

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress; or

(B) any decision, determination, or action by a Government agency which would become or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

For the purposes of the preceding sentence, a Government agency includes any department, agency, establishment, wholly owned Government corporation, or instrumentality of the Federal Government or the government of the District of Columbia.

(7) If, within several calendar days after a measure has, by resolution, been made in order for consideration by the House, no motion has been offered that the House consider that measure, any member of the committee which reported that measure may be recognized in the discretion of the Speaker to offer a motion that the House shall consider that measure, if that committee has duly authorized that member to offer that motion.

Power to sit and act; subpoena power

(m)(1) For the purpose of carrying out any of its functions and duties under this rule and Rule X (including any matters referrred to it under clause 5 of Rule X), any committee, or any subcommittee thereof, is authorized (subject to subparagraph (2)(A) of this paragraph)—

(A) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold such hearings, and

(B) to require, by subpoena—or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents.

as it deems necessary. The chairman of the committee, or any member designated by such chairman, may administer oaths to any witness.

(2)(A) A subpoena may be authorized and issued by a committee or subcommittee under subparagraph (1)(B) in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. The power to authorize and issue subpoenas under subparagraph (1)(B) may be delegated to the chairman of the committee pursuant to such rules and under such limitations as the committee may prescribe. Authorized subpoenas shall be signed by the chairman of the committee or by any member designated by the committee.

(B) Compliance with any subpoena issued by a committee or subcommittee under subparagraph (1)(B) may be enforced only as authorized or directed by the House.

Use of committee funds for travel

(n)(1) Funds authorized for a committee under clause 5 are for expenses incurred in the committee's activities; however, local currencies owned by the United States shall be made available to the committee and its employees engaged in carrying out their official duties outside the United States, its territories or possessions. No appropriated funds, including those authorized under clause 5, shall be expended for the purpose of defraying expenses of members of the committee or its employees in any country where local currencies are available for this purpose; and the following conditions shall apply with respect to travel outside the United States or its territories or possessions.

(A) No member or employee of the committee shall receive or expend local currencies for subsistence in any country for any day at a rate in excess of the maximum per diem set forth in applicable Federal law, or if the Member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual, unreimbursed expenses (other than for transportation) incurred by the Member or employee during that day.

(B) Each member or employee of the committee shall make to the chairman of the committee an itemized report showing the dates each country was visited, the amount of per diem furnished, the cost of transportation furnished, any funds expended for any other official purpose and shall summarize in these categories the total foreign currencies and/or appropriated funds expended. All such individual reports shall be filed no later than sixty days following the completion of travel with the chairman of the committee for use in complying with reporting requirements in applicable Federal law and shall be open for public inspection.

(2) In carrying out the committee's activities outside of the United States in any country where local currencies are unavailable, a member or employee of the committee may not receive reimbursement for expenses (other than for transportation) in excess of the maximum per diem set forth in applicable Federal law, or if the member or employee is reimbursed for any expenses for such day, then the lesser of the per diem or the actual unreimbursed expenses (other than for transportation) incurred, by the member or employee during any day.

(3) A member or employee of a committee may not receive reimbursement for the cost of any transportation in connnection with travel outside of the United States unless the member or employee has actually paid for the transportation.

(4) The restrictions respecting travel outside of the United States set forth in subparagraphs (2) and (3) shall also apply to travel outside of the United States by Members, officers, and employees of the House authorized under clause 8 of Rule I, clause 1(b) of this rule, or any other provision of these Rules of the House of Representatives.

(5) No local currencies owned by the United States may be made available under this paragraph for the use outside of the United States for defraying the expenses of a member of any committee after—

(A) the date of the general election of Members in which the Member has not been elected to the succeeding Congress; or

(B) in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

Broadcasting of Committee Hearings

3. (a) It is the purpose of this clause to provide a means, in conformity with acceptable standards of dignity, propriety, and decorum, by which committee hearings, or committee meetings, which are open to the public may be covered, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage—

(1) for the education, enlightenment, and information of the general public, on the basis of accurate and impartial news coverage, regarding the operations, procedures, and practices of the House as a legislative and representative body and regarding the measures, public issues, and other matters before the House and its committees, the consideration thereof, and the action taken thereon; and

(2) for the development of the perspective and understanding of the general public with respect to the role and function of the House under the Constitution of the United States as an organ of the Federal Government.

(b) In addition, it is the intent of this clause that radio and television tapes and television film of any coverage under this clause shall not be used, or made available for use, as partisan political campaign material to promote or oppose the candidacy of any person for elective public office.

(c) It is, further, the intent of this clause that the general conduct of each meeting (whether of a hearing or otherwise) covered, under authority of this clause, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, and the personal behavior of the committee members and staff, other Government officials and personnel, witnesses, television, radio, and press media personnel, and the general public at the hearing or other meeting shall be in strict conformity with and observance of the acceptable standards of dignity, propriety, courtesy, and decorum traditionally observed by the House in its operations and shall not be such as to—

(1) distort the objects and purposes of the hearing or other meeting or the activities of committee members in connection with that hearing or meeting or in connection with the general work of the committee or of the House; or

(2) cast discredit or dishonor on the House, the committee, or any Member or bring the House, the committee, or any Member into disrepute.

(d) The coverage of committee hearings and meetings by television broadcast, radio broadcast, or still photography is a privilege made available by the House and shall be permitted and conducted only in strict conformity with the purposes, provisions, and requirements of this clause.

(e) Whenever any hearing or meeting conducted by any committee of the House is open to the public, that committee may permit, by majority vote of the committee, that hearing or meeting to be covered, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, but only under such written rules as the committee may adopt in accordance with the purposes, provisions, and requirements of this clause: *Provided, however,* Each committee or subcommittee chairman shall determine, in his discretion, the number of television and still cameras permitted in a hearing or meeting room.

(f) The written rules which may be adopted by a committee under paragraph (e) of this clause shall contain provisions to the following effect:

(1) If the television or radio coverage of the hearing or meeting is to be presented to the public as live coverage, that coverage shall be conducted and presented without commercial sponsorship.

(2) No witness served with a subpoena by the committee shall be required against his or her will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any such witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. This subparagraph is supplementary to clause 2(k)(5) of this rule, relating to the protection of the rights of witnesses.

(3) The allocation among the television media of the positions of the number of tel-

evision cameras permitted by a committee or subcommittee chairman in a hearing or meeting room shall be in accordance with fair and equitable procedures devised by the Executive Committee of the Radio and Television Correspondents' Galleries.

(4) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the committee or the visibility of that witness and that member to each other.

(5) Television cameras shall operate from fixed positions but shall not be placed in positions which obstruct unnecessarily the coverage of the hearing or meeting by the other media.

(6) Equipment necessary for coverage by the television and radio media shall not be installed in, or removed from, the hearing or meeting room while the committee is in session.

(7) Floodlights, spotlights, strobelights, and flashguns shall not be used in providing any method of coverage of the hearing or meeting, except that the television media may install additional lighting in the hearing or meeting room, without cost to the Government, in order to raise the ambient lighting level in the hearing or meeting room to the lowest level necessary to provide adequate television coverage of the hearing or meeting at the then current state of the art of television coverage.

(8) In the allocation of the number of still photographers permitted by a committee or subcommittee chairman in a hearing or meeting room, preference shall be given to photographers from Associated Press Photos and United Press International Newspictures. If requests are made by more of the media than will be permitted by a committee or subcommittee chairman for coverage of the hearing or meeting by still photography, that coverage shall be made on the basis of a fair and equitable pool arrangement devised by the Standing Committee of Press Photographers.

(9) Photographers shall not position themselves, at any time during the course of the hearing or meeting, between the witness table and the members of the committee.

(10) Photographers shall not place themselves in positions which obstruct unnecessarily the coverage of the hearing by the other media.

(11) Personnel providing coverage by the television and radio media shall be then currently accredited to the Radio and Television Correspondents' Galleries.

(12) Personnel providing coverage by still photography shall be then currently accredited to the Press Photographers' Gallery.

(13) Personnel providing coverage by the television and radio media and by still photography shall conduct themselves and their coverage activities in an orderly and unobtrusive manner.

Privileged Reports and Amendments

4. (a) The following committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Appropriations—on general appropriation bills and on joint resolutions continuing appropriations for a fiscal year if reported after September 15 preceding the beginning of such fiscal year; the Committee on the Budget—on the matters required to be reported by such committee under Titles III and IV of the Congressional Budget Act of 1974; the Committee on House Administration—on enrolled bills, contested election, and all matters referred to it of printing for the use of the House or the two Houses, and on all matters of expenditure of the contingent fund of the House; the Committee on Rules—on rules, joint rules, and the order of business; and the Committee on Standards of Official Conduct—on resolutions recommending action by the House of Representatives with respect to an individual Member, officer, or employee of the House of Representatives as a result of any investigation by the committee relating to the official conduct of such Member, officer, or employee of the House of Representatives.

(b) It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or the order of business (except it shall not be called up for consideration on the same day it is presented to the House, unless so determined by a vote of not less than two-thirds of the Members voting, but this provision shall not apply during the last three days of the session), and pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced the Speaker shall not entertain any other dilatory motion until the report shall have been fully disposed of. The Committee on Rules shall not report any rule or order which provides that business under clause 7 of Rule XXIV shall be set aside by a vote of less than two-thirds of the Members present; nor shall it report any rule or order which would prevent the motion to recommit from being made as provided in clause 4 of Rule XVI.

(c) The Committee on rules shall present to the House reports concerning rules, joint rules, and order of business, within three legislative days of the time when the bill or resolution involved is ordered reported by the committee. If any such rule or order is not considered immediately, it shall be referred to the calendar and, if not called up by the Member making the report within seven legislative days thereafter, any member of the Rules Committee may call it up as a question of privilege (but only on the day after the calendar day on which such Member announces to the House his intention to do so) and the Speaker shall recognize any member of the Rules Committee seeking recognition for that purpose. If the Committee on Rules makes an adverse report on any resolution pending before the committee, providing for an order of business for the consideration by the House of any public bill or joint resolution, on days when it shall be in order to call up motions to discharge committees it shall be in order for any Member of the House to call up for consideration by the House such adverse report, and it shall be in order to move the adoption by the House of such resolution adversely reported notwithstanding the adverse report of the Committee on Rules, and the Speaker shall recognize the member seeking recognition for that purpose as a question of the highest privilege.

(d) Whenever the Committee on Rules reports a resolution repealing or amending any of the Rules of the House of Representatives or part thereof it shall include in its report or in an accompanying document—

(1) the text of any part of the Rules of the House of Representatives which is proposed to be repealed; and

(2) a comparative print of any part of the resolution making such an amendment and any part of the rules of the House of Representatives to be amended, showing by an appropriate typographical device the omissions and insertions proposed to be made.

Committee Expenses

5. (a) Whenever any committee, commission or other entity (except the Committee on Appropriations and the Committee on the Budget) is to be granted authorization for the payment, from the contingent fund of the House, of its expenses in any year, other than those expenses to be paid from appropriations provided by statute, such authorization initially shall be procured by one primary expense resolution for the committee, commission or other entity providing funds for the payment of the expenses of the committee, commission or other entity for that year from the contingent fund of the House. Any such primary expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of the funds to be provided to the committee, commission or other entity under the primary expense resolution for all anticipated activities and programs of the committee, commission or other entity; and

(2) to the extent practicable, contain such general statements regarding the estimated foreseeable expenditures for the respective anticipated activities and programs of the committee, commission or other entity as may be appropriate to provide the House with basic estimates with respect to the expenditure generally of the funds to be provided to the committee, commission or other entity under the primary expense resolution.

(b) After the date of adoption by the House of any such primary expense resolution for any such committee, commission or other entity for any year, authorization for the payment from the contingent fund of additional expenses of such committee, commission or other entity in that year, other than those expenses to be paid from appropriations provided by statute, may be procured by one or more supplemental expense resolutions for that committee, commission or other entity as necessary. Any such supplemental expense resolution reported to the House shall not be considered in the House unless a printed report on that resolution has been made available to the Members of the House for at least one calendar day prior to the consideration of that resolution in the House. Such report shall, for the information of the House—

(1) state the total amount of additional funds to be provided to the committee, commission or other entity under the supplemental expense resolution and the purpose or purposes for which those additional funds are to be used by the committee, commission or other entity; and

(2) state the reason or reasons for the failure to procure the additional funds for the committee, commission or other entity by means of the primary expense resolution.

(c) The preceding provisions of this clause do not apply to—

(1) any resolution providing for the payment from the contingent fund of the House of sums necessary to pay compensation for staff services performed for, or to pay other expenses of, any committee, commission or other entity at any time from and after the beginning of any year and before the date of adoption by the House of the primary expense resolution providing

funds to pay the expenses of that committee, commission or other entity for that year; or

(2) any resolution providing in any Congress, for all of the standing committees of the House, additional office equipment, airmail and special delivery postage stamps, supplies, staff personnel, or any other specific item for the operation of the standing committees, and containing an authorization for the payment from the contingent fund of the House of the expenses of any of the foregoing items provided by that resolution, subject to and until enactment of the provisions of the resolution as permanent law.

(d) From the funds provided for the appointment of committee staff pursuant to primary and additional expense resolutions—

(1) The chairman of each standing subcommittee of a standing committee of the House is authorized to appoint one staff member who shall serve at the pleasure of the subcommittee chairman.

(2) The ranking minority party member of each standing subcommittee on each standing committee of the House is authorized to appoint one staff person who shall serve at the pleasure of the ranking minority party member.

(3) The staff members appointed pursuant to the provisions of subparagraphs (1) and (2) shall be compensated at a rate determined by the subcommittee chairman not to exceed (A) 75 per centum of the maximum established in paragraph (c) of clause 6 or (B) the rate paid the staff member appointed pursuant to subparagraph (1) of this paragraph.

(4) For the purpose of this paragraph, (A) there shall be no more than six standing subcommittees of each standing committee of the House, except for the Committee on Appropriations, and (B) no member shall appoint more than one person pursuant to the above provisions.

(5) The staff positions made available to the subcommittee chairman and ranking minority party members pursuant to subparagraphs (1) and (2) of this paragraph shall be made available from the staff positions provided under clause 6 of Rule XI unless such staff positions are made available pursuant to a primary or additional expense resolution.

(e) No primary expense resolution or additional expense resolution of a committee may provide for the payment or reimbursement of expenses incurred by any member of the committee for travel by the member after the date of the general election of Members in which the Member is not elected to the succeeding Congress, or in the case of a Member who is not a candidate in such general election, the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

(f)(1) For continuance of necessary investigations and studies by—

(A) each standing committee and select committee established by these rules; and

(B) except as provided in subparagraph (2), each select committee established by resolution; there shall be paid out of the contingent fund of the House such amounts as may be necessary for the period begining at noon on January 3 and ending at midnight on March 31 of each year.

(2) In the case of the first session of a Congress, amounts shall be made available under this paragraph for a select committee established by resolution in the preceding Congress only if—

(A) a reestablishing resolution for such select committee is introduced in the present Congress; and

(B) no resolution of the preceding Congress provided for termination of funding of investigations and studies by such select committee at or before the end of the preceding Congress.

(3) Each committee receiving amounts under this paragraph shall be entitled, for each month in the period specified in subparagraph (1), to 9 per centum (or such lesser percentum as may be determined by the Committee on House Administration) of the total annualized amount made available under expense resolutions for such committee in the preceding session of Congress.

(4) Payments under this paragraph shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, except as provided in subparagraph (5), and approved by the Committee on House Administration.

(5) Notwithstanding any provision of law, rule of the House, or other authority, from noon on January 3 of the first session of a Congress, until the election of the House of the committee involved in that Congress, payments under this paragraph shall be made on vouchers signed by—

(A) the chairman of such committee as constituted at the close of the preceding Congress; or

(B) if such chairman is not a Member in the present Congress, the ranking majority party member of such committee as constituted at the close of the preceding Congress who is a Member in the present Congress.

(6)(A) The authority of a committee to incur expenses under this paragraph shall expire upon agreement by the House to a primary expenses resolution for such committee.

(B) Amounts made available under this paragraph shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(C) The provisions of this paragraph shall be effective only insofar as not inconsistent with any resolution, reported by the Committee on House Administration and adopted after the date of adoption of these rules.

Committee Staffs

6. (a)(1) Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, each standing committee may appoint, by majority vote of the committee, not more than eighteen professional staff members. Each professional staff member appointed under this subparagraph shall be assigned to the chairman and the ranking minority party member of such committee, as the committee considers advisable.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence) so request, not more than six persons may be selected, by majority vote of the minority party members, for appointment by the committee as professional staff members from among the number authorized by subparagraph (1) of this paragraph. The committee shall appoint any persons so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members may select other persons for appointment by the committee to the professional staff until such appointment is made. Each professional staff member appointed under this subparagraph shall be assigned to such committee business as the minority party members of the committee consider advisable.

(3) The professional staff members of each standing committee—

(A) shall be appointed on a permanent basis, without regard to race, creed, sex, or age, and solely on the basis of fitness to perform the duties of their respective positions;

(B) shall not engage in any work other than committee business; and

(C) shall not be assigned any duties other than those pertaining to committee business.

(4) Services of the professional staff members of each standing committee may be terminated by majority vote of the committee.

(5) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and to the Committee on the Budget.

(b)(1) The clerical staff of each standing committee shall consist of not more than twelve clerks, to be attached to the office of the chairman, to the ranking minority party members, and to the professional staff, as the committee considers advisable. Subject to subparagraph (2) of this paragraph and paragraph (f) of this clause, the clerical staff shall be appointed by majority vote of the committee, without regard to race, creed, sex, or age. Except as provided by subparagraph (2) of this paragraph the clerical staff shall handle committee correspondence and stenographic work both for the committee staff and for the chairman and the ranking minority party member on matters related to committee work.

(2) Subject to paragraph (f) of this clause, whenever a majority of the minority party members of a standing committee (except the Committee on Standards of Official Conduct and the Permanent Select Committee on Intelligence) so request, four persons may be selected, by majority vote of the minority members, for appointment by the committee to positions on the clerical staff from among the number of clerks authorized by subparagraph (1) of this paragraph. The committee shall appoint to those positions any person so selected whose character and qualifications are acceptable to a majority of the committee. If the committee determines that the character and qualifications of any person so selected are unacceptable to the committee, a majority of the minority party members, may select other persons for appointment by the committee to the position involved on the clerical staff until such appointment is made. Each clerk appointed under this subparagraph shall handle committee correspondence and stenographic work for the minority party members of the committee and for any members of the professional staff appointed under subparagraph (2) of paragraph (a) of this clause on matters related to committee work.

(3) Services of the clerical staff members of each standing committee may be terminated by majority vote of the committee.

(4) The foregoing provisions of this paragraph do not apply to the Committee on Appropriations and the Committee on the Budget.

(c) Each employee on the professional staff, and each employee on the clerical staff, of each standing committee, is entitled to pay at a single per annum gross rate, to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level V of the Executive Schedule in section 5316 of title 5, United States Code, except that two professional staff members of each standing committee shall be entitled to pay at a single per annum gross rate to be fixed by the chairman, which does not exceed the highest rate of basic pay, as in effect from time to time, of level IV of the Executive Schedule in section 5315 of title 5, United States Code.

(d) Subject to appropriations hereby authorized, the Committee on Appropriations and the Committee on the Budget may appoint such staff, in addition to the clerk thereof and assistants for the minority, as it determines by majority vote to be necessary, such personnel, other than minority assistants, to possess such qualifications as the committee may prescribe.

(e) No committee shall appoint to its staff any experts or other personnel detailed or assigned from any department or agency of the Government, except with the written permission of the Committee on House Administration.

(f) If a request for the appointment of a minority professional staff member under paragraph (a), or a minority clerical staff member under paragraph (b), is made when no vacancy exists to which that appointment may be made, the committee nevertheless shall appoint, under paragraph (a) or paragraph (b), as applicable, the person selected by the minority and acceptable to the committee. The person so appointed shall serve as an additional member of the professional staff or the clerical staff, as the case may be, of the committee, and shall be paid from the contingent fund, until such a vacancy (other than a vacancy in the position of head of the professional staff, by whatever title designated) occurs, at which time that person shall be deemed to have been appointed to that vacancy. If such vacancy occurs on the professional staff when seven or more persons have been so appointed who are eligible to fill that vacancy, a majority of the minority party members shall designate which of those persons shall fill that vacancy.

(g) Each staff member appointed pursuant to a request by minority party members under paragraph (a) or (b) of this clause, and each staff member appointed to assist minority party members of a committee pursuant to an expense resolution described in paragraph (a) or (b) of clause 5, shall be accorded equitable treatment with respect to the fixing of his or her rate of pay, the assignment to him or her of work facilities, and the accessibility to him or her of committee records.

(h) Paragraphs (a) and (b) of this clause shall not be construed to authorize the appointment of additional professional or clerical staff members of a committee pursuant to a request under either of such paragraphs by the minority party members of that committee if six or more professional staff members or four or more clerical staff members, provided for in paragraph (a)(1) or paragraph (b)(1) of this clause, as the case may be, who are satisfactory to a majority of the minority party members, are otherwise assigned to assist the minority party members.

(i) Notwithstanding paragraphs (a)(2) and (b)(2), a committee may employ nonpartisan staff, in lieu of or in addition to committee staff designated exclusively for the majority or minority party, upon an affirmative vote of a majority of the members of the majority party and a majority of the members of the minority party.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Slaughter of New York (at the request of Mr. Foley), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Konnyu) to revise and extend their remarks and include extraneous material:)

Mr. Shumway, for 60 minutes, March 10 and March 11.

Mrs. Bentley, for 60 minutes, March 10 and March 11.

Mr. Solomon, for 5 minutes, today.

Mr. Brown of Colorado, for 5 minutes, today.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Kleczka, for 5 minutes, today.

Mr. Panetta, for 5 minutes, today.

Mr. Eckart, for 5 minutes, today.

Mr. Lowry of Washington, for 5 minutes, today.

Mr. Gonzalez, for 5 minutes, today.

Mr. Stokes, for 60 minutes, on March 11.

Mr. Hayes of Illinois, for 60 minutes, on March 12.

Mr. Hayes of Louisiana, for 60 minutes, on March 12.

(The following Member (at the request of Mrs. Collins) to revise and extend his remarks and include extraneous material:)

Mr. Conyers, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. Foley, today, prior to the vote on final passage of H.R. 558.

(The following Members (at the request of Mr. Konnyu) and to include extraneous matter:)

Mr. Jeffords.
Mr. Fawell.
Mr. Bereuter.
Mr. Broomfield in two instances.
Mr. Lagomarsino in four instances.
Mr. Schulze.
Mr. Dreier of California.
Mr. Miller of Washington.
Mr. Gradison.
Mr. Gilman in two instances.
Mr. Solomon in two instances.
Mr. Hunter.
Mr. Dornan of California.
Mr. Bilirakis.
Mr. Houghton.
Mr. Weldon.
Mr. Kemp in two instances.
Mr. Fields.
Mr. Cheney.
Mr. Bliley.
Mr. Lujan.
Mr. Smith of New Jersey.

(The following Members (at the request of Mr. Gonzalez) and to include extraneous matter:)

Mr. Kostmayer.
Mr. Leath of Texas.
Mr. Hoyer.
Mr. Jenkins.
Mr. AuCoin in three instances.
Mr. Tallon in two instances.
Mr. Fascell.
Mr. Brown of California.
Mr. Kildee.
Mrs. Boxer.
Mr. Morrison of Connecticut.
Mr. Skelton.
Mr. Miller of California.
Mrs. Lloyd.
Mr. Clay.
Mr. Lipinski.
Mr. Roybal.
Mr. Solarz.
Mr. Lancaster.
Mr. Bonker.
Mr. Towns in two instances.
Mr. Dorgan of North Dakota.
Mr. Dymally.
Mr. Bustamante.
Mr. Weiss.
Mr. Waxman.
Mr. Mavroules.
Mr. Jontz.
Mr. Levine of California.
Mr. Williams.
Mr. Stark.
Mr. Flake.
Mr. Wolpe.
Mr. Wyden.
Mr. Panetta.

SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled bill and joint resolution of the Senate of the following titles:

S. 83. An act to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances, and

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month."

ADJOURNMENT

Mrs. COLLINS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 4 minutes p.m.) under its previous order, the House adjourned until Monday, March 9, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from

the Speaker's table and referred as follows:

759. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to provide for the amendment of the Agricultural Act of 1949; to the Committee on Agriculture.

760. A communication from the President of the United States, transmitting a request for supplemental appropriations for fiscal year 1987 and amendments to the request for appropriations for fiscal year 1988, pursuant to 31 U.S.C. 1107 (H. Rept. No. 100-44); to the Committee on Appropriations and ordered to be printed.

761. A letter from the Military Executive, Reserve Forces Policy Board, Office of the Secretary of Defense, transmitting the fiscal year 1986 annual report of the Reserve Forces Policy Board, pursuant to 10 U.S.C. 113(c); to the Committee on Armed Services.

762. A letter from the Principal Deputy Assistant Secretary of Defense (Force Management and Personnel), transmitting a report containing a plan for establishing a needs-based survivor annuity program for surviving spouses of the Uniformed Services who died before September 30, 1978, pursuant to 10 U.S.C. 1447 nt.; to the Committee on Armed Services.

763. A letter from the Commissioner for Rehabilitation Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting a report on the comprehensive evaluation of the client assistance program, pursuant to 29 U.S.C. 732(h)(1) (Pub. L. 93-112, sec. 112(h)(1) (98 Stat. 22)); to the Committee on Education and Labor.

764. A letter from the LIRR Congressional Advisory Board, National Mediation Board, transmitting a report concerning the progress of negotiations in a labor dispute between the Long Island Rail Road Co. and certain of its employees represented by several labor organizations, pursuant to Public Law 100-2; to the Committee on Energy and Commerce.

765. A communication from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements transmitted to the Congress after expiration of the 60-day period specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on Foreign Affairs.

766. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting notification of terrorism related travel advisories for U.S. citizens in Suriname, pursuant to 22 U.S.C. 2656e; to the Committee on Foreign Affairs.

767. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a report of political contributions by Robert H. Pelletreau, Jr., of Connecticut, Ambassador Extraordinary and Plenipotentiary of the United States-designate to the Republic of Tunisia; and Daryl Arnold of California, Ambassador Extraordinary and Plenipotentiary-designate to the Republic of Singapore, and members of their families, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

768. A letter from the Director, Defense Security Assistance Agency, transmitting a report of those Foreign Military Sales customers with approved cash flow financing in excess of $100 million as of October 1, 1986, pursuant to AECA, section 25(a), paragraph (5)(B); to the Committee on Foreign Affairs.

769. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the Bank's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

770. A letter from the Chairman, Federal Communications Commission, transmitting a report of the Commission's compliance with the competition advocacy program during fiscal year 1986, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

771. A letter from the Executive Director, National Mediation Board, transmitting the Board's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

772. A letter from the Assistant Vice President, Government and Public Affairs, National Railroad Passenger Corporation, transmitting the Corporation's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

773. A letter from the Secretary of Labor, transmitting the Department's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

774. A letter from the Deputy Administrator, U.S. Small Business Administration, transmitting the Administration's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

775. A letter from the Administrator, Veterans' Administration, transmitting the agency's 1986 Freedom of Information Act Report, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

776. A letter from the Assistant Secretary for Water and Science, Department of the Interior, transmitting notification that the Bureau of Reclamation has approved a deferment of the 1986 Small Reclamation Projects Act loan payment due the United States from the West Bench Irrigation District, Dillon, MT, pursuant to the act of September 21, 1959 (73 Stat. 584); to the Committee on Interior and Insular Affairs.

777. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize appropriations for the fiscal years 1988 and 1989 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Merchant Marine and Fisheries.

778. A letter from the Special Counsel, Merit Systems Protection Board, transmitting a report on activities of the Office of the Special Counsel for fiscal year 1986, pursuant to 5 U.S.C. 1206(m); to the Committee on Post Office and Civil Service.

779. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to improve the Commodity Credit Corporation's export programs; jointly, to the Committee on Agriculture and Foreign Affairs.

780. A letter from the Deputy Assistant Secretary (Administration), Department of Defense, transmitting the annual report on NATO acquisition and cross-servicing agreements, pursuant to 10 U.S.C. 2349; jointly, to the Committees on Armed Services and Foreign Affairs.

781. A letter from the Assistant Secretary, Conservation and Renewable Energy, Department of Energy, transmitting notification that the final report on the effectiveness of including electric vehicles in the calculation of average fuel economy standards is currently being prepared, pursuant to 15 U.S.C. 2512(c)(3); jointly, to the Committees on Energy and Commerce and Banking, Finance and Urban Affairs.

782. A letter from the Under Secretary of State for Management, transmitting the classified annex containing information on personnel serving above and below grade in the six departments and agencies which are the primary users of the Foreign Service personnel systems, for use in conjunction with the unclassified report previously transmitted (Ex. Com. No. 728), pursuant to 22 U.S.C. 4173; jointly, to the Committees on Foreign Affairs and Post Office and Civil Service.

783. A letter from the Assistant Secretary of the Army (Manpower and Reserve Affairs), transmitting a draft of proposed legislation to authorize the Director of the United States Information Agency to make available to the Department of Defense and the military departments photographs of military activities in the Republic of Vietnam for the purpose of developing and publishing military histories; jointly, to the Committees on Foreign Affairs and Armed Services.

784. A letter from the Comptroller General, U.S. General Accounting Office, transmitting a report of the characteristics and outcomes of Job Training Partnership Act title III dislocated worker projects operating nationwide (GAO/HRD-87-41; March 1987) jointly, to the Committees on Government Operations and Education and Labor.

785. A letter from the Secretary of Health and Human Services, transmitting a report on Medicare information transfer which describes what actions have resulted from the examination of ways to coordinate an information transfer and the intent of the exchange of data between intermediaries and carriers; jointly, to the Committees on Ways and Means and Energy and Commerce.

786. A letter from the Chairman, National Commission on Agricultural Trade and Export Policy, transmitting a copy of the Commission's Final Report, pursuant to 7 U.S.C. 1691 nt, jointly, to the Committees on Agriculture, Ways and Means, and Foreign Affairs.

787. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a draft of proposed legislation to provide for the deposit and retention of certain fees and charges collected by the U.S. Environmental Protection Agency; jointly, to the Committees on Agriculture, Energy and Commerce, Public Works and Transportation, and Merchant Marine and Fisheries.

788. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a copy of Presidential Determination No. 87-10, with a report on Nicaragua, pursuant to sections 211(e) and 214 of the Military Construction Act, 1987 as contained in Public Law 99-500 (H. Rept. No. 100-45); jointly, to the Committees on Appropriations, Foreign Affairs, the Permanent Select Committee on Intelligence, and Armed Services and ordered to be printed.

789. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting on behalf of the President, the annual report on the Panama Canal Treaties of 1977 for the period October 1, 1985, through September 30, 1986, pursuant to 22 U.S.C. 3871; jointly, to the Committees on Merchant Marine and Fisheries, Foreign Affairs, the Judiciary, and Post Office and Civil Service.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 626. A bill to provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, AL, and for other purposes; with an amendment (Rept. 100-13). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 389. A bill to amend the Boundary Waters Canoe Area Wilderness law to change the authorizations of appropriations for resource management review and grants (Rept. 100-14). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 242. A bill to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI (Rept. 100-15). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 240. A bill to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail (Rept. 100-16). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 191. A bill to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior (Rept. 100-17). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 14. A bill to designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system (Rept. 100-18). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 797. A bill to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park (Rept. 100-19). Referred to the Committee of the Whole House on the State of the Union.

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 990. A bill to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA (Rept. 100-20). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LaFALCE (for himself, Mr. Torres, and Mr. Mfume):

H.R. 1423. A bill to promote a stable international financial system, expand world trade, and alleviate the Third World debt crisis; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOYER:

H.R. 1424. A bill to provide that certain regulations issued by the Department of Transportation which exempt commercial motor vehicles operating in commercial zones from Federal motor carrier safety regulation shall have no effect; to the Committee on Public Works and Transportation.

By Mr. GEPHARDT (for himself, Mr. Kastenmeier, Mr. Evans, Mr. Towns, Mr. Leland, Mr. Frost, Mr. Oberstar, Mr. Obey, Mr. Moody, Mr. Jontz, Mr. Williams, Mr. Bryant, Mr. Kolter, Mr. Alexander, Mr. Watkins, Mr. Murphy, Mr. Sabo, Mr. Savage, Mr. Conyers, Mr. Dellums, Mr. Sikorski, Mr. Owens of New York, Mr. Hayes of Illinois, Mr. Lipinski, Mr. Clay, Mr. Ford of Michigan, Mr. Moakley, and Mr. Perkins):

H.R. 1425. A bill to provide price and income protection to family farmers through the management of the supply of the 1988 through 2000 crops of certain agricultural commodities, to enhance the ability of eligible farm borrowers of qualifying States and the farm creditors of such borrowers to restructure farm loans, to provide grants to States to assist persons leaving farming, and for other purposes; jointly, to the Committees on Agriculture; Ways and Means; Education and Labor; Science, Space, and Technology; Banking, Finance and Urban Affairs; and Foreign Affairs.

By Mr. AKAKA:

H.R. 1426. A bill relating to the tariff treatment of salted and dried plums; to the Committee on Ways and Means.

By Mr. APPLEGATE (for himself, Mr. Montgomery, Mr. Solomon, and Mr. McEwen):

H.R. 1427. A bill to amend title 38, United States Code, to recodify certain provisions relating to benefits for surviving spouses and children of veterans; to the Committee on Veterans' Affairs.

By Mr. ARMEY (for himself, Mr. Weber, Mr. DeLay, Mr. Craig, Mr. Gingrich, Mr. Denny Smith, Mr. Smith of New Hampshire, Mr. Dornan of California, Mr. Schulze, and Mr. Hunter):

H.R. 1428. A bill to authorize tax incentives for urban enterprise zones, youth employment opportunity wages, a program of urban homesteading, and to improve equal educational opportunity; jointly, to the Committee on Ways and Means; Education and Labor; Banking, Finance and Urban Affairs; and the Judiciary.

By Mr. AuCoin:

H.R. 1429. A bill to authorize any State to withdraw, without penalty, from a certain agreement entered into with the Federal Emergency Management Agency; to the Committee on Armed Services.

By Mr. BIAGGI (for himself, Mr. Jones of North Carolina, Mr. Lent, and Mr. Davis of Michigan):

H.R. 1430. A bill to authorize decorations, medals, and other recognition for service in the United States merchant marine, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BONKER (for himself, Mr. Roth, and Mr. Bereuter):

H.R. 1431. A bill to amend the Export Trading Company Act of 1982, the Bank Holding Company Act of 1956, and the Federal Reserve Act with respect to export trading companies; jointly, to the Committees on Banking, Finance and Urban Affairs; the Judiciary; and Foreign Affairs.

By Mr. BORSKI:

H.R. 1432. A bill to amend the National Trails System Act to designate the Kosciuszko Trail as a study trail; to the Committee on Interior and Insular Affairs.

By Mr. DORNAN of California (for himself, Mr. Weber, Mr. Daniel, Mr. Wilson, Mr. Mrazek, Mr. Hutto, Mr. McKinney, Mr. Atkins, Mr. Towns, Mr. Donald E. Lukens, Mr. Rodino, Mr. Neal, Mr. Smith of New Hampshire, Mr. Lagomarsino, Mr. Dellums, Mr. Stallings, Mr. Rahall, Mr. Frank, Mr. Jacobs, Mr. Anderson, Mrs. Meyers of Kansas, Mr. Pickett, Mrs. Bentley, Mr. Howard, Mr. Wortley, Mr. Fish, Mr. Saxton, Mr. Lantos, Mr. Schumer, Mr. Weldon, Mr. Nielson of Utah, and Mr. Ravenel):

H.R. 1433. A bill to amend the Animal Welfare Act to prohibit dog racing and dog training involving the use of live animals as visual lures and to make such act applicable to facilities that are used for dog racing or dog race training; to the Committee on Agriculture.

By Mr. CHENEY:

H.R. 1434. A bill to amend section 402 of the Surface Mining Control and Reclamation Act of 1977 to permit States to set aside in a special trust fund up to 10 percent of the annual State allocation from the Abandoned Mine Land Reclamation fund for expenditure in the future for purposes of abandoned mine reclamation; to the Committee on Interior and Insular Affairs.

By Mr. de la GARZA (for himself and Mr. Madigan):

H.R. 1435. A bill to consolidate and expand the statutory authority for the National Agricultural Library in the Department of Agriculture; to the Committee on Agriculture.

By Mr. DORGAN of North Dakota (for himself, Mr. Rose, Mr. Moody, Mr. Kastenmeier, Mr. Swift, Mr. Eckart, Mr. Obey, Mr. Johnson of South Dakota, Mr. Volkmer, Mr. Gunderson, Mr. Chapman, and Mr. Jeffords):

H.R. 1436. A bill to amend the Agricultural Act of 1949 to limit the quantity of milk protein products that may be imported into the United States; to the Committee on Ways and Means.

By Mr. DORNAN of California (for himself, Mr. Stenholm, Mr. Daniel, Mr. Fawell, Mr. Denny Smith, Mr. Mack, Mr. Hunter, Mr. Towns, Mr. Burton of Indiana, Mr. Stallings, Mr. Barton of Texas, Mrs. Bentley, Mr. Gray of Illinois, Mr. Leath of Texas, Mr. Darden, Mr. Emerson, Mr. Montgomery, Mr. Penny, Mr. Boulter, Mr. Smith of New Hampshire, Mr. Whittaker, Mr. Frost, Mrs. Boggs, Mr. Nielson of Utah, Mr. Davis of Illinois, Mr. Wortley, Mr. Bryant, Mr. Gunderson, Mr. Bliley, Mr. Swindall, Mr. Armey, Mr. Lewis of Florida, Mr. DeWine, Mr. Walker, Mr. Valentine, Mr. Dowdy of Mississippi, Mr. DeLay, Mr. Eckart, Mr. Nichols, Mr. Hefner, and Mr. Herger):

H.R. 1437. A bill to protect the rights of victims of child abuse; to the Committee on the Judiciary.

By Mr. DORNAN of California (for himself, Mr. Stenholm, Mr. Daniel, Mr. Fawell, Mr. Denny Smith, Mr. Mack, Mr. Hunter, Mr. Burton of Indiana, Mr. Ireland, Mr. Hutto, Mr. Oxley, Mr. DioGuardi, Mr. Lagomarsino, Mr. Porter, Mr. Livingston, Mr. Daub, Mrs. Bentley, Mr. Gray of Illinois, Mr. Leath of Texas, Mr. Darden, Mr. Emerson, Mr. Montgomery, Mr. Penny, Mr. Boulter, Mr. Smith of New Hampshire, Mr. Lewis of Florida, Mr. DeWine, and Mr. Dannemeyer):

H.R. 1438. A bill to amend title 18, United States Code, to protect family decency, and for other purposes; jointly, to the Committees on the Judiciary, Education and Labor, and Energy and Commerce.

By Mr. ERDREICH:

H.R. 1439. A bill to establish a Department of Trade as an Executive department of the Government of the United States, and for other purposes; to the Committee on Government Operations.

By Mr. FRENZEL:

H.R. 1440. A bill to eliminate an exception in section 313 of the Federal Election Campaign Act of 1971 that permits certain Members of Congress to use excess campaign funds for personal purposes; to the Committee on House Administration.

H.R. 1441. A bill to provide a 1-year extension for individuals of the waiver of estimated tax penalties for underpayments of tax which are attributable to the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Mr. GEJDENSON:

H.R. 1442. A bill to promote safety by amending chapter 4 of title 23, United States Code, to provide for a uniform system for handicapped parking; to the Committee on Public Works and Transportation.

By Mr. GEJDENSON (for himself, Mr. Kildee, Mr. Sharp, Mr. Petri, Mr. Evans, Mr. Tauke, Mr. Conyers, Mr. Atkins, Mr. Green, Mr. Jeffords, Mr. Wolpe, Mrs. Johnson of Connecticut, Mr. Penny, Mr. Kostmayer, Mr. Henry, Mr. Owens of New York, Mr. Bates, Mr. Morrison of Connecticut, Mr. Horton, Mr. Eckart, Mr. Volkmer, and Miss Schneider):

H.R. 1443. A bill to amend the Reclamation Projects Act of 1939 to require the Secretary of the Interior to charge full cost for water delivered from any reclamation or irrigation project for the production of any surplus crop of an agricultural commodity; to the Committee on Interior and Insular Affairs.

By Mr. GRADISON (for himself, Mr. Wyden, Mr. Stark, Mr. Waxman, Mr. Madigan, Mr. Pepper, Mr. Miller of California, Mr. Andrews, Mr. Anthony, Mr. Bates, Mr. Bilirakis, Mr. Bliley, Mr. Bruce, Mr. Chandler, Mrs. Collins, Mr. Coyne, Mr. Daub, Mr. Donnelly, Mr. Dowdy of Mississippi, Mr. Ford of Tennessee, Mr. Gephardt, Mr. Gibbons, Mr. Gregg, Mr. Hall of Texas, Mr. Jacobs, Ms. Kaptur, Mrs. Kennelly, Mr. Leland, Mr. Levin of Michigan, Mr. Matsui, Mr. McGrath, Mr. Moody, Mrs. Morella, Mr. Pickle, Mr. Rangel, Mr. Scheuer, Mr. Schulze, Mr. Sikorski, Mr. Tauke, Mr. Thomas of California, Mr. Vander Jagt, Mr. Walgren, and Mr. Whittaker):

H.R. 1444. A bill to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. HALL of Texas (for himself, Mr. Stenholm, and Mr. Boulter):

H.R. 1445. A bill to amend title XI of the Social Security Act to ensure physicians hearing and judicial review rights before exclusion from the medicare program; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. HENRY:

H.R. 1446. A bill relating to the treatment of environmental protection and natural resource conservation as aspects of open and fair international trade; to the Committee on Ways and Means.

By Mr. HUGHES (for himself and Mr. Hyde):

H.R. 1447. A bill to amend the Congressional Budget Act to limit the growth of Federal spending and to achieve balanced budgets, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. JEFFORDS (for himself, Mr. Goodling, and Mr. Fawell):

H.R. 1448. A bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes; to the Committee on Education and Labor.

By Mr. JENKINS:

H.R. 1449. A bill to amend the Internal Revenue Code of 1954 to deny an employer a deduction for group health plan expenses unless such plan includes first-dollar coverage for pediatric preventive health care; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 1450. A bill to amend the Tax Reform Act of 1986 to provide for the deductibility of State and local income and sales taxes exceeding 1 percent of adjusted gross income; to the Committee on Ways and Means.

By Mr. KILDEE (for himself, Mr. Roybal, and Mr. Biaggi):

H.R. 1451. A bill to amend the Older Americans Act of 1965 to authorize appropriations for the fiscal years 1988, 1989, 1990, and 1991, and for other purposes; to the Committee on Education and Labor.

By Mr. LEATH of Texas:

H.R. 1452. A bill to amend Chapter 37 of title 38, United States Code, with respect to the refinancing of housing loans guaranteed, insured, or made under such chapter; to the Committee on Veterans' Affairs.

By Mr. MORRISON of Connecticut (for himself and Mr. Levin of Michigan):

H.R. 1453. A bill to direct the Secretary of the Treasury to seek negotiations to establish a multilateral financial intermediary between heavily indebted, less developed countries and their creditors to reduce the amount of total debt of such countries through innovative financial practices in order to provide each such country with a more manageable current debt service, foster economic growth in such countries, and reduce the amount of such debt held by such creditors; to the Committee on Banking, Finance and Urban Affairs.

By Mr. PARRIS:

H.R. 1454. A bill to amend Public Law 99-572 to authorize the Secretary of the Treasury to invest private funds contributed to the American Battle Monuments Commission for the construction of the Korean War Veterans Memorial in public debt securities; to the Committee on House Administration.

H.R. 1455. A bill to amend title 38, United States Code, to initiate a direct appraisal program for the Veterans' Administration Home Loan Guarantee Program; to the Committee on Veterans' Affairs.

By Mr. RICHARDSON (for himself, Mr. Young of Alaska, Mrs. Schroeder, Mr. Nielson of Utah, Mr. Campbell, and Mr. Rahall):

H.R. 1456. A bill to provide for the energy security of the United States; to the Committee on Interior and Insular Affairs.

By Mr. RINALDO (for himself, Mr. Lent, Mr. Florio, Mr. Moorhead, Mr. Leland, Mr. Tauke, Mr. Eckart, Mr. Coats, Mr. Richardson, Mr. Fields, Mr. Oxley, and Mr. Nielson of Utah):

H.R. 1457. A bill to require the Securities and Exchange Commission to establish a panels of experts to conduct a study and investigation of the adequacy, in the public interest and for the protection of investors, of Federal securities laws, rules, and regulations, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROWLAND of Connecticut (for himself, Mrs. Johnson of Connecticut, and Mr. Regula):

H.R. 1458. A bill to limit the authority of the Secretary of Energy and the Federal Energy Regulatory Commission to use any procedure of expedited consideration in determining whether or not to issue a certificate of public convenience and necessity for construction of certain natural gas pipelines; to the Committee on Energy and Commerce.

By Mr. SCHULZE:

H.R. 1459. A bill to remedy market disruption caused by imports of products from nonmarket economy countries; to the Committee on Ways and Means.

H.R. 1460. A bill to extend the temporary suspension of duty on certain textile machines; to the Committee on Ways and Means.

H.R. 1461. A bill to amend the Trade Act of 1974 to provide for financial assistance for supplemental worker training programs, and for other purposes; to the Committee on Ways and Means.

By Mr. SCHULZE (for himself, Mr. Yatron, Mr. Ballenger, and Mr. Gallo):

H.R. 1462. A bill to temporarily suspend the duty on certain benzenoid dye intermediates; to the Committee on Ways and Means.

By Mr. SCHUMER:

H.R. 1463. A bill to prohibit the Board of Governors of the Federal Reserve System and the Federal Reserve Bank of New York from designating, or continuing the designation of, any person of a foreign country as a primary dealer in government debt instruments if such foreign country does not allow United States companies equal access in acquiring government debt instruments issued by such country; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1464. A bill to establish State pension investment units, a secondary market for industrial mortgages, State venture capital and royalty finance corporations; and a national loan loss reserve fund; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. SMITH of Nebraska:

H.R. 1465. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of grain storage and similar structures for purposes of depreciation and the investment tax credit; to the Committee on Ways and Means.

By Mr. SOLARZ:

H.R. 1466. A bill to establish the position of Assistant Secretary of State for South Asian Affairs; to the Committee on Foreign Affairs.

By Mr. STUDDS (for himself, Mr. Jones of North Carolina, Mr. Davis of Michigan, and Mr. Young of Alaska):

H.R. 1467. A bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992; to the Committee on Merchant Marine and Fisheries.

By Mr. TORRICELLI (for himself, Mr. Panetta, Mr. Bustamante, Mr. Kolter, Mrs. Boxer, Mr. Berman, and Mr. Levine of California):

H.R. 1468. A bill to establish a commission to examine the issues associated with national service; to the Committee on Education and Labor.

By Mr. VOLKMER (for himself, Mr. Dorgan of North Dakota, Mr. Vander Jagt, Mr. Daub, Mr. Johnson of South Dakota, and Mr. Nagle):

H.R. 1469. A bill to amend the Tariff Act of 1930 with respect to the definitions of industry in antidumping and countervailing duty investigations involving certain processed agricultural products; to the Committee on Ways and Means.

By Mr. WAXMAN (for himself, Mr. Hughes, Mr. Walgren, Mr. Akaka, Mr. Ford of Michigan, Mr. Gunderson, Mr. Levine of California, Mr. Martinez, Mr. McKinney, Mr. Mineta, Mr. Obey, Mr. Smith of Florida, Mr. Smith of New Hampshire, Mr. Weiss, and Mr. Udall):

H.R. 1470. A bill to establish a temporary program under which heroin will be made available for the relief of intractable pain due to terminal cancer; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 1471. A bill imposing certain restrictions on the sale of main transcontinental rail lines; to the Committee on Energy and Commerce.

By Mr. WILSON:

H.R. 1472. A bill to designate the post office building being constructed in West Liberty, TX, as the "M.P. Daniel and Thomas F. Calhoon, Sr., Post Office Building"; to the Committee on Post Office and Civil Service.

H.R. 1473. A bill to designate the building which will house the Federal Court for the Eastern District of Texas in Lufkin, TX, as the "Ward R. Burke Federal Court Building"; to the Committee on Public Works and Transportation.

By Mr. BURTON of Indiana (for himself, Mr. Swindall, Mr. Lagomarsino, Mr. Livingston, Mr. Ritter, Mr. Schaefer, Mr. Dornan of California, Mr. Hunter, and Mr. DeWine):

H.J. Res. 172. Joint resolution to express congressional commitment to aid all nations and peoples in Latin America in their efforts to halt the spread of communism; to the Committee on Foreign Affairs.

By Mr. McCOLLUM (for himself, Mr. Gray, of Illinois, Mr. Bunning, Mr. Fazio, Mr. Mack, Mr. Daniel, Mr. Boland, Mr. Lagomarsino, Mr. Boner of Tennessee, Mr. Bryant, Mr. Sunia, Mr. Wortley, Mr. Yatron, Mr. Wolf, Mr. Ireland, Mr. Henry, Mr. Smith of Florida, Mr. Daub, Mrs. Collins, Mrs. Johnson of Connecticut, Mr. McHugh, Mr. Mrazek, Mr. Lewis of Florida, Mr. Bevill, Mr. Annunzio, Mr. Dyson, Mr. Levine of California, Mr. Hayes of Louisiana, Mr. Young of Florida, Mr. Bliley, Mr. Martinez, Mr. Young of Alaska, Mr. Parris, Mr. Regula, Mr. Saxton, Mr. Wylie, Mr. Tauke, Mr. Bilirakis, Mr. Livingston, Ms. Kaptur, Mr. Coats, Mr. Nielson of Utah, Mr. Wilson, Mr. DeFazio, Mr. McGrath, Mr. Kastenmeier, Mr. Bennett, Mr. Thomas of Georgia, Mrs. Bentley, Mr. Matsui, Mr. Moorhead, Mr. Murphy, Mr. Pepper, Mr. Moakley, Mr. Biaggi, Mr. Donnelly, Mr. Levin of Michigan, Mr. Dymally, Mr. Oberstar, Mr. Horton, Mr. Kolbe, Mr. Crockett, Mr. Mavroules, Mr. Chapman, Mr. Weldon, Mr. Watkins, Mr. Hatcher, Mr. Hayes of Illinois, Mrs. Patterson, Mr. Towns, Mr. Ortiz, Mr. McEwen, Mr. Michel, Mr. Jenkins, Mr. Kasich, Mr. Waxman, Mr. Chappell, Mr. Martin of New York, Mr. Studds, Mr. Manton, Mr. Leland, Mr. Traficant, Mr. Murtha, Mr. Lehman of Florida, Mr. MacKay, Mr. Lipinski, Mr. Campbell, Mr. Rahall, Mrs. Byron, Mr. Volkmer, Mr. Nelson of Florida, Mr. Morrison of Connecticut, Mrs. Lloyd, Mr. Gunderson, Mr. Schumer, Mr. Kolter, Mr. Lewis of California, Mr. Weber, Mr. Howard, Mr. Roe, Mr. Clinger, Mr. Fuster, Mr. Rodino, Mr. Shumway, Mr. Vander Jagt, Mr. Darden, Mr. Roybal, Mr. Roth, Mr. Berman, Mr. Traxler, Mr. Grant, Mr. Fascell, Mr. Weiss, Mr. Frenzel, Mr. Swindall, Mr. Jeffords, Mr. Applegate, Mr. Dwyer of New Jersey, Mr. Schaefer, Mr. Guarini, Mr. Bustamante, Mr. Borski, Mr. Lightfoot, Mr. LaFalce, Mr. Shaw, Mr. Kildee, Mr. Feighan, Mr. Pursell, Mr. Valentine, Mr. Scheuer, Mrs. Roukema, Mr. Gilman, Mr. Stallings, Mr. Wyden, Mr. Torricelli, Mr. Hall of Texas, Mr. Lehman of California, Mr. Neal, Mr. Hyde, Mr. Pashayan, Mr. Moody, Mr. Stokes, Mr. Ackerman, Mr. Carper, Mr. Madigan, Mr. Hertel, Mr. Fish, Mr. Natcher, Mr. Pickle, Mr. Owens of New York, Mr. Sisisky, Mr. Rangel, Mr. Frost, Mr. Roberts, Mr. Hughes, Mr. Quillen, Mr. Evans, Mr. Fields, and Mr. DeWine):

H.J. Res. 173. Joint resolution designating May 1987 as "Older Americans Month"; to the Committee on Post Office and Civil Service.

By Mr. MICHEL (by request):

H.J. Res. 174. Joint resolution disapproving the additional assistance to the Nicaraguan democratic resistance; jointly, to the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, Armed Services, and Appropriations.

By Mr. BURTON of Indiana (for himself, Mr. Swindall, Mr. Lagomarsino, Mr. Livingston, Mr. Weber, Mr. Ritter, Mr. Daub, Mr. Dornan of California, Mr. Hunter, and Mr. DeWine):

H. Con. Res. 64. Concurrent resolution to implement the 1979 resolution of the Organization of American States on democracy in Nicaragua; to the Committee on Foreign Affairs.

By Mr. PANETTA:

H. Con. Res. 65. Concurrent resolution to express the sense of the Congress that a cooperative effort to improve the foreign language skills and international awareness of the American people will help the United States compete economically; to the Committee on Education and Labor.

By Mr. SAXTON:

H. Con. Res. 66. Concurrent resolution expressing the sense of Congress that each State should develop a curriculm for instructing school children in the history of the Holocaust; to the Committee on Education and Labor.

By Mr. SHUMWAY (for himself, Mr. Pepper, Mr. Mack, Mr. Hunter, Mr. Badham, Mr. Frank, Mr. Hyde, Mr. Wolf, Mr. Lagomarsino, Mr. Lowery of California, Mr. Ritter, Mr. McCollum, Mr. Feighan, Mr. Dannemeyer, Mr. Petri, Mr. Inhofe, Mr. Smith of New Jersey, Mr. Smith of Florida, Mr. Burton of Indiana, Mr. Konnyu, Mr. DioGuardi, Mr. Wortley, Mr. Dornan of California, Mr. Conte, Mr. Skeen, Mr. Packard, Mr. Pashayan, Mr. Lipinski, Mr. Wilson, Mr. Bateman, Mr. Sweeney, Mr. Upton, Mr. Nelson of Florida, Mr. Hiler, Mr. Herger, Mr. Lewis of Florida, Mr. DeWine, Mr. Dwyer of New Jersey, Mr. Stump, Mr. Dreier of California, Mr. Livingston, Mr. Porter, and Mr. Fawell):

H. Con. Res. 67. Concurrent resolution expressing the sense of Congress regarding the continuing disregard and systematic abuse of the most fundamental rights by the Government of Cuba and the failure of the United Nations Human Rights Commission to address the human rights situation in Cuba; to the Committee on Foreign Affairs.

By Mr. SMITH of New Jersey:

H. Con. Res. 68. Concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union; to the Committee on Foreign Affairs.

By Mr. GONZALEZ:

H. Res. 111. Resolution impeaching Ronald W. Reagan, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. Swindall, Mr. Livingston, Mr. Ritter, Mr. Dornan of California, Mr. Hunter, Mr. DeWine, and Mr. Lagomarsino):

H. Res. 112. Resolution expressing the sense of the House of Representatives that Fidel Castro's actions in limiting the free flow of information, and in limiting the right of Cubans to travel in and out of their country freely, are both a violation of the Cuban people's internationally recognized human rights and a major obstacle to improved United States-Cuban relations; to the Committee on Foreign Affairs.

By Mr. HUGHES:

H. Res. 113. Resolution to amend the Rules of the House of Representatives to establish additional conditions with respect to official travel of members and employees of committees; to the Committee on Rules.

By Mr. SOLOMON (for himself, Mr. Stump, Mr. Stratton, Mr. Lagomarsino, Mr. McCollum, Mr. Moorhead, Mr. Bates, Mr. Inhofe, Mr. Lipinski, Mr. Wortley, Mr. Wolf, and Mrs. Bentley):

H. Res. 114. Resolution establishing the House of Representatives Classified Information Security Office; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. EMERSON:

H.R. 1474. A bill for the relief of Oscar H. McCormack; to the Committee on the Judiciary.

By Mr. GRANT:

H.R. 1475. A bill for the relief of Maj. Ralph Edwards, United States Air Force, retired; to the Committee on the Judiciary.

By Mr. LaFALCE:

H.R. 1476. A bill for the relief of Pedro De La Rosa, Jr.; also known as Dom Lorenzo; to the Committee on the Judiciary.

By Mr. SLAUGHTER of Virginia:

H.R. 1477. A bill for the relief of Beulah C. Shifflett; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 1478. A bill for the relief of Jon Engen; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. Slaughter of New York, Mr. Lantos, Mr. Manton, Mr. Smith of Iowa, Mr. Rangel, and Mr. Matsui.

H.R. 45: Mr. Crane.

H.R. 50: Mr. Carper and Mr. McEwen.

H.R. 67: Mr. Wilson, Mr. DeFazio, Mr. Martinez, and Mr. Edwards of California.

H.R. 76: Mr. Burton of Indiana, Mr. Sensenbrenner, Mr. Hammerschmidt, Mr. Saxton, Mr. Lewis of Florida, Mr. Nielson of Utah, Mr. Armey, Mr. Gaydos, Mr. Fields, Mr. Martinez, and Mr. DeLay.

H.R. 78: Mr. Mrazek.

H.R. 79: Mr. Traficant.

H.R. 80: Mr. Bilbray, Mr. Yatron, Mr. Dwyer, of New Jersey, and Mr. Foglietta.

H.R. 84: Mr. Dannemeyer, Mr. Fauntroy, Mr. Howard, Mr. Garcia, Mr. Foglietta, Mr. Torres, Mr. Rinaldo, Mr. Porter, Mrs. Boxer, Mr. Martinez, and Mr. Rangel.

H.R. 90: Mr. Beilenson, Mr. Berman, Mr. Biaggi, Mr. Bustamante, Mr. Clay, Mr. Dwyer of New Jersey, Mr. Edwards of California, Mr. English, Mr. Fazio, Mr. Florio, Mr. Foglietta, Mr. Fuster, Mr. Garcia, Mr. Gray of Illinois, Mr. Hayes of Illinois, Mr. Hertel, Mr. Howard, Mr. Jontz, Mr. Kastenmeier, Mr. Kildee, Mr. Kolter, Mr. Lancaster, Mr. Lehman of Florida, Mr. Levin of Michigan, Mr. Levine of California, Mrs. Lloyd, Mr. Martinez, Mr. Moakley, Mr. Murphy, Mr. Owens of New York, Mr. Perkins, Mr. Rahall, Mr. Richardson, Mr. Robinson, Mr. Rodino, Mr. Roe, Mr. Savage, Mr. Sawyer, Mr. Solarz, Mr. Staggers, Mr. Stark, Mr. Towns, Mr. Vento, Mr. Weiss, and Mr. Wise.

H.R. 130: Mr. Dicks.

H.R. 137: Mrs. Bentley, Mr. Roe, Mr. MacKay, Mr. Henry, Mr. Atkins, Mr. Leland, Mr. Lancaster, Mr. Bates, Mr. Wortley, Mr. Coleman of Texas, Mr. Towns, Mr. Hastert, Mr. Fazio, Mr. Howard, Ms. Kaptur, Mr. Perkins, Ms. Oakar, Mr. Wolpe, Miss. Schneider, Mr. Walgren, and Mr. LaFalce.

H.R. 185: Mr. Hayes of Illinois, Mr. Tallon, Mr. Barnard, and Mr. Slattery.

H.R. 241: Mr. Traficant, Mr. Kastenmeier, Mr. Schumer, Mr. Gunderson, and Mr. Armey.

H.R. 243: Mr. Stallings and Mr. Schuette.

H.R. 245: Mr. Beilenson, Mrs. Bentley, Mr. Brown of California, Mr. Brown of Colorado, Mr. Carper, Mr. Gekas, Mr. Glickman, Mr. Hefner, Mr. Houghton, Mr. Kostmayer, Mr. Leach of Iowa, Mr. Morrison of Connecticut, Mr. Morrison of Washington, Mr. Nowak, Mr. Packard, Mr. Pickett, Mr. Roberts, Mr. Rowland of Connecticut, Mr. Sawyer, Mr. Swift, Mr. Swindall, and Mr. Weber.

H.R. 280: Mr. Leland, Mr. Solarz, Mr. Mrazek, Mr. Vento, and Mr. Conyers.

H.R. 298: Mr. Fuster, Mr. Parris, and Mr. Quillen.

H.R. 299: Mr. Schuette and Mr. Weber.

H.R. 308: Mr. Huckaby, Mr. Wilson, Mr. Chapman, Mr. Bustamante, Mr. de la Garza, Mr. Fields, Mr. Garcia, Mr. Andrews, and Mr. Dowdy of Mississippi.

H.R. 309: Mr. Montgomery, Mr. Chapman, Mr. Bustamante, Mr. Fields, Mr. MacKay, Mr. Eckart, and Mr. Armey.

H.R. 310: Mr. Wilson, Mr. Chapman, Mr. Bustamante, Mr. DeLay, Mr. Dowdy of Mississippi, and Mr. Armey.

H.R. 372: Mr. Tallon and Mr. Denny Smith.

H.R. 430: Mrs. Bentley and Mr. Lagomarsino.

H.R. 442: Mr. Saxton, Mr. Madigan, Mr. Evans, Mrs. Saiki, Mr. Mfume, Mr. DeWine, and Mr. Miller of Washington.

H.R. 459: Mr. Hayes of Illinois.

H.R. 461: Mr. Owens of New York, Mr. Hawkins, Mr. Kildee, and Mr. Hayes of Illinois.

H.R. 535: Mr. Stump.

H.R. 543: Mr. Lehman of Florida and Mr. Coleman of Missouri.

H.R. 544: Mr. Archer, Mr. Chappell, Mr. Coelho, Mr. Glickman, Mr. Hall of Ohio, Mr. Levine of California, Mr. MacKay, Mr. Moakley, Mr. Sikorski, Mrs. Smith of Nebraska, Mr. Swift, Mr. Weldon, Mr. Wylie, Mr. Barton of Texas, Mr. Courter, Mr. Lowery of California, Mr. Brown of Colorado, Mr. Latta, Mr. Hoyer, Mr. McDade, Mr. Fascell, Mrs. Boxer, Mr. Lewis of Florida, Mr. Dornan of California, Mr. Gekas, Mr. Lehman of California, Mr. Carr, Mr. Solarz, Mr. Howard, Mr. Swindall, Mr. Dowdy of Mississippi, Mr. Torres, Mr. Bilbray, Mr. Volkmer, Mr. Coleman of Missouri, and Mr. Bunning.

H.R. 559: Mr. Penny.

H.R. 567: Mr. Coelho, Mr. Archer, Mr. Brown of Colorado, Mr. LaFalce, Mr. Gregg, Mr. Wolpe, Mr. Kildee, Mr. Pursell, Mr. Slattery, Mr. Quillen, Mr. Foglietta, Mr. Boner of Tennessee, Mr. Coble, Mr. McMillan of North Carolina, Mrs. Johnson of Connecticut, Mr. Lent, Mr. Anderson, Mr. Ballenger, Mr. Sundquist, Mr. Tallon, Mr. Neal, Mr. Lagomarsino, Mr. Dowdy of Mississippi, Mr. Studds, Mr. Stump, Mr. Williams, Mr. Cooper, Mrs. Lloyd, Mr. Swift, Mr. Martinez, Mr. Hefner, Mr. Nielson of Utah, Mr. Spratt, Mr. Wolf, Mr. Barton of Texas, Mr. Darden, Mr. Lehman of California, Mr. Rose, Mr. Barnard, Mr. Evans, Mr. Daniel, Mr. Robinson, Mr. Lancaster, Mr. Bilirakis, Mr. Davis of Michigan, Mr. Nichols, Mr. Armey, Mr. MacKay, and Mr. Vander Jagt.

H.R. 575: Mr. Frank.

H.R. 593: Mr. Price of Illinois, Mr. Lehman of Florida, Mr. Bates, and Mr. Slattery.

H.R. 596: Mr. Fawell.

H.R. 606: Mr. Gray of Illinois and Mr. Bryant.

H.R. 618: Mr. de la Garza, Mr. Obey, Miss Schneider, Mr. Jontz, and Mr. Nagle.

H.R. 627: Mr. Hayes of Illinois.

H.R. 683: Mr. Mfume, Mr. Solarz, Mr. Bates, Mr. Fauntroy, and Mr. Towns.

H.R. 738: Mr. Atkins, Mr. Darden, Mr. de la Garza, Mr. de Lugo, Mr. Espy, Mr. Evans, Mr. Ford of Michigan, Mr. Huckaby, Mr. Kolter, Mr. Lewis of Georgia, Mr. Rangel, Mr. Ray, Mr. Sawyer, Mr. Solarz, Mr. Sunia, Mr. Weiss, Mr. Hertel, and Mrs. Bentley.

H.R. 758: Mr. Mrazek, Mr. Michel, Mr. Thomas of California, and Mr. Traxler.

H.R. 759: Mr. Roemer, Mr. Gallo, Mr. Brown of California, Mr. Wortley, Mr. Armey, Mr. Combest, Mr. Ballenger, Mr. Hopkins, and Mr. Penny.

H.R. 762: Mr. Biaggi, Mr. Howard, and Mr. Evans.

H.R. 785: Mr. Smith of Florida, Mr. Towns, Mr. Ackerman, and Mr. Dwyer of New Jersey.

H.R. 786: Mr. Ballenger, Mr. Crane, and Mr. Coleman of Missouri.

H.R. 788: Mr. Rhodes and Mr. Dornan of California.

H.R. 789: Mr. Emerson.

H.R. 791: Mr. Conyers, Mr. Hochbrueckner, Mr. Torricelli, and Mr. Gregg.

H.R. 792: Mr. Hyde.

H.R. 809: Mr. Madigan, Mr. Stangeland, Mr. Weber, and Mr. Penny.

H.R. 817: Mr. Hastert, Mr. Shumway, Mr. Buechner, Mr. Herger, Mr. Ford of Tennessee, Mr. Daniel, and Mr. Dornan of California.

H.R. 820: Mr. Rhodes, Mr. Dornan of California, and Mr. Armey.

H.R. 919: Mr. Kolter, Mr. McCurdy, Mr. Lagomarsino, Mr. DioGuardi, Mr. Garcia, Mr. Fields, and Mr. Armey.

H.R. 920: Mr. Gonzalez and Mr. Martinez.

H.R. 949: Mr. Lagomarsino and Mr. Dornan of California.

H.R. 954: Mr. Mfume.

H.R. 955: Mr. Bliley, Mr. Armey, Mr. Kolbe, Mr. Badham, Mr. Shumway, Mr. Packard, Mr. Burton of Indiana, Mr. Daniel, Mr. Schuette, Mr. DeLay, Mr. Lagomarsino, Mr. Dyson, Mr. Solomon, Mr. Applegate, and Mr. Porter.

H.R. 956: Mr. Florio, Mr. Smith of New Jersey, Mr. Mavroules, Mr. Traficant, Mr. Conte, Mr. Berman, Mr. Courter, Mrs. Roukema, Mrs. Schroeder, Mr. Atkins, Mr. Saxton, Mr. Kennedy, Mr. Markey, and Mr. Crockett.

H.R. 958: Mr. Davis of Illinois and Mr. Ravenel.

H.R. 966: Mr. Bruce.

H.R. 967: Mr. Weiss.

H.R. 977: Mr. Courter, Mr. Bateman, and Mr. Armey.

H.R. 980: Mr. Frost, Mr. Garcia, Mr. Armey, and Mrs. Kennelly.

H.R. 1014: Mr. McEwen, Mr. Towns, Mr. Dyson, Mr. Owens of New York, and Mr. Martinez.

H.R. 1016: Mr. Ackerman, Mr. Bennett, Mr. Boland, Mr. Boner of Tennessee, Mrs. Boxer, Mr. Carr, Mr. Daniel, Mr. Darden, Mr. Davis of Michigan, Mr. de la Garza, Mr. DioGuardi, Mr. Dornan of California, Mr. Dwyer of New Jersey, Mr. Dymally, Mr. Early, Mr. Evans, Mr. Frank, Mr. Gray of

Illinois, Mr. Hayes of Illinois, Mr. Hertel, Mr. Horton, Mr. Howard, Mr. Jacobs, Mrs. Johnson of Connecticut, Mr. Jones of North Carolina, Mr. Kostmayer, Mr. Martinez, Mr. Mfume, Mr. Mrazek, Mr. Natcher, Mr. Neal, Mr. Nichols, Mr. Owens of New York, Mr. Oxley, Mr. Roe, Mr. Schuette, Mr. Solarz, Mr. Stark, Mr. Traficant, Mr. Vento, Mr. Volkmer, and Mr. Yatron.

H.R. 1028: Mr. Roemer, Mr. Boulter, Mr. Bartlett, Mr. Stenholm, Mr. Dornan of California, Mr. Fawell, Mr. Miller of Washington, Mr. Barnard, Mr. Gunderson, Mr. Henry, Mr. Jacobs, Mr. Daub, Mr. Rowland of Connecticut, Mr. Wylie, Mr. Wortley, Mr. Shumway, Mr. DeLay, Mr. Armey, and Mr. McMillan of North Carolina.

H.R. 1029: Mr. Livingston, Mr. Fields, and Mr. Barton of Texas.

H.R. 1032: Mr. Espy, Mr. Towns, Mr. Petri, Mr. Miller of Washington, Mr. Bilbray, Mr. Kostmayer, Mr. McDade, Mr. Atkins, Mr. Conte, Mr. Evans, Mr. Hayes of Illinois, Mr. Dornan of California, and Mr. Mfume.

H.R. 1042: Mr. Lagomarsino, Mrs. Vucanovich, Mr. Espy, Mr. Herger, and Mr. Hansen.

H.R. 1069: Mr. Lipinski, Mr. Herger, and Mr. Armey.

H.R. 1086: Mr. Wortley.

H.R. 1090: Mr. Bustamante, Mr. Foglietta, Ms. Snowe, Mr. Solarz, Mrs. Johnson of Connecticut, and Mr. Fuster.

H.R. 1105: Mr. Garcia and Mr. Mrazek.

H.R. 1108: Mrs. Byron.

H.R. 1140: Mr. Slattery, Mr. Quillen, Mr. Coyne, Mr. Murphy, Mr. Gordon, Mr. Penny, Mr. Nielson of Utah, Mr. Coats, Mr. Gingrich, Mr. Schaefer, Mr. Fields, Mr. Kolter, Mr. Huckaby, Mr. Volkmer, Mr. Clinger, Mr. Stangeland, Mr. Davis of Illinois, Mr. Kleczka, Mr. Young of Alaska, Mr. Stallings, Mr. Gunderson, Mr. Bereuter, Mr. Kanjorski, Mr. Murtha, Mr. Hiler, Mr. Moorhead, Mr. Rogers, Mr. Sundquist, Mr. Lightfoot, Mr. Myers of Indiana, Mr. Oxley, Mr. Petri, Mr. Wise, Mr. Sharp, Mr. Roberts, Mr. Applegate, Mr. Robinson, Mr. Weber, Mr. Darden, and Mr. Hammerschmidt.

H.R. 1143: Mr. Downey of New York.

H.R. 1153: Mr. Evans.

H.R. 1170: Mr. Garcia, Mr. Fazio, Mr. Hughes, Mr. Lehman of California, Mr. Owens of New York, and Mrs. Martin of Illinois.

H.R. 1178: Mr. Daniel and Mr. Henry.

H.R. 1211: Mr. Ford of Tennessee, Mr. Bates, Mr. Durbin, Mr. Hawkins, Mr. Weiss, Mr. McKinney, Mr. Mfume, Mr. Gonzalez, Mr. Kostmayer, Mr. Mrazek, Mr. Conyers, Mrs. Kennelly, Mr. Ackerman, Mr. Atkins, Mr. Beilenson, Mr. Morrison of Connecticut, Mr. Dellums, Mr. Solarz, Mr. Robinson, and Mr. Owens of New York.

H.R. 1212: Mr. Wyden, Mrs. Kennelly, Mr. Moakley, Mr. Mavroules, Mr. Murtha, Mr. Moody, Mr. Foley, Mr. Mollohan, Mr. Kemp, Mr. Volkmer, Mr. Espy, Mr. Traxler, Mr. Ritter, and Mr. Solarz.

H.R. 1213: Mr. Daniel, Mr. Solarz, Mr. Boland, Mr. Daub, Mr. Yatron, Mr. Weldon, Mr. Garcia, Mr. Morrison of Connecticut, Mr. Kleczka, Mr. Kolter, Mr. Bereuter, and Mr. Lagomarsino.

H.R. 1259: Mr. Downey of New York, Mr. Fuster, Mr. Hefner, Mr. Ortiz, Mr. Boulter, Mr. Robert F. Smith, Mr. Torricelli, Mr. Henry, Mr. Vento, Mr. Stenholm, Mr. Stump, Mr. Huckaby, Mr. Gordon, Mr. Penny, Mr. Brooks, Mr. Roe, Mr. Nichols, Mr. McCurdy, Mr. Sisisky, Mr. Lowry of Washington, Mr. Manton, Mr. Torres, Mr. Bustamante, Mr. Weber, Mr. Bereuter, Mr. Oberstar, Mr. Wolf, Mr. Smith of Florida, Mr. Hertel, Mr. Hopkins, Mr. Hall of Texas, Mr. Flippo, Mr. Darden, Mr. Horton, Mr. Ray, and Mr. Wise.

H.R. 1279: Mr. Lagomarsino.

H.R. 1293: Mr. Daub, Mr. Rangel, and Mr. Garcia.

H.R. 1337: Mr. Daniel, Mr. Nichols, Mr. McDade, Mr. Murphy, Mr. Wolf, Mr. Bustamante, Mr. Livingston, Mr. Lipinski, Mr. DeLay, and Mr. Davis of Illinois.

H.R. 1398: Mr. Dixon, Mr. Lehman of Florida, Mr. Kolter, Mr. Rangel, and Mr. Gonzalez.

H.R. 1412: Mr. Murphy.

H.J. Res. 7: Mrs. Johnson of Connecticut.

H.J. Res. 8: Mr. Hopkins.

H.J. Res. 32: Mr. Buechner, Mr. Young of Florida, Mr. Ortiz, Mr. Lipinski, Mr. Bliley, Mr. Feighan, Mr. Lungren, Mr. Weldon, Mr. Sikorski, Mr. Dornan of California, and Mr. Hatcher.

H.J. Res. 37: Mr. Baker, Mrs. Bentley, Mr. Buechner, and Mrs. Vucanovich.

H.J. Res. 48: Mr. Horton, Mr. McMillan of North Carolina, Mr. McDade, Mr. Broomfield, and Mr. McCandless.

H.J. Res. 55: Mr. Nielson of Utah, Mr. Bonior of Michigan, and Mr. Horton.

H.J. Res. 60: Mr. Swindall.

H.J. Res. 62: Mr. Rowland of Georgia and Mr. Denny Smith.

H.J. Res. 111: Mr. Owens of New York, Mr. Brennan, Mr. Neal, Mr. Garcia, Mr. McGrath, Mr. Hutto, and Mr. Kasich.

H.J. Res. 114: Mr. Sundquist, Mr. Smith of Florida, Mr. Frank, Mr. Stark, Mrs. Kennelly, Mr. St Germain, Mr. Mollohan, Mr. Dorgan of North Dakota, Mr. Hutto, Mr. Lehman of Florida, Mr. Moakley, Mr. Jontz, Mr. Rose, Mrs. Boxer, Mr. Jones of Tennessee, Mr. Hubbard, Mr. Cardin, Mr. Young of Alaska, Mr. Volkmer, Mr. Jacobs, Mr. Gordon, Mr. Burton of Indiana, Ms. Oakar, Mr. Montgomery, Mr. Bunning, Mr. Roberts, Mr. Nelson of Florida, Mr. Boucher, Mr. Daub, Mr. Coble, Mr. Bliley, Mr. Duncan, Mr. Clay, Mr. Quillen, Mr. Ravenel, and Mr. Buechner.

H.J. Res. 122: Mr. Torres, Mr. Bates, Mr. Shumway, Mr. Konnyu, Mr. Lehman of California, Mr. Dowdy of Mississippi, Mr. Lipinski, Mr. Oberstar, Mr. Hammerschmidt, Mr. Morrison of Washington, Mr. Bonior of Michigan, Mr. Roberts, Mr. Weldon, Mr. Mrazek, Mr. Thomas of California, Mr. Edwards of California, Mr. Gallegly, Mr. Lewis of California, Mr. Lowery of California, Mr. Lungren, Mr. Packard, Mr. Atkins, Mr. Lantos, Mr. Pashayan, Mr. Lewis of Florida, Mr. Smith of Florida, Mr. Anderson, Mr. Barton of Texas, Mr. Dwyer of New Jersey, Mr. Ireland, Mr. Gilman, Mr. Green, Mr. Mack, Mr. Bartlett, Mr. Parris, Mr. Quillen, Mr. Gekas, Mr. DeWine, Mr. Tauke, Mr. Young of Florida, Mr. Leland, Mr. Shaw, Mr. Bliley, Mr. Miller of Washington, Mr. Morrison of Connecticut, Mr. Petri, Mr. Whittaker, Mr. Davis of Illinois, Mr. Lott, Mr. Slaughter of Virginia, Mr. McCandless, Mr. Rinaldo, Mr. Kastenmeier, Mrs. Martin of Illinois, Mr. Taylor, Mr. Brooks, Mr. McDade, Mr. Nichols, Mr. Natcher, Mr. Richardson, Mr. Weber, Mr. Bennett, Mr. Dingell, Mr. Craig, Mr. Hansen, Mr. Wortley, Ms. Snowe, Mr. Spence, Mr. Shuster, Mr. Leath of Texas, Mr. McCollum, Mr. Oxley, Mr. Markey, Mr. Duncan, Mr. Udall, Mr. Wylie, Mr. Crane, Mrs. Saiki, and Mr. Akaka.

H.J. Res. 132: Mr. McKinney, Mr. Roe, Mr. Gekas, Mr. Gallo, Miss Schneider, Mr. McDade, Mr. Wortley, Mr. Rodino, Mr. Sikorski, Mr. Gejdenson, and Mr. Flake.

H.J. Res. 137: Mr. Henry and Mr. Pursell.

H.J. Res. 154: Mr. Ireland, Mr. Bilbray, Mr. Sikorski, Mr. Hammerschmidt, Mr. Bevill, Mr. Hayes of Illinois, Mr. Owens of New York, Mr. Lungren, Mr. DeFazio, Mr. Goodling, Mr. Garcia, Mr. Applegate, Mr. Wise, Mr. Skeen, Mr. Coble, Mr. Vander Jagt, Mr. Brennan, Mr. Boucher, Mr. Lent, Mr. Martinez, Mr. Erdreich, Mr. McMillen of Maryland, Mr. Hefner, Mr. Howard, and Mr. Flippo.

H.J. Res. 155: Mr. McCloskey, Mr. Roemer, Mr. Sunia, Mr. Smith of New Hampshire, Mr. Boner of Tennessee, Mr. Roe, and Mr. Regula.

H.J. Res. 163: Mr. Henry, Mr. Martinez, Mr. Owens of New York, Mr. Murphy, Mr. Saxton, Mr. Kasich, Mr. Walgren, Mr. Miller of Ohio, Mr. Perkins, Mr. Lantos, and Mr. Horton.

H. Con. Res. 30: Mr. Young of Alaska, Mr. Richardson, Mr. Murphy, Mr. Spratt, Mr. McMillan of North Carolina, Mr. Walker, Mr. Boucher, Mr. Harris, Mr. Hutto, Mr. Wortley, Mr. Mrazek, Mr. Boulter, Mr. Leath of Texas, Mrs. Patterson, Mr. Lancaster, Mr. Lightfoot, Mr. Coleman of Texas, Mr. Clarke, Mr. Bustamante, Mr. Coble, Mr. Gallo, Mr. Davis of Michigan, Mr. Combest, Mr. Lewis of Florida, Mr. Robinson, Mrs. Bentley, Mr. Mollohan, Mr. Myers of Indiana, Mr. Watkins, and Mrs. Lloyd.

H. Con. Res. 47: Mr. Towns, Mr. Stark, Mr. Dellums, Mr. Dixon, Mr. Panetta, Mr. Williams, Mr. Moakley, Mr. Donnelly, Mr. Bosco, Mr. Levin of Michigan, Mr. Evans, Mr. Davis of Michigan, Mr. Carr, Mr. Dicks, Mr. Eckart, Mr. Boucher, Mr. Slattery, Mr. Schumer, Mr. Lowry of Washington, Mr. Roberts, Mr. Solarz, Mr. Bilirakis, Mr. Cooper, Mr. Moorhead, Mr. Torres, Mr. Levine of California, Mr. Dwyer of New Jersey, Mr. Lipinski, Mrs. Collins, Mr. Lehman of California, Mr. Morrison of Connecticut, Mr. Aspin, Mr. Hall of Ohio, Mr. McMillen of Maryland, and Mr. Coelho.

H. Con. Res. 50: Mr. Florio, Mr. Gordon, Mr. Leland, Mr. Lipinski, Mr. Atkins, Mr. Henry, Mr. Dwyer of New Jersey, Mr. Horton, Mr. Tallon, Mr. Darden, Mr. Conte, Mr. Petri, Mr. Thomas A. Luken, Mr. Mrazek, and Mr. Eckart.

H. Con. Res. 51: Mr. Jones of North Carolina, Mrs. Martin of Illinois, Mr. Dingell, Mr. Lott, Mr. Gephardt, Mr. Bevill, Mr. Dorgan of North Dakota, Mr. Jacobs, Mr. Anthony, Mr. Daniel, Mr. Harris, Mr. Yatron, Mr. Dyson, Mr. Ballenger, Mr. Durbin, Mr. Nichols, Mr. Towns, Mr. Spence, Mr. Sundquist, Mr. Frank, Mr. Spratt, Mr. McDade, Mr. Lancaster, Ms. Kaptur, Mr. Grant, Mr. Rowland of Georgia, Mr. Coble, and Mr. Savage.

H. Res. 18: Mr. Crane.

H. Res. 53: Mr. Kolter, Mr. Madigan, Mr. Schuette, and Mr. Weber.

H. Res. 68: Mr. Lancaster, Mr. Cardin, and Mr. Hayes of Illinois.

PETITIONS, ETC.

Under clause 1 of rule XXII,

25. The SPEAKER presented a petition of Mr. Peter J. Cojanis, Washington, DC, relative to jurisdictions concerning foreign military and economic policy; which was referred to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

AN INNOCENT VICTIM OF THE IRAN SCANDAL

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LAGOMARSINO. Mr. Speaker, in the course of reporting on the activities of Lt. Col. Oliver North, the New York Times, February 15, published a report wrongly stating that the National Endowment for Democracy was "the public arm of project democracy," an alleged covert project of Lieutentant Colonel North. The National Endowment for Democracy is, in fact, an independent, nongovernmental organization governed by a bipartisan board of directors. It operates openly and is responsive to the needs of private groups abroad working peacefully to foster democratic institutions.

A commentary by Walter Mondale and Frank Fahrenkopf in the February 23 edition of the New York Times makes clear the open, bipartisan character of the National Endowment for Democracy. I urge my colleagues to read this commentary and use its information to respond to any unfounded charges about the nature of the endowment.

[From the New York Times, Feb. 23, 1987]

AN INNOCENT VICTIM OF THE IRAN SCANDAL

(By Walter F. Mondale and Frank J. Fahrenkopf, Jr.)

WASHINGTON.—Because so much remains unknown about the Iran-contra scandal, information frequently comes out in the form of revelations that may contain only part of the truth and can be badly misleading. If we are not careful, many good and innocent people doing very worthwhile things could be harmed.

A case in point is the recent disclosure that the White House, under the direction of Lieut. Col. Oliver L. North, was carrying out secret activities under something called Project Democracy. According to the report, the project's "public arm" is the National Endowment for Democracy, a private, bipartisan organization established to strengthen democratic institutions in the world.

The allegation that the Endowment has any relationship whatsoever to Colonel North's activities, whatever they were, is entirely unfounded. Even the suggestion that the Endowment is an "arm" of Project Democracy is wrong and clearly at odds with legislative history.

In early 1983, Congress was presented with two separate legislative proposals to foster democratic political and social institutions abroad. The first was Project Democracy, an Administration request for $65 million to fund a range of programs through the United States Information Agency, the Agency for International Development; and the State Department. The second proposal was to authorize funding for the National Endowment for Democracy.

The Endowment idea was inspired by the success that private foundations associated with West Germany's political parties have had in strengthening democratic institutions in the developing world. As envisioned, the Endowment would be a private, nonprofit entity that would openly fund democracy-building programs carried out by institutes associated with labor, business, our two major political parties and other private-sector organizations.

Believing that the work of promoting democracy could most effectively be carried out by the private sector, Congress authorized funding for the Endowment and not the package of programs called Project Democracy. This approach gained the Administration's full support.

This history is important because it shows that from the very beginning Congress placed a high value on the private, bipartisan character of the Endowment and its independence from the current or any future Administration.

Under the leadership of a broadly representative board of distinguished Americans, the Endowment has made great progress. It has developed strong oversight procedures pertaining to the selection, monitoring and evaluation of all grants. It reports fully to Congress on its activities and, as required by statute, keeps the State Department informed as well. The commitment to openness has always been fundamental to the concept and actual operation of the Endowment.

In all cases, the Endowment has been responsive to the democratic needs and initiatives of its partners abroad, in the belief that internally generated change is preferable to change that is artificially imposed from the outside.

The Endowment's work covers a wide range of countries. In the Philippines, Haiti, Taiwan, Guatemala, South Korea, Chile and Paraguay, its programs have supported or are helping to stimulate a process of democratic transition. In developing democracies such as Argentina, Peru and Colombia, as well as in the Caribbean and Central America it provides aid to groups seeking to consolidate democratic institutions and procedures and to strengthen the commitment to democratic values.

The Endowment is also engaged in the difficult job of encouraging pluralist trends in the closed societies of the Communist world. Even in societies wracked by conflict, such as South Africa, Afghanistan, Northern Ireland and Nicaragua, it supports those who are working peacefully to sustain democratic possibilities and values.

The present controversy only heightens the importance of such open support for our friends abroad. We must not allow totally unrelated activities alleged to have been carried out under the rubric of an otherwise defunct "Project Democracy" to discredit the efforts of the National Endowment for Democracy.

BERLIN

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. AuCOIN. Mr. Speaker, I'd like to include for my colleagues attention today an extremely thoughtful and reflective article on Berlin written by a man I am proud to count as a very special friend. Shepard Stone is the director of the Aspen Institute in Berlin, and is one of only four non-Germans to have been made honorary citizen to the city. It's been my great pleasure to have participated with him in several high-level meetings with our European allies, and his reflections on the city that was, and is, Berlin, are well worth reading. I commend them to my friends here on the floor, especially now, in the year in which Berlin celebrates its 750th anniversary. I think we have much to learn from Shep Stone, and from his understanding and appreciation for this vital and thriving city. And since this marks his final year as director of the institute, let me take this opportunity to thank him for his many contributions and to wish him well in his future endeavors.

BERLIN: A DOUBLE CELEBRATION—LOOKING BACK ON THE PLACE WHERE EVERYTHING HAPPENED

(By Shepard Stone)

BERLIN.—For almost 60 years I have had an affair with Berlin. Like all affairs, it has had its ups and downs. Not long ago, Alan Bullock, the English historian whose biography of Hitler remains the standard, suggested that the history of the 20th century should be written from Berlin.

For good or evil, in peace and war, in industry, science, arts and culture, as an example for the melancholy and the potential richness of life in a metropolis, few cities have had a larger role in shaping the climate and events of our century. And for many of these years, as a student, journalist, in the army, in government and in a private capacity, I have been, off and on, a part of it.

It started in May 1929, when a Dartmouth professor, knowing of my urge to do graduate work in Europe, said "Go to Berlin."

Why Berlin—my German was fragile to nonexistent and I had not been especially attracted to the photographs in history books of Kaiser Wilhelm II, Von Tirpitz, Hindenburg and Ludendorff and the others in St. Petersburg, Vienna, Paris and London, all of whom stumbled into World War I. (Shortly after its outbreak, a former German foreign minister asked his successor, "How did it happen?" The melancholy answer was, "I wish I only knew"—an exchange worth remembering when we look at our world today.)

My professor gave me two reasons for Berlin. "It has one of the greatest universities in the world (it was the time of Einstein, Planck and other Nobel laureates) and Berlin is the place where everything is going to happen."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I went to Berlin and by the time I left three and a half years later, a few weeks before Hitler came to power, everything was happening.

Soon after arriving in Berlin, I bought a first edition of Hitler's "Mein Kampf," written around 1923-1924. Friends said, "Why do you read that trash? He is mad and he will never come to power." It was all mad, but he came to power, put the criminal policies he had outlined into effect, launched World War II and helped to break the world apart and Germany and Berlin in the doing. During the first years of success, a majority of Germans applauded. I saw too many cheering in the streets while the Nazi banners went by.

In the last years of the Weimar Republic, before Hitler took over, Berlin was the avant-garde city of the world. It was the time of the world depression, with millions unemployed in New York, Paris, London, Berlin, everywhere. In Berlin, sallow men and women, without work and without support, stood disturbed, angry on the street corners or in the courtyards of broken down buildings, without hope, in despair. They provided the kindling for the Nazis and Communists, who fought each other, killed each other.

And yet there was another Berlin—to which many of the creative artists, writers, poets, producers, actors, painters, academics, and scientists from northern, southern, eastern and western Europe were drawn. It was slightly off balance, every new idea had its chance, every absurdity its day. It was vibrant, energetic, dazzling.

Of that Berlin, Carl Zuckmayer wrote, "You had to be in Berlin to smell the future." And a Berlin rabbi, who had the luck to emigrate from Hitler's Reich, later wrote, "If one chose a city and a time where one wanted to live, it would be the Berlin of the 1920s."

That was the Berlin I came to, an innocent out of New Hampshire, by way of a two-day stand in New York. Within a few weeks I heard the Berlin Philharmonic, under Furtwängler, and in concert halls and at the opera there were also Bruno Walter, Otto Klemperer and Erich Kleiber. There was Max-Reinhardt in the theater. I heard Marlene Dietrich and have been tormented ever since. I sat in the cafes next to artists, bankers, philosophers, fanatics of the Right and the Left. I lived in the area that Liza Minnelli and "Cabaret" made famous years later. Down below on the street corners were strange ladies and even stranger men. I am glad to report they were resisted.

The university was exciting. The intellectual and social climate was intensive. Many of the students were more interested in politics than in studies. There seemed to be a Nobel laureate in every other seminar. No wonder that Johnny van Neumann, Leo Szilard, Edmund Teller, Raymond Aron and others came out of Prague, Budapest, Paris and everywhere else to study in Berlin.

One night our forlorn foreign students club staged its "annual" dinner—we had never held one before—in a seedy Berlin restaurant. As a lark, we had invited Einstein. He never answered, but that night, while drinking beer, in walked the great man and spent two hours with us. We were so overcome that none of us remembered what he said.

The Berlin girls, or some of them, turned one's head. I am glad to say that for more than 50 years one has been with me, proving that Berlin-American friendship did not start with the blockade and airlift in 1948.

In the U.S. Army, shortly after the end of World War II, one stood among the ruins of Alexanderplatz, Unter den Linden and Kurfurstendamn, shaken by memories, and I thought that the city would never be rebuilt. It was.

Women began to stack the bricks and stones (somehow historians seem to overlook the influence of women in history) and under such leaders as Ernst Reuter, a new, determined free West Berlin began to emerge.

The Berliners had learned the lessons of Hitler and they resisted a new totalitarianism from the East. It was their stand during the 1948-1949 blockade that softened feelings in Western Europe and in the United States about the Germans and led to the Atlantic Alliance.

West Berlin today is larger than one thinks—25 miles (40.5 kilometers) across and long. Thirty-five percent of the city comprises lakes, rivers and forest. It is not New York, Paris, London or Rome, but there is something about the place, a spirit or atmosphere that takes hold and doesn't let go.

There is the point where two world systems, divided by a brutal wall, built by the Communists, meet at Checkpoint Charlie. The wall, unfortunately, symbolizes the realities of our world. Here is Germany's most international and stimulating city, with more than 120,000 Turks, men, women and children from everywhere, a mixture of people, culture, ideas, architecture, ways of life.

Today, the city is a high-tech center with energetic young investors and entrepreneurs, backed up by more than a hundred scientific and other institutes and 90,000 university students from all parts of Germany and the world. Some of the industrial and scientific activity is in the tradition of the early part of the century, when Siemens, AEG and others were showing innovative leadership in electronics, automobiles and other industries.

In one of those institutes in the 1930s, Otto Hahn carried out, as he put it, "a nice little experiment" in which he split the nucleus of the atom (he was later surprised by the implications) and the word raced to Lisa Meitner, Niels Bohr, Einstein and finally President Roosevelt, who launched the Manhattan Project.

The city remains slightly mad, open to experiments, some promising, some absurd. It is a hotbed of ideas where social, intellectual and other universal problems are anticipated, tried out, carried through or abandoned. Occasionally, the young like to demonstrate in the streets, sometimes for causes that are not always convincing. The avant-garde is comfortable here, anything goes and nobody seems to care. The situation is balanced by the Berlin Philharmonic, opera, museums, theaters and *Kneipen*. One wonders sometimes if the Berliners ever eat at home.

The Berliner is cynical, flippant, tolerant, sometimes abrasive but he can take and make a joke and he can be neighborly. The city has seen too much violence and breakage in the past for the Berliner to be romantic.

Next year, Berlin—the two Berlins—celebrate the 750th anniversary of the city's founding. Unfortunately, East Berlin will not open up the Brandenburg Gate and Potsdamer Platz to allow a free flow of people in both directions. Someday the wall will come down because East and West will learn, as they must, to live more tolerantly next to each other. It is a pity that I will not be around.

Berlin, for me, has been an adventure. Apart from the brutal Nazi years, I am grateful to it. The place, notwithstanding its problems, has a future. There is hope in the air.

PROBLEMS WITH THE U.S. EMBASSY IN MOSCOW: LET THE BUYER BEWARE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BROOMFIELD. Mr. Speaker, while Mr. Gorbachev is telling the world that he is ready to deal with the United States on a medium-range arms accord, I want to share with my colleagues a classic story which illustrates the downside of dealing with the Soviets. We all know about the serious difficulties which our Government has encountered in building the new U.S. Embassy in Moscow. Many of these problems are directly attributable to the Soviet contractor and the Soviet Government.

The American Embassy in Moscow project has been plagued by lengthy construction delays and construction flaws. In addition the project has experienced a cost overrun that may total $100 million as well as reported technical security problems. Given all of these obvious shortcomings of that project, there are serious concerns about the fate of that Embassy.

I commend the Secretary of State for addressing this problem in a practical and effective way. He recently announced the appointment of former Secretary of Defense James R. Schlesinger to undertake a review of the Moscow project in order to determine if that building can be salvaged. I am confident that Mr. Schlesinger will employ his many talents to conduct a thorough and objective study of the options which our Government has regarding the future of that building.

As an expression of my deep concerns about this troublesome project, I recently introduced House Concurrent Resolution 3, which condemns the Soviet Union for the reported penetration of the American Embassy in Moscow and supports the President's position of not allowing the Soviets to occupy their chancery in Washington until all problems associated with the Embassy are resolved.

When it comes to dealing with the Kremlin on getting a new Embassy, I continue to say "Buyer beware!"

With these concerns in mind, I commend the following Washington Post article on this Embassy project to my colleagues in the House:

[From The Washington Post, March 4, 1987]

STATE DEPARTMENT, CONGRESS IN EMBASSY ROW: EX-DEFENSE SECRETARY TO JUDGE WHETHER NEW CHANCERY BUILDING IN MOSCOW CAN BE SAVED

(By David B. Ottaway)

The controversy surrounding the unfinished new U.S. Embassy in Moscow has taken a new turn with the appointment last week of former secretary of defense James

R. Schlesinger to make a recommendation to the State Department on whether the Soviet-built main chancery building can be salvaged.

In taking on the assignment, Schlesinger is stepping into heavy cross fire between the State Department and Congress over who is at fault for an enterprise that has resulted in major security flaws, a five-year delay in completion and a cost overrun that a congressional study estimated at $100 million.

The choice of Schlesinger, who served as secretary of defense and later as secretary of energy in the Carter administration, and who also served briefly as CIA director under Nixon, seems to confirm that security is the major concern of those deciding the building's fate. U.S. inspectors discovered two years ago that the Soviet contractor that built the chancery planted "bugs" in the floors and walls.

Seven of the eight buildings comprising the embassy complex are finished and occupied. But all work on the main, eight-story chancery building stopped abruptly Aug. 17, 1985, when Soviet workers were locked out of the site because of what a State Department report calls a combination of "security concerns, congressional pressure [and] Soviet construction delays."

Schlesinger's assignment, according to State Department spokeswoman Phyllis Oakley, is to conduct a comprehensive review and then "develop and evaluate options for ensuring the secure operating environment for our mission in Moscow."

Schlesinger will travel to Moscow to inspect the building himself and is expected to present his recommendations to Secretary of State George P. Shultz in late May or early June.

"We're at a critical juncture where we have to decide what we're going to do," said one State Department official.

Debate over the status of the chancery broke out last September when The Washington Post made public a Senate Foreign Relations Committee report sharply critical of the State Department, both for its management of the project and for the construction terms it agreed to in accords reached with Moscow in 1972 and 1977.

The report, hotly contested by the State Department's Foreign Buildings Office, charged that the terms were "guarantees" that serious problems would rise in the construction of the U.S. Embassy, and that its security would be compromised, primarily because the accords allowed a Soviet contractor to fabricate building components off site and without U.S. supervision.

It listed flaws in the chancery construction that included water leaks from the roof, cracks in the mortar on the exterior, gaps, between interior walls and ceilings, and defective cement- and brickwork. Altogether, it said, the problems would cost $100 million to repair, more than doubling the original estimated cost of $89 million.

The report did not detail the security problems, which are reported to include the discovery of electronic eavesdropping devices in some floor planks and walls.

"Common sense," said the report, "would tell the average American citizen, without benefit of security or diplomatic training, that it would be foolish to allow a United States Embassy to be designed and constructed by Soviets."

The Soviets experienced similar "security" problems here. During construction of housing at the Soviet Embassy complex at Mount Alto, "bugs" were found, one in a toilet partition, according to John C. Warnecke, whose company served as the associate architect and construction supervisor for the complex. After that, 10 to 12 Soviet security inspectors examined every piece of material, disassembled windows and window frames to check for bugs, X-rayed every inch of steel and all the exterior walls and insisted that all building materials be fabricated on site, Warnecke said.

The State Department's Foreign Buildings Office last November drew up a point-by-point rebuttal of the Senate report, blaming many of the construction problems on the sudden "lockout" of Soviet workers in 1985 that brought all work on the chancery to a halt.

"Portions of the roof, requiring considerable structural steel and concrete, as well as waterproofing, were left undone by the Soviet contractor when it was suddenly locked out," it said.

On the other hand, cracks in the mortar after three of four years of exposure to the Moscow climate might be considered "normal," the buildings office said. It said the concrete came from the Moscow central mixing plant used on all construction in the capital and that walls "hundreds of years old" constructed with the same ingredients still stand today.

The report admitted, however, that the Soviets had no capacity for pouring cement for large areas because "precast concrete is the norm." It also said that "much Soviet work requires redo before it is approved," a problem the buildings office called "endemic," though not "critical."

The buildings office said that the original $89 million cost estimate had never included U.S. construction of the interior "secure area" of the embassy, furnishings, transport or $37 million in supplemental appropriations for "enhanced security requirements." Its own estimate of cost overrun—$20 million—is a subject of legal dispute with the Soviets, the office said.

According to an unclassified State Department report on the history of the U.S.-Soviet negotiations on the two embassies, the issue of whether an American or Soviet contractor would build the U.S. complex in Moscow was settled by two agreements reached in 1972 and 1977. Those agreements were the culmination of talks dating to 1934, when William C. Bullitt, the first U.S. ambassador to the Soviet Union, raised the issue of a new embassy with Stalin.

From the start, the question of the contractor bedeviled the negotiations, which broke down in 1939. They were resumed, and linked to a new site for the Soviet Embassy here, in the mid-1960s after Soviet efforts to build in Chevy Chase were blocked by the local community.

An agreement on sites for the two embassies was reached in 1969. (Ironically, the Soviets were not initially enthusiastic about the Mount Alto site on Wisconsin Avenue "because of its distance from the center of the city and from government buildings," the State Department's report says. Conservatives have been particularly critical of the U.S.-Soviet agreement on the embassy sites because the State Department agreed to an elevated site for the Soviet Embassy, facilitating its monitoring of U.S. government communications.)

But construction terms remained to be negotiated in a process the State Department report said "was like building a house of cards during a windstorm.

"The haggling over conditions grew so acrimonious that both sides at times considered giving up the negotiations," it said.

President Nixon and the spirit of detente finally brought an end to the haggling over construction terms. On Oct. 3, 1972, Nixon told the State Department he wanted an agreement signed before Andrei Gromyko, the visiting Soviet foreign minister, left the next day.

The deadline passed without an accord. But it was finally signed on Dec. 4, after then-Secretary of State William P. Rogers intervened to force the issue and received Nixon's congratulations for doing so. Still, it took five more years to reach a final protocol on construction terms, which was signed in Moscow in March 1977.

The department report defended the final decision to allow a Soviet contractor to do "all basic structural work" on the U.S. Embassy, noting that all other foreign embassies in Moscow were built by the Soviets and that the French had tried and failed to construct their own.

It said the United States also did not want to face the "counterintelligence challenge" of monitoring a large number of Soviet construction workers coming here to build the Soviet Embassy or the cost of sending 150 to 200 American workers to build the U.S. complex in Moscow.

GESTURES AND THE HOMELESS

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BEREUTER. Mr. Speaker, in its lead editorial yesterday, titled, "Gestures and the Homeless," the Washington Post comments upon H.R. 588, Urgent Relief for the Homeless Act, which this body will very shortly consider. That legislation, hurriedly prepared, will pass by an overwhelming vote today, but the concluding comments in that editorial ought to be enunciated here today. In speaking about the effort to push this legislative initiative to passage the Post concludes:

> If the government can help them with some emergency funds it should. But there is a side to this stampede toward the T.V. cameras that does no one credit and will not help the homeless. It is much more help for the helpers, at best an impulse without clear content, aid of the kind we should all have learned long ago to distrust.

If the problem of the homeless is worth addressing—and it is—it is worth addressing carefully and well. Most or all of the objectives of this legislative initiative are highly commendable, but the product is a hodgepodge of ill-considered authorized actions that together only constitute an effort to throw one-half billion dollars in one year, at a problem hoping that it might have some impact commensurate with that sum. It is an outrageously large sum to authorize for such a legislative product. We can do better and should.

I enclose a more complete version of the Washington Post editorial for the attention of my colleagues.

[From the Washington Post, Mar. 4, 1987]

GESTURES AND THE HOMELESS

Several members of Congress, the mayor and a few movie stars were scheduled to spend last night on a grate to demonstrate their concern for the homeless. The gesture continues the strange glamorization of this issue that no one fully understands yet so many want to use.

The problem of the homeless has arrived in our midst with what has to be called unnatural speed. Five years ago, if headlines are the measure, it hardly existed. Now it pervades the society. To what extent has reality changed, to what extent is this a genuine public discovery of wretchedness previously ignored, to what extent is it a media artifact? No one quite knows, and at a certain level it does not matter. The people are there, and plainly wretched. * * *

A bill is fine, and some of the funds for emergency measures are needed. But the issue is more complex than this hasty solution suggests. Who are the homeless? Why are they suddenly in evidence when they were not before? What are their problems and what are the solutions? Are they mainly deinstitutionalized mental patients? Or are they victims of the weak economy of recent years?

It isn't a tidy world, but no program can be meaningful for long without a better sense than anyone seems to have of what its purposes and dimensions are. The bill in Congress would create an Interagency Office on Homelessness. Do the homeless really need a separate agency to champion their cause within the government? Or do they not need stronger support from agencies along the way to becoming homeless, better help in their lives before they end up on the grates and in the makeshift shelters?

The limited amount the bill would provide cannot solve the problem of the homeless, whatever that is; it is a token amount. The bill would give an additional $70 million to the Federal Emergency Management Agency to distribute food; $100 million to cities, states or other intercessors to renovate buildings for use as shelters; $30 million for transitional housing; extra funds for outpatient mental health care. Calling a halt to the emptying of mental hospitals until the necessary community mental health programs are in place is a better idea. The bill skips on the surface.

The homeless, we say again, are wretched people who need help. If the government can help them with some emergency funds, it should. But there is a side to this stampede toward the TV cameras that does no one credit and will not help the homeless. It is much more help for the helpers, at best an impulse without clear content, aid of the kind we should all have learned long ago to distrust.

SUPPORT OF THE CONTRAS

HON. DONALD E. LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DONALD E. LUKENS. Mr. Speaker, I rise today to share with my colleagues an editorial from the February 23, 1987, issue of U.S. News & World Report.

This editorial succinctly outlines the issues surrounding the situation in Nicaragua and America's role in helping the Contras to end the violent Communist totalitarian government which has been imposed on the people of Nicaragua by the Sandinistas. The editorial effectively refutes the arguments of the opponents of aid to the freedom fighters. I urge my colleagues to read this piece before urging a cutoff of aid to the Contras.

The article follows:

[From the U.S. News & World Report, Feb. 23, 1987]

THE PRESIDENT'S PASSION

Finding the guilty in the laundering of the Iranian millions for the Contras preoccupies Congress and the press. Colonel North, General Secord and others reappear in the headlines. But one name is missing in all the furor—Daniel Ortega, President of Nicaragua. It is right to pursue our American scandal. But it will be tragic if the primary issue is sidetracked. That primary issue is the outrageous subversion of the Nicaraguan revolution by the Sandinistas. It presents the U.S. with moral and strategic issues that will outlast the current furor and the Reagan Presidency.

President Reagan has been wrong about Iran, but he has been right in his personal commitment to the Nicaraguan Contras. He did not invent them. The Sandinistas did. There were no Contras until the Sandinistas imposed a totalitarian state on the people's hopes of freedom after the Somoza dictatorship. What would happen if we didn't support the Contras and their effect were minimized? The Sandinistas would then be free to do what they tried to do before they were Contras—namely to expand the revolution. Even in 1979, when they were hanging on by their fingernails, the Sandinistas were supporting insurrections in Honduras, El Salvador and Guatemala. Today, they have an Army 10 times the size of and more powerfully armed than Somoza's. The Sandinistas are very explicit about their revolution as Marxist and a "revolution without boundaries." They say they want a Marxist paradise in Nicaragua and in all countries around Nicaragua. Nothing short of force will contain the Sandinistas, and it is clearly better if that force were exerted by Nicaraguan fighters rather than American.

Let's deal with the questions that are raised.

1. Why don't Nicaragua's neighbors feel strongly about this? They do. But they are influenced by our own vacillations. In private, these governments are much more hostile for they understand how vulnerable their own countries are to Nicaraguan subversion should the Contras collapse.

2. Wouldn't the arms money be better spent eliminating the causes of Communism in our hemisphere? We know all too well how long and how difficult it is to rid injustice and poverty from weak local economies. Meanwhile, what is to be done about Sandinista military action and subversion? To defend our southern flank would cost the U.S. vastly more than the $100 million in Contra aid.

3. Won't America be drawn into military action to rescue the rebels or rescue Honduras or rescue U.S. prestige? Reagan's opponents raised the same argument and were wrong about the military-aid program for El Salvador. Had military aid not been given, the U.S. might well have had a major crisis following a Communist takeover in El Salvador.

4. Are not the Contras a collection of Somocistas? No. There are about as many ex-Sandinistas in the command and staff positions as there are ex-Somocistas—both about 25 percent. Of 14 Contra regional commanders, 3 are ex-Somocistas and 6 are ex-Sandinistas. The three top leaders have unambiguous anti-Somoza credentials. But Contra human-rights abuses have occurred. Congress, as it has done on El Salvador, is wise to raise the issue to limit these violations.

5. Aren't the Contras ineffective? Again, no. If the U.S. had 3,000 advisers in El Salvador and the guerrilla forces doubled in size over 18 months, this would be seen as a failure. Yet Cuba has 3,000 advisers in Nicaragua, and the insurgency forces there have doubled over the last 18 months. In five years, the Contras have built up an effective force five times the size of the one the Sandinistas built up over 15 years. Success for guerrilla armies cannot be measured by body counts or by territory held. The Sandinistas engaged in guerrilla operations for years before they ever held an inch of territory, and we do not make such demands for territorial gain on the Afghan resistance.

The real questions: Are we committed to our own hemisphere? Is it important? The Contras are central to the stability and future of this hemisphere, because it is Nicaragua that is challenging that stability and the Contras are the only effective counterforce we have. To reverse our support would advertise an unreliability that would undermine our friends and tempt our foes in the region and perhaps beyond. It would cost us dearly.

WE MUST CONTINUE TO ASSIST NICARAGUANS

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DREIER of California. Mr. Speaker, last night the President took a bold step toward putting the Iran arms issue behind us. Yes, many questions remain but we must proceed and resolve those as expeditiously as possible. A byproduct of the Iran-Contra issue is a proposal here in Congress to block assistance to the Nicaraguan Freedom Fighters. Mr. Speaker, I commend to my colleagues a brief but very important editorial by Mortimer B. Zuckerman of U.S. News & World Report. It underscores the importance of ensuring that we continue to assist the Nicaraguans fighting for freedom so that we will never have to send United States military troops to the region:

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ADMINISTRATION MOUNTS ASSAULT ON TITLE X FAMILY PLANNING/PLANNED PARENTHOOD PROGRAMS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. KOSTMAYER. Mr. Speaker, in recent weeks, the National Family Planning Program—title X of the Public Health Service Act—has come under severe attack by officials in the Reagan administration and by those outside the administration opposed to family planning.

These attacks, in the form of executive branch orders and newly proposed legislation, represent a determined effort to destroy an effective and widely supported nationwide community-based health program.

In January, an official in the Department of Health and Human Services, Jo Ann Gasper, issued an order to deny all title X funding to Planned Parenthood affiliates throughout the Nation. Mrs. Gasper's order was immediately rescinded by her superiors at HHS, including Secretary Otis R. Bowen who subsequently issued a memorandum stating the administration's intention to advance its policies—cripple domestic family planning through legislative means—the only way such policies can legally be put into effect.

Mrs. Gasper's rescinded order singled out Planned Parenthood for attack despite that organization's scrupulous adherence to the law stipulating no Federal funding for abortions. She and her allies in and out of the administration want to go far beyond the scope of current law and decide what organizations ought to receive Federal funding on the basis of what those organizations do with non-Federal funds. The effect of the Gasper directive and the newly proposed antifamily planning legislation, if enacted, would be to deny increasingly scarce Federal health funding to State and local governments, hospitals, HMO programs, and other health-service providers in almost every congressional district in the country.

Last week, 82 of my colleagues joined me in sending the following letter to the President expressing our concern about these illegal attacks by the administration on our domestic family planning program. I also commend to my colleagues an editorial from the February 16 Washington Post concerning this important matter.

House of Representatives,
Washington, DC, February 24, 1987.

Hon. Ronald W. Reagan,
President of the United States, the White House, Washington, DC.

Dear Mr. President: We are deeply disturbed by recent attacks on the Title X family planning program by individuals in your Administration, including the person charged with administering the program, the Deputy Assistant Secretary for Population Affairs at the Department of Health and Human Services, Jo Ann Gasper.

The recent memorandum by Ms. Gasper to regional administrators attacking Planned Parenthood is an unfair and irresponsible action for which there is no basis in law. The Title X program has been law since 1970, and has traditionally enjoyed broad and bipartisan support. Congress has re-examined the program several times since then and reauthorized it without significant change. As recently as last fall, the Congressional conferees on the omnibus continuing resolution wrote report language aimed at insuring that the program was unchanged in the absence of new legislation.

We are pleased that Secretary Bowen has taken steps to limit the damage done by the Gasper memo, which was quickly rescinded. We urge you to send a clear signal to the Secretary and his employees that the Title X program is to be managed in an even-handed way, free from political pressures and attacks by special interest groups and their allies in your Administration.

Finally, we note that the Administration has announced plans to submit legislation amending the Title X program. While we do not support the changes you are seeking, we commend you for recognizing that only through Congressional action—not administrative fiat—can changes of this type be properly made.

Sincerely,

Sam Gejdenson, Peter H. Kostmayer, Henry A. Waxman, James H. Scheuer, Jim Moody, Peter J. Visclosky, Kweisi Mfume, Stephen J. Solarz, Barney Frank, Daniel K. Akaka, Thomas C. Carper, Mel Levine, Major R. Owens, Martin Olav Sabo, Nick Joe Rahall II, Matthew G. Martinez, Thomas C. Sawyer, Edolphus Towns, Robert J. Mrazek, Patricia Schroeder, Cardiss Collins, Andrew Jacobs, Jr., Mickey Leland, Mike Lowry, Louise M. Slaughter, Rick Boucher, Anthony C. Beilenson, Steny H. Hoyer, Howard Wolpe, George Miller, John Lewis, William H. Gray III, Bruce A. Morrison, Ted Weiss, Gerry E. Studds, Albert G. Bustamante, Norman Y. Mineta, William J. Hughes, Howard L. Berman, Vic Fazio, Charles B. Rangel, Robert G. Torricelli, Constance A. Morella, Sander M. Levin, C. Thomas McMillen, Lane Evans, Dave McCurdy, Gary L. Ackerman, Les AuCoin, Charles A. Hayes, Don Edwards, Robert T. Matsui, Jim Bates, Barbara Boxer, Ronald V. Dellums, Richard H. Lehman, Edward F. Feighan, Augustus F. Hawkins, George W. Crockett, Jr., Leon H. Panetta, Bill Frenzel, Marcy Kaptur, Robert Garcia, Edward R. Roybal, Charles E. Schumer, Benjamin L. Cardin, James J. Florio, Tom Lantos, Fortney H. Stark, Julian C. Dixon, Douglas H. Bosco, Lawrence J. Smith, George E. Brown, Jr., Mervyn M. Dymally, Esteban E. Torres, Sherwood L. Boehlert, Olympia J. Snowe, Tony Coelho, Glenn M. Anderson, Les Aspin, Morris K. Udall, Claudine Schneider, and Stephen L. Neal.

Harassing Planned Parenthood

Family planning advocates are confused. Until last month the law seemed clear enough. The federal government, under the authority of the 1970 Family Planning Act, provides supporting grants to birth-control clinics across the country. None of this money can be used to perform or even advocate abortions, and the recipient clinics have been careful not to do either. Some, though, do provide abortion services with their own money and at locations separate from the federally funded clinics. As recently as three months ago, the Supreme Court upheld this kind of arrangement and specifically declared that any government restrictions imposed on an agency's use of its own money for a constitutionally protected purpose would be unconstitutional.

Last month, on the anniversary of the Supreme Court decision in *Roe v. Wade,* Deputy Assistant Secretary of Health and Human Services Jo Ann Gasper, who is personally opposed to abortion, sent a notice to department field offices directing that all grants to Planned Parenthood be cut off on the grounds that the organization favors abortion. Planned Parenthood is the largest private recipient of federal family planning funds. It receives about $30 million of the $142.5 million appropriated, with the rest going primarily to state and local health agencies and hospitals. The organization also runs 47 abortion clinics but is careful to keep these separate from the birth-control facilities receiving federal funds.

Because the law so clearly sanctions the arrangements Planned Parenthood has made, the Gasper directive was immediately rescinded by her superiors in Washington, and that seemed to be the end of the confusion. For a while. Last week, HHS Secretary Otis Bowen issued a new order asking his regional directors to review all grants in order to ensure that "no family planning program of which abortion or abortion-related activities is a part can be eligible" for federal funds. This directive has been interpreted by different interest groups as either a White House inspired threat to cut off Planned Parenthood or a tough-sounding but legally meaningless sop to the anti-abortion lobby.

Why all this rhetoric over a matter that has been settled in the law? Everyone in this business knows that the Gasper order could not have stood up in court. Similarly, everyone understands that both Congress and the administration are firm in prohibiting the use of federal money for abortions. The existing arrangements that restrict the use of public money but not the privately funded activities of the family-planning clinics represents a sensible compromise. The secretary should advise all concerned that he has no intention to go beyond the law or to support a campaign of harassment against Planned Parenthood.

STOP FEMA BLACKMAIL

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. AuCOIN. Mr. Speaker, today I am introducing a bill, along with my colleague Mr. DEFAZIO, to prevent the Federal Emergency Management Administration [FEMA] from holding back emergency planning moneys from States that refuse to participate in massive nuclear war survival planning exercises. Senator BROCK ADAMS of Washington State has already introduced this legislation in the Senate.

This bill is necessary because of a situation that began developing last spring when FEMA regional directors threatened to withhold essential emergency disaster planning moneys from States unless they agreed to participate in a national security exercise.

Many States, including Oregon, faced with a loss they could not compensate for, signed agreements despite grave misgivings about the inevitable negative public response to such plans. At that time, no specific exercise and no specific attack scenario was outlined to the States.

FEMA recently announced plans to conduct a nuclear war planning exercise this month in the Pacific Northwest involving a nuclear attack of 48 multikiloton bombs. The pattern of the bombs, the numbers involved, their yield, is such that if such a situation were ever to actually occur, the States of Oregon and Washington as we now know them would cease to exist.

Following announcements of these plans by FEMA and the bizarre 120-day scenario which leads up to the nuclear attack, citizens all over Oregon protested the absurdity of the FEMA developed scenario and the proposition that nuclear war in any event is survivable.

The Governor of Oregon, Neil Goldschmidt, and the Governor of Washington, Booth Gardner, have notified FEMA that based on public concern they will not participate in the planning exercises.

Governor Goldschmidt has told William H. Mayer, Regional Director of FEMA's Region X office, that "the concept of planning for a survivable nuclear war is one which many Oregonians find unacceptable, and a number of Oregon counties have already declined to participate." Governor Goldschmidt also objected to the fact that the nuclear attack scenario was developed by FEMA without any participation by, or consultation with, officials of the State.

I just have to echo our Governor's concern and I want to state clearly for the record that I believe Governor Goldschmidt and other State officials have bent over backward to try to reach an accommodation with FEMA that would have prevented this confrontation.

I view it as extremely unfortunate that things have come to this impasse. I'd really hoped that some of the very reasonable proposals put forward by Oregon in terms of alternative scenarios would have been accepted by FEMA, especially since they were put forward in such good faith. Oregon fully understands the need for emergency preparedness and response systems, and they're willing to do anything short of planning to survive a nuclear attack of this magnitude.

But the State I represent is not prepared to buy into the myth that such a war is survivable. Oregon offered to plan and participate in a variety of attack scenarios, including terrorist attacks carried out with conventional weapons or nuclear devices; nuclear fallout resulting from accidents or sabotage at our nuclear facilities, and a number of other alternatives. All were turned down by FEMA. And all would have, I believe, met the needs of FEMA and of our citizens, in making sure that necessary planning for a whole host of possible disasters does take place.

Nothing is accomplished by having this confrontation. FEMA's goal, my goal, the State of Oregon's goal, should all be the same. To do all we can to save the lives of citizens in the event of a disaster. Withholding funds from States that seriously try to comply with FEMA's requests because of rigid adherence to one particular set of plans is nonproductive and threatens to endanger the well-being of the Oregonians I represent.

FEMA is attempting to blackmail States who don't comply with its own peculiar view of what is and is not practical to plan for in terms of civil defense. In Oregon, our citizens are concerned about the hazards of toxic and nuclear waste transportation, the possibility of a Chernobyl-type accident at the disabled Hanford N-reactor, future eruptions of Mount St. Helens, and other accidents.

States that choose not to participate in futile exercises should not be penalized for preferring to spend limited moneys on activities that better prepare them to respond to the type of disasters which are likely to occur, and which are survivable.

I hope my colleagues will join with me in the days to come to take steps to assure that no State is penalized for exercising its right to protect its citizens in the way it determines is best.

TURN OFF THE SOVIET DISINFORMATION MACHINE

HON. WM. S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BROOMFIELD. Mr. Speaker, I was shocked to learn that a recent Soviet film suggests that the United States was behind the assassination of Olof Palme, the former Swedish Prime Minister. Mr. Gorbachev must turn off his propaganda machine if he truly wants to improve relations with the United States.

The film, entitled "Who Killed Olof Palme?", hints that the CIA was behind the still unsolved assassination of the late Prime Minister. That is patently ridiculous. The production is clearly designed to confuse the Swedish people by suggesting that the United States may have been involved in that tragic murder.

Soviet disinformation has been used for years. The Soviets should close their bag of dirty tricks. Mr. Gorbachev boasts that this is the so-called age of "glasnost," or openness, but Soviet conduct shows otherwise. I say to Mr. Gorbachev, let's be serious and get down to the hard task of really improving relations between our countries.

INDIAN IMMIGRANTS PROVE UNITED STATES IS LAND OF OPPORTUNITY

HON. STEPHEN J. SOLARZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. SOLARZ. Mr. Speaker, a recent article in the Wall Street Journal highlighted the extraordinary contributions made to our country by the more than 500,000 Americans who have come to our shores from the Indian subcontinent.

These new Americans from India have helped to enrich both the commerce and culture of our great Nation. Indian immigrants have expanded scientific research in our Nation's laboratories and universities, while widening the range of fashion, cuisine, music and art which all of our citizens can enjoy. America has benefited greatly from the immigration to our land of these talented and determined men and women who have come from the world's largest democracy; namely, India. These new Americans have been attracted by our proud traditions of freedom and enterprise and by the opportunities available here, as in no other place on Earth.

As the Representative of one of the great ethnic mosaics of the United States, Brooklyn, NY, I am proud to be able to count so many of these accomplished Americans of Indian extraction among my friends and constituents. Because of the important contributions which Indians are making to our land, I submit this article to be printed in today's CONGRESSIONAL RECORD.

INDIANS IN U.S. PROSPER IN THEIR NEW COUNTRY, AND NOT JUST IN MOTELS

(By James P. Sterba)

To understand why every other motel in America now seems to be owned by somebody named Patel, it helps to know something about Benjamin Disraeli and a girl nicknamed Drina.

She grew up to become Queen Victoria. He was a politician who kept extending his term of endearment by doing things she liked, such as wheedling out of Parliament in 1876 a new imperial title for her: Empress of India. This meant she couldn't help but invite Indian colonial troops to England for royal celebrations, like the Diamond Jubilee in 1897 marking her 60th year on the throne.

Some went. Some returned home by way of Canada, which left such a deep impression that many of them returned and became farmers and foresters along the Canadian and U.S. west coasts.

And that, more or less, is how Indians discovered America.

ANOTHER STORY

How they discovered motels many years later is a more complicated saga involving both the U.S. Congress and former Ugandan dictator Idi Amin. In any case, one study estimated that by last year, 28% of the 53,629 motels and hotels (mostly small ones) in the U.S. were Indian-owned. In Anaheim and along San Francisco's Route 1 and in sections of Georgia, Oklahoma and Texas, it is hard to find one that isn't.

Motels, however, are small chapatis for Indian immigrants, who now number more than 500,000 and who are arriving in the U.S. at the rate of 500 a week. For a group that the U.S. government until recently categorized as "Asians—Others," Indians, like the newsstands they run in New York City, have become highly visible.

Their education and income levels are higher than those of most of the 5.1 million Asians who now call the U.S. home. And their success in business, science and a wide variety of other pursuits may be unmatched by any other recent group of immigrants.

GENES AND JEANS

To mention only a few among the significant "Others":

Har Gobind Khorana, the first person to synthesize a gene in a laboratory; Mohan Murjani, the man who put Gloria Vanderbilt's name on the blue-jeaned derrieres of millions of American women; Jaydev Patel, the best of New York Life Insurance Co.'s 9,000-odd agents; Didhar Singh Baines, the biggest peach farmer in America; Sankar Chatterjee, the paleontologist who discovered the fossil bones that may prove that dinosaurs evolved into birds; Raj Reddy, the president-elect of the American Association for Artificial Intelligence; and Subrahmanyan Chandrasekhar, the astrophysicist who discovered what would become known as black holes and white dwarfs in a universe of dying stars.

If you have surgery, chances are one in 10 that your anesthesiologist is from India. Many of the 28,000 Indian-trained physicians in the U.S. went into this specialty when anesthesiologists were in short supply here. Indian doctors are also filling other medical jobs, manning the U.S.'s inner-city hospitals, psychiatric wards and rural clinics. Others, who can't get medical jobs right away, are selling shoes, clerking and doing hospital laboratory work while they wait for hard-to-get internships and residencies.

If you have a toxic dump to clean up, there is is a good chance that an Indian engineer's company will do it. Not many U.S. firms want such dirty work. At universities, tenured professors prefer young Indian graduate students as research assistants. They work hard without complaining, knowing that this ticket to eventual U.S. residence can be punched or canceled at professorial whim.

RHYTHM AND ALGORITHM

Among other diverse success stories are those of Zubin Mehta, the director of the New York Philharmonic Orchestra; Sant Singh Chatwal, a restaurateur and hotel keeper; Narendra Karmarkar, the Bell Laboratories wizard whose algorithm for linear programming is making computers speedier; Sirjan Lal Tandon, the founder of Silicon Valley's Tandon Corp.; Amar G. Bose, who reinvented stereo speakers; and Ostaro, a swami, astrologer and market forecaster whose uncanny World Series predictions were marred only when the sixth game lasted beyond midnight, thus confounding his prediction of a Saturday Red Sox victory. The Mets won several minutes into Sunday.

All immigrant groups, of course, have their success stories. Asians now seem particularly zealous in pursuit of the American dream. The Indians—despite discrimination—have made it look almost easy. Nearly two-thirds of male Indian immigrants hold managerial or professional jobs.

It is true that for every rising entrepreneur there are poor Indians scrubbing restaurant kitchens, but 1980 census data showed that while the overall U.S. poverty rate was 12.4%, it was only 9.9% for ethnic Indians. The median income for all Indian households was $25,644, compared with $18,544 for all U.S. households. In India, per-capita income is only $284 a year.

Higher education gives the Indians an edge. Some 78% of the men and 52% of the women, according to the same 1980 census data, had college degrees. Less than 20% of all Americans do. Many Indians come to the U.S. at first for graduate study, then stay on. (Today there are some 16,000 Indian college students in the U.S.) In this way, India loses many of its best and brightest. Back home, only one in three Indians is literate.

Already speaking, thinking and dreaming in English helped give the Indians a leg up. But in dozens of talks, Indian immigrants say that they were helped the most by growing up in a country that, like the U.S., is democratic and pluralistic. India's is a more raucous democracy, with more than 100 political parties and a bureaucracy that hobbles economic initiative with red tape and makes political issues of the tiniest decisions. But anyone who survives, let alone succeeds, in such an environment is likely to acquire talents to put the average American tax-shelter promoter to shame.

Few other Asian immigrants come from nations with such social and cultural diversity as India, with 33 major languages and some 1,500 minor ones, seven major religions and new ones propounded by every sidewalk guru, and a melange of six major ethnic groups. "There is nothing homogeneous about Indians," says K.G. Jan Pillai, a Yale Law School graduate. "Tolerance and adaptability are rooted in our culture. We are not pigeonholed." Thus in the U.S., he observes of Indians, "we're scattered all over; we don't have Indiatowns."

RECOGNITION AS MINORITY

Mr. Pillai, who oversees analysis for the Federal Energy Regulatory Commission, is the highest-ranking Indian in the government. He was the founding chairman in 1980 of the National Association of Americans of Asian Indian Descent, formed to enhance Indian visibility and political influence. In 1982, the group got the Small Business Administration to recognize Indians as a minority group, eligible for the preferences given black, Hispanic and other minority businesses in competing for government work.

It came too late to help immigrants like Jaydev R. Patel, who arrived at New York's Port Authority bus terminal one day in 1969 with little more than a master's degree in organic chemistry and a U.S. residence permit, or green card.

Mr. Patel had gone to New York from the small farming town of Sojitra in the west-coast Indian state of Gujarat, north of Bombay, by way of Kenya and Canada. The name Patel, from a landowning clan that evolved into a merchant class, is common in Gujarat. (Next to Hasidic Jews, Indians make up the largest group of merchants in New York's diamond district. Almost all of them come from the single Gujarati town of Palanpur.)

Under British rule, Mr. Patel's grandfather, father and uncle were among Gujaratis encouraged by the British to man plantations in East Africa, where they took up trade. Mr. Patel followed his family to Kenya and taught for a year there before deciding to move to Canada.

TORONTO TO NEWARK

He earned a meager living in a Toronto unemployment office as a $1.21-an-hour clerk and stayed only 18 months. Once in the U.S., he got a chemist's job in a Newark, NJ, laboratory. Over the next three years, he saved enough to return to India to acquire a wife, a common practice among Indian immigrant men. Back in the U.S., he was jobless again but aware of certain trends.

Patels, he knew, were going into motels. Why?

From the turn of the century until 1965, only about 16,000 Indians came to the U.S., largely because of a "Hindu exclusion" policy that paralleled that set by the Chinese Exclusion Act of 1882. There were anti-Indian riots in Washington state in 1907, and as late as 1935 billboards that read "No jobs for Japs or Hindus." After the more liberal immigration act of 1965, Indians and other Asians began arriving at the allowable rate of about 20,000 a year. In 1972, Idi Amin expelled tens of thousands of Indians from Uganda. Many of them were Patels who ended up "by hook or by crook," says Mr. Patel, in the U.S.

It is a phenomenon of emigration that success by pioneers in one business in a new land gets trumpeted back home, encouraging others to emigrate and go into the same business. That happened with the Patels, for whom the motel business seemed a perfect fit: The Patels were security-conscious savers, eager to own property; small motels were relatively cheap up to the early 1970s, and it amazed the Patels that up to 95% of the purchase price could be financed at interest rates that were rock-bottom by India's standards. A motel provided property, home, business and employment for a large extended family.

LIFE INSURANCE

Later the motel business became harder and more expensive to enter. In some places, Indian owners have had to hire non-Indians as receptionists to make guests feel more comfortable, and Caucasian competitors have advertised their own motels as "American-owned." So while Jaydev Patel didn't buy a motel, he did begin selling life insurance to motel keepers named Patel. He found many of them in telephone books, along with other Gujarati prospects with names like Gandhi and Mehta.

In 1973, Mr. Patel broke New York Life's record for first-year agents, selling coverage of about $4 million. In 1983, he sold policies with $86.5 million in coverage, the company's all-time record for sales by a single agent. Today Mr. Patel, now 44, serves some 4,000 clients from his Livingston, NJ, office. Almost all are of Indian origin, and about half are named Patel.

New York Life is delighted, and not only because of Mr. Patel's sales. His clients are mostly nondrinking, nonsmoking vegetarians, and their claims rate is low.

Mr. Patel says he now has too many potential customers to handle. In part, this is because of an influx of less affluent Indian relatives of established immigrants. Relatives get entry priority under current U.S. rules.

By the 1990 census, Indians expect their numbers in the U.S. to exceed 900,000. The largest concentrations are in the New York-New Jersey-Pennsylvania area (about 120,000) and in California (about 60,000), but generally the Indian immigrants are widely dispersed. That makes it difficult for them to flex their muscle at the polls, although Dalip Singh Saund represented a Los Angeles district in Congress for three terms in the 1960s.

THE IRRIGATION SUBSIDY REFORM ACT OF 1987

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GEJDENSON. Mr. Speaker, I am very pleased to be introducing the Irrigation Subsidy Reform Act of 1987. This bill is an attempt to eliminate one of the most striking contradictions in our present farm policy. On the one hand, the Federal Government provides below-cost water to some farmers, encouraging them to grow more crops. On the other hand, Federal commodity programs pay farmers not to grow the same crops.

The bill we are introducing would eliminate this contradiction. It would require farmers who receive new or expanded irrigation benefits to pay full cost for any water used to grow surplus crops—crops that are eligible for Federal acreage reduction programs. Because the bill only applies to new and amended irrigation contracts it would not affect current beneficiaries unfairly.

The production of surplus crops with below-cost water significantly contributes to the glut of farm products. According to the Department of Agriculture, about 45 percent of the Bureau of Reclamation irrigated acreage is used to grow surplus crops. The subsidy on most Bureau of Reclamation irrigation water is about 85 percent, according to the Department of the Interior.

The Irrigation Subsidy Reform Act of 1987 would reduce the Federal deficit in three ways. First, Federal revenues would increase because of higher payments for water. Second, Department of Agriculture spending would go down because of the reduction in surplus crops. Finally, new irrigation projects that are not cost effective would not be built because of the requirement that farmers pay full cost for water.

This bill will help farmers by reducing the surplus of American farm products. My family has a dairy farm in Bozrah, CT, so I am familiar with the problems farmers face. The main problem plaguing American farmers is low commodity prices caused by overproduction. Reducing production of surplus crops will increase commodity prices and farmer income.

Finally, this bill protects the environment because it encourages conservation of our precious water resources. Wasteful use of water can damage fragile ecosystems and destroy wildlife habitat.

The Irrigation Subsidy Reform Act of 1987 will improve the Federal Farm Program by phasing out wasteful subsidies which weaken the entire program. This bill is good for the American farmer, good for the American taxpayer, and good for the environment.

Mr. Speaker, I insert a copy of the Irrigation Subsidy Reform Act of 1987 at this point in the RECORD, followed by the statements of Congressman DALE KILDEE, Congressman THOMAS PETRI, the National Wildlife Federation, the National Taxpayers Union, and the Environmental Policy Institute:

H.R. 1443

A bill to amend the Reclamation Projects Act of 1939 to require the Secretary of the Interior to charge full cost for water delivered from any reclamation or irrigation project for the production of any surplus crop of an agricultural commodity.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Irrigation Subsidy Reform Act of 1987".

SEC. 2. COST FOR DELIVERY OF WATER USED TO PRODUCE THE CROPS OF CERTAIN AGRICULTURAL COMMODITIES.

Section 9 of the Reclamation Projects Act of 1939 (43 U.S.C. 485h) is amended by inserting at the end thereof the following new subsection:

"(g)(1) Any contract entered into under authority of this section or any other provision of Federal reclamation law shall require that the organization agree by contract with the Secretary to pay full cost for the delivery of water used in the production of any crop of an agricultural commodity for which an acreage reduction program is in effect under the provisions of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.).

"(2) The Secretary shall announce the amount of the full cost payment for the succeeding year on or before July 1 of each year.

"(3) As used in this subsection, the term 'full cost' shall have the meaning given such term in paragraph (3) of section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb(3)).

"(4) Paragraph (1) shall apply to any contract entered into or amended after the date of enactment of this subsection.".

CONGRESSMAN DALE KILDEE, COLLEAGUES INTRODUCE BILL TO STOP BANKROLLING CHEAP WATER FOR SURPLUS CROPS

Congressman Dale E. Kildee (D-MI) and other House Members today introduced a bill to stop financing cheap water to help Western farmers grow the same crops that another government program pays them not to grow.

Kildee said the current inconsistencies in these government programs waste taxpayers' money and needlessly add to the federal deficit.

"We will have a much stronger federal farm program by getting rid of irresponsible subsidies that weaken the whole program," Kildee said. "The current system is at cross purposes with itself and the price of these inconsistencies is a higher federal deficit."

Under current law, the federal government finances cheap water to farmers—mostly in Western states—that they can then use to grow certain crops, including the same surplus crops that the government is paying them not to grow. This bill, the Irrigation Subsidy Reform Act of 1987, would not end low-cost irrigation water to farmers for every crop, just surplus crops.

The legislation would not be retroactive and would affect only those farmers who sign new or amended irrigation contracts with the Bureau of Reclamation.

STATEMENT ON THE INTRODUCTION OF LEGISLATION TO REQUIRE FARMERS TO PAY THE FULL COSTS OF SUBSIDIZED WATER IF THEY PLANT CROPS ALREADY IN SURPLUS; REPRESENTATIVE TOM PETRI

I am pleased to be here today because I believe this legislation represents the kind of direction our farm policy should be taking.

In the past, I have protested repeatedly that the federal government is paying some dairy farmers to go out of business while simultaneously providing incentives to other dairy farmers to increase production. This seems like a crazy approach to reducing the amount of surplus products the government winds up buying.

The legislation being introduced today attempts to correct another example of crazy government policy. The 1985 farm bill established a huge conservation reserve under which we will pay farmers to take 40 million acres out of production over the next 5 years, in addition to the millions of acres of annual set-asides under the wheat and feed grains program. It is absurd that at the same time we are paying irrigation subsidies for growing surplus crops on otherwise marginal land.

If a farmer still wants to produce these crops, let him pay the full costs of production as do farmers in other states like my home state of Wisconsin. Last year, we spent more than 25 billion dollars in direct farm subsidies. Let's make sure we aren't spending more of the taxpayers' money to add to the surplus with irrigated lands. I hope that the majority of our colleagues supports this rational approach to crop surpluses.

Statement of Jay D. Hair, Executive Vice President, National Wildlife Federation

In the decade ahead, the management of America's water resources will become more important than ever. It is essential that we as a nation reexamine our current water development policy, much of which dates from the early 1900's. The proposed "Irrigation Subsidy Reform Act" is an important step toward improved water management, and I commend the sponsors of this measure for their interest and effort on this important bill.

The policies and projects of the Bureau of Reclamation, operating under the Reclamation Act of 1902, are fraught with contradictions with the economic and environmental realities of today. The Bureau's policies:

Promote consumption of water at a time when the value of conservation for preserving free flowing streams is widely recognized;

Promote production of agricultural commodities when farmers nationwide are facing chronic surpluses and soft prices;

Require lavish Federal spending for construction and maintenance of costly dams and canals, while Federal budgetary pressures reduce funds available for a variety of important domestic needs.

Bureau of Reclamation projects divert and deliver a staggering amount of water—between 25 and 30 million acre-feet—for irrigation each year. Even small gains in conservation and efficiency could yield substantial water savings. Yet the highly subsidized price of this water actually undercuts conservation efforts.

In operation, Bureau of Reclamation irrigation projects often damage or destroy the fragile habitat for fish and wildlife provided by the rivers and streams of the arid West. Furthermore, excessive application of irrigation water has been found to leach minerals and salts from the soil, and can render valuable land useless for agriculture or poisonous to wildlife. These damages do not disappear. Mitigation and clean-up are rarely cheap or easy.

The "Irrigation Subsidy Reform Act" is an important step towards reconciling the conflicting goals of production expansion, promoted by Reclamation water subsidies, and agricultural income stabilization, provided by various USDA crop programs. The bill will also have two important water management effects, with environmental benefits attendant to both:

To the extent that recipients of Reclamation water continue to produce surplus crops, the subsidized price of water will increase. This will encourage investment in water conservation, and free up new supplies of water for other uses or for maintaining in-stream environmental values;

The application of this full cost pricing formula will reduce the political pressure for new Federal irrigation projects, avoiding the environmental damages that would result from the construction and operation of new irrigation works.

We welcome the introduction of the bill, and commend it to the early attention of the Congress and the Administration.

National Taxpayers Union Supports Bill to Reduce Irrational Irrigation Subsidies

I am Jill Lancelot, Director of Congressional Affairs for the National Taxpayers Union. The National Taxpayers Union is a 150,000 member non-partisan, non-profit public interest organization that fights to reduce the enormous federal deficit, wasteful government spending and the two trillion dollar national debt.

I am here this morning to give our wholehearted support to the Irrigation Subsidy Reform Act of 1987 introduced by Representatives Gejdenson, Sharp and Kildee today. We believe that it is imperative to stop subsidies to farmers for irrational water irrigation projects. These projects are senseless because they bring marginal land into production to grow crops already in surplus, the very crops that the government is simultaneously paying not to be grown.

Under current practices it is clear that the government's left hand does not know what the right hand is doing. Presently, it asks the taxpayers to pay farmers NOT to plant certain crops that are in surplus. At the same time, taxpayers are asked to provide irrigation water to farmers at below market value to grow the very same excess crops. And, in many cases it is the same recipient who receives both subsidies. A situation that borders on the absurd.

The government's own statistics indicate that forty-five percent of the lands irrigated with federally subsidized water are being used to grow crops that the government is paying farmers not to grow. A reality that challenges common sense.

In fact, the current farm subsidy system hits the taxpayer not only with a double, but a triple whammy:

1. tax dollars subsidize water to turn desert land into unneeded farm acreage used to grow unneeded crops;
2. tax dollars pay farmers not to grow surpluses that are produced with subsidized water; and
3. tax dollars help pay for storage costs when surplus crops are grown.

The American taxpayers can't help but be astonished, confounded and finally outraged about this nonsensical system of self-defeating subsidies. It is utterly incomprehensive to ask taxpayers to pay for subsidy piled on subsidy on top of subsidy at a time when Congress is faced with short-falls in the $180 billion range.

The legislation introduced today is a giant first step toward restoring a bit of sanity to the nation's runaway farm subsidy craze. This bill, by requiring farmers to pay full cost for irrigation water will help kill three birds with one stone. It will curtail the water subsidies, it will reduce payments for surplus crops and it will lower storage costs.

The National Taxpayers Union joins with Representatives Gejdenson, Kildee and Sharp in urging the Congress to adopt this significant tax-saving legislation.

Statement of the Environmental Policy Institute

Peter Carlson, Director of Water Resources, for the Environmental Policy Institute, a Washington, D.C. based public interest organization specializing in water, energy and agricultural resource issues, today called upon the U.S. Congress to adopt reforms to end the contradictions between the Department of Interior's Bureau of Reclamation and the Department of Agriculture practices with respect to surplus crops.

"We are here today to endorse the legislation introduced by Rep. Gejdenson and cosponsored by Reps. Kildee, Sharp and others to bring about an end to the absurd situation with respect to surplus crops and the Department of Interior's Bureau of Reclamation" Carlson said.

In February of 1984, as a result of language inserted in Section 222 of the Reclamation Reform Act of 1982, the Department of Agriculture released a report, Production of Surplus Crops on Irrigated Land Served by the U.S. Bureau of Reclamation, which once again brought the problem to the attention of Congress. There is an apparent inconsistency in some Federal programs restricting production and raising prices and farm income, others, are designed to increase the productive capacity of the agricultural resource base. "Such inconsistencies put these two agencies at loggerheads" Carlson continued.

In the report, the Economic Research Service stated "full-cost pricing or limits on use of water would be more effective than mandatory participation in resolving program inconsistencies".

"We feel that Congress needs to bite the bullet on this issue with respect to the Reclamation program and take the first step in bringing an end to the problem" Carlson added.

In 1985, the Environmental Policy Institute published a report What Agribusiness Thinks . . . A Survey of Business Leaders' Views on Land, Soil & Federal Farm Policy. The report was based on a questionnaire survey over the 1983-1984 period where the views of business officials from more than 230 corporations and agribusiness trade organizations directly or indirectly involved in agriculture were solicited. One of the questions asked in the survey was: Should the federal government provide millions of dollars in subsidies for federal irrigation projects used to produce crops in some regions (outside the Midwest) which put farmers of those same crops in the Midwest at a competitive disadvantage?

Of those responding, 64.3 percent said no, 24.3 percent had no opinion and only 11.4 percent said yes.

"We feel there is broad support for such action and we look forward to working with these Members of Congress and others in an effort to bring about a solution to this problem" Carlson concluded.

THIRD WORLD DEBT LEGISLATION

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, I am today introducing legislation on one of the most important yet poorly understood issues we confront today: Third World debt and its impact on the United States.

The basic facts about Third World debt are widely known. Poor nations have borrowed far more than they can now pay back. The total indebtedness of these nations can be calculated in various ways, but the best figures suggest that debt now exceeds one trillion dollars. Even more startling, that debt has grown, not shrunk, since the onset of the chronic debt "crisis" that began in late 1981. And it has grown precipitously; from 1981 to the present, the debt has grown from some $730 billion on over a trillion dollars—all in a period when we were supposedly mindful of this crisis situation and taking various actions to deal with it.

Increasingly, our people are beginning to know and understand the tangible, down-home consequences of this seemingly remote problem. Stated simply, the debt problems of these countries have translated into the severe trade problems we face in virtually every locality in America.

Why? Because in trying to pay their debts to the commercial banks, including the major U.S. banks, these countries have pursued trade policies that have devastated American farms and factories. These debtor nations, in an effort to be upstanding, debt-paying members of the international financial community, have pursued economic policies that emphasized buying less of the food and machinery we produce while selling us as much as they possible can from their own farms and factories.

The stark result has been that the shift in the trade balance between the United States and the developing world has become a major factor in our intolerably large trade deficit. Despite the general focus on our trade with Japan, the fact is that this debt-related shift in our trade with poor nations is a greater factor in our trade deficit problem than our trade with Japan.

For that reason, I am introducing this legislation today with the absolute determination to see that the problem of Third World debt is dealt with effectviely in the omnibus trade bill, which Speaker Wright has wisely decided to place on a fast track for passage this April, just 2 months from now.

Before discussing the details of our proposal, I want to say a special word of thanks to my colleague from Michigan, Representative Sander Levin. He now serves on the Ways and Means Committee, but he also served on the Banking Committee in the last Congress and deserves special credit for the work he did last year in moving forward with a number of us on the Banking Committee to develop new and innovative approaches to this critical economic problem.

That collective effort has produced the legislation being introduced today, and our continued cooperative work will be the key to producing final legislation on debt that will be wise, fair, and effective.

Let me explain the gist of the bill that Representative Levin joins me in introducing today.

The Debt Deconcentration and Growth Promotion Act of 1987 has two key purposes: To reduce the dangerous level of exposure of U.S. banks to troubled foreign lending, and to promote genuine economic growth and development in the poor nations of the world along with increased trade between the developing world and the United States.

To accomplish those objectives, the bill instructs the administration, specifically the Secretary of the Treasury, to immediately initiate negotiations with our industrial trading partners—who also have lent money to these countries and share these same problems with us—to create a new multilateral entity to deal exclusively with this debt problem. This new entity would be a debt deconcentration facility.

The urgent need for a new institution to deal on a comprehensive basis with debt is now clear. Despite repeated assertions by private bankers and the Reagan administration that the problem has been solved or that significant progress is being made on a muddle-through, case-by-case basis, the facts belie such "whistling past the graveyard."

The facts remain that these countries are being strangled economically, our own trade picture is growing more bleak, and our banking system is more and more at risk. A new entity with full multilateral backing and a clear mandate would be able to provide the leadership on this issue, which we have not received from either the administration or the private banking sector to date.

The debt deconcentration facility we are proposing would be empowered to take the sovereign debt off the books of the commercial banks. The banks would be required to accept the losses on these loans that would be dictated by the free market; that is, they would only receive for these loans what they are currently being booked by the banks. In order to make those losses manageable, however, the banks would be allowed to recognize these losses on a deferred basis, stretched over a period of years. That would insure that the banks accept a fair loss on this lending, some of which was improvident in the first place, but that any losses would not threaten the soundness of individual banks or the safety of our overall banking system.

Further, this facility would be empowered to work directly with the debtor countries, much as the bankruptcy court might work with a troubled company, to restructure their debt. The aim should be to find creative new means of tapping the world financial market to provide these countries with the funds they need at a current price they can afford. At the same time, in conjunction with this restructuring, the facility would obtain commitments from the debtor developing nations that economic reforms will be implemented that will promote long-term, sustainable growth and limit capital flight; such commitments will be a condition of the debt restructuring and reduction assistance offered by the debt deconcentration facility.

Here again, what is needed is leadership; there is no dearth of creative ideas about how this could be done.

For example, this morning's paper carriers the news that Venezuela has just agreed to engage in some so-called debt-equity swaps to reduce its debt burden. This involves permitting a creditor to exchange a loan asset for an equity holding in a company or of an asset such as oil reserves. Another widely discussed idea that is beginning to be used involves changing this short-term, comparatively high-interest debt into other forms, such as securities, and marketing them to the international capital markets. One of the reasons we are facing this problem is that the Third World countries have been excessively reliant on commercial banks. Their debt is unnecessarily concentrated in the banks' hands; and they have not utilized the other capital sources that exist in the global financial markets.

The debt deconcentration facility would provide the expertise, the impetus, and the legal power to see that these creative new approaches to funding economic development and reducing the debt burdens of the Third World are effectively utilized.

The need for this new approach to Third World debt is evident and urgent. And the Congress has an exceptional opportunity to act boldly now to face the debt problem. We can, and I believe we will, pass this legislation on debt as part of the omnibus trade bill that we intend to pass this spring, just a few short weeks from now. Already, the chairman of the International Development Institutions Subcommittee on which I sit, Representative Walter Fauntroy, has held hearings on the debt problem and has clearly stated his intention to mark up legislation on debt within the Banking Committee section of the trade bill. I welcome that commitment and I join with him and my other colleagues in our determination to act swiftly on this crucial problem.

Today's introduction of the Debt Deconcentration and Growth Promotion Act of 1987 is an important first step in providing an answer to this extremely serious economic challenge to the well-being of our farmers, our workers, our banks, and to the millions of people still struggling to achieve the prosperity in their nations that has blessed us here in the United States.

Following is a section-by-section summary of the Debt Deconcentration and Growth Promotion Act of 1987.

SUMMARY—THIRD WORLD DEBT BILL

1. Title.—"Debt Deconcentration and Growth Promotion Act of 1987."

2. Findings and Purposes.—Developing country debt now exceeds one trillion dollars, and developing nations are no longer able to sustain interest payments on that debt, let alone repay the principal of those obligations. The debt crisis has three dangerous consequences:

Efforts to repay debt have crippled economic development in these nations;

Their inability to repay these debts poses a serious threat to the safety and soundness of the U.S. commercial banking system, since major money center banks are overexposed and could be bankrupted by widespread default or repudiation of this sovereign debt;

Their inability to repay their debt has seriously damaged the U.S. trade balance. Latin American efforts to limit imports from and expand exports to the U.S. have caused a greater negative shift in our balance of trade with those nations than we have experienced with Japan.

Therefore, the purposes of this bill are to:

Promote growth in the developing world and expand trade between the United States and the developing world by restructing and reducing Third World debt burdens; and

Protect the safety and soundness of the U.S. banking system by reducing commercial bank exposure and deconcentrating the holdings of developing nation debt by tapping the world capital markets through innovative financing techniques.

3. Debt Deconcentration Facility.—The Secretary of the Treasury is instructed to initiate negotiations with other industrialized nations to propose the establishment of a multilaterial financial intermediary which would purchase sovereign debt from private

creditors and enter into direct negotiations with debtor countries for the purpose of restructuring the debts to reduce these countries' current debt servicing burdens.

The facility, to be an independent affiliate of the World Bank, would not retain or hold the debt acquired from private creditors. It would operate as a financial intermediary or agent to restructure the debt portfolio of the debtor nation and to repackage and sell new debt instruments to new investors in the world capital markets. In so doing, it would be empowered to utilize such techniques as debt buybacks, debt-equity swaps, and securitization and collateralization of debt instruments of the debtor nation.

The facility would acquire the debt initially through issuing obligations which would be backed by a contingent liability of the signatory nations agreeing to creation of the facility, but those obligations would be covered by the funds acquired by the facility as it sold the restructured debt instruments to new investors. The intention of the bill is that the debt deconcentration facility should not involve the assumption of existing debt liability either by the World Bank, the new debt facility, or the signatory nations creating the facility.

4. Reporting Requirements.—The Secretary of the Treasury is instructed to report to the House and Senate Banking Committees within ninety days of enactment on the progress being made toward creation of the debt facility, and to report each ninety days thereafter until he presents the Congress with enabling legislation to create such a facility.

In addition, the Secretary of the Treasury, the Federal Reserve Board, the Comptroller of the Currency and the Federal Deposit Insurance Corporation shall conduct a joint study on the past profitability of commercial bank lending to the nine major money center banks over the past ten years, and shall submit such report to the Banking Committees ninety days after enactment.

5. Regulatory Reform.—In conjunction with the multilateral negotiations mandated in Section 3, the Secretary of the Treasury shall propose that the signatory nations creating the debt facility commit to the necessary regulatory changes within their own regulation of commercial banks to facilitate the work of the facility. The Secretary shall specifically pledge that upon U.S. acceptance of membership in such a debt facility, deferred loan loss recognition would be permitted for losses incurred by commercial banks in transactions with that facility.

After the United States accepts membership in such a debt facility, any rescheduling agreements between commercial banks and developing nations shall be subject to certain restrictions, including a limit on interest charged to the actual cost of funds as measured by the London Interbank Offered Rate (LIBOR), and a limit on rescheduling fees and associated charges to actual costs incurred in the rescheduling transaction.

For a period of five years after these regulatory changes take effect, transactions with the debt deconcentration facility may not be taken into account by bank regulatory authorities in appraising the value of, classifying, or imposing reserve requirements with respect to, other sovereign debt still held by commercial banks.

VICKI FRANKOVICH AND THE TWA FLIGHT ATTENDANTS

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mrs. BOXER. Mr. Speaker, 1 year ago tomorrow, TWA flight attendants took a position of conscience when they left their jobs to protest unfair actions by the new management of their company. Their story is told in a January 1987 MS. magazine article on Vicki Frankovich, president of the International Federation of Flight Attendants. Through personal sacrifice and under extremely trying circumstances, Ms. Frankovich has maintained her commitment to the TWA flight attendants. I find it unconscionable that such great levels of pay, benefits, and work rule concessions were sought from the TWA flight attendants. Moreover, nearly 4,000 flight attendants who offered to return to work on an unconditional basis last May have not been able to go back to their jobs. In an era of deregulation and corporate mergers, the outcome of the TWA flight attendants' dispute may presage future treatment of employees refusing to capitulate to unfair management initiatives. As I feel it is important for the public to know the story of Vicki Frankovich and the TWA flight attendants, I have excerpted, for the RECORD, portions of the MS. magazine article by Christine Doudna.

Vicki Frankovich's battle with Carl Icahn and Trans World Airlines looked to many like a loser's game from day one, but she never thought of not playing it. She and the 6,000 members of her union, the Independent Federation of Flight Attendants (IFFA), say they were dealt a bad hand 18 months ago and this past March they played their highest card. They went on strike. Most have not gotten their jobs back, but they're still fighting. They've picketed, they've sued, and now are trying to enlist the flying public in a "boycott of conscience" against the airline. In an era when people care more about discount fares than alleged unfair labor practices, that's a tough battle. The hardest part may be simply to let the American public know the battle is still on. But Frankovich and her union are a tenacious bunch of losers.

Carl Icahn, chairman and majority stockholder of TWA, has always held the aces; a few months after he began his public grab for TWA in the spring of 1985, he asked for major concessions from the flight attendants and he expected to get them—even . . . Flight attendants' complaints of discrimination seemed to have all the effect on Icahn of a gnat taking aim at an elephant.

Most of the press and public assumed the battle was over last May, when the union called off the strike and offered an unconditional return to work. By that time Icahn had hired enough scab labor to operate his airline on a near-normal basis, and the union determined it had nothing more to gain by withholding its services. Common wisdom had it that Frankovich finally had thrown in the towel; the New York Times used the occasion to write a veiled obituary of the American labor movement.

Frankovich is unfazed by such write-offs. "The obituary shouldn't be written yet, because the fight's not over," she said in her New York office, a few days after the New York *Times* article was published. It was a Sunday afternoon in June; she was spending the day as she had spent virtually every day since the strike began—in her office. A bouquet of wilting roses on her desk was a reminder of how she'd spent her thirty-eighth birthday. She and her staff had worked on the boycott of conscience launched in connection with the approaching July 4 festivities. Its theme was an "affirmation of the American spirit."

"Our approach now is to emphasize outreach to the community. In the same way groups across the country are boycotting South Africa, we're trying to say to people it's no less American to boycott a carrier, an employer, whose practices are obviously geared to a human rights violation—a sex discrimination so appalling that we had no choice."

* * * * *

The dispute between TWA and its flight attendants is both an old and a new story. On the one hand, it is the story of a predominantly female work force that claims it is being singled out for discrimination (the prestrike union membership was 85 percent female). But it's also the story of a new economic climate in America, a story about deregulation and government, about capitalism and justice in the era of Reagan.

The women and men who are fighting to get their jobs back at TWA face a new breed of corporate animal—the corporate raider-turned-executive. Carl Icahn's profession is making money by moving money: buying into a company, taking a profit, and getting out.

Frankovich claims that Icahn was never interested in making a deal with the flight attendants, that his goal was to replace the work force with a younger, cheaper staff. If she can substantiate that claim in court, she and her union will stand to win a major lawsuit—and win back the union members' jobs.

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The flight attendants are not newcomers to struggle: 15 years of feminism brought big changes to the airline industry. After years of working under highly restricted conditions (a flight attendant couldn't marry, couldn't have a child, couldn't work past a certain age and couldn't be male) and being perceived professionally as sex objects ("Fly coffee, tea, or me"), they began to organize in the late 1960s. At TWA, as at Pan Am and American, the flight attendants broke away from their parent (male-dominated) union in the mid-seventies and formed their own union. They successfully negotiated major work-rule changes, got rid of blatantly sexist restrictions, and transformed their workplace from a sexualized environment serviced only by the young, the beautiful, and the underpaid to a viable career setting.

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IFFA, like all unions, knew the threats that deregulations posed to its employers—and therefore union jobs. The saga of Frank Lorenzo and Continental Airlines hung like a storm cloud over the contract negotiations of all airline unions. Lorenzo is the man who took over Continental abrogated all labor contracts by filing Chapter 11 bankruptcy proceedings, and reorganized as a nonunion carrier. So IFFA was willing to talk seriously about concessions, but its overriding concern was to save jobs and protect the remaining work force from a dramatically increased work load.

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When Icahn first began bargaining, for TWA, he quickly realized he had to get big labor concessions across the board. He made a deal with the pilots and machinists: a 26 percent salary reduction from the pilots, 15 percent from the machinists, and similar cuts for other, nonunionized employees, for a combined cut of $250 million. The pilots were willing to give more because they make so much more. Icahn maintains they have subsequently also made workrule concessions.

There is still a dispute about the facts of the Icahn-IFFA negotiations. IFFA says Icahn asked for a 22 percent aggregate cut from the flght attendants (including benefits, expenses, et cetera, as well as salary), worth about $62.7 million. IFFA says this would have meant a $6,500-a-member yearly salary cut from an average salary of $30,000.

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In December, 1985, Icahn's demands escalated dramatically. He asked for all the massive work-rule changes that TWA's former management had opened negotiations with in February, 1984—proposals that the former management had eventually abandoned and that IFFA feels it wasn't serious about to begin with. The total package offered by Icahn was worth about $100 to $110 million—a 22 percent salary cut plus complicated work-rule changes that, according to Frankovich, increased the number of monthly hours away from home by 90 and brought the concessionary package to 44 percent.

In addition to the salary cut Icahn wanted to reduce layover rest periods, reduce vacation days, reduce expense allowances, reduce the number of flight attendants on flights, and increase flight attendants' availability for work. All this meant more work, less rest on the job, 2,000 fewer jobs by IFFA's calculation, plus the salary cut.

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On March 6, 1986, the eve of the strike, Icahn and Frankovich had their last-best-chance encounter. Icahn came in with a 17 percent salary-cut offer, down from 22 percent, but with all other work-rule demands essentially intact. IFFA's negotiating committee came prepared to give concessions worth between $50 and $60 million. They were still $40 to $50 million apart.

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IFFA went out on strike 99 percent strong: it stayed out a remarkable 72 days; at the end it was still 85 percent strong—better than many unions can muster in the first days of a strike. At its labor solidarity rally on May 8 the secretary-treasurer of the International Transport Workers Union told the members, "You're the strongest people I've dealt with in my entire union career, and that's many years."

* * * * *

The American labor movement may have fallen on hard times in the past few years, but IFFA's plight should not be written off to the decline of labor solidarity. IFFA's situation is, indeed, more poignant because it seemingly did everything right. It got support from everyone it could, it showed remarkable strength and unity—all the things that used to count in a labor dispute—and yet it was thwarted at every turn.

On May 17, when the union made an unconditional offer to return to work, it was because, in the words of union vice president Karen Lantz, "we realized we needed to change the focus of our strategy; we realized we might as well stop the influx of scabs and new hires, and make sure people going back to work were our own people." Thus IFFA's May 17 offer meant that TWA would be obliged to take back an IFFA member each time an opening occurred.

TWA is now operating the airline with a staff of about 4,500 flight attendants; it used to operate with 6,000. Two hundred IFFA members were taken back on May 29, and on September 9 the court ordered the airline to take back 463 more—to replace 463 new hires who started work "illegally" after May 17. (Pending appeal, those 463 IFFA members are still not back at their jobs.) The first union members invited back were taken from the top of the seniority list, which means they had 25 years of seniority or more, but the union claims some of them were treated like new hires. They were told they'd have no choice about their "status" or "domicile" (home base). One woman in her late forties says she flew more in her first month back than she had when she first started working for TWA 21 years ago; she was put on her first flight 10 minutes after she was "reprocessed," went to Las Vegas and back, had 12 hours off, then was called at 11:40 at night to reappear at the airport at 4 a.m.

The IFFA leadership continues to operate as it did when on strike. It stays closely in touch with its membership—both those workers back at TWA and those still out of their jobs. (Most of the latter 5,000 flight attendants have taken temporary jobs and do union work in their spare hours.) It is also trying to do battle on other fronts—like working with the flight attendants from Ozark Air Lines, Icahn's recent acquisition for TWA, to ensure that flight attendants from both airlines receive equitable treatment during the merger. And its newsletter chronicles TWA's difficultues in other areas, including the complaints of racial discrimination brought to the attention of the Kansas City chapter of the NAACP. Those claims were the subject of a recent Congressional hearing.

IFFA is also continuing to bring to the public's attention TWA safety issues. IFFA attorneys have filed about 100 complaints with the Federal Aviation Agency claiming safety violations and near-accidents during the strike and afterward, which they allege took place because of the inadequate training of the newly hired flight attendants. (One dramatic example was a March 26 flight from St. Louis to Boston. The plane began filling with smoke after it landed, and the flight attendants allegedly failed either to notify the cockpit of what was happening or to assist passengers from the aircraft; passengers started to evacuate themselves through window exits, and they later testified they were having difficulty breathing.)

The main focus of IFFA's strategy now is to fight in the courts and in the court of public opinion. The union has won two significant victories so far—both on appeal as of press date. One requires the replacement of the new hires who began work after the union's unconditional offer to return to work; the other requires the payment of union dues by all TWA flight attendants, including those hired initially as scabs. Several other lawsuits are pending.

IFFA is arguing, in federal district court in Kansas City (where major TWA offices are located), that TWA is guilty of "bad faith bargaining"—that Carl Icahn never intended to reach an agreement with IFFA—and that Icahn's intentions were and are to break the union.

The other major legal effort concerns an allegation of sex and age discrimination. IFFA has filed a complaint with EEOC, in which the union's major contention is that Icahn's treatment of IFFA amounts to sex discrimination because a predominantly female work force was asked to make much greater concessions than a comparably paid, mainly male work force. They also contend that the desire to get rid of the work force suggests age discrimination. Additionally, more than 3,000 individual complaints have been filed with the New York State Division of Human Rights, alleging sex and in some cases age discrimination.

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Vicki Frankovich's last best hope—whether she wins or loses in the courts—is that the public will hear her side of the story and be moved. She gives speeches all over the country now, works with travel agents in the hope of influencing them not to book clients on TWA, and has gathered a long list of notable people to join her union's "boycott of conscience"—people like Ed Asner, Cesar Chavez, Colleen Dewhurst, Shelley Winters. One of the most interesting supporters of the boycott is Lynn Williams, president of the United Steelworkers of America; USX Corporation, formerly U.S. Steel, is Icahn's most recent takeover target. Williams probably knows he may have a lot to learn from TWA's flight attendants.

Whatever the outcome in the courts, Frankovich says she's in this fight for the long haul. "Boycott efforts take a long time. The only way it can work is to get commitments from all levels of society—to get people to say, 'This shouldn't have happened. I'll make sure it won't happen again. I don't like it, it's not the American way'."

Many voices are laying claim to "the American way" of late and Frankovich may have to wait for a better day. But even if she must halt her "loser's battle," she says she'll have no regrets. "If we lose, I'll do everything I can to make sure the work force doesn't feel defeated. It's better to have fought and resisted than not, when what they're doing is so unfair and wrong. We've fought a good fight this time. And there may come a day there's a better fight."

Losers surely can play a game with style.

OPPOSE MASSIVE MEDICARE AND MEDICAID CUTS

HON. EDWARD R. ROYBAL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. ROYBAL. Mr. Speaker, just shortly after New Years, this administration placed what I call its New Year's budget resolution on the American table. The administration's budget means more misery for millions of poor, elderly and disabled Americans and more money for already expensive military spending and SDI research. Misplaced priorities continue to plague this administration. It continues to ignore the plight of Americans desperately in need of adequate shelter, and food and health care while it allows the military to spend excessively. Congress can and must do better.

Even though the administration states its intent to address catastrophic health costs, it fails to provide for it in the budget. Congress must make sure there is room in the budget to accommodate catastrophic health legislation.

This administration's health budget is itself a catastrophe. The administration's 1988-92 Medicare and Medicaid cuts total $61 billion and are an assault on essential health care programs. Congress must strenuously defend Medicare and Medicaid from an administration budget ax aimed at America's poor and elderly.

Congress should again reject the administration's cap proposal for Medicaid. Even Gramm-Rudman exempted Medicaid from budget cuts. As for Medicare, Congress should again recognize the excessiveness of elderly out-of-pocket health costs in its budget resolution and include language stating that out-of-pocket costs not be increased. Further, Congress must minimize payment cuts for health care providers and make sure that any cuts do not result in cuts in health care access and quality.

The administration describes its budget as "a plan, a hope, a vision of what America is and where it is going." However, if you are poor, hungry, homeless, or sick in America, its budget provides no plan, no hope and no vision of what America is or where it should go. Congress must do better.

Mindful of Congress' deep concern for the continuing plight of the elderly, the disabled and the poor, we must strongly oppose the administration's 1988 budget proposals regarding Medicare and Medicaid. I and the members of the Select Committee on Aging strongly urge Congress to reject administration proposals desigend to cut back on the Federal commitment to Medicare and Medicaid.

Let me take a few minutes to lay out the special problems facing Medicare and Medicaid.

ADMINISTRATION'S MISPLACED BUDGET PRIORITIES

The absurdity of the administration's priorities is best illustrated by its proposal that already excessive military spending would rise 8.6 precent to $297.6 billion in fiscal year 1988—5 percent more than inflation—and SDI star wars funding would rise 64 percent, while a cap would be placed on Medicaid—an already inadequately funded health program for America's most vulnerable. Even today, an emaciated Medicaid Program only protects one-half of America's poor. The remainder of the poor are left begging for critically needed health care.

Every principle of fairness is contradicted by the administration's decision to freeze Medicaid and then increase defense spending by $23.6 billion. The administration is asking elderly and disabled Americans to give up their first month of Medicare coverage while it doubles research on an antisatellite weapon. The administration wants to increase Medicare part B premiums by $571 million and cut $1.3 billion from Medicaid while it increases the MX missile program by nearly $1.9 billion. These are trade offs that violate the priorities of a compassionate and humane society.

The administration's budget proposal is an excellent example of just how much the administration is out of sync with the American people. Time after time, Americans reaffirm that they are committed to protecting our most vulnerable citizens while maintaining a strong defense that lives within the Nation's means. Just a few weeks ago, the administration described its budget as a plan, a hope, a vision of what America is and where it is going. But if you are poor, homeless, hungry and sick in America, the administration's budget provides no plan, no hope and no vision of what America is and where it should be going.

FIVE-YEAR MEDICARE AND MEDICAID CUTS OF $61 BILLION ARE VICIOUS ASSAULT ON ESSENTIAL HEALTH CARE PROGRAMS

Incredibly, fiscal year 1988 cuts are dwarfed by what the administration wants to do to Medicare and Medicaid over the long haul. Future cuts would deprive the Medicare Program of a total of $41.5 billion over fiscal years 1988 through 1992, as the administration gnaws away at the health care benefits upon which our elderly depend. Medicaid, upon which the neediest among us rely for essential health services, would suffer devastating cuts of $19.5 billion through fiscal year 1992.

The administration's 1988-92 Medicare and Medicaid cuts totalling $61 billion are an assault on essential health care programs. The Congress must strenuously defend Medicare and Medicaid from an administration budget ax aimed at America's poor and elderly. Congress must not tolerate the administration's attempts to eviscerate these basic health care programs upon which so many vulnerable Americans depend.

As for the most vulnerable Americans—victims of catastrophic health costs, the administration states its intent to address catastrophic health costs but fails to provide for it in the budget. Congress must make sure there is room in the budget to accomodate catastrophic health legislation.

MEDICAID CAP CUTS AT HEART OF PROGRAM FOR MOST VULNERABLE

The administration's Medicaid proposals would impose a spending limit and other changes resulting in reductions from current services of about $1.3 billion in fiscal year 1988 and $19.5 billion over the next 5 years. The administration's proposed 5-year $19.5 billion reduction in Federal Medicaid assistance cuts at the very heart of a program on which our most vulnerable Americans must depend. Spending caps and other reductions to the State-run Medicaid programs will jeopardize the lives and well-being of the poorest of the poor elderly, young and disabled and their families.

Just over 20 years ago, Medicaid was enacted to protect those with a limited ability to pay for needed health care. Today Medicaid covers only half of America's poor and fails to cover over 37 million uninsured Americans. The administration's proposed cuts in Medicaid benefits for the poor are nothing short of unconscionable. Cutting Medicaid by $1.3 billion next year, or over $50 per beneficiary, is totally impossible to justify when so many of our children and elderly are in need of medical assistance.

Though States have tried to prevent past cuts from harming recipients, any further Medicaid cuts will almost certainly result in eligibility and benefit cutbacks for America's elderly and poor. Even the Gramm-Rudman-Hollings meat ax approach to budget balancing recognized the beleaguered status of Medicaid and exempted it from sequestration cuts.

Because the magnitude of the administration's proposed reductions is far beyond what States can be expected to absorb, any Medicaid cuts will almost certainly result in decreased eligibility and benefits. So-called savings under the administration's proposals would actually jeopardize the neediest among us and shatter our State-run programs. But Americans care about their sick and fragile children, elderly and disabled. Americans and their Congress will not stand for these cruel cuts in a program that even today manages to reach ony about half of America's poor.

I and many members of the Select Committee on Aging strongly urge the Congress, therefore, to ensure that the beleaguered Medicaid Program is protected from these proposed reductions which threaten its viability. More specifically, we recommend inclusion of the following language in the fiscal year 1988 Budget Resolution:

> No savings to be achieved in Medicaid shall come from provisions that directly or indirectly increase costs to beneficiaries or reduce services provided to beneficiaries.

Further, we believe that the fiscal year 1988 budget resolution must clearly state our commitment to maintan the current level of Medicaid services, and that it must send the real, and symbolic, message that America cares about the health of its poor. As part of the message, we believe that the fiscal year 1988 budget resolution should leave room for Medicaid reforms to better protect health care quality and better protect spouses of Medicaid beneficiaries.

MEDICARE CUTS THREATEN ELDERLY OUT-OF-POCKET COSTS AND ACCESS TO QUALITY HEALTH CARE

Past Medicare and Medicaid cuts and other actions already threaten the elderly's access to quality health care and push elderly out-of-pocket costs toward dangerously high levels. According to committee estimates, this health care burden is projected to get worse even without further Medicare and Medicaid cuts. Any further action to shift more of Medicare and Medicaid costs to the beneficiary will unfairly add to an already excessive burden borne by the poor and the elderly.

Again for 1988, the President pledges to balance the budget through spending cuts and to veto any budget balancing proposals which include revenue increases. But even on the issue of revenue increases the administration fails to get its act together. On the one hand, the administration tells the American public that this is a "no tax increase" budget while the budget contains all sorts of hidden revenue increases, including an unacceptable 40-percent jump in the Medicare premium, which will cost American taxpayers billions. The 40 percent premium increase for new Medicare part B enrollees and a premium increase for current enrollees would add $11.4 billion to their costs over the next 5 years.

Here again we have an example of a double standard being applied to America's elderly and disabled. While the President has pledged that he opposes any attempt to balance the Federal budget through revenue increases, the administration's proposed 40 percent increase in the Medicare part B premium for new retirees—an increase to $578/year by 1992—is as much a revenue increase as is any tax increase which the President has pledged to veto. Yet somehow this revenue increase—the increase in the Medicare part B premium—has slipped past the President's scrutiny and will cost Medicare beneficiaries dearly.

One should ask, where is the administration's veto pen when it comes to this revenue increasing proposal? After all, a revenue increase by any other name—including a Medicare premium increase—is still a revenue increase.

An analysis prepared by the Select Committee on Aging and based on a Health Care Financing Administration study demonstrates that the elderly are already in trouble. In 1986, out-of-pocket health care costs for America's 30 million elderly averaged $1,850 per elderly person—over 16 percent of income. By 1991 out-of-pocket costs could rise to over $2,600 on the average or approximately 18.5 percent of elderly income. For both 1986 and 1991, the percentage of income going for health care is higher than which Medicare and Medicaid began 20 years ago.

I and many members of the Select Committee on Aging strongly urge, as in the past, that the fiscal year 1988 budget resolution recognize the importance of protecting the elderly and disabled against increased out-of-pocket costs. More specifically, we recommend inclusion of the following language:

> None of the savings to be achieved in Medicare shall come from provisions that increase costs to beneficiaries, including increase in premiums, coinsurance, and deductibles or reduced services provided to beneficiaries.

Moreover, we are concerned that proposed changes affecting Medicare providers might result in unintended and unwarranted negative effects on health care access and quality. With respect to reductions in health care provider payments, we strongly urge that authorizing committees be instructed to proceed with extreme caution relative to Medicare provider changes which may negatively affect health care access and quality.

WHY THE ENGLISH LANGUAGE AMENDMENT?

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DORNAN of California. Mr. Speaker, I would like to share with you a statement from my friend and our former colleague from the other body, Senator S.I. Hayakawa of California. Senator Hayakawa made this speech before the National Convention of FORTY and EIGHT on the occasion of the presentation to Senator Hayakawa of the "1986 Americanism Award."

His remarks are a stirring autobiographical discussion of the importance English has in unifying our Nation of diverse backgrounds and heritage. The right of individuals and groups to use native tongue must be respected, but national unity requires a common language. A first generation Japanese-American himself, Senator Sam makes the compelling case for why making English our official language will enable those living in our great country to be fully participating citizens economically, socially, and politically.

As the Senator noted, "As I see the rich variety of people who cross our borders or come to our shores, I look forward eagerly to the many things they will do that will make America richer in culture, richer in potentialities, richer in the rewards life can offer." Learning English is crucial to these goals. That is why Senator Hayakawa successfully led the campaign to establish English as the official language of the State of California. Proposition 63 passed overwhelmingly last November.

Mr. Speaker, I encourage our colleagues to take a few minutes to read Senator Hayakawa's excellent remarks.

WHY THE ENGLISH LANGUAGE AMENDMENT?

AN AUTOBIOGRAPHICAL EXPLANATION

(By S.I. Hayakawa)

Let me talk a little about my own personal history to explain how I came to believe strongly in the importance of legally designating English as the official language of the United States, and, in Proposition 63 to be voted on in November of this year, the official language of the State of California.

I was born and brought up in Canada. In 1927 or thereabouts, I was invited by Canadian friends from Winnipeg to visit International Falls, Minnesota, for a holiday weekend. When we got to the U.S. border, immigration officials refused my entry, despite the protestations of my friends that I would be back in Canada in three days. "But I am a Canadian citizen, born and brought up in Canada," I said. "It doesn't matter," said the immigration officer. "You are Japanese by race—and that makes you inadmissible to the United States."

In 1929, however, I was awarded a graduate fellowship in English at the University of Wisconsin. This time there was no difficulty about coming to the United States. I came on a student visa, with documents from the University testifying to my student status.

After I got my Ph.D, the University of Wisconsin hired me as a full-time instructor in English. I had to return to Canada to be re-admitted with new documentation, known nowadays as a "green card." It gave me permanent residence, so long as I continued to be employed in the work for which I was admitted. But I still could not be naturalized.

Most of you here know, I am sure, what the situation was at that time as regards Oriental immigration. The Chinese Exclusion Act was passed in 1882. Then came the Japanese Exclusion Act of 1925. These laws denied to those two peoples even a tiny immigration quota, which would have defined them as naturalizable. I remained legally unable to become an American citizen until these laws were changed.

It was in 1952 that the McCarran-Walter Immigration Act eliminated race as a barrier to immigration and naturalization. I finally became a American citizen in naturalization ceremonies in Chicago in 1954, and ceased to be the one foreigner in my family of an American wife and three American children.

In the year of the passage of the McCarran-Walter Act, I was invited to teach a summer session at San Francisco State College. I must say I was surprised at this invitation from a California institution, because I had known since high school days in Winnipeg that California has been, throughout its history, the principal source in the U.S. of anti-Chinese and anti-Japanese agitation and politics. However, I accepted the invitation and enjoyed the experience very much.

At the close of the summer session, the chairman of the English Department, Dr. Caroline Shrodes, asked me if I wouldn't like a permanent position at San Francisco State. "Nothing doing," I said at once. "I've enjoyed myself here, but I don't want to bring up my children in the anti-Oriental climate for which California is famous."

Dr. Shrodes replied, "Come again for summer school next year, and bring the whole family." So we came, the summer of 1953 and the summer after that. And in 1955 we all moved to California, and we have never regretted the move.

Many of you have heard, I am afraid, the rest of my story. As professor of English, I continued to teach, to write, to give public lectures—then suddenly, in the midst of wild student turmoil, I found myself president of San Francisco State College.

Then a few years after that, the good people of California elected me as their U.S. Senator to represent them in Washington. What had happened to that California I had read about in high school? What had happened to that California where every politician who aspired to office played on public fears on "the rising tide of color," "the yellow Peril," that would inundate the United States if the Asiatic hordes were not kept at bay?

What I am leading up to is the fact that while many had been surprised at a Japanese becoming a president of an American university, and many more were even more surprised at his becoming a United States Senator, I am the individual who was most surprised.

It turns out that racism in America is neither unchanging nor implacable. As we who are the children and grandchildren of immigrants have become assimilated, the prejudices against the "damn Dagoes," the "dumb Polacks," the "shanty Irish," against "Chinky-chinky Chinaman" and the "sly jap" dissolve into distant memories to appear no more—not even in comic strips.

Read the names of members of the Senate and the House in the U.S. Congress in which I had the honor to serve: Abourezk, Addabo, Biaggi, Boschwitz, Fuqua, Gonzales, Hammerschmidt, Javits, Laxalt, Oberstar, Rostenkowski, Tsongas, Vander Jagt, Zorinsky. American Political leadership, like leadership in other fields, is full of foreign names. Among our governors are Atiyeh of Oregon, Ariyoshi of Hawaii, Cuomo of New York, Sununu of New Hampshire. And let's not forget George Deukmejian, whose name is harder to spell than mine!

In short, America is an open society—more open than any other in the world. People of every race, of every color, of every culture are welcomed here to create a life for themselves and their families.

Within the lifetime of people here in this room, new names, strange names will take their place in business and industry, in show business and sports, in government or the military: names from Vietnam and India and Cambodia; from Ethopia and Indonesia, from Paraguay and Iraq. Like all of us here, they will sooner or later enter into the mainstream of American life and after a while, people will cease asking "Where the hell do they come from?"—a question that also asks, "Is there no way we can send them back?"

People have long ago ceased asking where Deukmejian and Hayakawa came from. And as time goes on, we shall also take in later newcomers and learn to live with them—and even become proud of them, as we have done so many times before.

And what will all these strangers that enter into the American mainstream have in common? They will have learned English! English is the key to participation in the opportunities and self-realization that American life has to offer. As I see the rich variety of people who cross our borders or come to our shores, I look forward eagerly to the many things they will do that will make America richer in culture, richer in potentialities, richer in the rewards that life can offer.

So we come back to the English Language Amendment, known in California as Proposition 63. It is a measure aimed as much at future generations as to people who vote today. With English as our official language and therefore the unifying force that enables all of us to participate fully in American life, we can and shall continue to be enriched by the talents and cultural gifts that people will being to us from all over the world.

The English Language amendment says above all, "Let's see to it that our children, our young people, learn English. Let us not deny them the opportunity to participate in American life, so that they can go as far as their dreams and talents can take them."

Proposition 63 is vigorously opposed by militant ethnic organizations such as the League of United Latin-American Citizens, the Japanese-American Redress Committee, the Chinese for Affirmative Action, and the like. Each of these is organized to fight against the injustices suffered or about to be suffered by the ethnic group they claim to represent. Naturally, the reaction of such organizations is to view any new idea with suspicion and fear. One such organization asked in all seriousness if the California English Campaign had a secret plan to have certain minorities sterilized!

Far from targeting Hispanics or Asians or anybody else for special mistreatment, Proposition 63 is a measure to strengthen the ties that bind together all of us, of whatever national origin or race, through the magical bond of a common language.

Perhaps a measure such as Proposition 63 is difficult for these defensive organizations to understand, since their reason for existence is fear: fear of discrimination, fear of unfair treatment, fear of the majority culture.

President Woodrow Wilson showed his understanding of this minority-group mentality when he said in an address to new citizens in Philadelphia in 1915:

"You cannot become Americans if you think of yourselves in groups. America does not consist of groups. A man who thinks of himself as belonging to a particular group in America has not yet become an American, and the man who goes among you to trade upon your nationality is no worthy son to live under the Stars and Stripes."

Let us also remember what President Theodore Roosevelt said about the real danger that is peculiarly the problem of a nation of immigrants:

"The one absolutely certain way of bringing this nation to ruin, of preventing all possibility of its continuing to be a nation at all, would be to permit it to become a tangle of squabbling nationalities."

What President Wilson and President Roosevelt said in times of massive immigration remains urgently true today. Are we, or are we not, going to remain "One nation, indivisible?"

September 1986.

THE BUDGET DEFICIT

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GRADISON. Mr. Speaker, while Congress is rightfully focusing attention on what we can do to improve our trade balance, we need to remember to concentrate on economic fundamentals. The following editorial from the Cincinnati Post of February 24 reminds us that the long-term solution to our trade difficulties rests in curing the budget deficit.

SLOWING THE DOLLAR'S FALL

The United States and five major allies, meeting in Paris over the weekend, decided that the dollar had fallen enough. They pledged to intervene in foreign-exchange markets to prevent it from dropping farther, and Japan and West Germany undertook to stimulate their economies, which could reduce the U.S. trade deficit.

While those decisions were announced with great fanfare, one must be skeptical about their practical effect. It was about the ninth time in five years that finance ministers and central bankers met and "saved" the world economy.

The meeting was driven by fear. U.S. Treasury and Federal Reserve officials worried that a weaker dollar would reignite inflation and bring recession. Japanese and Germans were apprehensive that a cheaper U.S. currency would undermine their export booms.

All of them compromised. The Americans agreed to manipulate the dollar's value in concert with the others. Fearing inflation, Tokyo and Bonn gave in to U.S. demands that they accelerate business conditions.

All agreed that present trade imbalances must not continue. The U.S. trade deficit last year was a massive $170 billion, while Japan and West Germany ran surpluses of $89 billion and $63 billion, respectively. Such gaps threaten a worldwide recession.

Unfortunately, the actions promised in Paris are modest. It could be 1989 before Bonn's promised tax cuts help U.S. trade. Japan spoke of aiding American exports, but Tokyo's trade promises rarely come about.

Even in the coordinated buying and selling of currencies to prop up the dollar, the central bankers lack clout. About $300 billion a day is traded on the world's foreign exchange markets, enough to overwhelm interventions by national treasuries.

In any case, the dollar isn't weak because of currency speculators but because of fundamentals: the $170 billion trade deficit and $180 billion budget deficit. Until they are corrected the dollar will trend downward.

And, of course, nobody in Paris believed the U.S. talk about shrinking the budget deficit. They know that Congress will find a way around the Gramm-Rudman targets and increase spending, and that taxes won't be raised significantly.

The two deficits means that Americans are consuming more than they produce. That's fun while it lasts, but in the end it will have to be corrected by a lower standard of living.

PALS FOR LIFE: VOLUNTARISM AT ITS BEST

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WELDON. Mr. Speaker, in our efforts to provide government solutions to our elderly, sick and handicapped, we in government often overlook the dedicated and selfless activities of the volunteers in our communities.

Last week, in an article appearing in the Christian Science Monitor, attention and honor was focused on an organization in my district called Pals for Life. Begun in 1984 by Bryn Mawr resident Paula M. Kielich, and headed by honorary chairman Lorne Greene, Pals for Life brings to people, who have little or no social contact, a small animal to play with or to simply hold.

Because pet therapy is increasingly being recognized as wonderful, healthful medicine for both the body and the mind, more and more facilities are asking for animal visits. But, because of the time needed to minister to those in need through pet therapy, programs like this are limited to communities blessed with active, committed volunteers.

Pals for Life is certainly blessed with committed volunteers from Delaware County. Ruth Willard of Upper Darby was named Pals for Life's 1986 Volunteer of the Year. Ruth is a retired registered nurse who became involved with Pals for Life at the Institute of Pennsylvania Hospital, a mental health facility, where Pals for Life has a monthly program. Ruth is truly worthy of recognition, for in addition to her Pals for Life activities, she volunteers for the Red Cross, Meals on Wheels, and a colonial home/historic landmark.

Julie Bebak of Secane received a certificate of recognition for her hard work last year as well. Julie is a future veterinarian who also volunteers at the University of Pennsylvania in a pet therapy research program. Both these fine women conduct Pals for Life pet visits every week, and Ruth even donates her weekends to help with fundraising.

Other volunteers for Pals for Life include John Sperduto of Woodlyn; Joyce Carey of Brookhaven; Andrea McKean of Drexel Hill; Lori Maher, a student at Harcum Junior College; and Wendy Hibbard of Media, PA, Jeanne Gelback of Springfield, and Terry Penny of Secane.

Pals for Life has brought pets from area animal shelters and the Delaware County SPCA to many facilities in Delaware County, including homes for the elderly such as the Earl Brook Senior Center in Havertown; the Leader Nursing home in Yeadon; the Little Flower Nursing Home in Darby; the Squire Adult Day Care Center in Newtown Square; Nova Gardens in Lansdowne; and the Bryn Mawr Chateau.

Pals for Life volunteers have also visited people in institutions that don't get many visitors: Mental health hospitals such as the Haverford State Hospital, and the Elwyn Institute.

And, Pals for Life brings small kittens and puppies to visit the children, hearing impaired and deaf children at Camp Tom-Tom in

Springfield; and disadvantaged children at Camp Garrett in Newtown Square.

The dedication of my constituents prompts me to make this offer: I hereby affirm to my colleagues my willingness to assist them in helping establish similar volunteer activities in their own districts. I'm proud of the initiatives shown by our Delaware Valley volunteers, and I'd like to help spread their enthusiasm and wisdom throughout this Nation.

Mr. Speaker, I am proud to bring to the attention of my colleagues this outstanding organization. I am submitting for the record the article from the Christian Science Monitor, and also a previous article from the County Press which explains in more detail the wonderful work that Pals for Life performs for our community.

[From the Christian Science Monitor, Feb. 18, 1987]

A WINNING COMBINATION—ELDERLY TAKE IN THEIR "VISITORS" HOMELESS PETS

(By Barbara Bradley)

It is one of those happier equations, in which demand equals supply. There are 26 million Americans over the age of 65, and 8 million of them live alone. At the same time, 10 million dogs and cats are put into animal shelters each year, and 8.5 million are never adopted. This can add up to companionship for the elderly and a home for pets.

Mathematics, of course, cannot quantify how Shylo, a white Bishon Frise, saved the life of Inez Ekstron, or how Ms. Ekstron saved Shylo's. The two recuperated together, taking "siestas" each day and feeding the birds outside Ekstron's house in Minneapolis. Shylo is no longer a skinny, mat-haired puppy terrified of people. Ekstron is no longer lonely.

Ekstron's daughter thought she might have to quit her job to take care of her mother after her previous dog died a year ago. "But since she got the dog, she's turned around 180 degrees," says Donna Loegering.

Across the country, animal shelters are playing the dating game. Last week their efforts to match dogs and cats in shelters with senior citizens got a big boost when Ralston Purina launched its $1 million "Pets for People Program." During the next year, Purina will foot the bill to get some 10,000 cats and dogs out of animal shelters and into the homes of the elderly.

This kind of program, coupled with a slew of local ones that have sprung up in the last couple of years, comes not a month too soon, says Philip Arkow, who runs the Pikes Peak Humane Society, in Colorado Springs, Colo. In March, a law passed in 1983 will go into effect allowing senior citizens in subsidized housing to keep cats and dogs in their apartments. That will open up 900,000 units.

While not all of those residents will find themselves a four-legged live-in, "easily thousands and thousands of people are waiting for animals in federally subsidized housing," he says.

Scientists long have believed that pets are good for elderly people. Besides giving them an outlet for affection and a reason to get up in the morning, pets act as a "social lubricant," says Randall Lockwood, a scientist at the Humane Society of the United States in Washington, D.C. "One thing we all have in common is we like animals," he says.

Pets go a long way toward solving one of the biggest problems for the elderly—withdrawal from others—because "you cannot be a pet owner and be disengaged," Mr. Lockwood says. At a minimum, "you have to go shopping and take him for walks."

Until the last few years, however, scientists have been unable to prove that animals have a healthy physiological effect on people. But studies indicate that pets can help people recover quickly.

At the same time, the notion that animals might be dangerous to have around older people is evaporating. A survey of nursing homes in Minnesota showed that animals posed less risk to patients—in causing accidents, for example—than other activities did.

All this is good news for homeless cats and dogs, which are suddenly star attractions as visitors at institutions like nursing homes and hospitals. Pets are going places no one ever dreamed of—including, Mr. Arkow hopes, an AIDS hospital in Houston soon.

"The barriers have really come down," as institutions recognize that animal visits are no more dangerous to older people than other activities, says Paula Kielich, who runs Philadelphia-based Pals for Life.

Her cadre of 30 volunteers borrows pets from six nearby shelters and takes them to some 20 facilities on a regular basis, generally once a month. Whereas institutions used to blanch at the idea of dogs and cats running around, "now we have more demand than we can meet," she says.

The advantage of using shelter animals—as does Pals for Life, the Pikes Peak Humane Society, and perhaps the largest service, the San Francisco Society for the Prevention of Cruelty to Animals, which visits 1,500 people a month—is that the pets often get adopted. In the last two years, more than 130 animals have been snapped up by families of the people they visit, or by staff members of the institution, Ms. Kielich says.

Other visitation programs, like the Baltimore-based Pets on Wheels, have volunteers bring their own pets. That gives continuity to the relationship—both the human-animal and the human-human relationship, says Elaine Farrant, who runs the program for the city. Volunteers visit the same people each week, "and a lot of these people wouldn't get any other visitors if it weren't for Pets on Wheels," she says.

Placement programs, which find an animal a permanent home with an elderly person, have been slower to get off the ground. Part of the reason is the cost; the average cat or small dog costs $175 to $225 a year to feed and care for. One new program in Long Island, called Pioneers for Animal Welfare Society (PAWS), is using a $25,000 government grant not only to place shelter animals, but to cover all their costs if necessary. That includes food, training, veterinary services, and water bowls.

Ralston Purina is going nationwide with a scaled-back version. It will pay for the adoption and fee, initial vet services (including neutering), and provide leash, water and food bowls, and an initial supply of food. The senior citizen, who must be at least 60 to qualify, covers the cost after that.

The program has been test-marketed in 16 cities, putting pets in nearly 4,000 homes, says executive director Kathryn Wright. She says that adoption of shelter animals has increased 11.2 percent in those cities, in part because elderly are taking the pets, but mainly because many families are taking a pet as well.

As of last Wednesday, Purina will be working with the 90 largest shelters in 70 cities to match animals with people, eventually using a computer base. Purina will soon have an 800 number for getting more information; until it does, a person can write Purina in St. Louis or get in touch with the local humane society.

Many organizations match pets with senior citizens or arrange for pets to visit on a regular basis. If your area is not listed, your local humane society may know of a similar program.

The Delta Society also keeps track of such programs. For information, write Linda Hines, PO Box 1080, Renton, WA 98057, or call (206) 226-7357.

Pet visitation programs:

Pets on Wheels, Baltimore City Commission on Aging and Retirement Education, (301) 396-1762. Humane Society of the Pikes Peak Region, P.O. Box 187, Colorado Springs, CO 80901, (303) 473-1741.

San Francisco SPCA, (415) 554-3060.

Pals for Life, Philadelphia, (215) 525-7120.

Greater Cincinnati Council for Pets Helping People, (513) 683-0957.

Companion Animal Association of Arizona, Phoenix, Ariz., (602) 258-3306.

Pet placement:

People and Animals Coming Together (serving central Pennsylvania), (814) 865-1717.

EDITORIAL REAFFIRMS PRESIDENT'S FOREIGN POLICY ROLE

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. SOLOMON. Mr. Speaker, it is my pleasure to insert in the RECORD what I consider the definitive word so far on the so-called Iran/Contra affair, an editorial which appeared in the Wall Street Journal on March 4, 1987. This editorial reminds us that foreign policy is the responsibility of the President, and that the attempt by Congress to usurp that authority is what caused this problem in the first place:

THE PRESIDENT'S SPEECH

"What we most need is to get the CIA re-engaged in this effort so that it can be better managed than it now is by one slightly confused Marine Lt. Col."—Oliver North, computer message to Adm. John Poindexter, June 10, 1986 (Tower Commission report appendix B).

How did running initiatives like aid to the contras and the Iran arms shipments fall to one overworked, undersupervised National Security Council staffer, who himself recognized he was in over his head? This question is what the Tower Commission report is all about. The Tower Commission's comments on the management failures of the president and his aides are by now so well known you'd think it recommended the president start deciding who should use the White House tennis courts. But to its credit, the commission probed beyond one president and one administration, returning repeatedly to questions on the balance of powers in foreign policy. This Tower Commission theme is in large part what Ronald Reagan should be talking to the nation about in his scheduled address tonight.

We are frankly surprised that there has been virtually no commentary on the Tower report's specific recommendations, which we reprint alongside. Here the balance-of-power theme is manifest, for example, in recommendations that Congress keep its hands off the National Security Council, and reduce its oversight committees to a more manageable size. Part V of the report also includes a "Principal Recommendation," setting out a model of how the NSC ought to work, with a clear if implicit suggestion that President Reagan improve his management organization. But even here, the report starts by quoting a Supreme Court case that the president might also mention tonight.

"Not only . . . is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the president alone has the power to speak or listen as a representative of the nation." *United States vs. Curtiss-Wright Export Corp.* (1936).

"Whereas the ultimate power to formulate domestic policies resides in the Congress," Messrs. Tower, Muskie and Scowcroft added, "the primary responsibility for the formulation and implementation of national security policy falls on the president."

The current wisdom on Capitol Hill is to ask, whether and when "the law" was broken? The laws in question are in question precisely because they are congressional attempts to limit the president's powers in foreign policy. The statutes usually invoked include the Arms Export Control Act, the National Security Act and the Hughes-Ryan Amendment on intelligence activities. Yet the Tower report concludes, "The legal requirements pertaining to the sale of arms to Iran are complex; the availability of legal authority, including that which may flow from the president's constitutional powers, is difficult to delineate."

The report says that the vast, unenumerated foreign-policy powers of the executive mean that when Mr. Reagan formally approved the negotiations with Iran, "this ended the uncertainty about the legal status of the initiative and provided legal authority for the United States to transfer arms directly to Iran." The debate over when President Reagan formally approved the transfers of arms by Israel is thus largely irrelevant—he acknowledges it was his policy.

On aid to the contras, the relevant law was the ever-changing Boland Amendment. The first Boland Amendment, passed in 1982, prohibited the Defense Department and the Central Intelligence Agency from spending funds to overthrow the Sandinistas or to provoke conflict between Honduras and Nicaragua. In 1983, $24 million was authorized for the contras.

In 1984, Congress again cut off all funding for the contras and prohibited Defense, CIA and any other agency or entity "involved in intelligence activities" from direct or indirect support of military operations in Nicaragua. As the report says, "confusion only increased." In August 1985, Congress authorized $27 million in humanitarian aid to be administered by any agency except the Pentagon or the CIA. This expired March 31, 1986.

In December 1985, Congress passed two contradictory measures. Part of the 1986 Defense Appropriations Act reenacted a version of the Boland Amendment by prohibiting the Defense Department, the CIA or any other government agency "involved in intelligence activities" from providing funds, material or other assistance to the contras. In contrast, the 1986 Intelligence Authorization Act did authorize classified amounts for "communications" and advice."

"The provisions were so ambiguous that even the drafters debated their meaning," the Tower Commission noted. Lee Hamilton, Democratic chairman of the House Intelligence Committee wrote CIA chief William Casey that this meant intelligence personnel could not advise the contras on "logistical operations upon which military or paramilitary operations depend for their effectiveness," adding that this restriction extended to humanitarian aid. But David Durenberger, then Republican chairman of the Senate Intelligence Committee, wrote Mr. Casey that he was certain the bill only precluded advice on logistics integral to "particular military and paramilitary operations" if it "would 'amount to participation in such activities,' even if there is no physical participation." He thought that the whole idea of the bill was to "encourage advice on logistics related to the effective distribution of humanitarian and communications assistance."

Beginning in 1982, the report notes, the two branches of government were engaged in an "intense political struggle" over Nicaragua. "Congress sought to restrict the president's ability to implement his policy. What emerged was a highly ambiguous legal environment." The upshot of the legislative restrictions, the report says, was to present "the administration with a dilemma: how, if at all, to continue implementing a largely covert program of support for the contras without U.S. funds and without the involvement of the CIA."

A legal opinion by the Intelligence Oversight Board advised Messrs. Poindexter and North that the NSC was not an "intelligence agency" and so could advise the contras. The result was that Lt. Col. North was left to run an operation on his own, without the CIA or other departments. By October 1984, Lt. Col. North had taken charge of arming the contras during the expected delay before more funding was authorized.

"There also does not appear to have been any interagency review of Lt. Col. North's activities at any level," says the report, adding, "This latter point is not surprising given the congressional restrictions under which the other relevant agencies were operating."

Assistant Secretary of State Elliott Abrams, for example, knew there was a private network of aid "because somebody was giving the contras guns." But he stayed away "on the grounds that if you got too close, you would end up being accused of facilitating and so forth."

Put bluntly, much of the blame for this fiasco goes to dangerous and perhaps unconstitutional attempts by Congress to regulate how the executive branch conducts foreign policy. Time and again, the 248-page study traces the root source of the mistakes in the Iran-contra affair to congressional interference with normal executive-branch activities. The president made mistakes, but partly because his advisers felt constrained by congressional legislation from advising him.

Pushing and shoving over constitutional prerogatives is not a problem if there is some consensus over the thrust of foreign policy, of course, and in a sense what needs to be explained is the lack of consensus. Or at least the apparent lack. The Constitution gives the presidency the predominant role in foreign policy, and Ronald Reagan has twice won overwhelming victories. His invasion of Grenada, the bombing of Libya and even his walking away from an arms deal at Reykjavik have all won palpable support from the American people. The consensus among the people is in fact clear enough, but every time it's expressed it comes to the utter astonishment of every courtier in the capital.

In court circles the myth persists that the two problems of foreign policy are avoiding another Vietnam and negotiating disarmament with the Russians. The attempt to legislate this agenda by circumscribing the powers of the executive branch flies in the face of the Constitution, the president's platform and the evident will of the electorate. Little wonder that an administration trying to navigate these rapids falls victim to mismanagement, improvising procedures and policies, slighting consultation and making mistakes.

This is what the president urgently needs to explain tonight. If he can succeed, the people will support him again.

PUERTO RICO COMMEMORATES 70 YEARS OF U.S. CITIZENSHIP

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LAGOMARSINO. Mr. Speaker, it was 70 years ago that the U.S. Congress granted U.S. citizenship to the people of Puerto Rico. There is no doubt as to what issue in the lengthy legislation was considered to be of the highest priority to the Congress. The Congressional Report of House Resolution 9533 stated, "the most important change made by this bill in the present law is that which makes 'all citizens of Puerto Rico * * *' citizens of the United States." On March 2, 1917, Public Law 368 became effective, making the people of Puerto Rico U.S. citizens.

This historic event was recently commemorated through the efforts of a private nonprofit organization, Puerto Ricans in Civic Action. Under the dynamic leadership of its president, Dr. Miriam Ramirez De Ferrer, the people of Puerto Rico participated in a nonpartisan public celebration of the anniversary of U.S. citizenship. People from all parts of Puerto Rico joined to enthusiastically admire, praise, and give thanks for their U.S. citizenship.

My congratulations to the people of Puerto Rico who have so valiantly defended the U.S. Constitution throughout the past 70 years beginning with World War I. As recently as last year, a fellow American, fighter pilot, and one of Puerto Rico's own, Capt. Fernando Ribas-Domenici, was lost in the air raid against Libya. The dearest price that anyone could ask has been paid by the U.S. citizens of Puerto Rico.

I hope that all Americans will be cognizant of their fellow citizens in Puerto Rico and their contributions in defending our freedom. They have actively honored their U.S. citizenship for the past 70 years.

I want to commend the Puerto Ricans in Civic Action, and especially its president, Dr. Miriam Ramirez De Ferrer, for investing their time, energy and funds to initiate and conclude a successful celebration of U.S. citizenship. They provided a common forum in which all Puerto Ricans could proclaim their pride in being an American.

COSPONSORSHIP OF THE NUCLEAR SAFETY REVIEW ACT OF 1987

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GEPHARDT. Mr. Speaker, I recently joined my colleague, Mr. HOCHBRUECKNER, in cosponsoring the Nuclear Safety Review Act of 1987 to preserve for States and local governments a critical role in the development of emergency plans needed in the event of a nuclear powerplant accident.

In the aftermath of Chernobyl, the last thing I would expect would be for the Nuclear Regulatory Commission to consider a weakening of nuclear safety standards. Yet, that seems to be what is happening. The NRC wants to delegate itself the authority to approve a utility-designed contingency plan even if State and local authorities find its evacuation provisions inadequate. Approval of these rules would strip States of an effective role in the development of emergency contingency plans.

A strong State role in developing evacuation plans is essential. Congress recognized this in 1980 when we directed the NRC to consider the adequacy of local and State emergency planning in licensing decisions.

Protection of public safety is a State and local responsibility. It is the local governments who have the knowledge and resources necessary to adequately plan a massive evacuation. It is the local and State authorities who have the police, firemen, health inspectors, and others needed to cope with any emergency. I seriously doubt whether a utility plan could be effective if the local and State authorities charged with implementing it were not involved in designing that plan.

Citizens deserve the best protection possible. The accidents at Three Mile Island and Chernobyl are clear evidence that complex systems like nuclear plants can fail and that well-coordinated advance emergency planning is needed to protect the public.

The Seabrook and Shoreham plants were sited before these accidents disproved the conventional wisdom that the chances of nuclear accident were remote. Now it is clear that the chances aren't remote. The plants are located in densely populated areas, and residents are understandably concerned about safety.

Some would approve these plants for economic reasons. Why aren't we putting public safety first? If we are serious about public safety, we will preserve the role created for State and local authorities charged with protecting that public safety.

GILMAN URGES A FARSIGHTED ENERGY POLICY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GILMAN. Mr. Speaker, I rise today to remind my colleagues of two crises our Nation endured in the 1970's. I refer, of course, to the 1973 and 1979 energy crisis, when the Organization of Petroleum Exporting Countries [OPEC] seized control of the world oil market, resulting in sharp increases in oil and gasoline prices and long gasoline lines. Presidents Nixon, Ford, and Carter all made efforts to prevent a reoccurrence of these crises and to insure the Nation's long-term energy security. Unfortunately, these efforts have lapsed and, in fact, we are now embarking on shortsighted policies that may well lead us into an energy crisis far worse than any we have already experienced.

Differences between OPEC countries led to a breakdown in their price setting mechanism in 1986, causing oil prices to plummet from roughly $30 per barrel to less than $10 per barrel. Prices have inched back up to the current level of roughly $17 per barrel of domestic oil, and almost $14 per barrel for Middle East oil. While these low oil prices have subdued inflation, they have also eliminated many independent oil operators in the United States and are forcing domestic oil companies to curb oil exploration projects. Consequently, oil imports surged in 1986, and most industry analysts predict that imports may account for as much as 50 percent of our consumption within 4 years and 75 percent by the year 2000. These figures are very discomforting when one remembers that the U.S. imported roughly 33 percent of its oil in 1973, the year of our first major oil crisis. The level of oil imports in 1986 are equivalent to 1973 levels, a significant leap above the levels we have previously maintained in the 1980's. To further complicate matters, the lower prices caused a sharp increase in energy consumption, as America guzzles the low-cost imported oil.

In response to the crises of the 1970's, the U.S. adopted an energy policy designed to promote U.S. energy independence and to ensure an adequate supply of energy to meet America's future needs. This policy emphasized energy conservation and development of alternative energy sources. Unfortunately, major portions of this policy have been dismantled over the last several years: The Synthetic Fuel Corporation has been abolished; the Strategic Petroleum Reserve has seen its fill-up rate diminished; a commission headed by Vice President BUSH has recommended abolishing fuel economy standards for new cars; Federal funding for alternative energy projects has been slashed and their tax credits have expired; tax credits for home energy conservation expenditures have also expired; proposals are being made to raise the 55-mile-per-hour speed limit; and the President vetoed last Congress a measure requiring manufacturers to build appliances that conserve electricity.

The administration's energy policy relies on market forces to supply current and future energy needs. The Secretary of the Interior, Donald P. Hodel, has said, "This administration believes that the Government fails miserably when it tries to guide the price of energy." Accordingly, the administration is trying to remove obstacles to energy development on most Federal land, cut funding for research into alternative energy sources—since that disrupts the market—and has permitted market forces to bankrupt many of our smaller oil producers. While these policies result in lower budget expenditures and lower prices for consumers in the short run, they will also lead to possible devastation of many of our wilderness areas and increasing U.S. dependence on imported oil. Moreover, our current energy policy does not prepare us for the day when we will have to switch to other sources of energy. Ninety percent of U.S. oil supplies are likely to be depleted by the year 2004, only 17 years away. We will have nowhere to turn but the Middle East, which possesses two-thirds of the world's oil reserves. If we learned anything from the crises of the 1970's, it is that we cannot base our Nation's future on oil.

Development of alternative energy sources must be adequately funded. The United States was once a leader in photovoltaic technology, which generates electricity with solar energy, but now trails far behind Japan. Norway has made great advances in extracting electrical energy from ocean waves, an energy source that may be very feasible for our island communities, including our Long Island communities. There are many other alternative energy sources that also hold great promise, and the United States should now be preparing for the time when our domestic oil supplies will be depleted.

Mr. Speaker, I believe it is most appropriate for Congress to evaluate the current U.S. energy policy at this juncture and see if this is truly the direction in which we wish to lead our Nation. I am confident that most of my colleagues will agree that our present policy is shortsighted and must be redirected. I am hopeful that we can once again set policies which stress energy conservation, and reestablish incentives for both consumers and businesses to do so. I adamantly believe it is detrimental to our national interest to assume that market forces will meet our current and future energy needs, and to further assume that OPEC will remain in disarray and not exact great costs from us in the future when we are unable to meet our energy needs. Victor Hugo once wrote, "good government consists of knowing how much future to introduce in the present."

Mr. Speaker, a few years ago we had started a policy that had included a concern for our Nation's future in it, but we have quickly forgotten the lessons of the past and have abandoned our efforts to prepare our Nation for the future. Congress must seriously consider our long-term energy needs, and adopt a more realistic, farsighted policy before the future is upon us. I urge my colleagues to join in this effort.

THE PLIGHT OF THE CHERNOBILSKYS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DYMALLY. Mr. Speaker, I am submitting a copy of a letter from Mrs. Gladys Botwin, a United States citizen residing in Israel, expressing her appreciation for the concern raised in the United States Congress regarding the denial of exit visas by Soviet authorities to her family—the Chernobilskys.

The letter follows:

HAIFA, ISRAEL,
February 18, 1987.

DEAR CONGRESSMAN DYMALLY: Thank you for your most welcome letter pertaining to my Jewish Refusenik cousins, the Boris Chernobilsky family and the accompanying video cassette of your address on the floor of the House of Representatives.

I am truly grateful for this very positive expression of support. The fact that a copy of your address to the Members of the House of Representatives was sent to the Soviet authorities is very much appreciated.

Certainly the video cassette will be a precious family heirloom in the Chernobilsky family and one of their most precious possessions.

If possible I would appreciate your sending me a copy of your address as it appears in the Congressional Record. If possible I would be grateful for this.

You have given courage to the Chernobilsky family and I feel that your very positive expression of support will hasten the day when this family receives exit visas for Israel.

May God bless you and your dear ones every day in every way.

Sincerely,

GLADYS BOTWIN.

DEALING WITH THE EFFECTS OF PAST MINING

HON. DICK CHENEY

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. CHENEY. Mr. Speaker, I have today introduced legislation to give States like Wyoming more flexibility to deal with problems caused by past mining.

As my colleagues know, Congress earlier addressed the need to repair damage from past mining when it established the Abandoned Mine Land Reclamation Fund in 1977. Wyoming has received some $100 million from this fund, and ranks No. 4 on a list of States that have received benefits. However, at the same time, my State has contributed more money to the fund than any other State—more than $250 million since the fund's inception.

Over the years, Wyoming officials have used their apportionment of abandoned mine land funds to good advantage to repair scars and remove safety hazards caused by past mining of coal and other minerals. But there is one major problem that has not been taken care of, and perhaps it cannot be until there are improvements in technology and the state of the art of underground coal mine reclamation.

I refer to the situation in Rock Springs, WY—a town which sits atop a honeycomb of long-abandoned underground coal mine voids. Since 1948, Rock Springs citizens have been troubled by periodic episodes of subsidence—collapsing of the ceilings of these mine voids. Homes and businesses have been extensively damaged and occasionally have had to be abandoned. Property in large areas of the city has lost value. Most recently, the Federal Housing Administration announced that it would no longer insure property in parts of town thought to be especially vulnerable to subsidence—a move which could overnight reduce the value of hundreds of dwellings and adversely affect the town's economy.

For well over a decade, Rock Springs citizens and Wyoming officials have searched for ways to do something about the subsidence problem. Millions of dollars in Federal, State, and local funds have been spent to study the extent of the mine voids and to try to keep them from collapsing.

The method of choice in recent years has been to try to backfill the voids by pumping in a slurry mixture. But there is reason to believe that backfilling intended to prevent subsidence has, itself, triggered more subsidence in adjacent areas.

As a result, the State of Wyoming is seeking other methods to deal with the subsidence problem in Rock Springs and elsewhere.

It is questionable, Mr. Speaker, whether a good, cost-effective solution to this longstanding problem will be found before 1992, when the tax on coal which finances the Abandoned Mine Lands Fund is scheduled to expire. That is unfortunate, because it was the existence of a serious subsidence problem in Rock Springs that in part accounted for congressional action to set up the fund in the first place. Wyoming's congressional delegation at the time played a major role in establishing the fund, with the hope that Rock Springs citizens would be among those helped. It would be a shame if, when the tax expires in 1992, the subsidence problem in Rock Springs remained—especially given the fact that Wyoming will have contributed more taxes to the fund than any other State.

The bill I have introduced today at the request of Rock Springs area citizens would permit the State of Wyoming, and any other State that so desires, to set aside up to 10 percent of its annual allocation from the Abandoned Mine Lands Fund in a special trust fund. Money in this special fund could be used after 1992 to address remaining mine reclamation problems such as the one in Rock Springs which defy immediate solution.

By my calculations, this bill would give Wyoming the option of setting aside roughly $13 million by 1992 if the State elected to establish such a trust fund. This amount represents 10 percent of the State's estimated projected annual allocation between now and 1992.

My bill does not alter any State's allocation, and it does not in any way change the purposes for which abandoned mine land funds can be spent. It simply gives States the flexibility to set aside a small portion of their AML allocations for use in the future to solve problems that, for technical or other reasons, cannot be solved now.

"NATIONAL OPERATION PROM/GRADUATION KICKOFF DAY" LEGISLATION

HON. MARILYN LLOYD

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mrs. LLOYD. Mr. Speaker, I recently joined with a number of my colleagues in cosponsoring legislation to designate March 11, 1987, as "National Operation Prom/Graduation Kickoff Day." This day would mark the beginning of planning for substance-free commencement activities nationwide.

I believe the effort to promote drug and alcohol-free activities for graduating students in local communities across the country is absolutely essential. The House Select Committee on Narcotics and Abuse recently reported that each year thousands of teenagers die and others are seriously injured in alcohol and drug-related traffic accidents. Many of these accidents occur during the graduation season, turning joy into tragedy. By planning now, we all can prevent the recurrence of such tragic proportions for our seniors graduating in 1987.

I am heartened by the fact that the National Institute on Drug Abuse [NIDA] of the Alcohol, Drug Abuse and Mental Health Administration, recently reported the results of the 12th annual survey of drug abuse among high school seniors which found that the downward trend in illicit drug use, which stalled in 1985, continued to decline in 1986. This survey has been conducted by the University of Michigan's Institute for Social Research since 1975.

I am tremendously pleased that the downward trends are continuing. It tells us that more and more young Americans are recognizing the dangers of illicit drugs and choosing a drug-free lifestyle. I am hopeful that efforts such as "Operation Prom/Graduation" will encourage even more young people to abstain from recreational drug and alcohol abuse while enjoying the rites of passage from high school and, in turn, prevent the tragic loss of life through serious traffic accidents.

We must continue to impress upon our youth the seriousness of driving while under the influence of alcohol or drugs. The Department of Transportation recently reported that 10 percent of all drivers on weekend nights can be legally defined as intoxicated. Amazingly, 4 out of every 10 drivers admit to driving while under the influence of alcohol. We must work to insure the continued awareness of our teenagers to the magnitude of this problem for all of us.

I believe that deterrence is the key to stopping intoxicated motorists and that our young people should also be made aware of the progress which has been made in the enactment of stricter laws in this area and the seriousness of the impact these laws could have on their lives. In the last 6 years, 45 States have passed at least 360 laws to crack down on drunk drivers. The new laws call for mandatory jail or prison sentences for first or second offenses and require all convictions to be listed on the driver's record. Forty-two States now suspend the licenses of those who refuse blood alcohol contents [BAC] tests—all 50 States can arrest drivers for the same reason—and 38 now make it a crime to drive with a BAC level of one-tenth of 1 percent—the equivalent of four beers or glasses of wine or shots of whiskey consumed by a 150-pound man in 2 hours. My own State of Tennessee passed one of the toughest drunk-driving laws in the Nation following one highway horror in which a motorist who had collected seven DWI arrests in 4 years plowed into a Vega, killing two people and scarring a 5-year old for life.

In addition, legislation intended to establish a national minimum drinking age of 21 by withholding Federal funds from States not having such a law was passed by the 98th Congress (Public Law 98–363).

In spring, when teenagers' thoughts turn to graduation, proms, and trips to the beach, very few stop to consider the consequences of drinking and driving. Yet, traffic accidents involving alcohol are a leading cause of death for youth between the ages of 16 and 24, with the number of fatalities escalating in May and June. Prevention activities, begun well in advance of the graduating season, can ensure that alcohol-related driving fatalities are no longer part of the traditions associated with graduation night. I wholeheartedly support this effort and urge my colleagues to join with me now in sponsoring the National Operation Prom/Graduation Kickoff Day resolution and promoting the urgency of the message it sends.

TRIBUTE TO SGT. PETER T. MAGINNIS

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WELDON. Mr. Speaker, it is my sincere pleasure to announce the retirement of a man who has served the town of Swarthmore and the county of Delaware for some 39 years. Swarthmore Police Sgt. Peter T. Maginnis will be missed by his friends on the force as well as by the community he served. Dedication to duty and willingness to help those in need have been the mark of this career officer.

There is an underlying circumstance that has brought about the retirement of this fine officer and one that should be recognized. Pete will be leaving the job he so dearly loved in order to make room on the police department roster for his son who wishes to follow in his footsteps. Pete is a man of extraordinary service and it is only fitting that his decision to leave the police department, is aimed at helping both the community and his family. This unselfish gesture is typical of Pete, who has given so very much to so many people.

Pete Maginnis has been a commissioner on the Ridley Township Board of Commissioners since 1980. Pete has also been a volunteer firefighter in Folsom from the time he was a teenager. His public service does not stop there. Pete has driven a school bus for Our Lady of Perpetual Help, in Morton for the past 40 years. He has been an exemplary citizen in his community and we in Delaware County are proud to honor him on this happy occasion.

Police officers are seldom praised or appreciated for the services they provide to their communities. We tend to overlook the importance of these men and women until we need them. However, on this occasion I would like to thank all of the fine police officers of the Seventh Congressional District of Pennsylvania by recognizing Pete's many years service.

I wish Peter Maginnis and his eight children the very best in his retirement. I am certain that he will enjoy the years to come as much as he did the past 39.

Good luck and good health in your retirement Pete.

EDITORIAL DEPLORES CONGRESSIONAL LEAKS

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. SOLOMON. Mr. Speaker, it is my pleasure to insert in the RECORD a Wall Street Journal article, dated March 4. This article points out the Tower report criticism of the National Security Council, but it also brings to the surface two points not often covered by the networks and major newspapers. I refer to the intrusion of this body in the realm of foreign policy, which is the proper responsibility of the executive branch, and the inability of this body to refrain from selective leaks.

[From the Wall Street Journal, Mar. 4, 1987]

TOWER REPORT: ON THE SEPARATION OF POWERS

(Following are excerpts from the Tower Report's "specific recommendations." A related editorial appears nearby.)

1. *The National Security Act of 1947.* The flaws of procedure and failures of responsibility revealed by our study do not suggest any inadequacies in the provisions of the National Security Act of 1947 that deal with the structure and the operation of the NSC system. . . . It strikes a balance between formal structure and flexibility adequate to permit each president to tailor the system to fit his needs.

As a general matter, the NSC staff should not engage in the implementation of policy or the conduct of operations. This compromises their oversight role and usurps the responsibilities of the departments and agencies. But the inflexibility of a legislative restriction should be avoided. Terms such as "operation" and "implementation" are difficult to define, and a legislative proscription might preclude some future president from making a very constructive use of the NSC staff.

Predisposition on sizing the staff should be toward fewer rather than more. But a legislative restriction cannot foresee the requirements of future presidents.

2. *Senate Confirmation of the National Security Adviser.* It has been suggested that the job of national security adviser has become so important that its holder should be screened by the process of confirmation, and that once confirmed he should return frequently for questioning by Congress.

We hold a different view. The national security adviser does, and should continue to, serve only one master, and that is the president. Further, confirmation is inconsistent with the role of the national security adviser should play. He should not decide, only advise. He should not engage in policy implementation or operations. He should serve the president, with no collateral and potentially diverting loyalties.

Only one of the former government officials interviewed favored Senate confirmation of the national security adviser. While consultation with Congress received wide support, confirmation and formal questioning were opposed. Several suggested that if the national security adviser were to become a position subject to confirmation, it could induce the president to turn to other internal staff or to people outside government to play that role.

3. *The Interagency Process.* It is the national security adviser who has the greatest interest in making the national security process work, for it is this process by which the president obtains the information, background, and analysis he requires to make decisions and build support for his program.

We recommend that the national security adviser chair the senior-level committee of the NSC system.

4. *Covert Action.* Policy formulation and implementation are usually managed by a team of experts led by policy-making generalists. Covert action requirements are no different, but there is a need to limit, sometimes severely, the number of individuals involved. The lives of many people may be at stake, as . . . in the attempt to rescue the hostages in Tehran. Premature disclosure might kill the idea in embryo, as could have been the case in the opening of relations with China.

The obsession with secrecy and preoccupation with leaks threaten to paralyze the government in its handling of covert operations. Unfortunately, the concern is not misplaced. The selective leak has become a principal means of waging bureaucratic warfare.

We recommend that each administration formulate precise procedures for restricted consideration of covert action and that, once formulated, those procedures be strictly adhered to.

5. *The Role of the CIA.* Some aspects of the Iran arms sales raised broader questions in the minds of the board regarding the role of the CIA.

The NSC staff was actively involved in the preparation of the May 10, 1985, update to the Special National Intelligence Estimate on Iran. It is a matter of concern if this involvement and the strong views of the NSC staff members were allowed to influence the intelligence judgments.

6. *Legal Counsel.* From time to time issues with important legal ramifications will come before the National Security Council.

The board recommends that the position of legal adviser to the NSC be enhanced in stature and in its role within the NSC staff.

7. *Secrecy and Congress.* There is a natural tension between the desire for secrecy and the need to consult Congress on covert operations. Presidents seem to be increasingly concerned about leaks of classified information as their administrations progress.

However, the number of members and staff involved in reviewing covert activities is large; it provides cause for concern and a convenient excuse for presidents to avoid congressional consultation.

We recommend that Congress consider replacing the existing Intelligence committees of the respective houses with a new joint committee with a restricted staff to oversee the intelligence community, patterned after the Joint Committee on Atomic Energy that existed until the mid-1970s.

8. *Privatizing National Security Policy.* Careful and limited use of people outside the U.S. government may be very helpful in some unique cases. But this practice raises substantial questions. It can create conflict of interest problems. Private or foreign sources may have different policy interests or personal motives and may exploit their association with a U.S. government effort.

We recommend against having implementation and policy oversight dominated by intermediaries. We do not recommend barring limited use of private individuals to assist in United States diplomatic initiatives or in covert activities. We caution against using such people except in very limited ways and under close observation and supervision.

FEET PEOPLE

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LAGOMARSINO. Mr. Speaker, a recent article in the New Republic by Ronald Radosh is entitled "Feet People." For some years, those of us supporting the administration's policy in Central America have argued that the Sandinista government in Nicaragua will cause a flow of refugees that will make the number of Vietnamese "boat people" pale in comparison.

The report by Mr. Radosh also points out that the vast majority of the refugees are Campesinos, the rural poor, "precisely the kind of people for whom the Sandinista revolution was supposedly carried out." I urge my colleagues to read the following article and consider carefully its implications for future U.S. policy in the region.

The article follows:

CENTRAL AMERICA'S LATEST REFUGEES: FEET PEOPLE

In 1983 President Reagan predicted that the policies of the Sandinista Government of Nicaragua would generate a surge of Nicaraguan refugees. An administration official said that "whole villages in Nicaragua would pick up and move across the border" into Honduras and Costa Rica. Critics of administration policy, such as Americas Watch, challenged these predictions. In a July 1985 report it said that "since the Sandinistas came to power, despite the military conflict and the hardships resulting from it . . . Nicaragua has absorbed more former refugees that it has created new ones."

The harsh truth is that the flow of refugees now is even worse the administration predicted it would be. The official statistics of the United Nations High Commissioner for Refugees shows that as of last December the UNHCR was assisting 24,195 Nicaraguan refugees in Honduras. An additional 30,000 to 100,000 unregistered Nicaraguans, not including Miskito Indians, have fled to Honduras. In Costa Rica 21,954 Nicaraguans have registered as refugees with the government and thousands of illegal aliens have slipped into the country unnoticed. The vast majority of the 170,000 illegal aliens now in Costa Rica are believed by the Costa Rican government to be Nicaraguans.

Nicaragua has not always been the country in the region producing the most refugees. For the last five years that dubious distinction rested with Guatemala and El Salvador, where the peasant and Indian populations have fled both brutal counterinsurgency wars and offically sanctioned repression. As late as mid-1984, El Salvador had six times as many refugees as Nicaragua. However, the plight of these Salvadoran refugees has been recognized by human rights groups and received much attention from the many organizations that are critical of U.S. foreign policy in Central America. These same organizations have tended to ignore or to minimize the very existence of Nicaragua's refugees.

The numbers of refugees from Nicaragua are increasing. Serge Male, a French administrator of the Honduran camps for the UNHCR, says that about 300 Nicaraguan refugees are arriving per month in Honduras. "Nicaraguan refugees," he stressed, "now compose the majority of refugees fleeing from countries in Central America." In Costa Rica, for example, 6,126 Nicaraguans were granted refugee status in 1986 alone and were put into UNHCR camps. That year only 37 Salvadorans sought refuge in Costa Rica. (In 1980, in contrast, there were 2,147 Salvadoran refugees, and only 86 Nicaraguans.)

These Nicaraguans have left for various reasons: a desire to avoid the draft, and opposition to Sandinista policies such as forced participation is state cooperatives political and other human rights abuses, opposition to religious freedom, and forced relocation into strategic hamlets. Still others left because of the deteriorating economic conditions. Virtually none of the refugees I spoke with said they had fled to get away from contra-imposed terror. The relocation of peasants who live near war zones, and the Nicaraguan government's declaration of certain areas as "free-fire zones," are particularly resented by most compesinos.

Ironically, Nicaragua now seems to be implementing a policy carried out first by right-wing authoritarian regimes in Guatemala and El Salvador. In those two countries, peasants suffered under equally severe relocation programs with the exact same rationale: clear the countryside of peasants so that the guerrillas have no one to blend in with. In all three cases, the human rights violations have been massive.

In January I visited four camps, which together held 10,000 refugees: Alvaperal and Boca Arenal in Costa Rica, and Jacaleapa and Teupasanti in Honduras. The facilities in Costa Rica, located near the northern border with Nicaragua, are locked and guarded by armed and uniformed Costa Rican security officials. There are plumbing facilities and electricity, but the refugees live in massive dorms the size of airplane hangars, each filed with hundreds of bunk beds. The camps in Honduras sit on large open spaces of clay dirt, with not trees for shade, and are surrounded by high fences of barbed wire. There is no electricity, and are no sanitary facilities except primitive outhouses. The living quarters are hundreds of small wood huts. In these tiny quarters several families share a space barely adequate for two people. These people try to get by on what little the Red Cross is able to provide.

Fifty refugees in the Costa Rican camps told us of indiscriminate bombing and shooting of civilians by the Sandinista armed forces. They told their stories reluctantly, and only responded after we asked them what events in particular led them finally to flee their country. They are from the remote, scarcely populated central and southern Zelaya region. They are religious people who do not wish to go to resettlement communities or state-run cooperatives, and who desire to regain their own hard-worked parcels of land. They also live in an area in which the contras have been active, close to where Eugene Hasenfus's plane was headed before it crashed. And because many of the peasants in these areas undoubtedly cooperate with the contras, the Sandinistas see ample reason to try and interfere with their livelihood.

According to a report in the December 29 Barricada, the official Sandinista paper, the Sandinista army has successfully carried out a "tactical strike" in the area in Zelaya near Bluefields, which has managed to "neutralize" the contras. Since June 1985, the paper reported, the army had engaged in 'Operation Bambu," now declared a success. Apparently many of the refugees we spoke to were victims of this operation. A report in the February 6 Wall Street Journal, based on interviews with Sandinista leaders in Managua, says that in the Atlantic coast areas, the Sandinistas had created "a defense cordon of militarized agricultural cooperatives." Moreover, "the Sandinistas showed off their increased military prowess in December, during two impressive exercises that demonstrated their ability to execute a highly mobile combined armed assault using the increased firepower of Soviet Hind helicopters and anti-aircraft weapons." The refugees' story suggests that this action was a bit more than a mere exercise.

They talked of bombing raids, and of friends and neighbors, including young children, who had died from the attacks. They also told of the destruction of houses, churches, schools, and other buildings. They described the air attacks as consisting of a combination of grenades, rockets, automatic fire, and explosives dropped from up to six MI-Hind 24 or other helicopters, Push-Pull planes and/or a light single-engine plane. We were told that army battalions sometimes arrived on foot after the air attack, to carry out a mop-up operation. One refugee, Juan Martinez Bravo, described two battalions that came through his village in June 1985, killing one seven-year-old boy and a friend. These "search and destroy" missions went from farm to farm shooting anyone they saw, taking and killing livestock, and burning houses that had survived the air attack.

The refugees said the Nicaraguan government had made no attempt to evacuate them, or to warn them in advance of bombing raids. The raids took placed on their homes and villages, and not against the contras when their troops were present. In some cases contras had passed through their villages previously, or were a few hours away. The Sandinistas made no distinction between civilians and combatants as targets, and fired indiscriminately on men, women, and children.

A middle-aged evangelical preacher, Teofilo Garcia Garcia, from Punta Gorda, a town on Nicaragua's Atlantic coast between Bluefields and San Juan del Norte, told us of a bombing raid carried out by six helicopters. It took place on December 9, 1986. He was among a group of 57 people who had arrived at the refugee camp in mid-January, four days before we spoke with them. They had walked through Nicaragua for six weeks. "They used grenades and automatic weapons," Garcia said. "They bombed El Puerto about one year ago and now they bombed Punta Gorda, where all the campesinos live. There was no warning; they only wanted to kill us. . . " In all, the refugees we interviewed reported indiscriminate air and ground attacks in seven villages in the Zelaya region, in 11 separate incidents. The raids clearly were meant to kill or drive out of the region any campesinos whose farms might serve as a potential source of food for the contras.

Perhaps the most poignant story I heard in Costa Rica was that of a middle-aged carpenter from Managua, Jose Luis Lacaya Garcia. A member of the Free Apostolic Church, Lacaya was arrested in May 1984, and security police threatened to kill his son if he kept on with his proselytizing. He and 40 other members of his church were ordered to cease their prayer meetings. Ironically, Lacaya was an evangelical who belonged to the trade union dominated by the old-line Moscow-oriented Communists of Nicaragua.

Lacaya had just arrived at the camp, after walking 75 days with his pregnant wife and five young children. He had been admonished in Managua not to practice his religion, and was denied valued ration and medical cards from the local block committee. Finally the Sandinistas ordered him to work "voluntarily" full-time on Sunday as well as Saturday. He left for a remote and rural area near Nueva Guinea, where a relative had a small finca, and where he hoped to start a new life. But a prolonged invasion from light infantry forces began on March 3, and the troops shot at anyone they saw. After the fighting erupted in the area and it became impossible to find enough food for his family, he decided to undertake the harrowing two-and-a-half month trek out of Nicaragua.

Conversation with over 150 refugees at the Honduran camps produced a different picture. They had not been subject to infantry or air attacks, but left because they had been persecuted by the government. The refugees at Jacaleapa and Teupasanti camps were largely campesinos, who complained of the Sandinistas' insistence that they give up their small plots and join state-run cooperatives. These small farmers are bitterly opposed to the Sandinistas, and some of them are openly pro-contra.

Others declined to support the contra effort. The Christian evangelicals opposed fighting on either side. One young man in his early 20s explained that "it is hard to be young in Nicaragua, and it is hard to be young here." In his country, he said, if you opposed the Sandinistas they called you a contra. In the camps the older men called him a Sandinista, because he refused to join the rebels. "I despise the Sandinistas," he told me, "but there must be some other way to defeat them than by more bloodshed. As a Christian, I cannot accept the path of the contra."

Those filling all of these camps are not the wealthy Nicaraguan bourgeoisie, some of whom are still living in Managua and doing a good business with the government. Nor are they the middle-class exiles who have incomes and jobs in other countries. The refugees seem precisely the kind of people for whom the Sandinistas revolution was supposedly carried out. Yet they are the people who express only disdain for the Sandinistas' agenda for their country. They are becoming a generation of perpetual refugees—filling the countryside in neighboring lands that cannot afford to absorb them into their own economies. They wait for a settlement of the problems in their country, bearing witness to a world that seems not even to know of their existence.—Ronald Radosh.

Ronald Radosh recently returned from a fact-finding mission to refugee camps in Honduras and Costa Rica for the Puebla Institute, lay Catholic human rights organization based in New York.

IRRIGATION SUBSIDY REFORM ACT OF 1987

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WOLPE. Mr. Speaker, the 100th Congress is confronted by many difficult issues, but runaway Federal budget deficits, the crisis in American agriculture and the destructive use of our Nation's water resources are among the most pressing. That is why I am joining my distinguished colleagues—Mr. Gejdenson, Mr. Sharp, and Mr. Kildee—in introducing commonsense legislation that will simultaneously reduce the deficit, help eliminate price-depressing farm surpluses, and conserve America's water resources.

The Irrigation Subsidy Reform Act of 1987 will put an end to one of the most shocking, wasteful and counterproductive elements of current farm policy. Under current law, we give some farmers subsidized water to grow crops already in surplus and then, at the same time, we pay other farmers not to grow the same surplus crops. Mr. Speaker, this policy is fraught with craziness. It is crazy farm policy. It is crazy fiscal policy. It is crazy environmental policy.

We all know the disastrous consequences world agricultural surpluses have had upon American farmers and farm incomes. Thousands of farmers have gone out of business because price-depressing surpluses have prevented farmers from getting a fair return on their labor and investments. The 1985 farm bill took significant steps to reduce surpluses by establishing a huge conservation reserve under which we will pay farmers to take 40 million acreas out of production over the next 5 years, in addition to the millions of acres of annual set-asides under the Wheat and Feed Grains Program. It is absurd, and of no help to overall farm incomes, that we are simultaneously paying irrigation subsidies for growing surplus crops.

This policy is also crazy from the perspective of the American taxpayer. A U.S. Department of Agriculture report indicates that 45 percent of the lands irrigated with federally subsidized water are being used to grow crops that the Government is paying other farmers not to grow. Mr. Speaker, the Congress knows; and more importantly, the taxpayer knows that this makes no sense. In fact, the current farm subsidy system burdens the taxpayer in five distinct ways:

First, tax dollars subsidize water to turn desert land into unneeded farm acreage used to grow unneeded crops;

Second, tax dollars subsidize water which encourages the construction of new and expensive water projects;

Third, tax dollars pay some farmers not to grow surplus crops, while providing water subsidies to other farmers to grow the same crop;

Fourth, tax dollars help pay for storage costs when surplus crops are grown; and

Fifth, tax dollars cover commodity support payments to farmers when price-depressing surpluses cause the bottom to fall out of their markets.

It is utterly incomprehensible to ask taxpayers to pay for subsidy piled on subsidy on top of subsidy at a time when Congress is faced with a $180 billion deficit and a $2 trillion national debt.

Finally, this policy makes no environmental sense. Irrigation projects often damage or destroy the fragile habitat for fish and wildlife provided by the rivers and streams of the arid West. Furthermore, excessive application of irrigation water has been found to leach minerals and salts from the soil, and can render valuable land useless for agriculture or poisonous to wildlife. These damages do not disappear. Restoration and cleanup are rarely cheap or easy.

Mr. Speaker, the logic of the legislation introduced today is pure and simple—if a farmer chooses to use the water from federally subsidized irrigation projects to grow more surplus crops, that farmer must pay the taxpayer back in full for the cost of providing the water. Last year under the excellent leadership of our esteemed former colleague Berkley Bedell, a similar amendment to end this wasteful conflict between agriculture and irrigation subsidies received broad-based, bipartisan support before it was narrowly defeated—203-199. As the budget deficit remains ever present, the cost of farm programs increases and the Nation's water supply becomes more fragile.

I am confident that the 100th Congress will see the bill for what it is—fair and sensible. It is fair and sensible to the farmer who does not receive irrigation subsidies. It is fair and sensible to taxpayers because they should not have to pay for these indefensible irrigation subsidies. Finally, it is fair and sensible to future generations who will benefit immensely from the bill's built-in cost incentives to conserve our Nation's finite water supplies.

I commend my colleagues, Mr. Gejdenson, Mr. Sharp, and Mr. Kildee for continuing Mr. Bedell's steadfast commitment to see that this bill becomes law. I strongly urge my colleagues to support this critical measure.

CHILD HEALTH INCENTIVES REFORM PLAN

HON. ED JENKINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. JENKINS. Mr. Speaker, I am pleased to offer legislation today that would provide strong incentives for businesses to include children's preventive care in their employee health benefit packages. Specifically, such coverage would be required for the insurance premiums to be deductible as a business expense.

Employer group health insurance plans are the major method of financing health care in the United States. More than 80 percent of all employment groups now have some form of private health insurance. Few Americans would disagree with the adage "an ounce of prevention is worth a pound of cure," yet our present system of health care contradicts this proposition. Unfortunately, most coverage provided by health insurance plans is aimed at acute care, not preventive care. The result is a sickness system, in which costs are out of control, rather than a true health insurance system that would avoid unnecessary illnesses.

Nowhere is this focus less appropriate than when applied to children. Yet the fact is group health insurance plans have been given no incentive to cover the services children need most.

The legislation I am introducing today, the child health incentives reform plan [CHIRP], focuses on children for a simple reason: more than any other age group in the population, children require regular preventive care and screening to detect and prevent disease and disorders. Preventive care not only improves their overall health but it is also cost effective.

Numerous studies, including important recent work by a congressional Select Committee on Children, Youth and Families, have shown that immunizations save money in the long run. Results indicate that for every dollar spent on measles vaccinations, $10 is saved; for every dollar spent on mumps vaccinations, $7.40 is saved. Other studies have demonstrated that eligible Medicaid children provided with early and periodic screening, diagnosis, and treatment [EPSDT] have 30 to 50 percent lower hospital and medical costs than do other Medicaid children.

Opponents to health insurance coverage for preventive services for children argue that regular health screenings are a budgetable expense. However, young familes with children generally have limited incomes and must rely heavily on their employer-provided health insurance. If the plan does not cover preventive health care, such as immunizations, many families will wait for serious symptoms to appear before paying for care. The sad truth is that thousands of pre-school-age children are not immunized. Besides the tragic diminution in the quality of life for a child left retarded by measles, the cost of lifetime institutional care can be staggering—estimates range from $500,000 to $1 million.

The average monthly cost per family for the additional coverage outlined in this bill would be at most $2.28, or about 1 percent of the employer's current payment. The cost for all recommended services from birth through the age of 20 is approximately equal to the cost of 1 day in a hospital.

We in Congress who have responsibility for promoting the public health are keenly aware of the efficacy of preventive care for children. We mandate first-dollar coverage of these services in Medicaid and in federally qualified HMO's. And so long as taxpayers are subsidizing group health plans—to the tune of $32 billion in 1986—I have no hesitation in effectively mandating that child health services become a part of standard benefit packages.

I believe that this is an important step to take, and support for this measure will come from all groups in our society who feel as I do: that our children are our most important and precious asset and that their health must be protected.

ALL VETERAN HOMEOWNERS DESERVE OPPORTUNITY TO REFINANCE VA LOANS

HON. MARVIN LEATH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LEATH of Texas. Mr. Speaker, the recent decline in home mortgage interest rates has resulted in lowered housing costs for millions of Americans, including tens of thousands of veterans. The difference between mortgage payments on a loan at 8½ percent compared to a loan at, say, 13 percent can mean $100 a month or more for a veteran homebuyer. And $100 a month is a lot to someone trying to put food on the table and support a family.

Many veterans with existing VA-guaranteed loans have refinanced their mortgages, but some veterans are precluded from doing so unless they give up the VA guarantee.

Military officers and enlisted personnel who are transferred to new duty stations, as well as Foreign Service officers and diplomatic personnel, are not allowed to refinance their VA home loans because they do not reside at the home. This law is archaic and needs to be changed.

It just makes all the sense in the world that a veteran with a lower interest rate is much less likely to default. Why not guarantee a safer loan? Everybody benefits. The veteran gets lower house payments, fewer individuals default on mortgages and the Government gets additional revenue from the VA funding fee, which is 1 percent.

Mr. Speaker, our veterans are deserving of the housing benefit and should not be penalized because they have chosen to continue serving their country. They should not be denied the right to refinance their VA home loans simply because they have been transferred. In keeping with this belief, I am today introducing legislation that will alter the law to allow these veterans to refinance.

I urge my colleagues to favorably consider this legislation.

REFORMS NEEDED IN BILINGUAL EDUCATION

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. FAWELL. Mr. Speaker, today I joined the vice chairman of the Education and Labor Committee, JIM JEFFORDS, and the vice chairman of the Elementary and Secondary Education Subcommittee, BILL GOODLING, in introducing legislation which makes long overdue reforms in our Federal bilingual education program. I urge my colleagues in the House to cosponsor the Bilingual Education Amendments of 1987, which is essentially identical to H.R. 4538 in the 99th Congress.

Current law restricts 96 percent of the $143 million Federal bilingual budget to programs that use bilingual instructors to teach limited-English proficient students in their native language until they learn enough English to move into regular classes. This method of teaching is referred to as transitional bilingual education. The remaining 4 percent of the funds is used for special alternative instruction approaches, such as English as a second language [ESL] and English immersion. This legislation, proposed by the administration, lifts the 4-percent cap to give local school districts greater flexibility in determining which method of instruction is the most effective for teaching limited-English proficient children.

This major reform is not an attempt to gut bilingual education or throw immigrant children into a sink-or-swim situation. Instead, the bilingual education amendments reflects a "what works" approach for teaching immigrant children English in the quickest and most effective manner. Many school districts believe transitional instruction best prepares non-English children for regular English classes. There are other school districts, however, which believe alternative instruction is more effective than transitional instruction. And this sentiment is growing. In 1985, over 25 percent of the total grant applications for bilingual funds were for alternative instruction. Because of the 4-percent cap, many worthwhile proposals were rejected.

The growing interest in using alternative instruction as a means of teaching confirms what researchers have been stating for the past several years: transitional bilingual education has not been shown to be more successful than other methods of instruction in helping limited-English proficient children learn English.

For example, Diane Ravitch, one of the country's leading education historians, concluded in her book, "The Schools We Deserve":

> The bilingual method may or may not be the best way to learn English. * * * Immersion programs may not be appropriate for all children, but then neither is any single pedagogical method. The method to be used should be determined by the school authorities and the professional staff, based on their resources and competence.

In an article in the Journal of Law and Education, Christine Rossell and J.M. Ross concluded from a comprehensive review of the literature that:

> The research does not support transitional bilingual education as a superior instructional technique for increasing the English language achievement of [limited-English proficient] children.

Finally, a recent Congressional Research Service report found that:

> [T]he lack of conclusive, nationally representative research studies and program evaluations of the effectiveness of different instructional approaches as actually implemented with specific types of [limited-English proficient] students in various program

> settings precludes determining the most effective instructional approach for [limited-English proficient] students in general.

If there exists no conclusive evidence that one pedagogical approach is better than another, Congress should not mandate that a majority of the bilingual education funds be used for transitional instruction. The legislation introduced today recognizes what the researchers are saying: no one method of instruction should be prescribed in statute.

The ultimate goal of the Federal Bilingual Education Program is to help non-English children become proficient in English as quickly as possible. The bilingual education amendments upholds this commitment by recognizing that local school districts are in the best position to determine the educational needs of their limited-English proficient students.

HYPOCRISY AND HUMAN RIGHTS VIOLATIONS OF VIETNAM

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LAGOMARSINO. Mr. Speaker, I rise today to call the attention of my colleagues to the events which occur daily in Southeast Asia as a result of the actions of the Government of Vietnam. The Vietnamese Government denies its own people basic human rights and oppresses its minority ethnic groups such as the Chinese and Hmong peoples. The result of this persecution has been that hundreds of thousands of Vietnamese have left the homes that their families have owned for centuries and fled from the terror and risked their lives to find freedom. Vietnamese despotism does not stop at its borders. Vietnamese hegemony over neighboring Laos exposes the Lao people to these same brutal denials of basic human rights. Vietnam's invasion of Cambodia and the subsequent establishment of a puppet government there is even more reprehensible. The subjugation of Cambodia and oppression of its people is a situation that the United States cannot ignore. I would like to draw my colleagues attention to the response of Mr. W. Lewis Amselem, a career Foreign Service Officer at the United Nations, to comments made by the representative of Vietnam. Mr. Amselem accurately and eloquently describes the hypocrisy and human rights violations of Vietnam:

> Mr. Chairman . . . there is something wrong with my earpiece. According to it, the Vietnamese representative spoke of racism and self-determination. We know, Sir, that this cannot be so, because the Vietnamese representative would not be so shameless as to speak on these items.
>
> The Vietnamese government is one of the most racist on earth. Look at what has happened to the ethnic Chinese, to the Hmong, and to the other minorities in Vietnam. Look, Sir, at what has happened to the people of Kampuchea. Even as we speak, all of these people are being persecuted, tortured, starved, murdered, and driven into exile by Hanoi. What about the hundreds of thousands of boat people who have fled Vietnam? These include one of the founders of the National Liberation Front who now lives in Paris, where he has found the freedom denied him at home. Who knows how many more would leave the Vietnamese gulag if they could?
>
> According to my earpiece, the Vietnamese representative spoke of the right to live free of the nuclear threat. Mr. Chairman, surely we should speak first of more basic rights such as the right of the Kampuchean people to live free of Vietnamese tanks and bayonets; to live free of Vietnamese chemical weapons; to live free of Vietnamese terror and occupation—in short, Sir, the right to live free.
>
> Again, according to my obvious defective earpiece, the Vietnamese representative spoke of 'self determination.' Surely this representative knows what her country's troops are doing in Kampuchea. They are there to prop up an unpopular and repressive government, which seeks to deny the people of Kampuchea their right to self-determination.
>
> I hope technical services corrects this serious flaw in my earpiece before I begin to believe that the Vietnamese representative said what I thought I heard her say.

THE MERCHANT MARINE DECORATIONS AND MEDALS ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BIAGGI. Mr. Speaker, I am introducing legislation that would provide for recognition of the merchant marine seamen who perform distinguished and meritorious service in time of war or national emergency.

This bill would continue existing decorations, insignia, and awards and would provide for additional awards. It would also reinstate authority for the Secretary of Transportation to issue awards for service prior to July 1, 1950. It provides for the issuance, at no cost, of a U.S. flag and a grave marker to the family or personal representative of a deceased seaman, who served in the U.S. merchant marine during World War II or in support of the Armed Forces of the United States or our allies in subsequent periods of war or national emergency.

This bill would also continue the existing procedures for issuing the gallant ship award to U.S.- and foreign-flag vessels that participate in outstanding or gallant action in marine disasters or other emergencies for the purpose of saving life and property at sea.

The primary change in existing law concerns seamen who served in World War II. It is the second of two bills designed to honor these seamen. The United States is the only major maritime country that has failed to adequately compensate merchant seamen. A little history bears repeating. When that war was upon us, thousands of merchant seamen responded to the call of duty to man vessels of all types that were requisitioned or soon to be delivered from our shipyards. Many who sailed into harm's way were younger or older than draft age. Many who were of draft age were often exempted from military conscription due to their physical condition. Those who were of draft age and physically fit were often not accepted into the Armed Forces and were advised to continue employment in the merchant marine due to the extreme shortage of competent merchant seamen. Many of them were essentially under military control, performed wartime responsibilities in combat areas, and were often the target of enemy attack. Many were captured and became prisoners of war for lengthy periods. They were all volunteers. They were properly referred to as our fourth arm of defense.

This legislation provides for recognition of this service through decorations and medals. Due to the few remaining merchant seamen who served during World War II, the costs—including administrative costs—are estimated at less than $200,000 a year and even less in the outyears as these heroes decline in number with the passage of time.

The honor and tribute due these brave merchant seamen are long overdue. I hope my colleagues will join me in supporting this important legislation.

FAMILY FARM ACT OF 1987

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WILLIAMS. Mr. Speaker, often we hear that the world has changed. And in respect to agriculture, indeed the world has changed. In shaping our agriculture policy, however, the President—and unfortunately the Congress—have acted as though no changes whatsoever have occurred in our agriculture ecomony, pricing structure, trade competitiveness, or the structure of our agriculture.

Today my colleagues and I are introducing the Family Farm Act of 1987. This legislation recognizes the new world order by abandoning the outdated notion that more production means more prosperity. Today's surplus commodity realities require absolute production restraints—when America's farmers order them—this legislation provides them. We believe that these production restraints will, through reduced Government storage costs and reduced deficiency payments, lower the cost to the Federal Treasury by perhaps as much as $40 billion over 5 years. But more important, by raising market price the income to farmers is expected to increase more than $10 billion annually.

Some say this bill is inflationary. They are correct. Occasionally in the morning I like to have a bowl of cereal and a couple of pieces of toast. I'm going to have to pay an additional one-fifth of a cent. I for one am willing to endure that bit of inflation to save our farmers. I believe the American people recognize the importance of keeping our family farmers and when they have that breakfast are willing to pay a fifth of a cent—and more.

Mr. Speaker, now, during critical economic crisis in agriculture is an opportunity to correct the course of Government assistance to our family farmers. I want to encourage my colleagues and the congressional leadership—in recognition of the change in world agriculture—to change the direction of our agriculture policy and to help us move this bill.

TEXTILE AND APPAREL TRADE ACT OF 1987—A BAD IDEA

HON. JOHN R. MILLER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. MILLER of Washington. Mr. Speaker, recently I received a Dear Colleague letter from the congressional textile caucus. They invited me to join in cosponsoring the Textile and Apparel Trade Act of 1987. Mr. Speaker, let me tell you why I will not cosponsor this bill.

We have heard and read a lot about the need for industrial competitiveness. While everyone has a different definition for competitiveness, I define it as the ability of American manufacturers and service industries to compete successfully in the international marketplace. The system of international trade which developed after World War II has served our Nation and our trading partners in the world very well. At the heart of this system is the belief—not the fact—that trade barriers ultimately harm everyone. Trade barriers mean less trade. As a result, consumers pay more for goods or services. As trading partners retaliate against one another, workers lose jobs in trade and trade related industries. Mr. Speaker, when we stop trading abroad, we stop growing at home.

There is no question but that our huge trade deficit is a problem. We are now taking positive and effective steps to reduce this deficit by boosting our own exports. Everyone agrees on the key elements: Cut the Federal deficit, remove counterproductive export restrictions on nondefense technologies, streamline the export licensing process and unify our trade apparatus. These are positive steps about which we all agree.

Mr. Speaker, those of us who want to correct the trade deficit know that these positive steps should also include actions by countries like Japan and West Germany to stimulate their economies; for Korea, Hong Kong, and Taiwan to allow their currencies to float rather than being tied to the dollar. These steps will help American exporters.

Last session Congress passed a bill, H.R. 1562, which would have had the opposite effect. Some Members of this body voted for this bill because they wanted to save jobs in their home States, others because they wanted to send the President a message, and so on. But here in Congress, we have a duty to ask if an industry really needs protection and how those protections will affect our Nation's economic and strategic interests.

Mr. Speaker, the most protected industry in America is not steel, it is not automobiles, it is not shoes, it is not agriculture. The truth is the most protected industry in the Nation is the manufacture of domestic textiles. We have built so many protections around domestic textiles that it is the Fort Knox of American industry.

Now, Mr. Speaker 2 years ago, we were told that if we didn't grant this industry even greater protections, that it would die on the vine with thousands of jobs lost in textile States forever.

Well, H.R. 1562 did not become law. I am proud to say that I worked hard to sustain the President's veto of this dangerous protectionist legislation. But let's take a look at the resulting "rack and ruin" in the textile industry.

I don't call textiles the Fort Knox of American industry just because it is the most protected industry in this Nation. Ladies and gentlemen, there's gold in them thar hills. The profits of the eight major textile mills grew by 181 percent during the first three quarters of 1986. Textile stocks outperformed every major Wall Street index in 1986, gaining an average of 30 percent. And production? Surely without more protection domestic production must have collapsed. Hardly. According to industry trade publications, textile output has soared more than 20 percent—five times faster than the growth in U.S. manufacturing. The industry is using 93.6 percent of its capacity.

And what of those thousands of lost jobs? Industry employment levels remain high and overall employment well below the national average. All four major textile States have an unemployment rate 1½ percent below the national average.

Clearly, Mr. Speaker, the Fort Knox of American industry is secure and thriving. The people who need protection are the American consumers, who will have to pay higher prices because Fort Knox needs more protection. Tell that to the low-income single mother when she has to buy her children new coats next winter.

Our exporters will also need protection from the retaliation that will surely follow the erection of these trade barriers. China, the greatest untapped market, will not buy American wheat, or airplanes, or computers, or machine tools, or American anything. They will trade instead with the French and Japanese and Germans.

The fragile democracies in countries like the Philippines and Singapore will also need protection as they suffer the loss of a key market and have the economic basis of their political freedom—the free market—shaken. Should they believe us when we say the free market is the key to prosperity while we shut off our markets to them? The Prime Minister of Singapore, Mr. Lee, reminded the Congress of this harsh reality last year.

Mr. Speaker, The Textile and Apparel Trade Act of 1987 was a bad idea in 1986 and it is still a bad idea. I urge my colleagues not to cosponsor this bill.

THE EFFECT OF SELECTED FEDERAL EXCISE TAXES

HON. ROBIN TALLON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. TALLON. Mr. Speaker, I rise today to call attention to the study released by the Congressional Budget Office on the distributional effects an increase in selected Federal excise taxes would have on taxpaying Americans.

You do not have to be an economist to know that excise taxes are regressive: the level of tax is the same for a family with an income of $5,000 as one with an income of $50,000. This translates into a higher tax burden for the low-income family. Nevertheless, each year, some Members of Congress consider increasing excise taxes as a means of generating more revenue.

I have a special interest in the Federal excise tax on cigarettes since my congressional district is the leading producer of tobacco in the State of South Carolina. I also have a special interest in ensuring that my constituents are taxed in a fair and equitable manner. Excise taxes are not equitable and to increase the tax specifically on cigarettes places an inordinate burden on low- and middle-income families in my district who have made the decision to purchase cigarettes.

For years, Congress has heard the argument that excise taxes are regressive. Now, the CBO justifies our arguments. The study states, "An increase in the excise tax on tobacco would be the most regressive of all the tax increases considered." The study reviewed the effects of increasing the excise tax on beer, wine, liquor, tobacco, gasoline, airfares, and telephone service.

Last year, we passed the Tax Reform Act of 1986 which was designed to decrease the tax burden for low- and middle-income Americans. This year we are faced with meeting a Gramm-Rudman-Hollings deficit target of $108 billion. CBO says Congress needs approximately $69 billion in spending cuts and/or additional revenues to meet the target. The Committee on Ways and Means is faced with having to generate new revenue in the neighborhood of $30 billion. Is it fair to increase the tax burden on those supposedly benefited from the Tax Reform Act? Most definitely not, yet that is exactly what this body would be doing if it were to increase excise taxes.

I urge my colleagues to read the CBO report and to remember its conclusions as we address the deficit problem.

FIORELLO H. LA GUARDIA HIGH SCHOOL

HON. TED WEISS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WEISS. Mr. Speaker, as a strong supporter of the arts and education, I am pleased to join my constituents in honoring the singular efforts of one of New York City's most unique public schools, the Fiorello H. La Guardia High School of Music and Art.

In 1936, Mayor La Guardia founded the High School of Music and Art. His vision was to provide a place where the artistically gifted students of New York's public school system could express and develop their talents while remaining enrolled in a complete academic curriculum. As the school recently celebrated its 50th anniversary, I am happy to report that it continues to fulfill Mayor La Guardia's original dream: artistic excellence and academic superiority.

The High School of Music and Art is somewhat different in 1987 than it was in 1936. In 1961, anticipating a move to a single building at Lincoln Center specially designed to meet the needs of these gifted students, the High School of Music and Art merged with the School of the Performing Arts. This school was founded in 1948 to provide training for students interested in careers as professional dancers, musicians, actors or actresses. Today in their Lincoln Center site, the two schools thrive as one organization.

The students who attend the Fiorello H. La Guardia High School are a carefully selected group. These aspiring artists must all pass through a challenging and extremely competitive audition entry examination, demonstrating their past achievements and their potential for future development.

The many awards the hand-picked students of the La Guardia High School have accrued attest to the success of their unique school program. For example, in the annual National Foundation for the Arts contest, this school has produced more finalists than any other in the country. In 1986, 22 of the 42 finalists selected from a nationwide applicant pool of 6,000 attended the La Guardia High School. Schools in 37 States participated in this contest. But, the total number of winners from all of these States combined did not equal La Guardia's number. Graduates of this school are on the forefront of all artistic disciplines, and can be seen frequently on television, in symphony orchestras, and in dance troupes.

The successes of the alumni of the La Guardia School are not limited to the arts, however. Academic excellence and achievement are also obtained by its students. In the 1986 Presidential Scholars Competition, one of the four New York State winners attended the La Guardia School. In 1985, three of the six State winners attended the school. Graduates of both divisions of the school have distinguished themselves in the sciences, business, politics, and many other professions.

I wish to congratulate the students and faculty of the Fiorello H. La Guardia High School of Music and Art, and am pleased to have this opportunity to report their outstanding achievements to my colleagues. I commend the school for its numerous accomplishments in the artistic and academic world, and I wish them continued success in the future.

LET'S SUPPORT DOMESTIC PRODUCERS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. MOODY. Mr. Speaker, today I join the gentleman from North Dakota, Mr. DORGAN, in introducing legislation to help America's dairy industry. Casein, a milk protein product most Americans have never heard of, is causing serious hardship for all those citizens who depend on the dairy industry for their livelihood. Moreover, casein imports are costing American taxpayers hundreds of millions of dollars.

Casein has a number of uses, but more and more it is being used as a substitute for domestically produced milk products. Encouraged by the United States open market for casein, foreign producers have greatly increased their casein exports to our country. In many cases casein production is subsidized, essentially preventing a competitive casein industry from developing in the United States.

As the market for American milk products is slowly eaten away by casein, our dairy farmers aren't the only ones who suffer. When these imports displace domestic milk product markets the cost of our dairy price support program increases, and taxpayers across the country bear that burden.

According to the USDA, substantial savings could be achieved through a limitation on casein imports. Domestically produced nonfat dry milk and other milk solids can be used in place of the imported casein. For those few products that cannot use domestically produced casein substitutes, allowances can be made. Even with such allowances hundreds of millions of dollars in dairy price support program costs could be saved with a 50-percent quota.

For these reasons, I am supporting this legislation to establish a 50-percent quota on casein imports, as authorized by section 22 of the Agricultural Adjustment Act of 1933. For products that require casein, this legislation establishes a preferential licensing system to ensure enough casein availability.

I urge my colleagues to join me as a sponsor of this important bill. It's time we relieved American taxpayers of the cost of casein imports.

RETIREMENT OF GEN. CHARLES L. DONNELLY, JR.

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. SKELTON. Mr. Speaker, I rise today to honor and pay tribute to an outstanding American who is retiring from the U.S. Air Force. Gen. Charles L. Donnelly, Jr., currently commander in chief, U.S. Air Forces in Europe, is retiring after a distinguished and decorated 36-year military career.

Entering the Air Force in 1951 as an aviation cadet, General Donnelly was commissioned as a second lieutenant in March 1952. In his early career, he was stationed in such places as Tyndall Air Force Base in Florida, Selfridge Air Force Base in Michigan, Lowry Air Force Base in Colorado, and Randolph Air Force Base in Texas. Additionally, he has received advanced degrees from the Air Command and Staff College, Air War College, and the London Royal College of Defence Studies. He assumed his current duties in August 1984.

While serving in Southeast Asia in 1966–67, General Donnelly flew 100 combat missions over North Vietnam and 27 over Laos.

The general is a command pilot with more than 8,000 flying hours in 29 different aircraft. His military decorations and awards include the Defense Distinguished Service Medal, Distinguished Service Medal—Air Force, Defense Superior Service Medal, Legion of Merit with two oak leaf clusters, Distinguished Flying Cross, Air Medal with 12 oak leaf clusters, and the Air Force Commendation Medal with one oak leaf cluster.

Mr. Speaker, I speak today not only to share the accomplishments of General Donnelly with the House, but because I am proud to call Chuck Donnelly my friend. Let me take this opportunity to thank him for his dedicated service and to wish him, together with his wife, Carolyn, all the best in the years to come.

REAUTHORIZATION OF THE OLDER AMERICANS ACT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. KILDEE. Mr. Speaker, I am pleased to be introducing today legislation to extend the Older American Act for 4 additional years.

The Older Americans Act and the programs it authorizes are among the most successful of any Federal programs currently operating. With its original enactment in 1965, the Congress created a program specifically designed to meet the social service needs of older people. Although older persons may receive services under many other Federal programs, the act is considered to be the major vehicle for the organization and delivery of social services to this group. The fact that the act has been overwhelmingly reauthorized many times since 1965 attests to the strong bipartisan support it enjoys as well as its effectiveness.

For many other individuals, Older Americans Act programs provide the lifeline that enables them to continue to live independently in their communities. Whether it be transportation services, homemaker services, congregate or home-delivered meals, participating in senior center activities, or finding employment through the Community Service Employment Program, the Older Americans Act provides opportunities that enable the elderly to continue to be active participants in their communities.

The legislation I am introducing today reauthorizes the Older Americans Act for 4 years at levels that recognize the growing demand for services these programs are facing. The number and percentage of those over 65 relative to other age groups is increasing dramatically, with the age 85-plus group, which are most likely to require assistance, growing most rapidly of all.

I also would like to call attention to a new initiative proposed in this legislation that would authorize additional funds for certain in-home services to the frail elderly. While they may not have extensive health care needs, many older individuals require assistance with activities of daily living to remain independent. According to a recent study sponsored by the Department of Health and Human Services, approximately 4.6 million elderly persons living in their communities have some kind of functional limitation which necessitates assistance in certain basic self-care functions. This represents 10 percent of the total population 64 years of age or older.

As the number of people beyond age 75 increases, so does the number who face the loss of their ability to remain independent and are at risk of entering an institution. The new initiative would provide critical services for the frail elderly making it possible for them to maintain an independent and productive lifestyle longer than otherwise might be possible.

The concept behind this initiative was included as part of a more comprehensive reauthorization proposal developed by the National Governors' Association [NGA]. The NGA is to be commended for their work in developing the concept and for bringing this concern to the attention of the Congress.

Mr. Speaker, the House of Representatives is extremely fortunate to have a number of Members, on both sides of the aisle, who are recognized for their leadership and advocacy on behalf of the elderly. These Members have devoted a great deal of thought to the reauthorization of the Older Americans Act and have developed a number of proposals to strengthen various portions of the act. I look forward to working with these Members and taking advantage of their expertise, to develop a more comprehensive set of amendments as the reauthorization process advances.

The role of the Federal Government is to promote, protect, defend and enhance human dignity. The Older Americans Act meets this challenge. I urge my colleagues' support for its reauthorization.

THE COMMERCIAL ZONE EXEMPTION AND TRUCK SAFETY

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. HOYER. Mr. Speaker, on November 17, 1986, a terrible tragedy claimed the lives of two 17-year-old girls and seriously injured a third in Riverdale, MD, a community in Prince Georges County, which I represent in the House of Representatives. The brakes on a dump truck failed. The dump truck, which was stopped on an incline, in traffic, rolled backward for hundreds of feet, crushing an automobile carrying the three girls home from classes at St. Vincent Pallotti High School in Laurel, MD. The accident killed two of these girls—Jeanine Everhart and Gloria Graham. The third girl, Lisa Beavers, has lost her two best friends and remains seriously injured.

The dump truck, which was registered in Virginia, had not been inspected for 3 years, even though the Commonwealth of Virginia requires an annual inspection. The driver was using an expired District of Columbia operator's permit. Finally, the dump truck was in truly deplorable condition, with numerous and significant safety defects.

Today, in an effort to prevent future tragedies, on the roads and highways in my district and across the country, I am introducing legislation to repeal the commercial zone exemption contained in the Federal Motor Carrier Safety Act.

I encourage all of my colleagues to join me in addressing this aspect of truck safety. I know that Chairman HOWARD of the Public Works and Transportation Committee and Chairman ANDERSON of the Subcommittee on Transportation have already shown leadership in this area.

Despite the horrendous condition of the dump truck, there was little that the Federal Government or the State of Maryland could have done. You see, the commercial zone exemption provides an exemption from the Federal safety standards for trucks operating in commercial zones. Riverdale, MD, where the accident occurred is within the zone for the District of Columbia.

The commercial zone exemption remains a major loophole in efforts to improve the safety of our Nation's roads and highways. It has had a chilling effect on enforcement of State laws as well.

Mr. Speaker, it is my belief that the commercial zone exemption encourages unscrupulous motor carriers to dump into the commercial zone drivers and vehicles that do not meet the safety criteria for operating elsewhere. Thus we will find that often an unqualified driver is placed behind the wheel of a substandard heavy motor vehicle.

With the urban highway and road conditions of today, continuing the commercial zone exemption makes no sense. In 1987, maintaining this anachronism poses an unacceptable danger to the citizens who use our roads and highways.

I have urged Secretary Dole to act administratively to eliminate the commercial zone exemption. However, if she does not, I hope that the Congress will soon consider my legislation. We can act knowing that we will help to reduce the number of lives lost each year as a result of the operation of unsafe trucks.

LTV PENSION AND RETIREMENT BENEFITS

HON. AUSTIN J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. MURPHY. Mr. Speaker, on Tuesday, March 10, the organization of LTV Corp. retirees will come to Washington for the second time in less than 6 months to march in support of their health and retirement benefits. They are not coming because they want to, but because they see Congress as a last resort to save their pensions and their retirement benefits.

After LTV filed for bankruptcy, these retirees suddenly received a hard and fast lesson in realities of a chapter 11 filing. Retirement benefits, once thought secure, suddenly disappeared or were significantly reduced.

The bankruptcy court acted slowly in response to LTV's cancellation of life insurance and medical benefits last summer, so slow that it took emergency legislation from Congress to restore the benefits but only until May 15, 1987. I need not remind this Chamber that this deadline is only 10 weeks away.

The Pension Benefit Guaranty Board, an institution designed to prevent the loss of benefits, assumed control of the LTV pension funds and in a matter of days retirees watched their pension benefits be reduced or eliminated. Many former LTV employees are poised on the edge of financial disaster because of these recent events.

The time has come for a showdown here in Congress over pension benefits for retired employees caught in a corporate bankruptcy. We must make companies like LTV who are contemplating bankruptcy consider carefully the full effects of this action. Chapter 11 filings were supposed to be a temporary respite from one's creditors, not a permanent vacation from one's responsibilities. Promises made before filing should be honored after filing especially when those promises were made to their employees.

Bankruptcy courts must be empowered to respond more quickly and be able to take more notice of the human side of corporate bankruptcy. It it takes new laws from Congress to accomplish this, then I am prepared to lead the fight to restore equality to the parties in the bankruptcy. If the courts currently lack this power, then we must give it to them.

Is it surprising that in this atmosphere of uncertainty that you can pick up the Wall Street Journal and read that Bethlehem Steel, our second largest producer, is also studying the possibility of a chapter 11 filing? It is imperative for Congress to move quickly to see that subsequent bankruptcies do not promote the kinds of injustices and assaults on human dignity that have been experienced by the retirees of LTV. When bankruptcy is considered, the human element must be considered and these people must be treated with respect.

In closing, I ask all of my colleagues to open your doors to the LTV retirees next Tuesday. Listen to their stories and take suggestions to heart. They have every right to come here in search of a resolution to their plight and we have every obligation to work to achieve a just and satisfactory solution.

INTRODUCTION OF A BILL TO PROVIDE FOR THE ENERGY SECURITY OF THE UNITED STATES

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. RICHARDSON. Mr. Speaker, it is no secret that our energy industries are seriously depressed. Indeed, at a recent hearing before the Energy Subcommittee, Energy Secretary Herrington admitted that our petroleum industry was in extreme disarray. What is often missed, however, is that the disarray extends across the board to encompass the nuclear fuel industry as well. In particular, the Department of Energy has formally determined that the domestic uranium industry was nonviable in calendar year 1984 and in calendar year 1985. This is hardly surprising. The industry faces 90 percent unemployment, with only 2,000 of its 20,000 workers still in the mines and mills. About 7,000 are unemployed in my district in northern New Mexico alone.

This situation has grown increasingly frustrating. The Department of Energy has a specific obligation under section 161v of the Atomic Energy Act to assure the maintenance of a viable domestic uranium industry by limiting enrichment of foreign source uranium for domestic end use, or by taking other measures effective to assure viability. Despite the agency's acknowledgement that the industry is dead, it is doing nothing to carry out its statutory responsibility. Faced by a court order to obey the law, DOE responded with an appeal and a rulemaking in a further attempt to insulate itself from its obligations.

Mr. Speaker, DOE's inaction is troubling on three accounts. First, it jeopardizes U.S. energy independence and security. Section 161v was adopted by Congress to assure that the United States maintains a producing uranium industry and self-sufficiency to protect itself against foreign government manipulation of the strategically important nuclear fuel market. We lose this vital independence with each additional day of unlawful DOE inaction. Second, it breaks faith on the Federal commitment manifest in section 161v. Third, it undermines DOE's credibility.

DOE's chief defense for its inaction is to claim that if it carried out the law, it would lose some of its lucrative uranium enrichment business. The agency argues that it must writeoff billions in enrichment investment at taxpayers expense and that it must ignore the uranium industry because United States utilities will otherwise go to the Soviet Union or Europe for enrichment services. DOE's arguement is akin to Chicken Little's screams about the sky falling. Just as the barnyard animals in the Chicken Little story were silly to believe the chicken, we would be suspect for believing DOE. DOE has a virtual lock on U.S. business and is doing well on the world market except for accounts which it would lose anyway for foreign nationalistic reasons. U.S. utilities have a documented preference for doing business with the agency. And in any event, DOE has power under the Atomic Energy Act, as does NRC, to require U.S. utilities to purchase enrichment services from the Government to the extent necessary to carry out the purpose of the act. Exercise of that authority is hardly unfair, since DOE's enrichment capacity which is the seat of this controversy was constructed at the urging of the U.S. utility industry.

Mr. Speaker, I find particularly troublesome DOE policies with respect to the Federal Government's uranium stockpile. DOE evidently intends to distribute this stockpile over the next several years at price which are a fraction of market price in order to cut the apparent costs of its enrichment program. This not only is a questionable use of taxpayer assets, but also is contrary to U.S. national security interests and to sections 161m and 161v of the Atomic Energy Act, which bar DOE from supply and from actions which undercut the viability of the domestic uranium industry.

Mr. Speaker, much of the trouble now besetting the nuclear fuel industry could be eliminated if DOE would follow the law and exercise the authorities it has under the law rather than following a misplaced set of preconceptions and ideologies. It is my fond hope that the Federal courts will eventually bring this agency back to the authorizing statutes. However, we cannot wait forever. Our basic energy security plus the livelihoods of many thousands of families are at stake.

I am accordingly introducing, once again, some legislation to begin, once again, to address DOE's unlawful procrastination. The proposal states a basic U.S. energy goal of meeting 80 percent of its nuclear fuel needs domestically. This statement is consistent with DOE's own objectives with respect to uranium enrichment to lock up at least 70 percent and if possible 100 percent of the U.S. utility market. Consistent with this goal and in light of DOE's inaction under existing law, the proposed legislation calls for U.S. utilities to procure 80 percent of their uranium needs from domestic sources. DOE can adjust this figure consistent with assuring the domestic industry's viability every 5 years. Imports in excess of this amount are grandfathered if contracts for the imports were entered prior to the Energy Secretary's initial determination that the domestic uranium industry was nonviable. This initial determination was made on December 31, 1984. After that, U.S. utilities were under fair notice that any imports might be subject to restrictions. The 80 percent figure is also consistent with representations by DOE, the State Department, and U.S. utilities that domestic utilities would be unlikely to become more dependent upon foreign sources of supply because of concerns, among other things, for energy security. Furthermore, this level of limitation is the minimum compatible with existing law to put miners back to work in what DOE admits is a now nonviable industry, especially in light of the recent flood of imports. Finally, the proposed legislation addresses stockpile issues in a fashion consistent with existing law.

Mr. Speaker, I would add one final note. The State Department and the Trade Representative may complain, as they have with similar past proposals, that aspects of this legislation are inconsistent with GATT. I would make three responses. First, foreign governments, and in particular Canada, are heavily subsidizing their government-owned or financed uranium industries and are dumping the fruits of their subsidized overproduction in the United States while at the same time excluding the United States from their home markets. Free trade is not an excuse for foreign unfair trade. The United States should not expect to be, nor be expected to be, the world's dumping ground. Interior Secretary Hodel in the past 10 days has twice warned that the Canadians are orchestrating an effort to make the United States energy dependent. State and the Trade Representative would do well to take warning. It is more important for our Government agencies and officials to protect American interests than to serve as marketing agents for the Government enterprises of Canada and her Provinces. Second, under article XXI of GATT, the provisions of that agreement do not apply to nuclear fuel which involves security concerns. Third, all this can be avoided if DOE would simply implement existing law. Doe would do well to heed the lines ascribed to Sir Thomas More in the play, "A Man for All Seasons": "The law Roper, the law. I know what's legal, not what's right. And I'll stick to what's legal—for my own safety's sake."

Mr. Speaker, I hope that my colleagues will take the opportunity to become acquainted with this legislation and join Representatives DON YOUNG, PATRICIA SCHROEDER, and myself to ensure the viability of our domestic uranium industry.

BILINGUAL EDUCATION ACT AMENDMENTS OF 1987

HON. JAMES M. JEFFORDS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. JEFFORDS. Mr. Speaker, today I, along with two of my colleagues, will be introducing amendments to the Bilingual Education Act. I am introducing this bill not only from a concern for the improvement and quality of general education, but with a particular concern for those students for whom English is not the native language.

As we all know, this segment of the student population is becoming a larger portion of this Nation's student population. In addition, not only is the size of this cohort growing, but the scope and diversity of their native languages is increasing. It is clear that for the economic and political viability of this Nation these students must become both fluent in English and achieve in their academic programs. It is for this reason that it is so vitally important that we maintain Federal support for these students through the Bilingual Education Program while allowing for greater flexibility in meeting their special needs.

These amendments do not undermine the established purpose or goals of the Bilingual Education Act. Instead, they acknowledge that there is not one method by which limited English proficient students can be taught. It provides for flexibility at the local level in the design of programs which can best meet the educational needs of these students.

It is not the role of the Federal Government to dictate the method of instruction to be used at the local level, but rather to establish policy which supports the attainment of English language proficiency by the target population. The Bilingual Education Program is the only Federal program in which one particular method of instruction is favored.

The overriding purpose of bilingual education has been to enable children of limited English proficiency to become fluent in English as quickly as possible. Research and program experience reinforces the fact that no one instructional approach is most effective in meeting this objective under all circumstances.

Since 1969, bilingual education grants have been made primarily for transitional bilingual projects which make extensive use of the native language as a medium of instruction while English is learned. Although many students have achieved English proficiency under this instruction method, it is not always the superior mode of instruction. Alternative methods such as English as a Second Language [ESL] and structured immersion have also demonstrated their effectiveness.

The current definition of transitional bilingual education allows school districts some flexibility, but not to a sufficient extent. As part of the 1984 reauthorization, an important first step was taken. Special alternative instruction programs were included along with transitional bilingual education programs. However, the funding for the alternative programs was limited to a 4-percent set-aside. The demand for this funding has far exceeded its availability. During the first year of implementation, the Department of Education was only able to fund 1 out of every 3 applications for classroom instruction received for this set-aside. With fiscal year 1987 dollars, no new special alternative programs could be funded. The full 4-percent set-aside was spent to continue the previous year's grants.

This bill removes the restrictive language which limits the availability and use of funds under the Bilingual Education Act for special alternative instructional programs. These amendments remove the statutory requirement in current law that mandates that 75 percent of the funds appropriated for local bilingual programs be used for transitional bilingual education programs. The 4-percent cap on special alternative instructional programs is also removed. The funds available can then be utilized to provide the instructional approach which the local education agency determines most appropriate for educating its limited English proficient students. Further, the bill asserts that both academic achievement and English proficiency are important goals as outcomes of participation in a bilingual education program. Finally, a series of conforming amendments is included to provide consistency within the law.

I am hopeful that serious consideration will be given to this proposal as the Education and Labor Committee begins to review the elementary and secondary education programs under its jurisdiction for reauthorization. I intend to work toward that goal. Programs must reflect the learning needs of the children involved first and foremost. Providing flexibility to design at the local level bilingual programs that meet these needs, is one means by which this challenge can be met.

TRIBUTE TO HON. JOHN E. GROTBERG

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 4, 1987

Mr. HASTERT. Mr. Speaker, I wish to submit additional tributes to former Congressman John Grotberg for the RECORD:

TRIBUTE TO JOHN E. GROTBERG

Serving together with John Grotberg in the Illinois General Assembly was one of my more memorable and rewarding experiences. We were good friends.

John was a caring and courageous person. He possessed an almost uncanny ability to combine his conservative philosophy with a genuine compassion for all of his fellow citizens.

One of my first actions and best decisions as Republican Leader of the Illinois Senate was naming John as a member of the leadership. Whether it was fighting for a modern metropolitan transportation system or his strongly held belief that the death penalty be administered by lethal injection, you always knew where John stood.

Congressman Grotberg's courage was exemplified by the fact that during almost all of his years in public office—in the Illinois Legislature and the Congress—he fought off illness. He did so with such grace that until near the end, few of his colleagues actually knew of his plight.

He served his community, his state, and his nation with dignity and a certain charm that few could match. His devotion to family was unmatched and to them his memory is dedicated.—State Senator "Pate" Phillip.

The following Resolution Honoring Congressman John E. Grotberg was drafted by Richard J. Larson, State Central Committeeman for the 14th Congressional District, State of Illinois, and was adopted by the Illinois State Republican Convention on July 26, 1986. A similar Resolution was adopted by the 14th Congressional District Caucus (Illinois) held June 22, 1986.

RESOLUTION HONORING JOHN E. GROTBERG

Whereas, Congressman John E. Grotberg has served the Republican Party with distinction, both as a party leader and elected official,

Whereas, Congressman John E. Grotberg aggressively served as Kane County Republican Chairman from 1980-1984,

Whereas, Congressman John E. Grotberg served with distinction in the Illinois House of Representatives from 1973-1977 and in the Illinois Senate from 1977-1985,

Whereas, Congressman John E. Grotberg was elected to the 99th Congress from the Fourteenth Congressional District of Illinois on November 6, 1984, with more than 62 percent of the vote,

Whereas, since his election to Congress, Congressman John E. Grotberg has served on the Committee on Banking, Finance and Urban Affairs, on the Committee on Small Business and on the Republican Study Committee, Tourism Caucus and Rural Caucus,

Whereas, Congressman John E. Grotberg has given unselfishly of his time and talents to his constituents, to the State and to the Nation.

Whereas, because of illness, Congressman John E. Grotberg withdrew from the Republican nomination for Congress on May 21, 1986,

Whereas, Congressman John E. Grotberg's fight against cancer has been an inspiration to all,

Be it resolved, That the Illinois State Republican Convention in session on July 26, 1986, commends Congressman John E. Grotberg for his years of outstanding leadership and dedicated service to the Republican Party and to all people that he has so faithfully served.

Dated: July 26, 1986.—Illinois Republican State Convention.

The following article was drafted by Richard J. Larson, Chairman of the Kane County Illinois Republican Central Committee, and which appears in the quarterly issue of the Kane County Trumpet, a newsletter of the Kane County Republican Organization. The article appears in the quarterly issue for the months of March, April and May, 1987.

JOHN GROTBERG'S LIFE, A JOURNEY

To say that John Grotberg's life was a journey is an understatement. He was born in Minnesota, raised in North Dakota, college educated in Illinois and capped a distinguished political career by winning election to Congress.

He was a Christian active in his Church, a civic leader in his community with strong involvement in Rotary, Chamber of Commerce, and Playmakers and the founding father of Fox Valley Hospice. Above all, he was a family man devoted to his wife, Jean, and their five children and five grandchildren.

He was a manager, financial developer and public relations man for the Chicago YMCA. He was an accomplished singer and talented actor.

Better known to us as a politician, he served in the Illinois House of Representatives and the Illinois Senate attaining the position of Assistant Republican Leader in the Senate. He brought vigor and enthusiasm as Chairman of the Kane County Republican Central Committee and was elected to the 99th Congress in November, 1984 with more than 62% of the vote.

Following John's death, U.S. Minority Leader Robert Michel eulogized John as a strong political leader stating that, "John always declared himself on one side or the other of an issue and he respected those who did likewise, particularly those with an opposing view".

John, the man with a common touch, lived a full and complete life. He lived to serve others—his family, his friends, his church, his community, and his constituents. He will be missed.

35W805 Park Lane,
St. Charles, IL, March 3, 1987.

Congressman DENNIS HASTERT,
515 Cannon Building,
Washington, DC.

DEAR DENNY: Thank you for the opportunity to express some personal feelings about John and to be included in the tribute to him.

John's most impressive attribute was his "common touch"—his ability to relate to people. That "Dakota soil" never left him. John was a doer and a mover and a sharer and a shaper of things—big things; but he never forgot his friends. He never became too big, too important to not have time for you. That was the "common touch". That is something we can all learn from. John mastered that ability like no one else I have ever met. He could relate to people as a meteor could to the heavens. What a fantastic man!

John is missed and will be missed. Such is the measure of friendship. I loved him.

God bless him.

Sincerely,

JERRY SWANSON,
Chairman, St. Charles Township Republicans.

A TRIBUTE TO EARL WILSON

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. CLAY. Mr. Speaker, Earl Wilson was a pioneer in equal employment opportunity for the U.S. corporate sector. He is responsible for discovering the environmental obstacles inherent in traditional qualifications tests routinely administered to new corporate applicants. After identifying the problem, Earl Wilson worked to eliminate the culturally biased tests and in so doing he opened the door to success for thousands of qualified black executives.

If we could review all the facts, I am sure that Earl Wilson would qualify as one of the most active and productive equal opportunity managers in our history. Throughout his career, he has worked untiringly to encourage top management to hire and promote minorities. He has also demanded excellence and never hesitated to defend those who suffered unfair treatment.

Earl's accomplishments in marketing are just as numerous. He identified and developed new markets for IBM throughout the world and he has received considerable acclaim from IBM for his contributions. However, the most significant honor Earl Wilson has achieved derives from the support and recognition he has been given by the thousands of blacks participating in major businesses today. For blacks and other minorities the doors of opportunity were not nudged open, but smashed open by the devoted courage and ingenuity of Earl Wilson.

The most compelling characteristic of Earl Wilson is his acceptance of every act of discrimination as a personal affront. Those in need have never had to ask Earl for his help, he has always been in the ring impatiently waiting for his opponent's next challenge. Earl Wilson is a giver and never a taker. He planted the seeds so that his brothers and sisters may reap the harvest.

KEEPING KIDS SAFE: WATCH "HOW TO RAISE A STREET SMART CHILD" ON HBO

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WYDEN. Mr. Speaker, we are all aware that child abuse is one of our Nation's leading social problems. Tragically, over 200,000 cases of sexually abused children are reported every year. Even more children's lives are endangered by kidnaping and physical abuse. I want to call to my colleagues' attention a Home Box Office cable network presentation that will help parents teach their children how to protect themselves from becoming another heartbreaking statistic. This program, "How to Raise a Street Smart Child" will debut this Monday, March 9, 1987.

This important program is based on Grace Hechinger's book of the same title and provides 10 easy street smart tips that parents can teach their children to protect them from being abused. These tips include teaching the child to dial "911" or "0" and ask for help and making sure the child knows that if something suspicious happens, to run to a crowded place and shout for help.

Some people would say programs like this scare youngsters. John Walsh, whose courageous fight for child protection led to the passage of the Missing Children's Act of 1982, disagree. Mr. Walsh lived a nightmare when his son was abducted and murdered in 1981. "It's tough stuff," he says, "but you've got to remember that your child is the potential victim. You owe it to your child to give them appropriate, intelligent information."

I urge all parents to watch "How to Raise a Street Smart Child" with their children. This small investment of an hour will pay important dividends in your children's safety and your peace of mind.

UNITED STATES ASSISTANCE TO HAITI: SUPPORT FOR DEMOCRACY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. TOWNS. Mr. Speaker, as we begin consideration of foreign assistance proposals for fiscal year 1988, I believe that it is important to reflect on the implications of our aid program to countries undergoing political change. Haiti is in the throes of political change which can be directly affected by the quality and type of foreign assistance it receives from the United States. The House Subcommittee on Western Hemispheric Affairs held hearings this week on budget recommendations for the fiscal year 1988 aid authorizations levels. Our colleague, WALTER E. FAUNTROY [Delegate, District of Columbia], submitted testimony on behalf of the Congressional Task Force on Haiti. This statement addresses the need for a strong economic assistance program to support Haiti's transition to democracy. I urge my colleagues to review his recommendations on economic as well as military assistance.

TESTIMONY OF THE HONORABLE WALTER E. FAUNTROY, BEFORE THE SUBCOMMITTEE ON WESTERN HEMISPHERE AFFAIRS/COMMITTEE ON FOREIGN AFFAIRS, AUTHORIZATION FOR HAITI

Mr. Chairman, please accept my appreciation for your kind offer to submit testimony in my capacity as Chairman of the Congressional Task Force on Haiti, a bi-partisan group of Members who for the past year have been working to assure that U.S. policies toward Haiti assist the people of that nation as they seek to emerge from the nightmare of Duvalierist dictatorship, an era notorious for its brutality and corruption. Additionally, let me formally extend my enthusiastic congratulations on your election to the Chairmanship of this vital Subcommittee which has legislative and public policy oversight responsibilities for our relations with our closest neighbors in the Caribbean and Latin America.

Mr. Chairman, my position regarding U.S. assistance to Haiti consists of the following points.

We have a need for a strong and consistent program of economic assistance to Haiti.

The quality, type and level of assistance provided can determine whether that assistance helps or hinders Haitians working for the political and economic empowerment of the Haitian poor who comprise 80% of the population.

This is so because the removal of Jean-Claude Duvalier for the Presidency for Life was the result of a revolt not a revolution. The infrastructure of the Duvalier dictatorship remains largely intact; Duvalierists either remain in power or maintain access to power.

The Administration's requested level of economic assistance is too low and its request for military assistance is unwise and should be rejected.

I, therefore, recommend that, consistent with the need to provide more assistance to be used to empower the poor, we should provide a level of economic assistance comparable to that of the Fiscal Year 1987 authorization of $109 million. For the authorization, under consideration, I recommend a figure of $111 million as compared to the Administrations request of $88.5 million in combined Economic Support Funds, Development Assistance, and P.L. 480 Food Assistance.

I would also recommend a reallocation of the total package so as to better reflect assistance priorities.

Cutting $4 million from the Administration's request for military assistance and shifting these funds together with $6.5 million taken from the Administration's recommended level for Title III of the P.L. 480 program to Economic Support Funds, which combined, would take that category from $30 million to $40 million.

Increasing the Development Assistance allocation from $32 million to $50 million.

Now, why do I recommend this reallocation of the Administration's proposal and the restoration of the total assistance package to a level slightly higher than the Fiscal Year 1987 mark?

A democratic, just and therefore, stable Haiti while an admirable goal is also in the national interests of the United States of America. As the largest international donor to Haiti it is imperative that our assistance be at a sufficiently high level to have a real impact and encourage others in the international community to do their share to assist Haiti with its economic recovery. I firmly believe that the United States of America through our program of economic assistance can play a major role in promoting and nurturing democracy in Haiti. To be sure, and it cannot be overly stressed, the development of the Haitian nation and the building of democratic institutions are primarily the responsibility of the Haitian people. While this is true, the quality, type, and level of foreign assistance can determine whether that assistance helps or hinders Haitians working for the political and economic empowerment of the Haitian poor. I believe that it is our responsibility to ensure that U.S. assistance is used to empower the poor in Haiti, which is really the only way to contribute to both the form and substance of democracy.

With this perspective, I must respectfully disagree with the Administration's request for military assistance to Haiti.

Last year, many Haitians were supportive or at least tolerant of a very limited amount of non-lethal and strictly conditioned military assistance for the express purpose of comprehensive reform and reorganization of the Haitian military. Such assistance was viewed as possibly encouraging a smooth transition to democracy and the rule of law. Today, these same people hold very different and firmly fixed views in opposition to any consideration of increased military assistance.

This opposition has developed because no significant reforms or reorganization have taken place within the command and control structure of the Haitian military. Moreover, the interim government of Haiti has expressed no interest in adhering to the conditionality on military assistance as delineated in the Fiscal Year 1987 legislation. It is important to recognize that the Haitian military is not monolithic in its orientation toward reform. For example, a number of officers do support reforms which would reduce human rights abuses and corruption by the military. Duvalierist officers, however, still remain in control of key Haitian military units.

While the military, like all Haitian institutions, has been starved of even minimal resources, reform of the mission, command

and control structures must precede any assistance. It is highly unlikely that the provisional Haitian military government has the political capability to carry out the needed reforms in the short time remaining before the scheduled November, 1987 national elections.

At this time, and in the context of an unstable and insecure pre-election period, military assistance could derail Haiti's path toward democracy. In the evolving and precarious political climate of Haiti, $4.55 million in military assistance would be seen by all sectors of Haitian society as an undeserved "pat on the back" and arouse suspicions that we are not supportive of genuine democracy. More importantly, any assistance package to Haiti should continue the conditionality language contained in last year's authorization.

Given too long a tolerance by the U.S. foreign policy establishment for the Duvalierist regime, it is crucial that the U.S. Government allay suspicions that we are not supportive of genuine democracy. Mr. Chairman, I would therefore, urge that the request for $4.55 in military assistance be rejected and that the Subcommittee agree to support only the current funding level of $500,000 for the interdiction program.

Specifically, with reference to the levels of economic assistance. I am disturbed that the Administration has submitted a request which is an approximate shortfall of $12 million from current levels and $20.5 million below last year's authorization. Within the last few days, through contacts with Haitians developed over a ten year period of work on our relations with Haiti, I have been carefully surveying Haitian opinion on this question. The religious community, rural development workers, the progressive business sector and those seeking to build viable democratic institutions in Haiti, are able to clearly define the priority agenda for Haiti's economic development. Agricultural development, watershed conservation, pig population, job creation, education, literacy and health represent the most serious challenges to Haiti's economic recovery. In addition, there is a need for the decentralization of resources, the formation of groups to develop local and accessible credit institutions, the expansion of agricultural cooperatives and other comparable building blocks for genuine democracy.

Rather than only $30 million in Economic Support Funds (ESF), a very slight increase of $835,000, I would urge an allocation of at least $40 million. The Haitian economy faces some particularly difficult problems over the next two years. Revenue from coffee exports is down. Initial projections anticipated that Haiti would sell 275,000 bags of coffee in the international market. More recent estimates indicate sales of only 200,000 bags. This drop in volume of sales has been combined with a drop of the price of Haitian coffee from a summer 1986 price of $2.00 per pound to a current $1.20 per pound. This combination of reduced sales volume and falling prices is now being projected to cost Haiti $32.1 million in export earnings. Coffee earnings projected earlier at $58.7 million are now estimated to be only $26.6 million. New investment in the assembly sector and a resurgence of tourism will probably not be forthcoming until after the national elections. Tax collections are on track but increases in revenue from individual taxpayers in the first year of tax reform will, in large part, be offset by reductions in corporate taxes. Revenue losses due to growing contraband should also be anticipated. It will also be necessary for the C.N.G. and an elected government to confront the severe social problems impacting on stability by increasing expenditures in employment generation, education, and health. ESF funds are also essential to support a program of economic reform involving trade liberalization; the disbanding of inefficient parastatal enterprises; and improved financial management of government institutions. These reforms are all necessary for sustained economic growth and greater equity in the medium and long term (lower food prices and a better quality of basic services). Local currency deriving from ESF funds will also be used for projects in agricultural production literacy, the administration of justice, and much needed public works employment to address an unemployment rate well above 50%.

Rather than a cut of 13.5% in Development Assistance from $37 million to $32 million, I would recommend not less than $50 million, a 35% increase. The increases in Development Assistance would be used to intensify ongoing efforts in agroforestry, watershed protection, child survival, and primary education. A.I.D.'s grant projects have been incrementally funded to such an extent that the relatively small amount of funds available for each project, on an annual basis, has severely hampered their implementation. Each year, grantees must anticipate a shortage of funds while A.I.D. goes through its budget process. In plain words, recipients of A.I.D. funds have been kept on a very short string. Putting more funds into these projects would obviate the need for grantees to adopt conservative implementation plans to cover funding shortfalls. Additionally, there is a need to promote the expansion of coffee cooperatives; an environmentally sound tree crop to increase incomes of mountain farmers; provide a wide range of technical assistance to several governmental entities; and increase support for management training to strengthen the private sector. However, at least half of the Development Assistance funds (DA) should be allocated to the Agriculture account. Considerable increases are also required over 1987 levels for assistance to primary education which is extremely short of funds in comparison to the need.

Let me make a special appeal for continuing DA support for the pig repopulation program. While we have made significant steps toward restoring the pig population, destroyed because of African Swine Fever to protect U.S. and other countries' livestock, I believe we have a moral obligation to continue this program until, at least, 50% of the pig population (600,000) has been restored to the original peasant owners. Of particular concern also is the availability of affordable feed and the development of a swine health surveillance capability through the creation of a corps of veterinary para professionals. Currently the allocation for this program is $1.65 million. Some increase in this program is required through the Agriculture account. We should not underestimate the political velocity of this issue which impacts widely throughout Haitian society.

While recognizing that the Committee on Agriculture has jurisdiction over food assistance programs, please permit me to comment on the proposed budget for P.L. 480 programs. Rather than $26.5 million in P.L. 480 Food Assistance, I would recommend not more than $20 million. This recommendation is a reflection of the observation that great difficulties now exist in absorbing Title III commodities. Due to trade liberalization and increasing contraband in rice, flour, and vegetable oil, the need for these commodities has been dramatically reduced. Therefore, I would recommend that the Title III program be reduced by $6.5 million.

I would also hope that the Subcommittee would continue to support a $1 million authorization for the Inter-American Foundation for its very effective and landmark grassroots development programs in Haiti.

In summary, Mr. Chairman, I would recommend the following levels for economic assistance to Haiti:

	Million
Development Assistance	$50
Economic Support Funds	40
Food Assistance	20
Inter American Foundation	1
Total	111

The Congressional Task Force on Haiti stands ready to assist the Subcommittee in its deliberations on the assistance program for Haiti.

Thank you.

A MAJOR TRADE PROBLEM—IMPORTS OF CASEIN

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, today, I and my colleagues, Mr. MOODY, Mr. KASTENMEIER, Mr. SWIFT, Mr. ECKART, Mr. OBEY, Mr. JOHNSON, Mr. CHAPMAN, Mr. GUNDERSON, and Mr. VOLKMER, are pleased to introduce a bill to address one of the major trade problems facing U.S. dairy farmers—the damage caused by imports of the milk protein, casein.

Imported casein, much of which is subsidized by EEC countries, is used in a number of food products—especially imitation cheese and coffee whitener—in place of domestically produced milk products. These imports displace markets of American milk and result in higher Government outlays under the Dairy Price Support Program. This, in turn, harms taxpayers as well as dairy farmers.

I am introducing legislation which will establish quota limits on imports of casein at 50 percent of the average amount imported during 1981–85, as authorized by section 22 of the Agricultural Adjustment Act of 1933.

Two separate USDA studies have found that substantial savings in Dairy Price Support Program outlays could be achieved through a limitation of casein imports, because U.S.-produced nonfat dry milk and other milk solids are used in place of the imported casein, thus reducing surplus dairy purchases by the Government. USDA's 1986 study found that up to $300 million in Dairy Price Support Program outlays could be saved through a 50 percent quota limitation, such as that contained in the legislation I am introducing. This $300 million cost certainly represents material interference with the Dairy Price Support Program that is sufficient to justify a quota limitation under section 22.

Casein is imported into the United States from New Zealand and the European Community countries, chiefly Ireland and France. These casein exporting countries have developed casein industries in recent years as extensions of their domestic agricultural policies, taking advantage of the United States' unique position among major countries of imposing no barriers to the importation of casein.

Due largely to the production subsidies provided in many of the major exporting countries, casein is not commercially produced in the United States at the present time. Yet, domestically produced substitutes are available for most products now utilizing casein. For these few products which require casein, my legislation establishes a preferential licensing system to ensure availability of the product.

I urge your support of this important legislation.

The text of the bill follows:

H.R. 1436

A bill to amend the Agricultural Act of 1949 to limit the quantity of milk protein products that may be imported into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new section:

"QUANTITATIVE RESTRICTIONS ON IMPORTED MILK PROTEIN PRODUCTS

"SEC. 425. (a) For purposes of this section, the term 'milk protein products' means—

"(1) casein,

"(2) caseinates,

"(3) lactalbumin,

"(4) whey protein concentrates, or

"(5) mixtures containing not less than 5 percent of any product referred to in paragraph (1) through (4).

"(b) To ensure that the quantities of milk protein products imported into the United States will not render ineffective, or materially interfere with, price-support operations undertaken under this Act, the President shall by proclamation limit the quantity of milk protein products that may be imported in any calendar year (or portion of a calendar year in the case of the calendar year in which this section is enacted) beginning on the day after the effective date of this section, to a quantity equal to 50 percent of the average annual quantity of milk protein products that was imported during the period beginning January 1, 1981, and ending December 1, 1985 (or, in the case of such portion of a calendar year, a proportionately lesser quantity). A proclamation issued under this subsection shall be considered to be a proclamation that is issued by the President under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, and that meets the requirements of that section.

"(c) In implementing a quantitative restriction proclaimed under subsection (b), the Secretary of Agriculture shall establish an import licensing system for foreign milk protein products under which—

"(1) first preference shall be given to those importers or users who establish that their importation or utilization of such products is for purposes for which no substitutes for such products are available;

"(2) second preference shall be given to those importers or users who establish that their importation or utilization of such products is for purposes for which domestically produced skim milk or skim milk solids cannot be substituted; and

"(3) third preference shall be given to importers or users with respect to whom no preference under paragraph (1) or (2) applies.".

THE AIR QUALITY BENEFITS OF INCREASED ETHANOL USE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DURBIN. Mr. Speaker, I am sure that my colleagues are aware of the many metropolitan areas throughout our country that are currently not in compliance with EPA carbon monoxide standards for air quality. A task force established by the Governor of Colorado to address the carbon monoxide problem in that State recently recommended a new approach to deal with this serious environmental problem.

The Governor's task force recommended that, in nonattainment areas, all fuels sold during the winter months should contain at least a specified minimum level of oxygen. The primary oxygenated fuel that can meet this standard is an alcohol/gasoline blend containing 10 percent ethanol.

Ethanol blends have a proven record of being able to reduce carbon monoxide emissions from motor vehicles. A recent study by the Colorado Department of Health demonstrated that the use of ethanol blends reduced emissions by up to 34 percent depending on a car's age. The study concluded that if all gasoline contained ethanol, carbon monoxide emissions from motor vehicles would be reduced by more than 27 percent. As a result, the Colorado Air Quality Commission is considering requiring the use of oxygenated fuels during winter months.

Mr. Speaker, this new development demonstrates yet another reason why an increased use of alcohol fuels is good for our Nation. It has already been well proven that the use of alcohol fuels reduces our huge agricultural surpluses, increases our energy independence, and improves automobile driveability by boosting octane levels. The Colorado study demonstrates that at the same time alcohol fuels also improve air quality.

It is time for the Federal Government to recognize these many benefits and to do all it can to encourage the increased use of this vital product. The evidence is clear: Ethanol is good for your health, as well as for the health of the American economy.

COMPETITIVENESS: SLOGANS OR SUBSTANCE?

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BROWN of California. Mr. Speaker, competitiveness is a hot topic before the Congress. Our trade deficit reached a record $170 billion in 1986.

While we all recognize the importance of reversing America's declining trade competitiveness, the hard question remains: What should we do about it?

There are many proposals before the Congress; however, some of the most important ingredients are missing. In particular, we are missing the big picture, and a sense of the immense magnitude and quality of the rebuilding that we must undertake in order to avert the declining competitiveness of the American economy. For at heart, competitiveness, or the lack of it, is a reflection of the organization and productivity of our economy, including our political and social institutions, from the micro-level of shop floor or office typing pool or school classroom, to the macro-level of money supply, and capital formation, involving flows of billions of dollars and millions of people working together as a whole society.

In these remarks I would like to survey the landscape of legislative proposals related to competitiveness and then indicate what I see as missing from the larger debate concerning the direction of our national economy and society for a generation to come.

What is the competitiveness problem? If by competitiveness, we mean the ability to sell a product or a service at lower cost, then there are several obvious and facile solutions to make our industry more competitive. We can flood the world with cheap dollars that force down the price of American goods relative to those of other nations. But this carries the cost of raising the price of essential imports and thus reduces the standard of living in this country. In the case of oil, it poses the very real danger that oil producing nations will eventually refuse to denominate the price of oil in dollars thus eventually leading to staggering oil import bills, subject to wildly fluctuating exchange rates.

Moreover, should higher inflation ever reappear and the Federal Reserve raise interest rates to counter it, exchange rates will be upset as foreign capital moves in to take advantage of high interest rates. The experience of the last decade has shown that attempts to reduce domestic inflation will exacerbate our trade deficit if domestic and international commerce are viewed in isolation.

While exchange rates are part of the problem, their control is not the answer, largely because international capital flows are some 15 times the size of international trade in merchandise. Capital flows, not trade, are the fundamental determinants of exchange rates. Thus, by relying on exchange rates to solve our competitiveness problem, we subject the prices of our goods and services to the unrelated whims of capital markets. Clearly, to the extent that exchange rates must be controlled, the rational solution is to develop separate currency markets for capital and merchandise trade. That is the big picture in so far as exchange rates are concerned, but no one is dealing with this problem.

Alternately, we could subsidize U.S. exports for selective industries as many foreign nations have done. But subsidies must be paid for and that means raising the price of domestic goods which only makes them more vulnerable to import competition in domestic markets. Furthermore, as in the case of U.S. agriculture subsidies, they often don't work.

Finally, we could resort to protection, either in the form of tariffs or outright quotas on foreign goods. These measures not only invite foreign retaliation, thus closing U.S. export markets, but they also raise prices to U.S. consumers. The voluntary quotas on Japanese auto exports cost U.S. consumers billions of dollars annually and merely caused the Japanese to shift their auto exports to high profit models with no net loss in their export earnings.

In sum, currency controls, subsidies and protectionist measures are only the slogans of competitiveness, not the substance, because, in the last analysis, the ability to sell goods and services is not dependent on price alone, particularly artificial or manipulated prices, but depends at least as much on the quality of what we are selling and on the long-term productivity of efficiency of labor and capital in producing what we have to sell.

Unfortunately, many of the proposals now before Congress only deal with the slogan aspects of international competitiveness. Let me review briefly for you some of the suggested legislation dealing with technological innovation, trade, and competitiveness now being considered.

First, bills to create a cabinet level Department of Trade such as H.R. 92 (COATS), H.R. 646 (GAYDOS), and title I of S. 259 (CHILES). These bills largely combine under one roof, the U.S. Trade Representative with other trade and industrial innovation programs now housed in the Department of Commerce.

Second, to my mind, more useful than a costly and disruptive reorganization of the Department of Commerce are the proposals to establish an independent executive branch Council on Industrial Competitiveness that brings together government and business leaders and provides a national forum on issues related to competitiveness. We do need a focal point for U.S. trade and industrial innovation policy. The Council would compile annual reports and policy recommendations for the President and Congress. The Council is a centerpiece of the America's Living Standards Act which Senator BINGAMAN and I introduced last year following the recommendation of the Senate Democratic Working Group on Economic Competitiveness. We have recently reintroduced this act as H.R. 717 and S. 374.

Third, the Omnibus Trade Policy bills such as H.R. 23 (GEPHARDT) and H.R. 15 (MICHEL) and titles II–X of the Chiles bill (S. 259) consist largely of a grab bag of measures such as setting export goals for specific nations who have a trade surplus, like Japan, with penalties in the form of import limits if the goals are not met. Some sections of these bills do, however, have a constructive emphasis by providing increased funding for education and training particularly in science and technology. I will mention these proposals later.

Fourth, a large number of individual bills as well as specific sections of the omnibus trade bills, provide for import relief against dumping and industrial targeting, for currency controls, for mandatory trade negotiations, and for antitrust exemptions for industries hurt by foreign competition. For example, H.R. 532 (LAFALCE) requires the President to negotiate a system of stable internationally competitive exchange rates and encourages intervention in currency markets if negotiations fail. As I have indicated these measures are largely slogan, not substance; at best they provide short-term relief without addressing the deeper problems causing our declining competitiveness.

Fifth, the America's Living Standards Act, of course, goes far beyond the creation of the Council on Competitiveness mentioned earlier. Various bills, including that one, have provisions that provide a central clearinghouse to collect and disseminate international trade and technology data. Title II of the Living Standards Act sets up an Office of Technology Assessment in the Department of Commerce to identify emerging technologies including new patent developments that may be of use to the private sector.

Sixth, at present, there are several bills which deal with training, education, and worker relocation. For example, title V of H.R. 3 (GEPHARDT) and H.R. 90 (HAWKINS) are called the Education and Training for American Competitiveness Act. They would provide an increase of $480 million annually for reducing illiteracy, for vocational training, and for secondary education in math, science, and foreign languages. A further $480 million is provided for assistance to trade-impacted workers.

Senator BINGAMAN'S and my bill, H.R. 717, would provide among other things, an additional $12 million annually for the NSF engineering research centers, 500 graduate fellowships for studies on productivity and competitiveness, as well as $250 million annually over 10 years for capital improvements in university research facilities. Repeated studies have shown the need for such an infusion of funds for improvements in research facilities at universities and Chairman Fuqua—past chairman of the Science and Technology Committee—proposed a similar program in the last Congress.

University research facilities are in a critical state of deterioration. For example, in 1985, Federal obligations for improvements in academic R&D facilities were only $114 million, the same level they were in 1967. During the previous 10 years, from 1975–84, expenditures for such facilities were less than $50 million annually, even though the total Federal support for academic science and engineering budgets more than tripled, from $3.3 to $11 billion.

Seventh, finally, I have several times introduced bills to establish a National Technology Foundation parallel to the National Science Foundation and will do so again in this Congress. Support for engineering and technology has never been as strong as I would like within the National Science Foundation, in spite of repeated efforts by myself and other colleagues on the House Science and Technology Committee—now the House Science, Space, and Technology Committee—to reverse this situation. Unfortunately, the Reagan administration has maintained this pattern of inadequate support for fundamental engineering research, until recently, with its insistance that the Federal Government should only fund basic scientific research, while leaving support for engineering and applied research and development up to the private sector. This philosophy was mistaken in my view, and I am heartened to see that the proposed 1988 NSF budget would provide a $67 million increase in support for engineering and computer sciences and engineering research centers.

In addition to my own proposals, the President's Commission on Industrial Competitiveness (the Young Commission) called for the creation of a cabinet level Department of Science and Technology so as to "transform the current, fragmented system for formulation of policies for science and technology into one that would be more effective in meeting long-term national goals".

We certainly need a more effective focus to our science and technology policy, one which will provide a better balance between support of basic scientific research and support of applied science, engineering, and technology base development, and one which will provide a better balance between civilian and defense research. Currently, defense related R&D is taking close to 75 percent of the Federal R&D funding, but contributes very little to civilian technology upon which international trade depends. In our desire to provide for national security we cannot afford to make the same mistake as the Soviet Union which, for two generations, has overinvested in defense R&D. As a result, the Soviet economy is a basket case which Mikhail Gorbachev is trying to rehabilitate.

We also need an institutional focus that will give far greater weight to science and technology in the formulation of economic banking and investment policies. A Department of Science and Technology might do that. It has been estimated by the distinguished economist Edwin Mansfield that in the century after the civil war, new technology contributed nearly 50 percent of the growth of the American economy. New technology is by far the largest contributor to economic growth. Still, the Council of Economic Advisors in its annual economic report never mentions the impact of science and technology on economic policy.

But despite these needs, it is not clear to me as yet whether the creation of a Department of Science and Technology or the creation of a National Technology Foundation coupled with greater powers for the President's Science Advisor in economic policy councils and on the Federal Reserve Board, is a better answer to this strategic institutional problem, or which direction is more politically feasible. In any case, I plan to introduce several bills later in the 100th Congress to address this issue.

To summarize, I have described seven categories of proposals being brought before Congress to deal with competitiveness issues. Some are only of short-term interest; others are strategic and will require our attentions for a generation to come.

To conclude my remarks, let me turn to what I see as the real substance of competitiveness—the big strategic picture and the lessons we must draw from that picture. Many of the proposals I have mentioned are well intentioned and have great merit but they are simply inadequate to the task. In our economy, with a GNP of over $4 trillion, programs with a total funding of only $50 million, $100 million or even half a billion, surely won't make a dent. Only an integrated effort by the private and public sectors, adding up to new investments of at least $100 billion/year can make a decisive impact.

So, the first lesson I draw is that we must come to appreciate the necessary scale of our efforts. This can be illustrated by two examples. A 1985 National Academy of Sciences conference reported that the Japanese manufacturing worker is backed up by $48,000 in technology and capital investment; in the United States, the comparable figure is only $32,000. In order to bring our industrial plant and equipment up to the level of the Japanese, it would require an increased investment over some reasonable time period of about $320 billion for our 20 million manufacturing workers.

But at present the disparity is growing, largely because of the high Japanese savings and investment rates. The Young Commission noted that from 1960 to 1982, Japan invested 32 percent of its GNP in fixed capital; the United States only invested 10 percent. In the same period, Japanese productivity increased 5.9 percent annually; United States productivity only increased 1.2 percent.

The difference is largely the difference in personal savings which in Japan averages around 18 percent of GNP whereas in the United States, it varies between 4 and 7 percent. But an additional 7 percent investment to bring us up to the approximate level of Germany and Japan, is a lot of money; $280 billion annually or about 150 percent of our trade deficit. If we are going to import foreign capital as we are doing now, then we must spend that imported capital on investments in new technology and education, not current consumption. But that means reducing the Federal deficit in order to free these funds for more productive uses.

The second lesson I draw from the big picture is that we must spend and invest more wisely. For example, I agree that we must train more scientists and engineers and that we must improve our educational systems. We must make hard choices based on realism. The post war vision of sending every American to college is probably misplaced. The economist Robert Samuelson has noted the huge waste in education at the college level: Only half the students who enter college complete their bachelors degrees. I agree with his conclusion that we would be better off making a college education more selective while using the savings to improve our primary and secondary education, especially when the median Japanese score on standardized high school algebra tests is double that for American students. The great vision of education in America is not that everyone has to go to college but that every individual should be provided with access to an education which will bring out his or her talents to the greatest degree possible. In achieving that vision we shall produce a competitive economy provided we have also made the industrial and social investments required to utilize those talents.

The third and perhaps the most important lesson I draw from the big picture is that we must invest strategically with a vision for the long-term future. But in order to do so, we must create the political and economic institutions, and give those institutions the kind of leadership, which will inspire that vision. And we must place a higher present value on that future. I have already mentioned that there is almost no link between new technology and economic policy either in economics as a science or in government policymaking bodies. This, in spite of the fact, as I said, that new technology has produced half the growth on our economy over the last century.

But let me give a more concrete example—one which strikes at the heart of our banking and investment practices. All capital investments in R&D, new technology or worker training are evaluated on the discounted present value of future returns from an investment. When interest rates are high, as they are even now in real terms—the value of a new technology that may bring tremendous returns in 20 years is still almost of no value today. As the economist Lester Lave has noted in his study on the greenhouse effect, under current OMB discounting guidelines which set the discount rate for Federal regulations, investments in pollution control technology such as toxic waste recycling that could save billions of dollars later is of no economic value today.

We simply must develop new economic institutions and practices to overcome the crippling discount that prevents us from even having a vision for the future.

These three lessons, to my mind, are the substance of competitiveness: (1) We must devote adequate resources to the task, (2) we must make hard choices to achieve results, (3) we must place a high value on the future for a generation to come.

It is time for all of us, working together as a nation, to forget about the slogans, get down to the substance of competitiveness in the world today.

TRIBUTE TO C.C. WEI

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. JONES of North Carolina. Mr. Speaker, as chairman of the House Committee on Merchant Marine and Fisheries, I am sorry to note that the American merchant marine lost a friend on February 20, 1987 when C.C. Wei, founder and president of the Falcon Shipping Group, died at the age of 72.

C.C. Wei was a brilliant businessman who wisely challenged the mistaken notion that commitment to U.S.-flag shipping cannot be profitable for both labor and management. He found American-flag cargo opportunities where few believed they existed.

C.C. Wei should be remembered in Congress as a man who dared, a man who provided competitive American-flag tankers and dry cargo ships for commercial and military operations and employment for thousands of seafarers and shoreside workers.

I would like to submit a list of his many accomplishments: Chung C. Wei, founder and president of the Falcon Shipping Group of Houston, TX, died in New York City on February 20. Mr. Wei—"C.C." to his friends in the American maritime community—was 72.

A native of Shanghai and a graduate of Chiao-Tung University with a degree in electrical engineering, C.C. Wei arrived in the United States during World War II. He obtained his U.S. citizenship and rose in post-war shipping to the office of vice president of United Tanker Corp., where he was directly responsible for the construction and operation of 14 tankers and bulk carriers.

Twenty-five years ago, Mr. Wei and the late Houston H. Wasson launched the Falcon Group, which Forbes magazine described in 1982 as a firm "making money where others see only problems."

A decade ago, C.C. Wei brought the U.S. flag back to international dry dock bulk shipping with Falcon's "Texas Class" construction program. Today, Falcon's *Pride of Texas, Star of Texas,* and *Spirit of Texas* are the only active U.S.-flag merchant vessels designed and built specifically for deep-sea dry bulk service.

Mr. Wei confounded the skeptics when he purchased three unused liquefied natural gas carriers and converted them into ore/bulk/oil ships and fitted them with coal-fired boilers to increase their operating efficiency. One result was the largest overseas shipment of American grain in history—at the lowest U.S.-flag rate ever.

C.C. Wei's most recent endeavors involved the use of privately owned cargo vessels for U.S. Navy work, including the widely celebrated competitive operation of sophisticated submarine tracking and surveillance vessels for the Navy's Military Sealift Command.

A master strategist—in the boardroom and out—Mr. Wei was an authority on competitive bridge. He developed the precision bridge bidding system used by world champions, and authored several books on the subject.

C.C. Wei was an innovator, an entrepreneur, and, in many ways, a pioneer like those who founded and built the country he adopted, and which adopted him. He will be remembered as a man dedicated to the American merchant marine in commercial and military operations and as a man who for years provided employment for civilian American seafarers.

As Forbes said: "Most men succeed by doing what other people do—just doing it a little bit better or a little faster. C.C. Wei does things differently."

C.C. Wei is survived by his wife, Katherine—herself an author and bridge champion—and his children, Andrea and Lawrence.

A TRIBUTE TO ROSALIE ZALIS

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LEVINE of California. Mr. Speaker, I rise today in honor of Rosalie Zalis, an outstanding woman in the greater Los Angeles community who will be honored by the Golda Meir Club of Israel Bonds at a luncheon on March 31.

Rosalie is the founding president of the club, which was organized in 1979 for women who wanted to make a substantial bond investment in memory of the late Prime Minister of Israel, Golda Meir.

Rosalie also serves as the director of national politics of the Israel Today Media Group and it is through Israel Today that I have had the privilege of getting to know her. In addition, Rosalie is a widely sought lecturer, teacher, and television personality. She has interviewed many colorful, and sometimes controversial, figures in Israel and the United States, including among others, Nobel Laureate Elie Weisel, Prime Minister Yitzhak Shamir, Mosehe Arens, Ezer Weizmann, Gen. Ariel Sharon, Prime Minister Ytizhak Rabin and Rabbi Meir Kahane.

A community activist, Rosalie serves as vice president of the west coast region of the Union of Orthodox Jewish Congregations, a member of the board of trustees of the Simon Wiesenthal Center and Yeshiva University of Los Angeles, on the board of the women's division of the San Fernando Valley Jewish Division, as a docent and member of the advisory board of the Hebrew Union College Skirball Museum, and as a trustee of the Zalis Family Youth Fund of Shaarey Zedek Congregation.

Rosalie is a Phil Beta Kappa graduate of Goucher College and holds a master's degree in education from the University of Maryland. She is married to Dr. Edwin Zalis, a noted cardiologist and they have four daughters: Lynn, a secondary schoolteacher and wife of attorney Marc Rohatiner; Shelley, an advertising executive in New York City; Charene, with NBC Network News in New York; and Rachel, a student at Barnard College in New York. They also have two granddaughters: Adena Michelle and Danielle Nicole.

Rosalie is truly an extraordinary American and it is an honor to share her numerous accomplishments with my colleagues in the U.S. House of Representatives. I ask that the leadership and the Members of this body join me in saluting Rosalie for her exemplary display of public service.

NATIONAL QUALITY IMPROVEMENT AWARD ACT

HON. BUDDY MacKAY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. MACKAY. Mr. Speaker, on March 4, the Science, Space, and Technology Committee received testimony on H.R. 812, the National Quality Improvement Award Act of 1987. The legislation, at no cost to the taxpayer, would create the type of national quality award that could contribute significantly to enhancing our economic competitiveness.

The committee heard testimony from Dr. Joseph Juron, one of the world's leading experts in quality control. His testimony touched on the excellent work being done at Florida Power & Light in implementing a quality improvement program. I am including excerpts from Dr. Juron's testimony in the RECORD and encourage my colleagues to cosponsor H.R. 812:

EXCERPTS FROM DR. JURON'S TESTIMONY

Mr. Chairman, I strongly support the Committee's efforts to create a National Quality Improvement Award Act as set out in H.R. 812 of the 100th Congress.

To me the key words in that Act are Quality Improvement.

Let me underscore the importance of those key words by some real life examples I have encountered. In each of these examples a team of American managers and engineers visited an affiliated Japanese company. The visit included a tour of the Japanese plant.

The Americans were well versed in the technology of the business. To their trained eyes the Japanese plant was technologically like their own home plant in the USA. The Japanese were using similar machinery, processes, instruments, materials. However, the results which came out of the Japanese plants were dramatically different.

The Japanese products were strongly preferred by the marketplace because they delivered better quality for the price. In addition, the Japanese costs were distinctly lower. In the case of costs, it is easy to become confused if we try to compare dollars to yen. However, the teams made their comparisons in natural measures, for example:

They compared the number of hours of labor required to produce 100 units of good product.

They compared the amount of material required to produce 100 units of good product.

Such comparisons in natural terms leave no room for confusion.

To be very specific, consider a computer memory chip, the 256K random access memory (256K RAM). It has 256 thousand circuit elements and right now is the most important memory chip on the market. On August 18, 1986, the magazine, Business Week, reported that for every 100 chips fabricated, the typical number of salable chips was as follows:

U.S. production—17.

Japanese production—54.

Given such a difference, it doesn't really matter what is the outcome of the lawsuits on dumping and unfair trade practices. There is simply no way of carrying out international competition against someone who gets three times as much salable product from the same extent of facilities usage, materials and labor hours.

All those team visits, and comparisons such as the memory chips, leave most observers mystified. How is it possible to attain such superior results when the facilities are the same? A great deal of nonsense has been written to explain the mystery but, in my observation, the prime explanation can be heard from a witness invited by this Committee.

Six years ago, in 1981, Florida Power and Light Company (FPL) was regarded as a well managed power utility. Today it is widely perceived as the best. What happened to bring about that change in perception? Their facilities—power plants, transmission lines, office facilities—are essentially like they were six years ago. Their people—managers, engineers, workers—are essentially the same people who on the job six years ago.

If the FPL facilities and people remained essentially unchanged during those six years, why did the results change so dramatically? In my observation the reason is clear. During those six years FPL created over 1400 specific improvements in quality. That is a revolutionary rate of improvement. Those improvements provided FPL's customers with better service. In addition, the improvements have been highly cost effective.

To create that revolution required that FPL devote an unprecedended amount of time to improving quality. FPL paid that price, but it has been rewarded over and over again through providing better service to its customers, securing handsome cost reductions and establishing an enviable status in its community, in its industry and in society generally.

The example of FPL goes far to explain the mystery of how so many Japanese companies have been able to out perform their U.S. counterparts in quality. The Japanese spend much more time on quality improvements, and they make improvements at a pace much greater than that of their American counterparts. These quality improvements are seldom capital intensive, so they are seldom obvious to those who look for differences in facilities.

Mr. Chairman, I have been stressing the importance of quality improvement because it has become so overwhelming a factor in national and international trade, and in the health and survival of the associated organizations.

THE ECONOMIC CONVERSION ACT: BATTLING THE FICKLE DEFENSE ECONOMY

HON. NICHOLAS MAVROULES

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. MAVROULES. Mr. Speaker, it is only March—yet already over 2,000 people in my district have received notification that they will be laid off in the next few months. This is not a new phenomenon. Last year, my district lost thousands more due to plant closings and defense contract cancellations.

How many of my colleagues have received calls for help from angry, frustrated constituents who were losing their jobs because of massive lay-offs? Which of us here today can say that our district has not been adversely affected by the cancellation of a defense contract, or the shut-down of a large industry?

It is well known that the defense economy is inherently unstable. Too many workers' lives hang in the balance. Safety-net legislation must be enacted to control this growing problem.

To this end, I have introduced H.R. 1303, the Economic Conversion Act.

Economic conversion allows our communities to plan for the short-term let-downs that a sluggish defense economy might cause. With economic conversion, businesses and workers can remain in the community and seek new job opportunities rather than being forced to re-locate when a defense contract is cancelled, or a plant closes.

Let's give our hard-working constituents the chance to continue earning a decent living, without the constant worry of lay-offs and closures. I urge you to join me in support of this critical legislation.

INTRODUCTION OF THE FAMILY FARM ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GEPHARDT. Mr. Speaker, today I am introducing the Family Farm Act to restore opportunity to rural America and take action on the biggest problems facing our farmers today.

It's clear that our farm policies are failing to achieve the basic goal of preserving opportunity for a good life in rural America. At a time of record budget deficits we are spending 10 times more on farm payments than we were just 7 years ago. But all we've bought is the highest loss of family farmers in nearly 20 years.

We have given multimillion dollar payments to some giant farms, but our program pushes 180 families off their farms every day.

Half of America's midsized family farmers are expected to be out of business within a decade. The farm economy and the rural towns built around the family farm are collasping.

The farm debate this year must focus on a simple question: Can we spend $26 billion a year to give large payments to some farmers but write off the family farm and the rural communities the family farmer supports?

The administration says we cannot afford our family farmers. I ask: Can we afford to lose them?

Every six farmers who go broke take a rural business with them. Joblessness and poverty in rural America have increased in recent years. Many towns can't provide even basic services. Can we afford this destruction of our rural communities?

We see tens of billions of dollars in bad debt at the Farmers Home Administration and the Farm Credit System. One ag bank fails each week. Can we afford the shock to our financial system?

America's family farms remain the consumer's best insurance policy against an oligopolistic agriculture. Can we afford to let a few megafarms dominate farming?

The fundamental problem is that demand for U.S. farm products is way down. Countries that bought our grain a few years ago are meeting their needs. We have focused on moving bulk grains, ignoring the real growth area: high-value farm products. When the world market for grains slowed and the high dollar cut America's competitive position, American agriculture crashed.

The administration's lower loan rates—designed to boost exports—will not capture enough exports to restore farm income. Under current policies, agricultural export volume could nearly double by 1994, but real net farm income is projected to fall by half. So the current farm program will not end the suicides, family agonies, and foreclosures.

As John F. Kennedy put it, "The American farmer is the only person in our economy who buys everything he buys at retail, sells everything he sells at wholesale and pays the freight both ways." Americans know that we need a program to help farmers get a fair return for their work, and they support it because they know a viable family farm sector is in their best interest.

Today, we are introducing a farm bill for the family farmer. We propose action on two of the biggest problems facing the American farmer: low income and excess debt.

First, we propose giving farmers a chance to vote on a progam that gives them a reasonable price in return for shared, progressively distributed production cutbacks.

By allowing farmers to limit production—not just the acreage they plant—our program will better manage supply. Without more Government spending, supply control is the only way to restore farm income to the levels that prevailed before the administration took office.

Compare the present farm bill and the Family Farm Act:

Net farm income

[In billions of 1967 dollars]

Actual:	
1971	$12.3
1973	25.8
1975	15.8
1977	10.9
1979	14.6
1981	11.9
1983	5.0
1985	9.8
1986	8.8
Estimated:	
Present law:	
1987	11.0
1988	10.5
1989	8.8
1990	7.8
1991	7.3
1992	6.4
1993	5.9
1994	5.2
1995	4.8
Family Farm Act:	
1987	16.7
1988	11.8
1989	11.2
1990	12.1
1991	11.8
1992	12.7
1993	14.2
1994	14.9
1995	15.0

Source: U.S.D.A., Agricultural Statistics, 1985; Food and Agricultural Policy Research Institute, February 1987.

The Family Farm Act restores net farm income and represents a reversal of policies that so favored the megafarm and corporate agriculture. This program gives more help to family-sized farmers, and it gives them the tools they need to invest in the new farming techniques soon to come on line.

The Family Farm Act will give farmers their income through the marketplace rather than through Federal payments. By eliminating direct subsidies, it reduces Government costs—a formula that already works for other crops grown domestically.

Assuming we can negotiate an international marketing agreement, the Food and Agricultural Policy Research Institute [FAPRI] at the University of Missouri and Iowa State estimates Government savings—even when debt restructuring costs are included—as averaging $7 billion per year over the next decade.

The Family Farm Act allows farmers to reduce production through reduced input use rather than through acreage reductions. Reduced input use will cut production costs, ground water contamination and runoff that pollutes our waters.

While our proposal raises food prices a bit, the increases are relatively modest and simply return farm purchasing power to levels that prevailed before the Reagan administration took office. The equivalent of 1 of every 12 income tax dollars now goes to the farm program: a lower tax burden will help offset these costs.

The second component of the Family Farm Act is immediate action to restructure farm debt. For years we have stretched out loans and hoped for a recovery that the 1985 farm bill has not brought. The time for quick fixes and procrastination has passed. Thousands of farmers are barely hanging on.

America's farmers carry almost $200 billion in debt, approximately twice what Brazil owes to foreign lenders. Fully $35 bilion of this may sour over the next few years. A third of our family farmers are in deep financial trouble. Many of them are the young, well-educated farmers who simply had the bad luck to borrow at the wrong time. And as the shakeout continues and as more foreclosures sweep the country, credit will dry up further, jeopardizing the livelihoods of thousands more.

FAPRI analysts estimate that the farm debt crisis could produce an economic contraction that would cost the Federal Government over $20 billion in lost tax revenues. The farm debt crisis, they estimate, justifies Federal spending on debt restructuring of $2 billion per year.

The legislation we are announcing today proposes a joint Federal-State effort to help lenders and borrowers restructure farm debt. States would help lenders and borrowers work together to restructure debts through mediation. The Federal Government would provide debt restructuring assistance to increase the possibility that families could stay on the land until farm income recovers.

In States like Iowa and Minnesota, a lender must sit down with his borrower before foreclosure to explore options that might keep the borrower in business.

These mediation programs provide a neutral third-party to help the lenders and borrowers discuss constructively how to keep the farmer in business. The borrower may have to make some adjustments—but he keeps his farm. The lenders may have to write down part of the debt—but they keep their customers and avoid the losses associated with liquidation and foreclosure. The emphasis is on practical solutions that help all sides.

There is no obligation to reach any agreement, but the States have found that simply getting people together to talk helps. The mediation programs in Iowa and Minnesota have kept several thousand farmers on the land who otherwise would have gone out of business.

Under our proposal, lenders and borrowers who mediate a debt restructuring agreement would be eligible for 3 years of Federal assistance, either a loan not to exceed $30,000 annually or a cash grant of equivalent value. This help would provide the farmer time for needed restructuring and added cash flow until income recovers, and reduce the risk of default for lenders. Needy families leaving farming could receive help for retraining, relocation, and family support.

Finally, this bill takes steps to ensure that Federal programs reach minority farmers, who have been going out of business at rates double those of nonminority farmers. It used to be that 1 of every 7 farmers was black: blacks now represent just 1 of every 70 farmers. We take action to ensure that minority farmers receive fair access to the Farmers Home Administration limited resource loan program and to the debt restructuring assistance provided in this act. Provisions ensure that funds going to nonminority groups are not reduced.

Analysts at the University of Missouri and Iowa State estimate that our bill could keep three of four farmers on the land who otherwise will go out of business.

We must act quickly to reverse the downward spiral in rural America. Farmers embody the spirit of America: independence, self-sufficiency, and excellence. A part of that spirit dies every time a farm hits the auction block.

The despair that has gripped rural America is no excuse for inaction. The problems of the farm economy were not caused by weather or disease, but by human beings and institutions that human beings control. As such these problems can be solved. The farm crisis can be solved if we are determined to make America first again.

OUTLINE OF THE HARKIN/GEPHARDT FAMILY FARM ACT

I. Referendum Program for Storable Commodities (wheat, corn, grain sorghums, barley, oats, rye, upland cotton, rice, and soybeans).—

Prior to August 1, 1987, and each 4th year thereafter, the Secretary shall conduct commodity specific referenda except in the case of wheat and feed grains which will be a joint referendum. If a majority of the producers vote in favor, a supply management/marketing certificate program will be in effect for that commodity for the subsequent four years. If a referendum fails, the current farm law will apply. Upon passage of a referendum by a majority vote:

A. Minimum loan rates would be established at 70 percent of parity in 1988 and would be increased by 1 percent annually thereafter up to a maximum of 80 percent of parity. The Secretary shall review this schedule after five years and made a recommendation regarding continuation of the schedule to Congress. Target price payments and other subsidy payments would be suspended.

B. The Secretary will proclaim a national marketing quota for each commodity, based upon projected domestic demand, export demand, food aid, requirements, carryover, and reserve requirements. The Secretary shall then proclaim a national acreage allotment on acres based upon projected national yield.

C. Each producer will submit planting intentions for each commodity to the Secretary in accordance with the farm crop acreage base. The Secretary will then determine the set-aside percentage to balance supply with demand.

D. The Secretary establishes a targetting mechanism to distribute the acreage set-aside on a progressive basis for each farm so that a greater set-aside percentage will be required as farm size increases. In no event would the unpaid set-aside on any one farm exceed 35 percent of the acreage base. The Secretary may offer a paid diversion program above 35 percent if necessary to bring supply in line with demand.

E. Marketing certificates will be assigned to each producer based upon each producer's acres permitted to be planted multiplied by that farm's established yield. A commodity may not be marketed without a marketing certificate. Commodities produced in excess of the marketing certificate quantity may be stored and marked under a certificate issued in a subsequent year, donated or sold to the CCC at no more than 50 percent of the loan rate for the purpose of famine relief.

F. Farmers may avoid acreage restrictions by filing a plan for meeting their reductions through other methods e.g. reduced pesticide and fertilizer use.

G. The Secretary may issue marketing certificates to importers of commodities and commodity products which do not exceed limitations imposed by Section 22 of the Agricultural Adjustment Act.

H. A farmer disaster reserve is created. Each producer must contribute a portion of his production, determined on an actuarially sound basis, to the reserve. In the event of a disaster, an affected producer will receive commodities from the reserve equivalent to 90 percent of his marketing certificate less the amount actually produced. However, the value of commodities received under this program may not exceed $360,000 annually.

I. Storage payments made under the reserve program would be the same for on-farm and commercial storage.

II. Livestock Transition Program.—

Livestock producers would be permitted to purchase existing stocks of CCC grain for a 36 month period beginning 30 days after enactment. The benefits under this program would be targeted to not larger than family-size farms and ranches and could not exceed $50,000 per producer. The sale price would be determined by the Secretary but could not exceed the total cost of the grain to the CCC.

III. Milk Marketing Base Program.—

Within 30 days of enactment, the Secretary will conduct a referendum among commercial milk producers to determine whether such producers are in favor of a national milk marketing base program for calendar year 1988 or favor continuation of current law. Subsequent referenda would be held at the same time other commodity referenda are conducted. Upon passage of a referendum by a majority vote:

A. The Secretary will establish the loan support level at 70 percent of parity to be increased by 1 percent of parity per year thereafter to a maximum of 80 percent of parity. Continuation of this schedule after the first five years would be contingent upon a USDA study and review by Congress.

B. The Secretary will establish a marketing base for each producer considering a producer's history from 1981 to 1985 and any adjustment necessary to bring supply in line with demand on a national basis.

C. A procedure is established, utilizing county ASCS committees, to adjust individual producer bases and reallocate unused bases to existing and new producers under an established priority system designed to foster new and existing family-sized farming operations.

IV. Agricultural Exports and Imports.—

A. Requires the President to enter into multilateral negotiations with other food exporting nations to preserve market shares. If after 9 months a multilateral agreement has not been consummated, then the Secretary would be mandated to use export PIK or cash subsidies to maintain exports.

B. Requires the Secretary to exercise authority under Section 22 of the Agricultural Adjustment Act to prevent imported commodities from interfering with the operation of the price support program.

C. Requires the labeling of an agricultural product when a significant percentage of that product, either by value or volume, is imported.

D. Prohibits the importation of food items which contain the residues of chemicals prohibited from use in the United States.

V. Food Assistance.—

Offsets any increase in retail food prices resulting from this bill by increasing benefits under the food stamp program, school lunch program, the school breakfast program, and WIC program.

Increases appropriations for consumer education, changes eligibility for food stamps, expedites food stamp service, authorizes provision of information on food stamps to homeless individuals. Establishes a National Nutrition Monitoring Plan to assess national nutritional trends, including those for children, the elderly, low-income populations and minorities.

VI. Family Farm Debt Restructuring Program.—

Farmers who reside in qualifying states and enter into qualifying debt restructuring agreements are entitled to federal debt restructuring assistance. To qualify, states must set up mediation programs meeting the criteria listed below.

A. State Mediation Programs:

1. State mediation programs shall provide neutral, third-party advice to borrowers, creditors and lenders to discuss alternatives to foreclosure and to explore debt restructuring options.

2. State programs must: train adequate numbers of competent mediators; provide mediation services for not more than a reasonable fee on a voluntary basis when requested by both creditor and lender; provide borrower the right to request a 42-day mediation period before foreclosure; and provide, for not more than a reasonable fee, financial and management counseling, and assistance needed to help farmers prepare and analyze debt restructuring alternatives.

3. State/Federal matching grants of up to $1,000,000 per state are authorized to pay administrative expenses.

4. Requires good faith cooperation by the FmHA, the Farm Credit Administration, the FDIC, and the SBA with state mediation programs, and requires the restructuring of loans when cost of restructuring is less than the cost of foreclosure.

B. Farm debt restructuring assistance:

1. Program is administered through County Emergency Debt Restructuring Committee constituted from county FmHA and ASCS committees. Secretary may appoint additional members to ensure fair representation of minorities.

2. Debt restructuring agreements that meet certain criteria enable borrower to qualify for Federal debt restructuring assistance. No-interest assistance loans of up to $30,000 for three years may be provided to help with debt service and operation restructuring. Borrower may elect to take assistance as a cash grant of equivalent value.

3. Following the period over which loans are made, there is a two year grace period, which may be extended two years if condi-

tions in agriculture do not improve. Five years is allowed for payback.

4. Eligibility: Family farmers with gross sales of less than $500,000 and experiencing financial stress. Non-farm income can not exceed $45,000: reductions in assistance are made after non-farm income reaches $30,000. Farmer cannot cash flow but must demonstrate that assistance will provide for the continuation of a financially viable farming business for 5 years.

C. Debt restructuring aid payments are prohibited to producers who produce commodities on erodible land or converted wetlands.

D. Banks may write off over 10 years the losses they have taken under debt restructuring agreements.

E. Transition assistance for farm families leaving agriculture: makes available through state programs home energy assistance, limited income support, relocation assistance and employment services available to families facing severe financial hardship and leaving farming. State programs are financed through block grants made by the Federal Government.

F. Revises eligibility for homestead protection to include small farmers: minimum sales requirement is lowered from $40,000 to $10,000.

G. Provisions ensure equal access to federal credit programs for minority farmers. Limited resource loans would be provided in proportion to minority farmers' representation in the county farm population, with provisions to prevent any reductions to nonminority farmers. Includes reporting requirements.

TRADE REMEDY FOR NONMARKET ECONOMIES

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. SCHULZE. Mr. Speaker, today, I am introducing legislation designed to provide an effective trade remedy for U.S. industries which experience market disruption from nonmarket economy imports.

For many years now, there has been widespread recognition that our current trade laws are ineffective in dealing with unfair and injurious trade from nonmarket economies. After years of debate on this issue, it is about time that Congress finally rectifies the problems we have confronted in this area of trade.

We can no longer afford to let this trade problem go unresolved which is why I am introducing this legislation. I urge my colleagues to support this measure as an effective alternative to our current trade statutes with respect to nonmarket economies.

TRIBUTE TO JAMES ALFRED ROHAN

HON. JACK BUECHNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BUECHNER. Mr. Speaker, while we in this great Nation are blessed with many outstanding, selfless individuals, there are a select few whose names become almost synonymous with public service.

Sadly, last Saturday, James Alfred Rohan, Chief Doorman in the House of Representatives, passed away. With his death, we lost one of those select few individuals.

Epitomizing the American commitment to public service, Mr. Rohan, as Chief Doorman, coordinated planning for visiting Heads of State who appeared before joint meetings of the Congress as well as State of the Union messages delivered by four Presidents. Mr. Rohan took charge of arrangements for all special events taking place in the House Chamber.

James Rohan—before coming to Washington—served as an assistant to the mayor of St. Louis, attained the rank of captain in the U.S. Army and had a successful business career in St. Louis.

Mr. Rohan leaves behind a great legacy for all of us. He was a dedicated man who will be greatly missed by his friends, his colleagues and his loving family.

COMPANY'S VIABILITY ENDANGERED RATHER THAN HELPED BY DOD

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. DYMALLY. Mr. Speaker, I wish to report to the Congress a serious violation of the law which has the effect of devastating a significant employer in my district.

Several years ago a small, minority-owned manufacturer, Univox California, Inc., was selected, under a congressionally mandated program, for minority business development, authorized by Public Law 95-507, to produce 600-gallon-per-hour reverse osmosis water purification units under the pilot program provisions of Public Law 95-507. This opportunity held great promise for the national intent to develop minority business and for solely needed jobs in a high unemployment part of my district.

Through recognized outstanding performance of the company and its employees, whose number had grown by more than 200 people, equipment began rolling off the new production lines on or ahead of contract schedules and meeting all performance requirements—a feat not often accomplished by our most experienced and prestigious defense contractors. The CONGRESSIONAL RECORD will show that the amount reserved for Univox under this program was $400 million. The Army illegally withdrew procurement assistance after the company had received only $75 million of the reserved amount, and when the SBA—the legally designated agency to release the program—insisted that continued procurements were essential to the survival of Univox.

It was at this point that, what now appears to have been a conspiracy between certain persons at the Ft. Belvoir procurement staff and certain defense contractors, actions were taken to cause the public law to be violated by the Army, by virtue of the contract support established by the pilot program to be illegally, unilaterally terminated by the Army and the contract then being performed by Univox to be deliberately delayed, creating severe financial pressures on the company.

The increased financial difficulties were then exacerbated by an overzealous EDA staff who began an illegal collection of a delinquent loan, to enhance the financial interest of certain EDA staff. Evidence exists that a smear campaign was initiated by these EDA individuals through presentation of misinformation to Members of Congress and stepped up through recent statements to various news media wherein libelous, erroneous, misleading, and misstatements of known facts, in their own records, were reported to be the result of an I.G. audit.

Univox has found itself in a precarious predicament that could not have been predicted, yet is now understandable, because of the expected value of the equipment reserved under the pilot program and future generation of that equipment to certain defense contractors and individuals with the procurement activity, and the extraordinary financial and career rewards recently attached to the performance of certain individuals within the EDA.

Although Univox has taken legal counsel's advice and initiated a suit against the EDA for its illegal loan actions and for causing harm to the company's reputation as a result of its media assault, it is clear that we, the Congress, have a situation of defiance of our mandate by those charged to implement our law and that contrary to the intent of the law to facilitate viability, the illegal action by Army personnel will cause, instead, the exact opposite of viability, or in other words, the financial demise of the participant, Univox. Therefore, I request that Congress immediately investigate this matter and take actions against anyone found guilty of such defiant behavior. The Army must be made to understand that congressional intent is controlling, and the commitment to the pilot program provisions of Public Law 95-507 and Univox must be honored.

Finally, Mr. Speaker, permit me to also enter into the record a procurement document produced by the Army which shows that they had full knowledge of the law and the contractual obligations under the pilot program prior to their violation of its provisions. It is entitled "Disposition Form." I invite your attention to the page entitled "Additional Work and Services—600 ROWPU Assembly Contract 80-C-0026 Univox—California." The first paragraph on this page reads:

> (1) This procurement cannot be solicited competitively at this time because the 600 GPH ROWPU was selected by the Small Business Administration [SBA] as a pilot program under a congressionally mandated program for minority business development under Public Law 95-507, and implemented by a DA/SBA interagency agreement. The contractor will remain the single source until the program is released by the SBA.

Mr. Speaker, the SBA did not release this program, on the contrary, the SBA made several requests to continue procurements to Univox citing the criticality of these procurements to the company's viability. The Army unilaterally and illegally withdrew contract support.

ADDITIONAL WORK AND SERVICES—600 ROWPU ASSEMBLY CONTRACT 80-C-0026, UNIVOX-CALIFORNIA

(a) Single Source Justification.

"(1) This procurement cannot be solicited competitively at this time because the 600 GPH ROWPU was selected by the Small Business Administration [SBA] as a pilot program under a Congressionally mandated program for minority business development under public law 95-507, and implemented by a DA/SBA interagency agreement. The contractor will remain the single source until the program is released by the SBA." (Emphasis added).

(2) Because this hardware is urgently required by the USMC to support their role in the Rapid Deployment Joint Task Force (RDJTF), the time required to solicit and train a new contractor would be prohibitive. Univox has developed a management and a production capability that will allow them to meet the accelerated production rate of 25 to 35 high quality units a month needed to satisfy the USMC requirements.

(3) Awarding a contract modification is administratively faster than initiating a new contract.

(4) The technical data package is being maintained current through configuration management and is available for immediate or subsequent competitive follow-on procurements if and when the ROWPU program is released by the SBA.

(b) Statement of Work and Services. The contract line items listed in paragraph c. below shall be delivered in accordance with the terms and conditions of the basic contract as modified.

(c) Request that the following contract line item be increased as follows:

CLIN and supplies	Quantity	Amount
0001AH: 600 GPH ROWPU skid-mounted USMC configuraration	280	$34,160,000

Request that this modification contain options for the contract line items listed below:

CLIN and supplies	Quantity	Amount
0003AD(USMC): Spare/repair parts pack	280	$946,400
0004AD(USMC): Consumable packs	280	2,566,400
0004AB(USA): Consumable parts pack	120	405,600
0004AB(USA): Consumable packs	120	1,095,600

TRIBUTE TO POLL OFFICERS IN SAN DIEGO COUNTY

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. HUNTER. Mr. Speaker, I rise today to pay tribute to a group of loyal Americans who are responsible for protecting one of our country's greatest liberties, the right to vote.

These fine people are poll officers in Califoria's beautiful San Diego County. Year after year, election after election, they provide the citizens of San Diego County with effectiveness and efficiency that is unsurpassed.

There are several unique aspects about this group of eight great patriots: Two of them are over the age of 90, the rookie of the group has served 18 years, and the veteran has put in 56 years of uninterrupted service.

It is my hope that these officers know just how valuable they are to the voters of San Diego County. I am honored to bring their names to the attention of my colleagues in the historic 100th Congress: Arthur J. Vail of Fallbrook, Grace L. Bullard of Oceanside, Anna Skeie of La Mesa, Mary Boyle of San Diego, Bette Tataronus of National City, Ora Marker of San Diego, Gloria Leitch of Bonita, and Emily Brose of la Mesa.

H.R. 1279: ALLOWING TITLE X GRANTEES TO OFFER ADOPTION SERVICES

HON. THOMAS J. BLILEY, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BLILEY. Mr. Speaker, last week I introduced legislation to amend title X of the Public Health Service Act to allow family planning clinics to provide, at their discretion, adoption services.

For too long our image of family planning has been exclusively the prevention of pregnancy, the limiting of family size, or the spacing of children. It is time to recognize the importance of planning families through adoption, thereby benefitting children born to parents unable to care for them and couples who would otherwise be unable to establish a family.

If a young woman becomes pregnant, she may not know much about adoption, and the counselors she encounters may also be poorly informed. Even if a woman considers adoption, it is not unusual for her to dismiss it prematurely as too difficult and, instead, choose to have an abortion or, if she is single, raise her child out of wedlock. No pregnant woman should ever be coerced into releasing her child for adoption, but she should be able to make a truly informed decision after considering all her alternatives. My hope is that this bill will encourage counselors to present the adoption option to a woman as a real choice, a positive choice, and quite possibly the best choice.

For some time now, we in Congress have recognized the growth of sexual promiscuity among teens. As a result, teen pregnancies have increased dramatically. But these are not just numbers. Each young woman must face the reality of her own situation. Tragically, most pregnant adolescents never get a chance to consider the adoption alternative because of the deficiency of her counselor's, and her own, knowledge of the process.

A recent study by Edmund V. Mech of the School of Social Work at the University of Illinois at Urbana-Champaign showed a significant adoption gap among counselors. Mech found that counselors believe that most pregnant adolescents will not choose to place their children for adoption, use nondirective counseling techniques, and rarely initiate discussion of the adoption option. As a result adoption often is not considered as an alternative in the counseling of pregnant adolescents and the young woman is not given any information about adoption plans.

Title X is currently the largest Federal program attempting to deal with the problem of teenage pregnancy, and more than a third of the individuals served by this program are adolescents. In a recent report on teenage pregnancy, the National Research Council noted this fact and stressed that adoption should be an option for pregnant adolescents. The report acknowledged the many agencies involved in a teenager's pregnancy—including family planning clinics for pregnancy testing, health and social service facilities for services during pregnancy, labor and delivery, and counseling and supportive services after the birth—and stated that the "fragmentation of needed services may serve as a disincentive for some pregnant teenagers to make adoption plans."

The Council's report also included the recommendation that "public agencies, in cooperation with the private sector, explore ways of strengthening adoption services, including (1) improved decision counseling for pregnant teenagers, and (2) development of effective models for providing comprehensive care to pregnant girls who choose adoption as an alternative to parenthood." This legislation is a much needed start in that direction.

Mr. Speaker, adoption is a positive alternative for women, particularly adolescents, with unintended pregnancies. Since family planning clinics are often the first point of contact between these women and the health care system after they have become pregnant, these clinics are the most important places to provide information about adoption.

This provision authorizing adoption services would not substantially divert funds from current family planning services. The language of this amendment is intended to be permissive, not obligatory. It would not force any grantee to offer adoption services; it merely clarifies that grantees may do so. Since the title X statute requires that grantees provide a comprehensive range of family planning services, this provision could not result in the funding of adoption only services projects.

Mr. Speaker, this language, which is similar to legislation which I introduced in the 99th Congress, was added as an amendment to title X reauthorization in the Senate Labor and Human Resources Committee last year. The committee also approved a perfecting amendment by the Senator from Ohio [Mr. METZENBAUM] to require that any adoption services provided shall be nondiscriminatory. The Senator's amendment improves this legislation and I have added it to the original language.

To clarify the intent of this legislation, I include the following statement on the Adoption Services Amendment from the Committee Report on the Family Planning Amendments of 1986, S. 881 (S. Rept. 99-297):

The legislation contains a new provision which permits Title X projects to offer adoption services. The provision does not require that family planning projects offer adoption services; projects may determine whether they wish to offer adoption services in addition to the counseling, and referral upon request, which are included in the existing Title X guidelines. The Committee does not intend any changes in the general mission of the Title X law or projects, nor any diminution of federal support for grantees or projects not electing to expand their services.

The definition of adoption 'services' is vague to allow flexibility in services family planning providers may offer. Examples of services include, but are not limited to, adoption education programs, training, counseling, referral and placement services. The Committee does not intend the use of subcontracting for these services. During Senate Committee on Labor and Human Resources deliberation over this amendment a reference was [sic] made to the Family Health Council of Western Pennsylvania as an example of a program which provides adoption services. Secondly, it is the intention of the Committee that when "adoption services" includes placement services, as in the Family Health Council example, those placement services are offered only by a project which has obtained a child placement license. The Committee does not intend to authorize the expenditure of Title X funds for placement services except when such placement services are offered by a Title X project which is also a licensed child placing agency. Where state adoption licensing requirements do not exist, such services must be provided in compliance with state laws regarding adoption services.

The legislation also provides that services offered are to be nondiscriminatory as to race, color, religion, or national origin. This amendment is not intended to affect the applicability of any existing federal provision intended to prevent discrimination on the basis of these or other factors. The language is not intended to prohibit agencies from taking into account all relevant factors in deciding to place a child in a setting which is in the child's best interest. However, adoption services should not be denied nor significantly delayed on the basis of factors specified. This amendment is not intended to prevent discrimination on the basis of these other factors.

For the purposes of this new provision, projects are defined as delegate agencies or service sites.

Mr. Speaker, adoption has been called the loving option. I urge my colleagues to support this effort to help ensure that adoption does not become the forgotten option simply because of a lack of information.

H.R. 1279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1001(a) of the Public Health Service Act (42 U.S.C. 300a(a)) is amended by inserting after the first sentence the following new sentences: "Such projects may, in accordance with applicable State law, offer adoption services. Any adoption services provided pursuant to such project shall be nondiscriminatory as to race, color, religion, or national origin.".

THE INTRODUCTION OF THE MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1987

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. STARK. Mr. Speaker, today I am pleased to join with my colleague, Mr. GRADISON, the ranking member of the Ways and Means Health Subcommittee, and with Messrs. WYDEN, WAXMAN, MADIGAN, PEPPER, and with many other Members to introduce the Medicare and Medicaid Patient and Program Protection Act of 1987.

On May 1, 1984, the General Accounting Office issued a report documenting serious gaps in existing law. These gaps allow unfit physicians to provide services to Medicare and Medicare beneficiaries.

The House moved swiftly and unanimously to approve H.R. 1868, the Medicare and Medicaid Patient and Program Protection Act of 1985. H.R. 1868 would have closed the loopholes in current law. Unfortunately, legislative action was not completed in the 99th Congress.

We cannot afford further delay. The Medicare and Medicaid Patient and Program Protection Act of 1987 is based on H.R. 1868. The legislation has wide bipartisan support. With this legislation, the Secretary of Health and Human Services will have clear authority to protect patients from incompetent providers. At the same time, the Secretary will have new power to protect Federal health benefits programs from fraud and other abuses.

Mr. Gradison is to be commended for taking the lead in developing this important legislation. I will make every effort to move the bill ahead.

THE 100TH ANNIVERSARY OF TARPON SPRINGS, FL

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BILIRAKIS. Mr. Speaker, I rise today to inform my colleagues that this is a very special and busy time in the Ninth Congressional District.

You see, the people of the Ninth District are in the midst of not one, but two centennial celebrations and the 52d Annual Strawberry Festival. So you can see that when I say busy—I mean busy!

First, let me talk about the 100th anniversary celebration of my hometown, Tarpon Springs, FL. As you can well imagine, this is a very important occasion for me personally, doubly so since this is the 100th birthday celebration of the town where I was born and the fact that I have been named honorary chairman of this event.

This weekend the year-long grand celebration will begin and will include all the bells and whistles such an occasion deserves—a last train ride between Dunedin, FL and Tarpon Springs before the rails are torn up giving way to a planned light-rail county transit system; band concerts, a carnival, an apple pie-baking contest, beard-growing contest, tales of Florida folklore, music, dancing and more.

Kathleen Monahan, cultural affairs director for Tarpon Springs, particularly deserves mention for her tireless efforts attending to a myriad of details and keeping this birthday party on track, but I want to commend everyone involved in making this a special celebration.

Mr. Speaker, this year also marks the 100th anniversary of one of the counties in my congressional district: Pasco County—a community of communities, all working together over the years, sharing challenges and dreams.

Back in 1887, when Pasco County was founded and named for Samuel Pasco—U.S. Senator and chairman of the 1885 Florida Constitutional Convention—things were quite different than they are today. There were only 38 stars on Old Glory and railroads were just reaching into southwest Florida's wild and wide-open beauty.

Pasco County still is beautiful today, if a bit less wide open. It is one of the fastest-growing areas in the entire Nation, and that is a tribute not only to the natural beauty but to the enterprising, friendly people there.

Times may have changed. We have a few more stars on Old Glory now, but the celebration of caring, sharing and dreaming that began in Pasco County 100 years ago continues today.

The cochairmen of the centennial, Alex Acey and Joe Herrmann, are two of those people who have dreamed and cared along with the rest of Pasco County, and who share a vision of its future. They have done a tremendous job of organizing this celebration of the proud past of Pasco County.

Last, but not least, Mr. Speaker, let me tell you about the 52d Annual Strawberry Festival. I would like to read a small part of a letter sent to me by the chairman of the Opening Day Program, Nattie Draughon. In just a few words it says something very meaningful about the spirit of enterprise that is alive and well in the Ninth Congressional District. It reads:

> The labor of our county residents from bygone days lives on today as our people continue the labor which has given birth to this spectacular festival and county fair. Hillsborough County has grown from small family-owned truck farms to a thriving multi-million dollar business of corporate-owned farms, as well as numerous related agribusinesses, the largest being the strawberry industry.

Mr. Speaker, the people around Plant City, FL—the center of the strawberry industry in my district—have proven what can be achieved through dedication and hard work. They have built up a thriving agribusiness that is the "Pride of the County," this year's theme, and are celebrating it with a festival that is 2 years past its golden anniversary and going stronger than ever.

The people responsible for this are almost too numerous to mention, but I do want to recognize J. Albert Miles, Jr., president of the Festival Board of Directors; Dr. Charles

Hinton, Roy Parke; Al Berry; and all those associated with the festival.

As I said, you can see that this is a busy time—and an important one. All of these celebrations from all corners of my district have at least one thing in common: decent, hard-working, caring individuals who share a pride in their accomplishments and a dream for an even brighter future.

I can honestly say that the enthusiasm, pride and sense of history displayed by the people of the Ninth Congressional District make it an honor and a privilege to represent them in Congress.

PERSONAL EXPLANATION

HON. AMORY HOUGHTON, JR.

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. HOUGHTON. Mr. Speaker, due to a meeting earlier today with some young people from my district who were here for the Close-up Program, I missed the vote on the House Resolution 109, the rule for H.R. 558. If I had been present on rollcall No. 18, I would have voted "no."

HUMAN RIGHTS ABUSE IN IRAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. SMITH of New Jersey. Mr. Speaker, United States policy options with Iran have been and will remain fundamental and vital aspects of our foreign policy in the Middle East. While Iran's geopolitical and strategic importance, combined with its vast oil reserves, make it a primary component of overall policy, the recent dealings with the Iranian Government have brought the Islamic Republic of Iran to the forefront of public and political debate.

As a member of the House Foreign Affairs Subcommittee on Human Rights and International Organizations, I am particularly interested in the current proceedings of the U.N. Human Rights Commission in Geneva. I understand that the Commission is meeting this week with two individuals whose personal experiences shed dramatic light on the domestic tragedy within Iran. Having been violently tortured and imprisoned on political charges, the scarred bodies and emotional accounts of Azam Riahi and Behzad Naziri are a witness to the oppressive and brutal state apparatus in Iran which tolerates no dissent.

As part of their endeavors to make the world realize the gravity of abuses in Iran, these victims of the Khomeini regime have devoted themselves to sharing their accounts with the Human Rights Commission and leaders throughout the world.

These two individuals' experiences are merely samples of the widespread, systematic, and institutionalized violations of human rights practiced in prisons throughout Iran. Tens of thousands of Iranian citizens have been harassed, intimidated, arrested, and imprisoned. Thousands more have been summarily executed for their personal, political, or religious dissent. Grisly torture techniques and gruesome methods of execution are regularly used to terrorize the public. These practices violate all international laws and standards such as the International Covenant on Civil and Political Rights and the U.N. Declaration Against Torture, both of which Iran supported.

Unfortunately, human rights abuse is but one aspect of the ongoing tragedy in Iran. A second and even more widespread form of disregard for the sanctity of human life, for individual freedoms and security, and for the rights of minors, is being perpetrated by the government of Ayatollah Khomeini. The government continues its stubborn insistence on pursuing the Iran-Iraq War to the detriment and devastation of both nations. Not only have hundreds of thousands of casualties resulted, the prolongation of hostilities has resulted in massive displacement of populations and refugees. As President Reagan pointed out last week, the Khomeini government must be held responsible for the protraction of hostilities costing hundreds of thousands of lives, many of them schoolchildren.

This belligerent attitude is equally worthy of our unambiguous condemnation. Mr. Speaker, these activities are unacceptable to Congress, the international human rights community, and most importantly to the citizens of Iran. I urge my colleagues to join me in supporting all international efforts which pressure the Khomeini government to come to its senses and to negotiate an end to the bloodshed.

ST. CASIMIR'S DAY—PATRON SAINT OF LITHUANIA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to the patron saint of Lithuania and to inform my fellow Members that yesterday, March 4, marked the 503d year of St. Casimir's birth.

Although alive for only 26 short years, St. Casimir's many acts of charity, justice, and love led to canonization soon after his demise. Many stories of his intense virtue and sense of modesty contributed to the legend that became a part of him. St. Casimir became patron saint in 1518, when according to accounts of the time, Lithuanian soldiers battling Russian invaders saw and followed his apparition—a rider on a white horse—to victory.

After World War II, the Soviets removed the body of this great religious, political and historical figure from its prominent resting place in Vilnius, where St. Casimir had rested for 300 years, and turned the surrounding chapel area into a secular museum. In 1984, when Pope John Paul II attempted to celebrate the 500th year of St. Casimir's birth with a visit to Lithuania, the Soviets denied him.

It is a sad state of affairs that Lithuania is still battling Russian invaders. Along with force of arms, the Soviets have imposed their rule through even more insidious methods—the compulsory teaching of Russian at the expense of native Lithuanian, the suppression and discouragement of Lithuanian culture and history, and the planned emigration of large numbers of Russians to Lithuania and the other Baltic countries.

Mr. Speaker, to remember the birth of St. Casimir is to remember and never forget that Lithuania is a sovereign nation with a long, proud history all its own. The United States must never recognize the incorporation of Lithuania into the Soviet Empire.

FAMILY FARM ACT

HON. JIM JONTZ

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. JONTZ. Mr. Speaker, I am pleased to join today with Mr. GEPHARDT, and my colleagues, as an original cosponsor of the Family Farm Act. There are few bills which the Congress will consider during this session which will be more important to the family farmer.

My State of Indiana has not suffered losses as great as some other Farm Belt States, such as Iowa. Yet our farmers are hurting, and all indications are that the situation will become much worse before it gets better. One recent survey in Indiana shows that about 30 percent of all farms are in serious financial trouble, based on debt-asset ratios over 40 percent. Even worse, approximately 47 percent of larger farms with gross sales of $40,000 per year are in similar difficulty.

The Family Farm Act represents a bold departure from the current direction of our agriculture policy. If we are to preserve the family farm, upon which so much of our rural economy depends, we must be willing to consider these changes.

THE EXPORT TRADING COMPANY AMENDMENTS ACT OF 1987 (H.R. 1431)

HON. DON BONKER

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. BONKER. Mr. Speaker, today I am pleased to introduce legislation, with my colleagues Mr. ROTH and Mr. BEREUTER, to make the Export Trading Company Act a more effective tool for export promotion. This bill is based on section 107 of H.R. 4708, the Export Enhancement Act of 1986, as reported by the Committee on Foreign Affairs on May 1, 1986.

As a strong proponent of the original legislation, I have followed the progress of export trading companies [ETC's] since the October 8, 1982, enactment of the bill. Predictions were made that by 1985, more than 320,000 trade-related jobs would be created. Progress over the last 4 years has not met these original expectations. As of January 1987, 71 certificates providing antitrust protection to 300 firms and individuals had been issued by the

Department of Commerce and the Federal Reserve Board had approved investments in 41 bank export trading companies.

To a large extent, macroeconomic conditions, such as the value of the dollar and Third World debt, are responsible for this slow development of Export Trading Companies, but there are other factors which have discouraged ETC development. Some are inherent in the act and others are due to regulatory interpretations by the Federal Reserve Board. The Export Trading Company Amendments Act of 1987 addresses six of these problems. Specifically H.R. 1431 seeks to:

First, require an annual report from the Secretary of Commerce on activities of the Department of Commerce to promote ETC's, including a survey of export management companies and export trade associations, and the progress made by ETC's.

Second, clarify that bank-affiliated ETC's may export their own services, or those of affiliates.

Third, revise the method of calculation for the 50 percent revenue test by counting third party trade and countertrade as exports and extend the period for meeting the revenue test to 5 years.

Fourth, exempt transactions between a bank and its ETC from collateral requirements under section 23A of the Federal Reserve Act, thereby restoring the original intent of the bill.

Fifth, prohibit the Federal Reserve from imposing a dollar limit on the amount of inventory an ETC can maintain, except on a case-by-case basis.

Sixth, prohibits the Federal Reserve from disapproving a bank's proposed investment in an ETC solely on the basis of an assets-to-equity ratio unless greater than 25 to 1.

I would urge my colleagues to review this legislation and would welcome their support.

H.R. 1431

A bill to amend the Export Trading Company Act of 1982, the Bank Holding Company Act of 1956, and the Federal Reserve Act with respect to export trading companies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export Trading Company Amendments Act of 1987".

SEC. 2. EXPORT TRADING COMPANIES.

(a) REPORT ON EXPORT TRADING COMPANIES.—The Export Trading Company Act of 1982 (15 U.S.C. 4001 et seq.) is amended by inserting after section 104 the following new section:

"SEC. 105. REPORT ON EXPORT TRADING COMPANIES.

"Not later than one year after the date of the enactment of this section and annually thereafter, the Secretary of Commerce shall submit a report to the Congress on the activities of the Department of Commerce to promote and encourage the formation of export trade associations and export trading companies. The report shall include a survey of the activities of export management companies and export trade associations, as well as an analysis of the operating experiences of those export trading companies established pursuant to this Act. The report shall not contain any information subject to the protections from disclosure provided in this Act.".

(b) DEFINITION OF EXPORT TRADING COMPANY.—Section 4(c)(14)(F)(i) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(14)(F)(i)) is amended by striking "for purposes of exporting goods or services produced in the United States" and inserting "for purposes of exporting goods or services produced in the United States by that company, its affiliates, or unaffiliated persons,".

(c) DEFINITION OF PRINCIPALLY ENGAGED IN EXPORTING.—Section 4(c)(14)(F) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(14)(F)) is amended—

(1) by striking the period at the end of clause (i) and inserting a semicolon;

(2) by striking "and" at the end of clause (iii);

(3) by striking the period at the end of clause (iv) and inserting a semicolon; and

(4) by inserting after clause (iv) the following new clauses:

"(v) an export trading company shall be treated as organized and operated principally for the purposes described in clause (i) if that company derives more then one-half of its revenues in each consecutive five-year period from—

"(I) the export of goods or services produced in the United States by that company, its affiliates, or unaffiliated persons, or

"(II) from facilitating the export of goods or services produced in the United States by unaffiliated persons by providing one or more export trade services; and

"(vi) for the purpose of clause (v), revenues from third party trade, and the value of goods and services taken back by the export trading company as part of a countertrade transaction, shall be treated as export revenues.".

(d) RELATIONS WITH AFFILIATES.—Section 23A(d) of the Federal Reserve Act (12 U.S.C. 371c(d)) is amended—

(1) by striking "and" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; and"; and

(3) by adding at the end the following:

"(8) transactions with an affiliate which is an export trading company, as defined in section 4(c)(14)(F)(i) of the Bank Holding Company Act of 1956.".

(e) LEVERAGE.—Section 4(c)(14)(A)(iv) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(14)(A)(iv)) is amended by adding at the end the following:

"The Board may not disapprove a proposed investment solely on the basis of the proposed assets to equity ratio of an export trading company unless the proposed annual average ratio is greater than 25 to 1.".

(f) INVENTORY.—Section 4(c)(14)(A) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(14)(A)) is amended—

(1) by redesignating clauses (v) and (vi) as clauses (vi) and (vii), respectively; and

(2) by inserting after clause (iv) the following:

(v) The Board may not impose, by regulation, a dollar limit on the amount of goods which export trading companies may maintain in inventory; except that the Board may impose, by order, a dollar limit on the amount of goods which a particular export trading company may maintain in inventory after such company has been operating for a reasonable period of time if, under the particular facts and circumstances, it finds that such limit is necessary to prevent risks that would affect the financial or managerial resources of an investor bank holding company to an extent which is likely to have a materially adverse effect on the safety and soundness of any subsidiary bank of such bank holding company.".

THE MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1987

HON. WILLIS D. GRADISON, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GRADISON. Mr. Speaker, I am pleased to be joined by my House colleagues, Messrs. WYDEN, STARK, WAXMAN, MADIGAN, and others in introducing the Medicare and Medicaid Patient and Program Protection Act of 1987.

This bill is designed to protect Medicare and Medicaid beneficiaries from unfit doctors, hospitals and other health care providers. To achieve the goal, this bill recodifies and strengthens the antifraud provisions of the Social Security Act.

A similar measure, H.R. 1868, was introduced in the 99th Congress. That bill was reported favorably from the Ways and Means Committee and the Energy and Commerce Committee. It was subsequently passed by the House, and reported favorably by the Senate Finance Committee. Unfortunately, it was not considered on the Senate floor.

H.R. 1444 is based on H.R. 1868. Incorporated in the new bill are modifications which were developed in discussions between the House and Senate at the conclusion of the 99th Congress. Therefore, the bill represents a consensus on the issues covered by the measure. I am happy to report that a companion bill is being introduced tomorrow in the Senate by the distinguished Senator from Pennsylvania [Mr. HEINZ] his colleague Senator GLENN and other Members of the Senate.

This bill is the product of many years of careful crafting. Hearings on it were conducted in the 99th Congress in each of the committees of jurisdiction in both Houses. The Department of Health and Human Services [HHS] has supported the basic legislation and the HHS Inspector General's Office was particularly helpful in drafting the measure. At a recent hearing conducted by the Ways and Means Committee on another topic, HHS Secretary Bowen advised me that he expected the administration to again be supportive of the bill.

Since the bill has already received such favorable attention in its development, I know that its many sponsors, from both sides of the aisle and from both Houses, join me in encouraging all of our colleagues to consider expedited action and swift passage.

I am particularly pleased that the chairman of the Health Subcommittees of both the Ways and Means Committee and the Energy and Commerce Committee, Messrs. STARK and WAXMAN, are joining me this year in sponsoring the bill. I am equally gratified to be joined by my colleague from Oregon [Mr. WYDEN] who spent a great deal of time on the development of this legislation in the 99th Congress.

Finally, I should add that the bill stands as a tribute to a former Member of this body, Hon. Henson Moore of Louisiana. Mr. Moore originated the legislation in the 98th Congress and guided it through the House in the 99th Congress. The bill reflects his long-time commitment to improving the management of the Medicare and Medicaid Programs and the protection of its beneficiaries. He devoted more effort to the cause than any other Member of the body and I am pleased to have an opportunity to carry on in his behalf.

NEED FOR THE LEGISLATION

The Medicare and Medicaid Programs, since their inception in 1965, have provided needed health insurance coverage for the Nation's elderly, disabled and categorically indigent. These programs account for almost $120 billion in combined Federal and State spending. In any endeavor of such magnitude, it is inevitable that a few participants will abuse the worthy purpose.

HHS, through the Office of its Inspector General, has been given authority by the Congress to sanction those who abuse and defraud the Medicare and Medicaid Programs. The Department has used this authority effectively. But, loopholes in the law remain which require congressional attention.

In 1972, the Secretary of HHS—then HEW—was granted the authority to exclude from participation in the Medicare Program individuals who:

First, submit false claims;

Second, charge Medicare substantially more than their customary charge; or

Third, provide services substantially in excess of patients' needs or of a quality which fails to meet professionally recognized standards of medical care.

Five years later, in the 1977 "Medicare and Medicaid antifraud and abuse amendments," Congress granted the Secretary authority for the mandatory suspension from participation in both Medicare and Medicaid those individuals, who have been convicted of criminal offenses related to their participation in the programs. The Inspector General of HHS has used these sanctions. In fiscal year 1986 alone, 412 health care providers were sanctioned.

The other weapons available to the Inspector General in fighting abuse are civil and monetary penalties [CMP]. These prerogatives were given to HHS by Congress in 1981. They provide an administrative mechanism for the imposition of stiff money penalties and assessments for health care providers or other individuals who file false or otherwise improper claims for payment by the Medicare or Medicaid Programs. Since 1983, more than $31 million has been recovered by the HHS Inspector General's Office from unscrupulous individuals and organizations under this provision.

The antifraud and abuse record of HHS is to be commended. However, there remain serious gaps in the authority granted to the Inspector General preventing him from eliminating "bad actors" from participation in the Medicare and Medicaid Programs. For example, the Inspector General lacks the power to bar from the Medicaid programs those health care providers who have been convicted of first, defrauding other Federal, State or local programs; second, patient neglect or abuse; or third, the unlawful manufacture, distribution, or dispensing of controlled substances. These loopholes require congressional attention, and they will get it through the Medicare and Medicaid Patient and Program Protection Act of 1987.

The Inspector General has testified that in 1983 and 1984, he found 84 cases involving physicians who had their licenses revoked due to drug violations, gross negligence or professional incompetence and yet could still charge the Medicare and Medicaid Programs for services rendered.

These cases paint a worrisome picture. Evidence indicates they may reflect only the tip of an iceberg. Legislation is necessary to protect the program beneficiaries from health care providers such as these cited in the Inspector General's 1985 testimony.

In Indiana, a physician was found guilty of 27 counts of violating drug laws.

In Massachusetts, a physician was convicted for assault and battery on a 14-year-old patient.

In Louisiana, a physician was convicted of 15 felony counts including bank fraud, wire fraud, false entries in books and records, and conspiracy.

In Pennsylvania, a physician was convicted of grand theft and transportation of stolen goods.

Now, 2 years later, the HHS Inspector remains unable to sanction the organizations which these types of individuals may own or control, or take administrative action where there have been kickbacks, or exclude from participation in the programs individuals who have lost their licenses to practice in one State and moved to another to practice.

On this last point alone, a Government Accouting Office [GAO] study found that of 328 practitioners who had been sanctioned by State licensing boards in Michigan, Ohio and Pennsylvania, 122 held licenses in at least one other State. As many as 100 of these State-sanctioned practitioners may have relocated and continued to participate in the Medicare and/or Medicaid Programs.

The GAPS in the law, which allow such practitioners to continue to treat Medicare and Medicaid patients, should not be tolerated. They endanger not only the health and safety of Medicare and Medicaid patients but the fiscal integrity of both programs.

BILL DESCRIPTION

The bill would require that health care provisions convicted of crimes related to their participation in the Medicare or Medicaid Programs, or related to the neglect or abuse of patients, be barred from these programs for at least 5 years.

Further, the bill would provide the Secretary of HHS with authority to exclude from Medicare and Medicaid those individuals or entities who have been:

Convicted of fraud against any Federal, State, or locally financed health care program;

Convicted of interfering with the investigation of health care fraud;

Convicted of unlawfully manufacturing, distributing, prescribing, or dispensing a controlled substance;

Suspended or barred from medical practice due to questions of professional competence, professional conduct or financial integrity;

Found to have submitted excessive changes or claims;

Committed fraud, made kickbacks or other prohibited acts;

Found to have failed to disclose required ownership information;

Found to have failed to supply requested information on subcontractors and suppliers;

Found to have failed to supply certain payment information;

Found to have failed to grant immediate access to the Secretary, State agency, Inspector General, or State Medicaid fraud control unit for the purpose of performing their statutory functions;

Found to have failed—in the case of a hospital—to take corrective action required by the HHS Secretary—based on information supplied by a peer review organization—to prevent or correct inappropriate admissions or practice patterns; and

Found to have defaulted on repayment of scholarship obligations or loans in connection with health professions education.

In addition to providing the Secretary with this increased authority, the bill makes a number of improvements in the Secretary's existing authority regarding civil monetary penalties [CMP]. Under current law, the Secretary is empowered to impose a civil money penalty of up to $2,000 for fraudulent claims under Medicare, to impose an assessment of twice the amount of the fraudulent claim, and to bar from participation persons determined to have filed a fraudulent claim.

This bill also would correct or clarify some apparent oversights in drafting the original statute. It would provide for:

Unified judicial review of the imposition of monetary penalties and Medicare and Medicaid suspensions imposed under the CMP statute;

Subpoena authority in all CMP hearings;

Increased State share of CMP recoveries to encourage State investigations and referral of Medicaid fraud cases;

Clarification that the scope of the CMP statute includes double billing and false medical credentials;

A 6-year statute of limitation for CMP actions; and,

Authority to seek an injunction in U.S. district court to preserve the assets of a CMP respondent, where that respondent may dissipate or conceal those assets.

Finally, the bill would consolidate into one title of the Social Security Act—title XI—all of the penalty provisions currently contained in titles XVIII and XIX of the act.

A detailed summary of the bill follows my remarks.

In conclusion, Mr. Speaker, let me reiterate that this legislation is needed now to provide the additional authority necessary to curtail fraud and abuse against our governmental health programs and assure quality services to the Nation's elderly and poor.

SECTION-BY-SECTION ANALYSIS: MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT

SECTION 1

The bill is designed to protect Medicare and Medicaid beneficiaries from unfit health care practitioners and to strengthen the anti-fraud provisions of the Social Security Act.

SEC. 2. EXCLUSION FROM MEDICARE AND STATE HEALTH CARE PROGRAMS

The bill requires the Secretary to exclude from Medicare and to direct States to exclude from state health care programs individuals or entities convicted of criminal offenses related to the delivery of health care services or of criminal offenses related to patient neglect or abuse (mandatory exclusion).

The bill also provides for permissive exclusion for individuals and entities in the following categories:

Those convicted of fraud against any federal, state, or locally financed health care programs or convicted of unlawfully manufacturing, distributing, prescribing, or dispensing controlled substances;

Those whose licenses are pending, whose licenses have been suspended or revoked, or who have been excluded or suspended from participating in a federal or state health care program by reason of professional incompetence, misconduct or lack of financial integrity;

Those claiming excessive charges, except for providers paid on other than a cost or charge basis;

Those furnishing services that are unnecessary or of substandard quality;

Those committing fraud, kickbacks, or other prohibited acts;

Entities owned or controlled by individuals convicted of program-related offenses, those excluded from participation or those against whom a civil money penalty has been assessed;

Those who fail to provide required or requested information;

Those who fail to grant immediate access to the Secretary and other public officials;

Hospitals which fail to take corrective action to prevent or correct improper admission patterns noted by a Peer Review Organization;

HMOs whose failure to furnish medically necessary services results, or is likely to result in adverse patient effects; and

Those defaulting on payment of scholarship or loan obligations in connection with health professions education (taking into account effects of exclusion on access to care).

These provisions would be effective upon reasonable public notice. The exclusions would be effective on or after the date specified in the notice. Individuals or entities excluded are entitled to reasonable notice and opportunity for hearing and judicial review. For inpatient institutional services furnished to patients admitted prior to the exclusion date and for home health services and hospice care furnished under a plan of care established before the exclusion date, the exclusion could not apply until 30 days after the effective date of the exclusion.

The Secretary would be required to specify the minimum exclusion period in the notice of exclusion. The minimum period for mandatory exclusion is five years and the period for failing to grant immediate access is equal to the period of denied access plus no more than 90 days.

The Secretary could waive the exclusion upon request of a state, where the excluded party is a sole community provider.

The Secretary would be required to notify state agencies, programs, and licensing authorities of each exclusion and its duration, and request licensing authorities to conduct appropriate investigations and impose sanctions, and report back on these activities.

State programs would be required to conform to the exclusion periods used by the Medicare program, unless a waiver was approved by the Secretary.

Excluded parties could apply for reinstatement at the end of the initial exclusion period and at other times, as provided for by the Secretary. The Secretary would be required to notify state agencies and programs of all terminations of exclusions.

SEC. 3. CIVIL MONEY PENALTIES

This section clarifies and consolidates authorities related to civil money penalties (CMPs), and would allow the Secretary to impose CMPs against the following parties:

Those who submit claims they know to be false or fraudulent;

Those who submit claims for doctors' services who are not licensed physicians, who had obtained a license by misrepresentation of material fact, or had falsely claimed to a patient to be board certified in a specialty area; and

Those who knowingly give false or misleading information that could lead to a decision to discharge a Medicare patient.

The Secretary would be allowed to use a single administrator and a unified judicial review procedure for both CMPs and CMP-based exclusions.

A six-year statute of limitations would be imposed for CMP actions and states' share of funds collected from CMPs would be increased.

The Secretary also would be allowed to prevent concealment or removal of assets that could be required to pay a CMP.

SEC. 4. CRIMINAL PENALTIES

This section would consolidate existing criminal penalties for Medicare and Medicaid, and would broaden the scope to include Titles V and XX. The section also provides for criminal penalties for those presenting a claim for doctors' services who are not licensed or who obtained a license through misrepresentation.

SEC. 5. INFORMATION ON SANCTIONS TAKEN BY STATE LICENSING AUTHORITIES

In order to have an approved state Medicaid plan, states would be required to have a system of reporting information on sanctions imposed against health care practitioners or entities by state licensing authorities.

States would be required to provide the Secretary and other public officials access to such state documents.

The bill also would require the Secretary to provide safeguards to ensure the confidentiality of this information, and to provide for maximum coordination with section 422 of the Health Care Improvement Act of 1986.

SEC. 6. OBLIGATIONS OF HEALTH CARE PRACTITIONERS AND PROVIDERS

Providers of health care services paid for under the Social Security Act would be required to provide services which are medically necessary and which meet professionally recognized standards of care.

The exclusion authority in this bill would extend to any violation occurring in and exclusions from any health care program for which payment could be made under the Act.

SEC. 7. EXCLUSION UNDER THE MEDICAID PROGRAM

States would be allowed to exclude individuals or entities for any reason which the Secretary could use to exclude parties from the Medicare program.

In order to receive federal payments for HMOs, states would be required to exclude parties that could be excluded by reason of the owners' or managers' conviction of certain crimes or by reason of their having a substantial contractual relationship with parties convicted of such crimes.

SEC. 8. MISCELLANOUS AND CONFORMING AMENDMENTS

No payments under Medicare or state health programs would be made for any item or service furnished by or under the medical direction or prescription of excluded parties, except for payment for emergency items or services, or payment for the first claim of a Medicare beneficiary who did not know the provider had been excluded.

Hospitals, nursing facilities, or other entities would be required to disclose direct or indirect ownership of five percent or more by excluded or convicted individuals.

Organizations which are excluded and had their provider agreements terminated for the same reason would not be entitled to separate notice and hearing opportunities.

Individuals excluded from Medicare would have their registration to manufacture, distribute, or dispense controlled substances denied, revoked, or suspended.

The bill makes other technical and conforming changes.

SEC. 9. MEDICAID MORATORIUM

The DEFRA moratorium on quality control sanctions against states with higher eligibility standards for non-cash Medicaid beneficiaries than for cash assistance beneficiaries would be clarified to apply to any state plan changes submitted to the Secretary. Non-cash beneficiaries would not be limited to the medically needy. States would be required to submit descriptions of their eligibility rules for non-cash Medicaid beneficiaries.

A grace period would be provided to institutionalized persons eligible for Medicaid, to allow them time to sell their homes.

SEC. 10. LIMITATION OF LIABILITY OF MEDICARE BENEFICIARIES

The Secretary could pay for items or services for a reasonable time if beneficiaries did not know their practitioner or provider had been excluded from the program.

SEC. 11. REPORTING REQUIREMENT FOR FINANCIAL INTERESTS

Reporting requirements with respect to interests in obligations which amount to less than five percent of an entity's assets would be eliminated.

SEC. 12. CONDITIONAL APPROVAL OF RENAL DIALYSIS FACILITIES

The Secretary would be allowed to limit payments to non-compliant renal dialysis facilities whose deficiencies did not place patients in immediate jeopardy and which had been given a reasonable opportunity to correct their deficiencies.

SEC. 13. MEDIGAP POLICIES

The current provision for criminal sanctions for fraud and abuse relating to the sale of "Medigap" policies would be amended to provide that whoever "knowingly *and* willfully" misrepresents a material fact would be guilty of a felony.

SEC. 14. ANTI-KICKBACK PROVISIONS

This section would enable the Secretary to propose regulations specifying which payment practices should not be treated as criminal kickbacks or bribes, or serve as a basic for exclusion.

SEC. 15. EFFECTIVE DATE

Most provisions would be effective 14 days after enactment.

The five-year provision would not apply retroactively.

State plans requiring legislative changes to meet the requirements of this bill would not be seen as failing to comply before the state legislatures had adequate opportunity to consider the amendments.

COMPASSIONATE PAIN RELIEF ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WAXMAN. Mr. Speaker, on behalf of myself, Mr. HUGHES, Mr. WALGREN, Mr. UDALL, Mr. OBEY, Mr. WEISS of New York, Mr. MARTINEZ, Mr. SMITH of New Hampshire, Mr. LEVINE of California, Mr. FORD of Michigan, Mr. MINETA, Mr. SMITH of Florida, Mr. MCKINNEY, Mr. GUNDERSON, and Mr. AKAKA, I am pleased to introduce H.R. 1470, the Compassionate Pain Relief Act.

The legislation requires the Secretary of Health and Human Services to establish a temporary, 4 year research program through which the drug heroin would be made available for the treatment of terminally ill cancer patients suffering intractable pain. The drug would be provided through a limited number of hospital pharmacies upon the written prescription of a licensed physician. The program would be limited in scope and require individual registration of participating hospitals and physicians.

Each year the Federal Government seizes hundreds of pounds of heroin illegally smuggled into this country. The legislation would permit the Secretary to use a small portion of this contraband for a compassionate and humane program.

Heroin has a negative connotation in this country—and it should. It has wreaked havoc upon our cities and the health of our young people. I know this to be true. The Subcommittee on Health and the Environment has created programs providing billions in Federal aid to assist in the treatment and rehabilitation of the victims of drug abuse.

But H.R. 1470 has nothing to do with heroin the street drug. It has everything to do with the treatment of intractable pain. It has everything to do with assuring that nothing is held back from physicians which might aid them in relieving the suffering of their dying patients.

The American Cancer Society estimates that over 800,000 Americans will die of cancer this year. An additional 900,000 are expected to be diagnosed with this disease. Cancer is the Nation's second leading cause of death. It is the illness most feared by the public.

As many as 50 percent of cancer patients will experience severe, intractable pain during the course of their illness—often during the last days and weeks of life. For many the pain of cancer is so severe, and their physical condition so deteriorated, that powerful narcotic painkillers must be administered by injection.

Heroin is one of the most powerful painkillers known to medical science. In testimony before our subcommittee there was unanimous consensus that heroin was a safe and effective medication for the treatment of severe pain.

Research at the Georgetown Medical Center, funded by the National Cancer Institute, concluded that heroin is highly effective in the control of cancer pain and no more addicting than other cancer painkillers like morphine or dilaudid. This research revealed that heroin is 2½ times more potent than morphine.

While not legally available in the United States, heroin is widely used in England in the treatment of cancer pain. Recently, the Government of Canada authorized the use of heroin in limited circumstances for the relief of pain. In England, the British Home Office has informed the Subcommittee on Health and the Environment that the use of heroin in the treatment of pain has grown significantly.

U.S. policy toward heroin developed in the 1920's when Congress prohibited its use in medicine. At that time it was thought that the drug was more addicting than other painkillers and that its availability in medicine was the cause of street abuse. Today we know that prohibiting heroin's therapeutic use has had little effect on the incidence of abuse. Yet these restrictions, however well intended, have impacted harshly upon those terminally ill cancer patients who might benefit from the use of heroin in the treatment of intractable pain.

Mr. Speaker, several additional points should be made about this legislation.

First, H.R. 1470 would not legalize heroin. Distribution or possession of heroin outside the limited, carefully controlled scope of this program would continue to constitute a violation of the Federal Controlled Substances Act. Violators would be subject to maximum penalties of 15 years imprisonment and a $250,000 fine.

Second, heroin provided through this program will be available in only a limited number of hospitals and only if the hospital requests to participate in the program. Individual hospitals, physicians, or patients are not required to participate. Participation is strictly voluntary.

Third, physicians would only be permitted to prescribe heroin if conventional analgesics have been tried and were found to be ineffective in relieving a patient's pain.

Fourth, stringent safeguards have been built into this program. A series of provisions have been included that prevent the possibility of illegal diversion. Oral dosages are prohibited. The drug is prohibited from being dispensed through retail or community pharmacies. Participating hospitals and physicians must be registered with the Food and Drug Administration. The General Accounting Office is charged with monitoring administration of the program. The program sunsets at the end of 4 years.

Fifth, no one should assume that heroin is a wonder drug or that passage of H.R. 1470 will eliminate very real deficiencies that exist in clinical knowledge about pain management. Drugs like morphine or dilaudid may be the analgesic of choice for most cancer patients. Yet for a few—perhaps only one out of a thousand—heroin may offer benefits not available with conventional medications. A fundamental, but little understood fact of medicine is that patients respond differently to the same medication. We encourage the availability of a variety of medications to permit physicians to tailor a course of treatment which is most effective in a given patient.

Finally, there is nothing unprecedented about the program established by this bill. Provisions were included to assure the active involvement of the Food and Drug Administration in assuring the safety and effectiveness of the drug's formulation. In fact, the legislation is modeled after an earlier Federal program which provided therapeutic dosages of THC—the active ingredient of marijuana—to physicians for prescription to cancer patients suffering nausea due to chemotherapy. In this earlier program, the purity of THC was carefully controlled and its distribution limited to a small number of hospitals.

Mr. Speaker, in 1984 a similar version of this legislation was defeated in the House. I believe the prospects for enacting the legislation this year have improved. Concerns raised over the effect of the legislation on law enforcement activities have been addressed. In this regard I want to express my personal thanks to Representative BILL HUGHES of New Jersey, chairman of the Judiciary Subcommittee on Crime, for assisting in the drafting of this new bill and for joining as an original cosponsor of this legislation. Chairman HUGHES' support is clear evidence of his sensitivity and compassion for terminally ill patients and their families.

Mr. Speaker, in relieving the intractable pain of cancer, nothing should be held back.

COMMEMORATION OF NATIONAL FOREIGN LANGUAGE WEEK

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. WOLPE. Mr. Speaker, I am pleased to observe the week of March 1 to March 7 as National Foreign Language Week. As Congress begins to grapple with the intricate details in the trade bill, the recognition of the need for language skills and training is particularly timely and appropriate.

As the world becomes increasingly interdependent, America's economy becomes increasingly reliant on our ability to remain competitive on the world trade market.

Much of the debate on how to regain our competitive edge will focus on improving the value of the dollar, reducing the Federal budget deficit, and improving the quality of American goods through increased emphasis on research and development and a skilled, adaptable and innovative work force. I agree that we need to address these concerns.

But I want to draw attention to a less visible, yet equally, valuable element of the competitiveness agenda: the role of foreign languages and the knowledge Americans have of foreign cultures and perceptions.

For nearly two decades, the importance placed on foreign language training has been on the decline. Beginning in the 1960's, many colleges and universities dropped language studies from their entrance or graduation requirements. The State Department no longer requires any background in another language as a condition of entry into the Foreign Service. And a survey of business school graduates done in the late 1970's showed that 75 percent had taken no international courses. Obviously, we cannot afford to continue on this path. Fortunately, there is a growing awareness that we must act to rectify matters.

Few would deny the serious implications to our national security of a collectively inadequate understanding of world affairs. Yet:

About 25 percent of the Army and Navy jobs for which foreign language skills are deemed essential remain unfilled. About 20 percent of such positions in the Air Force and 35 percent in the Marines remain unfilled.

Only one Western reporter could speak Farsi at the height of the Iran crisis and he represented the BBC.

When a Russian sought political asylum in the U.S. Embassy in Kabul, he was unable to find anyone who spoke Russian.

There are more teachers of English in the U.S.S.R. than students of Russian in the United States.

Comparably, there is a severe lack of foreign language skills in the private sector as well. The fact remains that no matter how superior our products might be, our inability to effectively communicate with other peoples and our insensitivity to foreign cultures, is reflected in the marketing of U.S. products abroad. All else being equal, deficiencies in this area alone have had a negative effect on our trade balance and worked against our Nation's prosperity.

Let me site a few examples compiled by Joseph Lurie of the American Field Service International:

Body by Fisher, describing a General Motors product, translated into Flemish, appeared as "Corpse by Fisher;"

Schweppes Tonic was advertised in Italy as "bathroom water;"

Pepsi-Cola's Thai advertising campaign with the American slogan, "Come alive, you're in the Pepsi generation" translated into "Pepsi brings your ancestors back from the dead;"

A major ad campaign in green did not sell in Malaysia, where green symbolizes death and disease;

Foreign sales of General Motors Chevrolet Nova had little success in Spanish-speaking countries until the product's name was changed to Caribe. Nova, when spoken in Spanish as two words, mean "It doesn't go."

Unfortunately, as humorous as these marketing mishaps may appear, they reveal a serious problem facing American business and threatening our Nation's economic well-being. To reverse this trend, we need a conscious, concerted effort by government, business, and labor, and our educational institutions to elevate the public's awareness of the problem and to provide the resources necessary to work toward a solution.

COMMEMORATION OF LANGUAGE WEEK

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. FASCELL. Mr. Speaker, I am pleased to join with my colleague, Hon. LEON PANETTA, on the subject of the importance of foreign language training. He is to be commended for the concern he has shown for this important matter over the years. Although standards of foreign language training in this country are still inadequate and much more needs to be done to increase both the quality and quantity of foreign language training at all educational levels, we can point with pride to the fact that there appears to be a revival in foreign language training underway today. As chairman of the House Study Group for International Education, Representative PANETTA has played an important role in educating us regarding foreign language and has been instrumental in securing passage of amendments to education measures, as well as to foreign assistance and State Department legislation, providing for increased support for training in foreign languages.

In my role as chairman of the Committee on Foreign Affairs, I have been particularly concerned with the issue of foreign language ability in our Foreign Service. I am concerned that reductions in the budget for the Department of State over the past 2 years have forced reductions in foreign language training capabilities at the Foreign Service Institute, particularly in training programs provided at our embassies and other posts abroad. We hope to be able to reverse that trend this year and provide for a small increase to support language training programs at the Foreign Service Institute.

A senior member of the Foreign Service, Ambassador Monteagle Stearns, reported last year to Secretary of State Shultz that foreign language capability is not given high priority in promotion and assignment policies of the State Department. He recommended changes in policies to provide incentives for Foreign Service officers to reach a higher level of proficiency in foreign languages, particularly the four so-called hard languages—Russian, Arabic, Chinese, and Japanese. A copy of a press article summarizing Ambassador Stearns' recommendations is included at the conclusion of my report.

While the Stearns report candidly points out critical weaknesses in the training we provide our diplomats, it is also a positive step in that it is an indication of the high level of concern being given to the issue of language training in the Foreign Service. The number of language designated posts, that is, those positions in the Foreign Service which require foreign language competence, has roughly doubled in the past 10 years. In far too many cases, however, officers with appropriate language training are not available to fill these positions. The Foreign Service Institute has been a leader in developing new curricula for foreign language training, stressing actual use of the language rather than focus on the fine points of grammar. The Foreign Service is also experimenting with the concept of enhanced language posts, which will require a minimum knowledge of the local language for all positions at that post, from the Marine guard at the front gate to the ambassador.

The Foreign Service Institute currently provides training in 42 languages, which is an impressive figure until we note that the Peace Corps, which has been a leader in foreign language training techniques, is currently training volunteers in 153 different languages. Furthermore, Peace Corps officials advise me that in the 25 years of Peace Corps' existence, it has provided language training in over 400 languages, and has prepared the only available materials for training in many of those languages. We can be proud of the fact that more Americans are now studying languages than any time in the past 20 years, and that the Department of State is giving increased attention to the need for more comprehensive language for Foreign Service officers. At the same time, the vast scope of Peace Corps language training activities reminds us that we are still only looking at the tip of the iceberg in our efforts to reach out to the other countries of the world in their respective languages.

[From the Washington Post, Nov. 12, 1986]

DIPLOMATS WEAK IN VITAL LANGUAGES

REPORT URGES STEPS TO INCREASE PROFICIENCY IN FOREIGN SERVICE

(By John M. Goshko)

The United States has a serious shortage of diplomats able to speak difficult languages of vital importance to U.S. foreign policy, and the problem will become critical unless major changes are made in the promotion and assignment policies of the Foreign Service, according to a State Department study.

The six-month study concentrated on the four so-called "hard" languages—Russian, Arabic, Chinese and Japanese—regarded as most critical for the conduct of U.S. diplomacy in such areas as superpower relations, international trade and Mideast security.

It was made by Monteagle Stearns, former ambassador to Greece and one of the department's most senior career diplomats, at the request of Secretary of State George P. Shultz and his undersecretary for management, Ronald I. Spiers.

"My conclusion is that, while we are doing well in giving a large number of Foreign Service personnel a smattering of hard languages, we are doing badly in developing real professional proficiency in those who need it," Stearns said.

His findings also reflect wider concern within the department about the failure of many Foreign Service officers to master even the more widely used languages long regarded as standard tools of diplomacy.

The disinclination of younger Americans to study languages in high school and college and pressures to recruit minorities long ago forced the State Department to drop language skills as a requirement for entering the Foreign Service.

Once in, all officers receive some language training—usually in French or Spanish—designed to bring them to the 3 level on the department's proficiency rating scale, which ranges from zero to 5. But, while a score of 3 theoretically means that the officer speaks the language well enough to do his or her job, it actually amounts to only rudimentary conversational ability.

Stearns found that the blame rests not with the quality of the language instruction given by the department's Foreign Service Institute but with the low priority accorded to language ability in making assignments and promotions.

This finding is likely to provoke controversy because it comes at a time when the Foreign Service is adjusting to a new personnel system that severely limits promotions into the elite Senior Foreign Service and forces into retirement those who do not pass an accelerated promotion schedule.

The fact that the promotion criteria favor those with management experience has provoked sharp protests from many officers who believe that a diplomat's value should be measured by knowledge of a country, including its language. Stearns, clearly in agreement, says at the beginning of his report:

"If there is one skill that epitomizes the Foreign Service as a profession, it is the ability to understand and negotiate in a foreign culture. . . . It is this skill that not only distinguishes the Foreign Service from other professions, but without which there would be no need for a Foreign Service."

Yet, he continues, a study of the promotion lists for 1983, 1984 and 1985 shows that the State Department has "transmitted a signal that language proficiency is less important than other skills in advancing to the top ranks" and that officers "cannot afford to take time out for training, especially in hard languages, which take two years or more to achieve even limited proficiency."

In that three-year period, Stearns found, 147 officers were promoted into the senior Foreign Service. Only 28 percent, or 41 officers, were qualified in a hard language at a level of 3 or above, while 31 officers, or 21 percent, won promotion "despite the fact that they were not qualified at this level in any language," Stearns said.

Stearns did not provide examples of the handicaps such situations can pose for U.S. policy. But other officials noted that the State Department's day-to-day management of relations with the Soviet Union is controlled by two officers who are regarded as highly able in other respects but who have only a rudimentary knowledge of the Russian language. These officials also estimate that no more than five diplomats at the U.S. Embassy in Moscow can speak Russian very fluently.

This situation is in marked contrast to that of the 1930s and 1940s, when the State Department selected a small group of promising officers—among them George F. Kennan, Charles E. Bohlen and Llewellyn E. Thompson—for intensive training in the Russian language and Soviet affairs, creating the cadre of diplomats who managed U.S. policy toward Moscow in the post-war era.

Stearns, examining the class of 50 officers who entered the Foreign Service early this year, found that 16 "had some proficiency in a total of 20 hard languages" but that only three found their skills utilized in their assignments. Stearns pointed out that the requirements new officers must fulfill during their probationary first four years make it virtually impossible to identify those with a talent for languages and train them from the outset.

In an interview, Stearns said that the report has convinced Spiers that those willing to study the four critical languages should be given more time in grade before they must compete for promotion under the new rules.

But, he added, much more must be done to convince younger officers that the department does not hold language skills in the same regard as Otto von Bismarck evidently did. The chancellor of the German empire in the late 19th century was once told that an aspirant for an ambassadorship was able to speak five languages. Bismarck reportedly replied: "That's a useful talent—for a headwaiter."

SELECT COMMISSION ON NATIONAL SERVICE OPPORTUNITIES ACT OF 1987

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. TORRICELLI. Mr. Speaker, today I am introducing the Select Commission on National Service Opportunities Act of 1987. I introduced this legislation as H.R. 1326 in the 99th Congress.

The act will establish a Commission to focus attention and stimulate debate on the need for national service. The Commission will examine existing opportunities for service to the Nation and analyze, explore and assess alternative proposals for national service. It will determine how a program of service could help, the United States deal with youth unemployment, environmental hazards, the problems of the inner cities, and the need to deliver services to the elderly and the infirm.

The duties of the Commission will be as follows: to conduct meetings, hearings and conferences during the investigation of national service, and to identify existing service opportunities in the public and private sectors and their effectiveness in meeting national needs.

The Commission will examine: one, costs of providing incentives to participants in a program of national service; two, costs of establishing and administering a system of national service; three, costs and benefits of expanding existing service programs; four, costs, feasibility, and desirability of implementing a system of mandatory national service.

The Commission will consist of 21 members, including 11 appointed by the President, and 5 each by the Senate and House leadership. Membership on the Commission will be drawn from individuals from a variety of backgrounds including, but not limited to, educational institutions, private voluntary organizations, business, labor, the military, and young people aged 17 to 25.

Fifteen months after the Commission's first meeting, it will transmit a final report to the administration and the Congress with recommendations on how to implement a system of national service. Six months after the Commission report is submitted, the President will submit a final report on the implementation of the Commission's recommendations.

I have introduced this legislation out of a sense that the Federal Government must become involved in mobilizing our Nation's youth for constructive purposes. The New York City Volunteer Corps, the San Francisco Conservation Corps, and other local efforts have paved the way, but more needs to be done. America's young people find themselves in a dangerous and confusing world. In ever larger numbers, they are growing up in broken homes, performing poorly in school, and falling prey to alcohol and drug addiction. Youth unemployment is high; for many young people, crime pays.

While no panacea for our country's problems, national service will help provide American youth with a sense of purpose. Young men and women will feel pride in their work, pride in their country—and, above all—pride in themselves. The time has come to give these programs the nationwide scope they deserve.

MORAL MOTIVATION AND THE POWER OF SOLIDARITY'S EXAMPLE

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. KEMP. Mr. Speaker, it was not uncommon to hear predictions of Solidarity's demise after martial law was declared in Poland. In fact, Solidarity withstood the test of martial law, and the movement to "let Poland be Poland" flourishes.

Janice L. Schultz, professor of philosophy at Canisius College in Buffalo, is a leader in the international effort to support Solidarity. Her article in The Polish Review, "Moral Motivation and the Power of Example," explains the philosophy of the Solidarity movement as articulated by the priest-philosopher Father Josef Tischner. She underscores why Solidarity cannot be crushed by the power of a totalitarian State:

> * * * acting on the basis of what is right, concretized as serving others through love, is in the context of the moral awakening grasped as the only thing worth subordinating our life direction to. This realization is the greatest threat to the totalitarian mentality, for because of it one kneels before no other but God * * * one is prepared to give totally for the sake of higher values. The example of this strength, on which others know they can rely, is contagious.

The profound example of the Polish people struggling for human dignity in the face of totalitarian repression compels us to support those who struggle for freedom whenever and wherever they need our assistance. I commend excerpts of Janice Schultz' article to my colleagues.

MORAL MOTIVATION AND THE POWER OF EXAMPLE

There are times in history when a process of moral rebirth assumes national dimensions. In these days of talk about spheres of influence and balance of power, we must sometimes be reminded that our own United States was founded on a profound moral consciousness. Liberty, justice, inalienable rights—these were not mere concepts for our forefathers, but realizable goals for which they suffered and sacrificed. But one may ask, can such ideals be maintained in these cynical times? They can. For those who doubt, encouragement may come through grasping, in some way, the conviction of those involved in struggles for human dignity.

* * * Tischner himself helped to forge the spirit of which he writes—guiding, teaching,

mediating, living his beliefs. He was there. He, like so many Polish priests, was (and still is) in danger. One might wonder why the spirit of Solidarity emerged at this time, in that place. Perhaps it will never be fully explained, but certain points of general application stand out.

Think about a totalitarian society. We shall consider later the fear that characterizes the oppressors. Let us now look at the oppressed. Tischner focuses not on the suffering that results from natural disaster but rather on needless, avoidable, gratuitious pain imposed by other human beings. This suffering has many components, but Tischner approaches its nature through analyzing the moral pain that results from work, (human) labor, in which the person is treated as a means in the work process, rather than as the end of the process. This, he contends, strikes at human dignity itself.

To understand this, we must understand what Tischner, in the tradition of Pope John Paul II, means by human work. He is not speaking simply of physical labor but of any process through which we transform the Earth, appropriating nature to suit human needs while fulfilling ourselves as well. It encompasses every level of human activity, broadly divided into two categories: The effort to sustain life and guarantee its development (physical work), and the activity that manifests the deeper meaning of life (intellectural, spiritual work). Thus it is a social engagement that has a social end: as Tischner says, it is a conversation that in each country was begun before the present generation and will follow it. Significantly, it is not simply the result of need, for responses of this type also characterize animals. No, it is, by its nature, an activity of a rational and free being who, if he is to become a truly developed human being in the process, must understand the social import of his action, and intend the benefit of others. "Work is a basic area of human activity in which human goodwill expresses itself."

If work is to achieve its end, an agreement must be established between those who oversee the "general plan of work in a given society" and those who carry it through. When the planners—those in government, and even direct employers—or the workers do not have as their top priority the well-being of the community, that agreement breaks down. Tischner calls this "a disturbance of the structure of the dialogue of work, a tower of Babel at the level of work." "Could it be," he asks, "that work for man" has been replaced by "man for work"?

The goal of the oppressors who control a totalitarian society is the consolidation and increase in their power. Everything else, human work included, is considered a means to this end. Of course plans will be devised to effect results that will help the ruling elite to perpetuate its power, but such plans will lack the genuine kind of agreement that has as its end the benefit of society, and has as an integral element the recognition of the intrinsic value of the human beings that should be engaged in the agreement. It is important to keep in mind here that the traditional concept of the common good, used by Tischner, does not pit the individual against society.

Let me now return to the notion of the gratuitous suffering caused in a totalitarian society by the perversion of human effort or work. Two aspects immediately stand out. One is that the goal of the common good is replaced by the goal of power of the few, and the disastrous consequences touch every member of society at the basic economic level. For example, production of consumer goods is subordinated to military requirements, not simply for defense of the nation, but also for war against one's own people, if deemed necessary, and for expansionist policies. Wages, too, are allocated in this lights, and natural resources are plundered.

The second striking aspect is the direct thwarting of the development of the person in three ways. Let us note, regarding the first, that some work is centered on intellectual and artistic expression. To the extent that the means for developing the related capacities—means such as human interaction, the freedom of assembly—are deemed a danger to the elite, they will be suppressed. So, too, will certain products of these capacities, such as the affirmation of the value of the transcendent, of freedom, of the human person. Indeed, any truly creative expression, inasmuch as it underscores the free choice and dignity of its source, may be considered a challenge to the ruling power. Second, all organized systems for communicating skills and developing natural endowments will be tightly controlled in the interest of the state. To the extent that an academic subject such as philosophy or history promotes social cohesion and/or a glimpse of the possiblity and desirability of concerted action for the benefit of the country, it will be distorted or eliminated. With regard to both of the above areas of suppression the resultant suffering includes frustration in the quest for truth and in developing one's creative powers, and isolation from those with whom it is natural and beneficial for us to interact.

Perhaps most painful, however, is the inability consciously to direct one's effort toward helping others, for this is seen to be impossible when political power is implemented to support the interests of the very few. This strikes at the very heart of human dignity, at what I have called moral motivation. Indeed, there is in the totalitarian society a systematic attempt to kill genuine love as a basis of action. For such love, through its example, ignites more love, and more interconnectedness. In the words of Tischner: "The one who exploits and abuses work is aiming at what is most human in a person—at the very goodness of human will." Recognizing this attempt, says Tischner, is like feeling the pain of a lie. When a liar seeks to impose on us the juxtaposition of words and reality that do not fit, we feel offense as raional beings whose minds are created to attain both the truth and the unity with the world attained through truth. We react similarly when the despot seeks to separate us from the human moral impulse appropriate to grounding the action of a rational and free being, and impulse which unites us with others. In connection with this, Walesa says in his afterword to Tischners' book: "Solidarity is a communion of the people who do not wish to participate in a lie. This is the simplest ethic of the common working people."

"* * * love for other human beings is the crown of the moral awakening—the love that in fact coincides with the moral impulse—so when we see the antithesis of this love thrust against another human being, the risk emerging from our moral engagement seems insignificant. Indeed, so powerful can this experience be that the "yes" to helping can be absolutely immediate. And the appropriate responses is known unquestionably to be a positive one: "The Good Samaritan does not even pursue the robbers to capture them. His first duty is to care for the wounds of the stricken one." Innumerable times Tischner speaks of truly moral action as for someone: Is "we" first, or is "for him" first? The communion of solidarity differs from many other communions in that "for him" is first and "we" comes later. First is the wounded one and the cry of pain. Later, conscience speaks, since it is able to hear and understand this cry.

Obviously, to have hope is particularly important when concrete just actions must be subdued or deferred. As Tischner points out "Because hope directs us to future values, it allows us to overcome today's difficulties." By the same token, it seems that manifesting hope is obligatory in the most trying of times. In the absence of being able effectively to prevent widescale human exploitation, our obligation to do what is really morally good, hence beneficial, becomes focused on perhaps the most salutary effect of morally good action—encouraging others to do good, at the very least by showing its possibility. The manifestation of hope declares that one believe doing good will be possible, and fidelity to this conviction, then, is itself morally uplifting. Hence Tischner says "* * * the ethics of Solidarity become the ethics of awakening—awakening to being a parent according to hope * * * The basis here is fidelity. Those who have once accepted hope that has been entrusted to them, let them bear it throughout their whole life.

Once again, then, we return to the power of example—here, the example of one who hopes. This hope is not naivete about the ease of converting the oppressor. Hope seeks justice but only through justice. Hope joined with fidelity persists in spite of witnessing the darkest side of humanity: "Since treachery has occurred, fidelity must follow," says Tischner, "since humiliation has been inflicted, respect must ensure. Since there was degradation, equality must come."

RESOLUTION ON FOREIGN LANGUAGES AND INTERNATIONAL COMPETITIVENESS

HON. LEON E. PANETTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. PANETTA. Mr. Speaker, it is my privilege today to introduce a resolution on the importance of foreign language study and knowledge in relation to American competitiveness in the international economy. This resolution is being offered as part of Congress' observance of National Foreign Language Week.

This commemorative occasion is intended to highlight the growing significance of foreign language education and training for Americans at all ages and from any walks of life. An identical resolution will be introduced in the Senate tomorrow by Senator CHRISTOPHER J. DODD of Connecticut.

I have been an advocate of international education programs for a long time, and have continually worked to protect such programs from attempted cutbacks and eliminations. Our future national security and economic prosperity depend on our ability to communicate with our foreign counterparts. As technology shrinks the distances separating the nations of the world, we find ourselves dealing with foreign nationals with greater and greater frequency.

Across the negotiating table, in our laboratories, through business deals, and in academic conferences we place ourselves at an immediate disadvantage by our limited ability to communicate. We must wake up and recognize that English is no longer the only game in town. One of the key themes, and tasks, for this Congress is restoring America's competitiveness in a highly complex, rapidly changing world. Improving our foreign language training capability is a concrete and attainable goal in the context of international trade and our place in the world economy. It is a substantial way to give content to the buzzword of competitiveness.

Japan's remarkable recovery since the end of the war has been the greatest economic success story of the century, much to the chagrin of many of her competitors. The success can be attributed to a number of factors, but I do not think that we can underestimate the importance of Japan's international marketing strategies, including especially its strong emphasis on other languages and cultures.

The Japanese have deliberately prepared their businessmen and other professionals to operate in a global marketplace, with multicultural customers. They have learned the language, analyzed the needs, grasped the culture, and tried to understand the basic psyche of all potential consumers. It is estimated that there are 10,000 Japanese businessmen who speak English in the United States, while less than 1,000 Japanese-speaking American businessmen are in Japan.

U.S. companies, for the most part, have marketed their products abroad American-style. American advertising campaigns have not been as effective as they could be because we have not taken the time to understand international audiences. For example, in Italy advertisements for Schweppes tonic translated the products as "bathroom water." A Coca-Cola ad was phonetically translated into Chinese characters as "bite the wax tadpole." Not to be outdone, Pepsi's "Pepsi brings good things to life" translated into Chinese as "Pepsi brings your ancestors back from the dead." And Chevrolet marketing executives were stumped as to why their Nova car was not selling in Spain until they finally realized that "Nova" translated into Spanish means "does not go." We have committed countless careless, thoughtless and costly mistakes which have done nothing for American prestige, let alone product sales. Americans are certainly not alone in making such errors, but especially considering our place in the world's economy and trade, we definitely need to significantly improve our foreign language capabilities.

The language of business must be the language of the customer. Yet, in only a small percentage of the Nation's business schools are courses in foreign languages or international affairs required. While 30 percent of American business profits are derived from trade and over 4 million Americans travel abroad on business every year, the majority of American business persons have no training in foreign languages or international affairs. In fact, less than 1 percent of U.S. business schools have a foreign language requirement. We simply are not preparing these business majors for the future.

Likewise, our scientists and engineers are quickly finding that the latest breakthroughs in their fields are no longer occuring exclusively in English speaking countries, or being reported only in English language journals. While other countries have access to most American technological advances through translation of journal articles or direct knowledge of English, Americans often do not have similar access simply because we lack language capability. For example, less than 20 percent of Japanese technical journals are translated into English, while most Japanese scientists and engineers are able to read English or have access to translations of English into Japanese. This situation must change, or our leadership in science and technology in the world will also change, for the worse.

In short, foreign language study should no longer be limited to foreign language majors. Students themselves are beginning to realize that knowledge of certain languages will make them more attractive to potential employers. Accordingly, enrollment in college-level Japanese courses increased 40.2 percent from 1980–83. This trend must be encouraged and expanded to encompass all languages of the world. Japan's is not the only market in which we will compete in the years ahead.

Commerce in the Middle East, for example, will grow increasingly significant, to say nothing of its strategic value. Yet over the same 1980–83 period, the number of students studying Arabic actually declined by 0.9 percent.

Higher education institutions should broaden their foreign language programs and make minimum language competency a requirement. Although some colleges and universities are beginning to reinstitute language requirements that were dropped in the late sixties and early seventies, the Federal Government must encourage them to continue along this path. Our Nation needs broad-based competency and indepth specialization in international languages and affairs.

Our educational institutions must be prepared to meet these dual needs on an unprecedented scale. The Federal Government must provide the leadership to encourage this trend. Encouraging increased foreign language enrollments and requirements, maintaining and upgrading teachers' language skills, and promoting hands on experience abroad will help to set these wheels in motion.

It is in this spirit that I think Congress should move to encourage improved and expanded foreign language programs, not only in Japanese, but in the languages of all regions of the world. It is imperative that we be able to function effectively in the increasingly complex and intertwined network of international trade and relations.

The economic competitiveness of the United States depends increasingly on substantially improving our knowledge of foreign languages and international affairs in the business and educational communities, and creating an awareness among the American public of the internationalization of our economy.

This Nation should commence a concerted, multipronged effort to improve the foreign language capabilities and international knowledge of the American people through the cooperation and collaboration of all levels of government and the business and educational communities.

For your convenience, the full text of the resolution follows:

H. Con. Res. 65

Whereas the citizens of the United States lack adequate knowledge in foreign languages and international affairs compared to several of our major trading partners;

Whereas the lack of international competence has contributed to the largest international trade deficit in our Nation's history by undermining the ability of United States firms to deal with foreign clients and to compete with better-trained foreign competitors;

Whereas in order to be competitive in the international marketplace United States business firms must be able to communicate effectively with clients in other countries;

Whereas 30 percent of American business profits are derived from trade, 40 percent of American farm products are made for export, and over four million Americans travel abroad on business each year, yet the majority of American business people have no training in foreign languages or international affairs;

Whereas less than 1 percent of American students study the languages, cultures and geography of nations which have three-fourths of the world's population;

Whereas only 5 percent of American elementary school students study a foreign language, only 20 percent of American colleges and universities require a foreign language for admission, and only 5 percent of American college graduates are fluent in a foreign language;

Whereas the Nation currently faces a severe shortage of foreign language educators which impedes the expansion of international curricula in the Nation's schools, colleges, and universities;

Whereas the President of the United States recently proclaimed March 1, 1987, through March 7, 1987, as "National Foreign Language Week" and stated that "As the world becomes increasingly interdependent, the United States has a great need for people fluent in foreign language in . . . the foreign service, international business, and education."; and

Whereas recent reports of the National Commission on Excellence in Education, the National Advisory Board on International Education, the Carnegie Foundation for the Advancement of Teaching, the Southern Governor's Association, the Council of Chief State School Officers, the National Association of State Boards of Education, and the Business-Higher Education Forum have all emphasized the importance of foreign language and international education to the Nation's long-term economic and security interest: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), **That the Congress finds that the ability of the United States to compete economically depends—**

(1) on creating an awareness among the American public of the internationalization of our economy, and

(2) on increasing the knowledge of foreign languages and international affairs in the business and educational communities.

Sec. 2. Congress calls upon all levels of Government and the business and educational communities to cooperate in a concerted effort to improve the foreign lan-

guage skills and international awareness of the American people.

TRIBUTE TO DR. SUBRAMANIAN

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. KEMP. Mr. Speaker, I'm sure many of my colleagues are aware that the Children's Hospital of Buffalo is one of America's most outstanding health care facilities. One of the strengths of Children's has been the leadership and expertise of its medical/dental staff.

For the past 19½ years, Dr. Sambamurthy Subramanian has served as chief of cardiovascular surgery at Children's where he performed more than 5,000 heart operations and established an international reputation as a pioneer in surgical techniques.

Along with Dr. Bernardo Vidne of Israel, Dr. Subramanian developed the Subramanian-Vidne hypothermia chamber—a process enabling the physician to lower an infant's body temperature, placing them in suspended animation before surgery.

Dr. Subramanian also helped perfect the technique of bloodless surgery whereby the patient's own blood is diluted and reused in place of transfusions during heart operations.

Dr. Subramanian, known as "Subra" to his many friends, was a mainstay in the Buffalo community. He was an active participant in many western New York civic and charitable events.

He was always willing to donate his time and, very often, his medical expertise, to a worthy cause—often at great personal sacrifice. Recently, the Buffalo News quoted him as saying "Buffalo has represented a big, big chunk out of my life."

Last month, "Subra" joined the medical staff of Miami Children's Hospital. As his friend and comrade-in-arms, I wish him well in this new challenge.

On behalf of the thousands of western New Yorkers, let me express a most sincere thanks to "Subra" for being a very big part of the lives of the children, their families and his many friends who know him affectionately, as Dr. Superman.

NATIONAL FOREIGN LANGUAGE WEEK

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. GOODLING. Mr. Speaker, I have spent the bulk of my career involved in the field of education. As a teacher, school superintendent, school board member, and now vice chairman of the Committee on Education and Labor, I have observed the increasing demands placed on our educational system.

At one time it may have sufficed to finish high school with minimal skills in the basic academic areas in order to lead a productive life. In the past, these educational skills, combined with hard work, and superiority in scientific and trade capacities, allowed America to lead the world in productivity and standard of living.

As we all know, things have changed. In order for the United States to continue to maintain its competitive edge and high standard of living, the education we provide our children and adults is going to have to change. There are no quick fixes or simple solutions that will produce an educational system capable of coping with these demands. However, it is clear to me that we must educate more of our young people about other cultures, and especially other languages. Without the ability to communicate and understand our trade partners, how can we expect to do business with them?

I would like to congratulate my colleague, Mr. PANETTA, for his efforts to raise our awareness of the importance of foreign languages, and I am pleased to join other Members in commemorating this special week.

TRIBUTE TO ANTHONY LUNA

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. TORRICELLI. Mr. Speaker, I rise today in tribute to Mayor Anthony Luna of Lodi.

Tony, as he is known to his many friends, has long been involved in the body politic in the State of New Jersey.

He served on the board of education in Lodi from 1972–75 being elected to its presidency in 1975. Tony offered his candidacy for the New Jersey Assembly in 1981 and was a member of the speakers platform for Senator BILL BRADLEY in 1983.

He served as the commissioner on the Private Industry Council Board from 1982–84.

A devoted family man for 28 years, Tony and his wife Kuth have four loving children. Tony has always shown great concern for his own community of Lodi, serving as councilman from May 1984–May 1986; being elected mayor of Lodi on June 10, 1986.

Tony has always found the time to bring his varied talents and enthusiasm to his involvement in civic affairs. He served on the board of directors of the Lodi Boys Club, UNICO of Lodi and the Babe Ruth League. Tony is currently a legislative aide to New Jersey State Senator Paul Contillo.

Tony has brought his vast knowledge and leadership qualities to the business community as well these past 29 years, working at the Greater New York Box Co., where he is currently technical director.

Those of us who are privileged to know Tony are aware fo his abilities and talents. I take pride in recognizing the many accomplishments of this fine friend and public servant.

HAMBURG, EDEN, AND CONCORD, NY, CELEBRATE THEIR 175TH ANNIVERSARY

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 5, 1987

Mr. KEMP. Mr. Speaker, it is a distinct privilege for me, as Congressman for the 31st District, representing western New York, to mark and recognize the 175th anniversary celebration of the towns of Hamburg, Eden, and Concord on March 20, 1987.

In 1797, the Holland Land Co. bought 4 million acres of land, including what is today western New York, for $100,000. The first settlers emigrated from New England and the eastern part of New York, and later others followed from around the globe. These courageous and determined pioneers left their well-settled towns and lifestyles to embark on this journey in the hope of finding new and greater opportunities for themselves and their families. The communities they founded are a tribute to their vision, dedication, and courage.

The descendants of these brave men and women continue the progress that began over 175 years ago, working together as a community to improve the quality of life. This anniversary celebration provides us with a strong sense of satisfaction with what we can accomplish, when we, as Americans, work together. Today is not only a celebration of the 175th anniversary of the incorporation of Hamburg, Eden, and Concord, it is also a triumph of the American spirit and a tribute to the ideal that all Americans may reach as high and as far as their God-given talents will take them.

Much has changed since 1803, when John Cummings became the first settler of the area that is now Hamburg. But I am pleased to report that the pioneer spirit that existed 175 years ago is still alive and well today in the towns of Hamburg, Eden, and Concord.

We owe a great debt to the early founders and the immigrants who settled here, toiled long hours and struggled to build our community, and to their descendants who have made these towns what they are today. I am proud to represent these communities in the House of Representatives, and am privileged to call Hamburg my home. It is truly "the town that friendship built." Today, I call on my colleagues in Congress to join me in wishing the towns of Hamburg, Eden, and Concord a very happy 175th birthday.

SENATE—*Friday, March 6, 1987*

The Senate met at 10 a.m. and was called to order by the Honorable KENT CONRAD, a Senator from the State of North Dakota.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Hast thou not known? hast thou not heard, that the everlasting God, the Lord, the Creator of the ends of the earth, fainteth not, neither is weary? there is no searching of His understanding. He giveth power to the faint; and to them that have no might He increaseth strength. Even the youths shall faint and be weary and the young men shall utterly fail: But they that wait upon the Lord shall renew their strength; they shall mount up with wings as eagles; they shall run, and not be weary; and they shall walk, and not faint.—(Isaiah 40:28-31).

God of might and mercy, thank You for the profound truth proclaimed by the prophet Isaiah. Despite the fact that our culture does not want leadership to reflect vulnerability—and difficult as it is for people in positions of power to acknowledge weakness—give to the Senators grace sufficient to admit their need and open minds and hearts to You. As they face imponderable issues, in critical, dangerous days, help them accept the reassurance and promise of the undiminishing adequacy of your infinite resources. In His name in Whom resides all power in Heaven and on Earth. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader, the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRUTHFULNESS AND ENGAGEMENT

Mr. BYRD. Mr. President, the speech delivered by the President this past Wednesday night on the Iran-Contra scandal has been generally well received. The President is trying to regain his balance and I applaud that effort. It was, as usual, a well-delivered address. He has been commended for going further than before in recognizing the damage that has been done to his Office and the credibility of the Nation through the poorly-conceived policies relating to trading arms for hostages and for the flouting of the law relating to Contra aid. The President conceded that mistakes were made and in his closing remarks expressed a desire to learn from mistakes he had made, and to change. Those are fine sentiments. It is not a question of how eloquently the President apologizes for past errors, important though that may be. The important thing is that changes are made so that the causes of the policy debacles are not repeated, and those policies become more professional, sounder, more sustainable, workable, and credible.

The issue is not whether the President has turned the corner or put it all behind him or healed the wounds through an exceptional oratorical display. This is not a football game and it is not a soap opera. The damage of the Iran-Contra affair was caused by poor judgments, deceptions, disdain for the law, and lack of proper cross-checking and scrutiny by the relevant and responsible institutions—known as the checks and balances of the American constitutional system. At bottom, it was fueled by a lackadaisical style which condoned nearly anything for the ends desired—the two ends in this case were the release of our hostages and the overthrow of the Nicaraguan Government. The only lasting balm to the Nation's wounds, the only workable corrective repair for the damage, is, first and foremost, a renewed respect for truthfulness and for competence; second, for the integrity of the institutional checks of our system; and, third, a changed management style which involves the President in the day-to-day, hands-on, sustained involvement, or engagement in the pressing policy matters of our day. These are, in my opinion, the standards for success. The question is how well the President met them in his speech two evenings ago—that will tell us something of where we are going from here.

I am troubled by the rewriting of history, particularly when much of that history has been freshly exposed by the preliminary investigation of the Tower panel. The ink is hardly dry on that report. It was a report which was tough and candid. It found that the President signed a finding on January 17, 1986—14 months ago—to provide arms to Iranian groups, and one of the three stated purposes in that finding to which President Reagan attached his signature was that of "furthering the release of the American hostages."

How much plainer could this language be? Yet, the President simply did not find himself able to admit this, and instead he continued to maintain that the purpose of the arms sale was "as a strategic opening to Iran" which, in his words, "deteriorated in its implementation into trading arms for hostages."

It is legitimate to ask if there is an ongoing continuation of what has been the difficulty to come to terms with and admit the course that evolved, a course which has been supported by the facts. In the case of the Contra diversions and many other facets of the Contra history, there is hardly more than a passing reference by the President in his address.

The Contra policy was and still is the most emotional foreign policy of the entire history of the Reagan administration. It is the top priority policy which best characterized the central concerns of this President's approach to the world—the fight against communism, the desire to appear tough, not to compromise with democratic values, and the easy tendency to brandish the sword. And, so, how are we to interpret only a passive passing reference to this matter by the President on Wednesday night? Where is the commitment to get the truth out on the Contra scandal? There are a host of unanswered questions. As the Tower board indicated, no one yet knows what happened to the money, how much public money was illegally misused, how much is missing, what all the sources of money were, how they were raised, whether there are, even today, illegal financial diversions, extortions, and unethical practices occurring.

Of course, that question will have to be determined by the ongoing investigations, by the two select committees—one in the House, and one in the Senate—and by the independent counsel. The Tower Commission was not clothed in the necessary legal authorities to determine the answers to those questions.

Those have not been cleared up, and it will take time to complete the determination of just what happened. The question of the destruction of public records and documents has not been cleared up, and it is hardly enlightening to hear the President tell us that "no one kept proper records of meetings or decisions" in the White House.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

There are many areas of inquiry which remain.

What was the nature of, and activities of, the extensive shadowy networks which spanned the globe on behalf of the Contras, and what directions came from the White House officials and from whom?

Just late last afternoon, the President submitted a request to the Congress to free $40 million in Contra aid, to give yet another $40 million in taxpayers' money to the Contras. Do the Contras need this money? If we do not know how much they got from the sales of weapons to Iran, if we do not know how much they got from friends and allies around the world, if we don't know how much private individuals contributed to the hidden accounts in the Bahamas, in Switzerland, and elsewhere, then how and why should the American people be asked to give more? Where is the accounting of what has happened so far?

It was impossible, according to the media, many months ago, to ascertain a full accounting of the $27 million Congress provided in humanitarian aid. That accounting could not be had at that time, many months ago. Why should the American people not have a full accounting of the moneys that have already been spent before we give another $40 million?

We are probably going to have some debate on this matter over the next few days. We will look forward to that.

Mr. President, the President's speech was, I hope, a start in reforming his style before time runs out on this administration, just as the Tower report will help us get started, as Senator Muskie so rightly pointed out. There is a long way to go. The immediate request for another $40 million in military aid to the Contras runs counter to these hopeful signs. We want to get on with the Nation's agenda, in arms control, in trade policy, in diplomacy, in balancing the budget, and so on. We in the Congress are ready to help, to cooperate, and, hopefully, to succeed. We are going to be ready to help, now that the currency of our new partnership, which the President has promised, is truthfulness and sustained, positive Presidential engagement.

Mr. President, one of the first tests of the new Presidency will be the President's willingness to sit down with congressional leaders, with the Budget Committees, the Appropriations Committees, the elected leadership in both Houses, on both sides of the aisle, and discuss the budget deficits and how to get a handle on the budget deficits.

The President has taken some initiatives we all applaud in recent personnel selections—the appointments of Mr. Carlucci, Senator Baker, and Mr. Webster will all help the President formulate more coherent policies, and help build a more positive relationship with the Congress.

Howard Baker is a man of the Senate. He understands how Congress works. He is a savvy politician. He is a reasonable and honorable man. He is highly respected by all Members of this body on both sides of the aisle here and highly respected on both sides of the aisle in the other body.

I believe and hope that Mr. Baker will be able to convince the President and the administration of the wisdom of working more closely with Congress, sitting down with Congress, and attempting to deal with this very thorny problem of budget deficits. With the President we can do much; without the President, we can do little. The decisive requirement is for America to have a President who knows what he is talking about, who takes the time and trouble to understand the issues, who rolls up his sleeves and truly, truly works and whose actions match his words.

Mr. President, I stand ready to cooperate with the President in dealing with these severe problems to which I have alluded.

TESTIMONY BEFORE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION

Mr. BYRD. Mr. President, I ask unanimous consent that a copy of the testimony that I presented to the Subcommittee on Environmental Protection of the Committee on Environment and Public Works on March 4, 1987, be included in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF ROBERT C. BYRD BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL PROTECTION, COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. Chairman, I would like to begin by thanking you for holding these hearings. As you are well aware, I believe that new clean coal technologies must be developed and demonstrated in order to ensure any energy future of abundant, secure supplies at reasonable cost. Electricity is the engine of our economic growth and international competitiveness. While energy security is the primary goal of clean coal technology research development and demonstration, I also believe that the long term development and deployment of clean-burning processes will lead to steady progress toward resolving the acid rain problem.

Since at least 1980, Congress has been debating what should be done about the acid rain "emergency." For a decade we have been warned that without immediate and drastic control measures, our lakes and forests would be faced with impending doom. Fortunately, in 1980, Congress put into place a massive acid rain research program. While the debate has raged, scientists have been carefully performing experiments and gathering information. The results will not be fully completed until the end of the decade, but we have already learned some things that have significant policy implications.

First of all, we have learned that it appears that lake acidification is not currently widespread. The lake surveys recently completed by the Environmental Protection Agency indicate that less than 1% of our eastern lakes and none of our western lakes are acidified.

Secondly, there is no trend analysis indicating that things have been getting worse or that they will get worse any time soon. Thus, there is no reason to believe that the problem will become more severe if we do not take immediate and drastic action.

Thirdly, it is not clear what role, if any, acid rain is playing in forest damage. Other pollutants, as well as natural stresses, are likely to be implicateu. There is still real danger that if we were to initiate controls on SO_2 to help our forests, that we would be controlling the wrong pollutant.

We are not facing an environmental "Armageddon." The important thing is to achieve steady progress in reducing emissions. Immediate, massive reductions are not scientifically defensible.

Perhaps I would demand as much scientific certainty if the impacts of the acid rain control legislation introduced so far were not so severe. But severe they are indeed.

Not only would these bills be expensive, socially disruptive and injurious to our competitive position, but they could also harm the environment in the long run. The time and money that could be spent developing and deploying newer, cleaner coal technologies may instead be diverted to retrofitting equipment or switching coals in order to meet the requirements these bills would impose. Many of the technologies now under development can do better than the current New Source Performance Standards (NSPS) for both SO_2 and NO_x.

For example, integrated gasification combined cycle (IGCC) has demonstrated SO_2 removal levels of over 99 percent. A demonstration program resulting in wide deployment of this technology in new plants would drastically reduce long-term emissions of SO_2.

Currently proposed acid rain legislation achieves near term reductions at the expense of the long term. Given even conservative estimates for future electricity demand and generating capacity, we will need 100 thousand to 200 thousand megawatts of new capacity by the turn of the century. We must begin to demonstrate new clean technologies now so they will be available to meet this future growth.

In testimony before the Senate Energy and Natural Resources Committee in June of last year, Kurt Yaeger of the Electric Power Research Institute summarized the case against an acid rain control program that would retrofit flue gas scrubbers on existing high-sulfur coal-fired capacity. He said:

"If the $200 billion necessary to implement the scrubber retrofit strategy over the remaining life of the affected plants were instead invested on new plants using advanced clean coal technologies, it would provide about half of the new generating capacity the nation is likely to require during the next 30 years. Such an investment would provide superior environmental control, not only for sulfur oxides but also for nitrogen oxides and solid waste, while improving the productivity and cost of power generation."

Proponents of control legislation have been debating for the past seven years how to achieve the largest emission reductions in the shortest possible timeframe, often without sufficient consideration for the economic disruption and energy policy implications of such approaches. In the meantime, I initiated a clean coal technology program that will achieve, among other things, long term, real reductions in emissions of acid rain precursors. The clean coal technology program makes sense—economic sense, environmental sense and energy policy sense.

In November of 1984, the Congress created a $750 million clean coal technology reserve over the strong objections of the Reagan Administration. The reserve is to be used to co-fund clean coal technology demonstrations with the private sector. Despite the Administration's less than enthusiastic implementation of the first round of the program, it has achieved impressive results. The industry response has been overwhelming. DOE received 176 submissions involving 159 specific projects from sponsors in 29 states. Industry identified more than one dozen technologies which were near commercialization but required large-scale demonstration before they would become acceptable to the marketplace.

The submissions indicated that industry was, in fact, willing to spend very significant private funds, often exceeding 50% of the cost of a project. In July 1986, DOE selected nine projects and fourteen alternates to participate in the program. Negotiations have been completed on two of the nine projects so far, and the rest are expected to be completed soon.

Under the first round of the program, DOE will spend nearly $400 million, with an additional $600 million being put up by industry and states. The nine projects represent a variety of technologies for a variety of applications. For example, American Electric Power will repower its Tidd facility in Brilliant, Ohio, with a 70 Megawatt pressurized fluidized bed combustion combined cycle plant. The project is estimated to cost $167.5 million with the Federal government share being $60.2 million. The company has agreed to absorb any cost overruns and has agreed to a plan to repay the Federal contribution. Construction is scheduled to begin by the end of 1987 with the three year operation phase starting in early 1990. Removal efficiencies better than NSPS levels are expected for both SO_2 and NO_x.

As another example, Coal Tech Corporation will demonstrate an advanced horizontal cyclone combustor with integrated sulfur, nitrogen, and ash control systems. The combustor will be a 30 million Btu/hr industrial boiler. Not only will this project facilitate commercialization of new industrial boiler technology but it will also provide an excellent basis for scale-up to larger utility boilers. Over 90 percent SO_2 removal and 70 percent to 80 percent NO_x removal is anticipated, thus meeting or exceeding NSPS levels.

This project is a true cooperative effort. The Pennsylvania Energy Authority is contributing $200,000. Pennsylvania Power and Light is providing test coals, and Keeler Boiler Manufacturing Company is providing the boiler and test site. The total cost of the project is estimated to be $786,000, of which 50 percent will be paid by DOE.

In the past year, the Administration has switched from staunchly opposing to warmly embracing the Clean Coal Program. I will not speculate on what might have caused this rather dramatic turnaround, but I welcome their new-found support. The conversion is so complete, in fact, that the Administration is now touting the Clean Coal Program as the down payment on the implementation of the recommendations of the Canadian-American joint special envoys report on acid rain. In point of fact, however, the first phase of the program was authorized by Congress and funds for it were appropriated well before the envoys' report was published.

Phase I was designed to facilitate the use of coal in a wide variety of situations. Some of these applications, by chance, happened to conform to a strict reading of the Lewis/Davis report. For those projects conforming to the criteria, emission reductions will be achieved more cost-effectively than would have been the case if existing scrubber technology had been employed.

This past summer, Congress directed DOE to solicit industry interest in a second round of the program targetted to projects that retrofit, repower or modernize existing facilities. Industry demonstrated its continuing strong commitment to the clean coal program by submitting 140 project proposals in response to the second DOE solicitation. Eighty-three of the 140 responses included cost estimates for their projects totalling $3.58 billion. Based on the cost estimates submitted, the total value of the 140 projects, including the Federal government's contribution, would be $6 billion. Almost all of these projects would meet the specific criteria in the special envoys' report as well as the broader objectives of the clean coal reserve.

I was encouraged to see that the Administration has requested a multi-year increase in funding for the DOE clean coal program. With this new-found support, I expect that the Federal government will make substantial progress in expanding the use of coal to power our nation's economic growth. Through this effort, we can move to the forefront of the development of clean coal technology for domestic as well as international markets. We will improve the environment while making America more competitive.

I believe that with continued support from both the Congress and the Executive Branch, the clean coal program will ensure that we will have long-term domestic supplies of clean energy. However, the penetration of new technologies into the private sector can sometimes be a slow process. Companies are always risk-averse, but regulated firms such as electric utilities are particularly wary of taking technological risks. The Clean Coal program, although only midway through its demonstration phase, is an excellent way to encourage utilities to take such risks. The next step is to develop a deployment strategy that will provide the additional financial and regulatory incentives required to commercialize these technologies.

I mentioned earlier that the Clean Coal technology program can accomplish our energy and environmental goals without causing the severe economic impacts associated with the acid rain control bills before this committee. What are these impacts?

S. 300, a bill introduced by Senator Stafford, has the distinction of being the most stringent and expensive bill that has yet been devised to deal with the acid rain problem. And it would go into effect at the earliest date. ICF, Inc., estimated that the bill would cost over $20 billion per year when fully implemented. It would force every existing coal-fired power plant in the country to either shut down or put on stringent controls. These controls would not only include costly scrubbers, but also selective catalytic reduction, a technology that is not presently required in this country even on new sources. And the 1991 deadline, the earliest of any bill, would clearly preclude the use of innovative technology.

The bill would cost West Virginia powerplants $1 billion per year, and would increase statewide average electricity rates by 29 percent. Some companies and residents would see even more severe increases.

According to a June 1985 report by the Congressional Research Service, which was updated recently at my request (and is included as an attachment to my testimony):

"The core of West Virginia's industrial economy is electricity-intensive and the industrial base is not very broad. West Virginia's industrial position is therefore very sensitive to increases in the cost of electricity. Furthermore, West Virginia's primary metals and chemical industries—the core of the State's industrial base—may shoulder the majority of industry's share of acid rain control in the State."

For example, one major chemical manufacturer has estimated that under the Stafford, Mitchell or Proximire bills, power costs for the company could increase by $3.1 million to $5.4 million per year for its West Virginia operations. In addition, they would have to make capital expenditures of $8 to $10 million to meet new NO_x standards for industrial boilers. Cost increases of this magnitude could force companies such as these to relocate, thereby increasing unemployment.

A major aluminum manufacturer would be forced to close its West Virginia smelter under any of the current proposals. The aluminum industry is particularly vulnerable to electricity cost increases. The example of the West Virginia smelter could be replicated throughout the U.S., thereby increasing our dependence on foreign imports.

Under S. 300, industrial electricity prices to energy-intensive midwestern firms could increase by 15 percent to 40 percent. The chlorine/caustics industry, for example, would face cost increases ranging from 16.5 percent to 31.7 percent of its product prices.

Keep in mind that the rate impacts, which undermine industrial competitiveness, will not be confined to the midwest. The problem would be national because many states export power to other regions. West Virginia, for example, exports 70% (54 billion kilowatt-hours) of the electric power generated within its borders to serve seven other states: Ohio, Pennsylvania, Virginia, Maryland, Tennessee, New Jersey, and North Carolina.

These impacts should be of grave concern to the 100th Congress because of its major commitment to improve the international competitiveness of American industry. Legislation such as S. 300 would be completely counterproductive to our major legislative goal.

S. 321—your bill, Mr. Chairman, while somewhat less expensive than S. 300, would still be very costly. While I commend the current chairman of this subcommittee for including in his bill more reasonable NO_x provisions than those in S. 300, the SO_2 provisions remain very expensive and the deadlines soon enough to preclude many innovative technologies.

Of particular concern in S. 321 is the fact that it would allow plants to switch from high sulfur coal to low sulfur coal instead of installing scrubbers. While often cheaper for the utility, the dollar savings from fuel switching would be achieved at a large human cost. Many coal miners would lose their jobs. Many of those miners live in my state. According to CRS, large-scale coal-switching would cause unemployment in northern West Virginia to increase by 17 percent.

I have a similar concern about S. 316, introduced by Senator Proxmire. This bill would also result in massive coal switching. High sulfur producers in northern Appalachia and the Midwest could lose over 100 million tons of projected coal production by the year 2000.

Mr. Chairman, we stand at a crossroads. If we go in the direction outlined in the bills before this committee, it will mean that we will spend billions of dollars on out-of-date scrubber technology, drastically increase industrial and residential electricity rates, precipitate massive job disruption, and add to our burgeoning trade deficit—all in the name of dealing with a crisis that does not exist.

On the other hand, if we take the path of clean coal technology demonstration and deployment, I believe we can make steady progress towards meeting our energy and environmental needs while preserving the livelihoods of our citizens and the competitiveness of our industry.

CONGRESSIONAL RESEARCH SERVICE,
THE LIBRARY OF CONGRESS,
Washington, DC, February 18, 1987.

To: Senate Democratic Policy Committee. Attention: Judi Greenwald.

From: Larry Parker, Specialist, Environment and Natural Resources Policy Division.

Subject: Impact of S. 300 and S. 316 on Electricity-Intensive Industries.

In response to your request, I have made some estimates of the impact of S. 300 and S. 316 on electricity-intensive industries. The estimates are based on a previous CRS report entitled "Acid Rain Legislation and Midwest Industry: A Mountain or a Mole Hill?" No attempt has been made to update the descriptions or assumptions of that analysis, except to calculate appropriate acid rain induced rate increases for S. 300 and S. 316.

ESTIMATING RATE INCREASES FROM S. 300 AND S. 316

As we discussed, EPA-funded ICF reports on S. 2203 and S. 2813 provide some electric rate approximations for examining S. 300 and S. 316, particularly S. 316.[1] However, because of changes in S. 2203 incorporated in S. 300 and ICF's method of analyzing S. 2203, the ICF report on S. 2203 probably overestimates the potential impact of S. 300. Hence, for accuracy, I believe the S. 300 scenario based on the ICF numbers should be called an "all FGD/SCR" scenario.[2] The ICF scenario for S. 2813 should be largely applicable to S. 316, which is the same as S. 2813 except that S. 316 has a tonnage cap on future emissions.

Thus, this memo uses two scenarios based on the EPA-funded reports: (1) a S. 316 scenario, and (2) an all FGD/SCR scenario. While these numbers are useful for the illustrative calculations of this memo, they are not substitute for site-specific analysis as done in part in the previous CRS report. All of the caveats discussed in that report apply to this memorandum.

Table 1 indicates the resulting rate increases in the year 2000 for the S. 316 and all FGD/SCR scenarios in seven States with electricity intensive industries. As indicated, the range produced by the S. 316 scenario is the same as that developed by CRS to analyze the impact of H.R. 3400 of the 98th Congress. This coincidence should not be taken too strongly. The previous CRS report did some site-specific work on individual utilities, utilities which tended to benefit directly from H.R. 340's cost-sharing provisions. The numbers developed here are statewide averages, reflecting not only the specific utilities having electricity intensive industry, but also other utilities which may not be as affected by acid rain control. Indeed, based on the previous report, it seems likely that the average rate increases generated here for the S. 316 scenario underestimate in some cases the rate increase that the individual utilities having electricity-intensive industry load would experience.

TABLE 1.—PROJECTED RATE INCREASES FROM S. 316 AND ALL FGD/SCR SCENARIOS

[In mills per kwh]

	S. 316 Scenario	All FGD/SCR Scenario
State:		
Illinois	1	8
Indiana	4	13
Kentucky	2	10
Missouri	3	11
Ohio	4	11
Tennessee	2	8
West Virginia	3	14

Sources: ICF Incorporated. Preliminary Forecasts: Proxmire Bill, October 30, 1986. ICF Incorporated. Summary Findings of All Scrubbing/All No_x Control Analysis, September 11, 1986. U.S. Department of Energy. State Energy Price and Expenditure Report: 1970–1982. DOE/EIA-0376(82), April 1985.

Comparing the two scenarios, the all FGD/SCR scenario clearly raises rates more than the S. 316 scenario. This is not surprising as S. 316 would not require SCR to comply with its NO_x requirement, and ICF projects only 12 gigawatts of FGD capacity installed. ICF projects 254 gigawatts of FGD installed in its all FGD/SCR scenario. The payoff for this additional cost is additional reductions of both SO_2 and NO_x over the S. 316 scenario.

IMPACT ON ELECTRICITY INTENSIVE INDUSTRIES

In the previous CRS report, six electricity intensive industrial categories were examined: aluminum, iron and steel, chemical and allied products, primary zinc and copper, and basic glass. Table 2 breaks down these categories into the specific industries examined and in which States major facilities are located as identified by the report. The data presented are not comprehensive.

TABLE 2.—LOCATION OF MAJOR ELECTRICITY INTENSIVE FACILITIES

	Aluminum smelters	Electric arc furnaces	Chlorine/caustics	Primary zinc	Primary copper	Glass, container[1]
State:						
Illinois		Yes		Yes		
Indiana	[2]	Yes	Yes			
Kentucky	Yes	Yes	Yes			
Missouri	Yes	Yes			Yes	
Ohio	Yes	Yes	Yes			
Tennessee	[3]	Yes	Yes	Yes		
West Virginia	Yes	Yes	Yes			

[1] CRS was uuable to obtain data from glass associations. Individual companies and plants provided the data used in the analysis.

[2] The smelter in Indiana has self-generation facilities.

[3] One of the two smelters in Tennessee owns 7 hydro electric units in North Carolina, the power from which the company exchanges with TVA to provide power to the smelter.

Source: See Parker, Larry B. and Holt, Alison. Acid Rain Legislation and Midwest Industry: A Mountain or a Mole Hill? CRS Report. June 6, 1985.

To calculate the estimated impact on product costs of increased electricity rates, the same methodology and assumptions used in the previous CRS report were employed. The rate increases shown in table 1 were used to estimate the impacts for the two scenarios.

The results are presented in table 3. As indicated, the impact of the all FGD/SCR scenario is substantially higher than the S. 316 scenario. The two industries that would be hardest hit would be aluminum and chlorine/caustics. In both cases, the industries are engaged in international competition, particularly the aluminum industry. In 1985, the price of aluminum on the international market was about 50 cents a pound, compared with a rough average cost of 60–65 cents a pound for the two smelters in Kentucky. While chlorine and caustic soda do not directly compete on international markets because they cannot be shipped long distances economically, some derivatives can be.

For the other industries where energy costs are less important than for the aluminum and chlorine/caustic industries, the rate impacts may affect the competitive position of individual firms or plants. Most industry is price sensitive, and therefore, any increase in manufacturing costs hurts the competitiveness of a firm. This situation is complicated in the case of acid rain legislation as competitors within the same industry may experience different electricity rate increases, depending on which utility serves it. Because this memo uses average statewide costs, this disparity is hidden somewhat in these calculations. Hence, while a cost increase that is added to the product price on a specific facility resulting from acid rain legislation (or any other event) may be small, it may be sufficient for purchasers to shift to suppliers experiencing smaller cost increases and raising prices less. This puts the first facility in the position of either absorbing the different in costs increases, or losing some business.

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[1] ICF Incorporated. Summary Findings of All Scrubbing/All NO_x Control Analysis. Memorandum to Alex Cristofaro and Judi Greenwald, September 11, 1986. ICF Incorporated. Preliminary Forecasts: Proxmire Bill. Memorandum to Judi Greenwald, October 30, 1986.

[2] The SCR part of ICF's analysis is probably accurate as the West Germans in all likelihood will demonstrate SCR on coal-fired boilers within the next few years. However, while the all FGD scenario may be correct in the long run for S. 300 and possibly for some individual States, the 0.9 lbs. of SO_2 per million Btu interim standard is possible without FGD in some cases.

TABLE 3.—ESTIMATED IMPACT ON SELECTED INDUSTRIES OF RATE INCREASES

[As percentage of product price]

Rate increase	Aluminum smelters	Electric arc furnaces	Chlorine/caustics [1]	Primary zinc	Primary copper	Glass container [2]
S. 316 scenario:						
1 mill		0.1		0.4		0.2–0.3
2 mills	2.5	0.2	4.0–4.5	0.7		0.3–0.5
3 mills	3.8	0.4	6.0–6.8		<0.1	0.5–0.8
4 mills	4.1	0.5	8.0–9.1			0.7–1.0
All FGD/SCR Scenario:						
8 mills	10.0	1.0	16.5–18.1	2.9	0.2	1.4–2.0
10 mills	12.5	1.2	20.6–22.6			1.5–2.5
11 mills	13.8	1.3	22.7–24.9			1.7–2.8
13 mills		1.6	26.8–29.4			2.3–3.3
14 mills	17.5	1.7	28.9–31–7			2.5–3.5

[1] The range depends on the cell technology used at the plant.

[2] Calculated in terms of percent of manufacturing costs, assuming electricity cost equals 10 percent of manufacturing costs. The range is based on two base case electricity prices of 40 and 60 mills per kwh.

Source: Rate increases are based on table 1. Other assumptions are contained in Parker, Larry B. and Holt, Alison. Acid Rain Legislation and Midwest Industry: A Mountain or a Mole Hill? CRS Report. June 6, 1985.

CAMPAIGN FINANCE REFORM

Mr. BYRD. Mr. President, yesterday I testified before the Rules Committee on the subject of campaign finance, a subject which is a high priority of mine, about the Boren-Byrd Senate campaign finance bill, S. 2. I request unanimous consent to have that testimony introduced into the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

CAMPAIGN FINANCING REFORM MARCH 5, 1987

Mr. BYRD. Mr. Chairman, much has changed in the Nation and the world since the Constitution was ratified and the First Congress elected. But the essential function served by free and popular elections, as well as the representative role of the Congress, has not. Over our history, wise and able men from all walks of life have served in this great legislative assembly which has grappled with the most pressing and vital issues of consequence to Americans and the world in the Congress' 200-year history.

For most of our history the ability to raise large sums of money upon which to campaign was not necessary. That has changed and so, too, will the character of the Congress as a result, if we do not act to prevent it. As I said in my remarks on the opening day of this historic Congress, "it will be a tragedy if the entrance requirement for service to this great forum is not intelligence, integrity, ability, and public spiritedness, but rather the willingness and ability to play the deadly-earnest game of fundraising, or personal wealth and the willingness to spend it or risk it in order to gain election."

On the first day of this Congress, the distinguished senior Senator from Oklahoma, Senator BOREN, and I introduced S. 2—legislation to change the present system of campaign financing to a system which establishes voluntary limits on campaign expenditures, provides for partial Public financing in general elections to those candidates who accept such limits, and limits the power of special interests in our campaign financing and political system by restricting contributions by political action committees—or PAC's—and independent expenditures in elections. Only candidates who demonstrate broad-based support by meeting a contribution threshold from small and primarily in-State individual contributors can participate in the partial public financing system the bill establishes.

These long overdue reforms will permit us to restore the public's trust in the electoral process. Once in place, they will permit members to devote more of their time and talent to legislative duties and less time to what I have called "The Money Chase."

Mr. Chairman and members of the committee, dramatically rising campaign expenditures and growing special interest dominance in campaign financing are issues which affect the way in which the people of this great Nation view the integrity of the Congress. Candidates need larger and larger sums of money to compete in mass media campaigns.

I must say that as one who has been in politics now for 40 years, as one who has been on this Hill for going on 35 years and in the Senate for going on 29 years, I am deeply concerned by what I see as a growing threat to our representative form of Government and a growing threat to this institution. When my former colleague, Jennings Randolph, and I first ran for the U.S. Senate in 1958, we ran on a combined political funding war chest of around $50,000. In 1982, when I ran for reelection to this body to serve my fifth term here as a Senator, I had to raise about $2 million. That is a lot of money although not as much as is spent in some States with much bigger populations. But $2 million is a lot of money to have to raise in a race for re-election from a State of less than 2 million people—the State of West Virginia.

This kind of money cannot be raised in West Virginia. I suppose I probably raised—I am only speaking from memory now—but I think I raised about a quarter of a million dollars in West Virginia. This means that I had to raise seven times that amount outside West Virginia.

Not all special interest groups are bad, by any means, and that is not what I am implying. Many of these special interest groups do represent the beliefs of a majority of Americans on this issue or that issue or the other issue. But Senators are having to go out and spend time when they ought to be here, voting; here, working in committees; here, looking after the mail from their constituents; here, meeting with their constituents. Instead, they are forced to go out and spend hours and days and weekends traveling all over this country in order to raise money for their next campaign.

They are not violating the law in doing this. They are playing by the present rules.

As majority leader, I know something about how Senators have to go out and spend their time to raise money for their reelection campaigns. They are forced to do it by necessity.

They are simply facing up to the realities of the Era in which we live, the electronic age—computers, media consultants, expensive mailing lists, all of these things. And more and more, the time that they are taking away from their duties here is savaging their responsibilities to their constituencies and to their own families. But they have to do it if they wish to continue public service. Those who wish to serve are forced to engage in this unceasing, ever-increasing demand for money, money, money—the money chase.

I am concerned that if something is not done about it, we are going to see things go from bad to worse, and the faith and confidence and trust that the people should accord to this institution, the legislative branch, are going to be undermined and eroded, and that will result in lasting injury to this institution and to the country that we all love.

Something has to be done about this matter, and I hope that action will be taken soon. We Americans continue to put our faith in this system that has proved to be the best system in the world. Our current system of campaign financing undermines that faith and that is why it must be changed. It will not be easy to achieve the reforms that are badly needed. These reforms are not a condemnation of PAC's *per se.* They are not a condemnation of the people who work with PAC's and who work for PAC's. They are a condemnation of a process that is growing and that is a debilitative process, because of the time that it takes Senators to raise money, and because that process eventually is going to force a change in the makeup of the legislature, to the point where only those individuals who are wealthy and able to spend money hand over fist can win campaigns of election to this body.

Not all of us are able to do that.

Not very many of us are that fortunate. That is no criticism of people who have wealth. I wish I were able to be as well off. But we are talking about the institution now, and we are talking about this institution's place in the overall constitutional universe of Government.

We must stop the mad, seemingly limitless escalation of campaign costs that have resulted in campaigning for single Senate seats that cost over $20 million, and in average expenditures by winning candidates in 1986 nearing $3 million.

It is not surprising, Mr. Chairman and members of the committee, that public confidence in the Congress is declining as news reports surface of the larger and larger amounts we receive each election from special interests. I know it is a concern of the distinguished chairman of the committee, Senator FORD, as it is a concern of mine that more and more citizens are choosing not to vote. One of the reasons they give is that much of this money spent on campaigning is used to purchase television time in which a candidate tears down his opponent, and often this institution itself. In short, voters are fed up with present expensive, negative, and personalized campaigns which are funded more and more by special interest groups. The Boren/Byrd bill seeks to address these concerns directly.

It is important to stop and think of the institutional consequences of permitting the present system to continue. Excessive campaign costs and the need to spend large amounts of time raising funds can only serve to discourage talented persons of modest means from seeking public office. It is becoming more and more widely known and accepted as truth that one cannot seek election to the U.S. Senate without the certainty of being able to raise millions of dollars to spend in a campaign. If one is to finance a $2 million campaign—as I did in 1982—one must raise $2,739 every day of every week for 2 straight years, Saturdays and Sundays included. The task of raising all this money pulls incumbents away from their myriad and vital responsibilities in the Congress—responsibilities to the people who elect them. It means that they have less of an opportunity to meet with the general mass of voters and learn their concerns, and to study and debate the key issues which should be the basis for the electorate's choice in an election.

I see this problem manifest not only in my role as a campaigner for reelection to the Senate who must raise large sums of money necessary for a successful campaign. I see it also in my capacity as majority leader. I know that the Republican leader, Mr. DOLE, sees it from that point of view. The pressures of raising funds, especially outside of Washington, that affect all Senators, make it more and more difficult for the leaders to conduct the business of the Senate, in the committees and subcommittees, and on the floor.

It is now a reality that Members of this body must start raising money 2, 3, and even 4 and 5 years before their next election. To raise this money, Senators start hosting fundraisers years before they next will stand for election.

When Congress amended the Federal Election Campaign Act in 1974, establishing the Presidential public financing system, we faced a similar crisis of confidence in Presidential elections. That legislation had its detractors, critics, and opponents. But only 12 years later that system is widely seen as a success. Only one of the 35 candidates for the Presidency since the law went into effect has chosen not to participate in the system. Our current President, Ronald Reagan, relied on public financing in his 1976, 1980, and his 1984 campaigns.

And that system has worked; it has succeeded in a very big way. Presidential public financing has checked the increase in Presidential campaign spending. In the 1972 Presidential election, without public financing and spending limits, President Nixon spent a record $62 million in the primary and general election campaigns. In 1984, with public financing and spending limits, President Reagan spent $68 million in the primary and general election—a 10 percent increase in 12 years, during which the costs of congressional campaigns rose a staggering 485 percent.

The Commission on National Elections, headed by Melvin Laird and Robert Strauss, concluded: "Public financing of Presidential elections has clearly proved its worth in opening up the process, reducing undue influence of individuals and groups, and virtually ending corruption in Presidential election finance. This major reform of the 1970's should be continued." The success of spending limits and public financing in Presidential campaigns should strengthen our resolve to do no less for congressional elections.

I would like to bring to the committee's attention some pertinent data and statistics concerning the escalation in campaign expenditures. Campaign expenditures for general election House and Senate candidates rose from $321 million in 1984 to $390 million in 1986. Senate general election candidates spent nearly half of this amount, $182 million, up a dramatic 23 percent over 1984. The average expenditures in 1985 and 1986 of candidates for the Senate in the 1986 general election were nearly $3 million, when party transfers are included. For winning 1986 candidates, the range in the same 2-year period was from a low of $741,645 to a high of $12,735,757, when party transfers are included. Three out of four candidates for the U.S. Senate in 1986 spent in excess of $1 million and more than 1 in 3 spent in excess of $3 million. If we project in a straight line to 1988, we can expect the average campaign to cost nearly $3.7 million.

Under our present system of campaign financing, candidates have no choice but to raise as much money as they can. This reality is true for Republicans and Democrats, incumbents and challengers. We are all trapped by a system which forces us to make fund raising a major priority. Regardless of one's commitment to public service and to an agenda wholly focused on serving one's constituents and Nation, these cannot be pursued in the U.S. Senate if you cannot be elected to the Senate. That is the stark reality.

Our dependence on special interest PAC money is also a growing problem. PAC contributions to House and Senate general election candidates rose from $100 million in 1984 to $128 million in 1986. Between 1980 and 1984, PAC contributions roughly doubled, rising by $50 million in 4 years. If PAC contributions rise at the same rate between 1986 and 1988 as they did between 1984 and 1986, we could project a $55 million increase between 1984 and 1988, raising the total all the way to $156 million. The share of total campaign receipts from PACs for Senate general election candidates rose from 18 percent of total receipts in 1984 to 23 percent of total receipts in 1986. The average U.S. Senate general election candidate received $645,511 from PACs in 1986, up from $429,077 only 2 years ago. And for incumbents seeking reelection, the average total of PAC contributions was much higher, $890,489. Total receipts in Senate races from PACs have more than doubled since 1974. Evidence of the growing role of PACs can be seen in the numbers of candidates who have received $1 million or more in PAC contributions. In 1985-86 there were 13 U.S. Senate candidates who received $1 million or more from PACs. Two years before, in 1983-84, in contrast, only three candidates received more than $1 million and in 1981-82 only two. In 1979-80 there were no candidates who received more than $1 million in PAC contributions.

The overall spiraling increase in campaign spending and the growing dependence upon PACs are two of the principal reasons why I have placed campaign financing reform at the top of my list of personal legislative priorities for the first year of the 100th Congress, and was pleased to join Senator BOREN as a principal cosponsor of S. 2.

That Bill, as it was introduced on January 6, reflects a longstanding commitment on my part to establish a system of campaign spending limits coupled with partial public financing, plus limitations on the role of PAC money in elections. I am proud to say that I am not newly joining this battle. A decade ago, I led the fight to overcome a filibuster on an important congressional campaign finance reform bill. Unfortunately, that bill did not become law, but it was a worthy effort on the part of its supporters. I was an early and strong supporter of cleaning up our system of Presidential election campaign financing. While part of that legislation was struck down by the courts, the remaining parts have corrected most of the worst abuses in Presidential elections. Gone are the days of money in suitcases, corporate funds laundered through foreign banks, and wealthy individuals contributing very large sums of money in return for personal favors or Presidential appointments. I believe we can do no less for congressional elections.

I respect the courage of those who have come forward on this issue and hope that, in the coming days and weeks, as my colleagues on both sides of the aisle think this issue through, they will realize that the time has arrived to make the system of campaign financing reflect the broader public interest. We must design a system where the public interest can prevail.

Senate bill 2 approaches the problem of campaign financing comprehensively. It cannot be remedied on a piece-meal basis. Our bill combines a limitation on political action committees, independent contributions and foreign held corporate PAC's, with a system of voluntary campaign spending limits and partial public financing. The voluntary limits on campaign spending the bill sets for Senate candidates in general election campaigns in all States are based upon the population in each State: $600,000 plus 25 cents per person of voting age. The bill provides some significant incentives to accept these limits: Only participating candidates would be eligible for preferential television advertising rates. If a participating candidate's opponents breaches the State's spending ceiling, the participating candidate will receive additional public funds. If a participating candidate is the target of excessive independent expenditures, the participating candidate can receive additional public financing. I believe these incentives and the public pressure to clean up our election financing system will likely result in most candidates meeting the threshold of small independent contributions, and acceptance of the spending limits and accompanying public funds. This system should fare as well as the presidential system in which 34 of 35 presidential candidates have chosen to participate in the public financing system.

To participate in the public system, a major party candidate must demonstrate broad based local support by raising 20 percent of his State's spending limit in individual contributions of $250 or less, with 80 percent of those contributors residing within the candidates's State. The system will be financed by doubling the amount of the existing Federal income tax checkoff (now limited to funding presidential campaigns from $1 to $2 per return). This checkoff, completely voluntary, does not increase any taxpayer's tax. This doubling of the checkoff is expected to produce the anticipated $50 million a year our bill is projected to cost.

The bill also includes provisions which impose an aggregate limit on the amount of funds any Senate candidate can accept from all PAC's, set according to a State's population; reduces the amount any PAC can give to a candidate from $5,000 to $3,000; closes the present "bundling" loophole by requiring that contributions "bundled" or otherwise arranged by a PAC or other intermediary must count toward that PAC's or other intermediary's contribution limit.

The bill requires that any media advertisement directed toward a congressional campaign must contain a message stating who authorized and paid for the ad. The bill sets limits on contributions to their own campaigns by Senate candidates and their families, and also deals with the problem of the involvement of subsidiaries of foreign owned companies in our elections by restricting their ability to form PAC's and make campaign contributions.

I appreciate the leadership shown on this important issue by the senior Senator from Oklahoma, Senator BOREN, and the willingness of the chairman of the Rules Committee, Senator FORD, to schedule early hearings on this bill. In my capacity as a member of the Rules Committee, and as a sponsor of this important bill, I will be working hard to obtain the input of my colleagues on this issue, and to assist in the markup of the bill when hearings are completed. I want at this point to offer my sincere personal thanks to, and admiration for, the chairman and for the speed with which he has moved on other committee business this year in order to enable action at this early date on campaign financing reform, and his public commitment to completing hearings and markup and sending a bill to the Senate floor as rapidly as responsible and thorough consideration will permit.

I shall press for prompt floor action once this committee has completed its important work. Make no mistake about it—this is the Congress in which we must act on campaign financing reform.

Mr. Chairman, I request unanimous consent to have a report from the Congressional Research Service entered into the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

SENATE CAMPAIGN EXPENDITURES, RECEIPTS AND SOURCES OF FUNDS: 1980-86[1]

This report provides data on financial activity of U.S. Senate campaigns in the 1980, 1982, 1984, and 1986 elections. It includes activity only for major party candidates on the general election ballot (including both their primary and general election activity; only primary losers are not included herein). For each election, the data reflect financial activity for the full two-year election cycle (January 1 of the pre-election year through December 31 of the election year).

The focus here is on campaign expenditures, campaign receipts, and sources of campaign funds (in four specific categories: individual citizens giving directly to candidates, political action committees—or PACs, political parties, and candidates themselves). Data are provided for each year in three forms—total dollars, average (mean) level, and median level—and with breakdowns for eight categories of candidates—all major party general election candidates, Democrats, Republicans, incumbents, challengers, open seat contenders, winners, and losers.

Table 1 provides data on campaign expenditures by major party Senate candidates for each year, for all eight categories, and in all three forms (total amount, average [mean], and median). For each year, expenditures include total disbursements minus transfers among affiliated committees.

Table 2 provides the level of campaign expenditures, according to an alternate method of calculation. It refers to "adjusted expenditures," used here to include the expenditures (as reported in Table 1) *plus* the amount of political party coordinated expenditures on the candidates' behalf. These party expenditures, spent in accordance with 2 U.S.C. 441a(d), are made for campaign services (such as TV, polling, etc.) in coordination with the candidate but are reported solely as party expenditures. They are allocated to specific candidates' campaign receipts or expenditures statistics, as compiled by the Federal Election Commission, in contrast with party contributions to candidates. Because of the large amounts of money involved, particularly in Senate campaigns, and the large degree of candidate control over the disposition of these funds, many observers believe that they must be added to the reported candidate expenditures, in order to accurately reflect the real level of campaign expenditures, at least those over which the candidate may exercise a large degree of (if not total) control.

Table 3 examines the receipts side of the Senate campaign budgets, presenting data on campaign receipts and on the major components of those receipts, i.e., the major sources of funds in congressional campaigns: individual citizens (giving directly to candidates, as opposed to giving through PACs or parties), PACs, parties, and candidates (from personal or immediate family funds). Whereas FEC reports included data for each of the four major funding sources in 1984 and 1986, reports for 1980 and 1982 only provided aggregate receipts data for the PAC and party contributions (and coordinated expenditures). Hence, funds from individuals and candidates are listed under "other" for the two earlier years. As in the previous tables, data are provided for each year, in all three forms, and for all eight categories.

Table 3 uses the term "adjusted receipts". For purposes of this study, this includes gross receipts minus transfers among affiliated committees *plus* party coordinated expenditures on behalf of candidates. The reason for doing so goes beyond the explanation provided in connection with Table 2. Specifically, when talking of funding sources, it is important to include both party contributions and party coordinated expenditures under the party component; hence, it is essential to add the coordinated expenditures data to the receipts side as well. The advantage of so doing is clearly reflected in the percentage figures in this table—the percentage which each funding source constituted of overall receipts.

In addition to adjusted receipts, this table provides data on the four major funding sources (where available). Two of these categories follow FEC format: individuals and PACs (referred to as nonparty committees by the FEC). The other two categories were adjusted, using FEC information. The party component includes both party contributions and party coordinated expenditures (the latter accounting for some 90 percent of the party component). The candidate component includes candidate contributions and candidate loans which were unpaid at the time of filing the reports (computed by substracting candidate loan repayments from candidate loans). Although these unpaid loans may be paid at some point in the future, for the time being they may be reasonably considered to constitute contributions (there is no limit on candidate contributions to their own campaigns in congressional elections). As stated above, the dollar amounts are provided in each category and form, along with the percentage of overall receipts constituted by the specific funding source. It should be noted that the miscellaneous category under "other" includes such items as interest accumulated on campaign receipts (such as cash-on-hand from a prior election cycle), refunds and rebates on campaign services and equipment, etc.

Most of the data in these tables are derived from Federal Election Commission sources. For 1980, data were provided in the computer tapes of the FEC's *Reports on Financial Activity, 1979-1980. Final Report. U.S. Senate and House Campaigns* from January 1982. For 1982, data were provided in the computer tapes of the FEC's *Reports on Financial Activity, 1981-1982. Final Report. U.S. Senate and House Campaigns* from October 1983. For 1984, data were provided in the computer tapes of the FEC's *Reports of Financial Activity, 1983-1984. Final Report. U.S. Senate and House Campaigns* from November 1985. For 1986, all data except for the party contributions and expenditures were provided from the FEC's Direct Access System, as of March 3, 1987. Party contribution data were gathered from candidate reports on file at the FEC. Party coordinated expenditures were provided by the Democratic Senatorial Campaign Committee and the National Republican Senatorial Committee in January 1987. In the case of the Democratic Committee's data, some adjustments were made, upon consultation with some of the State party officials.

TABLE 1.—CAMPAIGN EXPENDITURES OF MAJOR-PARTY SENATE CANDIDATES: 1980–86*

Year (number of cases)	Total[1]		Averages[2]	
	Amount	Percent	Mean	Median
All Candidates				
1986 (N=68)	$182,351,418	100	$2,681,639	$2,092,720
1984 (N=65)	143,067,411	100	2,201,037	1,157,621
1982 (N=66)	112,861,880	100	1,710,028	1,193,085
1980 (N=67)	73,149,505	100	1,091,784	949,992
Party Affiliation				
Democrats:				
1986 (N=34)	73,915,703	41	2,173,991	1,920,529
1984 (N=33)	67,146,187	47	2,034,733	1,080,008
1982 (N=33)	59,750,635	53	1,810,617	1,353,408
1980 (N=34)	39,799,708	54	1,170,580	926,045
Republicans:				
1986 (N=34)	108,435,715	59	3,189,286	2,600,891

TABLE 1.—CAMPAIGN EXPENDITURES OF MAJOR-PARTY SENATE CANDIDATES: 1980–86*—Continued

Year (number of cases)	Total [1]		Averages [2]	
	Amount	Percent	Mean	Median
1984 (N=32)	75,921,224	53	2,372,538	1,173,619
1982 (N=33)	53,111,515	47	1,609,440	1,098,218
1980 (N=33)	33,349,797	46	1,010,600	949,992
Type of Candidate				
Incumbents:				
1986 (N=28)	94,315,562	52	3,368,413	2,395,042
1984 (N=29)	72,056,722	50	2,484,715	1,638,467
1982 (N=30)	52,881,869	47	1,762,729	1,618,894
1980 (N=25)	32,542,297	44	1,301,692	1,123,651
Challengers:				
1986 (N=28)	50,592,571	28	1,806,878	909,649
1984 (N=28)	31,202,276	22	1,114,367	577,652
1982 (N=30)	35,128,488	31	1,170,950	879,770
1980 (N=26)	24,043,693	33	924,757	711,317
Open seats:				
1986 (N=12)	37,443,285	21	3,120,274	2,813,388
1984 (N=8)	39,808,413	28	4,976,052	3,680,968
1982 (N=6)	24,851,523	22	4,141,921	3,987,282
1980 (N=16)	16,563,515	23	1,035,220	841,845
Election Outcome				
Winners:				
1986 (N=34)	105,384,831	58	3,099,554	2,264,862
1984 (N=33)	97,512,721	68	2,954,931	1,761,115
1982 (N=33)	68,188,171	60	2,066,308	1,612,746
1980 (N=34)	40,085,894	55	1,178,997	1,031,277
Losers:				
1986 (N=34)	76,966,587	42	2,263,723	1,149,466
1984 (N=32)	45,554,690	32	1,423,584	661,186
1982 (N=33)	44,673,709	40	1,353,749	1,024,595
1980 (N=33)	33,063,611	45	1,001,928	895,052

* Table includes data only for candidates on the general election ballot (primary and general election activity combined); primary losers are excluded.

[1] Expenditure amounts include total disbursements minus transfers among affiliated committees for the two-year election cycle.

[2] The mean is the total amount divided by the number of cases. The median is that amount at which half the cases are less than and half the cases are greater than the amount.

Sources:

1980–84: U.S. Federal Election Commission. Reports on Financial Activity, 1979–80, 1981–82, 1983–84. Final Reports. U.S. Senate and House Campaigns. January 1982, October 1983, and November 1985 (computer tapes).

1986: U.S. Federal Election Commission. Direct Access System, March 3, 1987.

TABLE 2.—ADJUSTED CAMPAIGN EXPENDITURES OF MAJOR-PARTY SENATE CANDIDATES: 1980–86*

Year (number of cases)	Total [1]		Averages [2]	
	Amount	Percent	Mean	Median
All Candidates				
1986 (N=68)	$198,842,703	100	$2,924,157	$2,224,780
1984 (N=65)	153,533,557	100	2,362,055	1,262,056
1982 (N=66)	123,842,838	100	1,876,407	1,410,629
1980 (N=67)	79,717,175	100	1,189,809	1,046,795
Party Affiliation				
Democrats:				
1986 (N=34)	80,297,046	40	2,361,678	2,035,873
1984 (N=33)	71,093,918	46	2,154,361	1,154,215
1982 (N=33)	62,015,562	50	1,879,259	1,429,773
1980 (N=34)	40,932,620	51	1,203,901	976,776
Republicans:				
1986 (N=34)	118,545,657	60	3,487,637	2,682,393
1984 (N=32)	82,439,639	54	2,576,239	1,346,708
1982 (N=33)	61,827,276	50	1,873,554	1,260,786
1980 (N=33)	38,784,555	49	1,175,290	1,142,845
Type of Candidate				
Incumbents:				
1986 (N=28)	101,403,611	51	3,621,558	2,485,263
1984 (N=29)	75,687,770	49	2,609,923	1,751,714
1982 (N=30)	56,014,157	45	1,867,139	1,678,252
1980 (N=25)	33,652,937	42	1,346,117	1,153,202
Challengers:				
1986 (N=28)	57,535,584	29	2,054,842	1,228,174
1984 (N=28)	34,973,002	23	1,249,036	667,550

TABLE 2.—ADJUSTED CAMPAIGN EXPENDITURES OF MAJOR-PARTY SENATE CANDIDATES: 1980–86*—Continued

Year (number of cases)	Total [1]		Averages [2]	
	Amount	Percent	Mean	Median
1982 (N=30)	40,505,717	33	1,350,191	1,040,537
1980 (N=26)	27,318,283	34	1,050,703	914,118
Open seats:				
1986 (N=12)	39,903,508	20	3,325,292	2,984,936
1984 (N=8)	42,872,785	28	5,359,098	3,859,986
1982 (N=6)	27,322,964	22	4,553,827	4,254,544
1980 (N=16)	18,745,955	24	1,171,622	1,013,411
Election Outcome				
Winners:				
1986 (N=34)	113,868,540	57	3,349,075	2,374,175
1984 (N=33)	102,481,509	67	3,105,500	1,798,435
1982 (N=33)	73,013,251	59	2,212,523	1,660,005
1980 (N=34)	44,149,922	55	1,298,527	1,148,024
Losers:				
1986 (N=34)	84,974,163	43	2,499,240	1,501,893
1984 (N=32)	51,052,048	33	1,595,377	798,425
1982 (N=33)	50,829,587	41	1,540,291	1,154,879
1980 (N=33)	35,567,253	45	1,077,796	957,747

* Includes expenditures (as provided in Table 1) plus party coordinated expenditures on behalf of candidates (as allowed under 2 U.S.C. 441a(d)), for candidates on the general election ballot; table covers primary and general election activity combined.

[1] Expenditures amounts include total disbursements minus transfers among affiliated committees for the two-year election cycle.

[2] The mean is the total amount divided by the number of cases. The median is the point at which half the cases are less than and half the cases are greater than the number.

Sources:

1980–84: U.S. Federal Election Commission. Reports on Financial Activity, 1979–80, 1981–82, 1983–84. Final Reports. U.S. Senate and House Campaigns. January 1982, October 1983, and November 1985 (computer tapes).

1986: U.S. Federal Election Commission. Direct Access System, March 3, 1987. Party contributions data are from reports on file at FEC; party coordinated expenditures data are from the Democratic Senatorial Campaign Committee and the National Republican Senatorial Committee. Democratic data are adjusted slightly, based on conversations with State party officials.

TABLE 3. ADJUSTED RECEIPTS AND SOURCES OF FUNDS OF MAJOR PARTY SENATE CANDIDATES: 1980–86*

Year (number of cases)	Adjusted receipts [1]	Source of funds [2]					
		PAC's [3] (percent)	Political parties [4] (percent)	Other [5]			
				Total other (percent)	Individuals [6] (percent)	Candidates [7] (percent)	Miscellaneous (percent)
All candidates:							
Totals:							
1986	$199,020,714	$44,970,806	$17,899,597	$136,150,311	$124,438,489	$2,736,998	$8,974,824
(N=68)		23%	9%	68%	63%	1%	5%
1984	$157,406,137	$27,890,017	$11,498,035	$118,018,085	$95,328,618	$13,470,025	$9,219,442
(N=65)		18%	7%	75%	61%	9%	6%
1982	$126,697,654	$21,791,044	$12,160,516	$92,746,094	N/A	N/A	N/A
(N=66)		17%	10%	73%			
1980	$81,520,035	$15,727,232	$7,710,138	$58,082,655	N/A	N/A	N/A
(N=67)		19%	9%	71%			
Average (mean):							
1986 (N=68)	$2,926,775	$661,335	$263,229	$2,002,210	$1,829,978	$40,250	$131,983
1984 (N=65)	2,421,633	429,077	176,893	1,815,663	1,466,594	207,231	141,838
1982 (N=66)	1,919,661	330,167	184,250	1,405,244	N/A	N/A	N/A
1980 (N=67)	1,216,717	234,735	115,077	866,905	N/A	N/A	N/A
Median:							
1988 (N=68)	2,341,722	767,196	163,067	1,406,400	1,334,831		60,831
1984 (N=65)	1,349,496	407,708	105,230	910,723	672,203		70,858
1982 (N=66)	N/A	287,335	95,448	923,789	N/A	N/A	N/A
1980 (N=67)	N/A	221,988	65,218	749,260	N/A	N/A	N/A
Party affiliation, Democrats:							
Totals:							
1986	$82,109,395	$19,989,544	$7,025,706	$55,094,145	$50,057,935	$1,740,835	$3,295,375
(N=34)		24%	9%	67%	61%	2%	4%
1984	$73,142,378	$12,975,151	$4,389,198	$55,778,029	$40,991,252	$11,001,615	$3,785,162
(N=33)		18%	6%	76%	56%	15%	5%
1982	$64,022,513	$10,839,451	$2,844,534	$50,338,528	N/A	N/A	N/A
(N=33)		17%	4%	79%			
1980	$41,827,073	$7,343,262	$1,613,376	$32,870,435	N/A	N/A	N/A
(N=34)		18%	4%	79%			
Average (mean):							
1986 (N=34)	$2,414,982	$587,928	$206,638	$1,620,416	$1,472,292	$51,201	$96,923
1984 (N=33)	2,216,436	393,186	133,006	1,690,243	1,242,159	333,382	114,702
1982 (N=33)	1,940,076	328,468	86,198	1,525,410	N/A	N/A	N/A
1980 (N=34)	1,230,208	215,978	39,540	966,778	N/A	N/A	N/A
Median:							
1986 (N=34)	2,145,826	639,286	108,746	1,230,492	1,152,383	0	38,128
1984 (N=33)	1,293,137	404,905	32,100	910,723	672,203	0	53,677
1982 (N=33)	N/A	290,259	75,011	1,029,096	N/A	N/A	N/A
1980 (N=34)	N/A	211,993	41,203	738,488	N/A	N/A	N/A
Party affilation, Republicans:							
Totals:							
1986	$116,911,319	$24,981,262	$10,873,891	$81,056,166	$74,380,554	$996,163	$5,679,449
(N=34)		21%	9%	69%	64%	0%	5%
1984	$84,263,759	$14,914,866	$7,108,137	$62,240,756	$54,337,366	$2,468,410	$5,434,980

TABLE 3. ADJUSTED RECEIPTS AND SOURCES OF FUNDS OF MAJOR PARTY SENATE CANDIDATES: 1980–86*—Continued

Year (number of cases)	Adjusted receipts [1]	Source of funds [2]					
		PAC's [3] (percent)	Political parties [4] (percent)	Other [5]			
				Total other (percent)	Individuals [6] (percent)	Candidates [7] (percent)	Miscellaneous (percent)
(N=32)		18%	8%	74%	64%	3%	6%
1982	$62,675,141	$10,951,593	$9,315,982	$42,407,566	$N/A	$N/A	$N/A
(N=33)		17%	15%	68%			
1980	$39,692,962	$8,383,970	$6,096,762	$25,212,230	$N/A	$N/A	$N/A
(N=33)		21%	15%	64%			
Average (mean):							
1986 (N=34)	$3,438,568	$734,743	$319,820	$2,384,005	$2,187,663	$29,299	$167,043
1984 (N=32)	2,633,242	466,490	222,151	1,945,024	1,698,043	77,137	169,843
1982 (N=33)	1,899,247	331,866	282,302	1,285,078	N/A	N/A	N/A
1980 (N=33)	1,202,817	254,060	184,750	764,007	N/A	N/A	N/A
Median:							
1986 (N=34)	2,788,311	874,630	225,073	1,802,226	1,721,168		87,791
1984 (N=32)	1,402,947	414,580	154,474	928,889	713,115		72,801
1982 (N=33)	N/A	261,679	223,311	843,855	N/A	N/A	N/A
1980 (N=33)	N/A	235,475	139,353	754,714	N/A	N/A	N/A
Type of candidate, incumbents							
Totals:							
1986	$101,762,111	$25,084,990	$7,627,918	$69,049,203	$63,953,921	$885,808	$4,209,474
(N=28)		25%	7%	68%	63%	1%	4%
1984	$78,446,985	$17,921,614	$4,076,017	$56,449,354	$51,646,839	$291,789	$4,510,726
(N=29)		23%	5%	72%	66%	0%	6%
1982	$58,262,604	$14,270,887	$3,656,804	$40,334,913	N/A	N/A	N/A
(N=30)		24%	6%	69%			
1980	$34,715,684	$7,720,183	$1,466,178	$25,529,323	N/A	N/A	N/A
(N=25)		22%	4%	74%			
Average (mean):							
1986 (N=28)	$3,634,361	$895,893	$272,426	$2,466,043	$2,284,069	$31,636	$150,338
1984 (N=29)	2,705,068	617,987	140,552	1,946,529	1,780,925	10,062	155,542
1982 (N=30)	1,942,087	475,696	121,893	1,344,497	N/A	N/A	N/A
1980 (N=25)	1,388,627	308,807	58,647	1,021,173	N/A	N/A	N/A
Median:							
1986 (N=28)	2,788,311	949,494	106,681	1,715,532	1,568,933	0	96,021
1984 (N=29)	1,779,792	653,749	103,839	1,006,559	949,175	0	126,223
1982 (N=30)	N/A	456,271	88,893	N/A	N/A	N/A	N/A
1980 (N=25)	N/A	291,596	46,332	839,426	N/A	N/A	N/A
Type of candidate, challengers:							
Totals:							
1986	$57,662,501	$10,416,998	$7,493,633	$39,751,870	$35,006,156	$1,850,436	$2,895,278
(N=28)		18%	13%	69%	61%	3%	5%
1984	$35,514,680	$5,908,484	$4,192,810	$25,413,386	$23,033,930	$949,554	$1,429,902
(N=28)		17%	12%	72%	65%	3%	4%
1982	$40,751,752	$4,793,982	$5,909,175	$30,048,595	N/A	N/A	N/A
(N=30)		12%	15%	74%			
1980	$27,722,771	$4,968,524	$3,708,665	$19,045,582	N/A	N/A	N/A
(N=26)		18%	13%	69%			
Average (mean):							
1986 (N=28)	$2,059,375	$372,036	$267,630	$1,419,710	$1,250,220	$66,087	$103,403
1984 (N=28)	1,268,381	210,017	149,743	907,621	822,640	33,913	51,068
1982 (N=30)	1,358,392	159,799	196,973	1,001,620	N/A	N/A	N/A
1980 (N=26)	1,066,260	191,097	142,641	732,522	N/A	N/A	N/A
Median:							
1986 (N=28)	1,260,556	161,710	154,733	751,169	666,955	2,505	12,404
1984 (N=28)	670,802	94,897	98,717	407,494	335,662	500	22,467
1982 (N=30)	N/A	146,025	112,.747	654,118	N/A	N/A	N/A
1980 (N=26)	N/A	100,746	80,581	630,215	N/A	N/A	N/A
Type of candidate, open seat:							
Totals:							
1986	$39,956,102	$9,468,818	$2,778,046	$27,349,238	$25,478,412	$754	$1,870,072
(N=12)		24%	7%	69%	64%	0%	5%
1984	$43,444,472	$4,059,919	$3,229,208	$36,155,345	$20,647,849	$12,228,682	$3,278,814
(N=8)		9%	7%	83%	48%	28%	8%
1982	$27,683,298	$2,726,175	$2,594,537	$22,362,586	N/A	N/A	N/A
(N=6)		10%	9%	81%			
1980	$19,081,580	$3,038,525	$2,535,295	$13,507,760	N/A	N/A	N/A
(N=16)		16	13%	71%			
Average (mean):							
1986 (N=12)	$3,299,675	$789,068	$231,504	$2,279,103	$2,123,201	$63	$155,839
1984 (N=8)	5,430,559	507,490	403,651	4,519,418	2,580,981	1,528,585	409,852
1982 (N=6)	4,613,883	454,363	432,423	3,727,098	N/A	N/A	N/A
1980 (N=16)	1,192,599	189,908	158,456	844,235	N/A	N/A	N/A
Median:							
1986 (N=12)	2,917,916	797,565	227,584	2,270,190	1,805,107	0	94,673
1984 (N=8)	3,860,282	387,447	332,593	3,256,572	1,721,112	253,672	180,232
1982 (N=6)	N/A	351,908	284,096	3,797,508	N/A	N/A	N/A
1980 (N=16)	N/A	225,235	77,913	682,466	N/A	N/A	N/A
Election outcome, winners:							
Totals:							
1986	$114,703,087	$28,916,625	$9,149,454	$76,637,008	$69,423,970	$1,647,379	$5,565,659
(N=34)		25%	8%	67%	61%	1%	5%
1984	$105,914,384	$19,963,030	$5,505,423	$80,445,931	$65,038,656	$10,411,563	$4,995,712
(N=33)		19%	5%	76%	61%	10%	5%
1982	$75,521,860	$15,643,773	$5,414,296	$54,463,791	N/A	N/A	N/A
(N=33)		21%	7%	72%			
1980	$45,802,035	$10,224,095	$4,656,561	$30,921,379	N/A	N/A	N/A
(N=34)		22%	10%	68%			
Average (mean):							
1986 (N=34)	$3,373,620	$850,489	$269,102	$2,254,030	$2,041,881	$48,452	$163,696
1984 (N=33)	3,209,527	604,940	166,831	2,437,755	1,970,868	315,502	151,385
1982 (N=33)	2,288,541	474,054	164,070	1,650,418	N/A	N/A	N/A
1980 (N=34)	1,347,119	300,709	136,958	909,452	N/A	N/A	N/A

TABLE 3. ADJUSTED RECEIPTS AND SOURCES OF FUNDS OF MAJOR PARTY SENATE CANDIDATES: 1980–86*—Continued

Year (number of cases)	Adjusted receipts [1]	Source of funds [2]					
		PAC's [3] (percent)	Political parties [4] (percent)	Other [5]			
				Total other (percent)	Individuals [6] (percent)	Candidates [7] (percent)	Miscellaneous (percent)
Median:							
1986 (N=34)	2,646,023	859,030	130,582	1,549,616	1,389,979		92,590
1984 (N=33)	1,947,996	637,798	103,839	910,723	1,247,746		96,510
1982 (N=33)	N/A	435,528	89,596	1,177,908	N/A	N/A	N/A
1980 (N=34)	N/A	270,824	75,364	787,160	N/A	N/A	N/A
Election outcome, losers:							
Totals:							
1986	$84,317,627	$16,054,181	$8,750,143	$59,513,303	$55,014,519	$1,089,619	$3,409,165
(N=34)		19%	10%	71%	65%	1%	4%
1984	51,491,753	7,926,987	5,992,612	37,572,154	30,289,962	3,058,462	4,223,730
(N=32)		15%	12%	73%	59%	6%	8%
1982	51,175,794	6,147,271	6,746,220	38,282,303	N/A	N/A	N/A
(N=33)		12%	13%	75%			
1980	35,718,000	5,503,137	3,053,577	27,161,286	N/A	N/A	N/A
(N=33)		15%	9%	76%			
Average (mean):							
1986 (N=34)	$2,479,930	$472,182	$257,357	$1,750,391	$1,618,074	$32,048	$100,270
1984 (N=32)	1,609,177	247,718	187,269	1,392,880	946,571	95,577	350,742
1982 (N=33)	1,550,782	186,281	204,431	1,160,070	N/A	N/A	N/A
1980 (N=33)	1,082,364	166,762	92,533	823,069	N/A	N/A	N/A
Median:							
1986 (N=34)	1,502,592	271,815	191,080	937,466	825,976	0	38,128
1984 (N=32)	804,'98	116,812	107,903	501,500	385,698	3,039	36,309
1982 (N=33)	N/A	149,444	127,500	690,995	N/A	N/A	N/A
1980 (N=33)	N/A	117,197	55,590	511,104	N/A	N/A	N/A

*Includes data only for candidates on the general ballot (primary and general election activity combined); primary losers are excluded.

N/A=Not available or not computed.

[1] Adjusted receipts included total receipts minus transfers among affiliated committees plus party coordinated expenditures on behalf of the candidate (as allowed under 2 U.S.C. 441a(d)).

[2] Includes breakdowns for the major funding sources. Percentages sum across rows. Sum of percentages of individuals, candidates, and miscellaneous is also shown under total percentage for "other".

[3] Receipts from political action committees, recorded by the FEC under its six groupings of "nonparty committees": labor, corporate, non-connected, trade/membership/health, cooperatives, and corporations without capital stock.

[4] Receipts from political parties include contributions from parties and coordinated expenditures by parties on behalf of candidates. (In 1984, the latter accounted for roughly 90 percent of the party total.)

[5] Includes 2 of the major funding sources. For elections before 1984 the FEC did not provide aggregate data on individual and candidate contributions.

[6] Receipts from individual citizens (through direct contributions), recorded as such by the FEC.

[7] Receipts from candidates include candidate contributions to their campaigns plus candidate loans unrepaid at time of filing (i.e., candidate contributions plus [candidate loans minus candidate loan repayments]).

Sources: 1980–1984: U.S. Federal Election Commission. Reports on Financial Activity, 1979–80, 1981–82, 1983–84. Final reports. U.S. Senate and House campaigns. January 1982, October 1983, and November 1985 (computer tapes). 1986: U.S. Federal Election Commission. Direct Access System, Mar. 3, 1987. Party contributions data are from reports on file at FEC; party coordinated expenditures data are from the Democratic Senatorial Campaign Committee and the National Republican Senatorial Committee. Democratic data are adjusted slightly, based on conversations with State party officials.

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTIONS

Mr. BYRD. Mr. President, Mr. DOLE and I have discussed two resolutions which I am about to offer.

I send the first resolution to the desk and ask for its immediate consideration. Mr. DOLE is aware of the contents.

The PRESIDENT pro tempore. The resolution will be stated by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 160) to direct the Senate Legal Counsel to appear as amicus curiae in North v. Walsh, et al, and Deaver v. Seymour.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, this resolution is to direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in defense of the constitutionality of the independent counsel law.

Oliver L. North and Michael K. Deaver have brought separate actions for declaratory and injunctive relief challenging the constitutionality of title VI of the Ethics in Government Act of 1978, as amended (28 U.S.C. sections 591-598), which provides for the appointment, duties, and removal of independent counsels. In Lieutenant Colonel North's case, District Judge Barrington D. Parker will hear arguments on March 9 on the motion of Independent Counsel Lawrence E. Walsh to dismiss. In Mr. Deaver's action, District Judge Thomas Penfield Jackson issued a temporary restraining order on February 25 which effectively restrains Independent Counsel Whitney North Seymour, Jr., from proceeding further toward an indictment of Mr. Deaver. Judge Jackson will hear argument on Mr. Deaver's motion for a preliminary injunction on March 11.

The act requires the Attorney General, upon receiving sufficient information, to conduct a preliminary investigation whether any Federal criminal law has been violated by any person who holds, or recently held, a designated high ranking position in the executive branch or the President's national campaign organization. While the act's coverage is mandatory for designated positions, the Attorney General has discretion whether to apply for an independent counsel to investigate and prosecute any other person "if the Attorney General determines that investigation of such person by the Attorney General or other officer of the Department of Justice may result in a personal, financial, or political conflict of interest." The Attorney General relied on this discretionary authority in applying for an independent counsel in Lieutenant Colonel North's matter.

If the Attorney General finds during a preliminary investigation reasonable grounds for further investigation or prosecution, the Attorney General applies to a special three-judge division of the District of Columbia circuit, appointed by the Chief Justice of the United States, for the appointment of an independent counsel. After the court appoints the counsel and defines the counsel's jurisdiction, the counsel may exercise all the investigative and prosecutorial authority of the Department of Justice. The independent counsel is subject, however, to removal by the Attorney General for good cause. The independent counsel may seek judicial review of the removal for error of law or fact before the special three-judge division of the District of Columbia circuit.

The Congress carefully considered the Nation's need for this statute, and its constitutionality, in hearings, reports, and debates between 1973 when special prosecutor legislation was introduced and 1978 when the Ethics in Government Act was enacted. The Congress again considered these questions in 1981 and 1982 when it reauthorized the independent counsel law for an additional 5 years, which will soon expire. In the coming months, the Committee on Governmental Affairs, whose chairman and ranking minority member are Mr. GLENN and Mr. ROTH, and its Subcommittee on Oversight of Government Management, whose chairman and ranking minority member are Mr. LEVIN and Mr. COHEN, will again be examining the statute for the purpose of possible amendment and further reauthorization. The subcommittee expects to hold hearings on March 19 and 20.

The Congress approved this legislation in 1978, and extended it with modifications in 1982, in the firm belief that it is a constitutional and necessary response to conflicts, experienced from time to time by the Department of Justice, in the investigation and prosecution of high executive branch officials. The resolution which I am offering will direct the Senate legal counsel to appear as amicus curiae in the name of the Senate in these cases to explain, as a friend of the court, the history of Congress' consideration of these important matters and the reasons for sustaining the law's constitutionality.

IN SUPPORT OF RESOLUTION DIRECTING THE SENATE LEGAL COUNSEL TO APPEAR AS AMICUS TO DEFEND THE CONSTITUTIONALITY OF THE INDEPENDENT COUNSEL STATUTE

Mr. COHEN. Mr. President, I rise in support of the resolution being offered by Senator BYRD that directs the Senate legal counsel to appear as amicus curiae in North versus Walsh, et al., and Deaver versus Seymour.

As my colleagues are aware, these cases involve challenges to the independent counsel provisions of the Ethics in Government Act of 1978 on the grounds that the title VI of that act violates the constitutional doctrine of separation of powers. Specifically, Oliver North has challenged the authority of Independent Counsel Lawrence Walsh to investigate North's conduct in the Iran-Contra affair and Michael Deaver sought, and was granted on February 25, a temporary restraining order which effectively restrains Independent Counsel Whitney North Seymour, Jr., from proceeding further toward an indictment of Deaver on charges of perjury before the grand jury and the Congress. Both of these cases are moving on a very fast track: arguments on independent Counsel Walsh's motion to dismiss in the North case will be heard on March 9, with argument on the Deaver motion being heard on March 11.

Yesterday, we all learned yet another development in these fast-moving events. Attorney General Meese appointed Mr. Walsh as a Department of Justice prosecutor in order to head off the constitutional challenge facing the investigation of the Iran-Contra affair. Attorney General Meese has called this step an "insurance policy" to make certain that the investigation remains on solid legal ground no matter what the outcome of the lawsuit challenging Walsh's status as independent counsel may be. Some of my colleagues may believe that this action may alleviate the need for the Senate to participate in the North case. I disagree and believe that it would be short-sighted to view the Attorney General's actions as removing the threat that has been posed to the independent counsel process.

By having independent counsels appointed by, and subject to regulations promulgated by, the executive branch, we are jeopardizing the public confidence that the Congress sought to achieve by crafting the Ethics in Government Act. The law recognized that public confidence is best served when investigations of top-level administration officials who are close to the President and the Attorney General are conducted by someone outside the Department of Justice. The Ethics Act does not ally the independent counsel with the legislative or judicial branches against the executive branch. Rather, it provides for truly independent investigations in only limited circumstances when the Department of Justice should not be called upon to investigate itself. Yes, there are alternative means of continuing the Iran-Contra investigation outside the Ethics Act, such as the one that the Attorney General announced yesterday. What we lose by employing such alternatives, however, is the assurance that allegations of criminal activity by top-level Government officials are uncovered and investigated fully and fairly, free from any taint of conflict of interest.

This month, the Subcommittee on Oversight of Government Management, which is chaired by Senator LEVIN and on which I serve as ranking minority member, will consider the reauthorization of the independent counsel law. These hearings will provide a timely opportunity to explore the ramifications of the Attorney General's actions for the independent counsel investigations now underway and on future cases. The hearings will also provide an important opportunity for the Senate to consider the constitutional and policy concerns raised by the current challenges against the Ethics Act.

I believe it is crucial that the Senate legal counsel be authorized today to file an amicus brief in both the North and Deaver actions in order to present the very strong position of the Congress that the independent counsel provisions are constitutionally sound. I urge swift adoption of this resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 160) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 160

Whereas, in the cases of *North* v. *Walsh, et al.*, Civil Action No. 87-457, and *Deaver* v. *Seymour*, Civil Action No. 87-477, pending in the United States District Court for the District of Columbia, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue. Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *North* v. *Walsh, et al.* and *Deaver* v. *Seymour* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. § 591-598.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

DIRECTING SENATE LEGAL COUNSEL TO TAKE CERTAIN ACTION IN UNITED STATES VERSUS TERRENCE A. RUMSEY, ET AL

Mr. BYRD. Mr. President, I have another resolution of which I have informed the distinguished Republican leader. I send it to the desk and ask for its immediate consideration.

The PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 161) to direct the Senate Legal Counsel to represent Senator Dole and to authorize the limited production of documents in the case of United States v. Terrence A. Rumsey, et al.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, last October 16, 1986, the Senate agreed to a resolution, Senate Resolution 512, which directed the Senate Legal Counsel to represent, and authorized the testimony of, four members of Senator DOLE's personal staff who had witnessed a sit-in demonstration at his Hart Building office the previous August. Although the trial of the protesters was supposed to have taken place in a prompt fashion, it has been put off several times until the most recent scheduling of March 25, 1987.

In conjunction with that latest date, the defendants have obtained subpoenas for the testimony of Senator DOLE himself and for the testimony and production of documents by his executive assistant. This resolution would simply authorize the necessary additional representation by the legal counsel as well as provide for the limited production of any requested documents which pertain to the defendants and are both relevant and not otherwise privileged.

Mr. President, I move adoption of the resolution.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution (S. Res. 161) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 161

Whereas, in the case of *United States v. Terrence A. Rumsey, et al.*, Crim. No. M-9505-86, et al., pending in the Superior Court of the District of Columbia, the defendants have obtained subpoenas for the testimony of Senator Dole and for the testimony of and production of documents by his Executive Assistant, Betty Meyer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 288b(a) and 288c(a)(2) (1982), the Senate may direct its counsel to represent Members of the Senate with respect to subpoenas issued to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate; Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Dole in the case of *United States v. Terrence A. Rumsey, et al.*

SEC. 2. That Betty Meyer is authorized to produce any documents, or portions thereof, in the case of *United States v. Terrence A. Rumsey, et al.*, which pertain to the defendants and are determined to be both relevant and not privileged.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from Kansas, the Republican leader.

Mr. DOLE. Mr. President, I thank the Chair and I thank the distinguished majority leader.

A VERY CANDID SPEECH ON THE SO-CALLED TOWER REPORT

Mr. DOLE. Mr. President, let me first commend President Reagan for what I consider to be a very candid speech on the so-called Tower report.

Let me also commend former Senator Tower, former Senator Muskie, and General Scowcroft for their diligence and their efforts in trying to determine what the facts are in this case.

My own view is that the President now has a fresh start. There is now a window of opportunity created along with the President's speech; by the appointment of our former colleague, the distinguished Senator from Tennessee, Mr. Baker, who will certainly do an outstanding job as chief of staff; Mr. Carlucci as National Security Adviser; Ambassador Abshire, who will be dealing with the Iranian matter for the President; the announcement that William Webster would be nominated CIA Director. So there is a lot of good news.

Some have said, why did it take so long? Why were these changes not made earlier? I cannot answer that question. But they have been made. And I believe they represent a sort of new day at the White House.

We will see a very active President. He is in good health. He is alert. He is in charge. There is no doubt about that. So I join others who have expressed their hope—Members on both sides of the aisle—that this will get us back on track. We have a lot of legislative work to do now and in the next 2, 3, or 4 months. We will need to focus on that and use all of our energies in the legislative arena. We shall need the President's help. We need a strong President. We have a strong President. We will have a strong President for the next 22 months. I believe most Americans, regardless of party, will be grateful for that.

PRESIDENTIAL CERTIFICATION ON CONTRA AID

Mr. DOLE. Mr. President, there is one indication that the President is doing precisely what he should be doing. Yesterday, he sent to Congress the certification required to permit release of the last $40 million in Contra aid voted by the 99th Congress. That starts the clock ticking on the period in which the Congress can block expenditure of these funds.

I assume we will have rather extensive debate over this issue during the next couple of weeks. This morning, I want to make only three brief comments.

First, I hope all of us will keep in mind that, despite all the "bombshells;" All the revelations that we have seen growing out the Iran arms sale situation, there has been no evidence that anyone in the Contra leadership or organization has done anything wrong. It would be unfair, pure and simple, to punish the "Contras" for the mistakes of administration officials.

Second, this is not one of those "inside-the-beltway" issues we hear so much about. And it should not be a partisan issue. There are republicans on both sides; there are Democrats on both sides. Ultimately, it is a question of whether the United States—and, specifically, the Congress of the United States—will keep its word and live up to its commitments to people who have cast their lot with America. We said we would provide this money to the Contras. We voted to do so, fair and square. We should do so.

Let's not kid ourselves: If we turn our backs on the "Contras" now, there will be two victims—not only the Contras, who will be left high and dry, but also the credibility of the United States and the credibility of Congress.

Finally, I know that many in the Senate oppose this aid. I do not question the sincerity of their views. I only hope that—if they decide to make this fight to block the aid—they will follow both the letter and spirit of the law we passed and the commitment we made last year.

If opponents of this aid want to try to block it, fair enough. The law provides a simple, wide-open procedure, with a binding up or down vote. We can face the issue squarely, put the policy on the table, and stand up and be counted. That is what the law provides; that is what a commonsense approach to legislating and policymaking dictates.

So, let's not muddy this issue up with phony "moratoriums" and aid, which are really aimed at killing the aid. That is already being ginned up on the House side. Let's not turn this issue into a parliamentary circus, so the real policy issue disappears in a series of procedural maneuvers.

The issue is clear. The American people have the right to know where we stand on this issue.

I must say on this issue, there are probably more people against aid, because the care for it has never been properly articulated by the administration, than there are for it. But it seems to me we have made this commitment, and we ought to carry it out. I hope we can have a vote as quickly as possible.

BICENTENNIAL MINUTE

MARCH 6, 1921: THE MARBLE ROOM

Mr. DOLE. Mr. President, on March 6, 1921, 66 years ago today, the Washington Evening Star reported a change in the Senate that Senators continue to enjoy today. "Famous Marble Room To Become Retreat for Senators," read the headline, and the accompanying story told of the decision reached the day before to close the Marble Room to all but Senators. In explaining how the future policy would work, the Star also revealed how the Marble Room had been used in the past:

> Hereafter, visitors calling upon the Senators while the Senate is sitting will send in their cards, as at present, from the reception room adjoining the Senate. * * * But instead of being invited into the Marble Room, if the Senators desire to see them, the visitors will wait in this "anteroom" until the Senators come out to them.

Senators gave two reasons for the change: first, the cloakrooms, where Senators had retired with their colleagues, were getting too crowded and stuffy; and, second, so many lobbyists had begun to clog the Marble Room that Senators could not make their way through the congestion.

Mr. President, the Marble Room is aptly named. Its ceiling, pilasters, and columns are of veined Italian marble, and the walls and wainscoting are of dark brown Tennessee marble. Huge mirrors reflect and re-reflect the magnificent crystal chandelier to give the illusion of endless halls and fireplaces.

This room, and those fireplaces, have a colorful history. Not long after this Chamber and the Marble Room were completed in 1859, the Civil War broke out. Union troops were actually quartered here in this Chamber and in the surrounding rooms. In 1869, Harper's magazine reported that the soldiers who called the Marble Room home, "hung this white place full of flitches of bacon, slices of which our hungry sentinels toasted on their jackknives at roaring fires in the chimneyplace."

SENATOR DOLE'S BICENTENNIAL MINUTES

Mr. BYRD. Mr. President, will the distinguished Senator yield?

Mr. DOLE. Yes, Mr. President, I yield.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader for yielding. I also congratulate him on these very interesting vignettes he is relating at regular intervals. They are very interesting.

The Senate and the House were to have convened on March 4, 1789, which would have been on the day before yesterday, Wednesday, 198 years ago. And incidentally, the days of the calendar today comport precisely with the days and dates of the calendar in 1789. It was Wednesday, 1789, March 4, that the Congress was to have convened, but it was 1 month and 2 days—April 6, 1789—before the Senate was able to establish a quorum. In other words, on April 6, 1 month from today, 198 years ago, the Senate first established a quorum, 1 month and 2 days late. There had been a storm that delayed the Members in coming. On that first day, though, that the Senate was to have convened, which was March 4, 1789, 198 years ago on this past Wednesday of this week, only eight Senators were there: two from Connecticut, two from Pennsylvania, two from New Hampshire, one from Georgia, and one from Massachusetts. Those eight Senators, after about a week, sent a letter to the other Members who were supposed to have been there. In New York, of course, the legislature had not yet elected Senators. In those days at the beginning of our Republic, and up until 1913, the State legislatures selected Senators.

But just so that the distinguished Republican leader and I might commiserate with one another about the difficulty of getting a quorum once in a while where, that is a problem which attached itself from the very beginning to this institution. I congratulate the distinguished Republican leader for his interesting and informative vignettes. I have found them to be delightful and I look forward to hearing him as he continues with his program of doing these from time to time. These will be helpful to all of us in having a better understanding of the very colorful history of the Senate and some of the Members who have sat in the Senate in years gone by. I thank my friend for yielding.

Mr. DOLE. I thank the distinguished majority leader. Very frankly, I took my inspiration from the outstanding statements that the majority leader has delivered on the floor about the history of the Senate and tried to catch in 1 minute's time a series of these historic events, which I will continue through the 100th Congress because this is a very historic Congress. I thank the majority leader.

Mr. BYRD. I thank the Republican leader.

TRANSFER OF SPECIAL ORDER TIME

Mr. BYRD. Mr. President, if I might ask consent for one other item. I ask unanimous consent that the special order time for Mr. Armstrong be under the control of Mr. Heinz.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MELCHER addressed the Chair.

The PRESIDENT pro tempore. The Senator from Montana is recognized.

Mr. MELCHER. Mr. President, I ask unanimous consent that Senator Heinz may precede my remarks and that my remarks be immediately after Mr. Heinz.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HEINZ. Mr. President, first let me express my appreciation to the Senator from Montana for allowing me to precede him. By right and precedent, he should have preceded me and I am grateful to him for this courtesy. We both have planes to catch; mine just leaves a little earlier.

RECOGNITION OF SENATOR HEINZ

The PRESIDENT pro tempore. The Senator from Pennsylvania [Mr. Heinz] is recognized.

MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT

Mr. HEINZ. Mr. President, when the Congress adjourned last October, at least one important legislative item was left unfinished. I am talking about a bill to protect our Nation's elderly and poor from unfit and fraudulent health care practitioners.

The Medicare and Medicaid Patient and Program Protection Act made it through the Finance Committee with strong bipartisan support last fall, but the press of tax reform, budget reconciliation, and other issues prevented a full vote by this body. I am introducing an updated version of this bill today, and would urge a speedy passage. It would be a great mistake to let yet another year go by without enacting these enhanced protections against waste, fraud, and abuse in our Federal health care programs.

The broad bipartisan support for this legislation on both sides of the Hill is reflected by its cosponsors. Joining me today in introducing this legislation are Senators Glenn, Mitchell, Durenberger, Bradley, Rockefeller, and Melcher. The identical bill was introduced yesterday in the House by Representatives Gradison, Stark, Waxman, Madigan, Wyden, and a number of others.

Mr. President, our major Federal health programs, Medicare and Medicaid, serve this country's most vulnerable populations. It is a blatant shortcoming in Government oversight when incompetent or dangerous doctors, banned in one State or from one of these programs, can move to another State to practice or continue to treat patients in the other program. A General Accounting Office [GAO] study released to the Aging Committee at a May 1984 investigative hearing, revealed shocking evidence of just such activity.

The GAO report identified 328 doctors, osteopaths, dentists, chiropractors, podiatrists, and pharmacists who had their licenses suspended or revoked for a year or more by authorities in Michigan, Pennsylvania, and Ohio for such serious offenses as fraudulent billing, sexual abuse of patients, incompetence and negligence. Even more disturbing than the initial occurrence of these offenses is the fact that well over one-third of these practitioners held licenses in other States and many continued to treat Federal patients after having been sanctioned.

For the 50 million Americans for whom Medicare and Medicaid are the health care lifelines, loopholes which allow this State hopping and program switching represent a direct threat. And because many of these incompetent practitioners also treat privately insured patients, all Americans are at risk. At the May 1984 hearing, we heard testimony estimating that as many as 36 million Americans may unknowingly place life, limb, and livelihood in the hands of unfit doctors each year.

Let me illustrate how serious and shocking a problem we face with a few case studies from the committee's investigation.

Dr. S, a surgeon, performed a series of extensive and dangerous back surgeries on a number of patients in California. As a direct result of his gross negligence and incompetence, one woman died. When he lost his license in California, he took up practice in Michigan and continued to receive Federal reimbursement under both Medicare and Medicaid. It took Michigan 6 years to finally revoke his license. That was almost 7 years ago. When last heard from, Dr. S had hung out a shingle in New York State and was still eligible to treat federally sponsored patients and bill the taxpayer under Medicare and Medicaid.

An equally appalling case is that of Dr. T. A convicted felon, who never graduated from medical school, Dr. T lied and connived his way through three States. He lost his license in California, after admitting that the medical school he had supposedly "graduated" from in Hanoi did not exist. A Federal court found him guilty of submitting false "new drug" studies to the FDA later in that same year—but Dr. T meanwhile had taken up practice in Arizona. Arizona revoked his license when he failed a State-ordered medical competence examination; but it took several more months before Ohio caught up with him for falsifying documents and he surrendered his license in that State. Nevada finally revoked his license, but stayed the revocation and ordered 5 years' probation. That probation period ends this November. Incredible though it may seem, Dr. T still is entitled to treat Medicare and Medicaid patients in Nevada.

Mr. President, what is truly troubling is that the Secretary of DHHS lacks the authority needed to prevent Dr. S, Dr. T and their like from risking the health of beneficiaries in our Federal programs. If either of these practitioners had lost his driver's license for drunk driving, his name would have gone into a national registry and he probably would not be given a driver's license in another State. Yet we have no nationwide system in place to identify doctors who threaten lives in their day-to-day medical practices or adequate enforcement authority to revoke their eligibility to participate in Federal programs.

The absence of coordination among States allows these dangerous, criminal doctors to hop from Pennsylvania, to California to Michigan—to mislead and mistreat patients in any one of the 50 States. Current restrictions on the Government's authority, in fact, mean a doctor can be banned in 49 States and still bill the Government for treating Medicare and Medicaid patients in the 50th. Dr. R is a case in point. Dr. R practiced in my home State of Pennsylvania for 3 years before his license was suspended. He had already surrendered his right to practice in Florida—he had set his office on fire there, and told a patient who complained of an urinary tract infection that the problems were caused by the "radiation of the Sun's rotation." Massachusetts previously convicted Dr. R on criminal charges.

In the waning hours of the 99th Congress, Mr. President, we enacted legislation that will aid the Secretary of Health and Human Services in safeguarding the public against unfit physicians. The Omnibus Health Act of 1986 requires that insurance companies, medical reviewing entities, and State medical boards and licensing agencies provide specific data to the Secretary on physicians against whom a judgment has been brought in a malpractice suit and on physicians whose licenses have been revoked, suspended, or otherwise restricted as a result of professional incompetence of professional misconduct. This information will, in turn, be available to hospitals and other medical entities. The new law also required that hospitals report to the Secretary once every 2 years on malpractice actions that have been brought against members of their medical staffs.

The Omnibus Health Act is a major step forward in providing a data network to help the States and the Federal Government protect its citizens from incompetent or otherwise unfit physicians. In itself, however, the Omnibus Health Act of 1986 will not rid our Federal health programs from such providers, or arm the Secretary with penalties that can be used in a timely and efficient manner. For that, we need to enact the legislation I am introducing today.

Mr. President, allow me to provide a little background on the Secretary's existing authority. The 1971 Social Security Act Amendments authorized the Secretary to exclude from participation in the Medicare Program, practitioners or other individuals who, first, knowingly submit false claims, who, second, charge Medicare substantially more than their customary charges, or who, third, provide service substantially in excess of patients' needs or provide services of a quality which fails to meet professionally recognized standards of health care.

Subsequent amendments to the act authorized the Secretary to exclude from Medicare individuals who are found guilty of providing unnecessary or substandard care to program beneficiaries, and mandated suspension from participation in both Medicare and Medicaid of any individual convicted of criminal offenses related to participation in these programs.

What limited sanction activities we've seen thus far only underscore the loopholes which exist in the fraud and abuse statutes. For example, the Department currently is powerless to bar physicians or other practitioners from program participation based upon disciplinary action imposed upon them by State licensing boards.

The bill I am introducing today closes such loopholes by expanding the grounds upon which the Secretary can exclude health care providers from participation in federally funded programs. It also broadens the Secretary's authority to impose civil monetary penalties and clarifies procedures for imposing such penalties. The following provides a description of the major provisions of the bill:

First, the Medicare and Medicaid Patient and Program Protection Act establishes a minimum period of 5 years for mandatory exclusions. In addition to the existing mandatory exclusion for program related crimes, the bill adds a new mandatory exclusion for individuals and entities convicted of neglect or abuse of patients.

Second, it adds a number of new actions that may lead to exclusion from Federal health programs at the Secretary's discretion. These include: First, convictions related to obstruction of an investigation; second, controlled substance violations, including unlawful manufacture, description, or dispensing; third, the loss or suspension of a license; fourth, failure of a HMO to provide medically necessary services; fifth, failure to grant access to Federal and State investigators; sixth, exclusion from any State health care program, the Veterans' Administration or Defense Department; and seventh, default on health loans or scholarships. Providers that are excluded from Medicare and Medicaid would also be excluded from the Federal Maternal and Child Health Block Grant Program and the Social Services Programs under titles V and XX of the Social Security Act.

Third, the bill gives the Secretary a new armament of penalties to invoke against providers who violate various provisions of the Social Security law. It closes loopholes that currently permit the payment of improper claims, such as double billing, and clarifies penalties for claims submitted by nonlicensed physicians. It gives new authority to the Secretary to assess penalties against hospitals that improperly charge Medicare beneficiaries for care already paid for under the prospective payment system or against hospitals that provide improper information that may influence a discharge decision. This latter provision will help to combat doctors and hospitals that mislead patients into believing they are being discharged because their benefits have been used up, when in reality the hospitals are attempting to eliminate potential DRG losers.

Fourth, the bill creates a new information-sharing network by requiring States to provide the Secretary with information about formal sanction proceedings conducted by State licensing authorities against health practitioners. It empowers the Secretary to collect such information and share it with the States, and other entities—such as peer review organizations, State licensing authorities and hospitals—to assist them in determining the fitness of practitioners seeking licenses. This network will put an end to the current situation, with sanctioned practitioners simply crossing State lines.

Fifth, it provides that an individual mandatorily excluded under Medicare or Medicaid would also be subject to the loss of their registration to dispense a controlled substance.

Sixth, it provides the Secretary with intermediate sanctions to use against a Medicare ESRD facility that is out of compliance with the law. Currently, if the Secretary determines that a facility has run afoul of law or regulation but is not jeopardizing the health and safety of patients, the only penalty he can assess is to terminate the facility's contract with Medicare. Under this bill, the Secretary will be authorized to withhold payments to such a facility until they come into compliance.

Finally, the Medicare and Medicaid Patient and Program Protection Act clarifies congressional intent regarding a provision of the Deficit Reduction Act of 1984 that affects States whose Medicaid eligibility requirement for recipients who do nor receive cash are less than for case recipients. This provision attempts to settle once and for all an issue of definition and interpretation that has created no end of difficulties for certain States that elect to cover individuals who are not categorically eligible for Medicaid.

Mr. President, this bill will cost $13 million over the next 3 years in new administrative expenses for the Department of Health and Human Services. It is a very small price to pay for providing desperately needed protections for our poor and aged. I urge my colleagues to join me in its prompt passage.

Mr. President, I ask unanimous consent that a summary of the bill—this is a lenghty bill—be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

THE MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT OF 1987

BILL SUMMARY

Purpose

The purpose of this bill is to broaden the authority of the Secretary of Health and Human Services to exclude incompetent and unethical health care providers from participation in all federally funded programs. It creates a national information sharing network to enable the federal government to track and monitor potentially dangerous providers.

Major provisions

Exclusion from Medicare and State Health Programs—Broadens the conditions under which the Secretary of the Department of Health and Human Services (HHS) and the State Medical directors would be required to exclude, or would have the option to exclude, individuals or entities from participating in the Medicare and Medicaid programs. The bill would:

First, establish a minimum five year period of exclusion for mandatory exclusions. In addition to a mandatory exclusion for program-related crimes, the bill would add a new mandatory exclusion for individuals and entities convicted of neglect or abuse of patients.

Second, specify fourteen specific reasons that may justify an exclusion. New reasons for discretionary exclusion include:

(1) convictions related to obstruction of an investigation;

(2) controlled substance violations;

(3) loss of license;

(4) failure of an HMO to provide medically necessary services;

Civil Monentary Penalties—Broadens the Secretary's authority to impose civil monetary penalties and clarify procedures for imposing civil monetary penalties. New language would close loopholes that permit payment of improper claims, such as double billing, and clarify penalties for claims submitted by non-licensed physicians. New authority would be added to permit the Secretary to assess penalties against hospitals that improperly charge Medicare beneficiaries for care already paid under the prospective payment system or against hospitals that provide improper information that may influence a discharge decision.

Reporting Requirements re: Sanctions taken by State Licensing Authorities Against Health Care Practitioners—Requires States to maintain a system and report to the Secretary all adverse actions, such as revocation of a license, taken by a licensing authority against an individual or entity. The reports would be provided to State licensing authorities, State and Federal health care programs, and appropriate law enforcement officials nationwide. Also provides for coordination with the Health Care Quality Improvemenmt Act of 1986. (Requires among other things that hospitals and other providers file reports with HHS on sanctioned physicians and physicians who have been successfully sued for malpractice.)

Limitation of Liability of Medicare Beneficiaries—Protects beneficiaries from liability for payments for services from an excluded provider if he/she did not know or had no reason to know that the provider was excluded.

Intermediate Sanctions for End Stage Renal Disease—Permits the Secretary, in cases where there is no jeopardy to the health and safety of the patient, and with proper notification, to withhold Medicare payments until the facility comes into compliance, or the Secretary terminates the Medicare agreement with the facility.

Anti-Kickback Provisions—Requires that not later than 1 year after enactment, the Secretary of HHS, in consultation with the Attorney General, publish proposed regulations specifying payment practices that shall not be treated as a criminal offense under section 1128B(b)(7) of the Act.

COST ESTIMATE

CBO has estimated that the bill would cost $6 million in FY88, $4 million in FY89 and $3 million in FY90, for a total of $13 million over three years.

Mr. HEINZ. Mr. President, one final note. This bill will cost some money, about $13 million, in administrative expenses over a 3-year period. To me $4 million a year is a lot of money and it is more than I would like to spend, but we are talking about protecting the American public which is consuming health care services in excess of $300 billion—not million, $300 billion—each year. That annual sum represents roughly 100,000 times what we propose to do to protect the health and welfare of the people benefiting from these programs.

Mr. President, I thank the Senator from Montana for his courtesies.

Mr. MELCHER. Mr. President, will the Senator from Pennsylvania yield?

Mr. HEINZ. Mr. President, I will be pleased to yield.

Mr. MELCHER. Mr. President, Will the Senator be kind enough to put me on as a cosponsor of his bill?

Mr. HEINZ. Mr. President, I am delighted to do so and I will do so.

Mr. MELCHER. Mr. President, I thank the Senator.

MEDICARE AND MEDICAID PATIENT AND PROGRAM PROTECTION ACT

Mr. GLENN. Mr. President, I am pleased to join Senator HEINZ in once again introducing the Medicare and Medicaid Patient and Program Protection Act.

This legislation is the outcome of a hearing of the Special Committee on Aging in May 1984, when Senator HEINZ and I were chairman and ranking minority member. Major provisions of our previous legislation were incorporated into fraud and abuse legislation reported by the Senate Finance Committee last October, but the 99th Congress adjourned before final action was taken.

It is my hope that early action will be taken by the current 100th Congress on the Medicare and Medicaid Patient and Program Protection Act, and on a companion bill introduced in the House of Representatives yesterday.

At our 1984 Aging Committee hearing, we heard testimony from the General Accounting Office [GAO], the Inspector General [IG] of the Department of Health and Human Services [HHS], and others about a most disturbing matter—the treatment of Medicare and Medicaid beneficiaries by doctors, pharmacists, and other health care professionals who have been found to provide incompetent, dangerous, and/or unethical care.

Although the Secretary of HHS can exclude practitioners from participation in Medicare and can require the States to exclude practitioners from participation in Medicaid, this sanction authority is limited under current law. For example, the Secretary can only exclude health care providers for certain acts committed against the Medicare and Medicaid programs. In other words, the Secretary cannot exclude individuals or entities serving private pay patients or patients in other programs who are found guilty of claims such as fraud, financial abuse, neglect of patients or unlawful distribution of a controlled substance. And, HHS only has the authority to exclude practitioners in the States where he or she has lost a license, rather than nationwide.

Due to loopholes in current law, and because health care professionals are often licensed in several States, unethical and incompetent providers are continuing to treat Medicare and Medicaid patients—our Nation's elderly, low-income, and often vulnerable citizens. In some cases, doctors and other providers who are found unfit to practice in one State simply move to another State and continue treating patients. In other cases, the practitioners do not even have to change States—if barred from practice in Medicare, they switch to Medicaid and vice versa.

The bill we are introducing today, the Medicare and Medicaid Patient and Program Protection Act, would close the escape routes now available to unfit health care providers by prohibiting them from participating in Medicare, Medicaid, and other Federal health programs. Among numerous provisions, this legislation:

Mandates the exclusion of individuals or entities convicted of program-related crimes from Medicare, Medicaid, the title V, maternal and child health block grant programs and the title XX, social services programs; and establishes a minimum 5-year period of exclusion.

Adds a new mandatory exclusion for individuals and entities convicted under Federal or State law of neglect or abuse of any patient.

Clarifies and broadens the Secretary of HHS' authority to exclude providers. New reasons that may justify an exclusion include:

Convictions related to obstruction of an investigation; controlled substance violations; loss or suspension of license; and suspension or exclusion from any Federal program, including the health care programs of the Department of Defense and the Veterans' Administration.

Broadens the Secretary's authority to impose civil monetary penalties for the submission of improper claims by physicians and hospitals, and includes the authority to assess penalties against hospitals that provide improper information that may influence a discharge decision.

Extends Medicare and Medicaid criminal penalties for kickbacks, bribes, or false statements to the title V and title XX programs.

Establishes a national reporting system for sanctions taken by State licensing authorities against all health care practitioners. The Secretary of HHS would provide these reports nationwide—to State licensing authorities, Federal and State health care programs, and appropriate law enforcement officials—as well as reports required by the Health Care Quality Improvement Act of 1986 on sanctioned physicians and physicians who have been successfully sued for malpractice.

Doctors and other health professionals who lose their State licenses do so for very serious reasons. According to the GAO, the majority provide substandard care through malpractice, alcohol and drug abuse, or immoral conduct. This is a national problem; and I believe we should have a national registry to help ensure that no person, regardless of how their health care is financed, is treated by an unfit doctor.

The Congressional Budget Office [CBO] has estimated the cost of administering this legislation to be a total of $13 million for fiscal years 1988-90. This small investment will go a long way toward ensuring that Federal outlays for Medicare and Medicaid, which will top $100 billion in fiscal year 1987, do not go to sanctioned doctors and institutions.

The Medicare and Medicaid Patient and Program Protection Act enhances our ongoing efforts to ensure high-quality health care for beneficiaries and to protect against the misuse of Federal dollars. While the number of unfit doctors and other health care providers is small, the threat they pose is very serious. It only makes sense to do all that we can to remedy this situation. The legislation we are introducing today merits our prompt attention and enactment. I urge my colleagues to join in this effort.

RECOGNITION OF SENATOR MELCHER

The PRESIDENT pro tempore. The Senator from Montana is recognized.

S. 659—AGRICULTURAL AID AND TRADE MISSIONS ACT

Mr. MELCHER. Mr. President, I am going to speak with a certain amount of desperation today about an emergency bill that I think is very essential if we are going to help farmers and ranchers in this country, also agribusiness and the entire U.S. economy.

Mr. President, for those who like to encapsulate just what the U.S. economy is doing at any given time, perhaps some of them would like to look at the Dow Jones average on Wall Street. Others like to look at the unemployment figures, which for last month were just revealed today by the Bureau of Labor Statistics.

I do not know why the Dow Jones average is as high as it is, and I am pleased that the unemployment rate is no greater than 7 percent, or just slightly below 7 percent. But if we are to measure how we look at the economy in the old terms of the bears and the bulls, the bears being skeptical and the bulls being optimistic, just put me down not only as a bear but also as a grizzly bear, because I am very skeptical about the health of the U.S. economy. I think it is shaky; I think there are mixed signals. The gross national product is not projected at a very robust rate. Last year, it was around 2.5 percent, and this year it may be lower.

Then there are the statistics we keep on new orders. They are not very encouraging. Or, if we look at industrial investment, we have to wonder why we would think the economy is really rosy when there is not that much going on in that basic part of the whole economy.

With respect to commodity prices, whether we are looking at commodity prices for agriculture or for energy or for various products or for minerals, we find those prices are down. We find those prices reflect in many instances and in some industries, such as agriculture, that the commodity prices are not only down but also seem to be sagging further, and they are below the cost of production. That is not good news.

If we look at what the projection of agricultural commodity prices is for, say, the 8 or 12 months from now, we find that those projections, so far as the futures traders are concerned, are even worse. And why not? Why should they not be even worse?

I would love to be optimistic, but if we are going to have a rosy situation in these basic economies, something has to be done, and it has to be done here in Washington, by Congress and the administration, because the surplus situation we have in agricultural commodities is per se price depressing.

Just because we have huge amounts of wheat and huge amounts of corn, soybeans, and other commodities in surplus means only one thing: that as long as those huge surpluses overhang the market, there is only one way for the prices of commodities to go, and that is down. Obviously, it is our function as managers of all these surplus commodities to make sure that they are being disposed of.

First of all, domestic: There is some hunger in the United States. At least 10 percent of the population—some would project it up to 20 percent—are actually underfed, undernourished. Whether it is 10 or 20 percent, our duty is to make sure that the people in this country have access to these surplus commodities, which, after all, are owned by us, the Federal Government. But that will not take care of all the surplus we have, so we must look at exports.

We have to find a home abroad for the rest of the surplus commodities we have. The question immediately arises, who needs the food; what countries need it? We get conflicting reports. Some would tell us that every need has been met, and others tell us, "You name the country, and we will talk to them and find out." I believe the latter statement is the correct statement.

So, what does this bill do which I am going to introduce today, this emergency bill? It addresses that problem head on.

If there are countries abroad that need food—and I state emphatically that there are many countries abroad that need food—which countries are they and on what terms will they utilize the food from the United States? Will it be for cash, will it be for credit, or will it be, in the case of very poor countries, donations?

The bill does this, Mr. President: The bill addresses this problem by calling for mission to be set up, composed of representatives of both the Department of Agriculture and the Department of State, with membership on the missions also to be filled by people from the private sector, representing commodity groups, representing producer groups, whether it is wheat or corn or soybeans or any of the other commodities in surplus; plus people from the private voluntary organizations that engage in distribution of surplus commodities to friendly countries around the globe that need food.

Those are the missions, and they would go directly to a number of countries. The bill will name at least 15 countries, ranging from Mexico, our neighbor to the south, to the Philippines and Southeast Asia, to Nigeria and Senegal and Kenya in Africa. Those are countries with which we have dealt continuously and which have utilized food from the United States anywhere from the past 20 years to the past three generations. These are countries that are poor, or at least their economies are such that they are in a bad condition.

Mr. President, the missions would go to each of these countries and confer with government officials, confer with those in the private sectors in those countries and with their private voluntary organizations and charitable groups. They would report back directly to the President and Congress and make recommendations to expedite any and all types of shipments of these surplus commodities.

We have numerous programs, ranging from discount sales called export enhancement, to long-term credit sales, to outright donations.

Their recommendations given to the President and to Congress would carry high priority and would be set in a timeframe that is expeditious, with the exports to follow immediately.

Mr. President, this bill which I will shortly send to the desk on behalf of myself and Senators LEAHY, PRYOR, and DASCHLE is a desperate effort to turn around the situation where our export of agricultural commodities has dropped almost 40 percent in the last 5 years, to do something about our balance of trade, to do something about improving the commodity prices of these particular crops that are grown here in the United States and whose surpluses have caused the prices to decline, to continually sag and go down.

Mr. President, we will have hearings on the bill in the subcommittee which I Chair next Tuesday afternoon and I would hope that we can mark up a bill and present it to the full committee for their consideration and promptly have a bill of this nature on the Senate floor within a matter of days.

Mr. President, I ask unanimous consent that S. 659 be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 659

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Agricultural Aid and Trade Missions Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) United States agricultural exports declined by more than 37 percent since 1981, from $43.8 billion per year to $27.5 billion per year;

(2) the United States' market share of agricultural commodities and products has dropped worldwide by 28 percent during the last 5 years;

(3) for the first time in 15 years, the United States incurred monthly agricultural trade deficits in 1986;

(4) the loss of $1 billion in United States agricultural exports causes the loss of 35,000 agricultural jobs and the loss of 60,000 nonagricultural jobs;

(5) the loss of agricultural exports threatens family farms, and the economic well-being of rural America;

(6) in order to reverse the decline of agricultural exports and improve prices for the farmers and ranchers of the United States, it is necessary that all agricultural export programs of the United States be used in an expeditious manner, including such programs established under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), and section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(7) greater use should be made by the Secretary of Agriculture of the authority established under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a et. seq.) to provide intermediate credit financing for the establishment of facilities in importing countries—

(A) to improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities and products; and

(B) to increase livestock production in order to enhance the demand for United States feed grains;

(8) food aid and export assistance programs stimulate economic activity in developing countries and, as incomes improve, diets improve and the demand for and ability to purchase food increases;

(9) private voluntary organizations and cooperatives are important and successful partners in our food aid and development programs;

(10) in addition to meeting humanitarian needs, food aid used in sales and barter programs by private voluntary organizations and cooperatives—

(A) provide communities with health care, credit systems, and tools for development; and

(B) establish the infrastructure that is essential to the expansion of markets for United States agricultural commodities and products; and

(11) greater support by the United States government for the development activities of private voluntary organizations and cooperatives is in the interest of the United States and our farmers and ranchers.

TITLE I—AGRICULTURAL AID AND TRADE MISSIONS

SEC. 101. DEFINITIONS.

As used in this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Agency for International Development.

(2) ELIGIBLE COUNTRY.—The term "eligible country" means a country that is eligible under section 103.

(3) MISSION.—The term "mission" means an agricultural aid and trade mission established under section 102.

(4) UNITED STATES AGRICULTURAL AID AND TRADE PROGRAMS.—The term "United States agricultural aid and trade programs" includes—

(A) programs established under titles I and II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.);

(B) the program established under section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431);

(C) the agricultural export enhancement program established under section 1127 of the Food Security Act of 1985 (7 U.S.C. 1736v);

(D) the dairy export incentive program established under section 153 of the Food Security Act of 1985 (15 U.S.C. 713a-14);

(E) the export credit guarantee program (GSM-102) established under section 5(f) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c(f));

(F) the intermediate export credit guarantee program (GSM-103) established under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707a(b)); and

(G) other agricultural aid and trade programs authorized by the Food Security Act of 1985 (Public Law 99-198), by the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or by other applicable authorities.

SEC. 102. AGRICULTURAL AID AND TRADE MISSIONS.

(a) ESTABLISHMENT.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture, the Secretary of State, and the Administrator shall jointly establish agricultural aid and trade missions to eligible countries to encourage the countries to participate in United States agricultural aid and trade programs in accordance with section 104.

(b) COMPOSITION.—A mission established in an eligible country shall be composed of—

(1) representatives of the Department of Agriculture, the Department of State, and the Agency for International Development, appointed by the Secretary of Agriculture, Secretary of State, and Administrator, respectively; and

(2) not less than 3, nor more than 6, representatives of market development cooperators, private voluntary organizations, and cooperatives, appointed jointly by the Secretary of Agriculture, Secretary of State, and Administrator,

who are knowledgeable about food aid and agriculture export programs, as well as the food needs, trade potential, and economy of the eligible country.

(c) TERMS.—The term of a member of a mission shall terminate on submission of the report of the mission required under section 105.

(d) COMPENSATION AND TRAVEL EXPENSES.—A member of a mission shall serve without compensation, if not otherwise an officer or employee of the United States, except that a member shall, while away from the home or regular place of business of the member in the performance of service under this title, be allowed travel expenses, including per diem in lieu of subsistence, as authorized under section 5703 of title 5, United States Code.

SEC. 103. ELIGIBLE COUNTRIES.

(a) IN GENERAL.—A mission shall be established and completed—

(1) not later than 6 months after the date of enactment of this Act, in Mexico, the Philippines, Indonesia, India, Bangladesh, Senegal, and Nigeria; and

(2) not later than 1 year after the date of enactment of this Act, in Peru, Kenya, the Dominican Republic, Costa Rica, Malaysia, Venezula, Tunisia, and Morocco.

(b) ADDITIONAL COUNTRIES.—After the completion of a mission in each of the countries referred to in subsection (a), a mission may be established to a foreign country if—

(1) the participation of the country in United States agricultural aid and trade programs would be mutually advantageous to the country and the United States; and

(2) the country is friendly to the United States.

SEC. 104. FUNCTIONS.

The members of a mission to an eligible country shall—

(1) meet with representatives of government agencies of the United States and the eligible country, as well as commodity boards, private enterprises, private voluntary organizations, and cooperatives that operate in the eligible country, to assist in planning the extent to which United States agricultural aid and trade programs could be used in a mutually beneficial manner to meet the food and economic needs of the country;

(2) provide technical expertise and information to representatives of government agencies of the United States and the eligible country and private organizations with respect to United States agricultural aid and trade programs and agricultural commodities and other assistance available to the eligible country under the programs; and

(3) assist in obtaining firm commitments for—

(A) proposals for food aid programs; and

(B) agreements for commodity sales under agriculture export programs.

SEC. 105. MISSION REPORTS.

Not later than 60 days after the completion of a mission under section 103, the mission shall submit to the President, the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Secretary of Agriculture, the Secretary of State, and the Administrator a report that contains the findings and recommendations of the mission in carrying out this title.

SEC. 106. PROGRESS REPORTS.

During the 2-year period beginning 1 year after the date of enactment of this Act, the Secretary of Agriculture and the Administrator shall jointly submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a quarterly report on progress made in implementing the recommendations of the missions reported under section 105, including the quantity and dollar value of commodities shipped to eligible countries and the specific development programs undertaken in accordance with this title.

SEC. 107. USE OF COMMODITY CREDIT CORPORATION.

With the use of funds made available to the Commodity Credit Corporation, the Secretary of Agriculture shall use the facilities, services, authorities, and funds of the Commodity Credit Corporation to carry out this title during a fiscal year.

TITLE II—EXPANSION OF AGRICULTURAL EXPORTS AND MARKETS

Subtitle A—Amendments to Title II of the Agricultural Trade Development And Assistance Act of 1954

SEC. 201. LIMITATION ON USE OF FOREIGN CURRENCIES.

Section 206 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726) is amended by inserting after "extraordinary relief requirements," the following: "or for nonemergency programs conducted by nonprofit voluntary agencies or cooperatives,".

SEC. 202. USE OF FOREIGN CURRENCY PROCEEDS.

Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

(1) in subsection (a), by inserting "or cooperative" after "agency";

(2) in subsection (b), by striking out "5 percent" and inserting in lieu thereof "10 percent"; and

(3) by adding at the end thereof the following new subsection:

"(c) Foreign currencies generated from partial or full sales or barter of commodities by a nonprofit voluntary agency or cooperative shall be used to carry out—

"(1) activities by the agency or cooperative that will enhance the effectiveness of transportation, distribution, or use of commodities and products donated under this title; or

"(2) food for work, income generation, community development, health, nutrition, cooperative development, or agricultural programs.".

SEC. 203. PERIODS FOR REVIEW AND COMMENT.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et. seq.) is amended by adding at the end thereof the following new section:

"Sec. 208. (a) Not later than 45 days after submission, the President shall take final action on a proposal submitted by a nonprofit voluntary agency or cooperative, with the concurrence of the field mission, for the delivery of commodities requested.

"(b) Not later than 30 days prior to the issuance of a final guideline issued to carry out this title, the President shall—

"(1) provide notice of the proposed guideline to nonprofit voluntary agencies and cooperatives that participate in programs under this title, and other interested persons, that the proposed guideline is available for review and comment;

"(2) make the proposed guideline available, on request, to the agencies, cooperatives, and persons; and

"(3) take any comments received into consideration before the issuance of the final guideline."

Subtitle B—Amendments to Section 416 of the Agricultural Act of 1949

SEC. 211. ELIGIBLE COMMODITIES.

Section 416(b)(2)(A) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(2)(A)) is amended—

(1) by striking out "grains," and inserting in lieu thereof "wheat, rice, feed grains,"; and

(2) by inserting ", and the products thereof," after "price support operations".

SEC. 212. AVAILABILITY OF COMMODITIES.

Section 416(b)(3) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(3)) is amended by adding at the end thereof the following new subparagraph:

"(D) If eligible commodities are made available under this section to a friendly country, the Secretary shall also make such commodities available to nonprofit and voluntary agencies and cooperatives for food aid programs in the country.".

SEC. 213. MULTIYEAR AGREEMENTS.

Section 416(b)(4) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(4)) is amended by adding at the end thereof the following new sentence: "In agreements with recipients of eligible commodities under this section (including nonprofit agencies or cooperatives), the Secretary, on request, shall approve multiyear agreements to make agricultural commodities available for distribution or sale by the recipients if the agreements otherwise meet the requirements of this section.".

SEC. 214. FOREIGN CURRENCY USE AND ALLOCATION REQUIREMENTS.

(a) FOREIGN CURRENCY USES.—Clause (ii) of section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(ii)) is amended to read as follows:

"(ii) Foreign currencies generated from partial or full sales or barter of commodities by a nonprofit voluntary agency or cooperative shall be used to carry out—

"(I) activities by the agency or cooperative that will enhance the effectiveness of transportation, distribution, or use of commodities and products donated under this section; or

"(II) food for work, income generation, community development, health, nutrition, cooperative development, or agricultural programs.".

(b) ALLOCATION REQUIREMENTS.—Section 416(b)(7)(D)(iii) of such Act is amended—

(1) by striking out "5 percent" and inserting in lieu thereof "10 percent";

(2) by inserting ", or the minimum tonnage required, whichever is greater," after "furnished".

SEC. 215. PERIODS FOR REVIEW AND COMMENT.

Section 416(b)(8) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)) is amended by adding at the end thereof the following new subparagraph:

"(C)(i) Not later than 45 days after submission, the Secretary shall take final action on a proposal submitted by a nonprofit and voluntary agency or cooperative, with the concurrence of the field mission, for the delivery of commodities requested.

"(ii) Not later than 30 days prior to the issuance of a final guideline issued to carry out this section, the Secretary shall—

"(I) provide notice of the proposed guideline to nonprofit and voluntary agencies and cooperatives that participate in programs under this section, and other interested persons, that the proposed guideline is available for review and comment;

"(II) make the proposed guideline available, on request, to agencies, cooperatives, and persons; and

"(III) take any comments received into consideration before the issuance of the final guideline."

SEC. 216. MINIMUM QUANTITIES OF ELIGIBLE COMMODITIES.

Section 416(b)(10) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(10)) is amended—

(1) in subparagraph (A), by striking out "1986" and inserting in lieu thereof "1987"; and

(2) in subparagraph (B)—

(A) by striking out "500,000" in clause (i) and inserting in lieu thereof "800,000"; and

(B) by striking out "150,000" in clause (ii) and inserting in lieu thereof "200,000".

Subtitle C—Foreign Agricultural Service

SEC. 221. AUTHORIZED PERSONNEL LEVEL.

To ensure that the various agricultural export programs of the United States are carried out in an effective manner, the authorized number of personnel for the Foreign Agricultural Service shall not be less that 850 full-time employees during each of the fiscal years ending September 30, 1987, through September 30, 1989.

SEC. 222. CONTRACT AUTHORITY FOR INDIVIDUALS ABROAD.

(a) AUTHORITY.—The Secretary of Agriculture may contract with individuals for personal services to be performed outside the United States as the Secretary determines necessary or appropriate for carrying out programs and activities to maintain, develop, or enhance export markets for United States agricultural commodities and the products thereof.

(b) NONFEDERAL EMPLOYEES.—The individuals referred to in subsection (a) shall not be regarded as officers or employees of the United States Government under any law, including any law administered by the Office of Personnel Management.

Subtitle D-Report On Intermediate Export Credit

SEC. 231. REPORT ON INTERMEDIATE EXPORT CREDIT.

Not later than December 31, 1987, the Secretary of Agriculture shall submit a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, on the use of authority provided under section 4(b) of the Food for Peace Act of 1966 (7 U.S.C. 1707(b)) to provide intermediate credit financing for the establishment of facilities in importing countries—

(1) to improve the handling, marketing, processing, storage, and distribution of imported agricultural commodities;

(2) to increase livestock production in order to enhance the demand for United States feed grains; and

(3) to increase markets for United States livestock and livestock products.

The PRESIDENT pro tempore. Does the Senator yield the floor?

Mr. MELCHER. I yield the floor.

RECOGNITION OF SENATOR HEFLIN

The PRESIDENT pro tempore. The Senator from Alabama is recognized for 5 minutes.

EVALUATION OF COTTON PROGRAM

Mr. HEFLIN. Mr. President, there has been much talk and publicity of the need to make drastic changes in the Food Security Act, which became law in late December 1985. The farm issue, of course, was a political "hot potato" in many areas of the country during the past election season. Because of the political pressure, attempts will be made to make a sweeping, comprehensive reform of the farm legislation.

Personally, I was not satisfied with the last farm bill. I voted against it. I feel more should have been done to protect American farmers. Many provisions of this legislation, in my opinion, found their birth in former OMB Director David Stockman's proposed farm bill. A reexamination of these provisions is in order.

However, I feel that some provisions of the bill made changes that were for the better.

For this reason, I am not finding the sentiment among the cotton farmers in Alabama to reopen the 1985 farm bill and make drastic changes. The Cotton Program under the Food Security Act is one example where improvement has occurred.

I am glad that I can report to this body that the Cotton Program enacted in 1985 is working, despite the press attention that it received because of the "million dollar payments" to large corporate farms. Many of the so-called million dollar payments were not even made to farmers, nor were these payments mandated as part of the commodity programs, but resulted from the Secretary of Agriculture exercising his discretionary authority.

Under the Cotton Program, for example, the Secretary of Agriculture was given authority to implement one of two plans. One plan, that I coauthored, called Plan B, gave the Secretary the authority to allow a cotton producer to repay the Commodity Credit Corporation loan at a level that is the lesser of the loan rate or the prevailing world market price during 1986. This concept is the pure marketing loan, which targeted all of the benefits to the farmer.

The other alternative, Plan A, which the Secretary chose to activate, limited the amount of direct benefits to the farmer at 80 percent of the established loan rate. Direct benefits from a market price reduced below the loan rate was to be made available to the first handlers of cotton. Generally these first handlers are not farmers. Such payments were not mandated by Congress but, again, was and is the result of discretionary authority exercised by the Secretary. This was, in my opinion, one of the ills of the program. However, for the crop year of 1987, the Secretary of Agriculture has exercised his discretion and chose Plan B, which will correct most of the ills of the program.

However, the new concept of a marketing loan, or more specifically, the element of this concept that the Secretary exercised, and not the big payments that he made, is responsible for making U.S. cotton competitive in international markets. USDA now conservatively estimates that cotton exports for this crop year will reach 6.5 million bales. Experts in the industry have projected that exports could reach as high as 7 million bales. As of September 1986, U.S. cotton export sales commitments were already 4.7 million bales, which is almost 2½ times the total exports during the 1985 crop year.

These impressive sales are the response by our overseas customers to U.S. cotton prices that are on par with world prices for the first time in nearly 2 years. Now that competitive prices are ensured for U.S. cotton, this commodity is poised to make a dramatic turnaround very early in the new season.

In my opinion, the turnaround could not have been more timely. The cotton industry was in a near crisis. Projected world production and carry over stocks were at the highest levels in history. Excessive foreign production, stimulated by foreign governments subsidies and the overvalued dollar, was making the price of their cotton as much as 21 cents a point lower than ours. As a result, U.S. exports in 1985, which was less than 2 million bales, were at their lowest point since World War II.

I believe the new Cotton Program will force changes in the number of acres planted to cotton in foreign countries. Statistics show that the acreage adjustment process abroad has already commenced. Chinese acreage was down 26 percent in 1985 and Southern Hemisphere plantings were off 11 percent. Although the figures I have on 1986 acreage are preliminary, China is thought to be down another 5 percent and Australia by another 25 percent.

This new Cotton Program is also responsible for the change that has occurred in stocks held by the Commodity Credit Corporation. Since the sale of some 800,000 bales on January 6, 1987, the CCC does not have a single bale of forfeited cotton. The only cotton stocks controlled by the CCC are those held under current commodity loans. There is no "costly surplus" of cotton today, and there is little reason to expect any forfeitures in the future.

The Cotton Program has another unique result. It is encouraging to observe that the world price, as calculated by USDA, has risen over 100 percent since July of 1986. The world price, as of February 19, 1987, was 53.57 cents per pound. Although projecting cotton prices in the future is dangerous, the industry believes the trend will continue upward and it will maintain a level above the 1987 loan rate of 52.25 cents. This price range will eliminate any cost to the U.S. Treasury under the marketing loan apparatus.

USDA has not made a first handler certificate payment in over a month. This cost will be completely eliminated if the price continues to rise. If prices rise and continue to stay above the loan rate, the deficiency payments made to participating cotton producers will decrease. And this, of course, is the budget exposure that the administration is trying to eliminate. I think the Cotton Program will accomplish this goal without enacting the legislative proposal set forth in the President's budget.

Mr. President, cost estimates from the USDA show that this new program is already reducing the budget exposure. For fiscal year 1986, expenditures for the Cotton Program were approximately 8 percent of the total cost for all commodity programs. Historically, the Cotton Program has amounted to 10 percent of CCC Commodity Program cost.

While this is good news, Mr. President, the estimates get even better. The Department also projects that the expenditures for the Cotton Program will decline by almost 40 percent by fiscal year 1988. The figures that I have seen, estimate that we will spend only $850 million annually for fiscal years 1988 through 1991. Cotton is not the expensive culprit that the press make it out to be, and will not be responsible for increasing CCC cost in the future.

The price increase in cotton has another favorable result. I have been informed that some producers in Alabama are now forward contracting cotton for the 1987 crop year at 60 to 62 cents per pound. This is well above the loan rate established by the Food Security Act of 1985. These increasing prices are prompting some cotton farmers to produce a 1987 crop outside of any Government programs. This will also further reduce any exposure to the U.S. Treasury.

Mr. President, there are other issues to consider. Imports of textiles and apparel products, made largely from foreign-grown cotton, were flooding the United States, putting our own textiles mills out of business and robbing our producers of their home market. In short, the U.S. cotton industry, from the farmer to the textile manufacturer, was in big trouble. The industry was up against problems it did not create and could not handle on its own.

Instead of competing with farmers in other countries, the cotton grower was being forced to compete with foreign governments. Nearly 95 percent of the cotton produced outside the United States is grown in countries with centrally planned economies. Our producers were not and are not today competing with other producers, they are competing with governments.

The new Cotton Program allows some flexibility to deal with the industry's near crisis situation. The objectives of the Cotton Program are relatively simple. It was designed to protect producer income while allowing U.S. cotton to be fully competitive in international and domestic markets. Producer income was protected through a flexible marketing loan and a target price system during the transition. It has been consistently overlooked by critics of the program, that cotton was the first commodity to base its loan on market prices and that the farm bill provided for a reduction in cotton target prices 1 year earlier than other commodities.

Mr. President, the benefits of the new Cotton Program will accrue not just to the cotton industry, but to our Nation's economy as a whole. Cotton exports are expected to more than triple during the program's first year, and expand even more in the outyears. Hopefully, this will mean a big boost for the U.S balance of trade.

While the new program will not eliminate the foreign advantage of labor rates as low as 16 cents an hour in some countries, U.S. textile mills will become more competitive because under the new program they will be paying the same price for cotton that foreign mills are paying. This should make them more competitive in international markets as well. Increased textile export sales will be another plus for the U.S. trade balance.

If both of these trends continue, our farmers will be able to grow more cotton for expanding markets instead of having to cut production as some have proposed. It will also avoid shifts of highly fertile cotton land into wheat, corn, soybeans and other crops which are in excess supply. Increased production will also stimulate the businesses that produce and supply inputs to the farmers, such as the ag chemical companies, fertilizer companies, and farm equipment dealers.

Mr. President, the cotton industry was willing to gamble and place the hopes of its future on the marketing loan and the new program included in the 1985 farm bill. The Cotton Program is working because cotton farmers are producing cotton that is sold in the marketplace, it is not being sold to the Government. I also think the program will prove cost-effective, even without further cuts in target prices or the implementation of a payment limitation. I feel that I can further state that since the Secretary has announced plan B for the 1987 crop year, the likelihood of a repeat of the numerous "million dollar payments" is drastically reduced. The Cotton Program is working from the standpoint of the cotton producer, the textile industry, the U.S. Treasury, and the consumer without imposing further limitations.

I urge my colleagues to resist any efforts to dismantle the program because of concerns about funding costs or other reasons. The surest way to render the program ineffective and increase its cost is to make changes that will give our foreign competitors reasons to question our resolve and keeping the program in place.

If the current Cotton Program is left intact, the industry is confident that it can continue to meet the competition in international markets. The healthy export sales for the new marketing year tells me that our message is being heard abroad. I am confident that if the Cotton Program is allowed to run its full 5-year course, cotton again will be a major contributor to the economy of this country.

RECOGNITION OF SENATOR LEVIN

The PRESIDENT pro tempore. The Senator from Michigan is recognized for 5 minutes.

ABM

Mr. LEVIN. Mr. President, today I want to address where we stand regarding the administration's effort to reinterpret the ABM Treaty.

The crux of the reinterpretation issue is as follows: The administration contends that the ABM Treaty permits the development and testing of mobile ABM systems and components based on technologies not employed in such systems and components when the treaty was ratified; that is, star wars technologies.

Those who reject this radical new reading of the ABM Treaty, myself included, maintain that the development and testing of all mobile ABM systems and components are prohibited by the treaty.

We further maintain that this was the understanding of both parties to the treaty when it was negotiated and signed and that it was the meaning presented to the Senate during our ratification proceedings.

Over the past several months I have attempted to explain why the so-called new broad interpretation of the ABM Treaty is not justified. A summary of my arguments is contained in a letter I sent to Secretary Shultz on December 1, 1986. I ask unanimous consent that that letter and the subsequent correspondence with the State Department be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Mr. President, based on newspaper reports and preliminary executive consultations it now appears the administration will not announce a decision to adopt a broad interpretation of the ABM Treaty for at least 2 months. That is welcome news.

But it is news of a reprieve, not a pardon. The ABM Treaty still awaits final judgment on death row, despite the fact that relevant evidence remains to be presented to the jury.

Some of that evidence has been denied us because it is in the hands of the prosecutors. Other evidence has been simply ignored.

The key to the ABM Treaty reinterpretation debate is a single question: What was the understanding of the parties to the treaty at the time it was agreed to and ratified?

The understanding of the parties to a treaty is parallel to the understanding of the parties to a contract. That mutual understanding is the very heart of the bargain. It is what the treaty is all about.

The wording of the treaty itself is the best evidence of that understanding. I believe it unambiguously prohibits in article V the development, testing, and deployment of any ABM system or component which is sea-based, space-based, air-based, or mobile land-based.

However, ambiguity can be found in almost any complex legal document if one struggles and labors hard enough in search of it. In such cases one can then seek out that fundamental mutual understanding in other ways.

A study of the negotiating record is one such way, and we have been provided access to those documents. As stated in my letter to Secretary Shultz, I believe that record supports the traditional interpretation.

Two other pieces of evidence are helpful in determining the essence of that understanding, however. Inexplicably, they have not been addressed by the administration in making their case against the traditional interpretation of the ABM Treaty.

The first of these are the records of the Joint Chiefs of Staff regarding their understanding of the ABM Treaty's limits at the time it was concluded, and thereafter. The JCS were represented at the negotiations, and were responsible for implementing the treaty's limitations on future testing and development of ABM systems. Thus, their understanding of what the treaty meant is critical in today's reinterpretation controversey.

I have asked the Chairman of the Joint Chiefs for those records. I have been refused access to them. I ask unanimous consent that the relevant correspondence be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. LEVIN. Mr. President, the administration has no justification for keeping those records from the Senate. In fact, the right to request relevant documents was explicitly reserved in a letter from Senators LUGAR and PELL on this matter. I ask unanimous consent that the correspondence between Secretary Shultz and Senators PELL and LUGAR be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. LEVIN. Mr. President, the Senate should press for these documents and I am pleased that today, Senators BYRD and NUNN are weighing in in the effort to obtain them in a letter sent to Admiral Crowe, the Chairman of the Joint Chiefs.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. LEVIN. Mr. President, portions of that letter read as follows:

> DEAR ADMIRAL CROWE: We understand that Senator Levin has requested the records of the Joint Chiefs of Staff at the time of the ABM Treaty ratification in 1972 and thereafter which relate to the JCS' understanding of the ABM Treaty's limitations on development and testing of "futuristic systems." It is also our understanding that these materials have not been made available on the ground that whatever has already been provided the Senate (the "negotiating record") is all that was agreed to be provided.
>
> This is not an accurate characterization of the access arrangement the Senate negotiated with the State Department last August. On August 8, Senator Lugar and Senator Pell wrote Secretary Shultz to state the Senate's understanding of this arrangement. In that letter, Senators LUGAR and PELL stated, "we must reserve the right to request any additional documents within the scope of our August 1 letter which we might identify in the course of our review and which we conclude are necessary to a full understanding of the negotiating record." The State Department did not contest this statement when it provided the negotiating record to the Senate on August 12.

They concluded in their letter:

> It seems to us that the records of the JCS, as indicated above, are indeed relevant and we urge that they be supplied to the Senate on the same basis as the negotiating record previously supplied.

The second omission of evidence in the administration's case is startling in its illogic. It seems obvious that some of the best evidence of the understanding of the parties at the time of agreement and ratification is the statements of the negotiators themselves.

However, Judge Sofaer, the author of the administration's legal justification for the broad interpretation, never talked to most of the negotiators prior to issuing his opinion.

That did not stop him, however, from claiming in a Harvard Law Review article that none of the negotiators claimed to have achieved what they set out to achieve.

If Judge Sofaer had met with them, he would have known that is not true. For example, if he had met with Raymond Garthoff, a key member of our negotiating team, he no doubt would have been told what Mr. Garthoff said to me in a letter, to wit:

> As one of the principal negotiators of the ABM Treaty, and specifically of Agreed Statement D, I deny that the U.S. delegation failed to obtain the restrictive constraints that we sought.

That letter from Mr. Garthoff also contains a passage which devastates the broad interpretation put forth by Judge Sofaer:

> During that negotiation, I proposed on behalf of the U.S. delegation, and the Soviet negotiators subsequently accepted, a change in the previously agreed wording of that part of the text to insert the word "currently" into Article II(1) explicitly in order to make clear that the specification of ABM radars, interceptor missiles, and launchers as components was not restrictive and all-inclusive, but merely identified existing components based on current technology. The purpose was precisely to preclude the interpretation now advanced by Judge Sofaer through a labored misreading of the text.

Judge Sofaer never met with Gerard Smith, the head of our delegation. Had he done so, Ambassador Smith might have told him what he told the House Armed Services Committee, to wit:

> Mr. Chairman, having served as President Nixon's Chief Negotiator fo the ABM Treaty, I believe the broad interpretation fundamentally contradicts the clear language and intent of the Treaty. In August 1971, President Nixon directed the SALT I delegation to get a ban on all space-based ABM systems, and we carried out his instructions.

Judge Sofaer never met with John Rhinelander, the delegation's legal adviser. Had he done so, he could not in good conscience have avoided mentioning Rhinelander's contemporaneous (1972) memo to the delegation. Rhinelander has testified that his classified summary memo specifically stated that a broad ban on space-based exotics was agreed upon.

Judge Sofaer met with neither General Allison nor General Palmer, despite the fact that Allison was the JCS representative at the negotiations and Palmer was the acting Army Chief of Staff who presented the Treaty to the Senate during the ratification process. General Palmer wrote the following in a letter to me:

> My understanding then and now is that the ABM Treaty prohibits the development, testing, and deployment of ABM systems or components which are sea-based, air-based, space-based, or mobile land-based; that this prohibition applies not only to the then current ABM systems or components, but also to ABM systems or components based on "other" (exotic) physical principles; but that futuristic ABM systems or components can be developed and tested in a fixed land-based mode. The foregoing was the understanding of the U.S. JCS at the time. American and Soviet officials also shared such an understanding.

I ask unanimous consent that the letters of Mr. Garthoff, and Generals Allison and Palmer be printed in the RECORD at the conclusion of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 5.)

Mr. LEVIN. Mr. President, Judge Sofaer did consult one ABM Treaty negotiator, however: Paul Nitze. And Ambassador Nitze has concurred with Judge Sofaer's broad interpretation.

Of all the negotiators, only he has changed his view of the original meaning of the treaty's limits—a quite recent change of view, by the way. Of all the negotiators, only he is currently employed by the administration that places such a high priority on the "reinterpretation" of that agreement.

We must not delude ourselves about what is at stake in this debate over how our Nation interprets the ABM Treaty. This is not a technical legal exercise. A number of principles of great importance hang in the balance here.

One is the constitutional duty of the Senate to provide advice and consent to the ratification of treaties.

What is the importance of the advice and consent process if the executive can redefine the terms of treaties at will? If we allow this administration to reinterpret the ABM Treaty the Senate will have written itself out of the treatymaking process altogether.

A second, and more grievous casualty of ABM Treaty reinterpretation, will be our efforts to control the nuclear arms race.

What purpose can arms control agreements serve if either superpower is permitted to reinterpret the meaning of any provision they come to dislike?

The destruction of mutual arms control itself is the real goal of many who are most forcefully pushing for the broad interpretation. This time, however, I believe they picked the wrong treaty to bash, and the wrong stick with which to bash it. I believe the Congress of the United States is going to prevent the destruction of our most important arms control agreement. All that is required is a review of all the evidence.

I urge our Senate colleagues to study the treaty itself, and other evidence which has been presented—the so-called negotiating record. But don't stop there. Also consider the other evidence the administration ignored: What our negotiators understood they agreed to in 1972.

I also hope all members will join us in an effort to gain access to the evidence we have been denied: The records of the Joint Chiefs regarding this issue.

The future of mutual arms control and respect for treaties is in jeopardy today. We owe it to both causes to preserve this treaty against the onslaught of those who have never liked arms control in general, and the ABM Treaty in particular. It is essential that we protect this treaty against the rationalizations of those who would sacrifice the accomplishments of the ABM Treaty on the altar of unilateral star wars development.

EXHIBIT 1

U.S. SENATE,
Washington, DC, December 1, 1986.

Secretary of State GEORGE SHULTZ,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: In October of 1985, our government announced that it had arrived at a "new interpretation" of the ABM treaty which, in essence, would allow for testing and development of space-based "exotic" defensive systems like those envisioned in our Strategic Defense Initiative. This interpretation reversed a view held for 13 years: that the Treaty banned everything other than research on so-called exotic systems which would use future technologies in anything other than a fixed, land-based mode. Since this new interpretation was made public, there has been a good deal of controversy about its legitimacy and its implications for arms control.

Until recently, most discussions of this issue were restricted to idle speculation. Since no one outside the administration had access to the negotiating record on which the new interpretation was based, it was difficult to review the basis for this new view of the Treaty. Similarly, until the meeting in Iceland, questions about the relationship between SDI testing, the ABW Treaty and future arms control agreements were being asked in more or less of a vacuum.

Now, however, members of the Senate have had an opportunity to review the negotiating record and the United States may have an opportunity to reach an historic arms reduction agreement with the Soviet Union. In this environment, questions about the ABM Treaty and SDI take on a new significance. After all, no matter how one views the value of SDI, it is clear that our claim that we can test and develop such a system (a claim which we can make only by virtue of the new interpretation of the ABM Treaty) has been, and remains, a major obstacle to any meaningful arms control agreement with the Soviets.

Because of the significance of this issue, I have spent a good deal of time studying various questions associated with the new interpretation. When the author of the new interpretation, Judge Abraham Sofaer, the Legal Advisor to the Department of State, testified on this issue before a House Foreign Affairs Subcommittee, I was troubled by a number of statements which I found to be misleading and inaccurate. So when Judge Sofaer testified before the Senate Armed Services Committee in 1985, I asked a number of questions about those statements and other issues associated with his interpretation of the Treaty. I was unsatisfied with his answers. To resolve my concerns, I believed that I had an obligation to carefully review the negotiating record which Judge Sofaer used to justify his interpretation of the Treaty. Accordingly, I joined in the effort to make the negotiating record available to the Senate. Since that battle was won, I have carefully reviewed the negotiating record. In addition, I have had discussions with members of the U.S. negotiating team who developed that record. Specifically, I have met with the following key members of the U.S. Delegation: Ambassador Gerard Smith, Raymond Garthoff, Sidney Graybeal, John Rhinelander and General Royal Allison.

Based on my review, I have concluded that Judge Sofaer's interpretation of the Treaty is incorrect, and that the process he used to develop and justify that interpretation was fatally flawed. Specifically, I believe that:

1. Judge Sofaer has provided the Congress with an incomplete and misleading analysis of the record in an effort to justify his interpretation of the ABM Treaty.

2. The process used by Judge Sofaer to review the negotiating record was fatally flawed.

3. Our national interest requires that the administration authorize a new and independent review of the ABM Treaty.

Let me amplify these points:

Judge Sofaer has provided the Congress with an incomplete and misleading analysis of the record in an effort to justify his interpretation of the ABM Treaty.

While ambiguity can be found in the text and context of any Treaty, it is clear to me that Judge Sofaer sought to find areas of uncertainty and to magnify their meaning so that he could then propose a "clarification" which would advance a specific policy interest, to wit, making it possible for us to test and develop SDI. Evidence of Judge Sofaer's selective reading of the record is all too abundant and his intent to minimize or suppress facts which contradict his reading of the Treaty all too apparent. The incomplete and misleading nature of his analysis became clear to me as I carefully examined his testimony and compared it with the available *public* record. Let me cite just a few examples of this sort of activity.

(a) *Past Government Statements*

Judge Sofaer repeatedly claims that his interpretation is, in fact, not new at all. He seeks to suggest that those who read the Treaty in a restrictive manner are distorting the historic record.

That is simply not true.

While Judge Sofaer points to some statements which are "consistent" with his view, the bulk of the evidence—evidence which he either ignores or misinterprets—indicates that at the time the Treaty was being negotiated and at the time the Treaty was being debated in the Senate, our government understood it to prohibit the testing or development of space-based exotic systems (systems based on future physical principles). Indeed, the evidence suggests that this had been the case until October, 1985 when then National Security Advisor Robert McFarlane, appearing on a television news show, announced that our reading of the Treaty had changed. (There is, by the way, some anecdotal evidence suggesting that key officials were not even aware that this new view was to be made public at that time.)

In any event, the point is that Judge Sofaer's interpretation did, in fact, contradict previously stated public positions of the United States government. For example, the Arms Control and Disarmament Agency has issued an Arms Control Impact Statement every year since 1978 in close consultation with the Departments of Defense and State. Each of these statements has included language like the following (quoted from the 1985 report):

"* * * the Treaty allows development and testing of fixed *land-based* ABM systems and components based on other physical principles . . . The ABM Treaty prohibition on development, testing and deployment of *space-based* ABM systems, or components for such systems, applies to directed energy technologies (or any other technology used for this purpose." [emphasis added]

Clearly then, our government has adopted a restrictive view of the Treaty in the past.

(b) *Previous Testimony*

In a number of cases, while indicating a familiarity with statements which contradict his view, Judge Sofaer at the hearings of the House and Senate displayed a willingness to minimize the damage they do to his position by selectively editing them. These incidents are particularly disturbing because they reflect on his objectivity and cast doubt on his ability to impartially interpret the Treaty. Let me cite three examples.

First, the Department of Defense in a formal answer to a question posed by Senator Goldwater during the 1972 Senate Treaty deliberations indicated that "there are no restrictions on the development of lasers for *fixed land-based ABM system* [emphasis added]." DoD's silence on the lack of restrictions on space-based systems is clearly significant; if DoD had been operating under the "new interpretation" in 1972, it would naturally have extended its statement to make the point clear. It did not, and that is significant—and its statement was significantly absent from Judge Sofaer's testimony before Congress.

Second, consider this exchange between Senators Goldwater and Jackson about developing, testing or deploying ABM systems. Here is the way Judge Sofaer presented it at the Congressional hearings:

"Senator JACKSON. The prohibition runs to sea-based, air-based, space-based or mobile-based ABMs.

"Senator GOLDWATER. Not fixed land?

"Senator JACKSON. That's right. That is exempt. I am just pointing this out."

Judge Sofaer cited that exchange at the Congressional hearings but left out the balance of Senator Jackson's statement: "in those other areas, it is prohibited and development is also prohibited."

It is difficult to explain the omission as anything other than willful. Senator Jackson, considered by many to be the most knowledgeable Senator on this issue, was making a statement at odds with the conclusion which Judge Sofaer sought to advance. (Pursuant to my questioning on this issue, Judge Sofaer has corrected this omission in a later classified memorandum. That seems to suggest that, when pressed, he recognized the significance of the statement in question. His failure to either recognize it without prodding or report it to the Senate and the public without urging is bothersome at best.)

A third example: Judge Sofaer's Congressional presentation on this issue contained unjustified editing of the remarks of General Palmer when he was speaking for the Joint Chiefs of Staff. Here is the way Judge Sofaer presented an exchange between General Ryan, General Palmer, and Senator Jackson:

"Senator JACKSON. Now what I am saying, General Ryan, is that you are prohibited from developing a system that is sea-based, air-based, space-based, or mobile land-based?

"General RYAN. That is correct.

"Senator JACKSON. I just wanted that; so the Chiefs went along with the concept here that involved——

"General PALMER. A concept that does not prohibit the development in the fixed land-based ABM system. We can look at futuristic systems as long as they are fixed and land-based."

Judge Sofaer presents this edited exchange and then seeks to minimize its significance by referring to a previous, less precise statement by General Palmer. That, of course, does not refute the claim made here. But beyond that, Judge Sofaer fails to report on the extremely illuminating exchange which surrounds the portion which he did quote. In context, the testimony went this way:

"Senator JACKSON. You are here in a professional capacity and we need your professional judgment.

"General PALMER. On the question of the ABM, the facts are that when the negotiation started the only system actually under development, in any meaningful sense, was a fixed, land-based system. As the negotiations progressed and the position of each side became clear and each understood the other's objectives better, it came down to the point where to have an agreement it appeared that—this is on the anti-ballistic missile side—this had to be confined to the fixed, land-based system. The Chiefs were consulted . . . on the question of qualitative limits on the AB [sic] side and agreed to the limits that you see in this treaty.

"Senator JACKSON. Even though it can't be monitored?

"General PALMER. Yes.

"Senator JACKSON. I just wanted that; so the Chiefs went along with the concept here that involved——

"General PALMER. A concept that does not prohibit the development in the fixed land-based ABM system. We can look at futuristic systems as long as they are fixed and land-based.

"Senator JACKSON. I understand.

"General PALMER. The Chiefs were aware of that and had agreed to do that and that was a fundamental part of the final agreement."

The deletion of this critical exchange clearly distorts what is a very clear and very critical addition to the record.

When I discovered these examples of selective editing, I was disturbed by the obvious lack of objectivity displayed by Judge Sofaer.

(c) *Statements During the Debate*

One of the techniques which Judge Sofaer uses repeatedly is to suggest that many of the statements made during the ratification and negotiating process "are consistent with" his broader, more permissive interpretation. While technically correct, Judge Sofaer's argument is misleading.

Judge Sofaer fails to point out, until pressed, that the statements he identifies as consistent with his interpretation of the Treaty *are also consistent with the more restrictive reading.* The statements he cites do not focus specifically on the issue of testing and development of exotics in space and are not *explicitly* inconsistent with the restrictive interpretation. In addition, Judge Sofaer ignores statements in the negotiating record and the legislative history of the Treaty which *do* specifically set forth a Treaty prohibition of testing and development of space-based exotics.

Indeed, I was so troubled by these representations that I asked him to provide me with any statement in the ratification history which *explicitly* represents that exotic technologies other than fixed land-based ABM systems or components can be tested or developed. He did not do so; instead he simply referred back to statements which are ambiguous and which do not specifically state that the testing or development of exotic space-based systems or components are authorized by the Treaty. The best he can come up with, then, are statements which are silent on the precise issue—and silence is not enough to overcome the clear expressions of our negotiators and officials who told us, at the time the Treaty was being negotiated and ratified, that it did contain a prohibition on testing and development of exotic space based systems.

(d) *Statements by Our Negotiators*

Perhaps the most disturbing example of the way in which Judge Sofaer distorts the record is his suggestion that, in general, "the restrictive view became common only after the SDI program was announced." This, he suggests, is evidence of the fact that "opponents of SDI have advanced it [that theory] to prevent the expansion of SDI." Even a casual review of the record (and one would hope for much more than that from Judge Sofaer) reveals that such a claim is simply a fabrication.

The evidence is clear: the traditional, restrictive view of the Treaty was current—and in control of government policy—long before the SDI program was announced.

Judge Sofaer claims that the "American negotiators, particularly 10 years after the event . . . think that they had convinced the Soviets to ban all future systems." He implied thereby that they did not believe they had secured a ban at the time of the negotiations when, in fact, they have clearly stated that they believe they achieved exactly such a ban at that time. In addition to the final memo by Mr. Rhinelander, our Legal Counsel to the negotiations, which was the most extensive contemporaneous summary by the negotiators of their understanding (and which I will discuss in more detail below), Mr. Rhinelander wrote a book published in 1974 *(SALT—The Moscow Agreements and Beyond)* which states that the treaty bans future ABM systems:

"The overall effect of the Treaty therefore is to prohibit any deployment of future systems and to limit their development and testing to those in a fixed landbased mode."

As seen above, the ratification debate in the Senate on the ABM Treaty contains a number of statements in support of the restrictive view. In fact, one of the two members voting against the Treaty, former Senator Buckley, did so precisely because he believed it would prohibit "the development and testing of a laser type system based in space . . ."

Interestingly enough, the only example of a "switch" in positions that I can find involves Ambassador Nitze who has recently reversed his support for the restrictive view in favor of the new interpretation. While I shall have more to say about this shift in a moment, the point here is that there have been no shifts in the views of the outer negotiators.

A similar attempt to misrepresent the views of the negotiating team can be found in Judge Sofaer's claim that our team was directed to achieve language which contained a clear prohibition on space-based ABM exotics but they "have not denied that they failed to obtain the clear language that they sought." That is simply not true. In our hearings, Ambassador Smith said very clearly that "the Treaty says, 'Thou shall not develop space-based systems' . . . Article V doesn't say 'thou shall not, except . . .,' it is a flat categorical ban." And Mr. Rhinelander, the Legal Advisor to our negotiating team, has consistently told us that "the negotiating history, *as interpreted in 1972 by the SALT I delegation and the backstopping representatives in Washington,* supports the broad ban on space-based 'exotic systems' . . ." [emphasis added]. Judge Sofaer's assertion, then, is simply wrong.

In terms of public presentations, then Judge Sofaer did not fairly report on the issues involved to the Congress or the public. He too often shaded the facts and too frequently distorted the record. While these are perhaps not sufficient grounds to automatically reject his arguments, they are more than adequate to make one extremely skeptical about his conclusions. That skepticism grows to outright disbelief when one examines the kind of analysis Judge Sofaer failed to engage in as he reviewed the negotiating record. And that is the second major point I wish to make:

The process used by Judge Sofaer to review the negotiating record was fatally flawed.

Judge Sofaer suggests that if the language of a treaty is arguably ambiguous, then the circumstances surrounding its drafting become critical in interpreting it. Legal scholars agree and as Ilmar Tammelo of the University of Sydney pointed out in his text, *Treaty Interpretation and Practical Reason,* "the principal end of interpretation is the establishment of the intention of [the] parties." And as Tsune-Chi Yu points out in his *The Interpretation of Treaties:*

" * * * It is the function of the interpreter to ascertain the genuine sense in which the negotiators have employed the words rather than to ascertain the bare meaning of the words themselves."

Treaty interpretation, then, is designed to allow us to discover intent and one of the ways to discover intent is to determine what the negotiators themselves believed they were agreeing to. Indeed, in one celebrated case involving the Jay Treaty between the United States and Great Britain, efforts to resolve an ambiguous point involved taking depositions from John Adams and John Jay, members of the negotiating team. In theory and practice, then, interpreters of treaties are bound to discover the understanding and intent of the parties to an agreement which is arguably ambiguous and, in the process, they may be guided by the understandings and intentions of the negotiators.

Given this established principle of international law, I find it amazing that in developing his interpretation of the ABM Treaty, *Judge Sofaer never saw fit to talk to the key negotiators,* including the Chairman of the American delegation.

(There was one exception: Judge Sofaer did discuss his work with one member of the delegation, Ambassador Nitze. In that context, it is interesting to note that Mr. Nitze told the House Armed Services Committee that his concurrence with the new interpretation "differs somewhat from my opinion at one time." I wonder why Judge Sofaer gives greater weight to views Nitze developed 15 years after the event than to views expressed at the time of the event or closer to the event. If, after all, Ambassador Nitze "played a crucial role in [drafting] Statement D," as Judge Sofaer has suggested, then surely the views he held as to its meaning at the time, or closer to the time, he drafted it ought to be given greater weight than views expressed 15 years later. Indeed, as Judge Sofaer has remarked in a different context, "under accepted principles of construction, those statements made nearer the Treaty's drafting should be given more credence, and later statements accorded less weight." Surely Judge Sofaer ought to explain why that principle ought to be rejected or modified in the case of Ambassador Nitze's statements.)

Since Judge Sofaer thought it was important to get Ambassador Nitze's views, I find it incredible that he did not seek the same sort of assistance from other members of the American negotiating team.

I cannot understand why Judge Sofaer did not speak with Ambassador Gerard Smith. I did speak with Ambassador Smith, and I found his views, based on his experiences as the Chairman of the U.S. negotiating team, to be of enormous help in allowing me to understand just what happened during the ABM negotiations.

I cannot understand why Judge Sofaer did not speak with the delegation's attorney, John Rhinelander. After I found and read Mr. Rhinelander's detailed summary memo in the negotiating record, I did speak with him. And, again, I found his comments to be extremely helpful and informative.

I cannot understand why Judge Sofaer did not speak with Ray Garthoff and Sid Graybeal. When I reviewed the negotiating record, I found notes of extraordinary significance describing critical negotiations between these men and their Soviet counterparts on the precise issue of exotics. In my discussions with these men, I got a clear sense and understanding of the intent of the parties negotiating the Treaty.

I cannot understand why Judge Sofaer did not talk with General Allison, who represented the Joint Chiefs of Staff at the negotiations. I did. And after that conversation, I understood why General Palmer told the Senate in 1972 that the Chiefs believed that a prohibition on exotics was "a fundamental part of the final agreement."

But the problem goes beyond a failure to discuss the issue with the members of our team prior to reaching his conclusion. Even *after* presenting his analysis, Judge Sofaer has failed to discuss it with members of the negotiating team. He has never pressed them to explain why they believe, as they do, that the US-USSR agreement prohibits the development and testing of space-based "exotic" systems and components. And that failure also raises serious questions about the way he has approached this task.

Beyond his failure to consult with key members of the negotiating team, there is also a failure to report important contemporaneous evidence in that record to the Congress. For example, during the 1972 negotiations, the legal counsel to the negotiating team, Mr. Rhinelander, developed a detailed summary of the agreement which had been reached—a summary whose many drafts were circulated throughout the delegation and was sent to Washington. Mr. Rhinelander has testified that in the final and still classified draft of that summary memo, he specifically stated that an agreement on a broad ban on space-based exotics was reached. *That was the most critical contemporaneous conclusion which explicitly addressed the exotics issue.* Judge Sofaer's testimony to Congress totally ignored the existence of this document. Indeed, he told the Congress that the "first indication that the Treaty banned the development and testing of future systems came in a book written by John Rhinelander in 1974." That statement, coming from someone who has studied the negotiating record as Judge Sofaer has, simply defies explanation.

Finally, Judge Sofaer sometimes seeks to shift focus of the intent argument. He states that whatever our intent was, the Soviets did not intend to agree to a ban on development and testing of exotics. He claims that since intent must be mutual, and since the Soviets "can argue" that they are not prohibited from developing and testing exotics in space, then the United States should not feel itself bound either. While the argument is theoretical interesting, it ignores reality. The public statements of our negotiators, and my own reading of the negotiating record, clearly indicate that both America and the Soviet Union understood the Treaty in the same way. In Congressional testimony, Ambassador Nitze has confirmed his view that there is no evidence that the Soviet Union has violated the restrictive interpretation. Beyond that, the "evidence" Judge Sofaer uses to demonstrate a "nonrestrictive" Soviet intent boils down to the fact that no Soviet statement ever made "it clear that they considered themselves bound by the restrictive view." What Judge Sofaer fails to point out is that no Soviet statement even suggests, much less makes it clear, that they viewed the Treaty in the permissive terms that he now urges us to adopt.

Our national interest requires that the administration authorize a new and independent review of the ABM Treaty.

Mr. Secretary, my personal view is that Judge Sofaer's analysis of the ABM Treaty is simply wrong. But you need not share that opinion to initiate a new review of the issue. Whether Judge Sofaer is right or wrong is not the threshold issue; the issue is whether he did an acceptable job of looking at the issue. I believe I have demonstrated that he has not.

In my view, Judge Sofaer had an ax to grind—and after he sharpened it, he buried that ax in the back of the ABM Treaty. The process he used was one of an advocate, not an objective judge. He clearly wanted to stretch the fabric of the Treaty to allow for SDI testing and development. Judge Sofaer's approach, if sanctified by our government, would weaken respect for international law and the regime of treaties as well as threaten the possibility that a reasonable arms control agreement could be reached in the near future.

I simply cannot believe, based on the available evidence, that the government of the United States of America is willing to rest its new interpretation of the ABM Treaty, and all the policy implications which flow from it, on the analysis done by Judge Sofaer.

In fact, Mr. Secretary, this issue has become so contentious and so critical that I believe our national interest requires that an independent panel be appointed and authorized to study the entire complex of issues raised by the new interpretation of the Treaty. Their review should certainly include discussions with all available members of our negotiating team as well as access to the entire negotiating and ratification record.

Appointing such a group would not, of course, bind you to accept their conclusions nor would it bind the President to follow their implications in any ongoing negotiations. But clearly we cannot stand on the analysis done by Judge Sofaer and maintain any degree of international credibility. The stakes are simply too great to allow us to continue to rest American policy on so inadequate a legal analysis.

Some will say that the issue of the new interpretation is "moot." After all, they tell us, the President has agreed (after a storm of protest) to continue to abide by the old interpretation for the time being even though he believes the new interpretation is fully justified.

In reality, however, the new interpretation is a major issue. To begin with, it turns a treaty between two nations into a unilateral position which the President could change any time he decided to implement his new interpretation. We would never—and should never—agree that the Soviets could unilaterally make changes in a treaty because they had changed their mind about what it meant. We should not kid ourselves: the new interpretation dynamites the ABM Treaty; the only question is whether and when the President will decide to push the plunger.

Beyond that, the interpretation issue certainly impacts on the possibility of progress at Geneva. There appears to be clear evidence indicating that the possibility of unilateral American development and testing of SDI is contributing to our lack of progress in various arms control discussions.

Given the significance of the sort of review I am suggesting and given the need for public awareness of the issues involved, I would also ask that you review the currently classified documents surrounding the negotiations with the purpose of making as many of them public as possible. There are some documents, at least, whose release or partial release would serve to advance the public debate on this issue without doing any damage to the national interest.

In conclusion, Mr. Secretary, let me simply suggest that the evidence compels a complete and independent review of the issues raised here.

I look forward to hearing from you.

Sincerely,

CARL LEVIN.

U.S. DEPARTMENT OF STATE,
Washington, DC, December 18, 1986.

Hon. CARL LEVIN,
U.S. Senate.

DEAR SENATOR LEVIN: The Secretary has asked me to respond to your letter of December 1, 1986. You make serious allegations about the Administration's representations with regard to the ABM Treaty and the Treaty's negotiating record, especially Judge Sofaer's memorandum.

As you note, the text of the ABM Treaty is ambiguous. This fact justified the Administration's review of the ABM Treaty negotiations. Judge Sofaer's memorandum reflects a thorough, objective review of the negotiating record with regard to the application of the ABM Treaty to ABM system components based on "other physical principles;" this was his main task. His work was carefully reviewed by appropriate officials in this Department, as well as by the designated representatives of other Agencies. Not even those who question or dispute any of his conclusions have made the kind of attack you chose to present.

Your allegations almost exclusively refer to the record of the ratification process without disputing in any way Judge Sofaer's conclusion from the negotiating record that the Soviet negotiators methodically preserved more than adequate ambiguity to justify the recent U.S. determination.

No doubt testimony given during the ratification process by U.S. negotiators and others reflected the belief that the U.S. had achieved its negotiating objective with regard to Article V. Judge Sofaer does not question that this conviction was, and is expressed. However, that conviction was not, and is not, based on a review of the negotiating record.

Furthermore, the testimony during the ratification hearings is itself ambiguous and is neither complete nor always accurate in its reflection of the negotiating record. Perhaps most significantly, in their testimony, the U.S. negotiators made no reference to the fact that the words "systems and components" were words of art, and that the Soviets had rejected the inclusion of "other devices" in the language of Article V.

You will recall that the Administration's analysis of the Treaty and the negotiating record was the subject of hearings in 1985 before House and Senate subcommittees. Most of the questions you now raise were discussed during those hearings and more than adequately answered. For your reference, I enclose copies of your written questions and the answers provided. Further, by agreement with the Senate leadership of both parties, all Senators have access at the Capitol to the ABM Treaty negotiating record relevant to the Treaty's application to systems based on other physical principles. These documents were made available so that Senators could review the record for themselves. As a result, an outside study of the ABM Treaty is unnecessary.

When we agreed to transmit the documents to the Senate, the Secretary invited you and your colleagues to meet with Ambassador Nitze and Judge Sofaer to discuss ABM Treaty issues. Subsequently, members of our respective staffs have discussed such a meeting, but so far you have not availed yourself of the invitation. We continue to hope that you will do so. We believe your remaining questions about the record and Judge Sofaer's analysis could be answered in such a face-to-face meeting.

As you are aware, the ABM Treaty has become an important part of our ongoing arms control negotiations with the Soviet Union. In a recent speech, Ambassador Nitze described our position with regard to the Treaty as follows: "The United States believes that both sides should adhere to the ABM Treaty as currently formulated. . . . In contrast to the U.S. position, the Soviets proposed in Iceland to modify the ABM Treaty to confine to the laboratory research and testing on any space elements of space-based systems. The Soviets intended to impose restraints on our SDI research program far more severe than those imposed even by the 'narrower' interpretation of the ABM Treaty." This Administration believes the ABM Treaty serves our national interest. Indeed, we are acting within a view of the Treaty that is not required by the text or the negotiating record. But we would be irresponsible to ignore the strong evidence that, during the negotiations, the Soviets refused to apply the limitations of Article V to devices that could substitute for ABM systems and components.

Sincerely,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

Enclosure: Responses by Judge Sofaer.

QUESTIONS SUBMITTED BY SENATOR CARL LEVIN

Senator LEVIN. John Rhinelander testified that President Nixon decided in the summer of 1971 to ban the development, testing and deployment of space and other mobile-mode "exotics." He said an accurate description of that decision appeared in a book called "Cold Dawn" on pages 230-31. Were you, at the time you rendered your opinion, familiar with this account? Is it relevant to a full consideration of this issue?

Judge SOFAER. Although I had not read this particular book, I was familiar with the U.S. Government's instructions to its negotiating delegation. These instructions are relevant to a full consideration of the issue, but must be considered along with the Soviet opposition to restrictions on future systems and subsequent U.S. acceptance of some Soviet positions on the subject during the negotiations.

Senator LEVIN. If the first 25 words (hereinafter called the "first part") of Agreed Statement D refer to "conventional" ABM systems (i.e., those based on them current physical principles), how can it be said that the balance of that Agreed Statement (hereinafter called the "second part") which in your opinion refers to "exotic" ABM systems (i.e., those based on "other" physical principles), insures fulfillment of an obligation relative to conventional systems in article III?

Judge SOFAER. The question implies that some inconsistency exists in this reading of Agreed Statement D. On the contrary, the broader interpretation provides a coherent view of that Statement. Article II bans the deployment of any "conventional" ABM system or components, except as specifically permitted by that provision. Agreed Statement D seeks to "insure fulfillment" of that provision. The parties recognized that "exotic" systems may be created and that they would not be covered by article III. Accordingly, the parties agreed not to deploy such "exotic" systems without prior agreement on "specific limitations." In short, Agreed Statement D strives to prevent the article III deployment ban from being circumvented by the creation of new defensive technologies based on other physical principles like the "conventional" systems. The provisions are complementary, not inconsistent.

Senator LEVIN. The second part of Agreed Statement D, which you testified is the only language in the treaty relating to exotics, says that specific limitations on such systems would be subject to discussion and agreement in accordance with articles XIII and XIV. What is the basis for your conclusion that said limitations relate only to limitations on development and testing and not also to limitations on deployment?

Judge SOFAER. The question misstates the administration's position. Agreed Statement D does not ban development or testing of "exotic" systems, but does ban deployment of them absent agreement between the parties. The "specific limitations" referred to in the second part involve the particulars of any deployment that the parties might agree to permit (*e.g.*, the number, types, or locations of devices that could be deployed). The basis for this view is both the language of the Statements (which explicitly contemplates "creation" of "exotic" devices) and the negotiating record of the Treaty (which made clear that the parties intended deployment of "exotic" devices to be proscribed by Agreed Statement D).

Senator LEVIN. The second part of Agreed Statement D makes limitations on exotics "subject to discussion . . . and agreement." Under such provisions, any proposed limitations are *not* implemented *unless* there is an agreement between the parties. How, then, are there any limits in Agreed Statement D on exotics in the absence of any agreement on such limitations?

Judge SOFAER. The premise of this question is erroneous. The negotiating record makes clear that the parties intended Agreed Statement D to ban the deployment of "exotic" systems *unless* the parties agreed to allow deployment; an aspect of any such agreement would be approval of "specific limitations" on the systems.

Senator LEVIN. Does the term "ABM systems" in Agreed Statement G mean conventional systems or exotics? If the former, does that mean that we are free to provide other states technical descriptions, etc., relating to the construction of exotics?

Judge SOFAER. Agreed Statement G construes Article IX as obligating each party not "to provide to other States technical descriptions or blue prints specially worked out for the construction of ABM systems and their components limited by the Treaty." Pursuant to Presidential direction, the SDI program has been designed to be conducted in accordance with the "restrictive" interpretation of the Treaty Under that interpretation, ABM systems or components based on other physical principles are "limited by the Treaty," and we are therefore constrained by Agreed Statement G in cooperative activities with our allies.

Senator LEVIN. Why did you discuss your interpretation with Ambassador Nitze and not with Messrs. Smith, Rhinelander and Garthoff?

Judge SOFAER. Unlike to other persons, Ambassador Nitze is an official of the U.S. Government and retains access to the classified negotiating record of the Treaty. My work on this subject, moreover, was done in close cooperation with Ambassador Nitze.

Senator LEVIN. Have you discussed your interpretation with General Palmer, who was the Acting Army Chief of Staff, and who was thus the ranking military official responsible for our ABM effort at that time?

Judge SOFAER. No.

Senator LEVIN. Was the administration's review of the ABM treaty, which led to the new interpretation, a result of questions which I asked of the Defense Department for the record on July 25, 1985? If not, what led to the review? When were you first aware Mr. Kunsburg of OSD was conducting a review of ABM obligations with respect to the development, testing and deployment of exotics? Was Mr. Kunsburg's review available to you? If so, please furnish me a copy.

Judge SOFAER. I do not know whether the administration's review of the ABM Treaty was a result of questions that you asked the Department of Defense. The factors that I do know led to the review were Soviet violations of the ABM Treaty, the implementation of our SDI program, and the ongoing arms negotiations at Geneva. I first learned of Philip Kunsburg's reported involvement in the Department of Defense's review of the ABM Treaty from a story in the Washington Post on October 22, 1985. Although I saw various materials prepared by the Office of the Secretary of Defense with respect to the proper interpretation of the ABM Treaty, I do not know which, if any, was prepared by Mr. Kunsburg. It would not be appropriate for me to supply the committee with materials prepared by another Department; that request should be addressed to the Department of Defense.

Senator LEVIN. What conventional systems, under your interpretation of the treaty, could as a practical matter be developed or deployed in a sea-based, air-based, space-based or mobile land-based mode, assuming there were no treaty prohibitions in these areas?

Judge SOFAER. I am not qualified to discuss the technological aspects of particular strategic defense systems.

Senator LEVIN. Why is the State Department recommending we follow the more restrictive definition when apparently it believes that the broader interpretation is the more reasonable one, and when the SDI Office says that the narrow interpretation will restrict their activities in a few years?

Judge SOFAER. The SDI research program has been structured, pursuant to President directive, in a manner that can be accommodated within the confines of the "restrictive" interpretation. The President has determined that no need exists to alter that program.

Senator LEVIN. Does the Secretary of State accept the broader intepretation as the preferred interpretation, or does he merely say it is justified?

Judge SOFAER. The President has determined that the "broader" interpretation is "fully justified," and the Secretary of State concurs in that judgment.

Senator LEVIN. Have you reviewed the records of the Joint Chiefs of Staff relative to their understanding and actions concerning this issue?

Judge SOFAER. I have not made a special effort to review records in the possession of the Joint Chiefs of Staff, and I have not assumed that the JCS has any records that would be essential to a judgment in this matter and that are not contained in the depositories that I have examined.

Senator LEVIN. In your testimony, you said that the Treaty is ambiguous with respect to the development and testing of exotics. Article 13 of the Treaty requires ambiguities to be referred to the Standing Consultative Commission. Why has the State Department not taken this alleged ABM treaty ambiguity to the Standing Consultative Commission?

Judge SOFAER. This question contains several erroneous statements. I did not state in my testimony that the Treaty is ambiguous, but rather that the textual language is ambiguous, a term of art. That textual ambiguity necessitates reference to the negotiating record, which persuasively supports the "broader" interpretation.

Article XIII does not "requir[e] ambiguities to be referred" to the S.C.C. Rather, Article XIII(1)(a) states that the parties will use the S.C.C. to "consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous." The "broader" interpretation does not raise such compliance questions, because the SDI program has been structured in a manner that can be accommodated within the confines of the "restrictive" interpretation.

Senator LEVIN. At the time of Mr. McFarlane's TV appearance of October 6, 1985, had the Secretary of State authorized the public release of the decision to adopt a broader interpretation of the ABM treaty? If not, how did the decision get released without the approval of the Secretary of State?

Judge SOFAER. I have no personal knowledge with respect to this question.

Senator LEVIN. Do you agree that the ABM Treaty would have to be amended before exotic systems could be deployed?

Judge SOFAER. Under the terms of the Treaty, the parties could deploy systems based on other physical principles if they agreed on "specific limitations' or invoked Article XV(2).

Senator LEVIN. Has the SDI Office expressed an opinion to you, or to anyone else in the State Department to your knowledge, relative to the desirability or advisability of a broader interpretation of the ABM treaty? If so, on what dates?

Judge SOFAER. No, never to me. I do not know the answer with respect to others in the State Department.

Senator LEVIN. General Palmer explicitly stated at a hearing in June, 1972, that "We can look at futuristic systems as long as they are fixed and land-based," and went on to say "The Chiefs were aware of that and had agreed to that and that was a fundamental part of the final agreement." Do you believe these statements are more significant than the inference you draw from General Palmer's earlier statement that "There is no limit . . . on R&D in the futuristic systems," which you think means whether or not these futuristic systems are fixed and land-based, especially since General Palmer later said: "The only system actually under development, in any meaningful sense, was a fixed, land-based system."

Judge SOFAER. All of General Palmer's statements are significant. Some of his comments do appear to support the so-called "restrictive" view of the Treaty's limitations. Other statements, however, could be read to support the "broader" view. It is therefore difficult to draw a definitive conclusion regarding General Palmer's view of the Treaty's regulation of future systems. The most important sources for determining the meaning of the Treaty are the textual language and the negotiating record, which support fully the "broader" interpretation.

Senator LEVIN. Please set forth all statements in the ratification history which explicitly state that exotics (other than fixed and land-based) can be developed and tested.

Judge SOFAER. My office has prepared an analysis of post-negotiation public statements regarding the Treaty's applicability to future systems. I provided this analysis to the committee in connection with my testimony.

DECEMBER 31, 1986.

Secretary of State GEORGE SHULTZ,
Department of State,
Washington DC.

DEAR MR. SECRETARY: I have received a response to my letter to you of December 1, 1986 from Mr. Fox. I am obviously disappointed by your decision not to authorize an independent review of the ABM Treaty but I am also troubled by some of the arguments presented in Mr. Fox's letter and by the press release apparently issued by your office on December 1, 1986. Allow me to make several observations.

First, in Mr. Fox's letter my arguments are characterized as dealing "almost exclusively" with the record "of the ratification process without disputing in any way Judge Sofaer's conclusions from the negotiating record. . . ." Similarly, in the press release, it is asserted that I failed "to challenge in a single respect Judge Sofaer's statements about the *negotiating record.*"

Mr. Secretary, that is simply not true.

I spent a considerable amount of time reviewing the negotiating record and concluded that "Judge Sofaer's interpretation of the Treaty is incorrect, and that the process he used to develop and justify that interpretation was fatally flawed." Obviously, it was not appropriate to cite chapter and verse of the negotiating record since it is classified. But, to the degree possible, I discussed the differences between my reading of the record and Judge Sofaer's in my letter to you. In fact, several pages in my letter are devoted to a number of significant pieces of evidence in the record which Judge Sofaer ignores. For example, I mentioned the summary memo prepared by the delegation's attorney, Mr. Rhinelander. I also mentioned the memos dictated by Mr. Garthoff and Mr. Graybeal relative to critical negotiations they had with their Soviet counterparts on the precise issue of exotics. In addition, I referred to conversations I had with Ambassabor Smith and General Allison which helped me interpret some of the material in the record itself.

Beyond that, however, my criticism was directed at the way in which Judge Sofaer analyzed the record. As I indicated, I was troubled by the fact that he did not consult with any member of the American negotiating team other than Mr. Nitze. If Judge Sofaer found Mr. Nitze's recollections useful in interpreting the record, I wonder why similar assistance was not sought from other members of the delegation.

Second, in the context of discussions with members of the American negotiating team, I was distressed to note that the press release issued by your office asserted that Judge Sofaer was "fully familiar with the views of all the persons mentioned by Senator Levin, having read their writings, and having appeared with some of them at Congressional hearings and public debates."

The press release is phrased in terms which are grossly misleading. My concern was directed at the fact that Judge Sofaer did not consult with the members of our negotiating team *prior to* the development and release of his interpretation. The fact that he has participated in debates and hearings with members of our negotiating team *subsequent* to the public release of his views really is not responsive to my concern. Debates with our negotiators after the fact does not, after all, constitute an honest effort to solicit their views as part of a genuine effort to understand what happened during the negotiating process and why our negotiators reached the conclusion that they did.

Third, I am disturbed by the emphasis in both Mr. Fox's letter and the Department's press release on the distinction between the negotiating record and statements made about the Treaty at the time of its ratification.

I agree that the negotiations and the ratification debate are two distinct steps in the Treaty-making process. But neither element, standing by itself, constitutes a full explanation of the meaning of a Treaty. I find the Department's position on this issue to be inconsistent and confusing. For example, Mr. Fox wrote that "testimony given during the ratification process by U.S. negotiators and others reflected the belief that the U.S. had achieved its negotiating objectives. . . ." Yet, Mr. Fox goes on to dismiss the significance of such testimony because it "was not, and is not, based on a review of the negotiating record." Judge Sofaer, on the other hand, goes to great lengths to demonstrate that the ratification record is "consistent with" his interpretation. He does so, I believe, because he recognizes that the negotiating record alone is not enough; the ratification record is also a critical part of the interpretative data which must be used to support any given reading of a Treaty.

A legitimate reading of Mr. Fox's letter suggests that we are, in essence, being told that the Senate ratified a Treaty under false pretenses. And we are also being told that what the Senate was led to believe when it ratified the Treaty is irrelevant to the meaning of the Treaty, despite the fact that even Judge Sofaer, in seeking to understand and explicate the meaning of the Treaty, refers extensively to the ratification process. If the Department's position is the one suggested by Mr. Fox's letter, then that will not inspire Congressional confidence in future administration presentations relative to international agreements.

Beyond that, however, I am not at all sure that Judge Sofaer would agree with Mr. Fox's factual and forthcoming admission that the testimony presented to the Congress did reflect the belief that we had achieved our negotiating goal. After all, Judge Sofaer has suggested that "the restrictive view became common only after the SDI program was announced." And he has indicated that "American negotiators, particularly 10 years after the event, . . . think that they had convinced the Soviets to ban all future systems." And he has said that our negotiators "have not denied that they failed to obtain the clear language that they sought."

Those claims by Judge Sofaer are either expressly or implicitly false. As I indicated in my letter to you, statements by our negotiators clearly demonstrate that they have consistently understood the Treaty to ban the development and testing exotic systems which were not land-based.

Finally, Mr. Fox's letter makes reference to a possible meeting between Judge Sofaer, Mr. Nitze and members of the Senate. I certainly would be delighted to participate in such a meeting either with or without other members of the Senate. If Judge Sofaer or Mr. Nitze will call my secretary, Helen Galen at 224-3319, we can arrange a convenient time for me to discuss these issues with them.

Sincerely,

CARL LEVIN.

U.S. DEPARTMENT OF STATE,
Washington, DC, January 21, 1987.

Hon. CARL LEVIN,
U.S. Senate.

DEAR SENATOR: The Secretary has asked me to respond to your letter of December 31, in which you take issue with the points made in my letter of December 1, 1986, describing the Administration's position on interpretation of the ABM Treaty.

I recommend that a meeting between the parties should be scheduled. It is the only appropriate way to discuss these differences, objectively.

My staff will contact your office to determine a convenient time and place for Judge Sofaer and Ambassador Nitze to meet with you to clarify the conflicting opinions that have been described relative to the ABM Treaty.

Sincerely yours,

J. EDWARD FOX,
Assistant Secretary, Legislative and Intergovernmental Affairs.

EXHIBIT 2

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, November 25, 1985.

Adm. WILLIAM J. CROWE, Jr., USN,
Chairman, Joint Chiefs of Staff,
Department of Defense,
Washington, DC.

DEAR ADMIRAL CROWE: Recent testimony by Administration officials concerning the revised interpretation of the 1972 ABM treaty indicates some question as to how the treaty was interpreted by Administration officials at the time the treaty was ratified by the Senate in the summer of 1972 and in the period immediately following.

Since the Joint Chiefs of Staff played a major role in the negotiation of the treaty, their views and understandings of the obligations incurred by the treaty are most germane and important if the American people are going to fully understand the character of the treaty.

I would most appreciate your permitting a member of my staff, in conjunction with the office of the historical division of the JCS, to review this. My staff member, Mr. John B. Keeley, has a top secret clearance.

May I ask for your prompt consideration of this request? Thank you.

Sincerely,

CARL LEVIN.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington DC, December 19, 1985.

Hon. CARL LEVIN,
Committee on Armed Services, U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: I received your letter of 25 November 1985 concerning the Joint Chiefs of Staff (JCS) understandings of the obligations incurred by the ABM Treaty. The Joint Staff has conducted a detailed review of internal OJCS documents related to the ABM Treaty. The record indicates that the JCS were consulted and participated fully in the process of negotiating the Treaty. The final agreement was approved by the JCS. When the JCS considered the national security impacts of the Strategic Arms Limitation Agreements in June 1972, they briefly addressed the topic of future systems in conjunction with Soviet compliance with that aspect of the ABM Treaty. They stated that the United States would need to monitor Soviet activities in this area to guard against any degradation of US national security posture.

The testimony given by Admiral Moorer, Chairman of the Joint Chiefs of Staff; General Ryan, Chief of Staff, US Air Force; General Palmer, Acting Chief of Staff, US Army; Admiral Zumwalt, Chief of Naval Operations, and Lieutenant General Allison, Assistant to the Chairman, Joint Chiefs of Staff, for Strategic Arms Negotiations, before the Senate Armed Services Committee during June and July 1972, are the clearest statements of the JCS support for the ABM Treaty and the obligations incurred by the United States under the terms of that Treaty. After the testimony given in 1972, the JCS do not appear to have addressed the interpretation of the provisions of the ABM Treaty as it pertains to futuristic systems until the issue was raised in September 1985.

If you believe that further discussion of this subject would be of value to you, I would invite Mr. Keeley to contact Commander Edward J. Higgins, USN, of the Nuclear Negotiations Division, OJCS, J-5 at 697-4980.

Sincerely,

WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

JANUARY 24, 1986.

Mr. ED MCBRIDE,
Documents Division, Office of the Joint Chiefs of Staff, the Pentagon, Washington, DC.

DEAR MR. MCBRIDE: Commander Higgins of the J-5 with whom I have been reviewing selected JCS documents has requested that I confirm the desire of Senator Levin for copies of these documents.

Please accept this letter as a formal request from Senator Levin for the documents that I have discussed with CDR Higgins.

Thank you.

Sincerely,

JOHN B. KEELEY,
Legislative Assistant for Defense and Foreign Policy.

THE JOINT CHIEFS OF STAFF,
Washington, DC, September 23, 1986.

Mr. JOHN B. KEELEY,
Legislative Assistant for Defense and Foreign Policy, Russell Senate Office Building, Washington DC.

DEAR MR. KEELEY: Reference is made to your request for the documents or portions thereof identified during your meetings with Commander Higgins which concern ABM Treaty interpretation.

The Administration has provided the Congress, through the Senate Foreign Relations Committee, a large number of executive department documents on the interpretation issue for their review. It has been determined that all other documents must be withheld in order to protect the Executive branch deliberative process. It is my understanding that Senator Levin has been offered a briefing on the documents by Judge Sofaer, Legal Advisor, Department of State, and may have already reviewed them.

In view of the above, we are unable to provide you the referenced documents.

Sincerely,

EDMUND F. MCBRIDE,
Chief, Documents Division,
Joint Secretariat.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington DC, October 3, 1986.

Hon. CARL LEVIN,
Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR LEVIN: When I returned October 1st from my trip to South America, I was surprised to find your September 19th request asking for a response to your letter of November 25, 1985 regarding the Joint Chiefs of Staff's understanding of the ABM Treaty at the time of ratification. I responded to that letter on December 19, 1985 (see attached). Also, subsequent to our exchange of letters, Mr. Keeley of your staff met with members of the Joint Staff for further discussion and reviewed portions of documents in our files.

It is my understanding that after those meetings, Mr. Keeley requested, in a January 24 letter to the Joint Staff, copies of certain documents he had reviewed. Shortly after that request, the Administration became involved in negotiations with the Senate Foreign Relations Committee over what executive department documents on the interpretation of ABM Treaty could be made available to the Congress. Unfortunately because this agreement was not finalized until August, the Joint Staff's determination on the Keeley requested documents was held up until recently (also attached).

I hope this information is helpful in clarifying our processing of your requests. Let me also assure you I too place a high priority on the timeliness of our responses to congressional requests.

Sincerely,

WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, DC, October 16, 1986.

Adm. WILLIAM J. CROWE, Jr., USN,
Chairman, Joint Chiefs of Staff, Washington, DC.

DEAR ADMIRAL CROWE: Thank you for your letter of October 3, 1986. Let me recap the events relative to this matter.

In November of last year I requested access to certain *JCS documents* which recorded the discussions of the Joint Chiefs concerning the ABM treaty. In your reply, you told me of your views on the matter and referred Mr. Keeley of my staff to Commander Higgins of the J-5 in the event that I desired further information.

Mr. Keeley met with Commander Higgins and they discussed the information desired. Commander Higgins was fully aware that Mr. Keeley was asking in my name for access to relevant JCS documents. Commander Higgins was able to identify a certain number of documents which pertained to the ABM treaty. At Commander Higgins request, Mr. Keeley wrote Mr. McBride, Chief of the Documents Division of the Joint Secretariat, January 24, 1986, for access to the documents identified by Commander Higgins. Mr. McBride was aware that Mr. Keeley was making the request in my behalf and that Commander Higgins was cooperating with Mr. Keeley in your behalf.

Since January, Mr. Keeley has called Commander Higgin's office on a number of occasions to determine the status of the request. Until Mr. McBride's reply to Mr. Keeley on 23 September, the only answer to the question was that the request was in the hands of the National Security Council.

I consider Mr. McBride's reply to Mr. Keeley to be an inappropriate reply to my request to you. Mr. McBride's letter refers to the *negotiating record* provided the Senate Foreign Relations Committee in August by the Secretary of State. The JCS documents which I wish to review are not part of that negotiating record and I am sure that Mr. McBride is aware of this fact.

Mr. McBride states: "It has been determined that all other documents must be withheld in order to protect the Executive branch deliberative process." When and by whom was this decision made?

If I am not to have access to these documents, I desire the refusal to be over your signature.

Thank you.

Sincerely,

CARL LEVIN.

OFFICE OF THE CHAIRMAN,
THE JOINT CHIEFS OF STAFF,
Washington, DC, December 1, 1986.

Hon. CARL LEVIN,
Committee on Armed Services,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This is in response to your letter of October 10, 1986 requesting access to certain documents identified during discussions between our staffs with respect to the Joint Chiefs of Staff's (JCS) understanding of the ABM Treaty provisions concerning development, testing and deployment of futuristic ABM systems at the time they were negotiated.

In my 19 December 1985 response to your initial request, I indicated that the official testimony of the JCS at the time of the ratification hearings provided the clearest statements of the JCS's support for the ABM Treaty and the obligations incurred thereunder. Additionally, a member of my staff, Commander Edward J. Higgins, orally provided Mr. Keeley with an analysis of the position taken by the JCS during the negotiation process which is contained in sensitive inter- and intra-agency memoranda and talking papers, prepared in the summer of 1971.

The relevant documents which formed the basis for the Administration's interpretation of the Treaty provisions regarding the development, testing and deployment of futuristic ABM systems were provided to the Senate through the Senate Foreign Relations Committee per the agreement between the Secretary of State and the Committee. As the Secretary of State informed the Committee in his letters of August 5, 1986 to Senators Lugar and Pell, other documents which reflect interpretations of provisions and recommended negotiating positions are part of the deliberative process within the Executive Branch or are otherwise privileged. In view of this agreement, your request for the additional release of documents was coordinated with the Office of the Secretary of Defense and the Office of the Legal Adviser, Department of State and they determined their release would not be appropriate.

I trust that the documents provided to the Senate and the discussions between our staffs, along with my 19 December 1985 letter, provide you the necessary information to understand the Administration's position on those provisions and that of the JCS at the time of negotiation and ratification. I regret that I could not provide a more favorable response to your request for additional documents.

Sincerely,

WILLIAM J. CROWE, Jr.,
Chairman, Joint Chiefs of Staff.

U.S. SENATE,
Washington, DC, February 17, 1987.

Adm. WILLIAM J. CROWE, JR.,
Chairman, Joint Chiefs of Staff,
Washington, DC.

DEAR ADMIRAL CROWE: Given your testimony today before the Senate Armed Services Committee, it is more important than ever that you reconsider your decision not to make available to me and other members of the Senate the Joint Chiefs of Staff records relative to the ABM treaty interpretation issue. The correspondence we have had on this issue is not satisfactory since you suggest that the agreement by the State Department to supply a negotiating record is exclusive and lets the JCS off the hook in terms of supplying other relevant materials. It doesn't.

I have another request: Since the Committee was told today that the JCS is undertaking a review of the ABM treaty negotiation, I would strongly urge you to meet with the JCS representatives at the ABM negotiations and in Washington in 1971-72. Judge Sofaer did not talk to negotiators and other key people (with one exception) and his analysis is fatally flawed in part as a result of that failure. For instance, I am enclosing a copy of a letter dated 13 June 1986 from General Bruce Palmer, Jr., the Acting Army Chief of Staff who testified at the Senate hearings on ABM ratification. He wrote me as follows:

"(1) My understanding then and now is that the ABM Treaty prohibits the development, testing, and deployment of ABM systems or components which are sea-based, air-based, space-based, or mobile land-based; that this prohibition applies not only to the current ABM systems or components, but also to ABM systems or components based on 'other' (exotic) physical principles; but that futuristic ABM systems or components can be developed and tested in a fixed land-based mode. The foregoing was the understanding of the US JCS at the time. American and Soviet officials also shared such an understanding."

People such as General Palmer, and General Allison (the JCS representative at the ABM negotiations), as well as Harold Brown who was Delegate-at-Large to the ABM treaty negotiations, and other Defense and JCS personnel who were involved in the ABM negotiation and ratification process are a vital source of information in any interpretation that you are undertaking.

Thanks for your consideration.

Sincerely,

CARL LEVIN.

EXHIBIT 3

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, August 1, 1986.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY. We were most pleased to meet with Ambassador Paul Nitze and Judge Abraham Sofaer to discuss with them the issues surrounding the ABM Treaty negotiating record. Both Ambassador Nitze and Judge Sofaer were willing to deal with concerns stated by Members. In particular, the assembled Members discussed with them the possible ways in which access might be arranged for Senators and selected professional staff members with respect to the portions of the ABM Treaty negotiating record that bear upon the applicability of the Treaty to the development, testing, and deployment of ABM systems and components "based on other physical principles," or what Senator Goldwater referred to in his letter of June 25, 1986 as "exotic technologies."

On the basis of this and other conversations, we are cognizant of the Administration's present views on the so-called "broad" and "narrow" interpretations of the ABM Treaty. While the Administration has expressed reservations over requests for access to the entire negotiating record and to a variety of other documents, we nonetheless believe that the essential concerns of Members with respect to "exotic technologies" and ABM Treaty commitments should be met.

We have concluded that the Senate must have access to particular parts of the record of the negotiations which culminated in the 1972 Anti-Ballistic Missile Treaty, together with other relevant documents. These materials are necessary to allow the Senate to reach its own judgments regarding the correct interpretation of the ABM Treaty. The Senate also has a need at this point to reach a decision on the funding of research and development of exotic or future technologies. The recent study conducted by Judge Sofaer and the earlier study done for the Department of Defense by Colonel Fitzgerald and Ambassador Grayheal at the Systems Planning Corporation would be of considerable value in helping Members assess the issue.

In addition, for the period from March 15, 1971, through May 26, 1972, we request all documentary materials in the negotiating record of the ABM Treaty which deal with the negotiation of the limits in Articles II, III, and V, and Agreed Statement D pertaining to ABM systems and components based on then-current technologies or other physical principles, to include, inter alia, the following:

All messages to and from the delegation;

Relevant versions of the Joint Draft Text;

Prepared statements presented at all joint meetings between the United States and the Soviet Union, including all proposals regarding treaty provisions and texts; and

The legal analysis of the Treaty provisions prepared in May 1972, by John Rhinelander, the legal advisor to the delegation.

Furthermore, to aid Members in assessing implementation of the Treaty, directives issued by executive branch agencies, in the months following ratification would be particularly important.

The materials should be provided directly to the Committee on Foreign Relations, which would be responsible for safeguarding them and ensuring properly-controlled access and handling. We anticipate asking that the materials be held for the Committee in S-407, a secure facility under the direct charge of the Majority and Democratic Leaders. No xeroxing of the materials provided to the Foreign Relations Committee will be permitted, nor will the documents be removed from S-407. We would expect to make arrangements under which the materials would be available to Members and to six cleared professional staff members, one each to be designated by the Majority and Democratic Leaders and the chairman and Ranking Members of the Foreign Relations and Armed Services Committees.

We would appreciate your assistance in making the necessary arrangements to provide the requested materials at an early date.

With my good wish.

Sincerely,

RICHARD G. LUGAR,
Chairman,
CLAIBORNE PELL,
Ranking Minority Member.

THE SECRETARY OF STATE,
Washington, August 5, 1986.

Hon. CLAIBORNE PELL,
United States Senate.

DEAR SENATOR PELL. I have received your letter of August 1, requesting access for the Senate to the portions of the ABM Treaty negotiating record that bear on the applicability of the Treaty to the development, testing, and deployment of ABM systems and components "based on other physical principles," or what Senator Goldwater referred to in his letter of June 25, 1986 as "exotic technologies." In this connection, you have also asked for a study prepared by Colonel FitzGerald and Ambassador Graybeal for the Department of Defense and the analysis by Judge Sofaer, as well as other documents.

A number of the items you have requested are part of the deliberative process within the Executive Branch or are otherwise privileged. At the same time, I appreciate the Senate's concern that it be able to understand the basis for interpretation of the Treaty announced by the President last October. We all recognize the highly unusual circumstances surrounding the application of the ABM Treaty—the review by the Administration in 1985 concerning the proper interpretation of the scope of the Treaty, and the importance of the President's SDI program to the national defense, among others. Accordingly, we have decided to provide to the Foreign Relations Committee, as soon as the materials may be assembled and S-407 is ready to receive them, the FitzGerald-Graybeal study and that portion of Judge Sofaer's analysis that evaluate the negotiating record together with the documents from the negotiating record on which it relies.

The FitzGerald-Graybeal and Sofaer studies aimed to be comprehensive. The FitzGerald-Graybeal study has an appendix consisting of about two hundred pages of memoranda of conversations, working papers, and draft texts from the negotiating record. Together with the documents on which Judge Sofaer based his analysis, these documents are the documents on which the Administration formed its judgment with regard to the applicability of the Treaty to the development, testing, and deployment of ABM systems based on "other physical principles." They include the documents you have specifically requested that bear on the issue, in particular, the records of the negotiations and drafts texts regarding Articles II, III, and V and Agreed Statement D. I believe these documents together deal with all the issue of concern to you and other Senators.

I will also provide the sections of John Rhinelander's May 24, 1972 memorandum pertinent to the issues you wish to examine. That memorandum is a general description of the Treaty's terms, not a discussion of the negotiating history. Earlier drafts of Rhinelander's memorandum may be useful in evaluating the final drafts; relevant excerpts of the drafts will also be provided.

The provision of certain other documents you request raises separate and more difficult questions. Because we are making available the items on which the Administration's interpretation was based, I believe you will find that provision of the excerpts, quotes, and other references in the studies satisfies your request.

The conditions proposed by you for guaranteeing the security of the documents and controlling access to them are acceptable. Along these lines, please provide the names of the six staff members to whom access is to be granted, as proposed in your letter. I propose that the Foreign Relations Committee return the documents to the Department of State when the present Congress adjourns. Of course, as Ambassador Nitze and Judge Sofaer have previously indicated, I remain prepared to ask them to brief individual Senators on the contents of the memoranda or the negotiating record.

I am sending a similar letter to Chairman Lugar.

Sincerely yours,

GEORGE P. SHULTZ.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, August 8, 1986.

Hon. GEORGE P. SHULTZ,
Secretary of State,
Washington, DC.

DEAR MR. SECRETARY: We appreciate very much your prompt and forthcoming response to our request that you provide the Senate access to particular parts of the record of the negotiations which culminated in the 1972 Anti-Ballistic Missile Treaty, together with other relevant documents.

We expect that the materials you have decided to provide as soon as they are assembled—pertinent sections of the May 24, 1972, Rhinelander memorandum, the 1985 Fitzgerald-Graybeal study, and the portion of Judge Sofaer's analysis that evaluates the negotiating record, together with the documents and appendices accompanying the latter two studies—will be of considerable value in allowing the Senate to reach its own judgments regarding the correct interpretation of the treaty. We hope the provided materials will be sufficient to allow those judgments to be made, but we will not be certain of that until we have received the materials and reviewed them. Accordingly, we must reserve the right to request any additional documents within the scope of our August 1 letter which we might identify in the course of our review and which we conclude are necessary to a full understanding of the negotiating record.

The heavy schedule during the remaining weeks of this Congress may prevent completion of our review before adjournment. Nonetheless, we expect to conduct our review expeditiously, as time permits, and will return the documents upon completion of that review. We expect to identify the six professional staff members to whom access will be granted at an early date and will ensure that your office is notified. Finally, we have arranged for the Committee to receive the documents and to store them in S-407 as soon as they can be provided.

With every good wish,

Sincerely,

RICHARD G. LUGAR.
CLAIBORNE PELL.

EXHIBIT 4

UNITED STATES SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 3, 1987.

Adm. WILLIAM J. CROWE,
Chairman, Joint Chiefs of Staff,
Washington, DC.

DEAR ADMIRAL CROWE: We understand that Senator Levin has requested the records of the Joint Chiefs of Staff at the time of the ABM Treaty ratification in 1972 and thereafter which relate to the JCS' understanding of the ABM Treaty's limitations on development and testing of "futuristic systems." It is also our understanding that these materials have not been made available on the ground that whatever has already been provided the Senate (the "negotiating record") is all that was agreed to be provided.

This is not an accurate characterization of the access arrangement the Senate negotiated with the State Department last August. On August 8, Senator Lugar and Senator Pell wrote Secretary Shultz to state the Senate's understanding of this arrangement. In that letter, Senators Lugar and Pell stated, "We must reserve the right to request any additional documents within the scope of our August 1 letter which we might identify in the course of our review and which we conclude are necessary to a full understanding of the negotiating record." The State Department did not contest this statement when it provided the negotiating record to the Senate on August 12.

It seems to us that the records of the JCS, as indicated above, are indeed relevant and we urge that they be supplied to the Senate on the same basis as the negotiating record previously supplied.

The Senate, as a participating body in the treaty-making process, has every justification to obtain information that could help it in its treaty-related functions.

If necessary, we would be happy to meet with you to discuss this matter.

Sincerely,

ROBERT C. BYRD,
U.S. Senate, Majority Leader.
SAM NUNN,
U.S. Senator.

EXHIBIT 5

DECEMBER 19, 1986.

Senator CARL LEVIN,
Russell Office Building, U.S. Senate, Washington, DC

DEAR SENATOR LEVIN: In his published defense of the Administration's reinterpretation of the ABM Treaty, Judge Abraham Sofaer of the Department of State has stated: "Former negotiators who now advocate the restrictive view have stressed that their instructions called for a ban on all future mobile devices—which is uncontested—but have not denied that they failed to obtain the clear language that they sought."

This statement is inaccurate, misleading, and untrue. As one of the principal negotiators of the ABM Treaty, and specifically of Agreed Statement D, I deny that the U.S. Delegation failed to obtain the restrictive constraints that we sought. I also know of no other negotiator who does not advocate the restrictive interpretation and who would not deny Sofaer's allegation, with one exception. The only senior negotiator who supports the Administration's position is Ambassador Paul Nitze, who is a member of the current Administration.

Judge Sofaer's statement is very odd, because he has at no time asked me, or to my knowledge any other negotiator except Ambassador Nitze, whether we affirm or deny his contention on this point. Nor for that matter has he asked for information or judgments on any point, at any time.

The ban on any development, testing and deployment or space-based and other mobile ABM systems and components is clearly stated in Article V(1). It is in no way diminished by an agreed statement (D), explicitly provided "to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty". While it can be argued that Agreed Statement D is superfluous, it is incorrect to argue that its function was to limit the application of Article V, which it does not mention, and to overlook its manifest purpose of setting forth the procedure for consultation and amendment required to permit any deployment beyond that allowed by Article III, as clearly and explicitly stated.

Judge Sofaer and some other advocates of the Administration's reinterpretation have cited opposition to the original U.S. proposal concerning systems and components based on other physical principles as though initial Soviet and American positions were unalterable. If that were so, there could be no negotiation and no agreement. The Soviet delegation initially opposed the proposal, and then argued against the "need" for the proposed provision, saying it would be "premature" or "superfluous". During the negotiation, they changed their position following further consideration and decision in Moscow. To cite Soviet objections from an early phase of the negotiation is misleading and inapplicable to an understanding of the final agreed provisions.

Judge Sofaer states that the U.S. negotiators sought to obtain the adoption of language that "explicitly would have banned the testing, development, and deployment of all future mobile devices" and that "the Soviet Union rejected the language that the Americans sought." That is not true. When the United States first proposed (on August 17, 1971) constraints on ABM systems and components based on other physical principles (we did not propose the words "future mobile devices" at any time) we advanced drafts of two complementary provisions.

One provision was an undertaking not to develop, test, or deploy ABM systems or components that are sea-based, air-based, space-based, or mobile land-based using either current components—ABM interceptor missiles, launchers, or radars—or other devices to perform the functions of these components. This provision, with editorial changes in the negotiation, became Article V(1) of the treaty. Our negotiator on this provision, Mr. Graybeal, accepted in the negotiation (ad referendum to the U.S. delegation, and ultimately to the U.S. government), on September 15, 1971, a more general all-encompassing reference to "components" omitting the specific reference to "other devices to perform the functions", with specific and explicit understanding that this use of the term components was understood and accepted by both sides to cover any and all types of present or future components. This provision was agreed upon by the two delegations and reported to Washington in September 1971.

The second and complementary provision proposed by the United States at the same time was an undertaking by the two parties not to deploy ABM systems using devices other than ABM interceptor missiles, launchers, or radars to perform the functions of those components. This provision was long debated and negotiated, and became Agreed Statement D, finally agreed upon by the two delegations on February 2, 1972, and submitted to Washington the next day. This second provision, from the day it was first proposed by the United States, dealt only with deployment. It is therefore totally incorrect to suggest that the United States sought any constraint on testing and developing future (or other) devices or components that was rejected by the Soviet side. The only ban on "testing, development, and deployment" that we sought was on all, current and future, space-based and other mobile ABM systems and components, and the Soviets accepted it is Article V(1).

The U.S. Delegation's instructions from Washington in August had made clear that the general objective of these provisions was to prevent the circumvention of the tight constraints on ABM systems through future systems or components based on other physical principles. At the same time, there was one partial exception: we were specifically instructed to keep open the door for development and testing of future ABM sytem components in a fixed land-based mode, while banning development and testing of such components in space and other mobile-based modes. This we did.

Judge Sofaer also implies an American retreat from reference to "devices" based on other physical principles, to use of the term "systems and components". It is true that in the course of the negotiation that language was changed. This change was made by the U.S. delegation in negotiation of the text not as a retreat, but because on reflection the delegation (including Ambassador Nitze) considered it appropriate and preferable to refer to systems and components, as was the usage in Articles II and III and elsewhere in the treaty. (Even when introduced, the term "devices" had been described as able "to perform the functions" of current ABM system components.) No one in the U.S. delegation, or in Washington, ever described this change as involving a retreat.

I would like to comment on one other centrally important point. Judge Sofaer claims that "the negotiating record also contains strong support for a reading of Article II(1) that restricts the definition of 'ABM systems' and 'components' to systems and components based on then-utilized physical principles. The Soviets specifically sought to prevent broader interpretations of these terms, and the United States negotiators acceded to their wishes." And again he states that "No former negotiator has denied these details, and Ambassador Paul Nitze, who was present at most of the key discussions, has confirmed them". This is quite incorrect. Incidentally, here too, neither I nor any other of the negotiators, except Paul Nitze, has been given the opportunity to deny or confirm this interpretation of the negotiating record. I deny it.

The text of Article II(1) had been drafted before the United States belatedly raised and discussed the issue of systems based on other physical principles. During the negotiation, I proposed on behalf of the U.S. delegation, and the Soviet negotiators subsequently accepted, a change in the previously agreed wording of that part of the text to insert the word "currently" into Article II(1) explicity in order to make clear that the specification of ABM radars, interceptor missiles, and launchers as components was not restrictive and all-inclusive, but merely identified existing components based on current technology. The purpose was precisely to preclude the interpretation now advanced by Judge Sofaer through labored misreading of the text. ABM systems and components based on other physical principles were not enumerated, but were included, and this was made more clear by noting that those components enumerated were only current components.

At the time the text of Article II(1) was agreed upon in December 1971, with the key identification of the enumerated components as only those then current, the text of Article V(1) banning the development, testing, and deployment of ABM systems and components, current and future, had, as earlier noted, been agreed. There remained, however, one unagreed provision. At the time of the joint decision to have Article II(1) apply to all components, present and future, enumerated or other, it was mutually agreed that this left open the outcome of the remaining question of a provision or agreed understanding on deployment of other devices or components not already covered. Since deployment, as well as testing and development, of space-based and other mobile based systems and components, current and future, had been dealt with in agreed Article V(1), the real question concerned deployment of fixed land-based components based on other physical principles than the current components identified and enumerated in Article II(1). In accordance with instructions, the delegation had negotiated a text that allowed the development and testing of fixed-land based systems. Article III was intended to ban any deployment except as specified therein, but of necessity that provided only for current systems. Thus, if, for example, the United States or the Soviet Union developed and tested a new type of fixed land-based missile detection device based on laser discrimination sensing that was capable of substituting for ABM radar, what would be the permissible substitution for ABM radars, the precise number and restricted area of location of which was specified in Article III? If left to the discretion of the two sides it could raise questions affecting the viability of the treaty. A procedure seemed necessary to have a common basis for resolving such questions if and when they would arise. Agreed Interpretation D provided the answer. And that is why D was explicitly related to the deployment constraint of Article III, and was silent with respect to Article V and all the other articles to which it was inapplicable.

It should also be noted that apart from citing inapplicable earlier Soviet objections to the U.S. proposal, Judge Sofaer does not refer to the explicit statements of the Soviet negotiators that the Soviet Union had changed its position. In the words of a key Soviet negotiator to me on January 26, 1972, as we were polishing up the final text of Agreed Statement D, the last item complementing Articles II(1) and V(1), the Soviets had by then "accepted the American position on the subject completely".

There are other errors in Judge Sofaer's presentation and fundamental flaws in the new interpretation. I have focused this comment only on his statements as to whether the negotiators had tried and failed to obtain our objective in the negotiations. In this contention he is in error. I would be happy to discuss these and any other issues that I may be able to help to clarify, and to testify if that would be useful.

Sincerely,

Raymond L. Garthoff.

December 4, 1986.

Senator Levin,
U.S. Senate,
Washington, DC.

Dear Senator Levin: The manner in which you framed the two questions in your letter of November 19, 1986 would seem to call for "yes or no" answers but I think to answer in that way would not do justice to the subject.

First, a general comment. From the outset of the Salt negotiations, the U.S. military position was that a treaty must be based primarily on quantitative limitations—we were not prepared to accept qualitative limitations. This position was based on the important premise that we must not limit US technology and US inventiveness—to do so would be to deny ourselves a key element—a key U.S. advantage—in maintaining and improving our National Security. Qualitative limitations are not verifiable with an acceptable degree of certainly.

Regarding your question (1):

There is no question in my mind but that both the US side and the Soviet side understood and agreed that the treaty permitted research on the items you list. Further, there is no question in my mind but that both sides understood that to do research means that "research-testing" is necessary and is permitted under the permission to do research. However, I do not recall that the specific term "research-testing" was used with the Soviets during the negotiation. I began to use the term subsequent to ratification of the ABM treaty as a means of distinguishing between the testing done in connection with research and the testing done in the sense of development, testing and deployment of weapon systems.

Regarding your question (2):

There is no doubt in my mind but that the US side and the Soviet side understood and agreed that, other than that permitted by Articles III and VII of the Treaty, the Treaty prohibited development, testing and deployment of the items you list. As regards your use of the term "field testing", I cannot verify that the precise term was used in our discussions with the Soviets. I do recall quite clearly that, in discussions with the US delegation in the matter of testing, I introduced the military term "field testing" in the sequence of terms "development, field testing and deployment" to describe precisely the U.S. military position.

It is clear in my mind that both the US and Soviet sides understood that we were prohibiting the development, field testing and deployment of the items you list.

The need to assure that research was not prohibited and that its companion-piece "research testing" was permitted was a principal reason for the development of agreed interpretation D. Both sides understood that technology may produce systems using other physical principles. We fixed upon the word "create" to describe the possibility and placed in agreed interpretation D the stipulation that should such systems and components based on other "physical principles" be created, limitations on these systems would be subject to negotiations and agreement in accordance with pertinent Articles.

Discussion of this matter, which has become complex because of the precision required in international agreements, needs to recognize that not too many years ago it was common practice in the military to lump together for descriptive purposes the words "research and development". It was common practice to remark that a system is in "R and D". In that lumping of terms, the military understood that there was embraced all levels of research and development including testing of weapons, short of actual deployment. The requirement for precise understanding of the separation of the lines between the various terms is relatively recent.

I would be pleased to discuss these and related matters with you at any time.

With kind regards.

Sincerely,

ROYAL B. ALLISON.

ALEXANDRIA, VA, *June 13, 1986.*

Senator CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: As you know, Colonel John B. Keeley, USA-Ret'd, of your staff has been in touch with me regarding my testimony before the Senate Armed Services Committee in July 1972 on the ABM Treaty and has asked for a written reply. My response was delayed because of recent surgery and hospitalization. I shall try to be factual and objective:

(1) My understanding then and now is that the ABM Treaty prohibits the development, testing, and deployment of ABM systems or components which are sea-based, air-based, space-based, or mobile land-based; that this prohibition applies not only to the then current ABM systems or components, but also to ABM systems or components based on "other" (exotic) physical principles; but that futuristic ABM systems or components can be developed and tested in a fixed land-based mode. The foregoing was the understanding of the US JCS at the time. American and Soviet officials also shared such an understanding.

(2) Part of the problem lies in imprecise terminology. Back in the 1960s and early 1970s, while SALT I was being negotiated, there was an American tendency to lump basic research and research testing along with development and field testing of prototypes all in one term, "R&D". One result of such loose language is that the SALT I agreement lacks agreed terms for the various stages of "R&D". (Future agreements should be couched in more precise terms.) This is probably the reason for the "ambiguous" statement (cited by Judge Sofaer) I made in the above mentioned hearing in responding to Senator Jackson; to wit, "The treaty, as you have just read, does limit radars, launchers, and missiles; it does not limit R&D on futuristic systems. We could not deploy such a system, however". By "R&D", I really meant basic research and research-type laboratory testing. This leads me to my next point.

(3) Back in July 1972, my understanding was that the United States and the Soviet Union were in agreement that the ABM Treaty allows basic research and research testing (for lack of a better term) on any new system (regardless of physical principles involved) and in any basing mode. This was one of the "safeguards" stipulated by the JCS in 1972 when they supported the ABM Treaty: broad ABM research would continue. (This was to protect the large lead in ABM technology enjoyed at the time by the United States over the Soviet Union by allowing research to continue.) However, such research was not to get into the development and field testing of prototypes (my terminology); such matters would be subject to limitations to be discussed in accordance with Article XIII of the Treaty and to agreed amendments of the Treaty in accordance with Article XIV. This is the intent of the U.S.-Soviet Union Agreed Statement D, the word, "created" in that statement being the Soviet expression for "developed".

I believe that the late General John D. Ryan, USAF, if he were alive, would concur in the forgoing. Further, I also believe that LTG Roy Allison, USAF-Ret'd, the JCS Representative during the SALT I negotiations, would agree essentially to the above.

Sincerely,

BRUCE PALMER, Jr.,
General, USA-Retired.

RECOGNITION OF SENATOR BAUCUS

The PRESIDENT pro tempore. The Senator from Montana is recognized for 5 minutes.

Mr. BAUCUS. Mr. President, I thank the Chair.

THE FARM ECONOMY REVIVAL ACT

Mr. BAUCUS. Mr. President, I would like to share with you some facts about the current farm crisis.

Fact No. 1, last year, American agricultural exports were down $18 billion from levels in 1981. And this year, the volume of agricultural exports may fall to its lowest point since the United States became a major agricultural exporter.

Fact No. 2, the U.S. Government is now spending as much each year to store agricultural surpluses, as it did to pay for the entire farm program in 1980.

Fact No. 3, the European Economic Community will pass the United States this year to become the world's largest exporter of agricultural products.

Despite these dismal developments, I believe that the 1985 farm bill basically set the right course by emphasizing the importance of recapturing export markets. But it just didn't go far enough!

Although export markets are finally showing signs of recovering, the farm economy is as bad as it's been since the Great Depression.

Only cotton and rice farmers appear to be recovering. Cotton exports will increase by 300 percent next year and rice exports, which increased 50 percent last year, will increase again by about 50 percent. This export boom has improved income for rice and cotton farmers and their prospects look bright.

Why have rice and cotton farmers recovered while wheat, feed grain, and soybean farmers continue to go out of business? The answer is simple. Cotton and rice are covered by a marketing loan, while wheat, feed grains, and soybeans remain under the traditional nonrecourse commodity loan.

The marketing loan is a simple variation on the traditional commodity loan. Under the present system, a wheat farmer takes out a loan from the Commodity Credit Corporation at the beginning of the year to cover planting and growing expenses. At the end of the year, if the market price for his crop is high enough to repay the loan, then he repays it in cash. But if the market price is not above the loan rate, the farmer forfeits his crop to the CCC and the CCC forgives the loan. Recently, close to half of each year's crop has been taken over by the CCC because low prices force the farmer to forfeit his crop.

Under a marketing loan, if the market price for a crop drops below the loan rate, the farmer merely repays his loan at the market value of his crop. This allows the farmer to sell his crop on the market, no matter how low the market price falls.

In short, the marketing loan allows the American farmer to sell his crop in export markets even if the price has been driven down unfairly by the unfair trading practices of our competitors. Instead of rotting in Government surplus storage, America's grain surpluses are used to aggressively compete for export markets.

I believe that we should move in this direction. I, therefore, am joining Senator BURDICK and Senator CONRAD to introduce the Farm Economy Revival Act of 1987.

This proposal extends marketing loans to wheat, feed grains, soybeans, and sunflowers in order to increase farm income by increasing agricultural exports.

I believe this bill is vital for three basic reasons:

First, the Farm Economy Revival Act is revenue neutral in the first year and actually saves money in later years. Budget cuts are made elsewhere in the agricultural program—especially in other agricultural export programs—to make the total package revenue neutral. According to a recent study by the National Center for Food and Agricultural Policy, a program of full marketing loans would decrease the cost of the agricultural budget 5 percent by 1990. This estimate does not even consider the impact of the budget cuts made in the Farm Economy Revival Act.

Second, the Farm Economy Revival Act will increase farm income. The center study also found that marketing loans could increase farm income 8 percent by getting crops into markets rather than storage. This is done without increasing consumer costs.

Third, the Farm Economy Revival Act will increase agricultural exports. Wheat, feed grains, and soybeans may not be able to live up to the 300-percent increase that we have seen in cotton exports, but their recovery will be significant. Even our limited experience with the 1985 farm bill's adjustment of loan rates indicates that other producers will cut back production in response to lower prices and allow the United States to capture export markets.

Further, the marketing loan will pressure other exporters to negotiate a settlement to the world agricultural oversupply problem. A program like the marketing loan increases the cost of other competing exporter's subsidy programs and pushes them to the negotiating table. We would not have made the progress we have on agriculture in the GATT round without the Export Enhancement Program. The EEP allows us to engage in limited price competition with other exporters. But we need more to force meaningful concessions.

If our farmers are to survive and prosper, we desperately need to compete in the world agricultural markets. I believe that the Farm Economy Revival Act is the best way to compete.

Mr. President, I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I stated before, on the subject of agriculture, I want to compliment Senator BAUCUS, Senator MELCHER, and Senator HEFLIN for their excellent speeches on agriculture here this morning.

As chairman of the Senate Agriculture Committee I recognize these three Senators as three of the outstanding experts on agriculture policy in the U.S. Senate. Montana is fortunate to have Senators such as Senator MELCHER and Senator BAUCUS representing them, and Alabama with Senator HEFLIN, but those of us who have to concern ourselves with agriculture matters are fortunate to have all three.

NOMINATION OF WILLIAM WEBSTER

Mr. LEAHY. Mr. President, President Reagan has taken a giant step toward rebuilding his shattered national security establishment and overcoming the disastrous arms-for-hostages policy toward Iran. His nomination of Judge William Webster to be Director of Central Intelligence and head of the CIA, is a superb choice, and I welcome it wholeheartedly.

Judge Webster and I have worked closely together over the last 10 years, both in the Judiciary and the Intelligence Committees. In that time we have become good friends as well as associates in government. I have the greatest admiration for his towering integrity, total honesty, and devotion to fundamental principles of the Constitution and the law.

Mr. President, until January, I was vice chairman of the Senate Select Committee on Intelligence. During my nearly 8 years on the committee, both as a member and finally as vice chairman, relations between the House and Senate oversight committees and the CIA became strained. Everybody knows that. Some of the frictions became well known—the mining of the Nicaraguan harbors, the so-called Contra assassination manual, the CIA's role in what I have called the subterranean network NSC staff built up of certain U.S. officials, private citizens, foreign arms dealers and mercenaries, and, of course, the massive disaster of the arms-for-hostages deal with Iran. There are other incidents, not publicly known, which exacerbated strains between the CIA and the oversight committees since 1981.

I do not wish to speak ill of William Casey, now suffering from a serious health problem. And like all of us, I wish him only the best in recovery from that. Nevertheless, it is well known that he had a hostile attitude toward aggressive, probing, or critical congressional oversight of the intelligence agencies, and the CIA above all. He had well-publicized disputes with both intelligence committees dating from his own confirmation hearings in 1981. Relations between Bill Casey and the committees waxed and waned, but were never what I would call cooperative and constructive.

I would place the principal responsibility for these problems on Mr. Casey's determination to use the CIA as an instrument of the Reagan doctrine regardless of the costs to the Agency. The consequence was that the CIA, instead of just being an objective intelligence agency, became embroiled in fierce debates over major foreign policy issues. The intelligence committees had to attempt to deal with covert wars and deal with covert wars in secret even though they are being reported on the nightly news many times in greater detail than the CIA was telling us. The intelligence committees were not designed to do this, and the oversight process was strained to the breaking point.

However, there is fault on both sides for failure to overcome the tensions. Initially, I had hoped the nomination of Robert Gates as Mr. Casey's successor would put the CIA and the intelligence committees back on track. I believe Dr. Gates is personally committed to making the oversight process work as it was intended to do. He might like the committees to be less intrusive or less critical of blunders, and that is understandable. But, overall, my impression was that he accepted the fact of oversight and intended to cooperate with it.

Unfortunately, Bob Gates, a patriotic American I came to know well and to respect as a thorough intelligence professional, became entangled in the Iran/Contra scandal. The Senate Intelligence Committee rightly and properly asked him tough questions about his role. Evidently, he could not allay the committee's concerns, especially about his ability to withstand pressures from the administration to withhold information from Congress.

I had planned to meet Mr. Gates privately to resolve any concerns I might have had on this score. He was clearly going to face a rough fight on the Senate floor. I do not know how it would have come out. But, it is clear that a contentious, possibly prolonged, debate over his nomination could have further damaged the CIA. Unfortunately, among the many consequences of the Iran disaster is a further loss of public and congressional trust and confidence in the CIA. Ground that the oversight committees regained in the years after the Church and Pike committee revelations has now been lost.

Bob Gate's patriotic decision to ask the President to withdraw his nomination was in the best interests of the CIA and, I now believe, of the oversight process. I hope he will remain as Deputy Director of the CIA. Bob still has much valuable service to give the Nation.

I would expect Judge Webster to move quickly and decisively to repair relations between the oversight committees and the CIA, especially in the area of covert operations. His reputation for rigid adherence to law and to basic American norms will stand him in good stead. He should start with a reservoir of trust and confidence, qualities his predecessor squandered in futile fights to limit congressional oversight.

No doubt, the Senate Intelligence Committee will subject Judge Webster to rigorous questioning. There are some issues which need to be discussed, including the FBI's handling of the Miller espionage case in California, the FBI's role in the defection of Edward Lee Howard, reported FBI break-ins of the offices of groups opposed to administration policy in Central America, and others. I would expect Judge Webster to deal satisfactorily with these matters.

More importantly, I would urge the committee and Judge Webster to use the confirmation hearings to develop firm understandings about how the oversight process will operate during his tenure as Director of the CIA. Rules and procedures are fine. We negotiated written oversight guidelines with Bill Casey while I was vice chairman. They did little good. What makes oversight work is a shared view that the process is constructive and an integral part of our system of checks and balances.

Perhaps the present chairman and vice chairman, who are doing such a splendid job, will allow a recently departed colleague on the committee and a Senator who deeply believes in the oversight process to suggest some questions to pose to Judge Webster.

Will he be able to provide satisfactory assurances that he will keep the committee fully and currently informed about all intelligence matters so that another Iran/Contra scandal can be avoided in the future?

Can he assure the committee that he will insist on scrupulously objective intelligence analyses of arms-control issues, the Contra insurgency, other insurgencies around the world supported under the Reagan doctrine, and similar contentious issues, no matter what ideologues in the administration may want to hear? Can he really go back to just saying just the facts, provide the facts, and let the policymakers decide the policy but makes the intelligence agency, the CIA, a body that provides just the facts and not the policy.

Perhaps most important of all, can be assure the committee that, as Director of the CIA, he will be independent and strong enough in this administration to make the oversight process work even in the face of opposition from other, some quite senior, officials who prefer to continue the old ways?

Mr. President, I am gladdened by this nomination. While I am no longer a member of the Intelligence Committee, I am a firm believer in the value—indeed, the necessity for the integrity of our democracy—of oversight of intelligence by strong, independent intelligence committees in the House and Senate. I will watch Judge Webster's confirmation hearings with great interest. His nomination is a badly needed opportunity for a fresh start, and I earnestly hope that both he and the intelligence committees will make the most of it.

Mr. President, I yield the floor.

Mr. HUMPHREY. Mr. President, before the Senator yields the floor, I wonder if he would be willing to respond to a few questions from the Senator from New Hampshire?

Mr. LEAHY. I believe my time has expired. I am just not sure what the parliamentary situation is.

The PRESIDENT pro tempore. The time has expired.

Does the Senator wish to ask for additional minutes?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that we might have 5 minutes so I can ask a few questions of the Senator from Vermont.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, does the Senator from Vermont control the time?

Mr. LEAHY. I will be glad to yield for a couple of minutes for some questions. I have been here since about 10:30 waiting to get back to an 11 o'clock meeting in my office. But go ahead.

Mr. HUMPHREY. I understand.

Mr. President, I did not hear all of the Senator's remarks, but what I did hear were sensible and prudent observations and recommendations.

Mr. LEAHY. I may be willing to yield even more time. [Laughter.]

Mr. HUMPHREY. That does not surprise this Senator for the Senator from Vermont gained a highly respected reputation during his years of service on the Intelligence Committee and lately before this Congress as the ranking member of that body.

I wanted to ask the Senator's opinion, if I might have his attention, if the proposed arms-for-hostage swap to Iran of 1980 which was not consummated, to be sure, but which was offered involving some $150 million of military supplies which had been paid for earlier by the Shah and which were proposed to be delivered in return for hostages—52 hostages then held by Iran—if that deal, even though not consummated but offered, was any less reprehensible and unwise than the arms-for-hostage swap in 1986?

I do not ask that in a partisan sense or to gain any advantage, but I ask it in sincerity.

Mr. LEAHY. I take it as a sincere question.

As far as any attempt to free the hostages held in the American Embassy, the most of what I know about that, whether the involvement of Desert One or anything else, come in closed-door, classified sessions. I would be glad to respond in greater detail at another time to the Senator from New Hampshire. I am sitting here trying to understand what it was I read in the press and what I heard in classified meetings. Rather than take a chance of referring directly to a classified meeting, I will not.

I will say this, though, and I say it consistently: I think it is wrong, and I say this whether it is a Democratic or a Republican administration, it is wrong to pay ransom for hostages, certainly to a terrorist nation like Iran, one of the three most significant terrorist nations, in my estimation, to pay ransom for those hostages to Iran being wrong whether done by Republican or Democratic administrations, and certainly in the kind of ransom.

On American arms, whether the claim was made that the Shah paid for them or they had paid for them or anything else, is wrong, because I see it as putting in jeopardy all Americans who travel or work or who have reason to be in that part of the world. What happens when more arms are needed is they look around and find out who is traveling there. If the precedent is established, we will pay the ransom.

Whether it is something that was done by the Carter administration, the Reagan administration, or anything else, I will tell the Senator from New Hampshire that my condemnation is just as strong. I think it is wrong.

Everything I learned during 8 years on the Intelligence Committee tells me it is wrong, that it is the wrong way to go.

Mr. HUMPHREY. I am not surprised at the Senator's answer. I asked the question to make the point that the arms-for-hostages swap in 1986 relative to Iran was not the only thing. Indeed, in terms of dollar swap, the same thing was attempted in 1980. This is the second. It does not make it any less reprehensible, that it was smaller or involved fewer persons or fewer dollars. I wanted to make the point that this was not the first one.

I want to make the point further that the persons connected with the 1986 arms-for-hostages swap should be held accountable; likewise, those who are still in Government service and who were connected with the 1980 attempted arms-for-hostages swap in Iran likewise should today be held accountable and should not be occupying positions of high responsibility.

I thank the Chair and I thank the Senator.

Mr. LEAHY. I thank the Chair and I yield back whatever time I have remaining.

The PRESIDENT pro tempore. The Senator from Tennessee is recognized for 5 minutes.

Mr. SASSER. I thank the Chair.

PROPOSED REDUCTIONS IN EDUCATION FUNDING

Mr. SASSER. Mr. President, I rise today to talk about the proposed reductions in education funding contained in the President's fiscal year 1988 budget.

During the February recess, I utilized that time to hold a series of Budget Committee field hearings in Tennessee to explore the impact of the proposed education budget cuts on the citizens of my State. I can tell you in all candor, the testimony I received from students, parents, and college administrators was nothing short of astounding.

My hearings focused primarily on proposed changes and reductions in higher education financial assistance and in vocational education. It is no exaggeration to say that should these proposals go into effect, thousands of students in my State, and hundreds of thousands of students across the country would be denied access to the education and skills necessary for them to compete in an increasingly competitive world marketplace, because we are indeed today living in a world economy.

The American dream of having the opportunity to improve oneself through education and training would be little more than a fleeting memory of times past if these proposed budget cuts dealing with education go into effect. The goal of attaining a better life would simply be unattainable for many thousands of students not only from low-income families, but from middle-income families as well.

Some might ask, why? Because the proposals contained in the President's budget would clearly and simply make it more expensive, much more expensive, to attend college.

There are those individuals who do not care to attend college. They would rather gain the skills necessary to compete for the honorable professions of plumbing, carpentry, auto mechanics, and so forth. The elimination of Federal funding for vocational education would severely restrict access to valuable vocational training.

Proposals which would deny financial aid to postsecondary vocational technical schools, of which there are 28 across Tennessee, would eliminate 25 percent of the students in rural counties across the State. Many of those affected older individuals who have lost their jobs, largely due to foreign imports, who wish to gain new skills so they may compete for a living wage in the changing economy.

I see many of these older individuals in my travels. They come to me in the rural counties and say, "Senator, what am I to do? I am 45 years old. The factory where I worked has closed. That is the only thing I know to do. I am too young to retire but too old to find another job around here."

Well, for many of them, the only avenue of hope they have is vocational training.

As the President unveils his six-point competitiveness package, I can think of no more counterproductive or anticompetitive policy than to severely cut back funding for education.

Clearly, education will play a crucial and important part of any long-term strategy to make America competitive again.

Should we fail to make the necessary investment in the education of our most valuable resource—and that is our human resource—then we might never become competitive again.

These proposals are simply out of touch with the current realities of the current international marketplace. They are also out of touch with the public's attitude toward Federal involvement in ensuring educational opportunity at the postsecondary level.

The decision was made in this country almost 200 years ago that we would fund public schools, that we would give our citizens the opportunity to get an education at public expense up to the high school level. A national sense is developing now that it is in the national interest for the young people of this country to receive assistance in securing education at the postsecondary level; that if they wish to become engineers or school teachers or accountants or to take courses and get a degree in business management, our Government and our people and our society have a vested interest in trying to assist them in realizing their full ambitions and their full potential.

A recent research study released by the Council for Advancement and Support of Education shows that public support for Federal funding of aid programs for low- and middle-income college students has actually increased over the past year.

Of adult Americans 54 percent expressed strong support for Federal aid for middle-income students, a sharp increase from the 40 percent who were strongly in favor the last time the research was carried out, in fall 1985—a 14-percent increase in the space of slightly over a year. At the same time, 55 percent of Americans came out strongly in favor of Federal funding for grants to low-income students, an increase of 9 percentage points over the previous survey.

Clearly, the American people in their wisdom support Federal efforts to provide educational opportunity and not to restrict it simply on the basis of financial capability.

I should point out, Mr. President, that expenditures for education account for only 2 percent of the Federal budget. Yet education is being asked by this administration to take 20 percent of the cuts that are being proposed in the upcoming fiscal year 1988 budget.

The hearings that I held in my native State, in Memphis, Nashville, and Knoxville, show that the citizens in my State also support Federal aid in our overall education scheme. The efforts on the part of the administration to hamstring the education of our young people by draconian cuts in the education budget should be soundly rejected.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. SASSER. I thank the Chair. I yield the floor.

ORDER OF BUSINESS

The PRESIDENT pro tempore. The Senator from Nebraska [Mr. EXON] is recognized for 5 minutes.

Mr. EXON. I thank the Chair.

RURAL ELECTRIFICATION ADMINISTRATION

Mr. EXON. Mr. President, I rise to discuss and have printed in the RECORD for information purposes legislation which will allow rural electric and telephone borrowers to prepay and refinance their long-term high-interest loans held by the Federal Financing Bank with private capital at 100 cents on the dollar. I am pleased to say my Nebraska colleague, Senator ED ZORINSKY, will be an original cosponsor, as well as other Senators.

The Rural Electrification Administration was established in 1936 to bring power to rural America. There are more than 1,000 rural electric systems located in 46 States. Rural electric systems bring power to 10.5 million rural customers.

The delivery of electricity to rural areas has been no easy task. Rural electric systems serve over 25 million citizens but average only five customers per mile of line. Rural electric systems have not only brought electric power and telephone service to rural areas, they have brought economic power to rural areas. Electric power and phone service have been key elements in the economic development of rural America. Our Nation can be proud that the Rural Electrification Administration loans have allowed small communities to enjoy electric and telephone services comparable with similar services available in large urban areas.

As you know, Mr. President, rural America faces a continuing economic crisis. Supply-side economics and the farm policies of the last 6 years have dealt a cruel blow to rural Americans. Commodity prices have fallen to dramatic lows and production costs continue to be high.

One way to assist rural America is to assure that electricity costs in rural America remain stable and competitive. Rural electric and telephone systems operate on loans from the Federal Financing Bank. About $10 billion of those loans are locked into long-term interest rates ranging from 8.5 percent to over 15 percent. The U.S. Congress has repeatedly expressed its support for a policy which would allow these facilities to prepay and refinance their high interest loans without penalty, as so much of our private sector is doing these days.

The Omnibus Budget Reconciliation Act of 1986 allowed a minimum of $2.0175 billion of high interest loans to be refinanced without penalty. The administration has interpreted the congressional refinancing floor as a ceiling and has acted to discourage REA refinancing. That is a bad mistake.

Not only would REA loan refinancing make sense in terms of policy, it would have a positive effect on the 1988 Federal budget. Loan prepayments bring a dollar-for-dollar outlay reduction. In addition, by lowering the debt burden on REA generation and transmission facilities, the Federal Government lowers the risk of possible future nonpayment of loans.

Unlike administration loan asset sale proposals, the Federal Government would receive 100 cents on the dollar on every prepaid loan.

Ironically, the administration which has repeatedly made an assault on the rural electrification administration and has thrown up every roadblock possible to REA refinancing is now advocating a prepayment and refinancing program for foreign military sales contracts similar to the policy advocated by Congress for the REA. That is, the Government of the United States is doing that while turning its back on the REA. It seems to me that if we are going to forgive and even allow prepayments of loans to foreign governments, we should treat our domestic people involved in the REA in the same fashion.

In closing, Mr. President, it is absolutely stunning and contradictory that the Reagan administration is so anxious to pass along the benefits of low-interest rates to foreign governments and so reluctant to pass similar benefits along to rural Americans.

I hope that Congress will see through the administration's objections and authorize the full refinancing of high interest REA loans. I urge my colleagues to study and support this legislation and continue to support this policy, which will not only help hard-pressed rural Americans but will also reduce the 1988 budget deficit.

I ask unanimous consent that my statement and proposed bill be printed in the Record so that other Senators can study it. I anticipate that there will be a number of Senators who will wish to cosponsor this legislation, which I have worked out in close cooperation with the REA leaders in the USA.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF FEDERAL FINANCING BANK LOANS MADE TO RURAL ELECTRIFICATION AND TELEPHONE SYSTEMS.

(a) In General.—Section 306A of the Rural Electrification Act of 1936 (7 U.S.C. 936A) (as added by section 1011(a) of the Omnibus Budget Reconciliation Act of 1986 (Public Law 99-509)) is amended to read as follows:

"SEC. 306A. PREPAYMENT OF FEDERAL FINANCING BANK LOANS.

"(a) In General.—If on the date of enactment of this section a borrower has an outstanding loan made by the Federal Financing Bank and guaranteed by the Administrator of the Rural Electrification Administration under section 306, the borrower may prepay such loan (or any loan advance made thereunder) by paying the outstanding principal balance due on such loan (or advance), if—

"(1) private capital, with the existing loan guarantee, is used to replace the loan; and

"(2) the borrower certifies that any savings from such prepayment will be—

"(A) passed on to its customers;

"(B) in a case of financial hardship, used to improve the financial strength of the borrower; or

"(C) used to avoid future rate increase.

"(b) No Additional Charges.—If prepayment on a loan (or advance) is made under subsection (a), no sums in addition to the payment of the outstanding principal balance of the loan (or advance) shall be charged as the result of such prepayment against—

"(1) the borrower;

"(2) the Rural Electrification and Telephone Revolving Funds; or

"(3) The Rural Electrification Administration.

(c) Assignability.—Any guarantee of a loan prepaid under this section with private capital under repayment terms agreeable to the borrower shall be fully assignable and transferable without condition and shall remain available for the remainder of the term originally agreed to by the Administrator.".

(b) Regulations.—

(1) In general.—Not later than the effective date prescribed in subsection (c), the Secretary of Agriculture only shall issue regulations to carry out the amendment made by subsection (a).

(2) Prepayment facilitation.—In issuing such regulations, the Secretary shall—

(A) facilitate prepayment of loan advances;

(B) provide for full processing of each payment request within 30 days of its submission to the Rural Electrification Administration; and

(C) except as provided in section 306A of the Rural Electrification Act of 1936, impose no restriction that increases the cost to borrowers of obtaining private financing for prepayment or inhibits the ability of the borrower to enter into prepayment arrangements pursuant to such section.

(c) Effective Date.—The amendment made by subsection (a) shall become effective October 1, 1987, or 30 days after the date of enactment of this Act, whichever is later.

Mr. EXON. I thank the Chair. I yield the floor.

ORDER OF PROCEDURE

The PRESIDENT pro tempore. The Senator from Ohio is recognized. We have the 5-minute rule applying with reference to matters before morning business. Morning business will come in the same way, a limitation of 5 minutes.

Mr. METZENBAUM. Mr. President, I ask unanimous consent the Senator from Ohio may be allowed such time as necessary in order to make a statement in connection with presenting a resolution.

Mr. BYRD. Mr. President, will the distinguished Senator allow me to ask what outside limitation he would put on the request? I have no problem with his request but unless I get an outside limitation someone else might come in and want to make the same request.

Mr. METZENBAUM. I fully understand the leader. I will suggest 30 minutes but I think it will be far less.

Mr. BYRD. Mr. President, I have no objection.

The PRESIDENT pro tempore. What is the request?

Mr. METZENBAUM. I change the request to 30 minutes rather than such time as I may need.

The PRESIDENT pro tempore. Thirty minutes. Is there objection? The Chair hears none. Thirty minutes is allowed.

Mr. BYRD. Mr. President, might I ask one other question of the distinguished Senator?

Mr. METZENBAUM. Surely.

Mr. BYRD. May I ask the Chair, are there any special orders for the recognition of Senators which have not yet been fulfilled?

The PRESIDENT pro tempore. I think they have all been fulfilled. The Parliamentarian has checked on it and all those listed on the sheet have been here and used their time.

Mr. BYRD. Very well. I thank the Chair. Then that poses no problem.

Mr. METZENBAUM. I thank the leader for his cooperation at this time as well as for other times during the session.

(Mr. SHELBY assumed the chair.)

UNANSWERED QUESTIONS REMAIN

Mr. METZENBAUM. Mr. President, there are many questions which remain unanswered regarding the Iran-Contra scandal. But among the most intriguing and disturbing are these: What happened to the money diverted from the Iranian arms deal and who funded the private war in Central America?

I do not think there is much question anymore about whether laws were broken. The question now is which laws? Congress cut off aid to the Contras but their supply line leads right to the basement of the White House and the man President Reagan described as a great American hero, Lt. Col. Oliver North. The private citizens who make up North's army of fundraisers most likely violated the Neutrality Act. And it now appears the U.S. Tax Code also was trampled in North's call to arms.

The Tower report revealed a memo, a chart, and notations by North which connect and implicate a number of tax-exempt groups. According to the memo, North concocted and coordinated these groups to raise and expend funds on behalf of the Contras. The groups also conducted television warfare against political candidates who opposed Federal funding for their cause. This activity not only violates the spirit of our democratic electoral process, it violates the law.

These groups may very well have perjured themselves to get and maintain their tax-exempt status. And the sequence of events suggests undue political pressure may have been brought to win them this tax-exempt standing.

I believe these groups hold important keys to the Iran-Contra mystery, and I believe that the Senate Select Committee must investigate them. I am here today to explain why, and to urge the Senate to give the committee the powers it needs to pursue these leads.

Mr. President, this myriad of tax-exempt organizations provided the financial support for the secret war in Central America. North in his own chart placed them into three groups. The first is labeled "U.S." and includes the National Endowment for the Preservation of Liberty, and the American Conservative Trust. The second group is called "U.S. and Overseas." It includes the Gulf and Caribbean Foundation, and the Institute for Democracy, Education, and Assistance. The third is entitled "Overseas" and is comprised of the International Youth Committee and the Institute for Democracy.

These organizations are linked to various Swiss accounts on organizational charts found in North's safe.

Mr. President, I ask unanimous consent that the charts to which I have referred be printed in the RECORD.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

[Charts referred to not reproduced for the RECORD.]

Mr. METZENBAUM. Mr. President, these groups reportedly ran the military supply system to the Contras. I have asked the IRS for all publicly available information on them. But the IRS has not yet uncovered files or materials on all these groups. So today, I will cover only the activities of three organizations—the National Endowment for the Preservation of Liberty, the Nicaraguan Freedom Fund, and the National Defense Council.

The illegal political activities of one of these groups drew my interest months before the astounding Iran-Contra revelations.

I was doing nothing more than watching television in my home in Washington when I saw on television the strong political propaganda with respect to the matter of selling arms to the Contras, making arms available to the Contras. Then I saw that there was a tax-exempt fund that was providing these television ads.

So I went back to my office and wrote a letter to the IRS, asking them to investigate the National Endowment for the Preservation of Liberty—certainly a very high-sounding title. To me, it appeared obvious that their commercials were clearly intended to influence the Contra vote in Congress and were a clear violation of the law. I had no idea then that it was part of a wider White House scheme to privately finance the Contras. Today, 10 months later, NEPL is still tax exempt. Our Senate select committee must be in a position to demand an answer as to why. Even as we speak, contributions to this politically active group are still tax deductible.

The National Endowment for the Preservation of Liberty applied and was granted tax exempt status "to educate members of the general public on American political systems and societal institutions." That sounds great. That is a wonderful description. That is what its president, Carl Channell, told the IRS under penalty of perjury.

But the fact of the matter is that the National Endowment was primarily engaged in an extensive media campaign in support of the President's Nicaraguan program, targeted to key congressional districts, and timed to coincide with important congressional votes.

Do not take my word for it. Do not accept this just as the statement of one Senator. The National Endowment for the Preservation of Liberty had a media consultant, a very well-known media consultant, the Robert Goodman Agency. They have been involved in a host of political contests which Members of the Senate have been engaged in. That agency bragged about their efforts in a letter to Channell dated March 31, 1986: Said Mr. Adam Goodman:

> As you recall, we began with one clear objective: Winning congressional approval of the President's $100 million aid request for Nicaraguan Contras. * * *

NEPL's National television campaign achieved one more important thing: It influenced votes.

Tax-exempt foundations, under the law, are not supposed to be involved in political activity and influencing votes.

Mr. Goodman's letter continued:

> For example, NEPL advertised in four of Florida's biggest television markets, covering the home districts of the 16 Congressmen. On the final House vote on Contra funding in late March, 14 of the 16 Congressmen sided with the President in support of the freedom fighters. This is dramatic considering many of these Congressmen were considered to be on that "swing vote" list mentioned above.

Mr. Goodman was not limited in his comments and the pride he took in the effect that his advertising agency had had in affecting the results for this tax-exempt foundation. Said he, in the same letter:

> As you know, that national television campaign didn't end with our close defeat in the House in late March. We went back on the air in Washington, DC, immediately after the House vote to both ensure our success with the Senate vote on Contra funding, and to continue our effort to persuade the House to approve the same in mid-April. When Congress recessed for the Easter break, we went back on the air in several of the key markets as well, putting those particular Congressmen on notice that the Contra debate was far from over.
>
> We are very optimistic about our chances of winning the next House vote scheduled for April 15 and how this reflects on the importance of NEPL's efforts over the past year.

NEPL became a powerful factor. This tax-exempt organization became an important factor in the outcome of the vote, and it had friends in rather high places.

On February 21, 1986, the President of the United States wrote to the NEPL's president, Carl Channell.

> DEAR SPITZ: The National Endowment for the Preservation of Liberty is serving a unique and vital role in its Central American freedom program * * * in the next few weeks we will initiate an historic effort to achieve congressional support for the cause of freedom fighters in Nicaragua * * * your Central American freedom program puts you on "America's front line" in the battle for democracy.

The facts are clear.

Under penalty of perjury, Channell answered the following question in applying for tax-exempt status: "Does or will the organization engage in activities tending to influence legislation or intervene in any way in political campaigns?" He responded "No."

In filing NEPLS 1985 tax return Channell answered the following question under penalty of perjury: "During the year have you attempted to influence National, State, or local legislation, including any attempt to influence public opinion on a legislative matter or referendum?" He again responded under the penalty of perjury "No," despite reporting $1.6 million in "airtime/media buys."

Absent any other facts, there is reason to believe that perjury may have been committed.

And worse, Mr. Channell is the puppet on a string doing what Oliver North was directing in the basement of 1600 Pennsylvania Avenue.

And today from the Washington Post we learn that the Contras themselves admit to receiving more than $1 million from Channell.

The National Endowment appears to be the creature of Oliver North. In a March 16, 1985, memorandum, North outlined a Contra support plan to then National Security Council Director Robert McFarlane:

"The Nicaraguan Freedom Fund, Inc. a 501(c)(3) tax exempt corporation must be established * * * (this process is already underway")." "yes" wrote McFarlane.

In the same memo he wrote:

"The name of one of several existing nonprofit foundations we have established in the course of the last year will be changed to Nicaraguan Freedom Fund, Inc. Several reliable American citizens must be contacted to serve as its corporate leadership on its board of directors along with Cruz, Calero, and Robelo." Mr. McFarlane wrote, "OK."

One organization already established appears to have been the National Endowment. And what about the Nicaraguan Freedom Fund and its reliable American citizens? That is the very phrase that was used in the memo.

Eight weeks after McFarlane gave North the OK, the IRS office in Baltimore received this somewhat intimidating letter from a Washington, DC, law firm, Lehrfeld & Henzke, with reference to the application of the Nicaraguan Freedom Fund for tax-exempt status.

Mr. President, I ask unanimous consent that the entire letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

Lehrfeld & Henzke, PC,
Washington, DC, May 15, 1985.

Re: Nicaraguan Freedom Fund.

Ms. Mary Alt,
Exempt Organizations Supervisor, Office of the District Director of Internal Revenue, Fallon Building, Hopkins Place, Baltimore, MD.

Dear Ms. Alt: Pursuant to our telephone conversation, I am enclosing an original and one copy of the Form 1023 of the Nicaraguan Freedom Fund. The purpose of this letter is to request expedited processing of the Form 1023.

Expedited processing of this application is necessary because the applicant Corporation is serving a vital role in providing humanitarian relief to individuals who are suffering injury, poverty, and displacement because they support democratic ideals and oppose Communism.

Many members of Congress have stated that the continuation of humanitarian aid to opponents of the Sandinista regime is essential to maintain the good faith and honor of the United States. The applicant Corporation is viewed by many, both in and outside Congress, as a fundamental and necessary instrument for accomplishing this objective. (See the front page articles from The Washington Times which are attached hereto.)

The plight of the opponents of the Sandinista regime in Nicaragua is now desperate, and providing humanitarian aid to them is imperative. Failure to act promptly on the Corporation's application for tax-exempt status would impede and delay the flow of such aid. Many members of Congress would view such delay as adverse to the interests of the United States and as a threat to the prestige and honor of the United States.

Accordingly, we urgently request that your office provide expedited processing of this application. Please do not hesitate to telephone the undersigned if you have any questions regarding this submission.

Sincerely yours,

Leonard J. Henzke, Jr.

That letter stated: "Pursuant to our telephone conversation, I am enclosing an original and one copy of the form 1023 of the Nicaraguan Freedom Fund."

Listen to this: "Failure to act promptly on the corporation's application for tax-exempt status would impede and delay the flow of such aid. Many Members of Congress would view such delay as adverse to the interests of the United States and as a threat to the prestige and honor of the United States."

As one who practiced law for many years before coming to this body, I must say that I am totally shocked that a law firm would write a letter of that kind. But that law firm knew what it was doing. That law firm knew how to throw around political power and threats because 5 days later, 5 days after that letter on May 20, 1985, the IRS issued a tax-exempt ruling for that organization.

That is literally incredible. You do not file for tax-exempt status and get action normally from the IRS unless you have some special political relationship. Obviously, this lawyer threatened the IRS with powerful Members of Congress and got action within 5 days.

It should be noted that on the board of directors of the organization which received the tax-exempt status, the Nicaraguan Freedom Fund, sit such persons as Midge Decter, William Simon, Jeanne J. Kirkpatrick, and Michael Novak.

I do not question the intentions of these directors. They were undoubtedly honorable. But I do question the intentions of Colonel North in creating the group.

North left more clues about a third group. On a letter dated April 18, 1985, North sketched a diagram linking himself with Robert Owen and Andrew Messing. The Tower Commission report describes Owen as having close links with the Contras and Messing as the executive director of a nonprofit group, the National Defense Council. The diagram shows an arrow from North to Owen and another from North to Messing. Under Owen's name is written "weapons" and under Messing's name "funds." What is the National Defense Council?

According to its 1985 tax return it shipped 127,289 pounds of medical supplies and rice to El Salvador, Costa Rica, and Honduras, valued at $7,282,092.78. According to the tax return, the materials were donated by World Medical Relief. One investigative reporter writing in October of 1985 linked these groups to the CIA. I quote from that article:

According to Government and other printed sources, these supplies have been used to equip secret CIA armies, helicopter doorgunners in El Salvador and the Contras attempting to overthrow the Nicaraguan Government. Current WMR [World Medical Relief] Aid Programs for Central America are conducted through political groups with close links to the White House and Pentagon, such as the Air Commandos Association and the National Defense Council.

There is good reason to question whether weapons found their way into these multimillion-dollar shipments. After all, we already know that Senator Glenn's committee found evidence that hand grenades were sent in previous so-called U.S. nonlethal aid. Right now we can only guess—we do not know the facts—as to what a North-sponsored group would send out and call it medical aid.

These tax exempt organizations, I want to emphasize, are the threads North spun for his web of international intrigue. The Senate select committee will need expanded powers to cut through to the truth. The resolution I am introducing today on behalf of myself, Senator Inouye, and Senator Rudman, the cochairman of the select committee, will empower the select committee to inspect and receive taxpayer confidential information related to: the National Endowment for the Preservation of Liberty; the American Conservative Trust; the National Defense Council; the Institute for Democracy, Education and Assistance; the Institute for North-South Issues; the International Youth Committee; the Gulf and Caribbean Foundation; and the Nicaraguan Freedom Fund.

I hope that my colleagues will support the giving of this additional authority to the special committee.

Mr. President, I send a resolution to the desk in behalf of myself, Senator Inouye, and Senator Rudman, and ask unanimous consent that it be held at the desk until the close of business next Friday.

Mr. DOLE. Reserving the right to object, and I shall not object, we have discussed this with the distinguished Senator from Ohio, and I think this is a good resolution.

Mr. METZENBAUM. I thank the majority leader and the minority leader for their cooperation in connection with this matter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the resolution be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the Record, as follows:

S. Res. 162

Resolved, That, pursuant to sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, for the purpose of investigating the subjects set forth in Senate Resolution 23 and since information necessary for this investigation cannot reasonably be obtained from any other source, the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition shall be specially authorized to inspect and receive for the tax years 1980–1987 any tax return, return information, or other tax-related material, held by the Secretary of the Treasury, related to the National Endowment for the Preservation of Liberty; the

American Conservative Trust; the National Defense Council; the Institute for Democracy, Education and Assistance; the Institute for North-South Issues; the International Youth Committee; the Gulf and Caribbean Foundation; the Nicaraguan Freedom Fund; and any officers of such organizations. As specified by section 6103(f)(3) of the Internal Revenue Code of 1986, such materials and information shall be furnished in closed executive session.

Mr. McCLURE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WIRTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INNA MEIMAN

Mr. WIRTH. Mr. President, 3 weeks ago, Inna Meiman passed away. My wife, Wren, and I were shocked and saddened by Inna's sudden death, so soon after she had come to our country, from the Soviet Union, to receive urgently needed cancer treatment. We were just as shocked by the Soviet Union's unwillingness to permit her husband, Naum, to accompany Inna to the United States. The Soviets' cruelty was compounded by their refusal to let Naum even attend her funeral.

Soviet behavior in this case provokes anger. And there lies the irony, Mr. President, for to know Inna Meiman was to know not anger, but warmth and love and beauty.

Inna Meiman's loss is a great and tragic loss for all of us. She was a courageous woman who told us in a firm voice upon her arrival that she did "not come to the United States to die."

In a very real sense, Inna was right. Her robust and lively spirit will live on in our hearts forever. Her sincere determination to prevail will act as our inspiration to continue the fight for Soviet Jewry, for all Soviet prisoners of conscience who are unjustly separated from their families and barred from exercising their inalienable right of free emigration.

If we have learned anything from Inna's example, it is how little the Soviet Union has changed. Our continued struggle for Soviet Jewry will serve as a fitting and everlasting memorial to Inna Meiman.

Mr. President, I ask unanimous consent to have printed in the RECORD a moving eulogy to Inna, written by Sarah Russell Hankins in the Denver Post. It is a beautiful account of Inna's sparkle and wit, which all of us will sorely miss.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE DEATH OF A DREAMER

(By Sarah Russell Hankins)

Inna Meiman, a small, round Russian woman with dark eyes, died of cancer Monday in Washington, D.C. She will be missed by friends around the world who were invited into her Moscow home to share tea and biscuits and Inna's dream.

Like many others, I was a stranger when I called Inna from a pay phone near the Kremlin in 1985. A cheery voice answered first in Russian, then quickly switched to English after my hesitant response. Her warmth took the awkwardness out of inviting myself over, and at 7 p.m. Inna was waiting at the subway for our conspicuous American foursome.

We walked a mile to the apartment Inna shared with her husband Naum, a renowned scientist and former colleague of Sakharov. Her neighbors stared suspiciously as Inna spoke to us in stylized schoolteacher English. I asked if she weren't afraid to be seen with Americans. She smiled and replied, "Naum and I left fear behind some time ago."

At one corner, her eyes twinkled as she gestured grandly and told us we were looking at the building "from which Truth is spoken"—the official Soviet broadcasting station. We crossed a bridge, and I remarked that the scene looked like a favorable part of Florence, Italy. "Does it?" Inna asked wistfully. "No wonder I've always loved this view."

We climbed several flights to her apartment, and Inna explained that Naum was at a meeting between the leaders of the Refusenik movement and an American congressional contingent. Perhaps this time something could be done, she said.

I remember an evening of grapes and tea, of music and books of acerbic wit and longing. Inna was at once proud, laughing, playful, bitter, hopeful. Her words cut through the glasnost gauze of official explanations to the grimy reality of archaic hospital facilities and scarce medical supplies, of imprisonment for the crime of ethnic heritage, of the intelligentsia of a nation reduced to menial labor because of its desire to be free.

We were questioned for more detail than we were able to give about worldwide politics and the role of the United States in global concerns. Inna's understanding of U.S. history and geography made us feel our national complacency in a painful, personal way. The copies of Time and Newsweek on her reading stand were several months old and tattered. She touched them reverently from time to time.

She was so strong. The only time she faltered that evening was in her own dream, spoken as a child might muse of someday visiting a distant planet. For Inna was dying. She knew it even then. And she wanted more than anything in life to see America. If she and Naum could just see America . . . If only her cancer could be treated . . . Her faith made believers of us all. Inna's dream of triumph in America.

Three weeks ago, Inna's dream came true. Her wheelchair was rolled down the concourse of Kennedy airport days after Gary Hart made a personal plea to Gorbachev for the Meiman's release. But a bitter price had been paid for Inna's dream: Her husband remained behind in Moscow. Naum's work on top secret projects over 30 years ago disqualified him to share her triumph. And the cancer that America could heal in Inna's dream had become lethal during her years of making the dream come true.

Inna Meiman's story is the story of only one Refusenik Jew. Her death is a single death. But her faith in what America stands for and her singular striving to reach her dream makes her life a lodestar for all who dream. I hope they drove around Washington that evening before she entered the hospital. She had wanted so much to see America.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum having been suggested, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. METZENBAUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. METZENBAUM. Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. BYRD. I thank the Chair.

ARMS CONTROL, THE SUREST ROUTE TO DEFICIT REDUCTION

Mr. PROXMIRE. Mr. President, is there some action this Federal Government could take that would provide a sure and substantial reduction in the Federal deficit? At the same time could this single initiative advance the cause of peace and national security? You betcha! OK, what is the answer? The answer is the negotiation of a verifiable, across-the-board agreement with the Soviet Union that would require both superpowers to limit the cost and the size of all their military forces. From the standpoint of a realistic reduction in Federal spending and a very big reduction, there is no initiative the President and the Congress could take that would accomplish more. This is no exaggeration. This Senator is not just talking about the kind of arms control treaties that have been negotiated between the two superpowers over the past 25 years. These have concentrated understandably in the areas where our mutual fears are greatest: that is the building and deployment of nuclear weapons. In the judgment of this Senator it is imperative that the two superpowers build on the treaties our two countries have negotiated. Such negotiations can greatly strengthen the prospects of avoiding an infinitely destructive nuclear war. They can also save both nations tens of billions of dollars in military expenditures foregone.

And yet, from the standpoint to reducing the immense military cost burden on both nations, such agreements are minor league compared to the potential if the two superpowers also become serious about negotiating mutual limits on conventional arms and military personnel. After all, where are the hundreds of billions of annual military expenditures on both sides? Not in strategic spending where arms control agreements have concentrated. The big spending is primarily where the tanks, the planes, the ships, the personnel are. That is in conventional military spending.

Mr. President, keep in mind that under present day circumstances, our gigantic conventional as well as strategic military forces have one and only one major purpose. What is it? It is to deter a Soviet attack on the free world. Do we need anything like our present military power to deter an attack on the free world by any nation on Earth other than the Soviet Union? We do need an Army, a Navy, an Air Force capable of meeting a military initiative by the People's Republic of China, if that major country should become once again a military aggressor. We need to be able to respond to a Cuban military aggression with overwhelming power. We need to have ready—constantly ready—the military capability to discourage and defeat any combination of nations that might try to advance terrorism as an instrument of state policy. There are other contingencies that require a ready U.S. military capability. But the cold, hard fact is that the one overwhelming reason for the expenditure of 300 billions of dollars per year for our armed force is because of the existence of a huge Soviet military force that we know from cruel experience can and will be used aggressively against Russia's neighbors and others. Our military force represents the guarantor of independence for the free world. The cost is great. The cost is worth it. The question is: Can we reduce the cost? Can we reduce the cost and do the job of defending the free world as well or better? We can if we agree with the Soviet Union to reduce military forces on both sides and provided we can verify compliance step by step. We will need a perpetual monitoring force that can keep us alert to any significant Soviet violation of a comprehensive overall agreement for both sides to reduce conventional and strategic forces mutually across the board.

Would the Soviets consider doing this? The answer is that Secretary Gorbachev has already proposed exactly this. As a starter the Soviets have proposed that both sides limit military personnel in Europe. The Soviets proposed unannounced inspections by international inspectors including personnel from the other superpower. They have also proposed that the inspectors investigate any maneuvers land, sea or air by either side. Could these inspections supplemented by air surveillance be sufficient to prevent the prospect of wholesale, significant Soviet cheating? We do not know. But why shouldn't we try it on a pilot basis. Now, why should we expect the Soviets to comply with such a treaty? The answer is that it would be in their clear interest to make such a treaty work. The huge Soviet military establishment constitutes a far greater drag on the Soviet economy than the United States military force does for our country. The Soviets have an economy that is only about half as productive as ours. Its growth has been slowing down. The huge drain of their military force has lowered the Russian standard of living. It has stunted their economy. Such a superpower agreement would release many of the American scientists and engineers now at work on military projects as well as the hundreds of thousands of highly skilled American technicians now required by the military to go to work to help restore America's economic competitiveness and build a better life for all Americans. The Soviets could free an even larger share of their most productive citizens to pursue the works of peace and build a more satisfying life for the Russian people.

It is this mutual reward for compliance, together with a vigilant inspection and enforcement agreement that would make such an agreement a winner for both countries and provide exactly the major reduction in Federal spending for our country that could make a real difference in bringing our huge deficits under control.

VFW VOICE OF DEMOCRACY WINNER: ELAINE BARNETT OF CALIFORNIA

Mr. CRANSTON. Mr. President, I am delighted to note that the winner of the 1987 Voice of Democracy Scholarship Program, sponsored by the Veterans of Foreign Wars and its ladies auxiliary, is Elaine Barnett of Fresno, CA. Elaine was chosen from over 300,000 students who participated in the program. This is the 40th year that the VFW has sponsored this program to encourage patriotism in our Nation's students.

Elaine is the daughter of Mr. and Mrs. Lowell Barnett and a senior at Fresno High School. She enjoys cycling, poetry, and art and has won over 60 awards in speech and debate. She is on the Student Advisory Board Against Substance Abuse and is active in the Students Against Driving Drunk. Elaine plans to study communications or political science at UCLA. Her Voice of Democracy participation was sponsored by VFW Post 844 and its ladies auxiliary in Fresno.

During my four terms in the Senate, Elaine is the third Californian to win this great contest. The first was Cindie Pridy of Long Beach in 1973. The second was Steven Russo of Santa Clara in 1974. It's great to add Elaine Barnett to this list of fine young Californians.

I had the pleasure of visiting with Elaine Tuesday night at the VFW Annual Dinner and listening to her exceptionally well-delivered presentation. She is a charming and intelligent young lady.

The theme of this year's program is "The Challenge of American Citizenship." I ask unanimous consent that the text of Miss Barnett's speech be printed in the Record, at this point.

There being no objecton, the text of the speech was ordered to be printed in the Record, as follows:

The Challenge of American Citizenship

(Elaine M. Barnett, 1986/87 VFW Voice of Democracy Scholarship Program, California winner)

You can see it in their eyes . . . the new refugees' who've waited for years to come to the United States, that sparkle of anticipation. As they don our shores, you can sense what has brought them here, what has made their long awaited trip a worthwhile reality. For they seek something greater than mere sanctuary. They long to experience that which they have only heard or dreamed about . . . That which only this country can offer "The Challenge of American Citizenship."

For the children of this nation, which in reality is still a child itself, that challenge lies between each person's individual fulfillment and the responsibility of promoting the national good. For it is these two concepts of responsibility that make America unique.

As citizens we were granted a gift by our forefathers, who proclaimed over 200 years ago that each of us must always be recognized as a separate and distinct individual.

With our great diversity of backgrounds, we Americans are sincerely reassured that we have the right to be what we so choose to be; man or woman as the artist, the scholar, the athlete, the inventor. For it is only then that people may truly experience the fruits of life: the pain, the laughter, the uncertainty. In other words, it is this simple freedom of individuality that enables each of us to taste both the sweet "peach" of success, and the sour "lemon" of defeat.

This responsibility of personal development is the first element of the challenge of American citizenship, allowing each of us to grow in harmony with our own human needs. As we build from our achievements and learn from our mistakes, we take the first step toward excellence as citizens of a young nation.

Benjamin Franklin once declared to the framers of the Constitution, "Let us all hang together, else we shall all hang separately". Then, as he spoke of his fear of King Charles II's actions towards colonial independence, he also spoke of a unity, not merely among the framers, but moreover among all peoples. Whether during a time of crisis, or a period of peace, American patriotism is alive and well. It reminds us that however many individuals there are within our nations boundaries, that in the end, we are indeed one. Our duty as citizens, in that light, suddenly becomes heightened and increased, extending far beyond the mere satisfaction of our own needs, and more towards the progress of America as a whole. For a great nation is built, not on the decisions of an elite few, but on the productiveness of the united many. Without the teamwork of Americans, the first idea for the telephone, the railroads, airplanes and medical vaccines could never have become a reality.

It is this unity that makes up the second element of the challenge of citizenship, a responsibility that asks, each of us to give up a portion of our individuality for the good of the nation. We do so when we defend our nation from evils, improve medicine or technology for the lives of others, or when we simply give birth to a child. Each of these actions requires the unselfish ideals of courage or knowledge or human caring to be fulfilled, and each of these requires the unity of people for the progress and development of America.

The picture now becomes complete. The challenge of American citizenship suggests not merely a child's birth within the borders of a nation, but moreover, it entails the existence of those two opposing concepts of citizen responsibility; one for the self and one for the nation. In other countries, these two concepts collide in a struggle for dominance, but in America there exists, not a struggle, but a challenge—the challenge of each individual to find a personal balance between their self fulfillment and their duty to find a personal balance in the nation and themselves.

That is the true challenge of American citizenship.

We now understand the meaning of that sparkle in the eyes of the incoming refugees. That opportunity of freedom is a new dimension, a sign of change where they feel that challenge awaiting them with open arms. For they are soon to become a part of America's most prized possessions—its citizens.

INDOOR AIR POLLUTION

Mr. WIRTH. Mr. President, indoor air pollution is a growing concern as a potential source of injury to millions of Americans. While we are just beginning to study the sources and kinds of indoor air pollution, we now know that at least some forms of indoor air pollution pose a serious threat to our health.

This is problem that is especially acute in many modern offices, where space is at a premium and where we depend on technologies that may increase the number of air pollutants to which we are exposed. At the same time, my distinguished colleagues and I understand how difficult it is to set up an office that uses limited space efficiently, but which also provides a pleasant and comfortable work place.

That is why I wanted to call to the attention of my colleagues a very interesting article from the New York Times. This article describes how one of the Nation's leading public interest organizations, dedicated to protecting and enhancing environmental quality, was able to plan new office space that minimized the use of materials that cause indoor air pollution, while simultaneously providing a work place that is attractive and comfortable. As this article shows, the Environmental Defense Fund did a great job in organizing its new headquarters offices in new York City, and their success on a tight budget gives us a good example for planning our own offices.

Mr. President, I ask that the text of the article be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

When Working Is Good for Your Health

(By Linda Martin)

Filled with daylight, clean air and trees, the new national headquarters of the Environmental Defense Fund brings the outdoors inside. Completed this month, it is the result of a yearlong collaboration among architects and environmentalists who wanted, literally and symbolically, to provide a breath of fresh air in a midtown office building.

When the Environmental Defense Fund, an environmental research and advocacy group, outgrew its New York offices last January, it was faced with an exceptional challenge. As a nonprofit organization it could not afford to buy and build expensively. It was committed, however, to creating new offices to set an example of environmental quality and be as free as possible of indoor air pollution.

"Our focus was on the quality of life in the workplace," said Frederic D. Krupp, executive director of the fund. "Basically, we were trying to rebuild Athens with Spartan means."

Their mission turned into a nine-month odyssey to discover and then avoid the hidden sources of indoor air pollution. The final plan for the headquarters at 257 Park Avenue South reflects those efforts.

Designed by William McDonnough of McDonnough, Nouri, Rainey & Associates, a New York architectural firm, the office is structured like a city with distinct districts—one for the group's scientists, another for its lawyers, another for its administrators. These offices are delineated by boulevards, or corridors, that lead to a central plaza paved in polished granite. Secretaries work under graceful street lamps, separated not by cubicles, but by leafy ficus trees in wrought-iron planters.

"Indoor air pollution is the biggest environmental issue of the 80's and 90's," said Mr. Krupp. The scientific study of indoor air is in its infancy, he said, and little is known about prevention of indoor pollution. Before he launched the project, Mr. Krupp asked Mr. McDonnough to assemble a crew of researchers and consultants in architecture and environmental science.

Foremost among the advisers was Donald Baerman, an architect and an instructor at the Yale University School of Architecture. He guided them toward their two objectives: minimizing the use of harmful products and maximizing ventilation. Newer buildings he warned, would be too airtight to afford adequate air flow.

Mr. McDonnough found rental space in an older office building. The space has 14-foot ceilings and tall windows that open. Its 10,000 square feet could easily accommodate the 28 Environmental Defense Fund employees as well as a spacious reception area, a conference room and a library.

The question remained. Could he meet his goals on a $400,000 budget?

Many of the building and decorating materials that Mr. McDonnough considered the least toxic—solid wood, wool and stone, for example—were expensive. He said he did not want to use fiberboard, which is cheaper, because it is made with glues containing formaldehyde. That chemical component of adhesives is "known to cause cancer in laboratory animals and is one of the worst offenders among indoor air pollutants," said Lance A. Wallace, an environmental scientist at the Environmental Protection Agency.

Compromises were necessary to accommodate the budget. With solid wood out of the question, the architect chose a high density plywood with a very low percentage of glue. Unable to afford wool carpeting, he selected a man-made fiber, but the pad beneath was of jute rather than plastic or foam. And no adhesive was used. Granite and metal desk tops were chosen and he used solid-wood chairs.

A double-capacity ventilation system, considered essential by client and architect, used a large part of the budget. "Adequate ventilation is expensive," said Mr. McDonnough, "But it's the most important thing.

Mr. McDonnough and Mr. Krupp wanted to use an organic nontoxic paint. But after an extensive search, they found no paint that satisfied their standards. A nontoxic German paint turned chalky on the walls and the nontoxic radiator lacquer melted under steam heat. They turned to an American-made latex paint, which, according to the architect, contained fewer potentially dangerous solvents than do oil-based paints.

The project came in under budget, and Mr. Krupp and Mr. McDonnough are now sanguine about the frustrations and compromises.

"We tried," said Mr. Krupp. "And we're happy we did."

REPORT ON BUDGET RESCISSIONS AND DEFERRALS—MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 25

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 4, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition, and Forestry, the Committee on Armed Services, and the Committee on Finance:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report one new deferral of budget authority totaling $134,437,367 and three revised deferrals of budget authority now totaling $649,146,654.

The deferrals affect programs in the Departments of Agriculture, Defense-Civil, and Health and Human Services.

The details of these deferrals are contained in the attached report.

Ronald Reagan.

The White House, *March 4, 1987.*

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT—PM 26

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 5, 1987, during the adjournment of the Senate, received the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the provisions of Section 504(h) of Public Law 98-164, as amended (22 U.S.C. 4413(i)), I herewith transmit the third Annual Report of the National Endowment for Democracy, which covers fiscal year 1986.

It is with pleasure and pride that I commend this report to your attention. Nineteen hundred and eighty-six was an encouraging year for democracy. The endowment played an important role in this democratic resurgence, supporting significant efforts in the Philippines, Haiti, and many other key countries. Although the Endowment has been in operation for only 3 years, the enthusiasm and support with which the world's democrats have greeted this initiative have already been overwhelming. The program that the endowment has undertaken, as you will see in this report, is further proof that democracy is an idea whose time has come.

RONALD REAGAN.

THE WHITE HOUSE, *March 5, 1987.*

MESSAGES FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the United States Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service; and

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 27. A concurrent resolution expressing the opposition of Congress to proposals in the Budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

The message further announced that the Speaker has signed the following enrolled bill and joint resolutions:

S. 83. An act to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances;

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month"; and

H.J. Res. 153. Joint resolution to provide for timely issuance of grants and loans by the Environmental Protection Agency under the Asbestos School Hazard Abatement Act of 1985 to insure that eligible local educational agencies can complete asbestos abatement work during the 1987 summer school recess.

The enrolled bill and joint resolutions were subsequently signed by the President pro tempore (Mr. STENNIS).

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 348. An act to amend title 39, United States Code, to extend to certain officers and employees of the U.S. Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded under title 5, United States Code, to Federal employees in the competitive service; to the Committee on Governmental Affairs.

MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1123. An act to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 27. Concurrent resolution expressing the opposition of Congress to proposals in the Budget to reduce the capacity of the Veterans' Administration to provide health care to eligible veterans.

ENROLLED BILL AND JOINT RESOLUTIONS PRESENTED

The Secretary of the Senate reported that on March 4, 1987, he had presented to the President of the United States the following enrolled joint resolution:

S.J. Res. 46. Joint resolution declaring 1987 as "Arizona Jubilee Year".

The Secretary of the Senate reported that on today, March 6, 1987, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 83. An act to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; and

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-630. A communication from the President of the United States, transmitting, pursuant to law, a request for and a report on further assistance to the Nicaraguan Democratic Resistance; to the Committee on Appropriations.

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of March 3, 1987, the following reports of Committees were filed on March 5, 1987, during the adjournment of the Senate:

By Mr. SARBANES, from the Joint Economic Committee:

Report of the Joint Economic Committee on the January 1987 Economic Report of the President (with minority and additional views) (Rept. No. 100-11).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the committee on Agriculture, Nutrition, and Forestry, with an amendment:

S. 410. A bill to amend the Food Security Act of 1985 to extend the date for submitting the report required by the National Commission on Dairy Policy.

By Mr. PELL, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 184. A bill to provide economic assistance to the Central American democracies, and for other purposes (with minority views) (Rept. No. 100-12).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. METZENBAUM:

S. 657. A bill to amend the Securities Exchange Act of 1934 with respect to civil liability arising out of certain violations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BYRD (for Mr. HARKIN (for himself, Mr. BURDICK, Mr. EXON, and Mr. DASCHLE)):

S. 658. A bill to provide price and income protection to family farmers through the management to the supply of the 1988 through 2000 crops of certain agricultural commodities, to enhance the ability of eligible farm borrowers of qualifying states and the farm creditors of such borrowers to restructure farm loans, to provide grants to states to assist persons leaving farming, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MELCHER (for himself, Mr. LEAHY, Mr. PRYOR, and Mr. DASCHLE):

S. 659. A bill to establish agricultural aid and trade missions to assist foreign countries to participate in United States agricultural aid and trade programs, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURENBERGER (for himself and Mr. Grassley):

S. 660. A bill to create a fiscal safety net program for needy communities; to the Committee on Finance.

By Mr. HEINZ:

S. 661. A bill to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that Act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs; to the Committee on Finance.

By Mr. BAUCUS:

S. 662. A bill to amend the Agricultural Act of 1949 to mandate marketing loans for the 1987 through 1990 crops of wheat and feed grains, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DIXON (for himself and Mr. Simon):

S. 663. A bill to designate the United States Post Office Building located in St. Charles, Illinois, as the "John E. Grotberg Post Office Building"; to the Committee on Governmental Affairs.

S. 664. A bill to designate the Tariff Schedules of the United States to provide rates of duty on imported speedometers used on exercise equipment consistent with those on bicycle speedometers; to the Committee on Finance.

By Mr. DIXON:

S. 665. A bill to temporarily lower the rate of duty on glass inners designed for vacuum flasks; to the Committee on Finance.

Mr. KASTEN (for himself, Mr. Inouye, Mr. Danforth, Mr. Rockefeller, Mrs. Kassebaum, and Mr. Pressler):

S. 666. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DURENBERGER:

S. 667. A bill to continue the existing temporary duty-free treatment of certain coarse wools until the close of December 31, 1992; to the Committee on Finance.

By Mr. McCLURE (for himself and Mr. Dixon):

S. 668. A bill for the relief of Bela Karolyi; to the Committee on the Judiciary.

By Mr. DeCONCINI:

S. 669. A bill to establish an Office of Hispanic American Affairs in the Executive Office of the President, and various Federal departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. LEVIN:

S. 670. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for two-earner married couples, to provide for maximum individual tax rate of 35 percent, to eliminate the personal exemption phase-out, to insure an individual long-term capital gains rate of 28 percent, to provide income averaging for farmers, and for other purposes; to the Committee on Finance.

By Mr. GRASSLEY:

S. 671. A bill to amend the Food Security Act of 1985 to provide that if the Secretary of Agriculture creates a bonus rental incentive with respect to the placing of land used to produce a commodity into the conservation reserve, all previous contracts for placing land producing that commodity into the reserve must be renegotiated to provide the same increase in rental; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BENTSEN:

S. 672. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Labor and Human Resources.

By Mr. DOLE (for Mr. Armstrong):

S. 673. A bill to amend the Rehabilitation Act of 1973 to help ensure healthful schools and workplaces; to the Committee on Labor and Human Resources.

By Mr. LEAHY:

S. 674. A bill to amend the definition of the term producer in section 3 of the Beef Research and Information Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Moynihan, Mr. Stafford, Mr. Lautenberg, Mr. Durenberger, and Mr. Graham):

S. 675. A bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mr. Ford, Mr. Stevens, Mr. Gore, Mr. Wallop, Mr. McConnell, Mr. Johnston, Mr. Sasser, Mr. Conrad, and Mr. McCain):

S. 676. A bill to enhance rail competition and to ensure reasonable rail rates where there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

By Mr. GORE (for himself, Mr. Hollings, Mr. Danforth, Mr. Ford, Mr. Breaux, Mr. McCain, and Mr. Kasten):

S. 677. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. METZENBAUM:

S. 678. A bill to amend the Securities Exchange Act of 1934 with respect to tender offers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DANFORTH:

S. 679. A bill to promote the safety of individuals traveling by aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE:

S. 680. A bill to prohibit the use of subtherapeutic doses of penicillin, chlortetracycline, and oxytetracycline in animal feed; to the Committee on Labor and Human Resources.

By Mr. EXON (for himself and Mr. Zorinsky):

S. 681. A bill to amend the Rural Electrification Act of 1936 to permit the prepayment of Federal financing bank loans made to rural electrification and telephone systems, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. ROTH (for himself and Mr. Trible):

S. 682. A bill to amend the Legal Services Corporation Act to ensure that the provision with respect to the payment of attorneys' fees is strengthened, and for other purposes; to the Committee on Labor and Human Resources.

S. 683. A bill to amend the Migrant and Seasonal Agricultural Worker Protection Act, to encourage mediation and conciliation prior to bringing rights of action under that Act, to permit reasonable attorneys' fees in certain cases in which a final order is entered in favor of the defendent, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HEINZ (for himself, Mr. Moynihan, Mr. Durenberger, Mr. Boren, Mr. Riegle, Mr. Baucus, Mr. Mitchell, Mr. Symms, Mr. Grassley, Mr. Dodd, and Mr. Domenici):

S. 684. A bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit; to the Committee on Finance.

By Mr. QUAYLE:

S. 685. A bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt collection provisions with respect to education loans; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. Zorinsky, Mr. Proxmire, and Mr. Durenberger):

S. 686. A bill to amend the Agricultural Act of 1949 to limit the quantity of milk protein products that may be imported into the United States; to the Committee on Finance.

By Mr. DANFORTH (for himself and Mr. Kasten):

S. 687. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 688. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 689. A bill to amend section 1861(e)(4) of the Social Security Act to clarify a condition of participation applicable to hospitals under such title; to the Committee on Finance.

By Mr. BINGAMAN:

S. 690. A bill to establish a Commission on United States Trade in the 1990's; to the Committee on Governmental Affairs.

By Mr. HEINZ (for himself, Mr. DeConcini Mr. Roth, Mr. Bradley, Mr. Pryor, and Mr. Lautenberg):

S.J Res. 77. Joint resolution to designate October 14, 1987, as "William Penn Appreciation Day"; to the Committee on the Judiciary.

By Mr. CRANSTON:

S.J. Res. 78. Joint resolution to approve the request of the President for additional assistance for Central American democracies under section 215(2) of Public Law 99-500; to the Committee on Appropriations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD:

S. Res. 160. Resolution to direct the Senate Legal Counsel to appear as amicus curiae in North v. Walsh, et al., and Deaver v. Seymour; considered and agreed to.

S. Res. 161. Resolution to direct the Senate Legal Counsel to represent Senator Dole and to authorize the limited production of documents in the case of United States v. Terrence A. Rumsey, et al; considered and agreed to.

By Mr. METZENBAUM (for himself and Mr. INOUYE, and Mr. RUDMAN):

S. Res. 162. Resolution relating to tax information disclosures to the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition; ordered held at the desk.

By Mr. DURENBERGER:

S. Con. Res. 27. Concurrent resolution stating the sense of the Senate that the U.S. Department of Commerce and Special Trade Representative should initiate investigations of Canadian agricultural subsidies; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. METZENBAUM:

S. 657. A bill to amend the Securities Exchange Act of 1934 with respect to civil liabilities arising out of certain violations, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SECURITIES FRAUD

● Mr. METZENBAUM. Mr. President, today I am introducing legislation to increase the penalties for committing securities fraud, particularly one of the most abusive forms of securities fraud, insider trading.

Fraud undermines the foundation of modern society: trust. The complexities of modern life make it impossible for anyone to know personally all the people with whom he does business. The silent partners in every business transaction, therefore, must be honesty and trust. They ensure fairness, without which even the most routine business deal would be paralyzed.

Our capital markets have been badly shaken by recent revelations of securities fraud, particularly insider trading. Securities fraud robs the average shareholder of a fair chance at owning a stake in American business. It also destroys the integrity of stock exchanges and undermines confidence in all capital markets.

Recent disclosures concerning the scope of and illegal profits reaped by insider trading activity have shocked the Nation. In the last 9 months, well respected veteran executives and many of the best and brightest of their young colleagues have pleaded guilty to criminal charges and paid fines in the millions of dollars. The current system obviously did not deter the most widespread and costly wave of insider trading in recent memory. We need to increase the price of committing securities fraud, including insider trading, to provide a greater disincentive to those contemplating fraudulent behavior.

The first provision of my bill increases the penalty a defendant found guilty of insider trading would have to pay to the Government. Currently, the Government may bring a civil action against a person who traded a security while in possession of inside information and recover up to three times the profit gained or loss avoided as a result of the illegal trading. The Insider Trading Sanctions Act of 1984 provides that the court determines the amount of damages, if any, beyond actual damages a defendant would have to pay.

My bill amends the damages provision of this law by making the penalty recoverable by the Government for insider trading automatic treble damages. An automatic treble damage fine is an extreme penalty reserved for only the most serious assaults on society. For example, the antitrust laws provide that automatic treble damages be assessed against a person who engaged in anticompetitive behavior. Insider trading is a similarly serious assault on our economy. It destroys the integrity of capital markets and securities exchanges. It also attacks the viability of economic democracy by dampening the average investor's eagerness to participate as a shareholder in the future of American business.

The second provision of my bill addresses the amount of damages private persons victimized by securities fraud may recover. Currently, the securities laws allow private persons harmed by securities fraud to bring suit to recover their losses. The law, however, currently allows injured investors to recover only actual damages. In some cases, most notably insider trading cases, investors may not even end up receiving full compensation for their losses because of the way damages are assessed.

My bill would help ensure that victims of securities fraud are more fully compensated. It amends section 10 of the Securities Exchange Act of 1934 to permit recovery of up to twice the actual damages suffered as a result of the fraud. Recovery of more than actual damages would be possible only in the most egregious case, where the defendant acted in wanton disregard for the plaintiff's rights.

In addition, my bill provides that one-third of any additional damages awarded to fraud victims would be transferred to the Securities and Exchange Commission for use in enforcement activities unless Congress, by joint resolution, determines otherwise. In this way, victims will receive more complete monetary compensation and the key enforcement agency will have more resources to enforce the law. These changes will result in greater deterrence of illegal behavior and fewer securities fraud victims in the future.

Finally, my bill increases the criminal penalties for engaging in insider trading. Currently, a person is subject to a $100,000 fine and/or 5 years in prison for any criminal violation. My bill would increase the maximum fine for engaging in insider trading to $500,000. It does not, however, address the definition of insider trading or the circumstances in which liability attaches under the insider trading laws.

My bill addresses some of the ways in which Congress can help the average investor regain confidence in our capital markets and deter fraudulent behavior. I look forward to working with my colleagues on this and other measures to restore the principle of economic democracy to the Nation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Section 21(d)(2)(A) of the Securities Exchange Act of 1934 (15 U.S.C. 78u(d)(2)(A)) is amended by striking out "determined by the court in light of the facts and circumstances, but shall not exceed" in the second sentence.

SEC. 2. Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) is amended—

(1) by redesignating paragraphs (a) and (b) as paragraphs (1) and (2);

(2) by inserting "(a)" after "SEC. 10."; and

(3) by adding at the end thereof the following:

"(b) In an action for damages arising from a violation of subsection (a)(2), a person may recover an amount up to twice the actual damages suffered if the trier of fact finds that the violation demonstrated wanton disregard for the rights of such person. Of the amount of damages that exceed the actual damages in any case, one-third shall be paid into the Treasury, and shall be available, notwithstanding any other provision of law, to the Commission to cover the cost of enforcement activities. The preceding sentence shall not apply to any case with respect to which the Congress enacts a joint resolution stating in substance that no part of the recovery in such case shall be made available to the Commission.".

SEC. 3. Section 32 of the Securities Exchange Act of 1934 (15 U.S.C. 78ff) is amended by adding at the end thereof the following:

"(d) Any person who willfully violates section 10(a)(2) of this title by purchasing or selling a security while in the possession of material inside information shall upon conviction be fined not more than $500,000, or imprisoned not more than 5 years, or both.".●

By Mr. DURENBERGER (for himself and Mr. GRASSLEY):

S. 660. A bill to create a fiscal safety net program for needy communities; to the Committee on Finance.

TARGETED FISCAL ASSISTANCE ACT

Mr. DURENBERGER. Mr. President, today, I am introducing a bill to establish a new program of "targeted fiscal assistance" for local governments in need. Senator GRASSLEY is joining me in this effort and Representative BOB MCEWEN has introduced a companion bill in the House.

Over the years, we at the national level have looked to our local partners in the Federal system to provide important public services to our Nation's citizens. These services, which ensure our quality of life, include police and fire protection, education, sanitation and public health, services for the elderly and indigent, highways and bridges—to name just a few. Yet, at the same time, we have also recognized that some communities, because of exceptional needs and few resources, do not have the capacity to provide these services on their own. In the past, Congress responded to such needs through the intergovernmental partnership which included categorical and block grants and the General Revenue Sharing Program. These are programs that have enabled the national, State, and local governments to work as partners in the service delivery system. Since 1981, however, we have been denying the value and importance of that long-established partnership.

Since 1981, a "de facto New Federalism" has been occurring as the National Government has struggled to get a hold on the deficit by reducing domestic spending. Federal aid as a percentage of State and local revenue has been declining since its highpoint in 1980. In that year, Federal aid equaled 31.7 percent of all State and local own-source revenue. By 1984, this figure had fallen to 23.7 percent and in 1986 it was around 20 percent—a decline of 38 percent since 1980.

Put another way, defense expenditures have increased 43 percent over the past 5 years and entitlements have grown by 24 percent. Meanwhile, Federal aid to State and local governments has been cut more deeply than any other segment of the Federal budget: down 25 percent in current dollars and down 20 percent as a proportion of the Federal budget.

Budget cuts are not the only problem confronting State and local governments in the months and years ahead. They continue to face more and more unfunded Federal mandates as we, in Congress, search for shortcuts to achieve what we are no longer willing to pay for. This practice is hardly unprecedented. Since the 1960's, Congress has often found it easier and cheaper to rely on Federal mandates to achieve its goals, thereby directing the policies and allocating the resources of State and local governments.

Last year, Congress terminated the General Revenue Sharing Program, hammering one more nail into the coffin of State and local governments. As a long-time advocate of this program, I watched with dismay as support for this program has dwindled even as the fiscal distress of many local governments has increased. This program may not have been perfect but it was the only program designed to address disparities in State and local fiscal capacities.

In short, State and local governments have had to shoulder new responsibilities and pay for them out of their own pockets. Some can afford it. What they need is a smooth transition—time to adjust their spending and revenues to the new realities.

But at the same time, we must remember that there are thousands of counties, cities, and towns that find it difficult just to provide basic, public services. These are communities that face higher than average service needs and have a weak revenue raising capacity. This includes rural communities in my State, Minnesota, that have been stricken by falling land values and declining property taxes. Rural communities have been particularly hard hit by the loss of general revenue sharing dollars, which amounted to 42 percent of their Federal aid.

It also includes cities in Florida and California that have received an influx of non-English-speaking people, and towns and cities in West Virginia and Ohio that have seen their major industries close or move elsewhere and their unemployment rates skyrocket.

From Maine to Arizona, the issue is the same. Some communities lack the fiscal resources they will need to offer basic public services. Not for want of trying, it's a simple matter of arithmetic. Given the same level of tax effort, a low-income community can only generate half the tax revenues of a high-income community. For these communities, the loss of Federal aid means they will be forced to forgo or cutback on important and vital public services.

I do not believe that the current budget crisis is an excuse to neglect our responsibility to communities like these. The National Government no longer can afford to share revenues it doesn't have with wealthy cities and communities. Neither can it afford to neglect communities which are so crippled by Federal aid cuts, increased responsibilities, and a declining local tax base that they can no longer meet the basic needs of their citizens.

That is why, today, I am introducing the Targeted Fiscal Assistance Act of 1987. This program will act as a fiscal safety net for needy communities, guaranteeing that they will be able to provide their citizens with a minimum level of basic public services—emergency protection, services for the elderly, road and bridge maintenance, public health, sewage and water treatment. Targeted fiscal assistance will form the public service component of the social safety net.

Targeted fiscal assistance, or TFA, is a well-targeted program of general-purpose grants to needy communities. Local officials, who best know the needs of their citizenry, determine spending priorities.

Even with a moderate funding level of $2.3 billion, it will reduce the fiscal disparities between high-income and low-income governments by 20 to 25 percent. It will reduce the fiscal disparities that are responsible for the substantial differences in the level and quality of basic community services.

The formulas used in distributing these funds are based on need, tax effort, and fiscal capacity. They are designed so that the greatest proportion of a State's allocation will go to poor rural and urban communities, particularly those that have above-average tax-effort relative to resources.

Wealthy communities, defined as those whose average per capita income is 25 percent or more above the State average, will not be eligible to receive funds. Communities with low fiscal capacity but high tax-effort can receive up to three times the U.S. average per capita grant.

Mr. President, the realities we face today are clear. Less money. Less Federal involvement. Tougher choices. Tougher competition.

To many, the future looks much less clear. There are those who find the old ways comfortable. The old intergovernmental relationships we had may not have been perfect, but all of us knew what was expected of us.

But if we are to act responsibly—if we are to shape the future—we cannot stand in the wings. We must go forth to meet the challenges we face.

Targeted fiscal assistance can help us in this quest.

By Mr. DIXON (for himself and Mr. SIMON):

S. 663. A bill to designate the U.S. Post Office Building located in St. Charles, IL, as the "John E. Grotberg Post Office Building"; to the Committee on Government Affairs

JOHN E. GROTBERG POST OFFICE BUILDING

● Mr. DIXON. Mr. President, Senator PAUL SIMON and I rise today to pay tribute to a great public servant, our colleague, and our friend. Congressman John E. Grotberg, of my home State of Illinois, died November 15, 1986, after a long heroic battle with cancer.

I am very pleased that my distinguished colleague and friend Senator SIMON, along with the entire Illinois delegation, have joined together to honor him.

Today, we offer a bill which will designate the U.S. Post Office in St. Charles, IL, as the John E. Grotberg Post Office Building.

This is, indeed, a fitting honor to the memory of a man who dedicated his life to serving his home district for more than 13 years.

John Grotberg began his public service in the Illinois House and Senate in 1973. While serving in the Illinois Legislature he was a prime mover in the reform of juvenile detention homes in the State of Illinois. As a matter of fact, during his 8 years as an Illinois senator he developed a well deserved reputation as the leading authority on the issue of juvenile justice. It was his early career with the Young Men's Christian Association that best demonstrated John Grotberg's dedication to the development of our young people.

Moveover, the medical community in Illinois remember John Grotberg for leading the way in creating the Illinois Hospice Program for the terminally ill. The list of his accomplishments is long. They all clearly demonstrate the dedication of John Grotberg as a caring and compassionate public servant.

He will be forever remembered by the citizens of Illinois for these qualities. We regret that his distinguished legislative career was shortened and his time in the U.S. Congress incomplete.

Mr. President, it was my honor to serve with John Grotberg in the State Government of Illinois and for 2 years in Congress.

He was greatly beloved and respected in his district, and in his hometown of St. Charles. I can think of no more appropriate honor than to designate the U.S. Post Office in St. Charles, as the John E. Grotberg Post Office Building.

I urge the Senate to quickly enact this legislation. I ask unanimous consent that a copy of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 663

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Post Office Building located at 1405 West Main Street in St. Charles, Illinois, is hereby designated as the "John E. Grotberg Post Office Building". Any reference to such building in a law, rule, map, document, record, or other paper of the United States shall be considered to be a reference to the "John E. Grotberg Post Office Building".●

By Mr. DIXON (for himself and Mr. Simon):

S. 664. A bill to amend the Tariff Schedules of the United States to provide rates of duty on imported speedometers used on exercise equipment consistent with those on bicycle speedometers; to the Committee on Finance.

BICYCLE SPEEDOMETER TARIFF LEGISLATION

● Mr. DIXON. Mr. President, today, Senator Paul Simon and I are reintroducing a bill which will address an inequity which has caused major harm to a company in Illinois—Stewart-Warner Corp.

Our bill amends the tariff schedules so that the duty levied on certain imported bicycle speedometers used on exercise equipment is identical to that which is levied on all other imported bicycle speedometers.

The main use of speedometers, other than on motorized vehicles, are for bicycles or stationary exercise bicycles. The speedometers used on both are essentially identical.

The sole remaining domestic manufacturer of speedometers for bicycles is the Stewart-Warner Corp. Speedometers it manufactures have been used on exercise equipment since 1935.

These speedometers have a commonality of major parts. The major cost of a bicycle speedometer is in the speedometer head, which is more than 60 percent of the total cost. That part is the same on all speedometers.

The cable, which is the next most expensive component of a bicycle speedometer, is also identical to that for an exercise bicycle. The only difference is in the length.

The most inexpensive component of a bicycle speedometer is the drive mechanism. There are four types, and all are essentially interchangeable for bicycles and exercycles.

Mr. President, we have a tariff law which currently charges two different rates for essentially the same part, depending on how it is used. That makes no sense at all. The difference is substantial—18.3 percent ad valorem for bicycle speedometers and 0.6 percent ad valorem for exerciser-type speedometers. This is a big disparity for an item which is essentially the same part used on related equipment.

In the past 3 years, Stewart-Warner's share of the bicycle-type speedometer market has declined from 40 percent to approximately 10 percent, and its workforce employed in the production of this product has declined by two-thirds.

I urge the Senate to rectify this inequity at its earliest opportunity by enacting this legislation into law. Mr. President, I ask at this time that a copy of the legislation be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 664

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXERCISER-TYPE SPEEDOMETERS.

Item 711.93 of the Tariff Schedules of the United States is amended by inserting "and exerciser-type" after "Bicycle".

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. DIXON:

S. 665. A bill to temporarily lower the rate of duty on glass inners designed for vacuum flasks; to the Committee on Finance.

VACUUM BOTTLE TARIFF LEGISLATION

● Mr. DIXON. Mr. President, I am today introducing a bill that will restore the necessary tariff equity for glass inners, a component in the manufacture of vacuum bottles.

Household Manufacturing of Prospect Heights, IL, is the parent company of Thermos, which produces these bottles. It imports the glass inners from England while other distributors have chosen to import the entire product.

Until the late 1950's, both the glass liners and the vacuum bottles were grouped under one duty classification. Although separate classifications were later established for the two items, the rates of duty remained identical.

During the mid-1960's, the rate of duty for vacuum bottles declined, while the rate of duty for glass liners remained the same. Today, the duties for glass liners continue to be much higher than those for the completed products.

The bill I am introducing would bring the tariff rates for glass liners into parity with the rate for vacuum bottles in their entirety. Enactment of this bill would save domestic producers approximately $200,000 in annual costs which is currently lost because of the discrepancy in duty rates.

This change will enable the Thermos Co. to continue to compete with the vacuum bottles being imported from Latin America and the Far East. American jobs depend on the company's ability to do so.

I urge my colleagues to support this important bill which will help save a company which has made an obvious effort to keep its operations centered in the United States.

Mr. President, I ask unanimous consent that a copy of the bill be included in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TEMPORARY REDUCTION OF DUTIES ON GLASS INNERS.

Subpart B of part 1 of the Appendix to the Tariff Schedules of the United States is amended by inserting in numerical sequence the following new item:

"909.35	Glass inners designed for vacuum flasks or for other vacuum vessels (provided for in items 545.31, 545.34, 545.35, and 545.37, part 3C, schedule 5).	9% ad val..	3.6% ad val. (I) Free (AE).	55% ad val..	On or before 12/31/90"

SEC. 2. EFFECTIVE DATE.

The amendment made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date that is 15 days after the date of enactment of this Act.●

By Mr. KASTEN (for himself, Mr. INOUYE, Mr. DANFORTH, Mr. ROCKEFELLER, Mrs. KASSEBAUM, and Mr. PRESSLER):

S. 666. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY REFORM ACT

Mr. KASTEN. Mr. President, I am pleased to rise today to introduce product liability reform legislation that is identical to the amendment that I offered just a little over 5 months ago. In September, the Senate registered an overwhelming vote of 84 to 13 on the motion to proceed to the consideration of the same proposal that I lay before this body today.

I introduce this bill on behalf of myself and Senators INOUYE, DANFORTH, ROCKEFELLER, KASSEBAUM, and PRESSLER. It is introduced with the expectation of its bipartisan cosponsors that the Senate will move expeditiously to resolve the continuing threat and burden that product liability poses to American consumers and businesses. It is in the spirit of the bipartisan support expressed last year that we will be seeking additional cosponsors to this legislation. I encourage my colleagues to join me and the original cosponsors in supporting this fair and balanced piece of legislation.

Together with an amendment that I will offer and on which I am joined by the same cosponsors, this bill includes exactly the provisions that should ensure quick passage of this measure. There are no monetary caps upon a plaintiff's right to recover. The imposition of such caps was the subject of some controversy before last year's Kasten amendment removed this item of contention. We continue that approach here.

The legislation I am introducing here today contains the expedited settlement procedure that was supported by the Commerce Committee last year by a vote of 16 to 1. This provision of the bill is in recognition of the time and high transaction costs which plague the present litigation system. We want to encourage settlements and the resolution of disputes outside of the litigation setting where possible.

This bill contains uniform Federal fault standards for product sellers. Under these provisions the product seller is liable only for injuries that result from his own negligence or breach of an express warranty. This is a commonsense result which shows the balanced fairness that this bill is seeking throughout.

With respect to punitive damages, as mentioned before, there are no caps. Plaintiffs can recover punitive damages where they establish by clear and convincing evidence that the harm they suffered resulted from a product manufacturer's or seller's conscious, flagrant indifference to safety. This standard assures that, as the American Bar Association advised recently, punitive damages "should be limited to cases warranting special sanctions and should not be commonplace."

Primarily due to Senator KASSEBAUM's leadership, this legislation also provides for a government standards defense against punitive damages. Manufacturers and sellers cannot be held liable when the products are manufactured in compliance with certain Federal laws.

To prevent double recovery, and reduce transaction costs, the bill provides for an offset as against the plaintiff's recovery for any moneys received from a workers compensation award. Thus, without subrogation liens one unnecessary level of lawyers is eliminated.

Liability for noneconomic damages is modified so that a defendant is liable only for that portion of the damages that reflect his actual degree of responsibility as determined by the trier of fact. Again, this is only fair and the defendant will not have to pay 100 percent of the noneconomic damages on a claim where he may only be 1 percent responsible.

There are also provisions relating to record retention and insurance reporting as well as a defense where the claimant was using drugs or alcohol when injured and the drugs or alcohol were more than 50 percent responsible for the harm.

Product liability reform is being introduced today because this is an issue that continues to be a burden on our society and economy. Studies of the explosion in both the number and costs associated with tort cases dispel the assertion of those who say there really is no problem.

Between 1974 and the present, there has been over a 758-percent increase in the number of product liability lawsuits filed in the Federal district courts. Average jury verdicts have increased over the same period of time from under $400,000 to $1.8 million. And products that are distributed nationwide have 50 different sets of rules to live by.

This situation is one which burdens not only the manufacturers and sellers of products, but also the insurance carriers to whom they look for coverage and the consumers who are looking for the widest possible choice of goods at the best price.

Probably one of the most unfortunate results of the product liability crisis is the perception on the part of the public that this is our legal system at its worst. A Harris Survey in the middle of last year found that 80 percent of those surveyed believe lawyers looking for big contingency fees are responsible for this flood of suits. Seventy-one percent felt that the problem lay with the laws that made it too easy to sue. While we do not look to regulate either the legal community or access to the courts, which should be open for the resolution of valid claims, we cannot deny the widespread realization that this is certainly an area in which we can, and should, reestablish some balance and uniformity.

The perception by the public has now even been recognized by the world's largest association of lawyers. Just the middle of last month, the American Bar Association recommended changes with respect to joint and several liability, punitive damages, dilatory conduct, and frivolous claims and defenses.

The bill I introduce speaks to these issues, just as it did last year. Recognizing that product liability reform is a subject that deserves the broadest airing as we work toward a solution, I am cosponsoring, apart from the cosponsors of this legislation, the legislation being introduced today by Senator DANFORTH which is based particularly on the ABA's recommendations.

Last year's White House Conference on Small Business singled out as their No. 1 concern, by over 1,400 out of 1,715 votes cast, civil justice reform, Federal standards for product liability, availability and affordability of liability insurance and education of the public in this area. Their recommendation No. 9 was specifically to enact the predecessor of the legislation I introduce here today along with fault defenses and the elimination of joint and several liability. Two more of the 60 recommendations dealt with product liability and self-insurance.

At a time when we are trying to find ways to be more competitive in our markets both home and abroad, we must once again consider the burden of product liability. As I stated before this Chamber on February 19, I commend the administration for the recognition that it gave to the importance of product liability reform by its inclusion in the administration's competitiveness package.

How many more jobs have to be lost, how many more companies must close their doors or be afraid to develop or continue to offer beneficial products, how much can we afford to burden our products with the added costs now applied as a result of the product liability situation, before Congress, and this body, act to help America's employees, consumers, and businesses?

I suggest the time is at hand to build on the overwhelming bipartisan consensus of last September and enact meaningful product liability reform in the very near future.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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SHORT TITLE

SEC. 101. This Act may be cited as the "Product Liability Reform Act".

DEFINITIONS

SEC. 102. (a) As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt;

(3) "collateral benefits" means all benefits and advantages received or entitled to be received (regardless of any right any other person has or is entitled to assert for recoupment through subrogation, trust agreement, lien, or otherwise) by any claimant harmed by a product or by any other person as reimbursement of loss because of harm to person or property payable or required to be paid to the claimant, under—

(A) any Federal law or the laws of any State (other than through a claim for breach of an obligation or duty); or

(B) any life, health or accident insurance or plan, wage or salary continuation plan, or disability income or replacement service insurance or any benefit received or to be received as a result of participation in any pre-paid medical plan or Health Maintenance Organization;

(4) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(5) "commercial loss" means economic injury, whether direct, incidental, or consequential, including property damage and damage to the product itself, incurred by persons regularly engaged in business activities consisting of providing goods or services for compensation;

(6) for the purposes of title II of this Act, "dignitary loss" means noneconomic loss resulting from harm caused by a product, compensable under State law, in the amount of $100,000, and consisting of pain and suffering or mental anguish associated with (A) the death of a parent, child or spouse; (B) serious and permanent disfigurement; (C) loss of a limb or organ; or (D) serious and permanent impairment of a bodily function;

(7) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(8) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution and judgment that society expects of its members for the protection of their own interests and the interests of others;

(9) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss, with respect to which recovery is available under the commercial or contract law of the State;

(10) "manufacturer" means (A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who designs or formulates the product (or component part of the product) or has engaged another person to design or formulate the product (or component part of the product); (B) a product seller with respect to all aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes, or constructs and designs or formulates, or has engaged another person to design or formulate, an aspect of a product (or component part of a product) made by another; or (C) any product seller not described in clause (B) which holds itself out as a manufacturer to the user of a product;

(11) "net economic loss", in accordance with subsection (b) of this section, includes—

(A) reasonable expenses incurred for reasonably needed and used medical and rehabilitation care and services;

(B) lost income from work which the claimant would have performed if the claimant had not suffered harm, reduced by any income earned from substitute work actually performed by the claimant or by income the claimant would have earned in available appropriate work which the claimant was capable of performing but unreasonably failed to undertake;

(C) reasonable expenses incurred in obtaining ordinary and necessary services in lieu of those the claimant would have performed, not for income, but for the benefit of the claimant or the claimant's immediate family, if the claimant had not suffered the harm;

(D) lost earnings of a deceased person who suffered fatal harm caused by a product which, if the person had not died, would have been contributed to claimants who are entitled to receive benefits by reason of such person's death under the law of the place where the deceased person was domiciled; and

(E) reasonable expenses incurred by the claimant in preparation and submission of an offer of settlement or a response pursuant to section 201 of this Act, or in resolving a dispute pursuant to section 202 of this Act, including a reasonable attorney's fee,

less the total amount of collateral benefits paid or payable to the claimant by reason of the same harm;

(12) "noneconomic loss" means loss caused by a product other than economic loss or commercial loss;

(13) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(14) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(15) "product" means any object, substance, mixture, or raw material in a gaseous, liquid or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law;

(16) "product seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce, or who installs, repairs or maintains the harm-causing aspect of a product; the term does not include—

(A) a seller or lessor of real property;

(B) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(C) any person who—

(i) acts in only a financial capacity with respect to the sale of a product; and

(ii) leases a product under a lease arrangement in which the selection, possession, maintenance, and operation of the product are controlled by a person other than the lessor; and

(17) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

(b)(1) The lost income taken into account under subsection (a)(11)(B) of this section shall be reduced by the amount of all Federal, State, and local income taxes and any Social Security or other payroll taxes which would be applicable to such income, but which would not be applicable to compensation paid under this Act.

(2) Where harm occurs in circumstances that might entitle a claimant to benefits (including workers' compensation benefits) which would reduce the amount of the claimant's net economic loss in accordance with subsection (a)(11) of this section and it cannot reasonably, within any reasonable extension of such time, be determined whether or in what amount such benefits will be payable, the defendant shall place in an interest-bearing escrow account that portion of the economic loss which the defendant reasonably anticipates the claimant will receive from collateral sources, until the claimant's right to such benefits and the amount of such benefits finally has been determined under applicable law.

(3)(A) The total amount of compensation for economic loss paid or payable to a claimant from any other source shall, for purposes of subsection (a)(11) of this section, be reduced by the amount of legal fees and other costs incurred by the claimant in collecting such compensation.

(B) Attorney's fees may be on a contingent basis but, for the purposes of subsection (a)(11) of this section, shall be calculated solely on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(4) Except as otherwise provided by any provision of Federal law, no program of compensation, whether public or private, the benefits of which would be deducted from a claimant's economic loss in order to calculate net economic loss under subsection (a)(11) of this section, may make payment of benefits secondary to payment of net economic loss by a defendant under this Act.

PREEMPTION

Sec. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product. A civil action brought against a manufacturer or product seller for loss or damage to a product itself or for commercial loss is not subject to this Act and shall be governed by applicable commercial or contract law.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. 1602 et seq.);

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

JURISDICTION OF FEDERAL COURTS

Sec. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on section 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

Sec. 105. (a) This Act shall take effect ninety days after the date of its enactment and shall apply to all civil actions pursuant to this Act commenced on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

(b) If any provision of this Act would shorten the period during which a manufacturer or product seller would otherwise be exposed to liability, the claimant may, notwithstanding the otherwise applicable time period, bring any civil action pursuant to this Act within one year after the effective date of this Act.

Title II

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

Sec. 201. (a) Any claimant may bring a civil action for damages against a person for harm caused by a product pursuant to applicable State law, except to the extent such law is superseded by this title.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlement for a specific dollar amount.

(c) The defendant may make an offer of settlement for a specific dollar amount within 60 days after service of the claimant's complaint or within the time permitted pursuant to State law for a responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may tender such relief to the claimant within 10 days after the court's determination regarding such motion.

(d) In any case in which an offer of settlement is made under subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period. Any such order shall contain a schedule for discovery of evidence material to the issue of the appropriate amount of relief, and shall not extend such period for more than 60 days. Any such motion shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(e) If the defendant, as offeree, does not accept the offer of settlement made by a claimant in accordance with subsection (b) of this section within the time permitted pursuant to State law for a responsive pleading or, if such pleading includes a motion to dismiss in accordance with applicable law, within 30 days after the court's determination regarding such motion, and a verdict is entered in such action equal to or greater than the specific dollar amount of such offer of settlement, the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fees and costs. Such fees shall be offset against any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(f) If the claimant, as offeree, does not accept the offer of settlement made by a defendant in accordance with subsection (c) of this section within 30 days after the date on which such offer is made and a verdict is entered in such action equal to or less than the specific dollar amount of such offer of settlement, the court shall reduce the amount of the verdict in such action by an amount equal to the reasonable attorney's fees and costs owed by the defendant to the defendant's attorney by reason of the verdict, except that the amount of such reduction shall not exceed that portion of the verdict which is allocable to non-economic loss and economic loss for which the claimant has received or will receive collateral benefits.

(g) For purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

ALTERNATIVE DISPUTE RESOLUTION PROCEDURES

Sec. 202. (a) In lieu of or in addition to making an offer of settlement under section 201 of this title, a claimant or defendant may, within the time permitted for the making of such an offer under section 201 of this title, offer to proceed pursuant to any voluntary alternative dispute resolution procedure established or recognized under the law of the State in which the civil action for damages for harm caused by a product is brought or under the rules of the court in which such action is maintained.

(b) If the offeree refuses to proceed pursuant to such alternative dispute resolution procedure and the court determines that such refusal was unreasonable or not in good faith, the court shall assess reasonable attorney's fees and costs against the offeree.

(c) For the purposes of this section, there shall be created a rebuttable presumption that a refusal by an offeree to proceed pursuant to such alternative dispute resolution procedure was unreasonable or not in good faith, if a verdict is rendered in favor of the offeror.

Title III

CIVIL ACTIONS

Sec. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

UNIFORM STANDARDS OF PRODUCT SELLER LIABILITY

SEC. 302. (a) Notwithstanding the provisions of section 301 of this title, in any civil action for harm caused by a product, a product seller other than a manufacturer is liable to a claimant, only if the claimant establishes by a preponderance of the evidence that—

(1)(A) the individual product unit which allegedly caused the harm complained of was sold by the defendant; (B) the product seller failed to exercise reasonable care with respect to the product; and (C) such failure to exercise reasonable care was a proximate cause of the claimant's harm; or

(2)(A) the product seller made an express warranty, independent of any express warranty made by a manufacturer as to the same product; (B) the product failed to conform to the warranty; and (C) the failure of the product to conform to the warranty caused the claimant's harm.

(b)(1) In determining whether a product seller is subject to liability under subsection (a)(1) of this section, the trier of fact may consider the effect of the conduct of the product seller with respect to the construction, inspection, or condition of the product, and any failure of the product seller to pass on adequate warnings or instructions from the product's manufacturer about the dangers and proper use of the product.

(2) A product seller shall not be liable in a civil action subject to this title based upon an alleged failure to provide warnings or instructions unless the claimant establishes that, when the product left the possession and control of the product seller, the product seller failed—

(A) to provide to the person to whom the product seller relinquished possession and control of the product any pamphlets, booklets, labels, inserts, or other written warnings or instructions received while the product was in the product seller's possession and control; or

(B) to make reasonable efforts to provide users with those warnings and instructions which it received after the product left its possession and control.

(3) A product seller shall not be liable in a civil action subject to this title except for breach of express warranty where there was no reasonable opportunity to inspect the product in a manner which would or should, in the exercise of reasonable care, have revealed the aspect of the product which allegedly caused the claimant's harm.

(c) A product seller shall be treated as the manufacturer of a product and shall be liable for harm to the claimant caused by a product as if it were the manufacturer of the product if—

(1) the manufacturer is not subject to service of process under the laws of any State in which the action might have been brought; or

(2) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

SEC. 303. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's conscious, flagrant indifference to the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions or warnings is not of itself such conduct. Except as provided in subsection (b) of this section, punitive damages may not be awarded in the absence of a compensatory award.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

(c)(1) Punitive damages shall not be awarded pursuant to this section against a manufacturer or product seller which caused the claimant's harm where—

(A) the drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or medical device (as defined under section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) was subject to premarket approval by the Food and Drug Administration with respect to the safety of the formulation or performance of the aspect of such drug or device which caused the claimant's harm or the adequacy of the packaging or labeling of such drug or device, and such drug was approved by the Food and Drug Administration; or

(B) the drug is generally recognized as safe and effective pursuant to conditions established by the Food and Drug Administration and applicable regulations, including packaging and labeling regulations.

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Food and Drug Administration or any other agency or official of the Federal Government information that is material and relevant to the performance of such drug or device.

(2) Punitive damages shall not be awarded pursuant to this section against a manufacturer of an aircraft which caused the claimant's harm where—

(A) such aircraft was subject to premarket certification by the Federal Aviation Administration with respect to the safety of the design or performance of the aspect of such aircraft which caused the claimant's harm or the adequacy of the warnings regarding the operation or maintenance of such aircraft; and

(B) the aircraft was certified by the Federal Aviation Administration under the Federal Aviation Act of 1958 (49 App. U.S.C. 1301 et seq.).

The provisions of this paragraph shall not apply in any case in which the defendant withheld from or misrepresented to the Federal Aviation Administration information that is material and relevant to the performance or the maintenace or operation of such aircraft.

UNIFORM TIME LIMITATIONS ON LIABILITY

SEC. 304. (a) Any civil action subject to this title shall be barred unless the complaint is filed within two years of the time the claimant discovered or, in the exercise of reasonable care, should have discovered the harm and its cause, except that any such action of a person under legal disability may be filed within two years after the disability ceases. If the commencement of such an action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

(b)(1) Any civil action subject to this title shall be barred if a product which is a capital good is alleged to have caused harm which is not a toxic harm unless the complaint is served and filed within twenty-five years after the time of delivery of the product.

(2)(A) With respect to any good other than a capital good, a manufacturer or product seller shall not be subject to liability to a claimant for harm caused by a product in any civil action subject to this title if the manufacturer proves, by a preponderance of the evidence, that the harm was caused after the product's useful safe life.

(B) A manufacturer or product seller may be subject to liability for harm caused by a product after its useful safe life if—

(i) the manufacturer has warranted that the product can be utilized safely for a time longer than the useful safe life;

(ii) the manufacturer intentionally misrepresents facts about the product or intentionally conceals information about the product and that concealment was the proximate cause of the claimant's harm; or

(iii) the harm was caused by exposure to a product, which exposure first occurred within the useful safe life of the product, even though the harm did not manifest itself until after such useful safe life.

(C) In any civil action brought pursuant to this paragraph, there is a presumption that the harm was caused after the useful safe life of the product if the harm was caused more than ten years after the time of delivery of the product. Such presumption may be rebutted by a preponderance of the evidence.

(3) A motor vehicle, vessel, aircraft, or railroad used primarily to transport passengers for hire shall not be subject to the provisions of this subsection.

(4) As used in this subsection—

(A) the term "time of delivery" means the time when a product is delivered to its first purchaser or lessee who was not involved in the business of manufacturing or selling such product or using it as a component part of another product to be sold; and

(B) a product's "useful safe life" begins at the time of the first use of the product following delivery and extends for the time during which the product would normally be likely to perform or be stored, or both, in a safe manner.

(c) As used in this section, the term—

(1) "capital good" means any product, or any component of any such product, which is of a character subject to allowance for depreciation under the Internal Revenue Code of 1954, and which was—

(A) used in a trade or business;

(B) held for the production of income; or

(C) sold or donated to a governmental or private entity for the production of goods, for training, for demonstration, or other similar purposes; and

(2) "toxic harm" means harm which is functional impairment, illness, or death of a human being resulting from exposure to an object, substance, mixture, raw material or physical agent of particular chemical composition.

(d) Nothing in this section shall affect the right of any person who is subject to liability for harm under this Act to seek and obtain contribution or indemnity from any other person who is responsible for such harm.

RECORD RETENTION

SEC. 305. (a) Any claimant and any person who is a party to a civil action subject to this title who anticipates bringing such an action, or who has notice that he or she may be made a party to such an action, shall retain all material, documents and other data (including, in the case of the claimant, the product alleged to have caused the claimant's harm) within such person's possession, custody or control that are relevant or may lead to the discovery of evidence relevant to the claim or action.

(b) In any civil action subject to this title, if the court determines that a party has willfully disposed of, destroyed, concealed, altered or removed any material, document or data in violation of subsection (a) of this section or any State or Federal rule, regulation or statute requiring the retention of such material, document or data, there shall be a rebuttable presumption that the facts to which the material, document or data relate are established in a manner adverse to the position of the party who has committed the violation. The court shall assess a civil penalty against such party in an appropriate amount not less than $1,000 and order such party to pay the other party's costs, including reasonable attorney's fees, incurred in proving the violation.

(c) In any other civil action subject to this title, in which the court determines that a party has nonwillfully violated subsection (a) of this section or any State or Federal rule, regulation or statute requiring the retention of such material, document or data, and that no other means are available to establish the facts to which the unavailable material, document or data relate, the court may, in the interest of justice, establish a rebuttable presumption that the facts to which the material, document or data relate are, for the purposes of such action, established in a manner adverse to the party who has committed the violation.

UNIFORM STANDARDS FOR OFFSET OF WORKERS' COMPENSATION BENEFITS

SEC. 306. (a) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, any damages awarded shall be reduced by the sum of the amount paid as workers' compensation benefits for such harm and the present value of all workers' compensation benefits to which the employee is or would be entitled for such harm. The determination of workers' compensation benefits by the trier of fact in a civil action subject to this title shall have no binding effect on and shall not be used as evidence in any other proceeding.

(b) In any civil action subject to this title in which damages are sought for harm for which the person injured is entitled to receive compensation under any State or Federal workers' compensation law, the action shall, on application of the claimant made at claimant's sole discretion, be stayed until such time as the full amount payable as workers' compensation benefits has been finally determined under such workers' compensation law.

(c)(1) Except as provided in paragraph (2) of this subsection, unless the manufacturer or product seller has expressly agreed to indemnify or hold an employer harmless for harm to an employee caused by a product, neither the employer nor the workers' compensation insurance carrier of the employer shall have a right of subrogation, contribution, or implied indemnity against the manufacturer or product seller or a lien against the claimant's recovery from the manufacturer or product seller if the harm is one for which a civil action for harm caused by a product may be brought pursuant to this Act.

(2) Paragraph (1) of this subsection shall not apply to any civil action involving workplaces covered by a State-operated worker's compensation insurance fund, if the State had adopted, prior to June 3, 1986, a statute eliminating workers' compensation subrogation liens in cases where the claimant's employer or coemployee has been found to be at fault.

(d) In any civil action subject to this title in which damages are sought for harm for which the person injured is or would have been entitled to receive compensation under any State or Federal workers' compensation law, no third-party tortfeasor may maintain any action for implied indemnity or contribution against the employer, any coemployee or the exclusive representative of the person who was injured.

(e) Nothing in this Act shall be construed to affect any provision of a State or Federal workers' compensation law which prohibits a person who is or would have been entitled to receive compensation under any such law, or any other person whose claim is or would have been derivative from such a claim, from recovering for harm caused by a product in any action other than a workers' compensation claim against a present or former employer or workers' compensation insurer of the employer, any coemployee or the exclusive representative of the person who was injured. Any action other than such a workers' compensation claim shall be prohibited, except that nothing in this Act shall be construed to affect any State or Federal workers' compensation law which permits recovery based on a claim of an intentional tort by the employer or coemployee, where the claimant's harm was caused by such an intentional tort.

(f) Without regard to when the harm giving rise to the claim occurred, the provisions of this section shall not apply to any person subject to or covered by the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.).

SEVERAL LIABILITY FOR NONECONOMIC DAMAGES

SEC. 307. (a) In any product liability action, the liability of each defendant for noneconomic damages shall be several only and shall not be joint. Each defendant shall be liable only for the amount of noneconomic damages allocated to such defendant in direct proportion to such defendant's percentage of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

(c) As used in this section, the term—

(1) "noneconomic damages" means subjective, nonmonetary losses including, but not limited to, pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation; the term does not include objectively verifiable monetary losses including, but not limited to, medical expenses, loss of earnings, burial costs, loss of use of property, costs of repair or replacement, costs of obtaining substitute domestic services, rehabilitation and training expenses, loss of employment or loss of business or employment opportunities; and

(2) "product liability action" includes any action involving a claim, third-party claim, cross-claim, counterclaim or contribution claim in a civil action in which a manufacturer or product seller is found liable for harm caused by a product.

DEFENSES INVOLVING INTOXICATING ALCOHOL OR DRUGS

SEC. 308. (a) In any civil action subject to this Act in which all defendants are manufacturers or product sellers, a manufacturer or product seller may assert in complete defense of such action that the claimant was under the influence of intoxicating alcohol or any drug and that such condition was more than 50 per centum responsible for such claimant's harm.

(b) In any civil action subject to this Act in which not all defendants are manufacturers or product sellers and the trier of fact determines that no liability exists against those defendants who are not manufacturers or product sellers, the court shall enter a judgment notwithstanding the verdict in favor of any defendant which is a manufacturer or product seller if it is proved that the claimant was under the influence of intoxicating alcohol or any drug and that such condition was more than 50 per centum responsible for such claimant's harm.

(c)(1) For purposes of this section, the determination of whether a person was under the influence of intoxicating alcohol shall be made pursuant to applicable State law.

(2) As used in this section, the term "drug" means any non-over-the-counter drug which has not been prescribed by a physician for use by the claimant.

TITLE IV

PRODUCT LIABILITY INSURANCE REPORTING

SEC. 401. (a) The Secretary of Commerce (hereinafter referred to as "the Secretary") shall provide to the Congress before June 30 of each year after the date of enactment of this Act a report analyzing the impact of this Act on insurers which issue product liability insurance either separately or in conjunction with other insurance; and on self-insurers, captive insurers and risk retention groups.

(b) To carry out the purposes of this section, the Secretary shall collect from each insurer all data considered necessary by the Secretary to present and analyze fully the impact of this Act on such insurers.

(c) Within one hundred and twenty days after the date of enactment of this Act, the Secretary shall issue such regulations as may be necessary to implement the purposes, and carry out the provisions, of this section. Such regulations shall be promulgated in accordance with section 553 of title 5, United States Code. Such regulations shall—

(1) require the reporting of information sufficiently comprehensive to make possible a full evaluation of the impact of this Act on such insurers;

(2) specify the information to be provided by such insurers and the format of such information, taking into account methods to minimize the paperwork and cost burdens on such insurers and the Federal Government; and

(3) provide, to the maximum extent practicable, that such information is obtained from existing sources, including, but not limited to, State insurance commissioners, recognized insurance statistical agencies, the Administrative Office of the United States Courts and the National Center for State Courts.

By Mr. DURENBERGER:

S. 667. A bill to continue the existing temporary duty-free treatment of certain coarse wools until the close of December 31, 1992; to the Committee on Finance.

TARIFF TREATMENT OF CERTAIN COARSE WOOLS

● Mr. DURENBERGER. Mr. President, today I am introducing legislation to continue the existing temporary duty-free treatment of certain coarse wools until December 31, 1992. This duty suspension, which was first initiated in 1977, is noncontroversial. In fact, it is supported by the American Textile Manufacturing Institute.

Wools of grade 46 or less are currently not produced in the United States. Therefore, domestic manufacturers of carpets and rugs—for example, the Faribault Woolen Mill in Faribault, MN—must import these grades of wool for production.

American wool grower are currently attempting to raise sheep that yield coarse wools. Until a domestic source is available, however, I believe that the import tariff for wools of 46 grade or lower should be temporarily suspended.●

By Mr. Mr. McCLURE (for himself and Mr. Simon):

S. 668. A bill for the relief of Bela Karolyi; to the Committee on the Judiciary.

RELIEF OF BELA KAROLYI

Mr. McCLURE. Mr. President, few of us will ever forget the thrill of watching a young Rumanian gymnast named Nadia Comaneci who captured the hearts of the entire world during the 1976 Olympics. However, probably few of us will remember the name of Nadia Comaneci's coach who defected to the West and was granted political asylum in this country on June 17, 1983. That man is Bela Karolyi.

In 1984, the world's attention was once again turned to the floor mats and parallel bars at the Olypmics where a tiny girl from West Virginia, Mary Lou Retton, brought home the gold for America. Mary Lou Retton's coach was also Bela Karolyi.

In 1988, two more of Mr. Karolyi's students, Kristie Phillips and Phoebe Mills, are regarded as serious Olympic hopefuls. As a matter of fact, Mr. Karolyi and some of his students are at the George Mason University Patriot Center in Fairfax County this weekend competing in the McDonald's American Cup. But, unfortunately, when the Olympics arrive, Mr. Karolyi will not be able to coach his students from the floor of the Olympics because he is not a U.S. citizen. He will have to watch from the sidelines, or from the bleachers, because Olympic rules state that an official team coach must be a citizen of the country he is representing.

I have no quarrel with Olympic rules. I think coaches should be citizens of the country they represent. But Mr. Karolyi finds himself in a peculiar situation in which he will be eligible for citizenship less than 30 days after the 1988 Olympics have ended. Due to a mixup, his citizenship papers were not filed on time to complete the 5-year waiting period required by U.S. immigration law. Mr. Karolyi's 5-year period will be up on October 25, 1988—the Olympics will have ended on September 28.

Mr. President, I believe that Mr. Karolyi has demonstrated that he will be an excellent citizen, one who is committed to the ideals of free and open competition. On a recent 20/20 broadcast, Mr. Karolyi was asked if it had made any difference training gymnasts under a Communist system versus a capitalistic system. Mr. Karolyi replied:

> One of the reasons I am here now [is] because the government involvement in gymnastics, because the political system wanted to take something from the honest work of the kids, and my personal honest work, and to say, "Because we're a Communist country with a strong Communist mentality, that's why our kids are so great." Don't mess politics with the gymnastics. Don't try to take something from their merit.

Bela Karolyi had a dream when he defected to the West. He wanted to teach young gymnasts in a society that recognizes personal achievements without attributing those achievements to a particular ideology. Mary Lou Retton and Nadia Comaneci are world champions because they are talented, they work hard and they had a good coach.

Mr. President, Bela Karolyi currently lives in Texas where he trains over 500 students in gymnastics. By all accounts, he is a hard taskmaster. But for those who have the will and the talent, he is an inspiration.

I believe Bela Karolyi deserves American citizenship and that he deserves it in time to coach U.S. Olympics hopefuls. There is no doubt that this citizenship will be granted, it's just a matter of when. Today Senator Dixon and I are introducing a bill to allow Mr. Karolyi to become a U.S. citizen in time for the 1988 Olympics. He has earned it. He is already a productive, patriotic American. We certainly cannot guarantee that his students will prevail in the 1988 Olympics, and we would not want to try. But we can ensure that Mr. Karolyi will be given the chance to be on the floor of the Olympics, doing what he does best.

Mr. President, I urge my colleagues to join Senator Dixon and me in supporting this bill. It is something that should be done.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Bela Karolyi—

(1) shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act relating to required periods of residence and physical presence within the United States, and

(2) Notwithstanding the provisions of section 310(d) of such Act, may be naturalized at any time after the date of enactment of this Act,

if he is otherwise eligible for naturalization under the Immigration and Nationality Act and files an application for naturalization under such Act within two years after the date of enactment of this Act.

● Mr. DIXON. Mr. President, I rise today to join my distinguished colleague from Idaho, Senator McClure, in offering this legislation.

Bela Karolyi defected to the United States in 1981 from Romania. Mr. Karolyi, whom most of America remembers as the coach of Olympic Gold Medalist Mary Lou Retton, has applied for American citizenship and will receive it in October 1988. Unfortunately, Mr. President, this citizenship comes to Bela Karolyi several weeks late.

In order to coach current Olympic hopefuls Kristie Phillips and Phoebe Mills, Bela Karolyi needs American citizenship by the beginning of the 1988 Olympic games. He misses this deadline by several weeks.

I believe the U.S. Senate should approve an accelerated process by which Bela Karolyi receives U.S. citizenship. He has certainly proven his personal commitment to democracy—by defecting from Romania he can never return to his native land. Further, he has proven his commitment to the success of the American Olympic effort.

Mr. President, a simple glitch in immigration paperwork should not prevent Bela Karolyi from coaching his pupils to victory on the floor of the 1988 Olympics. I urge my colleagues to cosponsor this effort.●

By Mr. DeCONCINI:

S. 669. A bill to establish an Office of Hispanic American Affairs in the Executive Office of the President, and in various Federal departments and agencies, and for other purposes; to the Committee on Governmental Affairs.

HISPANIC AMERICAN AFFAIRS ACT

● Mr. DeCONCINI. Mr. President, Hispanic-Americans constitute the second largest minority group in the United States and represent 6.4 percent of our population. Their struggle to establish themselves within our system has yielded many accomplishments. Nevertheless, much remains to be accomplished before Hispanic-Americans achieve full and equal opportunity.

Hispanic-American workers are statistically underrepresented at the upper end of the occupational skill ladder. This is particularly evident at the management and administrative levels. Even the Federal Government reflects this bias.

Perhaps the two most important factors that prevent Hispanic progress are prejudice and inadequate education. The battle against prejudice toward minority groups in this Nation has made significant advances in recent decades, but still has far to go to achieve the goal of true equality for all peoples. Education is one of the best methods for combating the ignorance that is prejudice. Although the younger generation of Hispanics remains in school longer than did their elders, Hispanic Americans generally have not achieved the educational attainment of the majority of the U.S. population.

The occupations of Hispanics, as a whole, reflect their lack of educational achievement. The median family income for Hispanics in 1985 was more than $8,500 below that of other Americans. Even among Hispanics with higher education levels, the unemployment rate is 40 percent higher than the total U.S. labor force.

In order to address these problems, Hispanic Americans need wider representation of their concerns at the highest levels of Government policymaking. The Hispanic Affairs Act that I am introducing today is of crucial importance in providing adequate representation for Hispanic Americans, and the issues of particular concern to them, at the Federal level. The bill would establish an Office of Hispanic Affairs in the President's Executive Office and throughout the Federal agencies. The Office of Hispanic Affairs would also act as a clearinghouse for information relating to issues of primary concern to Hispanic-American life—economic, political, health, social, and cultural.

The representatives in the Office of Hispanic Affairs would ensure that the laws and practices of the Federal Government reflect the needs of Hispanic Americans. The Office would also monitor all programs within the Government to ensure that they provide equal opportunities in employment, education, and other areas for Americans of Hispanic descent/origin.

Considering the ever increasing size of the Hispanic-American population and the valuable role it has and will continue to play in our country, it is of utmost importance that we support this legislation to provide a focal point within the Federal Government from which to address issues of particular concern to them.●

By Mr. LEVIN:

S. 670. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for two-earner married couples, to provide for maximum individual tax rate of 35 percent, to eliminate the personal exemption phaseout, to insure an individual long-term capital gains rate of 28 percent, to provide income averaging for farmers, and for other purposes; to the Committee on Finance.

TAX REFORM REFORM ACT

● Mr. LEVIN. Mr. President, there is no greater challenge before the 100th Congress than to reduce the Federal budget deficit substantially and equitably. The budget deficit has spawned a host of unhappy consequences. Our economy continues to plod along, somewhere in the grey twilight between recession and growth. The danger persists that our ability to live on borrowed money and borrowed time may come crashing to an end. Our trade deficit is still huge, and our domestic industrial base is still threatened. The budget deficit is a major cause of our trade deficit and hovers as a cloud over proposed national initiatives dealing with environmental and educational quality, drug abuse and health care, and international competitiveness and worldwide terrorism, to name only a few. And even if it is possible to forestall the most severe consequences of the budget deficit a little bit longer, we will have done it at a heavier cost to be paid by future generations.

So, if the budget deficit is our primary domestic economic challenge, what, then, is the solution? Certainly, it calls for spending restraint. We have seen much already. But one reality is that there is more spending restraint to come if we are to seriously approach the Gramm-Rudman target for fiscal year 1988 of $108 billion or even some moderate alteration of it. A second reality is that approaching this target in a lasting and equitable manner will also require real revenue increases. Reducing the deficit by spending cuts alone would require cuts of a size and nature which have repeatedly been rejected by bipartisan majorities in the Congress.

But if revenues are to contribute to lasting deficit reduction, they should not come from one-shot asset sales, which only put us in the position of having to save the same amount of money again next year by selling off yet another portion of the Government. Nor should we dig ourselves into a deeper hole through the sale of loan portfolios, which actually reduces the flow of revenue in the future and increases the deficit burden on our children. Government by pawn shop is no substitute for a responsible fiscal policy.

Today I am introducing the Tax Reform Reform Act of 1987 [TRRA] which increases revenues to help reduce the deficit, makes the Income Tax Code more progressive, provides some tax relief for middle and low income two-wage-earner couples and to farmers, and encourages capital formation. It is deficit reduction, tax relief, tax equity, and capital formation. It is not a general tax increase.

The first provision of this legislation will modify the income tax rate structure applicable in 1988 for individuals. In 1987, the maximum tax rate is 38.5 percent. In 1988, the new tax reform law, as it stands now, calls for an individual income tax rate structure of 15 percent, 28 percent, 33 percent—which is the effective rate for income levels at which the 15-percent bracket and the personal exemptions are phased out—and, then, back again to 28 percent. Under the bill that I am introducing today, the maximum tax rate would be cut from 38.5 percent in 1987 to 35 percent in 1988. As a result, the tax structure for ordinary—that is, noncapital gains—income for 1988 would be 15 percent, 28 percent, 33 percent—for the income levels at which the 15 percent bracket would be phased out—and 35 percent. For example, the new 35-percent bracket would only affect married taxpayers filing jointly whose incomes exceed $149,250 and single taxpayers whose incomes exceed $89,560. The phaseout of personal exemptions would be repealed. As a result, a married couple would not see an actual increase in its tax liability unless its income significantly exceeds $149,250.

At the same time, this legislation will restore a capital gains differential by assuring that the maximum rate on capital gains will in fact be 28 percent and will not be subject to either the effective rate of 33 percent, as it is under the new tax reform law, or the statutory rate of 35 percent for ordinary income contained in the legislation that I am proposing today.

The Joint Committee on Taxation has estimated that this proposal will raise revenues by almost $19 billion over the next 3 years. It would affect less than 3 percent of the taxpayers. The Tax Reform Reform Act of 1987 would direct about $12 billion of that amount toward deficit reduction, and would direct the balance of the revenue toward making the tax code more equitable.

It is no secret that I had many problems with the new tax reform law, which led me to vote against it. But even some of those Members who supported it overall, objected to the maximum statutory rate of 28 percent. It escaped them, as it escaped me, how applying the same tax rate to incomes of $30,000 a year and $300,000 makes any sense in terms of equity. Over the past few months, I have seen this same skepticism expressed by people I have met in my home State of Michigan. Common sense tells those in the heartland as it should tell us in Washington that a taxpayer making $30,000 and a taxpayer making 10 times that amount do not have the same ability to pay, and should not pay the same tax rate.

I know that many Members of the Congress do not want to significantly modify last year's tax reform bill. Certainly, any proposal to significantly change it faces an uphill battle. There is the understandable desire not to plow old ground. But given the difficult challenges ahead of us in reducing the budget deficit in a lasting and equitable way, we cannot afford to have inertia foreclose the consideration of reasonable options. And a number of factors combine to make a 35-percent maximum rate for upper income taxpayers on noncapital gains income a very reasonable option.

First, a maximum rate of 35 percent would be 3.5 percentage points below the maximum rate for 1987. It would be the same as the maximum rate originally proposed by President Reagan in May 1985. Interestingly enough, the President's maximum rate of 35 percent would have applied to married couples with incomes over $70,000. The maximum rate of 35 percent that I am proposing would only apply to married couples with incomes of more than twice that amount. Furthermore, a maximum tax rate of 35 percent removes the unfairness in the new tax reform law which results in a family of four making $75,000 a year havings an effective marginal tax rate of 33 percent while a family of four making $200,000 a year has a marginal tax rate of 28 percent. Under the proposal that I am introducing today, the $75,000 family would still have a marginal tax rate of 33 percent, but the $200,000 family would now have a marginal tax rate of 35 percent.

Second, as I indicated before, lasting and equitable deficit reduction requires revenue increases as well as additional spending cuts. Those revenue increases should not include a general tax increase. A maximum tax rate in 1988 of 35 percent, which would only affect high income taxpayers, would not be a general tax increase and would not increase the tax burdens of middle- and low-income individuals. It is impossible to understand how those who argued last year that one of the prime benefits of the tax reform bill was that it gave a tax break to the 85 percent of the taxpayers who made less than $40,000 a year could not out of hand oppose changes which would have no effect on that 85 percent, and, instead, become defenders of excessive tax cuts for the wealthiest 2 percent or 3 percent of the population. Remember, according to the Joint Committee on Taxation, the average tax cut under the new tax reform law for taxpayers making over $200,000 was $50,000. This opposition to a maximum tax rate of 35 percent is all the more astonishing when compared to the likely alternatives for real deficit reduction: Raising revenues in a way which will disproportionately affect the same 85 percent which they wanted to give a tax break to last year, or cutting spending on programs which significantly benefit middle- and low-income individuals. It would be a bitter irony if the middle- and low-income taxpayers in whose name tax reform legislation was passed in 1986 find that in 1987 they are being asked, in one way or another, to pay the price for retaining excessive tax cuts for the wealthiest individuals in our society.

Third, by allowing the maximum capital gains rate to be no higher than 28 percent, the proposal which I am introducing today would restore a capital gains differential. Under the new tax reform law, capital gains income is taxed the same as ordinary income. There are two effects of the new tax reform law's treating capital gains income the same as ordinary income. First, although the maximum capital gains tax rate for most income levels is 28 percent, for some upper income individuals there is an effective capital gains rate of 33 percent—the same maximum effective rate that applies to ordinary income. Second, a significant tax incentive to make higher risk investments is removed. Up until the passage of the new tax reform law, that incentive had helped to compensate for the fact that other investments in more established enterprises are more secure. The prior tax law recognized that if the return on a secure investment in the form of dividends is taxed at the same rate as the return on a higher risk investment in the form of the sale of stock, investors will tend to direct their dollars toward the more secure investment.

However, investments on the cutting edge of technology, and investments with the possibility of great economic growth usually include a high element of risk. At a time when our survival as an international competitor requires that we be on the frontier of technology, it seems incredible that we should abandon one of the tools for encouraging investments which point us in that direction. Nevertheless, in enacting the tax reform law last year, the Congress and the President decided to abandon that tool—to eliminate the capital gains differential. However, by enacting the legislation that I am introducing today, we can correct that mistake before it has resulted in too much harm to our domestic economy and our ability to compete abroad.

The second major provision of the Tax Reform Reform Act of 1987 would provide tax relief for two-wage-earner couples. The new tax reform law repealed the two-wage-earner deduction, which had previously been in the Tax Code to lessen the impact of the marriage penalty tax. The marriage penalty tax itself results from the fact that two single wage earners living together will pay less in taxes than a two-wage-earner married couple making the same income.

Many two-wage-earner couples who fill out their new W-4 form will realize that a marriage penalty tax still exists to an extent. That being the case, it is appropriate for there still to be some form of a two-wage-earner deduction. The legislation I am proposing provides for a deduction of 5 percent of the first $10,000 of the lesser earning spouse's income. This translates into a maximum deduction of $500. I would prefer a larger deduction, one more in line with the actual marriage penalty tax. However, to do this would absorb the revenue which the Tax Reform Reform Act seeks to direct to deficit reduction. One unfortunate legacy of last year's tax reform bill is that it repealed certain deductions which should never have been repealed in the first place, but the cost of which to fully reinstate is prohibitive in light of our overall budget picture.

Providing for a partial restoration of the two-wage-earner deduction will provide real tax relief for middle- and low-income taxpayers. It could either increase the size of the tax cut that they will receive under the new tax reform law or it could, at least, reduce the size of the tax increase that many will receive as a result of the new law. For example, the average tax liability for two-wage-earner couples with combined incomes of $40,000 would be reduced by up to $140. This would translate into almost a 15-percent increase in the size of the tax cut they will receive under the new tax reform law or a 15-percent decrease in the size of the tax increase that many will experience under the new law. In either case, this provision will reduce the taxes that two-wage-earner couples would otherwise pay starting in 1988. It should make clear that the Tax Reform Reform Act of 1987 is not a general tax increase, but tax relief for more than 20 million middle- and low-income married couples.

The final provision of the Tax Reform Reform Act of 1987 provides for income averaging for farmers. This provision was included by amendment as part of the tax reform bill when it was initially considered by the full Senate. Senators recognized that the continuing farm crisis made retention of income averaging for farmers particularly necessary and appropriate. Unfortunately, this provision was dropped in conference. We should once again attempt to reinstate it in the Tax Code.

In a very real sense, this legislation is consistent with the attempt of last year's tax reform effort to increase the perception and the reality of fairness in how we pay for Government. It is, in fact, truer to the intent of last year's tax bill by not increasing the tax burden on middle- and low-income taxpayers. Finally, by providing for both deficit reduction and capital formation, it addresses far better than last year's tax bill the fundamental economic problems facing our Nation today.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was order to be printed in the RECORD, as follows:

S. 670

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the Tax Reform Reform Act of 1987.

SEC. 2. RESTORATION OF DEDUCTION FOR TWO-EARNER MARRIED COUPLES.

(a) IN GENERAL.—Section 131 of the Tax Reform Act of 1986 is hereby repealed.

(b) APPLICATION OF INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered without regard to such section 131 (and the amendments made by such section).

(c) MODIFICATIONS OF DEDUCTION.—Subsection (a) of section 221 of the Internal Revenue Code of 1986 is amended to read as follows:

"(a) DEDUCTION ALLOWED.—In the case of a joint return under section 6013 for the taxable year, there shall be allowed as a deduction an amount equal to 5 percent of the lesser of—

"(1) $100,000, or

"(2) the qualified earned income of the spouse with the lower qualified earned income for such taxable year.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 3. RESTORATION OF INCOME AVERAGING FOR QUALIFIED FARMERS.

(a) IN GENERAL.—Section 141 of the Internal Revenue Code of 1986 is hereby repealed.

(b) APPLICATION OF THE INTERNAL REVENUE CODE OF 1986.—The Internal Revenue Code of 1986 shall be applied and administered without regard to such section 141 (and the amendments made by such section).

(c) INCOME AVERAGING ALLOWED FOR QUALIFIED FARMERS.—

(1) IN GENERAL.—Subsection (a) of section 1303 of the Internal Revenue Code of 1986 (defining eligible individuals) is amended by inserting "and who is a qualified farmer" after "United States".

(2) QUALIFIED FARMER.—Section 1303 of such Code (defining eligible individuals) is amended by adding at the end thereof the following new subsection:

(e) QUALIFIED FARMER.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified farmer' means a taxpayer other than a corporation who is actively engaged in the trade or business of farming (within the meaning of section 2032A(e)(4) and (5)).

"(2) ACTIVELY ENGAGED.—A taxpayer shall be treated as actively engaged in the trade or business of farming only if the taxpayer is involved in the operation of such trade or business on a regular, continuous, and substantial basis.".

(3) CONFORMING AMENDMENTS.—

(A) The heading of part I of subchapter Q of chapter 1 of such Code is amended by inserting "**FOR FARMERS**" after "**AVERAGING**".

"(B) The table of parts for subchapter Q of chapter 1 of such Code is amended by inserting "for farmers" after "averaging" in the item relating to part I.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SECTION 4. INCREASE IN MAXIMUM INDIVIDUAL INCOME TAX RATE TO 35 PERCENT.

(a) IN GENERAL.—Section 1 of the Internal Revenue Code of 1986 (relating to tax imposed) is amended—

(1) by striking out the item beginning "Over $29,750" and all that follows in subsection (a) and inserting in lieu thereof the following new items:

"Over $29,750 but not over $149,250.	$4,462.50, plus 28% of the excess over $29,750.
Over $149,250....................	$37,922.50, plus 35% of the excess over $149,250.",

(2) by striking out the item beginning "Over $23,900" and all that follows in subsection (b) and inserting in lieu thereof the following new items:

"Over $23,900 but not over $123,790.	$3,585, plus 28% of the excess over $23,900.
Over $123,790....................	$31,554.20, plus 35% of the excess over $123,790.",

(3) by striking out the item beginning "Over $17,850" and all that follows in subsection (c) and inserting in lieu thereof the following new items:

"Over $17,850 but not over $89,560.	$2,677.50, plus 28% of the excess over $17,850.
Over $89,560......................	$22,756.30, plus 35% of the excess over $89,560.",

(4) by striking out the item beginning "Over $14,875" and all that follows in subsection (d) and inserting in lieu thereof the following new items:

"Over $14,875 but not over $133,300.	$2,231.25, plus 28% of the excess over $14,875.
Over $113,300....................	$29,790.25, plus 35% of the excess over $113,300.", and

(5) by striking out the item beginning "Over $5,000" and all that follows in subsection (e) and inserting in lieu thereof the following new items:

"Over $5,000 but not over $26,000.	$750, plus 28% of the excess over $5,000.
Over $26,000......................	$6,630, plus 35% of the excess over $26,000.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 5. PERSONAL EXEMPTION PHASE-OUT ELIMINATED.

(a) IN GENERAL.—Paragraph (2) of section 1(g) of the Internal Revenue Code of 1986 (relating to phaseout of 15-percent rate and personal exemptions) is amended to read as follows:

"(2) LIMITATION.—The increase determined under paragraph (1) with respect to any taxpayer for any taxable year shall not exceed 13 percent of the maximum amount of taxable income to which the 15-percent rate applies under the table contained in subsection (a), (b), (c), (d), or (e) (whichever applies). In the case of any individual taxable under subsection (d), the preceding sentence shall apply as if such individual were taxable under subsection (a).".

(b) CONFORMING AMENDMENT.—The heading of section (1)(g) of the Internal Revenue Code of 1986 is amended by striking out "AND PERSONAL EXEMPTIONS".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1987.

SEC. 6. 28-PERCENT MAXIMUM INDIVIDUAL LONG-TERM CAPITAL GAINS RATE.

(a) IN GENERAL.—Paragraph (1)(A) of section 1(g) of the Internal Revenue Code of 1986 (relating to phaseout of 15-percent rate) is amended by striking out "taxable income" and inserting in lieu thereof "taxable income reduced by the amount of net capital gain".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 1987.●

By Mr. GRASSLEY:

S. 671. A bill to amend the Food Security Act of 1985 to provide that if the Secretary of Agriculture creates a bonus rental incentive with respect to the placing of land used to produce a commodity into the conservation reserve, all previous contracts for placing land producing that commodity into the reserve must be renegotiated to provide the same increase in rental; to the Committee on Agriculture, Nutrition, and Forestry.

FOOD SECURITY ACT AMENDMENTS

Mr. GRASSLEY. Mr. President, today I am introducing a bill to correct an inequity in the Conservation Reserve Program, or CRP.

This bill is necessary because we have been working with the Department of Agriculture over a long period of time to get them administratively to correct this inequity, and they decided they were not going to correct it.

As my colleagues know, the Department of Agriculture announced a special bonus for farmers signing up for the Conservation Reserve Program during February. This bonus is $2 times the yield, times the corn base acreage. Unfortunately, the bonus is not being offered to those who signed up late last year for the 1987 CRP. The unfairness is obvious.

Mr. President, we cannot arbitrarily bar bonus benefits from participants in the same program. This damages the credibility of the conservation reserve program. It enforces the perception of Government favoritism. Instead of rewarding farmers who signed up early, we punish them. They had faith that the Government would treat them fairly when it came time for payment.

I have written the USDA twice on this subject, as have some of my colleagues. I have also mentioned it to the Secretary and other USDA officials during meetings and hearings. Unfortunately, the USDA has decided against correcting this unfair policy. It is therefore necessary for me to introduce legislation to correct this problem. My bill simply makes available to those farmers who signed up last year, the new bonus offered recently.

In the interest of fairness and restoring credibility to a program that deserves our support, I encourage my colleagues support. Let us work to make all farmers in the 1987 CRP eligible for the additional $2 bonus, regardless of whether they signed up at the end of 1986 or the beginning of 1987. We should send a clear signal to those conservation-minded farmers who signed up last year that the USDA is not going to punish them for being enthusiastic about participating.

Mr. President, I believe that this small correction in policy would go a long way toward helping our farmers, many of which are already experiencing severe financial stress. It will also restore faith in Government. I urge my colleagues to join me in this effort.

By Mr. BENTSEN:

S. 672. A bill to provide for health education and training in States along the border between the United States and Mexico; to the Committee on Labor and Human Resources.

UNITED STATES-MEXICO BORDER HEALTH EDUCATION AND TRAINING ACT

● Mr. BENTSEN. Mr. President, today I am introducing S. 672, a bill to establish border health education and training programs in States along the United States-Mexico border.

In 1985, the University of Texas, in cooperation with the Carnegie Corp., sponsored a United States-Mexico Border Health Conference that focused primarily on the difficulties inherent in providing accessible quality health care along our Nation's southern border. Participants included both United States and Mexican officials and a broadly representative group of health professionals. They were unanimous in the view that the health needs of border area residents far exceed the ability of the existing network of providers to meet those needs, and in the view that any successful effort to address the problem must transcend geopolitical boundaries.

The United States-Mexico border region substantially impacts the social, economic, and health interests of both countries. Rapid and profound changes in the area during recent years have strained the capacity of available local resources to cope effectively. Numerous drastic devaluations of the Mexican peso, loss of State revenue due to the drop in world oil prices, the unprecedented influx of illegal immigration in this region and servere unemployment problems have combined to overwhelm the existing health care network with additional demands for service.

According to testimony presented at the 1985 conference and to hearings held by the Texas Legislature in its last session, public health problems in this area are serious and widespread. Many families do not have access to preventive or primary health care services, unacceptably large numbers of women and young children are at nutritional risk, and professionally trained personnel are in short supply.

During its almost 12 years of involvement in this area, the University of Texas Medical Branch at Galveston has been instrumental in improving the educational training of local health professionals. While under contract with the Department of Health and Human Services, UTMB recruited promising young high school students with an interest in health-related professions. It worked closely with junior colleges and 4-year colleges in south Texas to offer courses of study designed to alleviate the identified manpower shortages. In addition, UTMB restructured its teaching programs to allow more than 230 young physicians to spend a portion of their residency in south Texas.

Pediatric, family medicine, and geriatric residents were especially encouraged to participate. Over the course of the 6-year UTMB Federal contract, nearly 1,400 student nurses, over 200 dental students and several hundred allied health trainees provided much needed care. It is important to note that 83 percent of the students recruited from and trained in south Texas through that program have remained to practice in that region. In addition, those students and other practicing professionals have benefited from thousands of hours of continuing education courses sponsored by UTMB.

While the record compiled by UTMB in cooperation with local colleges and health providers is commendable, severe problems associated with manpower shortages and access to services persist. Experts familiar with the health care network and community needs have made a compelling argument that the complexity and interrelated nature of problems in the area could be better addressed if they were approached cooperatively by skilled professionals from both sides of the border. By jointly organizing data, identifying problems, and developing action strategies, initiatives aimed at improving maternal and child health care, immunization programs, control of communicable diseases, sanitation, and environmental could be more efficiently targeted.

The bill I am introducing today is very similar to S. 2089, which I introduced in the 99th Congress. Changes were made to reflect the insightful comments of administrators of medical schools likely to participate in the program. As for the specific provisions of the bill, it authorizes the Secretary of Health and Human Services to make grants to and enter into contracts with schools of medicine or osteopathy in the border States for the purpose of creating border health education and training programs. The programs are designed to evaluate the manpower needs of the service area; develop a plan for satisfying those needs through education and training programs; support educational opportunities for local area students interested in health-related professions; and periodically review the effectiveness of its programs. These activities are to be carried out in cooperation with similar initiatives in contiguous communities on the Mexican side of the border. But no United States funding may be diverted to participating Mexican institutions.

Ten million dollars is authorized for fiscal year 1988. If additional funds are needed, the bill provides that, to the maximum extent possible, they are to be raised from private sources. Available Federal funds are allocated among the eligible States according to a formula that takes into account the Hispanic population and the growth rate in the Hispanic population, health care personnel needs, and indicators of health status—for example, mortality and morbidity rates.

Mr. President, past experience has taught us that an effective method for increasing the necessary supply of health professionals in this troubled area is one that recruits and trains persons in the border area. Past experience has also taught us that the border between the United States and Mexico cannot be closed. With the development of positive collaboration efforts between our institutions of higher education, we will take a large step toward both improving access to health care services in the needy border area and expanding educational opportunities for local students. This bill represents an excellent investment as a long-term strategy for improving the economic health of the border region.

I ask unanimous consent that the text of S. 672 be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 672

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "United States-Mexico Border Health Education and Training Act of 1987".

PURPOSE

SEC. 2. It is the purpose of this Act to require the Secretary of Health and Human Services to make grants to, or to enter into contracts with, schools of medicine and osteopathy in order to—

(1) improve the supply, distribution, quality, and efficiency of personnel providing health services in the states along the border between the United States and Mexico; and

(2) encourage health promotion and disease prevention through public education in such areas.

DEFINITIONS

SEC. 3. For the purposes of this Act—

(1) the term "border" means the international boundary between the United States and Mexico;

(2) the term "school of medicine" has the same meaning as in section 701(4) of the Public Health Service Act;

(3) the term "school of osteopathy" has the same meaning as in such section;

(4) the term "Secretary" means the Secretary of Health and Human Services;

(5) the term "service area" means the area to be served by a border health education and training center, as designated by the Secretary under section 5(c); and

(6) the term "state" means Arizona, California, New Mexico, and Texas.

ALLOCATIONS

SEC. 4. The Secretary shall allocate the amounts appropriated under section 6(a) for a fiscal year to schools of medicine of osteopathy based on a formula prescribed by the Secretary which is based on—

(1) the population of Hispanics along the border in each State and the growth rate of such population;

(2) the need of each State for additional personnel to provide health care services along its border; and

(3) the most current information concerning mortality and morbidity and other indicators of health status along the border in each State.

GRANTS AND CONTRACTS

SEC. 5. (a) From the amounts allocated to schools of medicine or osteopathy under section 4 for a fiscal year, the Secretary shall make grants or enter into contracts with schools of medicine and osteopathy in such State for the planning, development, establishment, maintenance, and operation of "Border Health Education and Training Center Programs". A Border Health Education and Training Center Program shall be a cooperative program of one or more schools of medicine or osteopathy and one or more nonprofit private or public health education centers located along the border within the same State. Each Border Health Education and Training Center Program shall be located in a county in close proximity to the border.

(b) The school or schools of medicine or osteopathy participating in a Border Health Education and Training Center Program shall—

(1) develop a plan in consultation with an advisory group comprised of health service providers, educators and consumers from the service area and of faculty from participating schools;

(2) enter into contracts, as needed, with other institutions or entities to carry out the plan; and

(3) be responsible for the evaluation of the program.

(c) The Secretary, in consultation with each school of medicine or osteopathy which receives a grant or contract under this Act, shall designate service areas along the border to be served by the Border Health Education and Training Center Programs to be planned, developed, established, maintained, and operated by such schools with such grants or contracts. Such service area—

(1) shall not be located, in whole or in part, outside the State in which is located the school or schools of medicine or osteopathy participating in the Border Health Education and Training Center Program serving such service area; and

(2) shall not duplicate or overlap, in whole or in part, the services within the service area of any other Border Health Education and Training Center Program supported by a grant or contract under this Act.

(d) Each Border Health Education and Training Center Program shall—

(1) evaluate the specific service needs of its service area for health care personnel;

(2) assist in the planning, development, and conduct of training programs to meet the needs identified pursuant to paragraph (1);

(3) provide for or conduct at least one training and education program for physicians and one program for nurses for at least a portion of the clinical training of such students;

(4) provide for or conduct training in health education services, including training to prepare community health workers to implement health education programs in communities, health departments, health clinics, and public schools which are located in its service area;

(5) provide for or conduct continuing medical education programs for physicians and for other health professionals (including allied health personnel) practicing in such service area;

(6) support health career educational opportunities designed to provide students residing in such service area with counseling, education, and training in the health professions;

(7) assist in the coordination of health education and training programs in such service area with any similar programs carried out in an area of Mexico which is contiguous with such service area;

(8) make available technical assistance in such service area in the aspects of health care organization, financing and delivery; and

(9) have an advisory board—

(A) of at least eight members; and

(B) of which 75 per centum of the total number of members are individuals from such service area, including health service providers and health service consumers from such service area.

(e) In making grants or entering into contracts under this section, the Secretary shall assure that—

(1) at least 75 per centum of the total funds provided to a school or schools of medicine or osteopathy shall be expended in the development and operation of the Border Health Education and Training Center Program in the service area of such program;

(2) to the maximum extent feasible, the school of medicine or osteopathy will obtain from nongovernmental sources the amount of the total operating funds for such program which are not provided by the Secretary;

(3) no grant or contract shall provide funds solely for the planning or development of a Border Health Education and Training Center Program for a period in excess of two years;

(4) no more than 10 per centum of the annual budget of each program may be utilized for the renovation and equipping of clinical teaching sites; and

(5) no grant or contract shall provide funds to be used outside the United States except as the Secretary may prescribe for travel and communications purposes related to the conduct of a Border Health Education and Training Center Program.

AUTHORIZATION OF APPROPRIATIONS; LIMITATIONS ON CONTRACT AUTHORITY

SEC. 6. (a) To carry out this Act, there are authorized to be appropriated $10,000,000 for fiscal year 1988, $20,000,000 for fiscal year 1989, and $30,000,000 for fiscal year 1990.

(b) The authority of the Secretary to enter into contracts under this Act shall be to such extent or in such amounts as are provided in appropriation Acts.●

By Mr. DOLE (for Mr. ARMSTRONG):

S. 673. A bill to amend the Rehabilitation Act of 1973 to help ensure healthful schools and workplaces; to the Committee on Labor and Human Resources.

HEALTHFUL SCHOOLS AND WORKPLACES

● Mr. ARMSTRONG. Mr. President, the Supreme Court's decision this week in School Board of Nassau County versus Arline concerning the rights of persons with contagious diseases is sure to create widespread confusion, apprehension, and perhaps danger.

This is a matter the Congress should address, for Arline was not decided on constitutional grounds. Rather, the decision rests on the intent of Congress in enacting the Rehabilitation Act. That is why the best outcome of the controversy would be for Congress to give guidance to the courts by being more explicit about the meaning of handicap, and specifically the extent to which it includes contagious diseases.

Today I am introducing legislation to begin the process of taking a closer look at this difficult subject. In the House of Representatives, Congressman WILLIAM DANNEMEYER has introduced legislation toward that end, and I commend his leadership in this regard.

The nub of the matter is whether persons with contagious diseases are covered by the protections of the Rehabilitation Act. In short, whether a contagious disease constitutes a handicap for purposes of that law. No one disputes that we should be compassionate toward those who suffer from a contagious disease, whether it is tuberculosis, as in the Arline case, or other afflictions. At the same time, we should be apprehensive about the exposure of children and others to contagion. We cannot let our concern for the sick override our responsibility for public health.

The Supreme Court seems to have done that. Its muddled decision leaves all of us—employers, school administrators, parents, coworkers—uncertain of how to handle cases of contagious disease. With the tortoise pace of normal judicial procedures, it will take years for the courts to sort out, case by case, the fine points of Arline.

As I read the Arline decision, the Court did not actually rule that a contagious disease is always to be considered a handicap. It did not order that contagious persons have to be employed in situations where their disease would endanger others. And in a curious footnote, No. 7, it asserts that its decision in this case does not reach "the questions whether a carrier of a contagious disease such as AIDS could be considered to have a physical impairment, or whether such a person could be considered, solely on the basis of contagiousness, a handicapped person as defined by the act."

On the other hand, the Court did not clearly signal employers that they may dismiss employees who have an actively contagious disease. It did not give schools the assurance that they may immediately act to safeguard health. By mandating a higher standard for preventive action against contagion, it leaves us all wondering what rights healthy persons have to remain well. That uncertainty is sure to be disruptive. Its end result will be the erection of legal roadblocks in cases where swift action is urgently required. It will impose another level of decisionmaking before citizens can take commonsense steps to safeguard themselves and their families against disease.

I do not believe this was the intent of Congress in enacting the Rehabilitation Act. Moreover, I am especially concerned about one remarkable paragraph in the Court's decision, which seems to set the stage for a later expansion of the Arline ruling. It should be read in its entirety:

> We do not agree with petitioners that, in defining a handicapped individual under Section 504, the contagious effects of a disease can be meaningfully distinguished from the disease's physical effects on a claimant in a case such as this. Arline's contagiousness and her physical impairment each resulted from the same underlying condition, tuberculosis. It would be unfair to allow an employer to seize upon the distinction between the effects of a disease on others and the effects of a disease on a patient and use that distinction to justify discriminatory treatment.

What on Earth does that mean? "It would be unfair to allow an employer to seize upon the distinction between the effects of a disease on others and the effects of a disease on a patient and use that distinction to justify discriminatory treatment." This sounds very much like a camel's nose being pushed under a tent. It may eventually pull down the entire edifice of section 504.

The Rehabilitation Act has hitherto enjoyed consensus support in the Congress and among the American people. Only when bureaucrats distorted it into a tool for silly social engineering in the 1970's did it become the focus of controversy. It would be most unfortunate if the courts, in the wake of the Arline case, were to undermine the broad popular support the act has had.

There may be more than one sound way of dealing with this dilemma. My own preference is to make clear that contagious disease is never to be considered a handicap under section 504. Others may have better ways of fine turning the Court's ruling. But our first step in Congress must be to reassure the American people, protect public health, and guarantee that the issues raised by Arline will be dealt with in an open and expeditious manner.

That is why, Mr. President, I am proposing legislation which overturns the Court's ruling in Arline. Its import is contained in a single sentence:

> Notwithstanding any other provision of law, the term individual with handicaps does not include any individual who has a contagious disease, whether or not such individual is physically or mentally impaired during the period of such individual's contagion.

I hope the bill I am proposing will soon be considered in committee and on the Senate floor. There is no evading a fact which will, in time, become evident to the American people. In this sensitive and difficult matter, the final word must be that of Congress. Sooner or later, the buck will stop here. I suggest that we attend to business now, before we are faced with the consequences of neglect.

I ask unanimous consent that the text of the bill be printed in the RECORD.

S. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 7(8) of the Rehabilitation Act of 1973 (as redesignated by section 103(b) of Public Law 99-506) is amended by adding the following new subsection:

"(C) Notwithstanding any other provision of law, the term "individual with handicaps" does not include any individual who has a contagious disease, whether or not such individual is physically or mentally impaired during the period of such individual's contagion.".●

By Mr. LEAHY:

S. 674. A bill to amend the definition of the term producer in section 3 of the Beef Research and Information Act; to the Committee on Agriculture, Nutrition, and Forestry.

BEEF RESEARCH AND INFORMATION ACT AMENDMENTS

● Mr. LEAHY. Mr. President, the bill that I am introducing today would amend the Beef Research and Information Act, which authorizes a $1 assessment per head of cattle sold to finance a coordinated program of beef promotion and research.

The purpose of amending the act is to address an inequity that results from applying the assessment to all cattle, regardless of age. A producer who sells a calf that is a few days old typically receives $10 to $20. A $1 assessment amounts to 5 to 10 percent of the proceeds. In comparison to a $1 assessment on beef cattle that bring in $500 to $700 per head, the rate of assessment is disproportionate for those producers who sell young calves. My bill would prohibit assessments on cattle that are 10 or fewer days old on the date of sale.

I urge my colleagues to support this measure.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. MOYNIHAN, Mr. STAFFORD, Mr. LAUTENBERG, Mr. DURENBERGER, and Mr. GRAHAM):

S. 675. A bill to authorize appropriations to carry out the Endangered Species Act of 1973 during fiscal years 1988, 1989, 1990, 1991, and 1992; to the Committee on Environment and Public Works.

ENDANGERED SPECIES ACT AUTHORIZATION

● Mr. MITCHELL. Mr. President, today I am introducing legislation along with Senators CHAFEE, MOYNIHAN, STAFFORD, LAUTENBERG, DURENBERGER, and GRAHAM to continue the authorization to appropriate funds under the Endangered Species Act through fiscal year 1992.

More than 20 years have passed since the first legislation was enacted to protect plant and animal species which are in danger of becoming extinct. The present comprehensive Endangered Species Act became law in 1973 and was amended in 1978, 1979, and 1982. The long and painstaking development of our Federal endangered species program demonstrates an unwavering commitment to these species and their habitat by the Congress and the American public.

The established policy of this Nation to prevent extinctions recognizes that each species is a unique solution to a set of problems faced by living things. As such, each species may be of immense value to us in a number of ways. Aspirin originally was derived from a willow. A shell-less sea snail off the coast of California contains a chemical useful in reducing blood pressure.

The greatest contribution made by plant and animal species, however, is the opportunity they provide for human society to increase its knowledge of living organisms. As living organisms ourselves, it is in our self-interest not to limit the growth of that knowledge.

We protect the most obscure species, then, not because they may provide us with a care for cancer but because taken together all the world's living material continually provides us with ways of improving our existence, and species which seem unimportant today may become useful or essential tomorrow.

Even so, it is often argued that the loss of a single species out of the millions that exist cannot possibly be of any great consequence to us. The problem with this approach, quite apart from not having sufficient knowledge to know one way or another, is that the cumulative effect of such decisions is the extinction of large numbers of species.

Scientists project that hundreds of thousands and perhaps more than a million species will become extinct before the end of this century if present conditions continue. Whatever the number, it will be large and unprecedented.

We face the very real prospect that for the first time in the history of our planet there will be a net decrease in biological diversity. Such a significant impoverishment of the Earths biota may very well have adverse consequences for the welfare of the human species.

Thus, while each incremental decision favoring development over the continued existence of a species may seem sensible, particularly because the effects may be imperceptible or delayed, the accumulated effects from these individually small decisions are actually creating a major problem for our society.

There is, for instance, a demonstrable relationship between maintaining variety in types of plants and animals and maintaining standards of living for people. Sustainable development is not compatible with significant reductions in biological diversity. Natural collections of plant and animal species, which we call ecosystems, modify the physical environment to create conditions favorable to our existence. On a global scale our biota maintain the cycles of water, energy and chemical elements critical to life.

By the time the cumulative effect of each individual decision made at the expense of a species' continued existence becomes apparent, it will be difficult if not impossible to reverse the escalating demands made by an undisciplined society to use increasingly marginal lands.

Full and proper implementation of the Endangered Species Act is our best means of protecting the diversity of our rich natural biota and the quality of our lives from such a tyranny of small decisions. It also is our best means of demonstrating to the rest of the world the importance of preventing plant and animal extinctions and the compatibility of that goal with sustained economic development.

Two years ago, the noted British zoologist and host of the PBS series "The Living Planet", David Attenborough, testified before Congress that—

> [t]he Endangered Species Act is a courageous national statement that Americans care about their magnificent land and its wealth of living resources. What the United States, the world leader of conservation does, is carefully watched—and duplicated by many other nations as best they can. If this country were suddenly to lessen its commitment to the welfare and survival of its wildlife, what hope would other less wealthy countries have of persuading their government and their people to conserve and protect, particularly when pressing short-term decisions to spend money and allocate land are much harder to take there than they are here.

The legislation we are introducing today, therefore, will provide for continued and effective implementation of the Endangered Species Act over the next 5 years. It is a strong statement that we will not waver from our commitment to protect fully those species of plants and animals which are on the brink of extinction.

Over the last two decades the Congress has developed and refined effective mechanisms to conserve threatened and endangered species and their habitat. In that time we also have crafted measures which allow flexible approaches in the protection of these species to accommodate responsible economic development. We have even gone so far as to establish carefully-designed procedures so that in extraordinary cases, where there are no alternatives, important projects may be exempted from the Endangered Species Act. And in 1982 Congress streamlined the procedures and shortened the time required to obtain such an exemption.

Experience with the act over the years has born out the success of our efforts. There have been few irresolvable conflicts. Virtually all projects have been modified or relocated to protect species while still allowing a project's basic purposes to be achieved. In short, our long experience with the Endangered Species Act has shown that it is fundamentally sound.

For that reason this 5-year reauthorization of the Endangered Species Act proposes no changes in the act's substantive provisions. A similar approach was taken in legislation unanimously approved last year by the Committee on Environment and Public Works. Unfortunately, that legislation was never brought to the full Senate for a vote because of a number of Senators' concerns about the consequences which might result from protection of several specific species.

It is my belief that the Act's provisions have demonstrated sufficient flexibility to resolve these concerns and most other actual or potential conflicts between endangered species protection and economic development without further amendment.

This spring, as chairman of the Subcommittee on Environmental Protection, I will conduct hearings to review implementation of the Endangered Species Act. At that time there will be an opportunity to consider refinements to the act, if any, which would improve our ability to achieve the act's goals. It should be clear from the outset, however, that I see no justification or reason to consider amendments to the act which would provide less protection for threatened or endangered species than exists currently.

The bill introduced today does extend the spending authorization to implement the Endangered Species Act for 5 years. The length of that extension is intended to provide greater stability and certainty in the provisions of the act and its implementing regulations. Frequent amendments to the act and the corresponding regulatory revisions keep the endangered species program in a state of flux and result in inefficiency and misallocation of extremely limited resources within the program.

In the past, 3-year reauthorizations of the act have meant that Congress has been asked to make sound judgments on alleged problems based on never more than 18 months of experience with any given version of the law and regulations. This endless tinkering with the act has kept the U.S. Fish and Wildlife Service in a perpetual stage of rulemaking, which is not in the interest of endangered species protection or economic development. This bill will allow sufficient time for any amendments to be implemented and evaluated adequately.

The fiscal year 1988 spending levels authorized in this legislation for the Federal and cooperative State grant programs are 30 percent and 100 percent higher, respectively, than those set for fiscal years 1983 through 1985. They are identical to those approved by the Committee on Environment and Public Works last year. Thereafter, for fiscal years 1989 through 1992, the spending authorizations are increased approximately 4.3 percent annually to offset the rise in cost of living. The percentage increase is based on the Congressional Budget Office's projected annual change in the consumer price index.

The increased funding authorized for endangered species programs is very modest compared to the increased State and Federal responsibilities for protection and recovery of these species.

For example, from the end of fiscal year 1981 through fiscal year 1988:

Approximately 235 species will have been added to the Endangered Species Act, an 86-percent increase;

The number of approved recovery plans, which identify actions needed to restore a species' numbers, will have increased 350 percent; and

The number of cooperative agreements with States to implement recovery activities will have increased 170 percent.

Overall, the number of species protected under the act and, consequently, the number of consultations and recovery activities is increasing by about 10 percent per year. Yet the amount of funds appropriated to meet these increased responsibilities will have increased a total of only 4 percent since fiscal year 1981.

The spending authorizations established by this legislation seek to ensure that, at a minimum, we maintain our efforts to protect endangered species against the debilitating effects of inflation since 1982 and that we put increased emphasis on recovery of species so that they no longer require protection under the act. The adequacy of the funding ceilings proposed here will be considered further during the upcoming hearings.

I hope my colleagues will join us in support of this legislation so that we do not diminish our efforts to preserve the rich diversity of plant and animal species which we ultimately all depend upon for survival. A strong commitment to continued, effective implementation of the Endangered Species Act will ensure that we use our resources in a manner that protects our natural biological diversity. In the end that will be the best use of our resources.●

● Mr. CHAFEE. Mr. President, when the Endangered Species Act of 1973 first became law, it was an important and significant environmental achievement. Not only did the law establish a comprehensive program for wildlife preservation in this country but it also became a model for the entire world.

The law recognizes that endangered species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to all of us, individually and collectively, and declares its purpose as providing "a means whereby the ecosystems upon which (they) depend may be conserved." This law is about saving such well-known species as the majestic bald eagle, the powerful grizzly bear, and the California sea otter. It is also about saving the fragile piping plover, a shore bird found in Rhode Island, and hundreds of plants and flowers.

The history of the act includes a period in the late 1970's when there was considerable controversy—in the press, in Congress, and in the courts—over the proper balance between the need to preserve endangered species and the need to build a massive dam project. The law was amended at that time and has worked well ever since.

In 1982, we passed another series of amendments that, in many respects, strengthened the original law. With the support of environmentalists as well as development interests, we included new provisions to improve the law—to make it more flexible without weakening the underlying law.

In 1985, it was again time to consider an extension of the law. The Committee on Environment and Public Works approved a bill to extend the law through fiscal year 1988 with increased funding levels. No substantive amendments were included because of our belief that no major changes were needed in the act. Unfortunately, the Senate did not have an opportunity to consider that bill.

Today, we are introducing a bill to pick up where we left off last year. This bill does not include substantive amendments for the same reason we did not include any last year. Major changes are not needed. The act is working fairly well and, since the Government is still grappling with the changes made in 1978, 1979, and 1982, an extension of the law without major changes appears to be the best course. If, during the hearing process, we learn of areas where amendments to strengthen the act are needed, we will surely consider them. However, any attempts to weaken the law will be vigorously opposed. Since the existing law remains in effect with or without passage of this bill, no legislation is preferable to legislation that would erode the strength of the current law.

This bill authorizes spending for fiscal years 1988 through 1992, a 5-year period. The level of funding for 1988 is the same as the level adopted by the committee last year, approximately $44 million for the Federal Government and another $12 million for grants to the States. For each year thereafter, the authorized spending level increases by 4.3 percent to offset the projected rate of inflation. These increased spending levels will maintain the program at current levels.

Mr. President, the Endangered Species Act is one of our most important environmental laws. The time has come for us to review it, if need be to debate it, and to pass a bill extending the authority to fund it. People care about this law and it is our job to see that it is extended.●

● Mr. MOYNIHAN. Mr. President, I would like to speak for a moment along with my good colleagues in support of S. 675, legislation to reauthorize the Endangered Species Act of 1973 through the year 1992—legislation of which I am proud to be a sponsor.

The Endangered Species Act is the premier plant and animal protection legislation in existence. It is the primary barrier between hundreds of threatened plant and animal species and extinction. The act makes the purchase, possession, sale, import, or export of threatened or endangered animal and plant species a Federal offense. It also directs all Federal agencies to insure that their operations neither directly or indirectly jeopardize these species or threaten their habitats. Furthermore, it authorizes the Federal Government to acquire endangered species habitats with moneys from the Land and Water Conservation Fund.

Since the act's creation by the Congress in 1973, more than 800 species have been listed by the Fish and Wildlife Service as either threatened or endangered. Though well over 4,000 species still await listing, the listing process is fundamentally sound, and the act contains an effective framework to assure that these plants and animals, once identified, are safeguarded.

This bill would retain the present structure of the act, but increase funding for listing and recovery activities to keep pace with inflation. It would also reauthorize the program for an additional 5 years, not the customary 3. This is a small but important modification. Each time the act comes before Congress, another opportunity is created to weaken it, and I and other supporters in the Committee on Environment and Public Works must fight to preserve it and its funding. A 5-year authorization would do much to alleviate this problem and protect the act from its detractors.

Though reauthorization of the act is important, such is not enough by itself. I will continue to work with my colleagues on the Environment and Public Works Committee to monitor Fish and Wildlife Service compliance with all provisions of the act, and assure that appropriated moneys are actually spent. It is no secret that we would like to see a more efficient listing and recovery process, but we can work within the constraints of the act as it is now written to insure its effective administration.

Mr. President, I think we all understand the importance of continued support for the Endangered Species Act. It remains the Nation's—indeed the world's—most important law for the preservation of biological diversity. I urge my colleagues to support this legislation, and insure that it remains so.●

● Mr. LAUTENBERG. Mr. President, I rise today to join Senator MITCHELL and others in introducing the reauthorization of the Endangered Species Act.

The Endangered Species Act, first enacted in 1973, is one of the Nation's most important environmental statutes designed to protect our precious wildlife and plant resources. In addition, our Endangered Species Program serves as an international model for nations which are beginning to develop their own programs.

The survival of dozens of wildlife and plant species often hinges upon attainment of protected status. Yet experts suggest that as many as 6,000 candidate species have yet to be evaluated by the U.S. Fish and Wildlife Agency. This bill would authorize for the U.S. Fish and Wildlife Agency $35 million in funding for administration of the program in fiscal year 1988. Another $12 million would be authorized in grants to the States, a key component of the program. Comparable funding would be authorized for the next 4 years making adjustments for inflation.

Countless wild animal and plant species are threatened. Each day, species are pushed closer to the brink of extinction. The economic and environmental costs of extinction, though difficult to quantify, will be great, both for the Nation and the world.

In my State of New Jersey we are proud of our natural heritage and have worked hard to protect endangered plant, wildlife, and bird species. The Pine Barrens in southern New Jersey, the Great Swamp National Wildlife Refuge, the Forsythe National Wildlife Refuge, and many other areas provide critical habitat for endangered and threatened species. These include the peregrine falcon, the piping plover, and a particularly delicate species of orchid, the Isotria.

In fact, New Jersey provides sanctuary to the bald eagle, our national symbol of freedom. Through a cooperative captive breeding program with the U.S. Fish and Wildlife Agency, State wildlife specialists have been successful in an effort to incubate and raise fledglings which could not survive in the wild. Several eagles hatched in captivity have already been returned to their natural habitat.

New Jersey has taken the lead in reestablishing the peregrine falcon population east of the Mississippi River. The species disappeared in the 1950's when DDT use became prevalent. New Jersey's program, which began in 1975, is the most successful of its kind. In 1985, we were able to boast of 11 breeding pairs of falcons, one of which has made its home atop the Golden Nugget Casino in Atlantic City.

Every fall, thousands of birds migrating south for the winter stop in Cape May for rest and nourishment. This spectacular sight is enjoyed by a comparable number of birdwatchers who congregate annually to witness this breathtaking natural wonder. Some say the Cape visibly sinks under the combined weight of birds and avid spectators.

Protection of plant and wildlife resources is of paramount national importance. For the benefit of this and future generations, we must act now, with foresight and wisdom, to preserve and protect these precious, and irreplaceable, species.●

● Mr. GRAHAM. Mr. President, I am pleased to be an original cosponsor of this necessary legislation to reauthorize the Endangered Species Act. The Endangered Species Act has been successful in protecting numerous endangered species in our Nation from extinction. Continuation of the programs established pursuant to the act are imperative if we expect to maintain our current level of protection and extinction prevention.

In my State of Florida, we are home to a variety of endangered species. One of these is the Florida panther, of which only an approximated 30 are accounted for in the entire Nation. We are taking some creative steps in Florida to protect this precious animal—among those, incorporating 36 animal crossings in the conversion of State road 84 to Interstate 75. This is being undertaken in response to the number of panther deaths caused by vehicles traveling through one of the species' natural habitats. Additionally, I have cosponsored a bill, S. 90, along with Senator CHILES, to provide for acquisition of an addition to the Big Cypress Preserve. This area comprises a large portion of the Florida panther's habitat, and acquisition would serve to enhance protection of this rare cat. Other acquisition under consideration by the Department of the Interior for purposes of protecting the Florida panther habitat is that of the Fakahatchee Strand. Under the Endangered Species Act, the Land and Water Conservation Fund may be used to accomplish these very types of acquisition. Without the benefit of the act, the State would be unable to make such acquisitions on its own.

Another endangered species indigenous to Florida is the manatee. As Governor, I formed the Save the Manatee Commission to examine innovative methods for preserving the manatee in Florida waters. The single most danger to this rare mammal is presented by boat motor propellers. The manatee, swimming close to the surface, does not move quickly to avoid the propeller and can sustain substantial injuries—some of these fatal. In Florida, we have posted speed limits for boats traveling in the bay areas where the manatees spend most of their time. On the Federal level, I have encouraged the Assistant Secretary of the Interior for Fish and Wildlife to maintain current funding levels of section 6 grants to States for the recovery of the manatee and other endangered species. The administration has proposed to eliminate this funding.

Some other endangered species in Florida include the green turtle, snail kite, crocodile, Perdido Key beach mouse, and the whooping crane. This list represents a mere sample of the numerous endangered species deserving protection throughout the United States.

Human activities have limited the ability of these species to thrive. Therefore, it should be incumbent upon human activities to mitigate the endangerment. This is exactly what this reauthorization seeks to accomplish. No substantive changes have been made to the act. Under this bill, authorizations are to be continued through 1992, at levels which account for inflation, based on the projected annual rise in the consumer price index.

I encourage my colleagues to support this worthy legislation. Thank you, Mr. President.●

By Mr. ROCKEFELLER (for himself, Mr. FORD, Mr. STEVENS, Mr. GORE, Mr. WALLOP, Mr. MCCONNELL, Mr. JOHNSTON, Mr. SASSER, Mr. CONRAD, and Mr. MCCAIN):

S. 676. A bill to enhance rail competition and to ensure reasonable rail rates where there is an absence of effective competition; to the Committee on Commerce, Science, and Transportation.

CONSUMER RAIL EQUITY ACT

Mr. ROCKEFELLER. Mr. President, on behalf of my colleagues, Mr. FORD, Mr. STEVENS, Mr. GORE, Mr. WALLOP, Mr. MCCONNELL, Mr. JOHNSTON, Mr. SASSER, Mr. CONRAD, and Mr. MCCAIN, I am proud to introduce the Consumer Rail Equity Act, a bill that will amend the Staggers Rail Act of 1980. The heart of our proposal is a series of technical amendments that seek to achieve basic fairness for captive shippers and an appropriate balancing of shipper and railroad interests before the Interstate Commerce Commission.

Mr. President, across this land, shippers in the coal fields of Appalachia and the Power River Basin, shippers in the grain markets of the central plains, shippers in the chemical, timber and heavy manufacturing industries, and more, lodge a common complaint—the railroads are exercising tremendous market power to set rates and extract profits from shippers who are tied, captive, to their service. Furthermore, the Interstate Commerce Commission, which the Congress charged with the responsibility of protecting captive shippers as well as the financial integrity of the rail system, has been a one-sided exercise in futility for any shipper who might seek rate relief.

The Interstate Commerce Commission has, for 6 long years, spun a web of regulatory inaction that could snare the best and most just complaint about railroad rate excess. Together coal, grain, and many other shippers have been dismayed by virtually every new pronouncement of the ICC, and with every new misinterpretation of Congressional intent, our hope for a fair procedure at the ICC, has faded into disbelief.

Mr. President, a decade ago, America's railroads were in trouble. Years of neglect caused shippers, railroaders, and the Congress to take extraordinary steps to preserve the integrity of our rail system. But Congress also recognized that deregulation would work for the majority of shippers, but would leave captive shippers particularly vulnerable. Accordingly, in seeking to get the railroads out of the bankruptcy courts, Congress directed the ICC to keep monopoly rates in check. In very simple terms, our bill will restore the ICC to its complete mission under the Staggers Act.

Mr. President, fundamentally, the Staggers Act is a good law, which ought to be preserved. The history of the adoption of the Staggers Act and the Railroad Revitalization and Regulatory Reform Act of 1976 is an excellent example of how numerous groups with widely divergent interests can form a consensus to address a national priority. It was clear to all, including those who benefited from it, that the existing system of antiquated, cumbersome and pervasive regulation was slowly, but increasingly, strangling the Nation's railroads. It was also clear that unless substantial changes were made, the future of a privately owned National Rail Transportation System was seriously in doubt. The Staggers Act was the result.

Most shippers supported the Staggers Act. Some wanted deregulation because they were being denied the price and service options that only competition will provide, and they were not willing to pay rates maintained at artificial levels by distant bureaucrats.

Other shippers benefited from the existing regulatory scheme, including some shippers who were captive to railroads. These shippers might ordinarily have opposed any changes in the law, but they recognized that they needed a healthy railroad system as much as anyone, and would have to pay a premium to sustain that system. Thus, they were willing to look beyond their narrow, short-term interest to recognize the national interest.

Mr. President, the Staggers Act struck a careful balance between the needs of the railroads and their customers.

It promised the railroads that they would no longer need regulatory approval for most of their rates and services, and would be free to compete both for the business they had lost and for new business. It promised the railroads that they could contract like any other commercial enterprise. It promised the railroads that they would no longer be required to maintain service over unprofitable lines. It promised the railroads that they would have the opportunity to achieve the revenue adequacy that had long eluded them. It promised the railroads the end of regulatory lag.

Mr. President, these promises have been kept.

The Staggers Act promised shippers with competitive options that an entrenched bureaucracy would no longer deny them the rate, service and routing options that an aggressive, competitive railroad would offer them. It promised them that competing shippers could not resort to the Commission to gain an undue advantage in the marketplace. It promised them freedom from the consequences of tariffs, legalized cartels, deferred maintenance and undercapitalized railroads.

Mr. President, these promises, too, have been kept.

Finally, the Staggers Act made promises to captive shippers, those who needed railroads because of their requirements of large volumes of bulk commodities such as coal, chemicals or grain, or because of a need for long hauls that trucks couldn't provide, or other reasons. The Act promised these shippers that the Interstate Commerce Commission would ensure that the railroads would not abuse their monopoly power.

Fundamentally, Mr. President, the Staggers Act promised captive shippers that monopoly rates would not be excessive. It promised them that railroads would recover only justifiable cost increases, not more. It promised them that if they were being abused by railroad monopoly power, they could find a speedy, efficient remedy before an impartial forum. It promised them that the ICC would act as a watchdog to preserve and promote rail-to-rail competition.

These promises, Mr. President, have not been kept. And captive shippers, many of whom supported the act, feel frustrated and even betrayed.

The result is that there seem to be two Staggers Acts. One is the Staggers Act we hear described by the railroads and many shippers. They describe an act that has resulted in healthier railroads, robust competition, innovative and efficiently priced service, and freedom from burdensome regulation. There is no doubt that these descriptions are accurate.

But the Staggers Act is described in another way by captive shippers. They complain that the act is fundamentally misunderstood by the agency charged with its implementation, which frustrates the act by perverse interpretations, illogical obstacles, interminable proceedings, and, ultimately, one-sided findings. There is no doubt that these complaints, too, are accurate.

These are not new complaints. Members of Congress have been hearing them for several years. Oversight and legislative hearings in both Houses have consistently documented the legitimacy of these complaints. In the 99th Congress, numerous Senators and Representatives made it clear to the ICC that their patience was wearing thin, and that the Commission's pleas for more time were no longer finding a sympathetic audience. The events that transpired during the 99th Congress should convince the most skeptical that the ICC has been given every opportunity to return to the balance the Staggers Act intended, but has been unwilling or unable to reform itself. A few examples:

Revenue adequacy is a concept at the heart of the Staggers Act. The Commission is directed to assist the railroads in achieving revenue adequacy, which is defined in the act as allowing the railroads to earn enough to cover all costs, earn a reasonable profit and attract the capital investment needed for a sound national rail transportation system.

Captive shippers must contribute more toward this goal than competitive shippers, so an accurate regulatory measurement of revenue adequacy is essential to the proper functioning of the act. For years, the ICC relied upon a unique test that overstated the railroads' need for additional funds. This inaccuracy was brought home in the last Congress when the administration urged us to sell Conrail to the Norfolk Southern, which the administration called very profitable at the same time the ICC's revenue adequacy test showed the company's railroads to be woefully revenue inadequate.

ICC Chairman Gradison finally conceded the obvious in testimony before the Senate Commerce, Science, and Transportation Committee on February 21, 1986, stating that "we share the intuitive sense that the railroads are improving rapidly and we are undertaking a full scale examination to determine why our numbers do not reflect this trend." After proposing on June 6, to adopt a test based on principles applied by State public service commissions, the ICC retreated after efforts to add captive shipper protections to the Conrail bill were unsuccessful. Some changes were made, but the test is still flawed. The public service commission test is the only one that makes sense.

Rate reasonableness cases at the Commission are the only hope captive shippers have of restraining railroad monopoly rates. Yet today, 6½ years after the passage of the Staggers Act, only one captive shipper has been granted meaningful rate relief under Staggers Act standards.

The heart of the ICC's interpretation of rate reasonableness, "stand-alone cost," ignores the railroad's actual costs of service and requires shippers to construct an elaborate, hypothetical "stand alone" competitor to the existing monopoly carrier. The ICC has admitted in hearings before Congress that this test is too complex and expensive for smaller shippers, but it has yet to propose an alternative. Without a meaningful remedy at the ICC, captive shippers will continue to pay whatever the railroads want them to pay. The victims of this regulatory abdication include shippers and consumers, and especially ratepayers who bear the full brunt of railroad coal-hauling charges in their electric utility bills.

Railroad inflation—based rate increases are, of course, essential to a healthy railroad business, so the Staggers Act provided a mechanism to eliminate regulatory lag in this area. The act directs the ICC to calculate a rail cost adjustment factor, based on changes on railroad costs, so that rates can reflect cost changes promptly. The ICC decided, however, that rates should not decrease when costs decreased. The 99th Congress witnessed the consequences of this policy when the ICC mistakenly projected in the midst of the OPEC price collapse in December 1985, that fuel oil prices would increase.

Since the Commission wouldn't adjust rates to reflect this obvious mistake, the railroads received a substantial windfall. After intense pressure from the Congress, the ICC finally changed its rules and will now require tariff rates to go down as well as up, consistent with changes in costs. The railroads have appealed to the courts, so the issue is far from settled.

Moreover, the ICC has refused to include productivity improvements in the inflation index. If the price of fuel oil goes up but is used in more fuel-efficient locomotives, there is no reason why the inflation index shouldn't reflect the real impact of both the price change and the improved productivity on the railroad.

Competition is almost always superior to regulation in preventing excessive rates, poor service, and the like. The Staggers Act recognized that to a large extent, on railroad can control the extent of competition available to a shipper by refusing to allow the shipper access to a competing railroad on reasonable terms. The ICC is therefore directed to affirmatively promote competition, as a means of preventing the railroads from creating more rail captive shippers.

The ICC instead, in its 1985 Midtec Paper Co. decision, decided that a shipper would have to prove all the elements of a rate reasonableness case before the Commission would entertain a competitive access complaint. Needless to say, that decision attracted a substantial amount of criticism. On the eve of hearings before the Senate on November 1, 1985, the ICC decided to "reconsider" the Midtec decision and thereafter refused to answer questions about the decision. Then, after the 99th Congress went home, the "new" Midtec decision was issued with the "old" result: the shipper lost. The "new" reason: the shipper has to prove "anticompetitive conduct," which is hardly consistent with the Commission's affirmative watchdog obligations.

The lesson learned: the Midtec Paper Co. bore the burden and cost of an additional year of litigation to absolutely no avail.

The promises Congress made to captive shippers in 1980 have not been kept. In these examples and in numerous other instances as well, the ICC has been given ample opportunity to correct its mistakes, and it has not done so. Even where changes have been made, the railroads have appealed to the courts. Six and one half years after the act was passed, our beleaguered shippers are owed a resolution of the outstanding issues.

The Consumer Rail Equity Act makes the necessary mid-course corrections in the implementation of the Staggers Rail Act. It provides the balanced approach to railroad regulation that the Staggers Act intended.

There is no intention to return to the justifiably discredited regulatory scheme that Staggers eliminated. We must preserve those parts of the act which have worked so well for railroads, shippers, and consumers alike.

The Consumer Rail Equity Act will not undo the benefits of deregulation. Most railroad rates today are deregulated, because they fall below the jurisdictional threshold set by law. Those rates will continue to be deregulated, for the Consumer Rail Equity Act does not change that threshold. Thousands of other rates are deregulated because they are contained in contracts. The Consumer Rail Equity Act does not affect the freedom to contract or the complete deregulation of contracts. But it does seek to assure that the original intent of the Staggers Act be carried out by the Interstate Commerce Commission.

Mr. President, the time for the Congress to act to correct this problem is overdue. We must act now. In my home State, coal is in trouble. After making substantial investments to modernize and mechanize, and tremendous strides in labor relations, we couldn't be in a deeper hole. Rail rates are significantly contributing to the inability of coal to compete. Other States, and other industries face similar problems.

The Interstate Commerce Commission has made it clear that it will not self-correct the faulty interpretations that they have made, and when they try, the railroads dig deep into their pockets to keep the lawyers and analysts fighting even modest changes.

Mr. President, we can no longer stand watch while captive shippers are made to become the cash cow for the railroads. Neither can we stand by and watch the profits from these practices pumped into the railroad industry's expansion into air, water, truck, pipeline, and minerals companies.

I urge my colleagues to study this problem and join with us in enacting the Consumer Rail Equity Act to address the problems faced by captive shippers. I would ask unanimous consent that a section-by-section analysis of the bill and the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TITLE.

This Act may be cited as the "Consumer Rail Equity Act".

SEC. 2. PURPOSE.

The purpose of this Act is to clarify and reaffirm the intent of the Congress that the Railroad Revitalization and Regulatory Reform Act of 1976 and the Staggers Rail Act of 1980 be interpreted and implemented in a manner which will—

(1) revitalize the national railroad system;

(2) ensure adequate service to the public;

(3) provide an opportunity for the Nation's railroads to earn adequate revenues under honest, economical, and efficient management; and

(4) enhance the availability of competitive alternatives;

under a balanced approach that encourages and promotes intramodal competition while providing adequate protection for persons served by market dominant rail carriers.

SEC. 3. MARKET DOMINANCE.

Section 10709(a) of title 49, United States Code, is amended by adding at the end thereof the following: "In determining the existence or absence of effective competition, the Commission shall consider only transportation competition for the movement of the same commodity from the same point of origin to the same destination. The fact that a railroad faces effective competition with respect to an origin shall not establish a presumption that the railroad faces effective competition with respect to a destination, and the fact that a railroad faces effective competition with respect to a destination shall not establish a presumption that a railroad faces effective competition with respect to an origin.".

SEC. 4. RATE REASONABLENESS.

(a) BURDEN OF PROOF.—Section 10701a(b)(2) of such title is amended to read as follows:

"(2) In any proceeding to determine the reasonableness of a rate described in paragraph (1) of this subsection, the rail carrier establishing the challenged rate shall have the burden of proving that such rate is reasonable.".

(b) STANDARD.—Section 10701a(b)(3) is amended to read as follows:

"(3) In any determination of whether a rate (other than a rate for recyclable commodities subject to the provisions of section 10731 of this title) is reasonable for purposes of this section, the Commission shall consider and make affirmative findings with respect to, among other matters—

"(A) the need of a rail carrier to have the opportunity to achieve or maintain revenue adequacy, as determined by the Commission pursuant to section 10704(a) (2) through (4) of this title, and whether and to what extent such need requires allowing the rail carrier to charge rates which result in a revenue-variable cost percentage in excess of the percentage determined under section 10709(d)(2) of this title;

"(B) the relationship of the rate to the actual cost of providing the service; and

"(C) the factors described in section 10707a(e)(2)(c) of this title.".

(c) Rate Reasonableness Proceeding.—The Commission shall complete a proceeding to implement this section within 360 days after enactment of this Act.

SEC. 5. AMENDMENTS TO RAIL TRANSPORTATION POLICY.

(a) Rate Reasonableness.—Section 10101a(6) of such title is amended to read as follows:

"(6) to maintain reasonable rates where there is an absence of effective competition;".

(b) International Trade.—Section 10101a(15) is amended to read as follows:

"(15) to encourage and promote competitive transportation rates for domestically produced coal and other commodities and products in order to increase their competitive position in both domestic and export markets.".

SEC. 6. INFLATION BASED RATE ADJUSTMENTS.

(a) Accuracy—(1) Section 10707a(a)(2)(B) of such title is amended by inserting "and changes in railroad productivity, volume, and output mix" after "labor,".

(2) Section 10712(a) of such title is amended by inserting before the period at the end thereof the following: "and shall take into account changes in railroad productivity, volume, and output mix".

(3) The Commission shall recompute and republish the Rail Cost Adjustment Factor, as adjusted pursuant to pargraph 1 of this section, for the period beginning October 1, 1980 through the effective date of its decision implementing paragraph 1 of this section, which shall be no later than ninety days after enactment of this Act.

(4) The cumulative forecast error reflected in the Rail Cost Adjustment Factor for the period October 1, 1982 through December 31, 1985, shall be corrected in the first quarter following enactment of this Act through an adjustment to the Rail Cost Adjustment Factor for that quarter.

(5) The Commission shall recompute and republish the Rail Cost Adjustment Factor, as modified or amended by the Commission in any proceeding, for the period beginning with the commencement of its consideration in such proceeding through the effective date of its decision implementing such modification or amendment.

(b) Inflation Adjustments.—Section 10707a(b) is amended by adding at the end of such subsection the following new paragraph:

"(4) If, and to the extent that, a rail rate has been changed under this subsection, or pursuant to section 10706 or 10712 of this title, such rate shall be reduced to the extent of any subsequent decreases in the rail cost adjustment factor. The Commission shall take such actions as may be necessary to ensure compliance with this paragraph: *Provided, however,* That (subject to subsection (a) of this section) the authority of the Commission to promulgate the rates set forth in Ex Parte No. 290 (Sub. No. 2), served October 17, 1986, is hereby confirmed. Such Commission actions shall not be deemed to constitute the prescription of maximum rates, and shall be without prejudice to the implementation of individual rate increases under any other provision of this title.".

SEC. 7. STANDARDS AND PROCEDURES FOR DETERMINING REVENUE ADEQUACY.

(a) Standards for Determination.—Section 10704(a) of such title is amended in the first sentence of paragraph (2) thereof by striking out "and economic profit or return (or both)" and inserting in lieu thereof "return"; and by amending paragraph (3) thereof to read as follows:

"(3) The standards and procedures respecting revenue adequacy and any action of the Commission pursuant to this subsection to determine the revenue levels that are adequate for a rail carrier within the meaning of this paragraph, shall provide with respect to each rail carrier—

"(A) for identification of revenues, expenses, and investment base reasonably related to providing rail transportation service;

"(B) for including in the investment base of such rail carrier only those assets (except that no cost which is or has been charged as an operating expense shall be included in the investment base) reasonably related to providing rail transportation service valued at original cost depreciated using straight-line depreciation over the economic life of the assets, less the amount of the deferred tax reserves of the rail carrier resulting from the use of accelerated depreciation; and

"(C) that in establishing the adequate return on investment base, the cost of capital of such carrier shall be determined using the actual cost of debt capital, and reasonable estimates of the current cost of equity capital to such rail carrier, taking into consideration all relevant financial information, including but not limited to bond ratings, fixed charge coverage, return on shareholders' equity and debt to equity ratios (including the reasonableness thereto).".

(b) Procedures for Determination.—Section 10704(a)(4) is amended by inserting "(A)" after "(4)"; by striking out "within 180 days after the effective date of the Staggers Rail Act of 1980 and" and "thereafter"; and by inserting at the end thereof the following: "In making such annual determination the Commission shall inquire into and consider the factors described in section 10707a(e)(2)(C) (i) and (ii), and shall determine for each rail carrier its investment base, expenses, cost of capital and the revenues required to achieve or maintain revenue adequacy within the meaning of this subsection, after making any adjustments to such carrier's revenues or expenses which are appropriate based upon consideration of such factors.

"(B) Before making a determination under paragraph (3) or (4) with respect to a rail carrier, the Commission shall—

"(i) require such carrier to submit information in a form consistent with and appropriate to the discharge of the Commission's responsibilities under this subsection, and

"(ii) provide notice and an opportunity for public comment on such information and on the revenue adequacy of such carrier.".

(c) Conforming Amendments.—Section 10701a(b)(3), section 10707a(d)(3) (A) and (B) and section 10707a(e)(1) are each amended by inserting "through (4)" after "10704(a)(2)".

SEC. 8. EXEMPTIVE AUTHORITY.

Section 10505 of such title is amended by striking out "shall exempt" and inserting in lieu thereof "may exempt" in subsection (a); by inserting "or other persons" after "shippers" in subsection (a)(2)(B); by striking out "or" before "(2)" in subsection (g); by inserting before the period at the end of subsection (g) the following: ", or (3) to issue any exemption with respect to any transportation unless the Commission has specifically determined that the rail carrier does not have market dominance over such transportation (within the meaning of section 10709(a)), except that the Commission may issue an exemption without making such determination if adequate public and other appropriate notice has been given and no interested person has objected to such exemption within such reasonable period as may be specified in the notice"; and by adding at the end a new subsection as follows:

"(h) Whenever an exemption granted by the Commission under this section is in effect, rates and practices which are the subject of such exemption shall be subject to all other Federal statutes. Such rates and practices shall not be considered as a matter subject to the regulation, supervision or other jurisdiction of the Commission.".

SEC. 9. ENHANCEMENT OF COMPETITION.

(a) Joint Rates.—Section 10705 of such title is amended by redesignating subsections (g) and (h) as subsections (h) and (i), respectively, and by inserting after subsection (f) the following new subsection:

"(g) Notwithstanding any other provision of this section, in order to achieve the objective of greater intramodal railroad competition, any rail carrier providing service under a single line rate, or a joint line rate, on a particular category of traffic, between an origin and destination, upon request of a rail carrier having an actual or practicable interchange connection with such rail carrier between such origin and destination (or upon request of a shipper or receiver), shall either participate in at least one competitive joint rail rate via such interchange on such traffic with such connecting rail carrier between such points or shall publish a competitive proportional rate on such traffic to or from such interchange point. Such joint rate or proportional rate shall be conclusively deemed competitive if the ratio of revenue to variable costs realized from the division of the joint rate or from the proportional rate is no higher than that realized from the rail carrier's single line rate, or its division of such existing joint rate, between such origin and destination.".

(b) Terminal Facilities and Reciprocal Switching.—(1) Section 11103(a) of such title is amended to read as follows:

"(a) Notwithstanding any other provision of this subtitle, upon petition of any interested rail carrier, shipper, receiver, or other party directly impacted, the Commission shall require terminal facilities, including main-line tracks, for a reasonable distance outside of a terminal, owned by a rail carrier providing transportation in interstate or foreign commerce, to be used by another rail carrier, if the Commission finds that use to be practicable and necessary for the provision of alternative competitive rail service by the latter carrier, or otherwise in the public interest, without substantially impairing the ability of the rail carrier owning the facilities or entitled to use the facilities to handle its own business. The Commission shall take final action upon any petition requesting the Commission to require such use no later than 180 days after the filing of such petition with the Commission. The carriers are responsible for establishing the conditions and compensation for use of the facilities. However, if the carriers cannot agree, the Commission shall establish conditions and compensation for use of the facilities. Such compensation shall not exceed the costs incurred by the owning carrier in making its facilities available for use by the other carrier (including both variable costs and an allocated share of the fixed costs and a reasonable return, associated with the facilities actually being used by the other carrier). The Commission shall take final action to fix such conditions and compensation within 90 days after any party requests it to do so. The compensation shall be paid or adequately secured before a carrier may begin to use the facilities of another carrier under this section.".

(2) Section 11103 is further amended by striking out subsection (c)(1) and inserting in lieu thereof the following:

"(c)(1) Upon petition of any interested rail carrier, shipper, receiver, or other party directly impacted, the Commission shall establish the compensation for reciprocal switching performed by a rail carrier at a level not to exceed the percentage then in effect under section 10709(d)(2) of actual variable costs for such service, unless that carrier demonstrates that a higher level of compensation is reasonable and necessary for such switching service.

"(2) No rail carrier may cancel a reciprocal switching agreement except upon a minimum of 45 days' notice to the general public through appropriate tariff publications, unless the carrier can demonstrate that the continuation of reciprocal switching is not practicable or is unnecessary to provide alternative competitive rail service. The Commission shall suspend for investigation a proposed cancellation of a reciprocal switching agreement if it determines that a shipper has utilized or would utilize such reciprocal switching for a significant portion of its current or future rail transportation needs at the facility or facilities affected by the proposed cancellation.

"(3) Upon petition of any interested rail carrier, shipper, receiver, or any other party directly impacted, the Commission shall require rail carriers to enter into reciprocal switching agreements where it finds such agreements to be practicable and in the public interest, or where such agreements are necessary to provide alternative competitive rail service. The Commission shall take final action upon any petition requesting the Commission to require rail carriers to enter into reciprocal switching agreements no later than 180 days after the filing of such petition with the Commission.

"(d)(1) In determining whether use of terminal facilities or reciprocal switching shall be provided or maintained under this section, the Commission shall not consider the adequacy of any rail carrier's revenues, or the alleged existence of competition other than direct rail competition between the origin and destination of the traffic involved.".

SEC. 10. ABANDONMENT PROCEDURE.

(a) ONE YEAR MORATORIUM AFTER DENIAL OF ABANDONMENT.—Section 10904(a)(1) of such title is amended by inserting "(A)" after "(a)(1)" and by adding at the end thereof the following new subparagraph.

"(B) A rail carrier may not file an application under subparagraph (A) with respect to any railroad line or rail transportation included in any prior application denied under this section until one year has elapsed after such denial has become final, unless such carrier shows a substantial change in circumstance that is material to abandonment of such line or transportation.".

(b) LOCAL HEARING.—Section 10904(c) of such title is amended in paragraph (1) by striking out "45" and inserting "60" and by inserting "conduct a hearing under paragraph (4), and" before "determine"; in paragraph (2), by striking out "75" and inserting "90"; by redesignating paragraph (4) as paragraph (5); and by adding after paragraph (3) the following new paragraph:

"(4) On request of protestants who are located in any community affected by the abandonment, the Commission shall provide in one or more of such communities an opportunity for hearing on the proposed abandonment, unless the Commission for good cause finds that such a hearing is impracticable or unnecessary. The Commission may employ or contract with persons who are not regular, fulltime officers or employees of the United States for purposes of presiding at hearings under this paragraph. The rail carrier proposing the abandonment shall reimburse the Commission for the cost incurred in conducting such hearing.".

(c) LINE SPECIFIC FINANCIAL DATA.—Section 10904(d)(1) of such title is amended by inserting "(A)" after "(d)(1)" and by adding at the end thereof the following new subparagraph:

"(B) In any proceeding under this section, the Commission shall base its determination upon financial data respecting the facility proposed to be abandoned rather than system-wide or industry-wide averages. The rail carrier proposing the abandonment shall file such data as may be necessary to permit the Commission to make such determination.".

(d) SURCHARGES.—Section 10904 of such title is amended by adding at the end thereof a new subsection as follows:

"(f) In considering any application for a certificate of abandonment or discontinuance under this section, the Commission shall disregard the impact on traffic volume of any surcharge imposed under section 10705a of this title, unless the surcharge improves the financial performance of the line.".

SEC. 11. STATE AUTHORITY.

(a) REQUIREMENT OF CONSISTENCY.—Section 11501(b) of such title is amended to read as follows:

"(b)(1) A State authority exercising jurisdiction over intrastate transportation provided by a rail carrier which also provides transportation subject to the jurisdiction of the Commission under subchapter I of chapter 105 of this title shall do so consistently with the provisions of this subtitle.

"(2) Any decision of a State authority exercising jurisdiction over intrastate rates, classifications, rules, and practices for intrastate transportation described in paragraph (1) of this subsection, upon petition of a party to its proceeding, shall be reviewed by the Commission to determine whether the State authority has entered a decision inconsistent with the provisions of this subtitle.".

(b) SCOPE OF ICC REVIEW.—Section 11501(c) is amended to read as follows:

"(c) Within 120 days after the receipt of a petition under paragraph (b)(2) of this section, the Commission shall take action on any such petition, applying the same scope of review as that of a reviewing court as set forth in section 706 of title 5 for review of a decision of an administrative agency. If the Commission determines that the State authority's decision is inconsistent with the provisions of this subtitle, it may vacate the decision of the State authority and shall remand the matter for further proceedings.".

THE CONSUMER RAIL EQUITY ACT—SECTION-BY-SECTION ANALYSIS

(Sections 1 and 2 are Title and Purposes.)

Section 3. Market Dominance. Prohibits consideration of product or geographic competition; competition at one end of a movement does not necessarily mean competition at the other end of this movement.

Section 4. Rate Reasonableness. Burden of proof of rate reasonableness is shifted to the market dominant rail carrier; Commission shall consider the carrier's revenue needs, the cost of service, and cross subsidization of inefficient traffic.

Section 5. Rail Transportation Policy. Clarification as to rate reasonableness; Commission to consider competitive position of domestic products.

Section 6. Inflation Based Rate Adjustments. Ratifies ICC's decision that rates decline as rail inflation index declines; directs that productivity improvements be considered in index; directs that previous forecast errors be corrected.

Section 7. Revenue Adequacy. Commission shall use principles relied upon by state public service commissions; "double write-up" windfall to railroads prohibited.

Section 8. Exemptive Authority. Prohibits exemption of market dominant traffic; antitrust laws to apply to exempt traffic.

Section 9. Enhancement of Competition. Proportional rate authority to protect against joint rate abuses; limits Commission authority to deny reciprocal switching or terminal facilities where competition would be enhanced, so long as access is practicable and fully compensatory.

Section 10. Abandonments. One year moratorium on refiling after denial of abandonment; local hearing required if requested; accurate financial data required surcharge distortions to be disregarded.

Section 11. State Authority. Eliminates burdensome state certification procedure; state decisions to be consistent with ICC decisions; ICC to review state decisions as if it were an appeals court.

INTRODUCTION AND OVERVIEW

The Consumer Rail Equity Act is a regulatory reform measure to improve the operation and implementation of the Staggers Rail Act of 1980. The purpose of this legislation is to reaffirm the balance that was carefully struck in the Staggers Rail Act of 1980 between the needs of large and small railroads, shippers, producers and consumers, while preserving the fundamental structure and premises of the current law. The legislation's goal is to continue and enhance the Staggers Act's emphasis on permitting competitive market forces to govern the terms and conditions of rail freight service wherever possible, while providing a measure of practical protection for those shippers who remain subject to railroad monopoly power—as Congress also intended in enacting the Staggers Act.

Despite numerous well-founded criticisms and after ample opportunity to carry out the law according to Congressional intent, the Interstate Commerce Commission has not done so. Thus, this modest legislation is needed.

The bill does not change the present statutory threshold for Interstate Commerce Commission jurisdiction over maximum rail rates, and thus does not seek to extend regulatory authority as to the "reasonableness" of any rates that are not subject to Commission review under present law. This legislation does not extent regulation to rates that are below the Commission's present jurisdictional threshold and continues the deregulation of contract rates that was established by the Staggers Act.

The most significant changes from present Commission practice and law that are proposed in the bill include a more realistic test of railroad revenue adequacy than the test being employed by the Commission, a simplification of the Commission's market dominance test, a shifting of the burden of proof with respect to rate reasonableness from the captive shipper to the railroad, and a direction to the Commission to adopt a rate reasonableness test that will assure that those shippers, producers and consumers who must bear most of the burden of helping the railroads achieve revenue adequacy are treated equitably.

The bill also enhances the availability of competitive rail opportunities for shippers and producers, and makes several procedural improvements, including improvements in abandonment proceedings and the procedures for ICC review of State commission rulings on intrastate rail rates. Finally, the bill assures that the national rail transportation policy which is embodied in the Staggers Act is consistent with other national goals of assuring the competitiveness of domestic commodities.

Section 1—Short title

This section provides that the bill may be cited as "The Consumer Rail Equity Act."

Section 2—Purpose

This section reaffirms the goals of the Railroad Revitalization and Regulatory Reform Act of 1976 (the 4R Act) and the Staggers Rail Act of 1980, and declares the intent of Congress that this bill shall assure that the previous two Acts are administered in a balanced manner that both provides adequate protection for those subject to railroad monopoly pricing power and minimizes the opportunities for intramodal competition.

Section 3—Market dominance

Under the Staggers Act, the ICC has jurisdiction to determine the reasonableness of only those rates that are charged to "captive shippers". The Act defines a "captive shipper" as a shipper that (1) is paying a rate that exceeds the jurisdictional threshold established in the Act and (2) is subject to railroad "market dominance".

On July 31, 1985, the Commission adopted a new "market dominance" test under which the shipper must prove that it has not transportation alternative, but the railroad could allege and prove that the shipper has a "product" or "geographic" alternative. "Product" alternatives might be the use of fuel oil instead of coal in the case of a utility or one type of grain instead of a second type of grain in the case of a bakery or feed lot. "Geographic" alternatives might be Pennsylvania coal instead of West Virginia coal or eastern coal instead of western coal in the case of a utility, or midwestern grain instead of North Dakota grain in the case of a bakery or export broker.

While shifting the burden of proving the existence of "product" and "geographic" competition was an improvement in the Commission's market dominance test, it nonetheless left those two obstacles to Commission jurisdiction in place, together with all of the opportunity for delay and discovery abuse they have often presented in the past. If a shipper can prove that it lacks transportation alternatives and is paying a rate of at least 170 percent to 180 percent of the railroad's variable costs, the possibility that other forms of competition might effectively discipline a rate that high is to speculative Market dominance decisions at the Commission have not often turned on the product or geographic competition issues, so those issues have in practice become delaying tactics.

Therefore, the bill eliminates consideration of product and geographic competition in market dominance decisions. The shipper will continue to have the burden of proving that it lacks transportation alternatives and is paying a rate in excess of the cost recovery percentages (currently 180 percent of variable cost).

Second, the Commission's July 31st decision stated that it would analyze the captivity at the origin of the shipment as well as the captivity at the destination of the shipment. This is also a substantial improvement over prior Commission action, and the bill codifies this change.

Section 4—Rate reasonableness

A persistent complaint about the present administration and interpretation of the law has been the Interstate Commerce Commission's standard for determining the reasonableness of a rate that is being charged a captive shipper. The Commission has embraced a philosophy of maximum rate reasonableness based almost entirely on demand for rail freight service, rendering the cost to the railroad of providing the transportation nearly irrelevant as a ratemaking consideration. No other regulated industry enjoys such freedom from cost scrutiny. In almost all other instances in which a company possesses monopoly power—and Congress recognized in the Staggers Act that railroads continue to possess monopoly power with regard to captive shippers—some consideration of cost is included in the disciplining of abuses of that monopoly power.

The Consumer Rail Equity Act, will not impose utility-type rate of return-based regulation upon market dominant carriers. The conclusive presumption that no market dominance can be found for a rate yielding revenues between 170 and 180 percent of variable cost, which precludes the Commission from even entertaining a complaint about a rate below that level, represents a fundamental policy judgment of the Staggers Rail Act that some shippers and receivers will be required to pay a greater share of the revenues needed to develop and sustain a sound national rail transportation system.

This bill does not revisit that policy decision of the Congress. This legislation does not quarrel with the jurisdictional threshold of the Staggers Act or with the judgment that some shippers and producers, and by extension some consumers, should pay more than others for rail transportation. Section 4 of the bill does, however, alter the method by which the Commission has been reviewing the reasonableness of rates of carriers possessing monopoly power. The Consumer Rail Equity Act requires the Commission to give careful attention to the railroads' costs and revenue needs.

On September 3, 1985, the ICC adopted the Coal Rate Guidelines which contain the rate reasonableness standards for captive coal. The Commission has since proposed to apply the Coal Rate Guidelines to other captive commodities. It makes little sense to use different rate reasonableness tests for different commodities. Nonetheless, the Commission's current rate reasonableness approach is indefensible.

The final coal rate guidelines provide three alternative "constraints" for captive coal rates. Under all three, the captive shipper has the burden of proof. (A fourth "constraint," phasing, is so ill-defined as to be of little practical use.)

First, if the railroad is revenue adequate, the coal transportation rate is constrained in some unspecified fashion. However, in light of the ICC's consistent failure to adopt a realistic revenue adequacy test, this type of constraint has little significance. This is particularly true since the ICC has indicated that this constraint—which is not defined—will apply only after the rail carrier has been revenue adequate for several years.

Second, according to the ICC, proof that a carrier's revenue inadequacy is due entirely to management inefficiency will constrain the rate. This imposes an unprecedented burden of proof on the shipper, especially in light of the magnitude of overstatement of revenue need built into the ICC's current revenue adequacy test. Thus, even if the ICC keeps its promise to allow adequate discovery to the shipper, it is still unlikely that shippers will attempt this approach to rate relief.

Third, the guidelines retain "stand-alone cost" as an upper limit on rates. Stand-alone cost is the cost to a shipper or group of shippers of building and operating their own railroad at today's prices. In other words, if a shipper thinks the quoted rate is unreasonably high, the ICC requires the shipper to demonstrate the cost to build and operate a substitute transportation facility at current prices. To date, the Commission has decided just one case under these guidelines, that of *Omaha Public Power District* v. *Burlington Northern Railroad Company,* Docket 38783, decision served November 20, 1986. The shipper was awarded a total of about $21 million in reparations and interest, which is welcome relief. It should be emphasized, though, that the Commission itself said the rate in question was one of the four highest charged by the railroad. In any event, the decision clarified few of the many questions that exist about stand-alone cost.

No matter how these questions are resolved, however, two things are clear. First, only a very few shippers will ever be able to afford to attempt the application of stand-alone cost. Second, even for those few who can afford it, only those who are moving tremendous volumes of traffic over densely traveled rail corridors will have any hope of success. In short, the Commission's final coal rate guidelines do not constitute a fair and workable standard of rate reasonableness for captive coal traffic or for any other commodity.

The bill provides that the Commission, within one year after the enactment of the Act, must adopt a rate reasonableness test that applies to all captive commodities (except recyclables that are subject to a separate statutory rate test). The new test must consider, among other factors, the railroad's need for revenues, the relationship of the rate to the railroad's cost of providing the service (including, where relevant, the fact that the shipper is helping to relieve the railroad's cost burden by supplying cars, paying for loading facilities or the like), and whether and to what extent the railroad's revenue needs require captive shippers to pay rates that exceed the jurisdictional threshold.

The bill also requires that the Commission affirmatively inquire into and make affirmative findings respecting the Long-Cannon factors. Thus, the Commission can no longer avoid implementing these factors, either by suggesting that the complainant has to show that the railroad would be revenue adequate but for its inefficiencies before a rate reduction will be ordered, or by ignoring the third factor altogether.

Section 5—Amendments to rail transportation policy

The bill expands one of the fifteen national goals to be achieved in the implementation of the Staggers Rail Act of 1980, to provide that the Commission must consider the competitive positions of domestically produced commodities. At a time when it is becoming increasingly clear that the nation's position in world markets is not what it should be, Congress will tolerate no unjustifiable barriers to the competitiveness of America's commodities. The bill also clarifies another of the national goals to ensure that rates must be reasonable even if a railroad is revenue inadequate.

Section 6—Inflation based rate adjustments

The Commission quarterly calculates an inflation index called the Rail Cost Adjustment Factor. In response to widespread criticism during the last Congress, the Commission made some welcome changes in how the index is to be applied to tariff rates, but the need for reform remains. The Rail Cost Adjustment Factor that is used by the Commission today does not reflect cost and productivity gains, but reflects only increases in the prices paid by the railroads for goods and services. The bill will require the index to reflect increases in actual costs, not just prices, and productivity gains.

In its decision in Railroad Cost Recovery Procedures, Ex Parte No. 290 (Sub-No. 2), served October 17, 1986, the Commission finally corrected the most egregious error it had previously made concerning the index. It decided that as the index declines, tariff rates raised in reliance on the index must also decline. The bill confirms the Commission's authority to accomplish this change, as the Commission has suggested in the past that it might lack the authority to do so.

The bill also requires the Commission to recompute the index for cumulative forecast errors.

Section 7—Standards and procedures for determining revenue adequacy

A critical goal of both the Railroad Revitalization and Regulatory Reform Act of 1976 and the Staggers Rail Act of 1980 was the attainment, by our nation's railroads, of "revenue adequacy." Section 10704 of Title 49 thus directs the Interstate Commerce Commission to determine regularly which carriers are receiving adequate revenues, that is, revenues that are sufficient "under honest, economical, and efficient management," to recover operating expenses, including depreciation and the replacement of obsolete assets, together with a "reasonable and economic profit or return (or both) on capital employed in the business." This very well may be the most important element in the law because this analysis will determine the burden that must be carried by captive shippers.

Again in response to widespread criticism, the Commission proposed during the last Congress to change its revenue adequacy test to the type of test used by public service commissions. Ultimately, the Commission's promise to reform its test was not kept. In a decision served on December 31, 1986, the Commission did agree to exclude deferred taxes which are an interest-free loan from taxpayers—from investment base, but dropped other important aspects of its proposed test.

Accordingly, this section of the bill seeks to assure that revenue adequacy determinations are based upon realistic measurements of a railroad's financial health. This is accomplished by requiring the Commission to use the same kind of analysis used by public service commissions.

In making revenue adequacy determinations and applying them in administering the law, the Commission shall identify revenues, expenses and the investment base reasonably related to providing rail service, and place railroads on the same footing as any other industry by valuing assets at original cost reduced by straight line depreciation. Deferred taxes will not be included in the investment base, nor assets previously expensed against income. In determining the cost of capital, the Commission shall use actual or embedded cost of debt and reasonably estimates of the cost of equity, based on the kinds of measurements applied by public service commissions.

The revenue adequacy determination is to be made annually and shall allow for adequate public comment on the nonproprietary information submitted by the railroads.

The first two Long-Cannon factors are to be applied in making revenue adequacy determinations. If a railroad is pricing an excess of its traffic inefficiently, the revenue shortfall attributable to that practice should not be considered in deciding whether the carrier is otherwise revenue adequate.

These broader inquiries do not dictate any particular outcome, but they should assist in producing more complete assessments of revenue adequacy.

Finally, to assist the Commission in its rate reasonableness proceedings, the revenue adequacy determination is to include a specific Commission finding on the extent of revenues required to achieve or maintain revenue adequacy.

Section 8—Exemptive authority

The Commission is directed in 48 USC § 10505 to pursue exemptions from regulation where the regulation is not necessary to carry out the transportation policy set out in section 10101a, and is either (a) of limited scope or (b) no longer needed to protect shippers from abuse of railroad market power. This section would provide that an exemption "may" be issued if the Commission finds there is no market dominance (within the meaning of section 10709, as amended by Section 3 of the bill) over the transportation involved in the exemption. This section also provides that the Commission should consider whether persons other than shippers (including producers and consumers) require protection from abuse of railroad market power sufficiently to deny issuance of an exemption. These changes are intended to prevent the use of the exemption power in circumstances where competitive forces do not exist to effectively discipline railroad monopoly power.

The bill also provides that exempt commodities or transactions shall be subject to all other relevant federal laws. If an exemption is intended to deregulate a commodity or transaction, then the federal laws that govern all other non-regulated, competitive situations shall apply.

Section 9—Enhancement of competition

A sound national rail transportation system involves a significant amount of interdependence among carriers. The majority of rail freight shipments travel over the lines of at least two carriers. Often, the bussiness relationships among carriers are a critical factor in determining whether a shipper will enjoy the benefits of competition between at least two rail carriers.

One important inter-carrier practice is how rates are set for shippers located on one railroad which interconnects with one or more other railroads able to provide the long haul portion of the transportation. If the railroad that serves the shipper will enter into competitive joint rates with the other railroads, the shipper will have a competitive choice for the long haul movement. If that railroad refuses to quote joint rates or cancels existing joint rates, the effect will be to force the shipper to use exclusively the railroad that controls access to the shipper's facility. A captive shipper is created, and marketplace forces are thwarted.

In many areas, two (or more) carriers with long haul lines into the area can serve shippers on each other's lines if they agree to allow one another access to each other's lines in the area, or if one carrier otherwise agrees to act as a switching agent for the other carrier. Thus, the carriers can enter into a terminal facilities agreement, where the carriers are permitted to operate on each other's lines to reach shippers located throughout the terminal area, a reciprocal switching agreement, allowing mutual access to each other's shippers.

The widest possible use of these various inter-railroad practices is essential to providing shippers and receivers with competitive alternatives and is essential to the maintenance of efficiency. Current law contains several provisions to assure that rail carriers do not cancel or refuse to enter into these arrangements for anticompetitive reasons. The Commission's record of enforcing these provisions is poor, probably because it has disavowed any affirmative obligation to promote rail to rail competition. This interpretation directly contradicts the language and legislative history of the Staggers Rail Act of 1980. This section of the Consumer Rail Equity Act would strengthen these procompetitive provisions.

The bill would amend 49 USC 10705 to provide that, on request of a connecting railroad or a shipper or receiver, a railroad shall quote a competitive joint rate or proportional rate if interchange of the traffic is practicable. The quoted rate will be deemed conclusively to meet the "competitive" standard if the carrier's revenue to variable cost ratio for the quoted rate is no greater than the ratio for the carrier's existing joint rate or single line rate. The intent is not to force any carrier to carry traffic at noncompensatory rates, because the carrier's existing joint rate or single line rate can always be set at compensatory levels. In addition, section 10705a protects a carrier from forced participation in a non-compensatory joint rate. Rather, the intent and effect will be to overcome the Commission's poor record and to assure that carriers do not use pricing techniques such as cancelling a joint rate or refusing to quote a joint rate to close off an otherwise practicable competitive alternative to the shipper or producer.

This section would also modify existing law regarding reciprocal switching and use of terminal facilities, again because the Commission has misconstrued the law. The Commission's current discretion to order such arrangements is changed to a mandatory direction that the Commission shall order such arrangements when it finds they would be either practicable and in the public interest, or necessaary to provide competitive rail service. The effect on competition should be salutary, giving a shipper or receiver in a major metropolitan or terminal area the option of choosing between two or more carriers providing line haul service.

Section 10—Abandonment procedure

A railroad line (or other facility) that is proposed to be abandoned is typically a line that is of little interest to the abandoning carrier, perhaps because the line is not profitable. However, the facility to be abandoned is often of great importance to the shippers and communities served by the line. Because the impact on a community and its economy can be devastating, an abandonment decision deserves the most careful consideration. In the opinion of many, the Commission has been too quick to grant many abandonments, often on the basis of poor or incomplete factual records.

The changes in this section make no change in substantive law. The railroad must continue to carry the burden of proving that the line to be abandoned is (1) uneconomic and (2) that the abandonment is in the public interest. This section is intended to give the Interstate Commerce Commission the most accurate record on which to base its abandonment decision, consistent with the obvious need to permit railroads to discontinue service expeditiously on money-losing facilities that lack commitment from the affected communities.

Four procedural changes are made. First, in order to clarify that abandonment proceedings are not to be instruments in a war of attrition, a railroad must wait one year after denial of an abandonment application before refiling to abandon the same facility, unless it can show that circumstances have changed materially since the unsuccessful application was denied. Second, if the abandonment is contested, the Commission must allow a hearing on the impact of the proposed abandonment on community or rural development (the standard set by current law) in one or more of the communities affected. The Commission may contract with outside parties to preside at the hearing, and the railroad proposing the abandonment must pay the expenses of the hearing. Third, the financial data used in deciding whether to permit the abandonment must be based on the revenues from and cost of operating the facility at issue, rather than system-wide or industry-wide averages. Finally, to overcome a railroad practice of surcharging a light density line in order to discourage its use and consequently speed its abandonment, the Commission is directed to disregard any adverse effect of such surcharges.

Section 11—State authority

This section will streamline procedures respecting State jurisdiction over intrastate rail transportation. The fundamental goal of present law is unchanged: a State commission exercising regulatory jurisdiction over intrastate rail transportation pursuant to state law must do so consistently with the provisions of federal law governing interstate rail transportation. This section would simplify the achievement of this goal by eliminating the time-consuming process of Interstate Commerce Commission certification that a state's law, rules and practices are consistent with the federal law. Instead, this section eliminates bureaucratic delays and protects the dignity of the state process by relying upon ICC review of state decisions to assure uniformity of implementation. The ICC's review is limited to an appellate function analogous to that of a court reviewing an administrative agency decision under the Administrative Procedure Act, including a provision of remand of any inconsistent decision to the state agency. The ICC is given 120 days to dispose of any appeal from a state agency decision, thus assuring prompt and effective review.

Mr. McCONNELL. Mr. President, when I arrived in the Senate in 1985 I heard from a number of shippers, primarily coal shippers, whose patience with the Interstate Commerce Commission had long been expended. These shippers felt squeezed by the rates imposed by the railroads and frustrated by an apparent inability to achieve commonsense rulings from the ICC in line with the protections purportedly contained in the 1980 Staggers Act for captive shippers. But I did not cosponsor reform legislation in the 99th Congress because I believed the ICC could and would make those judgments administratively that members wanted to achieve legislatively. I was overly optimistic, Mr. President. Therefore, I am pleased to join in cosponsoring the Consumer Rail Equity Act.

Although the ICC has made some, albeit small, steps in the right direction, its implementation of the protections for captive shippers has been woefully inadequate. The Commission's blanket deference to deregulation not only frustrates congressional intent laid out in 1980, but it also will have repercussions for our energy security and further exacerbate our balance of payments problems.

As an example, Mr. President, railroads transport 65 percent of all the coal which is produced. Coal represents 40 percent of all class I tonnage and 25 percent of all railroad revenue is coal generated. It is ironic that two interdependent industries are involved in the proverbial love-hate relationship. They need one another, yet the ICC has put the railroads in the catbird seat by decisions which are clearly geared toward increasing rail revenues.

Coal, Mr. President, is our key to avoiding a rerun of the crippling energy shortages of the 1970's. Although coal fuels approximately 65 percent of electric power generation in the country, its ability to increase its share, and decrease our dependence on foreign energy supplies, rests largely with our ability to hold down transportation costs. This consideration applies to the export market as well.

One of the largest issues of debate during the 100th Congress will be our burgeoning trade deficit. Although plentiful domestic supplies of coal and agricultural commodities can help to stem the imbalance, our competitiveness oversees will largely hinge on our success in holding down the delivered price.

Mr. President, there is no doubt in my mind that deregulation has helped in revitalizing the railroad industry. But I dispute the notion that somehow this bill will render the industry insolvent. On the contrary, one association maintains that the railroads could reduce coal traffic charges by 20 to 25 percent and still profit from the movements. Furthermore, I reject the arguments that this measure is a reregulation bill. It is not. It does not undermine the intent and effect of Staggers; it reaffirms and strengthens the necessary protections for those shippers bound by one railroad.

This is a good bill, Mr. President. It is a reasonable bill. I applaud the Senator from West Virginia for bringing this matter to the Senate and I will work with him and my other colleagues in ensuring that it receives the timely consideration it deserves.

By Mr. GORE (for himself, Mr. HOLLINGS, Mr. DANFORTH, Mr. FORD, Mr. BREAUX, Mr. McCAIN, and Mr. KASTEN):

S. 677. A bill to amend the Federal Trade Commission Act to provide authorization of appropriations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

FEDERAL TRADE COMMISSION ACT AMENDMENTS

● Mr. GORE. Mr. President, I am pleased to introduce the Federal Trade Commission Act [FTC] Amendments of 1987. This legislation will reauthorize the FTC and make certain changes in its authority.

The FTC's mission—to protect consumers and businesses from unfair competition and unfair or deceptive acts or practices—is a mission whose importance has not diminished. The FTC prevents anticompetitive conduct by businesses through the agency's "unfair or deceptive acts or practices" authority and exercises enforcement authority through case-by-case adjudication and through industrywide trade rules to prohibit unfair or deceptive practices.

Since the last FTC authorization, the Improvement Act of 1980, expired at the end of fiscal year 1982, the Commerce Committee has reported three authorization bills. Since then, the FTC has been without a formal authorization, although the Commerce Committee has held numerous hearings and reported two authorization bills to the full Senate.

Largely as a result of dissatisfaction with the Commission's exercise of its section 18 consumer protection rulemaking authority, Congress modified some of the agency's procedures in the FTC Act of 1980. Some of these congressional limitations on the FTC's authority were enacted for the life of the 1980 authorization bill, which expired in 1982. The FTC has been without an authorization since that time. However, amendments have been added over the past years during the FTC appropriations process maintaining the 1980 act's limitations.

The bill most recently reported by the committee, S. 1078, passed the full

Senate in the 99th Congress. However, issues concerning the extent of the agency's substantive authority could not be resolved in the conference, and the legislation failed to become law. In Consumer Subcommittee hearings early last month, witnesses addressed these and other issues, including the scope of FTC authority to regulate advertising, and its authority to investigate agricultural cooperatives and insurance industry issues.

S. 1078 contained a number of FTC authority and procedural reforms. The bill we are introducing today is similar to S. 1078. This bill provides new FTC funding authority for fiscal year 1988 in the amount of the administration's request. Modest increases are included for fiscal years 1989 and 1990. Our bill also contains all the provisions concerning FTC authority and procedure that were included in S. 1078 as it passed the Senate Commerce Committee, except for S. 1078's prohibition on FTC authority to challenge trademark validity under certain provisions of the Lanham Act and S. 1078's requirement that the FTC consult the Department of Agriculture prior to suing an agricultural cooperative.

This, bill like S. 1078, contains a new statutory limitation on the Commission's authority to invalidate certain State laws. This provision is prompted by the "State action" doctrine, a judicially developed antitrust exemption for anticompetitive conduct that is in accord with clearly articulated State policy and is actively supervised by the State. The new provision would add language to section 5 of the FTC Act precluding the exercise of FTC authority to find an unfair method of competition if that method would constitute "State action."

In addition, this bill would add a section to the FTC Act to make permanent the temporary prohibition of FTC studies, investigations or prosecutions of agricultural cooperatives for conduct falling within the limited antitrust immunity established by the Capper-Volstead Act. Commission studies or investigations of marketing orders would also be prohibited.

As included in previous FTC authorization legislation approved by the Senate, this bill would repeal FTC authority under section 18(h) of the FTC Act to compensate public participants in Commission rulemaking proceedings. Similarly, this bill retains earlier Senate language amending section 5(m)(1)(B) of the FTC Act with regard to the FTC's authority to pursue civil penalty actions in Federal court against one company for a knowing violation of an order entered against a different company. The new language would permit the defendant to challenge in court the legal basis for the Commission's prior order, thereby codifying the U.S. district court decision in United States versus Braswell, Inc.

This bill would further amend the FTC Act by changing section 18(b) of the act to permit the Commission to issue a notice of proposed rulemaking only where it has reason to believe that the challenged conduct is prevalent in the industry. In order to conform Commission practice to that of other Federal agencies, this bill would also amend section 5(g) of the FTC Act to eliminate the requirement for an automatic stay of Commission cease and desist orders pending appeal, and, with some exceptions, provide instead that Commission orders may be stayed by the Commission or by the courts during the appeal process.

In an effort to require the Commission to conduct antitrust investigations in the same fashion that it conduct consumer protection investigations, this bill would extend the "Civil investigative demand" document procedures contained in section 20 of the FTC Act to investigations concerning any act or practice or method of competition declared unlawful under a law administered by the Commission.

This bill also adds a new provision to section 5 of the FTC act in order to circumscribe the Commission's consumer unfairness authority for both rulemaking and case-by-case adjudications. The new provision would limit unlawful "unfair acts or practices" to acts or practices that have caused or are likely to cause substantial injury to consumers which may not be reasonably avoided by consumers themselves and is not outweighed by countervailing benefits to consumers or to competition.

As in previous Senate FTC authorization legislation, this bill would amend sections 5, 6 and 18 of the FTC Act to exempt Federal credit unions from Commission jurisdiction on the same basis that banks and savings and loans are now exempt. Federal credit unions are regulated by the National Credit Union Administration.

An additional provision of this bill would amend section 18 of the FTC Act to make permanent the temporary provision prohibiting the Commission from initiating any new rulemaking proceeding prohibiting or otherwise regulating commerical advertising on the basis that such advertising is an unfair act or practice. The bill would also require the Commission to report semiannually to the House and Senate Commerce Committees on FTC enforcement activities in the areas of resale price maintenance and predatory pricing. Similarly, this bill would prohibit funding for FTC intervention in Federal or State agency proceedings absent notification of the Senate and House Commerce Committees.

The bill contains a 90-day report-and-wait provision providing for congressional disapproval of FTC rules through the adoption of a joint resolution. This bill would also require the FTC to investigate and report to Congress on the marketing of imitation Native American arts, crafts, and jewelry.

Finally, because the regional offices are of pivotal importance in carrying out law enforcement activities, this bill would require the FTC to redirect $850,000 to activities of the regional offices. At least $500,000 of those redirected funds must come from activities within the Economic Activities Mission and the Office of Policy Development; the remainder cannot be redirected from amounts made available for law enforcement activities. This requirement moves in the direction of comporting with an agreement reached between Members of the Senate Appropriations Committee and then-FTC Chairman James Miller regarding the minimum level of regional office activity.

Mr. President, this authorization is essential. I urge my colleagues to support this legislation and reaffirm the Senate's commitment to the FTC and its mission. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Trade Commission Act Amendments of 1987".

UNFAIR METHODS OF COMPETITION

SEC. 2. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following:

"(n) The Commission shall not have any authority to find a method of competition to be an unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action.".

AGRICULTURAL COOPERATIVES

SEC. 3. The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by redesignating section 24 and section 25 as sections 26 and 27, respectively, and by inserting after section 23 the following new section:

SEC. 24. (a) The Commission shall not have any authority to conduct any study, investigation, or prosecution of any agricultural cooperative for any conduct which, because of the provisions of the Act entitled "An Act to authorize association of producers of agricultural products", approved February 18, 1922 (7 U.S.C. 291 et seq., commonly known as the Capper-Volstead Act), is not a violation of any of the antitrust Acts of this Act.

"(b) The Commission shall not have any authority to conduct any study or investigation of any agricultural marketing orders.".

COMPENSATION IN PROCEEDINGS

SEC. 4. (a) Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)) is repealed, and subsections (i), (j), and (k) of section 18 are redesignated as subsections (h), (i), and (j), respectively.

(b) Section 10(a)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)) is amended by striking "subsection (i)" and inserting in lieu thereof "subsection (h)".

KNOWING VIOLATIONS OF ORDERS

SEC. 5. (a) Section 5(m)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(B)) is amended by inserting ", other than a consent order," immediately after "order" the first time it appears therein.

(b) Section 5(m)(2) of the Federal Trade Commission Act (15 U.S.C. 45(m)(2)) is amended by adding at the end thereof the following: "Upon request of any party to such an action against such defendant, the court shall also review the determination of the law made by the Commission in the proceeding under subsection (b) that the act or practice which was the subject of such proceeding constituted an unfair or deceptive act or practice in violation of subsection (a).".

PREVALENCE OF UNLAWFUL ACTS OR PRACTICES

SEC. 6. Section 18(b) of the Federal Trade Commission Act (15 U.S.C. 57a(b)) is amended by adding at the end thereof the following:

"(3) The Commission shall issue a notice of proposed rulemaking pursuant to paragraph (1)(A) only where it has reason to believe that the unfair or deceptive acts or practices which are the subject of the proposed rulemaking are prevalent. The Commission shall make a determination that unfair or deceptive acts or practices are prevalent under this paragraph only if it has issued cease and desist orders regarding such acts or practices, or any other information available to the Commission indicates a pattern of unfair or deceptive acts or practices.".

EFFECTIVE DATE OF ORDERS

SEC. 7. (a) Section 5(g)(2) of the Federal Trade Commission Act (15 U.S.C. 45(g)(2)) is amended to read as follows:

"(2) Upon the sixtieth day after such order is served, if a petition for review has been duly filed, except that any such order may be stayed, in whole or in part and subject to such conditions as may be appropriate, by—

"(A) the Commission;

"(B) an appropriate court of appeals of the United States, if (i) a petition for review of such order is pending in such court, and (ii) an application for such a stay was previously submitted to the Commission and the Commission, within the thirty-day period beginning on the date the application was received by the Commission, either denied the application or did not grant or deny the application; or

"(C) the Supreme Court, if an applicable petition for certiorari is pending; or".

(b) Section 5(g)(3) of the Federal Trade Commission Act (15 U.S.C. 45(g)(3)) is amended to read as follows:

"(3) For purposes of section 19(a)(2) and section 5(m)(1)(B), if a petition for review of the order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of thirty days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed; or".

(c) Section 5(g)(4) of the Federal Trade Commission Act (15 U.S.C. 45(g)(4)) is amended to read as follows:

"(4) In the case of an order requiring a person, partnership, or corporation to divest itself of stock, other share capital, or assets, if a petition for review of such order of the Commission has been filed—

"(A) upon the expiration of the time allowed for filing a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals and no petition for certiorari has been duly filed;

"(B) upon the denial of a petition for certiorari, if the order of the Commission has been affirmed or the petition for review has been dismissed by the court of appeals; or

"(C) upon the expiration of thirty days from the date of issuance of a mandate of the Supreme Court directing that the order of the Commission be affirmed or the petition for review be dismissed.".

CIVIL INVESTIGATIVE DEMANDS

SEC. 8. (a) Section 20(a) of the Federal Trade Commission Act (15 U.S.C. 57b-1(a)) is amended—

(1) in paragraph (2), by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by a law administered by the Commission";

(2) in paragraph (3), by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "acts or practices or methods of competition declared unlawful by a law administered by the Commission"; and

(3) in paragraph (7), by striking "unfair or deceptive act or practice in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "act or practice or method of competition declared unlawful by a law administered by the Commission".

(b) Section 20(b) of the Federal Trade Commission Act (15 U.S.C. 57b-1(b)) is amended by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by a law administered by the Commission".

(c) Section 20(c)(1) of the Federal Trade Commission Act (15 U.S.C. 57b-1(c)) is amended by striking "unfair or deceptive acts or practices in or affecting commerce (within the meaning of section 5(a)(1))" and inserting in lieu thereof "any act or practice or method of competition declared unlawful by a law administered by the Commission".

DEFINITION OF UNFAIR ACTS OR PRACTICES

SEC. 9. Section 5 of the Federal Trade Commission Act (15 U.S.C. 45), as amended by section 2 of this Act, is further amended by adding at the end thereof the following:

(o) The Commission shall have no authority under this section or section 18 to declare unlawful an act or practice on the grounds that such act or practice is unfair unless the act or practice causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.".

CREDIT UNIONS

SEC. 10. (a) Sections 5(a)(2), 6(a) and 6(b) of the Federal Trade Commission Act (15 U.S.C. 45(a)(2), 46(a) and 46(b)) are amended by inserting immediately after "section 18(f)(3)," the following: "Federal credit unions described in section 18(f)(4),".

(b) The second proviso in section 6 of the Federal Trade Commission Act (15 U.S.C. 46) is amended—

(1) by inserting immediately after "section 18(f)(3)," the following: "Federal credit unions described in section 18(f)(4),"; and

(2) by inserting immediately after "in business as a savings and loan institution" the following: ", in business as a Federal credit union,".

(c)(1) The second sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended by inserting immediately after "paragraph (3)" the following: "and the National Credit Union Administration Board (with respect to Federal credit unions described in paragraph (4))".

(2) The last sentence of section 18(f)(1) of the Federal Trade Commission Act (15 U.S.C. 57a(f)(1)) is amended—

(A) by striking "either such" and inserting in lieu thereof "any such";

(B) by inserting "or Federal credit unions described in paragraph (4)," immediately after "paragraph (3)," each place it appears therein; and

(C) by inserting immediately after "with respect to banks" the following: ", savings and loan institutions or Federal credit unions".

(3) Section 18(f) of the Federal Trade Commission Act (15 U.S.C. 57a(f)) is amended by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively, and by inserting immediately after paragraph (3) the following:

"(4) Compliance with regulations prescribed under this subsection shall be enforced with respect to Federal credit unions under sections 120 and 206 of the Federal Credit Union Act (12 U.S.C. 1766 and 1786).".

COMMERCIAL ADVERTISING

SEC. 11. Section 18(h) of the Federal Trade Commission Act (15 U.S.C. 57a(h)), as so redesignated in section 4(a) of this Act, is amended by adding at the end thereof the following: "The Commission shall have no authority under this section to initiate any new rulemaking proceeding which is intended to or may result in the promulgation of any rule by the Commission which prohibits or otherwise regulates any commercial advertising on the basis of a determination by the Commission that such commercial advertising constitutes an unfair act or practice in or affecting commerce.".

REPORT

SEC. 12. (a) The Federal Trade Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives the information specified in subsection (b) of this section every six months during each of the fiscal years 1988, 1989, and 1990. Each such report shall contain such information for the period since the last submission under this section.

(b) Each such report shall list and describe, with respect to instances in which resale price maintenance has been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each formal investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a complaint forwarded by the staff to the Commission;

(5) each complaint issued by the Commission pursuant to section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(6) each opinion and order entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include the sum total of matters in each category specified in paragraphs (1) through (10) of this subsection, and copies of all such consent agreements and complaints executed by the Commission. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The description required under this subsection shall be as complete as possible but shall not reveal the identity of persons or companies making the complaint or those complained about or those subject to investigation that have not otherwise been made public.

CONGRESSIONAL REVIEW OF RULES

SEC. 13. (a) The Federal Trade Commission Act (15 U.S.C. 41 et seq.) is amended by inserting after section 24, as added by section 3 of this Act, the following new section:

"Sec. 25. (a) For purposes of this section, the term—

"(1) 'joint resolution' means a joint resolution the matter after the resolving clause of which is as follows: 'That the final rule promulgated by the Federal Trade Commission dealing with the matter of , which final rule was submitted to Congress on is disapproved.', the first blank being filled with the subject of the rule and such further description as may be necessary to identify it, and the second blank being filled with the date of submittal of the rule to the Congress; and

"(2) 'rule' means any rule promulgated by the Commission pursuant to this Act other than a rule promulgated under section 18(a)(1)(A).

"(b) The Commission, after promulgating a final rule, shall submit such final rule to the Congress for review in accordance with this section. Such final rule shall be delivered to each House of the Congress on the same day and to each House of Congress while it is in session.

"(c) Any final rule of the Commission shall become effective in accordance with its terms unless before the end of the period of 90 days of continuous session of Congress after the date such final rule is submitted to the Congress a joint resolution disapproving such final rule is enacted into law.

"(d)(1) If a final rule of the Commission is disapproved in accordance with this section, the Commission may promulgate another final rule which relates to the same acts or practices as the rule which was disapproved. Such other final rule—

"(A) shall be based upon—

"(i) the rulemaking record of the disapproved final rule; or

"(ii) such rulemaking record and any record established in supplemental rulemaking proceedings conducted by the Commission; and

"(B) may contain such changes as the Commission considers necessary or appropriate.

Supplemental rulemaking proceedings referred to in subparagraph (A)(ii) of this paragraph may be conducted in accordance with section 553 of title 5, United States Code, if the Commission determines that it is necessary to supplement the existing rulemaking record.

"(2) The Commission, after promulgating a final rule under this subsection, shall submit the final rule to Congress in accordance with subsection (a) of this section.

"(e) Congressional inaction on a joint resolution disapproving a final rule of the Commission shall not be construed—

"(1) as an expression of approval of such rule, or

"(2) as creating any presumption of validity with respect to such rule.

"(f)(1)(A) For purposes of subsection (c) of this section, continuity of session is broken only by an adjournment sine die at the end of the second regular session of Congress.

"(B) The days on which either House of Congress is not in session because of an adjournment of more than five days to a day certain are excluded in the computation of the period specified in subsection (c) of this section.

"(2)(A) In any case in which a final rule of the Commission is prevented from becoming effective by an adjournment sine die at the end of the second regular session of the Congress before the expiration of the period specified in subsection (c) of this section, the Commission shall resubmit such rule at the beginning of the first regular session of the next Congress.

"(B) The period specified in subsection (c) of this section shall begin on the date of a resubmission under subparagraph (A) of this paragraph.".

(b) Section 21 of the Federal Trade Commission Improvements Act of 1980 (15 U.S.C. 57a-1) is repealed.

REPORT ON PREDATORY PRICING PRACTICES

SEC. 14. (a) The Federal Trade Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and to the Committee on Energy and Commerce of the House of Representatives the information specified in subsection (b) of this section every six months during each of the fiscal years 1988, 1989 and 1990. Each such report shall contain such information for the period since the last submission under this section.

(b) Each such report shall list and describe, with respect to instances in which predatory pricing practices have been suspected or alleged—

(1) each complaint made, orally or in writing, to the offices of the Commission;

(2) each preliminary investigation opened or closed at the Commission;

(3) each formal investigation opened or closed at the Commission;

(4) each recommendation for the issuance of a complaint forwarded by the staff to the Commission;

(5) each complaint issued by the Commission;

(6) each opinion and order entered by the Commission;

(7) each consent agreement accepted provisionally or finally by the Commission;

(8) each request for modification of an outstanding Commission order filed with the Commission;

(9) each recommendation by staff pertaining to a request for modification of an outstanding Commission order; and

(10) each disposition by the Commission of a request for modification of an outstanding Commission order.

Such report shall include copies of all such consent agreements and complaints executed by the Commission referred to in such report. Where a matter has been closed or terminated, the report shall include a statement of the reasons for that disposition. The descriptions required under this subsection shall be as complete as possible but shall not reveal the identity of persons or companies making the complaint or those complained about or those subject to investigation that have not otherwise been made public. The report shall include any evaluation by the Commission of the potential impacts of predatory pricing upon businesses (including small businesses).

INTERVENTION BY COMMISSION IN CERTAIN PROCEEDINGS

SEC. 15. (a) The Federal Trade Commission shall not have any authority to use any funds which are authorized to be appropriated to carry out the Federal Trade Commission Act (15 U.S.C. 41 et seq.) for fiscal year 1988, 1989, or 1990, for the purpose of submitting statements to, appearing before, or intervening in the proceedings of, any Federal or State agency unless the Commission advises the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives, at least sixty days before any such proposed action, or, if such advance notice is not practicable, as far in advance of such proposed action as is practicable.

(b) The notice required in subsection (a) of this section shall include the name of the agency involved, the date upon which the Federal Trade Commission will first appear, intervene, or submit comments, a concise statement regarding the nature and purpose of the proposed action of the Commission, and, in any case in which advance notice of sixty days is not practicable, a concise statement of the reasons such notice is not practicable.

NATIVE AMERICAN ARTS AND CRAFTS

SEC. 16 The Federal Trade Commission shall investigate the marketing of imitation Native American arts, crafts, and jewelry. The Commission shall, upon the expiration of eignteen months after the date of enactment of this Act, report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives on the investigation made under this section.

REGIONAL OFFICES

SEC. 17. The Chairman of the Federal Trade Commission shall, from funds appropriated pursuant to the authorization contained in section 13 of this Act, redirect not less than $858,000 in each of the fiscal years 1988, 1989 and 1990 to support of activities undertaken by the regional offices of the Federal Trade Commission. Not less than $500,000 of such amount shall be redirected from amounts made available for activities undertaken within the Economic Activities Mission and the Office of Policy Development, and the remainder of such amount shall not be redirected from amounts made available for law enforcement activities. The Federal Trade Commission shall in fiscal years 1988, 1989 and 1990 maintain such reginal offices at the locations, and at not less than the funding level, which existed for such offices on the date of enactment of this Act.

AUTHORIZATION OF APPROPRIATIONS

SEC. 18. Section 26 of the Federal Trade Commission Act, as so redesignated by section 3 of this Act, is amended—

(1) by striking "and" after "1981"; and

(2) by inserting immediately before the period at the end thereof the following: "; not to exceed $70,850,000 for the fiscal year ending September 30, 1988; not to exceed $71,850,000 for the fiscal year ending September 30, 1989; and not to exceed $72,850,00 for the fiscal year ending September 30, 1990, and such additional sums for the fiscal years ending September 30, 1989 and September 30, 1990, as may be necessary for increases in salary, pay, and other employee benefits as authorized by law".

EFFECTIVE DATE

SEC. 19. (a) Except as provided in subsections (b), (c) and (d) of this section, the provisions of this Act shall take effect on the date of enactment of this Act.

(b) The amendment made by section 2 of this Act shall apply only with respect to proceedings under section 5 of the Federal Trade Commission Act after the date of enactment of this Act. This amendment shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. This amendment shall not be construed to affect in any manner a case and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

(c) The amendment made by sections 7 and 9 of this Act shall apply only with respect to cease and desist orders issued under section 5 of the Federal Trade Commission Act (15 U.S.C. 45), or to rules promulgated under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a), after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order which was issued, or a rule which was promulgated, before the date of enactment of this Act. These amendments shall not be construed to affect in any manner a cease and desist order issued after the date of enactment of this Act, if such order was issued pursuant to remand from a court of appeals or the Supreme Court of an order issued by the Federal Trade Commission before the date of enactment of this Act.

(d) The amendments made by sections 6 and 11 of this Act shall apply only to rulemaking proceedings initiated after the date of enactment of this Act. These amendments shall not be construed to affect in any manner a rulemaking proceeding which was initiated before the date of enactment of this Act.

Mr. HOLLINGS. Mr. President, I am pleased to join my colleague from Tennessee in introducing the Federal Trade Commission Act Amendments of 1987. This measure, which provides a 3-year authorization for the agency, makes important changes in the agency's authority and procedures.

The last formal authorization of the FTC was the FTC Improvements Act of 1980 legislation, which expired in 1982. The agency has been without authorization since that time. Two years ago, in hearings held by the Committee on Commerce, Science, and Transportation, a witness testified as to the "climate of uncertainty and confusion with respect to the jurisdiction of the FTC" due to the lack of an authorization. Certainly, the passage of time has made this concern even greater. Therefore, the Senate Commerce Committee plans to make passage of this legislation a priority and will consider the bill in executive session next week.

Under the original FTC act, the Commission seeks to prevent anticompetitive conduct through its authority over "unfair methods of competition" and to protect consumers through its "unfair or deceptive acts or practices" authority. In 1975, Congress acted to provide the agency explicit authority and detailed new procedures for promulgating trade rules to prohibit "unfair or deceptive acts or practices." And in 1980, out of dissatisfaction with the Commission's exercise of its consumer protection rulemaking authority, Congress redirected some of the agency's rulemaking and added additional rulemaking procedures. Unfortunately, key provisions of the 1980 act were tied to the time period of the authorization and expired with the authorization. However, through the appropriations process, my colleagues and I have been able to secure continuation of these important provisions through fiscal year 1987.

The bill we are introducing today contains a 3-year authorization of appropriations for the Federal Trade Commission. It provides funding for fiscal year 1988 at the level of the administration's request, $69.9 million, and it provides for modest increases for fiscal years 1989 and 1990.

In addition, this bill contains most of the provisions that were contained in S. 1078, the FTC reauthorization bill of the 99th Congress. That bill was reported by the Commerce Committee and passed the Senate but died in conference. It contained a number of important reforms in FTC authority and procedure that were adopted by the committee after hearings in the 97th, 98th, and 99th Congresses.

The bill we are introducing today contains provisions addressing the scope of FTC authority with respect to agricultural cooperatives and the agency's treatment of unfair advertising. The bill also includes a statutory definition of "unfair acts or practices," the requirement of a showing that challenged conduct is prevalent in an industry as a prerequisite for FTC rulemaking, and codification of the so-called Braswell standard of review for knowing violations of FTC orders.

In addition, the bill contains: a report and wait provision providing for congressional review of rules; a reporting requirement on enforcement activities in the area of predatory pricing; a notification requirement if the FTC intervenes in other State or Federal proceedings; and a requirement that the FTC investigate the marketing of imitation Native American arts, crafts, and jewelry and report to the Congress.

Finally, the bill redirects funding to the regional offices. This moves in the direction of the agreement reached between the former chairman of the agency and members of the Appropriations Committee in 1982 regarding the minimum level of funding for the regional offices. The regional offices are particularly important for purposes of carrying out law enforcement activities.

Mr. President, this is legislation which reflects years of work by the Commerce Committee. It authorizes an agency with an extremely important mission to fulfill—the protection of consumers and businesses from unfair or deceptive acts or practices. I urge my colleagues to join us in supporting this legislation.

By Mr. METZENBAUM:

S. 678. A bill to amend the Securities Exchange Act of 1934 with respect to tender offers, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

CORPORATE TAKEOVER REFORM ACT

● Mr. METZENBAUM. Mr. President, today I am introducing additional legislation concerning corporate takeovers. Earlier I introduced legislation which includes provisions to prohibit greenmail. To require earlier notice of stock purchases, and to strengthen the premerger notification requirements of the Hart-Scott-Rodino Act. The bill I am introducing today deals with other key aspects of the takeover process. Together, these bills constitute a comprehensive and balanced approach to reforming Federal standards for corporate takeovers.

Not all unfriendly takeover efforts are bad. Some are warranted by the poor performance of existing management. The potential for improving corporate productivity, and the benefits to shareholders of a competitive market for the rights of corporate control.

But, just as all unfriendly takeovers are not bad, many clearly are. Some have exploited the permissiveness of current law to make a fast fortune for corporate raiders. These have frequently damaged the interests of the corporate target, the average shareholders and the company's employees.

It is essential that Congress adopt balanced legislation, which favors neither incumbent management nor corporate raiders. Ultimately, the public interest is best served by efficient, well-managed companies which are responsive to the interests of the shareholders who own it. These objectives are best achieved by laws which allow takeovers in some circumstances but require that they proceed in a fair and orderly way.

The bill I am introducing today contains provisions in four areas: First, two tier and partial tender offers; second, defensive tactics; third, "poison pills"; and fourth, the waiting period for shareholders to respond to tender offers. In addition, I am including a somewhat revised version of the 13(d) notice requirement based on comments from a number of my colleagues and others.

TWO TIER AND PARTIAL TENDER OFFERS

Two tier tender offers are those which offer a higher price for a limited amount of stock and a lower price for additional shares. Shareholders should be protected from the coercive effects of these front end-loaded tender offers. These types of offers create a stampede effect as shareholders, afraid of losing out on the higher premium, rush to sell their shares to the bidder.

Similarly, partial tender offers apply only to a limited amount of stock rather than all outstanding shares. As in the case of partial tender offers, shareholders may be forced to sell their shares or risk receiving a much lower price from subsequent offers or in the open market.

On the other hand, it is important to recognize that investors may have legitimate interest in obtaining a substantial share of a company for investment purposes without being forced to purchase all outstanding stock. Requiring that an investor purchase the whole company can discourage legitimate investments which boost stock prices, provide needed capital and benefit shareholders as well as the company.

The bill I am introducing balances these considerations by requiring that acquisitions in excess of 15 percent of outstanding stock be made by tender offer open to all shareholders. Thus, an investor may be able to purchase more than 15 percent of the company, without purchasing all shares, as long as all shareholders are given an equal opportunity to take advantage of the offer.

This provision also prevents the abusive practice of sweeping the street—buying up substantial amounts of stock after withdrawing a previously announced tender offer. This tactic allows a raider to obtain a large share of a company after driving the stock price down by withdrawing his tender.

The bill also provides that, in the event that a person wishes to obtain more than 35 percent of the outstanding stock. An offer to buy all outstanding stock must include an offer to buy these shares within 6 months of the initial offer and to provide equal value for all shares. Thus, the individual shareholder will be able to share equally with the professional investor in taking advantage of any premium bid. In addition, an acquiror would retain flexibility in the financing and structuring of his offer as long as these requirements are met.

WAITING PERIOD

This section of the bill extends the time for shareholders to respond to a tender offer from the current 20 business days to 60 calendar days. Under the current law, a premium is placed on speed, rather than rational, informed decisionmaking. The present 20-day time period promotes a siege mentality in the target. It forces shareholders to make complex investment decisions in a very short time, and it forces other potential bidders to make snap decisions without adequate analysis.

An additional consideration is that the current 20 days is insufficient time for other potential bidders to evaluate a possible purchase. Thus, it discourages other, more favorable bids and makes it less likely that shareholders will realize the real value of their stock.

DEFENSIVE TACTICS

One of the most wasteful and unproductive occurrences in corporate takeover battles is an attempt by management to restructure the company solely to make it less attractive to the bidder. These scorched earth tactics are damaging to the company itself as well as to the shareholders. Similarly, target companies have sometimes resorted to issuing new stock with special voting rights, or related changes in capitalization, to make the company less palatable. These steps are unfair to shareholders and detrimental to the long-term value of the company.

An additional consideration is the argument that a long waiting period, as described above, will simply give targets more time to develop tactics aimed at fending off takeover attempts. This concern has some validity. Thus, while I believe that shareholders should have a better opportunity to evaluate the benefits of any offer, there should be protection against a target company taking extraordinary steps to fend off a takeover bid when it is in the best interest of the shareholders.

For these reasons, I am including in this bill a requirement that management cannot make a structural change in the company once a takeover bid is announced unless it is approved by the shareholders.

Structural changes, as defined in the bill, would include issuing new stock with different voting rights, other changes in capitalization which affect voting rights, or other major changes in the structure of the company in order to make it unattractive to the bidder.

POISON PILLS

Another tactic of companies which are the subject of takeover bids has been the issuance of securities which create certain rights in the event of a change in ownership of the company. These new rights are not intended to encourage investment in the company or to expand shareholders' rights. They are solely designed to discourage a bidder from attempting a takeover bid. For example, these rights can include an option to purchase additional stock at less than market value or to exercise special voting or other rights. These types of poison pills unfairly discourage legitimate attempts to change corporate ownership and should be prohibited.

This section of the bill prohibits certain types of poison pill arrangements. Because poison pills are so varied in form, wide latitude should be given the Securities and Exchange Commission to promulgate regulations regarding other arrangements not specifically mentioned in the bill. Consequently, this provision also authorizes the SEC to promulgate regulations prohibiting similar stock issues which have the same harmful effect.

NOTICE REQUIREMENTS

Under current law, a person acquiring 5 percent of a class of stock must file notice with the SEC and the public. The purchaser is allowed a 10-day window after the 5 percent threshold is reached before notice is required. During this period, substantial additional shares can be purchased.

Earlier, I introduced a bill to require that this 10-day window be reduced to 2 days. After further discussions with my colleagues and others, I believe it is more appropriate to reduce this delay even further, to only 1 day. In addition, I believe it is also appropriate to reduce the threshold at which notice must be given to 3 percent, rather than 5 percent. This stricter requirement will provide shareholders with earlier notice of large scale stock purchases that may lead to a takeover and a sharp escalation in stock prices.

CONCLUSION

I am not prepared to say that this is a perfect bill. I am prepared to say that this is the time for Congress to act. If others have proposals which can improve these provisions, I am certainly prepared to hear the views of any constructive suggestions. The most important objective is that Congress act wisely and responsibly—and soon.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 678

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Corporate Takeover Reform Act of 1987".

CHANGE OF 13(d) THRESHOLD AND 10-DAY WINDOW

SEC. 2. Section 13(d)(1) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) is amended by striking out "5 per centum of such class shall, within ten days" and inserting in lieu thereof "3 per centum of such class shall, within one day".

TWO-TIER, PARTIAL, AND "CREEPING" TENDER OFFERS

SEC. 3. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(h)(1) It shall be unlawful for any person, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, to acquire, or agree to acquire, directly or indirectly, the beneficial ownership of any equity security of a class which is registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or any equity security issued by a closed-end investment company registered under the Investment Company Act of 1940, if, after consummation thereof, such person would be, directly or indirectly—

"(A) the beneficial owner of the shares entitled to vote more than 15 per centum but less than 35 per centum of the votes that all holders of outstanding voting securities would be entitled to cast at an election of directors, unless the acquisition is made pursuant to a tender offer, or a request or invitation for tenders, open to all holders of the class of securities subject to the tender offer; or

"(B) the beneficial owner of more than 35 per centum of the votes that all holders of outstanding voting securities would be entitled to cast at an election of directors, unless—

"(i) such acquisition is made pursuant to a tender offer for, or a request or invitation for tenders of, all of the outstanding voting securities of the issuer, for the same price per share as all other shares acquired pursuant to the offer, to the holders of all outstanding shares of the class; or

"(ii) such acquisition is made pursuant to a tender offer for, or a request or invitation for tenders of, fewer than all of the outstanding voting securities of the issuer, and any shares not purchased pursuant to the offer, request, or invitation will be purchased within 6 months at a value equal to the price to be paid pursuant to the offer. The value of any securities offered as consideration for such shares shall be established by agreement of representatives of the issuer and the offeror, or, in the event of a disagreement, by a third party chosen by the issuer and the offeror. In the event an agreement has not been reached or a third party has not been appointed within 4 months after the acquisition of securities pursuant to the tender offer, the parties shall apply to the chief judge of the circuit which includes the State in which the issuer is located for appointment to a third party, and such appointment shall be made within 15 days of such application.

"(2) Subparagraphs (A) and (B) of paragraph (1) do not apply in any case where—

"(A) the person acquiring the securities is the issuer of such securities;

"(B) the acquisition is by gift, inheritance, or transfer from an existing holder to an individual related to such holder by blood or marriage, providing that the Commission may, by rule, regulation, or order, exempt acquisitions by gift to any person;

"(C) the acquisition is made in connection with the solicitation of a proxy, consent, or authorization pursuant to subsection (a);

"(D) the acquisition is by an employee benefit plan or pension fund of such issuer; or

"(E) on the effective date of this subsection such person is the beneficial owner of more than the applicable percentage of the outstanding voting equity securities of the issuer referred to in one of such subparagraphs and the acquisition would not represent an increase in the percentage of such person's beneficial ownership from the effective date of this subsection.".

WAITING PERIOD

SEC. 4. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended—

(1) by striking out subsection (d)(2) and inserting in lieu thereof the following:

"(2) Any person making a tender offer or request or invitation for tenders shall hold such offer, request, or invitation open for a period of at least 60 days from the date on which such offer, request, or invitation is first published or sent or given to security holders, except that this paragraph shall not apply to such an offer, invitation, or request by the issuer for the class of securities being sought if such offer, invitation, or request is not made in anticipation of or response to another person's offer, request, or invitation for securities of the same class."; and

(2) by adding at the end thereof the following:

"(i)(1) For the purpose of subsections (d), (f), and (h), of this section, when two or more persons act as a partnership, limited partnership, syndicate, or other group for the purpose of acquiring, voting, holding, or disposing of securities of an issuer, such syndicate or group shall be deemed a 'person'.

"(2) For the purpose of this section, the term 'voting equity security' means any equity security of the issuer that entitles the holder thereof to vote generally in an election of directors of the issuer.".

DEFENSIVE TACTICS

SEC. 5. Section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n) is amended by adding at the end thereof the following:

"(j)(1) An issuer which is the target of a takeover bid may not, from the time the takeover bid is publicly announced until the bid expires or otherwise terminates, enter into any transaction or take any action which constitutes a structural change, unless the change is pursuant to a contract entered into prior to any publicly announced takeover bid, or unless the change is approved by the holders of either a majority of the outstanding voting equity securities, or such greater number of holders as may be required by applicable State law, and on such minimum notice as may be prescribed by State law.

"(2) For the purpose of this subsection—

"(A) a takeover bid is publicly announced if a tender offer has been made for voting equity securities of the target company, or if any person states an intent to acquire control of a company in a statement filed with the Commission pursuant to section 13(d)(1) of this title; and

"(B) the term 'structural change' means—

"(i) any acquisition or disposition of any significant amount of assets other than in the ordinary course of business, any issuance or purchase of 5 per centum or more of any class of equity securities, or any agreement or arrangement for any of the foregoing,

"(ii) any other transaction or action which is reasonably likely to affect the voting rights of any class of securities of the company, or

"(iii) any other transaction or action which the Commission determines, by rule, regulation, or order, should be conditioned on shareholder approval in order to carry out the purpose of this subsection.

The Commission may, by rule, regulation, or order, exempt any transaction or action, unconditionally or on specified terms or conditions, as not constituting a structural change.".

"POISON PILLS"

SEC. 6. Section 14 of the Securities Exchange Act of 1934 is amended by adding at the end thereof the following:

"(k)(1) Not later than 180 days after the date of enactment of this subsection, the Commission shall issue rules or regulations which make it unlawful for an issuer which has a class of equity securities registered pursuant to section 12 of this title, or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title, or which is a closed-end investment company registered under the Investment Company Act of 1940, to grant voting power or to issue any securities if such grant or issuance would—

"(A) entitle the holder of such voting power or securities to purchase at less than market value securities of a corporation other than the issuer or securities of the successor to such a corporation;

"(B) entitle the holder of such securities to purchase at less than market value any securities of the issuer; or

"(C) require the issuer to repurchase its securities from its holders at greater than market value;

where such entitlement or requirement is conditioned upon a change in control of the issuer, or the acquisition of securities by a third party, or may be invoked only during the pendency of a tender offer or other contest for control of the issuer.

"(2) For the purpose of this subsection, a grant or issuance by or for the issuer, or any person controlling, controlled by, or under common control with the issuer, or a grant or issuance subject to control of the issuer or any such person, shall be deemed to be a grant or issuance by the issuer.

"(3) The Commission, in the public interest and for the protection of investors, is authorized to issue rules and regulations implementing this subsection, including exemptive rules and regulations covering situations in which the Commission deems it unnecessary or inappropriate that a grant or issuance of the type described in this subsection shall be deemed to be a grant or issuance by the issuer for purposes of some or all of the provisions of paragraph (1) of this subsection.".

By Mr. DANFORTH:

S. 679. A bill to promote the safety of individuals traveling by aircraft, and for other purposes; to the Committee on Commerce, Science, and Transportation.

AVIATION SAFETY AND IMPROVEMENT ACT

● Mr. DANFORTH. Mr. President, today I am introducing legislation to remedy the principle plague of today's air traveler—airport delays.

According to the Department of Transportation, there were 367,000 delays in airline operations in 1986. This is an increase from 295,000 delays in 1985. Delays chew up an average of 2,000 hours of jetliner time each day—the equivalent of grounding 250 aircraft. The economic loss to the airlines equals about $2 billion per year, and that figure does not take into account the lost time of the passengers stuck waiting in the terminals and on the planes.

Mr. President, my family has recently invented a new verb: "to tarmac." Tarmacing is what one does after one leaves the boarding gate area and before the plane takes off. However, it is also possible to tarmac after the plane lands and before it pulls up to a gate. It is not unusual these days for the time spent tarmacing to exceed the time spent in the air.

Mr. President, delays are attributable in part to airline deregulation. Deregulation has produced the result Congress intended when it passed the Airline Deregulation Act in 1978. Air travel is more available, and consumers have eagerly availed themselves of the cheaper air fares made possible by deregulation. Since deregulation, passenger enplanements have risen from 275 million to 415 million. The number of airline flights has increased 12 percent since 1981.

These increases have not been matched by corresponding expansion of airports to accommodate the enormous increases in passenger traffic. For example, Denver's Stapleton Airport was built to serve 18 million passengers but now serves nearly 30 million. In 1984 Lambert Field in St. Louis accommodated 393,000 operations, or 160 percent of its annual service volume—a measure which, according to the FAA, indicates how much traffic Lambert can handle without delay. LaGuardia handled 146 percent of its annual service volume in 1984, and for Chicago O'Hare the figure was 155 percent.

The fact that airports have not been able to easily accommodate this additional traffic has meant significant increases in passengers' delay time. In addition, the airlines' hub-and-spoke route systems, expanded since deregulation, have contributed to these delays by concentrating numerous flights during the two daily rush hours.

Certainly, airline delays also are caused, in part, by factors other than overcrowded airport facilities. Weather, for example, is responsible for at least 60 percent of the delay problem. However, Congress can certainly act to remedy the part of the problem not attributable to weather conditions. It can do so by increasing spending on the kinds of airport improvements which increase passenger safety and increase airports' ability to handle more traffic. Funding for these projects is available. Money has been accumulating in the Airport and Airways Trust Fund at a rate of about $1.2 billion a year, and by the end of this fiscal year the trust fund is projected to contain a balance of $5.5 billion. If permitted to keep on growing at this rate, the trust fund surplus will exceed $10 billion by the end of 1991. This surplus should be spent, starting immediately, on projects which will benefit the safety and comfort of the air travelers whose ticket taxes constitute most of the money that has flowed into the trust fund.

The legislation I am introducing will help remedy the airline delay problem, and will improve the safety of passengers at the same time. It provides for $2.15 billion annual spending from the trust fund through a reauthorization of the Airport and Airways Improvement Act of 1982. Of that $2.15 billion, $700 million is designated for projects to improve and expand airport capacity, and $350 million is earmarked for noise abatement. Federal Aviation Administration (FAA) spending on facilities and equipment will be increased to $1.5 billion annually from its present level of about $800 million. The bill will permit no more than $1.25 billion to be spent from the trust fund annually on FAA operations and maintenance.

This bill also requires that an additional 500 air traffic controllers be hired over and above the 15,000 required by current law. These additional controllers are needed to free supervisors from routine controller duties so that they are more available for supervisory duties; to relieve the strain on overworked controllers at the busiest facilities; and to permit the FAA to institute more efficient air traffic control procedures which require greater time and attention from controllers.

Finally, my legislation requires airlines to inform passengers as to the likelihood of their flights arriving as scheduled. At present, there is no requirement that published schedules realistically predict ontime performance. Passengers could be disappointed if they rely on airlines' published arrival times in planning travel schedules. Full disclosure should be the norm, and this legislation requires that passengers be apprised, at the time they make their reservations, of what the real chances are, based on historical data, that a given flight will land on time, and what the chances are that a given flight will be canceled.

Transportation Secretary Elizabeth Dole has recently announced that she plans to address the delay problem by initiating an investigation into airline scheduling practices and by granting limited antitrust immunity for airlines to discuss coordination of schedules at busy airports. I am pleased that she has recognized the severity of the delay problem and is taking steps to address it. I hope her actions prove beneficial. However, the Secretary's actions do not obviate the need for legislation. The delay problem demands that more concrete be poured, that more equipment be bought, and that more air traffic controllers be hired. These actions require expenditures of money, and that is where Congress can help. Let's get on with it.

Mr. President, I ask unanimous consent that the text of the bill and a section-by-section analysis be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Aviation Safety and Improvement Act of 1987".

SEC. 2. (a) Not later than September 30, 1988, the Federal Aviation Administration shall hire not less than 500 air traffic controllers in addition to the total air traffic controller work force level specified in Public Law 99-591.

(b)(1) The additional air traffic controllers hired pursuant to subsection (a) of this section shall not include air traffic assistants.

(2) With regard to all air traffic controllers other than such additional air traffic controllers, the Federal Aviation Administration is encouraged, to the maximum extent practicable, in achieving the work force level specified in Public Law 99-591 to hire only air traffic controllers to fill any vacancy caused by the separation from service of any air traffic controllers.

SEC. 3. (a) Not later than nine months after the date of enactment of this Act, the Secretary of Transportation shall promulgate a final rule providing that each individual inquiring about making a reservation for scheduled airline service shall, at the time of such inquiry, receive verbally information specifying—

(1) the percentage of such service which was delayed beyond its scheduled arrival time for the most recent 30-day period for which such information is available;

(2) the average length of such delays; and

(3) the percentage of cancellations of such service for the most recent 30-day period for which such information is available.

(b) In promulgating the rule required by subsection (a) of this subsection, the Secretary shall—

(1) ensure that each air carrier makes available in written form to each individual

inquiring about making a reservation for scheduled airline service the information specified in subsection (a) (1), (2), and (3) of this section, upon the request of such individual; and

(2) develop procedures for use by airlines in notifying (to the maximum extent practicable, as determined by the Secretary) passengers who have purchased tickets for scheduled airline service of the cancellation of such service.

Sec. 4. Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2201(a)) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting in lieu thereof "; and"; and

(3) by adding at the end thereof the following:

"(10) airport construction and improvement projects which increase the capacity of facilities to accommodate passager traffic, thereby increasing safety and efficiency and reducing delays, should be undertaken to the maximum feasible extent.".

Sec. 5. Section 503(a)(11) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2202(a)(11)) is amended by striking all after "have" and inserting in lieu thereof the following: "more than 10,000 passengers enplaned annually.".

Sec. 6. (a) Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(a)) is amended—

(1) by inserting "(1)(A)" immediately before "In order"; and

(2) by adding at the end thereof the following: "The aggregate amounts which shall be available after September 30, 1987, to the Secretary for such grants and for grants regarding airport noise compatibility under the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2101 et seq.) shall be $6,364,700,000 for fiscal years ending before October 1, 1988; $7,464,700,000 for fiscal years ending before October 1, 1989; $8,564,700,000 for fiscal years ending before October 1, 1990; $9,664,700,000 for fiscal years ending before October 1, 1991; and $10,764,700,000 for fiscal years ending before October 1, 1992.

"(B) In addition to the amounts made available under this paragraph for fiscal years 1988 through 1992, the aggregate amounts which shall be available from the Trust Fund for capacity improvements shall be $700,000,000 for fiscal year 1988; $1,400,000,000 for fiscal years ending before October 1, 1989; $2,100,000,000 for fiscal years ending before October 1, 1990; $2,800,000,000 for fiscal years ending before October 1, 1991; and $3,500,000,000 for fiscal years ending before October 1, 1992.

"(C) In addition to the amounts made available under this paragraph for fiscal years 1988 through 1992, the aggregate amounts which shall be available from the Trust Fund for grants regarding airport noise compatibility under the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2101 et seq.) shall be $350,000,000 for fiscal year 1988; $700,000,000 for fiscal years ending before October 1, 1989; $1,050,000,000 for fiscal years ending before October 1, 1990; $1,400,000,000 for fiscal years ending before October 1, 1991; and $1,750,000,000 for fiscal years ending before October 1, 1992.

"(2) Nothing in subparagraphs (B) or (C) of paragraph (1) of this subsection shall preclude the Secretary from utilizing funds which were made available from the Trust Fund before the date of enactment of the Aviation Safety and Improvement Act of 1987 for grants for the purposes specified in such subparagraphs.

"(3) As used in this subsection, the term 'capacity improvements' means those improvements or additions to airport property which increase the level of traffic that such airport is able to accommodate safely, including runway construction, extension, and improvement.".

(b) Section 505(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2204(b)) is amended by striking "September 30, 1987," and inserting in lieu thereof "September 30, 1992,".

Sec. 7. (a) Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(a)) is amended—

(1) by inserting "(1)" immediately after "Equipment—";

(2) by striking "and" after "1986;"; and

(3) by striking "1987." and inserting in lieu thereof the following: "1987; $7,827,000,000 for the fiscal years ending before October 1, 1988; $9,327,000,000 for the fiscal years ending before October 1, 1989; $10,827,000,000 for the fiscal years ending before October 1, 1990; $12,327,000,000 for the fiscal years ending before October 1, 1991; and $13,827,000,000 for the fiscal years ending before October 1, 1992.".

(b) Section 506(b) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(b)) is amended—

(1) by inserting "(1)" immediately after "Demonstration.—";

(2) by striking "and" immediately before "$193,000,000";

(3) by striking the period at the end of the second sentence and inserting in lieu thereof the following: "; and $200,000,000 for each of the fiscal years 1988 through 1992 (of which not more than $22,000,000 is authorized to be appropriated in each of such fiscal years for facilities, engineering and development, and not less than $25,000,000 is authorized to be appropriated in each of such fiscal years for research, engineering and development activities regarding capacity improvements)."; and

(4) by adding at the end the following:

"(2) As used in this subsection, the term 'capacity improvements' means those improvements or additions to airport property which increase the level of traffic that such airport is able to accommodate safely, including runway construction, extension, and improvement.".

(c) Section 506(c)(2) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(c)(2)) is amended—

(1) by adding immediately after the first sentence the following: "The amount appropriated from the Trust Fund for the purposes of clauses (A) and (B) of paragraph (1) of this subsection for each of the fiscal years 1988 through 1992 may not exceed $1,250,000,000."; and

(2) by inserting "before fiscal year 1988" immediately after "any fiscal year" the second place it appears.

(d) Section 506(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(d)) is amended—

(1) by striking "and" after "1986;"; and

(2) by striking the period at the end and inserting in lieu thereof the following: "; $30,000,000 for fiscal year 1988; $32,000,000 for fiscal year 1989; $34,000,000 for fiscal year 1990; $36,000,000 for fiscal year 1991; and $38,000,000 for fiscal year 1992.".

(e) Section 506(e)(5) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2205(e)(5)) is amended by striking "September 30, 1987," and inserting in lieu thereof "September 30, 1992,".

Sec. 8. Section 507(a)(1)(B) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(1)(B)) is amended—

(1) by striking "1987" the first place it appears and inserting in lieu thereof "1992";

(2) by striking "and" after "1986,"; and

(3) by striking the period at the end and inserting in lieu thereof the following: ", and 30 percent for each of the fiscal years 1988 through 1992.".

Sec. 9. Section 507(a)(1)(D), (2) and (3)(A) and (B) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(1)(D), (2) and (3)(A) and (B)) is amended by inserting immediately after "505" the following: "(other than funds made available for capacity improvements and airport noise compatibility programs)".

Sec. 10. Section 507(a)(1) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2206(a)(1) is amended by adding at the end the following:

"(F) Not later than thirty days after the beginning of each fiscal year, the Secretary shall distribute funds apportioned under this subsection to primary airport sponsors which, in compliance with section 509(d) of this title, have certified compliance with all sponsor obligations and requirements imposed by the Secretary under this title.".

Sec. 11. Section 508(d) of the Airport and Airway Improvement Act of 1982 (49 App. U.S.C. 2207(d)) is amended—

(1) by striking paragraph (2) and redesignating paragraphs (3) through (5) as paragraph (2) through (4), respectively;

(2) in paragraphs (1) and (4) (as so redesignated), by striking immediately after "505" the following: "(other than funds made available for capacity improvements and airport noise compatibility programs)";

(3) in paragraph (2) (as so redesignated), by striking "5.5" wherever it appears and inserting in lieu thereof "2"; and

(4) in paragraph (4) (as so redesignated), by (A) striking "(2), (3), or (4)" and inserting in lieu thereof "(2) or (3)", and (B) inserting immediately before the period the following: "(other than funds made available for capacity improvements and airport noise compatability planning)".

Sec. 12. (a) Section 103(b)(1) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2103(b)(1)) is amended by inserting immediately after "available" the following: "for activities regarding airport noise compatibility".

(b) Section 104(c)(1) of the Aviation Safety and Noise Abatement Act of 1979 (49 App. U.S.C. 2104(c)(1)) is amended by inserting immediately after "available" the first place it appears the following: "for activities regarding airport noise compatibility".

S. 679. The Aviation Safety and Improvement Act of 1987—Section-by-Section Analysis

Short title: The Aviation Safety and Improvement Act of 1987

Section 2: Requires the Federal Aviation Administration (FAA) to hire an additional 500 air traffic controllers, and requires that the additional 500 individuals hired by air traffic controllers, as opposed to air traffic assistants. This increase will bring the controller workforce to a level of 15,500 by the end of fiscal year 1988.

Section 3: Requires the Secretary of Transportation to promulgate a final rule within nine months which will require that prospective airline passengers be verbally informed, at the time reservations are made, of delays (based on arrival time) and cancellations of requested flights. Prospective passengers must be informed, for each requested flight, of the percentage of such service which was delayed beyond its scheduled arrival time, the average length of such delays and the percentage of flights cancelled. This delay information shall be based on flight arrival time data for the most recent 30-day period.

Section 4: Amends the policy statement in section 502(a) of the Airport and Airways Act of 1982 (Act) by adding a new provision indicating that airport projects which increase the capacity of airports, thereby increasing safety and efficiency and reducing delays, should be undertaken to the maximum extent feasible.

Section 5: Lowers the number of passengers enplanements needed for an airport to qualify as a "primary airport" from .01 percent of total domestic enplanements to 10,000 passengers enplaned annually. This change will result in more airports qualifying for entitlements funding under section 507(a)(1) of the Act.

Section 6: Sets forth annual authorization levels for fiscal years 1988 through 1992 for the Airport Improvement Program. Total authorization levels for the program are $2.15 billion annually. Of that $2.15 billion, 700 million annually would be allocated for capacity improvements such as runway construction and extension, and $350 million annually would be allocated to noise abatement.

Section 7: Sets forth annual authorization levels for FAA Facilities and Equipment (a spending category which includes air traffic control equipment) of $1.5 billion annually for fiscal year 1988 through 1992. Section 7 also sets forth annual authorization levels for Research, Engineering and Development of $200 million annually for fiscal years 1988 through 1992. Of that $200 million, $25 million annually will be allocated for research, engineering and development of airport capacity improvements.

In addition, section 7 provides that a maximum of $1.25 billion annually of the Airport and Airways Trust Fund is authorized to be used for FAA operations and maintenance.

Section 8: Reauthorizes existing levels of funding, based on numbers of passenger enplanements, for primary airports for fiscal years 1988 through 1992.

Section 9: Provides that existing allocations (contained in section 507 of the Act) of funding for airport improvements shall be calculated on the basis of spending levels for airport improvement authorized in section 6 above, and that this basis shall not include the new set-asides for capacity improvements and noise abatement.

Section 10: Requires the Secretary to distribute, within 30 days after the beginning of each fiscal year, funds apportioned under section 507(a)(1) to primary airport sponsors who have certified compliance with all requirements imposed by the Secretary.

Section 11: Reduces from 5.5 percent to 2 percent the proportion of airport improvement funds set aside under section 508(d)(2) of the Act for public airports and small commercial service airports. This compensates for the change made in section 5 above, which makes more airports eligible for entitlement funding. Section 12 also eliminates the existing set-aside for noise abatement projects on the basis that a new, larger set-aside of $350 million annually is created in section 6, above.●

By Mr. CHAFEE:

S. 680. A bill to prohibit the use of subtherapeutic doses of penicillin, chlortetracycline, and oxytetracycline in animal feed; to the Committee on Labor and Human Resources.

ANIMAL FEED PROTECTION ACT

● Mr. CHAFEE. Mr. President, today I am introducing legislation to curb a practice which poses a grave threat to public health—the widespread use of antibiotic drugs to promote growth in livestock. The continuous and heavy use of antibiotics in this way threatens both human and animal health by cultivating bacteria which are resistant to antibiotic treatment.

This bill is identical to legislation I introduced at the end of the 99th Congress. In the short time since I first introduced this measure, however, a surprising amount of new and conclusive research in this area has been completed by the Center for Disease Control in Atlanta—research which provides new and conclusive evidence of what has been suspected for many years: The use of antibiotics to promote growth in animals presents a serious hazard to human health.

The use of antibiotic drugs in animal feed has increased dramatically since the 1950's, when it was found that low but continuous—or subtherapeutic—doses of these drugs promote growth in livestock and poultry. The most recent estimates by the Office of Technology Assessment indicate that by 1979, most of the livestock being raised in the United States were being fed with antibiotic-medicated feed: 60 percent of cattle, 90 percent of swine and veal calves, and nearly 100 percent of poultry. Almost one-half of all the antibiotics produced in the United States each year goes into animal feed, and it is estimated that only a small fraction of that amount is used to treat actual disease. The bulk goes for subtherapeutic uses—that is, where the intent is simply to promote growth, rather than to treat disease.

Antibiotics have been called wonder drugs, but this uncontrolled and inappropriate use threatens to render them powerless. As recent studies have confirmed, the continuous presence in the bacterial environment of antibiotic drugs in such large quantities fosters the development of highly resistant strains of bacteria. These resistant bacteria can lead to conditions—both in humans and in animals—which cannot be treated with any known antibiotic. Even more alarming is the fact that once resistant bacteria develop, the resistance characteristic can be passed to bacteria of other species—and even to those never exposed to antibiotics.

To treat an infection which is resistant to one or more antibiotics, the physician must try to identify an antibiotic to which that infection is susceptible—possibly one of the newer and invariably more costly antibiotics that are being developed at the rate of approximately one per year. But since developing and testing new drugs is a costly process, this treatment can run as high as eight times the cost of treatment with one of the older, more commonly prescribed antibiotics.

This all adds yet more pressure to the cost of health care: Hospital stays are longer, treatment is more complicated, and the drugs needed are more expensive. Where an ordinary infection would yield quite easily to 2 weeks' treatment with antibiotics, a resistant infection is considerably more complicated, resulting more frequently in death or serious illness.

Clearly the solution is not to rely on the development of new antibiotics, but rather to preserve the effectiveness of the antibiotics we now have. The way to do this to use them prudently, treating them like the precious resource that they are.

This bill takes one small step in that direction by banning the subtherapeutic use in animal feed of the two antibiotics most important to the treatment of human disease: penicillin and tetracycline. Many scientist consider these drugs to be more effective and to have fewer side effects than any of the newer antibiotics, and thus as the most "wondrous" of the "wonder" drugs.

The case for banning the subtherapeutic use of penicillin and tetracycline is well-documented. This was the course of action initiated in 1977 by the Food and Drug Administration [FDA], when, based on data collected from independent studies and from the drug industry, it found these uses to pose a serious health threat. It began proceedings to ban all feed uses of penicillin and most feed uses of tetracycline. The proposed ban, however, was held in abeyance by Congress, pending further study.

Since that time, new studies have offered more conclusive evidence of the link between the subtherapeutic use of antibiotics and the growth of antibiotic resistance. One of these studies, appearing in the November 1986 issue of Science, drew the following conclusions:

First. The frequency of antibiotic-resistant salmonella infections is increasing;

Second. This increase has "considerable public health implications";

Third. Antibiotic use by humans does not play a "major" role in the emergence or persistance of resistant salmonella;

Fourth. The primary source of resistant salmonella is food of animal origin; and

Fifth. More prudent use of antibiotics in animals as therapeutic agents and production enhancer is needed in order to combat the increasing frequency of antibiotic resistance in salmonella.

Another just-completed CDC study—which I understand will appear in the March 5 issue of the New England Journal of Medicine—offers still more evidence of the need for this type of legislation, conclusively demonstrating that food animals are a major source of antimicrobial-resistant salmonella infections in humans and that these infections are associated with antibiotic use on farms.

While questions may still remain about the extent of antibiotics, prudence would dictate that we resolve these questions on the side of caution. Must the evidence of harm be irrefutable before we take reasonable precautions?

Mr. President, it is time for us to get serious about the problem of antibiotic resistance, and a reasonable place to start is the use of antibiotics as growth-promoters. It is highly inappropriate to use our most powerful antibiotic drugs for purely economic gain: It squanders irreplaceable resources for fighting disease.

I ask unanimous consent that a copy of the legislation appear in the RECORD, to be followed by the text of an article appearing in the New York Times of February 22, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Animal Feed Protection Act of 1987".

SEC. 2. (a) Section 402 of the Federal Food, Drug, and Cosmetic Act is amended by adding at the end thereof the following new paragraph:

"(f)(1) If it is an animal feed and it bears or contains a subtherapeutic dose of penicillin, chlortetracycline, or oxytetracycline.

"(2) For purposes of subparagraph (1), the term 'subtherapeutic dose' means a dose of penicillin, chlortetracycline, or oxytetracycline which is administered for a purpose other than the treatment of a specific disease or disorder, including for the purposes of promoting the growth of an animal or preventing disease in an animal.".

(b) Section 201(x) of such Act is amended—

(1) by inserting "in section 402(f)," before "in section 512"; and

(2) by striking out "or section" and inserting in lieu thereof "or sections".

[From the New York Times, Feb. 22, 1987]

ANTIBIOTICS IN ANIMAL FEED LINKED TO HUMAN ILLS

(By Irvin Molotsky)

WASHINGTON, February 21.—Scientists from the Federal Centers for Disease Control have come up with new evidence linking antibiotics in animal feed to illness in humans.

Antibiotics are fed to most livestock in the United States to fend off disease and promote growth. But in recent years scientists have contended that strains of salmonella bacteria that are resistent to the drugs can flourish inside the animals as competing organisms are killed off. Then, this theory goes, the salmonella can cause severe intestinal ailments in people who eat contaminated meat, and treatment is difficult because the antibiotics ordinarily used in treatment are ineffective.

According to a draft of the Federal study, which is to be published in The New England Journal of Medicine on March 5, the findings demonstrated "conclusively" that salmonella was spread to humans in this way. "These studies show that food animals are a major source of antimicrobial-resistant salmonella infectons in humans," the report said.

The study is expected to have significant impact in the debate over the use of antibiotics in animal feed because it will appear in one of the country's leading medical journals and because it will put the weight of the Government's top epidemiologists behind the contention that the practice can be harmful to humans.

The report, by a research team headed by Dr. John S. Spika, has been awaited in Congress, where bills barring the routine feeding of antibiotics to animals are to be reintroduced, as well as at the Food and Drug Administration, which once tried to ban such use. It is also of great interest to the food and chemical industries, for which the use of antibiotics has enormous economic significance.

The antibiotics permit animals to make more efficient use of their feed and also protect livestock against the rapid spread of disease in the close quarters in which they are kept in modern animal raising.

An aide to Senator John H. Chafee, Republican of Rhode Island, said the Senator planned to introduce a bill in the next few days that would sharply restrict the feeding of antibiotics to animals. Senator Chafee introduced a similar measure last October, but it was not acted on by Congress. Similar measures have also been introduced in the past by Representative John D. Dingell, the Michigan Democrat who is chairman of the House Energy and Commerce Committee.

In submitting his previous bill, which he named the Antibiotic Safety Act, Mr. Chafee cited an estimate by the Federal Office of Technology Assessment that feed containing antibiotics was fed to 60 percent of all cattle, 90 percent of pigs, 90 percent of calves raised for veal and almost all poultry. Nearly half the antibiotics produced in the United States, Senator Chafee said, again citing the Federal study, were used in livestock feed to promote growth rather than to treat disease.

Among the antibiotics most frequently used in animal feed are penicillin and tetracycline, which are also prescribed frequently in human illnesses. But these medicines are ineffective against diseases caused by resistant strains of bacteria that develop in animals fed with the drugs.

COOKING IS INEFFECTIVE

Senator Chafee told the Senate in October that a report by the Natural Resources Defense Council, a nongovernmental organization, predicted that the routine animal use of the two antibiotics would account for more than 270,000 cases of salmonella causing 100 to 300 deaths.

The C.D.C. study said in its conclusion that cooking, especially the light cooking of beef favored by many Americans, does not kill all the salmonella organisms.

"The problem is complex and no one solution is apparent," the study said. "Efforts must be taken to minimize the contamination of meat and other food items by resistent salmonella."

One Congressional aide said the significance of the C.D.C. report was in its careful tracing of salmonella from farms to sick people, a process that ruled out the possibility that the food was contaminated in processing and transporting.

HAMBURGERS ARE INCRIMINATED

The report, for example, cites an outbreak of salmonella in May 1985 in Los Angeles and says, "We epidemiologically and microbiologically incriminated hamburgers as the vehicle of transmission and traced the strain back to the dairy farms of origin, identifying a major, persisting reservoir for drug-resistant salmonella in California."

The researcher found that the hamburger in question had come from cows on dairy farms, which were slaughtered for beef when they stopped producing milk. In reporting on the progress of the study in December, the trade journal Food Chemical News said investigators had found through questionnaires sent to the dairies that penicillin had been used in the feed of 95 percent of the animals and tetracycline in 86 percent.

The Food and Drug Administration started to impose a ban on the use of antibiotics in animal feed in 1977, but Congress, heeding farmers and the pharmaceutical industry, blocked the agency's action.

The Commissioner of Food and Drugs, Frank E. Young, said in a recent interview that his agency planned its own assessment of the risks of feeding the drugs to animals.

INDUSTRY DISPUTES CONCLUSIONS

Fred Holt, a spokesman for the Animal Health Institute, a trade organization, said the industrywide sales of all antibiotics, for therapeutic use in humans and animals and for animal feed, totaled $270.6 million in 1985. The Government estimates that half of all antibiotics produced are used routinely in feeding animals.

Dr. Richard H. Gustafson, a research fellow in the agricultural research division of the American Cyanimid Company in Princeton, N.J., a major producer of antibiotics for animal feed, praised the care with which the C.D.C. study was made, but disputed the conclusion that it provided ammunition to oppose the use of antibiotics.

Noting that the contaminated meat came from aging dairy animals, Dr. Gustafson said the study did not reflect poorly on the use of antibiotics by meat producers.

"The approved uses of antibiotics should in no way be jeopardized by the information presented by these authors," Dr. Gustafson said.●

By Mr. ROTH (for himself and Mr. TRIBLE):

S. 682. A bill to amend the Legal Services Corporation Act to ensure that the provision with respect to the payment of attorneys fees is strengthened, and for other purposes; to the Committee on Labor and Human Resources.

S. 683. A bill to amend the Migrant and Seasonal Worker Protection Act, to encourage mediation and conciliation prior to bringing rights of action under that act, to permit reasonable attorneys' fees in certain cases in which a final order it entered in favor of the defendant, and for other purposes; to the Committee on Labor and Human Resources.

LEGAL PROTECTION FOR CERTAIN SMALL FARMERS

● Mr. ROTH. Mr. President, today I introduce two bills designed to protect America's small farmers against the abusive and sometimes financially devastating court cases brought on by certain Legal Services offices throughout the Nation. In the recent past, I have received disturbing information from my constituents and others that there are some Legal Services offices that are tyrannizing small farmers by bringing costly, illegitimate complaints against them. Of course, Legal Services attorneys can and do provide legitimate services for some of our citizens. However, when these services abuse the rights of America's farmers—a group of individuals already under extreme pressure to survive environmental and economic hardships—I must call a stop to the injustices.

Numerous horror stories have been brought to my attention—stories which recount how Legal Services attorneys have pursued innocent farmers and have either mistated or fabricated information against these farmers. Recently, in my home State of Delaware, one grower received a typical threat letter from a Legal Aid office. In this letter, the Legal Aid attorney stated that the farmer had violated certain laws which are not even applicable to the farmer in question. Nevertheless, this farmer could have faced either settling out of court for hundreds of dollars or trying to prove his innocence through legal channels at a cost of thousands of dollars.

Farmers in other States make similar complaints. Indeed, recently in Virginia, a Federal district court judge acknowledged that certain plaintiffs had litigated claims without substantial evidence essentially because they were pawns in the hands of the Farmworkers Legal Services of North Carolina.

Still, when the farmers returned to court to sue for the expenses incurred by their court case, this same judge was unable to grant these fees. Instead, he cited the section of the Legal Services Corporation Act which states that a recovery of fees may be obtained only if the case has been pursued "for the sole purpose of harassment."

It is clear that this provision needs to be changed. Out of approximately 150 attorneys fees provisions in the United States Code, this appears to be the only one which requires that the "sole" purpose of the suit be for harassment—a matter which is extremely difficult to prove in court.

My first bill, S. 682, would change the wording of this section of the Legal Services Corporation Act from "sole" purpose to "principal" purpose. It would also authorize the awarding of attorneys fees if a suit is deemed "frivolous." In this way, if a farmer were unjustly accused of wrongdoing, he would be able to go to court to prove his innocence without the fear of incurring tremendous legal expenses. Furthermore, this bill would amend the Legal Services Corporation Act to enable a court to assess fees against a particular Legal Services office or attorney if that office or attorney had been abusing the legal process to the detriment of the small farmer.

And, since many of these unjustifiable cases involve migrant farm workers, I have drafted another bill, S. 683, that would add a section to the Migrant Seasonal Workers Protection Act which, like my amendment to the Legal Services Corporation Act, specifically authorizes attorneys fees. In this way, Legal Services attorneys would be prevented from bringing frivolous and illegitimate complaints against innocent farmers.

This bill would also require that before a suit is filed under the Migrant Seasonal Workers Protection Act, a litigant must exhaust all available administrative remedies and also attempt to arbitrate. Only after that process has failed may one sue. These requirements, similar to those set forth in title VII of the Civil Rights Act, would have the salutary effect of avoiding unnecessary and costly litigation, while at the same time refining the issues in those cases which are actually litigated.

In drafing these bills, I have been careful not to discourage legitimate legal complaints of workers. Instead, I have crafted two bills that would prevent reckless and unjust accusations against farmers. They would allow the innocent farmer to concentrate his time and his funds toward providing jobs for his workers and resources for his neighbors. Let his toil bear real fruit, and we will all benefit.●

By Mr. HEINZ (for himself, Mr. MOYNIHAN, Mr. DURENBERGER, Mr. BOREN, Mr. RIEGLE, Mr. BAUCUS, Mr. MITCHELL, Mr. SYMMS, Mr. GRASSLEY, Mr. DODD, and Mr. DOMENICI):

S. 684. A bill to amend the Internal Revenue Code of 1986 to make permanent the targeted jobs credit; to the Committee on Finance.

TARGETED JOBS CREDIT

● Mr. HEINZ. Mr. President, I am introducing today, with my distinguished colleagues MOYNIHAN, DURENBERGER, BOREN, RIEGLE, BAUCUS, MITCHELL, SYMMS, GRASSLEY, DODD, and DOMENICI, a permanent extension of the current Targeted Jobs Tax Credit Program.

The targeted jobs tax credit [TJTC] is an unique jobs program. No expensive Government agency runs it. No excessive redtape lessens its effectiveness. Rather, TJTC offers financial incentives in the form of tax credits to employers who hire people from the targeted groups. As a longtime advocate of this program, I am pleased that the Tax Reform Act of 1986 extended TJTC through 1988. This legislation will make the credit permanent. We extended TJTC in 1981, 1982, 1984, and 1986. It is time to give this proven program genuine permanence.

The Targeted Jobs Tax Credit Program encourages private sector employers to hire TJTC—eligible people by providing tax credits. To be eligible for TJTC, a potential employee must be certified as a member of one of the following groups:

First, handicapped individuals eligible for vocational rehabilitation services;

Second, economically disadvantaged students—age 18 to 24;

Third, economically disadvantaged Vietnam-era veterans;

Fourth, supplemental security income [SSI] recipients;

Fifth, general assistance—welfare recipients;

Sixth, economically disadvantaged cooperative educational students—age 16 to 19;

Seventh, economically disadvantaged former convicts;

Eighth, Aid to Families with Dependent children [AFDC] recipients and work incentive [WIN] registrants; and

Ninth, economically disadvantaged summer youth employees.

Let me take a moment to explain how the program actually works.

An employer who hires a person certified as a member of one of these groups receives a tax credit equal to 40 percent of the first $6,000 of first-year wages, and in the case of qualified summer youth employees, the credit is equal to 85 percent of the first $3,000 earned between May 1 and September 15. No wages paid to a targeted-group members are to be taken into account for credit purposes unless the individual is employed by the employer for at least 90 days—14 days in the case of qualified summer youth employees—or has completed at least 120 hours of work performed for the employer—20 hours in the case of qualified summer youth employees.

No employer is compelled to hire a person from a targeted group. Rather, the tax credit gives employers the incentive to hire the disadvantaged. Equally important, it gives the disadvantaged something which they might not otherwise have—a fair chance to find meaningful and productive employment.

Over the last 6 years, we have held numerous hearings and meetings—both here in Washington and in our home States—on the effect of TJTC. I have heard from people unemployed for many months or even years who, upon participation in this program have finally been able to find jobs. For some, TJTC has been the only viable way to extracate themselves from unemployment, poverty, and public assistance. I have heard employers, State officials, and local leaders praise TJTC as a program which works.

While the program has been in existence since 1987, it has had to be extended every year or so. In fact, the program ceased temporarily to exist during much of 1986. While TJTC was extended in both the House and the Senate versions of tax reform, it expired at the end of 1985, and was not extended until the Tax Reform Act of 1986 was signed into law. This short expiration caused extreme disruption in the program. Local employment service centers were no longer processing vouchers. As of October 22, 1986, over 1 million requests for certification were backlogged. As a result, job creation opportunities were lost, and needy people went too long without assistance. This cannot be allowed to happen again.

Since its inception in 1978, the program has never been fully utilized. Making the program permanent, will provide the stability necessary to allow employers to incorporate TJTC into their long range plans. The permanent extension of the Targeted Jobs Tax Credit Program is a significant opportunity for this country to use a proven and effective method to reduce personal dependency, governmental paternalism, and the budget deficit by giving employers sufficient incentive to hire people off welfare rolls and allow them to become productive, taxpaying citizens. Without this program many people will never have a fair chance to prove themselves and make it on their own.

Mr. President, I should like to thank the cosponsors for their unqualified support. I believe that when the other Senators have an opportunity to examine our legislation, the merits of the program and the beneficial effects which this program has had in their States, they will again join us as cosponsors. I urge all my fellow Senators to join us in cosponsoring this legislation, and I hope this permanent extension will be expeditiously enacted.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 684

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 51(c) of the Internal Revenue Code of 1986 (defining wages) is amended by striking out paragraph (3) (relating to termination).

(b) AUTHORIZATION OF APPROPRIATIONS.—Paragraph (2) of section 261(f) of the Economic Recovery Tax Act of 1981 is amended by striking out "fiscal years 1983, 1984, 1985, 1986, 1987, and 1988" and inserting in lieu thereof "each subsequent fiscal year".●

● Mr. MOYNIHAN. Mr. President, today I join my distinguished colleague, the senior Senator from Pennsylvania, in introducing the Permanent Targeted Jobs Tax Credit Act of 1987, legislation to make the targeted jobs tax credit a permanent part of the Tax Code. Without this legislation, the credit will expire at the end of next year.

The targeted jobs tax credit, first enacted in 1978, provides a Federal tax credit to employers who hire members of groups that face employment barriers—disadvantaged youth, welfare recipients, Vietnam veterans, handicapped individuals and ex-offenders.

The targeted jobs tax credit has also been instrumental in encouraging employers to hire the structurally unemployed—those who have been out of work for an extended period of time or who are new entrants in the job market—thus helping many break their cycle of dependency on the Federal Government. Because the targeted jobs tax credit is a tax incentive program, the Federal Government stimulates hiring without establishing a costly and cumbersome bureaucracy. In 1985, employers hired more than 600,000 persons with the encouragement of the program.

Because the credit often makes taxpayers out of benefits recipients, it actually saves the Government money. A Committee for Employment Opportunities study shows that the cost of administering the program averaged $586 per employee hired, in contrast to the average yearly AFDC payment of about $1,380. The committee estimated that the Targeted Jobs Tax Credit Program actually saved the Federal Government $418 million in public assistance payments that year.

I know how well this program works because it is used so effectively in my own State. New York State has consistently led the Nation in utilization of the targeted jobs tax credit. The program was responsible for 51,112 hires of disadvantaged individuals in New York during 1985, including 30,042 disadvantaged youth and 13,174 public assistance recipients. The remaining were handicapped persons, Vietnam-era veterans and ex-offenders. Even though the program was not renewed in 1986 until October, employers in the State made application for tax credits for 150,000 employees hired that year.

These hires were made with a small administrative budget that has not increased substantially since 1983, although the number of employees hired under the program has grown by almost 40 percent. Public assistance savings in 1985 were estimated at $51 million, which paid for the program in New York State many times over.

More than half a million people in New York State were unemployed last year. This is a human tragedy as well as an economic problem of huge proportions. One proven means of getting the unemployed, the dependent, and the disadvantaged back to work is the Targeted Jobs Tax Credit Program.

Yet Congress has had to extend the program four times since 1978. The last extension, in 1986, came 10 months after the program had expired. For a long period, employers were left in suspense as to whether they would receive tax credits for hiring disadvantaged individuals. This uncertainty jeopardizes the effectiveness of the credit, and I hope that we can enact a permanent provision in this Congress to put an end to this problem.

I urge my colleagues to join Senator HEINZ and me in working toward the quick passage of a permanent extension of the targeted jobs tax credit.●

By Mr. QUAYLE:

S. 685. A bill to amend the Deficit Reduction Act of 1984 to make permanent the administrative offset debt collection provisions with respect to education loans; to the Committee on Finance.

OFFSET AGAINST DEFAULTED STUDENT LOANS

● Mr. QUAYLE. Mr. President, I am introducing legislation that would extend the authority of the Internal Revenue Service [IRS] to offset tax refunds against defaulted Federal student loans.

This legislation would make permanent the authority that was written into the Deficit Reduction Act of 1984, which has allowed this IRS tax offset to be used for tax years 1985 and 1986. The success of this tax offset against defaulted loans has been tremendous, and the Department of Education has collected approximately $130 million from this offset in tax year 1985. In tax year 1986, the Department of Education has referred 616,442 cases valued at $1.6 billion, and expects to recover substantially more this year.

The Federal Government has generously supported the Perkins Loan Program [PLP], formerly the National Direct Student Loan Program, the Federally Insured Student Loan [FISL] Program, and the newer Guaranteed Student Loan [GSL] Program for many years. Over $50 billion worth of capital has been leveraged by Federal involvement in the GSL Program alone since 1965. The Federal Government will continue to operate these programs, and that is why the default rates in the programs have been a problem.

Over $1 billion a year in the last several years has been paid by the Department of Education for defaulted loans. While the overall default rate is not that high for these programs, the amount of money in default is high. The limited dollars in these programs should be going to make new loans rather than to pay off defaulted loans.

The Department of Education and the Congress have taken many steps recently to reduce and to prevent student loan defaults. Many of these new provisions are very successful. The IRS tax offset has been one of the most successful, which is why I am introducing this legislation to make the offset permanent.

The offset was begun as an experiment, with many doubters as to its effectiveness, but it has worked well. Under the program, FISL loans, loans under the Perkins Loan Program which have been referred to the Department of Education, and GSL's which have been referred by guaranty agencies to the Department are reviewed and deemed eligible for the offset. Most of these loans have been in default for many years, and numerous efforts have been made to put these loans into repayment. This IRS offset is truly the last resort.

Before the names of defaulters are sent to the IRS, however, the Department of Education contacts the individual one last time and gives him or her 60 days to put the loan back into repayment. If the borrower fails to do so within the 60-day period, the name of the borrower and the amount of the default is forwarded to the IRS. Then, if the borrower is due a Federal tax refund, the refund is offset by the amount of the default.

As a result of the 60-day notice, approximately $30 million was received by the Department of Education in tax year 1985 from borrowers who decided that they should put their loans into repayment before being offset. In tax year 1986, it is expected that this 60-day notice will result in more borrowers voluntarily repaying their loans.

While this offset adds slightly to the administrative burden of the IRS, it is worth the effort. By last year's account and this year's estimate, almost $1.7 billion could be held by the Treasury to be put toward the payment of defaulted student loans, instead of being paid out as tax refunds.

Because the tax offset has worked so well, I hope my colleagues will support this bill to make the IRS Tax Refund Offset Program a permanent one. In order to continue the good track record of this program, this legislation should ideally be signed into law by early summer so that the Department of Education can perform the necessary paperwork to contact the borrowers in July to allow them due process under this program prior to forwarding their names to the IRS in the fall.

If this program is not extended, we will be missing a prime opportunity to reduce the default costs in the Federal Student Loan Program. We should not pass up this opportunity.

Mr. President, I ask that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADMINISTRATIVE OFFSET DEBT COLLECTION PROVISIONS WITH RESPECT TO EDUCATION LOANS MADE PERMANENT.

Section 2653(c) of the Deficit Reduction Act of 1984 is amended by inserting "(other than with respect to past-due debts relating to loans made, insured, or guaranteed under part B and loans made under part E of the Higher Education Act of 1965)" after "1988".●

By Mr. DASCHLE (for himself, Mr. ZORINSKY, Mr. PROXMIRE, and Mr. DURENBERGER):

S. 686. A bill to amend the Agricultural Act of 1949 to limit the quantity of milk protein products that may be imported into the United States; to the Committee on Finance.

IMPORTS OF MILK PROTEIN PRODUCTS

● **Mr. DASCHLE.** Mr. President, I rise today to introduce legislation which would address a very serious problem facing the dairy industry—the escalating levels of casein imports. I am pleased to be joined by Senators ZORINSKY and PROXMIRE in the introduction of this crucial trade legislation.

One of the most serious trade obstacles facing our country's dairy producers is the increasing levels of casein imports and the damaging affect these imports have had on domestic dairy proeducers. Casein, most of which is imported, is the principal protein byproduct in milk and is used in a number of food products, including coffee whitener and imitation cheese. These often subsidized imports are allowed unrestricted access to U.S. markets and displace the use of domestically produced milk products.

This displacement of domestically produced dairy products results in higher Government outlays under the dairy price support program, harming both taxpayers and dairy farmers. In a 1980 study, the Department of Agriculture concluded that the Commodity Credit Corporation dairy price support program purchases would have been reduced by 333 pounds had not casein been imported into the United States. This reduction in purchases would have resulted in a savings of $300 million, an additional cost which clearly is sufficient to justify import relief under section 22 of the Agricultural Adjustment Act of 1933 as called for in this legislation.

Casein is generally not commercially produced in the United States, primarily because of production subsidies in exporting countries. In recent years, many casein exporting countries have developed casein industries as extensions of their domestic agricultural policies, taking clear advantage of our unique position of imposing no import barriers on casein.

The legislation I am today introducing with my colleagues will accomplish two objectives: it will establish a quota limit on casein imports at 50 percent of the average amount imported during 1981-85—as authorized by section 22 of the Agricultural Adjustment Act of 1933, and, it will direct the Secretary to establish a preferential licensing system to ensure the availability of casein necessary in the use of this product.

Mr. President, I urge my colleagues to join in this effort to address the serious casein import problem facing the domestic dairy industry. I ask unanimous consent that the text of this legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 686

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.) is amended by adding at the end thereof the following new section:

"QUANTITATIVE RESTRICTIONS ON IMPORTED MILK PROTEIN PRODUCTS

"SEC. 425. (a) For purposes of this section, the term 'milk protein products' means—

"(1) casein,

"(2) caseinates,

"(3) lactalbumin,

"(4) whey protein concentrates, or

"(5) mixtures containing not less than 5 percent of any product referred to in paragraphs (1) through (4).

"(b) To ensure that the quantities of milk protein products imported into the United States will not render ineffective, or materially interfere with, price-support operations undertaken under this Act, the President shall by proclamation limit the quantity of milk protein products that may be imported in any calendar year (or portion of a calendar year in the case of the calendar year in which this section is enacted) beginning on the day after the effective date of this section, to a quantity equal to 50 percent of the average annual quantity of milk protein products that was imported during the period beginning January 1, 1981, and ending December 1, 1985 (or, in the case of such portion of a calendar year, a proportionately lesser quantity). A proclamation issued under this subsection shall be considered to be a proclamation that is issued by the President under section 22 of the Agricultural Adjustment Act (7 U.S.C. 624), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, and that meets the requirements of that section.

"(c) In implementing a quantitative restriction proclaimed under subsection (b), the Secretary of Agriculture shall establish an import licensing system for foreign milk protein products under which—

"(1) first preference shall be given to those importers or users who establish that their importation or utilization of such products is for purposes for which no substitutes for such products are available;

"(2) second preference shall be given to those importers or users who establish that their importation or utilization of such products is for purposes for which domestically produced skim milk or skim milk solids cannot be substituted; and

"(3) third preference shall be given to importers or users with respect to whom no preference under paragraph (1) or (2) applies.".●

By Mr. DANFORTH (for himself and Mr. KASTEN):

S. 687. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on the Judiciary.

By Mr. DANFORTH:

S. 688. A bill to regulate interstate commerce by providing for a uniform product liability law, and for other purposes; to the Committee on the Judiciary.

PRODUCT LIABILITY

● Mr. DANFORTH. Mr. President, today I rise to introduce two bills, the Product Liability Reform Act of 1987, and a bill to provide procedures for the expedited settlement of product liability suits.

The time for product liability reform has arrived. In the 97th, 98th, and 99th Congresses the Senate Commerce Committee reported out product liability reform bills. Last year, for the first time, one of these bills was the subject of debate on the Senate floor. During this debate the Senate voted 84 to 13 in favor of a motion to proceed to consideration of the bill. The Senate has delayed long enough. Product liability reform must be a priority of the 100th Congress.

The present system in the United States for resolving product liability disputes and compensating those injured by defective products does not benefit manufacturers, product sellers, or injured persons. This system is, in reality, a morass of State product liability laws. This morass of laws imposes a substantial burden on interstate commerce; a burden which persists despite the fact that the product liability system benefits no one.

Moreover, our competitive position in world markets has been unjustifiably and unreasonably burdened by the present product liability system. In testimony presented before the Commerce Committee recently, Commerce Secretary Baldrige stated:

> Our product liability laws have become a burden on the competitiveness of United States businesses. As the costs associated with our product liability system, including the costs of liability insurance, climb upward, these costs will be reflected in higher unit prices. This makes U.S. products less attractive in both domestic and foreign markets.

As noted by Secretary Baldrige, the inefficiency and unpredictability of the product liability system has been linked to the increasing cost and continuing shortage of liability insurance coverage. As a result, manufacturers throughout the country, whether they make products such as sporting goods, textile manufacturing equipment, machine tools, medical devices or vaccines, cannot buy acceptable amounts of insurance coverage or, if the coverage is available, its cost is exorbitantly high.

Unfortunately, the individual States cannot address the problems of the product liability system effectively, because reform within one State does little to resolve the tort litigation problems facing those who deal in an interstate market. Products are manufactured, sold, used, and insured on a nationwide market. Data show that most products manufactured in a given State are consumed or used outside that State. As a result, manufacturers and product sellers may be involved in product liability actions governed by the law of any State in which they do business. An attempt by one State to resolve the uncertainties in the tort litigation system cannot relieve the overall burden imposed on interstate commerce. Thus, in New York State, the Governor's Advisory Commission on Liability Insurance last year concluded that in the area of product liability law, "the case for Federal intervention is compelling."

The first bill I am introducing today, and which is cosponsored by Senator KASTEN, is the Product Liability Reform Act of 1987. This liability reform bill is based on recommendations adopted recently by the American Bar Association's house of delegates during the ABA's midyear meeting in New Orleans. This bill addresses the problems I have outlined by establishing procedures for reviewing damage awards, by imposing reasonable restrictions on punitive damages and by eliminating joint liability for noneconomic damages for those defendant's whose liability for the plaintiff's injury is slight. These provisions apply to all product liability actions, State and Federal.

Title 2 of this product liability reform bill establishes a Commission to study product liability awards. The establishment of such a Commission is in keeping with the recommendation by the ABA's house of delegates that "one or more tort Commissions should be established, which would be empowered to review tort awards during the preceding year, publish information on trends, and suggest guidelines for future trial court reference."

Section 302 of my bill establishes uniform standards for the award of punitive damages. The section provides that punitive damages may not be awarded unless the plaintiff establishes by clear and convincing evidence that a product-related harm was the result of a manufacturer's or product seller's conscious, flagrant indifference. This provision is in keeping with the recommendation of the ABA's house of delegates that "Punitive damages should be limited to cases warranting special sanctions and should not be commonplace." The house of delegates also recommended that a threshold requirement for submission of a punitive damages case to the jury should be that the defendant demonstrated a conscious or deliberate disregard for the plaintiff and that the standard of proof regarding punitive damages should be "clear and convincing" evidence.

With regard to the joint and several liability of defendants, the ABA's house of delegates recommended that the liability of a defendant whose responsibility for an injury is substantially disproportionate to the total loss suffered by the plaintiff should be several but not joint with regard to noneconomic damages. In keeping with this recommendation, my bill provides that the liability of a defendant for noneconomic damages shall be several only, if the defendant's liability for a product-related injury is substantially disproportionate to the total loss suffered by the plaintiff. Substantially disproportionate is defined as liability which is less than one-third of the liability of the defendant with the greatest liability.

Also, in keeping with the recommendations of the ABA's house of delegates, my bill limits the use, in product liability litigation, of evidence relevant only to the awarding of punitive damages. The bill provides that such evidence is admissible only after the court has determined the defendant's liability for any amount of compensatory damages.

Finally, the Product Liability Act of 1987 requires trial courts to review the amount of compensatory and punitive damages awarded in a proceeding under the Act. With regard to both types of damages, the trial court is given the authority to seek modification of the award or set it aside if the award is excessive. In addition, the trial court may set aside or seek modification of the compensatory damage award if the award is inadequate.

Along with the Product Liability Reform Act of 1987, I am also introducing today a bill to provide for expedited settlement of product liability suits. This bill complements the Product Liability Act of 1987 by addressing a second area of concern with regard to the current product liability system, namely the high cost, excessive delay, and extraordinary inequity associated with compensating consumers injured by products.

The present product liability system's transaction costs—the costs of litigation, court costs, and attorney's fees—are enormous, with lawyers collecting as much from the system as injured victims do. Most of the money paid out by manufacturers never reaches the victims at all. A new study by the Rand Institute for Civil Justice reveals the wasteful inefficiency of the system. It found that in 1985 the U.S. tort system spent between $16 and $19 billion in legal expenses, to deliver only $14 to $16 billion in net compensation to plaintiffs. In all, plaintiffs received only 46 percent of the total expenditure.

A second problem with the present product liability system is delay. This is particularly a concern for seriously injured victims, who are often in desperate financial straits and must wait years to be compensated while litigation drags on. One study found that 36 percent of bodily injury losses are not paid until at least 4 years after the first report, and that it takes 5 years to pay the claim with the average dollar amount of loss. Another study found that in cases in which payment exceeded $100,000, 21.6 percent of claimants waited more than 5 years for payment. Only 2.1 percent were paid less than a year after they reported their injury, and 62.6 percent took more than 3 years to be paid.

Not only does the present product liability system generate excessive costs and delays; it is unable to compensate fairly injured victims in proportion to their losses. Numerous studies have found that the tort system grossly overpays people with small losses, while underpaying people with the most serious losses. One study found that injured plaintiffs with losses between $1 and $1,000 received, on the average, 859 percent of their losses, while those with losses of over $1 million received, on the average, 15 percent of their losses—before paying their attorney's fees. Other studies have shown that people with lower incomes and lower educational levels recover far less than their middle class counterparts because they have less access to attorneys, cannot afford to wait as long to recover and often are not good witnesses.

Finally, the system is inherently uncertain and unpredictable, and has been characterized as a lottery. One law professor described the system this way: "lawyers' talents, plaintiffs' demeanor, defendants' grit, and the idiosyncrasies of jury composition combine to hand similar victims altogether dissimilar results." This uncertainty is unfair to both manufacturers and consumers injured by defective products.

In short, defendants need greater certainty as to the scope of their liability under the law and plaintiffs need faster, more certain recovery that fully compensates them for their real losses. The expedited settlement bill I am introducing today fulfills all of these requirements by establishing a settlement system which will reduce transaction costs, speed the awarding of damages to injured claimants, and more fairly compensate victims in proportion to their losses, while, at the same time, ensuring that defendants will not be saddled with excessive damage awards that have no relationship to the degree of injuries suffered by the claimant.

This bill would establish expedited settlements provisions similar to those contained in S. 2760, the product liability bill reported by the Commerce Committee during the last Congress. I have decided to introduce these provisions as a separate bill, because I believe that this process will allow for greater discussion regarding the type of expedited settlement system that should be adopted. There are some who may dislike the system I am proposing. I would welcome their input and encourage them to join with me in a constructive effort to develop a workable, fair, and efficient product liability settlement system.

The present product liability system is costly, slow, inefficient, and inequitable. The bills I am introducing today, the Product Liability Reform Act of 1987 and the product liability expedited settlement bill, if enacted, will ensure that awards resulting from product liability litigation will be more reasonable, justified and equitable. Morever, enactment of my product liability expedited settlement bill will ensure that product liability awards will get to injured consumers more quickly and at less cost to both consumers and product manufacturers. Therefore, I urge my colleagues to join me in supporting both the Product Liability Reform Act of 1987 and my product liability expedited settlement bill.

Mr. President, I ask unanimous consent that the text of both bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

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TITLE I

SHORT TITLE

SEC. 101. This Act may be cited as the "Product Liability Reform Act of 1987".

DEFINITIONS

SEC. 102. As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established; the level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but—less than that required for proof beyond a reasonable doubt;

(3) "commerce" means trade, traffic, commerce, or transportation (A) between a place in a State and any place outside of that State; or (B) which affects trade, traffic, commerce, or transportation described in clause (A);

(4) "Commission" means the National Commission on Product Liability Awards established in title II of this Act;

(5) "economic loss" means any pecuniary loss resulting from harm which is allowed under State law;

(6) "exercise of reasonable care" means conduct of a person of ordinary prudence and intelligence using the attention, precaution and judgment that society expects of its members for the protection of their own interests and the interests of others;

(7) "harm" means any harm recognized under the law of the State in which the civil action is maintained, other than loss or damage caused to a product itself, or commercial loss, with respect to which recovery is available under the commercial or contract law of the State;

(8) "non-economic loss" means loss caused by a product other than economic loss or commercial loss;

(9) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity);

(10) "preponderance of the evidence" is that measure or degree of proof which, by the weight, credit, and value of the aggregate evidence on either side, establishes that it is more probable than not that a fact occurred or did not occur;

(11) "product" means any object, substance, mixture, or raw material in a gaseous, liquid or solid state (A) which is capable of delivery itself or as an assembled whole, in a mixed or combined state or as a component part or ingredient; (B) which is produced for introduction into trade or commerce; (C) which has intrinsic economic value; and (D) which is intended for sale or lease to persons for commercial or personal use; the term does not include human

tissue, blood and blood products, or organs unless specifically recognized as a product pursuant to State law; and

(12) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

PREEMPTION

SEC. 103. (a) This Act governs any civil action brought against a manufacturer or product seller, on any theory, for harm caused by a product.

(b) This Act supersedes any State law regarding recovery for harm caused by a product only to the extent that this Act establishes a rule of law applicable to any such recovery. Any issue arising under this Act that is not governed by any such rule of law shall be governed by applicable State or Federal law.

(c) Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) supersede any Federal law, except the Federal Employees Compensation Act;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976 (28 U.S.C. 1602 et seq.);

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede any statutory or common law, including an action to abate a nuisance, that authorizes a State or person to institute an action for civil damages or civil penalties, clean up costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief resulting from contamination or pollution of the environment, or the threat of such contamination or pollution.

(d) As used in this section, "environment" has the meaning given to such term in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(14)).

(e) This Act shall be construed and applied after consideration of its legislative history to promote uniformity of law in the various jurisdictions.

JURISDICTION OF FEDERAL COURTS

SEC. 104. The district courts of the United States shall not have jurisdiction over any civil action pursuant to this Act, based on sections 1331 or 1337 of title 28, United States Code.

EFFECTIVE DATE

SEC. 105. This Act shall take effect 90 days after the date of its enactment and shall apply to all civil actions pursuant to this Act commended on or after such date, including any action in which the harm or the conduct which caused the harm occurred before the effective date of this Act.

TITLE II

NATIONAL COMMISSION ON PRODUCT LIABILITY AWARDS

SEC. 201. (a) There is established a National Commission on Product Liability Awards, consisting of five individuals appointed by the Judicial Conference of the United States on the basis of their expertise regarding civil actions and recovery for loss or damage caused by a product. One of the members of the Commission shall be designated by the Judicial Conference to serve as its Chairman.

(b)(1) Except as provided in paragraph (2) of this subsection, two of the members first appointed under this section shall be appointed for a term of two years, two for a term of four years and one for a term of six years, as designated by the Judicial Conference. Each of their successors shall be appointed for a term of six years from the date of expiration of the term for which his predecessor was appointed.

(2) Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall serve only for the remainder of such term. A member may continue to serve after the expiration of the member's term until his successor has taken office. A vacancy of the Commission shall not impair the right of the remaining members to discharge their responsibilities under this title.

(c) The Commission shall—

(1) compile, evaluate and publish information on current product liability awards; and

(2) issue guidance for use, in their discretion, by State and Federal courts in developing jury instructions and in modifying jury awards pursuant to section 304 of this Act.

(d) The Judicial Conference shall provide the Commission with such staff and administrative support services as may be necessary for carrying on its functions under this Act.

(e) There are authorized to be appropriated for the purposes of this section such sums as may be necessary. Such sums shall remain available until expended.

TITLE III

CIVIL ACTIONS

SEC. 301. A person seeking to recover for harm caused by a product may bring a civil action against the product's manufacturer or product seller pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES

SEC. 302. (a) Punitive damages may, if otherwise permitted by applicable law, be awarded in any civil action subject to this title to any claimant who establishes by clear and convincing evidence that the harm suffered was the result of conduct manifesting a manufacturer's or product seller's intentional or conscious disregard for the safety of those persons who might be harmed by a product. A failure to exercise reasonable care in choosing among alternative product designs, formulations, instructions or warnings is not of itself such conduct.

(b) In any civil action in which the alleged harm to the claimant is death and the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages regardless of whether a claim is asserted under this section. The recovery of any such damages shall not bar a claim under this section.

UNIFORM STANDARDS FOR NON-ECONOMIC LOSS

SEC. 303. (a)(1) Where a product causes harm, liability for non-economic loss resulting from such harm shall be joint and several, except that if any defendant's liability for such loss is substantially disproportionate to the liability for the entire loss, as determined under subsection (b) of this section, such defendant's liability for non-economic loss shall be several only and shall not be joint. Each such defendant whose liability is substantially disproportionate shall, with respect to non-economic loss, be liable only for the amount of such loss allocated to such defendant in direct proportion to such defendant's proportion of responsibility as determined under subsection (b) of this section. A separate judgment shall be rendered against such defendant for that amount.

(2) For purposes of this subsection, a defendant's liability for loss caused by a product is substantially disproportionate to the liability for the entire loss if the defendant's liability, as determined under subsection (b) of this section, is one-third or less of the percentage of the liability of the defendant responsible for the greatest part of the loss.

(b) For purposes of this section, the trier of fact shall determine the proportion of responsibility of each party for the claimant's harm.

ADMISSIBILITY OF CERTAIN EVIDENCE

SEC. 304. Evidence regarding the net worth of a defendant and other evidence relevant solely to the amount of punitive damages to be awarded in any civil action under this Act shall not be admissible until the trier of fact has made a determination with respect to the liability of such defendant for compensatory damages and the amount of such damages.

REVIEW OF CERTAIN AWARDS OF DAMAGES

Sec. 305. (a)(1) A verdict in a civil action under this Act which includes an award of compensatory damages shall be reviewed by the court in which the action was brought, and may be set aside by the court, if the court finds the amount of compensatory damages to be excessive or inadequate, unless the affected parties agree to a modification.

(2) For purposes of this subsection, the amount of an award of compensatory damages is excessive or inadequate if it is clearly more or less, respectively, than what would be reasonable compensation to the plaintiff according to community expectations and awards to similar plaintiffs in like circumstances.

(b)(1) A verdict in any civil action under this Act which included an award of punitive damages shall be reviewed by the court in which such action was brought, and the portion of such verdict attributable to punitive damages may be set aside by the court if the court determines that such damages are excessive, unless the affected parties agree to a modification.

(2) For the purposes of this subsection, the amount of an award of punitive damages is excessive if it clearly exceeds what is reasonably required to accomplish the purpose of punitive damages, either considered by itself or when considered with other awards of punitive damages against the same defendant for the same conduct or the same product defect.

S. 688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

EXPEDITED PRODUCT LIABILITY SETTLEMENTS

SECTION 1. (a) Any claimant may bring a civil action for harm caused by a product against the product's manufacturer or the product seller, pursuant to applicable State or Federal law, except to the extent such law is superseded by this Act.

(b) Any claimant may, in addition to any claim for relief made in accordance with State law, include in such claimant's complaint an offer of settlemnt. For the purposes of this Act, an offer of settlement shall be limited to a claim for payment of the claimant's net economic loss, pursuant to section 5 of this Act, and any dignitary loss.

(c) Any defendant in such an action may make an offer of settlement for the claimant's net economic loss and any dignitary loss. Such offer shall be made by certified mail, return receipt requested, within ninety days after service of the claimant's complaint, or within the time permitted pursuant to applicable State or Federal law for the responsive pleading, whichever is longer, except that if such pleading includes a motion to dismiss in accordance with applicable law, the defendant may make such an offer to the claimant within ten days after the court's determination regarding such motion. A copy of such offer shall be filed with the court within such time period.

(d)(1) The recipient of an offer of settlement made in accordance with subsections (b) or (c) of this section shall determine whether to accept or reject such offer, unless the recipient disputes the validity of such offer because of the inclusion or exclusion of dignitary loss. If such a dispute exists, paragraph (3) of this subsection shall apply.

(2) A recipient of such an offer shall provide to the offeror written notice of acceptance or rejection of such offer by certified mail, return receipt requested, within ninety days after the date on which such offer is made. A copy of such notice shall be filed with the court within such time period.

(3) If, during such time period, the recipient of an offer of settlement pursuant to this Act disputes the validity of such offer because of the inclusion or exclusion of dignitary loss or the amount of such loss, the recipient shall file a motion with the court for a determination as to the validity of the offer of settlement. Within fifteen days after the filing of such motion, the court shall rule as a matter of law on such motion. If the court finds that the offer of settlement is invalid, a new offer of settlement consistent with the court's ruling may be made by the offeror within ten days, and a response to such offer must be made within the time period and in the manner specified in paragraph (2) of this subsection. Such offer shall be made by certified mail, return receipt requested. If such offer is made by the plaintiff, such offer shall be sent to all defendants. If the court finds that the offer of settlement is valid, there shall be a period of 10 days in addition to the applicable time period under this section in which the recipient may respond to such offer of settlement.

(e) In any case in which an offer of settlement is made under subsection (b) or (c) of this section, the court may, upon motion made prior to the expiration of the applicable period for response, enter an order extending such period for discovery. Any such order shall contain a schedule for discovery of evidence material to the issues of the circumstances of the harm and the appropriate amount of relief, and shall not extend such period for more than ninety days. Any such action shall be accompanied by a supporting affidavit of the moving party setting forth the reasons why such extension is necessary to promote the interests of justice and stating that the information likely to be discovered is material, and is not, after reasonable inquiry, otherwise available to the moving party.

(f) Subject to subsection (e) of this section, and unless otherwise agreed by the parties, failure to respond to a settlement offer within the applicable time period set forth in subsection (d) of this section shall be deemed to be a rejection of the offer of settlement, and the provisions of sections 3 and 4 of this Act shall apply.

(g) Any party to an offer of settlement pursuant to this Act shall be bound by the court's determinations as to any disputes involving net economic loss. Such disputes shall be resolved by the court on an expedited basis, unless the parties agree to be bound by determinations made pursuant to any voluntary alternative dispute resolution procedures established or recognized under the law of the State in which the civil action for damages for harm caused by a product has been brought, or under the roles of the court in which such action is maintained.

(h) When an offer of settlement is made in accordance with this section, a civil action brought by a claimant shall be stayed until—

(1) notification by the recipient of such offer pursuant to subsection (d) of this section; or

(2) failure to respond to such offer within the time periods specified in subsection (d) or (e) of this section.

This subsection shall not apply to a dispute regarding dignitary loss pursuant to subsection (d) of this section or to discovery pursuant to subsection (e) of this section.

RIGHTS UPON SETTLEMENT

SEC. 2. (a) Subject to the provisions of subsection (c) of this section, a claimant may not bring or maintain a civil action against any person for damages arising from the same harm if—

(1) any defendant has accepted the claimant's offer of settlement made pursuant to section 1 of this Act and has paid or agreed in writing to make payment to the claimant;

(2) any defendant's offer of settlement made in accordance with section 1 of this Act has been accepted in writing by the claimant.

In such circumstances, the court shall dismiss the civil action of the claimant upon motion by any party to the settlement, except that the court shall retain jurisdiction for the purpose of resolving disputes concerning the extent of the claimant's net economic loss and for other purposes consistent with this Act.

(b) If a claimant is precluded from bringing or maintaining a civil action under subsection (a) of this section, a defendant who has entered into a settlement with the claimant may not be made a defendant in any action brought by any other party for contribution, reimbursement, subrogation or indemnity for damages arising from the same harm, in the absence of a prior written agreement to the contrary, except as provided in section 6 of this Act.

(c) Neither the claimant's employer nor any insurer shall have any right to subrogation, contribution, or indemnity against the defendant or any lien on the claimant's settlement from the defendant, nor shall the defendant have any right of contribution or indemnity against the claimant's employer or fellow employee.

REJECTION OF CLAIMANT'S OFFER OF SETTLEMENT

SEC. 3. (a) If a defendant rejects an offer of settlement made by a claimant in accordance with section 1 of this Act and a verdict is entered against the defendant in such action equal to or greater than the current value of such offer of settlement (as determined by the court), the court shall enter judgment against the defendant and shall include in such judgment an amount for the claimant's reasonable attorney's fee and costs not to exceed $100,000 incurred by the claimant from the date on which the defendant rejected such offer or failed to respond as provided in section 1 of this Act until the date of entry of the claimant's judgment. Such fees shall be offset against, but shall not exceed, any fees owed by the claimant to the claimant's attorney by reason of the verdict.

(b) The court shall review the amount for the claimant's reasonable attorney's fees and costs included in such judgment under subsection (a) of this section. The court shall reduce such amount if the court determines that the defendant had a reasonable basis for rejecting the offer of settlement made be a claimant in accordance with section 1 of this Act because the case involved a novel question of law or complex question of fact.

(c) For the purposes of this section, attorney's fees shall be calculated on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

RIGHTS UPON CLAIMANT'S REJECTION OF OFFER OF SETTLEMENT

SEC. 4. (a) In a civil action subject to this Act , if a defendant makes an offer of settlement pursuant to section 1 of this Act and such offer is rejected by the claimant, the provision of this section shall apply if the defendant is found liable in such action for harm to the claimant.

(b) The liability of the defendant for the claimant's economic loss shall not exceed the claimant's net economic loss.

(c)(1) The liability of the defendant for the claimant's non-economic loss shall, other than punitive damages, shall not exceed $250,000 in any case in which the court finds that recovery for dignitary loss is appropriate. Such a determination shall be made by the court prior to the entry of judgment.

(2) In any case other than a case specified in paragraph (1) of this subsection, the liability of the defendant for the claimant's non-economic loss, other than punitive damages, shall not exceed two times the claimant's economic loss or $50,000, whichever is less.

(d) In any such civil action tried by a jury, the jury shall be instructed to make specific findings of fact regarding the portion of any damage award allocable to economic loss and the portion of any damage award allocable to non-economic loss. The jury shall not be instructed regarding the limitations on damages specified in subsections (b) and (c) of this section, but the award of damages in any such action shall be reduced by the court in accordance with such limitations.

(e) If more than one defendant joins in an offer of settlement made in accordance with section 1 of this Act that is rejected by the claimant, the limitations on damages specified in this section shall apply in the aggregate to the liability of such defendants.

PAYMENT OF NET ECONOMIC LOSS

SEC. 5. (a) Subject to subsection (b) of this section and section 1 of this Act net economic loss shall be paid periodically as costs are incurred, but not later than 30 days after the date on which reasonable proof of the fact and amount of net economic loss incurred is submitted to any defendant who is a party to a settlement under this Act.

(b)(1) An obligation to make payment of net economic loss may be discharged initially or at any time thereafter by a settlement agreement, including an agreement to make a lump-sum payment, except that no such discharge shall be made with respect to harm giving rise to an estimated value of net economic loss equal to or greater than $10,000 unless the court determines that the settlement is fair to the claimant.

(2) A settlement agreement may be modified upon a finding that a material and substantial change of circumstances has occurred after the date on which the agreement was made or that there is newly discovered evidence concerning the claimant's physical condition, loss, or rehabilitation, which could not have been known or discovered in the exercise of reasonable diligence prior to the date of such agreement.

(3) The court, upon application of any party to the settlement, may make appropriate orders concerning the protection and disbursement of the proceeds of a settlement agreement entered into under this section.

(c) If a period of five years has elapsed after the most recent claim for payment is made with respect to the harm at issue, the claimant shall not be entitled to receive payment for any additional net economic loss with respect to that harm.

REIMBURSEMENT

SEC. 6. (a) A defendant who has entered into a settlement with the claimant under this Act shall be subrogated to any rights of the claimant against another person arising from or contributing to the harm at issue to the extent that the amount of loss paid or to be paid in the settlement exceeds such defendant's comparative proportion of responsibility for such loss.

(b) Any other person provided with notice by a defendant that an offer of settlement has been made shall, within ninety days after receipt of such notice, determine whether to contribute its proportionate share of such claim. Any potentially liable person who would benefit may join in the defendant's response to the claimant's offer of settlement or in an offer of settlement made by the defendant. Such person shall give written notice to the claimant and the defendant. A person who joins in such a settlement is deemed to have agreed to pay a share of the claimant's net economic loss pursuant to section 5 of this Act and any dignitary loss, based on the comparative responsibility of all those joined in the settlement other than the claimant.

(c) Persons who join in a settlement pursuant to subsection (b) of this section shall be bound by the court's determination, made upon motion by any such person, of their proportionate shares of responsibility for the claimant's loss, unless such persons agree to be bound by determinations made pursuant to any voluntary alternative dispute resolution procedures established or recognized under the law of the State in which the civil action for damages for harm caused by a product has been brought, or under the rules of the court in which such action is maintained.

(d)(1) If any person who is responsible for causing the claimant's harm and who has received notice under subsection (b) of this section refuses to contribute such person's proportionate share of loss pursuant to this Act a defendant who has entered into a settlement agreement pursuant to section 1 of this Act to pay such loss may recover from such person a total amount equal to the amount of subrogation recovery pursuant to this section plus one-half of the amount of such subrogation recovery, in addition to reasonable attorney's fees and costs incurred in seeking such subrogation recovery.

(2) If an action is brought under this section against another person (other than the claimant's employer or fellow employee) for contribution, reimbursement or indemnity and the action is not a civil action subject to this Act, such action shall be governed by applicable standards of liability under State or Federal law.

DEFINITIONS

SEC. 6. (a) As used in this Act, the term—

(1) "claimant" means any person who brings a civil action pursuant to this Act, and any person on whose behalf such an action is brought; if such an action is brought through or on behalf of an estate, the term includes the claimant's decedent, or if it is brought through or on behalf of a minor or incompetent, the term includes the claimant's parent or guardian;

(2) "dignitary loss" means non-economic loss resulting from harm caused by a product, compensable under State law, in an amount not less than $100,000 nor more than $250,000, and consisting of pain and suffering or mental anguish associated with (A) the death of a parent, child or spouse; (B) serious and permanent disfigurement; (C) loss of a limb or organ; or (D) serious and permanent impairment of a bodily function; and

(3) "net economic loss", in accordance with subsection (b) of this section, includes—

(A) reasonable expenses incurred for reasonably needed and used medical and rehabilitation care and services;

(B) lost income from work which the claimant would have performed if the claimant had not suffered harm, reduced by any income earned from substitute work actually performed by the claimant or by income the claimant would have earned in available appropriate work which the claimant was capable of performing but unreasonably failed to undertake;

(C) reasonable expenses incurred in obtaining ordinary and necessary services in lieu of those the claimant would have performed, not for income, but for the benefit of the claimant or the claimant's immediate family, if the claimant had not suffered the harm;

(D) lost earnings of a deceased person who suffered fatal harm caused by a product which, if the person had not died, would have been contributed to claimants who are entitled to receive benefits by reason of such person's death under the law of the place where the deceased person was domiciled; and

(E) reasonable expenses incurred by the claimant in preparation and submission of an offer of settlement or a response pursuant to section 1 of this Act, or in resolving a dispute involving the inclusion or exclusion of dignitary loss pursuant to section 1(d)(3) of this Act, including a reasonable attorney's fee,

less the total amount of collateral benefits paid or payable to the claimant by reason of the same harm,

(b)(1) The lost income taken into account under subsection (a)(2)(B) of this section shall be reduced by the amount of all Federal, State, and local income taxes and any Social Security or other payroll taxes which would be applicable to such income, but which would not be applicable to compensation paid under this Act.

(2) Where harm occurs in circumstances that might entitle a claimant to benefits (including workers' compensation benefits) which would reduce the amount of the claimant's net economic loss in accordance with subsection (a)(2) of this section and it cannot reasonably, within the time provided for payment under section 5 of this Act or any reasonable extension of such time, be determined whether or in what amount such benefits will be payable, the defendant shall place in an interest-bearing escrow account that portion of the economic loss which the defendant reasonably anticipates the claimant will receive from such other sources, until the claimant's right to such benefits and the amount of such benefits finally has been determined under applicable law.

(3)(A) The total amount of compensation for economic loss paid or payable to a claimant from any other source shall, for purposes of subsection (a)(2) of this section, be reduced by the amount of legal fees and other costs incurred by the claimant in collecting such compensation.

(B) Attorney's fees may be on a contingent basis but, for the purposes of subsection (a)(2) of this section, shall be calculated solely on the basis of an hourly rate which should not exceed that which is considered acceptable in the community in which the attorney practices, considering the attorney's qualifications and experience and the complexity of the case.

(4) Except as otherwise provided by any provision of Federal law, no program of compensation, whether public or private, the benefits of which would be deducted from a claimant's economic loss in order to calculate net economic loss under subsection (a)(2) of this section, may make payment of benefits secondary to payment of net economic loss by a defendant under this Act.●

By Mr. INOUYE:

S. 689. A bill to amend section 1861(e)(4) of the Social Security Act to clarify a condition of participation applicable to hospitals under such title; to the Committee on Finance.

SOCIAL SECURITY ACT AMENDMENT

● Mr. INOUYE. Mr. President, today I am introducing legislation to amend the Medicare Act to make certain that the Health Care Financing Administration's conditions of hospital participation will affect only patients whose services are being paid for by the Medicare Program.

It is my understanding that the administration is attempting to expand the Medicare authority to include programs which come under the jurisdiction of other Federal agencies such as the Department of Defense's CHAMPUS Program, as well as mandating the manner of care for individuals who are covered under private insurance companies.

Mr. President, I ask unanimous consent that the text of my bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF HOSPITAL CONDITION OF PARTICIPATION UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(e)(4) of the Social Security Act (42 U.S.C. 1395x(e)(4)) is amended by inserting "who is entitled to benefits under this title" after "patient."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall become effective on the date of the enactment of this Act.●

By Mr. BINGAMAN:

S. 690. A bill to establish a Commission on United States Trade in the 1990's; to the Committee on Governmental Affairs.

COMMISSION ON UNITED STATES TRADE IN THE 1990'S

● Mr. BINGAMAN. Mr. President, today I am reintroducing a bill to establish a bipartisan national commission to study and make recommendations concerning the future of international trade and export policies and practices of the United States in the 1990's. Such a commission is badly needed to study the various pieces of our trade puzzle and to recommend solutions to these problems. This commission would help shape a coherent international trade and export policy for the future to prevent the continued deterioration of U.S. trade policymaking.

Since I first introduced this bill 3 years ago, our international trade problem has not improved, but worsened. As the recently released annual report of the Joint Economic Committee points out, "We are skating on thin ice." In 1986, the U.S. trade deficit reached a record of $169.7 billion—breaking the previous record of $148.4 billion set only the year before. While imports have continued to grow, exports have stagnated.

Our weakening trade posture is not confined to heavy industries. In agriculture, our trade surplus has fallen from $21.2 billion in 1981 to a mere $7.3 billion in 1985. Even in the areas of services and high technology—areas of America's supposed supremacy—our trade balance has declined. For example, our trade balance in scientific instruments went from a surplus of $3 billion in 1980 to a deficit of $3.2 billion in 1985.

I applaud the administration's recent moves to improve the competitiveness of American companies with a more realistic exchange rate. However, even with the falling dollar, our trade future remains cloudy. Foreign barriers to U.S. products remain. American firms face stiff competition from foreign firms, many of whom are illegally dumping their products in this country for subsidized prices. Third World debt continues to hurt American exports by undercutting their ability to buy our products. In addition, the United States has slipped from being the world's largest creditor nation to being the world's largest debtor nation. This puts still more pressure on our trading industries.

Trade is increasingly important to our economy. We clearly live in a global economy. The future economic well-being of our Nation is linked to the ability of American business to compete successfully in the world economy, and as the above figures show, we are not doing too well.

These sustained record trade deficits now seriously threaten our economy. They have already cost millions of U.S. jobs and, if left unchecked, will continue to plague many U.S. industries and cities. A recent study reports that between 1981 and 1983, more than 2 million jobs are estimated to have been lost because of the trade deficit. During this period, over 75 percent of the increase in manufacturing unemployment can be traced to the trade deficit.

One of our major problems, in my opinion, is the lack of a coherent and effective international economic policy. There now exists a serious failure on the part of the Federal Government to work in cooperation with American private enterprise to formulate a coherent and effective international economic policy that promotes trading opportunities for U.S. businesses. This failure puts the Federal Government in the position of hurting rather than helping American industry.

I believe there has also been a failure on the part of large segments of American business to seize trade opportunities. According to one report, only 12 percent of the Nation's 252,000 manufacturers market their products overseas. Available information, however, indicates that many more small U.S. manufacturers could begin to export if they had help. It is estimated that 11,000 small export-capable firms could be induced to try to export if properly approached and assisted, and that the value of exports by such firms could amount to more than $4 billion a year.

I believe we also must increase our familiarity with foreign needs and cultures if we are to compete successfully. As a people, we are not nearly as familiar with other nations of the world as they are with us. Americans doing business overseas are hampered by a lack of language ability, a lack of understanding of the economic systems and business practices of other countries, a lack of familiarity with local cultures and customs, ignorance about appropriate marketing techniques and local financing arrangements, lack of understanding about local economic conditions and trading postures of other countries, and on and on. Because this expertise is not as well developed in our private sector, the Government may also be lacking a skilled cadre of individuals who can give advice or carry out trade policy. The need for such skills, experience, ties, and understanding in both the public and private sectors is paramount.

Mr. President, as we enter a new round of multilateral trade negotiations—the Uruguay Round—we need to renew our efforts to formulate a coherent and effective trade policy. For this reason, I am reintroducing this legislation calling for the creation of a bipartisan national commission to study and recommend international trade and export policies and practices for the United States. The 1 year study is to lead to recommendations for changes in laws and regulations to faciliate the administration of the trade and export functions of the Federal Government, enhance export growth, remove trade barriers, increase common understanding of international trade by businesses, develop expertise about foreign business practices and trade issues, and other purposes. The commission would be composed of six members of the Senate, six members of the House, and six members appointed by the President.

The issues to be studied and reported on include: existing barriers to exporting by American industries (legal, financial and otherwise); the needs of American industry for information about and opportunities to enhance exporting; methods for improving export incentives for U.S. businesses; the need for a closer integration of trade and international monetary policy; the need to coordinate American trade policies and practices with the promotion of industrial revitalization; the need for high quality data to identify markets, new products, and industries; the need to direct Federal resources into sustained economic growth and employment; the need for cooperation among the principal sectors of the economy; the impact of State and local governments on exporting; the organizational structures of other industrial nations; the organizational structures of Federal agencies; and the need to promote institutional and noninstitutional educational activities that will contribute to the ability of U.S. businesses to succeed in marketing their goods and services abroad. Each of these major issues represents a key area of our overall U.S. trade policy and deserves immediate consideration.

The purpose of the Commission is to achieve a better national focus of the various trade problems that affect the United States at this time. A major national study would also open opportunities to develop an agenda of recommendations which would help the President and the Congress begin to solve our trade problems.

I urge my colleagues to support this legislation. Given the seriousness of our trade problems and current trends, which show lost jobs, rising deficits, and lost opportunities, we must focus our collective national attention on making trade a national priority. America, once the premier industrial power of the world, is losing its competitive edge. We must begin to fill the gaps in our knowledge and to follow the best path for expanding our exports and recouping our position in the world marketplace.

As we begin this process of addressing our trade problems, let us not ignore the single most important problem—the lack of a coherent and coordinated trade policy. The Commission would help shape such a policy for the future by bringing all the individual trade and export issues into focus and advancing recommendations for solutions.●

By Mr. HEINZ (for himself, Mr. DeConcini, Mr. Roth, Mr. Bradley, Mr. Pryor, and Mr. Lautenberg):

S.J. Res. 77. Joint resolution to designate October 14, 1987, as "William Penn Appreciation Day"; to the Committee on the Judiciary.

WILLIAM PENN APPRECIATION DAY

Mr. HEINZ. Mr. President, on behalf of myself and Senators DeConcini, Roth, Pryor, and Bradley, today I am introducing a joint resolution to designate October 14, 1987, as William Penn Appreciation Day.

Mr. President, in the year which we celebrate the bicentennial of the U.S. Constitution, I believe we should honor a man whose ideals were later embraced by our Founding Fathers as cornerstones for the U.S. Constitution. As founder of Pennsylvania, William Penn developed a State based upon essential human freedoms, the freedom of speech and religion. In addition, he campaigned for honest representative government, for carefully planned cities including adequate housing, for adequate education for all citizens, and for far-reaching judicial and prison reform.

In William Penn's view the greatest challenge facing man was to eliminate the monstrous evil of war. He worked much of his life advocating the peaceful settlement of both local and international disputes. Penn dedicated himself toward pursuing ideals of peace and justice, ideals which hold as much meaning today as they did 300 years ago. In this sense, William Penn's life work has meaning not just to those of us from Pennsylvania, but to all Americans.

Mr. President, I introduce this joint resolution today because on March 4, 1681, Charles II granted Penn a charter for a tract of land "bounded on the east by the Delaware River, on the west limited by the province of Maryland, and to the northward to extend as far as plantable." King Charles named this area Pennsylvania in honor of William Penn's father, Admiral Penn.

And so, Mr. President, I believe that Congress should recognize the important achievements of this outstanding individual. Designating this day as William Penn Appreciation Day would be an expression of gratitude for a man who dedicated his life to the pursuit of peace and justice. I urge my colleagues to join me in support of this legislation and I ask unanimous consent that the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 77

Whereas William Penn founded the Commonwealth of Pennsylvania in order to carry out an experiment based upon faith in divine guidance, representative government, public education without regard to race, creed, sex or ability to pay, and respect for the civil liberties of all persons;

Whereas William Penn, as a far-sighted reformer, established a judicial system including public trials, trial by a jury of peers, limitations on the imposition of capital punishment, and the substitution of workhouses for prisons;

Whereas William Penn worked to protect rights concerning personal conscience and freedom of religion consistent with the principles of the first amendment of the Constitution;

Whereas William Penn was conscientiously opposed to war as a means of settling international disputes and worked toward the elimination of war by proposing the establishment of a Parliament of Nations, not unlike the present day United Nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 14, 1987, is designated as "William Penn Appreciation Day" and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the day with appropriate ceremonies.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. Cranston, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of S. 8, a bill to to provide Federal financial assistance to facilitate the establishment of alliances bewteen educational agencies and the private sector to increase the use of resources of the private and nonprofit sectors in the provision of elementary and secondary education, and for other purposes.

S. 39

At the request of Mr. Moynihan, the name of the Senator from Tennessee [Mr. Gore] was added as a cosponsor of S. 39, a bill to amend the Internal Revenue Code of 1986 to make the exclusion from gross income of amounts paid for employee educational assistance permanent.

S. 69

At the request of Mr. Trible, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 84

At the request of Mr. Johnston, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 84, a bill to amend the Land and Water Conservation Fund Act of 1965.

S. 85

At the request of Mr. Johnston, the name of the Senator from Alaska [Mr. Murkowski] was added as a cosponsor of S. 85, a bill to amend the Powerplant and Industrial Fuel Use Act of 1978 to repeal the end use constraints on natural gas, and to amend the Natural Gas Policy Act of 1978 to repeal the incremental pricing requirements.

S. 99

At the request of Mr. Inouye, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 99, a bill to allow the Internal Revenue Code of 1986 to be applied and administered as if the 3-year basis recovery rule applicable to employees' annuities had not been repealed.

S. 104

At the request of Mr. Inouye, the names of the Senator from Nevada [Mr. Hecht], the Senator from West Virginia [Mr. Rockefeller], the Senator from Georgia [Mr. Nunn], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 123

At the request of Mr. Inouye, the names of the Senator from South Dakota [Mr. Daschle], and the Senator from Connecticut [Mr. Weicker] were added as cosponsors of S. 123, a bill to amend title XVIII of the Social Security Act to provide that psychologist services are covered under part B of Medicare.

S. 184

At the request of Mr. Dodd, the names of the Senator from Vermont [Mr. Leahy] was added as a cosponsor of S. 184, a bill to provide economic assistance to the Central American democracies, and for other purposes.

S. 232

At the request of Mr. WILSON, the names of the Senator from Ohio [Mr. METZENBAUM], and the Senator from Minnesota [Mr. BOSCHWITZ] were added as cosponsors of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 270

At the request of Mr. HUMPHREY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 270, a bill to provide a transition period for the full implementation of the nonrecurring adoption expenses reimbursement program.

S. 271

At the request of Mr. HUMPHREY, the name of the Senator from Arizona [Mr. DECONCINI] was added as a cosponsor of S. 271, a bill to amend section 1001 of the Public Health Service Act to permit family planning projects to offer adoption services.

S. 308

At the request of Mr. COCHRAN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 308, a bill to amend the Agricultural Act of 1949 to provide certain agricultural program adjustments for soybeans, and for other purposes.

S. 322

At the request of Mr. SARBANES, the name of the Senator from Washington [Mr. ADAMS] was added as a cosponsor of S. 322, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 338

At the request of Mr. EXON, his name was added as a cosponsor of S. 338, a bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid.

S. 383

At the request of Mr. QUAYLE, the names of the Senator from Wyoming [Mr. WALLOP], the Senator from Nebraska [Mr. ZORINSKY], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 383, a bill to amend the Bilingual Education Act to make Federal financial assistance available for children of limited English proficiency without mandating a specific method of instruction, to encourage innovation at the State and local level through greater administrative flexibility, to improve program operations at the Federal level, and for other purposes.

S. 402

At the request of Mr. EVANS, name of the Senator from Indiana [Mr. QUAYLE] was added as a cosponsor of S. 402, a bill to provide that during a 2-year period each item of any joint resolution making continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President.

S. 429

At the request of Mr. DURENBERGER, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 429, a bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes.

S. 471

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 471, a bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes.

S. 472

At the request of Mr. CRANSTON, the name of the Senator from Vermont [Mr. STAFFORD] was added as a cosponsor of S. 472, a bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads.

S. 508

At the request of Mr. LEVIN, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of S. 508, a bill to amend title 5, United States Code, to strengthen the protections available to Federal employees against prohibited personnel practices, and for other purposes.

S. 515

At the request of Mr. DOMENICI, his name was added as a cosponsor of S. 515, a bill to provide equitable treatment under the highly erodible land conservation provisions of the Food Security Act of 1985 to farmers who produced alfalfa and other multiyear grasses and legumes in a rotation practice during each of the years 1981 through 1985.

At the request of Mr. ZORINSKY, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 515, supra.

S. 523

At the request of Mr. HELMS, the name of the Senator from New Hampshire [Mr. HUMPHREY] was added as a cosponsor of S. 523, a bill to amend title 39, United States Code, to extend to certain officers and employees of the Postal Service the same procedural and appeal rights with respect to certain adverse personnel actions as are afforded to Federal employees under title 5, United States Code.

S. 524

At the request of Mr. HEINZ, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 524, a bill to provide financing for adjustment to international competition, to provide additional weeks of unemployment compensation for individuals participating in a job training program for dislocated workers; and to strengthen the Job Training Program for dislocated workers under title III of the Job Training Partnership Act.

S. 531

At the request of Mr. DODD, the name of the Senator from Virginia [Mr. TRIBLE] was added as a cosponsor of S. 531, a bill to repeal the sunset provisions in FHA and related laws

S. 538

At the request of Mr. METZENBAUM, the names of the Senator from Michigan [Mr. RIEGLE], the Senator from Hawaii [Mr. INOUYE], the Senator from Wisconsin [Mr. PROXMIRE], and the Senator from Tennessee [Mr. GORE] were added as cosponsors of S. 538, a bill to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation, and for other purposes.

S. 550

At the request of Mr. KERRY, the names of the Senator from Washington [Mr. ADAMS], the Senator from Illinois [Mr. SIMON], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of S. 550, a bill to promote safety by amending chapter 4 of title 23, United States Code, to provide for a uniform system for handicapped parking.

S. 553

At the request of Mr. ROCKEFELLER, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 553, a bill to amend the Veterans' Job Training Act to extend and improve the program under that Act.

S. 592

At the request of Mr. DOLE, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 592, a bill to provide for Medicare catastrophic illness coverage, and for other purposes.

S. 642

At the request of Mr. TRIBLE, the name of the Senator from Wisconsin [Mr. PROXMIRE] was added as a cosponsor of S. 642, a bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

SENATE JOINT RESOLUTION 3

At the request of Mr. Dole, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of Senate Joint Resolution 3, a joint resolution proposing an amendment to the Constitution relating to a Federal budget and tax limitation.

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the names of the Senator from Oklahoma [Mr. Boren], the Senator from Alaska [Mr. Stevens], the Senator from Kentucky [Mr. Ford], and the Senator from Georgia [Mr. Nunn] were added as cosponsors of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 14, supra.

SENATE JOINT RESOLUTION 15

At the request of Mr. Pressler, the names of the Senator from Nebraska [Mr. Exon], the Senator from South Dakota [Mr. Daschle], the Senator from Connecticut [Mr. Weicker], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 19

At the request of Mr. Warner, the names of the Senator from Nebraska [Mr. Zorinsky], the Senator from Colorado [Mr. Wirth], the Senator from Connecticut [Mr. Weicker], the Senator from Utah [Mr. Hatch], the Senator from Oregon [Mr. Packwood], the Senator from Louisiana [Mr. Breaux], and the Senator from Florida [Mr. Graham] were added as cosponsors of Senate Joint Resolution 19, a joint resolution to designate March 20, 1987 as "National Energy Education Day."

SENATE JOINT RESOLUTION 21

At the request of Mr. Hollings, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of Senate Joint Resolution 21, a joint resolution proposing an amendment to the Constitution of the United States relative to contributions and expenditures intended to affect congressional, and Presidential elections.

At the request of Mr. Hollings, the name of the Senator from Rhode Island [Mr. Chafee] was withdrawn as a cosponsor of Senate Joint Resolution 21, supra.

SENATE JOINT RESOLUTION 26

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 26, a joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 28

At the request of Mr. Dole, the names of the Senator from Hawaii [Mr. Inouye], the Senator from Wisconsin [Mr. Kasten], the Senator from Hawaii [Mr. Matsunaga], the Senator from Georgia [Mr. Nunn], the Senator from New Mexico [Mr. Domenici], the Senator from Minnesota [Mr. Durenberger], the Senator from Nebraska [Mr. Exon], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Nebraska [Mr. Zorinsky], the Senator from Washington [Mr. Adams], the Senator from Oklahoma [Mr. Boren], the Senator from New Jersey [Mr. Bradley], the Senator from Rhode Island [Mr. Chafee], the Senator from Oklahoma [Mr. Nickles], the Senator from South Dakota [Mr. Daschle], the Senator from Arizona [Mr. DeConcini], the Senator from South Carolina [Mr. Hollings], the Senator from Maine [Mr. Mitchell], the Senator from Arkansas [Mr. Pryor], the Senator from Nevada [Mr. Reid], the Senator from North Carolina [Mr. Sanford], the Senator from Alabama [Mr. Shelby], the Senator from Mississippi [Mr. Stennis], the Senator from Kansas [Mrs. Kassebaum], the Senator from Florida [Mr. Chiles], the Senator from Ohio [Mr. Glenn], the Senator from Kentucky [Mr. Ford], and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of Senate Joint Resolution 28, a joint resolution designating "American Physiologists Week."

SENATE JOINT RESOLUTION 43

At the request of Mr. Cranston, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of Senate Joint Resolution 43, a joint resolution designating April 24, 1987 as "National Day of Remembrance for the Victims of the Armenian Genocide."

SENATE JOINT RESOLUTION 51

At the request of Mr. Zorinsky, the name of the Senator from Ohio [Mr. Metzenbaum] was added as a cosponsor of Senate Joint Resolution 51, a joint resolution to designate the period commencing on July 27, 1987, and ending on August 2, 1987, as "National Czech American Heritage Week."

SENATE JOINT RESOLUTION 66

At the request of Mr. Burdick, the names of the Senator from California [Mr. Cranston], the Senator from South Carolina [Mr. Hollings], and the Senator from Indiana [Mr. Lugar] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the week of November 22 through November 28, 1987, as "National Family Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. Trible, the name of the Senator from New Hampshire [Mr. Rudman] was added as a cosponsor of Senate Joint Resolution 70, a joint resolution commemorating the 40th anniversary of the Marshall Plan.

SENATE JOINT RESOLUTION 72

At the request of Mr. Gore, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of Senate Joint Resolution 72, a joint resolution to designate the week of October 11, 1987, through October 17, 1987, as "National Job Skills Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. Kennedy, the names of the Senator from Mississippi [Mr. Cochran], and the Senator from Wisconsin [Mr. Proxmire] were added as cosponsors of Senate Joint Resolution 74, a joint resolution to designate the month of May 1987 as "National Cancer Institute Month."

SENATE CONCURRENT RESOLUTION 8

At the request of Mr. Byrd, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of Senate Concurrent Resolution 8, a concurrent resolution relating to the current human rights policies of the Soviet Union.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. Kerry, the names of the Senator from Arizona [Mr. DeConcini], the Senator from West Virginia [Mr. Rockefeller], the Senator from Connecticut [Mr. Dodd], the Senator from Michigan [Mr. Levin], the Senator from Hawaii [Mr. Matsunaga], the Senator from Washington [Mr. Adams], and the Senator from Hawaii [Mr. Inouye] were added as cosponsors of Senate Concurrent Resolution 13, a concurrent resolution to express the sense of Congress regarding efficient and compassionate management of the Social Security Disability Insurance [SSDI] Program.

SENATE CONCURRENT RESOLUTION 14

At the request of Mr. DeConcini, the names of the Senator from Michigan [Mr. Riegle], and the Senator from Pennsylvania [Mr. Specter] were added as cosponsors of Senate Concurrent Resolution 14, a concurrent resolution expressing the sense of Congress concerning support for the evolution to full democracy in the Republic of Korea.

SENATE CONCURRENT RESOLUTION 17

At the request of Mr. Cranston, the names of the Senator from Maryland [Mr. Sarbanes], and the Senator from Maryland [Ms. Mikulski] were added as cosponsors of Senate Concurrent Resolution 17, a concurrent resolution regarding the promotion of democracy and security in the Republic of Korea, and for other purposes.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. Gore, the names of the Senator from Nebraska [Mr. Exon], and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution to express the sense of Congress that funding for the vocational education program should not be eliminated.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. Heflin, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of United States exports of oilseeds and products and inconsistently with the European Community's obligations under the General Agreement on Tariffs and Trade.

SENATE CONCURRENT RESOLUTION 26

At the request of Mr. Dodd, the names of the Senator from Illinois [Mr. Simon], the Senator from Rhode Island [Mr. Pell], the Senator from Vermont [Mr. Stafford], the Senator from Massachusetts [Mr. Kennedy], the Senator from Kansas [Mr. Dole], the Senator from Georgia [Mr. Nunn], the Senator from Indiana [Mr. Lugar], the Senator from New York [Mr. Moynihan], the Senator from Connecticut [Mr. Weicker], the Senator from Arkansas [Mr. Pryor], the Senator from South Carolina [Mr. Thurmond], the Senator from Michigan [Mr. Riegle], the Senator from New Mexico [Mr. Domenici], the Senator from Hawaii [Mr. Matsunaga], the Senator from Arkansas [Mr. Bumpers], the Senator from New Jersey [Mr. Bradley], the Senator from West Virginia [Mr. Rockefeller], the Senator from New Mexico [Mr. Bingaman], the Senator from Maryland [Ms. Mikulski], the Senator from Florida [Mr. Graham], the Senator from Washington [Mr. Adams], the Senator from North Carolina [Mr. Sanford], and the Senator from Florida [Mr. Chiles] were added as cosponsors of Senate Concurrent Resolution 26, a concurrent resolution to express the sense of the Congress that a cooperative effort to improve the foreign language and international awareness of the American people will help the United States compete economically.

SENATE RESOLUTION 93

At the request of Mr. Lautenberg, the names of the Senator from Tennessee [Mr. Gore], the Senator from Georgia [Mr. Fowler], the Senator from Washington [Mr. Adams], the Senator from Maryland [Ms. Mikulski], and the Senator from North Dakota [Mr. Conrad] were added as cosponsors of Senate Resolution 93, a resolution expressing the sense of the Senate regarding future funding of Amtrak.

SENATE RESOLUTION 101

At the request of Mr. Cochran, the name of the Senator from Hawaii [Mr. Inouye] was added as a cosponsor of Senate Resolution 101, a resolution to express the sense of the Senate that the President should appoint a Commission to study the Federal budget process.

SENATE RESOLUTION 159

At the request of Mr. Heinz, the name of the Senator from Alaska [Mr. Stevens] was added as a cosponsor of Senate Resolution 159, a resolution commending the purpose and organizers of the art exhibit, "An American Vision: Three Generations of Wyeth Art," scheduled to open in the Soviet Union in March of 1987.

SENATE CONCURRENT RESOLUTION 27—EXPRESSING THE SENSE OF THE SENATE THAT THE U.S. DEPARTMENT OF COMMERCE AND SPECIAL TRADE REPRESENTATIVE SHOULD INITIATE INVESTIGATIONS OF CANADIAN AGRICULTURAL SUBSIDIES

Mr. DURENBERGER submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. Con. Res. 27

Whereas the United States and Canada are signatories to the Agreement on Interpretation and Application of Articles VI, XVI, and XXIII of the General Agreement on Tariffs and Trade ("Subsidies Code");

Whereas the Subsidies Code provides that a countervailing duty cannot be imposed unless (1) there is injury within the meaning of Article VI of the General Agreement as interpreted by the Code and (2) a causal link is established between the allegedly subsidized imports and the alleged injury;

Whereas global production and stagnant demand has led to a major oversupply of corn and a depressing of worldwide prices for corn;

Whereas the oversupply of corn cannot be attributed to the actions of the United States which has since 1982 imposed major acreage reductions in an effort to control production;

Whereas between 1982 and 1985, the United States, idled 44 million acres of corn acreage which would have produced 110 million tons of corn;

Whereas between 1982 and 1985, the United States, while acting to limit its production has witnessed a decline in corn exports of 30 million tons or nearly 50 percent;

Whereas U.S. exports of corn to Canada peaked in 1980-81, when U.S. corn exports to Canada totalled 1,363,500 tons and accounted for 22.5 percent of the Canadian market;

Whereas U.S. exports of corn to Canada have been declining sharply since 1981, falling to 822,200 tons in 1982-83, then declining to 225,900 tons in 1983-84 and 300,000 tons in 1985-86;

Whereas the share of the Canadian corn market held by the United States has been steadily declining from 22.5 percent in 1980-81 to 11.22 percent in 1982-83, 3.94 percent in 1983-84, and 4.42 percent in 1985-86;

Whereas Canadian corn industry production has steadily expanded from 5,753,200 tons in 1980-81 to 7,393,400 tons in 1985-86;

Whereas Canadian corn exports rose from 180,300 tons in 1976-77 to a peak of 1,134,000 tons in 1981-82, then dipped slightly before reaching 650,000 tons in 1985-86;

Whereas there is no causal link between imports of corn from the United States and injury to the Canadian corn industry;

Whereas the Canadian Department of National Revenue has ruled that the Canadian corn industry has been injured by American agricultural programs and has approved a tariff of 84.9 cents per bushel on American exports of corn to Canada;

Whereas the decision of the Canadian Department of National Revenue appears to be arbitrary, capricious and an abuse of discretion: Now, therefore be it

Resolved, by the Senate with the House of Representatives concurring, That it is the sense of Congress that—

(1) The President should direct the Secretary of Commerce to initiate a Countervailing Duty Investigation under Section 701 of the Tariff Act of 1930 of subsidized agriculture imports from Canada which benefit from Canadian price support programs; and/or

(2) the President should direct the United States Trade Representative to immediately initiate an investigation under Section 301 of the Trade Act of 1974 to determine whether agriculture programs operated by the Canadian federal and provincial governments constitute an unfair and unjustifiable trade practice.

Sec. 2. The Secretary of the Senate will transmit copies of this resolution to the President, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of Treasury, the United States Trade Representative, and the Canadian Ambassador to the United States.

● Mr. DURENBERGER. Mr. President, I am introducing a concurrent resolution expressing the sense of the Congress that the President direct the Secretary of Commerce and the United States Trade Representative to immediately commence investigations of Canadian agricultural price support and subsidy programs.

Earlier today, the Canadian Department of National Revenue issued a final decision finding that the Canadian corn industry has been injured by alleged subsidies to American corn growers. As a result of this decision, the Canadians will impose a tariff of 84.9 cents per bushel on American exports of corn to Canada.

Mr. President, the decision of the Canadian Department of National Revenue can only be classified as arbitrary and capricious. If there is one sector of our economy that has been devastated by unfair foreign government subsidies, it is the American farmer.

Unfair foreign government subsidies have in recent years led to global overproduction and a depressing of worldwide prices for corn. It is absurd to suggest that American farm programs have contributed to this worldwide oversupply and have damaged Canadian corn growers.

Since 1982 the United States has imposed major acreage reductions in an effort to control production. In the last 4 years, we have idled 44 million acres of corn acreage which would have produced 110 million tons of corn;

And in the past 4 years, U.S. exports of corn have declined by 30 million tons or nearly 50 percent.

Mr. President, it is simply absurd to claim, as the Canadians do, that American farm programs have injured Canadian corn growers. Corn exports to Canada peaked in 1980-81 at 1,363,500 tons and have precipitously declined since then. For the period 1985-86, we barely exported 300,000 tons to Canada.

And while the volume of our exports to Canada have declined, our share of the Canadian market has been drastically cut. In 1980-81, Americans held 22.5 percent of the Canadian market. For the period 1985-86, we held barely 4.42 percent of the market.

During the same time, Canadian corn exports have grown and Canadian corn industry production has steadily expanded.

The problem facing Canadian corn farmers is the same problem facing American corn farmers: worldwide overproduction, weak global demand, and worldwide price declines. Imports from the United States are not the problem.

Mr. President, Canadian farmers enjoy the benefit of a variety of price support programs. Some of these are comparable to American farm programs; others are different. If the Canadians believe that our farm programs are unfair subsidies, it seems appropriate for the United States to investigate Canadian practices to determine how their programs have impacted our farmers.●

SENATE RESOLUTION 160—DIRECTING THE APPEARANCE OF THE SENATE LEGAL COUNSEL

Mr. BRYD submitted the following resolution; which was considered and agreed to:

S. Res. 160

Whereas, in the case of *North* v. *Walsh, et al.*, Civil Action No. 87-457, and *Deaver* v. *Seymour*, Civil Action No. 87-477, pending in the United States District Court for the District of Columbia, the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598, which provides for the appointment, duties, and removal of independent counsels, has been placed in issue;

Whereas, pursuant to sections 703(c), 706(a), and 713(a) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(c), 288e(a), and 288*l*(a)(1982), the Senate may direct its Counsel to appear as amicus curiae in the name of the Senate in any legal action in which the powers and responsibilities of Congress under the Constitution are placed in issue: Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to appear as amicus curiae in the name of the Senate in *North* v. *Walsh, et al.* and *Deaver* v. *Seymour* in support of the constitutionality of Title VI of the Ethics in Government Act of 1978, as amended, 28 U.S.C. §§ 591-598.

SENATE RESOLUTION 161—AUTHORIZING REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. BYRD submitted the following resolution; which was considered and agreed to:

S. Res. 161

Whereas, in the case of *United States* v. *Terrance A. Rumsey, et al.*, Crim. No. M-9505-86; et al., pending in the Superior Court of the District of Columbia, the defendants have obtained subpoenas for the testimony of Senator Dole and for the testimony of and production of documents by his Executive Assistant, Betty Meyer;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. § 288b(a) and 288c(a)(2)(1982), the Senate may direct its counsel to represent Members of the Senate with respect to subpoenas issued to them in their official capacity;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers and records of the Senate may be needful for use in any court for the promotion of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges and rights of the Senate; Now, therefore be it

Resolved, That the Senate Legal Counsel is directed to represent Senator Dole in the case of *United States* v. *Terrence A. Rumsey, et al.*

Sec. 2. That Betty Meyer, is authorized to produce any documents, or portions thereof, in the case of *United States* v. *Terrence A. Rumsey, et al.*, which pertains to the defendants and are determined to be both relevant and not privileged.

SENATE RESOLUTION 162—RELATING TO TAX INFORMATION DISCLOSURES

Mr. METZENBAUM (for himself, Mr. Inouye, and Mr. Rudman) submitted the following resolution; which, by unanimous consent, was ordered held at the desk until the close of business on March 13, 1987:

S. Res. 162

Resolved, That, pursuant to sections 6103(f)(3) and 6104(a)(2) of the Internal Revenue Code of 1986, for the purpose of investigating the subjects set forth in Senate Resolution 23 and since information necessary for this investigation cannot reasonably be obtained from any other source, the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition shall be specially authorized to inspect and receive for the tax years 1980-1987 any tax return, return information, or other tax-related material, held by the Secretary of the Treasury, related to the National Endowment for the Preservation of Liberty; the American Conservative Trust; the National Defense Council; the Institute for Democracy, Education and Assistance; the Institute for North-South Issues; the International Youth Committee; the Gulf and Caribbean Foundation; the Nicaraguan Freedom Fund; and any officers of such organizations. As specified by section 6103(f)(3) of the Internal Revenue Code of 1986, such materials and information shall be furnished in closed executive session.

AMENDMENTS SUBMITTED

PRODUCT LIABILITY REFORM ACT

KASTEN (AND OTHERS) AMENDMENT NO. 34

(Ordered referred to the Committee on Commerce, Science, and Transportation)

Mr. KASTEN (for himself, Mr. Inouye, Mr. Danforth, Mr. Rockefeller, Mrs. Kassebaum, and Mr. Pressler) submitted an amendment intended to be proposed by them to the bill (S. 666) to regulate interstate commerce by providing a uniform product liability law, and for other purposes; as follows:

At the end of title III, insert the following:

COUNSEL'S LIABILITY FOR EXCESSIVE COSTS

Sec. 309. (a) In the case of any civil action subject to this title, any attorney or other person who is admitted to conduct cases in any court of the State in which such civil action is pending and whose conduct in the course of such action is calculated to delay resolution of the action, or who is determined by the court (after consideration of the circumstances) not to be in good faith, shall be subject to pecuniary sanctions to be imposed by the court. Any such sanction shall be equal to an amount not less than the total amount of court costs, fees, and expenses (including attorney's fees) reasonably attributable to the conduct.

(b)(1) Notwithstanding any other provision of law, if the court finds that an attorney representing either a claimant or a defendant in a civil action subject to this title acted in the manner prescribed in paragraph (2) of this subsection, such attorney shall be liable for costs, fees, and expenses, including attorney's fees reasonably incurred to respond to, proceed with, or resist such action.

(2) Any such attorney shall be liable as specified in paragraph (1) of this subsection if the court finds that such attorney commenced a civil action subject to this title or maintained a defense in such an action without a good faith belief by such attorney that there was a reasonable basis in law and in fact for the recovery of the damages (including punitive damages, if pleaded) or for such defense.

(3) The provisions of paragraph (1) of this subsection shall not apply if a claim for pu-

nitive damages is withdrawn at least thirty days prior to the commencement of trial.

(c) Nothing in this section shall be construed to subject an attorney to sanctions for pursuing a novel but credible theory of law or defense.

FORUM NON CONVENIENS

SEC. 310. Any court in which an action subject to this title is commenced shall decline to exercise jurisdiction over such action if the court determines that the convenience of the parties and the interests of justice dictate that the action should proceed in another State or foreign jurisdiction or that the plaintiff has taken up residence in the State in which the court is located principally for the purpose of invoking the jurisdiction of such court with respect to such action. In any such action maintained by a citizen of a foreign jurisdiction which arises out of a transaction which occurred in a foreign jurisdiction, there is created a presumption, rebuttable by clear and convincing evidence, that the action should proceed in a foreign jurisdiction.

ADMISSIBLE EVIDENCE

SEC. 311. (a)(1) All relevant evidence is admissible in any civil action brought pursuant to this Act, except as otherwise provided by the Constitution of the United States, Act of Congress, or any other rule prescribed by the Supreme Court of the United States pursuant to statutory authority, or, with respect to any action based on section 1332 of title 28, United States Code, by the Federal Rules of Evidence. Evidence which is not relevant is not admissible in any such action.

(2) Evidence which is relevant may be excluded in any civil action brought pursuant to this Act if—

(A) its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issue, or misleading the jury, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence;

(B) such evidence is inadmissible hearsay under applicable State law; or

(C) the privilege of a witness, person, government, or State under applicable State law provides for the exclusion of such evidence.

(3) As used in this subsection, the term "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without such evidence.

(b) Evidence of measures taken after an event, which if taken previously would have made the event less likely to occur, is not admissible to prove liability in any action subject to this title, in connection with the event. This section does not require the exclusion of evidence of subsequent measures when offered for another purpose, such as proving ownership, control, of feasibility of precautionary measures, if controverted, or impeachment.

Mr. KASTEN. Mr. President, the amendment that I offer, with Senators INOUYE, DANFORTH, ROCKEFELLER, KASSEBAUM, and PRESSLER, as cosponsors, contains other provisions which were a part of last year's Kasten proposal relating to admissible evidence, the proper forum for product cases, and the liability of counsel for either side where their conduct is undertaken for delay or in bad faith. Again on this latter point the American Bar Association is in agreement that tort cases should proceed along a "fast track" with sanctions imposed for delaying motions and frivolous claims and defenses.

KASTEN (AND LUGAR) AMENDMENT NO. 35

(Ordered referred to the Committee on Commerce, Science, and Transportation.)

Mr. KASTEN (for himself and Mr. LUGAR) submitted an amendment intended to be proposed by them to the bill S. 666, supra; as follows:

Insert the following immediately after section 301:

UNIFORM STANDARDS OF MANUFACTURER LIABILITY

SEC. 301A. In addition to any other applicable defense, limitation, or rule of law, a manufacturer shall not be liable for harm which was caused by—

(1) an unreasonable or unforeseeable use or alteration of a product, including any use or alteration of the product which the manufacturer specifically prohibited, or warned or instructed against;

(2) a defect or danger which would have been apparent to a reasonable person or that was an inherent characteristic of the product that would be known to the person who ordinarily uses of consums the product with the ordinary knowledge common to such persons or the community;

(3) a product design, unless the claimant establishes that, at the time of manufacturer, knowledge of the danger that caused the harm and a practicable means to eliminate the danger were reasonably available or obtainable in light of existing scientific, technical, or medical information; and

(4) a failure to provide adequate warnings or instructions, unless the claimant establishes that, at the time of manufacture, knowledge of the danger that caused the harm was reasonably available or obtainable in light of existing scientific, technical, or medical information and that the manufacturer failed to take reasonable steps to provide adequate warnings or instructions to the persons who ordinarily use or consume the product or persons who could be expected to take action to avoid the harm or, in the case of products used or dispensed only by a licensed practitioner, to such practioners.

Mr. KASTEN. Mr. President, today I am also introducing for myself and Mr. LUGAR a second amendment to S. 666 which I introduced earlier. On this amendment which proposes uniform fault based standards for manufacturer liability in products cases, I am joined by Senator LUGAR, but not the other Senators who cosponsored the larger package with me.

The purpose of this bill is to give uniformity to the rules to be applied in assessing whether manufacturers are to be held liable in product liability cases. This is an improvement to S. 666 in that the bill includes uniform standards as to product sellers, but does not include such standards for manufacturers.

The need for legislation in the product liability area was stated earlier, and though I do not think this problem can be over emphasized, I will not restate the points made already.

The enactment of the Kasten-Lugar amendment would be a reasonable and positive step toward the comprehensive solution we should be seeking. In fact this amendment is really the central concept to supplying uniformity, predictability and fairness to this area of the law. The manufacturers deserve to know the rules by which they are being judged just as do the sellers.

This amendment would prevent a manufacturer from being held liable in cases of unreasonable or unforeseeable use or alteration of a product, where the danger is apparent and an inherent characteristic of the product, and where design is asserted as the defect and knowledge of the danger and a practical means to eliminate it were reasonably available in light of existing scientific, technical, or medical information existing at the time of manufacture.

Lastly, manufacturers would not be held liable for harm caused by a failure to warn unless claimant establishes that at the time of manufacture, knowledge of the danger that caused the harm was reasonably obtainable in light of existing scientific, technical, or medial information and the manufacturer failed to take reasonable steps to provide adequate warnings or instructions.

I submit that this amendment merely provides a fair, reasonable, common sense set of standards by which manufacturers will be judged. There are no caps in the proposals I have made. But at least we should be willing to provide the ground rules by which liability is to be determined. Then, the resolution of the individual matters can be left to the workings of the legal system, damages being assessed as the trier of fact sees fit.

I urge my colleagues support for this amendment which merely brings the system back into balance.

NOTICES OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources on Tuesday, March 17, 1987, at 2 p.m. in room 366 of the Dirksen Senate Office Building. The purpose of the hearing is to consider the nominations of Lawrence F. Davenport to be an Assistant Secretary of Energy (Management and Administration); Raymond G. Massie to be Director of the Office of Minority Economic Impact, Department of Energy; and

James W. Ziglar to be an Assistant Secretary of the Interior (Water and Science).

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, room 364, Dirksen Senate Office Building, U.S. Senate, Washington, DC 20510.

For further information, please contact Mike Harvey at (202) 224-0611.

Mr. President, I would like to announce a schedule change. The full committee hearing concerning the world oil outlook previously scheduled to begin at 9:30 a.m. on Wednesday, March 11, will begin instead at 10 a.m. in room 366 of the Dirksen Senate Office Building.

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET, AND ACCOUNTING

Mr. CHILES. Mr. President, The Governmental Affairs Subcommittee on Federal Spending, Budget and Accounting will hold hearings on March 12, 1987, which will deal with the Federal spending cost associated with the incarceration of illegal aliens.

The hearing will begin at 2:30 p.m. in room 342 of the Senate Dirksen Building. Anyone who desires to submit public testimony should do so by March 11, 1987 to the subcommittee's office at 326 Senate Dirksen Building or contact Bob Harris or Debby Kilmer at (202) 224-9000.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, AND GENERAL LEGISLATION

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on March 10, 1987 at 2 p.m. in SR332 to receive testimony on the Agricultural Aid and Trade Missions Act. Senator MELCHER will preside. For further information regarding the hearing, please contact David Voight at 224-2644.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, Subcommittee on Strategic Forces and Nuclear Deterrence, be authorized to meet during the session of the Senate on Friday, March 6, 1987, to hold open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on U.S. strategic warning capabilities, and the administration's ICBM modernization program.

The PRESIDING OFFICER. Without objection, it is so ordered

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation, Subcommittee on Consumer Affairs, be authorized to meet during the session of the Senate on Friday, March 6, 1987, to hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Highway Traffic Safety Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, Subcommittee on Western Hemisphere and Peace Corps Affairs, be authorized to meet during the session of the Senate on Friday, March 6, 1987, to hold hearings on Senate Concurrent Resolution 24 supporting the initiative of Central American heads of State, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Productivity, of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Friday, March 6, 1987, at 12:30 p.m. to hold hearings on S. 514, to establish an incentive bonus to States which successfully train and employ long-term welfare dependents, and related amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ESCAPE THE WINTER COLD IN MONTANA

● Mr. BAUCUS. Mr. President, many Americans have the mistaken impression that Montana is a cold, unwelcoming place in the wintertime. Nothing could be further from the truth, as those who have skied the powder on our breathtaking mountains will attest. But even in winter, Montana has warm weather to offer as well as warm, welcoming hearts.

On Wednesday, temperatures in Montana's major cities ranged from 69 in Billings to 71 in Great Falls, and Helena. Havre, MT, hit 75 degrees. And Cut Bank, MT, which regularly pops up on national weather bulletins as one of the coldest places in the country, hit 64 degrees Wednesday and was forecasting 72 degrees for Thursday.

By contrast, temperatures in Washington, DC, on Wednesday ranged from 33 to 38 degrees. I know where I'd rather spend the winter.

Mr. President, I ask that an article from the Billings Gazette be printed in the RECORD.

The article follows:

[From the Billings Gazette, Mar. 5, 1987]

HEAT RECORDS TUMBLE

HELENA.—It got downright warm in Montana Wednesday with seasonal heat records melting across the state.

Temperatures ranged up to 75 degrees during the day and more of the spring-like weather is expected, the National Weather Service said.

Many daily high temperature records were broken, including:

Billings 69, compared with 65 on March 4, 1968.

Miles City 68, compared with 65 in 1901.

Glasgow 66, compared with 57 in 1921.

Great Falls, 71, compared with 67 in 1905.

Havre 75, compared with 61 in 1985.

The unseasonably warm temperatures were accompanied by high winds in some areas. Forecasters said wind gusts up to 50 mph were reported at Livingston, with winds of 20 mph common east of the Continental Divide.

The weather bureau said record temperatures were expected again Thursday, possibly reaching an unprecedented 85 degrees east of the Divide and between 65 and 75 through most areas west of the Divide.●

AFGHANISTAN: LETTERS FROM THE STATE OF MINNESOTA

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Minnesota.

The letters follow:

DEAR SIR: With much concern I am writing to you in regard to the atrocities taking place in Afghanistan.

Why are we ignoring this and not publishing more about the killing that is taking place? Make the American people aware of what Russia is doing over there. They need our help.

Respectfully yours,

BETTY DEMARAY.

MANKATO, MN.

DEAR SIR: I deplore the sufferings and atrocities that the Afghan people have been subjected to by the Soviet Union forces. Their systematic campaign of butchery on innocent lives borders on genocide of their people as a race.

I strongly urge President Reagan to make this issue a top priority when dealing with the Russians on an arms-control agreement.

I further endorse any action you may undertake in the expulsion of Soviet troops from the homeland of the Afghan people.

Mr prayers are with you.

Sincerely,

CHRIS HETHERINGTON.

MINNEAPOLIS, MN.●

JOB GENERATION AND WAGE RATES

● Mr. BOSCHWITZ. Mr. President, we hear much talk these days about what kind of jobs the economy is generating, and the assumption often is that these jobs are low-skilled and low-paying.

I recently read an interesting article by Robert Samuelson in the Washington Post which challenges this assumption. Mr. Samuelson discusses the impact of inflation and recession on wage rates and how certain statistical analyses distort the real story—that the mix between well-paid and poorly paid work is generally the same as in the 1970's and that wages are not on a downward spiral. He wisely cautions against enacting policies that will supposedly protect high-paying jobs. I agree that we cannot allow a political agenda to damage the overall success of America's job-creation process.

I find Mr. Samuelson's discussion of job generation and wage rates to be well-balanced and reasonable, and ask that it be printed in the RECORD.

AN IMPERFECT JOB MACHINE

(By Robert J. Samuelson)

One great strength of the U.S. economy—or so it has seemed—has been its ability to generate jobs: about 12 million since late 1982. Now we're told it ain't so. Introducing his new trade legislation, Senate Finance Committee Chairman Lloyd Bentsen of Texas recently embraced the new revisionism. Sure there are more jobs, he says, but they're lousy jobs. Nearly 60 percent of the new jobs in the past six years are low-skilled jobs paying less than $7,000 a year.

Welcome to Economics Propaganda 101. The notion that the U.S. economy is producing mostly low-paying, unskilled jobs is an economic fiction. Generally speaking, the mix between well-paid and poorly paid work is the same as in the 1970s. Creating the impression that it's otherwise is an exercise in statistical mythmaking designed to advance (as in Bentsen's case) a political agenda purporting to protect high-paying jobs. The danger in believing these myths and enacting policies based on them is that we will damage a job-creation process that, on the whole, has been a success.

The myths, of course, have an intuitive appeal. The spotty prosperity of the mid-1980s leaves many pockets of distress. In Bentsen's home state, the latest unemployment rate for Houston is 10 percent. Across the country, factory shutdowns have forced millions of workers into lower-paying jobs. Consider a Labor Department study of 5.1 million workers displaced between January 1979 and January 1985. Of those with full-time jobs by early 1985, nearly one-fifth had taken pay cuts of 20 percent or more.

These visible examples of downward mobility involve undeniable individual suffering. But in an economy of 111 million workers, their overall social significance is diluted. Countertrends go unnoticed or are underreported. the same study of displaced workers found that one-third of those reemployed had earnings gains of 20 percent or more. Extravagant theories of social change, such as the disappearance of the middle class, have been built on the misleading use of selective statistics.

The genuinely serious jobs problem lies elsewhere. Despite the new jobs, the civilian unemployment rate (6.7 percent in January) is undesirably high. Even at this level, though, most skilled workers can find jobs. Some unemployment reflects people—mainly women and younger workers—moving from home or school into jobs. The average jobless spell is now less than four months. High unemployment's real victims are the least skilled, poorest workers.

The dilemma is this: Policies that help these workers also produce inflation. The 1960s' and 1970s' obsessive pursuit of "full employment" (usually defined as 4 percent unemployment) created enough demand to improve the job prospects of those at the bottom. Unfortunately, it also spawned an overheated economy and wage-price spiral. No one talks about the dilemma anymore because no one has a solution. The temptation is to find a new "problem" for which a new "solution" can be devised. The alleged proliferation of poverty-level jobs fills this void.

Bentsen's figure comes from a study done for the congressional Joint Economic Committee. The study defined low-income jobs as those paying half the median wage in 1973, adjusted for subsequent inflation. By 1984 a low-paying job meant $7,012 or less. A high-paying job paid more than twice the 1973 median, adjusted for inflation, or $28,048 in 1984. The study claimed that 58 percent of the new jobs between 1979 and 1984 were low-paying.

In fact, this low-wage explosion is mostly a statistical illusion, reflecting the impact of inflation and recession on workers' earnings. Wage gains in the late 1970s temporarily rose faster than prices. A reversal occurred when inflation accelerated and the 1981-82 recession depressed wage gains. As "real" (inflation adjusted) wages dropped, some people moved from the study's "middle" to "lower" category while holding the same job. In the study this shift meant a new poverty-level job although the job hadn't changed.

Comparing 1979 (average unemployment: 5.8 percent) with 1984 (average unemployment: 7.4 percent) also was misleading. The study doesn't actually compare jobs but rather the wage and salary incomes of workers. The difference is important. In 1984 more workers with good-paying jobs were on layoff or between jobs, reducing their annual earnings—even if their salaries or wage rates hadn't changed. The study made it appear that they had simply gotten lower-paying jobs.

As the recovery has continued and "real" wages have slowly risen, the "low" category has contracted. An updating of the JEC study to 1985 puts 31.4 percent of workers in this group, the smallest proportion since 1973 except for two years (1978, 1979). And because the study measures annual earnings—not pay rates—roughly nine-tenths of the people in the low category either have part-time work (less than 35 hours a week) or, like students, work part of the year. In 1986 the median annual earnings of full-time workers was $18,600 and rose 2.6 percent after inflation.

There's huge ferment in the job market. More women work, baby-boom workers face the competition of their own numbers and many industries have acute problems. Downward wage pressures exist, but the picture of a low-wage explosion is a vast exaggeration. Equally suspect are suggested policies—trade protection, restrictions on plant closings—to save high-paying jobs. Europe has embraced this approach by restricting the ability of companies to fire workers. Existing jobs are protected, but new ones discouraged. Companies hesitate to hire if they can't easily fire. Excessive wages cause firms to substitute machines for people and let attrition cut their work forces. Since 1970 Europe's jobless rate has risen from 2 percent to about 11 percent.

Our system is imperfect. "Hard core" unemployment is more unyielding than it seemed in the inflationary 1960s and 1970s. For other workers, some job security is lost in return for a flexibility that allows companies to hire, fire and reduce pay to adjust to changing circumstances. The process is messy and often cruel, but in a profit-making economy jobs cannot be saved by forcing companies to do unprofitable things. The American job machine has not created a utopia, but it works. Those who think they can make it work better bear a heavy burden of proof.●

MONROE COUNTY'S HAYLIFT EFFORTS

● Mr. D'AMATO. Mr. President, last fall, trucks filled with hay journeyed from upstate New York to drought-stricken farmers in North Carolina, South Carolina, and Georgia. This caravan of friendship was possible due, in part, to the generosity of farmers in Monroe County and their willingness to come to the aid of their brethren in the South.

The drought of the summer of 1986 was one of the worst ever to hit the Southeastern part of the United States. Damage has been estimated in excess of $2 billion. The U.S. Department of Agriculture has reported that the drought reduced soybean production by 15 percent; corn by 33 percent; hay by 40 percent; and tobacco by 10 percent. The damage to livestock was also substantial: Thousands of chickens died because of the extreme heat that accompanied the drought.

Tom Silco, president of the Monroe County Farm Bureau, coordinated this massive undertaking by contacting companies who donated trucks and fuel, and countless farmers who donated hay and other feed products. The effort blossomed under his leadership. The hard work and commitment of the Monroe County Farm Bureau proved to be a huge success as tons of hay were transported to ailing farmers in the South.

I am proud of all New Yorkers who gave their time, effort, and money to this worthwhile cause. I would like to extend my thanks to them, and applaud them for a job well done.●

NATIONAL DAIRY GOAT AWARENESS WEEK

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 14, which designates the third week in June of every year as "National Dairy Goat Awareness Week."

When most people think about dairy products, the first thing that comes to their mind is the dairy cow. While cows produce a great portion of all milk and cheese marketed, they have no corner on the market. Dairy goats are an often overlooked aspect of the dairy industry.

The product most associated with the goat is chevre or goat cheese. The demand for goat cheese has consistently risen over the past few years. As more and more people become aware of the delicious products of dairy goats, the popularity of these products is sure to increase.

In my own State of New York, for instance, dairy goats are featured on many farms. Their milk production capacity is amazing. A mature female goat weighs about 150 pounds, yet milks an average of 14 times her body weight in a 305-day lactation.

The establishment of a National Dairy Goat Awareness Week would be an ideal way to educate the public as to the great benefits that the dairy goat provides to all Americans.●

AUTHORIZING AND REQUESTING THE PRESIDENT TO CALL A WHITE HOUSE CONFERENCE ON LIBRARY AND INFORMATION SERVICES

● Mr. D'AMATO. Mr. President, I rise today as a cosponsor of Senate Joint Resolution 26 which requests the President to call a White House Conference on Library and Information Services no later than October 1989. I commend my distinguished colleague from Rhode Island for taking the initiative in reintroducing this resolution in the 100th Congress.

This joint resolution recognizes the vital service that our libraries provide. They are warehouses of knowledge and information to which access has become increasingly valuable in today's society.

The three themes that have been chosen for the 1989 conference are library and information services for productivity, literacy, and democracy. The themes were well chosen for they all interrelate. Literacy, for instance, is a growing concern for all Americans because one-fifth, or 27 million, of the American adult population cannot read beyond the fifth-grade level, and another 46 million are only marginally competent in reading and writing skills.

Today, more than ever before, we are concerned about America's competitiveness in the world market. But how are these people going to make meaningful contributions to our Nation's strength and productivity if they possess only marginal skills? This is a severe problem which must be addressed. The 1989 conference can serve as a focal point for a more skillful, productive and competitive America. I urge my colleagues to give their utmost consideration to this worthy joint resolution.●

STRIVING FOR COMPETITIVENESS

● Mr. ROCKEFELLER. Mr. President, John Young, the president of Hewlett-Packard, has done this country a great service in his capacity as Chairman of the President's Commission on Industrial Competitiveness. The Commission's report is one of the finest and most constructive documents dealing with the issue of American competitiveness. It represents a unique understanding of the broad issues and a superb vision of where we should be heading as a country. It is tragic that the Reagan administration put the report on the shelf. I introduced in the last session a joint resolution calling on the President to report to the Congress on the status of the recommendations of the Commission. This has still not been done. I am hopeful that in light of the administration's new emphasis on competitiveness, the report will finally get the attention from the President that it deserves.

Recently, Mr. Young was one of the first witnesses in the Finance Committee's series of hearings on "Mastering the World Economy," intended to set the stage for this year's trade legislation in the Senate. His compelling testimony should be widely read and considered. Also well worth reading is a statement prepared by Mr. Young entitled "A Summary of Hewlett-Packard Company's Views on U.S. Trade Policy." Although these proposals were prepared to meet the specific needs of Hewlett-Packard, they reflect a concern that goes far beyond the narrow interests of one company.

I commend John Young and Hewlett-Packard for taking, as a single company, a broad, long-term view of the problems facing them and this country. Mr. Young is, clearly, implementing within his own firm the vision he has for American industry. The competitive position of the United States would be greatly improved if all of America's business community reflected the wisdom and leadership demonstrated by John Young.

I ask unanimous consent that Mr. Young's testimony before the Finance Committee and a summary of Hewlett Packard's views on trade policy be reprinted in the RECORD.

The material follows:

A SUMMARY OF HEWLETT-PACKARD COMPANY'S VIEWS ON U.S. TRADE POLICY

Since 1970 overall U.S. trade balance has deteriorated and many of America's most competitive industries have suffered. This has led to increased calls for protection against imports. Hewlett-Packard and many other U.S. high technology firms are convinced that expanding international trade and access to the largest possible world market is critical to sustained technological advancement. We are concerned that many of the protectionist proposals being advocated may not be in the long-term national interest and would be especially damaging to U.S. high technology companies. U.S. legislation designed solely to restrict or unduly burden imports is likely to lead to foreign retaliation and reduced access abroad for competitive U.S. high technology firms. It would also reduce the need for U.S. firms to compete and thus, rather than leadership, our industries would be committed to a position of inferiority.

It was in this context that late in 1985 the Hewlett-Packard Company identified and subsequently prepared a paper describing the important trade barriers that it and other U.S. high tech firms face abroad. This effort led to the development in the Spring of 1986 of a Hewlett-Packard statement on U.S. trade policy which outlined some actions that the U.S. government might take to increase access to foreign markets for U.S. firms. Following is a summary of the major conclusions of both documents.

FINDINGS OF THE TRADE BARRIER STUDY

The Hewlett-Packard Trade Barrier Study, conducted during the final months of 1985, found that U.S. high technology exports and investments are being denied access to foreign markets, and intellectual property rights are inadequately protected. For example:

1. Notwithstanding the GATT Code on Government Procurement, national procurement policies, remain major non-tariff barriers.

2. Limitations on direct foreign investment such as ownership requirements, foreign exchange restrictions, import controls, and performance requirements, inhibit the efficient allocation of resources and cause significant trade distortions.

3. Inadequate protection of intellectual property abroad is undermining the innovative vitality of U.S. high technology firms.

4. Tariffs remain a significant barrier to trade in certain high technology products.

5. Barriers to high technology services, such as limiting access to foreign data bases and restrictions on computer networking, are increasing.

6. Trade flows are being distorted through market access restrictions, direct and indirect subsidies, the formation of cartels, "targeting", and other governmental actions.

In addition to these barriers created by other governments, U.S. export controls were among the most objectionable and most often cited barriers. U.S. unilateral controls, both export and reexport, and extensive licensing delays are perceived abroad as creating major impediments to doing business with U.S. suppliers.

ADMINISTRATION OF U.S. TRADE RIGHTS AND LAWS

The first step towards reducing these barriers is for the U.S. government to consistently and aggressively defend U.S. trading rights under the GATT, other multilateral or bilateral agreements, and U.S. law. When international trade agreements are violated, individual American companies may be unfairly injured unless the U.S. government is prepared to defend their rights. Moreover, if one country's violations are tolerated, others may adopt similar practices. High technology companies, with their strong reliance on an open international trading system and the short lifespan of their products, are especially vulnerable.

Within the past couple of years the Administration has become much more aggressive on trade issues. While this is to be welcomed, it is important to understand that long term benefits can only be realized if our trading partners perceive that there has been a permanent shift in policy, not a short-term attempt to relieve political pressures. A new constancy of effort, signaling that trade policy is and will remain a priority of the U..S government, is vital as the GATT's historic focus on tariffs shifts or more subtle but often very effective non-tariff barriers and as the United States moves from a past where it was the dominant economy to a future where it will be but one strong economy among several.

In carrying out a more aggressive trade policy, the United States should rely primarily on negotiations, consultations, and dispute-settlement procedures within the framework of the GATT and other appropriate multilateral institutions. However, these procedures do not result in the reduction or elimination of unfair trade and investment barriers, the United States should not hesitate to employ bilateral measures or to take unilateral or retaliatory action.

A U.S. HIGH TECHNOLOGY AGENDA FOR THE GATT ROUND

The full use of existing multilateral trade mechanisms, while important, is not enough. The Congress should pass trade legislation that would permit the Administration to fully engage in the new round of GATT negotiations. Among the major objectives of such a round should be steps to:

1. Improve market access.—a. The GATT Government Procurement Code must be strengthened by closing loopholes (such as the "emergency" procedures used extensively by France), increasing coverage, and encouraging more countries to become signatories, especially Australia, New Zealand, and the newly industrialized nations.

b. The reduction of tariffs, important barriers in some markets, should be a priority.

c. The U.S. should seek clarification of the GATT definition of "infant industries," the type and duration of protectionist devices, and when, and the degree to which, compensation may be awarded to adversely affected trading partners.

2. Expand GATT coverage for services.—a. The protection of intellectual property, the lifeblood of high technology companies, must be addressed.

b. International ground rules should be established to prohibit the imposition of barriers on telecommunications services, especially the ability to transmit data freely across national borders, to establish computer networks, and access foreign databases.

c. An international agreement is needed to define legitimate requests for performance requirements such as local R&D, minimum local content, mandatory levels of exports, etc. which many countries impose as conditions for continued or increased access to their markets regardless of the economic viability of such investments.

3. Revise the GATT antidumping code.—The GATT antidumping code should be revised to penalize repeat offenders more heavily and to impose dumping duties retroactively for the entire duration of the violation.

4. Expand GATT membership and commitment.—The United States and other members of GATT should strengthen the structure of GATT in three interrelated ways:

a. Expand GATT membership by creating measurable benefits for adherence to the GATT and costs for non-compliance.

b. Expand the commitment of all members to GATT principles and codes.

c. Develop effective and binding mechanisms less subject to political pressures to speedily resolve disputes.

EXPORT CONTROLS

The U.S. export control system must be improved to assure that U.S. companies are perceived as accessible and reliable suppliers and customers are not driven to foreign competitors. Although administrative solutions are possible for virtually all the problems, Congressional interest and action may be necessary to stimulate the Executive Branch to:

1. Narrow the list of products and technologies that require control to involve only exports that could provide critical military capabilities to potential adversaries.

2. Assure that the control system does not needlessly restrict U.S. exports of products or technologies that are available to potential customers in friendly countries from non-U.S. sources.

3. Radically reduce the scope of unilaterally imposed U.S. export controls.

4. Significantly reduce and simplify the overly voluminous and complex U.S. export control regulations.

5. Allocate adequate financial and human resources within the U.S. Government to assure acceleration of the licensing process.

U.S. TRADE LAWS

Although not central to Hewlett-Packard's international trade experience to date, U.S. trade laws could benefit from several structural changes. For example:

1. Section 301 of the Trade Act of 1974 would be strengthened to:

a. Enhance the ability of the U.S. Trade Representative by giving him the authority to initiate and administer investigations. This would remove the present need to obtain interagency clearances at nearly every step of the process. The President, with the advice of the other federal agencies, should retain final authority for what action, if any, should be taken in response to the USTR's findings.

b. Retaliation should be mandatory whenever an international agreement has been violated, the U.S. position upheld, and negotiations have been unsuccessful. In cases where no international agreement exists, discretionary authority to retaliate should be retained.

c. Time limits mandating retaliation are not advisable. The administration must be able to continue talks as needed, especially when the foreign practice is complex or requires extensive negotiations.

2. Section 337, permitting the prohibition of imports that infringe U.S. patents, copyrights or trademarks, is difficult to enforce in a timely manner because of the amount of damage which must be done before enforcement action can be started. Section 337 could be improved eliminating the current requirement that a domestic industry show injury before becoming eligible for relief.

3. Changes in the U.S. antidumping law are needed to make it an effective deterrent against repetitive dumping and to enable it to help repair the damage done the U.S. parties injured by dumping:

a. Repeat offenders should be subject to dumping duties for the entire period of the violation, instead of only after a preliminary determination.

b. If a company is found guilty of dumping three times in the same product area within a five year period, the U.S. government should be required to monitor imports from the offending company and self-initiate dumping investigations as warranted.

c. Dumping duties should be placed in an impress fund and the USTR should establish a mechanism to assure their use in reestablishing the injured industry's competitiveness and/or to provide worker adjustment assistance.

d. Congress should require the Administration to seek whatever appropriate changes in the GATT's antidumping code as may be required to accommodate these objectives and to deter repeat offenders.

MAY 1986.

ARE WE PLAYING CHESS ON THE TITANIC?

(By John A. Young, president and chief executive officer, Hewlett-Packard Co., before the Senate committee on Finance, hearing on Mastering the World Economy, January 15, 1987)

Mr. Chairman, Senators. Thank you for inviting me to join you this morning at what I believe is a very crucial and farsighted series of hearings.

I've given a lot of thought to the subject of trade in recent years:

First, as the head of a major electronics firm that does almost half of its business abroad;

Second, as chairman of the President's Commission on Industrial Competitiveness, which took an in-depth look at the ability of U.S. industry to compete both at home and aboard;

And now as head of a group of private sector leaders who will continue efforts to focus on that issue, the Council on Competitiveness.

I'm not sure whether I've just certified my credentials with you—or just proven myself as certifiable. But no matter what you may think about my sanity, at least you can be assured that I've given the trade issue some consideration.

Let me begin my sharing an insight that supports the whole purpose of these hearings:

In thinking of trade, we are often like a group of people playing chess—only the game is being played on the decks of the Titanic.

We stand around, watching each player's move with great interest. And we're so absorbed in the game that we don't even notice that the water's rising all around us.

So it is with trade. That's why my goal today is to provide a broader view of some fundamental changes in the world economy, in our own, and in the way public policy choices shape the competitive environment. Let me share some conclusions:

First, trade is only part of a much broader set of issues that affect this nation's ability to compete in world markets. I lump them under the heading of competitiveness, so let me start with a definition.

For this nation—as for any nation—competitiveness means the degree to which we can, under open and fair market conditions, produce goods and services that succeed in international markets while at the same time maintaining or expanding the real income of our citziens.

There are many indications of a decline in this country's ability to compete in world markets:

Stagnant real wages;

Productivity growth that's surpassed by almost all our trading partners;

Declining rates of return in our vital manufacturing sector;

Loss of world market share in high-technology sectors;

And growing merchandise trade deficits.

And I think it's worth noting that our trade deficits started in the early 1970's, when the dollar was widely thought to be undervalued.

Some economic fundamentals have shifted. Exchange rates have just exacerbated—and therefore obscured—the weakening of our competitive position.

If you accept my definition that competitiveness means the ability to earn a rising standard of living for our people, then you'll agree that being competitive is what allows us to attain other vital national goals—jobs for our people, the social services financed by taxes on personal and corporate incomes, and a strong national security.

All right. I've said that our trade deficit is one symptom of a weakening of our competitive position vis a vis our trading partners, an erosion that threatens our ability to attain other national goals.

Trade policy is also one of several factors that determine our competitive position—perhaps not even the most important. The chart attached to your handout will illustrate my point.

This schematic was developed by the Commission on Industrial Competitiveness, and I think it summarizes in a simple way the factors that determine our competitive posture and what we might expect to attain in the way of improvements.

You'll note that there are four basic areas where government plays the lead role—capital costs, exchange rates, U.S. trade policy and international trade policy. These are areas where public policy creates the environment in which American business competes.

Trade policy is only part of the problem government needs to address. And it is only part of the solution. We can't solve our competitive problems by fixing trade policy. At best, we can achieve parity with our trading partners—that is, open and fair world markets.

But parity is something we must reach, and that necessity brings me to my second conclusion: While trade has grown dramatically in both volume and complexity, the portion of it covered by agreed-upon rules has actually declined.

Despite a sevenfold increase in the dollar volume of trade in the last decade and a half;

Despite the fact that imports and exports both now comprise more than one-fifth U.S. manufacturing output;

Despite several rounds of talks to expand and strengthen the General Agreement on Tariffs and Trade;

Today, only 15 percent of trade restrictions are covered by any agreed-upon rules. In 1950, fully 40 percent of such barriers were covered. But the simple, post-World War II challenge of reducing high tariffs has given way to a whole new set of problems:

Newly industrializing nations that never really "bought into" the GATT:

The changing nature of traded values, such as intangibles like intellectual property and services;

Subtle non-tariff barriers such as regulations, standards and investment limitations;

And new national strategies aimed at creating comparative advantages in key industrial sectors.

We can respond to some of these changes by increasing membership in GATT, expanding its coverage to include such items as intellectual property and services, and by providing it with the ability to exercise multilateral pressure on trade offenders. It is vital that the U.S. take a leadership role in the new round of GATT talks that will address these issues.

Yet having done all that, we're not finished. Some of the trade-distorting practices used to create sectoral comparative advantage are so subtle and so deeply immeshed in national policies that it would be impossible to ever devise rules that would be sufficiently rigorous and flexible to regulate these activities.

For such cases, we may have to look at the trade flow outcomes to ascertain whether steps should be taken to bring things more in balance. And creating balance is key. Significant imbalances are untenable. A healthy world trading system benefits everyone, everywhere.

This discussion of different national strategies brings me to my third conclusion: Trade flows are tightly linked to financial flows.

This has always been the case, but today the linkage is tighter than ever, for two reasons. First, the post-World War II era of unquestioned U.S. economic predominance has vanished.

The competition is global and strong. Technology spreads quickly around the world. Product life cycles have shortened. Production facilities are highly mobile.

Because the competition is more balance, we don't have the cushion or margin of error we used to enjoy. Factors such as exchange rates and capital costs have a much greater impact than they used to. When we had a significant cost advantage—or a unique technology—such things didn't matter so much. Today, they do.

Second, the sheer volume of world financial flows is perhaps 50 times greater than trade flows. Rather than being affected by trade flows—as in classic theory—exchange rates instead have shaped trade flows.

It's worth remembering that as recently as 1981, the U.S. had a current account surplus. But our budget deficit created a vacuum that literally sucked in capital and imports from around the world. We created ourselves a comparative disadvantage.

Taiwan, on the other hand, has created itself a trade advantage by keeping its currency too low by any reasonable measure—and as a result has a trade surplus with just about every nation in the world.

If a company sold its goods at below its domestic market prices, that would be considered dumping. And there would be a remedy under GATT.

But if a nation as a whole does the same thing by manipulating exchange rates, there is no recourse.

So fiscal and monetary policies—and the capital costs and exchange rates that stem from them—matter very much.

You can't remedy our trade imbalance without addressing these fundamentals. It's becoming increasingly clear that we need some kind of multilateral adjustment mechanism to avoid the kinds of imbalances we've experienced in recent years.

This brings me to my fourth and final conclusion: The process of reconciling fiscal, monetary and trade policy on a multilateral basis needs our focused attention.

There is no Adam Smith invisible hand that makes trade flows all balance out smoothly. If trade were only bi-lateral, imbalances would correct themselves rather quickly. You stop buying my wool, so I can no longer buy your wine.

But in today's very complex, multilateral trading environment, such self-correction happens too slowly. Balance will be achieved in the long term, but the duration of the imbalance can be longer than the ability of individual firms to withstand their effects. In the meanwhile, firms may lose market share that they can never regain, or just go out of business.

And, of course, the human costs are tremendous. As a recent, very fine study on trade done by the Morgan Guaranty Trust Company put it:

"Unfortunately, the economists' time lag can turn into the politicians' nightmare."

Mr. Chairman, Senators, you're not the only ones with challenges to address. So far I've talked only about the determinants of competitiveness where government plays the only role—trade, fiscal and monetary policy. Public policies in science, technology and education also form part of the environment in which we operate.

But I'd be remiss if I didn't publicly recognize the private sector responsibility for competitiveness.

We have prime responsibility for creating and applying technology, forging a committed workforce, and managing effectively.

We're responsible for the farsightedness of our strategies and the attractiveness of the products we bring to market. We accept that responsibility.

But let me say this: If we had a current account surplus as recently as 1981, it seems inappropriate to lay today's deficit at the doorstep of American management.

In that short period, business leaders didn't suddenly lose their vision and drive. They haven't made a mass exodus for the golf course.

The environment changed drastically, and government created that environment. We have managed the mix of trade, fiscal and monetary policies in such a way as to create competitive disadvantages for American firms.

The challenge before you, then, is to articulate a world view that includes all these policy factors, to determine what can and cannot be accomplished through trade policy, and then to be sure that appropriate initiatives are undertaken to address these other factors that determine our performance.

It will be a formidable task. You will undoubtedly hear many narrow but seemingly worthy proposals that could actually be anti-competitive when viewed from the perspective of the broad forces that are at work.

The trick will be to avoid getting caught up in the maneuvers of a chess game while high waters swirl over the deck. I know you're trying to avoid just that.

Thanks for your willingness to survey the breadth and depth of the ocean before charting our new course on trade.●

ON THE 25TH ANNIVERSARY OF AMNESTY INTERNATIONAL

● Mr. SARBANES. Mr. President, for the past 25 years Amnesty International has worked tirelessly for the most basic of all human rights: freedom of expression. Its members have used but one weapon—the pen—in their fight to publicize human rights abuses around the globe and thereby to embarrass violators into complying with international standards of conduct. Whether in obtaining the release of persons imprisoned for their political beliefs or religious activities, securing fair and prompt trials for those who are arrested, or bringing an end to torture and execution, Amnesty International has worked impartially and with profound dedication and determination. It has earned a broad reputation for integrity and fairness by maintaining independence from any government or political philosophy—save that of protecting the freedoms of all who have neither used nor advocated violence.

When Amnesty was established in 1962, its founders did not expect to have to celebrate a 25th anniversary. Indeed, it is unfortunate that there is still a need for such an organization. But as long as there are prisoners of conscience, as long as governments continue to deny citizens their fundamental human rights and civil liberties—or to condone the existence of such violations—Amnesty will be there to expose the injustices and focus international attention on them.

I am proud to say that Amnesty International has 7 local groups and 10 campus groups in my own State of Maryland with whom I work closely. While we seldom know which, if any, of our actions are most effective, we have seen repeatedly that publicity brings pressure on offending governments to cease their abuses, and often results in the improved treatment or ultimate release of political prisoners. We do know that we must continue to voice our concerns; as Nobel Peace Prize winner Elie Wiesel put it,

> We have learned not to be neutral in times of crisis—for neutrality always helps the aggressor, never the victim. We have learned that silence is never the answer. We have learned that the opposite of love is not hate, but indifference.

Mr. President, last week a number of labor organizations joined together in hosting a tribute to Amnesty International and its efforts on behalf of those who might otherwise be languishing in prison, unknown or forgotten. Many of those who have benefited from Amnesty's intercessions have, in fact, been union members or labor organizers, whether in South Africa or Poland, Nicaragua or South Korea. Viktor Davydov, a former prisoner in a special Soviet psychiatric facility, spoke of his conviction that he was allowed to leave the Soviet Union because of the support he received from abroad, and appealed for the release of his former cellmate, Yegor Volkov, who has been confined for nearly 20 years for organizing two labor strikes among brigades of construction workers in 1967. Mary Ntseke, the general secretary of the Brushes & Cleaners Workers Union of South Africa, told of her detention without charges and 5 months of solitary confinement in South Africa, and attributed her release to appeals from Amnesty International. And Amnesty's executive director, John Healey, himself a product of the American labor movement, summarized Amnesty's long history of support for imprisoned union activists around the world.

I would like to commend the organizing committee of the "Labor Salute to Amnesty International"—John T. Joyce, president of the International Union of Bricklayers & Allied Craftsmen; Gerald McEntee, president of the American Federation of State, County and Municipal Employees; Albert Shanker, president of the American Federation of Teachers; John Sweeney, president of the Service Employees International Union; and William Wynn, president of the United Food & Commercial Workers Union—as well as all the sponsors—the AFL-CIO; the International Union of Electronic, Electrical, Technical, Salaried & Machine Workers; the United Automobile, Aerospace & Agricultural Implement Workers of America International Union; the Bakery, Confectionery & Tobacco Workers International Union; the Amalgamated Clothing & Textile Workers Union; the International Longshoremen's Association; the Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees; the National Association of Letter Carriers; the United Rubber, Cork, Linoleum & Plastic Workers of America; the United Steelworkers of America; the International Association of Machinists & Aerospace Workers; the Communications Workers of America; the International Union of Glass, Pottery, Plastics & Allied Workers; the American Federation of Government Employees; the International Ladies' Garment Workers Union; and the International Union of Operating Engineers—for taking the time to recognize Amnesty's achievements over the past quarter of a century. But most of all, I would like to thank the members and supporters of Amnesty itself for working to keep human rights at the forefront of the public consciousness.●

LITHUANIAN INDEPENDENCE DAY

● Mr. DIXON. Mr. President, on February 16, 1918, after nearly a century of czarist Russian repression, the Republic of Lithuania declared its independence, only to have it come to a tragic end in 1940 with the invasion of 300,000 Soviet troops.

With the troops came Soviet puppet regimes and, finally, incorporation into the U.S.S.R. Many Lithuanians were deported to Siberia. Farmers were forcibly evicted from their land, and large numbers of people of Russian stock were settled in to strengthen their control of the area. The Lithuanian people struggled against the persecution but the Russians maintained their repressive control.

Mr. President, the Soviet Union continues to forcibly occupy the proud nation of Lithuania. This means that the people of Lithuania are not allowed to express their own linguistic, ethnic, or religious identities. They are denied the most basic civil and human rights that we, as Americans, cherish so deeply.

Lithuanian Independence Day is a day on which we recognize the terrible tragedy which befell this Baltic nation in 1940. It is essential that Lithuanian independence is remembered in this country. Soviet authorities prohibit the celebration of this day as it is considered antistate and anti-Soviet. The importance of Lithuanian Independence Day cannot be underestimated as it is a tribute to the Lithuanian spirit and heritage. As this solemn anniversary is commemorated, our commitment to Lithuanian independence must be reaffirmed. I urge my colleagues to join me in this unique and essential celebration.●

AMERICA'S HOMELESS LEGIONS

● Mr. BURDICK. Mr. President, in January of this year, I dug some old clothes out of my closet, smeared my face with dirt, and went off to spend the night with some North Dakota constituents and neighbors from Minnesota.

It was cold that night and the people I met had come to the only place they could to get out of the cold: a homeless shelter in Moorhead, across the river from Fargo.

In one sense, the 10 people I met there that night were lucky. We slept on the floor; but we had a roof over our heads. Millions more can't even find a roof.

America's homeless legions generally don't vote; they don't write letters to Congress, and we have been slow to understand their plight. But I'm glad to see momentum building for responsible Government programs to solve the problem of homelessness in our country.

I recognize the terrible budget pressure our ever-growing deficits have placed on the Congress. But I believe that the richest Nation on the Earth can develop a response to this ever-growing problem. We can and we must.

Earlier this year, we passed an emergency bill to aid the homeless; within the next few weeks, we'll consider even broader measures to address the problem.

The most recent issue of National Journal included a fine article by Julie Kosterlitz on the increasing call for Government solutions to the homeless problem. I urge all my colleagues to read this article as we enter this debate, and I ask that it be printed in the RECORD.

The article follows:

THEY'RE EVERYWHERE

(By Julie Kosterlitz)

At first blush, Rep. Benjamin A. Gilman of New York seems an unlikely co-sponsor of the Homeless Persons' Survival Act. A moderate Republican, Gilman represents a district that includes part of wealthy Westchester County and stretches of rural Orange County, not obvious hotbeds of concern about homeless people.

But about a year ago, Westchester County Executive Andrew P. O'Rourke traveled to Washington to talk to members of the New York delegation about the plight of the county's homeless. "He was the first to open our eyes," said Andrew J. Zarutskie, Gilman's press secretary. Later *The Middletown Times-Herald Record,* in the rural part of the district, ran a hard-hitting series on the local homeless. And throughout the past year, Zarutskie said, heads of local social service agencies called the office "saying, 'We have a problem.' "

Rep. Joseph J. DioGuardi, R-N.Y., whose district also covers part of Westchester, recently testified for a bill to improve food assistance for the homeless and noted that there were 2,000 homeless people in the county. "If homelessness has become a problem of that scale in my district," he said, "I shudder at the thought of the magnitude of the problem nationwide."

If homelessness has not reached crisis proportions in every district, it has commanded attention in areas once thought immune to this phenomenon. And the spread of homelessness has spurred congressional action.

Last fall, with help from Senate Budget Committee chairman Pete V. Domenici, R-N.M., Congress passed, as part of the fast-moving drug bill, a few modest measures to make sure the homeless could take advantage of existing federal programs for the poor and disabled.

This year, the House Democratic leadership has pledged to make homelessness a top concern: In one of its actions, Congress passed a $50 million fiscal 1987 supplemental appropriation in additional emergency aid.

A broader measure endorsed by the House leadership (HR 558), promising $500 million in the current fiscal year for emergency food and shelter plus some longer-term housing programs and health and mental health programs for the homeless, is moving quickly through the House. The Senate is expected to produce a similar, though perhaps more modest, bill.

Even President Reagan, who has reiterated his belief that the homeless are the responsibility of private philanthropy and state and local governments, has included a request of $100 million in fiscal 1988, primarily for emergency food and shelter for the homeless.

No one contends that the bills are much more than stopgap measures. And it's anything but certain that bipartisan support for homeless aid will hold when Congress tries to address the underlying causes of homelessness. Renewed spending on federal housing programs is advocated mainly by liberals, for example, and is anathema to fiscal conservatives.

But for a dollar-conscious Congress that had tacitly accepted the President's view that the homeless were not a federal responsibility, remarkable attention is being showered on a constituency whose members for the most part neither vote nor lobby.

The reason for the sudden movement seems evident: as the problem grew, it increasingly came to Members' attention. "I may be totally naive, but I think it's an appeal to people's heartstrings," said House Majority Whip Tony Coelho, D-Calif. "It's a bit of an embarrassment for those of us who know this is a very prosperous country," Domenici said. "We'd been hiding our heads in the sand under the guise of fiscal responsibility."

What may look like spontaneous combustion, however, has required a slow gathering of firewood and rubbing together of sticks. "It's like the performer's 'overnight success,' " said Mitch Snyder of the Washington-based Community for Creative Non-Violence. "It actually took 10 to 15 years to create."

The homeless may not vote or write their representatives, but as their numbers have mounted and their presence has extended beyond the nation's major urban areas, they have attracted a steadily wider circle of advocates. As local needs outpaced local resources, shelter operators have been joined by churchgoers and templegoers who give money, by town notables who serve on boards of local foundations and by small-town as well as big-city mayors.

While the problem has spread, it has become more visible in major metropolitan areas, where it first appeared. Advocates for the homeless successfully sued to require New York City to offer shelter to all who needed it, and in Los Angeles the homeless set up camps in public places to call attention to their plight.

At the national level, celebrity endorsements and highly visible protests by Snyder and others have helped transform public perception of the issue to a national problem requiring national solution.

In Washington, the emergence of key advocates on and off Capitol Hill willing to draft and push legislation has helped get action. And new Democratic leaders in both chambers have adopted the cause of helping the homeless as a symbol of the party's mission.

NATIONAL NETWORK

Congress may have helped step up the political involvement of mainline charities when it established the emergency food and shelter program in 1983. The bill was to be a one-shot grant of $100 million for the Federal Emergency Management Agency (FEMA) to dole out in equal parts to local governments and to a consortium of private charities.

Giving federal grants to charities was novel enough, but the legislation also required the funds to be administered at the national level by six groups—Catholic Charities, U.S.A., the American Red Cross, the Council of Jewish Federations, the Salvation Army, United Way of America and the National Council of Churches of Christ in the USA—and at the local level by a similarly ecumenical set of groups.

The government-inspired consortia created new working relationships among groups that had operated independently or hadn't had much direct involvement with the homeless. And as the demand for food and shelter increased, the charities began to speak out about the need for more federal help.

Because the program continued each year on an ad hoc basis, participating charities found it impossible to plan their programs and were sometimes left holding the bag when money didn't arrive soon enough. "Once you start providing services, the people who show up don't care about funding cycles—they're going to show up," said William I. Fields, vice president of United Way of America.

Groups also found their resources strained trying to supplement the program's small allotment for administrative costs. United Way spent $300,000 of its own funds on adminstrative costs in the program's first year to make sure the federal money went to those in need.

The national network of consortia made a natural grass-roots lobby. "If you've got 1,800 local boards comprised of 6,000-7,000 direct-service groups, that's certainly an awesome infrastructure set up to send a message about what's going on out there," Fields said.

Because charities often attract prominent individuals, this lobby could count some heavy hitters in its ranks, both locally and nationally. Chalmers P. Wiley, R-Ohio, a co-sponsor of the House leadership bill, got interested in the homeless two years ago through volunteer work for the Salvation Army with his Kiwanis Club in Columbus.

Last December, the national board of governors of United Way of America—whose members include such business luminaries as American Express Co. chairman James D. Robinson III and Allegis Corp. chairman Richard J. Ferris—passed a resolution calling on Congress to replace the ad hoc funds for FEMA with a regular authorization and to increase funds for administrative expenses. After years of fighting the program, the Administration in its fiscal 1988 budget requested an $80 million authorization.

Many charities that are generally considered apolitical have been testifying for legislative help and quietly pressing the federal government to go further. "This program helps put a meal in the belly and a roof over the head for the night, but it's not a way to deal with the fairly long-term issue," Fields said.

Some Members say that while some of the charities had been active before, there's now a difference. "They've become much more politically sophisticated," said Rep. Mickey Leland, D-Texas, chairman of the Select Committee on Hunger. And these groups get attention, Leland said: "When middle-class people are asked to write their Congressman by those groups, it has really got to open people's eyes."

DIVERSE NEEDS

It hasn't been just the growing size of the homeless population but also its increasing diversity that has attracted new advocated. "At first, people thought the homeless were only the bums that don't want to work," Coelho said. "That's not it anymore." "The homeless were once associated with what we used to call 'hoboes,'" said Rep. Henry B. Gonzalez, D-Texas, a longtime supporter of aid to the homeless. "You didn't use to see women and children."

Domenici's crucial support for homeless aid in the antidrug bill reflected a longstanding interest in programs for the mentally ill. Domenici was impressed with recent data suggesting that at least a third of the homeless are mentally ill—persons released from state institutions under court orders and younger individuals cast loose into communities. "For myself, it made [the homeless] much more a societal responsibility," Domenici said.

This year, Domenici plans to push a $200 million package designed in part to create local demonstration projects to help integrate the homeless mentally ill into communities.

Other studies of the homeless, such as a report by the U.S. Conference of Mayors, have found that women, children and entire families are increasingly numbered among the homeless. The Association of Junior Leagues Inc. has taken an interest in provisions of the Homeless Persons Survival Act offering emergency help for families with children.

"We can't support the bill in while cloth because of the cost," said Karen M. Hendreicks, manager of the association's Washington public policy department. "We can only focus on women's and children's and families' [provisions]."

Some support comes from unlikely quarters. In early February, Iowa delegates to the American Legion's national convention in Washington went to the office of Rep. Thomas J. Tauke, R-Iowa, with a list of legislative concerns. Among them was a plea for "aid to the homeless." At least a third of the homeless are veterans, the delegation said. Tauke, who has not announced a position on pending legislation, was "rather surprised," said aide Randy Bengfort.

OUTSIDERS AND INSIDERS

Local concern launched the homelessness issue, national media coverage helped portray it as more than a collection of scattered local grievances and celebrities helped elevate the issue in Washington.

A Senate hearing on the Homeless in late January drew actor Martin Sheen, who played Snyder in a television docudrama, and actress Valerie Harper. Sheen plans to return to Washington soon to stage a play on the homeless in the Dirksen Senate Office Building auditorium and to host a celebrity "sleepout" in which Hollywood glitterati will take up temporary residence on hot-air grates.

"They don't know the substance" of the legislation, said David Bley, a legislative assistant to Rep. Mike Lowry, D-Wash. "But they create a certain excitement everyone gets off on. It draws media attention to an event that might not otherwise be covered at all."

It may take outsiders to bring glamour to the issue, but it takes Washington insiders to help translate concern into legislative action. A key step toward that end came about a year ago, when the New York-based National Coalition for the Homeless sent Maria Foscarinis—a young New York attorney who left a $70,000 job at a Wall Street firm—to open a Washington office at a $10,000 salary. Financed by private and foundation contributions, the group is made up of about 4,000 local service groups and activists around the country.

"When I began knocking on doors, it was very discouraging," Foscarinis said. "A lot of people, including our allies, said with various degrees of bluntness that it was hopeless to think Congress could take this seriously. They said, 'The political climate is not right, the political reality is that the homeless don't vote.' People really said that."

Foscarinis's arrival helped draw together an array of interest groups, ranging from mental health to housing advocates, with concerns about the homeless. "It makes a difference to have an organization whose primary concern and only emphasis is homelessness," said John Ambrose, manager of public policy for the National Mental Health Association.

Foscarinis persuded the Washington law firm of Covington & Burling to donate the high-powered lobbying talent of partner Roderick A. DeArment, who was chief of staff for former Senate Majority Leader Robert Dole, R-Kan. "He gave me a lot of advice on how to proceed," Foscarinis said.

Working with other groups, such as Ambrose's and the National Low Income Housing Coalition, Foscarinis drafted the first major piece of legislation aimed at the homeless, the Homeless Persons' Survival Act.

With dozens of provisions and a price tag estimated at $4 billion, the bill seems a grandiose wish list. But its drafters say the bill is a long-term blueprint and contains sections that can be considered separately.

That's what happened last year when Domenici borrowed several provisions to tack onto the antidrug bill. This year, a few provisions are being considered as amendments to the House leadership bill.

That bill was the brainchild of Lowry and legislative aide Bley, who were inspired by a letter from Snyder urging Congress to give the homeless the same consideration being given the antidrug campaign. Bley enlisted Snyder's help in designing a bill less ambitious than the Homeless People's Survival Act.

While Bley started drafting legislation with advice from Foscarinis, Snyder last Thanksgiving began an outdoor vigil with Community for Creative Nonviolence members and some homeless people.

The vigil erupted into a legal battle when Capitol police said a statue the activists had brought onto the Capitol grounds had to go. To avoid a confrontation, incoming House Speaker Jim Wright, D-Texas, pledged to make aid to the homeless a top priority. House Majority Leader Thomas S. Foley, D-Wash., and Coelho also met with Snyder and offered their help.

By the time Members convened in Washington for the 100th Congress, a bill had been crafted and the leadership was ready to go. Snyder has kept up the pressure, maintaining his vigil while using an insider's tactic of one-on-one lobbying. In recent weeks, he said, he has met with nearly a dozen Senators and 40-50 House Members.

While Snyder's style of public protest doesn't sit well with everyone, some say his presence has been important. "He's very effective," Coelho said. "People don't see him as someone who takes the publicity and goes home to a nice house with a fireplace. He lives it."

For the Democratic leadership, the issue seems tailor-made. With the Senate again under Democratic control, party leaders see an opportunity to enact their top priority bills and view last November's election results as a clear sign the country is swinging away from the Administration's "less is more" philosophy of government.

While they are quick to note that congressional help for the homeless has bipartisan support, the Democrats seem to be trying to reestablish themselves as the party of compassion. Homelessness, Coelho said, "is a symbol of what's wrong in the country today."●

RULES OF THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

● **Mr. BURDICK.** Mr. President, Senate rule XXVI requires each standing committee of the Senate to publish its rules in the CONGRESSIONAL RECORD.

The rules of the Committee on Environment and Public Works, of which I am chairman, remain substantially unchanged for the 100th Congress with the exception of subcommittee restructuring and renaming. I am sure that the committee will continue to operate productively and harmoniously.

Mr. President, for myself and Senator STAFFORD, I ask that the current rules of the Committee on Environment and Public Works be printed in the RECORD.

The rules follow:

RULES OF PROCEDURE OF THE COMMITTEE

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the first and third Thursday of each month at 10:00 A.M., except that if there be no business before the committee, the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—Subject to section 133(a) of the Legislative Reorganization Act of 1946, as amended, committee meetings for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman, after consultation with the ranking minority member. Subcommittee meetings shall be called by the chairman of the respective subcommittee, after consultation with the ranking minority member. Notice of a meeting and the agenda of business to be discussed by the committee will be provided to all members not less than twenty-four hours in advance of such meeting. Additions to the agenda after that time may be made with the concurrence of the ranking minority member. Such 24-hour notice may be waived in an emergency by the chairman, with the concurrence of the ranking minority member.

Rule 3. *Open Committee Meetings and Legislative Mark-up Sessions.*—Meetings of the committee, including hearings and legislative mark-ups, shall be open to the public, except that a portion or portions of any such meeting may be closed to the public if the committee determines by record vote of a majority of the members of the committee present that the matters to be discussed or the testimony to be taken at such portion or portions—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of rule XXVI of the Standing Rules of the Senate (as amended by Senate Resolution 9, 94th Congress).

Rule 4. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in the absence of the chairman the ranking majority member who is present at the meeting shall preside.

(b) Subcommittee chairmen shall preside at all meetings and hearings of their respective subcommittees, except that in the absence of the subcommittee chairman, the ranking majority member of the subcommittee who is present at the meeting shall preside.

(c) Notwithstanding the rule prescribed by subsections (a) and (b), any member of the committee may preside over the conduct of a hearing.

Rule 5. *Quorums.*—(a) Except as provided in subsections (b) and (d), five members, two of whom shall be members of the minority party, shall constitute a quorum for the conduct of business, except for the purpose of reporting any measure or matter.

(b) Quorums for the conduct of business by the subcommittees shall be a simple majority of the membership of the subcommittees with at least one minority member present.

(c) Once a quorum as prescribed in subsections (a) and (b) has been established for the conduct of business, the committee may continue to conduct business.

(d) Notwithstanding the rule prescribed in subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 6. *Proxy Voting.*—(a) Proxy voting shall be allowed on all measures, amendments, resolutions, or any other issue before the committee or any subcommittees. Any member who is unable to attend the meeting may submit a vote on any such issue, in writing or through personal instructions; however, proxies shall not be voted for the purpose of reporting any measure or matter except when the absent committee member has been informed of the matter on which the vote is being recorded and has affirmatively requested that such vote be so recorded. A proxy given in writing shall be valid until revoked, while a proxy given orally or by personal instructions is valid only on the day given.

(b) At the discretion of the chairman, after consultation with the ranking minority member, members who are unable to be present and whose vote has not been cast by proxy may have their positions recorded on any vote on the same business day so long as the vote will not change the outcome.

Rule 7. *Public Announcement of Vote.*—Whenever the committee, by rollcall vote, reports any measure or matter, or acts upon any measure or amendments thereto, the report of the committee on such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the committee.

Rule 8. *Announcement of Hearing.*—The committee, or any subcommittee thereof, shall make public announcement and provide notice to members of the date, place, time and subject matter of any hearings to be conducted on any measure or matter, at least one week in advance of such hearing, unless the committee chairman, or subcommittee chairman, with the concurrence of the ranking minority member, determines that there is good cause to begin such hearing at an earlier date, in which event not less than twenty-four hours notice shall be given.

Rule 9. *Statements of Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing of the committee, or any subcommittee thereof, shall file a written statement of proposed testimony not later than noon of the last business day preceeding the day on which such witness is schedule to appear. At the time of appearance, each witness shall supply for the use of the committee or subcommittee, 25 copies of any prepared testimony or such greater number as may be requested in the letter of invitation. Except for witnesses from the Federal Government, this rule may be waived with regard to field hearings.

(b) The presiding officer at a hearing may have a witness confine any oral presentation to a summary of a written statement.

Rule 10. *Regularly Established Subcommittees.*—The committee shall have five regularly established Subcommittees as follows:

Subcommittee on Environmental Protection.

Subcommittee on Nuclear Regulation.

Subcommittee on Water Resources, Transportation and Infrastructure.

Subcommittee on Hazardous Wastes and Toxic Substances.

Subcommittee on Superfund and Environmental Oversight.

Rule 11. *Subcommittee Membership.*—Following consultation with the Majority Members and the Ranking Minority Member of the Committee, the chairman shall announce selections for membership of the subcommittees referred to in Rule 10.

Rule 12. *Environmental Impact Statements.*—No project or legislation proposed by the Administration shall be approved or other action taken on such project or legislation unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act of 1970, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

Rule 13. *Project Approvals.*—(a) Whenever the committee authorizes a project, under Public Law 89-298, Rivers and Harbors Act of 1965, Public Law 83-566, Watershed Protection and Flood Prevention Act, or Public Law 86-249, Public Buildings Act of 1959, as amended, the chairman shall submit for printing in the Congressional Record, and the Committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(b) Proponents of committee resolutions shall submit appropriate evidence showing need for review or reports on river and harbor and flood control projects.

Rule 14. *Naming of Public Facilities.*—No building, structure or facility authorized by the committee, shall be named for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

Rule 15. *Building Prospectuses.*—(a) The committee shall act on all prospectuses for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition submitted by the General Services Administration in accordance with section 7(a) of the Public Buildings Act of 1959, as amended, and such action shall be completed by the date of May 15 during the same session in which such prospectuses are submitted to Congress. The committee may consider prospectuses submitted for alterations or repairs necessitated by emergency building conditions at any time during the same session of the Congress in which they are submitted. Prospectuses rejected by majority vote of the committee or not contained in any bill reported to the Senate shall be returned to the GSA and must then be resubmitted in order to be considered for action by the committee during the next session of the Congress.

(b) Reports of building project surveys submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, shall not be considered by the committee as being prospectuses subject to approval by committee resolution in accordance with section 7(a) of that Act. Projects described in such survey reports shall be considered for committee action only if they are submitted as prospectuses in accordance with section 7(a) and they shall be subject to the provisions of subsection (a) of this rule.

Rule 16. *Broadcasting of Hearings.*—Public hearings of the committee, or any subcommittee thereof, may be televised or broadcast, or recorded for television or broadcast, upon notification in advance to the chairman through the staff director. During public hearings, photographers and other reporters using mechanical recording or filming devices shall position and use their equipment in such fashion as will not interfere with the seating, vision, or hearing of Committee Members or staff on the dais, nor with the orderly process of the hearing.

Rule 17. *Amendment of Rules.*—The rules may be added to, modified, amended, or suspended by a majority of the Committee Membership.●

UNITED STATES RELATIONSHIP WITH ISRAEL

● Mr. **DURENBERGER**. Mr. President, I rise today to address one of the key cornerstones of United States national security policy: our relationship with the State of Israel.

Two recent developments greatly concern American friends of Israel: the role of Israel in the sales of arms to Iran and the conviction and sentencing of Jonathan Pollard. Some observers—in the media, in Government, in private life—are quick to criticize Israel for alleged misdeeds. In the coming weeks, we will hear a great deal more about the part played by Israel in the Iran initiative and the Pollard case. And many will use these events and the ensuing debate to question our relationship with Israel.

It is very important that we in the Congress do not allow the Iran affair and the Pollard case to be used as weapons in an anti-Israel crusade. The issues raised by these developments are important. They have been and will continue to be the subject of public debate and scrutiny. But I am concerned that this debate will concentrate on the occasional strains between the United States and Israel and overlook just how solid and lasting the friendship between our two great nations is. I am also concerned that too much of the debate lacks the appropriate perspective.

Both the Iran affair and the Pollard case are important but they should not be considered apart from the larger context of the United States-Israel relationship. And they should be considered with a full appreciation of the tangible benefits the United States gains from its close bond to Israel.

During my 8 years as a member of the Senate Select Committee on Intelligence, I saw firsthand the importance of strong United States-Israeli ties. Among the most important benefits of this relationship is the two-way process of intelligence liaison. We routinely share and receive information with Israel. Over the years we have literally saved billions of dollars because of intelligence provided by Israel, including captured Soviet military equipment.

But the Pollard case occurred completely outside the bounds of this cooperative intelligence relationship. Our laws were violated, espionage was committed, and a spy was sentenced to spend the rest of his life in prison. Media accounts of the Pollard trial make clear that information damaging to U.S. national security was given to a foreign nation.

What makes the Pollard case so unique is that the foreign nation is a close ally of the United States. In fact, the alliance between the United States and Israel was formally confirmed just before last month's visit by Prime Minister Shamir. It is clear that United States interests would have been damaged more if Pollard's case officers were Russian, or Cuban, or Chinese. But it is also clear that espionage cannot and will not be tolerated.

Jonathan Pollard has been given his punishment. He will have the rest of life to contemplate his mistakes. But the larger issue of his impact on American relations with Israel remains. Recruiting, tasking, and running Jonathan Pollard was wrong. Any conceivable gain envisioned by those responsible is far outweighed by the damage the operation can cause to the American relationship with Israel. I hardly need remind anyone that there are many who oppose the American commitment to Israel and they eagerly await events such as the Pollard case which they can use to criticize that commitment.

The Pollard affair may be most damaging to the extent that the actions of an individual make many vulnerable. Reasonable observers know that attacks on the patriotism and the loyalty of American Jews are based on anti-Semitism not on fact. Accusations questioning the loyalties of Jews are not new—they have plagued the Jewish communities for centuries. The charge of treason—with not so veiled implications that Jews cannot be loyal citizens—is an obscene but recurring theme of anti-Semitism. This charge was the core of such notorious watersheds as the Dreyfuss Affair and the publication of "The Protocols of the Elders of Zion."

While all Americans should resist such blatant propaganda, that fact is that not all Americans do. It is a sad fact that the Pollard case only gives further ammunition to the apostles of hatred. The enemies of Israel have been presented with a golden opportunity to advance their cause. It is unfortunate and it must never happen again.

Let me turn now to a second issue: the Israeli role in the Iranian arms sale. Many have been quick to blame Israel for leading the United States astray. This is unfair—to the United States and to Israel. As both the Intelligence Committee and Tower Commission reports make clear, Israel played a very important role throughout the evolution of the Iran initiative.

As we all know, and as the President admitted this week, the affair was a tremendous mistake. Perhaps the most damaging result has been the undermining of our counterterrorist policy. We had made considerable progress in the painstaking process of building the kind of consensus necessary for civilized nations to resist and defeat the terrorist threat. The isolation of state sponsors of terrorism was increasing. The revelations surrounding the Iran arms sales jeopardize years of patient effort by the United States and by Israel.

But what is most remarkable about the Israeli role in the Iran affair is not that two allies worked together on implementing a policy but that the United States and Israel were both misled so much for so long by unsavory and greedy middlemen. The use of a shadowy former Savak operative like Gorbanifar should have set off warning signals throughout the policy communities in the United States and Israel.

The United States blew it and Israel blew it. The overture in Iran did, as President Reagan said, deteriorate into an arms for hostage deal. This fundamental fact does far more to damage the credibility of two of the world's leaders in the fight against terrorism than anything else could. Just as some have used the Pollard case to further their own agendas, some have sought to shift the blame for the Iran affair to Israel. There is plenty of blame to go around, but a cynical attempt to blame a sovereign ally for pursuing their interests is not only simplistic, it diverts attention from the very mistakes made by our Government.

Mr. President, I rose to speak out today because I am troubled by some restrictions to these events. I have long been a strong supporter of Israel for many reasons—moral, geopolitical, and military. Nothing in these recent developments has altered the logic that drives our enduring bond with Israel.

Mr. President, I ask that an article by Norman Podhoretz be printed in the RECORD. It appeared in yesterday's Washington Post and discusses the damage to the cause of counterterrorism wrought by the United States and Israeli policy toward Iran.

The article follows:

[From the Washington Post, Mar. 5, 1987]

WHAT REAGAN KNEW, AND WHEN

(By Norman Podhoretz)

Contrary to what the members of the Tower Commission and almost everyone have said, Ronald Reagan does not emerge from the pages of the commission's report as a confused old man who had only the foggiest notion about the secret arms deal with Iran, which his own National Security Council staff had been pursuing for well over a year.

It is true that the Tower Commission uncovered no evidence that the president knew about the diversion to the contras of profits from the Iranian arms sales. But a careful reading of the report establishes three points that together refute the idea that Reagan suffered from any serious confusion about the arms sales themselves.

To begin with, it becomes clear from the evidence supplied by the report that the first shipment of arms to Iran, made by the Israelis, went forward only after Reagan had given his approval (even though he now claims that he cannot remember exactly when he gave it). Then about five months later, Reagan authorized the first direct supply of arms to Iran by the United States. On Jan. 17, 1986, he wrote in his diary: "I agreed to sell TOWs to Iran."

So much for the question of who was responsible for selling arms to Iran. Ronald Reagan was responsible.

But (moving on to the second point) did Reagan understand what adopting such a policy meant? Not in the opinion of John Tower and his two colleagues on the commission, Brent Scowcroft and Edmund Muskie. They have charged that the president was never properly briefed by his advisers about the risks to the nation and to his own political fortunes entailed by the arms sales. As Scowcraft has put it: "There should have been bells ringing, lights flashing and so on."

Yet what we learn from evidence contained in the report itself is that bells did ring and lights did flash. Both Secretary of State George Shultz and Secretary of Defense Caspar Weinberger were against the arms sales, and on several occasions explained why in no uncertain terms.

At one meeting in the Oval Office, for example, Shultz "stated all of the reasons why I felt it was a bad idea. . . . I didn't just sort of rattle these arguments off. I was intense. . . . The president was well aware of my views."

Weinberger was equally vehement in denouncing the policy. At an earlier meeting with the president he "opposed it very strongly" as "a terrible idea," and Shultz backed him up. So persuasively and forcefully did they present their case that they thought they had "strangled the baby in the cradle." No such luck. The president decided against them.

He arrived at this decision, according to Attorney General Edwin Meese's testimony, with "an adequate understanding of the argument for and against the project." This view has been confirmed by Robert C. McFarlane, who was national security adviser when the policy was originally being considered. The president, McFarlane has testified, "called and said: I think we ought to get on with that . . . and I said do you understand, of course, now that George (Shultz) and Cap [Weinberger] are very much opposed to this and they have very good reasons? . . . and he said: Yes, I understand how they feel, but I want to go ahead with this."

Finally, in this same conversation with McFarlane, Reagan left no doubt that he was also fully conscious of the political embarrassment he would suffer if (or rather, as Shultz later told him, not if but when) the policy became public knowledge. McFarlane rememberred the president saying that he would "be glad to take all the heat. . . ."

The director of the CIA, William J. Casey, came away with exactly the same impression from another meeting in the Oval Office: "I suspect he would be willing . . . to take the heat in the future," Casey noted in a memo, if this will lead to springing the hostages."

If this will lead to springing the hostages. There we have it, and on this issue of the president's motives, at least, the conclusion reached by Tower and his colleages is fully consistent with what their evidence shows.

The overriding reason Ronald Reagan sold arms to the Khomeini regime was that he wanted to free the American hostages who were being held in Lebanon by terrorists under Iranian control. In doing so, he violated his own declared policy against selling arms to Iran, as well as his own declared policy against paying ransom for hostages. He thereby provided an incentive for hostages. He thereby provided an incentive for more hostage-taking in the future and severely damaged the antiterrorist cause in general.

In all this, Reagan was abetted by the Israelis and their expert in counterterrorism whose expertise seemed to consist in figuring out new ways of paying terrorists off. Here the Tower report tragically confirms what had alread been suggested by Israeli behavior in two earlier hostage crises—that Israel can no longer be counted upon to set an example for the rest of the world on how to deal firmly with terrorism.

And what of all the talk about encouraging "moderate" elements in Iran and countering a future Soviet threat? Some of the players in this squalid drama were obviously moved by such strategic fantasies. But as McFarlane has finally confessed, the main function of this geopolitical rationale was to "gild the president's motives," which were focused from beginning to end on the hostages.

Thirteen years ago, during the Watergate hearings, it was, ironically, Reagan's new chief of staff, Howard Baker, who kept asking two famous questions: What did the president know and when did he know it? If we asked these questions about Reagan's relation to the selling of arms to Iran, the answers we get from the evidence collected by the Tower Commission are: more than enough, and from the very first minute.●

RETIREMENT OF FRANK McNEIL

● Mr. DURENBERGER. Mr. President, I rise today to draw my colleagues' attention to the recent retirement of Frank McNeil after many years of service to our country. Frank retired from the Foreign Service last month after a distinguished career spanning more than 30 years. During his career, Frank held a variety of important positions including Ambassador to Costa Rica and, most recently, Deputy Assistant Secretary of State for Intelligence and Research.

Frank typifies the kind of selfless dedication that is so common among the men and women who serve our Nation in the career Foreign Service. He served where he was called, and always in a manner that reflected his integrity and commitment.

Frank's retirement provided me the opportunity to again consider the sacrifices made by those who choose to serve their country in the Foreign Service. I urge my colleagues to also take this opportunity to reflect on the tremendous contribution made by the men and women of the Foreign Service.

We send our diplomats abroad to perform tasks which are at best difficult and at worst unachievable. The hours are often long and the working conditions less than attractive. Demands and expectations can be unrealistic, and recognition only forthcoming when mistakes are made. Extended tours abroad mean long periods of time away from relatives and friends in the United States. These sacrifices would be considered extreme by most of us, yet they are routine in the Foreign Service.

Frank served in Japan, Spain, and Latin America. He knows well the rigors, and rewards, of diplomatic life. But he retired not because of the demands of foreign service but because of a concerted campaign that was part of what Frank called the new McCarthyism.

Frank worked in Intelligence and Research [INR] at the State Department since 1983. INR is responsible for providing in-house intelligence analysis for the State Department. During my 8 years on the Senate Select Committee on Intelligence, I repeatedly witnessed the importance of independent and objective intelligence to sound policy formulation and implementation.

Senior State Department officials—career and political—have demonstrated their commitment to INR as an invaluable source of impartial analysis. I have observed the work of INR in the context of both the State Department and the intelligence community. I can attest to the positive role played by INR in both contexts.

During his years at INR, Frank sought to provide the kind of intelligence necessary to formulate and monitor national security policy. On occasion, Frank provided assessments that did not serve the policy desires of some in the administration. Information that challenges the premises and assumptions that lay behind a given policy is rarely welcomed.

But providing this kind of intelligence should not lead to "shooting the messenger" just because the news may be bad. Rather, intelligence that brings the foundation of a policy into question should result in a thorough and critical review. This is the essence of how intelligence should support policy. It is precisely this process that was missing from the Iran initiative, as the Senate Intelligence Committee and Tower Commission reports pointed out. And, as I have argued on this floor previously, mixing policy preferences with intelligence assessments leads to inferior intelligence and poor policy.

Frank, in his position, in INR, provided intelligence analyses that challenged the assumptions behind our policy in Nicaragua. Providing unbiased analysis and ensuring that it reached the desks of the appropriate people was his responsibility as one of the State Department's chief intelligence officers.

But his discharge of duty made some in the administration unhappy. Frank was wrongly charged with leaking information to the press. An investigation subsequently cleared him of all charges but not before it became evident that he could no longer usefully serve in the State Department. I, for one, am saddened that the Foreign Service will no longer benefit from Frank McNeil's contributions. It is a tragedy to see a professional of Frank's stature essentially forced out because he did his job well.

Though he is no longer in a government position, I know Frank will continue to contribute to the public policy debate in our Nation. I look forward to his contributions as he adjusts to private live.

Mr. President, I would like to include two items at this point which I urge my colleagues to give close attention to. The first is a copy of Frank's remarks at his retirement ceremony. His comments illustrate his dedication to duty and the unfortunate events that led to his departure. The second item is an opinion article published in the Washington Post on March 1. I ask that they be printed in the RECORD.

The material follows:

REMARKS BY FRANK MCNEIL, FEBRUARY 3, 1987

The problem with these affairs is that they are too solemn—much like diplomatic memories—a grim recitation of diplomatic triumphs, marred only by the errors of others, with scarcely a bow to the proposition that the honoree might have blown one, somewhere, sometime during his distinguished career.

Fortunately, my colleagues in the Bureau of Intelligence and Research have a number of virtues, among them a sense of humor, appropriate to our always serious but also occasionally hilarious endeavor. There is something right about having this affair in a large empty room, a conceptual frame work, a project under construction. It suits my lengthy studies of Japan—a Zen parable, the sound of one room filling.

It is also because of the nature of the work of INR. Analysis is a project under construction; we are forever called upon to rearrange the intellectual furniture, to add fresh perspectives to the international landscape, to chisel out our memoranda so that they will at once convey truth and catch the eye. In some sense, the analyst here and the Foreign Service reporting officer abroad are artists, perfecting technical skills so as to better convey insight and inspiration. T'aint easy.

There are a lot of things I could say to the bureau, but I won't. I would single out one thing, the intellectual integrity that marks the bureau's efforts. There are always pressures to conform, but in my life time here we have been extraordinarily fortunate to have two thoroughly honest and decent men at the helm, Hugh Montgomery and Mort Abramowitz, men who have made it easy for the analyst to be honest. I know Ron Spiers before then took the same attitude.

I think it also fair to say that the Secretary, Mike Armacost and Larry Eagleburger have all strongly supported the need for in-house, independent and dispassionate analysis, not tied down by policy preferences. The Secretary has amply demonstrated that he is a man of integrity. He recognizes it in others. I am grateful to him for the Distinguished Honor Award.

What we do of course, if it is any good, will be some times contentious in the building and in the intelligence community in general. A little friendly acrimony never hurt anyone. And, of course, we do make mistakes. The people who critique our work are right, sometimes, anyway. We should be big enough to admit that.

I am very grateful for your support these two and a half years. When you take on a new job you should set out, in addition to the things that automatically come with the territory, one or two special things, so that in some way you shape the future. What I wanted was to bring INR out of the guill pen school. That's underway. I hope our modernization program will compensate in some degree for the pain I have caused with my impossible demands.

I'd like to switch to the larger arena, the Foreign Service. Despite being afraid of heights, cockroaches, and airplanes, I have had a lot of fun. I will do almost anything to avoid a plane. Once, I took the insurgent express from Bangkok to Songkhla, another time I took a Japanese coastal steamer in a typhoon, and I even drove part way to the Grenada mission.

More seriously, the service brought me the most important thing in my life, my wife and family. We are thoroughly at home in some of the most fascinating cultures in the world, Japan, Latin America, Spain. Miriam and I have never had an assignment we didn't like, even though we often wanted assignments we didn't get. I almost went to El Salvador instead of Bob White. Twice they put a rocket in his bathroom. I read in the bathroom and the obituary writers would have had a field day. Tom Enders wanted me to be the Special Envoy for Central America; instead we both got fired, along with Deane Hinton. Miriam and I have wanted to go back to Asia for years, but we went to Spain and Franco died, which made for the most intellectually fascinating assignment of our lives. And I was supposed to go to Paraguay, but instead Cy Vance sent me as Ambassador to Costa Rica. So much for career planning.

I admit that at the rate we're going, we may have to reincarnate the Foreign Service. But I don't think so, paradoxical as it may sound coming from one who has quit out of a perhaps old fashioned sense of honor. American history is full of no-nothing movements. They run their course, and so will the latter day McCarthyism of which I and others have been victims in lesser degree. I also think that the days of casual acceptance of billions for defense alone and not one cent for diplomacy are going to come to an end. The sooner the better. Diplomacy is our first line of national security.

None of that gainsays the painful time we are going through. I will be delighted if my retirement translates into a few promotions into the Senior Foreign Service. But the Service still offers to its members a basket of gifts largely unattainable elsewhere, a knowledge of the wide world in which we live, the ability to communicate in the many languages of our globe, a permanent education, a chance to contribute to the peace and security of our country, and often a chance to help other countries make a better life for their citizens. Fortunately, the pursuit of national interest, properly conceived, is not a zero-sum game.

In thirty odd years—some very odd indeed—I have received more than my share of awards. The one I cherish the most is the Christian Herter Award of the American Foreign Service Association, because it came from my peers, for doing an honest day's work at modest peril to my career. That was the day AFSA honored the victims of Senator McCarthy, John Stewart Service, John Emmerson, John Paton Davies, John Carter Vincent, among others. I recall some of what I said then: that times had changed, that we were honoring in the State Department the victims of the McCarthy era, that the ceremony itself was an incentive to integrity.

In a modest way, I take today to be evidence that the new McCarthyism is not as virulent as the old. I have been accused variously of being untrustworthy, a leaker, an undercutter of policy, and not a lap dog (I plead guilty to the last count). But no one besides Elliot Abrams and Ollie North really believe the other stuff. Security cleared me of the charges brought to their attention. No one responsible has shunned me, or tried to force me out of the service of this job.

The only practical effect was to block me from a couple of Ambassadorial jobs, but being an Ambassador is probably one of the few pleasures that is not so much fun the second time around. There is, however, a time to stay and a time to go, and this fall Miriam and I concluded that enough was enough and I so informed the Security. Curt Kamman is an outstanding officer. He is here. I know you will extend him the same generous cooperation you have extended to me.

I have served this administration with great pleasure, as I have served previous administrations, in the non-partisan tradition that law and common sense mandate for the Foreign Service.

I would like to say a special word of thanks to our secretaries, Lonnie and Edna in particular, to our staff assistants, then and now, and for the unsung watch officers of INR.

Finally, a word of thanks to Mort. He is one of the most talented diplomats of our time. More than that he has been enormous fun to work with and a good friend. He has suffered similar indignities; he didn't run from mine.

I wish my colleagues in the service, the Department and INR all success in the days ahead.

STUCK ON THE CONTRAS

(By Frank McNeil)

Central America is Fantasy Isthmus, a region of the American mind, peopled by our own political demons, where too often expediency rules, and rhethoric substitutes for reality.

In this alone, the region resembles Vietnam, a place of polarization of American opinion, a place for stereotypes and for telling presidents what they want to hear, and a place where the middle of the road is a good spot to get run over.

Central America itself is vastly different place from Vietnam. No American troops fight in Nicaragua. Congress legislated, perhaps more wisely than it knew, a 55-man limit on the permanent American military presence in El Salvador, effectively preventing us from backing into an American war. In Indo/China, everything went wrong. In El Salvador, however, things got better, and Costa Rica remains an exemplary democracy and a friend, despite a bit of shabby treatment.

In fact, Central Americans are heirs to a different history from that of Indo-China. The democratic ideal has shown remarkable vitality in spite of substantial battering from the extremes of right and left. Even the Sandinistas could not oust Anastasio Somoza without temporarily espousing democracy and the military establishements of Honduras, El Salvador and Guatemala.

Consider also that the United States is very large and very close to Central America. Most Central Americas are resigned to having us around. Many would welcome a predictable American presence so long as it respected national aspirations. Even Fidel Castro and the Sandinistas depend on us; we are the indispensable devil in their theory of history.

In Washington, however, echoes of Vietnam abound. Then, as now, improper or illegal actions were committed in the name of national security and liberties taken with the intelligence. Then, as now, those running the war, arguing that victory was around the corner, deceived themselves and the president. four years ago this spring, I heard a senior CIA official in all seriousness assert that the contras would threaten Managua by Christmas of that year.

In the meantime, Central America became a playground for reductionists, acting out power trips of expiating guilt. For some, Jefferson would have been a Sandinista; for others the Nicaraguan army is the equivalent of the Wehrmacht. The extremes have set the tone for the debate; neither believes Central Americans have anything to say about their future.

Central Americans will tell you, however, that the region is both a North-South and an East-West problem. The roots of crisis lie in oppression and corruption, what Latin Americans call failed political structures. But the region began its long slide into the East-West arena in 1978, when Castro put together the current Sandinista leadership.

Neither American political party will escape censure in the historical accounting. But we are where we are, and it is surely time to recognize that only a bipartisan policy that takes into account both the local and the Soviet/Cuban dimensions can succeed.

In this context, it is useful to consider a peace process that has cast mirrored images in Managua and Washington. Sandinista hard-liners fear a settlement would prevent the consolidation of the regime; American hard-liners fear a settlement would ensure its consolidation.

The Arturo Cruz/Bayardo Arce discussion in Rio de Janeiro founded on such a mesalliance; Ambassador Philip Habib's letter produced absured fears that Contadora would revive. Today the Sandinistas and the administration both look warily at the Costa Rican president's peace proposal.

I am not arguing for abandoning the contras. They are as much victims of the Iranamok corruption as the American body politic. We cannot treat them like a yo-yo. By all means give them the $40 million and use the time to develop an avowedly bipartisan policy that takes into account the views of our neighbors. There is a moral issue here: people are dying, and we owe them as well as ourselves an honest effort to reach a peace settlement.

Respected military men—not so easily accused of heresy—now say publicly what I have been saying: the contras, beset by military and political difficulties, probably face years of struggle. The administration's single-minded reliance on the contras, the equivalent to drawing to an inside straight, is likely to turn into a no-track policy. It has all but forgotten earlier innovative approaches, the Caribbean Basin Initiative, pressing the commercial banks on debt relief and the Kissinger Commission. The lack of a bipartisan policy has even strangled the economic assistance program for Central America, which at one time enjoyed broad support.

Without bipartisanship, Central America will likely torment the next administration as much as its predecessors. With it, much is possible. The current mess confounds friends and comforts adversaries who so far have no incentive to do anything else but wait out the Reagan administration.

Some of those who kept telling the president that victory was around the corner have gone from office. What we need now, if I may borrow from the Tower Commission, is to use the processes, to construct a bipartisan approach encompassing a renewed diplomatic dialogue with the Latin Americans, who tolerate the Sandinistas out of frustration with us, rather than any liking for a new Soviet presence in our hemisphere.●

SUPERFUND

● Mr. MOYNIHAN. Mr. President, I rise to bring the attention of this body, for a moment, back to a subject that occupied many of us for much of the 99th Congress, one that promises to loom large again: Superfund.

Congress passed CERCLA, the Comprehensive Environmental Response, Compensation and Liability Act—the Superfund law—in 1980. In the wake of disturbing discoveries at Love Canal and at other sites, we found that we had fouled our own nest more seriously than we knew. But we thought that most of the mess would be cleaned up in 5 years.

Just last year, we passed SARA, the Superfund Amendments and Reauthorization Act. But now we know that 5 more years will not bring the end of the problem. Our experience since 1980 has shown us its true magnitude; it will not soon be behind us.

As we look towards the next reauthorization of Superfund, which is, after all, not so far off, we should be searching for ways of doing better. Of getting more mitigation and less litigation.

To that end, I ask that a statement concerning the East Olean wellfield superfund site in New York prepared by John M. Hart, Jr., Esq., and Peter Marcus, respectively city attorney and public works director for the city of Olean, be included in the RECORD.

Their experience with the present Superfund Program has been a most frustrating one. Perhaps we can find some aspect of that experience that will help us make future experiences with the Superfund Program less so.

The statement follows:

CITY OF OLEAN,
OFFICE OF THE MAYOR,
Olean, NY, February 26, 1987.

Hon. ALFONSE D'AMATO,
Russell Building,
Washington, DC.
Hon. DANIEL P. MOYNIHAN,
Dirksen Office Building,
Washington, DC.
Hon. AMORY HOUGHTON,
Member of Congress,
Longworth House Office Building,
Washignton, DC.

GENTLEMEN: There is enclosed with this letter, to each of you, a joint statement made by the City Attorney and the Director of Public Works of the City of Olean which presents one perspective on this community's six-year effort to bring about the remediation of an environmental hazard associated with trichloroethylene contamination of the aquifer from several industrial sites. The City is exasperated by the processes; and this statement, which has been reviewed by the Common Council and myself, articulates well some of the dynamics which have resulted in this regrettable experience. The community requests that this statement be made part of the federal register and requests you take those steps appropriate to bring that about.

Very truly yours,
JOHN J. ASH.

A STATEMENT CONCERNING THE EAST OLEAN WELLFIELD SUFFERED PROJECT, FEBRUARY 18, 1987

(Prepared by John M. Hart, Jr., Esq., City Attorney, and Peter Marcus, Director, Department of Public Works)

We are the City Attorney and Director of Public Works for the City of Olean, New York. The following represents our views based upon detailed knowledge of the superfund project involving contamination of Olean's municipal well fields by a common industrial solvent.

Olean has 18,000 residents who are offered a high quality of life, and some of the amentities of communities having vastly larger populations. However, the community has experienced a trend of declining population and relatively high unemployment. So, an important component in the fabric of the community is its several industries which employ several thousand area residents. The community and its industries have a history of cooperation.

Some time in the past, some of these industries legally disposed of trichloroethylene (TCE) by depositing it in the ground, where it ultimately found its way into the ground water. The result was contamination of several municipal water wells by "plumes" of migrating trichloroethylene. As TCE has now been identified as a possible human carcinogen, those presumably innocent acts of the past have resulted in the community having become involved in an EPA/Superfund remediation project.

In 1981, when the problem was identified, the County Health Department and the City Department of Public Works thought the problem could be addressed and resolved if devices known as airstrippers were employed. The airstrippers would be part of the municipal water system and presumably with the installation of such devices, the dangerous materials in the water supply would be filtered out.

In 1981, the community requested the United States Environmental Protection Agency and the New York counterpart agency, The Department of Environmental Conservation, to become involved. The project seemed straightforward enough: Superfund monies were available and those agencies had available resources and expertise to bring about the prompt remediation of the community's problem.

The decision to involve the EPA and DEC, at the time, seemed a logical one. It appeared the job would be best handled by agencies established to address such matters. In hindsight, the decision was probably a mistake.

It is now six years later. Literally millions of public and private dollars have been expended and the project has not yet finished its design stage. (Interestingly, all the studies resulted in recommendations that airstrippers be utilized—something known almost from the beginning.) Further the process itself has alienated involved industries and frustrated municipal and county officials.

The Environmental Protection Agency is charged with the administration of the Superfund. That federal law is written in such a way that one important activity of the Environmental Protection Agency in each project is to identify the party or parties responsible for the contamination. Responsible Parties once determined must pay, if they can, for all expenses incurred directly and indirectly in the remediation and thereafter for the operation and maintenance of the remediated facility. These are very big dollar matters.

In the City of Olean's project, there are essentially three identified Responsible Parties. All have engaged experts and are prepared, if necessary, to assert in Court that their respective Corporations were not responsible (or responsible only in part) for the problem at the municipal wells. These experts are hydrologists, chemists, physicists, geologists and other consultants who have expertise in the arcane sciences associated with the movement of subsurface contamination from the place of deposit to other places. We do not know how much has been spent on consulting experts to date; however, we know the sum is very substantial.

All of the alleged Responsible Parties have, in addition, hired attorneys and all are being well represented. There are currently nine attorneys involved on behalf of the parties and it is fair to say each respective party is fairly well positioned in the event of a lawsuit intent on definitively establishing the responsibility of the parties.

In September, 1985, nearly five years after the problem was identified, the City of Olean put forth an extraordinary proposition. In an effort to break through and move the project forward, it made a simple proposal believed to be in everyone's best interest. Its Common Council sought to bring about an unprecedented environmental coalition. To that end it resolved that the City of Olean would "undertake the operation and maintenance" of the completed facility if (1) the involved industries would agree among themselves to volunteer to actually do the remediation, and (2) the EPA would waive the prior incurred costs. This proposal would have cost industry several million dollars to install the airstrippers and would have cost EPA about 1.9 million dollars, the prior costs incurred to that point in time. The City of Olean for its part, over the long term, would expend indefinite but presumably manageable sums of money for operation and maintenance.

It is now nearly a year and a half later, and neither of the components of that resolution has been realized; that is, no voluntary agreement among the responsible parties has been reached, nor has EPA relented in its prior cost demands. Those in City government feel a comprehensive public/private agreement has thus far failed to occur because (1) the Environmental Protection Agency continues to be unwilling, or unable by law, to waive the prior incurred costs associated with the project; and (2) the EPA is legally unable to involve the City as a voluntary participant in the remediation process.

In January, 1986, the Environmental Protection Agency invoked its powers to compel remediation. These are complex legal proceedings, however, the effect may be summarized simply. If the named industries do not undertake remediation pursuant to the direction of the Environmental Protection Agency, EPA will do it and the long-term costs to proven responsible parties could be at least three times greater than if industry did the work themselves.

Not surprisingly, a cost-benefit-risk analysis by involved Corporations resulted in a decision by two of the three responsible parties to begin the project. The third industry has since tentatively agreed to involve itself in this effort.

All alleged Responsible Parties would now very much like to have the City formalize by agreement its resolution to undertake the operation and maintenance without the participation of the EPA in the development of the agreement. Indeed, since September, 1986, there has been serious exploration between the City and industry of what such a "side agreement" might look like. Regrettably what has crystalized from that dialogue is that the side agreement alternative is exasperatingly difficult to achieve—perhaps impossible to achieve because numerous technical and legal issues must be resolved to make such an agreement; and EPA, the player with all the cards, is not party to the dialogue. The vision of the 1985 Resolution was to create a "three-legged stool" among the City, EPA and industry, that would maintain a balance between the shifting concerns of the involved parties. The stability of the coalition is undermined if one party, USEPA, refuses to participate. This results in a two-legged stool which is inherently unstable.

The City is thus witness to an unusual scenario. While it is a legally uninvolved third party it recognizes that it is nevertheless part of the equation and, therefore, wishes to meaningfully participate in the process of remediating an environmental hazard within its borders that affects the quality of water its citizens consume.[1]

However, by law, "responsibility" has taken on a perverse definition undermining effective local municipal participation in remediation matters. As a result, Superfund projects seem to be driven by legal strategy and bureaucratic response. In such an environment public interest becomes secondary to red tape and the consequent wrangling among all parties.

We assert the philosophy of the Environmental Protection Agency and the language of the Superfund legislation needs to be changed. It needs to be changed in recognition that the environment, when contaminated, demands speedy remediation and given the staggering costs involved, remediation is best realized by a partnership, alliance or coalition of efforts. Local governments are involved and must have the opportunity, if they choose, to participate.

If Olean had it to do again, perhaps it would have undertaken the entire project itself and kept the EPA elsewhere. Expectations have not been met. It was envisioned that this project would take 18 months from beginning to end and be done properly. Instead for six years the East Olean municipal water wells have been closed and the City has been using a costly alternative water source of debatable quality . . . debatable because the hypothesized risk of cancer from the alternative source, though legal, is presumed to be approximately the same as from the closed wells.[2] Costly because the annual cost to operate the alternative source significantly exceeds the operating cost of the closed wells.

The City of Olean's experience is a first-generation superfund experience, and having been through it, those of us who know have no doubt that our experience, and those of numerous other communities facing similar problems, will ultimately result in a substantive revision of the law. We expect in time there will be in place other options for addressing these imponderable issues. These options will result because of a shift in the thrust of the underlying law. That shift will probably be:

A re-definition of the term responsibility. While consideration must be given to willful contaminating acts as opposed to innocent acts, ultimately involved communities and their tax dollars will be authorized and encouraged to be part of the process. It will be recognized that municipal governments have at least as much "responsibility" for environmental hazards within its boundaries as industries made Parties as a result of the unintended consequence of legal acts.

Secondly, the concept of a public-private sector Environmental Coalition will take on legal substance as a preferred first alternative to the tedious adversarial system now in place. In environmental law there is a joke that says it all:

Question. How many persons are necessary to remediate a superfund environmental hazard?

Answer. Forty. Thirty-nine lawyers and someone to run the bulldozer.

Stated differently, the philosophical underpinnings of the law itself will shift, encouraging rather than discouraging, the concept of developing a Project Partnership. Environmental issues are a national concern critical to our future, and this City's experience demonstrates they are not best addressed, in the first instance, in a bureaucratic, adversarial setting.

We have seen the legal and technical representatives of industry and the Environmental Protection Agency and all are effectively doing the job they have been hired and paid to do. They do not, however, have as a first priority the best interests of this community in mind. They have the best interests of their client in mind. That is not as it should be, but that is what is required under the current law.

The public is not being well served by such an approach. This community may be criticized for taking other than an adversarial stance with respect to these matters, but through two administrations and six years the underlying motivation of the public officials of this community has been "we're all in this together, let's resolve the problem and move on to other things." That stance is arguably naive; however, at the turn of the century, we think it will be law.●

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[1] In addition to the high-minded ideals of bringing about a prompt, quality remediation, responsibly supporting its industry and service of the public interest by promoting a coalition to resolve the TCE problem, the City has at least one practical consideration in desiring to be part of the process: Thirty years ago the City of Olean operated a landfill in the area of the contamination. All available data supports the proposition that the landfill is not a contributor to the current problems; however, the City could nevertheless be brought into the fray as a "third party" defendant in the ripple effect should court proceedings ever result from this remediation project. While being a party to lawsuits is a common municipal experience, avoidance of litigation, particularly involving environmental matters, is preferable.

[2] Shortly after the 1981 discovery of TCE in the East Olean well field, the New York Department of Health suggested and ultimately pressured the City to shut down the contaminated wells and instead utilize surface water treated at the City's 63 year old filtration plant. This advice was questioned by some local officials since filtration plants, through the disinfection process, produce presumed carcinogens known as triholomethanes. These local officials, including one of the undersigned, felt the presumed cancer risk associated with TCE in well water was merely being traded off for a presumed cancer risk associated with triholomethanes in filtration plant water.

In 1984, the fundamental question was posed again, this time, in writing to the EPA: Were not the presumed cancer risks from the filtration plant and the contaminated wells roughly equivalent? To date, nearly two and a half years later, no direct reply has been received. Perhaps EPA's unwillingness or inability to answer the question is because the Superfund laws collide with mandates contained within the Safe Drinking Water Act which have necessitated the development of a dual standard of water quality regarding exposure to presumed cancer risks. Specifically allowable cancer risks, pursuant to EPA regulations for triholomethanes in filtration plants, are approximately one hundred times greater than the risk EPA will allow for TCE in ground water.

THE 30TH ANNIVERSARY OF THE PRIVATE MORTGAGE INSURANCE INDUSTRY

● Mr. KASTEN. Mr. President, I rise today to give proud recognition to the 30th anniversary of America's modern private mortgage insurance industry, which started in February 1957 in the fine city of Milwaukee, WI, when Mortgage Guaranty Insurance Corp. began operations. Today, Wisconsin remains at the center of that industry since more than 4 out of every 10 low down payment home mortgage loans insured by the industry carry the guaranties of Wisconsin companies.

The private mortgage insurance industry has an admirable record of major contributions that have helped make this country the best-housed nation in the world. By insuring the high-risk portion of a conventional mortgage loan, a mortgage insurer encourages lenders to extend financing to potential home buyers who have good income and future potential, but lack a substantial down payment. From its inception to today, the industry has helped deliver the keys of home ownership to more than 5 million American households.

The private mortgage insurance industry has made other contributions that are less known, but no less deserving of recognition and commendation. Since the beginning of this decade alone, private mortgage insurers have demonstrated the value and viability of their financial guaranty by paying more than $3 billion in claims arising from mortgage foreclosures. The beneficiaries of this outlay of funds have not only been the mortgage lenders of America, as one might expect, but also the agencies of the Federal Government that guaranty the safety and soundness of their deposits and therefore, indirectly, the American taxpayer.

We all are well aware of the financial strains being experienced by the Federal Savings & Loan Insurance Corporation [FSLIC] because of the record number of failures among the Nation's thrift institutions in recent years. Although difficult to quantify, it is a fact that certain of those that survived would have considerably less reserves today had it not been for the private insurers' claims payments. The mortgage insurers' reserves provided the first line of defense for thrifts against losses due to foreclosure on high-ratio loans.

Consider as well the impact those claims payments have had on protecting the reserve strength of the Federal secondary market agencies, the Federal National Mortgage Association [FNMA] and the Federal Home Loan Mortgage Corporation [FHLMC]. In the last 3 years alone, these two entities have received more than a quarter-billion dollars in claims payments from the private mortgage insurers.

The mortgage insurers' experience in recent years provides two lessons. First, it validates the wisdom of Congress in including in the Emergency Home Finance Act of 1970 recognition of the value of private mortgage insurance for high-ratio conventional loans in the mortgage purchase programs of the FNMA and FHLMC. In like fashion, it validates the regulations of the Federal Home Loan Bank Board which specify that all home mortgage loans over 90 percent loan to value should be insured by a qualified, independent mortgage insurer.

Second, the experience of the private mortgage insurance industry demonstrates convincingly that the potential for catastrophic loss in mortgage finance is far from dead. Remember, the losses cited were not suffered during the worst of times, a period of major economic depression. The vast majority of those losses occurred during the period of economic expansion that began in 1982. This serves to remind us, to use the words of Charles Dickens, that "the best of times and the worst of times" can take place in just about any city or area in America. Our Nation's financial regulators would do well to keep this experience in mind as they monitor the enthusiastic but potentially hazardous practices of the more aggressive financial institutions, which assert that they are able to absorb such risks internally. It is incongruous for such institutions to rely on Federal guaranties to attract deposits only to expose those funds to uncovered potential losses.

Despite the high magnitude of losses incurred during the 1980s, the Wisconsin-born private mortgage insurance industry nonetheless enjoys a solid financial position today. All active companies have high ratings from major credit rating agencies, with the majority carrying either "AA" or "AAA" ratings. And, perhaps most importantly, the industry has been able to weather its losses and emerge financially strong without any intervention by the Federal Government, either indirectly through guaranties or directly through financial subsidies.

Mr. President, on behalf of America's taxpayers and its homeowners, I salute the private mortgage insurance industry on its 30th year in business, and extend wishes for its continuing success in the future.●

SALUTE TO ANNIE MYERS AND MICHELL LYN SCHAD

● Mr. QUAYLE. Mr. President, as we celebrate the bicentennial of our Constitution, schoolchildren from across the Nation are studying this document and learning of its greatness firsthand.

To mark this occasion, the Piankeshaw Chapter of the National Society of Daughters of the American Revolution sponsored an essay contest in the Floyd County-New Albany School system for fifth- and sixth-grade Hoosiers. The contest was a role-playing exercise where students pretended to be Alexander Hamilton and wrote a newspaper editorial in favor of the ratification of the new constitution by the States.

The winner of the fifth-grade competition was Annie Myers of New Albany, IN. Miss Myers is a student at Pine View Elementary School and the daughter of Sara Cortolillo and David Myers.

The winner of the sixth-grade competition was Michell Lynn Schad, also of New Albany. Miss Schad is a student at State Run Elementary School and the daughter of Margaret and Michael Schad.

Mr. President, I am proud of the achievements of these young students and submit the full text of their award-winning essays to be printed in the RECORD.

The essays follow:

[From the Courier-Journal, Feb. 27, 1987]

MISS MYERS' ESSAY

Dear Editor, I am concerned about the future of our country. We have just fought a long and terrible war to get our independence. And having made those sacrifices I don't want to see them go to waste.

The Articles of Confederation, though written with good intention, have proven to be weak. The most obvious weakness is the fact that we don't have enough money or the ability to raise money to take care of the day-to-day business of running the government.

Even though each of our states wants as much freedom as they can, it has become obvious that we really need stronger leadership. Knowing that the smaller states, unlike that of my home state, New York, will be concerned about a lack of influence, I propose a government consisting of two houses.

One house is based on population and the other house is based on equal representation.

Another weakness of the Articles have obviously been the lack of any Executive Branch. We need someone with the power to carry out our wishes. To keep both of these branches of government in check I propose a third branch of government to make sure the laws agree with what we want.

So, therefore, I really think we should ratify this proposed Constitution. As I look to the future of our country in this 18th century world I hope that all of us with any sense will realize that our future depends on our unity and our strong leadership. The reason for strong leadership and unity is for our defense. The threat to us now from our recent enemy England and from other European powers and from the Native population of America makes this unity and strength necessary.

I know that no proposal will make everyone happy. But through these compromises I hope that we can all reach some common ground. For we are all hoping to achieve the same goal. The goal being a country where freedom is the most important thing and to guard that freedom for our children.

Sincerely and urgently,

ALEXANDER HAMILTON.

MISS SCHAD'S ESSAY

To the Editor of the Independent Journal: As a delegate from New York to the Constitutional Convention I, Alexander Hamilton, realize the weeks ahead will be difficult for the delegates of each state and they will need the support of their people.

Many people may think we should continue to follow the Articles of Confederation and that the rights of all States will be taken away under the new Constitution.

It is my opinion and that of the writers of the Constitution that for the government to survive, the Constitution should be ratified. As for the Articles of Confederation, I would like to point out some of its weaknesses. It cannot raise taxes, cannot organize a central money system, cannot promote free flow of trade, and is unable to raise its own armed forces.

I would like to go into these topics and give details about each to try to give you an understanding of these weaknesses.

The government needs funds to maintain offices and Federal Buildings. Few people like the idea of the government imposing taxes. Some people may think that the taxes will not be equally divided among the people, but this is not true. If the government were to tax store goods, people who have more money to spend and who buy more goods would pay more taxes, but people that could not buy as much would pay less tax.

Our government needs a central money system that will print money that will be accepted in all states. This will also help promote free flow of trade.

The government needs to have the power to raise armies rather than have states furnish them to the government. This was apparent during the Revolution. States that were close to the fighting and had the lives and property of their people at risk made greater efforts to furnish men and supplies for the army. States farther from the fighting were less likely to furnish the men requested of them. This puts an unfair burden on some states. This shows the need of a full time army raised and controlled by the government.

The Constitution will solve those and other problems in the government. I would therefore like your support in the ratification of this Constitution. Thank you.

ALEXANDER HAMILTON.●

NAUM MEIMAN

Mr. SIMON. Mr. President, I would like to call my colleagues' attention to the plight of Soviet refusenik Naum Meiman. As many Senators know, Naum has suffered greatly during the past few months. His wife, Inna, recently died of cancer in Washington, DC. Not only was Naum separated from his beloved Inna during her illness, but he was cruelly denied the opportunity to attend her funeral.

Naum is ill and does not have many years left to live. His only wish is to emigrate. I am angered by the Soviet Government's refusal to allow him to fulfill the one dream he has left.

The emigration of Mr. Meiman would indicate the Soviet Union's seriousness about improving relations. I urge the Soviet Union to grant Naum Meiman an exit visa immediately.●

EAT RIGHT NEW MEXICO

● Mr. BINGAMAN. Mr. President, throughout my State of New Mexico, thousands of residents have registered for a 10-week campaign called Eat Right New Mexico. Over 20,000 New Mexicans have weighed-in at participating schools, worksites, grocery stores, and Indian reservations. The goal: to shed 75 tons of excess weight by spring.

The program marks the first phase of a three-part agenda that will be followed up by a 10-week fitness effort, and a no-smoking campaign in the fall. Each year for the next 10 years these plans will be repeated at the same intervals. HealthNet New Mexico, the sponsor of these health education campaigns, is a nonprofit organization committed to promoting the health of all New Mexicans. It is the first statewide program of its kind in the Nation, totally reliant on private contributions.

If New Mexicans adhere to the nutrition guidelines set out in the weight-loss handbook, they can expect to lose one-half to 2 pounds a week. Additional advice includes tips on making healthy food choices, combining exercise with dieting, and learning lifestyle changes to keep weight off. The program was designed and created following the health materials developed by the Stanford Heart Disease Prevention Program in California. Local dietitians adapted the material to meet the New Mexican lifestyle and taste.

Special pins will be awarded to those who lose at least 5 pounds during the 10-week period, and T-shirts will be awarded to all participants who complete the program. I applaud all of those who are trying to improve their good health through Eat Right New Mexico. Broadcasters, local television stations, and newspapers are reinforcing such positive lifestyle changes with continuous health messages to the public. Without the active support of the media, I'm certain we would not have been as successful nor have reached as many persons. Worksites are setting up healthy competitions between offices, motivated individuals are challenging each other to lose weight, and over the next 10-week span my State will be winning by losing. As a matter of fact, all my State offices and my Washington office have joined in this war against overweight and are participating.

Nineteen eighty-seven marks New Mexico's 75th birthday. I believe the best present would be a healthier New Mexico. Eat Right New Mexico marks that beginning. As the founder of HealthNet New Mexico, I am excited by the State's enthusiastic response to our first health education campaign. While we battle here with the budget, back in New Mexico we are also waging the battle against the bulge—and winning.●

PATRIOT'S POINT

● Mr. HOLLINGS. Mr. President, I rise today in reference to Patriot's Point, one of the best and most important developments on South Carolina's coast. In 1985 and 1986 it was the single biggest tourist attraction in my State, and it is easy to see why. It overlooks my hometown, the historic city of Charleston, and has the most remarkable collection of World War II naval vessels for public display I have ever seen. The U.S.S. *Yorktown,* an aircraft carrier, is the showplace of the maritime museum, but it is far from the only gem in their collection. In addition, they have the U.S.S. *Lafferty,* a destroyer, the U.S.S. *Clagamore,* a submarine, and the U.S.S. *Savannah,* the first nuclear powered passenger/cargo ship. Patriot's Point also has an 18 hole golf course and has begun construction of motel and marina facilities. As you can see, Mr. President, this is a world class facility of which South Carolina is justifiably proud.

Obviously, this is a substantial investment that requires long range planning, but the hopscotch approach the Congress has taken to the Tax Code has made even short range planning difficult. In order to see that businesses would have the stability needed to protect their substantial investment of time and money, the Tax Reform Act of 1986 provided transitional relief to projects like Patriot's Point in their issuance of tax exempt bonds. After all, it is only fair that those who have shown substantial reliance on the law by committing resources to construction and investments be given the opportunity to follow through on their commitments. Mr. President, I commend the Finance Committee for recognizing the unique needs of endeavors like Patriot's Point and giving them the transitional relief necessary for them to obtain the tax exempt financing they need to continue to bring growth to areas like my hometown of Charleston, SC.●

NATIONAL ARBOR DAY

● Mr. ZORINSKY. Mr. President, on Thursday, February 19, Senator BRADLEY introduced Senate Joint Resolution 60, to establish the last Friday in April 1987, as National Arbor Day. I applaud this action and wish to remind my colleagues of the very significant role played by the State of Nebraska in the evolution of this day.

Nebraska was the first State in the Union to recognize Arbor day, having established it as a State holiday in 1885 in tribute to the great agriculturist, Julius Sterling Morton. Mr. Morton was born in New Jersey but, following the tide of emigration to the West, made his way to Nebraska in 1854.

He became involved in territorial politics and in 1858 was appointed by President James Buchanan to be territorial secretary, an office he held until 1861. Mr. Morton's highest political honor came in 1893, when he was appointed Secretary of Agriculture by President Grover Cleveland. He distinguished himself in this post by stressing economy in Government.

Above all else, Julius Sterling Morton was a student of agriculture. He lived on land adjacent to Nebraska City, NE, and he considered it his duty to instruct the people of the State in the subject of farming. Tree planting was his hobby and he personally planted literally hundreds of trees. To encourage the same practice by others, he urged that 1 day each year—Arbor Day—be dedicated especially to this purpose.

From 1872 to 1885, Arbor Day was observed generally throughout the State and from 1885 on, Mr. Morton's birthday, April 22, has been officially set aside as Arbor Day in Nebraska. Many years after his death, Mr. Morton's heirs gave his Nebraska City home, Arbor Lodge, and the surrounding groves to the State as a memorial and park. From Nebraska, the Arbor Day concept has spread to many other States and even to foreign countries. To Mr. Morton, the success of Arbor Day was the crowning achievement of his life.

The legislation introduced by my distinguished colleague and good friend, Senator BILL BRADLEY of New Jersey, is a fitting tribute to a man regarded by friend and foe alike as one of Nebraska's foremost citizens. Likewise, it is an appropriate recognition of one of this Nation's most precious natural resources—trees. ●

MEASURE PLACED ON THE CALENDAR

Mr. BYRD. Mr. President, these requests have been cleared on the other side. The distinguished Republican leader is present. I will proceed with the requests.

I ask unanimous consent that House Concurrent Resolution 27, a resolution regarding veterans health benefits, be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE BILLS, RESOLUTIONS, NOMINATIONS, AND REPORTS

Mr. BYRD. Mr. President, I ask unanimous consent that committees may have until 5 p.m. today to file bills, resolutions, nominations, and reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE BILLS, RESOLUTIONS, NOMINATIONS, AND REPORTS ON MONDAY

Mr. BYRD. Mr. President, I ask unanimous consent that on Monday, committees may have between the hours of 10 a.m. and 3 p.m. to file bills, resolutions, nominations, and reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the Senate will go over until Tuesday, but for the moment I am awaiting some information before I propound the request as to the time on Tuesday.

I yield the floor.

COMMENDING THE PURPOSE AND ORGANIZERS OF THE WYETH EXHIBIT IN THE SOVIET UNION

Mr. BYRD. Mr. President, while the Republican leader is on the floor, I ask unanimous consent that the Senate proceed to the consideration of Senate Resolution 159.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 159) commending the purpose and organizers of the art exhibit, "An American Vision: Three Generations of Wyeth Art," scheduled to open in the Soviet Union in March of 1987.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the resolution.

Mr. WIRTH. Mr. President, I would like to thank the majority leader and the minority leader for permitting the Senate to consider this timely resolution today.

Senate Resolution 159—which I submitted with my colleagues Senator HEINZ and Senator SIMPSON on Tuesday—commends the first art exchange with the Soviet Union under President Reagan's cultural initiative. This extraordinary exhibit, entitled "An American Vision: Three Generations of Wyeth Art," is scheduled to open in Leningrad next Wednesday, March 11.

It is extremely timely for the U.S. Senate to be agreeing to this resolution today so that it can be made part of the RECORD and part of the opening of this exhibit.

Mr. President, I cannot think of a more appropriate display of American vitality and beauty, for Soviet citizens to behold, than three generations of Wyeth family art. With the assistance of the Brandywine Museum of Chadds Ford, PA, the work of family patriarch, NC. Wyeth, his son, Andrew, and grandson, James, has been assembled into a superb collection for the benefit of us all.

The first to enjoy these fruits of artistic genius will be the people of the Soviet Union. Under the terms of the cultural exchange program crafted by President Reagan and General Secretary Gorbachev at their 1985 Geneva summit, the Wyeth show is the first exhibit to be sent to the Soviet Union. The Soviets, in turn, have agreed to send a comparable exhibit to our country in 1988.

By far the most important dimension of this exchange is that it provides an opportunity for opening and improving relations with America's principal rival. At a time when the Soviets are showing an increased sensitivity to world opinion, we should be encouraging the exchange of art and ideas. And what better way to increase understanding—and the prospects for peace—between our two peoples than to share the fabulous vision of three generations of the Wyeth family?

The Wyeth display is important on a number of other levels. It is the largest American art exhibit to be sent to the Soviet Union in a quarter-century. It is the first time that the three Wyeth painters have displayed their work together

Perhaps most notable, it is a sterling example of cooperation among American companies, the American Government and their Soviet counterparts. As we note in our resolution, the Wyeth exhibit would not have been possible without the contributions of the Brandywine River Museum, the U.S.S.R. Academy of Arts, American Telephone and Telegraph Co., the U.S. Information Agency, and the city of Leningrad

I would also like to single out two outstanding Americans who helped pave the way for "An American Vision": Mabel Brandon and Suzanne Massie. Their tireless efforts were indispensable in arranging the exhibit.

It is not easy to sort that through in this country, much less to take something this complicated, work it through the Soviet bureaucracy, work it through thousands of miles of distance, and have it as spectacularly presented as it will be next Wednesday.

Finally, let me thank the chairman of the Foreign Relations Committee [Mr. PELL], and the Ranking Minority Member [Mr. HELMS] for their willingness to consider promptly this important resolution. The Senate's approval of this resolution is a simple statement of support for the Wyeth exhibit, for the President's cultural initiative, and for his continued efforts to improve bilateral relations with the Soviet Union.

We hope this is but a first step as we change very dramatically in the future, we hope, our relationships with the U.S.S.R., not only with this kind of cultural exchange but with a series of initiatives ranging to the ultimate need for cooperative effort in arms control, in the nuclear area and in the conventional area.

Mr. President, I urge adoption of this resolution.

Mr. HEINZ. Mr. President, I am very pleased to note the Senate's passage of Senate Resolution 159, sponsored by Senator WIRTH and myself, commending the organizers of the art exhibit "An American Vision."

On March 11, the art of Andrew and James Wyeth will be on display in Leningrad, courtesy of President Reagan's initiative for cultural exchange with the Soviet Union. The resolution Senator WIRTH and I introduced commends the U.S. Information Agency, the Wyeth family, the U.S.S.R. Academy of Arts, and organizer Suzanne Massie, among others, for this important contribution to Soviet-American cultural relations.

The Wyeth family exhibit is the largest American art exhibit to travel to the Soviet Union in over 25 years. In 1988 the Soviets will respond with a similar exhibit in the United States.

The opening of "An American Vision" is a particularly exciting prospect for the Brandywine River Museum and for all Pennsylvanians. Through three generations, the Wyeth family has made innumerable contributions to both the art world and the rich cultural history of our Nation.

Thanks to the efforts of those named in this resolution, the unique window on American society offered by the Wyeth family's artistic accomplishments will be open for Soviet citizens. We hope that this exchange of art exhibits will help strengthen the cultural ties between the people of the United States and the Soviet Union.

THE PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 159) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 159

Whereas the art of N.C., Andrew and James Wyeth has been assembled into an extraordinary exhibit entitled: "An American Vision: Three Generations of Wyeth Art";

Whereas the exhibit will open on March 11, 1987 in Leningrad, Union of Soviet Socialist Republics, under the auspices of President Reagan's Initiative for Cultural Exchange with the Soviet Union;

Whereas the Wyeth family exhibit is the largest American art exhibit to travel to the Soviet Union in the last twenty five years;

Whereas the Soviet Union will respond to this cultural initiative by sending a comparable art exhibit to the United States in 1988;

Whereas this important cultural exchange will strengthen the international ties between the United States and the Soviet Union, and thereby improve the prospects for world peace and understanding; and

Whereas this ambitious project would not have been possible without the generous contributions and dedicated efforts of the Wyeth family, Brandywine River Museum, the U.S.S.R. Academy of Arts, American Telephone and Telegraph Company, the United States Information Agency, Mabel Brandon, Suzanne Massie, and the City of Leningrad; Now, therefore, be it

Resolved, That the United States Senate hereby commends the traveling exhibit, "An American Vision: Three Generations of American Art", its international debut in Leningrad, and its purpose of strengthening cultural relations between the United States and the Soviet Union; and be it further

Resolved, That the United States Senate hereby commends the organizers of "An American Vision", including the Wyeth family, Brandywine River Museum, the U.S.S.R. Academy of Arts, American Telephone and Telegraph Company, the United States Information Agency, Mabel Brandon, Suzanne Massie, and the City of Leningrad.

Mr. WIRTH. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WIRTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, it is my understanding that this request has been cleared on the other side of the aisle. The distinguished acting Republican leader [Mr. COHEN] is present, so I shall make the request.

IMPROVEMENT OF UNITED STATES FOREIGN LANGUAGE SKILLS AND INTERNATIONAL AWARENESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Senate Concurrent Resolution 26.

The PRESIDING OFFICER. Is there objection? Without objection, the clerk will state the concurrent resolution by title.

The assistant legislative clerk read as follows:

Senate Concurrent Resolution 26 to express the sense of the Congress that a cooperative effort to improve the foreign language skills and international awareness of the American people will help the United States compete economically.

The concurrent resolution was considered and agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, is as follows:

S. CON. RES. 26

Whereas the citizens of the United States lack adequate knowledge in foreign languages and international affairs compared to several of our major trading partners;

Whereas the lack of international competence has contributed to the largest international trade deficit in our Nation's history by undermining the ability of United States firms to deal with foreign clients and to compete with better-trained foreign competitors;

Whereas in order to be competitive in the international marketplace United States business firms must be able to communicate effectively with clients in other countries;

Whereas 30 percent of American business profits are derived from trade, 40 percent of American farm products are made for export, and over four million Americans travel abroad on business each year, yet the majority of American business people have no training in foreign languages or international affairs;

Whereas less than 1 percent of American students study the languages, cultures and geography of nations which have three-fourths of the world's population;

Whereas only 5 percent of American elementary school students study a foreign language, only 20 percent of American colleges and universities require a foreign language for admission, and only 5 percent of American college graduates are fluent in a foreign language;

Whereas the Nation currently faces a severe shortage of foreign language educators which impedes the expansion of international curricula in the Nation's schools, colleges, and universities.

Whereas the President of the United States recently proclaimed March 1, 1987, through March 7, 1987, as "National Foreign Language Week" and stated that "As the world becomes increasingly interdependent, the United States has a great need for people fluent in foreign languages in . . . the foreign service, international business, and education."; and

Whereas recent reports of the National Commisson on Excellence in Education, the National Advisory Board on International Education, the Carnegie Foundation for the Advancement of Teaching, the Southern Governor's Association, the Council of

Chief State School Officers, the National Association of State Boards of Education, and the Business-Higher Education Forum have all emphasized the importance of foreign language and international education to the Nation's long-term economic and security interest: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress finds that the ability of the United States to compete economically depends—

(1) on creating an awareness among the American public of the internationalization of our economy, and

(2) on increasing the knowledge of foreign languages and international affairs in the business and educational communities.

Sec. 2. Congress calls upon all levels of Government and the business and educational communities to cooperate in a concerted effort to improve the foreign language skills and international awareness of the American people.

Mr. BYRD. I move to reconsider the vote by which the resolution was agreed to.

Mr. COHEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the provisions of 20 U.S.C., section 42 and 43, appoints the Senator from Kansas [Mrs. KASSEBAUM] as a member of the Board of Regents of the Smithsonian Institution.

The Chair, on behalf of the Vice President, pursuant to the provision of Public Law 99-661, appoints the Senator from Arizona [Mr. MCCAIN] as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, vice the Senator from California [Mr. WILSON] resigned.

ORDERS FOR TUESDAY, MARCH 10, 1987

ADJOURNMENT TO 2:30

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, the Senate stand in adjournment until the hour of 2:30 p.m. on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that, on Tuesday next, following the recognition of the two leaders or their designees under the standing order, the following Senators be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, ARMSTRONG, REID, HECHT, and MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD. I ask unanimous consent that following the recognition of the Senators under the order just entered, there be a period for the transaction of morning business on Tuesday next, that the period not extend beyond 1 hour, and that Senators be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, the call of the calendar under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RESOLUTIONS, OVER UNDER THE RULE, TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next, no resolutions, over under the rule, come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 p.m. today to introduce bills and resolutions and also to submit statements into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the Senate will convene at 2:30 p.m. on next Tuesday. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized for not to exceed 5 minutes each: Messrs. PROXMIRE, ARMSTRONG, REID, HECHT, and MURKOWSKI; following which, there will be a period for the transaction of morning business not to exceed 1 hour. Senators will be permitted to make statements therein, which they are not permitted to do under the rule, but the order has already been entered today granting consent that Senators may speak for not to exceed 5 minutes.

Mr. President, I hope that measures can be cleared for action by next Tuesday. I also hope that committees will continue to take advantage of the opportunity to meet without interruption by quorum calls and rollcalls from the floor. This opportunity will not last a great deal longer. When the door of opportunity is closed, there may be a considerable amount of legislation on the calendar and the Senate will find itself in session much more than of late.

Committees have been very diligent in meeting. I compliment the Appropriations Committee and the subcommittees thereof on the busy conduct of meetings, because it is hoped that we can meet the appropriations and budget deadlines this year. The House, of course, will first have to get the appropriations bills over to the Senate. I have been noting with interest, however, that the House subcommittees on appropriations also have been busy.

So, with that, unless the distinguished acting Republican leader has some business which he wishes to transact or a statement which he would like to make, I shall put the Senate out until Tuesday.

Mr. COHEN. Mr. President, as my former colleague, Senator Muskie, used to say, if you cannot improve upon silence, do not.

Mr. BYRD. Mr. President, I must say that the distinguished Senator from Maine [Mr. COHEN], when he does speak, he does improve upon silence.

ADJOURNMENT UNTIL 2:30 P.M. TUESDAY, MARCH 10, 1987

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until 2:30 p.m. next Tuesday.

The motion was agreed to, and at 12:50 p.m., the Senate adjourned until Tuesday, March 10, 1987, at 2:30 p.m.

HOUSE OF REPRESENTATIVES—*Monday, March 9, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray that Your blessing, gracious God, will be upon those who have found for their vocation a life of service in this place. May Your good Word of benediction be with every person of every rank and every task that they will see in their labors opportunity to honor Your creation by serving this Nation in ways of justice and peace. Teach each of us to be faithful to the tasks before us for by so doing we are confident that You will bless our work and the people in this land. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 26. Concurrent resolution to express the sense of the Congress that a cooperative effort to improve the foreign language skills and international awareness of the American people will help the United States compete economically.

The message also announced that pursuant to sections 42 and 43 of title 20 of the United States Code, the Chair on behalf of the Vice President appoints Mrs. KASSEBAUM as a member of the Board of Regents of the Smithsonian Institution.

The message also announced that pursuant to the provisions of Public Law 99-661, the Chair on behalf of the Vice President appoints Mr. McCAIN as a member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation, vice Mr. WILSON, resigned.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *March 3, 1987.*

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 10:55 a.m. on Friday, March 6, 1987 and said to contain a message from the President whereby he transmits the third annual report of the National Endowment for Democracy.

With great respect, I am
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

ANNUAL REPORT OF THE NATIONAL ENDOWMENT FOR DEMOCRACY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs.

(For message, see proceedings of the Senate of Friday, March 6, 1987, at page S2818.)

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

The SPEAKER. The Chair desires to make an observation.

Today is March 9, and on the 9th day of March 1933, Members of the 73d Congress were sworn. Among that group was a gentleman who is in the Chamber today. He is the only living person who was sworn in on that day as a Member of the 73d Congress, 54 years ago today, and on yesterday this former Member celebrated his 85th birthday.

The Chair desires to comment upon the presence in the Chamber of our former colleague, former Member of the House, and former Member of the U.S. Senate, the Honorable Jennings Randolph.

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. RAHALL. Mr. Speaker, I rise today to lead the tribute to our most distinguished colleague from West Virginia, Senator Jennings Randolph. Today marks the 54th anniversary of the swearing-in of Jennings Randolph to Congress. No other Member is still alive who was sworn in that day. On his very first day in Congress, Jennings Randolph joined in unanimous support of the Emergency Banking Act which reopened the banks which had closed in the wake of the Depression.

Ever since then, in his magnificent career of public service, Jennings Randolph has always been there to look out for those who needed help the most. Jennings Randolph was there when Franklin Delano Roosevelt lifted himself from his wheelchair to lift this Nation from its knees. Jennings Randolph was there to push for Social Security and the Randolph-Sheppard Act. Jennings Randolph was there to be a sponsor of or a spokesman for almost all legislation helping crippled children, the handicapped, the blind, the aged, and the poor.

Jennings Randolph was a major force behind the emergence of the space program in this country, always pushing his vision of the great heights we could reach.

This great man saw the need to help the people of West Virginia in troubled times. Jennings Randolph came to the rescue with the Appalachian Regional Commission. He has come to our rescue so many times in West Virginia we have lost count.

One thing, though, we will never lose is the respect, admiration, gratitude, and love we all feel for this great American and son of West Virginia. It was my privilege to serve in Congress with Jennings Randolph for 8 years, and I will always cherish the wisdom and compassion of this man which he has imparted to me.

Today, the U.S. House of Representatives honors Jennings Randolph, and it is my pleasure to be able to participate. Jennings Randolph, as an American and a West Virginian, thank you.

We in West Virginia have long had the pleasure of the Senator's leadership and have enjoyed his enthusiastic commitment to helping those who are unable to help themselves.

I ran across this passage in Reader's Digest which does not carry a note of authorship but I would like to share this with my colleagues as I feel it fits Jennings Randolph very appropriately:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I AM ALIVE, ALERT, AWAKE, JOYOUS, AND ENTHUSIASTIC ABOUT LIFE

ENTHUSIASM

Some persons seem to exude such enthusiasm for life and living that those around them are caught up in the same kind of ebullient feelings.

The one thing that enthusiastic persons have in common is a keen interest in something—perhaps their work, perhaps some kind of project, perhaps they are enthusiastic about people. They look at life as filled with interesting people, interesting things, interesting places. They look at the world as filled with wonders.

Anyone can stir up a spirit of enthusiasm. We can be alive, alert, and awake to the myriad things in our lives that are cause for rejoicing.

We can learn to see and appreciate things we have overlooked or taken for granted. We can learn to appreciate people, their worth, and their uniqueness.

"The trees of the field shall clap their hands."—Isa. 55:12.

I would also like at this point to share with my colleagues a couple of milestones in the distinguished career of Jennings Randolph. I would like to insert into the RECORD at this point the listings of the first rollcall vote answered by Jennings Randolph in his many years in Congress. Jennings voted for Henry T. Rainey as Speaker of the House in the 73d Congress.

[Roll No. 2]

Rainey—302, Snell—110, Kvale—5, answered "present"—1.

The CLERK. The tellers agree in their tally. The total number of votes cast is 418, of which the Honorable Henry T. Rainey has received 302, the Honorable Bertrand H. Snell has received 110 votes, and the Honorable Paul J. Kvale has received 5 votes. One member votes "present." Therefore, the Honorable Henry T. Rainey, a Representative-elect from the State of Illinois, having received a majority of all of the votes cast, a quorum being present and voting, is duly elected Speaker of the House of Representatives of the Seventy-third Congress. [Applause.]

The gentleman from New York [Mr. Snell], the gentleman from Massachusetts [Mr. Luce], the gentleman from Minnesota [Mr. Kvale], the gentleman from Tennessee [Mr. Byrns], the gentleman from North Carolina [Mr. Doughton], will please notify Mr. Rainey of his election and conduct him to the chair.

I would also like to bring to the attention of my colleagues Jennings Randolph's first address on the floor of the House March 10, 1933, so that all of us can enjoy the eloquence so characteristic of this great man.

[From the CONGRESSIONAL RECORD—House—Mar. 10, 1933]

Mr. BYRNS. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. Randolph] be allowed to address the House for two minutes.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

ANTON J. CERMAK

Mr. RANDOLPH. Mr. Speaker, yesterday I listened with great interest to the gentleman from Illinois [Mr. Beam] as he spoke of the splendid and heroic life of Mayor Cermak, who was assassinated in Florida. I am introducing today a bill which would create a memorial postage stamp in honor of Anton J. Cermak to be sold beginning on the first day of the world's fair in Chicago, June 1; and I have attached to it a statement which I wish to be made a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

The matter referred to follows:

STATEMENT ACCOMPANYING THE INTRODUCTION OF A BILL PROVIDING FOR THE ISSUING OF A MEMORIAL POSTAGE STAMP IN HONOR OF THE LATE MAYOR OF CHICAGO, ANTON J. CERMAK

(1) That whereas the late Anton J. Cermak, mayor of the city of Chicago, State of Illinois, died from bullet wounds inflicted by an assassin; and

(2) Whereas in the death of the said Anton J. Cermak the people of the United States lost a fellow citizen of splendid courage and ability and a man with the highest ideals of public service; and that

(3) Whereas in meeting his death he preserved the life of Franklin Delano Roosevelt, President of the United States, at an hour when the whole country is in dire need of the great ability and leadership of the President of the United States; and that

(4) Whereas he was a friend who gave his life for another and a citizen who made the supreme sacrifice for the welfare of his country, and is therefore entitled to the praise and honor of the people of the United States; and that

(5) Whereas if the said Anton J. Cermak had lived until the 1st day of June 1933, he would have been mayor of Chicago during the world fair to be held in that city beginning on the said 1st day of June 1933:

Now, therefore, this statement is offered in support of the issuance of a memorial postage stamp in honor of the said Anton J. Cermak, to be issued and sold beginning at the opening of the world fair to be held in Chicago on the 1st day of June 1933.

A bill creating a memorial postage stamp in honor of Anton J. Cermak

SECTION 1. That the Post Office Department of the Government of the United States be, and hereby is, authorized to create, establish, and issue a certain postage stamp, of a denomination to be determined by the said Post Office Department, in honor of the late Anton Cermak, of Chicago, Ill.

SEC. 2. That said postage stamp be designated and known as the "Cermak Memorial Stamp."

SEC. 3. That the said "Cermak Memorial Stamp" be issued and sold beginning on the first day of the world's fair to be held in Chicago, Ill., beginning on June 1, 1933.

Mr. Speaker, in that vein also, I want to call attention to his address of March 11, 1933, the beginning of the New Deal which brought America roaring back.

[From the CONGRESSIONAL RECORD—House—Mar. 11, 1933]

Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. Randolph].

Mr. RANDOLPH. Mr. Speaker, I regret that this bill has been brought on the floor of Congress in this way. It would have been best to have had more time in which to study this measure. I am a new Member, and my vote will be cast for what I believe to be right. I believe that this question will never be settled until men and women act for the best interests of the entire Nation. I believe there are two types of leadership; one is bad and one is good. I have confidence in the good leadership of Roosevelt. I am going to vote for the program of President Roosevelt in the spirit of the old hymn. I know that my heart, as a new Member, is right, and I want, in this particular crisis, in the words of the old hymn, to go with him all the way.

This is an hour of crisis such as we have seldom before experienced as a nation. The times call not for petty political moves not for advancement of personal ambition nor party power. In this hour of great national danger not even sectional or district interests should be exalted above the national interests. To protect the national interest is to serve best the interest of the people of every section and district, for only by reestablishing the confidence of the whole Nation can any particular section of the country derive any benefit from the program of President Roosevelt or any other leader whose sincere aim is to meet the needs of our people by practical legislation. Fear and distress know no State or district boundaries but leap like flames of a great fire that consumes a city.

Thousands of people have been calling for something more than mere speech for months. I believe that the thousands who will be affected by this economy measure—and among them are hundreds of veterans and Government employees from my congressional district—will stand with the President in this great effort to return credit to our Government and confidence to our people.

When distress signals are flying and national disaster threatens the only course of every loyal citizen is to go to the rescue of his fellow citizens. I enlist my humble voice and vote—not in an effort to deprive any of our people of their incomes or disability allowances, but in the cause of preserving our Government. I feel that today every man, woman, and child is called to national service to face a common foe, side by side. There are no officeholders, no special classes, no World War or Spanish-American War veterans, but all Americans pressing forward to meet a common enemy. I sincerely believe that the majority of the veterans and all those who will be affected by this bill will again willingly offer their services to their country and will honor and respect the man who leads the way and the man who fights by his side.

I would have liked to have an opportunity to study this matter at some length. Yet I feel we cannot wait for a lengthy survey. Drastic economies are needed now—not tomorrow. I am as much opposed to dictatorial government as anyone within the sound of my voice. I do not look on this measure as creating government by a dictator. Strong leadership is required, and by passing this bill we actually reaffirm our faith in our democratic form of government. It is not Roosevelt who leads alone—it is the great mass of the people leading themselves and their Nation out of a wilderness of debt and despair. [Applause.]

* * * * *

The SPEAKER. The question is on the passage of the bill.

Mr. MCDUFFIE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 266, nays 139, answered "present" 1, not voting 19.

So the bill was passed.

Mr. Speaker, I am proud to have served with Jennings Randolph and I hope that through this tribute many of my colleagues can see for themselves the eloquence, compassion, dedication, and conviction of the Honorable Jennings Randolph from my great State of West Virginia.

NO CANDY TODAY, NO CANDY TOMORROW

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, Alice in the Wonderland begged the Queen for some candy. "The rule is: candy every other day," said the Queen. "That's right, cheered up Alice, "I did not have my candy yesterday." But the Queen retorted: "The rule is: candy tomorrow, candy yesterday, but never candy today." Alice objected: "It must sometimes come 'candy today'." The Queen settled the dispute thus: "No, it can't. It's candy every other day. Today isn't just any other day, you know."

Mr. Speaker, with imports flowing at nearly twice the level of exports, the United States suffered a $14.8-billion trade deficit during January, according to the Department of Commerce. This is equivalent to a trade deficit of $178 billion on an annual basis, higher than the reported trade deficit of $168 billion in 1986.

When the currency debasers put the dollar on skid row 2 years ago, they declared that the measure was necessary in order to restore balanced trade. But as this Member of the House has repeatedly pointed out, the trade gap is more likely to widen under a depreciating currency. Unless the dollar is stabilized by fixing its gold content, we may expect further deterioration in our trade picture.

No candy today, no candy tomorrow in the Wonderland of floating currencies.

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

(Mr. STAGGERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STAGGERS. Mr. Speaker, Jennings Randolph is a man larger than life, transcending generations, inspiring many, and leaving a legacy of service unmatched.

He was the last of the Roosevelt New Dealers to leave Congress at the end of the 98th Congress. Winning his election in 1932, he came to Washington inspired to make a difference, and he did.

He championed legislation for clean water, clean air, mine safety, black lung programs, the Air and Space Museum, the Appalachian Regional Commission, National Labor Relations Act, the Randolph-Sheppard Act, education, and for the handicapped. He is the "father" of modern commercial aviation. However, he is most proud of his original sponsorship of giving 18-year-olds the right to vote. Many of us here in this Chamber were first able to vote due to this man's efforts.

He first proposed that a Cabinet-level department for peace be formed. We are still working on the scaled-down version of his vision, and many people from his old district would welcome the Peace Academy.

I could tell you he recorded more votes than any Member, served longer than any Member from West Virginia, that he was the only Senator with a listed home telephone number, but those matters are overshadowed by larger accomplishments.

Senator Randolph said, "I had an overriding desire to help people, to upgrade, to benefit our people." That is why my family, and the people of his district, and I are pleased to honor one of America's best.

□ 1210

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

(Mr. MOLLOHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOLLOHAN. Mr. Speaker, someone once wrote that the true measure of a man is the height of his ideals, the breadth of his sympathy, the depth of his convictions, and the length of his patience.

I am very proud to stand here today with my West Virginia colleagues to remind this body, and America, that the long distinguished service of former Senator Jennings Randolph to the United States of America has featured the ideals, sympathy, conviction, and patience that comprise the true measure of a man dedicated to his State and Nation.

When Senator Randolph first became a Member of the U.S. House of Representatives in 1933—in the same year that FDR began his presidency—he embarked upon an outstanding career of statesmanship and hard work for West Virginia and America that has earned him a place in the hearts of many.

The list of his interests and accomplishments—from the creation of the Air and Space Museum and the Appalachian Regional Commission to cancer research and a national peace academy—is much too long to recount in the time we have today. I just want to say that I am pleased to be among the Members of this body to warmly recognize the 54th anniversary of the beginning of Senator Randolph's long and honorable career in the Congress of the United States of America.

Mr. Speaker, some men succeed by what they know, some by what they do, and a few by what they are. Senator Randolph has succeeded by all three.

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENNETT. Mr. Speaker, most politicians smile. Not all politicians smile, however, with a smile that comes from within the soul of the individual.

Jennings Randolph is a man that has a soul that smiles all of the time because he knows he is trying to do what is best for mankind and he pursues it, and he never lets the trivia of the world interfere with his objectives for good. That is the reason why today a man of his age looks 30 years younger, and that is the reason why his smile comes across so good, because it is right from his soul, because he has been doing good for other people all of this time.

Years ago he and I worked together on what is now the Arms Control and Disarmament Agency, as well as the National Peace Academy and other things of that type that we put together decades ago with Hubert Humphrey, Jack Kennedy and others who worked with us on this objective. There have been many spinoffs from it.

He has carried this work into his retirement. He never really has retired because his main job has always been to love people, and he is doing that right on.

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

(Mr. DONALD E. LUKENS asked and was given permission to address the House for 1 minute.)

Mr. DONALD E. LUKENS. Mr. Speaker, I rise as a Member of the other side of the aisle to also add my comments to the glorious 54 years of service that former U.S. Senator Jennings Randolph has given this body.

It was my privilege to have been here in this marvelous and privileged Chamber some 20 years ago and to know Jennings in a very close and warm fashion, particularly as relates to his many, many speeches to the youth not just of West Virginia but for the young people throughout the United States of America.

I would like to say we also join in the celebration today of his 54th anniversary of his swearing in. That is a marvelous record, to have a half a century of service to the United States and to this marvelous country. I want to say I have never known a man I think with greater service for his years, and certainly no one surpasses his dedication and integrity, and his service to this body and his country.

TRIBUTE TO THE HONORABLE JENNINGS RANDOLPH

(Mr. MURPHY asked and was given permission to address the House for 1 minute.)

Mr. MURPHY. Mr. Speaker, it is a pleasure for me to stand here today and join my colleagues in welcoming our friend, Jennings Randolph, back to the House of Representatives where 54 years ago today he entered as a freshman Member. The day before that he attained the age of 31 years, and the day before that Franklin Delano Roosevelt was sworn in as our 32d President of the United States.

During that time we referred to him in western Pennsylvania as our Senator as well. Senator, I know that in my younger days and in my beginning days of political and public life I always thought Jennings Randolph was my Senator, too, because his shadow was cast very far and long over the coal fields of western Pennsylvania.

That reminds me of a story back in 1943 or 1944, was it, Jennings? Jennings flew in the first coal-fired airplane when he was attempting to convert our Nation away from the needs of oil and into utilizing America's coal resources. Jennings flew from West Virginia to Washington in an airplane that was fired by coal.

Jennings, last week you would have enjoyed it. We had a Cadillac sitting out front that was coal-fired, all from your thought and leadership. Some day we will succeed in having many of our mobile forms of energy in that regard.

Jennings, you have been a leader to many of us and you have been a leader of our Nation. Many of the great things that happened in our democracy in the past 50 years you have had your hand in our your hands upon. You have been a true gentleman, a gentleman to work with and a great educator for so many of us who have followed you.

Thank you, Jennings, for returning to be with us today.

STATES SEND A MESSAGE TO THE FCC: NO ACCESS CHARGE HIKE

(Mr. WYDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYDEN. Mr. Speaker, on Thursday, the Federal-State Joint Board, an advisory body to the Federal Communications Commission, is scheduled to vote on a proposal that would mandate new local telephone rate hikes for the American consumer. Known as access charges, these are the mandatory fees paid to local phone companies for connection to long distance service. Before the Bell breakup, these costs were paid by long distance phone companies; now they are paid by every consumer.

If granted, the new local rate hike would follow an increase of almost 40 percent in local phone costs since the divestiture of AT&T 3 years ago. These rate hikes have been particularly painful for millions of seniors and small businesses that use primarily local service.

I don't think the FCC has made the case for further access charge increases. Between March 4 and 6, my staff contacted the State public utility commissioners to assess their position on an access charge rate hike. As the regulators charged with the vital responsibility to hold down local rates, their position on this issue is crucial.

My survey shows that State regulators are overwhelmingly opposed to access charge increases at this time. All told, 40 States and the District of Columbia have voiced their opposition to any increase in the current access charge at this time, while nine States do not have a public position. Four of the nine have a representative on the joint board and cannot take a public position while negotiations are taking place.

The procedures for the survey were as follows: my staff contacted 33 State utility regulators who are not represented on the joint board to find out whether they supported or opposed the proposed increase in access charges. In addition, 13 Commissioners of the National Association of Regulatory Utility Commission voted recently to oppose access charge hikes at this time. Illinois is the only non-joint board State to support increasing access charges.

My survey and the NARUC vote send a strong message to the joint board: do not increase access charges.

According to the FCC's Common Carrier Bureau, the proposed increase would raise the monthly phone bills of the 69,475,000 residents and single-line businesses who currently pay the $2.00 monthly access charge. If even a small increase in access charges is granted the rate hike would mean hundreds of millions of dollars of new charges for consumers.

It is time for the FCC to listen to the consumer and reject further access charges.

PUBLIC RANGELANDS FEE ACT OF 1987

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, today I am introducing the Public Rangelands Fee Act of 1987. It seeks to end an unfair subsidy for ranchers who use Federal rangelands, and to ensure the Government of an adequate return in the leasing of those lands for grazing.

This legislation follows a Grace Commission recommendation and also has been embraced by environmentalists concerned about the preservation of Federal lands. It sets grazing fees for public lands at or near the prevailing charges for private grazing lands. Currently, ranchers near Federal lands enjoy a sizable and unfair subsidy over ranchers who must lease private lands to graze their animals.

Furthermore, the cost of maintaining these Federal rangelands exeeds by more than $50 million annually the Government's income from grazing fees. The additional income made possible through this legislation will help erase that disparity.

I urge my colleagues to carefully consider this proposal for enhancing the cost-effectiveness and fairness of our Federal lands grazing policy, and at the same time to take meaningful action to implement the recommendations of the Grace Commission. Let us eliminate one more Federal subsidy.

□ 1220

THE IMPEACHMENT OF RONALD REAGAN NO. 2

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. GONZALEZ] is recognized for 60 minutes.

WELCOMING SENATOR JENNINGS RANDOLPH

Mr. GONZALEZ. Mr. Speaker, first I wish to express my sentiments and join my colleagues who have preceded me in welcoming and solicitating the very distinguished former Member of the House and highly distinguished Member of the Senate, Senator William Jennings Randolph of West Virginia.

Before I came to the Congress, his name and his fame stretched all the way to Texas. From the lips of former President Lyndon Johnson on many occasions I heard nothing but glowing praise and indebtedness on the part of the President, and before that as majority leader, of the great, the noble and the untiring leadership and input into national policy that would help all Americans, regardless of race, color, or creed, that it seems as if better than the Members that I have gotten to know, former Members, William Jennings Randolph stands out foremost and preeminent.

I welcome his presence here today; with him many, many more returns; as I understand, today is his birthday. I hope that he will come back to us.

Somehow it seems that there is a deficiency in our procedures, to my untutored mind.

When I was in the State senate, if we had such a preeminent personality, we would always give him the forum. I hope someday that we can invite the Senator and benefit from his experience, his wisdom, and his perceptions in today's very troubling and very turbulent world.

Mr. Speaker, I would like to entitle this special order. "The Impeachment of Ronald Reagan No. 2."

Last week on Thursday, the last day we were in session, I introduced House Resolution 111, which contains seven articles of impeachment in which I specially base what I consider to be a proper consideration of this House on the question of impeachment of the President.

Six of the seven articles are specific; but they are only the beginning. The research that I initiated when it was obvious to me, more than 3 years ago, that of all of the administrations and six Presidents with whom I have had the great privilege to serve as a Member of the House, this was the most corrupt administration that I had seen.

I started a research into the specifics as to how and wherein, in the light of the history in the Constitutional Convention in Philadelphia at the time of the debate of this section in article II of our Constitution, that provides the process of impeachment. What was its history? What was the debate all about? Why was it included?

There is no question in my mind that very much like in the case of my introduction of impeachment resolution with respect to the Chairman of the Federal Reserve Board as well as in Congress before last the names of most of those that had belonged to the Open Market Committee that were still members, and had been at the time of a gross malfeasance on the part of the Open Market Committee of the Federal Reserve Board that led to the unearned and illicit profits to one or two of the most powerful banks in our country; because of the leakage of information by one of the members of the Federal Reserve Board at that time.

It led to a sort of an in-house lookinto after some of us raised our voices and the chairman of the Bank Committee at that time heeded my request that on the occasion of the next visitation of the Chairman of the Federal Reserve Board, we raise the issue. He promised to look into it.

A few months later, an inner or an in-house type of committee was formed which was not more than two or three people within the Federal Reserve Board. It was at that time that I introduced a bill that would provide for the audit, for the benefit of the Congress, which created the Federal Reserve Board; an audit of the Federal Reserve System. There is no such thing. There is no inspector general in the Federal Reserve Board.

Yet, it controls the destiny and the fate of our standard of living, the famous and boasted American standard of living; of the life or death of our economic well-being such as we have gotten to know, and for which we fought wars, shed blood and spent much treasure.

So that in these cases of introduction of impeachment resolutions, I hasten to remove any kind of question that might arise in my colleagues' minds as to whether or not this is a frivolous or an ill-considered or a hastily considered act of passion.

I do not act that way; never have, and I hope I never will. I would never sully the respect I hold for this great body, this sacrosanct institution known as the U.S. House of Representatives, with any kind of frivolous motions or submission of frivolous resolutions or bills.

I am in dead earnest when I say that if ever there was an impeachable President, it is President Ronald Reagan.

Much of what has happened has not been revealed. In fact, the overwhelming preponderant amount of what has happened has not been revealed. Maybe perhaps it will in time; but just as in the case of the murder of President Kennedy, it is still enshrouded in mystery and perhaps, just perhaps in sufficient time to acquaint the American people with what they should be intimately acquainted with through us, their representatives, but have not been.

We will maybe get most of the disturbing things that have happened that have been contrary to and in direct violation of our statutes, our constitutional separation of powers and the much-feared in the Constitutional Convention, in the 1780's, the overweening, grasping of power by executives willful and bold, heedless of advice, heedless of caution, heedless of restraints, heedless of laws and constitutional precedents.

This is what was feared the most. In fact, the first 10 years of our national existence the country did not even bother to have such an office as the Office of the Presidency. They were afraid of those offices. The first and second Continental Congresses did not provide for that kind of an official.

□ 1230

Finally after the Articles of Confederation, which did not either, and the Constitution debated, it was decided after prolonged and passionate debate. At first the question was whether to call such an office the Office of the Peace Magistrate of the Nation. That was discarded because it implied too much of a quasi-judicial function. And the word "President" because that connotated more what the writers of the Constitution wanted, that is a person who would be presiding more than dictating and formulating policy. In fact it was James Madison who feared the most and who described what he wanted as "Well, all right, if you have that section then we must be sure that we understand each other and that the President is only the first among equals." But all of that now has been forgotten. We, the American people I am afraid, and I hope and pray to God that I am dead wrong, I think will reveal that we have traded out our heritage for what historians will write is a mess of pottage. Now in these six articles specifying acts of what I consider to be impeachable conduct, I specify as best as I can including dates and actions; but I intend to continue in order to revise hopefully in the interim, having the resolution at least seriously looked into by the subcommittee or committee that has jurisdiction. This is all I have ever asked. I am introducing a bill of particulars known as a resolution of impeachment. I think I am entitled to have at least the forum or the jury to consider that.

Then on that basis, judge it, either as meritorious or not.

Just before today's nonlegislative session a message from the President was reported having to do with the National Endowment for Democracy. The President in his usual hyperbole referred to that as a great instrument. Then he closed with a very peculiar use of words, or abuse of words. He said this just proves that the time for democracy has come.

Well, we have had democracy and no one President has gone farther, not as an official executive but through indirect enormous powers that those who surround him, those who more than anybody else control his decisions and who represent the most powerful vested corporate interests in our country and have total control of our public media such as it is. Today the American people, and this only goes back just a little more than a decade, depend on its television use, for example, 95 percent-plus on three national television networks. They are almost interlocking like all our great corporate endeavors today and more and more, particularly since the advent of this regime that has suspended every single antitrust, antimonopoly law that was ever passed by the Congresses during this 20th century; these giant conglomerates swallowing each other, all of them tying up the credit resources of our banks which are supposed to be chartered for public need and convenience.

Why, people laugh at you when you say that that is the reason the statutes provide for the chartering of a bank.

Some of us warned 20 years ago that this would happen and that it was on its way. The beginning symptoms were where these bigger banks were beginning to acquire the banks even in States such as mine where we have had constitutional prohibition against chain banking. But nevertheless that was very easily circumvented by just merely acquiring the controlling interest, one bank through the hypothecation of stock acquiring the controlling interest of another bank.

So that today in the United States like never in the history of our country 6 percent is in total control of our financial and credit resources and they, in turn, of course, are the ones that contol such institutions as the Federal Reserve Board.

Why should we mince words? Oh, so many of my colleagues have told me over the past 20 years how bold, how audacious, how wrong I might be. And in their expressions to me they revealed they do not know the history of the Federal Reserve Board. To hear these voices you would think that the Federal Reserve Board had come struck from the brow of Jove and was Heaven-sent down to rule us and tell us minions what was good for us.

The truth is that the Congress created the Federal Reserve Board. The truth is that it is not a Federal agency. It is a private agency controlled by the private commerical banks and that in turn translates to seven to nine of the biggest dinosaur banks that we have in this country.

Remember if you are rich, you are bound to be successful in our country. So that has been the standard of success. So "how dare you question? Surely somebody else must be at fault. It must be that profligate Congress that has spent so much money on social programs." Why the biggest relief programs in the history of the world have just recently been enacted. And they are not for the poor, they are for the richest, the banks.

Just Continental Illinois of Chicago, in other countries if that had happened we would have said we have nationalized it. In our country, oh no, we still follow this old myth that it is free enterprise. It is a big difference between free enterprise and private enterprise.

Mussolini in Italy and Hitler in Germany had private enterprise to the day they died. They did not have free enterprise, but they had private enterprise. But in our society, there is a very astute confusion between the two. They are considered almost synonymously and they are not. There is a vast difference. The banking industry is the most privileged activity in our country, more privileged than anything, any power that Congress has; because the Congress has abdicated its constitutional responsibility to coin the money, to fix the value thereof. It has lifted to the bankers. But which bankers?

Well, those who have no allegiance.

There is an old Latin phrase that says: "The odor of money, and money itself, has no country." It goes where it is attracted and where the power is.

We are no exception from 6,000 years of history of what happens when people turn over their destinies to those that would take control of the allocation of their resources, in our case the credit resources. Should we wonder that our peasantry, our yeomanry is rootless and homeless today. Everyday the biggest noise in the agricultural fields is not the tiller or the reaper, it is the auctioneer's hammer knocking out one more American family from his farm.

□ 1240

What has happened to the so-called farm credit banks? They are busted. They are gone. Why? Because there is no allocation on the national level. This administration abdicated all responsibility on a national basis for credit, not only agriculture, but to such things as shelter, housing; to such things as what is produced, not the work of the factory workers, the product of our steel mills, but what has turned out to be the rust belt, with hundreds of thousands of Americans still unemployed after those vague Pied Piper promises of not one, but three Presidents, and particularly this one, Ronald Reagan.

But those are all adjunct to what the real situation is at this time. The American people do not deserve this. The American people deserve compliance with the Constitution. They deserve faithful, not faithless, Presidents. They deserve noncorrupt, honest, God-fearing, if you please, holders of their oath when they take their seats, either in the House of Representatives or the U.S. Senate.

That is all the American people ask. But, lo and behold, the very forces that propelled Mr. Reagan into power, the very forces that enabled him to become a millionaire three times over at the beginning of his career, of which books are now written that are raising very, very dark and sinister questionable implications.

Mr. Reagan does not want to refer to any of that. But those same forces, powerful, loaded with money, are the ones in control. They are the ones who contributed $130 million to congressional races last year, 1986.

Where we had, like Will Rogers used to say, "It is getting to the point where it takes a lot of money to be able to lose with." The average in Texas, congressional campaign kitty, to lose with, was a quarter of a million dollars. We had a couple of $1 million budgets. In the Nation, we had a couple of $2 million budgets.

Now, quite a number of million-dollar budgets. That is the reason why, in 1981, Mr. Reagan could get his 1981 tax bill through. Sure, he got it on the key question by just about 4 or 5 votes, but I received, and for the first time in the 33 years and 7 months that I have been honored to hold public-elected trust, a message that I never thought I would see. There was not one bleep anywhere about it. I received 156 telegrams. Of the 156 senders of those telegrams, you could have picked the top of the 500 of Fortune magazine's top corporations.

Each one of them had an identical message: Congressman, we demand, we do not ask, that you vote for this tax bill without one change. We have economic activity in your area or in your State, and if this tax bill does not go through, we may not be able to continue that economic activity.

Well, there is nothing to more scare some Member trying to represent an economically beleaguered area than to scare them that way. I ought to know. After all, if we look at the roots of the so-called Abscam, how was the Justice Department able to entrap those gullible and greedy Members of the House that this House itself impeached? By having them meet a mysterious Arab investor who had millions of dollars to come to his district to start a business. That is how they trapped them. That is how they get involved.

One hundred and thirty million dollars in an election? "Poderoso caballero es Don Dinero," as they say in Spanish. "Mr. Moneybags, indeed, a powerful gentleman."

So those 156 corporations? I think they did not bother to look over their PAC lists. If so, they would have noticed that I was not one of the recipients. I could get those telegrams—I made a list of them and then pitched them in the garbage can. But suppose I had been one of those who had received $5,000, $10,000, $15,000 from those PAC's? Would I not have had some qualms of conscience? Would I not have had some hesitation?

So that when Mr. Reagan wanted anything in a key crunch, all he had to do was ask his loyal corporate to say, "Pick up the phone and call those boys and tell them that I am having trouble from *x* member of the House and see if he can see the light of day."

That has been the so-called legislative success of President Reagan. But what has happened? The President has literally been permitted to get away with violations of the Constitution that no prior President would have been able to do.

Yes; when those things were popular, all the American people, and even the leaders of Congress, cheered him, even though he was violating the law. Bash and kill and murder and bomb Qadhafi. He is a dastardly man, but do you kill and maim innocent women and children in the dozens, like we did then? Was it not a violation of the law for the President, without consultation with the Congress? Was it not a violation of the War Powers Limitation Act?

Let us go before this, and this is what I am researching now. The President has the blood of 241 marines on his hands and nobody else. For 14 months, I took this floor and during that time, as I have all along, I had to take the indifference as to what I was talking about. I was simply asking a question of the President. "Mr. President, what is the mission of the Marines in Beirut?"

This being the only one of six Presidents that does not reply to a Congressman's letter, I took the floor, and for 14 months raised the issue. I pointed out why the decision was flawed. I also happen to have known that the Joint Chiefs of Staff—now, these are chief military experts for which the country has spent untold billions of dollars to train, to place in these positions of judgment and power. Unanimously they had advised the President against that. Not for 14 days, not for 14 hours, but for 14 months, I took the floor because I felt that my colleagues had the responsibility, at least those on the proper committees, to listen and heed and raise the issue, so that my one voice—and after all, in the words of Auden, "One voice with which to undo the folded lie."

□ 1250

But no, they died unnecessarily, needlessly, uselessly, and I think the indignation was so great or the situation so feared that the President had to invade Grenada. He moved his timetable up, and he had to invade Grenada less than 30 hours after the marines had been massacred.

Now, to me that was the beginning of the confirmation of the doubts I had had but had not uttered that the President was flawed in judgment and flawed in every other way of conduct, and that indeed and in fact he needed the Congress to oversee his actions and call him to bay in those cases of violation of the laws which the Congress itself had passed.

Then we have the case of Calero, Mr. Calero being one of those that the President says is the moral equivalent of our Founding Fathers. I did not see one soul in the mainstream press or hear of anybody who criticized him for that obviously unjust and highly exaggerated parallel or analogy. And then there is his buddy, Robelo. These are two Nicaraguans under the Somoza regime who were beneficiaries of the private American corporate vested interests. They found themselves out after a regime, one that we had imposed and that we had kept up for 40 years, collapsed out of its own rottenness and corruption like a rotten tomato. It was like nothing else, and this was even in Jimmy Carter's last days. That is why I spoke, and it was the first time I ever spoke with respect to Latin America because, just as my name is GONZALEZ, I do not consider myself an expert necessarily. Yes, I had been selected by the Organization of American States, the OAS, on July 1, 1966 as one of the many observers representing the United States in the Dominican elections. But I never considered myself an expert and never spoke out.

I do not belong to the Foreign Affairs Committee. However, I do know history and am well versed in history, and I am a beneficiary of the freedom and the opportunities that only this country could give anybody. This is the reason I speak out, cost what it might.

I have never sworn to or bowed my knee or genuflected before a public office. I never, never intended to get into politics to begin with until I was quite grown up, and it hurts me to see a great, noble people so poorly served and so betrayed and so costly to the future of their children, their grandchildren, and their great-grandchildren.

One of the reasons I picked last Thursday to introduce my resolution, even though I had not quite fully completed all the predicates, or substantive charges or the bill of particulars, as you call it, was because I am convinced that President Reagan is embarked on an inexorable course that will be catastrophic to our best interests in Central America. He gets his political generals to tell him what he should do, like one who should know better because he was in a command position in those areas, and he maintains that an invasion of Nicaragua would be like a 2-day maneuver for our soldiers. Obviously that is a political general. The real, trained professional that I have contact with speaks a different language. These generals think that Nicaragua will be Grenada, and that is silly.

But the President is headed that way. Nothing is going to deter him. Yet I pray to God every morning and every night that he changes, but I do not think he will. I am convinced his investment is so great and so overwhelming that he is not going to perceive the reality of the world, at least with respect to that part of the world.

So I first spoke out not with Ronald Reagan but with Jimmy Carter, and I spoke on April 1, 1980 here in this forum because I became convinced of my position 6 months after I had fruitlessly tried to reach those levels in the Presidency and the State Department, after I had been visited by two constituents, two great constituents who had served our forces in an intelligence capacity in those areas and were very concerned in September 1979. And everything they told me happened.

So I came back and finally I thought I owed it to my colleagues, to myself, and to the record to make an appeal to the President through this means, and I did. I pointed it out then to anybody who wants to read the testimony in the RECORD. It is not what I am saying now. I said, "Mr. President, you have no more than 90 days left in which, with a whit and a will, you can still utilize the last vestiges of American moral suasive power of leadership, which is still great, but you won't have it the way you are going."

Everybody forgets, with the advent of the Reagan administration, that in the waning period of that year, which was the last year of the Carter administration, the military involvement was begun. However, with the advent of a general such as the man President Reagan first named as Secretary of State, Alexander Haig, we saw a man who was ambitious, willful, and desirous of the exercise of power the likes of which I do not think America has seen since Aaron Burr, and who drew the line, of all places, in El Salvador, where, after the expenditure of about $4 billion just since 1981, and with the death of several of our American citizens, both private as well as servicemen, some not reported at all, we were no further or no closer to victory, if that is the word you want to use, in El Salvador, the smallest country in all of Central America, than we were 6 or 7 years ago.

Why? Should that not reveal the bankruptcy of this administration's actions? I will not even dignify it by calling it "policy." It is actions.

Then we have Nicaragua, which is an entirely different situation, and we have Guatemala. What is our country to do when we have the unavoidable happen in the next country, Guatemala? Now, that is no small potatoes, and that is one hop over, right next to Mexico.

What is going to happen when we have the dilemmas we will inevitably face with Mexico? Nobody speaks out. Nobody seems to have the slightest notion of what is going on. We are very much like we were before the days when such words as "Vietnam" began to appear across the threshold of our consciousness.

I think that is wrong. I think we have a greater responsibility than that. I always believed in anticipatory action. That was my contribution, if you please, because my participation in politics began when I was on the city council and offered the suggestion that finally, after an annual round of so-called strikes, the bus drivers' union and the bus company did not have to go out on strike, and that was offered just with a little bit of anticipation.

I have always done that. I have introduced measures here, and I have made suggestions in written form to Presidents. Of course, some Presidents are accessible, some are not. The present one is not. But what about these individuals who, as of this last weekend, suddenly say, "Oh, yes, we did get several hundred million dollars from secret Swiss accounts?"

Now, wait awhile. Secret Swiss accounts? American money? Taxpayers' money like the National Endowment for Democracy?

□ 1300

If the American people knew where those tax moneys were going in, say for instance, Costa Rica, which is the only real democracy; the only country that has had any experience. They have had free public education for 100 years. They are far more literate. Their next-door neighbor, El Salvador, is sunk into illiteracy. The next-door neighbor, Honduras is sunk into illiteracy. But Costa Rica, no. Free public school education for 100 years.

They have had open, free elections. Anybody could participate, any party. Why, they are less scared than we are. They can even allow a candidate who says, "I am a Communist; I am going to run on the Communist Party ticket." They had two such candidates in the last election. Where do you think they came from; where they were representing? They were representing the United Fruit properties and the workers on those properties. Did the Costa Rican people—they did not pay any heed, any more than the Nicaraguan elections in November 1984. Unlike the ones that we paid for in El Salvador, they had the Marxist-Leninist candidates, the socialist candidates, and then I guess what you would call the official ticket.

How many votes did the Marxist-Leninist candidates get? Not even 5 percent. So that when we realize the history, when we bother to study about what our neighbors are all about, which we have not wanted to do, then we can begin to get a perception of that real world. Then we can avoid the mistakes and consequences of our misperceptions of the world in Southeast Asia, where again, we did not have to lose 58,000 Americans and untold treasury. It was not mandated. We did not win in Korea, that should have been the first lesson as to Southeast Asia, but we did not.

What were our actions? Why could we not get the will of the people, say in North Korea, that we were saying was dominated by totalitarian power? Because we went out and needlessly, as we did later in Vietnam, bombed their peasants. Bombed the non-military areas. Instead of that, we made allies of the North Koreans of the Chinese who put in over 300,000 troops, contrary to what General MacArthur thought would happen. Where was our intelligence? Where is our intelligence today? Well, there has been an aberration, there has been a distortion of the congressional intent, just like in the case of the Federal Reserve Board, the same thing with respect to such agencies as the CIA.

The 1947 National Security Act that gave birth to it did not intend for it to be anything but an intelligence-gathering agency in order to avoid such things as Pearl Harbor. It was not supposed to be an "operative" agency. But every since you had willful and bold and ambitious men like Allan Dulles who cooked up the idea that it would be great to try to glorify the exploits of General Donovan in the office of Strategic Services during the war and started out first, the first incursion of that kind of operation was in Albania. What happened? We needlessly caused the death of about 30 Albanian exiles and refugees by having the notion that they knew; it was not true.

The next one, the Bay of Pigs. Allan Dulles himself handed President Kennedy a mischievous and erroneous letter supposedly from the intelligence evaluating, but was not at all. The intelligence evaluating agency in that part of the CIA was giving different facts, different figures; the same thing I was told by a neighboring Texan who asked me to intervene with him and a very prominent exiled Cuban in Miami who had been a great international jurist representing Cuba in the World Court and then later in the U.N., and who wanted to warn me, he wanted me to get hold of President Kennedy because I had campaigned for President Kennedy and Johnson in 11 States; had met the President in 1951; had established a very close personal friendship. The closest of any President including Lyndon Johnson. This man told me he had married into one of the most prominent Cuban families. He said, "We know that the CIA has spent $2½ million in the Miami area alone, that does not count how much you are spending in Nicaragua, to prepare for an invasion of Cuba cannot, it will not work; it is going to backfire. The people involved cannot even have unity among themselves. Does that not remind you of Calero-Bolero and Mr. Robelo? It surely does; it is the same thing. I have been asking my colleagues every since the first request for money for the so-called Contras. Remember that the reason given us for first outfitting the Contras through an Executive Order, 15333, by the President, in November 1981, was to put a stop to intercept the shipment of arms that were supposed to be coming from Nicaragua to El Salvador. What happened to that? Everybody has forgotten that that was the reason for the Contras. They never intercepted anything because if they had listened to the correct CIA officials who were compelled to quit, because the CIA has become not an information-gathering agency for the benefit of the President and his executives, but rather an instrument of policy so that if the information does not conform to what the President and his aides want, they get rid of the guy that is giving them the intelligence. And the one who did this with a vengeance was the former CIA Director, Casey. Who himself had been enamoured with the special operations and covert tactics since the worked for General Donovan during World War II.

Now these are the things that the Congress has a responsibility. If I say that the blood of 241 marines is on the President's hands, let me say that the Congress also shook that hand and has blood on its hands because they did not bother to raise the question of obeying the very laws it had passed no more than 12 years ago.

So what do we have here? We have plenty of impeachable basis. We find that Calero-Bolero-Robelo says that, yeah, they got some of these seed funds. They were supposed to have been in the account that Colonel North set up. Since when was Mr. North empowered to deposit in secret Swiss accounts any kind of money that goes back to taxpayers sources?

There have been, I would say, half a dozen violations of our banking laws. So, as of today, I am writing a letter to the chairman of the committee, of which I am a ranking member, and have been on it since I came here, that he please consider evaluating from the standpoint of the violation of the banking laws. I did the same thing in 1972 in what turned out to be Watergate. We were frustrated. The chairman at that time listened and he would have been the first one to bring a congressional look into what turned out to be Watergate. Simply because I reported the laundering of money from Houston, TX, through the Gulf Oil Corp. to Mexico City, Mexican Bank to Florida to Bebe Rebozo, President Nixon's big buddy in Florida. Contrary to the laws of the country. Since then we in the Banking Committee have passed some additional laws having to do with Swiss accounts, secret accounts, so-called.

I think that our committee ought to evaluate them, but I am going to perfect another one of the titles to add to the seven on an impeachment resolution.

There are those who say, like some newspaper reporters, "Well, you do not think you are going to get anyplace?" I said, "Well, I do not know; all I can do is introduce a resolution. It is up to my colleagues to consider and evaluate if they wish."

However, I do not worry. It is a tragic thing and a sad thing to say, for already, Ronald Reagan has been impeached by a much higher power than any puny U.S. Congress on Earth.

Mr. Speaker, for the benefit of my colleagues I would like to include this article at this point in my special order:

[From The Washington Post, Mar. 7, 1987]

$1.7 MILLION FUNNELED TO NORTH—DOCUMENTS SHOW ROUTE OF FUNDS TO SWISS ACCOUNT USED BY NSC AIDE

(By Thomas E. Edsall and Ted Gup)

In 1985 and 1986, more than $1.7 million was channeled from a U.S. tax-exempt foundation to a Swiss bank account being used by Lt. Col. Oliver L. North for funds that helped arm the Nicaraguan rebels and finance the sale of U.S. weapons to Iran, according to documents obtained by The Washington Post.

The documents provide the first evidence that tax-deductible contributions were systematically transferred to an account under North's direct control. They also lay bare the circuitous route that the money traveled from the United States, through the Cayman Islands, to Switzerland.

The documents portray North, who was fired Nov. 25 from his National Security Council post, as directing that money raised by conservative fund-raiser Carl R. (Spitz) Channell be sent to the Swiss account, which was in the name of Lake Resources Inc.

Channell received White House assistance in soliciting contributions from some of the country's wealthiest conservatives as part of a campaign to support the Reagan administration's policies in Central America. Potential donors received briefings from North, heard talks by a top State Department official and, if they contributed enough, met with President Reagan. North often attended the meetings with Reagan.

As a result of Channell's efforts, millions of dollars flowed into his organizations, including his primary foundation, the National Endowment for the Preservation of Liberty (NEPL). The documents show how $4.9 million was disbursed to North's account and other entities; they do not show, however, how North ultimately used the money.

The documents describe Channell's overall efforts in support of the contras, including what it called its Central American Freedom Program, a variety of publicly announced initiatives. But the documents do not explain why the company hired by NEPL to run that program, International Business Communications (IBC), sent much of the money to the Swiss and Cayman Islands accounts.

The documents obtained by The Post were written by IBC at Channell's request. They attempt to reconstruct what IBC did with the $4.93 million it received from NEPL from May 1985 to December 1986.

The 87-page report, dated Feb. 16, 1987, was written well after allegations became public about the diversion of profits from Iran arms sales to aid the contras. Those allegations are under investigation by two congressional committees and by independent counsel Lawrence E. Walsh, whose office has interviewed several past and present employes of the Channell organizations.

In a two-page summary at the beginning of the report, the president of International Business Communications, Richard R. Miller, told Channell that IBC sent some of the money to Lake Resources "at the request of Lt. Col. Oliver L. North."

Miller added, "At the present time, we are unable to obtain from him any information concerning the application of those funds after deposit to the Lake Resources account. However, we were assured by him at the time that the funds were to be applied solely for humanitarian assistance."

This distinction is crucial. During the period when the transfer occurred, Congress had banned any direct U.S. military assistance to the contras. The Tower commission report shows that North was running the secret contra war from the White House with the approval of the national security advisers at the time, Robert C. McFarlane and John M. Poindexter.

In pursuit of that goal, North used the Lake Resources account to charter planes and ships to carry weapons to the contras, funnel cash to a resupply operation that dropped weapons to contra camps and provide expense money for his chief lieutenant, retired Air Force major general Richard V. Secord.

The Tower report contains an important reference that apparently links the NEPL money to North's operations. On April 3, North wrote himself a reminder to call Secord about "650k for LAKE." On April 9, the IBC documents show, a transfer was made NEPL to IBC and then, through the Cayman Islands, to Lake Resources on April 11. On April 16, Secord reported back to North, "$650k received today as reported by banker."

The money path described in the IBC documents also matches the way North diagrammed his operations in a complex flow chart found by the Tower board in North's White House office.

From the documents, it is clear that Miller, who worked in the 1980 and 1984 Reagan-Bush campaigns, and IBC played a much more important role than previously known. IBC's report portrays IBC as controlling how the money would be disbursed.

The report, which includes photocopies of the transfers to Lake Resources, also contains these significant findings:

Money from United States donors was commingled with Iran-arms profits in the Lake Resources account at Credit Suisse Bank in Geneva. According to the documents, $1.74 million went to Lake Resources in seven transfers between September 20, 1985 and April 11, 1986. Of this, $1.31 million was funneled through a Cayman Islands corporation called I.C. Inc., later renamed to Intel Co-Operation Inc. The remaining $430,000 was transferred directly to Lake Resources by International Business Communications, including a $300,000 wire transfer signed by Miller.

Another $1 million went to Alpha Services S.A., a corporation controlled by the Nicaraguan Democratic Force (FND), the military wing of the contras. Alpha Services maintained accounts at Barclays Bank offices in Miami and the Cayman Islands.

IBC collected "professional fees" of $1.28 million and spent another $495,000 on "program expenses."

In effect, U.S. taxpayers were subsidizing the multimillion-dollar cash flow from NEPL to IBC, to Intel Co-Operation, to Lake Resources and to the host of other recipients. Donors, most of them wealthy and in high tax brackets, were entitled to deduct their contributions to NEPL.

The Internal Revenue Service is investigating Channell's groups for possible violations of tax-exempt status.

Channell made no secret of his fund-raising activities or his support of U.S. aid to the contras. From the start of his efforts in early 1985, he sought the backing of Reagan. By late 1985, he got it and proudly told others about it.

In a letter Channell distributed to his donors and to the press, Reagan wrote to Channell on Oct. 10, 1985: "You and your organization have made a remarkable contribution to the course of democracy in Central America. Keep up the good work."

The strong support given NEPL by Reagan and North was a key factor in the ability of Channell to raise huge amounts of money from his donors. Over the past two years, Ellen St. John Garwood, a rich Texas widow, and Barbara Newington, a wealthy Connecticut widow, gave well over $1 million each to Channell organizations, according to public documents and a report on ABC.

White House sources said Reagan held at least two meetings organized for Channell and his major donors, Oct. 17, 1985 and Jan. 30, 1986.

Inman Brandon, an 80-year-old lawyer from Atlanta, said he gave $100,000 after meeting with Reagan in January. "It confirmed my belief in the sincerity of the group and what they wanted to achieve."

John Ramsey of Wichita Falls, Tex., who also met Reagan, said, "I've been to two briefings at the White House just to explain what was going on [in Nicaragua]. And on one of [those occasions], we went by and shook hands with him [Reagan]. He said he appreciated what we were doing."

Ramsey estimated he has given $100,000 over the past two years. Asked if he was worried that his money went for weapons, Ramsey said, "I didn't know. I didn't care. It sure doesn't matter to me. . . . They knew how I felt about it. I didn't know if they could give money for weapons. If they could have given the money for weapons legally, they would have suited me fine."

North helped arrange the donor's meetings with Reagan, according to records at the White House, along with Linas J. Kojelis, a special assistant to the president for public liaison. Former White House communications director Patrick J. Buchanan helped set up the first meeting.

The second meeting included Linda Chavez then deputy assistant to the president for public liaison, and Elliott Abrams, assistant secretary of state for Inter-American affairs and a member of a select interagency group charged with monitoring the contras.

North's activities conflict with statements made by White House officials to several members of Congress, who has asked about reports that North was involved in soliciting funds for the contras.

For example, McFarland wrote a letter to Rep. Lee H. Hamilton (D-Ind.) on Oct. 7 that said, "There is no official or unofficial relationship with any member of the NSC staff regarding fund-raising for the Nicaraguan democratic opposition."

The next day, $100,000 was transferred from I.C. Inc. to Lake Resources. And over the next several weeks, North helped organize the first donor meeting with Reagan.

The documents obtained by The Post provide substantial insight to material found in the Tower board report. The chart found by the Tower board in North's White House safe outlines a cash flow precisely as described in the documents—from NEPL and another Channell organization, the American Conservation Trust, to IBC.

From IBC, North drew arrows to I.C. Inc., then to I.C. S.A., and then to Lake, apparently referring to Lake Resources. Under Lake, North drew several boxes with the names of companies that have been identified with the provision of arms and military support to the contras.

Those companies include Udal Corp. S.A., a Panama company, which provided the financing to construct a secret airfield in Costa Rica for resupplying the contras, and Defex, a Portuguese company that sold arms to a Secord company dealing with the contras.

It is not clear from the documents who is behind I.C. Inc., the Cayman Islands company, or why it was needed to transfer the money. I.C. was incorporated April 26, 1985, and the "subscribers" are listed as Cayhaven Corporate Services Ltd, of George Town, Grand Cayman; David G. Bird, also of George Town, and Alastair J. N. Loudon of George Town. In May 1986, the company's name was changed to Intel Co-Operation Inc.

Copies of bank wire transfers from IBC to I.C. and Intel include instructions to notify David Piesing or Malcolm Davies, each at the same phone number.

Along with the substantial amounts that went from I.C./Intel to Lake Resources and Alpha Services, varying sums were sent to other organizations.

A Cayman Islands corporation with the same registered agent as Intel Co-Operation, World Affairs Counselors Inc., received $452,000. In addition, the documents list $21,182 going from I.C. to the Gulf and Caribbean Foundation, which is run by Washington lobbyist and former congressman Daniel Kuykendall. That foundation, which finances studies of Central American issue, also appears on the diagram of companies found in North's safe.

And $75,000 was paid to the Washington-based Institute on Terrorism and Subnational Conflict, the executive director of which has been Robert Owen, a close associate of North's who, along with North and Secord, has refused to testify before congressional committees.

As more information emerges about the Iran-contra transactions, IBC and Miller have begun to surface with increasing frequency.

Miller, 34, of Bowie, Md., was in charge of developing what are called radio "actualities" during the 1980 campaign. These are short tapes from speeches by Reagan, Vice President Bush and other campaign surrogates which are transferred daily to radio stations across the country.

After the campaign, he received a political appointment at the Agency for International Development (AID), where he became director of communications. He left in 1983 to form IBC with Francis Gomez, a retired official of the U.S. Information Agency.

Since leaving AID, Miller's company has received at least three contracts from the Department of State, including one for $276,000 reportedly to coordinate speaking tours for anti-Sandinista Nicaraguans in the United States.

In addition, he and Gomez formed an organization called the Institute for North-South Issues, which has received four grants to oversee Latin American projects from the congressionally funded National Endowment for Democracy.

Two phone calls to Miller's lawyer, Richard Precup, were not returned. A lawyer for Channell's organization, Curtis Herge, had no comment.

Another section of the report described a separate program that was designed to boost the 1988 presidential campaign of Bush.

Called "The Future of Freedom Forums," the program would target major contributors—"The Select 500"—to Channell's political action committee, the American Conservative Trust.

"The vice president needs a vehicle which he can utilize to reach the high dollar donors in the conservative ranks. These donors perceive him as a liberal Republican unsure of himself and without determination to lead in tough circumstances," the report said.

To counter this, the document outlining the Freedom Forums recommended "that we seek to hold at least one dinner meeting per month commencing in late January 1986. For each event we could invite 30 to 50 of the 'Select 500' contributors and others. The vice president could be requested to speak on a particular issue such as Central America or arms control."

On Jan. 16, Bush wrote to Channell and said he found "the foreign policy issues you plan to discuss to be of great interest to me, as well as to the president. My personal interest is such that I hope to be able to participate."

Sources close to the project said, however, that it never got off the ground.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. Donald E. Lukens) to revise and extend his remarks and include extraneous material:)

Mr. Lungren, for 5 minutes, March 10 and March 11.

(The following Member (at the request of Mr. Gonzalez) to revise and extend his remarks and include extraneous material:)

Mr. Gonzalez, for 60 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Donald E. Lukens) to revise and extend their remarks and include extraneous material:)

Mr. Vander Jagt.

Mr. Conte.

Mr. Tauke in two instances.

(The following Members (at the request of Mr. Gonzalez) to revise and extend their remarks and include extraneous material:)

Mr. Anderson in 10 instances.

Mr. Gonzalez in 10 instances.

Mr. Brown of California in 10 instances.

Mr. Annunzio in six instances.

Mr. Jones of Tennessee in 10 instances.

Mr. Boner of Tennessee in five instances.

Mr. Edwards of California.

Mr. Leland.

Mr. Florio.

Mr. Fuster.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 26. Concurrent resolution to express the sense of the Congress that a cooperative effort to improve the foreign language skills and international awareness of the American people will help the United States compete economically; to the Committee on Education and Labor.

ADJOURNMENT

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 10 minutes p.m.) the House adjourned until tomorrow, Tuesday, March 10, 1987, at 12 o'clock noon.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports and amended reports of various House committees concerning the foreign currencies and U.S. dollars utilized by them during the fourth quarter of calendar year 1986 in connection with foreign travel pursuant to Public Law 95-384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Edward R. Madigan	11/22	11/23	Australia	355.13	228.00						228.00
	11/24	11/27	New Zealand	867.09	456.00						456.00
Commercial transportation							66.37				66.37

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON AGRICULTURE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Harold Volkmer	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen Arab Republic		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Jordan		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Military transportation							7,000.00				7,000.00
A. Mario Castillo	11/25	12/7	Mexico		0.00		407.00				407.00
Committee total					2,514.00		7,473.37				9,987.37

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

E DE LA GARZA, Chairman, Jan. 30, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Daniel Akaka	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Jordan		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000.00				7,000.00
Hon. Bill Chappell	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
Hon. Silvio Conte	12/9	12/11	Colombia		100.00		940.00				1,040.00
Hon. Lawrence Coughlin	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
Hon. Norman Dicks	11/10	11/11	Belgium		160.00						160.00
	11/11	11/12	Switzerland		165.00						165.00
	11/12	11/13	Austria		157.00						157.00
	11/13	11/15	West Germany		216.00						216.00
Commercial transportation							2,131.00				2,131.00
Hon. William Lehman	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Israel		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000.00				7,000.00
Hon. Bill Lowery	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
Hon. Joseph McDade	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.000
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
Hon. John Myers	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Jordan		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000.00				7,000.00
Hon. Ralph Regula	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,470.00				4,470.00
Hon. Martin Olav Sabo	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,470.00				4,470.00
Hon. Neal Smith	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/20	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Jordan		138.00						138.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986—Continued

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	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000.00				7,000.00
Hon. Charles Wilson	11/10	11/11	Italy		270.00						270.00
	11/12	11/19	Pakistan		600.00						600.00
	11/20	11/22	Sri Lanka		132.00						132.00
	11/23	11/25	Hong Kong		408.00						408.00
	11/26	11/30	China		710.00						710.00
	12/1	12/4	Tahiti		404.00						404.00
Commercial transportation							8,474.00				8,474.00
George Allen	11/9	11/12	Spain		438.00						483.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
Gregory Dahlberg	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Israel		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000.00				7,000.00
Robert B. Foster	12/4	12/14	Belgium		1,600.00		4,039.51				5,639.51
Richard N. Malow	11/23	11/24	Austria		120.00						120.00
	11/24	11/28	Soviet Union		232.00						232.00
	11/28	11/29	United Kingdom		222.00				50.00		272.00
Commercial transportation							2,476.00				2,476.00
Milton B. Meredith	10/31	11/1	Hawaii		125.55						125.55
	11/1	11/4	Japan		179.86						179.86
	11/4	11/7	South Korea		438.10						438.10
	11/7	11/10	Philippines		286.42						286.42
	11/11	11/14	Hawaii		440.09						440.09
	11/15		Washington, DC						6.00		6.00
Commercial transportation							2,764.00				2,764.00
John Osthaus	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Jordan		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000,00				7,000.00
Terry Pell	11/7	11/9	United Kingdom		372.00				39.50		411.50
	11/10	11/11	South Africa		216.00				7.50		223.50
	11/11	11/14	Zimbabwe		216.00				36.00		252.00
	11/14	11/17	Kenya		357.00				28.00		385.00
	11/17	11/19	Ethiopia		141.00						141.00
	11/19	11/20	Italy		166.00				17.80		183.80
Commercial transportation							5,565.00				5,565,00
Elizabeth Phillips	10/11	11/1	West Germany		850.00		892.26				1,742.26
Donald Richbourg	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Morocco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
William E. Schuerch	12/2	12/5	Philippines		339.00						339.00
	12/5	12/11	Indonesia		846.00						846.00
	12/11	12/14	Thailand		378.00						378.00
	12/14	12/17	Burma		324.00						324.00
	12/17	12/19	Bangladesh		260.00						260.00
	12/19	12/21	England		360.00						360.00
Commercial transportation							4,460.00				4,460.00
Hunter Spillan	11/23	11/25	Algeria		448.00						448.00
	11/25	11/27	Yemen		246.00						246.00
	11/27	11/29	Sri Lanka		242.00						242.00
	11/29	12/1	India		222.00						222.00
	12/1	12/3	Pakistan		258.00						258.00
	12/3	12/4	Jordan		138.00						138.00
	12/4	12/6	Portugal		276.00						276.00
Transportation by Department of Defense							7,000.00				7,000.00
J. David Willson	11/9	11/12	Spain		438.00						438.00
	11/12	11/15	Austria		471.00						471.00
	11/15	11/18	Turkey		417.00						417.00
	11/18	11/19	Greece		108.00						108.00
	11/19	11/23	Moroco		432.00						432.00
Transportation by Department of Defense							4,740.00				4,740.00
Committee total					41,395.02		123,131.77		184.80		164,711.59

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[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Feb. 23, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, SURVEYS AND INVESTIGATIONS STAFF, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
G. Carter Baird	10/5	10/7	Netherlands		260.00		3,960.00		22.14		4,242.14
	10/7	10/11	Germany		377.75						377.75
Jerry M. Graves	10/19	10/22	Japan		275.00		2,197.81		27.15		2,499.96
	10/22	10/26	Korea		456.00						456.00
	10/26	10/30	Philippines		303.75						303.75
Walter G. Harlow	10/19	10/22	Japan		275.00		2,1970.81		44.32		2,517.13
	10/22	10/26	Korea		456.00						456.00
	10/26	10/30	Philippines		303.75						303.75
Douglas D. Nosik	10/19	10/22	Japan		275.00		2,228.28		56.00		2,559.28
	10/22	10/26	Korea		456.00						456.00
	10/26	10/29	Philippines		248.75						248.75
Joseph M. Stehr	10/5	10/7	Netherlands		260.00		2,066.23		26.97		2,353.20
	10/7	10/21	Germany		1,167.75						1,167.75
	10/21	10/24	Italy		228.00						228.00
	10/24	10/29	Spain		498.75						498.75
	10/29	10/30	Portugal		136.25						136.25
R.W. Vandergrift, Jr.	10/25	10/29	Spain		301.00		3,861.00		98.21		4,260.21
	10/29	10/30	Portugal		136,25						136.25
Graham W. Van Note	10/12	10/18	Germany		321.00		1,874.30		35.84		2,231.14
B. Alan Weaver	10/5	10/7	Netherlands		260.00		2,066.23				2,326.23
	10/7	10/21	Germany		1,167.75						1,167.75
	10/21	10/24	Italy		228.00						228.00
	10/24	10/29	Spain		498.75						498.75
	10/29	10/30	Portugal		136.25						136.25
Committee total					9,026.75		20,451.66		310.63		29,789.04

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[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMIE L. WHITTEN, Chairman, Feb. 23, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
David Finnegan	11/30	12/6	Switzerland		990.00						990.00
Commercial air fare							3,484.00				3,484.00
Gerald P. Dodson	11/30	12/08	Switzerland		1,320.00						1,320.00
	12/08	12/10	England		360.00						360.00
Commercial air fare							2,587.00				2,587.00
Gregory Wetstone	11/30	12/08	Switzerland		1,320.00						1,320.00
	12/08	12/10	England		360.00						360.00
Commercial air fare							2,534.00				2,534.00
Philip Schiliro	11/29	12/08	Switzerland		1,320.00						1,320.00
	12/08	12/10	England		360.00						360.00
Commercial air fare							2,587.00				2,587.00
Michael Barrett	11/10	11/14	London		588.00						588.00
	11/16	11/19	Belgium		381.00						381.00
	11/19	11/22	Italy		420.00						420.00
Commercial air fare							2,716.00				2,716.00
John B. Chesson	11/07	11/16	United Kingdom		1,323.00						1,323.00
	11/16	11/19	Belgium		381.00						381.00
	11/19	11/23	Italy		560.00						560.00
	11/23	11/26	West Germany		448.00						448.00
Rail fare							84.00				84.0
Commercial air fare							1,731.00				1,731.00
Paul C. Smith	11/07	11/16	United Kingdom		1,323.00						1,323.00
	11/16	11/19	Belgium		381.00						381.00
	11/19	11/20	Italy		140.00						140.00
	11/20	11/25	West Germany		502.18						502.18
Commercial air fare							2,731.25				2,731.25
Peter D.H. Stockton	11/09	11/12	England		441.00						441.00
	11/12	11/19	France		930.00						930.00
Commercial air fare							2,510.00				2,510.00
Dennis Wilson	11/08	11/16	United Kingdom		976.53						976.53
	11/16	11/19	Belgium		297.35						297.35
	11/19	11/22	Italy		383.44						383.44
	11/22	11/26	West Germany		309.39						309.39
Commercial air fare							2,716.00				2,716.00
David Finnegan	11/08	11/13	Brazil		571.00						571.00
	11/13	11/14	Uruguary		75.00						75.00
	11/14	11/19	Argentina		510.00						510.00
	11/19	11/22	Venezuela		225.00						225.00
Commercial air fare							2,731.60				2,731.60
Russell L. Smith	11/08	11/13	Brazil		571.00						571.00
	11/13	11/14	Uruguary		75.00						75.00
	11/14	11/19	Argentina		510.00						510.00
	11/19	11/22	Venezuela		225.00						225.00
Commercial air fare							2,791.00				2,791.00
Nancy Mathews	11/06	11/12	Brazil		675.00						675.00
	11/13	11/14	Uruguary		75.00						75.00
	11/14	11/19	Argentina		510.00						510.00
	11/19	11/21	Venezuela		150.00						150.00
	11/21	11/22	Curacoa, N.A		187.50						187.50
Commercial air fare							2,629.00				2,629.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ENERGY AND COMMERCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Stephen F. Sims	11/06	11/13	Brazil		685.00						685.00
	11/13	11/14	Uruguary		75.00						75.00
	11/14	11/19	Argentina		510.00						510.00
	11/19	11/21	Venezuela		150.00						150.00
	11/21	11/23	Curacoa, N.A		187.50						187.50
Commercial air fare							2,637.00				2,637.00
Hon. Henry Waxman	11/19	12/05	Italy		1,213.00		687.12		483.64		2,383.76
	12/05	12/07	Switzerland		330.00		354.70		389.66		1,074.36
Military air fare							6,968.18				6,968.18
E. Ripley Forbes	11/30	12/05	Israel		816.00						816.00
Commercial air fare							1,200.00				1,200.00
Wm. M. Kitzmiller	11/06	11/09	Mexico		1,050.00						1,050.00
Commercial air fare							204.00				204.00
Hon. Bill Richardson	11/06	11/07	Panama		0						.00
	11/07	11/09	Honduras		208.00						208.00
Military (stateside, part of official foreign travel).							852.25				852.25
Military (foreign portion)							5,382.74				5,382.74
Hon. Jim Bates	11/13	11/13	Hong Kong		0		173.35				173.35
	11/13	11/15	Beijing		350.00		157.50				507.50
	11/15	11/16	Xian		190.00		65.00				255.00
	11/16	11/17	Nanjinj		108.00		45.00				153.00
	11/18	11/19	Suzhou		141.00		6.00				147.00
	11/19	11/21	Shanghai		387.00		3.00				390.00
	11/20	11/20	Hungzau				11.00				11.00
	11/22	11/24	Hong Kong		326.00		157.50				483.50
	11/24	11/24	Taipei				173.35				173.35
Hon. Gerry Sikorski (expenses will be reported on supplemental report).											
Hon. Mickey Leland (expenses will be reported on supplemental report).											
Hon. David Nelson (expenses will be reported on supplemental report).											
Committee total					26,900.89		50,909.54		873.30		78,683.73

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JOHN D. DINGELL, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Peter W. Rodino, Jr	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Hon. Hamilton Fish, Jr	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Hon. Romano L. Mazzoli	11/29	12/4	Italy		839.00		687.12		483.64		2,009.76
	12/4	12/6	Germany		141.00						141.00
	12/6	12/7	Switzerland		165.00		354.70		389.66		909.36
Military transportation							6,694.04				6,694.04
Hon. Carlos J. Moorhead	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Hon. Frederick C. Boucher	11/29	12/3	Italy		652.00		483.94		294.05		1,429.99
	12/3	12/7	Switzerland		577.50		354.70		389.66		1,321.86
Military transportation							5,668.94				5,668.94
Arthur P. Endres, Jr., staff	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
M. Elaine Mielke, staff	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Peter Regis, staff	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Sandra Sincavitz, staff	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Margaret Webber, staff	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							3,922.18				3,922.18
Committee total					14,718.50		75,277.44		8,543.41		98,539.35

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PETER W. RODINO, JR., Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1, AND DEC. 31, 1986—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Butler Derrick	11/29	12/5	Italy		1,213.00		687.12		483.64		2,383.76
	12/5	12/7	Switzerland		330.00		354.70		389.66		1,074.36
Military transportation							6,968.18				6,968.18
Committee total					1,543.00		8,010.00		873.30		10,426.30

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CLAUDE PEPPER, Chairman, Feb. 11, 1987.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 1 AND DEC. 31, 1986

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Leonard Steinhorn	11/3	11/13	Austria	18,054	1,240.00		2,415.00				3,655.00
	11/13	11/19	Turkey	620,245	834.00						834.00
Michael R. Hathaway	11/8	11/14	Austria	13,668	942.00		2,126.00				3,068.00
Mary Sue Hafner	11/8	11/12	Austria	9,115	628.00		[3] 4,412.14				5,040.14
	11/12	11/13	Hungary	4,860	108.00						108.00
	11/13	11/18	Turkey	516,871	695.00						695.00
	11/18	11/19	Austria	2,118	157.00						157.00
Hon. Steny H. Hoyer	11/8	11/12	Austria	9,115	628.00		[3] 4,489.14				5,117.14
	11/12	11/13	Hungary	4,860	108.00						108.00
	11/13	11/18	Turkey	516,871	695.00						695.00
	11/18	11/19	Austria	2,118	157.00						157.00
Hon. Dennis DeConcini	11/8	11/12	Austria	9,115	628.00		[4] 1,850.00				2,478.00
Judith Ingram	11/9	11/13	Hungary	19,440	432.00		2,422.00				2,854.00
	11/13	11/23	Turkey	887,608	1,193.00						1,193.00
Robert A. Hand	11/9	11/14	Hungary	24,300	540.00		2,126.00				2,666.00
	11/14	12/20	Austria	62,523	4,464.00						4,464.00
Ronald J. McNamara	11/11	11/24	Turkey	1,182,602	1,581.00		2,956.00				4,537.00
	11/24	12/20	Austria	45,619	3,224.00						3,224.00
Codel Hoyer local transportation	11/12	11/13	Hungary				310.15				310.15
Codel Hoyer miscellaneous (Customs and visa clearance).	11/12	11/13	Hungary						87.10		87.10

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] One-way commercial; one-way military transportation.

[4] One-way commercial transportation.

STENY H. HOYER, Cochairman, Jan. 15, 1987.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

790. A letter from the Secretary of Agriculture, transmitting a report of two violations of the Antideficiency Act, which consisted of overobligations in excess of first quarter apportionments, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

791. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a copy of the selected acquisition reports [SAR's] for the quarter ending December 31, 1986, pursuant to 10 U.S.C. 2432(b)(1) and (f) (96 Stat. 740); to the Committee on Armed Services.

792. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Korea for defense articles estimated to cost $50 million or more, pursuant to 10 U.S.C. 118 (96 Stat. 1288); to the Committee on Armed Services.

793. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee and insurance transactions supported by Eximbank during January, 1987 to Communist countries, pursuant to 12 U.S.C. 635(b)(2); to the Committee on Banking, Finance and Urban Affairs.

794. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

795. A letter from the Secretary of Transportation, transmitting the 11th annual report, which summarizes the activities of the National Highway Traffic Safety Administration [NHTSA] during 1986, regarding implementation of the average fuel economy standards under part A of title V of the Motor Vehicle Information and Cost Savings Act, pursuant to 15 U.S.C. 2002(a)(2); to the Committee on Energy and Commerce.

796. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of "Annual Energy Outlook 1986," as required under section 205(c) of the Department of Energy Organization Act; to the Committee on Energy and Commerce.

797. A letter from the Director, Defense Security Assistance Agency, transmitting notification of the Department of the Army's proposed letter(s) of offer to Korea for defense articles and services estimated to cost $84 million (Transmittal No. 87-14; this notification replaces Transmittal No. 86-07, pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

798. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting notification of an amendment to a current Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

799. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's 1986 calendar year report under the Freedom of Information Act, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

800. A letter from the Director of Administration, Department of Energy, transmitting a copy of the Department's 1986 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

801. A letter from the Postmaster General, transmitting a report of the Postal Service's activities under the Freedom of Information Act for the calendar year ending December 31, 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

802. A letter from the Executive Secretary, Department of Defense, transmitting a report on Department of Defense procurement from small and other business firms for October 1986, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

803. A letter from the General Counsel, Department of Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Customs Service for fiscal years 1988 and 1989, pursuant to 31 U.S.C. 1110; to the Committee on Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. McCURDY (for himself, Mr. Skelton, Mr. Bustamante, and Mr. Torricelli):

H.R. 1479. A bill to establish a voluntary national service; jointly, to the Committees on Education and Labor, Armed Services, and Veterans' Affairs.

By Mr. CONTE:

H.R. 1480. A bill to amend the Internal Revenue Code of 1986 to allow employers a targeted jobs credit for employing certain older individuals; to the Committee on Ways and Means.

By Mr. DARDEN (for himself, Mr. Robinson, Mr. Henry, Mr. Gordon, Mr. Penny, Mr. Owens of New York, Mr. Petri, Mr. Morrison of Connecticut, and Mr. Hughes):

H.R. 1481. A bill to establish grazing fees for domestic livestock on the public rangelands; to the Committee on Interior and Insular Affairs.

By Mr. DORGAN of North Dakota:

H.R. 1482. A bill to freeze all United States assistance for the Nicaraguan democratic resistance until the special congressional investigations into the arms sales to Iran and other matters have been completed and the General Accounting Office has accounted for all the $27 million appropriated in 1985 for humanitarian assistance for the Nicaraguan democratic resistance, and to require that if assistance for the Nicaraguan democratic resistance is resumed, it be reduced by the amount of any illegal assistance provided from the proceeds of the arms sales to Iran; jointly, to the Committees on Armed Services, Foreign Affairs, Appropriations, and the Permanent Select Committee on Intelligence.

H.R. 1483. A bill to provide for the inspection of all commercial seafood destined for human consumption in the United States; jointly, to the Committees on Merchant Marine and Fisheries and Agriculture.

By Mr. FLORIO:

H.R. 1484. A bill to require employers to notify and consult with employees and local governments before ordering a plant closing or mass layoff, to prohibit waivers of certain rights, and for other purposes; to the Committees on Education and Labor.

H.R. 1485. A bill to amend the Federal Trade Commission Act to impose certain requirements with respect to acquisition, and for other purposes; jointly, to the Committees on Energy and Commerce and the Judiciary.

By Mr. FUSTER:

H.R. 1486. A bill to amend the Social Security Act to increase the existing dollar limitation on the total amount of the Federal payments which may be made to Puerto Rico in any fiscal year under the Medicaid Program; to the Committee on Energy and Commerce.

By Mr. SMITH of Iowa:

H.R. 1487. A bill to amend the Securities Exchange Act of 1934 to prohibit certain trades; to the Committee on Energy and Commerce.

Mr. Mr. TRAFICANT:

H.R. 1488. A bill to extend the period during which certain payments are required to be made for the benefit of retired former employees; and to amend title 11 of the United States Code to prevent the rejection of contracts, whether executory or not, that provide hospitalization and health benefits to current or former employees of the debtor; to the Committee on the Judiciary.

By Mr. VANDER JAGT:

H.R. 1489. A bill to amend the Internal Revenue Code of 1954 to clarify the tax exempt treatment of self insured workers' compensation funds; to the Committee on Ways and Means.

By Mr. FOLEY (for himself, Mr. Coelho, Mr. Bonior of Michigan, Mrs. Collins, Mr. Kolter, Mr. Levine of California, Mr. Panetta, and Mr. Leach of Iowa):

H.J. Res. 175. Joint resolution to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance jointly, to the Committees on Appropriations, Armed Services, Foreign Affairs, the Permanent Select Committee on Intelligence, and Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

11. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Virginia, relative to the Airport Improvement Program; to the Committee on Public Works and Transportation.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

H.R. 1490. By Mr. FAWELL: A bill for the relief of Jean DeYoung; to the Committee on the Judiciary.

H.R. 1491. By Mr. PASHAYAN: A bill for the relief of Rodney E. Hoover; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 10: Mr. Evans.

H.R. 551: Mr. Hopkins, Mr. Traxler, Mr. Spence, Mr. Dornan of California, and Mr. Gekas.

H.R. 628: Mr. Evans.

H.R. 630: Mr. Harris, Mr. Cooper, Mr. Rogers, Mr. Duncan, and Mr. Gray of Illinois.

H.R. 631: Mr. Davis of Michigan, Mr. Hyde, and Mrs. Collins.

H.R. 632: Mr. Murphy, Mr. Dornan of California, Mr. Quillen, Mr. Kolter, Mr. Lewis of California, Mr. Feighan, and Mr. Towns.

H.R. 664: Mr. Feighan.

H.R. 758: Mr. Gingrich, Mr. Burton of Indiana, Mr. Miller of Washington, Mr. McMillan of North Carolina, Mr. Brown of Colorado, Mr. Roberts, Mr. Schaefer, Mr. Weldon, Mr. Kyl, Mr. Bunning, Mr. Rhodes, Mr. Gunderson, Mr. Saxton, Mr. Boehlert, Mr. Gilman, Mr. Tauke, Ms. Snowe, Mrs. Morella, Mr. Grandy, Mrs. Saiki, Mr. Wortley, Mr. Whittaker, Mr. Kemp, Mr. Lewis of Georgia, Mr. Alexander, Mr. Leland, Mr. Mavroules, Mr. McCloskey, Mr. Torricelli, Mr. McCurdy, Mr. Downey of New York, Mr. Parris, Mr. Houghton, Mr. Coats, Mr. Dreier of California, Mr. Sweeney, and Mr. Young of Florida.

H.R. 810: Mr. Gunderson, Mr. Atkins, Mr. Davis of Michigan, Mr. Eckart, Mr. Ford of Tennessee, Mr. Garcia, and Mr. Levin of Michigan.

H.R. 898: Mr. Robinson, Mr. Weiss, and Mr. Biaggi.

H.R. 954: Mr. Espy.

H.R. 957: Mr. Applegate, Mr. Pickett, Mr. Gallo, Mr. Bilirakis, Mr. Feighan, Mr. Gekas, Mr. Biaggi, and Mr. Conte.

H.R. 1018: Mr. Lightfoot, Mr. Moakley, and Mr. Jones of Tennessee.

H.R. 1030: Mr. Dwyer of New Jersey, Mrs. Patterson, Mr. DeLay, Mr. Roybal, Ms. Kaptur, and Mr. Owens of New York.

H.R. 1105: Mr. Bonior of Michigan and Mr. Biaggi.

H.R. 1153: Mr. Udall.

H.J. Res. 100: Mr. Lewis of Florida, Mr. Richardson, Mr. Wise, Mr. Fazio, Mr. Fields, Mr. Evans, Mr. Annunzio, Mr. Young of Florida, Mr. Daub, Mr. Berman, Mr. Dwyer of New Jersey, Mr. Studds, Mr. Nowak, Mr. Davis of Illinois, Mr. Skelton, Mr. Schaefer, Mr. Wolf, Mr. Lancaster, Mr. Bereuter, Mrs. Boxer, Mr. Gibbons, Mr. Chapman, Mr. Lipinski, Mr. Bryant, Mr. Howard, Mr. Jenkins, Ms. Kaptur, Mr. Bonior of Michigan, Mr. Mfume, Mrs. Kennelly, Mr. Fawell, Mr. Feighan, Mr. Lagomarsino, Mr. Gray of Pennsylvania, Mr. Coleman of Missouri, and Mr. Ireland.

H.J. Res. 104: Mr. Kyl and Mr. Swindall.

H.J. Res. 116: Mr. Kolbe, Mr. Udall, Mr. Ortiz, Mr. Coble, Mr. Latta, Mr. McMillen of Maryland, Mr. Madigan, Mr. Wyden, Mr. Frost, Mr. Tallon, Mr. Miller of Ohio, Mr. Eckart, Mr. Hatcher, Mr. Weiss, Ms. Kaptur, Mr. Rhodes, Mr. Hansen, and Mr. Chandler.

H.J. Res. 119: Mr. Garcia, Mr. Lipinski, and Mr. Biaggi.

H.J. Res. 122: Mr. Harris, Mr. Nelson of Florida, Mr. Montgomery, Mr. Beilenson, Mr. Kemp, Mr. Dellums, Mr. Synar, Mr. Hawkins, Mr. Coughlin, Mr. Regula, Mr. Price of Illinois, Mr. Wolf, Mr. Wilson, Mr. Gonzalez, Mr. Michel, Mrs. Vucanovich, Mr. Lowry of Washington, Mr. Gibbons, Mr. Downey of New York, Mr. Swift, Mr. Conyers, Mr. Vento, Mrs. Boxer, Mr. Rhodes, Mr. Stark, Mr. Panetta, Mr. Brown of Colorado, Mr. Fascell, Mr. Smith of Iowa, Mr. Grandy, Mr. Rogers, Mrs. Morella, Mr. Sunia, Mr. Frank, Mr. Crockett, Mr. Volkmer, Mr. Daub, Mr. Lujan, Mr. Skeen, Mr. Lent, Mr. Wyden, Mr. Goodling, Mr. Foley, Mr. Marlenee, Mr. Coats, Mr. Fields, Mr. Combest, Mr. Madigan, Mr. Vander Jagt, Mr. Weiss, Mr. Hall of Texas, Mr. Chandler, Mr. Whitten, Mr. Davis of Michigan, Mr. Herger, Mr. Bosco, Mr. Coleman of Missouri, Mr. Hall of Ohio, and Mrs. Kennelly.

H.J. Res. 152: Mrs. Boxer, Mr. Horton, Mr. Gejdenson, Mr. Hayes of Illinois, Mr. Visclosky, and Mr. Frost.

H. Res. 16: Mr. Evans.

EXTENSIONS OF REMARKS

IMPACT OF TAKEOVERS SPARKS PROPOSAL

HON. JAMES J. FLORIO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. FLORIO. Mr. Speaker, corporate restructuring in the wake of the current wave of takeovers is closing plants and throwing many people out of work.

In the following article from the New York Times, Robert O'Brien, general counsel, and Richard Kline, communications director, of the Glass, Pottery, Plastics & Allied Workers propose a method for reducing the adverse effects of takeovers on employees and communities.

This proposal deserves attention, as Congress debates this important issue. Some way should be found to ensure that the takeover wave does not continue at the expense of the jobs and rights of American workers.

AN RX FOR JOBS LOST THROUGH MERGERS

(By Robert O'Brien and Richard Kline)

The round of mergers, acquisitions, restructurings and leveraged buyouts has produced record profits. It has also produced enormous pain resulting from terminations, layoffs, plant closings and other disruptions. Simple justice suggests that these profits be taxed to fund an agency that could assist individuals and communities suffering as a result of merger mania.

High profits have been realized by financiers, arbitragers, stockholders and others, such as investment bankers and law firms who share in the take.

By one estimate, in 1985 more than $139 billion was spent on mergers and acquisitions. Naturally, these funds were mostly borrowed, and were often financed by junk bonds.

However trashy the financing, the take is enormous. When the Wickes Corporation, which recently emerged from bankruptcy protection, sought to gain control of its former creditor, the Owens-Corning Fiberglass Corporation, the takeover failed. Owens staved off the bid by piling up a massive debt—$2.6 billion—to buy its own stock back. Wickes, however, earned $30 million during the two month takeover bid.

This scenario has been repeated, with variations, in industry after industry. So, too, has the following corollary scenario.

Owens-Corning, in response to its newly acquired and thoroughly unproductive debt structure, has been forced to restructure itself. Actually, "restructuring" is an inappropriate word. The self-cannibalizing of Owens companies like it that are involved in expensive attempts to fight an unwelcome merger radically changes the corporate landscape. Restructuring usually entails the sale of corporate divisions, the closing of plants and operations as well as company retrenchment.

While these maneuverings enable the purchaser of a company or the current management to meet the carrying charges of the company's now-enormous debt load, they also permit managements to retain their rights, perquisites, salaries, salary increases pensions and other substantial benefits.

Unhappily, the extreme actions that are necessitated by the merger and acquisition business injure sizable groups of people, including whole communities, who are not afforded the protection that top management awards itself.

For example, Owens-Corning's decision to close its profitable Barrington, N.J., fiberglass insulation plant stems from the foiled takeover bid. More than 800 people will lose their jobs. These people, salaried and hourly employees, union and nonunion, and the communities in which they live will be sorely pressed.

In Granville, Ohio, Owens has summarily dismissed hundreds of scientists, engineers, and technicians at its research and development center—that is more than 50 percent of the staff.

In addition, Owens will also close its Jackson, Tenn., plant and is expected to lay off a third of the workforce at its remaining plants.

Ultimately, about 13,000 employees, hourly and salaried, will be cut from the pre-takeover bid workforce of 28,000.

Clearly, takeover strategies require reductions in capital investment. Such reductions harm a company and its employees. Reductions in research and development further weaken a company's future competitiveness. The combined loss of product lines, industrial plants and research also foretells trouble for the United States economy.

Unionized hourly employees have recourse under their contracts to collective bargaining on the issues of severance pay, continuation of benefits and related issues. The salaried employees, middle managers, scientists and technicians can speak for themselves or can hire a lawyer. For both the hourly and salaried employees at Owens, the future is cloudy.

There is little likelihood that the Reagan Administration is going to help solve the national problem.

The Justice Department and the Federal Trade Commission, which possess strong powers to interdict such hurtful corporate activities, have seen fit not to exercise that power.

There is an alternate approach. We propose creation of a Merger and Takeover Benefit Guaranty Corporation, perhaps run jointly by the Government and business.

Its purpose would be to insure the rights of people and communities hurt by mergers, takeovers or leveraged buyout. It could provide services and assistance that debt-ridden employers might be reluctant or unable to supply: returning, job placement, continuation of health benefits, relief funds to local authorities, etc.

The Merger and Takeover Benefit Guaranty Corporation would not, however, absolve an employer of his responsibilities under union agreements.

Such a corporation would be expensive. But the corporation could be funded by taxing the sale of all stock purchased by any individual, group or corporation seeking to gain control of a publicly held corporation.

Given the enormous sums spent and realized in these transactions, a 5 percent tax would produce revenues sufficient to address the problems of innocent bystanders harmed by the transaction. A 5 percent tax—which is less than sales taxes in many jurisdictions—could certainly be afforded by those who deal in multibillion dollar companies.

A need for a response to the merger and acquisition craze is obvious. A Merger Takeover Benefit Guaranty Corporation, funded by the activity that establishes its necessity, would seem to be one reasonable solution.

BOB MELVOLD: NO RANDOM OBSERVATION

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. TAUKE. Mr. Speaker, local newspapers recently have been an important issue in Congress, stemming from the problems caused by elimination of the limited circulation postal rate. The issue has reminded us of the valuable role played by local newspapers in a community. Today I wish to personalize the discussion by paying tribute to an Iowa newspaper publisher who embodies the spirit of the local newspaper.

After more than 10 years in the newspaper business, Bob Melvold, of Maquoketa, IA, recently passed the publisher's mantle to his son, Doug. Bob has published the Maquoketa Sentinel Press, one of the most successful Iowa newspapers, since 1946. He was named Master Editor-Publisher by the Iowa Newspaper Association in 1970, the highest award given to a publisher.

I am personally very grateful to Bob for periodically sharing with me his wisdom and insight. He is a student of public policy and a keen observer of the people of Iowa. Oftentimes his views have inspired, redirected, or encouraged me. He's helped me be a better Representative.

Colleagues describe Bob as the consummate newspaperman, citing outstanding talents as both journalist and printer.

The public best knows Bob as a journalist. Bob strongly believes that the newspaper plays a crucial role in integrating the commercial, social, and governmental activities of a community. The Sentinel-Press, therefore, has been a leading source of news and advertisements for Jackson County.

Bob also regards the local newspaper as an important forum for airing thoughts and opinions, evidenced by the extensive editorial pages featured in the Sentinel-Press. In his own column, most recently entitled "Random Observations," Bob has offered thoughtful

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and thought-provoking views on many aspects of life ranging from Maquoketa City Hall to the White House.

Among his newspaper colleagues, Bob has an almost legendary reputation for the business side of newspaper publishing. He is a very methodic and detail-oriented entrepreneuer, traits that pervade all sides of Bob Melvold. "Bob even approaches his golf game in very scientific method, concerned about all the intricacies of the game," one colleague noted. "That illustrates his general approach to life."

He's a genius on production matters, another colleague observed. When newspapers were making the transition from the letter press to the offset press a few decades ago, Bob's intimate knowledge of printing made him the "guru" sought out by other publishers struggling through the transition.

Bob will continue as president of Maquoketa Newspapers, Inc., so eastern Iowa still will hear from this master editor. But as he passes the mantle to his son, I wish to express my admiration to a man who has been a pillar in the publishing world. And I offer my best wishes to Doug as he takes the helm of an excellent newspaper.

CONTRA AID FREEZE

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I today introduce legislation to freeze all United States assistance for the Nicaraguan resistance forces, or Contras, until we can make a complete accounting of prior aid.

My bill addresses three lingering problems. First, a General Accounting Office study revealed that it cannot account for $27 million in humanitarian aid appropriated in 1985. Second, two special committees investigating the Iran-Contra affair have not yet determined the uses of some $20 million in arms sales profits identified by the Tower Commission as being unaccounted for. Finally, daily revelations in the press reveal ever widening sources of private aid to the Contras—some of it very possibly illegal—which may have undercut specific prohibitions in the law.

By freezing the remaining $40 million in Contra aid for this year, my bill gives Congress time to take stock before giving the administration another chance to throw away more money. We should exercise the same fiscal discipline with foreign military aid as we do with the rest of the Federal budget.

Taken together, these ominous realities suggest that the administration has not managed aid to the Contras effectively and may even have openly and secretly ignored the congressional ban on aid to the Contras contained in the Boland amendment. Regardless of the merits of a policy to aid the Contras, we must insist on strict accountability for approved funds and strict adherence to prohibitions on aid.

The administration has done neither and that failure necessitates a freeze on further Contra aid. It also means that Congress must require that any further aid to the Contras in fiscal year 1988 be reduced by the amount of any illegal Contra aid. My bill does that and also prohibits the administration from tapping any other Federal funds for carrying out a Contra aid program.

WIDER BENEFITS OF A CONTRA AID FREEZE

A freeze would serve another useful purpose; it would give us time to reconsider and recraft a Central American policy now gone awry. The Contra leadership itself is in disarray, given the recent resignation of Adolfo Calero, who heads the largest military unit of the Contra military forces. Americas Watch has also discredited Contra credibility with its most recent report detailing that a "disregard for the rights of civilians has become a de facto policy of the Contra forces." This is not to say that Nicaragua's Sandinista government itself is a bunch of Boy Scouts, since America's Watch also made sharp criticisms of the regime as well. Finally, despite millions of dollars in private and official, legal and illegal, covert and overt aid, the Contras have not moved closer to a military or political victory nor have they done anything but harden and entrench the Sandinistas.

While our policy has failed to produce results within Nicaragua, it has only served to isolate us from Central American neighbors around Nicaragua. Now the administration certifies that there is no hope for a peaceful solution to the Nicaraguan civil war and that the only way to produce peace is to ship more guns to the Contras. President Reagan would have us release $40 million in fenced aid to the Contras this year. While this logic stands on its head, we stand to lose influence in the region by throwing cold water on one peace plan after the other.

In recent years, the administration has resisted the efforts of the Contadora nations, including the leading nations of South America, to broker an honest peace in the region. More recently, it has quietly blocked an innovative effort by Costa Rican President Oscar Arias to revive the peace process. The Arias plan offers the sensible elements of a cease-fire involving rebel forces throughout Central America, a general amnesty for Contra forces and other rebel groups, and the suspension of all outside military aid.

MOVING TOWARD A POLICY THAT WORKS

I believe that we ought to summon our better instincts in reshaping our policy toward Nicaragua and all of Central America. Former Senator Barry Goldwater, a conservative Republican himself, said that President Reagan has a "surprisingly dangerous state of mind, which is that he will not seek alternatives to a military solution when dealing with complex foreign policy issues." One would hope that after the Tower Commission report that Ronald Reagan would change his stripes. However, his renewed call for Contra aid makes me doubt that and fear that we will not follow commonsense in Central America—unless Congress intervenes.

So I call on my colleagues to join me in giving us some breathing space to jettison failed policies. Let us freeze further aid to the Contras until we account for missing funds and determine whether the administration broke faith with the Congress and the American people. And let us, in turn, reduce any future aid for Contras by an amount equal to any illegal aid provided them in the past.

A Contra aid freeze is a sensible, moderate, and minimal action. The public expects no less in the wake of the Tower Commission report. Surely, Congress must insist that we have adult supervision again for the White House staff before we would release any further aid to the Contra soldiers.

H.R. —

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FREEZE ON ASSISTANCE UNTIL INVESTIGATIONS COMPLETED.

All United States assistance for the Nicaraguan democratic resistance shall be frozen until the Congress enacts a joint resolution declaring that—

(1) the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition (established by the Senate on January 6, 1987) and the Select Committee to Investigate Covert Arms Transactions With Iran (established by the House of Representatives on January 7, 1987) have completed their investigations, and

(2) the Comptroller General has been able to account for all of the $27,000,000 that was appropriated for "humanitarian assistance" for the Nicaraguan democratic resistance by the Supplemental Appropriations Act, 1985.

SEC. 2. REDUCTION IN ASSISTANCE TO THE NICARAGUAN DEMOCRATIC RESISTANCE TO OFFSET ANY ILLEGAL ASSISTANCE.

(a) Determination of Illegal Assistance.—Any joint resolution enacted for purposes of section 1 shall specify the amount, if any, of the proceeds from the arms sales to Iran which the Congress determines was illegally used for assistance for the Nicaraguan democratic resistance.

(b) Reduction in Assistance.—Before any assistance for the Nicarguan democratic resistance described in paragraph (1) of section 3 is made available for expenditure following completion of the congressional investigations, described in paragraph (1) of section 1, the amount of that assistance shall be reduced by any amount of the proceeds from the arms sales to Iran that the Congress determines pursuant to subsection (a) was illegally used for assistance for the Nicaraguan democratic resistance.

SEC. 3. DESCRIPTION OF ASSISTANCE TO BE FROZEN.

The freezing of United States assistance for the Nicaraguan democratic resistance pursuant to section 1 shall include the following:

(1) The withholding from expenditure of the unexpended balance of the $100,000,000 made available for assistance for the Nicaraguan democratic resistance pursuant to title II of the Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes (as contained in section 101(k) of the joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes (House Joint Resolution 738; Public Law 99-500 as supplemented by Public Law 99-591)).

(2) The withholding from expenditure of any other funds available to any department, agency, or other entity of the United States Government if the purpose or the effect of the expenditure would be to support, directly or indirectly, military or paramilitary operations in Nicaragua by any

nation, group, organization, movement, or individual.

SEC. 4. EXISTING CONDITIONS ON ASSISTANCE NOT SUPERCEDED.

The requirements of this Act are in addition to, and not in lieu of, the requirements of title II of the Act described in paragraph (1) of section 3.

TAX-EXEMPT TREATMENT OF WORKERS COMPENSATION SELF-INSURANCE FUNDS

HON. GUY VANDER JAGT

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. VANDER JAGT. Mr. Speaker, I am today introducing a bill to clarify the tax-exempt status of workers' compensation self-insurance funds. This legislation is intended to terminate a dispute which exists between the Internal Revenue Service in certain jurisdictions of the country and various workers' compensation self-insurance funds. I believe that prior practice in this area and a review of the existing statutes and its intent should lead to the conclusion that workers' compensation self-insurance funds are not taxable. Notwithstanding this view, the Internal Revenue Service in certain jurisdictions has concluded that these entities are subject to Federal income tax. The consequences of such treatment on both a retroactive and perspective basis would be severe. With respect to prior years, the tax liabilities could exceed the assets held by these funds. With respect to future years, such treatment could eliminate the viability of these funds which have been instrumental in reducing skyrocketing insurance costs of employers in a variety of industries. In some cases, the use of these funds has helped to avoid a nonavailability problem which these employers may well have encountered.

Recognizing that we are in a revenue conscious Congress, I believe that this legislation should be considered to have no revenue effect since it simply clarifies the treatment of current law which until relatively recently was viewed to be consistent with my proposed legislation, that is, these entities were viewed as tax-exempt.

My legislation is simply intended to extend the temporary solution which was contained in the Tax Reform Act of 1986. This problem came to the attention of myself, and Congressman DAN ROSTENKOWSKI, the chairman of the Ways and Means Committee, late in the process of the development of the Tax Reform Act of 1986. As a result, time for the formulation of a permanent solution did not exist. Recognizing that, the act contained a provision prohibiting the Internal Revenue Service from proceeding with audits on these entities through August 16, 1987. See the conference report of the Tax Reform Act of 1986 at II-848. My legislation would provide a permanent solution to this various serious concern which has been raised by the Internal Revenue Service audit activity. I will soon urge Chairman ROSTENKOWSKI to refer this measure to the Select Revenue Measures Subcommittee of which I am the ranking member for prompt consideration in hopes that this matter can be resolved promptly. I welcome any of my fellow colleagues who may wish to join me in cosponsoring the legislation.

THE PRINCIPLE OF SELF-DETERMINATION

HON. JAIME B. FUSTER

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. FUSTER. Mr. Speaker, I would like to alert fellow Members of Congress about a matter of significant importance to the people of Puerto Rico. On March 3, 1987 Congressman RON V. DELLUMS requested your cosponsorship of his bill on full self-determination for the people of Puerto Rico.

As the sole elected representative of the people of Puerto Rico in the U.S. Congress, I would like to invoke the very same principle he cites to argue against the bill he proposes.

The principle of self-determination precisely requires that any initiative for a political change in the status of the Commonwealth of Puerto Rico come from the people of the Commonwealth themselves not from Congressman DELLUMS.

Moreover, I am in profound disagreement with the basic premises of the proposed resolution. Puerto Rico's current political status is not colonial in nature but rather is the product of the exercise of self-determination in free electoral processes by the people of Puerto Rico three and half decades ago. Puerto Rico's Commonwealth status, once approved by the people in the island, was ratified by the General Assembly of the United Nations in Resolution No. 748 of November 27, 1953, which expressly recognized:

> That the people of the Commonwealth of Puerto Rico have effectively exercised their right to self-determination, and have been invested with attributes of political sovereignty which clearly identify the status of self-government attained by the people of Puerto Rico as that of an autonomous political entity.

The majority of the people of Puerto Rico believe that improvements can and should be made to the Puerto Rico-United States relationship. Although I trust that some measures in this regard can be taken in the near future, action should come only at the request of and as a result of the will and initiative of the Puerto Rico people.

I respect Congressman DELLUMS as a friend and colleague who has often espoused fair but unpopular causes and who, I trust, will always help the people of Puerto Rico in achieving their legitimate aspirations. However, I am afraid that this time his position is not only erroneous but also essentially unsupported by the people whom I represent in Congress.

NONCITIZENS HAVE RIGHTS, TOO

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. EDWARDS of California. Mr. Speaker, the recent arrest of nine Palestinians and one Kenyan by the Immigration and Naturalization Service in Los Angeles received a great deal of attention, both here and abroad. The Palestinians only crime is that they are members of the Popular Front for the Liberation of Palestine. While the PFLP is responsible for terrorist acts overseas, a 9-month-long FBI investigation turned up not one shred of evidence that these particular individuals were engaged in any criminal activitity. INS is seeking the deportation of eight of the individuals on the ground that PFLP advocates world communism. The right to advocate unpopular views is fundamental to our system. As the attached March 1 editorial from my hometown paper, the San Jose Mercury News, points out, that right should extend to all lawabiding persons within our borders.

[From the San Jose Mercury News, Mar. 1, 1987]

MUZZLING FOREIGNERS

"I disapprove of what you say," Voltaire wrote, "but I will defend to the death your right to say it."

If Voltaire were around today, he'd probably be deported under the McCarran-Walter Act as a dangerous subversive. The INS apparently believes free speech is only for the native-born.

It wants to deport seven Palestinians, and one Kenyan, arrested in the Los Angeles area, because they belong to a Marxist splinter of the Palestine Liberation Organization and write or distribute material "advocating or teaching economic, international and governmental doctrines of world communism."

The INS called them "a risk to national security" in trying to keep them in strict confinement before their April 28 hearing, but refused to reveal the nature of the risk in court. A judge granted bail.

The Popular Front for the Liberation of Palestine has a bloody record of terrorism in the Middle East, though not in this country. If the government can show the deportees are plotting violence, or any other crime, it should make the charge.

To deport resident aliens solely because of their connection to a Marxist publication, an English-language magazine called Democratic Palestine, is an assault on the freedoms of us all.

Americans can write or distribute any political screed that strikes their fancy, and subscribe to Pravda in the bargain. Law-abiding foreigners should have the same right to political expression.

INTRODUCTION OF LEGISLATION TO PROVIDE A TARGETED JOBS TAX CREDIT FOR EMPLOYERS WHO HIRE OLDER INDIVIDUALS

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. CONTE. Mr. Speaker, I rise today to introduce legislation to amend the Tax Reform Act of 1986, to allow employers to take a targeted jobs tax credit for hiring older employees.

Currently, there are 10 classes of employees which enjoy the privileges of targeted groups. These include economically disadvantaged youth, vocational rehabilitation referrals, eligible work incentive employees, and supplemental income recipients. Just as these groups benefit from the employer tax credit, so, too, should the elderly of this Nation. As many of my colleagues may recall, the Washington Post, on February 9, featured an article on the McDonald Corp. employing older Americans. As this article referred to, the elderly provide a valuable pool of experience and knowledge to society. With the median age of Americans rising, it makes perfect sense to tap this resource. I, therefore, have introduced this bill to provide employers the necessary encouragement to hire older individuals meeting certain requirements.

In order to meet these requirements an employee:

Must have attained the age of 55 by the hiring date;

Must be certified as having earned a gross income of not more than $20,000 during any taxable year for which credit is determined; and

Must not receive wages subsidized under the Older American Community Service Employment Act during an viable year for which credit is provided.

The legislation goes on to outline more specific rules to prevent abuses of the targeted group privilege.

Mr. Speaker, with the average age of Americans rising, it is imperative that we in Congress create means by which this older class of individuals can be gainfully employed while still enjoying their golden years. I would urge all my colleagues to cosponsor this legislation, to help utilize the talents and years of working experience these older individuals bring to the work force.

CHIEF DANIEL McDERMOTT: 40 YEARS OF PUBLIC SERVICE

HON. THOMAS J. TAUKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. TAUKE. Mr. Speaker, an outstanding community leader from the town of Epworth, IA, in the Second Congressional District recently retired. His friends and colleagues took the opportunity to express their thanks, and I wish to add my regards to the chorus of well-wishers.

For 40 years, Daniel A. McDermott has served as Epworth's volunteer fire chief. Under his leadership, the Epworth Volunteer Fire Department has become known far and wide for its outstanding work.

In February, more than 600 guests gathered to salute Dan. The crowd included Epworth firefighters, firemen from three States, community leaders from Dubuque County, State firefighting officials, and a host of friends.

George Oster, of the Fire Institute at Iowa State University, expressed the high esteem with which Dan is held. According to Oster, Dan possesses the four qualities needed to be a good fire chief—service, dedication, professionalism, and a willingness to learn. But Dan also has a fifth quality, he said: being a doer.

Epworth Mayor Wilhelm Eck has announced that the Epworth Community Center has been dedicated to Daniel McDermott in recognition of Dan's leadership in building the city hall-fire station, especially his ability to get volunteer labor to do the construction.

A closing rendition of "Danny Boy" summed up the evening and brought tears to the eyes of many guests.

I have known Dan for many years and can only echo the accolades already bestowed on him. I extend my deepest appreciation and admiration to this outstanding individual and wish him and his wife, Betty, a happy and rewarding retirement.

WE NEED MANDATORY FEDERAL INSPECTION OF FISH AND FISH PRODUCTS

HON. BYRON L. DORGAN

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. DORGAN of North Dakota. Mr. Speaker, I am introducing today legislation that would greatly improve the safety of the American consumer of fish and seafood products, which will also have the benefit of increasing consumer confidence in and demand for these products.

There is growing evidence that we need mandatory Federal inspection of fish and fish products, and growing support for such inspection.

Every year the importance of fish in the American diet increases. While the consumption of fish products was essentially limited to certain localities until the middle of this century, today many species of fish are consumed nationwide. Since 1975, per capita consumption has increased substantially, and over the next several years, consumption is expected to grow by nearly 3 percent annually.

Currently, only 20 percent of the fish consumed in this country has undergone voluntary Federal inspection. There is currently no mandatory continuous inspection of seafood products as there is for meat and poultry. Instead, fish inspection is a hit-and-miss program, paid for by processors themselves. While the Food and Drug Administration has some oversight responsibility, their role is limited to spot checks and recall of hazardous products only after they are on the supermarket shelf.

A 1980 report published by the Centers for Disease Control indicated almost 10 percent of all food-borne diseases were linked to fish and shellfish in that year. In March 1986, the prestigious New England Journal of Medicine reported that consumption of raw shellfish is known to be associated with individual cases and sporadic outbreaks of enteric illness. In fact, outbreaks of gastroenteritis which reached epidemic proportions in New York State in 1982 were linked to raw shellfish.

An increasing number of fish and shellfish processors favor strengthening inspection of their products. As the National Fisheries Institute put it at a congressional hearing last year, "It is logical that seafood inspection be re-evaluated and restructured to encourage greater consumer acceptance of seafood for the sake of ensuring health benefits and to allow the nation to benefit from the significant potential offered by our fishery resources."

My bill, the "Mandatory Fish Inspection Act of 1987," would require the Secretary of Agriculture to establish a program of mandatory continuous inspection of the commercial processing of all freshwater and saltwater fish, shellfish, and their products which are used for human consumption. The program would be similar, to the extent practical, to the currently effective system for the continuous inspection of commercially processed meat and poultry.

I urge my colleagues to join me in supporting the American fishing industry and protecting American consumers by cosponsoring this important legislation.

MINORITY BUSINESS PERSONS

HON. MICKEY LELAND

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 9, 1987

Mr. LELAND. Mr. Speaker, today I want to deliver to my colleagues the second part of an article from the February 23 Houston Post which concerns minority businesspersons. These businesses play a vital role in many communities around this Nation. It is my hope that through the reporting of this article my colleagues can gain a better understanding of the minority men and women in business.

The minority businessperson faces many obstacles while trying to establish their own businesses. Financing may be harder to obtain, and often no network of established business contacts or relationships exists.

The city of Houston has taken measures to help minority owned businesses. In 1984, the city council passed the women and minority business enterprise ordinance that directed more money to these businesses. Assistance with financing through the Small Business Administration or the MESBIC Financial Corp. of Houston is also available to these business persons. Black business owners also are forming their own networking groups.

I would like to commend the following biographies of minority business men and women from Houston for the consideration of my colleagues:

JOHN CHASE

John Chase is the first black architect to be licensed in the state of Texas. The license was issued on July 13, 1954.

With that license and equipped with a master's degree in architecture from the University of Texas, Chase settled in Houston. He went on to design hundreds of churches, most of the buildings at Texas Southern University, residences throughout the city, the county and eventually across the United States.

This from a man who was always an independent, who never worked for an architectural firm in Houston because:

"No architectural firm would hire me. I took the state exam and passed it and hired myself."

The 60-year-old Chase says he always liked to join groups so he used this to drum up business. He would go to a church, introduce himself to the minister on Friday or Saturday and by Sunday, he'd be introduced to the congregation. All he had at that time were his school projects to show off, but that was enough to get him his initial business: building two churches.

Later, he joined social clubs and political organizations with much the same result.

"At first, yes it was rather difficult being the only black licensed architect . . . but it didn't really affect me at all. Adversity just mainly makes me work a little harder."

Having to go out on his own meant he made mistakes he might have avoided had he had the guidance of experienced architects, Chase said, but he was able to overcome that.

"I always really liked design. I liked to determine what this or that looked like. I just wanted to control the building process."

Chase has been practicing now for 32 years and thinks younger blacks are able to hire on with an architectural firm without too much trouble nowadays—although, he says, racism still exists; it's just not as blatant.

Chase is married with two sons and a daughter, all of whom became . . . lawyers.

The oldest son, a graduate of the University of Houston law school, is a vice president in the trust department at First City National Bank. The youngest sons has a combined law and business degree from Harvard and is now a vice president with Donaldson, Lufkin and Jenrette investment banking firm on Wall Street. Chase's daughter was graduated from law school at the Univerity of Texas last summer and is preparing for her bar exams now.

RICHARD PROPHET

When he was 10, Richard Prophet decided he wanted to be in business. When he was 13, his father bought him a car. Prophet drove it—and knew what business he wanted to go into.

Prophet is 42 now and has one of the largest Dodge dealerships in the country, according to the Chrysler Corp.

Prophet made it to the top, he says, by working his way up through the ranks.

"I worked for Charlie Thomas for 10 years," says Prophet, who was born and raised on Houston's north side.

The George Washington Carver High School graduate attended Texas Southern University and was a decorated Vietnam veteran. From 1966-68 he attended Houston Community College.

Prophet says he started as a work cars salesman for Thomas' dealership and was moved to the new car department as he started recording more and more sales.

Even though he was doing well, Prophet says he was still determined to run his own business and in October 1985, bought the Dodge franchise from Chrysler.

Ironically several years before, Prophet had tried to buy a car at the same dealership but he and the salesman could not come to agreement.

To get to the top and stay there has meant a lot of work, Prophet says.

"I'm usually here six days a week," says the married father of three children.

"I don't play golf. I don't go the Vegas. I'm here every day. Cars are my hobby. I have lunch at my desk.

He still watches expenses closely, certain they can make the killing difference between success and a deficit.

"It'll take me a month to make $100,000 and a week to lose it."

He carefully lists the desires that drove him on to work as an independent businessman:

"I guess I never wanted to be just average. I want to make it possible for my kids to go to good schools, to get a good education, to have the best possible chance.

"And I like to do anything people say I can't do."

SANDRA HOLLOWAY

After years of working for a large company—AT&T—Sandra Holloway is not a fledgling private entrepreneur, with eight months of experience as the owner-operator of a submarine sandwich shop.

"Ever since I was a teen-ager I always dreamed of having my own business," says Holloway, 37.

She left a secure managerial position to start a restaurant in June 1986—not the best of times for the area's economy.

For her it made sense. Her research at the public library, her conversations with established business people, told her it was the right move.

"Everything's a risk. Working for someone else has its own risks," says the owner of a Subway Sandwiches and Salads franchise at 215 FM 1092.

Her business, dependent on the continuing demand of consumers to escape their own kitchens and eat out, is going well, Holloway says.

"If you work hard and if you have a good product and do a good job in presenting the product," she says, success should follow.

Her dreams of business success did require certain adjustments, though. Holloway knew the hours would be long, but she says she didn't fully anticipate how long.

"It could almost be close to overwhelming."

But those hours are necessary, she says, "to make it go and to do it the way you think it should go." She's working out a balance between home and work. She's able to see her husband more now and she brings her 14-year-old son in to work with her occasionally.

A franchise seemed the best route to go since it offered name recognition and a whole support system of rules, regulations and "how-to's," she says.

She remains enthusiastic about her business. The sandwiches are really good, she says: "I still eat one almost every day."

And she finds she likes the work because of the people aspect to it. She still gets excited when people come into her restaurant, saying they heard "this is the best place to eat," she says.

"I guess you have to love it. There's a big difference—it doesn't even compare with working for someone else.

"I had many of the ingredients. I was experienced in management, business, financial planning, marketing. I had all that training.

"The only thing I didn't know how to do was make a sandwich.

"If I has it all to do over again I would do the very same thing. I just would have done it sooner."

PERCY CREUZOT

When Percy Creuzot arrived in Texas in 1963 from Louisiana, he decided that what the Houston area needed was a restaurant serving Creole style Cajun food.

He figures now that he was a few years ahead of the market—that only recently has the area discovered how good Cajun food is—but that's about his only regret about the business he began: Frenchy's Creole Fried Chicken.

There were several stops and starts along the way before his success with Cajun cuisine.

When he got out of college, Creuzot went into the insurance business. He stayed there for 10 years until he went broke. He sold automobiles for three years, then came to Houston to sell high school rings and other graduate supplies.

That business didn't pan out either, he said, because after integration and the merging of schools all over the state, there was not enough separate sales territory to go around.

He got a job with the Texas Employment Commission for about four years until he took a leave of absence in 1969 to start Frenchy's. He never went back.

There are 12 Frenchy's restaurants and four franchise restaurants now. Most are in the Houston area, although a franchise just opened in Dallas.

In assessing why he was able to succeed, the 62-year-old Creuzot points to his previous business experience and failures.

"I had a little better knowledge and the fact that I thought seasoned herbs and spices were so different. We were like a little oasis or something."

Another thing that helped him get started was his good credit rating, enabling him to secure a bank loan, Creuzot said.

The married father of three children has involved his family in the business as well. One child works in the sausage company Creuzot founded as an offshoot of the restaurants, while another one works in corporate headquarters with Creuzot. The third is an assistant district attorney in Dallas.

Creuzot says he still stays in touch with every aspect of the business. "I'm here every day and I usually don't leave before 6."

MACK HANNAH

Mack Hannah's father was a saloonkeeper in Port Arthur. At the turn of the century, his family moved to the Southeast Texas city following the Lucas gusher and stayed to open two drinking establishments.

As he grew older, Hannah went to work at the Gulf Refineries in Port Arthur, where he immediately began a side business of barter and trade that enabled him to undersell wholesalers' merchandise prices.

In Houston, Hannah got a chance to further prove his abilities. In 1959, he negotiated a difficult process to become the first black to own a savings and loan in the state, establishing Standard Savings Association.

Hannah was serving as chairman of the board of Texas Southern University in the late 1950s when he became aware that TSU employees had to go downtown to a bank to borrow as little as $50. There were no banks closer for their use.

He also noticed there were very few places willing to finance a mortgage for a black in Houston.

"I had been in the finance business in the Beaumont-Port Arthur area so I thought I'd use what I knew about it to open a savings and loan."

After about a four-month wait with the state, Hannah was given a charter number but still had a sizable hurdle to negotiate. He had to have FSLIC insurance and the federal office in Little Rock, Ark., wasn't about to give it to him, he says.

So, he went to Washington, D.C., where by threatening to take his concerns to then-Sen. Lyndon Johnson, he was able to persuade federal officials to grant him the insurance in 1959.

By borrowing from two banks, the Bank of the Southwest and the American Bank, Hannah was able to raise enough money to start his savings and loan.

He was able to keep the bank going by traveling around the Houston area and in East Texas, asking people to put their money in his savings and loan.

"We've been in it now going on 29 years," says Hannah, who is 83 now and semi-retired.

During his banking career, Hannah also served on the TSU board 12 years and was chairman of the board for 11 years. A year after he left the board in 1963, Gov. Preston Smith appointed him to the University of Houston board, where he served for 13 years, finally becoming chairman there as well.

"They tell me I'm the only living person black or white who ever served as chairman on two state boards."

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 10, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 11

9:00 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to review the proposed new credit regulations affecting the Farmers Home Administration loan programs.

SR-332

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Social Security Administration, and the Family Support Administration.

SD-192

Armed Services

Conventional Forces and Alliance Defense Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on the Army's long-term plans for major equipment acquisition.

SR-232A

Environment and Public Works

Environmental Protection Subcommittee

To resume hearings on emerging and available technologies for the control of acid rain precursors, focusing on clean coal technology and the U.S.-Canada Joint Report of the Special Envoys on Acid Rain.

SD-406

Finance

Business meeting, to consider proposed legislation authorizing funds for fiscal year 1988 for the U.S. Customs Service, International Trade Commission, and the Office of the United States Trade Representative.

SD-215

Judiciary

Antitrust, Monopolies and Business Rights Subcommittee

To hold oversight hearings on mergers.

SR-385

Labor and Human Resources

To hold oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.

SD-430

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, focusing on the Farmers Home Administration.

SD-138

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Oceanic and Atmospheric Administration of the Department of Commerce, and the Marine Mammal Commission.

S-146, Capitol

Banking, Housing, and Urban Affairs

Business meeting, to mark up proposed legislation authorizing funds for housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture.

SD-538

Energy and Natural Resources

To resume oversight hearings on the world oil outlook and its implications for the domestic oil and natural gas industry.

SD-366

Foreign Relations

To hold joint hearings with the Committee on the Judiciary to review the constitutional implications of the Anti-Ballistic Missile Treaty.

SD-419

Judiciary

To hold joint hearings with the Committee on Foreign Relations to review the constitutional implications of the Anti-Ballistic Missile Treaty.

SD-419

10:30 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for military construction programs.

SD-124

2:00 p.m.

Armed Services

Readiness, Sustainability and Support Subcommittee

To resume open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on depot maintenance, supply and spare parts programs.

SR-222

Foreign Relations

Closed briefing on Anti-Ballistic Missile Treaty reinterpretation.

S-116, Capitol

Judiciary

To hold hearings on pending nominations.

SD-226

Labor and Human Resources

To hold hearings on the use of telecommunications in education.

SD-430

Select on Intelligence

To hold closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Institutes of Health, Department of Health and Human Services.

SD-116

MARCH 12

9:15 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs, focusing on African assistance.

SD-419

9:30 a.m.

Agriculture, Nutrition, and Forestry
Domestic and Foreign Marketing and Product Promotion Subcommittee
To resume hearings on proposed legislation to promote the export of U.S. agricultural commodities and the products thereof, including S. 308, S. 310, S. 399, S. 500, S. 512, and H.R. 3.
SR-332

Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Health and Human Services, focusing on the Office of the Secretary, Departmental Management, Office for Civil Rights, Policy Research, and the Office of Inspector General.
SD-116

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To hold oversight hearings on export controls.
SD-538

Commerce, Science, and Transportation
To hold joint hearings with the National Ocean Policy Study to review coastal management policy.
SR-253

Energy and Natural Resources
Energy Regulation and Conservation Subcommittee
To hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.
SD-366

Governmental Affairs
To hold oversight hearings to review nuclear reactor safety issues at Department of Energy facilities.
SD-342

Governmental Affairs
Federal Services, Post Office, and Civil Service Subcommittee
To hold joint hearings with the House Committee on the Post Office and Civil Service Subcommittee on Census and Population to review the status of planning for the 1990 decennial census.
311 Cannon Building

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain international organizations and programs, and certain activities of the Agency for International Development.
S-128, Capitol

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Science Foundation.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Tennessee Valley Authority, and the Appalachian Regional Commission.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Panama Canal Commission, and the National Transportation Safety Board.
SD-138

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To hold closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on strategic deterrence.
SR-222

Labor and Human Resources
To resume oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.
SD-430

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.
SD-192

2:30 p.m.

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings to examine federal spending cost associated with the incarceration of illegal aliens.
SD-342

Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
Business meeting, to consider S. 431 and S. 432, bills to strengthen the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.
SD-226

MARCH 13

9:30 a.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

10:00 a.m.

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Science and Technology Policy.
SD-124

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings to review the economic and foreign policy implications of the decline of the U.S. dollar.
SD-419

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings on the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and property by Federal agencies.
SD-342

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to consider S. 514, to establish an incentive bonus to States which successfully train and employ long-term welfare dependents, and amendments proposed thereto.
SD-340

Special on Aging
To hold hearings to review the President's proposed budget request for fiscal year 1988 and its impact on programs for the elderly.
SD-628

MARCH 16

10:00 a.m.

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

2:00 p.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

MARCH 17

9:30 a.m.

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on export controls.
SD-538

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on a Veterans' Administration compliance with a discovery request of NARS vs Turnage.
334 Cannon Building

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of

funds for the Food and Nutrition Service, and the Human Nutrition Information Service.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-146, Capitol

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Bureau of Standards, Office of Productivity, Technology and Innovation, and the National Technical Information Service, all of the Department of Commerce.
SR-253

Finance
To hold hearings on proposed legislation to improve enforcement of trade agreements, focusing on sections 301 and 303-306 of S. 490, Omnibus Trade Act, sections 111-118 of H.R. 3, Trade and International Economic Policy Reform Act, and section 5007 of S. 539, Trade, Employment, and Productivity Act.
SD-215

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.
SD-192

Energy and Natural Resources
To hold hearings on the nominations of Lawrence F. Davenport, of Virginia, to be an Assistant Secretary of Energy (Management and Administration), Raymond G. Massie, of New Jersey, to be Director of the Office of Minority Economic Impact, Department of Energy, and James W. Ziglar, of Maryland, to be an Assistant Secretary of the Interior (Water and Science).
SD-366

MARCH 18

9:30 a.m.
Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on the health effects of ozone and carbon monoxide in nonattainment areas.
SD-406

Rules and Administration
To resume hearings on S. 2, S. 50, S. 179, S. 207, S. 615, and S. 625, bills to provide for spending limits and public financing for Senate general elections.
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.
S-146, Capitol

Finance
To hold hearings to examine the impact of the trade deficit on certain American workers, focusing on provisions relating to workers' rights of S. 490, Omnibus Trade Act, and H.R. 3, Trade and International Economic Policy Reform Act, and on the trade adjustment assistance program as provided for in S. 490.
SD-215

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment.
SD-138

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to review fairness in public broadcasting.
SR-253

MARCH 19

9:30 a.m.
Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Independent Counsel Act.
SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.
SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Highway Administration, and the National Highway Traffic Safety Administration, Department of Transportation.
SD-138

Finance
To hold hearings to review catastrophic health insurance issues, focusing on the impact of catastrophic health insurance on consumers and health care providers.
SD-215

Labor and Human Resources
To hold hearings on S. 557, Civil Rights Restoration Act of 1987.
SD-430

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.
SD-192

MARCH 20

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Treasury, and the National Treasury Employees Union.
SD-116

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on the Independent Counsel Act.
SD-342

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.
SD-124

MARCH 23

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings to review the revenue increases proposed in the President's proposed budget for fiscal year 1988.
SD-215

10:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.
SD-116

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 24

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on overfunding and underfunding on pensions.
SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Aeronautics and Space Administration's space station program.

SR-253

2:30 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold hearings to review the current status of renewable energy technologies.

SD-366

MARCH 25

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.

SD-138

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

MARCH 26

9:00 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

Room to be announced

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the Federal Aviation Administration's management of the airport and airway trustfund.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on State and local government control efforts in non-attainment areas.

SD-406

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.

S-126, Capitol

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.

SD-192

Finance

To resume hearings to review catastrophic health insurance issues, focusing on the role of private insurance and financing alternatives for catastrophic protection.

SD-215

Labor and Human Resources

Labor Subcommittee

To hold joint hearings on S. 538, to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation.

SD-430

2:00 p.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary and the Office of the Inspector General, Department of Transportation.

SD-192

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Telecommunications and Information Administration, Department of Commerce.

SD-253

2:30 p.m.

Energy and Natural Resoures

Research and Development Subcommittee

To resume hearings to review the current status of renewable energy technologies.

SD-366

MARCH 27

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.

SD-124

Finance

Health Subcommittee

To hold hearings to examine the role and performance of utilization and quality control peer review organizations under the Medicare program.

SD-215

MARCH 30

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

MARCH 31

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.

SD-138

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, international narcotics control, and anti-terrorism assistance.

S-126, Capitol

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.

SD-192

APRIL 1

9:00 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.

334 Cannon Building

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.

SD-138

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the De-

partment of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.
SD-116

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the St. Lawrence Seaway Development Corporation, and the Architectural Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 58, to make permanent and increase the income tax credit for increasing research activities, and proposals regarding the allocation of domestic research expenses.
SD-215

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

APRIL 7

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the implementation of the airport improvement program.
SR-253

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on the President's budget request for fiscal year 1988 for the Department of Energy's Office of Energy Research for the Superconducting Super Collider (SSC).
SD-366

APRIL 8

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the national airspace system plan.
SR-253

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Securities and Exchange Commission and the Civil Rights Commission
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 9

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.
SD-138

1:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 10

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

APRIL 21

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimate for fiscal year 1988 for the Small Business Administration, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.
SD-116

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.
SD-192

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense acitivities.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.
SD-138

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

APRIL 27

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.
SD-192

APRIL 28

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.
SD-192

APRIL 29

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Attorney General, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

APRIL 30

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.
SD-124

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.
SD-192

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.
SD-138

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.
S-146, Capitol

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 7

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.
SD-192

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (FAA operations).
SD-138

2:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (R, E & D, F & E, Airport Grants).
SD-138

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 12

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation, and the Equal Employment Opportunity Commission.
S-146, Capitol

MAY 13

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.
S-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
S-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

MAY 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

MAY 15

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

MAY 20

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.
S-146, Capitol

JUNE 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.

SD-192

CANCELLATIONS

MARCH 18

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MARCH 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.

SD-366

SENATE—*Tuesday, March 10, 1987*

The Senate met at 2:30 p.m. and was called to order by the Honorable PAUL SIMON, a Senator from the State of Illinois.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

The Lord is my shepherd; I shall not want. He maketh me to lie down in green pastures: he leadeth me beside the still waters. He restoreth my soul: he leadeth me in the paths of righteousness for his name's sake. Yea, though I walk through the valley of the shadow of death, I will fear no evil: for thou art with me; thy rod and thy staff they comfort me. Thou preparest a table before me in the presence of mine enemies: thou annointest my head with oil; my cup runneth over. Surely goodness and mercy shall follow me all of the days of my life: and I will dwell in the house of the Lord for ever.—Psalm 23.

God of Abraham, Isaac, and Israel, an empty desk in this Chamber speaks eloquently of the loss felt by all at the death of a great statesman and beloved friend, Senator ZORINSKY. Thank You for the reality understood by King David that we are not alone in death—our shepherd, the Lord, walks with us through the valley of the shadow.

We pray, Loving Father, that Your comfort and peace will fill the hearts of Mrs. Zorinsky and the family as the awareness of their loss and ours persists. Grant special peace and confidence to his staff who loved him and served him so faithfully as they wait out the uncertainty of these days. Shalom, shalom. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STENNIS).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 10, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAUL SIMON, a Senator from the State of Illinois, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. SIMON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADERSHIP TIME

Mr. BYRD. Mr. President, at the moment I shall ask that my time be reserved. Following the distinguished Republican leader, if Mr. EXON is on the floor, I think he has a resolution that he will call up anent the passing of our late departed colleague. So I ask unanimous consent that I may reserve my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Does the minority leader seek recognition?

Mr. DOLE. Mr. President, I ask unanimous consent that I may reserve my time until such time as the resolution has been offered by the distinguished Senator from Nebraska [Mr. EXON].

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EXON. Mr. President, I ask unanimous consent that the proceedings under the quorum call be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR EDWARD ZORINSKY

Mr. EXON. Mr. President, this is the toughest speech I have ever made and one I wish I had never been called upon to deliver. Last Friday night America lost a great leader, Nebraska lost a vigorous fighter and I lost a close personal friend in ED ZORINSKY.

ED's sudden passing reminds us all again how fragile is the flower of life, picked at times in its full bloom.

ED ZORINSKY had a distinguished career as a native son mayor of the city of Omaha and as a U.S. Senator. On the Agriculture Committee, he wrote a record of dedication to Nebraska's No. 1 industry, and in the Foreign Relations Committee he was stellar in his inborn common sense and judgment honed by his commonplace beginnings and Midwest upbringing that preaches common sense. ED was a quick study, and he soon became an expert on the problems facing rural America and the difficult international community discord.

Almost all stories about ED ZORINSKY mentioned the fact that he was considered a maverick. I am sure that ED considered that a compliment, for he fought for what he thought was in the best interest of the people of his State and the Nation. If it took a maverick to get that job done, ED ZORINSKY was willing to play that role.

ED ZORINSKY was considered a conservative and he generally voted that way, but he was not afraid to vote what might be considered a nonconservative position, too, because he voted what he thought was right on the individual issues that faced this body. It really did not matter to him what that vote would be considered. What mattered to ED was whether or not it made sense. The label was not important.

There were people who did not understand where ED ZORINSKY was coming from. All you have to do is know something about Nebraska and Nebraskans. Nebraskans are generally considered conservative, especially on fiscal matters; but, yet, Nebraska is the only total public power State, which may have once been considered almost a socialistic point of view. Nebraskans would reply, "Well, it works for us. Let others do their own thing."

Indeed, most Nebraskans consider themselves political conservatives; but, yet, George Norris fathered public power and the nonpartisan, one-house State legislative system called the unicameral. It is America's only such State legislative apparatus and has not been copied, but it works for Nebraska.

Nebraskans built one of the architectural wonders of the world in our State capitol. That by itself is not unusual, except that it was built during the Great Depression and it was paid in full the day it was completed. Others might say that is unusual, but

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Nebraskans would say, "Doesn't everyone pay as they go?" It works for us.

Nebraskans cannot understand the Federal deficits because it is unconstitutional for the State to go into debt in Nebraska, and this was firmly embedded in my colleague, Ed Zorinsky. They simply do not understand why anything so simple can be so complex, or why anything so fundamental can be so universally ignored in Washington.

These attitudes and operating methods of Nebraska and Nebraskans were fundamentally the roots of Ed Zorinsky. Ed brought these roots and this common sense approach to the U.S. Senate, and he is well known on both sides of the aisle to have been fundamentally locked into those basic views which he expressed often with not only great dedication but also with understanding to Members on both sides of the aisle.

While I know we shall all miss him, my heart is especially heavy today because I have lost a close friend and confidant. To me his chair right there is sadly vacant today.

As much as we loved Ed Zorinsky, none of us can feel the grief that his wife, Cece, and his family are feeling. I ask that each of you especially remember Cece Zorinsky and Ed's family in your prayers tonight as they work their way through the dark days ahead. Let us add one more element to that prayer. Let us add a prayer of thanksgiving for the privilege of knowing and working with our friend Ed Zorinsky. Aside from everything else, we shall remember him as dedicated, compassionate and caring. Ed Zorinsky's love affair with the people of Nebraska was based on the secure knowledge that he "worked for us" tirelessly and until his sudden calling. We in the Senate and Nebraskans will do our best to carry out the principles he fostered and left behind for us to embellish.

Godspeed and Godrest to you, my friend, our colleague and Nebraska's faithful servant, Ed Zorinsky.

You will never be forgotten here in the U.S. Senate nor in the hearts and minds of the people of Nebraska whom you so faithfully served.

Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will read the resolution.

Mr. EXON. If I might, Mr. President, I wish to read this resolution and I ask unanimous consent for that in lieu of the clerk reading the resolution so that the clerk will be spared that customary task.

The resolution reads, Mr. President:

S. Res. 163

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Edward Zorinsky, late a Senator from the State of Nebraska.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

Mr. President, I send the resolution to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Nebraska?

There being no objection, the Senate proceeded to the consideration of the resolution.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to, as follows:

S. Res. 163

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Edward Zorinsky, late a Senator from the State of Nebraska.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

Mr. EXON. I thank the Chair. I thank my colleagues. I thank the majority leader and the minority leader for giving this matter top consideration as we begin this day of activity in the U.S. Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

DEATH OF SENATOR EDWARD ZORINSKY

Mr. BYRD. Mr. President, we were saddened to learn of the sudden and untimely death on Friday night of one of our colleagues, Senator Edward Zorinsky.

The 100 men and women who compose the U.S. Senate have a unique and important role in how this Nation is governed and how each and every American will live and work. Ours is a special place in American society, and when one of our Members passes away, the loss is deeply and personally felt.

With the death of Senator Zorinsky, we mourn the passing of a great Nebraskan who, as I have previously said, brought an independent and courageous style to this Chamber.

He was the son of a Russian Jewish immigrant, a successful businessman, and a productive member of the Omaha Public Power District Board from 1968-73. From 1973 to 1977, he served as the mayor of Omaha. His effective response to a series of disasters that hit his town won him high acclaim and respect throughout the State.

As a result, in 1976, the people of his beloved State of Nebraska selected him to represent them in the U.S. Senate. In 1982, they did so again; Senator Zorinsky won reelection with 67 percent of the vote and carried all but 8 of the State's 93 counties.

His tenure in the U.S. Senate was one of independent tenacity, dedicated work, and impassioned struggles for the causes in which he believed and the goals he pursued.

His commitments to open government and to making Government more cost effective are well known by all of his colleagues.

He was an active member of the Senate Foreign Relations Committee, on which he chaired the Western Hemisphere Subcommittee and the new Subcommittee on Terrorism, Narcotics, and International Communications.

As a true Nebraskan, Senator Zorinsky was most concerned with the welfare of the people of his State. Thus, the well-being of the American farmer was always his top interest.

He helped push through legislation setting up a commission to study agricultural trade policy, sought the expansion of credit for financially stressed farmers, and promoted the electrification of rural America. And he was instrumental in the passage of the last two farm bills.

As the ranking Democrat on the Agriculture, Nutrition, and Forestry Committee for 2 years, he was remarkably successful in publicizing the plight of the men and women who toil and sweat to feed this great Nation and so much of the world.

While we mourn the passing of Senator Zorinsky, we should celebrate his memory and the important work he performed while he was with us. The State of Nebraska and the United States, farmers and Americans everywhere have lost a friend.

My wife Erma and I offer our condolences to Senator Zorinsky's wife, Cece, and their three children, Barry, Jeffrey, and Susan.

The distinguished Senator from Nebraska, Mr. Exon, has made a very moving eulogy regarding the passing of his colleague from his State, and he asked that all of us remember in our prayers Ed's family, Cece and the children. We shall do so.

Mr. President, in closing, may I say to Cece and the family on behalf of my wife Erma and myself these few lines of a verse which someone composed long ago:

Let fate do her worst.
There are relics of joy,
Bright dreams of the past
That she cannot destroy.

They come in the nighttime
Of sorrow and care,
And bring back the features
That joy used to wear.

Long, long be my heart
With such memories filled,
Like the vase in which roses
Have once been distilled.

You may break, you may shatter
The vase, if you will,
But the scent of the roses
Will hang 'round it still.

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. DOLE. Mr. President, I also want to underscore the statements made by both my colleagues: my friend, Senator Exon, who was Ed's closest friend; and the distinguished majority leader.

Today the Republicans, in their policy luncheon, talked about Ed Zorinsky the man, not Ed Zorinsky the Senator, the Democrat, or the maverick. It goes without saying that Ed Zorinsky was held in high esteem by everyone in this Chamber, Republican and Democrat alike.

Ed always had a little twinkle in his eye. He never complained about anything that I can recall, and we spent hours and hours together working on agriculture matters.

As indicated by Senator Exon, it is hard to imagine this place without Ed Zorinsky. He was a committed public servant. As I said late last week, rural America never had a better friend than Ed Zorinsky.

He worked tirelessly on the Agriculture Committee, as pointed out by the distinguished majority leader and Senator Exon.

I do not really believe Ed Zorinsky ever voted because he thought this was the Democratic view or the Republican view. I always found Ed, except in rare cases, looking at the issue from the view of his State and the people who lived in the State of Nebraska and in the Midwest. This was a great help to those of us who were neighbors to Nebraska, like Kansas.

Whether it was price supports, or exports, or farm credit, Ed Zorinsky was there.

It was not just agriculture. He had an important position on the Senate Foreign Relations Committee. He believed that foreign policy should be bipartisan. He felt that the United States must be strong, always strong, but always fair.

And, I guess, just as he did in agriculture, it was always a question of policy, not of politics, with Ed Zorinsky.

I guess most important, if you are writing contemporary profiles in courage, I would recall to my colleagues the vote we had in this Chamber on May 10, 1985, at about 2 o'clock in the morning. It was on a budget resolution. The budget resolution terminated more than a dozen programs, and one or two rather significant programs.

The budget resolution froze every cost of living adjustment there was. It was a very difficult vote. The vote was 50 to 49. It was a partisan vote in the sense the Republicans believed we had a better idea than our Democratic colleagues. And had we failed, I assume the then distinguished minority leader would have had an alternative.

One Democrat joined the 49 Republicans on that occasion. And I believe it was just another indication of the courage of Ed Zorinsky, his nonpartisanship, his concern about America. And although that budget resolution probably was not perfect, it did send a signal to the American people that there was a majority, narrow as it was, willing to stand up and be counted on a very difficult issue. And I guess that attitude typified Ed's entire life in politics and out.

Today Senator Stevens brought a letter to the policy luncheon, the last letter we received from Ed Zorinsky. We all have it on our desks and in our offices. It is a letter from Ed Zorinsky, and attached to it is an article on how to handle your cholesterol count, which was a matter of great concern to Ed Zorinsky. He had a problem. I guess he was sending the rest of us a message.

So, Ed had an important impact on all of us. We certainly will miss him. On this side of the aisle, we certainly extend our sympathy and our prayers to Cece and the family. I would say to all of my colleagues and staff and others who were there on Sunday, I think it was an indication of the outpouring of love and respect for Ed Zorinsky. It was, I think, for all of us a privilege to have known Ed, to have worked with Ed, and to know that when he left Washington last Friday morning, I am not certain, but I would bet—he was thinking about something that would be of assistance to someone in the State of Nebraska.

(Mr. CONRAD assumed the chair.)

Mr. EXON. Mr. President, I want to thank the majority leader and minority leader for their most kind remarks and true remarks about our colleague.

If I could have the attention of the minority leader for just a moment, I happened to think back to that very fondly, and I think this was Ed Zorinsky and how strongly he felt. We were friends from the time before he was in the mayor's office and before I was Governor of Nebraska. Frequently we did not vote the same way on matters here, but that did not have anything to do with our friendship, because we voted our convictions.

And while this is probably not the greatest time for any levity, I know if Ed were here he would appreciate what I am about to say. That May 10, what year was that?

Mr. DOLE. 1985.

Mr. EXON. May 10, 1985, when Ed cast the vote that passed the budget resolution. And, correctly, as usual, as the minority leader said, there were 50 votes for it and there were 49 votes against it. That meant that there was one vote that was not here, and that vote was this Senator's vote. This Senator was in the hospital for an emergency operation on my gall bladder.

And while I think it is entirely appropriate for the minority leader to give Ed Zorinsky credit for being the key vote that put that over, it would also be entirely appropriate for the minority leader to salute the then junior Senator from Nebraska who was thoughtful enough to go to the hospital. Because had the junior Senator from Nebraska at that time been on the floor, the vote would have been tied 50-50 and that budget resolution would not have passed. But that is the way things are done on the floor of the U.S. Senate. And I think, at times like this when some people around the United States, maybe, do not think as highly of this institution as it should, I was reminded very vividly of that time. In fact, there were efforts at that time to get this Senator out of the hospital to come down here and cast a vote.

On that very night, if my memory serves me correctly, I think Senator Wilson from California was also at Bethesda Naval Hospital. In fact, he had an appendectomy, I believe, a day or two before the surgery I underwent, and he was able to come down on a stretcher and also cast a deciding vote. I could not. My doctor would not allow me to come, and I did not feel like coming.

In any event, that is how things are decided on the floor of the U.S. Senate, not nearly as partisan as some people tend to believe and cast us in. And since Ed Zorinsky was a swing vote on many occasions, that is why we will all miss him very much, and that is why we admired him.

So I think if Ed were here he would have chuckled at that story that I just told. I was not criticizing the minority leader for not mentioning the then junior Senator from Nebraska, but I also had a key role in allowing your success that day by not being here.

I wish to say that other colleagues thought, when I told them I was coming over today, that this was the day that we were going to give our speeches for Senator Zorinsky. I believe that there will be a day set aside when others will have time and some notice. But it is certainly appropriate for anyone who wishes to talk about our departed friend and colleague, and it would be most appropriate.

But I do think it would be appropriate if the leader indicated there would be some time set aside for comments by other Senators at a later date; is that correct, Mr. Leader?

Mr. BYRD. Yes, Mr. President. If the Senator will yield, Senators may speak on any day this week. The Senate will be in, I would say, at least 2 more days this week and, of course, they may speak on days subsequent to this week. In the final analysis, after conferring with the distinguished Republican leader, I will ask at some point that such speeches be placed in a bound volume and be appropriately prepared for transmittal to the wife of the deceased and his family.

Mr. EXON. I thank the leader and I yield the floor.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I have discussed this with the able Republican leader and we will now claim the remainder of our time.

COMMUTER AIRLINE SAFETY

Mr. BYRD. Mr. President, the administration is now 113 days late in complying with the law—Public Law 99-591—which requires the President to appoint members to the Aviation Safety Commission. The Commission has 9 months from the date of enactment, which was October 18, 1986, to report its findings and recommendations. Less than 5 months remain for the Commission to complete its task.

Further delay is intolerable. There have already been 17 deaths this year caused by accidents involving commuter aircraft. The latest tragedy occurred on March 4, 1987, when a twin-engine Northwest Airlink commuter airliner crashed on landing at the Detroit Metropolitan Airport killing 9 people on the plane and injuring 20, including 10 on the ground.

Mr. President, at my request, the General Accounting Office began last summer to investigate the margin of commuter airline safety. The GAO's preliminary findings were reported to my staff on February 11, 1987, and, unfortunately, tended to confirm my suspicions regarding the level of safety in the commuter airline industry.

The volume of commuter traffic and the number of commuter aircraft are continuing to increase significantly. And although the commuter accident rate continues to diminish per 100,000 departures, it remains three times higher than the accident rate for large commercial airlines. Because the National Transportation Safety Board attributes pilot error as the most frequent cause of commuter accidents, I have asked the GAO to look further into the question of the level of commuter pilot experience and training and certification requirements. Among the GAO's preliminary findings with regard to pilot training and certification is that commuter airlines are not required to verify the violation history of their pilots. Although the FAA maintains such histories on computer, there is simply no requirement that the airlines check these histories.

Such histories could point to potential troublespots. The Washington Post reported on Sunday, March 8, 1987, that the pilot of the commuter plane that crashed at the Detroit Metropolitan Airport had twice been cited by the FAA for unsafe flying. In addition, the FAA had cited Fischer Bros. Aviation, which operated the twin-engine Northwest Airlink plane that crashed, six times for maintenance and safety violations and fined the company a total of $3,500 since 1979.

Mr. President, we can no longer afford to delay resolving these safety issues. We have already lost precious time. I again call on the administration to appoint members to the Aviation Safety Commission and begin the process under the law that was passed of improving the margin of aviation safety.

BICENTENNIAL MINUTE

MARCH 10, 1848: SENATE RATIFIES TREATY OF QUADALUPE-HIDALGO

Mr. DOLE. Mr. President, 139 years ago today, on March 10, 1848, the U.S. Senate ratified one of the most significant treaties in our Nation's history. The Treaty of Quadalupe-Hidalgo terminated the war with Mexico, which had begun in 1846 with a dispute over the border between Texas and Mexico, and which had ended with the American occupation of Mexico City.

Following the American victory, Mexico agreed, for the sum of $15 million, and repayment of $3 million in its debts, to cede to the United States 600,000 square miles of territory. This vast territory, comparable only to the Louisiana purchase, included all of the present-day States of California, Arizona, New Mexico, Nevada, Utah, and Colorado, as well as recognition of Texas' border at the Rio Grande River.

Despite the immense advantages of this treaty, some Senators thought it could be improved, and offered numerous amendments when the pact reached the Senate. These amendments ranged from a proposal to disavow so much annexation of new territory, to one that would move the boundary even further south into Mexico. Amendments to ban slavery from the new territories were also introduced. Most of these amendments were rejected, and two articles in the treaty were also removed, relating to the validity of Mexican land grants and the rights of the Catholic Church in the acquired territories. With these adjustments, the Senate consented to the treaty by a vote of 38 to 14.

Adoption of the treaty of Quadalupe-Hidalgo launched a whole new chapter in the history of the American West. It also confronted Congress and the Nation with the unresolved question of whether the new territory would be free or would be open to slavery. The settlement of this question would require another decade of debate and a bloody civil war.

ORDER OF PROCEDURE

Mr. BYRD. I ask unanimous consent that the special order that was under the control of Mr. HECHT be transferred to the control of Mr. WILSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

RECOGNITION OF SENATOR STEVENS

The PRESIDING OFFICER. Under the previous order the Senator from Alaska [Mr. STEVENS] is recognized for not to exceed 5 minutes.

Mr. STEVENS. Mr. President, let me first make a remark or two about my good friend, Senator ZORINSKY. I ask that the comments I make be printed in the appropriate place in the volume that the distinguished majority leader has mentioned when it is printed.

TRIBUTE TO THE LATE SENATOR ED ZORINSKY

Mr. STEVENS. Mr. President, ED ZORINSKY was a great personal friend of mine. The Nation has lost a very valuable public servant in this untimely death of our good friend, as our distinguished Republican leader has mentioned. At today's Republican luncheon, I remarked to our colleagues about the irony walking into my office this morning and receiving a letter from my good friend who had passed away over the weekend. Senator ZORINSKY sent us a copy of the resolution that the distinguished Democratic leader, our majority leader, had secured passage of last week declaring a week in April to be Cholesterol Week. Senator ZORINSKY wanted to call this resolution to our attention for the obvious reason that he had very serious problems with cholesterol, and of course we believe that is what caused his untimely death.

Others will remark about ED ZORINSKY in terms of his contributions to his State, both as the mayor of Omaha and as a Senator from Nebraska. I remember ED ZORINSKY as being a companion who was willing to take on the tasks assigned to him as a Senator, and he did them well.

For instance, he and I went often to meet with our Canadian colleagues in the Canadian Interparliamentary Conference. Some people may call those junkets. For ED ZORINSKY and me, they were working missions to carry the word of the people of our country to those who represent our neighbors in Canada. He had problems with our Canadian friends in agriculture. I had them in tourism. I would have them in fishing and he might have them in some other activity that affected his State.

But ED ZORINSKY was always able to meet toe to toe with our Canadian neighbors and tell it to them like it is. After those meetings ED would put the issues of the day aside, get together with our neighbors from Canada, share fellowship, and make good friends for our country.

And I also remember the year he was appointed to be the President's representative at the Paris Air Show. There were very few people that wanted that task because it was under attack at the time in the press as being a junket.

It really is not. We demonstrated that it was not. ED ZORINSKY and I went to meet every single small businessman that had an exhibit in the American pavilion there, a pavilion that led to an increase of about one-half billion dollars in sales of aviation parts for use throughout the world that year. And I remember—after meeting with those businessmen—the first time I saw ED ZORINSKY perform his little soft-shoe dance, as a matter of fact, with the words of "Zorinsky for President." It was a parody on himself and he loved to do it. Sadly, I am informed that the last thing he did in this life was to perform a version of that soft-shoe at the annual Press Club dinner in his city of Omaha.

Catherine and I have lost a good friend. And I am sure that we will all remember Cece and urge her to join with us in the activities of the Senate family in the future.

ED and Cece ZORINSKY were truly hard working members of this family, and I think everyone in Nebraska should realize that he earned a reputation on both sides of this aisle as a man of integrity who stood up for what he believed without regard to the consequences, either politically or in terms of personal friendship. He faced life head on—and he told it like it was. And I am saddened that I face the task on Sunday to join with my good friends, the two leaders, to go to honor our departed friend and participate in his funeral exercises.

COMMEMORATION OF THE SIGNING OF THE CONSTITUTION

Mr. STEVENS. Mr. President, last week we passed an important milestone for this body. March 4, marked the 198th anniversary of the meeting of the First Congress in New York. I made note of this because the bill which I am introducing today marks the bicentennial of an event which made that first meeting of the Congress possible. The bill would make September 17, 1987, a national holiday to commemorate the signing of the U.S. Constitution by the delegates to the Constitutional Convention.

I have been joined by Senators KENNEDY, THURMOND, DECONCINI, STENNIS, and BURDICK in introducing this bill, and I welcome further cosponsors. I hope that all Senators will join with us in calling for this day of national celebration.

Eleven years ago this country celebrated the bicentennial of the Declaration of Independence and the beginning or our existence as a nation. The Declaration of Independence was written at the beginning of a conflict which went on for several years. At the end of the Revolutionary War we were triumphant—a proud, new nation.

The Articles of Confederation, our first attempt at self-government, proved too weak a foundation. The States seemed destined to sink into a mire of conflicts. Cracks were beginning to form when the call went out for a convention to reform the Articles of Confederation.

That Convention met in Philadelphia in the summer of 1787. They recognized early in their discussions that a simple reformation would not be enough. The delegates went beyond their mandate and instead drafted the document which has made the success of the United States possible.

Without our Constitution, with its careful checks and balances, its mix of Federal and State powers, and with its amendments which preserve the rights of the individuals in our society, our Nation could not be what it is today. Without the Constitution our independence, and the promise of a great nation, would never have flowered. Independence means nothing for a nation if its citizens are not free and its government is not just.

Hundreds of constitutions of nations around the globe have been modeled upon our own. We have, in fact, been a model for freedom. These countries recognized the value of the concepts embodied in our Constitution. It is time for us to remind ourselves of the reasons why our Constitution is a success.

The bicentennial of our Constitution provides an opportunity. We have more to celebrate than 200 years of history. We should be celebrating the continuing success of our system of government, and the promise of many centuries to come.

This is more than just another day for parades: It is an opportunity to reflect on our Nation, and on the Constitution which has made us what we are today.

Mr. President, I ask unanimous consent that a letter from the American Legion in support of this holiday be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, February 2, 1987.

Hon. TED STEVENS,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: The Bicentennial of the signing of the U.S. Constitution, September 17, 1987, provides an opportunity for Americans to celebrate this historic day with patriotic ceremonies and reflection. The significance of the signing of this document, the government it created and the flexibility contained within to allow for the changing needs of American society should not be minimized.

The American Legion strongly favors legislation recognizing September 17, 1987 as a one-time national holiday to commemorate the Bicentennial of the U.S. Constitution. We commend you for your planned sponsorship of such legislation and urge the enthusiastic support of your colleague. A national holiday will serve as a focal point for the celebration in honor of the greatest government document ever written and the men who framed it. We certainly agree that the Bicentennial of the U.S. Constitution deserves special consideratin and treatment.

Senator, The American Legion appreciates your fine support of this initiative and looks forward to its successful movement through Congress.

Sincerely,

E. PHILIP RIGGIN, *Director,*
National Legislative Commission.

Mr. DECONCINI. Mr. President, I am honored to be cosponsoring this bill to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day," and to make this day a legal public holiday. Having this one-time national holiday is only appropriate in celebration of 200 years of our constitutional Government. I believe there is no other document that has more effectively embodied democratic principles than our Constitution.

I have the privilege to serve with my distinguished colleagues, Senator THURMOND, Senator KENNEDY, and Senator STEVENS, as a member of the Commission of the Bicentennial of the U.S. Constitution. The Commission was established to celebrate the historical aspects of the Constitution, with an emphasis on education of the principles that formed the Constitution and the policies that resulted.

Under the leadership of former Chief Justice Warren Burger, the Commission has coordinated many worthwhile activities and projects to commemorate the single most important document in the history of our Nation. I encourage all Americans to become involved with these historical celebrations. It is important for each and every American to understand the concepts of peace and justice which have served as a model for other countries. The Commission has strongly endorsed this holiday, and believes it will properly symbolize the importance of this bicentennial.

Mr. President, I always have reservations in creating holidays that will cost the taxpayers money. Understanding this problem, our Government has chosen to observe, through annual national holidays, a limited number of great leaders and great events in our Nation's history. I can not think of a more justified reason for a one-time national holiday. The Constitution sets forth the foundation and structure of our Nation's laws. Because of this document, we have the most successful governmental system in the world. A legal holiday on September 17, 1987, will create an opportunity for citizens to reflect on the history of our Nation, as well as provide an incentive for local communities across the country to participate in activities to commemorate the founding of our Government. I am extremely proud of the events that have already been planned by various groups in the State of Arizona.

The Constitution is much more than just a historical treasure encased in glass in the National Archives Building. It is a living, functioning document which now as always meets the needs of a changing, dynamic society. Its magnitude and far-reaching effects touch each of us individually. Mr. President, I am hopeful that my colleagues in the Senate will join in support of this important initiative.

Mr. STEVENS. Mr. President, I ask unanimous consent that the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONSTITUTION DAY.

(a) FINDINGS.—The Congress finds that—

(1) the United States Constitution is the cornerstone of our system of Government under law;

(2) September 17, 1987, commemorates the bicentennial of the signing of the United States Constitution;

(3) the bicentennial of the signing of the United States Constitution serves as a reminder and a celebration of the rights, privileges, and responsibilities of citizenship;

(4) the United States Constitution signifies the importance of the rule of law and affirms our dedication to freedom and justice; and

(5) the United States Constitution provides the framework for our law, our spirit, and our beliefs as a Nation.

(b) DESIGNATION.—September 17, 1987, is designated as "Constitution Day".

(c) TREATMENT AS A LEGAL PUBLIC HOLIDAY.—September 17, 1987, shall be treated as if it were a legal public holiday under section 6103(a) of title 5, United States Code, for purposes of—

(1) any statute relating to pay or leave of employees (as defined by section 2105 of title 5, United States Code);

(2) section 2(d) of the joint resolution entitled "Joint resolution to codify and emphasize existing rules and customs pertaining to the display and use of the flag of the United States of America", approved June 22, 1942 (36 U.S.C. 174(d));

(3) section 15(a) of the Federal Contested Election Act (2 U.S.C. 394(a)); and

(4) any other law.

(d) AMENDMENT TO TITLE 5, UNITED STATES CODE, SECTION 6103.—Section 6103 of title 5, United States Code, is amended—

(1) by inserting in subsection (a) immediately after the item relating to Labor Day, the following new item:

"Constitution Day, September 17.";

(2) by striking out "For" in subsection (b) and inserting in lieu thereof "Except as provided for in subsection (d), for"; and

(3) by adding at the end thereof the following new subsection:

"(d) For purposes of statutes relating to pay and leave of employees, Constitution Day shall not be observed as a legal holiday in calendar years beginning after December 31, 1987.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 1986.

RURAL NEWSPAPER PRESERVATION ACT

Mr. STEVENS. Mr. President, today I am introducing the Rural Newspaper Preservation Act. Versions of this proposal passed the Senate twice in the 99th Congress, once as an amendment to the continuing appropriations resolution and once as freestanding legislation. I am hopeful and confident that we will again pass this legislation which in essence reestablishes, for adjoining counties, the old "limited circulation" or "out-of-county" newspaper mailing rate.

The intent of this legislation is to help preserve the small rural newspapers of this Nation. The concept of assisting the preservation of our rural newspapers goes back to 1851. The purpose in establishing reduced postal rates for newspapers 130 years ago was to help the rural publishing business compete in a local market increasingly dominated by regional and national media. It was also an attempt to protect rural culture from annihilation by urban institutions and values.

Mr. President, those same two basic reasons are as valued today as they were almost a century and a half ago. This legislation will not provide a windfall to small newspapers but simply would help assist them to compete with the national media while providing the local news coverage so essential to rural subscribers.

Because of the regional and national media, rural Americans have a greater ability to learn about what is going on in Western Europe or South Africa or the Middle East, for example, than they do in their own local area. Yet, a farmer or rancher 40 miles from the nearest large community needs to know, what is going on in his own area in order to maintain his livelihood and to have an influence on what affects his life day in and day out.

Rural Americans, like their urban cousins, must have a knowledge of what is taking place in their local "world" for this information has a more direct bearing on their own well-being than activities in other areas of the globe. If the limited circulation rate is not restored, rural newspapers may lose the ability to distribute their local publication through the mail at an affordable cost. Cut off from rural subscribers, a local newspaper will succumb to the urban and national media, thus leaving no one to cover purely local events and news. As the demise of small newspapers continues, local information will be left out in the cold.

The cost of this measure is small and will not be borne by any additional cost to the taxpayer. Rather, the cost will be absorbed into the amount currently appropriated for the revenue foregone category for all other preferred mail rate users.

In order to be fiscally responsible, we have looked into what changes can be made in the allocation of revenue foregone to offset some of the increased cost this legislation would have. In this regard, we have again found it hard to justify a revenue-foregone subsidy to large suburban newspapers serving the affluent. Consequently, we have included language in this bill to cap, at 20,000, the number of newspaper subscriptions within a county that can be subsidized. This would save approximately $2 million a year. Although this does not entirely pay for the cost of this new legislation, it does pay for a substantial portion.

Mr. President, I ask unanimous consent to include at the end of my remarks the complete text of the bill.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 700

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3626(f) of title 39, United States Code, is amended to read as follows:

"(f) In the administration of this section, the substitute minimum charge per piece under former section 4358(g) of this title for publications mailing fewer than five thousand copies outside the county of publication shall be limited to so many of such copies as are addressed for delivery within counties adjacent to the county of publication.".

SEC. 2. Section 3626(g) of title 39, United States Code, is amended by adding at the end thereof the following:

"(3) In the administration of this section within any State or territory which has not organized itself into county (or parish) subdivisions, copies of a publication addressed for delivery within the entire State or territory of publication shall be deemed addressed for delivery within the county of publication within the meaning of former section 4358(a), (b), and (c) of this title.

"(4) No more than 20,000 copies of any issue of a publication may be mailed at rates under former section 4358(a)-(c) of this title.".

Mr. PRYOR. Mr. President, I rise today to cosponsor important legislation which Senator STEVENS is introducing to allow rural newspapers to survive and continue providing crucial information to millions of Americans. The bill, appropriately titled the "Rural Newspaper Preservation Act," will restore a limited circulation postal rate for newspapers mailing fewer than 5,000 copies to counties adjacent to the county of publication.

The need for this bill arose in April 1986, when a provision which was in neither the House nor the Senate version of the Consolidated Omnibus Budget Act [COBRA] suddenly appeared in the conference report and totally eliminated the limited circulation rate. It is important to note this bill does not restore rates as they were prior to COBRA. It only does so for newspapers which mail fewer than 5,000 copies to adjacent counties.

As a cosponsor of a similar bill during the last session of Congress, as chairman of the Senate Governmental Affairs Subcommittee which has jurisdiction over the Postal Service, and as a former newspaper publisher, I am keenly interested and supportive of the vital role which the rural press plays in the dissemination of information to our citizens. The limited circulation rate which our bill restores would mean a great deal to the financial ability of individual newspapers across this land to remain in existence.

Mr. President, I know of a number of papers in Arkansas which publish within one county but have a significant circulation base in an adjacent county. Without our bill, these papers will continue to struggle to meet the rising costs of postage, and some may be forced out of business.

Several of the newspapers in my State have expressed an interest in this legislation and have solicited my support. Mr. President, as you might imagine, these folks found a sympathetic ear with this former newspaper publisher. I am convinced that support for this bill is support for allowing rural America to keep its identity and its voice.

I want to urge my colleagues to join with us in an effort to pass this bill promptly. I pledge my support and cooperation to see that we as Americans do all we can to foster the small rural newspaper. This bill is an important step in that direction.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time under the control of Mr. HECHT be transferred to the control of Mr. WEICKER.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. Under the previous order, the Senator from California [Mr. WILSON] is recognized for not to exceed 5 minutes.

VIOLATIONS OF UNITED STATES-JAPAN AGREEMENT ON SEMICONDUCTORS

Mr. WILSON. Mr. President, not long ago those of us concerned with the health of the American semiconductor industry greeted the news of a final agreement with great relief and some celebration. The hope was that our Japanese friends, our allies, our trading partners, would finally reform the practices that have brought about great anguish, great unhappiness, on the part of those of us concerned with the health of the American industry.

The agreement promised three things: it promised that there would be an end to Japanese dumping in the United States, an end to Japanese dumping in foreign markets, and access for American products in Japanese markets.

Mr. President, the agreement has been entered into. Unhappily, there has been sufficient experience to bring about grievous disappointment. It is not being enforced by the Japanese. It is, in fact, in need of our urgent attention.

For that reason, Mr. President, I am offering, with the cosponsorship of Senators MCCAIN, MITCHELL, DANFORTH, DOMENICI, BENTSEN, BINGAMAN, ROCKEFELLER, and WIRTH, a resolution which calls upon the President, expressing the sense of the Senate, to immediately take all appropriate and feasible action under section 301 of the Trade Act of 1984; second, to serve as an incentive for compliance; third, to compensate the United States for the harm suffered on account of noncompliance by Japan, and finally to prevent further injury to the United States.

Mr. President, the very security of our Nation is at stake, not just the commercial welfare of a single industry.

Mr. President, I ask unanimous consent that the resolution be printed at this point in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 164

Whereas the maintenance of a healthy domestic semiconductor industry is essential to the development of the United States economy and the preservation of the national security of the United States;

Whereas the United States semiconductor industry is a world leader in semiconductor technology and has demonstrated its competitiveness in all markets to which it has had free access;

Whereas concurrent with three antidumping cases filed against Japanese companies in 64K DRAMs, EPROMs and 256K and above DRAMs, the United States Trade Representative on July 11, 1985 initiated an investigation into Japanese dumping of semiconductors in the U.S. market and lack of access for U.S. companies to the Japanese semiconductor market pursuant to Section 301(d)(2) of the Trade Act of 1974, as amended;

Whereas on September 2, 1986, the Ambassador of Japan to the United States and the United States Trade Representative signed the Agreement between the Government of Japan and the Government of the United States of America concerning Trade in Semiconductor Products which has been determined by the President to be an appropriate response to the practices of the Government of Japan with respect to trade in semiconductors, pursuant to Section 301(d)(2) of the Trade Act of 1974, as amended;

Whereas in return for Japan's pledge of increased sales in the Japanese market and avoidance of dumping in all markets, the Administration waived the imposition of dumping duties in two antidumping cases and suspended action under Section 301;

Whereas during the last six months, collection of substantial dumping penalties against Japanese companies have been foregone;

Whereas during the last six months dumping has continued and there has been no increase in access to the Japanese market;

Whereas these acts represent violations of a trade agreement negotiated pursuant to the provisions and authority of Section 301 of the Trade Act of 1974, as amended;

Whereas the President has determined that any failure by the Government of Japan to meet the commitments and objectives of the Agreement would be inconsistent with a trade agreement or an unjustifiable act that would burden or restrict U.S. commerce;

Whereas the faithful implementation of the commitments and objectives of the Agreement is the only effective means of addressing the twin problems of access for foreign semiconductor companies to the Japanese market and the prevention of dumping of semiconductors by Japanese companies; and

Whereas the Government of Japan has failed to meet the commitments that it made in the Agreement signed on September 2, 1986: Now, therefore be, it

Resolved, that it is the Sense of the Senate that—

The President should immediately take all appropriate and feasible actions under Section 301 of the Trade Act of 1974—

(A) To remedy and prevent further violation of the Agreement by Japan;

(B) To serve as an incentive for compliance;

(C) To compensate the United States for the harm suffered on account of non-compliance by Japan; and

(D) To prevent further injury to the United States;

Such actions should serve to increase, rather than restrict, international semiconductor trade and be aimed at enforcing commitments and achieving the objectives of the Agreement, both with respect to market access and the prevention of dumping in the United States and other markets;

Such actions should be focused so as to directly penalize those who have acted inconsistently with the terms of the Agreement; and

Such actions may be directed at products which contain semiconductors so as avoid any adverse effects on U.S. semiconductor users.

MAQUILA ASSEMBLY PLANT OPERATIONS OF AMERICAN FIRMS

Mr. WILSON. Mr. President, the 100th Congress will most certainly act on a major trade bill soon.

With the competitiveness debate now raging among Government, union, and business leaders, the House and Senate will undoubtedly consider the fate of the maquila industrial assembly plants in northern Mexico.

The Mexican Government launched the maquila industry over 20 years ago to provide jobs for repatriated workers after the United States ended the bracero policy of importing Mexican agricultural labor.

American firms participating in the program send duty-free materials to Mexican workers who assemble components for U.S.-manufactured goods. To reimport the components, businesses pay a tax equivalent only to the dollar value of labor that the Mexicans contributed during the assembly process.

The maquila industry now employs approximately 175,000 workers in 800 factories on the south side of the United States-Mexican border. More than 200 maquiladoras operate along the Tijuana-Tecate border alone, employing some 35,000 workers. Approximately another 30 plants are under construction in the Mesa de Otay area near the second border crossing. Several major companies, including General Motors, Zenith, and Westinghouse, take advantage of the program.

Maquila factories help the American and Mexican in several ways.

They give a wide range of United States industries the opportunity to compete with Pacific Rim and Japanese firms that enjoy lower labor and production costs. For many American companies, the alternatives to the maquila industry would be a drastically reduced market share, movement of operations overseas, or bankruptcy.

Maquilas, then, do not have the effect of substituting Mexican for American labor. The closures and relocations that would occur in the absence of the maquila factories pose the real threat to U.S. industrial employment. In addition, maquila plants help American businesses adjust to new cost reduction techniques that require the engineering of products in one nation, assembly in another, and marketing throughout the world. By taking advantage of comparatively inexpensive Mexican wages, United States firms remain price competitive against foreign products. Maquilas, therefore, also aid the effort to reduce our international trade deficit.

Furthermore, critics of the maquila industry have yet to provide any hard evidence that the Mexican plant operations cause a substantial loss of American jobs. Indeed, several manufacturing and distribution centers have opened along the U.S. side of the border in response to the need for supplying the maquila factories with industrial parts.

Finally, the maquila industry relieves the competition within our own job market. American-sponsored employment for Mexican nationals reduces the number of emigrants who would otherwise come to the United States in search of work. In addition, the close proximity of Mexico to the United States reduces the high transportation and long distance communication costs incurred by many United States producers who locate assembly plants in Far Eastern countries.

We should also not forget that the maquilas make a significant contribution to a stable Mexican economy and society.

Five years ago, the maquila industry surpassed tourism as Mexico's largest earner of foreign exchange second only to oil. The revenue created by the maquilas has helped Mexico remain one of the few Latin American nations that has not canceled or fallen drastically behind in the interest payments on its foreign debt.

Maquilas also address the problem of finding work for poverty-stricken laborers in the border communities south of the United States. Over 70 percent of all maquila employees are unskilled women with almost no experience or education. But the wages they receive, while low by American standards, allow most of them to support their families and live in adequate housing.

It is wrong to view this matter as another project of a few warm weather lawmakers because it is clear that improvement of the Mexican economy advances our national interest. The maquila program helps in stabilizing hemispheric politics, controlling the flow of immigration, and maintaining our industrial health.

I appeal to the Congress, then, to resist any initiatives that could eliminate U.S. Tariff Codes 806.20, 806.30, and 807. All three of these codes promote the use of American components in Mexican-based maquila factories established by United States firms.

And so during a time, Mr. President, when competitiveness and the trade deficit concern all of us, we cannot afford to turn our backs on the maquila industry.

I have before me the executive summary of a San Diego State University report on maquila factories. The report is entitled "Location Decisions Regarding Maquiladora/In-Bond Plants Operating in Baja California, Mexico."

Mr. President, because this report demonstrates the broad socioeconomic impact that maquila operations have in the State of California and beyond, I ask unanimous consent that the text of the executive summary be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

LOCATION DECISIONS REGARDING MAQUILADOR/IN-BOND PLANTS OPERATING IN BAJA CALIFORNIA, MEXICO

EXECUTIVE SUMMARY

During the period January–July of 1986, the authors carried out a research project funded by the Department of Commerce of the State of California. The study was designed to gather information which would aid decision makers in the State's private and public sectors in understanding the nature of the Mexican maquiladora, how it impacts the State's economy and how the State might best respond to this increasingly important industry. This report summarizes all important aspects of the study.

Part I describes the evolution of Mexico's maquiladora/in-bond industry from the mid-1960's to the present, and the prospects for future growth.

Part II summarizes the design, implementation, and findings of a survey of U.S. and other foreign firms with maquiladora operations in Baja California carried out as a part of this project. The survey identifies certain characteristics of these firms, their primary reasons for locating production facilities in Baja California, the major problems associated with their Mexican facilities, and many of the benefits and costs to the State of California associated with this industry.

Part III presents the authors' conclusions regarding the implications of the study for public policy in the State of California.

In general, the maquiladora/in-bond industry in Baja California represents a significant long-term opportunity for the State of California and could be an important tool for attracting new firms to the State as well as strengthening the competitive position of existing California firms. The data indicate that certain key sectors of California's economy are becoming more integrated with this industry. Therefore, it is in the best interests of the State of California to consider measures which will allow the State's public and private sectors to better understand the nature and consequences of international production sharing.

Specifically the study yielded the following findings with respect to the maquiladora industry in Mexico.

The industry's growth has been very rapid. In 1966 there were some 57 plants with approximately 4,000 workers, while today there are over 1,000 plants with some 300,000 workers.

Although the industry has always been dominated by electronics and apparel firms, it is becoming more diversified with transportation equipment, services, toys and sports equipment, and medical supplies exhibiting substantial growth in recent years. Concomitantly, the percentage of female employment is declining from around 70 percent as product mix and skill levels change.

The maquiladora/in/bond industry is not the same in all parts of Mexico. While almost 90 percent of the industry is located along the border, the maquila is very different in Ciudad Juárez than in Tijuana—the two border cities with the largest concentration of in-bond plants. In Juárez the presence of large, well-established industrial parks and the city's strategic geographical location have attracted many large, Fortune 500 firms from the Eastern part of the U.S., while Tijuana tends to attract smaller, West Coast firms, with a smattering of Japanese giants.

The future of the industry in all parts of Mexico, depends on a complex group of driving and limiting forces including:

How well Mexico resolves the problems that have arisen with the acceleration of the growth of the industry in the last few years (i.e., high employee turnover rates, shortages of trained technical and supervisory personnel, and physical infrastructure);

Continued political stability in Mexico which in economic terms implies some measure of success with reducing inflation, increasing economic growth and employment while maintaining "realistic" wage and exchange rate policies;

Expanding markets in the U.S. without a dramatic increase in U.S. protectionism;

The application in the U.S., Japan, and Europe of the new generation of computer integrated manufacturing (CIM) technologies to the products now being processed in the Mexican maquila industry;

The development of other Latin American export processing zones (EPZ's) close to the U.S. which might receive preferential tariff treatment, such as the Caribbean Basin Initiative.

With respect to the study of maquiladora firms in Baja California which was carried out during the period February-July of 1986:

Comparison of information gathered from recent directories obtained from the Mexican government with that of the sample shows some of the important characteristics of the universe and sample set of firms.

There were 388 maquiladoras in the first quarter of 1986. Using available directories, it was possible to identify and contact 178 of those firms which were based in the U.S. 91 of those companies with maquiladoras in Baja California responded directly to the survey, while another 74 companies were represented in the survey by 12 sub-contractor and shelter firms. Thus, 165 firms (43%) out of a population of 388 were represented.

64 percent of the 388 firms in Baja California and 60 percent of our respondents have maquiladora operations in Tijuana. 26 percent of the all Baja California firms, and 25 percent of the sample are located in Mexicali.

86 percent of the companies which have maquiladoras in Baja California (78 percent of the sample) are themselves located in Southern California.

50 percent of the maquiladoras in Baja California are wholly-owned by Mexicans, according to official government data.

Nearly one-third of the maquiladoras in Baja California (63 percent of the sample) produce electronic components or electrical equipment while apparel represents 14 percent (10 percent of the sample).

The total number of Mexican workers employed by the firms responding directly to our sample (excluding subcontractors and shelter operators) was 31,092 or 69 percent of the 45,112 workers officially registered in Baja California. The average size of plants in our sample was much greater than the average for Tijuana. Thus, our data tends to come from the larger maquiladoras.

The major findings of the survey of firms with maquiladora operations are as follows:

About half of the firms responding to our survey considered countries other than Mexico as locations for off-shore production. Taiwan, Singapore, South Korea, Hong Kong and other southeast Asian countries, as well as Puerto Rico and other Caribbean countries, were frequent second and third choices.

Important position location factors in favor of Mexico relative to the other countries listed above include: lower transportation costs, better quality of life in California for expatriate managers and technicians, lower cost of labor, better availability of labor, and better opportunity for control of day-to-day operations.

Many firms considered other parts of Mexico as alternatives to Baja California, especially Ciudad Juarez, Nogales, Chihuahua City and Matamoros. Baja California's most important position location factor is the quality of life in the State of California for expatriate managers and technicians. Other slightly important positive location factors for Baja California include better opportunity for control, lower transportation costs, and the lower level of militancy of organized labor.

The median total of expenditures (in California) in 1985 in support of a Baja California maquiladora was approximately $275,000. About one-third built support facilities in California, and over three quarters have employees who reside in California but work in Mexico.

Most firms plan to expand their maquiladoras, and over one-third plan to increase California employment.

The most important problems of maquiladoras are: employee turnover, availability of suitable labor, deficient communications technology, and transportation of Mexican workers to and from the maquiladora.

Slightly less than half of the firms responding to the survey experienced a net decrease in U.S. employment as a result of using a maquiladora; the firms which cut back were generally larger than those represented in the sample as a whole.

The implications of this study for public policy in California are twofold:

That the State of California should initiate a dialogue with public and private sector organizations in California and Baja California and should establish certain mechanisms to monitor the maquiladora/in-bond industry in Mexico, and Baja California, on an on-going basis. Specifically, the State should be aware of the growth of the industry and the increasing integration of California-based firms with the maquila, as well as possible changes in Mexican regulations and policies affecting the maquila, which in turn could affect California-based firms.

That the State of California should market the Baja California maquiladora industry as an added benefit to foreign and out-of-state firms exploring California as an industrial site. Apparently, other U.S. states along the U.S.-Mexico border are already doing so in the belief that the potential benefits outweigh the costs.

THE NOT SO SECRET GENIUS OF DANNY KAYE

Mr. WILSON. Mr. President, when Danny Kaye died last week, the world lost its court jester. Perhaps no entertainer of our time exerted more universal appeal than this red-haired Pied Piper, whose antic genius was matched by his boundless curiosity. Danny Kaye was living proof that renaissance men didn't die out with the Renaissance. He achieved in real life all the things that Walter Mitty only dreamed about. He was, in no particular order, a brilliant actor, inspired comic, world-class chef, agile dancer, loyal baseball team owner, and the unstuffiest diplomat ever to don a pair of striped pants.

Danny's idea of a typical day was to start off in the morning behind the controls of a 747, fly to San Francisco to take orders in the kitchen of Trader Vic's attend a Dodgers game in the afternoon, and conduct a symphony orchestra in the evening—leading a performance of "Flight of the Bumblebee" with a flyswatter instead of a baton.

But then, what else would you expect from a man who in his youth held fans for Sally Rand, could pronounce the names of 50 Russian composers in 38 seconds, held France's top culinary award and was an honorary member of the American College of Surgeons?

Danny's versatility made him a man of many faces—and dialects—and mediums. He played everything from James Thurber's fantasy-spinning suburban commuter to Noah in a Broadway musical. He made us giggle as Captain Hook. He made us cry as a Jewish Holocaust survivor in Skokie. Bing Crosby may have sung the title tune in "White Christmas," but it was Danny Kaye who walked off with the movie. And in Hans Christian Anderson, Danny foreshadowed his not so secret life as every child's favorite adult—an elf on leave from the North Pole, a talent for nonsense and a taste for puncturing pretensions wherever they existed.

He spoke the universal language of laughter and the common tongue of music. As UNICEF's traveling ambassador and resident clown, he reached out to children on six continents. Like so many people, I find myself recalling a personal encounter with Danny. He had come to San Diego, to accept a humanitarian award from the National Conference of Christians and Jews. As you might expect, he did not respond with a conventional acceptance speech, instead he improvised a comic performance that had people in tears of laughter.

That award was but one of many showered on Danny by a nation that was both grateful and amused. He won Emmys and Oscars. In 1984, he was inducted into the select circle of artists recognized for their lifetime contributions through the Kennedy Center Honors. He won a place in our hearts long before millions of Americans invited him into their homes, via a weekly television series that was pure magic.

Each Wednesday night, Danny used to end the show by gracefully dancing his way out of the screen. It was the gesture of a modern leprechaun, an eternal child who appealed to the child in the rest of us. The screen went dark last week. But for Danny Kaye, the show will go on as long as people need to laugh, and his unique personality is preserved on film and tape to meet that need. Danny Kaye may have been many men. But there was only one Danny Kaye.

RECOGNITION OF SENATOR WEICKER

The PRESIDING OFFICER. Under the previous order, the Senator from Connecticut is recognized for not to exeed 5 minutes.

CONTRA AID

Mr. WEICKER. Mr. President, I raise the issue of Contra aid before the U.S. Senate, more particularly intending to introduce a resolution of disapproval of such aid for action by this body. I send to the desk such a resolution and ask for its appropriate referral.

The PRESIDING OFFICER. The resolution will be received and referred.

Mr. WEICKER. Mr. President, it is time we, the U.S. Senate, faced up to an issue very much a subject of discussion and debate in this country, and that is the matter of Contra aid. I say this because for months now too many persons have been engaged in a finger-pointing exercise relative to the Iran-Contra scandal. Criticism has been heaped on the President of the United States, criticism has been heaped upon those who serve the President of the United States either for their actions, as with the case of Donald Regan, or their inaction insofar as either Secretary of State Shultz or Secretary of Defense Weinberger are concerned. Personnel of the National Security staff, Oliver North and John Poindexter have all been part of speculation and villification. Special committees have been appointed to ascertain the facts. The first report we have had from such a group was that of the Tower Commission. Focusing mainly on the Iran aspect of the problem the report was highly critical of the inattention of the President. Also appointed are the Senate special committee under the chairmanship of DAN INOUYE, and Vice Chairman WARREN RUDMAN, and a House special committee under the chairmanship of LEE HAMILTON and Vice Chairman DICK CHENEY. All this to ascertain exactly what happened insofar as the Iran-Contra matter is concerned.

Now, I, as everyone else, am very much interested in what happened. But, more importantly, I am interested in what is to be done. We have before us now one-half of this equation insofar as Contra aid being before us and the question arises, What are we going to do about it? This is not a matter of which the American public is ignorant. The matter of our Contra policy has been an overt business for the American public and for the American Congress. It has been no "hole-in-the-corner" business. No one should feign ignorance as to Contra aid. It is a bizarre policy and that is probably the kindest term that describes an overthrowing of a government that we recognize. A government with an embassy here in Washington, DC. This has been legal policy for the United States of America. I would suggest that even if no other fact were known by any committee or by any commission, such a bizarre foreign policy would inevitably involve bizarre details. And so it should have come as no surprise in the matters that are before us that there were Swiss bank accounts, diverted funds, laundering of money and violations of law. What is the problem? Is it details that worry us or is it the policy that brings about concern. The matter of policy is now up for approval or disapproval by the Congress as representatives of the American people. So before anybody points further fingers at the President of the United States for what he did or did not do, each citizen of this country can ask himself and, each constitutional representative can ask himself "Are we with the President on this matter of Contra aid or do we want to see the policy ended and with it the abuses?" You cannot have it both ways. You cannot say, "What an awful mess the President has got us into, but continue the policies that have brought us to this pass."

The scandal does not go away with such fence sitting. Much of the difficulty in which we find ourselves, in which the President finds himself today has come about by virtue of the silence of the Congress and the American people.

It is fair enough to say that we did not know about the arms-for-hostages deal. Neither Congress nor the American people knew about it. But just as certainly we knew about an oddball foreign policy in Central America. And we don't wash our hands of it by saying, "Don't tell me the details".

How much different is that attitude than similar expressions by the Executive of this Nation and by his Cabinet members? No different at all. They liked the policy, but didn't want to know the details.

That is what I call the King Henry II scenario. King Henry was that monarch in Great Britain who one evening, in the presence of his lords and his knights, made the following statement when referring to Sir Thomas Becket, the Archbishop of Canterbury: "Will nobody rid me of this troublesome priest?"

Several of his knights, taking the King at his word, went out, found the archbishop at his devotions in the cathedral, did him in, and came back and told King Henry of what they had done. King Henry's response was a shocked "I didn't mean that."

Well what do we mean in Nicaragua? The time has come to spell it out. We cannot have a policy such as Contra aid without accepting the details that go along with it. And those details are not just the responsibility of the President or Oliver North or John Poindexter or any other assignee—those details are as much our responsibility as they are the responsibility of the aforementioned.

Or, conversely we can say the details will not be our responsibility as we do not accept the policy.

I get into some difficulty with Members on my side of the aisle, many of whom back the President on Nicaragua, but I have a few choice words for my friends on the other side of the aisle. Their silence—in some instances, their active voting for this policy—is as much responsible for the predicament we are in as the President's inaction or somebody else's action within the administration.

Several weeks ago, we passed—I say "we"; the Foreign Relations Committee of the U.S. Senate passed—a bill which in effect would cut off Contra aid. That has been languishing on the floor of the Senate. I understand that with respect to the matter of whether there should be a resolution of disapproval, there is debate within Democratic ranks as to what should be done, many fearful of losing on any vote. I do no know if we are going to win or lose a vote but I know there is no better time than now to have us stand up and face the heat that many are so ready to focus solely on the President.

The PRESIDING OFFICER. Will the Senator suspend? The Senator's time has elapsed.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, not to exceed 1 hour, with statements therein limited to 5 minutes each.

Mr. LEAHY and Mr. WEICKER addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much longer does the Senator from Connecticut desire?

Mr. WEICKER. I say to my distinguished colleague from Vermont that I would like 2 or 3 minutes to wind up.

Mr. LEAHY. I say to the Senator from Connecticut that I am going to ask unanimous consent to continue for about 12 or 13 minutes on a speech on the same subject that the Senator from Connecticut is discussing; but if he has only a few more minutes to go, I would be perfectly willing to let him finish.

Mr. WEICKER. I ask my distinguished colleague from Vermont if I could take 5 minutes in the morning hour, and that will be the end of my talk on this matter.

Mr. LEAHY. Mr. President, I ask unanimous consent that the Senator from Connecticut have 5 minutes more and that then I be recognized, notwithstanding the order for time, not to exceed 15 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The Senator from Connecticut.

CONTRA AID

Mr. WEICKER. So, Mr. President, the debate has been raging, apparently, in Democratic ranks, as to exactly how this issue should be raised before the U.S. Senate in order to ensure its greatest possible political success.

Now, look: The greatest possible success on this particular issue is going to be brought about by raising it before the U.S. Senate and the American people with a vote. Let us have a vote on this policy, which has already brought into disrepute countless individuals, countless institutions, and the reputation of this Nation. There is no slick parliamentary way to ease out of it. The time has come to vote up or down on Contra aid.

There are those who subscribe to some sort of moratorium—a moratorium on aid until we ascertain facts in committee. That is similar to the Democratic House voting for humanitarian and nonlethal aid, and then saying, "They broke the law because they used the money for military aid."

There was not one person in Washington, DC, when that money was voted for humanitarian and nonlethal aid, who did not fully understand what they were voting for. They were voting for military aid to the Contras.

Use all the fancy words you want—moratoriums, nonlethal, humanitarian. Use any term you want. The fact is that by the use of paid mercenaries, you are continuing a policy of overthrowing a government we recognize. That policy has never had the support of the American people. We know that. But, more important it is wrong from any standpoint—practical, moral, constitutional; you name it. It is wrong, and should be faced up to.

Why did we have the provision in the law requiring the President to come back to Congress? Because even at the time of passage there were reservations in the minds of Members of Congress as to the sagacity of our Nicaragua policy. So, for the last portion of aid, the President had to come back, either for no action, in which case the policy continues, or a resolution of disapproval by both Houses. Now we are trying to skirt that issue as people are trying to find out where the votes are and how they fly.

Even in his present slightly weakened political state, too many of my friends on both sides of the aisle are unwilling to stand up to the President of the United States. Seeing the havoc that this policy has wreaked on this Government, we still want to tread softly on Contra aid. Many do not know whether even now it is politically smart to actively oppose it and to vote against it.

I want to get one other thought off my chest while I have the floor.

I sat through that State of the Union speech a while back. I am now paraphrasing what was in that speech, but basically the President said: "If you're not for me and my Contra policy, you're being soft on communism in that part of the world. You either believe in these paid mercenaries, in their activities against the Government in Nicaragua, as a patriot or you're walking out on a Communist takeover.

Nuts. There are those of us who believe in a very activist role for the United States in Central America, South America, and the Caribbean, and have long advocated it. That part of the world is a textbook case insofar as the conditions that permit communism to enter are concerned.

Through Democratic and Republican regimes alike, we have totally neglected our neighbors to the south, and we are paying the price for that now. So the alternatives are not to do nothing or go in with paid mercenaries. It is to do actively the things that Central America, South America, and the Caribbean are looking for: bring a quality of life that includes education, that includes medical care, housing, all those things which have been totally lacking and which now a totalitarian philosophy promises.

The PRESIDING OFFICER. The Senator will suspend. His time has elapsed.

Mr. WEICKER. If I might have 1 minute and I ask for that.

Mr. LEAHY. I am perfectly willing to continue to yield but I was told to come over at 3:15. I have a 3:30, 3:45, and 4 o'clock meeting.

Certainly if you want another minute, I will yield.

Mr. WEICKER. I thank my good friend, PAT LEAHY. I will keep it to 1 minute.

Mr. President, I hope the discussion will now take place that has people standing up and getting counted. Let the people in this country have their Senators know how they feel. If you don't care or don't vote, then don't do a tap dance on the President.

There are those who said Shultz and Weinberger were the worst because they knew about Iran-Contra and didn't do anything about it. Well we know about it on the Senate floor and are not doing anything about it, the same with the American people. If we do not like grubby details, then say no to a grubby policy.

Mr. President, I ask unanimous consent that the following article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From The New York Times, Mar. 10, 1987]

CONTRAS RAID CIVILIAN TARGETS

(By Stephen Kinzer)

ACOYAPA, NICARAGUA, MARCH 8.—When gunfire erupted Wednesday night around the Quisilala cattle cooperative, Dominga Solana, 26 years old and quick, dived for cover.

Miss Solana's arm was shattered by a rifle bullet, but she survived and is hospitalized. Her mother and three others at the cooperative, including a 15-year-old girl, were killed.

"The contras came in shooting, and we had no soldiers to defend us," Miss Solana said from her hospital bed. "They stole cattle and burned our houses."

The raid at Quisilala, near the town of La Esperanza, 225 miles east of Managua, was the most recent in a *continuing series of attacks by United States-backed rebels, known as contras, against civilian targets.* A trip through the contested zone indicated that contra units operating here have not significantly changed their tactics despite strong pressure on them to do so.

The contras' human-rights record has cost them important political support in Washington and elsewhere, and some contra leaders have vowed to take action to change patterns of abuse. Contra squad leaders recently trained in the United States were reportedly taught to avoid civilian targets and concentrate on engaging the Sandinista army

In this part of Nicaragua, the Sandinista Government is widely unpopular. Contra forces arriving here from bases in Honduras hope to build both a military and political base, according to diplomats.

Yet in many towns in and around Chontales Province, residents have vivid stories to tell of atrocities they say have been committed by contra forces in recent months.

"Naturally there are wounded soldiers too, but there is hardly ever a time when we don't have civilian victims here," said Dr. Javier Luna, director of the Camilo Ortega Saavedra Hospital in Juigalpa, where Miss Solana is a patient.

In the small farming village of El Nispero, a group of more than a dozen residents waiting for transportation near the main road Sunday told how six of their neighbors were killed in a contra raid Dec. 9.

Speaking separately, several gave nearly identical accounts of the attack. They said that a 9-month old infant was bayoneted to death and that two elderly women were shot dead after being forced to lie on the dirt floor of their home.

Also killed in the raid were two men cut down as they ran toward their homes and a pregnant woman who, villages said, was shot in the stomach.

"They took three of our people away with them, and who knows if they are alive or dead," a resident, Antonio Diaz, said. "It was something terrible."

OFFICIALS USE CAUTION

Not all victims of contra attacks in this area are civilians. Area residents said, for example, that the seven people killed in an attack on the village of Colonia Rio Rama on Feb. 16 were not civilians, as reported in the official Sandinista press, but rather armed and uniformed Sandinista soldiers.

The residents' version was confirmed by foreigners who regularly travel through the area.

Some of the civilians who have been killed by contras in this area in the last few months were Government employees. Off the main roads, officials travel with caution. Some prefer to drive unmarked vehicles.

"Contras maintain themselves here, and they have made this quite a hot area," said Marina Orozco, the Sandinista Mayor of Acoyapa.

On Jan. 7, Miss Orozco set off from Acoyapa to the village of Santa Marta accompanied by a doctor, a dentist and two officials of the Agriculture Ministry. They had asked everyone in Santa Marta with medical or dental problems to be ready for treatment that day, and they were also planning to hear demands for land made by several groups of peasants.

After arriving in Santa Marta, the officials, as planned, sent the drivers of their three jeeps back to Acoyapa to pick up a cargo of barbed wire. The caravan was ambushed, and all three drivers, one of them a Sandinista soldier, were killed.

A soldier based in Acoyapa, José Luis Gómez, confirmed the account, as did an aide to the mayor and two civilians who live in the town.

In the grazing country south of Acoyapa, in the heart of Nicaragua's beef belt, contras have managed to disrupt life on some government cooperatives. Their leaders have argued that since the cooperatives produce food for the government supply system and are normally guarded with Sandinista weapons, attacking them is a legitimate tactic.

One area southwest of Acoyapa is now inhabited only by scattered families who farm small private plots and live off the land. Members of three such families told of two attacks on cooperatives.

On Nov. 27, they and other area residents said, raiders struck the San Pancho cooperative 15 miles west of Acoyapa. According to four residents interviewed separately, the attackers burned several houses and kidnapped at least seven residents. The rest fled, and the ranch is now abandoned.

The raid on San Pancho did not scare away the 10 Hurtado López brothers who ran El Chaguite, a well-known cooperative two miles away. In interveiws where they are now living in refuge, two of the brothers said they were not suspicious when a census taker visited on Jan. 11 and learned that only four people were at the ranch.

But the next morning, they said, a band of contras attacked El Chaguite. According to their account, two brothers picked up rifles and tried to resist but both were shot, one fatally. Two women, relatives of the men, were kidnapped, but both managed to escape 24 hours later when their captors were distracted by a passing Sandinista patrol.

"We were walking the whole time and they made us carry their equipment," said one of the women, Maria Elena Suazo, 17 years old.

The Hurtado family has now abandoned El Chaguite and is gathered in Julgalpa, the capital of Chontales Province.

"If things calm down and the situation is controlled, we'd like to go back," said the wounded brother, Noel Gómez Hurtago, 21 years old, who was lying in bed with his left leg in a cast from hip to toe. "If you don't work, you don't eat."

Mr. WEICKER. I thank again my distinguished colleague from Vermont who I am sure in the course of the next several days will also be heard on these matters, but in any event for his courtesy and kindness to me I am deeply appreciative.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank my colleague and very good friend from Connecticut for those kind words. I do intend to be heard on the same subject, in fact, right now.

Mr. President, the administration has asked Congress to release another $40 million of U.S. taxpayers' money to the Contras, who are fighting to overthrow the Government in Nicaragua.

President Reagan submitted a report to Congress last week that triggered the payment of the aid. Congress has only 15 days from March 6 in which to act before the funds are automatically released, and the Senator from Connecticut has now assured that there will be a vote on that issue.

We are now in the 6th year of the Contra war. Nothing has been achieved. The State Department says it has no idea how many people have died. Estimates run into the tens of thousands. Many of the dead were women, children, and peasant farmers who cared little about the ideological and military struggle being waged in their names.

Mr. President, this failed policy must end.

Let us take a look at where we are.

After 6 years of war, the Contras have failed to accomplish anything the State Department claimed possible. There had been no march on Managua, no nationwide revolution. The Sandinistas are consolidating rather than sharing their power.

What are the Contras? They remain a foreign-based, foreign-supported and, to a large extent, foreign-run insurrection without support of the Nicaraguan people. That is not what the administration promised.

To achieve so little has cost us hundreds of millions of dollars. Unknown are the millions from private sources channeled to the Contras or supportive mercenary operations during the period when Congress thought military aid was suspended. In fact, we still await revelation of administration involvement in this circumvention—if not outright violation—of the law in providing unofficial military assistance between October 1984 and October 1986.

We have congressional committees investigating the Iran and Contra scandals to uncover the truth and **expose the falsehoods of United States officials who conspired and connived to get around the law and the will of Congress and in some instances came and lied to Congress about what was going on.**

Today, after years of heavy-handed American tutelage, the fractious Contra political leadership is in disarray. Arturo Cruz, the only real democrat in that leadership, has washed his hands of the whole enterprise because of its domination by Contra military leaders. Mr. Cruz despairs at the absence of any serious democratic political component to the Contra insurgency. This is really a revealing indictment of the utter failure of the administration's goal to make the Contras a democratic movement capable of uniting an anti-Sandinista uprising throughout Nicaragua.

What twisted analogy to the Founding Fathers will the "see-no-evil" defenders of the Contra policy think of next? The good life in Miami and lectures on the Bill of Rights have not convinced most Contra leaders of the virtues of American-style democracy. Many remain determined to restore the old landowning oligarchy that kept Somoza in power so long.

The revolution of 1979 will not be turned back. Administrtation defenders of the Contras denigrate those who dare suggest that 6 years of a flawed and failed policy is enough. They say it would be immoral to abandon the Contras—and label opponents un-American. When logic and reason depart, name-calling usually begins.

Spending $100 million; or 100 times that, is not the issue if we truly enhance our national security. But what do we have here? Retired General Gorman, the former commander of U.S. military forces in Central America, recently told Congress that the Contras cannot defeat the Sandinista army—without the United States sending in our own forces. In fact, General Gorman called the Contras an irritant, not an army.

But what sits just beneath the surface of what he was saying is that if the administration wants the policy of overthrowing the Sandinista government to succeed, it is only going to be done if we send in American troops. The only way that the administration policy will be carried out is if Americans are down fighting and dying in the jungles of Nicaragua.

Is there a single Member of this body who thinks for one moment that there is a consensus in this country to send American troops down to fight in Nicaragua? I doubt it.

The American people, as in so many other areas, are ahead of their own Government. They understand the realities of Central America. They oppose the administrations support of the Contras.

The administration defines its goal as political compromise, not military victory. Yet, Special Envoy Philip Habib tells Congress that negotiations are useless because the real conflict is between the Sandinistas and their own people, and not with us. Just another contradictory and self-serving explanation for this administration's refusal to even attempt a political settlement in Central America.

Just more proof that the administration's single option is the reliance upon military force.

Why the continued reliance upon a fatally flawed policy after years of failure and damage to U.S. interests?

We are treating a tiny country the size of North Carolina, with fewer than 3 million people—most of them impoverished farmers—as a national security menace. The Contras have been killing Nicaraguans with our support in the name of democracy. This same administration seeks better relations with the Soviet Union and China—neither bastions of democracy.

And not only that. We sell missiles to terrorists in Iran.

Do we really fear opposing a popular President and risking the label of "soft on Communism," even to stop a policy that has so clearly failed and is so tragically wrong

Giving titles to these Contras and calling them the moral equivalent of the Founding Fathers is supposed to convince us they are worth supporting. I wonder which of the Founding Fathers the "moderate" Ayatollahs in Iran resemble? This administration wanted to support them, too.

Maybe it is time to stand up like the child in the old fable and say the emperor has no clothes. This sort of foreign policy has no clothes.

The great majority of Nicaraguans who rose up against Somoza did not want or expect a Marxist government in its place. The United States has no right or duty to bring military pressure upon the Sandinistas unless a threat to our national security exists. Our policy in Central America should be to strengthen democracy, ensure social justice, and assist economic development.

Let us try to figure out how to begin now.

First, the United States must end all support for the Contra insurgency, if there is to be any hope for peace in Central America, in fact if there is going to be any credibility in our foreign policy.

Such an abrupt reversal of policy would not be the first time this administration has cut its losses in the face of a foreign policy disaster. It happened in Lebanon. It happened in the Philippines, and we all know it happened in Iran.

In his March 4, reply to the Tower Commission report, President Reagan said:

> You know, by the time you reach my age, you've made plenty of mistakes if you've lived your life properly. So you learn. You put things in perspective. You pull your energies together. You change. You go forward.

The President should learn from his mistaken policy of supporting the Contras.

If he does not, then Congress must take what we have learned, put our energies together, and go forward—without him. Did we not learn at least that much from Vietnam.

Congress should disallow any further funds for the Contras.

Two bills recently introduced by Senator DODD and Senator HARKIN would accomplish this first step. The Harkin bill would withhold disbursement of the remaining $40 million until the House and Senate special committees investigating the diversion of money from Iran arms sales to the Contras have completed their inquiries. There are millions of dollars that remain unaccounted for.

The Dodd bill goes further, by cutting off any further aid to the Contras, except to assist in their relocation, and providing $300 million in new economic aid to Nicaragua's neighbors. A third provision would bar future U.S. aid to any country that assists the Contras.

I have some reservations with the additional $300 million. The Foreign Operations Subcommittee has yet to hold hearings on foreign aid levels. Where does this extra $300 million come from. I know the democracies need support. But I need many more details about this aid and how it would be divided among the countries and how we can be sure it strengthens democratic government and doesn't wind up in the hands of the military or the pockets of the rich.

Second, Secretary of State Shultz, who recently met in Washington with Oliver Tambo, head of the African National Congress—which the administration accuses of being led by Communists should meet personally with Nicaraguan Foreign Minister D'Escoto. If we can attempt rapprochement with "moderates" in Iran, we can talk directly with the leaders of Nicaragua.

We should disallow any further funds for the Contras.

I remember, Mr. President, coming here in January 1975, when I was a brandnew 34-year-old Member of the Senate. Debate had been raging for years about Vietnam. Even though everybody was either for or against the war, not much happened in the Senate.

Finally, in April 1975, we determined here in the Senate to authorize no more money for the war in Vietnam, which we should have done years before, and the war stopped.

I recall later standing here on the floor of the Senate, I believe sometime in early 1977, saying how interesting it was that I could not find a single Member of the Senate who was a strong supporter of the war in Vietnam. Yet, certainly a majority of this body had to have voted to continue to send money to Vietnam during all those years before we got out.

I wonder if someday, a few years from now, after this policy in Nicaragua and Central America follows its inexorable course toward disaster, Senators will again stand up and say, "I always had questions about the war in Central America. I was never really a supporter of it."

Someday we will have to look back and ask ourselves who did vote to spend the money for the Contras?

After all, lieutenant colonels operating out of the White House, cannot support this war all by themselves forever. We cannot just point the finger at them and say they are the only ones at fault. We here in the Senate are also at fault if we do not stand up right now and say "no."

I believe Secretary of State Shultz should meet personally with Nicaraguan Foreign Minister D'Escoto. If the administration can attempt rapprochement with "moderates" in Iran, surely we should be able to talk directly with the leaders of Nicaragua. United States officials can go to Nicaragua without a false passport. They can go with a U.S. passport. They do not have to use an Irish passport to do it, like the American officials did when they went to deliver missiles to Iran.

Secretary Shultz should clearly define United States security concerns about Nicaragua. He should state plainly that we will react vigorously—and not through a third-rate insurgency—if Nicaragua accepts sophisticated offensive weapons, permits foreign military bases, or threatens one of her neighbors. The Sandinistas should understand that the United States will act forcefully to protect our national security, and that of our allies.

Third, we must implement a comprehensive policy of political, diplomatic, economic, and appropriate military support for democratically elected governments in the region. Democracy is the best defense against subversion and radical revolution. People whose human rights are respected, who are part of the political process, are not susceptible to communism.

For 6 years this administration has ignored these basic truths, choosing instead to force military solutions, backed up by the U.S. taxpayers' money. Between 1980 and 1985, military aid to Central America increased 24 times, while economic development aid only doubled.

The administration sends guns and helicopters and trains soldiers in an area where illiteracy, famine, and disease are the real enemy of the people.

If democracy is going to survive in Central America, our help will be needed—not for guns but money for schools and hospitals, and training for teachers, doctors, and engineers.

The United States stands for democracy, and not the overthrow of constitutional, democratic governments.

We must give full support to the efforts of Nicaragua's neighbors to settle their differences peacefully. Today we continue to denigrate and undercut these efforts, lest some agreement be reached which would allow the Sandinista government to remain in power. The administration has never made a concerted attempt to negotiate with the the Sandinistas comparable to Camp David, or the Paris peace talks. That kind of high level, sustained diplomacy should be an integral element of our policy in Central America.

The time could not be better for such an effort. President Arias of Costa Rica has initiated his own regional peace plan. With the leaders of Nicaragua's other three neighbors—Honduras, Guatemala, and El Salvador, he invited Nicaragua to join in establishing a peaceful and democratic Central America. These are the countries most effected by the existence of the Sandinista regime. Their leaders are committed to preserving their fragile democracies. Who is better able to understand and deal with Nicaragua than its neighbors, whose history, culture, and geography are so closely entwined?

President Arias' plan should be carefully studied by every Member of Congress before the next vote on continued aid to the Contras. It contains the following points:

First, national reconciliation, beginning with amnesty for political and related offenses, monitored by a commission, and dialog with nonmilitary internal opposition groups.

Second, a cease-fire.

Third, a process which would lead to a democratic, representative government, and guaranteed civil rights.

Fourth, free and democratic elections, monitored by the Organization of American States, for membership in a newly created Central American Parliament.

Fifth, a suspension of all extra-regional military aid, overt or covert, to isurgent or irregular forces.

Sixth, an end to attempts to destabilize the governments of Central America.

Seventh, a reduction of arms.

Eighth, creation of a committee comprised of the Secretaries General of the United Nations and OAS, and the foreign ministers of the Contadora nations, to supervise and verify the execution of the peace plan.

Ninth, an evaluation of progress by the Presidents of the five Central American countries.

Tenth, economic and cultural agreements which will encourage accelerated development.

The Costa Rican plan may not succeed, but it certainly serves as a basis for further discussion. The Sandinistas have agreed to meet with their neighbors on the Arias proposal. They have important economic and political reasons to want a cessation of tensions and conflict. Their economy is a shambles. Their people are faced with daily shortages of food and other necessities. Half of their budget goes into military defense. Their foreign debt is rising. They need to change course.

Too often this administration has hastily dismissed efforts by the Central Americans to settle their differences, and accused the Sandinistas of deceit when they refused to bargain on our terms. Any sign of willingness by the Sandinistas to negotiate should be encouraged. Their own constitution is based on democratic principles, but as long as the Contras have the support of the United States the Sandinistas have an excuse to consolidate their power.

The United States should stand back and give this new peace plan a chance. This is an opportune moment.

The security of the United States is not damaged by taking a few months to determine whether peace is possible. We are not suddenly going to find our borders overrun. We are not going to find ourselves less secure as a nation by showing restraint. In fact, we may find ultimately that in peace there is far more security for the whole region.

The Congress is deeply divided over the policy of supporting the Contras. A democracy such as ours cannot engage in a war, even by proxy, without a broad consensus that there is a clear and present threat to this Nation and its allies. It is patently clear to all but the blindest ideologues that there is no consensus in Congress or among the American people to sustain this policy.

If we persist, the outcome is surely a prolonged, costly, and divisive military involvement with the inevitability of direct participation by American forces. That, of course, is the clearest analogy to Vietnam.

If we change the course and use our influence to nurture the seeds of democracy in Central America—schools, trade unions, fair judicial systems, representative local governments—this military engagement can be prevented.

Our standing in the world, and the prospects for peace in Central America, can only improve if we have the courage to change course in Nicaragua and do it now.

RECOGNITION OF SENATOR REID

The PRESIDING OFFICER (Mr. DASCHLE). The Senator from Nevada.

Mr. REID. I thank the Chair.

FAIR CAMPAIGN ENFORCEMENT

Mr. REID. Mr. President, in 1863, in the midst of a civil war upon which hung the fate of the Republic, Abraham Lincoln spoke at Gettysburg. He promised that Government of the people, by the people, and for the people would not perish from this Earth. Our Nation survived that conflict.

We survived, but I fear that the ideal of which Lincoln spoke has most grievously suffered. Government of, by, and for the people has, over the past few years, increasingly become Government elected from the rich, by the rich, and for the rich.

In great part, that perversion of the concepts of Jefferson and Madison has crept silently over us. Unfettered monetary power stalks the land, and the very entity this Congress created to curb that abuse of power trembles impotently before the onslaught.

I am speaking of the Federal Election Commission, a body of noble concept and brave ideals, which has failed in its fine promise. To some extent that failure is our own, for partly it results from the lack of a clear mandate to enforce the existing campaign laws as well as any new election laws we may pass in the future.

The people, the political parties and the political action committees all view the FEC as a political animal, of fierce demeanor, but toothless in reality and the lap dog of the interests it is supposed to control.

To the extent we in Congress have drawn those fangs, or failed to provide them, we are responsible for this tame poodle. If, as some say, a camel is a horse designed by the Congress, perhaps the FEC is our version of a bulldog.

Very soon I will introduce a bill which I believe remedies the defects in enforcement which may be laid at our doorstep. That legislation, which will expedite investigations, stiffen enforcement, and strongly discourage violations, is designed to compliment the Boren/Byrd Act which is presently in committee.

I have cosponsored Boren/Byrd, and worked with its drafters in the preparation of the law I intend to offer. I firmly believe that, taken together, the Fair Campaign Enforcement Act, and Byrd/Boren, will dam the torrent of cash which inundates every election, and will ensure the survival of Government of, by, and for the people.

ENERGY SECURITY ACT OF 1987

Mr. BENTSEN. Mr. President, with a new year just underway, many of us have recently made resolutions for the future. And that sturdy tradition can apply to the United States as well as individuals. One purpose of that tradition would be apply a longer term time horizon to current policies—to ensure that current policies are promoting the longer term well-being of the United States.

I am convinced that the administration's energy policy does not satisfy that criterion. Last year, the Organization of Petroleum Exporting Countries or OPEC aggressively drove world oil down by over one-half. That policy was the immediate result of Saudi Arabia's efforts to expand its oil revenues. But it dramatically highlighted the instability in world oil markets. During this period, the administration has not revised its energy policy to reflect the great instability sweeping the domestic oil industry. As a result, its energy policy has permitted OPEC to dictate domestic energy prices. And OPEC's policy has been to promote demand over supply, to promote imports over domestic production, and to discourage domestic U.S. production. That instability has been magnified by price gyrations since then. Those policies expose our economy to disruption and threaten to hold our foreign policy hostage to the OPEC. And they pose a genuine threat to our national security which must be turned aside by adoption of a new energy policy.

DOMESTIC OIL PRODUCTION

Perhaps the most telling impact of current administration energy policy has been to dramatically hobble the domestic oil exploration and production industry. It has done so first by permitting OPEC to drive prices to bargain-basement levels last winter, and then by permitting OPEC to maintain a policy of price instability more recently.

The most recent data for 1987 show that domestic crude and natural gas liquid production is off nearly 1 million barrels compared to the comparable period last year. U.S. production is now running below 1981's production rate—a giant step backward.

Exploration activity fell much more dramatically last year than production. That is perhaps reflected most eloquently in industry employment which fell by 144,000 last year to 582,000, the lowest level since 1977. Spending by U.S. firms on exploration and production dropped below $23 billion last year compared to nearly $30 billion in 1985. The Hughes rotary rig count plunged to average barely 900 in 1986 from nearly 2,000 a year earlier. And overall drilling activity dropped off a cliff, falling an enormous 60 percent in 1986. As a result, it is an even bet that U.S. oil reserves will show a decline for 1986 when the final data becomes available later this year—reversing the recent national trend toward reserve additions. And that decline will accelerate in future years because changes in exploration activity take 4 or 5 years to be fully reflected in reserve data. Indeed, a recent Library of Congress study projected that current price instability will cause domestic production to fall at least 17 percent before the turn of the century.

RISING DOMESTIC DEMAND

Despite the 4-percent decline in production last year, consumers reacted strongly to lower prices. Domestic demand jumped 3.3 percent, or more than 500,000 barrels per day. And like production, this unfortunate trend accelerated during 1986. For example, demand in the last several months of the year was over 900,000 barrels higher than the comparable period in 1985. Compounding this bad news was the administration's decisions to rollback auto fuel efficiency standards and weaken standards for energy conservation in Federal buildings. I might add, Mr. President, that the administration's new fiscal year 1988 budget continues this misguided policy. It promotes energy consumption in calling for a 45-percent reduction in the Federal budget for solar energy R&D and for energy conservation.

RISING IMPORT DEPENDENCE

Rising demand and falling production last year created an energy gap which could only be filled with foreign oil. Oil imports jumped in 1986 by one-third to 5.9 million barrels per day from 3.9 barrels per day in 1985. And by the end of 1986, oil imports were flooding in at 6.3 million barrels per day. As a result, our dependence on foreign oil last year rose to nearly 40 percent, far above the 27-percent level in 1985. More importantly, our dependence is now considerably above the 33-percent vulnerability level which precipitated the 1973 OPEC oil crisis in this country.

U.S. dependence on foreign oil will surely continue rising in the years ahead as OPEC's strategy of price instability is pursued, further weakening the U.S. oil industry. The Library of Congress has predicted that foreign oil imports will jump past the dangerous 50-percent level by 1990. Chase Econometrics is projecting a 20-percent decline in the number of large U.S. oil wells in operation by 1989. Chase is forecasting that 30 percent of stripper wells will be shut in by then, as well. And Dr. William Fisher of the University of Texas has noted that the giant Prudhoe Bay field will begin declining in 1988 by as much as 200,000 barrels per day. Alaskan production boosted overall U.S. production in the eighties, but it will soon begin to exacerbate the production decline. Others have reached those same conclusions. And even Deputy Secretary of Energy Danny Boggs testified last March that our oil dependence will exceed 50 percent by 1990 or 1991.

Even more alarming, most of the rise in oil imports in 1986 and in the future will come from OPEC nations. Other oil sources in nations like Canada or the North Sea are peaking, and OPEC is the only ready source to meet our ballooning appetite for oil. In June 1985, for example, we imported a bare 26,000 barrels of oil from Saudi Arabia. But imports from Saudi Arabia jumped to 664,000 in January 1986. and OPEC nations now account for 43 percent of U.S. imports compared to 36 percent in 1985. At present trends, OPEC will be supplying 50 percent of U.S. imports by next year. And more broadly, the National Petroleum Council on October 9, 1986 noted that the entire non-Communist world's dependence on Middle East OPEC oil could rise by 50 percent as early as 1990.

Rising dependence has alarmed some in the administration. Former Energy Secretary and current Interior Secretary Hodel has said that, "people will be sitting in gas lines anytime within the next 2 to 5 years, with OPEC back in the driver's seat." Moreover, he has noted that an energy crisis like 1973 is, "almost a certainty," without a recovery in domestic oil production. These fears are warranted. Higher oil prices in the seventies and early eighties reduced world-wide oil demand by 7 million barrels per day while increasing non-OPEC production by 6 million barrels per day. Awash in oil, world prices declined. OPEC's stranglehold on world oil markets was loosened, with its own production ebbing to 16 million barrels in 1985 from 31 million barrels in 1973. But that stranglehold will reemerge in the future as price volatility continues to shrink non-OPEC output. OPEC is the only major source of oil to offset these production declines and meet rising oil demands. Indeed, OPEC's production expanded a sharp 16 percent to 18.6 million barrels last year. And the combination of rising demand and falling production will increase U.S. imports alone by 4 million barrels at the end of this decade. Similar trends elsewhere will cause OPEC production to soar in the years immediately ahead, dramatically increasing the probability of oil price shocks and embargoes.

A NEW ENERGY POLICY TO PROMOTE NATIONAL SECURITY

The United States faces a perilous energy future under current policies.

Demand will continue rising and production will continue ebbing as a result of OPEC-manipulated price instability. That will push our oil dependence to excess, and experts have no doubt that an oil import disruption will inevitably occur because of that excessive dependence.

Drs. Broadman and Hogan of the Harvard University Energy and Environmental Policy Center have put a great deal of thought into our energy future, and they concluded in a report released in November that current oil prices do not reflect the true cost of dependence on insecure oil sources. We are enjoying cheap oil now but are risking supply disruptions in the future as import dependence increases. A number of experts, including George Keller, chairman of the American Petroleum Institute, have urged adoption of a survival price for the domestic industry—a price enabling it to plan production and exploration with some degree of assurance about future prices.

I agree that price stability is needed to prevent further deterioration in U.S. oil dependence. Indeed, last year, I proposed that domestic price stability be achieved with an oil import fee. The purpose of that proposal was to prevent oil dependence exceeding the danger level of 50 percent.

The question is how to focus the full administration's attention on the national security dangers posed by rising oil dependence. The administration's energy policy and absence of a major attention to energy in the new budget are strong indicators that the administration does not fully appreciate these national security dangers. I believe the most effective way to focus the administration's attention on this crisis is for Congress to adopt an energy policy which requires a careful monitoring of our energy dependence and action by the President if that dependence rises above 50 percent.

EXPLANATION OF LEGISLATION

I introduced legislation to establish such an energy policy in the last Congress, entitled the Energy Policy and Security Act. And I am reintroducing that legislation today under the title, "The Energy Security Act of 1987." The bill is straightforward.

First, it establishes a national energy security policy designed to limit U.S. oil dependence to 50 percent of domestic demand.

Second, it requires the President to annually submit projections to Congress detailing anticipated domestic oil production, demand and imports for a 3-year period. He is also obligated to certify if foreign oil imports are expected to exceed the 50-percent ceiling during that 3-year period.

Third, the Congress has 10 session days to review these projections and modify the Presidential certification if appropriate.

Fourth, if imports are projected to exceed 50 percent, the President is obligated to submit an energy plan to Congress within 90 days containing steps adequate to prevent exceeding that ceiling. My legislation notes a number of steps which the President can include in his plan, including energy conservation and import fees. The legislation requires him to act, but it does not mandate any specific course of action.

Fifth, Congress may modify the President's energy plan within 90 days, and it must be approved by joint resolution.

Mr. President, I ask unanimous consent that the text of the "Energy Security Act of 1987" be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Security Act of 1987".

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—The Congress finds that—

(1) the United States is the leader of the free world and has world wide responsibilities to promote economic and political security;

(2) the exercise of traditional responsibilities here and abroad in foreign policy requires that the United States be free of the risk of energy blackmail in times of shortages;

(3) the level of the United States oil security is directly related to the level of domestic production of oil, natural gas liquids, and natural gas;

(4) a national energy policy should be developed which ensure that adequate supplies of oil shall be available at all times free of the threat of embrago or other foreign hostile acts; and

(5) the ability of the United States to exercise it's free will and to carry out it's responsibilities as leader of the free world could be jeopardized by an excessive dependence on foreign oil imports.

(b) Purpose.—The purpose of this Act is to establish a national energy security policy designed to limit United States dependence on foreign oil supplies.

SEC. 3. DUTIES OF THE PRESIDENT.

(a) Establishment of Ceiling.—The President shall establish a National Oil Import Ceiling (referred to in this Act as the "ceiling level") which shall represent a ceiling level beyond which foreign crude and oil product imports as a share of United States oil consumption shall not rise.

(b) Level of Ceiling.—The ceiling level established under subsection (a) shall not exceed 50 percent of United States crude and oil product consumption for any annual period.

(c) Report.—(1) The President shall prepare and submit an annual report to Congress containing a national oil security projection (in this Act referred to as the "projection"), which shall contain a forecast of domestic oil and NGL demand and production, and imports of crude and oil product for the subsequent three years. The projection shall contain appropriate adjustments for expected price and production changes.

(2) The projection prepared pursuant to paragraph (1) shall be presented to Congress with the Budget. The President shall certify whether foreign crude and oil product imports will exceed the ceiling level for any year during the next three years.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress shall have 10 continuous session days after submission of each projection to review the projection and make a determination whether the ceiling level will be violated within three years. Unless disapproved or modified by joint resolution, the Presidential certification shall be binding 10 session days after submitted to Congress.

SEC. 5. ENERGY PRODUCTION AND OIL SECURITY ACTIONS.

(a) Energy Production and Oil Security Policy.—(1) Upon certification that the ceiling level will be exceeded, the President is required within 90 days to submit an Energy Production and Oil Security Policy (in this Act referred to as the "policy") to Congress. The policy shall prevent crude and product imports exceeding the National Oil Import Ceiling. Unless disapproved or modified by joint resolution, the policy shall be effective 90 session days after submitted to Congress.

(2) The Energy Production and Oil Security Policy may include—

(A) oil import fee;

(B) energy conservation actions including improved fuel efficiency for automobiles;

(C) expansion of the Strategic Petroleum Reserves to maintain a 90-day cushion against projected oil import blockages; and

(D) production incentives for domestic oil and gas including tax and other incentives for stripper well production, offshore, frontier, and other oil produced with tertiary recovery techniques.

Mr. BENTSEN. I yield back the balance of my time to my distinguished friend from the State of Louisiana, Senator Breaux.

Mr. BREAUX. Mr. President, I join with our colleagues in supporting the statement made by the distinguished Senator from the State of Texas, also chairman of the Senate Finance Committee.

I say to our colleagues that the bells have already rung in telling us that America simply does not have an adequate energy policy. The energy policy that is governing our country at this time is not an energy policy that is being made in the Halls of the Congress. Our energy policy now is not being made by the Congress of the United States, and it is not being made in America. America's energy policy today is simply being made by foreign countries when they meet in fancy hotels in Geneva. It is not being made by Americans. It is being made by members of OPEC when they sit down once every 3 months to decide what the price of oil is going to be in this country.

If we attempted to do what they do every 3 years here in this country, people would go to the penitentiary because what they do is criminal under the laws of the United States. Yet there are those in this administration who would argue that the type of policy being made in far-off countries by people who do not have the best interests of this country at heart represents the free market.

I would ask what Senator could stand on the floor of this esteemed body and argue that OPEC represents a free market. OPEC is a cartel. OPEC was formed for one purpose, and that is to fix the price of oil in the world. Yet we have people in Texas, in Louisiana, in Oklahoma, in Alaska, and other oil-producing States that must wake up each morning, rush to read the paper, and see what the price of energy is going to be in our country on that particular day.

What an insane policy that happens to be. It is not an American policy. It is not a policy in the interests of America. It is time that America's energy policy be made in America. It is time that America's energy policy be made by Americans.

Senator BENTSEN's effort in this regard is one that I am very pleased to join in. It says that at least we are going to watch the statistics. And when oil imports reach 50 percent, action is going to have to be taken. We have made progress. We have conserved. We have tried to explore the different sources. But with the collapse of the world's oil market we have seen our ability to produce collapse with the price of oil in the world oil market.

The effects on my State are devastating. We have the highest unemployment in the Nation. But I would say that is insignificant in comparison to what it does to this country because just as B-1 bombers are in partnership with the security of this Nation, so is the production of energy to run the machinery of our country in partnership with the security of our Nation.

Oil prices have fallen and some say how pleased they are that they can pay less at the station. But while the prices have fallen, the demand has dramatically increased. While America's own production fell by 4 percent last year, our domestic consumption jumped by almost 500,000 barrels a day. For this January alone imports rose by 300,000 barrels of oil per day over last December. Overall, the amount of oil that we import climbed almost one-third—to 4.7 million barrels per day of oil. While the dollar value of our oil imports has fallen with the cost of oil, our overall importation of oil has increased in the last 5 years. Last December we imported almost $3 billion worth of oil.

Do we remember the energy crisis of 1973? Of course we do. At that time we depended on foreign source for only 33 percent of our imported oil. That dependence will continue to grow to a projected level of 50 percent by the year 1990 or 1991. OPEC now accounts for over 43 percent of our imported supplies of oil, and OPEC will be supplying almost 50 percent of our oil by next year.

OPEC was able to raise the price of oil in the midseventies by simply turning off the faucet, creating long lines of people having to wait to be able to buy a gallon of gas to run their car in States like Lousiana, Texas, and others. They were accounting for less of the oil for America than they do today. My fear—and I think others in this esteemed body should fear—is that they also have the potential of turning the faucet, turning it down, and reducing the amount that they send to us and the amount that they produce thereby raising the price of oil from $18 a barrel to $50, to $75, or to whatever price they want—merely by turning off the faucet.

That is not a good policy for this country. That is not an American energy policy.

So I say to all of those who are consumers, and we are all consumers, that one thing I would rather be able to guarantee to my constituents is a dependable supply of oil at a rational and a reasonable price, rather than continuing each day to have to read the foreign press to determine what OPEC says will be America's energy policy for that particular day.

I commend Senator BENTSEN for his effort. I am very pleased to join with him in sponsoring this legislation and I commend it to my colleagues in the Senate.

Mr. PRYOR. Mr. President, I am very pleased to be included as an original cosponsor of the bill being offered by my distinguished colleague from Texas, Senator BENTSEN.

Entitled the "Energy Security Act of 1987," the bill is designed to do exactly what its name implies, establish a national energy security policy that will limit our dependence on foreign oil imports.

That our country is again becoming overly dependent on foreign oil is irrefutable. According to figures released by the American Petroleum Institute, domestic crude oil production is dropping 7.5 percent per year while our oil imports are increasing 30.6 percent on a year to year basis. In addition, the National Petroleum Council, in a recently released report requested by Secretary of Energy John Herrington, stated that "we will be vulnerable to another oil crisis sometime between the yearly 1990's and the year 2000, depending on the path oil prices take." The report goes on to say that "reliance on OPEC for oil supplies will grow quickly enough in the next 15 years to approach the same levels as those experienced in the 1970's." This situation then would "create the potential for either another oil price shock or the achievement of long-term cartel pricing of oil by OPEC."

So, Mr. President, it appears we are headed down the same path we traveled in the past when OPEC dangled the carrot of low oil prices in front of us until we became reliant upon them for the majority of our energy requirements.

Well, Mr. President, in my opinion it is time we began to practice and implement a little foresight by putting into place legislation that will save us from repeating our previous oil policy mistakes. You know, more often than not, this body fails to act with any foresight. It is our style to wait until a problem is upon us and then react to it. This style of legislating, a management by crisis way of doing things, certainly leaves a lot to be desired and in the case of our energy policy, can be thought of as downright dangerous.

That is why I strongly believe that the bill being offered by my good friend from Texas, Senator BENTSEN, is urgently needed. It provides for an energy security policy that limits U.S. oil dependence to 50 percent of domestic demand. This triggering device would put into place a safeguard against a possible oil supply/price shock as was experience during the 1970's.

To date, the administration has chosen to let the supposed free market forces work rather than take steps to assure a steady and reliable source of energy for our country.

Indeed, in a speech delivered January 28, to the Petroleum Marketers Association of America, Secretary of Energy John Herrington reiterated the administration's views on energy policy when he said, "the President and this administration remain committed to an energy policy centered on reduced Government regulation, fewer controls, lower tax rates, and on free and fair international trade in energy." I agree with much of Secretary Herrington's comments, but I hardly think the predatory pricing practices of OPEC, designed to dry up our own domestic production, reflects a free and fair international trade in energy.

In the absence of any policy by the administration to promote our energy independence, I believe it incumbent upon Congress to take the initiative.

I congratulate Senator BENTSEN for moving aggressively to forestall an energy emergency that looms on the horizon and I urge my colleagues to support this much needed legislation.

Mr. BINGAMAN. Mr. President, I am pleased to join the distinguished senior Senator from Texas in introducing the Energy Security Act of 1987. I congratulate him for his continued efforts to establish a national energy security policy.

Without a viable energy policy, we clearly risk our future and that of our children. The Nation and our domestic oil and gas industry face an uncertain future—uncertain because of lower prices, oversupply, and increased competition from low-priced imports of crude and petroleum products. The industry has been forced to cut back its activity—signaling a loss of employment and a weakening of the industry's infrastructure. Capital expenditure programs have dropped by 50 percent since 1981. Drilling activity reached a 46-year low in August. High-cost U.S. producers and stripper wells are being squeezed out of the market by the lower oil prices. And new supplies of petroleum are no longer being discovered, either in the lower 48 or Alaska, at a rate consistent with current consumption levels.

Deputy Secretary of Energy William Martin testified before the Senate Energy and Natural Resources Committee in September that of the 8 to 10 million barrels per day of surplus capacity available in the free world, only 5 percent comes from non-OPEC nations. More disturbing was a statement by former National Security Director John Poindexter that by the early 1990's we are likely to see imports rise to over 50 percent of domestic consumption. This is clearly a scenario none of us want to face.

IMPACT IN NEW MEXICO

The impact of current conditions on the industry has been devastating. Consider what has happened in my home State. New Mexico is the fifth largest oil and gas-producing State in the Nation in terms of total quantity and has suffered from the decline of oil and gas prices. Revenues generated by the industry showed a 25-percent drop in 1986. The total value of New Mexico's oil and gas activity has dropped 46 percent in the past year. Employment by the industry dropped from a low of 13,200 in 1985 to 9,000 in October 1986. The number of drilling rigs are down to an average of 29 compared with 71 last year. And of the States' bankruptcies, estimated to be 2,500 for 1986, one-fourth occurred in those counties where most of the State's oil and gas is produced. Current statistics do not begin to address the impact of this decline on the infrastructure of the industry, local communities and businesses that depend on the continued viability of the oil and gas industry.

CORRECTIVE ACTION

How do we correct the decline of a strategic domestic industry? First, we must take immediate and effective action in the Congress, action that this administration has been unwilling to take. The Reagan administration seems blind to the emerging crisis that confronts us. In 6 years, this administration has embraced no comprehensive energy policy other than, as former Secretary of Energy Jim Schlessinger said in his testimony before the Energy Committee last month, "a de facto energy policy which can be called growing energy dependence."

The responsibility for action now rests with the Congress. We must act quickly. Senator BENTSEN has taken a major step in meeting that responsibility.

I hope the attention found in this and previous energy legislation introduced this session will begin to educate the American public and this administration of the serious implications for the economic well-being and national security of the Nation if the current crisis in our domestic oil and gas industry is allowed to continue. My view is that a strong, profitable domestic oil and gas industry is vital to this Nation. The strategic interests of our country are clearly at risk.

We must build a consensus for an effective and comprehensive national energy strategy or policy—a policy that is good for the entire coutnry, not just oil-producing States.

I urge my colleagues to give careful consideration to this legislation.

ENERGY SECURITY ACT OF 1987

Mr. DOLE. Mr. President, today I am joining a number of my colleagues in cosponsoring the Energy Security Act of 1987.

The bill is a statement of purpose, an attempt to bring some order to the current aimless drifting that has beset this country with respect to energy.

The Congress has established an unfortunate reputation for not acting on problems facing the country until it is too late. And often, in attempting to correct a problem at a late date, the solution only compounds the recovery. I hope that the introduction of this measure, and subsequent hearings by the committee, will focus our attention on a disaster waiting to happen.

Like it or not, our economy, national security, health and safety are dependent upon oil and natural gas. Bring back the gas lines and the good humor of our citizens will be dependent upon oil and gas, too.

Yet, we are now steering our energy policy on a collision course with another oil crisis, very possibly a crisis far surpassing the disruption of the past.

The bill begins to establish a national energy policy through a mandate that we will not allow oil imports to rise above 50 percent of total consumption without requiring some action—whether it be conservation, an import fee, or something else—to bring imports back down below 50 percent.

HISTORICAL IMPORT LEVELS

Quite frankly, if we ever do reach a 50-percent dependency on imported crude oil and petroleum products, we will have already reached the point of no return.

The all time record import level was 45.7 percent, at the time of our last oil crisis in 1978 and 1979. The 1973 crisis was brought about at a time when we were only 35 percent dependent on foreign suppliers.

Now, in just a little over 2 years, we have increased our dependency on foreign oil from 27 percent to our current 38 percent, a level above that preceding the 1973 OPEC embargo.

ECONOMIC IMPACT

The two oil crises of the 1970's were more than just temporary inconveniences. The National Petroleum Council ran simulations of macroeconomic models on the U.S. economy to determine what effect, if any, the last two oil disruptions had on the economy.

In the 3 years following the 1973 crisis, the Council determined that GNP was reduced by approximately 2.5 percent. And, the 1979 shortages were responsible for a 3.5-percent reduction in the 3 subsequent years.

PRODUCTION LEVEL

As we continue to witness dramatic increases in our demands for imported energy, domestic production continues to slide. In fact, we are now producing about 833,000 barrels of oil per day less than we were last year. That represents about 10 percent of our total production, and the decline will continue if left unchecked.

Actually, the loss of domestic production from the continental United States is even more dramatic. These recent figures fail to point out that production from the Alaska North Slope has increased as domestic producers search for avenues to halt if not reverse the dangerous decline in domestic production. A.N.S. deliveries have actually increased by 200,000 barrels per day during the past year. Without this surge from Alaska, our loss of production would be well over 1 million barrels per day.

SUMMARY

Congress must focus its early attention on our national problem of oil and gas before we hit the next crisis, not after. We did have the opportunity to review options and make intelligent choices, if we act soon. This window of opportunity will not last long, however.

Reviewing the history of past efforts to address oil supply disruptions shows that Congress waited and acted too late, and that the efforts that were imposed only frustrated our recovery.

This time, we have the opportunity to act before the crisis and in a productive manner. Let us act to preserve this vital source of energy.

Mr. WALLOP. Mr. President, today I am proud to join my friend and colleague, Senator BENTSEN, in reintroducing a bill that is intended to establish an energy policy for America.

The most important aspect of this legislation is that it requires action from our Government when foreign oil and petroleum imports exceed 50 percent of consumption. It also interjects an element of forecasting by requiring the President to annually submit projections to Congress on anticipated U.S. oil production, demand and imports of crude and product for the subsequent 3 years upon submission of the budget to Congress. For any year that petroleum imports are projected to exceed 50 percent, the President must submit an energy plan to Congress containing steps to reduce that level. Those steps may include an oil import fee, production incentives for domestic oil and gas including tax and other incentives for stripper wells, offshore, frontier and other oil produced with tertiary recovery techniques, and other measures.

When Senator BENTSEN and I first introduced this initiative on July 23, 1986, our domestic oil and gas industry was still doubled over from the cheap oil punch OPEC threw to its midsection. Unfortunately, Mr. President, while the industry may have temporarily caught its breath, it is far from standing squarely in its feet after this shattering blow.

Wyoming is just one energy producing State that is still gasping for economic air. A recent report from the Western Governors Association stated flatly that:

> The economies of many western states were severely weakened in 1986 by the dramatic drop in the price of natural commodities . . . and the First Interstate Bancorp has projected that only two western states will experience negative employment growth this year (Alaska and Wyoming as opposed to four last year.

While the State's rig count may be up slightly from 20 to 22 from the last week in February to the first week in March, Wyoming has twice as many rigs pumping during the height of the price plunge a year ago. At a 22 count, we are just now inching our way closer to one of the previous lows of 25 working rigs during 1971 when the price of oil was $5.60 a barrel. The present count takes on a more tragic perspective when compared to the 188 operating rig count during the peak of the energy boom period of 1981.

Right now, Mr. President, while the price of oil may not be $5 or $6, one factor remains constant, and that is OPEC continues to control world oil price and production levels. In the short run, oil prices closer to $20 and higher will be something to get excited about for the sake of our domestic industry. But, in the long haul, expecially in the context of our efforts to maintain an energy secure America, it is something we should ultimately fear, not applaud.

The fear comes by the simple fact that OPEC can still pull world oil strings by casting the slightest bit of doubt about whether or not its members will or will not abide by previous pricing and production accords. The immediate result of any such OPEC innuendo is, and we have seen before, a swing up or down in the price of oil depending on the direction of the statement and a resulting instability in prices.

Once again, I would strongly encourage my colleagues to read an article that appeared in the November 11, 1985, edition of the Wall Street Journal by Mohammed Akacem, an economist at the Saudi Fund for Development in Riyadh. The article clearly outlines the strategy OPEC is using and will use to keep control over oil price and production levels.

What is most frightening, Mr. President, is that we are once again blindly accepting OPEC oil imports back into our Nation's energy consumption patterns. Obviously, the oil crises of the 1970's are no longer fresh in our minds because OPEC nations are now accounting for 45 percent of America's imports, compared to 35 percent in 1985.

For the sake of cheap oil, we are bartering away both our energy independence and our energy security. Mr. President, it is time that as a nation we say "Never Again!" to OPEC. I believe this legislation provides us with the means and the muster to do just that.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, has morning business expired?

The PRESIDING OFFICER. Morning business has not yet expired.

Is there further morning business? If not, morning business is now closed.

Mr. BYRD. Mr. President, I ask unanimous consent that there may be a further period for the transaction of routine morning business, with Senators permitted to speak therein for not to exceed 10 minutes each, and that the period not extend beyond the hour of 5 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that further proceedings under the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CASE FOR CONTRA AID GETS STRONGER AND STRONGER

CLOCK TICKING ON CONTRA AID

Mr. DOLE. Mr. President, I had reserved the leader's time and I will make one brief statement on the Contra aid issue, since, as I understand, there now has been a resolution of disapproval introduced so we can join that issue. I am not certain when the majority leader would want us to vote on that, but in any event the clock is ticking and there is a process laid out if the Congress wants to proceed, and apparently that will now be the format we will follow, without any delays.

We can block the final $40 million in Contra aid voted by the 99th Congress. If this Congress wants to block the aid, the procedure is there, laid out clearly: There can be no filibusters, or parliamentary delays, by those of us who support the aid. The opponents have put the resolution of disapproval on the table, and we will vote on it, fair and square, up or down.

They said they wanted a fair chance to block the aid. Well, they have that fair chance. An up-down vote on a resolution of disapproval is a lot fairer and clearer than trying to kill the aid through a phony moratorium. It will require each of us to stand up and be counted on how we really feel about this aid.

We will certainly be debating the Contra aid issue, both this week next week and throughout this Congress. And we ought to. It's a critical issue to our national security; and a controversial issue, on which people hold strong, and sincerely held, views.

POST ARTICLE PINPOINTS NEW SANDINISTA REPRESSION

I would like to put in the RECORD today two items which I hope we will keep in mind as we consider this issue. The first is an article from yesterday's Washington Post. It is just the latest chapter in an old and sad story—the story of Sandinista repression of the rights of the people of Nicaragua.

The headline of the article is: "3 In Managua's Opposition Arrested for Demonstrating." The article begins:

> Police arrested two opposition leaders and a pregnant woman outside a church today and stopped about 200 noisy demonstrators from holding an anti-Sandinista march. The incident came two weeks after the Sandinista-controlled national assembly voted to extend a 5-year-old state of emergency, keeping suspended for another year many of the rights guaranteed in a new constitution.

The article requires no real comment—it speaks for itself. And speaks volumes about the value of Sandinista guarantees. I hope we'll keep that in mind, particularly, should we get around to evaluating Sandinista guarantees of their compliance with any peace agreement.

AMERICAN CHAMBERS IN REGION SUPPORT CONTRA AID

The second item is a letter which I received from the "Association of American Chambers of Commerce in Latin America". As we all know, the association is one of the major umbrella groups encompassing the American private sector presence in Latin America.

The letter contains the text of a resolution adopted by the Chambers of Central America, during their February 9 regional meeting. The resolution states, in part:

> We, who live and work in the region, again call upon the Sandinista government to . . . honor its 1979 commitment to the "Organization of American States" [OAS] to establish a free and democratic society. . . . We reaffirm our support for President Reagan's Central American policy, which includes . . . assistance to all democratic groups seeking to establish democracy in Nicaragua.

The bottom line on the resolution is this: Those private Americans who live and work in the region, and who see America's interests directly on the line, support the policy of aid to the Contras. They see it, as I do, as the only viable way to keep pressure on the Sandinistas to do what we expect of every other government in the region—leave its neighbors in peace, and permit its own people to enjoy their God-given freedoms.

Mr. President, I urge all of my colleagues to read, and to keep in mind, these two items, as we pursue the Contra issue in the days ahead.

There being no objection, the article and letter were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 9, 1987]

3 IN MANAGUA'S OPPOSITION ARRESTED FOR DEMONSTRATING

MANAGUA, NICARAGUA, March 8—Police arrested two opposition leaders and a pregnant woman outside a church today and stopped about 200 noisy demonstrators from holding an anti-Sandinista march.

It was the first time, after two months of apparent tolerance, that the leftist government has moved to break up a peaceful gathering of the internal political opposition.

The incident came two weeks after the Sandinista-controlled National Assembly voted to extend a 5-year-old state of emergency, keeping suspended for another year many of the rights guaranteed in a new constitution.

Opposition leaders said that the assembly's action, which the Sandinistas called essentially to public security in the face of a military offensive by U.S.-backed rebels, apparently signaled a new crackdown on dissent.

Demonstrators must be apply for a permit. The protesters said they were defying this requirement to test its legality.

Those arrested were Gilberto Cuadra, vice president of the Superior Council of Private Businessmen; Julio Ramon Garcia Wilches, vice president of the Social Christian Party, and Maria Membreno, 24, a Conservative Party activist.

Tan-shirted policemen who had surrounded the demonstration forced the three into the back of a police jeep, which had to be started with a jumper cable to take them to jail. Cuadra was cut on the cheek in a scuffle with several officers.

The protesters, led by the Conservative, Social Christian and Christian Democratic parties, had attended a Roman Catholic Mass in an upper-middle-class neighborhood of Managua. Outside the church afterward, they shouted denunciations of the military draft, food shortages and long prison terms for dissent.

The trouble started when the crowd insulted the name of Interior Minister Tomas Borge, who is in charge of public security, and chanted a slogan denouncing his police as terrorists.

A plainclothed Interior Ministry agent, who had been standing across the street with three jeeploads of uniformed police, approached Garcia Wilches and warned him: "You have no right to be here calling us terrorists. You are inciting the counterrevolutionaries. This is an illegal act."

ASSOCATION OF AMERICAN CHAMBERS OF COMMERCE IN LATIN AMERICA,
Washington, DC, March 4, 1987.

DEAR SENATOR: I would like to share with you the resolution adopted by the American Chambers of Commerce (AmChams) of Central America during their February 9 regional meeting in Tela, Honduras:

"The American Chambers of Commerce (AmChams) of Costa Rica, El Salvador, Guatemala, Honduras and Panama which represent over 1,200 U.S. and domestic companies reaffirm our standing resolution of support for the establishment of democracy in Nicaragua and peace and stability in Central America.

We, who live and work in the region, again call upon the Sandinista government to abandon its Marxist policies and to honor its 1979 commitment to the Organization of American States (OAS) to establish a free and democratic society.

We reaffirm our support for President Reagan's Central American policy which includes diplomatic, economic, humanitarian and military assistance to all democratic groups seeking to establish democracy in Nicaragua."

I hope that you will consider our views during future deliberations.

Sincerely,

IAN BOYLE.

STATEMENT BY CHAIRMAN AND CEO WILLIAM WALL ON HOSTILE TAKEOVERS

Mr. PROXMIRE. Mr. President, on Wednesday March 4, the Senate Banking Committee heard the testimony of several of the chairmen of the boards and the chief executive officers of some of the largest corporations in this country. They testified on the merger mania. The testimony was strong. It was eloquent. It was an appeal to the Congress to act. These leaders of American business argued that we need congressional legislation. We need it now. Hostile takeover attempts are sharply reducing this Nation's competitiveness. It is hurting our economic productivity. It is loading up our corporations with debt. That debt makes our corporations far more vulnerable to recessions.

One of the most eloquent and appealing presentations was delivered by William Wall. Mr. Wall is chairman of the board and chief executive officer of the Kansas Power and Light Co. It is a statement that Members of the Congress should read and ponder. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

TESTIMONY BY WILLIAM E. WALL, CHAIRMAN OF THE BOARD AND CHIEF EXECUTIVE OFFICER, KANSAS POWER AND LIGHT CO.

Something's been happening to American business lately, something that's never happened before, something I believe has hurt and continues to hurt our entire economy. Just how much we won't know with certainty until the next inevitable economic downturn.

I'm talking about the current take-over craze—deal mania—corporate raids—the leveraged buy-outs—the frenzied finance that has filled the business pages lately, and made some corporate raiders into household names, and others notorious.

Let me begin, if I may, by establishing my ground. I support and have personally engaged in corporate restructuring and reorganization. Indeed, I work for a company that is the product of dozens of past mergers and consolidations, one of which I directed. That, after all, is the natural evolution of business in America, creating new organizational forms to meet the competitive demands of the market. This has meant mergers, consolidations, the creating of new subsidiaries and the liquidation of old ones.

Yet the point of such efforts, that is until recently, has been to create better and stronger companies, enterprises with the muscle to develop new markets, to expand facilities, to create new jobs; in short, businesses that would add wealth and stability to the economy of the region and the Nation.

Implicit in such efforts was a compact between investor, manager and worker that today's short-term profits were not all that mattered, that long-term goals had to be served as well; and that what the business was engaged in was important, with responsibilities to the larger society.

Because in the absence of these values, Corporate America would have no ethical call on the time and talents of the Nation's best and brightest. Without them, great universities could not justify the application of their scholarship to the study of business. But perhaps above all, without some higher purpose to commerce and industry, those of us engaged in its pursuit would have no more to show for our working lives than money grubbing.

Yet today I fear that idea has become outmoded, and in some quarters even laughable.

Today, a new doctrine is being preached. It holds that every publicly held American company is up for auction. That no business is worth more than its break-up value. If a company is worth more dead than alive, then it should be killed, and its assets distributed as a liquidation dividend to its shareholders.

A corollary of this new creed is that if a company can carry more debt, then it has a duty to borrow to the maximum. Not to use money to build a new plant, to create new jobs, to develop a new product, but to leverage up the company, to trade on the equity, to get the price of the company's stock as high as possible. In short, to "Enhance Shareholder Values."

This sea-change in American business thinking coincides precisely with the advent of the "Corporate Raider," the take-over artist. For the "Raider" has taught American business a new approach to the management of assets, one unhappily being learned too well.

The corporate raider's strategy is simple enough. Find a company whose assets the stock market at some moment in time has undervalued, then unlock those hidden values by applying leverage.

The message to Corporate America is clear. If the stock market isn't putting the highest possible price on your company's stock today, you are vulnerable to the corporate raider.

The raider follows a predictable course in stalking a company. After taking a small position in the company's stock, he begins a campaign of abuse and insult aimed at the target company's management, portraying it as unresponsive and uncaring about the stockholder's interest; as selfish little men concerned only with their own salaries and bonuses; arrogant men who don't recognize their highest duty as managers is to enhance shareholder values. This billingsgate aimed at the corporate suites is, of course, sure-fire grist for the journalistic mills, because most of us love to see the mighty humbled, to see the stuffed shirts get theirs. The raider knows this and uses it with great skill. He appears on TV and public platforms as often as possible to undermine investor confidence in the management of American enterprise, and he has been successful.

So successful, that he has been able to excuse piously his greenmail payoff, or the breakup and sale of a once great and going concern, by simply saying, "The stockholders made money on the deal."

That's it. That's all he has had to say in explanation and justification. Forget the people who worked for and built the company; forget the communities who depended upon it; forget the management who had the courage to reinvest today's earnings to provide for tomorrow's growth, who put the very values into the company the raider has now exploited. None of that matters. What matters is that the stockholders one day were offered more for their stock than it was quoted for on the New York Stock Exchange a month or so earlier.

The fact that as much as half the stock of a company a raider puts into play when he begins his raid rushes into the hands of the Ivan Boesky-like arbitrageurs, and a good part of the rest is owned by the raider and speculators who feed on raids, is passed off as just so much sour grapes.

Well, every management knows there is no great secret about how to enhance shareholder value and keep the raider from the door.

The way to cater to short-term greed is to trade on the equity, to leverage up the company. This means to borrow, to see to it that most of the money invested in the enterprise is owed instead of having someone's savings actually committed to it in a risk-taking ownership role. And Corporate America has made impressive moves in this direction. Just since 1984 over $220 billion of equity has been retired from company balance sheets and replaced by debt.

Some of this has been done by the companies Allen Sinai, economist for Shearson Lehman, had in mind when he asked the question, "Is the manufacturing sector of our economy slowly liquidating itself?"

These are the companies who have forgotten—or chosen not to recognize—that the miracle of leveraging—that is, replacing equity with debt—can work for profit and loss statements in good times, can cause mayhem in bad times as the effect of the business cycle is exaggerated.

These are the companies The Institutional Investor had in mind in its November, 1986 issue—when it said, "Many companies, particularly some of the more hyperleveraged megabuyouts, are undoubtedly teetering on the cliff's edge."

And these are the companies Edward Yardeni, economist for Prudential Bache, was talking about when he said "American management mentality has changed from operations to the business of financial manipulation because of the short-term view of stockholders. Companies are managing their books rather than their companies."

But debt is seductively attractive because not only does it provide in the short run a higher return on equity, not only is the interest paid deductible for tax purposes, but just as important, it foils the raider. For when the management of the target company has already used up the company's credit—its borrowing power—there's nothing left for the raider to buy the company with.

And that, of course, is how the raider works. His target must have assets and debt-carrying strength to buy itself for him. Ted Turner had the gall to try to take over CBS not with his own money, but with paper promises, promises he proposed to redeem in part by selling off pieces of CBS. The rest he would repay by borrowing to the hilt on what wasn't sold. In other words, CBS was to buy itself for Ted Turner. And why not? He had seen the same tactics work before, many times. And if it failed, he had seen other raiders in their very failure make a fortune in greenmail.

Now if all of this was just some businessman's game, something the rest of us could watch with bemusement from insulated safety, it would hardly be worth commenting on. But this whole sordid business is now casting its sinister shadow over the entire economy. For in addition to a mountain of corporate debt, the raider has brought us something else: the well named junk bond.

Junk bonds, as you know, look like real bonds, but they pay high rates of interest and have little or nothing behind them. A real bond is a promise to pay interest and principal secured by some worthy asset. The better quality the security and the more times the company can earn the interest on the bond, the higher the bond is rated by Standard & Poor's, Moody and Fitch.

Ten years ago, 60 companies in this country had bonds outstanding that were rated "Triple A." Today, only 26 can claim that rating.

Junk bonds, of course, can't stand the scrutiny of the rating agencies. They are unrated. Even those who flinch from the term call them "below investment grade." They are, that is, junk, offering a high interest rate to those who need the money today, and are willing to let tomorrow look after itself. And they represent the chief weapon in the raider's arsenal.

John Kenneth Galbraith, in a recent chilling article in the The Atlantic Monthly titled "The 1929 Parallel," in which he details how leveraging hastened "The Great Crash," placed the amount of junk bonds outstanding today at $100 billion. That may be low, when just one firm, Drexel Burnham, has done $16 billion in junk bond financing for 64 leverage deals since 1982, and another $10 billion for other purposes since 1983. In just the two months after the Ivan Boesky scandal broke in November, Drexel financed an additional $4 billion more in junk bonds. And that's just one investment banking firm! Please note not a dime for this money went to build a plant, produce a product, make a new job, or improve the Nation's competitive posture. Small wonder the humorist, Mark Russell, has said investment banking was to productive business what mud wrestling is to the performing arts.

Who owns these junk bonds? They are now everywhere. It's reliably estimated that some $6 billion are in weak savings and loan institutions that need the high interest rates to create the illusion of good performance. So, too, can billions of dollars more in junk bonds be found behind the promises some insurance companies have made to those who have innocently purchased their annuities. They are, in short, nothing less than a credit time bomb, adding immeasurably to the danger already created for the economy by the mountain of corporate debt voluntarily assumed to fend off raiders.

The time of testing of the rediscovered wonders of leverage and the junk bond is still ahead of us. Their popularity has coincided with an improving economy and lowering interest rates. But as the night follows the day, both will turn around, and the piper will be paid.

I think it's about time we called these raiders out and took a good look at them in the daylight, the Irwin Jacobs, Saul Steinberg(s), Carl Icahn(s), James Goldsmith(s), Ron Perelman(s), T. Boone Pickens. What great enterprises have they ever managed to success? What have they ever built except their own wealth? What have they ever achieved except financial manipulation? And the same may be asked of their investment banker acolytes.

Who are these superior beings, who as part of their take-over schemes vilify and insult the managements that built the very corporate strengths these raiders intend to sell off, or bury in debt?

For make no mistake, it isn't the poorly-managed, stumbling companies they're after. Quite the opposite. It's companies of the strips of Phillips Petroleum, Owens Corning, Goodyear, Gulf Oil, ITT. When Chrysler was at the brink, in its darkest hour, its management was safe from the raider's insults.

Bringing it closer to home, my part of the country knows something about the oil business. In 1980 there were 16 major integrated oil companies in the U.S. Thanks to the raiders, 3 have disappeared completely, and 6 others are so heavy with debt they have not room for aggressive research, exploration or development. And what is there to show for the raider's great riches?

This is what Fred Hartley, chairman and president of Unocal Corporation had to say . . . "These stock raids and hostile takeovers have not added a barrel of new oil reserves. They have merely shifted them around. They have not inspired one new technology or innovation; they have simply drained off investment capital. They have not strengthened companies, they have weakened them, loading surviving firms with onerous new debt." And what he says about the oil business is true of every other industry that has felt the raider's stained touch.

But it seems, at last, this selling off America with rivers of junk bonds for the private profit of a few is finally beginning to attract the attention of Congress.

And none to soon. Our own Senator Kassebaum has reacted now that a foreign raider, James Goldsmith, chose Goodyear, the most important private employer in Topeka, as his target. Goldsmith failed in his take-over bid, but still made $90 million and recovered all his expenses. T. Boone Pickens reportedly made over $400 million in his failure to acquire Gulf Oil. Small wonder the raiders want no change in the law, it rewards their failures so well.

But the Ivan Boesky affair has opened some eyes, with the exposure of the link between investment banker, raider and arbitrageur, the vast riches taken not as the reward for producing a product or creating new jobs, but through illegal use of information, has taken some of the bloom off the rose.

Yet as long as money in such huge and usually riskless ways can be made, the game goes on. Management of target companies will continue to be publicly abused, and insulted, and the junk bonds will pour fourth.

And to make sure all this keeps going, Mr. Pickens has organized a national group, ostensibly to protect shareholders' rights, but actually to keep the decks clear for freebooting among the America's most successful enterprises.

Now it's true, many American businesses are poorly run, and there are incompetent, entrenched managements that need replacing. And it's also true stockholder rights need better protection. There are profound reforms in both areas I would press for and support. But to accept the raiders's claim would press for and support. But to accept the raider's claim that his cause is noble, that he is only engaged in what one famous economist in another context called "creative destruction," is to add gullibility to victimization.

Perhaps Peter Drucker posed the question best in a recent article in The Wall Street Journal he titled, "The Crisis of Capitalism."

"Can a modern democratic society tolerate the subordination of all other goals and priorities in a major institution, such as the publicly owned corporation, to short-term gain? And can it subordinate all other stateholders to one constituency—the shareholder."

I don't believe American enterprise faces the Hobson's choice of poor management or the raider's scourge. I don't believe we have to surrender to those who, as was said of the Bourbons, know the price of everything but the value of nothing. I don't believe America's great corporations have no past or future, only a present worth to be monetized by financial manipulations.

We need to remember that our separate businesses are parts of a larger economy, and how that economy works is everybody's business. Just as war is too important to be left to generals, so, too, the great enterprises of our Nation can't be left to the raider's caprice. We in management are privileged to engage in commerce, but we do so in trust and under law. We had better be more attentive to that trust, and we had all better support wise laws, before it's too late.

A TRILLION-DOLLAR ANNUAL INTEREST BILL ON THE NATIONAL DEBT?

Mr. PROXMIRE. Mr. President, the time has come for this body to consider the most rapidly rising cost of Government and what we can do about it. What is the most rapidly rising cost of Government? It is interest on the national debt. We have endlessly discussed the evils of the soaring deficits. We have enacted legislation aimed to reduce the deficits. But the deficits go on. They go on rising right through one of the longest recoveries in recent economic history. They go on rising in spite of the Gramm-Rudman Deficit Reduction Act. Will mega-deficits disappear in 5 years—or 10 as Gramm-Rudman requires by law? Whom are we trying to kid? We now know that act has failed. We know that as the business cycle moves—as it certainly will—into the next recession, the annual deficit will climb to $300 billion or $400 billion. On the basis of the recent record of the Congress it is logical to expect that the debt is far more likely to go to $4 trillion by the middle of the coming decade than it is to expect it to decline. It is also logical to expect that with this tremendous demand for credit by the Federal Government, with consumer debt rising with equal rapidity and with corporate debt leading the pack—that the overall demand for credit will continue to soar.

Now what happens as the demand on all fronts for credit climbs? Answer: The price of credit also explodes. And what is the price of credit? The price of credit is the interest rate. So with debt at all levels climbing rapidly in the next decade, isn't it evident that interest rates will very likely climb in tandem? It is, indeed. But wait a minute. If this is so, why have interest rates actually dropped and substantially dropped in the past couple of years at precisely the same time that debt—and the demand for credit was zooming into the stratosphere? Answer: The Federal Reserve Board met the rising demand for credit with an even greater supply of credit. Mr. President, you can look long and hard in American economic history for a time when the Federal Reserve has ever increased the supply of money as rapidly as it has since the beginning of 1986. The Fed has increased the money supply at a rate of more than 15 percent at a time when the nominal gross national product was increasing at less than 4 percent. Result: falling—in fact, sharply falling interest rates.

So why can't the Fed continue this policy? Reason: the continuation of this policy will surely bring on inflation. It will bring on a super inflation. This policy has been tried in country after country throughout history. The result is always the same: booming, zooming inflation as too much money chases too few goods. And then what happens to interest rates? When prices rise, interest rates necessarily rise and right in tandem. No lender will lend funds that will come back to him with repayments of less value.

So what all this adds up to is an interest rate burden that will be the product of a $4 trillion national debt and an interest cost to repay that debt that could soon very easily reach, let us say 25 percent or more. And what does that mean? That means that with a 25-percent interest on the national debt, the cost of paying interest on that debt will be $1 trillion. That is $1,000 billion, each and every year. That will be a $1 trillion expenditures for which the taxpayers get nothing. They do not get the education of a single child. They don't get one rifle or even one bullet to defend our country. They get no help for the disabled or the ill. They get literally nothing. It is waste at its worst all caused by the gross irresponsibility of this Government.

So how should the Congress meet such a horrendous burden? One obvious alternative would be to simply repudiate the debt—all of it. Many countries have done exactly this in the past. Another is to swiftly inflate our way out of debt. The Congress and the Federal Reserve will be well on its way to doing just this if the Federal Government continues to run these enormous deficits and continues to pay for them with huge infusions of money from the Federal Reserve Board. A third alternative is to pursue the recommendations of a former distinguished chairman of the House Banking Committee. He proposed that the Congress direct the Federal Reserve Board to go into the open market and buy up the entire public debt.

Each of these alternatives would carry an infinitely cruel and costly price for our country. Repudiation of the debt would deny the country any credit in the future. An inflation sudden enough and big enough to pay off the $4 trillion debt would drive interest rates up to 100 percent or more. It would paralyze our great economy for many years. A policy of a Federal Reserve buyup of the entire debt would pump such a vast amount of liquidity into the economy that inflation and interest rates would explode out of sight.

So what is left? We could continue on our hapless path. That means kidding ourselves into believing that we are making progress in reducing the deficit, even as it continues to hover close to $200 billion a year—and this is in recovery years. That policy simply prolongs and stretches out the agony and raises the price we pay. We can start right now—this year, and refuse to permit the Government to borrow any more money—cold turkey. What would that require? The simplest kind of action by only one House of the Congress. We could achieve this by voting down any increase in the debt limit. This would force the Government at once on a pay as you go basis. What price would this extort from the economy? It would virtually force a massive tax increase, as well as a savage cut in all Federal spending. This would decisively slow economic activity. It would impose great agony on millions of Americans who cannot take care of themselves. It would sharply increase unemployment in the myriad of industries that depend on the Federal Government for their sales.

The economy might not survive such a terrific economic jolt. The people in this democracy would not permit it, unless they were first to taste for several years the painful punishment of runaway inflation. Unfortunately, only at that point—after realizing the devastating price of massive deficits and debt would Americans accept this remedy. But what else is there?

MARCH GOLDEN FLEECE AWARD: TO THE AIR FORCE

Mr. PROXMIRE. Mr. President, I am awarding my Golden Fleece of the Month Award for March to the Department of the Air Force for decking taxpayers about $59,000 over the last 6 years for the cost of playing cards that were given away as souvenirs to visitors aboard Air Force Two. Technically, the Air Force gets the Fleece because they spent the money, but the blame should be shared by the Executive Office of the President, which usually makes these requests.

In this day and time of outrageous Federal spending, we certainly do not need to have taxpayers subsidizing poker and gin rummy for guests who fly on the official Vice Presidential plane.

It looks like the taxpayers have been dealt another bad hand. This is a classic case. We've got a Joker of a Federal budget deficit that needs to be Aced soon, or we'll all go busted. But here we are throwing away tens of thousands of dollars in hard-earned tax money to buy playing cards for the Vice Presidential aircraft. It makes no sense. I think the Executive Office has drawn a bum card on this one.

The Air Force explains this fanciful flight into financial frenzy by saying that these playing cards are for official use. Only the Vice President and his staff are authorized to distribute them. And these are not just any old playing cards. They are inscribed with the Vice Presidential seal and all sorts of other trim. These cards may make nice memorabilia, but their importance in terms of the national interest escapes me. The taxpayer may question who is playing with a full deck on this one.

What's really ridiculous is that this has been going on for some time. According to the Air Force, taxpayer-financed playing cards for the Vice Presidential aircraft have been purchased for over 20 years. Because Air Force contract records only go back to 1981, we only know for certain the amount that taxpayers have been billed since then—$59,000. Since these fancy souvenir cards were bought with tax dollars, I wonder if somebody would consider setting up a high stakes poker game for the taxpayers? At least the public could realize some benefits from this misdeal.

For now, this year's version of the "Zap the Taxpayers" card game appears to be on hold. The contract solicitation was suddenly canceled. According to the Air Force, the solicitation was pulled upon discovery that only one company was able to fulfill a special requirement to bronze the Vice Presidential seal. Now the more expensive bronzing requirement has been dropped, and the Air force says another deal for the specially made decks may still be in the cards. They just don't know when to hold them and when to fold them.

When you take a look at the description the Air Force's Washington Area Contracting Center gave in seeking bids on this most unusual project, you'll know this was no ordinary set of playing cards:

> Cards, playing, single deck, bronzed with current Vice Presidential seal, "black on gold" on back of all cards . . . with "Welcome Aboard Air Force Two" printed in gold on back of all cards. Jokers to include image of capitol building on face, deck in light blue velour case * * * Vice Presidential seal in gold * * *

Without the earlier records, it's no telling how many of our tax dollars have been sunk into souvenirs and playing cards for Air Force Two. But at the rate of $10,000 a year since 1981 just for playing cards, we may well be looking at a wasteful project totaling more than $200,000 since the mid-1960's, not to mention what we may have spent on Air Force One. It is easy to see why we have been buried under huge deficits, with spending way out of control, and taxpayers hurting in the pocketbook.

I have seen a lot of card tricks, but this one beats them all. This is one case where somebody needs to play a trump card for the taxpayers.

REINTERPRETING ABM TREATY

Mr. KERRY. Mr. President, it was Francis Bacon who recalled the legendary seven wise men of Greece as saying that laws were like cobwebs—the small flies get caught—but the great break through.

I am reminded of Bacon's comments in looking at the Reagan administration's attempt to reinterpret the ABM Treaty.

Prevented by the treaty's own terms from moving ahead with the Star Wars Program, the administration sought first to avoid getting stuck by its limitations. Faced with the web of restrictions devised by the U.S. lawyers who negotiated and drafted the treaty, the administration ultimately decided that instead of complying by it, it would try to just break through.

Because there is no court of law which can enforce this treaty, no judge to judge the arguments made by the administration, no ultimate authority to force the administration to live by the terms of the treaty, we in the Senate must decide whether the web of law created by the ABM Treaty is one which we wish to see remain whole, or are content to have tattered by the SDI Program.

Mr. President, the Constitution gives the Senate the responsibility to provide advice and consent over treaties, which are the supreme law of the land, made not merely by the President alone, but with our advice and consent.

While the President may be able to terminate a treaty alone, the State Department has as recently as this February, in the context of the Threshold Nuclear Test Ban Treaties, made it clear that it believes the President cannot modify or alter a treaty obligation without the consent of the Senate.

Today, the Reagan administration marches toward a reinterpretation of the ABM Treaty which is utterly at odds with what that treaty had always been understood to mean—by the United States, by the Soviets, by the persons who negotiated it, by the Senate which approved it.

The ABM Treaty is a solemn engagement between the United States and the Soviet Union. It is binding at international law. It cannot be altered by either the United States or the Soviet Union without the consent of the other.

It is also a solemn engagement between the branches of the Government itself. If the Senate's advise-and-consent role is to be meaningful and not an empty formality, an administration may not change the meaning of a treaty after it has been approved by the Senate. A serious constitutional question is posed by a treaty interpretation by the executive branch fundamentally at odds with that understood by the Senate at the time it was approved. Because such a reinterpretation would cast doubt on the approval of the Senate, constitutional scholars contend that the President is absolutely bound by what the consenting Senate's understanding of a treaty was at the time it gave its consent to ratification, and cannot adopt a contrary interpretation.

Despite these serious legal impediments to changing a fundamental interpretation of a treaty, the Reagan administration has recklessly put forward an interpretation of the treaty that radically transforms it from a treaty designed to stop the development and testing of star wars systems, along with all other forms of nationwide ballistic missile defense, to a treaty which deals only with technologies already in place. Instead of a centerpiece of arms control and national security, the ABM Treaty would be, as reread by the Reagan administration, an agreement of slender reach, already overrun by both history and new technologies.

And so the Reagan administration has chosen to alter the interpretation of the ABM Treaty, and therefore the protections that the treaty once offered both us and the Soviets, contrary to the interpretation of the treaty as it had always been understood by the Soviets, by our allies, by the Senate, and by the administration itself in numerous official statements prior to October 1985.

Illogical as all of this is, it is a logical outcome of the President's decision to move forward with star wars. From the first day that President Reagan surprised the world with his announcement on March 23, 1983, that the United States would begin a program of research into space-based strategic defenses, he was implicitly challenging the premise of the ABM Treaty—that strategic defenses were dangerous—that they would inevitably create an offensive-defensive arms race spiral, resulting in the proliferation of both types of systems and an end to any limits on nuclear weaponry.

Today, less than 4 years later, we are seeing the fruits of that ill-considered decision by the President, made without consultation of Congress, our allies, recognized experts on nuclear strategy, and even key persons in the Department of Defense. The consequences of SDI have already included the failed summit at Reykjavik, where deep reductions in nuclear weapons were sacrificed before the altar of star wars. Future consequences if we do not act will be the destruction of the ABM Treaty itself, and with it the collapse of bilateral arms negotiations between the United States and the Soviet Union, tieing the hands of any future President by making it impossible for him to negotiate any new arms control treaty.

The Reagan administration's decision to reinterpret the treaty, and its announced intention to reconsider its policy of living within the traditional interpretation of the treaty can only be understood as the immediate consequence of its fervent belief that the United States should deploy the strategic defenses which were renounced when the ABM Treaty was ratified. The President's Star Wars Program is absolutely incompatible with the continuation of the ABM Treaty. Under the terms of the ABM Treaty, the President has the right to have the United States withdraw from it 6 months after notifying the Soviets. Because the Reagan administration finds it politically unwise to renounce that treaty, they have instead chosen the less honest, and four more constitutionally dangerous, approach of fraudulently reinterpreting it.

SDI's fundamental premise, that strategic defenses can make nuclear weapons obsolete, is a goal prohibited by the treaty's own language, which prevents each party from undertaking "to deploy ABM systems for a defense of the territory of its country," and prohibits each party from providing "a base for such a defense."

In order to provide teeth to this agreement not to deploy strategic defenses, or to provide such a base, the ABM Treaty bans the testing, development, and deployment of all ABM systems other than fixed land-based systems. The treaty goes on to say that neither party may test, develop, or deploy any ABM component or system which are "sea-based, air-based, space-based or mobile land-based."

The intent of that prohibition is unequivocal. It is easy to understand what the United States and Soviet Union meant in negotiating it. While both sides would maintain limited capabilities for testing, development, and deployment of traditional, land-based ABM components, as the Soviets have down around Moscow, and as the United States was permitted to do around either Washington, DC, or a designated missile range, testing and development of new ABM technologies was strictly limited to land-based ABM's, and the testing and development of the kind of technologies which are at the core of the SDI Program were prohibited.

It is false to state, as the administration has, that there are two interpretations of the treaty, and that understandings prior to October 1985 about what the treaty meant were based on an incomplete or inaccurate understanding of the treaty.

To the contrary, it is absolutely clear that the treaty cannot fairly be read in the way that the Reagan administration has urged it be read. Any fair reading of the legislative and negotiating histories of the treaty make it unambiguously clear that it absolutely bars the development, testing, and deployment of all nonfixed land-based ABM systems and components.

The United States has followed that interpretation of the treaty since the day it was signed by President Nixon. It was that interpretation of the treaty that was presented to the Senate Foreign Relations and Armed Services Committees by the Government of the United States.

It was that interpretation of the treaty that was relied on by the U.S. Senate when it ratified the ABM Treaty by a vote of 88 to 2.

That interpretation of the treaty remains the only interpretation accepted by NATO allies, and they remain firmly opposed to any other interpretation of the treaty.

The Soviet Union has unambiguously stated that it recognizes that the treaty prohibits the development and testing of nonfixed land-based ABM systems of all kinds.

The chief negotiator of the SALT I Treaty, Gerard Smith, has stated that any other interpretation of the treaty is erroneous, and called the administration's interpretation as amounting to "a breach of contract." Other U.S. officials directly involved in negotiating and drafting the treaty, including John D. Rhinelander, former counsel to the ABM Treaty negotiation, Prof. Albert Carnesale of Harvard, who was a member of the ABM working group that drafted the language of the treaty, and retired Lt. Gen. Royal B. Allison, the senior U.S. military official on the ABM negotiating delegation, have agreed that they had no doubt that the United States and the Soviet Union gave up the right to testing and developing of all nonfixed land based ABM systems, including those based on new physical concepts other than those used by existing systems.

In the words of former Defense Secretary Harold Brown, who was a member of the American team that negotiated the treaty, the administration's interpretation is "off the wall."

Even the Reagan administration has issued numerous statements agreeing with this interpretation of the treaty.

The following is from the 1982 Arms Control Impact Statement of ACDA:

> The ABM Treaty bans the development, testing and deployment of all ABM stystems and components that are sea-based, air-based, space-based, or mobile land-based. In addition, although the treaty allows the development and testing of fixed, land-based ABM systems, and components based on other physical principles (such as lasers or particle beams) and including such fixed, land-based components capable of substituting for ABM intercept missiles, ABM launchers, or ABM radars, the Treaty prohibits the deployment of such fixed, land-based systems, and components unless the Parties consult and amend the Treaty.

As ACDA recognized in 1982,

> Unless otherwise amended, the ABM Treaty prohibition applies to directed energy technology (or any other technology) used for this purpose. Thus, when such DE programs enter the field testing phase they become constrained by these ABM Treaty obligations.

This statement was reiterated by ACDA in its 1983 Arms Control Impact Statement and its 1984 Arms Control Impact Statement.

It is understandable that ACDA has interpreted the Treaty this way. Gen. Bruce Palmer, Acting Army Chief of Staff told the Senate Armed Services Committee in 1972 that the treaty "did not prohibit the development (of new technologies) in the fixed, land-based ABM systems. We can look at futuristic systems as long as they are fixed and land based."

As General Palmer recognized, the ABM Treaty permitted further developments in fixed, land-based development and testing by both sides, short of deployment, but explicitly banned such developments in nonfixed land-based systems and components in article V, section 1, which contains the prohibition.

As Secretary of State Rogers told the House Foreign Affairs Committee in its hearings on the treaty in 1972,

> We and the Soviet Union have agreed not to develop, test or deploy:
>
> "1. ABM systems or components that are sea based, air based, space based, or mobile land based;
>
> "2. Automatic or semiautomatic or other similar systems for rapid reloading or ABM launchers;
>
> "3. An interceptor missile with more than one independently guided warhead; and
>
> "4. An ABM launcher capable of launching more than one interceptor missile at a time from each launcher, or to modify launchers to give them such a capability."

"Such undertakings are important," Secretary Rogers told the committee.

> It may be of ever greater importance that both sides have agreed that future types of ABM systems based on different physical principles, for example, systems depending on such devices as lasers, that do not consist of ABM interceptor missiles, launchers, and radars, cannot be deployed even in permitted areas. So there is a limitation on what may be employed in the ABM systems now in operation and it prohibits the deployment of new esoteric systems in these areas.

Precisely because the Senate was told by the administration that the ABM Treaty prohibited development and testing of futuristic ABM systems, Senator James Buckley became one of two Senators to vote against approving the treaty. As Senator Buckley told his colleagues in this body on August 3, 1972;

> The Agreement goes so far as to prohibit the development, test or deployment of sea, air or space based ballistic missile defense systems. This clause, in article V of the ABM Treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space.

According to Senator Buckley, who favored the development and testing of such systems, "The technological possibility has been formally excluded by this agreement."

So I think it is pretty clear, based on the statements of Ambassador Smith, ACDA, Secretary Rogers, Senator Buckley and so many others intimately involved with the process of negotiating and ratifying SALT I that the treaty did in fact ban development and testing, as well as deployment, of nonfixed based systems regardless of the nature of the technology involved.

It is important this body declare itself firmly opposed to those in the Reagan administration who have advanced the proposition that the United States should suddenly adopt a different interpretation—contrary to the negotiating history and contrary to the common understanding through five administrations, including this one prior to the month of October 1985.

What would be the results if the new reinterpretation sought by some members of the administration were to be adopted by the United States?

First, the treaty's ban on a nationwide ABM defense, a base for such defense, and a regional ABM defense would remain for traditional ABM technologies, but would be eliminated for exotic technologies. This is because some members of the administration have interpreted that article V(1) and other articles in the treaty do not apply to exotic systems, and that only agreed statement D blocks their deployment. But agreed statement D only requires the United States to discuss exotic systems. Hence, if one concluded that agreed statement D was the only part of the treaty covering exotic systems, one logically has to decide that the United States and the Soviet Union have the right under the treaty to go ahead and deploy exotic systems any time they want to, so long as they "discuss it" first.

Second, the language "currently consisting of" in article II(1), to describe what ABM systems and components are covered by the treaty, would have to be ignored as surplusage, words with no meaning, since the treaty had now been read to refer only to those types of ABM systems that existed at the time it was signed.

Third, the United States could test mobile or space based exotic systems at its will, without any restrictions, since the restrictions on ABM testing which limit those tests to the designated test sites—for the United States, the Kwajalein site—only would apply to fixed, land-based ABM launchers, missiles, and radars.

Fourth, the United States could transfer exotic ABM technologies to other states, such as our NATO allies, and deploy them in Europe, since the prohibitions in article IX of the ABM Treaty against transferring such systems to other states would apply only to traditional technology and not to exotic systems.

This is a dramatic shift from what had always been understood by both the United States and the Soviet Union as what was permissible under the ABM Treaty. This demonstrates great creativity on the part of those in the Reagan administration who have no use for the ABM Treaty, and is evidence of their recognition that the SDI testing program as currently constituted and the ABM Treaty are fundamentally incompatible.

The new interpretation of the treaty has grave implications not merely for the U.S. compliance with the ABM Treaty, but for arms control itself.

As Professors Abram and Antonia Chayes of Harvard have written in the Harvard Law Review,

> The interpretation of solemn obligations affecting the security of the United States and the world demands more than playing word games with the text to see what meanings it can be made to bear. The fundamental reason why the reinterpretation of the treaty is unacceptable is because it reflects no intelligible policy or purpose.

The ABM Treaty was intended by both sides to provide assurance to each side that the other was not going forward with the development and testing of new ABM systems. The treaty was designed to protect both sides against breakout by either side, as article I specifies in making it unlawful to provide a base for a nationwide ABM defense. Ironically, this first and central prohibition of the treaty would appear to be exactly the opposite of the purpose of the SDI—which is to do enough research and testing and development of strategic defenses to provide a base for a nationwide ABM defense. Indeed, one of the central features of this year's SDI budget is hundreds of millions of dollars for a national test bed site to centralize command, communications, and control for a nationwide ABM defense, first in research and development, and later, if all goes according to their plan, for deployment.

The fixed interpretation of the treaty adopted by President Nixon, and retained under Presidents Ford, Carter, and over the first term of President Reagan remain the national policy of the United States, and the only interpretation of the treaty that has ever been accepted and approved by the Senate.

We must insist that the interpretation of the treaty presented to the Senate at the time it approved the treaty remain the national policy of the United States. The alternative would be not only to make this treaty a nullity, but the very process of advise and consent by the Senate. To permit the reinterpretation to go forward would be to abdicate our constitutional responsibilities over treaties, and to give to the President alone—Republican or Democrat, wise or not—the sole right to refashion any and all treaties solemnly entered into by past Presidents and approved by past Senates—to his liking, regardless of what those treaties had historically been understood to mean.

If we fail to insist that the Senate's understanding of these treaties remain the law of the land, we undermine not only the ABM Treaty, the process of arms control and our national security, but the balances set forth in our Constitution itself.

In the process, we will be both abdicating our responsibilities, and mortgaging the ability of future Presidents to repair the damage already done by the Reagan administration to arms control. It is ludicrous to believe that the Soviet Union will sign another treaty with the United States to limit offensive weapons while we retain the right to go ahead with unlimited testing and development of star wars components in the air, on the sea, and in space. It is also dangerous to assume that our vital relationships with our NATO allies will also be unaffected.

We have all read the reports about the devastating reaction in Europe to the proposed reinterpretation of the treaty. Our allies recognize the value of the ABM Treaty—they have profound fears about the effect of the deployment of star wars systems on their own security—and I fear deeply for the strain on the alliance if we continue to go forward full-speed ahead with this program regardless of the limitations contained on the face of the ABM Treaty. While ACDA Director Kenneth Adelman may say, as he did in early February, that the Allies have no "qualifications" to interpret the ABM Treaty, their national security is profoundly affected by whether we continue to abide by it under the terms originally understood. As Elizabeth Pond wrote recently in the Christian Science Monitor, British, French, and West German diplomats and West German officers have made it clear that they view the unilateral American reinterpretation of the treaty and SDI testing in breach of the traditional interpretation as likely to "scotch arms control for the rest of this century and trigger a dangerous all-out arms race."

Indeed, the British Government has made it clear that its support for the SDI is conditioned upon continued compliance by the United States with the original understanding of the treaty.

For all of these reasons, we should act to affirm that the ABM Treaty means what we have always understood it to mean—and means what we understood it to mean when this body ratified it.

The United States and the Soviet Union undertook to stop the development, testing, and deployment of ABM systems, except under the very limited conditions set forth in the treaty. That treaty has served us well over the past 13 years, and done much to promote nuclear stability. This year, I hope the Senate will take legislative action as necessary to protect it.

Tomorrow, the Senate Foreign Relations and Judiciary Committees are holding a joint hearing on the ABM Treaty to review this issue in a first step to hold the administration's interpretation up to scrutiny. We will hear testimony from the men who negotiated the ABM Treaty, and from constitutional scholars on the legal effect of the Senate's approval of treaty as it was understood at the time of approval.

Following that hearing, it is my understanding that the Senate Foreign Relations Committee will continue hearings on these issues, and it is my hope that the Senate as a whole will adopt language to protect the treaty as it was originally understood, according to its own terms.

As President Kennedy said before the U.N. General Assembly a few weeks before his untimely death,

> The science of weapons and war has made us all * * * one world and one human race, with one common destiny. * * * The conventions of peace must pull abreast and then ahead of the inventions of war.

President Kennedy told the United Nations that the first United States-Soviet arms treaty, the Limited Test Ban Treaty, which he had just signed, could not alone put an end to war, remove basic conflicts, or secure freedom for all. But it could do something almost as important. "It can be a lever," President Kennedy said. "And Archimedes, in explaining the principles of the lever, was said to have declared to his friends: "Give me a place where I can stand—and I shall move the world.' "

The ABM Treaty has been a tool to halt the arms race—perhaps an imperfect one—and we have not always had a place to stand. But as we look for such a place, we should not be hasty in throwing away this tool because some believe they have found a better, newer, technologically perfect though as yet untested tool, which may yet prove to be neither perfect nor necessarily a tool of peace at all, but of something else indeed.

TRIBUTE TO SENATOR JENNINGS RANDOLPH

Mr. ROCKEFELLER. Mr. President, this week marks the 85th birthday and 54th anniversary of the beginning of the long and distinguished congressional career of former Senator Jennings Randolph. When Jennings Randolph was first sworn in as a Member of the House of Representatives in 1933, FDR was President and this country was in midst of the Great Depression.

From the day on, Senator Jennings Randolph dedicated his life to serving West Virginia and his country. Those of you who had the pleasure and privilege of serving with Senator Randolph know of his concern and compassion for individuals, of long hours and hard work on the Senate Environment and Public Works Committee, and his lifelong commitment to promote peace.

The many contributions and accomplishments of this West Virginia statesman are too numerous to recount, but I would like to remind my colleagues of just a few: his pioneering work in the field of commercial aviation; his original sponsorship of legislation giving 18-year-olds the right to vote; the creation of the Air and Space Museum; passage of the Randolph-Sheppard Act; and the establishment of the Peace Academy.

I consider it a special honor to follow in the footsteps of such a distinguished statesman and dear friend.

THE DEATH OF SENATOR EDWARD ZORINSKY

Mr. GLENN. Mr. President, it is with great sadness that I note the death of my good friend and distinguished colleague from Nebraska, Senator EDWARD ZORINSKY. I have had the opportunity to serve with Senator ZORINSKY in this body for more than 10 years, and for 8 of those years, we served together on the Foreign Relations Committee.

Perhaps Senator ZORINSKY's most memorable quality was his forceful independence. He never put great stock in party affiliation, preferring to value his patriotic affiliation.

EDWARD ZORINSKY began his service to our Nation as a member of the Army Reserve, serving from 1950-66. He won election to several political posts in Omaha, NE, rising to become mayor from 1973-77.

Elected to the Senate in 1976, Senator ZORINSKY has served on the Agriculture, Nutrition, and Forestry Committee and the Foreign Relations Committee. On Agriculture, he was a tireless advocate for his State's farmers, opposing the Carter administration's grain embargo and advocating higher price supports for wheat. On Foreign Relations, he has contributed to the development of a Democratic position, toward Latin America, helping to highlight the dangers of the current administration's policies in the region.

Senator ZORINSKY attracted particular attention by his style. While most politicians spend a lot of money to gain attention, Senator ZORINSKY managed to do just the opposite. He has given back thousands of dollars in unused salary funds to the U.S. Treasury. He also removed his office door to make visitors feel more welcome, and rejected an automatic signature machine, preferring to sign letters personally.

As we continue to debate the issues in which he was involved, the U.S. Senate will surely miss the notable contributions of the senior Senator from Nebraska, EDWARD ZORINSKY.

THE LATE SENIOR SENATOR FROM NEBRASKA, EDWARD ZORINSKY

Mr. SIMON. Mr. President, last Friday night, America and this Senate lost a champion of rural America. I rise today to pay tribute to that man, the late senior Senator from Nebraska, Edward Zorinsky.

Ed was one of the Senate's chief authorities on rural America. The agricultural depression ravaging our heartland is one of our most intractable problems. Ed tackled it every day. During the 99th Congress, he served as ranking member of the Senate Committee on Agriculture. His diligent work on the 1985 farm bill resulted in many improvements to that law.

Ed also distinguished himself on the Senate Foreign Relations Committee. He was most active in the Western Hemisphere Subcommittee where he showed his political courage and overriding concern for keeping Government spending under control. Well before it was fashionable, Ed was demanding to know how our Contra aid was being spent and how much the Contra leaders were being paid. Taking such a politically unpopular stand against this administration's policies in Central America inspired us all.

Ed was elected to the Senate in a style that would become his hallmark. Passed over by the political bosses for the Republican senatorial nomination, Ed switched parties and took the seat anyway. He was a populist candidate who prided himself on cutting wasteful Government spending.

This independent manner stayed with him throughout his Senate career. Ed cared little for partisan affairs, declaring that we needed a few more U.S. Senators and a few less Democratic or Republican Senators. He was a "man of the people" with accessibility that was legend. He even removed the door to his office so that nothing would be between his desk and his constituents.

Mr. President, Ed and I differed on many issues. However, his warmth and willingness to work together never ceased. The Senate is a better place for having counted him among its Members, and I am the richer for having served with him. Jean and I extend our heartfelt sympathy to Cece and the children. They shall be in our thoughts and prayers.

TRIBUTE TO THE LATE SENATOR FROM NEBRASKA, EDWARD ZORINSKY

Mr. THURMOND. Mr. President, the death of Senator Edward Zorinsky has saddened each of us and left a great personal and professional void in the U.S. Senate. During the 10 years he served in this body, we grew to respect and admire him. To his lovely wife, Cece, and his three children, Barry, Jeffrey, and Susan, Nancy and I extend our deepest sympathy.

He was born in Omaha, NE, in 1928, the son of a Russian Jewish immigrant. In 1949, he earned a bachelor of science degree in chemistry and zoology from the University of Nebraska. He also attended the University of Minnesota and Creighton University and did postgraduate work at Harvard.

For a number of years, he worked in his family's wholesale tobacco and candy business. His first taste of politics came when he was elected to the public utilities board, and in that role he was credited with saving the Omaha Public Power District $15 million in cost overruns. A few years later, in 1973, he was elected mayor of Omaha and became one of the most popular executives that city has ever had.

Senator Zorinsky switched parties and successfully ran for the U.S. Senate as a Democrat in 1976. He came to the Senate as a maverick, determined to serve the people in an open, honest manner, and to do his share in bringing a new fiscal conservatism to the Government. To demonstrate his open door policy with his constituents, he took the door to his office off its hinges, making himself available to press and to public alike. During his first year in office, he began his well-known practice of returning to the U.S. Treasury each year thousands of dollars in unused office expenses.

This same thriftiness marked many of his positions on Federal programs. He ordered an audit of the Federal Farm Insurance Corporation that eventually trimmed that agency's budget and consistently opposed wasteful spending on foreign aid. He was awarded the 1983 "Taxpayer's Best Friend" award from the National Taxpayers Union and has twice received the "Golden Bulldog" of the National Associated Businessmen. In addition, he was a four-time recipient of the National Federation of Independent Business "Guardian of Small Business" award.

As ranking Democrat on the Agricultural Committee, Zorinsky pushed for programs to expand credit for hard-pressed farmers and speed up the electrification of rural areas. He sponsored the 1980 Farm Credit Act Amendments, which broadened the Farm Credit System's loan authority, and a 1981 amendment to maintain the Rural Electrification Administration's 2-percent loan program in the face of proposed budget cuts.

As member of the Foreign Affairs Committee, Senator Zorinsky carried his concern for domestic farmers to the international arena. He led the fight against President Carter's embargo on grain sales to the Soviet Union and, in recent years, has worked to boost agricultural exports and improve conditions for farmers facing their worst economic crisis in 50 years.

Mr. President, while I did not always see the issues eye to eye with Senator Zorinsky, he was a man who, early in his Senate career, won my deepest admiration. He was an independent thinker, who chose not to confine his voting habits to partisan politics. He was a man of courage and capacity, character, and integrity.

A public servant in the truest sense of the word, he opened his eyes to the concerns of farmers, taxpayers, and crime victims. His open door policy reflected his sincere desire to serve the people of his State and Nation. He cared about the little people and fought the bureaucratic giant for the things he thought would serve them best. Mr. President, I have seen many come and go in this powerful and prestigious Chamber, and I have found that those who leave their mark on history are those who remember the place from which they have come—the public who has given them its trust. Senator Zorinsky was such a man, and he will be sorely missed and long remembered in this body.

Mr. President, I ask my colleagues to join me now in paying final tribute to this great American patriot, outstanding leader, true man of vision, and treasured friend to us all.

COSPONSORSHIP OF S. 592, THE ADMINSTRATION'S CATASTROPHIC HEALTH LEGISLATION

Mr. HATCH. Mr. President, today I am joining Senator Dole and many other Members of Congress in cosponsoring President's Reagan's legislative initiative to expand Medicare to provide protection for elderly and disabled Americans who suffer from a catastrophic illness. This legislation, entitled the Medicare Catastrophic Illness Coverage Act, culminates several years of studying ways to reduce the devastating economic impact a catastrophic illness can cause. This initiative is an excellent basis on which to begin discussion, and I am proud to honor President Reagan's request for support. But it by no means satisfactorily answers all of the issues we are confronting. I hope my colleagues will agree that before we become too preoccupied with the details of this proposal, we first must resolve whether the best solution to the cost of catastrophic illness lies in Government or private sector financing. We also need to address the question of who will or should be covered.

Examples of financial ruin caused by catastrophic health care costs are not hard to find. We have all heard the story about an elderly family member who had a lingering illness. She was forced to sell her home to pay off her mounting hospital, physician, and prescription drug debt that was not covered by Medicare. Or the story of the family who lacked basic health insurance coverage and gave birth to a premature child. The costs exceeded $100,000 and forced the family into bankruptcy. These are common problems some Americans face.

In President Reagan's 1986 State of the Union Address, he called on the Secretary of the Department of Health and Human Services, Dr. Otis Bowen, to study how "the private sector and the Government can work together to address the problems of catastrophic health care." Dr. Bowen accepted this challenge. In fact Dr. Bowen's final proposal contains many valuable ways of encouraging both the Government and the private sector to provide better coverage for catastrophic illness.

The legislation introduced today is only a part of Dr. Bowen's plan. It expands the Medicare Program to cover up to 365 days of inpatient hospital care and caps out-of-pocket costs at $2,000. It addresses one aspect of the catastrophic health care issue—elderly Americans who face hospitals bills which are not covered under Medicare. Yet there are many other Americans who suffer an economic toll because of catastrophic health expenses.

Over the last 6 years, I have had the privilege to be chairman of the Senate Labor and Human Resources Committee. Much of my time was spent looking for ways to ensure that there is quality and affordable health care for all Americans. In addition, I have cosponsored several catastrophic health care initiatives, including S. 1590 from the 96th Congress which was similar to this legislation presented today. One thing I have learned from my tenure is that legislation benefits from public scrutiny and debate and from the consideration of substantive criticism.

One criticism launched against this legislation is that the Government will replace current private sector insurance programs commonly referred to as Medigap policies. If this is true, I suggest to my fellow colleagues that we begin our inquiry by adopting one principle: Government certainly has a role in health care—and that role should be limited to providing a framework to stimulate, not replace, efficient private sector solutions.

We must develop a broad program that urges the private sector to reduce the financial woes that result when a catastrophic illness hits a family. We must foster our commitment to ensure the financial viability of the Medicare Program. It is the cornerstone in providing elderly citizens with health care. We must support the States role in formulating health care policy for their low-income citizens through the Medicaid Program.

And we also must provide Americans with an alternative to institutionalization for those who can be cared for in their own homes. We must and can create a cost-effective solution to the escalating costs of catastrophic treatment other than simply having the Government cover all expenses. I, for one, would like to explore options that minimizes costs instead of focusing just on how to spend more money.

I urge every Member of Congress to join the debate and review this legislation and all other proposals concerning catastrophic health care. We should be mindful that the private sector and the Government must join in a partnership. While the problems of catastrophic health care are complex, we must build a strong bipartisan coalition to craft a workable solution that continues our families and our neighbors' access to the most advanced, beneficial health care system in the world found in America.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 9, 1987, during the adjournment of the Senate, received a message from the President of the United States transmitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on March 9, 1987, are printed at the end of the Senate proceedings.)

MESSAGE FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 10, 1987, during the adjournment of the Senate, received a message from the President of the United States submitting a nomination, which was referred to the Committee on Small Business.

(The nomination received today, March 10, 1987, during adjournment, is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:23 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week".

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

The message also announced that the House has agreed to the following resolution:

H. Res. 115. A resolution relative to the death of the Honorable EDWARD ZORINSKY, a Senator from the State of Nebraska.

MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on March 6, 1987, he had presented to the President of the United States the following enrolled bill and joint resolution:

S. 83. An act to amend the Energy Policy and Conservation Act with respect to energy conservation standards for appliances; and

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month".

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-631. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for two years; to the Committee on Agriculture, Nutrition, and Forestry.

EC-632. A communication from the Assistant Secretary of Defense (Comptroller), transmitting, pursuant to law, a listing of contract award dates for the period March 1 to April 30, 1987; to the Committee on Armed Services.

EC-633. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, the annual report on the Panama Canal Treaties of 1977 for fiscal year 1986; to the Committee on Armed Services.

EC-634. A communication from the Principal Assistant Secretary of the Navy (Shipbuilding and Logistics), transmitting, pursuant to law, a report on the conversion of the public works functions at the Naval Station, Roosevelt Island, Puerto Rico, to performance by contract; to the Committee on Armed Services.

EC-635. A communication from the Executive Director of the Neighborhood Investment Corporation, transmitting a draft of proposed legislation to extend the authorization of appropriations for the Neighborhood Reinvestment Corporation.

EC-636. A communication from the Administrator of Veterans' Affairs, transmitting, pursuant to law, a report on the technology transfer functions of the Veterans'

Administration; to the Committee on Commerce, Science, and Transportation.

EC-637. A communication from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC-638. A communication from the Secretary of Commerce, transmitting a draft of proposed legislation to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1988 and 1989; to the Committee on Commerce, Science, and Transportation.

EC-639. A communication from the Secretary of Transportation, transmitting, pursuant to law, the lease of the Metropolitan Washington Airports to the Metropolitan Washington Airports Authority; to the Committee on Commerce, Science, and Transporation.

EC-640. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; to the Committee on Commerce, Science, and Transportation.

EC-641. A communication from the Commandant of the United States Coast Guard, transmitting, pursuant to law, a list of activities under consideration for performance by contract; to the Committee on Commerce, Science, and Transportation.

EC-642. A communication from the Secretary of Energy, transmitting, pursuant to law, notice of a delay in the submission of a report on domestic crude oil production and petroleum refining capacity and the effects of imports thereon; to the Committee on Energy and Natural Resources.

EC-643. A communication from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

EC-644. A communication from the Acting Assistant Secretary of the Interior (Water and Science), transmitting, pursuant to law, notice of a deferment of a loan payment due from the West Bend Irrigation District, Dillon, Montana, under the Small Reclamation Projects Act; to the Committee on Energy and Natural Resources.

EC-645. A communication from the Assistant Secretary of Energy (Conservation and Renewable Energy), transmitting, pursuant to law, a report on expected delays in the submission of annual revisions to the Comprehensive Program Management Plans for the Wind and Ocean Energy Programs; to the Committee on Energy and Natural Resources.

EC-646. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-647. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-648. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-649. A communication from the Deputy Associate Director for Royalty Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, a report on the refund of certain excess royalty payments; to the Committee on Energy and Natural Resources.

EC-650. A communication from the Administrator of General Services, transmitting, pursuant to law, a report of Building Project Survey for Stamford, Connecticut; to the Committee on Environment and Public Works.

EC-651. A communication from the Interagency Task Force of the National Acid Precipitation Program, transmitting, pursuant to law, the annual report of the Program for 1985; to the Committee on Environment and Public Works.

EC-652. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to authorize appropriations for environmental research, development, and demonstration for fiscal years 1988 and 1989; to the Committee on Environment and Public Works.

EC-653. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Toxic Substances Control Act, as amended, for two years; to the Committee on Environment and Public Works.

EC-654. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend Title I of the Marine Protection, Research, and Sanctuaries Act, as amended, for two years; to the Committee on Environment and Public Works.

EC-655. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to extend the Solid Waste Disposal Act; to the Committee on Environment and Public Works.

EC-656. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to amend and extend the Clean Air Act, as amended, for two years; to the Committee on Environment and Public Works.

EC-657. A communication from the Administrator of the Environmental Protection Agency, transmitting a draft of proposed legislation to provide for the deposit and retention of certain fees and charges collected by the U.S. Environmental Protection Agency; to the Committee on Environment and Public Works.

EC-658. A communication from the United States Trade Representative, transmitting a draft of proposed legislation to provide authorization for the Office of the United States Trade Representative for fiscal years 1988 and 1989; to the Committee on Finance.

EC-659. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, a report on international agreements, other than treaties, entered into by the United States in the sixty day period prior to February 25, 1987; to the Committee on Foreign Relations.

EC-660. A communication from the Secretary of Agriculture, transmitting, pursuant to law, notice of the revision of five systems of records, deletion of a system, and a new system of records under the Privacy Act; to the Committee on Governmental Affairs.

EC-661. A communication from the Secretary of the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Government in the Sunshine Act for calendar year 1986; to the Committee on Governmental Affairs.

EC-662. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, the annual report on competition advocacy for calendar year 1986; to the Committee on Governmental Affairs.

EC-663. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report on the number of appeals submitted, the number processed to completion, and the number not completed by the originally announced date for fiscal year 1986; to the Committee on Governmental Affairs.

EC-664. A communication from the Managing Director of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report on competition advocacy for calendar year 1986; to the Committee on Governmental Affairs.

EC-665. A communication from the Vice President of the Chesapeake and Potomac Telephone Company, transmitting, pursuant to law, a statement of receipts and expenditures of the Company for calendar year 1986; to the Committee on Governmental Affairs.

EC-666. A communication from the Deputy Director of the Central Intelligence Agency (Administration), transmitting, pursuant to law, a report on an amendment to a Privacy Act system of records; to the Committee on Governmental Affairs.

EC-667. A communication from the Freedom of Information/Privacy Officer of the Interstate Commerce Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-668. A communication from the Acting Administrator of the Panama Canal Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-669. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-670. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-671. A communication from the Chairman of the Federal Labor Relations Authority, transmitting, pursuant to law, the annual report of the Authority under the

Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-672. A communication from the Chief Justice of the United States, transmitting, pursuant to law, various amendments to the Federal Rules of Evidence adopted by the Supreme Court; to the Committee on the Judiciary.

EC-673. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-674. A communication from the Chairman of the Federal Deposit Insurance Corporation, transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-675. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-676. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-677. A communication from the Assistant Vice President of the National Railroad Passenger Corporation (Government and Public Affairs), transmitting, pursuant to law, the annual report of the Corporation under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-678. A communication from the Special Counsel of the Merit Systems Protection Board, transmitting, pursuant to law, the annual report of the Office of Special Counsel under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-679. A communication from the Executive Director of the National Mediation Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-680. A communication from the Attorney General, transmitting, pursuant to law, recommendations of the Coordinating Council on Juvenile Justice and Delinquency Prevention; to the Committee on the Judiciary.

EC-681. A communication from the Marshal of the United States Supreme Court, transmitting, pursuant to law, a report on the cost of the protective function provided by the Supreme Court Police to Justices, official guests, and employees of the Supreme Court; to the Committee on the Judiciary.

EC-682. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the annual report of the Board under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-683. A communication from the General Counsel, Office of Administration, Executive Office of the President, transmitting, pursuant to law, the annual report of the Office of Administration under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-684. A communication from the Assistant Secretary of State (Legislative and Intergovernmental Affairs), transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-685. A communication from the Director of the Office of Legislative and Public Affairs, National Science Foundation, transmitting, pursuant to law, the annual report of the Foundation under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-686. A communication from the Deputy Federal Inspector of the Alaska Natural Gas Transportation System, transmitting, pursuant to law, the annual report of the System under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-687. A communication from the Assistant Secretary of the Treasury (Management), transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-688. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report of NASA under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-689. A communication from the Acting Director of the Office of Communications and Legislative Affairs, Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report of the Committee under the Feedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-690. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the annual report of the Commission under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-691. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act of calendar year 1986; to the Committee on the Judiciary.

EC-692. A communication from the Chief Immigration Judge, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, a report on the suspension of deportation of certain aliens under section 244(a)(1) and 244(a)(2) of the Immigration and Nationality Act; to the Committee on the Judiciary.

EC-693. A communication from the Assistant Secretary of Defense (Public Affairs), transmitting, pursuant to law, the annual report of the Department under the Freedom of Information Act for calendar year 1986; to the Committee on the Judiciary.

EC-694. A communication from the Secretary of Labor, transmitting, pursuant to law, the annual report on the administration of the Employee Retirement Income Security Act for 1985; to the Committee on Labor and Human Rescources.

EC-695. A communication from the Secretary of Education, transmitting a draft of proposed legislation to terminate the perpetual trust fund for the American Printing House for the Blind, and for other purposes; to the Committee on Labor and Human Resources.

EC-696. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Postsecondary Education Programs for Handicapped Persons; to the Committee on Labor and Human Resources.

EC-697. A communication from the Secretary of Education, transmitting, pursuant to law, final regulations for Secondary Education and Transitional Services for Handicapped Youth Program; to the Committee on Labor and Human Resources.

EC-698. A communication from the Executive Secretary to the Secretary of Defense, transmitting, pursuant to law, the annual report on Department of Defense procurement from small and other business firms for fiscal year 1986; to the Committee on Small Business.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-40. A joint resolution adopted by the Legislature of the State of California; to the Committee on Appropriations.

"ASSEMBLY JOINT RESOLUTION NO. 2

"Whereas, The Africanized bee quickly supplanted European stock, expanding their range 200 to 300 miles a year from the original epicenter in Brazil (1957), and have now reached Guatemala and are soon to cross over into Mexico if this has not already occurred; and

"Whereas, Leading scientific experts have indicated that, if the Africanized bee continues to advance as predicted, it will be in the United States by 1990; and

"Whereas, Studies in Venezuela, Colombia, and Central America found that the bee has retained virtually all of its African characteristics as it has spread; and

"Whereas, The Africanized bee has the potential to have a devastating impact on California's agricultural industry and to threaten public health and safety; and

"Whereas, Africanized bees are a potentially serious threat to the pollination of many agricultural crops in California because their colonies are not manageable as commercial pollination units under California conditions, with the vast acreages of crops interspersed with roads, livestock, and people, and especially with the need to frequently transport hives from area to area; and

"Whereas, In California, more than 600,000 commercially managed beehives pollinate approximately 40 crops, valued at $4 billion annually; and

"Whereas, California ranks high in the nation in honey production; and

"Whereas, Assuming pure European stock can still be produced in California after Africanized bees become established, research has shown that the European bees may be unable to compete with a potentially high density of wild Africanized bees foraging on the limited pollen and nectar sources; and

"Whereas, Africanized bees could have a serious effect on the commercial beekeeping industry for queen and package bee production as well as honey production; and

"Whereas, A substantial number of cases have been reported in which animals and people have been severely or fatally stung because of the abundance and special behavioral characteristics of the Africanized bee; and

"Whereas, The public could encounter Africanized bees in the form of wild colonies and swarms in urban and suburban areas as well as rural areas where increased incidences of stinging could occur; and

"Whereas, Public awareness programs, as well as continuous permanent programs to control wild colonies of Africanized bees would need to be established by public agencies at a great expense to the taxpayer; and

"Whereas, To date, the Africanized bee has not been eradicated from any area in which it has become established; and

"Whereas, The United States Department of Agriculture's Agriculture Research Service and Animal and Plant Health Inspection Service have developed the Africanized Bee Barrier Proposal not as the ultimate solution, but as a way to provide our scientists with the time needed for research to be completed to provide a long-term genetic solution; and

"Whereas, Recent sightings indicate that the Africanized bee has migrated up to the barrier point proposed by the United States Department of Agriculture which may make any delay in implementing the barrier proposal more hazardous; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly,* That the Legislature of the State of California respectfully memorializes the President and the Congress of the United States to give their full support to the speedy implementation of the United States Department of Agriculture's Africanized Bee Barrier Proposal by appropriating the funds necessary from the department's current 1986-87 budget; and be it further

"*Resolved,* That the Legislature respectfully memorializes the legislatures of the States of Alabama, Arizona, Florida, Illinois, Kansas, Louisiana, North Carolina, Ohio, South Carolina, and Texas to act expeditiously in memorializing the President and the Congress of the United States to give their full support to the speedy implementation of the United States Department of Agriculture's Africanized Bee Barrier Proposal; and be it further

"*Resolved,* That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the respective leaders of the legislatures of the States of Alabama, Arizona, Florida, Illinois, Kansas, Louisiana, North Carolina, Ohio, South Carolina, and Texas."

POM-41. A resolution adopted by the Senate of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs:

"SENATE RESOLVE No. 4

"*Be it resolved by the Senate:*

"Whereas the U.S. Congress, in December 1985, extended the Export Administration Act, which prohibits the export of Alaska North Slope oil; and

"Whereas an amendment proposed by Senator Murkowski to the extension required a federal interagency task force to reexamine the economic implications of the ban; and

"Whereas the task force report strongly demonstrated that

"(1) the circumstances that led to the original enactment of the ban in 1973—oil scarcity, high prices, and overdependence on foreign oil sources—no longer existed in 1986;

"(2) continuation of the ban in the absence of these circumstances depresses prices and revenue for Alaska and West Coast oil, and threatens existing and future supply and production of oil in the state, on the West Coast, and in Canada; and

"(3) under these circumstances neither the affected states', the federal government's, nor the nation's future economic and international security is served by continuing the ban; and

"Whereas in addition to the federal task force analysis, a recent private economic analysis of the oil export ban is strongly critical of the ban, terming it "North America's greatest remaining anomaly," and concludes that continuation of the ban at current depressed oil prices exposes serious "economic wastes and inefficiencies" that are becoming increasingly "intolerable" to the nation; and

"Whereas this private analysis projects that world oil prices will remain depressed at least into the 1990's and concludes that lifting the ban will result in significant and widespread economic benefits for the state, the nation, and international trade generally; and

"Whereas both the federal and private analyses concur that lifting the ban will increase the wellhead prices of West Coast and Alaska oil and generate large amounts of new revenue to the state, the federal government, and the producers of the state's West Coast oil; and

"Whereas the private analysis describes how lifting the ban will extend the production life of Alaska's existing oil wells, and encourage new development and exploration; and

"Whereas these effects will tend to stabilize the supply of crude oil and help avert a future oil crisis; and

"Whereas lifting the ban will enable the State of Alaska, the U.S. government and the Alaska petroleum industry to obtain fair market value for a finite resource that will begin to decline in production in 1987; and

"Whereas additional economic projections indicate that the greatest potential for United States economic growth through the end of this century lies in increasing its exports to Pacific Rim nations; and

"Whereas lifing the ban would reduce the nation's largest international trade deficit, which is with Pacific Rim nations, and would enable the state to become a more effective U.S. member of the Pacific Rim, economic community: **Be it**

"*Resolved,* That the Senate respectfully requests the United States Congress to lift the ban on the export of Alaska oil."

POM-42. A joint resolution adopted by the Legislature of the Commonwealth of Virginia; to the Committee on Commerce, Science, and Transportation:

"SENATE JOINT RESOLUTION No. 168

"Whereas, a balanced, safe, and efficient system of airports and aviation services is essential to the commercial vitality and economic development of Virginia; and

"Whereas, prudent management of the Commonwealth's existing aviation resources and sound planning for their future development require the ability not only to forecast needs but also the ability to anticipate the resources likely to be available to meet those needs; and

"Whereas, like her other transportation programs, Virginia's aviation program relies to a significant measure, but not exclusively, on federal financing; and

"Whereas, collectively, the states have sought and supported the development and preservation of a balanced system of airports and other aviation services that can be responsive to the diverse needs of the many geographic regions and economic sectors of the entire country; and

"Whereas, the General Assembly of Virginia believes that it is the mutual responsibility of federal, state, and local governments to continue to support balanced, planned, predictable airport growth and development; and

"Whereas, the primary role of the federal government in this endeavor has been and should remain the establishment and maintenance of uniform standards in the area of airport and aviation operations safety; and

"Whereas, the primary responsibility of the states, in these matters, should remain the promotion and development of airport systems based on plans that are integrated and coordinated with other transportation systems, modes, and plans; and

"Whereas, local governments, too, play a vital role in the evolution of a well-considered national aviation system by identifying local airport and aviation needs and seeking ways of matching these needs with resources available from state, federal, and nongovernmental resources; and

"Whereas, airport development strategies based on a synthesis of local, state, regional, and federal plans and programs, make use of pooled technical expertise and financial and other resources; and

"Whereas, through close cooperation of local, state, and federal governments, a clearly defined National Plan of Integrated Airport Systems (NPIAS) has to be produced, based primarily on approved state, regional and metropolitan airport systems plans, updated continuously as new information becomes available; and

"Whereas, there needs to be a continuing federal airport planning and development program to help finance that portion of the airport and airway system which has been identified in the NPIAS as being of national importance; and

"Whereas, implementation of the NPIAS is most appropriately financed by aviation system user taxes and by federal fund appropriations in consideration of the benefits derived by the general public from the total air transportation system; and

"Whereas, as long as the need for further airport and aviation service improvements can be demonstrated, federal legislative authorization for the Airport Improvement Program needs to be renewed, and appropriations to the Aviation Trust Fund urgently need to be maintained at annual levels which will permit disbursement of at least the minimum amounts required for continued full funding of airport improvements; and

"Whereas, the current federal airport development enabling statute, the Airport Improvement Program, will expire on September 30, 1987, and with its expiration, the vast bulk of federal aviation funds will vanish: Now, therefore, be it

"*Resolved by the Senate of Virginia, the House of Delegates concurring,* That the Congress of the United States is hereby memorialized to continue the Airport Improvement Program scheduled to expire on September 30, 1987; and, be it

"*Resolved further,* That the Clerk of the Senate transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the Senate of the United States, and the members of the Virginia delegation to the United States Congress, that they may be apprised of the sense of the General Assembly in this matter."

POM-42. A joint resolution adopted by the Legislature of the State of California; to the Committee on Environment and Public Works:

ASSEMBLY JOINT RESOLUTION NO. 13

"Whereas, The 55 mile-per-hour (mph) speed limit was originally enacted by Congress as a temporary fuel conservation measure; and

"Whereas, States are subject to sanctions in the form of withholding of highway funds when measured compliance by motorists with the 55 mph speed limit falls below 50 percent; and

"Whereas, The United States Department of Transportation recently withheld $510,000 in federal highway funds from Arizona because more than 50 percent of the motorists exceeded the 55 mph speed limit; and

"Whereas, California could face a loss of over $30 million annually in federal highway funds paid by Californians into the federal treasury if sanctions are imposed; and

"Whereas, Despite active enforcement of the 55 mph speed limit by the California Highway Patrol and the resulting issuance of approximately 1,000,000 citations annually, motorists continue to exceed the speed limit in record numbers; and

"Whereas, Allowable speeds on controlled-access freeways in rural areas could be increased to 65 mph, while urban freeways and two-lane highways could retain the 55 mph speed limit; and

"Whereas, Large trucks, autos with trailers, and other combination vehicles should continue to be limited to a maximum speed of 55 mph as was the case in California prior to the reduction of auto speed limits in 1974; and

"Whereas, Overall safety benefits to the motoring public may well be enhanced if some law enforcement resources are redeployed from rural freeway speed enforcement to other highway safety priorities, including the apprehension of drunk drivers; now, therefore, be it

"Resolved by the Assembly and Senate of the State of California, jointly, That the Legislature of the State of California memorializes the President and the Congress of the United States to enact legislation to allow the states the option of increasing the maximum speed limit on rural, controlled-access freeways to 65 mph; and be it further

"Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Chairman of the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives, to each Senator and Representative from California in the Congress of the United States, and to the Secretary of Transportation."

POM-44. A joint resolution adopted by the Legislature of the State of Idaho; to the Committee on Environment and Public Works:

"HOUSE JOINT MEMORIAL NO. 1

"We, your Memorialists, the House of Representatives and the Senate of the State of Idaho assembled in the First Regular Session of the Forty-ninth Idaho Legislature, do hereby respectfully represent that:

"Whereas, the 1982 Surface Transportation Assistance Act established record funding levels in recognition of the Nation's highway and transit needs; and

"Whereas, failure of the recent 99th Congress to pass highway/transit legislation to continue the momentum of the 1982 act is creating very serious adverse effects at the local, state and national levels; and

"Whereas, further protracted delay in funding for the Federal-Aid Highway Program could result in the loss of an entire calendar construction year, with attendant safety, traffic, unemployment and other social and economic problems; and

"Whereas, it is extremely inappropriate that the American people are denied an effective Federal-Aid Highway Program even as highway user funds accrue to the Highway Trust Fund at the rate of one billion dollars per month: Now, therefore, be it

"Resolved by the members of the First Regular Session of the Forty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the Idaho Legislature petition the 100th Congress to quickly pass a five-year reauthorization highway bill: Be it further

"Resolved, That the user fees accruing to the Highway Trust Fund be extended and current highway programs be continued at least at present levels of funding under existing formulas as nearly as possible: Be it further

"Resolved, That the Secretary of Transportation be authorized to approve the participation of federal aid in any normally eligible project costs incurred by the states from October 1, 1986 until reauthorization of work normally funded under Title 23, U.S. Code: Be it further

"Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward copies of this Memorial to President Ronald Reagan, Secretary of Transportation Elizabeth Hanford Dole, to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States."

POM-45. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Environment and Public Works:

"LEGISLATIVE RESOLVE NO. 1

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the 99th Congress adjourned without reauthorizing the Surface Transportation Assistance Act; and

"Whereas the failure to reauthorize the Surface Transportation Assistance Act results in suspension of funding for federal-aid highway construction, rehabilitation, and safety projects throughout the nation; and

"Whereas over $150,000,000 in new highway planning, engineering, and construction projects are planned in Alaska for 1987 and these projects are necessary to improve the highway transportation system to foster future economic development and to prevent hardship to those employed in the transportation construction industry and related fields; and

"Whereas the construction season in Alaska is limited to seven months a year and further delays in reauthorization of the Surface Transportation Assistance Act prevent construction of needed projects during 1987; and

"Whereas Alaska, because of its size and unique environment, is dependent upon federal-aid highway funds for the development of a viable transportation system; and

"Whereas the present formulas for allocation of federal-aid highway funds take into consideration the vast area of Alaska that must be served by highway transportation and equitably distribute the available funds among the states; and

"Whereas Alaska is experiencing a severe economic recession and high unemployment and further delays in the highway construction program for 1987 will aggravate the present economic situation. Be it

Resolved, That the Alaska State Legislature respectfully requests the Congress to expeditiously enact legislation reauthorizing the Surface Transportation Assistance Act and to maintain the present formulas for allocation of federal-aid highway funds among the states."

POM-46. A resolution adopted by the City Council of Boyton Beach, Florida relative to elimination of disparity in certain social security benefits; to the Committee on Finance.

POM-47. A resolution adopted by the Council of the Borough of South River, New Jersey relative to a method for financing aid for catastrophic illness treatment; to the Committee on Finance.

POM-48. A resolution adopted by the Commission of the City of Miami, Florida relative to the procurement of goods and services for companies doing business in South Africa; to the Committee on Foreign Relations.

POM-49. A resolution adopted by the Commission of the City of Miami, Florida, favoring legislation to establish a national center to provide and coordinate information on organ transplant patients and availability of donor organs; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. PELL, from the Committee on Foreign Relations, without amendment:

S. Res. 98. Resolution expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, without amendment and with a preamble:

S.J. Res. 80. Original joint resolution designating April 3, 1987, as "Interstate Commerce Commission Day."

By Mr. PELL, from the Committee on Foreign Relations, with amendment:

S. Con. Res 24. Concurrent resolution supporting the initiative Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under the authority of the order of the Senate of March 6, 1987, the following executive reports of committees were submitted on March 9, 1987, during the adjournment of the Senate:

By Mr. PELL, from the Committee on Foreign Relations:

Arnold Lewis Raphel, of New Jersey, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Islamic Republic of Pakistan (with additional views) (Exec. Rept. No. 100-2).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation:

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral (lower half):

Capt. Paul A. Welling, USCG.
Capt. Walter T. Leland, USCG.
Capt. Robert E. Kramek, USCG.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation, I also report favorably sundry nomination lists in the Coast Guard which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask that these nominations lie at the Secretary's desk for the information of Senators.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 12 and January 16, 1987, at the end of the Senate proceedings.)

By Mr. PELL, from the Committee on Foreign Relations:

Everett E. Bierman, of Virginia, now Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea and to Solomons Islands, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Joseph Carlton Petrone, of Iowa, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Joseph Carlton Petrone.

Post U.S. Representative to European Office of the U.N. in Geneva.

Contributions, amount, date, and donee:

1. Self and spouse: 1986 (1 Jan.-26 Aug.):

Joseph Carlton Petrone, self: $50, 31 Jan., Lukens Campaign Committee; $15, 16 Feb., Black PAC; $50, 16 Feb., National Congressional Club; $25, 16 Feb., D'Amato for Senate; $25, 16 Feb., Friends of Jim Abdnor; $25, 16 Feb., Steve Syms for Senate Committee; $25, 25 Mar., Republican Presidential Task Force; $25, 27 Mar., 1986 GOP Victory Fund; $25, 27 Mar., Republican National Committee; $25, 27 Mar., Fred Grandy for Congress Committee; $75, 7 May, Fred Gandy for Congress Committee; $50, 7 May, Lockard for Congress; $250, 5 Jul., Lockard for Congress; $250, 7 May, The Humphrey Team; $250, 10 May, John McIntee for Congress; $30, 30 May, John McIntee for Congress; $100, 10 Jun., Hensen Moore Election Committee; $100, 8 Apr., Congressional Majority Committee; $200, 1 Mar., People for Congressman Lightfoot; $250, 27 Jun., People for Congressman Lightfoot; $50, 6 May, People for Congressman Lightfoot; $15, 4 Mar., Citizens for Reagan; $15, 20 Jul., Citizens for Reagan; $200, 5 Mar., Conservative Leadership PAC; $100, 2 Jul., Friends of Siljander; $5,000, 1 Jan., Citizens for the Republic; $100, 14 Apr., Kindness for Senate; $900, 4 May, Kindness for Senate; $1,000, 1 Mar., State Republican Party (Iowa); $1,000, 3 May, Fund for America's Future; $2,000, 27 Jun., Iowa Committee; $1,000, 2 Jul., Majority Leader's Joint Trust.

Spouse: $100, 28 Jul., Denton for Senate; $50, 24 Mar., National Federation of Republican Women; $25, 27 Mar., Republican National Committee.

1985:

Joseph Carlton Petrone, self: $75, 19 Jun., The Ronald Reagan Trust (RNC); $15, 11 Feb., College Republican National Committee; $15, 1 Sep., College Republican National Committee; $15, 11 Feb., Republican National Committee; $25, 11 Feb., GOP Victory Fund; $15, 11 Feb., GOPAC; $50, 22 Jul., 1985 GOP Victory Fund; $25, 29 Apr., Young Republican National Federation; $15, 11 Feb., Fund for a Conservative Majority; $15, 22 Jul., Fund for a Conservative Majority; $25, 28 Apr., Fund for a Conservative Majority; $101, 11 Feb., National Conservative PAC; $25, 29 Apr., National Conservative PAC; $25, 27 Apr., Mid-America Conservative PAC; $50, 28 Apr., Jesse Helms Senatorial Club; $50, 1 Sep., Jesse Helms Senatorial Club; $25, 28 Apr., East for Senate Committee; $100, 22 Aug., American Citizens for Political Action; $15, 1 Sep., Crane for Congress Committee; $15, 1 Sep., Symms for Senator Committee; $15, 1 Sep., Conservative Victory Fund; $25, 11 Sep., National Congressional Club; $25, 29 Apr., National Congressional Club; $25, 1 Sep., Henson Moore Election Committee; $25, 12 Oct., Kemp Salute Dinner; $50, 25 Dec., Draft Sellers for Congress Committee; $120, 11 Feb., Republican Presidential Task Force; $15, 25 Dec., Citizens for Reagan; $15, 3 Mar., Citizens for Reagan; $15, 2 Jul., Citizens for Reagan; $15, 16 Jun., Citizens for Reagan; $15, 12 Dec., Citizens for Reagan; $1,000, 13 Jan., Republican Party of Iowa; $750, 28 Sep., Grassley '86 Club; 1,000, 28 Feb., Jeremiah Denton for Senate Committee; $1,000, 14 Oct., Majority '86; $1,000, 14 Oct., Governor Branstad Committee; $10,000, 26 Oct., Republican National Committee; $1,000, 22 Oct., Kasten for Senate; $1,000, 16 Nov., Governor Branstad Committee.

Spouse: $2,000, 13 Feb., Senatorial Inner Circle; $500, 25 Nov., Grassley '86 Committee; $5,000, 18 Dec., Citizens for the Republic; $25, 18 Jun., The Ronald Reagan Trust (RNC); $25, 13 May, Republican National Committee; $10, 27 Apr., Republican National Committee; $50, 27 Apr., 1985 GOP Victory Fund; $35, 3 Jan., National Federation of Republican Women; $25, 11 Feb., National Federation of Republican Women; $25, 13 May, Committee to Re-Elect Duncan Hunter; $25, 3 Sep., National Congressional Club; $50, 3 Sep., Helms Campaign Debt; $150, 4 Nov., Governor Branstad Committee; $150, 28 Feb., Jeremiah Denton Committee.

1984:

Joseph Carlton Petrone, self: $750, 24 Feb., Reagan/Bush 84; $25, 8 Mar., Fund for a Conservative Majority; $15, 28 May, Fund for a Conservative Majority; $25, 8 Mar., National Conservative PAC; $25, 8 Aug., National Conservative PAC; $25, 8 Mar., Citizens for Reagan; $10, 21 Jun., Citizens for Reagan; $10, 21 Jun., Citizens for Reagan; $25, 8 Mar., Americans for Reagan; $30, 9 **Mar., National Federation of GOP Women;** $100, 4 Aug., National Federation Of GOP Women; $25, 9 Mar., The National Congressional Club; $25, 10 Mar., Helms for Senate; $25, 31 Oct., Helms for Senate; $25, 9 Aug., Helms for Senate; $25, 10 Mar., Campaign for Prosperity; $25, 10 Mar., Conservative Victory Fund; $40, 10 Mar., Comm. to Re-Elect a Responsible Senator; $15, 13 Mar., College Republican Nat. Committee; $15, 28 May, College Republican Nat. Committee; $25, 13 Mar., Young Republicans; $50, 13 Mar., 1984 Victory Fund; $15, 28 May, Cavnar for US Congress Comm; $15, 12 Jun., GOPAC; $15, 21 Jun., Christians for Reagan; $50, 7 Aug., Cong. Cooper Evans Committee; $250, 10 Mar., Cong. Cooper Evans Committee; $50, 7 Aug., US Conservative PAC; $25, 16 Sep., Grassley Committee; $50, 24 Sep., Peggy Cavnar Campaign Committee; $25, 31 Oct., Peggy Cavnar Campaign Committee; $25, 31 Oct., Edwards in 84 Committee; $15, 10 Mar., Edwards in 84 Committee; $100, 31 Oct., The Humphrey Team; $10, 31 Oct., Voters for Reagan; $25, 31 Oct., Re-Elect Thurmond Committee; $25, 31 Oct., Crane for Congress Committee; $25, 31 Oct., Ray Shamie for US Senate; $25, 31 Oct., Warner '84; $25, 31 Oct., Dornan in 84 Committee; $15, 7 Aug., Dornan in 84 Committee; $25, 31 Oct., Lockard for Congress; $100, 8 Jun., Lockard for Congress; $50, 22 Oct., Lockard for Congress; $100, 22 Oct., People for Lightfoot Committee; $25, 21 Jul., Richard Vander Mey Campaign; $50, 28 Sep., Victory '84 Fund; $100, 19 Oct., Victory '84 Fund; $75, 29 Sep., Victory '84 Fund; $1,000, 7 Jan., Republican Party of Iowa; $2,000, 10 Mar., Republican Senatorial Committee; $10,000, 20 Dec., Republican National Committee; $5,000, 1 Sep., Citizens for the Republic; $1,000, 21 Sep., Jepsen for Senate; $1,500, 10 Oct., Victory '84 Fund; $600, 18 Jun., Larry Campbell (State).

Spouse: $25, 28 May, National Conservative PAC; $2,000, 23 Jun., Republican National Committee (Lunch, Dallas); $1,000, 21 Sep., Jepsen for Senate; $200, 7 May, The Humphrey Team; $100, 8 Jun., Lockard for Congress; $35, 8 Sep., National Federation of Republican Women; $30, 31 Oct., National Federation of Republican Women; $25, 24 Sep., Cooper Evans Committee; $50, 6 Oct., Lockard for Congress; $400, 18 Jan., Larry Campbell (State).

Joseph Carlton Petrone (self): $25, 14 Feb., Americans for Constitutional Action; $25, 14 Feb., The National Congressional Club; $50, 14 Feb., National Conservative PAC; $50, 13 Jun., National Conservative PAC; $15, 20 Jul., National Conservative PAC; $25, 14 Feb., Citizens for Reagan; $10, 20 Jul., Citizens for Reagan; $15, 14 Feb., **Campaign for Congress; $25. 14 Feb.,** Americans for the Reagan Agenda; $25, 13 Jun., Americans for the Reagan Agenda; $10, 10 Sep., Americans for the Reagan Agenda; $15, 14 Feb., College Republican National Fund; $1,000, 17 Feb., Republican Party of Iowa; $1,000, 22 Jan., Republican

Senatorial Inner Circle; $1,000, 22 Mar., Republican Senatorial Inner Circle; $100, 27 Jun., Mid America Conservative PAC; $100, 27 May National Republican Congressional Committee $50, 14 Jun., GOP Victory Fund; $25, 14 Jun., Republican Senatorial Committee (National); $50, 27 May 1984 Presidential Trust; $50, 14 Jun., 1984 Presidential Trust; $15, 13 Jun., GOPAC; $15, 13 Jun., Republican Majority Fund; $15, 13 Jun., College Republican National Committee; $50, 13 Jun., Young Republican National Federation; $25, 11 Oct., Reagan 84 Campaign; $10, 10 Sep., Reagan 84 Campaign; $15, 11 Oct., Dornan for Senate Committee; $15, 11 Oct., Crane for Congress; $25, 11 Oct., Re-Elect Thurmond Committee; $25, 11 Oct., Helms for Senate; $25, 22 Oct., Citizens for Reagan; $100, 28 Jul., Cooper Evans Campaign; $10, 16 Aug., Committee to Re-Elect a Responsible Senator $50, 14 Jun., National GOP Senatorial Committee; $250, 19 Oct., Reagan/Bush 84; $25, 24 Dec., GOP Victory Plan; $15, 24 Dec., Friends of Bob Dornan; $5,000, 20 Dec., Citizens for the Republic (Federal); $250, 27 Apr., Citizens for the Republic (State); $350, 14 Feb., Citizens for the Republic (State); $10,000, 20 Dec., Republican National Committee; $50, 27 May Republican National Committee; $50, 14 Jun., Republican National Committee.

Spouse: $15, 26 Jun., Campaign for Congress; $33, 20 Jul., National Republican Senatorial Committee; $50, 24 Sep., Republican Majority Fund Candidate; $10, 6 Sep., Citizens for Reagan; $10, 20 Jul., Citizens for Reagan; $15, 24 Jun. Christians to Re-Elect President Reagan; $100, 20 Jul., Campaign for Prosperity; $100, 20 Jul., Larry Brady for US Senate; $25, 29 Mar., National Federation of Republican Women; $250, 19 Oct. Reagan/Bush 84; $500, 15 Oct. Grassley Dinner Committee; $750, 23 Feb., Reagan/Bush 84; $10, 24 Dec., National Federation of Republican Women.

1982:

Joseph Carlton Petrone, self: $25, 22 Jan., National Conservative Political Action Committee; $50, 20 Aug., Bremer Campaign; $15, 8 May Mid-America Conservative PAC; $25, 12 Jun., Congressman Cooper Evans Committee; $600, 10 Jul., Cooper Evans for Congress; $50, 8 Sep., Cooper Evans for Congress; $100, 16 Dec., Cooper Evans for Congress; $25, 22 Jul., National Republican Congressional Committee; $100, 8 Sep., National Republican Congressional Committee; $65 22 Jul., Republican National Committee; $50, 22 Jul., National Republican Senatorial Committee; $100, 22 Jul., Citizens for the Republic; $15, 22 Jul., College Republican National Fund; $15, 22 Jul., Young Republican National Federation; $15, 30 Aug., Conservative Victory Fund., $15, 3 Sep., Americans for Constitutional Action; $2,000, 16 Apr., Republican Party of Iowa; $1,000, 11 Jan., Lt. Governor Branstad Committee; $150, 7 Jul., Mid-America Conservative PAC.

Spouse: $15, 7 Jun., National Conservative Action Committee; $100, 20 Jul., National Conservative Political Action Committee; $15, 22 Mar., Sam Cavnar for U.S. Senate; $10, 22 Mar., Hansen for Congress Committee; $10, 9 Apr, Bell for Senate Committee; $25, 25 Apr., National Congressional Club; $25, 20 Jul., National Congressional Club; $20, 1 May Dornan for U.S. Senate; $50, 1 May Bremer Campaign; $400, 10 Jul., Cooper Evans for Congress; $100, 25 Oct., Cooper Evans for Congress; $15, 7 Jun., Campaigne for Congress; $15, 7 Jun., Fund for a Conservative Majority; $25, 22 Jul., National Federation of Republican Women; $25, 22 Jul., National Republican Congressional Committee; $25, 22 Jul., Republican National Committee; $100, 22 Jul., Danker for Congress; $25, 22 Apr., National Federation of Republican Women; $15, 14 Dec., National Federation of Republican Women; $1,000, 16 Apr., Republican Party of Iowa.

2. Children and spouses names: No children.

3. Parents names: Joseph G. Petrone (deceased 1964); Ada E. Petrone (deceased 1976).

4. Grandparents names: George Washington Young (deceased c. 1897) Rocco Petrone (d./c1900); Anna Young (deceased 1953) Theresa Petrone (dec'd circa 1943).

5. Brothers and spouses names: One brother; no spouse; William R. Petrone (no contributions during this period).

6. Sisters and spouses names: No sisters.

Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Brisbane, Australia, 1988.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Arthur G. Linkletter.

Post: Ambassador to Australia.

Contributions, amount, date, and donee.

1. Self: Arthur G. Linkletter, $100, 1980, Goldwater-Linkletter.

2. Spouse: Lois F. Linkletter, $2,000, 1984, Reagan campaign.

3. Children and spouses names: Sharon and Gordon Melcher, none; Jack and Barbara Linkletter, none; Dawn and Michael Anderson, none.

4. Parents names: deceased.

5. Grandparents names: deceased.

6. Brothers and spouses names: none.

7. Sisters and spouses names: none.

Jack F. Matlock, Jr., of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Jack F. Matlock.

Post: Ambassador to U.S.S.R.

Contributions, amount, date, and donee.

1. Self: none.

2. Spouse: none.

3. Children and spouses names: James, David, and Joseph Matlock, Nell and Hu Benton, none; Hugh Matlock—$10 May 27, 1984, Harris Miller (VA.) none

4. Parents names: Mother—Nellie Matlock Burrum; Father—Jack F. Matlock, Sr.—deceased.

5. Grandparents names: Samuel B. and Elizabeth Matlock—deceased; James E. and Margaret McSwain—deceased.

6. Brothers and spouses names: Brother—Frank E. M. Matlock, none.

7. Sisters and spouses names: none.

Alton G. Keel, Jr., of Virginia, to be the United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Contributions are to be reported for the period beginning on the first day of the fourth calendar year preceding the calendar year of the nomination and ending on the date of the nomination.

Nominee: Alton G. Keel, Jr.

Post: U.S. Representative to North Atlantic Treaty Organization.

Nominated: (Announced by The President on December 18, 1986).

Contributions, amount, date, and donee:

1. Self: Alton G. Keel, Jr., $50, November 1985, Fred Upton Congressional Campaign; part-time volunteer, 1980, Reagan Presidential Campaign; $1/yr., 1976-85, Designation on tax form for Presidential Campaign.

2. Spouse: Franmarie Kennedy-Keel, $1/yr., 1979-85, Designation on tax form for Presidential Campaign.

3. Children and spouses: name: Kristen Ann Keel (no spouse), none.

4. Parents: Alton Gold Keel (Father-deceased), none; Ella Clair Kennedy (Mother-deceased), none.

5. Grandparents names: Willie Lee Keel (Grandfather-deceased), none; Mrs. Carrie Phillips Keel (Grandmother), none; Alfred Kennedy (Grandfather-deceased), none; Ora Mae Whichard Kennedy (Grandmother-deceased), none.

6. Brothers and spouses names: Brother: John Edward Keel; spouse: Karen Kennedy Keel, none.

7. Sisters and spouses names: Sister: Peggy Jean (Keel) Oliver, spouse: James Oliver, none; Sister: Rebecca Ann (Keel) Woolard, spouse: Franklin Woolard, none.

Joseph Lane Kirkland, of the District of Columbia, to be a Member of the Board for International Broadcasting for a term expiring April 28, 1987;

Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security; and

The following-named Career Member of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

Deane Roesch Hinton, of Illinois.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. PELL. Mr. President, for the Committee on Foreign Relations, I also report favorably sundry nomination lists in the Foreign Service which have previously appeared in the CONGRESSIONAL RECORD and, to save the expense of printing them on the Executive Calendar, ask that these nominations lie on the Secretary's desk for the information of Senators.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of January 21 and February 3, 1987, at the end of the Senate proceedings.)

By Mr. NUNN, from the Committee on Armed Services:

Robert B. Costello, of Michigan, to be an Assistant Secretary of Defense.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

Mr. NUNN. Mr. President, from the Committee on Armed Services, I report favorably the attached listing of nominations.

Those identified with a single asterisk (*) are to be placed on the Executive Calendar. Those identified with a double asterisk (**) are to lie on the Secretary's desk for the information of any Senator since these names have already appeared in the Congressional Record and to save the expense of printing again.

The PRESIDING OFFICER. Without objection, it is so ordered.

*In the Air Force there are 30 appointments to the grade of Major General (list begins with Joseph W. Ashy) (Ref. 13).

*In the Air Force Reserve there are 14 appointments to the grade Major General and below (list begins with John A. Almquist, Jr.) (Ref. 14).

*Lieutenant General *James M. Rockwell*, U.S. Army, to be placed on the retired list in the grade of Lieutenant General and Major General *Robert J. Donahue*, U.S. Army, to be Lieutenant General (Ref. 15).

*Lieutenant General *Colin L. Powell*, U.S. Army, to be reassigned, and Major General *John W. Woodmansee*, U.S. Army, to be Lieutenant General (Ref. 16).

*Vice Admiral *Albert J. Baciocco, Jr.*, U.S. Navy, to be placed on the retired list in the grade of Vice Admiral (Ref. 17).

*Vice Admiral *Robert F. Schoultz*, U.S. Navy, to be placed on the retired list in the grade of Vice Admiral (Ref. 18).

*Major General *Stephen G. Olmstead*, U.S. Marine Corps, to be Lieutenant General (Ref. 20).

**Richard L. Hughes, for appointment as Permanent Professor, U.S. Air Force Academy (Ref. 23).

**In the Air National Guard there are 45 appointments in the Air Force Reserve to the grade of colonel (list begins with Wiley R. Ashley, Jr.) (Ref. 24).

**In the U.S. Air Force there are 23 appointments to the grade of colonel and below (list begins with Douglas W. Marshall) (Ref. 25).

**In the Air Force there are 2 promotions to the grade of colonel and below (list begins with Kenneth A. Bienvenu) (Ref. 26).

**In the Air Force Reserve there are 191 promotions to the grade of colonel (list begins with Daniel F. Alves, Jr.) (Ref. 27).

**In the Air National Guard there are 21 promotions in the Air Force Reserve to the grade of lieutenant colonel (list begins with Major Ramon D. Ardizzone) (Ref. 28).

**In the Air Force there are 3 promotions to the grade of lieutenant colonel and below (list begins with Arthur F. Fowler) (Ref. 29).

**In the Air National Guard there are 35 promotions in the Air Force Reserve to the grade of Lieutenant Colonel (list begins with Major Verne P. Burque) (Ref. 30).

**In the Air Force there are 5 appointments to a grade no higher than lieutenant colonel (list begins with Ralph J. McLain, Jr.) (Ref. 31).

**In the Air Force there are 2,151 promotions to the grade of Lieutenant Colonel (list begins with Howard C. Abner) (Ref. 32).

**In the Army there are 3 promotions to the grade of colonel and below (list begins with Charles G. Cavanaugh) (Ref. 33).

**In the Army there are 3 promotions to the grade of colonel and below (list begins with David T. Baumann) (Ref. 34).

**In the Army National Guard there are 52 promotions in the Army Reserve to the grade of colonel and below (list begins with Joseph P. Beans) (Ref. 35).

**In the Army National Guard there are 97 appointments for promotion in the Army Reserve to the grade of colonel and below (list begins with James M. Burgess) (Ref. 36).

**In the Army Reserve there are 48 appointments to the grade of colonel and below (list begins with Jose Beitia) (Ref. 37).

**In the Army there are 3 promotions to the grade of lieutenant colonel and below (list begins with Dennis C. Bradshaw) (Ref. 38).

**In the Army there are 2 promotions to the grade of Major (list begins with Steven W. Hatcher) (Ref. 39).

**In the Army there are 2 promotions to the grade of major (list begins with Kenneth R. Phillips) (Ref. 40).

**In the Army Reserve there are 1,189 promotions to the grade of colonel and below (list begins with Alan L. Beeler) (Ref. 41).

**In the Marine Corps there are 6 appointments to the grade of second lieutenant (list begins with Brian P. Cyr) (Ref. 42).

**In the Marine Corps there are 2 appointments to the grade of second lieutenant (list begins with Mark E. Tinsley) (Ref. 43).

**Doctor Robert Duane Ballard, U.S. Naval Reserve, to be commander (Ref. 44).

**Lieutenant Commander Joseph F. Satrapa, U.S. Navy (Retired) to be commander (Ref. 45).

**In the Navy there are 41 appointments to the grade of captain and below (list begins with Kenneth R. Schroeder) (Ref. 46).

**In the Navy there are 152 appointments to the grade of ensign (list begins with John M. Adrian) (Ref. 47).

**In the Navy there are 2,280 appointments to the grade of ensign (list begins with Glenn F. Abad) (Ref. 48).

**In the Navy there are 47 appointments to the grade of commander and below (list begins with Paul D. Beckwith) (Ref. 49).

**General *Charles L. Donnelly, Jr.* to be placed on the retired list in the grade of general, U.S. Air Force (ref. 62).

**Vice Admiral *Donald S. Jones*, U.S. Navy, to be placed on the retired list in the grade vice admiral (Ref. 64).

**Rear Admiral *Walter T. Piotti, Jr.*, U.S. Navy, to be vice admiral (Ref. 65).

**In the Air Force Reserve there are 14 appointments to the grade of lieutenant colonel (list begins with Francisco M. Granda) (Ref. 68).

**In the Air Force Reserve there are 29 promotions to the grade of lieutenant colonel (list begins with Craig G. Anderson) (Ref. 69).

* *In the Army there are 3 promotions to the grade lieutenant colonel and below (list begins with Michael G. Healey) (Ref. 70).

*Lieutenant General *Thomas D. Ayers*, U.S. Army, to be placed on retired list in the grade of lieutenant general (Ref. 82).

*In the Air Force there are 51 appointments to the grade of brigadier general (list begins with Billy A. Barrett) (Ref. 92).

*Rear Admiral Clyde R. Bell, U.S. Navy, to be Vice Admiral (Ref. 93).

*In the Air Force Reserve there are 19 appointments to the grade major general and below (list begins with Clyde F. Autio) (Ref. 108).

*General *Richard H. Thompson*, to be placed on the retired list in the grade of general and Lieutenant General *Louis C. Wagner, Jr.*, U.S. Army, to be general (Ref. 109).

*Lieutenant General *Lawrence F. Skibbie*, to be placed on the retired list in grade of lieutenant general and Major General *Jerry M. Bunyard*, U.S. Army, to be lieutenant general (Ref. 110).

*Brigadier General *Donald Burdick* for appointment as Reserve Commissioned Officer in the grade of brigadier general, U.S. Army (Ref. 111).

**In the Air Force there are 336 appointments to a grade no higher than major (list begins with Christopher N. Arant) (Ref. 112).

**In the Air Force there are 2,843 promotions to the grade of major (list begins with Darwin W. Abbott) (Ref. 113).

**In the Marine Corps there are 397 appointments to the grade of second lieutenant (list begins with John A. Abitabilo) (Ref. 114).

*Lieutenant General William L. Kirk, U.S. Air Force, to be general (Ref. 125).

**Major General Charles A. Horner, U.S. Air Force, to be lieutenant general (Ref. 126).

**In the Air Force there are 58 appointments to the grade of colonel and below (list begins with Leon P. Bloodworth) (Ref. 127).

**In the Navy there are 6 promotions to the grade of commander and below (list begins with Henry John Wnuk) (Ref. 128).

*In the Army National Guard there are 17 appointments to the grade of brigadier general (list begins with Martin E. Lind, Jr.) (Ref. 131).

**In the Army Reserve there are 1,737 promotions to the grade lieutenant colonel (list begins with Felipe Acevedo) (Ref. 132).

**In the Air Force there are 14 promotions to the grade lieutenant colonel and below (list begins with Robert D. Beland) (Ref. 139).

**In the Air Force, there are 2 promotions to the grade of lieutenant colonel (list begins with Gerald J. Brentnall, Jr.) (Ref. 140).

**In the Air Force Reserve there are 22 promotions to the grade lieutenant colonel (list begins with Robert A. Balslev) (Ref. 141).

**In the Air Force Reserve there are 6 appointments to the grade lieutenant colonel (list begins with Wyeth H. Worley) (Ref. 142).

**In the Air Force there is 1 appointment to the grade of captain (Paula J. Loomis) (Ref. 143).

**In the Navy there are 31 appointments to the grade ensign (list begins with John S. Norton) (Ref. 144).

*General *William J. Livsey*, U.S. Army, to be placed on the retired list in grade of general and lieutenant general *Louis C. Menetrey*, U.S. Army, to be general (Ref. 150).

*Admiral *James B. Busey*, U.S. Navy, to be reassigned (Ref. 151).

*Vice Admiral *Huntington Hardistry*, U.S. Navy, to be Vice Chief of Naval Operations (Ref. 152).

*Rear Admiral *Jerry O. Tuttle*, U.S. Navy, to be Vice Admiral (Ref. 153).

*Major General *Anthony Lukeman*, U.S. Marine Corps, to be lieutenant general (Ref. 154).

*Lieutenant General *Marc C. Reynolds*, U.S. Air Force, to be placed on the retired list in grade of lieutenant general (Ref. 156).

*Major General *Charles McCausland*, U.S. Air Force, to be lieutenant general (Ref. 157).

Total: 12,063.

NOTE

On Friday, March 9, 1987, Mr. EXON addressed the Senate (CONGRESSIONAL RECORD page S 2812) concerning the Rural Electrification Administration and asked to have printed in the RECORD for information purposes only, and not for formal introduction, legislation to allow rural electric and telephone borrowers to prepay and refinance their long-term high-interest loans held by the Federal Financing Bank with private capital at 100 cents on the dollar.

Although it was Mr. EXON'S intent to have the text of the proposed legislation printed in the RECORD "for information purposes" only, through clerical inadvertence the proposed legislation was assigned bill number S. 681 and referred to the Committee on Agriculture, Nutrition, and Forestry.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. SIMON, Mr. HATFIELD, Mr. PROXMIRE, Mr. MATSUNAGA, Mr. KENNEDY, Mr. LEAHY, Mr. CRANSTON, Mr. RIEGLE, Mr. BUMPERS, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. METZENBAUM, Mr. BURDICK, Mr. MITCHELL, Mr. STAFFORD, and Mr. JOHNSTON):

S. 691. A bill to limit the testing of antisatellite weapons; to the Committee on Armed Services.

By Mr. BENTSEN:

S. 692. A bill to provide full federal funding for the construction, maintenance, and operation of the recreation facilities at an Army Corps of Engineers flood control project at Cooper Lake and Channels, Texas; to the Committee on Environment and Public Works.

By Mr. SASSER (for himself, Mr. GORE and Mr. SANFORD):

S. 693. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, North Carolina, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENTSEN (for himself, Mr. WALLOP, Mr. BOREN, Mr. PRYOR, Mr. DOMENICI, Mr. BREAUX, Mr. MELCHER, Mr. SIMPSON, Mr. BUMPERS, Mr. BURDICK, Mr. STENNIS, Mr. BAUCUS, Mr. BINGAMAN, Mr. MURKOWSKI, Mr. DOLE, Mr. NICKLES, Mr. WIRTH, Mr. MCCAIN, Mr. GARN, Mr. SIMON, Mr. DIXON, Mr. CONRAD, Mrs. KASSEBAUM, Mr. COCHRAN, and Mr. MATSUNAGA):

S. 694. A bill to provide a comprehensive national oil security policy; to the Committee on Finance.

By Mr. HELMS:

S. 695. A bill to designate certain land in the Great Smoky Mountains National Park as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. COCHRAN:

S. 696. A bill to provide that full-time magistrates and bankruptcy judges receive a salary equal to 92 percent of the salary paid to judges of the district courts of the United States; to the Committee on the Judiciary.

By Mr. DANFORTH (for himself and Mr. BOND):

S. 697. A bill to amend the Agricultural Act of 1949 to suspend the application of minimum planting requirements to agricultural producers whose acreage is subject to flooding in the 1987 crop year as a result of damage to levees from flooding that occurred in 1986; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself, Mr. JOHNSTON and Mr. GRAMM):

S. 698. A bill to amend title 17, United States Code, to prohibit the conveyance of the right to perform publicly syndicated television programs without conveying the right to perform accompanying music; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. BYRD, Mr. KENNEDY, Mr. THURMOND, Mr. DECONCINI, Mr. BURDICK, and Mr. STENNIS):

S. 699. A bill to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day", and to make such day a legal public holiday; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. ROTH, Mr. GRASSLEY, Mr. MURKOWSKI, Mr. BURDICK, Mr. DANFORTH, and Mr. PRYOR):

S. 700. A bill to restore limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes; to the Committee on Governmental Affairs.

By Mr. SIMON (for himself, Mrs. KASSEBAUM, Mr. PELL, Mr. KENNEDY, Mr. KASTEN, Mr. DANFORTH, Mr. KERRY, Mr. DODD, Mr. BIDEN, Mr. D'AMATO, and Mr. SIMPSON):

S. 701. A bill to amend the Foreign Assistance Act of 1961 to establish a separate authorization for assistance for famine recovery and long-term development in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Relations.

By Mr. SIMON:

S. 702. A bill to provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred; to the Committee on the Judiciary.

By Mr. SPECTER:

S. 703. A bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 704. A bill for the relief of Ibrahim Al-Assaad; to the Committee on the Judiciary.

By Mr. BRADLEY (for himself, Mr. INOUYE, Mr. PELL, and Mr. EVANS):

S. 705. A bill to reaffirm the boundaries of the Great Sioux Reservation to convey federally held lands in the Black Hills to the Sioux Nation; to provide for the economic development, resource protection and self-determination of the Sioux Nation; to remove barriers to the free exercise of traditional Indian religion in the Black Hills; to preserve the sacred Black Hills from desecration; to establish a wildlife sanctuary; and for other purposes; to the Select Committee on Indian Affairs.

By Mr. HEINZ (for himself and Mr. DODD):

S. 706. A bill to amend the Bank Holding Act and the National Bank Act to clarify limitations on insurance activities of banks; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 707. A bill to amend the Department of the Interior and Related Agencies Appropriations Act, 1987 to assure the maintenance of learning opportunities at urban parks on a cost-free basis; to the Committee on Energy and Natural Resources.

By Mr. PROXMIRE:

S. 708. A bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. HARKIN):

S. 709. A bill to impose additional sanctions against Chile unless certain conditions are met; to the Committee on Foreign Relations.

By Mr. DECONCINI:

S.J. Res. 79. Joint resolution proposing a Constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

By Mr. HOLLINGS from the Committee on Commerce, Science and Transportation:

S.J. Res. 80. An original joint resolution designating April 3, 1987, as "Interstate Commerce Commission Day"; placed on the calendar.

By Mr. WEICKER:

S.J. Res. 81. Joint resolution disapproving the provision of additional assistance to the Nicaraguan democratic resistance pursuant to title II of the Military Construction Appropriations Act of 1987; to the Committee on Appropriations.

By Mr. GLENN (for himself, Mr. METZENBAUM, Mr. BOSCHWITZ, Mr. SIMON, Mr. DURENBERGER, Mr. PROXMIRE, and Mr. LUGAR):

S.J. Res. 82. A bill to authorize the President to issue a proclamation calling upon the people of the United States to observe the bicentennial of the Northwest Ordinance of 1787; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. EXON:

S. Res. 163. Resolution relative to the death of the Honorable Edward Zorinsky, a Senator from the State of Nebraska; considered and agreed to.

By Mr. WILSON (for himself, Mr. MCCAIN, Mr. MITCHELL, Mr. DANFORTH, Mr. DOMENICI, Mr. BENTSEN, Mr. BINGAMAN, Mr. WIRTH, Mr. ROCKEFELLER, and Mr. BAUCUS):

S. Res. 164. Resolution calling on the President to respond to the violations by Japan of the U.S.—Japan agreement on semiconducters; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. CHAFEE, Mr. SIMON, Mr. HATFIELD, Mr. PROXMIRE, Mr. MATSUNAGA, Mr. KENNEDY, Mr. LEAHY, Mr. CRANSTON, Mr. RIEGLE, Mr. BUMPERS, Mr. DODD, Mr. HARKIN, Mr. BINGAMAN, Mr. METZENBAUM, Mr. BURDICK, Mr. MITCHELL, Mr. STAFFORD, Mr. PELL, and Mr. JOHNSTON):

S. 691. A bill to limit the testing of antisatellite weapons; to the Committee on Armed Services.

LIMITATION OF ANTISATELLITE WEAPONS

Mr. KERRY. Mr. President, today, on behalf of myself, Senator CHAFEE, Senator SIMON, Senator HATFIELD, Senator STAFFORD, Senator LEAHY, Senator CRANSTON, Senator MITCHELL, Senator PROXMIRE, Senator METZENBAUM, Senator RIEGLE, Senator KENNEDY, Senator BINGAMAN, Senator BUMPERS, Senator DODD, Senator BURDICK, Senator HARKIN, Senator JOHNSTON, Senator MATSUNAGA, and Senator PELL, I am filing legislation to continue the current moratorium by the United States on the testing of our antisatellite weapon against an object in space through fiscal year 1988, so long as the Soviet Union does not conduct such a test.

This legislation is a straightforward attempt to preserve the status quo on Asat's. For the past 2 years, the Congress has imposed such a moratorium, which remains in place today, halting United States Asat testing through the end of this fiscal year so long as the Soviets do not test.

Following the initial legislation proposed by my predecessor in this Senate seat, Senator Tsongas, this issue has been thoroughly debated in past Congresses. This body is well aware by now of the strong arms-control arguments against the Asat tests.

The history of the arms race has demonstrated the futility of either the United States or the Soviet Union seeking unilateral advantage over the other. Whenever one side moves forward with a technology, the other is sure to follow.

The only alternative to the arms race that has had any success is the process of arms control. The Limited Test Ban Treaty, the Outer Space Treaty, SALT I, the ABM Treaty, SALT II—these treaties have stopped or limited weapons deployment. However, for these treaties to have efficacy, they must be verifiable. To keep them verifiable, we need to halt the development of antisatellite weapons, and we need to join these treaties with an Asat treaty.

Because of the march of technology, verification will become a larger problem in the future than it has been in the recent past. Development of antisatellite systems fundamentally erodes the assumption that our satellites—our early-warning eyes and ears—have a sanctuary in space. The existence of weapons capable of destroying our satellites would erode our key functions of intelligence, warning, attack assessment, command and control, damage reporting, and prehostilities crisis management.

The United States has a lot to lose if effective antisatellite weapons are developed and deployed by the Soviet Union in an all-out competition on these technologies.

We rely on our satellites for vital information to our national defense, from command and control of our military to early warning of nuclear attack.

Our military forces are far-flung. Not only do we have bases around the world, but the preponderance of our nuclear weapons is located beyond our shores. When our satellites are made vulnerable, we risk decapitation of our nuclear and conventional forces. We place at risk this ability of the United States to maintain a credible response to sneak attack.

Loss of our satellites is such a serious long-term strategic problem that the long-term disadvantage we would face from the further development of Asat technologies profoundly outweighs any short-term theoretical advantage we might possibly claim from going ahead with the testing of our current Asat.

Should the United States continue to test its F-15 plane with the miniature homing vehicle that constitutes our Asat against objects in space, the current moratorium by the Soviets inevitably will give way. The Soviet Union inevitably will push forward without restraint. It will develop new Asat technologies, and the result, 5 to 10 years from now, will be a higher threat to our satellities and to other space-based assets, such as our space shuttle and space stations.

It is far easier to protect our satellites against the current Soviet threat than it would be against subsequent generations of Soviet Asat's. The later we take action, the more systems will be deployed, the more complicated the technology will become, and the more difficult compliance with any treaty will be to verify.

As the Office of Technology Assessment, in its report on Asat's and arms control pointed out, the United States is more dependent on satellites to perform important military functions than is the Soviet Union. If we are more dependent on our satellites, it would seem that a halt in Asat development by both sides would favor the United States.

Proponents of developing the U.S. antisatellite weapon systems have argued that the Asat is essential to destroy Soviet satellites that can locate and target United States military forces, to counter the Soviet's operational Asat system and for leverage in arms control talks.

But it is clear that the U.S. Asat cannot accomplish any of these goals.

First, wholly apart from any arms control considerations, the United States Asat is a lemon, just as the current Soviet Asat is a lemon. Today, neither system has much military capability at all.

Its profound limitations are made very clear by the unclassified sections of a recent GAO report on the U.S. Asat, Mr. President, let alone by the classified sections, which I suggest that every Member of this body read. The classified GAO report is explicit, Mr. President, on a number of reasons why we should not move forward with the Asat.

Without revealing the classified sections, let me quote from an unclassified portion:

> During future consideration of DOD's budget requests for the ASAT program, the Congress should consider the information in this report on the system's limited projected operational capability, as well as its schedule delays, increased costs, and limited test program.

The GAO has explicitly invited us to consider the Asat's limited capabilities under the best of circumstances; its schedule delays, which have existed apart from congressional restrictions; its increased costs, which are there for anyone to read in the report; and an inadequate testing regime, which I believe cannot be solved because of the very serious problem of Asat tests creating orbital debris threatening all satellites—ours and the Soviets' alike.

As the GAO states in an unclassified section of this report:

> Technical problems in developing the system hardware have caused test delays, production stretch-outs and increased costs. . . . The program has encountered technical difficulties throughout the past 8 years, mostly with the miniature vehicle.

The truth is, Mr. President, that the U.S. Asat provides us with relatively little military benefit, even as it endangers arms control for the reasons I have already stated.

As to the second claim, that the United States Asat is needed to counter Soviet Asat's, we know that the current Soviet Asat has minimal military capabilities.

We know that the Soviet Union hasn't tested it in more than 4 years. We know from numerous nonclassified published reports and testimony that in all it has been tested 20 times. We know that it has failed to intercept its target 11 times, for an overall success rate of just 45 percent. We know the that Soviet Asat is not exactly a modern, state-of-the-art weapon—it was introduced in 1968. We know that it is lifted into orbit atop a modified SS-9 booster rocket, a large liquid-fueled intercontinental ballistic missile, weighs more than 2,000 kilograms and is about 6 meters long. We know that in each test it has been launched **from Tyuratum in Kazakhstan into** orbits within a narrow range of inclinations—between 62 and 65 degrees with respect to the Equator. We know that to test it the Soviets have launched target satellites into orbits within the same narrow range of inclinations. We know that it takes the Soviet Asat one to two trips around the Earth before its orbit crosses that of the target and interception occurs.

And yet, somehow, the administration claims that the Soviet Asat system poses insurmountable verification problems—despite the fact that we have verified every Soviet test of the system to date.

The limited orbital inclination and the fact that there are so few United States satellites at these inclinations have led some to speculate that the Soviet Asat may be intended for attacking Chinese satellites rather than United States satellites. Whatever the intent of the Soviet Asat program, it clearly does not today threaten most United States satellites. The administration states that the Soviet Asat can reach 5,000 kilometers or 3,100 miles. But it has never been tested above 2,400 kilometers. That might enable the Soviet Asat to threaten some few United States weather satellites and some military spy and communication satellites—on a two-shot basis. It does not enable the Soviets to threaten United States early warning satellites, which are vital to our national security. Nor does it enable the Soviets to threaten most other United States military satellites.

Moreover, since interception takes some 3 hours, the Soviet system is susceptible to countermeasures, such as jamming or deceiving the radar homing device or evasive maneuvering on detection of the launch.

There are some basic conceptual flaws in the Soviet Asat system. First, a satellite can be attacked only when its ground track runs close to the launch site of the Asat, a condition that is satisfied only for satellite orbits with inclinations higher than the latitude of the antisatellite weapon's launch site. This condition happens only twice a day so one must wait an average of 6 hours to attack a given satellite.

Second, the heavy antisatellite weapon itself requires a massive booster rocket, which can be launched only from a very limited number of facilities in the U.S.S.R.

Third, it is difficult to fire massive liquid-fueled boosters in rapid succession from a single launch site.

When you put all these facts together, it is inescapable that we would have long responded one way or another to a first attack on our satellites, and it is impossible—repeat, impossible—for the Soviets today to threaten our most important satellites. It would take Soviet Asat's a week or more to destroy low-level United States weather and reconnaissance satellites.

This is the current state of Soviet Asat capability.

Both the United States and the Soviet Union have developed Asat's that have very, very limited capability to threaten satellites. Our national security would appear to be much more protected by keeping in place these limitations on the Soviet Asat. We cannot do this if both sides continue to push forward with the testing and development of Asat's.

This point brings me to the third argument advanced by proponents of Asat testing, Mr. President: that development of the U.S. Asat is the interest of arms control. It isn't that we need the Asat—it's just another bargaining chip.

Mr. President, the sorry history of bargaining chips should be familiar to us all by now. The idea that our Asat in particular is a bargaining chip cannot be reconciled with what the Reagan administration has said about this system.

In September 1985, before conducting a single test on the U.S. F-15 Asat, the Reagan administration stated that the United States has been "unable to identify a specific Asat proposal" that would be in U.S. security interests and that "no arrangements or agreements beyond those already governing military activities in outer space have been found to date that are judged to be in the overall interest of the United States and its allies."

It is clear as day that the administration at no time has sought to negotiate an Asat treaty. The Asat is not a bargaining chip. The administration has no intention of bargaining about it.

Mr. President, these facts have been generally accepted by the Congress, and this is precisely why past Congresses required the President to endeavor to negotiate with the Soviets the strictest possible Asat limitations consistent with national security prior to testing the United States Asat against an object in space. This is an intent that we put into law.

Why is this status quo in the interests of the United States?

First, as OTA has stated, the development of antisatellite weapons poses a significant threat to the military satellites of both the United States and the Soviet Union. Since current Soviet Asat capability is distinctly limited, further testing of the Asat by the United States against an object in space not only is unnecessary from the point of view of national security but injures it.

It was for this reason that Congress, prior to the current moratorium, insisted that no such test take place if it would gravely impair prospects for negotiations on antisatellite weapons.

The U.S. Asat is tiny and can be launched from any F-15 designed to handle it. Once it is operational, once it has been tested sufficiently, it will be practically impossible for the Soviets to verify an agreement by the United States to destroy its Asat's following a treaty limiting this technology.

So, as with MIRV's, as with cruise missiles, once we go ahead with the test of an Asat, once we have an operational system, we are jeopardizing the chances for ever limiting the development of this new and strategically dangerous technology by an agreement to protect our satellites.

Our satellites are not endangered today—they will be endangered tomorrow should the moratorium end. Today we are at a stage in which only our low-altitude satellites might be vulnerable. We face the future alternative of subjecting our entire in-orbit force structure to prompt destruction. We will see directed-energy Asat weapons with long ranges and near-instantaneous reaction times ready to act as space mines to satellites. If space mines are widely deployed, most or all of our important satellites—including our early warning satellites and command, communication, and control satellites—will be subject to almost instantaneous destruction.

Of course, this is exactly where our Star Wars Program is heading, and one of the reasons I oppose moving ahead with the development and deployment of star wars systems.

But regardless of where we are heading with star wars, Mr. President, Asat's are a clear and present danger to U.S. national security on another front. Apart from every arms control issue counseling restraint, apart from every technical problem associated with the development of the U.S. Asat, the testing of the U.S. Asat threatens U.S. satellites.

In the past few years, antisatellite tests have been a major contributor to the growing hazard of collisions in space. Each Asat test in which the interceptor explodes or collides with its target produces about 100 large fragments of orbiting debris. The single U.S. Asat test last September was responsible for a 63-percent increase in radar-tracked objects in orbit during the last 6 months of 1985.

It is easy to understand that when the amount of orbiting debris increases, the likelihood of debris colliding with a functioning satellite increases. NASA studies published in 1978 indicated that the proposed U.S.

space station would require more shielding from this manmade debris hazard than from the natural hazard of collision with meteors.

One major problem with this orbiting debris is its long life. Of the 98 radar-trackable fragments produced by the first Soviet Asat test almost 18 years ago, 61 were still in orbit as of March 31, 1986.

The U.S. Asat test last September put 199 new trackable objects in orbit. Together, United States and Soviet Asat tests are responsible for 915 Asat fragments still in orbit, about 5.5 percent of the total objects in orbit since the beginning of the space age.

When there are only a few fragments in orbit, chances of collision are small. But, Mr. President, as we increase the number of objects in orbit, we increase collision frequency; and once catastrophic collisions begin, each satellite disruption contributes new fragments to the orbiting debris, causing, in turn, more collisions.

Carried to an extreme, this process could cause the number of objects in orbit to increase exponentially with time once a critical satellite density is reached. As several physicists who have studied the problem have concluded, continued testing of Asat's poses a real and increasing threat of accidental destruction of our satellites because the current major contributor to space debris is explosive antisatellite tests.

On November 13, a European Ariane booster exploded in space under circumstances which some scientists said indicated a collision with debris of the kind produced by an Asat test. Besides the Ariane, scientists believe space debris may have destroyed at least one United States satellite, the NOAA-8 polar orbiting satellite lost in early January 1986, as well Soviet Cosmos 954 and Cosmos 1275 satellites in earlier years. In addition, a number of other satellites, including the space shuttle, have been hit and damaged by smaller orbiting debris.

Continued Asat testing at this time by the United States thus creates a direct threat to our own satellites regardless of Soviet actions. By contrast, a moratorium by both sides—as required by this bill—would protect our satellites both from a further Asat race and from the consequences of the space debris caused by Asat testing.

If we really need to rely on our satellites—if our satellites really are as important to our national security as I believe—the last thing we should be doing is creating a substantial risk of destroying them by space debris from a U.S. Asat test.

If we are concerned about protecting ourselves from the military missions of Soviet satellites, we have other approaches than testing and deploying a United States Asat. United States and Soviet satellites use UHF, and sometimes SHF and EHF, frequencies. As MIT Prof. Ashton Carter has stated, to stop an enemy satellite from tracking U.S. ships or engaging in other hostile activity during war, these satellites are susceptible to uplink jamming in varying degrees and may be blinded through ground-based directed-energy weapons or high-power radio frequency transmissions.

As an alternative, we could continue the process of improving the survivability features on U.S. satellites. As Dr. Carter has explained, the unclassified Navstar global positioning system displays the kind of features, available at reasonable cost, that can make attack much more difficult, time-consuming, and conspicuous.

In the meantime, we could begin to negotiate seriously with the Soviets about antisatellite weapons treaty to supplement the ABM Treaty and the Outer Space Treaty we have already negotiated. Possibly this new treaty could ban all tests of Asat's against objects in space. Possibly it could be limited to the development of Asat's capable of attacking higher Earth orbits because of verification problems of stopping lower Earth orbit Asat's.

In either case, continuation of the mutual moratorium will offer negotiators on both sides the breathing room to see if an Asat treaty is obtainable in Geneva. As an alternative, the moratorium constitutes a form of arms control through parallel conduct and mutural restraint. We have seen too little of that in the 40 years since the dawn of the nuclear era, and it seems to me this Congress ought to be cheered by the success we have had in restraining Asat competition over the past few years.

I look forward to hearings on continuing an Asat moratorium in the appropriate committees in hopes that such hearings will enable us to reach agreement over continuing this moratorium at the committee level prior to a vote on this proposal on the floor.

By Mr. BENTSEN:

S. 692. A bill to provide full Federal funding for the construction, maintenance, and operation of the recreation facilities at an Army Corps of Engineers flood control project at Cooper Lake and Channels, TX; to the Committee on Environment and Public Works.

CORPS OF ENGINEERS PROJECT AT COOPER LAKE AND CHANNEL, TEXAS

Mr. BENTSEN. Mr. President, I am introducing legislation that will clarify once and for all the Federal responsibility for the construction, maintenance, and operation of the recreational facilities at an Army Corps of Engineers flood control project at Cooper Lake and Channels, TX. Thirty-two years ago the Cooper Lake project was authorized by Congress. Related work began on the project as early as 1958. Water storage contracts were signed by the Secretary of the Army and project sponsors as far back as 1968. The contracts denote that the recreational facilities were to be a Federal responsibility. The environmental impact statement and other documents also provided for full Federal funding. Later, the Cooper Lake project was entangled in litigation on an issue completely unrelated to funding. The litigation was resolved in 1984. The project could continue.

Yet, the Secretary of the Army insists that since the project was not completed prior to our cost-sharing legislation back in 1983, the local community would have to come up with a 50 percent match of Federal funds to complete the recreational facilities. The authorization for Cooper Lake clearly predates any Federal cost-sharing requirements. Even the Corps of Engineers has recognized the unfairness of the decision not to fund this project fully. The decision not to fund the project is not fair. This legislation is meant to remedy that. It is not costly and fulfills a promise to the people of Texas.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 692

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, . . . That notwithstanding any other provision of law, the Secretary of the Army is directed to construct and operate and maintain at full Federal expense fully developed recreation facilities at the Doctors Creek and South Sulphur Parks and facilities to permit full access to the lake through the five other public use areas identified in the General Public Use Development Plan for Cooper Lake and Channels, Texas, authorized by the Act of August 3, 1955, 69 Stat. 449, at a total first cost of $13,900,000.

By Mr. SASSER (for himself, Mr. GORE, and Mr. SANFORD):

S. 693. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness; to provide for settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAINS WILDERNESS ACT

● Mr. SASSER. Mr. President, I am pleased today to introduce legislation, along with Senators GORE and SANFORD which would increase the amount of wilderness acreage in the Great Smoky Mountains National Park. The Great Smoky Mountain Wilderness Act, S. 693, designates 467,000 acres of the Great Smoky Mountains National Park as wilderness. It also provides a settlement process for a longstanding dispute between the Federal Government and Swain County, NC over access to this area and other issues.

Mr. President, the Great Smoky Mountains are one of our true national treasures. Millions of Americans enjoy the scenic wonders of the Smokies. Indeed, the Great Smoky Mountains National Park is the Nation's most visited national park. There were over 9,800,000 visits to the Smokies last year. They also enjoy the wide variety of plants and wildlife found in the Smokies. For example, the Smokies park has more different types of trees than occur in all of Europe: 130 species. The park also has 50 species of mammals, and 1,200 different kinds of plants. There are more than 200 species of birds, including rare, endangered species such as that American icon, the bald eagle, as well as the red-cockaded woodpecker and the peregrin falcon.

While we welcome the continue flow of travelers to and through the Smokies, we must make sure that the scenic wonder is preserved for generations to come. For truly, the Great Smoky Mountains National Park is a place of awesome beauty that is entitled to the utmost protection that our laws can provide.

Our legislation does this for a 467,000-acre section in the southeast corner of the park. Our bill provides that the National Park Service will manage this section of the park as a wilderness area. This guarantees that the matchless grandeur of this unique and irreplaceable natural resource as well as its unparalleled biological diversity will be maintained.

In addition, our bill establishes a settlement process between the Federal Government and Swain County, NC, for a problem that has lingered for more than 40 years. This process would quiet longstanding claims Swain County has had against the Federal Government. In addition, we move to resolve another troublesome issue: access to cemeteries in the Hazel Creek area, which will be a part of the wilderness area.

Mr. President, I have worked for many years to guarantee that the Great Smoky Mountains National Park will be preserved for the enjoyment of our grandchildren, and their grandchildren. We have worked to accommodate the concerns of local residents while protecting this section of the park with a wilderness designation. We have had thoughtful and productive conversations on both sides of this debate and I believe we see a workable compromise in this bill.

I urge my colleagues to join with **Senators GORE, SANFORD, and me, in this** effort to preserve a natural wonder of unparalleled beauty.

Mr. President, I ask unanimous consent that the text of the bill appear in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Smoky Mountains Wilderness Act".

SEC. 2. DESIGNATION AND ADMINISTRATION.

(a) DESIGNATION.—(1) In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), certain lands in Great Smoky Mountains National Park, North Carolina and Tennessee, which—

(A) comprise approximately 467,000 acres, including—

(i) the lands formerly owned by the Cities Service Company, and

(ii) the tract of land formerly owned by the Tennessee Valley Authority, comprising approximately 44,000 acres, as described in the agreement of July 30, 1943 (referred to in section 4), and

(B) are depicted on the map entitled "Proposed Management Zoning, Great Smoky Mountains National Park, North Carolina and Tennessee", and dated March 15, 1981,

are hereby designated as wilderness and therefore as components of the National Wilderness Preservation System. Such lands shall be known as the Great Smoky Mountains Wilderness.

(2) The lands referred to in paragraph (1) are those lands classified in the January 1982, General Management Plan for Great Smoky Mountains National Park as Natural Environment Type I Subzone (including the tracts formerly owned by Cities Service Company but not including any amendment to such plan).

(b) ADMINISTRATION.—(1) Subject to valid existing rights, the wilderness area designated under this section shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by such Act as wilderness, except that reference to the Secretary of Agriculture shall be deemed, where appropriate, to be a reference to the Secretary of the Interior.

(2) The Secretary of the Interior shall provide for permanent special access (as defined in appendix D of the General Management Plan referred to in subsection (a)(2)) to any cemetery located within the Hazel Creek Area of Great Smoky Mountains National Park on the date of enactment of this Act.

(c) MAP AND DESCRIPTION.—As soon as practicable after the effective date of this Act, the Secretary of the Interior shall file a map and a legal description of the wilderness area designated under this section with the Energy and Natural Resources Committee of the United States Senate and with the Interior and Insular Affairs Committee of the United States House of Representatives. Such map and legal description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the map and legal description may be made. Such map and legal description shall be on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, and in the office of the superintendent of Great Smoky Mountains National Park.

SEC. 3. RIGHTS AND EASEMENTS RETAINED BY THE TENNESSEE VALLEY AUTHORITY.

The Secretary of the Interior and the Tennessee Valley Authority are directed to negotiate the transfer of certain legal rights and easements retained by the Authority over the area designated as wilderness under section 2, where such legal rights and easements are—

(1) inconsistent with the provisions of the Wilderness Act; or

(2) not necessary for the operation and maintenance of Fontana Reservoir and Dam.

SEC. 4. SETTLEMENT WITH RESPECT TO A ROAD ALONG THE NORTH SHORE OF THE FONTANA RESERVOIR.

(a) FINDINGS.—The Congress finds that Swain County, North Carolina, claims certain rights acquired pursuant to an agreement dated July 30, 1943 (hereafter in this section referred to as the "agreement of July 30, 1943"), between the Secretary of the Interior of the United States, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed.

(b) SETTLEMENT PROVISIONS.—In order to settle and quiet all claims arising out of the agreement of July 30, 1943, the following provisions are made:

(1)(A) The Secretary of the Treasury shall be authorized to pay to Swain County, North Carolina, the sum of $9,500,000.

(B) Such sum shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission.

(C) The principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered voters of Swain County.

(D) Interest earned on the unexpended principal of such sum may only be expended by a majority vote of the duly elected governing commission of Swain County.

(2) Swain County, North Carolina, is relieved of any liability to make payments of principal and interest which became due after the effective date of this Act with respect to the loan (Case Numbered 3887000271600, Code Numbered 9704) obtained on October 12, 1976, from the Farmers Home Administration.

(3) The payment and relief from liability provided for in this section shall constitute full and complete settlement of all claims of Swain County, North Carolina, against the United States of America, the Department of the Interior, and the Tennessee Valley Authority arising out of the agreement of July 30, 1943, and the United States of America, its departments and agencies, including the Department of the Interior, the National Park Service, and the Tennessee Valley Authority, hereafter shall be deemed to have performed the agreement of July 30, 1943, in every particular.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 6. EFFECTIVE DATE.

Beginning on the date of enactment of this Act, the lands described in section 2(a) shall be managed in accordance with the provisions of the General Management Plan for Great Smoky Mountains National Park, adopted in January 1982 (but not including any amendment of or revision to such plan).●

By Mr. HELMS:

S. 695. A bill to designate certain lands in the Great Smoky Mountains National Park as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

GREAT SMOKY MOUNTAIN WILDERNESS ACT

● Mr. HELMS. Mr. President, I am introducing today the Great Smoky Mountains Wilderness Act of 1987. This bill is identical to bills I introduced during the 98th and 99th Congresses. The bill seeks to accomplish two things: First, it would resolve a 44-year-old dispute between Swain County, NC, and the Federal Government; second, it would preserve approximately 400,000 acres of forest in North Carolina and Tennessee by designating this land as wilderness.

Mr. President, Senators may not be familiar with the dispute between Swain County and the Federal Government. Therefore, while not wishing to take up too much of the Senate's time, I will review the facts as briefly as possible.

Mr. President, in 1943, the U.S. Department of the Interior, the Tennessee Valley Authority, the State of North Carolina, and Swain County entered into an agreement concerning land north of what is now Fontana Lake. In return for the right to flood thousands of acres and key roadways in the creation of the lake, the Department of the Interior pledged in 1943 to assist Swain County and the State of North Carolina in constructing a road along the north shore of the lake so that families with gravesites and former homesteads in the area would have unimpeded access to these areas.

Mr. President, a generation has passed and there is still no road—or at least not a complete one. Although the State of North Carolina made good on its part of the bargain by building part of the road, the Federal Government reneged on its 44-year-old commitment and never completed its portion. Families needing access continue to depend on the National Park Service to shuttle them across the lake by ferry and then by offroad vehicle to the cemeteries.

To say the least, settlement of the so-called North Shore Road dispute is long overdue. It is high time the Government made good on its commitment to the fine people of western North Carolina.

My bill would resolve this dispute by incorporating into law the terms of a tentative agreement reached by county officials and the Federal Government. My bill would also expand the terms of the settlement to take into account those persons needing access to their heritage. It authorizes the expenditure of a small amount of money for construction of a primitive, logging-style route to the cemeteries. I genuinely believe equity demands at least some meager access to the area.

Mr. President, as previously mentioned, my bill would also designate as wilderness approximately 400,000 acres of the Great Smoky Mountains National Park. This land, in my opinion, is ideally suited for wilderness designation. In large areas of the park, there are no roads and motorized vehicles are not allowed. There are no chainsaws and no vacation homes or cabins. Indeed, preservation of the scenic and natural values is the very essence of wilderness management.

My proposal establishes a core wilderness area within the park by excluding about 60,000 acres that are not used for other purposes.

This bill parallels recommendations made by the National Park Service in 1981. A general management plan prepared by the Park Service established long-range strategies for resource management, visitors use, and development of an integrated park in the Smokies. After painstaking study of the area, the Park Service recommended that some 400,000 acres be classified as wilderness. Like my bill, it excluded about 60,000 acres and suggested they be studied for possible addition to the wilderness later.

Mr. President, I genuinely believe the Park Service has sound reasons for deleting that acreage. A 44,000-acre tract north of Fontana Lake encompasses the cemeteries and homesteads I have already mentioned. For all practical purposes, wilderness designation of that area would preclude even a primitive route for those needing access to the area.

The Tennessee Valley Authority, which supplies electric power to large portions of North Carolina and Tennessee, also has an interest in those 44,000 acres. The TVA holds recorded easements north of the lake for purposes of maintaining its power lines and monitoring other equipment.

The Cherokee Indians also have an interest in maintaining the current management status of that acreage. I am told they use a small tract north of the Cherokee Indian Nation relative to their traditions and heritage. In my judgment, Congress should not preclude these current uses of the park through wilderness designation.

Mr. President, my proposal authorizes the Secretary of the Interior to fight forest fires and insect infestation which could threaten destruction of the park and surrounding areas. It also authorizes the Secretary to facilitate improved access to wilderness areas for handicapped Americans so that they, too, can enjoy the grandeur of the Great Smoky Mountains.

Mr. President, I offer this bill to assure justice to the people who entered into an agreement with their government in 1943, and to redeem the honor and integrity of the Federal Government. The failure of the Federal Government to live up to its pledge has obvious implications. I urge Senators to join with me in seeking swift approval of this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Great Smoky Mountain Wilderness Act of 1987".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890), certain lands in the Great Smoky Mountains National Park, North Carolina and Tennessee, which comprise approximately four hundred thousand acres and which are depicted on the map entitled "Great Smoky Mountains Wilderness, Proposed", and dated October 1983, are hereby designated as wilderness, and are made a part of the National Wilderness Preservation System. The wilderness designated by this Act, shall be known as the "Great Smoky Mountains Wilderness". It shall be administered by the Secretary of the Interior in accordance with the provisions of the Wilderness Act governing areas designated by such Act as wilderness areas, except that any reference to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act, and reference to the Secretary of Agriculture shall be deemed, where appropriate, as a reference to the Secretary of the Interior.

(b) As soon as practicable after the date of the enactment of this Act, a map of the wilderness area and a description of its boundaries shall be filed with the Committee on Energy and Natural Resources of the United States Senate and with the Committee on Interior and Insular Affairs of the United States House of Representatives. Such map and description shall have the same force and effect as if included in this Act, except that correction of clerical and typographical errors in the map and legal description may be made.

SEC. 3. (a) The Secretary of the Interior is directed to review all policies, practices, and regulations of the Department of the Interior regarding disease or insect outbreaks, forest fires, and the use of modern suppression methods and equipment in such wilderness area to insure that—

(1) such policies, practices, and regulations fully conform with and implement the intent of Congress regarding forest fire, disease and insect control, as such intent is expressed in the Wilderness Act and this Act; and

(2) policies, practices, and regulations are developed that will allow timely, and efficient fire, insect, and disease control, to provide, to the extent reasonably practicable, adequate protection of adjacent Federal, State, and private nonwilderness lands from forest fires and disease or insect infestations.

(b) Congress does not intend that designation of the wilderness area lead to the creation of protective perimeters of buffer zones around each wilderness area. The fact that nonwilderness activities or uses can be seen or heard from areas within the wilderness shall not, of itself, preclude such activities or uses up to the boundary of the wilderness area.

(c) The Secretary is authorized to provide the handicapped with special access to such wilderness area in a manner consistent with the Wilderness Act.

SEC. 4. The Secretary of the Interior is authorized to allocate funds and personnel necessary to place a suitable historical marker at or near the approach to the Cherokee Qualls Reservation, at Soco Gap, in recognition of the historical importance of Soco Gap and the contribution of the Cherokee Nation.

SEC. 5. (a)(1) Swain County, North Carolina claims certain rights acquired pursuant to an Agreement dated July 30, 1943, between the Secretary of the Interior, the State of North Carolina, the Tennessee Valley Authority, and Swain County, North Carolina, which provided, on certain conditions, that the Department of the Interior would construct a road along the north shore of Fontana Reservoir to replace a road flooded by the construction of Fontana Dam and the filling of the reservoir, which road has not been completed. In order to settle and quiet all claims arising out of said Agreement, the following provisions are made:

(A) The Secretary of the Treasury shall be authorized to pay to Swain County, North Carolina, the sum of $9,500,000.

(B) The sum of $9,500,000 shall be deposited in an account in accordance with the rules and regulations established by the North Carolina Local Government Commission.

The principal of such sum may only be expended by Swain County under a resolution approved by an affirmative vote of two-thirds of the registered voters of such country. Interest earned on the unexpended principal of such sum may only be expended by a majority vote of the duly elected governing commission of such county.

(2) Swain County, North Carolina, is relieved of any liability to make payments of principal and interest which become due after the date of enactment of this Act with respect to the loan (case numbered 3887000271600, Code numbered 9704) obtained on October 12, 1976, from the Farmers Home Administration.

(3) No money appropriated pursuant to this subsection shall be paid to or received by an agent or attorney on account of services rendered in connection with the claim settled by this subsection.

(b)(1) Notwithstanding any other provision of law and not later than eighteen months after the date of the appropriation under the authority of paragraph (4) of this subsection, the National Park Service shall provide limited motor vehicle access to the family cemeteries in existence on the date of the enactment of this Act in the Hazel Creek area of the Great Smoky Mountains National Park behind Fontana Dam. This access shall be provided from the western terminus of the North Shore Road to the site of the former village of Proctor by means of connecting, upgrading, and rehabilitating portions of back country roads as necessary to provide a ten-foot wide, nonpaved, primitive route.

(2) The Secretary may establish, by regulation, such reasonable conditions as may be necessary to assure that access provided under this subsection is consistent with the operation of the park. In prescribing such regulations, the Secretary shall consult with the Hazel Creek Cemetery Association.

(3)(A) Special access as provided for the north shore of Fontana Lake in Appendix D of the General Management Plan shall continue until construction of the limited access required by this subsection is complete.

(B) After limited access has been provided, the Department of the Interior shall be responsible for maintenance of such access.

(4) There is authorized to be appropriated such sums as may be necessary to carry out the purposes of this subsection, but not more than an aggregate amount of $950,000. All sums appropriated pursuant to this paragraph shall be used for the sole purpose of building a limited motor vehicle access.

SEC. 6. (a) The designation of the Great Smoky Mountains Wilderness Area made by this Act shall be effective when the construction of the access required by section 5 is completed.

(b) Except as provided in section 5, there is authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.●

By Mr. COCHRAN:

S. 696. A bill to provide that full-time magistrates and bankruptcy judges receive a salary equal to 92 percent of the salary paid to judges of the district courts of the United States; to the Committee on the Judiciary.

SALARIES OF FULL TIME MAGISTRATES AND BANKRUPTCY JUDGES

● Mr. COCHRAN. Mr. President, today I am introducing a bill to correct a disparity in compensation for certain members of the Judiciary that resulted when the President's recommended pay increases took effect.

For a number of years the salary levels for bankruptcy judges and magistrates have been scaled at approximately 90 percent of the salary level for U.S. district judges. The Quadrennial Pay Commission in its recommendations to the President proposed a level of pay for bankruptcy judges and magistrates that was in keeping with that scale. In fact, the Commission's proposal would have provided a level of pay that would equate to 92.3 percent of the rate proposed for U.S. district judges.

However, the recommendations submitted to the Congress by the President provided salary increases in excess of 10 percent for district judges, but provided only a 2.9-percent increase for bankruptcy judges and magistrates. When the President's pay recommendations took effect on February 5, the parity level of approximately 90 percent was reduced to approximately 81 percent.

The bill I am introducing today will correct this disparity by providing that bankruptcy judges shall receive a salary equivalent to 92 percent of the salary of a U.S. district judge. This scale is in line with the salary levels proposed by the Quadrennial Commission. My bill will also allow for the adjustment of the salaries of full-time U.S. magistrates by the Judicial Conference of the United States to a level not to exceed 92 percent of the salary of a U.S. district judge.

Mr. President, this salary disparity needs to be corrected as soon as possible if we hope to retain qualified bankruptcy judges and magistrates, and I urge my colleagues to support this legislation.●

By Mr. DANFORTH (for himself and Mr. BOND):

S. 697. A bill to amend the Agricultural Act of 1949 to suspend the application of minimum planting requirements to agricultural producers whose acreage is subject to flooding in the 1987 crop year; to the Committee on Agriculture, Nutrition and Forestry.

AGRICULTURAL ACT AMENDMENT

● Mr. DANFORTH. Mr. President, on behalf of myself and my colleague from Missouri, Senator BOND, I am today introducing legislation that would help farmers in my State recover from disastrous flooding last fall. This commonsense legislation would help farmers while cutting the cost of Government farm programs, reconciling two goals that so often seem to be unreconcilable.

Last October, extensive flooding throughout Missouri devastated crops and damaged more than 350 private levees. Ninety of Missouri's one hundred fourteen counties have been designated as disaster counties by the Secretary of Agriculture, and assistance is being provided by USDA. However, winter weather and new cost-sharing requirements imposed by the Corps of Engineers last summer have delayed repair of many agricultural levees. Despite the best efforts of officials and levee owners, some levees will not provide protection this spring; as a result, farmers along the Missouri and Mississippi Rivers face the probability of flooding during the 1987 crop year.

Under the "50/92" provision of the Food Security Act, producers are allowed to plant just half of their permitted acreage, while being credited with planting 92 percent of their land for the purposes of Federal commodity programs. This program was designed to reduce incentives for producing surplus crops, yet, looked at from the other side, the 50/92 Program requires producers to plant half of their base acreage to safeguard Federal benefits in the current and future crop years. Therefore, many Missouri farmers will plant fields that lie behind broken levees, even though they expect flooding to follow. Ironically, Federal farm programs will actually compel farmers to plant surplus crops where they would otherwise let fields lie idle.

Our legislation would provide a solution to this problem: offering farmers whose land is threatened as a result of unrepaired levee damage a "0/92" Program on 1987 crops. Under this bill, producers would receive at least 92 percent of the maximum deficiency payment whether or not they plant this year. They would also be protected against a sharp reduction in their program acreage, or "base," so that they will not lose commodity program benefits in future years. Eligibility would be limited to declared agricultural disaster counties for the 1986 crop year and to those farmers with at least 50 percent of their acreage in a flood plain exposed to flooding as a result of levee damage incurred in the 1986 disaster.

Under this limited program, planting costs and flood losses would be averted. Assuming that farmers will otherwise plant at least 50 percent of their acreage, Federal costs would actually be lowered as a result of our bill, due to local supply reduction. But most of all, passage of this measure would allow farmers in my State to avoid a second flood on the heels of last fall's disaster. In some cases, this bill could make the difference between keeping and losing the farm.

As drafted, our bill would assist producers of wheat, feed grains, cotton, and rice, who receive Federal deficiency payments. Since soybean growers are not eligible for these payments, they would not receive the benefits of a 0/92 Program, and assistance would have to come in the form of new compensation. I recognize that fiscal constraints will make it difficult to provide aid to soybean growers who are threatened with new flooding, yet I believe that it is essential that Congress pass some legislation quickly. So that enactment of a measure to assist wheat, feed grain, cotton, and rice farmers will not be delayed, I have not included soybean provisions in this bill. However, I will work to see that the plight of these soybean growers is recognized, and that all potential means of assistance are considered.

Mr. President, it makes no sense that the Federal Government should effectively force farmers to suffer flood losses, but that is what may happen in Missouri this spring. The legislation that Senator BOND and I are introducing today will address this unusual situation in a responsible, narrowly targeted way. I can see no reason why our bill would be controversial, and I look forward to its adoption by the Senate.

Mr. President, I ask that the text of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 697

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM PLANTING REQUIREMENT FOR PRODUCERS AFFECTED BY LEVEE DAMAGE.

(a) WHEAT.—Effective only for the 1987 crop of wheat, section 107DC(c)(1)(C)(ii) of the Agricultural Act of 1949 (7 U.S.C. 1445b-3(c)(1)(C)(ii)) is amended by striking out the period and inserting in lieu thereof the following: ", except that this clause shall not apply to the 1987 crop of wheat in the case of producers who—

"(I) operate a farm that is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, excessive heat, floods, hail, or excessive moisture that occurred in 1986; and

"(II) are, during the normal planting season, subject to flooding on at least 50 percent of the permitted wheat acreage of the farm as the result of damage to a levee from flooding that occurred in 1986.".

(b) FEED GRAINS.—Effective only for the 1987 crop of feed grains, section 105C(c)(1)(B)(ii) of such Act (7 U.S.C. 1444e(c)(1)(B)(ii)) is amended by striking out the period and inserting in lieu thereof the following: ", except that this clause shall not apply to the 1987 crop of feed grains in the case of producers who—

"(I) operate a farm that is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, excessive heat, floods, hail, or excessive moisture that occurrred in 1986; and

"(II) are, during the normal planting season, subject to flooding on at least 50 percent of the permitted feed grain acreage of the farm as the result of damage to a levee from flooding that occurred in 1986.".

(c) COTTON.—Effective only for the 1987 crop of upland cotton, section 103AC(c)(1)(B)(ii) of such Act (7 U.S.C. 1444-1(c)(1)(B)(ii)) is amended by striking out the period and inserting in lieu thereof the following: ", except that this clause shall not apply to the 1987 crop of upland cotton in the case of producers who—

"(I) operate a farm that is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961) as the result of drought, exessive heat, floods, hail, or excessive moisture that occurred in 1986; and

"(II) are, during the normal planting season, subject to flooding on at least 50 percent of the permitted upland cotton acreage of the farm as the result of damage to a levee from flooding that occurred in 1986.".

(d) RICE.—Effective only for the 1987 crop of rice, section 101A(c)(1)(B)(ii) of such Act (7 U.S.C. 1441(c)(1)(B)(ii)) is amended by striking out the period and inserting in lieu thereof the following: ", except that this clause shall not apply to the 1987 crop of rice in the case of producers who—

"(I) operate a farm that is located in a county in which producers are eligible to receive disaster emergency loans under section 321 of the Consolidated Farm and Rural Develpment Act (7 U.S.C. 1961) as the result of drought, excessive heat, floods, hail, or excessive moisture that occurred in 1986; and

"(II) are, during the normal planting season, subject to flooding on at least 50 percent of the permitted rice acreage of the farm as the result of damage to a levee from flooding that occurred in 1986.".●

By Mr. THURMOND (for himself, Mr. JOHNSTON, and Mr. GRAMM):

S. 698. A bill to amend title 17, United States Code, to prohibit the conveyance of the right to perform **publicly syndicated television programs without conveying the right to perform accompanying music; to the Committee on the Judiciary.**

SYNDICATED TELEVISION MUSIC COPYRIGHT REFORM ACT

● Mr. THURMOND. Mr. President, today I am introducing a bill similar to one that I introduced last session (S. 1980), which will provide fair and equitable reform to the process of licensing performance rights in the copyrighted music which accompanies nonnetwork programs broadcast on television. This legislation will remedy a problem of continued concern to hundreds of local television stations throughout the United States. I am pleased to be joined in introducing this legislation by my distinguished colleagues, Senator JOHNSTON and Senator GRAMM.

Congress is specifically entrusted by the Constitution to ensure a balance of rights in copyright law between the creators and users of intellectual property. As Members of Congress, it is our responsibility to enact copyright law which will protect the public interest and encourage proliferation of the arts. Congress would be neglecting its duty if we do not ensure that the copyright law provides a balance in music broadcasting by television stations with regard to syndicated programs.

Specifically, Mr. President, this measure would prohibit the conveyance of a copyrighted audiovisual work to nonnetwork television stations without simultaneously conveying the right to perform in synchronization any copyrighted music which accompanies such audiovisual work. In other words, when a syndicated program is sold all of the broadcast rights, including the rights to broadcast the music, must be sold at the same time.

The problem addressed by this bill can be best explained by a brief discussion on how the current system works for licensing performance rights in television music.

Under current practice, when a local television station buys the right to broadcast a syndicated program, all of the performance rights for copyrighted works embodied in that program are included in the purchase price except for one—the right to broadcast the music on the soundtrack. The local television station must separately buy permission to broadcast the music even though the music is already embodied on the soundtrack of the syndicated program.

In order to obtain the rights to the music, the local station must go to one of two performing rights societies, ASCAP or BMI, to buy a blanket license to broadcast the music on the soundtrack. These two societies currently issue over 95 percent of all blanket licenses. I use the term "blanket license" for a good reason. The local station is required to buy the "blanket" right to use all 3 million of the compositions controlled by ASCAP or all 1 million of the works controlled by BMI, even though the actual soundtrack of the program involved may contain no more than one or two copyrighted songs. Further, the price for this blanket license is based on a percentage of the station's gross revenue, with adjustments, not just the revenue derived from the syndicated programming.

Mr. President, the issue that is presented here is one of fairness. Local television stations have almost no bargaining power as they seek to purchase the right to broadcast the music on a prerecorded soundtrack. They cannot deal with ASCAP and BMI in an arms-length transaction as that term is ordinarily understood in the marketplace. The local broadcasters have no other alternative but to confront these two giants which control over 95 percent of all blanket licenses. The stations have already purchased broadcast rights in a program, but those rights are virtually worthless without the accompanying right to broadcast its music.

One illustration of the current unfair practice is a recent case in Atlanta, GA with WAGA television station. WAGA negotiated a music package with suppliers, independent of ASCAP and BMI, to broadcast music for its locally produced programming, that is, its local news and public affairs programs. This music package cost WAGA $740 per month and covers programming which accounts for 60 percent of WAGA's nonnetwork revenue. By contrast WAGA has to pay ASCAP $30,000 per month for a blanket license to cover their syndicated programming which generates only 40 percent of the station's nonnetwork revenue. This is a figure ASCAP is now proposing to raise to $52,000 per month. WAGA has no choice but to pay ASCAP this fee because the music is an essential part of every syndicated program.

Under the bill that I am proposing, local broadcasters would be able to go directly to the source—the producer/copyright owner—and negotiate for the broadcast rights for the music at the same time they are negotiating for the music. This system known as source licensing would replace the current blanket license for syndicated programming.

In considering this legislation, several points about the operation of the current system are worth mentioning.

First, the blanket licensing system is not appropriate for syndicated programming. This blanket system gained prominence with regard to television in an era when most television programs were broadcast live. The early television broadcasters had no way of knowing what was going to be played during these live shows, making it impossible to clear the rights to the music in advance. Therefore, the blanket licensing system served as a way to clear in advance the music that might be played on the program. Today, most programs are taped in advance. Therefore, all parties know in advance what music is contained on the soundtrack. This makes it both possible and practical to negotiate for those rights along with all of the other rights to the program.

Second, it is important here to note that the large corporations who make television programs are the primary beneficiaries of this system. For the most part, composers are hired by the television studios that produce the programming to compose music for a particular program. As a result, the rights to the music are owned by the studio which in turn conveys these rights to a music publishing company which is often owned by the television studio. When ASCAP and BMI collect the money from the local station, the money is paid to the music publishing company which gives a portion to the composers. Today, out of every dollar that is paid to music publishing companies, 40 cents goes to the company, 40 cents to the composer and 20 cents goes to ASCAP and BMI.

The result is that studios get paid twice. They are paid by the television station to broadcast the program and in addition receive payment as members of ASCAP and BMI.

Third, in this area of music licensing, local television stations are treated differently from movie theaters. The rental fee paid by theaters to the studios which produce the films covers all of the rights to the studio in the movie, including the copyrights to the music. This is the result of a 1948 decision in which the court held that the then-used, more restrictive blanket license violated the antitrust laws and ordered source licensing of music performing rights for movie theaters. This same rule should apply to syndicated programs shown on local television.

Finally, the blanket license system discourages local broadcasters from hiring local composers to write music for programming that is produced locally. It is easier to choose a selection from the ASCAP or BMI repertoire than go to the additional expense of hiring local creative talent. Source licensing would provide an incentive for broadcasters to hire local composers.

Local television stations are willing to negotiate directly with ASCAP and BMI for broadcast rights in music to accompany programs which they produce locally. But with syndicated programs, television stations have no bargaining position to negotiate for the music used by the corporations which produce syndicated films and serials. Their only choice is to take it or leave it.

Under this bill, the syndicators who license programs to TV stations would be required to simultaneously convey the rights to use copyrighted music on the soundtrack of their programs. Additionally, in response to concern voiced by the composers when this bill was considered by the Judiciary Committee in the last Congress, I have included a provision which would mandate that when the broadcast rights to syndicated programming are sold, the composer would have a right to receive compensation. The exact amount of such compensation would be negotiated at the time the program is sold. I believe that this provision addresses the concerns of the composers.

It is also important to note that this bill would affect only a small number of composers who actually receive compensation for syndicated programming. Currently, this amounts to about 15 percent of the combined membership of ASCAP and BMI. Further this bill would in no way affect the current blanket license system as it applies to the use of music in radio, restaurants, concert halls, and network programming.

It is only logical for the local stations to negotiate one price for the entire package. It is virtually worthless for local stations to have broadcast rights for a syndicated program but not for the music which accompanies it. Indeed, who would enjoy watching that great classic, "The Sound of Music," without hearing the very talented Julie Andrews sing the beautiful songs in that movie.

Congress has a responsibility to ensure a balance between the rights of copyright owners and users. This legislation will restore fairness and balance to this area of the copyright system.

This is a very important issue to the 900 local television stations throughout the United States. I strongly urge each one of my colleagues to study this measure carefully.

I ask unanimous consent that the bill be printed in the RECORD immediately following my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. The Act shall be known as The Syndicated Television Music Copyright Reform Act of 1987.

SEC. 2. Title 17, United States Code, is amended by redesignating sections 113 through 118 as sections 114 through 119, respectively, and by inserting after section 112 the following new section:

"§ 113. **LIMITATIONS ON EXCLUSIVE RIGHTS: USE OF MUSICAL WORKS IN SYNDICATED TELEVISION PROGRAMS**

"(a) Notwithstanding the provisions of section 106, no owner, assignee, or licensee of a copyrighted audiovisual work may convey the right to perform publicly such work by non-network commercial television broadcast without simultaneously conveying the right to perform in synchronization any copyrighted music which accompanies such audiovisual work.

(b) Notwithstanding section 101 of this title, for purposes of this section, the term 'audiovisual work" means any motion picture, prerecorded television program, or commercial advertisement."

(c) Subsection (a) does not apply to works prepared by, for or under the direction of organizations that are exempt from federal income tax under section 501(a) of the Internal Revenue Code of 1954 by reason of section 501(c)(3) of such Code."

SEC. 3. Section 106 of title 17, United States Code, is amended by striking out "118" and inserting in lieu thereof "119".

SEC. 4. Section 201 of Title 17, United States Code, is amended by adding the following new subsections:

"(f) Whenever the right to perform by broadcast any motion picture or other audiovisual work containing a synchronous musical work as provided in section 113, is conveyed to any commercial broadcast station, the author or authors of such musical work (or in the case of a work made for hire the employer or employees who prepared the work) shall be entitled to an interest in any compensation paid to the owner of the copyright in such motion picture or other audiovisual work. The amount of such interest shall be determined by agreement between the owner of the copyright in the motion picture or other audiovisual work and the author(s) or employee(s) who prepared the work.

(g) In any case in which a musical work, which constitutes a work made for hire under subsection (b), is synchronized with a motion picture or other audiovisual work, the person who prepared such work shall be considered an employee, for purposes of laws relating to collective bargaining, of the owner of the copyright in such motion picture or other audiovisual work."

SEC. 5. The amendments made by this Act shall take effect on the date of enactment of this Act, except that the amendment made by section 1 shall not affect a public performance occurring during the one-year period beginning on the date of enactment of this Act pursuant to a contract executed before such date of enactment.●

By Mr. SIMON (for himself, Mrs. KASSEBAUM, Mr. PELL, Mr. KENNEDY, Mr. KASTEN, Mr. DANFORTH, Mr. KERRY, Mr. DODD, Mr. BIDEN, Mr. D'AMATO, and Mr. SIMPSON):

S. 701. A bill to amend the Foreign Assistance Act of 1961 to establish a separate authorization for assistance for famine recovery and long-term development in sub-Saharan Africa, and for other purposes; to the Committee on Foreign Relations.

AFRICAN FAMINE RECOVERY AND DEVELOPMENT ACT

● Mr. SIMON. Mr. President, I am happy to be here to introduce the African Famine Recovery and Development Act. No other region of the world finds itself in such a steep and steady economic decline and no other region of the world can benefit more dramatically from a well-thought-out and well-directed aid program as this bill envisions.

There is a broad consensus emerging on the possible solutions to Africa's development crisis, one that was reflected in the U.N. General Assembly's Program for African Economic Recovery and Development adopted last May. The bill I am introducing today contains a new, more cost effective and efficient approach to support the Africans' own efforts to achieve economic growth. It does so in a way that emphasizes equitable, environmentally sound programs that stress self-reliance and participation by Africans themselves.

This bill is a good investment for America. It represents a careful bipartisan approach to the challenge of future development in Africa, and it has been worked out in close consultation with many of my colleagues in the Senate. I am happy to be able to introduce it with such a distinguished list of Democratic and Republican cosponsors.

The challenge today is to help Africa recover from the ravages of famine and drought and make it self-sufficient in food production. This bill will help us move from emergency food aid programs which, although commendable, are expensive and treat only the results of famine, and permit us to address the underlying causes of famine. This bill places a new emphasis on certain building blocks for long-term development in sub-Saharan Africa such as policy reform, privatization of capital markets, agricultural research, and rural health and family planning.

The bill emphasizes areas of African development that have long been neglected. It provides for close consultation with the poor majority in Africa; American support for appropriate policy reforms; a greater role for private voluntary organizations and women; help with debt and budget issues for poor African countries; a 30-percent earmark for health, environment, and population; and strengthened management of developmental assistance. It also increases resources for Africa by earmarking $600 million for fiscal year 1988.

No bill is perfect, and it may be that during the course of hearings some provisions of this bill may have to be changed or modified. I intend to consult closely with my colleagues and with the administration, and I will take their views into account.

The American people showed a generosity of spirit and humanity when they responded to the famine in Africa. Those efforts saved millions of lives. We need to continue that commitment. The challenge is great, but the opportunities to do good are also great. I believe that this bill is a step in the right direction.●

● Mr. KENNEDY. Mr. President, I am delighted to join Senator SIMON and a bipartisan coalition of Senators in introducing today a bill similar to legislation that Senator KASTEN and I sponsored 2 years ago to establish within the Foreign Assistance Act a permanent long-term fund for "African Famine Recovery and Development." It is patterned along the lines of legislation I offered in 1974, with the late Senator Hubert Humphrey, when we created the Sahel drought fund. That fund has, and continues to do much to assist those west African countries.

But over the past several years drought and famine conditions have spread to much of sub-Saharan Africa, and we need to broaden and strengthen the authorities in our law to assist them in a more effective and sustained way.

Following our legislative effort in the last Congress, Senator KASTEN and I have worked closely with our colleagues, both in the Senate and in the House. And, most importantly, we have consulted with the voluntary agencies, with their umbrella coalition at InterAction, and with many other experts in the field. The hope was to learn from the past and to strengthen the existing authorities in the Foreign Assistance Act, while also broadening them to include new initiatives dealing with famine recovery and development in Africa. This bill accomplishes that goal.

Mr. President, I believe all Americans can be proud of what our country has done over the past decade to help the starving peoples of Africa. U.S. aid—contributions from the church agencies, and private donations—have saved millions of lives. But we cannot afford to relax now. We must begin to prepare for the longer term.

The central challenge today is whether the nations now suffering recurrent drought and famine in Africa can ever feed themselves again. Two decades ago, the same question was posed—and answered affirmatively—in Asia. In the 1960's the United States acted to avert repeated famine in India, but today India feeds itself, thanks to international assistance and agricultural reforms.

That is the purpose of the bill we are offering today. As in the Sahel a decade ago, this bill will help us move from an emergency relief effort to programs for rehabilitation and recovery, and finally to longer term agricultural development. As in the Sahel, we need a longer term authority in our foreign assistance program to launch this longer term effort to help the African nations recover from drought and famine, to achieve agricultural development and, hopefully, to become self-sufficient in food production.

This bill simply establishes a permanent fund for "African Famine Recovery and Development" to allow the President to seek appropriations for long-term agricultural development programs, particularly for support of policy reforms and for agricultural support and research for small farmers. These goals of the fund are specified because all agree today that they are central to Africa's effort to achieve self-sufficiency in food.

The key to avoiding famines, and to minimize the effect of droughts when they do occur, is to pursue broad agricultural reforms. Ultimately, the African nations themselves must take a commitment to reform. However, they can do so only if they obtain help from other countries. The United States should make clear that it is ready to respond generously to nations that pursue policy reforms, and to reward them with additional assistance when they do.

Unfortunately, many governments in Africa still maintain economic and agricultural policies that favor urban consumers to the detriment of rural farmers. Prices paid to farmers are kept artificially low. Currencies are inflated, and with loans from abroad, urban citizens are able to purchase inexpensive foods and goods from overseas at the expense of their own farmers. Sometimes cash crops have been prompted to support food imports at the expense of domestic crops. It will take political courage for any of these nations to reverse their policies, but we should be prepared to help those that begin the effort.

Second, the bill's authorizing language emphasizes agricultural research and support for small farmers. There is widespread agreement that the best method to increase food production in Africa is to strengthen rural farmers, who are frequently neglected or ignored in current government programs and agricultural extension services.

Third, the bill emphasizes that the crisis in Africa requires a global initiative, and stresses the important role of international organizations and multilateral institutions, as well as the voluntary and church agencies. It recognizes that international organizations are particularly suited to undertake programs in maternal and child health, primary health care, refugee self-sufficiency and strengthening of host country social infrastructure, donor coordination, women's roles in African food systems, food strategy planning, replenishment of natural resources, population planning, and research related to increasing African food production. These organizations include the U.N. Development Program, UNICEF, the U.N. High Commissioner for Refugees, World Health Organization, Food and Agricultural Organization, and the International Fund for Agricultural Development. The work of all these organizations in Africa can be supported by this fund.

Fourth, the bill recognizes the importance of achieving better coordination of development efforts in Africa. Again, building on the Sahel experience, it mandates that an international coordinating mechanism be established for Africa and be strongly supported by our Government.

Fifth, the bill recognizes the importance of trade policies and the role of the multilateral lending institutions, such as the World Bank's special facility for Africa, in supporting policy reform and agricultural rehabilitation in Africa.

Like my colleagues, I consider this to be a working bill—a starting point—in a bipartisan effort to establish a more flexible funding authority to support long-term recovery and development in Africa. Because the lesson of past experience is that a self-sustaining future for nations dealing with drought and famine is possible only through long-term agricultural reform.

In recent years, per capita food production has been rising steadily in Asia and Latin America, but it is sharply down in Africa. Unless this basic trend is reversed, there will be no long term progress. There is hope for the people of Africa if the United States and the West are willing to help them—not just today, but tomorrow too. That is the goal of the special fund we are establishing by this bill, and I am confident the Senate will support it.●

● Mr. D'AMATO. Mr. President, I rise today to cosponsor the Africa Famine Recovery and Development Fund Act, introduced by my good friends and colleagues, the junior Senator from Illinois and the junior Senator from Wisconsin. This bill responds to the urgent need for long-term relief, recovery and development of sub-Saharan Africa.

The United States of America can be proud of responding generously to the need to help the starving people of Africa in times of emergency. However, emergency-relief efforts are not enough. We need a long-term funding program for African famine relief that will help eliminate the root causes of Africa's plight by creating a situation of self-sufficiency and sustained future growth. This bill is a step toward achieving this goal.

It is often hard to determine precisely the most pressing needs of each sub-Sahara African nation because their problems are so massive and widespread. This difficulty can sometimes be the cause of waste and inefficient allocation of resources. However, I am confident that the objectives of the long-term development assistance of this bill have been well examined and thought out, thanks to many recent studies on this pressing issue. In setting the objectives of this bill, the knowledge of many organizations with thorough understanding of African developmental needs have been taken into careful consideration.

The United States has to prove that it is willing to support those nations willing—even eager—to change their economic infrastructures to improve agriculture output, health, education, and to solve other serious problems. Our efforts have to be well-structured and well-coordinated with other international aid programs. The Africa Famine Recovery and Development Fund Act is a solid first step in addressing the long-term ailments of sub-Sahara Africa that have been ignored for too long.

Mr. President, I strongly support this legislation and urge my colleagues to join me as cosponsors.●

By Mr. SIMON:

S. 702. A bill to provide for the collection of data about crimes motivated by racial, religious, or ethnic hatred; to the Committee on the Judiciary.

HATE CRIME STATISTICS ACT

● Mr. SIMON. Mr. President, today I am introducing the Hate Crimes Statistics Act, a modest proposal that would direct the Attorney General to acquire data about serious crimes which manifest racial, ethnic, or religious prejudice.

Newspaper headlines have told us of several recent incidents of racial violence—the deadly terrorizing of a black man in Howard Beach, NY, the fatal beating of a Chinese-American in a suburb of Detroit. But there are other hate crimes virtually unknown outside the communities in which they take place—the burning of a cross at the home of a black family, the desecration of a synagogue with Nazi symbols, the stoning of Southeast Asian refugees.

As the Nation looks on in horror, a debate has ensued: Are these isolated incidents or evidence of growing racism? Are these crimes organized or spontaneous? What is the actual amount, location, and type of crime motiviated by racial or religious hatred? As important as these questions are, we have no clear answers, only anecdotes. Statistical information is not available on a national scale. And of 50 local law enforcement agencies recently contacted by the Civil Rights Commission, only 2 maintained such statistics. This information is vital if we are to identify problems, determine trends, and target solutions.

The bill I introduce today is identical to one (H.R. 2455) passed by the other body in the 99th Congress, and reintroduced this Congress (H.R. 993). It is the result of deliberations and compromises with the Department of Justice, and has the support of the NAACP Legal Defense and Education Fund, Anti-Defamation League of B'nai B'rith, Anti-Klan Network, and others.

This bill will not erase the blight of racial or religious violence from our Nation. But it will help law enforcement officials to identify and combat hate crime; it will help policymakers develop effective strategies to prevent it; and it will demonstrate the Nation's concern and commitment to eradicating crimes of bigotry.●

By Mr. SPECTER:

S. 703. A bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes; to the Committee on the Judiciary.

PORNOGRAPHY VICTIMS PROTECTION ACT

Mr. SPECTER. Mr. President, I am introducing today the Pornography Victims Protection Act of 1987. This bill is the successor of two bills which I previously introduced—S. 3063 in the 98th Congress and S. 1187 in the 99th Congress. I am reintroducing this bill because it is a sound legislative proposal which has and is gaining additional support.

This legislation would allow victims of child pornography and adults who are coerced, intimidated, or fraudulently induced into posing or performing in pornography to institute Federal civil actions against producers and distributors. If plaintiffs prevail, such child or adult victims would recover treble damages and their costs of suit. In addition, victims could seek injunctions to prevent further production and distribution of the pornography. This bill also authorizes the Attorney General to seek $100,000 in civil penalties from any person violating Federal child or adult pornography statutes.

The Pornography Victims Protection Act would impose new criminal sanctions against coerced adult pornography. Criminal prohibitions on production and interstate distribution of such pornography would be incorporated into existing pornography statutes. Any person who forces another to perform in pornography to be distributed interstate would be subject to 10 years imprisonment and $100,000 in criminal fines.

This legislation is based on a series of hearings I conducted to explore new approaches to combating pornography. Witnesses included victims of sexual exploitation, experts on the harm caused by involvement in pornography and the connection between violent pornography and sexual aggression, and the American Civil Liberties Union. The testimony provided substantial evidence that many individuals are forced to perform sexual acts suggested by pornographic materials, and suffer serious harm as a result.

People are coerced into performing in pornography largely because a huge national market exists for such materials. Consumers have spent hundreds of millions of dollars to see these magazines, films, and video tapes. Given the enormous profit potential of such productions, elimination of this type of coercion will require Government action. The Pornography Victims Protection Act of 1987, therefore, criminalizes the production of sexually explicit materials through coercion, intimidation, or fraudulent inducement, if the defendant knows that the materials will be shipped interstate. The bill also prohibits the interstate distribution of such materials if a defendant knows they were produced against the will of the person depicted.

As a supplement to the criminal sanctions, the legislation provides eligible victims a direct civil action against pornographers and against those who knowingly distribute child or coerced adult pornography. Such civil actions will help ensure that pornography victims will be compensated by their exploiters. Under the bill, victims would receive three times their actual damages, and the costs of bringing suit. In addition, victims could seek injunctions to prevent further distribution of material produced against their will.

The factual and legal issues surrounding pornography clearly are difficult and complex. Legislation in this area must be crafted carefully in light of the Constitution's protection of free speech. It is important to note that injunctions provided by this legislation do not constitute a prior restraint of speech. The bill makes clear that no injunction may be issued prior to a full adversary proceeding and a final judicial determination that the material constitutes child or coerced adult pornography.

In addition to providing monetary damages and injunctive relief to victims, direct civil actions will facilitate enforcement of related criminal statutes. Current enforcement of these laws is seriously inadequate. This is due, in part, to the difficulties prosecutors face in discovering those who produce child and coerced adult pornography. Investigations of these cases generally are difficult, expensive and time consuming, and victims frequently cannot be identified. Furthermore, prosecutors simply have not given child pornography cases high priority, often on the grossly mistaken assumption that this is a victimless crime. Such attitudes seem to be changing, but there remains an urgent need for alternative protective mechanisms.

Civil causes of action represent a valuable new tool for enforcing Federal prohibitions on child and coerced adult pornography. Since the burden of proof is far less stringent in civil proceedings, legal attacks on pornographers would be greatly facilitated. In addition, evidence obtained in the course of a civil proceeding often would be available for later use in criminal prosecutions.

The Pornography Victims Protection Act provides one further mechanism for deterring sexual exploitation and compensating victims. Under the bill, the Attorney General is authorized to seek $100,000 in civil penalties from child and coerced adult pornographers. If the Government prevails, it is authorized to distribute the penalty money among all of the identified victims in the case. Like a direct action for victims, a Government action for civil penalties will be subject to a lower burden of proof than in a criminal prosecution, and this should facilitate action against pornographers. Unlike direct actions, however, victims would not be required to come forward publicly. This is an especially valuable benefit in child pornography cases, since many child victims are unwilling or unable to endure the severe traumas of courtroom testimony.

The Pornography Victims Protection Act is endorsed by many women's and children's organizations, including local chapters of the National Organization for Women, Feminists Fighting Pornography, and Covenant House of New York. The New York-based feminists Fighting Pornography has collected signatures of thousands of concerned individuals supporting passage of this bill. During the 99th Congress, S. 1187's House companion bill, H.R. 5509 introduced by Representative BILL GREEN, received strong bipartisan support.

I believe the Pornography Victims Protection Act represents a major step forward in combating the sexual exploitation of children and women.

I ask unanimous consent that the bill and a list of organizations endorsing passage of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 703

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Pornography Victims Protection Act of 1987".

SEC. 2. Section 2251 of title 18, United States Code, is amended—

(1) in subsection (a), by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)" and by inserting before the

period at the end thereof the following: "or if such person knows or has reason to know that the minor was transported in interstate or foreign commerce for the purpose of producing any such visual depiction of such conduct";

(2) in subsection (b), by striking out "subsection (c)" and inserting in lieu thereof "subsection (d)" and by inserting before the period at the end thereof the following: "or if such person knows or has reason to know that the minor was transported in interstate or foreign commerce for the purpose of producing any such visual depiction of such conduct";

(3) by inserting immediately after subsection (b) the following:

"(c)(1) Any person who coerces, intimidates, or fraudulently induces an individual 18 years or older to engage in any sexually explicit conduct for the purpose of producing any visual depiction of such conduct shall be punished as provided under subsection (d), if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if such visual depiction has actually been transported in interstate or foreign commerce or mailed, or if such person knows or has reason to know that the individual 18 years or older was transported in interstate or foreign commerce for the purpose of producing any such visual depiction of such conduct.

"(2) Proof of one or more of the following facts or conditions shall not, without more, negate a finding of coercion under this subsection:

"(A) that the person is or has been a prostitute;

"(B) that the person is connected by blood or marriage to anyone involved in or related to the making of the pornography;

"(C) that the person has previously had, or been thought to have had, sexual relations with anyone, including anyone involved in or related to the making of the pornography;

"(D) that the person has previously posed for sexually explicit pictures for or with anyone, including anyone involved in or related to the making of the pornography at issue;

"(E) that anyone else, including a spouse or other relative, has given permission on the person's behalf;

"(F) that the person actually consented to a use of the performance that is changed into pornography;

"(G) that the person knew that the purpose of the acts or events in question was to make pornography;

"(H) that the person signed a contract to produce pornography; or

"(I) that the person was paid or otherwise compensated.";

(4) in subsection (c), by striking out "(c)" and inserting in lieu thereof "(d)"; and

(5) by amending the heading to read as follows:

"§ 2251. Sexual exploitation".

SEC. 3. (a) Section 2252(a)(1) of title 18, United States Code, is amended by adding at the end thereof the following:

"(C) the producing of such visual depiction involved the use of an adult who was coerced, intimidated, or fraudulently induced to engage in sexually explicit conduct and the person knows or has reason to know that the adult was coerced, intimidated, or fraudulently induced; and

"(D) such visual depiction depicts such conduct; or".

(b) Section 2252(a)(2) is amended by—

(1) striking out "and" and the semicolon in clause (A) and inserting in lieu thereof "or the production of visual depiction involved the use of an adult who was coerced, intimidated, or fraudulently induced to engage in sexually explicit conduct and the person knows or has reason to know that the adult was coerced, intimidated, or fraudulently induced; and".

(c) The heading for section 2252 is amended to read as follows:

"§ 2252. Certain activities relating to material involving sexual exploitation".

SEC. 4. (a) Chapter 110 of part I of title 18, United States Code, is amended by redesignating section 2255 as section 2261.

Chapter 110 of part J of title 18, United States Code, is amended by inserting after section 2254 the following:

"§ 2255. Civil remedies.

(a) The district courts of the United States shall have jurisdiction to prevent and restrain violations of section 2251 or 2252 by issuing appropriate orders, including—

"(1) ordering any person to divest himself or any interest, direct or indirect, in any legal or business entity;

"(2) imposing reasonable restrictions on the future activities or investments of any person including prohibiting such person from engaging in the same type of legal or business endeavor; or

"(3) ordering dissolution or reorganization of any legal or business entity after making due provision for the rights of innocent persons.

"(b) The Attorney General or any person threatened with loss of damage by reason of a violation of section 2251 or 2252 may institute proceedings under section (a) and, in the event that the party bringing suit prevails, such party shall recover the cost of the suit, including a reasonable attorney's fee. Pending final determination, the court may at any time enter such restraining orders or prohibitions, or take such other actions, including the acceptance of satisfactory performance bonds, as it shall deem proper. For purposes of this section, a violation of section 2251 or 2252 shall be determined by a preponderance of the evidence.

"(c) Any victim of a violation of section 2251 or 2252 who suffers physical injury, emotional distress, or property damage as a result of such violation may sue to recover damages in any appropriate United States district court and shall recover threefold the damages such person sustains as a result of such violation and the cost of the suit, including a reasonable attorney's fee. For purposes of this section, a violation of section 2251 or 2252 shall be determined by a preponderance of the evidence.

"(d) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this chapter shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding.

"(e) Nothing in this section shall be construed to authorize any order restraining the exhibition, distribution or dissemination of any visual material without a full adversary proceeding and a final judicial determination that such material contains a visual depiction of sexually explicit conduct, as defined by section 2261 of this chapter, engaged in by a minor or by a person who was coerced, intimidated, or fraudulently induced to engage in such sexually explicit conduct.

"§ 2256. Civil penalties.

"(a) Any person found to violate section 2251 or 2252 by preponderance of the evidence shall be liable to the United States Government for a civil penalty of $100,000 and the forfeiture of any interest in property described in section 2254. The Attorney General may bring an action for recovery of any such civil penalty or forfeiture against any such person. If the Attorney General prevails he may also recover the cost of the suit, including a reasonable attorney's fee.

"(b) If the identity of any victim of an offense provided in section 2251 or 2252 is established prior to an award of a civil penalty made to the United States under this section, the victim shall be entitled to the award. If there is more than one victim, the court shall apportion the award among the victims on an equitable basis after considering the harm suffered by each such victim.

"§ 2257. Venue and process.

"(a) Any civil action or proceeding brought under this chapter may be instituted in the district court of the United States for any district in which the defendant resides, is found, has an agent, or transacts his affairs.

"(b) In any action under section 2255 or 2256 of this chapter in any district court of the United States in which it is shown that the ends of justice require that other parties residing in any other district be brought before the court, the court may cause such parties to be summoned, and process for that purpose may be served in any judicial district of the United States by the marshal of such judicial district.

"(c) In any civil or criminal action or proceeding under this chapter in the district court of the United States for any judicial district, a subpoena issued by such court to compel the attendance of witnesses may be served in any other judicial district except that no subpoena shall be issued for service upon any individual who resides in another district at a place more than one hundred miles from the place at which such court is held without approval given by a judge of such court upon a showing of good cause.

"(d) All other process in any action or proceeding under this chapter may be served on any person in any judicial district in which such person resides, is found, has an agent, or transacts his affairs.

"§ 2258. Expedition of actions.

"In any civil action instituted under this chapter by the United States in any district court of the United States, the Attorney General may file with the clerk of such court a certificate stating that in his opinion the case is of general public importance. A copy of that certificate shall be furnished immediately by such clerk to the chief judge or in his absence to the presiding district judge of the district in which such action is pending. Upon receipt of such copy, such judge shall designate immediately a judge of that district to hear and determine the action. The judge designated to hear and determine the action shall assign the action for hearing as soon as practicable and hold hearings and make a determination as expeditiously as possible.

"§ 2259. Evidence.

"In any proceeding ancillary to or in any civil action instituted under this chapter the proceedings may be opened or closed to the public at the discretion of the court after consideration of the rights of affected persons.

"§ 2260. Limitations.

"A civil action under section 2255 or 2256 of this chapter must be brought within six years from the date the violation is committed. In any such action brought by or on behalf of a person who was a minor at the date the violation was committed, the running of such six-year period shall be deemed to have been tolled during the period of such person's minority.".

SEC. 5. (a) The section analysis for chapter 110 of part I of title 18, United States Code, is amended to read as follows:

"CHAPTER 110—SEXUAL EXPLOITATION

"Sec.
"2251. Sexual exploitation.
"2252. Certain activities relating to material involving sexual exploitation.
"2253. Criminal forfeiture.
"2254. Civil forfeiture.
"2255. Civil remedies.
"2256. Civil penalties.
"2257. Venue and process.
"2258. Expedition of actions.
"2259. Evidence.
"2260. Limitations.
"2261. Definitions for chapter.
"2262. Severability.".

(b) The chapter analysis for part I of title 18, United States Code, is amended by striking the item relating to chapter 110 and inserting in lieu thereof the following:

"110. Sexual Exploitation .... 2251".

SEC. 6. Chapter 110 of title 18, United States Code, is amended by inserting after section 2261 the following:

"§ 2262. Severability.

"If the provisions of any part of this Act or the amendments made by this Act, or the application thereof, to any person or circumstances is held invalid, the provisions of the other parts of this Act or the amendments made by this Act and their application to other persons or circumstances shall not be affected.".

FEMINISTS FIGHTING PORNOGRAPHY

ORGANIZATIONS SUPPORTING PASSAGE OF THE PORNOGRAPHY VICTIMS PROTECTION ACT

N.O.W., National Organization for Women, NY, NY Chapter.

Women's Institute for Freedom of the Press, Wash., D.C.

National Coalition Against Television Violence, Champaign, Ill.

V.O.I.C.E.S. Inc. (Nat'l. Incest Survivors Network), Chicago, Ill.

TOPP, Task Force on Prostitution & Pornography, Madison, WI.

Alaska Network on Domestic Violence & Sexual Assault, Juneau, Alaska.

Covenant House, NY, NY.

PRIDE (Family Services), Minn., MN.

N.A.P.C.R.O., Nat'l. Anti-Pornography Civil Rights Organization, Minn., MN.

Genesis House, Chicago, Ill.

Women in Crisis, Fairbanks, Alaska.

IUFA, Independent Union of Flight Attendants, NY, NY.

Women's Alliance Against Pornography, Cambridge, Mass.

Pornography Awareness, Inc., Chapel Hill, NC.

S.A.V.E., Sisters Against Violence & Exploitation, LaJolla, CA.

Pornography Resource Center, Minn., MN.

N.O.W., San Jose, CA Chapter.

By Mr. BRADLEY (for himself, Mr. INOUYE, Mr. PELL, and Mr. EVANS):

S. 705. A bill to reaffirm the boundaries of the Great Sioux Reservation to convey federally held lands in the Black Hills to the Sioux Nation; to provide for the economic development, resource protection and self-determination of the Sioux Nation; to remove barriers to the free exercise of traditional Indian religion in the Black Hills; to preserve the sacred Black Hills from desecration; to establish a wildlife sanctuary; and for other purposes; to the Select Committee on Indian Affairs.

SIOUX NATION BLACK HILLS ACT

● Mr. BRADLEY. Mr. President, I rise today to reintroduce the Sioux Nation Black Hills Act. I am pleased to have as cosponsors, Senator INOUYE, the Chairman of the Select Committee on Indian Affairs; Senator PELL of Rhode Island; and Senator EVANS of Washington. This legislation would right a wrong committed by the United States more than 100 years ago. The bill would restore to the Sioux Tribe a portion of the lands awarded to them by an 1868 treaty and subsequently illegally taken from them.

That the U.S. Government was guilty of an illegal taking is not at issue: the Supreme Court affirmed this conclusion in 1980. What is at issue is the responsibility of our Government to live up to its agreements and ideals. History and other nations judge us by our deeds. If we are concerned about that judgment, we should recognize that the history of our Government's dealings with the Sioux is not adorned with honor. It is a history rich with familiar names and places—Grant, Sherman, Custer, Red Cloud, Sitting Bull, Crazy Horse, Little Big Horn, Fort Laramie, Wounded Knee, and the Black Hills of South Dakota. But the story is one of broken commitments and bad faith. The bill I introduce today is an attempt to rewrite a more honorable final chapter to this history.

It has always astonished me, given America's history of breaking its Indian treaties, that the Sioux Nation has continued to persevere in its efforts to have its treaty rights upheld. There is something honorable, deepseated, and tenacious about a people who would persevere for over 119 years in an effort to have their treaty rights honored.

Indeed, there is something very extraordinary in our modern day of fast moving events that a treaty first signed in 1868 is still very much an issue. Yet, at the same time, as I think the native American can only understand, there is nothing extraordinary at all about the situation in which the Sioux Nation finds itself with regard to the Fort Laramie Treaty. Things are as they always have been. The native American is still trying to have his treaty rights upheld.

Today, we make another attempt to right this longstanding injustice. I first introduced the Sioux Nation Black Hills bill 2 years ago. It is significant today that I am joined by the chairman of the Select Committee on Indian Affairs, my colleague Senator INOUYE.

I am honored by his presence and his willingness to support this important issue. Native Americans have in Senator INOUYE a leader who is energetic and compassionate; who will give Indian issues the serious attention they deserve. The work in this Congress, I am sure, will rectify those past times in our history when the Senate of the United States has not fulfilled its treaty obligations to "advise and consent" with justice.

Too often, unfortunately, the Senate of the United States has allowed native American issues to become local issues. This was never intended by the framers of the Constitution nor is it appropriate. Injustice is never a local issue. In the simplest terms, the Black Hills legislation grew from injustice and a need to make amends.

When the Supreme Court ruled favorably on the Sioux claims in 1980, the Court concluded, "a more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history." These are strong words for a Court not known for its rhetorical excess. They are words that give meaning and vindication to the generations of Sioux who have persevered in their efforts to uphold their rights.

The Black Hills bill is more than the settlement of a longstanding property dispute. It is a bill, like so much of native American culture, that is about respect for the land, a spiritual culture, and what happens to any people when a great violence is done to their very identity.

After all the discussions about politics, the irreducible moral minimum that each of you must decide is what you owe another human being. By this, I don't mean what you owe yourself, or your family, or even some of your friends, but rather what you owe a stranger simply because he or she is a human being.

In thinking about that obligation, it helps to understand where we are today in America and where we've come from.

For example, Western thought since the 18th century has liberated us from superstition at the same time it had denied us the moral certainty of another age. And in so doing, it has assaulted the sense of harmony and balance that underlies traditional native American culture. Science has unlocked the forces of nature and improved the physical condition of our lives and has also given us the power not just to shape the natural birth/death cycle of nature, but to utterly and completely destroy Mother Earth. The personal liberty of our big cities, while invigorating, cries out for a new form of community, a new sense of belonging, that goes beyond class, to deeper personal meaning.

In such a search, I think the Lakota Nation has something to say to the rest of America.

At a time in America when the scale and speed of our lives have increased dramatically, when documents fly magically from one computer to another thousands of miles away in a second, and news travels instantaneously from Moscow to Los Angeles, at a time when our economy is global and interdependent, when life becomes more cluttered with the unnecessary, when acid rain continues to fall on forests, when farms become fewer, bigger, and less personalized, it is time for us to refresh ourselves and renew ourselves by relocating our place within nature and in relation to the land.

Mr. President, America is losing its sense of the land. And for a continental power, that is an ominous development.

America needs to know why the Lakota call the Black Hills the "heart of everything that is."

America needs to know why for the Lakota "good fences don't make good neighbors." Why fences cannot contain the spirit of man or the lure of the horizon.

America needs to know Red Cloud and Standing Bear as well as Andrew Jackson and Herbert Hoover. America needs to understand the Sun dance and the other rites of Lakota culture.

America needs to find new self-respect and dignity in the Lakota belief that the children of the Earth are two-legged, four-legged, winged, and all things growing and moving. And, they all have a right to live.

It is for those reasons, as well as trying to right the injustice that has been done, that I have introduced the Black Hills bill, and it is for those reasons that I believe it will ultimately pass. When it does, you must be ready not only to help your brother but also be prepared to show the world the wonder of this land. And in so doing, show respect for the wonder of every land.

One October day, 2 years ago, as I was driving through New Jersey with leaves turning red, brown, yellow, I thought about changes, about how each year brings new life that passes, and yet the trees remain year after year. Our challenge here in America is to find that same continuity in the midst of change.

The clue to the continuity can be felt by just driving through the Black Hills or from Rapid City to Pine Ridge. There is a stillness that goes beyond the wind whispering through the pines or prairie grass. There is a strength that goes beyond the granite spires about Sylvan Lake. There is a sense of possibility that reaches up to the big sky. There, amidst the stillness and strength, is a changelessness, a continuity, that says nature can still be our guide and inspiration. Man is still behind, fighting, imitating, but never quite equaling, the majesty and balance of the land.

America needs to hear this message. America needs to know the Lakota story—the native American story.

I ask unanimous consent that the full text of the bill be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Sioux Nation Black Hills Act".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Black Hills are the sacred center of aboriginal territory of the Sioux Nation and as such hold deep religious significance for the Sioux Nation, and

(2) such lands are Sioux treaty territory, as affirmed by the Treaties of September 15, 1851 (11 Stat. 749) and April 29, 1868 (15 Stat. 635);

(3) the Sioux Nation views the Black Hills as inalienable and have never voluntarily surrendered or ceded the Black Hills, and have resolved not to accept money in exchange for extinguishment of title to such lands or of the right to practice traditional religion in the Black Hills area;

(4) the United States Supreme Court affirmed the findings of the Court of Claims, citing its conclusion that "[a] more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history" and further noting the Court of Claims' language regarding the duplicity of President Grant "in breaching the Government's treaty obligations to keep trespassers out of the Black Hills, and the pattern of duress practiced by the Government on the starving Sioux to get them to agree to the sale of the Black Hills";

(5) the Sioux Nation has never been accorded a forum within which to seek the return of the lands and, while the United States Supreme Court upheld the ruling of the Court of Claims that the Act of February 28, 1877 (19 Stat. 254), was unconstitutional for failure to pay "just compensation", the constitutionality of the Black Hills taking has not been fully adjudicated because Congress has not provided a Court with the jurisdiction to provide for the return of land as a remedy for an "unconstitutional taking", nor has the question of whether the Black Hills taking was for a "public purpose" had a forum within which to be addressed;

(6) the lawsuit brought by the Oglala Band of the Sioux Nation against the United States to quiet title to Federal lands in the Black Hills, and for damages, was dismissed for want of jurisdiction, Oglala Sioux Tribe of the Pine Ridge Indian Reservation v. United States, 650 F.2d 140 (8th Cir. 1981), cert. denied, 455 U.S. 907;

(7) other bands of the Sioux Nation sued the United States in the Indian Claims Commission, under the Act of March 13, 1978 (92 Stat. 153), and obtained a judgment of $17.1 million for the value of the land taken by the Act of February 28, 1877 (19 Stat. 254), $3,484 for rights of way, $450,000 for damages resulting from gold removed prior to the Act, plus 5 percent simple interest but not on the value of the gold, totaling $105,994,430.52 which was appropriated on July 18, 1980;

(8) neither the Act of March 13, 1978 (92 Stat. 153) nor such judgment provide for the return of land in the Black Hills;

(9) the Sioux Nation has resolved to reject the monetary award and will not accept money in exchange for extinguishment of title to such lands;

(10) the Black Hills have deep religious significance to the Sioux people and the Sioux people refuse to also accept monetary compensation in exchange for the First Amendment rights to freely practice their religion in the Black Hills;

(11) the different bands of the Sioux Nation have pressed its claim to the Black Hills vigorously and continuously for more than 100 years;

(12) notwithstanding the value of $17.1 million established by the Court of Claims as the value of the Black Hills at the time of taking, the loss to the Sioux must be measured in terms of the adjusted value of the resources extracted from the Black Hills which exceeds $18 billion for the 36 million ounces of gold extracted by the Homestake Mine alone through 1980;

(13) the executive branch of the United States has established a record of negotiation with the Sioux Nation to effect a resolution of the Sioux Nation's consistent efforts to recover land in the Black Hills;

(14) the Congress has in the recent past resolved complex American Indian land title and religious issues by conveying title, as well as other forms of compensation, without restricting such resolution to monetary damages; and

(15) it will further the interests of the United States to enter into a just and honorable Sioux Nation Black Hills lands settlement, recognizing and reaffirming its domestic and international commitments to Sioux Nation self-determination, economic security, religious freedom, and acknowledging the traditional and historical belief of the Sioux in the sacred character of the Earth and in the Black Hills in particular, as well as their rights to freely exercise such beliefs.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) The term "Federal lands" means lands held in fee simple by the United States that are not held in trust or for the benefit of any other. Such term includes National Forest, National Parks, Bureau of Land Management, and other lands administered by the Department of Agriculture and the Department of the Interior.

(2) The term "lands", whether Federal or private, includes water rights appurtenant to land, as well as sub-surface mineral rights, mineral patents, and mining claims.

(3) The term "private lands" means lands held in fee simple by the State of South Dakota, its political subdivisions and municipalities, or by any person other than the United States and its instrumentalities.

(4) The term "Secretary" means the Secretary of the Interior.

(5) The term "Sioux" or "Sioux Nation" means those sovereign and independent bands of the Sioux Nation who separately entered into the multilateral Treaty of

April 29, 1868 (15 Stat. 635) with their chiefs and headmen acting as ministers, and shall further mean the Lakota, Dakota, and Nakota bands who were members of the alliance referred to as the Seven Council Fires.

(6) The term "Tribes" means the federally recognized or organized tribes who are successors in interest to the sovereign bands of the Great Sioux Nation, to wit: Cheyenne River Sioux Tribe, Crow Creek Sioux Tribe, Lower Brule Sioux Tribe, Oglala Sioux Tribe, Rosebud Sioux Tribe, Standing Rock Sioux Tribe, Santee Sioux Tribe of Nebraska, and Sioux Tribe of the Fort Peck Reservation.

(7) The term "sub-surface mineral estates" means the sub-surface mineral rights retained by the United States on those lands in which surface rights have been conveyed to private parties by United States patent.

(8) The term "re-established area" means the land declared to be a reservation for the Sioux Nation under section 4.

(9) The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture.

SEC. 4. RE-ESTABLISHED AREA.

Except to the extent otherwise provided in this Act the land within the following described boundaries which was a portion of the Great Sioux Reservation bounded and confirmed by the Treaty of April 29, 1868 (15 Stat. 635), and which was subsequently excluded from such reservation by the Act of February 28, 1877, is hereby declared to be a reservation for the Sioux Nation:

The western boundary of the land commences at the intersection of the northern boundary of the State of Nebraska with the western boundary of the State of South Dakota; thence north on the western boundary of the State of South Dakota to a point where it intercepts the southern boundary of the State of North Dakota; thence east along said boundary to a point where the one hundred third degree of longitude west from Greenwich intercepts the same; thence due south on the said meridian to its intersection with the east bank of the North Fork of the Cheyenne River; thence down the east bank of said stream to its junction with the South Fork of said Cheyene River; thence up the east bank of the South Fork of said Cheyenne River to its intersection with the said one hundred and third meridian; thence due south along said meridian to the intersection with the northern boundary of the State of Nebraska; thence west on such northern boundary of the State of Nebraska to the place of beginning.

SEC. 5. RE-CONVEYANCE OF LANDS.

(a)(1) The Secretary of the Interior shall identify and inventory—

(A) all private lands within the re-established area,

(B) any Federal lands within the re-established area that are in current use by the United States for military purposes, courthouses, office buildings, post offices, hospitals, warehouses, or cemeteries,

(C) all other Federal lands within the re-established area,

(D) all Federal sub-surface mineral estates within the re-establishment area,

(E) all Federal reserved water rights, and water rights acquired by the Federal Government under South Dakota State law, that are appurtenant to lands within the re-established area, and

(F) all valid rights, reservations, easements, leases, permits, agreements, contracts (including water supply contracts), and memoranda of understanding affecting the lands and water rights described in subparagraphs (D) and (E). The inventory of federally owned water rights shall indicate the location, amount, and priority date of all such rights.

(2) By no later than the date that is 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register the inventory compiled under paragraph (1).

(3) During the 60-day period beginning on the date on which the inventory is published under paragraph (2), the Secretary shall accept comments on such inventory from the Sioux Nation and any other interested party. The Secretary shall investigate any allegation of error or omission in such inventory.

(4) By no later than the date that is 150 days after the date on which the inventory is published under paragraph (2), the Secretary shall publish any changes in the initial inventory which are necessary to correct errors and omissions or a revised inventory which is free of errors or omissions.

(b)(1) Except to the extent otherwise provided in this Act, the head of each Federal agency having jurisdiction over any Federal land within the re-established area, any water rights appurtenant to such Federal land, or any subsurface mineral estate within the re-established area shall, by no later than the day that is 210 days after the date on which the inventory is published under subsection (a)(2), convey all of such Federal lands, mineral estates, and water rights to the Sioux Nation in fee simple, without warranties of any kind.

(2) In any conveyance made under paragraph (1), the head of the Federal agency may reserve to the United States an easement which allows the United States to use any land which is identified under subsection (a)(1)(B) for any purpose described in subsection (a)(1)(B) for so long as such use is continuous from the date of such conveyance.

(3) No conveyance made under paragraph (1) shall affect any rights, reservations, easements, leases, permits, agreements, and contracts that exist under the public land laws on the day before such conveyance so long as they remain valid in accordance with the terms of such public land laws.

(4)(A) The Mount Rushmore National Memorial shall not be conveyed under paragraph (1).

(B) The Sioux Nation shall be given first preference in bidding for the operation of the concessions at the Mount Rushmore National Memorial.

SEC. 6. WATER RIGHTS.

(a) All waters—

(1) which are—

(A) within,

(B) flowing through, or

(C) arising on,

the re-established area,

(2) to which there is no valid, outstanding appropriation under South Dakota State law,

(3) which would be deemed abandoned pursuant to South Dakota law, on the day before the date of enactment of this Act, and

(4) which are not reserved by the United States under section 5(b)(2),

shall, on the date that is 210 days after the date on which the inventory is published under section 5(a)(2), become the property of the Sioux Nation and the Sioux Nation shall determine the use and allocation of such waters.

(b) Any water rights transferred to the Sioux Nation under section 5(b)(1)—

(1) shall retain the same quantity and date of priority that such rights would have if the Federal Government continued to own such rights,

(2) shall not be limited to the uses for which they were reserved by the Federal Government, and

(3) may be used or allocated to any purpose within or without the boundaries of the re-established area as the Sioux Nation may choose.

(c) All water rights (other than water rights acquired from the Federal Government) which may be transferred to or acquired by the Sioux Nation pursuant to this Act—

(1) shall be in the same quantities and with the same dates of priority as such rights would have if such private party continued to own such rights,

(2) shall not be subject to abandonment pursuant to South Dakota State law,

(3) shall be treated as permanent present perfected rights under Federal law, and

(4) shall be subject to such use and allocation as the Sioux Nation may determine.

(d) All waters within, flowing through, or arising on the re-established area shall be subject to the sole and exclusive jurisdiction of the Sioux Nation to regulate the use and allocation of such waters.

SEC. 7. EXEMPTION FROM TAXATION AND CONDEMNATION.

All lands within the re-established area shall be exempt from taxation by the United States or any State or subdivision of a State, and from acquisition for public purposes without the consent of the Sioux Nation.

SEC. 8. STATUS OF PRIVATE LANDS.

(a) Privately held lands within the re-established area shall not be disturbed, and may be held and used or occupied for the same purposes as prior to this Act, subject however, to Sections 10, 11, 12, 13, and 14 of this Act; provided however, that the Sioux Nation may purchase such lands and may also receive title to such lands by devise, gift, exchange, or other transfer. Any private lands purchased or otherwise acquired by the Sioux Nation within the re-established area shall be held and used by the Sioux Nation in the same manner and status as federal lands conveyed under section 5(b).

(b) The Sioux Nation shall have a right of first refusal to purchase privately held lands within the area described in section 11 (b) and (c).

SEC. 9. EXCHANGE OF LANDS.

(a) For the purpose of consolidating the land holdings of the Sioux Nation within the re-established area, the Secretaries are hereby authorized and directed to acquire, by purchase or exchange, all state school lands held by any State within the re-established area, and all interests therein, including improvements, mineral rights whether or not they have been separated from the surface estate, and water rights.

(b) The Secretaries shall immediately and diligently undertake to acquire, by exchange, those lands held by the State of South Dakota at Bear Butte.

(c) In exercising the authority to acquire the above described lands by exchange, the Secretaries are authorized to utilize unappropriated public domain lands outside of the re-established area, but within the respective affected states. The property so exchanged shall be of approximately equal value, except the Secretaries may pay cash to the affected state to equalize the values of the properties exchanged.

(d) Any lands so acquired by exchange shall be immediately conveyed to the Sioux Nation to be held in the same manner and status of federal lands conveyed under section 5(b) of this Act.

SEC. 10. COMPENSATION.

(a) Funds appropriated on July 18, 1980, in accordance with the Act of March 13, 1978 (92 Stat. 153), and the interest earned from such funds through the date of enactment of this Act shall be paid to the Sioux Nation in compensation for the loss of the use of its lands from 1877 to the effective date of this Act and not for extinguishment of title of such lands. These funds shall constitute the principal of a fund to be known as the "Permanent Investment Fund" which shall be managed by the Sioux Nation and invested in interest bearing accounts at financial institutions of the Sioux Nation's choice for the benefit of the Sioux Nation and future generations of its people. The principal of the Permanent Investment Fund may never be distributed. Interest and income derived from the Permanent Investment Fund shall be distributed annually as follows:

(1) 10 percent of such interest and income shall be invested in a separate fund to be known as the "Permanent Compounding Fund" from which—

(A) during the 25-year period beginning on the date of enactment of this Act, no distributions may be made, and

(B) after the close of such 25-year period, distributions shall be made to the Permanent Investment Fund from time to time in order to offset any reduction in the value of the Permanent Investment Fund caused by inflation;

(2) 10 percent of such interest and income shall be paid to the Sioux National Council to be used for governmental and public purposes;

(3) 10 percent of such interest and income shall be invested in a separate fund to be known as the "Business Development and Investment Fund" from which distributions of income and interest derived from the Business Development Investment Fund shall be made from time to time to the Permanent Investment Fund in order to insure the growth of the Permanent Investment Fund or to offset any reduction in the value of the Permanent Investment Fund caused by inflation; and

(4) the remaining 70 percent of such interest and income shall be distributed to the different tribes of the Sioux Nation based on those percentages of ownership established by the Secretary of the Interior in the "Results of Research Report in Docket 74B" (Black Hills Claim).

(b) To further compensate the Sioux Nation for the loss of the use of its lands, and for the conveyance of some lands to private persons, the United States shall convey to the Sioux Nation, by Quit Claim deed in the same manner and status as federal lands conveyed under section 5(b), an additional fifty thousand acres of federal lands plus an additional fifty thousand of federal sub-surface mineral estates lying outside the 1877 taking area of the Great Sioux Reservation but within the area described in Articles 11 and 16 of the Treaty of April 29, 1868 (15 Stat. 635). The Sioux Nation shall select these lands and identify them to the Secretaries within five years of the effective date of this Act.

(c) Subsection (b) may include National Forests, National Parks, and National Monuments, but shall exclude military facilities, court houses, office buildings, post offices, warehouses, cemeteries, and state highways.

(d) To further compensate the Sioux Nation and in order to insure that the Sioux Park and the Black Hills Sioux Forest remain accessible to the general public, the United States shall provide annually appropriated funds to the Sioux Nation for the operation and maintenance of such lands which shall not be less than 95 percent of the total amount of funds that were appropriated for the administration, operation, and maintenance of the Federal lands conveyed by this Act to the Sioux Nation for the fiscal year preceding the fiscal year in which this Act is enacted.

SEC. 11. SIOUX PARK.

(a) All lands in the re-established area except as provided in section 6 which were held under the jurisdiction of the United States Park Service prior to the promulgation of this Act and such other lands in the re-established area as are identified by agreement of the Secretaries and the Sioux Nation within five years of the effective date of this Act, and their legal description published in the Federal Register shall thereafter be known as the Sioux Park, and shall remain equally accessible to all persons, both Sioux and non-Sioux, under such rules and regulations as the Sioux may from time to time establish and publish.

(b) Notwithstanding the foregoing, such lands within the Sioux Park which are traditional religious or ceremonial sites shall be identified by the Sioux and shall be excluded from public access to the extent necessary to preserve their primary religious uses and integrity. Such sites, which have their individual names, shall be designated by the generic name "Tatanka TaCante"/"The Heart of the Buffalo".

(c) Notwithstanding the foregoing, any lands within the Sioux Park that are designated by the Sioux as a wildlife and wilderness sanctuary for living things which have a special sacred relationship to the Sioux may be excluded from public access to the extent necessary to provide such sanctuary. Such sanctuaries shall be designated by their traditional names and shall be designated by the generic name "Wamaka Og'naka Onakizin"/"The Sanctuary of Everything That Is".

(d) Religious sites and ceremonial sites outside of the re-established area acquired under sections 8, 9, 10(b), 11, or 12, including Devil's Tower, and the Inyan Kara Mountain area, shall be included in the Sioux Park.

(e) Notwithstanding the foregoing, such lands that were held under the jurisdiction of the Forest Service Prior to Promulgation of this Act and were designated as the Norbeck Wildlife Preserve, the Black Elk Wilderness Area, the Pine Creek Natural Area, and other such restricted use lands shall become a part of the Sioux Park.

(f) All lands in the Sioux Park shall remain in the state of use or development to which these lands were committed on the effective date of this Act.

(g) For a transition of five years, the National Park Service and the Sioux Nation will jointly manage the Sioux Park subject to such rules and regulations as the Sioux Nation may from time to time establish and subject to a Management Agreement to be negotiated between the National Park Service and the Sioux Nation.

(h) Notwithstanding any other law, the Sioux Nation shall qualify as an Indian tribe for purposes of the provisions of Section 105 of the Act of January 4, 1975, (88 Stat. 2209).

SEC. 12. BLACK HILLS SIOUX FOREST.

(a) Lands acquired by the Sioux Nation under this Act which are not included in the Sioux National Park and were under the jurisdiction of the United States Forest Service prior to the effective date of this Act shall be designated as the Black Hills Sioux Forest. Such lands may be used by the Sioux Nation in accordance with the traditional principle of "respect for the earth" except that for a transition period of five years the Forest Service and the Sioux Nation will jointly manage the Black Hills Sioux Forest subject to such rules and regulations as the Sioux Nation may from time to time establish and subject to a Management Agreement to be negotiated between the Forest Service and the Sioux Nation. Any authorizations or regulations for land use within the area designated as the Black Hills Sioux Forest which are in conflict with the principle of "respect for the earth" shall be identified within one year of the effective date of this Act by the Sioux Nation and notice of withdrawal of such authorizations and regulations shall be published for a period of thirty days, after which any such use shall cease, except for those uses as provided in section 5(b)(3), i.e., "all existing valid rights, reservations, easements, leases, permits, agreements, and contracts under the public law shall continue in full force and effect so long as they remain valid in accordance with the terms thereof".

(b) Notwithstanding any other law, the Sioux Nation shall qualify as an Indian tribe for purposes of the provisions of section 105 of the Act of January 4, 1975, (88 Stat. 2209).

(c) Rents, royalties, fees, and any income realized from the use of lands in the Black Hills Sioux Forest, including taxes, shall be applied exclusively to the administration, governance, up-keep and improvement of the Forest and Park and the welfare of its residents and users, and shall include the administration of the Sioux Nation Council and its governmental functions. Notwithstanding the above, any income above the funds necessary for the administration and governance of the re-established area shall be equitably distributed among the different tribes of the Sioux Nation through their respective governments and such revenue shall be spent solely for public purposes, such as public administration and the health, education and general welfare of their members.

(d) Lands acquired by the Sioux Nation under this Act which were held by the Bureau of Land Management, or were designated as National Grasslands and were managed by the Forest Service, shall be treated in the same manner as described above in section 12(a), (b), and (c).

SEC. 13. THE SIOUX NATIONAL COUNCIL.

(a) For the purpose of managing and governing the re-established area, there is hereby recognized and acknowledged a Sioux National Council ("National Council"). The National Council shall be composed of such members, selected in such manner and shall exercise such powers of governance and land management as may be delegated to it in a constitution approved by at least three-quarters of the adult members of the respective tribes of the Sioux Nation. The constitution shall be presented to the members for approval within three years of the enactment of this Act. The constitution of the National Council shall absolutely prohibit the sale or disposal of any lands or water rights acquired under this Act and such lands shall not be sold or disposed of except in accordance with Article 12 of the Treaty of April 29, 1868.

(b) There is hereby recognized and acknowledged such court or courts as the Constitution of the National Council may provide, which shall have original and exclusive jurisdiction to review the lawfulness of actions taken by the National Council.

SEC. 14. INTERIM MANAGEMENT BOARD.

For the purpose of managing and governing the re-established area until such time as the National Council is selected in accordance with the provisions of such Constitution, as set forth in section 13(a), each Tribe shall appoint two representatives to an Interim Management Board, one of which shall be appointed by the respective tribal government, the second of which may be appointed by such Treaty Council as is designated by the respective tribal government.

SEC. 15. JOINT POWERS AGREEMENTS.

(a) Nothing in this Act shall prevent the Sioux Nation from entering into contracts and agreements with any state, political sub-division of any state, or private person, corporation or foundation to fulfill any purpose of this Act or obligation of the Sioux Nation arising under this Act.

SEC. 16. EXISTING ACCESS; MINERAL LEASES; GRAZING PERMITS; TIMBER LEASES, PERMITS, CONTRACTS.

(a) Nothing in this Act shall deprive any person or government of any valid existing right of use or possession, or any contract right, which that person or government may have in any of the lands conveyed to the Sioux Nation, or of any existing right of access over and across such lands in accordance with the provisions of such contracts or the terms of such existing right.

(b) All existing mineral leases involving lands reconveyed under this Act, including oil and gas leases, which were issued or approved pursuant to federal law prior to the enactment of this Act, shall remain in full force and effect in accordance with the provisions thereof. Notwithstanding any other provisions of law, applications for mineral leases under federal law involving such lands, including oil and gas leases, pending on the date of enactment of this Act shall be rejected and advanced rental payments returned to the applicants.

(c) Persons holding grazing permits from an agency of the United States as of the date of this Act involving lands reconveyed hereunder shall continue exercising such grazing rights, subject to all otherwise applicable terms, except that no grazing fees shall be payable by the existing permittee for a term not to exceed two years or the balance of such existing permit, whichever is less. Such grazing permits shall be administered by the Sioux National Council in accordance with all otherwise applicable federal rules and regulations. Such grazing rights may be cancelled by the National Council in accordance with such regulations for failure to meet the terms and conditions of the existing permits, or failure to abide by applicable rules and regulations. Such grazing rights shall be non-transferable, except that they may be relinquished by the permittee to the Sioux Nation at any time. Thereinafter all grazing permits shall be issued under the laws of the Sioux Nation.

(d) Persons holding timber leases, permits or contracts from an agency of the United States as of the date of this Act involving lands reconveyed hereunder, shall have the right to continue exercising such rights as may be granted pursuant to such leases, permits or contracts, subject to all otherwise applicable terms, conditions and federal rules and regulations governing such timber rights, until such rights would normally expire; provided that the Sioux National Council may obtain the relinquishment of any such leases, permits or contracts from the lessees or permittees under such terms and conditions as may be mutually agreeable. Such timber rights shall be administered by the Sioux National Council in accordance with all otherwise applicable federal rules and regulations. Such timber rights may be cancelled by the Sioux National Council in accordance with such applicable regulations for failure to meet the terms and conditions of the existing leases, permits or contracts, or failure to abide by applicable rules and regulations. Such existing timber rights shall be non-transferable, except that they may be relinquished by the permittee or acquired by the Sioux Nation at any time.

(e) From the date of enactment of this Act, 75 percent of all fees derived from timber permits, leases, permits, or contracts affected by this section shall be paid as provided by section 12(c) of this Act. Twenty-five percent of all fees from timber permits, leases or contracts affected by this section shall be paid to the state county governments within which the lands from which the fees are derived are located for a period of five years from the date of enactment of this Act without restriction. Thereafter, 25 percent of such fees shall continue to be paid to such counties for such public expenditures as the Sioux Nation and county may agree pursuant to joint powers agreements entered into for periods not exceeding ten years.

SEC. 17. HUNTING AND FISHING.

The Sioux Nation shall have exclusive jurisdiction to regulate hunting and fishing on all lands, lakes and streams conveyed to it within the re-established area.

SEC. 18. INDIVIDUAL SETTLEMENT IN THE RE-ESTABLISHED AREA.

Members of the tribes constituting the Sioux Nation shall be eligible to receive twenty-five year family use permits to an area not to exceed two and one-half acres per head of household and shall be allowed to settle and construct homes and other improvements on Sioux Nation lands within the re-established area in accordance with a comprehensive land use plan developed by the Sioux National Council covering all lands within the re-established area. Such plan shall insure the proper management and use of lands reconveyed pursuant to this Act consistent with the Lakota principle of "respect for the earth", resource conservation and accepted resource management practices.

SEC. 19. EFFECT ON SUBSISTING TREATIES.

All treaties formerly entered into between the United States and the Sioux Nation, to the extent not inconsistent with the Act, are continued in full force and effect, and any other claims which the Sioux Nation or its bands may have against the United States are neither extinguished nor prejudiced. All rights and exemptions, both political or territorial, which are not expressly delegated to the federal or state governments by this Act or any prior treaty or agreement is hereby reserved to the Sioux Nation and any bands thereof.

SEC. 20. INCONSISTENT LAWS.

The provisions of the Sioux Nation Black Hills Act supercede all laws of the United States which are inconsistent with the Act, including laws generally applicable to "Indians".

SEC. 21. JURISDICTION.

(a) Article 1 of the Treaty of April 29, 1868, shall continue in full force and effect, to the extent that the Sioux Nation, upon sufficient proof made by the United States Attorney to a justice of the appropriate Sioux Nation Court at a hearing convened for that purpose, shall deliver to the United States for trial and punishment any non-Indian who commits a crime under 18 U.S.C. 1153.

(b) Notwithstanding the foregoing, the Sioux Nation may reassume unrestricted criminal jurisdiction over non-Indians at such time as the Sioux Nation and Congress may agree.

(c) All persons within the jurisdiction of the Sioux Nation may bring an action in the tribal courts of the Sioux Nation and all persons residing within the re-established area shall have the right to petition and address the National Council.

SEC. 22. EXTINGUISHMENT OF CLAIMS.

(a) All claims of the Sioux Nation and of any successor-in-interest of the parties to the Treaty of April 29, 1868 (15 Stat. 635) which arise from the taking pursuant to the Act of February 28, 1877 (19 Stat. 254), of the lands described in section 4 shall be extinguished on the date on which all the transfers of property required under section 5(b) are completed.

(b) All transfers of any interest in the lands described in section 4 that would be valid under the laws of South Dakota but for the unconstitutional taking of such lands pursuant to the Act of February 28, 1877 (19 Stat. 254) are hereby declared to be valid and in accordance with the laws of the United States.●

● Mr. INOUYE. Mr. President, today I am pleased to join with my colleagues, Senator Bill Bradley and Senator Claiborne Pell in cosponsoring the Sioux Nation Black Hills Act.

A hearing was held before the Select Committee on Indian Affairs on July 16, 1986 regarding a very similar proposal that Senator Bradley had introduced in the 99th Congress. During that hearing, the committee was presented with historical evidence regarding the taking of the Black Hills by the United States under circumstances which could only be called dishonorable.

Pursuing the only legal remedy which Congress has made available to them up until now, the Sioux Nation succeeded in securing monetary damages in the Court of Claims in 1980. Since that time, they have steadfastly refused to agree to a distribution of these funds, taking the position that they will never accept money in lieu of their right to significant areas of religious and cultural importance in the Black Hills.

This Congress has an opportunity to respond to the aspirations of the Sioux Nation to see that justice is done in this matter and in a way which does not infringe on the rights of other private parties or the public interest as it relates to the Black Hills. My agreement to cosponsor this legislation is not intended to represent unqualified support for every provision of this bill. Rather, my agreement to support this bill is intended to convey my intention as Chairman of the Select Committee on Indian Affairs to make the resources of the committee available to achieve a resolution of this matter. The Sioux Nation has waited long enough and this country has ignored this injustice for long enough. Now is the time to act.

I realize that my colleagues from the State of South Dakota have understandably taken a neutral position regarding the Sioux Nation Black Hills Act and that some individuals have characterized this bill as ambitious and unrealistic. However, I do not need to remind my colleagues in the Senate that it is the nature of the legislative process to seek a middle ground as a means of accommodating conflicting interests and views. We intend to work closely with the South Dakota delegation, in particular with Senator Tom Daschle who is a member of the Select Committee on Indian Affairs.

The introduction of this bill in the 100th Congress is a historic occasion and a sign of a new day in terms of this country's responsiveness to its commitments to the Indian people.●

● Mr. EVANS. Mr. President, I commend my colleagues Senator Bradley, Senator Inouye and Senator Pell for their introduction of the Sioux Nation Black Hills Act. The bill they are introducing today is an attempt to correct the terrible injustices rendered upon the Sioux Nation so eloquently and compassionately described by my colleagues and by representatives of the Sioux tribes at last fall's hearing before the Senate Select Committee on Indian Affairs.

For over 100 years now the people of the Sioux Nation have continuously sought the return of their land. The validity of the Sioux claim is certain. But the remedy they desire, the return of at least some of their land, had eluded them. That this land was wrongfully taken from them is not the issue. In fact, as recently as 1980, the U.S. Supreme Court affirmed a decision of the Court of Claims that a wrongful taking had occurred. Rather, the issue is how best to correct the injustices of the past, consistent with the long-settled expectations of the non-Indian citizens of the State of South Dakota.

Mr. President, I do not believe that this legislation as currently written is the perfect solution to this most difficult problem, and may not even be the best solution. In fact, as currently written, I have grave concerns about several of its provisions. I do believe, however, that this bill has a useful purpose; namely, to serve as an appropriate vehicle to raise the issues which must be considered before final resolution.

I believe that the issue of an appropriate remedy should be re-examined by Congress. I commend the timeless efforts of many, including Senator Bradley, who have kept the dream of a Great Sioux Nation alive. Their cause is just, and their motives honorable. At the very least, the Congress of the United States owes the Sioux its most serious consideration of their claim.●

By Mr. HEINZ (for himself and Mr. Dodd):

S. 706. A bill to amend the Bank Holding Company Act and the National Bank Act to clarify limitations on insurance activities of banks; to the Committee on Banking, Housing, and Urban Affairs.

BANK HOLDING COMPANY AND NATIONAL BANK AMENDMENT ACT

● Mr. HEINZ. Mr. President, on behalf of my colleagues, Mr. Dodd and Mr. Shelby, and myself, today I am introducing the Bank Holding Company and National Bank Amendments Act of 1987. This legislation is intended to ratify the spirit of these acts with respect to insurance activities of banks and to ensure the continued safety and soundness of our Nation's banking system.

I. THE SOUTH DAKOTA LOOPHOLE

In 1982, Congress reaffirmed the fundamental national purpose behind the separation of banking and insurance when it clarified section 4(c)(8) of the Bank Holding Company Act by enacting title VI of the Garn-St Germain Act. In doing so, it made it explicit that, except in strictly limited circumstances, bank holding companies are not permitted to engage in the insurance business.

Citicorp and the State of South Dakota, however, developed a plan—the now infamous "South Dakota Loophole"—to circumvent the plain language and intent of the Bank Holding Company Act. In 1983, South Dakota decided to allow out-of-State bank holding companies to buy South Dakota-chartered banks that would be empowered to sell and underwrite insurance everywhere in the United States—except in South Dakota.

The so-called South Dakota loophole exists because of an ambiguity or inconsistency stemming from this country's dual banking system. This system permits each State to regulate State-chartered banks, while Federal law regulates nationally chartered banks and bank holding companies. Some bank holding companies have argued that it is unclear whether the insurance limitations contained in the Bank Holding Company Act, specifically those in section 4(c)(8) pertaining to insurance, apply to State banks that are part of a bank holding company system.

Fortunately, the Federal Reserve protected the integrity of the Bank Holding Company Act by rejecting Citicorp's application to buy its South Dakota bank. The Fed did not, however, explicitly base its ruling upon its clear power to regulate State-chartered banks that are part of a bank holding company system; rather, its ruling was premised on the fact that South Dakota's attempt to attract jobs and money to South Dakota by allowing Citicorp to engage in the insurance business everywhere except South Dakota was designed to evade the purpose of the bank holding company and thus, was illegal.

Mr. President, although the so-called South Dakota loophole has been shut by the Fed's decision, the Fed's holding in that case was limited. More importantly, it begs the broader question of whether State-chartered banks and their subsidiaries that belong to bank holding company systems can engage in activities that violate the Bank Holding Company Act. This has become imperative in light of the Board's subsequent failure to apply the South Dakota decision to other instances in which bank holding companies have sought to acquire State banks which sell general insurance.

Mr. President, this legislation would assure that the intent of the 1982 amendments to section 4(c)(8) is fully carried out. It clarifies that bank and nonbank subsidiaries of bank holding companies can only engage in those activities permitted under the Bank Holding Company Act. It is intended to guarantee that bank holding companies cannot avoid the strictures of section 4(c)(8) under the auspices of State laws which permit the banking subsidiaries of bank holding companies to engage in nonbanking activities which cannot lawfully be conducted by nonbank subsidiaries of the same bank holding companies.

Mr. President, this amendment does not, as its critics allege, nullify the dual banking system; nor does it limit State sovereignty in governing the activities of State-chartered banking institutions. It limits only the activities of bank holding companies and their subsidiaries, bank and nonbank alike, as originally contemplated by the Bank Holding Company Act. It does not affect a State-chartered bank that is not in the holding company form from exercising any power granted by its home State. It does not inhibit State autonomy in determining what innovation, in terms of banking activities, is best for their own people, their businesses, and their industries.

This leads to my second point, Mr. President, which is either overlooked or ignored by the critics in this debate. Bank holding companies are creatures of Federal law—they were created by Congress—and their activities continue to be prescribed by the Bank Holding Company Act. Such entities are permitted to enter only those lines of business which are expressly permitted by that statute. Nowhere in the legislative history of the Bank Holding Company Act is it stated—or intimated—that the 50 States could depart from this carefully constructed regulatory system and permit subsidiaries of bank holding companies to engage in nonbanking activities.

It also follows from this principle, Mr. President, that because bank holding companies are Federal entities, Congress—and not the individual States—is the final arbiter of policy regarding their activities. It is not only bad policy but also not in the interest of a safe and sound banking system to have a patchwork quilt of laws which permit different holding companies to engage in different activities, based solely on where the bank is located.

Hence, State-chartered banks have a choice, which they are free to make: They may enjoy the benefits and restrictions of State legislation, or they may enjoy the benefits and restrictions of the Bank Holding Company Act. They cannot have it both ways.

Finally, Mr. President, I would also note that this language is a slight modification of the language, referred to as the Dodd amendment, which the full Senate passed on September 13, 1984, as part of S. 2851 by a vote of 89 to 5. Full Senate action on the Dodd amendment came after the Senate Banking Committee has passed the Dodd amendment by a vote of 10 to 8 on June 27, 1984. In the same year, the House Banking Committee approved the language in conjunction with a nonbank bank loophole closer. The House legislation never reached the House floor.

II. THE "TOWN OF 5,000" EXCEPTION TO THE BANK HOLDING COMPANY ACT

Mr. President, as I previously mentioned, in 1982, Congress laid down six narrow exceptions to the strict statutory prohibitions on the range of insurance activities permissible for bank holding companies. One of these exceptions permitted bank holding companies and their nonbank subsidiaries to continue to engage in general insurance agency activities in a place or town having a population of 5,000 or less.

It is very important to note that the legislative history on this exception specifically stated that this language was "intended to conform" to the Federal Reserve Board's then existing policy permitting bank holding companies "to offer insurance in towns of less than 5,000 so long as the principal place of the holding company's bank business is also located in a town of 5,000 or less."

The purpose of the Board's policy and the 1982 act's statutory affirmation was to ensure that consumers in small towns would have access to insurance services. I might add, Mr. President, that this purpose was clearly reflected in the Board's subsequent revision of its regulations governing the conditions under which bank holding companies are permitted to sell insurance in small towns.

Unfortunately, in recent months, the Board has taken it upon itself to liberalize its regulation—and the statutory constraint—governing the small town exception. In its recent regulation, the Board failed to include the requirement that bank holding companies offering insurance services in small towns also maintain their principal places of banking business in towns of 5,000 or less. As a result, a bank holding company may now sell insurance anywhere in the country so long as any part of its business is located in a town with 5,000 or fewer residents.

Mr. President, as a member of the Banking Committee in 1982 when this legislation was enacted, as well as one who is very familiar with these provisions, I can assure the present Senate that this new interpretation was not what Congress contemplated when it enacted this legislation. It makes a mockery of clear congressional intent and permits bank holding companies to circumvent the explicit language of the law governing their insurance activities.

This legislation clarifies and reaffirms the original intent of the law by including language similar to that which was deleted from the Board's former regulation. In so doing, it ratifies the clear will of Congress in assuring that the scope of the exception is explicitly limited.

III. "TOWNS UNDER 5,000" EXCEPTION TO THE NATIONAL BANK ACT

The National Bank Act of 1916 prohibits a national bank from engaging in any activity that is not expressly authorized by law or that is "not incidental" to one or more of the authorized activities. The act does, however, permit national banking associations "located and doing business" in towns with fewer than 5,000 residents to engage in certain insurance activities.

It is important to bear in mind that in 1916, national banking associations were not permitted to have branches; in fact, it was not until 1933 that national banks were accorded full parity to branch to the extent permitted to their State-chartered counterparts.

Since that time, however, national banks have expanded their geographic locations through branch networks. With the advent of national bank branches in towns of 5,000 or less where the principal bank is located in a larger community, national banks are afforded the opportunity to locate insurance agency operations in small-town branches and market insurance products more broadly, in contravention of congressional intent.

Unfortunately, Mr. President, this expansion has already occurred with the blessing of the Federal regulators. In August 1986, the Comptroller of the Currency gave permission to a national bank in Oregon to sell insurance to consumers located anywhere in the United States merely because it had a branch in a town of under 5,000 people. As a result of this approval, national banking associations are not permitted to sell insurance in places and through means that are not authorized by the National Bank Act. More importantly, the Comptroller has transformed the "small town" exemption—designed to permit general insurance agency activities by banks in towns of 5,000 or less—into a vehicle for banks to engage in general insurance agency activities on a nationwide basis in violation of the insurance restrictions of the National Bank Act.

Mr. President, this legislation will clarify the longstanding congressional intent envisioned in the National Bank Act: national banks' insurance activities are limited to the smalltown locations where the bank is headquartered and not where its branches are located.

Mr. President, I would conclude by saying that everyone recognizes the Nation's financial system is a dynamic entity and is undergoing changes never before envisioned. There are also widely divergent views within various sectors of the industry as to what changes should be made regarding national banking policy. While this may be the case, I would make one observation: it is the Congress—and neither the States nor the regulators—that should establish the proper framework governing financial intermediaries. If those laws need to be revised or repealed, then let's do so in a comprehensive manner. They should not, in any case, be revised, repealed or circumvented by State or regulatory fiat. This legislation revises the Bank Holding Company and National Bank Acts to ensure their effectiveness. For these reasons, I would urge my colleagues to cosponsor the legislation.●

By Mr. HEINZ (for himself and Mr. SPECTER):

S. 707. A bill to amend the Department of the Interior and Related Agencies Appropriations Act, 1987 to assure the maintenance of learning opportunities at urban parks on a cost-free basis; to the Committee on Energy and Natural Resources.

AGENCIES APPROPRIATIONS ACT AMENDMENTS

● Mr. HEINZ. Mr. President, we all believe that urban youth need all the educational opportunities we can give them. We certainly know that there are too few opportunities for Americans to gain an understanding of their Nation's heritage. In this year of the Constitution's bicentennial, we should do far more to provide Americans with a thorough understanding of our national experience.

I am very sorry to report that we are not doing so. In fact, Mr. President, the National Park Service is now reducing the opportunities for learning and understanding America's past, because they have put a fee on our history.

Entrance fees at national parks are going into effect all over the country. These strike particularly hard at urban areas, where there is great need, but few opportunities, for learning experiences that come without a price tag.

One of the great ironies of the entrance fee issue is that a fee is now in effect at Independence Historic Park and Valley Forge. In this bicentennial year, you must shell out to see Philadelphia's historic treasures. Those who visit the Philadelphia session of Congress this summer will not have free access to the surrounding parks.

In last year's continuing resolution, with few exceptions, we gave the Park Service virtual carte blanche to charge for visiting a national park. Many had reservations about this policy, particularly the distinguished Senator from New Jersey, Senator BRADLEY. In introducing the administration's proposed fee schedule last year, my friend from Idaho, Senator MCCLURE, expressed some concern about the latitude the Park Service would be allowed. Clearly, those concerns were justified.

Urban parks have very special meaning to our crowded cities. They maintain the history and the culture of the city, and provide a respite from traffic and crowds. To limit admission to these parks, through a fee, is unconscionable.

For these reasons, Mr. President, I am introducing legislation which would bar the imposition of a fee at any urban park which serves significant cultural, educational, or recreational purposes.

In meeting with the Park Service, I had hoped to persuade them of the injustice of charging for Independence Historic Park, but reason has not prevailed. I hope my colleagues will join me in this sensible response to a truly senseless policy of restricting access to our Nation's heritage.●

By Mr. PROXMIRE:

S. 708. A bill to require annual appropriations of funds to support timber management and resource conservation on the Tongass National Forest; to the Committee on Energy and Natural Resources.

TONGASS TIMBER REFORM ACT

Mr. PROXMIRE. Mr. President, today I am introducing a bill that simultaneously reduces the Federal deficit and protects the environment.

The Tongass Timber Reform Act of 1987 returns fiscal sanity and responsibility management to our Nation's largest national forest by repealing sections 705(a) and 705(d) of the Alaska National Interest Lands Conservation Act of 1980 [ANILCA].

These reforms save the American taxpayers billions of dollars and protect one of the last rain forests in the world's temperate latitudes, the Tongass National Forest in southeast Alaska.

The U.S. Forest Service wastes tens of millions of taxpayer dollars each year on the Tongass timber sales program. But until now Congress could not restrain this recklessness because funds for the Tongass were permanently appropriated. This bill corrects that mistake.

Mr. President, taxpayer losses in southeast Alaska aren't new. In fact, during the years of strongest timber demand, prior to the passage of ANILCA, the Forest Service still lost millions of dollars trying to sell timber from the Tongass. Since then, market conditions have deteriorated while Forest Service spending has increased.

Mr. President, the Tongass program's net receipts and expenditures for 1977 through 1986 all show losses. The total deficiency for the decade exceeds $360 million. In fact, annual net receipts show losses even when ignoring capital costs, such as roads, bridges, and facilities.

In 1983 and 1984, the taxpayers lost $57 million and $54 million respectively on Federal timber sales from the Tongass. Stated differently, the Tongass timber program lost 91 cents on every taxpayer dollar spent in 1983 and 93 cents in 1984. In 1985 and 1986, these losses climbed to more than 99 cents on the dollar.

Even worse, according to the Forest Service's own reports to Congress, the annual dollar amount of these losses will grow ever higher over time.

Mr. President, why can't we stop these losses? Because of section 705 of ANILCA. Included as part of a broad amendment package prior to Senate passage of the act, this law contains two provisions that are environmentally and economically unsound.

First, section 705 sets a goal of supplying 4.5 billion board feet of timber per decade from the Tongass to dependent industry. Second, the section provides an open-ended and permanent appropriation of "at least $40,000,000 annually or as much as the Secretary of Agriculture finds is necessary" to enable the Forest Service to meet the timber supply goal. In other words, section 705 gives the Forest Service a blank check.

These funds are not subject to deferral or rescission by the administration. Nor are they subject to the annual appropriations process in Congress.

Congress made section 705 an exception to usual Forest Service practices, ratifying a series of unproven economic assumptions aimed at preserving the regional timber industry. The existing pulp and sawmills in southeast Alaska were built as a direct result of Forest Service efforts to create a major timber industry in the region. The current law attempts to sustain the timber economy by relying on Federal subsidies.

Mr. President, Congress can subsidize Tongass timber buyers forever, but we cannot create buyers for an uneconomic product that no one wants. We must change the law to reflect reality.

In spite of increasing Federal subsidies, regional timber industry employment has fallen sharply, from more than 3,000 full-time equivalent jobs in 1980 to fewer than 1,800 today.

Worse still, subsidized timber competes with unsubsidized timber grown in the same area. Native corporations established under the 1971 Alaska Native Claims Settlement Act are wholly owned by Alaska Natives and operate without benefit of Federal subsidies. Through careful land selections, the Native corporations now own some of the best timber lands in southeast Alaska. Their share of the regional timber harvest climbed from 13 percent in 1980 to 58 percent in the first two quarters of 1986.

Sadly, Forest Service sales under two exclusive 50-year contracts compete with the Native's pulp-grade logs. As a result, up to 50 million board feet of pulp-grade material is left on the ground on Native Corporation clearcuts each year because pulp mills can obtain subsidized Federal timber from the Tongass.

Finally, the Federal timber program endangers a large number of jobs in southeast Alaska that depend on the preservation of the Tongass. The fishing and tourism sectors of the economy combined provide more than twice as many jobs as timber but depend on renewable natural resources. The Tongass timber industry, on the other hand, depends on the one-time harvest of high volume, old growth timber that, for practical purposes, is nonrenewable. Thus, the taxpayer spends $36,000 per year subsidizing timber jobs at the expense of Alaska's future.

Mr. President, the Forest Service must limit Tongass timber sales to volumes likely to attract buyers. It must stop building roads to nowhere. It must stop wasting taxpayer dollars.

Unfortunately, Congress must cancel the blank check before we make any reforms. We must repeal the offending provisions of ANICLA and require that the Forest Service justify its spending. The savings for such a change will be significant.

For example, Congress could limit newly prepared timber sales on the Tongass to meet demand, and restrict road construction to areas where there is a current demonstrated market demand for timber. As a result, the Forest Service would need substantially fewer funds for its Tongass operations. For fiscal year 1988, these savings are about $28.2 million less than the President's budget. Over the next 50 years, those savings will equal $2 to $5 billion, according to the Forest Service's own figures.

Mr. President, Congress must assert its authority over the Tongass National Forest. Requiring annual appropriations for the Tongass timber program is the place to start.

I hope my colleagues in the Senate will join me in this effort to stop the waste and require the Tongass budget to reflect national fiscal needs and resources.

Mr. President, I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tongass Timber Reform Act."

SEC. 2. ANNUAL APPROPRIATIONS FOR TIMBER MANAGEMENT AND RESOURCE CONSERVATION ON THE TONGASS NATIONAL FOREST.

Section 705(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(a)) is hereby repealed, effective October 1, 1987.

SEC. 3. IDENTIFICATION OF LANDS UNSUITABLE FOR TIMBER PRODUCTION.

Section 705(d) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539d(d)) is hereby repealed.

SEC. 4. REPORT ON ADEQUACY OF TIMBER SUPPLY.

The second sentence of section 706(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539e(a)) is hereby repealed.

SEC. 5. STATUS OF TONGASS NATIONAL FOREST.

Section 706(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 539e(b)) is amended—

(1) by striking out "and (4)" and inserting in lieu thereof "(4)"; and

(2) by striking out the period at the end of such section and inserting in lieu thereof ", and (5) the impact of timber management on subsistence resources, wildlife, and fisheries habitats.".

By Mr. KENNEDY (for himself and Mr. HARKIN):

S. 709. A bill to impose additional sanctions against Chile unless certain conditions are met; to the Committee on Foreign Relations.

DEMOCRACY IN CHILE ACT

Mr. KENNEDY. Today, we are proposing a significant new step in the effort to promote human rights and democracy in Chile. Along with Senator HARKIN, Congressman BRUCE MORRISON and Congressman ED FEIGHAN, I am introducing legislation calling for economic sanctions against Chile which will put the United States unequivocally on the side of justice in that land.

We are especially honored to have with us the families of the two most well-known victims of General Pinochet's brutal policies—Orlando Letelier and Ronni Moffitt. I am also pleased to be here with two attorneys who have contributed so much to the struggle for democracy in Chile—Larry Barcella, the prosecutor in the Letelier case who obtained the first convictions, and Sam Buffone, who represents the families of the victims in their quest for justice.

For 13 years, General Pinochet has sought to crush all opponents of his murderous rule. He has tortured those who dare to speak out against repression, and silenced those who advocate an end to military rule and a return to the democratic tradition that Chile once knew so well.

For over a decade, the criminals who masterminded the terrorist murder of Orlando Letelier and Ronni Moffitt on the streets of Washington have gone free; justice has been thwarted by the cruel, protective web of General Pinochet. But now, the testimony of Fernandez Larios has revealed additional evidence that Pinochet himself may have ordered the Letelier/Moffitt murder and orchestrated the subsequent cover up.

But that murder is only one example in a long history of outrage and injustice. Just last month, the last remaining member of the security forces held in the death-by-fire of Rodrigo Rojas was set free on $25 bail.

For 6 years, the Reagan administration has paid lip service to antiterrorism, human rights, and democracy in Chile—while approving billions of dollars in loans, guarantees, and preferential trade assistance to prop up the Pinochet regime.

I have enormous respect for the efforts of Ambassador Harry Barnes to encourage democracy in Chile—but his effective work has been systematically undermined by an Administration that, while supporting democracy in word, votes against it in deed, at the United Nations and World Bank. In our view, the time for economic sanctions has arrived, as the only realistic means for Congress to ensure that America truly stands for democracy in Chile.

Our legislation contains four principal provisions:

First, these sanctions will require the United States to vote "no" on assistance to Chile in international financial institutions. Current law requires the United States to oppose loans to violators of human rights, but this administration has never voted against a single loan to Chile on the basis of human rights. On the contrary, the administration has supported $2.2 billion in loans to Chile over the past 6 years.

Second, the Government of Chile continues to deny its workers the right of free assembly, collective bargaining, and other internationally accepted guarantees. The administration ignores the law requiring adherence to these international standards as a condition for benefits under the Generalized System of Preferences and the Overseas Private Investment Corporation. The United States currently imports, at reduced tariff rates under GSP, about $40 million a year in Chilean goods—at the expense of American taxpayers and workers. Rather than denying GSP to Chile, President Reagan decided "to study" the situation—in direct conflict with the law. Chile is also OPIC's largest customer in the world. In 1986 OPIC guaranteed over $290 million in United States investments and loans to Chile. It is time to put our actions in accord with our laws, and abolish GSP and OPIC benefits to Pinochet.

Third, this legislation would cut off landing rights in the United States for Chile's national airline, LAN-Chile. Explosives used in the bombing assassination of Letelier and Moffitt were personally carried into the United States by LAN-Chile pilots. State airlines that are accomplices of state-sponsored terrorism on American streets must not be permitted to land at any American airport.

Fourth, this legislation would prohibit the import of Chilean copper into the United States. The state-owned industry in Chile is one of the government's principal taxpayers. Its export earnings cover the interest Chile pays annually on its national debt. Copper is our largest import from Chile—totaling $250 million last year. The American people are paying Chile's bills—at heavy cost to our own domestic industry, and it is time for these subsidies to be ended.

These sanctions will take effect 30 days after enactment of this legislation, and can be lifted only after a Presidential certification is approved by Congress in a joint resolution, stating that there have been substantial improvements in human, civil, political and labor rights, irreversible steps toward democracy, and concrete progress in bringing to justice those responsible for the Rojas and the Letelier and Moffitt murders.

This legislation will make clear to the Government of Chile that there can be no business as usual between our two nations so long as murderers go free, oppression reigns, and democracy is denied in Chile.

We intend to give this legislation high priority in this session of Congress. I urge the Senate to approve it, and I hope that it will have the support of the President. The Reagan administration is attempting to restore the credibility of its policy against terrorism, and Chile is a good place to start. America's trade with terrorists must end.

I ask unanimous consent that the bill and a summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "Democracy in Chile Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) since the 1973 military coup in Chile, the regime of General Augusto Pinochet has consistently and flagrantly violated internationally recognized human rights through torture, denial of political freedoms, arbitrary detention, political imprisonment, and killings;

(2) Amnesty International, Americas Watch, the United Nations General Assembly, the Organization of American States Commission on Human Rights, and internationally respected Chilean human rights organizations have stated that gross violations of internationally recognized human rights have continued in Chile in recent years;

(3) the Government of Chile has consistently violated international standards of labor rights, including the right of association and the right to organize and bargain collectively;

(4) on August 25, 1985, Cardinal Juan Francisco Fresno brought together 11 parties spanning the political spectrum to sign a National Accord for the Transition to Full Democracy in Chile, which repudiated violence as a method of political action;

(5) these parties, together with labor unions, professional organizations, and other groups who support the Accord, reflect the overwhelming support of the Chilean people for an early and peaceful return to civilian democratic rule;

(6) despite the Chilean people's desire for a return to democracy and their widespread hope this would occur no later than 1989, President Pinochet has systematically blocked the return of full democracy to Chile and has clearly expressed his desire to remain in power at least until 1997;

(7) the Government of Chile has failed to take adequate steps to bring to justice those members of the government security forces who beat and set on fire Carmen Gloria Quintana and Rodrigo Rojas de Negri, resulting in serious injury to Quintana and the death of Rojas;

(8) the testimony of Armando Fernandez Larios implicates General Pinochet directly in the 1976 assassination of former Chilean Ambassador Orlando Letelier and American citizen Ronni Moffitt, and the Government of Chile continues to prevent the prosecution or extradition of those Chilean officers responsible for those murders;

(9) the United States, in recognition of the continuing pattern of human rights abuse by the Government of Chile, drafted, sponsored, and voted for a resolution on March 14, 1986, before the United Nations Commission on Human Rights condemning the Government of Chile for the continuing pattern of human rights abuse in that country;

(10) the United States diplomatic mission in Chile has actively supported a democratic transition through meetings with opposition leaders, public defense of human rights, urging a specific and reasonable timetable for a transition to democracy, and making clear to government authorities the abhorrence with which the United States Government and people look upon the continued suppression of human rights and democracy in Chile;

(11) despite the requirements of section 231A of the Foreign Assistance Act of 1961 and section 502(b)(8) of the Trade Act of 1974, which instruct the United States to deny investment and trade benefits to any country which denies its citizens internationally recognized worker rights, the United States continues to provide benefits to Chile under the Generalized System of Preferences and through the Overseas Private Investment Corporation; and

(12) despite section 701 of the International Financial Institutions Act, which instructs United States Executive Directors in multilateral financial institutions to use their voice and vote to oppose loans to countries engaged in gross violations of human rights, since 1981 the United States not only has never voted no on a multilateral development bank loan to Chile on the basis of its human rights violations, but has supported more than $2.2 billion in loans to Chile.

SEC. 3. DECLARATION OF UNITED STATES POLICY.

It is the policy of the United States to—

(1) encourage the peaceful return to democracy in Chile, including a restoration of basic civil, political, worker, and human rights;

(2) condemn continued acts of brutality and repression by the Government of Chile as well as the September 1986 assassination attempt against General Augusto Pinochet;

(3) call for the adoption of a precise and reasonable timetable for the transition to full democracy and civilian rule; and

(4) support efforts through dialogue to establish a framework for the orderly and peaceful transition to full democracy in Chile and to express the view that the National Accord for a Transition to Democracy is an important step toward that goal.

SEC. 4. CONDITIONS ON CONTINUATION FOR CHILE OF CERTAIN UNITED STATES SUPPORT.

(a)(1) Except as provided in subsection (b), beginning 30 days after the date of enactment of this Act—

(A) the United States Executive Director of each relevant multilateral development bank shall vote no on any loan or other financial or technical assistance for Chile which is not directed specifically to programs which serve the basic human needs of the citizens of that country and shall use its best efforts to persuade other members of each such bank to vote no on loans to Chile;

(B) Chile shall not be eligible for designation as a beneficiary developing country under title V of the Trade Act of 1974; and no product of Chile that is entered, or withdrawn from warehouse for consumption, in the customs territory of the United States may be extended duty-free treatment under that title;

(C) the Overseas Private Investment Corporations shall not issue any guarantee of loans or other investments with respect to Chile;

(D) no—

(i) unwrought, black copper, blister copper, or anode copper provided for in item 612.03 of the Tariff Schedules of the United States, and

(ii) unwrought, nonalloyed copper provided for in item 612.06 of such schedules,

that is produced (in whole or in part) in Chile may be imported into the customs territory of the United States; and

(E) the air transportation sanctions described in paragraph (2) shall be imposed against Chile.

(2)(A) The Secretary of State shall terminate the existing air transportation agreement between the United States and Chile.

(B) Upon termination of such agreement, the Secretary of Transportation shall prohibit any aircraft of a foreign air carrier owned, directly or indirectly, by the Government of Chile or by Chilean nationals from engaging in air transportation with respect to the United States.

(C) The Secretary of Transportation may provide for such exceptions from the prohibition contained in this paragraph as the Secretary considers necessary to provide for emergencies in which the safety of an aircraft or its crew or passengers is threatened.

(D) For purposes of this section, the terms "aircraft", "air transportation", and "foreign air carrier" have the meanings given those terms in section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301).

(b) The sanctions described in subsection (a) shall not apply if—

(1) the President certifies to the Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate that the Government of Chile—

(A) has made significant progress—

(i) in complying with internationally recognized human rights, including respect for the right to life, an end to all forms of physical and psychological torture, abductions, arbitrary arrests, detention in secret locations, and an end to political murders; and

(ii) in restoring labor rights, including freedom to organize and bargain collectively, and the right to strike,

(B) has made demonstrated and significant progress in establishing a multi-party electoral process which is free, competitive, and open to all citizens, including—

(i) whether a precise and reasonable timetable has been established for a transition to full democracy, and

(ii) whether progress has been made in implementing political reforms which are essential to the development of democracy, such as the legalization of political parties, the enactment of election laws guaranteeing free and fair procedures for competitive elections, the establishment of freedom of speech, the press, and assembly, and the lifting of the states of legal exception;

(C) has ended the practice of forced exile and restrictions on the right of Chilean nationals to enter and leave their country; and

(D) has taken appropriate steps—

(i) to conduct an independent and thorough investigation and prosecution of those responsible for the burning of Carmen

Gloria Quintana and the death of Rodrigo Rojas;

(ii) to cooperate to bring to justice by all legal means available in the United States or Chile those indicted by a United States grand jury in connection with the murders of Orlando Letelier and Ronni Moffitt; and

(iii) to make appropriate compensation to the members of the Letelier and Moffitt families; and

(2) the Congress, within 30 calendar days after receiving a certification described in paragraph (1), enacts, in accordance with section 5, a joint resolution approving such certification.

(c) Each certification made under this section shall discuss fully and completely the basis for making such certification.

SEC. 5. CONGRESSIONAL REVIEW AND ACTION.

(a) A joint resolution referred to in section 4(b)(2) shall be considered in the Senate in accordance with the provisions of section 601(b) of the International Security Assistance and Arms Export Control Act of 1976.

(b) For the purpose of expediting the consideration and enactment of a joint resolution under this Act, a motion to proceed to the consideration of any such joint resolution after it has been reported by the appropriate committee shall be treated as highly privileged in the House of Representatives.

SUMMARY OF KENNEDY-HARKIN SANCTIONS AGAINST CHILE

Senators KENNEDY and HARKIN introduced the Democracy in Chile Act of 1987 on March 10, 1987, in the Senate. Congressmen MORRISON and FEIGHAN introduced comparison legislation in the House. The bill states that it is U.S. policy to encourage the peaceful return to democracy in Chile, including a restoration of basic civil, political, worker labor and human rights. to advance these goals, the bill imposes the following conditions and requirements on U.S. policy in Chile.

SANCTIONS

1. No vote on loans—Mandates a U.S. no vote on multilateral development bank loans to Chile. Section 701 of the International Financial Institutions Act requires the United States to oppose loans to gross violators of human rights. Despite this requirement, the Reagan administration has never voted against a single loan to Chile on human rights grounds and has supported over $2.2 billion in loans to the Pinochet regime.

2. Deny GSP and OPIC benefits—Eliminates duty-free and preferential treatment for Chilean exports to the United States under the Generalized System of Preferences. The Trade Act of 1974 instructs the United States to revoke GSP status to countries that violate international worker rights. Despite continued labor repression in Chile, the United States permits roughly $40 million worth of Chilean imports into the United States under GSP.

3. Revoke landing rights—Revokes the landing rights of the Chilean national airlines, LAN-Chile. The explosives used to kill Orlando Letelier and Ronni Moffitt were transported to this country aboard LAN-Chile and smuggled into this country by the airlines' pilots.

4. Halt copper imports—Prohibits the importation of Chilean copper into the United States. Copper is Chile's largest export to the United States, totaling $250 million in 1986. A state-owned industry, copper provides the government roughly half its export earnings—a level equal to Chile's annual debt payments.

5. The legislation also—Prohibits the Overseas Private Investment Corporation from guaranteeing any U.S. loan or investment in Chile. The Foreign Assistance Act of 1961, prohibits the extension of such credits to governments engaged in labor rights violations, yet the United States continues to provide over $290 million in such credits to U.S. corporations in Chile.

REMOVAL OF SANCTIONS

Sanctions can only be lifted if the President certifies and the Congress approves the certification that the Government of Chile has:

1. restored human and labor rights;
2. made significant progress toward establishing a free and competitive electoral process;
3. ended the practice of forced exile;
4. brought to justice those responsible for the deaths of Rodrigo Rojas, Orlando Letelier and Ronnie Moffitt.

● Mr. HARKIN. Mr. President, on February 4, U.S. attorney Joseph DiGenova announced that the U.S. Government "will not rest" until those individuals responsible for the 1976 assassination of Chilean Orlando Letelier and American citizen Ronni Karpin Moffit were "brought to the bar of justice."

We now know from testimony of Armando Fernandez Larios, a Chilean intelligence officer, that Chilean President General Augusto Pinochet himself was not just involved in the covering up but in ordering the assassination of Orlando Letelier and Ronni Moffit.

Today, by introducing legislation proposing economic sanctions for Chile, Senator KENNEDY and I echo the Justice Department's pledge that the U.S. Congress will not rest until General Pinochet is brought to justice.

We offer this legislation for the families of Orlando and Ronni;

We offer this legislation for Veronica DiNegri, whose son, Rodrigo Rojas, was beaten and burned to death in the streets of Santiago by members of Pinochet's security forces last July.

We offer this legislation for the Chilean people, who for 14 years have suffered the repression and horror of Pinochet's terrorist regime.

For the sake of the Chilean people, and the families of Rodrigo Rojas, Orlando Letelier and Ronni Moffit, the first step in this crusade for freedom and justice is to remove General Pinochet, the man responsible for an act of state terrorism in the streets of Washington, DC, from power.

From the day he seized power on September 11, 1973, Pinochet has ruled with terror and violence. Thousands of suspected opponents have been jailed and tortured.

Political parties have been outlawed, and the press censored.

In short, Pinochet has set out to destroy the Chilean left, divide the democratic center, and eliminate from the memory of the Chilean people their country's 150-year history of democratic rule.

Under Pinochet, Chile has become a repressive state, where legalism fronts for official violence and where violence gives laws their legitimacy.

Pinochet has been just as relentless in his efforts to suppress democracy in Chile as he has been in violating the human rights of the Chilean people.

The National Accord, formed last year by 13 opposition parties to promote a peaceful transition, has been stonewalled by Pinochet.

And last July, in a direct affront to the democratic opposition, General Pinochet announced he would run unopposed for the presidency in 1989, and plans to remain in power for another decade.

What has become clear—even to the Reagan administration—is that Pinochet himself is at the root of Chile's problems.

Thirteen years ago, he promised to wipe out Marxism and terrorism. Yet he has only driven a Communist Party which did not originally believe in violence to become a vast network for armed resistance and terrorism.

He has transformed a country with the longest democratic tradition in Latin America into a place where the young learn violence every day—in the streets that are patrolled by marauding soldiers, in the schools where they are expelled and beaten up, and in the lack of employment and abundance of hunger.

The cycle of violence that now grips Chile will continue so long as Pinochet remains in power for more state-sponsored terrorism will only provoke more leftist violence and terrorism.

Pinochet's absolute refusal to accept a democratic transition has forced the Reagan administration to distance itself from General Pinochet in the past year. Ambassador Harry Barnes, who replaced a Pinochet apologist in November 1985, has condemned the military junta for its human rights record, spoken out for a democratic transition, and attended the funeral of Rodrigo Rojas.

Last March, the United States—for the first time since 1981—not only endorsed, but initiated a United Nations resolution condemning human rights violations in Chile and urging a more rapid return to democratic rule.

And on July 30, Assistant Secretary of State Elliott Abrams announced that if the vote on multilateral loans to Chile were held that day, he would vote against them.

Mixed signals are still being sent by Washington and the White House, signals which in Santiago, where Pinochet controls the press with an iron grip, are twisted to his advantage.

Despite Abrams' testimony, the administration ultimately abstained on, rather than voted against, a $250 million loan for Chile when it came before the World Bank in November.

Although Ambassador Barnes has publicly supported a return to democracy, the Senate has yet to pass a resolution supporting the National Accord.

Although we now rebuke Pinochet for his refusal to accept democracy, the Reagan administration voted against a resolution in the United Nations which criticized Chile's human rights record. Since coming to office, has supported over $2 billion in multilateral loans to that country.

If the administration had its way, these mixed signals would continue. In fact, in his testimony of July 30, Secretary Abrams called for greater "flexibility" in U.S. policy toward Chile.

What is needed at this time is not flexibility but resolve.

In the next year, the United States has an important opportunity to back its rhetoric with its vote in the World Bank and Inter-American Development Bank.

As was mentioned earlier today, the economy traditionally has been the "achilles heal" of Chile. More than 13 years ago, the Nixon administration used economic leverage, made the Chilean economy scream, and ushered the way for the coup that brought Pinochet to power.

Today, Pinochet's Chile is vitally dependent on the infusion of foreign capital—through multilateral institutions—for its economic stability. Chile, with the world's largest per capita foreign debt, desperately needs World Bank and IDB money to roll over that debt.

The United States must use that leverage to isolate Pinochet from his few remaining allies—the business community and the military—and to create that opening essential for the democratic opposition in Chile.

We must send a strong signal to the Chilean community that so long as Pinochet remains in power Chile will suffer further economic deterioration. But to send that signal the United States must not only vote against the loans, but actively lobby against them.

As a first step, the Reagan administration must commit itself to voting no on all subsequent loans requests.

The United States, pursuant to current law, should deny Chile economic benefits, under the Generalized System of Preferences and the Overseas Private Investment Corp.

We must make clear to the Chilean government and the Chilean people that we will continue this policy until steps are taken to restore democracy in Chile, until those responsible for the Rojas killing and the Letelier-Moffit assassinations are brought to justice, and until human rights abuses are eliminated.

We must send the signal that until democracy returns to Chile, it will no longer be business as usual for U.S.-Chilean relations.

Under the Reagan doctrine, the United States is now spending millions of dollars to support so-called freedom fighters in Nicaragua, Cambodia, and Angola.

The question for U.S. policy toward Chile is not whether we support the forces of freedom but whether we will cease funding the forces of oppression.

The restoration of democracy in Chile may be months or even years away, but the opposition is now building toward that day. The United States should unambiguously support these efforts.

The longer General Pinochet remains in power, the greater will be the suffering of the Chilean people and the likelihood of polarization and bloodshed. Being soft on Pinochet is not only morally indefensible, it is shortsighted politics.

Mr. President, I ask unanimous consent that an article by Chilean novelist Ariel Dorfman be printed in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[The New York Times, March 9, 1987]

Pry Letelier's Killers Out of Chile

(By Ariel Dorfman)

Durham, N.C.—If Ronald Reagan still is seeking a chance to prove to a justifiably skeptical world that his promise of "swift and effective retribution" against terrorism is more than empty words, he has a golden opportunity. The Administration should attempt to extradite a couple of cold-blooded killers in my country, Chile, and bring them to trial for murder in the United States.

The killers are Gen. Juan Manuel Contreras Sepulveda, former head of the secret police, and Col. Pedro Espinoza, who directed the secret police's special operations division.

On Sept. 21, 1976, they assassinated Orlando Letelier in Washington; he had been a minister in the Cabinet of President Salvador Allende Gossens, deposed and killed in a bloody coup three years earlier. When Mr. Letelier's car exploded, a professional associate of his, Ronni Moffitt, a United States citizen, was also blown up.

Though the evidence implicating the Chilean secret police that the Justice Department and Federal Bureau of Investigation amassed was overwhelming, a subservient and nominally autonomous Chilean Supreme Court denied extradition requests in 1978. As a pretext for their refusal, the justices said they considered the proof of participation by Chilean officers the crime insufficient.

They cannot hide behind that pretext any longer. Recently, Maj. Armando Fernández Larios, who had been indicated along with General Contreras and Colonel Espinoza for the murder voluntarily returned to the United States and in Federal District Court in Washington confessed his part in the bombing. He implicated his secret police superiors and said he understood that Gen. Augusto Pinochet, the strongman who has misruled Chile for more than 13 years, might have been involved in the crime.

Will the United States seek extradition? The State Department told me last week: "We are in contact with the Chilean authorities in seeking their cooperation in bringing the culpable men to justice. We will determine the particular procedures or measures to be adopted at the appropriate time." I asked what measures and timing the department had in mind. The spokesman declined to be more explicit.

It would not be easy for the Administration to obtain the extradition of the officers. In the past, it has weakly and hesitantly tried to persuade the Chilean dictator to cease his violation of human rights and to schedule an orderly transition to democracy—with no visible results.

Washington has to get tough. Will it vote and actively lobby against loans for multilateral development institutions that have been keeping General Pinochet's ailing economy afloat? Will it continue to allow the Overseas Private Investment Corporation to guarantee private investments in Chile? Will it warn the general that unless he cooperates in an extradition, Chile will be denied important benefits given to developing countries?

What is at stake is not merely a test of the Administration's resolve to combat terrorism when carried out by a friendly dictator. Chile's future is also at stake. If these officers dared perpetrate this bloodbath on the streets of the capital of the nation they considered their greatest ally, imagine what they and their colleagues have been visiting day after day on defenseless citizens in unknown cellars and unseen slums.

Though hundreds of cases involving abductions, torture, disappearances, burnings and murder have been presented to the Chilean judiciary by courageous lawyers—themselves often jailed and exiled as a result of their actions—there has yet to be one conviction of a military officer for human rights abuses.

If the officers who ordered the murder of Mr. Letelier were brought to trial outside Chile, it would be the first time since democracy was strangled that we Chileans would see some of the men who have so ferociously wielded the power of life and death answer for their crimes.

If Washington does not seek the extradition of General Contreras and Colonel Espinoza, many Chileans will conclude that the Administration's words about standing tall against terrorism are mere rhetoric.

In Chile, despite the fear, a few voices demanding extradition are being heard. We have no illusions that the extradition and punishment of two of the many killers in the regime would signal the beginning of the end of General Pinochet's reign. But it would offer hope, because finally the idea of accountability for crimes would be established.●

By Mr. DeCONCINI:

S.J. Res. 79. Joint resolution proposing a constitutional amendment to limit congressional terms; to the Committee on the Judiciary.

PROPOSED CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS

● Mr. DeCONCINI. Mr. President, I rise today to introduce once again a joint resolution proposing a constitutional amendment to limit congressional terms. In every Congress since the 95th, I have introduced such an amendment. I have been pursuing this amendment because I believe that it would reaffirm our faith in the representative nature of our political institutions.

Whether or not Members of Congress should be limited in their number of terms has been pondered throughout the history of the U.S. Congress. The question was posed as early as 1777. Although the framers of the Constitution placed no limitation on the number of terms Members of Congress could serve, I believe that the structure of Congress has developed in such a way that a limit is now desirable.

As you are well aware, Mr. President, the seniority system evolved over the years as an organizational mechanism for the two Chambers. Under this rule, responsibilities within the committee structure are allocated on the basis of tenure in office. Undoubtedly, this system has facilitated Congress in many respects. However, it has in turn diminished equal representation of individuals and States. Under it, Mr. President, we do not stand as equals. Therefore, the States and the people we represent do not stand as equals.

Every Member of this body clearly understands that to be chairman, for example, of a standing committee confers immense benefits. Not only does it bring personal power and prestige, it enables the chairman to insure that the people he or she represents will receive benefits that may be out of proportion to a purely rational allocation of Federal resources. It puts at the disposal of the chairman vast staff resources that give him great advantages in passing legislation of interest to him and his constituents.

Each of us, at one time or another, has witnessed or been involved in an election in which seniority was a central issue. Incumbents have appealed for votes on the grounds that their seniority insured that more Federal dollars would be spent in their State or district than would otherwise be true. Incumbents have claimed that seniority would allow them to pass legislation that a new Member could not conceivably be expected to shepherd through the complex legislative process. In most instances, these are not idle boasts. The nature of the seniority system makes them true. The question at issue is whether it should be thus; whether longevity of tenure in office should be the criterion for legislative success and constituent service; and whether this is the best a democracy can offer.

Limiting terms will open congressional seats to more people, especially the young and old who might undertake a career in public service prior to or after another career. I believe we have a responsibility to encourage others to serve our Nation. By breaking down the barriers that have limited participation, we move in the direction of democracy and away from the "professionalized" legislature.

As I have stated in the past, my intentions with this bill are not to cast aspersions on my colleagues. I believe that the men and women who have served as chairpersons of our legislative committees have served well. They have often provided us with a diverse source of national leadership. In most cases, they have exercised their power with moderation, and in pursuit of national, not personal interests. But being political representatives, they respond to political pressures, especially those emanating from their home States. States with a preponderance of junior Members in one or both Houses are at a distinct disadvantage when competing for either congressional action or Federal dollars.

For myself, Mr. President, this whole issue has proved to be very troubling. During my initial campaign for the Senate, I told the people of Arizona that I would limit my own stay in this body to two terms. I hoped that I could pass an amendment which would be submitted to the States for ratification and eventually become part of our Constitution. I wish I had succeeded but such ideas often take a long time. The struggle to restore fiscal responsibility in our Government through a balanced budget constitutional amendment, an issue I have pressed since entering Congress, is a fine example of this.

As I mentioned, I have introduced this amendment in every Congress since I arrived in 1977. But as committed as I am to this cause, it seems the very seniority system with which I disagree has, in fact, contributed to my decision to retract my two-term commitment.

As you know, Mr. President, my distinguished colleague from Arizona, Senator Goldwater, retired in January after an impressive career in this body. It is interesting to note that he was a cosponsor of my amendment in the 95th and 96th Congresses. If I chose to limit my tenure in office to two terms, forgoing a reelection campaign in 1988, Arizona would be left with a total of 2 years senatorial seniority. Arizona's growth and prosperity have recently begun to accelerate. If I step down, it will have a detrimental effect on the legislative needs of Arizona for a decade. My health is good, I am 50 years old and feel that I can continue to help Arizona. Quite frankly, I enjoy this work and I am humbled by the fact that the people of Arizona have chosen me to represent them.

It is unfortunate that under the present political system a Member most likely denies his constituency the most powerful possible voice in government if he or she does not seek reelection as many times as possible. The present rules of the game would place my State is a disadvantage if I do not seek reelection. However, what this amendment does for the restoration of democratic principles goes far beyond the question of my running for a third term. By amending the Constitution to maximize political participation, we are perfecting the fundamental law that governs us. We will have reaffirmed our commitment to the principle that the laws which govern this great land should be democratic and without prejudice toward any State or region.

I ask unanimous consent that a copy of the joint resolution be printed in the Record.

There being no objection, the joint resolution was ordered to be printed in the Record, as follows:

S.J. Res. 79

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein) That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within seven years after its submission for ratification:

"Article —

"Section 1. No person shall be elected to the Senate for more than two full terms. No person shall be elected to the House of Representatives for more than seven full terms.

"Sec. 2. Notwithstanding the provisions of section 1 of this article, any person may serve not more than fourteen years as a Senator or not more than fifteen years as a Representative.

"Sec. 3. For purposes of determining eligibility for election under section 1 of this article, no election occurring before the date this article is ratified shall be taken into account. For purposes of determining years of service under section 2 of this article, no service of any part of a term of office by a Senator or Representative elected to such term before the date this article is ratified shall be taken into account."●

By Mr. GLENN (for himself, Mr. Metzenbaum, Mr. Boschwitz, Mr. Simon, Mr. Durenberger, Mr. Proxmire, and Mr. Lugar):

S.J. Res. 82. Joint resolution to authorize and request the President to issue a proclamation calling upon the people of the United States to observe the bicentennial of the Northwest Ordinance of 1787; to the Committee on the Judiciary.

NORTHWEST ORDINANCE BICENTENNIAL

● Mr. GLENN. Mr. President, today I rise to introduce a concurrent resolution commemorating the bicentennial of the Northwest Ordinance.

The Northwest Ordinance, enacted on July 13, 1787, is of major historical importance to our Nation; it preceded the Bill of Rights and the Constitution in establishing such fundamental principles of the American Republic as freedom of religion, equality of race and individual rights, and public education. Under the provisions of the Ordinance, 31 States, one Commonwealth, and one Republic came into the Union.

A bicentennial celebration of the Ordinance will provide a valuable opportunity for educational programs and other commemorative activities. By reaquainting the public with the ideals embodied in the Ordinance that gave birth to American federalism, we shall gain a greater public understanding of, and appreciation for, the Constitution.

Mr. President, a companion measure is being introduced in the House of Representatives by the Honorable Clarence E. Miller of Ohio. I urge my colleagues to give full and favorable consideration this resolution. I ask unanimous consent that the text of the resolution be printed in the Record.

There being no objection, the resolution was ordered to be printed in the Record, as follows:

S.J. Res. 82

Whereas on July 13, 1787, the Congress of the United States, as established by the Articles of Confederation, enacted a law entitled "An Ordinance for the government of the territory of the United States northwest of the river Ohio";

Whereas such law, known as the Northwest Ordinance of 1787, provided for the settlement and civil governance of the Northwest Territory from which all or part of the States of Ohio, Indiana, Illinois, Michigan, Wisconsin, and Minnesota were subsequently formed;

Whereas the Northwest Ordinance of 1787 provided that States formed in the Northwest Territory would be admitted into the Union on an equal footing with the original States and admission into the Union on this basis was subsequently applied to States formed in other territories of the United States;

Whereas the Northwest Ordinance of 1787 led to the orderly development of the Northwest Territory;

Whereas the Northwest Ordinance of 1787 recognized the dignity of the individual without regard to race, religion, or national origin and provided for the equality of civil rights for all people by prohibiting slavery and involuntary servitude in the Territory, thereby preceding the Bill of Rights; and

Whereas the Northwest Ordinance of 1787 encouraged public education by providing for free public education within the local community: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That insomuch as the Northwest Ordinance of 1787 is one of the fundamental legal documents of the United States, providing an early example of the commitment of the people of the United States to democratic principles, religious freedom, and individual rights, the President is authorized and requested to issue a proclamation, as soon as practicable after the date of enactment of this joint resolution, calling upon the people of the United States to observe the bicentennial of the Northwest Ordinance of 1787 with appropriate programs, ceremonies, and activities.●

ADDITIONAL COSPONSORS

S. 51

At the request of Mr. Hatch, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 58

At the request of Mr. Danforth, the name of the Senator from West Virginia [Mr. Rockefeller] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 169

At the request of Mr. Riegle, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 169, a bill to provide Federal grants to States for programs to identify and aid individuals who have been exposed to the drug diethylstilbestrol [DES].

S. 212

At the request of Mr. Helms, the name of the Senator from Mississippi [Mr. Cochran] was added as a cosponsor of S. 212, a bill to help prevent rape and other sexual violence by prohibiting dial-a-porn operations.

S. 324

At the request of Mr. Dole, the name of the Senator from Nebraska [Mr. Exon] was added as a cosponsor of S. 324, a bill to revise the basis for computation of emergency compensation under the 1986 feed grains programs.

S. 402

At the request of Mr. Evans, the name of the Senator from Alabama [Mr. Shelby] was added as a cosponsor of S. 402, a bill to provide that during a 2-year period each item of any joint resolution making continuing appropriations that is agreed to by both Houses of the Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President.

S. 491

At the request of Mr. D'Amato, the name of the Senator from Oklahoma [Mr. Nickles] was added as a cosponsor of S. 491, a bill to repeal the provision of the Tax Reform Act of 1986 which disallowed the treatment of certain technical personnel as self-employed individuals.

S. 561

At the request of Mr. Thurmond, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 561, a bill to amend the Internal Revenue Code of 1986 to allow a charitable contribution deduction to farmers who donate agricultural products to assist victims of natural disasters.

S. 607

At the request of Mr. Cranston, the name of the Senator from Oklahoma [Mr. Boren] was added as a cosponsor of S. 607, a bill to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

S. 613

At the request of Mr. Wilson, the name of the Senator from Illinois [Mr. Simon] was added as a cosponsor of S. 613, a bill to require the Secretary of Health and Human Services to make grants for the development, establishment, and operation of a congressional advisory panel on acquired immune deficiency syndrome.

S. 661

At the request of Mr. Heinz, the names of the Senator from Ohio [Mr. Glenn], the Senator from Maine [Mr. Mitchell], the Senator from Minnesota [Mr. Durenberger], the Senator from New Jersey [Mr. Bradley], the Senator from West Virginia [Mr. Rockefeller], and the Senator from Montana [Mr. Melcher] were added as cosponsors of S. 661, a bill to amend titles XI, XVIII, and XIX of the Social Security Act to protect beneficiaries under the health care programs of that act from unfit health care practitioners, and otherwise to improve the antifraud provisions relating to those programs.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'Amato, the name of the Senator from Massachusetts [Mr. Kennedy] was added as a cosponsor of Senate Joint Resolution 5, joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 14

At the request of Mr. Helms, the names of the Senator from Idaho [Mr. McClure] and the Senator from Washington [Mr. Adams] were added as cosponsors of Senate Joint Resolution 14, joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 16

At the request of Mr. Riegle, the names of the Senator from Minnesota [Mr. Durenberger] and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of Senate Joint Resolution 16, joint resolution to designate the period commencing on April 5, 1987, and ending on April 11, 1987, as "World Health Week," and to designate April 7, 1987, as "World Health Day."

SENATE JOINT RESOLUTION 19

At the request of Mr. Warner, the names of the Senator from New York [Mr. Moynihan] and the Senator from Alabama [Mr. Shelby] were added as cosponsors of Senate Joint Resolution

19, joint resolution to designate March 20, 1987 as "National Energy Education Day."

SENATE JOINT RESOLUTION 26

At the request of Mr. PELL, the names of the Senator from Utah [Mr. HATCH] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of Senate Joint Resolution 26, joint resolution to authorize and request the President to call a White House Conference on Library and Information Services to be held not later than 1989, and for other purposes.

SENATE JOINT RESOLUTION 28

At the request of Mr. DOLE, the name of the Senator from Rhode Island [Mr. PELL], was added as a cosponsor of Senate Joint Resolution 28, a joint resolution designating "American Physiologists Week."

SENATE JOINT RESOLUTION 36

At the request of Mr. HATCH, the name of the Senator from Louisiana [Mr. JOHNSTON], was added as a cosponsor of Senate Joint Resolution 36, a joint resolution to amend the Constitution to establish legislative authority in Congress and the States with respect to abortion.

SENATE JOINT RESOLUTION 39

At the request of Mr. SIMON, the name of the Senator from Alabama [Mr. SHELBY] was added as a cosponsor of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 48

At the request of Mr. HATCH, the names of the Senator from Oklahoma [Mr. BOREN], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. HECHT], the Senator from Hawaii [Mr. INOUYE], the Senator from Vermont [Mr. LEAHY], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Idaho [Mr. MCCLURE], the Senator from Ohio [Mr. METZENBAUM], the Senator from Vermont [Mr. STAFFORD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Joint Resolution 48, a joint resolution designating the week of September 14, 1987, through September 20, 1987, as "Benign Essential Blepharospasm Week."

SENATE JOINT RESOLUTION 49

At the request of Mr. DOLE, the names of the Senator from Missouri [Mr. BOND] and the Senator from Tennessee [Mr. GORE] were added as cosponsors of Senate Joint Resolution 49, a joint resolution to designate September 18, 1987, as "National POW/MIA Recognition Day."

At the request of Mr. D'AMATO, his name was added as a cosponsor of Senate Joint Resolution 49, supra.

SENATE JOINT RESOLUTION 52

At the request of Mr. HATCH, the names of the Senator from Texas [Mr. BENTSEN], the Senator from Maine [Mr. COHEN], the Senator from Utah [Mr. GARN], the Senator from Ohio [Mr. GLENN], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. LUGAR], the Senator from Maine [Mr. MITCHELL], the Senator from Virginia [Mr. TRIBLE], and the Senator from California [Mr. WILSON] were added as cosponsors of Senate Joint Resolution 52, a joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 64

At the request of Mr. CHILES, the names of the Senator from Michigan [Mr. RIEGLE] and the Senator from Texas [Mr. BENTSEN] were added as cosponsors of Senate Joint Resolution 64, a joint resolution to designate May, 1987, as "Older Americans Month."

SENATE JOINT RESOLUTION 69

At the request of Mr. SIMON, the names of the Senator from Massachusetts [Mr. KERRY], the Senator from Alabama [Mr. HEFLIN], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. MOYNIHAN], the Senator from North Carolina [Mr. SANFORD], the Senator from Hawaii [Mr. INOUYE], the Senator from Arkansas [Mr. BUMPERS], the Senator from New Jersey [Mr. BRADLEY], the Senator from North Dakota [Mr. BURDICK], the Senator from South Carolina [Mr. HOLLINGS], the Senator from Connecticut [Mr. DODD], the Senator from Colorado [Mr. WIRTH], the Senator from Washington [Mr. ADAMS], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Joint Resolution 69, a joint resolution to designate the week beginning April 20, 1987, as "World Population Awareness Week."

SENATE JOINT RESOLUTION 74

At the request of Mr. KENNEDY, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of Senate Joint Resolution 74, a joint resolution to designate the month of May, 1987 as "National Cancer Institute Month."

SENATE JOINT RESOLUTION 75

At the request of Mr. THURMOND, the names of the Senator from Tennessee [Mr. GORE], the Senator from North Dakota [Mr. BURDICK], the Senator from Ohio [Mr. METZENBAUM], the Senator from Oklahoma [Mr. BOREN], the Senator from Minnesota [Mr. DURENBERGER], the Senator from Alabama [Mr. SHELBY], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 75, a joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE CONCURRENT RESOLUTION 9

At the request of Mr. DOLE, the names of the Senator from South Dakota [Mr. PRESSLER], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. BOREN], the Senator from New Mexico [Mr. BINGAMAN], the Senator from South Dakota [Mr. DASCHLE], the Senator from Utah [Mr. HATCH], and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of Senate Concurrent Resolution 9, a concurrent resolution to provide for the display of the National League of Families POW/MIA flag in the Capitol rotunda.

SENATE CONCURRENT RESOLUTION 19

At the request of Mr. WIRTH, the names of the Senator from South Dakota [Mr. DASCHLE], the Senator from Michigan [Mr. RIEGLE], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of Senate Concurrent Resolution 19, a concurrent resolution urging the President to take immediate action to reduce the depletion of the ozone layer attributable to worldwide emissions of chloroflourocarbons.

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. GORE, the names of the Senator from Montana [Mr. MELCHER], and the Senator from Michigan [Mr. RIEGLE] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution to express the sense of Congress that funding for the vocational education program should not be eliminated.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. DANFORTH, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. BURDICK], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of United States exports of oilseeds and products and inconsistently with the European Community's obligations under the General Agreement on Tariffs and Trade.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. SANFORD, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Hawaii [Mr. INOUYE], the Senator from Nebraska [Mr. EXON], the Senator from Washington [Mr. ADAMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Maine [Mr. MITCHELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from Vermont [Mr. LEAHY], the Senator from Maryland [Mr. SARBANES], the Senator from North Carolina [Mr. HELMS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Hawaii [Mr. MATSUNAGA] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution supporting the initiative Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America, and for other purposes.

SENATE RESOLUTION 163—RELATIVE TO THE DEATH OF THE HONORABLE EDWARD ZORINSKY, LATE A SENATOR FROM THE STATE OF NEBRASKA

Mr. EXON submitted the following resolution; which was considered and agreed to:

S. RES. 163

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Edward Zorinsky, late a Senator from the State of Nebraska.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

SENATE RESOLUTION 164—CALLING ON THE PRESIDENT TO RESPOND TO THE VIOLATIONS BY JAPAN OF THE UNITED STATES-JAPAN AGREEMENT ON SEMICONDUCTORS

Mr. WILSON (for himself, Mr. MCCAIN, Mr. MITCHELL, Mr. DANFORTH, Mr. DOMENICI, Mr. BENTSEN, Mr. BINGAMAN, Mr. WIRTH, Mr. ROCKEFELLER), and Mr. BAUCUS) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 164

Whereas the maintenance of a healthy domestic semiconductor industry is essential to the development of the United States economy and the preservation of the national security of the United States;

Whereas the United States semiconductor industry is a world leader in semiconductor technology and has demonstrated its competitiveness in all markets to which it has free access;

Whereas concurrent with three antidumping cases filed against Japanese companies in 64K DRAMs, EPROMs and 256K and above DRAMs, the United States Trade Representative on July 11, 1985 initiated an investigation into Japanese dumping of semiconductors in the U.S. market and lack of access for U.S. companies to the Japanese semiconductor market pursuant to Section 301(d)(2) of the Trade Act of 1974, as amended;

Whereas on September 2, 1986, the Ambassador of Japan to the United States and the United States Trade Representative signed the Agreement between the Government of Japan and the Government of the United States of America concerning Trade in Semiconductor Products which has been determined by the President to be an appropriate response to the practices of the Government of Japan with respect to trade in semiconductors, pursuant to Section 301(d)(2) of the Trade Act of 1974, as amended;

Whereas in return for a Japan's pledge of increased sales in the Japanese market and avoidance of dumping in all markets, the Administration waived the imposition of dumping duties in two antidumping cases and suspended action under Section 301;

Whereas during the last six months, collection of substantial dumping penalties against Japanese companies have been foregone;

Whereas during the last six months dumping has continued and there has been no increase in access to the Japanese market;

Whereas these acts represent violations of a trade agreement negotiated pursuant to the provisions and authority of Section 301 of the Trade Act of 1974, as amended;

Whereas the President has determined that any failure by the Government of Japan to meet the commitments and objectives of the Agreement would be inconsistent with a trade agreement or an unjustifiable act that would burden or restrict U.S. commerce;

Whereas the faithful implementation of the commitments and objectives of the Agreement is the only effective means of addressing the twin problems of access for foreign semiconductor companies to the Japanese market and the prevention of dumping of semiconductors by Japanese companies; and

Whereas the Government of Japan has failed to meet the commitments that it made in the Agreement signed on September 2, 1986: Now therefore be it

Resolved, That it is the Sense of the Senate that—

The President should immediately take all appropriate and feasible actions under Section 301 of the Trade Act of 1974—

(A) to remedy and prevent further violation of the Agreement by Japan;

(B) to serve as an incentive for compliance;

(C) to compensate the United States for the harm suffered on account of non-compliance by Japan; and

(D) to prevent further injury to the United States;

Such actions should serve to increase, rather than restrict, international semiconductor trade and be aimed at enforcing commitments and achieving the objectives of the Agreement, both with respect to market access and the prevention of dumping in the United States and other markets;

Such actions should be focused so as to directly penalize those who have acted inconsistently with the terms of the Agreement; and

Such actions may be directed at products which contain semiconductors so as to avoid any adverse effects on U.S. semiconductor users.

AMENDMENTS SUBMITTED

SPENDING LIMITS AND PUBLIC FINANCING OF SENATE ELECTIONS

PELL AMENDMENT NO. 36

(Ordered referred to the Committee on Rules and Administration)

Mr. PELL submitted an amendment intended to be proposed by him to the bill (S. 2) to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; as follows:

On page 31, between lines 11 and 12, insert the following:

INFORMED ELECTORATE

SEC. 10. (a) This section may be cited as the "Informed Electorate Act of 1987".

(b) The Federal Election Campaign Act of 1971 is further amended by adding after title V, as added by this Act, the following new title:

"TITLE VI—DISSEMINATION OF POLITICAL INFORMATION

"DEFINITIONS

"SEC. 601. For the purposes of this title—

"(1) the definitions set forth in section 301 apply to this title;

"(2) the term 'major party' means, in an election for the office of Senator, or Representative in, Resident Commissioner, or Delegate to the Congress, any party whose candidate for Senator in the State involved placed first or second in the number of popular votes received in either of the two most recent general elections;

"(3) the term 'minor party' means, in an election for the office of Senator, or Representative in, Resident Commissioner, or Delegate to the Congress, any party, other than a major party—

"(A) whose candidate for Senator in the State involved received more than 5 percent of the popular vote in the most recent general election;

"(B) in the case of an election for the office of Senator, which files with the Federal Election Commission, not later than ninety days before the election involved, a number of signatures of registered voters validated by the Federal Election Commission which is equal to 5 percent of the popular vote for the office of Senator in the State involved in the most recent general election; or

"(C) in the case of an election for the office of Representative in, Resident Commissioner, or Delegate to the Congress, which files with the Federal Election Commission, not later than ninety days before the election involved, a number of signatures of registered voters validated by the Federal Election Commission which is equal to 5 percent of the popular vote for the office of Representative in, Resident Commissioner, or Delegate to the Congress, in the congressional district involved, in the most recent general election;

"(4) the term 'free broadcast time' means time provided by television stations during a prime time access period, pursuant to the provisions of this title;

"(5) the term 'party committee' means the national party committees, the Senatorial and Congressional Campaign Committees, or a party or committee qualifying under subparagraph (B) or (C) of paragraph (3) of this section; and

"(6) the term 'prime time access period' means the period from 7:30 p.m. to 8 p.m., local time, of each weekday evening.

"FREE POLITICAL BROADCASTS

"SEC. 602. (a) Each television station licensed under the Communications Act of 1934 shall provide free broadcast time during the prime time access period, to the party committees who shall allocate time to eligible candidates in any general or special election for the office of Senator or Representative in, Resident Commissioner or Delegate to the Congress. Such allocation may be made to such candidates exclusively through the Senatorial and Congressional Campaign Committees in the case of the major parties, and in the case of minor parties, to the party organization or committee qualified under subparagraph (B) or (C) of section 601(3).

"(b) Free broadcast time shall be made available to the party committees in accordance with the provisions of this title.

"(c) No television station providing free broadcast time during prime time access periods, pursuant to the provisions of this title, shall make or collect any charge, in any form or manner, for providing such time.

"ALLOTMENT

"SEC. 603. (a) Any party committee receiving free broadcast time during a prime time access period under the provisions of this title—

"(1) shall use such time in a manner which promotes a rational discussion and debate of issues with respect to the election involved;

"(2) shall participate in programs in which not more than 25 percent of the time of each broadcast shall be taken up with presentations other than a candidate's own remarks;

"(3) shall not use less than one minute of free broadcast time in any one program;

"(4) shall not use more than fifteen minutes of free broadcast time in any twenty-four-hour period; and

"(5) shall not use an aggregate of more than three hours of free broadcast time on any one television station during the sixty-day period specified in subsection (b).

"(b) Each television station providing free broadcast time under this title shall make free broadcast time available during the prime time access periods beginning on the day sixty days before the date of the general or special election involved and ending at the close of the day before the day of such election.

"ELIGIBILITY

"SEC. 604. (a) A party committee shall be eligible, upon certification by the Commission under subsection (b), to receive free broadcast time in accordance with section 602 and section 603.

"(b)(1) A party committee may establish eligibility by filing an application with the Commission for an allotment of free broadcast time during prime time access periods, under section 603.

"(2) Such application shall be in such form and filed in a manner specified by the Commission but shall include a certification by the party committee—

"(A) that any candidates receiving such time from such committee is a candidate for Federal office in a general election involving at least one other candidate for such office who has qualified for the same election ballot under the law of the State in which the election is to be held;

"(B) that such committee will keep and furnish to the Commission any books, records, or other information it may request;

"(C) that such committee will cooperate in any audit by the Commission; and

"(D) that such committee will delegate the allocation of free time to an identified Senatorial or Congressional Campaign Committee.

"(3) The Commission shall, not later than seven days after receiving an application under paragraph (1), determine whether to certify the party committee making such application.

"(c) Any party committee aggrieved by any determination under subsection (b) may petition the Commission for a hearing with respect to such determination. Such hearing shall be held in accordance with section 554 of title 5, United States Code.

"NEWS PROGRAM AND PUBLIC SERVICE PROGRAM APPEARANCES

"SEC. 605. Any appearance by a candidate on a news program or on a public service program at the invitation of the television station or organization presenting such program, shall not be considered attributable to the free broadcast time allotment of such candidate under section 603.

"EXEMPTION

"SEC. 606. Section 315 of the Communications Act of 1934 shall not apply in the case of the use of television facilities for free broadcast time during prime time access periods under this title.

"RULES AND REGULATIONS

"SEC. 607. The Commission may prescribe such rules, regulations, and forms as are necessary to carry out the provisions of this title.

"AUDITS

"SEC. 608. (a) The Commission is authorized to conduct examinations, audits, and investigations, and to require the keeping of books, records, and other information necessary to carry out the functions and duties imposed on such Commission by this title.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination in the administration of such laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO THE CONGRESS

"SEC. 609. The Commission shall submit, not later than June 1 of each year immediately following a year in which any Federal election is held, a full report to each House of the United States Congress setting forth the amount of free time certified to each party committee under section 604.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 610. (a) The Commission is authorized to appear in and defend against any action filed under section 611, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and title III of chapter 53 of such title.

"(b) The Commission is authorized to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a). Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(c) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"JUDICIAL REVIEW

"SEC. 611. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, any party committee, or any individual eligible to vote in a Federal election in the United States is authorized to institute an action under this section, including an action for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this title.

"(2) The district courts of the United States shall have jurisdiction over proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection has exhausted all administrative or other remedies provided by law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States.

"PENALTY FOR VIOLATIONS

"SEC. 612. A violation of any provision of this title is punishable by a fine of not more than $10,000, or imprisonment for not more than five years, or both.".

(c) The Federal Election Commission shall study and monitor the efficacy of the programs resulting from amendments made by this section. The Commission shall begin such study ninety days before the date of the first election in which the amendments made by this section apply and shall report to Congress no later than June 1 of the year following the date of such election.

(d) There are authorized to be appropriated to the Federal Election Commission such additional sums as may be necessary to carry out the provisions of this section.

On page 31, line 13, strike out "10" and insert in lieu thereof "11".

On page 31, line 21, strike out "11" and insert in lieu thereof "12".

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. JOHNSTON. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full committee to consider the reauthorization and extension of the Price-Anderson Act.

The hearing will take place on Wednesday, March 18, 1987, at 9:30 p.m. in room SD-366 in the Senate Dirksen Office Building in Washington, DC.

Those wishing to submit written testimony should address it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

For further information, please contact Mary Louise Wagner at (202) 224-7569.

COMMITTEE ON SMALL BUSINESS

Mr. BUMPERS. Mr. President, I would like to announce that the Senate Small Business Committee will hold a full committee hearing on Thursday, March 12, 1987, at 10 a.m., anticipating the receipt of the President's nomination of James Abdnor to be Administrator of the Small Business Administration [SBA] later today and also the nomination of Charles Gillum to be inspector general of the SBA. The hearing will be held in room 428A of the Russell Senate Office Building. For further information, please call John Ball, staff director of the committee at 224-5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 10, 1987, at 2:45 p.m. to consider proposed legislation relating to Federal Savings and Loan Insurance Corporation recapitalization, emergency bank acquisitions, nonbank banks, securities powers for bank holding companies, and bank check holds, and the nominations of James G. Stearns, of Nevada, to be a member of the Board of Directors of the Securities Investor Protection Corporation, J. Michael Dorsey, of Missouri, to be general counsel of the Department of Housing and Urban Development, Judith Y. Brachman, of Ohio, to be an Assistant Secretary of Housing and Urban Development, and Lawrence J. White, of New York, to be a member of the Federal Home Loan Bank Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence, be authorized to meet during the session of the Senate on Tuesday, March 10, 1987, at 2 p.m. to hold closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces and Nuclear Deterrence, of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 10, 1987, to hold closed/open hearings on proposed legislation authorizing funds for fiscal year 1988 and 1989 for the Department of Defense, focusing on strategic policy and arms control.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AGRICULTURAL RESEARCH, CONSERVATION, FORESTRY AND GENERAL LEGISLATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Agricultural Research, Conservation, Forestry and General Legislation, of the Committee on Agriculture, Nutrition, and Forestry, be authorized to meet during the session of the Senate on Tuesday, March 10, 1987, to hold hearings on S. 659, to establish agricultural aid and trade missions to assist foreign countries to participate in U.S. agricultural aid and trade programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, March 10, 1987, to resume hearings on the President's proposed budget request for fiscal year 1988 for the Department of Justice, focusing on the Civil Rights Division.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TENTH ANNIVERSARY OF THE GOVERNMENT IN THE SUNSHINE ACT

● Mr. CHILES. Mr. President, Justice Brandeis once wrote: "Publicity is justly commended as a remedy for social and industrial disease. Sunlight is said to be the best disinfectant and electric light the most efficient policeman."

Today is a very important day. It marks 10 years of Government in the sunshine. And, despite all the initial predictions that Government would be unable to function, we have survived. And, I think for the better.

The democratic ideal relies upon public participation. However, it can hardly be achieved if the public is not informed. The Sunshine Act allows the interested public and the press to have a firsthand view of the process. Through this experience people are able to gain a better understanding of the thought process behind Government actions and to ensure that their concerns have been considered.

The original purpose of the act is, and continues to be, simple and basic: People have a perfect right to observe the conduct of public business.

With a few limited exceptions for national defense information, plans for criminal prosecutions or material which would constitute an invasion of privacy there is no common sense reason why citizens shouldn't be able to watch how Government spends their money and reaches decisions affecting their businesses, their communities and their future. Citizens cannot hold Government officials accountable if they don't know what those officials are doing.

Prior to enactment of the Sunshine Act, the health of the Federal Government was in doubtful state. Secrecy was the order of the day. There was a prevalent attitude in Washington that Government could conduct the people's business more efficiently if the people were not a part of the process. Consequently most of Government's business was done behind closed doors. Public knowledge of Government activities, particularly in the executive branch, depended largely upon selected information officially announced by an agency or the willingness of employees to leak information.

This attitude of secrecy contributed to the crisis of confidence that resulted from Watergate. By 1972 almost two-thirds of the American people felt that most public officials acted out of self-interest rather than out of concern for what was best for the country.

There have been and there will continue to be attempts by the agencies covered to disregard the act. It is our responsibility to see that this does not happen. The difficulties that are raised in criticizing the act, such as a loss of spontaneity or a restraint of frank conversation, really miss the point. Congress, in enacting this legislation or legislation such as the Freedom of Information Act, were not acting to serve the interest of Federal agencies but rather the interest of the public.

Secrecy breeds rumors, distrust, and suspicion. It insulates those who govern and alienates those who are governed. Sunshine, however, promotes free flow of information, builds the credibility of those who govern and earns confidence from those governed.

As author of the sunshine legislation, those were my goals and will continue to be in the face of any efforts to weaken or circumvent the sunshine law. I am proud that we have a policy giving high regard to the public's right to know. We must never give it up. It would be a sad day indeed if we were to see Government meetings once behind closed doors and the public kept in the dark.●

AFGHANISTAN: LETTERS FROM THE STATE OF OHIO

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Ohio.

The letters follow:

DEAR SIR, I wish to raise my voice in concern about the plight of the Afghanistan people.

Their treatment at the hands of the Soviets is inhuman, unbelievable, ungodly and should not be tolerated by the rest of the world.

We are wasting our time trying to bargain with the Soviets.

What can be done?

Sincerely,

MARY M. SHAFFER
Lancaster, OH.

DEAR SIR, I am deeply disturbed after reading Agony in Afghanistan in the March issue of Reader's Digest. This tale of grim facts of inhumane activity by the Soviet Government must be stopped! I urge you, Sir, to use all of your power and influence in the Government to insist that these atrocities be stopped. I encourage strong sanctions against the Soviets! Even a breaking of all relations and ousting all of their people from our country until there is real proof that the Afghan people are once again free.

I urge you to influence the President of the United States to use all power at his disposal to see that this is brought to an immediate halt.

Sincerely,

DUANE D. COMFORT,
Mt. Gilead, OH●

BUDGET SCOREKEEPING REPORT

● Mr. CHILES. Mr. President, I hereby submit to the Senate the budget scorekeeping report for this week, prepared by the Congressional Budget Office in response to section 308(b) of the Congressional Budget Act of 1974, as amended. This report was prepared consistent with standard scorekeeping conventions. This report also serves as the scorekeeping report for the purposes of section 311 of the Budget Act.

This report shows that current level spending is under the budget resolution by $14.3 billion in budget authority, but over in outlays by $13.4 billion. The report does not include the Surface Transportation Act because the bill has not been enacted by Congress yet. When the bill is enacted, only $4.2 billion in budget authority will remain.

I ask that the report be printed in the RECORD.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 9, 1987.

Hon. LAWTON CHILES,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report shows the effects of congressional action on the budget for fiscal year 1987. The estimated totals of budget authority, outlays, and revenues are compared to the appropriate or recommended levels contained in the most recent budget resolution, Senate Concurrent Resolution 120. This report meets the requirements for Senate scorekeeping of Section 5 of Senate Concurrent Resolution 32 and is current through March 6, 1987. The report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended. At your request this report incorporates the CBO economic and technical estimating assumptions issued on January 2, 1987.

No changes have occurred since the last CBO report.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

CBO WEEKLY SCOREKEEPING REPORT FOR THE U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF MARCH 6, 1987

[Fiscal Year 1987—in billions of dollars]

	Current level [1]	Budget resolution S. Con. Res. 120	Current level +/− resolution
Budget authority	1,079.0	1,093.4	−14.3
Outlays	1,008.4	995.0	13.4
Revenues	833.9	852.4	−18.5
Debt subject to limit	2,243.8	[2] 2,322.8	−79.0
Direct loan obligations	42.5	34.6	8.0
Guaranteed loan commitments	140.5	100.8	39.8

[1] The current level represents the estimated revenue and direct spending effects (budget authority and outlays) of all legislation that Congress has enacted in this or previous sessions or sent to the President for his approval. In addition, estimates are included of the direct spending effects for all entitlement or other programs requiring annual appropriations under current law even though the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[2] The current statutory debt limit is $2,300 billion Public Law 99-509).

FISCAL YEAR 1987 SUPPORTING DETAIL FOR CBO WEEKLY SCOREKEEPING REPORT, U.S. SENATE, 100TH CONGRESS, 1ST SESSION AS OF MAR. 6, 1987

[In millions of dollars]

	Budget authority	Outlays	Revenues
I. Enacted in previous sessions:			
Revenues			833,855
Permanent appropriations and trust funds	720,451	638,771	
Other appropriations	542,890	554,239	
Offsetting receipts	−185,071	−185,071	
Total enacted in previous sessions	1,078,269	1,007,938	833,855
II. Enacted this session:			
Water Quality Act of 1987 (Public Law 100–4)	−4	−4	
Emergency Supplemental for the Homeless (Public Law 100–6)	−7	−1	
Total enacted this session	−11	−5	
III. Continuing resolution authority			
IV. Conference agreements ratified by both Houses:			
V. Entitlement authority and other mandatory items requiring further appropriation action:			
Special milk	6	3	
Veterans compensation	173		
Readjustment benefits	9		
Federal unemployment benefits and allowances	33	33	
Advances to the unemployment trust fund [2]	(3)	(3)	
Payments to health care trust funds [2]	(224)	(224)	
Family social services	110		
Medical facilities guarantee and loan fund	5	4	
Payment to civil service retirement and disability fund [2]	(33)	(33)	
Coast Guard retired pay	3	3	
Civilian agency pay raises	358	373	
Replenishment of disaster relief funds [1]	57	50	
Total entitlements	754	467	
Total current level as of Mar. 6, 1987	1,079,012	1,008,400	833,855
1987 budget resolution (S. Con. Res. 120)	1,093,350	995,000	852,400
Amount remaining:			
Over budget resolution		13,400	
Under budget resolution	14,338		18,545

[1] Included at request of Senate Budget Committee.

[2] Interfund transactions do not add to budget totals.

Note.—Numbers may not add due to rounding.●

RETURN MORALITY TO U.S. FOREIGN POLICY

● Mr. PELL Mr. President, for these past years, I have been critical of the administration's policy in support of the Contras in Nicaragua for very substantial reasons. Foremost among them is the fact that the policy violates the moral precepts upon which our Nation was founded and which have guided our path as a respected leader in the world community of nations. In the zealous application of a misguided policy, the United States have violated international law by implementing state-sponsored terrorism through the mining of Nicaraguan harbors, the preparation of a manual for terrorism, and through military and other support to our terrorists. The improprieties of the Iran/Contra scandal is merely the latest development in this immoral policy.

Dwight Dickinson, a retired Foreign Service officer with wide experience, wrote an article published in the Christian Science Monitor on January 15, 1987, which serves as an appeal for the return of morality of our foreign policy. I recommend Mr. Dickinson's article to my colleagues.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

A PLACE FOR MORALITY IN FOREIGN POLICY

(By Dwight Dickinson)

There is something terribly wrong in our reaction to the revelation that the administration in Washington has hypocritically tried to trade arms to Iran for hostages and that, in contravention of United States law, has apparently diverted some of the profits of such sales to the US-sponsored contras in Nicaragua.

President Reagan has said that he knew there were risks in the arms shipments. Risks of what? Failure? Getting caught? That is all that Richard Nixon has ever apologized for to the American people. Neither man, nor, for that matter, any of their recent predecessors, seem ever to have questioned the validity, much less the morality, of the concept of covert political and military operations as instruments of foreign policy.

Henry Kissinger has criticized Mr. Reagan and Mr. Nixon, not for employing covert or illegal methods, but for the ineptness of them and tardiness in admitting improprieties once uncovered. Even such a respected career diplomat as Mr. Reagan's new national-security adviser, Frank Carlucci, publicly supports covert operations, as long as they are directed and carried out by the proper agency—the Central Intelligence Agency—under adequate congressional oversight.

We have gone so far down the covert road that we have apparently attempted political assassinations. Whether successful or not is not the question. There is enough substance to the charge that we have attempted assassinations that it has been deemed necessary to establish as a matter of policy that we shall not employ this particular form of covert action.

We routinely subvert the political processes of other countries, where we deem it in our national interest. We have been caught spreading disinformation, which is then picked up in our press and given credence by United States diplomats and the public alike, a false basis on which to form opinions. The CIA has secretly mined Nicaraguan harbors, in contravention of international law, and it has printed a manual for use by contra rebels for terrorizing regions of Nicaragua by murdering prominent citizens and public officals.

What is wrong with these covert actions? That they were embarrassingly revealed by out free press? Or that they were morally wrong and in violation of that quality of decency that once made us the most trusted of the great powers? Why, for that matter, is it embarrassing when they are revealed? If they were properly in our national interest they would be praised by the American people when brough to light.

They are not so praised, because the American people consider them, as the world considers them, what they are often called, "dirty tricks." They violate our sense of what is and is not permissible in the conduct of our personal social relations.

But few in high places in the US, especially in the field of foreign affairs, believe that morality has any place in the conduct of these affairs. They argue that the world in which we must live and operate is such that we must occasionally, if not routinely, eschew morality—however regretfully—in pursuing our national interest.

I have long believed, and this belief was developed over a long period of foreign-affairs experience, that these people are wrong, that the truth is just the opposite, that we must base our policy on moral principles. Even if we wished to do so, these people say, how would we identify what is moral and what is not? I reply that that is easy. What we would consider improper in our domestic and private conduct, we should avoid in our international conduct. We are big enough and strong enough as a country to be able to afford to conduct our foreign affairs in this manner.

If we should do so, it would, over time, restore our tarnished image in the world, differentiate us form our principal adversary, and result in a far more effective foreign policy than we now possess.

From every indication, it appears that we shall not do this, that we shall merely try to control and oversee our covert operations, eliminate the influence of the romantic adventurers who prepare and carry out so many of them, and improve the security of their clandestineness. We are thus sadly doomed to more of the same, to the inevitable embarrassment of disclosure, and to the equally inevitable corruption of those high officials who condone and approve such measures.●

REQUEST FOR DEPORTATION OF KARL LINNAS

● Mr. CHILES. Mr. President, by now we are all familiar with the case of Karl Linnas, a native of Estonia—part of the Soviet Union—and former United States citizen, who was stripped of his citizenship when a Federal court ruled that Mr. Linnas had entered the country fraudulently and had concealed his role in a death camp in Nazi-occupied Estonia. Numerous Federal courts have confirmed that Karl Linnas supervised and participated in atrocities committed against human life as a guard and later as a commander at the Tartu concentration camp in Nazi-occupied Estonia. A deportation order requiring Mr. Linnas to return to the Soviet Union has been upheld by the United States Court of Appeals for the Second Circuit. However, Attorney General Edwin Meese has shown a lack of committment to carry out the order of deportation.

I have joined my distinguished colleague from Florida, Congressman LEHMAN, as well as Senator DANFORTH and Congressman GREEN in initiating a letter to Attorney General Edwin Meese. This letter requests the immediate deportation of Mr. Linnas to the Soviet Union where he has been tried and convicted of these atrocities in absentia. I encourage my colleagues to join me in urging Attorney General Meese to deport Mr. Linnas. Congress has made it clear that this country will not serve as a sanctuary for Nazi war criminals. The administration should act expeditiously to carry out both the letter and the spirit of the law.

Mr. President, I ask that a copy of the letter to Attorney General Meese be printed in the RECORD.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC.

Hon. EDWIN MEESE III,
U.S. Attorney General,
U.S. Department of Justice,
Washington, DC.

DEAR MR. ATTORNEY GENERAL: We are writing to you on a matter of grave concern to the Congress and the American people—the effort of our government to investigate, prosecute, and deport suspected Nazi war criminals from the United States. Specifically, we are deeply distressed by the Department's failure to deport immediately to the Soviet Union Karl Linnas, who, according to overwhelming evidence presented in federal court, was directly involved in the most heinous atrocities during World War II.

The Office of Special Investigations (OSI) at the Justice Department originally filed a denaturalization action against Linnas in 1979, and he was ordered to be stripped of his citizenship by a federal court in 1981. This decision was affirmed by the United States Court of Appeals for the Second Circuit in 1982 and certiorari was subsequently denied by the Supreme Court. OSI then brought a deportation action against Linnas, and, after two further hearings, he was ordered deported to the Soviet Union in 1985.

Linnas then appealed his ordered deportation to the Soviet Union to the Second Circuit Court of Appeals. His appeal was opposed by the Department of Justice, and the government's case was personally argued by United States Attorney (and former Associate Attorney General) Rudolph Giuliani. On May 8, 1986, in a unanimous opinion written by Judge Altimari, the court rejected Linnas' argument that his deportation to the Soviet Union would violate the due process and equal protection clauses of the Constitution. The appeals court emphasized that "Linnas' duties as a concentration camp chief were such as to offend the decency of any civilized society." The court concluded:

"The foundation of Linnas' due process argument is an appeal to the court's sense of decency and compassion. Noble words such as "decency" and "compassion" ring hollow when spoken by a man who ordered the extermination of innocent men, women and children kneeling at the edge of a mass grave. Karl Linnas' appeal to humanity, a humanity which he has grossly, callously and monstrously offended, truly offends this court's sense of decency."

On December 1, 1986, the Supreme Court denied Linnas' petition for certiorari, clearing the way for his deportation. Although Linnas sought rehearing, the Supreme Court denied his request on January 27, 1987.

The Linnas case has been heard by a federal district judge, twice by the Second Circuit, twice by an immigration judge, and twice by the Board of Immigration Appeals, and three separate times the U.S. Supreme Court has refused to review it. The evidence in the case has been exhaustively documented and Linnas has availed himself of every due process guarantee under the American system of justice. The result has been the same at every step: no American judge has questioned the evidence or failed to conclude that Linnas participated in war crimes.

The Congress has repeatedly made clear that those who were involved in the Holocaust shall not be allowed to find safe haven in the United States. To that end, Congress insisted on the creation of OSI and has carefully monitored its efforts. The remarkable record of that office must not now be undermined by indecision and delay.

We urge you in the strongest possible terms to act today to reaffirm our nation's commitment to justice.

Sincerely.●

A TRIBUTE TO ELIE WIESEL

● Mr. SIMON. Mr. President, there are few men whose fight for peace and human rights have made so great an impact upon this world's peoples as Elie Wiesel, winner of the 1986 Nobel Peace Prize. Mr. Wiesel is a great educator who has made it his goal to keep the memory of sufferers, past and present, alive in the minds of each of us. His work toward global peace and equality should be a role model for us all. It is with great pleasure and pride that I enter the acceptance speech made by Mr. Wiesel at the 1986 ceremony to receive the Nobel Peace Prize. I ask that the speech be printed in the RECORD.

The speech follows:

[From the New York Times, Dec. 11, 1986]

WIESEL'S SPEECH AT NOBEL CEREMONY

It is with a profound sense of humility that I accept the honor you have chosen to bestow upon me. I know: your choice transends me. This both frightens and pleases me.

If frightens me because I wonder: do I have the right to represent the multitudes who have perished? Do I have the right to accept this great honor on their behalf? I do not. That would be presumptuous. No one may speak for the dead, no one may interpret their mutilated dreams and visions.

It pleases me because I may say that this honor belongs to all the survivors and their children, and through us, to the Jewish people with whose destiny I have always identified.

I remember: it happened yesterday or eternities ago. A young Jewish boy discovered the kingdom of night. I remember his bewilderment, I remember his anguish. It all happened so fast. The ghetto. The deportation. The sealed cattle car. The fiery altar upon which the history of our people and the future of mankind were meant to be sacrificed.

"CAN THIS BE TRUE"

I remember: he asked his father: "Can this be true? This is the 20th century, not the Middle Ages. Who would allow such crimes to be committed? How could the world remain silent?"

And now the boy is turning to me: "Tell me," he asks. "What have you done with my future? What have you done with your life?"

And I tell him that I have tried. That I have tried to keep memory alive, that I have tried to fight those who would forget. Because if we forget, we are guilty, we are accomplices.

And then I explained to him how naive we were, that the world did know and remain silent. And that is why I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never for tormented.

"SOMETIMES WE MUST INTERFERE"

Sometimes we must interfere when human lives are endangered, when human dignity is in jeopardy, national borders and sensitivities become irrelevant. Wherever men or women are persecuted because of their race, religion or political views, that place must—at that moment—become the center of the universe.

Of course, since I am a Jew profoundly rooted in my people's memory and tradition my first response is to Jewish fears, Jewish needs, Jewish crises. For I belong to a traumatized generation, one that experienced the abandonment and solitude of our people. It would be unnatural for me not to make Jewish priorities my own: Israel, Soviet Jewry, Jews in Arab lands.

But there are others as important to me. Apartheid is, in my view, as abhorrent as anti-Semitism. To me, Andrei Sakharov's isolation is as much of a disgrace as Iosif Begun's imprisonment. As is the denial of Solidarity and its leader Lech Walesa's right to dissent. And Nelson Mandela's interminable imprisonment.

There is so much injustice and suffering crying out for our attention: Victims of hunger, or racism and political persecution, or racism and political persecution, writers and poets, prisoners in so many lands governed by the left and by the right. Human rights are being violated on every continent. More people are oppressed than free.

PALESTINIANS AND ISRAELS

And then, too there are the Palestinians to whose plight I am sensitive but whose methods I deplore. Violence and terrorism are not the answer. Something must be done about their suffering, and soon. I trust Israel, for I have faith in the Jewish people. Let Israel be given a chance, let hatred and danger be removed from her horizons, and there will be peace in and around the Holy Land.

Yes, I have faith. Faith in God and even in His creation. Without it no action would be possible. And action is the only remedy to indifference: the most insidious danger of all. Isn't this the meaning of Alfred Nobel's legacy? Wasn't his fear of war a shield against war?

There is much to be done, there is much that can be done. One person—a Raoul Wallenberg, an Albert Schweitzer, one person of integrity, can make a difference, a difference of life and death. As long as one dissident is in prison, our freedom will not be true. As long as one child is hungry, our lives will be filled with anguish and shame.

What all these victims need above all is to know that they are not alone; that we are not forgetting them, that when voices are stifled we shall lend them ours, that while their freedom depends on ours, the quality of our freedom depends on theirs.

"EVERY HOUR AN OFFERING"

This is what I say to the young Jewish boy wondering what I have done with his years. It is in his name that I speak to you and that I express to you my deepest gratitude. No one is as capable of gratitude as one who has emerged from the kingdom of night.

We know that every moment is a moment of grace, every hour an offering; not to share them would mean to betray them. Our lives no longer belong to us alone; they belong to all those who need us desperately.

Thank you Chairman Aarvik. Thank you, members of the Nobel Committee. Thank you, people of Norway, for declaring on this singular occasion that our survival has meaning for mankind.●

THE DEFICIT

● Mr. SIMON. Mr. President, Mortimer Zuckerman, the editor-in-chief of U.S. News & World Report, had a column recently about the deficit that is right on target.

He says that Congress and the administration and the two political parties may duck on the question of the deficit rather than face it.

It is too early to make that final judgment and I hope we can prove him wrong.

But the common sense of his column which appeared in the opinion page—the last page—of U.S. News & World Report is well worth reading by all of my colleagues.

I ask that the article be printed in the RECORD.

The article follows:

WHEN DOES THE PARTY END?

(By Mortimer B. Zuckerman)

The average American has a dim view of the average banana republic where the generals spend money on guns and keep the economy going and the peasants quiet by borrowing from abroad. Ask the same citizen how President Reagan is doing with our economy and the answer is likely to be more kindly. It shouldn't be. The President is practicing banana-republic economics and getting away with it. Yes, interest rates are down, unemployment is down, inflation is down, the Dow has broken 2,000, but it's all done on borrowed money. We do not have sustainable prosperity. And what we have is not so hot: For the last 15 years, there has been virtually zero growth in the real family income in our country. We are a long way from the promise that we would double the real income of the workers every generation.

The President's new budget, soaring to a record $1 trillion, has an estimated deficit of $108 billion. The estimate is false, even deceitful. The real deficit will be much larger; a significant part will have to be financed, as before, through foreign debts, which now exceed $250 billion.

It would be one thing if we were using these foreign borrowings, represented by our trade gap, for investment. We are not. The money is going to pay for bigger defense and consumption. Instead of a high-saving, high-investment, supply-side economy, we have a high-borrowing, consumption-oriented, demand-side economy. This can go on only for a limited time. If each year your family spent more than it took in and borrowed the rest, at some point your banker would stop bailing you out. Expect no less from world bankers. Foreign investors don't have to pull their money out. All they have to do is stop pouring additional money in. When that happens, Reagan faces the Federal Reserve with a dilemma. If it prints money to pay for the deficit, it will finance inflation; and if it allows interest rates to rise, it will produce a recession.

We will have to improve our trade balance. Some Democrats have a trade balance. Some Democrats have a solution that is as bad as the disease—protectionism. Their policy of slapping tariffs or quotas on imports is a political payoff to special interests and voting blocs. All it does is raise prices so that sheltered high-cost companies can make money at the expense of every consumer. There would be retaliation, damaging our export industries. And the debt-ridden developing countries, without the means of earning dollars, would be an even bigger threat to our own banks that have lent them money.

To reduce our dependence on the foreign funds that keep up our artificial living standard, we have to produce more and consume less. This means reducing the deficit by raising taxes or reducing middle-class entitlements and defense spending. Such basic common sense has been ruled politically out of bounds—thanks to President Reagan's demagoguery on taxes and to both parties' demagoguery on Social Security and farm supports.

The President rails against big spenders and big deficits. But he is the biggest deficit spender of all time. His rhetoric is hollow. First, the President told us there weren't going to be any budget deficits. Then, we were told that if we had them we could grow out of them. Now, we are being told that if we don't grow out of them, they don't really matter. Well, they may not matter to the President. More than doubling the national debt in the last six years will matter to every government and every generation that succeed him. Short-term political benefits have been bought at the long-term cost of choking our government.

In all likelihood, both the administration and congressional leaders will continue to sidestep the problem. Each will try to place the blame in the other's camp. From a short-term political viewpoint, each side may be right, but when thinking of the nation's well-being, both sides are horribly wrong. To deal with this will take a combination of cuts in spending and increases in revenue, neither of which is popular. And politicians tend to avoid taking unpopular actions. The only political remedy is for the President to work with the Democratic Congress so that both sides can take the poltical heat and the political gain. If he wants to restore fiscal credibility to his Presidency, the President must stop accumulating debt as if there were no tomorrow.●

SIGNIFICANT CONTRIBUTIONS OF DR. GORDON E. PRUETT AND DR. KYLE D. PRUETT

● Mr. LUGAR. Mr. President, two brothers from Indiana have published two significant books within the last month. Dr. Gordon E. Pruett, Ph.D., associate professor of religion and philosophy at Northeastern University, Boston, has written "The Beginning and End of Suffering: Freud and The Buddhist Tradition." This is the first book of its kind comparing Sigmund Freud and the Buddhists. It is a significant contribution to the study of suffering from the viewpoint of the East and West. American University Press has published this book. Dr. G. Pruett holds degrees from Yale University, Oxford University, England, and a Ph.D. from Princeton University.

Dr. Kyle D. Pruett, M.D., is clinical professor of the Psychiatric Child Study Center, Yale University. He has made significant contributions to family life in America through his research over the past 5 years of 17 families in which the mother works and the father stays home to rear the children. The research has shown that the father and the child are more complete people when the father joins the mother in sharing the child from before birth to 5 years of age.

Warner Communications has published "Nurturing Fathers," a book detailing Dr. K. Pruett's research. He has an A.B. from Yale University and an M.D. from Tufts Medical School in Boston. Both Dr. G. Pruett and Dr. K. Pruett are products of the Indianapolis, IN public school system. They are both graduates of Shortridge High School which I attended in Indianapolis.●

NATIONAL POW/MIA RECOGNITION DAY

● Mr. D'AMATO. Mr. President, the distinguished Senator from Mississippi, Senator STENNIS, had introduced legislation in the 98th Congress to honor our POW's and MIA's. During the 99th Congress, our respected Republican leader, Senator DOLE, had the privilege of hosting a congressional obervance for this same purpose. This year, Senator DOLE has introduced legislation to continue this tradition, to honor our POW's and MIA's and to renew our promise to their families and loved ones that this Nation will never rest until we resolve the POW/MIA issue.

The uncertainty surrounding the POW/MIA issue continues. Though many years have passed since American service personnel were recalled from Vietnam, we do not have a full accounting of all those who have not return home. For more than 20 years, the United States has been pressing the Indochinese governments for assistance and information about those still listed as missing and unaccounted for. Thus far, we have made negligible progress, but this must only add to our determination. We must continue our search for answers, and we must not allow time or frustration to weaken our will to resolve this painful issue.

It is appropriate, therefore, that we set aside a day to honor American POW's and MIA's to renew our promise to their families and loved ones. Many of my colleagues have already given their support to this initiative by supporting Senator DOLE's legislation, Senate Joint Resolution 49. I lend it my full support, and I urge the rest of my colleagues to do the same.

We must encourage nationwide participation in elevating awareness of the POW/MIA issue. We must work together until we account for all of these special Americans. They must never be forgotten.

Thank you, Mr. President.●

CLARENCE HODGES ON THE COMMUNIST THREAT

● Mr. LUGAR. Mr. President, Clarence Hodges, Deputy Assistant Secretary of State, recently spoke at Bethune-Cookman College on the Communist threat. His comments are informative and insightful, and I would like to insert for the RECORD a copy of his remarks for my colleagues perusal.

The material follows:

THE COMMUNIST THREAT: REAL OR RHETORIC

The debate regarding the reality of the Communist Threat rages from East to West, from the non-aligned to the aligned, and from academia to Capitol Hill. And while I could certainly generate more support and applause by thundering against the non-debatable evils and the unnecessary human suffering that engulf the globe, I have chosen this highly intellectual setting to challenge the youth of America to leave the cheering squads on the side lines and to engage as active participants in the struggle to preserve freedom and to resist the hegemonious designs of those who would deny same. I hope many of you aspire to become career diplomats. Even should you choose not to be a professional diplomat, you should seek to be an informed citizen on the major international issues.

My statement this evening is just that, my statement should not be considered the official position of the State Department. I shall later welcome your comments, suggestions, or questions on any subject.

Is the Communist threat real? That question is frequently asked. I would suggest that question is real and not rhetorical. The threat by Soviet Premier Khrushchev to "bury" the West was considered less rhetorical on October 28, 1962, at the height of the Cuban-missile crisis when they not only acknowledged the presence of Russian missiles just ninety miles from the U.S. but dismantled and removed same when President Kennedy invoked the Monroe Doctrine. The invasion of Afghanistan by over 100,000 Soviet troops and the continued occupation by same of that independent country has nothing to do with rhetoric. It is a violation of international law which has forced five million Afghans to leave their country as refugees in the face of massive destruction of towns and farms by the Soviet military. We see there not only threats of destruction, subjugation, and control but the implementation of these measures.

In November 1981, the Marxist-Leninist Sandinistas of Nicaragua referred to their opposition as a few hundred cattle rustlers. The U.S. was not assisting these counter-revolutionaries at that time but the Sandinistas had increased their army from 3,000 to 40,000 and had become the major Central American mililtary power with Soviet-made tanks, artillery, and armored personnel carriers. This initial and continued military build-up financed by the Soviet Union have given more military assistance to Nicaragua in the last five years than all the military and non-military assistance given by the United States in that same period to all Central America. There must be a reason and the reason is not rhetorical. The tragedy of Korean Airlines flight 007 was real when just three years ago, the Soviets gunned down this civilian aircraft loaded with innocent men, women and children.

Communist countries consistently deny basic human rights to their citizens. Churches are denied, as a minimum, the right to operate schools for children under eighteen years of age and to proselytize or witness according to their convictions. In North Korea, not a single church has been built in more than thirty years. In the Soviet Union and their satellites most churches cannot own church buildings. The state owns the building. In Romania, Bibles have been destroyed or the pages recycled for other use. And yet, some Americans are not aware of a significant difference between Democracy and Communism.

There has been much debate about the United States' Strategic Defense Initiative but very little said about the Soviet Strategic Defense Program. This existing program of the Soviets already includes:

1. The world's only Anti-Ballistic Missile System which is being expanded and upgraded;
2. A ballistic missile detection and tracking radar system that violates the 1972 ABM Treaty;
3. Extensive research into advanced technologies for defense against ballistic missiles including laser weapons, particle beam weapons, and kinetic energy weapons;
4. The world's only operational anti-satellite (ASAT) system;
5. And other modernization efforts designed to intimidate weak nations and to tip the present balance of power in the Soviet's favor.

The U.S. international interests are centered in a strong commitment to world peace and improvement of the quality of life of all citizens. This is in the interest of ending unnecessary human suffering and maximizing the world's benefits for all on what we recognize as a planet of interdependency and cooperation.

We have five basic elements undergirding our foreign policy and involvement beyond our borders.

1. Peace—World peace is in the interest of all the world's citizens. Innocent by-stander nations can suffer much as a result of wreckless and inhuman acts of other nations.
2. Democracy—The greatest insurance against revolt and bloodshed is democracy. It allows for rights and freedoms that enhance the economies of the world and the quality of life for all.
3. Economic Development—This is essential for a strong democracy and for ending the problems of hunger, starvation and oppression. And we strongly oppose oppression everywhere—from South Africa to Cambodia to the Soviet Union.
4. Diplomacy—We prefer dialog to the use of military force.
5. Defense—As long as there are those who wish to expand their reach at the expense of and against the will of others, the ability to defend freedom and democracy must be maintained.

These elements have proven not only to be supportable by international law but effective when applied with consistency. In Latin America alone, since 1981, we have seen several countries move from military control or dictatorships to free elections and democracies. Prime examples include Argentina, El Salvador, Guatemala, Bolivia, Ecuador, Honduras, Panama, and Peru. In 1979, approximately 70 percent of our neighbors in South America, Central America, and the Caribbean lived under dictatorships or military dominated governments. Today 90 percent have governments dedicated to freedom and democratic elections.

Why have the masses of every economic stratum chosen freedom and democracy when given a choice and why have the Communist leaders from Cuba to China, from Afghanistan to Angola, from Nicaragua to North Korea, and from South Yemen to the Soviet Union refused to give their citizens the opportunity to choose? Why have they erected iron curtains and locked their citizens within their countries with prison walls and barbed wire fences? These questions are not rhetorical and the single answer to them is real: The quality of life produced by a democratically free society is superior to that produced by a communistically controlled society.

I travelled behind the Iron Curtain in 1986 and looked for cultural differences, people differences, and those factors that affect the quality of life. I discovered why, during my visits to every region of the world, I have never seen a demand for Russian built automobiles or any other Soviet Union products other than Vodka or military hardware. And the Israelis have repeatedly proven that Soviet military hardware is second rate. Everyone works for the government as the government owns all manufacturing and service industries. There is no competition and only one brand of each product. If Brand X has no competition, it has no reason to improve. That's why Soviet breakfast cereals are quickly soggy, laundry detergents require scrubbing to remove stains, toilet tissue is hard and tough, management allows needed housing repairs such as elevators and plumbing to wait for weeks, and urban transportation is largely by foot though there are some automobiles, very wide boulevards, and a fairly inexpensive and reliable bus/trolley system.

Those selected for higher education appear to get quality at beautiful Moscow University. But Patrice Lumumba University for Black African students is a dilapidated old building fit only for demolition. The Soviets boast about their 100 percent employment rate. This is achieved by (1) assigning individuals to available jobs. Careers, training opportunities, and jobs are assigned to individuals by government. (One cannot choose to wait for a better opportunity.) (2) With a military that has 200 percent more manpower than ours, (3) police forces that are 100 percent larger, and (4) a prison population including forced labor camps that are 1,100 percent greater than our prison population.

There are chronic shortages of consumer goods. People join long sale lines not knowing what is for sale but assuming whatever it is, they will need it. There is a criminal black market of goods and services, a type of "free enterprise". In the Soviet Union housing there are two persons for every room. In the U.S., there are two rooms for every person. At least 20 percent of all Soviet urban families must share bathrooms and kitchens with other families.

During a visit to Warsaw, Poland, after I spoke to a group of students there, they wanted to know most, "why are there homeless people in New York." (Their government had sent some sleeping bags for New York's homeless in response to us sending food to non-governmental agencies there after the Chernobyl nuclear accident polluted some of their farms.) The reason those students could not understand homelessness is because Poland has such a severe housing shortage that newly wed couples in Warsaw must wait for at least fifteen years before they can get an apartment or house to themselves, yet they are not homeless because they are not allowed that choice. They must live with relatives or friends for those 15 years.

The comparisons favorable to democracy, free enterprise, and capitalism continue. In no area can the Communists convince their citizens of such an advantage that they could allow a choice with free elections. They must therefore use military muscle, a controlled press, suppression and distortion of facts, secret police, and the denial of opportunities to visit lands of freedom.

For what reason, then, will the Communists cease to invade and occupy other countries, stop financing military operations in countries where the people are dying from a lack of bread and an excess of bullets, or bring an end to their exportation or armed Marxist revolution. That is a rhetorical question and I call upon you to research this and other international issues, rise above emotionalism, and join the debate with facts. You must stand against distorted, deceptive, demagogic rhetoric and find the answers to the question, "The Communist threat, is it real or just rhetoric?"●

RECOGNITION OF CONGRESSMAN JIM BUNNING

● Mr. McCONNELL. Mr. President, it is rare that a person reaches the highest level of accomplishment in one chosen field of endeavor. It is even more unusual for a person to reach that level in two distinct careers in one lifetime.

One such exceptional person is Kentucky's Fourth District Congressman, Jim Bunning.

Jim Bunning began his career as a major league pitcher for the Detroit Tigers in 1955. During his years with the Tigers, Jim Bunning became most famous for his 1958 no-hitter against the Boston Red Sox. In 1963, Jim was traded to the Philadelphia Phillies where, on June 24, 1964, he pitched the major league's first regular season perfect game. Jim Bunning went on to play for the Pittsburgh Pirates and the L.A. Dodgers before returning to the Philadelphia Phillies in the fall of 1969.

By the time Jim decided to retire from the game and return to the great Commonwealth of Kentucky in 1971, he held the second highest number of strike-outs in the major leagues. Jim Bunning also accumulated 100 wins in each of the American and National Baseball Leagues. These two extraordinary athletic accomplishments earned Jim Bunning the reputation of one of the most accomplished pitchers in baseball history by his fans and peers alike.

Once back in Kentucky, JIM BUNNING became a successful stockbroker but politics beckoned for his attention. By 1976 he was elected to the Ft. Thomas City Council. His next success was challenging and defeating a 16-year incumbent for a State senate seat. By 1983 he was elected minority leader of the State senate. Then last November, JIM BUNNING crowned his public service career by winning Kentucky's Fourth District seat in the House of Representatives.

JIM BUNNING is indeed an exceptional person. He is an exceptional athlete and a dedicated and effective elected official. He is a devoted husband to Mary Bunning, his wife of 35 years, and the proud father of nine wonderful children.

Mr. President, I would now like to request that the attached Sports Illustrated feature on JIM BUNNING be submitted into the CONGRESSIONAL RECORD for the information and review of my fellow colleagues.

The material follows:

JIM BUNNING (R., KY.)

(By Steve Wulf)

Close your eyes—Whap!—and you can hear—whap!—batting practice—whap!—in Connie Mack Stadium. Open them, though, and you're not in Philadelphia in 1964, but in Washington, D.C., the House of Representatives, in 1987, and the sound you hear **is the sergeant at arms banging his mace,** trying to restore order to the first session of the 100th Congress of the United States of America.

It is a little like the first day of spring training, as children scurry about while the players greet each other heartily after the **off-season. The clerk is taking a roll-call vote** for the election of the speaker of the House, and when he calls out, "Bunning," the distinguished gentleman sitting on the Republican side of the House says, "Michel," just loud enough to be heard above the din. Let the record show that Mr. Bunning, renowned in his pitching days for a follow-through that sent him lunging off the mound, does not fall off his seat after casting his vote.

The roll call goes on and on—past Connie Mack III (R., Fla.), a grandson of the original—and nearly half an hour later it is completed. In a foregone conclusion, the choice of the majority-party Democrats, the Honorable Jim Wright of Texas, is elected speaker by a 254-173 margin over his Republican opponent, the Honorable Robert Michel of Illinois. After speeches by both Representative Michel and Representative Wright, the members of the 100th Congress rise to take the oath of office.

Raising the right hand that won 224 major league games, that pitched a no-hitter in one league and a perfect game in the other, that once made him the No. 2 strikeout pitcher of all time, the Honorable Jim Bunning of Kentucky solemnly swears that he will well and faithfully discharge the duties of the office he is about to assume. "So help me God," he says.

Then Bunning embraces fellow freshman Rebublican Jay Rhodes of Arizona, and now, all of a sudden, Gus Triandos is going out to the mound to put his arm around Bunning on that day in 1964. While Bunning is getting lost in the congressional camaraderie down on the floor, you get lost in the memories of that perfect game on Father's Day, of the ill-fated ending to that year, of all the 19-win seasons and the 1-0 losses, and—talk about prolific winners—of those nine children of his. You see him plunging off the side of the mound, putting everything he had into every pitch, falling, falling . . . and somehow landing in the House of Representatives.

He was elected last November as a conservative Republican from the overwhelmingly Democratic Fourth District in Kentucky, and he won rather easily. How Jim Bunning, pitcher, came to be Jim Bunning, congressman, is a pretty good story, with episodes of grit and family and betrayal and luck. "An accident, really," says Bunning. "I never set out to be a politician." His wife and childhood sweetheart, Mary, calls it "God's little plan for Jim." But mostly, his is a story of a man determined to do something very difficult: change

Bunning has always been smart, diligent and tremendously competitive, but his warmth was felt only by his family and friends at home in Fort Thomas, Ky. Asked if she ever thought her father would become a politician, Barbara, 34, the eldest child, says, "No, not really. He was always shy around people." Bunning himself says, "Boy, was I a hard guy."

That coolness toward outsiders may well have cost him the 21 additional votes he needed to make the Baseball Hall of Fame last month. Given the current entrance requirements, Bunning deserves to be in Cooperstown. Catfish Hunter had the same number of victories (224) and virtually the same ERA (3.26 for Hunter, 3.27 for Bunning), and he made it rather easily. Had Bunning won just four more games, the ones that would have turned his four 19-win seasons into 20-win seasons, or had he been as nice to reporters as Hunter was, he probably would have won that election, too.

But what the heck, he's in a different sanctum now, the one the late speaker of the House Sam Rayburn, called, "the highest theater anyone plays in upon this Earth today." There are 198 men in the Hall of Fame, but only one other major leaguer, pitcher Wilmer (Vinegar Bend) Mizell, has ever had a vote under the Capitol Dome. The man to whom Bunning once stood second on the strikeout list, Walter Johnson, couldn't get into the House, though he tried. (Shortly after he announced his intention to run in 1940, Johnson, a Republican pig farmer, was asked his thoughts on the major issues. "I plan to study up on them things," said the Big Train.)

This year Bunning and rookie congressman Tom McMillen, the Maryland Democrat who played 11 years in the NBA, joined representatives Jack Kemp (Buffalo Bills) and Mo Udall (the old ABL Denver Nuggets) and Senator Bill Bradley (New York Knicks) in the Jock Caucus, as Udall has come to call the collective of five former pro athletes now serving in Congress. "I like having jocks on the Hill, no matter their political persuasion," says Kemp. "We tend to be problem solvers, and we don't moan or groan about defeats." Mizell, who now works in the Office of Governmental and Public Affairs for the Department of Agriculture, says, "I used to look at it like this: After I was elected to Congress, I thought of my consitituency in the same way I thought of the fans in St. Louis and Pittsburgh who watched me pitch. They expected, and I tried to give them, my best. There's another similarity between Congress and sports. The cloakroom is quite a bit like the clubhouse."

Bunning always held the respect of his peers in the clubhouse. He was the representative in both Detroit and Philadelphia, and he was one of the founding fathers, as it were, of the players' revolution in the early '70s that resulted in the hiring of Marvin Miller as president of an increasingly militant players union. He has already demonstrated his standing in the cloakroom. During orientation last December, Bunning's fellow Republican freshmen elected him to an important post on the executive committee of the Committee on Committees. That sounds almost Kafkaesque, but the executive committee decides on committee assignments. and Bunning was chosen to look after the interests of the freshmen. For himself, Bunning saved assignments to the banking committee—finance is his area of expertise—and to the Merchant Marines and Fisheries Committee, which tackles issues that are important to his district.

Bunning is a staunch supporter of the President, and, in fact, the careers of Ronald Reagan and Bunning have several parallels. Both had Democratic upbringings, both made big names for themselves outside politics, both were strong members of their professional unions, and both entered politics at the urging of influential friends.

The product of a Democratic household, Bunning registered as a Republican in college and was at one time a conservative ideologue. "Everything was black and white to me, but as time goes on, things are getting a little grayer," he says. "I think I understand the other side more. I'm more willing to compromise. Still, I guess you can say I come down right of center."

He does wear his partisanship on his sleeve. He took obvious glee, for example, in what might be described as a Republican "quick pitch" during that first session of Congress. Republican whip Trent Lott of Mississippi introduced a motion, tacked on to a routine rules package, that the 100th Congress commit itself to no further tax increases. The motion was easily defeated, but Bunning says with a cackle, "We got the Democrats on record as favoring a tax increase."

Although Bunning has taken the floor in Congress just once—he spoke in opposition to a raise for congressmen—he is not afraid of speaking his mind. At a congressional briefing on Nicaragua with Assistant Secretary of State Elliot Abrams. Bunning pointed out that the Administration had not delivered as good a public relations pitch in behalf of aid to the Contras as their opponents had.

Bunning delivered his first pitch in 1955 with the Tigers. He had signed with Detroit in 1950, but only on the proviso that he be allowed to skip spring training until he finished college. He got his degree in business administration from Xavier in Cincinnati in 3½ years.

In the meantime, Jim and Mary began adding to the census. Barbara was born in 1952, and after the 1954 season, a set of twins, Joan and Jim Jr., arrived. Seeing that their family was progressing faster than Jim's pitching career, the Bunnings began thinking of an alternative. The Tigers called him up in '55, but he was back in the minors in '56, and Mary was pregnant with Cathy. "We were going to give baseball one more year," says Mary.

But in 1957, Bunning won 20 games and pitched three perfect innings as the All-Star

Game starter. And on July 20, 1958, against the Red Sox in Fenway Park, he pitched what was then called "the gabbiest no-hitter of all time"—he talked about the possibility as early as the sixth inning. The last batter he faced was Ted Williams. His first pitch to the Splinter tells you all you need to know about Bunning as a competitor. With a no-hitter within reach and a legend at bat, Bunning *brushed him back*. On the next pitch, Williams lifted a fly to Al Kaline for the final out. Mary, who was home in Kentucky with five kids—William was born in March—listened to the game on the car radio. She got so excited that she nearly drove into a tree.

From 1959 to 1962, Bunning gave the Tigers some pretty good years. Mary also gave him two more kids, Bridget and Mark, raising the total to seven. Following a mediocre '63 season, the Tigers traded him to the Phillies. On June 21, 1964, in New York, he pitched the first National League perfect game since John Montgomery Ward had one in 1880. That Bunning, a father of seven, did it on Father's Day, gave the feat an added shine.

But heartbreak awaited Bunning and the Phillies at the end of the '64 season, when they blew a 6½-game lead with 10 games to play. Still, Bunning had four brilliant years in Philadelphia, going 74-46 (including five one-run losses in '67) with a 2.8 ERA. He also had a burgeoning second career as a stockbroker, and in July '66 he became the father of another set of twins, Amy and David. That's all, folks.

During this time, Bunning became more involved in the Major League Baseball Players Association. He was instrumental in setting up the pension plan, and even today he says. "I am as proud of that as anything I did on the field."

In his curtain-call year, 1971, Bunning started and won the first game in Veterans Stadium, and later moved ahead of Cy Young into second place on the alltime strikeout list. On Sept. 28, the Phillies held Jim Bunning Day and gave him a Volkswagen bus, out of which popped all nine children. Nowadays, of course, Bunning buys American, and you wouldn't dare give him an import.

Although Mary had a feeling it wouldn't work out, Bunning decided to try managing and he started with the Phillies' Double A team in Reading in 1972. He wasn't so much a manager as he was an unstinting taskmaster. Dane Iorg, who would go on to a 10-year major league career and heroics in two World Series, played for Bunning that first season. "I didn't like him at first, and a lot of the guys plain hated him," recalls Iorg. "He had this tape recorder with him, and every time you did something wrong, you'd see him talking into the microphone. We were so worried we'd be on that thing, we couldn't play."

During the next four years. Bunning grew more comfortable with the job and with his players. For example, he developed a close relationship with Lonnie Smith, who came to the minor leagues distrustful of whites, and to this day, Bunning remains Smith's agent. Smith even campaigned for Bunning when he ran unsuccessfully for governor of Kentucky in 1983.

"I had him his last year as manager, and he was great," says Iorg. "But he could still scare people, and I think that's why he didn't get a chance. He intimidated the Phillies.

Had it not been for Bunning's inability to play politics in baseball, he might never have become a politician. His baseball career came to an end in Oklahoma City in 1975, when the Phillies let him go after repeated assurances that his job was safe. The decision was made by assistant general manager Dallas Green, Bunning's closest friend. "I just didn't think he was cut out to be a major league manager," says Green. "He could have stayed in baseball, and he very well could have gotten a major league job, and maybe I was wrong. Anyway, the country is much better off with him in Congress."

According to Bunning, "I just said, 'Baseball, you've been my life, but now it's time to say goodbye.'" He is sitting in his congresssional office in Fort Wright, signing all the Jim Bunning pictures in the *Topps Baseball Cards* book, no small task considering he has 27 separate cards. He's doing it for the son of a constituent, but he allows that he has yet to find the perfect balance between his baseball life and his political life. "I loved baseball, and I'm grateful for the name recognition it gave me," he says. "But I don't want to be autographing balls on my way to a vote in the House."

In June '76, when Bunning was concentrating on his new business as a player agent, friends talked him into getting on a slate of candidates, the People's Ticket, for the Fort Thomas city council. He wrote "We need your help" on 6,000 postcards, signed them and sent them out. He was easily elected. "I enjoyed it," he says, "and Mary and I decided we might like a life in public service."

Next he challenged Campbell County's Democratic state senator, Donald Johnson, a 16-year incumbent. Bunning knocked on enough doors to defeat Johnson by a scant 400 votes. In the process, he was getting over the shyness he hid behind during his playing days. "You spend so much time guarding your privacy in baseball that I found it hard to go up to people and ask for their votes," says Bunning. He had another major political asset besides his name. Mary more than made up for Jim's seeming lack of warmth.

Once in the state senate, where the Republicans were outnumbered 29-9, Bunning came to be known as Dr. No for his contentious opposition to Democratic programs. But he did his homework, and the Republican senators made him the minority leader in January '83. After trying to talk other prominent Republicans into running for governor in '83, Bunning decided to run himself. His opponent, Democratic Lieutenant Governor Martha Layne Collins, was a heavy favorite. Collins spent a great deal more money ($5.4 million to $1.3 million), but Bunning, who had been behind in the polls by as much as 32%, wound up losing by a less lopsided 9%.

Still, the state's press found him rather stiff and forbidding. "He could be arrogant, short and nasty at times," says Bill Straub, Frankfort bureau chief for *The Kentucky Post*. "Covering him was something of a chore." On the other hand, here was Bunning, trying to convince people he was a serious candidate, while newspapers ran headlines like "Gop Gets in Ballgame and Exmajor League Pitcher Goes After Big Win."

Bunning had a decision to make: Run for governor again in '87 or for Congress from the Fourth District, his home field, in '86. M. Gene Snyder, the Republican incumbent, was retiring after 11 terms, and Bunning was a natural for the district, which runs along the Ohio River from the suburbs of Cincinnati to the suburbs of Louisville and encompasses 12 counties. His Democratic opponent, Terry Mann, carried eight counties, but Bunning soundly defeated him in the two counties where more than two-thirds of the voters lived, and won by a 56%-44% margin. Although he tends to credit his staff for the victory, he was simply a much better campaigner this time around. "He underwent an interesting transformation between 1983 and this past election," says Straub. "He was charming throughout the campaign. He really loosened up. It was almost as if he went to candidate school."

So, Mr. Bunning went to Washington.

After his swearing-in, Bunning hurries back to his office, Room 1123 in the Longworth House Office Building, where a reception is being held for his staff and family and supporters. "Sitting there, listening to those speeches, I kept thinking of all the people who were waiting for me back here," he says. "But when the time came, I felt the chills. I remember Jay Rhodes telling us in orientation the story of how he took the oath of office when he was eight years old, standing beside his father, John Rhodes [then a Republican congressman from Arizona]. And today, there was Jay's own five-year-old son, standing in the aisle, taking the oath."

Off to one side, Mary is explaining to a hometown newspaperman the difference between this day and that Fathers' Day in 1964. "Maybe I got more excited at the perfect game," she says. "But this thrill was somehow deeper, more emotional. I really had tears in my eyes when he hugged Jay Rhodes."

Just then the voting bells go off, and Bunning excuses himself, saying, "My first real vote." Bunning goes jogging off across Constitution Avenue over to the Capitol. He's 20 years older, several pounds heavier and dressed in a gray business suit, but the old athletic stride is still there. He's trotting out to the mound now, to pitch against the Democrats.●

PRODUCT LIABILITY REFORM LEGISLATION

● Mr. McCAIN. Mr. President, last week a number of bills were introduced in the Senate to reform the current product liability system. Another one will be introduced today as part of the administration's trade legislation. I rise today to associate myself with those who advocate reform of the product liability laws.

The current product liability system has had a disastrous impact on U.S. commerce. The manufacture of many worthwhile products is being hindered or halted entirely. The cost of insurance, when available, is astronomical. Moreover, the morass of State laws does very little to encourage manufacturers to produce safer products. Whatever the benefits of the current system—and I suspect they are overestimated—the burdens the system imposes on businesses are far too massive.

I am told that product liability bills have been introduced in the Senate in each of the last three Congresses. But despite strong support both within and outside of the Senate, the full

Senate has yet to approve a comprehensive product liability reform bill. Unfortunately, the problems that lead to introduction of product liability bills in earlier Congresses have not abated. Insurance rates are still too high. Compensation and legal fees continue to rise faster than the Consumer Price Index. The costs of litigating claims continues to equal or exceed the amount of compensation paid to injured consumers.

With the introduction of new product liability legislation the Senate will again have an opportunity to act. Perhaps none of these recently introduced bills embodies the exact solution to the problems of the product liability system. However, in order to move forward we must initiate the process and invite input from affected parties, including the legal community. Further delay benefits no one—not businesses—not consumers. I urge my colleagues to join with me in supporting expeditious Senate action regarding product liability reform.●

INTERNATIONAL DISASTER ASSISTANCE

● Mr. SPECTER. Mr. President, in March 1986, a most interesting conference was held in San Jose, Costa Rica, on international disaster assistance; 16 member governments of the Pan American Health Organization attended the conference along with representatives of nongovernmental organizations.

The findings of that conference, in which the United States was a participant, have now been published in a booklet entitled "International Health Relief Assistance."

The message of the booklet is explicit. Donor governments and private agencies should work more closely with recipient governments and private agencies if the results of international assistance are to be maximized. In the past, unneeded clothing, medicines, and other inappropriate supplies have been forwarded by donors only to clog the supply pipeline and cause chaos at airports and other depots. Relief supplies are so often unneeded or delayed in receipt that many disaster experts urge that overseas donors concentrate on helping out on the long-range recovery phase, rather than attempting to respond immediately after the disaster.

Individuals interested in reviewing these findings can secure a copy of the booklet by calling or writing to the National Association of the Partners of the Americas, in Washington, DC.

Clearly, Americans are extraordinarily generous when disasters such as the Mexico City earthquake occur in other countries. It is important, however, that the assistance we provide be timely and appropriate. This booklet provides helpful guidelines.●

OUR ECONOMIC FUTURE

● Mr. BRADLEY. Mr. President, when the Senate opened hearings on international trade before the Senate Finance Committee, Senator ROCKEFELLER made a particularly compelling statement about our country's economic future. I believe his comments deserve broader exposure. I would like to bring his testimony to the attention of my colleagues and ask that it be printed in the RECORD.

The statement follows:

STATEMENT OF SENATOR JOHN D. ROCKEFELLLER IV

I sought membership on the Finance Committee because I believe that adjusting to, and competing in, the world economy is the fundamental challenge facing our country's economic future. I anticipate learning a great deal from Ambassador Strauss, the other distinguished witnesses in this set of hearings and the whole process of trying to fashion a meaningful trade legislation. Like the rest of us, however, I come to the process with certain strongly-held views.

My starting point is that our country can't go on the way it has. We are not on the road to a bright economic future; in fact, our present path is a dangerous prescription for economic decline. We urgently need to take stock and change course.

I recognize that this is not self-evident. The stock market, after all, has just broken 2000. President Reagan points with pride to the long-running economic recovery, nine million new job created, and the scourge of inflation apparently broken. Administration spokesmen like to speak of our trade deficit as if it were a minor cloud in an otherwise bright, blue sky.

It doesn't work that way. In a world economy, a nation's trade picture is probably the fairest measure of its economic condition—not some peripheral concern. We have changed drastically from a creditor nation to the world's largest debtor in just five short years. The trade problems facing steel and textiles have now infected all of our high-technology sectors. For the past few months, the world's greatest agricultural power has imported more food than it exported.

Our "prosperity"—such as it is—is kept afloat by massive debt at all levels: consumer debt; corporate debt; the federal budget deficits; and the trade deficit. The bottom line in this recovery is that we buy imported goods, and borrow the money from abroad to pay for them. It is an inescapable fact that a nation cannot buy $3 billion more from abroad every week than it sells—and hope to remain a prosperous nation.

My second starting point is that our trade deficit is the measure of problems that go far beyond trade, and we should not blame other countries for things that are basically within our control. If we could eliminate every trade barrier, and deal with every unfair trade practice, we would still have an enormous trade deficit—and face an enormous competitiveness challenge.

It is not the fault of the Japanese that we have massive budget deficits and a microscopic savings rate. It is not the fault of the Koreans if our kids watch "Miami Vice" instead of studying math. It is not the fault of the Taiwanese that we don't have a national commitment to retraining our workers. And it's not the fault of the Brazilians if we turn out investment bankers and lawyers, rather than teachers and scientists and engineers.

But if trade is not the whole problem, it is a serious problem. There is a stunning lack of balance in our trade relations with other countries, particularly Japan.

We negotiate painstakingly, inch by inch, year after year in an effort to open up the Japanese market to our beef, citrus, telecommunications equipment and pharmaceuticals—sectors where we have a comparative advantage. Occasionally, we seemingly make a breakthrough on market access, only to find that sales don't follow anyway. As one of our trade negotiators once described it, we push through one door only to find another door.

At the same time, Japan has unfettered access to the world's most lucrative market for VCRs, cameras, stereos, and a guaranteed share of 20 percent of our automobile market. No question that the products are superb and that our consumers want them. No question that the barriers in their system are often cultural, rather than legal. But the trading relationship remains essentially one-sided, and the imbalance has serious consequences for our economy.

Obviously, many factors contribute to this situation. We have a traditonal tendency to subordinate trade and economic concerns to political and strategic ones. We continue to act as if our prosperity gives us a lot of leeway in dealing with other countries. We believe, in some respects, that the national interest equates with the consumer interest in getting the widest range of products at the best possible price. We certainly feel a particular, historic obligation to stand for the principles of free trade and open markets—if not us, then who? And we believe, for the most part, that government should set the rules for international trade, and not take an interest in the outcomes or results.

Some of the considerations are valid, some partially valid, some totally obsolete. But surely it is fundamentally naive, and very dangerous, to behave as if other countries approach trade and industrial questions as we do. The truth is that other governments are intensely involved and interested in trade policy, and doing everything they can to maximize exports, minimize imports, develop industries and protect jobs. They are intersted in outcomes, and not just process, and they take responsibility for those results. We may not like that different approach, but it is disastrous to pretend it doesn't exist—as the Reagan Administration often seems to.

Like every other member of this committee, I will work with the Reagan Administration if they are ready to write a meaningful trade bill and take other needed steps to address our competitive problems. I welcome every indication that they are beginning to face the real problems of our country: from Secretary Baker's effort to realign the dollar-yen relationship, to their request for more money for Trade Adjustment Assistance, to their proposal for a larger budget for the National Science Foundation.

But this Administration has a lot to answer for in the areas of trade and competitiveness. Passing the irresponsible and inequitable 1981 tax cut, which left us with staggering budget deficits . . . Praising the "strong dollar" in 1983 and 84 while our manufacturers were moving overseas because they couldn't afford to do business here . . . Standing by while half the country's steel jobs disappeared in just five years. Putting the Young Commission report on the shelf to gather dust, because the Commission said it wasn't "morning in America" . . . Abandoning our efforts to build a national energy policy . . . Refusing to use Section 301 to deal with our trade problems . . . Overturning the ITC when beleaguered industries played by the rules and sought trade relief under section 201.

And if I sound bitter, it comes from having been Governor of West Virginia during the Reagan recession: when workers lost their jobs, for reasons far beyond their control, the Administration slashed unemployment benefits, opposed trade adjustment assistance, and told them if they didn't like it, they could "vote with their feet."

The truth is that the Reagan Administration has presided over a precipitous decline in our country's competitive position in the world. Where our nation's competitiveness has been concerned, to put it most generously: these have been wasted years.

Wasted—because it was the right time to have done so much. Americans grasp the competitiveness challenge, almost intuitively. States are working to improve their schools and level of technological innovation; corporations are radically restructuring; labor and management are increasingly inclined to work together to improve productivity. But it is difficult to mobilize a nation of 240 million without government leadership, and it is impossible to compete in the world without government policies that give our businesses and workers the support they need.

I think we can write a trade bill that can make a difference to our country, although the Administration could have done a far better job than it has with the tools already at hand. Whatever trade bill we enact, however, must be part of a wide-ranging effort to enhance our nation's competitiveness. Paula Stern, outgoing Chair of the ITC, put it well in a speech last year: Trade is important, but competitiveness is the key. We should always oppose unfair trade practices, but we should worry less about the level of the playing field and more about the quality of the American team. And we cannot continue to drift, while other nations chart a strong course.●

DEATH OF DR. DEBENEDETTI

● Mr. GLENN. Mr. President, the University of Toledo and the Nation has suffered a great loss with the recent death of Dr. Charles DeBenedetti. Dr. DeBenedetti made a significant contribution as professor of history at the University of Toledo for 18 years, as a nationally known author and authority on the American peace movement, and as a former Rockefeller Foundation fellow.

Dr. DeBenedetti authored three books and numerous articles on American diplomatic history and the American peace movement. He received a major Rockefeller Foundation Humanities Fellowship in 1979 for his research on the antiwar movement in America from 1961-75, and completed his essay on "The Anti-Vietnam War Movement and Modern America" at the foundation's Bellagio Study and Conference Center in Italy. In 1982, his book, "The Peace Reform in American History," was selected by the American Library Association's magazine as one of the outstanding academic books published in the 1980-81 year. It traced American peaceseekers struggling against war from colonial times through the 1970's.

In 1983, Dr. DeBenedetti was invited to discuss the Vietnam peace movement at the U.S. Military Academy at West Point. He also served as a leader in several national and international historical organizations. Dr. DeBenedetti's latest recognition came last August when he was awarded a $70,000 grant from the Social Science Research Council to complete an oral history on dissent and United States foreign policymaking, using Vietnam as a case study. Before his death, he made arrangements for the work to be completed.

Mr. President, the University of Toledo community has lost a great teacher and friend. Dr. James McComas, president of the University of Toledo, said,

> Charles DeBenedetti was one of the giants of university scholarship and a leader in our academic enterprise. His dedication to his work and his stand on beliefs toward international peace earned him national and international repute. Our sense of his loss as a teacher and friend is deep.

I know my colleagues in the Senate join me in offering our deepest condolences to the family and friends of Charles DeBenedetti.●

THE TARGETED JOBS TAX CREDIT PROGRAM

● Mr. DOMENICI. Mr. President, I am pleased to cosponsor Senator HEINZ's legislation which would create a permanent jobs tax credit. I have been a cosponsor and active supporter of the jobs tax credit each time it has been considered for authorization.

The job tax credit is known officially as the Targeted Jobs Tax Credit Program [TJTC]. When it was created, it was set up temporarily. It has been extended in 1981, 1982, and 1984. The current credit, extended last year in the Tax Reform Act, is due to expire at the end of next year.

I have long been an enthusiastic supporter of this job placement program. But these temporary renewals have placed a very successful, cost-efficient program in periodic danger of extinction, reducing its effectiveness.

Now is the time to make this program permanent.

The Targeted Jobs Tax Credit Program was initiated in 1978 as a way to encourage employment opportunities for groups in need of special incentives, groups with unemployment rates traditionally above the national average.

The jobs tax credits identified nine targeted groups:

Vocational rehabilitation referrals;

Economically disadvantaged youths, aged 18 through 24;

Economically disadvantaged Vietnam-era veterans;

Social Security recipients;

General assistance recipients;

Economically disadvantaged cooperative education students, aged 16 through 19;

Economically disadvantaged former convicts;

Recipients of aid to families with dependent children [AFDC] and the Work Incentive Program [WIN] registrants;

Economically disadvantaged summer youth employees, aged 16 or 17.

An employer who hires a person certified as a member of one of these groups receives a tax credit equal to 40 percent of the first $6,000 of first-year wages, or a maximum credit of $2,400. With respect to economically disadvantaged summer youth employees, however, the credit is equal to 85 percent of up to $3,000 earned between May 1 and September 15. No wages paid to a targeted-group members are to be taken into account for credit purposes unless the individual is employed by the employer for at least 90 days—14 days in the case of qualified summer youth employees—or has completed at least 120 hours of work performed for the employer—20 hours in the case qualified summer youth employees.

How has it worked? In 1985, New Mexico placed 4,121 of its citizens in jobs through this jobs tax credit. Our success number a year earlier was 3,766. An unofficial poll taken recently shows over 5,000 requests for certification were made last year, even when the status of the program was uncertain.

The largest percentage of these placements and requests have been in the categories of disadvantaged youth enrolled in cooperative education programs, disadvantaged youth age 18 to 24, AFDC recipients and ex-convicts. In addition, the TJTC has been particularly effective in providing summer employment for disadvantaged youth.

The targeted jobs tax credit program is simple. It's effective. It is a private enterprise stimulus that works to reduce structural unemployment.

The program is cost effective, reducing sharply welfare costs and unemployment compensaton for the groups targeted. Since people are leaving welfare rolls to join the tax rolls, the targeted jobs program benefits society without increasing Government spending.

Employers under the program have demonstrated they will take a chance on the target groups, regardless of higher training costs and employment risks. Thus, this is a program that operates effectively to create jobs for those needing them most. Small businesses have used TJTC because of its simplicity. State employment agencies in almost every State support TJTC.

We need to reassure employers that this effective program will not disappear. We need to make this tax credit permanent.

Mr. President, I commend Senator HEINZ, and urge the Senate to take early action of this legislation.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, for over a year I have informed my colleagues of the plight of Soviet refusenik, Naum Meiman. It is time to end Naum's suffering. Naum recently lost his dear wife, Inna, without an opportunity to be with her during her final days. Now he has one simple wish—to emigrate from the Soviet Union.

The Soviets claim that their government is undergoing reforms. Gorbachev has promoted the new glasnost policy. If the Soviet Government sincerely wants to improve relations, I suggest that they permit Naum Meiman and other refuseniks to emigrate to pursue happiness in the West.●

NATIONAL HOUSING ACT AMENDMENTS

Mr. BYRD. Mr. President, I believe the following request has been cleared on the other side. The distinguished Republican leader is here.

I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 23, with the understanding that there be no amendments thereto.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 1056) to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guarantee of mortgage backed securities.

The Senate proceeded to consider the bill.

Mr. CRANSTON. Mr. President, this bill deserves prompt action. It is needed to preserve the clearly established policy of Congress to provide affordable mortgage finance to American homebuyers.

In recent years, the administration has repeatedly tried to reduce or eliminate our national system of support for home finance. Administration budgets have regularly proposed excise taxes on homeownership in the guise of "user fees." OMB has consistently tried to hamper Federal support for home mortgage finance.

Congress has resoundingly rejected the administration's proposals. These proposals were rejected in the budget process. They were rejected by the authorizing committees. They were rejected in appropriations. They were rejected on a broad, bipartisan basis in both Houses of Congress. They were rejected because Members of Congress from all regions of the country and with differing philosophies saw these proposals for what they are: Proposals to impose unjustified taxes on homeownership.

Despite that, the Government National Mortgage Association [Ginnie Mae] recently decided to defy the will of Congress and impose new fees by administrative fiat on securities backed by single family mortgages. Ginnie Mae announced that it unilaterally would increase its guarantee fee by 66 percent—from 6 to 10 basis points. The move was taken, I understand, under pressure from OMB.

That particular fee increase was specifically rejected in last year's housing bill, which was favorably reported in the Senate and passed the House on several occasions.

Mr. President, we have here a defiant show of bureaucratic arrogance that requires a firm response by Congress.

Ginnie Mae late last week rescinded the fee increase in a last-minute effort to prevent congressional action. I welcome that repeal. But it should not deter the Senate from expressing its will on this issue clearly.

The congressional support for Ginnie Mae is well founded. Ginnie Mae was created to help Americans become homeowners. Its programs support an effective working partnership among private lenders, private investors and the Federal Government. At this time, about 95 percent of all FHA and VA guaranteed single-family mortgages are financed with Ginnie Mae guarantees.

Because Ginnie Mae guarantees are on pools of mortgages already insured by FHA or guaranteed by the VA, they do not involve significant additional risk to the Federal Government. Ginnie Mae helps create a large, efficient market by assuring investors that bureaucratic delays at FHA and VA will not interfere with investors' timely receipt of principal and interest.

Ginnie Mae enables homebuyers—primarily moderate-income families and veterans—to obtain mortgage funds in the private capital markets where homebuyers would otherwise be overwhelmed by powerful government and corporate borrowers.

Mr. President, there are many reasons why the proposed fee increase should be prohibited:

First, there is no valid reason for it. From its inception in 1968 until now, Ginnie Mae has imposed an annual guaranty fee of six basis points on pools backed by FHA and VA single-family mortgages. That six basis point fee has proven to be more than sufficient. Since Ginnie Mae was initiated, it has collected guaranty fees of $817.4 million. In addition, as of September 30, 1986, it has collected other fees and has earned investment income which totalled $1.35 billion. During 1986 alone, about $292 million were added to reserves, while the program losses were only about $200,000 or 0.06 percent.

The revenue from the increased fee would not be used for program costs. In its 17-year history GNMA has never had to draw any amounts from its reserve at the Treasury, having paid all claims from current year's income. In fact, the proposed Federal budget for fiscal year 1988 indicates that Ginnie Mae expects to transfer $485 million back to the Treasury, after payment of all operating expenses and losses.

These facts show that the increased fee is completely unnecessary for the actuarial soundness of the program.

Second, the increased fee would make it harder for families, particularly those with modest incomes, to purchase a home. The administration's budget is clear that the intent of the increase is to raise the cost of mortgage borrowing. This is absolutely contrary to the reason Ginnie Mae was created.

This fee increase would decrease the availability of FHA and VA loans. It would increase home mortgage costs by $187 per loan. Costs on the average FHA loan would increase by $160. VA loans would increase by $180.

Some might claim that is an insignificant increase in costs. It is not insignificant, particularly for thousands of families with modest incomes, who already are having the hardest struggle to own a home.

That fee increases could postpone or adversely affect 100,000 to 150,000 home sales in the first year alone—that's 10 to 20 percent of all sales.

But much larger increases are in store if OMB is permitted finally to establish the precedent that such fees can be increased administratively in the face of congressional opposition.

Home ownership rates are already declining, so this is the wrong time to put additional pressure on Americans who are trying to buy a home. We must pass this legislation to keep open the door of home ownership opportunity for those families.

Mr. President, I believe there is no good reason for the proposed increases in Ginnie Mae fees. I feel even more strongly that such action should not be taken without congressional approval.

Mr. President, I am proud to be joined today by Senator D'AMATO and 31 cosponsors in support of this legislation. The passage of this legislation would allow for the continued success of Ginnie Mae programs in helping Americans become homebuyers.

On February 25, 1987; our colleagues in the House of Representatives passed this very bill. I urge my colleagues in the Senate to do the same today.

Mr. President, as chief sponsor of this legislation, I want to enter into a colloquy with the Senator from Utah to make sure that congressional intent is clear.

Mr. GARN. I thank the Senator. It is my understanding that this bill caps at not more than 6 basis points the guarantee fee that GNMA may charge lenders with regard to the guarantee of timely payment of principal and interest of securities or notes backed by single family FHA-insured or VA-guaranteed mortgages. Is that correct?

Mr. CRANSTON. Yes.

Mr. GARN. I would like to discuss our intention here. What is the Senator attempting to achieve?

Mr. CRANSTON. My intention throughout the bill is to make certain that the executive branch does not have the power to raise unilaterally GNMA fees without first certifying that the increase is reasonably related to the Associations's cost of administering, the program or to the cost of providing a service. Further, the Congress does not intend for GNMA to set fees as a way of manipulating Federal credit policy; or to set fees based solely on those charged by private firms for similar services or guarantees, or to shrink the role of GNMA, and thereby FHA and VA in the Nation's housing market. In the case of the guarantee fee for securities or notes backed by single family FHA-insured or VA-guaranteed mortgages, the bill establishes a maximum fee of 6 basis points.

Mr. GARN. Yes, we agree on these points. The language in paragraph B requires the Association to set the guarantee fees for other securities or notes backed by other FHA-insured and VA-guaranteed mortgages not covered in paragraph A at a level to meet anticipated claims based upon actuarial analyses, and for no other purpose. Are not acturial analyses just a base or starting point with additional factors intended to be taken into account in deriving a figure for anticipated claims? I ask this question because GNMA tells me that merely looking at raw claims experience—which actuarial analyses would tend to do—is not necessarily predictive of future claims and losses.

Mr. CRANSTON. I understand the Senator's concern. However, thorough actuarial analyses similar to those conducted by other firms in the housing industry would evaluate the potential for claims based on actual experience but also on factors such as economic and demographic conditions that directly impact on their programs. So, to this extent, other factors could be considered as part of thorough actuarial analyses. Again, the intent of this bill is not to hamstring GNMA's prudent business judgment. Rather, it is to require the Association to consider and document thoroughly the need for increases that are reasonably related to the costs of the program. It is also to require the Association to notify Congress 90 days before acting on any conclusions that may be derived from their analyses.

Mr. GARN. As the Senator knows, GNMA contracts regularly with both public and private entities to handle monitoring of issues, custodial and securities transfer functions and for other purposes.

Mr. CRANSTON. Yes, and the language of the bill should not complicate GNMA's business relationships with outside vendors in providing these services. At the same time, this bill does ensure that the fees and charges levied by GNMA are reasonably related to the costs of the services, whether the services are provided by GNMA or an outside vendor working for or with the Association in the administration of the program. GNMA will not use private vendors to impose fees or charges not reasonably related to the cost of the services rendered.

Mr. GARN. I thank the Senator. I understand that GNMA may levy added charges in the event of nonconforming behavior by issuers—for example, in the event an issuer defaults on his payment obligation to security holders or misses deadlines in submitting required documents.

Mr. CRANSTON. Yes, and it is my understanding that GNMA has adequate authority to pursue remedies and impose charges in the event its rules and regulations are not adhered to. However, paragraph C is not intended to restrict GNMA from imposing charges in particular instances to encourage compliance and orderly and, efficient behavior by its issuers, so long as all of the fees and charges as a whole are related to program costs.

Mr. GARN. Yes, I understand that. I have one more point. I am wondering about the restrictions on miscellaneous fees and charges covered in paragraph C with respect to new programs GNMA may wish to implement.

Mr. CRANSTON. Well, if GNMA were to offer a new mortgage-backed security or other program, this legislation would restrict it from establishing fees greater than those charged for existing programs unless the cost basis for such increased fees were set forth and reasonably related to program costs. In any event, the guarantee fee for new programs would be bound by the restrictions contained in paragraphs A and B.

Mr. GARN. In other words, we do not mean to inhibit GNMA's fundamental business management ability, so long as fees imposed are reasonably related to the costs of administering the program and for no other purpose.

Mr. CRANSTON. Yes.

Mr. GARN. I thank the Senator.

Mr. D'AMATO. Mr. President, I rise today to support H.R. 1056, which will amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association, or better known as Ginnie Mae, for its guarantee of the mortgage-backed securities program. This legislation is similar to S. 607, which my colleague, Senator CRANSTON, chairman of the Housing Subcommittee of the Committee on Banking and Housing, and I introduced on February 26, 1987. I commend the chairman for his insight in this area and for his concern about and commitment to homeowners in this Nation. The legislation we are considering today protects the already overburdened middle class from an unjustified tax on house ownership.

Mr. President, earlier this year, Ginnie Mae moved to increase by two-thirds its guarantee fee from 6 to 10 basis points effective March 1, 1987. H.R. 1056 prohibits raising the guarantee fees with respect to the mortgage-backed securities program above the current 6 basis points for securities backed by 1- to 4-family dwellings insured by the Federal Housing Administration [FHA], the Veterans' Administration [VA] or Farmers Home Administration home mortgage loans. In addition, fees for securities backed by other types of mortgages, such as multifamily project mortgages, may not be set higher than needed to provide for an actuarial sound reserve. Any proposed increases in fees must be reported to the Congress at least 90 days prior to taking effect and such notice must certify the actuarial purpose for the increase.

The proposed fee increase contradicts explicit congressional policy. Congress repeatedly has opposed the imposition of fees above those necessary to support program costs. Two pieces of legislation S. 2507, a bill reported out of the Senate Banking Committee last year, and H.R. 1, a bill which passed last year in the House of Representatives, specifically prohibit any increase in the Ginnie Mae guarantee fee.

The fee increase has no justification. Under the mortgage-backed securities program, reasonable fees may be charged to pay for the cost of the program and to establish reasonable reserves necessary to support it. At the end of last year, the reserve fund balance was at $1.4 billion. The proposed increase, therefore, is in excess of the amount necessary to compensate Ginnie Mae for the cost, expense, and risk of maintaining the mortgage-backed securites program.

Mr. President, for whatever reason the GNMA is implementing this fee increase on March 1, 1987, this action is viewed as unjustifiable without congressional approval. The legislation we are proposing would prohibit this unjustified fee increase. Our bill is designed to insure that no fee in excess of six basis points can be imposed on Ginnie Mae's mortgage-backed securities program for 1- to 4-family dwellings. For the other mortgage-backed securities programs, Ginnie Mae will have to demonstrate that the increase is due to program costs and the actuarial soundness of the mortgage-backed securities reserves.

An increase in the GNMA guarantee fee would result in an undue hardship on homeowners and those interested in purchasing a home. The increase will raise the closing costs for prospective home buyers. In an era of declining home ownership, especially among low- and moderate-income families, young families and first-time home buyers, a fee increase could destroy the dream of home ownership for many americans.

For example, Mr. President, young families between 25 and 29 years old who own homes declined from 43 percent in 1975 to 34 percent in 1985. For households in the 30-34 age group, the home ownership rate fell from 62 percent to 54 percent during the same period. These are disturbing trends for a nation that as always prided itself on being the best house Nation of Earth. We must insure our commitment to home ownership in this country. This legislation reassures these individuals that the dream of home ownership continues to be a feasible option to housing in our country.

Again, I commend Mr. CRANSTON for his leadership and insight in this matter and I trust my colleagues will pass this vital piece of legislation.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

URGENT RELIEF FOR THE HOMELESS ACT

Mr. BYRD. Mr. President, with respect to H.R. 558, which has come over from the other body, and which deals with assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children, I am told by the distinguished Republican leader that if I should make a unanimous-consent request that that measure go on the calendar, he would be constrained to have to object on behalf of another Senator. Therefore, I will not make that request.

I ask for first reading of H.R. 558.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

Mr. BYRD. Mr. President, I ask for a second reading of H.R. 558.

The PRESIDING OFFICER. Is there objection to the request?

Mr. DOLE. Mr. President, I indicate, as the distinguished majority leader has, that I have no personal objection to placing the bill on the calendar; but there has been a request for an objection on this side, so I do object.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk, pending its second reading on the next legislative day.

Mr. BYRD. I thank the distinguished Republican leader.

ORDER FOR ADJOURNMENT

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 o'clock noon tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY

ORDER FOR RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that after the two leaders or their designees have been recognized under the standing order on tomorrow, the following Senators be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, ARMSTRONG, LEAHY, MURKOWSKI, HEINZ, GRASSLEY, and WILSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that upon the conclusion of the orders for recognition of Senators on tomorrow, Senators may speak out of order for not to exceed 30 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be waived on tomorrow and that no resolutions over under the rule come over on tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, and in accordance with the provisions of Senate Resolution 163, that the Senate, out of respect to the memory of our late, departed colleague, Mr. ZORINSKY, adjourn over until 12 o'clock noon on tomorrow.

The motion was agreed to; and at 4:48 p.m. the Senate adjourned until tomorrow, Wednesday, March 11, 1987, at 12 noon.

NOMINATIONS

Executive nominations received by the Secretary of the Senate March 9, 1987, under authority of the order of the Senate of February 3, 1987:

DEPARTMENT OF STATE

James Keough Bishop, of New York, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Liberia.

John Cameron Monjo, of Maryland,, a career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Malaysia.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Fay S. Howell, of Georgia, to be a member of the National Museum Services Board for a term expiring December 6, 1991, reappointment.

IN THE COAST GUARD

The following Reserve officers of the U.S. Coast Guard to be permanent commissioned officers in the grades indicated:

To be lieutenant commander

Winston S. Jones

To be lieutenant

Jorge N. Arroyo
David J. Belliveau
Theodore A. Bull
Richard S. Collins
Michael L. Edwards
Billy E. Erickson
Richard J. Ferraro
Jonathan W. Flanner
James R. Hasselman
Robert W. Kelly
Anthony J. Kovac
Theodore C. Le Feuvre
William D. Lee
Timothy F. Mann
Bradley R. Mozee
William J. Peterson, Jr.
Barry P. Smith
Michael L. Tagg

To be lieutenant (junior grade)

Gary M. Alexander
Clarke T. Baldwin III
David L. Balthazor
Glenn M. Bingham
Tamara L. Bingham
Bruce D. Blackman
Gary Blokland
Robert F. Boyle
Steven J. Boyle
Gregory B. Breithaupt
Craig R. Britton
Christian Broxterman
Robert D. Castle, Jr.
Norman L. Custard, Jr.
William H. Daughdrill
Robert D. Engiles
John W. Farthing
John R. Fulton
Kristopher G. Furtney
Jeffrey N. Garden
Daniel G. Good
David M. Gunderson
Gregory R. Haack

Virginia E. Hrach-Felicetti
Walter T. Hunnings
Timothy G. Jobe
Frederick J. Kenney, Jr.
Kevin F., Kenworthy
Siegfried W. Kirchner
David W. Ledford
David L. Lersch
Mark E. Lickers
Theodore C. Mejia
Peter V. Neffenger
Mark P. O'Malley
Robert M. Palatka
Scott M. Pollock
Kevin G. Quigley
Thomas K. Richey
Kurt L. Slaughter, Jr.
Marlin C. Smith
Curtis A. Springer
Randy B. Strobridge
James E. Tunstall
Douglas L. Turk
Jeffrey R. Vail
Richard W. Weigand
William W. Whitson, Jr.
Robert M. Wilkins
Scott G. Woolman
Michael A. Zustra

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Clarence E. McKnight, Jr., [redacted], U.S. Army.

Executive nomination received by the Senate after the adjournment of the Senate on March 10, 1987, under authority of the order of the Senate of February 3, 1987:

SMALL BUSINESS ADMINISTRATION

James Abdnor, of South Dakota, to be Administrator of the Small Business Administration, vice James C. Sanders, resigned.

HOUSE OF REPRESENTATIVES—*Tuesday, March 10, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Instill in us, O God, a sense of awe and the wonder of the life You have given. May not our learned discoveries of the nature of our world dim our appreciation of the magnitude of the glory of creation all around us. May we be good stewards, O God, of the bounty of this life and ever seek to honor and praise You for Your marvelous gifts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE EDWARD ZORINSKY, A SENATOR FROM THE STATE OF NEBRASKA

Mrs. SMITH of Nebraska. Mr. Speaker, I offer a privileged resolution (H. Res. 115) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 115

Resolved, That the House has heard with profound sorrow of the death of the Honorable Edward Zorinsky, a Senator from the State of Nebraska.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The SPEAKER. The gentlewoman from Nebraska [Mrs. SMITH] is recognized for 1 hour.

Mrs. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, our entire delegation has just returned from Omaha, where we shared our sorrow with 1,100 other sad Nebraskans at the Bethel Synagogue as we laid Senator ZORINSKY to rest.

Senator ZORINSKY was spoken of as a man gentle but tough, as a man frugal but generous, as a man loved by everyone who knew him, as an outstanding son, husband, and father, and as a great, courageous, devoted servant of the American people.

Part of his life he spent as a Democrat politically, part of his life he spent as a Republican. He was once asked in his heart was he a Democrat or a Republican, and he said, "Well, I've always been trying to figure that out."

He certainly was a broadly loved citizen and an outstanding public servant in every way, and we in Nebraska mourn his passing, as I am sure every Member of this House does.

The SPEAKER. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. SMITH of Nebraska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution just agreed to.

The SPEAKER. Is there objection to the request of the gentlewoman from Nebraska?

There was no objection.

CONTRA AID

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, this week we will be considering a proposal to postpone $40 million in Contra aid until a full accounting is made of the funds that they have received in the past.

There is little doubt that there is disagreement on the policy that we ought to follow in Central America.

There is no doubt, however, and I would venture to say no dispute, that this Congress ought not to allocate money to unknown sources, for unknown purposes, for unknown results.

Mr. Speaker, it is reported that some $80 million has been raised through various sources, including $17 million of the $27 million in humanitarian aid appropriated by Congress. That $80 million cannot be accounted for.

The moratorium that we consider tomorrow will simply say what the American people clearly expect and demand: Let's know where the money is going. Is it for democracy for the many, or profit for the few?

Will it advance the cause of freedom, or fatten the bank accounts of arms dealers and profiteers?

Surely the Congress, Mr. Speaker, should demand answers before pursuing further this blind trust that may be bankrupt.

INTRODUCTION OF AIRCRAFT COLLISION AVOIDANCE ACT OF 1987

(Mr. PACKARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PACKARD. Mr. Speaker, today I am introducing a bill called the Aircraft Collision Avoidance Act of 1987. It will go far toward ensuring the safety of this Nation's air travelers. The bill has the potential to substantially reduce the kinds of collisions such as the one that occurred over the skies of Cerritos, CA, last year which not only claimed 82 lives, but also destroyed a neighborhood.

OPPOSITION TO REAGAN'S CENTRAL AMERICAN POLICY

(Mr. BRENNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRENNAN. Mr. Speaker, last Saturday, I held town meetings where strong opposition was expressed to our military actions in Central America.

Maine citizens were very concerned about the use of the National Guard in Honduras.

Citizen after citizen urged me to work for a peaceful resolution of the conflict—questioning what we were doing, again involved in a war in another country—a war that does not have the support of the American people.

There was clear, and indeed emotional, opposition by these Maine citizens to using their tax dollars to provide the bombs and bullets to make war in Nicaragua.

The questions being asked were: Who assigned to the United States the right to try to overthrow any government which we disagree with? What are our moral underpinnings for the proxy war that we are conducting against the Nicaraguan Government?

The message at these meetings was clear and strong—the time has come to stop supporting the military overthrow of the Nicaraguan Government.

The time has come to work for a peaceful resolution of the war in Central America.

The time has come to respect the sovereignty and the dignity of little countries in Central America.

INTRODUCTION OF LEGISLATION GRANTING CITIZENSHIP TO DAN IUGA

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, I rise today to bring to your attention a piece of legislation which I am introducing which would allow Dan Iuga, the coach of the U.S. Olympic pistol team, to remain in the United States with his wife and two daughters.

Mr. Iuga is a resident alien who defected from Romania to West Germany and then immigrated legally to the United States in 1983. For the past 3 years he has traveled the world with our Olympic team. Unfortunately, as we move toward the Olympics, there are more and more of these competitions which are held behind the Iron Curtain, and there is a danger that Mr. Iuga may be retained there and not allowed to return to the United States.

He has satisfied all requirements for citizenship, except that he has only been here 3 years. What this bill does is ask that we waive those final 2 years so that he can go ahead and complete the citizenship.

I believe that it is time to show a commitment to our Olympic team by making it possible for Iuga to become an American citizen, and so making it possible for him to travel with the team with the assurance that he will be allowed to return.

This particular private bill is of interest to me because the Olympic Training Center is in my district. But it is also I think unique in terms of private bills in that it is important to the Nation as a whole. We are interested in bringing home the gold. It gives us a true sense of patriotism and national pride. I ask Members to join with me in assisting our Olympic dreams.

SUPPORT A MORATORIUM ON FURTHER AID TO CONTRAS

(Mr. LEVINE of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVINE of California. Mr. Speaker, tomorrow we have a chance to cast a vote for fiscal and foreign policy responsibility by imposing a moratorium on continued funding of the Contras.

The Contra aid program has become a fiscal black hole into which tens of millions of dollars of taxpayers' money has disappeared.

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The case for a moratorium is compelling. The Contras received money diverted from the profits of the administration's arms sales to Iran; over half of the so-called humanitarian aid approved by Congress remains unaccounted for, and White House officials were actively involved in procuring funding for the Contras during a period when direct or indirect Government assistance was forbidden by law.

It would be irresponsible for Congress to approve any additional funding for the Contras until we know where the money we have approved went, where other moneys came from, and the extent of the illegal actions of some in this administration.

I urge my colleagues on both sides of the aisle to join tomorrow in supporting a moratorium on any further aid to the Contras.

IT'S TIME TO LIFT THE HOMEWORK BAN

(Mr. LIGHTFOOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIGHTFOOT. Mr. Speaker, I rise today to urge my colleagues to join me in supporting a person's right to work at home if he or she so chooses. Under current Department of Labor regulations, a person can be employed at home as a computer operator or as a seamstress for men's apparel, but that same person cannot sew women's apparel or work in five other restricted industries. These regulations are rooted 40 years in the past, but it's time we examined these concerns in the context of the present and the future.

Legislation that I introduced last week would lift the prohibitions on home labor while preserving the labor protections under the Fair Labor Standards Act, such as minimum wage and overtime wage requirements. It would give workers the freedom to choose where they wanted to work—either at home or in an office or factory.

In rural areas, such as the district I represent, workers would greatly benefit from this legislation. Since the downturn in the farm economy, jobs in rural America have been scarce. Successful cottage industries have been established in rural Iowa, and many of them would like to expand to employ homeworkers. However, they are prohibited because of the current ban on homework. This ban is limiting job opportunities for rural workers. It is also denying workers the option of earning a living at home without having to finance work-related costs, such as transportation, clothing, and child care.

I commend the Department of Labor for seeking to lift the restrictions on homework through the regulatory process. However, I firmly believe that legislation is needed in order to make sure that workers are given the freedom to work in their homes. Therefore, I hope my colleagues will join me in supporting this legislation.

WHERE DID ALL THE MONEY GO?

(Mr. PANETTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PANETTA. Mr. Speaker, anyone who questions whether this House should put a moratorium on aid to the Contras should take a look at appendix C of the Tower Commission report. In a mere 14 pages, the commission presents, in graphic detail, the history of the illegalities and abuses in this program.

The report describes outright lies to the Congress about NSC involvement in Contra aid fundraising. It establishes that North and others engaged in deliberate coverups of their covert activities. It reveals that NSC staff threatened heads of state, to advance their cause. It illustrates the vast network of paper corporations and secret bank accounts which were used to funnel money to the Contras.

This resolution would impose a moratorium on aid until we know where the money has gone. If we add together the $27 million in humanitarian aid, the arms deal money and the funds from the Sultan of Brunei and the Saudi royal family and others, there is more than $100 million which is unaccounted for.

Just as we would with any domestic program with this kind of mismanagement and abuse, we must find out what has been going on before we throw good money after bad.

To paraphrase one of the participants in this scandal—now that the bank president knows that the bank teller has been stealing, he ought to take a good look at the books. That, Mr. Speaker, is all that this resolution asks for.

NUCLEAR WASTE REPOSITORY

(Mrs. VUCANOVICH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. VUCANOVICH. Mr. Speaker, since Secretary Herrington announced the Department of Energy's intention to proceed with the second nuclear waste repository program, there has been a flurry of activity by eastern legislators insisting that no repository ever be located in the East.

Being a representative whose district has been named as one of the three finalist sites to house the first high level nuclear waste repository, I know how disheartening the news can be. I am not at all pleased knowing that Yucca Mountain may be filled with high level nuclear waste.

However, I am pleased with DOE's announcement. The Nuclear Waste Policy Act is very explicit about the fact that there should be two repositories—one in the East and one in the West. Over 80 percent of the waste produced is done so in the East and I believe there should be some responsibility for storage borne by the Eastern States.

My main concern with the nuclear waste program is that safety be the dominant factor when developing the criteria to determine the best location. I believe we, as legislators, have a responsibility to the people of this country to insist that any high level nuclear waste repository be located in the safest place.

I know there are those of you out there who feel that since Yucca Mountain is near the Nevada test site, has vast expanses of land, and is not near extremely populated areas, that it should automatically be the site of the repository. That reasoning is based on visual observations, and not on sound technical criteria.

I urge this body to be more responsible during consideration of the nuclear waste program. This may be one of the most important decisions we will make as legislators.

MORATORIUM ON CONTRA AID

(Mr. BUSTAMANTE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BUSTAMANTE. Mr. Speaker, we have a vote coming up tomorrow on the release of the remaining $40 million in aid for the Contras. I know that there will be emotional debate on the issue—and I would imagine that some Members may frame the issue in a partisan light. We should avoid that.

As one Member who supported the appropriation of $100 million last year, I will this time support a moratorium on the portion which has yet to be sent. How in good conscience can we blindly send these funds when we have no accountability for what has already been spent?

There are so many free agents involved in the execution of this policy, so many covert actors wandering around Central America with cash in their pockets and weapons for cargo, that we have completely lost sight of our objectives. I would only add that no policy is going to work in Central America if we do not reappropriate the $300 million in economic assistance that we failed to deliver at the end of the last fiscal year.

Six months from now, after we have found out where the money went and who received it, I may again support some form of military assistance. But I certainly cannot do so now. I urge Members to support the moratorium and to fence these funds.

KEEPING HISTORY ALIVE: THE NORTHWEST ORDINANCE ANNIVERSARY

(Mr. MILLER of Ohio asked and was given permission to address the House for 1 minute.)

Mr. MILLER of Ohio. Mr. Speaker, it is with a great deal of personal pride and particular pleasure that I introduce a resolution today providing appropriate recognition for one of the most important documents ever approved by Congress: the Northwest Ordinance of 1787.

While my measure is not nearly as significant as the ordinance itself, it nevertheless draws fitting congressional attention to a document that was praised by Daniel Webster and was referred to by Abraham Lincoln as the guide by which territories were settled into States during the growth of this great Nation. The Northwest Ordinance led to the establishment of the States of Ohio, Illinois, Indiana, Michigan, Wisconsin, and the eastern portion of Minnesota.

On this occasion, and with this resolution which commemorates the 200th anniversary of the ordinance, I am gratified to have the support of more than 130 House Members who are original cosponsors of this measure. To them, I extend my personal appreciation for joining me in keeping history alive. To those who have not yet signed on, permit me to encourage you to become a pioneer in this bicentennial year and make certain that the history made by Congress in 1787 is well remembered in 1987.

MORATORIUM ON CONTRA AID

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, I urge our colleagues to support a moratorium on continued aid to the Nicaraguan counterrevolutionaries. Aid to the Contras has never made sense. Now more than ever, the Congress has a responsibility to bring some sanity to this crazy scheme.

Just about the only thing we know for sure in the entire Iran/Contra scandal is that no one knows who got our Contra aid in the past or for what it was used. The funds we appropriated just drained down paths we cannot follow or identify.

It takes no great intelligence to understand that if you have already lost $60 million on an ill-conceived project, throwing an extra $40 million in a vaguely southern direction will not help.

Let's halt the flow of funds down this murky rathole. Let's bring sanity to this Contra madness, now before it is too late.

□ 1220

IT IS EASY TO HAVE MORE TRADE BENEFITS

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, Alice was offered more tea by the March Hare at his mad tea party. "I have had no tea yet", Alice replied in an offended tone, "So I can't have more." The March Hare objected: "You mean you can't have less. It is very easy to have more than nothing, you know."

The finance ministers and central bankers of the world's six leading trading nations pontificated in Paris recently that the dollar has fallen "just about the right amount." They conveniently ignored the fact that the imbalance of world trade is worse today than it was in 1985, when they put the dollar on skid row.

Instead of congratulating themselves for accomplishing nothing, these gentlemen should fill the gaps in their education while reading the book "The Theory of Money and Credit" by Ludwig von Mises, where it is observed:

> The so-called beneficial effects on trade of a depreciating currency lasts so long as depreciation has not affected all commodities and services. Once the adjustment is completed, the so-called beneficial effects disappear. If it is desired to maintain them permanently, continual resort must be had to fresh debasement. Only progressive depreciation of the value of money could permanently achieve the aims which the currency debasers have in view.

As the March Hare pointed out to Alice in Wonderland, it is very easy to have more trade benefits from a depreciating currency.

TIME TO RECONSIDER U.S. SUPPORT FOR THE CONTRAS

(Mr. KOLTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLTER. Mr. Speaker, yesterday, one of the leading representatives of the Contras, Mr. Arturo Cruz who was the director of the United Nicaragua Opposition, known as UNO, resigned from the leadership of the Contras. He cited the fact, that these so-called democratic resistance leaders, were unwilling to submit to civilian direction, and were more interested in a more purely, military, organization, without civilian democratic control.

This development is enough to convince even those of my colleagues who support U.S. aid to the Contras, that they should reconsider whether or not, this particular Contra organization is worthy of that support.

The statements of Mr. Cruz seem to indicate that even if the Contras were successful in defeating the Sandinistas, they might not institute the type of democratic reforms, that would bring a lasting stability to Nicaragua, and prevent any further deterioration, of American interests, in that region.

I recall that many of these Contras were once also Sandinistas. I also recall that this country once supported a Latin American rebel leader, who later turned out to be an anti-American and a Communist, Fidel Castro. It seems quite possible that we could be jumping from the frying pan into the fire, if we continue to aid a movement, whose own leaders, believe, is not democratic.

Whether you agree with the President's policy or not, is seems clear, that its implementation, in this case, is fatally flawed.

ABANDONING THE FREEDOM FIGHTERS: A PRO-SOVIET POLICY

(Mr. WALKER asked and was given permission to address the House for 1 minute.)

Mr. WALKER. Mr. Speaker, is there no length to which this House will not go to break the law, to evade the law, to ignore the law, and to make a mockery of the law?

We are supposed to be a body of lawmakers. We have become a body of lawbreakers. Last week, the majority in this House specifically voted that laws may be broken in the pursuit of goals established by this House. This week, tomorrow in fact, we will consider a rule that negates provisions of law. We are used to this House consistently waiving our own rules, waiving the Budget Act; but now it is going to be other laws as well.

Let us understand why we are trampling the law this time. This time, it is in pursuit of what is in effect a pro-Soviet policy, a resolution to abandon the democratic resistance, the freedom fighters in Nicaragua. Those freedom fighters are the people struggling against that nation's Communist government.

In so doing, we in this House will move a big step toward helping the Soviets to establish a new base of operations in this hemisphere. Let us understand that the resolution we are taking up tomorrow, this resolution, says nothing about Americans who are going down and helping the Communist government down there; it says nothing about the funds that they are expending; it says nothing about the Members of this body who are lending aid and comfort to the Communist Sandinista government; it says nothing about looking into them: It says only that we go after the people who are the democratic resistance, fighting the Communist government in that country.

Mr. Speaker, we are not only pushing the rule of law aside, now we are doing so in ways that threaten our own security.

TIME TO THINK OF AMERICANS FIRST

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, today LTV retirees are in Washington, DC, to lobby the Members of Congress. They are asking for legislation to protect once and for all their health, medical, and life insurance benefits; and also their $400 supplemental income.

Included in this group is a woman from my district, Mrs. Lipka, whose husband committed suicide over the loss of these payments. What a sad day, very sad day, when this Congress last year could send $17 billion overseas and we failed to protect our seniors. When tomorrow we will consider $340 million going to Central America and our seniors are going door to door, asking us to protect benefits that they worked for their whole lives.

We can send money to Contras, and we turn our backs on our own people. It is a very sad day, and we should be ashamed of ourselves.

Finally, I think it is time that we stop worrying about all the nooks and crannies in the world and everybody's little problems and start taking care of America first. Maybe we should start with these retirees; they shouldn't be going door to door asking for something they earned by working all their lives. Think about that.

THE LATE SENATOR ED ZORINSKY

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks, and include extraneous matter.)

Mr. DAUB. Mr. Speaker, last Friday night, the passing of the distinguished senior Senator from Nebraska, EDWARD ZORINSKY occurred. Most people have heard by now, just after performing a characteristic humorous skit for our press club ball, ED ZORINSKY was struck by a heart attack and slipped away.

It is instructive of his life that ED ZORINSKY's passing came after an entertainment skit. Anybody familiar with ED ZORINSKY knew that he was always eager to please, always eager to entertain, and to make people laugh. His wit and good humor were widely known and he was always ready to turn a phrase, often at his own expense.

The outpouring of grief and sympathy last weekend said much about this man. It seemed that nearly everyone I spoke to had an antidote or a personal experience about the Senator to relate to.

Mr. Speaker, ED ZORINSKY was an easy-going, good-humored personality. He was frugal, he was fiercely independent, and he seemed forever optimistic, with a strong faith in our future. I think these attributes are the reasons why folks in my State had so much affection for this man.

He embodied what is in the hearts and minds of Nebraskans. Shakespeare once wrote, and I quote: "Tis strange that death should sing." I think that he meant that the phrase, a passing away of a person is a time for reflection on his life; and the life of ED ZORINSKY sings clear and melodic about his love of people and the joy he found in service to them.

I join with my colleagues from Nebraska in paying tribute to the man and extending our sympathies to his wife and family at this time.

EXPRESSING SORROW AT THE PASSING OF SENATOR ZORINSKY

(Mr. BEREUTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEREUTER. Mr. Speaker, my wife and I join my colleagues and their families and all Nebraskans in expressing our sorrow at the passing of the senior Senator from the State of Nebraska, EDWARD ZORINSKY, and we offer our sincere condolences to Mrs. Zorinsky and their family.

ED ZORINSKY was a very ingenious and a very conscientious public servant for our State. He served in a very able manner as mayor of the city of Omaha, and here for the Nation in the U.S. Senate. He served Omaha, NE, and the Nation very well.

In the more than 8 years that I knew our senior Senator, ED ZORINSKY, I never heard an unpleasant word from him, and I respected him very, very greatly as a person. We have every reason to take pride in ED's many contributions to our State and to the Nation and for his very devoted and effective service.

□ 1230

We offer our sincere condolences to Mrs. Zorinsky and the family and express that on behalf of our entire State.

LET US GIVE THE MORATORIUM A CHANCE TO WORK

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, the Contra aid moratorium has three positive purposes. First, it sends a signal to the President that we need a new policy in Central America. The deck of cards is about to fall apart and the American people do not support our present policy. Second, it buys time for the peace process to work. President Arias of Costa Rica has a peace plan that is as tough on the Sandinistas as it is on the Contras. It is tough on the United States and it is tough on Cuba and the Soviet Union. Let us give it a chance to work.

Third, it allows us to find out where millions of Contra aid funds have gone, diverted, appropriated, or whatever. The American taxpayer has been ripped off and we need to find out where that money went. The departure of Arturo Cruz as a Contra leader finally should answer the question as to whether the Contras are able to get their act together. The answer is "no."

The last ounce of political credibility is now gone. The Contras lack a concerted political message that will appeal to disaffected Nicaraguans. They have no effective military strategy and they have shown little progress in that area.

Support the Contra aid moratorium; it will buy time for peace.

MORATORIUM BILL IS LEGISLATIVE TRAVESTY

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, this morning the Rules Committee met to decide a rule for House Joint Resolution 175.

That bill is known as a moratorium bill, denying already pledged funds to the democratic resistance of Nicaragua until certain conditions are met.

The only moratorium the bill reflects is a moratorium in respect for the procedures of the House and for the laws we pass here.

The joint resolution was just printed last night. There will be no committee hearings, no report to accompany this proposal, no opportunity for minority views, and the minimum 3-day layover requirement is also to be ignored.

This process cannot be condoned. It is nothing more than a cynical effort to deny the House the right guaranteed by law, to vote up or down on the question of the release of the final $40 million.

This legislative travesty is no substitute for policy. The policy that underlines this subversion of law is as thin as the report to accompany this measure.

Those favoring the moratorium talk about accountability. But they dare not talk about responsibility because they are acting irresponsibly.

History will record that when Nicaragua cried out for freedom, the Democratic leadership in the House offered them bookkeeping techniques.

History keeps its own accounts. And those who will take away from Nicaraguans the funds they need to fight for their country's freedom will face an accounting some day—and it may come sooner than you think.

CONTRA ATROCITIES CONTINUE

(Mr. BONIOR of Michigan asked and was given permission to address the House for 1 minute.)

Mr. BONIOR of Michigan. Mr. Speaker, in December in the small Nicaraguan farming village of El Nispero, six civilians were killed in a Contra attack. In separate interviews, observers gave nearly identical accounts of what happened—a 9-month-old infant was bayoneted to death—two elderly women were executed lying on the bare dirt floor of their home—a pregnant woman was shot in the stomach.

The atrocities of war are at times inconceivable, innocent victims often face senseless, painful death.

But these deaths weigh particularly heavy on the American people. Why? Because they were financed by U.S. tax dollars.

The Contras continue their brutal human rights abuses. As a result, they lack the support of the Nicaraguan people.

The Contras refuse to reform their internal decisionmaking structure. As a result, Arturo Cruz has quit.

The Contras remain a corrupt fighting force with no hope of success. As a result, their U.S. support will end.

"GLASNOST": LET'S WAIT AND SEE

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, last week I visited the Soviet Embassy to make humanitarian appeals regarding several Soviet political prisoners. In complete contrast to my last allowed visit 3 years ago, I was received courteously, listened to and responded to on a civil and relevant level and promised that my appeals would be directed to the proper authorities.

Symbolically, even the Embassy gate unlocked as I approached it without the usual harsh questioning by intercom.

If this is "Glasnost," I'm encouraged. Recognizing the enormous hardline forces in the Soviet Union, we must applaud Mr. Gorbachev for his new policy.

But before we become too ecstatic, let's see if the policy is more than just words and public relations.

Natan Shcharansky, Andre Sakharov, Joseph Begun, and others recently released are refusenik and prisoner-of-conscience celebrities and thus, good media bites for the Soviets. Though thankful, we must remain skeptical.

Let's watch the overall emigration level. Let's watch the treatment of minorities within the Soviet Union. Let's watch what actions are taken regarding our humanitarian and human rights appeals.

Let's wait and see and pray, Mr. Speaker.

THE MORATORIUM WILL INSURE THE INTEGRITY OF HOW WE MAKE LAWS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, I rise in strong support of a Contra aid moratorium.

I oppose the administration's policy toward Nicaragua, but a more fundamental issue is at stake. If the Congress cannot credit the testimony of executive branch officials on which it normally makes its judgments concerning issues such as Contra aid, then it cannot exercise its constitutional responsibilities.

Today, we are faced with a suggestion that executive branch officials, knowing full well that the Contras were receiving substantial amounts of assistance during the years in which Congress denied U.S. assistance, nonetheless, made, or condoned the making of, factual statements to this House and its committees that the Contras were broke and facing dissolution.

As a matter of fact, they remained a viable military force. They were receiving significant amounts of arms and other assistance. As much as $50 million may have been provided in one form or another. Further, all of this was being directed from the White House.

Mr. Speaker, in my view, a moratorium is as much an attempt to ensure the integrity of how we make laws as it is a vote on further Contra aid.

PAINTERS LOCAL NO. 1, INTERNATIONAL BROTHERHOOD OF PAINTERS & ALLIED TRADES, AFL-CIO, TO CELEBRATE 100TH ANNIVERSARY IN BALTIMORE, MD

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, 100 years ago, on March 15, 1887, 15 painters local unions from around the country met in Baltimore, MD, to found the Brotherhood of Painters, Decorators & Paperhangers of America.

Under the leadership of John T. Elliot, a Baltimore union leader, the newly formed brotherhood issued charters to the 15 local unions represented and Painters Local No. 1 in Baltimore received its charter the same day the brotherhood was founded.

As a Marylander, I am proud to report that the 100th anniversary of this historic day for the American labor movement—both nationally and in my own State of Maryland—will be celebrated this March 15, 1987, in Maryland exactly 100 years after the original event occurred there.

Although this union's total organization consisted of only 15 local painters unions when the brotherhood was founded at the Baltimore meeting a century ago, the organization grew rapidly. Just 1 year later the number of local unions had climbed to 111, and the membership roster had swelled to 7,000 when the fledgling brotherhood held its first general convention—and once again, the city of Baltimore was the host city.

Today, the brotherhood has 180,000 members and 749 local unions, and represents such a variety of work jurisdictions that at the 1969 convention, the brotherhood appropriately changed its name to the International Brotherhood of Painters & Allied Trades, AFL-CIO. It is governed by a general executive board, composed of general president William A. Duval, general secretary-treasurer A.L. "Mike" Monroe and eight district general vice presidents. General conventions for the election of officers are held every 5 years.

The seven apprenticeable crafts within the brotherhood include painting, paperhanging, drywall finishing, architectural coating finisher, glazing, carpet and linoleum laying, and sign painting with 10,000 apprentices enrolled in these craft programs. The brotherhood is affiliated with the AFL-CIO, the Canadian Federation of Labor, the AFL-CIO's Building and Construction Trades Department, Maritime Trades Department, Metal Trades Department, Union Label Service Trades Department, and the Public Employee Department.

The city of Baltimore is honored to have been selected as the host city for the 100th anniversary celebration of this historic chartering of Painters Local Union No. 1 of the Brotherhood of Painters, Decorators & Paperhangers of America.

I look forward to joining the members of Painters Local No. 1—as well as all the national officers of the International Brotherhood of Painters & Allied Trades, AFL-CIO—when they meet in Maryland March 15 to celebrate their 100th anniversary.

It is fitting and appropriate that this anniversary celebration be held in Baltimore, because that is where it all started.

WE ARE VOTING TO RESTORE ACCOUNTABILITY AND CREDIBILITY OF OUR GOVERNMENT

(Mr. CARDIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARDIN. Mr. Speaker, tomorrow this House will have the opportunity to vote to delay the payment of the last $40 million of aid to the Nicaraguan Contras. Regardless of whether the payment is ultimately made or not, the message of tomorrow's vote must be loud and clear: We are voting on more than the U.S. policy in Central America.

In voting for the resolution we are voting to restore accountability and credibility to America's foreign policy and to our Government.

The people of my district demand to know how their money is being spent. They want to know how much money has been made available to the Contras, how it has been spent and where we will be sending the rest of these funds; certainly not to Mr. Colero and certainly not to Mr. Cruz.

Mr. Speaker, we do not know to whom we will be sending our checks. The so-called civilian leadership of the Contras, the umbrella group which was critical to Congress' approval of the Contra aid, is no longer present in Nicaragua. The umbrella is leaking and we should not be pouring any more funds over that umbrella.

A vote to defer any further aid to the Contras is a vote to keep faith with our people.

□ 1240

MORATORIUM ON FURTHER AID TO THE CONTRAS

(Mr. BRYANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRYANT. Mr. Speaker, if there is any aspect of our national policy toward Nicaragua with which all Americans agree, it is that we should not be sending millions of dollars to Nicaragua or to any country without knowing where it goes, who gets it, and how it is used.

The Reagan administration cannot give us this information about the millions we have already sent to the Nicaraguan Contras and it is, therefore, inconceivable that this same administration could ask Congress to permit the remaining $40 million to be sent to the Contras now.

I challenge Members to argue that the American people would approve of sending their tax dollars abroad without even a pretense of accountability. Clearly, they would not.

I would point out in response to the statements made by the leadership of the other side a moment ago, that without accountability, there is no responsibility and the administration that is responsible in this case is unable to be accountable.

I strongly urge the passage of the proposed moratorium on the delivery of the remaining $40 million to the Nicaraguan Contras.

GREAT SMOKY MOUNTAINS WILDERNESS ACT OF 1987

(Mr. CLARKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE. Mr. Speaker, with several colleagues I am introducing today the Great Smoky Mountains Wilderness Act of 1987. This bill designates 467,000 acres of the Great Smoky Mountains National Park as wilderness, providing increased protection for one of the treasures in our National Park System. It also fulfills the Federal Government's financial obligation to Swain County, NC.

The Great Smoky Mountains National Park is recognized as an irreplaceable preserve because of the wide variety of plants and animals it contains. It is the most visited of all our national parks.

The bill will settle a longstanding dispute between Swain County and the Department of the Interior. In a 1943 agreement between the Federal Government, the TVA, the State of North Carolina, and Swain County, the Department of the Interior was to construct a 34-mile road through the park to replace one flooded by a TVA lake. Only a small part of the road was ever built.

To resolve this controversy, the National Park Service and the Swain County commissioners negotiated a compromise in 1980. My bill provides Swain County the $9.5 million settlement agreed to in the compromise. It also waives the indebtedness of the county to the Farmers' Home Administration for the construction of Swain High School.

This legislation guarantees continued transportation to cemeteries located in the park. Many families depend on this to visit the graves of their ancestors.

I urge support for this legislation which will ensure the protection of the Great Smoky Mountains National Park and satisfy the legitimate claims of Swain County against the Federal Government.

MORATORIUM ON FURTHER AID TO THE CONTRAS

(Mr. WEISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEISS. Mr. Speaker, the simple truth, that a band of ex-Somoza officers could not bring democracy to Nicaragua, has finally come home, even to Arturo Cruz, the head of the civilian directorate of the Contras, until he resigned yesterday.

He found that he could not influence their terroristic behavior.

Just about everyone has gotten that message by now, except President Reagan. He has just asked for $40 million as the final payment of the $100 million voted by Congress last year for the Contras. But it is certain that Congress would not have voted that, or perhaps any amount, if it had been known that as much as $50 million or more may have been illegally diverted to the Contras.

Diverted. That is a nice word for stolen. By voting for the moratorium tomorrow, this House will send the clear message. No more money, legal or illegal, for Contra terror.

THE CONTRA OBSESSION HAS DISGRACED OUR NATION

(Mr. DURBIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DURBIN. Mr. Speaker, the Reagan administration's obsession with overthrowing the Sandinista government of Nicaragua by military force has driven it to shameful and illegal excesses.

The administration speaks solemnly of its commitment to international justice in Nicaragua while it pursues a covert war, which has been condemned as illegal by the World Court. The administration declares allegiance to democracy in Central America, but we have seen democratic principles and the rule of law violated by pro-Contras in our own White House.

Despite impassioned rhetoric about accountability, budget balancing and the ending of waste, this administration refuses to provide the American people with any accurate accounting of the millions of U.S. tax dollars we have thrown at the Contra rebels.

This President, and his budget officers, hold our schoolchildren, elderly and poor, to the highest standards of accountability, while we send walking money to the Contra chieftains with no strings attached.

This administration and the well-fed revolutionaries who encourage it, have allowed this Contra obsession to disgrace our Nation. The only way to close this shameful chapter in our Nation's history is to bring the excesses and abuses of the Contras to the full view of the American people.

CONGRESS SHOULD JUST SAY NO TO THE CONTRAS

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, every time I have stood in the well of this House to state my opposition to Contra aid, I have felt that democracy was at work, that the law was the law. Well, the Tower report shows us that we wasted our breath because there was a secret government all along, overturning the laws of our land.

The President has told us, in a very emotional address, that he wants to be held accountable. Here is his chance. He can join us in this moratorium. We still know nothing about the diversion of funds to the Contras.

As the gentleman from New York [Mr. WEISS] has pointed out, we have a nice way of saying things around here. Diversion of funds; a nice way to say stealing. Diversion of funds; a nice way to say fiscal chaos. Diversion of funds could even mean corruption.

This Congress should just say no and invite the President to join with us.

POLYGRAPH REFORM ACT OF 1987

(Mr. DARDEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DARDEN. Mr. Speaker, I rise today with the gentleman from Florida [Mr. YOUNG] to introduce and support the Polygraph Reform Act of 1987. This measure offers protection for consumers and employees through rigorous, but fair regulation of polygraph use in the private sector.

Legislation is needed that will curb the potential for polygraph abuse. But we also have heard testimony from employers and others in the private sector who have presented equally convincing evidence of their need to continue to use the polygraph. These employers have public responsibilities to protect lives and property that are entrusted to them, and the polygraph has been demonstrated to be effective in helping them guard that trust.

I hope to work with my colleagues to develop a reasoned and fair legislative solution, one that recognizes the legitimate needs of the private sector to continue to use the polygraph while setting strict guidelines to assure that the polygraph is used responsibly. The Polygraph Reform Act of 1987 accomplishes both goals, and I urge its passage.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1272

Mr. WHITTAKER. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1272.

The SPEAKER pro tempore (Mr. HOYER). Is there objection to the request of the gentleman from Kansas?

There was no objection.

LET US END WASTE, FRAUD, ABUSE, AND DECEPTION ON CONTRA AID

(Mr. MOODY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOODY. Mr. Speaker, the administration's secret Contra aid network is a gross example of waste, fraud, and abuse by Government. Taxpayers' money has been wasted, the American public has been deliberately misled, and our democratic principles have been abused. Near the Oval Office, the NSC staff has been running roughshod over American trust and law and order.

Congress has the duty and the ability to get things back on course and to put a hold on further Contra aid until we have a full accounting of the money already released. Let us consider all the funds the administration cannot account for. First, there is the $27 million in humanitarian assistance which was approved in 1985. Second, there is the money diverted from the Iranian arms sales. Then there is the money solicited from private individuals and governments. Yet the Reagan administration is asking us to funnel another $40 million of American money into this financial and immoral black hole. I think it is time that we "just say no," to use the President's own phrase.

The American people want honest and accountable government in foreign policy, and they deserve it. Let us start restoring their confidence by taking the time to get the facts straight. After we do that, I am confident that we will vote "no" on further waste, fraud, and abuse of taxpayers' money in Central America.

MORE AID MEANS MORE ACCOUNTING

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, in these days of giving away $59,000 in playing cards on the Vice-Presidential jet, it probably is asking too much for a simple accounting of the millions of dollars that this Government and others have sent to the Contras. After all, why should the taxpayers be concerned?

Simply because one-half of the $27 million appropriated in 1985 is still unaccounted for? Or that $20 million that came from Iran has never been accounted for even though United States law requires that all profits from arms sales, even those that violate existing United States policy in trading with terrorists, belong to the United States Government.

Now this administration seeks another $40 million before accounting for the previous millions. American nonprofit groups account for their funds, shouldn't it be the same for one of the greatest fundraising drives of all times; involving the United States taxpayer, illegal arms sales, the Sultan of Brunei, the Saudi Arabian royal family, Israel and a complicated web of American donors. The only thing we haven't seen is a Contra telethon.

It's time for a simple accounting, Mr. Speaker. Until it happens, Congress shouldn't open the taxpayers' check book until the administration opens its Contra ledger books.

CONTRA FUNDS MORATORIUM

(Mr. DYMALLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DYMALLY. Mr. Speaker, I rise to voice my support of the proposed moratorium on the remaining $40 million to the Contras and to reiterate my opposition to this ill-conceived policy.

A moratorium is perhaps the most practical approach our country should undertake at this point. As is the case in any process, when unanswered questions arise that represent serious implications for that process, it is wisest to proceed with extreme caution while attempting to find the answers to these questions. We cannot escape the fact the diversion allegations have placed serious questions on the current policy. If we are to be honest in our decisions and to our constituents, we need to "get to the bottom of this." Toward that end, it is wisest to place a moratorium on the balance of the appropriated aid while the investigating panels attempt to unravel this mess, and provide us with proper guidance in our decisionmaking relative to the **Contra forces.**

Mr. Speaker, the moratorium will also be a wise approach for it gives time to the Contadora process and the Costa Rican plan. These efforts are clear indications that the governments of the Central American region sincerely wish for a peaceful settlement which excludes an arms intervention from external forces. Let me also add that the Sandinista government has indicated her willingness to consider the Costa Rican plan.

Finally, Mr. Speaker, I would like to go home for Easter and explain to my constituents that we in Congress are serious about finding the truth behind this embarrassing scandal. I have received large volumes of mail urging me to push for a reassessing of our entire Central America policy. A moratorium, it seems to me, is a perfect compromise. It will allow us to take a good look at the policy, and use the findings of the various investigations to our advantage. I would hate to go home and have to answer questions on the wisdom of sending more money to the Contras while we have not been able to answer questions that have embarrassed our constituents.

IN SUPPORT OF A MORATORIUM ON CONTINUED CONTRA AID

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Mr. Speaker, I am strongly in favor of a moratorium on the remaining $40 million to the Contras until this administration provides Congress with an itemized expenditure of how the original $60 million in aid has already been spent.

Contras brutality is on the rise according to Americas Watch, a human rights organization. Civilians continue to be victims of random attacks and are increasingly subjected to kidnaping attempts. The methods of these so-called freedom fighters clearly violate basic human rights. If this is true, then the United States cannot in good conscience support such efforts.

This administration has violated U.S. foreign policy by covertly continuing to work against efforts to bring peace to the region in spite of congressional bans on direct or indirect military assistance. The Tower report revealed that the administration/Reagan officials continued its covert method of fundraising and continued to provide supplies to the Contras.

There are two questions that need to be answered. First, will this administration persistently violate the law by continuing to provide assistance to the Contras? Second, does providing arms to the Contras help us to establish a judicious and foresighted foundation for foreign policy in Central America?

It is my belief that there must be alternatives, other than military assistance, for the United States to help the people of Nicaragua establish an acceptable form of government. I am aware of the need for a stable/secure Western Hemisphere, free of oppression, but at what expense to human rights should we try to achieve this? Why should we continue to send funds to an organization that refuses to give an accounting of how the funds are being spent; and for all we know are being used to cause human misery and suffering? I hope that the administration will apply the same fervor when addressing our problems of drugs, crime, poverty, and housing.

OPPOSITION VOICED TO FURTHER U.S. AID TO CONTRAS

(Mr. RAHALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RAHALL. Mr. Speaker, I speak today in strong opposition to any further United States aid to the Nicaraguan Contras. This administration's policy of intervention in Nicaragua has been sorely misguided and misdirected. I am appalled at the continuing disclosures in regard to the administration's illegal, ill-advised, and illusive actions in the Iran/Contra arms deal. Yes, let's follow the money trail. Where did the money go that we sent last year? Until we find out the whereabouts of all funds diverted from the arms sales to Iran and the $27 million in "humanitarian aid" diverted from the American taxpayer via appropriations in fiscal year 1986, it would be ludicrous to supply more money to the Contras. I am also gravely concerned about any additional Contra aid, either direct or indirect, that may have been solicited by the United States through third parties or other governments. This is another issue that must be clarified before we in Congress allow the additional $40 million to be released. For these reasons, I strongly support the moratorium on the final Contra aid installment and urge the support of my colleagues.

THE SHOREHAM TRUTH WITNESSES

(Mr. HOCHBRUECKNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOCHBRUECKNER. Mr. Speaker, at this moment, a group of citizens who represent the opinion of 80 percent of the people of New York's First Congressional District are gathered in a hearing room on Long Island to shine the lantern of truth on the proceedings of a Nuclear Regulatory Commission [NRC] hearing. They call themselves the Shoreham Truth Witnesses. Their purpose is to spotlight the fact that it would be impossible to evacuate Long Island in the event of a nuclear catastrophe at the Shoreham nuclear powerplant.

The fact that a densely populated, geographically restricted area such as Long Island could not be evacuated in an emergency is not some unsubstantiated opinion. This determination was reached after exhaustive study by a battery of experts in consultation with Suffolk County. Their judgment was confirmed by officials of the State of New York.

Despite determinations by State and local authorities as to the impossibility of undertaking such an emergency evacuation, the NRC has proceeded to consider a proposed evacuation plan submitted by the utility company responsible for constructing the plant—a company which stands to generate considerable profits, but only if the plant is activated. In essence, the NRC is seriously considering the absurd notion that a utility can singlehandedly accomplish what State and local governments have judged is impossible.

The NRC has already demonstrated a willingness to change its own safety regulations when those regulations do not satisfy the financial interests of the nuclear industries. The citizens to whom I referred are serving as witnesses to the truth of this question—that changing the rules and "hiding your head in the sand" does nothing to make a nuclear powerplant safer.

The Shoreham Truth Witnesses seek to appeal to the conscience of the NRC staff. A lighted lantern will be held during every moment of the hearings by one of the witnesses.

Mr. Speaker, today the glow of that lantern extends its symbolic light to the floor of this House. Let us hope it will eventually serve to illuminate even the members of the Nuclear Regulatory Commission.

EXPRESSION OF SUPPORT FOR CONTRA AID MORATORIUM

(Mr. VENTO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VENTO. Mr. Speaker, today I am joining with my colleagues in rising in opposition to Contra aid and in favor of the moratorium on funds to the Contras.

Mr. Speaker, last week the President addressed us on national television to express his support for the findings of the Tower Commission, and I think that many people feel they would like to put the Iran-Contra issue behind us. I would, too. However, Mr. Speaker, we cannot put behind us that which is not in front of us, that which we do not know. We cannot put things behind us that have not been brought to the light of understanding.

The fact is that a successful moratoria proposal will bring to the light and understanding many of the ramifications and issues and questions that should be answered. We cannot go blindly forward in terms of supporting $40 million or business as usual in terms of support for the Contras.

Many Members have a difficult decision before them because they voted for this in the past year. I hope that this moratoria proposal will help them arrive at a decision that is both fair and equitable.

Finally, Mr. Speaker, I think the President's recommendation disregards the good efforts of Oscar Arrias, the new President of Costa Rica, and the peace initiative he has put forward. On that basis alone, Mr. Speaker, I think the administration's finding is faulted and mocks the facts in certifying that there is no prospect for negotiation. So I would hope that we will take the time and apply the wisdom to judge this matter properly in this Congress on this important issue by successfully voting into law a moratorium for 6 months while we properly learn the facts.

□ 1300

NATIONAL KNOW YOUR CHOLESTEROL WEEK

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the Senate joint resolution (S.J. Res. 65) to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week," and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore (Mr. Hoyer). Is there objection to the request of the gentleman from California?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but simply would like to inform the House that the minority has no objection to the legislation now being considered.

Mr. Speaker, under my reservation of objection, I yield to the gentleman from Nebraska [Mr. Daub].

Mr. DAUB. I thank the gentlewoman for yielding to me.

Mr. Speaker, I want to take this time and thank the gentlewoman from Maryland for her efforts and for my good friend and colleague, the gentleman from California [Mr. Dymally] for bringing this resolution to the floor.

I understand that it was at the request of the leader of the other body that the bill was brought in an expeditious manner, because the originator of this legislation was the senior Senator from Nebraska whom we now all know did pass away in an untimely death last Friday. The Senator originated this legislation and had over 60 cosponsors in the other body.

It was an idea that he had based upon his leadership on this issue of cholesterol and how it affects our lives from a man by the name of Phil Sokolof in Omaha, NE, who had a serious heart condition and was interested in the subject and called it to the Senator's attention and in turn bringing it to that body's attention, passing it and sending it here.

I do appreciate the House's consideration. I hope and trust that it will pass unanimously. I do want to say that, as the former chairman of the Heart Association in my particular area and someone who is also concerned with the farm and agricultural issues of our country, that as a member of the Health Subcommittee on Long-Term Care and now the Health Subcommittee of Ways and Means, the resolution may not be clear enough with respect to what it says or what it may infer about reasonable amounts of red meat in the daily and/or weekly diet. So I do want to indicate for the Record that the link between consumption of red meat and high blood levels of cholesterol is not yet established and that is something I think the resolution speaks to in terms of asking us to be aware and asking that the matter be further considered.

So indeed it is a fitting tribute to the Senator from Nebraska whose leadership we appreciated and whose memory we will cherish. It is a fitting subject for this House in that regard as well to think of his concern for cholesterol and how it affected our blood pressure and our consumption of food in our diet.

I hope that the House will expeditiously pass this matter.

Mrs. MORELLA. Mr. Speaker, further reserving the right to object, I yield to the gentleman from California [Mr. Dymally].

Mr. DYMALLY. Mr. Speaker, because of the importance of this Senate joint resolution, I would like to request that the Clerk read the resolution in full.

The SPEAKER pro tempore. The Clerk will read the Senate joint resoltution.

The Clerk read the Senate joint resolution, as follows:

S.J. Res. 65

Whereas heart attacks struck as estimated one million five hundred and seventy-six thousand Americans in 1986, a third of whom died immediately;

Whereas scientific data indicates that effective measures to lower serum cholesterol may be capable of decreasing occurrences of heart disease;

Whereas only 8 per centum of Americans know their cholesterol level; and

Whereas an estimated two hundred and fifty thousand lives could be saved each year if Americans were tested for and took action to reduce high levels of cholesterol: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of April 5, 1987, through April 11, 1987, is designated as "National Know Your Cholesterol Week"; and the President is authorized and requested to issue a proclamation calling upon the American public to observe such week with appropriate programs and activities.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DYMALLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate is concluded on all motions to suspend the rules.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN ALABAMA

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 626) to provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, AL, and for other purposes, as amended.

The Clerk read as follows:

H.R. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provision of law, the Secretary of the Interior is authorized and directed to convey, without consideration, all right, title, and interest of the United States in those public lands originally granted and conveyed to the State of Alabama by the United States pursuant to the Act of June 3, 1856 (11 Stat. 17), in aid of the Coosa and Chattooga Railroad and subsequently forfeited to the United States pursuant to the Act of September 29, 1890 (26 Stat. 496), to any trustee qualified under the laws of the State of Alabama to do business as a trustee and approved by the Secretary of the Interior. Such trustee shall convey said right, title, and interest in those lands, in such manner as he determines appropriate, to those persons whom he determines to be current owners of record of the balance of the interests in such lands. No costs incurred by the trustee in implementing his responsibilities under this Act shall be borne by the United States.

SEC. 2. All minerals shall be reserved to the United States together with the right to prospect for, mine and remove the same.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona [Mr. UDALL] will be recognized for 20 minutes and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. UDALL].

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 626, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. UDALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring to the floor today H.R. 626, a bill introduced by my friend and colleague Mr. BEVILL to resolve a serious land problem which exists in his district.

A recent ruling by a Federal district court has brought to light a partial interest of the United States in about 16,000 acres of land in Alabama. Although this interest dates back to 1890, most of the claimants to this land are unaware of any title problems and believe they own their land free of any other interest. Yet as a result of this Federal court ruling title companies will no longer guarantee title insurance policies on this land.

Mr. BEVILL has worked with the Department of the Interior to devise the simplest, fairest, and most cost-effective solution to this problem. H.R. 626 would direct the Secretary of the Interior to convey, without consideration, the U.S. interest in the affected lands to a trustee, reserving the mineral rights to the United States. The trustee would then convey that interest to the current owners of record, at no cost to the United States. I commend the gentleman from Alabama for his prompt action to solve this serious problem.

Mr. Speaker, I urge my colleagues to support H.R. 626.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 626, as reported by the Interior Committee. The bill is highly meritorious and I know of no opposition to it.

The bill, introduced by the gentleman from Alabama [Mr. BEVILL], conveys, without compensation, any and all interest held by the United States in approximately 16,000 acres to a trustee approved by the Secretary of the Interior. The trustee would then be required to convey this interest to the persons deemed to be the current owners of record.

The land is part of an old, unused, railroad conveyance which should have reverted back to Federal ownership when plans to build the railroad were dropped over 100 years ago. Instead, the State of Alabama in 1882 erroneously conveyed the land to the railroad company which subsequently sold it to third parties. A lawsuit in 1986 brought this situation to public attention and has resulted in a cloud being placed on all titles to the land. We have been told that over 500 people are affected. They are unable to sell the land, or borrow money to build on it or make other improvements until the cloud is lifted. Needless to say, they immediately came to their able Congressman for help.

A common question and a logical one, or course, is to ask whether or not administrative remedies are available. BLM advised the gentleman from Alabama and the committee that there are remedies but given the large number of people, processing each claim would be very time consuming and costly to all parties, including the Federal Government. Therefore, we are told, BLM helped draft legislation to avoid the delay and cost by simply conveying the land. The bill requires that ownership of the mineral rights will remain with the Federal Government which is normally done in such conveyances.

The committee went one step further and amended the bill to make it clear that no costs incurred in the conveyances would be borne by the Federal Government.

I believe the Department and the gentleman from Alabama have come to a fair and equitable solution which comes to the aid of the landowners as expeditiously as possible and protects the interest of the United States. I support the bill and urge my colleagues to support it.

Mr. UDALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Arizona [Mr. UDALL] that the House suspend the rules and pass the bill, H.R. 626, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN WISCONSIN

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 242) to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI.

The Clerk read as follows:

H.R. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF CONVEYANCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") may convey any portion of the land described in subsection (b) to any citizen of the United States who claims and demonstrates possession of such portion of land.

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of parcels of public lands constituting a survey hiatus in township 29 north, range 21½ east, fourth principal meridian, Oconto and Marinette Counties, Wisconsin, which contain approximately 200 acres.

(c) PRELIMINARY DETERMINATIONS.—No conveyance may be made under authority of this Act until the Secretary determines that—

(1) such conveyance—

(A) is in the public interest, and

(B) will serve objectives which outweigh public objectives and values which would be served by retaining such lands in Federal ownership; and

(2) no other statutory authority exists whereby the Secretary may afford the appropriate relief.

SEC. 2. PROCEDURE FOR CONVEYANCE.

(a) DETERMINATION OF PRICE.—In determining the price for which land may be conveyed, the Secretary—

(1) shall appraise the land on the basis of its fair market value at the time of appraisal;

(2) shall deduct the value of improvements or development made by the person claiming possession or his predecessors in interest; and

(3) may further discount the price according to equitable considerations that exist with respect to each conveyance, including but not limited to—

(A) the amount originally paid for a parcel by the person claiming possession of such parcel, and

(B) any taxes that have been paid with respect to a parcel by the person claiming possession of such parcel.

(b) DESCRIPTION OF LAND CONVEYED AND CONVEYANCE THROUGH TRUSTEE.—(1) Land conveyed under this Act shall be described according to the rectangular system of survey, as reflected on the Federal plat of survey.

(2) In the event that an individual tract of land does not conform to such survey—

(A) the Secretary may convey such tract to a trustee acting on behalf of more than one claimant for purposes of conforming the legal description to such plat, and

(B) such trustee shall thereafter convey the appropriate interests to the respective claimants.

SEC. 3. TIME LIMIT FOR INITIATION OF IMPLEMENTATION.

The Secretary shall initiate action to implement this Act within 120 days of the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 242 is a bill by the gentleman from Wisconsin [Mr. ROTH], dealing with lands in his district.

This bill is identical to one which the House passed in the last Congress, but on which no action was taken by the Senate. In brief, it would establish a mechanism for dealing with problems in land titles that have arisen because of surveying errors when the affected lands were transferred out of Federal ownership back in the last century.

The result of the errors was to leave a so-called hiatus in the official surveys—that is, an area which officially was not covered by the various transfers out of Federal ownership, but which nonetheless has been considered and treated as having been transferred. The situation means that various private parties who have held the lands and paid taxes on them for many years have a serious cloud on their titles.

The bill authorizes the Secretary of the Interior to convey the approximately 200 acres involved to citizens of the United States claiming and demonstrating actual possession of them. The Secretary would appraise the lands on fair-market basis, but would deduct from the selling price the value of improvements made by the claimant or the claimant's predecessors. The Secretary would also discount from the price to reflect the original purchase price paid for the lands and also the taxes that have been paid.

I know of no controversy or disputes about this bill, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 24, a bill by my friend and colleague from Wisconsin, Mr. ROTH, to authorize the Secretary of the Interior to convey approximately 200 acres of land to any citizen who claims and demonstrates possession thereof.

The lands are located in the gentleman's district. The acres involved were inadvertently omitted from conveyances or other transfers of land out of Federal ownership because of surveying errors in the 19th century. All other public land in the area was patented during the late 1800's. This unpatented sliver of land of hiatus, as it is called, is occupied and mostly farmed by the adjoining landowners.

The bill requires payment of fair market value. However, the payment may be reduced to reflect improvements or development made by the landholder and with any further deduction the Secretary determines to be equitable. For example, the amount of taxes which have been paid over the years would be deducted from the cost.

The BLM supports the legislation. A similar bill passed the House unanimously last Congress, but the Senate failed to act on it.

I urge my colleagues to support the bill.

Mr. ROTH. Mr. Speaker, will the gentlewoman yield?

Mrs. VUCANOVICH. I yield to the gentleman from Wisconsin.

Mr. ROTH. I thank the gentlewoman for yielding.

Mr. Speaker, I thank the gentlewoman from Nevada [Mrs. VUCANOVICH] for her statement and her work on this legislation, and I especially want to thank the chairman, the gentleman from Minnesota [Mr. VENTO] for expediting this legislation.

As has already been stated, we passed this legislation last session, but the Senate failed to act on it. I hope that the Senate this year will act on this legislation so that we can correct this problem that has existed since 1870, and that is well over 100 years. I think that the people there have waited long enough.

I appreciate the subcommittee's and full committee's working so diligently on this and expediting it so that we can once and for all resolve this.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 242.

The question was taken.

Mr. BONIOR of Michigan. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONVEYANCE OF A CERTAIN PARCEL OF LAND LOCATED NEAR OCOTILLO, CA

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 990) to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA.

The Clerk read as follows:

H.R. 990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of the Interior shall convey, without consideration, to Imperial Valley College Barker Museum of El Centro, California, all right, title, and interest of the United States in and to the parcel of real property located near Ocotillo, California, and described in subsection (b). It is intended that such parcel be used for the purpose of constructing and maintaining a public museum.

(b) Lands to be conveyed pursuant to this Act are the lands generally depicted on the map entitled "Transfer to Imperial Valley College Barker Museum," dated August 1986 and available for inspection in the office of the California State Director, Bureau of Land Management.

(c) The lands conveyed under this Act shall continue to be reserved, maintained, and utilized for public park (including museum) and recreational purposes. If any of such lands is used for any other purpose, the title to such land, together with all improvements thereon, shall revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentlewoman from Nevada [Mrs. VUCANOVICH] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 990 is a bill by the gentleman from California [Mr. HUNTER], dealing with transfer of a parcel of Federal lands near the town of Ocotillo.

This, too, is a bill identical to one which the House passed in the last Congress but which died in the Senate.

The bill would provide for transfer of about 23 acres to the Imperial Valley Community College for purposes of establishing a public museum. The land in question is not public domain land, but was at one time acquired by the BLM. Thus the usual authorities for enabling the college to obtain it for museum purposes are not applicable. The bill provides that the lands can only be used for public recreational and educational purposes, including museum purposes.

At a hearing on the bill last year, the administration testified that they had no objection to the bill, and it passed the House on the Consent Calendar. I am unaware of any controversy or questions concerning the bill, and I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. VUCANOVICH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 990, a bill by the gentleman from California [Mr. HUNTER] to convey approximately 23 acres of public land to the Imperial Valley College Barker Museum. A public museum will be constructed and maintained on the site.

I commend my colleague from California for introducing this legislation. If it were not for the fact that the land was acquired as opposed to being original public domain land, existing laws would allow for its conveyance to the college through an administrative transfer. But, because of this technicality legislation is needed. The gentleman from California recognized this need and introduced the legislation.

We have been told that the BLM had planned to build a museum and visitor center on the site, but due to tight budgets had dropped the idea. Seeing the need for such a facility, the college has stepped in and assumed the responsibility and burden of planning and building the facility. They are to be commended for their initiative.

Similar legislation passed the House unanimously last Congress, but unfortunately the Senate did not have time to consider it. I hope that it can be acted on promptly this year.

Again, I know of no opposition to this meritorious bill. There is no cost to the Federal Government, and a great public benefit to be gained. I urge its passage.

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 990, the measure before us.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 990.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1320

DESIGNATING CERTAIN RIVER SEGMENTS IN NEW JERSEY AS STUDY RIVERS UNDER THE NATIONAL WILD AND SCENIC RIVERS ACT

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14) to designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system.

The Clerk read as follows:

H.R. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION AS STUDY RIVERS

Section 5(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1276(a)) is amended by adding at the end thereof the following:

"(96) MAURICE, NEW JERSEY.—The segment from Shell Pile to the point three miles north of Laurel Lake.

"(97) MANUMUSKIN, NEW JERSEY.—The segment from its confluence with the Maurice River to the crossing of State Route 49.

"(98) MENANTICO CREEK, NEW JERSEY.—The segment from its confluence with the Maurice River to its source.".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of conducting the studies of the rivers named in section 1 there are authorized to be appropriated such sums as necessary.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVED

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 14 which was introduced by our colleague, BILL HUGHES, would authorize a study of the Maurice and Manumuskin Rivers and Menantico Creek in New Jersey for possible designation as components of the National Wild and Scenic Rivers System.

The Maurice River and its tributaries the Manumuskin River and Menantico Creek are important for their scenic, natural, cultural, fish, wildlife, botanic, and recreational values. These rivers are located in a sparsely developed portion of southern New Jersey and flow into the Delaware Bay.

The undeveloped portions of the river area have a diversity of plants and animals. Two threatened and endangered plant species of the Pinelands have been documented in the Lower Maurice River area as well as 23 important species of reptiles and amphibians. Threatened and endangered animals include the tiger salamander, corn, and pine snakes.

The values of the Manumuskin River and Menantico Creek are also diverse. They encompass freshwater wetlands, swamp forest, and upland forest. The river area is one of the most lovely canoeing areas in southern New Jersey.

H.R. 14 is identical to the bill that passed the House near the end of the 99th Congress. A study of these rivers will promote policies for the proper care and management of these river segments and assist the Congress in making a determination with regard to the need and desirability of national wild and scenic designation.

Mr. Speaker, I urge adoption of this measure.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 14 to require a study of segments of the Maurice, Manumuskin, and Menantico Rivers in New Jersey for potential addition to the National Wild and Scenic Rivers System. The study would encompass a 14-mile stretch of the Maurice River, a 3½-mile segment of the Manumuskin River, and 7 miles of the Menantico River. The study would be conducted by the National Park Service and should be completed within 1 year.

Identical legislation—H.R. 5343—was passed by the House last October, but due to a lack of time, was not acted on by the other body prior to the end of the 99th Congress. The Maurice, Manumuskin, and Menantico Rivers, are important for their scenic, natural, cultural, fish, wildlife, and recreational values. Their corridors are primarily undeveloped and support a wide variety of plants and animals, including several threatened and endangered species. In addition, portions of two of the rivers form the western boundary of the Pinelands National Reserve, an affiliated area of the National Park System. The Maurice and Manumuskin Rivers were both listed on the nationwide rivers inventory in 1981, indicating their eligibility for further study as potential wild and scenic rivers.

Although testimony at last year's hearing indicated that State designation of these rivers may be more appropriate, particularly due to the private land involved, I have no objection to allowing a study of these rivers to go forward at this time. The study recommendations will certainly assist Congress in making a determination regarding wild and scenic designation for these rivers should such designation be requested in the future.

Therefore, I support H.R. 14 and urge its passage by this body.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he might consume to the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in very strong support of H.R. 14, and urge my colleagues to support this legislation which provides for the Department of the Interior to study the Maurice, Manumuskin, and Menantico Rivers in southern New Jersey for inclusion in the National Wild and Scenic Rivers System.

As you may know, the Maurice, Manumuskin, and Menantico Rivers form an integral part of New Jersey's Pinelands environment. The area through which these rivers meander, and the adjacent Pinelands National Reserve, has received worldwide recognition due to its unique habitat and natural resource values.

The three rivers are home to a diverse group of plants and animals, including 23 important species of reptiles and amphibians. Their waters support valuable recreational and commercial species of fish, including alewives, herring, shad, and striped bass. The adjacent wetlands provide critical habitat to many endangered and threatened animals, including bald and golden eagles, ospreys and least terns, wild turkeys, pine and corn snakes, tiger salamanders, southern gray treefrogs, and snapping turtles.

The area is also well known for its unique vegetation. Ninety percent of the world's remaining population of the endangered joint vetch lives along the Manumuskin River. The largest **single strand of wild rice in New** Jersey, which attracts thousands of migrating water fowl, rail birds, and bobolink in the fall, lies within the Menantico and Manumuskin watersheds.

The region also has a rich cultural history. In the early 1800's, the rivers served as an important transportation corridor for Delaware Bay schooners carrying bog ore and iron ore between the Cumberland Furnace and nearby ports. A number of archeological finds, including pottery and stone artifacts, and abandoned revolutionary war era glassworks, can be found along the rivers. The area was once the center of a thriving oyster harvesting and processing industry and contains numerous buildings and physical remnants which chronicle the rich history of this important Delaware Bay fishery.

The environments through which these rivers flow are diverse, encompassing freshwater wetlands, swamp forests, upland pines and oaks, and a unique coastal landscape along the tidal reaches of the Delaware Bay. Wildflowers and mushrooms line rambling trails that run near the water. The rivers are breathtakingly beautiful and are among the loveliest canoeing areas as my colleague from Minnesota said in the country.

The scenic, natural, cultural, wildlife, and recreational values of the Maurice, and Manumuskin Rivers and Menantico Creek are a tremendous resource to the people of New Jersey and the Nation. These important resource values are critical to maintaining the essential character and integrity of the pinelands environment which is being threatened by development pressure from all sides. There is little doubt that the three rivers, and their watersheds, possess outstanding and remarkable resource values which make them eligible for further study.

Mr. Speaker, H.R. 14 provides a unique opportunity for a cooperative planning effort utilizing local, State, and Federal resources to help to mitigate impacts from future development. Enactment of the legislation will ensure comprehensive and rational decision making in a diverse region encompassing both the Pinelands and the State's coastal zone.

Senators BRADLEY and LAUTENBERG have introduced companion legislation providing for a study of these three rivers. I urge my colleagues to join with us in support of the citizens of south Jersey who are asking that these rivers be studied for inclusion in the wild and scenic rivers system. They are truly scenic and environmental treasures worthy of preservation.

Mr. Speaker, I would say to my colleagues that the Atlantic City area is experiencing tremendous growth and we are experiencing tremendous pressure.

Mr. VENTO. Mr. Speaker, will the gentleman yield?

Mr. HUGHES. I am happy to yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Speaker, I just want to commend the gentleman in the well for bringing this forward in the last session where we worked very hard in the remaining days but the other body was unable to take these up. But the gentleman has really done exemplary work in terms of reviewing the issue for the committee today in terms of pointing out the aspects of these rivers that deserve study. And, of course, his point about the urbanization that is taking place in his area really means these are going to be critical areas in terms of understanding their attributes, and perhaps, if it merits, designating them as part of the wild and scenic rivers.

I think the gentleman is really doing an exemplary job in terms of dealing with these natural resources in his area. So often we find in these urban areas that we work at cross patterns with private ownership and government groups. In this instance we had the local county and the local communities coming to us, coming to Congress asking us to, under the aegis of the Wild and Scenic Rivers Act, put together a program for study, for possible designation. It is very refreshing to me and I am sure to the members of the committee where so often we seem at odds with some of the local governments when we begin to talk about land use and some of the aspects of these designations to have that type of support from your local community. I think this is due in goodly part thanks to the gentleman's advocacy and to the work he has done in working closely with these local governments so that today we have, I think, what would be almost a model, at least in terms of concept, with regards to study and perhaps designation of these three waterways that are in the gentleman's district.

So I commend the gentleman.

Mr. HUGHES. I thank the distinguished gentleman from Minnesota, the chairman of our subcommittee of the Committee on Interior and Insular Affairs. Since the gentleman from Minnesota came to Congress he has been very sensitive to the need to protect particularly areas that are undergoing transformation as we see in southern New Jersey. I want to thank the gentleman for the expeditious manner in which this particular legislation has been handled, as well as the gentleman from California [Mr. Lagomarsino] who worked very hard in the last Congress I know and this Congress in bringing this to reality.

I am just amazed that the gentleman have moved this along as rapidly as they have. It is a testament to the good work they do on the subcommittee, and I thank them very much.

This is an important bill. It really is a beautiful area of southern New Jersey. People think of New Jersey as wall-to-wall concrete, they think of it in terms of what they see from the turnpike. Come on down and see a beautiful part of New Jersey. The best kept secret in New Jersey is the area I am talking about.

So I thank the gentlemen for their work on this particular legislation. It is a good bill, and I urge my colleagues to support it.

□ 1330

Mr. VENTO. Mr. Speaker, I would like to also commend the gentleman from California [Mr. Lagomarsino].

Today we have a series of legislative measures that we hammered out in the last session that we are taking up, and clearly they are matters that have bipartisan support and recognition of the importance to individual Members, such as the gentleman from New Jersey [Mr. Hughes], that would not be possible to move these as quickly in this session as we are without the type of help that I have had from the gentleman from California [Mr. Lagomarsino], the ranking member on the Public Lands Subcommittee.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 14.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING THE ESTABLISHMENT OF A PEACE GARDEN

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 191) to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior.

The Clerk read as follows:

H.R. 191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF PEACE GARDEN.

The Secretary of the Interior, acting through the Director of the National Park Service is authorized to enter into an agreement with the Peace Garden Project, Incorporated (a nonprofit corporation organized under the laws of the State of California) pursuant to which the Peace Garden Project, Incorporated may construct a garden to be known as the "Peace Garden" on a site on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site for the Peace Garden shall be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts an the National Capital Planning Commission.

SEC. 2. PROCEDURES AND DOCUMENTATION.

(a) Procedures.—The site selection, design and construction of the Peace Garden shall comply with all procedures, rules, policies, and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

(b) Documentation.—The agreement under section 1 shall require that the Peace Garden Project, Incorporated provide complete documentation of the design and construction of the Peace Garden to the Director of the National Park Service. Such documentation shall be permanently maintained.

SEC. 3. PREPARATION AND APPROVAL OF DESIGN PLANS.

The agreement under section 1 shall require the Peace Garden Project, Incorporated to be responsible for the preparation of the design plans for the Peace Garden. Such plans shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts, and the National Capital Planning Commission.

SEC. 4. APPROVAL FOR COMMENCEMENT OF CONSTRUCTION.

The Peace Garden Project, Incorporated may not commence construction of the Peace Garden until both of the following conditions have been met:

(1) The Secretary of the Interior has determined that the full amount of funds estimated to be necessary for the completion of such construction in accordance with the design plans approved under section 3 are available from non-Federal sources.

(2) An additional amount equal to 10 percent of the estimated construction cost has been made available from non-Federal sources to the Secretary of the Interior to provide for maintenance of the Peace Garden.

SEC. 5. MAINTENANCE.

The Secretary of the Interior shall, upon the completion of the construction of the Peace Garden, maintain the garden. Notwithstanding any other provision of law, the Secretary may retain and use for such purpose the monies made available under paragraph (2) of section 4.

SEC. 6. PAYMENT OF EXPENSES.

The United States may not pay any expense of the construction of the Peace Garden except that technical advice may be provided by the Secretary of the Interior as he deems necessary.

SEC. 7. EXPIRATION OF AUTHORITY.

The authority to establish the Peace Garden under this Act shall expire at the end of the 5-year period beginning on the date of the enactment of this Act, unless construction of such garden begins during such period.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. Vento] will be recognized for 20 minutes and the gentleman from California [Mr. Lagomarsino] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. Vento].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 191, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 191, a bill by Mr. Miller of California, authorizes the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior. H.R. 191 is identical to the one passed in the last Congress by the House, but on which no action was taken by the Senate.

The Peace Garden is envisioned as a contemplative setting dedicated to the ideal of peace. Such a garden would be nonsectarian, and simply oriented to the goal we all share. H.R. 191 has been supported by the administration. It authorizes the Secretary of the Interior acting through the National Park Service, to enter into an agreement with the Peace Garden project to raise funds, run a design competition and construct the Peace Garden. The bill specifies that the Secretary of the Interior shall select the site for the Peace Garden subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission. Design plans are subject to the same approvals. After completion of the Peace Garden the National Park Service would then assume maintenance responsibilities. H.R. 191 is compatible with the generic legislation on commemorative works passed last year. I know of no controversy or disputes about the bill. The creation of such a garden can enhance our Nation's Capital and help all of us remember we are a nation dedicated to the pursuit of peace.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 191 to authorize the establishment of a Peace Garden in our Nation's Capital to honor the commitment of the United States to world peace.

This legislation authorizes the Secretary of the Interior to select a site on Federal land in the District of Columbia for the location of the Peace Garden. In keeping with the intent of legislation passed by the 99th Congress developing standards for the establishment of commemorative works within the National Capital Region of the National Park System. It is assumed the Peace Garden will be located outside of the National Mall or West Potomac Park boundaries.

Under the provisions of H.R. 191, the Peace Garden Project, Inc., a nonprofit organization, is authorized to develop and construct the garden subject to the approval of the design plans and site by the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission. In addition, the organization may not construct the garden until: First, the Secretary of the Interior determines that sufficient non-Federal funds are available to complete the construction of the garden; and second, 10 percent of the estimated construction costs are provided to the Secretary to establish a trust for future maintenance costs.

Mr. Speaker, I believe that a Peace Garden would enhance the beauty of our Nation's Capital and serve as an important reminder of the U.S. commitment to world peace. In addition, no Federal funds would be expended for this project.

Therefore, I support H.R. 191 and urge its passage.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I have no further requests for time.

Mr. Speaker, the gentleman from California [Mr. MILLER], who has done a good job in terms of putting together a coalition for support of this important measure; I think it symbolizes his service and concern in Congress that he has championed this proposal for the last session, and now has met with some success early in this session.

I also would point out that I have under the general leave submitted the statement of Congresswoman OAKAR concerning the memorial which I would call to my colleagues attention, to state her concerns with regard to and in support for this particular measure.

Mr. DELLUMS. Mr. Speaker, I rise in support of H.R. 191, of which I am a cosponsor. As you know, the issue of peace has been a dominant concern of mine throughout my legislative career. Of all the monuments in our Nation's Capital, not one is specifically dedicated to peace. Washington is full of monuments representing our participation in war, but none symbolic of our commitment, our continuous search for world peace. The Peace Garden will be one which all Americans can identify and take pride in. It will be a place where all citizens, of our country and the world, can come to and reflect upon the efforts by many to make this world a better place, a safer place, a more humane place. A monument with the international theme of peace will be a strong symbol in the most powerful capital in the world.

No use of public funds and, thus, no burden on our already overstretched budget, is anticipated. A massive fundraising effort has been undertaken to construct the garden. Our action today in approving H.R. 191 will ratify the widespread national support already received.

In the midst of our many decisions which perpetrate war, let us make one which will symbolize peace.

Mr. HOYER. Mr. Speaker, I enthusiastically commend our colleague, Congressman GEORGE MILLER of California, for his proposal to authorize the establishment of a "Peace Garden" in Washington, DC, on a site to be selected by the Secretary of the Interior. No one or nation can ever doubt the commitment of the American people to protecting our freedoms when threatened by foreign aggressors. Our Nation's Capital rightfully honors our heroic defenders of freedom—Americans who served their country courageously, gallantly, and at great risk to their lives.

Our citizens have also exhibited an equal commitment for world peace and international law and justice. The creation of a Peace Garden is an appropriate symbol of our efforts to continuing to seek peaceful resolution of world conflict and the institution of the rule of law.

Certainly, this century has been one of bloodiest and most violent in man's history. We have seen countless battles, wars, rebellions, massacres, and civil and international strife of all kinds—continuing examples of man's inhumanity toward his fellow man.

At the same time, against this terrible backdrop, there have been encouraging strides toward world peace. As we honor those who have made sacrifices in war, through monuments, so, too, should we honor them by striving to ensure that the world they have left us will be a peaceful one. A garden would be a living monument to our efforts.

Ms. OAKAR. Mr. Speaker, I would like to take this time to commend my friend and colleague, Congressman GEORGE MILLER, for introducing H.R. 191, legislation to authorize the establishment of a Peace Garden.

I would also like to commend the distinguished gentleman from Minnesota [Mr. VENTO] for the splendid work he has done on legislation relating to memorials and monuments in the District of Columbia and its environs. In the past I have had the pleasure of working with Mr. VENTO and his able staff of the Subcommittee on National Parks and Public Lands. His assistance and cooperation is always appreciated and warrants high praise from myself and my fellow colleagues on House Administration.

Mr. Speaker, so many of our monuments and memorials in the Nation's Capital symbolize the involvement of this country in past wars and conflicts. We are here today to support H.R. 191, legislation which will provide the people of this country with a serene garden to contemplate world peace.

The interest in world peace is an international concern and the people of this Nation should have a place where they can go to reflect on their own personal philosophies regarding future concerns of humankind.

Mr. Speaker, as an appointed delegate of the National Alliance Treaty Organization, I have been personally involved with the concerns for peace of many nations. I have journeyed to Russia, Luxembourg, and Turkey, just to name a few. Everywhere I have visited, I have discovered a mutual concern for world peace. I hope that not only the citizens of this country, but visitors from abroad as well, will be able to share the benefits that a Peace Garden would bring.

As the distinguished chairman, Mr. VENTO, is aware, that while the Committee on Interior and Insular Affairs has jurisdiction over lands, administered by the Secretary of the Interior, the Committee on House Administration through its Subcommittee on Libraries and Memorials has authorizing jurisdiction over legislation pertaining to the placement of commemorative works on Federal land in the District of Columbia and its environs.

As stated in section 3(a) of Public Law 99-652, an act to provide standards for placement of commemorative works on certain

Federal land in the District of Columbia and it environs, "No commemorative work may be established in the District of Columbia and its environs unless specifically authorized by act of Congress."

A commemorative work is clearly defined in Public Law 99-652, as "any statue, monument, sculpture, memorial, or other structure or landscape feature, including a garden or memorial grove, designed to perpetuate in a permanent manner the memory of a person, group, event, or other significant element of history."

In considering legislation authorizing commemorative works within the District of Columbia and its environs, it is stated in section 3(b) of Public Law 99-562 "* * * the Committee of House Administration of the House of Representatives and the Energy and Natural Resources Committee of the Senate shall solicit the views of the National Capital Memorial Commission," for the authorization of commemorative works. The Committee on House Administration does not wish, at this time, to exercise its jurisdiction of this legislation, but does desire consistent application of Federal policy in the area of commemorative works.

Mr. Speaker, a beautiful garden, dedicated to peace, hope, and affirmation would be a great gift to leave for future generations. As one of the original cosponsors of H.R. 191, I want to urge my colleagues to unanimously support this bill. I do, however, ask that passage of this legislation not be construed as precedent for relinquishing jurisdiction of the Committee on House Administration over this and any future related matters.

Mr. DORGAN of North Dakota. Mr. Speaker, I rise today in support of H.R. 191, which authorizes a Peace Garden in the Nation's Capital. This memorial fittingly honors the strong commitment of the American people to work with other nations in establishing global peace and security.

This bill reflects a partnership between a private group, the Peace Garden project and the Federal Government. While the project assumes responsibility for raising all of the funds for the construction and maintenance costs of the Peace Garden, the National Park Service will operate and maintain the memorial. Hence, without cost to the taxpayer, the Nation will gain a symbolic memorial enshrining its dedication to building world peace.

As we approve this timely project, I would also call to the attention of my colleagues another Peace Garden. The International Peace Garden straddles the border of the United States and Canada, of North Dakota and Manitoba. Established over 50 years ago, this beautiful park and conference center has served as working center for building international understanding and cooperation.

Last summer alone, some 160,000 visitors from all over the world enjoyed a park in two nations with no border checkpoints, international music festivals and band camps, and tranquil retreat of the International Peace Chapel. For good reason, North Dakota calls itself the "Peace Garden State."

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 191.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 175, TO IMPOSE A MORATORIUM ON UNITED STATES ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 100-21) on the resolution (H. Res. 116) providing for the consideration of a joint resolution (H.J. Res. 175) to impose a moratorium on U.S. assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance, which was referred to the House Calendar and ordered to be printed.

DESIGNATING THE SANTA FE TRAIL AS A NATIONAL HISTORIC TRAIL

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 240) to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

The Clerk read as follows:

H.R. 240

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

(a) DESIGNATION.—Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding the following new paragraph at the end thereof:

"(15) The Santa Fe National Historic Trail, a trail of approximately 950 miles from a point near Old Franklin, Missouri, through Kansas, Oklahoma, and Colorado to Santa Fe, New Mexico, as generally depicted on a map entitled 'The Santa Fe Trail' contained in the Final Report of the Secretary of the Interior pursuant to subsection (b) of this section, dated July 1976. The map shall be on file and available for public inspection in the office of the Director of the National Park Service, Washington, District of Columbia. The trail shall be administered by the Secretary of the Interior. No lands or interests therein outside the exterior boundaries of any federally administered area may be acquired by the Federal Government for the Santa Fe Trail except with the consent of the owner thereof. Before acquiring any easement or entering into any cooperative agreement with a private landowner with respect to the trail, the Secretary shall notify the landowner of the potential liability, if any, for injury to the public resulting from physical conditions which may be on the landowner's land. The United States shall not be held liable by reason of such notice or failure to provide such notice to the landowner. So that significant route segments and sites recognized as associated with the Santa Fe Trail may be distinguished by suitable markers, the Secretary of the Interior is authorized to accept the donation of suitable markers for placement at appropriate locations.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 10(c)(2) of such Act (16 U.S.C. 1249(c)(2)) is amended by inserting "and (15)" after "(13)".

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 240, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 240 would amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail. The legislation also includes several provisions relating to the administration of the trail. The bill was introduced by our colleague BILL RICHARDSON and a bipartisan contingent of House Members. It is nearly identical to legislation that passed the House last year.

The designation of the Santa Fe Trail as a National Historic Trail is worthy of our support. From 1822 to 1880, the trail, extending some 950 miles from Missouri to Santa Fe, NM, was one of America's most important commerical routes, established to expedite trade with the Spanish of the Southwest. It also served as a major military and governmental link with the newly acquired territories of the Southwestern United States.

Many historic sites associated with the old West are found along the Santa Fe Trail, with five of these sites now units of the National Park System. Today because of development and the weathering process, much of the actual trail is obliterated, with only small scattered segments remaining where the original trail ruts can be seen. Nevertheless, the Santa Fe Trail provides significant historical and interpretative value to present and future generations.

The legislation before the House today will further a cooperative effort at the Federal, State, and local levels to provide for the interpretation, use, and management of the Santa Fe

Trail. In keeping with this cooperative spirit, the legislation directs that no land or interests in land outside of a federally administered area may be acquired without the consent of the landowner. This is likely to be a moot point since no land acquisition program is contemplated by the Department of the Interior for the Santa Fe Trail. The bill further contains language authorizing the acceptance from public-spirited individuals and organizations of suitable markers for placement along the trail.

To address the concern with possible liability associated with public access to private land along the trail, H.R. 240 directs the Secretary prior to entering into a cooperative agreement or acquiring interests in land, to provide the affected landowner with a one-time notice of the potential libaility, if any, associated with public access to the land in question. The provision is not intended to imply a Federal indemnification and the legislation stipulates that the United States shall not be held liable by reason of such notice or the lack thereof.

Mr. Speaker, when the settling of the old West is recalled, the Santa Fe Trail and the role it played in that history come prominently to mind. The Santa Fe Trail has already been immortalized in song, word, and film. Passage by the House today of this measure conferring National Historic Trail status will be a fitting act in preserving this piece of American history.

I urge adoption of H.R. 240.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico [Mr. RICHARDSON], the sponsor of this measure.

Mr. RICHARDSON. Mr. Speaker, I want to thank the chairman of the subcommittee and the gentleman from California [Mr. LAGOMARSINO] for their leadership on this bill.

We started the process in the last session of Congress, got it passed in the House, resolved the difficult problem relating to condemnation of land, and now the bill is near reality.

Mr. Speaker, the bipartisan effort behind H.R. 240, signals a spirit of cooperation toward an effort that will give the Senta Fe Trail its proper place in history and promote tourism for the States that are involved. Extensive work was done on identical legislation in the 99th Congress, when the bill passed the House. Unfortunately time ran out in the session before the Senate could act.

There is great public interest and involvement in this legislaltion from: Several cosponsors, States, local communities near the trail, historians, chambers of commerce, other national trail associations, and the ranching community has no objections. Even the National Park Service has good things to say about the legislation. Senator NANCY KASSEBAUM from the great State of Kansas has introduced a companion bill over on the Senate side, where the legislation has garnered a wide base of support.

Mr. Speaker, the opening of the Santa Fe Trail in 1821 marked the first of America's great trans-Missisippi pathways to the West. The trail starts at a point near Old Franklin, MO, runs through Kansas, Oklahoma, and Colorado and concludes in Santa Fe, NM—approximately 950 miles. The Santa Fe Trail is unique and differed from the Oregon and California trails in that it was a trail of commerce. The Santa Fe Trail was used to transport goods across the southern prairies to eager customers in what was then the Republic of Mexico's far north. Within a short time, the Santa Fe trade ballooned into a million-dollar-a-year business, pouring money and raw products into the State of Missouri—creating a minor economic boom in what had been a depressed area on the American frontier.

So far, 19 sites along the Santa Fe Trail have been selected for inclusion in the National Historic Landmark Program—8 of those sites are in New Mexico. Marc Simmons, a constituent of mine, and the author of the book entitled, "Following the Santa Fe Trail", describes the kind of vacation experience that one might enjoy along the trail: "If you are open, receptive, and courteous you will have a splendid opportunity to become acquainted with America at its grassroots."

The designation of the Santa Fe Trail as a national historic trail and the study that will be conducted by the National Park Service will go a long way toward providing the public with transportation routes to be able to get to the already identified historic sites. Last year alone, over 13,000 people visited the isolated Fort Union National Monument in my home State of New Mexico. According to the New Mexico Tourism Department, these visitors generated over a half a million dollars in gross receipts for the New Mexico travel industry. The State projects that through a national historic designation, these Fort Union visitors would extend their travel—visiting one on more of the Santa Fe Trail locations. Those increased visitations—with better trail sign posting—would generate more in the way of tourist dollars spent, providing a boost for local communities in northern New Mexico. I am sure that a scenario occurs in the four other States that are a part of the trail.

Mr. Speaker, as the chairman of the Subcommittee on National Parks and Public Lands, BRUCE VENTO, and subcommittee minority leader BOB LAGOMARSINO well know, this legislation recognizes and respects the varied and diverse land uses along the trail. After discussions with ranchers in the States involved, the legislation was amended during the 99th Congress to ensure that no lands or interests can be added to the trail without the consent of the owner of the private property involved. In addition, a provision was added to ensure that there will be notification to the landowner of any potential liability concerns if easement rights or cooperative agreements are entered into with private landowners. We even changed the starting point of the trail to Old Franklin, MO, after I received a letter from a gentleman from Howard County, MO, who wanted to ensure that Old Franklin was not left out of the designation process.

Mr. Speaker, the Santa Fe national historic trail bill will go a long way in developing the concept of tourism as economic development. I want to take this opportunity to thank my distinguished chairman of the Subcommittee on National Parks and Public Lands, the Honorable BRUCE VENTO for his interest and outstanding leadership role in the development of the bill. I would also like to thank the ranking minority member of the subcommittee, the Honorable BOB LAGOMARSINO and my colleague from the great State of Colorado, the Honorable HANK BROWN for their active roles. I hope that my colleagues who share a spirit of adventure will support this bipartisan effort to make the Santa Fe national historic trail bill part of the list of accomplishments of the 100th Congress for the enjoyment of all Americans.

☐ 1340

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 240 to designate the 950-mile Santa Fe Trail as a national historic trail. This bill is nearly identical to legislation—H.R. 4794—passed by the House in the last Congress, which unfortunately did not receive action by the other body prior to congressional adjournment due to a lack of time. Therefore, I am pleased that we are expeditiously moving forward with it in this Congress.

The Santa Fe Trail originates in Missouri and crosses the States of Kansas, Oklahoma, and Colorado before terminating in Santa Fe, NM. It was an important commercial route in our Nation's history and also provided a critical military and governmental link between the Eastern United States and the New Territories in the Southwest. Unfortunately, only a few small segments remain where the original trail ruts can be seen. However, the trail does pass through several national park units, including national historic sites and national monuments.

The Santa Fe Trail definitely meets the criteria for national historic trails established under the National Trails System Act. In addition, H.R. 240 contains several amendments that improved the bill in the last Congress. These include a prohibition on condemnation of private lands or interests outside federally administered areas, and a requirement that, prior to entering into a cooperative agreement or acquiring an interest for the trail, the Secretary of the Interior provide the affected landowner with a notice of the potential liability associated with public access to his land. This notice is not a Federal indemnity, but rather, a means to inform the landowner of potential liability problems so that he may, if he desires, seek appropriate legal counsel on the matter. These are important provisions in this bill which make it acceptable to all involved parties.

I would like to commend the sponsors of this legislation, particularly the gentlemen from Colorado and New Mexico, Mr. BROWN, and Mr. RICHARDSON, as well as the gentleman from New Mexico, Mr. LUJAN, for their interest in the Santa Fe Trail and their efforts to resolve the previous differences on this bill and move it forward. I would also like to commend the subcommittee chairman, Mr. VENTO, for acting promptly on this legislation and for his cooperation in working out important amendments.

Mr. Speaker, this is an excellent bipartisan bill which I am pleased to note is also supported by the administration. I strongly support its passage and urge my colleagues to move it forward.

Mr. BROWN of Colorado. Mr. Speaker, I appreciate the opportunity to speak in support of designating the historic Santa Fe Trail as a component of the National Trail System.

The Santa Fe Trail, which began in 1821, was the route traveled by American traders transporting goods to Mexico, their neighbors to the south. Beginning in Old Franklin, MO, the 950-mile trail continued through the States of Kansas, Colorado, and Oklahoma, to Santa Fe, NM.

The trail was first mentioned by Capt. Zebulon M. Pike in the year 1810. The captain envisioned commercial opportunities in trading with the Spanish settlers on the Rio Grande. It was Mexico's split with Spain in 1821 which opened these trade opportunities to American merchants.

In 1822, William Becknell, "The Father of the Trail," hitched his mule team to his wagon and transported the first merchandise from Old Franklin, MO, to Santa Fe, NM.

The Santa Fe Trail continued to prosper for the next 25 years. During that time, many other merchants followed Becknells' path across the southern prairies. The trail became a very lucrative trade route, spurring an economic boom to the depressed economy of Missouri. Many points of historic significance occurred during this period, including Indian fights, military patrols, and negotiations with Mexico.

In 1846, the first year of the Mexican War, Capt. Stephen W. Kearny led his troops from Bent's Fort, over Raton Pass, to the town of Las Vegas, NM, where the captain expected to face the Mexican Army. However, no enemy materialized. Thus, the U.S. Army captured its first foreign capitial and the Mexican province became American Territory. Fort Marcy was built in Santa Fe to symbolize this American conquest.

With the full trail now in American Territory, the route became more frequently traveled and forts were added to protect the new lands. Military supplies became a new source of commerce along the trail.

During the late 1840's, a cholera epidemic spread through the Indian tribes. In 1849, to protect the health of military personnel, stationed at Bent's Fort, the fort was set ablaze. A new fort was built on the Arkansas River at Big Timbers about 40 miles down from the old fort. An additional fort, Fort Wise, was added about 1 mile from new Bent's Fort. Fort Wise, later renamed Fort Lyon, served as an important supply depot and stage stop along the Santa Fe Trail.

The route continued as a main source of trade. By the year 1858, over 1,800 wagons followed the route annually. However, technology advanced. On February 9, 1880, the first steam engine rolled into Santa Fe. The following day, Santa Fe headlines read, "Santa Fe Trail Passes Into Oblivion."

It has been over 100 years since the steam engine brought the Santa Fe Trail to an end. Fortunately, many sites of historic significance remain today. The designation of the Santa Fe Trail as an historic trail would help to retain that history and would aid modern travelers in locating areas of historic significance.

While attempting to retain the historic value of the trail, it is equally important that we respect the rights of landowners currently living along the trail. The bill before us today is a fine example of legislation which takes into account the diverse interests affected by a historic trail designation.

Landowners along the trail had initially feared that the Federal Government would condemn their property for public use of the trail. To alleviate those concerns, H.R. 240 contains language which would protect current landowners. It specifically states that lands outside of Federal boundaries will not be taken without the consent of the owner. Should a historic site or artifact remain on privately held property, the landowner does have the opportunity to enter a voluntary agreement with the Government to preserve that important feature on his or her property.

Another concern expressed by landowners resolves around a problem all too common today—the issue of liability. Because the landowner may unknowingly expose himself to lawsuits by allowing sightseers onto his property, it is important that landowners are informed prior to entering into a voluntary agreement. H.R. 240 directs the Government to notify landowners prior to entering into an agreement that there may be a potential liability issue. The landowner may then investigate what problems may arise and make an informed decision as to whether he or she will allow public access onto the property.

Mr. Speaker, the Santa Fe Trail is the story of America and her commerce. Thanks to the fine efforts by the gentleman from New Mexico [Mr. RICHARDSON], the gentleman from California [Mr. LAGOMARSINO], and Chairman VENTO, we have a bill before us which would preserve this important element of American history, while protecting the rights of those people who continue to earn their living along the trail. It is a delicate balance, but one that is achieved through this legislation. I urge my colleagues to support its passage.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 240.

The question was taken.

Mr. HALL of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

BOUNDARY WATERS CANOE ACT AMENDMENTS

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 389) to amend the Boundary Waters Canoe Area Wilderness law to management review and grants.

The Clerk read as follows:

H.R. 389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATIONS.

Section 6(d) of the Act entitled "An Act to designate the Boundary Waters Canoe Area Wilderness, to establish the Boundary Waters Canoe Area Mining Protection Area, and for other purposes", approved October 21, 1978 (92 Stat. 1653), is amended—

(1) in paragraph (1) by striking out "$8,000,000" and inserting in lieu thereof "$6,000,000"; and

(2) in paragraph (2) by striking out "$3,000,000" and inserting in lieu thereof "$5,000,000".

SEC. 2. EFFECTIVE DATE.

The amendments made by section 1 shall take effect October 1, 1987.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes, and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVED

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 389 would authorize a revenue neutral shift of $2 million in authorization from the Federal forestry intensification provision of the Boundary Waters Canoe Area Wilderness Act of 1978 (Public Law 95-495) to the State and private forestry provisions of that same law. It is identical to legislation we considered and passed in the House last year.

The Boundary Waters Canoe Area Wilderness Act of 1978 (Public Law 95-495) was enacted to address many of the management issues such as logging, mining, and motorized use, which had been sources of controversy for over 50 years and which had been left unresolved by the 1964 Wilderness Act.

Section 6(d) of Public Law 95-495 authorized a 10-year Forestry Intensification Program on Federal, State, county, and private timberlands adjacent to the Boundary Waters Canoe Area. H.R. 389 would amend that provision effective October 1987 by decreasing the authorization for the Federal Forestry Intensification Program from $8 million to $6 million, and by increasing the State, county, and private Forestry Intensification Program from $3 to $5 million. This small shift in authorization will help better reflect the reality of development that has occurred since the 1978 act and maximize the benefits of the program.

The change in authorization will not impact on the historical pattern of forestry spending on Federal lands outside the BWCA but will better allocate resources for the efforts being put forth under the Cooperative Forestry Program, which, incidentally, is done on a cost-sharing basis (80-20).

Further, this change in authorization is of limited nature since the program is scheduled to expire under the law in 1990. Mr. Speaker, I believe the legislation before us will foster a continuation of the commitment that has made possible the successful implementation of the historic BWCA Wilderness Act. I urge adoption of the bill.

Mr. Speaker, I would like to commend my colleague, Mr. OBERSTAR, who crafted this measure, who has been working with the local governments in the area that he represents adjacent to the Boundary Waters Canoe Area and who has successfully worked with the cooperative program.

Mr. Speaker, this is a good example of an area that was controversial in terms of softwood production, but indeed has turned out to be a major beneficiary of the legislation so that today softwood production is possible. Plus we have, of course, engaged the county and State activities in a cooperative program.

I commend this legislation to my colleagues and urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to comment on H.R. 389, introduced by the gentleman from Minnesota [Mr. OBERSTAR]. This bill would change the authorizations of appropriations for resource management review and grants under the boundary waters canoe area wilderness [BWCA] law. Identical legislation (H.R. 4348) was passed by the House during the last Congress but did not become public law.

H.R. 389 provides authorization for shifting $2 million a year in appropriations for Federal forestry intensification activities to State, county, and private forestry intensification efforts. The testimony at last year's hearing confirmed that the counties in northern Minnesota have been excellent managers of their forest land, probably due in large part to the annual Federal assistance provided under the 1978 BWCA Act. However, I do have some reservations about revising a formula which was developed as a compromise when the BWCA was created by Congress. In addition, I am hopeful that this change will not, in any way, deprive other U.S. Forest Service cooperative forestry programs of necessary funding. Furthermore, under the BWCA law, this grants program would expire in 1990 at which time I believe the State, local, and private concerns should assume the responsibility, including funding, for forestry intensification activities.

Having expressed these concerns, I certainly recognize the gentleman from Minnesota's [Mr. OBERSTAR] purpose in proposing H.R. 389. Therefore, I have no objection to its passage.

☐ 1350

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield such time as he might consume to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, H.R. 389 would amend the Boundary Waters Canoe Area Wilderness Act—Public Law 95-395—to reduce, from $8 million to $6 million annually, the authorization for appropriations to carry out section 6(c)(1). Under the act, funds are authorized to expedite the intensification of resource management including emphasis on softwood timber production and hardwood utilization on the national forest lands in Minnesota outside the Boundary Waters Wilderness. This is intended to offset, to the extent feasible, the reduction in the programmed allowable timber harvest resulting from the classification of certain forestlands as wilderness in the Boundary Waters Act. The bill also would increase, from $3 million to $5 million annually, the authorization for appropriations to carry out section 6(c)(2) of the act. Funds so appropriated are provided to the Secretary of Agriculture to implement a program of grants to develop renewable resources and enhance timber production on State, county, and private lands.

H.R. 389 would affect the State and private forestry programs of the Secretary of Agriculture and forest reserves other than those created from the public domain. These are matters within the jurisdiction of the Committee on Agriculture under House rule X(1)(a)(13). In fact, H.R. 389 is similar to a bill that was considered by the House in the 99th Congress, H.R. 4348, which was sequentially referred to the Committee on Agriculture. I note that the House bill that became the Boundary Waters Canoe Area Wilderness Act, H.R. 12250 of the 95th Congress, was also sequentially referred to the Committee on Agriculture.

Because the jurisdictional interests of the Committee on Agriculture have been protected by the previous precedents, I do not object to consideration of the bill by the House today. However, I take this action without endorsing the subject matter of the bill and without in any respect waiving jurisdiction with regard to the substantive issues addressed in this or similar bills. If the provisions of this bill relating to matters within the jurisdiction of the Committee on Agriculture should become an issue with the Senate, I understand that Chairman DE LA GARZA intends to request that the committee be represented in any conference that may be held.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 389.

The question was taken; and (two-thirds having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING DONATION OF CERTAIN LANDS FOR THE GETTYSBURG NATIONAL MILITARY PARK

Mr. VENTO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 797) to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park.

The Clerk read as follows:

H.R. 797

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DONATION OF NON-FEDERAL LANDS.

The Secretary of the Interior shall accept on behalf of the United States, the donation of approximately 31 acres of land known as the "Taney Farm" for administration as part of the Gettysburg National Military Park in Pennsylvania if such land is offered to be conveyed to the United States without cost to the United States by the Gettysburg Battlefield Preservation Association. Upon acceptance of title thereto by the United States, such property shall be subject to all laws and regulations applicable to the park.

SEC. 2. ACQUISITION OF ADDITIONAL LANDS FOR GETTYSBURG NATIONAL MILITARY PARK; STUDY AND REPORT.

(a) ACQUISITION OF ADDITIONAL LANDS.—Except as provided in section 1 of this Act, until Congress receives the study under subsection (b), the Secretary of the Interior may not acquire by purchase, donation, exchange, or any other means any additional land for the Gettysburg National Military Park which is not within the boundaries of the 3,874 acre area depicted on the map dated July 25, 1974, numbered 305-92,004 and entitled "Gettysburg National Military Park".

(b) STUDY BY NATIONAL PARK SERVICE.—The Secretary of the Interior through the National Park Service shall conduct a boundary study and shall submit a report to Congress within one year of the date of enactment of this Act, with recommendations with respect to the final development of the Gettysburg National Military Park. In conducting the study, the Secretary shall consult with the people of the community and their elected representatives at all levels as well as with other interested individuals and groups.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Minnesota [Mr. VENTO] will be recognized for 20 minutes and the gentleman from California [Mr. LAGOMARSINO] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. VENTO].

GENERAL LEAVE

Mr. VENTO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 797, introduced by our colleague PETER KOSTMAYER along with our colleague BILL GOODLING, would authorize the donation by the Gettysburg Battlefield Preservation Association of the 31-acre Taney Farm for inclusion within Gettysburg National Military Park. Additionally, the legislation authorizes a report and study on the final development of the park.

Gettysburg National Military Park is one of several national park units with no statutory boundary. The enabling legislation establishing the park in 1895 only noted that land for the park may not exceed in area the parcels shown on the map prepared by Maj. Gen. Daniel E. Sickles, and such other adjacent lands as may be necessary to preserve the important topographical features of the battlefield. The present boundary of the park represents the administrative plan for the park that was developed in 1974.

The Taney Farm is adjacent to the existing administrative park boundary. The committee has received testimony from the administration and the public as to the significant historical value of the farm. It was occupied by Confederate troops during the fighting of July 3, 1863, and was later used as a field hospital. A 1978 report of the Advisory Council on Historic Preservation identified the Taney Farm as a "critical area."

The other significant provision of H.R. 797 is the requirement of the Secretary of the Interior through the National Park Service, to prepare and submit to the Congress within 1 year of the date of enactment of this act, a boundary study and report with recommendations with respect to the final development of the Gettysburg National Military Park. Further, it directs that in conducting the study, the Secretary shall consult with members of the community and their elected representatives, as well as other interested individuals and groups. An accurate restoration of the historic setting of the Gettysburg Battlefield is important to visitor understanding and appreciation of the battle's significance. The study by the National Park Service of the historically important lands associated with the Battle of Gettyburg will help clear up ambiguities relating to the existing administrative boundary and contribute to the proper utilization and management of the historic scene.

Mr. Speaker, H.R. 797 represents the consensus worked out by the interested parties that lead to eventual passage by the House of similar legislation last year by a vote of 408 to 1. The administration supports this addition to the park and I know of no controversy with this particular legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LAGOMARSINO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 797 introduced by my colleagues from Pennsylvania, Mr. KOSTMAYER and Mr. GOODLING. This legislation would authorize the donation of a 31-acre land parcel to the National Park Service for administration as part of the Gettysburg National Military Park in Pennsylvania.

H.R. 797 is very similar to legislation (H.R. 4259) passed by this body last year; however, I do feel the bill has been improved. Mr. GOODLING, who represents the area involved, had expressed concerns with the legislation last year that it could set a dangerous precedent for this area. Unfortunately, Congress has never established a permanent boundary for Gettysburg Park. Although an administrative boundary was negotiated in 1974, it was never established by Congress. The land parcel included in this bill is adjacent to, but not within, the 1974 administrative boundary. Consequently, Mr. GOODLING'S concerns, which were certainly well-founded, stemmed from the fact that as additional land is added to the park, the local tax base is adversely affected.

In response to these concerns, H.R. 797 requires a study and a report by the National Park Service on the final development of the park. The bill requires the Secretary of the Interior, in conducting the study, to closely consult with all elected officials of the Gettysburg areas as well as other interested individuals and groups. I believe these provisions will go a long way to alleviate the concerns previously expressed regarding this issue. In addition, I am hopeful the study will lead to congressional establishment of a final boundary for Gettysburg National Military Park.

Finally, I would like to commend Representatives KOSTMAYER and GOODLING for resolving the earlier problems with this issue and Chairman VENTO for expeditiously moving this bill. I am pleased to support this bipartisan bill and urge all of my colleagues to do so.

Mr. Speaker, I yield back the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this issue was the topic of controversy. We had a full hearing on it last year, in which the Park Service, of course, came forward.

We had a detailed description, Mr. Speaker, of the elements at this location that are important in terms of this Taney Farm and the various battles that were considered back and forth.

The fact is that this year, earlier, Mr. Speaker, I had the opportunity to visit the Gettysburg National Park in Pennsylvania, and to view this site, as well as to visit some of the many museums that are located there.

It struck me the significant number of personnel that the Park Service has employed in terms of doing interpretative work and the large number of buildings, the tremendous investment that we have in this area and the number of visitors that are utilizing this particular resource. As I had the opportunity to look at some of the unique facilities and construction of structures there, it struck me that it is only appropriate with all of the artifacts and tremendous investment, the number of personnel, that we, when we have an opportunity to pick up a parcel like this, should move forward to do so.

This park, or course, is very important. We had a lot of concern expressed in the county about the amount of public land that is reverting to the park. Those concerns are legitimate, but I think, Mr. Speaker, that they do not reflect the importance of tourism and the tremendous boost that this provides for the economy.

I think that Gettysburg, clearly, with the number of Park Service personnel, the number of visitors that go there, I mean, literally, as you drive up and down the freeway that runs adjacent to this particular facility, you find that almost every sign in the road is referring to the park that is within the district.

Gettysburg really is on the map because of its historic significance, and the economy is greatly dependent upon the success of this particular national historic park.

The gentleman from Pennsylvania [Mr. KOSTMAYER], who is the prime sponsor of this and who has worked so diligently to bring it to fruition today, is here. I hope this bill, a small bill, but a significant one in terms of Gettysburg, will receive positive consideration in the other body.

Mr. Speaker, I yield such time as he might consume to the gentleman from Pennsylvania [Mr. KOSTMAYER].

Mr. KOSTMAYER. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am chairing a subcommittee hearing which is about to commence, so I can only join this debate very briefly. But I want to thank most especially the gentleman from Minnesota [Mr. VENTO], who chairs the subcommittee, for his extraordinary patience with this measure which came before the full House twice in the last Congress.

The first time, it was defeated, not receiving the necessary two-thirds vote; and the second time, it was adopted, receiving only a single negative vote. Thus, now for the third time, the House, in two Congresses, will consider this measure, which I think is a worthwhile one because it enlarges and expands one of the most important and, I think, crucial places in the history of our country, Gettysburg National Battlefield Park.

So I thank the gentleman for his hard work and thank him for his patience.

This, in my own judgment, and I speak for myself alone, is a part of our Commonwealth and a part of our country that has been ruthlessly exploited by commercial developers. I think much of it has been lost and damaged very badly. So it is especially crucial, I think, that we add this modest area to the park and enlarge it in this sense.

I am delighted that this legislation now has the support of my colleague, the gentleman from Pennsylvania [Mr. GOODLING], in whose congressional district this area is located.

I finally, once again, thank the gentleman from Minnesota [Mr. VENTO] for his help and his support, and I look forward again, for the second time in two Congresses, to the overwhelming passage of this legislation.

Mr. VENTO. Mr. Speaker, I know that this is an important parcel and I know that the gentleman has worked very hard on this. He came to me last year; there was some disagreement. I am pleased that there is not that disagreement, but I just want to point out that this is not an indiscriminate addition to the Gettysburg National Park.

Rather, it involves land that is important, as I said, historically and geographically to the park. The Subcommittee on National Parks and Recreation received the testimony from the National Park Service and others underscoring the strategic importance of the farm during the latter part of the Battle of Gettysburg on July 2 and 3 of 1863.

Additionally, a 1978 report of the Advisory Council, on Historic Preservation, identified Taney Farm as a critical area.

Mr. Speaker, the legitimate and appropriate inclusion of the Taney Farm within Gettysburg National Military Park has become sometimes involved in too much controversy, I think, with regard to boundaries.

As I said in my initial statement, in 1974, the Park Service developed an administrative plan for the park's boundaries. That was a modification of the 1895 boundary map.

This plan has served as an unofficial guide for the park's boundary for the last 12 years. It is important to note that the 1974 administrative plan for the park's boundary was never enacted by Congress, nor do we intend to do so by our action here today.

As such, the boundary provisions of this 1895 act, which include the Taney Farm, remain in force. The National Park Service, which supports H.R. 797, has the authority to accept the Taney Farm under donation under existing law, but is hesitant to do so because of continuing questions regarding the overall boundary of the park.

We find ourselves in this dilemma passing legislation which, in my judgment, may or may not be necessary. Because of these concerns, we have given this measure full hearings in the past and have tried to clear up any misunderstandings.

We may, from time to time, consider other additions to this park, but we hope to do so, as we have done in this instance, with the understanding and with hearings so that everyone can be clear as to what direction we are going to move.

I wanted to point out, Mr. Speaker, that the committee is concerned about this and concerned about the number of personnel and the importance of this in terms of the overall park experience at this important site.

I think there is a great deal that needs to be done with regard to this park, because as I looked at the traffic flow in my personal visits, I found that the parking lots were separated too often by streets. It is a case, I think, of where we are going to have to look very closely at trying to reframe or remodel some of the interpretative centers and the other facilities that are located in the heart of that park, the gravesites and so forth, that so much mean a part to the experience of the Gettysburg National Military Park.

It is an amazing site and I think that the Members would be surprised if they looked at the visitor numbers at this site. The property, of course, is maintained, I think, in a good manner. But nevertheless, we ought to recognize that there are certain activities in this older historic park that need to be addressed.

The addition of this 31 acres certainly is a step in the right direction, but it is not the last step. It is not the final step in terms of dealing with the problems that exist surrounding this park or the community.

We have some work to do. I would hope that through the general management plan, Mr. Speaker, in the future that, indeed, we could bring about a greater degree of public participation so that we would not have the misunderstandings that have sometimes occurred.

I know the gentleman from Pennsylvania [Mr. GOODLING] was very concerned in this instance about those concerns.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GOODLING] concerning that matter of miscommunication.

Mr. GOODLING. Mr. Speaker, last year, of course, my opposition was not to the 31 acres, even though, unfortunately, it did not appear in what the Park Service said they needed just a few years before.

My objection was that we were piece-mealing, and the public had no imput, and furthermore, they had no idea what the plans were. I thought that we should have an orderly fashion and some plan or program that we would stick by and some program that the local government officials would have an opportunity to participate in.

I am happy to see that it has gone back and come back again and is now in such a manner that I think will do justice to the whole Park Service program.

Mr. VENTO. Mr. Speaker, I thank the gentleman for his support and cooperation. Of course this is not, as I said, the last act that we will take with regard to this park, this 31 acres, but we recognize that.

I visited the park on a personal visit last year and was concerned about the character and the way that this park has moved forward. This is one of the parks that was initially under military control in its earliest origins and then was passed on and became part of the National Park System.

It is a wonderful resource, but I think too often it looks, from my vantage point, as though it is a resource that has not had the continued thought of careful planning. The separation, for instance, of traffic from the park so that we would not have these situations where people are standing on either side of the roads as cars are going by between the museums.

There is a tremendous amount of dollars that have been spent in terms of physical structures and building in this park, but unfortunately, I think that the experience is not what I felt it should be for what we had invested in terms of physical resources and in terms of personnel.

I think we need some cooperation. I know the gentleman agrees that this is such an integral part of the total economy of that particular community. As I drove down the freeway, so many signs indicate the attractions around the park and, of course, the site itself.

I hope that in the years ahead, we can work to improve that. I think that a major undertaking is necessary.

Mr. GOODLING. Mr. Speaker, will the gentleman yield further to me?

Mr. VENTO. I yield to the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Speaker, I agree wholeheartedly that the emphasis, I think, has to be put on planning. They have done so many things that have caused unrest in the area simply such as when, a few years ago, they decided as a matter of fact that maybe they should have the visitor center at another place.

□ 1410

So they went out and purchased a very, very expensive piece of property. Nothing was ever done; they decided, no, I guess that is not the right place after all. So there is a beautiful piece of property that big money was paid for and nothing is being done.

Long-range planning I think is very, very important if it is going to be the kind of park that it should be.

Mr. VENTO. I just wanted to say that the gentleman's concerns have been heeded by the chairman. My visit has, I think, reaffirmed some of those concerns. Obviously, this boiled over in terms of the expansion of the park. I think that the root of it goes, as the gentleman points out, to the planning process. Certainly in the first instance we would like to see that occur. I think maybe we have got to give that a little bit of a boost.

Mr. FRANK. Mr. Speaker, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Massachusetts.

Mr. FRANK. I thank the gentleman.

Mr. Speaker, I rise in support of this legislation and I congratulate the subcommittee for bringing it forward. I just wanted to ask the chairman a couple of questions about what I hope might be a broader implication. I was interested to see his reference and hear his reference to the economic impact of the park.

We have spent a lot of time in this body talking about the environmental appeal of these parks, and there has often been an argument that somehow there was a conflict. In some cases there may be a conflict between the environmental role of the national parks and the economic interests of people in the immediate area. I think the gentleman from Minnesota made a point that really ought to be underlined that more and more we are finding that those two go together. That preserving the environment in an attractive preserving, in this case, the history, in other cases particular geographic features that are interesting, that that can in fact be a very important economic tool including one that may have some impact on the balance of payments. Recent articles have talked about in the West, for instance, the extent to which people are moving.

I am wondering if we might not want to draw out the implications of this and whether also there might not be some favorable signs here that the administration——

Mr. VENTO. I am happy the gentleman raised that point because I think that it does flow from a lot of places. Certainly we are not prepared to begin designating any conservation units on the basis of economic development solely.

I want to underline that because I think that there is concern. Potential conservation units have to have various types of physical features, various types of natural, historic, cultural, archaeological characteristics in order to qualify for the types of conservation unit designation that we are discussing.

Mr. FRANK. If the gentleman will yield, it would not work economically if those were not there. People are not going to come as tourists just to see an open piece of land with no special features.

Mr. VENTO. That is essential. But there is a recognition today of the very tremendous impact, that designation as a park or some of the other conservation units that the Congress designates does have.

The fact, is, we find, as an example, that the lands surrounding the designated areas dramatically increase in value, that is because of the desirability of being close to that resource. Very often that presents a problem for my colleagues that represents that area, Mr. GOODLING, in the sense that the land values have increased to the point where it appears that the Government may be paying too much. Nevertheless, on court case after court case, and I can cite a few that have occurred with regard to the Voyagers National Park in northern Minnesota and land in the Redwoods National Park in western California where the cost of this, when it goes to court, has been a very great concern. I think that we may want to look at that and make sure we get the best people in the Justice Department to be defending the interests of the National Government. The increased value even of the land surrounding a conservation unit, the jobs that are produced, the number of park personnel that are working in some places like Gettysburg or in some of these other areas, once we put a national designation on something, in one of these regions such as Gettysburg or the Redwoods or whatever the unit, all of a sudden it stands out on the map, and it is an attraction. It is an endorsement to the general public as to the quality and the characteristics of this particular conservation unit. The National Park Service, as an example, just with regard to Gettysburg, estimates that the park generates $40 million in revenue for the area. Considering the size and population of that community, that is a very significant part of the economy. I note the gentleman referred to changing attitudes in terms of the West. I myself represent sort of the Midwest, and the gentleman representing an Eastern area, and I am sure others in the West can speak to this issue as well, and they are probably not in unanimous opinion with regards to it, but the fact is there is a changing attitude as you recognize some of the other types of activities, forestry and mining activities that today, from an economic standpoint have been very cyclical, we find time and again they are turning to tourism; turning to this type of designation to help in terms of trying to stimulate a business or an economic-type of activity.

Primarily, and I would say again, the resource characteristics have to be there. We have to be very careful as we move forward in terms of these designations, but I do not think we should be blind to the attributes and the positive qualities that occur.

Mr. FRANK. If the gentleman will yield, I wonder if the gentleman might join with me in speculating, because I gather the administration is in favor of this and I think a lot of people are happy because there have been some signs they were not for expansions.

Recently we had a commission appointed, I believe, by the President, addressing this area of National Parks and recreation, and my understanding is that this administration has still embargoed that report. Apparently it is a matter of national security, if they knew where our parks were; they might be attacking the Caribou. I wonder whether the gentleman might care to speculate whether there is a hidden report and any of this has managed to filter through.

Mr. VENTO. Reclaiming my time, I just want to point out that with respect to this that there is a lawsuit. The President's Commission on American Outdoors is a Presidentially appointed commission in which Members of this body, Chairman UDALL and Congresswoman VUCANOVICH, as well as Members of the other body, the gentleman from Louisiana, Senator JOHNSTON and Senator WALLOP, served on that Commission and the work product of that report has been subject to a lawsuit. As a consequence, the Department of the Interior initially took the posture that they could not even release the summary. They relented when it was pointed out that the plaintiff in that lawsuit did not object to the release of the summary. So I was pleased to see that that was coming forth. So we now have a nice glossy summary of good intentions.

Just to conclude, the fact is that today the report is sequestered someplace in the Department of the Interior and I would suggest that they are sitting on it based on this lawsuit. But I would say that they are not sitting on it very uncomfortably.

Mr. FRANK. If the gentleman will yield, let me say also that it is my understanding that the plaintiffs in this particular lawsuit, they have sought injunctive relief against this being an official, adopted report. But my understanding is that they do not claim that they want the report itself sequestered. So that this is a defendant, the Government, giving the plaintiff a form of relief which the plaintiff has not even asked for. It seems to me somewhat unusual.

I think it probably reflects the fact, as the gentleman has very well documented and others, we are talking here about how a conservation-oriented goal is good for the economy and we now have the administration I think somewhat afraid of the implications of that. I know that there is some impatience in the length of this debate on the part of some of the Members here; I would just point out to them that elsewhere in this building there are people who have an interest in the debate continuing for other purposes, so I would not advise them to get their hopes up too early.

□ 1420

Mr. VENTO. I would advise the gentleman that I think that my time is about to expire, and I just want to say with regard to the President's Commission on American Outdoors that this was completely Presidentially appointed, and it is ironic to say the least that we find this lack of enthusiasm at the highest levels for this report being made public and presented to the Congress and the public.

Mr. FRANK. If the gentleman will yield further, maybe the President forgot that he appointed the Commission. That might be part of the problem.

Mr. VENTO. I do not want to speculate on that, but I would say, Mr. Speaker, that I hope that the report will be released, and that when it is released we will be looking at those provisions and trying to incorporate them into the process of consideration of measures before our committee, as well as the other committees of this House.

Mr. Speaker, I thank the Members for their participation in this discussion, and I urge positive action on this meritorious proposal that we have before us with regard to the 31-acre expansion of the Gettysburg National Historical Military Park.

Mr. KOSTMAYER. Mr. Speaker, I rise today in support of H.R. 797, legislation introduced by myself and my colleague, Mr. GOODLING, to provide for the donation of 31 acres of land to the Gettysburg National Military Park.

Mr. Speaker, this parcel of land which consists essentially of the Taney farm has been off the tax rolls for several years, contains no permanent structures which will require significant care and will thus result in no significant expenditures on the part of the Federal Government.

The Taney farm, as many Civil War buffs may recall, was the staging area for the struggle for Culps Hill, a critical turning point for the Confederacy at the Battle of Gettysburg. It later served as a field hospital.

Mr. Speaker, there is hardly a reference point more dramatic in American history than the Civil War. For this reason there is no period for which we must struggle more vigorously to preserve its physical record.

Mr. Speaker, it is important to point out at this time that funds to purchase this land were acquired solely by donation to the Gettysburg Battlefield Preservation Association. Local citizens purchased this land so that they might contribute in some small, yet significant way to the preservation of our American heritage.

Passage of this bill does more than simply remember our honored dead, it pays tribute to the vitality and strength of the American spirit, a spirit which we must protect and preserve not only for today but for the future as well.

Mr. Speaker, although this legislation was overwhelmingly approved by the House last year, the Senate, unfortunately, was not afforded the opportunity to consider a companion bill before the Congress adjourned.

Supported by the National Park Service and the Department of the Interior, this legislation was recently approved by the Subcommittee on National Parks and Public Lands and subsequently approved unanimously by the full Interior Committee.

At this time, I want to thank Mr. VENTO and Mr. UDALL for moving this legislation so expeditiously; Mr. GOODLING, for his leadership in helping to craft a fair and equitable proposal; Mr. William Penn Mott, Director of the National Park Service for his support on behalf of the administration, Mr. Ed Bearss, Historian for the National Park Service; Ms. Laura Beatty, of the National Parks and Conservation Association; Mr. John Earnst, Superintendent of the Gettysburg National Military Park; Dr. Walter C. Powell, President of the Gettysburg Battlefield Preservation Association; Mr. Ed Root of the Civil War Roundtable; and Mr. Dan C. Gregor, Mr. James Fleet, and Mr. Loring Schultz, citizens of Gettysburg who helped to bring attention to this very worthwhile issue.

Mr. Speaker, I urge my colleagues to support this legislation. It is both fitting and proper that this legislation be approved in a timely manner so that the Taney farm may become a permanent part of the Gettysburg National Military Park.

Thank you.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. VENTO] that the House suspend the rules and pass the bill, H.R. 797.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GRAY of Illinois). Debate has been concluded on all motions to suspend the rules. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 242, by the yeas and nays; and H.R. 240, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

CONVEYANCE OF CERTAIN PUBLIC LANDS IN WISCONSIN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 242.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 242, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 26, as follows:

[Roll No. 25]

YEAS—407

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Oxley
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron

NOT VOTING—26

Akaka
Ballenger
Boner (TN)
Bosco
Conte
Conyers
Crockett
Dingell
Dixon
Donnelly
Flippo
Gephardt
Gray (PA)
Lantos
Lipinski
Lloyd
McDade
Ortiz
Roemer
Smith, Denny (OR)
Tauzin
Torres
Torricelli
Yates
Young (AK)
Young (FL)

□ 1440

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

DESIGNATING THE SANTA FE TRAIL AS A NATIONAL HISTORIC TRAIL

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 240.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota [Mr. Vento] that the House suspend the rules and pass the bill, H.R. 240, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 3, not voting 27, as follows:

[Roll No. 26]

YEAS—403

Ackerman
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Barnard
Bartlett
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Bonior (MI)
Bonker
Borski
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Cooper
Coughlin
Courter
Coyne
Craig
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
DioGuardi
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Gallegly
Gallo

Garcia
Gaydos
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Grant
Gray (IL)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Lent
Levin (MI)
Levine (CA)
Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
MacKay
Madigan
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McEwen
McGrath
McHugh
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Miller (OH)
Miller (WA)
Mineta
Moakley
Molinari
Mollohan
Montgomery
Moody
Moorhead
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nichols
Nielson
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Packard
Panetta
Parris
Pashayan
Patterson
Pease
Penny
Pepper
Perkins
Petri
Pickett
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Richardson
Ridge
Rinaldo
Ritter
Roberts
Robinson
Rodino
Roe
Rogers
Rose
Rostenkowski
Roth
Roukema
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Savage
Sawyer
Saxton
Schaefer
Scheuer
Schneider
Schroeder
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sikorski
Sisisky
Skaggs
Skeen
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solarz
Solomon
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Stump
Sundquist
Sweeney
Swift
Swindall
Synar
Tallon
Tauke
Taylor
Thomas (CA)
Thomas (GA)
Torricelli
Towns
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Walgren
Walker
Watkins
Waxman
Weber
Weiss
Weldon
Wheat
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wyden
Wylie
Yatron

NAYS—3

Archer
Burton
Crane

NOT VOTING—27

Akaka
Ballenger
Boner (TN)
Bosco
Conte
Conyers
Crockett
Dingell
Dixon
Donnelly
Flippo
Gephardt
Gray (PA)
Lantos
Lipinski
Lloyd
Manton
McDade
Ortiz
Oxley
Roemer
Smith, Denny (OR)
Tauzin
Torres
Yates
Young (AK)
Young (FL)

□ 1450

Mr. BURTON of Indiana changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as recorded.

A motion to reconsider was laid on the table.

WELCOME BACK, MR. CHAIRMAN

(Mr. GAYDOS asked and was given permission to address the House for 1 minute.)

Mr. GAYDOS. Mr. Speaker, I believe that all of our colleagues are fully cognizant of the fact that our chairman of the House Committee on House Administration, FRANK ANNUNZIO, has been indisposed for several weeks, but I want to assure the gentlemen that during that time there has been very close contact with the House Administration Committee. He has given us good effective instructions. He has worked with us very closely. All of our standing committees and all of our select committees can now feel very good that their funding has been already decided. We are going to bring the bill up very shortly.

In that light and under those conditions, I consider it a personal privilege on behalf of the Illinois delegation to welcome our House Administration chairman, FRANK ANNUNZIO, back here among us. FRANK is over here on the right.

PERSONAL EXPLANATION

(Mr. OBERSTAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. OBERSTAR. Mr. Speaker, I am including in the RECORD at this point remarks that would have been delivered on H.R. 389 had I been able to participate in the debate. Regrettably, I was detained in the Committee on the Budget at the time the legislation was being considered, and I was unable to be here to address a matter which is of great importance to the people of my congressional district.

Mr. OBERSTAR. Mr. Speaker, I want to express my strong appreciation for the speed with which the subcommittee, under the able leadership of the gentleman from Minnesota [Mr. VENTO] has brought this legislation to the floor. Identical legislation which passed the 99th Congress received similar treatment by the subcommittee, but, unfortunately was not acted on by the Senate before adjournment. The subcommittee's continued support for this bill indicates a strong sensitivity and concern for the reforestation program in the Boundary Waters Canoe Area Wilderness located in northeastern Minnesota.

The piece of legislation which tightened earlier restrictions on use of the boundary waters, Public Law 95-495, significantly changed the way of life for thousands of Minnesotans living in St. Louis, Lake, Cook and Koochiching Counties. Loggers and resorts were forced to accept Federal regulations which impacted their livelihoods and sources of recreational enjoyment.

In 1978 amendments to that act imposed additional restrictions on local residents. These provisions included:

First, termination of logging within one year following enactment, but with no further logging of virgin forest during that time;

Second, ameliorative measures including land and cover restoration in timber sale areas;

Third, development of timber resources on State, county, and private lands with $3 million annually through 1990, with the Federal share not to exceed 80 percent, and;

Fourth, timber intensification practices on national forest lands outside the BWCA, funded with $8 million annually through 1990.

By approving a timber plan through 1990, Congress recognized the hardship the wilderness legislation would have on local residents. However, timber harvesting practices and the needs of the wood fiber industry in Minnesota have changed significantly since 1978. The industry is now using more aspen for its requirements than soft woods, and the aspen is found in greater concentration on lands outside the Superior National Forest and outside the Chippewa National Forest. Those lands are largely in county and State ownership.

It makes sense to turn the focus of increased harvesting of the lesser-used soft woods away from the Federal forestry lands and onto these under utilized State and country lands where a greater yield can be offered and the needs of the wood fiber industry satisfied. The authorization level provided in section 6(d)(1) of Public Law 95-495 has never been fully used nor is that authorization any longer needed for the purpose originally intended.

The purpose of H.R. 389 is to authorize a revenue-neutral shift of $2 million in authorization from the Federal forestry provision of the Boundary Waters Canoe Area Wilderness Act of 1978 to the State and private forestry provision of that same law through fiscal year 1990. The legislation is limited to those lands affected by Public Law 95-495 because of the serious economic hardship these regions have experienced in recent years, and because the original provisions of the act are no longer applicable to 1987 production needs.

The timber intensification programs have constituted the major portion of the BWCA appropriation every year since enactment. This Federal appropriation, together with State matching funds has funded three program areas, the national forest program on the Superior and Chippewa National Forests, the grant to the State of Minnesota for forest intensification programs on State, county and private lands, and the third program for funding research projects and studies.

The U.S. Forest Service has utilized the funding principally for two activities, reforestation and timber stand improvement, and for road forest work. Accomplishments of this program in the Superior National Forest, for the period fiscal years 1980-86, include the reforestation of 19,238 acres, timber stand improvement of 10,470 acres, construction of 150.6 miles and the resurfacing of 169.9 miles of timber harvest access roads.

Similar success can be found in the Chippewa National Forest, where 2,333 acres have been reforested since 1980; timber stand improvements have been made to 4,019 acres; 79.8 miles have been constructed and 108 miles have been resurfaced.

The BWCAW Act authorizes a total of $11 million annually for intensification of forest management practices outside the Wilderness Area through 1990. The authorization level for intensified U.S. forestry activities in the 1.8 million acres of the Superior National Forest was set at $8 million. However, the Forest Service has never requested more than $6 million to develop additional wood fiber under this authority. The largest amount ever appropriated under section 6(d)(1) was $5.1 million, authorized in fiscal year 1981.

An additional $3 million was authorized for intensification of forest management practices on the 7 million acres of State and local government forests in the region. State and county governments have responded to this Federal assistance by instituting programs to plant more acres, improve existing plantations, and invest in the region's forest road network. In each year that full amount has been utilized.

State and county efforts are in fact stifled by the $3 million cap on forest funds. Local leaders have very limited options available as they work to diversify distressed economies.

Until 1981, our area, St. Louis County specifically, flourished from the presence and prosperity of the mining of iron ore and taconite. We are inherently a mining region. We produce iron ore and make it into taconite pellets which are then shipped to lower lakeports to be made into steel. Until 1980, our mines flourished—people were confident about themselves and about the future.

But foreign penetration of the domestic market, along with an absence of a cognizant American trade policy cost northeastern Minnesota its mining industry and major source of revenues.

We are now in the process of rebuilding—of searching for new ways to utilize our abundant natural resources and human skills. An important factor in that recovery is the development of the wood fiber industry. Counties across the region are looking to the wood products sector to provide employment opportunities for the unemployed.

H.R. 389 will play an important role in boosting these efforts. It is a practical piece of legislation that realistically addresses the need to adhere to budgetary guidelines. The effect of enacting this legislation will be a positive sign for northeastern Minnesota that Congress intends to follow through on its promise to make amends for inconveniences caused by the Wilderness Act. At the same time, H.R. 389 will encourage economic growth and development in those areas where such growth is needed most.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1001

Mr. BORSKI. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1001.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1001

Mr. KOLTER. Mr. Speaker, I ask unanimous consent that my name be deleted as a cosponsor of the bill, H.R. 1001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

HOUR OF MEETING ON TOMORROW

Ms. OAKAR. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on tomorrow, Wednesday, March 11, 1987.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

□ 1500

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1001

Mr. THOMAS A. LUKEN. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1001.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

UNCARING MEDICARE

(Mr. ROWLAND of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROWLAND of Georgia. Mr. Speaker, in yesterday's New York Times, there was an article entitled "Uncaring Medicare" by Charlotte T. North, a patient who had apparently experienced some of the adverse relationship that has been created by DRGs between physicians, hospitals and patients.

I warned on March 9, 1983, when we were debating the Social Security Reform Act, that we did not know enough about the prospective payment system. We did not know enough about DRG's to implement it at that time.

In fact, not only has this apparent adverse relationship been created, but the costs have not been held down as anticipated.

□ 1250

Referring to the Health Care Financial Review, the fall of 1986 issue, we find this statement: "Despite implementation of the prospective payment system, Medicare expenditures for hospital services rose 60 percent faster than the growth in all nonremaining hospital revenues."

Now we are talking about bringing hospital-based physicians under DRG's—radiologists, anesthesiologists, and pathologists. When will we ever learn? We should look at the past and know what to expect in the future.

Mr. Speaker, the article which appeared in yesterday's New York Times and to which I referred earlier is as follows:

UNCARING MEDICARE

(By Charlotte T. North)

One of the many terrible consequences brought on by the Reagan Administration's efforts to reduce health care costs is the new Medicare patient care policies.

The Medicare program substitutes so-called diagnosis related groups, or categories of illnesses, for the judgment of doctors, who are professionally trained to decide how to treat their patient's illnesses. These rigid groupings dictate how long a patient with a certain illness can stay in the hospital, and they set reimbursement levels for the hospital and the doctor. Doctors are forced to categorize their Medicare patients into one of these groups, which do not take into consideration complications resulting from individual circumstances.

Most patients undoubtedly suffer in silence, but perhaps we can begin to change the policies by speaking out. My case is a good example of how the new policies fail.

Nine years after having had a double mastectomy, I was dismayed to have another malignant tumor appear on my chest last fall. The surgeon who examined the two-inch tumor said that the operation would be performed quickly and that I would be out of the hospital the same day.

On the morning of the operation, I was wheeled to the "holding" room where several patients lay in a semi-conscious state, hitched up to a variety of tubes. A young nurse wheeled me into the operating room, and I asked, "Where is the anesthetist?" "You're not having one," she replied. "Just a local anesthetic."

When the surgeon began the operation, I turned my head away from the scalpel and tried to concentrate on the big clock on the wall, which slowly ticked off half an hour. The surgeon did a remarkable job—probing deeply into my chest to make sure he got the whole tumor, but the deeper he probed the more I could feel. The nurse held my hand firmly to give me courage.

After the operation, I was wheeled to the nurses' station, where my sister was waiting, and I was still shaking from the operation. Since I was not an inpatient, the nurses told me I was not eligible for a wheelchair, and I was forced to walk in my weakened condition to the elevator and around a labyrinth of corridors through the basement until I got to the emergency exit, where my sister picked me up to drive me home.

Once home, I sank into the sofa in our living room only to be stricken with piercing pains in my chest. The pain was so severe it was almost impossible to move or to get up from the sofa. My sister pulled me up and helped me upstairs.

We discovered that the wound was bleeding and had soaked the bandage. My sister hastily added more bandages on top of the original dressing. During the night, the wound bled more and my sister continued to add bandages. I had to wait until the next day before the doctor could change the dressing.

A few days later, I complained to my chemotherapy oncologist of a low-grade fever. He was surprised and said that none of his other patients had similar complaints. I decided I probably was overly sensitive and had worked myself into a fever from anxiety.

Later that week, I returned to the surgeon who checked the incision. I mentioned the fever and he told me the wound had become infected.

This whole miserable episode was unnecessary. If I had been allowed to stay in the hospital overnight, I would have been able to properly rest from the ordeal in a hospital bed. I would have been under the care of a professional nurse, who would be responsible for taking care of the wound, and I would have been given something to alleviate the excruciating pain.

But the diagnosis grouping for this procedure did not permit payment for an overnight stay at the hospital. The groupings do not take into consideration individual circumstances that may require an extended stay. As a result, people are shunted in and out of hopsitals regardless of their condition.

Many patients suffer needless hardships under the present system, which perhaps threatens their health more than helps it. It's time the Administration faced the fact that categorizing illnesses into rigid diagnosis related groups regardless of individual circumstances is a serious mistake.

THE CONGRESSIONAL PAY FOR PERFORMANCE ACT

The SPEAKER pro tempore. Under the previous order of the House, the gentleman from California [Mr. LUNGREN] is recognized for 5 minutes.

Mr. LUNGREN. Mr. Speaker, in recent weeks, members of the majority party in both Chambers have inflated their rhetoric about budget issues. The chairmen of the House and Senate Budget Committee believe we must retract the deficit reduction commitments we made to the American people when we passed the Gramm-Rudman law in 1985. Congressman WEISS has declared in the New York Times that we must repeal Gramm-Rudman entirely and then raise taxes on the American people. And on last Tuesday, the Speaker of the House called for new taxes on stock market transactions. Apparently unaware of the devastating effect such a tax would have on economic vitality and on the pension funds upon which tens of million of Americans rely, the Speaker argued that we have no other way of reducing the deficit.

Unfortunately, these proposals presume that Congress has already undertaken a responsible evaluation of our fiscal priorities. We not only have no basis for such a presumption, but we must recognize that such claims only exacerbate the ongoing crisis in congressional accountability.

According to my colleague CLAUDINE SCHNEIDER, the 99th Congress found time to approve some 700 commemoratives. But last year, the House and Senate did not manage to complete action on appropriations for fiscal year 1987 until 2 weeks after the fiscal year had begun. In other words, Congress experienced no difficulty in approving legislation like National Bowhunters Week, but found it rough sledding when it came to relieving the concerns of seniors and veterans anxious about the funding of programs on which they depend.

Ultimately, the House and Senate leadership concocted a massive legislative package that, in the words of my colleague DICK ARMEY, contained "more pork than a Jimmy Dean farm." It contained almost all of the appropriations measures for fiscal year 1987. By sending the President an omnibus spending bill, Congress made him an offer he couldn't refuse: sign the legislation or shut down the U.S. Government. It should be clear to everyone that omnibus bills not only damage the constitutional system of checks and balances through a vitiation of the veto power, but thereby end the accountability of the legislative branch to the Chief Executive.

Unfortunately Congress demonstrated further contempt for our budget process in 1986 by passing a reconciliation package that in many ways faked compliance with the Gramm-Rudman mandate. The architects of that measure claimed that it slashed $11.7 billion from the deficit. In reality, they obtained $680 million of that supposed reduction by placing the amount of spending in the fiscal year 1986 accounts instead of the fiscal year 1987 budget they were considering. Magically, these calculations produced a saving in the 1986 budget.

The congressional leadership generated additional questionable savings through $6.4 billion worth of loan asset sales. I find it remarkable that many of those who now denounce loan asset sales as "gimmickry" supported those sales in the construction of the 1986 reconciliation bill. If they find such tactics so outrageous, where were they last year when the Congress approved a bill with $7 billion worth of illusory cutbacks? Some might even argue that the fostering of that illusion approaches taxation without representation. How can we claim to represent our constituents well when we use sleight of hand to confuse them about what we are doing with their money?

In sum, Congress has not only performed poorly in its stewardship of taxpayer funds, but it has gone to great lengths to avoid being held accountable by anyone—whether the White House or the public—for its actions.

As President Reagan pointed out last week the power of Government officers evolves directly from the trust the American people place in them. It is therefore imperative that we move to restore accountability to the Congress. To accomplish that objective, I have introduced the Congressional Pay for Performance Act. Few Americans realize that back in 1982, Members of Congress approved a permanent appropriation for congressional salaries. Under the terms of that legislation, Senators and Representatives receive their pay automatically, without any votes. Even if Congress never passed another bill, Members could continue to receive their monthly stipends thanks to the unknowing generosity of U.S. taxpayers.

My bill would provide that if all the appropriation bills for a given fiscal year are not approved by the start of that year, the permanent appropriation for congressional salary would be waived for that year. In addition, before the appropriation measure for the legislative branch could be considered, all of the other appropriation bills would have to be approved and sent to the President. My legislation would therefore mandate that Congress complete this elementary task before we receive our salaries. It is high time that we were as conscientious about the piece of mind of senior citizens and veterans as we are about our own well-being.

Mr. Speaker, many of us often wonder why it is that voter turnout declines every year, and why so many of our constituents expressed outrage over a pay raise, I do not believe they were so concerted about the dollars involved. Rather, I would submit that many Americans do not believe that they get their money's worth from the Representatives whose salaries they subsidize. The recent announcements that congressional leaders cannot summon the willpower to adhere to the Gramm-Rudman defict reduction targets without a hefty tax increase only confirms this judgment. It is clear to me that for the sake of public confidence in our democracy, the congressional salary and the congressional work product must be reconnected in the minds of Senators and Representatives. Pay for performance will accomplish precisely this objective.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. PEASE] is recognized for 5 minutes.

[Mr. PEASE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CONTRA FUNDING MORATORIUM DESCRIBED AS A LEGISLATIVE TRAVESTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 5 minutes.

Mr. GINGRICH. Mr. Speaker, any observer of the new House Democratic leadership team would understand why they are comfortable with a 1-party dictatorship in Nicaragua. After all, Lyndon Johnson's protege is now busy establishing a one-party dictatorship in the U.S. House of Representatives.

Representative BOB MICHELL, the Republican leader, and a normally mild-mannered practitioner of legislative comity, sent a letter to the Rules Committee chairman which indicates just how rapidly the new House Democratic leadership is moving toward a one-party dictatorship.

Mr. MICHEL wrote, and I quote, as follows:

> DEAR MR. CHAIRMAN: I have decided not to testify before your committee today as an expression of my total condemnation of the procedures and tactics being employed with respect to the release of the last installment of the monies to the freedom fighters in Nicaragua which the United States enacted as law just five short months ago.
>
> It is my understanding that it is your intention to report a resolution which would negate the law and the procedures established for Congress to respond to Presidential reports and determinations regarding this policy. I believe that any effort to subvert this law is in effect subverting the integrity of the legislative process and undermining respect for the law.
>
> I believe it is irresponsible for your committee to waive the provisions of law as well as those rules of the House which are designed to give the membership and the public a full and complete understanding of the proposal to be acted upon. The joint resolution was just printed last night. There will be no committee hearings, no report to accompany this proposal, no opportunity for minority views, and the minimum three-day layover requirement is also to be ignored.
>
> This process cannot be condoned as it is nothing more than an apparent effort to deny the House the right, a right that had been guaranteed by law, to vote up or down on the question of the release of the final $40 million.
>
> This legislative travesty is no substitute for policy. The policy that underlines this subversion of law is as thin as the report to accompany this measure.
>
> Sincerely,
>
> ROBERT H. MICHEL,
> *Republican Leader.*

BOB MICHEL's anger is justified, but speed is essential to the House Democrats. This leftwing Democratic unilateral surrender in Central America represents a great victory for communism and the Russian empire.

If the Democrats cared about auditing, they would audit aid to communist dictatorships like pro-Soviet Ethiopia and not just audit America's friends who love freedom and oppose communism.

The last liberal Democratic leader from Texas led America to defeat in Southeast Asia. This liberal Democrat leader from Texas seems determined to insure America's defeat in Central America.

If you think I exaggerate, I challenge the Democratic leadership to find one item in their moratorium which the Russian empire would object to. The Democratic leadership is proposing the unilateral disarming of America's friends while the Russians and Cubans keep pouring money into their communist colony. This unilateral surrender by the House Democrats was accurately defined by the Wall Street Journal in an editorial today, and I quote from that editorial, as follows:

> When it comes to hamstringing the contras, House Democrats never seem to sleep. After nearly five years of staying up late, thinking of new ways to block U.S. support for the democratic resistance fighting the Sandinistas, they are now trying to turn the fate of the Nicaraguan people over to accountants.
>
> Tomorrow the House will vote on a Democratic proposal to place a six-month moratorium on $40 million in contra aid—aid Congress voted for last year but that hasn't yet been delivered * * * the delay would effectively disarm the contras and cement into place the first Soviet-client state on the American mainland.
>
> Maybe the reasons the House Democrats won't let the contras stand and fight for what they believe in is because the Democrats themselves no longer stand and fight for their beliefs. The House's liberals want to pull the plug on the rebels but, lacking the courage to hold a straight up or down vote on that policy and expose its consequences to the U.S. electorate, they have to disguise their intentions as a funding "moratorium."
>
> What the House Democrats seem to share in common, however, is the apparent belief that if they close their eyes and wish hard enough, somebody—the Contadora countries or unarmed Costa Rica or maybe the U.S. special prosecutor—will make all that unfortunate military nastiness in Central America go away.
>
> It won't of course. If the Sandinistas remain in power, they will surely carry out their promise to spread revolution throughout Central America. The U.S. will have no choice but to invoke the Monroe Doctrine and spend more of its defense budget securing its southern flank by blockading or finally invading communist Nicaragua.
>
> The House Democrats know this, and we suspect that even the ambassador from Sweden knows this. But when the day of reckoning comes, they no doubt also assume that someone else, possibly even a Democratic U.S. president, will bear full, personal responsibility for cleaning up their mess.

□ 1510

Let me say in closing, Mr. Speaker, when you look at the unilateral surrender in Central America being pushed by leftwing Democrats, it is little wonder you are trying to rush this through. If the country understood what you are doing, it would stand up in outrage.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

[Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

A BILL FOR THE RELIEF OF MEALS ON WHEELS OF THE MONTEREY PENINSULA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. PANETTA] is recognized for 5 minutes.

Mr. PANETTA. Mr. Speaker, I am reintroducing a private bill today which I first introduced in a different form in the 98th Congress. During that Congress, it was passed by the House but not considered by the Senate.

I also introduced the bill last year. It was passed by the House after being amended to the form in which I introduce it today. The Senate again did not consider the bill in the last Congress.

In its present form, this legislation would relieve Meals on Wheels of the Monterey Peninsula of the interest and penalties it owes on the Social Security tax it did not pay from 1976 to 1982 on behalf of its employees.

In its original form, the bill would have relieved Meals on Wheels of the burden of paying the tax itself. However, in the interest of compromise, I offered the amendment to eliminate this relief from the bill. Thus, even if this bill is enacted into law, Meals on Wheels will still owe over $33,000 in back taxes. Only the interest and penalties, which now amount to some $40,000 will no longer be owed. Frankly, I am still concerned about the impact that payment of the interest and penalties would have on this vital organization. However, this amendment was necessary to gain passage of the bill in the last Congress, and, I believe, this Congress as well.

The new version of the bill also provides a 90-day grace period which would give the orgaization at least 3 months after the enactment of the bill to raise the funds needed to pay this debt. The IRS has been very lenient with Meals on Wheels, and I would hope that the inclusion of this grace period would be seen as an endorsement of continuing patience by the IRS.

Meals on Wheels of the Monterey Peninsula provides about 100,000 home-delivered meals annually to shut-ins and elderly residents of the Monterey Peninsula. It has been in operation for 12 years. There is a rising demand for its services, and even now, there is actually a waiting list of people who need the help of Meals on Wheels. Without substantial relief from this tax bill, Meals on Wheels is not going to be able to help these senior citizens.

Meals on Wheels, in addition to at-home delivery, has developed a group meal program to permit the elderly to leave their homes and enjoy social contact. Unlike many Meals on Wheels organizations, it also has a comprehensive health, nutritional, and social service approach which provides broad assistance to hundreds of elderly citizens.

The problem this bill addresses was caused by incorrect advice provided by a volunteer who was an accountant. In 1975, this individual, who has since moved from the Monterey area, incorrectly advised the organization that, as a nonprofit organization, it was not required to pay the FICA tax on behalf of its employees and that the employees also were not required to pay the tax. In 1972, Meals on Wheels had begun to pay the FICA tax on behalf of some employees, although only one employee had actually wanted coverage. Under the law at that time, this obligated the organization to continue paying the tax. But the accountant, misinterpreting a confusing statute, mistakenly advised that there was no obligation and suggested that Meals on Wheels simply stop paying the tax. Regrettably, the organization took that advice, beginning in 1976.

The IRS has assessed Meals on Wheels on unpaid FICA tax from 1976 through 1982, along with interest and penalties. Since 1983, Meals on Wheels has been paying the FICA tax on behalf of its employees, as the law requires.

This bill also includes a provision which ensures that individual employees are not harmed by this legislation. The bill provides that any work performed for Meals on Wheels during this period is credited to the Social Security accounts of the individual workers. The bill avoids bureaucratic problems by requiring that records of that employment be provided to the Secretary of Health and Human Services within a year of enactment of the bill. I have been informed by the Social Security Administration that coverage probably exists regardless of whether Meals on Wheels makes these payments, but this provision ensures such coverage. In addition, I have been assured by a representative of the Meals on Wheels organization that it can and will provide the appropriate employment records to SSA.

I do not generally believe that those who receive incorrect tax advice should not be obligated to pay for mistakes based on that advice. However, this is a unique case. Meals on Wheels is known and respected nationwide. It is an important part of our Nation's efforts to provide the elderly with a means of remaining in their homes instead of being institutionalized. It not only adds incalculably to the quality of their daily lives but also reduces cost for the recipients and government at all levels. For many recipients, the daily visit of a Meals on Wheels volunteer is the only contact they will have with the outside world. Without Meals on Wheels, it is certain that many of these elderly citizens would end up in costly nursing homes or other institutions.

Mr. Speaker, enactment of this legislation could be the difference between a strong, thriving Meals on Wheels in the Monterey area and a weak organization that does not truly meet the needs of our citizens. I certainly hope my colleagues will join me in support of this legislation.

H.R.—

A bill for the relief of Meals on Wheels of the Monterey Peninsula, Incorporated

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, except as provided in section 2, Meals on Wheels of the Monterey Peninsula, Incorporated (hereinafter referred to as "Meals on Wheels"), and any individual who performed service in its employ after 1975 and before 1983 are relieved of all liability to the United States for the payment of any interest or penalty assessed or accrued on unpaid taxes imposed by chapter 21 of the Internal Revenue Code of 1986 with respect to service performed in the employ of Meals on Wheels during such period.

SEC. 2. The Secretary of the Treasury shall take no action before the end of the 90-day period beginning on the date of the enactment of this Act with respect to the collection of any unpaid taxes imposed by chapter 21 of the Internal Revenue Code of 1986 for which Meals on Wheels and any individual who performed service in its employ after 1975 and before 1983 are liable with respect to service performed in the employ of Meals on Wheels during such period. Section 1 shall not apply for purposes of relieving Meals on Wheels of any liability arising after the end of such 90-day period for the payment of any interest or penalty on any amount of such taxes which remain unpaid after the end of such 90-day period.

SEC. 3. For purposes of title II of the Social Security Act, service performed in the employ of Meals on Wheels of Monterey Peninsula, Incorporated, after 1975 and before 1983 shall be treated (for purposes of benefits for months beginning after the month in which this Act is enacted) as employment, if and to the extend that a detailed record of such service is transmitted to the Secretary of Health and Human Services within twelve months after the date of enactment of this Act.

THE TRADE AND DEVELOPMENT PROGRAM ENHANCEMENT ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. BONKER] is recognized for 5 minutes.

Mr. BONKER. Mr. Speaker, the bill I am introducing today, the Trade and Development Program Enhancement Act of 1987, would consolidate the export promotion activities scattered throughout the foreign assistance bureaucracy in the State Department and A.I.D. within a single, independent agency, the Trade and Development Program. The purpose is to enhance the visibility of the exports generated by certain foreign aid funds as well as to assure that our foreign assistance funds are properly and adequately leveraged so as to maximize their export potential for Americans goods and services.

Without creating any new agencies or programs and without adding to the budget deficit, we will accomplish with this bill something our trade competitors learned long ago: that an integrated trade and aid program, such as that carried out by the Trade and Development Program, can both boost exports and stretch our scarce foreign aid dollars.

The Trade and Development Program, created by the Congress 7 years ago, has chalked up an impressive record of leveraging foreign aid to promote American exports. The program has obligated some $75 million total since 1980, and has produced actual and estimated future exports of an identifiable $13.9 billion, of which $605 million have occured to date. On a pro-rated basis, TDP's, average annual expenditure since 1980 of $10 million has produced an average annual return of $86 million in U.S. exports. How has TDP accomplished this remarkable record?

TDP provides small amounts of money for feasibility studies and planning services on development projects in Third World nations. By helping out firms get in on the ground floor to design these big-ticket development projects, TDP can assure that the foreign country will turn to American firms for follow-on work to engineer, construct and manage these projects. Good planning is critical to development and trade, and the country which performs the initial planning is in a superb position to win major follow-on contracts.

In addition to encouraging TDP to continue its successful program, the bill would transfer from AID to TDP responsibility to administer the foreign aid portion of the U.S. mixed credits program, in conjunction with the Export-Import Bank. Since the creation of the mixed credits program in AID in 1983, the Agency has been reluctant to help our exporters facing predatory financing from OECD nations, fearing that such assistance might detract from its developmental mandate. The transfer of this program will assure that our exporters are dealing with an agency well-known as an advocate for enhancing the trade opportunities available through our aid program, and will help stem the billions of dollars lost each year because of a reluctant AID bureaucracy.

It is my hope that this bill will be a centerpiece of the export promotion portions of the Speaker's omnibus trade bill, and that it will receive the widespread support of my colleagues.

COAL PIPELINE ACT OF 1987

The Speaker pro tempore. Under a previous order of the House, the gentleman from Arizona, Mr. UDALL is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, today I am introducing the Coal Pipeline Act of 1987—informally known as the coal slurry bill. This bill would allow interstate coal pipelines, which have obtained State authority for water use and are determined to be in the national interest, to exercise the Federal right of eminent domain.

Eminent domain authority has historically been available to other interstate energy and transportation systems—including railroads—and I believe that it is necessary and appropriate to extend such authority to coal pipelines. Without Federal eminent domain authority, coal pipelines will not be built. In order to ensure the security of our future energy supply, we must develop this efficient and environmentally sound transportation system for American coal. I think it unconscionable that over the years we have permitted the railroad industry to block the construction of coal pipelines.

For example, in August 1984, the sponsors of the Energy Transportation Systems, Inc. [ETSI] pipeline project, a proposed coal pipeline from Wyoming to the gulf coast, announced that the project had been terminated. The ETSI pipeline company invested more than $130 million and spent over 10 years trying to obtain rights-of-way for their proposed pipeline. The railroads forced ETSI to litigate easements over railroad rights-of-way 67 times in 6 years. Each time ETSI prevailed on the merits, but the continuous expense of court actions and delays finally took their toll and ETSI was forced to cry uncle to the railroads.

Mr. Speaker, we hear an awful lot of talk about competitiveness lately. Well, competitiveness is not new to those of us who have supported coal pipeline legislation in the past. For years we have been urging passage of this legislation because coal pipelines would mean cheaper and more competitive American coal in the United States and in the world marketplace.

A number of Florida utilities and one Texas utility recently purchased significant amounts of coal—not from coal mines in Appalachia or the Powder River Basin, but from Colombia, South America, and from Australia. It was cheaper for these utilities to buy and transport coal from abroad than to pay for delivered American coal. By protecting railroads from healthy competition we are losing our domestic coal markets to foreign imports and have caused export coal sales to fall from 110 million tons in 1982 to approximately 85 million tons in 1986. By failing to enact coal pipeline legislation when we deregulated the railroads under the Staggers Act, we have allowed the railroads to operate in a monopoly situation resulting in 85 percent of coal hauled by railroad to be captive to a single rail line.

Without coal pipelines to compete with railroads for the coal transportation market, railroads can charge unreasonably high rates, increasing the delivered price of coal dramatically. It is no wonder that some railroads oppose the coal slurry bill. As a consequence of deregulation and the absence of effective competition in the coal transportation market, the railroads are now in a position to force utilities and industrial coal users to pay exorbitant prices for hauling coal. The coal pipeline industry will interject competition into the coal transportation business, deprive the railroads of their excessive transportation charges and decrease the price of delivered coal.

The bill I am introducing today would only allow construction of coal pipelines that first obtain water rights under appropriate State law. The bill would increase existing State authority to control water use for coal pipelines and specifies that pipelines would be subject to State and Federal environmental protection laws. Finally, this legislation would only grant Federal eminent domain authority to those pipelines that the Secretary of the Interior determines to be in the national interest.

Mr. Speaker, the Coal Pipeline Act of 1987 will save ratepayers millions of dollars. The Energy Information Administration has concluded that coal pipelines could reduce coal haulage costs by one third to one half over estimated rail rates for the projected year 1995. This legislation has the potential of creating 375,000 new jobs in construction, manufacturing, and service related industries, and will enable the steel industry to compete for the production of the millions of tons of steel pipe necessary to build coal pipelines in the United States. Finally, the Coal Pipelines Act of 1987 will allow the free market to operate, increasing the competitiveness of American coal in the United States and world marketplace. I urge your support for this important legislation.

ORDER OF BUSINESS

Mr. ARCHER. Mr. Speaker, I ask unanimous consent that Mr. MICHEL and I be permitted to switch order in special orders tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

THE LAST AMERICAN BICYCLE TIRE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GAYDOS] is recognized for 60 minutes.

Mr. GAYDOS. Mr. Speaker, before I commence my special order, I yield to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to just, in reference to our colleague from Georgia's statement about procedures, I would just like to point out to this body that specific in the rules on Contra procedures, I am going to read section No. 2, which deals with, " . . . and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure."

What I am stating is that I believe the gentleman from Georgia is in error. The House specifically has these procedures where the Rules Committee can supersede the process. In other words, we have a resolution that can supersede the process, and that is exactly what has happened. I just wanted to point that out to my colleagues.

The gentleman from Georgia is incorrect and I have copies of the law right in front of me. I again thank my colleague from Pennsylvania for yielding.

Mr. GAYDOS. Mr. Speaker, on February 27, the last American-made bicycle tire rolled off of the production line at the Carlisle Tire & Rubber Co. in Carlisle, PA. Carlisle is the last of a long line of American companies that have dropped out of the bicycle business.

Since Carlisle started making bicycle tires in 1948, they have produced 117 million tires and 130 million inner tubes. At their peak of production in 1979, they were the largest bicycle tire producers in the world, and workers on three shifts produced 100,000 tires and tubes every day. Since then, about 350 jobs have been lost due to cutbacks in the bicycle tire operation.

According to Carlisle's figures, bicycle tire imports increased from 4 million in 1975 to 22 million in 1985—an astounding increase of 550 percent. As the volume of imports has grown, the number of American bike tire manufacturers has shrunk, until only Carlisle Tire remained—and now even they are shutting down their bike tire operation.

In Carlisle's effort to save their company, they have spent millions of dollars on new equipment and advertising. Jack Hollis, the president of Carlisle Tire & Rubber Co., recently said:

> We are the most modern tire manufacturer in the world, but we've experienced some unfair competition. Taiwan and Indonesia, where labor costs can be as low as 25 cents an hour, can market their bicycle tires and tubes at half the price of the American-made products. Its led us to the point where we're forced out of business. This is the end of an era.

But it is not just the bicycle tire manufacturing industry that is suffering. The whole American tire industry is in trouble. In 1980, tires from France, Japan, Korea, and other nations captured 10.8 percent of our automobile tire market. Last year, these countries took 23.7 percent of this $13.4 billion replacement tire market—a 6-year increase of more than 100 percent.

And, by 1990, industry analysts predict that foreign tires could grab as much as 27 percent of the U.S. tire market—a 10-year increase of 150 percent.

Thus, the American car tire industry is being subjected to the same competitive pressures from foreign firms that forced the bicycle tire industry out of business.

On March 3, Firestone Tire & Rubber Co. announced that it is going to close three of its remaining five tire plants in the United States. The closings will cost at least 3,200 jobs, lowering the number of North American Firestone tiremaking workers to 6,000. These remaining 6,000 workers are divided between two plants in the United States and two in Canada.

Mr. Speaker, I am getting tired of reading newspaper articles about suffering American businesses. Almost everytime I look at the business section, it is filled with stories about companies that are either going bankrupt or are having serious financial problems.

I remember in the late 1970's and early 1980's when computer technology was the wave of the future. Producing semiconductors, personal computers, and computerized gadgets was going to revitalize American industry; computers sales and fabrication were going to reverse the downward trend of job loss in heavy manufacturing.

Computer manufacturing was expected to solve all of our economic problems created by plant closings and layoffs in such basic American industries as the manufacture of steel, gloves, automobiles, machine tools, television sets, textiles, apparel, and consumer electronics.

Well, we are losing our edge in the computer market. Cheap Indochinese copies of our best computers are surging into our market at prices far below those we can afford to offer. They may not be as well made, but they do the job at a fraction of the cost of a comparable American model. So, computers fizzled out as the savior of America's manufacturing sector.

The latest theory is that we really do not need to be bothered by our problems with manufacturing competitiveness. The New York Stock Exchange recently wrote: "A strong manufacturing sector is not a requisite for a prosperous economy." Their theory maintains that we should not be concerned that last year our Nation posted a dismaying $170 billion trade deficit.

It also proclaims that we should concentrate on the fact that we have a healthy service sector economy. Forbes magazine has said that:

> The United States should be concentrating its efforts on strengthening its services, instead of following the Pied Piper of re-industrialization.

The idea that our whole manufacturing capacity can be gutted without crippling our Nation neglects the fact that many service jobs are directly tied to manufacturing. If you lose manufacturing jobs, you will lose—not develop—high-paying service jobs.

Manufacturers use the services of banks, computer companies, lawyers, accountants, shipping and trucking companies, stock brokers, financial consultants, insurance companies, and many other services. If we allow our manufacturing capability to fail, the economic impact will be utterly devastating.

I believe that Mr. Robert Anderson, chairman of the Hannah Mining Co., is in a good position to understand the problems of manufacturers and the problems with the present focus on a service-sector economy. He was certainly correct when he said:

> When the steel and iron ore industries seek enforcement of domestic trade laws, they are accused of being "protectionists." Yet, let a rumor spread about the failure of a major money-center bank and the government is on the scene within hours offering billions in financial guarantees. Why, I ask, has the Government not offered similar help to the U.S. steelmakers?

This help has not been offered to our steelmakers and it was not offered to our bike tire manufacturers. According to Mr. Hollis, Carlisle first went to the Federal Trade Commission in 1978 to file an unfair trading case. The FTC ruled in their favor, but the administration at that time failed to act to help the industry. Carlisle's court battle against their competitors has cost the company about $500,000. Finally in 1985 the Federal Government ruled that Korean and Taiwanese companies had been dumping their products in our market, but by then it was too late.

Mr. Speaker, perhaps the main reason that the Government does not seem to care about the decline in our manufacturing capability is that we never look at the real reasons why foreign companies can sell their goods in America cheaper than we can. Basically there are two sets of advantages which some foreign producers have over American businesses. First of all, some foreign manufacturers enjoy any number of the following fair advantages:

First, lower production costs;

Second, better product research and development;

Third, cheaper raw materials;

Fourth, better management techniques;

Fifth, higher worker productivity;

Sixth, lower wages based on a lower cost of living;

Seventh, more efficient manufacturing techniques;

Eighth, cheaper transportation of products and raw materials;

Ninth, less government regulation; and

Tenth, lower taxes.

All of the preceding advantages are perfectly fair and within the rules of fair play in business. If foreign nations can produce goods more cheaply, then more power to them. What is completely unfair is when foreign nations are allowed to break and bend the rules to lower the prices of the products which they export to the United States. There are many ways in which our foreign competitors do this, including the following unfair advantages:

First, government subsidized product research and development;

Second, government tax breaks and tax incentives to private exporting companies;

Third, pricing exports below their production cost;

Fourth, wages below subsistence level;

Fifth, the use of child labor;

Sixth, unhealthy or dangerous working conditions;

Seventh, government loans and subsidies for private manufacturers;

Eighth, tariff barriers on American goods;

Ninth, lack of trading reciprocity; and

Tenth, abnormally long working hours.

Mr. Speaker, these unfair trading practices have killed the American bicycle tire industry, they have almost killed the car tire industry, they have undermined the American steel industry, and they are about to put a whammy on our computer industry.

More importantly, when are we going to stop it? When are we in Congress going to realize that we are not playing on a level field in international trade? Sanctions, excise taxes, voluntary restraint agreements, trade treaties of dozens of different varieties—What have they gotten us?

They have gotten us the biggest trade deficit in the history of the world—$170 billion last year—and nobody expects any miraculous improvement this year!

The time has come for us to look seriously and intelligently at American's trading posture. We need to decide where to concentrate our energies and most importantly we need to develop a comprehensive strategy for international trade.

I support some of the present trade bills which my colleagues have offered, but we need to go beyond short-term solutions to our trade problems. I believe that what we need is a cabinet-level agency in the executive branch which would consolidate Government functions relating to international trade and investment. To reach this goal, I have introduced H.R. 646, a bill to establish a Department of Trade.

The Department of Trade would assume the responsibilities of the U.S. Trade Representative, the International Trade Administration, the Bureau of Economic Analysis, the Export-Import Bank, and several other offices and agencies. This authority would enable the Secretary of Trade to develop and coordinate U.S. international trade policies with respect to industrial and agricultural products, investment, services, and raw materials.

Mr. Speaker, I am convinced that a Department of Trade could help reduce our current $170 billion trade deficit. A centralized Federal agency to negotiate and enforce trade agreements and to help develop America's exporting capacity would certainly improve our international trade.

This Department could monitor all of the various facets of the manufacturing of foreign goods. It could accurately and easily determine if unfair trading practices existed, and adjust our treatment of these exporters accordingly. We could thus efficiently and effectively reduce dumping, countervailing, and subsidization, which have all been common practice with some of our trading partners.

The new Department of Trade would also monitor our industries which export and we would be able to identify problems before they reach crisis proportions. If the Department of Trade had been established before now, we might have avoided the tragedies I have outlined in the bike and car tire industries.

Passage of H.R. 646 would signal our commitment to American industry, both now and in the future. It would streamline the Government's trade-related agencies and it would help us develop and implement a far-reaching trade policy.

I believe that a Department of Trade would reduce our overwhelming trade deficit and that it would benefit businesses and all of the American people. I urge all of my colleagues to cosponsor and strongly support H.R. 646.

GENERAL LEAVE

Mr. GAYDOS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

THE ENERGY INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARCHER] is recognized for 60 minutes.

Mr. ARCHER. Mr. Speaker, I appreciate this opportunity to help call attention to the urgent need for the Congress of the United States to address the serious national security concerns caused by the depressed state of our domestic energy industry.

Just a few short years ago, dependency on foreign oil imports was considered to be one of the greatest threats facing our Nation. "The Energy Crisis," as it was called then, and the need to achieve energy independence was the issue before the Congress.

A special Ad Hoc Energy Committee was formed to develop a comprehensive legislative solution to the problem. A new Cabinet-level Department of Energy was created. A series of new laws were enacted to ensure that never again would the United States find itself at the mercy of foreign governments which could control the world's supply of oil. Never again would we allow ourselves to be so dependent upon imported oil.

Today, 14 years later, we are perilously close to the same high degree of dependency that so aroused the Nation's fears at that time.

But there is a major difference between the situation 14 years ago and that of today. Our domestic oil and gas industry is now in such a weakened state that it can no longer be counted upon to make up the shortfall if and when another supply disruption occurs.

R.W. Scott, editorial director of World Oil magazine, recently compiled several graphic statistics which illustrate the seriousness of the situation in the industry.

Domestic drilling activity decreased by 44.7 percent between 1985 and 1986, the greatest decline in the history of the industry. In my home State of Texas, drilling was off by 57.8 percent.

Oil production in the United States during that same period experienced its greatest decline since 1979. Importantly, 70 percent of the decline in production in the lower 48 States occurred in the last half of 1986.

Average net crude oil imports rose from 4.2 million barrels a day in 1985 to 5.2 million barrels a day in 1986—a 24-percent increase in imports.

Interestingly, the increase in imports from Saudi Arabia alone almost exactly matched the decrease in production in the lower 48 States.

Domestic exploration and production expenditures have been cut almost in half during this same period.

Importantly, these statistics themselves are not the story. They are merely a numerical symptom of the devastation that has taken place in the industry upon which this Nation ultimately must depend to run its factories, heat its homes, fuel its transportation systems, and provide the feedstocks from which millions of products are manufactured.

Hundreds of thousands of American oil and gas industry employees have been laid off—resulting in massive unemployment in related industries and the service sector as well. Thousands of homes have been lost. Life savings have been wiped out. Individual and business bankruptcies are an everyday occurrence. An alarming number of the financial institutions in those regions have already closed their doors—with more to follow. Entire local and regional economies have been devasted.

So how has the Congress reacted so far? With silence.

Those of us from the energy producing regions of the country, a decided minority in Congress, are painfully aware of the economic situation in our States and congressional districts.

We're also painfully aware of the very real threat that continued inaction on the part of the Federal Government poses for all Americans and the vitality of the Nation as a whole if steps are not taken immediately to preserve our ability to find and produce domestic energy.

A wide variety of ideas have been proposed to help bring that about—including a series of legislative solutions which I have personally offered. Others who will speak here today have proposals of their own. Many of us have joined together in cosponsoring combinations of those ideas. But we have a problem.

We can't even get comprehensive hearings on those proposals in the committees which have jurisdiction over many of the issues involved. That is why today I began circulating a letter—to be signed by Members of the House—making another formal request for hearings in the Ways and Means Committee on the various tax proposals which have been introduced this year to prevent the further demise of the domestic oil and gas industry. I urge my colleagues to join me once again in making this request for hearings.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 1987.

HON. DAN ROSTENKOWSKI,
Chairman, House Ways and Means Committee, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: We are writing to you to request that the Ways and Means Committee conduct hearings without delay on the wide variety of legislation which has been proposed in this Congress to address the rapid decline of our domestic energy industry's ability to prevent a dangerously high dependency on imported fuel and feedstocks.

The near collapse of our domestic energy industry is a critical national issue—although the current symptoms of the industry's devastation may now appear to be more regional in nature. While we are now seeing the destruction of entire local, state and regional economies, massive regional unemployment and the financial ruin of millions of low and middle income American families, it is only a matter of time before the entire nation suffers economically from our reduced ability to provide energy for our domestic needs. How quickly we appear to have forgotten the bitter lessons learned in the last decade.

Surely, the full Ways and Means Committee, or at least its Oversight Subcommittee, can find time in its schedule to consider those matters under its jurisdiction which address these concerns before a full-scale energy crisis grips the nation once again.

We strongly urge you to permit the issues to be reviewed thoroughly in your Committee so that we can seek solutions to this national concern before it is too late.

Thank you very much.

Sincerely,

BILL ARCHER.

□ 1540

I have already been able to obtain over 30 signatures on this letter, and there will be more to come.

Some of the solutions which I have proposed are to return the depletion allowance to 27½ percent, to create a new marginal production tax credit; to assist in seeing that marginally high cost wells are not closed down and lost forever for the people of this country. Also an exploration tax credit which would provide a 15-percent tax credit for expenses incurred in exploratory activities. A repeal of the crude oil windfall profit tax, a tax which costs, according to estimators, $1 billion a year just for administrative and paperwork costs, and produces not one red cent of revenue to the Federal Government.

Repeal the Fuel Use Act so that natural gas can compete with other fuels freely in the marketplace. Deregulate the pricing of natural gas.

Complete filling the strategic petroleum reserve with domestically produced oil.

Change the property transfer rules so that major oil companies can transfer high-cost properties to independents and permit them to continue to be operated while regaining the depletion allowance.

Expand the definition of intangible drilling costs to include geological, geophysical and surface casing expenses as deductible items.

Eliminate the requirement that integrated producers capitalize 30 percent of their IDC's.

Repeal the current law 50 percent net income limitation for application of the percentage depletion allowance.

Mr. Speaker, I have with me today other colleagues who would like to join with me in this special order.

Mr. Speaker, I yield to my colleague, the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I thank the distinguished leader of the Republican delegation from Texas for yielding. His leadership on this issue is much appreciated, not only in our State of Texas but in the entire country.

Mr. Speaker, the colleague who spoke before us in a special order talked about the bicycle tire industry in his home State declining and going out of business. He indicated that in the peak year of production the company that he was alluding to manufactured in the neighborhood of 117 million bicycle tires. That is a tremendous number of tires.

I would point out that the numbers of barrels of oil that we are going to import this year in even a 10-week period is going to far exceed the number of bicycle tires and their value that the other gentleman was referring to. It certainly is unfortunate that the bicycle tire industry is on hard times, but not all of us ride bicycles. Some of us can get by without a bicycle. None of us can get by without energy, none of us can get by without using in some shape of form either petroleum products or their derivatives.

My colleague from Texas, Congressman ARCHER, indicated that imports have gone up 1 million barrels of oil per day in the last year. They are going to go up even more in the coming years.

It is known in the oil industry that the peak year of production for a new oil well is the first 3 years. Three years ago we had in the neighborhood of 3,000 drilling rigs in operation. I think last week we had in the neighborhood of 800 drilling rigs in operation. Three years down the road our production is going to decline dramatically, and we will be importing not 5.2 million barrels of oil per day, but probably 7, even 8 million barrels per day.

How does that effect our balance of payments? It affects it very negatively.

Take Congressman ARCHER's 1-million-barrel increase on a daily basis in oil production in oil imports. If you take 1 million barrels a day, you multiply that times $15 a barrel, that is $15 million a day you are paying for imported oil. If you multiply that by 7, that is $105 million a week additional you are paying for imported oil. If you multiply that by 50, you are over $5 billion per year in increases in imported oil, and that is a cost that has gone, those dollars are out of this country.

We need to do a lot of things. I happen to be an original cosponsor of Congressman ARCHER's energy security package he has put together. This is a very good step.

Not many in our country know what the Fuel Use Act is. They do not know what the windfall profit tax is. They do not know what depletion is. They are not familiar with some of these incentives that we are talking about.

But the bottom line is the combination of the fuel use tax, windfall profit tax, removal of depletion incentive add to our costs in the United States an average $5 a barrel in finding cost that the rest of the world does not have to deal with. That puts us at a competitive disadvantage right off the bat.

We could go a long way toward maintaining the existing domestic production if we would enact in a very expeditious fashion Congressman ARCHER's package.

There is one more thing that I would like to suggest to the Congress and the country that we consider. It does not have the total support of the Texas delegation or the House, but we should at least consider seriously an oil import fee. We are talking about a major trade bill this year. Our major trade import is oil. We should at least debate it, and honest men can disagree honorably on whether that is in the best interests of the country or not. I happen to think it is.

I would like to close with a story that puts in perspective what we are talking about here in the oil and gas industry. I have four district offices in Texas, one in Bryan, College Station. My district representative there until 2 weeks ago was a lady whose husband worked in the oil and gas business. He drilled water wells for oil and gas wells and he also went in and did some rework on oil and gas wells.

Two years ago there were in the neighborhood of 100 drilling rigs working in Brazos County. Last week there were none. As a consequence of that, my district representative's husband is now in the jewelry business in Austin, TX. He is not out working in the energy sector.

That is one individual who is no longer in the business of finding oil and gas and providing domestic production, providing domestic security for this country. Five years from now when the price goes back up, will he come back into the oil and gas business? Probably not. Will the thousands and hundreds of thousands that Congressman ARCHER referred to come back into the oil and gas business? Probably not.

So what is our alternative going to be at that time? It is going to be to pay more for more imported oil from overseas.

I commend my colleague from Houston for holding this special order and look forward to working with him in this Congress to try to finally do something about our oil and gas industry in the United States.

Mr. ARCHER. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from Austin, TX, Mr. PICKLE.

□ 1550

Mr. PICKLE. Mr. Speaker, we are becoming dependent on foreign sources more and more. In January of this year, we are at 38.2 percent dependent on imported energy, and that may be a generous figure.

So we must do something about it, and I commend the gentleman for holding these hearings. I also have joined with the gentleman in asking the chairman of our committee to hold some public hearings on this question so that we can examine what is a good national energy policy. I hope that we can publicly examine that, because we have no serious problems.

This special order is just a good way to start this whole question, and I hope we can continue it, because nothing is more important to our country.

Mr. Speaker, millions of Americans are still blissfully unaware that the United States is drifting aimlessly toward an energy crisis that could wreak havoc on our economy and seriously endanger our national security.

The need for a coherent, consistent, and comprehensive national energy policy has never been more apparent. Unfortunately, our efforts to develop such a policy are hampered by a tendency to see America's energy problems in regional terms and a dangerous assumption that there can be no harm in lower prices, rising demand, and increasing reliance on OPEC imports.

I hope this special order can refute some of those notions and focus national attention on America's precarious energy future.

The statistics, Mr. Speaker, tell only part of the story.

In January of this year we imported 6.3 million barrels of oil per day. That is an increase of 1 million barrels per day—or 19 percent—from January 1986.

In January of this year we were 38.2 percent dependent on imported energy. In 1985, our level of dependence was only 27 percent.

Oil from the Persian Gulf now accounts for almost 15 percent of our imports.

The lethal combination of rising imports and recently rising prices for oil could add as much as $12 billion to America's trade deficit this year.

Clearly, we are importing more of our energy requirements, and much of that increase is coming from the Persian Gulf. As we import more, we are also producing less energy here in the United States.

Throughout most of 1986 the Department of Energy grossly underestimated the falloff in domestic production. DOE had been using figures of about 300,000 barrels per day, but by December, when the true picture was finally presented to the American public, it was acknowledged that domestic production was down by almost 700,000 barrels per day.

Much of that lost production comes from stripper wells which are especially vulnerable to shut down as a result of lower prices. Stripper wells constitute over 70 percent of the producing wells in this country. Their average production is only 2.7 barrels per day. However, in the aggregate, they account for almost 15 percent of our domestic production. Mr. Speaker, thousands of stripper wells were shut in 1986, and their production was lost forever.

It may be possible to argue the fine points or put a special spin on the statistics, but the trends are clear and they are alarming: The United States is producing much less energy here at home. Demand is increasing dramatically due to lower prices. And we are importing more from abroad, renewing our dangerous reliance on precarious supply sources in the Persian Gulf. We have already surpassed the levels of dependence that triggered the gas lines in the seventies.

I want to join my colleagues in stressing the urgent requirement for policies to address the energy crisis looming on the horizon. I am especially interested in policies that will decrease our dependence on imports and provide some relief to the thousands of independent producers who take most of the risks and find most of the oil in this country. I know the major integrated producers are hurting, but I also know they are somewhat protected by their diversified resources. If dependents do not have those resources and for those whose only business is looking for oil, there is the real danger that they will go under once and for all.

Mr. Speaker, I think we need an oil import fee. And I think we ought to repeal the windfall profit tax. Recent studies suggest that the energy industry pays $100 million a year just to fill out the paperwork on a windfall profit tax that is not even being collected because prices are so depressed. We need to look for new incentives to protect marginal wells and encourage domestic production. We need to finish the job of deregulating natural gas and removing end-use restraints.

Perhaps most important, we must reach a national consensus on the existence of an energy problem and develop a strategy to deal with it. Our accelerating dependence on imported energy has obvious national security implications and a significant, negative impact on our balance of trade. The policies of a cartel are driving thousands of independent producers to the brink of bankruptcy and forcing the United States to shut down a portion of its energy potential.

Mr. Speaker, we must find some honest answers to a very real and immediate problem that threatens America's future as the most powerful and prosperous Nation in the world. You can be sure I will be working with my colleagues who share my concern about energy policy to find those answers.

I hope our Ways and Means Committee can hold hearings to examine this whole policy, and I have joined in asking our chairman to publicly examine this serious question.

Mr. ARCHER. I thank the gentleman for his comments, and it might very well be that his committee, the Oversight Subcommittee of the Committee on Ways and Means would be the instrument holding these hearings and I share the gentleman's hope that actually in a sense in an importunate way that the chairman of the committee, the gentleman from Illinois [Mr. ROSTENKOWSKI], will permit the gentleman from Texas [Mr. PICKLE] to hold those hearings before his Oversight Subcommittee.

Mr. PICKLE. Mr. Speaker, I hope that he will do that, and it needs to be done. I thank the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I now yield to the gentleman from Texas [Mr. COMBEST].

Mr. COMBEST. Mr. Speaker, I thank the gentleman from Texas [Mr. ARCHER] for holding this special order to bring attention to something we know is extremely critical, not only in our State but certainly in our Nation as a whole.

I join with you in the efforts; I commend you on your leadership in this body for this industry and for the Nation as a whole, and I want to join with you in all of the efforts which you are taking.

Mr. Speaker, it is unfortunate, I think, that so many times that this is looked at as a regional, parochial problems. Certainly those of us who represent heavy oil and gas producing districts understand and are aware of the fact that the economy is suffering tremendously in those areas, and while I would like to be able to stand up here and talk to you for countless numbers of hours, unfortunately, about the individual situations in those areas, I think the real concern that we all have is not the immediate impact or the long-range impact on those areas as much as it is upon the impact that this national crisis can have on this country.

As the gentleman from Texas [Mr. ARCHER] indicated earlier, the many people who gave warning signs and warning signals prior to the problems of the early 1970's, those signals and those signs should be seen today because they are very real and they are going to have equally if not much more significant impact on us today than they did in the early 1970's.

I think many times people look at this as an issue where you are basically pitting the producer against the consumer; and I think nothing could be further from the truth.

The consumer wants, obviously, an adequate supply of energy at a reasonable price. I do not know of a producer in my district or in any other part of this country that does not want to be able to fulfill the same goal; and that is, an adequate production at a reasonable price.

Producers in my district tell me that they would like to be able to make money at $15 a barrel. Many of the things that the gentleman from Texas [Mr. ARCHER] and others who have joined with him, hopefully will provide that opportunity so that we can have stability, we can have quality, we can have fairness in the energy industry and at the same time continue to provide for that consuming public an adequate supply.

The differences now, and they were in the early 1970's, are significant, in the fact that we have seen such a tremendous reduction, as the gentleman said earlier, in his opening remarks, we are now seeing a tremendous reduction in the number of exploratory wells. We have seen a tremendous increase of nearly 40 percent in the use of imported oil in just 1 year. It has increased by more than 24 percent.

We have seen a continual decline, not only in the drilling activity but certainly in the production activity in this country as well, and if the trend continues, we are going to see that drastic decline expected through the year 2000.

People who do not understand this industry do not realize that we cannot just go out and turn on a spigot. If tomorrow we wake up and have a severe energy problem and an energy crisis, we cannot supply the needs, we become more and more dependent upon foreign sources; we become more and more at their whelm of whether or not they are going to provide us with the adequate supplies that we need, we simply cannot go out and turn on the spigot.

It takes years of exploration, it takes years of production just to bring us back to what we have already lost in the past 5 years. There has got to be some certainty that there will be an industry with some stability, in order to attract the investment dollars that it will take for exploration and for production, for those dry wells that they will hit when they are out there looking for new production in this country to meet our needs; and in order to do that it is going to take a lot of dollars and a lot of years to do it.

We have a number of options that are available. A lot of us have, for a number of years, expressed the significance; what we think, and that is to get the Government off the backs of the industry; to deregulate the industry to the extent that we can, and we certainly continue to try to push for those measures.

There are other alternatives, as the gentleman from Texas [Mr. ARCHER] mentioned. He and others of us have joined together. We have separate and independent bills that we are all looking at in order to try to provide and bring some stability and some equity and some fairness to this business; that if in fact we cannot make some of the changes that some of us desire, there are other things that we potentially can do.

I want to join with the gentleman in the letter to the Committee on Ways and Means, to the chairman, to ask for hearings; because it is something that is not just a parochial or not just a regional problem, or something that is of a severe nature in this country.

ACT FOR ENERGY INDEPENDENCE NOW

Mr. Speaker, this Nation faces a serious energy situation. With domestic production continuing to decline because of depressed prices at least through the year 1991, little doubt exists that our Nation's energy producers, and all the economy founded on a healthy, stable energy supply, are in trouble.

The question becomes what are we as a Congress going to do about it? Members from producing States have suggested that an oil import fee is an option. Members from consuming States have made it clear that it is not.

This is not a regional battle. The entire Nation will ultimately suffer if we lose our ability to meet our energy needs. We in Congress must find some solution, a place to lay aside our regional differences, resolve our regional concerns, and responsibly address the critical problem we face.

As one promising approach, I have introduced the Energy Equity Act to achieve this goal. This bill would invert the windfall profit tax to allow producers to collect a refundable tax credit when the market price of oil falls below the base price, just as the industry presently pays a tax when the price of oil exceeds that level. I believe this measure is a fair means of returning a small amount of taxed-away revenues the industry badly needs.

H.R. 1029 is based on a simple concept—equity. If the Federal Government punishes oil producers when the market price of oil is high, it should help protect them when the market price is low. The Federal Government has received over $78 billion from oil producers through a special tax directed to only one industry. The Government must now meet its responsibility and keep this essential component of our national economy from collapse.

The Energy Equity Act provides fair help to the ailing oil industry without raising prices to consumers. It provides more stable prices on which to make financial decisions without creating additional bureaucracy. Finally, it will provide oil producers protection without impacting our foreign policy concerns. I believe this bill gives the industry the help it deserves without breaching our responsibilities to those who believe they have benefited from the drop in oil and gas prices.

Crude oil supplies 42 percent of our total energy needs in the United States. With our dependence on imported oil growing at a dangerously rapid pace, nearly 40 percent of total supply in 1986, we are on the verge of losing the ability to meet the needs of our Nation. We must act and we must act decisively to move toward energy independence.

Mr. ARCHER. Mr. Speaker, I thank the gentleman for his comments, and I yield to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES of Louisiana. Mr. Speaker, images and impressions. Those are the things that guide us through most of our lives; and as I drive along on weekends at my home in south Louisiana, looking at the image and impression of an industry in shambles, I think of the words to try to explain to you what it is like to pass the "for sale" signs on house after house after house; to look at a turned-over tricycle in a front yard, and convert that to facts that you will understand.

An industry is not relegated to a financial statement disclosed quarterly; does not belong in a board room of the corporation's meeting. An industry belongs out where it lives, thrives, grieves, and part of that industry lived in south Louisiana.

There was a time when my home State could have been counted upon for any national emergency, to provide for the rest of this Nation the energy necessary for almost any extreme event; and that unfortunately is no longer true.

For the image that we have now in south Louisiana is one of our best and our brightest students leaving our State; of unemployed petroleum engineers working at any jobs available if and when jobs are available. We have shifted the ability to supply the world's energy outside the boundaries of this country.

When the Sun comes up tomorrow, and when it goes down tomorrow evening, this Nation will have lost the capacity to produce 1,000 barrels of oil. We are now creeping past 4 out of every 10 barrels that we rely upon someone else to bring here. Those are facts; those are the realities.

For my colleagues who live in the rest of the Nation, I might remind them that my good friend, Mr. GRAY, representing south Philadelphia, when one of his constituents comes in, late in the evening, turns on a gas jet, the capacity to produce the pipelines necessary to deliver that product to home heating for those children going to school the next morning is not only severely in jeopardy, but almost mathematically certain not to exist within the next several months.

What you refer to in the newspaper headlines as a gas bubble is nothing more than an inventory; whether your business is selling shoes, selling pipe or drilling for oil, it is an inventory rapidly depleting, to the point where now and 30 months from now, we will be wondering whether we can ship No. 6

crude through pipelines that quite frankly are not designed and technically do not have the capacity.

The oil and gas industry, in south Louisiana, in Texas, in Oklahoma, is trying to create the correctness of a false impression. Those men and women in that business who have never seen a Lear jet, never ridden on one and certainly never owned one. Those friends of mine in high school who worked offshore in the Gulf of Mexico supporting their families, that is the real oil business.

In my home in Lafayette, there were 1,800 individual companies at one time. Now there are less than a third that many. There were 15,000 independent producers at one time in this Nation; now 5,000 are gone.

There are what are known as stripper wells. Those are small quantity amounts which, at the present price, simply cannot any longer be produced but in their aggregate of 45,000, account for almost 15 percent of our total production and day by day by day, they are going off-line; they are not economical, they can no longer exist. And no price is going to bring the vast majority of those back on line.

□ 1600

The time between exploration and reaching the pump can be as much as 5 years in the Gulf of Mexico; if you are lucky as short as 30 months. Those are the times that you may recall in the midseventies which created the long delays between those lines of cars waiting at pumps and being able to refuel vehicles. Well, that is it; impressions and images.

What the gentleman from Texas is asking is that the appropriate committee in the House of Representatives also listen to the facts, both those in the industry with the knowledge of the engineering to be able to say that we are approaching a crisis level and those who understand the implications to our national security of reaching that 40-percent level of imported oil; and ultimately those people who will suffer most from a tremendous increase in the price of natural gas or the price of oil.

I thank the gentleman for this opportunity to stand on the floor of the House of Representatives to present some of the facts, but more than that to present some of the feelings and impressions from being mistaken.

Mr. ARCHER. I thank the gentleman for his insights and for his contribution.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ARMEY].

Mr. ARMEY. I thank the gentleman for yielding. I appreciate the gentleman taking this time for us this evening to speak about a very important issue. I also appreciate the gentleman's leadership on this issue and on many others as the senior ranking Republican from the Texas delegation; he is very instructive to all of us.

I might mention that Mr. ARCHER's bill is really what we need to go forward in this area. I also appreciated the remarks of the gentleman from Louisiana. I am afraid too many of our colleagues from around the Nation and too many of the citizens from around the Nation have drawn their conclusions about the oil industry from the movie "Giant" where they saw great gushers of oil or from "Boom Town" where they saw great gushers of oil and they lost sight of the fact that most of the oil is produced by small independents and by small family operations living off of the relatively meager earnings they receive from stripper wells.

Oil is a high risk industry. The people in the industry are independent businessmen and women. They are people of courage, they are people of vision, they are people who take risks to find a product and they are people who have been in the past badly misunderstood.

There can be no doubt that pursuant to the problems we had in 1973 that the rapidly rising oil prices drove inflation up in America. I think there can also be no doubt that Congress reacted improperly to that and heaped on the industry regulations that were not justified for the many ills of the domestic industry and certainly did nothing but make a bad situation worse.

I have talked to my independents back home and they have told me consistently that they want the Government to get out of their business, allow them to be free to produce and pursue profits in a fair environment and they will keep American energy independent. It is far better we should react now by undoing some of the bad legislation that has come before than by heaping new legislation on an already beleaguered industry.

In that respect I think Mr. ARCHER's bill represents a comprehensive response to the needs of the industry that will not only help our producers regain their place in the world's industry, but help our consumers to also enjoy the benefits of a thriving, prosperous, independent, domestic industry. And, also, to restore those jobs, that economic well-being, to some regions of the country that right now are suffering under this circumstance.

Let me mention a few points. Abolish the windfall profit tax: This tax was passed with malice in the first place. It was not justified. As it stands now, even the price of oil is low, so low that people do not pay the tax, they still have to bear the cost of $1 per barrel to report the tax.

Can you imagine that as the law is currently constituted, even though producers may have gone 1 or 2 years without profits, that the day that price reaches $18 per barrel and remains there they will pay windfall profits as if they had actually existed, adding even further burden.

Now is the time to take this unreasonable and unnecessary tax off the books. Repeal the Fuel Use Act. Again, during another time it was thought to be necessary. It has been disruptive and depressive to the industry.

Restore the percentage depletion allowance: This is seen by too many people as a special favor to a special industry.

You must understand that exploration, drilling, and search for oil is a highly risky business. As in any other business if you are going to attract investors into the area, put rigs into the field and put people to work, you must make it possible for them to earn an after-tax return that will justify their taking the risk in a high-risk business.

It is time we restore that. Now, the strategic petroleum reserves, I think it is appropriate that at least one-half the oil deposited here should be domestic purchased.

We should allow for natural gas cooperatives, again allowing small independent organizations to find in that mutual strength, mutual economic health and an opportunity to provide jobs for more Americans. Deregulate natural gas: This is again removing from current law regulations and administrations imposed on the industry by our Government at another time when in fact it was probably not necessary or desirable even then.

Eliminate the property transfer rules. Forbearance in banking regulations is also needed. It escapes my understanding why if two responsible people, one in the oil industry and one in the banking industry can sit down and between themselves renegotiate terms of a debt, to reconstruct a payment schedule that allows both organizations to remain in business and work their way through hard times, it escapes my understanding why anybody would want to interfere with that. Now is the time to loosen the regulations and allow the responsible people in both industries to negotiate terms. We need to do something about the provisions for abandoned wells. This is extremely important. We must understand when a stripper well is lost and shut down, those reserves are lost to us forever. We do not come back later and turn that spigot on. That well is lost. We must try to save those.

Finally, remove the prohibition on the exportation of Alaskan oil. This one always amuses me. We have many, many people in this body who will complain about our bilateral trade relationships with the Japanese and even within the context of those complaints they will allow us to have a restriction specifically on the exportation of Alaskan oil to the Japanese. Removing this will help us, help the Japanese, and help our balance of payments.

There are so many things we can do. I thank the gentleman from Texas for recognizing that and calling us together to make the point that the time is now, there are so many things we must do. We must deregulate this industry, we must provide freedom, flexibility, and opportunity to people in this industry and in so doing guarantee the American consumers that they will not again sit in long gasoline lines.

I thank the gentleman again for his time.

Mr. ARCHER. I thank the gentleman for his perspective and his contribution.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Speaker, the prospect of a future energy crisis has increasingly become a topic of debate both in and out of Washington. More and more, the media is emphasizing the potential of oil shortages and gas lines.

I would not minimize the consequences of these events or question the very real possibility that these predictions could become reality. I would argue, however, that we are already facing a crisis of a sort and that is a crisis of complacency.

Less than a decade after we faced our last energy crisis and boldly declared our energy situation the "more equivalent of war" we have come no closer to achieving energy self sufficiency, and in many ways have actually retreated from this goal.

After years of progress in reducing energy dependency the United States is once again losing ground on several fronts.

In 1986 oil imports rose 23 percent, to 33 percent of supply. Today imports represent 38 percent of supply. Both Government and private organizations project that if current trends continue this Nation could be more dependent on foreign oil than it was in 1977 when imports peaked at 46 percent.

Where these imports are coming from also adds to the growing feelings of insecurity. Oil imports from the volatile Middle East rose 300 percent in 1986.

Domestic oil production dropped 700,000 barrels per day last year and exploration and production budgets were cut one-third. Oil and gas drilling activity fell 50 percent in 1986 and has dropped 85 percent since 1981. The current drilling slump has led the Congressional Research Service to project that domestic production by the year 2000 could decline to the lowest levels since 1961.

In 1986 demand for oil was up 2.5 percent despite the sluggish economy. These statistics have not all occurred in a vacuum. Congress and the administration are in part to blame for a number of policy decisions made in the 1980's absent a clear and present energy crisis.

In 1978 in the midst of the energy crisis Congress by an overwhelming majority mandated expedited exploration and development of the Outer Continental Shelf. Just 3 years later Congress imposed a ban on oil and gas leasing activities on portions of the Outer Continental Shelf. The acreage covered by moratoria has rendered unavailable for exploration estimated recoverable resources totaling more than three times the amount of oil stored in the strategic petroleum reserve.

By the year 2000, only 13 years away, one-half of total U.S. oil production will have to come from fields not yet discovered. At least one-half of future U.S. oil discoveries will come from the Outer Continental Shelf.

While opponents of Outer Continental Shelf leasing will argue that there are alternatives, we cannot escape the fact that the use of oil and natural gas is pervasive in the U.S. economy, accounting for two-thirds of the Nation's energy requirements. In addition to supplying transportation, military, and agricultural needs, oil and natural gas are the major fuels for residential and commercial heating.

Further, there are currently no ready substitutes for many petroleum products. America is a nation on wheels and oil and natural gas supply 99.8 percent of the transportation sector's energy requirements.

In 1979 Congress and President Carter agreed to commit $20 billion to the newly created Synthetic Fuels Corporation with the mission to encourage private industry to create substitutes for oil and gas from abundant domestic resources such as coal and shale. In 1985 Congress completed the work begun the year before and dismantled the Synthetic Fuels Corporation.

Also in 1979 Congress appropriated $747 million for the Department of Energy's Fossil Energy Research and Development Program. That figure has been more than cut in half, dropping to $296 million for the current fiscal year. That $296 million figure, however, is significantly more than the administration's request of $83 million.

Congress has also slowed the fill rate of the strategic petroleum reserve to about 75,000 barrels per day, down from a peak fill rate in 1981 of 292,000 barrels per day. The President's fiscal year 1988 budget would reduce that rate even further to 35,000 barrels per day.

Minus a clearly visible energy crisis we are retreating on all fronts from our objective of energy security.

From a national security perspective, from a balance of payments perspective and from the perspective of insuring that our domestic energy industries can continue to compete in a world market, we must pursue a balanced energy program.

We cannot afford to put all of our eggs in one basket, as we did in 1980 with the creation of the Synthetic Fuels Corporation. It is the cumulative contributions of a viable strategic petroleum reserve, domestic exploration and development, research into alternative fuels, demonstrations of new technologies to burn coal cleanly and continued conservation measures that together represent a formula for national energy security.

Omit any one element and we risk opening ourselves up once again to OPEC blackmail. The American people have a right to expect more from Congress and the administration. They have a right to expect that we have learned something from the lessons of the 1970's.

Let's hope we do not disappoint the American people. Let's demonstrate to them that we can reverse our traditional national behavior and respond in a noncrisis atmosphere.

□ 1610

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Ohio [Mr. REGULA] for some excellent comments.

I yield to the gentleman from Texas [Mr. DELAY].

Mr. DELAY. Mr. Speaker, I also would like to join my colleagues in thanking the gentleman from Texas [Mr. ARCHER] for calling this special order.

In my judgment, this Congress needs to begin focusing on the problems of the energy industry and today's comments will certainly promote that goal.

My colleagues today have addresed many important issues regarding the energy industry. However, aside from the very valid arguments concerning national security and lost jobs in the energy industry, I feel that we should also include just how the oil and gas industry affects this country's overall competitiveness.

Competitiveness is the new buzzword up here on Capitol Hill. Many of us are concerned that this Nation is not competing as well as she could or should. But I doubt if many realize just to what degree intrusive and outdated regulations on oil and gas production raise our cost of living and of doing business. Virtually every business and home in this country must rely on natural gas, gasoline, heating oil, and many other petroleum products for their everyday livelihood. Therefore, when we increase the cost of energy, we increase the costs of doing business, we decrease the ability of those businesses to compete in a global market, and we decrease the real incomes of every citizen in this country. The sooner we become cognizant of these facts, the sooner we can begin restoring this country's position of global productive preeminence.

On Tuesday of last week, I launched a new coalition of businesses, organizations, and Members of Congress who are committed to dealing with this country's competitiveness. This coalition is called PRICE [People Restoring an Internationally Competitive Economy]. One of the most important objectives on our list of "Things to Do" is deregulation of the energy industry.

□ 1620

Mr. Speaker, there are many ways that our Government adds to the cost of energy in this country. For instance, the Fuel Use Act prevents certain industries, such as utilities, from using natural gas even though it is substantially cheaper than alternatives. For instance, it is absurd for a power company in Texas to have to ship in coal from Canada instead of being able to burn inexpensive, plentiful, and clean-burning natural gas from wells that may be right next door. This translates into higher electricity costs for consumers and lost jobs for those involved in drilling for natural gas. According to one very conservative estimate, over $6 billion could be saved in construction costs for pollution abatement equipment on generating plants that would not be required if natural gas were burned rather than coal.

It is incredible to me that in this Congress, the contradictory Congress, as I call it, on the one hand we are fighting to repeal the Fuel Use Act so that power companies can burn clean coal and, on the other hand, we are trying to spend billions of dollars requiring powerplants to buy equipment to clean up the coal that we are mandating they burn. Furthermore, repeal of the Fuel Use Act would create at least 300,000 new jobs by the end of the century due to increased efficiencies and would add $15 to $35 billion to real GNP each year.

We also need to eliminate the windfall profit tax. I wonder how many people realize the amount of paperwork companies are required to fill out even though the Federal Government isn't collecting a penny of tax because of the low price. Do we really want to force companies that are losing money and laying off workers to fill out this needless paperwork? Some have said that it is costing a billion dollars a year for American companies to comply with the provisions of the windfall profit tax. That is $1 billion of competitiveness that this Congress could easily restore.

The windfall profit tax is only one area of our tax policy which adds to the cost of producing American energy. Over the years, taxes on the energy industry have been raised significantly, in part because of a perception that everyone involved in the oil business is sinfully wealthy. Well, I can tell you that is not the case. The oil business has its good times, but it also has its hard times. When we put excessive taxes on our energy industry we are weighting down, not just the energy industry, but our whole economy. By artificially inflating prices we hurt everyone—consumers and producers. If this Congress was serious about attacking our competitiveness problems they would put aside their protectionist tendencies and look to a positive future. A future that will glow brightly fueled by deregulated energy.

This Member from Texas—from Houston, TX—is not asking for a handout: We are asking for a breakout. Help us break out of the shackles of needless Government regulatory and taxing policy, and we will produce for you low-cost energy and security for our Nation.

Mr. Speaker, I thank the gentleman for yielding.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Texas [Mr. DELAY] for his statement.

Mr. Speaker, I yield to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, I commend my colleague, Mr. ARCHER, for bringing to the attention of the House today the plight of the oil and gas industry.

I am sure that we are all aware of the economic hardship that has befallen the U.S. energy producing community as a result of foreign governments' manipulation of the oil market. During 1986, the average price of OPEC oil dropped from $27 to $16. In August, world crude sales averaged as low as $9.25.

The impact of these statistics is severely felt by the people of the State of Texas and other oil-producing States. I cannot remember a time when the outlook in Texas, and in my city of Houston, was so bleak for so many.

The unemployment rate in my State remains around 10 percent, despite recent efforts to diversify away from our traditional reliance on oil and gas. For each $1 barrel drop in the price of oil, Texas loses roughly 25,000 jobs, $3 billion in gross economic output, and $70 to $100 million in State and local tax revenue.

But this situation is not simply a problem in the Southwest—it is of major concern to our entire country. Today, just 10 years from an oil crisis that paralyzed the Nation, oil imports are nearing 40 percent of U.S. consumption.

Our country is heading toward a real energy crisis—and a national security crisis as well. National Security Chief Frank Carlucci recently told a group of my colleagues that he plans to urge the White House to devise ways to lessen the U.S. dependence on imported oil. The administration must recognize that it has a role to play in avoiding the impending crisis; I hope that it will do so soon.

One answer to both the energy problem and the Federal budget deficit is the oil import fee. I intend to introduce legislation to impose an import fee on oil in the coming weeks. My legislation will impose a variable fee on imported oil and petroleum products, with no exceptions. A variable import fee with a $25 per barrel trigger was recently estimated by industry sources to double the active drilling rig count in 6 months and immediately begin arresting the decline in U.S. oil production. These results would be of enormous benefit to both oil producers and oil consumers.

I also intend to introduce legislation to repeal the windfall profit tax. No more than a trickle of revenue is being gained by the tax—the cost of collecting and accounting for it dwarf the revenue that is realized.

However, repeal of the windfall profit tax would send a message to the industry that our Government is moving in the right direction on energy issues. Removal of this disincentive would permit oil producers to use funds now devoted to useless administrative activity for exploring and developing badly needed reserves.

In short, my message is simple. Unless we take action to stop the flow of imports through enactment of an oil import fee we risk the lines at the gasoline station that we experienced in the 1970's.

Unless we make a real commitment to enhancing our national security by strengthening the domestic oil industry, we will lose it once again.

Unless we give the oil-producing States a signal of our national commitment to preserving their jobs, we will have to become accustomed to an unemployment rate of 10 percent that saps their traditional spirit.

As George Santayana once said, "Those who cannot remember the past are condemned to repeat it." Today, all of us in Congress must both remember the past, and act on it.

Mr. ARCHER. Mr. Speaker, I thank the gentleman from Texas [Mr. ANDREWS].

Mr. Speaker, I yield to the gentleman from Oklahoma [Mr. INHOFE] for his comments.

Mr. INHOFE. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I come here today to join my colleagues in expressing concern over what is happening to our economy, not just to the economy in our part of the country. Certainly anything we have heard about the State of Texas is also true to at least that same degree of the State of Oklahoma.

Certainly the windfall profit tax is something that we are all concerned with. It is not that it would mean that there is any such thing as a windfall profit taking place today, but it is the general psychology of those people who are willing to venture their capital but who are not willing to do so if they are going to be concerned with an attitude that if there is such a thing as a profit someday in the future, it would be taxed. Certainly I could use an example the Fuel Use Act, if you look at our part of the country out in Oklahoma where we have an abundance of clean-burning natural gas and are forced into using something that is much more expensive ultimately for the consumer.

I could talk about the economy in Oklahoma and about the problems we are all suffering out there, but I would like to approach the subject and at least give some recognition to something of far greater significance, and that is the real issue here as it affects the consuming States as well as the producing States, and that is our own national security. I think if we would stop and think, Mr. Speaker, about the last two major wars we have had in this country, we would realize the outcome of those wars has been determined by who had control of the energy.

We can recall that prior to the entrance into the Second World War by the British, they were mostly concerned about being able to get over to the refineries in the Caribbean. We look at the Japanese and remember that before getting into the Second World War they wanted to be assured of getting access to those oilfields in Indochina, Indonesia, and the Malay Peninsula so that they would have that to rely upon. Then we saw ultimately the final decline and the outcome of the war being determined to a great extent by cutting off the access of the Germans to the Romanian fields.

□ 1630

I feel as far as a floor is concerned, a floating floor or any type of an import fee, that it is going to be either now or later. It is something that is going to happen when the people of this country realize that our national security is at stake.

I was talking to a group of independents not too long ago and I asked them the question as to what price per barrel would allow them to take the necessary risk to go out and explore. They said it depends on when it happens. If it happens this year, maybe $20. If it happens 2 or 3 years from now, it could be $40, $50, or even $60 a barrel before they could be willing to take and to risk their capital.

The reason is that we have an atrophied exploration industry in this country. Each month that goes by, it gets more serious. So I join certainly Mr. ARCHER and the rest of my colleagues in looking at this very serious problem that is facing our Nation: Our Nation's security.

Mr. ARCHER. I thank the gentleman for his comments and I yield to the gentleman from Texas [Mr. BOULTER].

Mr. BOULTER. I thank the gentleman for yielding to me.

Mr. Speaker, I would like to say that we are all indebted to you, BILL, for calling this special order. All of us in oil PAC States know what a decimated domestic petroleum industry is doing to our economies because we see it first hand.

I think there is a growing awareness throughout the country of how important this industry is to other basic industries like the steel industry, and we have heard something about that today. I think there is a growing awareness also that in the future, in the near term in fact we will be more than 50 percent dependent upon foreign imports of crude oil if we continue at the rate we are going. We are going to face serious disruptions. We are going to have those long lines again. What gets me is that I do not know of any other basic industry in our country that has just been totally disarmed, so-to-speak, by State-controlled economies, foreign governments, with such economic hostility. And they declared that economic hostility. They have announced, the Persian Gulf States, the OPEC cartel, announced, that they were going to drive out of business the high-cost, marginal producer and they have done that. We all know what has happened to the service-related industries.

So I would just thank you for doing this. We need a national energy policy to cope with the problems. We need to restore stability to the industry through a floating floor, in my opinion, to stabilize prices, but we also need incentives built back into our Tax Code to expand the reserve base, to keep our wells producing and to offer incentives to people to explore and drill. I know that you are the expert at that, BILL; you have done more in that area than I suppose any person in Congress so I thank you for this special order today.

Mr. ARCHER. I thank the gentleman for his very kind comments.

Mr. LELAND. Mr. Speaker, I thank my good friend, BILL ARCHER from Texas, for yielding. I also would like to thank the gentleman for sponsoring this special order on the current state of the oil and gas industry. The industry is in a crisis and in need of congressional leadership for assistance in its time of need.

Mr. Speaker, almost a year ago to this date, 11 of my colleagues joined me in a special order on this very subject. Unfortunately, the industry is no better off today than it was a year ago.

As many of you know, my home State of Texas built its economy on the oil and gas industry and the industry remains our economy's foundation. The energy industry has supported the growth of Texas' schools and universities, its banking and real estate sectors and an effective system of government. And I might add, the Nation has benefited from Texas' success as well.

I am probably as close as anyone to the heartbeat of the energy industry. My congressional district has more oil and gas headquarters than any other congressional district in this country. The fortunes, and now the woes, of this industry are having a devastating impact on my constituents.

The numbers and hence the economics of this problem are staggering. For each dollar the price of oil drops, Texas loses 25,000 jobs, $100 million in State and local tax revenues and $3 billion in overall economic activity. Last summer the Texas legislature was forced to hold an emergency session to balance the State budget. The recent increases in the price of oil will make a token, if any, change in our State's economic vitality.

Since 1981 Texas has lost more than 118,000 manufacturing jobs and 33,000 jobs in the drilling industry alone. Many other Texans also have lost their jobs, including white collar workers and retail and service employees. But unemployment is only one of the symptoms of the energy slump.

Texas' banks, financial services and commercial real estate companies also have been hard hit. The Texas banking industry is in such an upheaval that two major Texas banks have merged and another major bank has been purchased by an out-of-State bank. Thousands of square feet of high rise office buildings lay vacant.

Mr. Speaker, I do not stand here today to ask this Nation to have sympathy for Texas. I don't presume that the Nation has the responsibility to solve my home State's current financial problems. Texas will take care of its problems. We have done it in the past and will do so in the future.

Yet, we must be mindful that the decline of the energy industry is not simply a Texas problem or an energy producing State problem. The decline of this industry cuts right to the core of this Nation's economy—the manufacturing sector. The people of this great Nation must understand that the vitality of our Nation's economy is dependent on an energy supply that is stable in price and supply.

This past Sunday, the Washington Post ran an article with the headline, "Concern Grows Over Rise in U.S. Oil Imports." I hope this headline indicates that we have passed the euphoria of lower gas prices at the pump and heating fuel costs for our homes. While we all enjoy a bargain, this one could soon be temporary and permanently overshadowed by OPEC's increasing dominance of the energy marketplace.

Our Nation's energy exploration efforts are almost at a complete standstill. A year ago our national rig count was 1,308 and today it is only 839. This reduction in rig count is in addition to the 50-percent decline in the rig count of 2 years ago. Last year we imported 33 percent of our oil while our consumption rose 3 percent and domestic production slipped 6 percent. Foreign oil imports in 1977 were almost 48 percent of the market during the height of the energy scare in the late seventies. The National Petroleum Council recently predicted that we might again reach that peak in 1990—only 3 years from now.

The precipitous drop in oil prices has discouraged companies and in particular, the independents, from drilling for new reserves. This same circumstance also results in lower levels of domestic production. The negative effect of these circumstances results in increased imports of foreign oil to meet increased demands that have been fueled by the present low cost of oil.

Mr. Speaker, we know too well why exploration and production are down: the absence of economic incentives. Until we restore the incentives that will increase domestic production, we will continue down the road to rising foreign oil imports. And that is why I support an oil import fee and in particular, the National Oil Security Act proposed by my colleague JOHN BRYANT.

I know there is a great debate in the Congress about the propriety of an oil import fee. Energy Secretary Herrington opposes the idea as "protectionist" and "artificial". President Reagan, however, may be warming to the idea. Even those in the industry are not unanimous in their support for an oil import fee. However, the increasing influence of foreign exports has prompted many former industry opponents to voice their support for an oil import fee.

Mr. Speaker, it is clear that without some form of oil import fee our Nation's energy industry will continue to suffer from the present disincentives of the market. I urge my colleagues to take a stand against our dependence on foreign oil imports and to support the oil import fee. Our Nation's energy industry, and most importantly, our Nation's security is hanging in the balance.

Mr. STENHOLM. Mr. Speaker, our Nation's domestic oil and gas industry is currently experiencing the worst bust ever in what has historically been a "boom and bust" industry. The politics and dynamics of the Nation's attitudes and responses are understandable, if not unfortunate, and call to mind the words of the German philosopher Georg Wilhelm Friedrich Hegel who wrote, "What experience and history teach is this: that people and governments never have learned anything from history, or acted on principles deduced from it."

For those enjoying the benefits of cheap oil, there seems little reason to question the forces at work within the market. And it is difficult to convince the nonproducing States that we are heading toward an energy crisis when gasoline prices are lower than they have been in years, and home heating oil is moderately priced.

In response to the 1973 and 1979 oil crises, the domestic oil and gas industry vigorously pursued exploration and development of the remaining high-cost U.S. reserves. The United States had already been through the discovery of the big oil fields and the easily accessible crude had long since been tapped. Only when OPEC had driven up the price of oil could our domestic oil and gas industry afford the expensive development of the remaining U.S. reserves. It is the potential loss of these high-cost reserves which will prove devastating to producing and consuming States alike, once the OPEC cartel again controls the price and supply of oil.

I would like to address my comments to a segment of the oil industry which has been especially devastated by last year's precipitous drop in oil prices, namely stripper wells. A stripper well is a well that produces fewer than 10 barrels per day. Stripper wells account for 15 percent of U.S. oil production, and these wells typically average just under 3 barrels per day.

These wells, operated by small, independent oil operators, produced just under 464 million barrels for the Nation in 1984. These are not J.R. Ewing operations, nor are they all located in the "oil patch" States. The stripper wells in Illinois produced almost 26 million barrels in 1984, while Ohio's wells produced over 10 million barrels and those in Michigan produced over 3 million barrels.

In 1985, when the price of crude oil was $25 to $28 per barrel, 16,024 stripper wells were plugged. In 1986, with the severe downward trend in crude oil prices, our Nation lost in excess of 40,000 additional wells and probably a daily loss of 300,000 barrels of daily stripper well production. This will have a negative impact on the 20-plus States which have stripper well production, to say nothing of the impact it will have on the national economy as oil imports increase.

Domestic production has been steadily shrinking as stripper and high cost wells are shut in exploratory efforts are reduced. Last year, U.S. oil production dropped 9 percent between February and December, and yet the Nation used more oil than it had since 1980. Oil imports rose 1 million barrels per day, and imports from the volatile Persian Gulf quadrupled. 1986 saw thousands of companies in the U.S. petroleum business go bankrupt, while hundreds of thousands of workers lost their jobs. Domestic drilling reached the lowest level since World War II, and this low level in drilling activity will result in an even more dramatic decline in domestic production within the next few years.

The drop in world oil prices has caused changes in the economics of other energy sources as well. Coal prices have dropped, and the development of alternative and renewable energy sources has been all but abandoned. The United States has the resources necessary to alleviate the next energy crisis, but it needs a national energy policy to help unlock them.

Despite the current oil glut and low oil prices, the United States remains vulnerable to future supply disruptions, economic problems, and threats to our national security. Unless our Nation adopts a realistic and reasoned response to the crisis facing our domestic energy industry, devoid of partisanship and regionalism, our Nation will not be able to avert another energy crisis.

Mr. ENGLISH. Mr. Speaker, I am pleased to join with several of my colleagues today in addressing the increasing need for a national energy security policy to help reduce our growing dependence on foreign imports.

Last month, I introduced H.R. 924 which establishes an oil import fee and repeals the windfall profit tax. I introduced this bill in an effort to establish yet another starting point for discussion within the Congress on resolving this urgent matter. In the past, Congress has failed to completely address this issue and thereby resigned the nation to face another energy crisis in the near future. How soon we choose to forget our history, Mr. Speaker, when our Nation was in the midst of a severe energy crisis during 1973–74. Yet, I am hopeful this session of Congress will choose to resolve this issue once and for all and restore the energy independence enjoyed by the United States only a few short years ago.

The level of oil imports to the United States has grown dramatically in the past few years. We currently import nearly 6 million barrels of oil each day, compared to only 1.1 million barrels in 1980. Industry observers predict that within 2 years we will be importing as much as 50 percent of all petroleum products consumed in our Nation. This compares to 36 percent during the Arab oil embargo in 1973–74 and 47 percent during the peak in 1977. As we increase the level of imports, we simultaneously shut down domestic production. What many fail to understand is that once a producing oil well is closed in, it is economically unfeasible to open the well and restore active production. The costs of doing this are simply too prohibitive.

I am pleased the administration is beginning to understand the seriousness of this problem. Just recently, Interior Secretary Donald Hodel warned that the United States could be headed for another energy crisis. His prediction was based on the soaring demand for imported oil over the past few years. Joining Secretary Hodel in this assessment was National Security Advisor Frank Carlucci who, last week, announced he will arrange for the President to direct the NSC to develop proposals and a national energy policy to deal with the national security threat resulting from increasing imports.

Mr. Speaker, I continue to voice great concern over the deterioration of the economies of the energy producing States of our Nation. We cannot continue to turn a deaf ear on this impending strategic disaster, but instead we must take bold steps to ensure that our country will never be held hostage again by unfriendly Arab oil suppliers. Such steps should include the following measures:

First, we must implement a reasonable oil import fee to bring an end to the instability of world oil prices and the economic havoc which results in our energy-producing States. By establishing an acceptable floor price, we will eventually stabilize prices within the United States that will enhance continued exploration and production.

Second, we must repeal the windfall profits tax. Under current conditions, there is no use for this tax as oil profits are nonexistent. The paperwork associated with this bureaucratic nightmare is meaningless and serves only to discourage our producers from drilling new wells.

Third, we must repeal the Fuel Use Act as restrictions established in this act are no longer necessary. I will soon be introducing legislation which calls for the repeal of this act and thereby restores the opportunity of using oil or natural gas as a primary fuel for new industrial and utility plants. There are vast untapped resources of natural gas available in our country today. This legislation will allow us to once again utilize this wealth of energy which has been unavailable over the past several years.

Finally, we in Congress should carefully consider the feasibility of opening a portion of the Arctic National Wildlife Refuge to oil and gas exploration. A vast amount of energy is contained within this area in Alaska. By tapping this resource in the years ahead, we can take one giant step in restoring our energy independence while maintaining the fragile ecological balance within the refuge.

I appreciate the opportunity to participate in today's discussion and hope my colleagues will join with us in the months ahead in resolving this potential national crisis.

Mr. WATKINS. Mr. Speaker, folklore has it that Emperor Nero played the fiddle while Rome burned. In reality, more than likely the madman strummed a lyre. In any event, the phrase has come to mean that authority stood idly by when positive action could have reversed the trend. And, in my judgment, there is a modern day analogy.

One man, King Fahd of Saudi Arabia, has decided that the world price of crude oil should be $18. At that price, the kingdom can reap the most benefits from its vast crude oil reserves which, unlike the U.S. production costs of close to $20, has a lifting cost of $1 to $2 a barrel. At a world price in 1985 of $27 a barrel, price of product caused conservation because of costs while the $27 price also created an impetus for too much oil-exploration elsewhere in the world to suit the Saudi king.

I wish to share with my colleagues a little history of the circumstances which have brought us to the brink of disaster.

Saudi Arabia's Ahmed Zaki Yamani, who had guided the policy of the OPEC cartel through other perilous times, held the view that the price of oil should be low enough to encourage consumption, but not high enough to stimulate high-cost production, which is the relative category of most of United States production. In 1985, Yamani got tired of Saudi Arabia abiding by the rules and curtailing its production while other OPEC countries cheated and sold what they could. Yamani started pricing crude oil on the basis of product sale which resulted in their increasing sales and the collapse of world prices. He got fired as the price plunged from a high of $32 for 1986 west Texas Intermediate to around $9.50.

In the United States, thousands of wells were abandoned; hundreds of producers and petroleum firms were bankrupt; thousands of workers were thrown out of work.

Last week, Secretary of Interior Donald P. Hodel said that the gas lines of the 1970's were certain to reappear in the United States in from 2 to 5 years. Secretary of Energy John Herrington apparently disagreed with him as to the magnitude.

Regardless of how you personally view this matter, I have some horrifying information I wish to share with my colleagues, Mr. Speaker, culled from several sources including principally World Oil magazine, as well as from sources at the Independent Petroleum Association of America, Petroleum Information, the Society of Exploration Geophysicists, the Association of Oilwell Servicing Contractors, and the American Petroleum Institute, all recognized authorities and reliable sources for information about the petroleum industry.

First, from World Oil, a review of 1986 and a preview of 1987:

In 1985, drilling was down 44.7 percent over the previous year, at 72,086 wells to 32,201. Projection, up less than 1 percent.

Active rotary rig count was 969.8, down 50.9 percent from 1985's 1,975.5, the worst year and the largest drop since the Hughes Tool Co. began counting in 1940. The lowest weekly rig total was also recorded during 1986, when 663 were running July 14, 1986. That was only four more than the number of rigs running in the State of Texas alone had in operation the same week in 1985. Projection, about the same level as 1986.

For the first time in history, the international rig count passed the domestic rig count in March 1986. Until December, international activity was higher than domestic activity. Projection, down 5.7 percent.

Total drilling permits fell 50 percent in 1986, from 83,099 to 41,592. New-field wildcat permits were off 50.7 percent while other wildcat permits were down 48.9 percent. Development well permits declined 50.1 percent.

Oil well completions declined approximately 40 percent over the previous year. And, 13,000 fewer dry holes were drilled in 1986 compared to 1985. Usually, that's a good sign, but not in this case because it reflects the total decline in petroleum and natural gas activity.

U.S. crude production in barrels per day fell for the first time since 1981, dropping 3.4 percent, giving average daily production of 8.6667 million barrels. February 1986 production was 9.181 million barrels per day; by December, the figure was 8.334 million, a loss of 847,000 barrels per day, with 303,000 barrels of the lost production coming from Texas.

Nationally, the Nation lost 23,222 producing oil wells—3.6 percent—in 1986, the first drop since 1976, and again, the worst in history. Natural gas production fell 5.5 percent nationwide which followed an 8.1 percent drop in 1985. So far, since 1981, natural gas production has fallen 77.7 percent. Natural gas production is 76.8 percent of 1979's and 69.5 percent of 1973's.

Seismic crew activity has declined for 14 months in a row, dropping from 397 crews working on land and sea to 155, a 61-percent decline. The 1986 crew count was down 71.1 percent from a high of 681 in 1981, and 48 percent below 1985's 378.25.

New field wildcats fell 40.2 percent to 2,844 from 4,755 in 1985.

One out of three of the over 8,000 available oil-well servicing rigs in the United States and Canada were working at year's end.

And, as I said, thousands of workers in Oklahoma, Texas, Louisiana, Arkansas, Kansas, California—name a producing State—were thrown out of work with the resultant drain on the Federal Treasury of taxes lost from good-paying jobs plus the additional costs of unemployment insurance and welfare payments.

Thousands of companies, as I said, have gone bankrupt. The United States does not have the refining capacity, if we had the domestic crude supplies, to meet our needs. We have become, once again, addicted to imported crude oil and refined products.

In September of 1986, the United States imported 747,000 barrels of oil per day from Saudi Arabia, a country which furnished NO petroleum during the same period last year. Nigeria rose to second supplier to the United States, displacing Nos. 1 and 2, Mexico and Canada, in 1985. Imports from our North and South neighbors fell from 571,000 to 563,000 from Canada and 823,000 to 560,000 from Mexico. Overall imports are 24 percent higher that they were 1 year ago and now account for 35 percent of the United States demand. Again, in other words, one out of three barrels of oil consumed in the United States is from foreign sources. And, throughout it all, the domestic petroleum industry has cratered, to use an oil-field term.

For the first 9 months of 1986, a sampling of 15 leading oil companies showed a 37-percent drop from capital projects and exploration. World wide, the same companies showed 30-percent reduction. Projections, with $18 crude, majors are planning a 16-percent increase in wells drilled, weighted to shallow development in California and Kansas. Independents plan a 13.4-percent increase, again mostly in Kansas. The Kansas activity is keyed to a Kansas corporation commission ruling which will permit drilling of additional wells in the Hugoton Gas field.

By 1991, domestic crude oil production could be 2 to 3 million barrels a day less than it is now, while domestic consumption cold increase by like amounts—from imports, of course. In 3 or 4 years, imports could represent 60 percent of U.S. demand.

The Norwegian Oil Review for 1986 states that Norway will be the economic loser if the United States places an import fee on crude oil which, Oystein Noreng writes, will lower the price of oil in the world market. Mr. Noreng states that in the Reagan administration, weakened by Iran-controversy, Secretary of State George Shultz is probably the only principal opponent of an import fee. His strength—and tenure—remains to be seen.

In January 1987, a study based on the premise of energy security by 2000 resulted in a trilateral report being made by the Georgetown Center for Strategic and International Studies, the Royal Institute of International Affairs, London, and the National Institute for Research Advancement, Tokyo.

One of their conclusions was: a minimum import price [MIP] on imported crude and products could be effective in protecting indigenous energy—including coal, nuclear and new alternatives as well as oil and gas—from disasterously low international prices providing the MIP was introduced by the United States, the European Community and Japan. They further conclude that it makes little difference whether the desired price level is reached by a fixed or variable tariff. And, they stated that the level at which the price is set will either act as a guarantee against disaster or as an incentive for additional investment. The point is also made that this type of approached was used by the International Energy Agency in 1976.

The study further concluded that the countries comprising the Organization of Economic Cooperation and Development—which includes the United States, Canada, Western Europe, Japan, and Australia—have the choice of leaving their countries to ride the roller coaster of successive supply interruptions and price disturbances or of adopting sustained and coordinated measures to counter what are essentially political, not market forces, in the price and supply of crude oil and refined products.

Mr. Speaker, why are we fiddling while America burns? Why is the United States embarked on a course which is sure to place us at the mercy of King Fahd, his cohorts and/or successors? What is going to happen to this Nation's security and economy when he decides the price of a barrel of crude oil is $118 or $218 or $318 and that we can have only 2 million barrels a day?

We are spending one-third of a billion dollars a year on a defense machine which, for the lack of secure supplies of energy, will be worthless, Mr. Speaker, without fuel. This Nation's policies have unilaterally disarmed us in the field of petroleum imports while other policies are disarming us from a manufacturing position. We won't have the trained people nor the machinery to defend ourselves.

From that standpoint, Mr. Speaker, the television show, "Amerika," may not be far from base after all.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to join with my colleagues here today in a special order regarding the oil and gas industry. As you know, our domestic industry has suffered a great deal from low world oil prices and antiquated regulations put into place during previous administrations. It's time that this Congress puts aside its differences in order to promote an effective energy policy designed to reduce our dangerous dependency on imported oil.

Unemployment in the energy-producing States is running well above the national average, with Louisiana leading the Nation at over 13.5 percent. Our oil and gas production continues its long-term decline and the resulting loss of jobs is taking a tremendous economic and social toll on our citizens. The key, Mr. Speaker, is jobs. We need to put our people back to work and I have a few suggestions about how this can be accomplished.

We need to promote production of domestic energy resources, despite low prices, and we must do all we can to encourage continued exploration of our own energy reserves. I encourage all of you to take a close look at H.R. 534, the Emergency Energy Act of 1987, which was introduced by Bill Archer. It includes a number of excellent provisions that will help the oil and gas industry.

For instance, it calls for a tax credit, not to exceed $5 per barrel, for each barrel of domestic crude oil produced from marginal wells. Since many of our marginal producers are being driven out of business by low oil prices, this provision will help keep domestic production going until prices rise. This legislation also provides a 15-percent tax credit for expenses incurred in exploratory activities, and it expands the definition of intangible drilling costs to include geological, geophysical, and surface casing expenses as deductible items.

H.R. 534 will repeal the windfall profit tax. At current prices, there are no windfalls to collect, and the oil industry is forced to deal with large quantities of paperwork which costs it as much as $1 per barrel of oil. This is clearly a waste of time and money for both the oil producer and the Federal Government, and I strongly support its repeal.

In a related area, Larry Combest recently introduced H.R. 1029, the Energy Equity Act of 1987, in which producers will be allowed a tax credit when the selling price of oil is less than the base price set in the Windfall Profits Act. In effect, he is proposing a reverse windfall profits tax that will protect oil producers when the market price is too low in the same way that the current law punishes them when the market price is too high. This makes a great deal of sense to me and I urge my colleagues to support it.

Gas production has also suffered in this country due to old laws that simply prevent us from taking advantage of our huge domestic reserves. Bill Archer's bill addresses this problem by removing wellhead price controls, repealing the Natural Gas Act's jurisdiction over sales for committed or dedicated natural gas and repealing the antigas portions of the Fuel Use Act.

Decontrol of natural gas would also benefit the oil industry since the majority of natural gas under controls is owned by independent oil producers, and is a byproduct of oil wells. Decontrol would mean that these producers could market their byproducts and thus increase their capital investments. This added capital could lead to more drilling being undertaken—and more jobs.

Mr. Speaker, there is a great deal of talk here in Congress about "Competitiveness" and the plight of American workers in certain industries. However, as yet the leadership has not sufficiently addressed the problems of the energy industry, which is so vital to our national security. I urge my colleagues to support our attempts to make our country less dependent on foreign oil and to put our oil industry back to work.

Mr. BRYANT. Mr. Speaker, yesterday I got my copy of T. Boone Pickens Rig Count, his "barometer of the oil and gas industry's health." It showed a drop of 38 rigs from the last week in February to March 6. There are now 801 active rigs while at the end of 1985 there were 1,917. To say that the domestic oil and gas industry is in dire straits is an understatement.

Oil imports have reached 40 percent of domestic consumption and some experts predict the level will reach 50 percent by 1989 or 1990 unless something is done to curtail them. According to the Independent Petroleum Association of America, the United States lost 3.6 percent of its producing oil wells in 1986 with 23,222 not pumping a single drop of oil. My home State of Texas lost the most wells of any producing State in the Nation—7,768 wells for a loss of 3.7 percent of capacity.

As bad as the loss of current production is the projected decline of exploration and drilling activities. According to the Oil and Gas Journal, projected expenditures for such domestic oil and gas activities will decline 13.5 percent this year, to just over $25 billion; this compares to the peak spending achieved in 1981 of $83 billion.

Declining investment in exploration and development coupled with drops in rig counts mean rising unemployment as well as increased dependence on foreign oil. It is estimated that almost 25 percent of all industry workers—more than 128,000—who find and produce oil and gas are out of work, not to mention the many thousands of unemployed workers whose jobs indirectly depended on the health of the oil and gas industry. And to add to our woes, over 40 percent of all firms engaged in contract drilling as of 1982 are now out of business.

In order to rectify this situation, I have introduced three measures: One would require the President to annually assess domestic oil production, demand and imports for the subsequent 3 years. Entitled the "National Oil Security Policy Act," it would further require the President to present Congress with a plan to prevent further dependence on foreign oil should the assessment show it to be approaching 50 percent of domestic consumption. The proposal could include, but is not limited to, production incentives, renewable energy proposals or an oil import fee. And, ultimately, it is the price of oil—now artificially set by Saudi Arabia—that is at issue in the current energy crisis.

My second piece of legislation would repeal the remaining restrictions on the use of oil and natural gas as boiler fuels embodied in the Powerplant and Industrial Fuel Use Act of 1978. This measure was passed on the Suspension Calendar in the House by a voice vote last year. In 1981, as a result of conservation and increased exploration activities, the restrictions on the use of oil and gas in currently operating plants was lifted. Passage of this bill will save the taxpayer between $1 and $2 million, the current estimate of the cost of administrating the law, even though no petitions for exemption have been denied. And it will provide much needed encouragement for a critical industry which has seen few, if any, encouraging signs for far too long.

In order to grant some relief to small independent producers of natural gas, I have also offered a bill providing antitrust exemptions to allow them to form cooperatives to pool and market larger quantities of gas. With so many of these little guys unable to find buyers for their production, passage of H.R. 310 would go a long way to help them find purchasers for their production.

Last month, in the Energy and Commerce Committee Subcommittee on Energy and Power, on which I am privileged to sit, I had the frustrating experience of trying to get Energy Secretary Herrington to say that the Reagan administration was willing to offer some concrete and immediately effective proposal to stem the threatening flow of the lifeblood from our domestic energy industry. He offered us the promise of production incentives alone—windfall profits repeal and deregulation of all natural gas prices, as well as repeal of the Fuel Use Act and the incremental pricing provisions of the Natural Gas Policy Act—although the problem is price.

All these proposals are important and I support them, but I wanted Mr. Herrington to tell me what he and his minions at the Department of Energy and his superiors down on Pennsylvania Avenue would propose for immediate relief. He said, and I quote: "I don't think it is possible for me as Secretary of Energy or the President or anybody else to raise the price of oil. It's a world market."

What Mr. Herrington's reply does not take into account—although he confirmed its veracity—is the manipulation of a significant part of this world market by the OPEC nations and Saudi Arabia in particular. What the Secretary was again telling me, the oil and gas exploration and production industries, and, ultimately, the American people is something this administration has made a theme song—we favor free trade. Of course we favor letting fair trade market forces prevail, but, in a market where there is manipulation or where there are trade barriers, reciprocity is not only in order, it must be demanded. In this case, the reciprocal action is the imposition of an oil import fee. The imposition of a variable oil import fee would protect our domestic producers from predatory supply and pricing practices by foreigners, but not close our trade doors to their crude oil or products.

What Secretary Herrington was so cavalierly saying was that, in the opinion of this administration, the Saudi's artificial price-setting constitutes "market forces," while any action by our U.S. Government to affect oil prices would constitute "Government interference" in the free market.

It is remarkable and shocking that this administration apparently believes it acceptable to have a foreign government—which has previously indicated it does not have our best interests at heart—dictate our economic and natural security future without so much as lifting a hand.

During this historic 100th Congress, as we grapple with major modifications of our trade laws, I believe that our guiding philosophy should be to establish fair trade; there is no such thing as truly free trade, as our current deficits prove. We can start with an oil import fee that will assure the availability of energy resources and protection of our national security interests. Let's in this way lay the first paving stone on the road to making American No. 1 again.

Mr. DE LA GARZA. Mr. Speaker, many times I have stood here on this floor and have asked my colleagues to continue our Nation's commitment to the men and women who grow the food that feeds us, and the world. That commitment involves some Federal support—and I have asked my fellow Members to recognize that if we abandon our farmers and ranchers, we leave them totally defenseless in a world where most every major trading nation supports its own farm structure.

So, too, must we view the existing oil price crisis that has brought many small and medium-sized U.S. oil producers into the nightmare of bankruptcy. With the producer's failure, the myriad of contractors, subcontractors, equipment suppliers, marketers, and so forth, come tumbling down as well.

U.S. oil, like farm products, is defenseless if left to the wolves "out there." There is no such thing as a free market hand which invisibly guides the market price of oil. Conservatives in this Nation who normally cringe at the thought of Federal intervention into any aspect of life are flocking to the speaker's podiums to call for Federal action to defend our domestic oil producers against the world.

Why? Because over 75 percent of the available oil in the world today is owned or managed by other governments; it is not owned nor managed by private commercial interests. Even more so than agriculture, oil lives in a trading world fully dominated by political entities who control price and production—much to our own disadvantage.

Some people say, "Well, who cares about OPEC and their pricing schemes—there is over 700 billion barrels of oil yet to be drilled from the Earth." The frightening truth is that since the first oil shock of 1973—total world consumption for the last 14 years has been 350 billion barrels. At that pace, our reserves will be used up before our children are grown.

Our esteemed colleague, Representative ARCHER, is to be commended for setting aside this time today in order for us to focus critical attention on the serious matters at hand. I join him with eagerness and resolve.

So what are we doing? What should we do? We might start by accepting the reality of the need for some U.S. Government intervention. Unlike our current administration, I believe there are other legitimate roles for the federal government to fulfill besides simply national defense.

Then we might proceed to synchronize our national efforts on taxation, consumer use, and production stability into a coherent policy designed to keep the U.S. oil producers producing. Let's face it: we can't produce oil for less than $20 a barrel. Maybe OPEC can do it—but we can't. And the sooner we accept that fact of life, the quicker we will arrive at a national solution. And if we do not—then we have turned our backs on the several hundred thousand Americans who are already unemployed—and those unfortunates still to come.

Mr. SCHUETTE. Mr. Speaker, I would like to thank Mr. ARCHER for inviting me to join him in promoting awareness of the need to reduce our dependence on imported oil and gas. As a Representative of an area which knows firsthand the hardships caused by our Nation's reliance on foreign oil, I think it is important that we begin to make other Members of this Congress aware of the consequences we will face if we continue to allow this dangerous addiction.

In 1986, the State of Michigan ranked 15th in the Nation in the production of oil, and 12th in production of natural gas. Some of the richest oil fields in the State are located in mid-Michigan—an area which I am proud to represent. The oil and gas industry is a vital part of the economy of these communities and our lack of clear national domestic energy priorities has caused us to continue to be dangerously dependent on foreign resources for our own survival. This is so despite our experience with the 1973 Arab oil embargo and the oil and gas shortages of 1978. Our continued, and now increasing dependence on foreign oil and gas is directly related to our trade policy.

The high amount of oil and gas imported into this country dramatically decreases job opportunities in mid-Michigan and across the Nation. The oil and gas industry is very similar to other sectors which have suffered as a result of our continued reliance upon foreign imports to provide products which are, or could be, available from domestic producers and suppliers. We know the serious problems which now face communities where other industries have been forced to reduce production or shut down altogether as a result of imports. If we continue in our present course, we are laying the groundwork for a repeat of difficulties and hardships we faced in past energy shortages.

Too often, the normal mode of operation by this body has been to address energy problems in a shortsighted manner. I can only believe this leads to waste, inefficiency, and disorganization in an area which is vital to the future of this Nation. For this reason, it is paramount that we develop long-range goals to deal effectively with our energy needs of today and for the generations of the future.

This long-term vision should provide for the maintenance and expansion of domestic research and production. Funding of research which will lead to more efficient use of our natural resources must remain at an adequate level and a priority in our domestic budget. The only way to reduce our dependency on foreign sources is to thoughtfully develop our own production capacities. An unstable international arena invariably effects our ability to trade fairly with other nations. Our goals, therefore, should be to develop a sense of stability and security within our own energy industry.

We must not be tempted into believing the low prices we are paying today will remain indefinitely at this level. I am sure we all can remember a time not too long ago when our dependency on foreign sources and the instability of the international market led us into perhaps the most serious energy crisis this country has ever experienced. A long-term view aimed at developing our own domestic oil and gas production without dangering the environment, will ensure our ability to function and retain our position as the leader of nations.

Again, I thank Mr. ARCHER for his action in bringing this vital issue before the House today. Energy production is a serious concern to the people of the 10th District of Michigan and it is time for other parts of the Nation to realize the impact our dependency on foreign sources will have on our future economic stability and security.

ORDER OF BUSINESS

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that my special be called at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

IN TRIBUTE TO BRYCE HARLOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. INHOFE] is recognized for 60 minutes.

Mr. INHOFE. Mr. Speaker, before I commence my special order, I would like to yield to the gentleman from Illinois, the minority leader [Mr. MICHEL].

Mr. MICHEL. I thank the gentleman for yielding to me.

Mr. Speaker, I am happy to have this opportunity to join with our colleagues on both sides of the aisle in paying tribute to the late Bryce Harlow.

Bryce died on February 17. On the day after his death, I made a 1-minute speech on the floor in which I said:

> In all my experience in Washington—more than 30 years—I cannot think of another individual for whom there was such genuine bipartisan respect. Bryce was the very soul of integrity, a gentleman of ready wit and deep understanding, at home here on the Hill and in the White House.

In paying tribute to Bryce we are doing something more than honoring a consummate political professional and respected government official. We are also honoring the spirit of public service which was the guiding principle of his life.

We use the words "Public Service" so often, we tend to forget their meaning. Bryce Harlow truly was a public servant. He placed his extraordinary talents, his winning personality, and his considerable political instincts in the service of the public good.

Bryce never succumbed to the twin temptations of harsh ideological rigidity on one hand or abandonment of principle on the other.

He was just Bryce, confident enough in his own values to listen to the other guy's point of view with empathy but strong enough in his values not to change allegiance or principles from day to day.

That's what made him so effective—no matter what side of the political spectrum you came from, you knew that Bryce was willing to listen—the most difficult and most important of the political arts. And in one sense it is that attitude, that stance toward politics, we are also honoring today.

The word "pragmatism," whatever its original meaning, has acquired too many overtones of softness or weakness in adhering to firm principles. But Bryce demonstrated that you can have firm principles and at the same time respect differences and try to reconcile them.

In fact, it's only when you have firm principles that you can enter into true dialog with opponents. Wishy-washy people never are in one place long enough to take a stand.

Americans have never been an ideological people. We are, however, a principled people. We don't try to impose some kind of preconceived world-view on the complex, changing aspect of politics—or, at least, most of us don't.

But we demand commitment to certain principles, certain virtues if you will, like honesty, integrity, tolerance, and decency. Bryce possessed all those virtues and that it why he will be so missed by all of us.

He was born in Oklahoma City, served as a member of Gen. George C. Marshall's staff during World War II and was director of the professional staff of the Armed Services Committee after the war.

He joined the Eisenhower administration and it was there that many of us got to know him as he went about his work as liaison to the Hill. He worked quietly, without trying to attract attention—in fact shunning it—the very model of those legendary White House aides who have, in the old phrase, "a passion of anonymity." He later went on to serve President Nixon in many capacities. Of course, he was for many years Washington spokesman for Procter & Gamble.

We all know the story of President Eisenhower, after being presented with a complex speech draft, saying he wanted a "meat-and-potatoes" speech. It was Bryce Harlow to whom the President turned for such a speech. Bryce, for all his political sophisitication, never lost sight of the fact that it is the first task of politics to communicate and communication is impossible if it is disguised in academic or political jargon.

Bryce got to the heart of the matter in speech drafts and in discussions, never camouflaging his message in fancy rhetoric and always playing the game the only way he knew how—straight and above board.

We often pay tribute to our departed congressional colleagues and to great men and women who have left us. But how often do we get the chance to honor those who work behind the scenes, those whose patriotism doesn't need the spotlight to inspire it, and whose quiet, patient, devotion to duty does not demand the headlines to enhance it.

We have been fortunate throughout our history to have many great and famous leaders. But after more than 30 years in Washington, I am convinced that this country also needs those like Bryce Harlow, without whose selfless and energetic work so much that is good in our system would go undone.

Bryce, you were a fine gentleman, a good companion, and a principled patriot. We are going to miss you.

Mr. Speaker, I would like to include the following remarks at this point in the RECORD for the benefit of my colleagues.

SIDNEY LOVETT'S* REMARKS AT THE FUNERAL OF BRYCE N. HARLOW, FEBRUARY 21, 1987

This is a service of praise and thanksgiving in honor of one of God's selfless stewards of our nation's soul. Bryce Harlow is tied together with many of us as kinfolk but a friend of all.

We gather to offer today a very special well-done to Sally for her unfailing support and affectionate care during the years in which Bryce's health was failing. And to Peggy, Trudy, Larry we can only report that your father took delight in each of you and taking delight by Bryce was a very special honor accorded to especially you three. And to the grandchildren, I would suggest that you remember the epitaph of Christopher Wren in St. Paul's Cathedral as it was inscribed. Look around you. If you want to become acquainted with your grandfather and your grandmother look around you to see the sacred monuments of this country and look around you to the wealth of friends and strangers who took delight in Bryce Harlow and many of whom are gathered here today. Explore your grandfather's life. There's so rich a mind of treasure there. We encourage you all to do that in your own way. Now we do acknowledge the fact of Bryce's death but we pay no further tribute to that sober event which must befall us all. Rather, at this time, do we celebrate the integrity of his life, and the continuity of all human life in God from whom we have all come and to whom we are set to return.

Bryce, you taught us how to be selfless, not that we could all follow you or emulate you but you taught us, you demonstrated. You were our mentor. For in Bryce there was the ability to serve without computing the personal gain that might derive therefrom. Ignatius Loyola had a basque term which meant unstuck. It meant unstuck by the foolish lures and values, and superficial values of life. And in order to be a servant of the most high, one had to be unstuck from that which was of lesser value and alloy. Bryce's loyalties were to the public values, which attended the birth of our Republic and which endured by reason of fidelity and sacrifice.

Now, to be sure he was self-deprecating on the banquet circuit—how the audience could expect to see no more of him when he rose to his full height behind the dias. Or how he had arrived here in Washington in 1938 at the full height of 6 feet four inches, only to suffer the gradual erosion which ensued from his daily rounds between the executive and legislative branches. His lively wit ensured the introduction, the effective introduction of what lay deeper. He had carefully observed the distinction between personal ambition and distinguished service. Besides his mother and father he had early found giant mentors, of the stature of General George Marshall, or Speaker of the House Sam Rayburn, or Carl Vinson; and, when he was appointed to serve the Office of the Presidency, Bryce gave everything he possessed to do his job. Never at the expense of honesty, of quietly speaking a cautionary word or even a contradictory word, which took its source not from his personal capital but from a grander spring of heritage and honor. And that is why men and women so often sought his advice. He knew the difference between the time of the quid pro quo and the time when there is no anticipated exchange, only mutual selflessness to a worthy end, be it personal friendship or international peace with security and freedom. Bryce was so unlike a character in Oscal Wilde's play who was described "He knew the price of everything and the value of nothing". Bryce knew the price of the politics of time and moment. But he also knew the enduring values of the politics of eternity. And to me, and I'm sure to everyone at this gathering, it is remarkable that those intimate friends and strangers who had failed to achieve their highest were never castigated or never cudgeled by Bryce in an unworthy or in a cruel way.

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*Sidney Lovett is a former Pastor of the Rock Spring Congregation Church and a longtime friend.

He treated people with courtesy and kindness and if there were failings, Bryce took upon himself the sorrow and the wound. As he often said to Larry, the greatest joy in life comes from being of service to others. Now, here was a character that had many reaches and I want to describe only two before we come to our close.

I suppose its whimsy, wit, enjoyment of being a wordsmith. At one point having left Washington, I had the gratuitous feeling of wisdom that it would be nice if a new Congressman coming in 1966 might have an opportunity to receive the wisdom of a Bryce N. Harlow and so I wrote him to the effect would he please sidle up to this rookie coming to serve the country and this was the reply I received. And I am curious. How many here have kept the letters that they have received from Bryce? Would you put your hands up please? Now, grandchildren, if you ever want to look for some of these go and see the folk who've gathered here. Bryce replied in the second paragraph,: "You asked me to sidle up to him in my inimitable way. Now you and I know that a word from you is my command in the highest." He's leading me on. "But I puzzle slightly over just how one sidles. But I shall try and the very first person to be sidled in the new Congress will be your man. Others may be and likely will be fiddled and diddled and even bibbled, but not your man. He will be sidled."

A week ago in my conversations with Bryce he said he regretted the fact that he would not have another opportunity to demonstrate to me what is known by some of you as that awesome Harlow tennis serve with the reverse twist. I responded that I would be grateful just for more occasions for colloquy and learning, that it was so humiliating to be moving in one direction when the spin would take the ball in just the opposite and leave you with possibly a pair of broken ankles. The serve was so good, so impecably performed that as distinguished a servant as Justice Black would ask Bryce to come to the Army Navy Club and just demonstrate the serve to him perhaps 20 to 30 times, so that he could just study the evidence. It was beautiful. It was devilish. It was probably the only abusive manner that Bryce ever took with a fellow human being.

I've been rereading some of Bryce's speeches looking for that which would in a short form capsulize what he felt were the essentials and I have found this in a speech long ago.

"The focus of it all is the precious worth, not of material possessions but of each human being in America and everywhere in the world, the devinely formed individual who is due his justice. A justice encompassing liberty which is the right to do as one pleases up to the point that he does not restrain others from doing the same. From this faith has evolved our conviction that it is the birthright of each citizen to work to fulfill his aspirations in his own way, to achieve and, if possible, to excel and to reap a reward commensurate with his talent and his effort; and, should he fail, it is a byword of our freedom that he shall have the chance to try again. It is this ideology, religiously based, that gives our zeal for self-government, for keeping the reins of power close to the sovereign citizen, for resisting power concentrations of whatever kind in our system."

Now I close by reading words which Bryce offered in response to his receiving the Meal of Freedom some years ago in which again he tries to articulate where he was in the constellation of things and how he was gratified to have been recognized. He said:

"Now the point that's relevant about that to this meeting is just simply this. I was never a leader in any of that. I was never the front man. I was never the boss or the chief. I was always the behind-the-scenes fellow. I was also the assistant, the counselor if you will. Well now, if that's true—and it is—what am I doing here? I think that's a good question. Why would one with a career so unobtrusive, retiree, be here receiving an award so utterly prestigious? That fascinated me greatly when I was called by Mike Deaver and I came to this thought: apparently someone here—and I hope its you, Mr. President—came to the idea. Well, this little "gopher" for Uncle Sam and all his wanderings for four decades, in his own right, perhaps working for and thru and around the great people, helping them, did enough for our country to make him worthwhile. Now if that is true, if that's the reason for this comes to me, then I say its absolutely marvelous. Not because of me, Mr. President, but because I am projected across the country in millions of people who are working their tails off, getting little attention at all. Who are working. Who are loyal. Who have the intergrity. Who are doing for their bosses and doing for their bosses causes, expecting no recognition whatsoever. And here's what I think might happen. Some of them will read about this award. Some of them may even see it. Read about or here about it and he'll say "Hey Joe, did you see where President Reagan gave a kind of medal to this little fellow Harlow?" And he would say "No. What for?" He'll say "For doing what we are doing. Oh, we better work harder—hadn't we? We might get one." Mr. President, if it works like that, how beautiful it fits in with your programs of constantly improving the quality and the standards and the productivity of American life.

Well dear friends, we must complete our gathering in honor and I would only urge that each of us resolve that from this event of Bryce's moving thru death, we will hallow and work at whatever task or whatever obligation within which we may be set. To work in his spirit of courtesy, industry, loyalty, honor, cherishing the values of our land and our hope and be the better not in our selves, but be the better selfless person spreading this call to stewardship. Amen.

Mr. INHOFE. I thank the distinguished minority leader for his remarks.

Mr. Speaker, I can recall, back in the middle sixties, the very warm affection that Bryce Harlow had for our minority leader. I think a lot of people are probably not aware of the fact that Mr. Bryce Harlow was a native Oklahoman; someone that we have been very fond of for many, many years. Like many other Oklahomans, he had a call to duty sometime ago when he was quite young, after just getting out of college, and he felt he could best serve his country by serving in Washington.

I do rise today to pay tribute to the late Bryce Harlow, a fellow Oklahoman, a counselor to presidents, and a great American.

Mr. Speaker, Bryce Harlow symbolized the very term "public servant." During his distinguished career he served as assistant librarian for the U.S. House of Representatives, majority counsel for the House Armed Services Committee, and adviser to Presidents Eisenhower and Nixon.

As a member of Eisenhower's legislative team, he was frequently credited with knowing more about the legislative process and what makes it tick than anyone else in Washington.

He was the first person appointed to the White House staff after Richard Nixon was elected in 1968. One of the most powerful figures in the Nixon administration, he was known for his disarmingly witty approach to controversial issues.

In 1977 he was inducted into the Oklahoma Hall of Fame and in 1981 he received from President Reagan the Presidential Medal of Freedom for his service.

Although he spent most of his adult life in Washington, he never forgot his Oklahoma roots. The self-made, self-assured, independent spirit of the State was embodied in him. He always considered Oklahoma and middle America the bedrock on which the foundation of today's Republican Party would be laid.

Harlow himself once said he saw politics as a business in which politicians respected those who are "straight and honest." He used to say, "Politics doesn't run on party lines, it runs on character."

Oklahoma Governor, Henry Bellmon, called Harlow "one of Oklahoma's most brilliant political strategists." He will be greatly missed by all who knew and worked with him.

The thoughts and prayers of all of those who had the honor and privilege of knowing Bryce go out to his wife and family.

Mr. WATKINS. Mr. Speaker, the fate which faces us all has claimed another public servant from Oklahoma. But, we do not gather today to mourn the passing of Bryce Harlow rather than to celebrate the record of accomplishments and many contributions this man made to Oklahoma, the United States, and the world.

He was, like another diminutive Oklahoman, former Speaker Carl Albert, a giant in brain power. His career ranged from a post as assistant librarian in the House to the White House where he was chief of congressional affairs for President Eisenhower and Nixon and Eisenhower's "meat and potatoes" speechwriter. After 8 years with the Eisenhower White House, he became a lobbyist for Procter & Gamble. Upon Nixon's 1968 election, Mr. Harlow became his first major political appointee and became an assistant and later a counselor to the Nixon Presidency's early years. As an Eisenhower aide, he played a principal congressional liaison role in the creation of the Defense Department and other military legislation fostered by the Eisenhower administration.

During his career, he also served as assistant director of the Office of Management and Budget, was chief of the House Armed Services Committee, and advised Presidents Reagan and Ford on congressional relations.

His 45 years of service to the Nation, including serving Army Chief of Staff Gen. George C. Marshall, were recognized in 1982 when President Reagan presented to him the Medal of Freedom, the Nation's highest civilian award.

All who were privileged to know Bryce Harlow were amazed at his mental capacity, his wit, his courtliness, and his grasp of interpersonal relationship. He was an extraordinary administrator and communicator. One cannot help but wonder, given the Nation's current circumstances, that if his skills had been available to the current White House, would not our situation today be much different.

Mr. Speaker, I offer the family the sympathy and understanding due them at their loss and I salute a man who served this Nation long and well. We will all miss Bryce Harlow.

Mr. WHITTEN. Mr. Speaker, I am saddened to learn of the passing of an old and dear friend, Bryce Harlow.

In my many dealings with Bryce I found him to be an extremely fair, highly competent, completely honest individual who commanded my total respect; a respect I am certain was shared by many no matter what their political views or affiliation. He was a public servant in the highest and most honored sense.

Bryce Harlow was indispensable to the Presidents he served, but he never sought attention or acclaim for himself. He followed the proven maxim that you can accomplish anything in life as long as you let someone else take the credit.

Mr. Speaker, I, along with my colleagues, appreciate being able to have this opportunity to pass along the praise and credit that Bryce Harlow so richly deserves. Our Nation has benefited greatly from his dedication and selfless service. To his family, I extend my most sincere sympathy. We mourn Bryce Harlow's passing and shall miss him greatly.

Mr. VANDER JAGT. Mr. Speaker, I rise today in remembrance of a truly outstanding public servant, Bryce Harlow, who passed away on February 17. I want to thank our Republican leader, BOB MICHEL, for affording us the opportunity, through this special order, of paying tribute to this very special American.

Bryce Harlow served his country with distinction and diligence as a Presidential counselor and speechwriter. He received considerable and well-deserved acclaim for his many contributions. There are a select few whose names become almost synonymous with service to their country, and Bryce Harlow was one of those individuals. Throughout his years of public service he willingly shared the richness of his wisdom and experience, always giving unselfishly of his time and setting a standard of excellence. In his service to one or another President for over two decades he forged ahead with dedication, devotion, and sincerity of purpose. We all applaud his knowledge, honesty, hard work, and personal commitment. He truly contributed to the quality of life for the citizens of our country.

He set a high example for us to follow and is truly deserving of recognition from our Nation. It was indeed fitting that he received our country's highest civilian honor, the Medal of Freedom in 1981 from President Reagan.

He will be sorely missed by the country he served so well. His legacy will live on, not only in our memories, but through his lasting accomplishments. I am honored to join in this appreciation of the man, and all his good works.

Mr. GILMAN. Mr. Speaker, on February 17, America lost one of its finest public servants. Bryce Harlow, served as an aide to Presidents, a congressional staffer, and liaison, an effective lobbyist, and had an unremitting reputation as an astute political thinker. Few men have been able to gain the respect and admiration of so many of Washington's decision-makers, as Mr. Harlow, and his death will surely be a great loss to us all.

Born in Oklahoma City, Bryce Harlow went on to serve as a member of Gen. George C. Marshall's staff during World War II. He served under President Eisenhower, and was a key player in the legislative affairs of the time. He was the first person appointed to the White House staff under President Nixon, and acted as a vital intermediary between the President and a Democrat-laden Congress. His honesty, integrity, and his ability to communicate gained him bipartisan support and respect in Washington, and true admiration nationwide.

It was often said that Mr. Harlow knew more about legislative affairs and processes, than anyone in Washington. His true political knowledge, coupled with his extraordinary communications skills afforded him the opportunity to deal with the facts and the key issues, while skipping the rhetoric and jargon.

Bryce Harlow served his country with dedication and pure selflessness. To quote the distinguished Senator from Kansas [Mr. DOLE], "He never hesitated to offer his services when problems on Capitol Hill or the White House seemed too big to solve."

Mr. Speaker, I welcome this opportunity to offer my heartfelt sympathy for the family and friends of Bryce Harlow. He graced us all with his presence and he possessed all of the characteristics of a true political statesman, and of a true gentleman. He will surely be missed.

Mr. DE LA GARZA. Mr. Speaker, it is indeed fitting that we gather today to pay tribute to Bryce Harlow, and I am delighted to participate in this special order.

One of the first thoughts that comes to memory is how we met. When I came to Washington I was working with a group from Texas on the Amistad Dam proposal. At that time Bryce Harlow was with the House Committee on Armed Services. His vast knowledge of the workings of the House proved invaluable to me in moving this project forward.

While that was a long time ago, in many ways it seems like yesterday—but in the years to follow Bryce Harlow went on to continue his extraordinary work. Consistently erudite and impressive in legislative ability, Bryce Harlow scaled great heights in his career.

Much admired and respected by all, Bryce Harlow was truly a man I am honored to have known and to call my friend. His passing leaves us all a bit sadder, but for having known Bryce Harlow I am indeed a better man.

Mr. ROYBAL. Mr. Speaker, the loss of Bryce Harlow on February 17, 1987, was felt deeply by members of the political community and beyond. Mr. Harlow was an honest and intelligent man whose integrity was matched only by his political insight.

We will miss Bryce Harlow. Although he was a Republican appointee, he dealt with all Members in a nonpartisan manner that was truly rare. His presence was always felt and respected, and his dedication was always admired.

Our thoughts are with his family at this time of sorrow, and we share their grief.

Mr. YATRON. Mr. Speaker, I rise today to express my deep sadness at the passing of Bryce Harlow. With his passing, Washington has lost a dedicated, admired, and beloved public servant.

Although Bryce and I were in opposite parties, he was always helpful. He truly embodied bipartisanship and he easily earned the respect and admiration of Democrats and Republicans alike. His quick wit, integrity and talent were always evident. In his positions as counselor to Presidents, White House Congressional liaison, Congressional staffer, and Washington representative for Procter and Gamble, Bryce set an example for excellence. Bryce never hesitated to offer his services for the good of the Nation.

With Bryce's passing, we have lost a dedicated and loyal professional who reflected great credit on all public servants. His presence will be sorely missed. I know that my colleagues will join me in mourning the passing of this good man and in sending our prayers to his family and loved ones.

Mr. KEMP. Mr. Speaker, our nation has lost a most distinguished and able leader. We all lost a great friend with the passing of Bryce Harlow on February 17. It is indeed rare in life to be privileged to know a man who can combine wisdom, wit, candor, and integrity. Bryce Harlow was such a man and much more. Bryce selflessly devoted his life to strengthening those values upon which our Nation was founded. I am honored today to pay tribute to the memory of a dedicated public servant and a good friend, Bryce Harlow.

His wit, understanding, and ability to handle any situation, made him one of the most respected and well liked people in Washington. Most of us knew Bryce as an effective White House liaison to Congress. However, he was also an accomplished tennis player and an avid sportsman. I know Bryce would be a little embarrassed by all this praise and publicity because he was a very humble man. But his accomplishments speak loudly and eloquently for his outstanding abilities, and he deserves the praise of a grateful nation.

Bryce served Presidents Eisenhower, Nixon, and Ford with diligence and distinction. As a key member of President Eisenhower's legislative team, Bryce knew the process, the people, and the way to get things done. He was also well known for his speech writing abilities. When President Eisenhower needed a speech full of substance and light on rhetoric and jargon, or as the President said, "meat and potatoes," Bryce Harlow was the man for the job. In fact, Bryce was indeed the man for most jobs. Bryce had an outstanding ability to communicate easily with people and could handle just about any task put before him. He could be depended on in times of trouble and crisis. When few were willing to listen to conservative voices, Bryce Harlow not only listened but welcomed the conservative movement. He was an ally and mentor when we needed him, and I am proud to have been his friend.

When President Nixon needed an efficient and effective adviser to act as a liaison to Congress, he called on Bryce Harlow. Bryce was the first person appointed to the White House staff after President Nixon's election in 1968. He ably served the President, handling the delicate and important job of congressional liaison and counselor to the President.

I had the pleasure of working with Bryce on the 1980 Republican Platform Committee. Bryce's quiet strength and wisdom helped shape the blueprint for the Reagan revolution. With Bryce's behind-the-scenes help, and Senator John Tower's able leadership, the committee fashioned a platform aimed at creating jobs, strengthening values, and expanding opportunities for all Americans.

Bryce was a strong believer in the values of hardwork, honesty, integrity, and dedication to the principles that have made America great. Anyone who had the pleasure of knowing Bryce could tell you that he got things done with efficiency, tact, and precision. Our Nation has benefited from Bryce's wisdom, and I am proud to have known this outstanding patriot and public servant. We will miss Bryce, but his example and hard work will live on forever as a testimony to his high ideals, values, and principles.

Mr. QUILLEN. Mr. Speaker, I rise to join my colleagues in paying tribute to Bryce Harlow, a fine man and an outstanding public servant who passed away on February 17. Bryce was a gentleman. He was a professional in politics in the best sense of the term. He was a man of sound opinion and sound advice. He was always helpful to me in our relationship over the years and he earned my highest respect for the manner in which he discharged his responsibilities to his office, his party, and his country.

Though born and raised in Oklahoma, Bryce Harlow was truly a Washington man. He arrived in town 49 years ago as an assistant librarian here in the House of Representatives. After service in the Army during World War II on General Marshall's staff, he returned to Capitol Hill as staff assistant and then staff director of the House Armed Services Committee.

He served both President Eisenhower and President Nixon on their legislative affairs teams and played a significant role in both administration's relations with the Congress. He was absolutely first rate and a tremendous asset to both presidents.

By virtue of his great competence, dedication, and integrity, he set a very high standard for all of us engaged in political and Government careers. It was a privilege to know him and to work with him.

My heart goes out to his family in this time of loss. We will all miss Bryce Harlow.

Mr. BROOMFIELD. Mr. Speaker, I would like to join my colleagues in marking the passing of a superb American. Mr. Bryce Harlow's death on February 17, 1987, was a great loss to all who came in contact with him. I had the special privilege of knowing Bryce during my 30 years as a Congressman. Throughout my acquaintance with this man I was always impressed with his commitment and dedication while serving under two administrations and later, as he worked for the private sector.

Bryce was a rare individual who truly mastered the skills of communication. Today, this ability to communicate is something which is often lost in technical and academic vocabularies. When President Eisenhower asked for a speech the public could understand, it was Bryce who would provide that valuable link between the complexities of our governmental process and their application to the everyday American. Translating this process honestly, in the clearest possible language was something which Bryce did well. It is a gift which few possess. However, communication is a two fold process, and as a listener Bryce demonstrated the patience, attention and genuine understanding that earned him bipartisan respect throughout Congress.

A testament to the career of Bryce Harlow was the Medal of Freedom, our nations highest civilian honor, awarded by President Reagan in 1981. His candor, professionalism, and humor will all be sadly missed. I would like to join with his many friends and colleagues in paying my deepest respects to Bryce N. Harlow. Such outstanding ability and service are irreplaceable.

□ 1640

GENERAL LEAVE

Mr. INHOFE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the subject of my special order today.

The SPEAKER pro tempore (Mr. ATKINS). Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

THE CONTRA ISSUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. ROWLAND] is recognized for 60 minutes.

Mr. ROWLAND of Connecticut. Mr. Speaker, I have taken out this special order as an opportunity to talk a little bit about a very important issue that we are going to be facing tomorrow. That, of course, is the issue of whether to continue the aid to the Contras, the $40 million in aid. As most American people understand, we have grappled with this issue for a number of years. We have had a number of different votes. We have had some yes votes. We have had some no votes. We have even had some maybe votes.

We have sent conflicting messages to the American people. We have sent conflicting messages to the Contras. We have sent conflicting messages to the surrounding nations and we have sent conflicting messages to the Sandinista government.

Mr. Speaker, I am going to spend most of this hour working with some of my colleagues and talking about the threat of what we are really facing in Nicaragua.

Let me also say that I personally wrestled with this issue over the last year. As a matter of fact, early last year I voted against aid to the Contras. Early last year it was my decision and the decision of many on both sides of the aisle to at least allow Mr. Ortega the opportunity to show his true colors. At that time, if memory serves me correctly, there was a Senator from our Congress who worked with and talked with Mr. Ortega. He came back and told the American people that if we did not aid the Contras, Mr. Ortega would then respond and work with the United States and work with the Sandinistas and work with the Contras.

At that time we did not aid the Contras and as a response Mr. Ortega went to the Soviet Union.

I think it is interesting to note that soon thereafter on another vote in which most of us felt we needed to send a message, we needed to apply pressure to Mr. Ortega and the Sandinista government, we then found after we gave aid to the Contras that Mr. Ortega responded by coming to the United States and working with our press, working with our church groups in an attempt to build up a public relations effort.

I think some of the most compelling arguments that we are going to see hopefully today and tomorrow really get down to one basic question. It is a question of what the Soviet Union's involvement is in that region. Why would the Soviet Union be interested or involved in a nation thousands and thousands of miles away? What is the intent of the Soviet Union?

Unfortunately, and I think many American people will agree, we have not read enough or seen enough about the interest and the involvement of the Soviet Union. I hope that tonight we will be able to make a case and demonstrate some of the real live involvement of the Soviet Union and Cuba and other nations have had in Nicaragua.

I think the moratorium vote we are going to see tomorrow is really going to be a unilateral vote, a unilateral movement to withdraw that support. Not only will we be reneging on a commitment, but I think we will be reneging on an opportunity to force a good substantive decision in that region.

Now, many will suggest that by congressionally approved Contra aid we are going to relate this to the Iran affair.

Tomorrow we are going to hear a lot of allegations. We will hear a lot of suggestions that our policy is wrong, that what occurred with Mr. North and others is related to our aid to the Contras through the Congress.

I think it is unfortunate that tomorrow what we are going to hear and see are a lot of actions that are going to be used to punish the Contras and to punish the President.

Last year this Congress supported aid. We thought it was in the best interest of the Nation. By abandoning the Contras tomorrow, we are not going to be punishing the administration. We are not going to be punishing the Contras. We are merely going to be playing some political games.

Yes, all of us agree on both sides of the aisle that we need to get the answers. We need to find out what happened with regard to the North affair, and we will, but that does not relate to the fact that last year this Congress supported aid to the Contras and we thought it was in our Nation's best interests.

The case for the Contras remains the same. The case itself remains the same. The Soviet bloc is now in the process of consolidating a second base in our backyard. Those are the facts. There is no question about it.

I will pose a few other questions for our consideration. Is it wrong to support a resistance seeking to stop communism in their country? Is it wrong to help individuals seeking the same rights and liberties that you and I share?

Yes, we value freedom in this Nation. We have never tolerated the dictatorship in Nicaragua, but should we really be surprised that the people in Nicaragua, some 15,000 at least, will not tolerate their lack of free speech, their lack of right to assemble, their right to have religious freedom? I do not think so.

Mr. Speaker, I would like to take a few moments and yield to the gentleman from California for some discussion and some cold hard facts, some of the things we have not heard about before, some of the things that we have heard about before, but I am afraid the American people truly do not understand and have not had an opportunity to view firsthand.

Mr. Speaker, I yield to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, I thank my friend, the gentleman from Connecticut [Mr. ROWLAND] for laying out the facts, the context of this debate very accurately. It is clear that the vote tomorrow is a vote which does not pit the United States versus the Sandinistas. It does not pit the United States against the human rights repression that we have spoken of regularly, to the point where the more liberal side of this House does not contest the repression of the people of that country. We are not speaking tonight about the closing down of the press, of the Catholic church, we are not speaking about the indignities that were suffered by Bishop Carballo when the secret police of the Sandinistas stripped him naked and threw him in front of national television cameras in an attempt to discredit the church. We are speaking about the real players in this contest and the clear choice that is going to be made by representatives of the American people tomorrow.

The two major players in this contest are the United States and the Soviet Union. The Soviet Empire if it establishes its beachhead in Central America will have made a conquest that will be much more far-reaching and important to its goals and its aims than was the conquest of Vietnam, the conquest of Poland, the conquest of Afghanistan, and the conquest of East Germany, because they will have managed to have placed a military presence at a very vulnerable position in our own hemisphere, in a position where it can do great damage to our ability to import, to export, to operate critical military bases on the Atlantic coast and the Pacific coast.

□ 1650

Let us get right into specifics. In the last year, and I am surprised at how few Members have discovered this—perhaps it is the fault of the administration because of the confusion that surrounded their problems with the Iran arms sale; perhaps it is the fault of DOD for not getting the information out to us soon enough; perhaps it is the fault of Congress for not being around over the last several months—but in the last year the Soviet Union has moved—literally stuffed—into Nicaragua over 600 million dollars' worth of war material. That is over six times as much as we voted for in the last year to go to the other side. Indeed, if we lose this vote tomorrow, if the forces of freedom lose this vote tomorrow, we will have given a case history on why freedom loses, on why the West loses regularly in confrontations with the Soviet Union.

Let us go to some of the specifics of the war materiel that has been delivered in the last year. To start out with, in 1982 about 6.7 million dollar's worth of war materiel was delivered by the Soviet Union. In 1983 that increased to $14 million. In 1984 it went to $18 million—excuse me. In 1982 it was $90 million; in 1983 it was $120 million; in 1984 it was $250 million; in 1985 it went back down to $115 million; and last year, in 1986, the Soviet put 600 million dollar's worth of war materiel into Nicaragua. That is as much as all the years of 1982 through 1985 combined.

Let us look at specifically what they put in. In fixed-wing aircraft now they have 44 aircraft. They have 10 AN-2 personnel transport included in that, and 4 AN-26 troop cargo transports.

In helicopters they have now put in 56 helicopters. That includes 12 of the MI-24 helicopters, and those are the helicopters that have Gatling guns mounted that have the capability of firing approximately 10,000 rounds per minute against the soft bodies of the freedom fighters, the Contras, without adequate antihelicopters materiel—SAM's, Stingers, or other types of missiles that will take down heavily armored helicopters. They have been very, very effective. That includes also 35 MI-8/17 Hip helicopters, which are the equivalent of Huey gunships.

Tanks, they have 110 Soviet tanks, T-55's, and of the T-76's, a more sophisticated tank, 30 of those things.

Field artillery, they have moved in 24 152mm howitzers, 24 122mm howitzers, and approximately 5 or 6 76mm field guns.

Heavy mortars, they have moved over 24 122mm mortars.

Antitank guns, they have 100-plus, mainly ZIS-2's, 57mm.

Surface-to-air missiles, they have moved in over 300 SA-7 shoulder-launched, some SA-14's, and a few improved S-7's.

Now I think that one interesting aspect of the Soviet mission and the Soviet attempt to establish a beachhead in our hemisphere in Central America is the tremendous cooperation that they have managed to bring about from other Soviet-bloc or Communist-bloc states. Here are the players who are presently establishing a Soviet beachhead in our hemisphere in Central America: naturally, the U.S.S.R., but also Bulgaria, Romania, Cuba, North Korea, Czechoslovakia, Hungary, Poland, Vietnam, Laos, Yugoslavia, Mongolia, Kampuchea, and East Germany.

One important point for all Members of this Congress to understand, whether or not they like the Sandinistas or like the freedom fighters or want to see democracy in Central America, want to see a time when people can go to the ballot box instead of being ruled by the people with the biggest weapons, whether or not they have any regard or any interest in those aspects of the struggle, those Members of our body who are going to be voting on this bill tomorrow need to realize and recognize that a great deal of American exports and imports come through the Panama Canal, which is only about 350 miles from a number of the bases—air bases and naval bases—in Nicaragua.

Very clearly in dredging naval bases at El Bluff and establishing facilities at the Corinto base, which will give the Soviet Union a warm-water base on the Pacific side of our hemisphere, the Soviet Union will by stationing attack submarines and surface combatants, establish a stranglehold over the Panama Canal. A few rounds into the lock system of the Panama Canal will be able to destroy it. That is conceded by all parties. The Soviets are right now in the process of establishing that stranglehold over the Panama Canal. It is an important fact for people who are farmers in the Northwest and the Midwest and Northeast who feel that they have no interest in the contest raging in Central America to ponder on, because it is a direct threat to their ability to export their products.

Mr. ROWLAND of Connecticut. Mr. Speaker, I think that the gentleman from California has hit on a key point. I have often brought up in discussion with critics of aid to the Contras the question: What is the interest of the Soviet Union? I think that is demonstrated in the comments that the gentleman has just made, the fact that they could indeed and will indeed control the Panama Canal, which will have tremendous impact not only for us from an economic standpoint, but certainly a military/strategic standpoint. I think that the gentleman's point is very well taken.

Every time that I have posed that question, and I am sure that many of our colleagues have posed similar questions, we have always run into the same answer: "Well, they're giving economic assistance."

Well, it is not economic assistance. I think that the gentleman has clearly pointed out that in 1986 alone, $600 million in military aid, combined with the other 5 years, and if I threw the numbers together correctly, that is well over $1½ billion in pure military aid from the Soviet Union, not counting Cuba, not counting some of the other nations that the gentleman has outlined, but pure military aid.

As a matter of fact, in mentioning some of the aid, I think that it is important to note, as the gentleman said, attack helicopters, rocket launchers, light tanks, heavier tanks—the T-55—transport planes, the howitzer, transport helicopters, gun howitzers, the SA-7 Grail, surface-to-air missile launchers, and of course other scout cars to move around the area. So I think that the point that the gentleman has made is quite clear, and I think that it is unfortunate that not everybody understands that threat.

We are not merely poking our nose into a region of another country. We are not merely looking to create a civil war, as some would suggest. There is indeed a threat to the democracy in our Nation and the democracy in those surrounding nations.

We spend about $300 billion on the defense of our Nation, our defense budget; $100 million out of that $300 billion is a small, small, small, small percentage, and it just makes a great deal of sense and logic to me that if we see the Soviet Union dropping billions and billions of dollars into a nation thousands of miles away from their region, we had better have some concern and some interest. These are the cold, hard facts which the gentleman has outlined.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Speaker, I too want to commend the gentleman from Connecticut for taking this special order. I have asked the gentleman to yield in order to follow up on the threat, as he so eloquently outlined, to the United States. I think, No. 1, that the vote tomorrow is a threat to us as far as our breaking our word. You know, in Texas the best thing that you can have is integrity and your word is gold. And for the American people—and some will say that a moratorium is not breaking your word—putting off aid or the $40 million for another 90 days to me is breaking our word to the freedom fighters who are trying to offset this threat by bringing democracy to Nicaragua.

I would just like to take a moment—you know, what I get from the America last crowd is basically when I say that we are putting a Cuba in Central America, they pooh-pooh that. They say that that is ridiculous, all that these are are just nice, kindly people down there who are not interested in communism; they are interested in bringing in freedom to the people of Nicaragua.

I think that these people forget history. I would like to quote from some remarks that were made by our Secretary of State, George Shultz, before the American Bar Association that I think succinctly outline the threat of having a Cuba in Nicaragua.

□ 1700

We forget that Cuba is on our shores and we forget what Cuba is all about.

Now we also forget about World War II and early in the second World War German U-boats destroyed U.S. merchant shipping in the Caribbean at a faster rate than we could replace it. This is quoting Secretary Shultz.

But he more aptly outlines the threat that we now have in Cuba, and I quote: "One serious blow to this hemisphere's security was struck in 1959, when Fidel Castro established a communist dictatorship in Cuba and brought that island into the Soviet camp."

He goes on: "Today the Soviet Union [uses] Cuba as an important military base in this hemisphere. From Cuba, the Soviet Union flies reconnaissance flights up and down the east coast of the United States; in Cuba, the Soviet Union has a port of call for its submarines; from Cuba, the Soviet Union monitors United States communications, using one of the largest and most effective electronic surveillance sites in the world. Cuban troops act as Soviet surrogates in Ethiopia and Angola; the Cuban Government smuggles arms and provides aid and training to guerrillas and terrorists throughout the Western Hemisphere. In the event of a conventional war in Europe or in the Persian Gulf, Cuba would constitute a threat to our ability to aid our allies and defend our strategic interests in those vital regions."

The Secretary also said: "We risked nuclear confrontation with the Soviet Union over the removal of their missiles" from Cuba. "Today, we must spend billions," of dollars "to strengthen our counterintelligence apparatus and our naval and air defenses against Soviet use of an island 90 miles off our shore. And we learned the value of such an outpost to the Soviet Union, which spends," and I think this is important, "which spends over $4 billion every year to sustain [Cuba], three times what the U.S. spends for all forms of bilateral assistance in all of Latin America."

Mr. HUNTER. Mr. Speaker, will the gentleman yield on that point?

Mr. ROWLAND of Connecticut. I am pleased to yield to the gentleman from California.

Mr. HUNTER. Mr. Speaker, I think the gentleman from Texas has just covered a very important point and a lesson in history for all Americans.

President Kennedy, in attempting to back up the freedom fighters who hit the Bay of Pigs when they had an opportunity and a chance to overthrow Mr. Castro, withdrew air support, largely because of internal questioning and dissent in the United Nations and other irritants that the White House staff conveyed to him and, because of that, he withdrew that support.

Zbigniew Brzezinski, who was the National Security Adviser for Mr. Carter, called that the most cowardly act in modern American foreign policy, and according to Mr. Brzezinski, it was that act that absolutely startled the Soviet Union. They could not believe that an American President, that an American administration was allowing a Communist state to emerge only 90 miles from their shore. But it was that act of cowardice that Mr. Brzezinski spoke of as cowardly that prompted the Soviet Union then to move to put nuclear weapons into Cuba.

Mr. DELAY. If the gentleman will yield, I think more than an act of cowardice, it can be related to the vote tomorrow as an act of breaking the United States' word.

Mr. HUNTER. I would agree with the gentleman. It is an act of abandonment that was followed later on by the abandonment of the Cambodian freedom fighters at Phnom Penh that resulted in mass slaughtering. It is probably in a series of the type of actions in history which prompted Whittaker Chambers to say that, "I have left the Communist ranks to come over to the ranks of freedom, but for some strange reason I feel I am on the losing side."

But the point is that by acting weak in our own hemisphere we prompted the Soviet Union to move to an even more aggressive stance that ultimately put the world on the brink of nuclear war. Now when John Kennedy backed the Soviets down, and we were on the brink of nuclear war, and they ultimately pulled their missiles out of Cuba, we had a 10 to 1 strategic superiority over the Soviet Union. I wonder today what the result would be if we had instead of a Cuban missile crisis a Nicaraguan missile crisis, and I guess my point is that the gentleman from Connecticut is standing up there with a series of aerial photos, and one of those aerial photos is of air bases in Nicaragua. Those air bases right now do not have any Backfire bombers, and I am talking about the Punta Huete Air Base that will handle every strategic system or bomber that the Soviets have as well as all of the fighter aircraft and the other air bases that are being constructed. There are no Soviet BEAR bombers, Backfire bombers or Mig aircraft on those air bases right now. But they would not be building the air bases unless they intended to use them.

The point is, by not backing up the freedom fighters, the people who are fighting for their country and fighting for their own freedom, we are placing ourselves in a position in which we may some day see a repeat of the Cuban missile crisis with the Nicaraguan missile crisis or maybe the Nicaraguan bomber crisis or the Nicaraguan Mig crisis, when we look at our own array of armaments and we do not have that 10 to 1 advantage over the Soviets any more, and in which we backed down, and in which the Soviet Union is able to revise one of their most humiliating losses. The point is, we are putting pressure on ourselves by allowing this situation to grow, and it is direct military pressure.

Mr. DELAY. If the gentleman will yield, I would like to finish my point real quickly. I thank the gentleman from California for pointing out how important it is to our own security to watch Cuba and what we allow to happen off our shores, and in trying to link this up to substantiate what I contend to be a Cuba land-locked or land-connected to the United States of America. I would like to say to those that say that Nicaragua is not a Cuba, that it is not going to be a Communist country, it is not going to be a satellite nation of the Soviet Union, I would just like to finish my comments by reading an excerpt from the 1986 report by our Embassy in Managua in Nicaragua:

> The Nicaraguan Communists celebrated their anniversary this year on November 7, exactly the anniversary date of the Bolshevik Revolution in Russia. . . .
>
> For anyone who has been in Moscow's Red Square on November 7, what happened here on that day and the next was redolent with similarities evoking those sounds and sights.
>
> All of the things present in Moscow, or almost all, were to be found in Managua on the day of its parade, November 8. Just as the Soviet Defense Minister begins ceremonies by taking the salute of his troops standing in an open car before returning to the top of the Lenin Mausoleum to join his colleagues for the march past, so Humberto Ortega did the same in Managua to recorded hurrahs of the troops. Then the parade began with various Sandinista units marching in tightly formed squares using the port arms' tradition of the Soviet forces and the goose step borrowed from the Prussians by the last czars for their household regiments, but in our time sharply odorous of Nazi parades. . . .
>
> Then came armored personnel carriers, towed artillery and tanks. The only thing missing from the Soviet model were the intercontinental ballistic missiles with the warheads painted red which always bring up the end of a Moscow parade.
>
> The Nicaraguan troops are uniformed exactly like Soviets, the Marines looked just in from the Baltic Fleet at Kronstadt. The infantry formations could have been Soviet regiments uniformed in sand-colored fatigue for Afghanistan.
>
> The T-55 tank commanders in their leather helmets were directly out of a Soviet armored division and the reservists carried in Soviet trucks with their wide-beamed Soviet helmets recalled the motorized rifle divisions one sees in Western military district of the Soviet Union.

I would just like to show the gentleman from Connecticut, and I am going to have this blown up for the debate tomorrow, this is a postage stamp put out by the Sandinista government of Nicaragua honoring Lenin standing in front of a red flag talking to the masses. This is a Nicaraguan postage stamp. So anyone who says that this is not a Soviet dominated or Soviet pressured regime called Sandinistas has got to be fooling the American people and is taking our national security for granted.

□ 1710

Mr. ROWLAND of Connecticut. Mr. Speaker I want to thank the gentleman from Texas [Mr. COMBEST] for his very important remarks, and indeed, the handwriting is on the wall.

I think all of us, by human nature, want to believe that this is not happening. We do not want to believe that the Soviet Union is involved; we do not want to believe that this is really occurring in our back yard. I think it is unfortunate that we have got to accept these facts; and they are facts; and we see the messages sent to us in so many different ways.

To reemphasize a point that the gentleman from California made, I think it is more than just a coincidence that the Sandinista airfields that have been built over the past several years will indeed accommodate every single type of Soviet aircraft, every tactical long-range, short-range aircraft.

These declassified aerial photos will show you each and every one of the airfields; the planes that can indeed land in those regions, and of course, we will go into what that risk poses in our hemisphere in a few moments.

Mr. Speaker, I would now yield to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I would like to point out something else, and I thank the gentleman for yielding, because we Republicans very much appreciate C-SPAN covering our speeches, because this is one of the few ways that we can get our message to the public, and through them to the Democratic majority.

We know that the TV cameras pan the Chamber every few minutes. This is required of the cameramen by the majority leadership to show that we Republicans are talking after the formal session has ended, and that few of our colleagues are here.

On the two most important bills that were brought to the floor this session, the Democrats have adopted rules that refuse to allow debate or amendments. They want to steamroller these bills through the Congress. We would prefer to address our views and proposed amendments to the full House, but they have made this impossible, and our only alternative is to address them to the Nation, for which we thank C-SPAN.

Again tomorrow we will be asked to vote on a Democrat proposal to stop the President from granting the last $40 million of the originally authorized $100 million for aid to freedom fighters in Nicaragua, without any opportunity to propose amendments.

Mr. Speaker, I can hardly speak because of laryngitis, as you can tell; but I cannot be silent on the question before us tomorrow. We are being asked to break our own law and our own commitments, as has been pointed out.

This body voted $100 million last year, concurred in by the Senate, and the President began to make that aid available to the freedom fighters in Nicaragua.

We have a commitment, and in this case there was reliance upon that commitment. It is not the typical legal kind of reliance; but rather reliance where people place their lives on the line, relying upon our good word and our aid.

How can we look ourselves in the mirror if at this critical time, after people made the commitment of their lives, we withdraw that aid and support? How can our friends rely upon us, if after making commitments of this kind we withdraw them halfway through the process, not to be relied upon in the future.

How can we have any credibility? How can our foreign policy have any credibility if this is what we do with our commitments.

And has anything changed to permit us to void our contract, if you will?

The President, in his message, has said no, that there is no agreement in sight which would preclude the necessity of making available the last $40 million. And how about the alleged diversion of funds from the arms sales to Iran? That changes nothing, as has been pointed out. The need for the Contras still exists.

Our foreign policy imperatives remain the same; so that does not change the necessity of keeping our commitment.

There is a more important reason than simply keeping our commitment; and that has to do with the denial of opportunity for freedom to those who are willing to fight for it.

Mr. Speaker, I spent some time in El Salvador; in fact, I was one of the official observers to the Presidential elections in El Salvador in March 1984. I saw firsthand what it was like for people to have the opportunity for the first time to vote for their President. It was a very emotional experience for me, because I saw literally thousands of people standing in line for hours to vote, under extremely difficult circumstances.

Many people had to walk 20 or 30 miles to get to the voting place. There was much confusion because, in many of the voting places, the guerrillas had attacked in the early morning, destroyed the ballot boxes, and had precluded people from voting in the place where they were supposed to vote.

So there was a special place set up at the soccer stadium for the *displacados* to vote—the displaced persons—and there was mass confusion. Notwithstanding that mass confusion and the fact that people had to walk miles to get to vote; they had to stand in line for hours to get to vote, they voted.

They came up to me after they voted and they grabbed me by the lapels of my coat and said, "You tell them we voted." They wanted to send a message to the people of the United States of America that they cared enough to brave the guerrillas, to walk that distance, to stand for that amount of time, and to cast their vote.

Over 79 percent of them cast a vote for President on that day in March 1984. In some respects, I was not proud to be an American on that day, because I knew the percentage of people that had voted at our last election. In comparing it to the rigors of the voting that occurred on that occasion, it occurred to me that perhaps those of us here in the United States had forgotten a little bit about what it means to have that freedom granted to you the first time.

That is what the freedom fighters in Nicaragua are asking our help to obtain; the right to go to the polls and elect their own leaders in a voluntary and free way. How can we deny them that opportunity?

Fortunately for this country, we had friends, friends in France, for example, who helped us in our time of need and revolution; and we would not be here today, Mr. Speaker, if we had not been given that support.

There is another reason to help the people in Nicaragua, and it is not simply to grant them the freedom that they so richly deserve and that we enjoy in this country; but also to avoid exploitation of their neighbors in, for example, El Salvador.

We have known from the beginning that Nicaragua has exported revolution to its neighbors including El Salvador. Again, I have experienced firsthand the violations of that country by guerrillas and arms inflicted upon them by the Sandinista government in Nicaragua.

There is another reason to continue to support the Contras. In addition to the fact that we would be keeping our commitment, we would be helping people attain their freedom, and we would be putting pressure on the Sandinista government not to bother their neighbors. That is the reason that has been alluded to heretofore, and to which you have been speaking.

That is the entire matter of the Soviet foothold on this American continent. That foothold is demonstrated by the photographs that have been shown here and by the facts and figures that have been cited. It cannot be gainsaid that the Soviet Union has much to gain and nothing to lose by playing in this hemisphere, and that our trepidation in supporting the freedom fighters in Nicaragua plays into the hands of the Soviets.

If one needs additional reasons for continuing to grant the aid to our freedom fighter friends, we can look to the status of illegal immigration into this country. The hoardes of people that are coming into the United States from the turmoil created in Central America.

Just this week, decisions of the U.S. Supreme Court remind us of the difficulty that this Government is going to face in dealing with the thousands and hundreds of thousands of people who come to this country to escape the problems that exist in their country.

So this aid helps to provide a situation where our friends, for example, in El Salvador can enjoy peace without the necessity of people from that country emigrating to this country illegally.

Finally, continuing this aid permits us to continue to apply pressure in the region on the Soviet expansion, on the buildup in Nicaragua, and to fight the problem of containment, which is a position that I think our friends in Mexico, for example, adhere to.

I just returned from a trip to Mexico City in which we spoke to leaders of the Mexican Government, including President De la Madrid; and he articulated the continuing policy of the Government of Mexico, basically to look the other way, away from Nicaragua.

The excuse was that Mexico, of course, had its local concerns, while he understood that the United States had to look at things in a more global perspective. We had to be aware of the Soviet threat, but that was not something to which Mexico could really direct its attention.

It seems to me that this is the argument of containment; it is the argument of mordida; it is the argument of buying off the Cubans or the Nicaraguans for a little time, a little peace in the region while ignoring the threat of the Soviet Union and the real genesis of trouble in the region in the first place.

The trouble will not go away; Nicaragua cannot be sealed off; and that, I believe, is very well articulated.

This is an essay from which I would like to just paraphrase a couple of comments, and then add to the RECORD. It is, interestingly, written by Charles Krauthammer, and it appears in the March 2, 1987, edition of Time magazine.

The name of the essay is, "Should the United States support the Contras?" Mr. Krauthammer concludes that the answer is a resounding yes, we should.

□ 1720

Mr. Speaker, just to paraphrase briefly from this essay because I think it so cogently makes the point I just alluded to. First of all, Mr. Krauthammer notes the gathering sentiment to reverse aid and notes that it derives less from a desire to punish the Contras than from a desire to punish the administration. Ruefully, regrettably, that seems to be the case. But how to punish, he asks. He says, "but if it wounds the country" the policy would be a bad one. "Congress had come to the view that Contra aid was in the national interest." He says it remains so. "Abandoning that interest to get to a president is a high price to pay for sweet revenge." He goes on to point out the fact that the Soviet bloc is now in the process of consolidating a second base in the Americas, this time on the mainland. He alludes to the support for the guerrilla activity in El Salvador that I spoke to a moment ago. He says, "The Sandinista revolution is without frontiers" is not a hypothetical notion; it is historical. In the first years of their rule, the Sandinistas poured considerable effort into the Salvadoran insurgency, and he goes on to point out that, "the Sandinistas have been much more restrained in their support of the Salvadoran guerrillas during the Reagan administration not because of a change of heart but as a direct result of the military pressure that the United States has brought to bear during that time. Pressure in the form of the Contras."

To this matter of containment, he quotes Tom Wicker, an articulate spokesman for the anti-Contra view and in support of the containment view. Mr. Wicker said, "Washington could state plainly that it will not tolerate any Soviet military base in Nicaragua, or any overt or covert attempt by Nicaragua to attack its neighbors." Mr. Krauthammer asks, "What exactly does 'will not tolerate' mean?" One cannot just say it.

Carter declared the Soviet brigade in Cuba intolerable; Reagan declared the crackdown on Polish Solidarity intolerable. The intolerable endured, despite the brave words.

To be serious about containing Sandinista subversion we will need vigilance and resources and risk. It cannot mean condoning a ring of bases, a ring of American bases around Nicaragua, or a naval blockade. Why is it preferable to commit American resources and to take a risk of direct confrontation but it is not a good idea to simply provide aid to those who would fight the battle themselves? Should we station permanently American troops to serve as a trip wire? If a blockade ever became necessary, would the United States risk confrontation not just with Nicaragua but with Soviet forces as well? Why is the strategy of containment preferable to supporting those who would fight so that Americans do not have to fight?

Mr. Krauthammer concludes by noting the fact that the Contras do have severe problems. But that is the nature of guerrilla war, that it does require arms and training and, above all, time for building an infrastructure in the countryside.

He notes that the Sandinistas were in the countryside for 17 years before their victory over Somoza. It could be that the United States does not have the patience to support this kind of incremental struggle, this guerrilla war. But certainly hanging with the program more than a couple of months, more than a few months is essential for us to have a credible foreign policy. And what makes this "they can't win" refrain a bit ironic is the very people, of course, who talk about the fact that guerrillas cannot win are the very people who have been seeing to it they cannot get the support to win with in the first place; a very neat circle indeed.

Finally, on the question of morality, and this gets back to the very first comments that I made, helping to support those who would support their own freedom and backing up our own commitment is the only moral position here.

Mr. Krauthammer concludes, and I would like to quote these last sentences: "Is it wrong to support a resistance seeking to overthrow the rule of the comandantes? Americans value freedom in their own country. They would not tolerate the political conditions that Nicaraguans must suffer. There is no hope that Nicaraguans will enjoy anything near the liberty that Americans enjoy—and that the Nicaraguans were promised by the Sandinistas—unless their new tyranny is removed. How then does it serve American values to cut off aid to those trying to do the removing?"

I submit the answer to that question, of course, is that it does not serve their interests or ours, that we must be good to the commitment that we made, that we must continue to support the people who are fighting so bravely for their own freedom and not incidentally in support of American foreign policy in this hemisphere and around the world.

Mr. Speaker, I appreciate the gentleman yielding some time to me to express these things from the heart. I appreciate the opportunity to speak out on this occasion because, as I noted in the beginning, we will not have that same opportunity tomorrow when this matter is placed before us so that we could debate it and perhaps try to amend it. We will not have the opportunity to amend the resolution before us tomorrow. Therefore, I appreciate the opportunity to speak on the matter this evening.

The article referred to follows:

[From Time, Mar. 2, 1987]

SHOULD THE U.S. SUPPORT THE CONTRAS?

(By Charles Krauthammer)

Round 6, is it? President "Reagan wants $105 million from Congress for next year's aid for the Nicaraguan contras. Congressional Democrats are moving now to block $40 million of this year's aid. We revisit the debate that will not die: Should the U.S. support the Nicaraguan resistance?

Congress is hardly the most finely honed instrument for making decisions of this kind. On the question of contra aid, Congress has returned answers, consecutively, of yes, yes, no, a bit, and—last year—yes again. (It was during the two years of "no" and "a bit"—1984 through 1986, when Congress first banned all aid, then only military aid—that Colonel North sought to circumvent Congress by funneling aid from other sources, including the Iran arms sale.) Lyndon Johnson once reminded critics that he was the only President we had. This is the only Congress we have. And by 1986 it did appear as if Congress had crossed a divide. After lengthy debate, both Houses voted military aid to the contras.

The Iran-contra affair shouldn't change all that, but it probably will. Less than three hours after Attorney General Meese had announced the discovery of the diversion of Iran arms funds to the *contras*, Senator David Durenberger of Minnesota, then chairman of the Senate Intelligence Committee, declared, "It's going to be a cold day in Washington, D.C., before any more money goes to Nicaragua."

This even before it was known whether or not the contra forces had seen any of the diverted money. This even before it was known whether the contras were even aware that funds were being illegally diverted for their benefit. What was known for more than a year was that the contras were the beneficiaries of some kind of supply operation run with a wink and a nod from the Administration. It was assumed that this was funded by "private" sources and possibly from money from third-party governments. And until Meese revealed that some money had also been skimmed from the Iran arms sales, this assumption aroused very little protest from Congress. Are the contras to be punished because they did not suspect an Iranian connection, something that, throughout November, no one in Congress (or in the press, for that matter) suspected?

But the gathering sentiment to reverse aid derives less from a desire to punish the contras than from a desire to punished the Administration. Of course, the Administration deserves to be punished. For the negligence of those who were ignorant or willed themselves into ignorance over the Iran arms affair. And for the lawlessness of those who actually carried out an operation designed to contravene congressional will.

But how to punish? Wounding a President by reversing his most cherished foreign policy goal is an understandable political instinct. But if it wounds the country, it is a bad one. Congress had come to the view that contra aid was in the national interest. It remains so. Abandoning that interest to get to a President is a high price to pay for sweet revenge.

The case for (and indeed, the case against) the contras remains utterly unchanged by the North affair. Now as before, the case for the contras rests on two pillars. One strategic and the other ideological—moral, if you will.

For a century and a half the extraordinary security of the American mainland owed much to the fact that the U.S. resisted, under the Monroe Doctrine, any great-power penetration of its own hemisphere. For the past 40 years that local security has enabled the U.S. to look abroad and take responsibility for a vast alliance. Cuba was the first breach in the Monroe Doctrine, and it has indeed complicated the U.S. strategic position not only in the Americas, where Cuba has actively engaged in the attempted destabilization of one country after another, but as far away as Africa, where Cuban troops serve as a Soviet foreign legion.

The Soviet bloc is now in the process of consolidating a second base in the Americas, this time on the mainland, in contiguity with Costa Rica and ultimately Panama to the south, and with Honduras, El Salvador and ultimately Mexico to the north. That the Sandinista revolution is without frontiers is not a hypothetical notion. It is historical. In the first years of their rule the Sandinistas poured considerable effort into the Salvadoran insurgency, which hoped to pull off a victory before the inauguration of Ronald Reagan. That attempt failed, but not for lack of trying. The Sandinistas have been more restrained in their support of the Salvadoran guerrillas during the Reagan Administration, not because of a change of heart but as a direct result of the military pressure that the U.S. has brought to bear during that time. Pressure in the form of the contras.

What is the strategic case against supporting a resistance that is trying to prevent the consolidation of a second Cuba? Some isolationists might argue that the "loss" of Third World countries does not really matter, and that we sit behind a palisade of 10,000 nuclear warheads and not care who controls Central America. But the main opposition case is different. It does matter, say the Democrats. And the Sandinistas, they concede in speech after speech, are indeed Marxist-Leninist, expansionist, and pro-Soviet. But they can be contained by American power.

Tom Wicker, an articulate spokesman for the anti-contra view, put the case for containment: "Washington could state plainly that it will not tolerate any Soviet military base in Nicaragua, or any overt or covert attempt by Nicaragua to attack its neighbors." Now, what exactly does "will not tolerate" mean? One cannot just say it. Carter declared the Soviet brigade in Cuba intolerable. Reagan declared the crackdown on Polish Solidarity intolerable. And the intolerable endured, despite the brave words. To be serious about containing Sandinista subversion—overt and covert—will mean vigilance, resources and risk. It will mean everything from pouring aid into El Salvador, Honduras and Costa Rica to establishing a ring of American bases around the border of Nicaragua; even, as Walter Mondale suggested during the 1984 campaign, to setting up a naval blockade to contain the Sandinistas. But why is it preferable so hugely to commit American resources? To station permanently American troops to serve as a trip wire? (That is how containment works in Europe: the principal function of American soldiers in forward positions is to die and thus bring the U.S. into any European war the Soviets might be tempted to start.) And if a blockade ever became necessary, the U.S. would risk confrontation not just with Nicargauan forces but with Soviet forces as well. Why is that strategically preferable to supporting 15,000 Nicaraguans themselves prepared to fight to reclaim their country?

Because, say the critics, the contras cannot do the job. They cannot win. How these experts divine the outcome of civil wars is hard to fathom. The contras have more than twice the recruits the Sandinistas had when they overthrew Somoza. Which side is today more popular? It is hard to find out in a dictatorship. But it is worth noting that the Sandinistas have a conscript army, while the contras are a volunteer force.

The contras do have severe problems. They are in the midst of another agonizing reorganization, as the liberal civilian leadership tries, with U.S. support, to gain control over the military (not an uncommon problem, incidentally, for American friends from the Philippines to Guatemala). Critics point to the lack of significant contra military gains until now as proof that they cannot win. Perhaps. But it is equally possible that the lack of success has to do with two years of a grossly unbalanced arms race between the contras and the Sandinistas. Such imbalances are not rectified overnight, nor do they lend themselves to military spectaculars by the disarmed party. Guerrilla war requires arms, training and, above all, time for building an infrastructure in the countryside. The Sandinistas were in the field for 17 years before their victory over Somoza.

Some immediate visible success may be less a military than a political necessity for the contras. As Admiral William J. Crowe Jr., chairman of the Joint Chiefs of Staff, said, if the contras do not have "some kind of success" soon, they will likely forfeit American support. The contras' greatest weakness could be the nature of their great-power patron. It could be that the U.S. does not have the patience to support the incremental struggle that is guerrilla war. And the contras certainly cannot win without outside support. Very few guerrilla armies do. Not even the Viet Cong did.

Which makes the "they can't win" refrain somewhat ironic. It comes most often from precisely those people in Congress who are constantly fighting to cut aid to the contras, reducing their supplies to the barest minimum, or trying to eliminate assistance altogether. Having disarmed the resistance, they then assert that it cannot win, and then cite the inability to win as a reason for disarming it. A neat circle.

But what of international morality? Even if it is strategically important for the U.S. to prevent a Communist state in Central America, do not American values prevent us from overthrowing another government? In principle, no. It depends on the case. The 1983 overthrow of the thug government of Grenada, for example, surely qualified as one of the more moral exercises of American foreign policy.

The question of contra support, however, poses a different problem. It asks whether the U.S. has the right to support a 15,000-man peasant army that wants to overthrow its own government. That army believes that its country has been taken over by Leninists who have shut down the opposition, destroyed a free press, repressed the church and run a secret police "advised" by Cubans and East Germans. As the President of Costa Rica put it, the "Nicaraguan people . . . have fought so hard to get rid of one tyrant, one dictator, and seven years later they have nine."

Guerrilla war is always morally problematic, and it is therefore important for the U.S. to ensure that its allies conduct the war as humanely as any guerrilla war can be conducted. But is it wrong to support a resistance seeking to overthrow the rule of the comandantes? Americans value freedom in their own country. They would not tolerate the political conditions that Nicaraguans must suffer. There is no hope that Nicaraguans will enjoy anything near the liberty that Americans enjoy (and that the Nicaraguans were promised by the Sandinistas) unless their new tyranny is removed. How, then, does it serve American values to cut off aid to those trying to do the removing?

But then these arguments are familiar, too familiar. They have been debated in Congress and elsewhere with seasonal regularity. That is precisely the point, however. It is these familiar arguments that lie at the heart of the decision about whether the U.S. ought to support the contras. Not "What did the President know, and when did he know it?" The failings, even the illegalities, of a President alter neither American strategic interests nor the morality (or immorality) of supporting anti-Communist rebels. Let the debate begin, again. And may it be decided on its merits.

Mr. ROWLAND of Connecticut. I thank the gentleman for his articulate and candid remarks. I think everyone can appreciate exactly the comments that were made.

To reemphasize the point made by the gentleman as well as the gentleman from California, the continuing question comes back: What is the interest of the Soviet Union in this region? I think this regional map dramatizes the interests the Soviet Union just may have in that region. If indeed you look into the smaller circle in this area outside of Nicaragua, 65 percent of the ships come through the Panama Canal bringing goods to or from the United States. As you get into the outer parts of the circle, you will see that 45 percent of all U.S. imports and exports must come through this region. Indeed 60 percent of NATO resupplies must come through this region. I think it is also important to note that if you look at strategic importance, that 55 percent U.S. crude oil imports come in this particular region. We have seen the oil fields, the military armament that we have talked about earlier, and we are going to see some of the port facilities and more graphic details of just what the Soviet interest is in this region.

At this point I yield to the gentleman from Oklahoma.

Mr. INHOFE. I thank the gentleman from Connecticut for yielding this time to me.

I have been listening to my colleagues from the various parts of the country who stand united in being concerned with what might be happening tomorrow.

The gentleman from Texas has been talking about his State of Texas and its proximity.

When I look at this map about the distance in air miles from Managua to various parts of the country, I see that my district centered around Tulsa is a little over 1,500 miles away from where all of this is happened right on our own hemisphere. It is very disconcerting to me.

I listened to my colleague from Arizona when he talked about his frustrations. I think a lot of it is because he is a freshman, as I am a freshman, and we come here and we see something that we do not believe is happening, that this country might be considering not honoring its commitments to the freedom fighters anywhere in this world, leave alone just a few hundred miles away from where we are standing right now.

The gentleman from Connecticut, with his maps, showed the military buildup which we know so well, but for those of you who may be watching and not quite as familiar with some of the very technical terms that have been used here, keep in mind we are talking about the Sandinistas and the military buildup in the neighborhood of 120,000 individuals. A lot of people say, "Yes, that is for national security." How can it be for national security? They are bordered on the north by Honduras that has an army of something over 10,000; on the south by Costa Rica that does not even have a military buildup at all. So it is not for that reason at all. It is to develop a stronghold here in this country.

So many of us have heard the stories of our loved ones who have come back with their personal experiences. I would like to share with you an experience of Joe Niehus, a preacher in Oklahoma who was down in Nicaragua along the border. He talked to a lady who watched her husband be dismembered and be finally murdered by the Sandinistas. This lady was raped. The brutalities that are taking place down there are not something that is imaginative, it is something very real.

What is really happening is that the attack on freedom in our country, the Sandinistas are lodging an attack on the press. La Presna, the last free newspaper has now been attacked by this regime. It is inconceivable to me to think that this could happen.

The gentleman from Texas talked about and dwelled quite a bit on Cuba, drawing some parallels.

□ 1730

I was mindful and remember a part of a speech that was made some 20 years ago by a very visionary person who later became President of the United States. In Ronald Reagan's speech called "A Rendezvous With Destiny," over 20 years ago, he told the story about the Cuban refugee who escaped from Communist Cuba and was able to finally get away from that and, after he was washed up on the beach, there was a lady there who met him. He talked about the horrible things that were happening in Communist Cuba just a few miles away.

When he was through, she said, "I guess we in this country don't know how lucky we are." The Cuban said, "How lucky you are? I am the one who is lucky. I had a place to escape to."

What he was saying at that time was that here we are, the last bastion of freedom. For those of you who do not think that the same thing is going on in Nicaragua, I suggest to you that you read an article, a book, that was written by Armando Vayodaros called "Against All Hope." In this book Armando Vayodaras will lead you to the inescapable conclusion that the greatest brutality in the history of human kind is happening behind the walls of the Communist Cuban prisons at this time.

He talked about 22 years behind the walls with a very scientific blend of medieval and modern tortures that he had been able to sustain himself through just through faith. It is a type of thing that you cannot read and read out loud. You would be embarrassed to know that things like that are happening in this world today.

Yet, he escaped and he was able to be released and has returned.

It was not long ago, in the U.S. News & World Report, there was an article talking about how the prison officials in Cuba have been sent to Nicaragua to show the Sandinistas how to torture political prisoners.

So, Mr. Speaker, we have a very serious problem just a few miles from our border and I join my colleagues in wanting to do everything that I can to see that we do not dishonor our commitment that we made to the freedom fighters in Nicaragua.

Mr. HUNTER. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman form California.

Mr. HUNTER. Mr. Speaker, I think that the gentleman from Oklahoma has hit on a very important point in this debate. That point is that the other nations in Central America now, and particularly El Salvador and Honduras and Costa Rica, are developing in some cases fragile democracies, but they are nations in which young people will be able, at some point in their lives when they reach voting age, to walk to a ballot box and to vote for their leadership. They may do that with bare feet; they may do that with empty stomachs; they may do that without the economic surroundings that we have in this country, but by being able to do that, and to choose their own leaders, they are going to improve their economies. They are going to improve the futures of their families; they are going to be able to live in relative religious freedom.

That is something that young people in Nicaragua, if the Soviet Union manages to pull Nicaragua into the Soviet Empire, will never be able to do. They will never be able, if the history of Communist nations is any example, to go to a ballot box and cast a vote for a ballot on which there are more than one candidate and determine their own future.

The gentleman, I think, has hit a very poignant point when he spoke about the Cuban who said, "I had a place to go to," meaning he had a place to take refuge in; namely, the United States.

We have become a nation of refugees, and they are refugeed from nations and from people whom we have abandoned. We abandoned the freedom fighters at the Bay of Pigs, and today a large portion of the Cuban population resides in the United States. The Government of Cuba resides in Moscow, as the gentleman from Illinois [Mr. HYDE] says.

The military forces reside mainly in South Africa.

We abandoned the Cambodians and so many Cambodians were slaughtered by Communist forces in the so-called peace that American liberals in this Chamber looked forward to after we pulled the aid from the freedom fighters at Phnom Penh that the skulls of those people who were bulldozed into mass graves following the American abandonment by this Congress of the freedom fighters would fill and overflow this House Chamber.

So of recent, it has not been good for a nation to be an ally of the United States. In fact, it has been better in some cases to be an adversary.

I would hope that we would look at the lessons that the gentleman spoke about and look at the experiences of other people, like the Cubans, and for one time, confront the Soviet Union head on and not allow them to make this ingress into our hemisphere and into the lives of the millions of people who are now young people in Nicaragua who want someday to be able to walk to a ballot box and to determine their own future.

I thank the gentleman for his articulate statement in support of doing what we promised to do last year and what people are relying on. That is releasing that $40 million to the freedom fighters.

Mr. ROWLAND of Connecticut. Mr. Speaker, I want to thank both gentlemen for their comments.

Certainly the gentleman from Oklahoma [Mr. INHOFE] made reference to the fact that Nicaragua is not on the other side of the world. He made some inference to the closeness to his particular State.

This map will show you that, indeed, Nicaragua and Managua itself is a short distance away from the United States. If you look at the air mileage, you can see it is anywhere from just 1,000 miles to 3,000 miles away from Managua.

Mr. Speaker, I merely add and reemphasize some of the comments that have been made in the last 60 minutes. Indeed, the moratorium vote tomorrow will be a unilateral movement. When, indeed, or if, indeed, we are to cut off aid to the Contras, not only will we be reneging on a commitment, but more importantly, I believe, and I think many of us in this Chamber believe, we will be unilaterally giving up hope. We will be ultimately picking sides.

I believe all of us need to understand that we are going to have to live with that decision. We are going to have to live with the decision we make tomorrow and we are going to have to live with the decision that we make next year.

Mr. Speaker, I yield to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank my friend, the gentleman from Connecticut [Mr. ROWLAND], for the very cogent remarks which he had made, and also for certainly his foresight in looking at what is a very critical issue to the freedom of the Western Hemisphere and the future of the United States of America, I believe.

Today is March 10 and it, in fact, is just before a very important anniversary that many people may not have focused attention on. It is the anniversary of a trip that was taken by nine Members of this House to Managua, Nicaragua, and to San Salvador, El Salvador. One year ago, March 14, we were led there by our colleague from Pennsylvania [Mr. WALKER] and had a very, very fascinating eye-opening series of meetings.

I simply would like to begin by asking my colleague, the gentleman from Pennsylvania [Mr. WALKER], the leader of that delegation, for his thoughts on where we stand now 1 year after that trip.

I never will forget the first meeting that we had. It was in the office of the editorial board of that great newspaper, the world-respected publication for freedom, which criticized the Somoza regime and also launched a very strong criticism against the Sandinista Communist totalitarian dictatorship. That was our first meeting.

It is interesting that here we are, just 1 year away from that trip and it was led so ably by my colleague, the gentleman from Pennsylvania. I am pleased to report that here in this Chamber we have another member of that very important delegation, my colleague, the gentleman from California [Mr. DORNAN], and as we stand here, that publication, La Prensa, no longer exists. When we were there a year ago, we heard that they were having a difficult time getting ink; that the Government was trying to stop the flow of ink; that one of the members of the editorial board had been kidnaped for a short period of time.

We also knew that the Government was harassing the businesses which were buying advertising in La Prensa, and we also saw the tremendous degree of censorship which had been imposed.

We learned that, under Somoza, there had been certainly some censorship which took place, primarily focusing on the military buildup of the opposition. But since that time, we have seen—or we did at that point—see that La Prensa was faced with an even greater degree of censorship being imposed by the Sandinistas.

That was the first meeting that we had. Perhaps the gentleman from Pennsylvania [Mr. WALKER] would care to elaborate on some of the other meetings that we had.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Speaker, I certainly appreciate the gentleman raising the point of that particular visit, because he is right, that 1 year ago, we were there. We saw what was happening in the country at that point and I must say that, from everything that I have been able to hear from colleagues who have come back since that visit, the situation has gotten worse there.

□ 1740

We know with regard to La Prensa that the situation has gotten worse. Whereas it was a newspaper that was censored, at least it was getting the word out to a few people. Since the time of our visit, La Prensa has been shut down. There is no opposition voice for the Nicaraguan people to read in Nicaragua today.

Mr. DREIER of California. Mr. Speaker, I am sure the gentleman remembers very well that when we were there, we saw that they did at least allow at that point the posing of censored articles on the outside. Although they really were not on the street, they were still within the compound of La Prensa.

Mr. WALKER. And the secret police were taking down the names and taking pictures of the people who came in to read those articles.

Mr. DREIER of California. They came just to look at those articles that were published there and posted on the wall. It used to be apparently that they were on the outside.

And I remember so often people in the media here in the United States were talking about the fact that there was at least tolerance of La Prensa by allowing them to post those articles, even though it was within their compound. They said, "Well, the people in Managua certainly still have the right to read the articles which have been censored," and that was significant in the eyes of many people in the United States who had opposed aid to the freedom fighters. They said that demonstrated that a free press really did exist.

Mr. WALKER. Is it not interesting that those same people, since La Prensa has been shut down, are strangely silent about freedom of the press in Nicaragua and now say that if it was not for the United States putting pressure on Nicaragua, La Prensa would have survived? It is as though it were our fault that the Nicaraguan Communists shut down La Prensa.

It is absolutely astonishing to me how the people in this body and around the country can very often get themselves into the framework of thinking that virtually everything that happens they blame on the United States. In this case the blame does not exist with the United States. All you have to do is go to Nicaragua and you see it. They are imposing a Communist dictatorship there.

Will the gentleman agree with me that our delegation at least left there with absolutely no doubt whatsoever that we were dealing with a Communist regime?

Mr. DREIER of California. I not only agree with what the gentleman is saying, but that is not simply a Communist government or a Communist regime; it is a Communist totalitarian dictatorship based on the whole Stalinist ideal, and I believe very strongly that we have seen an expansion of that.

I will never forget looking at a debate that took place between a couple of our colleagues not too long ago—Mr. Speaker, may I ask, has my time expired?

The SPEAKER pro tempore (Mr. HAYES of Louisiana). Yes, the time of the gentleman from Connecticut [Mr. ROWLAND] has expired.

REINSTATEMENT OF SPECIAL ORDER

Mr. WALKER. Mr. Speaker, I ask unanimous consent that my special order, which was previously passed over, be permitted to go forward at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WALKER. Mr. Speaker, I ask unanimous consent that all Members who will participate in my special order be allowed to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SUPPORT URGED FOR PROVIDING FURTHER AID TO NICARAGUAN CONTRAS

The SPEAKER pro tempore. Under a previous order of the House the gentleman from Pennsylvania [Mr. WALKER] is recognized for 60 minutes.

Mr. WALKER. Mr. Speaker, I will begin by yielding to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I thank the gentleman very much.

To continue my thought, there was an interesting debate that took place on a television program. It was one of these news programs, and there was a Member from this side of the aisle there. I would point out that I am right now on the Democratic side of the aisle, I am happy to say, because so many of our Republican colleagues have filled the microphones on the Republican side of the aisle. But there was a Democratic colleague there who was being interviewed along with a Republican colleague on the issue of Contra aid

The question that was posed to the Democrat, who obviously was an opponent of Contra aid, was this: the commentator said to this gentleman, "Well, tell me, we know that you are an opponent of aid to the freedom fighters in Nicaragua. Based on that, what is it that you recommend as a solution to the problem of the export of revolution?" That is what has been referred to in fact by Daniel Ortega as a "revolution without borders."

Our Democratic colleagues responded to that question by saying, "Well, I believe what we must do is negotiate with the Communist dictator to ensure that their form of government stays within the borders of Nicaragua."

And the commentator very wisely pointed to the fact that on nine different occasions we have attempted, through the Contadora process, to bring about some degree of negotiations, and he also asked: "Well, what happens if, as in the past, the totalitarian dictatorship in Nicaragua does export its revolution beyond its borders?"

Our Democratic colleague then said, "Well, then we will have one solution, and that is that we will have to deploy U.S. troops to ensure that they don't violate that agreement."

Our Republican colleague very wisely came back and said, "Aha, that's exactly what we are trying to do with this policy. We are trying to ensure that we never have to send a single U.S. combat troop."

When I was in the midst of a debate with another of our Democratic colleagues on this issue, after I had quoted President Kennedy's famous line from his inaugural address on January 20, 1961, when he said, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to insure the survival and the success of liberty," after I had given that quote, my Democratic colleague said to me, "Well, you have got to remember that President Kennedy is also the one who said that there is not always an American solution to every world problem."

And I said, "Aha, what we are offering here is not the American solution. We are simply providing American backing for the Nicaraguan solution."

What happens time and time, again, when you talk to the Nicaraguans, is that they will say to us, "We are not fighting this war for you. We are fighting it for ourselves and our country."

I believe it is very clear that this is the goal that we have stated.

While I do not have control of the time, I see that there are three members of that very famous WALKER congressional delegation standing at microphones, and I cannot help but request of the gentleman from Pennsylvania that he yield to my colleague from Orange County, the gentleman from California [Mr. DORNAN].

Mr. WALKER. Mr. Speaker, I am glad to yield to the gentleman from California.

Mr. DORNAN of California. Mr. Speaker, I thank the gentleman for yielding.

I would like to participate in this special order a little bit later also, but I can hardly wait to defer to our good colleague, the gentleman from Virginia, who wants to quote from Whittaker Chambers' book "Witness."

Before he does that, to finish up on our trip, let me say that a year ago my colleague, the gentleman from California—and our districts adjoin—had also traveled with me to Hanoi, just 1 month before, on February 14 of last year. Although there is a different feeling, since one country is Latin and the other is Asian, the gentleman will recall that we walked around Hanoi all one night observing what a beautiful city it had been at one time and the abject poverty it had fallen into, and how strange was the economic course of those nations that we defeat—Japan, Germany, Italy—and you only have to go from the sterling automobile, from the Mercedes to the Ferrari.

Mr. DREIER of California. And we saw that Hanoi at one point had been a beautiful city with boulevards, and then the jungle had taken over the city and it looked as though there had not been any paint thrown on the buildings in decades.

Mr. DORNAN of California. Even though the cities were different, again, in this Latin country, at sea level, with active volcanoes on the horizon and the only freshwater sharks there, too, in lakes within sight, certainly like Lake Managua, we could see the whole thing from the hills where we had some meetings at the Ambassador's house, and we observed, even though there was a physical difference, the same feeling that permeated the Communist capital of Hanoi. It was the same feeling that we observed in the growing Communist capital of Nicaragua.

Mr. DREIER of California. Especially the night we had our water cut off at the Intercontinental Hotel.

Mr. DORNAN of California. Right. It was a feeling of dustiness, and I do not mean that literally. I mean it was just decay, economic decay. And it was not from any warfare out in the veldt or the bush from the freedom fighters against the Cuban-trained and Soviet-trained Sandinista Communist forces; it was that feeling of nothing in the stores, a feeling of deadness that comes on a society when all entrepreneurship and all competitiveness in the best sense of that word is gone, all of that free-market economic liveliness that we had seen going into Hanoi from Bangkok, in Seoul, coming out, and that we had seen in El Salvador, even though it had still not contained its guerrilla threat.

Well, what we observed at the end of that day is something I would like to repeat because we have here three of the nine of us who were on that trip. We had inadvertently in our meetings tracked the first amendment to the U.S. Constitution, which says, leaving out some of the longer phrases at the end: Congress shall make no law abridging freedom of speech, of the press, of the right of the people to assemble, and peaceably petition their government. And then you have the religious clause in that great first amendment. We saw on that day the people of La Prensa—which literally means the press—we saw people from the human rights groups who were pleading for the members of their group and others who had been thrown in prison for peaceably assembling to petition their government to keep their promise to the OAS, the promises of the original Sandinista revolution that won in July of 1979. We talked to people who had, because they assembled, lost their property.

We then talked to great religious leaders. We do not want to name them because—well, two of them have been kicked out, so we can mention Monsignor Carballo, who had been stripped naked and dragged down the street. He ran Radio Catalica, which had been shut down on New Year's week of a year ago now.

Mr. DREIER of California. Is this Bishop Carballo, who was summoned to a meeting at a mission and then was taken out in the streets at gunpoint and stripped?

□ 1750

Mr. DORNAN of California. Right; and the man who said, "I will kill you yet," is named Cerna. That is a Latin name, but his first name is Lenin. A rather unusual name for someone in a Latin country. Lenin Cerna who is head of their security force says, "I am going to kill you."

So here we had seen religion, speech, press, and the right to assemble in four different meetings all violated in that country and yet the vote was confused on this floor in March in few days later; put off until our victory on June 12 where we turned 12 votes, which gave us the 24 lead and now we are on the eve of a vote where the Democratic leadership at least, and most of their members, are flying in the face of world history and they think the American people have polled on their behalf.

Mr. DREIER of California. If the gentleman will yield, on one quick point, a comment the gentleman made, and that is vey specifically that the four items which he mentioned are the four bases of the 1979 revolution in Nicaragua. The people of Nicaragua were promised when they overthrew the repressive dictatorship of Anastazio Somoza free and fair elections, an end to human rights violations, a nonaligned foreign policy and political pluralism. Those are the four points promised. We witnessed in one day in Managua an abrogation of all four of those and that is why it is very clear that the people of Nicaragua continue that 1979 revolution.

I thank the gentleman for yielding to me.

Mr. WALKER. I thank the gentleman very much for his point.

I yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. I thank the gentleman for yielding.

Mr. Speaker, I want to thank everyone who has taken out this special order and participated. I have visited Nicaragua, Managua, Nicaragua, two times. The first time was several years ago, the second time was last month. Clearly, I think we all should know that Nicaragua and the Sandinista government is a Communist government. That should be our No. 1 beginning point.

Mr. WALKER. If the gentleman will allow, would the gentleman just repeat that again, please?

Mr. WOLF. I think that is the first point we have to understand; it is a Communist government. It is not a revolutionary government of the left. It is a Communist government.

Mr. WALKER. We are talking about the enemy here?

Mr. WOLF. That is correct; a Communist government.

Mr. WALKER. I thank the gentleman.

Mr. WOLF. An indication and the proof are several. First, they will tell you that. Second, the Soviets have several hundred advisors down there in Nicaragua. Third, the Cubans have about 5,000 to 6,000 troops and the HIND helicopter which you stand next to in that picture, most of the pilots are Communist, Cuban pilots. The Communist East Germans run their security system.

Mr. WALKER. That is the secret police who are picking people up in the middle of the night and throwing them in political prison.

Mr. WOLF. Absolutely brutal. The Bulgarians, who are as barbaric as you can possibly be are down there. The PLO, the Palestinian Liberation Organization, which is a terrorist organization around the world, is in Nicaragua. The Libyans, Qadhafi has his people in Nicaragua.

The prisons are more crowded today than they have ever been. The persecution of the Catholic Church and the Protestant Church; we met with the cardinal and different Catholic priests and different people in the evangelical church who told us of that. I do not want to repeat many of the other things, but clearly the newspaper has been shut down and Violetta Chammora who is the editor of the newspaper, she was one of the original Sandinista government leaders and now her paper has been shut down and she has since broken with the government.

On and on and on. The cardinal——

Mr. WALKER. We might want to clarify that point. There are several people Alfonso Robelo, Arturo Cruise, Mrs. Chammoro, who were in fact a part of the leadership that brought the revolution-to-be in Nicaragua that overthrew Somoza, but they were the democratic elements; they were the people who were speaking out for democracy in Nicaragua and they have gradually either been forced out of the Communist leadership or have been, or have left on their own; is that not correct?

Mr. WOLF. That is correct. Cardinal Obando y Bravo, who is the main opposition to the Communist, Sandinista government, it is important to remember he was criticized strongly by Somoza. He said the mass for the Sandinista government when they took over. He was the one who negotiated Commandante Ortega's release from prison and here is an individual who was supportive, as many in this body and many on our side of the aisle originally were supportive of the original revolution. Since that time it has become a Communist dictatorship.

Now how does this fit in? What point, and the gentleman and the gentleman from Connecticut and the gentleman from California have covered the other points, it leads me to the major point that I want to make.

In 1938 there was a gentleman in this country named Whittaker Chambers who was a Communist. He was a member of the Communist Party here in the United States. Whittaker Chambers became repelled by what he saw in the Communist Party; the executions that took place in Soviet Russia and many other things. He left the Communist Party in 1937.

In 1948, he testified in many congressional hearings which resulted in the conviction of Alger Hiss who later went to prison. In 1952, this is a man who was a Communist, Whittaker Chambers wrote a book. The book is called "Witness." Now, I would encourage all my colleagues on both sides of the aisle to read this book. It is a very profound book and tells a story for today.

Let me read the first page from Whittaker Chambers' book, "Witness."

He said: "In 1937, like Lazarus," Lazarus from the Bible who came back from the dead, "I began like Lazarus the impossible return. I began to break away from communism and to climb from deep within its underground where for 6 years I had been been buried back into the world of free men. 'When we dead awaken,' I used to sometimes say in those days to my wife, who, though never a Communist, had shared my revolutionary hopes and was now to share my ordeals: 'When we dead awaken.' For this title of an Ibsen play I have never read somehow caught and summed up for me feelings that I could not find any other words to express—fears, uncertainities, self-doubts, cowardices, flinchings of the will—nature to any man who undertakes to reverse in midcourse the journey of his life. At the same time," he said when he left communism, "I felt a surging release and a sense of freedom, like a man who bursts at last gasp out of a drowning sea.

"This elation was not caused," and this is the frightening thing of the book, "This elation was not caused by any comparison of the world I was leaving and the world I was returning to."

Whittaker Chambers went on to say, "By any hard-headed estimate, the world I was leaving," that is the Communist world, "looked like the world of life and of the future. The world I was returning to," that is freedom and democracy, "The world I was returning to seemed by contrast a graveyard. It was in fact the same world I had abandoned as hopeless when I joined the Communist Party in 1925. Only, now, its crisis which few men could diagnose 13 years before had reached the visible brink of catastrophe and still that stricken world did not know the nature of the catastrophe. It still did not know or even want to know two facts that it must know to survive. The meaning of communism and the meaning of the new breed of man, the Communist."

Whittaker Chambers went on to say:

> I wanted my wife to realize clearly one long-term penalty, for herself and for the children, of the step I was taking. I said:

> "You know, we are leaving the winning world for the losing world." I meant that, in the revolutionary conflict of the 20th century, I knowingly chose the side of probable defeat. Almost nothing that I have observed, or that has happened to me since, has made me think that I was wrong about that forecast. But nothing has changed my determination to act as if I were wrong—if only because, in the last instance, men must act on what they believe right, not on what they believe probable.

Since Whittaker Chambers wrote those words in 1952, 19 countries have turned Communist. Cambodia, Laos, Vietnam, Mozambique, Ethiopia, Angola, Cuba; now Nicaragua, and I do not believe, and I think we should do everything to see that it is the case, I do not believe that Whittaker Chambers was right. I think this body, Republicans and Democrats and Americans should do everything they can in their power to prove that when Whittaker Chambers says that when he was leaving communism he was leaving the winning side and joining the losing side.

As the father of five children, who are going to have to live in this world long after I depart, this troubles me deeply.

□ 1800

Now, to be opposed to Contra aid, and I would reprimand myself and the other Members for using the word Contra, because Contra means against. It is a negative word. I think a more appropriate word is to call the people in Nicaragua who are called Contras, call them the "democratic resistance" or "freedom fighters" or something like that, but to oppose aid to the freedom fighters in Nicaragua is not a policy. It is an abrogation. It is just saying, "I don't know what to do, but I'm not going to do anything."

Now, I happen to think that President Arias of Costa Rica has come out with a very good plan, a good idea. I think this country, the United States, should support President Arias in what he is trying; but in order to support President Arias and make these negotiations to be successful, it is necessary to put pressure on the Communist Sandinista government in Nicaragua, because if we do not have pressure on that government, they will never abide by negotiations and met with Arias and Duarte and the other members.

I just want to urge my colleagues here, you may want to cut off aid later on in the semester or later on in the year, perhaps, but to do it now would basically doom President Arias' negotiations. A vote to cut off aid to the freedom fighters or Contras or democratic resistance would I think spell doom to President Arias' peace plan which we all want to succeed.

Think in terms of that.

Mr. WALKER. Mr. Speaker, if the gentleman will allow me to reclaim my time, it seems to me someplace else in the book "Witness" if I recall correctly from my reading, Whittaker Chambers makes the very important point that the only reality of the 20th century is the struggle between freedom and communism.

In fact, the reality of that struggle is now a few hundred miles off our border, because that is really what we are talking about in Nicaragua. This is not some little game that is being played among some people that we might support, that there are some people on either side that we might be able to support. We are really talking about Soviet imperialism imposing its will in our hemisphere.

Mr. WOLF. That is correct.

Mr. WALKER. The people who are fighting our fight there, fighting the fight of the United States, fighting the fight of freedom, are in fact the democratic resistance in that country.

Mr. WOLF. That is correct.

Mr. WALKER. When you cut off aid to that democratic resistance, you are in fact supporting the other side. You are in fact in terms of the reality of the 20th century supporting the Communists who are in Nicaragua.

Now, that is the key to the debate out here. You can argue all you want about whether or not the Contras have been human rights abusers. Sure, there have been people in the Contra movement who have abused human rights, just as there are Sandinistas who have abused human rights.

You can talk about whether or not money flowed right. Well, you know, I am not certain we can account for the millions that we sent to the Sandinistas right after they took power. We sent more money to them than we had sent to Somoza in the 20 years previous. I would like to have somebody out here give me an accounting for every dime of that money.

The problem is here, the real issue we are facing on the floor tomorrow, are you for helping Communists there or are you for helping the freedom fighters there. That is the real issue and we have got to decide it out on the floor.

Mr. Speaker, I am happy to yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, let me add to what the gentleman says. It is true. In the book, "Witness," and I would encourage all my colleagues, I have been asking how many read the book, and frankly I am finding that just not a lot of people have read the book. If you have not read the book, I would urge you to get it.

The second point is, the gentleman is right. Whittaker Chambers did say the battle ultimately boils down to between communism and freedom and faith. That is the battle that we are fighting here today.

Third, I happened to have visited the Contra camps. I was in the Contra camps last month. Many of these people in the Contra camps—I heard one colleague today talking about how many were former Somoza national guardsmen. That is not accurate. There were very, very few who were former Somoza national guardsmen, perhaps 20 to 25 percent. Most of the young men in these camps that I saw were 18, 19, and 20, who when Somoza was in control and the National Guard was in operation were basically 7, 8, 9, and 10 years old.

Let me say for the record, I strongly condemn the Somoza government. I think it is important for us to realize about the aid that the gentleman raised. This country, the United States of America, gave over $100 million, about $118 million at least to the Sandinista government, the Communist Sandinista government.

Who do you think cut off the aid to the Communist government in Nicaragua? It was not President Reagan. It was President Jimmy Carter who cut off the aid.

Mr. WALKER. When we discovered that the aid that we were sending was going to buy Cuban weapons.

Mr. WOLF. Exactly. So I think we should make that point.

My last point is this and this is the most frightening point and I would urge my colleagues to think about this as we vote and urge the people who are watching to think about.

I spoke to a number of people in Nicaragua. One who perhaps I should not mention, a very prominent individual, raised this scenario. He said that if the Communist Sandinista government takes over and consolidates its power in Nicaragua, the next step will be, and it is in the process of doing it, it will put pressure and try to overthrow the democratic government in El Salvador of President Duarte. If it is successful there and the Duarte government is struggling, they have had the earthquake and they are having very difficult times, if it is successful in overthrowing the Duarte government, the next government will be Costa Rica.

President Arias knows he only has 5,000 soldiers. I commend the Costa Ricans. They have abolished the army. It is a peace-loving country, but if you look at a map, the Costa Rican Government is on the border of Nicaragua. They are really feeling a lot of pressure; so the next country that they will go after is Costa Rica, and then after Costa Rica, they will go after Honduras and Guatemala and then, with the economic difficulties that we are currently seeing in Mexico, with the debt crisis that Mexico has, with the abject poverty, and I might say, unfortunately, in certain areas of Mexico, the problems of graft and corruption and some other things, Mexico could next be destabilized and we could potentially see the day whereby the Communist infrastructure would be on the very border of the United States.

Mr. WALKER. Mr. Speaker, let me say to the gentleman that what he has just described sounds suspiciously like the domino theory that we were assured at the time of Vietnam did not work. I remember the debates in this Congress in which Members, most of them from the Blame America First crowd, stood up and told us that the reason why we could pull out of Vietnam was because the domino theory was a farce, it would never happen, that the North Vietnamese were simply a peace loving nation who wanted to embrace South Vietnam only out of pure nationalism and had no pretentions toward its neighbors whatsoever.

Guess what. It turned out they were horribly and tragically wrong. Millions of people lost their lives, when in fact the domino theory did work and Cambodia and Laos were swallowed up by the North Vietnamese armies.

In a similar situation, because the North Vietnamese through that struggle and because the people of the United States could not recognize the realities of the situation, built up an army that was the dominant army in the region. That is precisely what is happening in Nicaragua today. The Soviets are supplying the dominant army in that region today. There are 75,000 people under arms directly in the army, and if you include the reserves, there are 200,000 people potentially in the armed forces for Nicaragua. That is many times more, that is more than 10 times the Somoza army at its peak. It is an absolutely incredible military buildup that has not only defensive characteristics to it, but as I am going to point out as we look at the Soviet bloc military equipment here in a couple minutes, it is very definitely an offensive army as well.

Mr. Speaker, I am very glad to yield to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, the gentleman is accurate.

I guess in closing I would make this last point. I support continued aid to the Contras or democratic freedom fighters, because I believe that is the best and the most appropriate way to put pressure on the Communist Sandinista government whereby they will negotiate and live up to freedom of speech, freedom of press, freedom of assembly, and the basic freedoms that we have in this country.

I believe very deeply that by continuing the aid, this will enhance President Arias in his effort to negotiate some arrangement down there to bring the other democratic countries in Central America and Nicaragua, bring Nicaragua in and meet with the other democratic countries. That is not meant to infer that Nicaragua is democratic, but meaning El Salvador, Honduras, Guatemala, and Costa Rica.

If we cut off the aid to the Contras or the freedom fighters, I think it will spell the end of President Arias' peace plan, because there will be no pressure, there will be no reason for the Sandinistas to do anything, because there will be no way of bringing pressure on them. I think the Arias peace plan and the Contadora process will then fail.

□ 1810

Mr. WALKER. I thank the gentleman. I think that he makes a valuable point. If I understand what the gentleman is telling us, really by cutting off the help to the freedom fighters there we really strengthen the hand of the Sandinista Communists, and through them strengthen the hand of the Soviet Union in our hemisphere.

Mr. WOLF. Exactly.

Mr. WALKER. And they have no desire whatsoever to see an Arias peace plan work, because the Arias peace plan presupposes the idea that there are going to be democratic elections at some point in all countries in the Central American region, including Nicaragua, and Communists never permit really free elections.

Mr. WOLF. That is correct.

Mr. WALKER. And that is what dooms the peace plan, unless there is pressure on the Sandinistas to respond.

Mr. WOLF. Exactly, and support of the freedom fighters in Nicaragua or the Contras will be that pressure.

Quite frankly, I think that you could almost say that tomorrow a vote to continue aid is a vote for the Arias peace plan and a vote for the Contadora process. A vote to cut off aid could very well spell the end of the Arias peace plan.

Mr. WALKER. And would certainly be regarded as a pro-Sandinista vote on the House floor tomorrow.

Mr. WOLF. It just will not help the cause of freedom and democracy and peace. One other thing, you know, we have an obligation to the campesinos and the poor people of Nicaragua. Most of the people in Nicaragua do not support the Communist Sandinista government. They are good and decent people. The have been persecuted now for so many years under Somoza, and now under the Communist Sandinistas. We have an obligation to them, and I think that cutting off aid to the Contras really breaks not only our obligation to the freedom fighters, but also to the innocent civilians and the victims of this terror and oppression that they have gone through over the last so many years.

So I think that they would want—the average campesino, the average peasant—would want really this support in order to help the Arias plan to bring about peace and freedom, because frankly that is what we are talking about, peace, and we are talking about freedom in Central America.

Mr. WALKER. I thank the gentleman very much. I think that he has made an important point.

The gentleman from California [Mr. HUNTER] is here on the floor, and I wanted to make a point here with regard to the fact that some of this Soviet-bloc military equipment that we know has been supplied to Nicaragua, as the gentleman well knows, what we hear from the "Blame America First" crowd out on this floor is the fact that they would not need any of this military equipment if we were not sponsoring the freedom fighters down there, and therefore, what they are doing is getting this military equipment in to fight a defensive war against American aggression which is being sent against them in the personage of the freedom fighters.

It seems to me that when you take a look at this Soviet-bloc military equipment that we might have cause to call that whole argument into question. I do not claim to be a military expert, but the gentleman I think understands some of this pretty well. When I see something like a light amphibious tank and a T-55 tank, from the days of the German blitzkrieg, I have understood tanks to be offensive weapons rather than defensive weapons. Is that the gentleman's understanding as a member of the Committee on Armed Services?

Mr. HUNTER. The gentleman is absolutely right. The main mission of the tank is to assist the infantry in taking and holding territory, expanding. The tank was developed, of course, during World War I, and it was meant to give infantry the capability of moving forward through machinegun positions and through other things that had heretofore held up soft bodies, if you will, and so the tank is an offensive weapon.

Mr. WALKER. So when we see the Soviets supplying tanks to the Nicaraguans, we know that what they are being supplied with is offensive capability that could be used against their neighbors; is that correct?

Mr. HUNTER. Precisely.

Mr. WALKER. Now when we see something like the MI-24 Hind helicopter, is that an offensive or a defensive weapon?

Mr. HUNTER. The MI-24 Hind helicopter is really a tank. It is called a flying tank in that it has some of the same characteristics of a tank, in incredibly effective firepower. It has, for example, a Gatling gun that can fire, I believe, around 6,000 rounds per minute, a minigun of sorts, and it also has extremely heavy armor, so that it cannot be knocked out of the air by ordance—machinegun fire or rifle fire—that can knock other types of helicopters out of the air. It is called a flying tank, and its main mission is to support troops who are moving forward, who are expanding their holdings of foreign territory, or who are aggressors.

Mr. WALKER. Who are advancing.

Mr. HUNTER. One example, of course, is that the MI-24 Hind attack helicopter is used by the Soviet Union in Afghanistan to attempt to take territory away from the freedom fighters in that area. It is not used in a defensive perimeter; it is used to take land and to take territory.

Mr. WALKER. Let us understand that completely. The Soviets, who are on the offense in Afghanistan, are using the MI-24 Hind attack helicopter in that offensive role in Afghanistan.

Mr. HUNTER. That is affirmative.

Mr. WALKER. And so therefore that weapons system, the tank, the tanks that they are supplying and so on, are not defensive weapons systems at all, they are a part of an offensive capability that has been given to this largest army in the history of Central America.

Mr. HUNTER. That is exactly right.

Mr. WALKER. Now let me ask the gentleman, is the gentleman aware of any kind of air combat craft that the freedom fighters have?

Mr. HUNTER. Absolutely none. They from time to time have gotten hold of aircraft that are along the lines of Piper Cubs that are used for spotter planes, or they may knock down an ancient transport that is used to bring materiel in to the freedom fighters, but essentially the freedom fighters have no air force.

Mr. WALKER. OK. So if in fact what we were talking about was a defensive capability, one of the things that you would not have to defend against when you are talking about the freedom fighters is an air force; is that correct?

Mr. HUNTER. That is right.

Mr. WALKER. Well, yet, one of the things that the Soviets are supplying are SA-7 Grails, which are surface-to-air missiles. Now one has to guess that perhaps those missiles were not intended to be used against the Contras. Would that not be the gentleman's assumption?

Mr. HUNTER. If you look at the historical pattern of the Nicaraguans helping the Communist insurgents in El Salvador and moving materiel such as antiaircraft capability and mining equipment and other offensive equipment to those Communist guerrillas, in fact they already have a history in Central America of moving military weaponry out of Nicaragua to Communist forces in other parts of Central America that are seeking to expand what I am sure we can refer to today as the Soviet Empire.

Mr. WALKER. So in other words the Nicaraguans do not need those missiles against the Contras, obviously, because the Contras have nothing in the air to knock out. So what they are doing is, they are getting this weaponry and supplying it to like the guerrilla movement in El Salvador—is that what the gentleman is saying—where they can be used to knock down the helicopters of the democratically elected Government of El Salvador. Is that what I understand the gentleman is saying?

Mr. HUNTER. El Salavdoran helicopters have been knocked down by the Communists in El Salvador using weaponry that they have gotten from the Nicaraguans. Now this gentleman is not precisely sure whether they used SA-7 missiles or used machine guns or used ground fire to bring them down, but the facts are that they have moved equipment out of Nicaragua to El Salvador, and they have used that equipment to engage the democratic forces in El Salvador. They have expanded beyond their own nation's boundaries.

Mr. WALKER. I appreciate the gentleman's wanting to be as accurate as possible here, because what we know is that the Nicaraguan military has gotten these surface-to-air missiles. There is no need for those missiles to be used against the Contras, and so therefore there must be some other purpose to them, and the offensive purpose to them is the fact that they can be shipped to other resistance movements which are Communist resistance movements in El Salvador, Honduras, Guatemala, and other places, and therefore have an offensive capability about them, too. Is that what the gentleman is contending?

Mr. HUNTER. That is right, and if the gentleman will yield further, let me just show or describe the matchup between the Soviet military equipment that the Soviets are stuffing into Nicaragua right now in comparison to the military equipment that is fielded by the neighboring nations around Nicaragua.

□ 1820

Let me give you an example. In ground attack aircraft, Nicaragua has 14, El Salvador has 10. With all of the help we have given El Salvador, they have less attack aircraft than Nicaragua has. Guatemala has 10, Honduras has 14, Costa Rica has zero.

With regard to helicopters, and this includes the MI-24, which is the most effective helicopter in the world, Nicaragua has 55 to 57 helicopters.

Mr. WALKER. Of these offensive weapons they have 55?

Mr. HUNTER. Precisely. El Salvador only has 39. Guatemala only has 30, Honduras only has 30, and Costa Rica, that little democracy which borders Nicaragua, only has 2. And SAM's, let us go to the SA-7's that the gentleman just spoke of. Nicaragua has over 300, El Salvador has zero, Guatemala has zero, Honduras has zero, Costa Rica has zero.

If the gentleman will yield for just a little while longer, if he could lift up the blue map, the regional map in the back that is behind the easel there, that map describes the distances that various Soviet aircraft can travel and the American targets, targets located in the United States that Soviet aircraft will be able to reach from the bases that the Soviets and the Cubans are building in Nicaragua today. If you will look at the outer ring, that covers most of the Northeast.

Mr. WALKER. Wait a minute, the gentleman is not contending that there are bases being built in Nicaragua to handle Soviet aircraft, is he?

Mr. HUNTER. They are building a number of bases in Nicaragua, and I would like to go over those bases briefly, list the number of bases and essentially what the bases look like, how long they are, what type of aircraft they can accommodate.

Mr. WALKER. That would be very interesting. The gentleman is sure these bases are not being built so they can land tourists down there or something?

Mr. HUNTER. If that is true, then Punta Huete in Nicaragua will be the first base that was built for tourists complete with jet revetments and antiaircraft modules.

Mr. WALKER. Maybe the tourists are coming in on the kind of civilian planes that they need those SA-7's to shoot down.

Mr. HUNTER. I think we can believe that those bases are being built to hand tourists in the same vein that we could believe Maurice Bishop, of Grenada, when he looked us in the eye when he made his tour up here to the United States before he was assassinated, and he told members of the House Armed Services Committee that the 10,000-foot runway that the Soviets and Cubans were building in Grenada was going to be used strictly for the shipment of spices. And after American marines and rangers took Grenada, and we unearthed 26,000 pounds of documents, we came up with the precise document that recorded the Communist central committee meeting at which Mr. Bishop said, and I quote: "The air base, of course, will be used by the Cuban and Soviet military."

In other words, Mr. Bishop, shortly before he was killed by a more fervent Communist, lied to us, and I think we can expect that the Soviets and Cubans who are building these air bases and putting these massive expenditures into it are doing so so that they can house their aircraft.

Mr. WALKER. I want to get to the gentleman's point in just a minute, but he reminds me of something else which is to be captured from those documents. It was a very interesting statement of Marshall Ogorkov who was writing to his counterpart in the Grenada military about what the real nature of what was happening in the world was all about, and he wrote and he said, "We are doing very well. Twenty years ago we had only Cuba. Today we have Cuba, Grenada, Nicaragua, and the battlefield is El Salvador."

Only we in this House fool ourselves about the nature of the battle we are in. Only we fool ourselves about the kind of war that the gentleman from Virginia referred to and Whittaker Chambers recognized as the reality of our time as the struggle between freedom and communism and the Communists have no illusions about it. They know Nicaragua is theirs. Only we in this House argue whether Nicaragua is a Communist state and ought to be supported.

I will be glad now to yield to the gentleman so that he can make his point about the air bases.

Mr. HUNTER. I thank the gentleman. Let me go over the airfields that the Cubans and the Soviets have built or worked on that can accommodate almost all of the Soviet attack planes, fighter planes and bomber aircraft, many of which can reach the United States.

Punta Huete is 3,000 meters-plus. That is essentially a 10,000-foot runway. It can accommodate Backfire bombers. Backfire bombers are built as a Soviet intermediate range bomber and is built to carry 26,000 pounds of nuclear payload. And from those bases in Nicaragua they can attack communities in almost all of the United States, with the exception of a few States in the Northwest. They can reach those States, drop a nuclear payload and return.

That is what this country is buying if we allow the Soviet Union to establish this beachhead in Nicaragua and to maintain those airfields. I think we have to presume, as responsible Members of Congress, that they are not buying those airfields for the purpose of holding them vacant and not running aircraft through them. They are building and buying airfields and facilities so they can utilize them.

I also want to remind my colleagues that they are building a port at Corinto. That port, I understand, will be able to accommodate Soviet attack submarines, so for the first time, the Soviet Union will have a warm water warship port very close to the west coast of the United States that can accommodate attack submarines or surface vessels that will have essentially a stranglehold over the Panama Canal, which is only a few hundred miles away.

Mr. WALKER. If I understand, this would be a port that would be similar to those that they have built in Cuba already. I remember back 20, 30 years ago when data from Cuba was first coming in and we were being told Cuba represented no security threat to this country. We have now found out that they are, in fact, a devastating security threat because they have not only exported their revolution to the rest of the hemisphere, but also there are actual submarine bases in Cuba that are used to patrol the east coast of this country and allow those missile-carrying submarines to carry missiles that are a matter of a few minutes away from our major cities on the east coast. What the gentleman is saying is that the Soviets are in the process of building that same kind of base in Nicaragua.

Mr. HUNTER. That is precisely right. Let me give the precise facts for the record here and for the American people so that they will see what they are buying if they allow the Soviets to continue this buildup in Nicaragua.

At Corinto, the main pier already exceeds 350 meters; that is approximately a thousand feet. They can now accommodate conventional merchant cargo ships up to 20,000 deadweight tons. They have a roll-on, roll-off capability. That means you can move in military materiel and unload it from a ship very quickly. It can accommodate the following Soviet combatant ships: The *Kiev* class aircraft carrier, and there's a picture of the *Kiev* class aircraft carrier on one of our boards. That is on the lower left-hand corner there.

It will also be able to accommodate missile and attack submarines. Now that is on the Pacific side. You see, Nicaragua has an Atlantic side and it has a Pacific side so it gives the Soviet military forces flexibility if they hold that nation and if they hold control of the ports on both sides. It is like the United States in the sense that you have a west coast and an east coast.

Mr. WALKER. Let us understand what the gentleman is saying here in terms of the security interests of this country. There is a land bridge that goes between the United States and the very vital Panama Canal. Because Nicaragua has both a Pacific coast and Atlantic coast, it straddles that land bridge in such a way that if the Soviets so determined they could literally shut us off from that land bridge to the Panama Canal.

Mr. HUNTER. The gentleman is absolutely right.

Mr. WALKER. If the gentleman will just let me follow up on what the gentleman is saying, is the gentleman also telling us that they are now building sea capability on both sides of that so that they can shut us off from getting to our vital Panama Canal by sea as well, so that they are using Nicaragua in such a way as to shut us off from the chief economic asset that this country has in the southern hemisphere?

Mr. HUNTER. That is precisely right.

Let me tell you why farmers, American farmers who up to now maybe have thought they have no reason whatsoever to be interested in the Panama Canal, why they should be interested in the Panama Canal, because if you are a farmer in North Dakota or Iowa or Indiana or Illinois, a great deal of your product that you sell, that ultimately is exported, goes through the Panama Canal. Sixty-five percent of the ships transitting carry goods to and from the United States. That means most of the commerce going through the canal is ours.

In 1986, American farmers sent 20.3 million long tons of U.S. grain through the canal. So American farmers, whether they were from Michigan, Minnesota, Oregon, Iowa, sent a great deal of their harvest, 20.3 million long tons, through the Panama Canal, 300 miles away from which the Soviets are building bases that will accommodate attack submarines and surface combatant ships.

□ 1830

Let me just finish by talking about El Bluff, because I talked about Corinto on the Pacific side; on the west side. El Bluff is the Soviet port and attack base that is being built on the east coast. They can accommodate right now merchant cargo ships; they can accommodate limited numbers of Soviet frigates, those are war ships, surface war ships; they have expansion and improvements underway. They have new 180 and 200 meter wharves that are being built right now. They can accommodate ships up to 25,000 dead weight tons; they have a roll-on, roll-off capability and they have a liquid cargo handling capability.

So the Soviets are working hard to upgrade the El Bluff Naval Station on the east coast.

Let me just say one last thing to the gentleman. The Soviet Union has built now over 270 Backfire bombers. Those Backfire bombers, up to this point, we have not considered to be a great nuclear threat to the United States; because if they are launched from the Soviet Union, they do not have the fuel capacity to go from the Soviet Union to Iowa or to Indiana or to Illinois or New York or California, drop their nuclear bombs, their nuclear payload, and return to the Soviet Union.

Because of that, we kept them out of SALT agreement. We figured they were not strategic bombers and we agreed not to classify them as strategic bombers. The runway, the 10,000 foot airfield at Punta Huerte, under the control of the Soviet Union, makes those bombers, if they decide to base them there, strategic bombers. Because their range, of an excess of 5,000 miles, allows them to make air strikes, strategic air strikes with nuclear weapons, on almost all of the United States except for the Northwestern portion and return to their base.

So the Soviets, if they gain Nicaragua, they will have gained a much more important and much more critical military asset than they gained when they conquered Czechoslovakia, Hungary, Afghanistan, Cambodia, or any of a number of other places where the Soviet empire has expanded.

Mr. WALKER. Mr. Speaker, let me ask the gentleman; we could not possibly allow the Soviets to put that kind of offensive capability into Nicaragua, could we?

Mr. HUNTER. Well, if the gentleman will continue to yield, I think that point was made by some liberal Members of this House who said, Well, if they do that, if they, for example, base airplanes on these bases that they are building to base airplanes, we will confront them, and it will be like we confronted them in Cuba.

So I guess the other side of the aisle, the Democrat side of the aisle, would advocate that we have a Cuban missile showdown with the Soviet Union, except perhaps over aircraft, and the difference will be that when President Kennedy backed the Soviets down in 1962, we had a 10:1 strategic nuclear weapon advantage over the Soviet Union. Today, we are roughly equal, and there is a real question today as to whether or not the Soviets would be backed down.

Mr. WALKER. Well, whether they back down or not—but let me see if I understand this. Is the gentleman saying that the nature of the policy is that rather than supporting the freedom fighters now that might have a chance of knocking out the Stalinists in Nicaragua, that what the other side is really saying, that later on we may have to bring the world to the brink of nuclear holocaust in order to protect our interests at that point?

Mr. HUNTER. If the gentleman will yield further, that is precisely what this gentleman is saying, is that we are ultimately going to have to practice brinkmanship if we allow the Soviet Union to maintain these bases for highly effective strategic weapons that some day we must presume they are going to attempt to use.

The Soviet Union is not building a 10,000-foot airstrip so that the Sandinistas can drive a Piper Cub down it. They are building a 10,000-foot airstrip complete with jet revetments and antimissile modules so that they can put fighter aircraft, attack aircraft, and bomber aircraft in that airstrip.

If we do not help the freedom fighters in Central America and we allow the Soviet Union to maintain control and to establish control over Nicaragua, they will have cut this hemisphere in half, because as the gentleman just explained, Nicaragua has an east coast and a west coast. It is the waist of the American hemisphere.

They will have cut the land bridge in half, and they will have established military bases that will give strategic capability to some 270 Backfire bombers, not to mention Bear bombers that can cover the entire United States from a Managua base or a Punta Huerte base, and we will have put ourselves in a position where we may well be faced with the same kinds of choices that President Kennedy was faced with in 1962.

Mr. WALKER. Mr. Speaker, let me see whether I understand what the gentleman says in summing it up.

If we vote tomorrow in such a way as to negate the funds to the freedom fighters and thereby allow the Sandinista Communists to coalesce their power, and thereby encourage the Soviet Union, we will have given the Politburo of the Soviet Union a victory in this House tomorrow that they could not possibly ever have imagined.

Mr. HUNTER. Let me just tell the gentleman, if he will yield briefly, the highest ranking member, or one of the highest ranking members of the Politburo has just visited Managua. His name is Mr. Yeltsin, Boris Yeltsin; he arrived in Managua from Havana on March 2 for a 3-day visit.

As a member of the Politburo and secretary of the Central Committee of the Communist Party of the Soviet Union, Yeltsin is the highest-ranking Soviet official ever to visit Nicaragua.

Mr. WALKER. Is not Gorbachev coming this summer?

Mr. HUNTER. I understood that his visit is a prelude to Mr. Gorbachev's; but it is interesting that the Members of this body do not understand the critical strategic importance, not to the Nicaraguan people but to the American people, of these naval bases and airbases that the Soviet Union are building in our own hemisphere, a few miles away in Nicaragua.

We do not realize the criticality of those bases, and yet the Soviet Union and the Politburo that runs the Soviet Union very well recognizes the importance of those bases.

Mr. WALKER. I said earlier on the floor today that this resolution that we are going to have before us tomorrow is in effect—in effect—pro-Soviet resolution. I think the gentleman has just confirmed the point.

Mr. HUNTER. May I followup 1 second? I think the gentleman from Pennsylvania [Mr. WALKER] has touched on a very important statement, because I think there are a few times when the definition, the difference between the Republican and the Democratic parties is so clear to the American people; and here it is very clear.

The players in Central America are no longer just the Sandinistas and the freedom fighters and other parties; the players in Central America, in our hemisphere, are the United States of America and the Soviet Union. Very clearly, the leadership of this party, from President Reagan right through the House leadership, through the Senate leadership, wants to keep the Communists from establishing a Soviet beachhead in Central America.

The Democrat leadership, for whatever their good motives, do not want to keep the Soviet Union from establishing a beachhead in Central America.

We have shown tanks on these photos today that the Soviets are putting into Nicaragua. Against those tanks, the leadership of the Democratic Party would send their best wishes for a negotiated settlement.

We have shown attack helicopters that can fire 6,000 rounds per minute into the soft bodies of the freedom fighters. Against those many gunbearing helicopters, the leadership of the Democratic Party would send their best wishes for a democratization that somehow is going to miraculously take place under the iron fist of the Sandinistas.

So the point is, in this particular vote, tomorrow, the American people are going to see one side, one part of this Congress, and I hope it is a majority, vote to fight communism in our hemisphere, and not communism in the abstract, but to remove Communist tanks, Communist attack helicopters, Communist naval bases, and Communist air strips.

The other side is going to vote to acquiesce to their domination of an important part of our hemisphere. That is the vote tomorrow.

Mr. WALKER. Mr. Speaker, I now yield to the gentleman from Connecticut [Mr. ROWLAND].

Mr. ROWLAND of Connecticut. Mr. Speaker, I would just like to followup with the comments made by the gentleman from California. I think the key question we need to ask tomorrow: If you are not going to support the President in this position, if you are not going to support the $40 million to the Contras, then what is the alternative or what is the solution?

I asked a question earlier in the special orders, and it is a question I have asked many people that have criticized our policy, have criticized what we have tried to do in Central America, and the question is very simple: What are the interests of the Soviet Union in this region?

For the past hour or two, all of my colleagues, I think, have shown clearly what the interests of the Soviet Union are in that region. Clearly we have seen this year that $600 million of military armament was spent by the Soviet Union—more than the previous 5 years combined—we have seen the Sandinista port facilities, we have seen the radar communications, we have seen the equipment, we've seen the airports, we have seen all of the installations.

What I also put together was something that kind of gives you an overview, a summation of what is now already happening in Nicaragua.

□ 1840

It shows the ground force bases, it shows the airfields throughout Nicaragua, it shows the radar facilities, it shows the naval bases, it shows the communications area and it shows the military facilities that are spread out throughout that region.

Mr. WALKER. What the gentleman is showing is the Soviet military buildup in Nicaragua today, is that correct?

Mr. ROWLAND of Connecticut. I do not think there is anything plainer than this map. You know, it is often said by many in the press there is no support among the American people for the Contras. All of the polls that have been taken somehow indicate no support for what this Congress has been doing in the last couple of years. The question that has been asked has been, "Well, do you support the Contras?" That is a kind of fair and simple question, is it? Well, it is not a fair and simple question. The question should be, do you support a Soviet military beachhead being built in our backyard? That is the question.

Mr. WALKER. That is precisely the question. That is the question that our friends on the liberal side of the aisle, when they come to the floor tomorrow, will want to avoid. As a matter of fact, many of them, you know, it is interesting that none of them came to the floor tonight to defend this resolution. They came out here during 1-minutes today where no one could challenge them in the 1-minutes. They did not come out here tonight to try to defend this resolution. But tomorrow when they come to the floor, if that question arises, they will probably say something, "Well, you know, we don't support the Sandinistas either."

Mr. DORNAN of California. This is why I asked to rejoin the special order of the gentleman later on on this polling which I think has led a lot of people astray on the majority side of the aisle and tomorrow at least we will know how many of the 27 Democrats in the freshman class of 50, not to mention how many of the 23 on our side of the aisle have been led astray because they think as a representative of the people they are following the will of the people when people from left wing clergy to people in this House get up and quote these erroneous polls.

Let me tell you why the liberal side of mass media knows this is a fallacious question. There have been some polls where they have gone on to expand their polling into the adjacent country of El Salvador.

And when they do that, they find out the utter confusion of the American people when they say, "Well, how do you feel about the guerrillas in the hills of El Salvador?" And if they are on the left, they will say, "Well, I don't support them either because I am not sure whether they are Contras or who is supporting them." If they are generally conservative Americans, they will say, "Well, I don't know about them. What is happening in El Salvador?" Because it has been off the front pages for several years because Duarte told us himself the day we were down there after we left Nicaragua and went to El Salvador that he admitted to us that he has breathing room to solve his economic and political problems because young kids are dying in the fields of Nicaragua. Now, if they are fair on this polling, they have to take away some of these new words that are new to our language only in the last 3 or 4 years, like Contras. It is not pejorative or unfair to do indepth polling which all of us have done in our campaigns. If our political career is on the line, we do not want erroneously based questions. I have one of the best pollsters in this country, Arnie Steinberg, and he will sometimes ask an essay type question to make sure the person is giving a valid answer. When you strike the word, "Contra," and put in the words, "Marxist-Leninist," or even leave off Leninist, just take Marxist, Soviet association, Castro association and talk about a Cuban-type Soviet-dominated colony on the southern end of the land mass of North America—because after all Central America is a regional name. This is one continent right up to where we artificially divided the isthmus, North and South America, divisible by the waters of the Panama Canal. You are talking about a Soviet Communist series of bases on the continent of North America. When you ask the question, Would you support a Presidential policy to stop the Soviets from establishing bases and locking in a colony in one of the Central American nations rights on the continent of North America? The pools not only switch dramatically from 70 to 30 to 30 to 70, but they actually go up to 80 percent supporting the President, or more. It is this deliberate confusion sown in the pages of some of our major papers where they will not print a map as simple and as clear as this map showing all of these bases, showing all of these facilities already able to take every Soviet aircraft in their inventory. Major? Every aircraft, including the big Ilyushin 76 and 86 transports and these brand new G and H Bear bombers that will patrol both our Pacific waters, the Caribbean, the Gulf of Mexico from this base.

Now, one of the gentleman from the other body who has traveled more to this area of the world than anybody else said on television the other night that he would be for air strikes if they put in Migs. But the Soviet politburo always knows that time is on their side. They will not do anything as pejorative as putting in Migs. They will put in more HIND helicopters. Six arrived in November and it is probably pushing up 20 now. Those are probably more powerful than Migs in counterinsurgency work. But if they put in Bear bombers, is there any majority or minority Member in either House that is going to be able to speak with the same conviction, including the Senator who chairs the Western Hemisphere Committee in the other body, who will say that we would put in air strikes to take our patrol bombers? Does not the Soviet Union's forces, naval or air, have a right to have their eyes over international waters? And if a friendly country is giving them landing rights, do not they have the right to fly out of there? There is not anybody going to challenge them on that.

Let me tell you something that I want to introduce into the debate tomorrow that is so obvious that I think we have all missed it.

SUPPORT URGE FOR PROVIDING FOR FURTHER AID TO NICARAGUA CONTRAS—CONTINUED

The SPEAKER pro tempore (Mr. HAYES of Louisiana). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 60 minutes.

Mr. HUNTER. Mr. Speaker, let me yield to my friend from California and then to my friend from Pennsylvania.

Mr. DORNAN of California. I thank the gentleman for the continuity that I may finish this thought: Nancy Reagan, the First Lady of our country, and a finer First Lady we have never had, has been taking a lot of heat in the press because she loves her man and speaks out for him and wants the best people around him. Now, there have been some suggestions that if the President would give her a job, put here on the Federal payroll, the criticism would diminish.

Let us be realistic. The intensity of criticism would go up. The last time we had somebody give a primary member's family a job, it was when young John F. Kennedy at age 43 made his 35-year-old brother the top cop in the country and made him Attorney General. We will never see that again in our lifetime, we know that.

Now, suppose President Reagan said, "All right, I won't give my great First Lady a job, but I am going to call my brother, Neal Reagan from California, and make him the Secretary of Defense, give him Cap Weinberger's job." The hue and cry would be outrageous around this country. In Europe people would say the President was engaging in supreme nepotism to give this job to his brother. But why do our liberal confreres allow Communists to do this? Before I come to Cuba and Nicaragua, do we know in this House that the Communist dictator, failing in health in Romania, is transferring real power, hard power to Mrs. Ceausescu, his wife? We are all reading of the power struggle going on in Communist military dictatorship armed to the teeth in North Korea. Eighty-thousand special forces people alone, the biggest special force guerrilla unit in an established government in the world. There Kim Il Sung is trying to pass the power to his son. What does this smack of? Czarist, royalist trappings from the 18th and 19th century? Yet what do we have in Cuba. The "Cap Weinberger" to Fidel Castro, his Minister of Defense, his Secretary of Defense, is his younger brother, Raoul. Castro has made sure all of this quarter of a century that his flesh and blood kid brother controls the military forces and the guns.

What do we have in Nicaragua? I will bet you that not 1 percent of our country knows that the "Cap Weinberger" of Nicaragua, the Minister of Defense, is the flesh and blood brother of Daniel Ortega. His brother, Humberto, controls the guns in Nicaragua. It is the Castro boys, the Ortega boys, creating terrorism and bringing Communist dictatorship with a raw form of protecting power to Central America and to the Caribbean. And this country and this House is abysmally unaware of it. We know one other mythology we created in this country, and it persists to this day, that gunfighters in the old west were the good guys and that somehow the law authorities were all corrupt. We took bank robbers, the Dalton brothers, the James brothers, the Younger brothers, we took a psychopathic little teenage killer from the Bronx and almost lionized him to where a hero like Paul Newman was playing him in a movie called the "Left-Handed Gun," Billy the Kid. How did the Ortega brothers get their power originally? They knocked off banks just like the Youngers, the James or the Dalton brothers. And they killed people. And Humberto to this day has a crippled right hand because he was shot by a bank guard whom he killed. And they were put in prison in Costa Rica because they thought under their revolutionary rules, unlike our revolution which was unique because it was devoid of assassinations, recriminations, and terrorism; but down there these bank robbers accumulated money to buy their gelignite, their explosives and send their younger people to training camps, in the Caucasus, in the Crimea, outside of Leningrad, in Syria, in Libya, to train how to terrorize this hemisphere. What the other side of our great body has done here and even a handful on this side is that they have blinded themselves to terrorism, the bank robbing of the Castro boys and the Ortega boys.

□ 1850

They are bank robbers and murderers who have brought the rule of the gun onto the very continent of North America.

It is about time we started to look at them and analyze them with the type of words that gets a respondent chord on the other side of this aisle and of the Americans who are confused on this issue, particularly because of liberal left clergy. That is to call these people what they really emulate: Nazis, brown shirts, stormtroopers, locking up the people that we spoke to a year ago this month. Putting people in jail because they were too open, too demanding of the broken promises of the revolution of 1978-79 that they be fulfilled.

I think if the Reagan administration has had any failing at all in this whole area where he has tried almost singlehandedly to keep freedom alive down there, it is that he was so busy with the tax reform bill, which was important, that he did not use his great communicator skills to point out some of the simple facts about these thugs, the Castros and the Ortegas, and the Leninist mentor to all of them in Nicaragua, Tomas Borje, and the terrorist state that they are running, 11 times as many prisoners in the system of concentration camps, 11 times as many as Somoza had at the worst point of his terror.

Now we have 11,000 imprisoned. Even Amnesty International admits that it is pushing 4,000. This is the kind of gulag prison camp system we have down there.

I was offered an opportunity by the chairman of my Western Hemisphere Committee to go down to Nicaragua again this week. To tell you the truth, I stayed at home and mowed my lawn because I have been down there 10 times to El Salvador, four to Nicaragua, and there just is not anything to see down there any longer that is not depressing and that is not exactly what we have seen in every country around the world as that dark Iron Curtain—I do not know what they will call it here. They call it the Teakwood Curtain in Asia; the Bamboo Curtain, the Iron Curtain. I do not know what Latin name we are going to come up with for a curtain down there, but it is the same totalitarian, czarist, royalist type of relatives get the jobs, bureaucrats become the elitest who shop in the specialty stores, but when we ask to go to a supermarket, it reminded me of Hanoi that I had seen the month before, absolute destitution, and I will close on Ortega's statement of this week that he will never, and he repeated it, never stop taking Soviet aid.

Once this guerrilla movement, the resistance forces, collapse, the pressure is then totally on Duarte, who if he were in this House, would be the most liberal of Democrats. But he is a good man who believes in liberty and has his own economic vision. He will then have the infrastructure of his country down to every last electrical pole, every bus, every taxicab blown apart, destroyed, and will watch El Salvador fall.

As I said on this floor 6 years ago, 4 years ago, and last year, when you talk Nicaragua, think Mexico because you take this country, with about 500,000 people fled already, you take the 2.4 that is about in the country; you multiply it times 3 and you have Guatemala.

You take Guatemala's 7.6 million people and multiply it times 10—put that little 10 up to the side for the 10th power that we learned in math, and that is how many people you have in Mexico. Seventy-six million. A hundred million at the turn of the century in 13 years. Thirty million in Mexico. The city will be the biggest metropolitan area in the world. A one-party government that is riddled with such corruption up into the upper classes of doctors and lawyers that this country is ripe for a revolution and all the prototype for tearing apart that country of Mexico is being worked out in Nicaragua right now.

Clare Booth Luce, one of the finest former Members, one of the finest men or women who ever served in this body, told John F. Kennedy—she has told me this to my face, I had dinner with her just a few weeks back—she said, "Kennedy was told," and I know by whom, her, "that his administration was going to be judged on whether or not Castro was allowed to lock in a Soviet colony in the Caribbean."

Although he tragically only served for 2 years and 10 months, if anybody sees this history of this hemisphere folding out into some sort of Communist conflagration eventually, the guilt is eventually going to come back to that handsome young President that he jerked the air power off the men who had armed, uniformed and put into landing barges and shipped out to the beach.

With the U.S.S. *Essex* aircraft carrier sitting off the coast with North American FJ Furies on the deck with all of their white stars marked out to be some sort of a covert air operation, when they were not allowed to launch and support the men we put on the beach, Kennedy failed his test.

Do you know what Clare Booth Luce told President-elect Reagan in the winter months, probably December 1980? That his tenure, 6 years and 3 months now, would be judged on what happened with freedom in Central America.

President Reagan cannot do it alone. It is going to be the votes in this House, where we sometimes think we have 435 ambassadors, who want to meet with heads of state, even Leninist, Nazi dictators overseas, and kick out the U.S. career representatives in that country who can help and serve as they always have wherever we have traveled. These people want to play ambassador and meet alone with these Communist dictators around the world. They are going to have to take the blame because, I repeat, President Reagan cannot do it alone.

This is probably going to be the most important debate of the so-called historic 100th Congress that we will have in 2 years, maybe tomorrow, if it sets the tone for shutting down the resistance that wants democracy in that small population, and relatively large land mass country of Nicaragua, at least in Central American terms.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for giving such an eloquent description of America's duty in Central America.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, we have been talking in geopolitical terms here this evening, and rightfully so, because it is a geopolitical question that we will decide tomorrow.

However, the fact is that there is a travesty being committed on the House floor, too. The way in which we are considering this resolution tomorrow is nothing short of a breaking of the law that was passed just a few short months ago.

The gentleman from Illinois, the minority leader of the House of Representatives, the Republican leader of the House of Representatives, Mr. MICHEL, has written a letter to the Honorable CLAUDE PEPPER, chairman of the Rules Committee, that I would like to at this point read into the RECORD on the point of the resolution that we will be considering here tomorrow.

He writes:

> I have decided not to testify before your committee today as an expression of my total condemnation to the procedures and tactics being employed with respect to the release of the last installment of the monies to the freedom fighters in Nicaragua which the United States enacted as law just five short months ago.
>
> It is my understanding that it is your intention to report a resolution which would negate the law and the procedures established for Congress to respond to Presidential reports and determinations regarding this policy. I believe that any effort to subvert this law is in effect subverting the integrity of the legislative process and undermining respect for the law.
>
> I believe it is irresponsible for your committee to waive the provisions of law as well as those rules of the House which are designed to give the membership and the public a full and complete understanding of the proposal to be acted upon. The joint resolution was just printed last night. There will be no committee hearings, no report to accompany this proposal, no opportunity for minority views, and the minimum three-day layover requirement is also to be ignored.
>
> This process cannot be condoned as it is nothing more than an apparent effort to deny the House the right, a right that had been guaranteed by law, to vote up or down on the question of the release of the final $40 million.
>
> This legislative travesty is no substitute for policy. The policy that underlines this subversion of law is as thin as the report to accompany this measure.
>
> Sincerely,
>
> ROBERT H. MICHEL,
> *Republican Leader.*

Mr. HUNTER. Mr. Speaker, I thank the gentleman for his statement.

I thank all of the participants in this special order. We have had a number of people laying out very eloquently the importance of this debate and the importance of seeing to it that we keep our word and send the $40 million that we guaranteed last year for the freedom fighters on its way to those people who would fight for freedom in Central America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. LLOYD (at request of Mr. FOLEY), for today and the balance of the week, on account of illness.

Mr. YATES (at the request of Mr. GRAY of Illinois), on account of illness.

Mr. MCDADE (at the request of Mr. MICHEL), for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DONALD E. LUKENS) to revise and extend their remarks and include extraneous material:)

Mr. WALKER, for 60 minutes, today.

Mr. GINGRICH, for 5 minutes, today.

Mr. GINGRICH, for 60 minutes, on March 11.

Mr. GINGRICH, for 60 minutes, on March 12.

Mr. ROWLAND of Connecticut, for 60 minutes, today.

Mr. HUNTER, for 60 minutes, today.

Mr. KYL, for 60 minutes, today.

Mr. INHOFE, for 60 minutes, today.

(The following Members (at the request of Mr. FEIGHAN) to revise and extend their remarks and include extraneous material:)

Mr. PEASE, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. PANETTA, for 5 minutes, today.

Mr. BONKER, for 5 minutes, today.

Mr. PEASE, for 5 minutes, on March 11.

Mr. PEASE, for 5 minutes, on March 12.

Mr. GAYDOS, for 60 minutes, today.

Mr. GAYDOS, for 60 minutes, on March 11.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DONALD E. LUKENS) and to include extraneous matter:)

Mr. LOWERY of California.

Mr. OXLEY.

Mr. ROTH.

Mr. FRENZEL.

Mr. MILLER of Ohio in three instances.

Mr. GREEN in two instances.

Mr. BUNNING.

Mr. FIELDS.

Mr. SUNDQUIST in two instances.

Mr. DIOGUARDI.

Mr. SMITH of New Jersey.

Mr. SCHAEFER.

Mr. DONALD E. LUKENS.

Mr. SHUMWAY.

Mr. MCGRATH.

Mr. GINGRICH.

Mr. COURTER.

Mr. LEWIS of Florida.

Mr. LEWIS of California.

(The following Members (at the request of Mr. FEIGHAN) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.

Mr. ROE in two instances.

Mr. FAZIO.

Mr. WOLPE.

Mr. LIPINSKI.

Mr. MONTGOMERY.

Mr. DINGELL.

Mr. KOSTMAYER.

Mr. FASCELL in two instances.

Mr. MOODY.

Mr. FAZIO.

Mr. STAGGERS.

Mrs. KENNELLY.

Mr. DYMALLY.

Mr. MATSUI in three instances.

Mr. ERDREICH.

Mr. SLATTERY.

Mr. TAUZIN.

Mr. DORGAN of North Dakota.

Mr. RODINO.

Mr. STALLINGS.

Mr. RAHALL.

Mr. APPLEGATE.

Mr. DWYER of New Jersey.

Mr. WILLIAMS.

Mr. DE LA GARZA.

ADJOURNMENT

Mr. WALKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock p.m.), pursuant to House Resolution 115, and under its previous order, the House adjourned until tomorrow, Wednesday, March 11, 1987, at 12 noon, in memory of the late Senator EDWARD ZORINSKY.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

804. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to increase the borrowing authority of the Commodity Credit Corporation; to the Committee on Agriculture.

805. A letter from the Secretary of the Treasury, transmitting a report of a violation of the Antideficiency Act in the Bureau of the Public Debt, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

806. A letter from the Principal Deputy Assistant Secretary of Defense (Force Management and Personnel), transmitting a report containing a plan for establishing a needs-based survivor annuity program for surviving spouses of members of the Uniformed Services who died before September 30, 1978, pursuant to 10 U.S.C. 1447 nt.; to the Committee on Armed Services.

807. A letter from the Secretary of Housing and Urban Development, transmitting a report on the Department's system of promulgating requirements for its assistance programs and changes to those requirements, pursuant to Public Law 98-181, section 468; to the Committee on Banking, Finance and Urban Affairs.

808. A letter from the Auditor, District of Columbia, transmitting a report entitled, "Review of Receipts and Disbursements of the Public Service Commission's Agency Fund," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

809. A letter from the Secretary of Health and Human Services, transmitting the first biennial report of the Director of the National Institutes of Health [NIH], pursuant to 42 U.S.C. 283; to the Committee on Energy and Commerce.

810. A letter from the Assistant Vice President, Government and Public Affairs, National Railroad Passenger Corporation, transmitting a copy of the annual review of each route in the basic system covering fiscal year 1986, pursuant to 45 U.S.C. 564(c)(3)(B); to the Committee on Energy and Commerce.

811. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend and amend programs under the Developmental Disabilities Assistance and Bill of Rights Act and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Energy and Commerce.

812. A letter from the Director (Office of Legislative Affairs), Agency for International Development, transmitting a report on amounts obligated and expended in Nicaragua for the period July 1, 1986, to December 31, 1986, pursuant to Public Law 97-113, section 724(e) (95 Stat. 1553); to the Committee on Foreign Affairs.

813. A communication from the President of the United States, transmitting notification of his intention to extend the waiver of the application of the relevant export criterion of the Nuclear Non-Proliferation Act, pursuant to 42 U.S.C. 2155(a)(2) (H. Doc. No. 100-46); to the Committee on Foreign Affairs and ordered to be printed.

814. A letter from the Assistant Secretary of State for Legislative and Intergovernmental Affairs, transmitting a report of political contributions by James Keough Bishop, of New York, Ambassador Extraordinary and Plenipotentiary of the United States-designate to Liberia, and John Cameron Monjo, of Maryland, Ambassador Extraordinary and Plenipotentiary of the United States-designate to Malaysia, and by members of their families pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

815. A letter from the Acting Secretary of State, transmitting a draft of proposed legislation to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize additional development and security assistance programs for fiscal year 1988, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

816. A letter from the Administrator, Agency for International Development, transmitting the annual report on "Progress in Conserving Biological Diversity in Developing Countries" which summarizes the activities of U.S. Government agencies during fiscal year 1986 in accordance with section 119(d) of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

817. A letter from the Director, U.S. Information Agency, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Information Agency for fiscal years 1988 and 1989, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

818. A letter from the Director (Office of Legislative Affairs), Agency for International Development, transmitting a report of the agency's activities under the Freedom of Information Act for calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

819. A letter from the Assistant Secretary of Transportation for Administration, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

820. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting notification of a proposed new Federal records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

821. A letter from the General Counsel, Office of the United States Trade Representatives, transmitting the office's 1986 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

822. A letter from the Director, Peace Corps, transmitting a copy of the agency's 1986 report on its activities under the Freedom of Information Act pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

823. A letter from the Deputy Administrator, Small Business Administration, transmitting a report of the actions taken to increase competition for contracts in fiscal year 1987, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

824. A letter from the Director, United States Information Agency, transmitting a copy of the agency's 1986 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

825. A letter from the Chief Justice of the Supreme Court, transmitting amendments to the Federal Rules of Criminal Procedure adopted by the Court, pursuant to 18 U.S.C. 3771 and 3772 (H. Doc. No. 100-47); to the Committee on the judiciary and ordered to be printed.

826. A letter from the Commissioner, Immigration and Naturalization Service, transmitting a copy of the order granting defector status to Itzhak Kiflawi, pursuant to 8 U.S.C. 1182(a)(28)(7); to the Committee on the Judiciary.

827. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to authorize additional judicial positions for the Courts of Appeals and District Courts of the United States; to the Committee on the Judiciary.

828. A letter from the Director, Administrative Office of the United States Courts, transmitting a draft of proposed legislation to eliminate diversity of citizenship as a basis of jurisdiction of Federal district courts, and for other purposes; to the Committee on the Judiciary.

829. A letter from the Chairman, Panama Canal Commission, transmitting a draft of proposed legislation to amend the Panama Canal Act of 1979 to establish a revolving fund, and for other purposes; to the Committee on Merchant Marine and Fisheries.

830. A letter from the Secretary of Transportation, transmitting a report titled "The Effect of Airline Deregulation on the Level of Air Safety", pursuant to 49 U.S.C. app. 1307(b); to the Committee on Public Works and Transportation.

831. A letter from the Secretary of Transportation, transmitting a report entitled, "The Effects of Airport Defederalization", pursuant to Public Law 97-248, section 522; to the Committee on Public Works and Transportation.

832. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Disaster Relief Act of 1974, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Public Works and Transportation.

833. A communication from the President of the United States, transmitting the administration's report to the Congress on Soviet noncompliance with arms control agreements, pursuant to Public Law 99-145; jointly, to the Committees on Armed Services and Foreign Affairs.

834. A letter from the Director, Office of Management and Budget, transmitting a determination that additional amounts are necessary to maintain the authorized level of operation of RFE/RL, Inc., because of adverse fluctuations in foreign currency exchange rates, pursuant to 22 U.S.C. 2877(a)(2); jointly to the Committees on Foreign Affairs and Appropriations.

835. A letter from the General Counsel, Federal Emergency Management Agency, transmitting a draft of proposed legislation to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988 and 1989, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Interior and Insular Affairs and Science, Space and Technology.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONIOR: Committee on Rules. House Resolution 116. Resolution providing for the consideration of H.J. Res. 175, to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance (Rept. 100-21). Referred to the House Calendar.

DISCHARGE OF COMMITTEES

Pursuant to section 212(b)(3) of Public Law 99-500 and Public Law 99-591 the Committees on Appropriations, Armed Services, Foreign Affairs, and the Permanent Select Committee on Intelligence discharged; House Joint Resolution 174 referred to the Union Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN (for himself and Mr. Dymally):

H.R. 1492. A bill to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service; to the Committee on Post Office and Civil Service.

By Mr. ARMEY (for himself, Mr. Crane, Mr. Archer, Mr. Frenzel, Mr. Nielson of Utah, Mr. Dornan of California, Mr. Ritter, Mr. DeLay, Mr. Boulter, Mrs. Vucanovich, and Mr. Swindall):

H.R. 1493. A bill to improve the international trade competitiveness of the United States; jointly, to the Committees on Ways and Means, Foreign Affairs, Government Operations, Energy and Commerce, the Judiciary, and Merchant Marine and Fisheries.

By Mr. BONKER:

H.R. 1494. A bill to expand the authority of the Trade and Development Program, and for other purposes; jointly, to the Committees on Foreign Affairs and Banking, Finance and Urban Affairs.

By Mr. CLARKE (for himself, Mr. Duncan, Mr. Boner of Tennessee, Mrs. Lloyd, Mr. Cooper, and Mr. Sundquist):

H.R. 1495. A bill to designate certain lands in Great Smoky Mountains National Park as wilderness, to provide for settlement of all claims of Swain County, NC, against the United States under the agreement dated July 30, 1943, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COATS (for himself and Mr. Slattery):

H.R. 1496. A bill to repeal the incremental pricing requirements of the Natural Gas Policy Act of 1978; to the Committee on Energy and Commerce.

By Mr. DINGELL (for himself and Mr. Lent) (by request):

H.R. 1497. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act to authorize appropriations for fiscal years 1988 and 1989; to the Committee on Energy and Commerce.

H.R. 1498. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DioGUARDI:

H.R. 1499. A bill to amend the United States Housing Act of 1937 to correct certain inequities in the calculation of fair market rentals and payment standards for lower income housing assistance; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1500. A bill to amend the United States Housing Act of 1937 to require leases for lower income housing to contain expiration and notice provisions; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1501. A bill to amend the United States Housing Act of 1937 to provide for adjustments in maximum monthly rentals for lower income housing to reflect increased costs due to necessary capital improvements; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1502. A bill to provide housing assistance to the homeless through emergency food and shelter, renovation and conversion of facilities for use as shelters, and provision of housing and services in the transition to independent living; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1503. A bill to amend the Internal Revenue Code of 1986 to permit first-time homebuyers to use amounts in their individual retirement accounts or annuities to purchase a home without including such amounts in gross income or incurring the penalty for early distributions; to the Committee on Ways and Means.

By Mr. DOWDY of Mississippi (for himself, Mr. Smith of New Jersey, Mr. Montgomery, Mr. Solomon, Mrs. Patterson, Mr. Wylie, Mr. Jontz, Mr. Ridge, Mr. Evans, Mr. Dornan of California, Ms. Kaptur, Mr. Stenholm, Mr. Kennedy, Mr. Leath of Texas, Mr. Lantos, Mr. Kolbe, and Mr. Derrick):

H.R. 1504. A bill to amend the Veterans' Job Training Act; to the Committee on Veterans' Affairs.

By Mr. FORD of Michigan (for himself and Mr. Taylor):

H.R. 1505. A bill making technical corrections relating to the Federal employees' retirement system; to the Committee on Post Office and Civil Service.

By Mr. HOWARD (for himself, Mr. Udall, and Mr. Miller of California):

H.R. 1506. A bill to reaffirm the boundaries of the Great Sioux Reservation to convey federally held lands in the Black Hills to the Sioux Nation; to provide for the economic development, resource protection and self-determination of the Sioux Nation; to remove barriers to the free exercise of traditional Indian religion in the Black Hills; to preserve the sacred Black Hills from desecration; to establish a wildlife sanctuary; and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. KASTENMEIER:

H.R. 1507. A bill to amend the provisions of titles 18 and 28 of the United States Code commonly called the enabling acts to make modifications in the system for the promulgation of certain rules for certain Federal judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 1508. A bill to amend title 35, United States Code, with respect to patented processes and the patent cooperation treaty; to the Committee on the Judiciary.

H.R. 1509. A bill to amend the patent and trademark laws of the United States, and for other purposes; jointly, to the Committees on the Judiciary, and Ways and Means.

H.R. 1510. A bill to amend title 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; jointly, to the Committees on the Judiciary, and Science, Space, and Technology.

By Mrs. KENNELLY:

H.R. 1511. A bill to provide for collection by the Federal Government of data regarding service sector economic activity; to the Committee on Post Office and Civil Service.

By Mr. KOSTMAYER:

H.R. 1512. A bill to designate certain public lands in the State of Idaho as wilderness, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Agriculture.

By Mr. LEWIS of Florida:

H.R. 1513. A bill to direct the Administrator of the Environmental Protection Agency to develop and demonstrate a water resources-aquatic plant management project and to provide grants for scientific research to support such project; to the Committee on Science, Space, and Technology.

By Mr. MATSUI:

H.R. 1514. A bill to amend the Trade Act of 1974, and for other purposes; to the Committee on Ways and Means.

H.R. 1515. A bill to equalize the duties on canned tuna; to the Committee on Ways and Means.

By Mr. MRAZEK (for himself, Mr. Udall, Mr. Vento, Mr. Kildee, Mr. Gejdenson, Mr. Murphy, Mr. Markey, Mr. Lewis of Georgia, Mr. DeFazio, Mr. Kostmayer, Mr. Green, Mr. DeLay, Mr. Downey of New York, Mr. Martinez, Mr. Andrews, Mr. Morrison of Connecticut, Mr. Owens of New York, Mr. Weiss, Mr. Durbin, Mr. MacKay, Mr. Hochbrueckner, Mr. Kolter, Mr. Moakley, Mr. Bustamante, Mr. Bates, Mr. Rodino, Mr. Frank, Mr. Towns, Mr. Moody, Mr. Solarz, Mr. Atkins, Mr. Beilenson, Mr. Howard, Mr. Dellums, Mr. Edwards of California, Mr. Roybal, Mr. Clay, Mr. Gray of Pennsylvania, Mr. Price of Illinois, Ms. Kaptur, Mr. Eckart, Mrs. Collins, and Mr. Synar):

H.R. 1516. A bill to require annual appropriations of funds necessary to support timber management and resource conservation on the Tongass National Forest; to the Committee on Interior and Insular Affairs.

By Mr. PACKARD (for himself, Mr. Lowery of California, Mr. Rowland of Georgia, Mrs. Johnson of Connecticut, Mr. Moorhead, Mr. Dornan of California, Mr. Lewis of California, Mr. Dannemeyer, and Mr. Sensenbrenner):

H.R. 1517. A bill to amend the Federal Aviation Act of 1958 to require the installation and use of collision avoidance systems in aircraft, to require the Federal Aviation Administration to complete research on and development of the TCAS-III collision avoidance systems as soon as possible, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Science, Space, and Technology.

By Mr. QUILLEN:

H.R. 1518. A bill to provide for the payment of impact aid to certain school districts; to the Committee on Education and Labor.

H.R. 1519. A bill to limit Medicare denials by peer review organizations of medically necessary inpatient hospital services; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mr. RODINO (for himself, and Mr. Frank):

H.R. 1520. A bill to amend title 28, United States Code, with respect to the appointment of independent counsels; to the Committee on the Judiciary.

By Mr. ROE (for himself, and Mr. Nelson of Florida):

H.R. 1521. A bill to amend tiitle 35, United States Code, and the National Aeronautics and Space Act of 1958, with respect to the use of inventions in outer space; jointly, to the Committees on the Judiciary, and Science, Space, and Technology.

By Mr. ROE (by request):

H.R. 1522. A bill to authorize appropriations for activities under the Federal Fire Prevention and Control Act of 1974; to the Committee on Science, Space, and Technology.

H.R. 1523. A bill to authorize appropriations for environmental research, development, and demonstration for fiscal years 1988 and 1989; to the Committee on Science, Space, and Technology.

By Mr. SLATTERY (for himself and Mr. Coats):

H.R. 1524. A bill to repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Commerce.

By Mrs. SMITH of Nebraska:

H.R. 1525. A bill to provide that any requirement to substantiate a deduction under the Internal Revenue Code of 1954 for business use of a vehicle be based on the regulations in effect before the Tax Reform Act of 1984; to the Committee on Ways and Means.

By Mr. SOLOMON:

H.R. 1526. A bill to suspend for 3 years the duty on 6-amino-1-naphthol-3-sulfonic acid; to the Committee on Ways and Means.

H.R. 1527. A bill to suspend for 3 years the duty on 2-(4-aminophenyl)-6-methylbenzothiazole-7-sulfonic acid; to the Committee on Ways and Means.

By Mr. THOMAS of California:

H.R. 1528. A bill to amend the Internal Revenue Code of 1986 to provide that the windfall profit tax shall not apply to an amount of crude oil equal to the amount of residual fuel oil used in enhanced recovery processes; to the Committee on Ways and Means.

H.R. 1529. A bill to remove the restrictions on the export of Alaskan North Slope oil; jointly, to the Committees on Foreign Affairs, Armed Services, Interior and Insular Affairs, and Energy and Commerce.

By Mr. UDALL (for himself, Mr. Rhodes, Mr. Stump, Mr. Johnson of South Dakota, and Mr. Kolbe):

H.R. 1530. A bill to grant the consent of the Congress to the Western Low-Level Waste Disposal Compact; jointly, to the Committees on Energy and Commerce, and Interior and Insular Affairs.

By Mr. UDALL (for himself, Mr. Young of Alaska, Mr. Leland, Mr. Moody, Mr. Lujan, Mr. Lagomarsino, Mr. Fascell, Mr. Archer, Mr. Ireland, Mr. Myers of Indiana, Mr. Nielson of Utah, Mr. Smith of Florida, Mr. Badham, Mr. Solarz, Mr. English, Mr. Andrews, Mr. Barton of Texas, Mr. Huckaby, and Mr. Bates):

H.R. 1531. A bill to amend the Mineral Leasing Act of 1920 with respect to the movement of coal over public lands, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Public Works and Transportation.

By Mr. WHITTAKER:

H.R. 1532. A bill to ban the promotion of tobacco products; to the Committee on Energy and Commerce.

By Mr. WILLIAMS:

H.R. 1533. A bill to extend for 3 years the authorization provided by the State and Local Government Cost Estimate Act of 1981; to the Committee on Rules.

By Mr. WILLIAMS (for himself and Mr. Kildee):

H.R. 1534. A bill to amend the Internal Revenue Code of 1986 to allow the targeted jobs credit with respect to wages paid to certain older Americans and dislocated workers; to the Committee on Ways and Means.

By Mr. WILLIAMS (for himself and Mr. Lowry of Washington):

H.R. 1535. A bill to amend the Impoundment Control Act of 1974 to repeal provisions respecting the disapproval of proposed deferrals of budget authority, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. YOUNG of Florida (for himself, Mr. Darden, Mr. Lagomarsino, Mr. Roberts, Mr. Swindall, Mr. Ireland, Mr. Livingston, Mrs. Vucanovich, Mr. Dannemeyer, and Mr. Thomas of Georgia):

H.R. 1536. A bill to amend the Fair Labor Standards Act to prevent the denial of employment opportunities by prohibiting the use of polygraph examinations by employers involved in or affecting interstate commerce unless the examination is made in accordance with certain minimum standards and to encourage the States and local governments to establish regulations for the administration of polygraph examinations; to the Committee on Education and Labor.

By Mr. BROWN of California (for himself, Mr. Coughlin, Mr. Tauke, Mr. Aspin, Mr. Pursell, Mr. AuCoin, Mr. Green, Mr. Downey of New York, Mr. Fish, Mr. Moakley, Miss Schneider, Mr. Fazio, Mr. Foley, and Mr. Jeffords):

H.J. Res. 176. Joint resolution requiring the United States to continue during fiscal year 1988 the existing United States-Soviet Union mutual moratorium on testing antisatellite [ASAT] weapons against objects in space so long as the Soviet Union does the same and urging the President to seek with the Soviet Union a mutual and verifiable treaty placing the strictest possible limitations on the testing, deployment, and use of antisatellite weapons; jointly, to the Committees on Armed Services, and Foreign Affairs.

By Mr. DORGAN of North Dakota:

H.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States to establish terms of 15 years for justices of the Supreme Court of the United States; to the Committee on the Judiciary.

By Mr. ESPY (for himself, Mr. Flippo, Mr. Hatcher, Mr. Matsui, Mr. Dowdy of Mississippi, Mr. Leland, Mr. Mfume, Mr. Watkins, Mr. Gray of Illinois, Mr. Whitten, Mr. Hayes of Illinois, Mr. Vento, Mr. Lancaster, Mr. Clay, Mr. Applegate, Mr. Bevill, Mr. Montgomery, Mr. Hutto, Mr. DeFazio, Mr. de la Garza, Mr. Horton, Mrs. Boxer, Mr. Dyson, Mr. Jones of Tennessee, Mr. Daniel, Mr. Brennan, Mr. Kostmayer, Mr. Jones of North Carolina, Mr. Brown of California, Mr. Coelho, Mr. Neal, Mr. Garcia, Mr. Ford of Tennessee, Mr. Traficant, Mr. Jenkins, Mr. Leath of Texas, Mr. Rahall, Mr. Derrick, Mr. AuCoin, Mr. Lott, Mr. Huckaby, Mr. Barnard, Mr. Foglietta, Mr. Bilbray, Mr. Frank, Mr. Gephardt, Mr. Towns, Mr. Hochbrueckner, Mr. Anthony, Mr. Hubbard, Mr. Boner of Tennessee, Mr. Hefner, Mr. Roe, and Mr. Gonzalez):

H.J. Res. 178. Joint resolution designating April 4, 1987 as "National Catfish Day"; to the Committee on Post Office and Civil Service.

By Mr. GREEN (for himself, Mr. Horton, Mr. Fazio, Mr. Carr, Mr. Bennett, Mr. Rahall, Mr. Dwyer of New Jersey, Mr. Vander Jagt, Mr. Annunzio, Mr. Leland, Mr. Yatron, Mr. Sabo, Mr. Berman, Mr. Schumer, Mr. Scheuer, Mr. DioGuardi, Mr. Murphy, Mr. Fuster, Mr. Hoyer, Mr. Roe, Mr. Levin of Michigan, Mr. Martinez, Mr. Kasich, Mr. Solomon, Mr. Pepper, Mr. Boner of Tennessee, Mr. Ackerman, Mr. Lowery of California, Mr. LaFalce, Mr. Livingston, Mr. Lagomarsino, Mr. Boland, Mr. Kastenmeier, Mr. McDade, Mr. Gradison, Mr. Mazzoli, Mr. Daniel, Mr. Manton, Mr. Lent, Mr. Kostmayer, Mr. Erdreich, Mr. Tauzin, Mr. Biaggi, Mr. Frenzel, Mr. Jones of North Carolina, Mr. Clinger, Mr. Waxman, Mr. Lewis of California, Mr. Smith of Florida, Mr. Coelho, Mr. Natcher, Mr. Anthony, Mr. Regula, Mr. Wolpe, Mr. Dymally, Mr. Howard, Mr. Morrison of Connecticut, Mr. Jenkins, Mr. Daub, Mr. Dixon, Ms. Oakar, Mrs. Collins, Mr. Florio, Mr. Thomas A. Luken, Mr. Crockett, Mr. Darden, Mr. Fauntroy, Mr. Martin of New York, Mr. Wilson, Mr. Solarz, Mr. Borski, Mr. Savage, Mr. Barnard, Mr. Feighan, Mr. Weiss, Mr. Ford of Michigan, Mr. Rangel, Mr. Bonior of Michigan, Mr. Molinari, Mrs. Boxer, Mr. Quillen, Mr. Fish, Mr. Rodino, Mr. Valentine, and Mr. Ortiz):

H.J. Res. 179. Joint resolution designating the week of June 7, 1987, through June 13, 1987, as "National Theater Week"; to the Committee on Post Office and Civil Service.

By Mr. Thomas A. Luken (for himself and Mr. Hamilton):

H.J. Res. 180. Joint resolution to designate October 6, 1987, as "German-American Day"; to the Committee on Post Office and Civil Service.

By Mr. MILLER of Ohio (for himself, Mr. Wylie, Mr. Regula, Mr. Traficant, Mr. Applegate, Mr. Stokes, Ms. Oakar, Mr. Feighan, Mr. Sawyer, Mr. Pease, Mr. Eckart, Ms. Kaptur, Mr. Donald E. Lukens, Mr. DeWine, Mr. McEwen, Mr. Latta, Mr. Oxley, Mr. Hall of Ohio, Mr. Gradison, Mr. Thomas A. Luken, Mr. Kasich, Mr. Weber, Mr. Frenzel, Mr. Vento, Mr. Sabo, Mr. Sikorski, Mr. Stangeland, Mr. Oberstar, Mr. Conyers, Mr. Pursell, Mr. Wolpe, Mr. Upton, Mr. Henry, Mr. Carr, Mr. Kildee, Mr. Traxler, Mr. Vander Jagt, Mr. Schuette, Mr. Davis of Michigan, Mr. Bonior of Michigan, Mr. Crockett, Mr. Hertel, Mr. Ford of Michigan, Mr. Dingell, Mr. Levin of Michigan, Mr. Broomfield, Mr. Visclosky, Mr. Sharp, Mr. Hiler, Mr. Jontz, Mr. Burton of Indiana, Mr. Myers of Indiana, Mr. McCloskey, Mr. Hamilton, Mr. Jacobs, Mr. Coats, Mr. Hayes of Illinois, Mr. Savage, Mr. Russo, Mr. Davis of Illinois, Mr. Lipinski, Mr. Hyde, Mrs. Collins, Mr. Porter, Mr. Crane, Mr. Fawell, Mr. Hastert, Mr. Madigan, Mrs. Martin of Illinois, Mr. Evans, Mr. Michel, Mr. Bruce, Mr. Price of Illinois, Mr. Gray of Illinois, Mr. Aspin, Mr. Kastenmeier, Mr. Gunderson, Mr. Kleczka, Mr. Moody, Mr. Petri, Mr. Obey, Mr. Roth, Mr. Sensenbrenner, Mr. Gonzalez, Mr. Pashayan, Mrs. Boggs, Mr. Murphy, Mr. Horton, Mr. Grant, Mr. Rowland of Georgia, Mr. Bennett, Mr. Volkmer, Mr. Fish, Mr. Lagomarsino, Mr. Martinez, Mr. Frost, Mr. Towns, Mr. Kolter, Mr. Dymally, Mr. Borski, Mr. Natcher, Mr. Lungren, Mr. Leland, Mr. Bateman, Mr. Dellums, Mr. Flake, Mr. Owens of New York, Mr. Hughes, Mr. Hammerschmidt, Mr. Espy, Mr. Mfume, Mr. Hawkins, Mr. Lewis of Georgia, Mr. Jones of North Carolina, Mr. Wolf, Mr. Wyden, Mr. Atkins, Mr. Hubbard, Mr. Bevill, Mr. Gray of Pennsylvania, Mr. Goodling, Mr. Garcia, Mr. Clay, Mr. Jenkins, Mr. Bustamante, Mr. Chappell, Mr. Dornan of California, Mr. Tauzin, Mr. Penny, Mr. Miller of California, Mr. Biaggi, Mr. Nielson of Utah, and Mr. Yatron):

H.J. Res. 181. Joint resolution commemorating the bicentennial of the Northwest Ordinance of 1787; to the Committee on Post Office and Civil Service.

By Mr. TAUZIN (for himself, Mr. Callahan, Mr. Bevill, Mr. Erdreich, Mr. Harris, Mr. Dickinson, Mr. Flippo, Mr. Young of Alaska, Mr. Udall, Mr. Rhodes, Mr. Kolbe, Mr. Bosco, Mr. Lagomarsino, Mr. Matsui, Mr. Fazio, Mr. Lungren, Mr. Shumway, Mr. Mineta, Mr. Panetta, Mr. Pashayan, Mr. Thomas of California, Mr. Moorhead, Mr. Waxman, Mr. Martinez, Mr. Dymally, Mr. Dornan of California, Mr. Schaefer, Mr. Campbell, Mrs. Kennelly, Mr. Morrison of Connecticut, Mr. McKinney, Mrs. Johnson of Connecticut, Mr. Carper, Mr. Hutto, Mr. Pepper, Mr. Smith of Florida, Mr. Akaka, Mr. Porter, Mr. Madigan, Mr. Price of Illinois, Mr. Russo, Mr. Hyde, Mr. Lipinski, Mr. Hayes of Illinois, Mrs. Collins, Mr. Evans, Mr. Durbin, Mr. Sharp, Mr. Crane, Mr. Tauke, Mr. Livingston, Mr. Roemer, Mr. Huckaby, Mr. Hayes of Louisiana, Mr. Holloway, Ms. Snowe, Mrs. Bentley, Mr. McMillen of Maryland, Mr. Boland, Mr. Mavroules, Mr. Conte, Mr. Frank, Mr. Moakley, Mr. Pursell, Mr. Wolpe, Mr. Henry, Mr. Carr, Mr. Conyers, Mr. Schuette, Mr. Traxler, Mr. Levin of Michigan, Mr. Sabo, Mr. Sikorski, Mr. Whitten, Mr. Espy, Mr. Dowdy of Mississippi, Mr. Lott, Mr. Montgomery, Mr. Clay, Mr. Daub, Mr. Dwyer of New Jersey, Mr. Rinaldo, Mr. Roe, Mr. Torricelli, Mr. Howard, Mr. Rodino, Mr. Solarz, Mr. Mrazek, Mr. Lent, Mr. McGrath, Mr. Scheuer, Mr. Manton, Mr. Towns, Mr. Gilman, Mr. Hochbrueckner, Mr. Owens of New York, Mr. Green, Mr. Biaggi, Mr. DioGuardi, Mr. Garcia, Mr. Martin of New York, Mr. Wortley, Mr. Horton, Mr. Neal, Mr. Hefner, Mr. Dorgan of North Dakota, Mr. Thomas A. Luken, Mr. Hall of Ohio, Mr. McEwen, Ms. Kaptur, Mr. Traficant, Mr. Kasich, Mr. Miller of Ohio, Mr. Regula, Mr. Stokes, Mr. AuCoin, Mr. Inhofe, Mr. Edwards of Oklahoma, Mr. English, Mr. Foglietta, Mr. McDade, Mr. Kolter, Mr. Kostmayer, Mr. Ritter, Mr. Walgren, Mr. Murphy, Mr. St Germain, Mr. Spence, Mr. Derrick, Mr. Tallon, Mrs. Lloyd, Mr. Quillen, Mr. Boner of Tennessee, Mr. Sundquist, Mr. Jones of Tennessee, Mr. Chapman, Mr. Hall of Texas, Mr. Wilson, Mr. Bryant, Mr. Fields, Mr. Brooks, Mr. de la Garza, Mr. Archer, Mr. Coleman of Texas, Mr. Stenholm, Mr. Leland, Mr. Bustamante, Mr. Frost, Mr. Andrews, Mr. Ortiz, Mr. Nielson of Utah, Mr. Jeffords, Mr. Sisisky, Mr. Daniel, Mr. Boucher, Mr. Bliley, Mr. Wolf, Mr. Mollohan, Mr. Rahall, Mr. Moody, Mr. Fauntroy, and Mr. de Lugo):

H.J. Res. 182. Joint resolution to designate March 20, 1987, as "National Energy Education Day"; to the Committee on Post Office and Civil Service.

By Mr. ROE:

H. Con. Res. 69. Concurrent resolution expressing the sense of the Congress that procurement of the new United States weather radar system, NEXRAD, continue on schedule and according to the established minimum requirements agreed to by the National Weather Service, the Federal Aviation Administration, and the Department of Defense; to the Committee on Science, Space, and Technology.

By Mr. FAZIO (for himself, Mr. Lewis of California, Mr. Waxman, Mr. Stark, Mrs. Boxer, Mr. Berman, Mr. Lowry of Washington, Mr. Green, Mr. Atkins, Mr. Beilenson, Mr. Clay, Mr. DeLay, Mr. Edwards of California, Mr. Feighan, Mr. Frank, Mr. Garcia, Mr. Konnyu, Mr. Leland, Mr. Levin of Michigan, Mr. Martinez, Mr. Matsui, Mr. McKinney, Mr. Mfume, Mr. Mineta, Mr. Moody, Mr. Morrison of Connecticut, Mr. Mrazek, Miss Schneider, Mr. Scheuer, Mr. Torres, Mr. Weiss, and Mr. Kostmayer):

H. Con. Res. 70. Concurrent resolution expressing the sense of the Congress that the Secretary of Health and Human Services should prepare, and encourage the preparation of, public service announcements about acquired immune deficiency syndrome [AIDS]; and that commercial television networks and local television stations should accept for broadcast during selected adult programming such announcements, and commercial advertisements concerning the use of condoms to prevent infection by the AIDS virus; to the Committee on Energy and Commerce.

By Mr. ROE:

H. Con. Res. 71. Concurrent resolution expressing the sense of the Congress that the Federal Government take immediate steps to support a National STORM Program; to the Committee on Science, Space and Technology.

By Mrs. SMITH of Nebraska (for herself, Mr. Bereuter, and Mr. Daub):

H. Res. 115. Resolution expressing the condolences of the House on the death of the late Senator Edward Zorinsky; considered and agreed to.

By Mr. PORTER:

H. Res. 117. Resolution expressing the sense of the House of Representatives that the Congress should repeal the price support for sugar beets and sugarcane and that the Federal Government should remove limitations imposed on the importation of sugar; jointly, to the Committees on Agriculture and Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GORDON:

H.R. 1537. A bill for the relief of Joseph Keusch; to the Committee on the Judiciary.

By Mr. HEFLEY:

H.R. 1538. A bill for the relief of Dan V. Iuga; to the Committee on the Judiciary.

By Mr. PANETTA:

H.R. 1539. A bill for the relief of Meals on Wheels of the Monterey Peninsula, Inc.; to the Committee on the Judiciary.

By Mr. PASHAYAN:

H.R. 1540. A bill for the relief of Wesley P. Kliewer and Lois P. Kliewer; to the Committee on the Judiciary.

By Mr. PORTER:

H.R. 1541. A bill for the relief of Nicholas and Carey Wolf; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mr. Horton, Mr. Petri, Mr. Towns, Mr. Boehlert, Mr. Gilman, Mr. Martin of New York, Mr. Wortley, Mr. Houghton, Mr. Hayes of Illinois, and Mr. Stratton.

H.R. 39: Mr. Aspin.

H.R. 52: Mr. Derrick, Mr. Grant, Mrs. Collins, Mr. Smith of Florida, Mr. Espy, Mr. Gibbons, and Mr. Ackerman.

H.R. 59: Mr. Blaz.

H.R. 74: Mr. Biaggi, Mr. Howard and Mr. de Lugo.

H.R. 222: Mr. Weiss.

H.R. 309: Mr. Richardson.

H.R. 310: Mr. Richardson.

H.R. 312: Mr. Owens of New York, Mr. DeFazio, Mr. Sikorski, Mr. Espy, and Mrs. Martin of Illinois.

H.R. 338: Mr. Smith of New Hampshire, Mr. DeLay, Mr. Weber, Mr. Armey, and Mr. Badham.

H.R. 339: Mr. Smith of New Hampshire, Mr. DeLay, Mr. Armey, and Mr. Badham.

H.R. 344: Mr. Smith of New Hampshire, Mr. DeLay, Mr. Armey, and Mr. Badham.

H.R. 345: Mr. Smith of New Hampshire, Mr. DeLay, Mr. Armey, and Mr. Badham.

H.R. 358: Mr. Gunderson.

H.R. 360: Mr. Moakley, Mr. Gejdenson, and Mr. Levin of Michigan.

H.R. 374: Mr. Leath of Texas and Mr. Pepper.

H.R. 378: Mr. Atkins and Mr. Crockett.

H.R. 434: Mr. Marlenee.

H.R. 514: Mr. Madigan, Mr. Evans, Mr. Boucher, Mr. Ortiz, and Mrs. Kennelly.

H.R. 515: Mr. Hughes, Mr. DeFazio, Mrs. Patterson, Mr. Durbin, Mr. Evans, Mr. Kildee, and Mr. Panetta.

H.R. 535: Mr. Gekas.

H.R. 537: Mr. LaFalce, Mr. Lewis of Florida, and Mr. Downey of New York.

H.R. 538: Mr. Hayes of Illinois.

H.R. 541: Mr. Badham.

H.R. 543: Mr. Fazio, Mr. Sunia, Mr. Wortley, and Mr. Carper.

H.R. 575: Mr. Espy.

H.R. 618: Mr. Leland, Mr. McCurdy, Mr. Dicks, Mr. Hochbrueckner, Mr. Moody, and Mr. Leach of Iowa.

H.R. 628: Mr. Lancaster.

H.R. 633: Mr. Stump.

H.R. 637: Mr. Vento.

H.R. 639: Mr. Feighan, Mr. Sawyer, Mr. Gray of Illinois, Mr. Lewis of Georgia, Mr. Rangel, Mr. Bonker, Mrs. Collins, Mr. Dellums, Mr. Smith of Florida, Mr. Yatron, Mr. Frank, Mr. Roybal, Mr. Beilenson, Mr. Scheuer, Mr. Lipinski, Mr. Torres, Mr. DeFazio, Mr. Bustamante, Mr. Synar, Mr. Fazio, Mr. Frost, Mr. Towns, Mr. Pepper, Mr. Berman, Mr. Atkins, Mr. Lancaster, Mr. Neal, Mr. Hayes of Illinois, Mr. Barnard, Mr. Lehman of Florida, Mr. Weiss, Mr. Crockett, Mr. Kostmayer, Mr. Glickman, Mr. Martinez, Mr. Ford of Michigan, Mr. Savage, Mr. Williams, Mr. Dwyer of New Jersey, Mr. Ackerman, Mr. Dorgan of North Dakota, Mr. Mineta, Mr. Torricelli, Mr. Boucher, and Mrs. Boxer.

H.R. 722: Mr. Lowry of Washington.

H.R. 728: Mr. Clinger, Mr. Bevill, and Mr. Towns.

H.R. 782: Ms. Kaptur and Mr. Evans.

H.R. 907: Mr. Mrazek, Mr. Solarz, Mr. Scheuer, Mr. Kostmayer, Mr. Towns, Ms. Kaptur, Mr. Biaggi, Mr. Dowdy of Mississippi, and Mr. Beilenson.

H.R. 922: Mr. Eckart and Mr. Feighan.

H.R. 923: Mr. Lancaster.

H.R. 954: Mrs. Collins.

H.R. 979: Mr. Ford of Michigan.

H.R. 1029: Mr. Boulter, Mr. Edwards of Oklahoma, and Mr. Wilson.

H.R. 1050: Mr. Edwards of Oklahoma.

H.R. 1053: Mr. Regula.

H.R. 1085: Mr. Gray of Pennsylvania.

H.R. 1087: Mr. Bevill, Mr. Hayes of Illinois, Mr. Stump, Mr. Herger, Mr. Espy, Mr. Rangel, and Mr. Stallings.

H.R. 1101: Mr. Staggers.

H.R. 1103: Mr. Hammerschmidt, Mr. Armey, and Mr. Craig.

H.R. 1127: Mr. Lagomarsino.

H.R. 1149: Mr. Dyson.

H.R. 1154: Mr. Andrews, Mr. Boehlert, Mrs. Boggs, Mr. Clay, Mr. Clinger, Mr. Conyers, Mr. Eckart, Mr. Fazio, Mr. Feighan, Mr. Flake, Mr. Garcia, Mr. Gonzalez, Mr. Hertel, Mr. Hochbrueckner, Mr. Hunter, Mr. Jontz, Mr. Kildee, Mr. Kolter, Mr. Madigan, Mr. McMillen of Maryland, Mr. Natcher, Mr. Rodino, Ms. Slaughter of New York, Mr. Stokes, Mr. Traxler, Mr. Weiss, and Mr. Wilson.

H.R. 1182: Mr. Lagomarsino.

H.R. 1188: Mr. Pashayan and Mr. Matsui.

H.R. 1212: Mr. Thomas A. Luken, Mr. Downey of New York, Mr. DeFazio, and Mr. Hoyer.

H.R. 1234: Mr. Matsui, Mr. de Lugo, Mr. Vento, and Mr. Crockett.

H.R. 1266: Mr. Martinez, Mr. Garcia, Mr. Bonior of Michigan, Mr. Gejdenson, Mr. Fauntroy, and Mr. Levin of Michigan.

H.R. 1278: Mr. Penny, Mr. Nichols, and Mr. Ray.

H.R. 1301: Mr. Traficant, Mr. Applegate, Mr. Hayes of Illinois, Mr. Olin, Mr. Pepper, and Mr. Frost.

H.R. 1324: Mr. Olin, Mr. Slaughter of Virginia, and Mr. Weber.

H.R. 1342: Mr. Solarz, Mr. Scheuer, Mr. Atkins, Mr. Leland, Mr. Traficant, Mr. de Lugo, Mr. Hayes of Illinois, Mr. Gray of Illinois, Mrs. Collins, and Mr. Levin of Michigan.

H.R. 1356: Mr. Jenkins.

H.R. 1363: Mr. Ballenger.

H.R. 1436: Mr. Horton and Mr. DeFazio.

H.J. Res. 13: Mr. Burton of Indiana, Mr. Solomon, Mr. Wortley, Mr. Weber, Mr. Bevill, and Mr. DeLay.

H.J. Res. 16: Mr. Lagomarsino, Mr. Smith of New Hampshire, Mr. DeLay, Mr. Armey, and Mr. Badham.

H.J. Res. 51: Mr. Lagomarsino, Mr. Wortley, Mr. Towns, Mr. Dannemeyer, Mr. Schumer, and Mr. Saxton.

H.J. Res. 90: Miss. Schneider, Mr. Wortley, Mr. Sabo, Mr. Kastenmeier, Mr. Porter, Mr. Anthony, Mr. Perkins, Mr. Gray of Illinois, Mr. Wilson, Mr. Kostmayer, Mr. Donnelly, Mr. Leland, Mr. Levin of Michigan, Mr. Ackerman, Mr. Wolf, Mr. Roe, Mr. Boner of Tennessee, Mr. Hefner, Mr. Robinson, Mr. Smith of Florida, Mr. Dowdy of Mississippi, Mr. Jones of North Carolina, Mr. Clay, and Mr. Solarz.

H.J. Res. 111: Mr. Daub, Mr. Green, Mr. Hayes of Illinois, Mr. Frost, and Mr. Crockett.

H.J. Res. 132: Mr. Rhodes, Mr. Jeffords, Mr. DeFazio, Mr. Borski, Mr. Lancaster, Mr. Smith of New Hampshire, Mr. Vento, Mr. Wyden, and Mr. Brennan.

H.J. Res. 155: Mr. Weber, Mr. Bryant, Mr. Leland, Mr. Atkins, Mr. Towns, Mr. Solomon, Mrs. Johnson of Connecticut, Mr. Smith of Florida, Ms. Snowe, Mr. Hochbrueckner, Mr. Stallings, Mr. Foley, Mrs. Collins, Mr. Inhofe, Mr. Ballenger, Mr. Derrick, Ms. Slaughter of New York, Mr. Wolf, Mr. Bateman, Mr. Lagomarsino, Mr. Nichols, Mr. Montgomery, Mr. Daniel, Mr. Moakley, and Mr. Lewis of Georgia.

H.J. Res. 157: Mrs. Boxer, Mr. Conyers, Mr. Dwyer of New Jersey, Mr. Espy, Mr. Garcia, Mr. Green, Mr. Horton, Mr. Kolter, Mr. Lipinski, Mr. Martinez, Mr. Neal, Mr. Wortley, and Mr. Rangel.

H.J. Res. 158: Mrs. Boxer, Mr. Blaz, Mr. Bonior of Michigan, Mr. Coats, Mr. Conyers, Mr. DeWine, Mr. Dwyer of New Jersey, Mr. Fields, Mr. Hayes of Illinois, Mr. Horton, Mr. Kasich, Mr. Kolter, Mr. Lehman of California, Mr. Leland, Mr. Lungren, Mr. Lipinski, Mr. Martinez, Mr. Montgomery, Mr. Owens of New York, Mr. Pepper, Mr. Sabo, Mr. Traxler, Mr. Wilson and Mr. Wortley.

H.J. Res. 164: Mr. Pepper, Mr. Erdreich, Mr. Saxton, Mr. Stallings and Mr. Solomon.

H. Con. Res. 8: Mr. Smith of New Hampshire, Mr. DeLay, Mr. Armey, and Mr. Badham.

H. Con. Res. 15: Mrs. Kennelly, Mr. Young of Florida, Mr. Eckart, Mr. Spratt, Mr. Herger. Mr. McMillian of North Carolina, Mr. Bateman, Mr. Bunning, Mr. Coyne, Mr. Hastert, Mr. Porter, and Mr. Rangel.

H. Con. Res. 30: Mr. St Germain, Mr. Barnard, Mr. McDade, Mr. Flake, Mr. Erdreich, Mr. Lagomarsino, Mr. Coughlin, Mr. Holloway, Mr. Martinez, Mr. Rhodes Mr. Ackerman, Mr. Ballenger, Mr. Robert F. Smith, Mrs. Vucanovich, Mr. Ray, Mr. Biaggi, Mr. Feighan, Mr. Nelson of Florida, Mr. Bilbray, Mr. Hayes of Louisiana, Mr. Wolf, Mr. Grandy, Mr. Kyl, Mr. Roberts, Mr. Vander Jagt, Mr. Badham, Mrs. Saiki Mr. Stallings, and Mr. Fascell.

H. Con. Res. 47: Mr. Kolter, Mr. Cardin, Mr. Saxton, Mr. Hughes, Mr. Clinger, Mr. Tauke, and Mr. Pepper.

H. Con. Res. 67: Mr. Green, Mr. Bilirakis, Mr. Sikorski, and Mr. Swindall.

H. Res. 43: Mr. Jontz, Mr. Moody, Mr. Martinez, Mr. Nichols, Mr. Nielson of Utah, Mr. Jones of Tennessee, Mr. Oberstar, Mr. Rhodes, Mr. Hansen, and Mr. Richardson.

H. Res. 68: Mr. Daub and Mrs. Smith of Nebraska.

H. Res. 71: Mr. Volkmer, Mr. Hayes of Illinois, Mr. Boucher, Mr. Murphy, Mr. Feighan, Mr. Rangel, Mr. Pepper, Mr. Bevill, and Mr. Crockett.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1001: Mr. Borski, Mr. Kolter, and Mr. Thomas A. Luken.

H.R. 1272: Mr. Whittaker.

AMENDMENTS

Under clause of rule XXIII, proposed amendments were submitted as follows:

H.J. Res. 175

By Mr. HUNTER:

—Strike out all after the enacting clause and insert in lieu thereof the following:

"Whereas it has been the policy of the United States, since first implemented by President Monroe in 1823, that no European power should intevene in the affairs of any nation in the Americas;

Whereas the Soviet Union has provided as much as $600 million in military assistance in 1986 and as much as $1.04 billion in economic aid between 1975 and 1986 to the Sandinista regime, as confirmed by a report of the Department of Defense;

Whereas the Soviet Union's Communist Bloc allies have installed as many as 7000 military advisors and civilian technicians to support the Sandinista regime;

Whereas the Sandinista regime has the largest standing army in Central America and is a continuing threat to its peaceful, democratic neighbors:

Therefore, Be It Resolved, that it is the policy of the United States Government to abide by the commitment made in Public Law 99-1005 just six months ago to support the democratic efforts of the Nicaraguan contras in order to pressure the Sandinista regime to negotiate in good faith, allow a free press, conduct fair and free elections, and cease the suppresson of religious and political endeavors by its people; and be it further resolved that, if there is to be any adjustment to this policy, the United States Government should be prepared to increase its support to the contras, matching dollar for dollar the assistance provided by the Soviet Union.".

EXTENSIONS OF REMARKS

A TRIBUTE TO CAMILLO J. D'URSO

HON. JOSEPH J. DioGUARDI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DIOGUARDI. Mr. Speaker, I rise today to pay special tribute to a distinguished and generous citizen, Camillo J. D'Urso, who was tragically lost at sea on November 13, 1986.

Camillo D'Urso was an enterprising merchant and a respected leader in the food industry. Twenty-nine years ago he founded D'Urso Supermarkets, which now operate under the name of Key Food. As chairman of the board and president of the chain of 21 stores, Mr. D'Urso helped serve the needs of the New York metropolitan area.

Camillo's sensitivity to the needs of others is a characteristic and accomplishment that will not be forgotten. His generosity and that of Florence, his wife, enriched the lives of many young people in their home county of Westchester. They gave help to the sick, especially the terminally ill; provided for the people of Cancun, Mexico, a beautiful place of worship; and bestowed the children of many nations in the Boys' Towns and Girls' Town of Italy a permanent heritage of their caring.

On June 12, 1969, Camillo received the Brotherhood Award for Distinguished Service in the field of human relations, presented by the National Conference of Christians and Jews. In 1978, he received the "Man of the Year" award from the Boys' Towns of Italy. In 1980, he was honored as "Man of the Year" by the American Red Cross. In 1981, he received the Interfaith Award from the Covenant House as "Man of the Year." In 1982, he was honored as "Man of the Year" by the Pelham Civic Association. In 1983, the Jewish National Fund presented the "Tree of Life" award at a special dinner for Mr. D'Urso.

Camillo D'Urso served as chairman of the New York Meat and Food Dealers, Inc. and was on the board of the New York State Food Merchants' Association. He also served on the board of directors of Boys' Towns of Italy, the Pelham Civic Association, Calvary Hospital for the terminally ill, and he served as one of the vice presidents of the Inter-City Scholarship Fund. He also served on the planning board of the new Pelham Arts Center and was one of the founders of the Tropical Disease Center at Lenox Hill Hospital.

More than 2,500 family and friends attended a memorial mass for Camillo J. D'Urso at St. Patrick's Cathedral, in New York on January 29, 1987. The mass was concelebrated by Cardinal John O'Conner and Msgr. John Patrick Carroll-Abbing, who is the founder of the Boys' Towns and Girls' Town of Italy. Another memorial mass was offered at Our Lady of Perpetual Help Church in Pelham Manor, NY, on January 31, 1987. A third memorial mass was offered at the Ocean Reef Chapel in Key Largo, FL, on February 5, 1987.

We express our profound sympathy and condolences to the D'Urso family; Camillo's wife of 26 years, Florence, and their four children, David, twins Donna and Mark and Lisa. I would like my colleagues in the House to join me in recognizing Camillo J. D'Urso as a model family man of strong religious conviction, belief in the work ethic, honesty and love for his fellow man. His contributions and his involvement throughout the world are a legacy he leaves to all of us.

Thank you, Mr. Speaker.

A TRIBUTE TO EUGENE S. SOSNICK

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. FAZIO. Mr. Speaker, I rise today to pay tribute to Mr. Eugene S. Sosnick, the chairman and president of the Capital Cigar & Candy Co. of Sacramento. A successful businessman, accomplished sportsman and acclaimed community leader, Mr. Sosnick will be presented with the Torch Liberty award accorded to him by the Anti-Defamation League of B'nai B'rith at a dinner in his honor at the end of this month. The award recognizes Gene's leadership in advancing the cause of human rights in his community and in the corporate world.

Eugene S. Sosnick was born to Russian Immigrants Melvin and Celia Sosnick in Detroit, MI, on June 4, 1931. The Sosnick family soon moved to San Francisco, where Eugene's father started a tobacco and candy distribution company. The youngest of three boys, Gene attended public schools in San Francisco and graduated from the city's George Washington High School in 1949.

Gene then entered Stockton Junior College, where he exhibited excellence at the game of basketball. Although at 5 feet, 7 inches, he was relatively short for a basketball player, Mr. Sosnick attained all-conference, all-northern California and all-American honors. In his sophomore year, "Sos" led the Stockton Junior College Mustangs to fifth place in the national small college finals and set a single-season scoring record of 403 points.

Gene continued his winning ways at the College of the Pacific, where he was again recognized as an all-conference, all-northern California and all-west coast player. Mr. Sosnick set more scoring records at COP, exceeding a school high 400 points in his first season. At the end of his senior year Gene was selected to tour Central and South America with the West Coast College All-Star Team.

In recognition of his outstanding contribution to UOP athletics, Gene Sosnick was inducted last year into the University of the Pacific Hall of Fame, where he joined UOP coaching great Amos Alonzo Stagg, football star Dick Bass and Los Angeles Raiders Coach Tom Flores.

After graduating from Pacific in 1954 with a business administration degree, Gene joined his father and older brothers in the family business. By that time the Melvin Sosnick Co. had become the dominant wholesale distributor in the bay area, with facilities in San Francisco and Oakland. In 1959, Gene assumed responsibility for his own branch when the company purchased the Capital Cigar Co. of Sacramento.

With distributorships throughout northern California and Nevada, the Sosnick Co. is now the State's leading tobacco and candy wholesaler north of the Tehachapis, topping $300 million in annual sales. Under Gene's skillful leadership, the Sosnick's Capital Cigar & Candy Co. serves customers in 15 north State counties from its 60,000-square foot warehouse in West Sacramento.

Despite his demanding business schedule as chairman of the board of the Sosnick Cos., Gene Sosnick has managed to devote a great deal of time to civic, religious and philanthropic endeavors. For his work Mr. Sosnick has received a number of congratulatory letters and commendations including a White house letter of commendation sent on behalf of President Ronald Reagan. On September 26, 1986, a flag was flown over the U.S. Capitol in recognition of Mr. Sosnick's services to the State of California. Senator ALAN CRANSTON rose to the Senate floor on October 6, 1986, to congratulate Eugene Sosnick and highlight his many contributions to the State of California. From the California Legislature honors include recognition from Gov. George Deukmejian, the Honorable Willie L. Brown Jr., speaker of the assembly, and the Honorable David Roberti, president pro tempore. Most recently, Mr. Sosnick was noted for his humanitarian efforts by the California Association of Tobacco & Candy Distributors and was presented with the Lorillard Citizen and Leadership Award.

In the Sacramento community, Gene has made important contributions to a number of charitable pursuits. He is past president and chairman of the Sacramento Saints and Sinners, an organization which raises money for local needy causes. Gene is responsible for the Max Baer Playground in Sacramento, where hundreds of children participate in the Police Athletic League's Boxing Program. As a member of B'nai Israel Synagogue, Sosnick donated a library to preserve documents which chronicle the history of Sacramento's Jewish community.

In Ashkalong, Israel, Gene Sosnick built a preschool in the memory of his parents. The Sosnicks also established a trust and scholarship fund to research eye diseases at Technion University in Haifa.

Over the years, Gene has continued his strong interest in sports. For several years Sosnick volunteered as an assistant coach for Sacramento State University's basketball

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

team. He is also the past owner of the Sacramento Solons, Sacramento's first professional baseball team.

Mr. Speaker, I think my colleagues will agree that my good friend Eugene Sosnick is an excellent choice to receive the Torch Liberty Award. I join his family, friends and business associates in commending him for his many accomplishments thus far, and wish him many healthy and active years to come.

WESTERN LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. UDALL. Mr. Speaker, today I am introducing the Western Low-Level Radioactive Waste Disposal Compact Consent Act, which will grant congressional consent to the Arizona-South Dakota low-level radioactive waste disposal compact.

Under the Low-Level Radioactive Waste Policy Act, each State is responsible for providing for the disposal of low-level radioactive waste generated within its borders. Although a State is free to fulfill that obligation on its own, the Low-Level Radioactive Waste Policy Act and its 1985 amendments encourage the formation of regional compacts to manage low-level wastes on a regional basis. Regional compacts reduce both the cost of disposal for low-level waste generators and the number of disposal sites that will need to be monitored after closure to see that they do not become long-term hazards.

Most of the States have recognized the benefits of a regional approach to low-level waste management and have entered into compacts. The Congress gave its consent to 7 of these compacts, comprised of 35 States, as part of the Low-Level Radioactive Waste Policy Amendments Act of 1985.

Neither Arizona nor South Dakota were party to any of the compacts Congress gave its consent to in 1985. Although the Arizona Legislature ratified a compact with California in 1984, the California Legislature failed to act upon it.

Accordingly, during 1986, Arizona and South Dakota enacted legislation establishing the Western low-level waste disposal compact.

There are many people who had hoped that Arizona would enter a compact which included the State of California. It is my understanding that California may enter the Western compact with the approval of both Arizona and South Dakota. The legislation I am introducing today will not affect either the ability of California to join the Western compact or the ongoing discussions between Arizona and California.

Both Governor Mecham of Arizona, and his predecessor, Governor Babbitt, before he left office, asked me to introduce legislation giving the Congress' consent to this compact. The Low-Level Radioactive Waste Policy Act requires the States to achieve specific, rigid milestones. If these milestones are not met, substantial penalties may be imposed on low-level waste generators within the States. Thus, it is important that the Congress act swiftly to give its consent to this compact and let Arizona and South Dakota implement their program. I urge my colleagues to give this measure their timely and favorable consideration.

DEATH OF RAFAEL M. SALAS, EXECUTIVE DIRECTOR, U.N. FUND FOR POPULATION ACTIVITIES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. FASCELL. Mr. Speaker, it is with regret that I pay tribute to Rafael M. Salas, the executive director of the U.N. Fund for Population Activities, who died last week. During his tenure at the UNFPA, the organization grew from a $2 million budget to become the largest source of multilateral assistance for population and family planning programs, with an annual budget of approximately $140 million.

Mr. Salas' untimely death comes at a time when the United States has withdrawn its support for UNFPA. Many of us regard that withdrawal as unfortunate and hope that an accommodation will be reached to allow the United States to resume its leadership in the international family planning arena. Mr. Salas, in fact, was here in Washington for a series of meetings with congressional and executive branch leaders on this matter when he was so suddenly stricken.

Rafael Salas had a distinguished career both in his own country, the Philippines, and at the UNFPA. From 1966 to 1969 he served as the Executive Secretary of the Philippines; in that position he was responsible for implementing the Philippines' Rice and Corn Self-Sufficiency Program which brought the green revolution to that country and helped it become rice-sufficient within 2 years. Since 1969 Mr. Salas has directed the UNFPA, and in 1984 he also served as the secretary general of the International Conference on Population in Mexico City. During this time, he achieved near-universal recognition for the concern that the current unprecedented rates of population growth are straining the Earth's resources and threatening our well being. As a result of Mr. Salas' efforts, virtually every developing country now has a population policy and resources available for family planning have multiplied.

I offer my sympathy to Mr. Salas' wife and family and to his many colleagues who worked with him around the world to promote safe, voluntary family planning and rational population policies. He will be missed as we continue these efforts.

GORBACHEV'S GLASNOST

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. GREEN. Mr. Speaker, while every Soviet Jew granted an emigrant visa and every prisoner of conscience released from the gulag is an event to be celebrated, I would like to add a word of caution about the alleged "glasnost" or openness policy proclaimed by Mr. Gorbachev.

A prisoner who is taken from behind bars but who is prevented from practicing freedom of religion or freedom to return to the land of his or her people is still a prisoner. So while I welcome any overtures from the Soviet Union which will lead us down the path to true peace and true freedoms, I would only caution that we remain vigilant in demanding that these freedoms be genuine and widespread.

I would like to submit the following analysis prepared by the Coalition to Free Soviet Jews, which is headquartered in my district in New York. This excellent piece, which will be published in the next issue of "Lifelines," makes clearly and succinctly the point I have raised.

GORBACHEV'S GLASNOST: SMALL STEPS ON A LONG ROAD TO HUMAN RIGHTS

Recent events in the Soviet Union appear to many—and are portrayed by others—as "earth-shaking." But Mikhail Gorbachev's so-called openness of "glasnost" has thus far produced only surface changes and has yet to permeate the deeper issues of Jewish emigration and religious freedom.

The import of many of Gorbachev's initiatives, such as the release of Hebrew teacher Iosif Begun along with 140 other prisoners cannot—and should not—be dismissed. But equally worthy of Western scrutiny are the purposeful limitations of these steps and their careful design for Western consumption.

The Kremlin's announcement that 500 Jews would be permitted to leave the Soviet Union in January was not matched by events—only 98 Jews left in the first month of 1987. Moreover, the Soviets have recently refused long-term refuseniks Vladimir Slepak and Aleksandr Lerner along with Valery Soifer, Natalya Khasina, Yuli Kosharovsky, Yakov Rakhlenko and Lev Sud. All eight were told that their cases would not be reviewed again until 2000.

The February 2nd decree releasing 140 prisoners included only two Jewish activists [and] was contingent upon a signed statement by prisoners requesting a pardon and renouncing future "illegal activities." Iosif Begun's refusal to sign such a document resulted in his continued incarceration. Begun's imprisionment brought protests by his wife, Inna and son, Boris, as well as by others. The protestors, along with Western reporters, were assaulted by plainclothesmen, indicating the further limits on Mr. Gorbachev's openness policy.

Soviet officials announced the prisoner releases to the Western press long before the news was reported to the Soviet population. The delay in the announcement is further evidence that the pardons were designed, in large measure, to appease Western critics of the Soviets' human rights policies.

While recent events are clearly limited and calculated, they are nonetheless striking steps in the direction of real human rights reform. The challenge before us is to promote Gorbachev's initiatives so that they soon encompass larger reform—free emigration and free expression. Begun's release on February 20th and his dramatic return to Moscow, has merely returned him—once again—to the supplicant's position. The validity of Gorbachev's claims to an "irreversible" process towards democratization can be better measured not by Begun's release from prison, but by whether the Beguns—along with their fellow refuseniks—are permitted to emigrate to Israel. Mikhail Gorbachev has taken some important first steps, but the road to full human rights remains very long indeed.

TENNESSEAN IS OUTSTANDING BUSINESS LEADER

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. SUNDQUIST. Mr. Speaker, I would like to call attention today to an outstanding Tennessee citizen and American businessman—E. Bernard Blasingame.

Mr. Blasingame is founder and president of the Aqua Glass Corp. in Adamsville, TN. Most appropriately, Mr. Blasingame was selected and honored by the Northwood Institute as 1 of 10 outstanding businessmen for 1987.

Mr. Blasingame began his successful career in 1968 when he designed and marketed a 24-foot houseboat that was sealed with fiberglass. In 1972 Blasingame developed a one-piece fiberglass bath unit and Aqua Glass was launched.

Today, Aqua Glass is the Nation's largest manufacturer of gelcoat, acrylic bath and shower units. It boasts a remarkable annual growth rate of 26 percent.

This very proficient business is tremendously valuable to the citizens of the seventh District of Tennessee. Aqua Glass employs 900 Tennessee citizens and has a $15 million annual payroll.

Mr. Blasingame is also involved in many civic activities, most notably as chairman of the local United Way campaign where he has raised record-breaking levels of funds.

Mr. Speaker, the State of Tennessee is truly fortunate to have such a fine citizen.

TUNA INDUSTRY UNDERGOES CHANGE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MATSUI. Mr. Speaker, according to an October 1986 Section 332 Report of the U.S. International Trade Commission on the U.S. Tuna Industry, our domestic tuna industry is continuing to undergo significant change because of the unprecedented surge in world production and trade in tuna. As a result, the U.S.-flag tuna boats have declined from 124 at the end of 1979 to 90 at the end of 1985—with more than 30 of these tied up—the number of U.S. canneries have declined from 22 to 8 in the same time period; employment has declined 12 percent; and wages are down 8 percent.

This is not an outmoded industry that is losing market share because it is antiquated or in need of reorganization, but rather the most technologically advanced and modern fishing fleet in the world. It is unexcelled in equipment, maintenance, and production. This last remaining U.S. distant water fishing fleet has a significance beyond its economic contribution, since it is the only U.S. presence in the strategically important Western Pacific Ocean area which is frequented by Soviet Union boats constantly. The Soviet Union has recently concluded a fisheries agreement in this area which allows their continued presence. While we cannot meet the terms of their agreement, the administration has negotiated an unprecedented Western Pacific Fishing Treaty, which it will send to Congress later this year. The treaty includes a $10 million fishing rights provision in order to maintain our fishing fleet's presence in the area. It would be ironic if we are to pay $10 million to maintain the U.S. tuna boats' presence in the area, while allowing our boats to disappear because of the structure of our tariffs.

The United States is the only country in the world that maintains separate tariffs on tuna packed in oil and tuna packed in water. The basic U.S. import duty on tuna packed in water is 6 percent which advances to 12½ percent when a predetermined quota is reached, while the duty rate on tuna packed in oil is 35 percent. In contrast, Thailand, the principal exporter of canned tuna into this country, has a tariff of 50 percent and the European Economic Community (EEC) has a duty rate of 24 percent. Since the EEC and the United States are the major markets for canned tuna—with the United States accounting for over 40 percent—the United States, with its lower tariff rate on canned tuna packed in water, becomes a syphon for all the major tuna exporting nations.

The need to maintain this industry has recently been recognized by the United States in last fall's lifting of the embargo on canned tuna from Mexico. Because of the potential damage, the U.S. Trade Representative negotiated a Voluntary Trade Agreement limiting the imports from Mexico to avoid devastating the U.S. industry. Yet, imports continue to flood at an even increasing rate from other nations.

As the International Trade Commission's report points out, imports of canned tuna have increased substantially both in absolute numbers and as a percentage of overall domestic consumption. Imports have increased nearly 300 percent in quantity since 1979 and over 221 percent in value. Each year since 1979, imports have established a new record over the previous year. Recently published figures on 1986 imports indicate a 31.2 percent increase over the previous year.

Mr. Speaker, to stem this flood of imports which, if allowed to continue, threaten the existence of our domestic industry, I am introducing a bill to change the structure of the tariff to a unified tariff, equalized at 24 percent, rather than two tiers at 12 percent and 35 percent. This will make our tariff correspond to that of the EEC in both level and structure. Since the two tiers were an historical anomaly resulting from a 1943 trade concession to Iceland for fish canned in brine and not a trade negotiation involving tuna, it is a fair solution to avoid the United States from being the world wide dumping ground for canned tuna. I hope my colleagues will recognize the defense, foreign policy and economic needs for this legislation.

TRIBUTE TO BOY SCOUT TROOP 101 OF UNITED METHODIST CHURCH, WAYNE, NJ

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. ROE. Mr. Speaker, we all know what a powerful force the Boy Scouts of America has been through the years in helping to shape the character of our Nation's youth and develop our leaders of tomorrow. I am certain many of us in this Chamber had the opportunity to enjoy the Boy Scout experience first hand.

As a youngster back in my home district, I had such an opportunity. I was fortunate enough to have been a member of Passaic County Council Melvin Carter Boy Scout Troop 101, sponsored by the United Methodist Church of Wayne, NJ. I am proud to say that this Friday, March 13, Melvin Carter Boy Scout Troop 101 will celebrate 50 years of continuous service to its community with a dinner at the United Methodist Church in Wayne.

Mr. Speaker, Troop 101 was first registered in June 1934. At the end of that first year, in June 1934, its charter lapsed for 7 months until it was again registered in January 1936. This troop has had unbroken service since that time, under the same sponsoring institution, the United Methodist Church of Wayne.

Melvin Carter, whose name is carried so proudly by Troop 101, joined the troop in 1936 and was taken from this Earth prematurely in 1939 when he was struck down by Bright's disease. It is recorded in the history of Troop 101 that Melvin Carter "was an active and useful member at the time of his death. Melvin was a second miler, always going out of his way to do something for his church and for others. He was a noble Christian lad and a loyal Boy Scout."

From Committee Chairman Fred Walker and Scoutmaster Lawrence Dehn of the old Eagle Rock Council Troop 1 in 1928, the forerunner of Troop 101, to Committee Chairman Berkeley McKennon and Scoutmaster Donald Creamer this year, this troop has boasted many outstanding leaders who have been important role models for the nearly 700 young men who have belonged to Troop 101 over the years. I have listed below all of these fine leaders who have served the troop since its beginnings in 1928.

I would like to take this opportunity to extend my sincere congratulations to Boy Scout Troop 101 and all those involved for 50 outstanding years of service to the community. May its tradition continue and endure.

Year and committee chairman	Scoutmaster	Scouting coordinator	Charter	New
Troop 1 Eagle Rock Council (national troop number 39):				
1928—Fred Walker.	Lawrence Dehn [1]			
1929—Fred Walker.	do [1]			
1930—Fred Walker.	do [1]			
1931—Fred Walker.	do [1]			
Troop 1 Paterson Area Council (national troop number 87):				
1934—Charles R. Hoerning.	John VanDyken	Edgar B. Rohrback	14	11
1936—D. Ricker.	Eugene R. Rischer	do	11	14
1937—A.K. Hosley.	do	do	25	13
1938—Frank J. Gerber.	Philip C. Batzle, Jr	do	44	0
1939—Frank J. Gerber.	Henry D. Botham, Sr.	do	35	13
Melvin Carter Troop 87 Paterson Area Council:				
1940—E.J. Stevens, Jr.	Henry D. Botham, Sr.	do	36	9
1941—Lewis D. Goodman.	do	do	26	1
Melvin Carter Troop 101 Alhtaha Council, 3 Rivers District:				
1942—Martin G. Carter.	William F. DeTombeur.	do	16	15
1943—Henry D. Botham, Sr.	do	do	32	16
1944—J.C. Dannery.	D. Beaumont-Kent	do	17	11
1945—Martin G. Carter.	do	Ferdinand R. Gremse.	16	12
1946—Shirley B. Jacobus.	do	do	23	6
1947—Herbert Rountree.	do	do	18	7
1948—Martin G. Carter.	do	do	12	12
1949—Martin G. Carter.	do	do	18	14
1950—Martin G. Carter.	do	do	23	3
1951—Martin G. Carter.	Robert G. Spear	Ruth Lund	12	9
1952—Martin G. Carter.	Randall M. Carter	do	17	21
1953—Harry M. Toms.	Harry T. Roeske	Sherwood Munson	6	27
1954—Fred K. Peschel.	do	Randall Carter	21	14
1955—Foster B. Blake.	do	Joseph G. Bogusz	31	25
1956—Philip A. Lund.	Robert C. Jones	Robert Brubaker	34	16
1957—Foster B. Blake.	do	Walter D. Ryerson	27	18
1958—Stanley Bentley.	Carl C. Ruether	Aldrich C. Bailey	41	9
1959—Richard Kern.	do	do	44	11
1960—Stanley Bentley.	do	Walter Luther	34	9
1961—Ashley Thorndike.	Aneil Richards	do	31	10
1962—Ashley Thorndike.	Gary Lausch	do	31	11
1963—John Holder.	do	do	34	10
1964—John Holder.	do	Dean Lanning	22	14
1965—John Holder.	do	Robert Montross	23	2
1966—George Weidman.	Robert Alemy, Jr	do	17	20
1967—George Weidman.	do	do	17	7
1968—George Weidman.	do	do	?	?
Melvin Carter Troop 101 Alhtaha Council, North Valley District:				
1969—Robert Montross.	Thomas Tedeschi	Howard De Void, Jr	14	15
1970—Robert Montross.	do	do	24	9
1971—Kenneth Snook.	do	do	25	9
1972—Kenneth Snook.	do	George Stone	21	15
Melvin Carter Troop 101 Passaic Valley Council, North Valley District:				
1973—Franklin Chamberlin.	do	James Thornton	26	8
1974—Franklin Chamberlin.	do	Edith Rohrback	17	10
1975—George Kuehm.	do	do	18	8
1976—George Kuehm.	do	Joan Palacia	22	16
1977—John Larsen.	do	do	28	0
1978—Thomas Tedeschi.	Brian McGrievy	John Rockman	23	5
1979—Brian Stager.	do	do	?	?
1980—Brian Stager.	Berkeley McKennon	do	26	5
Charter year beginning changed from 12/1 to 3/1:				
1981—Thomas Tedeschi.	do	do	30	5
1982—Thomas Tedeschi.	do	do	22	9
1983—Berkeley McKennon.	Herbert Veit	Roy Schmidt	23	4
1984—Berkeley McKennon.	do	do	21	5
1985—Berkeley McKennon.	do	do	18	7
1986—Berkeley McKennon.	Donald Creamer	do	20	3
1987—Berkeley McKennon.	do	do		

[1] At this time, December 1986, Larry Dehn lives in Falls Church, VA.

LEGISLATION TO STRIKE DEFERRAL PROVISION IN IMPOUNDMENT CONTROL ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce a bill to strike the deferral provision in the Impoundment Control Act (title X of P.L. 93-344), under this act, deferrals must be proposed by the President whenever any executive action or inaction effectively precludes the obligation or expenditure of budget authority. In such cases, the President is to submit a special message to the Congress recommending the deferral of that budget authority. The President is required to make such budget authority available for obligation if either House passes an "impoundment resolution" disapproving the proposed deferral at any time after receipt of the special message.

The Supreme Court in INS v. Chadha invalidated a one-House legislative veto in the Immigration and Nationality Act in terms so sweeping as to render suspect all such legislative veto devices. Under the Chadha rationale, the one-House disapproval of Presidential deferrals of budget authority would likely be held unconstitutional.

In reviewing the history of the Impoundment Control Act it is highly unlikely that the Congress, on the heels of nearly unanimous judicial rejection of Presidential impoundment authority and as part of comprehensive legislation designed to wrest control of the budget process from the President, would have delegated such an impoundment without the one-House legislative veto check.

Currently, the only way for the Congress to disapprove a deferral is to proceed as if it were a rescission. Thus, a joint resolution—passed by both Houses and signed into law by the President—is the only procedure available to reject a deferral.

The bill I am introducing today would simply repeal the deferral provision (section 1013 or P.L. 93-344), thus directing the executive branch to use the rescission (section 1012 of P.L. 93-344) process for any rejecting of spending authority. This bill will restore the constitutional balance of authority between the Congress and the President when the Impoundment Control Act was signed into law.

My bill reaffirms the January 20 decision of the Federal appeals court (see below):

[From the Washington Post, Jan. 21, 1987]

PRESIDENT'S POWER TO DEFER SPENDING VOIDED—APPEALS COURT STRIKES DOWN LAW ALLOWING YEARLONG DELAYS

A federal appeals court, rejecting what one critic called President Reagan's "backdoor" budgetcutting, ruled yesterday that the president cannot put off spending money appropriated by Congress.

The three-judge panel unanimously struck down a law giving the president the power to defer spending for up to a year. The law had been challenged by New Haven, Conn.; Chicago; the National League of Cities and four members of the House.

The decision affirmed a ruling by U.S. District Court Judge Robert Jackson, who last May declared the spending deferral process invalid and ordered the release of $5.3 billion in federal aid to cities.

The deferral process was authorized in section 1013 of the Impoundment Control Act of 1974, which gave either house of Congress the ability to veto the president's decisions.

However, the Supreme Court in 1983 declared the "one-house veto" unconstitutional.

At issue in this case was whether the striking down of the "one-house veto" also nullified the rest of the law giving the president deferral power.

Writing for the court, Judge Harry Edwards said, "Congress would not have enacted section 1013 had it known that the legislative veto provision was unconstitutional.

"Section 1013 was designed specifically to provide Congress with a means for controlling presidential deferrals," the court said. "As a consequence of the Supreme Court's [one-house veto] decision . . . that section has been transformed into a license to impound funds for policy reasons."

Alan Beals, executive director of the National League of Cities, praised the ruling, saying, "We hope the administration will abide by it and discontinue its efforts to circumvent the congressional budget process."

Reagan has angered many lawmakers by proposing massive deferrals that effectively wipe out appropriations passed by Congress and signed into law by the president.

ENACTING A CONSTRUCTIVE ENERGY TAX POLICY

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. FIELDS. Mr. Speaker, this is the fourth in a series of speeches on the need for a comprehensive energy policy for this Nation.

Domestic oil exploration and production have fallen dramatically over the past 13 months. According to the Energy Information Administration [EIA], daily crude output declined 680,000 barrels between December 1986 and the same month in 1985. EIA forecasts a continued drop in daily domestic production of between 440,000 and 550,000 barrels in 1987.

During the first 9 months of last year, oil and gas exploration investments by the 13 largest U.S. oil companies declined by $19.2 billion—25.2 percent—from 1985 investment levels.

While domestic oil exploration and production is plummeting, crude oil imports are escalating. In 1986, oil imports increased from 27 percent to 40 percent of U.S. energy supplies. Oil imports from the Persian Gulf increased by 400 percent.

The United States is becoming rapidly dependent on foreign oil. If the current trend continues, our dependence on foreign oil may exceed 70 percent by the year 2000. The unstable Persian Gulf will supply the bulk of the increased imports, since most of the world's excess crude oil production and proved reserves are located there.

U.S. crude oil production is being supplanted by foreign production because U.S. crude is simply more expensive to produce. Our cheap and easy domestic crude has already been found and extracted. For example, over 10 percent of U.S. oil production comes from stripper wells which produce an average of only 3 barrels of oil per day, at a cost often in excess of $15 per barrel. In contrast, Saudi Arabian oil wells commonly produce thousands of barrels per day at a cost of only $1 to $2 per barrel.

We, in Congress, have two choices before us. If we do nothing, we are implicitly choosing to allow the continued demise of our domestic energy industry and to allow growing dependence on Middle Eastern oil supplies. If we reject foreign oil dependence, we must recognize that incentives are necessary to maintain adequate domestic oil production.

My friend and respected colleague, Representative BILL ARCHER has introduced H.R. 534, the Emergency Energy Act of 1987. This package, which I have cosponsored, included tax incentives to spur domestic oil production. These incentives include: a tax credit of up to $5 per barrel for oil from marginal wells; a 15-percent tax credit for expenses incurred in exploratory activities; the repeal of the windfall profits tax; the elimination of transfer rules which prevent independent producers from taking percentage depletion on properties transferred to them from major oil companies; expansion of the definition of intangible drilling costs to include geological, geophysical and surface casing expenses as deductible items; and, elimination of the requirement that major oil companies capitalize 20 percent of intangible drilling costs. In addition to these actions, Congress should restore the historic 27½-percent depletion allowance.

I hope all of my colleagues will join me in endorsing these tax incentives. A secure energy future is important to all Americans. We cannot afford to risk the economic and national security crises which could occur in the event of a serious crude oil supply disruption. Now is the time to act.

MORATORIUM ON CONTRA AID

HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DIXON. Mr. Speaker, I support the call for a moratorium on the release of any additional funding for the Contra forces fighting the Sandinista regime in Nicaragua. America's Contra policy is in a sad state of disarray. Before releasing the $40 million to the Contras, the American people deserve to know how millions of their dollars have been spent, including the funds that may have been illegally diverted from the Iran arms-for-hostage deal.

Funds already committed by our Government cannot be accounted for, Alturo Cruz—head of the Contra forces—has resigned, and a questionable network of arms and financial assistance to the Contras has created a major crisis in the Reagan presidency. Far too many questions concerning American assistance to the Contras remain unanswered, and the scope and direction of American foreign policy decisions in the region remains unclear.

Quite simply, we need more time to truly assess what will best serve our interest in Latin America. To continue direct U.S. financial assistance in the wake of the current controversies surrounding our Nicaragua policy would be an inappropriate investment of scarce Federal resources and an irresponsible waste of taxpayer dollars.

We should be secure in our accountability of how Contra financial assistance is spent, and the reasons why it has been provided. Until we can confidently answer where our money is sent, who spends it, and for what purposes it has been used, financial assistance to the Contras should be stopped. The moratorium provided by this resolution allows us an opportunity to find the answers to these questions.

H.R 558

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. BUNNING. Mr. Speaker, homelessness is a very real and growing problem. There is no question about that. The Federal Government has a responsibility to address this disturbing problem. There is no question about that. But there is a very real question about whether or not H.R. 558, the Urgent Relief for the Homeless Act, addresses the problem in the most effective way and in a fiscally responsible way.

I am very much aware that homelessness is a severe problem even in my home State of Kentucky which you wouldn't associate with this kind of problem. The mayor of Louisville, Jerry Abramson, recently testified before the Senate Banking Committee to point out that his city has one of the fastest growing homeless populations in America. Gary Bricking, the chairman of the Northern Kentucky United Appeal and Community Chest has personally expressed his concern to me about the growing homeless problem in that portion of my district. We obviously need to do something.

However, Mr. Speaker, the "something" we need to do is not to just blindly throw more money at the problem. The "something" we need to do is not to pile on more layers of bureaucracy. The "something" we need to do is not to dump every semblance of fiscal responsibility in our haste to make it onto the evening news. Unfortunately, H.R. 558 does all of these "somethings" and for that reason, I believe it misses the mark by a mile. Like some recent demonstrations in the streets of Washington, I'm afraid this bill is more hype than help.

For example, this bill is supposed to be of an emergency nature. However, a large portion of the funding simply establishes a new level of Federal bureaucracy. Under title III of this bill a special grant program is established to place homeless in surplus Government buildings. There are two major problems with title III. First, instead of recognizing that State and local governments can best address the needs of their homeless, this program establishes a catagorical grant program in which the Federal Government will dictate the use of funds. Personally, I want Mayor Abramson and other local officials like him to make decisions about the homeless in Louisville and other cities, not some bureaucrat tucked away in Washington.

Second, and more importantly, this program will serve to only institutionalize homeless in America. It offers, no alternatives but to remove the homeless from the mainstream of America and place them in inadequate and secluded Government buildings with no concerns for their underlying needs. With the growing problems with homeless families in America, I cannot, with good conscience support a plan to remove these families from reality and place them in surplus buildings. We should not be satisfied with such an answer in this country.

Had this body not been in such a rush to pass legislation, we could have taken the time to fashion a good bill. We could have done the fiscally responsible thing and taken the time to find a means to pay for it without adding another $725 million to the deficit like it was so much confetti. If we had taken the time, we could have fashioned a measure that held some promise of solving the problem of homelessness. Because we didn't take the time, we ended up with a mighty expensive bandaid.

I wanted to be able to vote for a bill to help the homeless but this bill was flawed in substance and flawed fiscally and I could not bring myself to vote for it.

When I looked at this legislation I asked myself one important question, "Are we getting immediate assistance to those who need it quickly, and efficiently as possible." Under H.R. 558, the answer is clearly "No." That's why I voted "No."

RICE MARKETING LOAN PROGRAM

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. FAZIO. Mr. Speaker, I rise today with the gentleman from California [Mr. MATSUI] in introducing legislation that should help the U.S. rice industry and other domestic industries in their ongoing efforts to increase exports by breaking down illegal and unreasonable barriers to trade. Our rice industry, in particular, faces some of the most discriminatory barriers in the world.

The legislation we are introducing complements the marketing loan provisions of the Food Security Act of 1985. In addition to making our rice competitive in the international market and expanding domestic demand, the Rice Marketing Loan Program has stimulated local farm economies, moved the rice crop into private commercial channels instead of into Government stockpiles, and provided our farmers with a solid basis for a transition from Government reliance to market dependence. The Rice Marketing Loan Program will facilitate recapturing lost markets and penetrating new ones, but it cannot surmount illegal and unreasonable import barriers. Without access to foreign markets, the price, quality, and competitiveness of our product will be irrelevant.

Japan maintains one of the most discriminatory trade barriers our California farmers in particular confront. Section 1 of our bill directs the U.S. Trade Representative to investigate the acts, policies, and practices that restrict access to that market. He must begin consultations with the Japanese Government. Ultimately, he must make recommendations to the President based on his findings and consultations. We hope the Japanese Government will open its market without forcing us to retaliate.

Section 2 of the bill broadens the definition of the term "unreasonable" under the 1974 Trade Act. It specifically identifies some of the more unreasonable policies governments use to restrict imports of rice and other products.

Section 3 merely gives the USTR added leverage by providing him with discretion to refer cases like the rice petition to the GATT when he considers doing so appropriate.

We believe this legislation is essential to the export health of our domestic industries. In particular, it should help the rice industry in its transition from Government dependence to market competitiveness. Our efforts will be in vain, however, if other governments continue to restrict access to their markets. This legislation should help begin breaking down their barriers to our exports.

I have cosponsored a similar measure authored by Mr. HUCKABY of Louisiana, but I strongly urge my colleagues to support this measure and, if possible, include it in a comprehensive trade bill.

SIOUX NATION BLACK HILLS ACT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. UDALL. Mr. Speaker, today I join with my good friend, Congressman JIM HOWARD, in the introduction of legislation providing for the return of certain lands within the Black Hills of South Dakota to the Sioux Tribes which are successors to the Great Sioux Nation. I take this opportunity to put in the RECORD my reasons for cosponsoring this legislation.

The aboriginal lands of the Teton or Lakota Tribes of the Sioux Nation comprised all of what is now western South Dakota and substantial portions of what are now the States of North Dakota, Montana, Wyoming, and Nebraska. As white explorers, settlers, and miners pushed westward, they intruded upon the lands of the Sioux and precipitated armed conflicts with the tribes.

When gold was discovered in California in 1849, the United States sought to secure a safe passage across the Great Plains to the gold fields for its citizens who were flocking to that area. The powerful Indian tribes in that area, including the Sioux, resented this intrusion upon their lands and took action to stop this flow. In addition, the internecine wars among the tribes also represented a threat to the safety of the American settlers.

In 1851, the United States entered into the first treaty of Fort Laramie with these tribes to bring about peace among the tribes and to secure the safe passage for its citizens. In doing so, the treaty defined the territorial boundaries of the various tribes which were parties to the treaty. As already noted, the territory of the Teton Sioux was described as those lands in what is now the States of South Dakota, North Dakota, Montana, Wyoming, and Nebraska. In the treaty, the tribes authorized the United States to construct roads and military posts within their respective territories. In return, the United States agreed to protect the tribes from depredations by its citizens.

For a time, this treaty secured the peace on the high plains and the safe passage of white miners and settlers to the Far West. Nevertheless, some conflicts continued to arise between the Indians and the whites. With the discovery of gold in the territory of Montana, violations of the terms of the 1851 treaty by whites increased in numbers and intensity. These violations resulted in the Powder River or Red Cloud's war of 1866–67 between the Sioux Tribes and the United States.

After several military setbacks and defeats, the United States entered into the second Fort Laramie treaty of 1868 with the Sioux Tribes. The 1868 treaty was a comprehensive document. Not only was it a peace treaty to end the war, it also established in some detail the relationship between the United States and the Sioux.

Most importantly, it provided for the establishment of the Great Sioux Reservation constituting all of what is the State of South Dakota west of the Missouri River. This area included the Black Hills which were sacred to the Sioux and which was central to their religious beliefs and practices. The Sioux relinquished their right to permanently occupy the lands outside this reservation, but retained the right to hunt in that area.

The 1868 treaty provided that the reservation would be "set apart for the absolute and undisturbed use and occupation" of the Sioux. The United States assumed the obligation to guarantee this quiet occupation from non-Indians. The treaty provided that—

> * * * the United States now solemnly agrees that no persons except those herein designated and authorized to do so, and except such officers, agents, and employees of the Government as may be authorized to enter upon Indian reservations in discharge of duties enjoined by law, shall ever be permitted to pass over, settle upon, or reside in the territory described in this article * * *

Finally, the United States promised that—

> No treaty for the cession of any portion or part of the reservation herein described which may be held in common shall be of any validity or force as against the said Indians, unless executed and signed by at least three-fourths of the adult male Indians. . . .

Again, for a time, the 1868 treaty secured a degree of peace and harmony between the Sioux Tribes and the United States.

But once again, in the words of the Supreme Court, "familiar forces" began to operate. In 1874, Lt. Col. George Custer led an expedition into the Black Hills, the religious heart of the Sioux Nation, which confirmed the existence of gold. Despite the terms of the 1868 treaty requiring the United States to keep non-Indians out of the reservation, prospectors and others swarmed into the region.

U.S. military forces in the area initially attempted to fulfill the treaty obligation by excluding and removing unauthorized persons from the area, but their endeavors were largely unsuccessful. In November 1875, President Grant, reacting to political pressure, secretly ordered the Army to stop attempting to prevent miners from entering the area. This was a direct, deliberate violation of the 1868 treaty by the United States.

The anger and resentment of the Sioux over these violations of the treaty and the invasion of their sacred Black Hills resulted in hostilities between the Indians and the white trespassers. Again reacting to political pressure, the United States sought to induce the Sioux to sell the Black Hills and give up their treaty hunting rights off the reservation. Those efforts were unsuccessful. The United States then illegally and in violation of the treaty ordered all Sioux to cease their hunting activities and return to the reservation by January 31, 1876, or be treated as hostile. This unlawful action precipitated the war which climaxed by the Sioux defeat of Colonel Custer at the Battle of Little Big Horn on June 25, 1876.

Congress responded to this defeat by attaching a rider to the Indian Appropriation Act of 1876 which cut off all rations promised in the treaty to the Sioux unless they terminated hostilities and ceded the Black Hills to the United States. This is the so-called sell or starve provision. In August 1876, Congress requested the President to appoint another commission to negotiate the sale of the Black Hills by the Sioux. An agreement was negotiated which was signed by less than 10 percent of the adult male population of the Sioux in violation of the 1868 treaty terms. Despite the failure of the agreement to meet the terms of the treaty, Congress ratified the agreement by the act of February 28, 1877, which unilaterally acquired the Sioux lands in the Black Hills and terminated their off-reservation treaty hunting rights.

Mr. Speaker, for 110 years, the loss of their sacred Black Hills has occupied the minds of the Sioux people. Barred from judicially seeking recovery of their lands, they sought at least to be fairly compensated for the loss. In 1920, the Sioux were able to secure the passage of a special jurisdictional act permitting the Sioux to bring suit in the Court of Claims for compensation. After expensive and extensive litigation, the suit was dismissed in 1942 after over 20 years of work.

In 1950, the Sioux refiled their suit for unlawful taking of the Black Hills with the Indian Claims Commission which was created in 1946. Again, after extensive litigation and the enactment of two remedial statutes by Congress, the Supreme Court finally upheld the lower court decision awarding the Sioux $105,000,000 as just compensation for the wrongful taking of the Black Hills.

That award was appropriated in 1980 and was invested by the Secretary of the Interior as Indian trust funds. With accrued interest, the fund amounts to approximately $160,000,000. The Sioux Tribes have voted to reject this award and, since the Supreme Court decision, have mounted an effort to secure the return of the Black Hills through congressional action.

The bill introduced by Congressman Howard would provide, among other things, for the return of nearly 1.3 million acres of the 7 million acres of the Black Hills.

Mr. Speaker, I want to make clear that my cosponsorship of this legislation does not necessarily mean that I support the bill or any of its provisions. But my cosponsorship does signal my belief that this is an important Indian issue which is deserving of a hearing by the Congress.

The Supreme Court, in upholding the award of the Court of Claims, quoted with approval the lower court's conclusion that "a more ripe and rank case of dishonorable dealing will never, in all probability, be found in our history." I cosponsor the legislation so that this matter and the Sioux proposal for the restoration of lands may fully aired. It may be that the record which will be developed on this legislation would support the restoration to the Sioux Nation of some portion of the lands wrongfully taken.

SALUTE TO CLAUDE PEPPER

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. FASCELL. Mr. Speaker, on November 3, 1986, the Humanitarian Committee for Nicaraguan Refugees paid tribute to our very distinguished colleague from Florida, CLAUDE PEPPER. The president of the Humanitarian Committee for Nicaraguan Refugees testified to Congressman PEPPER's dedication and commitment to the defense of democracy in Central America, as well as to his relentless work on behalf of Nicaraguan refugees. It is with great honor that I submit the remarks of Mr. Rene Quinonez, president of the Humanitarian Committee for Nicaraguan Refugees, on behalf of our highly esteemed colleague, CLAUDE PEPPER.

The statement follows:

REMARKS OF MR. RENE QUINONEZ, PRESIDENT OF THE HUMANITARIAN COMMITTEE FOR NICARAGUAN REFUGEES AT THE NICARAGUAN SALUTE TO "SENATOR" CLAUDE PEPPER

INTRODUCTION

Good morning Senator Pepper, distinguished guests, ladies and gentlemen.

We, the Nicaraguan people in exile, have the distinct honor of saluting and giving recognition to our greatest friend and ally in the United States Congress—none other than Senator Claude Pepper, whose fight for democracy everywhere has been going on since the turn of the century. In the House of Representatives, Senator Pepper has been a true freedom fighter. By speaking out against international communism, the Senator has enlightened his colleagues about the political realities in Cuba, Nicaragua, and Angola. When it came time to vote for aid in Nicaragua's struggle for independence, he has been there unconditionally every time.

For those of you who did not have the opportunity of sitting in the gallery of the House of Representatives to hear Senator Pepper's great oration in defense of Nicaragua's liberation, we will begin this morning's program with a recording of that memorable occasion on March 20, 1986.

My dear friends, you have just witnessed one of the greatest statesmen of our time in action. Senator Pepper speaks with an eloquence which is only surpassed by his profound conviction in what he says.

Claude Pepper is not just a freedom fighter now because it is fashionable. In the 1930's President Franklin D. Roosevelt sent him as his personal representative to Germany. Upon his arrival in the United States, Sen. Pepper warned the President and the American people of Hitler's aggressive motivations. No one believed him at first—but he was right. Today he stands side-by-side with Dr. Jonas Savimbi in the fight against communism in Angola, he is a true freedom fighter for Nicaragua in the trench warfare of congressional committees and legislative debates! Senator Claude Pepper is arch enemy No. 1, of Fidel Castro in the United States Congress. For those of you who don't remember that far back.—Sen. Pepper was a Presidential candidate for a short while in 1948. If Claude Pepper had been elected President of the United States, history would surely be written differently. But he has already molded this country in many significant ways, by championing the cause of the elderly, the poor, as well as by standing up for the cause of democracy everywhere in the world.—for many years, the Senator's campaign theme has been—"Pepper Helps People". Well, this is not just a slogan, it's a way of life for Claude Pepper. Our Cuban brothers are living proof of this. Sen. Pepper's office has always been open to them long before they could even vote. We, Nicaraguans have also experienced this great Pepper generosity. I, myself have been a personal witness of his instrumental efforts during the last five (5) years in trying to legislate a fair immigration law in the House of Representatives. The recently passed immigration law (which benefits about 35 percent of Nicaraguan exiles in the United States) would have never even reached the floor of the House for a vote, had it not been without the blessing of Sen. Pepper's almighty Rules Committee. I might add, that when it comes to helping Nicaraguans, the Senator is not just a strong supporter of aid to the freedom fighters, he is also attentive to the needs of the more than 60,000 Nicaraguan exiles in the Greater Miami area, who have no voice in government.

I mentioned the 35 percent of the Nicaraguan community who would be protected under the immigration law, well, Senator Pepper has supported legislation in Congress that would take care of the other 65 percent. Tens of thousands of hard working, law abiding Nicaraguans in Miami alone are denied the right to work. They must resort to breaking the law in order to feed their families.

The administration has been practicing a dual policy toward Nicaragua. While it systematically denounces the political, religious and social repression of the Sandinista regime and asks for more aid to liberate our country, the administration has done absolutely nothing in trying to resolve the dilemma of exiles who flee to this great land. Instead, all Nicaraguans are subjected to the full rigor of the law which requires an individual to demonstrate substantial proof of evidence of persecution.

Can you imagine, Senator—a man trying to escape from the tyranny of a totalitarian regime, where merely crossing the border without permission is punishable by execution, having to carry with him documentation proving that he was being persecuted; without doubt this man would be writing his own death sentence.

Recently, exercising his discretionary authority, the Florida district director of the Immigration and Naturalization Service, Mr. Perry Rivkind, issued a temporary stay of deportation of all Nicaraguan nationals within his jurisdiction. This is a significant step foward, but it falls short of complete protection. This still does not include Nicaraguans in the other 49 States of the Union. Nor does it halt deportation proceedings, it does not even provide temporary work permits.

I speak on behalf of all the representatives of the Captive Nations, who suffer under the oppression of communism, where seeking a better way of life elsewhere is considered conspiratorial and treasonous, and where walls are built to keep the people in. Here with us is Reverend John Paul Nagy, chairman of the board of the South Florida Captive Nations. There was recently the case of two young Cuban men in their twenties who escaped from Cuba in a life raft. Luckily avoiding any confrontation with Castro's Marine Border Patrol, they reached our shores badly burnt, and exhausted. These brave individuals are among those who made it. Countless others have drowned, been eaten by sharks, or shot down by a passing patrol boat.

Those who survived the exodus are usually undocumented. Approximately 30,000 Cuban exiles who are not covered either by the Cuban Act of 1966 or under the special exemption for Mariel entrants are in the same situation that we, Nicaraguans face. Last year less than 6 percent of all Nicaraguans who applied for political asylum were approved. What is needed is a comprehensive reform, either by any Executive Order or by a legislative imperative that would grant political asylum to the nationals of any country fleeing from a totalitarian regime. Who can deny that Cuba, the Soviet Union, Nicaragua, Eastern Europe, and the many other unfortunate victims of communism are repressive regimes. With your help, Senator Pepper we can hopefully correct this inequity in our system.

Today, Senator we are here to salute you. To commend you for your tireless battle for justice and peace throughout the world, for being a model statesman, concerned not just about the next election, but about the next generation.

The Nicaraguan nation in exile honors you today especially for your defense of democracy in our land and for your help in our fight against the tyranny of communism which suppresses our people. Today, Senator Claude Pepper we initiate you as an honorary Nicaraguan citizen, and as proof of that honor, we entrust to you our beloved flag and commission you as it's guardian until you can return it to us in a free Nicaragua.

NATIONAL THEATRE WEEK

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. GREEN. Mr. Speaker, today I am introducing legislation which designates the week of June 7, 1987 as "National Theatre Week." Eighty-five of our colleagues are original cosponsors of this bill. I hope that many of you will come forward and cosponsor this legislation.

This is the fifth year that I have introduced this bill in the House. For the last 4 years, National Theatre Week has been celebrated across our entire Nation. This legislation has the support of 350 legitimate theaters, 7 nationally prominent unions with thousands of members, individual State and community arts agencies and the National Association of State Arts Agencies.

National Theatre Week pays tribute to the thousands of Americans in professional theater companies, high schools, colleges, and community theaters whose talents make the American theater one of the finest educational and cultural resources in the world.

During the past few years, we have seen a renaissance of American theater. This rebirth has not only occurred in major urban areas, but also in smaller communities and towns where both professional and amateur theater bring the theater to new audiences.

The continued success of this genre, which has played a major part in the growth of America since the times of George Washington, requires the continued commitment of both large and small communities, philanthropies, organizations, actors, stage crews, and most importantly theatergoers. National Theatre Week is designated as a time to reaffirm our commitment to these groups to keeping the theater alive.

The text of the bill follows:

H.J.Res. 179

Whereas many Americans have devoted much time and energy to advancing the cause of theater;

Whereas the careers of many of our greatest performers began on the stages of America's theaters;

Whereas Americans experience theater through high school, college, and community theater groups as well as through professional acting companies;

Whereas the American people have long recognized that it is in the best interests of the Nation to support the theatrical arts; and

Whereas many individuals and organizations are now saluting the strength and vitality of the theaters of America: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the week of June 7, 1987, through June 13, 1987, is designated as "National Theatre Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate activities, including providing support and assistance to theaters throughout the Nation.

TENNESSEAN NAMED OUTSTANDING PRINCIPAL

HON. DON SUNDQUIST

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. SUNDQUIST. Mr. Speaker, last October, the U.S. Department of Education and the National Association of Elementary School Principals [NAESP] recognized Mrs. Hazel F. Goodale, the principal of Farmington Elementary School in Germantown, TN, as a national distinguished principal at an awards ceremony held here in Washington.

The goal of the NAESP is to give recognition to those principals who set the character and quality of education in the early school years that shape children's future in the classroom and in life. The criteria which determine recipients of the National Distinguished Principals Award include not only excellence in the field of education, but leadership in and commitment to their community. Mrs. Goodale has excelled in all these areas.

Mrs. Goodale is a 1952 graduate of Columbia College in Columbia, SC, where she earned her bachelor's degree. She was a teacher in South Carolina, Virginia, and Florida before moving to Tennessee to teach in the Shelby County school system from 1969–72. In 1972, Mrs. Goodale earned her master's degree at Memphis State University and subsequently became a part-time instructor there.

From 1972 to 1975, she served as supervisor of Shelby County schools until she became principal of Farmington Elementary School in Germantown. She has demonstrated outstanding commitment to her profession by serving as chairman or president of numerous educational councils and organizations. She was also recognized by the community as an outstanding educator when, in 1977, she received the Jaycees Educator of the Year Award.

It is with great pleasure that I pay tribute to Mrs. Goodale for being selected as a National Distinguished Principals Award recipient for 1986. She is not only an asset to her community, but to the entire education profession.

LEGISLATION TO ASSIST U.S. RICE INDUSTRY

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MATSUI. Mr. Speaker, I rise to introduce legislation to amend the Trade Act of 1974 to assist the U.S. rice industry and others to gain access to foreign markets. I am joined by the gentleman from California, Mr. FAZIO, who has been working with me to help our rice industry increase exports.

As my colleagues know, many countries restrict or ban the importation of rice. International trade in rice is hightly politicized. More than 50 percent of international trade is accounted for by government agencies. As a result, the United States must export its rice into a highly protected environment.

U.S. rice exports have declined precipitously since 1981, when they accounted for 23 percent of world rice exports. Between 1981 and 1985, rice exports fell from a high of 3.0 million metric tons to 1.9 million metric tons. Import barriers contributed to the decline of the U.S. global share and stagnation in growth of the international market.

Since implementation of the Rice Marketing Loan Program we mandated in passing the Food Security Act of 1985, our export picture has dramatically improved. For the 1986–87 marketing year, exports are up 62 percent over last year. Our rice is now price competitive. But unless we reduce the barriers other countries have erected to keep our rice out, we will never meet our full export potential.

As my colleagues know, Japan has erected a broad array of some of the most discriminatory and illegal barriers of any country. In an effort to open this market for U.S. rice, the Rice Millers' Association filed a section 301 petition with the U.S. Trade Representative last fall. Notwithstanding the unassailable fact that Japan's policies violate its international obligations, the administration chose not to exercise the authority delegated by this Congress to pursue the matter with the Japanese. Ambassador Yeutter, however, assured the industry that he would reconsider the matter in mid-1987 if progress had not been made pursuing this in the context of the Uruguay round of multilateral trade negotiations.

I think this matter is too important to be delayed further. Section 1 of the bill we are introducing today would require the U.S. Trade Representative to commence an investigation, as if he had accepted RMA's petition last fall. He must begin consultations with Japan and, ultimately, make appropriate recommendations to the President.

Section 2 of the bill makes a generic revision by broadening the definition of "unreasonable" under section 301. As amended, the definition will include refusing to grant import licenses and operating State trading enterprises or using Government procurement policy to restrict imports. This should assist not only the U.S. rice industry, but other industries as well in their efforts to penetrate foreign markets.

Finally, section 3 of the bill modifies section 303 of the Trade Act of 1974. As amended, the provision would give the USTR discretion to refer agricultural section 301 petitions to the GATT. This provision would not require anything new of the USTR, but would provide him with additional leverage since he would not be forced to refer agricultural cases to the GATT. At present, many nations know such cases must be reviewed in the GATT, and thus recognize that they do not have to open up their markets for years, if ever.

This legislation is essential to assisting the U.S. rice industry and others to break down barriers to trade confronted throughout the world. I hope my colleagues will support us in ensuring its swift passage and enactment.

Thank you.

TRIBUTE TO ALFRED J. GREENE, JR. RETIRING CLIFTON TAX ASSESSOR

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. ROE. Mr. Speaker, during the past 30 years as the tax assessor of the city of Clifton, NJ, Alfred J. Greene, Jr., has established himself as one of the world's foremost experts in the field of real estate assessment. This Friday, March 13, on the occasion of his retirement, family, friends, professional acquaintances and a city grateful for his outstanding efforts will honor Mr. Greene with a dinner dance at the Westmount Country Club in West Paterson, NJ.

Alfred J. Greene, Jr., began his career in the revaluation field and soon became the supervising appraiser and northeast regional representative of the largest revaluation firm in the country. He became the tax assessor of Passaic, NJ in 1952 and spearheaded an effort to require the fair and equitable distribution of the county tax burden after a study conducted by Mr. Greene proved that Passaic was paying more than its fair share of county taxes. Mr. Greene's study eventually served as a model for the entire State of New Jersey when it established a sale ratio study for equalization purposes a year later.

Mr. Speaker, in 1957, Alfred J. Greene, Jr., became tax assessor in the city of Clifton, NJ. As he had done in Passaic, he instituted a program to assure that all property in Passaic County was assessed on a fair and equitable basis. His efforts saved the city of Clifton more than $130 million.

During his long and productive career, Mr. Greene was extremely active in organizations related to his profession. He served as president of the Passaic County Assessors Association and of the Association of Municipal Assessors of New Jersey. He was also president of the Northeast Regional Association of Assessing Officers, and he served on the executive board of the International Association of Assessing Officers representing assessors throughout the United States and Canada. He is past president of the Evaluators Institute of Appraisal Technology and he served as a consultant to the New Jersey State Treasurer, the Director of the Division of Taxation and the New Jersey Department of Civil Service.

Mr. Greene has also taught courses in appraisal and assessing at Rutgers University since 1956. In recognition of his outstanding service, Alfred J. Greene, Jr., has received numerous awards and citations, including the "M" Award and Presidential Citations from the International Association of Assessing Officers, and the Catherine E. Pardee Memorial Award on two occasions from the Northeast Regional Association of Assessing Officers.

Mr. Greene, who lives in Clifton, is married to the fomer Marjorie Turner and has two children, Debbie and Susan, and four grandchildren. He is a member of the board of trustees of the Boys' and Girls' Club of Clifton, Inc., the board of directors of Clifton Senior Citizens' Housing Corp., the Clifton-Passaic Regional Chamber of Commerce, the American Legion, the D.A.V., of which he is a life member, and the Upper Montclair Country Club.

I would like to take this opportunity to wish Alfred J. Greene, Jr., and his family, all the best for the future, and to thank him and to congratulate him on a long and illustrious career. He has spent the last 35 years renderning outstanding service to his community, his county, his State and his Nation and has served as the model of what it means to be a public servant.

LET'S AMEND THE TARGETED JOBS TAX CREDIT TO EXTEND IT TO OLDER AMERICANS AND DISLOCATED WORKERS

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce amendments to the Targeted Jobs Tax Credit Program to extend priority coverage to older Americans and dislocated workers.

My bill simply amends section 51(d) of the Internal Revenue Code of 1986—relating to members of targeted groups—by adding older Americans and dislocated workers to the list of target groups. In defining eligible older Americans, we pick up language in title V of the Older Americans Act, section 507(3). While we define dislocated workers according to the definition in title III, section 302(a), of the Job Training Partnership Act. This definition was amended to include unemployed farmers in the 1986 amendments to the Job Training Partnership Act.

RESOLUTION HONORING MIKE MADIGAN

HON. BILL LOWERY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. LOWERY of California. Mr. Speaker, I would like to draw the attention of my colleagues to the distinguished career of Mike Madigan on his retirement from the office of chairman of the board of directors of the Greater San Diego Chamber of Commerce:

Whereas, Mike Madigan began his career in city development underneath office furniture putting property tags on city equipment, but soon rose to the top of the heap; and

Whereas, he rose through a number of jobs in city administration and he served then mayor Pete Wilson, as his right hand in downtown redevelopment, economic development, the trolley and growth management; and

Whereas, he understands the need for San Diego to grow to maturity with style and grace and understands the growing pains of a city on the brink of fulfilling its potential; and

Whereas, he has served the city and county as director of the Metropolitan Water District of Southern California; director, San Diego County Water Authority; and

Whereas, he has served his community as Vice Chairman, San Diego Armed Services YMCA and Council Commissioner, Vice President for District Operations, Vice President for Programs, and President, San Diego County Council, Boy Scouts of America; and

Whereas, through his many years of public and private service to the community he has distinguished himself, given of his time and effort and eased San Diego's transition from sleepy Navy town to dynamic city; and

Whereas, Mike Madigan is leaving the office of chairman of the Board of Directors of the Greater San Diego Chamber of Commerce on December 18, 1986: Now, therefore, be it

Resolved, That this occasion be commemorated with entry of this document in the CONGRESSIONAL RECORD with our sincere thanks to a San Diegan with an overwhelming commitment to making his city "America's Finest".

RAFAEL SALAS

HON. JIM MOODY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MOODY. Mr. Speaker, last week, we lost a preeminent leader in the population field, United Nations Fund for Population Activities Executive Director Rafael Salas. I want to share wtih my colleagues an editorial commemorating the work of Mr. Salas which appeared in the Boston Globe yesterday. We in Congress should do all we can to carry out his ideals.

RAFAEL SALAS

His name was not known to most Americans. But across the world, the work of Rafael Salas often marked the difference between sickness and health, even life and death.

Salas, who died last week, had served as executive director of the United Nations Fund for Population Activities from the time it was started in 1969. He was considered the world's leading authority on population growth.

A person of grace and gentility, Salas saw the calamitous consequences of overpopulation—for the family and for the world.

When he took over the UN agency, it had less than $2.5 million for its work. By the time he died, he had generated worldwide acceptance of family-planning programs and had increased funding to $1 billion a year.

A consummate diplomat, he could talk as convincingly to communists as to Catholics. He believed that unbridled population growth was not a narrow issue of contraception, but the basic problem underlying most of the social and economic ills besetting the disadvantaged people of the world. His legacy is that nearly every nation has embraced a population policy.

To his dismay, the United States, once a world leader in foreign aid for family planning, withdrew all support for the UN agency last year. The action grew out of unfounded allegations of abusive practices within China's one-child family policy, and as part of the Reagan administration's opposition to abortion. Although other nations increased their contributions, many programs are stretched thin. The most fitting memorial to Rafael Salas would be for Congress to restore American funding in honor of this extraordinary man.

SUPPORT HUNGARIAN HUMAN RIGHTS

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. LUKENS. Mr. Speaker, the sordid human rights violations in Romania have caught the attention of Congress and the press.

In the March 9 issue of the Washington Times, Dr. Z. Michael Szaz, Secretary of International Relations of the American Hungarian Federation and a well known columnist to the Times and other New York and Chicago newspapers, published an overview of the situation in Romania and the slowly changing attitude of the Reagan administration toward the Communist dictator, Nicolae Ceausescu.

Dr. Szaz is a native to Hungary who came to the United States in 1950 and holds a M.A. and Ph.D. degrees from the Catholic University of America. For 9 years he taught at St. John's University, Seton Hall University and Troy State University as an associate professor of Political Science. At this time he is the executive vice president of the American Foreign Policy Institute. He is an author of 2 books, 7 studies and 35 academic articles in English and German, in addition to his journalistic endeavors.

Dr. Szaz has been politically active and since 1965 has been lobbying for the human, cultural and national self-determination rights of the 2.5 million Hungarians in Romania. We worked together during my first two terms in Congress and we are again forming a team in exposing the human rights violations in Romania and the State Department's incorrect and erroneous policies toward the Communist dictator, President Nicolae Ceausescu.

I commend this article to my colleagues.

[From Washington Times, March 9, 1987]

ROMANIA LOSING FAVOR?

(By Z. Michael Szaz)

For years, Protestant, Hungarian, Romanian, and other groups have criticized the human-rights performance of President Nicolae Ceausescu's regime in Romania. However, the rosy image of the "maverick" Soviet satellite based upon past Romanian diplomatic moves and a large degree of self-deception, outweighted in the minds of U.S. policymakers the atrocities committed by the most repressive Communist regime in Europe outside of Albania.

There now are signs, however, that the Reagan administration is succumbing to the concerted pressure by human-rights organizations which have clearly demonstrated the absence of any religious or political freedom in Romania and have documented the persecution of Romania's minorities, as well.

On Jan. 2, U.S. Trade Representative Clayton Yeutter announced President Reagan's decision to terminate trade advantages accorded Romania and Nicaragua under the General System of Preferences, designed to help developing nations remain competitive on the American market. The loss of their trade preferences will result in a $150 million to $200 million reduction in Romanian exports to the United States. This should be welcomed, as our trade with Romania ran about 5-to-1 in Romania's favor in 1985, and more than 3-to-1 in 1986.

While the loss of GSP privileges is a hard blow, Romania can live with the new status quo so long as its most-favored-nation trade status is retained. The 50 percent tariff cuts under its MFN status allow Romania to export an extra $400 million to $500 million of goods to the United States, representing about 40 percent of all Romanian exports to the United States.

Even more interesting is the reason for terminating Romania's GSP status. The finding is based not on the relative competitiveness of Romanian goods, but on Romania's violation of internationally recognized workers' rights which, according to U.S. law, include freedom of association, freedom to organize and bargain collectively, prohibition on the use of forced or compulsory labor, and acceptable conditions with respect to minimum wage, work hours, and occupational safety and health. There is no question that the Romanian regime has violated these rights for years, but now, finally, the administration has recognized the obvious and terminated Romania's GSP status.

Some observers interpret the move as an effort to deflect mounting objections to Romania's MFN status in Congress and within the administration. By removing GSP privileges, an effort is made to assuage opponents of trade preferences for Romania.

The situation remains precarious for the Ceausescu regime. Secretary of State George Shultz's report on Religion in Romania is in the printing stages, but avoids any references to the persecution of the national minorities or to emigration and downplays the oppression of the national minority churches (Catholic, Lutheran, Hungarian Reformed, and Unitarian). Pointed discussions on the advisability of renewing Romania's MFN status cannot be avoided.

Meanwhile, Congress is gearing up for action. A bill, HR-1250, calling for a six-month suspension of Romania's MFN status has been reintroduced. Its scope has been widened to cover not only violations of religious and political rights, but the rights of Hungarians and other national minorities, as well.

Rep. Donald "Buz" Lukens, Ohio Republican and a member of the House Foreign Affairs Committee, has sent a letter to Mr. Shultz, a letter which has been co-signed by 235 of his colleagues.

At the same time, the Ceausescu regime remains true to its reputation. Food and energy shortages persist at dangerous levels. Letters from Transylvania report many cases of typhoid fever, cholera, strep throat, and whooping cough. Two Transylvanian villages have closed their schools because most of the children have active tuberculosis.

Meat is rationed at 2.2 pounds per month per person. The rest of Romania's meat used to be sold to the U.S. armed forces stationed in West Germany. But by 1985 the quality of Romanian meat was so poor that U.S. Army meat inspectors refused to certify it. Romania must be selling the meat somewhere else, because it sure doesn't show up in the country's butcher shops.

The promised Protestant Bibles in the Romanian language have not been printed. The United States is, however, aware of the fate of most of the 20,000 Hungarian-language Bibles donated a few years ago by the World Reformed Alliance to the Hungarian Reformed Church of Transylvania. They showed up in 1983 as recycled toilet paper.

Political and ethnic persecution continues. In the three Romanian provinces with major Hungarian majority populations—Covasna, Hargita, and Mures—nine persons have disappeared in the last two years in addition to the innumerable arrests, convictions, and alleged "suicides." Police terror is increasing against Protestant evangelicals, Hungarians, and other political dissenters.

Although Mr. Ceausescu is urging Romania's Communist Party to resolve the question of his successor, the party has not yet approved the two candidates from Mr. Ceausescu's family: his unbeloved wife, Elena, or his wild playboy son, Nicu. There are consistent rumors, reported in a recent issue of the West German news magazine Der Spiegel, that Soviet leader Mikhail Gorbachev has already picket his favorite candidate. He is Ion Iliescu, 56, a former Romanian youth minister with whom Mr. Gorbachev studied in the mid-1950s at the Moscow Institute of Energy Studies and whose "organizational talents" and "clear mind" he appreciates.

Meanwhile, Mr. Ceausescu is keeping the Romanian army under strict control and has even had its budget reduced 5 percent through a national referendum. The army is increasingly resentful of being used mostly for public works, when its units must tolerate secret police supervision.

It remains one questionable element in Romania as far as Mr. Ceausescu is concerned, despite the saying of Bucharest intellectuals that "corn does not explode"—a satirical reference to the national food of Romania, corn pone.

REFUSENIKS LEV AND INNA ELBERT ON HUNGER STRIKE, KIEV FAMILY SEEKS PERMISSION TO EMIGRATE

HON. MIKE LOWRY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. LOWRY of Washington. Mr. Speaker, last week, Kiev refuseniks Lev and Inna Elbert began a hunger strike in an attempt to convince the Soviet authorities to grant them permission to emigrate to Israel. On very short notice, many of our colleagues joined me in sending a telegram to General Secretary Mikhail Gorbachev, dated March 6, asking that he intervene on behalf of the Elberts.

I want to express my thanks to my colleagues who were so quick to help out with this humanitarian appeal. On March 17, I plan to send a followup telegram to General Secretary Gorbachev, with this text:

> As Members of Congress, we wish to express our deep concern about the Elbert family of Kiev as their hunger strike continues. Please grant them an exit visa so they can rejoin their family in Israel as is their right under the Helsinki Final Act, the U.N. Universal Declaration of Human Rights, and Soviet emigration law.

I would be most grateful for your support on this followup telegram.

Since 1976, when they first applied for an exit visa, Lev and Inna and their son Karmi have paid a high price for their attempts to emigrate. They have been harassed and their health has suffered. The Ukrainian press has singled them out for mention in anti-Semitic articles. Lev was imprisoned in a labor camp; Karmi has been attacked and insulted by other students at his school. The authorities have even said that Lev cannot leave the U.S.S.R. because of his obligation to another wife, despite the fact that Inna is his first and only wife. These repeated attempts to intimidate this brave family have not succeeded in breaking their spirit or determination.

One of the most heartrending developments in this case occurred not long ago. In November 1986, the Elberts were again denied permission to emigrate. It was on this occasion that the authorities first brought up the story of the nonexistent first wife. When Lev's father Chaim, a decorated World War II veteran, heard of this latest setback, the shock proved too much: He died of a heart attack.

I salute the Elberts and their fellow refuseniks in the Soviet Union who are seeking, with quiet courage and steadfast determination, the basic human rights to worship freely, to pass the teachings of their faith on to their children, and to emigrate. I know that we will all continue to support these brave people.

CONTRA AID

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MATSUI. Mr. Speaker, I rise today in support of the whip task force and the proposed moratorium on Contra aid.

Last Tuesday, the President submitted to the Congress the request for the final $40 million installment on the $100 million in aid to the Contras provided last year. This money will be released unless we act now to disapprove that request.

The American people have waited for months and deserve an immediate explanation of where the funds to the Contras have gone before any other funding is appropriated by this Congress.

We must demand that the President account for all the missing funds, including the funds diverted from arms sales to Iran. I also believe that 180 days is sufficient time for the administration to report its findings to the House Intelligence Committee.

My colleagues, I call on you to support this moratorium to end the treasure hunt game. The American public needs to be informed of the truth behind our spending and exactly where our important dollars are winding up.

EXTEND THE STATE AND LOCAL GOVERNMENT COST ESTIMATE ACT

HON. PAT WILLIAMS

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. WILLIAMS. Mr. Speaker, I rise today to introduce a 3-year extension of the authorization provided by the State and Local Government Cost Estimate Act of 1981. This authorization expires on September 30, 1987. My bill simply extends that authorization through fiscal year 1990.

This act requires the Congressional Budget Office [CBO] to provide an estimate of the cost impact on State and local governments on reported legislation in the accompanying committee report. These estimates have proved helpful to State and local governments as well as to the Budget Committee and should be continued.

W-4 WITHHOLDING

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. FRENZEL. Mr. Speaker, the Tax Reform Act of 1986 made several changes in the requirements that individual taxpayers must adhere to when calculating their tax liability. One of these provisions raises the amount of liability that individual taxpayers must have withheld from wages from 80 to 90 percent. Section 6654 of the Internal Revenue Code subjects those individuals who fail to meet the new 90 percent withholding requirement to both interest and penalties.

Last week I introduced H.R. 1441 which would temporarily waive the penalty and interest provisions of code section 6654 for individuals who satisfy at least the 80 percent requirement as under prior law. My legislation would provide a temporary waiver from penalties and interest for individuals until April 15, 1988.

This legislation is necessary in light of the confusion caused by the new complex W-4 forms. Stories of long agonizing hours spent filing the new forms have been all too common and as a result the IRS has been besieged with complaints. To their credit, the IRS has come out with Form W-4A which is significantly shortened and simplified. In addition, the IRS has agreed to waive the penalties for taxpayers who make good faith effort to adjust withholdings. I commend the IRS for its quick action.

The IRS waiver of penalties, however, applies only to those taxpayers who have turned in their W-4 forms by June 1, 1987. My bill would provide a waiver until April 15, 1988.

By providing this limited waiver of penalties and interest until April 15, 1988, taxpayers will not be unfairly penalized for their inability to properly complete the new W-4 form. Taxpayers will be given the opportunity to compare their 1987 withholding calculations with their final 1987 tax liability and will be better able to comply with the 90-percent requirement in 1988. I urge my colleagues to join with me in cosponsorship of H.R. 1441.

H.R. 1072, HEALTH CARE CONTINUATION AMENDMENTS

HON. PAUL B. HENRY

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. HENRY. Mr. Speaker, I recently introduced H.R. 1072, to amend the provisions of the Consolidated Omnibus Budget Reconciliation Act [COBRA] commonly referred to as the "health care continuation coverage" provisions. I invite your cosponsorship of this legislation.

In general, COBRA requires employers to notify terminated employees, separated and divorced spouses and dependents of employees, and spouses and dependents of deceased employees of their eligibility to continue to participate in the group health benefits provided by the employer. The employer may charge the individual who "buys into" the group coverage under these provisions a maximum of 102 percent of the applicable premium for that coverage.

While not seeking to change the purpose of this law, my bill seeks to address two specific problems which have arisen. One involves the fact that under the current law, a terminated employee may continue to participate in the former employer's group policy even if he or she becomes employed by a second employer who maintains a health benefits plan for its employees.

An example, drawn from an actual case, might help to clarify. An employee of company

A voluntarily quit and went to work for company B, a competitor firm of company A. However, because the health benefits provided by company A were more advantageous to the particular circumstances of the worker than were those provided by company B, the employee decided not to accept the health benefits from company B, but to buy into company A's plan. Adding injury to insult, company a is self-insured, so all claims against it by its former employee and his spouse and dependents come directly from its own earnings.

I think it is fair to say that the purpose of the COBRA provisions was to allow a greater number of people to participate in affordable group health coverage, not to allow workers to pick and choose among insurance plans. H.R. 1072 provides that if one is eligible to participate under another group plan that one's eligibility for continuation coverage ceases. Incidentally, that is already the situation with regard to Medicare. The current law provides that one who is entitled to Medicare coverage is not covered by the health care continuation provisions.

Second, COBRA has in some cases had the perverse effect of actually causing more employees to go without health care coverage. Employers who provide health care coverage from the first day of employment must also thereby provide the opportunity for continuation coverage from the first day of employment. Thus one could work for 1 day, and be entitled by law to participate in the group coverage for the next 18 months. Because of this, some employers whose work forces tend to be particularly highly transient, are now being forced to consider delaying health benefit coverage for all employees for 60 or 90 days. H.R. 1072 provides that the continuation coverage does not go into effect until the employee has been employed for a period of 90 days. Thus employers could safely grant coverage for current employees from the first day of employment, without risking the possibility that the employee will immediately leave but the employer would have to continue coverage for 18 months.

If you have any questions about the legislation, or wish to cosponsor, please see me or call Gary Visscher of my staff at 5-3831.

HONORING MR. AND MRS. BERNARD SUSS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. ACKERMAN. Mr. Speaker, I rise today to call to the attention of my colleagues in the House of Representatives the accomplishments of Mr. and Mrs. Bernard Suss on the occasion of their designation as guests of honor by the Young Israel of Hillcrest in Queens.

For more than two decades, the Susses have been pillars of the community. An associate in the accounting firm of Triebwasser, Waldman & Co., Bernard Suss has served as a member of the board of directors of the Jewish National Fund's religious department. He has also lent his sage counsel to the board of directors of the Yeshiva High School of Queens, and to the Tshebin Yeshiva in Jerusalem.

Bernard Suss has been a member of the board of the Young Israel of Hillcrest for more than 14 years. Devoted to the spiritual and communal life of the Hillcrest community, he has served as the synagogue's president.

The Susses are also devoted to the State of Israel, America's true ally in the Middle East. Bernard Suss was granted the prestigious Menorah Award for his efforts in behalf of Israel Bonds. Linda Suss' commitment to Israel and our own Nation motivated her to participate actively in Mizrachi women and on the board of the Young Israel Sisterhood.

Mr. Speaker, the enthusiasm and dedication that Linda and Bernard Suss have given to our community makes us in Queens very proud. We recognize that their efforts exemplify many of the characteristics which have built America into the greatest Nation in the world. I now call on all my colleagues in the House of Representatives to join me in congratulating the Susses, their daughters, Sheri and Jodi, and their friends and family on this joyous occasion. May Bernard and Linda Suss enjoy many years of health to continue their important work for their community, State, and country.

ST. PATRICK'S DAY

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. RODINO. Mr. Speaker, on St. Patrick's Day, March 17, Americans of all ethnic backgrounds pause to pay tribute to Irish-Americans and the countless contributions they have made—in business, industry, entertainment, Government, religion, and sports—to the enrichment of our national heritage. This special day reminds us that America is a great ethnic mosaic, a Nation which draws strength from its diversity—the many beautiful traditions, viewpoints and cultures that have flourished in our unique climate of freedom.

In this spirit, it will be my great honor, once again, to join with thousands of New Jersey residents participating in the 52d Annual St. Patrick's Day Parade in Newark. The parade is the oldest and largest in New Jersey.

This year's parade, which will begin at 2 p.m. this Sunday, is dedicated to the memory of the late State Senator John Caufield. I am pleased to participate in this fitting memorial to my good friend, John. His integrity and tireless devotion to public service will be remembered by the people of New Jersey for many years to come.

Events like this do not come about because of the luck of Irish alone. Many people work long and hard to make this event a big success every year.

The grand marshal of this year's parade is Mr. Joseph A. Dougherty; deputy grand marshal, Ms. Patricia A. McGarry Drake; general chairman, Donald Hannon; 1st vice chairwoman, Ms. Peggy Treacy; 2d vice chairman, Mr. Gerald P. Lenihan; treasurer, Mr. James P. McCarty; corresponding secretary, Mollie Murphy; recording secretary, Ms. Helen M. Washington; finance secretary, Mr. John A. Kenney; and the sergeants-at-arms, Mr. Terrence O'Reilly and Ms. Mary Vesey. The Reverend Monsignor John J. Maloney will serve as Chaplain.

Mr. Speaker, I salute these dedicated people who, year after year, make this parade a smashing success. Mr. Thomas P. Giblin, in particular, has devoted many years to coordinating the St. Partick's Day festivities in Newark. His enthusiasm and longstanding commitment to our community deserve special recognition.

In many ways, the Irish experience in America has been synonymous with our Nation's growth and development. The Kennedy family galvanized American politics. George Meany exemplified American labor. Eugene O'Neill shaped American drama. George M. Cohan enlivened Broadway. And Louis Sullivan pioneered America's architectural tradition.

Like many other immigrant groups, the Irish came to America seeking opportunity and fleeing misfortune. In the 19th century, many Irish immigrants toiled hard building the railroads that linked the coasts of our growing land. Others worked the mines and factories. And they often had to fight nativist mobs that brandished anti-Irish, anti-Catholic slogans.

But these early Irish-Americans prevailed because of their faith in the American dream, and the strength of conviction, love of liberty, and spiritual resourcefulness that they brought with them from the Emerald Island.

As the patron saint of Ireland, St. Patrick has become a symbol of the Irish people—and for good reason. For his message was one of peace and justice, of faith and religion, of learning and commitment. When he arrived as a Christian missionary on the shores of Ireland over 1,500 years ago, he inspired a deep spiritual reverence in the people that can still be seen in the churches he built and the arts and letters that, to this day, continue to flourish.

Mr. Speaker, it is important to remember on this St. Patrick's Day that St. Patrick is revered by all the Irish people, regardless of creed or religion. Sadly, however, areas of St. Patrick's beloved Ireland are suffering from a protracted, heartbreaking conflict. So as we celebrate St. Patrick's Day, let us also hope for the restoration of peace, brotherhood and justice to the people of Ireland. This would be a fitting tribute to the memory of Ireland's patron saint.

GERALD SOLOMON: A LOYAL FRIEND OF THE VETERAN

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MONTGOMERY. Mr. Speaker, on March 1, our colleague GERALD SOLOMON delivered a very eloquent and very timely address before delegates to the annual Legislative Conference of the Veterans of Foreign Wars conducted here in Washington.

The gentleman from New York, who serves as ranking minority member of the Veterans'

Affairs Committee, has consistently proven through decisive action and once again through stirring words that he is a loyal and outspoken friend of the veteran.

One theme rings out in JERRY's words and deeds: veterans' issues are moral issues. I am proud to share the gentleman's remarks with my colleagues.

REMARKS OF HON. GERALD B.H. SOLOMON

Thank you, Chief Rainwater, for that introduction to this fine group. It's good to see you again in harness as chairman of this Legislative Conference after your distinguished career in the V.F.W., in all the chairs, including commander-in-chief and later as director of the Veterans Employment Service in the Department of Labor and as director of the VA regional offices in Reno, Nevada, and in San Diego, California.

It's also good to be with your National Commander Norman Staab who has done such a fine job in leading the V.F.W., in his travels around the country. I also want to mention Jim Magill, the director of the National Legislative Service. He and his associates are often on Capitol Hill espousing your cause and the cause of all veterans and you should be very proud of them.

I need also to mention the head of your Washington office, Cooper Holt, who constantly reminds us of the objectives of the V.F.W., and how best we of the Congress can assist in reaching those objectives.

It is my pleasure today to report to you and the V.F.W., on actions of the House Veterans' Affairs Committee as we pursue our duties in the 100th Congress. As the new ranking member on the committee, I perceive this to be one of my more pleasant duties, and I appreciate the opportunity to be with you.

This time of year is always VA budget time. It is when we in the Congress begin to determine the necessary amount of money to be appropriated for VA to do its job in carrying out our Nation's commitment to veterans and their dependents.

It needs to be stated that the budget for any Government agency or program that ultimately comes out of the Congress often bears little resemblance to the one initially presented. In my view, this year will be no exception. The old adage that the "administration's proposes and Congress disposes" will again come into play. And when the final product emerges it will contain input from both the executive branch of Government and from the Congress.

When the VA budget comes to Congress, several House and Senate committees immediately become involved. There are the two Veterans' Affairs Committees, the two Budget Committees, and the two Appropriations Committees. Each has a vital role to play, but, of course, the role of the House Veterans' Affairs Committee is the forum from which I can best speak.

Let me tell you where we are in the committee at this moment. The House Veterans' Affairs Committee has just made its recommendations to the House Budget Committee. The Budget Committee will soon advise us of its acceptance, rejection or modification of those recommendations. Concurrently with these actions, the House Appropriations Committee has been holding hearings on the budget with the Administrator of VA and his top associates as witnesses.

Later during the congressional session, these activities will merge with similar ones in the Senate and finally we will have a VA budget for fiscal year 1988, and possibly an amended one for the remainder of fiscal year 1987.

I know that you want to hear about the budget recommendations of the House Veterans' Affairs Committee so let me briefly discuss them.

Firstly, let me say these recommendations are unanimous ones of our entire committee. They are jointly sponsored by the chairman of our committee, Sonny Montgomery, and me. We are joined by every other member of the committee. Sonny Montgomery's leadership in this regard has been tremendous, and it has been my extreme pleasure as the new ranking member on the committee to work very closely with him. He is a fine leader, and as you know, is a great friend of the VFW.

We have endorsed the administration's proposal for a 3.5 percent increase in compensation and DIC to be effective December 1st of this year. We did not endorse a concurrent proposal to index compensation to the consumer price index. Our committee wants to continue to exercise its annual responsibility in this regard.

We have endorsed the proposal to make the all-volunteer G.I. bill permanent, but with basic funding to remain with the Veterans Administration.

We have rejected as unwise medical proposals to effectively change Veterans Administration legislation with respect to certain veterans who currently come under a means test and who must make copayments to receive hospitalization from the Veterans Administration. We want to give this recently enacted legislation a chance to work. Incidentally, our committee action has had the enthusiastic support of the V.F.W., which is greatly appreciated.

We also rejected the $75 million dollar proposal to put these proposed changes into effect in this fiscal year.

We have soundly rejected the proposal to increase the G.I. loan funding fee from the current 1 percent level. That just isn't going to happen.

We proposed to add almost $300 million to the VA medical budget to provide essentially for current services.

If this proposal is accepted, VA will not have to reduce its patient load, will not have to absorb one-half of last year's pay increase, will not have to absorb a 1 percent productivity increase, will not lose some 4400 medical employees, and will not have to use equipment and supply money to pay for personnel. In my view this proposal goes to the very heart of preserving the VA's medical program. In my view, it should pass; it must pass, and it will pass.

We have also proposed to amend the VA budget to provide more funds to start on 4 new VA nursing homes and to add a clinical addition to the VA hospital in Dallas, Texas.

We have proposed $15 million to enhance the VA domiciliary program to assist in providing more care to the Nation's homeless veterans.

We have proposed to continue the VA veterans job program for 2½ more years and to fund it with approximately $150 million over that period of time.

We have proposed a $10 million increase in VA operating expenses so that the Department of Veterans' Benefits and the Department of Memorial Affairs will have enough personnel to timely administer their programs. This increase is a must and your support of it has been very timely.

We have proposed an additional $30 million for the VA's medical budget for treatment of veterans with AIDS and $5 million for AIDS research.

AIDS patients currently being hospitalized by the VA cost about $40 thousand per year per patient, and VA has not been adequately funded for this purpose.

And finally we have proposed $25 million to further automate the VA medical program to the end that it provides state of the art services to our veteran patients.

In summation, you will recall the proposed VA budget initially proposed was in excess of $27 billion for fiscal year 1988. Our committee recommendations would add $686 million to that amount.

Thus, you will see that when considered in the context of the total Veterans Administration needs already requested that we are not proposing any dramatic new initiatives. We do not propose to bust the budget. We do propose, however, that the VA get its fair share of national dollars. In our view, this is absolutely essential and less than this is simply unacceptable.

Let me emphasize what I have just discussed is the action of the House Veterans' Affairs Committee and not the action of the entire Congress. That action is still to come and so your work is not finished—it must continue with your typical enthusiasm and your typical thoroughness.

Let me now conclude with just a few philosophical observations.

This Member of Congress considers veterans benefits and programs to be a Federal responsibility and not one for the States and local communities.

This Member of Congress wants the VA medical program to go ever forward as a tremendous national resource for veterans and in fact for the Nation at large.

This Member of Congress intends to support strengthening of the VA medical program and will oppose any attempts to diminish its capacity or to reduce its effectiveness.

This Member of Congress rejects in an uncompromising way any thought that VA benefits should be placed in the category of welfare.

This Member of Congress wants the VA to always be efficient in all that it does and to constantly seek ways to improve productivity and enhance services. However, he also believes that to effectively do its job it must be provided with the necessary tools, including adequate dollars.

In this my first appearance before the National Legislative Committee of the VFW, I am privileged to state to you that the House Veterans' Affairs Committee is walking side by side with many of the objectives of your organization. We have the same ideals, the same aspirations, and the same dreams. We, of course, will not always agree on details of the matters jointly before us. However, I am confident that we will always agree as to basic aims and purposes, and we will always agree that this Nation ought not—and pray God it never will—turn its back on its moral obligations to those who proudly call themselves veterans of the Armed Forces of the United States of America.

Thank you and God bless each of you. And God bless the VFW.

TRIBUTE TO GEORGE E. IMPERATORE

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. GUARINI. Mr. Speaker, on Friday evening March 13, 1987, a testimonial dinner is being sponsored at the Glen Point Hotel, in Teaneck NJ, honoring George E. Imperatore. I would like to highlight the many accomplishments of this man, whom I have had the distinct pleasure of knowing for over 20 years.

George is a member of the well-known Imperatore family, numbering seven brothers and three sisters, born of Eugene and Therasa Imperatore. They were longtime residents of West New York, NJ, which is in the northern end of my district.

Five of the brothers, including George, are perhaps best known for the development and operation of perhaps one of the most successful privately owned transport companies in the United States.

In their early days in West New York their small grocery store supported the entire family. The children quickly learned the harsh realities of a lower middle-class existence during the Great Depression. While early schooling taught them the three R's, the real lessons they learned served to build a career in the highly competitive transportation industry.

George had to sacrifice his education and work on the waterfront at age 15. In 1942, during World War II, he enlisted in the Navy, served 3½ years and was honorably discharged with the rank of electrician's mate 2d class.

After his discharge in 1946 George and his brothers considered many careers and decided to buy a surplus Army truck for the furniture moving business. Within a matter of days George and his brother, Harold, layed the foundation of what was to become A.P.A. Transport Corp.

Over the years, George Imperatore has demonstrated exemplary ability in marketing and public relations. His many talents range from promoting the company, to establishing competitive rates for customers. As vice president of sales and traffic, for A.D.A., George directed critical operations for the fledgling business.

From its humble beginning, with 2 trucks, A.P.A. Transport Corp. has grown to 2,000 pieces of equipment with 30 terminals serving more then 20,000 towns and communities. A.D.A. earned $90 million in 1986, with 1,500 people in its employ. Through his financial success, he has been able to provide the citizens of our area with valuable community services. His civic dedication and leadership has brought him to the forefront of humanitarian commitment.

George's own personal interest in sports and health helped pave the way for the Arnold D. Imperatore Recreation Center. George was instrumental in the design of the $1 million facility, dedicated to his employees and civil groups, located on his North Bergen property. Involvement with community groups has brought such recognition as the PAL Distinguished Service Award, Silver Beaver Award by the Hudson-Hamilton Boy Scouts Association, the Veterans of Foreign Wars and the 1977 UNICO Man of the Year for Hudson County.

In 1980, Mr. Imperatore was appointed to the Palisades Interstate Park Commission by Gov. Brendon Byrne. Through his sponsorship of tennis tournaments and charity dances he has helped build new and modern recreational facilities for the people of Hudson and Bergen Counties. As a man of strength and determination, he brings a human quality to business. His accomplishments for New Jersey's citizens stands as an example for all of us.

George Imperatore can be called a friend, civic leader, activist, athlete, health advocate, public benefactor, husband, father, grandfather, churchman, businesssman, and philanthropist. However, the common thread that binds all of George's accomplishments together is service to his fellow man.

I am certain, Mr. Speaker, that all my colleagues here in the House of Representatives will join me in a salute to George Imperatore, servant of his fellow man.

TONGASS TIMBER REFORM ACT OF 1987

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MRAZEK. Mr. Speaker, I am pleased to introduce today, along with more than 40 of my colleagues, a bill that will simultaneously reduce the Federal deficit and protect the environment.

This bill, the Tongass Timber Reform Act of 1987, will restore fiscal accountability and responsible management to our Nation's largest national forest by repealing sections 705(a) and 705(d) of the Alaska National Interest Lands Conservation Act of 1980 [ANILCA]. It will save the American taxpayers billions of dollars and will save an ecosystem of incalculable value—one of the last rain forests in the world's temperate latitudes—the Tongass National Forest in southeast Alaska.

The U.S. Forest Service [USFS] is wasting tens of millions of taxpayer dollars each year on a timber sales program that cannot accomplish its stated goal of preserving timber industry jobs. By introducing this bill, my goal is to place the Tongass timber program on the same plane as national defense by requiring annual—rather than the present permanent—appropriations and, as a result, to save both an important natural resource and taxpayer dollars.

During years of strongest timber demand and prior to the passage of ANILCA, the USFS still lost millions of dollars selling timber from the Tongass. Because of the deteriorated market conditions and high levels of USFS spending since Congress handed the Tongass timber program an open-ended permanent appropriation, a virtual blank check, taxpayer losses have shyrocketed.

Net Tongass timber-program receipts and expenditures for 1977 through 1986 are negative over the entire 10-year period, resulting in a total loss of more than $360 million. In fact, annual net receipts are consistently negative even if one completely ignores the timber program's capital costs, such as roads, bridges, and facilities.

In 1983 and 1984, annual taxpayer losses on Federal timber sales from the Tongass were $57 million and $54 million, respectively. Stated differently, the Tongass timber program lost 91 cents on every taxpayer dollar spent in 1983 and 93 cents in 1984. In 1985 and 1986, taxpayer losses were maximized at more than 99 cents on the dollar.

Unfortunately, even the USFS's reports to Congress affirm the sad fact that the annual dollar amount of these losses is bound to grow over time. Because of chronically weak markets for southeast Alaska's timber products and the fact that future harvests will have to rely on less accessible, less valuable stands, the worst losses loom ahead for the taxpayer.

While huge taxpayer losses on the Tongass timber program generally reflect the fundamental uneconomic nature of timber resources in the Tongass, the USFS has made its own significant contribution. For example, the agency has continually offered timber for sale where there is no apparent market demand. Between 1980 and 1984, this practice alone caused average annual losses exceeding $8 million because of sale-preparation, road-design, and road-construction costs. Instead of conserving taxpayer dollars by reducing the timber prepared for sale to an amount likely to sell, and by eliminating all roadbuilding expenditures into roadless area—at a cost of more than $150,000 per mile, the USFS continues in a "business as usual" manner.

The USFS continues to commit the best portions of the Tongass' rare old-growth forest to logging stating a need to maintain timber industry jobs. However, in spite of increasing timber program expenditures, regional timber industry employment has fallen sharply—from more than 3,000 in to less than 1,800 today. Since there is little demand for this industry's products, any policy that seeks to maintain employment by increasing the available supply of timber is bound to fail.

This Federal policy is also flawed because it ignores the contributions to timber output and employment that can be made by Alaska Native corporations. These corporations, established pursuant to the 1971 Alaska Native Claims Settlement Act, are wholly owned by Alaska Natives. Through careful land selections, the Native corporations now own some of the best timber lands in southeast Alaska. Their share of the regional timber harvest climbed from 13 percent in 1980 to 58 percent in the first two quarters of 1986. However, USFS sales under two exclusive 50-year contracts impede the ability of the Native corporations to successfully market their pulpgrade logs. Up to 50 million board-feet of pulp-grade material is left on the ground on Native corporation clearcuts each year because the pulp mills have access to subsidized federal timber from the Tongass.

Finally, the Federal timber program places at risk a large number of jobs in southeast Alaska that ultimately depend on the preservation of more forest areas on the Tongass. This is particularly true for jobs in the fishing and tourism sectors of the economy. These sectors, which provide more than twice as many jobs as the timber industry, depend on natural resources that can be sustained in perpetuity. The southeast Alaska timber industry, on the other hand, is dependent on the one-time harvest of high-volume, old-growth timber that, for practical purposes, is nonrenewable. This fact makes a continued decline of timber industry jobs inevitable. Presently, Federal timber program losses translate into an annual cost of more than $36,000 per job in logging and mill work.

Mr. Speaker, the Tongass is bigger than the State of West Virginia. It is home to the greatest concentrations of bald eagles and grizzly bears left in America. Its streams provide the spawning grounds for a salmon fishery that is vital to the economy of Alaska. Perhaps more important to the future of the State's economy is the rapidly growing number of tourists who come to the Tongass to experience its spectacular wilderness. As John Muir described it more than 100 years ago, the Tongass is a place of endless rhythm and beauty.

The unique qualities that make the Tongass an important resource for the Nation are threatened by the Federal timber program and, particularly, by the USFS's interpretation of ANILCA. Section 705, included as part of a broad amendment package prior to Senate passage of the act, contains three provisions that are environmentally and economically unsound.

First, section 705 sets a goal of supplying 4.5 billion board-feet of timber per decade from the Tongass to dependent industry. Second, it provides an open-ended appropriation of at least $40 million annually or as much as the Secretary of Agriculture finds is necessary to enable the USFS to achieve the timber supply goal. Unlike virtually all other Federal expenditures, including expenditures for national defense, these funds are not subject to deferral or rescission by the administration. Nor are they subject to the annual appropriations process in Congress. Finally, the section exempts the Tongass from an important reform of the National Forest Management Act of 1976 that requires the Secretary of Agriculture to identify national forest lands that are economically and physically unsuited for timber production.

Section 705 is an anomaly in national forest management, designed especially for the Tongass. In essence, it ratified a series of unproven economic assumptions in the USFS's 1979 Tongass Land Management Plan [TLMP] aimed at preserving the regional timber industry. The existing pulp and sawmills in southeast Alaska were built as a direct result of efforts by the USFS to establish a major timber industry in the region. The TLMP and section 705 represent an ongoing attempt to sustain the timber economy created by those earlier efforts. This strategy has been thwarted because of a sharp decline in demand for the region's timber products.

In ANILCA, Congress recognized the inherent tension between logging on the Tongass and other important goals such as the preservation of wilderness, wildlife, and fish resources. Congress further recognized that economic and environmental factors change over time. For these reasons, section 705(b) of ANILCA requires the USFS to report to Congress by the fifth anniversary of the act, and every 2 years thereafter, on the status of the Tongass.

As the 1985 section 706(b) report conclusively demonstrates, section 705 will continue to result in the taxpayer losses approaching 99 cents on every dollar spent growing and selling trees on the Tongass. Moreover, because the economic assumptions upon which the law was based have proven to be totally in error, it is apparent that the law must be changed to reflect current circumstances and national fiscal priorities.

The USFS spent $50 million the last 5 fiscal years to prepare and administer sale offerings for which there were no buyers. By 1985, there were no buyers for 61 percent of the timber offered for sale by the USFS. Nevertheless, the agency continues to prepare sales without regard to demand. I strongly believe this practice should and can be stopped.

The USFS should limit the preparation of new sales each year to volumes based on anticipated demand for sale offerings and estimated backlogs of prepared sale offerings. The agency should include estimated backlogs and projected demand levels in the annual supply and demand reports to Congress that are required by ANILCA. The Tongass Timber Reform Act requires the USFS to justify expenditures each year so that the Appropriations Committee can determine the appropriate level of funding.

The Tongass National Forest is one of the last significant stands of temperate rain forest left in the northern hemisphere. That the American taxpayer should be asked to subsidize the destruction of this magnificant national treasure is ridiculous. I ask that you join me in limiting the funds available to subsidize the Alaska timber industry and to require the Tongass budget to reflect national fiscal needs and resources.

A GALLOP POLL IN CENTRAL AMERICA

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. LEWIS of California. Mr. Speaker, I would like to submit for the RECORD a Gallop Poll that was conducted in January of this year in Costa Rica, Honduras, El Salvador and Guatemala. Personal interviews were conducted in each country by Consultorial Interdisciplinaria en Desarrollo, S.A., the Costa Rican affiliate of Gallup International for the USIA. These numbers reaffirm the large support for the Contras in Central America. This poll represents a national sampling of approximately 1,200 adults in each country.

Two-thirds of the people in all four countries approve U.S. aid to the Contras, both military and nonmilitary.

Three-quarters of the people in all four countries see the Soviets as fomenting the conflict in the region.

Strong majorities say the Sandinistas treat people unjustly and represent only a minority of the population. Most think a majority of Nicaraguans favor the Contras.

The preponderant opinion is that the Contras treat war zone population much better than the Sandinistas.

"How justly does the government of Nicaragua treat the people—very justly, somewhat justly, with little justice, or not justly at all?"

TABLE 1.—SANDINISTA TREATMENT OF NICARAGUAN PEOPLE

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Very justly	3	6	4	5
Somewhat justly	5	13	15	19
Subtotal, justly	8	19	19	24
With little justice	29	31	39	40
No justice at all	56	40	23	27
Subtotal, unjustly	85	71	62	67
No opinion, no answer	7	10	19	9
Totals	100	100	100	100

(a) Representatives

"Would you say the government of Nicaragua represents the majority of the people or that it represents a minority?"

TABLE 2.—OPINIONS OF THE SANDINISTA GOVERNMENT

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Represents majority	11	14	18	27
Represents minority	79	75	64	64
No opinion, don't know	10	11	18	9
Totals	100	100	100	100

(b) Popular Support

"Which side in the conflict do you think the majority of the people of Nicaragua support—does the majority favor the Sandinista government forces, or favor the Contra opposition forces?"

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Majority supports:				
Sandinista forces	12	14	20	23
Contra forces	72	75	46	60
No opinion, don't know	16	11	34	17
Toals	100	100	100	100

"Now a question about the future. Some people say that our country will probably be attacked militarily by another country in the next two or three years. Other people say that while this is possible, it is not likely (probable). What do you think—would you say that an attack on our country in the next two or three years is very likely, fairly likely, not very likely, or not at all likely?"

TABLE 3.—PROBABILITY OF ATTACK ON OWN COUNTRY

[In percent]

	Costa Rica	Honduras	El Savador	Guatemala
Very likely	9	19	6	3
Fairly likely	29	33	15	17
Subtotal, likely	38	52	21	20
Not very (little) likely	31	30	43	32
Not at all likely	30	16	33	42
Subtotal, unlikely	61	46	76	74
No opinion, don't know	1	2	3	6
Totals	100	100	100	100

If answered very or fairly likely in preceding question, ask: "Which country is the one that would attack?" "Any other?"

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Nicaragua	38	50	17	12
Cuba	3	3	9	5
Soviet Union	1	1	1	4
All others	2	7	2	5
No opinion	3	2	2	....
Not asked	62	48	79	80

Note.—Totals exceed 100 percent due to multiple answers.

(a) "Which country, if any, would come to our aid immediately if we were attacked?"

TABLE 4.—IF ATTACKED, COUNTRIES THAT WOULD HELP

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
United States	86	88	80	70
Panama	22	(1)	2	1
Venezuela	15	(1)	5	(1)
Others (incl. other Central American countries)	9	10	35	39
No answer, don't know	8	9	12	8

[1] Signifies less than 0.5 percent. Figures may add to more than 100 percent due to multiple responses.

(b) "In your opinion, can the U.S. be relied upon to help us defend our country in case of future military attack?"

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Yes	91	88	84	88
No	4	5	7	8
Don't know	5	7	9	4
Totals	100	100	100	100

"There are people living in the area of Nicaragua where there is armed conflict between the Sandinista government forces and the Contra opposition forces. Which of these two forces generally treats the people with more consideration?"

TABLE 5.—TREATMENT BY COMBATANTS OF PEOPLE IN WAR ZONES

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Sandinista govt. forces	6	6	10	18
Contra forces	72	74	46	60
No opinion, don't know	22	20	44	22
Totals	100	100	100	100

(a) "As you may know, the United States is giving military aid to the opposition forces known as 'Contras.' What is your opinion of this?"

TABLE 6.—OPINION OF U.S. AID TO CONTRA FORCES IN NICARAGUA

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Approve strongly	40	37	35	24
Approve somewhat	30	44	34	44
Subtotal, approval	70	81	69	68
Disapprove somewhat	10	5	11	18
Disapprove strongly	11	4	12	10
Subtotal, disapproval	21	9	23	28
No opinion, don't know	9	10	8	4
Totals	100	100	100	100

(b) "The U.S. also gives non-military aid to the Contra forces. What is your opinion of this?"

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Approve strongly	51	40	39	32
Approve somewhat	26	42	37	42
Subtotal, approval	77	82	76	74
Disapprove somewhat	7	6	9	14
Disapprove strongly	7	3	8	7
Subtotal, disapproval	14	9	17	21
No opinion, don't know	9	9	7	5
Totals	100	100	100	100

"Do you agree or disagree that other Central American governments should give aid to the Contra forces?"

TABLE 7.—VIEWS ON OTHER CENTRAL AMERICAN COUNTRIES GIVING AID TO CONTRAS

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Agree	61	74	63	54
Disagree	29	17	27	38
No opinion, don't know	10	9	10	8
Totals	100	100	100	100

"Which countries give military aid to the Sandinista government forces in Nicaragua?"

TABLE 8.—COUNTRIES NAMED AS SUPPLYING ARMS TO SANDINISTA GOVERNMENT

[In percent]

	Costa Rica	Honduras	El Salvador	Guatemala
Cuba	66	75	87	56
USSR	66	64	78	49
Libya	4	6	12	2
All others	12	12	26	21
Don't know	23	19	8	21

Note.—Figures will add to more than 100 percent due to multiple answers.

"What is your opinion about provision of (this) military aid to the Sandinista government in Nicaragua—do you approve strongly, approve somewhat, disapprove somewhat, or disapprove strongly?"

TABLE 9.—OPINION OF MILITARY AID TO SANDINISTA GOVERNMENT

	Costa Rica	Honduras	El Salvador	Guatemala
Approve strongly	6	8	4	5
Approve somewhat	3	4	6	9
Subtotal, approval	9	12	10	14
Disapprove somewhat	9	13	23	26
Disapprove strongly	59	52	54	37
Subtotal, disapproval	68	65	77	63
No opinion, don't know	23	23	13	23
Totals	100	100	100	100

CONSTITUENTS' OPEN LETTER

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DELLUMS. Mr. Speaker, I call to your attention and the attention of my colleagues the following statement in the form of an open letter to President Reagan and General Secretary Gorbachev. I join my constituents in their call for an end to the nuclear madness. The statement follows:

TEXT OF THE OPEN LETTER TO RONALD REAGAN AND MIKHAIL GORBACHEV

We, the undersigned citizens of the United States, hereby declare that we morally oppose the research, development, testing, production and deployment of nuclear weapons.

Your nuclear policies hold us as psychological hostages, a form of barbarism that threatens a retreat to the spiritual darkness that haunted human past. They drive us further into an era in which fear and hatred increasingly guide our actions, and could thrust us headlong into the ultimate Dark Age: Extinction. Then we shall suffer Jonathan Schell's dual death, the end of all human life and the end of all human memory.

We envision, instead, the possibility of the human species controlling its destiny and bringing just peace to the world.

Therefore, we stand in resistance to the nuclear policies of the United States of America, the Union of Soviet Socialist Republics and the other nuclear nations. Here we must stand, although it is a terrible and a terrifying place between the politics of ordinary citizenship and the sometimes necessary politics of revolution.

You have failed us, as have other present leaders and your predecessors in the nuclear age, by prolonging the arms race. History calls us to eliminate nuclear weapons, and it is because ordinary politics has failed in this task that we move to a stance of resistance. We ask our fellow citizens throughout the world to join us. We hope and pray that you will listen, so that we will never feel compelled to move to a stance of revolution. Yet if revolution becomes the only alternative to extinction, we know we will have to heed that call just as we have been called by history to resistance.

We do not come from a narrow, contemporary view of politics. From a broad Christian perspective, we have carefully examined the development of civilization. We draw from the well of human memory to seek the moral path to the future. We look to the 5th Century's Augustine of Hippo, to Thomas Aquinas in the 13th Century, and to John Calvin in the 15th Century, among others. Their thought led to the modern rules of just war for those committed to the belief that violence is sometimes necessary to resolve human problems. They postulate, among other things, that once nations are engaged in conflict, noncombatants must be immune from direct attack. We draw our central argument precisely from this point. When the U.S. government initiated nuclear war at Hiroshima and Nagasaki in 1945, killing 150,000 noncombatants, we turned our backs on fifteen centuries of thought. Our aboutface sent us further back down the road to human barbarism, a course already set so tragically by Adolph Hitler.

The clearest, loneliest voice against our course was that of Admiral William Leahy, chief of staff to Franklin D. Roosevelt and Harry S. Truman. "But," in the words of journalist-historian Dan Kurzman, "who would listen to an old sailor with sentimental prejudices against killing women and children in war?" Leahy, who opposed germ warfare, poison gas and the Atomic Bomb, said, "Mr. President, this would violate every Christian ethic I have ever heard of and all of the known laws of war. It would be an attack on the noncombatant population of the enemy." Later, Leahy lamented, "I was not taught to make war in that fashion, and wars cannot be won by destroying women and children."

We believe it was inevitable that, at the moment the human species acquired the capacity to think, the snare was set that would one day grasp the secrets of the atom. However, we reject the notion that nuclear weapons are ever a viable moral choice for humanity.

Today, our nations stand with backs firmly turned on civilized history, faces pressed against the window of a potentially grotesque future as we fight for ideologies rather than for our humanity. French philosopher Bernard-Henri Levy has pictured a worst-case scenario in this race backward to barbarism:

"Winter has done its work. A dark and faded sky hovers over the bare trees. A gloomy and frozen wind sweeps the world and turns it to stone. A wind from the East or a wind from the West? I have no idea, after all, for I have lost my compass and my charts. Socialism or capitalism? The question no longer means very much when the worst is possible . . . When the wheels of history have been blocked and the promise has become a whisper, it remains for rats like us to find a corner in the ruins and wait there in peace. How sweet to live before the new barbarism!"

We accept Mr. Levy's logical vision as a possible future, but we reject it as our path. We choose not to find a corner in which to wait. We choose a positive course that rejects the present positions of leaders of all nuclear nations. Our vision is that of American sociologist Robert Bellah: ". . . All of us in the modern world depend on one another for our economic survival and for the avoidance of nuclear destruction. That delicate dependence is mediated by powerful governments that are not going to disappear. We will either humanize them or they will tyrannize over us."

Revolution gave births to the experiments we call the United States of America and the Union of Soviet Socialist Republics. Both peoples sought a better lot for humankind. And while little people may quibble about which has succeeded the best, true men and women of history must declare that both nations have failed if they cannot turn from the brink of extinction to face each other. We draw now on our history as revolutionary people to say, Stop! We call all citizens of the world to join us in a loud cry, Enough! As the Rev. Martin Luther King Jr. said:

"We have played havoc with the destiny of the world and have brought the whole world closer to nuclear confrontation. We must make it clear that we are concerned with survival of the world in the days . . . when no nation can ultimately win a war. It is no longer a choice between violence and nonviolence. It is either nonviolence or nonexistence . . . We have to see that, and work diligently and passionately for peace."

Mr. Reagan and Mr. Gorbachev, we call you to true leadership. We ask you to begin eliminating nuclear weapons, and any other weapons that violate the meaning of just war. If you will not, then you, your political allies and your ministers should stand aside to make way for a new generation of leaders. We call you to leadership with a vision of humanity that carries us into the future secure in the knowledge that extinction will not come at our own hand.

Respectfully submitted in the interest of peace and justice.

On Sundays, Nov. 23 & 30, 1986, almost 200 members and friends of Montclair Presbyterian Church in Oakland, Calif., signed this letter. It was drafted and circulated by the Plowshare Committee, which is charged with peacemaking work within the congregation of the church.

THE SERVICE SECTOR DATA COLLECTION ACT OF 1987

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mrs. KENNELLY. Mr. Speaker, today I am introducing a bill to require improvements in the collection of data on economic activity in the service sector. The current information we collect on the service sector is clearly inadequate, particularly in light of its growing importance to our economy.

The service sector encompasses a broad range of economic activity including banking, insurance, computer software, transportation, travel, engineering and construction, and has remained healthy in the face of stiff and often unfair foreign competition. Since 1978, nearly 14 million new service jobs have been created while in that same period of time more than 2 million manufacturing jobs have been lost. And, according to the Survey of Current Business, in 1985 the service sector accounted for 75 percent of total employment in this country and over two-thirds of our Gross National Product.

Yet despite this growing role, the economic data we collect on the service sector is sketchy at best. A September 1986 Office of Technology Assessment [OTA] report on services indicates that as much as half of our Nation's exports of services may escape our official statistics. While the Federal Government collects statistics for 10,000 categories of goods, only about 40 of those categories are service categories. The OTA report also states that "substantial improvements in the data on trade and investments in services would be possible at little or no additional cost." In fact, the OTA estimates that no more than 2 person-years would be required to collect this vital information.

We are all aware of the debate over the contribution the service sector makes to our economy and our standard of living. Critics of the rapid increase in our service sector argue that hamburger sales and credit card transactions alone do not a healthy economy make. These analysts warn that we are headed toward an economy where everyone serves someone else while no one produces anything. If we want to understand what a growing service sector means, I believe we ought to insist on better, more exacting ways of measuring that activity. This is what my bill would accomplish.

Moreover, this legislation is doubly important in light of the fact that trade in services is one of the key issues for negotiation in the new round of GATT talks. Without an adequate pool of information, our trade negotiators cannot be expected to know just how much is at stake in their quest to relax foreign barriers to trade in services. The poor depth and breadth of current data on the service sector can only impede our negotiators at the bargaining table.

Mr. Speaker, this initiative will provide us with some badly needed information about an important sector of our economy. I urge my colleagues to support this legislation and ask that the attached text of this bill be printed in the RECORD at this point.

H.R. 1511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Service Sector Data Collection Act of 1987".

SEC. 2. COLLECTION OF SERVICE SECTOR ECONOMIC ACTIVITY DATA.

The President shall direct the appropriate agencies of the Federal Government to collect and disseminate information on service sector economic activity, including data relating to the banking, insurance, computer software, transportation, travel, engineering, and construction services industries, that is at least as complete and timely as information collected by the Secretary of Commerce on goods sector economic activity.

SEC. 3. SERVICE SECTOR DATA COLLECTION BY SECRETARY OF COMMERCE.

The Secretary of Commerce shall—

(1) within 3 months after the date of the enactment of this Act conduct a benchmark survey, similar to the BE-20 survey proposed by the Bureau of Economic Analysis, of unaffiliated service transactions, including such transactions in the banking, insurance, computer software, transportation, travel, engineering, and construction services industries;

(2) as soon as practicable after the date of the enactment of this Act develop and implement a program to collect and disseminate a broader base of monthly information on service sector economic activity than is currently available to the Secretary of Commerce; and

(3) within 1 year after the date of the enactment of this Act, develop an index of leading indicators which includes measurement of service sector economic activity in more direct proportion to the contribution of such activity to the gross national product of the United States.

RICHARD STALLINGS SPEAKS TO U.S. BEET SUGAR ASSOCIATION

HON. RICHARD H. STALLINGS

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. STALLINGS. Mr. Speaker, last week I had the opportunity to address the U.S. Beet Sugar Association at a meeting in Phoenix, AZ. I welcomed this opportunity because I feel very strongly about our national sugar policy and am committed to fighting administration attempts to gut the program.

I would like to take this opportunity to share my speech with my colleagues. I believe it points out many important facts which need to be considered as we look at the Sugar Program.

The text of my speech follows:

It's a special honor for me to have this opportunity to speak to you today. I appreciate the chance to get better acquainted with you.

I work with your elected representatives in Congress. I've worked hard with those of my colleagues who represent other sugar beet producing areas around the country. I'm privileged to serve on the Cotton, Rice and Sugar Subcommittee of the House Committee on Agriculture—the spawning ground, if you will, of sugar legislation so important to each of you and to a great many people I represent in the Second District of Idaho.

I also work with your industry representatives—your processor and grower lobbyists and the extra people your companies and grower organizations send to the nation's capital when "push comes to shove" on sugar legislation.

And now, I get to meet with the people that do the real work—the individuals most responsible for making sugar production a vital part of the economy not only in Idaho, but a dozen other states. If it weren't for the technologists and the work you do on the farms and in the factories, it's common knowledge this industry would have been dead a long time ago.

Idaho is a case in point.

The first sugar beet factory in my state was constructed in my congressional district—Idaho Falls—back in 1903. A few years later a group of citizens in Western Idaho—out in Nampa—started to promote another factory and it was built—opening with a great deal of hoopla and fanfare in 1906.

Three years later, the white fly infestation hit western Idaho and in 1910 that particular factory was closed forever. It wasn't until some 32 years later that Amalgamated Sugar Company built a new factory in Nampa that exists today. The reintroduction of sugar beets in western Idaho was made possible only because some of your predecessors were able to come up with a white-fly-resistant variety sugar beet in 1942.

I refer to your "predecessors" because in looking over this group, I don't see anyone who looks old enough to have participated in the development of the white-fly-resistant variety back in the 1920s and 30s. If I'm wrong, I'll hope you'll make yourself known to me later this afternoon because I'd like to shake your hand.

I don't mean to get preoccupied with this history business, but I am aware that a priority item on your agenda is to pay tribute to Jim Fischer for his nearly 40 years of service to the American Society of Sugar Beet Technologists.

To put this is some perspective, I checked back and found out that 40 years ago the national average was less than 14 tons of beets per acre. For the 1986 crop, production exceeded 20 tons per acre.

In Idaho, 40 years ago we got about 17 tons per acre. In 1986, we harvested 26 tons.

I'm not prepared to give credit for all of this progress to Jim Fischer. I think he ought to share it with all of you.

I challenge you to prove you deserve it by continuing to set progress records in yield, disease resistance, and related research in the years ahead as best you can without Jim Fisher's leadership. And I wish him a long and happy retirement.

Speaking of the years ahead, one of the reasons I was asked to speak to you today was to discuss if, indeed, there is a future in this country's sugar industry. Certainly, given the current condition of the world sugar market, with huge carry-over stocks depressing prices to all-time historic lows, without some kind of realistic, national policy to insulate U.S. sugar producers—as well as consumers—from the uncertainties of the world market, the future would be dim indeed.

Virtually every country in the world has adopted some sort of national sugar policy. In some instances, such as in less developed Caribbean and Central American countries, with heavy economic reliance on sugar exports and little or no alternative crops, it's a policy born of desperation, encouraged by foreign banks.

In other instances, such as the European Economic Community which turned from net sugar importer to become the largest exporter in the last decade—dumping some 25 million metric tons of surplus sugar on the already depressed world market in the last seven years—it's a policy based pure and simply on greed.

The current U.S. sugar program was enacted back in 1981. It was extended by a healthy majority of both Republicans and Democrats in the House and Senate in 1985.

And, it has worked well.

It has provided consumers with a reliable supply of this basic commodity at a stable price. And, at a price that is fair to both producers and consumers. Retail sugar prices in this country have actually averaged less than they averaged the three years before 1981—years when there was no sugar program.

The method the Administration has selected for operating the sugar program has resulted in import quotas on foreign sugar. (There's nothing in the law that requires quotas. It's not even mentioned.) These quotas, maligned by critics, have resulted in our trading partners getting a premium price for the sugar they sell here. They don't get to sell as much as they'd like, of course, but they've been getting two and three times the price for sugar sold to the United States as they'd earn on the dumping ground called the world market during the 1980s.

The U.S. sugar program was designed to cost the U.S. Treasury nothing. In fact, we mandated the program be operated at no cost to taxpayers starting with this crop year.

Other aspects of that 1985 farm bill have clearly not worked as well as we had hoped. Like most legislative proposals that get enacted into law, it was the product of compromise and, while the net result was not everything this congressman wanted, there was some optimism that, properly administered, it could work. In some areas it has not.

In Idaho, as elsewhere around the farm belt, the agriculture economy is in near shambles. With continuing low commodity prices, depreciating land values, and increasing debt, Idaho farmers are in trouble—along with their fellow farmers throughout rural America. An extraordinary number will not be able to obtain credit for the upcoming planting season.

The bright spot, however, in an otherwise dismal situation, has been sugar beets. Prices have remained steady despite record harvests.

Back in December 1985, when the President signed the 1985 farm bill, he indicated he would seek changes in the domestic sugar program. And he has been true to his word.

In the Administration's 1988 budget proposal, the President listed his legislative initiatives for agriculture. They include:

1. Remove the link between government payments and crop production decisions. This is the so called "de-coupling" proposal that would allow farmers to receive support payments regardless of how much they planted, thereby reducing the incentives to overproduce.

2. Reduce target prices for wheat, cotton, rice and feed grains by 10 percent per year.

3. Reform the sugar support program.

The current sugar program is "unfair to consumers" and "conflicts with the policy to encourage increased trade," according to the Administration. In its view, more realistic support prices will remove the incentive to over-produce, reduce the costs to consumers, and satisfy U.S. international objectives.

Sugar producers would be compensated during the transition period, according to the White House.

Transition period, in case you don't know, is an Administration euphemism to describe the time between the date its legislative proposal is enacted and the date a whole lot of U.S. sugar farmers and processors go out of business.

There were more specifics about the Administration's plans for sugar in the support documents USDA Secretary Richard Lyng brought to the Hill when he testified before the House and Senate Budget Committees relative to the Administration's spending projections for fiscal 1988 and beyond. For the sugar program, the projections were based on the assumption that Congress would approve a reduction in the current 18 cents per pound raw value loan rate for sugar down to 12 cents per pound and on the assumption that Congress would okay direct payments to sugar beet and sugar cane producers of 6 cents per pound the first year—starting with the 1986 crop—to be reduced one and a half cents per pound in each of the following three years until it reached zero.

According to the budget projections, the Administration's plan will cost the U.S. Treasury $1.7 billion over the next four years.

Let's consider for a moment what the Administration's proposed 12 cent loan rate for sugar will do—and what it won't do.

First of all, it won't do much for consumers.

We Americans buy only about 15 percent of the sugar we consume in grocery stores. The rest of it comes in prepared or processed foods and beverages. Now, you know and I know, and the Bureau of Labor Statistics backs us up, there has never been a recorded instance when any industrial processor of sugar-containing food or beverage has ever lowered their prices in response to a reduction in the cost of sugar.

And, how about our trading partners?

The Administration's proposed 6 cent per pound reduction in the domestic loan rate will have the immediate effect of reducing the value of sugar imported in this country by $120 per ton. Twelve cents per pound for sugar is, I'm told, below the cost of production in most, if not all, less developed sugar exporting countries in the Caribbean and Central or South America. As U.S. producers go out of business, the world price might improve a little for a short time, but there's no economic study indicating it would jump to world production cost levels. Thus, under the Administration's proposal, our foreign friends would get an opportunity to sell us more sugar and lose money on every transaction.

And finally, insofar as domestic sugar producers are concerned, the Administration's proposal would be a death blow. You know the numbers better than I do, but for some it would be mercifully quick and, for others, painfully slow.

What is the prognosis for the Administration's so-called legislative initiatives for agriculture in the 100th Congress?

The leadership in both the House and Senate have pretty well made it clear that the proposals for "de-coupling" between payments and production—as well as the 10 percent reduction in target prices—are likely to show up on Capitol Hill D.O.A.—Dead on Arrival.

There are those who predict this won't bode well for sugar because it may force the Administration to focus on this part of their package as the only remnant still alive.

The Chairman of the House Agriculture Committee's Subcommittee on Cotton, Rice and Sugar, Jerry Huckaby of Louisiana, told the Sugarbeet Growers Association annual meeting last month there will be no change in the sugar program reported out of his subcommittee this year. As a member of the Cotton, Rice and Sugar Subcommittee, you have my pledge to do all I can to see that this is indeed the case.

That doesn't mean, however, that the Administration won't try an end run around us. We never know when they might try to tack their sugar proposal on some already-passed House bill over in the other body. Senators, as you know, are not bound by any rule of germaneness when it comes to considering amendments.

They could try to do serious damage to the sugar program by working within the more friendly confines of the House Ways and Means Committee—particularly in the Subcommittee on Trade.

I think we need to look at other options, such as asking the Japanese, who incidentally import substantial quantities of sugar from Cuba, to assume more responsibility in supporting the Caribbean Basin Initiative and other developing-nation sugar programs. We should encourage sugar producing nations to explore the option of converting sugar to alcohol fuels, as Brazil has done.

Most important, we should not pit our sugar producers against our foreign policy interests.

GILMAN SECURES PROTECTION FOR VETERAN'S PREFERENCE ELIGIBLES

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. GILMAN. Mr. Speaker, today I am reintroducing legislation (H.R. 1492) to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service. This bill was passed by this House unanimously in the 98th and in the 99th Congress.

When Congress passed the GI bill of rights, to address problems faced by returning veterans of World War II, the Congress also set the pace in instituting a comprehensive package of benefits known as the Veteran's Preference Act of 1944, to not only provide secure employment opportunties with the Federal Government, but to also afford reemployment and rehabilitation to these returning veterans.

An important aspect of veteran's preference, under title V, section 3310, ensures competition for the positions of guard, messenger, elevator operator, and custodian, in the civil service, are reserved for veteran's preference eligibles, as long as preference eligibles are available.

Now the 100th Congress, just as the 99th Congress and the 98th Congress before it, is faced with the erosion of this special benefit—in large part due to the conversion of many of these positions to contract performance—at a time when many veterans can least afford to have this benefit eliminated. Many preference eligibles in the four occupations in question are veterans of World War II and the Korean war. These older veterans may encounter great difficulty in finding other employment so late in their working lives. The forfeiture of full retirement benefits, and a portion of their income, may prove to be devastating for these veterans.

Additionally, many of the veterans currently holding these positions are disabled or handicapped. They, too, would encounter barriers in trying to secure alternative employment if they are separated from Government service.

The 78th Congress upheld our Nation's sacred commitment to those who answered its call and the 100th Congress must continue to uphold this precedent which clearly demonstrates that our Government should take the lead in assisting those who have sacrificed for the principles on which this Government was built. Rather than forget the reasons for passage of the Veteran's Preference Act, it is time to reaffirm to those who serve our country in time of national crisis, and ensure continuation of the act's original intent.

This bill provides that Federal agencies may not separate a veteran preference eligible from the position of guard, messenger, elevator operator, and custodian as the result of a contract award. Veterans must receive first consideration when vacancies occur, or new positions become available, as well. The legislation also provides that, when procuring by contract the four services covered under section 3310, a Federal agency must do so in accordance with provisions of the Javits-Wagner-O'Day Act governing the purchase of services from sheltered workshops for the blind and severely handicapped.

Passage of this legislation will allow this body of Congress to demonstrate its commitment to those who served our country in times of national crisis and to state we have not forgotten them in times of peace. Accordingly, I urge my colleagues to support this bill. Mr. Speaker at this point in the RECORD, I request that a full copy of the bill, H.R. 1492, be inserted in the RECORD, for review by my colleagues.

H.R. 1492

A bill to amend title 5, United States Code, to establish certain requirements for the procurement by contract of certain services that are reserved for performance by preference eligibles in the competitive service

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTIONS RELATING TO POSITIONS RESERVED FOR PREFERENCE ELIGIBLES.

Section 3310 of title 5, United States Code, is amended to read as follows:

"§ 3310. Preference eligibles; examinations; guards, elevator operators, messengers, and custodians

"(a) In examinations for positions of guards, elevator operators, messengers, and custodians in the competitive service, competition is restricted to preference eligibles as long as preference eligibles are available.

"(b) An agency may not procure by contract any of the services performed by individuals in any of the positions described in subsection (a) of this section if the performance of such services by contract—

"(1) would cause the involuntary separation of a preference eligible from any such position; or

"(2) would preclude the performance of any of such services by a qualified preference eligible in the competitive service.

"(c)(1) For purposes of subsection (b)(1) of this section, neither in involuntary reassignment within the same agency nor an involuntary transfer to another agency shall be considered to be an involuntary separation if such reassignment or transfer is to a vacant position—

"(A) which is of the same type as the type of position described in subsection (a) of this section from which the preference eligible was reassigned or transferred,

"(B) which is within the preference eligible's commuting area,

"(C) for which the preference eligible is qualified (taking into consideration any physical disability which the preference eligible may have), and

"(D) the grade or pay level of which is at least equal to the grade or pay level which was in effect for the preference eligible immediately before having been so reassigned or transferred.

"(2) The Office of Personnel Management shall prescribe regulations necessary to carry out this subsection.

"(d) Subsection (b)(2) of this section—

"(1) shall not preclude the procurement of services by contract if, or to the extent that, qualified preference eligibles are not available; and

"(2) shall not apply with respect to a position which is held by an individual other than a preference eligible on the date that the contract is entered into.

"(e) For the purpose of this section—

"(1) 'qualified preference eligible' means, with respect to a position described in subsection (a) of this section, a preference eligible whose qualifcations have been established; and

"(2) 'agency' includes the United States Postal Service and the Postal Rate Commission.".

SEC. 2. PROCUREMENT PROCEDURES.

(a) IN GENERAL.—Any procurement by the Government of services performed in any of the positions described in section 3310(a) of title 5, United States Code, as amended by this Act, shall be in accordance with applicable provisions of law, including the provisions of the Act entitled "An Act to create a Committee on Purchases of Blind-made Products, and for other purposes", approved June 25, 1938 (41 U.S.C. 46-48c), requiring certain procurement of services from qualified nonprofit agencies for the blind and qualified nonprofit agencies for other severely handicapped, and Office of Management and Budget Circular Numbered A-76 (including any supplement thereto).

(b) DEFINITIONS.—For purposes of this section, the terms "Government", "qualified nonprofit agency for the blind", and "qualified nonprofit agency for other severely handicapped", each has the meaning given such term under section 5 of the Act so entitled (41 U.S.C. 48b).

CREATING A LEARNING SOCIETY FOR AMERICA'S 21ST CENTURY

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. GINGRICH. Mr. Speaker, learning is the key to America's success in the 21st century. The information-industrial revolution requires learning to master new technology. The world market requires learning to keep America competitive with Japan, Korea, and Germany. Citizenship requires learning to understand the ever-changing issues of public policy. An aging America requires learning to keep up with all the changes that will occur as more individuals begin living to the age of 80 or 90. Indeed, learning is vital to America's ability to compete and succeed in the 21st century.

Despite all of the recent efforts to reform education, the fact is we are a long way from the kind of "learning society" America must become. While America's past commitment to public education is among our proudest achievements, we have lost focus of our goal. As a recent editorial by Thomas Sowell points out we have allowed ourselves to become convinced that the way to increase learning is to increase financial input to our educational bureaucracies. At some point, this process breaks down. Mr. Sowell suggests we've reached that point. I commend his article to the attention of my colleagues.

The article follows:

[From Washington Times, Feb. 23, 1987]

LESS BRAINS FOR THE BUCK

(By Thomas Sowell)

Proposals to scale back some of our runaway spending on education have brought out the education establishment and their political allies, full of righteous indignation and illogical arguments.

If there is anything more remarkable than the abysmal failure of American education, it is the political success of the education establishment. What other sector of American society has absorbed ever-growing sums of money, serving a declining number of people, with declining performance?

The great educational scandal of our time has been the falling test scores of American schoolchildren, which began in the 1960s and continued into the early 1980s. Over those very same years, more and more billions of tax dollars were poured into education at all levels. That's political success.

Like much political success, its key ingredient was lying.

For years, schools lied to the parents by giving higher and higher grades for lower and lower quality work. Educators lied to the public by claiming that this was the best-educated generation of Americans in history.

But in 1975 the truth came out, when a study of Scholastic Aptitude Tests revealed that SAT scores had been falling steadily for a dozen years.

Only when parents and voters across the country began rebelling against the education establishment was anything done to stop the decline.

Moreover, the education establishment defended itself with new lies. They claimed that declining test scores reflected more minority and disadvantaged youngsters remaining in school longer. This lie is still going strong today.

In reality, the test-score average declined because the top students were no longer doing top-quality work, not because lower scores from disadvantaged students were being averaged in. For example, in 1972 more than 50,000 American students scored above 650 on the Scholastic Aptitude Test, but less than 20,000 scored that high by 1980.

Internationally, American students are not only behind students in Japan but behind students in many other countries as well. Our 13-year olds know less geometry than their counterparts in Hungary, Holland, or Thailand among other countries. They are, of course, far behind Japanese students.

To the education establishment, to liberals in Congress, and to deep thinkers in the media, this all proves that we must pour more billions of dollars into education. The fact that soaring educational spending accompanied plummeting test scores for nearly two decades is ignored.

Even today, within the United States, educational spending has little correlation with educational results. Connecticut, for example, spends about 50 percent more per pupil than New Hampshire, but New Hampshire's test scores are higher. Private schools spend much less per pupil than public schools and get better results.

Internationally, the United States spends a higher proportion of its total income on educaton than Japan does. The average American class size is under 30, while in Japan it is over 40. But the big lie that money and class size are crucial continues to be put out by the educational establishment—and is echoed by politicians and the media.

As long as we continue to buy this propaganda, the education establishment will continue to sell it. And our youngsters will continue to lag behind those in industrial nations—or even some Third World nations.

We need the same kind of rebellion of parents, voter, and taxpayers that finally halted declining test scores. We do not need to keep writing bigger checks for bigger bureaucratic empires serving smaller numbers of students.

We need tougher tests for teachers. We need to re-examine tenure and other elaborate protections for incompetents. We need to repeal laws that make it a federal case to get rid of disruptive and violent students who keep other students from learning.

We need to restructure our educational institutions so that parents can pull their children out of rotten schools and put them somewhere else.

Above all, we need to realize that we have been lied to for years by the very people who are now demanding more of our money.

EMPLOYMENT SERVICE DOING ITS JOB

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. AuCOIN. Mr. Speaker, critics of the U.S. Employment Service have raised questions about its effectiveness. In particular, they have questioned whether it serves the needs of working people by working closely with employers, who create the vast majority of jobs in this country.

These critics include Secretary of Labor William E. Brock, who said in testimony before the Education and Labor Committee approximately 2 weeks ago, "One of the things that business people have told us is that by the time they could notify them [the Employment Service] and the job circulated for a filling, they have already filled it on their own using private employment services, which do the job."

Secretary Brock also said, referring to the U.S. Employment Service, that: "No businesses use it. . . ."

Mr. Speaker, I question the justice of these remarks. Perhaps there are situations they apply to, or have been in the past, but I can assure you they do not apply to the employment service in Oregon. Oregon's Employment Division has created a model placement program based on close cooperation with private employers. Many major employers in Oregon almost exclusively use the employment service to fill open positions, and many fill openings at every level: production and technical workers, professionals, and managers.

More than 21,000 businesses in Oregon listed openings with the Employment Division. Of 111,000 jobs listed the Division filled over 86,000; 20,000 of these placements were youths, and nearly another 20,000 were Unemployment Compensation claimants who became, once again, taxpayers.

The Oregon Employment Division works closely with individual employers to meet special requirements. It also seeks the advice of businesses community-wide through Job Service Employer Committees. Employers who serve on these committees have found the agency anxious to contribute to the competitiveness of Oregon's private sector, and I am convinced that the responsiveness of the employment service in Oregon is contributing to the Nation's overall competitiveness as well.

In order to demonstrate the extent of support for the employment service in the business community in Oregon, I am entering into the RECORD some recent comments by major Oregon employers. While I can point to the lead taken by the Oregon Employment Division and speak out to support adequate funding for employment service programs, nothing I could say would express so clearly the achievements and the potential of employment services as these testimonials from some of our business leaders do:

From Wacker Siltronic Corp. in Portland, a high technology firm:

"This spring and summer we hired about 115 employees by coordinating our staffing efforts solely with the Portland Downtown Employment Service Office and Portland Private Industry Council. We ran no advertisements, for our positions are so unique that we must train people in-house. Therefore, the interviewers at the Employment Service and at PIC were trained by us, and we interacted daily with them. As a result, we filled our staffing need in an extremely timely fashion, removed a majority of these people from the rolls of the unemployed and began providing them a job-training program.

"This effort was a successful linkage of the employer with the public labor exchange. It was tailored to ours, the employer need. It was not an accident—it took teamwork, risk, daily communication, evaluation, long hours of effort on both sides—and the cooperation of professionals who were change agents, i.e., the Portland Downtown Employment Manager and the Manager of the Portland Private Industry Council. As a result, people are now employed in entry-level high tech jobs with an employer who trains and compensates them. They, in turn, are productive employees who pay taxes and enjoy our excellent benefits package.

"Most of these people would not have been given the time of day by a "fee-paid agency". Their skill-levels and entry-level pay would probably not attract the attention of employment agencies. We, however, paid our fee for this service, through our FUTA employer tax, and were well served."

From Roseburg Forest Products Co.:

"To update our hiring practices and maintain a good working relationship with the community, we have exclusively used the local state employment service in Roseburg, Oregon since 1978. All entry level jobs are placed through the employment service along with specialized skilled jobs such as millwrights and electricians.

"Over the years we have developed a program with the employment service that has met objectives for both parties. We have experienced a higher ratio of qualified applicants along with meeting our affirmative action goals.

"Use of our local employment service has saved us time and money. The old method of putting up and taking down the 'Taking Applications' sign is now as obsolete as the stone tablet. There was no way to regulate the flow or number of applicants. We would receive applications from an Albanian Cheesemaker to a Marine Biologist with few people qualified in between. This system was not only inefficient but also very costly, due to the high turn over rates."

From Boise Cascade's La Grande plant:

"The La Grande Employment Division has become an integral part of our entry level employee job placement which represents the largest portion of our hiring activity.

"The level of professional service provided by the La Grande office allows for a precise and a very educated process for job applicants interested in working for our company. The La Grande Employment Division in conjunction with our local Manpower Consortium institute the hiring process for our company. The Consortium tests applicants with a procedure called the Physical Performance Test. This is a commonly used test in our industry that scientifically measures a person's physical capabilities as they relate to our entry level positions.

"The Employment Division personnel have taken the time to tour our facilities and know what exactly the duties an entry level person would be required to perform. This adds to their ability to provide for testing an educated applicant in terms of required job duties."

From Carnation's Pet Food and Cereal Division in Hillsboro:

"We would like for you to know that we both appreciate and depend on the service provided by our local Employment Service. When openings occur at our plant, we place a job order with the Employment Office and rely on their procedures for help in the first step screening of qualified applicants for us to interview. The personnel at our local Employment Office is capable, thorough, courteous, and works well with us. We feel that valuable service in our community is provided by this agency."

From Kelly Services in Portland:

"Kelly Services depends heavily on the prescreening and personalized selection of potential employees handled by the Employment Division of the State of Oregon.

"We are very pleased with the testing done by the Employment Division and feel very confident that we will be sent persons who qualify for the specific jobs that we have available. I am also very pleased with the skilled and professional applicants this division has sent our office. The professional placement service is of high quality and has been very successful in our office. Four of the five staff members employed by Kelly Services have been hired due to the professional placement division at the Oregon Employment Division."

From Gunderson, Inc. In Portland, a manufacturer of railcars and marine products:

"Fortunately, our business improved this year to the extent that we hired some 300 people between April and August. Almost all of these referrals came through the Oregon Employment service offices located in the Portland metropolitan area.

"The service rendered by these offices saved our company the equivalent of one full-time employee during this period of time.

"Prior to embarking upon this aggressive employment schedule we met with representatives of the Oregon Employment Service and reviewed the job descriptions for the positions that were available—welders, equipment operators, burners, guards, helpers, painters and machine operators. Representatives from the employment service toured our facilities to get a better understanding of the type of work and type of people we needed and then members of my staff, along with representatives from the employment service, visited each of the offices in the Portland metropolitan area and visited with individuals there who would be screening, taking the applications and making the referrals. We then placed the appropriate employment advertisements in the local paper referring applicants to the employment service offices. The system worked very well. The quality and quantity of the applicants was excellent.

"We have consistently received prompt and excellent service from the Oregon Employment Service not only in terms of filling job vacancies but obtaining market data and other information that is important to us as a major manufacturer in Oregon."

From Precision Castparts Corp. In Portland, a metal casting firm:

"As an employer of 2500 people in Clackamas County, we use the Oregon Employment Division to screen and refer all applicants to our nonexempt positions. We were a leader to encourage the State to provide us test-selected applicants through the Validity Generalization process. Since we began work with the Divsion in September, 1984, they have processed over 15,000 applications, 260 job orders, and 500 hires. Referral quality is high, timeliness is excellent, and they are able to be responsive to our hiring needs. They aggressively seek methods to increase service levels to us."

THINKING ABOUT OUR CONSTITUTION

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. COURTER. Mr. Speaker, next Monday, March 16, is the birthday of James Madison, Constitution writer par exellence. His commentaries, still provide authoritative interpretations of the Founders' intentions and purposes.

It seems odd that while we have celebrated some of our patriots with statues, monuments and memorials, and others with national holidays, we do not officially recognize the Father of the Constitution. Still, it may be said that in following that document every day in Congress, in the White House, in the courts, and in the hearts of our people, we Americans pay unceasing homage to its prime creator.

In the following essay, one of our Nation's finest constitutional scholars, Prof. Walter Berns, shows how America's good fortune provided us with a happy combination of factors which resulted in our 200-year-old constitutional system. Among those factors, of course, was the advantage of having what Jefferson called "an assembly of demigods" who came together, in a land Providence seemed to have set aside, to write the most rational fundamental law history has ever seen.

The physical and geographical advantages of our land have not changed. But our Constitution remains an experiment in self-government. Perhaps its greatest task is to generate future Thomas Jeffersons, James Madisons, and Abraham Lincolns in times when our country needs them. Who would deny that today is such a time?

As Professor Berns suggests, the bicentennial grants of the National Endowment for the Humanities are supporting essential scholarly contributions to the study of our Constitution. We have not yet exhaustively examined the constitutional foundations of American democracy. Yet ultimately the survival of freedom in America, indeed, in the world depends on our knowledge of and clarity about our Nation's founding law.

[From the Washington Times, Mar. 5, 1987]

SOMETHING WE STILL NEED TO KNOW

As I count them, there are 164-countries in the world, and of these, all but seven (Britian, Israel, and New Zealand; Oman, Saudi Arabia, Libya, and Kampuchea) have written constitutions. Ours is now 200 years old. Of the remaining 156, over half have been written since 1974, a mere 13 years ago. That, I suggest, is some statistic. In a world where constitutions come and go with almost seasonal regularity, we Americans have cause to wonder why ours should have lasted so long. To what can we attribute our good fortune?

Before vaunting our success, we should first of all acknowledge how close we came to failing. We exist as a nation, "conceived in liberty and dedicated to the proposition that all men are created equal," only because Abraham Lincoln insisted that the government fight and win a bloody Civil War to keep the nation one nation, and that one nation a nation so conceived and so dedicated. And it is well to remember the terrible price exacted by that war: excluding the Vietnam War from the calculus, more Americans lost their lives in the Civil War than in all our other wars combined. That, too, is a statistic to reckon with.

Then, secondly, we owe it to the rest of the world to acknowledge the special advantages arising out of the peculiar geographic circumstances attending our beginning: the absence of powerful and hostile neighbors. What other country could dare to budget the trifling sum of $163,078 for its war department, about one-third the amount budgeted to pay the interest on the public foreign debt? But on our borders then were only Indian tribes and not, as in the case of Poland, Germans and Russians. Moreover, not all those tribes were hostile and none of them was formidable. That probably explains why in that first budget only $41,000 was required for the "Indian department, as pr. general estimate in schedule No. 3, from the war office."

Not only was the country geographically isolated and, as John Jay emphasized in the second of the *Federalist Papers,* physically connected, but, he added, Providence had given this one connected country to "one united people—a people descended from the same ancestors, speaking the same language, professing the same religion, attached to the same principles of government, [and] very similar in their manners and customs." The country and the people "seem to have been made for each other," he said. In saying this, Jay was surely exaggerating the degree of unity but perhaps not all that much, and especially not when compared with other countries coming into existence then, or for that matter, now. America has never had to grapple with the problems of today's Lebanon, for example, or yesterday's Nigeria, for another. What is now Nigeria was a collection of 100 "nation states," comprising some 400 ethnic and linguistic groups, when the British made it part of their empire in the middle of the 19th century. Compared with Lebanon and Nigeria, we are now and were at the beginning "one people," a fact duly noted by Alexis de Tocqueville after his visit in the 1830's; Maine and Georgia were 1,000 miles apart, he said, but their peoples had more in common than those of Normandy and Brittany, "separated only by a brook."

But more important than history or geography were the men we call the Founders, the men who declared and fought for our independence and, having achieved it, wrote and ratified the Constitution. They provided the decisive element in our success. Many colonies have declared their independence, but which among them can boast of men like Washington, Jefferson, Franklin, Adams, Wilson, and the Morrises Robert and Gouverneur? We had much to complain of against King George III, but here on this distant shore he and his predecessors had provided the setting and the materials that allowed men such as these to prosper and gain prominence. As Edmund Burke argued repeatedly in the House of Commons, these colonials were by no means the least of Englishmen and they deserved to be treated as the best.

The least of Englishmen? On the contrary. Charles-Maurice de Talleyrand-Perigord, the sometimes bishop of Autun and longtime French statesman, knew everybody who was anybody, from princes, kings, and other heads of states to the Count Rasumovsky who commissioned Beethoven's three Opus-59 quartets. Tallyrand once said that of all the men he had encountered during his long and (on the whole) illustrious career, the greatest was Alexander Hamilton, greater even than Napoleon and the younger William Pitt. The least of men? On the contrary, Richard Henry Lee, who did his best to prevent the ratification of the Constitution, nevertheless had this to say of the men who drafted it: "America probably never will see an assembly of men of like number more respectable." From Paris, Jefferson likened them to "an assembly of demigods"; Franklin, himself one of their number, spoke more modestly of "*une assemblee des notables.*"

And for his labors on behalf of the Constitution, the most notable was surely James Madison.

It was Madison who prepared for the convention by drafting the so-called Virginia plan that provided the focus of those debates; Madison who played the major role in those debates; Madison who daily took notes on what was said in the convention and nightly transcribed those notes into the most complete record we have of the proceedings; and Madison who, in *Federalist 10, 37, 51, 63,* for example, gave us the clearest and most comprehensive explication of the constitutional plan. And it was Madison who can be said to have advised us on how to celebrate the Constitution's bicentennial. "What spectacle could be more edifying," he once wrote, "than that of liberty and learning, each leaning on each other for their surest and mutual support."

What is required of us this bicentennial occasion is, of course, a statement of thanksgiving, but beyond that a renewal of that learning on which our liberty depends. The Founders knew something we need to know. They were learned in the conditions of liberty and their learning is embodied in the Constitution and in its supporting documents, such as the *Federalist Papers.* On this occasion, especially, these works should be the subjects of thoughtful study. And it should be the duty of some public agencies to do what lies in their power to promote that study.

The National Endowment for the Humanities has been doing this for at least six years now. Long before the official Bicentennial Commission was established, the NEH inaugurated a series of programs whose purpose was to support and encourage scholarly interest in and public reflection on the principles on which our constitutional government is founded. These include research fellowships for individual scholars; seminars for secondary school teachers and college and law professors; financial support for serious constitutional journals, such as *this Constitution,* published by Project '87, a joint project of the American Historical Association and the American Political Science Association; a Bicentennial Bookshelf program providing funds (on a matching basis) to more than 800 public libraries around the country for the purchase of reference texts and other important books on the Constitution, including the two multivolume publications funded in part by the Endowment: *The Encyclopedia of the American Constitution,* edited chiefly by historian Leonard W. Levy of the Claremont Graduate School, and *The Founders' Constitution,* edited by Philip B. Kurland and Ralph Lerner of the University of Chicago.

This commemorative effort was begun under the chairmanship of William J. Bennett, now the secretary of education, and continued under that of his successor, Lynne Cheney. Promoting serious study of the Constitution is, she emphasized, very much a *humanities* project and, therefore, a project altogether appropriate to the Endowment. "The Founding Fathers made this point often:" she said on a recent occasion, "a free people, if they are to remain free, must be able to think critically, as the humanities teach us to do." And thinking critically (which does not mean negatively) about the Constitution—well, as Madison might say, nothing could be more edifying than that.

"PLATOON": THROUGH THE EYES OF A VETERAN

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. RAHALL. Mr. Speaker, at the request of my constituent Mr. Ralph E. Diehl of Beckley, WV, I am entering into the RECORD a letter by Mr. John Walker, also of Beckley, which was published in the March 3, 1987 edition of the Beckley Register/Herald.

In this letter, Mr. Walker states that it is his opinion that the movie "Platoon" attempts to discredit the Vietnam veteran. As I have not had the opportunity to view the movie, I must disassociate myself with Mr. Walker's views by firmly stating that I do not share these views. Furthermore, as I have not seen the film, I have not had the opportunity to formulate an opinion one way or the other as to the realistic or nonrealistic portrayal of American Armed Forces members who took part in the Vietnam conflict.

In light of the mixed public response to the movie "Platoon," I would not venture to draw any conclusion based on Mr. Walker's letter. In the end, the reality of this movie can only be decided in the hearts and minds of individual Vietnam veterans. Mr. Walker has drawn his conclusions and shared them with his fellow West Virginians. At the request of Mr. Diehl, I will enter Mr. Walker's letter into the CONGRESSIONAL RECORD as a service to my constituency and especially to the veterans who served this country valiantly in Vietnam.

MOVIE DISCREDITS VETS

This letter is in response to the current showing of the movie titled "Platoon." Movies and the news media exert a strong influence on the American public and in most cases provide the basis on which we judge certain events.

In my opinion, this movie attempts to discredit the Vietnam veteran by portraying him as a dope-crazed, confused warrior who has no understanding of his wartime situation. The soldiers in the unit appear so busy fighting among themselves that they leave little time to be concerned about the enemy. The movie ends in a pessimistic fashion, showing the principal character leaving the war zone in a terrible mental state and thinking to himself that he'll never be the same again.

I must give credit to the movie in the following areas:

(1) The combat scenes were the most realistic that I have seen in any war movie.

(2) The dress of the combatants is accurate as was the effect that the harsh environment has on their concern for survival.

(3) The terrible reality of combat casualties and death was accurately portrayed with several scenes showing the hopeless feeling that many situations created.

However, there were other aspects shown by the movie on which I wish to offer a second opinion. After having served two tours in Vietnam (both in combat units), I can truthfully say the following:

(1) I do not remember ever seeing any of my fellow soldiers smoke dope.

(2) Having been involved in numerous sweeps and searches of hamlets. I never once saw a harmless old Vietnamese man or woman needlessly executed or any female raped by U.S. or ARVN troops. We only fired upon known enemy and usually only after being fired upon.

(3) The discipline in our unit never deteriorated to the point where we fought among ourselves. All men carried out orders promptly and to the best of their ability. To have done otherwise would have caused a much higher casualty rate. I never saw nor heard of an incident where a unit leader was purposely killed by his own troops.

(4) I don't remember hearing as much profanity during the two years I was there as there was in the two-hour movie.

The movie ended with a short script dedicating the movie to those who fought in Vietnam. I left the movie in tears. The media for too long now has incorrectly portrayed the majority of Vietnam veterans simply because the negative actions of a few vets make better news.

A recent article in the Harvard Business Review (Winter 1986) reported on a survey of 390 Vietnam Veterans now in the business world. This article indicated that these veterans scored higher than their non-vet counterparts in areas of good listening skills, working well with others, working well under pressure, and delegating tasks. Only in the area of communication with fellow workers did they score lower than their counterparts.

The Vietnam veterans did not lose this war. There were very few combat engagements that our troops lost even when vastly outnumbered. We should never forget that the war was lost by our non-combatant leaders in Washington who practiced limited engagement and a no-win policy. They should be held accountable for the loss of the 58,000 men dead and the thousands wounded.

Welcome home, Vietnam vets. I give you credit for a job well done under unusual circumstances. You served your country well while others either ran away or hid behind deferments. Hold your heads high, and don't let anyone attempt to discredit you.

John Walker, Former Capt. U.S. Army, 798 North Eisenhower Dr., Beckley, WV 25801.

INDEPENDENT COUNSEL STATUTE

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. RODINO. Mr. Speaker, as a result of Watergate, the Congress was forced to confront the issue of whether the Attorney General should be involved in the investigation and prosecution of some of the President's closest and most trusted associates, and perhaps even of the President himself. The answer then was that he should not, and for good reason. Public confidence in the integrity of the judicial system requires that the Attorney General not be responsible for investigating and prosecuting other high-level executive branch officials with whom he serves the President.

The independent counsel statute was enacted as part of the Ethics in Government Act of 1978 in order to address this problem. By establishing a mechanism to ensure that criminal allegations involving high Government officials are fully and fairly investigated, the independent counsel law gives primacy to the fundamental tenet of our system of justice that no one is above the law. The statute was reauthorized for 5 years in 1983. It will expire on January 3, 1988. Because of the critical importance of this law, I am today, along with Representative BARNEY FRANK, introducing legislation to reauthorize the independent counsel statute permanently.

The independent counsel statute was designed to reach certain goals: To ensure that an aggressive, unbiased, and thorough investigation is conducted into all criminal allegations against senior Government officials; to ensure continuing public confidence in our democratic system and to protect the executive branch from unwarranted suspicion; to insulate the investigation of senior officials from personal or political influence and therefore to ensure that its conclusion will have the fullest credibility; and to afford protection to the reputation of any innocent official subject to investigation, precisely because the independent counsel's investigation is independent and its results deserving of trust.

Unfortunately, despite the clear congressional intent, the Department of Justice in a number of recent instances has failed to comply with some of the statute's carefully considered requirements. Therefore, in addition to reauthorizing the independent counsel law on a permanent basis, the legislation we are introducing today makes certain changes to confirm the Attorney General's obligations and powers under the statute.

The legislation Mr. FRANK and I are introducing today:

Expands the coverage of the independent counsel statute to apply to additional White House and Justice Department employees who hold political or policy positions. This would include, for example, certain military officers detailed to the White House.

Prevents the Department of Justice from conducting the preliminary investigation required under the statute in those cases where the allegations of misconduct are against senior officials in the Department itself.

Explicitly confirms that a court may expand the jurisdiction of an independent counsel, upon the request of the independent counsel, notwithstanding the determination of the Attorney General.

The purpose of this bill is to provide a focus for hearings on this issue which will be held soon by the Judiciary Committee's Subcommittee on Administrative Law and Governmental Relations, which Mr. FRANK chairs.

Mr. Speaker, the independent counsel statute is of undeniable value in maintaining public confidence in the integrity of our Government. A democratic government is only as strong as the trust of the people in its public officials. It is essential that this mechanism be made a permanent part of our law before the statute terminates next January. I look forward to working with the Members of this body to complete this important task.

KEEPING KIDS SAFE: "HOW TO RAISE A STREET-SMART CHILD"

HON. RON WYDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. WYDEN. Mr. Speaker, in this country, thousands of children are criminally abducted each year. There are at least 200,000 reported cases of sexual abuse against children, and 70 percent of those children are abused by someone the child knows. The bodies of 200 children are found each year and remain unidentified.

Parents today cannot help but fear for the safety of their children. But as long as we have to worry about crime, we must also have a source of information on preparing children to live safely in the world without being afraid of it.

This is why I want to call my colleagues' attention to the work of author and educator, Grace Hechinger.

In her book, "How to Raise a Street Smart Child," Ms. Hechinger shows parents how to replace fear with power, and helplessness with knowledge so their children will have the tools with which to protect themselves from potential abusers.

By sharing step-by-step techniques with parents on how to teach children about the world around them, this guide can literally save lives. Ms. Hechinger provides parents with sound, workable strategies for teaching youngsters so they can grow up to be independent, happy and safe—not afraid. As Ms. Hechinger, who has two children of her own, explains:

> We must acknowledge that our streets and our world is not as safe as we would like them to be. We must be realistic about the dangers, not overplaying them or underestimating them. We mislead our children if we pretend that they live in a perfect world but we also do them a disservice if we generate fear and insecurity. Our task is to show our children by example that even though crime in the streets and other dangers do exist, we are not daunted by them. Children can learn to be wary without being fearful. They can learn that if they act sensibly, they can be as secure as it is possible to be.
>
> There is a logical chain of instructions for parents to give to children. Through safety and guidance, your children will gradually gain assurance that they have some control in coping with the dangers they may face. If you move confidently in your efforts to teach your children how to protect themselves, you can take pride in success with a difficult and vital parental task.

This important book is also the basis of the Home Box Office documentary of the same title, hosted by Daniel J. Travanti and John Walsh. Mr. Walsh lived a nightmare when his son was abducted and murdered in 1981. His courageous fight for child protection led to the passage of the Missing Children's Act of 1982. Mr. Travanti received an Emmy nomination for his performance in the TV movie "Adam," based on Mr. Walsh's experience as the father of a missing child.

Using candid interviews with children and law enforcement authorities, this program offers the following 10 simple, but crucial "street-smart tips" that can save a child's life:

(1) Make sure your child knows how to dial "911" or "0" and ask for help.

(2) Make sure your child knows his or her name, address and phone number.

(3) Make sure your child knows exactly what a "stranger" is.

(4) Make sure your child knows a secret code word only you share.

(5) Make sure you play "What if?" games with your child.

(6) Make sure your child does not wear personalized clothing, which would make him or her an easy target.

(7) Make sure your child knows the difference between "good touch" and "bad touch."

(8) Make sure your child knows how to say "no" to adults.

(9) Make sure your child knows, if lost, to look for a person in uniform, such as a police officer or bus driver.

(10) Make sure your child knows to trust his or her instincts, and knows that if something suspicious happens, he or she should act on it * * * run to a crowded place and shout for help.

The HBO presentation debuted last Sunday, but will be presented again tomorrow night and throughout this month. I urge all parents to read "How to Raise a Street Smart Child" and to watch the HBO program with their children. This small investment will pay important dividends in your childrens' safety and your peace of mind.

THE STATE OF THE DOMESTIC OIL AND GAS INDUSTRY

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. SCHAEFER. Mr. Speaker, as we search for solutions to our depressed oil and gas industry, we must come to the realization that we're not going to win the fight with one punch. The problems for the domestic producer are not going to be solved overnight, nor will they be remedied by quick fixes of Government. Rather, a well-thought-out plan of attack will minimize our damage and assure us that our energy industry will go the distance.

We all know what we're up against. Last year, average U.S. crude oil production fell 800,000 barrels per day—the largest and most rapid decline in history. At the same time, domestic oil consumption rose 500,000 barrels daily, and oil imports increased to their highest level since 1980. Experts have predicted that the inevitable resulting shortage could be significantly worse than the crisis of the early 1970's. The question then becomes, What is the appropriate course for Government to take?

Many have suggested increased Government intervention into the marketplace. While an import fee or quota may offer some short-term relief, distorting the market holds many dangerous economic implications. One need only look at the misguided policies of the late 1970's to realize what long-term effect Federal intervention has on the energy industry and the economy as a whole. Clearly, the best way for Government to help the oil and gas industry is not to hinder it.

That is why I strongly favor deregulation of natural gas, repeal of the Windfall Profits Tax and Fuel Use Act, and other economic incentives that encourage domestic drilling. Enactment of these proposals won't make our oil and gas industry healthy tomorrow, or even the day after that. But as the administration so accurately states, "though it may seem a paradox, it is the very flexibility of our free-market system and its long-run ability to cope with changing circumstances that bring stability." Continued Government intervention prevents stability.

I ask my colleagues to keep this in mind when discussing various proposals designed to aid the oil and gas producer. As the fight for a healthy energy industry rages on, let's keep Government out of the ring. We may not win by a knockout, but the decision will be ours in the end.

TRIBUTE TO THOMAS M. PETERSON: OUR NATION'S FIRST BLACK VOTER

HON. BERNARD J. DWYER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DWYER of New Jersey. Mr. Speaker, it is my distinct honor to bring to the attention of the House, an important dedication which will be taking place later this month in Perth Amboy, NJ, when a permanent bronze plaque will be placed in School Number 1 in honor of Thomas Mundy Peterson, the first black to vote in the United States under the 15th amendment.

That amendment, granting the right to vote regardless of race, was adopted March 30, 1870. Mr. Peterson cast his historic first vote on March 31, 1870 at City Hall in Perth Amboy.

The fact that Thomas Peterson was the first black voter in the United States was not his only mark of distinction. He was a respected communicant of St. Peter's Episcopal Church and was known throughout Perth Amboy and his beloved boyhood home, Metuchen, NJ, as an honorable and good citizen.

Mr. Peterson served for several years as a custodian at School Number 1 where the new plaque will be dedicated in his honor.

In 1884, Mr. Peterson received from leading Perth Amboy citizens a special medallion with a profile of Abraham Lincoln, which Mr. Peterson wore proudly throughout the rest in his life.

The Perth Amboy School District, and students, faculty and friends of School Number 1 are to be commended for ensuring a permanent memorial to Thomas Peterson that will remind children for generations to come of his historic vote, and the enduring importance of protecting the voting rights of all Americans.

LEGISLATION TO REPEAL NATURAL GAS AND OIL USE RESTRICTIONS IN THE FUEL USE ACT

HON. JIM SLATTERY

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. SLATTERY. Mr. Speaker, Representative DAN COATS of Indiana and I have today introduced two bills that would remove obsolete and unnecessary regulations from America's energy marketplace. These bills will repeal the natural gas and oil use restrictions in the Powerplant and Industrial Fuel Use Act of 1978, as well as repealing the incremental pricing provisions of the Natural Gas Policy Act of 1978.

The Fuel Use Act prohibits the use of either natural gas or oil in most new industrial boiler facilities and virtually all new powerplants. Similar restrictions in existing powerplants, requiring them to be off gas completely by 1990, were repealed in 1981.

The Fuel Use Act became law at a time when it appeared that supplies of natural gas were permanently short. Enactment of the Natural Gas Policy Act of 1978, however, eliminated inter/intrastate barriers to the movement of existing natural gas supplies, boosted new gas discoveries, triggered price-induced, energy conservation, and produced a gas surplus. During the 1970's, reserve additions in the lower 48 States averaged 46 percent of replacement—the rate at which new reserve additions replace annual gas production. During the 1980's, reserve additions have averaged close to full replacement. According to the Potential Gas Committee—a group of over 100 industry, academic and governmental geology and petroleum engineering experts operating under the auspices of the Colorado School of Mines since 1962—the total resource base for conventional lower 48 States natural gas is 835 trillion cubic feet, or about 50 times the current annual production of 17 trillion cubic feet. A realistic assessment of all factors clearly indicates that the outlook is good for both short- and long-term supply and for adjusting to seasonal and regional variations.

Despite the change in our gas supply situation, the Fuel Use Act has remained on the books. The Department of Energy has granted exemptions to the Fuel Use Act requirements. This process is outmoded, unnecessary, time-consuming and costly to the applicant and to the American taxpayer: The successful exemption requests of 1985 averaged 5 months of processing time from the date of filing—without even counting time spent by the applicant on preparing the filing. In that year, the various projects caught in DOE's backlog would have cumulatively boosted natural gas demand by some 200 billion cubic feet per year.

Furthermore, the Fuel Use Act is driving up the cost of producing goods in the United States by limiting the ability of industrial plants and electric generating facilities to use gas. A study by the Urban Institute in 1985 estimated that these prohibitions will increase the cost of producing electricity and energy intensive industrial goods by $5 billion—1985 dollars—between now and the year 2000. The damage to our balance of trade is clear. Both Japan and Korea are deploying combined-cycle gas turbine technology—which makes use of both gas turbine fuel combustion and recovered waste heat, a technology barred in new powerplants by the Fuel Use Act—as a low cost means of generating electricity for their industrial sector. Fuel efficient cogeneration technologies have also run afoul of Fuel Use Act requirements.

We believe the case is clear for Fuel Use Act repeal. Increased demand for American natural gas will provide sorely needed exploration incentives for American gas producers, reduce oil imports, improve the efficient use of our energy utility, infrastructure and eliminate an unnecessary bureaucracy.

The avowed purposes of incremental pricing were to discipline pipeline bidding and to assure that anticipated gas price rises were borne primarily by industrial users. It has never really served either purpose.

Through a complicated ratemaking and accounting mechanism, incremental pricing effectively requires that most gas volumes sold to industrial boilers cannot be priced below the energy equivalent price of residual fuel oil. Sometimes this policy is purely academic, since the price of gas in this market is already at or above parity with residual oil. In other cases, however, incremental pricing artificially raises the gas price that would otherwise be charged, impeding gas use in one of its largest and most competitive markets. In all cases, there are administrative burdens and confusion for energy users and Federal regulators alike, both on the Federal and State levels.

Repeal of the incremental pricing requirements would permit new opportunities for displacing imported oil. National economic growth would also be boosted, since industrial gas users would no longer be forced to pay artificially inflated rates. Incremental pricing is just the opposite of the energy policies of our international trade competitors. Repeal of incremental pricing would also give natural gas consumers the economic benefits of spreading fixed costs over expanded loads.

We believe that now is the time to take this unsuccessful, counterproductive regulatory requirement off the statute books.

Mr. Speaker, repeal of the Fuel Use Act and incremental pricing has been a part of virtually every major natural gas policy proposal that Congress has considered in recent years. There is a clear consensus for repeal within Congress and endorsements from an impressive array of public officials and interested groups. Indeed, in 1986, the House of Representatives adopted by voice vote legislation that repealed the Fuel Use Act and incremental pricing. This congressional consensus has been frustrated by a tendency to throw these issues into comprehensive bills that also include topics highly controversial in both Houses of Congress, such as old gas decontrol and contract carriage. I hope that this year we can address the need for repeal of the Fuel Use Act and incremental pricing in a timely, responsible manner.

CONTRA AID DEBATE MASKS TRUE PURPOSE: A SELLOUT

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. SHUMWAY. Mr. Speaker, I would like to share with my colleagues an article by Dr. Jeane J. Kirkpatrick which recently appeared in the Los Angeles Times.

Dr. Kirkpatrick discusses the significant shift in the terms of the debate on United States policy toward Central America. Just a few years ago many people questioned El Salvador's ability to transform itself into a truly representative democracy. Though the Salvadoran guerrillas continue their war against the democratic government of Jose Napoleon Durate with assistance from the Sandinistas, we rarely hear claims of the inevitable success of the guerrillas or questions about the wisdom of providing United States aid to support this fledgling democracy.

Similarly when the Sandinistas came to power in Nicaragua a few years ago many people were unwilling to accept their true intentions. Today few people question the Communist nature of the Sandinista government, its close ties to the Soviet Union and Cuba, its massive military buildup, its commitment to a revolution without borders, or its denial of political and religious freedom.

I commend this article to the attention of my colleagues as we once again debate whether the United States will sustain its commitment to assist those who carry the torch for a free and democratic Nicaragua.

[From the Los Angeles Times, Mar. 1, 1987]

CONTRA AID DEBATE MASKS TRUE PURPOSE: A SELL-OUT

(By Jeane Kirkpatrick)

Once again Congress is locked in a debate over U.S. policy in Central America. This time it concerns whether to release the remaining $40 million in aid approved last year for the Nicaraguan *contras.* While the whole discussion sounds numbingly familiar, in fact the terms of the debate have shifted significantly. Events in the region and in Washington have clarified the situation and the alternatives.

During the early years of the Reagan Administration, El Salvador dominated the Central American debate: Was the triumph of the FMLN guerrillas inevitable? Were they really Marxist-Leninist or only a broad front of indigenous revolutionaries? Were Salvadorans "ready" for democracy, or were we and they forced to choose between murderous right- and left-wing groups? Would the traditional right permit Jose Napoleon Duarte to win an honest election, to take power, to govern? Wasn't U.S. military aid to the government of El Salvador merely prolonging the killing? Shouldn't we shut off assistance and try even at this late date to develop a constructive relationship with the "revolutionary forces"?

These questions are rarely heard in Washington today. The guerrillas' war against El Salvador's democratic government continues. But those who once led the fight against U.S. aid to El Salvador have other priorities. The senators and congressmen who only a few years ago argued that the FMLN was invincible proclaim today the "inevitable" defeat of Nicaragua's contras. For the moment at least, these senators and congressmen are more interested in denying aid to the contras than to the government of El Salvador.

The debate on Nicaragua is also very different from, say, five years ago when the Sandinistas' congressional friends denied the character and commitments of the new Nicaraguan government. Today almost no one in Washington denies that Nicaragua has a communist government, that it has close military and economic ties to the Soviet Bloc, that it is sustained by Cuban and Soviet Bloc arms and advisers, that it has developed large, well-equipped military forces, that it denies Nicaraguan citizens political and religious freedom. All this is granted by the same congressmen and senators who not so long ago argued precisely the contrary.

The shifting terms of the debate on Nicaragua were reflected in a recent speech by Sen. Christopher J. Dodd (D-Conn.), one of the Sandinistas' most indefatigable supporters. With dazzling chutzpah, Dodd conceded that Nicaragua has a communist government, but he cited that to prove the failure of Reagan Administration policies in the region. "The conclusion is obvious: More of the same will not do it. More of the same will not prevent the existence of a communist-run state in Nicaragua."

In Dodd's view, resistance is futile. Therefore, do not resist. Dodd believes that the "real answer and important first step" is a security agreement that would prohibit Soviet and other communist forces in Nicaragua in exchange, presumably, for U.S. dismantling of the contras.

However, Dodd does not propose an exchange but a unilateral concession. The United States should now cut off all U.S. funding of the contras and cut off any U.S. assistance to any country that provides aid to the contras. Clearly Dodd is more interested in dismantling the contras than in addressing the security problems of the United States in the Hemisphere.

In an argument that mixes metaphors as easily as Julia Child mixes omelets, Dodd argues that the contras are the Edsel of guerrilla warfare. He fears that supporting them will lead to the "inevitable scene, American officials scrambling aboard a helicopter as it prepares to lift off from an embassy rooftop with local hires desperately clutching at its landing skids."

Apparently Dodd believes that the Sandinistas can hand the United States a humiliating military defeat in Nicaragua. "Political will," he says, and "political courage" are required to avoid such humiliation. We must surrender now to avoid defeat. This he thinks is the lesson of Vietnam.

In his zeal to adapt to the changed correlation of forces in Central America, Dodd does not bother with questions of democracy or self-government. He does not condition his proposed funding cutoff on the Sandinistas' acceptance of his recommended security agreement. He does not even bother to concern himself with the impact of such an agreement, if implemented, on U.S. security interests.

The reason for all this lack of concern is that Christoper Dodd's legislation has only one goal: to dismantle the contras. All else is window dressing.

It seems impossible that a majority of Congress shares his vision of our future.

WATER RESOURCES—AQUATIC PLANT MANAGEMENT PROJECT LEGISLATION

HON. TOM LEWIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. LEWIS of Florida. Mr. Speaker, today I am introducing legislation which will direct the Administrator of the Environmental Protection Agency to develop a management model for the control of aquatic plants and other fresh water pollutants. Attached is a section-by-section analysis of this legislative proposal.

In my discussions with scientists who conduct research on the control of pollutants in lakes and the related ecosystem, the point has often been made that many management efforts may correct one problem but create another. For example, in my own district, plans to divert streams containing high levels of phosphate from Lake Okeechobee, could have disastrous results on the marsh lands receiving the phosphate water.

As a consequence, I have become convinced that a better management model must be developed that would allow decision makers to predict in advance the long-term impact of various clean up actions. This legislation that I am introducing will be a step in the direction of creating the needed management model that could be used by State and local officials in resolving these problems.

Data from scientific research on aquatic plant overgrowth, for example, would be fed into the computerized model and the management product would list the various solutions along with the advantages and disadvantages of each option.

The use of a master plan for the clean up of a lake ecosystem, which the management model could be used to develop, would be available to State and local officials to use in making long range plans. This is an important concept because many of the well intentioned clean up projects of the 1960's and 1970's had a negative long-term impact. The scientific community has indicated that this could have been prevented if a long range master plan had been utilized.

Specifically, this legislation calls for the EPA to complete the management model within 3 years, at a cost not to exceed $2.5 million annually, and to demonstrate its usefulness on a lake ecosystem, such as Lake Okeechobee. The bill also calls for scientists who conduct research on these projects to review the management model as it is being developed. In the initial stage, the management model will focus on the control of aquatic plants, a problem found in over 40 States.

Because of the significant public benefit associated with this proposal, I urge my colleagues to join with me and cosponsor this important and timely legislation.

ANALYSIS OF WATER RESOURCES—AQUATIC PLANT MANAGEMENT PROJECT LEGISLATION

Section 1.(a). The Administrator of the Environmental Protection agency (EPA) is directed to develop a water resources-aquatic plant management model system. The management model would be for use by those responsible for controlling aquatic plants in the United States. The benefit of this approach is that it will allow decision-makers to include scientific data from all over the United States in the management model and get a list of options for actions that would be suitable for a specific location. This includes the Lake Okeechobee ecosystem and the over 40 different states with aquatic plant problems.

Section 1.(b). The management model developed in (a) would be field tested so that the practical application would be assured. The demonstration and field testing would include subtropical ecosystems such as Lake Okeechobee.

Section 1.(c). The management model that is developed will be reviewed, as it is developed, by scientists at the local, state, and federal levels to ensure that it is scientifically sound and that the final model will be usable at the local level.

Section 1.(d). The development of the management model will not take longer than three years. This is to make sure that a permanent program will not be established and that the technology will be transferred to state and local levels.

Section 1.(e). EPA will report to Congress on an annual basis on the progress of the project.

Section 1.(f). The cost of the program will be $2 million per year for each of the three years.

Section 2. Scientific research necessary to provide data for the development of the management model will be funded at $500,000 per year for each of the three years.

TRIBUTE TO THOMAS MASARYK—FIRST PRESIDENT OF CZECHOSLOVAK REPUBLIC

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. LIPINSKI. Mr. Speaker, as cochairman of the Democratic Council on Ethnic-Americans, I would like to take this opportunity to pay tribute to Thomas Masaryk—founder and first president of the Czechoslovak Republic.

From a humble and modest background, Masaryk worked as a tutor for other students in order to pay for his own education. He later graduated from the prestigious University of Vienna and went on to become professor of philosophy at the University of Prague.

Masaryk had always longed to put his philosophical background into practical use. In 1890, he entered the world of politics determined to promote his ideals of freedom and justice. Protection of ethnic minorities and individual rights was something that Masaryk sought hard to accomplish. In 1899, he rose to the defense of a Jewish man falsely accused of ritual murder, and saved him from sure execution. At a time when a rise in anti-semitism was sweeping Europe, Masayrk never let the exhortations and irrational fears of the mob color his judgment, but followed his own sense of justice and equality.

Toward the outbreak of World War I, Masayrk became the recognized representative of the Czech liberation movement. He dreamed of uniting the Czech and Slovak people against the imperialism of Germany.

The leaders of France, England and the United States sympathized with the supported his cause and came to personally respect and admire him.

On June 3, 1918, Masayrk finally realized his dream—Czechoslovakia became an allied power and multinational state. Throughout its short history, Czechoslovakia was a model democracy that respected the rights of its large German and Hungarian minorities. Masaryk was elected President of Czechoslovakia in November 1918 and became the key unifying force in the battles between the Czech and Slovak parties. He advocated strong and friendly relations with all neighbors, including even Austria and Germany. It is ironic that Adolf Hitler would use a pretext the suppression of German rights and freedom in the Sudetenland to invade and conquer Czechoslovakia. Masaryk was a man who devoted his life to ensuring and respecting the rights of others, especially those who were in the minority.

Mr. Speaker, as the true father and liberator of his country, Thomas Masaryk was loved by his people for his humble dignity, candor and leadership. For those outside the country, he was much admired and respected and symbolized the very best qualities of mankind. We remember him many years later not only for his vision, but for his ability to translate his ideals and beliefs into courageous and concrete action.

We must further remember that the Czechoslovakia of Thomas Masayrk is not the Czechoslovakia of today. The fledgling democracy that granted rights to all its citizens is now the state that controls nearly all facets of life. In the older and better Czechoslovakia, there would be no need for Czechoslovakian human rights watchdog groups such as Charter 77, no need for the arbitrary arrest of religious figures, such as Pastor Jan Dus, and no need for the Czech government to sign agreements concerning human rights commitments.

Today, we salute this great Czech leader for his determination and vigilance to attain liberty for his people, and hope someday that Czechoslovakia will once again live up to his high standards of freedom and democracy.

JOB TRAINING PARTNERSHIP ACT

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. OXLEY. Mr. Speaker, 69 percent of those displaced U.S. workers who have participated in title III programs of the Job Training Partnership Act are now working again, according to a recent General Accounting Office study. This is wonderful news, particularly for those of us from areas that have experienced high unemployment and worker dislocation in recent years.

The Department of Labor and all those who work with JTPA and related programs at the State and local level are to be commended for their commitment and ardent efforts in behalf of displaced U.S. workers.

However, while the GAO study indicates that JTPA programs have been highly successful over the last 4 years or so, it also reminds us that our work in this area is not yet complete or flawless. We desperately need, for instance, to increase the number of displaced workers who participate in and benefit from our worker training and job assistance programs.

Perhaps most important, the study results may provide support for careful and complete consideration of President Reagan's broad new $980 million displaced worker initiative, and much needed hope for many of America's unemployed.

REPRESSION OF HUMAN RIGHTS ACTIVITIES IN CZECHOSLOVAKIA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. SMITH of New Jersey. Mr. Speaker, this year marks the 10th anniversary of the Czechoslovak human rights movement, Chapter 77. This "informal, open community of people united by the will to strive for the respect of civic and human rights" has endured longer than any other human rights movement in Eastern Europe. Unfortunately, Mr. Speaker, the Czechoslovakian Government is marking this anniversary by a severe crackdown on dissidents and human rights activists.

Today, Mr. Speaker, one of the most important human rights and political trials of the decade will begin in Czechoslovakia. Seven members of the executive committee of the "Jazz Section", a 7,000-member independent cultural group which works in the charter community, will be tried for engaging in "unauthorized business enterprise." The Jazz Section defendants face up to 8 years in prison if they are convicted.

Although the Czech Government banned the group in October 1984, Mr. Speaker, the Jazz Section has continued to be one of the most active and successful groups to spread independent culture in Czechoslovakia and Eastern Europe. As if to prove that there is no such thing as glasnost in Czechoslovakia, the Czech authorities are moving ahead quickly and vigorously to prosecute the group. Mr. Speaker, clearly these actions are a clear violation of Czechoslovakia's human rights commitments under the 1975 Helsinki Final Act.

In addition to the trial of the seven musicians, an eighth member of the Jazz Section, Petr Pospichal, who is also a member of the Committee for the Defense of the Unjustly Persecuted [VONS] and a Charter 77 signatory, will begin a separate trial today. On charges related to his human rights activities and his cooperation with other opposition groups in Eastern Europe, Mr. Pospichal could be sentenced to 10 years in prison, if convicted.

Mr. Speaker, a number of my colleagues joined me in sending a letter to the Czech Ambassador, Miroslav Houstecky, urging the Czech Government to drop its charges against these eight individuals and to release those in the group who are currently imprisoned without condition. Mr. Speaker, I trust the Czechoslovakian Government will heed to the concerns which have been raised by the international human rights community and will halt its attempts to repress the rights of its citizens.

IDAHO WILDERNESS

HON. PETER H. KOSTMAYER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. KOSTMAYER. Mr. Speaker, today I am introducing legislation to designate 3.9 million acres of unroaded pristine Idaho land as national wilderness.

This initiative represents the culmination of several years discussion and is the third time such a proposal has been introduced. All of the acreage proposed in this legislation is national forestland and many of the areas were recommended for wilderness designation in the RARE II wilderness study.

Currently, 9 million acres of land remain undeveloped in Idaho, and the future of much of this land is in doubt as the wilderness question remains unresolved.

The current prodevelopment policy for these lands in Idaho is costing the American taxpayer. As the Forest Service has opened land in Idaho for timber harvesting, the Government often loses money. Two of Idaho's national forests only returned 20 cents on every Federal dollar invested and every forest but one consistently averages negative timber receipts. This destructive and costly trend also comes at great expense to fisheries, wildlife, and wildlands.

Some argue that wilderness designation will destroy Idaho's economy. This is not the case. In fact, the tourism business has passed the traditional extraction industries of agriculture, mining and timber to become the biggest private employer in Idaho. In 1982, approximately 50,000 people used the services of professional guides and outfitters in Idaho, spending over $35 million.

For me and for so many other Americans, Mr. Speaker, preserving one of the most magnificent areas of our country is of the utmost importance and I ask for the support of my colleagues in designating as wilderness these 3.9 million acres before they are lost to development. I ask my colleagues, Mr. Speaker, to resolve this issue once and for all, for the benefit of the Nation and for all Idahoans.

ACKNOWLEDGE FIRST ANNIVERSARY OF "CHALLENGER" DISASTER

HON. E de la GARZA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DE LA GARZA. Mr. Speaker, a group of primary school students showed the Nation they had not forgotten the tragedy nor the meaning in the loss of the space shuttle *Challenger*. Many of these students are the children of migrant farmworkers in my district, and they study hard to learn about our country and its heritage. Their reaction to the anniversary of the *Challenger's* destruction shows how closely in their hearts they feel about the United States and its future. I would like to take a moment to tell my colleagues of their action and the way in which it reflects on the love they have for their country.

Last month, I had arranged for a U.S. flag to be flown over our Capitol and I gave this to the Valley View School which is near a small community called Las Milpas in my congressional district. The flag raising ceremony at the school was scheduled for January 28—the day on which we sorrowfully acknowledge the first anniversary of the *Challenger* disaster. The school administration had asked me to be the speaker for the ceremony.

Last minute urgent business prevented me from going down on the 28th, so the school agreed to hold the ceremony 2 days later on the 30th of January. The loss of 2 days in no way detracted from the originality of the day's events.

The school kids released 300 red, white, and blue helium-filled balloons each with a written message from each student about their feelings toward the space shuttle crew and their bravery. The area National Guard provided a 21-gun salute and as I stood with the group, we raised the American flag to the top of the mast, and then, honoring tradition, slowly lowered it to half mast.

A young student and leader in his ninth grade class, Jon Hernandez, presented the group with a letter on behalf of all students, thanking us for remembering this event—an event he said must burn in our memories forever. His letter to the assembly reads as follows:

> Honored guests, Board Members, Mr. Superintendent, Administrators, Teachers and fellow students—I want to say that the students of Valley View extend a warm thank you for having us participate in this ceremony. We know that the courage of those seven astronauts must never be forgotten and that our Flag will remain a symbol of their coverage. As students we can only look to our futures, and in doing so will remember this day at Valley View where we stood side by side to commemorate seven brave astronauts and to raise our new flag. Thank you for sharing this moment with us. May peace be in our futures—and the glory of a united effort to maintain it—burn in our souls forever.

Then, another young student, Tino Torres who is in the fifth grade, stepped forward and read a poem he had composed. There wasn't a dry eye to be found, Mr. Speaker, and although we have come 1 year since the time our astronauts perished bravely, this little poem bears reciting for all to read and appreciate the heartfelt thoughts of one fine youngster.

> One year ago from today
> seven astronauts passed away;
> Before they died they had smiles
> on their faces especially the one who
> would be the first teacher in space.
> Christa McAuliffe was her name
> no one really quite the same.
> A mother of two and happily
> married wife, sorry to know
> that took away her life.
> Just remember when we said
> good-bye and the tragedy that
> happened in the Florida sky;
> It all happened in an ocean
> so clear, so let's give them a
> hand or even our tears.

TRIBUTE TO MRS. GRACE CUNNINGHAM SMITH

HON. HARLEY O. STAGGERS, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. STAGGERS. Mr. Speaker, it is with great pleasure that I ask you to join with me in wishing Mrs. Grace Cunningham Smith of Bowden, WV, a happy 90th birthday. Mrs. Smith has led a life of hard work that has rewarded her with a rich knowledge and many fond memories. She has been involved with a remarkably varied array of professions. Mrs. Smith has been a teacher, a nurse, a farmer, a coal and cattle broker, a postmaster. She recalls the days when she was a baker producing 86 pies a day at a cost of 23 cents each. She remembers paying her assistant the princely sum of $2 per day. Though widowed in 1934, she managed to raise six children and still continued to work. She was a working mother long before the term was fashionable. I wish Mrs. Smith continued health and much happiness on this special day.

PROTECTION OF VETERANS PREFERENCE JOBS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DYMALLY. Mr. Speaker, I am honored to join my distinguished colleague, Mr. GILMAN, in introducing legislation which would provide employment security for veterans in civil service positions which are reserved for them under title 5, United States Code, section 3310.

At the outset, let me note that this legislation has passed the House under suspension of the rules in both the 98th and 99th Congresses.

Under current law, the positions of guard, messenger, elevator operator, and custodian in the civil service are reserved for veterans preference eligibles, as long as veterans are available. This provision was enacted as part of the Veterans Preference Act of 1944, in recognition of our national responsibility to provide special employment opportunities for men and women who served their country in the Armed Forces.

In more recent years, however, the intent of this provision of law has been circumvented by increased efforts to contract out the four positions reserved for veterans. As a result, veterans from World War II and the Korean war, who were faithful Government employees for many years, have found themselves faced with the loss of their jobs. And younger veterans from the Vietnam era do not have the opportunity to obtain secure employment in these positions, even though these positions are explicitly set aside for veterans.

Additionally, many veterans who hold these reserved positions are disabled or severely handicapped, and would encounter great difficulty in securing alternative employment if they are separated from Government service.

I believe it is highly inconsistent for the Congress to set aside certain jobs for veterans, while the executive branch is making these positions unavailable due to contracting out. The legislation we are introducing today corrects this inconsistency by providing that a veteran may not be separated from the position of guard, messenger, elevator operator, or custodian as the result of a contract award for these services.

Also, if a vacancy occurs in one of these positions or a new position becomes available, veterans must receive first consideration for employment.

Finally, the bill makes a special effort to ensure that sheltered workshops for the handicapped, which contract with the Federal Government for these types of services, will have continued opportunities to obtain work with Government agencies. The legislation provides that when an agency does contract for services covered under section 3310, due to the unavailability of veterans, it must give priority to contracting with a sheltered workshop for the handicapped.

It is clear that Congress intended to create employment opportunities and security for veterans by restricting certain civil service positions to preference eligibles. Mr. Speaker, this bill ensures that the original intent of the Veterans Preference Act, embodied in part in title 5, United States Code, section 3310, will not be thwarted by unilateral action by Federal agencies.

Many of our veterans employed by the Federal Government are nearing retirement age. And many younger veterans still face numerous obstacles in securing employment. Let us take this opportunity to renew our commitment to our Nation's veterans. I urge my colleagues to join Mr. GILMAN and myself in supporting this effort to help our veterans.

THE CELEBRATING OF CATHOLIC SCHOOLS WEEK IN THE DIOCESE OF STEUBENVILLE

HON. DOUGLAS APPLEGATE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. APPLEGATE. Mr. Speaker, it is with great pleasure that I rise today to honor the Catholic schools in my congressional district in the Diocese of Steubenville, consisting of 13 counties in southeastern Ohio. The Catholic schools play an important role in the diocese by furnishing our leaders of tomorrow with basic human, moral, and spiritual foundations.

It is my pleasure to honor the Catholic schools in the Diocese of Steubenville with their theme, "Catholic Schools: A Rainbow of Excellence," for their excellent work in the field of learning. The Catholic education fosters the religious fervor that originates deep within our Nation's heritage encouraging all Americans to depend on God for daily strength and fulfills the threefold purpose of message, community, and service. The faith and stability demonstrated by Catholic schools perpetuate the rich tradition of education by raising levels of knowledge, competence, and experience. The long-standing tradition of Catholic education strengthens the community and the Nation by keeping viable the right to freedom of religion under law.

Mr. Speaker, I am proud to pay tribute to the Catholic schools in the Diocese of Steubenville. I ask my colleagues to join me in expressing appreciation for the dedication with which the faculty, staff, and students of these schools approach their respective jobs. It is to individuals such as these that we owe the continuation of and commitment to the Christian faith and education in our country.

TRIBUTE TO JOHN SEEFELDT

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. ROTH. Mr. Speaker, on Thursday, March 19, John Seefeldt will be honored by his friends and colleagues on his retirement as port director of the Port of Green Bay, WI. I want to join with John's many friends in paying tribute to him.

I have had numerous opportunities to work with John Seefeldt since he became port director almost 9 years ago. His name has become synonymous with economic development in Green Bay, WI. He was a tireless advocate for Federal legislation which will result in the deepening of the harbor channel from 24 to 27 feet, a step that will enhance the competitiveness of the Port of Green Bay.

John Seefeldt has worked closely with Green Bay officials to expand the disposal area in the Bay Port Industrial Park. He was an outspoken supporter of the development and subsequent expansion of the Renard Isle disposal site.

One of the measures of success of a port director is how well he brings home Federal funding. In his years as Brown Country's port director, he has obtained more than $25 million worth of Federal projects for the Port of Green Bay. It is one thing to be a tireless worker. It is another to be tireless and effective. John Seefeldt has been both.

Yet another measure of success is recognition by ones peers. Over the years, John has served as chairman or director of most Great Lakes and national ports associations.

John Seefeldt has been a public servant in the best sense of the word. We owe him our thanks for a job truly well done.

SIOUX NATION BLACK HILLS ACT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. MILLER of California. Mr. Speaker, today I have joined with Congressman Jim Howard and Congressman Mo Udall in introducing legislation to provide for the return of certain lands within the Black Hills of South Dakota to the Sioux Nation.

For over 100 years, the Sioux Nation has tried to gain compensation and return of lands taken from them in 1868. The Supreme Court has observed that the Federal Government's actions throughout this period have been deplorable. The Court observed that "a more ripe and rank case of dishonorable dealing will never in all probability be found in our history."

I want to make clear that I do not support every provision in this bill. However, I believe that the Sioux Nation deserves to have this land claim issue heard in the Congress. That is why I have agreed to cosponsor the legislation with Congressmen Howard and Udall.

It is my hope that the Congress can thoroughly address this issue over the next few years to work out an equitable solution for the Sioux Nation as well as for the non-Indians who reside in the area.

UNITED STATES HOSTS THE WORLD LADIES CURLING CHAMPIONSHIP

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. PORTER. Mr. Speaker, March 22 will be a historic day in the annals of American and International sports. On that day, America will for the first time host the World Ladies Curling Championships sponsored by the Glayva Corp., and I'm proud to say that this world class event will take place in the 10th district of Illinois, at the Lake Forest Ice Arena.

Curling has not received widespread attention in the United States, although the game in fact was first played nearly 300 years ago in Scotland and the Netherlands. The championship matches over the years have drawn international attention as well as worldwide spectators, including many foreign dignitaries and royalty.

The first championship was held in Perth, Scotland, in 1979. Since then, Switzerland, Canada, Sweden, and Denmark have held the world title. This year, teams, or rinks, representing 10 countries will take to the ice in Lake Forest to compete for the title of world champion. The United States hopes are pinned on Sharon Good's rink from Seattle, which recently won the national championships held in St. Paul.

Curling enthusiasts abound in Chicago's North Shore communities, and the game is played regularly in Highland Park, Glencoe, Winnetka, Northbrook, Glenview and other cities. They are all eagerly anticipating the championships, which run from March 22-28.

Joan Smith of Northbrook deserves special recognition for her work as head of the host organizing committee. She has helped coordinate the innumerable details in scheduling the many European and out-of-state visitors.

I want to wish the American team luck in this first-ever championship In the jargon of curling, may the best rink win!

THE VETERANS JOB TRAINING ACT SHOULD BE EXTENDED

HON. WAYNE DOWDY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DOWDY of Mississippi. Mr. Speaker, Public Law 98-77, the Emergency Veterans' Job Training Act of 1983, established a program of job training assistance to relieve unemployment among Korean conflict and Vietnam-era veterans. This program, now known as the Veterans' Job Training Act [VJTA], was subsequently extended and improved by Public Laws 98-543, 99-108, and 99-238. I am today introducing legislation which would extend and authorize additional funding for this highly successful program which, under current law, closes for new applicants on July 2, 1987.

Joining me as cosponsors are the distinguished chairman of the Veterans' Affairs Committee, Hon. G.V. (Sonny) Montgomery and the ranking supporters of VJTA, Hon. Jerry Solomon. Also cosponsoring this bill are my colleagues on the Subcommittee on Education, Training and Employment including the ranking minority member of the subcommittee, Hon. Chris Smith, as well as Hon. Elizabeth Patterson, Hon. Chalmers Wylie, Hon. Jim Jontz, Hon. Tom Ridge, Hon. Lane Evans, Hon. Robert K. Dornan, Hon. Marcy Kaptur, Hon. Charles Stenholm, Hon. Joseph Kennedy II. Additional cosponsors include Hon. Tom Lantos, Hon. Jim Kolbe, Hon. Butler Derrick, and Hon. Marvin Leath, who was the author and chief sponsor of the legislation establishing VJTA.

The goal of VJTA is to address the problem of severe and continuing unemployment among certain groups of veterans by providing payments to defray the cost of training to employers who hire and train long-term unemployed veterans. Since the inception of the program, over 460,000 Vietnam-era and Korean conflict veterans have been certified to participate in VJTA. Over 52,000 have been placed in jobs, and more than 70,000 employers have been approved for participation.

On September 25, 1986, the Veterans' Administration submitted the supplementary report to an extensive study regarding VJTA, in accordance with Senate Report 98-275, which called for an evaluation of the program. The study was conducted under contract by Centaur Associates, Inc. This final report, which evaluated the impact of VJTA, concluded that the program has produced statistically significant positive effects on the employment rates and earning levels of participating veterans. These positive effects experienced by participants are shared by both the completers of the program and those who dropped out of VJTA. Clearly, this program is accomplishing its goal of reestablishing long-term unemployed veterans in our Nation's work force.

Mr. Speaker, we on the House Veterans' Affairs Committee are proud of the Veterans Job Training Act. The Congress has consistently demonstrated its commitment to assist unemployed veterans and enacted legislation reported by our committee to extend and improve this job training program. Numerous hearings have been held in Washington and in the field by the Subcommittee on Education, Training and Employment to monitor the implementation and effectiveness of VJTA. It is a good and cost-effective program.

Unfortunately, the VJTA Program is out of money. Although the Congress authorized $65 million for the program last year, only $35 million was appropriated and, because of the popularity and effectiveness of VJTA, all of those funds have been committed. The bill I am introducing today would authorize $30 million for the remainder of fiscal year 1987 and would authorize an additional $60 million for fiscal year 1988 and $60 million for fiscal year 1989. All of these funds would be available to the program through fiscal year 1991. The budget recently approved by the Veterans' Affairs Committee provides for these funding levels. The bill would also extend the date by which a veteran must apply for participation in VJTA through June 30, 1989, and require that a participating veteran be enrolled in an approved program of job training by March 20, 1990.

The administration has stated that because national unemployment is down and the emergency is over, there is no need to extend VJTA. The fact that others have found work, however, is small comfort to those 309,000 veterans of the Vietnam-era who are still looking for jobs. Their crisis continues and we have a responsibility to assist those who have served our Nation with distinction during times of conflict. Additionally, Bureau of Labor statistics indicate that fully 26 percent of dislocated workers are veterans and many studies show that one-third to one-half of homeless men have served in the Armed Forces. The Congress is now focusing on ways to assist those in both of these groups as they struggle to reenter the work force. VJTA has already proven its effectiveness and should be extended and adequately funded so that this valuable program can continue to assist thousands of unemployed veterans in their efforts to find meaningful employment.

TRIBUTE TO VINNY TESTAVERDE

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. McGRATH. Mr. Speaker, I would like to take this opportunity to recognize a constituent of mine, well known to many of our colleagues who are familiar with the world of sports. Vinny Testaverde, a resident of Elmont, NY, and winner of the coveted Heisman Torphy, will be honored next month by his friends, neighbors, and fans with a parade and ceremony.

Vinny's rise to national prominence began in the close knit Elmont community where many members of his family reside. Like many other residents of the Fifth Congressional District, Vinny's parents were first generation Americans, whose hard work and dedication to their families instilled tremendous pride and strong values in their children. Vinny's first exposure to organized football was as a member of the Franklin Square Peanuts, one of many area teams, which keep hundreds of youngsters occupied each fall.

At Sewanhaka High School, Vinny diligently worked his way up to the position of starting quarterback in his senior year. He led his team to an undefeated season and the championship in one of New York State's toughest conferences. Building on those successes, Vinny played a season at Fork Union Military Academy and then made the big step to the University of Miami.

At Miami, he again patiently waited for the opportunity to show his tremendous talents. That chance came in 1985, with the graduation of his predecessor. In his first year as starting quarterback, Vinny demonstrated the poise of a veteran in guiding the University of Miami to a 10-1 season and a New Year's Day bowl appearance; 1986 was another standout season, as Vinny led his team to an undefeated season. The Miami Hurricanes were raked second in the Nation and narrowly lost the national championship to Penn State in the hard-fought Fiesta Bowl.

Through all of this success, Vinny Testaverde has withstood the great demands imposed on a premier sports star. He has been active in countless charitable activities including a drug abuse awareness program organized in conjunction with the Fiesta Bowl. He is also close to family and friends in his hometown, who will celebrate his accomplishments. I am pleased and proud to represent such a fine young man, and I know that every Member of this body joins me in congratulating Vinny and wishing him the best in his future career.

CUMBERLAND HONORS CORDELL HULL AS "MOST DISTINGUISHED GRADUATE"

HON. BEN ERDREICH

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. ERDREICH. Mr. Speaker, March 21-28, the Cumberland School of Law, a part of Samford University, which is in the Sixth District of Alabama, will observe Law Week 1987 as it takes time for reunion and fellowship, intellectual stimulation and challenge, reflection on progress and achievement, and projection on the potential for future accomplishments.

During Law Week 1987, Cumberland will pay homage to a man who is one of Cumberland's most distinguished graduates, Cordell Hull.

Cordell Hull was born on October 2, 1871, in Overton County, TN, now known as Pickett County, among the foothills of the Cumberland Mountains. He read the law for himself in Nashville during the winter of 1889-90, and in January 1891, he began his formal law education when he entered Cumberland Law School, which at that time was located in Cumberland, TN. He began his long political career in 1892 when he was just under 21 years old. In 1892, he campaigned and was elected to the Tennessee State Legislature, where he served two terms. He declined nomination for a third term to concentrate on his law practice, which was interrupted in 1898 by the Spanish-American War, in which he raised a Tennessee volunteer company for service.

In 1906, Hull was elected to Congress from Tennessee's Fourth Congressional District by only 15 votes. In the next primary, 2 years later, he won by 1,200 votes and had no more opposition within the Democratic Party during the next 20 years. It was during this time that Hull drafted the income tax legislation that became law as part of the Underwood Tariff Act in 1913, winning him acclaim as the "Father of the Federal Income Tax." In 1930, Hull was elected to the U.S. Senate, and served there for only a short time before being made Secretary of State by President Roosevelt, helping him guide America's foreign policy for 11 years during one of the most important foreign policy eras of our country.

During the war years following the Japanese attack on Pearl Harbor, Hull looked forward to a time of peace and a world organization of nations that would prevent further conflict. In 1943, when he was 72 years old, he boarded a plane for the first time in his life to fly to Moscow for a conference with foreign secretaries of Russia and Britain. The meeting was to lay the foundation of the United Nations. He also instigated a further preliminary meeting, the Dumbarton Oaks Conference. Although poor health prevented him from attending the actual founding meeting at San Francisco in 1943, his work caused President Roosevelt to call him the "Father of the United Nations" and won for him the 1945 Nobel Peace Prize.

Cordell Hull died in 1955, leaving behind an outstanding record of more than half a century of public service. Rightly so, Cumberland is fiercely proud to have him as an alumnus, as it is of many other graduates of this distinguished school of law. It is fitting that in 1987, as we celebrate the bicentennial of our U.S. Constitution, that Cumberland School of Law honor this man who strived to make this country and its ideals a potent world force in the cause of peace and humanity.

KUDOS TO MRS. LORRAINE E. STEWART

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. DINGELL. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to Mrs. Lorraine E. Stewart, of Wyandotte, MI, who resides in the 16th Congressional District, which I have the distinct pleasure to represent. Mrs.

Stewart has the honor of serving as the 1986-87 president of the State of Michigan ladies auxiliary to the Veterans of Foreign Wars.

Mrs. Stewart joined the VFW Ladies Auxiliary to the city of Wyandotte Post 1136 in 1968, where she proceeded to hold numerous positions until becoming president for 1973-74. For her service that year, she was presented the 4th District's President of the Year Award. She continued her involvement with the ladies auxiliary becoming the 4th District president for 1976-77. For her exceptional contributions to the 4th District during her term as president, she was awarded the District President of the Year for the State of Michigan. Her honors continued rolling in, she was appointed a National Aide de Camp in both 1976-77 and 1977-78 for her outstanding efforts in signing up new and reinstated members.

In 1982, Mrs. Stewart transferred to Conroy-Renye-McNeil Post 4422 where she serves as the senior vice-president and national home chairman. Not letting the change of posts slow her down, Mrs. Stewart continued serving the State board culminating with her self selection as the 1986-87 Michigan State president of the ladies auxiliary.

Lorraine Miller married James E. Stewart, a Korean war veteran, in 1952. She has six children and nine grandchildren. With a soft spot in her heart for all children, Mrs. Stewart's special project this year is "Make A Wish" an organization that makes terminally ill children's dreams come true. As if all of this were not enough, she is also a volunteer at the Allen Park VA Hospital, a member of the American Legion Post 217 Auxiliary, and a charter member of the Southgate American Legion Auxiliary.

It is an honor to be able to congratulate Mrs. Stewart on her many accomplishments, and wish her continued success.

NATIONAL ENERGY EDUCATION DAY RESOLUTION OF 1987

HON. W.J. (BILLY) TAUZIN

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. TAUZIN. Mr. Speaker, few proclamations generate as much activity and public participation as the National Energy Education Day [NEED]. NEED is a 10-year effort aimed at promoting ongoing energy programs in our Nation's schools. Its projects inform students and the general public about energy and its effect on employment, research and development, Government policies, global events, and future career opportunities.

This year's theme for NEED is "Energy Changes and Challenges." It is anticipated that between 8,000 to 10,000 schools nationwide will culminate their weeks and months of planning and preparation with several days of activities and programs geared around the NEED '87 theme. The "Day", March 20, 1987, will celebrate the growth of energy education during the past year.

Our continued support can give these young Americans a headstart by encouraging educators, public officials, industry, and community leaders to help our youth focus on energy issues throughout their schooling in an organized and challenging manner. That is the objective of National Energy Education Day.

SENATE—*Wednesday, March 11, 1987*

The Senate met at 12 noon and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. The prayer today will be offered by the Reverend Edd Templeton, pastor of the First United Methodist Church, Tullahoma, TN.

PRAYER

May we pray: Almighty God, in these few moments we bow, knowing we are always in Your sight. Believing life would be much less complicated if we did not have to make choices and decisions, that demand from us our very best, in thought, word, and deed. However, we praise You for Your divine wisdom and for creating us as we are, rather than the alternative—creatures, without the freedom to choose, and decide, even under the most difficult of circumstances and delicate of situations.

As these men and women of the Senate find themselves in the decision-making arena from day to day, grant them wisdom beyond their own vision, vision so penetrating that critical issues can be seen with fullness of clarity, and most of all give them courage and strength, to stand for that which they believe and know to be best and right for all people.

May the breath of Your spirit blow fresh upon their hearts and minds, enabling them to render themselves honorably and enthusiastically to the tasks to which they have been called.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 11, 1987.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

JOHN C. STENNIS,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE GUEST CHAPLAIN

Mr. BYRD. Mr. President, the distinguished Senator from Tennessee has honored us today with the presence of the minister who delivered the opening prayer of the Senate.

I yield out of time under my control to the distinguished Senator from Tennessee, [Mr. SASSER], the senior Senator, for whatever comments he wishes to make in that regard.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. SASSER. Mr. President, I thank the distinguished majority leader for yielding to me here this morning.

Mr. President, it is indeed a pleasure for me to welcome Rev. Edd Templeton to the U.S. Senate to deliver our prayer here this morning.

Edd is a native of middle Tennessee, receiving his bachelor's and master's degree in divinity from Vanderbilt University.

He and his wife Carol have a son, a freshman at the University of Tennessee, and a daughter who is a junior at Tullahoma High School.

Our minister today is presently serving as senior minister of the First United Methodist Church in Tullahoma as indicated earlier and served as a delegate to the World Methodist Congress in Nairobi, Kenya, in 1986.

His contributions to his community are numerous. He is so highly regarded in his community that today he was accompanied on this journey to Washington by the mayor of Tullahoma, TN, the members of the city council, and approximately 25 of the most prominent citizens of that community.

He has made one very significant contribution to my staff here in Washington in that Elisa Dunavant, of Pulaski, TN, was the first child christened by Reverend Templeton after his ordination into the Methodist Church.

I am confident that my colleagues have benefited today and will benefit in the future from the words of prayer and wisdom imparted today to the U.S. Senate by this very distinguished Tennessean.

I join my colleague, Senator GORE, in welcoming him here in our presence and we cherished the words that he said to us today.

I thank the majority leader.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. BYRD. Mr. President, I ask unanimous consent that the remainder of my time may be utilized by Mr. NUNN later this afternoon when he speaks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. Under the standing order, the Republican leader is now recognized.

KANSAS RESIDENT REUNITED WITH FAMILY

Mr. DOLE. Mr. President, one of the most tragic situations in the world is the state of unrest in Afghanistan. But I am pleased today, to relate a small story out of Afghanistan with a happy ending.

A native of Afghanistan, now a Kansas resident and schoolteacher at Topeka West High School, Mr. Del Ebadi, will soon be reunited with his wife, whom he has not seen since 1979.

Mr. Ebadi left Afghanistan some years ago, prior to the Soviet invasion of 1979, in order to study in the United States. Like a good number of other Afghans, he was stranded here in the United States, and now makes his home here.

Tragically for him, however, his wife was still in Afghanistan when the Soviets invaded, and for the past 8 years he has been unable to get her out.

Recently, through his own untiring efforts, the help of family and friends, and through some additional assistance that I and other Kansans were able to provide, Mr. Ebadi's wife succeeded in getting out of Afghanistan and obtaining permission to come to the United States. The Ebadis will soon be reunited.

I share the deep joy of the Ebadi family. But I know they share with me, as well, a determination never to forget the tragic plight of literally millions of other oppressed Afghans—inside Afghanistan, in refugee camps in Pakistan and in places of asylum

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

around the globe. These millions remain victims of a brutal Soviet oppression, and we will not abandon their cause until they are free.

STOP FRIGHTENING THE ELDERLY

Mr. DOLE. Mr. President, frightening the elderly is a deplorable act. And yet that, according to testimony given at the Ways and Means Committee hearing yesterday, is the apparent motivation of a group called the National Committee to Preserve Social Security and Medicare.

By all accounts the group succeeds in its goal. In 1985 it raised $30 million and $40 million in 1986. And judging by the flood of mail I get, and I am sure my colleagues experience the same phenomenon, from concerned, sometimes panic-stricken, citizens who rely on Federal benefits—Social Security and Medicare—for their very existence, the group does get its message across. The only problem is the message is all wrong.

Neither the Social Security System, nor Medicare is in any jeopardy.

I know in my case I have had checks sent to me for $10, $20, "Save my Social Security," and the handwriting is barely legible. You can tell they were coming from senior citizens who had heard or read something about Congress might do this or Congress might do that.

Let me just indicate—and I would be backed by every Senator, Republican or Democrat—that neither the Social Security system nor Medicare is in any jeopardy.

There are no problems that I can foresee in either program. But when I answer my letters, I try to assure senior citizens that we have done an excellent job in protecting the Social Security system. In fact, we had to reform the Social Security system in 1983. Some of us were privileged to serve on that Commission that brought the reform to the Congress. I worked with Republicans and Democrats and people in the private sector. We believe we did a good job—such a good job that projections show the system will be solvent for the foreseeable future.

The same is true for Medicare. Congress may need to make reforms in the system to see to it that the fund remains sound. But whatever we do, our approach will be one that safeguards basic Medicare benefits.

As the Ways and Means hearing revealed, all of us in Congress are deeply concerned about the scare tactics this group, headed by James Roosevelt, employs.

With my reply to those who write me about the group, I include an editorial that was printed this January in the Kansas City Times entitled, "Shameless Roosevelt Connection."

Let me quote from the piece:

> Those who use that fear for their own profit and power deserve no honor in decent society. Whether they're businessmen or politicians, fortune tellers or healers, they are charlatans who would worm the last few dollars from senior citizens who really are poor and to whom not getting a cost-of-living increase or a higher Medicare deductible will result in suffering. Hope of rescue is tiny. Hence the terror.

Mr. President, Mr. Roosevelt's group is perfectly legal. But as I tell my constituents, I do not believe that President Franklin Roosevelt would have approved of some of his son's campaigns that aim to inspire fear rather than hope among elderly Americans.

More than anything, the elderly need our support and deserve the truth—first and foremost. I hope they hear this message—loud and clear—the help the Federal Government provides through Social Security and Medicare is safe and secure.

So I would just suggest to all of my colleagues that we should make a concerted effort to expose this group. It does not provide any service that anyone is aware of. As far as I know, they rarely testify or are ever seen on Capitol Hill but still are raising $30 to $40 million a year, taking away from senior citizens who have been frightened by mail they receive. And many of the mailings appear to come directly from the Social Security Administration, which is not the case. It is deceptive, it is unfair, and it literally bilks millions of dollars from people who cannot afford to spare the money.

Mr. President, I congratulate the Ways and Means Committee on their efforts in the other body.

I ask unanimous consent that the editorial from the Kansas City Times be printed in the RECORD, as well as an article from today's Washington Post on yesterday's Ways and Means hearing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SHAMELESS ROOSEVELT CONNECTION

(By Jean Haley)

The way the cars were lined up in the drive, a person felt uncomfortable not stopping. Maybe it was finally that free lunch. Or a lottery machine gone beserk. At any rate, all those folks seemed to know something or they wouldn't be rushing in, waiting patiently in line, then whirling away with a smile on their faces.

At least that's the way it seemed driving by the brand new, ugly building on the corner, clearly doing a brisk business though no sign gave a clue as to what kind of business. Somehow those eager clients knew. Maybe they read bricks. Or had a working grapevine.

They reminded me of the thousands of people rushing to give James Roosevelt some of their money. James Roosevelt is not a poor homeless person or veteran who deserves his countrymen's gratitude. He's the clever son of the legendary President Franklin Roosevelt. And he's trading shamelessly on that statesman's good name and status as the founder of this country's Social Security system.

Recently another round of warning documents and a plea for a contribution was sent to folks from James Roosevelt's National Committee to Preserve Social Security and Medicare. Some people couldn't wait to throw away their money.

Ignorance is often expensive. It's not its own protection, any more than virtue is.

This organization, with its Washington address and its righteous thunderings, purports to be an advocate for the ordinary pensioner before big, bad old Congress, laboring diligently for the stability of Social Security. Except for its efforts, according to the implied and stated messages sent to tens of thousands of households, benefits will be (and would have been) cut, funds stolen, retirees ignored and Medicare would insure even less for higher deductibles and premiums.

Never mind that the administration has proceeded on this course with little shame since 1981 or the strenuous efforts of many members of both houses to hold benefits firm. The Committee to Preserve, of course, can and does claim it could have been worse except for its efforts. And no one can argue very well about why what didn't happen didn't happen.

Legislators have been better friends to retirees than they've been to many groups. And a better friend of the old than the executive branch.

Elderly people as a group are a pretty rational lot. They needed to be to have survived the wiles of fellow human beings and the attacks of nature so many decades. But also for cause, they periodically are fearful. Of falling sick. Of losing independence. Of running out of money. Of Social Security failing. Or of otherwise being victimized.

Those who use that fear for their own profit and power deserve no honor in decent society. Whether they're businessmen or politicians, fortune tellers or healers, they are charlatans who would worm the last few dollars from senior citizens who really are poor and to whom not getting a cost-of-living increase or a higher Medicare deductible will result in suffering. Hope of rescue is tiny. Hence the terror.

They're not the only ones who contribute to the $10 million a year income the National Committee enjoys. But squeezing them is the rottenest, like a drunken man kicking a pregnant dog who's been denied food all week.

The letters solicit protests to members of Congress and a $10 check to help the cause, or now the "newspaper" the organization puts out. There are enough pieces of facts and shades of events to persuade those rational, attentive older people there's big trouble ready to boil over in the Social Security system. That it's on the brink, is what the letter suggests. It's not.

Moreover the materials have an official look, as if a real authority has spoken. Early in its life, the committee was accused by the Social Security Administration of making improper use of the mails in its presumption of authority. Nothing came of the charge but the committee offered to make refunds to individuals misled by its pitch.

The letters also are splashed through with more exclamation marks, underlinings, darkened boldface type and strategically placed red and blue markings than a mental patient's letters home. They alternatively insult and scare.

Although the committee is officially a non-profit agency, contributions or membership dues cannot be deducted as charitable donations for federal income tax purposes, according to the Council of Better Business Bureaus. Members of Congress have complained about it on the record. They spend a lot of time calming constituents every time these letters are delivered. As far as can be determined, the National Committee to Preserve Social Security and Medicare operates legally. But it is difficult to dream up a lobbyist that does so little with so much money.

Social Security Lobby Group Is Said to Mislead Aged

(By Spencer Rich)

A group headed by the son of President Franklin D. Roosevelt was accused yesterday of terrifying the elderly with a direct-mail fund campaign that raised $30 million in 1985 and up to $40 million last year with warnings that Social Security might collapse.

Witnesses at a House Ways and Means subcommittee hearing charged that the National Committee to Preserve Social Security and Medicare, created to lobby against cuts in Social Security, used most of the money not to defend the system but to raise more funds.

James Roosevelt, the group's chairman, and William Wewer, the organization's counsel, sharply disputed the general accusations and some of their critics's statistics.

"We are . . . highly visible and we are hard-hitting with our message," said Roosevelt, a former House Democrat whose father helped create Social Security in 1935. "to say that we are frightening older people" by warning against Medicare cuts and against proposals to freeze or cut back Social Security "is tantamount to blaming Paul Revere for the British coming to Concord."

More than a dozen House members attacked the Roosevelt group, formed in 1982, for what the subcommittee's ranking Republican, Rep. Bill Archer (Tex.), called "the mail campaign of fear being waged against senior citizens on the subject of Social Security." He said the group's tactics included such statements as "the dollars you've invested in Social Security may not be safe."

Rep. Robert E. Wise (D-W.Va.) said of Roosevelt: "His organization is still sending out an incredible number of mailings—28 in 1986, of which 22 were solicitations."

Other witnesses said at least 80 percent of the funds collected were used for additional fund-raising through mailings that reached 20 million households at a time.

A fact sheet prepared by the subcommittee staff said the group sent out an "URGENT ACTION-GRAM" in 1985 asking for $250,000 immediately to support court action against Treasury Department use of Social Security funds for general government purposes, but never went to court.

Roosevelt said the law firm of Williams & Connally had advised against suing the Treasury because others already had.

The subcommittee staff said the group spent 88 percent of its funds on mailings in 1985, paid Butcher-Forde (BFC), a California direct-mail firm, possibly as much as $3.5 million to handle its campaigns (most of the remaining $30 million went for printing, paper and other mail costs), and paid Roosevelt $60,000 last year.

Of a $5.2 million political action campaign in 1986, the group allegedly spent only $700,000 on direct contributions to candidates and $1.9 million in independent campaign activities on behalf of candidates or causes, the staff said.

Roosevelt responded that, according to Price Waterhouse accountants, the group spends only 15 percent of its money on fundraising, 38 percent on legislative activities, 25 percent on education, 20 percent on administrative costs, and 2 percent on behalf services. He acknowledged that many of these activities are handled through mailings.

He said the group now has numerous lobbyists and consultants, including former Social Security commissioner Martha McSteen, former American Association for Retired Persons legislative counsel Peter Hughes, and former House Committee on Aging retirement specialist Allen Johnston.

BICENTENNIAL MINUTE

MARCH 11, 1850: WILLIAM HENRY SEWARD'S "HIGHER LAW" SPEECH

Mr. DOLE. Mr. President, in the emotion-charged decades that preceded the American Civil War, the Senate, with its even balance of northern and southern Members, served as the principal arena for debate over the slavery issue. The theater-like setting of the old Senate Chamber resounded to the powerful oratory of vigorous sectional spokesmen. By 1850, the recent invention of the telegraph and the development of a reliable shorthand reporting system made it possible to transmit these addresses rapidly to newspapers across the Nation.

One hundred and thirty-seven years ago today, on March 11, 1850, William Henry Seward, a New York Whig serving his first year in the Senate, delivered a carefully prepared speech that instantly made him a national figure. Seward argued against any compromise that would permit slavery in the territories recently acquired in the war with Mexico. He accurately warned that the slave system would either be removed by "gradual voluntary effort, and with compensation," within the framework of the Union, or the Union would be thrown into a violent civil war that would lead to complete and immediate emancipation.

In a phrase that became forever associated with the substance of his dramatic speech, Seward said: "There is a higher law than the Constitution which regulates our authority over the domain and devotes it to the same noble purposes." He argued that the Senate, in discharging its duties, must take into account not only its specific constitutional responsibilities, but a broader moral obligation as well. In this tension-filled climate, Seward's "higher law" address provided the spark that ignited a violent explosion. Proslavery forces immediately and incorrectly cast Seward as a dangerous radical who advocated lawlessness. In this controversy, the Nation took another long step toward the disunion and war that Seward had predicted.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the time that is under the control of Mr. LEAHY be transferred to Mr. NUNN's control.

The ACTING PRESIDENT pro tempore. Without objection, that will be the order.

Mr. BYRD. Mr. NUNN will be speaking before the Senate later today.

Mr. DOLE. Mr. President, I have 3 minutes remaining. I yield my 3 minutes to the Senator from Georgia, Senator NUNN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I thank the Republican leader and I am sure Mr. NUNN will likewise appreciate his courtesy.

URGENT RELIEF FOR THE HOMELESS ACT

Mr. BYRD. Mr. President, while the distinguished Republican leader is on the floor, I wonder if he would have any objection if the Senate would now proceed to the calendar, under Bills and Joint Resolutions Read the First Time, and allow the House bill H.R. 558, the Urgent Relief for the Homeless Act, to be read the second time rather than waiting until the close of morning business today, as would be the case.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

> A bill (H.R. 558) to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

Mr. BYRD. Mr. President, if no objection is made to further proceedings under this measure now, it would be referred to a committee, would it not?

The ACTING PRESIDENT pro tempore. That is right.

Mr. BYRD. Therefore, Mr. President, I object to any further proceedings at this time on H.R. 558 and, under rule XIV, I believe this then will provide for the appearance of this bill on the Senate Calendar of Business on the next day following adjournment; am I correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. BYRD. I thank the Chair. I do object to any further proceedings.

The ACTING PRESIDENT pro tempore. The measure will be placed on the calendar.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin, Mr. PROX-

MIRE, is recognized for not to exceed 5 minutes.

CONGRESS CAN AND WILL STOP DEPLOYMENT OF SDI

Mr. PROXMIRE. Mr. President, during the past month there have been reports that the administration intends to begin the deployment of the strategic defense initiative [SDI]. This Senator states unequivocally that this cannot happen unless a majority of both the House and the Senate close their eyes to the most expert scientific opinion. What does the law require? That law provides that SDI cannot be deployed "in whole or in part" unless the following conditions are met. Here is what the law states, I quote it precisely:

> The President determines and certifies to the Congress in writing that—
>
> (A) the system is survivable (that is, the system is able to maintain a sufficient degree of effectiveness to fulfill its mission, even in the face of determined attacks against it) and
>
> (B) the system is cost effective at the margin to the extent that the system is able to maintain its effectiveness against the offense at less cost than it would take to develop offensive countermeasures and proliferate the ballistic missiles necessary to overcome it; and
>
> (C) funding for the deployment of such system has been specifically authorized by legislation enacted after the date on which the President makes the certification to Congress.

Mr. President, this is permanent law. It was signed into law by the President in the fall of 1985. Why does this Senator maintain that this law makes the deployment of SDI impossible? Is it not conceivable that President Reagan would make exactly the required certification to the Congress, to wit that SDI is both survivable and cost effective at the margin? Couldn't the President certify to that effect right now as the law requires? That is not only conceivable. It may be probable. So why won't that step lead to SDI deployment? Here is why: what is inconceivable to this Senator is that the Congress—would—as the law requires agree with the President. Can anyone realistically argue that both the House and the Senate would authorize funds for this SDI deployment based on such a Presidential certification? Consider the contrary expert evidence. What is this country's most prestigious scientific organization? The answer is obvious. It is the National Academy of Science. Why? Because the Academy includes only those scholars and acknowledged experts who have extraordinarily distinguished themselves in their scientific fields. Why do we need such superqualified opinion? Answer: consider the SDI technology. It is the most complex, the most novel, the most difficult to assess of any military technology in history. So how do we judge its feasibility? How do we determine whether it will survive a determined attack by the Soviet Union? How do we tell how many hundreds of billions of dollars it will cost? How do we tell as the law requires how much it would cost the Soviet Union to develop offensive countermeasures and proliferate the ballistic missiles necessary to overcome it?

The answer is that we ask the most competent scientists in the relevant sciences for their expert judgment. Cornell University polling experts have already done precisely this. They asked those members of the National Academy who are physicists, engineers, or mathematicians for their opinion on the cost effectiveness of SDI at the margin. Their answer was emphatic and overwhelming. Here is the question and here are the answers of the 469 expert members of the Academy who responded to this question in the poll. The question: "Current administration policy on SDI holds that we will judge defenses to be desirable only if they are survivable and cost effective at the margin." The prospects that an SDI system will be able to meet these criteria in the next 25 years are:

	Number	Percent
Extremely good	5	1.1
Good	12	2.6
About even	35	7.6
Poor	121	26.4
Extremely poor	248	54.1
No opinion	37	8.1
Did not answer	11	

So less than 4 percent of these distinguished experts tell us that the chances that SDI can be cost effective at the margin in the next 25 years are good or extremely good. More than 80 percent tell us the chances are poor or extremely poor. Now note, Mr. President, this is their expectation—not in the next year but whether an SDI system will meet these criteria in the next 25 years. The experts tell us by an overwhelming margin that SDI in all likelihood will not be cost effective at the margin for the next 25 years. I repeat. For the next 25 years.

So, Mr. President, this Senator submits there is no way a majority of the Senate and the House can accept a Presidential certification that SDI is cost effective now at the margin in good conscience. Most of us who serve in the Congress have little or no scientific training. Like it or not on the feasibility of this enormously complex and advanced technology we must rely on the experts. The experts have spoken. The law is clear. We cannot conscientiously vote to deploy SDI.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be able to speak for 5 minutes as if in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I thank the Chair.

LIMITED-USE IMMUNITY AND THE IRAN-CONTRA AFFAIR

Mr. SPECTER. Mr. President, I am filing today a resolution calling for a sense-of-the-Senate determination that the Senate select committee investigating the Iran-Contra affair should promptly grant limited-use immunity to Admiral Poindexter and Lieutenant Colonel North so that their sworn testimony may be compelled.

I file this sense-of-the-Senate resolution, Mr. President, because there is a current controversy as to whether the limited use immunity should be deferred for a protracted period of time so that the independent counsel, formerly known as special prosecutor, may be permitted to continue the investigation of criminality.

Mr. President, the Iran matter and the allegations of diversion of funds to the Contras is a matter of enormous importance to the American public, of enormous importance to the operation of the United States Government, and the underlying facts ought to be disclosed as early as possible.

It is possible, Mr. President, that any subsequent criminal prosecution against Admiral Poindexter or Lieutenant Colonel North can be preserved and still allow the Senate select committee to go forward promptly and compel the testimony of North and Poindexter.

My experience as a district attorney in Philadelphia for some 8 years has given me background on the operation of limited-use immunity, and succinctly stated, Mr. President, the only limitations on prosecution from such limited-use immunity is that the testimony of North and Poindexter, or leads from that testimony, may not be used in a criminal prosecution against them. But evidence which is gathered independently may be used in such a criminal prosecution.

During the Watergate investigation evidence was compiled and sealed prior to the time that limited-use immunity was granted to witnesses in those proceedings, and then there was no question of taint as to the evidence which was in existence and sealed with the court prior to the time that those witnesses testified.

That same procedure can be followed as to North and Poindexter. If in fact there are criminal prosecutions, that evidence could be drawn together in a relatively brief period of time which the independent counsel would have under the operation of the statute. Under the statute the independent counsel is entitled to 10 days' notice, and the court has the discretion to limit the pursuit of the immunity for an additional period of 20 days. The independent counsel has had a protracted period of time to conduct and investigate, and there are facts of record.

This matter was considered, Mr. President, by the Intelligence Committee during the month of December. There were some of us on the Intelligence Committee who felt at that time that it was in the public interest to proceed as promptly as possible with the full exploration of all of the facts on the Iran-Contra matter because of the importance of finding the facts, getting to the bottom of it, letting the chips fall where they may, assess blame, assess criminality, and move on to the important business of the Government.

These competing interests, Mr. President, between special prosecutor and the Senate investigating committee were thoroughly considered during the Watergate era, and in that time, Special Prosecutor Archibald Cox objected to the grant of immunity by the Ervin committee, headed by Senator Ervin. The courts ruled that the public policy interests of the congressional investigating body, the Senate select committee, took precedence over the interests of the prosecution.

For a time, Mr. President, the entire Government of the United States virtually was run out of the Intelligence Committee hearing room when we had a procession of witnesses including then Chief of Staff Don Regan, Secretary of State George Shultz, Secretary of Defense Caspar Weinberger, Attorney General Edwin Meese, and many other Federal officials. There continues to be a significant preoccupation with the Iran-Contra matter and there are disclosures almost on a daily basis with renewed allegations that the President may have known about the diversion of funds to the Contras.

These issues are of paramount importance to the operation of our Government, and these issues should take precedence with the Senate select committee.

It is really a matter of the tail wagging the dog, with the independent counsel insisting that he be given a protracted period of time to complete his investigation. Not only is the tail wagging the dog, but the tail is wagging the country.

That is why I am submitting this sense-of-the-Senate resolution, Mr. President, because I think the national public interest requires that all of the facts be disclosed on the Iran-Contra matter at the earliest possible time, especially since the criminal prosecutions against North, Poindexter, and others can be maintained at the same time.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

S. RES. 165

Whereas, the Nation's interests demand full disclosure at the earliest possible time regarding the sale of arms to Iran and the diversion of funds to the Contras; and

Whereas, the courts have established that the Congressional interest in eliciting testimony must, in the event of conflict, take precedence over the interests of prosecutors; and

Whereas, prosecutions of key witnesses can, in any event, be preserved by sealing all relevant evidence prior to a grant of limited use immunity; and

Whereas, the testimony of Admiral John Poindexter and Lt. Col. Oliver North is indispensible to a full explanation of the Iran/Contra matters; Therefore be it

Resolved, That it is the Sense of the Senate that the Senate Select Committee investigating these matters should promptly grant limited "use" immunity to Admiral Poindexter and Lt. Col. North, so that their sworn testimony can be compelled.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, under the order of yesterday, when the orders for the recognition of Senators, each for not more than 5 minutes, were completed today, Senators were to be permitted to speak out of order for not to exceed 30 minutes.

Senators who were to be recognized under the 5-minute orders are not on the floor. I would express hope that always in the future when Senators have 5-minute orders, they be on the floor ready to claim their recognition as has been programmed. Otherwise, the Senate does have to move on with the rest of the program because I do not care for these exceedingly long quorum calls which sometimes occur when we cannot get Senators to come to the floor.

I therefore ask that that part of the order which was for the recognition of Senators to speak out of order for not to exceed 30 minutes each proceed at this time since no Senator with a 5-minute order is on the floor at this time seeking recognition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that that period for speaking out of order not extend beyond 2 p.m. today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

Mr. NUNN addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

INTERPRETATION OF THE ABM TREATY

PART ONE: THE SENATE RATIFICATION PROCEEDINGS

Mr. NUNN. Mr. President, let me first thank the majority leader for making some time available to me today. I have a rather lengthy presentation that will bore some people to tears but which is very important from the point of view of the Senate as an institution and from the point of view of our interpretation of the ABM Treaty.

Unfortunately, I also have a case of laryngitis so my presentation may not be as clear as would otherwise be the case. I apologize to my colleagues for that.

Mr. President, today we have ongoing a hearing under the auspices of the Foreign Relations Committee and the Judiciary Committee. I will be testifying on this same subject around 2 o'clock this afternoon at that hearing. I believe Senator BIDEN will be chairing the hearing. It started this morning.

I think it is appropriate that those two committees be linked in having a joint hearing today because they are considering a very important treaty, and treaties are not only of central importance in our foreign policy, and, therefore, of interest to the Foreign Relations Committee, but they are also the law of the land and should be of interest to all of us, especially the Judiciary Committee.

Furthermore, the Reagan administration's unilateral interpretation of the ABM Treaty constitutes a fundamental constitutional challenge to the Senate as a whole with respect to its powers and prerogatives in this area. The seriousness of this challenge has been further underscored in recent weeks by the administration's new claim that testimony during Senate treaty ratification proceedings "has absolutely no standing" in terms of establishing other parties' obligations under these treaties. In effect, the Reagan administration is telling the Senate not only that the executive branch is free to ignore the meaning of the treaty as originally described in the Senate of the United States, but also that other nations who are party to such treaties can disregard what the executive branch told the Senate at the time of ratification.

I am certain that this novel doctrine will receive close scrutiny during the hearings before the Foreign Relations

Committee and the Judiciary Committee.

Mr. President, before I present the results of my review of 1972 Senate ABM Treaty ratification proceedings, I believe that a few comments are in order about the overall context in which the Senate must consider the ABM reinterpretation issue.

First, I do not believe that the reinterpretation debate should be cast in terms of whether one is for or against the ABM Treaty. The treaty was accepted in 1972 by the Nixon administration and the United States Senate on the assumption, first, that the Soviet Union would strictly observe its terms, and second, that significant reductions in strategic offensive arms would be accomplished within 5 years.

Neither expectation has been fulfilled. The Soviets have not restrained the relentless expansion of their strategic offensive forces. Their massive investment in strategic defenses, primarily air defenses—while not a violation of the ABM Treaty—does contradict the spirit of the agreement; that is, that both sides recognized and accepted in 1972 that there can be no shield against retaliation. And violations such as the strategic Krasnoyarsk radar undermine the integrity of the agreement.

In light of these circumstances and considerations, the Soviet Union must recognize that the United States commitment to the ABM Treaty cannot be deemed unalterable or open-ended—whether or not the traditional interpretation of the treaty is upheld. If arms control or unilateral strategic modernization efforts—such as moving to mobile ICBM's—fail to restore stability to the strategic balance in the future, the United States may well have to deploy strategic defenses designed to protect its retaliatory forces and command, control and communications. Unless the ABM Treaty could be amended by mutual agreement to permit such deployments, which would require approval of both parties, this action would necessarily require the United States to exercise its right under the supreme national interest clause of the treaty to withdraw on 6 months notice.

Certainly a U.S. decision to withdraw from the ABM Treaty would be enormously controversial at home and abroad. I am not counseling this course at this time. Nonetheless, the American public and our allies need to understand that if we cannot solve current strategic vulnerabilities through arms control or our own strategic programs, we may have no recourse but to consider deploying some form of strategic defense, in the future.

Second, those who support the reinterpretation of the ABM Treaty in the name of accelerating the SDI may be laboring under a fundamental and erroneous misimpression. There is a strong case that the specific SDI early deployment system now favored by Secretary Weinberger cannot be developed or tested under either intepretation.

This requires a rather complicated explanation which I will not go into at this time, but it is not at all certain, in fact I would say the evidence is leaning against it, that even the broad interpretation of the treaty would permit the testing and development of the so-called space-based kinetic-kill system that is now apparently favored for early deployment.

Finally, those who would cast this issue as a question of whether one is for or against Soviet violations of arms control agreements miss the point: there are other, more honorable responses available to the United States. These include, first, insisting that the Soviets correct the violations; second, proportional U.S. responses; and third and last, abrogation of the agreement.

For 200 years, the United States has stood for the rule of law as embodied in our Constitution. The reinterpretation issue must be approached not with an eye toward near-term gains, but rather with a decent respect for the long-term interests of the rule of law and the continued integrity of this Constitution—that magnificent document whose 200th birthday we celebrate this year.

Mr. President, the record of the ratification proceedings before the U.S. Senate in 1972 supports, in my view, the following conclusions about the scope of the treaty.

First, executive branch witnesses clearly stated that development and testing of mobile space-based exotics was banned while development and testing of fixed land-based exotics was permitted. Key Members of the Senate, including Senators Henry Jackson, Barry Goldwater, John Sparkman, and James Buckley, were directly involved in the dialog and debate concerning the implications of the treaty which the record indicates they clearly understood to ban testing and development of mobile space-based exotics. I think a few examples of this are very important and in order here.

The question of exotics was raised in the first Senate hearing that considered the treaty. Senator Goldwater, in a question for the record to Secretary of Defense Laird, noted that he had "long favored" moving ahead with space-based ABM's capable of conducting boost-phase intercepts using "shot, nuces (sic.), or lasers," and asked whether it was correct that nothing in the treaty "prevents development to proceed in that direction."

The written reply from DOD distinguishes between development of fixed, land-based ABM's—which is permitted by the treaty—and this is extremely important, very complicated, but it is the key to this overall consideration—and development of mobile/space-based ABM's, which is prohibited. The reply from Secretary Laird expressly related these provisions to lasers, which in our terms today would be considered an "exotic" ABM component:

REPLY OF SECRETARY LAIRD TO QUESTION FROM SENATOR GOLDWATER

With reference to development of a boost-phase intercept capability or lasers, there is no specific provision in the ABM Treaty which prohibits development of such systems. There is, however, a prohibition on the development, testing, or deployment of ABM systems which are space-based, as well as sea-based, air-based, or mobile land-based. The U.S. side understands this prohibition not to apply to basic and advanced research and exploratory development of technology which could be associated with such systems, or their components. There are no restrictions on the development of lasers for fixed, land-based ABM systems. The sides have agreed, however, that deployment of such systems which would be capable of substituting for current ABM components, that is, ABM launchers, ABM interceptor missiles, and ABM radars, shall be subject to discussion in accordance with Article XIII (Standing Consultative Commission) and agreement in accordance with Article XIV (amendments to the treaty).

This statement is particularly significant because it embodies a formal, written executive branch response. It clearly sets forth the traditional interpretation of the treaty with respect to exotics, permitting development, and testing only in a fixed, land-based mode. The reply makes it clear that mobile/space-based exotics are subject to the comprehensive ban on development, testing, and deployment, with the understanding—as stated in Secretary Laird's reply—that the treaty only permits "basic and advanced research and exploratory development."

It is also noteworthy that the reply clearly links the ban on development of mobile/space-based ABM laser systems to article V of the treaty. Article V contains a comprehensive ban on mobile/space-based, ABM systems. Secretary Laird's express linkage between mobile/space-based exotics and article V directly refutes the reinterpretation's analysis of the treaty's text, which asserts that article V applies only to components existing in 1972; that is, missiles, launchers, and radars.

The detailed executive branch reply was omitted from an October 30, 1985, analysis of the ratification debate submitted to the Senate Armed Services Committee by Sofaer on November 21, 1985. This omission was brought to the attention of the committee on January 6, 1986, in a letter from John Rhinelander, the legal adviser to the U.S. SALT I delegation. In a subsequent analysis of the ratification debate published in the June 1986

Harvard Law Review, Sofaer conceded in a footnote that the DOD reply to Goldwater supports the traditional interpretation.

The second example is an exchange between Senator Henry Jackson and DOD's Director of Research and Engineering which confirmed the treaty's ban on testing and development of mobile/space-based exotics. During the Senate debate on the SALT I accords, which included the ABM Treaty, the late Senator Henry Jackson, a senior member of the Armed Services Committee, conducted a rigorous inquiry into the agreements, with a profound impact on the conditions of Senate acceptance. From the outset, he exhibited a keen sensitivity to the issue of exotics by focusing on laser ABM's. For example, just 5 days after the treaty's signing, he made a statement sharply citical of the Army's reputed cancellation of a research contract involving laser ABM's

When Secretary Laird came before the committee on June 6, 1972, he quickly assured Senator Jackson that no such contract had been canceled. When Senator Jackson asked about ABM Treaty limits in this area, Secretary Laird gave a general reply—noting only that "research and development can continue, but certain components and systems are not to be developed"—without getting into the distinction between fixed, land-based systems and mobile/space-based systems.

Senator Jackson pursued that distinction in June 22, 1972, hearing during testimony by Dr. John Foster, Director of Defense Research and Engineering, and Lt. Gen. Walter Leber, the program manager of the Army's Safeguard ABM system. This hearing involved a careful discussion of treaty's limits regarding development of ABM's using exotics, with a specific focus on the distinction between fixed, land-based systems and mobile/space based systems.

Senator Jackson began by noting that there were limitations in the treaty on lasers and then asked whether the agreement prohibited land-based laser development? Dr. Foster replied, "No sir; it does not." The text of the printed hearing reads as follows:

LASER ABM SYSTEM

Senator JACKSON. Article V says each party undertakes not to develop and test or deploy ABM systems or components which are sea based, air based, space based or mobile land based.

Dr. FOSTER. Yes sir, I understand. We do not have a program to develop a laser ABM system.

Senator JACKSON. If it is sea based, air based, spaced based or mobile land based. If it is a fixed, land-based ABM system, it is permitted; am I not correct?

Dr. FOSTER. That is right.

Senator JACKSON. What does this do to our research—I will read it to you: section 1 of article 5—this is the treaty: "each party undertakes to develop"—it hits all of these things—"not to develop, test or deploy ABM systems." You can't do anything; you can't develop; you can't test and finally, you can't deploy. It is not "or".

Dr. FOSTER. One cannot deploy a fixed, land-based laser ABM system which is capable of substituting for an ABM radar, ABM launcher, or ABM interceptor missile.

Senator JACKSON. You can't even test; you can't develop.

Dr. FOSTER. You can develop and test up to the deployment phase of future ABM system components which are fixed and land based. My understanding is that you can develop and test but you cannot deploy. You can use lasers in connection with our present land-based Safeguard system provided that such lasers augment, or are an addendum to, current ABM components. Or, in other words, you could use lasers as an ancillary piece of equipment but not as one of the prime components either as a radar or as an interceptor to destroy the vehicle.

When Senator Jackson suggested that even research on ABM lasers might be prohibited, Dr. Foster said, "No." Interposed between Senator Jackson's question and Dr. Foster's answer is the following insert for the RECORD:

Article V prohibits the development and testing of ABM systems or components that are sea-based, air-based, space-based, or mobile land-based. Constraints imposed by the phrase "development and testing" would be applicable only to that portion of the "advanced development stage" following laboratory testing, i.e., that stage which is verifiable by national means. Therefore, a prohibition on development—the Russian word is "creation"—would begin only at the stage where laboratory testing ended on ABM components, on either a prototype or bread-board model.

The importance of this submission as an authoritative statement of Nixon administration policy is underscored by the original transcript of this hearing which is currently maintained in the Armed Services Committee archives. This transcript reveals two key points. First, Dr. Foster pledged to submit the insert after Senator Jackson had declared that "we had better find out" exactly how the treaty applied to research and development in this area. Second, the transcript reveals that Dr. Foster declared that in order to clarify this issue, the submission would reflect a detailed review of the negotiating record.

In other words, Dr. Foster promised Senator Jackson before he gave his written answer that he would go back and review the negotiating record. And this is the top man in the scientific arena in the Department of Defense.

The unedited exchange reads as follows:

Dr. FOSTER. I think you can engage in research or development of laser land-based ABM systems; you cannot deploy them as a kill mechanism against ICBMs.

Senator JACKSON. Well, that is something we had better find out about it. I would [sic.] you would——

Dr. FOSTER. I would be glad to go through the record, Senator Jackson, in some detail and try to clarify this.

As is the normal practice in editing congressional hearings, the comments about what was to be submitted for the record was deleted and replaced by the actual submission.

Several observations about the extensive exchange between Senator Jackson and Dr. Foster deserve emphasis. First, this exchange in the record includes a formal, written submission, which provided the executive branch with an opportunity to prepare an official coordinated statement after review of the negotiating record. As such, it clearly represents an authoritative statement of the administration's position. Second, the fact that the statement refers to article V—the treaty's ban on testing, development, and deployment of mobile/space-based ABM's—in the context of lasers again refutes the reinterpretation's premise that article V does not apply to ABM's using exotics.

The Jackson-Foster exchange directly contradicts the reinterpretation of the treaty. The credibility of the Sofaer analysis is further undermined by the distorted manner in which it treats this crucial dialog between a leading Senator and high-level Nixon administration witness. For example:

The version of this extensive Jackson/Foster exchange presented in Sofaer's October 1985 analysis of the ratification proceedings and in Sofaer's June 1986 Harvard Law Review article advocating the reinterpretation is greatly abbreviated. While the reinterpretation acknowledges that Dr. Foster's comments support the traditional interpretation, the only portion of the entire exchange which it cites is the following:

Dr. FOSTER: One cannot deploy a fixed, land-based laser ABM system which is capable of substituting for an ABM radar, ABM launcher, or ABM interceptor missile . . . . You can develop and test up to the development phase of future ABM system components which are fixed and land based.

Dr. Foster's explicit confirmation that development and testing of space-based, or mobile land-based laser ABM's was prohibited is omitted in the reinterpretation. There is also no mention in the reinterpretation of Foster's written submission nor its linking the discussion of limits on laser ABM's to article V.

Dr. Foster, a Presidential appointee, was the highest ranking technical official, and third-ranking civilian in the Defense Department. He had served in his position since 1965. Nonetheless, the Sofaer analysis tries to disparage his testimony by stating Foster was "not involved in the drafting or negotiation of the treaty." The suggestion that the Director of Defense Research and Engineering would not have acquainted himself thoroughly with the treaty's effect on programs under his supervision prior to representing the administration before the Armed Services Committee is absurd. At any rate, as discussed above, the transcript confirms that Dr. Foster's written submission was based on a detailed review of the negotiating record.

I also find it interesting, Mr. President, that in making his analysis, Judge Sofaer has not to the best of my knowledge interviewed those who were responsible for negotiating this treaty with the exception of Paul Nitze, a very respected individual who works for this administration. So by virtue of his reference that Dr. Foster was not a negotiator you would think, if this was important, there would have at least been interviews with those who were negotiators. But we have had this reinterpretation rendered with such interviews not having occurred even to date, with the exception of Paul Nitze.

Sofaer's account of the exchange excises Senator Jackson's half of this dialog in its entirety. As a result, anyone reading this analysis would not know that Senator Jackson had acquired a detailed understanding of the treaty limits in this area or, indeed, that the Senator took the lead in drawing out of the witness explicit confirmation of these restrictions.

As a result of this omission, the only mention of Senator Jackson in Sofaer's October 1985 analysis of all of the Armed Services Committee's ratification hearings is in a discussion of a hearing on July 19, 1972. In a summary comment on Senator Jackson's July 19 statements, the reinterpretation concludes: "Fairly read, Senator Jackson's comments do not address future systems."

Mr. President, this is perhaps the most egregious omission and misinterpretation that I have come across in the entire record.

By omitting the extensive June 22 Jackson/Foster exchange on laser ABM's—as well as other instances when Senator Jackson querried witnesses on the question of laser ABM's, including a highly classified session on June 26 with CIA Director Richard Helms—the reinterpretation is then able to claim in a paragraph summarizing all congressional hearings during the ratification proceedings that "Senator Jackson's comments do not appear to address future systems." Sofaer's assertion that Senator Jackson never addressed the question of limits on laser ABM's during the entire Senate debate on the ABM Treaty is flatly and unequivically contradicted by the record of the debate.

In the third example is a July 19 exchange with Senator Jackson, in which General Palmer confirmed that the JCS supported the limitation under which testing and development of exotics was restricted to fixed, land-based systems. The record of this Armed Services Committee hearing not only repudiates the claim that Senator Jackson did not address future systems, it also contains a crucial passage confirming the Joint Chiefs' understanding of the difference between fixed, land-based and mobile/space-based exotics in terms of the restrictions on development and testing.

This hearing involved an extensive exploration of treaty's limits on exotics, focusing on laser ABM's. The key exchange occurred between three Senators: Goldwater, Jackson, and Dominick, and three executive branch witnesses: General Ryan, Chief of Staff of the Air Force, General Palmer, Acting Chief of Staff of the Army, and Lieutenant General Leber, project manager of the Safequard ABM Program. This exchange covers seven pages of the printed hearing. During this exchange, the word "laser" was used 13 times, descriptions of or references to lasers were made 6 other times, and the phrase "futuristic systems" was mentioned 3 times.

During the same hearing, Senator Jackson also questioned the witness about General Palmer's broad statement that the treaty "does not limit R&D on futuristic systems." Senator Jackson, expressing concern about the generality of this response, drew the witnesses' attention to article V's prohibition on development of mobile ABM systems. General Ryan noted the distinction between permissible development of fixed, land-based systems and the prohibited development of mobile/space-based systems. Finally, General Palmer provided an authoritative statement on the prohibition on development of mobile/space-based exotics.

How anyone could have omitted this in a presentation about the Senate record escapes my own sense of logic. I will not read it in its entirety, but it is included in my full report which I will put in the RECORD.

Sofaer's analysis of this discussion omits Palmer's crucial closing comment that the JCS were aware of the limits on development and testing of laser ABM's, had agreed to them, and recognized that this was a fundamental part of the final agreement. Thus, the record demonstrates that Sofaer's assertion that Senator Jackson did not address the question of exotics during the ratification debate is a complete and total misrepresentation. It also underscores the inadequacy of its analysis by its omission of this additional, and authoritative, confirmation that the treaty banned the development and testing of all but fixed, land-based exotics.

It is also noteworthy that Senator Jackson and the executive branch witnesses clearly cited the prohibition on testing and development of mobile/space-based systems in article V of the treaty as the authority for the prohibition on testing and development of missile/space based ABM using exotics. This further undermines the reinterpretation's analysis of the treaty's text in which it asserts that article V should not be read as applying to mobile/space-based exotics.

Mr. President, the reinterpretation is based on two categories of incomplete, imprecise, or general statements—**those which indicate that exotics cannot be deployed and those** which indicate that R&D on lasers is permitted. However, each of these statements can be read as consistent with either the traditional interpretation or the reinterpretation. This is extremely important, because it is the heart of the case for reinterpretation so far as the Senate record is concerned.

In the reinterpretation, much is made of brief statements to the effect that the deployment of exotics is banned. For example, during his May 26, 1972, press conference, Ambassador Smith said, "future systems * * * will not be deployable unless this treaty is amended." The reinterpretation reads this statement as supportive of its case, arguing that, "It is unlikely that Ambassador Smith, the negotiator of the treaty, would have referred to only a ban on deployment if he had meant testing and development were banned as well."

Smith's statement that the deployment of exotics is banned is, however, fully consistent with the traditional interpretation. Nonetheless, the reinterpretation suggests that since Smith cited the ban on deployment of exotics but omitted any mention of a ban on their development or testing, then he must have believed that the treaty gave a green light to such activities; that is, that he would have gone on to say, had he voiced his opinion on this issue, that the treaty permits the development and deployment of all exotics. This is a very important part of the argument.

In short, the reinterpretation presumes that if Smith had believed that the traditional interpretation had been agreed to he would not have said simply that "future systems * * * will not be deployable unless this treaty is amended"—he would have said that "future systems will not be developed, tested, or deployed unless this treaty is amended."

There are three major problems with the logic upon which this analysis is based. First, the Smith statement is true and accurate on its face because under either interpretation deployment of future systems—that is, exotics—is banned. Second, it attempts to build a major case on what was not said. Third, if Smith had said what the reinterpretation postulates he should have said, he would have been wrong. Why? Because under both the traditional interpretation and the reinterpretation, the development and testing of fixed, land-based exotics is permitted. Development or testing of mobile/space-based exotics is, of course, banned under the traditional interpretation.

In other words, if Ambassador Smith had said exactly what the reinterpretation theory infers he should have said he would have been incorrect, because he would have been including land-based and mobile-based systems when one was treated differently from the other.

Under the logic of the reinterpretation, to prevent his remarks from being distorted in the future and, at the same time, ensure accuracy, Smith would have had been compelled to turn his brief sentence into something resembling the following. This is not Ambassador Smith speaking. This is my interpretation of what he would have had to say if he were going to avoid reinterpretation of his remarks 15 minutes later and if he were going to be entirely accurate.

> Future systems (i.e., exotics—whether fixed, land-based or mobile/space-based) will not be deployable unless the treaty is amended. Future fixed, land-based exotics may be developed and tested, but only at the agreed test ranges as established under Article IV. Future mobile/space-based exotics may not be developed or tested at all in accordance with Article V.

Mr. President, I am not certain that either the people listening or those at a news conference would have sat still long enough to hear that every time there was a discussion of banning the deployment of exotics.

In summary, the assertion by the reinterpretation that a speaker's belief may be inferred from words he did not utter is illogical. The fact that the reinterpretation's conclusions as to the Senate ratification debate rely so heavily upon such statements reveals the flimsiness of its case.

The record of the Senate proceedings does not support Sofaer's assertion that the record of the Senate ratification proceedings on the ABM Treaty and statements made at or near the ratification period "can be fairly read to support the so-called broader interpretation." On the contrary, the record of these proceedings makes a compelling case for the opposite conclusion: that the Senate was presented with a treaty that prohibited testing or development of mobile/space-based exotics; both the proponents and opponents of the treaty understood the agreement to have this effect; and there was no challenge to this understanding in the course of the Senate's approval of the treaty.

In summary, I have examined the reinterpretation's analysis of the Senate ratification proceedings and found its conclusions with respect to this record not to be credible. I have concluded that the Nixon administration presented the Senate with the traditional interpretation of the treaty's limits on mobile/space-based exotics. I have also concluded that the Senate clearly understood this to be the case at the time it gave its advice and consent to the ratification of the treaty. In my judgment, this conclusion is compelling beyond a reasonable doubt.

This finding at this juncture does not address all issues raised by the reinterpretation. In the two succeeding reports, I will examine the issues of subsequent practice and the negotiating record, and any final judgments must incorporate those assessments. Nonetheless, the findings that the Senate approved the ABM Treaty on the basis of its clear understanding, the acceptance of the traditional interpretation has serious ramifications for executive branch conduct. I would like to address these implications in closing my remarks.

Mr. President, in recent weeks, the State Department has raised a new theory, apparently pleading its case in the alternative; that is, the first part of the case is "the Senate was given the broad interpretation;" the second part of the case is, "just in case it was not given the broad interpretation here is the way we view it."

The State Department has argued that regardless of whether the ratification proceedings support the reinterpretation or broad interpretation, executive branch testimony presented to the Senate during the treaty-making process can be disregarded because it "has absolutely no standing" with the Soviets. In my opinion, this argument is incorrect in the context of the ABM Treaty, and is squarely in conflict with the constitutional role of the Senate.

Recent Soviet statements indicate that they now consider themselves bound by the traditional interpretation. For example, in an October 19, 1985, article in Pravda, Marshall Sergei Akhromeyev, the Chief of the Soviet General Staff, stated: "Article V of the Treaty absolutely unambiguously bans the development, testing, and deployment of ABM systems or components of space or mobile ground basing, and, moreover, regardless of whether these systems are based on existing or 'future' technologies."

The Reagan administration has not argued that the Soviets do not now claim to be bound by the traditional interpretation. Rather, the administration's position—as stated by Judge Sofaer—is that, "Only after the United States announcement of its support for the broader interpretation in October 1985 did the Soviet Union begin explicitly to articulate the restrictive interpretation."

Since the Soviets clearly agree with the traditional interpretation, the State Department's suggestion that statements made by U.S. officials during ratification proceedings have no standing with the Soviets is a rather curious, if not bizarre, argument. Let us look just for the purpose of discussion at the flip side of this interesting legal question. Let us assume for the purpose of this discussion that the Soviets were now taking the opposite position.

Let us assume that they were asserting now that U.S. statements during the ratification proceedings had "no standing" with them.

In other words, if hypothetically the Soviets took the position the State Department is taking, would the United States have any basis in international law for relying on the statements to the Senate if we were insisting that the Soviets comply with the traditional view?

As a matter of international law, the actions of the parties, including their statements, provide an important guide to the meaning of a treaty. As Lord McNair notes in his classic treatise, The Law of Treaties, "when there is a doubt as to the meaning of a provision or an expression contained in a treaty, the relevant conduct of the parties after conclusion of the treaty (sometimes called the 'practical construction') has a high probative value as to the intention of the parties at the time of its conclusion."

Furthermore, he goes on to state, quoting again "[w]hen one party to a treaty discovers that other parties to a treaty are placing upon it an interpretation which in the opinion of the former it cannot bear, and it is not practical to secure agreement upon the matter, the former party should at once notify its dissent to the other parties and publish a reasoned explanation of the interpretation which it places upon the term in dispute." This is similar to the proposition under U.S. domestic law, that "if one party knows or has reason to know that the other party interprets language in a particular way, his failure to speak will bind him to the other party's understanding." Although not necessarily binding as a matter of international law, the failure to object to a publicly announced interpretation by another party to a treaty is clearly relevant to interpreting the treaty and to the treaty's meaning.

In the case of the ABM Treaty, these principles taken on even greater significance in view of attendance by Soviet officials at the Senate hearings on the agreement. It is very interesting that Senators Goldwater and Jackson noted the presence of one such Soviet official—who was apparently a regular attendee—during an extensive discussion with Nixon administration officials during a July 19 Armed Services Committee hearing that dealt at length and in great detail with the specific question of the treaty's limitations in the area of laser ABM's, exactly the point we are debating now. Even if the presence of Soviet observers had not been noted for the record—which it was—it is obvious that the Soviets, who understand how our treatymaking process works, monitored the proceedings and reviewed the public records. Based on their clear awareness of the interpretation being presented to the Senate, if the Soviets chose to enter into the treaty and have the treaty go into force without raising an objection, the United States would have had a very strong basis in law for insisting on the original meaning as presented to the Senate—particularly if the Soviets waited until 15 years later to undertake a different view of the treaty.

Aside from the immediate issue of the ABM Treaty, it is contrary to the long-term interests of the United States to assert that statements made to the Senate have no standing with other parties to a treaty. The international community is well aware of the constitutional role of the Senate in the treatymaking process, and they are on notice that the executive branch explains treaties to the Senate during the ratification proceedings. It is to our national advantage to ensure that such authoritative explanations remain available as powerful evidence of a treaty's meaning in the event of an interpretative dispute among nations.

By asserting that the executive branch may now disregard the views of those who spoke for the Nixon administration and those who debated the issue in the Senate, the State Department is arguing, in effect, that administration witnesses need not accurately reflect the executive's understanding of a treaty; instead, they are free to keep that understanding a secret and may indeed mislead the Senate into consenting to a treaty which has a secret interpretation different from the meaning presented to the Senate. This line of argument has profound implications for the legislative process in general and the constitutional role of the Senate in particular.

Executive branch statements to the Senate during hearings on a proposed treaty may provide important evidence on issues of treaty interpretation in the international arena. They fill an even more important role, however, in our constitutional system, and this should not be overlooked. Such statements are an integral part of the making of a treaty, often shaping its content, and well-known to all parties to the proposal.

Under article II, section 2, clause 2 of the United States Constitution, the Presidential power to make treaties is subject to the requirement for advice and consent by two-thirds of the Senators present. Article VI, paragraph 2 of our Constitution provides that treaties are the supreme law of the land, which results in giving treaties the same force and effect as legislation enacted after action by both Houses of Congress.

Louis Henkin, one of the leading constitutional authorities in this field, and I understand he is testifying before the Foreign Relations Committee today, has noted that "although treaty making has often been characterized as an executive function (in that special sense in which the conduct of foreign relations is executive), constitutional writers have considered the making of treaties to be different from other exercises of Presidential power, principally because of the Senate's role in the process, perhaps too because treaties have particular legal and political qualities and consequences."

Hamilton, in The Federalist (No. 75), clearly illustrated the intent of the Framers that treaty making be a shared power between Congress and the President, based on mutual trust.

Madison also took the position that "there are sufficient indications that the power of treaties is regarded by the Constitution as materially different from mere executive power, and as having more affinity to the legislative than to the executive character."

The Senate has played a vital role in numerous treaty negotiations, through means such as the process of confirming negotiators, statutory requirements for congressional consultation during the negotiations process, and informal discussions. Under current practice, when a proposed treaty is submitted, the Senate may consent to the treaty, withhold its consent—either expressly or through inaction—or approve it with conditions.

Because the Senate is an active participant in the making of the treaty, the hearings and debates are a vital source of information as to what the treaty means. The nature of the issue and the testimony of executive branch witnesses may lead the Senate to attach conditions or forego conditions, if there is an authoritative statement as to the meaning of a provision.

The position of the State Department, I hope would be reexamined, because this position sends a clear message to the Senate: you cannot rely on our representations as to the meaning of a treaty. The adverse consequences of this proposition extend far beyond the issues at hand regarding the ABM Treaty. Our treaty relationships involve not only arms control matters, but also trade and business matters affecting the economic well-being of our Nation. We cannot ask the public to support proposed treaties if the executive takes the position that uncontradicted formal representations by senior officials are irrelevant as to the meaning of a treaty.

Because treaties are the supreme law of the land, the position of the State Department, if accepted by the executive branch, would compel the Senate to incorporate into its resolution of consent an "amendment" or "understanding" for every explanation given by an executive branch witness lest it be disavowed as "unilateral" after ratification. We would have to have so many understandings and conditions that the treaty would have to be negotiated all over again between the parties. Treaties so laden would eventually sink under their own weight. It would be extremely difficult to achieve bilateral agreements, and virtually impossible for the United States to participate in multilateral treaties. In addition, the Senate would feel compelled to request in each case a complete record of the negotiating history in order to ensure that no secret understandings would emerge contrary to assurances given to the Senate.

In short, in an effort to save the reinterpretation by asserting that executive branch statements to the Senate in 1972 are essentially meaningless, the State Department is risking a serious constitutional confrontation involving the executive branch and Congress that would go far beyond this matter. It would be a mistake for the executive branch to compound the problem further by asserting that the Senate has no role to play with respect to the meaning of treaties.

As a general proposition, the views of the executive on the interpretation of a treaty normally receive great deference as well they should, from the Congress. Application of that principle in terms of the meaning presented to the Senate by the executive branch at the time of ratification leads to an interpretation that mobile/space-based exotics may not be developed or tested. Under the reinterpretation, such testing and development is permitted. In this situation, many in the Senate may be inclined to apply the classic line of cross-examination to the executive branch: "Should we believe what you are telling us now or should we believe what you were telling us back than?"

The Senate has the right to presume that executive branch witnesses are informed and truthful in their testimony, particularly when it comes to the Senate's constitutional role as a participant in the treaty-making process. The State Department's assertion that the executive, in effect, may mislead the Senate as to the meaning of a treaty has the unfortunate effect of directly challenging the Senate's constitutional role. This effect could carry over and may well produce a congressional backlash through its exercise of the power of the purse and the power to raise and support armies in a manner that would give effect to the original meaning of the treaty as presented to the Senate.

In conclusion, Mr. President, the Senate was clearly informed by the executive branch that the ABM Treaty prohibits testing and development of mobile/spaced-based ABM's using exotics. This was an issue which key Senators viewed as a matter of significance, and which was directly addressed by the executive branch during the treaty-making process in statements to the Senate. These circumstances raise a number of possibilities with respect to the significance of other evidence as to the meaning of the treaty. There are three distinct possibilities here.

First, if the negotiating record and evidence of subsequent practice by the parties supports the traditional interpretation, the issue would be beyond question. The traditional interpretation would apply. I will be looking at those two parts of this overall record in the next few days.

Second, if the negotiating record and evidence of subsequent practice is ambiguous or inconclusive, there would be no basis for abandoning the traditional interpretation as clearly understood by the Senate at the time it gave its advice and consent on the basis of this understanding. Absent compelling evidence that the Senate was misinformed as to the agreement between the United States and the Soviet Union, the compact reached between the Senate and the executive branch at the time of ratification in my view, should be upheld.

The third possibility, and perhaps the most disturbing possibility: If the negotiating record and evidence of the subsequent practices of the United States and Soviet Union establish a conclusive basis for the reinterpretation—in other words, if Judge Sofaer is right on the negotiating record—this would mean that the Nixon administration signed one contract with the Soviets and the Senate ratified a different contract. Such a conclusion would have profoundly disturbing constitutional implications—to say the least. In effect, the President would have to choose between the executive branch's obligations to the Senate and its contract with the Soviet Union. If the President did not choose to honor the commitments to the Senate, the Senate will then be faced with developing an appropriate response or risk having its role in the treaty-making process become meaningless.

In two reports which I intend to present to the Senate within a few days, I will address the subsequent practice of the two parties and the treaty negotiating record with a view toward determining which of the three situations now confront the Senate.

Mr. President, I ask that my complete record of this analysis be printed in the RECORD following this statement.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

INTERPRETATION OF THE ABM TREATY

PART ONE: THE SENATE RATIFICATION PROCEEDINGS

(By Senator Sam Nunn, March 11, 1987)

PREAMBLE

For the past year and a half, the United States has been embroiled in a contentious and arcane internal dispute over the correct interpretation of those portions of the 1972 ABM Treaty which pertain to the development and testing of futuristic or so-called "exotic" ABM systems. This controversy was precipitated in October, 1985, when the Reagan Administration announced with no advance notice or congressional consultations that the interpretation of the Treaty which successive U.S. administrations had upheld since 1972 was incorrect.

The debate on the reinterpretation issue has necessarily been legalistic. Treaties are, after all, the law of the land, and the President is charged with executing the law. Moreover, the Senate has a crucial constitutional role in treaty-making and thus has a direct interest in ensuring that treaties are accurately presented and faithfully upheld. If the President can unilaterally change treaty obligations which were clearly understood and accepted by the Senate at the time it consented to ratification, it dramatically alters the Senate's constitutional role as a co-equal partner in this area.

For these reasons, it is imperative that the Administration's case for the reinterpretation be subjected to a rigorous legal analysis. Some have accused those who do not accept the Administration's case for the reinterpretation of allowing "legalisms" to stand in the way of necessary progress in the Strategic Defense Initiative. Others have accused the Administration—in one columnist's phrase—of "lookin' fer loopholes" in the Treaty through what might be called "sharp practices."

I believe that it is important to put aside accusations as to motive and judge the facts as they stand. If the reinterpretation is legally correct, then our Nation has every right to proceed accordingly. But if it is not legally correct, then manipulating the law of the land is not acceptable.

Before beginning this legal analysis, there are, however, a few points I want to make about the broader policy context within which this issue must be debated.

First, I do not believe that the reinterpretation debate should be cast in terms of whether one is for or against the ABM Treaty. The Treaty was accepted in 1972 by the Nixon Administration and the United States Senate on the assumption first, that the Soviet Union would strictly observe its terms, and second, that significant reductions in strategic offensive arms would be accomplished within five years.

Neither expectation has been fulfilled. The Soviets have not restrained the relentless expansion of their strategic offensive forces. Their massive investment in strategic defenses (primarily air defenses)—while not a violation of the ABM Treaty—does contradict the spirit of the agreement; that is, that both sides recognized and accepted that there can be no shield against retaliation. And violations such as the Krasnoyarsk radar undermine the integrity of the agreement.

In light of these considerations, the Soviet Union must recognize that the U.S. commitment to the ABM Treaty cannot be deemed unalterable or open-ended—whether or not the traditional interpretation of the Treaty is upheld. If arms control or unilateral strategic modernization efforts (such as moving to mobile ICBMs) fail to restore stability to the strategic balance in the future, the United States may well have to deploy strategic defenses designed to protect its retaliatory forces and command, control and communications. Unless the ABM Treaty could be amended by mutual agreement to permit such deployments, this action would necessarily require the United States to exercise its right under the supreme national interest clause of the Treaty to withdraw on six months notice.

Certainly a U.S. decision to withdraw from the ABM Treaty would be enormously controversial at home and abroad. I am not counseling this course at this time. Nonetheless, the American public and our allies need to understand that if we cannot solve current strategic vulnerabilities through arms control or our own strategic programs, we may have no recourse but to consider deploying some form of strategic defense.

Second, those who support the reinterpretation in the name of accelerating the SDI may be laboring under a fundamental misimpression. There is a strong case that the specific SDI early deployment system now favored by Secretary Weinberger cannot be developed or tested under either interpretation.

Finally, those who would cast this issue as a question of whether one is for or against Soviet violations of arms control agreements miss the point: there are other, more honorable responses available to the United States. These include, first, insisting that the Soviets correct the violations; second, proportional U.S. responses; and third and last, abrogation of the agreement.

For 200 years, the United States has stood for the rule of law as embodied in our Constitution. The reinterpretation issue must be approached not with an eye toward near-term gains, but rather with a decent respect for the long-term interests of the rule of law and the continued integrity of this Constitution—that magnificient document whose 200th birthday we celebrate this year.

SECTION I: INTRODUCTION

A. Background

In 1972, the United States and the Soviet Union entered into a Treaty on the Limitation of Anti-Ballistic Missile Systems.[1] During the Senate ratification proceedings, Secretary of State Rogers set forth the Nixon Administration's summary perspective on the Treaty: [2]

"Under this treaty, both sides make a commitment not to build a nationwide ABM defense. This is a general undertaking of utmost significance. Without a nationwide ABM defense, there can be no shield against retaliation. Both great nuclear powers have recognized, and in effect have agreed, to maintain mutual deterrence."

In broad outline, the Treaty prohibited deployment of all ABM systems except at two designated sites in each nation. At these sites, the ABM systems were limited to fixed, land-based components based on "then-current" technologies (i.e., ABM missiles, launchers, and radars). Research on these types of ABM components was not limited by the Treaty, but development and testing was confined to agreed test ranges.

The Treaty contained a further prohibition against development, testing, or deployment of sea-based, air-based, space-based, or mobile land-based ABM systems or components. In this report, these types of systems will be referred to collectively as "mobile/space-based" ABM systems. As with fixed, land-based ABM components, research was permitted on mobile/space-based ABM system. The distinction between fixed, land-based ABMs and mobile/space-based ABMs is a key aspect of the current Treaty reinterpretation controversy.

The Treaty has considerable current relevance because of its direct relationship to the Strategic Defense Initiative (SDI), intitiated by President Reagan in 1983. A key element of SDI research involves the potential for a space-based ABM defense using futuristic technology, such as lasers or particle beams. Under current parlance, ABM components using "other physical principles" (i.e., physical principles or technologies "other" than those incorporated into ABMs in 1972) are known as "exotics" (and sometimes referred to as "future systems"). Another key issue in the current reinterpretation controversy involves the impact of the Treaty on development and testing of exotics.

The Reagan Administration initiated the SDI program under what is known as the "traditional" or "restrictive" interpretation of the ABM Treaty (hereinafter referred to as "the Traditional Interpretation"). Under the Traditional Interpretation, the Treaty has the following effect with respect to ABMs using "exotics" such as lasers:

TRADITIONAL INTERPRETATION OF THE TREATY

Research on all ABMs, including those urging exotic technologies, is permitted.

Testing and development of fixed, land-based exotics is permitted.

Testing and development of mobile/space-based exotics is prohibited.

Deployment of all exotics (whether fixed, land-based or mobile/space-based) is prohibited unless the parties agree to amend the Treaty.

The Reagan Administration developed an elaborate plan for a "treaty-compliant" SDI research program. This involved conducting SDI experiments and technology demonstrations in a manner which would not transgress the prohibitions under the Traditional Interpretation against the development of full-scale mobile/space-based ABM components or the testing of those components in an ABM mode.

B. Announcement of the reinterpretation

On October 6, 1985, Robert McFarlane, then the President's National Security Adviser, revealed that the Reagan administration was preparing to adopt a new interpretation of the Treaty, with dramatic implications for the conduct SDI. Appearing on *Meet The Press,* McFarlane announced that ". . . research involving new physical concepts . . . as well as testing, as well as development indeed, are approved and authorized by the treaty. Only deployment is foreclosed . . . ."

McFarlane's announcement of a new reading of the Treaty appeared to open the door to unrestricted development and testing of the actual components of a space-based SDI system utilizing exotic components. It was based on a preliminary legal opinion which had been written the preceding week by Abraham Sofaer, the State Department Legal Adviser.

The main lines of the reinterpretation argument (hereinafter referred to as "the Reinterpretation" or "the Sofaer analysis") may be summarized as follows: [3]

REINTERPRETATION OF THE TREATY

The text of the Treaty is ambiguous. It prohibits deployment of mobile/space-based ABMs using exotics. Although it is possible to read the Treaty as also banning testing and development of ABMs using exotics, Sofaer maintains that the Treaty "can more reasonably be read to support a broader interpretation"—i.e., that the Treaty permits such development and testing.[4]

The record of the Senate ratification debate and other statements at or near the time of ratification support an interpretation of the Treaty that would permit testing and development of mobile/space based ABMs using exotics. Sofaer contends that this record "can fairly be read to support the so-called broader interpretation." [5]

The classified negotiating record supports the Reinterpretation. Sofaer contends that the negotiating record demonstrates that "although the United States delegates initially sought to ban development and testing of non-land-based systems or components based on future technology, the Soviets refused to go along, and no such agreement was reached." [6]

McFarlane's announcement, based on the Sofaer analysis, provoked a sharply critical response by Members of Congress, former ABM negotiators, allied leaders, and the Soviet government. Widespread suspicion was voiced from these quarters that the Reinterpretation had been fabricated to advance SDI to the threshold of deployment without amending or abrogating the ABM Treaty.

Although the White House noted the President's agreement with McFarlane's statement, the President decided on October 11, 1985 that the SDI program would continue for the indefinite future to be conformed to the Traditional Interpretation. This decision was formally announced by Secretary Shultz at a meeting of NATO parliamentarians in San Francisco on October 14.

C. Conflicting Administration Views

From the outset, Administration officials provided conflicting views as to the likely duration of the policy of adhering to the Traditional Interpretation. In his October 14 statement, Secretary Shultz declared that switching to the broader interpretation was "a moot point," since the President had reaffirmed that the SDI program "will continue to be conducted in accordance with a restrictive interpretation of the Treaty's obligations." Nonetheless, the Secretary's statement also noted that this policy reflected the Administration's assumption that SDI would be "consistently funded at the levels required"—thereby suggesting that were Congress to cut SDI funding significantly, the policy might be reconsidered. However, on October 17, White House spokesman Edward Djerejian declared that congressional funding for SDI "is not a condition for U.S. treaty interpretation."

On October 21, Sofaer told the House Foreign Affairs Committee that the reinterpretation issue "may have practical significance only when the SDI program has reached the point at which questions regarding the feasibility of strategic defense have been answered and engineering development, with a view to deloyment, becomes a real option."[7] Sofaer apparently did not believe that this point would be reached at any time during the current administration. In response to a written question submitted by Senator Warner at a November 21 Armed Services Committee hearing, Sofaer commented on the possibility of legislation that would enact the Traditional Interpretation:[8]

". . . such legislation is unnecessary. The President has affirmed that he intends to pursue the SDI research program as currently structured, which is consistent with the 'restrictive' interpretation. Should a *future* Administration seek to implement the broader interpretation, the Congress would have a voice in that decision." (Emphasis added.)

Other Administration officials, however, continued to publicly advocate an early switch to the more permissive position. For example, at a December 5, 1985 Armed Services Committee hearing, Richard Perle said, "If you restrict the program to the restrictive interpretation, it would so prejudice the prospect for success that it would become questionable, in my view, whether we should continue with the program at all."[9] However, at the same hearing, the Director of the SDI, Lt. Gen. Abramson, testified that it would be "several years" before the Traditional Interpretation would impose any cost or time delay penalties on the program. General Abramson explained that by this, he meant "the early 1990 timeframe." [10]

When hearings on the interpretation of the Treaty failed to establish a consensus in the Congress in support of the Reinterpretation, the Senate sought direct access to the negotiating record so that an independent judgment could be made on the issue. The State Department initially refused to provide the record, but relented in August, 1986. Under an arrangement negotiated with Secretary Shultz, all Senators and six cleared staff members have had access to the negotiating record in Room S-407 of the Capitol, a secure facility under the direct control of the Majority and Minority Leaders.

The ABM Treaty interpretation issue is a matter of intense concern to me, both as a member of the Senate and as Chairman of the Armed Services Committee. This issue goes to the heart of the Senate's constitutional role in treaty-making. Furthermore, our Committee has jurisdiction over programs of the Department of Defense which are regulated under the Treaty, including SDI.

Over the last several months, I have devoted many hours to study of the Treaty, the ratification debate, and the negotiating record. I have been assisted in this review by Robert Bell, an arms control specialist on the staff of the Armed Services Committee. Mr. Bell has spent countless hours over the last several months researching these issues. In addition, I have been assisted in my legal analysis by Andrew Effron and Jeffrey Smith, who are both lawyers on the staff of the Armed Services Committee.

In recent weeks, the treaty reinterpretation issue has taken on a new sense of urgency. In the course of a February 3 National Security Council (NSC) meeting, Secretary Weinberger urged President Reagan to make immediate decisions on an early deployment of SDI, including authorizing the Defense Department to restructure SDI in accordance with the Reinterpretation.

D. Commitment to consultations

News reports of the February 3 discussion provoked deep concern in Congress and allied capitals. On February 6, I wrote the President expressing my concern that a decision to terminate the Administration's policy of observing the Traditional Interpretation without thorough consultations with Congress and our allies would provoke a profound constitutional confrontation. Faced with blunt warnings from allied leaders and other members of Congress, the Administration decided to postpone any imminent decision on this issue and to conduct additional research into such related issues as to what the Senate was told during the 1972 ratification proceedings and how the parties appeared to view the Treaty subsequent to its ratification.

On February 8, Secretary Shultz announced that prior to any final decisions, the Administration would engage in a "collaborative process" of consultations with Congress and our allies. At a February 24 meeting with Senate leaders, Ambassador Nitze and Assistant Secretary Perle provided further assurance that the new Administration studies (which were expected to be finished by the end of April) would be submitted to the Senate and Senators would be afforded an opportunity to review them and consult with the Administration before any final decisions were taken.

On March 9, I received a letter from Judge Sofaer in which he acknowledged that the analyses of the Senate ratification debate which he had previously submitted to the Senate did not cover the subject in full depth. He indicated that the new studies directed by the President would be thorough and comprehensive. I appreciate Judge Sofaer's candor and look forward to reviewing these studies when they are submitted to the Senate.

As a result of these developments, the Senate has both an opportunity and an obligation to make its views known on this issue in the course of the next several months. This report is intended to contribute to this process by examining the merits of the Reinterpretation. Sofaer's case for the Reinterpretation has been offered publicly in various places, including hearings before the Senate Armed Services Committee in 1985 and in the June, 1986 issue of the *Harvard Law Review.*[11]

The classified materials provided the Senate last August by the Department of State also include Sofaer's detailed analysis of the negotiating record, as well as brief reviews of the Senate ratification proceedings and subsequent practice.

E. Definitions

To recap, the following definitions will be used for purposes of simplicity in this report:

1. *Fixed, land-based*: ABM systems or components which are immobile and are designed for a ground-based mode.

2. *Mobile/space-based*: ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

3. *Exotics*: ABM systems or components which are: (a) based on "other physcial principles" (i.e., physical principles other than those which were incorporated in ABMs at the time the Treaty was signed in 1972); and (b) capable of substituting for 1972-era ABM systems or components. (i.e., ABM missiles, launchers and radars).

4. *Then-current ABM systems or components*: ABM systems or components utilizing physical principles which were well known in 1972—i.e., ABM missiles, launchers, and radars.

5. *The Traditional Interpretation*: In its shortest form, the view that the development and testing of mobile/space-based exotics is prohibited under the Treaty.

6. *The Reinterpretation*: The view formulated by the current State Department Legal Adviser, Abraham Sofaer, which, in its shortest form, holds that the development and testing of mobile/space-based exotics is permitted under the Treaty.

F. Overview of report

Section II of this report summarizes the respective interpretations of the Treaty offered by the Traditional Interpretation and the Reinterpretation. Sections III and IV then examine the 1972 Senate hearings and debate on ratification of the ABM Treaty and the implications for current executive branch conduct of the Senate's understanding when it gave its advice and consent in 1972.

Within the next few days, I intend to release two additional reports which will address other important aspects of the reinterpretation issue. The first of these two reports will focus on the practice of the two parties after 1972 to determine whether this information sheds any useful light on their respective views of the meaning of the Treaty. The third and final report will state my conclusions with regard to the Treaty negotiating record. In the final report, I shall also revisit the Treaty text to read the document with the insight gained from the review of the Senate ratification debate, the parties' subsequent practice, and the negotiating record.

SECTION II: TWO DIFFERENT INTERPRETATIONS OF THE ABM TREATY

The Traditional Interpretation of the ABM Treaty is relatively straightforward: the Treaty expressly prohibits development and testing of mobile/space-based ABMs, and there is no exception for ABMs using exotics. The Reinterpretation is more complex, based upon the interrelationship of various articles in the text. This section summarizes the two theories.

A. The text of the treaty

The provisions of the 1972 ABM Treaty that bear on the question of exotic ABM systems and components include Articles II(1), III, IV, V(1), and Agreed Statement "D". The full text of the Treaty is set forth in Appendix 1.

ARTICLE II (1)

For purposes of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, currently consisting of:

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles; and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode.

TRADITIONAL INTERPRETATION: Article II defines the term "ABM system" generically as a system which has the function of countering strategic ballistic missiles. The definition then lists, as an illustration, the components "currently" in use at the time of the agreement. Because the clause listing the components is only illustrative, it does not limit the term "ABM systems" to those containing such components. It also means that the term implicitly covers future systems. Consequently, future ABM systems that might use different components (i.e., exotics) are within the definition.

REINTERPRETATION: Article II is ambiguous, but it can be read more reasonably to limit the definition to those components current at the time of the agreement, thereby excluding ABMs using components other than interceptor missiles, launchers, or radars (e.g., excluding exotic components).

ARTICLE III

Each Party undertakes not to deploy ABM systems or their components except . . . [for two designated fixed, land-based systems with specific limitations on missiles, launchers, and radars].

TRADITIONAL INTERPRETATION: Article III bans deployment of all "ABM systems" or their components except those expressly authorized at two designated sites. By using the term "ABM systems," which is broadly defined in Article II under the traditional view, the prohibition on deployment in Article III extends to all present and future (i.e., exotic) ABM systems and components.

REINTERPRETATION: Applying a narrow definition of ABM systems under Article II, the Reinterpretation then reads the ban on deployment in Article III as applying only to the three then-current components. Under this view, Article III does not establish any barrier to the deployment of exotics.

ARTICLE IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

TRADITIONAL INTERPRETATION: Article IV limits all development and testing of fixed, land-based ABM systems or components to agreed test ranges. Using the traditional view's broad Article II definition of ABM systems, Article IV applies to exotics, as well as then-current, ABM systems, thereby restricting development and testing of exotics to the agreed test ranges. Since the Traditional Interpretation views Article V as banning the development or testing of mobile/space-based exotics (see discussion below), the only exotics which can be developed or tested are fixed, land-based exotics, and these can only be developed or tested at the agreed test ranges.

REINTERPRETATION: Applying a narrow definition of ABM systems under Article II, Article IV only concerns testing and development of then-current components. As a result, the development and testing of exotics (whether fixed, land-based or mobile/space-based) is not restricted to agreed test ranges, and exotics may be developed or tested anywhere.

ARTICLE V (1)

Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, or mobile land-based.

TRADITIONAL INTERPRETATION: Applying the Traditional Interpretation's broad Article II definition of ABM systems, Article V bans the development, testing, or deployment of all mobile/space-based "ABM systems," including exotics.

REINTERPRETATION: Consistent with the Reinterpretation's narrow reading of the definition of ABM systems, the prohibitions in Article V(1) apply only to ABM systems using "then-current" components. As a result, Article V does not prohibit the development, testing, or deployment of mobile/space-based exotics.

AGREED STATEMENT "D"

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII [the Standing Consultation Commission] and agreement in accordance with Article XIV of the Treaty [governing amendments].

TRADITIONAL INTERPRETATION: Agreed Statement D complements Article III (which bans deployment of all ABM systems, including exotics, except for fixed, land-based systems expressly permitted at the two specified deployment sites) and Article IV (which permits testing and development of fixed, land-based exotics at agreed test ranges. Agreed Statement D provides that if such testing and development leads either side to propose deployment of such exotics, the parties should negotiate the limitations which would govern such deployments. If, however, there is no agreement on appropriate amendments to the Treaty, the deployment of exotics remains prohibited.

REINTERPRETATION: Agreed Statement D is ambiguous. The Traditional Interpretation results in a reading of this provision that duplicates other parts of the Treaty (i.e., the ban on deployment of exotics in Article III and the procedure for discussing and agreeing upon amendments in Article XIII and XIV). To address the ambiguity and give independent meaning to this provision, it should be interpreted in light of the fact that it is the only part of the Treaty that expressly mentions exotics. Therefore, Agreed Statement D should be read as banning deployment of all exotics (including fixed, land-based and mobile/space-based) unless the parties agree to amendments permitting such deployment. Moreover, because it only addresses deployment, it should be read as permitting testing and development of all exotics, including mobile/space-based as well as fixed, land-based.

B. Principles of treaty interpretation

International law has developed a series of principles for treaty interpretation, the best expression of which is the Vienna Convention on the Law of Treaties.[12] The U.S. has signed the Convention, but has not yet ratified it. The relevant articles are quoted below:

ARTICLE 31

General Rule of Interpretation

1. A treaty shall be interpreted in good faith in accordance with the *ordinary meaning to be given to the terms* of the treaty in their *context and in the light of its object and purpose.* (Emphasis added.)

2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:

(a) any agreement relating to the treaty which was made between all the parties in connection with the conclusion of the treaty;

(b) any instrument which was made by one or more parties in connection with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.

3. There shall be taken into account, together with the context:

(a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;

(b) *any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;* (Emphasis added.)

(c) any relevant rules of international law applicable in the relations between the parties.

4. A special meaning shall be given to a term if it is established that the parties so intended.

Article 31 codifies the customary international law principle that a treaty is to be interpreted as a whole and in "light of its object and purpose." Lord McNair, among the most respected scholars in this field, has written:[13]

"Closely connected with the primary duty of seeking to ascertain, and giving effect to, the common intention of the parties is the duty to bear in mind what may be called the overall aim and purpose of the treaty . . . Thus in the Advisory Opinion upon the Competence of the International Labour Organization to Regulate the Personal Work of Employers, the Permanent Court found no difficulty in holding that inability to make such regulations was 'clearly inconsistent with the aim and the . . . scope of Part XIII' [of the Treaty of Versailles], and that if any such limitation 'had been intended, it would have been expressed in the Treaty itself.' To the same principle may be related the duty to construe a treaty as a whole and not to focus attention upon any of its provisions in isolation. There is ample evidence of this practice."

Article 31 (b) also provides that the "subsequent practice in the application of the treaty . . . shall be taken into account in interpreting the treaty."

This is commonly known as the "practice of states" doctrine and is consistent with the customary international law that preceded the Vienna Convention. Lord McNair has written:[14]

". . . when there is a doubt as to the meaning of a provision or an expression contained in a treaty, the relevant conduct of the contracting parties after the conclusion of the treaty . . . has a high probative value as the intention of the parties at the time of its conclusion. This is both good sense and good law."

Thus, the doctrine of the "practice of states" holds that courts will consider how the parties to the treaty have acted in implementing the agreement. The basic concept is simple, i.e. if there is some ambiguity in the meaning of a provision, but if the parties have conducted themselves consistent with a certain interpretation of that provision, then the courts will give great weight to that conduct as evidence of the meaning of the provision.

The current draft of the American Law Institute's Restatement of the Law is in accord both with respect to interpretation of text and the "practice of states" doctrine:[15]

Section 325. INTERPRETATION OF INTERNATIONAL AGREEMENTS:

(1) An international agreement is to be interpreted in good faith in accordance with the ordinary meaning to be given to its terms in their context an in the light of its objects and purpose.

(2) Any subsequent agreement between the parties regarding the interpretation of the agreement, or subsequent practice between the parties in the application of the agreement is to be taken into account in interpreting the agreement.

In the accompanying comment, the ALI Reporters state that, although the United States has not ratified the Convention, this section "represents what states generally accept and the United States has also appeared willing to accept it."

With respect to recourse to the negotiating history, Article 32 of the Vienna Convention states,

"*Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty* and the circumstances of its conclusion, *in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when* the interpretation according to article 31;

"(a) leaves the meaning ambiguous or obscure; or

"(b) *leads to a result which is manifestly absurd or unreasonable.*" (Emphasis added.)

Thus, under the Vienna Convention, one does not look to the negotiating history unless the means of interpretation described in Article 31 prove inadequate or lead to a result which is manifestly absurd.

Despite this stricture, courts in the United States and the International Court of Justice have been more willing to review the negotiating record than is suggested by Article 32 of the Convention.[16] The United States Supreme Court, in *Nielsen* v. *Johnson,* said:[17]

"When [a treaty's] meaning is uncertain, recourse may be had to the negotiations and diplomatic correspondence of the contracting parties relating to the subject matter and to their own practical construction of it."

The comment in the ALI Restatement states that "American courts are more willing than those of many other states to look outside the instrument to determine its meaning in the light of its purpose and the intent of the parties."[18] Thus under the approach taken by either the Vienna Convention or the U.S. courts, it is clear that resort may be had to the negotiating history if other steps fail to reveal the meaning of a particular provisions.

The Traditional Interpretation maintains that the Treaty text is clear on its face. To the extent that other sources of interpretation are consulted, the Traditional Interpretation maintains that they are consistent with the traditional reading of the treaty's text.

Because Sofaer concludes that the Treaty text is ambiguous, he contends that the negotiating record must be examined to determine the meaning of the Treaty. In this regard, the Reinterpretation holds that the negotiating record, which is classified, clearly supports the reinterpretation. The Reinterpretation also considers statements made to the Senate during its ratification proceedings, and concludes that they support the broader view. In other words, the Reinterpretation concludes that the Nixon Administration did not present the Traditional Interpretation to the Senate in 1972. Finally, the Reinterpretation considers U.S. and Soviet post-ratification statements between 1972–1985 and concludes that the record is mixed. The Reinterpretation however, disputes the view that successive U.S. administrations have consistently endorsed the Traditional Interpretation. As previously noted, I shall address each of these assertions in my three reports.

SECTION III: SENATE RATIFICATION PROCEEDINGS

A. Introduction

The ABM Treaty was signed by President Nixon and General Secretary Brezhnev on May 26, 1972. On the same day, the heads of the two negotiating delegations, Ambassadors Smith and Semenov, initialled a separate set of Agreed Statements. This included Agreed Statement D, which addressed the procedure for resolving issues that might arise regarding ABM systems and components using exotics.

Treaty ratification hearings before the Senate Armed Services Committee began on June 6, and the Senate Foreign Relations Committee commenced its proceedings on June 19. In addition, both the House Armed Services Committee and the House Foreign Relations Committee held hearings on the proposed agreements. The Senate, after a lengthy debate on August 3, gave its consent to ratification of the Treaty by a vote of 88-2.

The published records of all of these proceedings, as well as the classified transcripts of the Senate Armed Service Committee and the Foreign Relations Committee hearings, have been examined as part of this study. In view of the Senate's constitutional role in the treaty-making process, my examination focuses on the nine days of hearings held by the Senate Armed Services Committee, the six days of hearings conducted by the Senate Foreign Relations Committee, and the Senate floor debate. The period between May 26 and August 3 has been examined with a view towards identifying three categories of statements:

I. Those which explicitly support the reinterpretation.

II. Those which explicitly support the traditional view.

III. Those which generally address the subject of testing, development, or deployment of exotics but which do not explicitly support either interpretation.

B. Analysis of statements

The following sets forth the results of this review.

I. *The Analysis of the Reinterpretation has not identified a single statement in the record of the ratification proceedings which explicitly supports its case.*

The Sofaer analysis has not identified, nor did I find, any statements in the record in which any Senator or any Nixon Administration official explicitly stated that development and testing of mobile/space-based exotics was permitted.

II. *The record contains a series of authoritative statements explicitly supporting the traditional view that the treaty prohibits testing and development of mobile/space-based exotics.*

In a series of statements, including authoritative written statements submitted for the record, key administration officials and Senators made it clear that the Treaty's prohibition on testing and development of mobile/space-based ABM systems or components applied to exotics.

a. *At the first hearing, the Executive Branch set forth the Traditional Interpretation of the Treaty, expressly discussing the difference between fixed, land-based ABMs and mobile/space-based ABMs in the context of exotics.*

The question of exotics was raised in the first Senate hearing that considered the Treaty. Senator Goldwater, in a question for the record to Secretary of Defense Laird, noted that he had "long favored" moving ahead with space-based ABMs capable of conducting boost-phase intercepts using "shot, nuces (sic.), or *lasers*," and asked whether it was correct that nothing in the Treaty "prevents development to proceed in that direction."[19]

The written reply from DOD distinguishes between development of fixed, land-based ABMs (which is permitted by the Treaty) and development of mobile/space-based ABMs (which is prohibited). The reply expressly related these provisions to lasers, an "exotic" ABM component:[20]

REPLY OF SECRETARY LAIRD TO QUESTION FROM SENATOR GOLDWATER

"With reference to development of a boost-phase intercept capability or lasers, there is no specific provision in the ABM Treaty which prohibits development of such systems. There is, however, a prohibition on the development, testing, or deployment of ABM systems which are space-based, as well as sea-based, air-based, or mobile land-based. The U.S. side understands this prohibition not to apply to basic and advanced research and exploratory development of technology which could be associated with such systems, or their components. There are no restrictions on the development of *lasers* for fixed, land-based ABM systems. The sides have agreed, however, that deployment of such systems which would be capable of substituting for current ABM components, that is, ABM launchers, ABM interceptor missiles, and ABM radars, shall be subject to discussion in accordance with Article XIII (Standing Consultative Commission) and agreement in accordance with article XIV (amendments to the treaty)." (Emphasis added.)

This statement is particularly significant because it embodies a formal, written Executive Branch response. It clearly sets forth the Traditional Interpretation of the Treaty with respect to exotics, permitting development and testing only in a fixed, land-based mode. The reply makes it clear that mobile/space-based exotics are subject to the comprehensive ban on development, testing, and deployment, with the understanding—as stated in Secretary Laird's reply—that the treaty only permits "basic and advanced research and exploratory development."

It is also noteworthy that the reply clearly links the ban on development of mobile/spaced-based ABM laser systems to Article V of the Treaty. Article V contains a comprehensive ban on mobile/space-based, ABM systems. Secretary Laird's express linkage between mobile/space based exotics and Article V directly refutes the Reinterpretation's analysis of the Treaty's text, which asserts that Article V applies only to components existing in 1972 (i.e., missiles, launchers, and radars).

The detailed Executive Branch reply was omitted from an October 30, 1985 analysis of the ratification debate submitted to the Senate Armed Services Committee by Sofaer on November 21, 1985.[21] This omission was brought to the attention of the Committee on January 6, 1986 in a letter from John Rhinelander, the legal adviser to the U.S. SALT I Delegation. In a subsequent analysis of the ratification debate published in the June 1986 *Harvard Law Review,* Sofaer conceded in a footnote that the DOD reply to Goldwater supports the Traditional Interpretation.[22]

b. *An exchange between Senator Henry Jackson and DOD's Director of Research and Engineering confirmed the Treaty's ban on testing and development of mobile/spaced-based exotics.*

During the Senate debate on the SALT I accords, which included the ABM treaty, the late Senator Henry Jackson, a senior Member of the Armed Services Committee, conducted a rigorous inquiry into the agreements, with a profound impact on the conditions of Senate acceptance. From the outset, he exhibited a keen sensitivity to the issue of exotics by focussing on laser ABMs. For example, just five days after the Treaty's signing, he made a statement sharply critical of the Army's reputed cancellation of a research involving laser ABSs.[23]

When Secretary Laird came before the Committee on June 6, he quickly assured Senator Jackson that no such contract has been cancelled. When Senator Jackson asked about ABM Treaty limits in this area, Secretary Laird gave a general reply—noting only that "research and development can continue, but certain components and systems are not to be developer"—without getting into the distinction between fixed, land-based systems and mobile/space-based systems.[24]

Senator Jackson pursued that distinction in a June 22 hearing during testimony by Dr. John Foster, Director of Defense Research and Engineering, and Lt. Gen. Walter Leber, the Program Manager of the Army's Safeguard ABM system. This hearing involved a careful discussion of Treaty's limits regarding development of ABMs using exotics, with a specific focus on the distinction between fixed, land-based systems and mobile-space based systems.

Senator Jackson began by noting that there were limitations in the Treaty on lasers and then asked whether the agreement prohibited "*land-based* laser development?" (Emphasis added.)[25]

Dr. Foster replied, "No sir; it does not." The text of the printed hearing reads as follows:

LASER ABM SYSTEM

Senator JACKSON. Article V says each party undertakes not to develop and test or deploy ABM systems or components which are sea based, air based, space based or mobile land based.

Dr. FOSTER. Yes sir, I understand. We do not have a program to develop a laser ABM system.

Senator JACKSON. If it is sea based, air based, spaced based or mobile land based. If it is a fixed, land-based AMB system, it is permitted; am I not correct?

Dr. FOSTER. That is right.

Senator JACKSON. What does this do to our research—I will read it to you: section 1 of article 5—this is the treaty: "each party undertakes not to develop"—it hits all of these things—"not to develop, test or deploy ABM systems." You can't do anything; you can't develop; you can't test and finally, you can't deploy. It is not "or".

Dr. FOSTER. One cannot deploy a fixed, land-based laser ABM system which is capable of substituting for an AMB radar, ABM launcher, or ABM interceptor missile.

Senator JACKSON. You can't even test; you can't develop.

Dr. FOSTER. You can develop and test up to the deployment phase of future ABM system components which are fixed and land based. My understanding is that you can develop and test but you cannot deploy. You can use lasers in connection with our present land-based Safeguard system provided that such lasers augment, or are an addendum to, current ABM components. Or, in other words, you could use lasers as an ancillary piece of equipment but not as one of the prime components either as a radar or as an interceptor to destroy the vehicle.

When Senator Jackson suggested that even research on ABM lasers might be prohibited, Dr. Foster said, "No." Interposed between Senator Jackson's question and Dr. Foster's answer is the following insert for the record:[26]

"Article V prohibits the development and testing of ABM systems or components that are sea-based, air-based, space-based, or mobile land-based. Constraints imposed by the phrase 'development and testing' would be applicable only to that portion of the 'advanced development stage' *following laboratory testing,* i.e., that stage which is verifiable by national means. Therefore, a prohibition on development—the Russian word is 'creation'—would begin only at the stage where laboratory testing ended on ABM components, on either a prototype or breadboard model."

The importance of this submission as an authoritative statement of Nixon Administration policy is underscored by the original transcript of this hearing (currently maintained in the Armed Services Committee archives), which reveals two key points. First, Dr. Foster pledged to submit the insert after Senator Jackson had declared that "We had better find out" exactly how the Treaty applied to research and development in this area. Second, the transcript reveals that Dr. Foster declared that in order to clarify this issue, *the submission would reflect a detailed review of the negotiating record.*

The unedited exchange reads as follows:[27]

Dr. FOSTER. I think you can engage in research or development of laser *land based* ABM systems; you cannot deploy them as a kill mechanism against ICBMs. (Emphasis added.)

Senator JACKSON. Well, that is something we had better find out about it. I would [sic.] you would—

Dr. FOSTER. I would be glad to go through the record, Senator Jackson, in some detail and try to clarify this.

As is the normal practice in editing congressional hearings, the comments about what was to be submitted for the record was deleted and replaced by the actual submission.

Several observations about the extensive exchange between Senator Jackson and Dr. Foster deserve emphasis. First, it includes a formal, written submission, which provided the Executive Branch with an opportunity to prepare an official coordinated statement after review of the negotiating record. As such, it clearly represents an authoritative statement of the Administration's position. Second, the fact that the statement refers to Article V (the Treaty's ban on testing, development, and deployment of mobile/space-based ABMs) in the context of lasers (an "exotic" component) again refutes the Reinterpretation's premise that Article V does not apply to ABMs using exotics.

The Jackson-Foster exchange directly contradicts the Reinterpretation of the Treaty. The credibility of the Sofaer analysis if further undermined by the distorted manner in which it treats this crucial dialogue between a leading Senator and high-level Nixon Administration witness. For example:

(1) The version of this extensive Jackson-Foster exchange presented in Sofaer's October, 1985 analysis of the ratification proceedings and in Sofaer's June, 1986 *Harvard Law Review* article advocating the reinterpretation is greatly abbreviated. While the Reinterpretation acknowledges that Dr. Foster's comments support the Traditional Interpretation, the only portion of the entire exchange which it cites is the following: [28]

Dr. FOSTER. One cannot deploy a fixed, land-based laser ABM system which is capable of substituting for an ABM radar, ABM launcher, or ABM interceptor missile. . . . You can develop and test up to the development phase of future ABM system components **which are fixed and land-based.**

Foster's explicit confirmation that development and testing of space-based, or mobile land-based laser ABMs was prohibited is omitted in the Reinterpretation. There is also no mention in the Reinterpretation of Foster's written submission nor its linking the discussion of limits of laser ABMs to Article V.

(2) Dr. Foster, a Presidential appointee, was the highest ranking technical official, and third-ranking civilian in the Defense Department. He had served in his position since 1965. Nonetheless, the Sofaer analysis tries to disparage his testimony by stating Foster was "not involved in the drafting or negotiation of the Treaty." [29] The suggestion that the Director of Defense Research and Engineering would not have acquainted himself thoroughly with the Treaty's effect on programs under his supervision prior to representing the Administration before the Armed Services Committee is absurd. At any rate, as discussed above, the transcript confirms that Dr. Foster's written submission was based on a detailed review of the negotiating record.

(3) Sofaer's account of the exchange excises Senator Jackson's half of this dialogue in its entirety. As a result, anyone reading this analysis would not know that Senator Jackson had acquired a detailed understanding of the treaty limits in this area or, indeed, that the Senator took the lead in drawing out of the witness explicit confirmation of these restrictions.

(4) As a result of this omission, the *only* mention of Senator Jackson in Sofaer's October, 1985 analysis of all of the Armed Services Committee's ratification hearings is in a discussion of a hearing on July 19, which will be considered below. In a summary comment on Senator Jackson's July 19 statements, the Reinterpretation concludes: "Fairly read, Senator Jackson's comments do not address future systems." [30] By omitting the extensive June 22 Jackson/Foster exchange on laser ABMs (as well as other instances when Senator Jackson querried witnesses on the question of laser ABMs, including a highly classified session on June 26 with CIA Director Richard Helms), the Reinterpretation is then able to claim in a paragraph summarizing *all congressional hearings during the ratification proceedings* that "Senator Jackson's comments do not appear to address future systems." [31] Sofaer's assertion that Senator Jackson *never* addressed the question of limits on laser ABMs during the entire Senate debate on the ABM Treaty is flatly contradicted by the record of the debate.

c. *In a July 19 exchange with Senator Jackson, General Palmer confirmed that the JCS supported the limitation under which testing and development of exotics was restricted to fixed, land-based systems.*

The record of the July 19 hearing before the Armed Services Committee not only repudiates the claim that Senator Jackson did not address future systems, it also contains a crucial passage confirming the Joint Chiefs' understanding of the difference between fixed, land-based and mobile/space-based exotics in terms of the restrictions on development and testing.

This hearing involved an extensive exploration of Treaty's limits on exotics, focusing on laser ABMs. The key exchange occurred between three Senators (Goldwater, Jackson and Dominick), and three Executive Branch witnesses (General Ryan, Chief of Staff of the Air Force, General Palmer, Acting Chief of Staff of the Army, and Lt. Gen. Leber, Project Manager of the Safeguard ABM Program.) This exchange covers seven pages of the printed hearing. During this exchange, the word "laser" was used thirteen times, descriptions of or references to lasers were made six other times, and the phrase "futuristic systems" was mentioned three times.

The following discussion, which was initiated by a question from Senator Goldwater as to whether the deployment of laser ABMs was banned, is representative of the dynamic, back-and-forth character of this discussion:[32]

General LEBER.* * * The only restriction is that you would not substitute a laser device for one of the components of your ABM system.

Senator JACKSON. Would the Senator yield right there?

Senator GOLDWATER. Yes, sir.

Senator JACKSON. Can you tell us how that is going to be monitored?

General LEBER. This would be monitored through the commission General Palmer has mentioned, the Joint Commission . . .

Senator JACKSON. Without some sort of onsite inspection, we can't monitor "development," can we?

General LEBER. I think we can detect testing of laser devices in an ABM mode; I think we can without onsite inspection.

Senator JACKSON. Testing, yes; but development, how are you going to monitor that?

From this colloquy, it is evident that Senator Jackson was concerned about the verifiability of the Treaty limits on the *development and testing of laser ABMs,* and he demonstrated his mastery of the details in this area by ensuring that the Committee obtained clarifying details from the witnesses. The following exchange, also on the subject of the verifiability of limits on the development and testing of *laser ABMs,* is illustrative of Senator Jackson's leading role in making it clear that only fixed, land-based exotics were exempt from the prohibition against testing and development: [33]

Senator DOMINICK. There isn't any ban, as I understand it, on research and development on either side.

General RYAN. That's right.

Senator DOMINICK. So, therefore, the onsite inspection is no different; the offsite inspection is no different now than it was before?

Senator JACKSON. Yes, but under Article V of the ABM Treaty "Each Party undertakes not to develop, test or deploy ABM systems or components which are sea-based, air-based, space-based or mobile land-based."

Senator GOLDWATER. Fixed based.

Senator JACKSON. The fixed-based ABM is exempt.

Senator GOLDWATER. Fixed based.

Senator JACKSON. The fixed-baseve [sic].

Senator GOLDWATER. We could then replace the Sentry with the *laser* if it became effective? (Emphasis added.)

Senator JACKSON. The prohibition runs to sea-based, air-based, space-based, or mobile **land-based ABMs.**

Senator GOLDWATER. Not fixed land?

Senator Jackson. That's right. That is exempt. I am just pointing this out. In those other areas, it is prohibited and, *development is also prohibited,* (Emphasis added.)

This exchange directly refutes the Reinterpretation by demonstrating the understanding of these key Senators as to the difference between permissible testing and development of fixed, land-based exotics and prohibited testing and development of mobile/space-based exotics.

During the same hearing, Senator Jackson also questioned the witness about General Palmer's broad statement that the treaty "does not limit R&D on futuristic systems."[34] Senator Jackson, expressing concern about the generality of this response, drew the witnesses' attention to Article V's prohibition on development of mobile ABM systems. General Ryan noted the distinction between permissible development of fixed, land-based systems and the prohibited development of mobile/space-based systems. Finally, General Palmer provided an authoritative statement on the prohibition on development of mobile/space-based exotics:

General Palmer. I would like to come back to the question.

Senator Jackson. You are here in a professional capacity and we need your professional judgment.

General Palmer. On the question of the ABM, the facts are that when the negotiation started the only system actually under development, in any meaningful sense, was a fixed, land-based system. As the negotiations progressed and the position of each side became clear and each understood the other's objectives better, it came down to the point where to have agreement it appeared that—this is on the anti-ballistic missile side—*this had to be confined to the fixed, land-based system.* The Chiefs were consulted. I would have to go to a closed session to state precisely the place and time. They were consulted on the question of qualitative limits on the AB (sic) side and agreed to the limits that you see in this treaty.

Senator Jackson. *Even though it cannot be monitored?*

General Palmer. Yes.

Senator Jackson. I just wanted that; so the Chiefs went along with the concept here that involved——

General Palmer. A concept that does not prohibit the development in the fixed, land-based ABM system. *We can look at futuristic systems as long as they are fixed and land-based.*

Senator Jackson. I understand.

General Palmer. *The Chiefs were aware of that and had agreed to that and that was a fundamental part of the final agreement.* (emphasis added.)[35]

Sofaer's analysis of this discussion omits Palmer's crucial closing comment that the JCS were aware of the limits on development and testing of laser ABMs, had agreed to them, and recognized that this was "a fundamental part of the final agreement." Thus, the record demonstrates that Sofaer's assertion that Senator Jackson did not address the question of exotics during the ratification debate is a complete and total misrepresentation. It also underscores the inadequacy of its analysis by its omission of this additional, and authoritative, confirmation that the Treaty banned the development and testing of all but fixed, land-based exotics.

It is also noteworthy that Senator Jackson and the Executive Branch witnesses clearly cited the prohibition on testing and development of mobile/space-based systems in Article V of the treaty as the authority for the prohibition on testing and development of missile/space-based ABM using exotics. This further undermines the Reinterpretation's analysis of the Treaty's text in which it asserts that Article V should not be read as applying to mobile/space-based exotics.

d. *Opposition to the treaty was based on the prohibition against testing and development of mobile exotics—a limitation commonly understood by both proponents and opponents of the treaty.*

On June 29, Senator James Buckley testified before the Foreign Relations Committee. By that time, he had emerged as a vocal critic of the ABM Treaty and was later one of only two Senators who voted against it. During his testimony, Senator Buckley was questioned by Senator Fulbright, Chairman of the committee, Senator Sparkman, who managed the Treaty debate on the Senate floor, and Senator Cooper, who had played one of the leading roles in the ABM deployment debate in the late 1960s.

Senator Buckley opposed the Treaty primarily because it prohibited the development, testing, and deployment of space-based ABMs using exotics:[36]

Thus the agreement goes as far as to prohibit the development, test or deployment of sea, air or space-based ballistic missile defense systems. *This clause, in Article V of the ABM Treaty, would have the effect, for example of prohibiting the development and testing of a laser-type system based in space* which could at least in principle provide an extremely reliable and effective system of defenses against ballistic missiles. The technological possibility has been formally excluded by this agreement. There is no law of nature that I know of that makes it impossible to create defense systems that would make the prevailing theories obsolete. Why, then, should we by treaty deny ourselves the kind of development that could possibly create a reliable technique for the defense of civilians against ballistic missile attack? (Emphasis added.)

In response to a question by Senator Sparkman, Senator Buckley made it clear that he was opposed to the Treaty not because it prohibited an ABM defense using *then-current* systems, but rather because it prohibited the development of *new* space-based ABM systems:[37]

Senator Sparkman. Senator Buckley, I think you make your position clear. Now, as I understand it, you do not agree with the President in his viewpoint on this, nor the Joint Chiefs of Staff?

Senator Buckley. * * * Where I am in disagreement * * * is the philosophy of a mutual deterrence * * * Now on the basis of existing technology, I can see the reasoning for this, although there is a question about the effectiveness of available ABM technology; but I do question the morality of deciding now for all time that we will preclude ourselves from developing new concepts which at a later date could mean that the city of Washington or New York or San Francisco or Detroit could not be meaningfully protected * * *.

The record of the hearing indicates that these three senior members of the committee of principal jurisdiction over the Treaty well-understood the basis for Senator Buckley's opposition. Indeed, Senator Cooper, while not agreeing with Senator Buckley's opposition to the Treaty, praised the witness for his testimony, saying:[38]

I would like to say I think that Senator Buckley has performed a useful service here today. You have raised practically every question I think that might have been considered by the negotiators. Your paper shows the very thorough knowledge you have of the negotiations and of the systems. Your questions are very valuable because the questions you raised, in their technical application at least, are correct.

On August 3, during debate on the treaty on the floor of the Senate, Senator Buckley repeated the main themes he voiced during his appearance before the Foreign Relations Committee, including the following principal criticism of the treaty:[39]

"Thus the agreement goes so far as to prohibit the development, test or deployment of sea, air or space based ballistic missile defenses. This clause, in Article V of the ABM treaty, would have the effect, for example, of prohibiting the development and testing of a laser type system based in space which could at least in principle provide an extremely reliable and effective system of defenses against ballistic missiles. This technological possibility has been formally excluded by this agreement."

Senator Buckley's testimony before the Senate Foreign Relations Committee clearly confirms the meaning of the treaty as presented to the Senate by the Executive Branch. Despite the clear, unrebutted impact of this testimony, it is omitted completely from Sofaer's October, 1985 analysis and his 1986 *Harvard Law Review* article. Sofaer cites Buckley's floor speech, but denigrates its significance by raising "the possibility that opponents of the treaty may have tried to exaggerate its limitations."[40] In view of the consistency between Buckley's statement and the Executive Branch's presentation of the treaty, this assertion is without merit.

The Senate's understanding of the treaty is underscored in the following remarks by Senator Thurmond, delivered on the floor of the Senate just prior to the vote on the treaty:[41]

"Under the treaty, we also give up the right to deploy any *land-based systems of a new type.* At the same time we undertake 'not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based'." (Emphasis added.)

The Reinterpretation acknowledges that "Thurmond's comment could be read to indicate development of future systems, other than land-based, was prohibited."[42]

III. *The record contains various general statements on the development, testing or deployment of exotics, without reference to their basing mode. Because these statements do not distinguish between fixed, land-based systems and mobile/space-based systems, they carry little probative value either way with respect to the correct interpretation.*

The record of the ratification proceedings contains a number of other statements which touched on the subject of exotics. Most of these involved a general statement by a Senator or an administration official to the effect that under the Treaty, future ABM systems based on other physical principles could not be deployed. Other statements involved general remarks that "R&D" on lasers was permitted, but without any specificity as to basing mode (i.e. whether fixed, land-based or mobile/space-based).

As previously noted, the reinterpretation does not cite a single statement in the record of the Senate ratification proceedings in which a Senator or Executive Branch official *explicitly* states that development and testing of mobile/space-based exotics is permitted under the Treaty. Consequently, the reinterpretation's claim that this record can be read to support the reinterpretation rests on statements which it *infers* as supportive of this view. All of these statements fall into one or the other of the two following categories.

a. *General Statements Concerning the Ban on Deployment*

In the Reinterpretation, much is made of brief statements to the effect that the deployment of exotics is banned. For example, during his May 26, 1972 press conference, Ambassador Smith said, "future systems * * * will not be deployable unless this treaty is amended." [43] The Reinterpretation reads this statement as supportive of its case, arguing that "It is unlikely that Ambassador Smith, the negotiator of the Treaty, would have referred to only a ban on deployment if he had meant testing and development were banned as well." [44]

Smith's statement that the deployment of exotics is banned is, however, fully consistent with the Traditional Interpretation. Nonetheless, the Reinterpretation suggests that since Smith cited the ban on deployment of exotics but omitted any mention of a ban on their development or testing, then he must have believed that the Treaty gave a "green light" to such activities; that is, that he would have gone on to say, had he voiced his opinion on this issue, that the Treaty *permits* the development and deployment of all exotics.

In short, the Reinterpretation presumes that if Smith had believed that the Traditional Interpretation had been agreed to he would not have said simply that "future systems * * * will not be deployable unless this treaty is amended"—he would have said that "future systems will not be developed, tested, or deployed unless this treaty is amended."

There are three major problems with the logic upon which this analysis is based. First, the Smith statement is true and accurate on its face because under either interpretation deployment of future systems (i.e., exotics) is banned. Second, it attempts to build a major case on what was *not said*. Third, if Smith had said what the Reinterpretation postulates he should have said, he would have been *wrong*. Why? Because under both the Traditional Interpretation and the Reinterpretation, the development and testing of fixed, land-based exotics is permitted. Development or testing of mobile/space-based exotics is, of course, banned under the Traditional Interpretation.

Under the logic of the Reinterpretation, to prevent his remarks from being distorted in the future and, at the same time, ensure accuracy, Smith would have been compelled to turn his brief sentence into something resembling the following:

"Future systems (i.e., exotics)—whether fixed, land-based or mobile/space-based—will not be deployable unless the treaty is amended. Future fixed, land-based exotics may be developed and tested, but only at the agreed test ranges as established under **Article IV. Future mobile/space-based exotics may not be developed or tested at all in** accordance with Article V."

In summary, the assertion by the Reinterpretation that a speaker's belief may be inferred from words he did not utter is illogical. The fact that the Reinterpretation's conclusions as to the Senate ratification debate rely so heavily upon such statements reveals the flimsiness of its case.

In addition to Smith's May 26 statements, the following statements fall into the category of general remarks concerning the ban on deployment:

(1) A section in Secretary of State Rogers' June 10 letter of transmittal, subheaded "Future ABM Systems", which included the following sentences: [45]

"A potential problem dealt with by the Treaty is that which would be created if an ABM system were developed in the future which did not consist of interceptor missiles, launchers and radars. The Treaty would not permit the deployment of such a system or of components thereof capable of substituting for ABM interceptor missiles, launchers or radars."

The Reinterpretation postulates that Rogers should have said that the development and testing of exotics was banned if he believed the Traditional Interpretation had been achieved. This overlooks the fact that Rogers could not accurately have said this if he believed the more restrictive position had been achieved, since it would have been incorrect as it applies to fixed, land-based exotics. Neither did Rogers say that the development and testing of exotics are permitted. Had he said this, it would in fact support the Reinterpretation, but he did not. The fact that Rogers elected not to provide a detailed elaboration of the limits on development and testing as it applied to fixed, land-based versus mobile/space-based exotics does not support the Reinterpretation.

(2) Two statements by Secretary Rogers to the Foreign Relations Committee on June 19 which indicated that future "exotic" types of ABMs, such as lasers, could not be deployed.[46] The Reinterpretation postulates that Rogers should have said that the development and testing of exotics was banned if he believed the Traditional Interpretation had been achieved. This overlooks the fact that Rogers could not accurately have said this if he believed the more restrictive position had been achieved, since it would have been incorrect as it applies to fixed, land-based exotics. Neither did Rogers say that the development and testing of exotics was permitted. Had he said this, it would in fact support the Reinterpretation, but he did not. The fact that Rogers elected not to provide a detailed elaboration of the limits on development and testing as it applied to fixed, land-based versus mobile/space-based exotics does not support the Reinterpretation.

(3) A similar comment by Ambassador Smith at the same hearing.[47] The Reinterpretation postulates that Smith should have said that the development and testing of exotics was banned if he believed the Traditional Interpretation had been achieved. This overlooks the fact that Smith could not accurately have said this if he believed the more restrictive position had been achieved, since it would have been incorrect as it applies to fixed, land-based exotics. Neither did Smith say that the development and testing of exotics was permitted. Had he said this, it would in fact support the Reinterpretation, but he did not. The fact that Smith elected not to provide a detailed elaboration of the limits on development and testing as it applied to fixed, land-based versus mobile/space-based exotics does not support the Reinterpretation.

(4) A June 28 prepared statement by Ambassador Smith during an Armed Services Committee hearing that no exotics could be deployed unless the treaty was amended.[48] The Reinterpretation postulates that Smith should have said that the development and testing of exotics was banned if he believed the Traditional Interpretation had been achieved. This overlooks the fact that Smith could not accurately have said this if he believed the more restrictive position had been achieved, since it would have been incorrect as it applies to fixed, land-based exotics. Neither did Smith say that the development and testing of exotics was permitted. Had he said this, it would in fact support the Reinterpretation, but he did not. The fact that Smith elected not to provide a detailed elaboration of the limits on development and testing as it applied to fixed, land-based versus mobile/space-based exotics does not support the Reinterpretation.

b. *General statements concerning research and development of exotics.*

The Reinterpretation also points to a number of statements in which a witness or Senator states that lasers could be developed under the Treaty—without differentiating between fixed, land-based and mobile/space-based systems. Under both interpretations, such statements are correct as applied to fixed, land-based laser ABMs. In addressing these statements, it is important to recognize that at the time of the 1972 ratification debate, the *only* U.S. R&D program of any significance in the area of laser ABMs was a fixed, land-based system. As previously noted, the Nixon administration had been stung by Senator Jackson's charge in early June that an Army laser ABM contract had been cancelled due to the Treaty. Thus, it is not surprising that executive branch officials would have sought to assure the Senate by making broad statements that R&D on laser ABMs could continue.

The following statements—all of which are cited by the Reinterpretation in support of its case—fall into this category:

(1) A June 20 reply by Secretary Laird to a question by Senator Thurmond: [49]

Senator THURMOND. I understand we have had R&D programs, such as the development of the laser-type ABM system. Is there a good reason why we should forever preclude the possibility of developing a truly effective defense of our cities if our technology should make one available?

Secretary LAIRD. * * * The Treaty, of course, does make such deployments contingent upon treaty amendment, but it does permit research and development on the ongoing technology which we have in these fields.

(2) A June 22 exchange between Dr. Foster and Senator Smith: [50]

Senator SMITH. In other words, the laser, if it was developed to the ultimate, could not be used at one of the two sites.

Dr. FOSTER. Yes, its deployment would be prohibited by the Treaty * * *.

Senator SMITH. But that will not slow us up or slow us down on continued research and development of the laser, will it?

Dr. FOSTER. No, Senator, it will not.

(3) A statement by Ambassador Smith to Senator Smith at the same hearing that development but not deployment of ABM systems based on "different physicial principles" was permitted. This statement made no mention of whether this was affected by the basing mode.[51]

(4) A statement by Ambassador Smith to Senator Goldwater at the same hearing that neither side would be precluded from the development of the laser as an ABM.[52]

(5) A statement by Senator Fong during his August 3 floor speech which noted generally that research and development of "exotics" could be continued.[53]

Conclusions

The record clearly demonstrates that the key figures in the Senate debate—Senators Jackson, Buckley, Goldwater, Thurmond, Cooper and Sparkman—understood that the development, testing and deployment of space-based "exotics" was not permitted under the treaty.

Moreover, there was clearly a perception within the Senate that the ratification hearings had served a crucial function in clarifying the Treaty's terms. Senator Jackson commented on this during his final speech on the Treaty just prior to the vote. After noting the extensive hearings in the Armed Services Committee and the "literally hundreds" of questions he has asked, Senator Jackson said: [54]

"Several things emerged from this effort, not least of all some important clarification by administration spokesman of various provisions of the agreements. Some of these provisions had been interpreted in several different ways depending on the witness commenting upon them. I believe the hearings were helpful both in clarifying the obligations we have undertaken and in understanding the implications for our future security of the many limitations to which we and the Soviets have agreed. Many Senators will recall the early confusion that surrounded the first announcements of the agreements. I hope that as we begin our consideration of the agreements the terms of them are at last firmly in mind."

In this regard, it is noteworthy that with the exception of Senator Fong's floor statement, all of the general statements on deployment and R&D occurred early in the ratification proceedings (i.e., in June), well before the extensive exploration of Treaty limits on lasers which took place during the July 19 Armed Services Committee hearing (and before Senator Buckley's June 29 testimony before the Foreign Relations Committee).

Finally, the prohibition on testing and development of exotics was squarely presented to the Senate by the Executive Branch, and that policy choice (but not the treaty interpretation) was vigorously challenged by Senator Buckley. *At no point during the proceedings did any Executive Branch witness or Senator say "no, that interpretation is wrong, the treaty does not prohibit such testing."* Indeed, during the pointed discussions of exotics involving the distinction between fixed, land-based ABMs and mobile ABMs, not one witness or Senator ever stated that deployment and testing of mobile/space-based exotics was permitted.

The record of the ratification proceedings supports the following conclusions about the scope of the Treaty.

Executive Branch witnesses clearly stated that development and testing of mobile/space-based exotics was banned, while development and testing of fixed, land-based exotics was permitted.

Key members of the Senate (including Senators Henry Jackson, Barry Goldwater, John Sparkman, and James Buckley) were directly involved in the dialogue and debate concerning the implications of the treaty, which the record indicates they clearly understood to ban testing and development of mobile/space-based exotics.

The Reinterpretation is based on two categories of incomplete, imprecise, or general statements: those which indicate that exotics cannot be deployed and those which indicate that R&D on lasers is permitted. However, each of these statements can be read as consistent with either the Traditional Interpretation or the Reinterpretation. Furthermore, all but one of these occurred early in the proceedings before clarifications were brought out in the course of detailed questioning in the Armed Services Committee.

The record of the Senate proceedings does not support Sofaer's assertion that the record of the Senate ratification proceedings on the ABM Treaty and statements made at or near the the ratification period "can be fairly read to support the so-called broader interpretation." [55] On the contrary, the record of these proceedings makes a compelling case for the opposite conclusion: that the Senate was presented with a treaty that prohibited testing or development of mobile/space-based exotics; both the proponents and opponents of the treaty understood the agreement to have this effect; and there was no challenge to this understanding in the course of the Senate's approval of the treaty.

In summary, I have examined the Reinterpretation's analysis of the Senate ratification proceedings and found its conclusions with respect to this record not to be credible. I have concluded that the Nixon Administration presented the Senate with the Traditional Interpretation of the Treaty's limits on mobile/space-based exotics. I have also concluded that the Senate clearly understood this to be the case at the time it gave its advice and consent to the ratification of the Treaty. In my judgment, this conclusion is compelling beyond a reasonable doubt.

This finding does not address all issues raised by the Reinterpretation. In the two succeeding reports, I will examine the issues of subsequent practice and the negotiating record, and any final judgments must incorporate those assessments. Nonetheless, the finding that the Senate approved the ABM Treaty on the basis of its clear understanding and acceptance of the traditional interpretation has serious ramifications for executive branch conduct. These implications will be addressed in the following section.

SECTION IV: IMPLICATIONS FOR EXECUTIVE BRANCH CONDUCT

A. *The novel attempt to dismiss the significance of statements during ratification proceedings ignores basic principles of treaty interpretation.*

In recent weeks, the State Department has raised a new theory, apparently pleading its case in the alternative. State has argued that regardless of whether the ratification proceedings support the the Reinterpretation, Executive Branch testimony presented to the Senate during the treaty-making process can be disregarded because it "has absolutely no standing" with the Soviets. In my opinion, this argument is incorrect in the context of the ABM Treaty, and is squarely in conflict with the constitutional role of the Senate.

Recent Soviet statements indicate that they now consider themselves bound by the Traditional Interpretation. For example, in an October 19, 1985 article in *Pravda*, Marshall Sergei Akhromeyev, the Chief of the Soviet General Staff, stated: "Article V of the Treaty absolutely unambiguously bans the development, testing, and deployment of ABM systems or components of space or mobile ground basing, and, moreover, regardless of whether these systems are based on existing or 'future' technologies." [56] The Reagan Administration has not argued that the Soviets do not *now* claim to be bound by the Traditional Interpretation. Rather, the administration's position—as stated by Sofaer—is that "only after the United States announcement of its support for the broader interpretation in October 1985 did the Soviet Union begin explicitly to articulate the restrictive interpretation.[57]

Since the Soviets clearly agree with the traditional interpretation, the State Department's suggestion that statements made by U.S. officials during ratification proceedings have no standing with the Soviets is a curious argument. Let us assume, however, that the Soviets were now asserting that U.S. statements during the ratification proceedings had "no standing" with them. Would the U.S. have any basis in international law for relying on the statements to the Senate if we were insisting that the Soviets comply with the traditional view?

As a matter of international law, the actions of the parties, including their statements, provides an important guide to the meaning of a Treaty. As Lord McNair notes in his classic treatise, The Law of Treaties,[58] "when there is a doubt as to the meaning of a provision or an expression contained in a treaty, the relevant conduct of the parties after conclusion of the treaty (sometimes called the 'practical construction') has a high probative value as to the intention of the parties at the time of its conclusions."[58]

McNair also states that "when one party in some public document such as a statute adopts a particular meaning, circumstances can arise, particularly after the lapse of time without any protest from the other party, in which that evidence will influence a tribunal." [59] Furthermore, "[w]hen one party to a treaty discovers that other parties to a treaty are placing upon it an interpretation which in the opinion of the former it cannot bear, and it is not practical to secure agreement upon the matter, the former party should at once notify its dissent to the other parties and publish a reasoned explanation of the interpretation which it places upon the term in dispute." [60] This is similar to the proposition under U.S. domestic law, that "if one party knows or has reason to know that the other party interprets language in a particular way, his failure to speak will bind him to the other party's understanding." [61] Although not necessarily binding as a matter of international law, the failure to object to a publicly announced interpretation by another party to a treaty is clearly relevant to the treaty's meaning.[62]

In the case of the ABM Treaty, these principles take on even greater significance in view of attendance by Soviet officials at the Senate hearings on the agreement. Indeed, Senators Goldwater and Jackson noted the presence of one such Soviet official—who was apparently a regular attendee—during an extensive discussion with Nixon Administration officials during a July 19 Armed Services Committee hearing that dealt at length and in great detail with the specific question of the Treaty's limitations in the area of laser ABMs.[63] Even if the presence of Soviet observers had not been noted for the record—which it was—it is obvious that the Soviets, who understand how our treaty-making process works, monitored the proceedings and reviewed the public records. Based on their clear awareness of the interpretation being presented to the Senate, if the Soviets chose to enter the Treaty into force without raising an objection, the U.S. would have had a very strong basis in law for insisiting on the original meaning as presented to the Senate—particularly if the Soviets waited until 15 years later to undertake a different view of the treaty.

Aside from the immediate issue of the ABM Treaty, it is contrary to the long-term interests of the United States to assert that statements made to the Senate have no standing with other parties to a treaty. The international community is well-aware of the constitutional role of the Senate in the treaty-making process, and they are on notice that the executive branch explains treaties to the Senate during the ratification proceedings. It is to our national advantage to ensure that such authoritative explanations remain available as powerful evidence of a treaty's meaning in the event of an interpretative dispute among nations.

B. *By asserting that executive branch assurances to the Senate may be disregarded, the proposed reinterpretation has raised a direct constitutional confrontation with the Congress.*

By asserting that the Executive Branch may now disregard the views of those who spoke for the Administration and those who debated the issue in the Senate, the State Department is arguing, in effect, that Administration witnesses need not accurately reflect the executive's understanding of a treaty; instead, they are free to keep that understanding a secret and may mislead the Senate into consenting to a treaty which has a secret interpretation different from the meaning presented to the Senate. This line of argument has profound implications for the legislative process in general and the constitutional role of the Senate in particular.

Executive branch statements to the Senate during hearings on a proposed treaty may provide important evidence on issues of treaty interpretation in the international arena. They fill an even more important role, however, in our constitutional system. Such statements are an integral part of the making of a treaty, often shaping its content, and well-known to all parties to the proposal.

Under Article II, section 2, clause 2 of the Constitution, the presidential power to make treaties is subject to the requirement for advice and consent by two-thirds of the Senators present. Article VI, paragraph 2 provides that treaties are the supreme law of the land, which results in giving treaties the same force and effect as legislation enacted after action by both Houses of Congress.

Louis Henkin, one of the leading constitutional authorities in this field, has noted that "although treaty-making has often been characterized as an executive function (in that special sense in which the conduct of foreign relations is executive), constitutional writers have considered the making of treaties to be different from others exercises of presidential power, principally because of the Senate's role in the process, perhaps too because treaties have particular legal and political qualities and consequences." [64]

Hamilton, in The Federalist (No. 75), clearly illustrated the intent of the Framers that treaty-making be a shared power between Congress and the President, based on mutual trust: [65]

"The power in question seems * * * to form a distinct department, and to belong, properly, neither to the legislative nor the executive. The qualities elsewhere detailed as indispensable in the management of foreign negotiations, point out the Executive as the most fit agent in those transactions; while the vast importance of the trust, and the operation of treaties as laws, plead strongly for the participation of the whole or a portion of the legislative body in the office of making them."

Madison took the position that "there are sufficient indications that the power of treaties is regarded by the constitution as materially different from mere executive power, and as having more affinity to the legislative than to the executive character." [66]

The Senate has played a vital role in numerous treaty negotiations, through means such as the process of confirming negotiators, statutory requirements for congressional consultation during the negotiations process, and informal discussions.[67] Under current practice, when a proposed treaty is submitted, the Senate may consent to the treaty, withhold its consent (either expressly or through inaction), or approve it with conditions.[68]

Because the Senate is an active participant in the making of the treaty, the hearings and debates are a vital source of information as to what the treaty means. The nature of the issue and the testimony of executive branch witnesses may lead the Senate to attach conditions (e.g., if there is dispute as to a provision) or forego conditions (e.g., if there is an authoritative statement as to the meaning of a provision.)

The position of the State Department sends a clear message to the Senate: you cannot rely on our representations as to the meaning of a treaty. The adverse consequences of this proposition extend far beyond the issues at hand regarding the ABM treaty. Our treaty relationships involve not only arms control matters, but also trade and business matters affecting the economic well-being of our nation. We cannot ask the public to support proposed treaties if the executive takes the position that uncontradicted formal representations by senior officials are irrelevant as to the meaning of a treaty.

Because treaties are the supreme law of the land, the position of the State Department, if accepted by the Executive Branch, would compel the Senate to incorporate into its resolution of consent an "amendment" of "understanding" for every explanation given by an executive branch witness lest it be disavowed as "unilateral" after ratification. Treaties so laden would sink under their own weight. It would be extemely difficult to achieve bilateral agreements, and virtually impossible for the United States to participate in multilateral treaties. In addition, the Senate would feel compelled to request in each case a complete record of the negotiating history in order to ensure that no secret understandings would emerge contrary to assurances given to the Senate.

In short, in an effort to save the Reinterpretation by asserting that Executive Branch statements to the Senate are essentially meaningless, the State Department is risking a serious constitutional confrontation involving the Executive Branch and Congress. It would be a mistake for the Executive Banch to compound the problem further by asserting that the Senate has no role to play with respect to the meaning of treaties. Although the President traditionally has determined the position of the United States as to the meaning of a treaty for international purposes, his authority is not unilateral. It is subject, for example, to any understandings imposed by the Senate in its consent to ratification.[69] Moreover, as noted by Henkin, "Congress, too, has occasion to interpret a treaty when it considers implementing legislation or other legislation on the same subject [and has] * * * claimed the right to interpret a treaty independently, even while admitting that the Executive's interpretation is entitled to 'great weight.' It could happen, then, that Congress and the courts would in effect apply treaty provisions differently from those that bind the United States internationally—another cost of the separation of powers." [70]

As a general proposition, the views of the Executive on the interpretation of a treaty normally receive great deference from the Congress. Application of that principle in terms of the meaning presented to the Senate by the Executive Branch at the time of ratification leads to an interpretation that mobile/space-based exotics may not be developed or tested. Under the Reinterpretation, such testing and development is permitted. In this situation, many in the Senate may be inclined to apply the classic line of cross-examination to the Executive Branch: "Should we believe what you were telling us then or should we believe what you are telling us now?"

The Senate has the right to presume that Executive Branch witnesses are informed and truthful in their testimony, particularly when it comes to the Senate's constitutional role as a participant in the treaty-making process. The State Department's assertion that the executive, in effect, may mislead the Senate as to the meaning of a Treaty has the unfortunate effect of directly challenging the Senate's constitutional role. The effect may well produce a Congressional backlash through exercise of the power of the purse and the power to raise and support armies in a manner that would give effect to the original meaning of the Treaty as presented to the Senate.

C. Conclusion

The Senate was clearly informed by the Executive Branch that the Treaty prohibits testing and development of mobile/space-based ABMs using exotics. This was an issue which key Senators viewed as a matter of significance, and which was directly addressed by the Executive Branch during the treaty-making process in statements to the Senate. These circumstances raise a number of possibilities with respect to the significance of other evidence as to the meaning of the Treaty:

a. If the negotiating record and evidence of subsequent practice by the parties supports the Traditional Interpretation, the issue would be beyond question.

b. If the negotiating record and evidence of subsequent practice is ambiguous or inconclusive, there would be no basis for abandoning the Traditional Interpretation as clearly understood by the Senate at the time it gave its advice and consent on the basis of this understanding. Absent compelling evidence that the Senate was misinformed as to the agreement between the United States and the Soviet Union, the compact reached between the Senate and the Executive Branch at the time of ratification should be upheld.

c. If the negotiating record and evidence of the subsequent practices of the United States and the Soviet Union establish a conclusive basis for the Reinterpretation, this would mean that the Nixon Administration signed one contract with the Soviets and the Senate ratified a different contract. Such a conclusion would have profoundly disturbing constitutional implications—to say the least. In effect, the President would have to choose between the Executive Branch's obligations to the Senate and its contract with the Soviet Union. If he did not choose to honor the commitments the Senate, the Senate would have to develop an appropriate response or risk having its role in the treaty-making process become meaningless.

In two reports which I intend to present to the Senate within a few days, I will address the subsequent practice of the two parties and the Treaty negotiating record with a view towards determining which of the three situations currently confronts the Senate.

FOOTNOTES

[1] Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, 23 U.S.T. 3435, T.I.A.S. No. 7503 [hereinafter cited as ABM Treaty].

[2] *Strategic Arms Limitation Agreements: Hearings before the Senate Foreign Relations Committee,* 92d Cong., 2d Session 5 [hereinafter cites as *1972 Foreign Relations Hearings*]

[3] *See* Sofaer, *The ABM Treaty and the Strategic Defense Initiative,* 99 Harv. L. Rev. 1971 (1986). Sofaer also has described his analysis in a number of congressional hearings. *E.G., Strategic Defense Initiative, Hearings Before the Senate Committee on Armed Services,* 99th Cong., 1st Sess. 136-91 (1985) [hereinafter cited as *1985 Senate Hearings*]; *Treaty Interpretation Dispute: Hearing Before the Subcommittee on Arms Control, International Security and Science of the House Comm. on Foreign Affairs,* 99th Cong., 1st Sess. 4-51 [hereinafter cited as *1985 House Hearing*].

[4] *1985 Senate Hearings, supra* note 3, at 142.

[5] *Id.* at 167.

[6] *Id.* at 141.

[7] *1985 House Hearing, supra* note 3, at 10.

[8] *1985 Senate Hearings, supra* note 3, at 264.

[9] *Id.* at 398.

[10] *Id.* at 399.

[11] *See* note 3 *supra.*

[12] The Vienna Convention on the Law of Treaties, Signed by the United States in Vienna, April 24, 1970, submitted to the Senate on November 22, 1971 by President Nixon but not ratified, Executive L, 92d Congress, 1st Session, 8 I.L.M. 679.

[13] Lord NcNair, *Law of Treaties* 380-81 (1961). *See also,* McDougal, Lasswell and Miller, *The Interpretation of Agreements and World Public Order* 82-111 (1967).

[14] McNair, *supra,* at 424.

[15] *Restatement of the Law, Foreign Relations Law of the United States (Revised),* Tentative Draft No. 6—Volume 2, April 12, 1985.

[16] *Id.*; McDougal, Lasswell, and Miller, *supra* note 13, at 132-44.

[17] 279 U.S. 47 (1929); *see Air France* v. *Saks,* 470 U.S. 392, 396 (1985).

[18] *Restatement, supra* note 15, at 325-4.

[19] *Military Implications of the Treaty on the Limitations of Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms: Hearings Before the Senate Committee on Armed Services,* 92d Cong., 2d Sess. 40 (1972) [hereinafter cited as *1972 Armed Services Hearings*].

[20] *Id.* at 40-41.

[21] "Analysis of U.S. Post-Negotiation Public Statements Interpreting the ABM Treaty's Application to Future Systems," The Legal Adviser, U.S. Department of State, October 30, 1985, reprinted in *1985 Senate Hearings, supra* note 3, at 167.

[22] 99 *Harv, L. Rev.* at 1982 n. 28.

[23] 118 *Cong. Rec.* 19,411 (1972). Senator Jackson said, "I was greatly disturbed, for example, to learn only yesterday that Secretary Laird has ordered the cancellation of a theoretical study conducted by one of our research organizations of the application of laser technology to ballistic missile defense. Nothing in the agreements as they have been published would call for this action."

[24] *1972 Armed Services Hearings, surpa* note 19, at 31.

[25] *Id.* at 274.

[26] *Id.* at 275.

[27] *Id.,* transcript at 312.

[28] *1985 Senate Hearings, supra* note 3, at 169-170.

[29] *Id.* at 171.

[30] *Id.* at 170.

[31] *Id.* at 171.

[32] *1972 Armed Services Hearings, supra* note 19, at 439.

[33] *Id.* at 440.

[34] *Id.* at 438.

[35] *Id.* at 443.

[36] *1972 Foreign Relations Hearings, supra* note 2, at 258.

[37] *Id.* at 268.

[38] *Id.* at 269.

[39] 118 Cong. Rec. 26,703 (1972).

[40] *1985 Senate Hearings, supra* note 3, at 171.

[41] 118 *Cong. Rec.* 26,700 (1972).

[42] *1985 Senate Hearings, supra* note 3, at 171.

[43] *See 1972 Armed Services Hearings, supra* note 19, at 99. It is noteworthy that in the same statement Smith said that Article Ii, which defines ABM systems covered by the Treaty, "has a very important bearing on the whole question of what we call future ABM systems." This directly contradicts the Reinterpretation, which is based on the premise that Article II does not cover future systems.

[44] *1986 Senate Hearings, supra* note 3, at 168.

[45] *Reprinted in 1972 Armed Services Hearings, supra* note 19, at 81. Under the same subheading ("Future ABM Systems"), Rogers' letter also included a discussion of the definitions in Article II and the prohibitions on deployment in Article III under this same subheading ("Future ABM Systems"), thereby indicating that such exotics were covered by these provisions. This contradicts the Reinterpretation's contention that exotics were covered only by Agreed Statement D.

[46] *1972 Foreign Relations Hearings, supra* note 2, at 6, 20. In his prepared statement, Rogers said, "Perhaps of even greater importance as a qualitative limitation is that the parties have agreed that future exotic types of ABM systems, i.e., systems depending on such devices as lasers, may not be deployed, even in permitted areas." Later, in response to a question by Senator Aiken about laser ABMs, he said, "Under the agreement we provide that exotic ABM systems may not be deployed and that would include, of course, ABM system based on the laser principle."

[47] *Id.* at 20. In response to another question by Senator Aiken on Laser ABMs, Smith said:

> * * * we have covered this concern of yours in this treaty by prohibiting the deployment of future type technology. Unless the Treaty is amended, both sides can only deploy launchers and interceptors and radars. There are no inhibitions on modernizing this type of technology except that it cannot be deployed in mobile land-based or space-based or sea-based or air-based configurations. But the laser concern was considered and both sides have agreed that they will not deploy future type ABM technology unless the treaty is amended.

[48] *1972 Armed Services Hearings, supra* note 19, at 287. Smith said: "The development and testing, as well as deployment of sea, air, space-based, and land-mobile ABM devices is prohibited. Of perhaps even greater importance, the parties have agreed that no future types of ABM systems based on different physical principles from present technology can be deployed unless the treaty is amended."

[49] *Id.* at 171.

[50] *Id.* at 222.

[51] *Id.* at 295.

[52] *Id.* at 306.

[53] 118 *Cong. Rec.* at 26,707 (1972). Senator Fong said, "[The Treaty] (a)llows research and development on ABM systems to continue, but not the deployment of exotic or so-called future systems."

[54] *Id.* at 26,693.

[55] *1985 Senate Hearings, supra* note 3, at 167.

[56] Foreign Broadcast Information Service, Oct. 19, 1985, at AA3.

[57] 99 Harv. L. Rev. at 1985 n.37.

[58] McNair, *supra* note 13, at 424.

[59] *Id.* at 427.

[60] *Id.* at 429.

[61] *Corbin on Contracts* (C. Kaufman, ed., Supp. 1984), at 462.

[62] *McNair, supra* note 13, at 431. *Cf. Anglo-Iranian Oil Case* (United Kingdom v. Iran) ICJ Reports (1952) at 16-18 in which the International Court of Justice noted the failure of the British Government to object to Iranian domestic legislation as evidence of Iran's obligations under a treaty with respect to the British Government.

[63] *1972 Armed Services Hearings, supra* note 19, at 437. This exchange—which immediately preceded the discussion in which the word laser was used thirteen times—went as follows:

Senator GOLDWATER. I recognize what I have said about the inability of the man in uniform and inability of the man in civilian clothes to answer pertinent questions that I think we should have the answers to, and I keep thinking of Senator Jackson's remarks here about the member of the Soviet embassy. Is he here today?

Senator JACKSON. Yes.

Senator GOLDWATER. He is an expert in this field—Senator Jackson said this gentleman knows all the answers to the questions I am asking—I can't understand why a U.S. Senator can't have the same knowledge.

[64] L. Henkin, *Foreign Affairs and the Constitution,* 130 (1972).

[65] *The Federalist Papers,* No. 75.

[66] Quoted in *Henkin, supra* note 64 at 130, n.*.

[67] *See* Henkin, *supra* note 64, at 131-36; *Treaties and Other International Agreements: The Role of the Senate,* S. Rpt. No. 205, 98th Cong., 2d Sess. 30-36 (1984) (Prepared for the Senate Foreign Relations Committee by the Congressional Research Service).

[68] S. Rpt. 205, *supra,* at 109-18.

[69] *Id.* at 119-29.

[70] *Henkin, supra* note 64, at 167, n*.

TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILE SYSTEMS

Signed at Moscow May 26, 1972.

Ratification advised by U.S. Senate August 3, 1972.

Ratified by U.S. President September 30, 1972.

Proclaimed by U.S. President October 3, 1972.

Instruments of ratification exchanged October 3, 1972.

Entered into force October 3, 1972.

The United States of America and the Union of Soviet Socialist Republics, hereinafter referred to as the Parties.

Proceeding from the premise that nuclear war would have devastating consequences for all mankind.

Considering that effective measures to limit anti-ballistic missile systems would be a substantial factor in curbing the race in strategic offensive arms and would lead to a decrease in the risk of outbreak of war involving nuclear weapons.

Proceeding from the premise that the limitation of anti-ballistic missile systems, as well as certain agreed measures with respect to the limitation of strategic offensive arms, would contribute to the creation of more favorable conditions for further negotiations on limiting strategic arms.

Mindful of their obligations under Article VI of the Treaty on the Non-Proliferation of Nuclear Weapons.

Declaring their intention to achieve at the earliest possible date the cessation of the nuclear arms race and to take effective measures toward reductions in strategic arms, nuclear disarmament, and general and complete disarmament.

Desiring to contribute to the relaxation of international tension and the strengthening of trust between States.

Have agreed as follows:

ARTICLE I

1. Each party undertakes to limit anti-ballistic missile (ABM) systems and to adopt other measures in accordance with the provisions of this Treaty.

2. Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense, and not to deploy ABM systems for defense of an individual region except as provided for in Article III of this Treaty.

ARTICLE II

1. For the purpose of this Treaty an ABM system is a system to counter strategic bal-

listic missiles or their elements in flight trajectory, currently consisting of

(a) ABM interceptor missiles, which are interceptor missiles constructed and deployed for an ABM role, or of a type tested in an ABM mode;

(b) ABM launchers, which are launchers constructed and deployed for launching ABM interceptor missiles, and

(c) ABM radars, which are radars constructed and deployed for an ABM role, or of a type tested in an ABM mode

2. The ABM system components listed in paragraph 1 of this Article include those which are:

(a) operational;

(b) under construction;

(c) undergoing testing;

(d) undergoing overhaul, repair or conversion; or

(e) mothballed.

ARTICLE III

Each Party undertakes not to deploy ABM systems or their components except that:

(a) within one ABM system deployment area having a radius of one hundred and fifty kilometers and centered on the Party's national capital, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, and (2) ABM radars within no more than six ABM radars complexes, the area of each complex being circular and having a diameter of no more than three kilometers; and

(b) within one ABM system deployment area having a radius of one hundred and fifty kilometers and containing ICBM silo launchers, a Party may deploy: (1) no more than one hundred ABM launchers and no more than one hundred ABM interceptor missiles at launch sites, (2) two large phased-array ABM radars comparable in potential to corresponding ABM radars operational or under construction on the date of signature of the Treaty in an ABM system deployment area containing ICBM silo launchers, and (3) no more than eighteen ABM radars each having a potential less than the potential of the smaller of the above-mentioned two large phased-array ABM radars.

ARTICLE IV

The limitations provided for in Article III shall not apply to ABM systems or their components used for development of testing, and located within current or additionally agreed test ranges. Each Party may have no more than a total of fifteen ABM launchers at test ranges.

ARTICLE V

1. Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.

2. Each Party undertakes not to develop, test, or deploy ABM launchers for launching more than one ABM interceptor missile at a time from each launcher, not to modify deployed launchers to provide them with such a capability, not to develop, test, or deploy automatic or semi-automatic or other similar systems for rapid reload of ABM launchers.

ARTICLE VI

To enhance assurance of the effectiveness of the limitations on ABM systems and their components provided by the Treaty, each Party undertakes:

(a) not to give missiles, launchers, or radars, other than ABM interceptor missiles, ABM launchers, or ABM radars, capabilities to counter strategic ballistic missiles or their elements in flight trajactory, and not to test them in an ABM mode, and

(b) not to deploy in the future radars for early warning of strategic ballistic missile attack except at locations along the periphery of its national territory and oriented outward

ARTICLE VII

Subject to the provisions of this Treaty, modernization and replacement of ABM systems or their components may be carried out.

ARTICLE VIII

ABM systems or their components in excess of the numbers or outside the areas specified in this Treaty, as well as ABM systems or their components prohibited by this Treaty, shall be destroyed or dismantled under agreed procedures within the shortest possible agreed period of time.

ARTICLE IX

To assure the viability and effectiveness of this Treaty, each Party undertakes not to transfer to other States, and not to deploy outside its national territory, ABM systems or their components limited by this Treaty.

ARTICLE X

Each Party undertakes not to assume any international obligations which would conflict with this Treaty.

ARTICLE XI

The Parties undertake to continue active negotiations for limitations on strategic offensive arms.

ARTICLE XII

1. For the purpose of providing assurance of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

3. Each Party undertakes not to use deliberate concealment measures which impede verification by national technical means of compliance with the provisions of this Treaty. This obligation shall not require changes in current construction, assembly, conversion, or overhaul practices.

ARTICLE XIII

1. To promote the objectives and implementation of the provisions of this Treaty, the Parties shall establish promptly a Standing Consultative Commission, within the framework of which they will:

(a) consider questions concerning compliance with the obligations assumed and related situations which may be considered ambiguous;

(b) provide on a voluntary basis such information as either Party considers necessary to assure confidence in compliance with the obligations assumed

(c) consider questions involving unintended interference with national technical means of verification.

(d) consider possible changes in the strategic situation which have a bearing on the provisions of this Treaty.

(e) agree upon procedures and dates for destruction or dismantling of ABM systems or their components in cases provided for by the provisions of this Treaty.

(f) consider, as appropriate, possible proposals for further increasing the viability of the Treaty, including proposals for amendments in accordance with the provisions of this Treaty.

(g) consider, as appropriate, proposals for further measures amend at limiting strategic arms.

2. The Parties through consultation shall establish and may amend as appropriate, Regulations for the Standing Consultative Commission governing procedures, composition and other relevant matters.

ARTICLE XIV

1. Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing the entry into force of this Treaty.

2. Five years after entry into force of this Treaty, and at five-year intervals thereafter, the Parties shall together conduct a review of this Treaty.

ARTICLE XV

1. This Treaty shall be of unlimited duration.

2. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from the Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

ARTICLE XVI

1. This Treaty shall be subject to ratification in accordance with the constitutional procedures of each Party. The Treaty shall enter into force on the day of the exchange of instruments of ratification.

2. This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

DONE at Moscow on May 26, 1972, in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA,
RICHARD NIXON,
President of the United States of America.
FOR THE UNION OF SOVIET SOCIALIST REPUBLICS,
L. I. BREZHNEV,
General Secretary of the Central Committee of the CPSU.

AGREED STATEMENTS, COMMON UNDERSTANDINGS, AND UNILATERAL STATEMENTS REGARDING THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE LIMITATION OF ANTI-BALLISTIC MISSILES

1. AGREED STATEMENTS

The document set forth below was agreed upon and initialed by the Heads of the Delegations on May 26, 1972 (letter designations added):

Agreed statements regarding the treaty between the United States of America and the Union of Soviet Socialist Republics on the limitation of Anti-Ballistic Missile Systems:

[A]

The Parties understand that in addition to the ABM radars which may be deployed in accordance with subparagraph (a) of Article III of the Treaty, those non-phased-array

ABM radars operational on the date of signature of the Treaty within the ABM system deployment area for defense of the national capital may be retained.

[B]

The Parties understand that the potential (the product of mean emitted power in watts and antenna area in square meters) of the smaller of the two large phased-array ABM radars referred to in subparagraph (b) of Article III of the Treaty is considered for purposes of the Treaty to be three million.

[C]

The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers.

[D]

In order to insure fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII and agreement in accordance with Article XIV of the Treaty.

[E]

The Parties understand that Article V of the Treaty includes obligations not to develop, test or deploy ABM interceptor missiles for the delivery by each ABM interceptor missile of more than one independently guided warhead.

[F]

The Parties agree not to deploy phased-array radars having a potential (the product of mean emitted power in watts and antenna area in square meters) exceeding three million, except as provided for in Articles III, IV and VI of the Treaty, or except for the purposes of tracking objects in outer space or for use as national technical means of verification.

[G]

The Parties understand that Article IX of the Treaty includes the obligation of the U.S. and the USSR not to provide to other States technical descriptions or blue prints specially worked out for the construction of ABM systems and their components limited by the Treaty.

2. COMMON UNDERSTANDINGS

Common understanding of the Parties on the following matters was reached during the negotiations.

A. Location of ICBM Defenses

The U.S. Delegation made the following statement on May 26, 1972:

Article III of the ABM Treaty provides for each side one ABM system deployment area centered on its national capital and one ABM system deployment area containing ICBM silo launchers. The two sides have registered agreement on the following statement: "The Parties understand that the center of the ABM system deployment area centered on the national capital and the center of the ABM system deployment area containing ICBM silo launchers for each Party shall be separated by no less than thirteen hundred kilometers." In this connection, the U.S. side notes that its ABM system deployment area for defense of ICBM silo launchers, located west of the Mississippi River, will be centered in the Grand Forks ICBM silo launcher deployment area. (See Agreed Statement [C].)

B. ABM Test Ranges

The U.S. Delegation made the following statement on April 26, 1972:

Article IV of the ABM Treaty provides that "the limitations provided for in Article III shall not apply to ABM systems or their components used for development or testing, and located within current or additionally agreed test ranges." We believe it would be useful to assure that there is no misunderstanding as to current ABM test ranges. It is our understanding that ABM test ranges encompass the area within which ABM components are located for test purposes. The current U.S. ABM test ranges are at White Sands, New Mexico, and at Kwajalein Atoll, and the current Soviet ABM test range is near Sary Shagan in Kazakhstan. We consider that non-phased array radar of types used for range safety or instrumentation purposes may be located outside ABM test ranges. We interpret the reference in Article IV to "additionally agreed to ranges to mean that ABM components will not be located at any other test ranges without prior agreement between our Governments that there will be such additional ABM test ranges.

On May 5, 1972, the Soviet Delegation stated that there was a common understanding on what ABM test ranges were, that the use of the types of non-ABM radars for range safety or instrumentation was not limited under the Treaty, that the reference in Article IV to "additionally agreed" test ranges was sufficiently clear, and that national means permitted identifying current test ranges.

C. Mobile ABM Systems

On January 29, 1972, the U.S. Delegation made the following statement:

Article V(1) of the Joint Draft Text of the ABM Treaty includes an undertaking not to develop, test, or deploy mobile land-based AMB systems and their components. On May 5, 1971, the U.S. side indicated that, in its view, a prohibition on deployment of mobile ABM systems and components would rule out the deployment of ABM launchers and radars which were not permanent fixed types. At that time, we asked for the Soviet view of this interpretation. Does the Soviet side agree with the U.S. side's interpretation put forward on May 5, 1917.

On April 13, 1972, the Soviet Delegation said there is a general common understanding on this matter.

D. Standing Consultative Commission

Ambassador Smith made the following statement on May 22, 1972:

The United States proposes that the sides agree that, with regard to initial implementation of the ABM Treaty's Article XIII on the Standing Consultative Commission (SCC) and of the consultation Articles to the interim Agreement on offensive arms and the Accidents Agreement,[1] agreement establishing the SCC will be worked out early in the follow-on SALT negotiations; until that is completed. The following arrangements will prevail when; SALT is in session, any consultation desired by either side under these Article can be carried out by the two SALT Delegations; when SALT is not in session, *ad hoc* arrangements for any desired consultations under these Articles may be made through diplomatic channels.

Minister Semenov replied that, on an *ad referendum* basis, he could agree that the U.S. statement corresponded to the Soviet understanding.

E. Standstill

On May 6, 1972, Minister Semenov made the following statement:

In an effort to accommodate the wishes of the U.S. side, the Soviet Delegation is prepared to proceed on the basis that the two sides will in fact observe the obligations of both the interim Agreement and the ABM Treaty beginning from the date of signature of these two documents.

In reply, the U.S. Delegation made the following statement on May 20, 1972.

ARMS CONTROL AND DISARMAMENT AGREEMENTS

The U.S. agrees in principle with the Soviet statement made on May 6 concerning observance of obligations beginning from date of signature but we would like to make clear our understanding that this means that pending ratification and acceptance, neither side would take any action prohibited by the agreements after they had entered in force. This understanding would continue to apply in the absence of notification by either signatory of its intention not to proceed with ratification or approval.

The Soviet Delegation indicated agreement with the U.S. statement.

3. UNILATERAL STATEMENTS

The following noteworthy unilateral statements were made during the negotiations by the United States Delegations:

A. Withdrawal from the ABM Treaty

On May 9, 1972, Ambassador Smith made the following statement:

The U.S. Delegation has stressed the importance the U.S. Government attaches to achieving agreement on more complete limitations on strategic offensive arms, following agreement on an ABM Treaty and on an Interim Agreement on certain measures with respect to the limitation of strategic offensive arms. The * * * Delegation believes that an objective of the follow-on negotiations should * * * constrain and reduce on a long-term basis threats to the survivability of * * * respective strategic retaliatory forces. The USSR Delegation has also indicated that the objectives of SALT would remain unfulfilled without the achievement of an agreement providing for more complete limitation on strategic offensive arms. Both sides recognize that the initial agreements would be steps toward the achievement of more complete limitations on strategic arms. If an agreement providing for more complete strategic offensive arms limitations were not achieved within five years. U.S. supreme interests could be jeopardized. Should that occur, it would constitute a basis for withdrawal from the ABM Treaty. The U.S. does not wish to see such a situation occur, nor do we believe that the USSR does. It is because we wish to prevent such a situation that we emphasize the importance the U.S. Government attaches to achievement of more complete limitations on strategic offensive arms. The U.S. Executive will inform the Congress, in connection with Congressional consideration of the ABM Treaty and the interim Agreement of this statement of the U.S. position.

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[1] See Article 7 of Agreement to Reduce the Risk of Outbreak of Nuclear War Between the United States of America and the Union of Soviet Socialist Republics, signed Sept. 30, 1971.

B. Tested in ABM Mode

On April 7, 1972, the U.S. Delegation made the following statement:

Article of the Joint Text Draft uses the term "tested in an ABM mode" indefining ABM components and Article VI includes certain obligations concerning such testing. We believe that the sides should have a common understanding of this phrase. First, we would note that the testing provisions of the ABM Treaty are intended to apply to testing which occurs after the date of signature of the Treaty, and not to any testing which may have occurred in the past. Next, we would amplify the remarks we have made on this subject during the previous Helsinki phase by setting forth the objectives which govern the U.S. view on the subject, namely, while prohibiting testing of non-ABM components for ABM purposes: not to prevent testing of ABM components, and not to prevent testing of non-ABM components * * * non-ABM purposes. To clarify our interpretation of "tested in an ABM mode" we note that we would consider a launcher, missile or radar to be "tested in an ABM mode" if, for example, any of the following events occur (1) a launcher is used to launch an ABM interceptor missile, (2) an interceptor missile is flight tested against a target vehicle which has a flight trajectory with characteristics of a strategic ballistic missile flight trajectory, or is flight tested in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range, or is flight tested to an altitude inconsistent with interception of targets against which air defenses are deployed, (3) a radar makes measurements on a cooperative target vehicle of the kind referred to in item (2) above during the reentry portion of its trajectory or makes measurements in conjunction with the test of an ABM interceptor missile or an ABM radar at the same test range. Radars used for purposes such as range safety or instrumentation would be exempt from application of these criteria.

C. No-Transfer Article of ABM Treaty

On April 18, 1972, the U.S. Delegation made the following statement:

In regard to this Article [IX], I have a brief and I believe self-explanatory statement to make. The U.S. side wishes to make clear that the provisions of this Article do not set a precedent for whatever provision may be considered for a Treaty on Limiting Strategic Offensive Arms. The question of transfer of strategic offensive arms is a far more complex issue, which may require a different solution.

D. No Increase in Defense of Early Warming Radars

On July 28, 1970, the U.S. Delegation made the following statement:

Since Hen House radars [Soviet ballistic missile early warning radars] can detect and track ballistic missile warheads at great distances, they have a significant ABM potential. Accordingly, the U.S. would regard any increase in the defenses of such radars by surface-to-air missiles as inconsistent with an agreement.

Mr. NUNN. Mr. President, I have a letter from Judge Sofaer on the subject I was addressing. In that letter, without trying to quote it directly because I do not have it with me, he mentioned he is going to go back through this Senate record very carefully and thoroughly. He also indicates that his prime consideration when he was doing his original research was on the negotiating record of the treaties rather than the Senate record.

So I ask unanimous consent that letter, by way of explanation, from Judge Sofaer be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE,
THE LEGAL ADVISER,
Washington, DC, March 9, 1987.

Hon. SAM NUNN,
U.S. Senate, Washington, DC.

DEAR SENATOR NUNN: As you know, the President has directed that further work be done on the remaining issues associated with the interpretation of the ABM Treaty. This additional work will focus on the ratification process, and on subsequent practice of the parties; April 30 is the target for completion.

The points made on the ratification record of the Treaty that were contained in our October 1985 analysis of the negotiating record did not provide a complete portrayal of the ratification proceedings with respect to this issue. I concentrated during that period on the Treaty language and negotiating history, and I did not review this material personally. The August 1986 study provided to the Senate was not as comprehensive as the current project directed by the President. (It was never meant to be; the August 1986 study covered primarily the Treaty itself and its negotiating record.) The study is more complete, but still fails to cover the subject in full depth. This is why, among other things, the President directed that a thorough study of the ratification record—and of subsequent practice—be undertaken. I will personally review this material and satisfy myself that the analysis we present is complete.

I would note in this connection that my August 1986 classified memorandum to Secretary Shultz did not include various statements in the ratification record which I acknowledged supported the restrictive interpretation, and that these statements may have a bearing on the President's obligations to the Senate. The current study will fully reflect these and other parts of the ratification record. I should also note, however, that the U.S. internal ratification process cannot by itself create international obligations under the Treaty; the Soviet Union does not hold itself to review and be responsible for responding to statements made during U.S. internal proceedings, any more than we held ourselves responsible for responding to Soviet internal proceedings.

I would welcome the opportunity to discuss the negotiating record with you, or any other issue. Our position on the negotiating record is not based on artificial distinctions, but rests on an objective appraisal of Soviet behavior during the negotiations. Nor do we agree that our reading of the record undercuts the basic purposes of the Treaty. Even if the parties were allowed to "create" only fixed, land-based devices by Agreed Statement D, such devices could potentially provide a territorial defense, if deployed. The parties relied on the Treaty's deployment provisions to block any deployment action inconsistent with the Treaty, unless the parties agreed, after consultation, to permit such deployments.

In connection with your analysis of the negotiating record, we have nothing new to add, though we are continuing to search for relevant materials. We believe, however, that in evaluating that record you should keep in mind the standard which the Soviets would apply in deciding whether they are bound to the "narrow" version of the Treaty. The Soviets have applied a strict standard in the past in connection with U.S. claims that they were bound to a given interpretation of an arms control agreement. We are collecting materials relevant to this question. Meanwhile, however, you no doubt recall the Soviet position on our unilateral statement on what constituted a "heavy" missile in the SALT I Interim Agreement. They also led us to believe they had no test range at Kamchatka, making clear the need for us to pin down any obligation. I will shortly provide you with a more detailed description of these instances of Soviet negotiating conduct for your appraisal.

If you agree, Mr. Nitze would like to join me in our discussion so that he could contribute his judgment on the policy issues involved.

Sincerely your,
ABRAHAM D. SOFAER.

Mr. NUNN. Mr. President, I thank the Senator from West Virginia for arranging this rather lengthy time. I think that this matter requires lengthy explanation. I know it is unusual, but I appreciate the time the Senator has accorded me this afternoon.

I also want to say that the Senator from West Virginia has done his own analysis in this area. I have not discussed with him in great detail his conclusions. I am not sure if we are on par on everything, but I will be looking forward with great anticipation hearing the Senator from West Virginia's views when he does address this subject.

(During Mr. NUNN's remarks, Mr. HARKIN assumed the chair.)

Mr. BYRD. Mr. President, I thank the distinguished Senator from Georgia. He has approached this important matter, as he approaches all such subjects, very studiously and, in a very scholarly presentation, has stated clearly today his analysis of the matter. As I understand it, he will be speaking again on the Senate floor on the subject. May I ask, is it his intention to speak again tomorrow and/or on Friday if the Senate is in session both days?

Mr. NUNN. Mr. President, I will have the portion on the subsequent behavior of the two parties, that is the United States and the Soviet Union subsequent to the treaty being ratified, I would have that prepared and ready by tomorrow. If the Senate is in session, it would be my intention to present it then. I hope to have the analysis of the negotiating record ready by Friday. It would be my intention to present those at that time, hopefully in better voice.

Mr. BYRD. Mr. President, the Senator has spoken under difficult conditions today, with his case of laryngitis.

The Senate will be in tomorrow, if the Senator wishes to speak on the subject tomorrow.

Mr. NUNN. I would like to get some time tomorrow that is appropriate and convenient to the leadership.

Mr. BYRD. Very well. That will be arranged.

I compliment the able Senator on the presentation of his analysis on the subject. He has been going into the historic record, the negotiating record, the record of the Senate debates, the understanding of the Senate, the understanding of committees in the Senate that conducts hearings. His analysis should be read and carefully considered by the administration, by his colleagues here in the Senate, by the press, by the people. He renders a great service. When the Senator from Georgia speaks on a matter that involves our national defense, people listen. I listen. And I compliment him, and, more than that, I thank him for the work he has been doing. It takes a lot of his time.

He has been working laboriously at this task for many, many weeks. And I know that Senators recognize that Senator NUNN has done more work in this area and has given effort to it than has anybody else in the body. That is why we all listen when he speaks.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I regret that I was not here when the Senator from Georgia was giving his speech. I was presiding at a meeting on foreign relations. But I look forward to reading it. I rise merely to pay my respect to him, and my regard for him is of the highest order. I know the contributions he made on the floor this morning will be read by many of us. It will have an effect like a pebble falling into a pool of water where the ripples go out.

I wish him well. I hope his voice recovers for his appearance before our committee this afternoon for about 20 minutes.

Mr. NUNN. I will be there.

I thank the Senator from Rhode Island. I thank the Senator from West Virginia.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

TRADE CROSSROADS

Mr. GRASSLEY. Mr. President, the 100th Congress is now beginning to formulate the direction of trade legislation in the shadow of mounting trade and budgetary deficits. Coupled with this action, the administration proposes legislation to improve U.S. competitiveness.

Some will interpret the present mood that is going on in the Congress—and maybe the country as a whole—as protectionism on the rise in the United States. Yet many individuals—including myself—see it more as a move to open foreign markets now closed, and beef up trade laws not currently being enforced. Mired in all of this, however, loomed the real potential for a trade war between the United States and the European Common Market. This trade war was only recently sidestepped when a 4-year agreement was reached at the last moment.

As might be expected, this agreement drew mixed reviews. I happen to think it was not a very good agreement. The administration trumpeted it as a victory for the President's tough new negotiating posture. The corn growers said the agreement is more evidence that the Reagan administration has no backbone when it comes to trade negotiations. The Farm Bureau said the provisions were disappointing to feed grain producers, but may be the best deal possible at the particular time. As for others, they feel the battle merely shifted to a new front—and that could be the European fight against importation of our soybeans.

Most trade groups are hoping for progress in the new round of international trade talks scheduled in Geneva. Our goal will be to try and obtain concessions from Europe to reduce its huge export subsidies. Yet, our posture in this recent agreement may have already set the tone for some difficult discussions in the weeks ahead.

Most alarming to me is that, in less than 10 years, Europe has gone from one of the United States' biggest grain buyers to its most aggressive export competitor. How did they do all this? Did they have some kind of secret weapon? You bet! In one word it is called subsidies.

The time has come for us to get moving on this issue, within the framework of the GATT, as well as in the House and Senate. We must move now if we are to achieve any meaningful results in the attempt to halt our eroding trade posture.

The decline in agricultural exports have significantly cut into what was once a healthy agricultural trade surplus. Exports exceeded imports annually by over $10 billion between 1974 and 1975—and in some years, by more than twice that amount. Now the United States has been running an annual trade deficit in processes food products since 1983.

This decline has had a number of serious repercussions throughout the U.S. economy. Farmers look to the export market to take the production from more than one-third of their cropland. Falling exports have resulted in significant declines in farm income and farm employment. It is estimated that for every $1 billion drop in export sales, some 35,000 agricultural jobs are lost, as well as 60,000 nonfarm jobs. For every dollar lost in agriculture export activity, an additional dollar or more worth of supporting business activity is foregone, and probably foregone forever.

Before we embark upon a new, tough and enforceable trade policy, we must understand the linkage between the Federal deficit and the trade deficit. Do not be fooled by anyone who tells you that our trade deficit and budget deficit are not related, because they are.

Every dollar the Government borrows reduces the size of the savings pool from which U.S. companies can borrow. When our firms cannot borrow, they cannot modernize, adjust to new competitive forces in the world market, or stay competitive with imports at home. Government borrowing also keeps interest rates high. Combined with a shortage of capital for investment, this makes the United States attractive for foreign lenders. Heavy foreign borrowing, combined with the trade deficit, makes us a debtor nation—the world's largest—and it has happened virtually overnight.

As our trade deficit mounts, I believe we are approaching a crossroads. The next few years will determine, first, whether the world drifts down the road of protectionism, or we pursue an open world economy; second, whether the European and Japanese communities accept responsibilities commensurate with their economic power; and third, whether we can evolve with our trading partners a sound international monetary system.

It is imperative that we begin to demonstrate our intolerance to violations of trade laws, while at the same time improving access to foreign markets. We must develop new policies that create a level of confidence for our farmers, businessmen, and our trading partners. We need to get at the root causes of our trade problems, rather than merely treating symptoms.

No longer can the United States afford to be perceived as a paper tiger. It is fine to promote free trade, but more importantly, we need to promote fair trade. We must deal immediately with the triple threat of our trade deficit, budget deficit and the world debt crisis during this Congress if there is to be any hope of a return to a robust American economy.

Twenty years ago, President Kennedy called world trade a rising tide lifting all boats. Unfortunately, today we can no longer view trade in such a light.

Globally we face an industrialized recession in most developed nations and a minidepression in some undeveloped countries. As a result, we are all grappling for concessions, places to expand our trade, and protection of our domestic industries, while we blame other nations for our economic problems. Unfortunately, politics and not market forces determine the direction and content of trade flows.

The American farmers and industrial workers are not competing with European farmers and Japanese industrial workers. Instead, they compete against agricultural subsidies, export credit financing, lack of access to foreign markets, and a whole host of other trade barriers.

The time has come to let our trading partners know we will no longer tolerate one-way streets. The stakes are too enormous. A drift away from the principles of GATT could close off the longest era of prosperity the world has ever known. Consumers and producers throughout the world have benefited tremendously from the open exchange of goods and services across international boundaries.

The task of our political leadership is to understand the gravity of our position and begin to shape a trade policy. It must be a policy that makes sense for our farmers, our industries, and our trading partners in the 1980's and 1990's. It must, however, be a policy in which the American people can believe, and our trading partners can be convinced is in their best interest as well as ours.

America can only be competitive if we all work together. This country has the ingenuity, resources and determination to succeed. All we need is the commitment at this point in time to set the highest priority to decisively move forward.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, may I say that the Senate is now awaiting Senators who have special orders for recognition. As soon as those special orders are disposed of, the Senate, unless there is further business, will go out until tomorrow.

ORDER FOR THE RECOGNITION OF CERTAIN SENATORS TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders or their designees have been recognized under the standing order, the following Senators be recognized, each for not to exceed 5 minutes: Senators PROXMIRE, ARMSTRONG, REID, and HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I yield the floor.

Mr. ARMSTRONG addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

THE BIRTH OF JAMES D. NORDBY III

Mr. ARMSTRONG. Mr. President, I rise to report a brief news bulletin from Fairfax Hospital.

It gives me utmost satisfaction to announce the birth at 7:30 this morning of James D. Nordby III, the son of Anne Elizabeth, my daughter, and her husband, Jamey Nordby, the baby weighing 9 pounds and 8 ounces.

May I also report to my colleagues that the grandfather handled this matter with extraordinary, indeed, uncharacteristic, poise and calm, sleeping through the entire affair. Mother, baby, father, and grandmother are all doing well.

I thank the Chair.

The PRESIDING OFFICER. The Chair is honored to extend congratulations to the distinguished grandfather.

Mr. BYRD. Mr. President, the very able and distinguished Senator from Colorado [Mr. ARMSTRONG] has announced on the floor today a very, very happy and significant event, the birth of his first grandchild, James D. Nordby III. Mr. President, the Senator from Colorado has now had his first glimpse of immortality. He sees in this young child the image of himself, in part, going on and on into the future generations. Senator ARMSTRONG, the Senator from Colorado, has reached a new plateau in life. It is one of the most blessed of all plateaus, the birth of a grandchild.

I used to hear grandparents dote about their grandchildren and I thought, "Well, it just cannot be true; it just cannot all be true." My wife and I were blessed with two wonderful daughters. The older daughter was blessed with three fine sons. The younger daughter was blessed with a son and two daughters. God, in his wisdom, took away the oldest grandson, Michael, 5 years ago, on the 12th day of April, the Monday morning after Easter 1982.

Here was a young man who was 6½ feet tall, weighed 300 pounds, wore a size 56 jacket, size 15 shoe. I have one of his shoes in my office just off the floor. He was only 17, getting ready to graduate from high school, and called to Heaven that night by the Lord. I have never questioned why. I only know that God had his reasons.

I mention this only to say that I never knew that one could so love a grandchild as I found that I loved that young man. So, I compliment Senator ARMSTRONG today on the wonderful blessing that has been bestowed on him in his life. It is one of God's richest blessings. I know that as the years come and go, Senator ARMSTRONG will watch the path of this youngster, will watch the youngster grow, and will welcome the shadow of his appearance in the doorway each time this grandson comes to visit with his grandfather. He will see, in that young man as he grows, the mirror of himself.

The young man likewise will be blessed by having such an illustrious grandfather, and one day he will come to know the meaning of what I say. I know that he will feel great pride in the fact that his grandfather was a U.S. Senator.

I compliment Senator ARMSTRONG and his family—the mother, father, and the child. I wish the mother well and the child the best of God's blessings throughout life. To James D. Nordby III, I say:

First, in thy grandfather's arms,
Thou dids't but weep while those around thee smiled;
So live that in that lasting sleep,
Thou mayes't smile while those around thee weep.

Mr. ARMSTRONG. Mr. President, would the distinguished leader yield to me briefly?

Mr. BYRD. Yes; I shall be happy to yield, Mr. President.

Mr. ARMSTRONG. Mr. President, there is very little that I could say in response to such a gracious and meaningful statement, but I would not want the moment to pass without acknowledging that the leader's observations have really touched my heart. I am very grateful to him.

No one knows, of course, the future of this young man who has come into the world only a few hours ago. It may be that in the course of his life, he will win many honors; perhaps not. But whatever may happen to him, whatever he may achieve, I suspect that, years from now, he will look back and read in the CONGRESSIONAL RECORD the written account of the majority leader's remarks and feel a great sense of destiny that the first public recognition of his place in this world came from the distinguished majority leader of the U.S. Senate. For that, I shall also always be grateful.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

I should mention for James D. Nordby III's attention also that his illustrious grandfather was the 1,723d Senator to serve in the U.S. Senate. There have been only 1,781 Senators who have served in the U.S. Senate since April 8, 1789, the first day that a quorum was established in the U.S. Senate. Out of the 1,781 Senators, Senator ARMSTRONG was No. 1,723.

Mr. ARMSTRONG. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER.** The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. **ARMSTRONG.** Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

THE DEATH OF SENATOR EDWARD ZORINSKY

Mr. **ARMSTRONG.** Mr. President, I want to express my profound sense of loss about the passing of our colleague, Ed Zorinsky. There are several reasons why I was particularly affected by this when the news came through, first because I have had opportunity to know and work closely with Senator Zorinsky and came to admire him very much because in so many ways Ed Zorinsky was the epitome of what a Senator ought to be. He was not the sort of a man who came to the floor and found out which way the wind was blowing and then decided how he would vote. He was a Senator who made up his mind based on what he felt was right. He represented the people of his constituency in the spirit, with integrity and indeed often with courage.

The thing that I remember about Ed Zorinsky, and I believe that others in this Chamber will remember him in the same way, is that there were moments when his conscience called upon him to vote a way that was unpopular, often to take a stand that would have been easier if he had slipped off or had avoided the issue, or in some way had finessed the question.

On many occasions I have noted here on the floor and in committee that our colleague, Ed Zorinsky, did his duty and did it with the kind of quiet courage and determination that I really think adds dignity to the office of a U.S. Senator.

Mr. President, I had a second reason why I felt a particular sense of loss about our colleague and friend Ed Zorinsky. It is this: As many Senators know, I, myself, am a native of Nebraska and I continue to maintain friendships and indeed even have some family living in the State. So as I have visited Nebraska over the years I have come to see Ed Zorinksy through the eyes of people he represented, some of them Republican and some of them Democrats, but all of them had a particular admiration for him. He occupied a very, very special place in the thought life as well as the political life of the State for which I retain great affection.

It is a real loss to the people of Nebraska.

Finally may I just say in conclusion that caring for Ed and Cece as Eleanor and I do, I was especially impressed by the private off-the-record reaction when the news came through about Ed's death over the weekend, things that had been said about him in unguarded moments by Senators in the subway, in the Cloakroom, around the dining room table, when nobody was listening and nobody was recording those remarks, which I do not intend to reveal here today. What they really said was this was a very special, trusted, and valued human being.

That is the way all Senators feel and it is certainly the sense that is in my heart today.

I just want to extend to Mrs. Zorinsky, Cece, and to all who loved him, my profound sympathy and condolences.

RECOGNITION OF SENATOR MURKOWSKI

The **PRESIDING OFFICER.** Under the previous order, the Senator from Alaska [Mr. MURKOWSKI] is recognized.

Mr. **MURKOWSKI.** I thank the Chair.

THE VETERANS' ADMINISTRATION REGISTERED NURSE VARIABLE INCENTIVE BONUS ACT OF 1987

Mr. **MURKOWSKI.** Mr. President, I rise today to introduce one of the more important pieces of veterans' legislation that I have had the privilege to author during my tenure in the U.S. Senate. It is legislation which recognizes the enormous contribution rendered by registered nurses to society as a whole and the Veterans' Administration medical-care system in particular. This legislation will assist the Veterans' Administration in alleviating a critical shortage of skilled nursing professionals throughout its health-care system. In my view, the registered nurse is the matrix upon which our health-care system is built. For too long, registered nurses have been taken for granted. My legislation will authorize the VA to pay, in addition to all other pay and allowances, up to a $20,000 bonus to registered nurses who agree to serve on a full-time basis at a specific geographic location or in a professional specialty for a minimum of 3 or more years. It is my hope that this legislation will begin the process in the Federal sector of addressing the inherent inequities in salaries of registered nurses and place us on the path to rectifying this situation.

One of the major accomplishments which portrays the distinctiveness of the Veterans' Administration's mission is the quality of care provided by nursing personnel in serving veteran patients with knowledge, skill, compassion, dignity, and respect. The quality of health care delivered to our Nation's veterans relies upon the quality of the professional nursing care delivered. There are few professionals who have to deal with life-and-death decisions on a day-to-day basis as a registered nurse must do. The critical care nurse of today must not only have the highest degree of technical knowledge, but also the highest degree of professional nursing expertise. The disparity between this enormous responsibility and lack of adequate compensation and recognition discourages many young people from pursuing this critical profession. We can appropriate all the dollars we wish to expand our VA health-care system; but, in the final analysis, without professional nurses we would have no alternative but to close the doors of VA hospital wards, clinics, and nursing homes. One only has to look in newspaper want ads to know of the crisis which is developing in nursing. Many hospitals are sending recruiters to foreign countries to attract young people to the United States to fill the void. The time to act is now.

A recent staffing survey conducted by the Veterans' Administration indicates that about 54 percent of VA facilities are experiencing difficulty in recruiting and retaining registered nurses. More than 50 percent of those experiencing difficulty have been determined to be in the serious to severe range.

According to this survey of health occupational staff, the shortage of registered nurses is especially acute in VA medical facilities throughout the Northeast and Southwest. In these and other areas, community hospitals and the VA are in keen competition for critical care and operating room nurses, two groups with the highest turnover rates. Although many of the new critical care and operating room nurses are oriented and trained by the VA at great cost, they often find positions in the same geographic area with higher per annum salaries and better benefits in the private sector. For every trained nurse who leaves the VA to pursue a career in another field, the VA not only loses the investment it has made in that individual, but also must incur additional high costs to recruit and retain a replacement. The VA nursing scholarship program for one nurse alone could run as high as $29,000 and that does not include inservice training to become competent in a given specialty. For operating room nurses those costs exceed $12,000. As more hospitals move toward an all-registered-nurse staff and some nurses choose new avenues of employment, such as home health care, ambulatory surgery centers, and entrepreneurial activity, fewer nurses are available for hospital employment. As a result, staffing ratios are affected. This is further compounded by decreasing nursing school enrollment and graduations. Lowered morale with increased workload, higher patient-to-staff ratios and requirements for overtime causes further loss of staff who are difficult to replace.

Mr. President, I firmly believe that such a bonus program properly structured could save the VA and hence the Federal Government a substantial sum associated with the cost of retraining nurses in critical skills, and the costs associated with the process of finding and bringing new people into the VA system by having the assurance that the nurses would stay in some of the more difficult areas for an extended period of time and ultimately maintain the quality care system for which the VA has been noted.

Mr. President, the legislation that I am introducing today is an appropriate response to this growing crisis. This legislation will help the VA to become more competitive and better able to attract and retain highly skilled professionals within our VA health-care system in a cost-effective manner. It does so by targeting scarce resources to critical shortages. The Department of Defense has used bonuses extensively and with great success to recruit and retain skilled professionals in such areas as nuclear power, aviation and combat arms. I urge my colleagues to join with me in recognizing that the shortage of nurses who are the driving force behind high quality medical care for those most deserving of our gratitude—our Nation's disabled veterans—is also critical and deserving of our attention.

Thank you, Mr. President, and I ask unanimous consent that the test of my bill be inserted in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 713

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Administration Registered Nurse Variable Incentive Bonus Act of 1987".

SEC. 2. RECRUITMENT AND RETENTION PAY.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended—

(1) in section 4107(d), by striking out "section 4118" and inserting in lieu thereof "sections 4118 and 4119";

(2) by redesignating section 4119 as section 4120; and

(3) by inserting after section 4118 the following new section:

"§ 4119. Recruitment and retention pay for registered nurses

"(a) Notwithstanding any other provision of law, in order to recruit and retain highly qualified registered nurses for which there is a critical shortage in the Department of Medicine and Surgery, the Administrator shall pay a bonus to any registered nurse as provided in this section and in regulations prescribed by the Administrator under subsection (j) of this section.

"(b) The Administrator shall pay a bonus, in any amount not to exceed $20,000, to any registered nurse appointed under this chapter who executes a written agreement with the Administrator—

"(1) to be employed on a full-time basis in the Department of Medicine and Surgery for a specified period of service not less than 3 years; and

"(2) to serve during that period at a specific geographic location or in a professional specialty for which the Administrator has determined under subsection (f) of this section that there are significant recruitment and retention problems unless the Administrator assigns such nurse to serve in another specific geographic location or professional specialty during that period.

"(c) A bonus may not be paid under this section to any registered nurse who has received a training scholarship which obligates such nurse to serve in the Veterans' Administration for a specified period of employment.

"(d) A bonus under this section may be paid, in connection with an agreement entered into under this section, in a lump sum at the time the agreement is executed or in installments throughout the period of obligated service specified in the agreement.

"(e) A bonus paid to any registered nurse under this section shall be in addition to any pay or allowance to which such nurse is entitled.

"(f) At least once each year the Administrator shall determine the specific geographic locations and professional specialties, if any, in which there are significant problems recruiting and retaining registered nurses to serve.

"(g) Any registered nurse who has entered into an agreement under this section and has not failed to refund any amount which such nurse became obligated to refund under subsection (h) of this section shall be eligible to enter into a subsequent agreement under this section.

"(h)(1) Any registered nurse who receives a bonus payment under this section and who voluntarily, or because of misconduct, fails to perform services as assigned by the Administrator for the period provided in the agreement shall refund to the United States Treasury the amount computed under paragraph (2) of this subsection, unless the Administrator determines, in accordance with regulations prescribed under subsection (j) of this section, that such failure is necessitated by circumstances beyond the control of such nurse.

"(2) The amount required to be refunded by a nurse under paragraph (1) of this subsection is the amount equal to the excess, if any, of—

"(A) the total amount of the bonus paid to such nurse under this section, over

"(B) the amount that bears the same ratio to the total amount of the bonus agreed to be paid to such nurse under this section as the period that such nurse performed services as assigned by the Administrator bears to the total period of service provided in the agreement.

"(3) An obligation to refund any portion of a bonus payment under this subsection is, for all purposes, a debt owed to the United States.

"(i) The amount of any bonus paid under this section shall not be considered as basic pay for the purposes of section 5551, 5552, and 5595 of title 5, chapters 81, 83, 84, and 87 of such title, or any other provision of law creating an entitlement to benefits based on basic pay.

"(j) The Administrator shall prescribe regulations to carry out this section.".

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking out the item relating to section 4119 and inserting in lieu thereof the following:

"4119. Recruitment and retention pay for registered nurses.

"4120. Relationship between this subchapter and other provisions of law.".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall take effect on October 1, 1987.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Iowa, suggests the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOSCHWITZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM). Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR ZORINSKY

Mr. BOSCHWITZ. Mr. President, I rise to say a word about my departed friend, Ed Zorinsky.

Ed Zorinsky was a good friend of the Senator from Minnesota, though I must say he was not a close friend. All of us in the Senate are good friends with one another, and with a few we find that we have a closeness—or at least I do. The demands of the Senate are such that it does not give us a great deal of time to develop some of the friendships we would like to develop.

However, I did see a great deal of Ed Zorinsky because we served together on both the Committee on Foreign Relations and the Committee on Agriculture, Nutrition, and Forestry. Of course, when you saw Ed Zorinsky, more often than not you also saw Cece Zorinsky. The values that he attached to family and the values that he attached to the good things in life were magnificent to behold.

We both served on those two committees, and quite clearly Ed Zorinsky knew what his goals were. Ed pursued those goals very vigorously, and always without equivocation.

One of those goals I saw most often expressed was the agricultural situation in the Middle West, the agricultural situation particularly in Nebraska, where he had many friends.

I recall sitting in the majority leader's office at the time with David Stockman and Ed Zorinsky, as we sought the 50th vote—Senator DOLE sought another vote—the final vote for the budget, and Ed Zorinsky bargained and bargained very hard for the agriculturists of the United States and the State of Nebraska at that time, and Dave Stockman was not easy to bargain with. But nevertheless Ed with his normal persistency did prevail, and the farm program profited because of it.

I saw that time and again here on the floor of the Senate and also in the Agriculture Committee of the U.S. Senate.

My first contact with Ed Zorinsky was a rather out of the ordinary one, and it occurred before either one of us got to the Senate.

I was a businessman and I was about to open a branch in Omaha, NE, where Ed Zorinsky was the mayor at that time. I had a manager who was going out there to manage my warehouse who had a rather unusual name, and so as kind of an introduction to Nebraska and Omaha we put up a large series of billboards that said:

Jim Haubenschild—

which was the name of our man—

Jim Haubenschild to be Mayor.

And so the newspapers and the other journals and media went around asking Ed Zorinsky, who is this fellow Haubenschild and why is he running for mayor and does he not know that it is the wrong year to run for mayor? They looked him up and they could not find he even had a driver's license in Nebraska, and on and on. It became quite a cause. They tried to hunt down this fellow who was putting up the billboards, and I called Ed Zorinsky at that time and talked to him and finally our fellow bowed out of the race and took over the management of our warehouse.

The first time Ed Zorinsky and I spoke was when this fellow of mine and Eddy shook hands, and they got the picture on the front page of the Omaha newspaper and off we went in Omaha with our business. And Eddy continued mayoring until he came down here to the Senate.

We talked at that time and we enjoyed one another. We understood perfectly what was going on. He was a delight then and he was a delight as long as I knew him.

So we will miss Eddy Zorinsky. We bargained hard on many occasions. Some I won; some he won. He always fought determinedly. He was a fine representative of the State of Nebraska. He was a great American, and he will be missed.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. **HARKIN**. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER** (Mr. WIRTH). Without objection, it is so ordered.

The Senator from Iowa.

Mr. **HARKIN**. Mr. President, it is with a profound sense of sadness and loss that I rise to pay respects to the memory of our departed colleague and my good friend, Ed Zorinsky.

First, I extend the sympathies for myself and my wife, Ruth, to Cece and the family for whom he cared so much and for whom he did so much.

Ed was, indeed, a colleague in the best sense of the word, and a friend, also in the best sense of that word.

I first met Ed Zorinsky when he was the mayor of Omaha and I was a congressman from the Fifth Congressional District of Iowa, the major city of which, Council Bluffs, bordered on Omaha, right across the Missouri River.

There is, of course, always that relationship between two cities, one in one State and one in another State on a river, in which, of course, sometimes you work together and sometimes you do not. There is always sort of a tussle for funds or for different kinds of support.

I remember that one time we were working on a project for a small community called Carter Lake, which is a small community that is an Iowa community but finds itself in Nebraska. Years ago, when the Missouri River changed its course, it left this little community there and it has remained to this day a city of Iowa located in the State of Nebraska. It is not a part of Omaha but right next to it.

I remember I was working on a project with the Congressman from Omaha on a project dealing with Carter Lake and I had to go see the mayor of Omaha, Ed Zorinsky, about the project. In the past it has sort of been taken for granted by the citizens of that community that the mayor of Omaha did not really care about them. They were Iowans. They paid taxes in Iowa even though they lived surrounded by Omaha.

I expected to find Ed the biased mayor of Omaha. He was the first mayor of Omaha I had known or met. But he was not that way. He had a profound sense of understanding, sympathy, and concern for these citizens of Iowa located in this community of Carter Lake.

The relationship began to change, and he went out of his way as the mayor of Omaha to help these people in Carter Lake.

That is the first indication I had of the measure of this man and of his deep concern and feeling for people regardless of whether they were his constituents or not. He cared about people.

Ed Zorinsky was a son of an immigrant, the same as I am. We spoke about this on a couple of occasions, about how his father came from Russia, my mother came from Yugoslavia, and growing up in an immigrant family. And I remember once commenting to him about it after I had come to the Senate and Ed saying, "You know, only in America could the son of a penniless, uneducated immigrant ever hope to accede to the high office of a Senator."

He understood the opportunities that presented themselves to anyone in America, who applied himself or herself and worked hard, that America was indeed a Nation that was open to all and should always remain open to all.

Ed was the first mayor of the Jewish faith in the city of Omaha. In fact, he was the first Senator of the Jewish faith from the State of Nebraska. And being a member of a minority, I think it is a mark of his drive and his determination and his commitment that he was able to succeed and go on to become mayor, then a U.S. Senator and then to be reelected overwhelmingly by the citizens of his State.

Ed Zorinsky was an open person. I think if there was anything that marked his character it was that he was very open. Anyone could approach him. You could talk to him about anything. He had no preconceived ideas, no preconceived judgments on individuals or issues. He was willing to listen and to take his measure of the individual or of the issue.

He was a good-natured person, never mean-spirited, never talking ill of anyone. And anyone who has ever seen his song-and-dance routine could never doubt that he was indeed a light-hearted and light-spirited individual who never took himself seriously, even though he took issues seriously.

He was an independent person. He was conservative on some issues and he was liberal on others. He was always a populist, always a populist at heart, always populist oriented toward the people. He was always for what was good for the people, not what was good for an institution, not what was good for an ideology, not what was good for a certain economic system or economic judgment, but what helped people help themselves. That really is the essence of what the populist spirit is all about: How do you get the structure of society so people are able to help themselves? And that was what Ed Zorinsky was, a real populist, a real progressive populist.

His support of family farmers was without question. Time and again in the Agriculture Committee, on which we both served, he spoke out, offered amendments time and time again to help family farmers. He was the author of the referendum bill that allowed wheat farmers to vote on the program that would affect them, to let them have a voice in what kind of farm program they wanted. We talked about this often. We both agreed that farmers should have a voice in the programs that affect them. We in Washington sit here and pass these farm programs year in, year out and yet never giving the farmers themselves the opportunity for farmers to vote to see whether or not they really want those programs.

Well, Ed Zorinsky wanted those farmers to have that right to vote on the programs that may mean their very life or their death as a farmer, and he was successful in getting it through. The wheat farmers overwhelmingly responded and overwhelmingly voted in the referendum for the type of farm program that Ed Zorinsky wanted. Again, he knew, he had this sense, this populist sense of what the people really want.

The same was true for his support for small business, for rural America. He was a super-salesman for small business, for rural America. He was a super-salesman for the State of Nebraska. If you ever traveled with Ed Zorinsky, you know that no matter where he went or who he talked to, he made sure that you knew and they knew that he was from Nebraska and that they knew everything about the good State of Nebraska.

He was a strong proponent of trade, not just trade in and of itself, but trade that benefited the United States. He wanted to know what we could do to make sure that we were competitive on the world market in agriculture?

Ed Zorinsky was an early and strong advocate for the peaceful resolution of the conflict in Central America. He was from the very beginning a friend of those who fought to overthrow the repressive Somoza regime in Nicaragua. Having been to Nicaragua several times, I can say firsthand that in traveling around Nicaragua, I have met a countless number of people—I do not mean just people in high places, I mean rank-and-file Nicaraguans who suffered under the repressive regime of Somoza—who, when they found out I was from Iowa, as a Congressman at that time or a Senator later, would invariably say, "Well, please give our thanks and our regards to Senator Zorinsky, our friend."

I know that perhaps his feelings and his votes in this area probably came as a great consternation to many of his conservative friends, as perhaps his strong support and votes for a balanced budget and less Government probably caused consternation for many of his liberal friends. But, as I said, Ed was independent. He was really an independent spirited man, and that was really the mark of him, a truly independent person.

Now I have to tell you that Ed and I did not always agree on matters, but usually these were matters of degree or procedure. In agriculture, we fought for the same things, the same ideals and the same goals for our family farmers. In Central America, we fought for the same thing, a peaceful resolution for that conflict.

I guess if anything would describe the battles that I had with Ed once in a while was simply that Ed Zorinsky was a very patient man. That is an attribute that is not always ascribed to this Senator from Iowa. So I guess I was impatient and he was very patient. But, again, we both, I think, fought for the same ideals and same goals for rural America, for our family farmers and small businesses.

Ruth and I were both very, very fond of Cece and Ed. We spent many happy occasions together with them. It was indeed a sad, sad Sunday afternoon last when we paid our last respects to Ed Zorinsky.

In speaking with Cece on Sunday afternoon, shortly after we had laid Ed to rest, we exchanged regrets and Cece turned to me and she said, "Well, you know, Ed went out singing and dancing with a song in his heart."

Well, I think that Ed Zorinsky would not want to be remembered any other way than as one who loved life, who sang and danced, who loved his friends, and who loved his family.

John F. Kennedy was once asked how he would like to be remembered. He responded that the highest honor that could be given to anyone is to be remembered as a good and decent human being. We pay Ed Zorinsky that honor. We remember Ed Zorinsky, and always will, as a good and decent human being.

Mr. President, I yield the floor.

The **PRESIDING OFFICER**. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I suggest the absence of a quorum.

The **PRESIDING OFFICER**. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

U.S. EXPORT CONTROL SYSTEM

Mr. HEINZ. Mr. President, on March 3, it was my privilege to introduce the portion of the President's competitiveness program that would reform the U.S. export control system. This was in fact a welcome task because this legislation indicates that the chorus of complaints against the export control system has been heard. The administration is now taking action to reduce a regulatory burden that has placed U.S. exporters at a serious competitive disadvantage.

Before examining these reform proposals, I think it is useful to review the health of the export licensing system 2 years after the major legislative overhaul of 1985. The 1985 amendments had two goals—to make the system more effective at blocking Soviet access to technologies critical to their military effort; and, to make it less intrusive into legitimate export activities of our high technology companies.

I am happy to report that the system is both effective in protecting those technologies that are the basis of the United States technological edge over the Soviets, and is also increasingly efficient at meeting industry's demand for export licenses. In 1986, Commerce reduced average processing times while processing more than 116,000 export licenses.

Despite this progress, however, our export policy continues to err far too much on the side of caution. Too many low technologies and technologies widely available abroad are subject to control. The system is forced to cope with too many licenses for exports to safe destinations. The United States hurts itself by trying to "go it alone" in implementing controls.

Industry has long recognized these problems. Public awareness was increased by the recently announced findings of the National Academy of Sciences export control study. Finally, the administration has come forward with a reform program that would reduce annual licenses by more than 20,000 if fully implemented. The administration would do that in a number of ways.

First, by regulation, the administration is implementing a general license to eliminate individual license approvals for qualified end-users. Regulations now in process would remove reexport controls on shipments to Cocom countries and to all destinations where U.S. parts and components represent only a small fraction of product content. Licenses for low-level technologies would be eliminated. These measures should help to end the process of designing out U.S. components by foreign firms.

In the legislation I introduced recently, the administration would establish new procedures and set firm deadlines for foreign availability determinations. No longer would U.S. firms have to sit by while foreign competitors sell goods controlled only in the United States. Improving relations with China would be recognized by creation of multiple-export licenses for the PRC. Finally, in recognition of the ineffectiveness of unilateral controls, Cocom negotiations would be launched to devise stronger multilateral controls based on a shorter control list tightly focused on critical technologies.

Every element of the administration's program represents a vitally needed reform that I support. My only concern is that the reforms must go farther. I have worked with Senator DIXON, my esteemed colleague from Illinois, to develop a more comprehensive set of proposals which we recently introduced as S. 547. Our bill would clear away all of the underbrush of unimportant controls that clog the system and focus our efforts on those critical technologies that could aid our adversaries.

We now have a range of reform proposals on the table and I look forward to a healthy debate on these issues. I am confident that we will make the case for change and will succeed in passing legislation to rationalize our export control system. Indeed, Mr. President, I believe we must succeed if we are to place U.S. exporters on a solid competitive footing and reduce our staggering trade deficit.

U.S. APPROACH TO TRADE

Mr. HEINZ. Mr. President, on March 3, I introduced the section of the administration's competitiveness bill that would strengthen the Export Trading Company Act of 1982 and institute a U.S. trade information system. As author of this bill, and as a long-time proponent of a comprehensive U.S. approach to trade, I am most pleased to see the restoration of U.S. competitiveness established as a national priority. I am equally gratified to see ETC and export promotion proposals that were reported by the Banking Committee last year at my urging included as a vital element of this competitiveness program.

I have been pressing the case for an aggressive U.S. export promotion effort for many years. When I authored the ETC Act in the Senate in 1981, a $40 billion trade deficit was already signalling the decline of our competitive posture. Six years later, the failure of U.S. export promotion is written in the numbers. While real GNP has risen 13 percent and imports have surged 42 percent, exports have actually fallen 7 percent so our trade deficit is not $40 billion any more—not a bit. Our trade deficit has increased an incredible 325 percent to $170 billion. Meanwhile, fewer than 100 ETC's formed under the 1982 law remain in business and most are marginally profitable; that is to say the lacklustre trade performance.

This lacklustre trade performance since 1982 is, of course, partially a result of the climate for trade—the surge of the dollar, collapsing markets in Latin America, and unfair trade practices overseas. But our own trade policy failures are also evident. The often irrational regulation of our ETC's and our export control system, halfhearted government efforts to encourage exports, and the dismal performance of our Export-Import Bank are "self-inflicted wounds"—inflicted by not only shooting ourselves in the foot, but I might add promptly reloading and firing again. "Our own mismanagement creates the impression that our Government views exporting as something best left to other nations.

These management problems are nowhere more evident than in the overly cautious implementation of the law since 1982 that has stifled our ETC's. The bill I introduced earlier would strengthen those portions of the ETC Act that in their intent or application have proven impediments to the information of ETC's.

I personally have been especially concerned about the sorry state of bank ETC's. My amendments of last Congress, intended to encourage more banks to engage in trade related activities, are incorporated in this bill. The first would alter the formula under which the Federal Reserve qualifies a bank ETC so that all earnings from export of services earned by an ETC or its affiliates would count as export-related income. This change would permit ETC's to undertake a broader range of services and increased service activity would add to U.S. export income. The bill would also loosen excessively conservative ETC leverage and inventory limits that have limited ETC applications. It would eliminate collateral requirements that duplicate bank safety protections already in the ETC Act and which constrain ETC operations. All of these proposals were endorsed in a 1986 GAO study of bank ETCs.

For nonbank ETC's, the bill would make technical changes to provide greater certainty in the application of the law and, in part, to codify the results of a recent decision by the Third Circuit Court of Appeals upholding antitrust provisions of current law. The final element of the bill would establish an export promotion data system in the Commerce Department as an aid to exporters.

Mr. President, each of these provisions would strengthen the U.S. export promotion effort and all are needed to meet or competitiveness goals. In particular, the legislation I have outlined today would correct serious problems with the Export Trading Company Act that have become clear in the 4 years since its enactment. I would not pretend to suggest that these changes by themselves will lead to the creation of thousands of new ETC's. Far from it. But given the drop in the dollar and the improved climate for comprehensive trade legislation, I believe that the changes I am proposing in the ETC Act can result in development of strong and aggressive export trading companies. I am convinced that these trading companies will play a leading role in the future in restoring U.S. competitiveness.

Mr. PRESSLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

OUTLOOK FOR NASA AND SPACE PROGRAM IN 1987

Mr. PRESSLER. Mr. President, I wish to speak on the outlook for NASA ands the space program in 1987.

Mr. President, 1987 will be a pivotal year for NASA and our Nation's aeronautical and space endeavors. It has been 13 months since our space program suffered its most tragic accident since the establishment of the National Aeronautics and Space Administration in 1958. Now we are in the midst of a necessary rehabilitation of our civilian space program. The decisions and actions of 1987 will have significant implications for the future. For this reason, and others, I would like to take this opportunity, as ranking Republican Member of the Subcommittee on Science, Technology, and Space, to comment on some of the issues confronting this subcommittee and NASA.

If we have learned anything from the *Challenger* accident, it is that we must never again rely on a single-point failure space launch system. The hiatus in space launches and our future constrained launch capacity point out all too clearly that in the future we must maintain a robust, flexible mixed fleet of Shuttles and expendable launch vehicles (ELV's). We are paying the price, and will for some time to come, for the shortsightedness of our previous space launch policy.

Unfortunately, NASA has not yet formally presented its ELV requirements to the subcommittee. Certainly, establishing a mixed fleet will not be without significant costs. Yet, this is an issue that the subcommittee and NASA must soon address. The scope and direction of our space program for the next several years depends on the timely resolution of this issue.

Possibly as important as any responsibility of the subcommittee this year is that of ensuring that NASA takes the actions necessary for the safe resumption of shuttle flights. NASA has established a target date of February 1988 for the initial shuttle flight. Whether NASA can meet this date is open to debate. Even if this date is overly optimistic, it is important for NASA to have a goal, and this date serves that purpose. Nevertheless, I cannot emphasize enough that safety, not a schedule, must dictate when we resume shuttle flights. The subcommittee has already begun, and will continue, to monitor carefully this activity.

Another issue that the subcommittee must consider this year is that of maintaining the health and vitality of our Nation's space science and applications capabilities. No where are the effects of the *Challenger* accident more evident. Before the *Challenger* accident, NASA has planned to launch from 1986 through 1992 50 space science and applications missions. Now, during that same period, only 17 are expected to fly. This alarming reduction in shuttle science missions only serves to underscore the urgency of defining NASA's mixed fleet of shuttles and ELV's.

An issue of concern that is related to the delay in the launches of NASA's Space Science and Applications missions is the likely effect on our university space science program. That is extremely important. These university programs are the sole source of our future Nation's space science capabilities, and it is imperative that during this hiatus of space launches, we do everything possible to ensure a challenging and stimulating environment that will attract students into space science graduate programs. For this reason, I commend NASA's Space Science and Applications Vitality Package, which will provide an infusion of funds to support university space science research and will promote space science as a viable research option during the hiatus of flight opportunities.

The importance of 1987 to our space program is also reflected in the fact that NASA is scheduled to initiate development this year of its permanently manned space station. While the space station program has enjoyed widespread support in Congress since its inception in fiscal year 1985, the program is beset with a number of problems that could delay its development or alter its scope.

Based on NASA's recently-completed analysis, the developmental cost of the space station has grown from $8 billion, in 1984 dollars, to approximately $15 billion, in 1984 dollars. I am not suggesting that Congress or the American public will not support a $15 billion space station, but it is important that NASA inform Congress, as soon as possible, of the difference in capabilities between an $8 billion space station and those of a $15 billion space station.

Also, international space station negotiations with the European Space Agency, Japan, and Canada were recently interrupted by the intervention of the Department of Defense [DOD]. DOD raised the question of whether the negotiations, as evolving, might limit its future use of the space station. While, at this time, I am not taking issue with DOD's interest, it is apparent that their intervention did not occur at the most opportune time.

If DOD had been a more interested or communicative participant earlier in the program, this disruption might have been avoided. However, recognizing that we cannot change the past, it is better to air this issue now than to try to resolve it 2 years from now.

The intervention by DOD into the international space station negotiations, along with the question of space station management, have caused the international space station participants to step back and reconsider their role in this program. The subcommittee recognizes the delicacy of these international negotiations and will examine in hearings later this spring the issue of international participation in the space station program.

As for the need for a permanently manned space station, I believe that we have no choice but to establish such a presence if we expect to be a future leader in space. While I am not suggesting that we should let the Soviet space program dictate our own space policy, it is worth noting that the Soviet Union started its evolutionary space station program in 1971—1971. If we deploy our facility sometime in the mid-1990's, as planned, the Soviets will have widened their already-significant lead in long duration space missions and possibly will have garnered the lead in other critical space activities.

I think that is something to remember. We will be getting done in the 1990's what the Soviets initiated in 1971. Some may say that does not matter, but it could matter a lot in terms of national defense, communications, and many other areas.

Furthermore, I do not think that we can ignore the distinct likelihood that the European Space Agency will at some time establish its own autonomous space station. Our experience to date with Japan would indicate that they also might eventually establish an autonomous capability. Finally, now that China has actually contracted to launch two U.S. commerical communications satellites, can they be far behind?

I mention the competition we face from the more established and emerging foreign space programs to indicate that the U.S. space program no longer holds a monopoly in this arena. We must be farsighted and aggressive in the decisions we make today if we expect to distinguish in the next century our space program from that of other nations. This leads me to the importance of establishing well-defined goals and objectives that will take us beyond the space station.

It is often mentioned that our space program is lacking imaginative goals, such as those that inspired our nation in the Apollo era. The administration is in the process of attempting to define our Nation's long-range goals and objectives in space. The sooner we establish such goals, the more quickly our space program will be rejuvenated. For the time being, we have no goals and objectives that take us beyond the establishment of a permanently manned space station. I take this opportunity to emphasize that the space station, as significant as it will be to our future in space, should be considered only as a means to an end, not as the end itself. This space station will function largely as an enabling capability for a future of exploring, prospecting, and settling the solar system.

There is no dearth of ideas and vision for the grander missions that might extend beyond the space station. The National Commission on Space has provided us with an appropriate challenge, notwithstanding the intimidating pricetag. The Commission's report left us with challenging questions that will shape the future of NASA and our space program. For instance:

Do we visit the planet Mars, and, if so, do we do so in cooperation with another country, such as the Soviet Union?

Do we go back to the Moon and, if so, what type of presence should we establish on the lunar surface?

I think that these initiatives are well within our grasp. I have no reason to doubt that we now have, or will soon acquire, the necessary scientific and technological capabilities to achieve these lofty objectives.

Therefore, the operative question is not if, but when. After all, who in 1944 would have imagined that we would land men on the Moon and safely return them to Earth in one-quarter of a century. Similarly, 25 or 50 years from now, we will marvel at the level of our Nation's space exploration and development.

These are but a few of the issues that the subcommittee will review this year. There are many others of equal importance, such as the role that NASA's Aeronautical Research and Technology can and should play as our foreign competitors increase their share of the world commercial aircraft market; the relationship between our civilian and military space programs; and the role of government in the commercial development of space.

Mr. President, just as the subcommittee will develop a fiscal year 1988 NASA authorization bill to support NASA's near-term requirements and ongoing programs, the subcommittee will also address the issues and questions that will affect the future scope and direction of our space program well into the 21st century. 1987 will indeed be a pivotal year for NASA and our Nation's civilian aeronautical and space programs. There are many challenges before us, and more questions than solutions. I look forward to working with the chairman of the Science, Technology, and Space Subcommittee, the distinguished Senator from Michigan, and my other colleagues toward the successful resolution of these issues. I have known and worked with the distinguished chairman since our days together at Harvard and in the House of Representatives. I look forward to working with him. It is time to put our space program back on track and reaffirm our position of leadership in the global arena of aeronautics and space.

The PRESIDING OFFICER. The acting Republican leader.

Mr. HELMS. I thank the Chair.

SENATOR EDWARD ZORINSKY

Mr. HELMS. Mr. President, this morning in the Committee on Agriculture, Nutrition, and Foresty, an unusual and a very sad time was spent reflecting upon the death of our distinguished colleague, Senator Zorinsky. Only once in my memory had an occasion like this occurred. That was when the able Senator from Minnesota, Mr. Hubert Humphrey, passed away.

But, in any case, I was grateful to the chairman and ranking member of the committee for scheduling the few minutes that were spent. It was a thoughtful decision and it was good therapy for all of us to pause and think about our great loss.

Senator Zorinsky's death, Mr. President, hit me particularly hard. It was the second time in 9 months that I have lost a colleague to whom I have felt especially close. I need not recount my relationship with the late John East, nor is it necessary to dwell on the fact that Senator Zorinsky was the ranking minority member of the Agriculture Committee during the last 2 years of my chairmanship of it. There was never a moment during those 2 years when Senator Zorinsky was not totally cooperative and willingly helpful. He went out of his way to be so. In fact, Ed Zorinsky on so many occasions did everything he could to keep the wheels turning during the difficult months that the Agriculture Committee was laboring to produce a complicated and expensive farm bill.

As circumstances happened, Mr. President, nearly 24 hours had passed this past Saturday after Ed's untimely death in Nebraska before the sad news reached me. I was in New Hampshire to attend a birthday dinner for a former Governor of that State, Mildrim Thomson, who turned 75 Sunday.

I spent the day in New Hampshire, traveling around the State, visiting a number of friends, including former Senator Norris Cotton, who is now 87. I can report to the Senate that Senator Cotton may be 87, but he has lost none of his sparkle and his great intellect.

During the entire day Saturday, nobody mentioned the death of Senator Zorinsky. In fact, it was just when we were entering the hotel dining room, the ballroom, in Concord, New Hampshire, about 7 p.m., that someone did mention that he had heard on the radio that a Senator—and he did not catch the name—had died of a heart attack. He pronounced the name, not correctly, but he came close enough for me to realize that it was in fact Ed Zorinsky.

Needless to say, my speech at the birthday dinner Saturday night was a difficult one to deliver. My mind was on Ed and his dear wife, Cece, their children, their family.

When I went to the Agriculture Committee room this morning where Ed and I had sat together so many hours on so many days, that was a difficult thing to do as well, because I feel that I have lost a member of my family. When I entered the committee room this morning, I halfway expected to see Ed Zorinsky sitting there, even though I knew it was not possible and that it would never happen again.

In any case, Mr. President, what do we say at a time like this? That we are sad? Of course we are. That we have lost a dear friend, a great American, a splendid Senator, a kind and gentle and civil man always? Of course we have. Do we say that Ed Zorinsky was unique in his ability to avoid all pretense and posturing? Of course he was.

This is one of those times when I truly wish that, for once, I could be eloquent even for a fleeting moment. There are so many things I would like to say about Ed, and I wish, I could say them much better than I shall be able to.

So let me just say, Mr. President, that Senator Ed Zorinsky was one of the most dedicated men I have even known, one of the finest human beings, one of the most pleasant friends that a fellow could ever hope to have. He was one of nature's noblemen. I was honored to have him as my friend, and of course to be his.

Like all Members of the Senate and our wives, Dot and I extend our love and sympathy to Cece and to the entire Zorinsky family. Their loss is our loss. It is also the farmers' loss. It is, in truth, America's loss.

THE ABM TREATY

Mr. WILSON. Mr. President, earlier today, our esteemed colleague and my friend from Georgia, Senator NUNN, took the floor, I am told, to present what is apparently the first part of a multipart presentation outlining his views with respect to a proper interpretation of the Anti-Ballistic Missile Treaty.

Unfortunately, I was elsewhere at the time because of my own requirement to testify before the joint hearing of the Senate Judiciary and Senate Foreign Relations Committees, and I missed his presentation. I have only just received the written work, so I am obviously not in a position to reply specifically in detail to what is obviously an effort that has consumed his time and that of his staff.

I note with great interest that it is entitled "Part I: The Senate Ratification Proceedings." Without having had the opportunity to dwell at length and give this the attention it deserves, I am moved to make comment about the importance of this whole business of interpreting the ABM Treaty and specifically to weigh in my remarks the proper weight that should be given to the negotiating record in contrast to that of the ratification record.

In that context, let me just say that I noted in his introduction a statement that I find myself wholeheartedly in agreement with, having noted in the earlier paragraphs his disappointment that neither major expectation with respect to the ABM Treaty has been fulfilled, which is to say that neither has it succeeded in its announced goal of staunching the explosive growth in the inventory of offensive missiles, nor has it prevented the Soviets from cheating—to call a spade a spade—with respect to the provisions of article I in terms of violating a requirement that they not set forward and establish ABM defenses.

Having expressed his disappointment that neither expectation has been fulfilled, Senator NUNN makes the comment: "In light of these considerations, the Soviet Union must recognize that the United States commitment to the ABM Treaty cannot be deemed unalterable or open-ended, whether or not the traditional interpretation of the treaty is upheld."

I think that is wise counsel not only to the Soviet Union but to the United States as well, and specifically to our colleagues on the floor of the Senate; because, in contrast to the view taken by Senator NUNN, there are many who have quite openly deemed "unalterable and open-ended" what they feel should be the U.S. commitment to the ABM Treaty.

Senator NUNN is correct in stating that there is an end to patience. There must be. We cannot tolerate indefinitely turning the other cheek to clear evidence of Soviet violations of this or any other arms control treaty.

However, today we are concerned specifically with what interpretation—the so-called broad or narrow interpretation—shall govern U.S. conduct, as we are faced with a decision as to what we shall do in terms of the pace, the degree of commitment we shall give to a program called the strategic defense initiative.

So, let me take a few moments to dwell upon the record of the ABM Treaty negotiations insofar as it casts light upon the actual agreement that was reached.

I rise to appeal to my colleagues most urgently to join in my plea to the President of the United States that he authorize immediately the declassification of the official record of negotiation of the Anti-Ballistic Missile Treaty of 1972. Unless the official negotiating record is made public, the American people and indeed the United States Congress have no assurance that they will ever learn the truth as to the actual obligations mutually agreed to in 1972 by the United States and the Soviet Union with respect to development, testing, and the deployment of ABM systems and their components based upon physical principles and technologies other than those consisting of fixed, land-based launchers, interceptor missiles, and radars.

Having studied the record, it is clear that despite repeated, strong efforts by the American negotiators to ban such future systems and components, those American negotiators never succeeded in getting Soviet agreement to a ban on development and testing, and in fact achieved only the limited success of getting the Soviets to agree that prior to deployment, there must be consultation in accordance with article XIII and discussion in accordance with article XIV. It may even be argued—and indeed at one point it was argued by Soviet negotiators—that agreement is not requested to permit deployment.

The evidence is clear and overwhelming that the Soviets succeeded, by their persistent rejection of the American position, in limiting the far more stringent restrictions of the treaty articles to fixed, land-based ABM systems and components; and agreed that only the much less restrictive provisions of a minute to the treaty, so-called Agreed Statement D, should apply to so-called future systems; that is, those based "on other physical principles," to use the language of Agreed Statement D.

Yet, notwithstanding the great preponderance of clear evidence favoring the broad interpretation which is contained in the secret negotiating record, the treaty it defines has been presented to the American people and to the world at large as binding the United States to abide not by the obligations actually agreed to, as set forth in the secret record of negotiation, but by the far more restrictive obligations which the American negotiators sought unsuccessfully to impose and which the Soviets rejected.

This revision of history has led understandably to the widest possible and most serious misapprehension as to the truth regarding our obligations under the ABM Treaty, and has produced an entirely unnecessary debate as to whether a "broad" or "narrow" interpretation of treaty provisions is the correct interpretation.

The broad interpretation is, of course, the legally correct one because it is what was actually agreed, as is clear from the negotiation record. The narrow interpretation is what the United States negotiators tried to get but failed to get from the Soviets. Yet it has been represented to the Nixon administration and the Senate that the United States negotiators did in fact achieve Soviet agreement to the narrow language they were instructed to obtain. They did not, and the secret record shows it.

It is, of course, the actual agreement which was negotiated which sets the rights and duties of the United States and the Soviet Union. No external document, apart from a subsequent formal treaty, can amend the agreement so as to alter the rights and duties of the parties.

And it is, of course, the negotiating record which defines the agreement, the terms and obligations of the parties to the treaty. No further extrinsic evidence of the negotiation or of the negotiating record can be looked to legally or logically as better evidence of the agreement or of the record than the record itself—unless ambiguity, mistake, or fraud is asserted to exist in the record.

State Department Legal Advisor Judge Abraham D. Sofaer and Ambassador Paul Nitze have undertaken to perform an exhaustive analysis of the record of ratification.

Fine, Mr. President, let them perform such an analysis. I have no doubt their work will be thorough and complete, and that, where the negotiating record is ambiguous, it can be helpful in resolving such ambiguity.

But where the negotiating record is clear and unambiguous, I seriously question whether analysis of the ratification record can have value precisely because it is unnecessary. The logic of the "best evidence rule" would seem to apply with as much force to the construction of this contract between nations as to the construction of a contract between private parties. Where the text of the treaty discloses ambiguity as does the text of the ABM Treaty, resort to extrinsic evidence—in this case, the treaty negotiating record—is fully justified to explain such ambiguity. And if the negotiating record itself discloses ambiguity, further resort to other extrinsic evidence is warranted.

But where the negotiating record is clear and unambiguous, it is the best evidence of the agreement and further extrinsic evidence in conflict with the record must be viewed as suspect, including even statements of participants in or observers of the negotiation which are in conflict with the clear and unambiguous record.

In the same way, the ratification cannot serve as a competent basis for altering the clear meaning of the negotiation record. It cannot add new duties for the parties to perform when the negotiation record makes clear that one of the parties, the Soviet Union, expressly rejected them, as did the Soviets indeed repeatedly in refusing to agree to the United States-proposed ban on future ABM technologies.

And as the Soviets refused in 1972 to be bound by the narrow interpretation of the treaty, neither is the United States so bound today.

All this would seem as clear as "the best evidence rule" as a matter of law and logic. But because the truth is locked away from public view in secrecy imposed by national security classification, neither the American people, nor our allies, nor the news media—nor even the Congress, except for the very few Members who have troubled to read the record, have as a practical matter access to the truth.

What better example could we require, Mr. President, to illustrate the need for declassification of the negotiating record than the unsettling circumstance, presented again this morning in a hearing of the Foreign Relations and Judiciary Committees of representations publicly made explaining the treaty which are in fact contradicted by the secret negotiating record?

Whatever the good intentions and honest convictions of those whose public representations of the negotiation record are at variance with that record of negotiation, the American people, the news media who inform them, our allies—and even over scheduled Senators who are too busy to avail themselves of their access to secret documents—are all at least entitled to know that a discrepancy exists between such public statements and the secret record.

As long as the negotiating record remains shrouded in secrecy, the public cannot learn that such a discrepancy exists unless it is reported to them by those with access to that record. They can only be told conclusions about what the evidence shows, about what the record really reveals by the privileged few who have access to the record. They are placed in the position of the juror in a personal injury suit who is compelled to sit in the jury box listening and trying to decide somehow which of two flatly conflicting medical expert witnesses that he or she is to believe. It is simply not fair to the American people. They do not have enough information, because the information is locked away from them.

Declassification of the negotiating record threatens in no way to compromise either human intelligence sources, or means and methods of gaining intelligence.

But continued secrecy does threaten continued public and congressional misunderstanding, and it allows the Soviets to continue a revisionism by which they now assert a position exactly contrary to that which the negotiating record makes clear as the true Soviet position at the time of signing the ABM Treaty, a position of steadfast rejection of a ban on development, testing, and even deployment of future ABM technologies.

Our future ability to defend the American people against the possible horror of nuclear ICBM attack depends upon lifting the artificial constraint upon our technological ABM capability that would be imposed by continued adherence to the narrow interpretation. Our national security interest is of paramount importance.

All other considerations that relate to disclosing this record necessarily fade by comparison into insignificance.

But let me finally say a word about the concern that some have voiced already with regard to breaking confidentiality of the negotiating process and undermining trust if it is made public.

Trust, Mr. President, has already been undermined, not only by clear Soviet violation of the undisputed provisions of article I alluded to by Senator NUNN in his presentation, but by Soviet assertions that the United States, in our espousal of the broad, the legally correct interpretation, is lying about the agreement negotiated in 1972.

Mr. President, in the circumstance of our standing accused by the Soviet Union of lying about what we agreed to, we are not only entitled, we are obliged to make public the secret negotiating record so that the world can learn the truth.

Mr. President, this treaty is of immense importance and will be long after those presently on this floor are gone from it. It will literally affect the lives of our children and our grandchildren. Our ability to safeguard their freedom, to safeguard their very lives, depends upon our being able to move forward unconstrained except by technology.

What we are facing is an artificial constraint not even imposed by what was in fact negotiated but by a version, a misconception that is "Goliathed" by the secret negotiating record that threatens to artificially constrain the pace and scale and progress of the Strategic Defense Initiative Program. Mr. President, if we allow that to happen we make a terrible mistake.

But whatever my colleagues' view with respect to the wisdom of the administration's program with regard to the Strategic Defense Initiative, I hope that all will agree that the American people, as well as they, are entitled to know the truth of what happened in the negotiations that produced this Anti-Ballistic Missile Treaty. And let me repeat, there is no way that they can enjoy any certainty as to what the truth is about our commitment and obligations under the treaty if this negotiating record remained shrouded in secrecy.

I urge my colleagues individually, better collectively, to urge the President to take the step of declassifying this record so that the world can know the truth. Then, Mr. President, we can make decisions as to what we will do next. But let us not put ourselves in the straitjacket of obligations to which we never agreed and never subjected the Soviet Union to and in so doing put at risk the safety of our children and put at risk the freedom of our children.

This is perhaps the first in a series of appearances that Senators will make with respect to this very important subject of the interpretation of the ABM Treaty.

When I have had an opportunity to give this treatise of Senator NUNN's the attention that it deserves, we will doubtless have more to say to one another. But I commend him for undertaking the effort and I commend him also for insisting, with some of our other colleagues, notably our colleague from Michigan, Senator LEVIN, when they in fact insisted that the administration make available to the Senate the entire negotiating record so that we could see for ourselves what the United States and the Soviet Union had actually agreed to. I commend him for that, and I say that that negotiating record which he demanded rightfully to see is in fact the best evidence of what we are obligated to do and what we are not obligated to do under that treaty.

It is a tragic fact, apparently, that there was no such request and no such access availed of by those who actually voted on the treaty in 1972. I find that shocking, but it seems to be the fact. That fact cannot alter the need for us to see the treaty, indeed, for the world to see the treaty.

I thank the Chair.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER (Mr. BREAUX). The Senator from Mississippi.

TRIBUTE TO SENATOR ED ZORINSKY

Mr. COCHRAN. Mr. President, earlier today the distinguished Senator from North Carolina, Mr. HELMS, conveyed to the Senate the information that in the Agriculture Committee this morning we had a special meeting to pay tribute to the memory of Senator Ed Zorinsky.

I simply want to rise now to indicate to the Senate that our committee is certainly going to miss having him as an active member of our group very much. He brought to our committee not only the experience of his service as mayor of the city of Omaha but also the practical experience that he had in operating and running a business. And I can recall from time to time that he would draw on that experience and contribute, during the discussions of issues before our committee, practical, commonsense recollections of the meaning of competition and the experiences of trying to operate at a profit under the pressures and constraints of monetary policies and economic conditions that were not at all times conducive to making a profit.

In essence, Mr. President, he gave us the benefit of his wisdom that had been gained from his experience and really I envied him and always respected him for having had that practical experience.

He was a person who was always quick-witted and ready to make us laugh as well as to make us think in our deliberations on the Agriculture Committee.

This morning we adopted a resolution, which I know by now that the distinguished chairman of our committee, Mr. LEAHY, has put in the RECORD, expressing our condolences to his wife and his children and expressing our strongly held sense of respect and affection for him. I do not know of another member of our committee who was more well-liked and truly appreciated as an individual than Ed Zorinsky. I know my wife and I are going to miss him very much and we convey our feelings on this occasion of sadness and special closeness to the members of his family.

I yield the floor.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business, and that Senators may be permitted to speak therein for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the period for morning business not extend beyond 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MATSUNAGA addressed the Chair.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. MATSUNAGA. Mr. President, I thank the Chair for recognizing this humble Senator from Hawaii.

A TRIBUTE TO RICHARD KAWAKAMI

Mr. MATSUNAGA. Mr. President, the Aloha State grieves the loss of a political leader claimed by death at the very point in time when his greatest contribution to our commonwealth was about to be realized. I refer to the

Honorable Richard A. Kawakami, who was elected speaker of the Hawaii State House of Representatives in January after 19 years of service in that body.

While untimely death is always tragic, it is especially so in Richard's case because his ascension to the speakership was widely hailed as evidence that "the right man at the right time" had appeared on the political scene. He was a seasoned lawmaker—a consummate insider who had come to the fore when his qualities were most needed. Among those qualities was a caring nature, a gentle, ironic wit—and an ability to get things done without abrasiveness or fanfare. Although a successful businessman, his legislative forte had been environmental protection. He was an informed champion of Hawaii's "aina"—its land and water—and the preservation of their bounty and beauty. He was the primary architect of Hawaii's statewide planning and coastal management legislation of the past 20 years. No one who knew him would say that he was an overtly aggressive leader, but he had a clear vision of his goals and knew how to reach them.

He and I were both natives of the same region of the island of Kauai and, while not of the same generation, grew up in the same small town of Hanapepe. His family had a tradition of both public service and commerce. He himself was chief executive officer of one of Kauai's largest retailing enterprises and also headed the Kauai Kookie company whose wares are distributed widely among the mainland States. His wife, Bertha, is a public school principal.

My deepest sympathy and heartfelt condolences go out to the members of his family, Mr. President. Mere words cannot assuage the pain of his sudden and unexpected loss, but I pray that they take some solace in the fact that their loss is shared by all Hawaii nei. So that my colleagues and others may gain inspiration from the qualities of his leadership, Mr. President, I ask unanimous consent that an editorial entitled "Kawakami's Legacy" published in Monday's Honolulu Advertiser be printed in full in the Record.

There being no objection, the article was ordered to be printed in the Record, as follows:

[From the Honolulu Advertiser, Mar. 9, 1987]

Kawakami's Legacy

The death of House Speaker Richard Kawakami yesterday was a tragedy on several levels—for his family and many friends, for the island of Kauai he served so well and so long, and for the new era of openness and promised accomplishment at the State Capitol.

Kawakami was a special individual at an important time for Hawaii. He was a skilled veteran of 19 years in the House, its senior member. He was softspoken and low-key, a businessman-moderate more than a liberal reformer.

Yet he stood for and was elected speaker on the basis of reform after a period of autocratic leadership in the House. And, with new Governor John Waihee upstairs at the Capitol and many new members in the House, he combined his experience with the realization of changing times and needs.

His opening day speech at the Legislature rang with that realization. Some samples:

"There can be no doubt that we stand at the threshold of a new era in Hawaii's social and political history . . .

"The installation of so many new political leaders at this time in our history bears possibilities which far exceed the imagination . . .

"Let us recognize that we are in the midst of a political revolution equal to that which occurred in the islands in the 1950s . . . We are the architects of the destiny of this state as it marches towards the Year 2000 and beyond . . ."

Richard Kawakami was elected speaker only two months ago, and the 14th State Legislature is only about six weeks old. That is far too soon to judge his impact, much less any developing new era. He was just building his team and developing a management style.

But he did bring a respect for openness and a sense of vision that have both been needed. That is his major legacy to our changing Hawaii.

House members and others at the Capitol could build no finer monument to Speaker Kawakami than to continue in those directions. To do otherwise would compound the tragedy of his passing.

EXTENSION OF TIME FOR ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the period for the transaction of morning business be extended 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may be permitted to speak up to 5 minutes each during that period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE SENATOR EDWARD ZORINSKY

Mr. SIMON. Mr. President, I want to join others who are expressing their sorrow at the death of our colleague, Senator Ed Zorinsky, and who have paid tribute to him.

It is a personal loss for all of us. I was here when our colleague [Mr. Exon] paid tribute to him, and our leader [Mr. Byrd] paid tribute to him, as well as Senator Dole on the Republican side.

Part of it is personal. For 2 of my colleage years, I went to a small Lutheran College, Dana College in Blair, NE. It is a small school, 600 or so students. Ed Zorinsky went out of his way to be good to that small school.

I also remember that, one time when I was speaking there, he came up to listen to me. As colleagues, we listen to each other so much, it really is a test of loyalty to a school or a college when we show up when one of us speaks. So those personal gestures that Ed Zorinsky made are things that I shall not forget.

Beyond that, I think, first, of his independence. He was independent enough that he caused a few of those gray hairs on your scalp, Mr. Leader. He was fiercely independent. It was clearly one of his virtues.

I think of the work he did in the field of agriculture for the farmers, not only of Nebraska but of Illinois, West Virginia, Louisiana, and all over this country.

I think, third, and really, this is tied in with his independence, of his courage. I can remember one time trying to get Ed Zorinsky to change his mind and I know it had come up in the caucus and we were all trying to get him to change his mind. Not surprisingly, we did not get him to change his mind. When he believed in something, he stuck to it. He showed great courage.

Then I think of his competence, also. I remember in a Foreign Relations Committee meeting—it could have happened to any of us, but one of our colleagues made a statement that was not entirely accurate. Ed Zorinsky just spelled out all the details and the background on that particular issue. I remember congratulating him afterward and it was with a little pride that he said, "I really did nail him on that, didn't I?" And he did. There is no question about it.

I also think, when I think of Ed Zorinsky, of his wife, Cece. They really were a team. That is true for each of us in the Senate; we are all supported by our wives. But there was a special validity in the case of Ed and Cece Zorinsky.

His death is a gentle or not-so-gentle reminder to all of us that time is fleeting. We do not know when—Ed Zorinsky did not know when it was going to happen for him; we do not know when it is going to happen for us. We ought to do everything we can for our country right now, because tomorrow may not be. That opportunity to serve is here. He seized it and we should seize it.

I finally add that Nebraska is a State that had Senator William Jennings Bryan, who, incidentally, was born in the State of Illinois, I might point out.

William Jennings Bryan and George Norris are the two figures I think of particularly when I think of the State of Nebraska. And there was just a touch of that same kind of courage and independence that William Jennings Bryan and George Norris showed in the life of Ed Zorinsky.

I shall miss him. We shall all miss him. The State of Nebraska will miss him. I am pleased to join my colleagues in paying tribute to Ed Zorinsky.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICE. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALL IN THE FAMILY: GREECE AND THE UNITED STATES OF AMERICA

Mr. PRESSLER. Mr. President, Greece is one of America's most important allies and friends. Indeed, it would not be excessive to say that our two nations are members of the same family—the family of democracies.

As in most families, sometimes there are disagreements between our nations. In fact, Greek-United States relations have improved substantially in the past 18 months on many fronts. Still, a strong family always seeks to avoid problems through continuous communication and dialog. So it is with nations. As in family relationships, nations should seek constantly to build a foundation of friendship that will sustain lasting ties through both sunny and stormy weather.

For these reasons, today I have written to President Reagan encouraging him to meet personally with the Prime Minister of Greece, Mr. Andreas Papandreou. I ask unanimous consent that the text of my letter appear at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 11, 1987.

Hon. RONALD REAGAN,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, U.S. relations with Greece have improved substantially during your Administration. I would like to suggest an idea that holds the potential for a further strengthening of the crucial ties between the United States and Greece.

Situated in a key geographic position bordered by three Communist nations, Greece occupies a major strategic place in the North Atlantic Treaty Organization. As a flourishing democracy which scrupulously respects all of the basic rights and liberties we Americans enjoy, Greece is a key American partner in defense of freedom and the advancement of democratic principles, institutions and procedures.

Mr. President, I believe that our relations with Greece could be improved further if you were to meet personally with Prime Minister Andreas Papandreou in the near future. Such a meeting could help to pave the way to more amicable relations and perhaps provide a foundation for an enduring harmony of interests in the years to come. The few problems which might affect our relationship could then become more amenable to resolution.

Please consider this suggestion that you meet with Prime Minister Papandreou as an expression of support for your policy of promoting stronger U.S. relations among the world's leading democratic nations. I would appreciate your attention to this matter, in full recognition of the many constraints and demands on your time.

Sincerely,

LARRY PRESSLER,
U.S. Senator.

LOST FORESTS AND LOST CIVILIZATIONS

Mr. KASTEN. Mr. President, today, the Executive Directors of the World Bank are meeting to consider changes in their lending policies to better protect the environment.

It is absolutely critical that the Multilateral Development Banks [MDB's], and the World Bank in particular, reform their policies to better protect the world's natural resources.

The world is losing its tropical forests at an alarming rate. Many of the projects which destroy the world's tropical forests are being financed by the MDB's.

Throughout South and Central America, Africa, Asia, and the Pacific these institutions are financing penetration roads, huge dams, and the introduction of nonsustainable agricultural practices. Each of these types of projects can destroy enormous areas of forest.

If we fail to reverse this process in the next few years it will be too late to save many of the world's most valuable and unique ecosystems. A single bank financed project may deforest an area roughly the size of my home State of Wisconsin. With this rate of loss from a single project, and hundreds of projects occurring at once, tropical rain forests are being destroyed at an unbelievable rate.

The Executive Directors are currently reviewing an internal Bank document known as "Environment, Growth and Development." This document is an important step, but it is not enough.

I hope that the U.S. Executive Director will take a leadership role in urging the Bank to go further. At a minimum, the Bank must adopt the reforms contained in the Foreign Operations appropriations bill.

In each of the past 4 years, the Foreign Operations bill has specified environmental reforms which should be adopted by the MDB's. To date progress has been inadequate.

The failure to protect the world's environmental resources is not just an environmental problem. When these resources are lost the biological wealth of the Earth is diminished, nations dependent on those natural resources are impoverished, and cultures are disrupted.

In recent years, we have come to learn that environmental damage may have consequences that reach far beyond the immediately effected area. We now know that the Earth's CO_2 balance is adversely effected when large amounts of forests are lost.

But the threat may be far greater than that. A recent article appearing in U.S. News & World Report indicates that many ancient civilizations may have collapsed when they demolished the forests they depended on to supply many of their physical needs.

I ask unanimous consent that a copy of "The Trees Fell—And So Did the People" be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From U.S. News & World Report, Feb. 9, 1987]

THE TREES FELL—AND SO DID THE PEOPLE

(By Stephen Budiansky)

Was Rousseau's noble savage an ignoble clod? New archeological findings suggest that, far from living in perfect harmony with nature, prehistoric civilizations dealt major and sometimes fatal blows to their natural surroundings. Many investigators now question the notion that environmental problems began only with the Industrial Revolution in the 19th century.

"To be human means you have the ability to modify your environment in a way other animals can't," says vertebrate paleontologist David Steadman of the New York State Museum in Albany. "A Stone Age society can't go in with bulldozers and chain saws. But sooner or later, they'll get those trees down."

Those who study the leavings of vanished civilizations, however, traditionally have seen their subjects in a much different light. "In archeology, there has been a real undercurrent that prehistoric man was an ecological hero who could walk through the forest without snapping a twig," says Julio Betancourt, a geoscientist with the U.S. Geological Survey. He has assembled evidence from remains of the pueblo-dwelling Anasazi Indians in the U.S. Southwest that matches up with finds in Hawaii, the South Pacific and other parts of the world to tell a very different story: Long before the appearance of industrial civilization, prehistoric societies were leveling forests, exterminating entire plant and animal species and exhausting farmland. The destruction they wrought sometimes destroyed them in turn.

The mysterious disappearance of the Anasazi may be a dramatic case in point. In what are now New Mexico and Arizona, the Anasazi built an elaborate complex of roads, irrigation channels and, most notably, giant pueblos built of stone and masonry, some five stories high with 800 rooms or more. All were abruptly abandoned around A.D. 1200. Until now, the majority of archeologists have believed that the reason, as documented by tree rings, was a prolonged drought.

But by using an electron microscope to analyze the logs of pueblos at Chaco Canyon, a major Anasazi site in New Mexico, Betancourt and his colleagues are chronicling a tale that suggests the Anasazi perpetrated their own fate. Over two centuries or so, the Anasazi systematically deforested the canyon until they had to travel 50 miles or more to gather wood for fuel and the hundreds of thousands of logs used as beams in their dwellings. They first harvested stands of ponderosa pine about 25 miles away. But around A.D. 1030, they switched to an unidentified wood that archeologists for many years simply called Species X. Betancourt's electron micrographs revealed Species X to be spruce and Douglas fir, which grow only at the tops of the distant mountains that surround the canyon. The logs bear none of the scars that mark timber that has been dragged or rolled, and this suggests that the beams, averaging 600 pounds apiece, were carried into the canyon by hand.

HEAPS OF EVIDENCE

Betancourt found other evidence of the Anasazi's environmental plundering in ancient refuse heaps left by pack rats. The heaps, composed of leaves, twigs and other odds and ends gathered by the animals within a short distance of their burrows, are glued together by the rats' urine. Sheltered below ground from the weather, they preserve a continuous record of the local vegetation, and their age can be determined by carbon-14 dating. The refuse told Betancourt that the present-day desolation of the canyon, barren of the dwarf pines and junipers usually found in similar settings in the Southwest, had come at the hand of man.

"Almost everywhere I went, I found deposits that were just full of pinon pine needles and juniper twigs," Betancourt says. The needles and twigs disappeared from the pack-rat heaps almost exactly when the Anasazi vanished—A.D. 1200. Betancourt's computer calculation of the Anasazi's fuelwood requirements confirmed that the previous centuries of harvesting could well have outstripped the forest's ability to replenish itself.

"Archeologists have a tendency to interpret any change in the archeological record as a climatic change," Betancourt says. This so-called environmental-determinism theory, which holds that climate dictates culture, is being eroded by the new findings.

The people of Easter Island, known for their enormous stone statues, may have been another culture that reaped its own bitter harvest. Fossilized pollen grains reveal that the island was heavily wooded until Polynesians settled there around A.D. 400. By the 18th century, when Europeans first landed, it was treeless. Deforestation would have hastened soil erosion, lowering crop yields. It would have eliminated the source of the dugout canoes vital to fishing. And without logs to roll and erect the massive stone statues, which weighed as much as 85 tons, the islanders' religion apparently collapsed. The statues were toppled, and wholesale warfare, indicated by an all-out production of stone spearpoints, took over, ending only with the decimation of the island's human population.

Destruction wrought by Polynesian settlers is evident in the fossil record of many other Pacific islands. Although the much more recent European settlers hunted a number of birds to extinction, they were merely finishing work begun by the Polynesians centuries before. According to David Steadman, "80 to 90 percent of the species of birds in the South Pacific were already gone when Captain Cook came through" in the 18th century. Wherever Polynesian cultural artifacts appear in the archeological record, a whole range of large birds, such as parrots, pigeons and flightless geese, disappears. Species that weren't hunted were wiped out when the Polynesians cleared the lowland forests for agriculture and destroyed their habitats. Domesticated chickens may have added to the toll by spreading avian malaria. And on islands such as Hawaii—which had no native mammals other than bats—the Polynesians imported dogs, rats and pigs that raided nests of ground-dwelling birds. Some of these birds survive on a few remote islands, but others live on only in the legends of islanders. "They have names for birds they've never seen," Steadman says. "And we can find birds that match their descriptions exactly in the fossil record."

Despite the new evidence, the myth of the noble savage dies hard. As Jared Diamond, a professor of physiology at the University of California at Los Angeles and an expert on island biology, noted in the journal *Nature* recently: "It used to be common for industrial societies to treat preindustrial peoples as savage brutes, meriting extermination or at least dispossession of their lands. In reaction to this appalling history, others have idealized preindustrial peoples as gentle conservationists. Both views are equally false."

PRODUCT LIABILITY THROWS HELMET MANUFACTURER FOR LOSS

Mr. KASTEN. Mr. President, last Friday I introduced on behalf of myself and Senators INOUYE, DANFORTH, ROCKEFELLER, KASSEBAUM, and PRESSLER, product liability legislation for which this body expressed strong support in the 99th Congress.

This problem is in need of the quickest possible attention. I bring to the Senate's attention but one more example of the consequences that arise from our product liability system.

I ask unanimous consent that the articles which appeared in today's Washington Post and the March 4 issue of USA Today concerning the decision of Kazmaier Associates, Inc., manufacturers of Bike football helmets, to sell its football helmet subsidiary. The company decided to do this rather than pay the multimillion-dollar cost of insuring itself against potential product liability claims. The insurance was going to cost $1.5 million, would only apply to cases of more than $2 million and carries a $4 million total deductible.

In the last 5 years 16 manufacturers have gotten out of this business. Dick Kazmaier, the 1951 Heisman Trophy winner from Princeton, said: "Its not a very economic business when you have to have 45 percent to potentially 85 percent of sales just to pay the insurance costs." Helmets are not designed to prevent many of the injuries for which the makers are sued, but "the helmet can be dragged into the lawsuit" said Kazmaier.

The bottom line on this example of but one more product liability casualty is that discouraged by high insurance costs, limited coverage, and the ever-growing threat of product liability lawsuits, the company is again for sale. Who will fill this void? Will it be the Japanese or some other company from whom recovery is doubtful? Or will there just be one helmet manufacturer for what many feel is America's game?

The Congress should proceed to resolve this problem in the interests of America's citizens and manufacturers and product sellers. The legislation is before this body and the call to act is growing ever louder.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From USA Today, Mar. 4, 1987]

BIKE OWNER TO SELL HELMET MAKING UNIT

(By Larry Weisman)

Dick Kazmaier, the 1951 Heisman Trophy winner, got into football equipment in a different way last October. He bought the company that makes Bike football helmets.

He has yet to produce his first helmet and he never will.

Discouraged by high insurance costs, limited coverage, and the ever-growing threat of product liability lawsuits, Kazmaier said Tuesday the company is again for sale.

"Sometimes, because of costs, a business can no longer manufacture its product. We can't afford to make the first one," said Kazmaier, whose company is filling orders from its inventory.

While Kazmaier cannot guarantee Bike's future as one of the two major suppliers of high school, college and professional football helmets, he said he hopes to conclude the sale early next month.

Another option: turning the company over to its employees to run.

Kazmaier couldn't overcome the twin demons of his business: Insurance that costs more but provides less coverage through a higher deductible, and court awards in product liability lawsuits.

Those are but two issues the Sporting Goods Manufacturers Association (SGMA) will confront at its meeting today in Washington, D.C.

SGMA's session today will feature speeches by Sen. Robert Kasten Jr. (R-Wis.) and Rep. John Dingell (D-Mich.)

Ideally, Congress would provide some relief from huge awards in lawsuits so that insurance would again be affordable, Kazmaier said, though he described himself as "not optimistic."

"What we need is a limit on the expenses and abuses that frighten the insurers. It's not only cost but availability," he said. "They're leaving all the risk to the manufacturer."

In a business worth about $16 million a year—at $80 a helmet—the cost of legal settlements, liability coverage and awards can devour from $3.5 million to $13 million.

The injury rate, Kazmaier said, is about 2-2.5 per 100,000 helmets, with one million helmets in use in high school, college, and professional football.

"If you did a financial analysis of the companies making helmets, you wouldn't find enough money to settle even one or two of the outstanding claims if the plaintiff prevails," Kazmaier said. "Someone has to assume the liability, be it the high school, college, or pro team."

[From the Washington Post, Mar. 10, 1987]

HELMET MAKER CLIPPED BY INSURANCE COSTS

(By Mark Potts)

The high cost of liability insurance has tackled one of the biggest makers of football helmets.

Kazmaier Associates Inc., a company headed by Princeton's 1951 Heisman Trophy winner Richard W. Kazmaier Jr., has put its Bike football helmet subsidiary up for sale rather than pay the multimillion-dollar cost of insuring itself against claims for brain and spinal injuries to players wearing its helmets.

"It's not a very economic business when you have to have 45 percent to potentially 85 percent of sales just to pay the insurance costs," Kazmaier said.

There have been a large number of multimillion-dollar lawsuits and decisions against football helmet makers in recent years for neurological and spinal injuries to players, and industry sources estimate that there are usually about 25 serious injuries a year that could lead to suits. Although helmets are not designed to prevent many of the injuries for which the makers are sued, "the helmet can be dragged into the lawsuit," Kazmaier said.

As the lawsuits and decisions have mounted, so have insurance costs. "Insurance premiums are outrageous," said Milton Bush, director of Washington operations for the Sporting Goods Manufacturers Association. "They're absolutely ridiculous."

The high costs have thrown the football helmet industry for a big loss in the past few years: 16 manufacturers have gotten out of the business in the past five years, according to Bush.

That leaves Bike and Riddell—a division of MacGregor Sporting Goods—to split up the $16 million annual market for 200,000 helmets for professional, college and high school players. (Helmets for youth leagues are a separate market, less affected by insurance problems because the game is not played as aggressively.)

Kazmaier bought Bike Athletic Co. of Knoxville, Tenn., which also makes athletic apparel, uniforms and athletic supporters, from Colgate-Palmolive Co. in October. He said he knew at the time that the football helmet operation could pose liability problems, and indeed, the sale agreement stipulated that Colgate would assume responsibility for all suits involving Bike helmets bought before this year.

The former Ivy League star said he had hoped to operate the helmet business until he found out last month what it would cost to insure it. "The insurance that we were able to obtain was going to cost us $1.5 million," he said, and that policy only covers cases of more than $2 million and carries a $4 million total deductible. Other legal and administrative costs add several hundred thousand dollars to the cost, he said.

In all, that's several million dollars a year, not counting manufacturing costs, eating up most of the roughly $8 million in annual sales of the $80 helmets, Kazmaier said it's not possible to raise prices to cover the costs because most sales are to high schools, already on tight athletic budgets. The schools might drop football rather than pay higher prices, he said.

So Kazmaier said last week that the helmet business was for sale. He said he has received expressions of interest from several buyers, all small companies, who are willing to take the insurance risk. "There are people who will deal with those problems," he said. "We won't deal with them. It's a business decision.

"We have interested parties, we have some proposals," he said. "I'm not saying they're acceptable. We feel confident that the helmet will be on the market." He said it was unlikely that the business would have to be closed.

Still, some industry insiders have suggested that unless there is legislation to reform product liability laws, football helmet manufacturing may eventually end in the United States.

That won't leave the heads of Redskins, Terps and other teams unprotected, because football helmets can be reconditioned, and it is considered likely that Japanese sporting goods companies or other foreign manufacturers will someday begin making football helmets.

But that could create other problems. "Foreign manufacturers are not having to pay the number of costs that are associated with product liability, claims," Bush said. "If you get the Japanese in here manufacturing a football helmet, good luck trying to sue."

Members of Bush's organization were on Capitol Hill last week lobbying for reform of tort and liability laws, and he said he's somewhat optimistic that the sporting goods industry can win some protection. In the meantime, he said, football helmet manufacturers, who have been among the SGMA's hardest hit members, will hang on.

"It will continue to be [a viable business], especially because the people who are involved in the industry . . . see football as being so American, so involved in the American system of values, that they're going to keep doing it until they can't do it," he said.

THE LATE SENATOR ZORINSKY

Mr. GRASSLEY. Mr. President, words are difficult to find that fully express the sorrow I feel for the loss of Senator Edward Zorinsky.

He was a friend, a respected colleague, a leader, and a true gentleman.

Senator Zorinsky was a courageous statesman. He rose above partisan politics to do what he felt was best for the country. He possessed an unbending commitment to do what was right, not what was popular.

Senator Zorinsky was a dedicated representative of Nebraskans. He cared deeply about his people in Nebraska, and worked endlessly to be their strong voice in Washington.

I pray that God be with Edward Zorinsky, and that He comfort the good Senator's family and friends. God knows Edward Zorinsky will be missed, and sorely missed by this body of Congress.

DEATH OF SENATOR EDWARD ZORINSKY

Mr. McCONNELL. Mr. President, it is with sadness that I rise today, in memory of Senator Edward Zorinsky. His sudden death last Friday was a shock to all of us, and it is a tragedy that we have lost such a valued Member of this body. He exemplified our ideals in the Senate. He was a man of principle and a man of the people.

As a member of the Senate Agriculture Committee, I had the opportunity to work closely with Ed. During the 1985 farm bill debate, his concern was always with the farmer. He was interested in consensus and progress in American agriculture and, as ranking Democrat on the committee, worked tirelessly at each and every markup session to see that the farmer was not forgotten in our agriculture policy.

As a new Senator, I gained an appreciation from Ed for the value of pragmatism in politics and of the value of hard work. Ed was a businessman who became a politician, and this gave him a unique perspective that most of my colleagues, including myself, did not have. He was fair, but in my mind his greatest asset was his ability to simplify complex issues in his usual straightforward manner. He was not obsessed with how his actions would be perceived. Instead, he concerned himself with whether or not something was good for the people of rural America. Ed was independent and often broke from the party ranks to vote his conscience. He maintained a sense of perspective and good humor, and refused the trappings of Washington. I will personally miss his presence here in the Senate.

I send my condolences to Senator Zorinsky's family and I join the people of Nebraska in mourning his untimely death.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of February 3, 1987, the Secretary of the Senate, on March 10, 1987, during the adjournment of the Senate, received a message from the President of the United States submitting the withdrawal of a nomination; which was referred to the appropriate committee.

(The withdrawal received on March 10, 1987, is printed at the end of the Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropiate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 3:17 p.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 14. An act to designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system;

H.R. 191. An act to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior;

H.R. 242. An act to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI;

H.R. 389. An act to amend the Boundary Waters Canoe Area Wilderness law to change the authorizations of appropriations for resource management review and grants;

H.R. 626. An act to provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, AL, and for other purposes;

H.R. 797. An act to authorize the donation of certain non-Federal lands to Gettysburg National Military Park and to require a study and report on the final development of the park; and

H.R. 990. An act to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 14. An act to designate certain river segments in New Jersey as study rivers for potential inclusion in the national wild and scenic river system; to the Committee on Energy and Natural Resources.

H.R. 191. An act to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior; to the Committee on Energy and Natural Resources.

H.R. 242. An act to provide for the conveyance of certain public lands in Oconto and Marinette Counties, WI; to the Committee on Energy and Natural Resources.

H.R. 389. An act to amend the Boundary Waters Canoe Area Wilderness law to change the authorizations of appropriations for resource management review and grants; to the Committee on Energy and Natural Resources.

H.R. 626. An act to provide for the conveyance of certain public lands in Cherokee, De Kalb, and Etowah Counties, AL, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 797. An act to authorize the donation of certain nonFederal lands to Gettysburg National Military Park and to require a study and report on the final development of the park; to the Committee on Energy and Natural Resources.

H.R. 990. An act to direct the Secretary of the Interior to convey a certain parcel of land located near Ocotillo, CA; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 558. An act to provide urgently needed assistance to protect and improve the lives and safety of the homeless, with special emphasis on elderly persons, handicapped persons, and families with children.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PROXMIRE, from the Committee on Banking, Housing, and Urban Affairs:

James G. Stearns, of Nevada, to be a member of the Board of Directors of the Securities Investor Protection Corporation for a term expiring December 31, 1988;

J. Michael Dorsey, of Missouri, to be general counsel of the Department of Housing and Urban Development;

Judith Y. Brachman, of Ohio, to be an Assistant Secretary of Housing and Urban Development; and

Lawrence J. White, of New York, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1990.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

NOTE

In the Record of yesterday, March 10, 1987, on pages 5147 and 5160 Senator Evans was incorrectly listed as a cosponsor of the bill S. 705 introduced by Senator Bradley. The permanent Record will be corrected accordingly.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. CHILES:

S. 710. A bill to reauthorize the Airport and Airway Improvement Act of 1982; to the Committee on Commerce, Science, and Transportation.

By Mr. KASTEN (by request):

S. 711. A bill to promote the interests of consumers and enhance the ability of American industry to compete effectively through limitations on the excesses of product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEINZ:

S. 712. A bill to temporarily suspend the duty on certain benzenoid dye intermediates; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 713. A bill to amend title 38, United States Code, to facilitate the recruitment of registered nurses by the Veterans' Administration; to the Committee on Veterans' Affairs.

By Mr. SPECTER (for himself and Mr. Heinz):

S. 714. A bill to recognize the organization known as the Montford Point Marine Association, Incorporated; to the Committee on the Judiciary.

By Mr. HARKIN:

S. 715. A bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes; to the Committee on Armed Services.

By Mr. WALLOP (for himself, Mr. Baucus, Mr. Danforth, Mr. Moynihan, Mr. Chafee, Mr. Roth, Mr. Boren, Mr. Pryor, Mr. Heinz, Mr. Durenberger, Mr. Armstrong, Mr. Riegle, Mr. Rockefeller, and Mr. Symms):

S. 716. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures; to the Committee on Finance.

By Mr. PRESSLER (for himself, Mr. Daschle, Mr. DeConcini, and Mr. McCain):

S. 717. A bill to grant the consent of the Congress to the Western Low-Level Waste Disposal Compact; to the Committee on the Judiciary.

By Mr. MATSUNAGA (for himself, Mr. Rockefeller, and Mr. Melcher):

S. 718. A bill to eliminate discrimination with regard to mental illness under Medicare; to the Committee on Finance.

By Mr. PRYOR (for himself, Mr. Heinz, and Mr. Boren):

S. 719. A bill to amend the Internal Revenue Code of 1986 to provide that certain minimum tax and accounting rules (added by the Tax Reform Act of 1986) applicable to installment obligations shall not apply to obligations arising from sales of property by nondealers; to the Committee on Finance.

By Mr. PELL (by request):

S. 720. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize additional development and security assistance programs for fiscal year 1988, and for other purposes; to the Committee on Foreign Relations.

By Mr. INOUYE:

S. 721. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian owned business enterprises and to stimulate the development of the private sector of Indian tribal economies; to the Select Committee on Indian Affairs.

By Mr. GRASSLEY:

S. 722. A bill to temporarily suspend the duty on tungsten ore; to the Committee on Finance.

By Mr. DANFORTH (for himself, Mr. Lugar, Mr. Boschwitz, Mrs. Kassebaum, Mr. Nickles, Mr. Pressler, Mr. Bond, and Mr. Symms):

S. 723. A bill to amend the Merchant Marine Act, 1936, to exempt shipment of all agricultural commodities and products thereof from cargo preference requirements; to the Committee on Commerce, Science, and Transportation.

By Mr. FORD (by request):

S. 724. A bill to amend the Federal Aviation Act of 1958 to advance the scheduled termination date of the Essential Air Service Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER:

S. Res. 165. Resolution expressing the sense of the Senate that the Senate Select Committee investigating the Iran/Contra matters should promptly grant limited "use" immunity to Admiral Poindexter and Lieutenant Colonial North; to the Committee on the Judiciary.

By Mr. HEINZ (for himself, Mr. SARBANES, Mr. SANFORD, Mr. GARN, Mr. DODD, Mr. ARMSTRONG, Mr. D'AMATO, and Mr. DIXON):

S. Con. Res. 28. Concurrent resolution to reaffirm that deposits, up to the statutorily prescribed amount, in federally insured depository institutions are backed by the full faith and credit of the United States; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DECONCINI (for himself, Mr. GRASSLEY, Mr. SIMON, Mr. BRADLEY, Mr. D'AMATO, Mr. LAUTENBERG, and Mr. WILSON):

S. Con. Res. 29. Concurrent resolution expressing the sense of Congress regarding the inability of American citizens to maintain regular contact with relatives in the Soviet Union; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 710. A bill to reauthorize the Airport and Airway Improvement Act of 1982; to the Committee on Commerce, Science, and Transportation.

AIRPORT AND AIRWAY IMPROVEMENT ACT AMENDMENTS

● Mr. CHILES. Mr. President, air safety is an issue never far from the public mind. One accident, resulting from a series of small mistakes or misjudgements, can result in a tragedy which rivets the attention of the entire Nation.

More people than ever before are traveling by air. The volume of traffic has increased substantially, but the number of airports and runways has not. All too often we have too many airplanes trying to get to the same place at the same time. There is a severe capacity shortage, not only in the air traffic control system, but in ground facilities. No matter how sophisticated the air traffic control system becomes, how tight the separation between planes, how stacked the freeways in the sky, all is for naught if there is nowhere to land. The failure to utilize the Airport and Airway Trust Fund to build additional ground capacity is every bit as dangerous as more publicized safety breakdowns.

Capacity is the key to safety. When space becomes too tight; when fallible human beings are asked to squeeze as many airplanes as possible into compressed airspace and onto limited runways, mistakes happen.

I have a special interest in this problem, Mr. President. Florida is second in the Nation in the number of air activities. Unfortunately, it was also second in the Nation in number of near misses last year. There were 84 near catastrophes in my State in 1986, and 828 in the Nation as a whole. Sixteen of these close calls took place between West Palm Beach and Miami, a fast-growing region where development is already taking its toll on airport capacity. If we do not move quickly to provide needed capacity, Mr. President, we will never have enough runways, enough airports, and enough groundside access to accommodate the needs of safe air travel.

In Florida alone, the State department of transportation reports that $400 million in projects are ready for construction during the next 5 years. This does not take into account other needed projects which are not yet fully planned and approved. Almost $4 billion worth of national airport projects are included in the current National Plan of Integrated Airport Systems.

There is money available now to meet much of the need for added capacity. The Airport and Airway Trust Fund's unused balance exceeds $4 billion and is projected by the General Accounting Office to exceed $12 billion by 1990. But we have been poor custodians of the fund, to which every air passenger, every business aircraft owner, and every general aviation pilot has contributed. Those who use the system have paid, but the Government has not fulfilled its responsibility to use those funds to increase the safety and capacity of the system.

When Congress passed the Airport and Airway Improvement Act in 1982, we meant to lay out a way to fund modernization of the air traffic control system and increase the physical capacity of the system through the Airport Improvement Program. We meant to provide an appropriate level of funding for FAA operations, while providing an incentive for the agency to make those capital outlays demanded by increased system traffic and the need to modernize air traffic control and airport facilities. But the administration has resisted important capital improvement expenditures, which has meant that expenditures on FAA operations have also been limited. The result is the large and growing surplus in the Aviation Trust Fund. We need now to make changes in the 1982 act which will allow trust fund moneys to be used with maximum flexibility to increase air safety.

The legislation I am proposing today will reauthorize and make improvements on the Airport and Airway Improvement Act of 1982, which expires after September 30 of this year. It sets base authorization levels at the anticipated level of revenues into the fund over the next 5 years. The focus is on expansion of system capacity through increased funding of the Airport Improvement Program [AIP] and funding for modernization of the air traffic control system. The AIP authorization is set at 20 percent above current funding. Adequate levels are also set for the FAA to purchase the equipment it needs to modernize the air traffic control system; but if the anticipated procurement schedule for the "NAS-Plan" cannot be met those funds could be used to increase airport capacity. This flexibility will allow efficient use of funds to increase safety.

The bill continues the present penalty formula on funding of FAA operations and maintenance, which limits the amount of money which can be expended on FAA operations from the trust fund if AIP authorization levels are not met.

The bill also expands the flexibility of the Airport Improvement Program so that it can better meet current and anticipated capacity/safety problems.

The bill establishes for the first time critical capacity needs as a priority for discretionary funding, with the Secretary directed to consider the needs of those airports now operating at critical capacity and those projected to be at critical capacity in the near future.

An advanced construction option, patterned on a Federal-aid to highways provision, would allow local airports with funds available to begin construction with FAA approval. Reimbursement would be guaranteed upon completion of the project.

A land acquisition revolving fund is established for the purchase of land for future airport expansion or new airport construction. Land acquisition is a critical national problem.

Of all the areas in need of additional major airports, only Denver is presently trying to build a new facility. Expansion of existing airports also becomes difficult over time as development around them increases, and this program will provide local sponsors an incentive to address these future needs.

The State formula funds would be more equitably distributed, with need ranking given equal consideration with land area and State population in the award of these funds. Twenty-seven States would benefit from this formula change.

Expanded eligibility is provided for pavement maintenance and limited ground access construction.

The bill also addresses a number of critical safety issues relating to use of airspace.

From February 1972 until May of last year, civil aircraft were involved in 83 accidents involving tall tower structures. Those accidents caused 90 fatalities and 32 serious injuries. Only 4 weeks ago a Piper Cherokee flew into a tower near Venice, FL, killing the pilot and two passengers. Local airport officials have called these towers "Needles of Death."

The construction of towers and other tall structures, particularly near airports, limits permanently the capacity of those airports. In many cases this means that expensive capacity projects, such as runway extension or installation of instrument landing systems, are rendered worthless. Currently, the FAA is required only to declare proposed towers as hazards or no hazards to aviation. The bill would revise licensing procedure, requiring the FAA to determine the relative impact of tower license applications on airspace. The Federal Communications Commission would then be required to take that ranking into account when issuing the license. This would provide an incentive for applicants to minimize their impact on aviation.

The bill would also require the FAA to take into account tall structures which reduce safety or airport capability when revising the National Plan of Integrated Airport Systems. The legitimate needs of air cargo, STOL/VSTOL and rotary wing aircraft operations must now be considered as well in reviewing and revising the plan.

The bill would require a 20-year planning horizon for the National Airway System plan, which is currently limited to 10 years. This extended horizon is particularly critical as the FAA has consistently been unable to get new systems in operation in less than 10 years.

Another important issue involves the designation of special use airspace. We must assure that the needs of the military for training and other purposes are met, but there is concern that present methods of designating such airspace are inadequate and do not ensure that the legitimate needs of both military and civil aviation are addressed. The bill would require a joint review by the FAA and the Department of Defense of all special use airspace, and would require that recommendations be provided Congress within 18 months.

Mr. President, I believe this bill provides a way to use the resources of the Aviation Trust Fund as efficiently as possible to increase aviation safety. But given our current deficit situation, it may not be possible to fund programs at the desired level in every year. The authority of the Congress to set obligation limits on the Airport Improvement Program and to limit appropriations for the Airway Improvement Program is clearly stated within this legislation. Given the task before us in meeting the Gramm-Rudman-Hollings deficit target for fiscal year 1988, I in no way want to undermine that effort or to suggest that we will be able to reach the authorized levels in every year. We still have difficult choices this year as we prepare to mark up the budget resolution.

In the long run, I believe this bill will allow better use of our trust fund resources which will enhance aviation safety. Funds can be used to purchase new air traffic control equipment as that equipment becomes ready for purchase; the Federal Aviation Administration is allowed to use substantial trust fund moneys for operations and maintenance, but only within the current penalty formula which provides an incentive to increase capital improvements; and Congress will have the discretionary authority to increase expenditures on airport capacity improvement.

The bill also addresses some critical airspace safety questions and sets in motion consultations between the FAA and the Department of Defense over the designation of special use airspace.

I know the Congress will be giving careful scrutiny to these issues in the next few months. Senator FORD's Subcommittee on Aviation has already held important hearings on air safety and I commend him for his leadership. I believe my legislation outlines a responsible way to utilize our Aviation Trust Fund resources and encourage its full consideration by the Aviation Subcommittee.

Following is a brief summary of the bill. I ask unanimous consent that this summary, followed by the text of the bill, be printed at this point in the RECORD.

There being no objection, the summary and bill were ordered to be printed in the RECORD, as follows:

SUMMARY

The legislation reauthorizes the Airport and Airway Improvement Act of 1982 through 1992. It is based on current law but makes certain modifications to the 1982 Act.

Authorization levels:

The Airport Improvement Program is authorized at $1.2 billion. Additional funds may be authorized, however, under certain conditions.

The Facilities and Equipment account is authorized at $1.5 billion for 1988 and $1.6 billion in succeeding years. Funds not appropriated in any year shall be considered additional authorization for the Airport Improvement Program in the following year.

The Research and Development program is authorized at $150 million for 1988 and $200 million in succeeding years.

The FAA may use Trust Fund moneys for Operations and Maintenance as currently allowed, at up to 1.34 times the base Airport Improvement Program authorization ($1.608 billion under full AIP funding). The existing penalty formula, reducing Operations and Maintenance funds by two times the difference between AIP appropriations and authorization levels, is maintained.

The Aviation Trust Fund is kept on budget, and authorization levels are set at the expected rate of income, including interest, into the fund.

The structure of allocations under the Airport Improvement Program is maintained, but with a number of modifications and the addition of new programs as follows:

Primary Airports—45 percent of AIP.

State/General Aviation—12 percent of AIP. Formula change would include need ranking, as determined by the National Plan of Integrated Airport Systems, along with land area and population, in determining the state allocation.

Commercial Airports—5.5 percent of AIP.

Reliever Airports—9 percent of AIP and can also be funded from the State/General Aviation program.

Noise—8 percent of AIP.

Planning—1 percent of AIP.

Land Acquisition (new program)—6 percent of AIP. Funds will be available under this fund to finance up to 90 percent of the cost of land for expansion or new airport construction. Virtually identical to similar highway provision.

Discretionary—13.5 percent of AIP, with the Secretary directed to use critical capacity criteria in granting funds. Funds would be directed at facilities either at critical capacity now or which are projected to be at critical capacity in the near future.

Advanced Construction—Would allow local sponsors to use available local funds to begin and carry out projects, with the assurance of reimbursement when the project is completed. The Secretary would approve plans prior to construction for the project to be eligible for reimbursement.

Expanded Eligibility—AIP funds could be used for pavement preservation and for limited ground access projects clearly related to airport access by air passengers.

The bill addresses a number of capacity and safety-related airspace use problems as follows:

Planning—The planning horizon for the National Airway System is extended to 20 years. In updating the National Plan of Integrated Airport Systems, the impact of hazardous structures shall be taken into account. The legitimate needs of air cargo, STOL/VSTOL and helicopter operations must also be addressed.

Special Use Airspace—The Secretary of Transportation and the Secretary of Defense are directed to conduct a review of the need and utilization of special use airspace. They are to report to Congress within 18 months.

Tower License Applications—The bill would revise licensing procedure, requiring the FAA to determine the relative impact of tower license applications on airspace. The Federal Communications Commission would then be required to take that ranking into account when issuing the license. This would provide an incentive for applicants to minimize their impact on aviation.

S. 710

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Airport and Airway Improvement Act Amendments of 1987".

SEC. 2. Section 502(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2201(a)) is amended (1) by deleting the word "and" after the semicolon in clause (8); (2) by deleting the period at the end of clause (9) and inserting in lieu thereof a semicolon and the word "and"; and (3) by adding at the end thereof the following:

"(10) it is in the national interest to ensure that nonaviation usage of navigable airspace be accommodated, but not allowed to decrease the safety and capacity of the airspace and airport system this title is developing.".

SEC. 3. (a) Section 504(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2203(a)) is amended—

(1) by designating the existing text as paragraph (a)(1); and

(2) by adding at the end thereof the following new paragraph:

"(2) As soon as feasible following the date of the enactment of this paragraph, the Secretary shall, in reviewing and revising the plan, take into account tall structures which reduce safety or airport capacity. In addition, the Secretary, in carrying out such review and revision, shall make every reasonable effort to address the legitimate needs of air cargo operations, and STOL/VSTOL and rotary wing aircraft operations.".

(b) Section 504(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2203(b)) is amended by adding at the end thereof the following new paragraph:

"(3) As soon as feasible following the date of the enactment of this paragraph, the Administrator shall, in reviewing and revising the plan, take such action as may be necessary to include therein a planning horizon of ten years in addition to the ten years provided under paragraph (1) of this subsection, and the addition of a 20-year airspace needs component that addresses the airspace requirements for all aircraft types, including military.".

SEC. 4. (a) Section 505(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2204) is amended—

(1) by designating the existing text as paragraph (a)(1), and

(2) by adding at the end thereof the following new paragraphs:

"(2) In order to maintain a safe and efficient nationwide system of public-use airports to meet the present and future needs of civil aeronautics, the Secretary is authorized to make grants from the Trust Fund for airport development and airport planning by project grants in accordance with the provisions of this Act. The amount which shall be available to the Secretary for such grants for each of the fiscal years beginning with fiscal year 1988 and ending with fiscal year 1992 is $1,200,000,000.

"(3) Amounts and authority specified in paragraph (2) of this subsection, subsection (b) of this section, and paragraph (3) of section 506(a) shall be available only to the extent and in the amounts hereafter provided in appropriations Act.".

(b) Section 505(b)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2204(b)(1)) is amended by deleting "September 30, 1987" and inserting in lieu thereof "September 30, 1992".

SEC. 5. (a)(1) Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2205(a)) is amended by inserting immediately before the period at the end of the first sentence thereof a semicolon and the following: "and $1,500,000,000 for the fiscal year ending before October 1, 1988; $1,600,000,000 for the fiscal year ending before October 1, 1989; $1,600,000,000 for the fiscal year ending before October 1, 1990; $1,600,000,000 for the fiscal year ending before October 1, 1991; and $1,600,000,000 for the fiscal year ending before October 1, 1992".

(2) Section 506(a) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2205(a)) is amended by adding at the end thereof the following new paragraph:

"(3) In any fiscal year, commencing with fiscal year 1988 and ending with fiscal year 1992, in which the total amount authorized for that fiscal year by the first paragraph of this subsection is not appropriated for such fiscal year, an amount equal to the difference between such amount so authorized and such amount appropriated for that fiscal year shall be considered an additional authorization for purposes of making grants under section 505 in the next following fiscal year. Amounts appropriated under such additional authorizations shall remain available until expended.".

(b) Section 506(b) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2205(b)) is amended by inserting immediately before the period at the end of the second sentence thereof a semicolon and the following: "and $150,000,000 for fiscal year 1988; $150,000,000 for fiscal year 1989; $200,000,000 for fiscal year 1990; $200,000,000 for fiscal year 1991; and $200,000,000 for fiscal year 1992".

(c) Section 506(c)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2205(c)) is amended (1) by designating the existing text thereof as paragraph (2)(A); and (2) by adding immediately thereafter the following new paragraph:

"(B) The amount appropriated from the Trust Fund for the purposes of clauses (A) and (B) of paragraph (1) of this subsection for fiscal year 1988 shall not exceed $1,608,000,000. For any fiscal year beginning with fiscal year 1989 and ending with fiscal year 1992, such amount so appropriated for each such fiscal year shall not exceed the amount made available (excluding any additional amounts pursuant to paragraph (3) of subsection (a) of this section) for purposes of section 505 multiplied by a factor equal to 1.34. The amount authorized to be appropriated from the Trust Fund under this paragraph for any fiscal year shall be reduced by an amount equal to two times the excess, if any, of (i) the portion of the amount authorized to be appropriated under subsection (a) of this section for such fiscal year which was not authorized to be appropriated for any previous fiscal year, over (ii) the amount appropriated under such subsection for such fiscal year.".

(e) Section 506(e)(5) of such Act is amended by deleting "September 30, 1987" and inserting in lieu thereof "September 30, 1992".

SEC. 6. (a) Section 507(a)(1)(B) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2206(a)(1)(B)) is amended—

(1) by deleting "1984 through 1987" and inserting in lieu thereof "1984 through 1992"; and

(2) by deleting "and 30 percent for fiscal year 1987" and inserting in lieu thereof "30 percent for fiscal year 1987, 10 percent for fiscal year 1988, 15 percent for fiscal year 1989, 20 percent for fiscal year 1990, 25 percent for fiscal year 1991, and 30 percent for fiscal year 1992".

(b) Sections 507(a)(1)(D) and 507(a)(1)(E) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2206(a)(1) (D) and (E)) are amended by striking out "50" wherever it appears therein and inserting in lieu thereof "45".

(c) Section 507(a)(2) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2206(a)(2)) is amended by deleting "1987" and inserting in lieu thereof "1992".

(d) Section 507(a)(2)(B) of such Act is amended to read as follows:

"(B) STATES.—For airports other than primary airports and other than airports described in section 508(d)(3), one-third of the remaining 99 per centum to the States (other than those to which subparagraph (A) of this paragraph applies) in the proportion which the population of each such State bears to the total population of all such States; one-third of the remaining 99 per centum to the States (other than those to which subparagraph (A) of this paragraph applies) in the proportion which the area of each such State bears to the total area of all such States; and one-third of the remaining 99 per centum to the States (other than those to which subparagraph (A) of this paragraph applies) in the proportion which the needs of such State bear to the total needs of all such States. As used in this paragraph, the term 'population' means the population according to the latest decennial census of the United States; the term 'area' includes both land and water; and the term 'needs' means the sum of needs shown for existing and new locations at reliever and general aviation airports in the current National Plan of Integrated Airport Systems prepared pursuant to section 504 of this title. Funds made available to the States pursuant to this paragraph may also be available to reliever airports.".

(e) Section 507(a)(3)(A) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2204) is amended by adding at the end thereof the following: "In making such grants, the Secretary shall consider airports operating at critical capacity and those airports which are projected to reach critical capacity in the near future and shall give a priority to those programs or uses which address the critical capacity problems.".

SEC. 7. (a) Section 508(d)(1) of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2207(d)(1)) is amended by deleting "10 percent" and inserting in lieu thereof "9.0 percent".

(b) Section 508(d) of such Act is amended by adding at the end thereof the following:

"(6) Not less than 6 percent of the funds made available under section 505 of this Act for each fiscal year beginning with fiscal year 1988 and ending with fiscal year 1992 shall be credited to the Airport Expansion Land Acquisition Account established by section 535(c) of this Act.".

SEC. 8. Section 509 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2208) is amended by adding at the end thereof the following:

"(f) PROJECT ELIGIBILITY EXPANSION.—(1) In the administration of this Act, project eligibility is expanded to include specific pavement preservation projects clearly intended to preserve existing airport facilities, and specific ground access improvement projects. With respect to project eligibility for such groundside projects, such eligibility shall be available only where the project is clearly related to airport access by air passengers.

"(2) As used in this subsection, the term 'ground access improvement projects' means any exclusive ground access connectors to an airport not exceeding one mile in length, and on-airport ground access capacity improvements for air passengers.".

SEC. 9. Section 529 of the Airport and Airway Improvement Act of 1982 (49 U.S.C. 2225) is amended by deleting "1987" and inserting in lieu thereof "1992".

SEC. 10. (a) The Airport and Airway Improvement Act of 1982 (40 U.S.C. 2201-2225) is amended by adding at the end thereof the following:

"SEC. 533. SPECIAL USE AIR SPACE.

"(a) JOINT REVIEW.—The Secretary and the Secretary of Defense shall jointly conduct a national review of the need and utilization of special use airspace with a view to determining its impact on civil aviation operations.

"(b) JOINT REPORT.—On or before the expiration of the 18-month period following the date of the enactment of this subsection, the Secretary and the Secretary of Defense shall report to the Congress the results of such review, together with their recommendations.

"(c) OBSTRUCTION EVALUATIONS.—(1) In the administration of laws relating to tower license applications and obstruction evaluations in connection therewith, the Federal Aviation Administration and the Federal Communications Commission shall take such action as may be necessary to coordinate the receipt, consideration of, and action thereon, of such applications. When considering applicants for licenses, the Federal Communications Commission shall develop a list of not to exceed four license applicants for obstruction evaluation.

"(2) The Federal Aviation Administration, in conducting any such obstruction evaluation referred to in paragraph (1), shall rank the applicants' proposals comparatively by aeronautical impact. The Federal Aviation Administration, in carrying out this evaluation, shall act in such a manner so as to assure that such evaluation will be carried out in a systematic manner and shall include the cumulative aeronautical degradation (IFR and VFR) imposed by both existing and proposed structures.

"(3) The Federal Communications Commission, in selecting a licensee from the final list of applicants referred to in paragraph (1), shall take into account the relative aeronautical impact of the respective applications as reported by the Federal Aviation Administration.

"SEC. 534. REIMBURSEMENT OF PROJECT COST.

"(a) PAYMENT OF FEDERAL SHARE.—When a project sponsor has obligated all funds for airport construction projects apportioned to such sponsor under this Act, and proceeds to construct any airport project without the aid of Federal funds, including one or more parts of any such project, the Secretary, upon application of such sponsor and the approval by the Secretary of such application, is authorized to pay to such sponsor the Federal share of the costs of construction of any project completed under this section when additional funds are apportioned to such sponsor under this Act, if—

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other such projects covered by this Act, and

"(2) the project conforms to the applicable criteria, standards, procedures, and requirements applicable to any such project if constructed with Federal funds, except insofar as such procedures and requirements limit a sponsor to the construction of projects with the aid of Federal funds previously apportioned to it.

"(b) AUTHORIZATION REQUIRED.—The Secretary may not approve an application under this section unless an authorization is in effect for the fiscal year for which the application is sought beyond the currently authorized funds for such sponsor, and no application may be approved which will exceed the sponsor's expected apportionment of such authorization.

"(c) COMPLETION TIME.—In determining the apportionment for any fiscal year under the provisions of this Act, any such project constructed by a sponsor without the aid of Federal funds shall not be considered completed until an application under the provisions of this section with respect to such project has been approved by the Secretary.

"(d) BOND INTEREST.—For any such project, converted to a regularly funded project, for which the proceeds of bonds issued by the State, county, city, or other political subdivision of the State were used, any interest earned and payable on such bonds by the date of conversion is an eligible cost of construction, to the extent that the proceeds of such bonds have actually been expended in the construction of such project.

"SEC. 535. ADVANCE LAND PURCHASES.

"(a) PROCEDURES.—For the purpose of facilitating the acquisition of lands for future airport construction or expansion in the most expeditious and economical manner, and recognizing that the acquisition of such lands require lengthy planning and negotiations if it is to be done at a reasonable cost, the Secretary, upon the request of a sponsor, is authorized to make available the funds apportioned to such sponsor for airport construction for acquisition of land in anticipation of future airport construction or expansion and under such rules and regulations as the Secretary may prescribe, including the requirement that the planned airport construction or expansion project for which such land is being acquired must either increase the capacity of an existing airport, or be required for a new airport construction.

"(b) ADVANCEMENTS UP TO 90 PERCENT.—Funds so advanced to a project sponsor under this section may be used to finance up to 90 percent of the cost of any such land acquisition.

"(c) REVOLVING ACCOUNT.—(1) There is established in the Treasury of the United States a revolving account, in the Trust Fund, to be known as the 'Airport Expansion Land Acquisition Account' which shall be administered by the Secretary in carrying out the provisions of this section.

"(2) For the purpose of acquiring such lands for future airport construction or expansion and for making payments for the moving or relocation of persons, businesses, farms, and other existing uses of real property caused by the acquisition of such lands, in addition to the authority contained in subsection (a) of this section, the Secretary, upon the request of a project sponsor, is authorized to advance funds, without interest, to the sponsor from amounts made available pursuant to subsection (d). Such advances shall be in accordance with rules and regulations prescribed by the Secretary. Funds so advanced may be used to pay the costs to the State of projects for the acquisition of lands for future airport expansion, including the net cost to the State of property management, if any, and related moving and relocation payments.

"(3) Actual airport construction utilizing lands, with respect to which funds are advanced under this section, shall commence within the two-year period following the end of the fiscal year in which the Secretary approves such advance of funds, and shall be completed within the ten-year period following such fiscal year unless the Secretary, in his discretion, shall provide for an earlier or later termination date. Immediately upon the commencement of construction with respect to which funds are advanced under this subsection, or upon the termination of the period of time within which actual airport construction must be commenced, in the case of any project where such expansion is not commenced within the required time as provided under this section, or upon approval by the Secretary of the plans, specifications, and estimates for such project for the actual airport construction with respect to which funds are advanced under this subsection, or upon the withdrawal by the sponsor of the project from the sponsor's program of projects, whichever shall first occur, the Airport Expansion Land Acquisition Account shall be credited with an amount equal to the Federal share of the funds advanced, as provided in section 510 of this Act, out of any funds apportioned or allocated to the project sponsor and available for obligation for airport construction.

"(d) PAYMENTS FROM ACCOUNT.—For each of the fiscal years beginning with 1988 and ending with 1992, there is authorized to be appropriated from the Airport Expansion Land Acquisition Account, for carrying out the purposes of this section, any amounts in the account credited thereto pursuant to the provisions of section 508(d)(6) of this Act.".

SEC. 11. (a) Section 4041(c)(5) of the Internal Revenue Code of 1986 is amended by deleting "December 31, 1987" and inserting in lieu thereof "December 31, 1992".

(b) Section 4261(f) of the Internal Revenue Code of 1986 is amended by deleting "January 1, 1988" and inserting in lieu thereof "January 1, 1993".

(c) Section 4271(d) of the Internal Revenue Code of 1986 is amended by deleting "January 1, 1988" and inserting in lieu thereof "January 1, 1993".

(d) Section 9502(b) of the Internal Revenue Code of 1986 is amended by deleting "January 1, 1988" wherever it appears therein and inserting in lieu thereof "January 1, 1993".

(e) Section 9502(d)(1) of the Internal Revenue Code of 1986 is amended by deleting "October 1, 1987" and inserting in lieu thereof "October 1, 1992".

(f) Section 9502(d)(1)(A) of the Internal Revenue Code of 1986 is amended by deleting "or the provisions of the Airport and Airway Improvement Act of 1982 (as such Acts were in effect on the date of the enactment of the Surface Transportation Assistance Act of 1982)" and inserting in lieu thereof "(as such Act was in effect on the date of the enactment of the Surface Transportation Assistance Act of 1982) or the provisions of the Airport and Airway Improvement Act of 1982".●

By Mr. KASTEN:

S. 711. A bill to promote the interests of consumers and enhance the ability of American industry to compete effectively through limitations on the excesses of product liability law, and for other purposes; to the Committee on Commerce, Science, and Transportation.

PRODUCT LIABILITY REFORM ACT

Mr. KASTEN. Mr. President, today I am pleased to introduce legislation which encompasses all Commerce Committee related sections of the President's competitiveness package as a single bill. It is my understanding that this bill will be referred to the

Commerce Committee for consideration.

I am especially pleased that the President has included product liability legislation as part of his competitiveness package. That really is the centerpiece of this bill. Product liability is not only a small business and consumer issue, it is also a trade issue, for American producers cannot compete when they must pay several times more for liability insurance. I commend the President for highlighting that fact.

This bill also contains language dealing with CAFE standards and the ICC. Some of these provisions I support; others I do not. All of these proposals will play a part when we begin to debate the trade bill this year.

So I am pleased to introduce this legislation today as requested by the administration, and I look forward to working to develop tough new trade legislation this year.

I ask unanimous consent that the text of the bill be printed in the Congressional Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Product Liability Reform Act of 1987".

Title I—Product Liability Reform Act of 1987

Sec. 101. This subtitle may be cited as the "Product Liability Reform Act of 1987".

FINDINGS AND PURPOSES

Sec. 102. (a) The Congress finds and declares that—

(1) the free flow of products in interstate and international commerce in recent years has been increasingly burdened by product liability law;

(2) as a result of this burden, consumers have been adversely affected through the withdrawal of products and producers from the national market, and from excessive liability costs passed on to them through higher prices;

(3) the withdrawal of products and producers from the national market adversely affects the competitive position of the United States by causing the loss of jobs and productive capital;

(4) the extraordinary costs of the product liability system undermines the ability of American industry to compete in an increasingly competitive world marketplace;

(5) the recent growth in product liability actions and awards jeopardizes the financial well-being of many United States industries, and is particularly harmful to the viability of many of the Nation's small businesses;

(6) the unpredictability of product liability awards and doctrines is inequitable to both plaintiffs and defendants, and has added considerably to the high cost of product liability insurance by making it difficult for producers and insurers to project their liability with any degree of confidence;

(7) where product liability law is not based on fault or wrongdoing by the defendant, product liability law often operates to punish and deter conduct and activities which are beneficial and promote the public welfare; and

(8) the unacceptably high transaction costs of the product liability system is a burden on the consumer and American industry which can no longer be tolerated.

(b) It is the purpose of this Act to promote the interests of consumers, to enhance the ability of American industry to compete effectively in the world marketplace and to protect the free flow of goods in commerce by placing reasonable limitations on the excesses of product liability law, by ensuring that product liability law operates to compensate persons injured by the wrongdoing of others, by reducing the unacceptable transaction costs and delays which harm both plaintiffs and defendants, and by establishing greater predictability in product liability actions.

DEFINITIONS

Sec. 103. As used in this Act—

(1) "economic loss" means past and future (A) expenses of health or other care, (B) expenses of rehabilitation, (C) loss of earnings, (D) loss of homemaker services, and (E) burial expenses;

(2) "noneconomic damages" means all damages other than damages for economic loss, and includes punitive or exemplary damages;

(3) "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity;

(4) "product" means any object, substance, mixture or raw material, whether an assembled whole, a component part or an ingredient, which is produced for introduction into trade or commerce;

(5) "product liability action" or "action" means any action or claim, including a wrongful death action, involving the design, production, distribution, or sale of a product, filed in Federal or State court seeking damages for a personal injury or death attributable to the product;

(6) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and any other territory or possession of the United States, or any political subdivision thereof.

SCOPE

Sec. 104. (a) The provisions of this Act shall apply to all product liability actions filed in Federal or State court on or after the date of enactment of this Act.

(b) The provisions of this Act shall preempt and supersede any State law to the extent such law is inconsistent with the limitations contained in such provisions. The provisions of this Act shall not preempt or supersede any State law that provides for defenses or places limitations on a person's liability in addition to those contained in this Act.

(c) Nothing in this Act shall be construed to create or vest jurisdiction in the district courts of the United States over any product liability action subject to this Act.

(d) The provisions of this Act shall not apply to liability subject to the Price-Anderson Act, section 170 of the Atomic Energy Act of 1954 (Public Law 85-256), as amended.

FAULT-BASED LIABILITY

Sec. 105. A person may not be found liable for damages in a product liability action subject to this Act to the extent such liability is inconsistent with the following limitations:

(a) Such person may not be found liable for injury unless either (1) the person was negligent in the design, production, distribution or sale of such product, or (2) the product was defective, and such defect rendered the product unreasonably dangerous. In addition to any other applicable defense or limitation of State law, a defective product may not be found unreasonably dangerous if the defect is the subject of an adequate warning, is apparent to a reasonable person, or is a matter of common knowledge.

(b) Such person may not be found liable for any injury related to an unreasonable or unforeseeable use or alteration of the product. In addition to any other applicable defense or limitation of State law, any alteration of the product which is specifically prohibited or warned against, and any use of the product which fails to apply required safeguards or maintenance, shall be deemed unreasonable.

(c) Such person may not be found liable for any injury related to the failure to provide an adequate warning or instruction as to any danger associated with the use of the product if the danger is apparent to a reasonable person, or the danger is a matter of common knowledge. In addition, such person may not be found liable for any injury related to the failure to provide an adequate warning or instruction as to any danger associated with the use of the product if use is unreasonable or unforeseeable.

(d) Such person may not be found liable for any injury related to a defect in the design of the product, or to a failure to provide an adequate warning or instruction as to any danger associated with the use of the product, unless at the time the product was made the ability to discover and to eliminate the defect or danger was available and capable of use according to engineering and manufacturing practices which were reasonably feasible in light of existing technology.

JOINT AND SEVERAL LIABILITY

Sec. 106. (a) Except as provided in subsection (b) of this section, joint and several liability may not be applied to any product liability action subject to this Act. A person found liable for damages in any such action may be found liable, if at all, only for those damages directly attributable to the person's pro-rata share of fault or responsibility for the injury, and may not be found liable for damages attributable to the pro-rata share of fault or responsibility of any other person (without regard to whether that person is a party to the action) for the injury, including any person bringing the action.

(b) This section shall not apply as between persons acting in concert where the concerted action proximately caused the injury for which one or more persons are found liable for damages. As used in this section, "concerted action" or "acting in concert" means the conscious acting together in a common scheme or plan of two or more persons resulting in a tortious act.

LIMITATION ON NONECONOMIC DAMAGES

Sec. 107. (a) Noneconomic damages may not be awarded in excess of $200,000 in any product liability action subject to this Act.

(b) For purposes of this section, "any product liability action" includes all product liability actions (including multiple actions) for damages, and includes all plaintiffs and all defendants in such actions, which arise out of or were caused by the same personal injury or death.

PERIODIC PAYMENT OF JUDGMENTS

SEC. 108. (a) In any product liability action subject to this Act in which the damages awarded for future economic loss exceeds $100,000, no person may be required to pay damages for future economic loss in a single, lump-sum payment, but shall be permitted to make such payments periodically based on when the damages are found likely to occur.

(b) The court may require such person to purchase an annuity making such periodic payments if the court finds a reasonable basis for concluding that the person may not make the periodic payments.

(c) The judgment of the court awarding such periodic payments may not be reopened at any time to contest, amend, or modify the schedule or amount of the payments in the absence of fraud.

(d) This section shall not be construed to preclude a settlement providing for a single, lump-sum payment.

COLLATERAL SOURCES OF COMPENSATION

SEC. 109. (a) Any award of damages to a person in a product liability action subject to this Act shall be reduced by the court by the amount of any past or future payment or benefit covered by this section which the person has received or for which the person is eligible on account of the same personal injury or death for which such damages are awarded.

(b) As used in this section, "payment or benefit covered by this section" means—

(1) any payment or benefit by or paid for in whole or in part by any agency or instrumentality of the United States, a State, or a local government, or

(2) any payment or benefit by a workers' compensation system or a health insurance program funded in whole or in part by an employer;

but does not include any such payment or benefit that is (or by law is required to be) the subject of a reasonably founded claim of subrogation, reimbursement or lien.

(c) This section shall not preempt or supersede any State law which provides that damage awards may be reduced by payments or benefits other than those covered by this section, or which reduces such damage awards by payments or benefits by an agency or instrumentality of the United States, a State or a local government, or by a workers' compensation system or a health insurance program even when such payments or benefits are (or by law are required to be) the subject of a reasonably founded claim of subrogation, reimbursement or lien.

(d) This section shall not apply to any payments or benefits received prior to judgment if its application would reduce the amount of income that would otherwise be considered under section 402(a)(17) of the Social Security Act.

ATTORNEY CONTINGENCY FEE AGREEMENTS

SEC. 110. (a) An attorney who represents, on a contingency fee basis, a person bringing a product liability action subject to this Act may not charge, demand, receive or collect for services rendered in connection with such action in excess of 25 per centum of the first $100,000 (or portion thereof) recovered, plus 20 per centum of the next $100,000 (or portion thereof) recovered, plus 15 per centum of the next $100,000 (or portion thereof) recovered, plus 10 per centum of any amount in excess of $300,000 recovered by judgment or settlement in such action.

(b) As used in this section, "contingency fee" means any fee for professional legal services which is in whole or in part contingent upon the recovery of any amount of damages, whether through judgment or settlement.

(c) In the event that such judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of computing the limitation on the attorney contingency fee shall be based on the cost of the annuity or trust established to make payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

ALTERNATIVE DISPUTE RESOLUTION

SEC. 111. (a) It is declared to be the policy of the United States to encourage—

(1) the creation, adoption, and use of alternative dispute resolution techniques to achieve the efficient, cost effective and expeditious disposition of civil disputes; and

(2) the modification of procedural and evidentiary rules to the extent feasible to accommodate such alternative dispute resolution techniques.

(b) In order to further the policies set forth in this section, the Attorney General shall provide to the Congress within one year of the date of enactment of this Act recommendations to implement such policies with regard to civil disputes filed in Federal court.

SEVERABILITY

SEC. 112. If any provision of this Act or the application of the provision to any person or circumstance is held invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by such invalidation.

EFFECTIVE DATE

SEC. 113. This Act shall become effective on its date of enactment.

Title II—Interstate Commerce Commission Sunset Act of 1987

SEC. 201. This Act may be cited as the "Interstate Commerce Commission Sunset Act of 1987".

PURPOSE

SEC. 202. This Act is a part of the continuing effort by Congress to reduce unnecessary and burdensome Government regulations and to improve the productivity and competitiveness of United States industries in domestic and world markets.

FINDINGS

SEC. 203. The Congress hereby finds that a safe, sound, competitive, and fuel efficient surface transportation system is vital to the maintenance of a strong national economy, an improved balance of payments, and a strong national defense; that the statutes governing Federal regulation of the truck, intercity bus, interstate water carrier, household goods freight forwarder, broker, rail passenger, pipeline (other than water, gas, or oil), and ferry industries are outdated and should be substantially removed to reflect the transportation needs and realities of the present and future; that, historically, the existing regulatory structure has tended in certain circumstances to inhibit market entry, carrier growth, maximum utilization of equipment and energy resources, and opportunities for minorities, small businesses, and others to enter the interstate trucking and bus industries; that protective regulation has resulted in operating inefficiencies and anticompetitive pricing, has tended to suppress technological and managerial innovation, and has tended to restrict the range of price and service options available to shippers and passengers; that available evidence suggests that many billions of dollars in savings to a broad range of United States industries have already been associated with recent transportation law reforms, and that removal of the remaining regulations and adoption of additional transportation productivity measures will result in additional savings that will enable United States companies to become much more productive and more competitive in domestic and world markets; that the Interstate Commerce Commission's regulatory responsibilities other than for rail are not needed and should be eliminated entirely and its remaining authority over the transportation of property by railroads should be transferred to the Department of Transportation; that the Interstate Commerce Commission should cease operation at the end of fiscal year 1987; and that legislative and resulting changes should be implemented with the least amount of disruption consistent with achieving the reforms enacted.

TERMINATION OF AUTHORITY

SEC. 204. (a) The following provisions of chapter 103 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 10301;
(2) Section 10302;
(3) Section 10303;
(4) Section 10304;
(5) Section 10305;
(6) Section 10306;
(7) Section 10307;
(8) Section 10308;
(9) Subsection (b) of section 10310;
(10) Section 10311;
(11) Section 10322;
(12) Subsection (b) of section 10328;
(13) Subsections 10329(a)(2), 10329(c) (2) and (3);
(14) Subsection 10330(b);
(15) Subchapter III;
(16) Section 10361;
(17) Section 10363;
(18) Section 10364; and
(19) Subchapter V.

(b) The following provisions of chapter 105 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 10502;
(2) Section 10504;
(3) Sections 10521 through 10530;
(4) Subchapter III; and
(5) Subchapter IV.

(c) The following provisions of chapter 107 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Subsections (d) and (e) of section 10701;
(2) Subsection (b) of section 10702;
(3) Subsections (b), (c), and (d) of section 10704;
(4) Subsections (a), (o), and (p) of section 10705a;
(5) Section 10706;
(6) Section 10708;
(7) Section 10722;
(8) Section 10725;
(9) Section 10733;
(10) Section 10735;
(11) Section 10749;
(12) Subsection (c) of section 10751;
(13) Subsection (b) of section 10761; and
(14) Section 10766.

(d) The following provisions of chapter 109 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 10921;

(2) Subsections (a), (b), and (d) through (k) of section 10922;

(3) Section 10923;

(4) Section 10924;

(5) Section 10925;

(6) Section 10926;

(7) Section 10927;

(8) Section 10928;

(9) Section 10929;

(10) Section 10930;

(11) Section 10931;

(12) Section 10932;

(13) Section 10933; and

(14) Section 10934.

(e) The following provisions of chapter 111 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Subsections (b) and (c) of section 11101;

(2) Section 11102;

(3) Section 11106;

(4) Section 11107;

(5) Section 11108;

(6) Section 11110;

(7) Section 11111;

(8) Section 11127; and

(9) Section 11142.

(f) The following provisions of chapter 113 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 11304;

(2) Section 11321;

(3) Section 11323; and

(4) Subchapter III of chapter 113.

(g) The following provisions of chapter 115 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 11503a; and

(2) Section 11506.

(h) The following provisions of chapter 117 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 11704;

(2) Section 11708; and

(3) Section 11711.

(i) The following provisions of chapter 119 of title 49, United States Code, shall be repealed effective October 1, 1987—

(1) Section 11905;

(2) Section 11906;

(3) Section 11908;

(4) Subsections (b), (c), and (d) of section 11909;

(5) Subparagraphs (a)(2) through (a)(4) of section 11910;

(6) Section 11912; and

(7) Subsections (b), (c), and (d) of section 11914.

TRANSFER OF AUTHORITY TO DEPARTMENT OF TRANSPORTATION

SEC. 205. (a) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Interstate Commerce Commission under the following sections of chapter 101 of title 49, United States Code, effective October 1, 1987:

(1) Section 10101 as amended in subsection (a) as follows:

(A) by striking "to provide for the impartial regulation or the modes of transportation subject to this subtitle, and—" and inserting "and" in lieu thereof;

(B) by amending subparagraphs (1) and (2) to read as follows:

"(i) to promote safe, adequate, economical, and efficient transportation; and

"(ii) to cooperate with each State and the officials of each State on transportation matters; and"; and

(C) in subparagraph (3):

(i) by striking "carrier of passengers" and inserting "carriers" in lieu thereof;

(ii) by striking "objections" and inserting "objectives" in lieu thereof;

(iii) by striking clause (B); and

(iv) by redesignating clause (C) as (B) and by striking "enacted by the Bus Regulatory Reform Act of 1982";

(2) Section 10101a; and

(3) Section 10102, as amended as follows:

(A) in subparagraph (4):

(i) by striking "an express carrier, a pipeline carrier,";

(ii) by striking "a sleeping car carrier,"; and

(iii) by striking "household goods";

(B) by striking subparagraph (5);

(C) by inserting "and a freight forwarder" at the end of subparagraph (6);

(D) by striking subparagraph (8);

(E) in subparagraph (9):

(i) by striking "holding itself out to the general public (other than as an express, pipeline, rail, sleeping car, motor, or water carrier) to provide" and inserting "that provides" in lieu thereof;

(ii) by inserting "and" after the semicolon following subparagraph (A);

(iii) by striking "and" after the semicolon following subparagraph (B) and inserting a period in lieu thereof; and

(iv) by striking subparagraph (C);

(F) in subparagraph (11) by striking "Commission" each time it appears and inserting "Federal Trade Commission" in lieu thereof;

(G) by striking subparagraph (12);

(H) by inserting after the definition of "household goods" a new subparagraph as follows:

"(12) 'interstate transportation' means transportation:

(A) between a place in:

(i) a State and a place in another State;

(ii) a State and another place in the same State through another State;

(iii) the United States and a place in a territory or possession of the United States to the extent the transportation is in the United States;

(iv) the United States and another place in the United States through a foreign country to the extent the transportation is in the United States; or

(v) the United States and a place in a foreign country to the extent the transportation is in the United States; and

(B) in a reservation under the exclusive jurisdiction of the United States or on a public highway.";

(I) subparagraph (14) is amended to read as follows:

"(14) 'motor contract carrier' means a person, other than a motor common carrier, providing motor vehicle transportation for compensation under continuing agreements with a person or a number of persons.";

(J) in subparagraph (15)(A) by striking "as provided in section 10521(a) (1) and (2) of this title" and inserting "interstate transportation" in lieu thereof;

(K) in subparagraph (16) by striking "determined by the Commission" and inserting "thereof" in lieu thereof;

(L) by striking subparagraph (18);

(M) in subparagraph (20) by striking "lighter, and ferry" and inserting "and ferry" in lieu thereof;

(N) in subparagraph (21) by striking ", fare,";

(O) by striking subparagraph (22);

(P) in subparagraph (25):

(i) in subparagraph (A) by striking "of passengers or" and by striking ", or both,"; and

(ii) in subparagraph (B) by striking "passengers and"

(Q) in subparagraph (30) by striking "subject to the jurisdiction of the Commission under this subtitle"; and

(R) by redesignating the subparagraphs of section 10102, as amended, as subparagraphs (1) through (26), respectively.

(b) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers, and duties of the Interstate Commerce Commission under the following sections of chapter 103 of title 49, United States Code, effective October 1, 1987—

(1) Section 10309;

(2) Subsection (a) of section 10310;

(3) Section 10321, as amended as follows:

(A) in subsection (c)(1) by striking "The Commission, an individual Commissioner, an employee board, an employee delegated to act under section 10305 of this title" and inserting "the Secretary" in lieu thereof; and

(B) by striking subparagraph (c)(2);

(4) Section 10324;

(5) Section 10326, as amended by striking "the Commission, or a division, an individual Commissioner, an employee board, an employee delegated to act under section 10395 of this title, or another person authorized to act on behalf of the Commission for any part of the proceeding," and inserting "the Secretary" in lieu thereof;

(6) Section 10327, with references to divisions and employee boards deleted, and with the following amendments:

(A) by striking subsection (g)(2); and

(B) by striking the subparagraph designator "(1)" and "or" before "substantially" and insert the phrase ", or the action involves a matter of general transportation importance" after "circumstances";

(7) Section 10328(a);

(8) Section 10329 as follows:

(A) subparagraph (a)(1);

(B) subparagraph (b), except for the second sentence dealing with transportation by motor carrier or broker; and

(C) subparagraph (c)(1), insofar as it applies to rail carriers;

(D) subparagraph (d), insofar as it applies to rail carriers; and

(E) subparagraph (e), except as it applies to brokers, freight forwarders, and water carriers;

(9) Subsections (a) and (c) of section 10330; and

(10) Section 10362, as amended as follows:

(A) by striking "Rail Services Planning Office shall" and inserting "Department may" in lieu thereof;

(B) in subsection (b):

(i) in subparagraph (1) by striking "assist the Interstate Commerce Commission in studying and evaluating" and inserting "study and evaluate" in lieu thereof;

(ii) in subparagraph (2) by striking "assist the Commission in developing" and inserting "develop" in lieu thereof;

(iii) by striking subparagraph (5)(B); and

(iv) by striking subparagraph (8);

(C) in subsection (d) by striking "Office" and inserting "Secretary" in lieu thereof.

(c) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 105 of title 49, United States Code, insofar as they apply to transportation of freight solely by a rail carrier or by a rail carrier and a water carrier, when the transportation is under common control, management, or arrangement for a continuous carriage or shipment, effective October 1, 1987—

(1) Section 10501;

(2) Section 10503; and

(3) Section 10505.

(d) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 107 of title 49, United States Code, effective October 1, 1987—

(1) Section 10701, as amended as follows:

(A) in subsection (a) by:

(i) striking the first sentence;

(ii) striking "such a carrier (including a rail carrier)" and inserting "a rail carrier" in lieu thereof; and

(iii) striking "those carriers (including rail carriers)" and inserting "rail carriers" in lieu thereof;

(B) In subsection (c) by:

(i) striking "or III"; and

(ii) striking "either of those subchapters" and inserting "that subchapter" in lieu thereof;

(2) Section 10701a;

(3) Section 10702(a), except for rules and practices affecting tickets and carrying of baggage;

(4) Section 10703 insofar as it applies to rail carriers and the obligation rail carriers have to establish through routes with water common carriers;

(5) Section 10704(a), (e) and (f);

(6) Section 10705, as amended as follows:

(A) in subsection (a):

(i) in subparagraph (1) by striking ", II (except a motor common carrier of property), or III"; and

(ii) in subparagraph (3), by striking the dash, and by striking subparagraph (A) and the subparagraph designator "(B)";

(B) by striking subsection (b);

(C) in subsection (c) by striking "or (b)" and by striking ", water carrier, or motor common carrier of property";

(D) in subsection (e) by striking ", water carrier, or motor common carrier of property";

(E) in subsection (f) by striking "or (b)"; and

(F) by striking subsection (h);

(7) Subsections (b) through (n) of section 10705a, insofar as those provisions apply to branch line surcharges and joint rate cancellations;

(8) Section 10707;

(9) Section 10707a;

(10) Section 10709;

(11) Section 10710;

(12) Section 10711, as amended by striking "and (b)" and "10727,";

(13) Section 10712;

(14) Section 10713, as amended by striking subsection (m)(3);

(15) Section 10721, as amended as follows:

(A) by striking subsection (a);

(B) in subsection (b)(1):

(i) by striking ", II or III";

(ii) by inserting "any qualified person" after "title 39, and";

(iii) by striking "reduced" in the last sentence and inserting "tendered" in lieu thereof;

(iv) by striking "; except that any rates for the transportation of household goods for the United States Government shall not be predatory"; and

(v) by adding a new sentence as follows: "Section 5 of title 41 shall not apply to transportation procured pursuant to this section.";

(C) by striking subsections (b)(2) and (b)(3); and

(D) by striking subsection (c);

(16) Section 10723, insofar as that provision applies to rail transportation;

(17) Section 10724, insofar as that provision applies to rail transportation of property;

(18) Section 10726, insofar as that provision applies to rail transportation;

(19) Section 10728;

(20) Section 10731, as amended—

(A) by striking subparagraph (b)(3); and

(B) by striking subsection (d);

(21) Section 10734;

(22) Section 10741, insofar as that provision applies to rail carriers;

(23) Section 10742, as amended—

(A) by striking "or III", "passengers and", and "under either of those subchapters"; and

(B) by inserting "rail or water" after "another";

(24) Section 10743, as that provision applies to rail transportation;

(25) Section 10745;

(26) Section 10746;

(27) Section 10747, insofar as that provision applies to rail transportation;

(28) Section 10748;

(29) Section 10750;

(30) Section 10751(a) and (b), insofar as those provisions apply to rail transportation;

(33) Section 10761(a) and (c), insofar as those provisions apply to rail transportation;

(34) Section 10762, as amended as follows:

(A) in subsection (a)(1):

(i) by striking "(except a motor common carrier)";

(ii) by striking "and (A) if a common carrier"; and

(iii) by inserting a period after "related to those rates" and striking the remainder of the subparagraph;

(B) in subsection (a)(2) by striking the last two sentences;

(C) in subsection (b):

(i) in subparagraph (1) by striking "subchapter I, III, or IV of", and in subparagraph (1)(B) by striking all words after the parenthetical phrase; and

(ii) by striking (1)(C);

(D) in subsection (c):

(i) In subparagraph (1) by striking "(A)", "subchapter I of", and "or (B) under another subchapter of that chapter proposes to change a rate, classification, rule, or practice,";

(ii) by striking (c)(2); and

(iii) in subparagraph (c)(3) by striking the second sentence and "In the case of a rail carrier, a" at the beginning of the third sentence and inserting "A" in lieu thereof, and by striking the last sentence;

(E) in subsection (d):

(i) in subparagraph (1) by striking "subsections (a) and" and inserting "subsection" in lieu thereof; and

(ii) in subparagraph (2) by striking "subchapter I of"; and

(F) by striking subsections (f) and (g);

(35) Section 10763;

(36) Section 10764, as amended:

(A) by striking the last sentence in subsection (a)(1); and

(B) by striking subsection (b);

(37) Section 10765, as amended by striking the parenthetical phrase in subsection (a);

(38) Section 10781; and

(39) Subchapter V of chapter 107 insofar as it applies to rail transportation.

(e) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 109 of title 49, United States Code, effective October 1, 1987:

(1) Subchapter I insofar as it applies to rail carriers of property, including section 10903, as amended by inserting in the last sentence of subparagraph (b)(2) "prior to its repeal by the Interstate Commerce Commission Sunset Act of 1987" after "title";

(2) Section 10922(c), as amended as follows:

(A) by striking subparagraph (1);

(B) in subparagraph (2):

(i) by striking subparagraph (A);

(ii) in subparagraph (B):

(I) by striking "shall issue a certificate to a person authorizing that" and inserting "authorize a" in lieu thereof;

(II) by striking "has been granted authority, or will be granted authority, after the effective date of the section to provide" and inserting "provides" in lieu thereof;

(III) by striking "to be authorized by the certificate"; and

(IV) by striking "issuance of the certificate" and inserting "authorization" in lieu thereof.

(iii) in subparagraph (C):

(I) by striking ", as defined in section 10526(b)(1) of this title,";

(II) by striking "of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title"; and

(III) by inserting "interstate" after "regular route";

(iv) by striking subparagraph (D);

(v) in subparagraph (E) by striking "certificate issued" and inserting "authority granted" in lieu thereof; and

(vi) by striking subparagraphs (F), (H) and (I);

(C) by striking subparagraphs (3) through (9); and

(D) by amending the title to read "Special Powers Relating to Motor Carriers";

(3) Section 10935, as amended as follows:

(A) in subsection (a) by striking "and interstate authority under a certificate issued under section 10922 of this subchapter, to provide" and inserting "and providing interstate" in lieu thereof;

(B) in subsection (e):

(i) in subparagraph (1)(A) by striking "Subject to paragraph (3) of this subsection, if" and inserting "If" in lieu thereof;

(ii) in subparagraph (1)(B) by striking "August 1, 1982" and inserting "the date of enactment of the Interstate Commerce Commission Sunset Act of 1987" in lieu thereof; and

(iii) by striking subparagraphs (2) and (3);

(C) in subsection (g)(2) by striking "or (e)(2)"; and

(D) in subsection (h) by striking "a motor common carrier of passengers subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title corresponding to an interstate service initiated pursuant to the provisions of section 10922(c)(4) of this title" and inserting "an interstate" in lieu thereof.

(f) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 111 of title 49, United States Code, effective October 1, 1987—

(1) Section 11101(a), as amended by striking the second sentence;

(2) Section 11103;

(3) Section 11104;

(4) Section 11105, insofar as that provision applies to rail carriers;

(5) Section 11121, as amended by striking "11127,";

(6) Section 11122;

(7) Section 11123;

(8) Section 11124;

(9) Section 11125;

(10) Section 11126, as amended by striking "11127,";

(11) Section 11128, as amended by striking "sections 11123(a)(4) and 11127(a)(1)(C)" and inserting "section 11123(a)" in lieu thereof;

(12) Section 11141, insofar as it applies to rail carriers;

(13) Section 11143, insofar as it applies to rail carriers;

(14) Section 11144, insofar as it applies to rail carriers;

(15) Section 11145, as amended as follows:

(A) in subsection (a) by inserting "rail" before the word "carriers" and by striking "brokers" and "or express";

(B) in subsection (b) by striking "broker," and the second sentence; and

(C) by striking subsection (c); and

(16) Subchapter IV.

(g) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 113 of title 49, United States Code, effective October 1, 1987—

(1) Section 11301, as amended by striking "or sleeping car" in subsection (a)(1);

(2) Section 11303, insofar as that provision applies to rail carriers;

(3) Section 11322;

(4) Section 11348(b), insofar as that provision applies to rail carriers; and

(5) Subchapter IV.

(h) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 115 of title 49, United States Code, effective October 1, 1987:

(1) Section 11501, as amended as follows:

(A) by striking subsection (a);

(B) in the first sentence of subsection (c):

(i) by inserting "or passenger transportation" after "title";

(ii) by inserting "or in the case of passenger transportation, with the standards applicable to rail transportation of property" at the end of the sentence;

(C) in subsection (d) by inserting "or passenger transportation" in subparagraph (1) after "title";

(D) in subsection (e):

(i) in subparagraph (1) by striking "transportation subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title" and inserting "interstate transportation" in lieu thereof;

(ii) in subparagraph (5) by striking "subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title" and by striking "authorized"; and

(iii) by striking subparagraph (6);

(E) by striking subsection (g); and

(F) by adding the following new subparagraph at the end of the section:

"(f) Notwithstanding any other provision of law, no State or political subdivision thereof and no interstate agency or other political agency of two or more States shall enact or enforce any law, rule, regulation, standard, or other provision having the force and effect of law relating to interstate or intrastate rates, routes, or services of any motor carrier, motor private carrier, water carrier, freight forwarder, or broker that provides transportation of property in interstate commerce.".

(2) Section 11502, as amended as follows:

(A) in subsection (a):

(i) by striking "subchapter I, III, or IV of"; and (ii) by striking subparagraph (2);

(B) in subsection (b) by striking "subchapter I or IV of"; and

(C) in subsection (c) by striking "subchapter I or III of";

(3) Section 11503;

(4) Section 11504, as amended as follows:

(A) in subparagraph (a)(2) by striking ", express, or sleeping car";

(B) by striking subparagraph (b)(2); and

(C) by striking subsection (c);

(5) Section 11505, as amended by striking subsection (b); and

(6) Section 11507.

(i) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 117 of title 49, United States Code, effective October 1, 1987:

(1) Section 11701, as amended as follows:

(A) in subsection (a):

(i) by striking ", broker or freight forwarder";

(ii) by striking the last two sentences; and

(B) in subsection (b):

(i) by striking ", or broker for,";

(ii) by striking in the first sentence "or a motor carrier or a motor private carrier providing transportation under a certificate of registration issued under section 10530 of this title, or freight forwarder";

(iii) by striking "and, if it is against a water carrier, must be made under oath"; and

(iv) by striking the last sentence;

(2) Section 11702, as amended as follows:

(A) subparagraph (a)(1) is amended by striking "or 10933";

(B) subparagraph (a)(2) is amended to read as follows:

"(2) to enforce section 11109 of this title and to compel compliance with the order of the Secretary under that section; and";

(C) by striking subparagraph (a)(4); and

(D) by striking subsection (b);

(3) Section 11703;

(4) Section 11705, as amended as follows:

(A) by striking "subchapter I or III of" wherever it appears;

(B) in subsection (a) by striking "or a freight forwarder";

(C) in subsection (b):

(i) in subparagraph (1) by striking "or a freight forwarder" and "or the applicable freight forwarder rate"; and

(ii) by striking subparagraph (3);

(D) by striking the last sentence in subparagraph (c)(1); and

(E) in subparagraph (d)(1):

(i) by striking "if a rail carrier,";

(ii) by striking ", or (D) if a water carrier, in which a port of call on a route operated by that carrier is located"; and

(iii) by inserting "or" before the designator (C);

(5) Section 11706, as amended as follows:

(A) in subsection (a) by striking "or a freight forwarder" and "or freight forwarder";

(B) in subsection (b) by striking "subchapter I or III of";

(C) by striking subparagraph (c)(2); and

(D) in subsection (d) by striking "(c)(1)" and inserting "(c)" in lieu thereof;

(6) Section 11707, as amended as follows:

(A) in subsection (a)(1):

(i) by striking ", II, or IV" each time it appears;

(ii) by striking "and a freight forwarder" in the first sentence;

(iii) by striking "or a freight forwarder" in the second and fourth sentences; and

(iv) by striking ", except in the case of a freight forwarder" in the third sentence;

(B) by striking subparagraph (a)(2); and

(C) in subsection (c) by striking subparagraphs (2) and (3);

(7) Section 11709; and

(8) Section 11710.

(j) There are hereby transferred to and vested in the Secretary of Transportation all functions, powers and duties of the Interstate Commerce Commission under the following sections of chapter 119 of title 49, United States Code, effective October 1, 1987—

(1) Section 11901, as amended as follows:

(A) by striking subsections (g) through (k); and

(B) by striking subparagraph (1)(2);

(2) Section 11902;

(3) Section 11903;

(4) Section 11904, as amended by striking subsections (b), (c), and (d);

(5) Section 11907;

(6) Section 11909(a);

(7) Section 11910, as follows:

(A) subparagraph (a)(1) and subsections (c) and (d); and

(B) subsection (b), insofar as it applies to rail carriers;

(8) Section 11911;

(9) Section 11913;

(10) Section 11913a;

(11) Subsection (a) of section 11914;

(12) Section 11915; and

(13) Section 11916.

MISCELLANEOUS AMENDMENTS

SEC. 206. (a) Section 10730 of title 49, United States Code is amended:

(1) by repealing subsection (a);

(2) by amending subsection (b) to read as follows—

"(A) Subject to the provisions of paragraph (2) of this subsection, a motor common carrier may agree with a shipper that the liability of the carrier for such property is limited to a value established by written declaration of the shipper or by written agreement between the carrier and shipper if that value would be reasonable under the circumstances surrounding the transportation.

"(B) Before a carrier may limit a contract of carriage for any service under paragraph (1) of this subsection, it shall provide a contract of carriage for such service which does not limit the liability of the carrier."; and

(3) in subsection (c) by striking "providing transportation or service subject to the jurisdiction of the Commission under subchapter I of chapter 105 of the title".

(b) Section 10732 is amended:

(1) by striking "food and grocery" both times it appears;

(2) by striking subparagraph (b) and the paragraph designator "(a)"; and

(3) by amending the title to read "Backhaul Allowances".

(c) Section 10744 is amended:

(1) in subsection (a)(1) by striking ", motor, or water common";

(2) in subsections (b) and (c)(3) by striking "or express"; and

(3) by striking subsection (c)(2).

(d) Section 10922(1) is amended to read as follows—

"(1) Whenever the President of the United States determines that the government of any foreign country contiguous to the United States or the government of any political subdivision or any instrumentality of such country, has engaged in unfair, discriminatory, or restrictive practices that have a substantial adverse competitive impact upon a United States transportation company providing, or seeking to provide motor carrier transportation of property or passengers to, from or within such foreign country, the President shall seek elimination of such practices through consultations.

"(2) Notwithstanding any other provision of law, when consultations fail to result in the elimination of the unfair, discriminatory, or restrictive practices cited in subparagraph (1), the President may suspend, modify, amend, condition, or limit operations in the United States by motor carriers of property or passengers domiciled in such foreign country or owned or controlled by persons of such foreign country, if the President determines such action to be in the national interest. The President shall publish notice of such determination, including the reasons for the determination and the action being proposed, in the Federal Register. Unless the President determines that expeditious action is required, the President shall provide an opportunity for presentation of views concerning the taking of such action.

"(3) The President may also remove or modify any action taken under subparagraph (2) if the President determines that such removal or modification is likewise in the national interest.

"(4) The President may delegate any or all authority under this subsection to the Secretary of Transportation who shall consult with other agencies as appropriate. Any suspension, modification, amendment, condition, or limitation imposed under subparagraph (2), and documentary requirements that may be necessary to institute and enforce such actions, shall be accomplished in accordance with directions of the President under regulations issued by the Secretary of Transportation, in consultation with other agencies as appropriate. Such regulations and orders shall be enforced by the Department of Transportation, the Department of the Treasury, and the Department of Justice.

"(5) This section shall in no way affect the requirement for all foreign motor carriers operating in the United States to comply fully with all applicable laws and regulations pertaining to safety fitness; safety of operation; financial responsibility; and taxes imposed by section 4481 of the Internal Revenue Code of 1986.".

(e) Section 11109 is amended by striking the parenthetical phrase both times it appears.

(f) Section 11917(a) is amended:

(1) by striking "a" and inserting "an interstate" before "shipment"; and

(2) by striking "a shipment of household goods which is subject to the jurisdiction of the Commission under subchapter II of chapter 105 of this title".

(g) Nothing in this Act, the Shipping Act, 1916, or the Intercoastal Shipping Act, 1933 shall be construed to confer upon the Federal Maritime Commission jurisdiction over any carrier providing water transportation between the contiguous United States and Hawaii, Alaska, or a United States territory or possession as part of a joint through transportation arrangement with a carrier providing interstate transportation within the continental United States.

AMENDMENTS TO GENERAL DUTIES AND POWERS

SEC. 207. (a) Section 307 of title 49, United States Code, is repealed.

(b) Section 333 of title 49, United States Code, is amended:

(1) by striking subparagraph (d)(1)(C) and redesignating subparagraphs (D) and (E) as "(C)" and "(D)", respectively; and

(2) by striking subsection (e).

(c) Chapter 5 of title 49 United States Code is amended by adding the following section:

"Two years from the effective date of this Act, the Secretary of Transportation shall submit a status report and evaluation, including recommendations, to Congress concerning implementation of the National Governors' Association Consensus Agenda on standards for uniform State regulation of interstate motor carriers.".

(d) Section 3101 of title 49, United States Code, is amended in subparagraph (3):

(1) by inserting "interstate" before the word "transportation" the first time it appears; and

(2) by striking "referred to in section 10521(a) of this title".

(e) Subparagraph 3102(a)(1) of title 49, United States Code, is amended to read as follows:

"(1) defined as 'interstate transportation' by section 10102".

(f) Subparagraph 3103(a) of title 49, United States Code, is amended by striking "a motor carrier subject to subchapter II of chapter 105 of this title and a motor private carrier" and inserting "an interstate motor carrier or motor private carrier" in lieu thereof.

(g) Subsection 3104(a) of title 49, United States Code, is amended by adding the following new subparagraph:

"(3) require each of those carriers and interstate motor carriers to display on the vehicle such identification as the Secretary may require".

FEDERAL TRADE COMMISSION

SEC. 208. (a) Motor carriers, water carriers (except those regulated by the Federal Maritime Commission), freight forwarders and railroad passenger carriers shall be subject to the jurisdiction of the Federal Trade Commission under the Federal Trade Commission Act, as amended (15 U.S.C. 41-58) and section 11 of the Clayton Act (15 U.S.C. 21).

(b) The Federal Trade Commission is empowered exclusively to enforce the household goods regulations for motor carriers under 49 CFR 1056 and for freight forwarders under 49 CFR 1085, which regulations shall remain in effect until revised or revoked by the Federal Trade Commission under subsection (c) of this section.

(c) The Federal Trade Commission shall institute a proceeding within one hundred and twenty days of the enactment of this Act to review the necessity and effectiveness of 49 CFR 1056 and 1085 and, where appropriate, make revisions (1) to ensure that shippers of household goods receive adequate protection in their dealings with carriers, and (2) to eliminate unnecessary regulations. The initial proceeding conducted to implement this section shall be governed by section 553 of title 5, United States Code, and the Federal Trade Commission may dispense with the rulemaking requirements imposed under section 57a of title 15, United States Code, except that any such rule promulgated shall be subject to the judicial review procedures of section 57a(e) of title 15, United States Code. This proceeding shall be completed within one year after commencement of the proceeding.

(d) Not later than one year after the Federal Trade Commission issues its final regulations pursuant to subparagraph (c), all departments, agencies and instrumentalities of the United States shall revise and conform their rules and regulations pertaining to the transportation of household goods for the United States to those household goods regulations issued by the Federal Trade Commission.

TRANSFER AND ALLOCATIONS OF APPROPRIATIONS AND PERSONNEL

SEC. 209. (a) The personnel (including career members of the Senior Executive Service and excluding all political appointees) employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with, any function transferred by this Act, subject to section 1531 of title 31, United States Code, shall be transferred to the head of the agency to which such function is transferred for appropriate allocation. Personnel employed in connection with functions so transferred shall be transferred in accordance with any applicable laws and regulations relating to transfer of functions. Unexpended funds transferred pursuant to this subsection shall only be used for the purpose and period of time for which the funds were originally authorized and appropriated. The unobligated balance of appropriations available in connection with any function abolished by this Act shall lapse on October 1, 1987, and the obligated balance of such appropriations shall be transferred to the Secretary of Transportation for the purpose of administering the payment of such obligations.

(b) In the absence of enacted appropriations thirty days in advance of the transfer date, the Director of the Office of Management and Budget is authorized and directed, in consultation with the heads of the agencies affected by such transfer, to determine the number of personnel to be transferred.

(c) In order to facilitate the transfers made by this Act, the Director of the Office of Management and Budget is authorized and directed, in consultation with the Interstate Commerce Commission and the heads of the agencies to which functions are so transferred, to make such determinations as may be necessary with regard to the functions so transferred, and to make such additional incidental dispositions of personnel, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to, or to be made available in connection with, such functions, as may be necessary to resolve disputes between the Interstate Commerce Commission and the agencies to which functions are transferred by this Act.

(d) The Chairman of the Interstate Commerce Commission, the Secretary of Transportation, and the Chairman of the Federal Trade Commission shall, beginning as soon as practicable after the date of enactment of this Act, effect the transfer of functions and personnel pursuant to this Act.

(e) With the consent of the Interstate Commerce Commission, the head of each agency to which functions are transferred by this Act is authorized to use the services of such officers, employees, and other personnel of the Commission for such period of time up to September 30, 1987, as may reasonably be needed to facilitate the orderly transfer of such functions.

SAVINGS PROVISIONS

SEC. 210. (a) All orders, determinations, rules, regulations, permits, contracts, certificates, licenses, and privileges:

(1) which have been issued, made, or granted by any agency or official thereof, or by a court of competent jurisdiction, in the performance of any function which is transferred by this Act from the Interstate Commerce Commission to another agency and

(2) which are in effect on October 1, 1987, shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the head of the agency to which such function is transferred, or other authorized officials, a court of competent jurisdiction, or by operation of law.

(b) The transfers of functions made by this Act shall not affect any proceedings or any application for any license, permit, or certificate relating to transferred functions pending before the Interstate Commerce Commission at the time such transfers take effect; but such proceedings and applications, to the extent that they relate to functions so transferred, shall be continued. Orders shall be issued in such proceedings, and appeals may be taken therefrom, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

(c) Except as provided in subsection (e):

(1) the transfer of any function under this Act shall not affect any suit relating to such function which is commenced prior to the date the transfer takes effect, and

(2) in all such suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

(d) No suit, action, or other proceeding commenced by or against any officer in his or her official capacity as an officer of the Interstate Commerce Commission shall abate by reason of the transfer of any function under this Act. No cause of action by or against the Interstate Commerce Commission, or by or against any officer thereof in his or her official capacity, shall abate by reason of the transfer of any function under this Act.

(e) If, before October 1, 1987, the Interstate Commerce Commission, or officer thereof in his or her official capacity, is a party to a suit relating to a function transferred by this Act, then such suit shall be continued with the head of the Federal agency to which the function is transferred.

(f) With respect to any function transferred to another agency by this Act and exercised after the effective date of such transfer, reference in any Federal law to the Interstate Commerce Commission or the Commission (insofar as such term refers to the Interstate Commerce Commission), or to any officer or office of the Interstate Commerce Commission, shall be deemed to refer to that agency, or other official or component of the agency, in which such function vests.

(g) In the exercise of any function transferred under this Act, the head of the agency to which such function is transferred shall have the same authority as that vested in the Interstate Commerce Commission with respect to such function, immediately preceding its transfer, and actions of the head of such agency in exercising such function shall have the same force and effect as when exercised by the Interstate Commerce Commission.

(h) In exercising any function transferred by this Act, the head of the agency to which such function is transferred shall give full consideration to the need for operational continuity of the function transferred.

DEFINITIONS

SEC. 211. For purposes of this Act:

(1) the term "agency" has the same meaning such term has in section 551(1) of title 5, United States Code; and

(2) the term "function" means a function, power, or duty.

CONFORMING AMENDMENTS

SEC. 212. (a) The provisions and chapter analyses of title 49, United States Code, shall be amended to conform with the amendments made by this Act.

(b) The following provisions of chapter 1 of title 15, United States Code, are amended effective October 1, 1987—

(1) Section 18, by striking "Interstate Commerce Commission,";

(2) Section 19, by striking "trust companies, and common carriers subject to subtitle IV of title 49" and inserting "and trust companies," in lieu thereof;

(3) Subsection (a) of section 21, by striking "in the Interstate Commerce Commission where applicable to common carriers subject to subtitle IV of title 49;"; and

(4) Section 26, as amended:

(i) by striking "subtitle IV of title 49" and inserting "the Interstate Commerce Commission Sunset Act of 1987"; and

(ii) by striking "Interstate Commerce Commission" and inserting "Department of Transportation" in lieu thereof.

(c) Section 20 of title 15, United States Code, is repealed effective October 1, 1987.

SEVERABILITY CLAUSE

SEC. 213. If any provision of this Act, or the application of such provision to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to any other person or circumstance shall not be affected by such invalidation.

EFFECTIVE DATE

SEC. 214. This Act shall be effective upon enactment, except as specifically provided otherwise.

Title III—Motor Vehicle Information and Cost Savings Act of 1987

SEC. 301. This subtitle may be cited as the "Motor Vehicle Information and Cost Savings Act of 1987".

SEC. 302. Section 501 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2001) is amended to read as follows:

"DEFINITIONS

"SEC. 501. For purposes of this part:

"(1) The term 'automobile' means any 4-wheeled vehicle propelled by fuel which is manufactured primarily for use on public streets, roads, and highways (except any vehicle operated exclusively on a rail or rails), and which has a gross vehicle weight rating of 8,500 pounds or less.

"(2) The term 'fuel' means gasoline and diesel oil.

"(3) The term 'fuel economy' means the average number of miles traveled by an automobile per gallon of gasoline (or equivalent amount of diesel oil) consumed, as determined, by rule, by the EPA Administrator in accordance with procedures established under section 502.

"(4) The term 'manufacturer' means any person engaged in the business of manufacturing or assembling new automobiles, including any person importing new automobiles for resale and any person who acts for and is under the control of such manufacturer, assembler, or importer in connection with the distribution of new automobiles.

"(5) The term 'import' means to import into the customs territory of the United States.

"(6) The term 'model type' means a particular class of automobile as determined, by rule, by the EPA Administrator.

"(7) The term 'model year', with reference to any specific calendar year, means a manufacturer's annual production period (as determined by the EPA Administrator) which includes January 1 of such calendar year. If a manufacturer has no annual production period, the term 'model year' means the calendar year.

"(8) The term 'EPA Administrator' means the Administrator of the Environmental Protection Agency.".

SEC. 303. Section 502 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2002) ("Average Fuel Economy Standards Applicable To Each Manufacturer") is repealed, except to the extent provided by section 4509 of this subtitle.

SEC. 304. Section 503 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2003) is amended by redesignating section 503 as section 502 and is further amended to read as follows:

"DETERMINATION OF FUEL ECONOMY

"SEC. 502. (a)(1) Fuel economy for any model type shall be measured in accordance with testing and calculation procedures established by the EPA Administrator, by rule, which produce results that simulate conditions of actual use. Procedures under this section, to the extent practicable, shall require that fuel economy tests be conducted in conjunction with emission tests conducted under section 206 of the Clean Air Act.

"(2) The EPA Administrator shall, by rule, determine that quantity of diesel oil which is the equivalent of one gallon of gasoline.

"(3) Testing and calculation procedures applicable to a model year, and any amendment to such procedures (other than a technical or clerical amendment), shall be promulgated not less than twelve months prior to the model year to which such procedures apply.

"(4) Proceedings under this section shall be conducted in accordance with section 553 of title 5, United States Code.".

SEC. 305. Section 504 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2004) is amended by redesignating section 504 as section 503 and is further amended to read as follows:

"JUDICIAL REVIEW

"SEC. 503. (a) Any manufacturer may, at any time prior to sixty days after a rule under section 502 or 504 is prescribed, file a petition in the United States Court of Appeals for the District of Columbia, or for any circuit wherein such manufacturer resides or has its principal place of business, for judicial review of such rule. A copy of the petition shall be forthwith transmitted by the clerk of such court to the officer who prescribed the rule. Such officer shall thereupon cause to be filed in such court the written submissions and other materials in the proceeding upon which such rule was based. Upon the filing of such petition, the court shall have jurisdiction to review the rule in accordance with chapter 7 of title 5, United States Code, and to grant appropriate relief as provided in such chapter.

"(b) If the petitioner applies to the court in a proceeding under subsection (a) for leave to make additional submissions, and shows to the satisfaction of the court that such additional submissions are material and that there were reasonable grounds for the failure to make such submissions in the administrative proceeding, the court may order the EPA Administrator to provide additional opportunity to make such submissions. The EPA Administrator may modify or set aside the rule involved or prescribe a new rule by reason of the additional submissions, and shall file any such modified or new rule in the court, together with such additional submissions. The court shall thereafter review such new or modified rule.

"(c) The judgment of the court affirming or setting aside, in whole or in part, any such rule shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

"(d) The remedies provided for in this section shall be in addition to, and not in lieu of, any other remedies provided by law.".

SEC. 306. Section 505 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2005) is repealed, except to the extent provided by section 4509 of this subtitle, and except for the following provisions which are redesignated as section 504:

"SEC. 504. (a)(1) Every manufacturer shall establish and maintain such records, make such reports, conduct such tests, and provide such items and information as the EPA Administrator may, by rule, reasonably require to enable the EPA Administrator to carry out his or her duties under this part and under any rules prescribed pursuant to this part. Such manufacturer shall, upon request of a duly designated agent of the EPA Administrator who presents appropriate credentials, permit such agent, at reasonable times and in a reasonable manner, to enter the premises of such manufacturer to inspect automobiles and appropriate books, papers, records, and documents. Such manufacturer shall make available all of such items and information in accordance with such reasonable rules as the EPA administrator may prescribe.

"(2) The district courts of the United States may, if a manufacturer refuses to accede to any rule or reasonable request made under paragraph (1), issue an order requiring compliance with such requirement or request. Any failure to obey such an order of the court may be treated as a contempt thereof.

"(b) Measurements and calculations under section 502 shall be made available to the public in accordance with section 552 of title 5, United States Code, without regard to subsection (b) of such section."

SEC. 307. Section 506 of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 2006) is amended by redesignating section 506 as section 505 and is further amended to read as follows:

"LABELING

"SEC. 505. (a)(1) Each manufacturer shall cause to be affixed, and each dealer shall cause to be maintained, on each automobile manufactured in any model year after the enactment of this Act, in a prominent place, a label—

"(A) indicating the fuel economy of such automobile,

"(B) containing a statement that written information (as described in subsection (b)(1)) with respect to the fuel economy of other automobiles manufactured in such model year (whether or not manufactured by such manufacturer) shall be made available by the EPA Administrator in such manner as he or she finds appropriate, in order to facilitate comparison among the various model types,

"(C) containing in the case of any automobile, the sale of which is subject to any Federal tax imposed with respect to automobile fuel efficiency, a statement indicating the amount of such tax, and

"(D) containing any other information authorized or required by the EPA Administrator which relates to information described in subparagraph (A) or (B).

"(2) The form and content of the label required under paragraph (1), and the manner in which such label shall be affixed, shall be prescribed, by rule, by the EPA Administrator. The time and manner by which the statement referred to in paragraph (1)(C) must be included on any label may be prescribed so as to take into account any special circumstances or characteristics. The EPA Administrator may permit a manufacturer to comply with this paragraph by permitting such manufacturer to disclose the information required under this subsection on the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(3) Proceedings under this section shall be conducted in accordance with section 553 of title 5, United States Code.

"(b) The EPA Administrator shall compile the data on fuel economy to be included on labels for automobiles manufactured in each model year. The EPA Administrator shall make these data available to the public in such manner as he or she finds appropriate.

"(c)(1) A violation of subsection (a) shall be treated as a violation of section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232). For purposes of the Federal Trade Commission Act (other than sections 5(m) and (18)), a violation of subsection (a) shall be treated as an unfair or deceptive act or practice in or affecting commerce.

"(2) As used in this section, the term 'dealer' has the same meaning as such term has in section 2(e) of the Automobile Information Disclosure Act (15 U.S.C. 1231(e)) except that in applying such term to this section, the term 'automobile' has the same meaning as such term has in section 501(1) of this part.

"(d) Any disclosure with respect to fuel economy or estimated annual fuel cost which is required to be made under the provisions of this section shall not create an express or implied warranty under State or Federal law that such fuel economy will be achieved, or that such cost will not be exceeded, under conditions of actual use.

"(e) In carrying out his duties under this section, the EPA Administrator shall consult with the Federal Trade Commission and the Secretary of Energy.".

SEC. 308. Sections 507-512 of the Motor Information and Cost Savings Act (15 U.S.C. 2007-2012) ("Unlawful Conduct"; "Civil Penalty"; "Effect on State Law"; "Use of Fuel Efficient Passenger Automobiles by the Federal Government"; "Retrofit Devices"; "Reports to Congress") are repealed, except to the extent provided by section 4509 of this subtitle.

SEC. 309. (a) This subtitle shall not affect any rights accrued, duties imposed, penalties, or other liabilities incurred or actions or suits commenced or that may be commenced with respect to any average fuel economy standard for any model year ending before the effective date of this subtitle.

(b) The EPA Administrator shall determine average fuel economy for any manufacturer that has a need to determine carryback credits and has filed a carryback plan for that purpose with the Secretary of Transportation for the model years in which the manufacturer plans to earn such credits. Average fuel economy shall be determined in accordance with testing and calculation procedures utilized by the EPA Administrator for model year 1975, or procedures which yield comparable results. The EPA Administrator shall report any such determinations of average fuel economy to the Secretary of Transportation.

SEC. 310. The provisions and chapter analyses of title 15, United States Code, shall be amended to conform with the amendments made by this subtitle.

SEC. 311. If any provision of this subtitle, or the application of such provision to any person or circumstance, is held invalid, the remainder of this subtitle and the application of such provision to any other person or circumstance shall not be affected by such invalidation.

SEC. 312. This subtitle shall be effective upon the date of its enactment, except to the extent provided by section 9 of this subtitle.

By Mr. SPECTER (for himself and Mr. HEINZ):

S. 714. A bill to recognize the organization known as the Montford Point Marine Association, Inc.; to the Committee on the Judiciary.

MONTFORD POINT MARINE ASSOCIATION

Mr. SPECTER. Mr. President, I am today introducing legislation which would grant a Federal charter to the Montford Point Marine Association. I am joined in this effort by my colleague from Pennsylvania, Senator HEINZ, and by Congressman WALTER FAUNTROY in the House of Representatives.

The proud history of this organization highly qualifies it for national recognition. It began on June 25, 1941, when President Franklin Roosevelt issued Executive Order No. 8802, allowing blacks to be recruited into the Marine Corps. There was tremendous response from young men eager to serve the country in a troubled time.

However, the blacks were not trained at either Parris Island or San Diego, traditional boot camps for marines, but rather were sent to Montford Point at Camp Lejeune, NC. Nearly 20,000 blacks trained at Montford Point from 1942 until President

Truman issued an Executive order integrating the Armed Forces in 1948.

The shared experiences of these distinguished and ground-breaking marines kept many in close touch. In 1965, a graduate of Montford Point, Brooks Gray, held a reunion of the first black marines in Philadelphia, which gave birth to the Montford Point Marine Association [MPMA]. Brooks was elected the first national president of the organization.

The MPMA established an open membership policy, opening itself to "all marines and veterans who honorably serve our country." Its statement of purpose reads as follows:

> To promote and preserve the strong bonds of friendship borne of shared adversities; and to devote ourselves to the furtherance of these friendships as Marines through the sharing of experiences and accomplishments to ensure more peaceful times.

The numerous MPMA chapters throughout the United States have become actively involved in civic affairs. While their primary focus is on assisting veterans, the chapters also foster educational opportunities through college scholarships and have engaged in community action projects.

Clearly, an organization with as broad a base of support and historic significance is deserving of a congressional charter. As a Senator representing the MPMA's national headquarters in Philadelphia, I am proud to introduce this legislation, and am hopeful that my colleagues will join with me in seeking its prompt passage.

Mr. HEINZ. Mr. President, I rise on this occasion to join my colleague Senator SPECTER in introducing legislation to extend a congressional charter to the Montford Point Marine Association.

The proud history of this organization highly qualifies it for national recognition. President Roosevelt made a historic civil rights advancement on June 25, 1941, when he issued Executive Order 8802 which allowed blacks to be recruited into the U.S. Marine Corps.

Thousands of blacks willing to serve their country during a time of war volunteered for the Marine Corps. Those blacks who entered the Marine Corps were trained at the Montford Point facilities of Camp Lejeune, NC. Almost 20,000 black marines received training at Montford Point from 1942 until President Truman issued an Executive order integrating Armed Forces in 1948.

The shared experiences of these distinguished servicemen led many to keep in touch after the war. In 1965, Montford Point graduate Brooks Gray held a reunion for Montford Point graduates in the Philadelphia area, and the Montford Point Marine Association was born soon after. Brooks Gray was elected the first national president of the organization.

Since 1965 the MPMA has grown to 23 chapters in 17 States across the country. While their primary focus is on assisting veterans, many of these chapters are involved in local civic affairs, and the chapters also foster educational opportunities through college scholarships and have engaged in community action projects.

Clearly, an organization with as broad a base of support and historic significance is deserving of a congressional charter. As a Senator representing the MPMA's national headquarters in Philadelphia, I am proud to join with Senator SPECTER in introducing this legislation and I urge my colleagues to join us in seeking its prompt passage.

By Mr. HARKINS:

S. 715. A bill to prohibit any active duty, commissioned officer of the Armed Forces of the United States from serving as the Assistant to the President for National Security Affairs, and for other purposes; to the Committee on Armed Services.

PROHIBITION ON ACTIVE DUTY OFFICERS SERVING AS ASSISTANT TO THE PRESIDENT FOR NATIONAL SECURITY AFFAIRS

Mr. HARKIN. Mr. President, much of the Nation's attention has been focused on the National Security Council [NSC] in recent weeks. A special review board of distinguished Americans, chaired by former-Senator John Tower, has examined the proper role of the National Security Council staff in national security operations, using the transfer of U.S. arms to the terrorist regime in Iran as a case study.

In its report to the President, the Tower board described "certain functions" of the National Security Adviser, who heads the NSC staff, "which appear essential to the effective discharge of the President's responsibilities in national security affairs." These functions included among others; Acting as an "honest broker" for the NSC process; and providing advice from the President's vantage point, "unalloyed by institutional responsibilities and biases."

An active duty military officer cannot adequately discharge the responsibilities cited by the Tower board because the officer's career constitutes at least the appearance of a conflict of interest. A uniformed National Security Adviser who is hoping for another star has a special problem in being an honest broker in disputed issues involving the Secretary of Defense and the Joint Chiefs of Staff; the advice of a uniformed National Security Adviser is by definition alloyed by institutional responsibilities and biases.

President Reagan's last National Security Adviser, Vice Adm. John Poindexter, remained on active duty with the Navy while he served in the White House, the only time an active duty officer has filled the position of National Security Adviser since it was created in 1953. We do not know how the admiral's active duty status influenced his staffing of the President on arms control, on large defense budget increases, and on other critical issues. We should not have to ask the question.

I am therefore introducing a bill today to prohibit an active duty military officer from serving as National Security Adviser to the President.

This action is not intended to suggest that former military officers cannot serve with distinction as National Security Adviser; retired Lt. Gen. Brent Scowcroft was one of the best. It is not intended to suggest that Vice Admiral Poindexter's active duty status was at the root of the Iran-Contra scandal; the causes were certainly much broader and more fundamental.

It is intended to signal that conflicts of interest or the appearance of such conflicts have no place in the most sensitive national security staff position at the White House. And it is premised on the belief that a military officer unwilling to resign his commission to serve the President as National Security Adviser does not belong in the job.

If the President would want the services of an active duty military officer to be his National Security Adviser, that individual would have to resign his or her commission in the service to take that position.

Mr. President, again, I believe very strongly that the tradition that we have had since 1953 of not having a uniformed person as National Security Adviser to the President is a good tradition, and I believe that the bill that I am introducing today will meet those demands made by the Tower Commission to have a National Security Adviser who is unbiased by any institutional responsibilities or biases.

By Mr. WALLOP (for himself, Mr. BAUCUS, Mr. DANFORTH, Mr. MOYNIHAN, Mr. CHAFEE, Mr. ROTH, Mr. BOREN, Mr. PRYOR, Mr. HEINZ, Mr. DURENBERGER, Mr. ARMSTRONG, Mr. RIEGLE, Mr. ROCKEFELLER, and Mr. SYMMS):

S. 716. A bill to amend the Internal Revenue Code of 1986 with respect to the allocation of research and experimental expenditures; to the Committee on Finance.

RESEARCH AND EXPERIMENTAL EXPENSE DEDUCTIONS

● Mr. WALLOP. Mr. President, our hopes for economic competitiveness, for technological leadership in world markets and for the continued growth of our standard of living rest squarely on our ability to provide sound public policy in the research and development field.

It is for this reason that I am joined by Mr. Baucus and Mr. Danforth in introducing legislation that would eliminate a Treasury regulation that actually discourages domestic research and development at a time when we must be doing all we can to encourage such activity through various components of "competitiveness" initiatives. In spearheading this effort we are also joined by 10 of our Finance Committee colleagues: Mr. Moynihan, Mr. Chafee, Mr. Roth, Mr. Boren, Mr. Pryor, Mr. Heinz, Mr. Durenberger, Mr. Armstrong, Mr. Riegle, Mr. Rockefeller, and a former member, Mr. Symms.

The R&D disincentive to which I refer is Treasury regulation section 1.861-8, which requires U.S. companies with foreign operations to apportion or allocate a percentage of their domestic R&D expenses to their income earned abroad. Since no foreign government recognizes this bookkeeping fiction, the net result is that full tax benefits are denied this portion of a company's R&D investment.

By treating U.S. R&D as if it were performed abroad, the regulation not only discourages domestic R&D, but actually encourages companies to move R&D overseas, where foreign governments offer more favorable tax treatment. We must recognize that when we export research and development, we not only export jobs, we export a vital component of our strategy to achieve economic competitiveness.

Section 1.861-8 is based on what Treasury says are theoretically sound accounting principles which allocate expenses not related to specific income groups to general overhead expense, which is then apportioned between domestic and foreign income. But, Mr. President, we are the only nation in the world that provides this disincentive for domestic R&D. Therefore, whatever the theoretical intent of the regulation may be, its effect places research intensive American companies at a disadvantage in the international marketplace.

Sound economic policy dictates that we foster, not impede, U.S. investment in R&D, and that we expand, not export, our technological base. The bill I am introducing today, and have introduced in the 98th and 99th Congresses, provides a permanent solution to the longstanding controversy surrounding section 1.861-8 by requiring expenses related to domestic research and development to be allocated to U.S. source income. This would bring U.S. tax regulations into line with international tax practices. More important, enactment of this legislation will help create new and more productive jobs in both our traditional and high technology sector, and will advance our competitive position in world markets, thereby contributing toward the reduction of our staggering trade deficits.

This body has recognized the disincentive effect of section 1.861-8 again and again since it was first promulgated in 1977. First, in 1981, we provided a 2-year moratorium of the regulation in the Economic Recovery Tax Act. At that time, we elected not to impose a permanent moratorium on the regulation in order to allow Treasury more time to study the issue. The disincentive effect of section 1.861-8 was then confirmed by Treasury in a subsequent 1983 report, and by an additional study by Arthur Andersen & Co. The 2-year moratorium imposed under ERTA was therefore extended for an additional 2 years by the Deficit Reduction Tax Act of 1984, and for another year by the Consolidated Omnibus Budget Reconciliation Act of 1986. Finally, a partial moratorium was provided by the Tax Reform Act of 1986. This latest moratorium expires on August 1, 1987, making this a current-year tax issue.

The conference report accompanying the Tax Reform Act directed Treasury to "reexamine its regulations in light of concerns expressed by the tax-writing committees of both Houses," and called for a permanent resolution of the allocation issue. The bill I am introducing provides the permanent solution that has eluded Treasury for these many years: Removal of the section 1.861-8 disincentive.

President Reagan demonstrated in his State of the Union message and in subsequent statements that competitiveness is his administration's top priority, and that R&D is a key determinant of economic competitiveness. In fact, the President specifically referred to the need for a permanent solution to the 1.861-8 problem in his February 19 message to Congress. I am therefore pleased to offer this bill in an effort to remove the serious threat posed by the regulation.

This measure has strong bipartisan support in both the Senate and the House, and it is my sincere hope that it will also have the endorsement of the administration. I wish to thank Mr. Baucus and Mr. Danforth and my other colleagues who have cosponsored this legislation and pledge to work with them for its early enactment.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ALLOCATION OF RESEARCH AND EXPERIMENTAL EXPENDITURES.

(a) Rules for Allocating Research and Experimental Expenditures.—Section 864 of the Internal Revenue Code of 1986 is amended by adding at the end thereof the following new subsection:

"(f) Allocation of Research and Experimental Expenditures.—

"(1) In general.—For purposes of sections 861(b), 862(b), and 863(b), all amounts allowable as a deduction for qualified research and experimental expenditures shall be allocated to income from sources within the United States and deducted from such income in determining the amount of taxable income from sources within the United States.

"(2) Qualified research and experimental expenditures.—For purposes of this subsection—

"(A) In general.—The term 'qualified research and experimental expenditures' means amounts—

"(i) which are research and experimental expenditures within the meaning of section 174, and

"(ii) which are attributable to activities conducted in the United States.

"(B) Treatment of depreciation, etc.—Rules similar to the rules of subsection (c) of section 174 shall apply.".

(b) Repeal of Provision Relating to 1-Year Modification for Allocating Research and Experimental Expenditures.—Section 1216 of the Tax Reform Act of 1986 is hereby repealed.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after August 1, 1986.●

● Mr. BAUCUS. Mr. President, I am pleased to join with Senator Wallop, Senator Danforth, and several of our Finance Committee colleagues to introduce legislation to permanently resolve the dispute over the allocation of domestic research and development expenses.

Many of us in this Chamber have been talking about the need to improve America's international competitiveness. By enacting this bill, we can do something about it.

Research is the lifeblood of economic progress. Edward Dennison of the Brookings Institute has found that 64 percent of the increased labor productivity from 1929-82 is directly attributable to technological advances. Nine of the 10 fastest growing U.S. industries are high-tech industries. And high-tech products account for 44 percent of all U.S. manufactured exports (1983).

However, America's technological lead is no longer as great as it once was. For example, the number of patents granted to U.S. inventors fell from 50,000 a year in 1971 to around 35,000 in the early 1980's. Japan and Germany, in particular, have increased their civilian R&D at a faster pace than we have: Between 1978 and 1983, U.S. civilian R&D as a share of GNP increased by 14 percent. Yet, between only 1978 and 1981, the share of GNP spent on civilian R&D in Germany and Japan increased by 21 percent and 19 percent, respectively. In addition, Japan and the EC have accelerated direct funding of commercial R&D projects. Japan has had an incremental R&D tax credit since 1966, as well as other incentives to encourage investment. Overall the United States has devoted a lower share of GNP to civilian R&D than France, Germany, Japan, and the United Kingdom.

Given the importance of research and development to maintaining our international competitiveness, we cannot afford to adopt tax policies that discourage domestic R&D. But that is precisely what we have done. Treasury Department regulation 861-8 provides that a proportion of the domestic R&D expenses of a company with overseas operations must be allocated against overseas income. This may be sound tax theory. But it has the practical effect of encouraging companies to shift R&D efforts to a foreign country in order to obtain a deduction in that country and thus obtain a full foreign tax credit on the income earned there.

Congress has long been concerned about the effect that regulation 861-8 has on domestic research. In 1981, 1984, and 1986 we enacted temporary moratoria against the regulation's application and directed the Treasury Department to study the regulation's impact on domestic research. In the 1986 Tax Reform Act, we enacted an additional moratorium that applied to 50 percent of research expenses. This partial moratorium expires in August.

Recently, President Reagan has expressed support for legal and regulatory stability regarding the allocation of R&D expenditures. The legislation we are introducing today provides that stability, by permanently providing that U.S. companies may allocate all of their domestic research expenses to domestic sources. By doing so, this legislation will eliminate a disincentive that discourages domestic research and therefore will help to make American companies more competitive in the international marketplace.

Mr. President, I would like to commend Senator WALLOP, in particular, for his consistent leadership on this issue. I look forward to working with him to enact this bill and thereby achieve a permanent research allocation rule that promotes America's international competitiveness.●

By Mr. PRESSLER (for himself, Mr. DASCHLE, Mr. DECONCINI, and Mr. MCCAIN):

S. 717. A bill to grant the consent of the Congress to the Western Low-Level Waste Disposal Compact; to the Committee on the Judiciary.

WESTERN LOW-LEVEL RADIOACTIVE WASTE DISPOSAL COMPACT CONSENT ACT

Mr. PRESSLER. Mr. President, today, I am introducing legislation for myself, Senators, DASCHLE, DECONCINI, and MCCAIN to grant the consent of the Congress to the Western Low-Level Radioactive Waste Disposal Compact. Congressman UDALL and the other members of the South Dakota and Arizona congressional delegation are introducing a companion bill in the House of Representatives. The compact was negotiated to meet the requirements of the Low-Level Radioactive Waste Policy Act.

To fulfill the requirements of the Low-Level Radioactive Waste Policy Act, South Dakota and Arizona negotiated an interstate compact to provide for the disposal of low-level radioactive waste generated in the two States. The compact has been approved by both the South Dakota and Arizona State Legislatures and has been signed by the Governors of both States. The Governors of the States have requested that the compact be introduced and approved by Congress.

Mr. President, I urge the Senate Judiciary Committee and the full Senate to give early consideration to this compact.

I ask unanimous consent that the text of the bill, South Dakota Gov. George Mickleson's letter, as well as former Governor Janklow's letter, regarding the Western Low-Level Waste Disposal Compact be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 717

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Western Low-Level and Radioactive Waste Disposal Compact Consent Act".

SEC. 2. CONGRESSIONAL FINDING.

The Congress hereby finds that the compact set forth in section 5 is in furtherance of the Low-Level Radioactive Waste Policy Act.

SEC. 3. CONDITION OF CONSENT TO COMPACT.

The consent of the Congress to the compact set forth in section 5:

(1) shall become effective on the date of the enactment of this Act;

(2) is granted subject to the provisions of the Low-Level Radioactive Waste Policy Act; and

(3) is granted only for so long as the regional commission established in the compact complies with all of the provisions of such Act.

SEC. 4. CONGRESSIONAL REVIEW.

The Congress may alter, amend, or repeal this Act with respect to the compact set forth in section 5 after the expiration of the 10-year period following the date of enactment of this Act, and at such intervals thereafter as may be provided in such compact.

SEC. 5. WESTERN STATES LOW-LEVEL RADIOACTIVE WASTE COMPACT.

In accordance with section 4(a)(2) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021d(a)(2)), the consent of Congress is hereby given to the States of Arizona, South Dakota, and any eligible States, as defined in article 7 of the Western Low-Level Waste Disposal Compact, to enter into such compact. Such compact is substantially as follows:

The Western Low-Level Waste Disposal Compact is adopted and enacted into law as follows:

ARTICLE 1. COMPACT POLICY AND FORMATION

The party States hereby find and declare all of the following:

The United States Congress, by enacting the Low-Level Radioactive Waste Policy Act, P.L. 96-573, 42 U.S.C. sec. 2021b to 2021d, inclusive, as amended on January 15, 1986, has encouraged the use of interstate compacts to provide for the establishment and operation of facilities for regional management of low-level waste.

It is the purpose of this compact to provide the means for such a cooperative effort between or among party States so that the protection of the citizens of the States and the States environments will be enhanced.

It is the policy of party States to this compact to encourage the reduction of the volume of low-level waste requiring disposal within the compact region.

It is the policy of the party States that the protection of the health and safety of their citizens and the most ecological and economical management of low-level radioactive wastes can be accomplished through cooperation of the States by minimizing the amount of handling and transportation required to dispose of these wastes and by providing facilities that serve the region.

Each party State is responsible for the primary regulation of sources of radiation within its jurisdiction.

ARTICLE 2. DEFINITIONS

As used in this compact the following definitions apply:

(1) "Commission," the Western Low-Level Radioactive Waste Commission established in article 3 of this Act;

(2) "Compact region" or "region," the area consisting of all party States;

(3) "Disposal," the permanent isolation of low-level waste pursuant to requirements established by the Nuclear Regulatory Commission and the Environmental Protection Agency under applicable laws, or by a party State if that State hosts a disposal facility;

(4) "Generate," when used in relation to low-level radioactive waste, to produce low-level radioactive waste;

(5) "Generator," a person whose activity, excluding the management of low-level waste, results in the production of low-level radioactive waste;

(6) "Host State," a party State in which a regional disposal facility is located or being developed;

(7) "Institutional control period," that period of time in which the facility license is transferred to the site owner for long-term observation and maintenance following the post-closure period in compliance with the appropriate regulations;

(8) "Low-level radioactive waste," radioactive material that meets both of the following requirements:

(a) The waste is not high-level radioactive waste, transuranic waste, spent nuclear fuel, by-product material as defined in section 11e. (2) of the Atomic Energy Act of 1954, **42 U.S.C. 2014(e)(2), as amended and in** effect on January 15, 1986, nor uranium mining and mill tailings;

(b) The waste is not any waste for which the Federal Government is responsible pursuant to section 3(b)(1) of the Low-Level

Waste Policy Amendments Act of 1985, P.L. 99-240 as in effect on January 15, 1986;

(9) "Management," collection, consolidation, storage, packaging, treatment of disposal;

(10) "Operator," a person who operates a regional disposal facility;

(11) "Party State," any State that has become a party in accordance with article 7 of this compact;

(12) "Person," an individual, corporation, partnership, or other legal entity, whether public or private;

(13) "Post-closure period," that period of time after completion of closure of a disposal site during which the licensee shall observe, monitor and carry out necessary maintenance and repairs at the disposal site to assure that the disposal site will remain stable and will not need ongoing active maintenance. This period ends with the beginning of the institutional control period;

(14) "Regional disposal facility," a nonfederal low-level radioactive waste disposal facility established and operated under this compact;

(15) "Site closure and stablization," the activities of the operator taken at the end of the disposal faciiility's operating life to assure the continued protection of the public from any residual radioactivity or other potential hazards present at the facility;

(16) "Transporter," a person who transports low-level radioactive waste;

(17) "Uranium mine and mill tailings," waste resulting from mining and processing of ores containing uranium.

ARTICLE 3. THE COMMISSION

There is hereby established the Western Low-Level Radioactive Waste Commission. The Commission shall consist of one voting member from each party State to be appointed by the Governor, confirmed by the senate of that party State, and to serve at the pleasure of the Governor of each party State. The host State shall also have on the Commission one voting member from the host country appointed by the host State Governor from a list of candidates submitted by the governing body of the host county and confirmed by the senate. The appointing authority of each party State shall notify the Commission in writing of the identity of the member and of any alternates. An alternate may act in the member's absence.

The host State shall also appoint that number of additional voting members of the Commission which is necessary for the host State's members to compose a majority of the membership on the Commission. The host State's additional members shall be appointed by the host State Governor and confirmed by the senate of that host State. The host county member shall serve at the pleasure of the Governor of the host State.

If there is more than one host State, only the State in which is located the regional disposal facility actively accepting waste pursuant to this compact may appoint these additional members.

If the host county has not been selected at the time the Commission is appointed, the Governor of the host State shall appoint an interim local government member, who shall be an elected representative of a local government. After a host county is selected, the interim local government member shall resign and the Governor shall appoint the host county member from the list of candidates and the appointment shall be subject to confirmation by the senate of the host State.

If the Governing body of the host county does not provide a list to the Governor of at least seven candidates from which to choose, the Governor shall appoint a resident of the host county as the host county member.

The Commission is a legal entity separate and distinct from the party States and shall be so liable for its actions. No members of the Commission may be personally liable for actions taken in their official capacity. The liabilities of the Commission shall not be deemed liabilities of the party States.

The Commission shall conduct its business affairs pursuant to the laws of the host State and disputes arising out of Commission action shall be governed by the laws of the host State.

The Commission's records shall be subject to the host State's public records law and the meetings of the Commission shall be open and public in accordance with the host State's open meeting law.

The Commission members are public officials of the appointing State and shall be compensated according to the appointing State's laws. Commission members shall be subject to the conflict of interest laws of their appointing States.

Each Commission member is entitled to one vote. A majority of the Commission constitutes a quorum. Unless otherwise provided in this compact, a majority of the total number of votes on the Commission is necessary for the board to take any action.

The Commission has all of the following duties and authority:

(1) The Commission shall do whatever is reasonably necessary to ensure that low-level wastes are safely disposed of within the region;

(2) The Commission shall meet at least once a year and otherwise as business requires;

(3) The Commission shall establish a compact surcharge to be imposed upon generators who dispose waste at a regional disposal facility. The surcharge may be based upon the cubic feet of waste disposed or the total radioactivity of the waste disposed or both at a licensed disposal facility. The Commission shall impose the surcharge after congressional approval of the compact. The amount of the surcharge shall be sufficient to establish and maintain at a reasonable level the funds for all of the following purposes:

(a) The activities of the Commission and Commission staff. Until surcharges are sufficient for these purposes, the expenses of the Commission shall be charged back against each party State in proportion to the number of members each State has on the Commission subject to the availability of appropriations in each respective State;

(b) The establishment, at the discretion of the Commission, of a third party liability fund to provide compensation for injury to persons or property during the operational, closure and stabilization, post-closure and institutional control periods of the regional disposal facility;

(c) The establishment of a local government reimbursement fund, for the purpose of reimbursing the local government entity or entities hosting the regional disposal facility for reasonable costs or increased burdens on the local governmental entity for services, including, but not limited to, general fund expenses, the improvement and maintenance of roads and bridges, fire protection, law enforcement, monitoring by local health officials and emergency preparation and response;

(4) The Commission shall establish a fiscal year which conforms to the fiscal years of the party States to the extent possible;

(5) The Commission shall keep an accurate account of all receipts and disbursements. An annual audit of the books of the board shall be conducted by an independent certified public accountant, and the audit report shall be made a part of the annual report of the Commission;

(6) The Commission shall prepare and include in the annual report a budget showing anticipated receipts and disbursements for the subsequent fiscal year;

(7) The Commission may accept any grants, equipment, supplies, or materials. The nature, amount and condition, if any, or services, conditional or otherwise, from Federal or State government of any donation, grant or other resources accepted pursuant to this subdivision and the identity of the donor or grantor shall be detailed in the annual report of the Commission;

(8) The Commission shall submit communications to the Governors and to the presiding officers of the legislatures of the party States regarding the activities of the Commission, including an annual report to be submitted on or before December fifteenth of each year. The Commission shall include in the annual report a review of, and recommendations for waste disposal methods, which are alternatives to the shallow land burial of low-level radioactive waste;

(9) The Commission shall assemble and make available to the party States, and to the public, information concerning low-level radioactive waste management needs, technologies and problems;

(10) The Commission shall keep a current inventory of all generators within the region, based upon information provided by the party States;

(11) The Commission shall keep a current inventory of all regional disposal facilities, including information on the size, capacity, location, specific wastes capable of being managed and the projected useful life of each regional disposal facility;

(12) The Commission may establish a technical advisory committee for the purpose of advising the Commission on the management of low-level radioactive waste;

(13) The Commission may enter into contracts to carry out its duties and authority, subject to projected resources. No contract made by the Commission shall bind a party State;

(14) The Commission shall prepare contingency plans, with the cooperation and approval of the host State, for the management of low-level waste in the event that any regional disposal facility should be closed;

(15) The Commission shall examine all records of operators of regional disposal facilities which concern operating costs, profits, or the assessment or collection of any charge, fee, or surcharge, and may make recommendations to the host State. Upon receiving such a recommendation, the host State shall review the recommendations in accordance with its own laws;

(16) The Commission may sue and be sued and, when authorized by a majority vote of the members, may seek to intervene in any administrative or judicial proceeding related to this compact and its purposes;

(17) The Commission shall be managed by an appropriate staff, including an executive director. Notwithstanding any other provision of law, the Commission may hire or retain, or both, legal counsel;

(18) The Commission may, subject to applicable Federal and State laws, recommend to the appropriate agency suitable transportation routes for low-level radioactive waste carriers;

(19) The Commission may enter into agreements with any person, State, regional body, or group of States for the importation of low-level radioactive waste into the region and for access to facilities outside the region for waste generated within the region. The Commission may enter into an agreement to import low-level radioactive waste into the region only if both of the following requirements are met:

(a) The Commission approves the agreement by a two-thirds vote of the Commission, including a unanimous vote of the representatives of the host State in which any affected regional facility is located;

(b) The Commission and the host State assess the affected regional disposal facilities' capability to handle these low-level radioactive wastes and any relevant environmental, transportation and economic factors, as defined by the appropriate regulatory authorities;

(20) Until such time as a regional disposal facility becomes capable of receiving low-level radioactive wastes generated within the region, any individual generator or group of generators in the region may export wastes to a waste disposal facility located outside the region. Thereafter, the Commission may, upon petition, allow an individual generator or group of generators in the region to export wastes to a waste disposal facility located outside the region. The Commission may approve such a petition only by a two-thirds vote of the Commission, including a unanimous vote of the representatives of the host State in which any affected regional disposal facility is located. This permission to export wastes shall be effective for that period of time and for the amount of low-level radioactive waste, and subject to any other term or condition, which may be determined by two-thirds vote of the Commission and approved by the affected host State;

(21) The Commission shall develop, adopt and maintain a regional low-level radioactive waste management plan to ensure the safest and most effective handling of waste within the region. The plan may include, but not be limited to, specifications for treatment and disposal of low-level radioactive waste utilizing the best available technology;

(22) The Commission shall, not later than five years before the closure of the initial or subsequent regional disposal facility, prepare a plan for the establishment of a new disposal facility; and

(23) When Federal law establishes standards for the disposal of mixed wastes, the Commission and operator shall assist the host State in the development of appropriate procedures and disposal methods for the disposal of mixed wastes.

ARTICLE 4. RIGHTS, RESPONSIBILITIES AND OBLIGATIONS OF PARTY STATES

There shall be regional disposal facilities sufficient to dispose of the low-level waste generated within the region.

Low-level waste generated within the region shall be disposed of at regional disposal facilities and each party State shall have access to any regional disposal facility without discrimination. The host State, may, however, close its regional disposal facility when necessary for public health or safety.

Upon the effective date of this compact, the State of Arizona shall serve as the host State and shall comply with the requirements of this article for at least twenty-five years from the date the regional waste disposal facility begins to accept low-level radioactive waste for disposal, except that if a subsequently eligible State enters the compact and that State generates more low-level radioactive waste than Arizona, then that State shall, at the option of Arizona, become the host State. The extension of the obligation and duration shall be at the option of the host State.

A party State which generates less than twenty per cent of the total low-level radioactive waste generated in the compact region shall not serve as a host State. Low-level radioactive wastes generated by the dismantling or decommissioning of the pathfinder nuclear power plant in South Dakota shall not be counted in determining whether South Dakota may be a host State.

The party States of this compact cannot be members of another regional low-level radioactive waste compact entered into pursuant to the Low-Level Radioactive Waste Policy Act, 42 U.S.C. sec. 2021b to 2021d, inclusive, as amended and in effect on January 15, 1986.

(1) A host State shall do all of the following:

(a) Site and develop a regional disposal facility on a timely basis conforming with the schedule established by the Low-Level Radioactive Waste Policy Amendments Act of 1985, P.L. 99-240;

(b) Ensure by law, consistent with any applicable Federal laws, the protection and preservation of public health and safety in the siting, design, development, licensing, regulation, operation, closure, decommissioning and long-term care of the regional disposal facilities with the State;

(c) Ensure that charges for disposal of low-level waste at the regional disposal facility are reasonably sufficient to ensure the safe disposal and perpetual care of the regional facility and that charges are assessed without discrimination as to the party State of origin;

(d) Submit an annual report to the Commission on the status of the regional disposal facility including projections of the facility's anticipated future capacity;

(e) Notify the Commission immediately upon the occurrence of any event which could cause a possible temporary or permanent closure of a regional disposal facility within the State at a time earlier than was projected in the State's most recent annual report to the Commission;

Each party State is subject to the following duties and authority:

(1) To the extent authorized by Federal law, each party State shall develop and enforce procedures requiring low-level radioactive waste shipments originating within its borders and destined for a regional disposal facility to conform to packaging and transportation requirements and regulations. These procedures shall include, but are not limited to, all of the following requirements:

(a) Periodic inspections of packaging and shipping practices;

(b) Periodic inspections of low-level radioactive waste containers while in custody of transporters;

(c) Appropriate enforcement actions with respect to violations;

(2) A party State may impose a surcharge on the waste generators within the State to pay for inspections of shipments originating within its borders and destined for a regional disposal facility;

(3) To the extent authorized by Federal law, each party State shall, after receiving notification from a host State that a person in a party State has violated packaging, shipping or transportation requirements or regulations, take appropriate actions to ensure that these violations do not recur. Appropriate actions may include, but are not limited to, requiring that a bond be posted by the violator to pay the cost or repackaging at the regional disposal facility and requiring that future shipments be inspected;

(4) Each party State shall maintain a registry of all generators within the State that may have low-level radioactive waste to be disposed of at a regional disposal facility;

(5) Each party State shall encourage generators within its borders to minimize the volume of low-level radioactive waste requiring disposal;

(6) Each party State may rely on the good faith performance of the other party States to perform those acts which are required by this compact to provide regional disposal facilities, including the use of the regional disposal facilities in a manner consistent with this compact;

(7) Each party State shall provide the Commission with any data and information necessary for the implementation of the Commission's responsibilities, including taking those actions necessary to obtain this data or information;

(8) Each party State agrees that only low-level radioactive waste generated with the boundaries of the party States shall be disposed of in the regional disposal facility, except as provided in subdivisions (19) and (20) of article 3;

(9) Each party State agrees that for any injury to persons or property resulting from a regional disposal facility, the damages resulting from the injury may be paid from the third party liability fund established pursuant to subsection (b) of subdivision (3) of article 3. No party State by joining this compact assumes any liability resulting from the siting, operation maintenance, long-term care or other activity relating to a regional facility, and no party State may be liable for any harm or damage resulting from a regional facility not located within its boundaries.

(10) If no operating regional disposal facility exists on January 1, 1996 the designated host State shall provide arrangements for all low-level radioactive waste generated within the region in the same manner and to the same extent it is required by Federal law to provide arrangements for low-level radioactive waste generated within its boundaries. This obligation to a party State undertaken by the host State shall expire upon the termination of this compact or the withdrawal of such party State. The party States agree that January 1, 1996 is the final date for compliance with the disposal requirements of Federal law as set out in the Low-Level Radioactive Waste Policy Amendments Act of 1985, P.L. 99-241, and hereby state their intent to amend this compact if necessary to conform to future Federal legislation changing this deadline date.

ARTICLE 5. APPROVAL OF REGIONAL FACILITIES

A regional disposal facility shall be approved by the host State in accordance with its laws.

ARTICLE 6. PROHIBITED ACTS AND PENALTIES

No person may dispose of low-level radioactive waste within the region unless the disposal is at a regional disposal facility, except as otherwise provided in subdivisions (19) and (20) of article 3.

No person may manage any low-level waste within the region unless the waste was generated within the region, except as provided in subdivisions (19) and (20) of article 3.

Violations of this section shall be reported to the appropriate law enforcement agency within the party State's jurisdiction.

ARTICLE 7. ELIGIBLITY, ENTRY INTO EFFECT, CONGRESSIONAL CONSENT, WITHDRAWAL, EXCLUSION

The States of South Dakota, Arizona, and North Dakota are initially eligible to become parties to this compact. Any other State may be made subsequently eligible by a majority vote of the Commission and ratification by the legislatures of the party States by statute. The host State may establish all terms and conditions for the entry of any subsequent eligible State as a member of this compact.

Upon compliance with the other provisions of this article, an eligible State may become a party State by legislative enactment of this compact or by executive order of the Governor of the State adopting this compact. A State becoming a party State by executive order shall cease to be a party State upon adjournment of the first general session of its legislature convened after the executive order is issued, unless before the adjournment the legislature enacts this compact.

A party State may withdraw by repealing the enactment of this compact but no such withdrawal shall become effective until two years after enactment of the repealing legislation. If the withdrawing State is a host State, any regional facility in that State shall remain available to receive low-level waste generated within the region until five years after the effective date of the withdrawal. For States that generate less than twenty per cent of the region's low-level radioactive waste immediately prior to withdrawal, however, a withdrawing host State shall provide arrangements for low-level radioactive waste generated within those States in the same manner and to the same extent it provides for low-level radioactive waste generated within its own boundaries.

A party State may be excluded from this compact by a two-thirds vote of the Commission members, acting in a meeting, if the State to be excluded has failed to carry out any obligations required by the compact. This exclusion may be revoked upon a two-thirds vote of the Commission members.

This compact shall take effect upon the enactment by statute by the legislatures of South Dakota and Arizona and upon the consent of Congress and shall remain in effect until otherwise provided by Federal law. This compact is subject to review by Congress and the withdrawal of the consent of Congress every five years after its effective date, pursuant to Federal law.

ARTICLE 8. CONSTRUCTION AND SEVERABILITY

The provisions of this compact shall be broadly construed to carry out the purposes of the compact, but no sovereign powers of a party State may be infringed.

This compact does not affect any judicial proceeding pending on the effective date of this compact.

If any provision of this compact or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of the compact which can be given effect without the invalid provision or application, and to this end the provisions of this compact are severable.

Nothing in this compact diminishes or otherwise impairs the jurisdiction, authority or discretion of either of the following:

(1) The Nuclear Regulatory Commission pursuant to the Atomic Energy Act of 1954, as amended, 42 U.S.C. sec. 2011 et seq. and in effect January 15, 1986;

(2) An agreement state under section 274 of the Atomic Energy Act of 1954, as amended, 42 U.S.C. sec. 2021 and in effect January 15, 1986.

Nothing in this compact confers any new authority on the States or Commission to do any of the following:

(1) Regulate the packaging or transportation or radioactive waste in a manner inconsistent with the regulations of the Nuclear Regulatory Commission or the United States Department of Transportation;

(2) Regulate health, safety or environmental hazards from source, by-product or special nuclear material;

(3) Inspect the activities of licensees of the agreement States or of the Nuclear Regulatory Commission.

SEC. 3. Section 30-722, Arizona Revised Statutes, is amended to read.

30-722. *Administration*

A. The radiation regulatory agency is designated as the agency responsible for performing any administrative and enforcement duties assigned to this state by the compact except those duties specifically assigned to the Governor.

B. The payment of monies to the western low-level waste board, or its successor, or to the Western low-level Radioactive Waste Commission under the compact shall be from an appropriation made to the radiation regulatory agency which is not a line item in the radiation regulatory agency's budget.

SEC. 4. Section 30-723, Arizona Revised Statutes, is amended to read:

30-723. *Joint legislative oversight committee on low-level waste*

A. The joint legislative oversight committee on low-level waste is established, beginning on the effective date of this article:

B. The committee shall be composed of six members:

1. Three members appointed by the speaker of the house of representatives, two of whom shall be members of the majority party in the house of representatives including the chairman of the house committee on natural resources and energy or its successor, and one who shall be a member of the minority party in the house of representatives.

2. Three members appointed by the president of the senate, two of whom shall be members of the majority party in the senate including the chairman of the senate committee on natural resources and agriculture or its successor, and one who shall be a member of the minority party in the senate.

C. The chairmanship of the joint committee shall alternate annually between the two standing committee chairmen.

D. The committee shall have the authority to review all proposals submitted to the western low-level waste board or to the Western Low-Level Radioactive Waste Commission prior to any action by the board or Commission.

E. The committee shall monitor the actions of member states to determine conformance with the provisions of this article. If the committee determines a conflict with the provisions of this article, the committee shall advise the Governor to appoint a separate committee to begin negotiations with any other available compact.

STATE OF SOUTH DAKOTA,
Pierre, SD, January 14, 1987.

Hon. LARRY PRESSLER,
U.S. Senate, Washington, DC.

DEAR SENATOR PRESSLER: Enclosed is a copy of the Western Low-Level Waste Disposal Compact adopted last year by South Dakota and Arizona. As required by federal law, this compact must be ratified by the U.S. Congress and we request that you take the necessary legislative action to secure such approval.

We understand that the Governor of Arizona has submitted a similar request to the House Interior and Insular Affairs Committee, and encourage you to work with the Arizona Congressional delegation on this matter.

Please keep me informed regarding your efforts on this issue and contact John Smith, Secretary, South Dakota Department of Water and Natural Resources, if you need any further information on the compact.

Sincerely,

GEORGE S. MICKELSON,
Governor.

STATE OF SOUTH DAKOTA,
Pierre, SD, September 17, 1986.

Hon. LARRY PRESSLER,
U.S. Senate, Washington, DC.

DEAR LARRY: Last year, the states of Arizona and South Dakota passed legislation to enter a compact for the disposal of low-level radioactive waste. Before this compact can be in effect, it must be consented by the Congress as required by the Low-Level Radioactive Waste Policy Act of 1980 (PL 96-573) Sec. 4, as amended in 1985 (PL 99-240).

We would like to proceed with the ratification process and would appreciate it if you could consider introducing the consent language in Congress. For your convenience, we have included proposed consent language.

If you have any questions regarding the compact or what we would like to have done, please contact me.

Sincerely,

WILLIAM J. JANKLOW,
Governor.

● Mr. McCAIN. Mr. President, at the request of the Governors of Arizona and South Dakota I am pleased to join in the introduction of legislation calling for the ratification of the Western low-level radioactive waste disposal compact in accordance with the Low-Level Radioactive Waste Policy Act of 1980 and the Low-Level Radioactive Waste Policy Amendments of 1985.

The Arizona and South Dakota Legislatures have approved the provisions in the two-State compact. Congressional ratification will enable the State of Arizona, which has been designated as the host State, to move ahead with the siting and licensing of a low-level waste disposal facility as agreed to in the compact.

I urge your support of this legislation.●

● Mr. DECONCINI. Mr. President, I am pleased to cosponsor legislation to ratify the Western low-level waste disposal compact enacted into law by the

States of Arizona and South Dakota. This compact provides for the establishment and operation of facilities for regional management of low-level wastes. The U.S. Congress, by enacting the Low-Level Radioactive Waste Policy Act, as amended, encourages the use of compacts for this purpose. I hope we can see speedy passage of the Western low-level waste compact by the Congress this session.●

By Mr. MATSUNAGA (for himself, Mr. ROCKEFELLER, and Mr. MELCHER):

S. 718. A bill to eliminate discrimination with regard to mental illness under Medicare; to the Committee on Finance.

MEDICARE MENTAL ILLNESS NON-DISCRIMINATION ACT

Mr. MATSUNAGA. Mr. President, George Bernard Shaw told us in "Man and Superman" that: "* * * The sound body is the product of a sound mind." To achieve that goal I rise today to introduce "The Medicare Mental Illness Non-Discrimination Act of 1987" along with my distinguished colleagues Senator ROCKEFELLER of West Virginia and Senator MELCHER of Montana as cosponsors.

This bill would simply mark the beginning of the legislative journey toward equality for the mentally ill under the Medicare Program. Unfortunately, current budgetary constraints preclude a more comprehensive approach toward providing true parity for the mentally ill.

As we all know, the elderly population is growing in size and will represent a larger proportion of the total population in the future. Estimates have indicated that some 15 to 20 percent, between 3 and 5 million, of our more than 25 million elderly Americans have significant mental illness, yet they are being denied adequate treatment because of the discriminatory caps placed on psychiatric treatment under Medicare. Under the present system, outpatient benefits are limited to $250 after copayment and deductible. The limit has not been increased since the Medicare Program's inception in 1965. This amount in constant dollars buys about $57 worth of care in 1987. The benefit would need to be raised to $2,200—before copayment and deductible—to give our elderly Americans equivalent purchasing power today.

Within the past few years, exciting new breakthroughs in the treatment and etiology of mental disorders have significantly changed our understanding of the causes of mental disorders and have given us the ability to treat such disorders more effectively. For example, researchers have demonstrated that memory loss and other cognitive deficits of Alzheimer's disease may be modifiable with medication and that more than 85 percent of all severe depression may be effectively treated using drugs and psychotherapy.

Access to these and other advances is largely denied our elderly population because of the Medicare coverage policy. If adequate outpatient coverage were available, some of the 20 to 30 percent of elderly individuals who have been labeled as senile while actually having reversible conditions, might enjoy the dignity, productivity, and independent living which are the keystones of the Older Americans Act of 1965.

Studies have found that there is an offset effect—in other words, a reduction in other health care utilization—when outpatient mental health services are offered. The offset effect is most likely to reduce hospital inpatient utilization, and has been documented to be most noticeable for those over age 65. In one study, an analysis of all claims for individuals in the Federal Employee Health Benefits Program also showed similar reductions, with the greatest offsetting reduction in other health care use found in the population aged 65 and over, after they were offered outpatient mental health services.

Elderly people are most likely to have significant assaults on their self-esteem as they lose close friends, relatives, and meaningful work. These losses place the elderly at significant emotional risk. For instance, in 1982, while the population over age 65 accounted for just over 10 percent of the U.S. population, those over age 65 comprised 17 percent of the deaths by suicide.

Psychiatric symptoms are also frequently nonspecific and commonly occur in other medical illnesses, as well as in psychiatric disease. There is evidence indicating that having a psychiatric diagnosis is associated with a high risk of other medical illness.

There are also a number of physical illnesses which upon initial presentation, appear to be nervous or mental disorders. The research literature fully documents psychiatric illness produced by infections, thyroid gland dysfunction, chronic encephalopathy related to heart block, carcinoma of the pancreas, hyperthyroidism, Wilson's disease, subacute encephalitis, and strokes.

These studies also emphasize the importance of the interrelationships of specific psychiatric symptoms and specific medical diseases. Physicians in practice must continually weigh such psychological factors as personality traits to properly treat rheumatoid arthritis, hypertension, peptic ulcer, diabetes, ulcerative colitis, allergic skin infection, bronchial asthma, coronary disease, and cancer. Furthermore, elderly individuals are likely to take an average of 10 medications, which may interact to produce psychiatric symptoms and may need appropriate medical monitoring.

Despite these many mental health needs, the elderly population receives only 6 percent of the community mental health services and 2 percent of private psychiatric services. Most researchers agree that the mental health needs of the elderly are underserved, disagreeing only on the extent to which they are caused by our existing Medicare coverage policy which has discouraged beneficiaries from seeking needed psychiatric and other mental health services.

Two decades have passed since the enactment of landmark Medicare legislation. It is time to address its serious gaps in coverage. The 100th Congress should take the time to make long overdue changes for this very fragile portion of our elderly population in order that the needy may receive the necessary care.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 718

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Mental Illness Non-Discrimination Act".

SEC. 2. FINDINGS AND DECLARATION OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) between 15 and 25 percent of the elderly suffer from significant symptoms of mental illness;

(2) in spite of potential benefits of treatment, elderly persons are not represented proportionately in the mental health care delivery system;

(3) Medicare benefits must be equalized to better assure care in appropriate institutional settings for those elderly persons in need of such services;

(4) medically necessary outpatient care must be available for those elderly persons with mental, emotional, or nervous disorders that do not require institutional care;

(5) in 1982 elderly persons comprised more than 10 per centum of the general population of the United States but accounted for almost 20 per centum of the suicides;

(6) severe organic brain disorders afflict one million elderly individuals and mild to moderate organic disorders afflict another two million elderly individuals;

(7) many individuals who need assistance for emotional disturbances will not be to receive assistance under the the present system; and

(8) since its enactment more than 20 years ago those sections of title XVIII of the Social Security Act restricting coverage for mental illness have not been revised and inflation has, in effect, further reduced the limited coverage originally envisioned by Congress.

(b) PURPOSE.—It is the purpose of this Act to provide for coverage of mental illness on an equal basis with coverage of other illness.

SEC. 3. MEDICARE PROVISIONS.

(a) REMOVAL OF LIMITATION OF EXPENDITURES FOR OUTPATIENT SERVICES—

(1) Section 1832 of such Act is amended by striking out subsection (c) and redesignating subsections (d) through (h) as subsections (c) through (g), respectively.

(2) Section 1866(a)(2)(A) is amended by striking out the second sentence thereof.

(b) Application.—The amendments made by subsection (a) shall apply to expenses incurred in calendar years beginning on or after January 1, 1988.

By Mr. PRYOR (for himself, Mr. Heinz, and Mr. Boren):

S. 719. A bill to amend the Internal Revenue Code of 1986 to provide that certain minimum tax and accounting rules (added by the Tax Reform Act of 1986) applicable to installment obligations shall not apply to obligations arising from sales of property by nondealers; to the Committee on Finance.

INSTALLMENT SALES RULES FOR SMALL BUSINESSES

● Mr. PRYOR. Mr. President, today I am introducing a bill to preserve an important form of financing used in the sale of most small businesses, seller-provided installment financing.

Last year, Congress worked long and hard to pass the Tax Reform Act of 1986 with its basic principles of a broad tax base and lower rates. As long as the promised lower rates go into effect, I will continue to support implementation of these principles in order to avoid further dislocations in the economy caused by constantly changing tax laws.

Although I oppose significant reworking of the Tax Reform Act at this time, I do believe that Congress should make adjustments in the act when provisions subsequently prove to have unintended consequences on segments of the economy.

The proportionate disallowance rule for installment sales has the unintended effect of repealing the use of installment sales accounting for the sale of most small businesses. This result was not intended, and, therefore, Congress should consider fine tuning the rule to provide a small business exception for nondealers, that is, for taxpayers selling property not held primarily for sale in the ordinary course of trade or business.

Under the old rules, sellers of small businesses paid taxes on the profits of sales in the year they actually received payments from buyers. The Tax Reform Act requires now that they calculate their tax obligation each year by multiplying their total debt by a ratio of the installment note to their total assets. The net result of this complicated rule is that each year most sellers of small businesses will have an immediate tax liability far in excess of cash received from the sale in that year. Consequently, most taxpayers selling small businesses will not be able to use seller financing.

As I have stated before, this result is unfortunate and unintended. Installment accounting is essential to the sale of small businesses, because banks and other third party lenders often consider them to be credit risks. Statistics demonstrate that 95 percent of all small business sales involve seller financing. The bottom line in most small business sales is that all other forms of financing are either not available or not economically affordable. This form of financing is especially important in rural States like Arkansas where there are fewer third party lenders.

Mr. President, my bill will restore installment financing as an option for small business sales, and it will do so without making significant changes to the basic principles of the Tax Reform Act. I call upon my colleagues to join with me in support of this bill. I ask that a copy of the bill be inserted in the Record at this time.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 719

Be it enacted by Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN MINIMUM TAX AND ACCOUNTING RULES APPLICABLE TO INSTALLMENT OBLIGATIONS NOT TO APPLY TO SALES OF PROPERTY BY NONDEALERS.

(a) Minimum Tax.—The 1st sentence of paragraph (6) of section 56(a) of the Internal Revenue Code of 1986 (relating to adjustments in computing alternative minimum taxable income) is amended by striking out "In the case of" and all that follows through "installment method" and inserting in lieu thereof the following: "In the case of any disposition after March 1, 1986, of property described in section 1221(1), income from such disposition shall be determined without regard to the installment method".

(b) Regular Tax.—Clause (1) of section 453C(e)(1)(A) of such Code (defining applicable installment obligation) is amending by adding "or" at the end of subclause (I), by striking out "or" at the end of the subclause (II) and inserting in lieu thereof "and", and by striking out subclause (III).

(c) Effective Date.—

(1) Subsection (a).—The amendment made by subsection (a) shall take effect as if included in the amendment made by section 701(a) of the Tax Reform Act of 1986.

(2) Subsection (b).—The amendment made by subsection (b) shall take effect as if included in the amendment made by section 811(a) of such Act.

(3) Election.—A taxpayer may elect to have the amendment made by subsection (a) not apply to dispositions of property made prior to January 1, 1987. With respect to a taxpayer who makes such election, applicable installment obligation shall, for purposes of section 56(a)(6), be defined without regard to the amendment made by subsection (b).●

By Mr. PELL (by request):

S. 720. A bill to amend the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize additional development and security assistance programs for fiscal year 1988, and for other purposes; to the Committee on Foreign Relations.

INTERNATIONAL SECURITY AND DEVELOPMENT COOPERATION ACT

● Mr. PELL. Mr. President, today I am introducing at the request of the administration its proposed legislation authorizing international development and security assistance programs for fiscal year 1988, the International Security and Development Cooperation Act of 1987.

The administration's bill authorizes $9,440,761,000 for military assistance programs, $3,587,000,000 for the Economic Security Fund, and $2,453,197,000 for development assistance programs for a total authorization request under the bill of $11,893,958,000. This reflects an overall 9-percent increase above the current level of funds provided for these programs in the fiscal year 1987 continuing resolution. Divided into its component parts, the request represents a 16-percent increase over current spending for military programs, and a 5-percent increase over current spending in nonmilitary bilateral assistance.

The administration's proposed bill, when looked at in comparison with appropriated funds for this current fiscal year, reflect the trend evidenced since this administration took office in 1981 of increased emphasis on security assistance programs as an adjunct to its defense buildup.

When President Reagan took office in 1981, total economic assistance, including bilateral development assistance, multilateral development bank contributions, and food aid were 48 percent of the total foreign assistance budget. Security assistance, comprised of the Economic Security Fund [ESF], grant military aid [MAP], foreign military sales credits [FMS], antiterrorism and peacekeeping activities comprised 52 percent of the foreign aid budget.

In the administration's fiscal year 1988 budget request for foreign assistance, the bulk of which is contained in the legislation which I am introducing today, economic development assistance has shrunk to 37 percent while security assistance has grown to 63 percent of the foreign assistance budget.

With respect to the authorization requests, Secretary of State Shultz, Under Secretary of State Derwinski, A.I.D. Administrator McPherson, Defense Security Assistance Agency Director Gast, and our public witnesses made persuasive appeals for all or some of the administration's request. Secretary Shultz stated his position succinctly as follows:

> We face a serious foreign affairs budget crisis. If left uncorrected, it will directly threaten our ability to exercise coherent and consistent foreign policy leadership in support of our national interests.

In the context of our foreign policy alone, I believe the committee, and ultimately the Senate, would approve increases of the magnitude requested by the administration, albeit with some shifting of the priorities contained in the request. However, we cannot look at the administration's request in a vacuum. It must be reviewed in the context of overall budget constraints, and when viewed in that context, it is, in my judgment, unrealistic to seek a 9 percent increase in foreign aid this year.

As the Foreign Relations Committee continues its consideration of this legislation, I hope that the committee and the administration will engage in a dialogue that permits some compromise to emerge—a compromise that both provides for the funding of our most essential security and humanitarian programs and takes into account the severe constraints imposed upon us by the magnitude of the Federal budget deficit.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis thereof prepared by the Department of State, and the letter of transmittal from the Acting Secretary of State.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Security and Development Cooperatin Act of 1987".

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

FOREIGN MILITARY SALES CREDIT AUTHORIZATION AND AGGREGATE CEILINGS

SEC. 101. (a) The first sentence of section 31(a) of the Arms Export Control Act is amended to read as follows: "There are authorized to be appropriated to the President to carry out this Act $4,421,150,000 for fiscal year 1988".

(b) Section 31(b)(1) of the Arms Export Control Act is amended to read as follows:

"(b)(1) The total amount of credits extended under section 23 of this Act shall not exceed $4,421,150,000 for the fiscal year 1988.".

(c) The first sentence of section 31(b)(2) of the Arms Export Control Act is amended to read as follows:

"(2) Of the aggregate amount of financing provided under this section, not more than $1,321,150,000 may be made available at concessional rates of interest.".

(d) FMS FINANCING FOR ISRAEL.—Israel shall be released from its contractual liability to repay the United States Government with respect to credits provided during fiscal year 1988 pursuant to section 23 of the Arms Export Control Act.

(e) FMS FINANCING FOR EGYPT.—Egypt shall be released from its contractual liability to repay the United States Government with respect to credits provided during fiscal year 1988 pursuant to section 23 of the Arms Export Control Act.

TERMS OF FOREIGN MILITARY SALES CREDITS

SEC. 102. (a) Section 23(c) of the Arms Export Control Act is amended by striking out the parenthetical phrase in subparagraph (B).

(b) Loan agreements made on market rate terms pursuant to section 23 of the Arms Export Control Act since October 1, 1984, may be amended to fix the interest rates applicable to undisbursed funds as of the time each disbursement is made.

SALES FROM STOCKS

SEC. 103. Section 21 of the Arms Export Control Act is amended by adding the following new subsection:

"(j) In the case of a sale under subsection (a)(1)(B) of this section, the President may contract for the procurement of replacement major defense equipment if the eligible country or international organization provides the United States Government with a dependable undertaking as described in section 22(a) of this Act.".

REPORTS REGARDING SALES PROGRAM

SEC. 104. (a) Sections 25(a)(9) and 25(a)(10) of the Arms Export Control Act are repealed.

QUARTERLY REPORTS

SEC. 105. Section 36(a) of the Arms Export Control Act is amended by striking out the parenthetical clause in the text preceding paragraph (1) and inserting in lieu thereof "(except that the material transmitted pursuant to paragraphs (1) and (2) of this subsection may be contained in a classified addendum to such report)".

REGISTRATION FEES FOR MUNITIONS CONTROL LICENSES

SEC. 106. Section 38(b)(1) of the Arms Export Control Act is amended by adding after the first sentence thereof the following:

"For each fiscal year, $100,000 of such registration fees shall be credited to a Department of State account to be available without fiscal year limitation only for the payment of expenses incurred in automating munitions control functions and processing munitions control license applications, including developing, procuring and utilizing computer equipment and related software.".

DISQUALIFICATION FOR VIOLATION OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS

SEC. 107. (a) Section 38(d) of the Arms Export Control Act is amended to read as follows:

"(d) No contract between a foreign government and a person convicted or debarred for a violation of this section or section 39 or of any rule or regulation issued under either section may be approved for financing under this Act during the twelve months following the date of such conviction or debarment.".

(b) This section shall take effect upon the date of enactment of this Act or October 1, 1987, whichever is later. The amendment made by this section applies with respect to convictions or debarments occurring on or after the effective date of this section.

WAIVER OF PENALTY INTEREST ON FMS ARREARAGES

SEC. 108. The President shall waive the collection of penalty charges that have accrued or may accrue on loans made pursuant to section 23 or section 24 of the Arms Export Control Act.

MILITARY ASSISTANCE

SEC. 109. Section 504(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a)(1) There are authorized to be appropriated to the President to carry out the purposes of this chapter $1,329,800,000 for the fiscal year 1988.".

EXCLUSION OF SALARIES FROM TRAINING PRICES

SEC. 110. The last sentence of paragraph (3) of section 503(a) of the Foreign Assistance Act of 1961 is amended by inserting immediately after the phrase "under paragraph (3)" the phrase "or from funds made available on a nonrepayable basis under section 23 of the Arms Export Control Act" and by inserting after the words "Armed Forces of the United States" the phrase "(other than the Coast Guard)".

STOCKPILING OF DEFENSE ARTICLES FOR THAILAND

SEC. 111. Section 514(c) of the Foreign Assistance Act of 1961 is amended by inserting ", Thailand," after "Korea".

EXCESS DEFENSE ARTICLES FOR NATO'S SOUTHERN FLANK

SEC. 112. Section 516(a) of the Foreign Assistance Act of 1961 is amended by striking out the phrase "during the fiscal years 1987 and 1988".

INTERNATIONAL MILITARY EDUCATION AND TRAINING

SEC. 113. Section 542 of the Foreign Assistance Act of 1961 is amended to read as follows:

SEC. 542. AUTHORIZATIONS OF APPROPRIATIONS—There are authorized to be appropriated to the President to carry out the purposes of this chapter $56,000,000 for the fiscal year 1988.".

PEACEKEEPING OPERATIONS

SEC. 114. Section 552(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter, in addition to amounts otherwise available for such purposes, $46,311,000 for fiscal year 1988.".

ANTITERRORISM ASSISTANCE

SEC. 115. Section 575(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 575. AUTHORIZATION OF APPROPRIATIONS.—(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $9,840,000 for the fiscal year 1988.".

UNCOMMITTED FMS CREDITS FOR THE PHILIPPINES

SEC. 116. Uncommitted balances of loans made to the Philippines pursuant to section 23 of the Arms Export Control Act since October 1, 1984, may be disbursed without requirement of repayment of principal or interest.

TITLE II—ECONOMIC SUPPORT FUND

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. Section 532(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(a) There are authorized to be appropriated to the President to carry out the purposes of this chapter $3,587,500,000 for the fiscal year 1988.".

EMERGENCY ASSISTANCE

SEC. 202. Section 533(a) of the Foreign Assistance Act of 1961 is amended by striking out "the fiscal year 1986 and up to $75,000,000 for the fiscal year 1987" and inserting in lieu thereof "any fiscal year".

TITLE III—DEVELOPMENT ASSISTANCE

AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION

SEC. 301. The first sentence of section 103(a)(2) of the Foreign Assistance Act of 1961 is amended to read as follows:

"There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $471,000,000 for fiscal year 1988.".

CHILD SURVIVAL FUND

SEC. 302. Section 104(c)(2)(B) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(B) In addition to funds otherwise available for such purposes, there are authorized to be appropriated to the President $61,000,000 for fiscal year 1988 for use in carrying out this paragraph. Amounts appropriated under this subparagraph are authorized to remain available until expended. Except as provided in this section, assistance provided under this paragraph may be made available notwithstanding any other provision of this or any other Act.".

POPULATION AND HEALTH

SEC. 303. Section 104(g)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(A) $207,500,000 for fiscal year 1988 to carry out subsection (b) of this section; and

"(B) $120,100,000 for fiscal year 1988 to carry out subsection (c) of this section.".

EDUCATION AND HUMAN RESOURCES DEVELOPMENT

SEC. 304. The second sentence of section 105(a) of the Foreign Assistance Act of 1961 is amended to read as follows:

"There are authorized to be appropriated to the President for the purposes of this section, in addition to funds otherwise available for such purposes, $123,650,000 for fiscal year 1988, which are authorized to remain available until expended.".

PRIVATE SECTOR, ENERGY, AND PRIVATE AND VOLUNTARY ORGANIZATIONS

SEC. 305. Section 106 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 106. PRIVATE SECTOR, ENERGY, AND PRIVATE AND VOLUNTARY ORGANIZATIONS.—(a) THE PRIVATE SECTOR.—The Congress finds that a private enterprise economy is the most efficient means of achieving broad-based economic development, that private enterprises that are allowed to respond to profitable opportunities in a free market produce jobs, managerial skills and economic growth, and that significant equity objectives can be achieved when market forces operate to stimulate an economy.

"The Congress recognizes that many developing countries have not relied on open, competitive markets to determine resource allocations in many sectors of their economies. Instead, governments have often attempted to direct essential activity in agricultural and industrial production and trade by centralized governmental determinations. Government regulations have also created severe economic distortions: limitations on the buying and selling of foreign exchange have often distorted foreign exchange rates in ways which amount to a tax on exports and a subsidy on imports; banking restrictions, particularly interest rate regulations, frequently operate to inhibit savings and the expansion of capital resources; price-fixing and government subsidy programs often perpetuate inefficient production, frequently at the expense of the agricultural sector; tax policy and administration often do not serve to foster development or to encourage saving and investment.

"Assistance provided under this section should foster the movement of developing countries towards a free market society and the establishment of viable, competitive markets and the expansion of private enterprise, including cooperatives, including cooperatives, in such countries. Such assistance should include support for a country's efforts to reform policies, procedures, regulations and laws affecting the role of the private sector in the economy, and assistance to specific projects to stimulate the growth of the indigenous private sector and development in both rural and urban areas.

"(b) PRIVATE AND VOLUNTARY ORGANIZATIONS.—The Congress recognizes that private and voluntary organizations and cooperatives bring unique skills to bear on the development process. By virtue of their links with private institutions in developing countries, such organizations and cooperatives often serve effectively to engage rural and urban poor in their nation's development. Moreover, by virtue of their support within the United States, such organizations and cooperatives are a means for mobilizing among the general public not only a broader awareness of the pressing needs of developing countries, but also for generating private resources for international development. These organizations are often able to reach and benefit sectors of the population not normally served by other private sector institutions or direct government programs. In order to foster the activities of private and voluntary organizations and cooperatives (as well as regional and international development organizations), assistance may be provided for programs of technical cooperation and development in conjuction with those organizations.

"(c) ENERGY.—The Congress recognizes that energy development and production are vital elements in the development process, and that energy shortages in developing countries greatly limit the development process in such countries. The energy constraints faced by most developing countries are severe. These countries, especially the poorest, have inadequate energy supplies for economic growth and to meet minimal domestic requirements, and must continually face the problems of unmanageable demands for foreign exchange in order to import oil, and environmental degradation from an over-exploited traditional fuel resource base.

"In order to help developing counties alleviate their energy problems by improving their ability to use indigenous energy resources to produce the energy needed by their economies, assistance may be provided to enable such countries to prepare for and undertake development of their energy resources. Such assistance may include efforts to: help countries analyze critical national energy issues with an emphasis, where appropriate, on the importance of market pricing policies and the hidden costs attached to subsidies which skew investment and consumption decisions; identify and encourage the implementation of trade and investment policies that stimulate the private sector and the operation of market forces to allocate resources; promote policies and programs that provide for essential energy (including biomass fuels) requirements especially for food production, processing, and distribution; support projects to develop, demonstrate, and disseminate renewable energy technologies suited to the local environment; support efforts to undertake primary data collection and analysis; assist host government conservation programs to improve energy efficiency support efforts to train personnel and establish long-term institutional relationships between developing country institutions and United States universities and centers for research in the public and private sectors; and support programs that assist developing countries in research, particularly fuelwood research.

"(d) SPECIAL DEVELOPMENT PROBLEMS.—The Congress recognizes that assistance to developing countries will sometimes be required in order to address special development problems and research needs. Such assistance may include programs of research into, and evaluation of, the process of economic development in developing countries and areas, the factors affecting the relative success and costs of development activities, and the means, techniques, and such other aspects of development assistance in order to render such assistance of increasing value and benefit; programs of reconstruction following natural or manmade disasters and programs of disaster preparedness, including the prediction of and contingency planning for natural disasters abroad; other programs designed to help solve special development problems including efforts to make possible proper utilization of infrastructure and related projects funded with earlier United States assistance; and programs of urban development.

"(e) AUTHORIZATION OF APPROPRIATIONS.—The President is authorized to furnish assistance, on such terms and conditions as he may determine, for activities to carry out the purposes of this section. There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $162,700,000 for the fiscal year 1988. Amounts appropriated under this section are authorized to remain available until expended.

"(f) ALLOCATION OF FUNDS.—The full amount of assistance provided for private sector activities through intermediate credit institutions and non-governmental organizations pursuant to the provisions of this chapter may be considered to have been authorized by and may be attributed to the provision of this chapter which serves as the primary justification for furnishing such assistance.".

PRIVATE SECTOR REVOLVING FUND

SEC. 306. The first sentence of section 108(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"Of the funds made available under this chapter and chapter 7 of this part in fiscal year 1988, up to $12,000,000 may be deposited in this account.".

PRIVATE SECTOR ASSISTANCE

SEC. 307. Section 122 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new subsection:

"(f) The provisions of section 620(r) of this Act shall not apply in the case of loans made at or near market rates of interest to private borrowers pursuant to the authority contained in this chapter, chapter 7 of part I, or chapter 4 of part II of this Act if the President determines that by not applying such provisions repayment to the United States is likely to be greater than if such provisions were applicable."

COST-SHARING

SEC. 308. (a) Sections 124(d) and (e) of the Foreign Assistance Act of 1961 are hereby repealed.

(b) Section 110 of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence:

"The President may on a case-by-case basis waive the requirements of this section for financial or "in-kind" contributions in the case of programs, projects, or activities in developing countries. In those cases where such a waiver is approved, the President shall encourage such country to make an appropriate contribution for such program, project, or activity.".

TITLE IV—ASSISTANCE FOR SUB-SAHARAN AFRICA

DEVELOPMENT FUND FOR AFRICA

SEC. 401. Part I of the Foreign Assistance Act of 1961 is amended by adding after chapter 6 the following new chapter:

"CHAPTER 7—DEVELOPMENT FUND FOR AFRICA

"SEC. 471. FINDINGS.—The Congress finds as follows:

"(1) African Governments, the United States, and bilateral and multilateral donors recognize that Africa is today at a critical juncture. If not addressed, the economic crisis affecting Africa will condemn the countries and people of the region to continued famine, disease, debt, economic stagnation, and political unrest well into the next century.

"(2) The nature of the development crisis in Africa is a result of a combination of internal and external factors which include—

"(A) Government neglect of the agricultural sector and the stifling of private initiative through inappropriate economic policies and overextended bureaucracies which, over the past two decades, have resulted in low savings rates, inadequate capital formation, and poor production performance (there has been an overall 20 percent decline in per capita food production). Ill-conceived policies, including artificially low farmgate prices and over-valued exchange rates, and flawed institutions such as state marketing monopolies have discouraged farmers from increasing production beyond subsistence levels.

"(B) Of all the regions of the world, Africa is the most dependent on agricultural production and agricultural-related employment. It is also the region where the pool of trained individuals and the physical and economic infrastructure (including the development and economic infrastructure (including the development and dissemination of appropriate technologies, farm-to-market road networks, and the availability of credit) is most inadequate.

"(C) Population growth rates exceed 3 percent in most countries. There are 400 million people in Sub-Saharan Africa; by the year 2000 there will be 750 million. The demand for food is continuing to outpace production and the pressures on natural resources are intensifying beyond their carrying capacity. This is contributing to the advance of the desert, the loss of forest lands, and the erosion of top soil, to the point that parts of Africa are experiencing a phenomenon like the Dust Bowl in the United States in the 1930's.

"(D) The interrelated problems of malnutrition, poverty, disease, and inadequate education continue to thwart the realization of Africa's growth potential. Africa has the highest infant mortality rate and the lowest literacy rate of any region in the world.

"(E) Worsening terms of trade, oil shocks, worldwide recession, and high interest rates have undercut African exports, raised import costs, and produced significant debt burdens.

"(3) The United Nations "Programme of Action for African Economic Recovery and Development, 1986-1990," drafted largely at the initiative of the African Governments themselves, recognizes the causes of the crisis in Africa, the actions needed to revitalize and sustain economic development efforts, the preeminent role of African countries in solving their development problems, and the need for a coordinated and concerted commitment on the part of all donors to help Africa achieve its development objectives. The Congress further shares the view of the United Nations General Assembly that the African development crisis "is not an exclusive African problem but one that concerns mankind as a whole. Interdependence is today a living reality. A stagnant or perpetually economically backward Africa is not in the interest of the world community. Without durable and sustained economic development in the world's poor regions, of which Africa is a notable example, there is a real danger to international peace and security and an impediment to world economic growth and development."

"(4) Resolution of the development crisis in Africa calls for renewed and sustained real economic growth. Economies must grow to create jobs and to generate resources for further development. National economies and institutions must be restructured to achieve greater efficiency and effectiveness. There must be increased involvement of the private sector. Political and economic development which protects and involves the individual must be encouraged. Exports must increase to provide the resources to meet import needs. Regional barriers to trade must be alleviated. Agricultural production must expand to reduce the vulnerability of Africans to recurring drought and food shortages. Productive employment and real incomes must grow and this growth must be spread broadly among the population, for even in countries which are self-reliant in overall food availability, there are large segments of the population without the income or resources to acquire or produce sufficient food. Human productivity must be increased through improvements in health, education, and nutrition in order to expand and sustain the productive capacities of national economies.

"SEC. 472. DEVELOPMENT ASSISTANCE OBJECTIVES.—The President is authorized to provide project and program assistance, on such terms and conditions as he may determine, for growth-oriented development activities in Sub-Saharan Africa. The objective of assistance provided under this chapter shall be to promote self-sustaining economic growth in African countries with equitable access to the opportunities created by that growth shared equitably. A general framework for this assistance will include (1) establishment of a policy environment which encourages the private sector and promotes individual initiative, (2) a reduction of the direct role of central governments in productive enterprises and other areas more appropriate for the private sector, and (3) an expansion of the role of public and private local institutions in defining development priorities in such areas as integrated agricultural development, health, education and physical infrastructure. Within this general framework, assistance should focus on the following central elements:

"(1) ECONOMIC REFORM AND STABILIZATION.—Assistance is authorized to be provided to foster and support reform efforts of African governments to bring about a fundamental restructuring of their economies and to establish a favorable environment for individual enterprise and self-sustaining development. This will entail the continued association of balance of payments and budget support assistance with such economic reforms as the correction of price distortions, the reduction of the government's role in the economy, the broadening of access to credit, and the institutionalization of a more favorable climate for private initiative. Such assistance may be accompanied by assistance to strengthen the institutional and organizational capacity of African governments to undertake these policy reforms.

"(2) AGRICULTURAL DEVELOPMENT.—In addition to addressing underlying structural and sectoral reform, within which the farm family will make expanded and effective use of appropriate technologies, infrastructure and marketing systems, assistance shall focus on the following interrelated components of agricultural development—

"(A) AGRICULTURAL PRODUCTION.—Assistance is authorized to be provided to develop and strengthen indigenous capacity to produce food and commercial crops and to conduct research in order to foster advances in food and cash crop technology and to disseminate the results of those and other technological advances to the farmer. Assistance is also authorized to assure the availability of other farm inputs such as water, seed, and fertilizer.

"(B) MARKET LINKS.—Investments to increase the supply of food and other agricultural commodities will not be effective without the development of marketing systems which allow for individual enterprise, and accompanying improvements in access to local and regional markets. Assistance is authorized to develop, rehabilitate, expand, and maintain marketing and transportation networks in order to stimulate production and make food distribution and trade easier and more affordable.

"(C) NATURAL RESOURCES MANAGEMENT.—Better management of Africa's renewable natural resources, especially land, water, and fuelwood must be an integral part of agricultural assistance efforts. Effective land use technologies and land management approaches at the local, regional, and national levels must be integrated into research efforts and developed and disseminated through public and private channels. Assistance is authorized for these activities as well as such activities as support for low-input agricultural systems, on-farm tree planting and regeneration of natural forests and rangelands; research and demonstration programs designed to help meet fuelwood and fodder needs; energy programs which promote the development and use of appropriate technologies; and the development of natural resource assessments, policies, and plans.

"(D) INCOME-GENERATING OPPORTUNITIES.—Assistance is authorized to help develop income-generating opportunities for the unemployed and underemployed in urban and rural areas. Off-farm employment opportunities shall emphasize private labor-intensive enterprises, especially those which relate to processing increased agricultural production and adding to the value of that production, and to production of consumer goods for rural areas, and the provision of goods and services necessary to enhance rural life.

"(E) DROUGHT PREPAREDNESS.—Recognizing that drought and local emergencies will continue to arise, assistance is authorized to develop and maintain a system to anticipate and respond to these situations.

"(3) HUMAN RESOURCES DEVELOPMENT.—In order to increase human productivity and to help balance population, food, and natural resources, assistance is authorized in the areas of education, health and child survival, and voluntary family planning, and shall emphasize low cost technologies, improved management, and financially viable approaches to service delivery. In education, program objectives include expansion of access to basic education and the improvement of the efficiency of education systems generally, and expansion of the pool of middle and senior level professional, technical and managerial people. In health, program objectives include policy reform to improve resource availability, the strengthening of sustainable primary care systems, and the provision of child survival services based on simple cost-effective interventions including immunization, oral rehydration therapy, malaria control, and nutrition and child spacing programs. In population, in order to address the increasing demand for voluntary family planning programs by African countries, assistance may include discrete family planning programs and assistance provided through maternal and child health care programs.

"SEC. 473. AUTHORIZATION OF APPROPRIATIONS.—(a) There are authorized to be appropriated to the President for purposes of Section 472, in addition to funds otherwise available for such purposes, $500,000,000 for fiscal year 1988. Funds appropriated under this section are authorized to remain available until expended.

"(b) The authority provided by this chapter to provide assistance for development in Sub-Saharan Africa is not intended to preclude the use of other authorities for that purpose. Centrally-funded programs which benefit sub-Saharan Africa shall continue to be funded under chapter 1 of this part.

"(c)(1) Local currencies generated under this chapter by the sale of imports or foreign exchange by the government of a country in Sub-Saharan Africa shall be deposited in a special account established by that government. These local currencies shall be available only for use, in accordance with an agreement with the United States, for development activities which are consistent with the policy directions of Section 102 and which would be eligible for assistance under this chapter, except that the agreement shall require that the government of the country make available to the United States Government such portion of the amount deposited in the special account as may be determined by the President to be necessary for requirements of the United States Government.

"(2) Local currencies generated in Sub-Saharan Africa under chapter 4 of part II of this Act (relating to the Economic Support Fund) or under Section 106(b)(2) or title III of the Agricultural Trade Development and Assistance Act of 1954 (relating to the Food for Peace program) that are to be used for development activities shall be used only for activities which would be eligible for assistance under this chapter.

"SEC. 474. IMPLEMENTATION OF ASSISTANCE PROGRAMS.—(a) In order to allow the assistance authorized by this chapter to be furnished as effectively and expeditiously as possible, section 604(a) of this Act, and similar provisions relating to the procurement of goods and services, shall not apply with respect to goods and services procured for use in carrying out this chapter. The agency primarily responsible for administering this part is encouraged to seek similar procurement untying from other donors. The exemption provided by this subsection shall not be construed to apply to the Comprehensive Anti-Apartheid Act of 1986.

"(b)(1) The diversity and complexity of the problems facing Africa require that assistance programs must complement one another and be tailored to the specific needs of individual countries. In this process, private and voluntary organizations and cooperatives shall continue to be an important element of our assistance efforts in Africa. To the maximum extent practicable, the agency primarily responsible for administering this part shall channel assistance through United States and indigenous private and voluntary organizations and cooperatives particularly in such areas as agricultural production and nutrition, population, health, and human resources development.

"(2) The agency primarily responsible for administering this part is encouraged to continue to work closely with private and voluntary organizations and cooperatives to develop improved systems of programming assistance in order to ensure that the activities of these organizations will effectively meet the objectives contained in Section 472 and are fully integrated into the overall United States assistance strategy for a country.

"SEC. 475. DONOR COORDINATION.—(a) The Congress finds that, the scarcity of assistance resources means that donors must redouble efforts to ensure that assistance is effectively used. Donors musst avoid providing assistance in such ways that serve to postpone necessary economic restructuring. It is essential that donor assistance fit within an agreed plan of priority policy reforms and related investments. The Congress urges that African nations themselves give greater attention to coordination of assistance.

"(b) It is the sense of the Congress that the United States should continue and expand discussions with bilateral and multilateral donors, and African governments, to improve the degree of coordination of assistance programs for sub-Saharan Africa. In seeking to build upon the United Nations Programme of Action, such discussions should have as their objective, among other things, the rationalization and, as appropriate, the reduction in the number of projects being implemented in African countries, the identification of areas for possible co-financing of activities, and common understanding of the nature of the structural and policy reforms required to achieve development objectives.

"(c) The President is encouraged to use existing statutory authorities to make available such amounts as are deemed appropriate from the funds appropriated to carry out this chapter to support activities of international organizations which are consistent with the purposes of this chapter and which are undertaken in coordination with the agency primarily responsible for administering this part. Any funds made available under this subsection shall be in addition to amounts authorized to be made available to such organizations from other sources.

"(d) The President is encouraged to continue to use the authorities provided in this chapter in cooperation with activities of multilateral development banks in Sub-Saharan Africa, particularly when such activities are directed toward the encouragement of policy reforms in the beneficiary countries.

"(3) funds made available to carry out this chapter may be used to assist the governments of countries in sub-Saharan Africa to increase their capacity to participate effectively in donor coordination mechanisms at the country, regional, and sector levels.

"SEC. 476. RELATIONSHIP TO OTHER AUTHORITIES.—Except to the extent inconsistent with this chapter—

"(1) reference in any law to chapter 1 of this part shall be deemed to include reference to this chapter, and

"(2) assistance under this chapter shall be provided in accordance with the policies contained in Section 102.

"SEC. 477. PROGRAM EVALUATIONS AND REPORTS.—Not later than 120 days after the date of enactment of this chapter, the Administrator of the agency primarily responsible for administering this part shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate an agenda for the substantive evaluation of the programs funded under this chapter to determine the progress made toward the realization of the development objectives of this chapter. Final reports shall be submitted to the Committees on Foreign Affairs and Foreign Relations and shall include, where appropriate, recommendations for modifications to the agency's development strategy in individual countries or in the region.".

CONFORMING AMENDMENTS

SEC. 402. (a) Section 105(b)(2) of the Foreign Assistance Act of 1961 is amended—

(1) in subparagraph (A)(ii) by inserting "chapter 7 of this part and" after "purposes of";

(2) in subparagraph (b)(ii) by inserting ", chapter 7 of this part," after "this section"; and

(3) in subparagraph (C)(ii) by inserting ", chapter 7 of this part," after "this section".

(b) Section 109 of such Act is amended by inserting "and chapter 7 of part I" each time the phrase "this chapter" appears.

(c) Section 113(b)(1) of such Act is amended by striking out "this chapter" and inserting in lieu thereof "this chapter and chapter 7 of this part,".

(d) Section 116(e)(1) of such Act is amended by striking out "this chapter" and inserting in lieu thereof "this chapter, chapter 7 of this part,".

(e) Section 117(c)(1) (relating to environment and natural resources) of such Act is amended by striking out "this chapter" and inserting in lieu thereof "this chapter and chapter 7 of this part,".

(f) Section 117 (relating to assistance for disadvantaged South Africans) of such Act is amended by striking out "this chapter" and inserting in lieu thereof "this chapter, chapter 7 of this part,".

(g) Section 118(c) of such Act is amended—

(1) in paragraph (14) by inserting "and chapter 7 of this part" after "this chapter"; and

(2) in paragraph (15) by inserting "and chapter 7 of this part" after "this chapter".

(h) Section 119(g)(10) of such Act is amended by inserting "and chapter 7 of this part" after "this chapter".

(i) Sections 120 and 121 of such Act are repealed.

(j) Section 122 of such Act is amended by striking out "this chapter" and inserting in lieu thereof "this chapter and chapter 7 of this part,".

(k) Section 123 of such Act is amended—

(1) in subsection (b) by inserting "and chapter 7" after "this chapter";

(2) in subsection (f) by inserting "and to carry out chapter 7 of this part of this Act" after "491 of this Act"; and

(3) in subsection (g) by inserting ", or to carry out chapter 7 of this part of this Act," after "491 of this Act".

(l) Section 126(b)(1) of such Act is amended by striking out "this chapter" and inserting in lieu thereof "this chapter, chapter 7 of this part,".

(m) Section 128 of that Act is amended by striking out "this chapter" both places in which this phrase appears and inserting in lieu thereof "this chapter and chapter 7 of this part,".

(n) Section 531 of such Act is amended—

(1) in subsection (a) by inserting "or, in the case of countries in Sub-Saharan Africa, chapter 7 of part I" after "chapter 1 of part I"; and

(2) in subsection (d) by inserting "or, in the case of countries in Sub-Saharan Africa, section 472" after "sections 103 through 106 of this Act".

(o) The Agricultural Trade Development and Assistance Act of 1954 is amended—

(1) in section 106(b)(2) by inserting "or, in the case of Sub-Saharan Africa, section 472 of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961";

(2) in section 206 by inserting "or, in the case of Sub-Saharan Africa, section 472 of that Act," after "section 103 of the Foreign Assistance Act of 1961";

(3) in section 301(b) by inserting "or, in the case of Sub-Saharan Africa, section 472 of that Act," after "sections 103 and 104 of the Foreign Assistance Act of 1961"; and

(4) in section 303(b) by inserting "(or in the case of Sub-Saharan Africa, section 472 of that Act)" after "section 103 of the Foreign Assistance Act of 1961".

TITLE V—OTHER ASSISTANCE AND MISCELLANEOUS PROVISIONS

AMERICAN SCHOOLS AND HOSPITALS ABROAD

SEC. 501. Section 214(c)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) To carry out the purposes of this section, there are authorized to be appropriated to the President $20,000,000 for fiscal year 1988.".

HOUSING AND OTHER CREDIT GUARANTY PROGRAMS

SEC. 502. (a) Section 222(a) of the Foreign Assistance Act of 1961 is amended by striking out "1988" in the third sentence and inserting in lieu thereof "1989".

(b) Section 223(e)(2)(A)(ii) of such Act is amended by striking out "$40,000,000" and inserting in lieu thereof "$100,000,000".

AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS

SEC. 503. Section 222A(h) of the Foreign Assistance Act of 1961 is amended by striking out "1988" and inserting in lieu thereof "1989".

TRADE CREDIT INSURANCE PROGRAM

SEC. 504. Section 224(e) of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new sentence: "To the extent and in the amounts provided in appropriations Acts, during fiscal year 1988 commitments entered into to guarantee loans under subsection (a) shall not exceed $200,000,000 of contingent liability for loan principal.".

VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS

SEC. 505. Section 302(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) There are authorized to be appropriated to the President $194,000,000 for fiscal year 1988 for grants to carry out the purposes of this chapter, in addition to funds available under other Acts for such purposes.".

INTERNATIONAL NARCOTICS MATTERS

SEC. 506. Section 482(a)(1) is amended to read as follows:

"(1) to carry out the purposes of section 481, there are authorized to be appropriated to the President $98,750,000 for the fiscal year 1988.".

INTERNATIONAL DISASTER ASSISTANCE

SEC. 507. The first sentence of section 492(a) of the Foreign Assistance Act of 1961 is amended to read as follows: "There are authorized to be appropriated to the President to carry out section 491, $25,000,000 for fiscal year 1988.".

TRADE AND DEVELOPMENT PROGRAM

SEC. 508. Section 661(b) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(b) There are authorized to be appropriated to the President for purposes of this section, in addition to funds otherwise available for such purposes, $20,000,000 for fiscal year 1988. Amounts appropriated under this subsection are authorized to remain available until expended.".

OPERATING EXPENSES

SEC. 509. Section 667(a)(1) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(1) $426,810,000 for fiscal year 1988 for necessary operating expenses of the agency primarily responsible for administering part I of this Act; and".

OPERATING EXPENSES, OFFICE OF THE INSPECTOR GENERAL

SEC. 510. Section 668 of the Foreign Assistance Act of 1961 is amended to read as follows:

"SEC. 668. OPERATING EXPENSES, OFFICE OF THE INSPECTOR GENERAL.—(a) There are authorized to be appropriated to the President, in addition to funds otherwise available for such purposes—

"(1) $22,687,000 for the fiscal year 1988 for necessary operating expenses of the Office of the Inspector General of the Agency for International Development; and

"(2) such amounts as may be necessary for increases in salary, pay, retirement, and other employee benefits authorized by law, and for other nondiscretionary costs of such office.

"(b) Amounts appropriated under this section are authorized to remain available until expended.".

ADMINISTRATION OF JUSTICE

SEC. 511. Section 534 of the Foreign Assistance Act of 1961 is amended:

(1) by amending paragraph (3) of subsection (b) to read as follows: "(3) programs to enhance investigative, forensic, rehabilitation and related ancillary functions integral to humane and professional systems of criminal justice;" and

(2) by amending subsection (e) to read as follows: "(e) Assistance under this section may be provided without regard to Section 660 of this Act and, in the case of participation in regional and multilateral projects and activities, without regard to any provisions of law which restrict assistance to foreign countries. Each notification under subsection (d) with respect to assistance for participants in such projects or activities shall specify the reasons for providing assistance notwithstanding such restrictions.".

NARCOTICS-RELATED REQUIREMENTS

SEC. 512. (a) Section 2013 of Public Law 99-570, the Anti-Drug Abuse Act of 1986, is repealed.

(b) Section 481(h) of the Foreign Assistance Act of 1961 is amended to read as follows:

"(h)(1) Subject to paragraph (2) and Section 481(i)(2), assistance may not be provided to a country which, during the previous fiscal year, was designated in the report required by Section 481(e) as a major illicit drug producing country or a major illicit drug transit country.

"(2) Paragraph (1) shall not apply to a country which is a member of the North Atlantic Treaty Organization or to a country as to which the President determines and certifies to Congress, at or after the time of the submission of the report required by section 481(e), that—

"(A) during the previous calendar year the country has cooperated fully with the United States or has taken adequate steps on its own, in preventing narcotic and psychorropic drugs and other controlled substances produced or processed, in whole or in part, in such country or transported through such country, from being sold illegally within the jurisdiction of such country to United States Government personnel or their dependents or from being transported, directly or indirectly, into the United States and in preventing and punishing the laundering in that country of drug-related profits or drug-related monies; or

"(B) the vital national interests of the United States require the provision of such assistance.

"(3) A certification issued pursuant to paragraph (2) shall become effective thirty days after receipt thereof, unless within that period of time it is disapproved by joint resolution."

(c) Section 481(i)(2) of the Foreign Assistance Act of 1961 is amended to read:

"(A) The provisions of Section 481(h) shall apply only to the fifteen major illicit drug producing countries whose production, as measured by volume, most significantly affects the United States, and the fifteen major illicit drug transit countries, in terms of comparative volume, whose drug or drug-money transiting most significantly affects the United States

"(B) The term "major illicit drug producing country" means a country producing the equivalent of five metric tons or more of illicit opium or opium derivative during a calendar year, or producing five hundred metric tons or more of illicit coca or marijuana during a calendar year.

"(C) The term "major illicit drug transit country" means a country through which is transited the equivalent of five metric tons or more of illicit opium or opium derivative during a calendar year, or five hundred metric tons or more of illicit coca or marijuana during a calendar year, or through which are laundered significant sums of illicit drug-related profits or monies with the knowledge and complicity of the government."

(d) Section 481(i)(4)(E) is amended by striking out "or (vii)" and inserting in lieu thereof "(vii) assistance pursuant to section 126 of this Act, (viii) narcotics-related economic assistance activities, or (ix)".

RESTRICTIONS ON TRAINING ASSISTANCE

Sec. 513. Section 638 of the Foreign Assistance Act of 1961 is amended by—

(1) inserting "(a)" before "No"; and

(2) adding at the end thereof the following:

"(b) No provision of this Act or any other provision of law shall be construed to prohibit assistance for any training activity which is funded under this Act for Brazil or Argentina as long as such country continues to have a democratically elected government and the assistance is otherwise consistent with sections 116, 502B and 660 of this Act.

ASSISTANCE FOR POLICE OF DEMOCRATIC GOVERNMENTS

Sec. 514. Subsections (c) and (d) of section 660 of the Foreign Assistance Act of 1961 are amended to read as follows:

"(c) Subsection (a) shall not apply with respect to a country which has an elected government seeking to strengthen democratic institutions, including the criminal justice system, and to improve observance of civil and political rights, and which is not engaged in a consistent pattern of gross violations of internationally recognized human rights.

"(d) Assistance shall not be provided pursuant to subsection (c) unless the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate are notified of the amount and nature of the proposed assistance at least 15 days in advance of obligation.".

ASSISTANCE TO PAKISTAN

Sec. 515. Section 620E(d) of the Foreign Assistance Act of 1961 is amended by striking out the date "September 30, 1987" and inserting in lieu thereof the date "September 30, 1993".

SUPPORT FOR PERSONNEL OVERSEAS

Sec. 516. Section 636 of the Foreign Assistance Act of 1961 is amended—

(1) in subsection (c) by striking out "not to exceed $3,000,000 of the funds available for"; and

(2) in subsection (d) by striking out "Not to exceed $2,500,000 of funds" and inserting in lieu thereof "Funds".

SAFETY OF FLIGHT ITEMS FOR CHILE

Sec. 517. Subsection (c) of Section 726 of the International Security and Development Cooperation Act of 1981 is amended to read as follows:

"(c) the prohibition contained in subsection (b) does not prohibit the sale, or the licensing for export, of equipment, devices, technical advice or manuals for aircraft of the F-5E/F or A/T-37 type sold to the Chilean Air Force by the United States before January 1, 1976, so long as such items and advice are provided only for purposes of enhancing the safety of the aircraft crew.".

ASSISTANCE FOR AFGHANISTAN

Sec. 518. Section 904 of the International Security and Development Cooperation Act of 1985 is amended—

(1) by striking out "(a) AUTHORIZATION.—";

(2) by inserting before "chapter 4 of part II" the phrase "chapter 1 of part I (relating to development assistance) and"; and

(3) by striking out subsections (b) and (c).

ASSISTANCE FOR THE CAMBODIAN PEOPLE

Sec. 519. In accordance with the provisions of section 906 of the International Security and Development Cooperation Act of 1985, the President may make available to the noncommunist resistance forces in Cambodia funds authorized to be appropriated to carry out chapter 2 (relating to grant military assistance) or chapter 4 (relating to the economic support fund) of part II of the Foreign Assistance Act of 1961, notwithstanding any other provision of law.

REPORTING REQUIREMENTS

Sec. 520. (a) Section 620(s) of the Foreign Assistance Act of 1961 is amended by—

(1) striking out "(1)"; and

(2) striking out paragraph (2).

(b) Section 634(a) of such Act is amended—

(1) in subparagraph (1)(A) by deleting "oceans,";

(2) in paragraph (2) by—

(A) adding "and" after the semicolon at the end of subparagraph (A);

(B) repealing subparagraphs (B) through (E); and

(C) redesignating subparagraph "(F)" as subparagraph "(B)";

(3) by amending paragraph (5) to read as follows:

"(5) a summary of the net aid flow from the United States to such countries, taking into consideration the debt relief granted by the United States;";

(4) by repealing paragraph (8); and

(5) by redesignating paragraphs "(9)", "(10)", "(11)", and "(12)" as paragraphs "(8)", "(9)", "(10)", and "(11)" respectively.

(c) Section 1205(b) of the International Security and Development Cooperation Act of 1985 is hereby repealed.

TITLE IV—TECHNICAL AMENDMENTS

TECHNICAL AMENDMENTS

Sec. 601. (a) Section 3(a) of the Arms Export Control Act and section 505(e) of the Foreign Assistance Act of 1961 are amended by striking out "significant defense articles" and inserting in lieu thereof "significant military equipment".

(b) Section 36(d) of the Arms Export Control Act is amended by striking out "combat" and inserting in lieu thereof "military".

(c) Section 25(d) of the Arms Export Control Act as added by section 112(b) of the International Security and Development Cooperation Act of 1985 shall be redesignated as subsection (e) of section 25 and shall be amended by striking the semicolon at the end thereof and inserting a period in lieu thereof.

(d) Section 25(a)(5)(B) of the Arms Export Control Act shall be amended by striking out "(d)" and inserting in lieu therof "(e)".

TITLE VII—AUTHORIZATIONS FOR FISCAL YEAR 1989 AND EFFECTIVE DATE

AUTHORIZATIONS FOR FISCAL YEAR 1989

Sec. 701. There are authorized to be appropriated for the fiscal year 1989 such sums as may be necessary to carry out programs and activities for which appropriations for the fiscal year 1988 are authorized by this Act.

EFFECTIVE DATE

Sec. 702. Except where otherwise stated in this Act, this Act shall take effect on October 1, 1986.

Section-by-Section Analysis of the Proposed International Security and Development Cooperation Act of 1987

I. INTRODUCTION

The proposed International Security and Development Cooperation Act of 1987 (the "Bill") amends the Foreign Assistance Act of 1961 ("FAA") and the Arms Export Control Act ("AECA") in order to authorize appropriations to carry out international security and development assistance programs for the fiscal year 1988 and to make certain changes in the substantive authorities governing those programs. The Bill also contains authorizations for the fiscal year 1989 in accordance with the requirements of the Congressional Budget Act of 1974.

The Bill is composed of seven titles. Title I consists of authorizations for military sales and related programs and amendments to the authorities relating to those programs. Title II contains authorization for the economic support fund program and amendments to the authorities relating to that program. Title III contains authorization for certain development assistance programs and amends several of the authorities contained in the FAA relating to development assistance. Title IV provides for authority to establish a Development Fund for Africa. Title V contains authorization for the operating expenses of the Agency for International Development ("A.I.D.") and miscellaneous amendments to the FAA. Title VI contains technical amendments to the FAA and the AECA. Title VII provides for authorizations for fiscal year 1989 in accordance with the requirements of the Congressional Budget Act of 1974 and for the effective dates for the various provisions of the Bill.

II. PROVISIONS OF THE BILL

SECTION 1. SHORT TITLE

This section provides that the Bill may be cited as the "International Security and Development Cooperation Act of 1987".

TITLE I—MILITARY ASSISTANCE AND SALES AND RELATED PROGRAMS

SEC. 101. FOREIGN MILITARY SALES CREDIT AUTHORIZATION AND AGGREGATE CEILINGS.

This section amends section 31(a) of the AECA to authorize $4,421,150,000 in appropriations for fiscal year 1988 to carry out the Foreign Military Sales (FMS) direct credit program. Section 31(b)(1) of the AECA is amended to establish the limit of $4,421,150,000 for fiscal year 1988 as the aggregate amount of FMS credit which may be extended under section 23 of the AECA. The provision also directs that the requirement of repayment of principal and interest on FMS credits provided to Israel and Egypt during fiscal year 1988 be forgiven. The provision also authorizes that $1,321,150,000 of the FMS credits may be issued at concessional rates of interest.

SEC. 102. TERMS OF FOREIGN MILITARY SALES CREDITS.

This section amends section 23(c)(2) of the AECA to permit the interest rates on nonconcessional FMS loans to be fixed at the time of each drawdown under the loan rather than at the time the loan agreement is signed and further provides that this rule would be applied to undisbursed funds from certain past year credits.

SEC. 103. SALES FROM STOCKS.

This section amends section 21 of the AECA by adding a provision authorizing the use of dependable undertaking financial procedures when entering into replacement-in-kind military sales contracts. Under these procedures, the purchaser could spread payments over the life of the contract, rather than pay, as is currently the case, the entire cost of the contract at the time the order is placed. Under this proposal the United States would incur no additional financial risk and materials would be paid for in full before delivery to purchasers.

SEC. 104. REPORTS REGARDING SALES PROGRAM.

This section amends section 25(a) of the AECA by striking the requirement for two annual reports, concerning (1) Korean progress in modernizing its armed forces, the role of the United States in mutual security efforts in Korea, and the military balance between the two Koreas, and (2) the amount and nature of Soviet military assistance to Cuba and the capabilities of the Cuban armed forces. These reporting provisions stem from particular circumstances and concerns which no longer require annual foreign assistance reports.

SEC. 105. QUARTERLY REPORTS.

Section 36(a) of the AECA requires the President to submit to the Congress quarterly information relating to letters of offer to sell major defense equipment for $1 million or more. This section amends section 36(a) to permit information contained in these reports to be transmitted in classified form to protect the legitimate security interests of the purchases.

SEC. 106. REGISTRATION FEES FOR MUNITIONS CONTROL LICENSES.

This section amends section 38(b)(1) of the AECA to establish a Department of State account into which would be deposited each fiscal year $100,000 of the fees charged applicants for munitions control licenses. This account would be available for use (without fiscal year limitation) for expenditure for necessary equipment and services to update the computer facilities for processing the large number of such licenses and to expedite the processing.

SEC. 107. DISQUALIFICATION FOR VIOLATION OF INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

This section amends section 38 of the AECA by adding a provision which would make ineligible for FMS financing for one year any commercial contracts of a firm or other person found through judicial or administrative proceedings to have violated sections 38 or 39 of the AECA or the International Traffic in Arms Regulations (ITAR). This amendment applies to those firms or persons convicted or debarred on or after the effective date of this section for a violation of section 38 or section 39 of the AECA, or any rule or regulation issued under either section. It also is intended to apply to firms that are convicted or debarred under a different corporate name so long as there is no substantial change in ownership and management. This section will take effect upon enactment of this Bill or October 1, 1987, whichever is later.

SEC. 108. WAIVER OF PENALTY INTEREST ON FMS ARREARAGES.

This provision directs waiver of collection of penalty charges imposed through the FMS direct or guaranteed credit programs. In general, these penalties have resulted in the addition of a 4 percent charge to all arrearages in excess of 60 days. Such waiver is consistent with efforts to streamline and simplify the FMS program, eliminating overlapping sanctions against non-payment and reducing already excessive debt burden on foreign governments.

SEC. 109. MILITARY ASSISTANCE.

This section amends section 504(a)(1) of the FAA to authorize $1,329,800,000 in appropriations for fiscal year 1988 to carry out the military assistance program.

SEC. 110. EXCLUSION OF SALARIES FROM TRAINING PRICES.

This section amends section 503(a)(3) of the FAA to allow prices charged for training purchased using non-repayable FMS credits to be based on the same criteria as the same training priced through the MAP program by eliminating from the former the requirement to include salaries of training personnel.

SEC. 111. STOCKPILING OF DEFENSE ARTICLES FOR THAILAND.

On January 9, 1987, the United States and Thailand signed an agreement to establish in Thailand a stockpile consisting of U.S. Government-titled munitions available for possible use by the armed forces of either the United States or Thailand. This section amends section 514(c) of the Foreign Assistance Act to provide authority to establish such a war reserve, subject to existing limitations for other such stockpiles. Section 514(c) already provides such authority with respect to Korea and the NATO countries.

SEC. 112. EXCESS DEFENSE ARTICLES FOR NATO'S SOUTHERN FLANK.

This section amends section 516(a) of the FAA to make permanent the authority provided by the FY 1987 Defense Authorization Bill to transfer excess defense articles (and articles programmed to be excess) to NATO Southern Flank members integrated into NATO's military structure and eligible for U.S. security assistance.

SEC. 113. INTERNATIONAL MILITARY EDUCATION AND TRAINING.

This section amends section 542 of the FAA to authorize $56,000,000 in appropriations for fiscal year 1988 for the International Military Education and Training (IMET) program.

SEC. 114. PEACEKEEPING OPERATIONS.

This section amends section 552(a) of the FAA to authorize $46,311,000 in appropriations for fiscal year 1988 to carry out peacekeeping operations and other programs. These programs include the United States budgetary contribution to the Multinational Force and Observers (MFO) for the Sinai.

SEC. 115. ANTITERRORISM ASSISTANCE.

This section amends section 575(a) of the FAA to authorize $9,840,000 in appropriations for fiscal year 1988 to carry out the antiterrorism assistance program.

SEC. 116. UNCOMMITTED FMS CREDITS FOR THE PHILIPPINES.

This section provides authority to expend presently uncommitted Foreign Military Sales credits issued for the Philippines during fiscal year 1985 and 1986 without requirement of repayment of principal or interest.

TITLE II—ECONOMIC SUPPORT FUND

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Section 201 amends section 532(a) of the FAA to authorize $3,587,500,000 to carry out the purposes of chapter 4 of part II of the FAA for fiscal year 1988.

SEC. 202. EMERGENCY ASSISTANCE.

Section 202 amends section 533(a) of the FAA to make available in any fiscal year up to $75,000,000 for emergency use under chapter 4 of part II of the FAA when the national interests of the United States urgently require economic support to promote economic or political stability.

TITLE III—DEVELOPMENT ASSISTANCE

SEC. 301. AGRICULTURE, RURAL DEVELOPMENT, AND NUTRITION.

Section 101 amends section 103(a)(2) of the FAA to authorize $471,000,000 in appropriations for fiscal year 1988 to carry out Agriculture, Rural Development, and Nutrition programs in A.I.D.

SEC. 302. CHILD SURVIVAL FUND.

Section 102 amends section 104(c)(2)(B) of the FAA to authorize $61,000,000 in appropriations for fiscal year 1988 to carry out Child Survival Fund programs. These progams deal directly with the special health needs of children and mothers. Section 102 also amends section 104(c)(2)(B) of the FAA to authorize these child survival activities to be carried out notwithstanding any other section of the FAA or any other act. This will permit Child Survival Fund resources to be used in countries which otherwise are prohibited by statute from receiving assistance under the FAA or any other act. Thus, such program as immunization, oral rehydration, nutrition education, and promotion of child spacing could continue in a country, notwithstanding other statutory provisions to the contrary. The provision recognizes the humanitarian, people-to-people nature of the child survival program.

SEC. 303. POPULATION AND HEALTH.

This section amends section 104(g)(1) of the FAA to authorize in fiscal year 1988 $207,500,000 in appropriations for Population Planning programs and $120,100,000 in appropriations for Health and Disease Prevention programs.

SEC. 304. EDUCATION AND HUMAN RESOURCES DEVELOPMENT.

This section amends Section 105(a) of the FAA to authorize $123,650,000 in fiscal year 1988 for Education and Human Resources Development programs.

SEC. 305. PRIVATE SECTOR, ENERGY, AND PRIVATE AND VOLUNTARY ORGANIZATIONS.

Section 305 amends the FAA by restating section 106 thereof. If adds a single new authority to the FAA (in subsection (f)), and does not remove any existing authorities. Rather, it provides an increased focus on the role of the private sector in economic development.

Subsection (a) of new section 106 sets forth the findings of the Congress that a private enterprise economy is the most efficient means of achieving broad-based economic development. Subsection (a) also sets forth the view of the Congress that many developing countries have not relied on open, competitive markets to determine resource allocations in many sectors of their economies. Instead, governments have often attempted to direct essential activity in agricultural and industrial production and trade by centralized governmental determinations, thereby creating severe economic distortions. Subsection (a) further states that assistance provided under this section should foster the movement of developing countries toward a free market society and the establishment of viable, competitive markets and the expansion of private enterprise in such countries, and contains examples of the types of assistance that would help achieve this objective.

Subsection (b) of new section 106 sets forth the view of the Congress that private and voluntary organizations and cooperatives bring unique skills to bear on the development process. By virtue of their links with private institutions in developing countries, such organizations and cooperatives often serve to effectively engage rural and urban poor in their nation's development. In order to foster the activities of private and voluntary organizations and cooperatives (as well as regional and international development organizations), assistance may be provided for programs of technical cooperation and development in conjunction with those organizations.

Subsection (c) of new section 106 sets forth the view of the Congress that energy development and production are vital elements in the development process, and that energy shortages in developing countries greatly limit the development process in such countries. Subsection (c) goes on to state that in order to help developing countries alleviate their energy problems by improving their ability to use indigenous energy resources to produce the energy needed by their economies, assistance may be provided to enable such countries to prepare for and undertake development of their energy resources, and contains several examples of such assistance.

Subsection (d) of new section 106 sets forth the view of the Congress that assistance to developing countries will sometimes be required in order to address special development problems and research needs. Such assistance may include programs of research into, and evaluation of, the process of economic development in developing countries and costs of development activities, and other aspects of development assistance in order to render such assistance of increasing value and benefit. Also included are programs of reconstruction following natural or manmade disasters and programs of disaster preparedness, including the prediction of and contingency planning for natural disasters abroad; other programs designed to help solve special development problems including efforts to make possible proper utilization of infrastructure and related projects with earlier United States assistance; and programs of urban development.

Subsection (e) of new section 106 authorizes the President to furnish assistance, on such terms and conditions as he may determine, for activities to carry out the purpose of this section. Subsection (e) authorizes to be appropriated to the President for such purposes, in addition to funds otherwise available for such purposes, $162,700,000 for fiscal year 1988. Amounts appropriated under section 106 are authorized to remain available until expended.

Subsection (f) of new section 106 permits private sector assistance which is channeled through an intermediate credit institution or a non-governmental organizations to be charged against a single Development Assistance account rather than several, simplifying the administrative requirements of both A.I.D. and the particular organization or institution. The account charged would be the account primarily justifying the overall project for which funds are being provided. For example, if an entire project was justified on the basis that it was primarily an agricultural one, the entire project could be funded from the Agriculture account. A non-governmental organization would then no longer have to make certain that funds provided from A.I.D.'s Agriculture account for the project were being used solely for agricultural activities, that Education funds provided for the same project were being used solely for education activities, etc. From the perspective of both A.I.D. and the organization through which private sector assistance is being provided, an administrative burden would be significantly lessened.

SECTION 306. PRIVATE SECTOR REVOLVING FUND

Section 108 of the FAA establishes a Private Sector Revolving Fund to assist in the development of private enterprise, including cooperatives, in developing countries. Section 306 would authorize in fiscal year 1988 a deposit in the Private Sector Revolving Fund of up to $12,000,000 of the funds made available under chapters 1 and 7 of part I of this FAA.

SEC. 307. PRIVATE SECTOR ASSISTANCE

Section 307 amends section 122 of the FAA by adding a new subsection (f). This new subsection provides that loans which are made to private borrowers at or near market rates of interest may be compromised notwithstanding section 620(r) of the FAA when the President determines that this would be likely to maximize the return to the United States.

The authority to compromise private sector debt will allow A.I.D. to make prudent management decisions in order to maximize the return to the U.S. government should full payment of the loan obligation appear unlikely. It will enable A.I.D. to manage this element of its private sector portfolio on a more business-like basis, and it parallels the authority provided under the Private Sector Revolving Fund authorized under section 108 of the FAA.

SEC. 308. COST-SHARING

Section 308 repeals sections 124 (d) and (e) of the FAA. Section 124(d) authorizes the President on a case-by-case basis, with respect to relatively least developed countries, to waive the requirement in section 110 of the FAA that each country receiving U.S. assistance under sections 103 through 106 of the FAA provided at least 25 percent of the costs of the entire program, project, or activity for which U.S. assistance is furnished to that country under those sections of the FAA. Section 308 replaces this limited waiver authority in section 124 with new authority, to be included in section 110, authorizing the President on a case-by-case basis to waive the section 110 cost-sharing requirements with respect to all developing countries. It will remain A.I.D.'s policy to require a 25 percent contribution to the cost of projects undertaken. However, this additional authority recognizes that there is a growing debt and recurring cost burden on developing countries other than those which are relatively least developed, and therefore it authorizes on a case-by-case basis the furnishing of U.S. assistance without application of the 25 percent cost-sharing requirement.

Section 308 also repeals section 124(e) of the FAA, which provides that section 110(b) of the FAA shall not apply with respect to grants to relatively least developed countries. Section 110(b) was repealed by section 1211(a)(3) of the International Security and Development Cooperation Act of 1985. There is no purpose, therefore, in retaining the exception to section 110(b) provided in section 124(e).

TITLE IV—ASSISTANCE FOR SUB-SAHARAN AFRICA

Title IV of the Bill amends the FAA to add a new chapter 7 to part I of the FAA entitled the "Development Fund for Africa".

SEC. 401. DEVELOPMENT FUND FOR AFRICA.

Section 471 of chapter 7 contains a statement of findings which:

(1) recognizes the significance of the economic crisis affecting Africa;

(2) states that the development crisis in Africa is a result of a combination of internal and external factors including inappropriate government policies which stifle individual initiative in significant part in the agricultural sector, inadequate cadres of skilled labor, inadequate infrastructure, rapid population growth rates, increasing threats to Africa's natural resource base, and high infant mortality rates;

(3) notes that, at the initiation of African governments, the United Nations General Assembly has recently adopted a "Programme of Action for African Economic Recovery and Development" which recognizes these problems, the primary role of African governments themselves addressing these problems, and the importance of African economic development to the economic and political well-being of the world; and

(4) states that the resolution of the development crisis in Africa requires nothing less than renewed and sustained real economic growth.

Section 472 of chapter 7 authorizes the President to provide assistance for growth-oriented development activities in Sub-Saharan Africa. The objective of this assistance is to promote self-sustaining economic growth with equitable access to the opportunities created by that growth. The section defines the general framework for this assistance as (1) establishment of a policy environment which encourages the private sector and promotes individual initiative, (2) reduction of the direct role of central government in productive enterprises and other areas of the economy more appropriate for the private sector, and (3) expansion of the role of public and private local institutions in such areas as health, education, and physical infrastructure. Within this framework, assistance is authorized for such purposes as:

(1) Economic reform and stabilization—to support reform efforts of African governments to bring about a fundamental restructuring of their economies and to establish a favorable environment for individual enterprise and self-sustaining development.

(2) Agricultural development—to address underlying structural and sectoral reform needs. These reforms complement such other areas of assistance as (a) fostering of increased agricultural production through the development and strengthening of indigenous research capabilities, (b) the development of effective marketing systems including the construction and rehabilitation of necessary infrastructure, (c) promotion of land management systems which will reverse the present trend of desertification, (d) promotion of rural and urban income-generating opportunities for the underemployed and the unemployed, and (e) continued improvement of capabilities to respond to drought.

(3) Human resources development—to provide assistance to increase the productivity of the population through such means as health and child survival assistance, voluntary family planning, and the expansion of basic education and technical training.

Section 473 of chapter 7 authorizes the appropriation of $500 million for assistance (excluding centrally-funded programs) for Sub-Saharan Africa for fiscal year 1988. The section also requires that local currencies which may be generated by the assistance provided by this section are to be deposited in separate accounts and used for the purposes of this chapter or for the administrative expenses of A.I.D.

Section 474 of chapter 7 waives the application, for purposes of assistance authorized by this chapter, of section 604(a) of the FAA and similar provisions of law regarding the procurement of goods and services. It does not apply to the provisions of the Comprehensive Anti-Apartheid Act of 1986. This section encourages A.I.D. to seek similar procurement "untying" from other donors. This section also recognizes the continued importance of private and voluntary organizations and cooperatives in the provision of assistance in Sub-Saharan Africa. To achieve sustained economic growth in Africa will require interventions at many different levels. Private and voluntary organizations and cooperatives represent a significant capacity to mobilize local institutions toward development objectives.

Section 475 of chapter 7 notes the critical importance of donor coordination in the development effort in Africa. This is especially true given the scarcity of resources, relative to the needs of Africa, that are available. Donors are encouraged to take steps to rationalize their programs with one another and to improve the coordination of their assistance efforts among themselves and with African governments. This section also encourages the President to continue to utilize, where appropriate, existing authorities to support activities of international organizations that are consistent with the purposes of this chapter, and to cooperate with multilateral development institutions, particularly incident to policy reforms, in their activities in Africa.

Section 476 of chapter 7 states that references in any law to chapter 1 of part I of the FAA will be deemed to include reference to chapter 7. Section 476 also applies the policy provisions of section 102 of the FAA to the provision of assistance under chapter 7.

Section 477 of chapter 7 states that A.I.D. will submit to the relevant committees of Congress an agenda for the periodic substantive evaluation of the progress made toward the achievement of the development objectives of the chapter.

SEC. 402. CONFORMING AMENDMENTS.

Section 402 makes certain amendments to the FAA and the Agricultural Trade Development and Assistance Act of 1954 to take into account the establishment of the Development Fund for Africa. This includes the amendment of section 1109 of the FAA to apply the transfer provisions of that section to the Development Fund for Africa. Reprogrammings of funds for Sub-Saharan Africa would be subject to the requirements of section 634A of the FAA.

TITLE V—OTHER ASSISTANCE AND MISCELLANEOUS PROVISIONS

SEC. 501. AMERICAN SCHOOLS AND HOSPITALS ABROAD.

Section 501 amends section 214(c)(1) of the FAA to authorize $20,000,000 in fiscal year 1988 for the American Schools and Hospitals Abroad Program.

SEC. 502. HOUSING AND OTHER CREDIT GUARANTY PROGRAMS.

Section 502 amends section 222(a) of the FAA to authorize the program to enter into commitments through September 30, 1989. Section 502(b) amends section 223(e) of the FAA to increase by $60 million the present authority to borrow funds from the Treasury to meet guaranty reserve requirements.

SEC. 503. AGRICULTURAL AND PRODUCTIVE CREDIT AND SELF-HELP COMMUNITY DEVELOPMENT PROGRAMS.

Section 503 amends section 222A(h) of the FAA to continue the Agricultural and Productive Credit and Self-Help Community Development Program through September 30, 1989.

SEC. 504. TRADE CREDIT INSURANCE PROGRAM.

Section 504 amends section 224(e) of the FAA to authorize up to an additional $200,000,000 of guaranty authority for the Trade Credit Insurance Program in fiscal year 1988.

SEC. 505. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS.

Section 505 amends section 302(a)(1) of the FAA to authorize $194,000,000 in fiscal year 1988 for voluntary contributions to international organizations and programs.

SEC. 506. INTERNATIONAL NARCOTICS MATTERS.

Section 506 amends section 482(a)(1) of the FAA to authorize $98,750,000 in fiscal year 1988 for international narcotics control programs.

SEC. 507. INTERNATIONAL DISASTER ASSISTANCE.

Section 507 amends section 492(a) of the FAA to authorize $25,000,000 in fiscal year 1988 for international disaster assistance activities.

SEC. 508. TRADE DEVELOPMENT PROGRAM.

Section 508 amends section 661(b) of the FAA to authorize $20,000,000 in fiscal year 1988 for the Trade and Development Program. In addition, section 508 authorizes that funds appropriated for the program remain available until expended. Similar authority is included in the FAA for Development Assistance and the Economic Support Fund.

SECTION 509. OPERATING EXPENSES

Section 509 amends section 667(a)(1) of the FAA to authorize $426,810,000 in fiscal year 1988 for the operating expenses of the Agency for International Development.

SEC. 510. OPERATING EXPENSES, OFFICE OF THE INSPECTOR GENERAL

Section 510 amends the FAA by adding a new section 668. This new section authorizes a separate appropriation for the Office of the Inspector General of the Agency for International Development. The section authorizes $22,687,000 for this purpose for fiscal year 1988.

SEC. 511. ADMINISTRATION OF JUSTICE

Section 511 amends section 534(b)(3) of the FAA to include forensic, rehabilitation and related ancillary functions integral to humane and professional systems of criminal justice among the authorized uses of assistance through the Administration of Justice Program. Further, it eliminates the requirement for activities under section 534(b)(3) to be conducted under judicial or prosecutorial control.

This section also amends section 534(e) of the FAA to delete the sunset provision for the entire Administration of Justice Program and exempts the program from the restrictions of section 660 of the FAA. It also permits participation in regional and multilateral projects by trainees from countries to which assistance is otherwise prohibited, subject to Congressional notification.

SEC. 512. NARCOTICS-RELATED REQUIREMENTS

This section amends section 481(h) and (i) in several respects: (a) it exempts from the restrictions contained in section 481 all NATO members; (b) it provides objective criteria for defining major drug-transit countries; (c) it makes prospective the imposition of sanctions applicable to major drug producing and drug transit countries and allows the President to exempt a country from the sanctions on the basis of specified criteria either before sanctions are imposed or during the period in which the sanctions are in effect; (d) it limits such sanctions to the fifteen most significant drug producing and the fifteen most significant drug transit countries; (3) it modifies the process for Congressional review of Presidential certifications by requiring a joint resolution of disapproval at all times; and (f) it exempts from those sanctions narcotics education and narcotics-related economic assistance activities.

These modifications are necessary to facilitate the application of narcotics-related sanctions introduced into the FAA by the Anti-Drug Abuse Act of 1986. They focus the impact of those sanctions on the most significant drug producing and transit countries, provide the means and opportunity to administer the sanctions effectively through proper identification of such countries, and provide leverage for obtaining the cooperation of such countries in undertaking additional activities needed to facilitate the implementation of the narcotics control program before the sanctions actually take effect.

This section also repeals section 2013 of the Anti-Drug Abuse Act of 1986, which imposes sanctions which largely overlap those of section 481 of the FAA, subject to waiver on the basis of Presidential certification of criteria which essentially mirror those in section 481.

SEC. 513. RESTRICTIONS ON TRAINING ASSISTANCE

This section amends section 638 of the FAA to permit military and economic assistance for training for Argentina or Brazil, provided that the recipient country continues to have a democratically elected government. This amendment would not alter the applicability of human rights and police training provisions in the law.

SEC. 514. ASSISTANCE FOR POLICE OF DEMOCRATIC GOVERNMENTS

This section amends section 660 of the FAA by altering the existing criteria for exemption from the section's prohibition on aid to law enforcement personnel and functions. Existing law provides a complicated formula for such exemption requiring that the recipient country have a longstanding democratic tradition and not have a standing army. This amendment would simplify the criteria and more closely focus on the present government's actions and intentions to strengthen democratic institutions. it provides that section 660 will not apply to a country which has a government elected fairly and openly, which seeks to strengthen democratic institutions, and which does not have a record of gross abuse of internationally recognized human rights.

SEC. 515. ASSISTANCE TO PAKISTAN.

This section amends section 620E(d) of the FAA to extend the current national interest waiver authority for Pakistan to September 30, 1993. This amendment provides the requisite flexibility to act in the national interests of the United States to continue assistance to Pakistan, now confronted with Soviet military pressures.

SEC. 516. SUPPORT FOR PERSONNEL OVERSEAS.

Section 516 amends sections 636(c) and (d) of the FAA. The amendment to section 636(c) removes the existing dollar limitation on the authority of A.I.D. to use its operating expense funds to construct or otherwise acquire office space and schools for its personnel overseas. The amendment to section

636(d) removes the existing dollar limitation on the authority of A.I.D. to use its operating expense funds to provide assistance to schools for dependent children of personnel overseas. In both instances, the removal of the existing limitations will provide A.I.D. with the flexibility to provide these necessary facilities to its employees at the most economical cost.

SEC. 517. SAFETY OF FLIGHT ITEMS FOR CHILE.

Existing restrictions on aid to Chile have created in a few instances life threatening situations. Because of these restrictions, Chile is unable to obtain from the U.S. certain items necessary for the safe operation of previously supplied U.S. origin F-5 and A-37 aircraft. Without such replacements, the operation of these aircraft is exceedingly dangerous. This section would permit the sale and licensing of such equipment which is essential to the safe operation of these aircraft and thus eliminate unnecessary life threatening situations.

SEC. 518. ASSISTANCE FOR AFGHANISTAN.

Section 518 amends section 904 of the International Security and Development Cooperation Act of 1985 to repeal the earmark of Economic Support Funds for fiscal year 1988 (and each fiscal year thereafter) for assistance to the Afghan people. This amendment continues the authority to use ESF funds for this purpose and also authorizes the use of Development Assistance for the same purpose of providing humanitarian assistance for the Afghan people.

SEC. 519. ASSISTANCE FOR THE CAMBODIAN PEOPLE.

Section 519 provides that the President may provide military or ESF assistance to the noncommunist resistance forces in Cambodia. Assistance would be subject to section 906 of the International Security and Development Cooperation Act of 1985, which prohibits assistance to the Khmer Rouge. Section 518 is virtually identical to section 905 of the International Security and Development Cooperation Act of 1985, except that it removes outdated earmarks.

SEC. 520. REPORTING REQUIREMENTS.

This section repeals or modifies various reporting requirements. Subsection (a) repeals the requirement in section 620(s)(2) of the FAA to submit an annual report on how the percentage of a country's budget and foreign exchange devoted to military purposes has been taken into account before assistance is provided to a country. Since section 620(s)(2) was enacted in 1969, the mechanisms for reporting to Congress on assistance programs have been greatly expanded and improved. Through Congressional Presentation materials, reports required by section 634(a) of the FAA, various other reports and congressional testimony, the Congress is kept informed of the reasons for allocations of assistance to particular countries. Section 620(s)(2) requires the preparation of a comprehensive annual report which addresses only one of the many factors taken into account in making allocation decisions. The report is time-consuming to prepare, and it requires the compilation of information that is available primarily from intelligence agencies and that overlaps substantially with information already included in the report prepared by the State Department under section 25 of the AECA.

Subsection (b) repeals various requirements that A.I.D. include information on particular subjects in the annual Development Issues report required by section 634(a) of the FAA. These include information concerning:

—Development programs relating to the "oceans," which have not been the subject of A.I.D.'s development efforts;

—The value of U.S. assistance proposed to Congress during the preceding year, obligated during the preceding year, planned for the current year, and proposed for the upcoming year, which is included in annual Congressional Presentation materials;

—Each aid-recipient country's debt servicing capacity and all forms of U.S. debt relief provided to such countries, included in the Annual Report of the National Advisory Council on International Monetary and Financial Policies (NAC); and

—The amount of all foreign currencies acquired without payment of dollars of each foreign country, included in the Report on Foreign Currencies Held by the U.S. Government, issued each year by the Treasury Department's Financial Management Service.

Subsection (c) repeals the requirement in the International Security and Development Cooperation Act of 1985 for annual reports on the economic conditions in various countries, and their ability to meet their international debt obligations. Information on particular countries' debt and economic status is included in testimony presented to Congressional committees, in Congressional Presentation materials, and in other reports as needed.

TITLE VI—TECHNICAL AMENDMENTS

SEC. 601. TECHNICAL AMENDMENTS.

This section makes technical amendments to section 3(a) of the AECA and section 505(e) of the FAA by replacing the term "significant defense articles" with the term "significant military equipment". This section also amends section 36(d) of the AECA by replacing the word "combat" with "military" in order to conform obsolete terms with those used in the recent revisions to the International Traffic in Arms Regulations. This section also redesignates section 25(d) of the AECA as added in 1985 as subsection (e) to eliminate the redundancy of two subsections designated as (d) and section 25(a)(5)(B) to clarify the reference to the redesignated subsection (e).

TITLE VII—AUTHORIZATIONS FOR FISCAL YEAR 1989 AND EFFECTIVE DATE

SEC. 701. AUTHORIZATIONS FOR FISCAL YEAR 1989.

Section 701, in accordance with the requirements of section 607 of the Congressional Budget Act of 1974, authorizes appropriations for fiscal year 1989 for all programs and activities for which appropriations for the fiscal year 1988 are authorized by this Bill.

SEC. 702. EFFECTIVE DATE.

Section 702 provides that, except where otherwise stated in the Bill, the effective date for this Bill is October 1, 1987.

DEPARTMENT OF STATE,
Washington, DC, March 5, 1987.

Hon. GEORGE BUSH,
President of the Senate.

DEAR MR. PRESIDENT: On behalf of the President, I hereby transmit the International Security and Development Cooperation Act of 1987. This bill amends the Foreign Assistance Act of 1961 and the Arms Export Control Act to authorize additional development and security assistance programs for fiscal year 1988, and for other purposes. The bill authorizes appropriations of $11,903,798,000, and amends the substantive authorities governing international development and security assistance, and related programs.

Title I of the bill authorizes appropriations for military assistance and foreign military sales credit programs, and establishes aggregate ceilings for such programs. It amends certain authorities governing or affecting such programs to enhance program effectiveness and administrative efficiency.

Title II authorizes appropriations for the Economic Support Fund.

Title III authorizes appropriations for international development assistance programs, including those pertaining to agriculture, rural development and nutrition, health, child survival, and voluntary family planning. Title III also modifies section 106 of the Foreign Assistance Act to give a sharper focus to the activities funded under that section.

Title IV amends the Foreign Assistance Act to establish a new chapter of that act authorizing a Development Fund for Africa. The new chapter is designed to provide the administrative and policy framework within which the United States, African governments, and other donors can most effectively address the economic problems today facing much of Sub-Saharan Africa. The chapter authorizes the appropriation of $500,000,000 for this purpose of fiscal year 1988.

Title V authorizes appropriations for certain related programs, including voluntary contributions to international organizations, and international narcotics matters; it amends certain substantive authorities and provisions governing several of the programs authorized in the Foreign Assistance and Arms Export Control Acts.

Title VI contains technical amendments to the Foreign Assistance and Arms Export Control Acts.

Title VII authorizes programs for fiscal year 1989 in accordance with the provisions of the Budget Act, and establishes an effective date for the bill of October 1, 1987, unless otherwise stated in the bill.

The legislation I am transmitting today is also in response to section 153 of the FY 1987 Continuing Resolution (P.L. 99-591). In particular, our proposal for a separate Development Fund for Africa reflects our strong view of the need to modify the statutory framework within which economic assistance for Africa is provided.

With respect to the authorizations requested in this bill for security assistance programs for Greece and Turkey, I hereby certify, in accordance with section 620C(d) of the FAA, that the furnishing of such assistance to Greece and Turkey will be consistent with the principles set forth in section 620C(b) of the FAA. The explanation of the reasons for this certification in each case is contained in the Congressional presentation materials for the fiscal year 1988 security assistance programs.

The Office of Management and Budget has advised that this legislation is in accord with the program of the President. I urge its urgent consideration and prompt enactment.

Sincerely,

JOHN C. WHITEHEAD,
Acting Secretary.●

By Mr. INOUYE:

S. 721. A bill to provide for and promote the economic development of Indian tribes by furnishing the necessary capital, financial services, and

technical assistance to Indian-owned business enterprises and to stimulate the development of the private sector of Indian tribal economies; to the Committee on Indian Affairs.

INDIAN DEVELOPMENT FINANCE CORPORATION ACT

● Mr. INOUYE. Mr. President, I am pleased to introduce today the American Indian Development Finance Corporation Act. This is a bill to provide for the economic development of Indian tribes by furnishing the necessary capital, financial services, and technical assistance to Indian-owned business enterprises and to stimulate the development of the private sector of Indian tribal economies.

We would accomplish these goals by establishing a federally chartered, mixed ownership Development Finance Institution which would be authorized to provide a broad range of financial intermediary services, including equity capital, direct loans, loan guarantees and business management assistance. The corporation as proposed in this legislation would be designed to operate on the same level as the private market.

The Indian Development Finance Corporation proposal represents the best thinking of a team of Indian economists, business management specialists and finance experts who have devoted 2 years to research the conditions of Indian economic development and compare how the Indians needs would be best met by drawing upon the experience of the World Bank and other Government sponsored development institutions. The compilation of this research was published in a 200-page report in the 99th Congress by the select committee as the first step in drafting this legislation.

Mr. President, I am aware that proposals to establish new federally chartered institutions and to capitalize such institutions with public moneys run against the stream of current Government policies. However, I am convinced and I believe that Members of this body will be persuaded that the conditions of extreme deep seated poverty which exist on Indian reservations across the country call out for a dramatic response. The reasons for such unparalleled poverty and unemployment as exists on Indian reservations have been widely studied and documented by the Congress, Federal agencies and numerous private institutions and the Indian tribes themselves. Such studies have consistently identified the following obstacles to balanced economic growth and progress:

First, the very limited availability of long-term development capital and very limited access to short-term commercial credit. Both of these forms of finance are absolutely necessary if we are to see the development of a private sector economy in Indian country;

Second, the lack of effective control of the Indians themselves over their own lands and resources;

Third, the scarcity of experienced Indian business managers and technicians.

In the past the Federal Government has attempted to stimulate Indian economic development through a combination of grant programs, direct loans and loan guarantee programs. These efforts have consistently fallen far short of their objectives due to an inadequate level of funding, lack of coordination between programs and a lack of private business experience on the part of the administrators of these Government programs. In contrast, the Indian Development Finance Corporation's primary mission would be to provide financing for Indian business enterprises whose principle place of business is located within the boundaries of an Indian reservation or whose principal business activities are directed at contributing to the economy of an Indian community. The very important distinction between the functioning of this corporation and either Government programs or private banks is that the corporation is designed to draw from the best of both worlds. It would be required under this law that the corporation would be supervised by a board whose business credentials would have to be established prior to their appointment. The organization would be created as a stock corporation with the principles of competitiveness and accountability built into its mode of operation. However, it would have the advantage of generating capital which could only be possible through Government sponsorship.

The Indian specialists who designed this proposal felt that it is essential that the Indian tribes and Indian enterprises have a stake in the business before they could receive the benefit of its services. In other words, Indian tribes or businesses that come to the corporation for financial or business assistance would first have to become shareholders in the corporation. Thus, in a very real sense this would be their corporation and not the Government's, although there is a necessary level of Government control and accountability.

Mr. President, I am looking forward to consideration of this bill in the Indian Affairs Committee where we may appropriately scrutinize its contents and receive the input of Indian tribes and experts from the private sector. If the committee should approve some form of this measure it would be a tremendous step forward in the direction of making financial and institutional resources available to the Indian tribes. I believe that long-term progress in overcoming the conditions of extreme poverty with its attendant social problems on reservations can only be met if we create institutions that will be available for the long term and for such institutions to enable the Indian people to do for themselves rather than have the Government do for them. In this very important sense this proposal furthers the U.S. Government's longstanding policy of self-determination and self-sufficiency in Indian affairs.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS—"INDIAN DEVELOPMENT FINANCE CORPORATION ACT"

Section 1—Title: Provides that the title of the Act may be cited as the "Indian Development Finance Corporation Act."

Section 2—Congressional Findings and Purpose: This section declares it to be the policy of Congress that, in fulfillment of its special and longstanding responsibility to Indian tribes, the Federal Government should provide assistance to the Indian people in their efforts to break free from the devastating effects of extreme poverty and unemployment. The goal of Indian people to achieve lasting economic self-sufficiency through the development of the private sector of tribal economies would be most appropriately assisted by establishing a federally chartered, mixed ownership development financing institution which shall provide a broad range of financial intermediary services including working capital, direct loans, loan guarantees and technical assistance utilizing the proven efficiencies of the private market mode of operation.

Section 3—Definitions: Contains the definitions for use in this Act, including eligible Indian business enterprises to mean any commercial, industrial or business activity—(A) which is operated for profit, (B) at least 51 percent of which is owned by Indians or Indian tribes, (C) which produces or furnishes goods, services, or facilities whose; (1) principal place of business is located within the boundaries of an Indian reservation, or (2) principal business activities are determined by the Corporation to be directed at contributing to the economy of any Indian tribe.

Such term includes any entity which is wholly owned or controlled by any commercial, industrial or business activity described in the preceding sentence.

TITLE I—ESTABLISHMENT OF CORPORATION

Section 101—Creation: Establishes the Indian Development Finance Corporation

Section 102—Functions: (A) This section defines the duty of the Corporation to include providing development capital; encouraging the development of new and existing Indian business enterprises; maintaining broad based control of the Corporation in its voting stockholders; encouraging participation in the Corporation by Tribes by ownership of its equity securities; and assisting in strengthening the private sector of tribal economies through the development of Indian business enterprises whose activities are directed at contributing to such economies.

(B) This section specifically authorizes the Corporation to make loans or commitments for loans to any Indian business enterprise which has a sound organizational structure, income in excess of its operating costs, assets in excess of its liabilities and a demand for its goods and services. Loans shall be repayable in not more than 40 years and upon such terms, rates and charges as will provide credit to Indian business enterprises at the lowest possible costs taking into account the cost of money to the Corporation, the necessary reserve of the Corporation and the technical and other assistance available to the borrower.

(C) The Corporation is authorized to guarantee all or any part of the principal and interest of any loan made by private lending institutions if the purposes meet the requirements specified in subsection 102(b).

(D) For purposes of providing loan term capital and working capital to Indian business enterprises, the Corporation is authorized to purchase or make commitments to purchase up to 25 percent of the equity or ownership interest in such enterprises if it is determined, after a full and complete appraisal of the project and related business plans, that such investment does not expose the corporation to any unreasonable business risks considering the applicable standards prevailing in the field of development finance as applied to Indian economic development. In those instances where the Corporation has made an equity investment in an Indian business enterprise the Corporation shall supervise of participate in the management of such enterprises where appropriate.

Section 103—General Powers: This section defines the general powers of the Corporation to include:

(A) Lease, purchase, accept gifts or donations, own, hold, improve, use, sell, convey, mortgate, pledge, lease, exchange, or otherwise dispose of any property, real, personal or mixed or any interest therein.

(B) Sue and be sued and to to court.

(C) Represent itself, or to contract for representation in all judicial, legal, and other proceedings.

(D) Make use and pay for services, facilities, and property of any board, commission, independent establishment, or executive agency or department of trhe executive branch in carrying out the provisions of this act.

(E) Use the United States mails on the same terms.

(F) Participate with other financial institutions, agencies, instrumentalities, trusts or foundations in loans or guarantees under this Act.

(G) Accept guarantees from other agencies for which loans made by the Corporation may be eligible.

(H) Establish one or more regional offices as needed.

(I) Buy and sell obligations of, or instruments insured by the United States or any agency or instrumentalities thereof, or (2) securities backed by the full faith credit of any such agency or instrumentality.

(J) Make investments.

(K) Establish offices within the Corporation as may be necessary including offices for: Project Development, Technical Assistance and Training, Project Evaluation and Auditing, Fiscal Management and any other offices which the Board of Directors deems necessary.

(L) Exercise all other lawful powers necessarily related to the establishment of the Corporation in order to carry out the provisions of this Act.

Section 104-Board of Directors: The powers of the Corporation are vested in a twelve member Board of Directors. The twelve members will represent; A. one officer of the United States Government; B. six individuals who represent the Indian tribes which are shareholders in the Corporation; C. the President of the Corporation, and; D. four shareholders in the Corporation.

The initial members of the Board of Directors would be appointed by the President and confirmed by the Senate. The President would have to appoint individuals with experience in private business, development or commercial financing. The Indian tribe representatives must be Indian and can only be appointed after the President has consulted with and received nominations from such tribes. No more than five of the ten members of the Board of Directors can be members of the same political party.

The term of office for initial members of the Board of Directors would expire at the start of the first annual meeting of the shareholders of the Corporation. This first meeting will be held after the date on which subscriptions have been paid for at least 10 percent of the common stock initially offered for sale to Indian tribes.

The term of office for any members of the Board of Directors will be five years. Any vacancy created by the expiration of the term of office will be filled in an election whereby an individual is elected by the shareholders. If a vacancy occurs prior to the expiration of the term of office the President shall appoint an individual, with the consent of the Senate, to fill the vacancy. A member of the Board may be removed from office by the President only for neglect of duty or malfeasance in office.

A member of the Board may be removed from office by the President only for neglect of duty or malfeasance in office.

The Board of Directors will be responsible for establishing the policies of the Corporation and supervising the management of the Corporation.

Section 105—Officers and Employees: The Board of Directors shall appoint a President of the Corporation who shall have the responsibility for carrying out the policies and functions of the Corporation. The President will also have the authority to appoint and fix the compensation and duties of its officers and employees.

Section 106—Conflicts of Interest and Financial Disclosure: The financial disclosure provisions of the Ethics in Government Act of 1978 shall apply to the Corporation as if it were a Federal Agency. No member of the Board of Directors shall vote on any matter pending before the Corporation if there is a conflict of interest. Action by any member contrary to this prohibition shall be cause for removal of that member. The only time this would not apply is if the member first advises the Board of Directors of the nature of the particular matter in which he or she proposes to participate and makes full disclosure of such financial interest. The Board of Directors would determine by majority vote if the financial interest is too remote or too inconsequential to affect the integrity of such members services for the Corporation.

Section 107—Annual Meetings: This section states that the Corporation shall hold an annual meeting of it shareholders which must be open to the public. Shareholders and representatives of Indian business enterprises may present motions or resolutions at the annual meeting. At least 30 days notice of the time and place of the annual meeting is required.

Section 108—Tax Status: This section states that the Corporation, its franchise, capital, reserves, surplus, income, and intangible property will be exempt from all taxation. Real property owned in fee by the Corporation shall be subject to taxation. The Corporation and its employees shall be subject to payroll and employment taxes and any bond, note or other evidence of indebtedness, issued by the Corporation, shall be exempt from all taxation.

Section 109—Reports to Congress: The Board of Directors must report annually to the appropriate committees of the Congress.

Section 110—Conforming Amendments: This section amends title 31 of the United States Code by inserting "the Indian Development Finance Corporation" after "the National Consumer Cooperative Bank" in three paragraphs.

TITLE II—CAPITALIZATION

Section 201—Issuance of Stock: The Corporation is authorized to issue shares of common stock, to redeem or repurchase any share of stock issued by the Corporation at a price determined by the Board of Directors. At least 60 percent of the voting common stock will be owned by Indian tribes. No person or tribe may own more than 5 percent of the total value of all outstanding voting common stock of the Corporation at any time.

The Corporation will offer a total of 100,000 shares of common stock at $250 per share to Indian tribes and 100,000 shares of common stock to the United States for the benefit of Indian tribes. One year after the common stock offer is made the Corporation will again have the opportunity to offer 80,000 shares of preferred, nonvoting stock for sale to the United States at $500 per share.

The Secretary may use funds held in trust to purchase such number of shares of stock as the governing body of the tribe may request the Secretary to purchase on behalf of the tribe. The Secretary must vote, sell or exchange any shares of stock upon the request of the tribe on whose behalf such shares were purchased.

Section 202—Borrowing Authority: The Corporation is authorized to issue unconditionally guaranteed bonds, notes, rates and other evidences of indebtedness. The aggregate amount of obligations issued shall not exceed $500,000,000. An obligation may be issued only if the Secretary of the Treasury approves of the terms and conditions of such obligation.

If the Corporation is unable to pay the principal or interest due on any obligation the Secretary of the Treasury would pay the amount due on the obligation out of funds in the Treasury not otherwise appropriated. The amount paid by the Secretary of the Treasury shall become an obligation of the Corporation that bears interest at the same rate borne by the obligation with respect to which such payment was made and is payable under the same terms.

The Secretary would loan $35,000,000 to the Corporation for the purpose of providing initial operating funds. The terms of the loan would: provide for a repayment period of at least 40 years at a rate of interest not to exceed ½ of a percent over the average rate on seven year treasury bills; provide for the suspension of payment of the interest and principal during the 10 year period beginning on the date the agreement is executed.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Section 301—General Operational Expenses: In addition to amounts authorized to be appropriated under Section 302,

$2,000,000 are authorized to be appropriated for this Act for fiscal year 1988 and such sums as may be necessary for fiscal years 1989 and 1990.

Section 302—Authorizations for Specific Provisions: There are authorized to be appropriated for fiscal year 1988, $25,000,000 for the purpose of carrying out the provisions in section 201 (c) (2).

There are authorized to be appropriated for the purpose of carrying out the provisions of section 201 (d) (3) $20,000,000 and $20,000,000 for the succeeding fiscal year.

There are authorized to be appropriated for fiscal year 1988, $35,000,000 for the purpose of carrying out the provisions of section 202 (c).●

By Mr. DANFORTH (for himself, Mr. Lugar, Mr. Boschwitz, Mrs. Kassebaum, Mr. Nickles, Mr. Pressler, Mr. Bond, and Mr. Symms):

S. 723. A bill to amend the Merchant Marine Act, 1936, to exempt the shipment of all agricultural commodities and products thereof from cargo preference requirements; to the Committee on Commerce, Science, and Transportation.

MERCHANT MARINE ACT

● Mr. DANFORTH. Mr. President, I am today joined by Senators Lugar, Boschwitz, Kassebaum, Nickles, Pressler, Bond, and Symms in introducing legislation that would repeal one of the most misguided of all Federal subsidies, cargo preference requirements that now burden the Department of Agriculture's concessional export programs. I do so in full recognition of the fact that Congress actually increased the burdens of cargo preference during consideration of the 1985 farm bill, but with the conviction that repeal of this mandate would assist the hungry and malnourished of other nations, American farmers, and efforts to reduce Federal budget deficits.

Cargo preference is special interest legislation at its worst. Under this program, American farmers lost $155 million to the U.S.-flag merchant fleet in 1986. This subsidy comes in the form of payments over and above the lowest cost for shipments of agricultural commodities under Public Law 480—Food for Peace—and the section 416 program. Cargo preference is bad policy, and we should do away with it as quickly as possible.

It is ironic that the proportion of food aid subject to cargo preference was increased by the Food Security Act of 1985, a bill designed to help farmers. Under that law, the U.S merchant marine's traditional 50 percent share of concessional food exports will be increased to 75 percent by 1988, with the cost of this increase theoretically borne by the Department of Transportation. The mandatory set-aside rose to 60 percent in 1986, but USDA has not yet been reimbursed by DOT, meaning that the new burden over and above the 50-percent requirement has fallen on the backs of those who are least able to bear it. At a time when American agriculture is in the midst of a depression, at a time when scenes of starvation in Africa haunt the minds of many Americans, at a time when Congress is seeking ways to revive agricultural exports without busting the budget, cargo preference is funneling more and more food assistance dollars to maritime interests. The so-called compromise legislation adopted in 1985 is no compromise at all.

There is no question that cargo preference has injured American agriculture, since money that is spent to ship commodities on American rather than foreign bottoms would otherwise be used to send additional commodities overseas. Recognizing this, the National Commission on Agricultural Trade and Export Policy stated in its report to the President that it "strongly opposes the concept of cargo preference" as applied to food-aid programs. The Commission also found that the cargo preference language of the 1985 farm bill is neither workable nor in the interests of U.S. agriculture, and that "Congress and the administration should reopen the issue of cargo preference for additional review," leading to adoption of maritime policies that do not penalize agriculture.

Mr. President, it has been argued that cargo preference requirements are essential to military preparedness, but national defense is not at stake in the cargo preference debate. If there is a national security interest in subsidizing the domestic merchant fleet, then I believe that suitable grants should be made through the defense budget. I only argue that such assistance should not be financed by taking money from the pockets of farmers and food from the mouths of the hungry. That is why I ask my colleagues to cosponsor this legislation, and why I urge the Senate to repeal agricultural cargo preference requirements.

Mr. President, I ask that the text of the bill appear in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 723

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION OF AGRICULTURAL EXPORTS FROM CARGO PREFERENCE REQUIREMENTS.

(a) In General.—Section 901a of the Merchant Marine Act, 1936 (46 U.S.C. 1241e) is amended by inserting "the export of any agricultural commodity or product thereof, including" after "shall not apply to".

(b) Conforming Amendments.—

(1) Sections 1141 and 1143 of the Food Security Act of 1985 (46 U.S.C. 1241d and 1241p) are repealed.

(2) Sections 901b through 901k of the Merchant Marine Act, 1936 (46 U.S.C. 1241f-1241o) are repealed.●

By Mr. FORD (by request):

S. 724. A bill to amend the Federal Aviation Act of 1958 to advance the scheduled termination date of the Essential Air Service Program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADVANCEMENT OF SCHEDULED TERMINATION DATE OF THE ESSENTIAL AIR SERVICE PROGRAM

● Mr. FORD. Mr. President, I am introducing legislation, at the request of the Secretary of Transportation, which would do two things—one of which I agree with and one of which I am opposed to. However, because of the Secretary's interest in these two matters, I believe it necessary to offer them both to the Senate for comment.

Both provisions included in this bill relate to activities which remained in effect after the sunset of the Civil Aeronautics Board in 1984 and the subsequent transfer of CAB authority to the Department of Transportation.

The first portion of this bill provides for the termination of the Essential Air Service Subsidy Program. The EAS Program, which was enacted as a part of the Airline Deregulation Act of 1978, has been critical in ensuring that small communities throughout the country are guaranteed access to the Nation's air transportation system. The President has proposed terminating this program in each of his last three budgets, but there has been little interest in Congress in acting on them.

Mr. President, I do not think that it would be appropriate at this time to consider ending this program, especially since my colleague on the Aviation Subcommittee, Senator Exon, has introduced legislation to extend the EAS Program. Rather, I believe that we should wait, and revisit this matter later this year, as we draw nearer to the scheduled expiration of the program in September 1988.

The other matter addressed in the bill which I am introducing today, and which I am more in tune with, is an effort to end the Department of Transportation's involvement in antitrust matters affecting the domestic airline industry. Specifically, DOT's administration of special standards for industry mergers and acquisitions, as well as interlocking directorates, which are set forth in sections 408 and 409 of the Federal Aviation Act of 1958, must be moved to the Department of Justice, where they always belonged.

At the Justice Department, the airline industry would be subject to the standards of the Clayton Act. Experience has demonstrated, especially since the CAB sunset occurred in 1984, that the procedures of the Clayton Act are far better suited to the needs of a competitive industry than what has been done in the Department of

Transportation. In addition, it makes little sense to let the regulator continue to serve as the enforcer in antitrust matters. It clearly is a conflict.

The recent rash of airline mergers points out the importance of who administers these provisions. In several instances during the last 2 years, the Justice Department has filed comments with DOT expressing concern with the competitive aspects of several of those mergers. However, the Secretary of Transportation moved forward, approving every single merger that it has acted upon, with very few, if any, conditions imposed.

Mr. President, it is the next round of airline mergers and acquisitions that concerns me most. We see that the trend toward industry consolidation is continuing, as TWA tries to buy U.S. Air, who is trying to buy Piedmont Airlines. Merger mania has not stopped in the airline industry and we must have real antitrust experts acting on future mergers.

The Secretary's bill addresses the need for this by terminating sections 408 and 409. Such termination would create a statutory vacuum that the Clayton Act authority fills automatically. And the bill provides the continuation of those proceedings which were commenced at DOT prior to January 1, 1987. But it would take the continuing authority over antitrust matters and put it where it belongs.

As chairman of the Aviation Subcommittee, it is my intention to schedule hearings on this bill in the very near future. And I would expect that as a part of these hearings, we will undertake a thorough review of where airline mergers have taken us thus far, as well as where they will lead us in the future.

Mr. President, I ask unanimous consent that the Secretary's bill be printed in the RECORD at this point.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 724

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 419 of the Federal Aviation Act of 1958, as amended (the Act), 49 App. U.S.C. 1389, is repealed; *provided,* that satisfaction of claims or other obligations arising under the provisions of section 419 for services performed prior to the effective date of repeal shall be administered and, as necessary, adjudicated as if the section were not repealed. The Table of Contents for the Act is amended by striking "Sec. 419. Small community air service." and its subsections.

SEC. 2. Section 416 of the Federal Aviation Act of 1958, as amended (Classification and Exemption of Carriers) (49 App. U.S.C. 1386), is amended by the addition of a sentence at the end of paragraph (b)(4), as follows:

"The exemption from section 401 of this title granted by this paragraph shall not apply to any commuter air carrier providing service to any "eligible point" as designated pursuant to Section 419 of this Act between October 24, 1978, and October 1, 1987, unless the Secretary determines that such commuter air carrier is fit, willing, and able to perform such service."

SEC. 3. Subsection (j) of Section 401 of the Federal Aviation Act of 1958, as amended (Terminations, Reductions, and Suspensions of Service) (49 App. U.S.C. 1371(j)), is repealed and reserved.

SEC. 4. Paragraph (a)(7) of section 1601 of the Federal Aviation Act of 1958, as amended (49 App. U.S.C. 1551(a)(7)), is revised to read as follows:

"(7) Sections 408 and 409 of this Act (and section 414 of this Act relating to such sections 408 and 409) and the authority of the Secretary under such sections (to the same extent) cease to be in effect on the date of enactment of this paragraph; *provided,* that rights, duties, and obligations arising (1) in proceedings commenced before the Department of Transportation prior to January 1, 1987, or (2) pursuant to final orders adopted by the Secretary or the Board under the provisions of sections 408 and 409 (and section 414 relating to such sections 408 and 409) prior to the effective date of termination, shall be administered and, as necessary, adjudicated, as if the sections were not terminated."

SEC. 5. This Act shall be effective October 1, 1987, except that the amendment made by Section 4 shall be effective upon enactment.●

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. BOREN, the names of the Senator from Nevada [Mr. REID], the Senator from Ohio [Mr. METZENBAUM], and the Senator from Tennessee [Mr. SASSER] were added as cosponsors of S. 2, a bill to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes.

S. 12

At the request of Mr. CRANSTON, the names of the Senator from Vermont [Mr. STAFFORD] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 52

At the request of Mr. PRESSLER, the name of the Senator from Tennessee [Mr. GORE] was added as a cosponsor of S. 52, a bill to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program.

S. 69

At the request of Mr. TRIBLE, the name of the Senator from Maine [Mr. MITCHELL] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 81

At the request of Mr. METZENBAUM, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 81, a bill to amend the Older Americans Act of 1965 to establish the Alzheimer's disease and related dementias home and community-based services block grant.

S. 187

At the request of Mr. MELCHER, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 187, a bill to provide for the protection of native American rights for the remains of their dead and sacred artifacts, and for the creation of native American cultural museums.

S. 220

At the request of Mr. SYMMS, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 220, a bill to require the voice and vote of the United States in opposition to assistance by international financial institutions for the production of commodities or minerals in surplus, and for other purposes.

S. 232

At the request of Mr. WILSON, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 232, a bill to permit placement of a privately funded statue of Haym Salomon in the Capitol Building or on the Capitol Grounds and to erect a privately funded monument to Haym Salomon on Federal land in the District of Columbia.

S. 248

At the request of Mr. LAUTENBERG, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 248, a bill to amend title 10, United States Code, to permit members of the Armed Forces to wear, under certain circumstances, items of apparel not part of the official uniform.

S. 250

At the request of Mr. HUMPHREY, the name of the Senator from New Jersey [Mr. BRADLEY] was added as a cosponsor of S. 250, a bill to prevent fraud and abuse in HUD programs.

S. 314

At the request of Mr. PRESSLER, the names of the Senator from Maryland [Ms. MIKULSKI], the Senator from Iowa [Mr. HARKIN], and the Senator from Illinois [Mr. DIXON], were added as cosponsors of S. 314, a bill to require certain telephones to be hearing aid compatible.

S. 322

At the request of Mr. SARBANES, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 322, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr. in the District of Columbia.

S. 328

At the request of Mr. SASSER, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 328, a bill to amend chapter 39, United States Code, to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 338

At the request of Mr. PRYOR, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Minnesota [Mr. DURENBERGER] were added as cosponsors of S. 338, a bill to allow homeowners to deduct the full amount of prepaid interest paid in connection with the refinancing of their principal residence for the taxable year in which paid.

S. 402

At the request of Mr. EVANS, the name of the Senator from Colorado [Mr. ARMSTRONG] was added as a cosponsor of S. 402, a bill to provide that during a 2-year period each item of any joint resolution making continuing appropriations that is agreed to by both Houses of Congress in the same form shall be enrolled as a separate joint resolution for presentation to the President.

S. 453

At the request of Mr. MURKOWSKI, the name of the Senator from Kansas [Mr. DOLE] was added as a cosponsor of S. 453, a bill to amend title 38, United States Code, and the Veterans' Dioxin and Radiation Exposure Compensation Standards Act to improve the standards for determining whether a radiation-related disease is service connected, and for other purposes.

S. 472

At the request of Mr. CRANSTON, the names of the Senator from Maine [Mr. MITCHELL] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 472, a bill to provide for a mutual, simultaneous, and verifiable moratorium on the testing of nuclear warheads.

S. 476

At the request of Mr. DODD, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 476, a bill to provide assistance in the development of new or improved programs to help younger persons through grants to the States for community planning, services, and training; to establish within the Department of Health and Human Services an operating agency to be designated as the Administration on Children, Youth, and Families; and to provide for a White House Conference on Young Americans.

S. 477

At the request of Mr. CRANSTON, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 477, a bill to assist homeless veterans.

S. 498

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 498, a bill to amend the Trade Act of 1974, to define as an unfair trade practice, the denial of internationally recognized worker rights, and for other purposes.

S. 499

At the request of Mr. RIEGLE, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 499, a bill to establish a procedure to reduce the bilateral trade deficits between the United States and major trading partners determined to have excessive trade surpluses and found to engage in unfair trading practices which threaten the economic security of the United States, and for other purposes.

S. 552

At the request of Mr. EVANS, the names of the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. INOUYE], and the Senator from Wisconsin [Mr. PROXMIRE] were added as cosponsors of S. 552, a bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government and for other purposes.

S. 626

At the request of Mr. BRADLEY, the names of the Senator from New Mexico [Mr. BINGAMAN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Montana [Mr. MELCHER], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of S. 626, a bill to prohibit the imposition of a fee at the Statue of Liberty National Monument, and for other purposes.

S. 642

At the request of Mr. TRIBLE, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 642, a bill to amend the Nuclear Waste Policy Act of 1982 to remove the requirement of a second repository for the disposal of high-level radioactive waste and spent nuclear fuel, and for other purposes.

S. 686

At the request of Mr. DASCHLE, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 686, a bill to amend the Agricultural Act of 1949 to limit the quality of milk protein products that may be imported into the United States.

S. 703

At the request of Mr. SPECTER, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 703, a bill to amend title 18, United States Code, including the Child Protection Act, to create remedies for children and other victims of pornography, and for other purposes.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the names of the Senator from Utah [Mr. GARN], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 15

At the request of Mr. PRESSLER, the names of the Senator from Oregon [Mr. PACKWOOD], the Senator from Missouri [Mr. DANFORTH], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 15, a joint resolution designating the month of November 1987 as "National Alzheimer's Disease Month."

SENATE JOINT RESOLUTION 28

At the request of Mr. DOLE, the names of the Senator from Massachusetts [Mr. KENNEDY], and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 28, a joint resolution designating "American Physiologists Week."

SENATE JOINT RESOLUTION 43

At the request of Mr. CRANSTON, the names of the Senator from Illinois [Mr. DIXON], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Connecticut [Mr. WEICKER], the Senator from Michigan [Mr. RIEGLE], the Senator from Massachusetts [Mr. KERRY], the Senator from Nevada [Mr. REID], the Senator from New Jersey [Mr. BRADLEY], the Senator from Connecticut [Mr. DODD], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of Senate Joint Resolution 43, a joint resolution designating April 24, 1987, as "National Day of Remembrance for the Victims of the Armenian Genocide."

SENATE JOINT RESOLUTION 47

At the request of Mr. CRANSTON, the names of the Senator from Mississippi [Mr. STENNIS], the Senator from South Carolina [Mr. THURMOND], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Idaho [Mr. SYMMS], the Senator from Utah [Mr. GARN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wyoming [Mr. SIMPSON], the Senator from Iowa [Mr. GRASSLEY], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from South Dakota [Mr. PRESSLER], the Senator from Arizona [Mr. MCCAIN], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Colorado [Mr. WIRTH] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate "National POW Recognition Day."

SENATE JOINT RESOLUTION 60

At the request of Mr. BRADLEY, the names of the Senator from Washington [Mr. ADAMS], the Senator from

Oklahoma [Mr. Boren], the Senator from Colorado [Mr. Wirth], the Senator from Connecticut [Mr. Dodd], the Senator from West Virginia [Mr. Rockefeller], the Senator from New York [Mr. Moynihan], the Senator from Georgia [Mr. Fowler], the Senator from South Carolina [Mr. Hollings], the Senator from Georgia [Mr. Nunn], the Senator from Arkansas [Mr. Bumpers], the Senator from Oklahoma [Mr. Nickles], the Senator from Tennessee [Mr. Gore], the Senator from Minnesota [Mr. Boschwitz], the Senator from Massachusetts [Mr. Kerry], the Senator from Michigan [Mr. Levin], the Senator from Hawaii [Mr. Matsunaga], the Senator from New Jersey [Mr. Lautenberg], the Senator from South Dakota [Mr. Daschle], the Senator from Maryland [Mr. Sarbanes], the Senator from Minnesota [Mr. Durenberger], the Senator from Nebraska [Mr. Exon], the Senator from Tennessee [Mr. Sasser], the Senator from New Mexico [Mr. Domenici], the Senator from Louisiana [Mr. Johnston], the Senator from Illinois [Mr. Dixon], the Senator from North Carolina [Mr. Sanford], the Senator from Alabama [Mr. Heflin], the Senator from Hawaii [Mr. Inouye], the Senator from Florida [Mr. Graham], the Senator from Oregon [Mr. Packwood], the Senator from Maryland [Ms. Mikulski], and the Senator from Nevada [Mr. Hecht] were added as cosponsors of Senate Joint Resolution 60, a joint resolution to authorize the President to proclaim the last Friday of April each year as "National Arbor Day."

SENATE JOINT RESOLUTION 66

At the request of Mr. Burdick, the names of the Senator from Connecticut [Mr. Dodd], the Senator from Kansas [Mr. Dole], the Senator from Kentucky [Mr. Ford], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Utah [Mr. Hatch], the Senator from Michigan [Mr. Riegle], the Senator from Idaho [Mr. Symms], and the Senator from South Carolina [Mr. Thurmond] were added as cosponsors of Senate Joint Resolution 66, a joint resolution to designate the week of November 22 through November 28, 1987, as "National Family Week."

SENATE JOINT RESOLUTION 70

At the request of Mr. Trible, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Illinois [Mr. Simon], the Senator from Illinois [Mr. Dixon], and the Senator from Minnesota [Mr. Boschwitz] were added as cosponsors of Senate Joint Resolution 70, a joint resolution commemorating the 40th anniversary of the Marshall plan.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. Murkowski, the name of the Senator from Washington [Mr. Adams] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution to express the sense of the Congress regarding its opposition to reductions in Veterans' Administration funding levels to pay for health care for certain categories of eligible veterans.

SENATE CONCURRENT RESOLUTION 15

At the request of Mr. Heflin, the names of the Senator from South Carolina [Mr. Hollings], the Senator from Alabama [Mr. Shelby], the Senator from North Carolina [Mr. Helms], the Senator from Virginia [Mr. Warner], the Senator from Michigan [Mr. Levin], the Senator from Montana [Mr. Melcher], and the Senator from South Dakota [Mr. Pressler] were added as cosponsors of Senate Concurrent Resolution 15, a concurrent resolution expressing the sense of the Congress that no major change in the payment methodology for physicians' services, including services furnished to hospital inpatients, under the Medicare Program should be made until reports required by the 99th Congress have been received and evaluated.

SENATE CONCURRENT RESOLUTION 27

At the request of Mr. Durenberger, the name of the Senator from Indiana [Mr. Lugar] was added as a cosponsor of Senate Concurrent Resolution 27, a concurrent resolution stating the sense of the Senate that the U.S. Department of Commerce and Special Trade Representative should initiate investigations of Canadian agricultural subsidies.

SENATE RESOLUTION 93

At the request of Mr. Lautenberg, the name of the Senator from North Dakota [Mr. Burdick] was added as a cosponsor of Senate Resolution 93, a resolution expressing the sense of the Senate regarding future funding of Amtrak.

SENATE CONCURRENT RESOLUTION 28—RELATING TO FEDERALLY INSURED DEPOSITORY INSTITUTIONS

Mr. HEINZ (for himself, Mr. Sarbanes, Mr. Sanford, Mr. Garn, Mr. Dodd, Mr. Armstrong, Mr. D'Amato, and Mr. Dixon) submitted the following concurrent resolution; which was referred to the Committee on Banking, Housing, and Urban Affairs:

S. Con. Res. 28

Whereas, since the 1930s, the American people have relied upon federal deposit insurance to ensure the safety and security of their funds in federally insured depository institutions; and

Whereas the security of such funds is an essential element of the American financial system: Now, therefore, be it

Resolved by the Senate (the House concurring), That the Congress reaffirms that deposits up to the statutorily prescribed amount, in federally insured depository institutions are backed by the full faith and credit of the United States.

● Mr. HEINZ. Mr. President, the safety of Americans' savings in federally insured depository institutions is a critical component to the continued safety and soundness of our Nation's financial system. In this regard, I am introducing today, together with Senators Sanford, Garn, Dodd, Armstrong, D'Amato, and Dixon, a resolution to reassure the American people that the U.S. Government stands fully behind their deposits in federally insured financial institutions.

This measure is absolutely essential, Mr. President, because news of the Federal Savings and Loan Insurance Corporation's desperate financial straits has moved from the business page to the front page of nearly every newspaper in the country.

The FSLIC has been a ticking time bomb for nearly 18 months. Losses at insured savings and loan associations have been mounting in recent years. The ratio of FSLIC reserves to deposits has been steadily declining since 1983. Although the Federal Home Loan Bank Board imposed a special insurance assessment on individual FSLIC-insured institutions, this measure did not produce enough income to offset the costs associated with the resolution of a growing number of very expensive FSLIC cases.

The number of problem institutions has grown at such a rate that the FSLIC does not have the resources to deal with the caseload. In fact, in its most recent audit, the GAO has said the fund technically is $3.8 billion in the red.

As a result, the Federal Home Loan Bank Board, the agency charged with oversight of the FSLIC fund, has formally applied to draw on its $750 million line of credit from the Treasury to bolster the fund and maintain depositor confidence.

While GAO's numbers may be interpreted in different ways, the point of this, Mr. President, is that Congress cannot and will not allow the FSLIC to fizzle. It is imperative that we assure depositors that the fund isn't going down the drain.

Mr. President, the crisis confronting the FSLIC is very similar to that confronting the Social Security trust fund in 1983. I was a member of the Commission that came up with the plan to save Social Security. If Congress is committed to address this problem, answers can be found. This resolution signals to the FSLIC depositors the Congress' intention to resolve the problems with the FSLIC system.●

SENATE CONCURRENT RESOLUTION 29—RELATING TO FAMILY VISITS BETWEEN THE PEOPLE OF THE UNITED STATES AND THE SOVIET UNION

Mr. DeCONCINI (for himself, Mr. GRASSLEY, Mr. SIMON, Mr. BRADLEY, Mr. D'AMATO, Mr. LAUTENBERG, and Mr. WILSON) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 29

Whereas millions of United States citizens, including members of national and ethnic groups such as Armenians, Byelorussians, Estonians, Germans, Jews, Latvians, Lithuanians, Poles, Russians, and Ukrainians, have relatives in the Soviet Union;

Whereas the Soviet Union, as a signatory of the 1975 Final Act of the Conference on Security and Cooperation in Europe, commonly known as the Helsinki Accords, committed itself to "favourably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families.";

Whereas in that same document the Soviet Union pledged that "applications for temporary visits to meet members of . . . families will be dealt with without distinction as to country of origin or destination . . . ; cases of urgent necessity—such as serious illness or death—will be given priority treatment.";

Whereas the Soviet Union has ratified the United Nations Charter and signed other international human rights documents such as the International Covenant on Civil and Political Rights, documents which clearly protect the right to leave one's country and return thereto;

Whereas in anticipation of the Geneva Summit Conference of November 1985, President Reagan stated, ". . . the cause of peace would be served if more individuals and families . . . could come to know each other in a personal way.";

Whereas home visits would immeasurably aid our understanding of the Soviet people and improve relations with the Soviet Union, since family visitation is one of the most basic forms of cultural exchange;

Whereas it is not proper for governments to decide which relationships constitute close family ties for the purpose of determining which relatives should be allowed to visit each other;

Whereas the present policies of the Soviet Union make it virtually impossible for the millions of relatives in the two countries to exchange visits in their homes, and relatives who have used other forms of communication, such as mail, telephone, telegraph, and gift parcels have experienced enormous difficulties;

Whereas because of restrictive Soviet policies, less than 1,000 of the many thousands of Americans who visited the Soviet Union in 1986 were allowed a private visa to stay with relatives in their homes, and only about 1,500 Soviet citizens were allowed to visit their relatives in the United States;

Whereas many Americans who have been frustrated by delay or denial in obtaining private visas to visit family members in their homes in the Soviet Union have resorted to joining package tours to the Soviet Union as a means of seeing their family members;

Whereas relatives should be able to comfort and assist each other in the event of medical emergencies such as those which resulted from the Chernobyl disaster, or when specialized medical treatment is not available in a particular country;

Whereas in the case of serious illness or death the victim's relatives should be guaranteed expeditious determination of their visa applications;

Whereas family visitation is an issue which transcends political differences, and governments which permit normal and regular family visitation demonstrate a commitment to basic values of decency and fairness which are shared by all mankind; and

Whereas at the Vienna Conference on Security and Cooperation in Europe Follow-up Meeting, the United States delegation enumerated the inappropriate restrictions placed by Soviet authorities on Soviet citizens who wish to travel abroad and on United States citizens who wish to visit family members in the Soviet Union: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) the promotion of unrestricted family visits between related people of the United States and the Soviet Union is an essential part of American policy toward the Soviet Union; and

(2) the President, the Secretary of State, and other members of the administration should raise the issue of family visitation at all appropriate opportunities in discussions with the leadership of the Communist Party and the Government of the Soviet Union.

● Mr. DeCONCINI. Mr. President, I am pleased to introduce today along with Senators GRASSLEY, SIMON, BRADLEY, D'AMATO, LAUTENBERG, and WILSON, a resolution about a subject that has fundamental importance for the survival and welfare of society—the family.

Civilization rests upon the integrity of the human family. It would be no exaggeration to state that without the family there could be no civilization. It is the family that nurtures and rears our young, teaching them not only the skills necessary to survive and prosper, but the eternal truths necessary to sustain the human soul. Through our families we learn love; we learn respect; and we learn responsibility.

The fate of nations is intimately linked to the vitality and stability of the family. This legislation specifically addresses the inability of American citizens to maintain regular contact with their families in the Soviet Union.

Over a decade ago, on August 1, 1975, Government representatives from the United States, Canada, the Soviet Union and 32 European nations joined together in signing the Final Act of the Conference on Security and Cooperation in Europe, often referred to as the Helsinki accords. In agreeing to the Helsinki accords, the signatory nations have acknowledged their commitment to "favorably consider applications for travel with the purpose of allowing persons to enter or leave their territory temporarily, and on a regular basis if desired, in order to visit members of their families." The signatory nations also have pledged that "applications for temporary visits to meet members of * * * families will be considered without distinction as to country of origin or destination * * * cases of urgent necessity—such as serious illness or death—will be given priority treatment."

Unfortunately, the Soviet Union has not adhered to these humanitarian standards of the Helsinki accords. While there are only estimates on the number of Soviet and American citizens longing to visit relatives, it is clear only a few are being allowed the joy of these reunions. And all of these citizens are being forced to face a lengthy and intimidating process to gain the necessary visas—a battle they should not have to wage in order to spend time with loved ones.

Last year, approximately 1,500 Soviet citizens were granted permission to visit family members in our country. Only 1,500 were given the chance to hug a loved one and to reminisce about days gone by. And while these few Soviet citizens carry home cherished memories of family reunions, tens of thousands more yearn for the opportunity to share stories with brothers and sisters, to spend a private moment with sons and daughters, and to see grandchildren for the first time.

While there have been many Americans allowed to visit the Soviet Union, the paperwork involved in obtaining a visitor's visa to a private home is monumental. The application process can drag on for months. Last year, less than a thousand Americans of the many thousands who applied, were given permission to stay with Soviet relatives in their homes. The rest were forced to sign on to tours—hoping for the chance to meet with relatives in one of the 80 designated tour cities—and often ending hopes of a visit to an ancestral village or gravesite.

Just as distressing is the often lengthy deliberation of Soviet officials when confronted with a case involving serious illness. Many times, months pass without an answer to a relative's request to visit an ailing loved one. Consider the case of Alexander Amerisov, editor of the Soviet-American Review. He has been repeatedly denied a visa to travel to the Soviet city of Vinnitsa where his mother suffers from a heart condition and high blood pressure. If the Soviets don't relent soon, it may be too late. And just last month the Soviet Government denied Naum Meiman, a professor of mathematics and physics, a visa to attend his wife's funeral here in Washington, DC.

New Soviet travel regulations have been announced which may end this lengthy delay. But though this new policy appears likely to offer quicker decisions on visas, there has been no indication that it will lead to more positive responses for families wishing for a reunion.

With your support of this resolution, Congress can add its voice to the chorus urging the Soviets to live up to the Helsinki accords. This resolution calls on the Soviets to recognize the importance of unrestricted family visits between related people of the United States and Soviet Union. And it urges the President, Secretary of State, and other administration officials to raise the family visitation issue at all appropriate opportunities in discussions with the leadership of the Government of the Soviet Union.●

SENATE RESOLUTION 165—FAVORING LIMITED "USE" IMMUNITY FOR CERTAIN PERSONS IN THE INVESTIGATION OF THE SALE OF ARMS TO IRAN AND DIVERSION OF FUNDS TO THE CONTRAS

Mr. SPECTER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 165

Whereas, the Nation's interests demand full disclosure at the earliest possible time regarding the sale of arms to Iran and the diversion of funds to the Contras; and

Whereas, the courts have established that the Congressional interest in eliciting testimony must, in the event of conflict, take precedence over the interests of prosecutors; and

Whereas, prosecutions of key witnesses can, in any event, be preserved by sealing all relevant evidence prior to a grant of limited use immunity; and

Whereas, the testimony of Admiral John Poindexter and Lt. Col. Oliver North is indispensable to a full explanation of the Iran/Contra matters;

Therefore, be it resolved, That it is the Sense of the Senate that the Senate Select Committee investigating these matters should promptly grant limited "use" immunity to Admiral Poindexter and Lt. Col. North, so that their sworn testimony can be compelled.

AMENDMENTS SUBMITTED

DISCLOSURES TO SELECT COMMITTEE ON SECRET MILITARY ASSISTANCE TO IRAN AND THE NICARAGUAN OPPOSITION

ARMSTRONG AMENDMENT NO. 37

(Ordered to lie on the table.)

Mr. ARMSTRONG submitted an amendment intended to be proposed by him to the resolution (S. Res. 162) relating to tax information disclosures to the Select Committee on Secret Military Assistant to Iran and the Nicaraguan Opposition; as follows:

On line 7 of page 2, immediately following "the Nicaraguan Freedom Fund;" and immediately preceding "and any officers of such organizations", the following:

Committee in Solidarity With the People of El Salvador (CISPES), Medical Aid to El Salvador (MAES), New El Salvador Today (NEST), Salvador Medical Relief Fund (SMRF), United States Peace Council (USPC), Communist Party of the United States of America (CPUSA)

● Mr. ARMSTRONG. Mr. President, last week the distinguished Senator from Ohio [Mr. METZENBAUM], introduced a resolution (S. Res. 162) that provides for the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition to inspect and receive the tax records of several private organizations about which questions have been raised as to whether or not they have provided aid to combatants in Central America.

The resolution is being held at the desk rather than being assigned to committee for action, leading me to believe that we may be acting on it in the near future.

In view of this, I have an amendment I send to the desk and ask unanimous consent that it be printed in the RECORD. As it happens, I have been following a related issue that I think the Senate might wish to examine in the context of the resolution introduced by the Senator from Ohio.

Specifically, I have been following a series of State Department cables that indicate that funds collected by private organizations here in the United States, ostensibly for humanitarian purposes, may—knowingly or unknowingly—be finding their way to the hands of the Communist-led FMLN-FDR guerrillas fighting to overthrow the democratic government of Jose Napoleon Duarte in El Salvador, which is supported by the United States.

As is commonly known, the FMLN-FDR is supported by the Sandinista regime in Nicaragua; indeed, that is where the FMLN-FDR is headquartered. It seems to me that if we are going to take a look at private organizations which may or may not have provided aid to groups fighting the Sandinista regime, we should then also take a careful look at private organizations which—at least some allege—may be the witting or unwitting conduit for funding Communist rebels in Central America.

To assist in that effort, my proposed amendment would simply add to the organizations listed in Senate Resolution 162 the names of additional organizations which have been identified in these State Department cables.●

NOTICES OF HEARINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. NUNN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold hearings on Federal drug interdiction: Command, control, communications and intelligence.

These hearings will take place on Wednesday, March 18, 1987, at 9:30 a.m. and on Tuesday, March 24, 1987, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building. For further information, please contact Eleanore Hill or John Sopko of the subcommittee staff at 224-3721.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. LEVIN. Mr. President, I would like to announce that the Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, will hold hearings on March 19 and 20, in room 342 of the Dirksen Senate Office Building, at 9:30 a.m., on Oversight of the Independent Counsel Act.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence, of the Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 11, 1987, at 1:45 p.m. to hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS, SUSTAINABILITY, AND SUPPORT

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness, Sustainability and Support, of the Committee on Armed Services, be authorized to meet during the session of the Senate on Wednesday, March 11, 1987, at 2 p.m. to resume open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on depot maintenance, supply and spare parts programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the full committee of the Committee on the Judiciary, be authorized to meet during the session of the Senate on Wednesday, March 11, 1987, at 2 p.m. to hold hearings on the nominations of Edward Leaby, of Oregon, to be U.S. circuit judge for the ninth circuit, Malcolm F. Marsh, to be U.S. district judge for the district of Oregon, Morton I. Greenberg, of New Jersey, to be U.S. circuit judge for the third circuit, and James B. Zagel, to be U.S.

district judge for the northern district of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the full committee of the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Wednesday, March 11, 1987, at 2 p.m. to hold hearings on the use of telecommunications in education.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 11, 1987, at 2 p.m. to hold joint hearings with the Committee on the Judiciary, to review the constitutional implications of the Anti-Ballistic Missile Treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

SUPREME COURT'S DECISION IN INS VERSUS CARDOZA-FONSECA

● Mr. KENNEDY. Mr. President, the Supreme Court this week vigorously upheld our Nation's proud tradition of providing political asylum to the persecuted in its decision in Immigration and Naturalization Service versus Cardoza-Fonseca. At stake was a matter truly of life and death as the Court reviewed the administration's overwraught and unduly restrictive conduct in the denial of asylum to many oppressed persons who fear persecution upon return to their homelands.

In 1980, the Congress appropriately sided with the persecuted in adopting the Refugee Act. We clearly stated that where the matter of asylum is concerned, America should take no chances—those who have a "well-founded fear of persecution" should not and must not be returned to their countries.

In the past few years, the administration has sought to evade this standard which is so widely accepted around the world today. As the Court noted, INS practice in recent years has been to apply an overly rigid "clear probability" standard, under which asylum applicants were required to present evidence which proved beyond doubt that they would be subjected to persecution if deported. This was never the intent of Congress, and I say this as the floor manager and chief sponsor of the Refugee Act of 1980.

Justice Stevens is to be commended for delivering this important opinion of the Court. It certainly reflects the spirit of the Congress' work now 7 years ago, as Justice Stevens found:

> In enacting the Refugee Act of 1980 Congress sought to "give the United States sufficient flexibility to respond to situations involving political or religious dissidents and detainees throughout the world." H.R. Rep. 9. . . . Whether or not a "refugee" is eventually granted asylum is a matter which Congress has left for the Attorney General to decide. But it is clear that Congress did not intend to restrict eligibility for that relief to those who could prove that it is more likely than not that they will be persecuted if deported.

Mr. President, I ask that the New York Times report of March 10 on this decision be printed in the RECORD.

The report follows:

[The New York Times, Mar. 10, 1987]

HIGH COURT RULES U.S. MUST EASE RULE IN GRANTING POLITICAL ASYLUM

(By Stuart Taylor, Jr.)

WASHINGTON, March 9.—The Supreme Court today ruled that the Government must relax its standard for deciding whether aliens who contend they would be persecuted in their home countries are eligible for political asylum.

The 6-to-3 decision was hailed as a major victory by immigration lawyers, who said the ruling would help many applicants, particularly from Central American countries.

The Court rejected the Reagan Administration's position that to qualify for asylum, aliens must prove a "clear probability" that they would be killed, tortured or otherwise persecuted for their beliefs if returned to their home countries.

The Court said the Government's position was contrary to the intent of the Refugee Act of 1980, which provides that aliens are eligible for asylum if they are unwilling to return to their home countries "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

"To show a 'well-founded fear of persecution,' an alien need not prove that it is more likely than not that he or she will be persecuted in his or her home country," Associate Justice John Paul Stevens said in the majority opinion.

10% CHANCE OF BEING SHOT

He suggested that any applicant would be eligible for asylum if "persecution is a reasonable possibility." He suggested that a person with a "10 percent chance of being shot, tortured, or otherwise persecuted" might be eligible, for example.

Justice Stevens said the Government's position was refuted by the "plain language" of the 1980 law, its legislative history and the 1967 United Nations Protocol Relating to the Status acceded in 1968 and with which Congress sought to comply in the 1980 law.

The decision upheld a lower court decision requiring the Board of Immigration Appeals to reconsider the application for asylum of Luz Marina Cardoza-Fonseca, a 38-year-old Nicaraguan who asserted she would risk torture at the hands of the Sandinista Government if she returned to Nicaragua because of her brother's political activities.

Immigration experts said the decision would help people who assert they are refugees from persecution in a number of countries, like El Salvador and Guatemala. In recent years, only a small percentage of asylum applications from people fleeing those countries have been granted.

Many church groups and other private groups have accused the Administration of denying asylum to refugees from Central America and elsewhere who are legally eligible for it. The Administration has denied these charges.

"It is a tremendously significant decision," said Ira J. Kurzban, an immigration lawyer who is president-elect of the American Immigration Lawyers' Association. "It recognizes at least implicitly the difficulty that asylum applicants have in proving their claims, so more people will be eligible for asylum who should be eligible."

The effect of today's decision could be limited, the Court noted, by the fact that the Attorney General retains discretion to deny asylum, even to refugees who are legally eligible for it under the definition applied by the Court today.

Mr. Kurzban and other immigration lawyers, including Arthur C. Helton, who represented the Lawyers' Committee for Human Rights and others in the case, argued in the case that the Attorney General's discretion was so broad that he could still deny all asylum applications that did not meet the "clear probability" standard the Court rejected today.

DISSENT BY POWELL

Justice Lewis F. Powell Jr. dissented in the case, Immigration and Naturalization Service v. Cardoza-Fonseca, (No. 85-782). He was joined by Chief Justice William H. Rehnquist and Justice Byron R. White.

They supported the Government's position that the legal standard for determining eligibility for asylum was the same as for determining an alien's right not to be deported to a particular country. The Court held in 1984 that the "clear probability" standard should apply in such deportation cases.

But Justice Stevens said Congress had chosen to use a less restrictive standard to determine eligibility for asylum.

Associate Justice Harry A. Blackmun, in a concurring opinion, assailed the Immigration and Naturalization Service for "years of seemingly purposeful blindness" to the clear meaning of the law.

Associate Justice Antonin Scalia, in another concurring opinion, said the language of the law made it "obvious" that the Government was wrong but objected to much of Justice Stevens's reasoning.●

CENTRAL AMERICA

● Mr. ARMSTRONG. Mr. President, early in February of this year I traveled to Central America. I was fortunate enough to meet with a number of impressive men and women whose insights will, I believe, be of interest to my colleagues. I therefore ask consent that my report be included in the RECORD.

The report follows:

CENTRAL AMERICA

"In 1978 we defended the rights of Tomas Borge while he was in prison. Now Borge (the Sandinista Minister of the Interior) has issued an order denying us recognition or aid."

The speaker was Dr. Lino Hernandez, director of the Permanent Commission on Human Rights. We were meeting in the offices of the Commission in Managua, Nicaragua. The office was decorated with blue and white UN posters, a large color picture of Pope John Paul II, and curtains made out of brown burlap cloth.

The Permanent Commission on Human Rights was founded in April of 1977 to document and protest the human rights abuses of the Somoza regime. Commission reports received worldwide attention and were used by Sandinista leaders to support their cause in the fight against the Somoza dictatorship.

All that changed when the Sandinista's came to power in 1979. The Commission is no longer allowed to publish and distribute reports. The name of the Commission cannot be used in the media. The Sandinista leaders, Tomas Borge included, ignore their protests and harass the members of the Commission. Other international human rights organizations give the Permanent Commission little support. Continued evidence of human rights abuses in Nicaragua doesn't fit their political agenda.

Dr. Hernandez told me they open 140 new cases a month. Many more cases never reach the Commission because families who go to one of the many prisons in search of loved ones are threatened with retaliation if they go to the Commission.

One of those cases may be that of a family I met in an open air market outside Managua. We had gone there with two members of our Embassy staff. After wandering through the crowded market and buying a bag of tangerines to ward off thirst from the dusty streets, we returned to our van. A crowd gathered around us and one woman asked why we were leaving.

"Aren't you going to ask us any questions. Don't you want to ask about the situation?" she said.

Standing in a crowd of 50 to 60, mostly women and children with a few men hanging in the back, we learned that her husband had been arrested a few weeks earlier. He had in his possession more rice than was allowed and had been hauled off to prison by inspectors from the government. She had tried to visit him; had tried to get a letter to him; had tried to deliver food; and, had been turned away each time.

Another woman, further back in the crowd said her husband had also been arrested. Could we help, they asked. Could we do something for them?

People in public life are not often at a loss for words but, on this occasion, I had no adequate response. Asking our Embassy guide to interpret. I told them that people in America are concerned about the people of Nicaragua and hope for an improvement in their situation. With those few, unsatisfactory words, we left for an appointment with the owner and publisher of La Prensa, the newspaper which the Sandinistas first heavily censored and now, for the last 8 months, have denied publication.

Difficult questions with no easy answers come from many of the Central American political leaders, businessmen, and private citizens. Will our current interest in Central America fade with the next crisis in another part of the world? Do we have a long term strategy for the region? Can they count on continued American support as they build new democracies and rebuild shattered economies? Will the protectionist sentiments in Congress prevail and cut off vital trade with the United States? Do we realize that the other small countries of the region cannot survive with a totalitarian Nicaragua?

Those, and many other questions were the souvenirs I brought back from what was for me an introductory trip to the countries of Panama, Costa Rica, Honduras, El Salvador, and Nicaragua.

What, for example, will become of the thousands of refugees who have fled Nicaragua and now live on the Honduran border or in camps in Costa Rica?

To visit one of those camps, we landed in Tegucigalpa, the capitol of Honduras. Waiting to meet us was Woody Jenkins—founder of a group called Friends of the Americas—and his country director, Carmen Winkler. Woody is a state legislator from Louisiana who decided he wanted to do more than just listen to talk about the problems of Central America. Friends of the Americas now has 50,000 members in the U.S. They fund and operate medical clinics, schools and other humanitarian programs throughout the region. On our way to the UN refugee camp, we were going to stop by one of the Friends of the Americas clinics in the town of Danli, some 60 miles outside Tegucigalpa toward the Nicaraguan border.

Before we left, the U.S. Embassy handed us an administrative notice, printed in bold letters and warning against travel beyond Danli "due to recent Sandinista attacks on Honduran civilian buses in the area of Las Trojes."

Friends of the Americas has a clinic in Las Trojes. I asked Carmen Winkler how frequently she visited that clinic. "I drive out there every two weeks," she told me. Asked if she was nervous about making this trip she said, "Oh no, I've only been shot at once. By now, I think they know my car."

This was a Sunday, but the clinic at Danli was open. A long line of patients were waiting to see the nurses and doctors on duty. Since many of the patients are refugees and not citizens of Honduras, this is the only place they can go for medical treatment. Ironically, the building rented and refurbished by Friends of the Americas had been a disused funeral home.

From there we went to visit one of the refugee camps. This one has 4,600 men, women and children packed into a compound surrounded by a barbed wire fence. Except for a crude well that is improperly located below a row of wooden outhouses, there is no running water and no electricity. The refugees live in small wood sheds with corrugated metal roofs.

Although the conditions in the camp are far from good, even worse is the aimless nature of existence these people face, day after day after day.

We interviewed 15 to 20 people and for each the story was roughly the same. A young man, tossing a baseball to some friends, told us he had left Nicaragua to avoid the Sandinista draft and had been living in the camp for 5 years. He didn't know what the future held; had no real work to do; did not want to fight with the Contras.

Another man was playing a game of cards while sitting on an army cot. His land had been confiscated by the Sandinistas in Nicaragua and he had left with his family. He hoped someday to return to his own country and until then passed his time waiting in the camps.

Three young men, more excited and animated than the rest, had just arrived at the camp. They were running from the Sandinista draft and had hired someone to guide them out of Nicaragua. It is ironic that not too far from this camp another group of Nicaraguans, the Contras, are gradually working their way back into Nicaragua, following the reverse course these three men had taken.

The uncertain future for these refugees in Honduras—as many as 100,000 living mostly on their own in the nearby hills or in camps—reflects the uncertain future for the region. Political turmoil, earthquakes, poverty, wars, and corruption head a long list of troubles. When I met El Salvador's President Jose Napoleon Duarte, he summed up the immediate goal for his country with one word, "Survival."

In the face of all this, it is remarkable that some progress is being made, particularly with the birth of new democracies.

In Honduras the complicated election rules were followed, even though the losing candidates could have challenged the final winner. In El Salvador the horror of death squad killings, which had reached as high as 800 a month, have been brought under control. The democratically elected government is struggling against a communist insurgency, but is winning. Costa Rica maintains its long democratic tradition and our aid is being directed to creative projects to build up the private sector and create permanent investment in jobs.

The gains of the last few years are very fragile. The military, which has long had a dominant hand, could decide to reassert control. The far right and the far left could disrupt the elective process. Disasters, natural or economic, can turn back years of work.

Hope for the future surely rests with the remarkable men and women of the kind I had the opportunity to meet.

President Duarte of El Salvador, who is leading his country out of chaos to democracy.

Jorge Manuel Dengo, the Vice President of Costa Rica, a civil engineer by training, an intellectual who fought to defend Costa Rican democracy when it was threatened in 1948 and continues that same fight today for all of Central America.

Our Ambassadors—Ed Corr in El Salvador and our own Coloradan Art Davis in Panama—of whose obvious compassion and dedication we can be very proud.

American citizens like Woody Jenkins and the many, many others who are working throughout Central America to offer their help.

Brave women like Mrs. Violeta Chamorro who told me that even though her newspaper, La Presna, has been shut down by the Nicaraguan government for the last eight months, she still comes to her office every day to continue the fight for a free press and a free country.

The people I talked with have no illusions about the severity of the problems they face. There are no illusions about the nature of the Sandinista government in Nicaragua. There are no illusions about the communist guerrillas in El Salvador.

What they are not sure about is our own commitment to what they see as a very basic struggle for human freedom. As a businessman in Nicaragua asked me, "Do Americans really care about what is happening to people in my country?" ●

THE SOFTWARE PITFALL FACING AN EARLY DEPLOYED SDI

● Mr. BUMPERS. Mr. President, recently there has been a lot of talk from some administration officials about the desirability of moving forward with the early deployment of

SDI. Such deployment would devastate both arms control and the Federal budget, sending out budget deficit into outer space. No less serious, however, is the real possibility that such a system may not work. We already are seeing with the B-1 bomber what can happen when we rush a system into deployment before the R&D is completed, and the B-1 was not a revolutionary new system. As the old saying goes, if you want it bad, you get it bad, and that is what we are risking if we go forward with early deployment of SDI.

One serious problem that is a major obstacle to any SDI deployment is making sure that the computer software developed for the system will work. The Journal of Electronic Defense has recently published an article that has a lot to say about the implications of the growing dependence of our weapons on computers and the threat that inadequate software testing poses. Now no one here wants to hinder the application of these marvels of modern technology to helping make American weapons as effective as they can be at a price we can afford. But we need to listen carefully to the advice of the author of this article, an electronics engineer from Robins Air Force Base in Georgia, and other computer professionals who have been sounding a cautionary note in our headlong rush into highly computerized weapons, especially the strategic defense initiative.

While this article deals with the problems confronting tactical systems, its comments are also quite relevant to SDI. The article notes that current computer hardware developments are giving short shrift to the real needs of computer software testing and validation. Unless changes are made, the author predicts

> Past [software development] cost control problems will be small compared with future problems, if new hardware advancements make themselves felt either singly or in combination.

The author notes that it is certain that DOD will want to incorporate new technology as soon as it is available. I would add that nowhere is this more true than in the strategic defense initiative, where we are hearing more and more loose talk, in my view, of early deployment of SDI. Software reliability was the thrust of the Eastport study, a report from computer software professionals more than a year ago. The SDI Office says it has modified its development plans to take the Eastport study into account, but that was before high administration officials began their campaign for early deployment for SDI.

As the journal article warns,

> Some thought needs to be given to operational software testing and software reliability now while some influence can be exerted on the hardware development process. If this method of playing catch-up continues, the result could be fatal to software reliability.

The major problems facing software testing are seen when one realizes, as the article points out, that even a regular navigation software program of moderate size could present as many as 1,000,000,000,000,000,000—that's a billion billion—possible paths of execution, "and present verification routines check only the main paths of execution, not all possible paths." And certainly the programming required for SDI will dwarf that of a regular navigation system.

The article sounds a timely alarm that our current emphasis in the development of VHSIC [very high speed integrated circuitry] may not provide for adequate software testing. VHSIC will likely play an important role in SDI, in both its early and full deployment variants. This article should be read by all those who support early deployment for SDI, who need to explain how early deployment would avoid the major pitfalls this article describes. Early deployment of SDI would run the real risk of becoming a spaceborne version of the Sergeant York gun. We don't need to spend over $100 billion for SDI early deployment and certainly not for one that may not work.

As the article notes,

> The concern is that weapons systems, using this new technology, will go into development before questions concerning the testing of operational software can have any influence on the development process. Hard concrete is difficult to stir.

Mr. President, I completely agree, and ask that the article "What About Software Testing" from the Journal of Electronic Defense be placed in the RECORD.

The article follows:

WHAT ABOUT SOFTWARE TESTING?

(By Howard S. Brewer)

A recent article on software engineering problems in the *Journal of Electronic Defense* addressed our ability to manage present software complexities. Software development costs have been difficult to control for some time. However, past cost control problems will be small compared with future problems, if new hardware advancements make themselves felt either singly or in combination.

Articles in other magazines have promoted the progress made in computer architecture, cache memory and VHSIC hardware. Add to this mixture advances in artificial intelligence, abstract, symbolic LISP language and self-modifying code, and questions arise as to how future operational software will be verified and validated.

One thing is certain, the DOD will want to incorporate new technology as soon as it's available. Some thought needs to be given to operational software testing and software reliability now while some influence can be exerted on the hardware development process. If this method of playing catch-up continues, the result could be fatal to software reliability.

The most common method of obtaining reliable software is to exercise control over development and perform thorough testing. The present technique of software control is through the use of documentation; however, this is difficult because documentation is typically treated as "paper" and lags actual development by as much as two years.

The remaining approach to reliable software is to independently verify and validate it. This involves testing the structure software modules for proper execution on software emulation and simulation models. Validation is best served if the operational software is tested in the actual hardware with data stripped off real-time for later analysis. Data stripping would typically consist of some percentage of memory reads, memory writes or bus monitoring at I/O ports to determine the states of microprocessors at any given time.

Even a regular navigation software program of moderate size could present as many as 10^{18} possible paths of execution, and present verification routines check only the main paths of execution, not all possible paths. In a straight distributed processing nest, all the possible paths of execution cannot possibly be checked because of the variety that multi-task processing presents to the execution flow.

HARDWARE IMPACTS

More and more manufacturers are incorporating cache memory into their processor chips to speed up the processing ability of the architecture. This advance will shut off the number of accesses to memory for both memory reads and writes. However, as this is accomplished, visibility into what data the microprocessor is manipulating is lost. As cache memory is provided in actual microchips in avionics systems, validation techniques lose their monitor capability.

Parallel processing uses multiple processors for handoff task handling and handoff data computation. This increases computation speed and promotes greater efficiency of the nested processor system. Since operational software will not be handled by parallel processing in the same manner as, for example, image processing, the techniques of processor control may have to be handled by more asembly language with a greater possibility of error. If the direction is not toward assembly language, but toward more symbolic LISP language, the visibility will still be at macro system level ie; inputs to system, outputs from system and validation techniques will still lose the monitor capability.

VHSIC is a continuation of the desire to condense and decrease system size. As the size of any nested microprocessor system rapidly decreases, the number of test points brought out gravitates toward the system macro level. Processor pins to I/O ports and memory access disappear, and bus access is lost. Besides the obvious size advantages gained, power requirements decrease and hardware becomes throw-away at the system level chip. Also, more resident disagnostics can be included for greater testability of the hardware chip.

However, for all the advantages gained in hardware, visibility into software module testing on operational software is lost and validation monitoring of processor I/O ports, memory reads and writes and bus lines disappears. Validation of the operational software interfaces cannot be accomplished.

It should be noted that given a nested microprocessor system that uses significant cache memory, and parallel processing techniques which is then reduced by VHSIC technology, the visibility into the internal workings of the software interfaces drops to zero. How can operational software be adequately validated? What can be validated if the memory microprocessor systems of an aircraft are intergrated under VHSIC techology?

Artificial intelligence programs are now under development for work stations, using forms of LISP symbolic language with a fundamental requirement that the code should be capable of modifying itself to establish a learning process. Unfortunately, the AI code being developed does not appear to have a modularized concept such as sequential software might contain. In addition, self-modifying code violates one of the most stable aspects of software control.

AI will not be very easily simulated or verified. It would appear that AI, combined with any parallel processing concept, could not be easily tested except at the system level. How can any verification of an AI system be established if the number of possible paths of execution will always greatly exceed any careful evaluation of reponses to a sequential set of requirements?

CONCLUSION

It appears that the DOD is interested in applying this new technology to weapon systems. The concern is that weapon systems, using this new technology, will go into development before questions concerning the testing of operational software can have any influence on the development process. Hard concrete is difficult to stir. An approach to software testing should be considered now to insure that the software can be tested to a high degree of reliability.

The following suggestions may be very undesirable from a hardware point of view, but they could provide some benefit to future software testing. VHSIC insertion could be modified such that sufficient test points are brought out on the chip level to allow adequate visibility to microprocessor I/O ports, memory access and bus lines. Although there is a valid argument that increasing the number of pins to a chip will increase chip size, the alternative is no internal access at all. The system level input and output pins are not going to be sufficient for the required software testing.

Cache memory is an industry effort to speed up microprocessor execution. The present enthusiasm of this effort could result in cache memory microprocessors being the only ones available on the market. If pins showing cache memory access could be brought out in these new products, the negative impact could be decreased. The alternative is to sacrifice cache memory with its small increase in speed to keep software testability.

Some thought must be given to restricting the number of processors in a system and to how their interfacing could be structured and bus communication monitored, to allow some control over application.

The impacts of artificial intelligence will probably surface later than those of hardware; however, this is a coming event. Once the process becomes better understood, restrictive guidelines should be applied to provide some modular control over structure and limit the degree of self-modifying code allowed. If restrictions are developed for the application of AI, the magnitude of possible paths of execution will be greatly reduced.●

STATEMENT ON BRITISH FOREIGN MINISTER HOWE'S RECENT SPEECH

● Mr. BUMPERS. Mr. President, the British foreign minister, Geoffrey Howe, gave a very useful and worthwhile speech in January to the International Institute for Strategic Studies in London. While his speech, "The Foundation and Future of British Security," deals with his own country, it has much to say about American security as well.

Briefly, he makes a compelling case for a strong defense posture coupled with realistic dialog and negotiation with the Soviet Union, including the vigorous pursuit of arms control. He speaks for the entire NATO alliance, of which his country is such a valued and valuable member, when he says:

> We mean to preserve our success, our prosperity, and our freedom by showing that we will defend them. And we hold out to the Soviet Union and its allies the prospect of a better, safer relationship based not on pipedreams or idealized hopes, but on good old fashioned enlightened self-interest.

One of the pipedreams that he calls into question is the fascination by some with an early deployment of star wars. There is no doubt that a prudent level of research spending into star wars is important to United States, and NATO, security. But the escalating billions sought to pursue a near-term deployment of star wars is a threat to NATO's security. It threatens the ABM Treaty, which is absolutely essential to the credibility of the British, and French, nuclear deterents. Indeed, the collapse of the ABM Treaty could bring about the prospect that Howe warns against, the demise of the British nuclear deterrent.

Star wars, and unbridled military spending more generally, also threaten the economic foundations of NATO's defense posture. As Howe points out, NATO or the Warsaw Pact both could:

> * * * go on pushing back the outer limits of technology. But neither side has limitless resources. Somewhere the spending has got to stop. Military men may assure us that new weapons systems will work on the battlefield just as well as they seem to on the drawing board. *But the god of war must bow eventually to the god of Mammon.* Economic realities are just as relevant to the battlefield as they are to the marketplace. An overconcentration on military technology to the detriment of civilian R&D is unhealthy for the economy as a whole. [emphasis added]

Foreign Minister Howe's speech also rightly calls upon the Soviets to be more forthcoming in arms control, which is exactly right. He calls for the Soviets to break the connection between an agreement on intermediate range nuclear weapons and one restricting SDI. An INF agreement could be reached fairly quickly if this delinking could be accomplished, and the whole world would be better off.

Mr. President, the Howe speech contains a number of useful insights which deserve the careful attention of each Member of this body. Therefore, I ask, that the news report about the speech and the text of the speech itself be printed in the RECORD.

The material follows:

[From the Guardian (London) Jan. 28, 1987]

UNITED KINGDOM

HOWE ISSUES WARNING TO U.S. ON SPACE WEAPONS

The Foreign Secretary, Sir Geoffrey Howe, in an urgent warning to the U.S. Administration to take no precipitate actions over the deployment of space weapons, has declared that political and budgetary considerations are paramount.

President Reagan is under considerable pressure from the Defense Secretary, Mr. Caspar Weinberger to break out of the 1972 ABM Treaty and order deployments of the first phase of space weapons.

Obviously concerned that this would undermine the arms control process, Sir Geoffrey added yesterday: "We have to accept that not everything technically possible may be affordable or prudent."

The Foreign Secretary, addressing the International Institute of Strategic Studies, was plainly intent on mapping out the Prime Minister's strategy when she goes to Moscow with Sir Geoffrey at the end of March, to put over a winning case for her priorities in arms control: an INF [intermediate-range nuclear forces] agreement involving the elimination of cruise and Pershing II missiles from Britian and the rest of Western Europe; 50 percent reductions in strategic weapons that would not affect Britains' acquisition of Trident; an agreed interpretation of the ABM Treaty that would maintain restraints on the Soviet as well as U.S. space weapons research, and delay any decision on deployments for 10 years; a commitment to reduce the East-West imbalance in conventional arms, and a worldwide chemical weapons ban.

Rather than aim for grandiose visions of a nuclear weapons free world, or of perfect strategic defense, "let us concentrate on the possible, not the speculative," he said.

"Somewhere the (military) spending has to stop; the God of War must eventually bow to the God of Mammon."

He also attacked Labour Party defence policy, coupling it to a coded message to President Reagan to withstand Mr. Weinberger's attempts to undermine "a unique opportunity" to negotiate nuclear and chemical weapons agreements with the Soviet Union.

Linking the unilateralists who "reject unclear deterrence as a concept and demand immediate unilateral elimination of all nuclear weapons" with those at the other extreme who oppose the whole idea of arms control as ineffective or even counter productive, the Foreign Secretary said that he sees "little sense in either posture."

"The path to unilateral disarmament may offer an easy descent. But life at the bottom would prove more than uncomfortable and there would be no climbing out.

"Those who reject arms control out of hand are on an equally barren path. Both dismiss the lessons of history and ignore the world's hopes for the future. And neither can offer a constructive alternative for creating genuine and enduring security."

He reserved most of his scorn for the Labour Party. "I am not surprised that the latest Labour Party Defense document is decorated with a rose," he said. "For that is the tint of their spectacles when they look at defense issues. Not for them the tricky task of grappling with the realities of the East-West balance. Not for them the views of their allies, on either side of the Atlantic. Not for them the challenge of achieving balanced and verifiable cuts on both sides."

"No, in the midst of their confusion * * * they will throw out Britain's own national nuclear deterrent. They will kick out the Americans, along with their guarantee to help defend us; and by doing so, they will also jeopardise that guarantee for our European allies."

Sir Geoffrey sought to convey that British "diplomacy is not passive and fatalistic" and that, on the contrary, the Government was intent on seizing the "unique opportunity" opened by last year's superpower summit at Reykjavik.

Mrs. Thatcher had followed that up by visiting President Reagan at Camp David, and persuading him to subscribe to her selection of arms control priorities.

Since then the NATO alliance had underwritten her arms control menu. A "realistic" Mikhail Gorbachev would readily fall in with "our determination to achieve it."

There were cognent economic arguments for reversing the arms race: "Neither side has limitless resources. Somewhere the spending has to stop."

But in addressing himself specifically to President Reagan's Strategic Defense Initiative, Sir Geoffrey stressed that he remained worried by the political and strategic implications of space-based defensive weapons, as well as by their cost. He first raised these questions publicly in a provocative speech two years ago, which caused considerable consternation in Washington.

Now the Foreign Secretary has declared that his concerns remain, and that they must be answered before any decisions are taken about moving from Star Wars research to deployment.

He cautioned that "not everything technically possible may be afforable or prudent.

"The Geneva negotiations aim to prevent **an arms race in outer space. Both sides are** committed to that objective. The British Government warmly endorses it."

THE FOUNDATIONS AND FUTURE OF BRITISH SECURITY

Peace, freedom, security—fine words. Large abstractions. But vital to this country. For forty years we have enjoyed a peace and freedom unparallelled in our history. Now, in less than eighteen months, we face a general election. Defense and foreign policy will be crucial issues.

The British people will have a clear cut choice. The government will offer a dynamic approach to the new challenges of the 1980's and 90's, an approach which will preserve and strengthen our security. That, after all, is the duty of any responsible British Government: to keep Britain safe. How a political party proposes to do so is a measure of its fitness for government.

Last year brought us both progress and disappointments in East/West relations. I believe that the progress will prove more lasting. And that we will remember 1986 as the year which first gave us reason to hope that both sides might actually cut down their stocks of weapons. Following Reykjavik, the Prime Minister and President Reagan agreed at Camp David on a programme for arms reductions that is both ambitious and realistic. Certainly more ambitious than anything thought possible a few years ago. And realistic as long as Mr. Gorbechev can share our determination to achieve it. We have a unique opportunity, and we must seize it.

The international politics of defence and **disarmament are complicated. The technicalities of the military hardware, the mystify**ing acronyms and the no less mystifying concepts behind them are hard to grasp. I know that this audience understands all this well. But the general public rightly ask more fundamental questions. And it pays us, as experts, to remind ourselves what these questions are, and how to answer them.

So today let us examine three basic questions: Why do we need defence? What sort of defence do we need? Can we achieve the same level of security at lower levels of forces?

First, why do we need defence? To meet threats to British security, above all the manifest threat from the Soviet Union, as the dominant force in the Warsaw Pact. A British defence policy worthy of the name has to address the facts. We cannot ignore 50,000 Warsaw Pact tanks fanumwshneurope, 33,000 artillery pieces, 8,000 tactical aircraft, massed divisions of frontline troops, hundreds of thousands of tonnes of chemical weapons, or thousands of nuclear warheads targetted against NATO members.

We have just over one-third the number of tanks, less than one-third the artillery, half the aircraft, and virtually no nuclear systems in the shorter ranges, where we are outnumbered nine to one. As a defensive alliance, NATO does not need to match the East's arsenal man for man and gun for gun, but we do have to state, and face, the facts.

Of course capabilities are not the whole story. Some people say that we need not worry, that Soviet intentions are peaceful, and that the vast Warsaw Pact forces arrayed against us are purely for self-defence. How can we be sure that this is really true?

What does history tell us of Soviet intentions? How many times in the past two generations have they forcefully imposed their will upon weaker neighbours? Recall the wartime fate of the Baltic States, of Poland, and of Finland. Recall the newsreel pictures of Soviet tanks in East Berlin, in Budapest, and in Prague. Recall the political and military pressure brought to bear on Poland in 1981 to crush a spontaneous mass movement of ordinary working people. Even today over a hundred thousand Soviet troops are massed against the suffering people of Afghanistan.

The Soviet Union's record speaks for itself. How can we be sure that Soviet leaders will never use their forces against the West? Or try to blackmail us with the threat of those forces, getting their way without firing a single shot?

Of course the Soviet Union, like any other sovereign state, is entitled to defend itself. But we are bound to ask why the Soviet military posture in Europe is so dominated by offensive weapons—tanks and bombers, ballistic missiles, and chemical weapons? Why is so much of it ranged along the narrow front dividing the two parts of Germany? Why does Soviet doctrine lay so much emphasis on preemption? Why do the weapons and military doctrine match so closely what is needed for a swift, offensive strike against Western Europe? Why, in short, do the forces of the Soviet Union go so far beyond the needs of a purely defensive strategy?

The Soviet Union does have vast forces pointed firmly in our direction. The record shows that it has been ready to use its armed might on weaker states when it thinks it is in its interests to do so. That is why we need defence.

No one should have any doubt about our ultimate objective. We look for a relationship with the East which is free from threats. But the Communist governments in the Soviet Union and Eastern Europe still see themselves in an antagonistic relationship with Western democracies. The historic values of democracy, freedom and popular choice which we represent do undermine the claims they make for their political system. Their anxieties on that score fuel their massive military spending and relentless propaganda. That is the mentality which still divides Europe.

Any serious Western political party must base its security and defense policies on these hard realities, not on wishful thinking.

Do not misunderstand me. This is not to say that East/West relations must forever lie frozen in limbo. We have never doubted the value of a genuine detente, nor the need to keep working for it. I will deal with the prospects for improving our political relationship with the East in greater detail on another occasion. For now, I note only that we have not been, and will not be, discouraged by past disappointments. There is much that can be done, and is being done, to promote contacts of all kinds. The CSCE process is one important way of doing this. Another is energetic bilateral diplomacy. Not only have I personally visited, since I took up my present post, every one of the countries of eastern Europe (except Albania), I have kept up a vigorous dialogue with their leaders. During almost four years as foreign secretary I have met Soviet foreign Ministers Gromyko and Shevardnadze more than a dozen times. Timothy Renton visited Moscow only a fortnight ago, and the prime ministers forthcoming visit to Moscow will be another crucial step in this process.

So our diplomacy is not passive and fatalistic. Absolutely the opposite. But good diplomacy relies on a strong bargaining position. And in tough East/West negotiations this means strong defence. This brings me to my second question: What kind of defence do we need?

In principle this simple question gets a simple answer: Our defences must be strong enough not only to defeat an attack, but also to remove any temptation to attack. Only then can Britain be truly secure. It is common sense that what deters a potential aggressor is not only the prospect of defeat but even more the risk that the aggressor himself will sustain great damage which outweighs any conceivable gain.

Merely seeking to ensure that an attack does not achieve its objective is insufficient. If the risks of aggression appear calculable, and the maximum costs seem limited, an opponent may be tempted to gamble: attack. Grab what you can, and then negotiate on the basis of what you have gained. The idea of deterrence by denial may seem attractive at first sight. But what really deters is the certainty of restriction, the hazard of incalculable and intolerable loss.

Those are the basic principles of deterrence. In the nuclear age they have served us well. There has been a striking degree of consensus in their favour, in Britain and in the West as a whole. But what of the respective roles of nuclear and conventional weapons?

First and foremost, the West is faced by the Soviet Unions vast nuclear arsenal. So the West must therefore have a nuclear capability of its own. This deters any nuclear attack by the Soviet Union and prevents nuclear blackmail.

But the West's nuclear weapons have another function too. They impress on the Soviet Union that the West might respond to an unprovoked attack not merely with conventional forces but also with nuclear weapons. We are not committed to using nuclear weapons first, nor are we committed to using them in any particular circumstances. But we are committed to having the option: an option that reinforces deterrence by making the Russians realize that the costs of attacking the West could be unbearable.

The Soviet nuclear threat has to be countered with nuclear weapons. But what about the conventional threat? Would stronger Western conventional forces guarantee to deter a conventional attack?

Conventional forces remain the major part of our defence effort. In the event of an attack from the East, we want to ensure that decisions about nuclear weapons can be postponed as long as possible. That is why, over the last eight years, this government has raised the level of our defence spending in real terms more than 20 percent, and why the alliance as a whole has increased its defence spending too. A major modernisation programme is now in progress. But it would be irresponsible to base British security policy on the dubious assumption that, for the foreseeable future, Western governments can sustain the accelerated rate of spending on conventional defence which they managed in a special effort in the late 1970's and early 1980's. The Soviet Union, unlike us, is not constrained by public opposition to ever-increasing defence spending. Regardless of the drastic economic consequences for ordinary Russians, Soviet Defence expenditure still goes remorselessly up by 3 percent a year.

So the conventional imbalance does remain. If we shut our eyes tight we can wish it away, pooh-poohing our own intelligence, discounting the forces and strategies of our opponents, mistaking their swords for ploughshares. But whenever we open our eyes they are still there: thousands and thousands of Soviet tanks, fighters and rockets. Far more than they need for defence and all pointed uncompromisingly in our direction.

But let us assume, just for a moment, that the conventional imbalance could be remedied—and that is, of course, a massive assumption, would this in itself prevent war? History is full of disagreements and miscalculations of relative military strengths. All too often the true balance has been worked out only on the battlefield. And we must not forget that a war waged with modern conventional weapons would utterly devastate the European Continent. No one should be beguiled by the easy rhetoric of the antinuclear lobby into thinking that we can casually shrug off the implications of a purely conventional war.

In the real world—and we have to return to it—we have to reckon with a conventional imbalance. This is not a cause for despair. But it is a compelling reminder that in today's world Western security cannot be both nonnuclear and effective. And it highlights two points crucial to our protection.

First, the importance of the U.S. commitment to Europe. There are more than 300,000 U.S. troops on European soil. Along with our own forces, they guard our joint security. And they are part of the link between the nuclear arsenal of the United States and the American commitment to the defence of Europe, to our defence. That is not something the Americans provide just for Britain, for us to accept or reject as we see fit. It is an essential element in the wider system on which we and our NATO allies depend for our security.

Second, while we are determined to work for nuclear arms control, we must keep firmly in mind the need to deter war of any kind, conventional or nuclear. Ever since the 1950's, the West has insisted that nuclear arms control must be seen as part of the internationally accepted objective of general and complete disarmament. The point was most recently underlined in the Prime Ministers agreed statement with President Reagan at Camp David last November that nuclear weapons cannot be dealt with in isolation, given the need for stable overall balance at all times.

One final thought on the issue of deterrence. It has to depend not only on political will, but on having forces capable of implementing it. Obsolete systems undermine deterrence. In keeping our forces up to date we need to ensure that we get value for money. But when modernisation becomes necessary, we have to face up to the cost. That applies just as much to Britain's national deterrent as to NATO's conventional forces. That is why the government's commitment to replacing our present deterrent is so important, and why the suggestion that the existing system can be allowed to run on indefinitely is so foolish. That is why we welcomed, as well, President Reagan's confirmation at Camp David last year of his full support for the arrangements made to modernise Britain's independent nuclear deterrent with Trident.

Going ahead with Trident is the right decision for Britain * * *. The choice is trident or nothing. The government has rejected nothing. We have chosen Trident, and we will see that through. Because both Britain and the alliance as a whole will be more secure as a result.

But modernization must be thought through. It must enhance, and not undermine deterrence. That was the test that the Prime Minister agreed with President Reagan in 1984 in the context of SDI. But it applies more widely. That is why the gov**ernment has always insisted that our own** national deterrent should be the minimum necessary to do the job. We do not seek more. But we will not—and should not—accept less.

Our overall strategy has worked: It has deterred war in Europe for over 40 years. Yet many ordinary citizens remain worried. All they see is an endless arms race. All sorts of new weapons systems seem round the corner. Where will it end?

This is an entirely fair question. In theory, East or West or both could build twice as many tanks, three times as many planes, put four times as many men into uniform, and all the while go on pushing back the outer limits of technology. But neither side has limitless resources. Somewhere the spending has got to stop. Military men may assure us that new weapons systems will work on the battlefield just as well as they seem to do on the drawing board. But the god of war must bow eventually to the god of mammon. Economic realities are just as relevant to the battlefield as they are to the market-place. And balance matters too. An overconcentration on military technology to the detriment of civilian R and D is unhealthy for the economy as a whole. I speak not only as a foreign secretary but also as ex Finance Minister, not a bad qualification in this respect * * * in other governments, East and West, Finance Ministers and ex Finance Ministers make the same point.

All this brings me back to third and final question I raised at the beginning: Can we achieve the same level of security at lower levels of forces?

This is where arms control comes in. In principle it can provide both sides with direct political, economic and strategic benefits. Politically, to adapt Sir Michael Howard's famous phrase, it can reassure the world that East and West are not remorselessly raising the ante in an endless game of military poker. It shows that while Western governments insist on maintaining adequate defences, they are not interested in an arms race.

Economically, arms control holds out the hope of freeing resources in tight national budgets for other uses.

Strategically, arms control enables us to limit the impact of worst-case predictions. Military planners should have a greater interest in a sound arms control framework than anyone else. It introduces an element of predictability into their strategic and procurement decisions, by reassuring them that the other side is not bent on spending them into the ground.

Finally of course, arms control can contribute directly to enhancing security, to developing confidence, and to creating a better balance between different political and military systems. This is of particular importance in East/West relations.

But then why does so much still remain to be done? The answer is that it takes two to tango and two to want to tango in time and at the same time. There have, of course, been arms control successes in the past. But the Soviet leadership has not always been ready to do real business with the West. Their endless arguments over verification have been one symptom of this.

But the fact remains that negotiated arms control is the most responsible approach. It must, of course, be pursued in the context of wider security interests—and not in a tone or style that arouses excessive expectations. We must stick to our long term aims. We can enjoy our visions. But allowing them to dominate our immediate negotiating positions could easily create new obstacles to progress. It could even damage those very security interests that arms control is intended to advance.

Not everybody in fact agrees with the need for negotiated arms control. On the one hand, there are those who reject nuclear deterrence as a concept and demand immediate unilateral elimination of all nuclear weapons. At the other extreme, some oppose the whole idea of arms control as ineffective or even counterproductive.

For my part, I see little sense in either posture. Virgil sang of arms and the man, of the easy descent to avernus, and of the laborious climb back from the depths. The path of unilateral disarmament may offer any easy descent. But life at the bottom would prove more than uncomfortable, and there would be no hope of climbing out. Those who reject arms control out of hand are on an equally barren path. Both dismiss the lessons of history and ignore the worlds hopes for the future. And neither can offer a constructive alternative for creating genuine and enduring security. * * *

This government is interested in the real world, and we have set ourselves realistic objectives. They were set out at Camp David by the Prime Minister and President Reagan, and were adopted by the entire NATO alliance at their meetings in Brussels last month. They add up to a programme of action which is both radical and sensible. They represent a clear challenge to both East and West. Most important of all, they are intended to set both East and West on the path to a more secure future. Let me say a word about each element in turn.

In INF, the alliances strategy since 1979 has I think been triumphantly vindicated. The soothsayers of modern Britain predicted either nuclear disaster or the collapse of East-West relations if we dared to challenge a Soviet monopoly. The ancient Cassandra was proved right. The modern Cassandras have been proved wrong in every respect.

As a result of NATO's deployments, the Soviet Union has declared itself ready to eliminate all 800-odd SS20 warheads targetted on Western Europe and to reduce those deployed in Asia by 80 percent. In return, the West will be ready to take equivalent action. If that can be agreed, we will have achieved exactly what we set out to do—with no help from the Cassandras. There are detailed problems still to be settled: And doing that will not be a pushover. We shall certainly insist on tight constraints on shorter range Soviet systems—the SS22 and 23. As I said earlier, the Russians enjoy a virtual monopoly here. They cannot be allowed to circumvent an agreement on the longer range missiles simply by adding to the numbers of shorter range missiles. And we seek a commitment to further INF negotiations, if the present round can be successfully concluded.

We must not let ourselves be held up by irrelevant obstacles. The renewed Soviet insistence on linking an INF agreement with research programmes into strategic defences. Is Unnecessary, illogical, and counter-productive * * *. In addition, Mr. Gorbachev conceded at Reykjavik that there should be no link between an INF agreement and European national deterrents. In his own words, he said: Let them be improved and further increased. I hope that those people in this country who see more merit in Soviet positions than in those of the government have taken due note of Mr. Gorbachev's wise advice. As I have said, we will do what is necessary to follow it. An INF agreement is one of our main priorities. We shall achieve it so long as the Russians continue to negotiate in good faith. And it will be an achievement of which we can all be proud.

The second Western priority is for an agreement to cut the two superpowers strategic nuclear armouries by 50 percent. What a step that would be—exclaim—previous arms control treaties have largely codified current levels or provided for increases in numbers of warheads. The proposal that is now on the table would be decisively different. For the first time it would radically reduce nuclear weapons. And it would enhance stability, not undermine it. A prize like this has been a Western objective for two decades. It may now be within reach. Both sides should be ready to seize the opportunity.

We have set as our third priority a total ban on chemical weapons. Over the past year, Britain has played a leading role in the International search for such an agreement at the disarmament conference in Geneva. The need is urgent. The overwhelming Soviet superiority in chemical weapons, their use by Iraq in the Middle East, and the growing threat of proliferation elsewhere, all underline the need for a total ban. The Western alliances endorsement of this goal last month, together with the growing consensus at Geneva, show that we are not wasting our time.

In all these areas, verification of course plays a vital role. Some disparage the need for verification. Others argue that adequate verification is impossible. Both are wrong. We will not insist on more verification than strictly necessary. But we have no intention of being an easy touch either. In the past flawed verification arrangements have undermined arms control. Concern about noncompliance can damage the confidence which has to underpin existing agreements. It can also jeopardise the negotiation of new ones. Verification is not the icing on the cake. It is an essential ingredient.

Achieving the priorities I have just set out. Backed up by verification, will make the world a safer place for us all. But the kaleidoscope of the nuclear future is still being shaken. There are already visions of what might happen in the more distant future. It is hardly surprising that, as we look ahead. The Differences between the various proposals become wider. The United States has spoken of a world in which all ballistic missiles will have been eliminated. The Soviet Union, on the other hand, refers to the elimination of all strategic offensive weapons. Neither, so far as I can judge, sees attraction in the others proposal. One wonders indeed, whether either side is really convinced of the feasibility, even the wisdom, on its own proposal. We certainly have doubts of our own.

Long term visions are important. They can be helpful. But the best can be the enemy of the good. Our immediate challenge is to bridge the much smaller gaps that stand between us and substantial progress over the next few years. We must focus on were the two sides immediate priorities converge and concentrate on the possible, not the speculative.

These points also are relevant to research into strategic defences. As the Prime Minister agreed with President Reagan at Camp David, we see a need for the US to press ahead with the SDI-research programme within the constraints set out in the ABM treaty. Two years ago I raised a number of questions about future research into strategic defences, questions which only time could answer. It remains crucial to seek the answers to those questions before reaching conclusions on what may be technically possible. And we have to accpet that, not, everything technically possible may be affordable or prudent. The Geneva negotiations aim to prevent an arms race in outer space. Both sides are committed to that objective. The British Government warmly endorses it.

Meanwhile, it is all the more important that both sides should adhere strictly to their obligations under the ARM treaty. We continue to welcome President Reagan's determination to pursue his research programme according to a strict interpretation of that treaty. It is clear that on both sides there is little disagreement on the relationship of treaty constraints to the research and deployment phases at either end of the spectrum. However, there are apparently grey areas, and areas of potential disagreement, when it come to the intervening phases of development and testing.

These grey areas have nothing to do with the negotiations on intermediate range nuclear weapons. The linkage which the Soviet leaders have reintroduced between the two is in my judgment a new and unnecessary obstacle to a significant advance in nuclear arms control. I trust it will be removed without further delay. Nor should the grey areas be allowed to become insuperable obstacles to the achievement of reductions in strategic offensive weapons. It is clear that some measure of agreement will be necessary to resolve that potential problem. We welcome what each side has said about discussing the limits of permissible research. That may well point the right way to eventually resolving the problem. With that in hand, work on research programmes could continue while radical cuts in nuclear weapons are being implemented.

The extension of the ABM Treaty withdrawal period, already the subject of provisional agreement at Reykjavik, could also be helpful. It would give both sides the ability to predict how strategic defences might eventually begin to develop in a given timescale, and so to measure the offensive reductions which could be acceptable. On the other hand, does the extension of that period need to be so tightly linked to subsequent cuts in offensive arms beyond the 50 percent already agreed at Reykjavik? There is scope for imaginative further negotiation at Geneva on that issue.

The European role will continue to be separate. And important. I shall have more to say about Europe's contribution to its own security and prosperity on a later occasion. But I must correct the mistaken notion that these arms control and defence discussions are a kind of nuclear ping-pong, played over heads by the superpowers. In the current negotiations with the Soviet Union, the United States inevitably play the preeminent role on the Western side. But East/West diplomacy is by no means the preserve of the superpowers. Close contacts between allies offer plenty of scope for private counsel.

For 13 years the European countries, together with the superpowers, have tried to remove disparities between conventional forces in Europe and establish a lower and safer balance. We have failed for two reasons: because the Russians were unwilling to exchange meaningful information about the size and nature of their armed forces. And because they are unwilling to accept verfication arrangements which would allow agreed force levels to be properly checked. In recent times however there have been some hints of change. At Stockholm we reached agreement on a series of measures providing for greater confidence and predictability about military activities in Europe. The NATO high level task force established at Halifax is now at work defining our approach. We hope shortly to begin contacts with the Warsaw Pact to see whether there is the basis for a new negotiation aimed at greater stability from the Atlantic to the urals. Our aim will be to try to agree on lower levels of forces on the basis of parity between the two military alliances, and to eliminate the capabilities which are most threatening to peace, namely those for surprise attack and large-scale invasion. If Mr. Gorbachev is prepared to extend his glasnost to the military field ad to discuss the realities of the balance of armed forces in Europe he will find us more than ready to look for new ways ahead. The United Kingdom intends to continue playing a leading role in this, the task will certainly require all our patience.

I have already spoken about our contacts with Moscow and Eastern Europe. Our deeper dialog with the U.S. administration is conducted on many levels. The Prime Ministers close personal relationship with the President is merely the best example of a collaboration which remains fundamental to our own security. And as Camp David showed again recently, it also contributes impressively to the security of Europe.* * *

Finally, a word about the Soviet approach to arms control. So far, their negotiating position at Geneva contains an undeniable element of propaganda. Their approach does swing between two extremes: an obsession with Western public opinion, with a consequent inattention to the details of negotiation, and a serious attempt to come to grips with the problems. I hope they will not be tempted to repeat the errors of 1983 when they calculated—or rather miscalculated—that the clamour of a small minority in Western Europe would deflect governments and the overwhelming majority of those who supported them from the policies on which they had been elected.

Recent statements out of Moscow suggest that the Soviet leadership are beginning to realise the overwhelming advantages for their own people of reaching agreement at Geneva. But fine Soviet words in the past have still left our parsnips unbuttered. As I have indicated today, there is scope for major advances in East/West relations, and for historic new achievements in arms control. We suffer from no illusions that Soviet interests will always coincide with our own. Like Mr. Andropov, we can say that we are not a naive people. And I would not expect the current Soviet leadership, with their grasp of realities in the west, to expect us to be so naive. At the same time arms control is not a zero-sum game. It can lead to agreements which bring positive benefits to both East and West. And I hope that Soviet actions will now give substance to their claims that they are genuinely dedicated to arms control.

We in the West build all our attitudes toward defence and arms control. All the policies, all the acronyms, around two simple propositions. We mean to preserve our success, our prosperity and our freedom by showing that we will defend them. And we hold out to the Soviet Union and its allies the prospect of a better, safer relationship based not on pipedreams or idealised hopes, but on good old-fashioned enlightened self-interest.

We and our allies will accept security at lower levels of armaments—if the right agreements can be struck and properly verified. The time is at last ripe to do so. Let east and west rise to that historic challenge.●

TRI-STATE BIRD RESCUE AND RESEARCH CLINIC

● Mr. ROTH. Mr. President, I rise today to honor a group of men and women who have, indeed, uncovered the silver lining in a dark cloud. More importantly, they turned that silver lining into what is quickly becoming a blue sky.

In December 1976, the great oil tanker called *Olympic Games* ran aground in the icepacked Delaware River. More than 156,000 gallons of oil spilled into our beautiful wetlands. And despite the valiant efforts of hundreds of volunteers from nine States, thousands of oil-soaked waterfowl died.

As tragic as this situation was, there was born from the crisis a small volunteer organization promoted to research, rescue, and the administration is medical assistance to wildlife fowl.

On March 7, this organization celebrates its 10th anniversary, and the growth and development of the Tri-State Bird Rescue and Research Clinic have been dramatic. From a backyard operation working out of the home of Wilmington's John and Lynne Frink, to a regional headquarters that last year treated over 1,500 birds, Tri-State has established a legacy of excellence and a fine example of volunteerism. Today, the reputation of this organization is internationally known and well respected.

In fact, it is so well respected that recently I was honored to support the nomination of Tri-State for the Chevron Conservation Award. Whether they receive this award, or not, we are proud in Delaware to have such an important and exemplary organization.

Mr. President, I ask that two articles—one that appeared in the New York Times and one from the Delaware State News—be reprinted in the RECORD.

The articles follow:

[From the New York Times, Feb. 15, 1987]

OIL SPILL'S LEGACY: BIRD RESCUE CENTER

WILMINGTON, DE, February 13.—There was an air of anticipation as Dr. Gregg Hesseltine gently removed the bandages from his patient's severely mangled leg. There was only a chance in a hundred that the operation was successful.

But a smile spread across the physician's face, and the attending staff cheered. The wound appeared to be healing, circulation had returned and the patient wiggled its toes—or to be more precise, its talons.

It was one more miracle in the operating room of Tri-State Bird Rescue and Research, a volunteer bird clinic that is gaining an international reputation for its medical work and research. The patient, a turkey vulture seriously injured in an entanglement with an animal trap, will soon be returned to its native habitat.

The prognosis was not so promising for an American bald eagle, shot in the wing by a hunter in the wilderness of Saskatchewan. The bird is expected to recover, but will not fly again.

1,500 BIRDS TREATED IN A YEAR

The birds were among more than 1,500 that in the last year have been brought to the organization's headquarters, a converted century-old schoolhouse on a wooded knoll, to receive specialized treatment.

Tri-State Bird Rescue and Research, which will celebrate its 10th anniversary on March 7, came into being as a result of a major oil spill in the Delaware River in December 1976.

The tanker Olympic Games ran aground in the ice-packed river, dumping 156,000 gallons of oil into the river and surrounding wetlands. Despite the efforts of scores of volunteers from nine states, thousands of oil-soaked waterfowl died in the aftermath.

"It was like a layman trying to perform an appendectomy," said Lynne Frink, then president of the local Audubon Society, who became a prime mover behind Tri-State. "We lost 90 to 95 percent of the birds we tried to help."

A decade later, through experimentation and research, the numbers are reversed, she said. At least 90 percent of the victims of oil spills survive with early treatment.

OIL COMPANIES SPONSOR RESEARCH

The research is financed to a large degree by the Delaware River and Bay Cooperative, 13 major petrochemical companies that contribute to efforts to fight the environmental side effects of their industries.

The consortium donates $10,000 to $15,000 a year to the center's annual budget of about $30,000. In return, the volunteers, who contribute about 12,000 hours a year, agree to respond 365 days a year to assist birds in case of an oil spill and to share their research information.

The volunteer organization began in 1977 as a backyard operation working out of Lynne and John Frink's Wilmington home. As news of the group's rescue work spread, people in the Wilmington area began bringing in injured birds. Her home began to feel the effects as Mrs. Frink found that hawks, owls and blue jays do not make the best house guest.

The New Castle County government in 1982 agreed to rent the vacant two-room schoolhouse to the group for $1 a year and Tri-State Bird Rescue and Research was on its way. Its caseload has tripled since then and its research is being recognized throughout the world.

"We exist on the good will of the people who live near us," said Mrs. Frink, referring to the tri-state area of Delaware, Pennsylvania and New Jersey.

Seven veterinarians, including a pathologist, donate their time to the clinic. Hospitals provide medical supplies and equipment. There is research with the University of Delaware and University of Pennsylvania School of Veterinary Medicine. Chemists at the nearby Du Pont, Hercules and I.C.I. companies lend their expertise.

TRACING THE EFFECTS

In a recent incident, a Du Pont chemist solved the quandary presented by two oil-laden swans brought to the clinic from a decorative pool near Wilmington where investigation revealed no sign of any spill.

The chemist, after testing oil from the birds in the Du Pont laboratory, ascertained that it was the same type as that involved in a recent spill in the Schuylkill in Pennsylvania. That spill had affected numerous wild ducks and some of the migrating birds apparently had touched down on the Delaware pool, spreading the contamination.

The center has conducted detailed studies of the effects of oil spills on 27 species of birds, from barnyard ducks to wild fowl. Their published papers on the subject have brought inquiries from as far away as Scotland and New Zealand.

In a continuing research project, the center is studying the effects of suburban growth on wild birds. Initial results are alarming, Mrs. Frink said. It appears that professional lawn care products are killing off quantities of wild songbirds.

"One of the saddest incidents we had last year was the case of a woman who brought in a box of dead and dying finches that fell out of her elm trees after they were sprayed for mites," she said.

The research center also provides a learning opportunity for the veterinarians who give their time, Dr. Hesseltine said. College courses offer little wildlife medicine, he said, and the center provides direct experience.

"We are learning all the time," said Dr. Hesseltine, who travels 50 miles to the clinic to serve as a medical and surgical consultant on his day off." We learn to do what works. The wild birds show amazing powers to heal themselves."

Summer is the busiest time at the center when as many as 200 birds a day, most of them nestlings, are housed in makeshift incubators and fed by shifts of volunteers.

Seriously injured or acutely ill birds are treated in cages and soft-sided human playpens in the center and gradually are moved to outdoor cages and finally to a large flight pen in preparation for their return to the wild.

[From the Delaware State News, Feb. 22, 1987]

TRI-STATE'S WORK 'AIN'T ELEGANT,' BUT IT SAVES LIVES

(By Frances L. Hamilton)

In the deep freeze that struck us last weekend, Lynne Frink could hardly keep up—as fast as she put out fish for the eagles at the bird clinic on Duncan Road, the fish froze solid and had to be replaced.

Frink, the director of Tri-State Bird Rescue and Research, was working her shift, feeding and cleaning up for about 75 birds in the clinic's outdoor flight cages. Whole 10-inch fish for the two eagles and an osprey were freezing in 45 minutes; mice put out for smaller predators were frozen in 15 minutes; fruit for songbirds froze almost instantly. As fast as volunteers could make the rounds with food, they had to start again.

Their dogged efforts, despite chapped faces and stiff hands, are typical of Tri-State, an extraordinary organization that in March will mark its 10th birthday.

"When we started, we were responding to a local crisis—one oil spill after another," says Frink, who has been Tri-State's heart from the beginning.

At first, the group was an arm of Delaware Audubon Society, subsidized by the Delaware Bay & River Cooperative, an organization of oil companies that has continued its support. Tri-State first specialized in cleaning and rehabilitating oiled birds. Gradually, its focus widened; now it's an independent, non-profit corporation.

The organization still is prepared to set up, in hours, a full-scale emergency center to care for birds oiled in a spill. But in 1982, Tri-State opened its bird clinic in an old schoolhouse at 2920 Duncan Road, to treat birds of any species with any problem—injured, orphaned, poisoned, diseased.

Area veterinarians volunteer their equipment and services; student veterinarians get Tri-State internships to serve on staff; veterinary specialists at the University of Pennsylvania and other academic and zoological institutions stand ready to handle intricate surgery.

But those things aren't what makes Tri-State so unusual. "The rehabilitation hasn't given us our national and international reputation," Frink says. "It's the research. How can we publish pioneering research and get asked to give papers in places like Tasmania? Because no one else was doing it."

The clinic treats 1,500 birds a year. Last year, 133 bird species were handled—ruby-throated hummingbird and indigo bunting, laughing gull and clapper rail, merlin and wild turkey * * *.

January and early February are the slowest times at the clinic. There are hawks and owls, hit by cars as they hunt along roads when fields are locked with snow. A lot of gunshot victims come in during the winter hunting seasons, "with a peak around Christmas when the kids get BB guns," Frink says.

Come mid-May, the clinic population will jump to 300 "and our lives will be a chaotic strugggle until October," she says.

But the chaos is firmly organized. Tri-State keeps a detailed computer record of every bird that comes in—symptoms, diagnosis, details of treatment, outcome.

The intricate record-keeping is the basis for Tri-State's research. Dr. Kenneth Eckhardt of the University of Delaware and John Frink of Tri-State use the records to do statistical analysis. Drs. Roland Roth and Clifford Keil of the university use the records along with their own to study the effects of certain lawn pesticides on birds.

The lawn chemicals—cholinesterase inhibitors, neurotoxins much like the nerve gas used in World War—are the subject of a long-term research project at Tri-State.

To test for them, a fraction of a gram of blood is taken from certain birds at the clinic: birds with symptoms of organophosphate poisoning; victims of cat attacks and cars, to see whether they'd been made more vulnerable by poisoning; and, as a control group, birds that have been in the clinic for several weeks and are known not to have been exposed to the chemicals.

Some of the birds show obvious cause and effect," such as the laundry basket full of dead and dying goldfinches collected by a horrified Hockessin woman as they dropped from her elm tree after it was sprayed, Frink says. "But scientifically, you have to reinforce your suspicions by testing."

Tri-State has strict rules about research, based on its primary goal of preserving wildlife: No bird is sacrificed for the sake of research; the research must benefit the type of bird being worked with; and "We have to see a current relevance" to the study, Frink says.

Tri-State's publications are many; among them are a chapter on oil-contaminated birds by Frink and Dr. F. Joshua Dein, one of the group's founders, in "Current Veterinary Therapy," a standard reference book by Robert W. Kirk. This April, Frink will deliver a paper on the same subject at a major oil-spill conference.

All of Tri-State's work is done on an annual operating budget of $50,000, plus 15,000 volunteer hours a year. Frink, Tri-State's full-time director, accepts no salary.

The group's work has prompted U.S. Rep. Thomas R. Carper, D-Del., to nominate Tri-State for the 1987 President's Volunteer Action Award. Lynne Diane Slepetz Frink has been nominated for the 1987 Chevron Conservation Award.

On March 7, Tri-State Bird Rescue & Research celebrates its 10th anniversary with a banquet at the Hercules Country Club—cocktails at 6:30, dinner at 7:30, speakers at 8:30. Anyone who'd like to attend can make reservations by Feb. 28; tickets are $25 per person, available by contacting Tri-State at 994-7578.

Anyone who'd like to help Tri-State can volunteer by contacting the clinic at the same telephone number. Volunteers to work with birds will be trained at a two-day clinic April 25 and 30; agendas will be mailed to those interested in attending. Sometimes volunteers are also needed in other areas, such as construction.

Every volunteer has brought something different to Tri-State, says Frink. "I don't know of another organization" that gets the kind of dedication Tri-State does.

"What we ask them to do 'ain't elegant,' for sure—it's emotionally draining, physically exhausting and requires a lot of compassion. It renews one's faith in human nature" that people do it, Frink says.●

S. 701, THE AFRICAN AID BILL

● Mr. DANFORTH. Mr. President, I rise to join Senator SIMON and Senator KASSEBAUM in introducing the bill to amend the Foreign Assistance Act of 1961 to establish a separate authorization for assistance for famine recovery and long-term development in sub-Saharan Africa.

Mr. President, a remarkable event took place at the United Nations last May. At a special session dealing with Africa's difficult economic problems, the African governments publicly admitted they had made mistakes in managing their economies. They admitted that some of their problems resulted from their own actions in the post colonial era. They fully accepted that their future lay primarily in their own hands, and they committed themselves to badly needed economic reforms. Most importantly, they accepted as legitimate the connection between economic reform and the assistance they receive from the developed countries and the multilateral development institutions.

Mr. President, as far as I know, no group of nations has ever made such a remarkable statement. Furthermore, their statement was made in the face of serious protests, not only by the Soviet bloc, but also by other Third World states who generally believe it is good politics to blame all their problems on the industrialized Western World.

Now, Mr. President, as dramatic as this public statement was, it was not sudden. It was the culmination of a series of events over the last several years. Following independence, many African countries adopted Marxist/Socialist models of development. By the early 1980's, the failures of these models were evident. Instead of increasing, per capita income in most countries had actually fallen. The African countries had accumulated enormous debt burdens, and their vulnerability to changes in international commodity prices was greater than ever. Then came the African famine, and these countries found that their agricultural sectors were also in shambles. Not only could these countries not feed themselves, but they no longer had the foreign exchange to buy food.

The famine coincided with the ascension to power of a new generation of African leaders—men who were able to look for new models of economic development and were ready to attack the causes rather than just the symptoms of poverty. The famine also caused older African statesmen to take a new look at their problems, to admit their mistakes, and to take the courageous steps of changing long-held beliefs and policies and move forward to new policies.

This pattern was already evident during my trip to Africa in early 1984. During that trip, I talked to President Diouf of Senegal, the late President Machel of Mozambique, and others. It was clear that they were already thinking about the need to revise incoherent agricultural policies to provide better incentives to farmers and to strengthen private enterprise.

At that time, we were mainly concerned with famine and the need to obtain funds to feed starving people. We were successful in that effort. Nevertheless, even then I called for a concerted action plan to help Africa develop its agricultural resources and to ensure it could eventually feed itself.

Today, we see a new Africa emerging—one that is embracing the philosophy of free markets and private enterprise. In country after country, we now see more flexible exchange rates. We see farmers, large and small, being paid true market prices for their products. We see governments trying to privatize government enterprises, and we see budget deficits being brought under control. Since 1982, 33 out of 45 African countries have taken significant reform measures. A partial list is both impressive and instructive:

First, 21 countries have substantially increased producer prices,

Second, 16 countries have reduced or eliminated petroleum subsidies,

Third, 20 countries have frozen public sector hiring or reduced public sector employment,

Fourth, 13 countries have realigned exchange rates, and

Fifth, 14 countries have privatized some state enterprises.

But, Mr. President, while the African states have taken action and promised to continue to do so, we, too, have made a commitment. At the United Nations Special Session on the Critical Economic Situation in Africa, the donors made a commitment to make every effort to provide sufficient resources to support and supplement the African development effort and to ensure that those resources were used effectively.

The need for more resources for Africa is obvious, but it is also very difficult. This bill authorizes $600 million in assistance for fiscal year 1988 and a small increase in fiscal year 1989. This is more than we provided for 1987 and is $100 million more than the administration requested. Yet, this authorization would only return the level to that of fiscal year 1986, still less than fiscal year 1984 and fiscal year 1985 levels. I wish we could provide more. However, Mr. President, I have often pointed out that I believe the budget deficit is the most pressing problem before Congress, and until a solution is found, it is difficult to provide additional financing to even the most deserving of programs.

But his legislation is designed to provide more than additional resources. It is designed to make our assistance both more flexible and efficient. Specifically:

It gives more authority to our AID professionals to seek out the best projects for our assistance. It reduces the number of functional accounts, and it allows for easier reprogramming. Instead of trying to fill boxes on a matrix of congressionally mandated specifications, AID officials will be able to pick and choose those projects that will actually meet the recipient's development needs. It will also allow concentration of our resources when that is likely to achieve the greatest impact.

It will eliminate the need for AID officials to obligate funds by the end of each fiscal year. This will weaken the "spend it before you lose it" imperative that permeates too much of our executive branch's decision making, and, because it eliminates the September 30 deadline to sign agreements, it will increase the leverage of AID officials when they negotiate with the recipient governments.

The bill also encourages greater consultation with and support for the important private voluntary agencies that work in Africa. These organizations, who often work on the village level, were the backbone of much of the famine relief efforts. Their close contact with the people often make them an effective partner in developing and implementing small projects that can directly and visibly improve people's lives.

Finally, Mr. President, the bill makes a small step toward dealing with Africa's most difficult debt problem—that of debt owed to the multilateral financial institutions. It says simply that our assistance is for development and is not to be used to pay off other countries' debt to those institutions. It is my hope that this language will encourage those institutions to look for creative solutions to their debt problems rather than depend on the U.S. taxpayer.

This legislation is not perfect. It still reflects Congress' tendency to micromanage programs. I wish it had followed the logic of the legislation introduced by Senators KENNEDY and KASTEN last year which eliminated all functional accounts. I also wish it better reflected the African countries' own desires for more assistance to support economic reform efforts instead of continued emphasis on projects. I hope that weaknesses in the bill can be corrected in committee.

Despite these caveats, Mr. President, I strongly endorse this bill. We need to ensure that we will never again have to see pictures of starving people in Africa or anyplace else in the world, and we have a responsibility to both the American taxpayer and those that we are trying to help to see that our assistance is used effectively. This bill is a small but important step in that direction.●

AFGHANISTAN: LETTERS FROM THE STATE OF KANSAS

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A situation approaching genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Kansas.

The letters follow:

DEAR SENATOR HUMPHREY: I think it is deplorable what the Soviets are doing in Afghanistan and hope that you and the other members of Congress will do everyting in your power to stop them.

SAM BROWNBACK, MANHATTAN, KS.

MR. HUMPHREY: I have just read the article in Reader's Digest concerning the Russian butchery of the Afghan people. I am horrified that this can go on without the press and media calling attention to it. Surely something can be done to help these poor people. This is an outrage—the Russians must be without heart and soul to carry out the criminal acts I have read about. Please speak out—help these brothers and sisters of ours in Afghanistan.

SUE TURNBALL, HAYS, KS.●

CAPITAL HOLDING CORP.

● Mr. McCONNELL. Mr. President, I come before the Senate today to applaud the efforts of my good friend, Tom Simons who is the chief executive officer of Capital Holding Corp. of Louisville, KY.

An article appeared recently in Forbes magazine which told of Capital Holding's remarkable turnaround. Capital Holding has contributed significantly to the economy of the Commonwealth of Kentucky since 1969. In 1978, Tom Simons joined Capital Holding with the mission of restoring the company to its position as an industry leader. A man of great commitment and a valued community leader, Tom has lead Capital Holding to its place among the most profitable marketers of life insurance in America, with a return on equity is nearly 50 percent better than the industry average. Capital Holding's revenues have increased from $400 million in 1978 to $2.2 billion last year.

But the Simons' story is not one of mere revenues and profit margins. His is a story of how an entire nation can sustain its position as the world's foremost economic power if it utilizes its human and financial resources wisely. He has demonstrated the kind of initiative and foresight we as a nation must seize upon if we are, in fact, to sustain our place as a world industrial and economic leader.

Tom Simons' dedication, leadership and willingness to take the risks essential to survival in today's business climate is something every American can aspire to. I am pleased to commend him to my Senate colleagues this day.

I ask that the Forbes article to which I referred be printed in the Record.

The article follows:

Thank You, Tom Simons

(By Jill Andresky)

For years Louisville-based Capital Holding Corp. was nearly the Rodney Dangerfield of the life insurance industry, its agents wandering the countryside selling life insurance to middle- and low-income clients few others wanted. Meanwhile, back at headquarters, earnings growth had stagnated, costs were rising and the company was running through chief executives faster than office supplies.

A decade later Capital is among the most profitable marketers of life insurance in America, with a return on equity that is nearly 50% better than the industry average. What happened? In two words, what happened was Thomas Simons, 58. He is Capital's third chief executive in 12 years, but the first able to assert leadership in an area crucial to the effective management of any corporation: relations with its board of directors.

Like far larger corporations, Capital **during the seventies fell victim to a lack of** strong management, in this case aggravated by a hidebound board that insisted on financial improvement yet refused to permit managers to diversify out of the dying market of selling life insurance door-to-door. Says John Barr III, a Louisville businessman who sat as an outside director on Capital's board from 1972 to 1985, "Some of us realized that we had a fundamental problem, but we did not know how to solve it."

In 1978 the board hired McKinsey & Co. as a consulting firm. It came back with a report that pointed the finger at the board itself. The report recommended that new management be brought in and that this time the board leave it alone.

A nationwide search by a Capital founder, Homer Parker, and one of his former directors zeroed in on Simons, an executive vice president of Connecticut General Life Insurance Co. Simons had recently been passed over for his company's top spot and was looking for fresh opportunities. He recalls, "I told the board I'd only consider coming with full authority. They gave me that guarantee."

Simons took over in 1978 and immediately ousted 7 of the board's 16 members. Says J. David Grissom, a Louisville banker tapped to replace an outgoing member, "We knew we had to give Simons a chance."

Constantly challenging colleagues to be more creative in their approach to marketing, Simons wasted no time remaking Capital. "Capital's strength had always been its dominance of the low-to-moderate-income market," he recalls. "The challenge now was to find new ways to reach them before the insurance giants got interested and started nudging us out."

Step one in that strategy was Capital's 1981 acquisition of Pennsylvania-based National Liberty Corp., the nation's largest seller of life insurance through TV and magazine advertisements. The $360 million purchase made Capital one of the ten largest stock life and health insurers in the U.S. Current assets: nearly $8 billion.

Then Simons turned to even more unusual ways to package and sell his products. In Miami he put together a deal with American Bankers Life Assurance Corp., a regional financial service firm, to provide it with "generic life insurance"—specifically, a Capital-designed and package universal life policy that American Bankers now retails under its own brand name. The deal, one of three such arrangements put together with other financial institutions, gives Capital a 10% margin on each policy sold, while leaving to others the burden of maintaining a sales staff.

The most unusual of all Simons' marketing ideas also promises to be one of his most successful: selling life and casualty insurance and annuities to supermarket shoppers as they stroll the aisles in more than 15 Kroger grocery outlets, primarily across the Southeast. Since the effort began 4½ years ago, sales for the more than 100 Capital agents involved in the project have climbed 25%, and now the firm is contemplating broadening the effort elsewhere in the Southeast.

Most recently, Capital Holding acquired Worldwide Underwriters Insurance Co. of St. Louis, a tiny seller of auto and homeowners insurance mostly through direct mail. With only $150 million worth of premiums, Worldwide won't boost Capital's short-term results. But Simons sees the deal as yet another way to get new products to market without relying on door-to-door sales agents.

Not all of Simons' experiments pan out. A 1985 effort to sell life insurance through branch offices of BankAmerica in southern California bombed terribly because of high costs and regulatory problems. The experiment was ended a year ago.

Even so, Capital stands out as an impressively improved firm. Revenues have surged from $400 million in 1978 to $2.2 billion last year, while margins have remained at a high 10%, compared with a life and health insurance industry average in 1986 of only 5.8%. Moreover, with the Bank-America experiment ended, operating earnings are rising, up 13% during 1986, slightly above the average.

Now, that's a turnaround.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, I would like to reiterate my concern for Soviet refusenik Naum Meiman. Naum's situation has continued to worsen. Naum is a long-time refusenik and human rights activist. He is presently coping with the recent death of his wife Inna, who passed away here in Washington in January. Naum was refused permission to join Inna during her illness or attend her funeral. His only desire now in to emigrate to the West.

The Soviets' refusal to grant Naum an exit visa forces me to question their seriousness about improving relations. There is no excuse for the Soviet Government's continual persecution of Naum Meiman. I urge the Soviet Government to grant Naum Meiman permission to emigrate.●

JAPAN FELLOWSHIPS

● Mr. ROCKEFELLER. Mr. President, I rise to discuss a new concept in United States-Japan exchange programs known as the Japan Fellowships.

As Ambassador Mike Mansfield has said countless times, the United States-Japan relationship is the most important bilateral relationship in the world, bar none. Its health and vitality is dependent on mutual understanding.

Although the United States and Japan have had the closest of possible relationships over the past 40 years, there has been what I would call an imbalance of learning between our two societies. Fifteen times as many Japanese study in the United States as Americans study in Japan.

On the American side, programs such as the Eisenhower Exchange Fellowships and the White House Fellows show how placement of able young professionals can be useful in stimulating learning and growth. Such placements for young American professionals in Japan could be very productive. My own experience as a young man in Japan, aided by having to learn Japanese, has been exceptionally beneficial to my own understanding of Japan and American interests in that part of the world.

Japan Fellowships would send up to 50 young American professionals in a 1-year work-study program in areas such as international trade, banking, finance, manufacturing, education, law, government, media, science, and research. I welcome this initiative as one that could produce a continuing harvest of young Americans with an expertise and understanding of Japan that will serve this country well in the future.

Mr. President, I ask that a progress report on the Japan Fellowships be printed in the Record.

The material follows:

U.S. COMMITTEE FOR THE JAPAN FELLOWSHIPS

THE JAPAN FELLOWSHIPS—A PROGRESS REPORT

Formation of United States Committee for the Japan Fellowships.—American supporters of the Japan Fellowships proposal have incorporated the United States Committee for the Japan Fellowships and have submitted an application for a startup grant to the Japan-United States Friendship Commission. The startup grant will enable the United States Committee, once Japan decides to fund the Fellowships and make placements available, to begin the process of recruitment and selection of up to 50 Japan Fellows. The terms of the Fellowships await a Japanese decision to initiate the program.

Board Member of United States Committee for the Japan Fellowships:

Honorary Chairman: Edwin O. Reischauer, University Professor Emeritus, Harvard University, Cambridge, MA. Former U.S. Ambassador to Japan, 1961-66. Author of "The Japanese" and other studies.

Board of Directors:

Richard Fairbanks, Paul, Hastings, Janofsky & Walker, Washington, DC, President, U.S. National Committee for Pacific Economic Cooperation. Former U.S. Ambassador-at-large.

Chalmers Johnson, Department of Political Science, University of California, Berkeley, CA. Author of "MITI and the Japanese Miracle" and other studies.

Timothy McGinnis, Senior Vice President, Chase Manhattan Bank, New York, NY. Former Manager, Tokyo branch of Chase Manhattan Bank.

Ronald Morse, Director, Asian Programs, Woodrow Wilson International Center for Scholars, Washington, DC.

Hugh Patrick, Graduate School of Business, Columbia University, New York, NY. Coeditor, "Asia's New Giant: How the Japanese Economy Works."

Kenneth Pyle, Director, Henry Jackson School of International Studies, University of Washington, Seattle WA. Editor of "Japanese Studies".

Richard J. Samuels, Program Director, MIT-Japan Science & Technology Program, The Massachusetts Institute of Technology, Cambridge, MA.

Stephen B. Schwartz, Vice President, International Business Machines, White Plains, NY. Former Manager, IBM Japan.

Ezra Vogal, East Asian Studies, Harvard University, Cambridge, MA. Author of "Japan as Number One, Comeback," and other studies.

Robert Ward, Department of Political Science, Stanford University, Stanford, CA.

Counsel: Timothy Atkeson, Steptoe & Johnson, Washington, DC. Former General Counsel, Asian Development Bank.

Description of Proposed Japan Fellowships Program.—The proposed Japan Fellowships program would be a major new U.S.-Japan exchange program designed to place up to 50 young American professionals in a year's work-study experience in Japan (three and a half months orientation and travel, eight months on the job) in areas where it is important that Americans learn from Japan's experience. Hopefully, the first Fellows can be selected and sent to Japan in 1988. Placements in Japan in international trade, banking, finance, manufacturing, education, law, government entities, the media, science, and research would be worked out with a Japan Committee for the Fellowships. A nationwide system to recruit and select the Japan Fellows would be put in place in the United States with the help of a National Advisory Committee.

The most important innovations of the proposed program are that the Japan costs (stipends, orientation, supplemental language training programs, and travel) of the Fellowships would be funded from Japanese government, business, and foundation sources and that the program would involve a major new Japanese commitment to open up useful placements for the Fellows in the areas indicated. The United States Committee for the Japan Fellowships (with majority American membership and representation by Japanese residents in the United States) would annually conduct the recruitment, screening, and selection of the Fellows and be responsible for funding these costs. A Japan Committee for the Japan Fellowships (with majority Japanese membership and representation by American residents in Japan) would be responsible for obtaining the placements desired and for raising Japanese funding for the Japan costs. A binational Japan-U.S. Executive Committee, representing the two national Committees, would conduct program reviews and set policy.

The advantages to Japan and the United States of the Fellowships program have been described as follows: For Japan:

(1) The Japan Fellowships program will convey the message from Japan to the United States that Japan wishes to help work in a mutual spirit on the problems between the two societies and is willing to open itself up to American participants committed to in-depth learning about a broad range of its national life. It would also help redress an imbalance in the training and educational opportunities Japan and the U.S. have offered students and young professionals from the other country.

(2) The program, by producing significant numbers of young professionals with the experience of working in Japan (particularly if they have Japanese language capability), would make available highly useful future staff for the growing operations of Japanese companies in the U.S.

(3) The presence of trained and talented young U.S. professionals for eight months at a time on the job in Japanese business, media, government, financial, and academic institutions should help educate their Japanese colleagues about U.S. perceptions about Japan, U.S. views about government and business and the regulations and policies relevant to operations of Japanese companies in the U.S.

(4) As has been the case in most successful international exchange programs, the Japan Fellowships program should build long-term understanding of, and friendship for, the host country.

For the United States:

(1) The program would significantly increase the U.S. stock of business, industry, law, and government leadership with first-hand experience in Japanese business, government, and other institutions to help guide future U.S. relations with Japan on as realistic a basis as possible.

(2) The program will train U.S. personnel who can be highly useful in future collaborations between U.S. and Japanese enterprises.

(3) The exposure of young Americans with leadership capacities to the background of Japan's success in a variety of areas will increase the chance that the U.S. may find ways to learn from Japan's experience.

(4) The Japan Fellows, like the graduates of other great exchange programs which train and educate Americans abroad, will have an enhanced capacity to enrich U.S. national life.

The Japan Fellowships proposal draws on the experience of the Rhodes, Fulbright, and Marshall Scholar programs, on the Eisenhower Exchange Fellowships, and the White House Fellows program, within the range of existing U.S.-Japan exchange programs, it is most closely akin to the MIT-Japan Science and Technology program (which now sends 20 MIT trained engineers and scientists, each with at least two years of Japanese, annually to placements in public, private, and university research laboratories in Japan) and to the Professional Graduate Fellowships in Economics and Journalism administered by Michigan and Columbia Universities.

Basically, the Japan Fellowships program is designed to provide a year long, systematic work experience for talented young American professionals, alongside Japanese colleagues, in areas of their interest. To facilitate this working relationship, the program will apply a preference for candidates who speak Japanese or who will seek through other expedients to acquire the equivalent of two years of Japanese. Candidates would be expected to have completed graduate training and to have at least three years working experience in one of the areas of placement. In addition, candidates' motivation, leadership potential, capacity to handle intercultural experience, and commitment to use the Fellowship experience in their careers will be key factors in selection.

If there is a Japanese decision to initiate the Japan Fellowships program by late spring, 1987, it is anticipated that the program could be announced in Japan and the United States soon thereafter. The United States Committee would initiate its activities immediately and start recruitment of candidates in September. The screening and interviewing of candidates would take place in the 10 Federal regions of the United States through 10 regional panels (in a manner analogous to the regional selection of Rhodes Scholars). Candidate selections would be announced in April, 1988, and the first Japan Fellows would arrive in Japan in June, 1988.

Arrangements for placements would have been previously discussed between the U.S. and Japan Committees, and announcement of Fellows' selections would in most cases indicate their placement. The stipend level for Fellows would be worked out with the Japan Committee, recognizing that it is desirable that the program be competitive with alternate opportunities available, such as the White House Fellowships.

The Fellows would have an intensive orientation and Japanese language review their first two and a half months in Japan, June-August, 1988. This would be followed by a two-week trip around Japan. They would then work at their placements for eight months, September 1988-May 1989. For a week or so in May, 1989, they would reassemble for a debriefing with members of both the Japan and United States Committees and then return to the United States.

Both American and Japanese experts on U.S.-Japan issues may be commissioned to prepare briefing materials for the Japan Fellows orientation session. These briefing materials are likely to be of general interest and might be suitable for publication by the Japan and the United States Committees.

The United States Committee for the Japan Fellowships is a District of Columbia non-profit corporation that will have its office in Washington, D.C. It is applying to the Internal Revenue Service for Section

501(c)(3) status as a charity for tax purposes.

Consideration of Japan Fellowships Program in Japan.—The Japan Fellowships Program proposal has been presented to the Japanese Embassy, the Prime Minister's Office, to Deputy and Vice Ministers in the Ministries of Foreign Affairs and Finance, to the Japan Foundation, to senior officers of the Federation of Economic Organizations (Keidanren), to the Japan Center for International Exchange, and to the Chairman of a number of leading Japanese companies and banks with operations in the United States. It has received favorable preliminary comment, but no definitive decision to initiate the program has yet been made in either the Japanese government or private sector.

ANNEX—ILLUSTRATIVE PLACEMENTS OF JAPAN FELLOWS

International Trade, Banking, and Finance: (i) Japanese trading companies; (ii) Bank of Japan; Export-Import Bank; (iii) Japanese banks with international operations; (iv) Keidanren; and (v) Japanese investment banks.

Manufacturing: (i) Automobile companies; (ii) Electronic companies; (iii) Pharmaceutical and biotechnology companies; (iv) Computer and office machinery companies; (v) Ceramics and new materials companies; and (vi) Japan Productivity Center.

Education and Social Institutions: (i) Ministry of Education; (ii) University of Tokyo and other universities; (iii) Trade unions; (iv) Social Security system; and (v) Hospital centers.

Legal: (i) Japanese law firms; (ii) Clerk to a judge; (iii) Public prosecutor and public defender offices; and (iv) Counsel's office inside Japanese company.

Other Japanese Government Entities: (i) Ministry of International Trade and Industry; (ii) Office of Ministry of Foreign Affairs and Ministry of Finance dealing with foreign aid; (iii) The Japanese Environment Agency; (iv) National Police Agency; (v) Japanese Nuclear Regulatory Agency; (vi) Securities Commission; (vii) Japan Defense Agency; and (viii) Assistant to member of Diet.

Media: (i) Newspapers or magazines; (ii) NHK television; and (iii) Producers of educational TV.

Science and Research: (i) Laboratory studying cancer or other illnesses of major concern to Americans; (ii) Japanese space agency; (iii) National Institute for Research Advancement; and (iv) Nomura Research Institute; Mitsubishi Research Institute.●

DEFENSE SCIENCE BOARD TASK FORCE

● Mr. ROCKEFELLER. Mr. President, I would like to place in the RECORD the Executive Summary of the "Report of the Defense Science Board Task Force on Defense Semiconductor Dependency." This study was chaired by Norman Augustine, president of Martin Marietta Corp., and the task force consisted of a number of outstanding members of America' scientific, industrial, and Government communities.

We owe an enormous debt to this panel for their examination of the semiconductor industry. The study makes it clear that a healthy and strong semiconductor industry is vital for our national defense. It also concluded that without a dramatic change in policy, our semiconductor industry will not be internationally competitive in the future. Not only is this country losing its manufacturing capability for semiconductors, but also our technological advantage is either gone or rapidly disappearing. This is a profound tragedy, especially in an area where we invented the product, perfected it, commercialized it, and, despite the criticism, still invest heavily in research and development. A strong semiconductor industry is a sine qua non for our national security, defined not just in terms of defense but also in broader economic and technological terms. In this sensitive area, we cannot allow ourselves to become dependent on any foreign country, no matter how close an ally.

I quote two key conclusions of this study:

> In the opinion of the Task Force, the principal factor affecting the relative shift in strength of the U.S. and Japanese semiconductor industries is the fact that the Japanese established a strategic (long term) goal and effectively brought together all the resources needed from government, industry and academia to pursue that goal. The U.S., at its own discretion, elected not to pursue such an organized focus and structure, and as a result is finding that it is unable to compete in the marketplace as it has been defined by the Japanese.
>
> Semiconductors are the essence of the computer and telecommunications industries which together form the basis for the information age. That is, the ability to dominate the semiconductor industry would appear to be a mere step along the strategic way for Japanese firms to dominate the world information market. This is perhaps the most ominous conclusion of the Task Force.

The plight of the semiconductor industry—and the stunningly, rapid turnabout in its fortunes—illustrates that we are living in a dynamic international environment, which poses an unprecedented challenge to our prosperity. That challenge will require major changes in the way that we approach our trade and industrial problems. If we do not make the necessary changes and do so quickly, we truly jeopardize our economic future. I hope that this report becomes a major benchmark in our awakening and in a reassessment of the policies of the past.

Mr. President, I ask that a copy of the Augustine report be placed in the RECORD.

The report follows:

REPORT OF DEFENSE SCIENCE BOARD TASK FORCE ON DEFENSE SEMICONDUCTOR DEPENDENCY

EXECUTIVE SUMMARY

1.0 Introduction

U.S. Defense strategy relies upon technologically superior weapons to overcome the numerical advantage of our adversaries. Our capability to field technologically superior weapons may soon, however, be dangerously diminished.

The superiority of U.S. defense system of all types is directly dependent upon superior electronics, a force multiplier which not only enhances the performance of the weapons themselves, but also maximizes the efficiency of their application through sophisticated intelligence and command and control systems. Electronics technology is therefore the foundation upon which much of our defense strategy and capabilities are built. The United States has historically been the technological leader in electronics. However, superiority in the application of innovation no longer exists and the relative stature of our technology base in this area is steadily deteriorating.

As evidenced by market share and the perception of the technical and financial communities, the United States' semiconductor device and related "upstream" industries, such as those that supply silicon materials or processing equipment, are losing the commercial and technical leadership they have historically held in important aspects of process technology and manufacturing, as well as product design and innovation. The U.S. semiconductor industry may very soon, in fact, be competitive only in very small, "specialty" segments of the overall market. This situation has arisen partly because of loss, in some areas, of technological leadership, resulting in an inability to compete with high-quality products in commodity markets.

The following reasoning, reflecting the considered judgments of the Task Force, suggests that a direct threat to the technological superiority deemed essential to U.S. defense systems exists:

U.S. military forces depend heavily on *technological superiority to win.*

Electronics is the technology that can be leveraged most highly.

Semiconductors are the key to leadership in electronics.

Competitive, high-volume production is the key to leadership in semiconductors.

High-volume production is supported by the *commercial* market.

Leadership in commercial volume production is being *lost* by the U.S. semiconductor industry.

Semiconductor technology leadership, which in this field is closely coupled to manufacturing leadership, will soon reside *abroad.*

U.S. Defense will soon *depend on foreign sources* for state-of-the-art technology in semiconductors. The Task Force views this as an unacceptable situation.

This report amplifies the above argument, assesses the current status of the U.S. semiconductor industry, and identifies causes of its loss of technological leadership. To minimize the harmful effects on national security that are threatened by this loss, a joint Department of Defense/Industry initiative, comprising research, educational, production, and administrative elements to address the most pressing needs in semiconductor technology, is proposed.

2.0 Findings

2.1 The extent of the dependence of defense systems that are now in the field on foreign semiconductors is difficult to determine, but evidence indicates that in the newest systems about to be deployed a significant fraction of chips used—up to several tens of percent—are either entirely made, or packaged and tested, abroad. If steps are not now taken to assure the availability of domestic sources of stockpiles, or both, the U.S. could be denied timely access to these militarily critical devices in wartime or, as will be shown, forced to rely upon technologically and operationally inferior alternatives.

2.2 Dynamic random access memories (DRAMs) are the most challenging semiconductor chips to manufacture competitively, and their development establishes the pace of progress in semiconductor technology. It is this chip which largely establishes the cost trends for the semiconductor industry, and major reductions in price have been achieved over the years as displayed in the figure.

[Figures mentioned not reproducible for the RECORD.]

With the exception of some production by captive manufacturers, DRAMs are now being produced primarily in Japan, and, to a limited extent, in Korea. Many important kinds of devices, such as other types of memory, microprocessors, signal processors, and gate arrays, build upon DRAM technology, and the focus of their manufacture, is very likely to follow DRAMs. As the production base moves abroad, it is being accompanied by the related upstream supply industries, which include the semiconductor materials and manufacturing equipment industries. Downstream industries have also moved offshore at an accelerating pace. This group, including telecommunications and computers, has been estimated to represent a $500 billion per year worldwide industry by the early 1990's and a $1 trillion industry in the year 2000.

2.3 The United States semiconductor industry arguably retains superiority in the *design* of integrated circuits, although the gap in this advantage is closing, and in the production of high-technology specialty chips which can be profitably sold in low volume.

2.4 In the absence of a domestic mass-production revenue base needed to preserve a viable domestic production equipment industry, the specialty producers themselves may become dependent on foreign suppliers for their materials, equipment and fabrication technology, and would then be at a disadvantage when under competitive assault by firms controlling the access to those resources.

2.5 Substantial technological and production resources can be found within the captive segment of the U.S. semiconductor industry (firms which embed their semiconductor production in their own end-products), especially at AT&T and IBM. These firms depend, however, on the same materials and equipment industries used by the merchant segment, and the captive firms' product focus, determined by their internal device needs, may match only partially DoD needs. They have not been significant suppliers of devices to the defense prime contractor community. Further, as production and design capabilities move increasingly overseas, even these organizations may become dependent on overseas suppliers.

2.6 Acquisition of specific devices or materials from foreign sources for defense applications is not a critical problem as long as the U.S. has the knowledge and resources to substitute domestic sources in a timely fashion should the supply of foreign products and technology be interrupted. However, this substitution is possible only if it can in fact be accomplished within the time available and does not impoverish U.S. capabilities in other important areas.

2.7 Even more critical is the possible movement of electronic device and system capabilities to overseas locations from which the Soviet Union can readily access the technology. In that case, the U.S. could lose the considerable margin of advantage it holds over the U.S.S.R. in this critical area of technology—and upon which it relies to offset quantitative military disadvantages.

2.8 In light of the conclusions above, continued availability to the Department of Defense of the most technologically advanced products will be dependent on the maintenance of a domestic leading edge technology development and production base capable of timely supply of defense needs. This availability is by no means assured. Therefore, action must be taken to retain an adequate domestic production base to meet defense needs.

2.9 In order to retain needed infrastructure for such "downstream" industries as those of computers and telecommunications, which supply DoD needs, action must be taken to maintain a strong base of expertise in the technologies of device and circuit design, fabrication, materials refinement and preparation, and production equipment.

2.10 While semiconductor technology is essential to modern defense, DoD accounts for less than ten percent of the world semiconductor market by sales dollars and about three percent by quantity. This asymmetry between the criticality of Department of Defense needs and the relatively small importance of DoD business to the industry implies that specific government action is justified (and needed) to support the government's own requirements.

2.11 The Department of Defense currently requires extensive qualification and testing of the semiconductor devices it procures and pays a substantial premium for the procedures and accompanying documentation. By procuring the highest quality parts commercially available for selected applications, as opposed to imposing militarized hardware specifications, savings could be selectively derived. The use of this approach must obviously be tailored to the specific application including consideration of its operating environment.

3.0 Current status of the industry and future trends

3.1 Market Shares.—Figure 2 summarizes market-share data for the worldwide merchant semiconductor industry. Data are included for DRAMs, the most important commodity product, as well as for other semiconductor devices. Since almost all Japanese semiconductor producers are vertically integrated firms which in addition sell devices to other companies, while few of the U.S. vertically integrated firms sell any (or many) devices to others, data is included only for merchant producers. This measure is of most relevance to the Department of Defense's circumstance. (A "merchant" supplier is one which, as opposed to a captive producer, sells integrated circuits for incorporation into the end-products of others.)

3.1.1 Status and Trends:

The U.S. share of the worldwide merchant semiconductor market has declined steadily over the past decade from nearly 60 percent in 1975 to less than 50 percent in 1985. Estimates for 1986 indicate a further decline to below 45 percent. Japan's share of the market over the same period has increased from 20 percent in 1975 to 40 percent in 1985 and is estimated at slightly over 45 percent in 1986, thereby surpassing the U.S. share for the first time. If captive as well as merchant producers are included in the data, the U.S. share has declined from 67 percent in 1975 to 50 percent in 1986, while Japan's share has grown from 25 percent to 39 percent. In the critical area of DRAM production, the U.S. share has declined from near 100 percent to less than 5 percent for merchant producers. The rise in Japanese market share has been at the expense of both European producers and American merchant (i.e., semiconductor-chip-only) producers. Again, it is this latter group which supports most of the Department of Defense's needs.

The U.S. merchant producers' share of the worldwide semiconductor market has decreased by almost twenty percent over the last four years. The loss to American captives is primarily in non-commodity and proprietary products, while that to the Japanese is in the technologically pivotal commodity memory market and other growing commodity products. The threatened loss of the entire commodity semiconductor business by the U.S. merchant producers has put these companies at significant risk. The seriousness of this risk is evidenced by the fact that, as noted above, in slightly over a decade the U.S. share of the most advanced generation of DRAM has fallen from near 100 percent to less than 5 percent.

3.1.2 Reasons for Market-Share Trends:

The loss in market share of U.S. firms is in fact attributable principally to their loss of the high-volume DRAM business. American merchant producers are no longer able to develop and produce in the U.S. low-price, reliable DRAMs in a time scale necessary to achieve significant market penetration. Although actions by Japan, leading to early government support of semiconductor development and allegedly explicity and implicit trade barriers, including the use of restrictive exchanges of products among **individual Japanese firms and "dumping,"** have contributed to the growth of the industry in that country, changes in these policies by themselves will not solve the problems that beset the U.S. semicounductor industry.

The major reason for the relative inadequacy of technology development in the U.S. vis-a-vis that in Japan has been the difference in the industrial practices and structure of the two countries. Japanese companies have invested a larger fraction of sales in plant and equipment (approximately 35 percent vs. 20 percent) than the U.S. merchant companies every year from 1970 through 1985. Japanese industry has also, in percentage terms, consistently outspent U.S. industry in Research and Development (approximately 13 percent vs. 10 percent). In the U.S., as profits disappeared, so did research and development. In contrast, in the most recent semiconductor recession, Japanese firms increased research and development expenditures even at a time when it elected to cut back somewhat on capital improvements. It is important to note that the Japanese R&D investment has primarily been in technology development with a long-term payoff, while that which American firms call "R&D" (for tax purposes) is usually the design and development of new products intended to be placed on the market as soon as possible. Thus the "R&D" investment of the U.S. merchant firms may well provide little direct basis for long-term growth.

A major reason underlying the success of the Japanese semiconductor effort is their effective combining of both competitive and cooperative R&D activities. For the development of basic technology, cooperative arrangements which avoid duplication are often employed, many of them under the coordinating leadership of Ministry of

International Trade and Industry (MITI) or Nippon Telephone and Telegraph (NTT). In the application of the resulting technology to products, the companies compete fiercely. Even within a single company, competing parallel efforts are supported and the winning solution adopted. In contrast, in the U.S. less funding is available, and cooperative programs are only now beginning to appear.

Differences between U.S. and Japanese economic practices which contribute to differences in investment practices include (among many other factors ranging from the cost of labor to currency exchange rate):

1. Industry Structure
2. Cost of Capital
3. Access to Capital
4. Necessary profitability levels

1. The semiconductor *industry structure* in Japan is fundamentally different from that in the U.S. Virtually all of the Japanese firms that sell semiconductor products are considerably larger than the U.S. merchant producers and are, besides, both vertically integrated and horizontally diversified. It can be argued that vertical integration provides a stimulus for advanced product development as well as a justification for the support of internal manufacturing capability. The major Japanese companies, such as NEC, Hitachi, and Toshiba, can consume up to twenty percent of their own production, which contributes to internal economies of scale, guarantees, a threshold use of facilities, and provides a testing ground for new designs and concepts. Importantly, it also provides a degree of staying power in periods of downturn in a given market sector. The U.S. *captive* firms do not have an equivalent in the U.S. since they do not sell their integrated circuits to other systems manufacturers and represent a much narrower spectrum of technology than the Japanese merchant/captive suppliers as a group.

2. *Cost of capital* in the U.S. was considerably higher than in Japan for a period of several years in the early 1980's. Indirect financial influences, including management readiness to borrow for capital expansion and R&D, stockholder perception of financial soundness, profitability required to meet interest payments, etc., have had important impacts.

3. *Access to Capital* does not seem to have been a dominant concern for the managers of the U.S. merchant semiconductor firms, at least in their best years; for example, in the profitable years of 1983 and 1984 many merchant semiconductor producers retired considerable amounts of their long-term debt.

4. The *profitability as a proportion of sales* of U.S. firms generally must be higher than that of Japanese firms if they are to survive because the U.S. firms must compete for capital in the open marketplace. Naturally, having a higher percentage of sales available for R&D and capital expansion, as is the case of Japanese producers, can lead to competitive advantages in the capital and R&D intensive semiconductor industry. Evidence that Japanese R&D expenditures are primarily in the "long-term reward" category lies in the rapid development of processing technology pursued in that country at the expense of near-term new product designs.

In the large Japanese companies, diversity allows capital expansion and R&D to proceed even in periods of recession. Within a diversified company the non-semiconductor business may cross-subsidize the semiconductor business. The capital markets in the U.S. perform, to some extent, this supporting role since in bad times money may be borrowed. The Japanese vs. American practice in accounting for repayment of such internal vs. external loans, and the effect of recourse to capital markets on company ownership and control (leading to a reluctance on the part of U.S. merchant company managers to seek outside funding even if they were able to do so) are also important in understanding the role of size and diversity in the growth of Japanese semiconductor producers.

When technology moves as fast as it does in the semiconductor industry, the timeliness of introduction of a new technology is important in establishing and maintaining a competitive edge. A six-month lag can be decisive in a key market such as DRAM production. Japanese firms have reached a point where they now are able and willing to introduce high-quality, reliable, device technology into the market faster than can U.S. firms. This can have important implications as vertically integrated Japanese firms with leading technology enter the market for end-use products which depend for their uniqueness on the availability of the most advanced semiconductors. The computer industry is but one example of such a sector.

3.2 *Technology Status and Trends.*—Table I summarizes the current technical position of the U.S. semiconductor industry relative to that of Japan, as well as predicted changes in this position based upon present trends. The U.S. appears to be "behind" Japan in more areas than those in which it is ahead, and is not gaining ground in technologies important to the future. U.S. producers are increasingly becoming incapable of producing the highest-technology products with sufficient quality in high volumes and with the timeliness required to achieve profitability by American capital-market standards.

3.2.1 Technology Summaries:

Japan exhibits a clear and increasing lead in most *silicon product technologies*, with the exception of design-intensive custom logic and microprocessors. In the latter products, and particularly in 32-bit microprocessors, however, the U.S. lead is being reduced by Japanese collaboration gains in design and, to a lesser extent, software expertise. In addition to pure technology levels, real as well as perceived differences in quality between U.S. and Japanese products have, since a comparison by a U.S. firm of the reliability of DRAMs in the last 1970's, accounted for differences in sales. Japanese firms have traditionally devoted greater priority to product quality than U.S. firms and this has had a substantive impact in the marketplace. Continuous efforts by U.S. merchants to improve their products since the initial study have produced considerable improvement in DRAMs, but equivocal results in other products.

In *nonsilicon products*, such as compound semiconductor optoelectronics and fast digital technologies, and particularly in optoelectronic integrated circuits, the U.S. also trails Japan. The U.S. currently maintains a lead in linear compound semiconductor IC technology, largely because of military interest in fast and radiation-hard circuits for satellite and radar applications.

In most *processing equipment*, much of which may be used for either silicon or compound semiconductor production, U.S. technology is on a general level with Japan's, although Japan is pulling ahead in key areas as a result of large technology development programs applicable to device manufacture. The relative technological position of the U.S. and Japan, according to one study, are summarized in Table 1.

3.2.2. Reasons for Technology Trends.—Much of the difference between the U.S. and Japan in current and predicted technology attainments may be explained by economic factors that affect the relative investment levels in the two countries. However, cultural differences, which are reflected in employment and engineering practices, account for a part of the relative success of Japan not only in this, but in other high-technology areas. In the U.S., these differences are apparent in:

1. Lower productivity;
2. Demand for a higher wage base;
3. Occasional lower standards of quality;
4. An adversarial relationship among management, labor, academia and government; and
5. Neglect of the technical manpower base.

Further, engineering practice in Japan differs considerably from that in the U.S. and is related to the length and consistency of employment of Japanese engineers. In Japan, many specific engineering techniques are learned in the company, where engineers can acquire a deep, but narrow, expertise. Company identification brings about an emphasis on quality of product, and engineers' experience is efficiently utilized through long-term employment. In addition, perceived importance of mass production at all stages of the research, development, and design processes ensures efficient production of even the newest devices. Ironically, U.S. government procurement policies which have placed major emphasis on reducing cost have had the unintended effect of further stimulating U.S. suppliers to procure abroad.

3.3 *Effects on Upstream Industries.*—Upstream industries are those which supply products to semiconductor device manufacturers, including manufacturers of high-purity chemicals, and silicon wafer suppliers. Perhaps the most important of the upstream industries is that which supplies semiconductor manufacturing equipment (SME). Any commodity semiconductor manufacturer must utilize the latest SME in order to remain competitive.

The U.S. has been losing market share in SME markets even more rapidly than in semiconductor devices. In the early 1970's, the U.S. owned greater than 90 percent of the international market. By 1986, this had decreased to a market share of less than 50 percent. The U.S. SME industry is highly desegregated with several medium-size and many small companies, and is very vulnerable to competition, i.e., its staying power is limited in comparison with its largely integrated Japanese competitors.

Semiconductor manufacturers require domestic SME suppliers and these suppliers, in turn, require the presence of a large domestic market for their products in order to stay in business. Neither can exist with a large foreign dependency because that dependency provides an avenue for foreign competitors to deny access to the latest state-of-the-art and to essential sources of revenue. Thus the revitalization of the U.S. SME industry is essential to the maintenance of semiconductor technology competitiveness.

3.4 *Effects on Downstream Industries.*—Downstream industries are those which use the products of the semiconductor industry. These products are now pervasive in almost all industries, but perhaps the most important for the purposes of this study are the telecommunications, control, and computer industries.

A strong domestic semiconductor industry is a prerequisite to a strong position in these downstream industries since the ability to perform competitive services and sell competitive products depends upon access to the most advanced semiconductor devices. Since the superiority of U.S. military forces depends upon superior intelligence, command, and control systems to multiply the effectiveness of force application, foreign domination of the computer, communication and control industries would have very profound implications for the Department of Defense. Further, the pervasiveness of these downstream industries in a modern economy implies that such dominance could be a major threat to the overall economic health of the United States in the decades ahead.

3.5 *Effects on Human Skills and Resources.*—Young people are not easily attracted to a field if no domestic industrial base exists in that field upon which to build a career. A competitive semicondutor industry is therefore essential in order to attract the individuals necessary for maintaining a competitive technology base in the area. Further, the reservoir of human skills and expertise developed in the semiconductor industry is necessary not only for this industry, but also for new and perhaps not-yet-invented industries related to it. These skills cannot be retained and developed in academica alone.

4.0 Recommendations

4.1 The U.S. will depend to a large degree upon foreign sources of microelectronics hardware and technology to meet its defense needs unless measures are taken to help this country recapture and retain leadership in semiconductor manufacturing technology. To do so, the Task Force recommends that the Department of Defense take the following specific actions.

1. *Support the establishment of a Semiconductor Manufacturing Technology Institute* which would develop, demonstrate, and advance the technology base for efficient, high-yield manufacture of advanced semiconductor devices, and to provide facilities for production of selected devices for DoD needs. Such an institute could have an important impact not only on DoD but in the commercial market as well when member firms transfer technology to their own applications. The initial capitalization of the Institute by its industrial members would be on the order of $250 million, and support of approximately $200 million per year for five years would be provided by the Department of Defense. This is the principal and most crucial recommendation of the Task Force.

a. The DoD should stimulate the industry to help itself through the above Institute by facilitating the formation of an industry consortium. The stimulus could take the form of annual contracts for the development of selected production proceses, equipment, materials, and devices. The existence of this Institute would, in turn, satisfy certain DoD needs.

b. A permanent Institute staff would be supplemented by committed personnel on loan for extended periods by the participating companies. The loaned staff would lead the transition of information and experience from the Institute to their own companies.

c. The 64 megabit DRAM represents an appropriate technology upon which the Institute could focus its efforts for the development of advanced manufacturing techniques. Focus needs to be placed on achieving quantum advancements, one of which would be to produce a means of adding competitive manufacturing capacity in smaller increments of output which would in turn be less demanding of investment capital.

d. The consortium would work with the U.S. Semiconductor Manufacturing Equipment industry to develop and test new equipment in a production environment to confirm its suitability for high volume production by a variety of producers.

e. Emphasis would be placed on facilitating the transfer of the advanced manufacturing process developed by the Institute into the manufacturing lines of its member organizations.

f. In order to demonstrate high-volume low-cost manufacturing capability, the consortium would be required to sell the advanced products it produces in limited numbers in the competitive market.

g. Initial capitalization may be made by direct investment by the participating companies, by a low-interest government-backed loan, or a variety of other alternative mechanisms.

h. The Department of Defense would assign its own researchers to the facility staff and would have the right to a limited share of the production output to fill its own needs.

i. Membership would be constrained to firms having beneficial ownership in the U.S.

2. *Establish at Eight Universities Centers of Excellence for Semiconductor Science and Engineering* built upon current NSF, DoD, and commercial consortium programs, to devise, develop, and demonstrate new and innovative approaches to device design and manufacturing that lower costs and improve performance and quality. Cost of this program to the Department of Defense would be about $50 million per year.

In addition to research and development, these centers would promote the training of highly qualified students who would become the foundation of a continuing excellence in semiconductor manufacturing expertise.

3. *Increase DoD spending for research and development in semiconductor materials, devices, and manufacturing infrastructure* by about 25 percent per year for four years. The cost of this increase will be $60 million in the first year, growing to $250 million in the fourth year.

The overall purpose of this program should be the development and demonstration of approaches to integrated circuit manufacture that lower cost and improve quality and performance.

In addition, support of the Strategic Materials Initiative now being considered by the DoD is recommended. This focus on a broad range of materials opportunities is complementary to proposals made herein.

4. *Provide a source of discretionary funds to the Defense Department's semiconductor suppliers* to underpin a healthy industrial research and development program. The cost of this activity should be about $50 million per year and should be restricted to work directly related to semiconductor needs of the Department of Defense.

These funds would fill the same critical role for the semiconductor suppliers as does Independent Research and Development for the Department of Defense's prime contractors.

5. *Establish under the Department of Defense a Government/Industry/University forum for semiconductors* to provide a common meeting ground for assessment of the above program and to facilitate joint action on problems of semiconductor research, development, and production of specific interest to national defense. Cost of this recommendation to DoD should be about $200 thousand per year, principally for administrative costs.

This Forum should continually assess the state of the domestic microelectronics technology base; competitiveness of the U.S. semiconductor industry; education and research in related fields; and effectiveness of this and related government programs.

Due to the national importance of the semiconductor industry's competitiveness to the nation's economy as a whole, it is recommended that an advisory group be established under OSTP, to include representatives from NASA, DoE, DoD, Departments of Commerce and Transportation, and other appropriate organizations, to formulate a comprehensive and coherent strategy for legislative, administrative, and management action to reverse the trend toward the export of semiconductor manufacturing and technology leadership. Representatives of industry and academia should be included either as full members or as advisors. Development of such a strategy would have broad implications since the semiconductor industry is the keystone of the growing information industry, which itself could be a keystone of the twenty-first century economy.

The pace of advancement of semiconductor technology is such that an entire new generation of key devices is introduced every two to three years. The current position of the overall U.S. merchant semiconductor industry is concluded to be very tenuous in terms of present manufacturing capability. Steps to preserve its viability must be taken with dispatch.●

IN HONOR OF MSGR. MICHAEL PATRICK McCORRISTIN

● Mr. LAUTENBERG. Mr. President, I rise to pay tribute to Msgr. Michael Patrick McCorristin, pastor of St. Anthony's Church in Trenton, for his service to his community and for his appointment as grand marshal of Trenton's St. Patrick's Day parade. Monsignor McCorristin richly deserves this honor.

This beloved and respected priest is one of Trenton's most distinguished Irishmen. He has earned that honor through a lifetime of dedication to the community and to the values in which he believes. At age 85, this vibrant man of God is pastor of a large parish as well as administrator of two large schools, McCorristin High School and St. Anthony Grammar School.

Born in Millville, NJ, to Mr. and Mrs. James McCorristin of County Derry, Ireland, he studied for the priesthood at St. Charles Seminary in Catonsville, MD, and St. Mary's Seminary in Baltimore. On June 2, 1928, he was ordained a priest for the diocese of Trenton, and shortly thereafter, was appointed secretary to Bishop McMahon, bishop of Trenton.

Monsignor McCorristin played his first major role as a community builder in the 1930's, when he was stationed at Morris Hall Nursing Home in Lawrenceville, NJ. He won the allegiance and love of the local community, mainly Italian immigrants, when he helped them build their first church, St. Ann's Church in Lawrenceville.

He went on to serve with distinction as a diocesan director of vocations, director of the Holy Name Society, and as pastor of Holy Angels Church in Trenton. In 1952, he was assigned to his present position as pastor of St. Anthony's Church. During this time, he served for many years as vicar general of the diocese of Trenton.

Monsignor McCorristin has always been an effective advocate for the needs of the community he serves. In 1962, when Trenton Catholic High School was about to close, he had already devised a strategy to aid Trenton youth. Purchasing 50 acres of land in Hamilton Township, he quickly mustered local support for a high school. One year later, St. Anthony's High School was a reality. Today, this high school, now named McCorristin High School, is a fine asset to the community. With its outstanding academic, spiritual, and sports programs, it is a monument to the work of the priest who made it possible.

I can think of no finer way to hold a St. Patrick's Day parade in Trenton than to have Monsignor McCorristin as its grand marshal.●

THE FIGHT FOR FREEDOM IS STILL ALIVE IN POLAND

● Mr. SYMMS. Mr. President, while the Communist government in Poland has muffled the cries of Polish patriots, the spirit of freedom is still alive there. The Solidarity movement is not dead; in fact, additional groups have arisen in the underground.

An Idahoan who recently visited Poland discovered the extent of the Polish resistance movement and also experienced a small taste of what it is like to live under the Soviet style of government.

Dr. Lawrence Reed, director of the Center for the Study of Market Alternatives in Caldwell, ID, met with freedom fighters in the Polish underground. He spoke with Poles who want separation from the Warsaw Pact and the Soviet Union, free elections, freedom of the press, and private property.

He taped conversations and interviews with leaders of the groups, took photos and made notes. But during his stay, the authorities followed him, harassed him, and even confiscated his notes, photos, and tapes. He eventually recovered his property but only after a lot of bureaucratic hassle.

Mr. President, Idahoans are concerned about those fighting for freedom under Communist governments, and many other of my constituents participate in efforts to help. Wounded Afghan freedom fighters have been flown to Boise for medical treatment; donations from Idaho have been sent around the world to provide food and medical supplies to freedom fighters and refugees; and refugees have found asylum in some of Idaho's cities.

Wojciech Modelski, an immigrant who fled persecution in Poland, lives in Boise. He is one of the founders of the "Freedom and Peace student movement in Krakow, Poland. After obtaining a one-way passport out of Poland in 1985, he brought his family to Idaho. The Polish Government refused him a return visa. Wojciech says about 70 percent of the Polish people are engaged in some form of opposition. Although he believes Poland might never be free, he says they can still be free in an enslaved country.

This is the spirit of those fighting for freedom. They should be recognized often for their courage and willingness to keep the flame of liberty alive in those countries where it has been nearly extinguished. I recognize them now.

And as a reminder of all those struggling on the inside of the totalitarian world, I ask to have printed in the RECORD reports published in Idaho of Dr. Reed's visit to Poland and his discoveries there. I encourage my colleagues and others who recognize the obligation to help those held captive by their own governments to review the accounts, and encourage their constituents to do likewise.

The material follows:

THE STUGGLE GOES ON IN POLAND

(By Lawrence W. Reed)

It wasn't so long ago that Poland dominated the headlines for months. That was during what Poles now refer to as "the Solidarity period"—the 16 months from the founding of the independent trade union in the shipyards of Gdansk until the glimmering lights of Polish freedom were put out by martial law in December 1981.

Not since the Hungarian uprising of 1956 had an Eastern European people so boldly challenged the authority of their own government as well as that of the giant to the east, the Soviet Union. When, on orders from Moscow, Polish tanks and militia took to the streets on that fateful 13th of December, a horrified world watched as the ugly fist of communism reasserted its dominion.

I went to Poland this past November for all of Thanksgiving week. I wanted to find out what Poles were thinking and doing about the freedoms they briefly had and lost five years ago. I learned that tanks and guns crushed an institution—Solidarity—but only fanned the fires of the indomitable Polish spirit.

Though I entered and exited the country legally, I spent my time there meeting and living with private Poles who are actively resisting the government's repression. None do so with weapons of the common variety. They fight with something dictatorships regard as far more dangerous: ideas.

Some of the people I interviewed were visibly active when Solidarity was legal and are now privately involved in keeping it alive underground. Most of those I met, however, are active on behalf of a newer group composed of thousands of Polish students and intellectuals and called the "Freedom and Peace Movement."

Officials are so concerned about the broad appeal of "Freedom and Peace" to young Poles that they have cracked down on the group's adherents recently even as they eased up on better-known Solidarity activists. The concern is understandable because the agenda of "Freedom and Peace" is far more radical than anything Solidarity ever pushed.

It wants an end to Poland's membership in the Warsaw Pact, for instance. That's the alliance put together and presided over by the Soviet Union. The group was originally formed to protest the arrest of those who refused to take the oath required upon induction into the military. The oath swears allegiance to the Soviet Red Army as well as the Polish Army.

"Freedom and Peace" also decries "socialist pollution" (Cracow in southern Poland is the most polluted city in Europe). It calls for the release of all political prisoners, a completely free press, expansion of private property, free elections, and equal rights for women.

Quite a few of its supporters are stridently anti-Soviet and ideologically anti-communist. In open defiance of the regime, they have even begun to raise money for the relief of Afghans made refugees in the struggle to oust the Soviets from Afghanistan. It's doubtful that the government will ever allow the funds to leave the country for that purpose.

I asked one of the group's spokesmen, Jacek Czaputowicz, why he and a growing number of others are taking such risks. "To live in a Poland where repression governs without challenge would be unthinkable and impossibly hopeless," he said. In the same breath, he asked that his words be quoted precisely and without any attempt to disguise their source.

Another movement supporter told me that Poles have drawn considerable strength from the knowledge that sympathy for some kind of resistance is practically universal outside the government: "In Poland, the government has only its own police to enforce its will; it gets no cooperation from the people."

Poles also gather courage from their profound religious faith. The Catholic Church in Poland exerts an influence unequaled anywhere else in the communist bloc. The fact that the Pope himself is Polish is a source of tremendous pride and social cohesion.

In spite of all types of harassment—beatings, disappearances, wiretapping, imprisonment, etc.—opposition to the government in Poland seems to be pervasive and becomes ever bolder. Another political crisis seems inevitable and whether it comes next year or several years down the road, it seems certain that the ideals of the "Freedom and Peace Movement" will play a major role. An entire generation may well take up its powerful message.

In another realm, it isn't just the lack of political liberties that rankles the Poles. The state of the economy produces a nagging exasperation for the average citizen. Communism's promise of a better life has given way to appalling dirt and safety conditions in factories, sooty air that chokes and sickens and makes a Boise inversion seem positively pristine, substandard and sloppy health care, food shortages, widespread corruption of party officials, and a housing crisis that would spark a revolution in any Western country.

In the cities, private homes are virtually nonexistent (except for those who run the country). The typical apartment has a tiny kitchen with a few fragile appliances, a small bathroom, and a room measuring perhaps 12 feet by 15 feet that serves as a bedroom, living room and dining room. Rent is cheap, but the average waiting time to get an apartment is now more than 15 years. In parts of Warsaw and Cracow where I stayed, it is as long as 25 years.

To get an apartment in Poland these days basically means waiting until someone dies.

Reflecting the shambles of central planning, shortages of basic foodstuffs come and go as inflation rages in double digits. Poles complain that living standards are two-thirds what they were in 1980. The Polish government is unable even to make the interest payments due on its $35 billion debt to the West. Poland has became yet another entry on the lengthening list of economic basketcases from the socialist world.

There is one bright spot: the black market. Poles are illegally producing and trading everything from magazines to vodka. Underground theaters, radio, videotapes, even schools are flourishing. As Solidarity's Wiktor Kulerski wrote from hiding: "This movement should create a situation in which authorities will control empty stores, but not the market; the employment of workers, but not their livelihood; the official media, but not the circulation of information; printing plants, but not the publishing movement; the mail and telephones, but not communications; and the school system, but not education."

That's the Polish spirit in a nutshell—in the midst of adversity, proud, fearless, and unconquered.

Don't mistake the lack of headlines and world attention as a sign that Poles are silent and docile. Beneath the veneer, life in Poland is proving every day that communism and human nature are as incompatible as fire and ice.

A Valuable Lesson About Sausagology

(By Lawrence W. Reed)

Have you ever wondered why toilet paper in communist countries is so difficult to find? I can verify from firsthand experience in Russia, China, Nicaragua and Poland and from reliable reports out of many other East-bloc nations, that the stuff is often as scarce as hen's teeth. While visiting the Soviet Union last August, I learned something that may or may not explain this phenomenon.

"Have you eaten any sausage since you've arrived in Russia?" a friend from Leningrad asked.

"As a matter of fact, yes," I replied. "Last night at dinner we had sausage which I thought was rather good." I described it for him.

"That's it," my friend said as he broke into a smile. "My wife and I never eat that. We have friends who work in the sausage factory and the government has them put toilet paper in the sausage to 'extend' it."

Upon arrival home, I called a Polish friend in Boise to tell him of my trip. "Guess what they put in the sausage in Russia?" I asked him.

Without a moment's hesitation, he replied, "I know—toilet paper. We used to do that in Poland too."

In Poland, toilet paper is not quite a luxury, but it isn't uncommon for Poles to stand in line for hours at a time to buy a few rolls. When a shipment arrives at a store, lines form quickly and the entire stock may be exhausted before the day is out. If you're at the back of the line, you may grow weary of the wait, only to be disappointed when the stuff is gone before your turn.

Shortly before my recent visit to the country, it was reported that production was running about 100 million rolls short of demand each year. The government regularly repeats a pledge that few Poles take seriously anymore: that the Ministry of Chemical and Light Industry will soon expand supplies to meet the demand. Meantime, frustrated Poles have discovered a second, rather unconventional use for *Trybuna Ludu*, the Communist Party's official newspaper.

The lines for sausage, incidentally, are not so long.

Visit to Auschwitz on Thanksgiving 1986 a Memorable Event

(By Lawrence W. Reed)

Most people can remember a particularly special Thanksgiving. Maybe the food was especially good or abundant, or some very special relatives came for dinner, or Mother Nature dumped a foot of snow that day.

For me, Thanksgiving 1986 will probably never be eclipsed by another one. That was the day, Nov. 27, when I visited Oswiecim, better known as "Auschwitz."

It was here that the worst crimes of the Nazi Holocaust were inflicted. Nearly four million human beings, drawn from every country Hitler occupied, perished here as a result of forced labor or execution. Most were Jewish, all were innocent victims of a demented regime the world must never forget.

The Auschwitz extermination camp is barely an hour's drive from Poland's third-largest city, Cracow. It's not the sort of place Poles throng to see; I counted no more than 5 other visitors in the entire camp that day.

Over the wrought-iron entrance gate are the words the Nazis cynically intended as a greeting to new prisoners. It says, "Arbeit Macht Frei"—German for "Work Makes You Free." Just a short distance inside is the spot where a Nazi officer stood, choosing which prisoners would die immediately and which would be worked to death.

I walked inside a chamber used to gas as many as 200 people at a time. Adjacent to it were ovens where corpses were unceremoniously stacked and burned like cordwood.

The building where Dr. Mengele carried out his gruesome "medical" experiments on living beings is at Auschwitz, amid the rows of blockhouses. So is the infamous "Wall of Death," a site where 20,000 prisoners met their end.

So much of what I saw at Auschwitz is not fit to print here even if I could describe it. The evil one feels there is palpable, ghastly, and beyond words.

I am still grateful, however, that I saw that place on Thanksgiving Day 1986. More than all the books I could ever read, it made me understand the horror of evil's potential, and appreciate the gifts of life and freedom.

[From The Idaho Statesman, February 15, 1987]

Economist Finds Poland "Socialist Basket Case"

(By Lawrence W. Reed)

Five years after Poland cracked down on society to crush the independent trade union Solidarity, most Americans probably think Poland is a pacified and docile society, a country of perhaps reluctant but generally obedient subjects. So much for false impressions. Poland is nothing of the kind.

Beset by political oppression, food shortages and a socialist system that produces more headaches than goods, Poles are dodging and weaving around the communist regime of Gen. Wojciech Jaruzelski in ways that defy a foreigner's imagination. What is percolating in Poland constitutes such a profound challenge to Marxist dogma that it seems sure to put the government on a collision course again with its own people.

I went to Poland for seven days in November to glimpse something of the nature and effectiveness of those who oppose the government there. Escorted by activitists in Poland's newest and fastest-growing opposition group, known as the "Freedom and Peace Movement," I conducted many hours of interviews in Warsaw and Krakow. What I discovered goes far beyond anything I had expected.

MUCH TO OPPOSE

To begin with, there is much for the opposition in Poland to oppose. Communism's promise of a better life has given way to appalling direct and safety conditions in work places, sooty air that makes a Boise inversion seem positively pristine, frequent shortages of everything from gasoline to toilet paper, luxury living for party officials while the masses live at two-thirds the 1980 standard, and a housing crisis that would spark a revolution in any industralized country.

The long lines that are so much a part of life in socialist countries are prevalent in Poland, too, though they seem to be shorter. Double-digit inflation in the past two years simply put many goods out of reach altogether for many people.

In Krakow, where two pounds of butter cost 100 zlotys five years ago, the same amount is priced at 500 today. Lemons were 30 zlotys for a small quantity then, 600 now. Bread was 12 five years ago, now it's 50. Meat and gasoline are among the items rationed.

(The official exchange rate is 200 zlotys to the dollar; the black-market rate is 800 to the dollar.)

Shortages of materials and spare parts are so common that factories are idle for 12 hours of the average 42-hour workweek. Toilet paper production is so far behind demand that some Poles have discovered a second use for Trybuna Ludu, the official communist Party newspaper.

A 27-year-old student at Jagiellonian University in Krakow told me that 10 years ago, a salary of 5,000 zlotys a month was enough to get by comfortably. "Now I get 20,000 zlotys and that's not enough," he said.

15-YEAR HOUSING WAIT

He also complained that the quality of many goods has declined. Shoes that last more than six months of normal wear, for instance, are hard to find except at exorbitant prices.

The housing shortage is so bad that the average waiting time to get an apartment is between 15 and 20 years. In parts of

Warsaw, the wait is as long as 25 years—in other words, until someone dies.

But throughout my visit, I couldn't help but notice the contrasts between Poland and what I have observed on previous journeys into the Soviet Union. In that context, Poland comes out the winner: Poles are friendlier and smile more easily than Russians; Polish storefronts are much more colorful and attractive; the general appearance of Polish cities is a bit less drab and monotonous than Russian cities.

A fascination with Americans and American culture helps to distract many Poles from their economic woes. Polish children play "Cowboys and Indians" and yearn for American chewing gum. Old Bill Hailey and the Comets record command a premium on the legal market. A very popular radio show features country music from the United States and is called all the Roads Lead to Nashville. Hot dogs, the ubiquitous "OK!" and a quiet popularity of Ronald Reagan underscore a society that feels a stronger bond to America than to its neighbor immediately to the East, the Soviet Union.

Another distraction is the bane of alcoholism. I saw men in drunken stupors staggering down alleys or sprawled on doorsteps with appalling frequency.

FOREIGN DEBT

In its trade relations with non-Communist nations, Poland as a whole is in a stupor. The government is not able even to make the interest payments on its nearly $35 billion external debt. Both imports and exports are dismally low for a partially industralized nation of 38 million people.

Clearly, the Polish economy is yet another socialist basket case and a source of much discontent. But Poles have seen even worse economic times before.

What motivates today's antigovernment activism are political realities, not economic problems. Change the political structure to diffuse power and break the monopoly of the Communist Party, say leading spokesmen for the Polish underground, and the economic problems will go away.

The New York-based Lawyers Committee for Human Rights recently issued a report that details systematic and brutal repression by the Warsaw government. It condemns the "100 percent conviction rate" in the new system of 48-hour trials for political dissidents, the "persistent practice of violence by police under which defendants in custody have been beaten with regularity, and even murdered," and prosecutions of harmless political activity.

Not even the Roman Catholic Church, which commands the loyalties of 90 percent of Poles, is immune. In a case that shocked the world, agents of the secret police in October 1984 abducted, tortured and murdered "Solidarity's favorite priest," Father Jerzy Popielusczko. Three officers were convicted in that killing. Other priests who have spoken out against the regime have simply disappeared.

This is a country in which even the famous logo of Solidarity, written in its familiar jaunty style, cannot legally appear anywhere.

In this situation, the always resourceful Poles have actually formed a second, alternative society. This "parallel Poland" comes complete with private, illegal versions of virtually every aspect of official life—including the press, education, insurance, theater and the arts, radio, health care and exchange rates.

THE UNDERGROUND

Solidarity's Wiktor Kulerski outlined the parallel society when he wrote this while in hiding: "This movement should create a situation in which authorities will control empty stores, but not the market; the employment of workers, but not their livelihood; the official media, but not the circulation of information; printing plants, but not the publishing movement; the mail and telephones, but not communications; and the school system, but not education."

At a dinner party one evening in Krakow, hosted secretly for me by several underground printers, I was dazzled with the scope of what my hosts called "independent publishing ventures." They had translated and printed works by Alexander Solzhenitsyn, Irving Kristol, Michael Novak, George Orwell, Milton Friedman and Ayn Rand, among others. I was able to smuggle two works out of the country: Orwell's Animal Farm and Novak's The Spirit of Democratic Capitalism.

That particular dinner party featured some of the best food of the week, including a delicious Polish sauerkraut-like dish known as "Bigos." I asked permission to take a photograph of the table filled with a dozen colorful dishes and was politely refused.

"If the authorities ever get your film, they will use the picture as propoganda—to complain that the underground eats like rich capitalists," said one of my hosts. Almost everything I ate that evening had been secured at considerable sacrifice through illegal channels.

"Where do you get the paper for all this printing?" I inquired. The response made me roar with laughter: "We get it two ways. We smuggle some in from the West, and we steal the rest from Communists, which we regard as recovering property which was stolen in the first place."

Later in the week, I learned from a professor at the University of Warsaw that economics students there are quietly required to read some of the greatest works of free market scholars—all banned in Poland.

ILLICIT PUBLISHING

Seven illicit publishing houses in the country together produce 200 books a year in editions of up to 10,000, according to the New York Times. When the government recently mounted a campaign to confiscate the cars of their distributors, the publishers banded together and formed their own underground insurance company to cover the confiscation of cars, paper and materials.

Meanwhile, entire "underground universities" flourish in the major cities, holding classes and conducting research in the most unlikely places: warehouses, basements, churches and even the state's own university buildings after hours.

On the black market, Poles are producing and trading everything from vodka to automobiles.

All this activity "under the table" supports and encourages an ever bolder political opposition. In recent months, the group which has concerned the government more than even the smoldering remnants of Solidarity is the one which arranged my schedule and provided my escorts—Freedom and Peace.

RESTLESS FOR CHANGE

In meetings with dozens of these Poles in their late teens, 20s and early 30s, I was stunned by their depth of commitment and high degree of sophistication. They are the intelligentsia of Polish anti-Communists, extremely knowledgeable of world affairs and on the ideological offensive. They are restless for change and willing to endure imprisonment or worse to make change happen.

The issue that brought Freedom and Peace into existence in 1985 was the refusal of more and more young people to take the oath required upon induction into the military. They are not pacifists, but they do object to swearing allegiance to the Soviet Union and its Warsaw Pact alliance.

Through hunger strikes, sit-ins, petition drives and acts of civil disobedience, Freedom and Peace activists and sympathizers have sought with some success to pressure the government to release from prison those who refuse the oath.

In spite of all manner of harassment—beatings, torture, wiretapping, imprisonment, etc.—Freedom and Peace has only broadened its appeal and its agenda.

It condemns pollution that has wreaked havoc on the air and water in Poland.

It champions equal rights for women, and the democratic ideals of a free press and free elections. Its members read and distribute literature that criticizes the planned economy, pokes fun at Marxist dogma, and calls for a "free enterprise liberation" of the Polish economy.

This is strong stuff to be said and done in a captive nation, but Poles throughout their tortured history have always shown they are up to the task. Freedom and Peace is carrying on in a grand tradition of Polish patriots—and maybe even expanding the limits of creative, non-violent combat.

Visiting this troubled but intriguing place called Poland renewed my appreciation for those who struggle against oppression. What the people of Poland must endure is appalling, but how they cope with it is fascinating.

POLES CONFISCATE FILM, TAPES

(By Lawrence W. Reed)

The plane for Paris was to depart Warsaw at 2:30 p.m. Dec. 1. After an exhausting week of meeting privately with people who oppose the Polish government, I was looking forward to an uneventful departure and quiet flight.

Polish customs officials had other plans; the government had learned something of my activities in the country. How or from whom I never can be certain.

As the line of passengers formed in front of the first customs checkpoint, an announcement was made that the flight would be delayed, but no new departure time was posted. I noticed that the line was moving quickly, with each person stopping for no more than 30 seconds as an agent examined his passport.

I knew there was a problem when the agent took what seemed like several minutes looking at me, checking my passport, then looking at me again. He made three phone calls, and moments later, two uniformed men, one with a pistol at his side, appeared and ordered me to haul my suitcase to a nearby bench and open it. For the next two hours, I was subjected to searching and questioning.

The man who went through my suitcase quickly found seven casette tapes (that contained hours of interviews) and six rolls of exposed film. That was the last I saw of them.

The moment the door closed, I was told brusquely, "Take your clothes off." I did as I was told.

One man searched my clothes thoroughly and then my wallet. I had said twice that I had no Polish money, but he found two small bills I kept as sovenirs. But he showed no interest. Seizing nothing, he ordered me to get dressed again. It was no warmer than 55 degrees in the airport, so I was happy to comply.

Later, at another part of the airport, I was questioned about who I had been with and where I had stayed in Poland. I told them as little as possible, according to a plan worked out with my hosts.

Also, the authorities no doubt were disappointed when they listened to the tapes, because my hosts and I had built in some precautions that would render the materials of little value to anyone but me.

At my insistence, the customs authorities gave me a form that itemized what had been confiscated. They said that if I sent it to the U.S. Embassy in Warsaw, the Americans could petition the government for its release.

Meantime, I was sure I had missed the flight, but at 4:20, I was told to board the aircraft. They had enough "courtesy" to hold it up just for me.

Since, the office of Sen. Steve Symms, R-Idaho, and the U.S. Embassy have tried to get my material back, without luck.

[From the Washington Inquirer, Feb. 20, 1987]

Poland: "A Revolution in Ideas"

Lawrence Reed is the Executive Director of the Center for the Study of Market Alternatives, a pro-free market think tank based in Caldwell, Idaho. Mr. Reed, who is also a weekly newspaper columnist for Idaho's two largest newspapers, has spent much of his time over the last two years travelling across the globe. He has visited 14 countries, including communist China, Nicaragua, Haiti and the Soviet Union.

Late last year, Reed had the opportunity to visit Poland, and meet with members of the country's vast anti-government underground. He spent a week with Polish democratic activists, and divided his visit between the cities of Warsaw and Krakow, both hotbeds of anti-government activity.

(The following interview with Lawrence Reed was conducted by Pete LaBarbera on February 11.)

Q: What surprised you most during your visit to Poland?

A: I was amazed at the extent of the Polish underground, and its techniques for opposing the government and living in a police state. By all indications from my visit, and being in touch with Poles in America, the Polish underground rivals any underground in any Eastern European country . . . Virtually every aspect of legal official life has its underground or black market counterpart, including theatre and the arts, insurance companies, printing press establishments, banks—you name it. If it's legal, they're also doing the same thing illegally under the table.

Now this is a deliberate attempt by Polish people to solve the problem of living in a police state that has the Soviet Union right next door. The Poles know that even if they could be successful at overthrowing their own government, freedom wouldn't last because the Soviets would come to the rescue of the Marxist regime in Warsaw. The people have decided to live their lives as much as possible as they choose, by going underground and just thumbing their noses at the government.

I think what is happening in Poland today is probably the most underrated development in Eastern Europe since World War II. It really deserves much more attention than it has received in the West, and I think in time it will get that attention.

Q. Could you describe your impressions of Poland's underground press?

A. There are many publishing houses of all sizes in Poland. If you take just the top seven publishing houses, they produce about 200 different books a year, some of them in editions of as many as 10,000. These works run the gamut from arts and literature . . . to hard-core free market political and conomic works.

The Poles are reprinting and distributing the best of the free market scholars: F.A. Hayek, Ludwig von Mises, Murray Rothbard, Ayn Rand, Milton Friedman. These are becoming very popular scholars in Poland.

Q. Are political books also circulating?

A. Yes, although I had my film and tapes confiscated, I was able to get out of the country a copy of George Orwell's Animal Farm and Michael Novak's The Spirit of Democratic Capitalism—both of which have been translated into Polish and printed in the underground press.

When it comes to pro-freedom books, you name it and they've usually got it . . . In fact, we're cooperating with the Mises Institute in Washington in shipping over via underground contacts in Europe large quantities of freedom books . . . The Polish police state is a giant sieve, and anti-communist literature is just pouring through it.

Q. Surely, the Communist regime is cracking down on this subversive activity?

A. Yes. They are trying to crack down, but it's just impossible because many times, for example, people are printing these works on the government's own printing presses, or with the government's own paper. The reason for that is that many of the people who work in government publishing houses really side with the underground, and they smuggle paper out of the government factories . . . and sometimes after hours they even will collaborate in the use of those government press to print underground material.

Q. It seems strange that the underground can print whole runs of books and not get caught. Is there simply too much going on for the government to stop it?

A. That's right. Everybody's doing it. The government closes down one, and probably in time another two will open up. They just can't control it.

Q. This is how the Poles achieve relative "freedom," isn't it?

A. Yes. And they have become the freest people in Eastern Europe only because they've made themselves free of the government, not because the government took any steps to free them.

Q. Is it fair to say that this type of dissident activity has spread to all areas of Polish society—that it is not simply limited to the intellectuals?

A. Well, of course the intellectuals are leading the charge when it comes to underground printing, but as I said, everything the people can do officially and legally they are also doing in the underground. What is developing in Poland is a genuine parallel society.

Q. Has there developed any kind of unofficial ruling hierarchy in the underground, the emergence of an alternate government?

A. No, there's no alternate government, and I don't think there's any attempt to create that . . . There is no "leader" of this whole thing, and that's the beauty of it. It is a spontaneous, but increasingly better organized, parallel society.

Q. Is this a sign that the anti-communist movement in Poland is maturing?

A. Oh, it's very much a sign of maturity—no question. For instance, the kind of literature that they're reading, hard-core free market works by people like von Mises and Hayek. That indicates a level of sophistication that a dozen years ago the rest of us in the West would never have dreamed could happen in Poland.

Q. The universities must be bases of opposition to the government?

A. Yes, that is true. I talked with professors at both the University of Warsaw in the capital and Jagiellonian University in Krakow, who are using free market books printed by the Underground as texts in their classes!

Q. Aren't there spies or government informers who could get these professors in trouble?

A. Well, the only way I can explain it is that this thing has become so pervasive that they get away with it because everybody's reading it, and everybody believes it! I mean, these guys were telling me that nobody believes in Marxism anymore, aside from a handful at the top in the government.

Q. So, in this atmosphere, has the State resigned itself to ideological defeat?

A. Sort of. Even they have lost their vigor. They're tired. They know their Marxist slogans fall on deaf ears. One professor I spoke with suspects that even many in the government don't believe it anymore.

Q. Could you describe the anti-Soviet sentiment in Poland?

A. All you need to do is mention the name Soviet Union . . . and you find a very deep-seated hatred for the Russians . . . The Poles look upon [Communist leader Wojciech] Jaruzelski as a Russian in Polish uniform.

Another manifestation of that attitude I heard was that a lot of the young people I talked to said the Polish army would not be reliable in the event of an attack on the West, and that many of them would pick up their guns and head east.

Q. Were the Polish activists you spoke with worried that Western leaders are taking Jaruzelski too seriously?

A. Yes, they asked me to go home and tell . . . whoever would listen that they don't like the U.S. easing up on the Jaruzelski regime. Even worse to them is the idea that credits might someday be extended again to his regime—they want the West to put the screws to the Jaruzelski regime.

Q. So what is the reaction of anti-government activists when they see Jaruzelski being treated with such respect by Western governments, as occurred during his recent European tour?

A. It's disgusting to them. They view these gullible Westerners as incredibly naive. And they also think this sort of thing is suicidal for the West . . . Many Poles would ask me, "Why do you do this? . . . Why do you give these guys legitimacy? "Why do you give them loans and credits? It just boggles their minds that America in particular isn't tougher on regimes like Jaruzelski's.

Q. Do the Polish people regard themselves as "anti-communists," as you would call yourself anti-communist?

A. Certainly, the intellectuals do. Intellectually, Poland is an anti-communist hotbed. But, of course, the average Pole, probably just like the average American, goes to work each day, and is concerned more about what is going to be on the table for dinner than anything else . . . It's the intellectuals who are concerned about ideas, and because they're intellectuals they spearhead ideas in society. And so I think it's extremely important that those who . . . are interested in ideas in Poland are almost universally anti-communist, and becoming ever more radically so.

Q. Beyond the intellectuals, what other protest groups are active in Poland?

A. Well, I'd like to discuss a group called Freedom and Peace, which is emerging as the most powerful opposition to the Polish government. Freedom and Peace activists served as my escorts in Poland, and helped create my itinerary with the underground. Members of this group don't attempt to be secret. They try to be open in their protests against the government, through sit-ins, demonstrations, and refusals to recite the national oath upon induction into the military. Because of this they have been beaten and in some cases tortured, and most of them at some time or another intimidated, and many of them imprisoned. But they do constitute the most dramatic, the most far reaching, the most radical anti-communist movement ever to arise in an Eastern European country.

Q. What kind of support does this group have?

A. The Washington Post reported that as many as 10,000 young people, in less than two years of its existence, are now adherents to the Freedom and Peace movement. My guess is that's a vast understatement; they don't have regular membership lists, because to do that . . . they would become an illegal organization. So everything is by osmosis, and word of mouth.

Q. Is the group comprised mainly of young people?

A. Primarily, but older folks, including many well-known Solidarity activists, are becoming involved with Freedom and Peace as well.

Q. And what are the main goals of this organization?

A. First and foremost, the opposition to the national oath, which requires young Poles who are being inducted into the military to swear allegiance to the Soviet Union as well as to Poland. They're refusing that, and in fact Jerzy Urban, the chief spokesman for the Communist regime, has recently declared that this rising tide of young people refusing the oath constitutes the greatest single threat to the Polish army since World War II.

But beyond that, Freedom and Peace has other things on its agenda. It is even concerned about pollution. Poland is probably the most polluted country in the world, and the group stages frequent sit-ins at state chemical factories that are poisoning rivers or the air. And they have on several occasions been rounded up and jailed and beaten because of it.

Q. This group sounds like some Western protest groups

A. Yes, except they are not pacifists. I must stress this—they are not pacifists. As a matter of fact, they are trying to communicate with Western peace groups to convince them that the real enemy to peace is communism . . . Indeed, the reason they chose the name "Freedom and Peace" is that freedom to them is more important than peace. And most important, they believe that without freedom there can be no peace.

Q. Did you talk with many Freedom and Peace members?

A. I met with all of the co-founders . . . and many of the activists in Freedom and Peace. And this message came through over and over again—that there is no lasting peace without freedom. One of the these activists, who was complaining about Western naivete regarding the Soviets, and our zealous desire to sign treaties with the Russians, said this to me: "A government that is making war against its own people, can hardly be trusted to make peace with its neighbors."

Q. Could you discuss other activities of Freedom and Peace?

A. One of the things Freedom and Peace is doing is raising money for the release of Afghan refugees and war wounded in Pakistan. They have applied for approval from the Polish State Bank for those moneys to be shipped to the Red Cross . . . Of course, there's no chance the government will allow that, but they're making a statement with this; they're trying to show their solidarity with the Afghan resistance.

Q. Is there an attitude in Poland that Solidarity and Lech Walesa are old hat when compared to the current mode of protest against the Communist regime?

A. Yes, there is a common feeling that it belongs to a time that is past. And also, many Freedom and Peace people, although they have great respect for Solidarity, are critical of it for being "leftist." Solidarity is leftist to them with all its talk about worker control of factories, while Freedom and Peace people talk about laissez faire, and free market economics. There is even a book being circulated by a Polish professor, printed in the underground, that makes the case that "unless we get laissez faire, it doesn't make any sense to talk about political freedom."

Q. Isn't there also a disagreement between the two camps over the question of Western economic aid to Poland?

A. Well, most of the Poles I talked to—because they were from the more radical up-and-coming group—were against that sort of thing. . . . But there is a division. Some of the . . . Solidarity people are saying, "Let's get what we can [from the West] and join the IMF," etc.

Q. Have the youth been won over or the opposition in Poland? Is there a "lost generation," from the prespective of the Communist regime?

A. In Poland, even from people who weren't in Freedom and Peace, I got the sense that Polish young people think Marxism-Leninism is a joke . . . Nobody pays any attention to it.

Q. You are probably impressed with Freedom and Peace. What are the ultimate goals of this organization, given the obvious limits of what they can accomplish?

A. Their intention is to spawn a "revolution in ideas" that will produce an independent Polish society, even if that means they don't have an independent Polish state . . . They draw a distinction between society and the State, and they're saying that the polish people, through a revolution in ideas, can become independent in spirit, in action, etc., even if it means the Polish state is still subservient to a foreign power.

[From the Aden Interviews, January 1987]

A NEW BATTLEFIELD—IN THE MIND

(An Aden Interview with Prof. Lawrence W. Reed)

Q. Larry, you've visited 14 foreign countries in the last couple of years. Which is your most memorable trip, and why?

A. To Poland last December. There are several reasons why I say this. (1) The strong and unexpected libertarian undercurrent, especially among the young people; (2) the vast pervasiveness of the underground economy; (3) the dozens of emotional interviews with people who had been in and out of prisons.

Q. Describe the "libertarian undercurrent" there.

A. A student group, "Freedom and Peace," is having an increasing impact, and has been hit very hard by the government in recent months. It has a heavy concentration of intellectuals, who think and write about individual freedom, even freedom from the Warsaw Pact. "Solidarity" is more famous, and bigger in numbers, but it's basically leftist in nature, not comprehending individual liberty as well as Freedom and Peace does.

People in Freedom and Peace try to be quite open in expressing their beliefs, so as to avoid the stigma and the danger of being yet another "underground" organization, but of course they espouse ideas that no police state can safely tolerate. The fact that freedom appears before peace is important. Their basic message is that peace is impossible without freedom first. To the West, they are trying to say that regimes which make war on their own peoples cannot be trusted to make peace with their neighbors. They are even trying to communicate to Western pacifist groups that the real problem is the brutality of communism, and that "peace" to the Soviets is only possible when every nation submits to them. I have to stress that Freedom and Peace activists are non-violent; they have nothing but ideas as their weapons, and yet they are being brutalized by a regime that cannot tolerate the principles of dissent. They object to everything from the military oath—which requires Polish draftees to swear allegiance to the Soviet Union—to environmental pollution, which they blame on the socialist system.

Q. How extensive is the underground?

A. An underground printer I spoke with summed it up well. He said, "In Poland, the government has nothing but its own police to enforce its will; it gets no cooperation from the people." As a matter of fact, there is in Poland an extensive "second society," complete with voluminous literature, printed and circulated illegally, plus massive smuggling of everything from consumer goods to treasured volumes of free ideas, including works by freedom advocates such as Ayn Rand, Friedrich Hayek, Murray Rothnard, Ludwig von Mises, and Michael Novak, plus classics of anti-totalitarian literature like George Orwell's "Animal Farm."

In my two lectures before students at Jagiellonian University in Cracow, I called for the liberation of Poland and the dissolution of the "evil Empire"—and those were the precise words I used. I discussed at some length the anti-Soviet insurgencies around the world, with particular emphasis on the Contra's in Nicaragua, RENAMO in Mozambique, and the mujaheddin in Afghanistan. I was amazed by how much the students already knew, and how sympathetic they all were. Many of them thanked me afterward for saying the things they had been thinking.

Q. What overriding message do you see from your three trips to the Soviet Union, and your behind-the-scenes look at many nations in the Soviet's worldwide empire?

A. We need to redefine the term "freedom fighter." We should think of them not just as those who carry guns. More power to the warriors, but we also need those who are activists in the intellectual arena—like Freedom and Peace in Poland—whose ideas are eating away at the Soviet Empire from within. They are doing as much without guns to weaken the "evil empire" as our friends on the battlefront; but they've largely been ignored by the rest of the world.

As Victor Hugo once said, "Ideas are more powerful than all the standing armies of the world," and certainly the dictators of this world understand this enormous power of ideas. That's why they spend vast quantities of human and material resources trying to muzzle these people. Anything which ties their hands, makes life more difficult for them in their own backyard, will weaken their influence and abilities overseas.

For too long, we've allowed the Soviets to pick the battlefields, and then we respond (at least sometimes). There are powerful opposition elements within the Eastern bloc countries that we must learn to cultivate and encourage, thereby bringing the war to the Soviet homefront. We've only concentrated on the battlefields they have chosen, while letting them get away with murder in their own backyard. I'd like to add this new emphasis to the freedom fighter cause to open a new battlefront—both geographically and in the mind.

There's no question that the potency of the idea of freedom is recognized by the dictators themselves, as witnessed by the incredible suppression they inflict upon their people. These brave people deserve support from Americans, and it's in our best interests to grant it.

[From the Idaho Statesman, Dec. 5, 1986]

POLAND VISIT PROVES POWER OF IDEAS

(By Lawrence Reed)

CALDWELL.—"Ideas," wrote the French novelist Victor Hugo, "are more powerful than all the armies of the world."

Living in daily fear of the truth of those words are the dozens of dictators who curse our planet. Where they are in charge, it doesn't take a gun to attract the police. An idea, a thought or two, will suffice.

Both the power and the fear of ideas were forever etched in my mind this past Monday at the airport in Warsaw, Poland. The Polish authorities delayed the departure of my flight to Paris for two hours while they scoured my luggage and then strip-searched and interrogated me. They disarmed me—not of guns or weapons of the more ordinary kind, but of seven cassette tapes and six rolls of film. I suppose it made their day.

The information on the tapes and film related to my visits with activists in the Polish underground. For a week I lived with and interviewed dozens of them in Warsaw and Cracow. Some had been important figures in the now-banned Solidarity trade union; most are key figures in a new, younger opposition known as the Freedom and Peace Movement. In any event, not one of them possesses a weapon except for the ones conceived in their heads and transmitted by their lips.

After martial law was imposed in 1981, Solidarity's underground radio in Warsaw opened each broadcast with music reminiscent of a popular tune played by clandestine radio during Nazi occupation. This went on for months until the discovery and arrest of the radio's director, Zbigniew Romoszewski, and his wife, Zofia.

After three years in prison under appalling conditions, the Romoszewskis were released in 1985. They told me Sunday in Warsaw that when they once asked residents on the air to blink their lights to indicate they were tuned in, "all of Warsaw was blinking for hours."

An article in the November issue of The Atlantic Monthly mentions the 75-year-old Polish writer Stefan Kisielewski, who once publically stated that "socialism is idiotism." I discovered something interesting that perhaps The Atlantic doesn't know. Proving Kisielewski's very point, the authorities paid him a visit and brutally beat him for saying what he did.

Two weeks before my visit, a number of students from the nonviolent Freedom and Peace Movement demonstrated against pollution at a site in western Poland where a state chemical factory is poisoning a river. They were beaten on the spot, and at least one subsequently was threatened in jail with cigarette burns to his eyes.

And then there's the story of the Rev. Jerzy Popieluszko, the 37-year-old priest who was abducted by agents of the secret police in October 1984. He was subjected to inhuman torture and thrown into the Vistula River. His crime? Once too often, he had spoken his conscience before his congregation.

Two years after the incident, Popieluszko's grave at St. Stanislaw's Church in Warsaw still looks as if the funeral were yesterday. Flowers are everywhere. Candles burn at all hours. People queue up, weeping, as they pay their respects to this genuine martyr for ideas the state just couldn't bear.

Some of the people I interviewed are protected through false names and other devices, but most that the authorities now know about insisted on telling their stories without subterfuge and in defiance of the risks. These are brave people who fight only with words.

As the plane left Warsaw, it occurred to me that the evil that runs Poland is not the world's first permanent tyranny. Like all the others, it someday will be toppled and Hugo's insight thereby will be vindicated again.

For the Polish people, I hope it happens soon.●

THE BICENTENNIAL OF THE UNITED STATES CONSTITUTION

● Mr. DODD. Mr. President, in recognition of the bicentennial of the U.S. Constitution, it is with much pride that I pay tribute to a great patriot, Roger Sherman, and to my State of Connecticut for contributions made to the Constitution of the United States of America.

We know well that the task of creating the Constitution was not an easy one. It was fraught with disagreements of every kind, many of which threatened to destroy the entire effort to form a new government. The dispute over how a State was to be represented was one of those disputes that threatened the continuance of that effort. It was only through great foresight, determination, and the willingness to compromise that this effort was finally realized.

The Connecticut Compromise, also known as the Great Compromise, settled the conflict between large States and small States over how they would be represented in the Legislature. Roger Sherman, speaking for the delegates from Connecticut, proposed this compromise, which offered equal representation for States in the Senate and representation proportional to the size of a State's population in the House of Representatives.

This Great Compromise was voted on and passed in July 1787, becoming an integral part of the Constitution of the United States.●

EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, the distinguished Republican leader is on the floor. I ask him if the following nominations have been cleared on his side of the aisle. And I am looking at the Executive Calendar. I begin with page 2 thereof, and these are the nominations that are cleared on this side. They are as follows: All nominations on page 2 under New Reports, Coast Guard and Department of State; all on page 3, Department of State, Board of International Broadcasting; all on page 4, Department of Defense, Air Force; all on page 5, Air Force; all Air Force nominations on pages 6, 7, 8, 9, and 10, and all nominations on page 11 under Air Force and Army; all nominations on page 12 under Army, on page 13 under Army, on page 14 under Army; all nominations on page 15 under Army and Navy; all nominations on page 16 under the Navy; all nominations on page 17 under the Navy and Marine Corps; all nominations on pages 18, 19, 20, and 21, nominations placed on the Secretary's desk in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, and Navy. I ask the able Republican leader if those nominations are cleared on his side and if we are ready to proceed.

Mr. DOLE. Mr. President, those nominations have been cleared and I thank the distinguished majority leader. That will dispose of all but one nomination on the calendar.

Mr. BYRD. That will be Calendar Order No. 2?

Mr. DOLE. Yes.

Mr. BYRD. I thank the Republican leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations that the distinguished Republican leader has indicated have been cleared on his side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that the nominations be considered and confirmed en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations confirmed en bloc are as follows:

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral (lower half):

Capt. Paul A. Welling, USCG.

Capt. Walter T. Leland, USCG.

Capt. Robert E. Kramek, USCG.

DEPARTMENT OF STATE

Everett E. Bierman, of Virginia, now Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea and to Solomons Islands, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Joseph Carlton Petrone, of Iowa, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Brisbane, Australia, 1988.

Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security, new position.

The following-named career member of the Senior Foreign Service, class of career minister, for the personal rank of career Ambassador in recognition of especially distinguished service over a sustained period:

Dean Roesch Hinton, of Illinois.

Jack F. Matlock, Jr., of Florida, a career member of the Senior Foreign Service, class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

Alton G. Keel, Jr., of Virginia, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

BOARD FOR INTERNATIONAL BROADCASTING

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1987, reappointment.

DEPARTMENT OF DEFENSE

Robert B. Costello, of Michigan, to be an Assistant Secretary of Defense, vice James Paul Wade, Jr.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code:

To be major general

Brig. Gen. Joseph W. Ashy, [redacted]FR, Regular Air Force.

Brig. Gen. Thomas P. Ball, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Charles G. Boyd, [redacted]FR, Regular Air Force.

Brig. Gen. Edward R. Bracken, [redacted]FR, Regular Air Force.

Brig. Gen. George L. Butler, [redacted]FR, Regular Air Force.

Brig. Gen. Harold N. Campbell, [redacted]FR, Regular Air Force.

Brig. Gen. Vernon Chong, [redacted]FR, Regular Air Force.

Brig. Gen. Gaylord W. Clark, [redacted]FR, Regular Air Force.

Brig. Gen. Hugh L. Cox III [redacted]FR, Regular Air Force.

Brig. Gen. John R. Farrington, [redacted]FR, Regular Air Force.

Brig. Gen. Ronald R. Fogleman, [redacted]FR, Regular Air Force.

Brig. Gen. Larry D. Fortner [redacted]FR, Regular Air Force.

Brig. Gen. David M. Goodrich, [redacted]FR, Regular Air Force.

Brig. Gen. William J. Grove, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Trevor A. Hammond, [redacted]FR, Regular Air Force.

Brig. Gen. Paul A. Harvey, [redacted]FR, Regular Air Force.

Brig. Gen. Frank B. Horton III [redacted]FR, Regular Air Force.

Brig. Gen. John E. Jaquish, [redacted]FR, Regular Air Force.

Brig. Gen. James D. Kellim, [redacted]FR, Regular Air Force.

Brig. Gen. Michael C. Kerby, [redacted]FR, Regular Air Force.

Brig. Gen. Albert L. Logan, [redacted]FR, Regular Air Force.

Brig. Gen. Thomas S. Moorman, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Eric B. Nelson, [redacted]FR, Regular Air Force.

Brig. Gen. Fred R. Nelson, [redacted]FR, Regular Air Force.

Brig. Gen. Robert R. Rankine, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Richard D. Smith, [redacted]FR, Regular Air Force.

Brig. Gen. Donald Snyder, [redacted]FR, Regular Air Force.

Brig. Gen. David J. Teal [redacted]FR, Regular Air Force.

Brig. Gen. Henry Viccellio, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Charles N. Wood, [redacted]FR, Regular Air Force.

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. John A. Almquist, Jr., [redacted]FG, Air National Guard of the United States.

Brig. Gen. Harold R. Hall, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Francis E. Hazard, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Darrell V. Manning, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. John Anderson, Jr. [redacted]FG, Air National Guard of the United States.

Col. Ralph W. Applegate [redacted]FG, Air National Guard of the United States.

Col. Robert E. Dastin, [redacted]FG, Air National Guard of the United States.

Col. Sam F. DeLitta [redacted]FG, Air National Guard of the United States.

Col. James S. Forrester [redacted]FG, Air National Guard of the United States.

Col. Theodore F. Lowe, Jr., [redacted]FG, Air National Guard of the United States.

Col. Charles A. Machemehl, Jr., [redacted]FG, Air National Guard of the United States.

Col. Thomas N. McLean, [redacted]FG, Air National Guard of the United States.

Col. Frederick Rittershaus, [redacted]FG, Air National Guard of the United States.

Col. Fred D. Womack, [redacted]FG, Air National Guard of the United States.

The following-named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Charles L. Donnelly, Jr., [redacted]FR, U.S. Air Force.

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Billy A. Barrett, [redacted]FR, Regular Air Force.

Col. Charles L. Bishop, [redacted], Regular Air Force.

Col. John L. Borling, [redacted]FR, Regular Air Force.

Col. Phillip E. Bracher [redacted]FR, Regular Air Force.

Col. Michael J. Butchko, Jr. [redacted], Regular Air Force.

Col. Donald J. Butz, [redacted] Regular Air Force.

Col. Jimmy L. Cash, [redacted] Regular Air Force.

Col. Clifton C. Clark, Jr. [redacted]FR, Regular Air Force.

Col. Stephen B. Croker [redacted]FR, Regular Air Force.

Col. Lawrence E. Day [redacted]FR, Regular Air Force.

Col. Robert E. Dempsey [redacted]FR, Regular Air Force.

Col. Dennis D. Doneen [redacted]FR, Regular Air Force.

Col. Jeffrey T. Ellis, [redacted]FR, Regular Air Force.

Col. Howell M. Estes III, [redacted]FR, Regular Air Force.

Col. John S. Fairfield [redacted]FR, Regular Air Force.

Col. Charles E. Fox, Jr. [redacted]FR, Regular Air Force.

Col. John C. Fryer, Jr [redacted]FR, Regular Air Force.

Col. Joseph K. Glenn [redacted]FR, Regular Air Force.

Col. Buster C. Glosson [redacted]FR, Regular Air Force.

Col. Eugene E. Habiger [redacted]FR, Regular Air Force.

Col. Donald G. Hard, [redacted]FR, Regular Air Force.

Col. Peter D. Hayes, [redacted]FR, Regular Air Force.

Col. James L. Jamerson [redacted]FR, Regular Air Force.

Col. Thomas G. Jeter, Jr [redacted], Regular Air Force.

Col. James M,. Johnston III, [redacted]FR, Regular Air Force.

Col. Jay W. Kelley, [redacted]FR, Regular Air Force.

Col. Walter Kross, [redacted]FR, Regular Air Force.

Col. Charles D. Link, [redacted]FR, Regular Air Force.

Col. Bruce J. Lotzbire [redacted]FR, Regular Air Force.

Col. Noah E. Loy, [redacted]FR, Regular Air Force.

Col. Robert M. Marquette, Jr., [redacted] Regular Air Force.

Col. Frank K. Martin [redacted]FR, Regular Air Force.

Col. James C. McCombs, [redacted]FR, Regular Air Force.

Col. Stephen M. McElroy, [redacted]FR, Regular Air Force.

Col. James W. Meier, [redacted]FR, Regular Air Force.

Col. Michael D. Pavich [redacted]FR, Regular Air Force.

Col. David J. Pederson [redacted]FR, Regular Air Force.

Col. Frederick W. Plugge IV, [redacted] FR, Regular Air Force.

Col. Joseph W. Ralston [redacted] FR, Regular Air Force.

Col. Peter D. Robinson [redacted] FR, Regular Air Force.

Col. Ralph R. Rohatsch, Jr. [redacted] FR, Regular Air Force.

Col. Ervin J. Rokke [redacted] FR, Regular Air Force.

Col. Michael E. Ryan [redacted] FR, Regular Air Force.

Col. Thomas E. Schwark [redacted] FR, Regular Air Force.

Col. Hanson L. Scott, [redacted] FR, Regular Air Force.

Col. Stephen R. Shapiro, [redacted] FR, Regular Air Force.

Col. Daniel J. Sherlock, [redacted] FR, Regular Air Force.

Col. Stanley O. Smith, [redacted] FR, Regular Air Force.

Col. Ronald C. Spivey, [redacted] FR, Regular Air Force.

Col. William A. Studer, [redacted] FR, Regular Air Force.

Col. James P. Ulm, [redacted] FR, Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Clyde F. Autio [redacted] FV, Air Force Reserve.

Brig. Gen. Ira DeMent III [redacted] FV, Air Force Reserve.

Brig. Gen. Boyd L. Eddins, [redacted] FV, Air Force Reserve.

Brig. Gen. William N. Rowley, [redacted] FV, Air Force Reserve.

Brig. Gen. William C. Roxby, Jr., [redacted] FV, Air Force Reserve.

Brig. Gen. Stuart L. Schroeder [redacted] FV, Air Force Reserve.

To be brigadier general

Col. Earl A. Aler, Jr. [redacted] FV, Air Force Reserve.

Col. John H. Burris [redacted] FV, Air Force Reserve.

Col. John J. Closner [redacted] FV, Air Force Reserve.

Col. Armando Deleon, [redacted] FV, Air Force Reserve.

Col. Walter J. Giller, Jr [redacted] FV, Air Force Reserve.

Col. Oscar M. Jardon [redacted] FV, Air Force Reserve.

Col. Jacques P. Klein [redacted] FV, Air Force Reserve.

Col. Robert S. Messer [redacted] FV, Air Force Reserve.

Col. Robert G. Stein [redacted] FV, Air Force Reserve.

Col. Raymond B. Stewart, Jr. [redacted] FV, Air Force Reserve.

Col. Julio L. Torres [redacted] FV, Air Force Reserve.

Col. John P. Van Blois [redacted] FV, Air Force Reserve.

Col. Frederick D. Walker [redacted] FV, Air Force Reserve.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. William L. Kirk [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles A. Horner, [redacted] FR, U.S. Air Force.

The following-named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Marc C. Reynolds, [redacted] FR, U.S. Air Force.

The following named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles McCausland, [redacted] U.S. Air Force.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James M. Rockwell [redacted], age 58, U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert J. Donahue [redacted] U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Colin L. Powell, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John W. Woodmansee, [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thomas D. Ayers [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Richard H. Thompson [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Louis C. Wagner, Jr. [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Lawrence F. Skibbie [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jerry M. Bunyard [redacted], U.S. Army.

The Army National Guard of the United States officer named herein for appointment as Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Brig. Gen. Donald Burdick [redacted].

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be brigadier general

Brig. Gen. Martin E. Lind, Jr., [redacted]

Col. Gregory P. Barlow [redacted].

Col. James A. Barney, Jr. [redacted].

Col. John W. Cudmore [redacted].

Col. Stephen M. Wyman [redacted].

Col. Roger D. Delgehausen [redacted].

Col. Jerry M. Keeton [redacted].

Col. Charles R. Lindsay [redacted].

Col. John R. Paulk [redacted].

Col. William F. Sherman [redacted].

Col. Lomer R. Chambers [redacted].

Col. Philip A. Floyd [redacted].

Col. Larry E. Lee [redacted].

Col. Donald H. Marden [redacted].

Col. Robert C. Watling [redacted].

Col. Julius L. Berthold [redacted].

Col. Joseph C. Boyersmith [redacted].

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. William J. Livsey [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Louis C. Menetrey [redacted], U.S. Army.

IN THE NAVY

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Albert J. Baciocco, Jr., [redacted] U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Robert F. Schoultz, [redacted] U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Donald S. Jones, [redacted] U.S. Navy.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Walter T. Piotti, Jr. [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Clyde R. Bell [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. James B. Busey [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5035, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 5035:

To be vice chief of naval operations

Vice Adm. Huntington Hardisty, [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Jerry O. Tuttle [redacted] U.S. Navy.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Stephen G. Olmstead, [redacted] U.S. Marine Corps.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Maj. Gen. Anthony Lukeman, [redacted] U.S. Marine Corps.

NOMINATIONS PLACED ON THE SECRETARY'S DESK IN THE AIR FORCE, ARMY, COAST GUARD, FOREIGN SERVICE, MARINE CORPS, NAVY

Air Force nomination of Richard L. Hughes, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Wiley R. Ashley, Jr., [redacted] and ending Leonard D. Dileo, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Douglas W. Marshall, and ending Gregory G. Langston, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Kenneth A. Bienvenu, and ending Janet E. Zayas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Daniel F. Alves, Jr., and ending Manuel A. Thomas, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Maj. Ramon D. Ardizzone, [redacted] and ending Maj. William H. Vaughan, Jr., [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Arthur F. Fowler, and ending Randal L. Marbury, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Maj. Verne P. Burque, [redacted] and ending Maj. Laura L. Willers [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Ralph J. Mclain, Jr., and ending Gary J. Spinks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Howard C. Abner, and ending James H. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Francisco M. Granda, and ending James A. Strine, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 20, 1987.

Air Force nominations beginning Maj. Craig G. Anderson, [redacted] and ending Maj. Ramsey B. Salem [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 20, 1987.

Air Force nominations beginning Christopher N. Arant, and ending Robert L. Zapf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1987.

Air Force nominations beginning Darwin W. Abbott, and ending Robert L. Zapf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1987.

Air Force nominations beginning Leon P. Bloodworth, and ending William G. Best II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 1987.

Air Force nominations beginning Robert D. Beland, and ending Johnston H. Wickman, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nominations beginning Gerald J. Brentnall, Jr., and ending Robert M. Brown II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nominations beginning Maj. Robert A. Balslev, [redacted] and ending Maj. Benita L. Lynch [redacted], which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nominations beginning Wyeth H. Worley, and ending John W. Patton III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nomination of Paula J. Loomis, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Army nominations beginning Charles G. Cavanaugh, and ending Joseph M. Kiel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning David T. Baumann, and ending Scott Worlton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Joseph P. Beans, and ending Edgar G. Mckee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning James M. Burgess, and ending Charles A. Pollock, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Jose Beitia, and ending John C. Jones, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Dennis C. Bradshaw, and ending Catherine D. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Steven W. Hatcher, and ending Thomas J. Zicarelli, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Kenneth R. Phillips, and ending Charles M. Pitts, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Alan L. Beeler, and ending Edward J. Shumski, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Michael G. Healey, and ending Ronald L. Hunter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 20, 1987.

Army nominations beginning Felipe Acevedo, and ending John G. Zornig, which nominations were received by the Senate on February 9, 1987, and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Coast Guard nominations beginning Sylvester G. Payne, and ending Charles W. Gower, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning Daniel L. Carney, and ending Thomas G. Landvogt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning George R. Matthews, Jr., and ending Eric A. Nicolaus, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Coast Guard nominations beginning Roderick E. Walker, and ending Orlando N. Cavallo, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Coast Guard nominations beginning Anita K. Abbott, and ending George F. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Coast Guard nominations beginning Thomas R. Pike, and ending Kenneth J. Reynolds, which nominations were received by the Senate on February 9, 1987, and appeared in the Congressional Record of February 17, 1987.

Coast Guard nominations beginning Peter M. Tennis, and ending Angelo A. Haddad, which nominations were received by the Senate on February 13, 1987, and appeared in the Congressional Record of February 17, 1987.

Foreign Service nominations beginning Raymond E. Benson, and ending Ernesto Uribe, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 1987.

Foreign Service nominations beginning Harry V. Ryder, Jr., and ending Alfred J. White, which nominations were received by the Senate and appeared in the Congressional Record of January 21, 1987.

Foreign Service nominations beginning Martin Victor Dagata, and ending Hans Patrick Peterson, which nominations were received by the Senate and appeared in the Congressional Record of February 3, 1987.

Marine Corps nominations beginning Brian P. Cyr, and ending Edward L. Reyeits, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Marine Corps nominations beginning Mark E. Tinsley, and ending Bruce W. Neuberger, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1986.

Marine Corps nominations beginning John A. Abitabilo, and ending Mark R. Witzel, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 1987.

Navy nomination of Doctor Robert Duane Ballard, which was received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nomination of Lt. Comdr. Joseph F. Satrapa, which was received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Kenneth R. Schroeder, and ending Raul J. Teddi, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning John M. Adrian, and ending Marcus B. Wynne, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Glenn F. Abad, and ending Michael S. Zwingle, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Paul D. Beckwith, and ending Mark Jacobs, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Henry John Wnuk, and ending William Ernest Luttrell, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 1987.

Navy nominations beginning John S. Norton, and ending Marina N. Vernalis, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 1987.

Mr. BYRD. I ask unanimous consent, Mr. President, that the President be immediately notified of the confirmation of the nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I move en bloc to reconsider the vote by which all the nominations were confirmed en bloc.

Mr. DOLE. And I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I thank the distinguished Republican leader.

LEGISLATIVE SESSION

Mr. BYRD. I now ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CALENDAR

Mr. BYRD. Mr. President, I understand that Calendar Order No. 28 on the Legislative Calendar of Business has been cleared for action. May I ask the distinguished Republican leader if he is ready to proceed?

Mr. DOLE. That is correct.

EMIGRATION OF IGOR V. OGURTSOV

Mr. BYRD. I ask unanimous consent, therefore, Mr. President, that the Senate proceed to the consideration of Senate Resolution 98, Calendar No. 28.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 98) expressing the sense of the Senate that the Government of the Soviet Union should allow Igor V. Ogurtsov to be released from exile and allowed to emigrate to the West without renouncing his views, and for other purposes.

The Senate proceeded to consider the resolution.

Mr. RIEGLE. Mr. President, with its unanimous approval today of Senate Resolution 98, calling on the Soviet Government to allow Igor Ogurtsov to emigrate, the Senate has made an important contribution to what I hope will be a speedy resolution of this case.

Cosponsored by 28 of my Senate colleagues, this resolution appeals to the Soviet authorities to approve Igor Ogurtsov's request to emigrate to the United States.

Just 1 month ago, on February 9, 1987, Ogurtsov completed a 20-year sentence of prison and internal exile, imposed on him because of his association with the religious-political group known as the All-Russian Social Christian Alliance for the Liberation of the People [VSKhSON]. As a result of his religious activities, Ogurtsov was arrested, found guilty of treason and sentenced to 7 years of imprisonment, 8 years of hard labor, and 5 years of internal exile.

Despite the physical and mental torment he suffered during his two decades of imprisonment, Ogurtsov maintained his innocence and the illegality of his arrest by consistently rejecting Soviet offers of freedom in exchange for renouncing his views.

The extremely severe penalty imposed on Igor Ogurtsov for engaging in activities, which are considered acceptable in all Western democracies, provoked deep sympathy and profound concern among hundreds of thousands of Americans and Europeans.

Over the past 20 years, Ogurtsov's case has been the subject of appeals to the Soviet authorities by Western governments and human rights advocates around the world. The U.S. Congress has joined with Andrei Sakharov and countless others in speaking out in Ogurtsov's defense. The tireless efforts of Mrs. Vera Politis, chairwoman the Human Rights Committee of the Congress for Russian-Americans, and the entire Russian-American community, to raise the public awareness of Ogurtsov's plight, deserve special mention.

While those of us who have been concerned for his welfare are relieved that Ogurtsov has survived his harsh and unjust sentence, our relief is tempered by the knowledge that, for Ogurtsov, life in the Soviet Union, even as a free man, is unbearable. His 20 years in prison have left him isolated, and a stranger in his own country.

We know from phone contact with Igor in Leningrad, that he is profoundly depressed and despondent. His only desire now is to leave the Soviet Union and to try to piece together a new life with relatives in the United States. However, Ovir officials in Leningrad have already rejected his first application for an emigration visa. Ogurtsov has told us also that those same officials strongly suggested that he not waste his time applying again for emigration permission.

While these Ovir officials may not appreciate the depth of concern that the American people have for Mr. Ogurtsov's fate, I would not expect this to be the case with higher ranking Soviet officials.

In a recent letter to Warren Zimmerman, the U.S. Ambassador to the Helsinki followup meeting in Vienna, I requested that he personally deliver to the Soviet representative, Yuri Kashlev, a copy of Senate Resolution 98. In addition, I urged that he impress upon Mr. Kashlev that General Secretary Gorbachev's desire to have his "glasnost" policy taken seriously would be well-served by dealing favorably with Mr. Ogurtsov's request to emigrate.

In signing the Helsinki accords in 1975, the Soviet Union undertook the obligation to treat the fundamental freedoms enunciated in the Final Act as basic rights of all Soviet citizens. To deny Ogurtsov his right to emigrate, after all of the injustices he has suffered, would make a mockery of those human rights guarantees which the Soviet Government has pledged to uphold.

On the other hand, granting Igor Ogurtsov the relief he has sought for so long—permission to emigrate to the United States to join relatives here—would be a dramatic demonstration of the Soviets' willingness to honor the rights of its citizens.

I am hopeful that the strong statement the Senate has made today in giving its overwhelming consent to this resolution, will advance the cause of human rights for Igor Ogurtsov and all others who are bing denied their fundamental rights in the Soviet Union.

The PRESIDING OFFICER. Is there further debate on the resolution? If not, the question is on agreeing to the resolution.

The resolution (S. Res. 98) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 98

Whereas the Soviet Union is a party to the Final Act of the Conference on Security and Cooperation in Europe and the Universal Declaration of Human Rights;

Whereas Igor Ogurtsov, the founder of a religious-political opposition group in the Union of Soviet Socialist Republics known as the All-Russian Social Christian Alliance for the Liberation of the People (VSKhSON), in late November and early December 1967, was tried in camera with three other leaders of VSKhSON and was found guilty of treason (article 64 of the RSFSR criminal code) and subsequently sentenced to fifteen years of imprisonment and five years of internal exile;

Whereas Igor Ogurtsov denied that he was guilty of treason but was nonetheless sentenced to seven years in Vladimir prison, eight years in a strict regime camp, and five years of internal exile;

Whereas Igor Ogurtsov is the only remaining VSKhSON member still imprisoned;

Whereas on February 9, 1987, Igor Ogurtsov will have completed his twenty-year sentence;

Whereas as a result of two decades of imprisonment and confinement, Igor Ogurtsov is in poor health, undernourished and weak, suffering from high blood pressure, liver malfunction, poor sight, and loss of teeth;

Whereas Igor Ogurtsov has been offered an exit visa that would allow him and his parents to emigrate only if he signs a statement of pardon renouncing his views;

Whereas to sign such a document would compromise his principles and give validity to his false arrest and incarceration;

Whereas Igor Ogurtsov desperately wishes to emigate to any country in the West that would accept him and his parents; and

Whereas the Congress of the United States has unanimously adopted a resolution expressing sympathy with Igor Ogurtsov's plight and urging that he be permitted to emigrate to the West with his parents without renouncing his views: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President, acting directly or through the Secretary of State, should—

(1) continue to express at every suitable opportunity and in the strongest possible terms the opposition of the United States Government to the forced exile and repressive treatment of Igor Ogurtsov; and

(2) urge the Government of the Soviet Union to—

(A) grant Igor Ogurtsov release from internal exile on or before the expiration of his twenty-year term, on February 9, 1987; and

(B) immediately accept Igor Ogurtsov's application for an exist visa, and allow him to emigrate with his parents to the United States, or elsewhere in the West as he so chooses, without forcing him to renounce his views, in accordance with the Final Act of the Conference on Security and Cooperation in Europe and with the Universal Declaration of Human Rights.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Ambassador of the Union of Soviet Socialist Republics to the United States and to the General Secretary of the Communist Party of the Union of Soviet Socialist Republics, Mikhail S. Gorbachev.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TIME AGREEMENT—SENATE CONCURRENT RESOLUTION 24

Mr. BYRD. Mr. President, I ask unanimous consent that at such time as the Senate proceeds to the consideration of Calendar Order No. 29, Senate Concurrent Resolution 24, there be a time limitation thereon of 2 hours, to be equally divided between the majority and minority leaders or their designees; that no amendments thereto be in order other than the committee amendments; that no motion to refer or commit be in order; and that there be no time for debate on a motion to reconsider the vote on final passage.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDERS FOR THURSDAY

RECOGNITION OF ADDITIONAL SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that the names of Senators McCONNELL and WILSON be added to the names of those Senators who will be recognized tomorrow under the 5-minute limitation.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR WAIVER OF CALENDAR CALL TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent, it being my intention to move to adjourn the Senate over, that on tomorrow the calendar call under rule VIII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESOLUTIONS OVER UNDER THE RULE

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, no resolutions come over under the rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, if the Chair will indulge me, I am awaiting a response to an inquiry over our cloakroom lines as to whether or not a vote, which probably would be a rollcall vote on tomorrow circa 2 o'clock p.m., would be objectionable to anyone.

Mr. DOLE. Mr. President, will the majority leader yield?

Mr. BYRD. I yield.

Mr. DOLE. That will be satisfactory with this side. We have not run a hotline, but it seems to me that whenever the vote is set, we will notify our Members as soon as we know and give them adequate advance notice. As I understand, that is the only remaining business.

Mr. BYRD. Yes.

I say to the Republican leader that if that hour is agreeable, it would be my intention to adjourn over until 10 o'clock tomorrow. We have six special orders for the recognition of Senators, 5 minutes each. I understand that Senator NUNN wishes to speak again tomorrow on the subject matter on which he spoke today. If there are 2 hours on the Sanford resolution, Senate Concurrent Resolution 24, that, together with perhaps some morning business, would run to about 2 o'clock. Or, we could set the hour of 12 o'clock as the hour to begin the 2-hour debate, if that is agreeable.

Mr. DOLE. Yes.

RECESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess for 5 minutes.

There being no objection, at 4:36 p.m. the Senate recessed until 4:48 p.m.; whereupon the Senate reassembled when called to order by the Presiding Officer (Mr. BREAUX).

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BYRD. Mr. President, the following requests have been cleared with the distinguished Republican leader and he has authorized me to proceed.

ORDERS FOR THURSDAY

ADJOURNMENT UNTIL 9:30 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. CON RES. 24

Mr. BYRD. Mr. President, I ask unanimous consent that at the hour of 9:45 tomorrow morning the Senate proceed to the consideration of calendar order No. 29, Senate Concurrent Resolution 24, supporting the peace initiative of Central American heads of state.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, this would mean that the time of the two leaders would be reduced a bit.

I ask unanimous consent that my time under the leader's order be reduced to 1 minute and that the remaining 9 minutes be under the control of Mr. NUNN at such time as he speaks tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. This way the distinguished Republican leader will have his full time if he wishes it.

RECOGNITION OF CERTAIN SENATORS

Mr. President, I ask unanimous consent that, upon the disposition of Senate Concurrent Resolution 24 on tomorrow, the following Senators be recognized each for not to exceed 5 minutes: Messrs. ARMSTRONG, REID, HEINZ, MCCONNELL, and WILSON.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I change the earlier request with respect to the control of my time under the standing order. I ask unanimous consent that 5 minutes of my leader's time tomorrow may be utilized by Mr. PROXMIRE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that the remaining 5 minutes of my leader time tomorrow be under the control of Mr. NUNN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that, at the conclusion of the 5-minute orders for the recognition of Senators on tomorrow, there be a period during which Senators may speak out of order, each not to exceed 30 minutes, and that that period not extend beyond 2 hours.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, the program for tomorrow is as follows: the Senate will shortly adjourn over until tomorrow. The Senate will convene on tomorrow at 9:30 a.m. Five minutes of my time under the standing order for leaders will be consumed by Mr. PROXMIRE.

After the orders for the recognition of the two leaders, with the remaining 5 minutes of my time to be under the control of Mr. NUNN, at 9:45 a.m., the Senate will proceed to the consideration of Senate Concurrent Resolution 24, a concurrent resolution supporting the initiative of Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America.

There will be a rollcall vote at the expiration of 2 hours or upon the yielding back of any portion of that time. No amendments will be in order and there is a request for the yeas and nays on that resolution.

An insufficient number of Senators are on the floor at this moment for me to ask that the yeas and nays be ordered at this time, but Senators should be on notice that there is a request for the yeas and nays and that, on tomorrow, the yeas and nays will be ordered when a sufficient number of Senators are on the floor to support the request.

Upon the disposition of Senate Concurrent Resolution 24 on tomorrow, the following Senators will be recognized, each for not to exceed 5 minutes: Messrs. ARMSTRONG, REID, HEINZ, MCCONNELL, and WILSON; at the conclusion of which orders Senators may speak under the order previously entered which provides that Senators may speak out of order on tomorrow—meaning on any subject and without any matter being before the Senate—up to 30 minutes each, and the time for such speeches will be limited to not to exceed 2 hours.

RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, I have no further business, and seeing no other Senator wishing recognition, and having been authorized by the Republican leader to proceed to go out inasmuch as he has nothing further at this time, I move in accordance with the order previously entered that the Senate stand in adjournment until the hour of 9:30 tomorrow morning.

The motion was agreed to; and, at 4:55 p.m., the Senate adjourned until tomorrow, Thursday, March 11, 1987, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 11, 1987:

THE JUDICIARY

Robert Holmes Bell, of Michigan, to be U.S. district judge for the western district of Michigan, vice Wendell A. Miles, retired.

DEPARTMENT OF JUSTICE

Verne L. Speirs, of Virginia, to be Administrator of the Office of Juvenile Justice and Delinquency Prevention, vice Alfred S. Regnery.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Evan J. Kemp, Jr., of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the remainder of the term, expiring July 1, 1987, vice William Arthur Webb, resigned.

Evan J. Kemp, Jr., of the District of Columbia, to be a member of the Equal Employment Opportunity Commission for the term expiring July 1, 1992, reappointment.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 11, 1987:

IN THE COAST GUARD

The following officers of the U.S. Coast Guard for promotion to the grade of rear admiral (lower half):

Capt. Paul A. Welling, USCG.
Capt. Walter T. Leland, USCG.
Capt. Robert E. Kramek, USCG.

DEPARTMENT OF STATE

Everett E. Bierman, of Virginia, now Ambassador Extraordinary and Plenipotentiary **of the United States of America to Papua, New** Guinea and to Solomon Islands, to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of American to the Republic of Vanuatu.

Joseph Carlton Petrone, of Iowa, to be the Representative of the United States of America to the European Office of the United Nations, with the rank of Ambassador.

Arthur G. Linkletter, of California, for the rank of Ambassador during the tenure of his service as Commissioner General of the United States Exhibition for the International Exposition, Brisbane, Australia, 1988.

Robert E. Lamb, of Virginia, to be Assistant Secretary of State for Diplomatic Security.

Jack F. Matlock, Jr., of Florida, a career member of the Senior Foreign Service, class of career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Soviet Socialist Republics.

Alton G. Keel, Jr., of Virginia, to be the U.S. Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

The following-named career member of the Senior Foreign Service, class of career Minister, for the personal rank of career Ambassador in recognition of especially distinguished service over a sustained period:

Deane Roesch Hinton, of Illinois.

BOARD FOR INTERNATIONAL BROADCASTING

Joseph Lane Kirkland, of the District of Columbia, to be a member of the Board for International Broadcasting for a term expiring April 28, 1987.

DEPARTMENT OF DEFENSE

Robert B. Costello, of Michigan, to be an Assistant Secretary of Defense.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

IN THE AIR FORCE

The following officers for appointment in the U.S. Air Force under provisions of section 624, title 10 of the United States Code:

To be major general

Brig. Gen. Joseph W. Ashy, [redacted]FR, Regular Air Force.

Brig. Gen. Thomas P. Ball, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Charles G. Boyd, [redacted]FR, Regular Air Force.

Brig. Gen. Edward R. Bracken, [redacted]FR, Regular Air Force.

Brig. Gen. George L. Butler, [redacted]FR, Regular Air Force.

Brig. Gen. Harold N. Campbell, [redacted]FR, Regular Air Force.

Brig. Gen. Vernon Chong, [redacted]FR, Regular Air Force.

Brig. Gen. Gaylord W. Clark, [redacted]FR, Regular Air Force.

Brig. Gen. Hugh L. Cox III, [redacted]FR, Regular Air Force.

Brig. Gen. John R. Farrington, [redacted]FR, Regular Air Force.

Brig. Gen. Ronald R. Fogleman, [redacted]FR, Regular Air Force.

Brig. Gen. Larry D. Fortner, [redacted]FR, Regular Air Force.

Brig. Gen. David M. Goodrich, [redacted]FR, Regular Air Force.

Brig. Gen. William J. Grove, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Trevor A. Hammond, [redacted]FR, Regular Air Force.

Brig. Gen. Paul A. Harvey, [redacted]FR, Regular Air Force.

Brig. Gen. Frank B. Horton III, [redacted]FR, Regular Air Force.

Brig. Gen. John E. Jaquish, [redacted]FR, Regular Air Force.

Brig. Gen. James D. Kellim, [redacted]FR, Regular Air Force.

Brig. Gen. Michael C. Kerby, [redacted]FR, Regular Air Force.

Brig. Gen. Albert L. Logan, [redacted]FR, Regular Air Force.

Brig. Gen. Thomas S. Moorman, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Eric B. Nelson, [redacted]FR, Regular Air Force.

Brig. Gen. Fred R. Nelson, [redacted]FR, Regular Air Force.

Brig. Gen. Robert R. Rankine, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Richard D. Smith, [redacted]FR, Regular Air Force.

Brig. Gen. Donald Snyder, [redacted]FR, Regular Air Force.

Brig. Gen. David J. Teal, [redacted]FR, Regular Air Force.

Brig. Gen. Henry Viccellio, Jr., [redacted]FR, Regular Air Force.

Brig. Gen. Charles N. Wood, [redacted]FR, Regular Air Force.

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, 8373, and 8374, title 10, United States Code:

To be major general

Brig. Gen. John A. Almquist, Jr., [redacted]FG, Air National Guard of the United States.

Brig. Gen. Harold R. Hall, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Francis E. Hazard, [redacted]FG, Air National Guard of the United States.

Brig. Gen. Darrell V. Manning, [redacted]FG, Air National Guard of the United States.

To be brigadier general

Col. John Anderson, Jr., [redacted]FG, Air National Guard of the United States.

Col. Ralph W. Applegate, [redacted]FG, Air National Guard of the United States.

Col. Robert E. Dastin, [redacted]FG, Air National Guard of the United States.

Col. Sam F. DeLitta, [redacted]FG, Air National Guard of the United States.

Col. James S. Forrester [redacted]FG, Air National Guard of the United States.

Col. Theodore F. Lowe, Jr., [redacted]FG, Air National Guard of the United States.

Col. Charles A. Machemehl, Jr., [redacted]FG, Air National Guard of the United States.

Col. Thomas N. McLean, [redacted]FG, Air National Guard of the United States.

Col. Frederick Rittershaus, [redacted]FG, Air National Guard of the United States.

Col. Fred D. Womack, [redacted]FG, Air National Guard of the United States.

The following named officer for appointment to the grade of general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

To be general

Gen. Charles L. Donnelly, Jr., [redacted]FR, U.S. Air Force.

The following officers for appointment in the U.S. Air Force to the grade of brigadier general under the provisions of section 624, title 10 of the United States Code:

Col. Billy A. Barrett, [redacted]FR, Regular Air Force.

Col. Charles L. Bishop, [redacted], Regular Air Force.

Col. John L. Borling, [redacted]FR, Regular Air Force.

Col. Phillip E. Bracher [redacted]FR, Regular Air Force.

Col. Michael J. Butchko, Jr. [redacted], Regular Air Force.

Col. Donald J. Butz, [redacted] Regular Air Force.

Col. Jimmy L. Cash, [redacted] Regular Air Force.

Col. Clifton C. Clark, Jr. [redacted]FR, Regular Air Force.

Col. Stephen B. Croker [redacted]FR, Regular Air Force.

Col. Lawrence E. Day [redacted]FR, Regular Air Force.

Col. Robert E. Dempsey, [redacted]FR, Regular Air Force.

Col. Dennis D. Doneen, [redacted]FR, Regular Air Force.

Col. Jeffrey T. Ellis, [redacted]FR, Regular Air Force.

Col. Howell M. Estes III, [redacted]FR, Regular Air Force.

Col. John S. Fairfield [redacted]FR, Regular Air Force.

Col. Charles E. Fox, Jr. [redacted]FR, Regular Air Force.

Col. John C. Fryer, Jr. [redacted]FR, Regular Air Force.

Col. Joseph K. Glenn [redacted]FR, Regular Air Force.

Col. Buster C. Glosson, [redacted]FR, Regular Air Force.

Col. Eugene E. Habiger, [redacted]FR, Regular Air Force.

Col. Donald G. Hard, [redacted]FR, Regular Air Force.

Col. Peter D. Hayes, [redacted]FR, Regular Air Force.

Col. James L. Jamerson, [redacted]FR, Regular Air Force.

Col. Thomas G. Jeter, Jr. [redacted], Regular Air Force.

Col. James M. Johnston III, [redacted]FR, Regular Air Force.

Col. Jay W. Kelley, [redacted]FR, Regular Air Force.

Col. Walter Kross, [redacted]FR, Regular Air Force.

Col. Charles D. Link, [redacted]FR, Regular Air Force.

Col. Bruce J. Lotzabire [redacted]FR, Regular Air Force.

Col. Noah E. Loy, [redacted]FR, Regular Air Force.

Col. Robert M. Marquette, Jr., [redacted] Regular Air Force.

Col. Frank K. Martin [redacted]FR, Regular Air Force.

Col. James C. McCombs, [redacted]FR, Regular Air Force.

Col. Stephen M. McElroy, [redacted]FR, Regular Air Force.

Col. James W. Meier, [redacted]FR, Regular Air Force.

Col. Michael D. Pavich, [redacted]FR, Regular Air Force.

Col. David J. Pederson [redacted]FR, Regular Air Force.

Col. Frederick W. Plugge, IV, [redacted]FR, Regular Air Force.

Col. Joseph W. Ralston [redacted]FR, Regular Air Force.

Col. Peter D. Robinson [redacted]FR, Regular Air Force.

Col. Ralph R. Rohatsch, Jr., [redacted]FR, Regular Air Force.

Col. Ervin J. Rokke, [redacted]FR, Regular Air Force.

Col. Michael E. Ryan [redacted]FR, Regular Air Force.

Col. Thomas E. Schwark, [redacted]FR, Regular Air Force.

Col. Hanson L. Scott, [redacted]FR, Regular Air Force.

Col. Stephen R. Shapiro, [redacted]FR, Regular Air Force.

Col. Daniel J. Sherlock, [redacted]FR, Regular Air Force.

Col. Stanley O. Smith, [redacted]FR, Regular Air Force.

Col. Ronald C. Spivey, [redacted]FR, Regular Air Force.

Col. William A. Studer, [redacted]FR, Regular Air Force.

Col. James P. Ulm, [redacted]FR, Regular Air Force.

The following officers for appointment in the Reserve of the Air Force to the grade indicated, under the provisions of sections 593, 8218, and 8373, title 10, United States Code:

To be major general

Brig. Gen. Clyde F. Autio, [redacted]FV, Air Force Reserve.

Brig. Gen. Ira DeMent III, [redacted]FV, Air Force Reserve.

Brig. Gen. Boyd L. Eddins, [redacted]FV, Air Force Reserve.

Brig. Gen. William N. Rowley, [redacted]FV, Air Force Reserve.

Brig. Gen. William C. Foxby, Jr., [redacted]FV, Air Force Reserve.

Brig. Gen. Stuart L. Schroeder, [redacted]FV, Air Force Reserve.

To be brigadier general

Col. Earl A. Aler, Jr., [redacted]FV, Air Force Reserve.

Col. John H. Burris [redacted] FV, Air Force Reserve.

Col. John J. Closner [redacted] FV, Air Force Reserve.

Col. Armando Deleon, [redacted] FV, Air Force Reserve.

Col. Walter J. Giller, Jr. [redacted] FV, Air Force Reserve.

Col. Oscar M. Jardon, [redacted] FV, Air Force Reserve.

Col. Jacques P. Klein, [redacted] FV, Air Force Reserve.

Col. Robert S. Messer, [redacted] FV, Air Force Reserve.

Col. Robert G. Stein [redacted] FV, Air Force Reserve.

Col. Raymond B. Stewart, Jr., [redacted] FV, Air Force Reserve.

Col. Julio L. Torres, [redacted] FV, Air Force Reserve.

Col. John P. Van Blois [redacted] FV, Air Force Reserve.

Col. Frederick D. Walker, [redacted] FV, Air Force Reserve.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. William L. Kirk, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles A. Horner, [redacted] FR, U.S. Air Force.

The following-named officer, for appointment to the grade of lieutenant general on the retired list pursuant to the provisions of title 10, United States Code, section 1370:

Lt. Gen. Marc C. Reynolds, [redacted] FR, U.S. Air Force.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Charles McCausland, [redacted] U.S. Air Force.

In the Army

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. James M. Rockwell, [redacted], age 58, U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Robert J. Donahue, [redacted] U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Colin L. Powell, [redacted], U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John W. Woodmansee, [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Thomas D. Ayers [redacted], U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. Richard H. Thompson [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Louis C. Wagner, Jr., [redacted] U.S. Army.

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be lieutenant general

Lt. Gen. Lawrence F. Skibbie, [redacted], U.S. Army.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Jerry M. Bunyard [redacted], U.S. Army.

The Army National Guard of the United States officer named herein for appointment as Reserve commissioned officer of the Army, under the provisions of title 10, United States Code, sections 593(a) and 3385:

To be brigadier general

Brig. Gen. Donald Burdick, [redacted].

The Army National Guard of the United States officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3385, and 3392:

To be brigadier general

Brig. Gen. Martin E. Lind, Jr., [redacted].

Col. Gregory P. Barlow, [redacted].

Col. James A. Barney, Jr., [redacted].

Col. John W. Cudmore, [redacted].

Col. Stephen M. Wyman, [redacted].

Col. Roger D. Delgehausen, [redacted].

Col. Jerry M. Keeton, [redacted].

Col. Charles R. Lindsay, [redacted].

Col. John R. Paulk, [redacted].

Col. William F. Sherman, [redacted].

Col. Lomer R. Chambers, [redacted].

Col. Philip A. Floyd, [redacted].

Col. Larry E. Lee, [redacted].

Col. Donald H. Marden, [redacted].

Col. Robert C. Watling, [redacted].

Col. Julius L. Berthold, [redacted].

Col. Joseph C. Boyersmith, [redacted].

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 1370:

To be general

Gen. William J. Livsey, [redacted], U.S. Army.

The following-named officer under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be general

Lt. Gen. Louis C. Menetrey [redacted], U.S. Army.

In the Navy

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Albert J. Baciocco, Jr., [redacted]/1220, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Robert F. Schoultz, [redacted]/1310, U.S. Navy.

The following-named officer to be placed on the retired list in the grade indicated under the provisions of title 10, United States Code, section 1370:

To be vice admiral

Vice Adm. Donald S. Jones, [redacted]/1310, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Walter T. Piotti, Jr., [redacted]/1110, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Clyde R. Bell [redacted]/1120, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be admiral

Adm. James B. Busey [redacted]/1230, U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 5035, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 5035:

To be vice chief of naval operations

Vice Adm. Huntington Hardisty, [redacted] U.S. Navy.

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Jerry O. Tuttle [redacted]/1310, U.S. Navy.

IN THE MARINE CORPS

The following-named officer, under the provisions of title 10, United States Code, section 601, to be assigned to a position of importance and responsibility designated by the President under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Stephen G. Olmstead, [redacted] U.S. Marine Corps.

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

Maj. Gen. Anthony Lukeman, [redacted] U.S. Marine Corps.

IN THE AIR FORCE

Air Force nomination of Richard L. Hughes, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Wiley R. Ashley, Jr., [redacted] and ending Leonard D. Dileo, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Douglas W. Marshall, and ending Gregory G. Langston, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Kenneth A. Bienvenu, and ending Janet E. Zayas, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Daniel F. Alves, and ending Manuel A. Thomas, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Maj. Ramon D. Ardizzone, [redacted] and ending Maj. William H. Vaughn, Jr., 426-82-5958, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Arthur F. Fowler, and ending Randal L. Marbury, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Maj. Verne P. Burque, [redacted] and ending Maj. Laura L. Willers, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Ralph J. Mclain, Jr., and ending Gary J. Spinks, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Howard C. Abner, and ending James H. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Air Force nominations beginning Francisco M. Granda, and ending James A. Strine, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 20, 1987.

Air Force nominations beginning Maj. Craig. G. Anderson, [redacted] and ending Maj. Ramsey B. Salem, [redacted] which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 20, 1987.

Air Force nominations beginning Christopher N. Arant, and ending Robert L. Zapf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1987.

Air Force nominations beginning Darwin W. Abbott, and ending Robert L. Zapf, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 2, 1987.

Air Force nominations beginning Leon P. Bloodworth, and ending William G. Best, II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 5, 1987.

Air Force nominations beginning Robert D. Beland, and ending Johnston H. Wickham, which nominations were received by the Senate appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nominations beginning Gerald J. Brentnall, Jr., and ending Robert M. Brown II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nominations beginning Maj. Robert A. Balslev, [redacted] and ending Maj. Benita L. Lynch, [redacted], which nominations were recieved by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nominations beginning Wyeth H. Worley, and ending John W. Patton III, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Air Force nomination of Paula J. Loomis, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

IN THE ARMY

Army nominations beginning Charles G. Cavanaugh, and ending Joseph M. Kiel, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning David T. Baumann, and ending Scott Worlton, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Joseph P. Beans, and ending Edgar G. Mckee, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning James M. Burgess, and ending Charles A. Pollock, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Jose Beitia, and ending John C. Jones, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Dennis C. Bradshaw, and ending Catherine D. Smith, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Steven W. Hatcher, and ending Thomas J. Zicarelli, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Kenneth R. Phillips, and ending Charles M. Pitts, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Alan L. Beeler, and ending Edward J. Shumski, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Army nominations beginning Michael G. Healey, and ending Ronald L. Hunter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 20, 1987.

Army nominations beginning Felipe Acevedo, and ending John G. Zornig, which nominations were received by the Senate on February 9, 1987, and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

IN THE COAST GUARD

Coast Guard nominations beginning Sylvester G. Payne, and ending Charles W. Gower, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning Daniel L. Carney, and ending Thomas G. Landvogt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning George R. Matthews, Jr., and ending Eric A. Nicolaus, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning Roderick E. Walker, and ending Orlando N. Cavallo, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning Anita K. Abbott, and ending George F. Young, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1987.

Coast Guard nominations beginning Thomas R. Pike, and ending Kenneth J. Reynolds, which nominations were received by the Senate on February 9, 1987, and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

Coast Guard nominations beginning Peter M. Tennis, and ending Angelo A. Haddad, which nominations were received by the Senate on February 13, 1987, and appeared in the CONGRESSIONAL RECORD of February 17, 1987.

IN THE FOREIGN SERVICE

Foreign Service nominations beginning Raymond E. Benson, and ending Ernesto Uribe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1987.

Foreign Service nominations beginning Harry V. Ryder, Jr., and ending Alfred J. White, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 21, 1987.

Foreign Service nominations beginning Martin Victor Dagata, and ending Hans Patrick Peterson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of February 3, 1987.

IN THE MARINE CORPS

Marine Corps nominations beginning Brian P. Cyr, and ending Edward L. Reyeits, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of January 12, 1986.

Marine Corps nominations beginning Mark E. Tinsley, and ending Bruce W. Neuberger, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Marine Corps nominations beginning John A. Abitabilio, and ending Mark R. Witzel, which nominations were received by the Senate and appeared in the Congressional Record of February 2, 1987.

In the Navy

Navy nomination of Doctor Robert Duane Ballard, which was received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations of Lt. Cmdr. Joseph F. Satrapa, which was received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Kenneth R. Schroeder, and ending Raul J. Teddi, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning John M. Adrian, and ending Marcus B. Wynne, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Glenn F. Abad, and ending Michael S. Zwingle, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Paul D. Beckwith, and ending Mark Jacobs, which nominations were received by the Senate and appeared in the Congressional Record of January 12, 1987.

Navy nominations beginning Henry John Wnuk, and ending William Ernest Luttrell, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 1987.

Navy nominations beginning John S. Norton, and ending Marina N. Vernalis, which nominations were received by the Senate and appeared in the Congressional Record of February 17, 1987.

WITHDRAWAL

Executive message transmitting a withdrawal of a nomination from further Senate consideration, received by the Secretary of the Senate after the adjournment of the Senate on Monday, March 10, 1987, under authority of the order of the Senate of February 3, 1987:

Central Intelligence

Robert M. Gates, of Virginia, to be Director of Central Intelligence, vice William J. Casey, resigned, which was sent to the Senate on February 13, 1987.

HOUSE OF REPRESENTATIVES—*Wednesday, March 11, 1987*

The House met at 12 noon.

Dr. Edward C. Hobbs, chairman, department of religion, Wellesley College, Wellesley, MA, offered the following prayer:

Lord God of our ancestors:

Who came to this land in obedience to Your call and in search of Your liberty; and

Who lived and fought and thought and died to secure that liberty for us their children.

Grant us so to honor the heritage they have left us, that we may enter into their labors:

To bring forth and to increase both justice and freedom in this land;

To further peace among nations; and

To continue seeking that perfect freedom found only in serving You, whose graciousness and goodness are everlasting.

Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. **BONIOR** of Michigan. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The **SPEAKER**. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. **BONIOR** of Michigan. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The **SPEAKER**. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 313, nays 77, answered "present" 2, not voting 41, as follows:

[Roll No. 27]

YEAS—313

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Archer
Atkins
AuCoin
Ballenger
Barnard
Bartlett
Bateman
Bates
Beilenson
Bennett
Bereuter
Berman
Bevill
Biaggi
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brooks
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chapman
Chappell
Clarke
Clinger
Coelho
Coleman (TX)
Collins
Combest
Conyers
Cooper
Coyne
Daniel
Darden
Daub
Davis (MI)
de la Garza
DeFazio
Dellums
Derrick
DeWine
Dicks
Dingell
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Duncan
Durbin
Dwyer
Dyson
Early
Eckart
Edwards (CA)
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fish
Flippo
Foglietta
Foley
Ford (MI)
Frank
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gilman
Gingrich
Gonzalez
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Harris
Hastert
Hatcher
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hutto
Hyde
Inhofe
Jenkins
Johnson (CT)
Jones (NC)
Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Konnyu
Kostmayer
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lott
Lowry (WA)
Lujan
Luken, Thomas
Lungren
MacKay
Manton
Markey
Martin (NY)
Martinez
Matsui
Mazzoli
McCollum
McCurdy
McDade
McEwen
McKinney
McMillan (NC)
McMillen (MD)
Meyers
Mfume
Mica
Michel
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morella
Morrison (CT)
Morrison (WA)
Mrazek
Murphy
Murtha
Myers
Nagle
Natcher
Neal
Nelson
Nielson
Nowak
Oakar
Oberstar
Olin
Ortiz
Oxley
Packard
Panetta
Pashayan
Patterson
Pease
Pepper
Perkins
Petri
Pickle
Porter
Price (IL)
Price (NC)
Pursell
Quillen
Rahall
Rangel
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Robinson
Roe
Rose
Rostenkowski
Roth
Rowland (CT)
Rowland (GA)
Roybal
Russo
Sabo
Saiki
Sawyer
Saxton
Scheuer
Schneider
Schuette
Schulze
Schumer
Sensenbrenner
Sharp
Shaw
Shumway
Shuster
Sisisky
Skaggs
Skelton
Slattery
Slaughter (NY)
Slaughter (VA)
Smith (FL)
Smith (IA)
Smith (NE)
Smith (NJ)
Snowe
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stark
Stenholm
Stokes
Stratton
Studds
Sweeney
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (GA)
Torres
Torricelli
Traficant
Traxler
Udall
Upton
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Weldon
Wheat
Whitten
Williams
Wise
Wolpe
Wortley
Wyden
Wylie
Yates
Yatron
Young (FL)

NAYS—77

Armey
Badham
Barton
Bentley
Bilirakis
Bliley
Boehlert
Boulter
Brown (CO)
Buechner
Burton
Chandler
Cheney
Clay
Coats
Coble
Coleman (MO)
Coughlin
Courter
Craig
Crane
Crockett
Dannemeyer
Davis (IL)
DeLay
Dickinson
DioGuardi
Dreier
Emerson
Fields
Gekas
Goodling
Henry
Hunter
Ireland
Jacobs
Kolbe
Kyl
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Lowery (CA)
Mack
Madigan
Martin (IL)
McCandless
McGrath
Miller (OH)
Molinari
Moorhead
Parris
Penny
Ridge
Roberts
Rogers
Roukema
Schaefer
Schroeder
Sikorski
Skeen
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Solomon
Stangeland
Stump
Sundquist
Swindall
Tauke
Thomas (CA)
Vucanovich
Walker
Weber
Whittaker
Wolf

ANSWERED "PRESENT"—2

Brennan
Obey

NOT VOTING—41

Aspin
Baker
Bunning
Conte
Dixon
Dymally
Edwards (OK)
Flake
Florio
Ford (TN)
Frenzel
Gephardt
Gibbons
Glickman
Grant
Hansen
Hawkins
Jeffords
Johnson (SD)
Jones (TN)
Lipinski
Livingston
Lloyd
Lukens, Donald
Marlenee
Mavroules
McCloskey
McHugh
Miller (WA)
Nichols
Owens (NY)
Owens (UT)
Pickett
Richardson
Rodino
Roemer
Savage
Smith, Denny (OR)
Towns
Wilson
Young (AK)

Mr. UDALL changed his vote from "present" to "yea."

☐ 1220

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Hallen, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 163

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Edward Zorinsky, late a Senator from the State of Nebraska.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Resolved, That when the Senate adjourns today, it adjourn as a further mark of respect to the memory of the deceased Senator.

The message also announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1056. An act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement as to the order of business.

The Chair will recognize only one Member for a 1-minute statement, and this respecting our guest chaplain today; then the Chair will proceed to business.

DR. EDWARD C. HOBBS

(Mr. FRANK asked and was given permission to address the House for 1 minute.)

Mr. FRANK. Mr. Speaker, I am delighted on behalf of the House to welcome a very distinguished visitor from my own district, a professor and chairman of the department of religion at Wellesley College, Dr. Edward Hobbs, whom we had the pleasure of hearing, is visiting in Washington now. He is a very distinguished theologian. He is a specialist in hermeneutics, which I made sure I knew how to pronounce when I did this 1-minute.

We are graced by his presence today. He is a leading theologian. He has been a professor in many schools. He is also a practicing minister and not just an academic theologian. He is associate rector and theologian-in-residence at St. Elizabeth's Episcopal Church in Sudbury, MA.

As I said, he is chairman of the department of religion at Wellesley; he is a visiting professor of New Testament at Harvard. He has taught at the Graduate Theological Union in Berkeley, CA, and he has lectured at more than 50 universities throughout the world. He is a distinguished citizen, a distinguished theologian and academic and a conscientious preacher. We are honored by his presence here today and I am proud to have my district so well represented on the floor today.

IMPOSING A MORATORIUM ON CONTRA AID

Mr. BONIOR of Michigan. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 116 and ask for its immediate consideration.

PARLIAMENTARY INQUIRIES

Mr. MICHEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHEL. Mr. Speaker, I was on my feet seeking recognition in order that I might call up a resolution of disapproval pursuant to the provisions of section 212(b) of the Military Construction Appropriation Act, Public Law 99-500 and Public Law 99-591. It is a highly privileged motion to proceed to the consideration of House Joint Resolution 174, which I introduced on March 5, 1987. My resolution has to do with the disapproval of the release of the last installment of the moneys to the freedom fighters in Nicaragua.

My specific question, Mr. Speaker, is this: Is the Chair going to recognize a member of the Rules Committee to call up a resolution from that committee before entertaining my motion, notwithstanding the provisions of law making my resolution a highly privileged one? That is my parliamentary inquiry, Mr. Speaker.

The SPEAKER. The Chair will state the situation.

The Chair has recognized the gentleman from Michigan [Mr. BONIOR] as a representative of the Committee on Rules to call up House Resolution 116, which provides for the consideration in the House of House Joint Resolution 175; a resolution made in order under the rule.

The gentleman from Illinois [Mr. MICHEL] asks in his parliamentary inquiry if it would not be more appropriate or proper for the Chair to recognize the gentleman from Illinois to move to proceed to the consideration of House Joint Resolution 174.

The Chair agrees that under section 212(b) of the Military Construction Appropriation Act of 1987 the motion to proceed to consideration of House Joint Resolution 174 is indeed a highly privileged motion in the House beginning today. As acknowledged, however, in section 212(c) of that very statute, the Chair will quote from the statute itself:

> The procedures were enacted into law as an exercise of the rulemaking powers of the House—

With this caveat; the statute declares the following language:

> With full recognition of the constitutional right of the House and the Senate to change their rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House or Senate, and of the right of the Committee on Rules of the House of Representatives to report a resolution for the consideration of any measure.

So, the statute itself, as well as clause 4(b) of rule XI which provides that "It shall always be in order to call up for consideration a report from the Committee on Rules on a rule, joint rule, or order of business," both acknowledge the priority of recognition to be accorded by the Chair to a report from the Committee on Rules, even over a motion which is otherwise highly privileged under this statute.

□ 1230

This question arose on April 16, 1986. Speaker O'Neill ruled at that time and on that day in response to points of order raised by the gentlemen from New York [Mr. STRATTON] and from Mississippi [Mr. LOTT], that the Committee on Rules could call up as privileged, and the House could adopt, a special order which would change a statutory procedure that otherwise would have been in effect.

This involved a similar statute; it involved the same type of procedure; it involved the same kind of situation. And so, based upon the precedents of the House and the clear intent under the rules of the House as sanctioned in the statute itself to give prior consideration to a report from the Committee on Rules, the Chair recognizes the gentleman from Michigan to call up House Resolution 116.

Mr. MICHEL. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MICHEL. Mr. Speaker, if I might simply respond very briefly respecting the Speaker's explanation and right, this gentleman knows the rules of the House, too, and one can never appeal the Speaker's power of recognition.

With that in mind, I respect the Speaker's ruling in this case.

PRIVILEGES OF THE HOUSE

Mr. LOTT. Mr. Speaker, I rise to a question of the privileges of the House, and I offer a resolution and ask for its immediate consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

A resolution raising a question of the privileges of the House offered by Mr. LOTT:

Whereas Public Law 99-591, sec. 212, provides that a joint resolution disapproving "additional assistance to the Nicaraguan democratic resistance" shall be discharged from committee if not reported on the fifth day after its introduction; and

Whereas said law further provides that at any time thereafter it is in order for any Member of the House to offer a "highly privileged" motion to proceed to the consideration of any such joint resolution, and that such motion "is not subject to a motion to postpone, or to a motion to proceed to the consideration of other business;" and

Whereas motions to discharge have precedence over special order of business resolutions reported from the Committee on Rules (6 Deschler's Precedents, Ch. 21, § 30.11), and, once a measure has been discharged, it is in order, as a matter of "high privilege," to move to proceed to its immediate consideration (Procedure in the House, Chapter 18, § 4; House Rule XXVII, clause 4); and

Whereas H.J. Res. 174 was introduced on March 5, 1987, pursuant to the provisions of Public Law 99-591, was discharged from the committees to which it was referred on March 10, 1987, and a motion to proceed to its consideration is "highly privileged" on March 11, 1987, and any day thereafter; and

Whereas a Member sought recognition for the purpose of moving to proceed to the consideration of said joint resolution pursuant to the provisions of public law and in accordance with House procedures prescribed by said law and was denied recognition on grounds that a special order of business resolution reported from the Committee on Rules is of equal privilege and that the recognition in such cases is discretionary with the Speaker; and

Whereas such an interpretation is contrary to House rules and precedents outlined above and to the spirit and letter of the Public Law 99-591 which prohibits the consideration of any motion "to proceed to the consideration of other business" pending consideration of a disapproval resolution; and

Whereas such an improper interpretation of the law and House rules and precedents affects "the rights of the House collectively . . . its dignity, and the integrity of its proceedings" and thereby raises a question of the privileges of the House under House Rule IX: Now, therefore, be it

Resolved, That, as a question of the privileges of the House, priority recognition shall be given to any Member seeking to offer a "highly privileged" motion to proceed to the consideration of a proper resolution of disapproval pursuant to the provisions of Public Law 99-591.

Mr. LOTT. Mr. Speaker, could I be heard in defense of my question of privilege?

The SPEAKER. Surely; the Chair would be most pleased to hear any comments that the gentleman from Mississippi may have with respect to whether this resolution constitutes a question of the privileges of the House which would take precedence over the rule, and will be most attentive.

Mr. LOTT. Mr. Speaker, under rule IX, a question of privilege is one "affecting the rights of the House collectively, its safety, dignity, and the integrity of its proceedings."

Nothing, in my opinion, could affect the rights of the House and integrity of its proceedings more than the denial of recognition to a Member wishing to call up a highly privileged resolution under both House rules and the law of the land.

And yet, that is precisely what we are confronted with here today. Under the military construction title of the continuing appropriations resolution enacted last October (Public Law 99-591), a motion to consider a joint resolution disapproving the release of the final $40 million in Contra aid this year is, and I quote, "highly privileged in the House of Representatives and is privileged in the Senate" on the sixth day after its introduction, whether reported or discharged.

House Joint Resolution 174, introduced by the gentleman from Illinois [Mr. MICHEL] on March 5, was discharged yesterday under provisions of the law, and qualifies today as just such a highly privileged resolution. And yet, the Speaker is prepared to recognize another Member to call up an order-of-business resolution from the Committee on Rules.

Mr. Speaker, it is true that such order-of-business resolutions also enjoy a higher privilege than some privileged matters, but not as high as others. So the question is, Which matter is of higher privilege? If they are indeed equal, then recognition is at the discretion of the Chair.

But, in the present case, it should be clear from the precedents and common logic that the motion to proceed to the consideration of a discharged matter is of higher privilege than a rule from the Committee on Rules. In Deschler's Precedents, volume 6, chapter 21, sections 30.11 and 31, it is made clear that motions to discharge have precedence over a special order providing for the consideration of another matter. While that precedent relates specifically to the House discharge rule and discharge days, it should follow that when the House provides for the automatic discharge of a matter after a certain date and its consideration as "highly privileged" on any day thereafter, the principle should therefore be extended in this situation.

Under House rules, once a matter is discharged, it is of "high privilege" to move to its consideration, and that consideration may not be interfered with by other matters.

I would also call attention to Cannon's Precedents, volume 7, section 1012, which reads:

> A motion to discharge having been agreed to, its proponents are entitled to prior recognition in debate and for allowable motions to expedite consideration.

Clearly, the whole purpose of special discharge procedures is to bring matters to a vote and not to permit other business to interfere with their final disposition.

The law in question supports this as well by indicating that a motion to proceed to the consideration of a disapproval resolution, and I quote, "is not subject to a motion to postpone or to a motion to proceed to the consideration of other business." The recognition of someone to call up another matter obviously violates that prohibition.

Finally, I would appeal to common sense. Public Law 99-591 provides for only a 15-day disapproval period. That is why these resolutions are made "highly privileged." If they could be constantly bumped by other privileged matters, the process would make no sense, and it would never end. Obviously they are more urgent than the rules for other bills having no deadline for action.

□ 1240

Mr. Speaker, the question of recognition for this highly privileged motion goes to the very heart of the integrity of our proceedings because on it depends whether we will meet our obligations under law and the House rules of proceeding we established in that law. It is especially essential that the higher privilege of this motion be recognized now, for the other matter competing with it is designed to change that rule and make it more difficult to meet our obligations under that law. While the House has every right to change its rules, until it does so, those rules should not be changed by a misinterpretation of what should have higher privilege. I would urge the Speaker to let the House decide this important matter by a vote, which is a common practice for such question of high privilege under the precedents.

The SPEAKER. The Chair is prepared to rule and believes it proper to rule, rather than submit the question to the House if the gentleman has no further comments to make.

The gentleman from Mississippi [Mr. LOTT] has submitted a resolution which he presumes states a question of the privileges of the House, which directs the Chair, if the resolution passes, to give priority recognition to a Member offering a resolution of disapproval, separate and distinct from the resolution which has come from the Rules Committee of the House for consideration, and for which the Chair had recognized the gentleman from Michigan [Mr. BONIOR] as the authorized representative of the Rules Committee.

The gentleman from Mississippi [Mr. LOTT] raises the point that a motion to proceed to a matter which has been discharged has precedence over a rule providing a special order of business. There is a special rule providing for discharges, where 218 Members of the House have signed a discharge petition; under the circumstances, a majority of the Members of the House having indicated by their own initiative, and by the attachment of their individual signatures to an order that they desire the immediate consideration of a given matter, the Chair is, indeed, instructed under that rule to give first priority to the consideration of that discharged petition without intervening motions except one motion to adjourn. That, however, is an entirely different situation than the one presently before the House, where the discharge is pursuant to law and not because of the actions of a majority.

The gentleman from Mississippi, by invoking a presumption of the privileges of the House, would force the Chair to give recognition to someone whom the gentleman from Mississippi would designate under his resolution for a matter different from the matter which is before the House.

Now it always has been held, uniformly and without any variance, that the Speaker has the power of recognition. Someone, in the interest of orderly procedure, must exercise that power, and under the rules of the House that recognition power lies with the Speaker. The exercise of the Chair's discretion is not subject to appeal under the rules of the House. In this case, the Chair believes he has properly interpreted House rules governing recognition by ruling on the relative privilege of two highly privileged matters.

As indicated on page 337 of the House Manual, a question of the privileges of the House may not be invoked to effect a change in the rules of the House or their interpretation. In other words, that is not a matter for a question of privilege. That was held by Speaker O'Neill on December 6, 1977.

Further, on July 25, 1980 it was held that the privileges of the House may not be invoked to direct the Speaker in any way that infringes his discretionary power of recognition under clause 2 of rule XIV.

So the Chair believes under those circumstances that to hold such a resolution as this offered today by the gentleman from Mississippi, directing the Chair whom he must recognize prior to another, to hold this as a question of privilege under rule IX would be to create a precedent which could permit individual Members to collaterally question the fairness of every rule or ruling on the part of every Speaker or presiding officer, or to question every action of the House.

And so the Chair believes, under those circumstances, that the rules of the House do not contemplate the offering of a resolution directing the order of business or directing the Chair to refrain from recognizing a Member whom the Chair has already recognized consistent with priorities of recognition established in the law and rules.

Pursuant to article I of section 5 of the Constitution, the House, by establishing the rules of its proceedings, and the mechanism within those rules for the consideration of changes in the rules, presents an adequate forum for the consideration of fairness of the rules being adopted, and to intrude into that orderly procedure a presumption that the privileges of the House may direct the Chair to recognize some person other than the person whom he has properly recognized is not contemplated under the rules, and would be an infringement upon the one essential and inherent power of the Chair, which is the power of recognition.

And, therefore, the Chair rules respectfully to the gentleman from Mississippi [Mr. LOTT] that the matter contained in the resolution which he would propose to have considered at this moment is not a matter of the privileges of the House, and the Chair persists in his recognition of the gentleman from Michigan [Mr. BONIOR].

The Clerk will report the resolution.

The Clerk read the resolution, as follows:

H. RES. 116

Resolved, That immediately upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House without intervening motion the joint resolution (H.J. Res. 175) to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance. Debate on said joint resolution shall continue not to exceed three hours, to be equally divided and controlled by Representative Foley of Washington and Representative Michel of Illinois, or by their designees, and the previous question shall be considered as ordered on said joint resolution to final passage without intervening motion except one motion to recommit, which may not contain instructions.

SEC. 2. Upon the adoption of this resolution, it shall not be in order to entertain a motion to proceed to the consideration of or to consider H.J. Res. 174, or any joint resolution in either form specified in section 212(a) of the Military Construction Appropriations Act, 1987, notwithstanding the **provisions of paragraphs (3) through (7) of** section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in Public Law 98-473 and as modified by Public Law 99-500 and Public Law 99-591), unless called up on motion by the majority leader or his designee after consultation with the minority leader.

The SPEAKER. The gentleman from Michigan [Mr. BONIOR] is recognized for 1 hour.

□ 1250

Mr. BONIOR of Michigan. Mr. Speaker, I yield the customary 30 minutes, for the purposes of debate only, to the gentleman from Mississippi [Mr. LOTT]; and pending that, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 116 provides for the consideration in the House of House Joint Resolution 175, which would impose a moratorium on United States assistance for the Nicaraguan Contras until there has been a full accounting of previous assistance.

Being considered in the House, the joint resolution is not amendable. The rule provides 3 hours of general debate to be equally divided and controlled by Representative FOLEY, the majority leader, and Representative MICHEL, the minority leader, or their designees.

The rule waives all points of order against consideration of the joint resolution, and provides one motion to recommit without instructions.

The rule further provides that upon its adoption, it is not in order to consider House Joint Resolution 174, the resolution of disapproval of the remaining $40 million, or any other joint resolution specified in sections 212(a) of the Military Construction Act of 1987 unless, after consultation with the minority leader, the joint resolution is called up by Representative FOLEY or his designee.

Mr. Speaker, I believe this rule provides for the fair consideration of this very important joint resolution. The minority is afforded opportunities to vote on the previous question; to vote on the rule; to vote on the motion to recommit; and to vote on a final passage of the joint resolution.

Mr. Speaker, I would like to take just a minute to explain Joint Resolution 175. It places a moratorium on United States assistance to the Nicaraguan Contras until a full accounting can be made of previous assistance.

Specifically, funds to be accounted for are funds diverted from the arms sales to Iran, the $27 million in humanitarian aid from the fiscal year 1986 appropriation, and three, additional aid, direct or indirect, solicited by the United States from third parties or foreign governments.

The President must submit a report accounting for these funds to Congress before 180 days after the adoption of the joint resolution. When the President submits the report, a joint resolution lifting the moratorium and making available the remaining $40 million will be introduced and referred to the Intelligence Committee and other appropriate committees.

The committees have 15 calendar days to report the joint resolution either favorably, unfavorably, or without recommendation. Expedited procedures for consideration of the joint resolution are included in the legislation.

Mr. Speaker, the American people have a right to know where this money has gone. They have a right to know who in this government was involved in illegally obtaining funds for the Contras. Tens, perhaps hundreds of millions of dollars, some of its taxpayers' money, cannot be accounted for.

Where is the money that was generated by the arms sales to Iran? The Tower Commission tells us that these funds cannot be accounted for. Where is the money that was raised by the Sultan of Brunei, from the Saudi Royal Family, from other foreign governments, from private sources inside the United States? The Tower Commission can provide few clues to the vast network of privateers, arm merchants, and mercenaries run by Lt. Col. Oliver North out of the basement of the White House.

Where is the $27 million in so-called humanitarian aid Congress approved for the Contras last year? The GAO could not account for over half of these funds.

Mr. Speaker, before we can even consider sending another dime to the Contras, we must know the full extent of the corruption in the Contra Program. This is the least the American people have a right to expect from any policy; a full accounting of how the funds are being spent.

Speaking of funds, I think it should be mentioned on this floor today that within the last 5 months, the Contras received $40 million in the first installment; they received $20 million 6 weeks ago.

The American people are tired of a policy that is mired in corruption; they want no more lies; they want no more coverups. This legislation will help us get some answer to the crucial questions surrounding the Contra aid program.

We can no longer turn our backs on the serious nature of these charges. To go forward with this continued aid to the Contras at this time would reward those who have diverted funds, violated the law, and flaunted the will of the Congress.

The American people are looking to the House of Representatives for leadership today on this issue, and I hope that we will provide it.

Mr. Speaker, I urge support for this rule and for passage of this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviets. Now let me explain how this rule contributes to that very result.

Ask yourself some questions about this rule: Is it fair not to allow any amendments to be offered whatsoever? Is it fair not to allow the traditional motion to recommit with instructions? Is it fair to specifically say that the minority leader, the gentleman from Illinois [Mr. MICHEL] cannot offer the motion of disapproval, House Joint Resolution 174? Is this the way we want to change the rules of the House and the law of the land?

I think not, and that is exactly what would happen here. One of the things I want to point out at the very beginning, with the so-called moratorium is that it would delay this issue indefinitely.

Now it says, not to exceed 180 days; but after 6 months then we would still have opportunity for additional delays; and I will speak about that a little bit more in a minute. And we would even at that point have to pass an affirmative resolution by the House and the Senate, saying that the funds could be released.

Whereas under the existing law and rules, allowing for expedited proceedings, after 15 days, if the Congress did not disapprove, the last installment of $40 million would go forward; a very different process. And let me tell you once and for all, it is a process intended for only one purpose.

Mr. Speaker, this rule makes in order a joint resolution imposing a so-called moratorium on further aid to the democratic freedom fighters in Nicaragua. I purposely used the term so-called moratorium because we're not really talking about a slight delay in assistance. No, in this case the term moratorium is more a cross between a mortuary and a crematorium: its proponents not only want to kill off the aid; they also want to burn the evidence and hide behind its smokescreen.

Why would this moratorium really deal a mortal blow to Contra aid? The answer is a matter of simple math. The joint resolution gives the President 6 months to account for certain funds, then provides for a 15-day congressional review period and another 15-day period during which a chairman could refuse to bring up a reported or discharged approval resolution. Even if this were enacted today, that puts us at October 11—11 days after the $40 million in aid will no longer be available.

Mr. Speaker, what in heaven's name is going on around this House that we can't abide by our own rules and the process we established, by law, just 5 months ago, for dealing with this issue? Last October, in the continuing resolution, we approved $100 million in economic and military assistance for the democratic resistance in Nicaragua. And we said the final $40 million could be released after February 15 of this year, if the President reports to Congress that no Central American peace agreement had been reached.

The only way prescribed by that law that the aid could not be released would be by the enactment of a joint resolution of disapproval. But now the Democratic leadership wants to change the rules in the middle of the game, change the funding terms in the middle of the fiscal year, and impose more conditions, terms and delays on the funds' release. Not only that, but the architects of this rule want to shutout any vote on the disapproval resolution by putting that in the pocket of the majority leader.

Now, I can understand the concern that some of the previously appropriated funds have not been fully accounted for. But that was known when we approved the additional $100 million last year, and, as a consequence, we built-in certain strict accounting procedures and requirements with respect to these new moneys. And those strict accounting procedures are being complied with with respect to the $100 million.

But now the Democratic leadership wants to turn back the clock. Under their new rules in House Joint Resolution 175, before the new money can be released, there must not only be a full accounting for the old money, but for privately raised and allegedly diverted funds as well.

Such conditions are absurd, impossible and unfair. If the French had imposed the same conditions on George Washington, he'd still be stuck in the mud at Valley Forge; and we'd still be wearing powdered wigs in this House and raising taxes for the queen.

Mr. Speaker, where did this so-called moratorium resolution come from? Was it reported from any House committee? No, it was only introduced on Monday of this week, referred to six committees, trotted through the Rules Committee yesterday, and brought to the floor today. Not one of the six committees held hearings, deliberations, markups or votes to report this resolution.

Is this the way the new Democratic leadershp regime wants to make policy in this Congress? By circumventing our policy committees? I certainly hope not, because that is a poor reflection on the world's greatest deliberative body.

Did the Rules Committee make up for this policy omission by giving the House a greater chance to deliberate and amend this resolution? Again the answer is no. Heaven forbid if anyone in this House should want to dot an "i" or cross a "t" differently than this resolution does. Once again we are asked to place all our trust in the infallibility of the leadershhip authors of this resolution.

Was the minority even afforded the traditional courtesy, indeed, the right, to offer a motion to recommit this resolution with instructions. Again, the answer is "No."

What defense did the Democratic leadership and Rules Committee members have for this closed policy? They claim it is just as fair as the disapproval process established by law last year which permits no amendments or motions to recommit. But, that argument completely ignores the fact that the present policy was subject to considerable debate and amendments when it was forged as part of the military construction appropriation bill last June. At that time this House actually had three major options before it—McCurdy, Edwards, and Hamilton—and two minor amendments—Mrazek and Barnes—to choose from. The Barnes amendment, incidentally, was similar to part of this moratorium resolution and was defeated, 198 to 225. So, we did have an open debate an amendment process last year in establishing current policy. This rule denies us that open process to consider this new policy which imposes a whole new set of major new conditions on the release of aid.

Mr. Speaker, I have said it before and I'll say it again. Whenever the Democratic leadership circumvents our committee system and then saddles us with a closed rule, preventing Members from even offering amendments, you know the name of the game is politics and not policy. House Joint Resolution 175 is not even bad policy, it's no policy. And the gag rule making this in order is obviously designed to block either critical or constructive alternatives, or even an up or down vote on release of the funds. When you've got nothing to run with, you better hold your nose, run like heck, and be done with it—quick and dirty. That what this rule does.

Well, let me suggest a novel alternative to my colleagues. Let's defeat the previous question and instead adopt a 4-hour, straight open rule. Wouldn't it be fun for a change to let the House work its will. Vote no on the previous question and on the rule!

□ 1300

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am somewhat amused by the allegations by my good friend from Mississippi that we have bypassed the committee system. In the procedures that the minority wrote into the $100 million bill that became law last year, they were so generous that they allowed us to take up the last $40 million of the $100 million within a 15-day period. Now they did not even bother to make it 15 legislative days; it was 15 calendar days. And after the sixth day it is privileged to come out to the House floor. Well, under the procedures that the minority gave us last week they introduced the $40 million to disapproval on a Thursday and expected four committees of the House to have considered it by today. Now that is the fairness that they speak about when they refer to the system of committees reviewing legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. HALL], a member of the committee.

Mr. HALL of Ohio. Mr. Speaker, I rise in support of the rule on House Joint Resolution 175. I am pleased that this rule provides a clear opportunity to vote "yes" or "no" on giving aid to the Contras until there has been a thorough accounting for previous funding.

Over my opposition, the Congress last year approved $100 million in aid to the Contras, of which $60 million already has been delivered. The issue before us is whether the remaining $40 million should be sent.

The joint resolution made in order by the rule would place a moratorium on the remaining $40 million for 6 months, until the administration tells Congress what has happened to money given in the past to the Contras. Included in this accounting will be the $27 million voted for fiscal 1986, any proceeds from the sales of arms to Iran that were made available to the Contras, and any other assistance to the Contras given by individuals or foreign governments through the encouragement of U.S. officials. The American taxpayers deserve to find out what happened to the money already sent to the Contras before another dollar is released. Fiscal responsibility demands this.

But more important than any fiscal corruption is the moral corruption of the policy we have been following concerning Nicaragua. Providing arms to the Contras has not improved human rights in Nicaragua or brought peace and stability to Central America. Instead, we have only seen more suffering and killing inflicted on the Nicaraguan people.

Let's be honest. The Contras are not freedom fighters. They have failed to generate a popular following inside Nicaragua. Indeed, their barbarous human rights violations have driven many Nicaraguans into the arms of the Sandinistas.

The American people know that the policy of sending aid to the Contras is wrong and is not working. Public opinion polls consistently show overwhelming opposition to this aid. It is time for us to truly represent the will of the American people and put a moratorium on additional aid to the Nicaraguan rebels.

The Sandinista revolution, whatever we may think of it, was not imposed by outsiders on Nicaragua. Rather, it arose after decades of abuse under the Somoza family, whom we supported. Just because we have problems with the Sandinista government does not give us the right to try to overthrow that government. There are many other governments in the world that we don't like, but we manage to deal with them without financing their elimination.

I believe the best approach for the United States is to work with the other nations of the region to develop a peaceful solution to the problems of Central America. Let us work with the frontline nations to ensure that the Sandinistas do not become a threat to their neighbors, and let us also work with these nations to encourage respect for human rights and civil liberties by the Sandinistas for the people of Nicaragua.

In the meantime, let us vote today to suspend this $40 million installment on an unproductive and misguided policy.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

I will be very brief and say that I think the analogy of the gentleman from Michigan is all wrong about what happened last year. As a matter of fact, when this issue came up last year it was thoroughly debated. We had a multiple choice test. We had three different alternatives plus a couple of minor ones. The House was able to vote several times on the substance and on the rule and, as a matter of fact, in the end a majority of the House voted for this very process partially because some of the people on the gentleman from Michigan's [Mr. BONIOR] side wanted to make sure there was an expedited process, that it could not be delayed by the administration or by anybody; that there would be a quick clear process to decide whether or not this money would go forward.

So I think the analogy misses the fact that when it came up last year it was a very open process allowing five different alternatives for the House to vote on. Here we have no alternatives, just the one.

Mr. BONIOR of Michigan. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I do not have much time but I will be glad to yield.

Mr. BONIOR of Michigan. I will take it out of my time.

Mr. Speaker, I yield myself such time as I may consume.

The point I was trying to make was the gentleman was referring to circumventing the committee structure in the House when he was in the well. And the point I wanted to make was that after we provided the minority ample opportunity last year and the year before that to vote on this bill, and I think the gentleman would agree, we bent over backwards to provide a number of votes for the minority on this issue; on the final vote that passed, that became law, the minority inserted language into that bill under which you would—let me finish and then I will be delighted to yield even my time to you—the minority inserted language that said that within 15 days it could be brought up. It was not even legislative days, it was calender days. Your side submitted your proposal on Thursday, 6 days, it is privileged, and the gentleman expects the committee structure, four committees of which have jurisdiction over this issue in this House, to have acted responsibly on that within the weekend. I mean it just does not make sense.

Mr. EMERSON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. Mr. Speaker, is it my time or is it Mr. LOTT'S time?

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Mississippi [Mr. LOTT] has been recognized.

Mr. LOTT. But then the gentleman has——

Mr. BONIOR of Michigan. Take it from my time.

The SPEAKER pro tempore. The colloquy time is being taken out of the time of the gentleman from Michigan.

Mr. BONIOR of Michigan. I yield for purposes of debate only to my friend, the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. If I may say to the gentleman, he says the minority did this, the minority did that. I submit the minority around here does nothing. It was a bipartisan majority that did what happened.

I thank the gentleman for yielding.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. Mr. Speaker, I rise in opposition to this rule. I do not want to be recorded as handing Central America over to the Soviets.

The House leadership has once again chosen to change the rules in the middle of the game. Unwilling to abide by the legal procedures clearly set forth last year in the legislation providing $100 million in aid to the Contras, the leadership is trying to manipulate the outcome this year more to its liking.

The leaders aren't interested in accountability; they are primarily only interested in trying to embarrass a Republican President. In so doing, if they succeed, they will not only damage the national security interests of the United States but also those of our democratic allies in Central America.

When we considered aid to the Contras last year, we also voted on an amendment dealing with accountability. In that case, it was the Barnes-Panetta amendment requiring accountability on the disbursement of the $27 million in humanitarian assistance. That amendment was soundly defeated. Accounting for that same $27 million is again an element of the measure before us today. It is compounded by attempts to embarrass our allies who might have agreed with the United States that the interests of the free world required a monetary commitment to those democratic forces opposing the Marxist-Leninist regime in Nicaragua. Incidentally, there is no call to account for the $60 million already expended.

If accountability were truly the objective, then it would be reasonable to allow the Select Committee on Iran to carry out its mandate and present its findings. The moratorium resolution and the rule providing for it preempt the work of the Select Committee and requires a conclusion before all the facts can be ascertained.

The purpose of this rule is simply designed to give the House leaders a transparent show of strength which accomplishes nothing other than sending discouraging signals to our allies and encouragement to our enemies.

I urge my colleagues to defeat this rule and to permit a straight up or down vote on release of the $40 million.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I rise today in strong opposition to the rule.

This rule displays once again the Rules Committee's arrogant disregard for fair procedures.

The rule waves all points of order, allows no instructions for a motion to recommit, requires that the resolution be considered in the whole House, effectively precluding amendments, and once adopted, the rule forbids consideration of House Joint Resolution 174 unless offered by the majority.

Thus, barring an unexpected flash of parliamentary candor on the part of the majority leader, this rule shuts off debate on one of the most important foreign policy decisions of the century.

It is not surprising to see the majority use this rule to grease the way for their moratorium. There is an inverse relationship between what kind of rule we get, and the strength of the subsequent measure under consideration. Whenever their position is weak we can be assured that the rule will be closed. Instead of having a fair and open debate, the majority continues to prefer to hide behind the cloak of its overbalanced majority in the Rules Committee.

I urge my colleagues to vote against this inequitable unjust, and unfair rule.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I rise in support of the rule and a moratorium on Contra aid.

There have been some statements made that those of us on this side here want to embarrass the President. There is nobody here who wants to embarrass the President. We disagree with the President. In fact, on this issue, I believe he is wrong, dead wrong, and I hope that term "dead wrong" is not signifying some language for Nicaraguan citizens and maybe American soldiers in years to come.

But the President sees the Contra leadership as freedom fighters and heroes. I do not mean to be sarcastic, but I see them as sort of like the Three Stooges of Central America. I do not mean Mo, Larry, and Curley. I mean Robelo, Cruz, and Calero.

This leadership reads more like a cartoon strip than a blueprint of a democratic struggle. This cartoon strip in Central America is no laughing matter.

I want to ask anybody here in the House to bring forward any documentation of one small village, after all these years of money that we have given to the Contras, that they control, one crossroad that they have taken and maintained control of. I doubt if they have an overwhelming control of one bordello in Central America.

In my opinion, Congress has inherent responsibility to show some policy and leadership. When someone talked about policy here earlier, what policy are we referring to?

One thing we know for sure is UNO is anything but a democratic organization. There is so much back-biting and distrust down there, we do not know who is in charge, and more than likely, Colonel Bermudez, one of the former national guard leaders under Somoza, will become the power point in Central America. Is that really what we want?

One thing we also do know for sure here today is where is the money? Someone tell us where the money is.

We have senior citizens who are walking around this Capitol lobbying for us to protect their health benefits that they worked for all their life; we have kids who are graduating from high schools that our own educators are telling us cannot read, and we talk about families, the heads of households are unemployed. My God, what are we doing with a policy that is sending money to Central America that is escalating a possible war with the Soviet Union increasing their supplies?

I think it is time that Congress here wise up, tell it like it is and let us get off all the statistics and all the written speeches.

Our policy in Central America is not only nonexistent, it is hurting America. Before we invest one more dime in Central America, let us take care of the people who live in this country.

If someone can show me where the money is, maybe I could change my mind. If someone could show me what accomplishments they have made, maybe I could change my mind. But the way it stands right now, I am asking Members of Congress to support the rule and support the moratorium on aid to the Contras.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire [Mr. GREGG] to correct the record.

Mr. GREGG. Mr. Speaker, along with the other Members on this side, I do not rise today to record the handing over of Central America to the Soviets.

I also do not rise to support this rule, which I happen to consider to be basically a cowardly procedural act. This rule reflects nothing in the tradition of honest debate which this House has participated in traditionally.

It does not allow for a recommital motion; it does not allow for amendment; it does not allow for the law to take place as it is legislated and as it was passed by this House. It does not allow for disapproval.

It is an artfully crafted document, the purpose of which is to avoid responsibility. But there is nothing artful happening in Central America. What is happening in Central America is a cold-blooded clear attempt by the Soviets to establish a beachhead from which they will threaten the security, not only of the neighboring states of Central America, but also of ourselves.

If the leadership of this House, and I am speaking, of course, of the liberal leadership of this House, does not have enough confidence in its policy of appeasement to address it in an open manner, then it should not address it at all.

Mr. LOTT. Mr. Speaker, how much time do we have remaining on each side?

The SPEAKER pro tempore (Mr. Gray of Illinois). The gentleman from Mississippi [Mr. Lott] has 18 minutes remaining and the gentleman from Michigan [Mr. Bonior] has 17 minutes remaining.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. Hunter].

Mr. HUNTER. Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviet Union, and that is precisely the issue that we are debating today. We are not debating an issue of accountability or accountants or CPA's or paperwork.

I remember, in reading about Mr. Kennedy and Cuba, after the Bay of Pigs, that John F. Kennedy told Ted Sorenson, "This was the worst mistake of my Presidency." And he said, while walking with Sorenson after he had allowed the freedom fighters to die on the beaches of the Bay of Pigs, John Kennedy said, "How can I have been so stupid?"

Today, Mr. Speaker, we are talking about Bay of Pigs II, because this Congress legislatively is doing precisely what we did in 1961, and that is, abandoning people to whom we have committed and promised help in fighting the Soviet Union and communism.

Everybody is entitled to their own version of the facts, and I know Members are going to talk about who are the good guys, who are the bad guys, atrocities on this side, atrocities on the other side, but there are several incontrovertible facts in this debate.

I want to talk about those incontrovertible facts. That is, the presence of the Soviet Union and their expansion of approximately 8 military bases that will give to Soviet strategic assets, and I am talking about attack submarines, surface warships, nuclear-capable bombers and jet aircraft, the capability of striking the United States.

Make no mistake about it, nobody can debate that surrendering these bases in Nicaragua, in our hemisphere in Central America to the Soviet Union does not weaken America's national security. It does precisely that.

Let me address the way the democratic leadership of this House, in Bay of Pigs II, proposed to meet the Soviet threat head on.

□ 1320

The Soviets have moved 12 killing machines into Nicaragua. These flying tanks are called MI-24 helicopters. They have Gatling guns that can fire rounds at personnel at the rate of about 6,000 per minute.

To confront these killing machines that the Soviet Union is stuffing into Nicaragua, the Democrat leadership proposes to send accountants.

Now, the soviets have also moved in 130 tanks. Tanks are used for taking ground, not for holding ground. They have transferred 130 tanks into Nicaragua. Against these 130 tanks the Democrat leadership proposes to send investigators and paperwork into this Bay of Pigs II.

Let me tell the Members what the increased capability of Backfire bombers, nuclear-capable bombers, will be. And the Soviets have 270 of them which can land at the base they are building at Punta Huerte, with a 10,000-foot military airstrip complete with jet revetments, north of Managua. It will give them a strike capability with Backfire bombers that can carry nuclear payloads, of approximately 26,000 pounds per bomber to about three-quarters of the United States. Only the far northwestern States will be too far away for these bombers to take off from Punta Huerte, make a strike, and return to Central America.

Now, Bear bombers, which are their basic reconnaissance bombers, will be able to use the airstrip there and for the first time, in an unprecedented manner, surveil American naval operations in the Pacific. And that includes approximately 130 home-ported American military warships on the west coast of the United States. They will be able to surveil these systems in the same nanner that they are already surveiling east coast systems from Mr. Castro's Cuba.

Mr. Speaker, let us tell it like it is. This is a Bay of Pigs vote. This is an abandonment of people to whom we made a commitment to help against an invasion by the Soviet Union in our own hemisphere. Our credibility is on the verge of going to zero.

If we ask ourselves, "why don't other nations that should be friendly to us vote with us in the United Nations, and why don't they speak out against totalitarianism, and why don't they speak out when we need help?" the answer is: Because we are proving and have proved ourselves undependable.

Mr. Speaker, this rule and this bill surrenders eight strategic bomber and warship bases to the Soviet Union. I ask the Members to vote no on Bay of Pigs II.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. Gekas].

Mr. GEKAS. Mr. Speaker, before us is an issue that represents the great American gamble: shall we gamble now with American money or later with American blood? This is the issue that is before us.

It is no far-fetched vision to see a future American President having to commit troops and the entire array of American Armed Forces when Panama might be threatened and our sea lanes in the Caribbean might be threatened by the exportation of Marxism from Nicaragua.

We should be making a determination today. It is better to gamble with our money now than with our young men later. That is the issue before us at this very moment.

We know now that Nicaragua is already being spelled with a k. Do we want to see Costa Rica change its spelling? Or Mexico? I say that it is time now to stand up for our commitments to the Contras so that we can prevent greater danger later.

Mr. Speaker, I do not want to see the rest of Central America turned over to the Soviets.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to my friend, the gentleman from Kentucky [Mr. Mazzoli].

Mr. LOTT. Mr. Speaker, I also yield 1 minute to the gentleman from Kentucky [Mr. Mazzoli].

The SPEAKER pro tempore (Mr. Gray of Illinois). The gentleman from Kentucky [Mr. Mazzoli] is recognized for 2 minutes.

Mr. MAZZOLI. Mr. Speaker, with the utmost respect for my friend, the gentleman from Michigan, and for our leadership, I have to dissent from our action today, and I rise in opposition to the rule and the strategy. Let me tell the Members why.

I ask my fellow Democrats to join me in voting down the previous question and getting to the up-or-down issue of whether or not $40 million should be released for the Contras in Central America. If we as a party truly believe that the Reagan policy in Central America has failed and is politically and morally bankrupt, then I think it is hypocritical for us today to vote for this moratorium. On the one hand and out of one side of our mouth we are saying we are delaying military assistance, while on the other hand and out of the other side of our mouth our leadership makes statements and even declarations that in fact the $40 million will be released somehow, and not to worry because the Contras will not be left swinging in the wind.

If we truly believe the policy is morally and politically bankrupt, then it is cynical for us to vote for this moratorium because we are trying to have our cake and eat it, too. We are trying to blur, to muddy, to equivocate; we are not being candid with the American people. This is a clever strategy, it is crafty, and because it is that, it is also transparent and probably doomed to failure. If we truly believe that the Reagan plan is morally and politically bankrupt in Central America, then it is politically expedient if we were to vote for the moratorium.

The leadership has already said that this is designed to provide political cover for some of our Members. I understand how tough these issues are, but we did not get elected to Congress to be politically covered or politically insulated from the effects of our vote. That is why we are here. It is exactly why we are here.

Again, Mr. Speaker, I say, with respect to my friend, the gentleman from Michigan, that the strategy is transparent. It is a political ploy, and it is unbecoming at best and cynical at worst. Let us do something that is clean and simple today. Let us take up the issue of the $40 million, and let us vote it down.

I think the plan in Central America is indeed bankrupt, and it is failing. So let us take up the issue flat and simple and vote it down.

The irony here, Mr. Speaker, is that if the moratorium is to be voted up, the aid still goes through. If we take the issue on an up-or-down vote and we lose that vote, the aid goes through. If the aid is going to go through in any event, let the Democratic Party take the political high ground. Let us stand on principle even as we take the vote today.

So, Mr. Speaker, I would ask my colleagues today to commit what I guess I could call an act of political heresy. Let us vote the previous question down and take a shot at an up-or-down vote on the question of aid to the Central American regime.

Mr. LOTT. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise in strong opposition to this rule.

I am incredulous, and I hope every Democrat in the Nation is incredulous, that the American Democratic Party is so afraid of democracy that they could not allow a single amendment to be considered to a bill that did not go through any committee of this Congress. Equally incredible are the comments that proponents have made that this will not stop the $40 million in aid to the Nicaraguan freedom fighters, that its purpose is, rather, to send a message.

I oppose the rule because it is true that at this critical time we need to send a message, but we need to send a message that will encourage a negotiated settlement. Let us send a message that enhances the possibility that President Arias will succeed, that the regional peace process at long last will bear fruit.

I went before the Rules Committee and asked for the right to propose an amendment that would say clearly that we, this House of Representatives, commit ourselves to suspending aid to the Contras when an agreement is signed by all five nations of Central America that directs us to do so. I asked for the right to use this occasion to send a strong positive message to Central America that we support a diplomatic solution. I was denied the right to propose an amendment, to lay that constructive proposal before the House, to have it debated, to have it considered, and to have it voted on.

So I ask my colleagues to reject this rule and to take it back to the Rules Committee and thereby require that we be given the opportunity to address a major foreign policy issue with the seriousness it deserves.

This is not an accounting issue, as a report now before the Intelligence Committee documents every dollar of the $60 million appropriation, and other reports have now accounted for all but 2 percent of the $27 million appropriated before that. Furthermore we have two committees specifically investigating any funding that might have resulted from the Iran arms sale fiasco.

So this is clearly, factually, not a matter of accounting. It is a matter that affects very literally the lives of others whose actions, exposing themselves to death, were taken on our promise, the promise of this House as expressed in law, of aid. It affects the lives of people who believed that this House meant what it said in law, and it affects the future of nations that believe we are their allies and that assumed we were as good as our word in law—in law!

□ 1330

Do not belittle our friends by treating their lives and futures as a mere accounting matter. I urge you to vote to reject the rule and return dignity and credibility to the role of this House of Representatives in the formulation of American foreign policy.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I think that in light of the debate we have been hearing on the House floor, a couple of words of history might be appropriate with regard to the fairness of the process and the historical basis of reviewing this issue, which has come up in a number of instances, both procedurally and substantively.

I cannot help but think the protest from the minority today, that they are not being given ample opportunity to express their will on the contra aid issue, is a bit disingenuous. The Democratic leadership in the past 2 years has bent over backwards to see to it the minority has had many chances to express their will on this issue. The Democratic leadership has given the minority chances even after the majority will had clearly been expressed on this issue on several instances.

First, in April of 1985, the House overwhelmingly defeated military aid to the contras by a vote of 248 to 180. Second, just 2 months later, in June of 1985, the Democratic leadership allowed another vote which resulted in approval of the first $27 million of so-called humanitarian aid. Third, in March of 1986, the House rejected the President's original proposal for $100 million in contra aid. And fourth, the Speaker gave the minority two more chances to vote on the contra issue, one in April and one in June. The minority, after utilizing that process, finally won $100 million in aid on the third try.

Mr. Speaker, the leadership did not have to give the minority chance after chance to express its will on this issue, but the leadership did. The issue here is an issue of fairness, fairness to the American people who deserve an accurate accounting of where their tax dollars are going and for what purpose, and what their Government is up to. That is what this vote is all about.

Fairness has clearly been provided. It has been provided throughout the history of this issue. It has been provided in the context of this rule, and this is a debate that is overdue in terms of the issues that have been raised in the past several months. It is imperative that the questions of fiscal responsiblity, of an accounting of where the money has gone, and of where this money has come from, be brought to a head before the Congress of the United States. That is what will occur this afternoon.

This rule is a fair rule. This is a rule that should be enacted. This bill and this issue is one which cries out for resolution today. Frankly, Mr. Speaker, there is no other issue before the American public either in domestic or in foreign policy where accountability has been so lacking, where the U.S. Congress and even this administration would not take a very, very careful look and review and reverse the process which has allowed money to be spend in the casual and unaccounted for way in which these resources have been spent.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I thank the gentleman for yielding me this time.

Mr. Speaker, we should support this rule and we should support the moratorium. The time has come to put an end to this administration's policy of support to the Contras. This was a policy that was born in deception, born in lies, born in coverups. Lies to the Congress and to the American people about the real purpose of what the policy was.

This was a policy that was going to interdict arms, and it did not. This was a policy that was going to seal off the border, and it did not. This was a policy that was designed from the very beginning to bring about the overthrow of the Sandinista government in Nicaragua. It was a policy that was created in cruelty and characterized by a disregard for human rights. That disregard began the moment that the CIA contracted with Argentine terrorists to train the Contra leadership. It is a policy that has been stripped naked the last few days with the resignation of Contra director Arturo Cruz. He resigned because he understood that he would never win the fight for human rights, for democratization of the FDN. He—and we—knew that these were the military leaders of the Somoza regime who were bent on overthrowing the Nicaraguan Government and inflicting punishment on the people of Nicaragua at any price.

So we have seen infants and children killed, coffeepickers, plantation-owners, cottonpickers, schoolteachers, people on the way to work, blown up with land mines. Killed because they happen to live in a particular village. And in fact, we see that this brutality is a practice that Contra military commander Enrique Bermudez desires to continue and that our money would support.

We should also recognize that the so-called rational heroes in this administration who talk about bringing democratization to Nicaragua are the same people who sought to subvert democracy in our own country. They were the people that violated the laws of this country so they could impose the "rule of law" in Nicaragua. They are the people who lied to the Congress of the United States, who circumvented the laws of this country to continue aid to the Contras despite the fact that the Congress made it a matter of law and policy that we did not want that to happen.

How much do they cherish democracy and the freedoms that they have espoused in support of the Contras? Apparently a great deal in Nicaragua, but not a great deal in the United States of America. This is a policy that has been a shame to this country. We have invaded another country against which we do not have the guts to have a declaration of war. As we have mined Nicaraguan harbors in violation of treaties and laws. The time has come to end this. If the Contra policy is allowed to continue, it will condemn thousands of innocent Nicaraguans to be killed.

Many of my colleagues use the euphemism of "putting pressure" on the Sandinistas. There is no pressure on the Sandinistas. Each and every president of the surrounding countries has told us, officially and in private meetings, that in many respects that pressure was not working. "Pressure" is a euphemism for people getting killed. We know in this Chamber, they know in the White House, they know in Latin America, that this is not a successful policy. This policy cannot succeed in the overthrow of the Sandinistas.

What is the morality of sending young Latin boys to their death when we know that they cannot achieve a military victory?

We ought to have the courage of our convictions. If you think the Nicaraguan Government should be overthrown, then try to bring a legal declaration of war to the floor of this House and to the American people. But do not use the euphemisms of pressure and of democratization.

We have seen the great schemes led by Colonel North and the other great "patriots" in this country to undermine democracy in the United States. They had no faith in democracy; they could not come to the Intelligence Committee; they could not obey the laws. They act as if they have more faith in the Soviet system than they do in the strengths of this system. We ought not allow that to continue to happen.

We ought not allow this policy to continue to prostitute the strengths of our country, as a beacon of freedom, and a beacon of democracy.

□ 1340

Last year when we traveled to South America with Speaker O'Neill, and again last month, we were told by the region's emerging democracies that they are threatened by this pro-Contra policy more than they are helped. I think the time has come for the Congress to catch up with the American people and get rid of this policy. It was born in secrecy. It was born in coverup. It was born in lies about its purposes. The purposes never fit the policy.

I would hope that we would vote for the rule. Let's get on with this debate and get this sorry, sorry episode behind us. Let's rely on legitimate diplomacy, legitimate negotiations, that are the strength of this country and not rely on the tactics of other nations which respond to political challenge or international problems by invading other countries.

Mr. LOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviets. We have made a commitment. Now this rule would preclude us from fulfilling that commitment—obstensibly to allow an accounting of funds. What funds? Not the $60 million authorized and released to the freedom fighters. Those funds are accounted for.

Of what relevance to the release of the last $40 million is the question of what happened to the proceeds of arms sales to Iran? Those are not tax dollars, as my colleague from California stated.

Everyone here knows the only relevance is politics. You are not just hurting the President by reneging on our commitment. We will be hurting the United States of America. Our credibility will be zero.

Indeed, cutting off committed aid to the Contras will, as my other colleague from California said, be seen as a legislative Bay of Pigs, cutting our friends off at the knees after encouraging them to put their lives on the line. This is worse than never encouraging them in the first place.

Moreover, it will signal to everyone that we do not have the staying power to stop Soviet expansion. If we cannot stop it in this hemisphere, who believes we will stop it anywhere?

I repeat, Mr. Speaker, I will vote "no" on this resolution and on the final resolution because I do not want to be recorded as handing Central America over to the Soviets.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. LOTT. Mr. Speaker, I will be happy to yield the gentleman from Texas an additional minute if he would like to use it.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STENHOLM] is recognized for 2 minutes.

Mr. STENHOLM. Mr. Speaker, today in my opposition to this rule I would encourage this House to not deal in personalities and mistakes of the past, but to realize that today we should not be playing a political game. This is not a game that we play with a choice of the rule. This is serious business. This is the national security of the United States of America. The Soviet Union is in Central America.

Now, we are told that this vote is a vote on a moratorium on aid until various funds are accounted for; simply that, nothing more, nothing less. No one in this body opposes accountability. We all are in favor of that. Any such funds unaccounted for weaken the Contras' chances of success every bit as much as defective weapons and mishandled funds endangered our troops in World War II.

However, we are not really voting on accountability. We are voting on whether to pull the plug on 12,000 Contras, or I prefer to call them patriots, who are in Nicaragua today because this House voted our support last year for their effort. I voted for that and I choose not to pull the plug under some unnecessary, untimely effort to cloud this issue by changing the vote to a vote on accountability.

President Arias has begun an initiative which he is developing in cooperation with the other Central American leaders. This indigenous effort offers a unique window of opportunity to achieve peace in the region in the next few months.

Our policy must now be consistent in support of this peace initiative. We must not weaken the hands of the Central American democracies by freezing Contras aid at this time and reducing the incentives for the Sandinistas to negotiate. This opportunity may not come again. Let us recognize this for what it is, an opportunity for people in this hemisphere. Let us send a message which discourages the Sandinistas from choosing war and control over peace and pluralism.

Time is short. In a few months the opportunity for a peace treaty will have passed. Vote against this rule today. Let us not cloud the issue. Let us stay firmly behind the plan that has been put in force. We only have a few more weeks to go. Let us not waiver today because someone on my side of the aisle has chosen to use a clouding of the issue, let us allow our policy to move forward. Vote against this rule.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina [Mr. McMILLAN].

Mr. McMILLAN of North Carolina. Mr. Speaker, I rise today in opposition to this legislation to abandon aid to supporters of democratic government in Central America. I traveled to Nicaragua and the adjacent democracies in January.

The outlook for the Nicaraguan people is grave. The repressive Marxist government is consolidating totalitarian control over its citizens. Its policies have reduced the economy to shambles, human rights are being forsaken, its constitution abandoned, the once outspoken and vibrant media silenced, religious freedom and political action suppressed. As the leader of the free world, it is our obligation to support the restoration of democracy.

The goals of our policy toward Nicaragua and the people of Central America should include:

A restoration of the democratic principles promised when we assisted in the overthrow of the Somoza regime;

Support of negotiations as proposed by Costa Rican President Arias; and

Forceful diplomatic and economic efforts within Nicaragua and in Latin America to reinforce these processes.

Aid to the Contras is essential to persuade the Marxists to return to the democratic principles of the Sandinista revolution. Suspension of aid should only be considered for a price. That price must include:

Free elections now;

A free and uncensored press to inform the people in those elections; and

Mutual demilitarization of Nicaragua and the region.

I do not arrive at these conclusions easily. They have been formed through discussion with President Arias, who supports this policy; El Salvadoran President Duarte, members of the Marxist government in Nicaragua and democratic opposition leaders within Nicaragua.

If we abandon the Contras without a price, we abandon justice and freedom for the people of Nicaragua and jeopardize democracy in the entire Central America region with serious long-term consequences to our security. I ask each of my colleagues to put our national interest, and the long-term hopes of the oppressed people of Nicaragua, above the easy politics of delay and hopes for Marxist good will.

Costa Rican President Arias said it best, "Sandino has been murdered twice—once at the hands of the Somoza regime and again at the hands of the Ortega government. If Sandino were alive today, he too would be a Contra."

Mr. McCURDY. Mr. Speaker, I rise in support of the rule and in support of the joint resolution introduced by the distinguished majority leader to impose a moratorium on further aid to the Contras pending a full accounting of missing funds, including profits from arms sales to Iran.

The Tower board only hinted at the incredible financial wheeling and dealing of executive branch officials who were instrumental in directing U.S. policy toward Central America. Their irresponsible and illegal handling of public funds and funds solicited on behalf of our Government is entirely unacceptable, and compels my support for a moratorium.

This is not a simple accounting problem, Mr. Speaker, it is a fundamental question of trust. It strikes at the heart of the relationship between the American people and their government, and at our role as representatives of the people.

For more than 4 years, I have worked with colleagues in both parties to develop a bipartisan policy toward Central America—a policy that would recognize that the long-term security interests of the United States depend both upon stopping the spread of communism and encouraging the growth of democratic attitudes and institutions among our neighbors. But bipartisan foreign policy requires more than just cooperation between Democratic and Republican Members of Congress; it requires a good faith relationship between Congress and the executive branch. Unfortunately, this administration has gone out of its way to prove that we cannot legislate good faith.

In June 1985, the President pledged in a letter to me that his administration was determined to pursue political, not military, solutions to the problems in Central America. Since that time, it has become clear that almost every path that might have led to a political solution—diplomacy, support for democratic governments in the region, consultations with our European allies, reform of the resistance movement—was abandoned by officials of this administration who were pursuing a narrow-minded military goal.

Mr. Speaker, I believe that before we can go forward with creating a new, more realistic policy, we must first find out where we are, and those investigations are now in progress. The proposed rule provides 3 hours of debate. There will be four opportunities for Members who oppose a moratorium to express their opposition. I believe it is a fair procedure and I urge my colleagues to support it.

GENERAL LEAVE

Mr. LOTT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 116, the moratorium rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. LOTT. Mr. Speaker, I yield myself the balance of my time for my closing remarks.

Mr. Speaker, I tried in the Rule Committee to have an open rule approved. It was defeated, but it was a bipartisan vote, with the chairman of the Rules Committee voting against this closed, unfair process.

I urge my colleagues to vote against this rule. We are not going to make a major effort on the previous question, so we do not expect there to be a vote on the previous question and then on the rule. The question is the rule; so we would urge the Members on both sides of the aisle, if you object to this process, if you object to this moratorium, if you think we should continue to make an effort to have democracy in Nicaragua and not just turn the situation in all of Central America over to the Sandinistas, then vote against the rule. Let us stop it right here.

□ 1350

This will be the vote in which Members say whether or not they are opposed to this process, they are opposed to this unilateral changing of the rules of the House, and they are opposed to reversing what we said we would do in the law last year.

I have to pose this question: What is the alternative from those who are opposed to assisting the freedom fighters, the Contras, in Nicaragua? Do they say just turn it over to Ortega? Do they think that he is going to stay nice and content with Cuban and Russian arms in Nicaragua, in the boundaries of Nicaragua? No. He will export his revolution into El Salvador, into Honduras, and in fact it will spread in a creeping fashion all over Central America.

That is what is at stake with this particular vote. So let us stop the surrender right now that we are engaged in. Let us not cast our vote to just turn Central America over to the Soviet Union. Let us vote against this rule.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the distinguished majority whip, the gentleman from California [Mr. COELHO].

Mr. COELHO. Mr. Speaker, first I want to acknowledge the efforts of our distinguished colleague from Michigan, Mr. BONIOR. He's led our caucus on this issue for many years, and the House is finally catching up with him.

We're now into the sixth year of the Contra war.

Tens of thousands of Nicaraguans have been killed, and millions of American dollars have been invested in the Contra program.

Yet today the policy is a complete failure. Even our own military leaders agree that the Contras aren't any closer to defeating the Sandinistas than they were in 1981.

Mr. Speaker, we've been told time and time again that the only thing standing between the Contras and a military victory was additional U.S. support.

But now we know that in addition to official U.S. Government aid, millions upon millions in additional funds have been diverted to the Contra leadership.

Now we know that American tax dollars have been supporting the private lives of Contra leaders and not just the public agenda of our Contra policy.

Now we know that corruption and incompetence, and not inadequate support, have crippled the Contra program.

Mr. Speaker, the bipartisan moratorium responds to these emerging scandals.

It says the future of the Contra war must be tied to the conduct of the Contra war.

It says before we send more U.S aid we must account for prior U.S. aid.

It says the war must be right in principle and right in practice.

This moratorium says we cannot build a foreign policy consensus on a foundation of scandal.

It says we cannot build democracy in Central America on a foundation of corruption.

Today the minority will talk about commitment.

We will hear a lot about the Democrats supposedly backing away from a policy approved last year.

Indeed there are many Members who have been committed to joining the administration in the formulation of a bipartisan foreign policy to address the concerns we have about the character of the Sandinista government.

But we cannot ignore the fact that too often in the past the commitments made to us have been broken:

In 1981, we were promised a limited program of only 500 soldiers. Today we're being asked to fund an army of 10,000 or more.

In 1981, we were promised a Contra policy designed only to interdict arms shipments. Today we're being asked to fund the overthrow of a foreign government.

In response to repeated human rights violations, the administration promised to stop the abuses of innocent civilians. Today there are new reports of Contras burning down villages and attacking hospital workers.

In 1985, the administration assured members of this body that Contra aid would be used solely to spur negotiations. Yet it's no secret the administration has favored the military road at every turn.

And last year the administration promised that civilian leaders would exercise control over a Contra program stressing democratic freedoms. But just this week the Contras' only internationally respected civilian leader resigned because the State Department was not prepared to back democratic reforms.

The fact is, the act we passed last year, which was supported by the distinguished Republican leader himself, included the provision that allows for today's vote.

Members decided then that we should be able to examine the status of the Contra policy before passing on the final $40 million.

Considering the events of recent weeks, it was a wise decison.

So put away the lectures about commitment. If the Contra program had worked the way you promised, perhaps we'd be debating something else today.

Mr. Speaker, in today's newspaper the distinguished minority leader concedes the obvious. There will not be another round of Contra aid passed by this Congress.

And so the issue becomes this: Will the administration prepare a transition policy that supports ongoing negotiations and economic development throughout the region?

This is the position of the Democratic Party, and the American people stand with us.

They know that the moratorium is necessary to restore credibility to U.S. foreign policy, and they also know that we've got better things to do with our taxpayers' dollars at home.

I urge my colleagues to vote "yes" on the rule and "yes" in support of the moratorium.

The SPEAKER pro tempore (Mr. GRAY of Illinois). The time of the gentleman from Michigan [Mr. BONIOR] has expired.

All time has expired.

Mr. BONIOR of Michigan. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LOTT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 227, nays 198, not voting 8, as follows:

[Roll No. 28]

YEAS—227

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bevill
Bilbray
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conyers
Cooper
Coyne
Crockett
Darden
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Dowdy
Downey
Durbin
Dwyer
Dymally
Dyson
Early
Eckart
Edwards (CA)
Erdreich
Espy
Evans
Fazio
Feighan
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Gibbons
Glickman
Gonzalez
Gordon
Gray (IL)
Gray (PA)
Guarini
Hall (OH)
Hamilton
Harris
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Hertel
Hochbrueckner
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jenkins
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leath (TX)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
McCloskey
McCurdy
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Montgomery
Moody
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nichols
Nowak
Oakar
Oberstar
Obey
Olin
Ortiz
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Penny
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Rahall
Rangel
Richardson
Rodino
Roe
Rose
Rostenkowski
Rowland (GA)
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Slaughter (NY)
Smith (FL)
Smith (IA)
Solarz

Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tallon
Thomas (GA)
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NAYS—198

Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bilirakis
Bliley
Boehlert
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dreier
Duncan
Edwards (OK)
Emerson
English
Fascell
Fawell
Fields
Fish
Gallegly
Gallo
Gekas
Gilman
Gingrich
Goodling
Gradison
Grandy
Grant
Green
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Hastert
Hefley
Henry
Herger
Hiler
Holloway
Hopkins
Horton
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jeffords
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leach (IA)
Lent
Lewis (CA)
Lewis (FL)
Lightfoot
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
Mazzoli
McCandless
McCollum
McDade
McEwen
McGrath
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Moorhead
Morella
Morrison (WA)
Murtha
Myers
Nelson
Nielson
Oxley
Packard
Parris
Pashayan
Pepper
Petri
Porter
Pursell
Quillen
Ravenel
Ray
Regula
Rhodes
Ridge
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Saiki
Saxton
Schaefer
Schneider
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slattery
Slaughter (VA)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Smith, Robert (OR)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tauke
Tauzin
Taylor
Thomas (CA)
Upton
Vander Jagt
Vucanovich
Walker
Watkins
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—8

Anthony
Biaggi
Conte
Frenzel
Lipinski
Lloyd
Smith, Denny (OR)
Young (AK)

□ 1410

Mr. HUTTO changed his vote from "yea" to "nay."

Mr. HOCHBRUECKNER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GRAY of Illinois). Pursuant to House Resolution 116, the House will immediately proceed to consideration of House Joint Resolution 175.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Under the rule, the gentleman from Washington [Mr. FOLEY] will be recognized for 1 hour and 30 minutes, and the gentleman from Oklahoma [Mr. EDWARDS] will be recognized for 1 hour and 30 minutes.

The Chair recognizes the gentleman from Washington [Mr. FOLEY].

Mr. FOLEY. Mr. Speaker, pursuant to the rule, I designate the gentleman from Michigan [Mr. BONIOR] to control the time during the pendency of the debate on the majority side.

The SPEAKER pro tempore. The gentleman from Michigan [Mr. BONIOR] will be recognized for 1 hour and 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR of Michigan. Mr. Speaker, I yield 5 minutes to the distinguished caucus chairman, the gentleman from Missouri [Mr. GEPHARDT].

□ 1420

Mr. GEPHARDT. Mr. Speaker, when the history of this period of United States relations with Nicaragua is written, I am. confident that the House of Representatives will be seen as a beacon of reason and common sense. For the last 5 years, the House has done its job as the House of the people. We have listened to the President, we have traveled to Central America, and we have argued among ourselves. But most of all we have listened to the people of the United States. The people have been clear that they do not understand our policy on Nicaragua. And the reason for that is equally clear: We do not have a policy. Without an understandable goal, any means will be inadequate for the job.

The American people have been able to see what the White House has refused to see. The Contras origins are rooted in the Somoza national guard. The leaders lack a common goal and a commitment to democratic traditions. The record of human rights abuses by the Contras is dismal. They engage in attacks on civilians, cooperatives and hospitals. Most telling, they have almost no political legitimacy in Nicaragua.

It is wrong in our democratic country for the President to begin his war for democracy by keeping it secret from the American people. There are some who seem to think the citizens of the United States cannot understand foreign policy. Well, they are wrong. The strength of our Nation comes from the will of the people. The American people can see the difference between right and wrong.

It does not serve us well when our Government lies. Friends and foes alike should know where we stand and that we mean what we say. The tragedy of the current situation in Central America is that we have lost our sense of values, we have ignored history, and we have abandoned our traditions.

At first we were told that the President's policy on Nicaragua was to interdict arms, but no arms were interdicted. Then it was to persuade the Sandinistas to negotiate, but we were never serious about negotiations. Now the reality is clear: We are attempting to overthrow the Government of Nicaragua in an undeclared war.

What has this undeclared war gotten us? When the CIA mined the harbors of Nicaragua, we were embarrassed. When the CIA produced a manual that included instruction on how to conduct assassinations, we were shocked. When the State Department misled us, we were outraged. By the time we discovered that the White House was breaking the law, we were disappointed but not surprised. All this has been the outcome of a policy that is fatally flawed and counterproductive.

The United States has intervened militarily in Nicaragua 12 times. We are the strongest military force in the hemisphere. If there is a threat to our security, we have the military power to respond, and to do so swiftly. If it were to come to that, we need the help of neither the Contras nor anyone else.

Let there be no mistake that the United States has real security interests in Central America. There is a consensus that we must find ways to prevent the expansion of Soviet and Cuban influence. We must find ways to encourage and support the development of democratic institutions. We should be listening to, and working with, our friends and allies in the region. The Contadora countries have struggled to find a way to mediate the conflicts, and they need our support.

We should be doing everything possible to support Costa Rican President Aria in his peace initiative. That proposal builds upon the Contadora principles of regional security and takes new steps to promote democracy and human rights in Nicaragua. The Costa Ricans recognize the problems and the possibilities in Central America. They have the most to gain and the most to lose, and we have not been doing enough to support them.

The legislation before us today is intended to send a clear and unmistaken signal. It says, Mr. President, you have no policy on Nicaragua. So what you have been doing has failed. It has failed to protect our interests and has isolated us from our traditional friends. The American people do not support it, and we in Congress are not going to fund it.

Mr. President, too much time and too many opportunities have been wasted in the search for peace in Central America. Our Latin American friends and democratic allies are united in their belief that the problems should be solved by diplomacy rather than force. American leadership is essential to protect our interests. Now is the time for us to lead.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4½ minutes to the gentleman from Arkansas [Mr. ROBINSON].

Mr. ROBINSON. Mr. Speaker, I have been to Hollywood, numerous county fairs and a couple of goat ropings, and I have never in my life experienced and witnessed such a charade, such a facade and such an act of outright political subterfuge as this so-called accounting, accountability moratorium today.

I rise in opposition to this because we have already passed on accounting procedures in this House of Representatives. I refer you to the 1987 Military Construction Appropriations Act, sections 207(a) and 207(b) which set up procedures that have been adopted by the oversight committees and subcommittees within satisfactory bounds.

Furthermore, we have two select committees that will track and find out where the Iran-Contra moneys went. In addition, the GAO has already investigated our earlier funding of the Contras.

Let me quote from the GAO finding: The GAO found no fraud or wrongdoing. They did find that approximately 0.29 percent of the appropriated funds were misused through false claims, 0.29 percent.

Mr. Speaker, the real reason why we are here today is because of the Iran-Contra affair. We are here because of John Poindexter, Ollie North, and others.

Let me share with you: I, like you, am very concerned about that. I want accountability. But that is not the issue that we are talking about today. What we are talking about is our strategic interests in Central America. My colleagues, that interest has not changed because of the Iran-Contra affair.

Mr. Speaker, we are held responsible and accountable by the American people for the Monroe Doctrine and for the Rio Treaties. Today I want to share my few moments with you in reference to the Sandinista military buildup.

Today in Nicaragua we have 73,000 active duty Soviet-controlled troops with another 60,000 reserve, in the reserve and militia, as compared to 22,000 troops in Honduras and none in Costa Rica.

Nicaragua has more armored vehicles, artillery and air defense weapons than all the other Central American countries combined, which includes Mexico.

We all know what the Soviets are doing in Nicaragua. I do not have to quote all the statistics about how many tanks and how many MI-24 helicopters; you have that information.

□ 1430

We had a similar debate a few years ago in reference to Cuba. I want to talk about Cuba for a few moments.

There are 6,500 Cubans in Nicaragua today. The Cuban pilots fly the Soviet Sandinista helicopters in support of FSLN. They have assisted in the construction of hundreds of military support facilities in that country. They are the main trainers.

Mr. Speaker, this is not time to run for the political safety net. This is a time for leadership. Inside the beltway, they might believe your strategies, but let me close by this: Joe Sixpack out there in America is not buying this.

I ask you to vote no on the accountability moratorium.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CROCKETT], the chairman of the subcommittee that deals with this issue.

Mr. CROCKETT. Mr. Speaker, I rise today in strong support of the pending moratorium on aid to the Contras in Nicaragua.

I just returned from Nicaragua yesterday. As chairman of the Western Hemisphere Subcommittee, I led a small delegation of my colleagues to Nicaragua to see for ourselves what the present situation is in that country. We talked with our Embassy officials, with leaders of the opposition parties, the Catholic Church and business associations. We also talked with the Vice President of Nicaragua the acting Foreign Minister, and the Chief of Military Intelligence.

I came back more convinced than ever that the United States is pursuing a flawed and disastrous policy with respect to Nicaragua and the Central American region.

The Reagan administration, from its very beginnings, has set as a goal the destruction of the Government of Nicaragua. This administration has let nothing stand in the way of its pursuit of that policy—not the wishes of our friends in Central America or Europe; not the dictates of international laws or treaties, and not the U.S. Constitution nor the laws of our own Nation. As we have learned over the past few months, nothing could stop the Reagan operatives from conducting their war against Nicaragua. They solicited private donations for the Contras in violation of congressional mandate; they fronted for the Contras abroad and got funds from individuals and governments in six nations—Taiwan, South Korea, Singapore, Israel, Saudi Arabia, and Brunei. And they have attempted—and continue to attempt—to cover up these activities with their deceptions and destruction of records.

Despite the illegal nature of its activities, despite the clear indication that the Congress and the American people do not support their approach, this administration has come back to us again asking for the release of moneys to the Contras.

It's time to just say no to the Reagan administration.

It's time to acknowledge and respond to the diplomatic and political overtures being made by the Nicaraguan Government to move toward negotiations.

It's time to welcome the proposals by Costa Rica and the still viable Contadora package, and work with the countries of the region to find negotiated, long-term solutions to the problems in and around Nicaragua.

Over the weekend in Nicaragua, Vice President Rimerez reaffirmed to me the commitment made by their acting foreign minister in a letter to Senator ROBERT BYRD last August. In that letter, which the Senator passed on to Secretary of State Shultz, the Government of Nicaragua said it was willing to resolve the major security issues between their country and ours, in direct bilateral talks with our State Department. They spelled out the issues to be addressed: The complete withdrawal from Central America of all foreign military advisors and foreign military bases and troops; a reduction in present military levels and weapons; and verification of compliance.

Yet the Reagan administration ignores this possible channel for finding a solution.

It's time we stopped asking the American taxpayers to throw money down this rathole. The Contras can't possibly win a military victory—I don't know of anyone who believes that they can. They don't even have the support within Nicaragua to establish any kind of base. They are fighting among themselves, and have apparently lost something in the range of $100 million in aid that the Reagan administration has already sent them.

Do we really want to send them more?

Yesterday, on the House floor, the distinguished minority leader charged that the Democrats had answered the Contras' call for aid with an accounting lesson.

Well, if that's what it takes to find out what happened to the $100 million, I'm willing to send the whole Contra leadership to the University of Michigan for graduate courses in accounting.

Mr. Speaker, let us stop this madness before it's too late. Stop trying to destroy the Government of Nicaragua by force, when that is neither necessary nor feasible.

Start trying to move the issue to the negotiating table where it belongs, and where the long-term interests of both the people of Nicaragua and the people of the United States lie.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such times as he may consume to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Speaker, I rise in opposition to the measure.

Mr. Speaker, I rise in strong opposition to this effort to impose a moratorium on congressionally approved aid to the Nicaraguan freedom fighters.

This resolution purports to withhold $40 million in aid to the Contras pending a full accounting of funds previously paid to the resistance forces. In truth, it is a ploy to end our commitment to assist the Contras in their efforts to establish democracy in Nicaragua.

Many arguments will be made today in support of an aid moratorium. Some will point to dissension in the Contra ranks. Others will say that the Contras received illegal funds during a congressional ban on assistance and therefore we must determine how much money has been channeled to the resistance. But we can not discount the irrefutable evidence of a Soviet presence in Nicaragua. That is the issue: The Soviet Union, through the Sandinista government, is seeking expanded influence in North America. It is our obligation to block that expansionism.

The Congress last year approved aid to the Contras. Not much has changed since that time. I know that some of my colleagues want to further embarass our President on this issue, but I honestly believe the consequences of this action will be disastrous to the cause of democracy and to our national security.

I urge my colleagues to consider this resolution for what it really is. Do not confuse it with the Iranian arms deal or with accountability. Recognize that it is the death knell for the Contadora peace process and democracy in Nicaragua. Vote "no" on the resolution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. BROOMFIELD], the ranking Republican on the full committee.

Mr. BROOMFIELD. Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviets.

I rise in strong opposition to House Joint Resolution 175, which would kill the chance for freedom in Nicaragua and cut off the aid to the Nicaraguan democratic resistance that Congress approved last fall. The Congress recognized last fall that a strong and effective resistance remains an essential element of the policy of diplomacy with strength. That policy can—if we are consistent about it—bring freedom and democracy to Nicaragua.

The stop-start Nicaraguan policies of certain Members in the House during the past 5 years have ensured a solid Communist foothold on the mainland of the Americas. When Republicans and moderate Democrats began the legislative battle for aid to the resistance, we talked of the danger that the Sandinista Communists would consolidate power. We are past that now. They have achieved their goal of establishing a totalitarian regime in Nicaragua, because Congress debated too long in providing needed support to the resistance. Those who oppose the President's policy in Central America owe the American people an alternative policy—not capitulation to the Marxist Sandinista regime.

The vote today is the same vote we took last year. The issue is the same—stand with the forces of freedom, or cave in to the forces of communism. Show strength, or show weakness.

If this House shows weakness now, the Central American democracies will get a very clear message. They will get the message that they had better appease the Sandinistas soon, because America is about to pull the plug on its friends again.

Approximately 120 days ago, this House made a commitment to the freedom fighters in Nicaragua and now the majority leadership wants us to renege on that commitment.

I say don't sell out the fledgling democracies of Central America. Don't sell out the freedom fighters in Nicaragua.

Vote for a steady course toward a free Nicaragua. Vote against House Joint Resolution 175.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Mrs. BOXER].

Mrs. BOXER. Mr. Speaker, I rise in strong support of the Contra aid moratorium.

A moratorium on aid to the Contras is warranted for three reasons. First, there has been no accountability, either of U.S. taxpayer funds for the Contras or those funds raised under the dubious direction of Lieutenant Colonel North and others.

□ 1440

Second, the policy of aid to the Contras is not working. The only results are more dead people and living victims of land mines. Third, and most hopefully, the extremists in the administration have had their day. This is an ideal time for the President to reevaluate his policies and, with new advisers, to pursue a peaceful solution to the problems of the region.

Mr. Speaker, if you give your teenager some money to go to the store to buy a pair of shoes, and he comes back without the shoes and without the money, what would you do? Do you give him more money and send him off to the store again? Indeed not, not without getting to the bottom of the matter.

In Central America, we are talking about a similar situation. Commonsense accountability says you do not run your household finances with such deceit and irresponsibility. But here in the House of Representatives, some are defending irresponsibility.

Why are we considering doing something on a national level that we would never consider doing on a personal level? There is no magic transformation that occurs with large sums of Government dollars. Corruption on a collective basis is even worse because it makes a statement about our society.

Today we are talking about getting some questions answered. To paraphrase our President's new Chief of Staff, how was the money gotten and where did it go? According to the GAO, the Tower Commission and the State Department, there is upwards of $47 million that came in and then went out again but we do not know where. In addition, there are additional funds known to have been solicited but we do not know how much or how it was used. We know, also, that members of the Contras have been accused of dealing in drugs and using the funds in their border war. This is a scandalous matter that we become a party to if we continue to wink at it. Just as the administration wisely concluded that there were too many unanswered questions to promote a new CIA director from within, so, too, there are too many unanswered questions here for us to look the other way and hand over another $40 million.

The Arias peace proposal on the table now starts this way:

> Peace in the Americas can only be maintained through independence of each one of its nations; by political and economic cooperation among its people; by benefiting from full liberties; by obtaining stable democratic regimes and by a gradual disarmament. Peace is demanding its time.

My dear colleagues on both sides of the aisle, we must change directions and seek peace.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, again I remind this House that this should not be a game that we play today. I think it very fitting in this, the year of the celebration of the 200th anniversary of the Constitution of the United States, that we remember two things: First, that we have the responsibility to defend and to provide for the common defense of this country; and second, we remember that truly the people are sovereign.

Today we propose by this vote on a moratorium, should it pass, to replace the Monroe Doctrine and the Rio Treaty with the 100th Congress moratorium policy. I suggest that that is no answer if we are concerned about providing for the common defense of the United States.

The Soviet Union now has a toehold in this hemisphere. That is a fact. If we witness what they have been able to do through their surrogate, Cuba, all over the world, can we not for a moment imagine what it will be like should we fail in our endeavor to turn this situation around in Nicaragua?

Mr. Speaker, let me say this: I say, Mr. President, today it is true the policy is failing. I agree with my colleagues who say that this policy is failing, because in some aspects that is certainly true. The people of America are not supportive of our policy. That must change. But the answer is not to turn our backs on the Contras or the patriots, as I prefer to call them. I prefer to call the Contras patriots, exactly like the patriots that made the United States of America the great country that we are. And thank goodness the French intervened and came to our rescue and supported us as we attempted to make the United States the great free country that we are. Thank goodness they intervened on our side or I would not have the privileged of standing in the people's House today and reminding us that we have many responsibilities, not the least of which is to provide for the common defense of this country.

Mr. Speaker, we should not be muddying the water. We should be standing firm and giving the peace initiative now underway a firm chance to work in the next few months. That is all the time we have.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Speaker, today we are debating an issue we have debated many times before. We have heard all of the arguments of the Reagan administration about paths to democracy, about pressure to negotiate, about regional stability. Obscured by these arguments, however, are the facts of the Contra war. In the New York Times yesterday, we could read some of these facts. On the front page there appeared an article describing a Contra raid on a civilian village. It included an interview with a young Nicaraguan woman. "The Contras came in shooting, and we had no soldiers to defend us," she said from her hospital bed, her arm shattered by a Contra rifle bullet. "They stole cattle and burned our houses." The article goes on to describe how elderly women, pregnant women, and even infants were murdered in their undefended towns. These facts tell the true story of the Contras.

When the Sandinista regime moved toward centralized government after the Nicaraguan revolution, no one in this Congress applauded. We had all hoped that democracy would come to that beleaguered nation. And in considering ways to promote Nicaraguan democracy, many of us thought of the traditional tools of American foreign policy: diplomacy, economic relations, and the withholding or granting of foreign aid. America is the world's strongest nation, and through such peaceful means it can effect dramatic changes.

The Reagan administration, however, chose a different course. It rejected peaceful means before trying them. It chose violence. The administration recruited the Contra forces, created them, trained, and armed them. Members of Somoza's national guard dominated the Contra leadership, but this mattered little to President Reagan. The administration began pouring American money into its secret war and illegal war.

Here we are, 6 years later. What has the administration got to show for its Contra war? Thousands of Nicaraguans are dead. The nation languishes in poverty. And when Nicaraguans ask the Sandinista regime why it has not yet adopted democratic reforms, the commandantes point to the Contra terrorists as an excuse for the increased denial of basic freedoms. The Contra war has a double distinction—not only is it immoral and illegal, it is also a failure. Instead of moving Nicaragua closer to democracy, the Contras have moved it further away.

On Monday, Arturo Cruz resigned as head of the United Nicaraguan Opposition. Cruz is a man committed to the idea of a democratic Nicaragua. For years the administration has used him as evidence that the Contras were a force for positive change. Finally, Cruz realized that the Contras will never bring democracy to his country.

Just as bad as the immorality of the Contra policy is the lawlessness with which President Reagan has pursued it. The World Court ruled American policy in Nicaragua to be illegal. How did President Reagan react? He ignored the World Court. Never before has an American President displayed such open disregard for international law.

In supporting the Contras, the administration has violated American law as well. The recent scandal investigations focus on the "diversion" of funds from the Iran arms sales to the Contras. "Diversion" is a benign word. The fact is that tens of millions of dollars were stolen from the American people to support the Contra war.

Over the years I have constantly opposed such funding. At the appropriate time later this year the Congress will vote to cut off all money for the Contras. The funding moratorium offered by the gentleman from Washington [Mr. FOLEY] is a more basic step than cutting off funding. It demands an accounting for the stolen money given to the Contras as well as for the money previously voted by Congress. To provide additional money before learning where all of these funds went would be a fundamental dereliction of our duty to the American people.

Mr. Speaker, for 6 years the administration has asked this Congress to cooperate with a Central America policy destined for failure. We need a policy that reflects the generous spirit of the American people. For 6 years we have been asked to cooperate with terrorism. We need to renounce violence in this region which desperately craves peace. For 6 years we have let the administration make war when the American people have demanded peace. We need to heed that demand, and start helping our neighbors build a solid democracy that will benefit Nicaragua, the United States, and all the Americas. It is time, at long last, to force the Reagan administration to return the Government of the United States to the rule of law.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Washington [Mr. CHANDLER].

Mr. CHANDLER. Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviets. We must find a diplomatic solution to the conflict in Nicaragua. This has consistently been my position. If I believed the resolution before us would ensure an agreement that all countries in Central America could accept, I would vote for it. But this bill does just the opposite. In fact, the House Democratic leadership has offered no solutions for the problems of Central America. They claim they want to bolster the Arias initiative, but in reality, they undercut it.

Costa Rica's President Oscar Arias has proposed a promising peace initiative and this summer all of the Central American nations have committed themselves to work on it. The Arias plan includes a simultaneous ceasefire, free elections in Nicaragua within the first 6 months of 1988; an end to all Soviet-Cuban military support of Nicaragua and an end to U.S. support of the Contras.

Even Nicaragua, which had originally scoffed at the plan will come to the May summit in Guatemala. The message we send today will reverberate through that meeting. If we vote down this request, regardless of how an override vote goes, we tell Nicargua the pressure's off. If we vote against our own commitment to the democratic resistance today, then we vote against peace in Central America. The Contras have provided the kind of pressure that can force Nicaragua to bargain in good faith. If we abandon them now, we undercut Arias and we undercut Duarte and Cerezo as well.

Even if the Sandinistas wanted to move off the Marxist-Leninist path they have chosen, they could not. Let's give the Soviet Union a little more credit than to assume they are just going to forfeit their investment in Nicaragua if we stop funding the Contras. Those 3,000 Cuban troops and security personnel, the 350 Soviet tanks—they are not in Nicaragua to protect against a United States invasion that isn't going to happen—and they're not fighting Contras either. They are there to ensure the Soviet investment in the ideological direction of Nicaragua.

When Costa Rican President Oscar Arias says there will be no peace in Central America until the Sandinistas are out of Managua, Sandinista apologists in this country turn a deaf ear. But when he says he doesn't support the Contras as the means of doing it, they all applaud. What we have to remember is that for Arias to have any credibility at all with both sides, he cannot support the Contras. But the success of his peace initiative is totally dependent on the pressure the Contras bring on the Nicaraguans.

Democracy and the rule of law have made strides in Central America in the last 3 years that dwarf progress made during the past three decades. El Salvador and Guatemala have made thremendous progress in developing their democracies and dramatically reducing human rights violations.

Nicaragua is a glaring exception. The dictator Somoza was thrown out because Nicaraguans from all walks of life rose together to stand up for freedom—even in the face of death. But now those very same people have been betrayed by the most radical elements of the revolution.

The Nicaraguan Constitution, thrown in the trash by Daniel Ortega only 3½ hours after he signed it, is a joke. In Nicaragua, the armed forces are controlled by the Sandinista Party, not the Nicaraguan Government. This places the ruling party above the government itself! Not even the Soviet Union admits to going this far. Like the Soviets, however, all high ranking Nicaraguan officers must be members of the party. And political advisers assigned to military units indoctrinate the soldiers with Communist propaganda. Most disturbing, though, is the constitutional stipulation that Nicaraguans be armed for revolutionary conquests. Revolutionary conquests. What do the Sandinista appologists say this means?

Finally, I want to add one point about the leadership crisis that's currently going on in the ranks of the United Nicaraguan Opposition. Clearly, there could not have been a worse time for this dispute to be played out. However, it is important for us to remember that there would be no discension in UNO if there was no democracy. Is our message to the democratic resistance going to be that practicing the principles that we have avowed results in abandonment?

Let's get together on this vote and support democracy in Nicaragua and Central America. Don't undercut the Arias initiative now. Vote no on this resolution.

□ 1450

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEVINE].

Mr. LEVINE of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I would like to begin by complimenting the leadership for its work on this significant moratorium and particularly to commend the gentleman from Michigan for the work and the leadership that he has provided on this issue.

Mr. Speaker, we are debating an issue today that is one of legal accountability, foreign policy, and fiscal responsibility. This administration's policy of support for the Contras has caused the closest thing to a constitutional crisis we have experienced since Watergate. The administration's Contra aid program is a fiscal black hole into which millions of public and private dollars have disappeared, never to be heard from again.

With this administration, it appears that fiscal responsibility is forgotten when fiscal responsibility conflicts with its anti-Communist ideology. Mr. Speaker, I recently returned from a trip to Central America where I had the privilege of traveling with the gentleman from Michigan and a bipartisan group of Members who were requested by the leadership on both sides to visit Central America and see what was happening on the ground.

I think it is fair to report, and I think people on both sides of the issue who were on that trip will agree with me, that almost without exception the leaders we met with throughout Central America expressed skepticism that the Contras could achieve their goal of overthrowing the Sandinista government. That certainly appears to be the military and political assessment of people on both sides of this issue. Even many of our own top military leaders have voiced their opinion that the Contras cannot possibly overthrow the Sandinistas. It is simply wrong to continue to support this effort and to finance these activities.

We have heard in this debate people on both sides of the issue urging that we move in a direction which will support peace in the region. We have heard people on both sides of this debate say many complimentary things about President Oscar Arias of Costa Rica and his peace plan. Mr. Speaker, our delegation met with President Arias of Costa Rica. In one of the more eloquent statements that we heard in the course of our trip, President Arias, who without question has a mandate from the people of Costa Rica stated to us that he is asked frequently, "Would it not be immoral to withdraw support from the Contras?" He said, in all candor, that it is immoral to continue to provide support to the Contras when it is clear that they have no chance of winning this war.

We have been attempting to rely upon the leadership of our friends in Central America. At this point in time, President Arias has a very promising plan, one which has the potential for moving us toward a diplomatic solution, a negotiated solution in the region.

President Arias is no advocate of the Sandinistas. He is no supporter of the Sandinistas. But, despite his strong disagreements with the Sandinistas, he pleads with us to change course and to support a policy that will rely upon diplomacy and peace. That is the direction that supporters of this resolution are advocating today. I urge my friends on both sides of the aisle to support this moratorium.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. GINGRICH].

Mr. GINGRICH. I thank the gentleman.

Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviets. President Reagan cannot implement a clear policy because this House is debating President GEPHARDT's policies. Unlike Mr. GEPHARDT and other liberal Democrats, I am not willing to reduce America to a policy of committing American troops to invade Nicaragua.

The real issue today is not over ideology, opinion of philosophy; the real issue today is over facts. The left simply lives in a fantasy world. One Democrat said recently, "The Contras are a pure Communist group." Another democratic speaker has been quoted as saying, "The Communists believe in free speech." The leftwing fantasies about Central America and communism is a sign of the educational crisis in America. After today's debate, we will ask a group of experts to analyze fact and fantasy in left wing speeches on this floor. Then we will invite our leftwing colleagues to join in discussing the gap between their fantasies and the facts about the real world.

You can argue about separate opinions and philosophies, but we need to start from the same set of facts. The fact is, there is a Soviet empire, there are Soviet bases in Central America, the United States is a threat, and this so-called moratorium is simply a deliberate effort through the back door to destroy a chance for freedom to survive in Central America.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding me this time.

Mr. Speaker, let me say that this issue is too often made by my friends on the other side of the aisle. Are you for communism or against communism? It is not the issue at all. The Sandinistas are a Marxist-Leninist regime. I despise that and do not like it as most of my or probably all of my colleagues on this side of the aisle. That is not the issue. The issue is how to deal with them, how to contain them. The Contras cannot win. The Contras have no popular support. The Contras tend to be the people who are the old Somozistas, and if a genuine and free election were held in Nicaragua among the people today I dare say if given the two terrible choices of Sandinistas or Contras, a majority of Nicaraguan people would choose Sandinistas. We have given them a terrible choice by supporting the Contras, by supporting the people who brutalize that country for 40 years. There has got to be my friends, for all of us who oppose Marxist-Leninism, who oppose the Sandinista regime, a better way.

The Contras cannot win. They cannot produce the victory you seek. We need to work together to find a new solution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LAGOMARSINO].

Mr. LAGOMARSINO. I thank the gentleman for this time.

Mr. Speaker, I do not want to be recorded as handing Central America over to the Soviets, and I rise in opposition to this resolution. I just returned yesterday morning, as a matter of fact, from Nicaragua with the Crockett delegation. We had discussions with the Sandinista leaders there and I am more convinced than ever that we need to continue supporting the Contras.

It was my clear impression from talks with the Sandinista leaders that while they may be giving lip service to the Arias diplomatic initiative, they in fact are going to stall for as long as they can to see whether Congress backs away from its commitments to aid the Contras.

□ 1500

If the Contras cease to exist as an element of external pressure against the Sandinistas, they will have absolutely no incentive to go to the bargaining table with the heads of state of the other Central American democracies. It is imperative that at the very time that we see some movement that way that we not undercut that peace effort.

We were told that Sandinista polls show they only had 24-percent support among the population. Nicaraguans who were not part of the Sandinista government told me once again that if the Contras cease to exist, it would permit the Sandinistas to consolidate their regime and make those internal unarmed opposition forces the primary targets for the Sandinistas. One told me, "We used to be public enemy No. 1. When the Contras came, we became public enemy No. 2. If they disappear, we will be back as public enemy No. 1."

One of the strongest supporters of what President Reagan is trying to do is a high church leader in Nicaragua. He told me that the majority in his country favor the Contras and are opposed to the Sandinistas.

To back away from our commitment, solemnly made less than 6 months ago to help the Contras, would be a disastrous foreign policy decision that would have repercussions throughout the world, a sellout of some 12,000 brave men fighting for freedom inside Nicaragua in reliance on that commitment.

Those of us supporting the President's policy in aiding the Contras are just as interested in accountability as the other side; however, we also seek protection of America's vital security interests. Just as we expect there will not be full and total accountability for aid to the Afghan freedom figthers and Cambodian freedom figthers, we also should realize that unrealistic accountability for aid to the Contras does not ensure United States national security. Incidentally, interestingly enough, there is no question about the $60 million already expended.

I urge my colleagues not to be deceived in what is being debated today. We are charged with promoting the democratic process in Central America and for a peaceful resolution of the crisis in that region. Removing the external pressure against the Sandinistas does nothing to ensure a peaceful settlement. It serves only to make it more difficult.

And, my colleagues, what is the alternative? What is proposed by the other side?

I urge my colleagues to vote against this resolution.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Speaker, I as well would like to compliment the gentleman from Michigan and the Democratic leadership for their work on this issue.

Mr. Speaker, the President wants another $40 million for the Contras.

But if your kid wrecks the family station wagon, you don't give him the keys to the Cadillac until he tells you what happened to the other car, and we shouldn't give any more money to the Contras until we find out what happened to the money they already received. Who gave it to them? How much did they get? And what did they use it for?

We need better accountability, not another blank check.

Haven't we learned our lesson?

We are not making Admiral Poindexter National Security Adviser, again. We're not making Oliver North head of covert operations, again. So why are we talking about millions of dollars for the Contras, again?

Not only don't we know where the money went, we don't even know who the Contras are any more.

Adolfo Calero, the bad Contra, resigned last month—but he took the army with him.

Arturo Cruz, the good Contra, just said that he was quitting the Contras too.

So who gets the $40 million? Adnan Khashoggi?

The Republicans will argue that weapons for Khomeini and weapons for the Contras were not the same policy.

Not the same policy? They came off the same plane. The money went through the same Swiss bank accounts. The operations were run by the same people from the same White House office.

Mr. Speaker, it would be easier to understand a policy of negotiating with moderates in Nicaragua and trying to overthrow the Government of Iran than negotiating with moderates in Iran and trying to illegally overthrow the Government in Nicaragua.

The American Government has funded the Contras for 5 years, to the tune of hundreds of millions of dollars—how many millions, we don't even know.

But while the Contras may have friends in America, they have not done very well in Nicaragua. That's no surprise.

Their sponsors are in Saudi Arabia and Brunei. Their leaders are in Miami. Their bank accounts are in Switzerland. And their foot soldiers are in Honduras. The only time they seem to venture into Nicaragua is when Congress is voting on more money for them. And even then, after 5 years of American support and hundreds of millions of dollars of American money, all they can produce is heavily armed terrorism.

They blow up medical clinics. They assassinate teachers. They kill livestock. But they don't control one square inch of Nicaragua. Continued support for the Contras is wrong—just plain wrong. We hear a lot of nonesense about democracy from Contras supporters. Democracy? What have Colonel North and John Poindexter and Elliott Abrams done to demonstrate their commitment to American democracy?

In the absence of a full accounting we should say in one clear voice no to the Contras.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. COURTER].

Mr. COURTER. Mr. Speaker, the motion for a moratorium does no honor to this institution. And I regret to say—but it is necessary to say—that this House is developing a record of prevarication on the Nicaragua issue that is nothing short of astonishing.

Our Nicaragua policy, if that word is appropriate, has changed a half dozen times in the last decade.

Under a Democratic President we appropriated aid, including military aid, to General Somoza.

When Somoza was overthrown in 1979, and a new government was established, we rushed in with 118 million dollars' worth of support.

By 1983, we were doing the opposite, voting 24 million dollars' worth of assistance to the enemies of the Sandinista government, the Contras.

The next year we changed our minds again and imposed a blockade on Contra aid.

In 1985, we had it both ways: We voted "No" on aid, and then Ortega blundered by making yet another trip to Moscow, so we voted "Yes" to aid—27 million dollars' worth.

Last year we approved an aid package almost four times that size. And now we aren't sure whether we should even deliver what we promised so short a time ago. We're prevaricating again. We haven't the courage to tell the freedom fighters the $40 million is not coming. We don't even say we don't want to deliver it. All we will tell the resistance is, "Let us think it over for 6 months while you are dying on the battlefield for want of supplies."

Mr. Speaker, what the Sandinistas need above all else is time. And the leadership of this House seems determined to give it to them. The Sandinistas need time to consolidate their domination of the badly battered internal opposition. Time to strengthen the hand of the Soviet-bloc police mechanisms doing to Nicaraguans that which they did to Cubans in the early 1960's. Time to complete the transition to unalloyed communism. Time to make use of the newest 280 million dollars' worth of Soviet-bloc weapons delivered in the first 11 months of last year, deliveries which pushed the total since 1981 to some 900 million dollars' worth.

The Nicaraguan resistance, and the United States, have no time. The United States has wasted too much already. We have watched as the Sandinistas threw away their promises of pluralism and national independence and fairly leapt into Soviet arms.

Exactly 2 years after the revolution, La Prensa's Pedro Chamorro declared that the new rulers, "Practically idolize Cuba. They say that someone needs to teach us the Cuban way. . . . There are moral and ideological ties that cannot be broken with Cuba, Russia, East Germany, Bulgaria, Hungary, Vietnam, Laos, Cambodia."

That was in 1981. When La Prensa died last year, a New York Times editorial headline used the word "Stalinism" to describe the political shape of Nicaragua's Government.

Lets face the truth with some semblance of the courage with which the Nicaraguan resistance is facing it. They are still fighting this hemisphere's newest Communist despotism. This is not the time to tie a knot in a line of credit we promised less than a year ago.

We have no right to inflict our political scandal upon the Nicaraguan revolutionaries. So far as I can tell there is no hard evidence that the Contras or their leaders have broken any U.S. laws. I'd like to know what we should presume them guilty of, when no one is certain what the charge against them is.

Their war on rebellion—a war in which we have pledged ourselves as their ally—cannot be stopped while we in Washington investigate crimes by Americans or take an accounting. The cause of the resistance remains unchanged. It is we who prevaricate wildly from month to month.

Instead of cutting Contra aid we should be cutting our diplomatic ties to Ortega. More than two dozen Members of the House have already joined me in a motion to do so. Then Contras and Sandinistas alike would know that we're serious about the Nicaraguan people having a chance at true self-governance.

To quit now is to let nine tyrants settle with permanence into the old residence of one. I would hope that the majority in this House does not want that to happen.

Mr. FOLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH of Iowa. Mr. Speaker, as a Member of Congress I recognize that in foreign affairs the benefit of the doubt should be given to the President; as a Republican I believe it should be given to the distinguished leader of my party.

But the Contra aid issue should not primarily be considered in a partisan context; nor as reflective simply of philosophical differences between Members of Congress and the administration. Fundamentally, the issue at stake is the constitutional process and the rule of law, domestic as well as international.

Every American citizen, however incensed he or she may be at the leftward lurch of the Sandinistas, should be concerned that the law of the land which the executive is obligated to enforce, and the law of nations as reflected in treaties and covenants to which our country is party, is being cavalierly disregarded.

The oath of office members of the executive take is to the Constitution, not to zealotry.

The obligation we in the legislative branch must assume is not only to the crafting of law, but to its oversight.

Two Congresses ago in an act of prescience this House passed the Boland amendment. In contrast with the most embarrassing moment in this House in the 1960's—passage of the Gulf of Tonkin resolution—the Boland amendment was considered in the context of an effort to circumscribe rather than give license to executive action. From the beginning the Boland amendment, which was approved unanimously by this body and signed by this President, was cynically abridged. And this House paid little heed.

Ninety-six Congresses ago, in 1794, to be exact, Congress passed the Neutrality Act to preclude private citizens from entangling the United States in warmaking functions. At White House instigation, this keystone of American security policy has been blatantly breached. To date, again, this House has paid surprisingly little heed.

Now, as our policies have become mired in the quicksand of Swiss bank accounts, probable fraud perpetrated on the Defense Department, and modern day Hessians unable to account for taxpayer funds, it is time to sit back and reassess.

For decades there has been debate about whether the United States should play the role of policeman for the world, with some arguing that it is a chore for which we lack either a moral imprimatur or adequate resources to undertake. But a new dimension to this debate has recently commenced regarding Central America.

The administration seems to be suggesting that not only will we play the role of world policeman, but rather than enforcing the law, the interventionist cops American citizens are encouraged to support are themselves above the law.

So embarrassingly illegal have our policies become that the administration has been forced to attempt to withdraw from the jurisdiction of the World Court on this and similar political disputes and thus back track on an almost century-old U.S. commitment to utilization of an international tribunal for dispute resolution.

The time has come to reconsider an ill-chosen path. Liberals may have erred by believing the Sandinistas wouldn't opt in the direction of police state controls. Nevertheless, our country has an obligation to stand by the side of law and a constitutionalist foreign policy, with the understanding that not only do procedural concerns matter but that adherence to proper rules in the long run is more likely to produce proper results.

As the premier lawmaking assembly of our time, Congress has a particular obligation not to undercut the worth of law itself. It is the rule of law and the constitutional process, not a particular policy, which above all is on trial today.

The only conservative, the only constitutionalist option the House has today is to cease providing illegal assistance to illegal groups advancing an illegal foreign policy.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, on the basis of national security I will vote "no" on this issue, "no" on the moratorium.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, not long ago a major network in this country ran a miniseries called "Amerika." That was a piece of fiction—not a very good piece of fiction, although the story was a story of the Communists taking over America.

Let me tell a true story. Several months ago I took a delegation, as the chairman of the POW Task Force on MIA's, to Vietnam looking to bring home remains of our soldiers, looking to bring home live Americans if possible.

When we landed in Hanoi I saw something that was a terrible sight. I saw a beaten people—beaten by their own communism, with no hope on their faces. Total despair. No jobs, no economy, no industry. There was no hope for those people.

We left there and we went to Thailand, and we had an opportunity to vist 125,000 displaced people, little children, old men and women, driven from their homes, their families murdered, out of Vietnam, Cambodia, and Laos.

As we drove in, first by plane, then by truck, and then by Jeep, as we came within 5 miles of those 125,000 displaced people, soon along this dirt road were 3 and 4 people on each side, then 10 and 20, then hundreds, and then 10,000 people along the sides of this dirt road in the middle of nowhere.

They held up signs, and those signs said "America, You're No. 1," "America, We Love You." There was one sign, a big sign held by all these people, that said, "America, please take us home." They did not mean, "Take us home to America," they meant, "Take us home to Vietnam, to Laos, to Cambodia," where they were driven away from. Unlike the oppressed people in Hanoi, they all had hope written on the faces.

I stood back and I had to say to myself, "My God, how proud I am of my country, and how proud I am to be an American," because yes, you and I, we Americans, are the hope of not only those displaced people, but all the people of the free world.

Let us not let communism take hold in Central America. Remember that throughout history no group of people have ever been able to throw off the shackles of communism once its deadly tentacles have enslaved them. Only once has an outside force ever been able to dislodge an oppressive Communist government, when President Reagan sent troops to liberate the people of Grenada. We must not let communism gain a permanent foot hold in central America, 500 miles away from our shores, because we jeopardize this freedom, this democracy, which is the hope of the free world.

If we delay this aid to the Contras today for 6 months or a year, we will kill some of that hope. Do not gamble with America's future. Do not gamble with the hope of all of the people of the free world. Let us be Americans, let us stand up for America, and let us stop communism dead in its tracks in our part of the world.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of House Concurrent Resolution 175.

In the past, I have consistently opposed all Contra funding and believe that no money should be sent to these terrorists. This bill is only a partial solution, but it is a step in the right direction.

On January 6, I offered a bill, H.R. 222, which would have frozen the Contra funds until all the money from the Iran arms sale had been accounted for. My bill would also have deducted any amount found to have been illegally sent to the Contras from the frozen funds. This approach would prevent the Contras from benefiting from the illegal actions of the administration. However, in the spirit of cooperation I am supporting this compromise proposal.

I thank the distinguished majority leader, the gentleman from Washington [Mr. FOLEY] for his work in this important effort. It was indeed a pleasure to assist in the formulation of the bill before us today. And it is particularly encouraging to see that so many of my colleagues are willing to support this measure.

Mr. Speaker, sanctioning the operations of sleazy bagmen and channelling illegal funds through secret Swiss bank accounts doesn't make good foreign policy. Financially supporting the activities of terrorists who attack civilians isn't the way to establish democracy.

Attorney General Meese has already admitted that this administration has secretly funneled money to the Contras. There has been absolutely no accounting for this money—either to Congress or the American people.

The American taxpayers have a right to know where their money has gone and how it has been used, and they deserve to know whether their President is spending it in accordance with our laws.

House Concurrent Resolution 175 requires accountability. It will freeze the remaining $40 million approved for the Contras in fiscal year 1987 until the President fully accounts for all the money sent to the Contras in the past. This would include those funds diverted from the arms sales to Iran; the $27 million that Congress approved for humanitarian aid in fiscal year 1986; and any additional money that the administration solicited from other governments or third parties.

This measure gives the President 180 days to complete this accounting and to report the findings to the Intelligence Committee. Thereafter, the $40 million may be released.

This measure is needed to reestablish the legitimacy of U.S. foreign policy in Central America because, in his obsession with the Contras, President Reagan has destroyed America's image overseas and left our foreign policy in shambles. Although he claimed he would never negotiate with terrorists, he traded arms for hostages and used the proceeds to fund his own terrorist band, the gang that is formally known as the Nicaraguan Democratic Resistance. Now, our allies don't trust us and our enemies laugh with delight. All this to support a ragtag band trying to overthrow the legitimate government of a foreign nation.

The President also claims that the Contras will establish democracy in Nicaragua, but human rights groups have established that the Contras plant land mines on roads used by civilians. Press reports demonstrate that the Contras attack, injure, and kill civilians—including women and children. And this gang, which our President calls freedom fighters, does not have the support of the Nicaraguan people, because they are led by the same men who tortured and killed for the dictator Anastasio Somoza.

Monday, Arturo Cruz, the only Contra leader with any legitimate democratic claim, resigned. He resigned because he realized that the dictatorial forces would never relinquish control of the Contra military. He realized that he was being used as a pawn so the administration could claim that the Contras were a democratic force.

Last year we learned that the Contras had conveniently lost part of the money that was authorized as humanitarian aid in 1985; $27 million is missing and the administration refuses congressional requests for a full accounting. Now, we see that the administration won't account for the money from the Iran arms sale either.

Mr. Speaker, it's time for a moratorium on Contra funding. It's time to end President Reagan's Machiavellian foreign policy. It's time to agree that providing money for those who terrorize civilians and wilfully burn churches will not further the cause of freedom. It's time for a full accounting of all the money that has gone to the Contras. And its time to put American values back into American foreign policy.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Speaker, the United States House of Representatives debates whether to allow $40 million of aid to the Nicaraguan freedom fighters while the Soviet Union and its client states continued to ship hundreds of millions of dollars in military aid to the Sandinista Communist regime.

In 1986 alone, the Sandinistas received $580 million in outside military aid. The Sandinistas got more military aid from the Communist countries in that one year than America has given to the Nicaraguan freedom fighters in this entire decade.

The Sandinistas have 74,850 men under arms. They have 150 tanks, 220 other armored vehicles, 44 fixed-wing aircraft, and 57 helicopters. Against this, left wing elements in this House want the Nicaraguan democratic resistance to have nothing—zero.

House Joint Resolution 175 has lots and lots of language about accounting and committee reviews and so forth, but for all the resolution's smoke and mirrors, it really is just a vote for or against aid to the Nicaraguan resistance. If you vote for the resolution, you vote to cut off aid and doom the cause of freedom in Nicaragua. If you vote for the resolution, you reaffirm the vote that the House took just a few months ago to give the forces of freedom a chance.

I urge my colleagues to stand with the forces of freedom and vote against House Joint Resolution 175.

Mr. FOLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, a previous speaker stated that Joe Sixpack is out there and he is really watching what is going on in Congress today; he is really concerned. I disagree with that. I do not mean to make light of this situation, but I think that Joe Sixpack is worried about where his next paycheck is coming from.

So let us get down to business here in the House, and let us focus in on the issues that we have to concern ourselves with today.

First, Where is the money?

Second, Who got the money?

Third, Who gave them the money?

Fourth, How did they use that money?

Fifth, and very importantly, How did that money supposedly help the United States of America?

And finally, something that is my own little observation: How long will it be before the indictments start raining like drops from the sky?

□ 1520

Mr. Speaker, I do not believe the President in this matter. I believe this arms-Contra affair is a far greater coverup and more stonewalled than Watergate will ever be. In fact, it to me looks like a domestic dispute now, and I sort of liken the President to a piano player in a house of ill repute. When the sheriff raids it he says, "I really didn't know what was going on; I was just playing the piano."

Let us get serious. After all the revelations coming down on the policies in Central America, how in God's name, how in God's name can we continue to support a policy that has been an abject failure. The people in their living rooms are laughing at us, literally.

So let us really look at the matter here and let us leave Joe Sixpack out. Let us start looking at supposedly the accountability we keep talking about on this side of the aisle, and let us do it right today. Let us support a moratorium.

When we have retirees lobbying the Congress for help, and we are sending money that is not even accounted for, we ought to be ashamed of ourselves.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. INHOFE].

Mr. INHOFE. I thank the gentleman for yielding.

Yesterday when we were not under the time constraint several of has an opportunity to talk about how upset we were with the Communist expansion in Central America.

I was not going to say anything today, but after the gentleman from Missouri [Mr. GEPHARDT] said that our free, democratic neighbors are not supportive of our activities in Central America, I must share with you a fairly recent poll. Just a month ago, Gallup International ran a poll in four countries of Costa Rica, Honduras, El Salvador, and Guatemala. As a result of this poll, when you take out the undecideds, on such questions as, "Would you say the Government of Nicaragua represents the majority of the people or represents the minority," only 19 percent of our friends in Central America said that they represent a majority and 80 percent said a minority.

When asked the question: "Which side of the conflict do you think a majority of the people of Nicaragua support," after the gentleman from New York said that they thought the Sandinistas would win a popular election down there, the results of this were only 22 percent of our free neighbors in Central America felt that the Sandinistas would win in a popular election.

If our credibility down there is at stake, when asked, "Which country, if any, would come to our aid immediately if we were attacked," 82 percent of those individuals, 5,000 people in those free countries in Central America, said the United States would come to their aid.

Last, getting right down to the crux of it, "As you may know, the United States is giving military aid to the opposition forces known as the Contras. What is your opinion of this?" Seventy-eight percent of our free neighbors approve of it.

So I must say that I disagree strongly with the gentleman from Missouri. It is abundantly clear that our neighbors, our free neighbors, in central America are depending upon us to honor our commitment to freedom in Central America.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I thank the gentleman for this recognition.

Mr. Speaker, 1 year ago this month the U.S. Senate began this process by sending us the appropriation for the Contras. Last fall the House of Representatives accepted that appropriation, and shortly thereafter it became law.

Then just 7 months ago this week, this article appeared on the front page of the Washington Post, and it is headlined: "Contras see aid bringing victory in a year." Adolfo Colero is quoted as saying that this financial backing "is the light at the end of the tunnel." And when asked what he thought the money meant, he said that this sustained support will mean, "Now, after this we won't need any more, maybe just a little to sew it up at the end."

For those of you who think that in the remaining 5 months the Contras are going to be successful in victory over the Sandinistas, I invite you to vote for this additional $40 million. If you don't think that that is going to happen, than I suggest that we use these $40 million for some other things.

With this money we can educate 2,000 more deserving young Americans in the Job Corps Centers in the United States. Or we could serve 40,000 youngsters in the Summer Youth Employment Act this coming summer. This money would allow us to double what we spend on teacher education in America. Maybe you would rather use it for that, unless, of course, you think that in 6 months it is all going to be over in Central America and the Contras are going to win.

Maybe you would rather use the money for the military. If you do, this will buy you 5,000 TOW missiles.

But it will not, as Colero promised us, bring an end in a year.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Washington [Mr. Miller].

Mr. MILLER of Washington. Mr. Speaker, along with the gentleman from Michigan [Mr. Bonior] and the gentleman from Oklahoma [Mr. Edwards], I had the privilege recently of visiting Central America, and I want to talk in my brief time to one of the most exciting developments that has taken place in Central America during recent times, and that is the Costa Rican peace and democracy plan. I am sorry that the resolution before us does not even mention it.

This plan is complete. It links peace provisions for the whole region, such as amnesty, cease-fire, and an end to foreign help for guerrilla forces with democratization measures such as free press, free elections, and dialog with domestic and political oppositions.

This plan is realistic. It has a thorough international inspection provision. It deserves our wholehearted support.

Now this brings us back to today's debate. Going back on our promise of aid is another zag in a zigzag policy that confuses and undermines the Central American democratic frontline states in their quest for peace.

One day last June we promised economic aid to these frontline Central American democracies, and then last fall we reneged. One month we said yes to aid to the democratic resistance in Nicaragua; then it was no; then yes, now it's maybe no.

The way to get a more consistent, bipartisan, respected, balanced policy on Central America is to follow through on our economic and military aid promises of last year. Then hold off on future appropriations for 6 months to encourage Nicaragua and the Central American Democracies to enter into an agreement along the lines of the Costa Rican plan.

That course offers a policy that emphasizes realistic diplomacy along with military pressure and lives up to our commitments, and then encourages Central American initiatives for peace and democracy.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. Hayes].

Mr. HAYES of Illinois. Mr. Speaker, I rise today to offer my support for the Contra aid moratorium. It seems clear to me, Mr. Speaker, that we may have finally reached the point in Congress when enough is enough.

We have had enough unaccountability. We have spent over a half billion dollars in aid to the Contras and what have we to show for it? If anything, Central America is more unstable, more dangerous, and more unpredictable than before the onset of "the Reagan doctrine."

We have had enough deception from the administration. In 1984 when we were told that there was no mining of the harbors in Nicaragua, to the secret Swiss bank accounts of Colonel North in 1987, there have been lies of omission and commission. Our allies around the world no longer believe us. We in the Congress are neither partners nor participants, but are apparently only technicalities in the law that must be appeased. The American people are merely an audience for the great communicator to speak to. If the President would only listen to the American people as well as he speaks to them, maybe he would cease this Contra policy and truly help the people of Central America.

We have had enough war in Central America. It is true that soldiers are dying, both Contras and Sandinistas. But civilians are dying too. When I hear about the ambush of poor, working people on their way to the fields, I am saddened. When I hear about the murders of elderly people and small children, I am appalled. When I hear about the rape and torture of teenagers, I am shocked. But when these acts happen with the assistance and tacit approval of our Nation, I am angered. I want our Nation to stand on the side of justice and democracy, not on the side of terrorists and thugs.

Apparently, Mr. Speaker, even some of the Contras have had enough. Not only have they proven to be an ineffective military force, they are also proving that they cannot sustain a permanent political coalition. If one Contra leader is not resigning, another is threatening to resign. There have even been times when they did not know where their funds came from, but they do know that they want more money. If these are the people who the President insists will be the leadership of Nicaragua in the future, then the future of Nicaragua is bleak indeed.

Mr. Speaker, we have had more than enough. Let us end aid to the Contras now, and move our Nation toward a policy which does not involve unaccountability, deceit, war, or dealing with thugs like the Contras. It is time for us to move forward to a new "post-Contra" policy. It is time for us to move forward with a policy that includes our neighbors and allies in the region as well as the Nicaraguan Government, a policy based on democracy and justice as well as regional security. It is time to move to a policy that is supported not only by the administration, but by the Congress and the people of our Nation as well. President Oscar Arias of Costa Rica has proposed a plan that is a good beginning. Let us join that beginning today, by placing a moratorium on Contra aid.

□ 1530

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. Stump].

Mr. STUMP. Mr. Speaker, I rise in opposition to House Joint Resolution 175.

The President's policy for Central America has remained consistent for 6 years. Through carefully crafted diplomatic and security assistance policies, the Reagan administration has saved and strengthened democracy in the Central American countries.

The President has worked equally hard to bring democracy to Nicaragua. Because liberal Democrats in Congress have thwarted the President's efforts on Nicaragua at every turn, the Sandinistas have established a strong and expansionist Communist regime in Nicaragua. Last fall, after several years of efforts by Republicans and moderate Democrats to make people understand the danger of the Communist regime in Nicaragua, we finally got the message through. Congress voted $100 million in aid for the resistance.

Congress finally provided the wherewithal for a strong and effective Nicaraguan democratic resistance. The $100 million program provides the training, equipment, and armament necessary to ensure that the resistance cannot only defend itself, but also challenge the Sandinistas in the field.

The military capabilities of an effective resistance tie down Sandinista forces inside Nicaragua and create pressure on the Sandinistas to reach a just political settlement that will require them to live up to the promises they made to the Nicaraguan people and the Organization of American States when they came to power.

Now, just as the $100 million aid program is putting the resistance in position to be an effective military force, the liberal Democrats want to cut off the aid. Cutting off the aid not only would abandon those who fight for the freedom and democracy for which we as a nation profess support, but also would end any possibility for reaching a just and lasting political settlement to the conflict. The countries of the region would read the handwriting on the wall and move to accommodate the Sandinista Communists.

If liberal Democrats don't have the stomach to fight for freedom and democracy, no one will try to make them. But they can at least get out of the way, so that those who want to fight for their own freedom can have a chance.

Vote for freedom and democracy and against appeasement. America is not a country of quitters. Vote no on House Joint Resolution 175.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. SHUMWAY].

Mr. SHUMWAY. Mr. Speaker, like many of my colleagues, I rise today because I do not want to be recorded in favor of handing Central America over to the Soviets.

During the years that we have debated this issue, and it has been up before us many times, I have noticed a common thread in the arguments of those who stand in opposition to providing aid to the Contras. That is that they persist in misdescribing the policy and the purpose of the administration in providing such aid.

They characterize it as being a policy of wanting to destroy Nicaragua, or perhaps being a policy which is no policy at all; and then as misdescribed, they proceed to criticize it.

Indeed, I think every Member of this House, and certainly the administration, would like to see a negotiated solution to the war which is now underway in Nicaragua. We would love to see the Contadora process fulfilled and effective in achieving peace. We would love to see the Arias plan move forward, but it seems very unlikely to me that the Sandinistas would ever agree to a democratic kind of government in that country.

We would like to see negotiations between the Contras and the Sandinistas, a proposal which has been rebuffed time and again by the Sandinistas. We would like to see some degree of mediation, perhaps by the Catholic Church, in order to guarantee free elections in this war-torn country.

All of these are diplomatic solutions, and I am sure every Member could support them; and indeed, they lie at the cornerstone of this administration's policy, but let me just emphasize the fact that none of these diplomatic solutions will ever take effect without some degree of political and military effort to help them in their role in being effective.

Many of them, I believe, are shopworn and old remedies that have been around for some time and to suggest them in lieu of giving the Contras aid, as many are doing here today, simply falls back on very impractical and unrealistic kinds of remedies.

Mr. Speaker, today I will vote for continued assistance to the Contras because of the history of the revolution, the present situation in Nicaragua, and the future implications for United States interests in the Western Hemisphere.

The Sandinistas have betrayed the Nicaraguan people who fought for freedom and democracy. They have betrayed the Catholic Church which, under the leadership of then Archbishop Obando y Bravo, was an outspoken critic of the Somoza regime and provided an important moral force in its support of the revolution. Several of the commandantes owe their lives to the personal intercession of Cardinal Obando y Bravo.

During the first 2 years after the revolution, while the United States was providing millions of dollars in aid and before the Contras were a significant force, the Sandinistas moved swiftly to consolidate a Communist state and to build a well-equipped army which exceeds the capabilities of the other Central American countries combined.

Today we find a society with all the trappings of communism, including block committees which report on their neighbors, extensive censorship and the closing of La Prensa, arbitrary detention, and harassment of religious, labor, and opposition leaders.

According to the independent Permanent Commission on Human Rights of Nicaragua, the Sandinistas are holding over 6,000 political prisoners, 10 times the number of political prisoners under Somoza and more than any other country in the Western Hemisphere with the exception of Cuba.

The Sandinistas have closed Radio Catolica, banned the church newspaper Iglesia, expelled foreign priests and nuns, conscripted seminarians, and arrested, interrogated, and mistreated clergymen. In 1982, the Sandinistas burned at least 50 Moravian churches and forced 10,000 Miskito Indians into relocation camps.

Two weeks ago the Sandinista-controlled National Assembly agreed to extend the 5-year-old state of emergency which suspends many fundamental rights and freedoms. The economy of Nicaragua has been devastated by the policies of the Communist regime as demonstrated by ration cards and stores with empty shelves. The people of Nicaragua are disillusioned. They fought the repression of the Somozas and now find that life is even harsher under the Sandinistas.

For the first time in our history we find a Soviet client-state on the American continent. The Sandinistas have received over $500 million in aid from the Soviet Union, including the deadly attack helicopters which have been so effective against the Afghan rebels. The Armed Forces receive technical advice and training from 3,000 Cuban advisers and 7,000 to 8,000 civilian and military advisers from the East bloc.

By 1981, the Sandinistas had the largest Armed Forces in Central America. Today their military and security forces are four times the size of the National Guard under Somoza. The Sandinista Army has more members than the combined armies of the other Central American countries.

Nicaragua offers training, arms, and safe haven to terrorists from more than a dozen countries, including the PLO, the Italian Red Brigade, and members of the former Baader-Meinhoff Gang. The Colombian M-19 has its office in Managua, trains with Sandinista troops, and used weapons supplied by Nicaragua in the 1985 massacre at the Palace of Justice in Bogotá.

The Nicaraguans, with Cuban and Soviet assistance, are building a 10,000-foot airstrip at Punta Huete. This airstrip will accommodate the full range of Soviet aircraft from MIG fighters to reconnaissance planes already operating in Nicaragua to the Bear bombers.

For the first time the Soviets will have a deepwater port on the Pacific Ocean to service their ships and nuclear submarines. Between Cuba and Nicaragua the Soviets threaten our ability to assist our allies in Europe and Asia and to defend vital shipping lanes.

No one fears a Nicaraguan attack on the United States or believes that the United States would not prevail in the event of a direct conflict. Our policies are not directed by fear of Nicaragua, but by concern about the creation of another Cuba on our doorstep. The Cuban missile crisis is the closest this Nation has come to a nuclear confrontation.

Our policies are directed by our concern for the democracies of Central America which are subjected to the destabilizing effect of Nicaraguan support for terrorism and guerrilla warfare. The leaders of these countries have made it clear that there is no prospect for peace in Central America as long as there is a Communist Nicaragua. The Sandinistas have demonstrated their commitment to revolutionary goals in their efforts to delay and obsruct the Contadora process.

Those who disagree with aiding the Contras fail to provide a realistic alternative. We would like to see the Contadora process, or negotiations between the Sandinistas and the Contras, or mediation by the Catholic Church succeed in guaranteeing free elections, the withdrawal of foreign troops, and an end to support for terrorism and subversion in the region. These efforts have failed to produce any sign of progress. The prospects for the future remain dim, particularly if there is no incentive for the Sandinistas to negotiate.

No one likes providing military aid to wage war which always demands a high price in human life and suffering. The Contras are not a well-trained, highly disciplined fighting force. Yet they are the best hope for democracy in Nicaragua and for pursuing the strategic goals of the United States.

I urge my colleagues to vote against the resolution before us today.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut [Mr. MCKINNEY].

Mr. MCKINNEY. Mr. Speaker, about a week ago, I stood in front of you and asked, "What kind of America do you want?" I stand again in front of the body to say that in my 56 years as an American citizen, proud of my Nation, as a man who has given up 4 years of his lifetime to the military service of the United States, I have never seen us so willingly for so many different reasons running to bankrupt policy as we have in Central America and South America.

Who would the Contras be if it were not for us? Would there be an increasing Communist contingency in Central America if it were not for us. Would there be a Central America that even thought of a Communist front if it were not for us?

The fact is that this kind of America has produced, in Central America, an enormous amount of Communist support and Communist infiltration. Why? "Why?" you ask yourself.

We have invaded Nicaragua in one way or another 11 times in my lifetime. Eleven times. What have we accomplished? Have we befriended the people? Have we improved their way of life? Have we helped them to become educated and members of the 21st century? Have we done any of the things that we believe in?

Have we shown them a face of democracy which says, "You can be free, you can do what you want, you can walk the streets"? No, we have not.

Mr. Speaker, I have never been quite as ashamed, and I mean the word seriously, of our country as I am today with the Nicaraguan policy. It is bankrupt; it is anti-democratic; it is anti-American; and it is tearing our own country apart.

We have got to realize that if we are going to say to the world that we are the leader of the free world, we cannot be backing a group of gangsters who are running around, killing innocent civilians, innocent people—not the Communists, they are fighting the people of Nicaragua—and yet here we are debating approving more funds while we have a wonderful time Irangate bashing and President bashing and policy bashing.

Talk about your Nation. What are we? What do we stand for? What will we be in the eyes of the person, the human being, the citizen of Nicaragua. We certainly are not now what we should be.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. ROWLAND].

Mr. RITTER. Mr. Speaker, will the gentleman from Connecticut yield?

Mr. ROWLAND of Connecticut. I yield to the gentleman from Pennsylvania.

Mr. RITTER. Mr. Speaker, as a strong supporter in the past of assistance to the democratic resistance forces in Nicaragua, I felt a thorough reevaluation of my position was in order considering all that had transpired on the Iran-Contra situation. I have made that reevaluation and I'd like to share it with my colleagues:

CONTRA CONFUSION: CAN WE SEE BEYOND IT TO THE BIGGER PICTURE?

For many, the idea of a moratorium or a delay in sending funds to the Nicaraguan democratic resistance, sounds reasonable. With all of the salvos fired at the resistance criticizing their use of U.S. assistance, the mess of the Iran-Contra Arms Scandal, and the various news stories that have minutely examined the Nicaraguan situation, it is easy to see how even the most ardent of observers could long for a breather. A pause, a time to sort out this mess, would be welcome. However, if we step back to consider the issue carefully, while we won't remove all of the ambiguity, perhaps we'll be able to see beyond all the confusion to the larger policy picture.

CONGRESSIONAL FUNDING AND ILLEGAL FUNDING ARE TWO DISTINCT ISSUES

There are two categories of Contra Aid: (1) Congressional funding, (2) and the funding via the Iran-Contra Arms Scandal. Separating these two issues is important as it focuses the debate. While I have been a supporter of Contra Aid, I do not condone the funding of the democratic resistance through profits from arms sales to Iran. Yes, many unanswered questions remain about this arms deal, but answering them will provide no guidance for those considering the pro's and con's of American assistance to democratic resistance forces in Nicaragua. If a thief donated 1,000 dollars from a bank robbery to the March of Dimes, would we question the advisability of fighting birth defects? Certainly not. And, neither can we argue that the democratic resistance doesn't deserve support because some might have provided them funds through questionable means. Which brings us to the issue at hand: Congressional funding for the Nicaraguan democratic resistance.

WHY DELAY FUNDS?

If you agree with my contention, that the confusion surrounding the Iran-Contra Arms Scandal is a different issue than aid through legitimate channels, then does delay of these funds make sense?

What reasons could we have for delaying these funds? Generally, there are four: (1) The communist Sandinista government could invalidate the need for armed opposition by agreeing to a negotiated settlement that included a promise to hold free elections; (2) We could decide that it is just not worth helping our friends who are fighting to regain their country and for freedom; (3) We might think our assistance would only add to violence and, being opposed to violence we would want to avoid it at all cost; (4) Or, we could be uncertain as to whether funds would reach the resistance.

ACCOUNTING PROCEDURES USED TO MONITOR CONTRA FUNDING

The first three are policy questions, so I'll deal with them last. Regarding the last question, the appropriate accounting of funds, which has become the battle-cry for delaying the release of the $40 million by Contra funding objectors, allow me to read a description of the accounting an oversight mechanisms that have been adopted by the agencies that administer aid to the democratic resistance. The State Department has informed me that these procedures were adopted ". . . to ensure that all legal requirements with respect to the aid program to the Nicaraguan resistance are observed and that there is proper accountability for all funds and other resources used in support of the resistance." No one has disputed these procedures.

Section 207(a) of the FY 1987 Military Construction Appropriations Act charges the Secretary of State with oversight responsibilities for the aid program for the Nicaraguan resistance.

In order to carry out these responsibilities, State has established an office under the leadership of a senior officer. This office, which has personnel in Washington and in the region, coordinates with agencies involved in the program and ensures that the interagency groups supervising the policy receive accurate information on the conduct of the program.

Sections 207(b) of the Act requires that agencies that administer the $100 million provided by the Act establish enhanced accounting procedures after consultation with the appropriate Congressional committees, and the Comptroller General. Comprehensive safeguards have been adopted in accordance with this law and are being implemented in a manner fully satisfactory to the oversight committees.

These committees receive detailed and specific monthly reports on: supplies provided to the resistance; financial transactions; training conducted and resources used in support of training. These reports are retained in the classified files of the oversight committees.

The Executive Branch entities involved in executing the $100 million program have assigned legal and auditing personnel in an oversight capacity to ensure that all distributions in this program comply with the law.

Staff members of the appropriate Senate and House committees have visited the region to ensure that all funds have been fully accounted for as well as to conduct on-site audits of the items purchased with these funds.

I believe it is reasonable to conclude from the material that I just presented that the State Department has taken adequate steps to ensure that aid to the democratic resistance will reach them in an appropriate and expeditious manner. (At the end of my statement I shall attach additional material that chronicals specific measures taken to implement the above as well as a description with criticisms and responses regarding the disbursement of previous humanitarian funds to the resistance.)

THE CONGRESSIONAL ROLE IN CONTRA FUNDING IS CLEAR AND ACCOUNTABLE

To summarize my opinion thus far: 1) Confusion regarding illegitimate funding of the resistance (the Iran-Contra Arms Scandal) does not mean that legitimate funding is inappropriate, and 2) We should be confident that any funds sent to the resistance will be fully accounted for and will be spent wisely. If both of these assertions are true then the only reason for delaying our assistance to the resistance is that we believe it is flawed policy.

THE REALITY OF NICARAGUAN LIFE

Commenting in a recent editorial, Jeane Kirkpatrick framed the terms of debate best when she said, "The debate on Nicaragua is also different from, say, five years ago when the Sandinistas' congressional friends denied the character and commitments of the new Nicaraguan government. Today almost no one in Washington denies that Nicaragua has a communist government, that it has close military and economic ties to the Soviet Bloc, that it is sustained by Cuban and Soviet Bloc arms and advisers, that it has developed large, well-equipped military forces, that it denies Nicaraguan citizens political and religious freedom. All this is granted by the same congressmen and senators who not so long ago argued precisely the contrary."

WE HAVE ALREADY HAD A DELAY

In establishing the delayed release timetable last year, Congress intended to pressure the communist Sandinista Nicaraguan government into a negotiated settlement that included freedom and political participation for all Nicaraguans. The legislation passed last year required that the President, in order to spend the rest of the funds, to certify after February 15, 1986, that no peace pact has been reached in Central America and that Nicaragua's government has not made a serious effort to negotiate with its opponents. When neither of these requirements were met, on March 5, the President submitted that efforts at dialogue and negotiations with the Communist Sandinistas had failed and that prospects for future success were unlikely "in the foreseeable future without additional assistance to the Nicaraguan democratic resistance."

THE COMMUNIST SANDINISTAS WON'T NEGOTIATE

I think it useful to recount the U.S.-Nicaraguan negotiating history. This is not the first time the communist Sandinista government has avoided serious negotiations.

In September 1980 and January 1981, the Sandinistas were told that U.S. aid to Nicaragua was jeopardized by Sandinista support for Salvadoran guerrillas. This warning (by the Carter Administration) was ignored.

In August 1981, the U.S. offered improved relations in exchange for an end of Sandinista support to the Salvadoran guerrillas. This offer was refused by the Sandinistas.

In April 1982, the U.S. again offered improved relations with the Sandinistas in exchange for an end of Sandinista support to the Salvadoran guerrillas. The Sandinistas ignored the proposal.

In October 1982, the U.S. joined in a multilateral demarche, the Declaration of San Jose, to Nicaragua. The Sandinistas refused to receive the proposal.

In April 1983, the U.S. offered to abide by a comprehensive, verifiable implementation of the September 1983 Contadora Document of Objectives.

From June to December 1984, the U.S. held nine rounds of bilateral talks with the Sandinista government. Bilateral (U.S.-Nicaraguan) arms reduction in the region, dialogue with opposition groups, and internal reconciliation were rejected by the Sandinistas.

Throughout 1985, the Sandinistas showed little interest in seriously considering U.S. proposals, while stalling Contadora by claiming they had come to an agreement with the U.S. prior to a Contadora agreement. When the Contadora talks were suspended for lack of progress (caused by the Sandinistas), Nicaragua was the only country to oppose an OAS General Assembly Resolution (December 9, 1985) calling for the continuation of the talks.

Throughout 1986, the U.S. expressed support for a treaty that was comprehensive, verifiable, simultaneous, and acceptable to the Central American democracies. Nicaragua refused to consider such an agreement.

AN HISTORICAL PARALLEL: NICARAGUA—TODAY, FRANCE—WORLD WAR II

The Nicaraguan resistance, not unlike the French resistance in World War II, is fighting to depose a tyrannical, unelected government of a totalitarian nature, from their native soil. By a vote of 221-209 the Congress agreed last year to provide these men and women with $100 million in aid—I might add a small amount when compared to the over $1 billion provided by the Soviet Union and their clients to the communist Sandinistas—so that they could recapture their revolution and establish the democracy they had originally hoped for.

WE HAVE GIVEN OUR WORD

These resistance forces, with our assistance, have now enterred Nicaragua to engage their foe. We have given them our word that unless the Sandinistas' met very specific demands, that would result in feedom for Nicaragua, we would resupply them this year. Believing that we are trustworthy, they have committed. And, the Sandinistas have committed themselves. As a result of this stepped up activity, they recently requested and received the assistance of an additional 300 Cuban "advisors" in light of the increased threat.

This is not a game. Sandinista terror is real and is being opposed by a resistance force who know that they face death. Nicaragua must not become another Bay of Pigs where we pledge support for forces of freedom and democracy and then abandon them once they are on the battlefield.

THE DELAY IS REALLY A DODGE

I would echo the distinguished Minority Leader's statement, "This moratorium is a cover story for killing aid to the contras. It is stonewalling by those who don't want to admit outright they want to destroy the contras." The majority of Congress gave its commitment to the resistance, it is time we honored that commitment.

NICARAGUAN DEMOCRATIC RESISTANCE TO RECEIVE $27 MILLION IN HUMANITARIAN AID

Signed into law August 1985, disbursed from September 1985 through September 1986. Administrative costs were 1%.

In human terms, this aid provided:

food for over 30,000 people—combatants and their families—for 12 months;

basic clothing needs for a force of 20,000 combatants;

two field hospitals and five clinics, plus warehouses to store perishable pharmaceuticals;

support for a 60-person medical staff; doctors, nurses and medics;

advanced restorative surgery for 39 seriously wounded combatants at a Miami hospital, and a hostel for their out-patient care;

support for a program to protect and promote basic human rights.

HOW WAS THE MONEY SPENT?

Congress built constraints into the system. The law prohibited any CIA or Defense Department role in administering the aid.

State created the Nicaraguan Humanitarian Assistance Office (NHAO); diplomatic reasons prevented NHAO from having offices, bank accounts or permanent personnel in Central America.

Typical transaction; resistance buys goods, sends invoice to NHAO in Rosslyn, NHAO evaluates invoice in terms of Congressional guidelines and competitive pricing, then decides on reimbursement. Payments made to Miami bank accounts of Central American suppliers. Procurements in US follow similar procedure.

Verification and controls: regular intelligence reports, visits of NHAO staff and Congressional delegations verified delivery of goods. All flights leaving US were cleared by US Customs inspectors for compliance with law (including no presence of arms). NHAO procedures and controls were discussed repeatedly with Congressional committees, GAO, State Department Inspector General.

GAO CRITICISMS

GAO finds no fraud or wrongdoing; it states that controls were insufficient to monitor all transactions. Because of constraints Congress imposed, NHAO was subject to legal and diplomatic sanctions that prevented US Government personnel from watching every step of every transaction. However, NHAO devised a monitoring network that would satisfy a prudent administrator.

NHAO detected $80,000 in false claims (0.29% of the appropriated funds). GAO notes that NHAO recovered these funds or offset them against subsequent purchases.

NHAO paid suppliers after goods were delivered. Payments often went to suppliers' Miami bank accounts, completing the transaction. GAO believes that NHAO should account for suppliers' use of these funds. The State Department believes the suppliers' use of their revenue is their own business.

Mr. ROWLAND of Connecticut. Mr. Speaker, approximately 2 years ago when I had my first opportunity to vote on aid to the Contras, I approached the whole issue very objectively. I listened to the arguments from both sides; as a matter of fact, I listened to one of our colleagues who returned from Central America and told us quite clearly: If we did not aid the Contras, Mr. Ortega would begin negotiations with the United States, he would begin negotiations with the Contras, he would work to find some peaceful solutions.

I thought we should give Mr. Ortega the benefit of the doubt, and it was at that time, 2 years ago, that I did not support aid to the Contras. I truly believed we needed to try some of those options.

Well, Mr. Speaker, and my friends, what we have seen is the fact that the pressure has not worked with Mr. Ortega. When we did not aid the Contras the first thing that Mr. Ortega did was go to the Soviet Union for economic and military aid. Soon thereafter, when we did give aid to the Contras, we saw Mr. Ortega come to the United States and begin to try to work with the American people to buildup some public record.

The fact remains that over the past 5 or 6 years there has been tremendous movement of Soviet military equipment in Nicaragua. In the first 5 years, from 1980 to 1985, some 600 to 700 million dollars' worth of military hardware; and in 1986 alone, an additional $600 million in military aid.

We see HIND attack helicopters; we see rocket launchers; we see light tanks, we see transport helicopters; we see transport planes; we see T-55 tanks; we see howitzers; we see surface-to-air missile launchers.

□ 1540

We see other gun howitzers, we see more and more military armaments coming in daily.

I have to ask the question, What is the interest of the Soviet Union in Nicaragua? We have to answer that question today with the action that we take today.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. Mr. Speaker, I returned early Tuesday morning from a fact-finding trip to Nicaragua and El Salvador. I was invited to be part of a delegation headed by Congressman GEORGE CROCKETT, the new chairman of the Western Hemisphere Affairs Subcommittee. In Nicaragua, we met with Vice President Ramirez, the Chief of Military Intelligence, the finance and foreign affairs ministers, political opposition leaders, private businessmen, labor leaders, church leaders, and human rights advocates.

I came away with the feeling that somewhere in the middle of the various testimony we received from these individuals, is the truth. I believe that it is important for us to understand that there cannot be short-term solutions for a situation which is complex and conflictive and which should be analyzed in its historical and local context.

The opposition leaders we met with in Nicaragua anxiously asked us why we keep funding the Contras. They appealed to us to stop the funding, to stop creating the basis for the people to rally to the Sandinistas, which is an understandable nationalistic reaction. The current American policy of funding the Contras only serves to exacerbate a situation whereby we are actually helping the Nicaraguan Government enforce repression. The Sandinistas tell us that the country is in state of emergency, that they are engaged in a war. Because of this, they justify repressive policies taken against the so-called revolution. Why must we continue to throw money at a war that, according to experts in the Pentagon, cannot be won? Why we are wasting taxpayers money on an ineffective fighting force. It is wrong to continue a failed policy.

Rather, we should support and encourage bilateral, regional, and hemispheric negotiated settlement agreements. We must trust our sister nations in Latin America. We must have a better confidence in our ability to verify a treaty agreement and protect U.S. security interests in the region. Our principles for democracy, respect for self-determination, and negotiated peace and security for all should be our guide for a formulation of sound policy.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. DANIEL].

Mr. DANIEL. Mr. Speaker, I rise in opposition to this resolution. Earlier today a news commentator said that today is the beginning of the end for the Contras. If we abandon the freedom fighters in Nicaragua, it is the beginning of the end of freedom for not only the people of Nicaragua, but for Central America.

We can debate, for a period of weeks, whether the United States should have been involved in providing aid to those who oppose communism in Nicaragua. We could go into exhaustive pros and cons as to whether such aid should have taken place, or what its terms should have been.

But the time for this is long past.

We have been, and we are, providing such aid. And I submit to the Members there are two key pledges we owe our constituents and the country as we debate providing further aid.

The first is that not one group of people anywhere in the world should be left in the lurch by the United States. Since World War II, literally millions of people—both as nations, and as ethnic groups, have allied themselves with us, only to be abandoned.

Ask the Hungarians, or the people of the Baltic States, or some of the Kachin Tribes of Burma, or the Meo or Montagnards of Souheast Asia, or the Kurds—ask them whether they wished that they had listened to American blandishments, implying assistance in helping them gain their peace and freedom.

We can no longer allow our country to be a "fair-weather" friend. Once embarked on a course where other people are at risk, we must discipline ourselves to follow through to victory.

The second thing we owe ourselves is not to create conditions where our worst fears become our only national option.

In El Salvador, the democratically elected government is defending itself with minimal United States participation. There are only 55 U.S. trainers allowed in the country. And the Sandinistas have been so busy countering their own resistance and revolutionaries that their stated goals of exporting Marxist revolution from Nicaragua to their neighbors have been frustrated. Let's not allow them to achieve their goals by reneging on our promise to the freedom fighters.

We cannot be seen to be a fickle and inconsistent ally. The people of El Salvador, Nicaragua, Honduras, and Costa Rica deserve better than that, as do the people of the United States.

Despite the investigations which are presently under way, there are certain facts which are as true today as they were a year ago, 6 months ago.

Nothing has changed, insofar as the problems—and potentially worse problems—in Central America are concerned. Nicaragua remains a Marxist state, and the Sandinistas remain determined to continue consolidation of their hold on this nation, which has already suffered far too much. They continue to foment trouble in neighboring countries. They continue to proclaim their unity with Eastern bloc nations.

And they continue to be a threat to democracy in Central and South America, and even to North American States.

I plead with all our colleagues present today that they not permit their good judgment and better instincts to be clouded by what may have happened half a world away. Let us instead view realistically what is happening in Nicaragua today, and what awaits us in the future, if we deny aid to those who will oppose Marxist totalitarianism in our stead.

There is no place to which we can run from our own southern border. We cannot sacrifice anyone else, any further group, who is allied with us in the name of freedom.

It disturbs me greatly to hear the repeated allegations that the freedom fighters cannot win. This is the same kind of attitude that was being displayed 2 years ago in trying to scuttle the democratically elected government in El Salvador. All we heard then was that it made no sense to help the El Salvadoreans because quote "everybody knew" that the Marxist guerrillas would win. While we're standing here debating this resolution, there are over 10,000 freedom fighters in small infiltration teams operating over one-half of the area of Nicaragua. They have recently shot down a Soviet HIND helicopter, the most feared weapon provided to the Marxists by the Cubans and the Soviets. All they need from us, in order to win, is encouragement and equipment.

I am strongly opposed to communism, and will therefore vote against this resolution. I would ask my colleagues if it makes any sense to spend $300 billion a year to contain communism in other parts of the world, while we allow it to flourish on our doorstep.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES].

Mr. STOKES. Mr. Speaker, I rise in strong support of House Joint Resolution 175.

The meaning of our vote today will be in the message it sends to the administration.

I know what I think the message should be. That message is: Your policy is losing support because many in Congress don't believe you.

For example, we were told in 1985 and 1986 that the Contras were destitute and about to disintegrate. Oliver North may have raised as much as $50 million for the Contras in that same period.

We were told that there was no evidence that other countries provided support for the Contras. Not only was there such support, key administration witnesses knew of that support.

Twice the Intelligence Committee looked into allegations of Oliver North's Contra supply operations. Both times we were assured that those allegations were false. Now administration officials say that "everybody knew" North was helping the Contras.

We were told that UNO was a genuine Contra unification effort that would exercise overall political and military control. Not only was it totally a construct of the State Department and CIA, today it is in shambles.

Then, we were told that U.S. aid would soon show dramatic results in the field. We are being told that today. Yet that is the biggest fabrication of all. The Contras may bomb a few more powerlines or attack another military outpost, but the basic truth is that theirs is a guerrilla war. It is a long war of attrition that will not be won by a military victory. The Contras can only prevail if they win the minds and hearts of the Nicaraguan people. They have not done so in 5 years of guerrilla struggle. I am not convinced they will ever become a political force capable of toppling the Sandinistas.

Mr. Speaker, I think that members of the Intelligence Committee always knew they were getting a sales pitch on Contra aid. Success was always just around the corner; its arrival was delayed not by anything the Contras said or did, nor by their lack of support within Nicaragua—but always by lack of financial support from the Congress. Well, we now know they had financial support from other sources—and it didn't help.

The failure of administration policy in Central America has several causes—its shallow ideological underpinning, its unpopularity here at home, and its myopic focus. Just as important, hard facts were so submerged by the outpouring of incomplete, misleading, and sometimes false information that future presentations on the Contra issue can be guaranteed to receive a critical reception.

I urge an "aye" vote on this resolution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona [Mr. RHODES].

Mr. RHODES. Mr. Speaker, I rise in opposition to the resolution before the House.

Mr. Speaker, once again Congress is debating whether to continue, suspend, or cut off our support to the Nicaraguan counterrevolutionaries, or Contras. Once again, the specifics of American foreign policy are the subject of debate in this body. Once again, the stated policy of this country—supporting the Contras in order to pressure the Sandinista government of Nicaragua to grant to its citizens basic freedoms—is being challenged with absolutely no alternative policy being offered.

But leaving aside questions of policy and questions of the motivation of those who challenge our policy, once again this Congress is threatening to renege on commitments made to people who have risked all in reliance on us and our word.

This is not new for the United States. Regrettably, we've done this before. On page E1034 of the CONGRESSIONAL RECORD of March 11, 1975, is reprinted a letter from a Vietnam veteran to his Congressman, expressing his concern about the proposed cutoff of aid to the Republic of Vietnam. In his letter, the writer speaks of commitment, the commitment of the United States to the people of South Vietnam to assist them and to stand by them until they were strong enough to carry their burden alone, and the commitment of those people to carry on the struggle until the mutual goals of the United States and Vietnam were achieved. The writer also expressed concern about the fate of those Vietnamese people who made that commitment were we to go back on our word and withdraw our support. We all know what happened. We know what Congress did about our commitment and we know what happened to South Vietnam and the people who relied on us.

There are great similarities between the debate in 1975 and 1987. Again, as with Vietnam, there is real reluctance to talk about the resistance in Nicaragua in terms which carry the image of people, of human beings. We refer simply to Contras. We don't speak of them as being people or even as soldiers. We don't speak of them as husbands, sons and fathers, as people who left their homes to oppose an oppressive regime, or as people who are risking their lives for basic freedoms. The only Contras who are granted human characteristics are those who are alleged to have been involved in illegal acts or atrocities. The rest are a faceless, nameless, formless amorphous mass of Contras.

But that is not what they are. They are people, they are husbands, sons and fathers, they are human beings making a commitment to fight for the freedom of their country based in part on their belief that the United States is supporting them and will help them until they can stand on their own.

Mr. Speaker, I was the author of the letter I referred to earlier. I was as advisor to the Vietnamese military in 1969 and 1970, at the start of Vietnamization. The sole job of the advisor at that time was to convince our counterparts that as they assumed responsibility for prosecution of the war, the United States of America would stand behind them.

When I wrote that letter in 1975, I was in agony. My country was backing out of its commitment to the people whom I helped convince to rely on us, and my country was making a liar out of me.

Are we going to repeat our history? Once again are we going to pull the rug out from under the feet of brave people whom we have asked to rely on us, and who have relied on us, to their peril? Our word is at stake here, but more importantly, the lives of people, counterrevolutionaries, soldiers, fathers, husbands, and sons are at stake. Stop calling them Contras. Call them what they are—people, soldiers, family men, counterrevolutionaries. Put a face on them, and a name. Then ask yourselves—what happens to them if we go back on our word? Where do they go? What do they do? What happens to their families? Will they ever enjoy the freedoms that are so dear to us?

Don't put me in agony again. Remember what we did to the people of South Vietnam. Then vote.

Mr. Speaker, under leave to include extraneous matter, I include with my remarks, page E1034 of the CONGRESSIONAL RECORD of March 11, 1975:

AID TO SOUTH VIETNAM

Mr. RHODES. Mr. Speaker, there has been considerable discussion about the pros and cons of our program of helping the South Vietnamese. Many of the arguments have generated more heat than light.

I have received a letter from a person who knows firsthand the rationale for our assistance in Vietnam. He was one of these hundreds of thousands of American young men who spent time there. I believe that he has expressed the real commitment that we have made to the brave, freedom-loving people in this Asian land. I am hopeful that my colleagues will take time to read this personal account, which is a reflection of the overall commitment our Government has made, but which now seems to be near abrogation by inaction of the Congress.

The source of this letter is one in which I have great faith, as to its accuracy and sincerity. The writer is my son, Jay. Text of the letter is as follows:

KILLIAN & LEGG,
Mesa, AZ, March 4, 1975.

Hon. JOHN J. RHODES,
Congressman of the United States,
Washington, DC.

DEAR DAD: I'm becoming quite concerned with the attitude of the Congress concerning continuing aid to South Viet Nam. I think there are some factors involved that have been forgotten or not considered.

Leaving aside the question of a "national commitment", I am concerned about personal commitments—millions of them.

There were basically two periods of time in which we asked for commitments from the Vietnamese. The first was when we were building up our forces in the middle 60's, and our request was basically that the government of Viet Nam just hang on, and we would fight the war for them while training them to take over the responsibility. We all know that as time went on the United States did more and more of the fighting, while the Vietnamese seemed to require more and more training.

The second period was what we knew of as "Vietnamization." I was in the country when Vietnamization really began to take hold, in 1969 and 1970. Our message to our Vietnamese counterparts changed from "Let us do it" to "We can't do it,' "We don't have it," "You'll have to make do," "There are no U.S. assets available," and "No." It was a difficult, dangerous, trying, frustrating time. The American field and company grade officers understood the program better than most general grade officers. It cost lives.

But, most importantly, it required commitments, first on our part and then on the part of the Vietnamese.

The United States told our allies, at the Summit level, in effect, if you will take over the burden of fighting this war so that we can get our troops out, we will negotiate the best settlement for you we can, buy you as much time as we can, and support you with materiel and assistance. This was easy to pledge on the strategic level.

On the local level, we were standing face to face with Province Chiefs, police officials, Regional Force and Popular Force soldiers, Peoples' Self-Defense Force volunteers, Rural Self-Development Force cadre, National Police Field Forces personnel, government of Viet Nam elected officials, and civilian bureaucrats, as well as their army, and telling them not to give up, and not to go over; that we would complete their equipping and training, and see to it that they would not lack for support in their continuing fight. We were going home but we would not forget and would not allow them to be forgotten.

In August of 1970, there were hamlet and village level elections held throughout South Viet-Nam. Many thousands of Americans were involved in reassurances to prospective candidates in these elections that the United States would remain committed to the Republic of Viet-Nam. Many Vietnamese committed themselves to those elections based on those assurances, and many of them are now dead, because of that commitment.

It was my experience that the American soldier and his officers understood Vietnamization quite well and helped to implement it ably. The fact that the soldier may have been motivated more by the desire to get home than anything else does not detract from the fact that Vietnamization could not have worked without his personal involvement and commitment. It was that involvement and commitment which produced the cooperation of the Vietnamese themselves, without which Vietnamization could never have worked, for many long, agonizing, horrible months the Vietnamese were most uncooperative. They finally became cooperative and committed to the program when they realized that we were serious about (a) getting out and (b) keeping them in. This was accomplished by continuous, constant, personal assurance to the Vietnamese in the field by the Americans in the field.

In short, there are literally thousands of Americans who are personally committed to specific Vietnamese individuals who have in turn committed themselves based upon the word of those Americans. I am less concerned, however, with the breaking of the word of thousands of Americans than I am with the effect on those who relied on our word. Literally tens of thousands of South Vietnamese are now under arms or working for the government of Viet-Nam who would otherwise not have been had we not convinced them of our commitment. It is not dramatization to say that we placed them in harm's way by asking them to make that commitment. I have personally seen the results of the commitment when the Viet Cong came into the picture; it is most unpleasant.

More is at stake than $300,000,000, or the nature of President Thieu's regime. In this war, policy was very much formulated and promulgated by the men in the field; turning the war over to the Vietnamese would never have worked if those men had not made it work by convincing their counterparts that, with our help, it would work. Our personal commitment and word, and their lives, are at stake now.

I hope that your colleagues will consider these additional factors in their deliberations.

Sincerely,

JOHN J. RHODES III.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. DONALD E. LUKENS].

Mr. DONALD E. LUKENS. Mr. Speaker, during the debate in May 1984 about military assistance to El Salvador a familiar cry was wringing out from the same people who are trying to cut off funds to the democratic freedom fighters in Nicaragua. They were wrong then and they are wrong now.

A gentleman from Massachusetts: "The situation in El Salvador will continue to deteriorate. And it may not be too long before American boys are sent to El Salvador to pay the price for our failure today." Wrong then, wrong now.

A gentleman from New York: "It seems to me that one sure fire way for communism to continue in El Salvador is for us to give military aid." Wrong then, wrong now.

A gentleman from Pennsylvania: "No one in Congress wants to see a communist victory in El Salvador, but that is exactly what the Reagan administration's policy will bring if pursued." Wrong then, wrong now.

A gentleman from Massachusetts: "If we maintain our present course * * * and U.S. soldiers will, sooner or later, be called upon to fight in another unpopular and unwinnable war." Wrong then, wrong now.

A gentleman from New York: "We do not need a policy of more military aid: we need a policy that stresses negotiations, not a military solution." Wrong now, wrong then.

Why help communism?

Why such a rush to stop freedom in Nicaragua?

Vote no for peace and freedom in Central America.

In one of the classics of Greek mythology, the "Odyssey," Ulysses was tempted by sirens of false prophecy. For the good of his men and his country he did not listen and continued his glorious journey. Today in Central America, there is a glorious journey taking place from Communist dictatorships, to democracies. Just as the liberal sirens of false prophecy tried to wreck the journey of democracy in 1984 urging Congress to adandon the Reagan doctrine in El Salvador. Once again we hear wales of Soviet appeasement and abandonment of the freedom fighters in Nicaragua. I will not listen to these sirens of false prophecy and allow the fragile ship of democracy in Central America to sink on the underwater shoals of congressional appeasement and surrender to communism in Central America. One of America's greatest defenders of liberty and freedom, Patrick Henry once said:

> It is natural for man to indulge in the illusion of hope. We are apt to shut our eyes against a painful truth, and listen to the "Song of the Siren" till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty? Are we disposed to the number of those, having eyes, see not, and having ears, hear not, the things which so clearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth: to know the worst, and to provide for it.

So please join me today and vote for liberty and freedom in Central America. A vote of "no" today is a vote for freedom and liberty. A "yes" vote today is a vote for appeasement to Soviet expansionism.

Why help communism?

Why such a rush to stop freedom in Nicaragua?

Vote "no" against the moratorium, for peace and freedom in Central America.

□ 1550

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise in support of a moratorium on aid to the Nicaraguan Contras. Our efforts to aid, and arm, and back, and fund the Contras have been little short of disastrous. Now is the time to stop. Today, we should abandon this failed policy.

I understand and share the very grave concerns that exist about a Communist threat in this region. I can sympathize with those who feel that Nicaragua has somehow become freedom's last bastion. I share the distaste with which so many view the abuses of the Sandinista regime. And I acknowledge the frustration many feel with a search for peace that has been long, hard, and largely unrewarding.

But even more, I am embarrassed: embarrassed that we continue to throw good money after bad; embarrassed that we have allied ourselves with those who abuse human rights; embarrassed that members of our Government should openly espouse the overthrow of a sovereign nation with whom we have diplomatic relations; and embarrassed that this tragedy should become so entangled with scandal and corruption.

The arguments of those who oppose this moratorium are circular. The way to peace, they say, is through further military aid. Yes, they say, we are in favor of negotiations—but those negotiations must be accompanied by continued funding for the Contras. Mr. Speaker, I do not believe that our Nation would ever negotiate at the point of a gun, and I do not believe the Sandinistas will either. The argument is bankrupt.

Today, we should send a clear message to the administration that supporting the Contras was bad policy and remains bad policy. We can do this by imposing this moratorium on money to the rebels, by demanding a full accounting, and by throwing our still-considerable influence and prestige behind a negotiated settlement.

Mr. Speaker, those of us in the House disagree on many things, but I believe we are all sincere in our hope for peace in Central America. The critical ingredient for peace—the one we are lacking today—is a peace settlement. I believe that is obtainable if and only if we cut off funds to the Contras. I urge all my colleagues to support this moratorium.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Speaker, I want to put in a fascinating compilation of remarks by all of the Presidents who have all been duly elected into office in the four democracies that surround the Communist dictatorship of Nicaragua. Col. Ollie North has been mentioned very frequently here, so I would like to put in the remarks that he made at his first speech after coming back from the Middle East last May so we have in the historical debate what Colonel North actually says about Central America.

Mr. Speaker, I am also asking for a 5-minute special order to ex post facto talk down what I will not have the time to do today. What we are talking about here is Communist equipment in our hemisphere; Communist airfields; Communist radar facilities, Cuban-manned; Sandinista Communist port facilities. I do not have the prison camps, but I will tonight.

This is Communist equipment, I tell my colleagues on both sides of the aisle, particularly the gentleman from New England on our side, the Connecticut Yankee who told me that all of us are responsible for communism in Nicaragua, just as we are in Cuba, I suppose.

Look at this equipment, Communist equipment, flying on the continent of North America. Here is a picture that you freshmen, 50 of you, may not have seen last year.

Look at this suspended priest, Miguel D'Escoto, who has not been seen in the Catholic church in 10 years in Nicaragua, standing here together with Qadhafi and Ortega. Do you guys over there on the other side of the aisle know what has happened to Qadhafi? Where did that guy go? Maybe he is taking a little R&R in Nicaragua.

This is communism, gentlemen, here in our hemisphere and here on our continent.

Mr. Speaker, I submit the material I referred to previously for the RECORD:

[From the U.S. Department of State]

WHAT LATIN AMERICAN LEADERS SAY ABOUT THE SITUATION IN CENTRAL AMERICA

Here, in their own words, are the publicly expressed positions of the democratic leaders of Latin America on the questions of the importance of democracy to internal reconciliation and regional peace, the Contadora negotiations, the struggle of the Nicaraguan Democratic Resistance, the Sandinista threat to regional security, and the Sandinista betrayal of the popular revolution of 1979.

ON THE IMPORTANCE OF DEMOCRACY

"We are not dealing with a mere border problem. I believe it would be simplistic and avoiding the crux of the problem to believe that the conflict would be resolved simply by ensuring calm borders. No. It is a much more far-reaching problem, which demands the establishment of democracy in all areas."—President Oscar Arias of Costa Rica; *La Vanguardia* (Barcelona, Spain), February 1, 1987.

"Insurgent movements would have no justification . . . if Nicaragua had an authentic democratic process going on."—President Jose Azcona of Honduras. Letter to the Presidents of the Contadora and Support Group Countries, January 20, 1987.

REPORTER. "What is your position regarding internal Nicaraguan problems?"

PRESIDENT CEREZO. "We think that there must be increasing promotion of an internal political opening so that the Nicaraguan people will make their own decisions."

REPORTER. "Is this the case now?"

CEREZO. "No, it is not because, unfortunately, regardless of the explanations and justifications, the truth is that the internal political space has been quite reduced, and the possibilities for pluralistic political activity are not absolutely clear. I think there is discussion about this topic. However, we should work to achieve it because we maintain that the lack of pluralism and democracy leads to polarization and confrontation. To the extent that the political system is closed, the existence of armed groups opposed to a political group is justified."—President Vinicio Cerezo of Guatemala, Guatemala City Radio Television, January 19, 1987.

"In this context, the foreign ministers expressed their clear support for the democratic process of the region, given that its development calls for the guarantees within a context of broad participation and political pluralism in which dialog replaces any alternative of confrontation among the countries of the area and the continent."—Joint declaration of the Foreign Ministers of El Salvador, Guatemala, Costa Rica and Honduras, January 16, 1987.

"There are opposing positions, but democracy is the sole road leading to a solution in Central America. We respect the people's right to self-determination but we think that only by practicing democracy will we be able to resolve the problems and find peace."—Foreign Minister Mario Quinonez of Guatemala, Caracas Television, January 9, 1987.

"As long as there is no political opening in Nicaragua, there will be problems in Central America . . . as long as there is no democratic opening, there will be counter-revolutionaries, people in exile, and refugees."—President Jose Azcona of Honduras, Press Conference, January, 1987.

"Only if we endeavor to enable all peoples to enjoy democracy, only if we encourage the downfall of all tyrants equally, can we prevent the threats to peace throughout the world from growing in the Americas."—President Oscar Arias of Costa Rica, Washington Post, December 5, 1986.

"I feel that democracy is the solution for Latin America. . .

"Democracy helps unit out people. . . .

"I know of no case in which democratic governments have waged or declared war on one another; or in which they have democratically gathered and elected governments and then those governments have begun fighting or creating conflicts with others. Therefore, democracy has also become a tool of our people."—President Jose Sarney of Brazil XEW TV, Mexico City, December 5, 1986.

"I reiterate here that to walk along paths of peace in the Americas and the Caribbean one must overcome the fear of freedom: freedom and democracy for development, freedom and democracy for justice, freedom and democracy for peace."—President Oscar Arias of Costa Rica, "Radio Reloj" (San Jose, Costa Rica), September 9, 1986.

"There can be no peace, even if the Nicaraguans throw all their artillery and their helicopter gunships into Lake Managua, if there is no democratic opening in Nicaragua. The Nicaraguan people, both inside and outside, will keep fighting for their freedom, and Honduras and Costa Rica will keep suffering the effects of that struggle."—President Oscar Arias of Costa Rica, speech before the National Press Club as reported by the Washington Post, May 29, 1986.

"There can be no democracy if political parties are persecuted. There can be no democracy if the people's rights to representation and decision making are not respected."—President Jose Napoleon Duarte of El Salvador, San Salvador Education Television, May 23, 1986.

"We must strongly reaffirm our commitment to peace and our willingness to contribute to achieving peace through democratic participation."—President Vinicio Cerezo of Guatemala, Inauguration address, January 14, 1986.

ON CONTADORA

"If Managua insists on negotiating with the United States, it will be displaying its intransigence. I have often said that my impression is that if the contras did not exist the Sandinistas would have to invent them, because they have used them as a pretext for establishing an increasing authoritarian regime."—President Oscar Arias, of Costa Rica, La Vanguardia (Barcelona, Spain), February 1, 1987.

"The Sandinista regime was becoming more radical and increasingly closing in on society. This evidenced a gap between what the Nicaraguans offered the Contradora Group and what they were doing. This cynicism, this gap between what is said and what is done, is hypocritical."—President Oscar Arias, of Costa Rica, "Radio Reloj" (San Jose, Costa Rica), January 20, 1987.

"The blocking of the Contadora negotiation process was provoked by Nicaragua when it took the Central American issue to the International Court of Justice. Honduras thus finds itself unable to negotiate both in the political forum and the jurisdictional forum.

"Partial or progressive proposals that only satisfy the political or security interests of one of the parties are unacceptable. An integral agreement is the guarantee that the solution will constitute an answer to the concern of all the States."—President Jose Azcona of Honduras, Letter to the Contadora and Support Group presidents, January 20, 1987.

"The Contadora Group and the Support Group have not had enough courage to pressure the Nicaraguan government to stop violating the rights of the Nicaraguan people, and this is taking us into a difficult situation to overcome."—President Jose Azcona of Honduras, Diario Las Americas, November 19, 1986.

"In Panama the true situation was made very clear. Twelve Latin American foreign ministers, four Central American countries, supported the prompt signing of the acta [Contadora draft of September 1984 with agreed-upon modifications] in accordance with international opinion. Only Nicaragua was opposed, thus demonstrating once again that it has neither an interest in, nor the will for, peace in Central America."—President Oscar Arias of Coasta Roca, La Nacion (San Jose, Costa Rica), April 9. 1986.

"Nicaragua rejected everything, everything that was presented to it. There is nothing left to talk about."—Vice President Rodolfo Castillo Claramount of El Salvador, at the conclusion of the Contadora meeting in Panama, April 7, 1986.

ON THE STRUGGLE OF THE DEMOCRATIC RESISTANCE

"I believe that the contras are fighting in Nicaragua; they are fighting for something they believe is the liberation of their country, and they have the right to fight for that. That is a problem between Nicaraguans; I cannot tell the contras to stop fighting against the Sandinista government."—President Jose Azcona of Honduras, Tiempo, February 16, 1987.

"Foreign forces, with discrete banners and objectives, also existed in the past and, after seizing power, they betrayed the democratic precepts of the insurgency. This abandonment of principles resulted in some of those same revolutionaries continuing the struggle today, always without the intervention of Honduras."—President Jose Azcona of Honduras, letter to Honduran Christian Democratic Leader Efrain Diaz, January 28, 1987.

"I want to make clear to you my position, which is the same that I expressed in Washington. It would cause me great sorrow if, because of what has happened in the U.S.—the so-called Irangate—aid to the contras is terminated and nothing more . . . that this results in allowing the Sandinista regime to consolidate, to not change, to not yield, to not compromise, and everything remains the same. I would say to you that to me as a Coasta Rican, it would cause great regret, and I believe that it would hurt the Nicaraguan people much more than me because they have fought so hard to get rid of one tyrant, one dictator, and seven years later they have nine . . . [If] this scandal results only in Congress not approving more military aid, and leaves matters in Nicaragua as they are, I think it would be regretted by the Contadora Group, the Support Group, by the other Central American nations, by the whole world. Because—let's not fool ourselves—although the world does not support the war, this doesn't mean it concurs in the status quo in Nicaragua. There is a distinction between not concurring in a military outcome but wanting important changes in the Managua regime."—President Oscar Arias of Costa Rica, press conference in San Jose, December 18, 1986.

In a meeting with editors and reporters of the Washington Post, President Azcona expressed support for aid to the NDR because, in addition to other reasons, the aid might help the resistance "to exercise their right to remove a government which is not granting the freedom it promised before coming to power."—President Jose Azcona of Honduras, Washington Post, May 29, 1986.

"I generally . . . and Ecuadorean journalists representing the international press know me rather well, know that I am very careful about certain things, for example in expressing opinions about internal or external politics of other countries. But my point of view in relation to Nicaragua is very clear. In Nicaragua, everybody intervenes. . . . We are not wearing bandages over our eyes. Blues, reds, pinks, all types of combinations of political colors intervene in the internal life. There is a group of Nicaraguans who are fighting for their liberty. If they are able to acquire help, well. . . . Just as those in the government are acquiring aid from another party, since the only thing that it will do is to balance the forces a little more. I ask, where do the arms that Nicaragua has come from? They don't come from the heavens. They come from a particular place in the world."—President Leon Febres Cordero of Ecuador, press conference in Quito, March 18, 1986.

In a March 13, 1986 meeting of the National Council of Salvadoran Businessmen, President Duarte described the Democratic Resistance as a "physical barrier" against the infiltration from Nicaragua to El Salvador of arms, guerrillas and supplies.—President Jose Napoleon Duarte of El Salvador, meeting of the National Council of Salvadoran Businessmen, March 13, 1986.

"They were trying to build a government on the Soviet-Cuban model. They were going right ahead with that, but they were stopped by external pressure. I believe they still have the same goal. The pressure on the Sandinistas is a good thing."—Foreign Minister Carlos Jose Gutierrez of Costa Rica, interview with Washington Times, June 19, 1985.

ON NICARAGUA AS A THREAT TO REGIONAL SECURITY

"If Nicaragua halves its numbers of tanks, aircraft, armored helicopters, and so forth, it would simply mean that if they were to decide to invade us it would take them 15 minutes longer to do so. What worries us is Nicaragua's failure to move toward a pluralist form of democracy, as they promised in 1979 and as advised by the Contadora document."—President Oscar Arias of Costa Rica, La Vanguardia (Barcelona, Spain), February 1, 1987.

"The insecurity and instability factors prevailing in the area are caused by the Sandinista authoritarianism, their militarism and the regime's alignment with the Soviet Bloc."—President Jose Azcona of Honduras, letter to the Presidents of the Contadora and Support Group Countries, January 20, 1987.

"Our security relations with the United States have developed and grown closer as the logical result and natural reaction expected from Honduras in view of the threat we feel from Nicaragua. It is unreasonable for Honduras to face on its own the Soviet-Cuban challenge hiding behind the Sandinista government, which has made it possible to arm and train around 150,000 men. . . .

"Honduras does not have the will to militarize its society. We will therefore maintain the special security relationship with the United States of America as long as Nicaragua represents a threat to our security and our way of life and of government."—President Jose Azcona of Honduras, letter to Contadora and Support Group Countries, January 20, 1987.

"It is necessary that in order to demonstrate this political will Nicaragua must cease its aid in all its forms against Salvadoran democracy, aggression which has converted Nicaragua into a sanctuary for the Salvadoran terrorists of the FMLN/FDR."—President Duarte of El Salvador, memorandum used by President Duarte in his meeting with the Contadora/Support Group Foreign Ministers, January 20, 1987.

"The struggle for national liberation of a Central American country resulted in its total alignment with the Soviet Bloc. The economic plan they announced and which should have redeemed their people from misery was adulterated to establish and consolidate a true war machinery with hegemonic and expansionist goals. These facts, which summarize the recent history of that country, have created uncertainty, wariness, and tension throughout the area."—Foreign Minister Carlos Lopez Contreras of Honduras, speech before the UN General Assembly, October 8, 1986.

"Costa Ricans are worried about the consolidation of a regime with a Marxist ideology at our borders."—President Oscar Arias of Costa Rica, "Radio Reloj" (San Jose, Costa Rica), September 9, 1986.

"Nicaragua has been the springboard, the sanctuary for the whole Salvadoran guerrilla movement."—President Jose Napoleon Duarte of El Salvador, San Salvador Education Television, May 28, 1986.

"I cannot ignore the fact that in Nicaragua there is a colony that is completely isolated, where the leaders of the Salvadoran guerrillas have their operations center, their means of communications, their arms and ammunitions depot, and from where they prepare for guerrilla warfare."—President Jose Napoleon Duarte of El Salvador, interview with Noticias Argentinas, April 6, 1986.

ON SANDINISTA BETRAYAL OF THE REVOLUTION

"Seven years ago, the Sandinistas promised a new Nicaragua. They have built a second Cuba, . . . so I think the Dutch people, in a way, have been betrayed since they helped the Sandinistas. They thought they were fighting against Somoza in order to establish a democracy. Western Europe should put some pressure on the Sandinistas, because if we want peace, we will not find that peace without democracy."—President Oscar Arias of Costa Rica, "Panoramiek" (Dutch National current affairs TV show), February 3, 1987.

"We want the entire world to see the hidden truth and to expose a Nicaragua in which Sandino has once again been betrayed: Sandino was revived 7 years ago to mark the liberty of a people; he has been assassinated again."—President Oscar Arias of Costa Rica, speech to the UN General Assembly, September 24, 1986.

"There is no letup for anyone along the path chosen by the commanders, who betrayed a revolution aimed at returning democracy to several generations that only knew oppression. There is no letup for that people, who, frustrated and disappointed, have returned to civil war."—President Oscar Arias of Costa Rica, "Radio Reloj" (San Jose, Costa Rica), September 9, 1986.

"The rulers of Nicaragua have chosen the way of their revolution, which, according to impartial observers, leads to Marxism-Leninism."—President Jose Azcona of Honduras, address before the Organization of American States, May 28, 1986.

"Costa Ricans feel deceived by the Sandinistas—in a way, even betrayed by them. They used our territory, we helped them a lot. We were very much against Somoza. We had many difficulties with the Somoza governments for more than forty years. No one helped the Sandinistas more than the Costa Ricans."—President Oscar Arias of Costa Rica, "John McLaughlin's 'One On One'", February 23, 1986.

For further information, contact the Office of Public Diplomacy for Latin America and the Caribbean: ARA/LPD, Room 6253, Department of State, Washington, DC 20520.

The following publications are available from the Office of Public Diplomacy for Latin America and the Caribbean:

Attacks on the Church: Persecution of the Catholic Church in Nicaragua;

Comandante Bayardo Arce's Secret Speech before the Nicaraguan Socialist Party (PSN);

Crackdown on Freedom in Nicaragua and Profiles of Internal Opposition Leaders;

Dispossessed, the Miskito Indians in Sandinista Nicaragua;

Human Rights in Nicaragua—from Revolution to Repression;

In Their Own Words: Testimony of Nicaraguan Exiles;

Inside the Sandinista Regime: A Special Investigator's Perspective;

"Revolution Beyond Our Borders," Sandinista Intervention in Central America;

Special Report No. 148—The U.S. and Central America: Implementing the National Bipartisan Commission Report;

The Challenge to Democracy in Central America;

The Sandinista Constitution; and

"The 72-hour Document," The Sandinista Blueprint for Constructing Communism in Nicaragua.

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[From the Washington Post, Dec. 21, 1986]

THE WORLD ACCORDING TO OLIVER NORTH

(Lt. Col. Oliver L. North gave an emotional presentation of his views on terrorism, Central American and the Soviet Union in a speech May 31 to the Council for National Policy, a conservative group, in Nashville. The organization taped the proceedings, and a copy of the tape was obtained by Washington Post staff writer Sidney Blumenthal. North at the time was deputy director for political-military affairs for the National Security Council. The following are excerpts from his remarks.)

We are, I believe, engaged properly in a war against terrorism in a way that does not mean that the United States has to practice the same. The important thing in all of this is to understand that the current attack against the United States by radical subversives and terrorists is one that is conducted worldwide in an effort to make the United States withdraw back in and unto itself. And what we see happening in the world today in the hands of people like Abu Nidal, Abu Abbas, the M-19, the Red Army faction and various other terrorist organizations and radical groups is designed to intimidate and frighten and scare.

I do not wish to tell you that we are winning this war, for we are not. We are not winning this war, because Americans no longer feel free to travel as they would. We are not winning this war, because we are closing down and reducing the size of our diplomatic missions and building higher and higher walls around them. And I will tell you that in my personal opinion, as the president's advisor on counterterrorism, it will continue to be that way until we can, in some measurable way, turn the tables on those who support and defend terrorism * * *.

I do not want you to believe—because I do not—that there is a gremlin in the basement of Dzerzhinsky Square, the KGB headquarters in Moscow, that there is a man who picks up the phone on the night of April 12, 1983 and says, "Muammar, go blow up the American embassy in Kuwait." That doesn't happen.

But indeed, within that Dawaa party organization that blew up our embassy in Kuwait, there were members who had indeed received [Soviet-bloc] training. When they finished their training in the camps of the Caucasus or Yugoslavia or Czechoslovakia or Hungary, they left and they were patted on the backside and they said go out and do good things for the Shia cause, go out and do good things for Sandino, go out and do good things for the Irish Republican Army. Go out and do good things for whatever your cause is, because whatever your cause is will cause the Americans to withdraw, to pull back, to be frightened and fearful, to lose confidence in their government. To fear for themselves, to stop traveling.

Last week I spent a week traveling throughout the Middle East. When one sees the B. F. Goodrich Co. taking down its signs in Europe and in the Middle East and IBM, which runs major overseas organizations, taking down their signs and lowering the American flag to reduce their profile, you know we are not winning the war against radical subversion and terrorism.

I believe that we will have to reverse the course that the Soviets had set for us in order to achieve victory. It is indeed important to address the root causes of terrorism but it is even more important that the Soviets know that they cannot indeed support this kind of activity, regardless of how covertly, and get away with it with impunity. And I would allege that the best way to do that is to prosecute individual terrorist organizations just as we have, yes, but to go after the Soviet model in the true sense of the word. Less than three hours flight time from here [in Nicaragua], there is a Soviet model * * *.

What do the Soviets intend? Well, if nothing more, they intend to outspend us in our own hemisphere. The Soviets are outspending us almost four to one in our own hemisphere in both economic and security aid to their friends versus our friends. This is at a time when our Congress threatens next year to reduce our assistance to the Latin American and Central American democracies by between 17 and 23 percent. The Soviets next year, we estimate, will spend $6.9 billion for their friends while we reduce ours * * *.

At Lourdes, Cuba, is the largest signals-intelligence site in the world. During the Achille Lauro counterterrorist operation, which we ran to capture four of the terrorists who had seized that cruise ship and murdered Mr. Klinghoffer, we relied extensively on open telephone conversations with several friends that we have in the Middle East. In that effort, this signals-intelligence site monitored all of those phone calls and at one point on a Friday evening they were so overworked that they picked up their own direct telephone line to the Soviet embassy in Washington, DC, and asked the KGB resident for additional service. He was bold enough to tell them that it was a Friday and, after all, why should we be expected to work on Friday? Moscow directed him to provide the additional service.

They have a direct-dial-tone indicator code and a computer down there which they stole from the United States and that computer shunts telephone messages in the Pentagon, White House and CIA prefixes directly into the earphones of a Soviet linguist who translates it and immediately broadcasts it back to the Soviet Union for action. Fort George Meade, Maryland, is our facility. Fort George Meade is thousands of miles from the Soviet Union. This facility is 123 miles from the United States.

What we have in Cuba today is a society dedicated to one thing. And that is the advancement of scientific socialism as the Soviets have defined it. The youth of Cuba are brought up to become the finest field army in the world today. I say that knowing, and as you do, that I am indeed a marine infantry officer in real life, and Washington is not real life. That is the finest field army because every single officer in it gets combat experience before he becomes an officer. And he gets it in places that the Soviets want him to practice his deadly trade. The Cuban military is engaged around the world as the surrogates of the Soviets. They're the mercenaries of the 20th century.

The Cubans are actively engaged throughout the world. But there is now a place much more vital to our interests, and this time on the mainland of this hemisphere. This is the poor tortured country of Nicaragua, which could indeed become the next Libya. This time not thousands of miles away in the Mediterranean, but three hours of flight time from here.

What we see happening in Nicaragua is widely unknown to the American people. We have been unable in this administration to communicate the real threat that Nicaragua poses to our nation. It is indeed a national security threat of the first order. Not just because their combined military capabilities outweigh all other nations that surround them together. But because of the extraordinary investment that the Soviets have placed inside this country. It is the largest development of a military infrastructure that has ever occurred in this hemisphere. And yet, just last week we were accused by a House subcommittee of militarizing Honduras * * *.

The deliveries by the Soviet Union that have occurred this year have been remarkable, while the Congress has dithered over the issue of whether or not we should support the democratic resistance in Nicaragua. Four Soviet—not Bulgarian or East German—but Soviet military deliveries have occurred at Corinto. Most recently, more helicopters.

In 1984, we proposed to the Congress that we assist the Honduran government by building a port and naval-and-air facility in Honduras along the Atlantic Coast. It would be a jointly operated facility by both the Honduran and U.S. military. We would have base rights to it, etc. The Congress turned us down for a $16-million investment. Seventy-three miles south of where we intended to build ours, the Soviets and Bulgarians are building the port at El Bluff. The El Bluff-Bluefields port will allow the Soviets to pull major deep-water vessels . . . . The airstrip which is being built [near the port] . . . gives them the ability to launch and recover MIG aircraft. This field uses 83 percent of the concrete manufactured in the country of Nicaragua. If you're a Nicaraguan citizen and not a party member, or a member of the air force, you cannot get near this facility.

The facility already is long enough to recover Bear F and Bear H reconaissance aircraft. When it's completed, this field will be big enough—42 meters wide, 3,800 meters long, and 1 meter thick, and reinforced steel and concrete—to accommodate, launch and recover any aircraft from the Soviet inventory, to include the strategic Backfire bomber. We do not know what they intend for this field. We do know it's made to look like a fighter base. That in itself is interesting, since ostensibly the Nicaraguans have no fighters. Why, if they have no fighters and the field is longer, wider and thicker than needed by a fighter squadron or detachment, are they building this field? We truly don't know * * *.

Every week a Catholic school is closed in Nicaragua and replaced by a state school in which children learn to add using AK-47s and grenades. Why is it that the people of this country flee by the thousands? Nicaragua today is the only country in Latin America with a decreasing population. It isn't because of birth control. It's because they have opened the gates. The people of Nicaragua are fleeing by the thousands. Historically, a communist takeover will beget a flight of between 10 and 25 per cent of the population. That has already happened in Afghanistan—27 per cent of the population, Cambodia, Laos, Vietnam, Cuba, and now it's happening in Nicaragua * * *.

The growth of the democratic resistance [the contras] has been astounding. In 1982, there were roughly 6,000 people in the resistance. On May 9, 1984, when the Congress cut off U.S. government funding to the resistance there were 7,900. On October 10, of 1984, when the Boland amendment became effective and we had to withdraw our last 73 advisers to the resistance there were 10,000. Since then, the resistance has grown to 27,000 young men and women who have taken up the cause of democracy against a government that is cruelly repressive.

Some are as old as this 59-year-old former coffee farmer [shows slide], whose entire family was murdered: his wife and five sons laid out on his kitchen floor because they gave water to a resistance column that passed by their home. These young men and women, who have taken up this cause, have decided to fight for what they believe in. And their cause is, indeed, democracy.

And yet, the most sophisticated disinformation and active-measures campaign that we have seen in his country since Adolf Hitler has been launched against our support for these people. The government of the United States has acted in paralysis, and we have been unable to do so. The 17 men that sit at this table as the inner council of the Nicaraguan Democratic Force [shows slide] . . . of those 17 men, 11 of them fought against Somoza. And yet our media would have you believe that these are corrupt Somozistas.

Why is it that these people are today denied even the basics of survival? In January, while we were still providing $27 million of humanitarian assistance, they were operating deep inside Nicaragua. Today, they've been reduced to mere small-unit operations. And less than 8,000 of them remain inside because of the effectiveness of the Hind helicopter. Small-unit patrols like this are no longer equipped with good uniforms and boots. In fact, boots are the number-one item that they plead for all around the world from their previous benefactors.

And yet, because the United States government has been unable to act—unable to take the very difficult, but very necessary political steps—we can no longer help them. And very soon we will be back to emergency wards like this one [shows slide]. This was the intensive-care unit prior to January, before our medical help began to arrive. Medical help that has now been cut off. And that man second from the right just had surgery and is recovering in a tent that doesn't even have mosquito netting. We can no longer provide medical help. We can no longer provide anything in intelligence. . . . We can no longer provide the boots. We can no longer provide the food. All we offer them is a chance to die for a cause they believe in. And somehow, this nation has got to do more.

The only people in the conflict in Nicaragua that are today buried beneath a cross are those that fight for the resistance. Those that die in EPS, the Sandinista People's Army, get buried beneath the plain stone slab at a military cemetery. But the resistance buries them beneath a cross.

Somehow, this nation has got to do more. In the next few weeks, we'll have that chance. The Congress of the United States is going to, according to [House Speaker] Tip O'Neill, take up the cause of the Nicaraguan aid to the resistance again. I believe that it's possible for our Congress to do the right thing. There is no doubt that the Sandinistas have decided on what they are going to do. The Cubans have decided, the Soviets have decided, the Bulgarians, the East Germans, the Libyans, the PLO. It is now up to the Congress to decide whether or not we are able to do something about what is going on in Nicaragua * * *.

Many of the members have seen this briefing and others like it. Many choose to ignore it. If we fail to provide the support that is so necessary for these people, this country—which last year had 23 of its citizens killed by terrorism around the world—will very soon find its citizens being gunned down on its own streets.

Last year, 1.2 million illegals, entered the United States across the Mexican border. About 800,000 of them were Mexicans. This year already over a million have crossed the border and we're not even half way through the year. They are fleeing what they see as the takeover of Central America by surrogates of the Soviet Union. And they are terrified. And they are fleeing to what the president has called "the last great hope of mankind on earth."

It is time that we realize that this is not a domestic partisan political issue. It is, indeed, a national-security issue of the most profound importance. It is imperative that the United States act in its own interest to help those who want nothing more than our assistance. Not our troops, not our planes, not our marines or our Rangers, just our help in bringing about a democratic outcome in that country. It is time we all stood up and asked for just that.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to my friend, the gentleman from New York [Mr. Mrazek.]

Mr. MRAZEK. Mr. Speaker, I refuse to have my name recorded as having handed Nicaragua over to the Communists, and that is why I am supporting the moratorium on any additional funding to the Contras until we get a full accounting of where all of that money has gone in the past.

I recently returned from Central America and the Contra camps themselves right across the border in southern Honduras from Nicaragua. Any of you who have had a chance to visit the command headquarters know that of the hundreds of millions of dollars that have been allocated for support of the Contras, it would appear that about $75 has gotten through.

I say that because if you walk up the hill from the helicopter landing pad to the command headquarters of Colonel Bermudez, one passes the shacks that are made out of 2 by 4's, and walls being made out of Hefty plastic garbage bags stapled onto the 2 by 4's. It does not appear as if they have received a great deal of equipment.

Time is running out for the Contras. The Hondurans want them out of Honduras. I think the case was summed up by a lawyer for a lot of the displaced coffee planters who have been thrown off their land in southern Honduras and are now living in squalid camps when he said:

> It is almost as if they are invited guests that you might have invited to your home. After they are there about a month, the wife turns to you and says, "When are the invited guests going to leave?" And then a couple of weeks later, the invited guests invite their friends in to stay. There is no room. You do not have enough bedrooms so your kids have to pitch a tent down in the back yard. Then a couple of more weeks go by and you find that your invited guests are shooting out the windows of the neighbors. Then the neighbors start shooting back. They said, Congressman, it is our women and children who are in the crossfire.

Colonel Bermudez says, "We are now in Nicaragua, 12,000 strong." It is the same message he has been delivering for 3½ years. They are just ready to pounce on the Sandinistas Armed Forces.

It is fair to say that there is not a great deal of indigenous popular support for the Contras inside Nicaragua. Perhaps that is understandable because we have talked about bringing democracy to Nicaragua before.

A guy named William Walker, an adventurer and a freebooter, went down there with a bunch of mercenaries. He took over Nicaragua back in the 1850's. Fascinating guy, General Smedley Butler, one of the few Americans to ever win two Congressional Medals of Honor, he wrote a book, after he had been commandant of the U.S. Marine Corps. It was called "I Invaded Nicaragua for the United Fruit Co."

Supposedly it was an invasion taking place in the name of democracy. They have heard a lot about democracy. We have got to support the Arias plan for a negotiated settlement that contains Nicaragua.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Nevada [Mrs. Vucanovich].

Mrs. VUCANOVICH. Mr. Speaker, I rise in opposition to this resolution.

Mr. Speaker, my words today are few and simple. In fact, I speak only two words, and yet in these two words rest the future of our country, our hemisphere, and our world. These two words are "Commitment," and "Democracy," and in this discussion today they cannot be separated.

Less than 1 year ago, after considerable debate, we stood here on this floor and expressed our commitment to the future of democracy by voting for $100 million in aid for the democratic resistance forces in Nicaragua. Again, only a few short months ago, we reiterated our commitment to the future of democracy of incorporating into the fiscal year 1987 continiuing appropriations resolution, a provision for the release of those funds. Today we decide whether or not we will live up to our commitment to the future of democracy by releasing the remaining $40 million.

Those of us committed to aiding the freedom fighters are just as adamantly supportive of negotiations. If we turn our backs on our commitment by voting for a moratorium of the remaining funds, we lose all leverage with the Sandinistas and there will be no hope for the Arias peace initiative, for there will no longer be any motivation for the Sandinistas to negotiate. As we know, the Sandinistas have a long record of giving lip service to the concept of negotiating. Only when they are forced to negotiate will a political solution be possible; only when the pressure is intense will they be forced to negotiate; and only when there is a strong resistance will the pressure be intense enough to force the Sandinistas to the negotiating table.

Our commitment, our promise to the people of Nicaragua, is to provide them with the right to self-determination. Do we turn our backs on them today? By our failure to live up to our pledge to the people of Nicaragua, we would be handing over to the Soviet Union one more of our neighbors. How much of Central America do we allow to succumb to the claws of the Soviet Union before we can no longer ignore our responsibility—our commitment to democracy?

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. KEMP].

Mr. KEMP. Mr. Speaker—

> I believe that it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities.
>
> I believe that we must assist free peoples to work out their own destinies in their own way * * *.
>
> If we falter in our leadership, we may endanger the peace of the world—and we shall surely endanger the welfare of our own Nation.

These words were spoken by President Harry S. Truman, in this very Chamber, March 12, 40 years ago.

Now we are being tested as to whether this Nation still stands for the principle set forth in the Truman doctrine 40 years ago. We are asked to confirm our judgment of only 5 months ago, that we will provide assistance to the people of Nicaragua who are struggling for their freedom.

To those who would vote to deny this aid, I would ask you to consider what has changed since President Truman's historic call.

Is the world today less threatening to freedom?

Are Latinos fighting Communist oppression less deserving of our support than Europeans, or Mujaheddin or Kampucheans or indeed Nicaraguans?

Are we as a nation now less certain of our convictions?

I deeply believe the answer to each of these questions is an emphatic "No."

Credibility is a precious commodity. America lost credibility at the Bay of Pigs. We lost even more as the last U.S. helicopters lifted off from Saigon. No country can accumulate a record of abandoning friends and still expect to retain the trust and respect of others in the world.

We have asked freedom loving Nicaraguans to risk their lives and their fortunes to fight the Communist armies in Nicaragua. We have urged them to trust us, to trust in our support. We have said the cause of freedom and democracy is our cause, well it's their cause too. Their cause is our cause.

Who will believe in us tomorrow, if we betray our promises today?

When the free world lost Cuba, the Soviet Union gained a strategic military base. The Cuban people lost their liberty. And President Kennedy and the U.S. Congress were determined it would never happen again.

In 1962, Congress declared that "the United States is determined to prevent by whatever means may be necessary * * * the Marxist-Leninist regime in Cuba from extending * * * its aggressive or subversive activities to any part of this hemisphere." These words reinforced the Truman doctrine, extending its reach to our closest neighbors. They were passed with the strongest possible bipartisan support. They are a part of our history—and of our duty.

We must not allow Nicaragua's freedom to die at the hands of the Brezhenev doctrine.

Let's be candid. The real issue today is not bookkeeping or accounting or how money has been spent, lost, or diverted. It's not what private sources of funding may have been channeled to the resistance. It is not even whether this $40 million which Congress has already approved will go to the Contras, because we all know the votes are here to sustain a Presidential veto.

No. What we are really talking about is which of two fundamentally different philosophies this Congress will embrace. We can follow the path of isolation, and turn away from challenges to freedom. Or we can reaffirm the legacy of President Truman—and President Reagan—which calls us to our responsibilities as leader of the free world.

We can look back on the neutrality acts of the 1930's, and see how misguided and futile they were as a response to Nazi militarism. But the true challenge of our responsibility as members of the 100th Congress is to look forward, and to recognize that a neutrality act in 1987 cannot protect us against the dangers inherent in Soviet subversion and military expansion today.

Mr. Speaker, I ask the Members to vote down this moratorium.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont [Mr. JEFFORDS].

Mr. JEFFORDS. Mr. Speaker, we're here today to revaluate what our policy in Central America should be. I think the handwriting is on the wall. And we hear it out in the hustings.

It's time to recogize that the policy of aid to the Contras has failed.

The United Nicaraguan Opposition leadership has failed to take control, culminating in Arturo Cruz' resignation from UNO this week.

The Contras have not picked up any support from the Nicaraguan people or the internal opposition as an alternative to the Sandinistas.

Human rights abuses have not decreased.

The Contras have failed to gain the initiative militarily.

Recognizing that the Contras have failed, we must now get on with the business of pressuring Nicaragua to democratize, but using economic and diplomatic means.

The recent proposal by Costa Rican President Arias sends new hope to the possibility of a negotiated regional settlement.

With serious U.S. support for a regional agreement, there is a real possibility that Nicaragua would agree to lessen its dependence upon Soviet military supplies—a goal that we all support.

There are many tools of economic policy that, if skillfully used, could be more effective than military pressures in reversing the current deterioration of Nicaragua's domestic political situation.

By helping the democracies in the region to develop sound economies and stable political systems, we provide living examples to the Nicaraguan people that democracy is far preferable to Marxism.

In the meantime, we must deal with the problem of the armed resistance and thousands of refugees that are camped out in Honduras.

Having encouraged the growth and arming of the Contras, we have a responsibility to provide for resettlement of these people.

At our insistence, Honduras and Costa Rica have allowed their territory to be used as a base for Contra operations. We cannot just turn our backs on their problems now.

Honduras is nervous about the destabilizing nature of these refugees and does not have the resources to provide for them or assimilate them.

How and where can these people be resettled? We must find solutions to these problems. We should be talking about resettlement programs for refugees and political and economic solutions, not about more military aid.

For more than 3 years I've repeatedly stood before this House arguing for changes in U.S. policy. Once again, I stand before you urging opposition to military aid for the Contras.

We now have a unique opportunity to forge an effective bipartisan policy on Central America. We should seize this moment, now, to do that.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, we can try to mask this issue any way we want to, but the fact remains that the Communists are in Nicaragua. This year they received 23,000 tons of war materials. They have a 100,000-plus active army and militia and have received $600 million in additional military support from the Soviet Union.

They have support from the PLO, Yasir Arafat, and the Libyans, as well as from Communist fellow travelers from all over the world. They are exporting revolution into the surrounding countries.

I was in Chalatenango Province last year, and I talked to captured guerrillas, and they told me they were trained in Managua and that the weapons they received came from Managua and the Soviet Union, and Cuba.

The question I would like to ask my liberal colleagues on the other side of the aisle is this: what are you going to do when we cut off funding and the Communists take over El Salvador, then Guatemala, and then Honduras and ultimately Mexico? How are you going to tell your constitutents when we have to send our children down there to defend the soft underbelly of America, the Mexican-American border?

Mr. Speaker, that is the legacy we are leaving America if we cut off aid to those people who are fighting for their freedom and their very survival.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 90 seconds to my friend, the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I, too, rise in support of House Joint Resolution 175, and I recognize, I believe like many others do, that that resolution will pass the House today. But because of other circumstances, I also recognize the probability of its becoming law are very slim if any at all.

However, I do further recognize that later on this year Contra funding will not exist. It will no longer exist. As the gentleman from Virginia said, this is the beginning of the end, and I think it is incumbent on this administration and the Members of this body to work toward a better solution in Central America, and that better solution will come about as a result of diplomacy. I urge the President and this administration to recognize the fact that the Contra funding is coming to an end, that they are going to have to extricate the Contras from Nicaragua and from that area, and that it is incumbent upon this Nation since we started them down that road, to make sure they are taken care of. Then it will be incumbent upon the administration to begin diplomatic means to bring about a solution to the problem in not only Nicaragua but all of Central America.

Mr. Speaker, it can be done, and it is better to be done through diplomacy rather than through military means.

Mr. BONIOR of Michigan. Mr. Speaker, may I inquire how much time each side has remaining?

The SPEAKER pro tempore (Mr. GRAY of Illinois). The gentleman from Michigan [Mr. BONIOR] has 37½ minutes remaining and the gentleman from Oklahoma [Mr. EDWARDS] has 50 minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina [Mr. RAVENEL].

Mr. RAVENEL. Mr. Speaker, here we are in the 200th year of our Nation's Constitution, the bottom line of the American Revolution—won after 6 long years with the blood of our forefathers, the Contras and Mujahideen of 1775—and here I am in the 100th Congress hearing voices crying out for withholding a portion of the all-too-paltry funds previously voted by the American people for those in Nicaragua fighting for freedom over tyranny—please know that such a proposition is foreign to me and the people from South Carolina that I am honored to represent and I will not vote to turn Central America over to Communist domination.

□ 1610

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of the proposed moratorium on aid to the Contras.

This proposal is based on the simple premise that before we send $40 million more to the Contras, the President should explain what happened to the money we already sent. This approach would make sense if we were talking about housing or education or health research; it makes even more sense when the issue is Contra aid.

The Contras have received, or were supposed to have received, tens of millions of dollars in humanitarian aid, funds diverted from the Iranian arms sales, or solicited from the Saudi royal family and from the Sultan of Brunei. Congress does not know what was done with that money; the Tower Commission couldn't find out; and the Contras, themselves, are in the dark about who paid when for what with whose money.

This confusion over funding, moreover, is symptomatic of a thoroughly diseased policy. It is a policy of slow-motion military intervention that is illegal under international law and which has been carried out in violation of domestic law; a policy that in 6 years has contributed nothing to democracy in Nicaragua, but which has instead strengthened the reliance of that country on the Soviet Union and Cuba; a policy that has separated the United States from the democracies of Latin America, while dividing our people at home.

The President and his supporters have lectured us time and again about the importance of bipartisanship in foreign policy. But without compromise, without decent respect for the law, without honesty, and without principle, bipartisanship is not possible. If aid to the Contras is defeated, whether it is today or later this year, it will have been killed by its friends, by those both within and allied to this administration, who felt that the goals of democracy could be furthered only by nondemocratic means.

A sensible plan for supporting democracy in Central America would require no secret arms shipments, no bank accounts in the Cayman Islands, no network of zealots and mercenaries, and no groveling to the Sultan of Brunei whose family, incidentally, has ruled Brunei without elections for 500 years, where a state of emergency has existed since 1962, and where two dozen political prisoners have been held without trial for more than a decade.

For years, we have had an opportunity to join with the democratic leaders of Latin America, with the democratic opposition inside Nicaragua, and with true Nicaraguan democrats in exile not to impose change on the Nicaraguan people, for that is not our right, but to support negotiations aimed at achieving progress toward peace and democracy throughout Central America. That opportunity, though it has narrowed over time, still exists. Let us vote today to put a moratorium not only on $40 million, but also to suspend a failed and flawed policy; let us pick up the pieces and go forward, with unity at home and with a consensus abroad, to strengthen democratic institutions and prospects through democratic and lawful means. The people of the United States have never supported this policy. It is time we summon the courage to be what we are supposed to be, Representatives.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise for this 3 minutes to make three simple points. The first is this: I would ask all of you to step back with me just a few years for a bit of history. It was in 1979 that I came to this floor as a new Member, and watched many of those who are today on the floor arguing against support for the Contra effort, passionately make pleas for America to get behind that effort to permanently remove Somoza from Nicaragua and to establish an opportunity for freedom. They were speaking on behalf of then, their freedom fighters, the Sandinistas.

Very quickly it became apparent that their friends, the Ortegas of this world had carefully laid their plans, and immediately they captured the People's Revolution for the Communists in Nicaragua.

Today, Ortega and the commandantes publicly state that they are happily in the Communist camps; a very important point in history. The second point that I would like to make is that many today are suggesting that the reason they are really supporting this moratorium is because they believe in the process of negotiations. Let us move toward democracy through dialog. They talk a lot about the Arias plan.

Let us make it very clear where President Arias of Costa Rica is. "We want the entire world to see the hidden truth to expose a Nicaragua in which Sandino has once again been betrayed. Sandino was revived 7 years ago to mark the liberty of a people; he has been assassinated again." That is President Oscar Arias of Costa Rica, September 24, 1986. He is joined by his colleagues and friends throughout Latin America in support of democracy and against communism in Nicaragua.

My third point is this: This debate today has little to do, literally nothing to do with accounting, but it has a lot to do with cover. It is designed to provide cover for those who are opposed to freedom in Nicaragua, who really want to support but are afraid to support the Sandinistas. As a practical matter of life, they are afraid to have their public understand what the results of their vote will be. Indeed, it lays the foundation to destroy the hope for freedom in Nicaragua, it lays the foundation for a communism bastion in our hemisphere.

Mr. Speaker, I do not want my vote recorded as a means of handing Central America over to an expanded Russian empire.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. DOWNEY].

Mr. DOWNEY of New York. I thank the gentleman for yielding me this time.

Mr. Speaker, the administration policy in Nicaragua is illegal and immoral. That is the good news. The bad news is that it is failing in a deadly and disastrous way for both the Sandinistas and the Contras.

The whole world knows that; the American people know that; and now the Congress realizes it. The only people who do not are the President and his merry band of ideologues for whom this is a holy crusade against the advance of Soviet expansionism in our hemisphere.

Sadly, had we all cared one wit about poverty, about social injustice, or understood a modicum of nationalism, we would have an entirely different situation there today. This moratorium is too late, to late, my colleagues, to bring back the thousands who have died needlessly, but it is just in time to prevent anymore.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. I thank the gentleman for this time.

Mr. Speaker, opponents of current United States policy toward Nicaragua are doing today, exactly what they have done time and time again during the past few months. Once again, the issue of assistance to the Nicaraguan democratic resistance is brought to the floor of the House of Representatives under the cloud of obstructionist rules and extraneous legislation. Opponents of U.S. assistance to the Contras have again chosen politics over policy by avoiding a straight up or down vote on the release of the third installment of the $100 million assistance package, instead couching opposition in the language of a moratorium.

Last year, we took a major step toward the establishment of a bipartisan long-term American policy toward Central America and Nicaragua. In passing the comprehensive assistance package, Democrats and Republicans joined together to establish a broad policy incorporating increased respect for human rights and civil liberties, economic development, support for Contadora, and the use of military assistance as a leverage to bring about a negotiated settlement. Respected congressional leaders, including the Democratic chairmen of the Foreign Affairs Committee, Armed Services Committee and Rules Committee, lent their support to this policy.

A mechanism was specifically included providing a simple, wide-open procedure, with a binding up or down vote on the question of the release of the third and final installment of the $100 million. The letter and spirit of the law clearly calls for Members to have the opportunity to put the policy on the table, and have a straight up or down vote on the merits of that policy.

Unfortunately, the issue has now been muddied with a phony moratorium that is recognized by the American public, by the press, and by every single member of Congress, including those opposing Contra-assistance, for what it is; a measure aimed not at accounting for American assistance to the democratic assistance, but at torpedoeing that assistance. The moratorium is simply a euphemism for ending Contra aid.

We all want a full and complete accounting of American assistance to the Contras. That is why specific language was included last year requiring all agencies involved with the assistance to establish stringent standards, procedures, and controls to assure that funds are fully accounted for and used exclusively for the purposes authorized. That is also why the House and Senate Investigating Committees, the Independent Counsel, the Department of Justice and even a Miami grand jury, are all reviewing the issue of diversion of funds to the Contras. I support these efforts. I too want all of the facts to come out.

But while we are playing this parlimentary game, let's not lose sight of the circumstances that lead Congress to approve assistance to the resistance last year. Let's not lose sight of the 600 million dollars' worth of war material the Soviet Union has shipped to Nicaragua in the past year, the closing of La Prensa, the harrassment of the church, the Soviet and Cuban military advisers, or the much heralded Nicaraguan constitution guaranteeing basic freedoms that was suspended before the ink on the document had dried.

Now is not the time to reverse U.S. policy. We should not throw up our hands and allow the Sandinistas to consolidate a regime that threatens their neighbors, denies its own citizens basic freedoms, and provides the Soviet Union with another base in the Americas.

Ultimately, it is a question of whether the United States—and specifically, the Congress of the United States—will keep its word and live up to its commitments to people who have cast their lot with America. We said we would provide this money to the democratic resistance. We voted to do so, fair and square. We should do it.

□ 1620

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arkansas [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, the terms of debate here today are important ones—focusing as they do on the U.S. role as creator and banker for the Contras. The questions for which we seek answers are important, searching as they do for the identity of what—and who—is being bought.

But, the scope of our demand for answers should be broader. We should apply the same vigor to examining the U.S. role in the whole of Central America.

In 1981, I began seeking a clear and unambiguous statement of this administration's policy in Central America. I wanted to—still want to—know how that policy serves U.S. interests. And, I wanted and still want to know how much that policy is going to cost Arkansans and Americans.

Since 1981, I have made numerous requests as a member of the Appropriations Committee in an effort to learn what our policy is and what the costs are. Throughout the years I have been making these requests, the responses have been ambiguous and deceptive.

By 1983, when the peak of the U.S. militarization iceberg began showing in Central America, the administration had not provided a clear statement of its policy. Nor had it supplied complete estimates of the dollars it will cost Arkansans and Americans.

In my capacity as a member of the House Subcommittee on Military Construction Appropriations, which subcommittee has responsibility for U.S. military construction projects, I asked the General Accounting Office to determine what the administration was spending on military training exercise construction in Honduras. The answers I got in a classified GAO report in March 1984, prompted me to request a Comptroller General's ruling on the legality of the administration's actions in Honduras.

In June, the Comptroller General issued this ruling. In its September 26, 1984, Report No. 99-1086 to accompany the Department of Defense appropriations bill, the Committee on Appropriations had the following to say about the ruling:

> . . . [T]he Comptroller General ruled on June 22, 1984 that the JCS (Joint Chiefs of Staff) exercises in Central America clearly went beyond what funds these funds are being appropriated for. For example, the Comptroller General found that funds appropriated for operation and maintenance of our armed forces were used for military construction projects, security assistance activities, and civic action and humanitarian assistance. The Committee believes such diversion of funding from properly appropriated purposes is unwarranted and directs that the Department of Defense take such steps as necessary to prevent recurrence of such improprieties in the future.

In a January 30, 1986, update of his 1984 opinion, the Comptroller General confirmed his original findings. He went on to say that reports the Department of Defense had begun submitting to the Congress, in response to congressional directives, on military training exercise construction in Honduras are—

> * * * based on questionable application of military construction accounting principles, particularly those used to define the scope of individual construction projects.

In other words, DOD was still breaking the law limiting the amount of money that could be spent for "military training exercise construction" in Central Ameria.

In spite of all the effort that I and other Members of Congress have made within the constitutional process, the administration has not told us and the American people what we're doing in Central America and what the costs are. The administration is operating outside the law and implementing a secret policy that has never been revealed to the Congress, nor to the American people. It is an outlaw administration that has followed a policy of corruption and deception that is doomed to failure.

Today, despite the work I, and other Members of Congress have done, the administration still has not told the American people or the Congress the truth about how much it is costing the American taxpayer to militarize Central America.

Today, despite the efforts I and others have made, the administration has still not given the American people or the Congress a clear and truthful statement of its Central American policy.

What the President has told us, for instance, is that he wants to give Honduras eight times more foreign military aid in 1988 than it did in 1981.

But, the President has not told us what this giveaway is buying for the United States. And, he has not uncovered the bottom line on the bill to the U.S. taxpayers.

The American people deserve straight, honest answers on the administration's Central American policy. The Congress needs straight, honest answers on what the policy is going to cost so we can make decisions that serve the best interests of the United States.

Throughout American history, no war policy ever succeeded unless clear, unmistakable goals were established that had the vigorous support of the American people. The administration's policy in Central America is clandestine and ambiguous, and the American people are divided in responding to it—but a clear majority opposes war in Central America. A policy of corruption and deception is inevitably doomed to failure.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING. Mr. Speaker, I rise in strong opposition to the resolution.

This resolution is nothing but an example of what you could call sing-along style foreign policy, where you have to follow the bouncing ball to see what our foreign policy is.

Nine months ago, we told the freedom fighters in Nicaragua that we would stand by them in their fight. Nine months ago we told the world that we would stand by democracy.

This resolution says loudly and clearly—don't count on us.

This resolution says we cannot be trusted for more than 9 months at a time.

This resolution says our promises are meaningless for more than 9 months at a time.

This resolution says that the United States of America, the beacon of freedom in the world today, has switched to twinkle lights.

This is not the way to run a foreign policy. This is not the way to demonstrate to the world that we are a steadfast ally of freedom.

I urge my colleagues to vote down this resolution.

I do not want to be recorded as handing Central America over to the Soviet Union.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina [Mr. VALENTINE].

Mr. VALENTINE. Mr. Speaker, nearly a year ago I rose in this Chamber to express my strong reservations about the administration's request for $100 million in U.S. assistance to the Contras. Events in the past 12 months have only reinforced those deep doubts.

A year ago, we debated this issue without even knowing what had happened to a substantial portion of the assistance provided in 1985. Today, we still do not know.

A year ago, we were asked to embark on a military aid program without knowing the probable duration, or even the ultimate purpose, of the program. Today, we still do not know.

A year ago, we were asked to assist a Contra leadership that was divided by dissension and disagreement. Today, that disarray has reached crisis proportions, and the Contra leadership is literally coming apart.

A year ago, we were asked to support a military aid program that had virtually no public international backing. Today, that policy still lacks support among the democracies of Central America, the very nations that have the most at stake. In fact, those nations are doing their best to put more distance between themselves and both American policy and the Contras.

Mr. Speaker, where have we come in the past year? The questions that surrounded our policy in Central America a year ago remain unanswered. In the few cases in which we have answers, those answers are disheartening.

Moreover, new, and equally serious, questions have emerged. What has been the impact of the Iran arms deal? What role has our own Government played in funding the Contras outside of the authorized assistance program? Can the Contra leadership even endure without its most visible democratic symbol?

It seems to me that every prudent Member of Congress would want a much more comprehensive accounting of the funds that the United States has provided or solicited from others before releasing another dime of the taxpayers' money. If a domestic assistance program had been administered like the Contra aid program, Members of Congress would rightly call it a scandal and probably terminate it.

Mr. Speaker, the revelations of recent weeks are disturbing, and the questions need to be answered. But recent events are only symptoms of what is wrong with the entire Contra aid policy.

The resignation of Arturo Cruz from the Contra leadership reconfirms both the contradictory attitudes and purposes of the Contra leaders and the extreme difficulties of instituting meaningful reforms in the Contra organization.

The allegations of secret transactions to obtain funds for the Contras reconfirm the absence of a consensus for this program and the slim likelihood of sustaining this policy over the long term.

The pending request for another $105 million in Contra aid for next year reconfirms both the open-ended commitment and the increasingly high price of this policy.

The continuing lack of support from Central American nations reconfirms the unilateral nature of the Contra aid policy and the growing diplomatic isolation of the United States in the region.

In short, we have a policy that is bankrupt. What have we accomplished thus far? Where are the Contra gains—either in territory or in the allegiance of the Nicaraguan people?

After years of addressing this issue, we are still searching for a policy that commands the support of the American people and the countries of the region. A program that relies mainly on military assistance to the Contras to resolve the problems of Central America simply cannot gain that support. I hope that the administration will back away from its single-minded pursuit of this unsuccessful policy.

We do have alternatives. The proposals put forth by Costa Rican President Oscar Arias offer one option that should be pursued. The Costa Rican plan may not prove to be the ultimate solution, but several presidents in the region have agreed to the general principles, and further negotiations are planned in May. The United States should support this effort. Even if it does not lead directly to success, it could produce other openings. We cannot afford to ignore any possibilities.

Let us be clear about two points. First, this is not a debate about whether the Contras are the bad guys and the Sandinistas are the good guys. Abuses of human rights in Nicaragua are certainly not limited to the Contras. The Sandinista government has engaged in a number of activities that deserve universal condemnation. One of our goals should be to improve the condition of the Nicaraguan people. Will military assistance for the Contras accomplish that objective? The evidence indicates that it will not.

Second, I think I speak for virtually all my colleagues on both sides of the aisle in saying that I want a bipartisan foreign policy. I have looked for ways to support the President since I came to Congress. But I do not believe that the current policy in Central America serves our interests.

For that reason, I urge my colleagues to support this moratorium and to oppose further military assistance to the Contras under the present circumstances.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Speaker, I rise to endorse the proposed moratorium on aid to the Contras.

Mr. Speaker, this step comes none too soon. For the past 5 years, the United States has funded, trained, and otherwise assisted the Nicaraguan Contras. What do we have to show for it?

Arturo Cruz, the only Contra leader with credible democratic credentials, resigned his postiion on Monday, saying "The time is up." I agree. The time is up. We should stop funding the Contras today.

Our Nation has important interests and objectives in Central America: Supporting democratic governments with free institutions, and preventing the introduction of foreign, offensive military forces. Having served in Vietnam, I know we must avoid the path that could lead unnecessarily to direct U.S. military involvement in the region.

What we need instead is a policy for Central America—a policy that Americans can understand, be proud of, and fully support.

We should commit our resources to a positive approach—we can do much to alleviate the causes of political unrest by encouraging economic development, land reform, improved education, and health care. These are the steps which will make the most difference in the long run.

Most Central Americans, while different from us in language, culture, and customs, have the same basic aspirations we do—to live in peace, free from threats and violence; to bring up their families; to have jobs that pay well enough to afford decent housing and health care and education for their children. Our policy should help the people of Central America create an environment in which these ideals can be realized.

With such a positive program we would also stand a much better chance of moderating the policies of the Sandinista government in Nicaragua. They are able to maintain their regime internally because they now can point to an external threat. What if they could point only to prosperous and stable neighbors, instead? Meanwhile, the United States should support regional efforts to mediate a settlement that respects the sovereignty of all the Central American nations, removes foreign military forces, assists in the development of democracy, and protects U.S. interests through appropriate means of verification.

We also need accountability—something the Contra aid moratorium bill would require of the administration for the first time. There are serious and credible charges that U.S. funds have been illegally used or misspent. The administration owes the American people an explanation of what happened to those tax dollars.

This is a difficult time for America. Confidence in our President and in our Government has been shaken, and we must take steps to revive that confidence. It is vital that we formulate a Central American policy around which we in the United States of America can unite. We need an approach that sensibly balances our country's immense economic, diplomatic, military, and idealistic strengths. Continued support for the Contras is not such a policy.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Speaker, I thank the gentleman very much for yielding me this time.

Mr. Speaker, I have heard other speakers stand here and try to tell us what the issue is or is not. Let me say, I do not think the issue is communism or freedom per se. I mean, I think all of us in this Chamber share a certain sense about our interests of freedom in this hemisphere. None of us want to see the expansion of communism.

I think the issue today on this particular piece of legislation is an issue of honesty and good sense. This administration has implemented a foreign policy, in my judgment, that is rampant with fraud, corruption, misguided policies, and broken laws.

Some people have stood here and said this has nothing to do with accounting, what we are doing here today, has nothing to do with accounting. Well, who changed the rules on us? Since when are we not dealing with accounting? I thought all the tall trees that stood on this floor as conservatives and said, "We demand accounting on everything," would stand up and say, "We demand accounting on $100 million that this country is prepared to spend in Central America," much of which has not reached its intended purpose.

Now, last year I stood on the floor and asked some questions. I have not seen any answers to them, but the GAO offered some information about what happened to part of the $27 million in prior Contra aid. Here is a billing, an invoice, for which our State Department paid $16,764 at someplace called the Pharmacia Upala. That is a one-room drugstore in Costa Rica.

There, $15,900 went for food. Unfortunately, this one-room drugstore does not sell food.

Here is what the proprietor of the one-room drugstore said. He said,

> If I had written receipts for that, it would not be here. Several Contras did stop in over a period of several months and bought some Rolaids and some cold medicine, but they paid cash and they bought very small amounts.

From another store, there is a receipt for $15,000 for uniforms. The only problem is they do not sell uniforms in that store.

Who got the money? Why? Do you not want to know?

I mean, I think the issue here is accounting. What kind of money is being wasted on a policy that does not work? And that accountability applies not only to prior funding but this year's Contra aid, too.

I would hope this administration would stop the chanting and stop the sloganeering and join hands with all of us in this Chamber who share a common democratic vision of the future in this hemisphere, join in a policy that works, not wastes.

This issue is indeed accounting. That is what we are debating here today. Beyond that, we are talking about a total policy that will work for democracy and not waste our resources.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. McCollum].

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding this time.

Mr. Speaker, I think it is abundantly clear that, if left alone the Communist Sandinistas in Nicaragua will expand and carry their revolution into neighboring countries. The process will be one of subversion. The process will be one of intimidation.

The fact is that if they are left alone, we are going to see countries like El Salvador, Honduras, Costa Rica, Guatemala, all affected in the coming years by the Communist revolution, backed by the Soviet Union, backed by Castro, carried out by the largest army that has ever been amassed in Central America.

The question for us is what happens if this is so. If it occurs, then our national security interests are clearly threatened.

The fact is that our borders, Texas, Mexico, and so on, are not going to be secure.

The issue before us is: Are we going to deter that? Are we going to stop that? What is the best method to do that?

The best method to do that is very simply to support the Contras, because that is the only way that we can deter the Communist Sandinistas from this expansionist policy. It is the only thing on the table. Talking simply does not do it.

So I urge my colleagues to think very long and hard on this issue when the vote comes up today. Vote against anything that would water down the support that we must give to the only weapon we have to deter this Communist Sandinista expansion short of direct American intervention. U.S. military intervention is something the American people are not ready to do. That is something that would be tragic if someday we had to in order to stop this expansionism.

Let us support the Contras. It is the only policy that makes sense.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Nevada [Mr. Bilbray].

Mr. BILBRAY. Mr. Speaker, just 2 months ago I came here as a new Congressman, truly uncommitted on the Contra vote, really leaning toward support of the Contras. But as a member of the Committee on Foreign Affairs, I heard testimony that shocked me, testimony that if it had been given before the Nevada State Legislature in any of the finance committees, they would have thrown the people out for their accountability: acknowledging that they did not know where millions of dollars of funds went; acknowledging that members of the administration had brought them account numbers to deposit money in Switzerland to be given to the Contras, and the Contras saying, "We never got the money."

This is shocking to me. Even though I have not committed myself totally on the issue of the Contras, I am certainly committed on accountability for this money, because this is taxpayers' money, this is money that the taxpayers of this country have paid and given to us in trust to account for. If we allow this to continue, it is rightful that the people of this country should throw the rascals out, because we cannot be giving away their money at a time that we need this money for other things in this country.

I think that it is important that every Member of this Congress realize that it is not playing politics to ask for accountability of money; it is important that we respect the wishes of our constituency. And it is not a vote on Contra aid, it is strictly an accountability question: Where did this money go? And believe me, if you read the testimony that is given by our administration officials before the Committee on Foreign Affairs, you will recognize that there are millions of dollars in money that is unaccountable. I hope that it is not being used to buy shoes for somebody's wife in one of those countries. I am certain that the Soviets account for the money that they give to Nicaragua much better than we account for ours.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. DeWine].

Mr. DeWINE. Mr. Speaker, I just returned from Nicaragua. The one thing that was so impressive to me was how much the Sandinistas pay attention to what we do. They have a big dish down there, they get C-SPAN, they get CNN; they are probably watching us right now.

For those Members who care about the Arias peace proposal, what signal are we giving them today if in fact we support this resolution? Do we really think that there is any incentive at all for them to go ahead with that proposal? We talk to them down there, they are going to talk about it, but unless there are some teeth, unless there is a threat of military force, it is going to go away, and they are not going to do anything.

For those Members who would support this resolution, I would say: What alternative do we have to our present policy? We must keep the pressure on them. For those who do not want to aid the Contras, the real question is this: Are they willing to accept the first Soviet-Cuban base on the mainland of this hemisphere and all the consequences that go with that? I am not.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DeFazio].

Mr. DeFAZIO. Mr. Speaker, I rise in strong support of House Joint Resolution 175.

Mr. Speaker, my colleague who spoke just before me talked of the promise of the Arias peace initiative: free elections, the withdrawal of foreign military advisers, a cease-fire agreement, and a reduction of security forces and weapons stocks in the five Central American nations. That I think we can agree on, and I agree with him there.

But now he and other colleagues on that side of the aisle would have us believe that we must approve this $40 million today as a bargaining chip. Well, we all know about the bargaining chips of this administration—SDI, the MX, the bargaining chips that were going to bring us meaningful reductions in nuclear weapons and instead have brought us an arms race without limits.

The truth is that the Sandinistas agreed to come to the table on September 21, 1984, under exactly these conditions. The administration recoiled in horror from the prospect of a negotiated settlement and immediately pressured the Contadora nations to reject the proposal, the one that they now say that they want.

The administration does not want peace; they do not want a negotiated settlement. They want to pursue their illegal and dirty little war.

Let us talk money; we do that a lot around here. What happened to the $27 million that we sent last year? $17 million, more than half, is missing and unaccounted for. Would we give money to any other program, to any other group, under these conditions? No, we would not.

If we have $40 million to spend to make America strong, let us spend our precious tax dollars in a meaningful way, retraining our displaced workers, sending our youth to college. Let us not send another $40 million to these ex-Somozista thugs in Central America to pad their Swiss and Cayman Island bank accounts.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MACK].

Mr. MACK. Mr. Speaker, those Members who support the moratorium have become so consumed with the term "peace" that they are willing to put our freedoms at risk. During a speech that I recently gave on foreign-policy objectives I pointed out that there are two very distinct objectives of foreign policy. The left has an objective, the liberal Democrat has an objective, a foreign-policy objective which is based on peace, willing to do whatever is necessary, willing to give up whatever is necessary in order to retain that peace.

Those of us on the right, the conservatives, have an objective of foreign policy, which is freedom.

After that speech was over, a person came rushing up to me and said, "But we believe in freedom, also." I said, "Yes, that's true, but there are times when you must make a choice. You must choose between those two objectives."

I would suggest that this is one of those times. Do you choose peace and give up freedom, or do you choose freedom and risk peace?

President Arias has been mentioned here several times. He has offered a plan for negotiation. I hope that that plan will go forward, but I am convinced that that plan cannot be successful unless there is continual military pressure on Commandante Daniel Ortega.

The world has seen the results of the Bay of Pigs in Cuba in the 1960's. The world has also seen the Bay of Pigs in Vietnam and the results in the 1970's. Let us not create another Bay of Pigs in the 1980's. Let us not abandon those who are fighting for freedom in Nicaragua. Let us not risk our freedom. Let us not turn over Central America to the Soviet Union.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Speaker, I visited Nicaragua on two different occasions. Let me make one thing clear for the record before I begin: Nicaragua is a Communist country, and I think that both of us agree.

There is persecution, and many other Members covered that. Let me cover a different theme. Back in 1938 there was a man in this country named Whittaker Chambers, who left the Communist Party, and he wrote a book in 1952 called "Witness." At the beginning of the book, Whittaker Chambers said, "by any hard-headed estimate, the world I was leaving looked like the world of life and of the future. The world I was returning to seemed, by contrast, a graveyard." He meant freedom.

"I wanted my wife to realize clearly one long-term penalty, for herself and for the children, of the step I was taking. I said: 'you know, we are leaving the winning world for the losing world.' I meant that, in a revolutionary conflict of the 20th century, I knowingly chose the side of probable defeat. Almost nothing that I have observed, or that has happened to me since, has made me think that I was wrong about that forecast. But nothing has changed my determination to act as if I were wrong—if only because, in the last instance, men must act on what they believe right, not on what they believe probable."

Since that time when Whittaker Chambers wrote those words, 19 countries have gone Communist: North Vietnam in 1954, Hungary in 1956, Cuba in 1959, Ethiopia in 1974, Mozambique in 1975, Angola in 1975, South Vietnam in 1975, Cambodia in 1976, Laos in 1976, South Yemen in 1977, Nicaragua in 1979, and Afghanistan in 1979.

I support the Arias peace plan; I support it strongly. What the Arias peace plan needs—and President Arias will tell you that—is to have aid to the Contras to continue to put pressure on them. I urge my colleagues to continue to aid the democratic freedom fighters in Nicaragua, whereby we can truly bring about peace in the area.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to my distinguished chairman, the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Speaker, I rise in opposition to the resolution.

Mr. Speaker, I voted no in the Rules Committee yesterday upon the application for a rule reporting to the House floor a moratorium resolution on the last $40 million authorized by Congress for the freedom fighters in Nicaragua. While I am assured by the leadership of the House that the parliamentary situation in the Congress is such that the $40 million is to go to the Contras regardless of the action taken on this proposed moratorium attempt, I cannot conscientiously support the moratorium. Congress has appropriated after full deliberation $100 million to aid the Contras in an effort, to which we lent our full support, to induce the Sandinista Government in Nicaragua to reject the Soviet and Cuban Communist domination of the government, to adopt a constitution, respecting the human rights and liberties of the people of Nicaragua, to a free vote, a free press and for freedom to exercise religion of their choice. We must not allow another Communist State in addition to Cuba to be setup in the Western Hemisphere. Until the nations of the Western Hemisphere join us as they should under the Rio Treaty in jointly preventing the establishment of Communism in this hemisphere, we must keep the pressure on the Sandinista Government in Nicaragua to reject Communism and to establish a true democratic government with full respect for human rights.

Entertaining these sentiments as I deeply do, I voted against the moratorium resolution in the Rules Committee yesterday, I voted against the rules, and I shall vote against the resolution as presented in the House today. I am asking my colleagues in the Florida delegation and my friends to join me in this vote.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LUNGREN].

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Mr. LUNGREN. Mr. Speaker, even Lenin couldn't foresee this flowering of the concept of economic determinism taking place in the U.S. Congress. Now the other side doesn't talk about sacrifice, or courage or freedom, instead we are told about kids with cadillacs/audits and asset accounting.

What kind of a legislative farce is this, anyway?

When we asked for help in our Revolution, did Lafayette send a delegation of accountants?

Did Patrick Henry ask "give me liberty or give me back my calculator?"

Did John Paul Jones stir our forefathers with the words "I have not yet begun to figure my accounts?"

Were the words that sang out at the Battle of Bunker Hill "don't shoot until you see their bottom line?"

Of course not!

What would have been the impact on the embattled peoples of England if Winston Churchill had issued these immortal words to the House of Commons in 1940: "I have nothing to offer but blood, toil, tears and sweat until we can get these bloody books balanced!"

Does anyone really think the Communist leaders of the Kremlin, Cuba and Nicaragua have adopted the slogan:

"Accountants of the world, unite?"

Are we going to stop communism in this hemisphere with the GAO?

Don't be silly!

As we prepare to once again change the course of our ship of state in midstream, I am reminded of the remarks that Winston Churchill used to characterize the isolationist government of Stanley Baldwin: "Decided only to be undecided resolved, to be irresolute adminant for drift solid for fluidity allpowerful to be impotent." (From "While England Slept," 1936)

As we seek to acquire an accounting for every dime expended by the Contras, I hope we will remember the words of that great Democrat Franklin Roosevelt in his last State of the Union speech: "perfectionism, no less than isolationism or imperialism or power politics, may obstruct the paths to international peace."

Yes, Mr. Speaker, it is a tragedy that the leadership of the Democratic Party is more anti-Contra than anti-Communist.

But the real tragedy is that this resolution amounts to another Bay of Pigs with greater adverse consequences for America and Americans.

We must vote "no"!

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 3 minutes to the gentleman from Wyoming [Mr. CHENEY].

Mr. CHENEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I must say I am deeply disappointed in the new leadership team on the other side of the aisle. This was sort of their first test as to whether or not they were serious about trying to develop an effective policy for Central America, and I think it is clear that they have failed it.

We have got an argument about accountability today. There is a key point that I think needs to be made to set the record straight, which is that, in fact, the House Intelligence Committee has under consideration at this very moment a report on what has transpired with respect to the first $60 million of the $100 million we approved last year. It is strange that the session at which the Intelligence Committee will consider that report is scheduled the day after we have this debate on the floor of the House, and the report is still classified so we cannot bring it to you on the floor today. But I have spent a lot of time on the subject as a member of the committee, and I will guarantee my colleagues that they will be pleased because the report will, in fact, show that we can fully account for the $60 million that has already been expended in this program.

Mr. Speaker, I think the really sad thing is that all of the talk about bipartisanship and the desire to develop a bipartisan policy in the foreign policy arena does not hold up to analysis. The issues of Central America and Nicaragua and support for the Contras have become a litmus test for loyalty to the Democratic Party. All too often we have seen the heavy hand, if you will, of the Democratic leadership lowered to insist that some of our brave colleagues on the other side of the aisle not join with us in this effort.

This simply is not a serious proposal. We saw earlier this year that the chairman of the Armed Services Committee, in fact, had his chairmanship temporarily stripped from him because he had the tenacity and the temerity to join with the Republicans last year and support us and vote with us on the Contra package.

It seems to me the basic choice is very clear. Either we are going to have an effective policy in Central America or we are not. If the Democratic Party and the leadership of the Democratic Party insists upon this course of action, upon withdrawing the $40 million that has already been approved and agreed to by this Congress, and insist later on this year in trying to kill the $105 million for fiscal year 1988, then they have to accept the responsibility for what happens in Central America. You have to accept the responsibility for the consolidation of a Communist regime in Managua. You have to accept the responsibility for the establishment of new outpost for the Soviet empire on the mainland of North America. You have to accept responsibility for creation of a sanctuary in Central America from which we will see revolution fomenting throughout the region.

Once again, Mr. Speaker, let me urge my colleagues to defeat the resolution before us and to put the United States foursquare behind those in Central America in their struggle for freedom.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Speaker, I rise in strenuous objection to the resolution and would urge my colleagues to stand up for freedom in this hemisphere.

Mr. Speaker, today we face the familiar situation of battling to retain assistance to the democratic resistance in Nicaragua. Once again, the leadership of this body is attempting to go back on its word and block the final $40 million of the aid that was approved by this body last fall.

Since a bipartisan majority approved the $100 million program, the trust of the Nicaraguan freedom fighters in the United States has returned. They have begun to take the war directly to the Sandinista regime. They have been impressive in the field in the last months and have also moved to solve outstanding internal difficulties.

Members of this body made a commitment to the freedom fighters with their vote in favor of the $100 million. This pledge must be honored because not only is the word of the Congress at stake, but the reputation of the United States as a nation that does not back out on its commitments could be tarnished.

Support for this legislation is not the way for Members to make a moral statement. A 6 month moratorium means the effective end of assistance to the resistance. This would mean that the next opportunity for aid to be given to the resistance would be near the end of the current fiscal year. We in the Congress must not abandon those who we have pledged to support in their quest for freedom.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Speaker, here we are once again. We are here to act in a fashion that would appear to be in direct contradiction of the facts. We know the story of the Nicaraguan revolution: A revolution stolen from its supporters and converted into a Marxist cancer in Latin America. A revolution that has committed itself to spreading its brand of tyranny throughout Latin America. A revolution that has shown its true objectives by supporting terrorism in Columbia and El Salvador. A revolution that will not return itself to the people unless we give the people the means to claim their rightful place in a Democratic, pluralistic, society.

If only we applied the same standards to the Sandinistas as we apply to the Contras! Those who wish to impose a moratorium on the $40 million in aid claim that the Contras have not reformed themselves politically, that they continue to commit human rights violations, and that they have not formed a base of popular support. I find it interesting that the Contras are given less than a year from the date of our last vote to reform themselves, while the Sandinistas have had since 1979 to honor the committments to the Organizations of American States. Yet the apologists still make their excuses.

Why don't we get tough on the Sandinistas? Why do we recognize their government? Instead we endorse their brutal methods by abandoning the only leverage we have: Let us not fool ourselves; negotiations will not work. The agreement produced with the OAS in 1979 regarding free elections and democratic pluralism is a spurned suitor, for 1979 is a black date in the history of freedom and fairness.

I assure my colleagues that we all share the greatest concern for the propriety of funds reaching the Contras. If there are improprieties, they must be corrected. I am also concerned that the Contras make improvements in their leadership and operational behavior. But let us view events in context!

We are facing the prospect of subversion and revolution in Latin America. It is shameful to recognize the illegitimate and forceful seizure of a popular uprising by a core of Marxists who engage in deception to further their goals . . . and if we cut the Contras off, this will be an endorsement of this process. We alone will hold the blame. We alone will be responsible for the extinguishing of the flame of freedom. And we will be responsible for the actions we take in the future, because of what we failed to do today.

Mr. EDWARDS of Oklahoma. Mr. Speaker, may I inquire how much time remains on each side.

The SPEAKER pro tempore. (Mr. GRAY of Illinois). The gentleman from Oklahoma [Mr. EDWARDS] has 30½ minutes remaining and the gentleman from Michigan [Mr. BONIOR] has 25½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Speaker, I too do not want to be on record as facilitating the handing over of Central America to the Soviet Union, and so I will probably vote no on this resolution, which is more mortician than moratorium because it tells the freedom fighters they can look forward to imprisonment, refugee status or burial on some mountainside.

This half clever resolution is supported by some, I am sure, who believe that Daniel Ortega is Walter Reuther with a Spanish Accent. They believe that the difference we have with the Sandinistas are simply negotiable misunderstandings.

But this cellophane fig leaf of a bill cannot hide the fact that isolationism, pacifism and appeasement are essential elements of this legislation, and the philosophical underpinnings of the gentleman of the left who dominate this body since the last election. Why you want to give a boost to the Gestapo of the left in Nicaragua I do not know. But it sure is not accounting.

This is about welching on a promise to Campisinos who are putting their lives on the line because they made the foolish mistake of trusting us. We continue to welch on people who trust us in the struggle for freedom.

Now you have defined the argument because you have got the Rules Committee and you want to talk about accounting. Why do you not want to talk about the $60 million that has been expended in the ongoing program? You do not ask for an accounting of that because, of course, the CIA was permitted to administer that program. Now you want an accounting on the $27 million from 1985 to 1986 where you forbade the Department of Defense, you forbade the CIA to administer the program. You put leg irons around the program and now you complain because it cannot walk, because it cannot run.

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Oh, yes, you want an accounting of the Iran money, you want an accounting of the private money; those accountings are going to be gotten by a special prosecutor, by two special committees of the House and the Senate.

Meanwhile, what has that got to do with people fighting for their lives inside their own country who understand that we have to fight for our freedom; nobody gives you freedom; they are down there because we promised them support, but now you welch on it.

For what reason? Politics? I do not know, but I can just tell you, if you abandon the freedom fighters, tell them to go run and find a place on the mountain to die, it is something you ought to be ashamed of.

You have defined the argument; you want to talk accounting. OK. Let us talk about the mujaheddin. How many millions have they gotten? Why do you not demand an accounting from them? How about the money to Cambodia that we send over there? Why do not you demand an accounting from them?

Did you ever see this report that DAVE OBEY asked for, an accounting from the Agency for International Development, an accounting from UNESCO? You should hear what they say about how you cannot trace money; they do not know where it went, the funds are comingled. Read that report, gentlemen, and then tell me why you are so demanding because it is our hemisphere.

What is your answer? More "Dear Commandante" letters? Do you want to try that again. Maybe we have not asked the Sandinistas with the right tone of voice to yield power, to permit freedom of the press, to permit freedom of religion, to permit labor unions, to permit a mixed economy—maybe you ought to write another letter, because you know history shows that communism will yield to sweet reason.

Do you ever read a history book? Do you understand what you have read? I submit to you that this is dangerous. I watched a movie the other night about World War I, and I thought to myself, "My God, millions of young men died for what? For 20 years of peace and then into World War II." Why? Because the politicians refused to recognize the facts of life; they let Hitler build and go and build and go, and 12 million, then under arms.

Do you want to play that out again? It is a heavy responsibility, but it is yours because you have got the power.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. MORRISON].

Mr. MORRISON of Connecticut. Mr. Speaker, I thank the gentleman for yielding. I think that this is a day on which we have to start on a new course with respect to our policy in Central America, because the policy that we have been following is a policy that has failed.

It has failed to improve or protect our security. It has failed to improve the lot of the people of Nicaragua and the other people of Central America. In the way it has been executed it has certainly failed to support the ideals of our country, of democratic choice and the rule of law.

The Contras are not a democratic force; the resignation of Arturo Cruz speaks volumes about that. The Contras are a terrorist force; and the killings of innocent people speak volumes about that. The American people do not want their security defended by those who do not respect the rights and the lives of the people they seek to govern.

The dollars that we have spent have been wasted. We have to get on a new course. Mutual security, economic development, and peaceful transition in Central America have to be our goal. We have spent 5 years pursuing our goals by arming the Contras and we have failed. It is time to turn around and to explore other options with the same vigorous commitment with which this administration has pursued aiding the Contras.

Without that vigorous commitment, negotiations and peace processes will fail. With that kind of commitment, it can succeed. Let us make our vote today the beginning of that process of building an alternative, one which has long term possibilities of success rather than the kind of failure and retreat from our own ideals which funding the Contras has represented.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia [Mr. RAY].

Mr. RAY. Mr. Speaker, I rise today to speak against the moratorium on aid to the Contras. As we look through the years, we all recognize that there is a blemish that is recorded in our history that is indelible there and cannot be erased.

I refer to a time when the resolve of this Nation to guard against the infiltration of communism into this hemisphere was weakened. I refer to Communist Cuba, which is firmly entrenched in the Western Hemisphere.

The Soviets, as we are aware, took advantage of that time of weakness, and installed a Marxist regime in Cuba, one which still flourishes and represents a continuous threat to the Western Hemisphere and is an irritant just off our shore.

I am sure that we all remember the Bay of Pigs. There are some who believe that we backed out on a commitment to the Contras of that period of history, the Cuban resistance of that day.

We are told that after encouraging a Cuban resistance movement, and after pledging support, we backed out on that commitment.

Now Mr. Speaker, we are now faced with a situation where we might be about to do the same thing again, in Nicaragua. The Marxist Sandinista regime has had 7 years in which to strengthen its hold on that country. The Sandinistas have used that time to their advantage, and to the disadvantage of a free democracy in Nicaragua.

This body voted, and in effect pledged its support, and now we are again indicating that we might back out again.

My comments today are not intended to emphasize that the Nicaragua democratic resistance is the solution to the problems of Nicaragua. In fact, I have never believed that a victory by itself could occur in Nicaragua without serious involvement by the political parties in that country and from sympathizers in exile.

Now, my support has further hinged on the belief that the United Nicaraguan Opposition, UNO, would become a viable organization in exile and eventually would provide a catalyst for free elections leading to a democracy.

Now, we all know that after a number of years here, 7 years, the possibility is now doubtful because of the friction among UNO's leaders; but in my opinion, all is not lost. Instead, now we can work toward a new idea, an idea that could perhaps piggyback on a plan such as the Arias plan, or some other plan which would have a consensus; and I mean a consensus among the Central American democracies; a consensus among the American people and the Congress.

I am confident that we can accomplish such a plan, Mr. Speaker, that will work to this end if we can all just recognize here today that the dangers that exist in Nicaragua and Cuba, if they are allowed to consolidate their philosophies, that the dangers to the democracies of Central America and perhaps the Western Hemisphere could be in danger.

Mr. Speaker, for right now I believe that it is important that we live up to the commitment which this Congress agreed to in 1986. It simply sends the world a message that once we make a commitment, for a change we can stay hitched to it.

So those several thousand young men and women who are living in very harsh conditions in the jungles of Nicaragua are risking their lives in preference to living under an oppressive regime; and that itself ought to send us some sort of a message about what the situation is in that country.

They are depending on our commitment to provide a total aid package which is in the pipeline; a package which we promised, a package of aid which if not delivered could have results which many of us do not want to have on our conscience; and I for one am not willing to go back on this promise at this time, and I urge your serious consideration and your vote against this moratorium.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 90 seconds to my friend the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Speaker, I am opposed to aid to the Contras and for the moratorium because I believe that the money is going down a proverbial rat hole. It will not work, and it solidifies the Sandinista regime.

I honestly do not believe that we can or should militarily overthrow an existing government. And my friends, that is the purpose of Contra aid.

My colleague from Illinois, Mr. HYDE, whom I do not believe is here, does raise a good point. He says, "What is your answer?" As I go home and talk to my constituents; moderates, Republicans, Democrats, liberals, and conservatives, they basically tell me when you reach a consensus, that aid to the Contras will not work, but that we ought to offer a carrot and a stick.

The carrot is economic aid and assistance from the United States to the Nicaraguan Government, with the stick being that if the Sandinistas militarily venture aggressively into or invade Honduras or Guatemala or Costa Rica or else if the Soviets become extraordinarily active in doing the same thing militarily by using their troops out of Nicaragua, then the Sandinista government could face direct military action from the United States. That is a policy of responsible containment, which is much more realistic and responsible than the failed policy of trying to overthrow a government through the use of a shoddy mercenary force.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana [Mr. COATS].

Mr. COATS. I thank the gentleman for yielding.

I think some of the things that have been said here this afternoon are very constructive in terms of where we are going in this debate. Many of us in this room are concerned about the ultimate problem. The ultimate problem is United States troops in Central America. Many of us who have supported aid for the Contras do so because we would rather support aid for Nicaraguans fighting Nicaraguans than face the prospect of sending American troops into Central America.

Now, some of those that oppose aid to the Contras say that that is the best way to negotiate a settlement and that will keep us from sending American troops to Central America. Yet, one of the Presidential candidates, announced Presidential candidate, from the other party, one of our colleagues, said that if it becomes a threat to the security of the United States in Central America, that is the totalitarian regime that exists in Nicaragua, we will have to send troops.

The gentleman from Kansas who just spoke said we may have to send troops.

So I think the fundamental question here is what is the best policy that we can pursue in this Congress that keeps American troops out of Central America? Or are we willing to face that issue? It seems to me based on what I have read and based on my trip to Central America and my talk with some respected leaders there that what we are facing is a situation that if we withdraw aid from the Contras, the option left to us is a negotiated settlement. I do not have much faith in that settlement. I do not have much faith in the Sandinistas maintaining that settlement, agreeing to that settlement, sticking with that settlement.

I see a situation that leads to further consolidation of control by the Sandinistas in Nicaragua, further exploitation of revolution throughout the countries of Central America leading ultimately to the United States being faced with no other choice but to intervene militarily, a situation which I do not believe Members on either side of the aisle want to face.

I am not the only one that holds this position. President Duarte of El Salvador holds it and others.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Speaker, I stand in strong support of H.R. 175.

Mr. Speaker, today we are voting on a moratorium on the unreleased $40 million in military aid to the Contras. I strongly support efforts to require the Reagan administration to account for all of the funds diverted to the Contras from the Iranian arms sales.

The administration's policy of selling arms to Iran showed that the Reagan administration failed in its responsibility to be honest with the American people. Likewise, President Reagan and several National Security Council aides largely bypassed the administration's own foreign policy apparatus and the notification requirements of law in order to pursue an amateurish and misguided policy toward Iran.

Of course, the misconduct of U.S. foreign policy in the "Irangate" affair has wide implications for U.S. foreign policy. What we saw of this administration's foreign policy decisionmaking in this debacle undermines the credibility of their claims about the Contras.

Should we really believe the administration when they say that the Contras are a democratic movement? Actually, the Contras most powerful military leaders are former members of General Somoza's national guard, and the Contra leader who had the most genuinely democratic and anti-Somoza credentials, Arturo Cruz, resigned this week from the Contra leadership.

And is it really true that the Contras pose a credible military threat to the Sandinistas? Well, the former head of the military command that oversees Central America, Gen. Paul Gorman, has stated that he doesn't believe the Contras can defeat the Sandinistas.

Actually, the Reagan administration has been supporting military efforts to overthrow the Nicaraguan government while ignoring diplomatic opportunities to reach a negotiated settlement in the region. Is this policy really consistent with America's values?

The temporary moratorium on Contra aid that we are voting on today can give us a chance to formulate a new policy toward Nicaragua. The peace plan proposed by Costa Rica's President Oscar Arias provides us with an excellent opportunity to promote peace and pluralism in Central America.

This plan, which covers not only Nicaragua, but also Guatemala and El Salvador, calls for a cease-fire between the governments and all rebel groups to be followed by a general amnesty. In addition, all outside military aid to rebel groups would be suspended and restrictions on freedom of the press would be lifted within 60 days. We should certainly encourage this promising effort to resolve the conflict in Central America.

This temporary moratorium on Contra aid will allow the American people to get a full accounting for the money we have already sent to the Contras. It will also allow us time to adopt a policy toward Central America based not on military confrontation but on negotiation. Do the American people deserve anything less than this?

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from New York [Mr. OWENS].

Mr. OWENS of New York. Mr. Speaker, I rise in strong support of the moratorium and against further aid to the Nicaragua Contras.

Mr. Speaker, Arturo Cruz said it best when he resigned from the United Nicaraguan Opposition earlier this week: "The time is up."

Over the last 6 years, 35,000 Nicaraguans have lost their lives because Ronald Reagan has insited that diplomacy and negotiation will not work—that the only way to assure peace, democracy and stability in the region is to kill people who do not share our views. It may have worked for Rambo, it may have worked at the OK Corral, but in real life our policy has been an unmitigated disaster. Today the only thing we have to show for our bloody adventure in Nicaragua is not peace, not democracy, not stability—just a stack of corpses a mile high.

Cast against type in the role of heroes of this grade-B shoot 'em up thriller, the Contras have become a never-ending source of embarrassment and shame to the United States. They are truly an ad-man's worst nightmare. Some of the foremost public relations experts in the world have been called in to try to rescue and rehabilitate the Contras' sorry image, yet none of the magic makeovers that have been administered over the years ever seems to take. White House aides can chant "freedom fighter" like a mantra all they want, but the Contras remain today what they always have been—gangsters, thugs, and bandits.

Any day now, we have been told, we will begin to see some evidence that the Contras—the self-described democratic resistance—enjoy the support of at least a tiny element of the Nicaraguan population. We are still waiting. Today even the Sandinistas' most ardent political foes do not sympathize with, much less support, the Contras. The few Nicaraguans who have embraced the Contras, not coincidentally, also happen to be on the U.S. payroll.

Any day now, we have been told, the Contras will begin to respect human rights and stop maiming, raping and killing civilians. We are still waiting. Today we have more excuses for the same old atrocities. After Contra guerrillas slit the throat of a 1-year old infant in a raid on El Nispero late last year, the murder was blithely explained away—this baby, they would now have us believe, was a dangerous Sandinista activist. To date, the Contras have punished exactly one of their commanders for human rights violations—not because he was killing civilians, but because he was killing his own men.

And any day now, we have been told, the Contras might let us know how exactly they have been spending our tax dollars, not to mention the millions more in ill-gotten Iranian arms deal proceeds and hustled handouts from foreign governments. We are still waiting. Today nearly all of that money is still unaccounted for. For all we know now, our tax dollars may as well have been used to build a new swimming pool for a Contra commander in Miami as it was used to buy boots for a guerrilla in Honduras.

The time is indeed up. We have waited long enough. Our support for this band of thugs is more than a failed policy—it is a policy which has run roughshod over basic American traditions and values. No more. Stop the war, stop the killing, pull the plug on Contra aid now.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to my friend who has done much work on this issue, the gentleman from Kansas [Mr. SLATTERY].

Mr. SLATTERY. I thank the gentleman for yielding.

Mr. Speaker, some speakers today have implied that by supporting Contra money we are supporting the Costa Rican President Arias' peace initiative. Well, that is not what President Arias has told me, and that is not what he proposes. That is not what he wants.

President Arias proposes a plan for peace, not a request for Contra funding. President Arias is clearly opposed to our policy of aiding the Contras, and any suggestion to the contrary is absolutely wrong.

As we debate this issue today, one thing is clear: present policy has failed to gain the support of the American people and our democratic allies. Without the support of our people and our allies, our policy is doomed. United we are strong, divided we are weak, and today we are divided.

We must develop a new policy that has bipartisan support and that can unite us at home and develop strong support among our allies around the world.

The concept put forth by President Arias is such a plan.

Whether we like it or not, the perception is that this administration has not pursued a diplomatic solution to the problem in Nicaragua. This perception has to be changed before we pursue military solutions to this problem. After this vote today which we all know is not going to end Contra funding, I hope that we can come together behind a bipartisan plan that can unite us at home. No one in this body knows how the Nicaraguans will react to the Arias peace plan. The Nicaraguans have said they are willing to expel all foreign military advisers, limit the size of their military, provide on-site inspection and agree never to build a foreign military base on their soil.

They have also said they are willing to lift the state of emergency and restore internal freedoms after the Contra war ends.

Mr. Speaker, I do not know what the Nicaraguans will do and no one here does. I have serious doubts about their intentions, but we have to test them and determine whether they are willing to do what they have said before we are willing to pursue additional military solutions.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON. Mr. Speaker, I rise today in opposition to House Joint Resolution 175. I don't want my first major foreign policy vote to strengthen the Soviet foothold in Central America.

I have met with people on all sides of the Contra aid issue—for example, the Missionary Sisters of the Holy Rosary, Pledge for Resistance, Delaware County Jobs for Peace representatives, National Security Advisor Frank Carlucci, Assistant Secretary Elliot Abrams, and members of Nicaragua's Liberal Party. I also received many phone calls and letters from my constituents. Everyone expressed concern for the people of Nicaragua. I share these concerns, and I support efforts to improve the quality of life in Nicaragua. Yet, I am equally concerned that the Soviets have invested over $1 billion in Nicaragua. I frankly find it hard to believe that this huge investment is simply being used for agrarian reform.

Yesterday, I invited the Nicaraguan Ambassador to my office to hear the Sandinistas' position. He told me that the Sandinistas have no desire to become an ally of the Soviet Union or the United States. Then I asked him if he thought that the Soviet Union, after giving $1 billion in aid and numerous advisors to Nicaragua, would allow that country to become democratic. I also asked him if he thought that the Soviets had given any thought to the strategic importance of Nicaragua in Central America. The Ambassador wouldn't and couldn't answer me.

In Nicaragua, we want to see a government guaranteeing democratization, a free and active press, freedom of religion, basic human rights and liberties, and the elimination of Soviet and Cuban influence. Congress should not sit idle while the Nicaraguan people endure a Soviet-Cuban backed revolution that has betrayed them in their attempts to determine their own self destiny.

Like all of my colleagues here in the House, I want peace in Central America. I strongly support the Arias proposal. Although its details are still being worked out, the Costa Rican plan offers hope of a negotiated solution. We can actively pursue diplomacy while aiding the Contras. Without external pressure, the Sandinistas will not negotiate. In the words of our esteemed colleague from Florida, Mr. CLAUDE PEPPER, "* * * we must keep the pressure on the Sandinista government in Nicaragua to reject communism and to establish a true democratic government with full respect for human rights."

My vote against the moratorium is a vote against confusion and delay in American foreign policy. Let's show our allies and the rest of the world that we will not back down from our commitments during difficult times.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 90 seconds to my friend, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. I thank the gentleman.

My colleagues, let us define this vote, for it is not simply about money or funding. This is a vote about time. The reality is that the Contra war is ending, perhaps not today but certainly in the months ahead. It is simply in its final act. The administration, however, has been provided with a gift, a gift of time; 6 months to begin to construct a new policy.

The choice, Mr. President, is yours. The question is how you use this time to work with our allies, the democracies in the region, to open communications, to strengthen internal opposition to the Sandinistas.

Finally, whether we can learn the lesson of our time, the lesson stated here so eloquently not so many months ago by Mrs. Aquino when she warned that an evil cannot be destroyed by the means with which it grows. It was a simple lesson then, and it remains so now.

Meet communisim with covert wars, with assassination manuals, with economic terrorism, and it shall succeed. Defend against it with economic progress, with examples of human rights, with social progress, and it will fail.

My colleagues, we are in the fourth decade of our struggle against communism. Learn something. Our will here is not at issue. Time and again we have decided to send young Americans and the allies and their young sons to defend against communism. This is a task that we have met. The test before us today is not of will but of wisdom, whether we have finally learned how to defend ourselves against communism, not whether we will.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. HOLLOWAY].

Mr. HOLLOWAY. Mr. Speaker, I stand here today because I believe that the citizens and constituents from my district sent me here for this purpose: they sent me here to see that we maintain freedom in their world.

There is no country in this world today that can take America's place. There is no democracy in this world that can maintain freedom as America has to do.

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I sit back there wondering what would happen in a few years when we hear that the freedom fighters in Mexico are fighting for survival. Are we going to say to them, they do not have the millions of dollars we gave them to fight communism? Then I wonder when they get into Texas, what are we going to say? Are we going to say Texas is a long ways down there? Let us wait until they cross the Mississippi, and then maybe we will fight them.

My State stands closer to Central America than Washington, DC, does, and I think the people in my district sent me here to see that we do not have refugees floating into the bayous of south Louisiana because they were evicted or persecuted in their own country.

I stand here today in support of freedom.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. PANETTA], one of the cosponsors of this legislation.

Mr. PANETTA. Mr. Speaker, as an original sponsor of the resolution, I rise in support of its passage. I want to state to my colleagues that the principal focus of this resolution is, indeed, accountability—how $80 to $100 million of secret funds, of taxpayers' funds, of foreign funds sank into a black hole, according to the Tower Commission.

I think that is a logical question to ask before we provide another $40 million. That is all this resolution does. It asks the President to account for those funds and where they went.

Some say we can separate accountability from policy. We cannot. We would not do that for any other domestic program and we should not do it for any kind of foreign aid program.

The reason for the failure of the policy in Central America is not just the policy itself, but those who implemented it, who thought somehow that fear enough would be enough to drive a policy and who thought that they did not have to account to anyone.

I urge you to read appendix C of the Tower Commission report—it contains 14 pages of graphic detail about the illegalities and abuses and lies and deliberate coverups, of hidden corporations and secret bank accounts, of $80 to $100 million which is unaccounted for.

Can anyone really say that that kind of conduct, that kind of behavior, those kinds of abuses, are in no way connected to the failure of this policy? Absolutely not. They are interrelated, one and the same. To proceed with $30 million now is the equivalent of handing a pickpocket more money after he has already taken your wallet.

Let us not reward those who engaged in that kind of behavior. That is not the message that the House of Representatives ought to send to the American people today.

Let us stop the double talk and stand by the principles that we say we are for. Let us find the truth and hopefully develop the kind of policy that we can be proud of, not one that we are ashamed of. Let us adopt this resolution.

Mr. Speaker, I rise in support of House Joint Resolution 175, and I urge its adoption.

This resolution provides for an accounting of the disposition of the $27 million in humanitarian aid provided in the Supplemental Appropriations Act in 1985, and of funds diverted from the Iranian arms deal. It also requires the accountiing of direct and indirect aid to the

Contras from private parties and foreign governments which was solicited by U.S. officials. The resolution allows the President to conduct the primary investigation into the expenditure of these funds and assigns to the Intelligence Committees the role of reviewing the President's findings. The resolution retains the ability of Congress to vote yes or no on funding of the Contras, after the Intelligence Committee reviews the President's accounting report. This approach thus maximizes the protection of classified information and sources, while ensuring thorough review by the most qualified and experienced committees of the Congress and protecting the right of Congress to vote directly on the funding.

More than anything else, however, the focus of this resolution is fiscal accountability. The resolution does not preempt the President's ability to seek funding for the Contras. It simply postpones consideration of the funding until we have had a full accounting of the money that has already been raised—from official and unofficial sources—on behalf of the Contras. The question before us, then, is not whether we are for or against aid to the Contras, but whether we are for or against fiscal accountability and fiscal responsibility.

Mr. Speaker, the amount of money which is subject to the accounting may reach $100 million. Although the money trail is complicated and although there may be further revelations about secret funds, we do know about the following funds which were provided to, or raised on behalf of, the Contras: $27 million in humanitarian aid; $23 to $50 million from the Iranian arms deals; $10 million from the Sultan of Brunei; $25 million from a member of the Saudi royal family; tens of millions of dollars which the Tower Commission estimated were raised in the private network of United States donors which was orchestrated by Lieutenant Colonel North; and unspecified millions which the Tower Commission reported were raised from citizens of Taiwan and South Korea and from conservative South American political groups, and funds from Asian governments which were solicited by retired Major General Singlaub working with Lieutenant Colonel North.

What this resolution seeks, then, is to find out where this money—money which came from the U.S. Treasury or which was raised by persons in the Executive Office of the President—went. Once we find out what happened to this money, we can then make a reasoned assessment about the effectiveness of the money that has already been spent and about the need for the additional $40 million which the President wants to provide.

Besides the fact that some $100 million in Contra aid cannot be traced, we must not forget the fact that extremely grave questions of illegality have been raised about the administration of this program. Appendix C of the Tower Commission report presents a history of the role of the National Security Council staff's involvement in covert arms sales to Iran and covert fundraising for the Contras. The 3 hours of debate on this resolution is not enough time to discuss every episode reported by the Tower Commission, but two examples which show the participants' clear intention to mislead Congress in the pursuit of their illegal operations are worth noting. First, on at least four occasions, National Security Adviser Robert McFarlane told committees and Members of the House that no members of the NSC staff were involved in raising funds for the Contras. These denials were patently false. Second, the report also describes an interview with North by House Intelligence Committee staff, in which North denied giving military advice to the Contras. This information, again, was clearly false, but it earned high praise from Vice Admiral Poindexter, according to the report.

These were not the only illegal activities in which senior White House and NSC officials engaged, of course. News reports this week indicate that the special prosecutor, Mr. Walsh, is contemplating felony prosecutions for obstructions of justice, conspiracy to defraud the Government, and making false statements to the Government. When Mr. Walsh completes his investigation and when we have testimony from North, Poindexter, and others, we may find that other crimes have been committed and other laws have been broken.

The fact is that mismanagement and illegality have permeated this program. I believe that we must therefore treat this program just as we would any domestic program with a comparable track record. This House is very tough on domestic programs with management and abuse problems. Numerous domestic programs have been eliminated or limited on the basis of allegations of abuse—CETA, the summer food program, revenue sharing, and Medicaid are some which come to mind. In these cases, this House eliminated the programs or agreed to legislative reforms or funding cuts, as a means of curbing reported abuses. What we are asking now is that we be just as tough on this program, about which even more serious questions of mismanagement and abuse have been raised.

Again, Mr. Speaker, the thrust of this resolution is fiscal accountability, of control over the use of taxpayers' funds. But I think the resolution is valuable for another reason, too. It will give both the Congress and the administration some time, away from the heated context in which aid to the Contras is now being weighed, to reflect on possible changes in this Nation's policies toward this troubled region, to consider ways in which peaceful progress may be encouraged and violent conflict avoided.

Mr. Speaker, I urge my colleagues to be responsible, to be cautious. Let us take the time we need, let us get some answers to the tough questions that have been raised about the Contra aid program. Let us pass House Joint Resolution 175.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, during my recent visit to Central America, I heard an unexpected and poignant message. The message from every national leader, from country to country, was that they fear that when the Contra issue is gone, the Congress will abandon them. They fear that rightly, because on this floor of the House, when we voted on the $100 million for military aid, we voted for $300 million in humanitarian and economic aid.

We talked a lot about our interest in an economic partnership that would address the root causes that so many here have urged us to address of the problems in Central America. What happened to the $300 million in aid? We in this House, because the Conference Committee was not permitted to meet, let the time run out and the $300 million dropped out of the bill. The military aid, however, survived.

So they fear that we have no real dedication to a partnership with them that will address the real issue on their lives. They fear that the minute the Contra-aid issue is gone, we will abandon them.

And not a single leader said to us, stop Contra aid now. Yes, every leader said, it is not the long-range solution. But look at Arias' plan. He urges abandoning Contra aid, but when it is paired with amnesty, with reconciliation, with a cease-fire. He does not want it abandoned now.

Duarte said to us, "It has been a barricade. It has controlled the aggression of the guerrillas in my nation. If you are going to take away that barrier, then substitute another barrier, that of an agreement for it. But do not eliminate the one without the other."

Yes, Contra aid will not solve the problem in the long run. That is why the Contras, the Nicaraguan freedom fighters, support the Arias plan for a negotiated peace that guarantees them the political option and a free press. They want a political opportunity. They want to give the Nicaraguan people political choice. They have backed the Arias plan.

I beg you, my colleagues, back the Arias plan, support the President of Costa Rica not in the details of his solution because those details, as he says, are negotiable, but in his approach which seeks a comprehensive, diplomatic solution providing peace and security in Central America. Send him the right message. Strengthen his hand. Do what he asks, which is cut off aid when aid to the other insurgents in the region and amnesty and reconciliation and all the essential pieces are in place.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 90 seconds to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, there are 3 reasons why this body should support this moratorium. First, it sends a signal to the President that his Central American policy is not working, that the American people do not support sending aid to the Contras as a sole basis of our policy.

The Iran/Contra affair, the change in the Senate and this vote should make the President recognize that he is better off cooperating with the Congress, rather than confronting it.

We share the same goals; let us start working together.

Second, the U.S. taxpayer has been ripped off, and this moratorium allows for an accounting of those millions of dollars. Who is getting this money? Is it Iranian middlemen? Is it going to Swiss bank accounts or is it simply disappearing into thin air? Certainly it is not going to the Contras in the field, given their military effort.

Third, this moratorium buys time for the Arias plan, the last hope for a negotiated settlement. The Contadora process is almost dying. This is the last gasp. This is a plan that is tough on the Sandinistas, that is tough on the Contras, that is tough on the Cubans, and tough on the United States.

Let us give this plan a chance.

Also, it allows time for the Contras to get their political act together, to get some political leadership, to get some military strategy going. Let us keep the pressure on the Sandinistas by passing a peace plan that has teeth, not this moratorium.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. HUTTO].

Mr. HUTTO. Mr. Speaker, we know that several things have happened recently, and this is giving people excuses to vote against the Contras, the so-called freedom fighters in Central America.

I do not know of many people that approve of trading arms to any terrorist country—that was a mistake—but the situation is that we still have Nicaragua, we have people there who are oppressed, and many Members of this body have been there. They have seen at firsthand that the people, the churches are oppressed. There is censorship.

So we have a situation in Central America where there is now communism and it is going to spread if we do not continue to support the Contras and some vehicle to try to keep unsettled and keep the Sandinistas from consolidating their power like the Cuban situation that we have right close to the borders of Florida.

The people of Florida, I guess, perhaps are a little more concerned than the average American because we have seen the influx of those who come trying to gain freedom in our country. If we do not do something about the spread of communism in Central America, this is nothing to what we will have in the future.

I would urge my colleagues to think long and hard of what might happen because if the Sandinistas are given free rein, if we leave them and let the Soviets and the Cubans continue their activity, we are going to see more and more of the people in Central America flooding to our shores. We are going to have a situation in Central America that we do not want.

I urge you to vote no on this resolution and let us support the Contras.

The Committee and Armed Services delegation met back in December with some of the field commanders of the Contras and what they need is some continuity and our support.

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They have had a big gap, and so they feel very encouraged if we will help them. They feel like they can make some inroads, and one of these days I believe we will see the people of Nicaragua rise up and say no to this sort of communism in this part of the world.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. ANDREWS].

Mr. ANDREWS. Mr. Speaker, every Member of Congress wants to achieve a consensus policy toward Central America and Nicaragua that has bipartisan support. We are all tired of the polemics and chaos that we have endured in recent years because we lacked a consensus on dealing with the dire problems we face in Central America.

Most of us understand the threat the Sandinistas present to their neighbors. We are disturbed by the Soviet and international Communist presence in Nicaragua. However, I firmly believe that only the broadest possible policy has any chance of success. There may be room for a reformed Contra organization in that policy—an organization that is representative of the diverse groups opposed to the Sandinistas—an organization that the Arturo Cruz's and Alfonso Robelo's among the Nicaraguans could support.

As part of our larger policy toward the region, we must support the promised $300 million in economic development aid for Central America, $5 million for the southern Nicaraguan resistance, a bipartisan commission, and human rights training for the Contras. These are the directions in which we must move. I am disappointed that we have made such limited progress on those fronts.

However, our policy will fail if it does not have the enlightened support of the American people. I don't think anyone in this Chamber would dispute that. But, right now, that support does not exist.

The American people do not support this policy because they see an administration that makes and breaks promises, that affirms principles that it does not intend to adhere to, and that will do or say anything to get what it wants.

Upon such a foundation, how can this Nation build a consistent and lasting policy that our citizens can understand and support and that our allies in the region believe in? It cannot be done. Without that confidence and support, we cannot maintain a Central American policy for the years that advisers in the White House tells us are needed to succeed.

I want to pressure the Sandinistas to change their ways. I want the Nicaraguan people to have the opportunity to realize the dreams of their revolution. I want to let the people of Honduras and Guatemala and El Salvador and Costa Rica have the chance to achieve their dreams of democracy and peace.

But that will not happen until we build Americans' faith in a policy that can succeed. To do that we must go back to the foundation, root out the sources of distrust, and start fresh.

To those ends, I intend to vote for a moratorium on further aid to the Nicaraguan rebels until we can have an open and forthright accounting of the funds—public, private, or diverted—that went to the Contras.

Once we have put this reckoning behind us, let us begin again to craft, not a Republican, not a Democratic, but an American policy toward Central America. I am strongly supportive of President Arias' plan for a cease-fire and negotiations. I am going to work to build a consensus behind his plan.

Our policy may include aid to the rebels—on that point, men of reason can honestly disagree—but whatever the policy may eventually be, let's seize this change to clear the slate and make a policy together that Americans can believe in again.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Hawaii [Mr. AKAKA].

Mr. AKAKA. Mr. Speaker, I rise to support the passage of this joint resolution.

Mr. Speaker, allow me to begin by commending the gentleman from Washington [Mr. FOLEY] and my colleagues who worked with him for expeditiously bringing this crucial resolution before the House.

Mr. Speaker, House Joint Resolution 175, a resolution to impose a moratorium on United States assistance to the Nicaraguan democratic resistance until there has been a full accounting for previous assistance, demands our support. In the aftermath of the Iran/Contra scandal, investigations by the two congressional select committees and independent counsel Lawrence E. Walsh are expected to reveal the extent of the diversion of surplus funds from arms sales to Iran to the counterrevolutionaries in Nicaragua. In the meantime, we would be acting imprudently and irresponsibly if we allowed the remaining $40 million in assistance to the Contras to be released in the midst of such pervasive uncertainty.

Passage of this resolution would fulfill two objectives: First, by making the release of the $40 million in Contra aid contingent on a full accounting of the diverted funds, it would give good cause to the administration to reveal all of the facts regarding the diversion; second, it would clearly signify congressional intolerance of such subversive tactics as covert support for the Contras by demanding accountability.

Furthermore, House Joint Resolution 175 requires a complete accounting for $27 million in humanitarian aid appropriated by the Supplemental Appropriations Act of 1985. Last year, when Congress approved the $27 million, it enacted strict limitations on how the money was to be spent, and charged the President to establish special procedures to ensure that the money was not diverted. Evidence provided by the General Accounting

Office [GAO] in December 1986, however, reveals that several million dollars in nonmilitary aid that Congress approved last year could not be fully accounted for or verified. The GAO report noted the inability of the State Department's Nicaraguan Humanitarian Assistance Office [NHAO] to verify the purchase of goods in the Central American region, purchases that make up $17 million of the $27 million appropriated. Such negligence on the part of the State Department must not be overlooked.

The issue at hand is complete certification of all previous assistance for the Nicaraguan democratic resistance. In addition to the above two conditions, this resolution justifiably subjects to accounting any assistance for the Contras, regardless of whether the assistance was received by them, that was made available by any person or foreign government if the furnishing of that assistance was encouraged by contact with any officer or employee of the U.S. Government. I remain convinced that until we have a thorough accounting of all previous aid, the question of releasing the remaining $40 million does not deserve consideration.

I cannot emphasize enough the significance of this resolution. I strongly urge my colleagues to join me in voting yea on final passage.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. PICKLE].

Mr. PICKLE. Mr. Speaker, I rise in support of the joint resolution.

Mr. Speaker, in the past, I have always voted against appropriating funds for military assistance to the Contra forces trying to overthrow the Government of Nicaragua. My position has not changed. I don't think military action is the best way to address our problems with the Sandinista government of Nicaragua.

We lost that debate here in Congress last year and it was the will of Congress that $100 million be appropriated to assist the Contras. I am not comfortable with the idea that Congress would now attempt to renege on that commitment even though I opposed it.

The issue of trying to stop the last $40 million dollars of that aid from being spent is really a moot question. We all know that even if Congress adopted such legislation that the President would veto it. Thus, we all know that the aid is going to go forward and the money will be spent.

The real question before us now is really one of accountability. Do Congress and the American people have a right to know how our tax dollars are being spent in Central America? I think it is proper to ask the administration for a further accounting.

I intend to vote for this rule—not because I want to renege on our action of last year—but because I think we need to send a message to the White House. Congress and our taxpayers want to know what is happening to the money we appropriate. We want a better accounting of the money that has been spent.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 90 seconds to the distinguished Member from the great city of Philadelphia, the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Speaker, I rise in support of House Joint Resolution 175.

Many of my colleagues from across the aisle have criticized this resolution because they claim it punishes the Contras for the actions of a few zealous individuals in the basement of the White House. However, let's take a closer look.

This resolution is designed specifically to clarify what happened to the millions of dollars the Contras received both legally and illegally. The Members of this body and the American people have a right to know where this money has gone. Why should the Congress be called upon to approve additional money when it can not even certify that the original appropriation has been properly distributed. Are my colleagues from across the aisle suggesting that we continue this policy unabated?

Ladies and gentleman, this resolution will force the administration to come clean with its Contra activities. Each day more and more evidence is uncovered which suggests that high-level White House aides were aware of the illegal diversion of funds to the Contras. We must get to the bottom of this tragic situation. I call on my colleagues to support this measure so that we can begin to understand the ramifications of such a wreckless foreign policy and reverse its course.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 4 minutes to the Republican leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I believe peace and freedom and justice in Nicaragua and throughout Central America are possible only if we pursue the three-track policy of economic aid to the democracies, military aid to the Contras, and pursuit of the negotiation process. I have believed that for 6 years and I still believe that even more strongly today.

Winston Churchill once referred to the Soviet Union as a "riddle wrapped in a mystery inside an enigma."

We might describe the democratic leadership's moratorium as an evasion wrapped in a subterfuge inside a runaround.

The democratic leadership would have us believe this is a debate about accountability.

Let me tell you something about organized war and accountability—much less guerrilla warfare.

During World War II as a combat infantryman, there were many times when the only thing between me and my maker was my rifle, my helmet, and my shovel.

I never reported to GAO the blankets, field packs, jackets, bandoliers, and gas masks I lost in those fire fights during my sojourn in France, Belgium, and Germany.

While accountability is important, it is not what this debate is really about.

This debate is about responsible United States policy in Central America. It is about the United States keeping promises. It is about United States reliability. It is about an old-fashioned word called honor.

The Democratic leadership claims it has a policy. But upon examination, it is pure rhetoric pious wishes naive assumptions about how Communists give up power and the usual stuff about appropriate military action if the Sandinistas take offensive military action against its neighbors.

Just what do the Democratic leaders believe the Sandinistas have been doing with the guerrillas in El Salvador for the past 7 years? Playing patty-cake? They have been arming, aiding, and abetting a Communist takeover.

We better be thinking about a real policy, one that will work in the real world and not in that never-never land of the democratic leadership's fantasies:

I support a policy that gives encouragement to the process of the Arias peace proposal.

Hopefully between now and the time the issue is addressed again we will know if the Arias plan is acceptable, modified, or rejected.

In the meantime, we support sending $300 million of economic assistance to the four Central American democracies.

And finally I say we also proceed along the military assistance track to keep the pressure on the negotiating process.

Are the campesinos fighting for their freedom to be denied aid we promised them?

Are young kids and their fathers in the Contras who have endured Communist brutality, to be cast aside because accounting books are not yet balanced or because Swiss bank accounts aren't open to U.S. investigators?

Why should fighters for freedom in the field be penalized for things they never did?

Common sense must tell us that the Sandinistas will never negotiate if they have no reason to do so.

There was a Washington Post headline last Sunday that read: "Soviet Delegation Visits Nicaragua to Reaffirm Support."

While Gorbachev is reaffirming support for fellow Communists the democratic leadership in the House is asking us to take away support from the democratic resistance.

If it were not so tragic, it would be comic. Harry Truman where are you now when we need you?

I would urge my colleagues to vote against this sad, this tragic, this inexcusable retreat from a firm, workable United States policy toward Central America.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I rise in support of the resolution calling for accountability.

Mr. Speaker, while the President was waiting for the Tower Commission to tell him whether he had been in touch with his own administration, we were mercifully spared any additional posturing about the Contras in Nicaragua.

With his recent radio address to the Nation, however, the President has once again asked the Congress to join him on another ill-conceived, ill-executed adventure in Central America.

In the face of Senator Tower's statement that the millions in profits from the arms-for-hostages deal diverted to the Contras still cannot be accounted for, the President has signaled his intention to send the Contras $40 million more.

The whereabouts of all of our $27 million in so-called humanitarian aid is unknown. With the work of the two congressional investigating committees just beginning, and the independent prosecutor about to present evidence to a Federal grand jury, the Nation is astonished at a President who would send more foreign aid when illegal and legal aid previously sent cannot be traced.

Mr. Speaker, the Contras do not deserve another dime. Foreign aid funds for legitimate purposes are extremely difficult to justify in an age of $200 billion Federal deficits. We have serious and legitimate foreign aid responsibilities in many crisis-ridden parts of the world, responsibilities that demand our attention and our money.

Forty million dollars more of the taxpayers' money for the Contras will not help ensure the security and stability of Mexico. It will not help stabilize our allies in the precarious Persian Gulf. And it will not strengthen the fledgling democracies of El Salvador and Guatemala.

The lack of legitimacy of the Contras has been dramatized by the threats of the presidents of host countries to expel them from Costa Rica and Honduras. The Contras are disruptive and ineffective. After 5 years and $1 billion dollars, they have yet to score a single military victory. If their host countries are unwilling to tolerate their presence—an indication of growing diplomatic isolation—then why should the U.S. taxpayer continue to pay for this charade?

Mr. Speaker, this President must come to grips with our growing budget and trade crisis. Our competitive edge is slipping, our education system needs revamping, and Presidential leadership is needed desperately in these and many other vital areas. The American people were dismayed to learn that with the revelations of our dealing with the terrorist nation of Iran, our Government seems to have forgotten American patriot Robert Goodloe Harper's defiant retort to the Barbary pirates in 1798: "Millions for defense, but not one cent for tribute!"

As a member of the group of House moderates who have sought for 4 years to convince the administration to modify its confrontational approach to the crisis in Central America, I am deeply disappointed that the President has not taken advantage of this opportunity to make a clean break with his past mistakes. We hold no illusions about the nature of Sandinista Nicaragua, but we hold no illusions about the folly of the Contras. Instead of throwing more good money after bad, we ought to reassess our approach toward Nicaragua and throw the full weight of our influence behind the Contadora process and peace proposals sponsored by the President of Costa Rica. We should never back down from our demands for a full restoration of human rights and civil liberties in Nicaragua, including freedom of the press and an end to the persecution of the church.

To accomplish our goals in Nicaragua, however, we need to use a combination of diplomacy and economic actions. Funding the Contra war takes us further away from our national security goals in Nicaragua. Each Contra military operation threatens our national interests in the hemisphere.

Another $40 million for the Contras is a mistake. It is a mistake on security and policy grounds. It is a mistake for the President to make Contra aid his first major initiative after the Tower Commission report. Military aid for the Contras has been soundly rejected by the American people in poll after poll, and it is a war upon which public opinion—and public study—has put the brakes.

The facts are clear. The Tower Commission found we cannot account for the illegal Contra aid. The General Accounting Office discovered we cannot account for all of the legal aid. The Government's accountability to the taxpayer is at stake here, and we have no business sending the Contras another $40 million until the previous aid—legal and illegal—is accounted for.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. COYNE].

Mr. COYNE. Mr. Speaker, I rise in support of the joint resolution.

Mr. Speaker, this afternoon we are about to decide whether or not to place a moratorium on the last installment of approved Contra aid moneys. It is with a profound conviction that such moneys should be withheld that I rise before you.

Since taking office in 1981, the Reagan administration has been determined to overthrow the Sandinista government of Nicaragua by military force. In its pursuit for the success of its policies in Central America, the administration has turned a blind eye toward reality. It has refused to acknowledge that its policy toward Nicaragua has been counterproductive. After several years of American aid to the Contras the Sandinista regime is gaining continual strength. The Contras, on the other hand, are growing more and more divided, as is further witnessed by the recent resignation of Arturo Cruz.

The administration's support for the Contras has not only failed to change the policies of the Sandinistas but has instead provided the Sandinistas with an excuse for their crackdown on internal democratic opposition and their greater reliance on Soviet and Cuban military assistance.

Last year, after a great deal of debate, the House approved $100 million in military assistance to the Contras. The House approved the moneys because the administration had gleaned a promise of reform from the Contra leadership. The Contras agreed to curb human rights abuses, place the military under civilian control, and assure proper accounting of Contra funds. Unfortunately, few of these reforms have been implemented.

In addition to the increasing evidence of escalating Contra brutality, it has become clear that the administration in its zealous commitment to the Contra cause has become directly involved in fundraising for the Contras and their military operations. Such activities appear to be in direct violation of the congressional prohibition on direct or indirect military assistance to the Contras.

To date, $60 million of the approved $100 million has been released. Our action today will assure that the final $40 million not be released pending a full accounting by the administration of the missing funds. The missing funds include profits from arms sales to Iran, $17 million of the $27 million in humanitarian aid appropriated by Congress in 1985, and money solicited by the administration from private sources and foreign governments.

Please join me in supporting the moratorium on the Contra aid funds. Let us send the President a clear signal that Congress will no longer endorse the administration's policies in Nicaragua.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to my friend, the gentleman from California [Mr. BOSCO].

Mr. BOSCO. Mr. Speaker, I rise in support of the resolution, but from time to time I've had to look it over again to be sure I'm reading the same document being debated here today. Not a word in this resolution says the United States isn't going to support the Contras. This resolution doesn't speak to whether the Contras are winning or losing, whether aid to them is a good or bad idea, even whether they've used our money wisely or not.

It does speak to $27 million paid from the U.S. Treasury and unaccounted for. This is not money lost in the turmoil of battle, as the previous speaker implied. It was supposed to go for humanitarian aid. It does speak to funds provided as the result of the sale of military equipment to Iran that perhaps should have gone to the United States Treasury.

The accounting doesn't have to show the Contras are winning. It doesn't have to show the Contra leadership is effective and recruits are pouring in. It doesn't have to show the Contras to be worth a thin dime militarily. It only has to show where that dime went and who provided it.

And who will conduct the accounting? Is it the Contra foes here in the Congress? Is it the special prosecutor on Irangate? Is it someone out to embarrass the President?

No; it's the President himself who this resolution entrusts to make the accounting.

Let's not let the fervor of the cause becloud the logic of the accounting. If the figures add up and all turns out well, the boosters of Contra aid will have a much needed weapon in their arsenal. If the money has been misspent or wasted or illegally procured, then throwing another $40 million toward the same misappropriation would be pure folly.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Maine [Mr. BRENNAN].

Mr. BRENNAN. Mr. Speaker, the Nicaraguan Government has many problems and has made many mistakes. I am concerned about the closing of La Prensa and the Catholic Radio station. I am disturbed about the treatment of the Miskito Indians. But I do not believe that these actions justify a military attempt by our Government to overthrow a sovereign nation. Our policy has provided the Sandinista government with a convenient excuse to maintain a state of emergency and to limit civil liberties and other freedoms. Oddly, many of our European allies, such as Sweden, France, and Spain, provide development assistance to the very government we are seeking to overthrow. These allies consistently work toward a peaceful resolution. On the other hand, what remains painfully clear is that United States intervention in Nicaragua has brought neither peace nor stability nor democracy. It is time to end this failed policy. Let us do now what we must do later.

Mr. Speaker, while I am new to Congress, my longstanding opposition to this Nation's failed policy toward Nicaragua is well known. Indeed, my doubts with regard to the efficacy and morality of this policy led me, as Governor of the State of Maine, to prohibit the national guard from participating in training exercises in Honduras. Since becoming a Member of Congress, the opportunity to examine the policy more closely and a fact-finding trip to this beleaguered region have only deepened my convictions that United States policy toward Nicaragua is a mistake.

It is therefore, an honor to urge the House of Representatives to send a unified message to the President of the United States—no more aid to the Contras—and to demand, on behalf of the American people, a full accounting of the aid that has financed this misdirected endeavor before we proceed with our policy toward Nicaragua.

While my opposition to funding the Contras was firmly established prior to being sworn into office, I believed it was my responsibility, as a Member of Congress, to travel to Central America to attempt to find answers to many of the questions that continue to plague the debate over our Nation's policy toward Nicaragua.

How do Hondurans and Nicaraguans view the role of the United States in Central America?

Can the Contras achieve a military victory over the Sandinistas without additional, direct U.S. support.

I would like to share with you some of my findings and conclusions.

First, regardless of political persuasion, Hondurans and Nicaraguans alike seek the respect and cooperation of the United States. The former commander in chief of the Honduran armed forces, Gen. Walter Lopez, said:

> We want to look at you Americans eye to eye, at the same level. We don't want to keep our heads bowed . . . We want dignity.

But the most poignant statement was from a Nicaraguan peasant farmer, Jose Mendoza Chavarria, who had been relocated from the war zone into a resettlement community:

> Go back and tell President Reagan to take his $100 million and put it into social programs for his own poor people. We are not animals. We are christians. Mr. Reagan is supposed to be a christian too. He should act like it.

Second, no one, with the exception of the Contras, wants war—it is as unpopular in Honduras and Nicaragua as it is in the First District of Maine.

Dr. Ramon Custodio, a respected human rights leader in Honduras, said,

> If there is war here, the bloodshed will be Honduran. We have no reason to go to war with Nicaragua.

Third, despite millions of dollars that have been sent to the Contras they have been unable to occupy any Nicaraguan territory. Instead, they have been encamped in a 200-squared-mile border area, displacing up to 15,000 civilians in over 40 villages.

Fourth, the Contras have no chance of winning on their own. The Contra leaders in the field admit that recruitment is down over the last few years. Despite pressure, both internally and externally, to improve their human rights record in battle, they continue using terrorist hit and run tactics to wage war. One need not be a military expert to conclude that this strategy does not win hearts and minds. As the leadership structure erodes, it is increasingly clear that the Contras are neither a viable military force nor a political alternative.

Certainly, the threat that Nicaragua might become a Soviet base or subvert its neighbors are legitimate concerns. The preservation of our national security must be the centerpiece of our policy. However, I would say—the unlawful effort on the part of some in the U.S. Government to carry out the policy at all costs has done a far greater disservice to our system and our image internationally.

Mr. Speaker, let our decision today restore the faith of American citizens and our allies in the ability of this Government to implement its foreign policy, openly, responsibly and with recognition for the dignity and sovereignty of other nations. I urge you, once again, to join with me in asking the President to discontinue this failed policy, and to give us a full accounting of all of the moneys that have gone to this effort thus far.

As a well-respected foreign policy expert recommended,

> Do now what you must do eventually.

We must stop the $40 million only as a prelude to our responsibility to stop the future request for $105 million.

Let us begin to craft a policy toward Nicaragua and Central America that the American people can be proud of.

I urge you to join me in support of the moratorium.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. FEIGHAN].

Mr. FEIGHAN. Mr. Speaker, once again, we debate the course of United States policy in Nicaragua. We see before us the administration's program—a perfect picture of a failed policy. We are asked to believe that the policy did not fail, but mistakes were made in its implementation. I would argue that the policy has failed because it was born with original sin, a flaw in design, a mistake in the blueprint. It was first a policy to interdict arms flowing from Nicaragua. Then it became a means to pressure the Sandinistas into crying uncle and come to the negotiating table.

But here is the flaw in conception: The policy was advocated by the same people who have themselves refused to negotiate with the Sandinistas and has been carried out by people who want to overthrow the Nicaraguan Government. The Contras certainly are not talking negotiations, they want to lead an army into Managua. The President says that he does not seek the overthrow of the Sandinista government. He wants to negotiate their suicide.

The Tower report makes clear that while we were given assurances of a renewed effort at a diplomatic solution, a secret war was directed out of the basement of the White House.

We have armed an insurgent force, called them the equivalent of our Founding Fathers, solicited private funds on their behalf, and broken our own laws to keep the war going. The result has been not only a failure in Nicaragua, but severe damage to our credibility in the conduct of all our foreign relations. One could argue that along the way we lost the support of the American people—but we would have to prove that we had their support for this war in the first place.

The moratorium on aid we call for today is a commonsense approach. It is time to rein in the freelancers, the arms brokers, and the soldiers of fortune. Our efforts will end the era of the privatization of foreign policy. It will allow us to take stock of ourselves and our policy that offers little hope for the people of Nicaragua and of Central America.

At the same time, our efforts here signal the call for a new approach. There are few illusions about the Marxist character of the Nicaraguan revolution. The question is, "Are we strong enough to negotiate our differences?" "Is there a conflict too great that the entire resources of the United States cannot be mustered to find a diplomatic solution?"

The United States has much more in common with the Nicaraguan people than the Nicaraguan people have in common with the Soviet Union. Isn't it common sense to drive this point home as the best way to be tough on communism?

Again and again we are told that the Nicaraguans have great admiration and affection for the American people. It is just our official policy that they hate. Their ability to make this distinction is a source of strength for any new effort at forging better relations with Nicaragua. Nicaragua need not be another Cuba.

A second building block of our new approach to Nicaragua is the peace plan offered by President Arias of Costa Rica. For the first time, a document has been generated by the principals themselves, designed to protect their own sovereignty and their security. It merits our attention and our enthusiastic support.

There are no easy answers in this debate. But a moratorium on aid allows us to begin by asking the right questions.

□ 1730

Mr. BONIOR of Michigan. Mr. Speaker, I yield 1 minute to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER of New York. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise today to support the moratorium on further aid to Nicaragua until we have a full accounting of the moneys already expended.

For 6 years, we have funded the Contras even though we are fully aware that most of the authorized money has been misspent.

As stories about illegally diverted funds unfold, we are learning that millions of additional funds have been spent to aid the Contras without the approval of the American people. Only 2 years ago, we sent $27 million in humanitarian aid. Where did that money end up? At a "mon and pop" store in Honduras, some Miami bank accounts, and who knows where else. This year we sent $60 million and now we're being asked to send $40 million more to an effort that has had no tangible results in 6 years. The American people need an accurate accounting and the people of New York's 30th Congressional District demand to know how their money is being spent.

How can the administration say "no" to the seniors of this Nation, "no" to students in need of loans to further their education, "no" to our veterans who have fought and sacrificed so nobly for this country, then request more money for the Nicaraguan conflict? Clearly, our tax dollars could be better spent.

We must stop throwing our money away. I urge my colleagues to vote for fiscal responsibility and a peaceful solution to this conflict. Vote yes on final passage.

Mr. BONIOR of New York. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in support of House Joint Resolution 175, which would impose a moratorium on further U.S. military aid to the Contras pending a full accounting by the Reagan administration of previously appropriated missing funds.

Since last June, when Congress approved $100 million in military assistance for the Contras, our Nation has been shocked by a continuing series of revelations about the diversion of funds from United States arms sales to Iran which supposedly went to the Contras. The American public has also been stunned by stories of a national security adviser and an NSC staffer who apparently were conducting foreign policy allegedly independent of any scrutiny or accountability and obviously in violation of numerous laws. The administration still cannot tell us exactly what happened to some $17 million of the $27 million which Congress provided in 1985 for humanitarian purposes. Nor do we know exactly how much money was solicited by this administration from foreign governments which was to go to the Contras or where it has gone. When congressional committees have attempted to learn from the principals what happened, the principals have pleaded their fifth amendment rights or have told us that they can't remember what they said or did. When the independent counsel has attempted to pursue the facts, the executors of the administration's policy have chosen to challenge the legality of the inquiry rather than to answer the questions which have been raised. In short, we have had a policy toward Nicaragua which has spun out of control. The predictable result has been the foreign policy debacle which we face today.

Mr. Speaker, the present administration's policy toward Nicaragua was seriously flawed, in my view, even before the revelations about the Iran-Contra affair. The American people did not support the illegal mining of Nicaraguan ports in 1984. They did not support the administration's flouting of the World Court's decision which found the U.S. action to be illegal. They did not suport a policy in which the United States unilaterally walked out of the only bilateral talks between our Government and the Sandinista government of Nicaragua. A foreign policy which does not have the support of the American people and which depends upon secret formulations which skirt or violate our own laws can never succeed and should never be pursued.

Clearly, it is time for the Reagan administration to change its policy toward Nicaragua. A policy which promotes military confrontation over political negotiation will only succeed in alienating Nicaragua further and will drive them toward the Soviet Union, Cuba, and other nations. It's time for us to face the facts. The Contras have failed to win the degree of popular support from the people within Nicaragua which would be essential to their efforts. They cannot even agree among themselves about their own objectives. That is why two of their top leaders have recently resigned. Let's step away from "strong arm" solutions and step toward a meaningful dialog with Nicaragua about our differences. Let's begin pursuing a policy which is worthy of public support and which has a reasonable chance of success in improving the lives of the people in Nicaragua and throughout Central America. This measure merits the Members' strong support—let us take this initial step and put in place a means of accounting for U.S. taxpayers dollars and a policy path that reflects the values of the American people.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DELLUMS].

Mr. DELLUMS. I thank the gentleman for yielding to me.

Mr. Speaker, aid to the Contras is a failed policy that has become a national scandal. Our efforts are both illegal and ineffectual. We should do as we were requested by the World Court—that is, cease and desist. We must stop the flow of money and arms now.

This administration came to power seeking a place to demonstrate their commitment and machismo and to show that they are willing to stand up to the Soviet Union. They have focused on Nicaragua and have determined that its government has to be turned out. Their undaunted pursuit of these objectives has taken the administration far beyond the limits of the law and of our Constitution. But, the effort is without success.

The counterrevolutionaries have no significant base of popular support in Nicaragua. They cannot operate there successfully. They are politically divided. Only the strongest pressures from the administration had maintained the facade of a united Contra leadership. With the resignation of Arturo Cruz, that facade is shattered and the significant role played in the opposition by the former Somacista guardsmen is underscored.

The Contras have engaged in widespread and continuing violations of human rights and the laws of war. As the human rights agency, Americas Watch, has determined, "a pattern of Contra violence against civilians has been evident since 1981." They contend further that, "the escalating brutality of Contra practices—combined with the human rights officers' failure to carry out adequate investigations—leads Americas Watch to conclude that disregard for the rights of civilians has become a de facto policy of the Contra forces."

Since 1981, the administration has organized, trained, equipped, and directed this army of counterrevolutionaries seeking the overthrow of the Nicaraguan Government.

The administration has stretched and broken U.S. and international law in this effort. Specific congressional bans and directives have been outright flaunted and ignored.

In 1984, when Congress passed legislation cutting off funding for the Contras, the National Security Council [NSC] staff and certain members of the Department of State constructed and ran an unofficial Contra command and control system that violated at least the spirit of the law.

This unofficial structure provided the Contras with at least $32 million in private funding and additional millions diverted from the sale of arms to the Iranians.

A great deal of the money, both official and private, cannot be traced or accounted for.

The congressional approval of $100 million in new Contra aid represents a dramatic escalation of official spending. But it is money wasted. The Contras have been unable to coordinate attacks or to demonstrate any independent successes.

Our allies in the region are becoming restive. They are anxious to see a U.S. policy that offers a wider choice than the Contras' secret war or a regional war.

In November and December of last year, the United Nations and the Contadora group nations undertook a major effort to gain Central American acceptance of a Contadora draft treaty. The administration undercut that effort.

But the effort for peace is still alive. Let us seize this moment to stop funding this madness and to clear the way for peace and negotiations.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. I thank the gentleman.

Mr. Speaker, today I cast my vote against House Joint Resolution 175, a resolution to impose a moratorium on further aid to the anti-Sandinista freedom fighters in Nicaragua. Like many of my colleagues, I do not want to be recorded as handing Central America over to the Soviets.

The resolution to delay funding to the freedom fighters in Nicaragua was meant by the House Democractic leadership to send a dual message to President Reagan: That his policy in Central America has failed and that any further requests for aid to the Contras would be D.O.A.—dead on arrival. Mr. Speaker, I am more concerned with the message we are sending to the people of Nicaragua, our friends in Central America and the Soviet sponsored Sandinista regime.

A vote to postpone aid to the freedom fighters in Nicaragua signals Daniel Ortega and his Soviet sponsored regime that the United States is not committed to halting the spread of communism in Central America. It will remove all pressure on the Sandinistas to change and there will be no hope for Costa Rican President Oscar Arias' peace initiative. The Sandinistas are playing their old game of paying lip service to diplomatic peace initiatives until they are convinced that the United States has reneged on its commitment to the Contras. If the Congress cease to pose an external threat to the Sandinistas, they will have absolutely no incentive to go to the bargaining table with the heads of state of Central American democracies. By abandoning the Contras we are giving the Sandinistas the green light to the complete the consolidation of power in the region.

A vote to postpone aid to the freedom fighters in Nicaragua signals our allies in Central America that the United States has faltered in its leadership and commitment to democracy in Central America. It shows that we lack the resolve to work with our friends to thwart the Kremlin's master plan to destabilize the entire region from the Panama Canal to Mexico.

Finally, a vote to postpone aid to the freedom fighters in Nicaragua signals the people of Nicaragua that America has failed in its pledge to help restore the freedoms for which they waged a valiant revolution in 1979. It will communicate our intent to abandon the brave men and women—the trade unionists, church people, businessmen and women, the farmers and ordinary citizens when they have not asked us to fight for them, but only that we help even out the odds against them.

We have given our word to the Contras and the Nicaraguan people that unless the Sandinistas meet very specific demands that would result in the freedom of Nicaragua, we would send them additional aid. By our failure to live up to our word, we will be handing over one more of our neighbors to the Soviet Union.

Mr. Speaker, I fail to see what relevance the unexplained proceeds from the sale of arms to Iran has to the release of the last $40 million. One has to do with legitimate authorized congressional funding, the other, profits from unauthorized arms sales. The controversy surrounding the United States selling arms to Iran is not the same issue as the $100 million in economic and military aid to the Contras Congress approved last year. Is it just that the people of Nicaragua must suffer the consequences of mistakes made within our own administration? I do not think so.

There is no question that we are obscuring the issue by changing the vote to one of accountability. Let the democratic leadership admit outright that they want to kill aid to the Contras. If we leave the people of Nicaragua to this fate then the horror that awaits our Central American neighbors may some day be our own.

At this time we have no other choice but to stand firmly behind the plan already in force. This Nation's security and credibility is at stake. We must not risk our national policy at the expense of domestic politics.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. SHAW.]

Mr. OBERSTAR. Mr. Speaker, in late 1981, the House of Representatives voted for the first time to send military assistance to the anti-Sandinista guerrillas. That vote, which authorized $19 million to be managed by the Central Intelligence Agency, was the beginning of the most reckless, one-sided and dangerous foreign policy initiative of the Reagan administration.

Six years later, we are on the verge of casting our 28th Contra-related vote, and our 15th direct Contra assistance vote. The policy of supporting the Contra forces has wasted a vast amount of our time and energy here in the Congress while accomplishing none of its ostensible objectives: strengthening Nicaragua's internal political parties, curbing export of arms to its neighbors, and developing a political environment in which free and fair elections are possible. That is because the administration's real intent has been clear throughout the past 6 years: to overthrow the ruling Sandinista government.

Since assuming the Presidency in 1981 President Reagan has been obsessed with overthrowing the Nicaraguan Government by military force. I wish the Federal budget deficit or the trade imbalance or the Nation's environmental problems could enjoy a fragment of the attention the President has given the Contra issue.

Today's vote gives those of us who have opposed United States involvement in Nicaragua since its inception the opportunity to tell the President that he has reached the end of his rope; that 78 percent of the American public oppose aiding the Contras; that military solutions cannot replace a carefully crafted combination of economic incentives and sanctions; and that we will no longer condone or sustain a policy that continues to prove its diplomatic, economic, moral, and political bankruptcy.

Soon we will vote on a moratorium proposal which, when approved, will cut off all Contra funding until the administration provides a full, clear, and complete accounting of all missing Contra funds, both public and private. Let me make it perfectly clear that this is a minimum standard; even if an acceptable report is made on the whereabouts of those tens of millions of dollars, release of funds will still be subject to yet another congressional vote. I am hopeful that this vote will prepare the ground for a final, definitive rejection by the Congress of this ill-conceived and clumsily executed policy.

The House of Representatives today has the opportunity to tell the President that enough is enough. The President's stated goal in Nicaragua is to support internal democratic parties, prevent arms exports to her neighbors, encourage political pluralism, and develop respect for human rights. If these are truly his goals, then he must finally accept that his military solution has failed, and the time has come to change his policy and work with Central American regional leaders toward a peaceful solution. Time after time during the past 6 years this administration has squandered chances for peace in the region in blind pursuit of overthrowing the Sandinistas. The President has blocked any real chance of progress in the Contadora process. He has shown little support for the recent Arias proposal, and on March 6 certified that under current conditions there is no reasonable chance for peace between Nicaragua and her neighbors—a direct slap in the face for President Arias and the other leaders of the region who are right now working to develop an alternative policy in the region for signature at a summit meeting in Esquipulas, Guatemala in May.

Today I circulated to my colleagues a copy of President Arias' comprehensive, regional proposal for peace in the region signed by Presidents Cerezo of Guatemala, Duarte of El Salvador, and Azcona of Honduras; I hope the administration will soon begin to develop an alternative United States policy for the region based upon the principles contained in the Arias proposal. If we are serious about encouraging political pluralism and democratic reform in Nicaragua, the time has come to wash our hands of the Contra mercenaries and work with those factions in Nicaragua who favor peace through a negotiated internal political settlement.

The Contras lack of internal political support has been clear from the beginning and has not changed since 1981. In fact, the United States-financed Contras have not captured or held a single inch of Nicaraguan territory and have been unable to generate internal support for their cause because they continue to engage in human rights abuses and denials of due process that freedom-loving Americans hold dear. A report issued by America's Watch last month finds that "(the Contras) still engage in selective but systematic killing of persons they perceive as representing the government, in indiscriminate attacks against civilians or in disregard for their safety, and in outrages against the personal dignity of prisoners." The report also cites the widespread kidnaping of civilians for intimidation and recruitment, a large number of whom are children.

News reports of torture, rape, mutilation, and humiliation of innocent Nicaraguan civilians by the Contras are abundant. The America's Watch Report concludes that "the leadership of the Contra organizations has taken no meaningful steps to investigate and punish abuses." This information is widely known by the Reagan administration, which chooses to ignore or manipulate these gross Contra abuses of human rights. Instead, the administration has chosen to paint black pictures about evil Sandinistas violently quelling the righteous Contra insurgency, while simultaneously portraying the Contras as knights on white horses.

In fact, both groups are guilty of blatant human rights abuses. Both have disregarded international standards of human rights—due process, respect for noncombatants, freedom of religion and expression and others. I do not condone abuses in either camp, but I remind my colleagues that a full and fair accounting of the human rights situation in Nicaragua must discuss both Contra and Sandinista abuses. The administration's distorted and incomplete record on this front is abysmal.

Contra leader Arturo Cruz resigned his United Nicaraguan Opposition post this week because he believed he could not implement the needed reforms of the rebel movement that were promised last year before congressional votes on the aid. He repeated his charge that the umbrella Contra organization had evolved into a series of misdirected, unmanaged cliques who compete among themselves for the upper hand in the insurgency. Cruz was regarded by the Reagan administration as a critical player in the Contra crusade, and an upholder of U.S. interests in the region. His departure and that of Adolfo Calero has shocked the administration and left American policy in the region even further adrift.

A final question to be answered before today's votes are cast involves the legality of our involvement in Nicaragua. The administration has placed Contra interests above the sanctity of American jurisprudence. Investigations may expose that the administration violated the Arms Control Export Act, the National Security Act, the Boland amendment, and the Neutrality Act. We have sacrificed our integrity and our credibility by defying the very principles for which we scorn our adversaries. This is perhaps the greatest irony of our support of the Contra forces and of the administration's improprieties in the recent scandal; by engaging in such activities the administration has undercut the democratic process here at home and has sullied our democratic reputation in Latin America and around the world.

The time has come to end this national embarrassment. We must shift our policy emphasis in Central American away from programs that involve deception, violence, covert operations, illegal funding mechanisms, and contempt for democratic processes. We can continue our quest for democracy in Nicaragua by continuing to support the Contadora peace process, by again voting for the $300 million in economic aid to the region promised last year, by supporting the Arias proposal, and by continuing to work with countries of the region to develop a system of economic and political incentives and sanctions to move the Sandinistas toward reform. Yesterday, the House Democratic leadership outlined this alternative policy of nonviolent self-determination. It calls for an end to foreign military assistance and a pledge of economic assistance by those nations now eager to impose military solutions. I wholeheartedly support this approach.

The people of Nicaragua are tired of the violence. They are tired of the posturing by those on the left and those on the right. Ronald Reagan has for 6 years effectively blocked a possible negotiated settlement by imposing his will on this nation. I implore my colleagues to support an alternative peace process for Central America by voting "aye" on the moratorium.

Mr. McGRATH. Mr. Speaker, I view House Joint Resolution 175 as a waste, fraud, and abuse matter. I have consistently supported President Reagan's policy in Central America, and I will continue to do so as long as I am convinced that we are getting some value for our investment. If the Contras are unable to provide a very basic accounting for American assistance, how can we expect them to successfully govern a troubled nation assuming that they eventually win the conflict.

I find the position of many of my Republican colleagues somewhat inconsistent. They see a vote against this legislation as a test of support for the President. Administration policy since day 1 has been to eliminate waste, fraud and abuse in all Federal programs. Over the last 4 months, we have seen cause for great concern over the manner in which members of the President's staff and the Contra leadership have financed the ongoing operations in Nicaragua.

The President has made a tremendous effort to clarify his role in this situation to rid the White House of those responsible for questionable activities. His staff and management initiatives have won bipartisan support and are important toward restoration of Mr. Reagan's stature and credibility. One of the remaining questions which will continue to drag down the President's Central America policy is whether or not the funds we committed to the Contra cause were properly spent. Under this resolution, the moratorium can be lifted in a matter of days or weeks if we receive an accounting for the use of the funds.

The rule for consideration of this resolution to current administration policy in Central America. I am basing my decision on the plain language of the legislation we are considering, not the underlying Central America debate. I might add that I would expect my colleagues on the other side of the aisle to join in future moratoriums on Federal expenditures when serious issues of misappropriation of funds arise. This device need not be restricted to foreign or military aid.

Mr. MACK. Mr. Speaker, once again, Congress faces a vitally important vote on the U.S. position in Central America. Today's vote is not so much a question of our policy in the region, but of our reliability.

Last fall Congress committed itself to $100 million in military and humanitarian aid for the Nicaraguan resistance. That policy has already been decided. Now, we are voting to determine whether or not the United States can be counted upon to keep its commitments.

How can we expect our allies around the world to trust us if we are not able to maintain a consistent policy for even 5 months? What type of reputation do we hope to maintain in the international community if we break our commitment to the freedom fighters?

Granted, we are a representational republic, and every policy, domestic and international in scope, is open to scrutiny and change. We must remember, however, while we may be Republican or Democrat by party affiliation, our most important affiliation is that we are Americans. And if today, we renege on our commitment to the Nicaraguan resistance, we will be viewed as not unreliable Democrats or Republicans, but as unreliable Americans. This type of wavering in our international commitments already has strained relations with our allies. We do not need another reversal of policy to further damage our reputation.

We shouldn't only consider our own interests, however. We must also remember the Nicaraguan resisters have made military decisions based on the United States funding commitment. Since late last year when the freedom fighters began receiving United States funds, they have made steady progress into Nicaragua. Right now they have many troops stationed well within the country. These troops are encountering up to five and six daily exchanges with the totalitarian Sandinistas. In fact, recent reports state that the Contras recently succeeded in downing a Russian-built helicopter operated by Sandinista forces.

Cutting off funds today would leave the resistance in a precarious position: With their substantial military commitments already made, a cutoff in funds and supply lines could spell disaster for the troops deployed in Nicaragua.

On top of these considerations, the specific proposal that we are considering today is deeply flawed in its approach. We all realize that the Iran arms investigation will continue for months on end. By the time the remaining $40 million could be released under this proposal, the resistance would already be seriously hurt. This moratorium, in reality, a thinly veiled attempt to choke the Contras supply lines and kill their ability to effectively pressure the Sandinistas.

The Arias peace plan may have promise, but you can be sure that the Sandinistas will stay as far away from the negotiating table for as long as possible. Unless the Contras can maintain the mounting pressure against the Sandinistas, any hope for meaningful negotiations by the Sandinistas is wishful thinking.

Mr. MAVROULES. Mr. Speaker, much is being said today on both sides of the aisle about how the rest of the world looks up to the United States. I would remind my colleagues that at the heart of this respect lies the American Constitution, and the principles and values that have governed our great democracy for over 200 years. It is this rule of law that is the backbone of our Nation, and which is the cornerstone of every flourishing democracy in the world.

We must do our utmost, Mr. Speaker, to abide by these principles and our venerated system of law. But have we done so in the case of funding for the Contras?

Mining the Nicaraguan harbors—supporting an armed band of terrorists—illegally transferring millions of taxpayers' dollars which were raised through a unethical and ill-advised arms sale.

Can we Americans stand behind these actions? I say we cannot. I say these actions are nothing more than hideous examples of a gross disregard for the law.

Are we to reward such actions by repeating the same mistakes over and over again? Or are we to embrace reason while paying heed to the law?

This initiative presently before the House represents a sound and intelligent approach to regaining control of our foreign policy in Central America. Whether or not you support U.S. aid to the Contras, you must agree that the time has come to reevaluate the unacceptable manner in which this policy has been implemented.

Mr. GRAY of Pennsylvania. Mr. Speaker, I rise in support of House Joint Resolution 175, and I urge all my colleagues, Democrats and Republicans alike, to stand with me.

The issue is not whether we support aid to the Contras, or our views on the Sandinistas.

We have already debated that issue, voted on it, and the rest is history.

The question before us is one of congressional responsibility to the American taxpayer.

Mr. Speaker, the blow dealt to this Nation when we learned that taxpayer dollars had been secretly diverted to the Contras is still being felt. And as we speak, House and Senate committees are grappling to fully understand the extent of these diversions.

Their mission has yet to be completed.

Is it too much to wait until our colleagues issue their findings before we forward another $40 million to the Contras?

Is it not prudent that we have all the facts before we tread blindly on?

To this day, there remain unanswered questions about what actually happened to funds that the U.S. Congress, in good faith, has already sent to the Contras.

In addition to this, two key leaders in the Contra movement—Adolfo Calero and Arturo Cruz—have recently walked away from the Contras.

Who is at the helm of the Contra movement? What will happen to any funds we now send?

Most importantly what happened to the $27 million in humanitarian assistance we sent to the Contras in fiscal year 1986?

There is a serious crisis within Contra ranks, and there are too many unanswered questions.

Can the U.S. Congress in good conscience funnel additional moneys to the Contras under these circumstances?

How can we when we are constantly preaching fiscal restraint here at home?

Why should the Contras be exempt from the sense of fiscal responsibility we insist upon domestically?

We are not attempting to cut off funding for the Contras. We are simply urging that we delay action until all the facts are known.

In a few months, our colleagues will have completed their investigations. Until then I support the U.S. Congress placing a moratorium on further funding for the Contras.

This must not become a partisan issue.

I urge strong support for House Joint Resolution 175.

Mr. FORD of Michigan. Mr. Speaker, I rise in strong support of House Joint Resolution 175, the Contra aid moratorium. I want to congratulate the leadership of the House for bringing this legislation to the House floor in an expeditious fashion.

I remain more convinced than ever that the $100 million in aid for the Contras approved by the Congress last year could be put to much better uses in Wayne and Washtenaw Counties in my district.

Sending $100 million in foreign aid to a ragtag group of rebels with a bitterly divided leadership and no public support is simply a waste of Federal dollars. Earlier this week Arturo Cruz resigned from the United Nicaraguan Opposition [UNO] because he feels that it is impossible to mold the Contras into a popular movement. If Cruz recognizes this fact, I would think that the Congress and the administration should as well. It was clear to me last year, with dwindling numbers of Contras operating in Nicaragua, that the Contras had no popular support in Nicaragua.

Before the Congress votes on any further aid, we must know what happened to all sources of funds intended to help the Contras—money appropriated by the Congress, funds diverted from the arms sale to Iran, money paid by other nations, and private contributions. The administration has not accounted for over $80 million of Government, private, and foreign funds. In fact, one of the major questions left unanswered by the Tower Commission is what happened to nearly $20 million in excess amounts from arms sales to Iran. The Tower Commission also reported that Lieutenant Colonel North told Attorney General Meese that $3 to $4 million was diverted from the February and May 1986 shipments of TOW missiles to Iran. The Commission further documented the workings of an elaborate private funding network and efforts of administration officials to encourage other governments, primarily in the Mideast, to support the Contras. In addition, the GAO remains unable to account for $17 million of $27 million of humanitarian aid to the Contras appropriated in 1985.

House Joint Resolution 175 would impose a moratorium on U.S. assistance for the Contras until a full accounting is made of all previous assistance within 6 months. Opponents of this measure would prefer that the House simply vote on a resolution disapproving the final $40 million segment of the $100 million in aid approved last year. Clearly, it would be irresponsible to send this final installment without knowing what happened to other funds. We should not throw good money after bad by sending the final installment of $40 million to the Contras, and I urge my colleagues to support this bill.

Mr. HOUGHTON. Mr. Speaker, behind all the lawyer talk and maneuverings here on the Contra issue, the plain and simple truth is that the last Congress made a commitment. That commitment was for two contributions totaling $100 million. The second installment, for $40 million, is now due. I was not a Member of the 99th Congress, but I intend to follow through on its promise. I'm old fashioned enough to feel that a promise is a promise.

This finishes my commitment to Contra funding. Unless something highly unusual develops, I do not plan to vote for additional funds.

Mr. ANNUNZIO. Mr. Speaker, I rise in support of House Joint Resolution 175, a bill to impose a moratorium on United States assistance for the Contras of Nicaragua until there is full and adequate accounting by the administration of all previous assistance, including the funds diverted from the arms sales to Iran. This moratorium also places a temporary hold on the $40 million of the $100 million in aid appropriated to the Contras in the last Congress—funding which I voted against.

The Contras have already received millions more in funds than the Congress ever intended and much more money than the American people ever wanted. Instead of working for a peaceful resolution of the problems in Central America, the administration has circumvented the will of the Congress and the will of the American people.

With the recent collapse of the Contra leadership, and with growing evidence of corruption, or the misuse of funds within the Contra ranks, and of irresponsible and illegal administration activities in the diversion of funds, it is time that we listen to the good sense of the American people and place a moratorium on any futher assistance.

Mr. ROYBAL. Mr. Speaker, last year during the debate on providing $100 million in Contra aid, a number of us expressed concern over what had happened to the so-called humanitarian aid we had previously appropriated. We were extremely disappointed that Congress choose to ignore a major GAO investigation that revealed, at the very least extremely shoddy accounting practices. We argued that we should not be spending money without a pretty good sense of what we were buying. It now seems evident that our concerns were justified.

We have no idea how much money the U.S. Government has sent directly to the Contras over the past few years. We have no idea how much else has been spent on their behalf. We have no idea how much we have pressured third parties and other governments to spend on the Contras. The only thing we are pretty sure of is that many of these activities were highly improper, if not downright illegal.

How can we tell the American people that they must endure cutbacks in domestic programs when they know we are spending millions of dollars to finance a group of terrorist thugs who have virtually no chance of overthrowing, peacefully or otherwise, the legitimate Government of Nicaragua? How can we demand our corporations to account for every penny of their incomes and outlays when we are sending millions all over the world and asking no accounting at all? How can we expect Federal, State, and local agencies and organizations to adhere to strict and often cumbersome procedures before they can receive Federal funding, when we are permitting certain agencies to spend Federal funds with virtually no oversight? How can we throw the book at any taxpayer for being a few dollars off on his estimated tax payments when we are considering sending millions more to a group who can't tell us how the last few million we sent them was spent? How can we hold the Contras to lesser standards than we demand of our own citizens?

It would be completely irresponsible to release any more funds for Contra aid until we get a full accounting of those already spent. I urge you to vote in favor of this moratorium.

Mr. WORTLEY. Mr. Speaker, this Congress still has a chance to help bring democracy to Nicaragua and to halt the spread of Communist regimes in our hemisphere. There are no conclusive reasons for blocking the $40 million appropriation from last year. The Central American countries have not reached a peace agreement, there is no cease-fire in Nicaragua and the Sandinistas are not engaged in serious dialog with the democractic opposition. Constraints on freedoms have not been lifted. Meanwhile, the Soviets continue to provide military aid to the Sandinistas, over $500 million last year alone, while the United States has provided a small fraction of that amount to the democratic opposition.

What will happen if we fail to support the Nicaraguan democratic resistance in their battle to regain the true goals of the revolution in 1979? A Marxist government will thrive thanks to massive Soviet, Cuban, Eastern Bloc, Libyan, and PLO assistance, and it will attempt to export its violent and oppressive philosophy throughout the region. Eventually we will be faced with a much more dangerous situation than we are at present. I never want to see U.S. troops sent into Central America. But I truly believe that is what a future Congress and President will be pressured to do unless we help the democratic resistance to overcome the Sandinista junta so that a free and pluralistic society can be formed. The Sandinistas have demonstrated they will not allow this without forceful opposition.

We must continue to aid the freedom fighters to force the Nicaraguan Government to the bargaining table. We will never have a negotiated peace or democracy in Central America unless we align ourselves with those who are willing to make tremendous sacrifices to oppose the totalitarians.

This money was thoroughly debated and approved last year by a majority of the Congress. The bill before us today is being disguised as a simple moratorium, but its actual intent is a complete cutoff of aid to the democratic opposition. The goals of the popular revolution in 1979 have not been carried out by the Sandinista leaders. They have not allowed freedom of the press, freedom of religion, freedom to own private property, and other democratic freedom which we as Americans take for granted. Many have blamed this on the United States. But they are not facing the fact that the Sandinista government consists of a group of Marxist dictators who will not accept a pluralistic society. A pluralistic society goes against the dogma which drives their revolution.

I hope that my colleagues will join me in opposing this moratorium and in maintaining our support for the Nicaraguan democratic opposition forces.

Mr. SMITH of Texas. Mr. Speaker, success of the revolution against the present government in Nicaragua is vital to our national security, Congress must not abandon the American commitment of last year to help the freedom fighters overcome the Sandinistas regime in Managua.

That is why I am emphatically opposed to a moratorium on releasing $40 million in assistance to the Contras.

My support for the efforts of the freedom fighters has two equally important conditions.

One is that they continue to convince the United States of their dedication to the democratic ideals we believe in so strongly. The other is that they be held accountable for funds they have received from the U.S. Government.

Neither abandoning nor delaying our commitment to help the Contras is necessary or warranted. And any kind of moratorium would be little more than a coverup for killing aid to the freedom fighters.

The problem of Communist aggression in Central America has not changed so our policy should not change.

As a Representative whose district shares 436 miles of border with Central America, I am vitally concerned that Ortega's Communist government in Managua is closer to the Texas border than the border is to our democratic government here on Capitol Hill.

We have a clear moral obligation to support those who would overthrow such a totalitarian regime, especially when the nations around it fear a threat to their own security.

The United States must continue to promote democratic ideals and see that peace and freedom are nurtured throughout the Western Hemisphere.

Mr. BALLENGER. Mr. Speaker, the moratorium the House is voting on today is sending a message to Mr. Ortega that his seizure of the democratic government in Nicaragua will not be resisted by the Government of the United States. It sends a message to the Soviet Union that we will not resist their takeover of Central America. Russia has sent $2 billion of military assistance to Nicaragua.

My friends of 15 years in El Salvador, Guatemala, and Honduras also receive the message that you cannot depend on the United States to help their democratically elected governments to continue to exist. They have been resisting Communist aggression for nearly 10 years, mostly at their own expense. Again and again they have asked me why don't people in Washington recognize what it was like in El Salvador before the Contras existed. Arms and men were flooding over the border to overthrow and seize their government. Since the advent of the Contras, this flood was reduced to a trickle and the democratically elected governments of the area were given a chance to exist and flourish.

This moratorium will show them a lack of will on our part and the stream of refugees from that area into this country will grow into a flood because the people will have lost hope in their ability to maintain their democratically elected government.

Mr. RAHALL. Mr. Speaker, I rise today in strong support for House Joint Resolution 175 which imposes a moratorium on Contra aid. While I do so for a number of compelling reasons, the overwhelming factor is my continued fervent opposition to this administration's policies in Central America and, more specifically, its obsession with overthrowing the Sandinista Government of Nicaragua by military force.

Putting aside for a moment my overall philosophical disagreement with President Reagan's policy in Central America, let me express my outrage over the administration's actions in the Iran/Contra arms deal which, in and of itself, mandates the discontinuation of funds for the Contras. Evidence from the Tower Commission, investigations by the House and Senate Intelligence and Foreign Affairs Committees, admissions by administration officials, and extensive press reports demonstrate that the Reagan administration has been directly involved in conducting military and supply operations for the Contras and in financing the Contra war. This, mind you, is a clear violation of the law of the land by the President and his cronies. And now he is coming back for more. I compare this to Dracula being invited to an open house at the Red Cross.

During these past months, the administration has had no qualms about misleading Congress about what in fact it has been doing in Central America. The Tower Commission has cited five instances in which Reagan officials have blatantly lied to Congress about administration activities to raise funds and funnel arms illegally to the Contras. Of extreme concern to me is the fact that the administration cannot or will not account for the huge sums of money it has obtained for the Contras. What has happened to the more than $80 million raised from a variety of sources, including funds diverted from the Iranian arms sale, money from private sources and foreign governments, and the appropriations we in Congress approved for humanitarian aid? Has this aid to a band of renegade jungle fighters ended up lost in those very jungles? Or whose pockets has it become lost in?

I find it incredulous that the President of the United States of America has the gall to dismiss as inconsequential this highly irresponsible and illegal state of affairs and submit to Congress a request for the final installment of Contra aid just narrowly approved last Congress under very different circumstances.

Has this country come to the point where we will sit by idly while our Chief Executive and his staff dictate illegal policies dreamed up by overzealous power seekers? Will we ignore the increasing damning evidence and continue on our way as if nothing has happened? I cannot believe that the citizens of this country, which was founded upon principles of honor, integrity, and honesty, will not demand a detailed account of exactly what actions have been taken by this administration, in the name of the President and our country. I cannot believe that we will not demand appropriate legal reprisals for any illegalities committed. I know that the citizens of West Virginia are outraged and that they are insisting upon getting to the bottom of this quagmire of lies and deception.

The moratorium that we are voting on today will stop all aid to the Contras until the President accounts for all missing funds. This is a big step in the right direction as we seek out the truth from President Reagan and his staff. Continuing any aid to the Contras, without an accounting of previous funding, will allow the Contras to further benefit from illegal actions taken by administration officials. We in Congress must recognize the vastly different circumstances today since the original $100 million in aid was approved. Not only can we not ignore the administration's actions, but we must examine closely the expanding body of evidence of corruption in the Contra ranks and the collapse of the Contra leadership. Until these pressing questions can be answered in full and in a satisfactory manner, Congress would be grossly negligent to allow this last installment of aid to reach the Contras.

Again, I would like to reiterate my strong support for this resolution and I urge my colleagues to lend their support also.

Mr. FRENZEL. Mr. Speaker, I regret that I will be forced to miss the floor debate and votes today on a moratorium on aid to the Contras. I am obliged to be out of town attending a funeral at the time the vote is expected.

Last year I voted for $100 million of Contra aid as a part of a package which also included $300 million in economic aid to neighboring countries. Since that vote some circumstances have changed and some have not. Today's debate offers a good opportunity for Congress to review the whole matter.

But, first, I must strongly object to the structure of the question today. The procedure approved last fall allowed a resolution of disapproval. A simple moratorium might also serve the same purpose. But today the House will vote on a procedure that requires another House approval, rather than disapproval, after the moratorium.

In other words, through a highly creative, overly cute parliamentary maneuver, the House leadership seeks to strip the President of his veto power. That, of course, won't work because it can be vetoed itself, and it would be if the resolution, which should pass the House with no trouble, can escape entombment in the Senate.

I shall vote no on the previous question on the rule and on the rule itself. My negative vote, a protest against parliamentary sham and chicanery, will undoubtedly not be successful.

The vote on the resolution is, in some ways, an exercise in futility. The Senate has promised an early grave, and thereafter a veto threat looms. But, the exercise is useful in many ways, too. It allows us to reexamine and discuss new directions.

The minority leader in the Senate has told us the bill is dead. That's probably true. Perhaps more important is the House's minority leader's advice that we must now consider a transition policy. Sentiment in the House, and perhaps the Senate, too, presages a course correction, and perhaps a whole new direction.

My vote last year, and, I presume, votes of others who made the bare majority for Contra aid in the House last year was conditional on the Contras achieving a viable democratic political force among Nicaraguans. Perhaps they have not had enough of a chance, but, surely and obviously, they are not an important political force. What's more, they seem unlikely to become one. The hearts and minds problem has not been overcome.

While my vote, had I been present, would have been against the resolution, partly on procedural grounds, and partly to ratify the policy chosen by a majority of us last year, my warning to the House, and to the administration, is similar to that of the majority leader: It's time now to begin a transition policy for the Contras and to begin a rethinking of an overall sustainable policy to achieve our goals in Central America.

The loss of Arturo Cruz was a staggering blow to Contra support levels. A participant in anti-Somosa revolution, he says he watched in horror as another tyranny in the form of the Sandinista dictatorship replaced the old one. As he leaves the Contra group, he says he does not want to see yet another dictatorship created. His words are a heavy indictment of the failure of Contra leaders to democratize their movement.

My present inclination is not to support the fiscal year 1988 request of the President for Contra aid. My guess is that the request has little chance for acceptance. That puts a new burden on the administration to develop new strategies, but it puts an even heavier load on the Congress. If the Congress, or, more specifically, its anti-Contra leaders, have any idea other than rejecting Contra aid, they have not been made known to me.

The conditions that have not changed are the attitudes and deportment of the Sandinista government. Whatever new policies are to be considered, if we finally determine that the Contras are not to be a part of these policies, must discourage repression and domination from Moscow, and encourage democracy, freedom, and self-determination. We cannot simply abandon the Contras because they are not democratic and then embrace the Sandinistas who are even less so.

The policy restructuring burden lies more heavily on the Congress than the President, but I hope it is a shared burden. It would be wonderful, but unlikely, if the Contras become democratized. Absent that unlikely event, we have much policy formation work to do. That phase should begin at once if we wish to make today's debate and vote more than symbolic criticism.

Finally, we must approve the Central American economic aid promptly. If it is inserted in the typical catchall supplemental appropriations, it could be lost to an outburst of budget enthusiasm, from myself as well as others. It deserves a separate vote.

Mr. KASTENMEIER. Mr. Speaker, I wish to state my strong opposition to releasing the remaining $40 million of the $100 million appropriated last year for Contra aid.

There are a number of arguments which are being made against the release of the funds, some stemming from a continuation of last year's effort to obtain a full accounting of the disposition of the $27 million in so-called humanitarian aid for the Contras which was appropriated in fiscal year 1985 and others, arising from the Iranian-Contra scandal and the private funding sources for the Contras. These questions are all legitimate areas of concern and the American people deserve honest answers. The administration has not been forthcoming in telling us the truth about these affairs.

The real issue, however, which should be under discussion today is the Reagan administration's policy of promoting an undeclared war against the people of Nicaragua by supporting the counterrevolutionary forces commonly referred to as the Contras. This policy is at the heart of the matter.

Mr. Speaker, I do not believe there is any moral, political, intellectual or strategic value in funding the Nicaraguan armed opposition. By supporting these tyrannical forces, which are succeeding only in terrorizing the innocent civilian population of Nicaragua, the Reagan administration has violated the traditional standards of international law and, more importantly, our own laws. The Reagan administration's policy on Nicaragua is not only corruptly implemented but it is itself corrupt and it has placed the United States on the wrong side of history.

Mr. Speaker, Secretary of State Shultz has said that abandoning the Contras will abandon the very fundamentals of American liberty and security. This, of course, is nonsense. History will judge us by our ability to make the right decision regarding our relations with Nicaragua. Our historic ties with that nation have been that of a long, tragic relationship. The liberty and security of the United States, the world's most powerful nation, is not threatened by Nicaragua. But, it is the people of Nicaragua, some 3.3 million, who fear that their security is being threatened by the United States. Time after time, in this century, we have intervened, with the use of our armed forces, in their nation. Now, we are doing so again, by armed the Contra forces which, if they ever came to power, would reestablish the old order and reinstate a reign of terror. The Contras are not on the side of liberty and human dignity.

Mr. Speaker, this debate should be centered on what political and moral principles shall inspire the policies of the United States toward Nicaragua. The choice is clear. The administration favors Contra aid and war. The American people, I am convinced, want us to vote for diplomacy and peace, All Contra aid should be ended. When this happens, we will be able to move forward with the search for peace and reconciliation with the people of Nicaragua.

Mr. Speaker, this is the 100th Congress and we have the ability and the mandate to repudiate the Reagan administration policy toward Nicaragua. We do not have to accept a misbegotten policy which was adopted by a few votes. We are not frozen into continuing support for the Contras. In fact, we should feel free to repudiate this support and break free from the mistakes of the past. I urge support for the moratorium called for in House Joint Resolution 175 as the first step toward ending all aid to the Contras.

Mr. RANGEL. Mr. Speaker, I rise in support of the rule and in stong support of the proposed moratorium on aid to the Contras. Today, in particular, I believe we need accountability from the Reagan administration not only for our funding to Nicaragua, but also on our policy.

The effect of our policies in Nicaragua has been the focus of major opposition from the citizen of our country, the people of Central America and the world community since the beginning of the Reagan administration. The administration justifies our continued funding of the counterrevolutionaries as necessary to the protection of democracy. At the same time, the Reagan administration has ignored any opportunity for a peaceful solution to the ongoing conflicts in that region.

Mr. Speaker, if our objective is to stop the expansion of communism in Central America, I believe there are other avenues that we must follow. Let's work to develop strong economies in the Central American countries that surround Nicaragua. It wouild be harder for Honduras, Costa Rica, El Salvador, or Guatemala to fall into the hands of insurgents if those countries had economic stability. Our current policy of propping up frail military operations, like the Contras, undermines that theory. Our current policy only foster the growth of anti-American and therefore antidemocratic sentiments in those countries.

For 7 years the Reagan administration has pushed a foreign policy that chooses the role of aggressor. Let me stress that I am just as opposed to the spread of communism in this region as the President. However, I feel that we should focus our efforts on combatting the spread of communism through peaceful means. There is historical evidence that democracy flourishes best when it is encouraged through peaceful negotiations with development assistance and economic assistance.

Mr. Speaker, in light of recent reports of divisions within the ranks of the Contras, the resignation of Arturo Cruz from the Contra leadership, and the lack of success of the Contra forces to gain any ground against the Sandinistas, I sincerely believe we need to develop an alternative policy toward Nicaragua. The moratorium calls for a 6-month delay in sending the remaining $40 million in aid to the Contras until the President accounts for all missing funds. I would also like to appeal to the administration to use our influence to foster diplomatic relations between the Central American countries during that 6-month period.

Mr. SUNDQUIST. Mr. Speaker, I am strongly opposed to today's resolution to place a moratorium on the remaining $40 million of aid to the Nicaraguan Freedom Fighters.

It is clear that this vote is taking place fcr strictly political reasons. This body set a firm policy for Nicaragua only 6 months ago when we voted 221 to 209 favoring $100 million of assistance.

Mr. Speaker, I submit to you that the strategic balance in Central America has not changed one bit since our vote last summer. There is no solid foundation on which to reverse aid that already passed Congress. The only thing that has changed is the domestic political climate.

It is frivolous to reverse our policies in Central America—and risk our national security—because of our domestic politics.

Mr. Speaker, I will be voting to support the freedom fighters and to maintain the security of the United States, by voting against this resolution today.

Mr. DELAY. Mr. Speaker, I rise today to say that we must affirm our commitment—we have told a brave democratic resistance to an oppressive Soviet style regime, that we will back them in their fight to let freedom ring in their country. Can we as a superpower engender confidence from allies when they see that even when we finally make a decision, we change our minds? Would we here in Congress trust an ally if they have consistently broken their promises to other friends and could not make consistent foreign policy decisions? No; of course not.

We made a decision last year based on the imperatives of the situation in Central America, to help those fighting for freedom, fight for themselves. Nicaragua today is a country that is ominously paralleling the development of a Soviet foothold only 90 miles off our shores—Cuba.

As everyone here is aware, the Soviets use Cuba as an important military base. Cuba provides the Soviets with: A base from which they fly reconnaissance flights up and down our east coast, a close enough location to have the most effective electronic surveillance sites in the world to intercept our communications, and a port for their submarines. Consider the threat they pose in the event of a conventional war in Europe or the Persian Gulf. History has showed us that defense of the Southern United States, especially in the gulf is difficult. Early in World War II, German U-boats destroyed United States merchant shipping in the Caribbean at a faster rate than we could replace them.

To give you an idea how important the Soviets consider our southern flank, listen to how much the Soviets spend to sustain Cuba and keep it in the Soviet sphere of influence—they spend over $4 billion a year, which is three times what the U.S. spends for all forms of bilateral assistance in all of Latin America and the Caribbean.

If you don't think that Nicaragua is on its way to being a Soviet puppet state just read the Washington Post. In an article last Sunday, March 8, the first paragraph begins, "A highranking Soviet delegation visited Nicaragua last week to reaffirm ties between the two nations and take soundings for a possible visit later this year by Soviet leader Mikhail Gorbachev * * *." It goes on to say the current Soviet bloc aid to Nicaragua in 1986 was $835 million, including $300 million in economic aid. It doesn't take a mathematician to figure out that $535 million was for weapons.

Some Members maintain that their parallel is not with Cuba—a fact so obvious it is hard to deny—but it is with Vietnam. Their concern is that as in Vietnam we will end up sending our sons and daughters to fight and die in Nicaragua. My response is that we, the Congress of the United States, is setting up just such a parallel. The resolution before us today says we should walk away from our commitment, but when we realize the strategic necessities—when the Soviets are able to perform reconnaissance on our Pacific Fleet from Nicaragua, when they have a base for submarines in the Caribbean and the Pacific, when the Sandinistas with Soviet help and no Contras to deal with—threaten all their neighbors—we will have to send Americans to preserve our security.

What will happen then—those same Members will be the first to come to the floor to blame everyone, but themselves. They will say that our support drove the Sandinistas to the Soviets—if that sounds familiar it is, that's what they said about Castro and Cuba—they will say that we made them do it, they will again blame America first.

I hope they will look back at this debate if they, Soviets, Cubanize Nicaragua. I hope they will at least privately admit to themselves who was responsible for the Cubanization of Nicaragua, because it will not have been those of us who are fighting in Congress with words to help those fighting for their freedom with their lives.

The article referred to follows:

A SOVIET STEPPING STONE

(By Secretary of State George Shultz)

Let me read you an excerpt from a 1986 report by our embassy in Managua:

"The Nicaraguan Communists celebrated their anniversary this year on November 7, exactly the anniversary date of the Bolshevik Revolution in Russia. . . .

For anyone who has been in Moscow's Red Square on November 7, what happened here on that day and the next was redolent with similarities evoking those sounds and sights.

All of the things present in Moscow, or almost all, were to be found in Managua on the day of the parade, November 8. Just as the Soviet Defense Minister begins ceremonies by taking the salute of his troops standing in an open car before returning to the top of the Lenin Mausoleum to join his colleagues for the march past, so Humberto Ortega did the same in Managua to recorded hurrahs of the troops. Then the parade began with various Sandinista units marching in tightly formed squares using the port arms' tradition of the Soviet forces and the goose step borrowed from the Prussians by the last czars for their household regiments, but in our time sharply odorous of Nazi parades. . . .

Then came armored personnel carriers, towed artillery and tanks. The only thing missing from the Soviet model were the intercontinental ballistic missiles with the warheads painted red which always bring up the end of a Moscow parade.

The Nicaraguan troops are uniformed exactly like Soviets, the Marines looked just in from the Baltic Fleet at Kronstadt. The infantry formations could have been Soviet regiments uniformed in sand-colored fatigue for Afghanistan.

[From the Washington Post, Mar. 8, 1987]

SOVIET DELEGATION VISITS NICARAGUA TO REAFFIRM SUPPORT

TOUR SEEN AS TEST RUN FOR GORBACHEV TRIP

(By Julia Preston)

MANAGUA, NICARAGUA.—A high-ranking Soviet delegation visited Nicaragua last week to reaffirm ties between the two nations and take soundings for a possible visit later this year by Soviet leader Mikhail Gorbachev, diplomats said.

The four-member parliamentary delegation was headed by Boris Yeltsin, a member of the Presidium of the Supreme Soviet and leader of the Moscow branch of the Communist Party. It was the most important Soviet visit to Nicaragua to date, according to Carlos Nunez, a top leader of the ruling Sandinista front and president of the National Assembly, which extended the invitation.

The delegation's three-day tour, which ended Thursday, took them to a Cuban-built sugar mill and Soviet-equipped military bases.

President Daniel Ortega, in an emotional speech at a coffee cooperative in the war zone of northern Jinotega province, said Nicaragua "will never negotiate" about its relations with the Soviet Union, which has provided substantial military and economic aid.

Many Nicaraguans, however, are uneasy about the increasingly pronounced Soviet Bloc stamp on their lives. Managers of state-run super-markets in Managua have taken to peeling the labels off Soviet Bloc imported foods to get customers to buy them.

Ortega pointedly drew a contrast between Soviet support for his leftist government and the Reagan administration's $100 million **aid for the rebels, known as counter-revolutionaries or contras, fighting to overthrow** the Sandinistas.

"The Soviet Union has invaded us with trucks, tractors, wheat and petroleum. We wish the United States would invade us in the same way," the president said.

The Soviet delegation limited itself to mild public statements.

In a meeting with party leaders from the Sandinista-dominated assembly, Yeltsin said Moscow "does not wish the Nicaraguan revolution to be part of either the Soviet or the American bloc." The delegation invited the Nicaraguan assembly to visit the Soviet Union. No bilateral agreements were announced.

U.S. Embassy spokesman Alberto Fernandez commented, "We were not surprised the Soviets came to visit some of their closest friends in the hemisphere."

A Gorbachev visit to Nicaragua emerged as a possibility after the visit to Mexico last October of Soviet Foreign Minister Eduard Shevardnadze, which was seen as laying the groundwork for Gorbachev to travel to Latin America later this year. He is expected to stop in Mexico, Argentina, Cuba and perhaps Brazil, Latin American diplomats said.

One diplomat here suggested that one purpose of this week's trip was as a dry run to see if the Sandinistas could handle the logistics of a Gorbachev visit. The results were mixed. When assembly president Nunez took the visiting Russians to place flowers on the tomb of a Sandinista hero, the delegation had to wait for several uncomfortable minutes for a tardy florist to bring the wreaths.

An official at the Soviet Embassy in Managua said Thursday there has been no official confirmation of any Gorbachev travel in the region.

Such a visit could be highly sensitive for Nicaragua. In April 1985, immediately after the U.S. Congress rejected all aid for the contras, Ortega went to Moscow to negotiate petroleum supplies for Nicaragua. Congress, viewing that trip as a slap in the face, partially reversed itself and approved $27 million in nonlethal assistance to the contras.

Congress will consider a new $105-million contra aid package in the fall.

U.S. officials estimated Soviet Bloc aid to Nicaragua in 1986 at $835 million, including $300 million in economic aid. The rest was military assistance, using Pentagon calculations of the value of Soviet weapons known to have been delivered to Nicaragua.

By comparison, the biggest recipient of U.S. aid in Central America, El Salvador, could receive up to $770 million this year, according to U.S. figures.

Soviet equipment in particular at least 12 Mi24 and Mi25 helicopter gunships, gave Sandinista forces a crucial tactical edge over the estimated 12,000 contras, Sandinista and U.S. military analysts have said.

Soviet economic assistance, mainly through product exchange contracts, amounts to just enough to prevent the Sandinistas' troubled, part-socialist revolution from collapsing, western and Eastern Bloc diplomats said.

"The Soviets are going to make sure no one goes hungry," one senior diplomat said. "They are building an economic safety net under the Nicaraguan revolution."

Diplomats said the Soviets seem unwilling to repeat the heavy commitment of aid they have made in Cuba, now generally estimated at $10 million a day. But they appear determined to provide the minimum support the Sandinistas need so popular discontent over shortfalls of goods and services will not undermine their effort to crush the contras.

The Soviet Union supplies all the petroleum Nicaragua consumes. Late last year it stocked a 30-day petroleum reserve at the eastern harbor of Puerto Sandino.

The Soviet Union is conducting feasibility studies for an ambitious project to irrigate more than 70,000 acres of dusty brushland in Nicaragua's central plans.

Bulgaria helped the Sandinistas build a deep-water port at the Atlantic Coast town of El Bluff and a food cannery in the Sebaco Valley, north of Managua, Nicaraguan officials said.

CALL OF THE HOUSE

Mr. BONIOR of Michigan. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members responded to their names:

[Roll No. 29]

ANSWERED "PRESENT"—415

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Armey
Aspin
Atkins
AuCoin
Badham
Baker
Ballenger
Barnard
Barton
Bateman
Bates
Beilenson
Bennett
Bentley
Bereuter
Berman
Bevill
Biaggi
Bilbray
Bilirakis
Bliley
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boulter
Boxer
Brennan
Brooks
Broomfield
Brown (CA)
Brown (CO)
Bruce
Bryant
Buechner
Bunning
Burton
Bustamante
Byron
Callahan
Campbell
Cardin
Carper
Carr
Chandler
Chapman
Chappell
Cheney
Clarke
Clay
Clinger
Coats
Coble
Coelho
Coleman (MO)
Coleman (TX)
Collins
Combest
Conte
Cooper
Coughlin
Courter
Coyne
Craig
Crane
Crockett
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
de la Garza
DeFazio
DeLay
Dellums
Derrick
DeWine
Dickinson
Dicks
Dingell
DioGuardi
Dixon
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Downey
Dreier
Duncan
Durbin
Dwyer
Dymally
Dyson
Early
Edwards (CA)
Edwards (OK)
Emerson
English
Erdreich
Espy
Evans
Fascell
Fawell
Fazio
Feighan
Fields
Fish
Flake
Flippo
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frost
Gallegly
Gallo
Garcia
Gaydos
Gejdenson
Gekas
Gephardt
Gibbons
Gingrich
Glickman
Gonzalez
Goodling
Gordon
Gradison
Grandy
Gray (IL)
Gray (PA)
Green
Gregg
Guarini
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hawkins
Hayes (IL)
Hayes (LA)
Hefley
Hefner
Henry
Herger
Hertel
Hiler
Hochbrueckner
Holloway
Hopkins
Horton
Houghton
Howard
Hoyer
Hubbard
Huckaby
Hughes
Hunter
Hutto
Hyde
Inhofe
Ireland
Jacobs
Jeffords
Jenkins
Johnson (CT)
Johnson (SD)
Jones (NC)
Jones (TN)

Jontz
Kanjorski
Kaptur
Kasich
Kastenmeier
Kemp
Kennedy
Kennelly
Kildee
Kleczka
Kolbe
Kolter
Konnyu
Kostmayer
Kyl
LaFalce
Lagomarsino
Lancaster
Lantos
Latta
Leach (IA)
Leath (TX)
Lehman (CA)
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Lewis (CA)
Lewis (FL)
Lewis (GA)
Lightfoot
Livingston
Lott
Lowery (CA)
Lowry (WA)
Lujan
Luken, Thomas
Lukens, Donald
Lungren
Mack
Madigan
Manton
Markey
Marlenee
Martin (IL)
Martin (NY)
Martinez
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McEwen
McGrath
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The SPEAKER pro tempore. (Mr. GRAY of Illinois). On this rollcall, 415 Members have recorded their presence by electronic device, a quorum.

Under the rule, further proceedings under the call were dispensed with.

IMPOSING A MORATORIUM ON CONTRA AID

The SPEAKER pro tempore. The Chair announces that the gentleman from Oklahoma [Mr. EDWARDS] has 10½ minutes remaining, and the gentleman from Michigan [Mr. BONIOR] has 9½ minutes remaining.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Speaker, I rise in opposition to the joint resolution.

Mr. Speaker, as we debate the issue of support for the forces of freedom in Nicaragua again today, the Soviet Union has been very active in that country without any debate and little scrutiny.

The Soviet Union has continued to send tons of military equipment to the Sandinista government in Nicaragua, strategically located between Mexico and the Panama Canal. In 1986, the Soviets made 50 shipments, unloading 25 thousand metric tons of military equipment, valued at $580 million. We are debating whether the United States should fulfill its pledge to provide $100 million to the Nicaraguan freedom fighters. In January of 1987 alone, the Soviets sent $10 million in military equipment. These shipments include tanks, armored personnel carriers, sophisticated aircraft, and modern helicopter gunships. No other nation in Central America has equipment of this quality or quantity.

Early this month, a delegation of top leaders from the Supreme Soviet Presidium and the Communist Party Central Committee Politburo arrived in Nicaragua, met by top Sandinista leaders at the airport. The Soviet press statement explained, "This visit will continue the increasing development of Soviet-Nicaraguan relations based on equality, mutual respect, and fraternal solidarity." The phrase "fraternal solidarity" is usually reserved for nations firmly within the Soviet Communist camp.

These events only continue the growth of communism in Nicaragua. In the final months of 1986, the Sandinista government closed La Prensa, the major independent newspaper that had long fought against dictatorship. They continued their crackdown on religious groups, free labor organizations, businessmen, and any kind of political meeting. They have censored the sermons of the leading religious leader of the nation, Cardinal Obando y Bravo, because he called for peace and negotiations among all Nicaraguans. They have forced some farm families to leave their land, and forced others to sell their products to the Government at below-market prices.

Today, as some in Congress call for a halt to all U.S. assistance, thousands of the freedom fighters are in the country, willing to risk their lives for freedom. They are gaining support among the people and trying to halt the Communist plans to make their country a base for the revolutionary internationalism advocated by the Communists. Many of the resistance leaders opposed the previous dictator, Somoza, and served with the Sandinista leaders in the original coalition government. They were forced out by Marxist tactics.

Nicaragua is becoming a Soviet base for aggression and subversion on the North American mainland. It has all the human rights abuses typical of communism. It is in America's national interest to provide equipment and training for the Nicaraguan freedom fighters as they work to bring freedom and democracy to their country.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri [Mr. BUECHNER].

Mr. BUECHNER. Mr. Speaker, I rise in opposition to the joint resolution.

Mr. Speaker, I rise in opposition to the resolution to renege on the commitment we made to freedom and democracy in Nicaragua. The House leadership is asking for a moratorium on the remaining $40 million in aid to the Nicaraguan freedom fighters.

We should ask, "What is a moratorium?" Webster's defines it as "a period during which a debtor has a legal right to delay paying a debt." Let us now apply that definition to the resolution before us. Who is the debtor? It is the United States of America. This Congress made a commitment just 1 year ago. It said to the freedom fighters in Nicaragua that if you risk your lives, if you risk your families' lives, then we will provide you with $100 million. They've lived up to their part of the contract. Now instead of living up to ours, we are going to pass a resolution that gives us the legal right to delay paying a debt.

That may deal, Mr. Speaker, with our legal obligation. But what of our moral obligation? That will not go away. It will be in Nicaragua, in Costa Rica, in Guatemala, in El Salvador, in Colombia, and yes, in Mexico.

And the day will come when we will ask the people in those democracies to give us their resolve, their will to preserve freedom, and their young men to stave off the expansionistic policies of Cuban-Nicaraguan communism. The democracies of Central America will rightly question our commitment.

They will remind us of our moratorium in Nicaragua, and they will remind us of our moratorium at the Bay of Pigs, and they will remind us of our moratorium in South East Asia. For in all of those places, we promised to pay those who helped us in the defense of freedom and democracy. Legally, we may not be responsible for the thousands who died or were imprisoned because we decided the debt was too expensive politically. But morally, we are responsible.

The ultimate legal step in avoiding the payment of a debt is bankruptcy. Morally, this resolution is a declaration of bankruptcy for the United States of America in Central America. We have made a promise and we are refusing to honor it.

How can we expect any country, any person hoping for freedom to believe us in the future? They will not care that this debate included the names North, Poindexter, Khashoggi—they will only remember that we made a deal, we incurred a debt, and it remains unpaid. This Congress will show that our Federal deficit is nothing compared to our moral deficit.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. Mr. Speaker, I rise in opposition to the resolution.

Last evening several of us outlined again for this House, details of our trip to Nicaragua which took place 1 year ago this week. As we reported, in 1 day we saw that Nicaragua has no freedom of the Press—and today it's worse—we saw that human rights have been violated—and today it's worse—there was little religious freedom and today it's worse; and, there is no economic freedom at all.

Some Members have questions so I, once again, commend to my colleagues this important article from U.S. News & World Report which was submitted by Mr. Mortimer B. Zuckerman, chairman and editor in chief:

THE PRESIDENT'S PASSION

Finding the guilty in the laundering of the Iranian millions for the Contras preoccupies Congress and the press. Colonel North, General Secord and others reappear in the headlines. But one name is missing in all the furor—Daniel Ortega, President of Nicaragua. It is right to pursue our American scandal. But it will be tragic if the primary issue is sidetracked. That primary issue is the outrageous subversion of the Nicaraguan revolution by the Sandinistas. It presents the U.S. with moral and strategic issues that will outlast the current furor and the Reagan Presidency.

President Reagan has been wrong about Iran, but he has been right in his personal commitment to the Nicaraguan Contras. He did not invent them. The Sandinistas did. There were no Contras until the Sandinistas imposed a totalitarian state on the people's hopes of freedom after the Somoza dictatorship. What would happen if we didn't support the Contras and their effect were minimized? The Sandinistas would then be free to do what they tried to do before there were Contras—namely to expand the revolution. Even in 1979, when they were hanging on by their fingernails, the Sandinistas were supporting insurrections in Honduras, El Salvador and Guatemala. Today, they have an Army 10 times the size of and more powerfully armed than Somoza's. The Sandinistas are very explicit about their revolution as Marxist and a "revolution without boundaries." They say they want a Marxist paradise in Nicaragua and in all countries around Nicaragua. Nothing short of force will contain the Sandinistas, and it is clearly better if that force were exerted by Nicaraguan fighters rather than American.

Let's deal with the questions that are raised.

1. Why don't Nicaragua's neighbors feel strongly about this? They do. But they are influenced by our own vacillations. In private, these governments are much more hostile for they understand how vulnerable their own countries are to Nicaraguan subversion should the Contras collapse.

2. Wouldn't the arms money be better spent eliminating the causes of Communism in our hemisphere? We know all too well how long and how difficult it is to rid injustice and poverty from weak local economies. Meanwhile, what is to be done about Sandinista military action and subversion? To defend our southern flank would cost the U.S. vastly more than the $100 million in Contra Aid.

3. Won't America be drawn into military action to rescue the rebels or rescue Honduras or rescue U.S. prestige? Reagan's opponents raised the same argument and were wrong about the military-aid program for El Salvador. Had military aid not been given, the U.S. might well have had a major crisis following a Communist takeover in El Salvador.

4. Are not the Contras a collection of Somocistas? No. There are about as many ex-Sandinistas in the command and staff positions as there are ex-Somocistas—both about 25 percent. Of 14 Contra regional commanders, 3 are ex-Somocistas and 6 are ex-Sandinistas. The three top leaders have unambiguous anti-Somoza credentials. But Contra human-rights abuses have occurred. Congress, as it has done on El Salvador, is wise to raise the issue to limit these violations.

5. Aren't the Contras ineffective? Again, no. If the U.S. had 3,000 advisers in El Salvador and the guerrilla forces doubled in size over 18 months, this would be seen as a failure. Yet Cuba has 3,000 advisers in Nicaragua, and the insurgency forces there have doubled over the last 18 months. In five years, the Contras have built up an effective force five times the size of the one the Sandinistas built up over 15 years. Success for guerrilla armies cannot be measured by body counts or by territory held. The Sandinistas engaged in guerrilla operations for years before they ever held an inch of territory, and we do not make such demands for territorial gain on the Afghan resistance.

The real questions: Are we committed to our own hemisphere? Is it important? The Contras are central to the stability and future of this hemisphere, because it is Nicaragua that is challenging that stability and the Contras are the only effective counterforce we have. To reverse our support would advertise an unreliability that would undermine our friends and tempt our foes in the region and perhaps beyond. It would cost us dearly.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Wisconsin [Mr. MOODY].

Mr. MOODY. Mr. Speaker, I rise in support of the joint resolution.

Mr. Speaker, I rise in strong support of this moratorium resolution. This resolution would require the President to account for the funds we approved in 1985 and the money diverted to the Contras from the Iran arms sales and other private and foreign sources. All the President must do under this resolution is to tell us where our money went and how much of a Contra subsidy his staff secured from other sources. That's all.

Many Members of this body hold different views about our policy in Central America, and those differences are welcome in a democracy such as ours. But no one in this Chamber should not turn a blind eye to the disappearance and misuse of American tax dollars, or to the illegal solicitation of Contra funds from outside sources. Each of us has the right and duty to demand the accounting contained in this resolution. Indeed, it is a sad commentary on the state-of-affairs that we need to pass this measure just to get an accounting.

If this body ignores the illegalities and shady accounting connected with the Contra Program, we will in essence be sanctioning such behavior. I for one am not prepared to do that.

Critics of this proposal argue that it is a thinly veiled attempt to cut off $40 million in Contra aid approved last year. Let me remind my colleagues that according to the measure we approved last year this $40 million was to be released only if the President could certify that no progress was being made in Central American negotiations.

Despite the continuing Contadora talks, and despite President Arias' new Central America peace proposal, the President concluded that no progress was being made. I suggest it is in that certification that thinly veiled dishonesty is found.

So let's cut through all of this. Let's face the fact that our Contra policy is simply not working. It has done nothing to reduce the Communists' influence in Nicaragua. Moreover, the Contra Program has become a haven for shady arms dealers, drug dealers, mercenaries, and all kinds of people who have only their own interests at heart. Democratic ideals and U.S. credibility are the victims of our Contra policy, not the Sandinistas.

It's time we started to regain that credibility at home and abroad. It's time we stated loudly and clearly that we will not allow our domestic democracy to be trampled in order to continue a flawed policy overseas.

I urge my colleagues to vote for the resolution.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Speaker, I rise in support of the moratorium, I congratulate our colleague, the gentleman from Michigan [Mr. BONIOR] for his leadership in this, and I hope that it prevails.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. FAZIO].

Mr. FAZIO. Mr. Speaker, I rise today in strong support of House Joint Resolution 175, imposing a 6-month moratorium on aid to the Contras pending a full accounting of all funds expended thus far.

Before we spend another dime on the Contras, the Congress and the American people deserve a full accounting of all of the moneys which have been expended thus far on the Contra war.

There is overwhelming evidence that the administration has been actively engaged in procuring funds in direct violation of numerous U.S. laws. The administration is either unable or unwilling to account for the $27 million in humanitarian aid and a total of over $80 million in Government, private, and foreign funds. There is evidence that some of these missing funds were siphoned off into the personal bank accounts of several Contra officials, were used for bribes to Honduran military officials, and even supported drug-smuggling activities.

We cannot afford to ignore the extensive evidence of illegal and irresponsible administration activities, corruption in the Contra ranks, and the collapse of the Contra leadership. Again, Congress must get a full accounting of previous funds sent on the funds before we allow another dime to be spent on the Contras.

It is my sincere hope that this vote will encourage the administration to begin to pursue another approach to the regional disputes in

Central America. Supporting the Contras was clearly a failed policy.

It's time to now fully commit ourselves to achieving a regional, negotiated settlement, one that will protect and support the interests of the United States and our democratic allies as well as ensure that Nicaragua respects the sovereign borders of its neighbors.

It's time that we commit ourselves fully and completely to the Contadora process and the peace initiative put forth by Costa Rican President Arias. President Arias' peace plan calls for a dialog between the Sandinistas and their internal opposition, reduced military strength in the region, free elections, greater civil and human rights in Central America, and the withdrawal of foreign military aid to the region including Cuban and Soviet advisers in Nicaragua.

And it's time that we commit ourselves to providing appropriate economic and military assistance to enable our allies in Central America to withstand aggression and subversion and to improve the lives of the people of these nations.

Mr. Speaker, it's time that the President join us in this effort. We need to ensure that the United States begins to develop a consensus for a stable and consistent policy toward the region, one that does not include any additional support for the Contra war in Nicaragua.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Speaker, I rise in support of the moratorium.

Mr. Speaker, for over 4 years now, the Reagan administration has come before this body to request the allocation of funds for the "Contras," who have been fighting a guerrilla war with the Government of Nicaragua. The administration argues that this assistance is necessary in order to preserve U.S. security interests in Central America, to pressure the Sandinista government to initiate democratic reforms, and to promote peace and human rights. To this end, over $150 million has been earmarked for the Contras—courtesy of the American taxpayers. Specifically, in late 1981, Congress approved $19 million of covert military aid for the Contras. In 1982, Congress approved another $19 million, but restricted distribution of the funds by tacking on the Boland amendment; the amendment bans the expenditure of funds available to the CIA, DOD, or other intelligence agencies to support military operations in Nicaragua without prior congressional approval.

In 1983, Congress appropriated $24 million for the Contras and prohibited use of CIA contingency funds for military purposes in Nicaragua. In 1984, after public reports that the CIA had directly supervised the mining of three Nicaraguan ports, Congress passed resolutions of disapproval and voted to end aid to the Contras. At the end of 1984, Congress appropriated $14 million in aid to the Contras, which would be released after February 28, 1985, only after congressional passage of a joint resolution approving release. In April 1985, the Senate voted for, but the House voted against the joint resolution. In the summer of 1985, Congress approved $27 million in aid for the Contras but restricted its use to nonmilitary, humanitarian purposes. The legislation also included Boland amendment restrictions. In the fall of 1986, Congress appropriated $100 million in military and nonlethal aid to the Contras, again retaining the Boland amendment restrictions.

Despite these large expenditures, there is little evidence that the administration's stated objectives have been realized. If anything, U.S. involvement in Nicaragua's internal affairs has stirred up hostility among the Nicaraguans, not won their allegiance to democracy. Sadly, the Contadora peace effort has faltered. With respect to human rights, although there is no doubt that the Sandinista government is repressive and has engaged in human rights violations, the record of the Contras is appalling. According to Amnesty International, since 1981, several hundred people have been reportedly executed at the hands of the Contras; the numbers of persons reportedly tortured or abducted are even higher.

Here at home, most Americans are wondering where their tax dollars went. Recent investigations reveal that $80 million of the funds already appropriated by Congress cannot be accounted for, cannot be traced to the Contras. Serious allegations have been raised that a significant portion of American tax dollars was diverted to officers of the Honduran Armed Forces, arms brokers, and non-Central American suppliers.

Serious allegations concerning administration attempts to skirt congressional restrictions such as the Boland amendment, as well as reported involvement by administration officials in private fundraising for the Contras, have been made.

Understandably, the latest revelations of the Iran-Contra affair have further eroded public support for aid to the Contras. Despite years of actively wooing the American people, President Reagan has been unable to win popular support for his Central American policy. This lack of support is confirmed by the latest Washington Post opinion poll, taken in January 1987. The poll revealed that 70 percent of Americans oppose U.S. military aid to the Contras, and that 77 percent of Americans oppose U.S. involvement in trying to overthrow the Nicaraguan Government.

Clearly, the American people question the wisdom of continued U.S. involvement in the Contra struggle—a struggle which has to date failed. The future does not look brighter. Recently, the United Nicaraguan Opposition lost two of its three leaders, Adolfo Calero and Arturo Cruz. In fact, when he resigned this past Monday, Mr. Cruz said that he felt it was impossible to turn the rebels into a popular, democratic resistance movement. "I feel tremendously frustrated because we Nicaraguans are going in circles," he told the New York Times.

House Joint Resolution 175 will force us to take a long look at our past involvement with the Contras and the wisdom of our objectives. It imposes a moratorium on further Contra aid pending a full accounting by the administration of "missing funds," including profits from arms sales to Iran, $27 million in humanitarian aid appropriated by Congress in fiscal year 1985, and any funds from private sources or foreign governments.

It is not unreasonable for American taxpayers—who are already supporting a $221 billion deficit—to expect a complete accounting of the expenditures of their hard-earned dollars. It is not unreasonable for the American public to question the wisdom of a foreign policy that has utterly failed, year after year, to achieve its stated objectives. It is not unreasonable for the American people to question the prudence of pursuing a foreign policy that lacks the popular support of the public. It is not unreasonable for the American people to expect explanations from administration officials who allegedly mishandled $80 million of their tax dollars.

If anything has been learned from the bitter lessons of Vietnam and Watergate, we cannot fail to remember that a foreign policy that lacks popular support of the people at home is doomed, and an administration that fails to obey the rule of law must ultimately be held accountable. This joint resolution gives us a chance to take a second look, reconsider our involvement before our entanglements in Central America become even greater. This is the proverbial second chance that we sadly did not allow ourselves in the case of Vietnam. Let us take it now before it's too late, so that our grandchildren will not speak of Nicaragua the way we speak of Vietnam—with bitterness and regret.

Mr. BONIOR of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. WOLPE].

Mr. WOLPE. Mr. speaker, I rise in support of the joint resolution.

Mr. Speaker, I rise today in strong support of the moratorium on any further aid to the Contras until the administration accounts for the more than $80 million in government, private and foreign moneys sent to the Contras for unexplained purposes. Certainly the public deserves a full accounting before any more taxpayer funds go to the Contra forces.

The problems with our current Central America policy, however, extend beyond allegations of Contra corruption and missing appropriated tax dollars. In recent months; each day has brought disturbing revelations of U.S. officials involved in what can only be termed illegal acts of folly. Indeed, reflecting on the last 7 years of U.S. involvement in Nicaragua, it is Barbara Tuchman's book, entitled "The March of Folly" that comes to mind. In it, the prize winning historian describes and traces through history the tendency of all governments to make mistakes; to pursue those mistakes relentlessly; and to disguise those mistakes as sound policy. Tuchman writes, "A phenomenon noticable throughout history regardless of place or period is the pursuit by governments of policies contrary to their own interests." She discusses a range of disastrous initiatives from the fall of Troy to the Vietnam War. In these cases, and others, "Persistence in error is the problem. Yet to recognize error, to alter course is the most repugnant option to government," she concludes.

In the case of U.S. policy in Nicaragua, the time has come to take Ms. Tuchman's advice, recognize our error and alter our course. The proposed moratorium on Contra aid is the first essential step in that process.

Our current policy is folly because it advances military solutions to what are in fact essentially political problems.

Our current policy is folly because it associates the United States with former military commanders in Somoza's National Guard" and other reactionary forces in the region.

Our current policy is folly because it has wasted more than a billion taxpayer dollars over 4 years on the direct or indirect support of rebel forces which to this day control no territory and have little popular support in Nicaragua.

Our current policy is folly because it places us in opposition to our democratic allies in the region, including Mexico, Colombia, Panama, Venezuela, Argentina, Brazil, Peru and Uruguay, as well as our European allies, none of whom support our Central American policy.

Our current policy is folly because it violates every tenet of international law and has forced us to disregard the World Court as well as binding treaty commitments which prohibit us from intervening in the internal affairs of other nations.

Our current policy is folly because it so wholly lacks American popular support that it has had to be conducted in an illegal, covert fashion—which has only served to feed widespread public cynicism about the integrity of our democratic political processes.

Most ironically, our current policy is folly because, though it seeks to prevent the spread of communism, it actually weakens democratic forces within Nicaragua and plays directly into the hands of the Soviets and our other adversaries throughout Central America.

The Iran-Contra Affair stands as the culmination of our march of folly in Central America. It represents a complete distortion of the principles of democracy and freedom that have made America great and ought to be the centerstone of effective American foreign policy. Far from setting an example for those around us, we have been caught in the act of twisting our own laws and Constitution in the interests of a tragically flawed policy.

The silver lining of the Contragate cloud is that the arrogance and abuses of power that have been exposed may finally bring home the absurdity of this policy and allow us to abandon our march of folly to pursue a new direction. Perhaps the most recent escapades of Ollie and his cohorts will be the last. The moratorium before us today offers us that opportunity to start anew. Let us not squander it!

A new approach to Central American policy must recognize that American interests can best be protected by an understanding of Central American political sensibilities. It must also avoid the ideological thinking that has so often produced foreign policies wholly detached from the real world—foreign policies that are inconsistent with both American values and American national interests.

Because we Americans know so little of the nations of the Third World—the nations of Africa, Asia, and Latin America—we tend to respond to ideological labels we think we understand, but which often have a very different meaning from that which we ascribe to them. If a regime or dissident group declares itself to be "anti-communist," we assume it is on "our side" and, like Pavlov's dog, we respond to the stimulus and throw American tax dollars its way—no matter how repressive and undemocratic such a regime or group may be. That is the history of American involvement in the Philippines, in Iran, in Cuba, and in Nicaragua. Marcos, the Shah, Batista, and Somoza were all the "anti-communist" beneficiaries of American largesse, notwithstanding the brutality and injustice of their regimes. In every instance, we have paid dearly for our accommodation to tyranny. We have paid through the revolutions, instability, and anti-Americanism that have been the consistent legacy of this ideological myopia.

Make no mistake about it. That same myopia is at work in the administration's Contra initiative. Contrary to the repeated claims of the President, the Contras are anything but a homogeneous, ideologically committed democratic resistence, and the repeated use of anti-Communist slogans and labels cannot transform this reality. Certainly there are some Nicaraguans genuinely committed to democratic values who have felt betrayed by the Sandinistas and who are now part of the Contra forces. But the fact remains that the majority of the key military leaders of the Contras come from the despised national guard that was known for widespread brutality under the repressive Somoza dictatorship.

The announcement earlier this week of the resignation from the Contra leadership of one of the most democratically inclined of that number, Arturo Cruz, confirms the complete unwillingness of the Contras to institute the democratic reforms that have so often been promised in the past to Congress on the eve of Contra aid votes. The New York Times reports that:

> Cruz resigned because he found it impossible to carry out the fundamental reorganization that he believes is necessary to turn the Nicaraguan rebels into a popular resistance movement. . . . He did not see the political will among the rebels to make major changes.

Citing the "hegemonistic tendencies" that dominate the Contras and the "clique that perpetuates attitudes of intolerance and exclusion" for other viewpoints, Cruz stated that "There has been time to make changes and that time is over."

The people who are bringing us the Contras today are the very same folks who brought us Ferdinand Marcos—both packaged and sold under the same deceptive label. To continue our support for the Contras, as we did for Marcos long after it was clear that his was a corrupt and doomed regime, opposed to everything that our country stands for, is folly—pure and simple.

Our commitment to ideology has not only blinded us to the facts of the current situation, but has clouded our understanding of history as well. Few Americans, for example, know that our Contra initiative is only the latest of a long series of military interventions in Nicaragua, in Guatemala, and elsewhere in the region. Tragically, in each of these cases, our intervention produced neither lasting peace nor greater democracy, but only served to align us with those seeking to maintain an unjust and repressive status quo.

We have not learned and have not understood the lessons of our past follies largely because ideological thinking is immune to reality testing. The ideologue has an infinite capacity to bend the facts to fit his fixed world view. Sometimes this distortion is unintentional; at other times, intentional deception is justified by an ideological sense of mission, as we have seen in the unfolding of the Iran-Contra affair. Again, however, the present folly has been sadly preceded by a long history of deception and blatant disregard for constitutional process. First there was the Washington Post exposé of the fabrications contained in the white paper released by Secretary of State Alexander Haig 6 years ago, purporting to link the unrest and violence in Central America exclusively to Cuban and Soviet activities in the region. This was followed by the shock of the House and Senate Intelligence Committees who thought they had authorized a small effort to assist roughly 500 Contras in the interdiction of arms flowing from Nicaragua to El Salvador, and then discovered that the CIA had actually undertaken a far more massive effort to arm and support a combat force of more than 12,000. Then Members of Congress had to uncover through on-site inspection what our military had undertaken in Honduras, finding to their surprise that the United States was in the process of establishing a permanent military presence in that country. Then came the series of alarming revelations concerning CIA operations including the mining of Nicaraguan harbors—an act so overtly illegal and indefensible that the administration refused to accept the jurisdiction of the World Court when Nicaragua took its complaint to that respected body. Finally, we cannot forget the horrifying CIA manual, which offered explicit instructions for "neutralizing" Sandinista officials and "creating martyrs" for the Contra cause.

These deceptions, distortions, outright lies and gross illegalities are the current legacy of our march of folly in Central America. They remain a graphic demonstration of a failed foreign policy. If we are to seize the opportunity for change that lies before us, we must first understand that in Central America, as around the world, when we assume that people are unable to make their own political choices, we reduce them to mere pawns in our struggle with the Soviet Union and create the very distance and alienation we seek to prevent. We do ourselves and these countries a great disservice when we underestimate the power of nationalism and the desire for independence from all outside domination and interference. This failure in our foreign policy has created disaster time and time again in our history.

There is a better way. We must begin today to recognize that if we are to prevent the spread of communism in this region, then we must demonstrate by concrete actions our respect for national sovereignty, and our superior ability to help solve the region's economic, political, and social problems within a democratic framework. For these are political, not military problems and they require political not military solutions.

As Americans, our greatest strength lies in our revolutionary heritage and our proud advocacy of the right of all people to be free and self-determining. This tradition cannot be shared with our neighbors to the south by means of guns and mercenaries. Over the years, our Government has lost sight of this important fact and with it, our ability to command respect throughout Central America. In the foresightful words of John F. Kennedy:

> If the title deeds of history applied, it is we, the American people who should be marching at the head of this worldwide revolution. . . . For whenever a local patriot emerges in Asia, the Middle East, Africa, or Latin America to give form and focus to the forces of ferment, he most often quotes the great watchwords we once proclaimed to the world: the watchwords of personal and national liberty, of the natural equality of all souls, of the dignity of labor, of economic development broadly shared. Yet, we have allowed the Communists to evict us from our rightful estate at the head of this worldwide revolution. We have been made to appear as defenders of the status quo.

It is time for America to reclaim its heritage by ending once and for all our military intervention in Central America, and supporting instead a redirection of our policy that will make use of the significant economic and political power at our disposal, and that will work in concert with the Contradora nations to produce a lasting, negotiated settlement for this troubled region. The moratorium before us today is a first important step toward that new policy. Passage of this proposal will allow us, for the first time in many years, to send a clear message of support for our allies' efforts to produce a lasting peace.

If we are truly to create a new policy in Central America, however, we must be prepared to move beyond this proposal, to become actively involved in peace negotiations and to limit our military interventions in the region. Costa Rican President Arias' peace plan, which calls for a dialog between the Sandinistas and their internal opposition, reduced military strength in the region, free elections, greater civil and human rights in Central America, and withdrawal of foreign military aid to the region, offers us an excellent opportunity to work cooperatively with our neighbors to the south to rebuild our peacekeeping efforts in Central America.

We will also want to reassess the aid we provide to the region, which has become heavily weighted toward military support in recent years. Strengthening our economic aid for the region will not only improve our ties there, but it will improve our own economy as well. Economic development in the Third World creates markets for American goods; military aid does not. Estimates of the impact of the 1981 and 1982 Latin American recessions on the United States economy indicate that up to 500,000 man-years of United States employment was lost as a result of lost Latin American buying power during those years.

We cannot and should not take the substantial economic and political burdens of Central America on our own shoulders. We can, however, use our considerable economic resources in much more intelligent ways. We can encourage dialog and trade and development in the Western Hemisphere as a means for strengthening our alliances and our industrial competitive base here at home. It is by trading in Central America's harbors, and not by mining them that we truly serve America's interests.

Finally, we can complement our political and economic cooperation with Central America by expanding cultural and technological ties in the region. The people of Central America are young. Today, it is Cubans who offer teachers and doctors to train the Nicaraguans. Tomorrow, we can make our own investments in the intellectual development of the region's future leaders.

Today we are confronted with a failed policy and also a new opportunity. We have the opportunity to learn the lessons of our past, and create a new policy, one that is inspired by the principles of our forefathers but grounded in the hard realities of our time. A policy that our own people can support, and that our allies can respect. A policy that will bring the nations of our hemisphere together to protect the security and the sovereignty of us all.

Mr. Speaker, I urge support for the Contra aid moratorium.

Mr. BONIOR of Michigan. Mr. Speaker, I yield 2½ minutes to my distinguished colleague, the gentleman from New York [Mr. McHugh]

Mr. McHUGH. Mr. Speaker, the issue this afternoon is not whether one party or the other wants to turn over Central America to the Soviet Union. Clearly no one wants that. It is not whether one party or the other endorses the Sandinista government. Neither party does. It is not whether the United States has significant and legitimate interests in Central America. We do.

The issue today is what policy will most effectively carry out and serve the interests of the United States. To have an effective policy, to have one which is sustainable over a period of time, requires broad public understanding and bipartisan support. That is the nature of democracy.

I believe that we have broad understanding and bipartisan support for a policy that helps governments in Central America that are truly committed to human rights, to democracy, and to equitable economic growth.

□ 1800

I believe we have a policy which can be supported on a bipartisan basis which supports a negotiated process such as the Arias plan. Our party has supported with our votes and our voices that kind of policy. It has broad public understanding and support.

Where bipartisanship and public support has broken down consistently is over the issue of aid to the Contras. It is a polarizing issue. It has deeply divided our people at home, it has divided this Congress, it has divided our friends in Latin America, it has divided our allies in Western Europe. So long as that element of policy is central to the United States, we will have a policy which is not clear, which is not coherent, which is not effective, and which is not sustainable over a period of time.

And it is for that reason, most importantly, that aid to the Contras should be terminated. The vehicle before us today will not only require an accounting, but will delay that aid to the Contras until a more coherent policy can be devised.

We have no illusions that if a majority of the House supports this resolution, and if the other body supports a similar resolution of disapproval that the aid will be cut off. The $40 million will proceed.

Mr. Speaker, if a majority of this House and a majority of the other body votes to disapprove aid to the Contras or to impose this moratorium, the significance is not that the $40 million will not flow. We all realize that. The significance is that it will send to the administration a signal that the probability is that aid to the Contras will not flow after this fiscal year.

I urge the administration in that case to work with the Congress in putting together a constructive policy of transition. We do have a responsibility to our friends in the region. We do have a responsibility to the families whom we have been supporting, and it is critically important that we work together if, indeed, this is going to result in a termination of aid to the Contras so that we do not find ourselves on October 1 with no policy whatsoever.

In that context, I urge the Members to support this resolution.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. Skelton].

Mr. SKELTON. Mr. Speaker, in listening to the debate today I wonder where our sense of history is. I also wonder about the understanding of the facts that we have before us. Maybe we cannot see the facts because of the haze that is around us. We should not let some stupidity of a White House staff obscure the true facts and issues before us today.

Everyone in this Chamber, Mr. Speaker, is entitled to his or her own opinion, but everyone is not entitled to his or her own set of facts.

A friend of mine speaking for the resolution a few moments ago said that he spoke and stood for justice and democracy, but saying so does not make it so. Who can disagree that justice is on the side that stands for freedom of religion and against the Sandinista government that exiles religious leaders? Who can disagree that justice is on the side that fights against the suppression of the press and for the reopening of free radio and free newspapers? Justice is on the side that stands up against communism and its influence and for the reopening of freedoms. Democracy is on the side that allows free elections and against those who would run a country by totalitarian dominance. Democracy is on the side of the free democracies surrounding Nicaragua who are beginning to blossom there in Central America.

This resolution before us has the appearance of a cut and run measure. It is a thinly disguised attempt to stop all funding to the Nicaraguan resistance and to renege on policies and commitments which were approved on a bipartisan basis here in Congress less than 6 months ago.

Mr. Speaker, we need as a nation and we need as a Congress to stay consistent. No national strategy can be underwritten by material aid and training meted out in highly conditioned spurts, accompanied by repeated challenges to fundamental policy, subjected to frequent cliff-hanging votes here in Congress, predicated on wholly unrealistic demands for progress.

I believe that Members of Congress ought to vote conscious of the fact that some 10,000 Nicaraguans are now engaged in a civil war against a Marxist-Leninist government there committed, largely at our instance, to a life and death struggle to win freedom for their countrymen.

Mr. Speaker, the extremes have set the tone for the debate. But if we alter our course, neither American political party will escape censure in the historical accounting which is due to come. We cannot treat this issue like a yoyo. We must by all means continue the funding and use this time wisely to develop an avowedly bipartisan policy that takes into account the views of our neighbors to the south. There is a moral issue here. People are dying and we owe them as well as ourselves an honest effort to reach a peace settlement. This is for our own good. It is for our own national interest and it is for the good of our hemisphere.

Cutting off aid ends the chances for a negotiated peace in Central America.

Continued aid for the Nicaraguan democratic resistance is a small price to pay for preserving the gains realized in recent years.

I believe, Mr. Speaker, that denying that aid would jeopardize all that has been achieved there for democracy in recent years. We must continue the course. We must defeat this measure.

Mr. BONIOR of Michigan. Mr. Speaker, I yield myself 4½ minutes.

Mr. HUGHES. Mr. Speaker, will the gentleman yield?

Mr. BONIOR of Michigan. I yield to my friend, the gentleman from New Jersey [Mr. HUGHES].

Mr. HUGHES. Mr. Speaker, I rise in support of House Joint Resolution 175.

Today I intend to vote with my colleagues in the House of Representatives to withhold $40 million in aid to the Contras seeking to topple the Sandinista government of Nicaragua, pending an accounting of funds previously approrpriated by the Congress.

The web of overt and covert United States aid grows more tangled by the day. Almost $17 million of the $27 million appropriated for humanitarian aid in fiscal year 1985 is not yet accounted for. According to the General Accounting Office, millions of dollars ended up with Honduran military leaders, price-gouging businessmen, and off-shore bank accounts.

The Tower Commission report tells us that over $20 million in profits from the sale of arms to Iran cannot be accounted for, and Secretary of State Shultz has admitted that the State Department does not know what was done with the $10 million deposited in a Swiss bank account by the Sultan of Brunei at the request of Assistant Secretary of State Abrams. Additionally, tens of millions of dollars were provided to the Contras through a private network run out of the White House basement. No accounting has ever been made of these funds.

The American people can not be expected to throw good money after bad in order to continue this administration's failed policies in Nicaragua. They, through their elected representatives, demand the same financial accountability in the Contra aid program that they expect in any other program funded with their tax dollars.

The administration makes no tenable case that irreparable harm will result to the goal of peace in Central America from a proper accounting of the funds already given to the Contras. The administration holds within its grasp the key to future funding of the Contras; a proper accounting would trigger the release of the $40 million, and might begin to restore the credibility of the Contra leadership in the eyes of the American people. That can be done immediately to free up those funds.

My serious reservations concerning the propriety of the administration's Nicaragua policies have only been magnified by the revelations concerning the missing money. I urge this administration, with or without the impetus of legislation, to make a full accounting of the Contra funds as a positive first step in reformulating a more realistic approach to the problems facing our hemisphere.

Mr. BONIOR of Michigan. Mr. Speaker, I think if we are to be realistic today and to be honest with ourselves we have to acknowledge that this piece of legislation has little chance of becoming law. If it passes the other body, and I hope it will, the President will surely veto it.

The Contras received during the last 5 months $40 million. They have received $20 million 6 weeks ago, and they will undoubtedly receive this additional $40 million today.

□ 1810

The war will go on, and people will die.

Mr. Speaker, it is imperative, though, nevertheless, for this Congress to face this issue I think head on today. The American people are looking for leadership.

Over the past few years, more and more questions have been raised about the Contra aid program, today the Contras face an avalanche of allegations—and you have heard them all here today, and you have heard them all over the last few weeks and the last few months. The trial of corruption and deceit runs from bank accounts in Miami, the Bahamas, Switzerland, to shady arms merchants all the way to Iran and back, to the basement of the White House. This is truly a policy that has run amok.

Every time Congress has tried to place reasonable restraints on the policy—to call for an end to human rights abuses, to encourage negotiations, to require an accounting of the funds—the administration has blindly ignored them.

If the program could not be run openly, then the administration would run it in secret. If funds could not be obtained from Congress, then the administration would turn to a network of privateers, arms merchants, and mercenaries.

The moratorium we propose today is an effort to restore accountability to the Contra aid program. Before we send another dime to the Contras, we must know where the previous funds have gone. And we must know who in our Government was involved in illegal efforts to obtain funds for the Contras.

I hope for many Members of this body, today's vote will be a bridge to moving away from a failed policy. I note in today's press that leaders on the minority side of the aisle acknowledge that the days of the Contra aid program are numbered.

I hope after today that we on this side, all of us and you, and I sincerely mean this, can begin to work together. We have so much that we agree upon. We agree that the time for negotiations is ripe. That the proposal of the Costa Rican President Arias is real and should receive the full backing of the United States.

We agree that we must move forward on a plan of aid for the democracies in the region, which we will probably do in the next few weeks. Let us pledge to work together to put this failed policy behind us.

This policy has almost ruined this Presidency. The determination to carry on the Contra war despite the overwhelming opposition of the American people, has led this administration to set up a secret government, a private foreign policy. The drive to wage this war has led the administration to bypass our system of checks and balances, to ignore the Constitution of the United States, and, to subvert the law of the land—to cast aside our own democratic principles in a misguided effort to install them elsewhere.

Let us send a signal today, that we are not afraid to stand up for our democratic institutions at home as well as abroad.

I urge my colleagues to vote "yes" on the moratorium.

Mr. EDWARDS of Oklahoma. Mr. Speaker, I yield myself the remainder of our time.

Mr. Speaker, ladies and gentleman, in the last couple of months, acting on promises from us, from all of us, from the President and from both Houses of Congress, with bipartisan majorities, more than 12,000 young Nicaraguans, finally given help, finally given ammunition and supplies, have moved back into their own country. Walking for weeks, chopping their way through jungles, climbing mountains, to get back to their own land and to fight to make it free.

These are the weapons and the supplies that we promised them as recently as last October; and it will be on our consciences if we leave these young men and women in those jungles at the mercy of their enemies and cut off the weapons and ammunition we promised them, and any young Nicaraguan who died fighting for his freedom because we did not send the bullets we promised will die cursing every man and woman in this Congress.

Nobody, nobody, whether they are for Contra aid or against it believes that this is a vote on accountability. Nobody believes that this is a vote on accountability, and we are not going to let you hide behind that.

The law that provided the $60 million in aid that we have already sent to the Contras, as a result of last year's vote, already provides for strict accountability. You can go to the Intelligence Committee today and find out what happened to every penny of that $60 million. This money is appropriated under accounting procedures far more strict than any that we use in any foreign aid program, for any country anywhere in the world.

We know how many rounds of ammunition were bought and who they were issued to and where that soldier is today. We know how many pairs of socks we bought, and we know who is wearing them.

Now, I do not know what happened to every penny that was appropriated by the Continental Congress; I do not know what happened to every franc that was sent to us by the French, and I do not know what happened to every penny we have ever given to Israel, or every penny we have given to Egypt, or every penny we have given to buy food stamps or to pay for the heating bills for the poor, but we do know what happened to every penny of the $60 million that has been spent so far under this legislation

This is not about accountability; it is about cowardice, and the cowards are not in Nicaragua—those are the bravest young men and women you will ever see. The cowards are here in Congress, who are afraid to allow a straight up or down, yes or no vote on whether we will keep our commitment to people whose lives depend upon it.

Well, whether the leadership wants an honest vote or not, we are going to have one, because not one man or woman in Nicaragua and not one man or woman in this country believes this is just a vote on bookkeeping procedures. They know what happens to young people behind enemy lines when the supplies are cut off.

Is this us doing this? This country was born on the barricades. This country was born of farmers and tradesmen and teenagers and even officers from King George's army, who took up weapons to fight a guerrilla war for the right to be free; and King George did not close the newspapers and exile the priests.

Have we changed that much? We, who chaired the fight for freedom in France and Mexico, is the dream of the men who died at the Alamo just a cliché from an old John Wayne movie? Are we still the men and women who were willing to die on the barricades for our own freedom?

What more do you want? If you are not moved by workers and peasants fighting for their freedom, what do you need?

□ 1820

How many Cuban solidiers and Russians in Nicaragua do you need? How much evidence of the Sandinistas' training and arming the guerrillas who are fighting to overthrow the democratic governments of Central America do you need? How many visits by the Russians to Managua? How many more visits by Ortega to Moscow? How much more? Let me tell you one thing what you are doing, if you walk away from this one: President Arias of Costa Rica has put forth a peace proposal. Cut off the Contras today and you cut off the pressure to bring the Sandinistas to the bargaining table. Cut off the aid to the Contras now and you trap young Nicaraguans behind the Sandinista lines without support. What happens if we cut off the aid to the Contras now? Jose Azcona, the President of Honduras, Nicaragua's neighbor, told us what would happen. He said, and I quote: "You have to support the Contras unless you are prepared to see all of Central America go to hell."

This is not a decision on bookkeeping, this is a decision on keeping our commitment. This is a matter of honor, and if they have the courage to fight and die for their country, we ought to have the honor to keep our commitment to them.

Mr. BONIOR of Michigan. Mr. Speaker, I yield the balance of my time to the distinguished majority leader, the gentleman from Washington [Mr. Foley].

The SPEAKER pro tempore. (Mr. Gray of Illinois). The gentleman from Washington [Mr. Foley] is recognized for 2½ minutes.

Mr. FOLEY. Mr. Speaker, it is clear this money is going to flow. We all know there is no question about $40 million more going to the Contras. Right or wrong, for good or ill, they will have it; and the responsibility for how they use it will be on their shoulders and on the shoulders of those who have supported it in the past. There is another issue here.

The gentleman from Oklahoma says this is not a matter of accounting. Yet do the American people not have a right to know how this program has been financed? We are told that there is a splendid record of compliance. If that is so, wonderful. The President of the United States can certify that tomorrow, and the provisions of this resolution will go forward with a fixed time limit for bringing a vote to this floor. That would be within 180 days at the most, is not set at a definite 180 day.

The procedures go into effect as soon as the President makes his certification. If the gentleman from Oklahoma is so confident that we know everything in the way of expenditures by the Contras, then there is no problem with bringing this matter forth. But does he know what happened to the $27 million in humanitarian aid? Does he know what happened to the funds that were solicited from the Sultan of Brunei and Lord knows how many other sources? Does he know what happened to the funds once they were obtained or how they were received?

The Contras say they did not receive them.

There is only one agency or department of this Government that has the facts, and that is the executive branch. If it is in possession of this information, I call on the President to make it available to us. We have a right to it; the American people have a right to it. We have heard a great deal of facile talk today about turning over Nicaragua to the Soviets.

The gentlemen in the well know when they come forward with that argument that if our two parties are united on one issue in this House, it is that we will not permit offensive weapons which threaten the United States or any other nation to be brought in by the Soviet Union. The Soviets and the Nicaraguans know that too. It is a poor, limp excuse in support of an effort and group that has failed to materialize any political unity in its own ranks, that has led in recent weeks to the resignation of Mr. Calero, to the resignation of its most respected member, Mr. Cruz, who has indicated in his public statements that he does not believe reform can be brought about in the civilian command of the Contras.

In voting for a moratorium, what you are supporting is simply that we find out what has happened to this money. If the information is available, the moratorium will not delay a further vote. Recognizing that this is largely a symbolic vote, it is important, I think, that Members say what they think should happen in the future. If you are willing to give continued unquestioning support with hundreds of millions of dollars more despite a record of political collapse as well as military inadequacy and incompetence, then vote against the moratorium.

If, on the other hand, you demand something better in our policy and call upon this Government to reach out for a bipartisan alternative, one that brings Americans of all parties and positions together behind the peace initiatives of President Arias, behind the Contadora efforts, and in behalf of peace and security in Central America, then vote for this moratorium. This is your opportunity. I hope you will seize it.

The SPEAKER pro tempore. All time for general debate has expired.

The text of the joint resolution is as follows:

H.J. Res. 175

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MORATORIUM ON ADDITIONAL ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE UNTIL PREVIOUS ASSISTANCE ACCOUNTED FOR.

(a) Moratorium of Assistance.—Until—

(1) the President has provided to the Congress, pursuant to section 2, an accounting for all the assistance for the Nicaraguan democratic resistance described in subsection (b), and

(2) the Congress has determined, by enactment of a joint resolution in accordance with section 3, that the President has fully and adequately accounted for that assistance,

the funds described in subsection (c) may not be obligated or expended for assistance for the Nicaraguan deomocratic resistance and the restrictions in section 211(b) of the Act described in subsection (c) shall continue to apply to funds previously made available under section 206 of that Act, notwithstanding section 211(e) of that Act.

(b) Previous Assistance Subject to Accounting.—The assistance for the Nicaraguan democratic resistance which must be accounted for pursuant to this joint resolution is the following:

(1) Any proceeds from the sales to Iran of military equipment provided by the United States Government, any proceeds from the sales to Iran of military equipment with the approval or knowledge of the United States Government, and any other funds which became available in conjunction with those sales, that were made available for assistance for the Nicaraguan democratic resistance (regardless of whether the assistance was received by the resistance).

(2) The $27,000,000 that was appropriated for "humanitarian assistance" for the Nicaraguan democratic resistance by the Supplemental Appropriations Act, 1985.

(3) Any assistance (including funds, goods, and services) for the Nicaraguan democratic resistance (regardless of whether the assistance was received by the resistance) that was made available by any person or foreign government if the furnishing of that assistance was encouraged by any contact with that person or government by any officer or employee of the United States Government or with any other individual acting on behalf of or with the encouragement of the United States Government (or any officer or employee of the Government).

(c) Funds Subject to Moratorium.—The funds to be withheld from obligation and expenditure pursuant to this joint resolution are the $40,000,000 which are subject to the last clause of section 206(b) and to section 211(e) of the Act making appropriations for military construction for the Department of Defense for the fiscal year ending September 30, 1987, and for other purposes (as contained in section 101(k) of the joint resolution making continuing appropriations for the fiscal year 1987, and for other purposes (House Joint Resolution 738; Public Laws 99-500 and 99-591)).

SEC. 2. ACCOUNTING BY THE PRESIDENT.

Not later than 180 days after the date of enactment of this joint resolution, the President shall submit, to Permanent Select Committee on Intelligence of the House of Representatives and to the Select Committee on Intelligence of the Senate, an accounting for all of the assistance described in section 1(b). This accounting shall specify each source of assistance, the amount of assistance obtained from that source, the intended use of the assistance, and how and by whom the assistance was administered, shall include a detailed description of the assistance actually provided, and shall specify whether the assistance was received by the Nicaraguan democratic resistance, and if it was not, what happened to the assistance.

SEC. 3. CONGRESSIONAL REVIEW OF PRESIDENT'S ACCOUNTING AND ACTION ON JOINT RESOLUTION.

(a) Review by Intelligence Committees.—The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate shall each review the accounting submitted by the President pursuant to section 2. Based on that review, the Committees shall each report to their respective House a joint resolution with an appropriate recommendation in accordance with this section. The report accompanying that joint resolution shall provide an unclassified summary and analysis of the accounting submitted by the President. In addition, each such committee shall make available for inspection by any Member of its respective House such information in its possession as the committee determines is relevant in assessing the adequacy of that accounting.

(b) Definition of Joint Resolution.—For the purpose of this section and section 1(a), the term "joint resolution" means only a joint resolution introduced after the date on which the accounting submitted by the President pursuant to section 2 is received by Congress, the matter after the resolving clause of which is as follows: "That the Congress finds that the President has provided a full and adequate accounting for previous assistance for the Nicaraguan democratic resistance and, therefore, the moratorium established by Public Law 100-on additional assistance for the Nicaraguan democratic resistance is hereby lifted.", with the public law number of this joint resolution inserted in the blank.

(c) Referral of Resolution.—A joint resolution introduced in the House of Representatives shall be referred to the Permanent Select Committee on Intelligence and to other appropriate committees. A joint resolution introduced in the Senate shall be referred to the Select Committee on Intelligence and to other appropriate committees.

(d) Committee Action.—A joint resolution shall be reported (favorably, unfavorably, or without recommendation) by the appropriate committees not later than 15 calendar days after the resolution is introduced. If all the committees to which a joint resolution is referred have not reported such resolution (or an identical resolution) at the end of 15 calendar days after its introduction, the committees shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(e) Floor Consideration.—

(1) Motion to consider.—When all committees to which a joint resolution is referred have reported a joint resolution, or have been discharged (under subsection (d)) from further consideration of a joint resolution, it shall be in order—

(A) at any time thereafter for the chairman of an appropriate committee (or his designee), or

(B) at any time after the end of 15 calendar days after the date of such reporting or discharge (as the case may be) for any Member of the respective House,

to move to proceed to the consideration of the resolution (even though a previous motion to the same effect has been disagreed to). Such motion may be made in the Senate notwithstanding any rule or precedent of the Senate, including Rule 22. All points of order against the joint resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate.—Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is in order and not debatable.

(3) Limitations on motions.—A motion to postpone, to proceed to the consideration of other business, or to recommit the joint resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(4) Resolution not amendable.—An amendment to the joint resolution is not in order.

(5) Final passage.—Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(6) APPEALS OR PROCEDURAL RULINGS.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(f) SENATE ACTION ON HOUSE RESOLUTION.—

(1) IF HOUSE ACTS FIRST.—If, before the passage by the Senate of a joint resolution of the Senate, the Senate receives from the House of Representatives a joint resolution, then the following procedures shall apply:

(A) The resolution of the House of Representatives shall not be referred to a committee.

(B) With respect to a joint resolution of the Senate—

(i) the procedure in the Senate shall be the same as if no resolution had been received from the House; but

(ii) the vote on final passage shall be on the resolution of the House.

(C) Upon disposition of the resolution received from the House, it shall no longer be in order to consider the resolution originated in the Senate.

(2) IF SENATE ACTS FIRST.—If the Senate receives from the House of Representatives a joint resolution after the Senate has disposed of a Senate originated resolution, the action of the Senate with regard to the disposition of the Senate originated resolution shall be deemed to be the action of the Senate with regard to the House originated resolution.

(g) RULEMAKING POWERS.—This section is enacted by the Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supercedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change its rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

The SPEAKER pro tempore. Pursuant to House Resolution 116, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. EDWARDS OF OKLAHOMA

Mr. EDWARDS of Oklahoma. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the joint resolution?

Mr. EDWARDS of Oklahoma. I am very much opposed to the joint resolution, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. EDWARDS of Oklahoma moves to recommit House Joint Resolution 175 to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. EDWARDS of Oklahoma. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 196, not voting 7, as follows:

[Roll No. 30]

AYES—230

Ackerman
Akaka
Alexander
Anderson
Andrews
Annunzio
Anthony
Applegate
Aspin
Atkins
AuCoin
Bates
Beilenson
Berman
Bilbray
Boehlert
Boggs
Boland
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Brennan
Brooks
Brown (CA)
Bruce
Bryant
Bustamante
Campbell
Cardin
Carper
Carr
Chapman
Clarke
Clay
Coelho
Coleman (TX)
Collins
Conte
Conyers
Cooper
Coyne
Crockett
de la Garza
DeFazio
Dellums
Derrick
Dicks
Dingell
Dixon
Donnelly
Dorgan (ND)
Downey
Durbin
Dwyer
Dymally
Early
Eckart
Edwards (CA)
English
Espy
Evans
Fazio
Feighan
Flake
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frost
Garcia
Gaydos
Gejdenson
Gephardt
Glickman
Gonzalez
Goodling
Gordon
Gray (IL)
Gray (PA)
Green
Guarini
Hall (OH)
Hamilton
Hawkins
Hayes (IL)
Hayes (LA)
Hefner
Henry
Hertel
Hochbrueckner
Horton
Howard
Hoyer
Hubbard
Hughes
Jacobs
Jeffords
Johnson (SD)
Jones (NC)
Jones (TN)
Jontz
Kanjorski
Kaptur
Kastenmeier
Kennedy
Kennelly
Kildee
Kleczka
Kolter
Kostmayer
LaFalce
Lancaster
Lantos
Leach (IA)
Lehman (CA)
Lehman (FL)
Leland
Levin (MI)
Levine (CA)
Lewis (GA)
Lightfoot
Lowry (WA)
Luken, Thomas
MacKay
Manton
Markey
Martinez
Matsui
Mavroules
Mazzoli
McCloskey
McCurdy
McGrath
McHugh
McKinney
McMillen (MD)
Mfume
Mica
Miller (CA)
Mineta
Moakley
Mollohan
Moody
Morella
Morrison (CT)
Mrazek
Murphy
Nagle
Natcher
Neal
Nowak
Oakar
Oberstar
Obey
Olin
Owens (NY)
Owens (UT)
Panetta
Patterson
Pease
Penny
Perkins
Pickett
Pickle
Price (IL)
Price (NC)
Pursell
Rahall
Rangel
Richardson
Ridge
Rodino
Roe
Rose
Rostenkowski
Roybal
Russo
Sabo
Savage
Sawyer
Scheuer
Schneider
Schroeder
Schumer
Sharp
Sikorski
Skaggs
Slattery
Slaughter (NY)
Smith (IA)
Smith, Robert (OR)
Solarz
Spratt
St Germain
Staggers
Stallings
Stark
Stokes
Studds
Swift
Synar
Tauke
Torres
Torricelli
Towns
Traficant
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Walgren
Watkins
Waxman
Weiss
Wheat
Whitten
Williams
Wise
Wolpe
Wyden
Yates
Yatron

NOES—196

Archer
Armey
Badham
Baker
Ballenger
Barnard
Bartlett
Barton
Bateman
Bennett
Bentley
Bereuter
Bevill
Biaggi
Bilirakis
Bliley
Boulter
Broomfield
Brown (CO)
Buechner
Bunning
Burton
Byron
Callahan
Chandler
Chappell
Cheney
Clinger
Coats
Coble
Coleman (MO)
Combest
Coughlin
Courter
Craig
Crane
Daniel
Dannemeyer
Darden
Daub
Davis (IL)
Davis (MI)
DeLay
DeWine
Dickinson
DioGuardi
Dornan (CA)
Dowdy
Dreier
Duncan
Dyson
Edwards (OK)
Emerson
Erdreich
Fascell
Fawell
Fields
Fish
Flippo
Gallegly
Gallo
Gekas
Gibbons
Gilman
Gingrich
Gradison
Grandy
Gregg
Gunderson
Hall (TX)
Hammerschmidt
Hansen
Harris
Hastert
Hatcher
Hefley
Herger
Hiler
Holloway
Hopkins
Houghton
Huckaby
Hunter
Hutto
Hyde
Inhofe
Ireland
Jenkins
Johnson (CT)
Kasich
Kemp
Kolbe
Konnyu
Kyl
Lagomarsino
Latta
Leath (TX)
Lent
Lewis (CA)
Lewis (FL)
Livingston
Lott
Lowery (CA)
Lujan
Lukens, Donald
Lungren
Mack
Madigan
Marlenee
Martin (IL)
Martin (NY)
McCandless
McCollum
McDade
McEwen
McMillan (NC)
Meyers
Michel
Miller (OH)
Miller (WA)
Molinari
Montgomery
Moorhead
Morrison (WA)
Murtha
Myers
Nelson
Nichols
Nielson
Ortiz
Oxley
Packard
Parris
Pashayan
Pepper
Petri
Quillen
Ravenel
Ray
Regula
Rhodes
Rinaldo
Ritter
Roberts
Robinson
Roemer
Rogers
Roth
Roukema
Rowland (CT)
Rowland (GA)
Saiki
Saxton
Schaefer
Schuette
Schulze
Sensenbrenner
Shaw
Shumway
Shuster
Sisisky
Skeen
Skelton
Slaughter (VA)
Smith (FL)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith, Robert (NH)
Snowe
Solomon
Spence
Stangeland
Stenholm
Stratton
Stump
Sundquist
Sweeney
Swindall
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Upton
Vander Jagt
Vucanovich
Walker
Weber
Weldon
Whittaker
Wilson
Wolf
Wortley
Wylie
Young (FL)

NOT VOTING—7

Frenzel
Grant
Lipinski
Lloyd
Porter
Smith, Denny (OR)
Young (AK)

□ 1850

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON HOUSE RESOLUTION 108, PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES BY STANDING AND SELECT COMMITTEES IN THE 1ST SESSION OF THE 100TH CONGRESS

Mr. GAYDOS, from the Committee on House Administration, submitted a privileged report (Rept. No. 100-23) on the resolution (H. Res. 108) providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the 1st session of the 100th Congress, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 200

Mr. KOLTER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 200.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will entertain 1-minute speeches postponed earlier today at this time.

PROTECTING CANCER SURVIVORS FROM DISCRIMINATION IN THE WORKPLACE

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, today I have introduced legislation on behalf of a very special constituency—our Nation's more than 5 million cancer survivors.

My bill will make it unlawful for cancer survivors to suffer from indignities in the workplace ranging from job denial to wage reduction to lost promotions and even outright dismissal.

Under my legislation, a person would have the right to bring civil action against an employer for these unlawful employment practices.

Cancer survivors have endured so much, triumphed over many obstacles, yet continue to be victimized and stigmatized in our Nation's workplace. It is time we provide these "courageous conquerors" fair and equal treatment in the workplace—and equal protection under the law.

It is my hope that this bill will increase public awareness and understanding of cancer, and ultimately, the employability of cancer survivors.

After all, why have we spent an astronomical sum of money on cancer research, which is finally paying off, if our society does not permit full recovery and complete rehabilitation. Why has our Nation made cancer research a medical priority if we deny those benefitting from the research—namely cancer survivors—fair and equal treatment in the workplace.

My bill would provide equal protection under the law for persons with a cancer history. It is long overdue.

THE TAX OF THE MONTH CLUB

(Mr. BROWN of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Colorado. Mr. Speaker, many of our colleagues have heard about the Book of the Month Club, some perhaps, have even participated in the Record of the Month Club. But, of late, I must confess I am a bit surprised at the Speaker's new Tax of the Month Club. This new Tax of the Month Club is an interesting idea. Last month, the Democratic leadership proposed a new increased tax on income.

This month, the new tax is a half percent levy on security transactions. It is a unique tax because it would drive the bulk of the securities trading industry in this country overseas. There would be little revenue gained in the Treasury, and it would only succeed in losing jobs for America.

One can only wonder what the Speaker will propose next for the new Tax of the Month. We can only hope that like the Book of the Month Club, the Speaker's new Tax of the Month Club will allow us 30 days to return a defective tax and let us get our money back.

Mr. WALKER Mr. Speaker, will the gentleman yield?

Mr. BROWN of Colorado. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman.

Mr. Speaker, would not that securities tax also be a major tax on all the pension funds in the country so that we are really doing with that kind of taxation is undermining the entire pension fund capacity of the people in the country?

Mr. BROWN of Colorado. Every worker in America will help pay that tax but the fact is they will not pay it because the securities transactions will take place in Tokyo or Toronto, and what is forgotten in this land of economic illiteracy is that we are in a world market and you cannot make this country noncompetitive.

THE COASTAL WETLANDS RECOVERY ACT

(Mr. TAUZIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TAUZIN. Mr. Speaker today I am introducing legislation designed to restore our Nation's vanishing coastal wetlands. These areas, once viewed as wastelands, have come to be recognized as some of our most valuable lands; valuable not only to coastal States but to the Nation as a whole.

Almost all of the species important for commercial fishing spend some portion of their life cycles in wetlands or in estuaries. In addition, wetlands provide habitat for many species of wildlife, and waterfowl. Scientists estimate that the value of the many environmental and commercial features of wetlands could exceed $40,000 per acre.

Mr. Speaker, the wetlands of our Nation are disappearing at an alarming rate due to a combination of both man's activities and Mother Nature's. In my own State of Louisiana, we are losing approximately 55 square miles of coastal wetlands a year. The scope of the problem demands that we muster all of our resources, both in the coastal States and in the Federal Government, to develop a solution to the coastal erosion problem. The time has long since passed to formulate a comprehensive, action oriented, strategy on coastal erosion and my legislation proposes such a plan.

□ 1900

PROTECTING LONG ISLAND COMMUTERS

(Mr. LENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, today I am introducing legislation to protect a quarter of a million Long Island commuters who are at risk of once again losing transportation because 200 machinists are apparently unwilling—for whatever reason—to work with management to see the system work. Among the victims of any new strike would be the other workers who acted responsibly to make collective bargaining function as it should.

No one's pay, or health benefits, or basic working conditions are at issue here. Instead, minor tangential issues are all that remain. Two hundred workers, roughly 3 percent of the Long Island Railroad's union work force, can idle over 7,000 employees, strand hundreds of thousands of commuters, cut off all freight service to Long Island, and for what? Two minor issues. We simply cannot afford to have the economy of the New York area disrupted so capriciously.

Therefore, I see no reasonable alternative other than to statutorily implement the recommendations of the Congressional Advisory Board created by law earlier this session.

We need action now. It will take time to pass legislation, and if a strike occurs, it will take 2 to 3 days to restart train service.

THE CONTRA VOTE

(Mr. DORNAN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN of California. Mr. Speaker, about the only good thing as I can see it for freedom in this hemisphere on our preceding historical vote is that the majority party is going to say the difference between victory or defeat, at least between a tie, was 17 votes on the minority side, the Republican side of the aisle. If you take the 17 votes away from the 230, it would be 213. Add them to the Republican column and it is a tie, 213 to 213.

Now, this has happened so often over the last few years that I sometimes think it is by design that the vote is held that close so that they can say in the majority, "Mr. President, your own party caused your defeat," and there is no arguing with the arithmetic on these figures.

So Mr. President, if you are still watching after the debate, or your team that is supposed to lobby us over here, or anybody who is left from the Cabinet, since I do not get to see you that often, I want to talk to you through the television.

I saw you December 16 and I begged you to cut off diplomatic recognition to Nicaragua. If the charts I am going to show in my 5-minute special order a few minutes from now are true, then you simply must recognize the threat to the hemisphere and cut off diplomatic relations.

The toughest shot they take at us on this side of the aisle is to say that we are funding a combat army in the field, against a country with whom we have diplomatic relations, and that is a very tough thing to argue against.

I told you that you would give the country a constitutional lecture, a constitutional example that article II, section 2, of the Constitution, says that you, the President, have the power, and I reminded you that when you cut off trade with Nicaragua there was no liberal democratic effort to restart trade. That was your call under the Constitution, your Executive authority, and if you break off diplomatic relations with Nicaragua there will be no move in this House or in the Senate to start it up.

I asked President Arias what he thought about a move like that and he told me that maybe that would be the beginning of getting the attention of our own allies in Europe and the rest of this hemisphere about the danger of this threat of communism in a country that you can drive to in a Hertz Rent-A-Car.

Now, I will show these charts in a few minutes and let those who follow and track every debate in this House as scholars track it carefully, that this was an up or down vote on communism on the North American Continent.

EX-POSTE-FACTO ANALYSIS OF CONTRA VOTE

The SPEAKER pro tempore. (Mr. GRAY of Illinois). Under a previous order of the House, the gentleman from California [Mr. DORNAN] is recognized for 5 minutes.

Mr. DORNAN of California. Mr. Speaker, I do not often present an ex-poste-facto analysis of a key vote, but this vote on whether or not to block the remaining $40 million of last year's appropriations to help the freedom fighters in Central America was a strange and strained debate on the House floor today. What a way to begin this 100th Congress.

Although this sitting Congress has not earned the title "historic," it has already been referred to as "historic" for 4 months simply because this Congress celebrates the 200th anniversary of our great and incomparable Constitution; but are we truly going to earn the title "historic." Well we're off to an awful start. The debate today had a strange dispassionate deadness to it, especially compared to all the other debates that we have had on Contra aid over the last 5 years.

I discussed this particular atmosphere today with some senior Members, senior to my 9 years, and we felt that it was probably the fact that it was a foregone conclusion that those of us who support the freedom fighters would lose the vote, but it was also a foregone conclusion that it would be a close enough vote that it would prove that the President will easily be able to muster a one-third vote in this Chamber or in the other body to override this moratorium on the aid, so the Contras will get their remaining $40 million this year.

But this vote, particularly because of the 17 votes against the freedom fighters on our Republican side of the aisle makes it look pretty bleak for the Democratic resistence in the hills of Nicaragua and in the camps in the two adjoining nations.

Now, if you were a young 16 or 17 year old teenage boy or girl fighting with those Contra forces, what would you think about this vote tonight? Would you think that it was the beginning of the end of your struggle for democracy? What would you think about all of the world publicity about the money donated by the Sultan of Brunei, a little tiny oil-rich on the northwest coast of the island of Borneo, the money that came from Saudi Arabia and the purported diverted funds from the Ayatollah's arms merchants? Would you feel that there was little hope of private money ever coming again that could keep your effort alive for another 2 years until the next Congress, the 101st Congress was sworn in?

□ 1910

Would you continue to lay your life on the line for freedom while trying to figure out whether the yo-yo votes in the U.S. Congress would ever again sustain your fight for democracy in Central America?

Well, in one of the last speeches on the other side by Mr. HUGHES, a gentleman whom I respect very much, he said that it was time for the administration to read the handwriting on the wall, to look beyond the $40 million, and to begin to think about the transition period, get that—the transition. Does that sound like Henry Kissinger's ugly phrase, "decent interval"?

I can agree with Henry Kissinger on some things—our former National Security Adviser and then Secretary of State under President Nixon—but there are a lot of things with which I have passionately disagreed with him. And the one thing that hit me the hardest in Henry Kissinger's facinating career is that he has never denied that he made that remark "decent interval," that lent itself to the title of a book by a crushed CIA official named Frank Snepp, who watched all of his Vietnamese friends and counterparts left behind after the collapse of Saigon in April 1975. Snepp knew that most of them would be assassinated, and wrote that tragic book titled "Decent Interval." You'll recall that the Supreme Court made him give away all his profits, he did not seem to mind, because his book served a higher purpose.

He wrote his book to get the point across that the United States left Indochina in a most disgraceful way. We not only left behind many of our friends, but left behind lists of their names. The names of those who had worked most closely with us, so that all the Communist conquerers had to do was to take up clipboards, attach our lists of names to them, round up these people, and of course execute them, which they did by the thousands.

Now Frank Snepp named his book "Decent Interval" because of Kissinger's ugly remark—and I repeat that Kissinger has never denied it to this day—that what the United States needed was a decent interval between our withdrawal from Indochina and its collapse and enslavement under communism.

Do I hear now, with the use of the word "transition," an euphemism for that term "decent interval" where we pull away, and the Ortega brothers and the Castro brothers and their Communist theoreticians, people like Minister Tomas Borge, will all say, "This is it; we're safe now. At least as long as the so-called historic 100th Congress sits, we do not have to worry about future supplies coming down here to the resistance. No more U.S. taxpayer money or even private money. The Sultan of Brunei is embarrassed, the sheiks who run Saudi Arabia are embarrassed, there is not going to be any more money coming through any accounts in Switzerland or anywhere else. We will now prevail and bring in millions more of Soviet aid unmatched by the West. We have a decent 2-year interval to lock in our Communist state.

Mr. Speaker, I will take a special order tomorrow night, part 2 of the ex-post-facto analysis of this tragic vote. I will cover precisely just how much Communist aid is flowing into Central America, the southern tip of North America.

Again, Mr. President I implore you, break off diplomatic relations with this Communist state. You have been correct for years, the threat to our security is serious indeed. Serious enough to terminate relations with a repressive ugly dictatorship that stills exports terrorism and communism to its neighbors.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. TORRES] is recognized for 5 minutes.

Mr. TORRES. Mr. Speaker, I was unavoidably absent on official business during rollcall votes No. 25 and No. 26 on Tuesday, March 10. Had I been present on the House floor, I would have voted "yea" on final passage of H.R. 242, conveyance of Wisconsin Public Lands, and "yea" on H.R. 240, Santa Fe Historic Trail designation.

THE SUPERCONDUCTING SUPER COLLIDER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. STRATTON] is recognized for 5 minutes.

Mr. STRATTON. Mr. Speaker, I want to commend Mr. BRUCE for calling a second special order so that more Members could have the opportunity to speak out in favor of the superconducting super collider [SSC]. It is certainly a strong indication of support that two nights were needed.

I know that a great many people are interested in the SSC for a great many reasons: some parochial, some more high-minded. I would put myself in both categories.

On the one hand I intend to do all I can to support the selection of a site in New York State. Three sites have already been tagged by the State on a preliminary basis pending the DOE requirements due out in April. It is my understanding all three are eminently suitable for the project—not only in geology and terrain, but even more so in the accessibility they offer to major research institutions and to the international community.

But beyond the parochial concerns are the untold benefits to mankind from the basic research that would be possible with the SSC. I am no scientist, but am fascinated by the possibility of expanding our body of basic scientific knowledge—learning for its own sake—and then the endless applications to which that knowledge can be put.

The superconducting super collider deserves our full support. Its importance to the United States in maintaining our edge in technology and to the world in the research and development it will provide is paramount. I urge every Member of Congress to take a closer look at this scientific wonder and to approve the funding needed to make it a reality.

THE SSC WILL RESULT IN SCIENTIFIC, TECHNICAL, ECONOMIC, AND CULTURAL BENEFITS FOR THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. BRUCE] is recognized for 60 minutes.

Mr. BRUCE. Mr. Speaker, I am pleased to have my colleagues join me this evening in this second special order for the superconducting super collider, or SSC.

I am also pleased to report the success of last week's first special order for the SSC which took place on March 4; 28 Members from 13 States went on record at that time in support of the super collider. From the level of participation in the March 4 special order and from this evening's turnout, I am convinced that there exists in Congress broad bipartisan support for the SSC. Among those already on record are House Minority Leader ROBERT MICHEL, House Majority Whip TONY COELHO, Representative FAZIO of the Budget and Appropriations Committees and Congresswoman LYNN MARTIN of Illinois, Vice-President of the Republican Conference. And indeed, an impressive number of Members from eight States have agreed to join me in this evening's special order. Overall, almost 50 Members from 16 States have agreed to go on record in support of the SSC.

The SSC will serve as the principal research focus for most of the 2,000 American high energy physicists for decades to come. Why are so many of these fiercely independent researchers eager to put their scientific eggs into this single, albeit huge, basket and why should the American taxpayer foot the bill?

Today, physicists are at a remarkably broad and high plateau in the understanding of the physical world. Discoveries of the past two decades have resulted in a great synthesis known as the standard model. In this picture, matter in all its diverse forms is composed of just two classes of building blocks called quarks and leptons. The standard model then describes all interactions of everything in the universe in terms of a few fundamental forces acting among the quarks and leptons.

The standard model may be the most successful theory in the history of physics, but physicists today know it is incomplete and inconsistent. The path beyond the standard model to a more complete understanding is obscure, and experimental guidance is required. The SSC is the most technically certain and cost effective means to acquire this necessary data in a timely way. In short, the SSC is the next logical step in high energy physics.

It is clear that construction of the SSC is a scientific imperative for high energy physics, but its cost must be justified by the overall scientific, technical, economic, and cultural return to our Nation. I am convinced that the SSC will produce many such returns to the United States and that its cost will be ultimately justified.

Like any basic research project, the scientific goal of the SSC is to acquire knowledge. Its value should not be defined solely in terms of its inherent value to industry or its efficacy in solving down-to-earth problems. As my colleague Representative HOCHBRUECKNER said last week:

> * * * our Nation has been here before. This is not the first time we have faced this kind of decision. When the predecessor of the SSC was developed, the first photon synchroton, there was no concept as to what benefits could flow from that development. Today, U.S. leadership in that technology offers the best opportunity for manufacturing the world's smallest computer chips.

That point aside, there are many examples of similar basic exploration seemingly far removed from ordinary experience that has led to profound innovation. In fact, most of today's technology is based on fundamental discoveries in the 19th and early 20th centuries. A characteristic of this kind of advance is the long time scale, running years to decades, between the basic scientific discovery and its practical applications.

Of course, it is difficult to predict the impact of future generations of discoveries made at the SSC, but if they are anything like previous discoveries, the rewards of the SSC will far outweigh all investments.

I think it's interesting to look at what the Japanese are doing in this situation: throughout the past 20 years, the Japanese have taken the new knowledge derived from basic research in this country back to Japan, where they successfully applied it to their commercial products through technological innovation. As a result, their technological prowess now rivals that of the United States, and the growth of their economy has been spectacular.

Despite their traditional emphasis on applied research, however, the Japanese are now interested in a basic research project for themselves: the SSC. Apparently, the Japanese have been convinced of the long-term benefits of the SSC, and I think it's clear that if we don't build the SSC, the Japanese will.

In fact, by 1990, two major new accelerator facilities, similar to the SSC, will be completed in Europe. They are the LEP and CERN in Geneva, and HERA in Hamburg, Germany. These are bigger than existing American facilities and have the potential for making major advances in high energy physics, although they do not have the reach planned for the American SSC. The Soviets have embarked on a new accelerator, called UNK, that could surpass existing United States and European facilities in the 1990's, but it would have only about one-seventh the energy planned for the SSC.

Thus, there is a clear scientific need in the world for the SSC by the mid-1990's and I think the United States, rather than Japan, Europe or the Soviet Union, should be the country that steps forward to meet that need.

On a far more certain and immediate level, simply building the SSC will enhance the Nation's posture in science and technology to an extent that fully justifies the costs. The very high scientific potential of the SSC will attract the best scientific talent in the world. Thus, the Nation will acquire a highly motivated, talented and productive team of scientists who will work together to solve some of the most basic and complex problems in all of science and technology.

The ability of the Nation to find solutions to these kinds of problems is essential in the modern technical-industrial world and to our national security. If some other country—and not the United States—builds the SSC, some other country and not the United States will attract the world's best and brightest scientists. Should the SSC be built in another country, we should not be surprised to watch the world's preeminent scientists set sail for Europe or Japan. Mr. Speaker, we simply cannot afford to lose this vital resource, our scientific researchers.

□ 1920

Mr. Speaker, I am happy that other Members have joined us on the floor to talk about the super collider.

I yield to the gentleman from Utah [Mr. NIELSON].

Mr. NIELSON of Utah. Mr. Speaker, it is a privilege to join the gentleman from Illinois [Mr. BRUCE] and my other colleagues in this special order in support of the superconducting super collider [SSC].

The super collider will ensure a world leadership position for the United States in this important field of basic science into the next century.

The SSC will also continue scientists' search for the fundamental nature of matter and energy. During the past decade, scientists have made great progress in understanding the ultimate building blocks of matter and the basic forces which govern the transformations of matter and energy, but important questions still remain unanswered, and the super collider will help answer these questions.

At a little over 50 miles around, the SSC will be the world's biggest accelerator as well as the most powerful. By analyzing the exotic particles, physicists expect to come closer to understanding the fundamental nature of matter, both as it existed at the birth of the universe and as it may still exist, hidden within today's atoms.

This facility will surpass Los Alamos and other national laboratories in providing scientists and engineers for industries which are vital to the defense of our country, and it's no surprise that colliders similar to the SSC, though less powerful, are now under construction in Japan, in Europe, and in the Soviet Union.

In addition to this, construction of the super collider will bring with it some 7,000 construction jobs and 2,500 permanent jobs for scientists and technicians and other laboratory employees.

This project will greatly affect every American, and I am very glad to know that Democrats and Republicans alike support the SSC.

Mr. Speaker, this project would be a significant boost to the economy and it would also put us in the forefront of advanced technology. I am proud to join with other Members of the House of Representatives in expressing my support for this worthwhile project.

Mr. BRUCE. Mr. Speaker, I thank the gentleman for joining me in this discussion of the super collider.

Mr. Speaker, the fundamental questions addressed by high energy physics are basic to all science. Hence, the research findings of the SSC will benefit other sciences, including cosmology, nuclear physics, mathematics, and condensed matter physics. The lessons learned about maintaining opportunity for individual creativity and high scientific standards in large groups can be applied elsewhere as other experimenters increasingly turn toward large facilities.

Mr. Speaker, now is the time for the United States to move forward with the SSC. The SSC is the perfect expression of America's historic commitment to progress. Economically, we are living in uncertain times. But as my colleague, Mr. COELHO, said last week, despite today's economic difficulties, "The superconducting super collider is the first step toward economic and scientific prosperity."

Again, Mr. Speaker, I would like again to thank my colleagues who've joined me this evening and urge others to join us.

Mr. SKAGGS. Mr. Speaker, when the voters in our States elected us to serve them in the Congress, they charged us to provide and nurture those forces that will improve this country economically and socially. One project that gives us this opportunity is the superconducting super collider.

The administration will be asking us to appropriate $4.4 billion over the next decade for the site selection, design and construction of the SSC project, as it is commonly called. This race-track shaped tunnel, 52-miles around, will be the largest particle accelerator in the world and will allow scientists to get otherwise unobtainable answers to the most basic questions about matter and energy.

Although spending $4.4 billion may seem like a lot of money for any single project, the SSC will make a unique contribution to our role in the international scientific community, the creation of more jobs for our workers, and to the development of new applications of technology.

As the world's largest particle accelerator and therefore the world's premier high-energy physics facility, the superconducting super collider will strengthen our role as a technological power. It will provide unprecedented opportunities for America's top scientists and will attract some of the brightest minds in the world to the United States. It will let us do more than just compete in the scientific community. It will let us lead. We need to develop a zeal for creative and innovative solutions to today's issues. The intellectual resources of our country should not be allowed to atrophy because we focus simply on the here and now, instead of long-term investments.

The SSC will create jobs. Building the super collider will employ about 4,500 construction workers over the life of the project. The support personnel will add several thousand more jobs. And after the super collider is built, the onsite project staff will total approximately 2,500, with at least an additional thousand people employed in the total communities to provide services.

The SSC also will yield practical benefits. Research in high-energy physics is able to bring the gap from the ethereal to the proven. That research has added to the development of new treatment procedures for cancer. Near Golden, CO, a private company has already announced it will build a minicollider that will produce radioisotopes for use in cancer research. Related technology has aided the computing industry, communications, electronics and even the development of a prototype train in Japan that is propelled by superconducting magnets.

The SSC project is a long-term commitment, but it must start this year with a vote for money to fund the site selection process. The rewards we've enjoyed from the past accelerator projects should give us the courage to underwrite this new SSC. Let us do so, and reap the benefits in the years to come.

Mr. DE LA GARZA. Mr. Speaker, when I was born in my homeland of deep south Texas, the world was an undeniably different place than it is today. Our society was still driven and maintained on science and engineering principles laid down a long time ago: electricity, magnetism, and gravity. The internal combustion engine was the wonder of the world.

And now—in just a small span of years—these terms ad principles seem pedestrian; indeed, any schoolchild can tell you about them. Now we are using terms such as cryogenicity, quarks and the strong force. We have made incredible advances in scientific research and applied engineering since those earlier times.

But you do not obtain this knowledge without investment, without seeking. Twenty-five years ago, we did not have cancer chemotherapy or laser-assisted surgical procedures. We have them now because we developed our theories and spent the money necessary to improve our lot. And that is what the superconducting super collider [SSC] is all about.

Accelerating beams of protons in a staged collision to examine and study the fundamental elements of physical reality can open up a whole new vista of medical and engineering spin-offs more impressive than anything man has yet been fortunate enough to see.

A construction cost of $3.2 billion—best DOE estimate available—is a small price to pay for such scientific advancement. If we do not do this—we have no way of examining the elements of reality that have so far eluded our clear vision. There is no other way to delve deeper—without a high energy particle accelerator, we just stop our research in this direction.

There are some who say we should stop because this is too much money to spend on one project—and that it will rob other research areas of their fair share of scarce funds. To them I say this: I will support adequate congressional appropriations for all worthy scientific endeavors so that no U.S. scientific research need stop or be delayed because of the successes in another research area. We must proceed with everything that is of benefit.

My thanks to our colleague Representative Terry Bruce for organizing this special order. It is fitting that he do so: His home State of Illinois is host to the Fermi National Accelerator Laboratory and Representative Bruce's interest is most understandable.

And to end, I would add, Mr. Speaker, that Texas would be the logical home for the new SSC. We still have enough wide open spaces to lay aside 52 miles for the proton racetrack.

Mr. DAVIS of Illinois. Mr. Speaker, the technology of superconduction is no longer confined to the comic strip adventures of Buck Rogers.

Japan's National Railway expects to have a magnetic levitation train in commercial service next year. The Japanese trains will float along guiderails on a system of magnets supercooled to reduce electricity costs.

Nuclear magnetic resonance [NMR] medical scanners are made possible through the technology of superconduction. Nuclear resonancing requires magnetic fields about 100,000 times as strong as the Earth's gravity. A conventional magnet for NMR would burn several hundred kilowatts of power and weigh hundreds of tons. Not exactly the kind of thing you'll find in your neighborhood doctor's office. Helium cooled superconducting NRM scanners are now fairly commonplace in hospitals around the world.

Buried superconducting power cables could deliver electricity in densely populated areas, where overhead lines are awkward or undesirable. About 500 megawatts is the most power a conventional underground cable can carry—less than 20 percent of the capacity of overhead lines. The problem is that underground cables get too hot at high voltages. Researchers at the Brookhaven National Laboratory have shown that a superconducting cable does not risk melting, is less likely to break down and despite its elaborate cooling mechanism is more compact than conventional cable.

Superconducting switches in high-speed computers can flip at least as fast as those in the best gallium arsenide semiconductor chips. Better yet, superconducting circuits can communicate with each other much faster than semiconductor circuits because superconducting circuits use several thousand times less energy.

The next step in superconducting technology will likely come from the design and construction of the proposed superconducting super collider, the $6 billion, 52-mile collider ring high energy research facility proposed by President Reagan in late January.

Eat your heart out, Jules Verne.

Mr. SCHAEFER. Mr. Speaker, the Reagan administration has stated three broad objectives for the promotion and development of science and technology in the United States. These are: swiftly transferring technologies to the marketplace; generating new knowledge in the sciences and advanced technologies in an effort to maintain U.S. competitiveness; and expanding the Nation's talent base for science-related fields. Construction of the superconducting super collider [SSC] will be an immense step forward in attaining these goals.

The SSC is a particle accelerator, the basic tool for understanding particle physics and the makeup of matter. It would be to particle physics what the telescope is to astronomy or the microscope is to biology. The SSC would be a 10-foot diameter tunnel at least 50 feet underground, 20 miles long and 17 miles across with a circumference of 52 miles. The accelerator would send protons to extremely high speeds causing them to collide so that they will shatter. Physicists then would analyze the subatomic particles in their search for answers to the makeup of matter.

Currently, the Department of Energy is going through a site selection process. Many State officials have expressed a desire to land the SSC within their State borders. Included in that number is my home State of Colorado. In fact, certain areas of Colorado would be ideal, seismologically and topographically, with excellent university facilities close by. Nevertheless, it is important to recognize that regardless of where the SSC is to be built, it would be one of the great scientific achievements of our time.

Over the years, research into the fundamental nature of matter and physics has fostered advances in almost every industry in the United States, from CAT scanners used in medical disgnosis to car designs. It is important to keep in mind that many of these breakthroughs were not intended or anticipated but rather grew out of a commitment to basic scientific research. Construction of the SSC will undoubtedly lead to breakthroughs we could not presently imagine.

Historically, America has been the world leader in great technological achievements which have helped us reach superpower status. We were the first to land a man on the Moon, invent the transistor, develop lasers, and use atomic power. Much of this technology was developed from pure physics research.

I believe an important ingredient to our previous success has been the fostering of an environment that attracted and encouraged great minds. Today fewer and fewer American students are pursuing science-related careers. Yet, the opposite is true for competitive countries such as Japan.

This advanced physics research laboratory would be the only one of its kind in the world. It would provide the infrastructure, the tools, and the creative catalyst needed to help unlock the secrets of the universe as well as bring America back to the top technologically. It would attract the world's leading physicists making the United States an international scientific center. It would enhance the reputation of our colleges and universities and would create job opportunities in the private sector.

Mr. Speaker, congressional support for the superconducting super collider is very important in maintaining the goal we all share, that of ensuring a world leadership position for the United States in science and technology. If built, we could continue to meet the technological challenges of the 21st century, and answer fundamental questions about the nature of the universe.

Mr. EDWARDS of California. Mr. Speaker, first, I'd like to thank the gentleman from Illinois [Mr. Bruce] for taking the time to organize so many Members from various States. We all appreciate being given the opportunity to express our keen support for the superconducting super collider [SSC]. It is truly exciting to witness such impressive bipartisan support for the project from the House. The goodwill and cooperation among these various States for the construction of the SSC demonstrates its importance as perhaps the most significant national resource of this decade.

But really, should it come as any surprise that so many support the SSC? Who couldn't support such a project? The SSC will create thousands of new jobs, it will foster new technologies, it will create new businesses, it will permit scientists to unlock the many secrets still being held by the atom, it will firmly establish the United States as preeminent in high-energy physics research, it will further the excellence of our research universities, it will attract the brightest scientific minds from all over the world, it will help train our next generation of physicists, it will allow us to maintain and increase our leadership in this field in the next generation. Above all, the SSC will be a peaceful machine that has at its core concern for the excellence of humanity.

Last month the administration took a bold step by announcing its commitment to the construction of the SSC. We all applaud that step. But another much larger step needs to be taken. That step would be to identify and outline the financing of the project. It is clear from these two special orders that there is plenty of bipartisan congressional support for the construction of the SSC. It is also clear that Congress cannot proceed responsibly through the authorization and appropriation process without an administration funding plan. It is imperative that the money for this important project not come at the expense of other fundamental high-energy physics research or other scientific disciplines.

Members of Congress play an interesting role in the SSC program. It is a dual role, that of promoting the machine as a national resource and that of leading their State in the national siting competition. At least 25 States have expressed and active interest in having the machine within its borders. I know the California delegation looks forward to a spirited competition. But, before any of that happens, we must continue pulling together in support of the machine. While we are pulling together as a nation, the administration needs to coordinate its vast resources for an international campaign. The United States needs to outline its commitment and invite other nations to join into an international collaboration. Dr. Trivelpiece testified last week that Secretary Herrington has written his counterpart in interested countries seeking an international collaborative effort. We must act quickly to ensure foreign participation in this project when it has been confirmed. However, before we require details of another nation's commitment, we should be quite clear of our own.

The United States has always been and will continue to be a leader among nations. With the construction of this machine, we will once again exhibit that leadership quality. We will once again rise to an intellectual challenge while developing our technical excellence. This project will demand much cooperation from many areas within the United States and well beyond our borders. Accelerator research has shown us much in the past. Accelerator research will continue to benefit humanity in the future. The SSC deserves our support.

Mr. MARLENEE. Mr. Speaker, I want to add my support for the development of the superconducting super collider. We must keep this Nation on the cutting edge in the search for knowledge. The SSC has a tremendous chance to regain the high ground in the field of "high energy physics." Spending amounts of money measured in the billions rather than the millions for the super collider has to be done carefully and with the long-term needs, impacts, and goals kept in mind.

The selection of a site for the SSC cannot be done and the decision made because a few States had the "jump," so to speak on the rest of the Nation. Decisions have to be made on the broad spectrum of the projects requirements. Somehow in a fair and equitable manner all advantages and disadvantages of each area have to be considered and weighed. One cannot use only one criteria such as a State's universities physics department to make this mega decision. All factors such as the land, water, living conditions, and available electrical power, to name a few, have to be factored in.

I think my colleagues would agree that all anyone asks is "don't start the horse race until we get our horse on the track." We all deserve a chance to let them run, so I would encourage everyone to work together and make sure each State, or States, if they choose, can bring their horse to town and put it on the track with those already there.

I do not think this should cause any major delays because this project needs to continue on a timely manner with all of our support.

Mr. KOLBE. Mr. Speaker, recently the President made a bold commitment to basic science with the decision to pursue congressional funding for the superconducting super collider.

The SSC is a particle accelerator, or atom smasher, housed in a racetrack shaped tunnel 20 feet underground and 52 miles in circumference. The scientific instrument will employ a chain of superconducting magnets through which atomic particles are counterrotated to nearly the speed of light and steered by the magnets into collisions. The resulting shower of subatomic particles will reveal fundamental knowledge of the nature of matter and energy; new information about the basic building blocks of nature and the forces which hold the universe together. It is high-tech research into the origin of our universe.

It is not a new concept. Particle accelerators have been around for 50 years. Critical progress, however, demands more powerful accelerators with longer tunnels and more powerful magnets. A flashlight battery produces about 1 electron volt; Fermilab, the 4-mile-circumference cyclotron near Chicago, has produced 1.6 trillion electron volts; and the size and scope of the SSC would yield an astonishing 30 to 40 trillion electron volts, further pushing back the frontiers of our knowledge of high energy physics. It is clearly the most ambitious pure science project in history. Its physical size, large enough to encompass the city of New York, will make it the largest scientific instrument in the world.

It also will be the costliest. SSC represents an enormous financial commitment by the American people at a time of national concern for budgetary restraint. The cost for the superconducting super collider is an estimated $6 billion. The costs must be weighed against all other Federal programs as well as against concerns expressed by the scientific research community that the SSC not squeeze out Federal moneys for other seemingly mundane scientific activities. The debate on this floor to fund the SSC will soon come to reflect our national attitude toward basic science and determine the direction and scope of our commitment to America's scientific community.

Should Congress approve the SSC, the direct and spinoff benefits accruing to our economic, scientific, educational, and cultural communities are staggering. New applications in the fields of medicine, information management, electronics, and synthetic materials are immeasurable, ultimately permeating the fabric of everyday life. Our previous commitments to computer technology and the exploration of space continue to reap economic benefits for all Americans. More importantly, this kind of undertaking inspires a whole new generation of young scientific minds who enhance a sense of vision in our educational institutions.

The State which will host the site for the accelerator will benefit by $4 billion in construction dollars, 5,000 construction jobs, and a quarter million dollar annual operating expenditure. Over 2,000 scientists will be deeply involved with the project and many more will visit and benefit from the research conducted at the center and at peripheral centers spawned by the SSC.

In the end, I'm sure virtually every state in the Union will submit proposals to accommodate the project. It will be a difficult and competitive site selection process, but whether 1996 sees completion of a "Fermilab II" in Illinois, a "desertron" in Arizona, or a "California collider," on the west coast, it will be an American facility, demonstrating our resolve to lead the world in the advancement of scientific thought.

It has been pointed out that many of America's foremost scientists were born elsewhere and came here to be on the moving frontiers of science. The continuing attention of the world's greatest minds will be directed toward that country which will nourish scientific thought. For decades, the United States has been that country. Let us continue to provide the freedom, the resources, and the financial commitment to remain so.

Mr. PACKARD. Mr. Speaker, I am delighted to join my colleagues in enthusiastic support for the superconducting super collider. The fact is that this machine, or one of similar design, will be built. The Soviets are working toward this goal. The French and the Italians have like plans. It is a given fact that the country which houses the SSC will become the world leader in basic physics research, will attract the most gifted scientific minds from every nation near and far, and will reap the advantages provided by the development of technical spinoffs.

I commend the President for making the monumental decision to build the SSC. I also wish to praise my colleagues in Congress for joining together to voice support for this project, regardless of where it is finally sited. It is imperative that we set aside the special interests of our particular States at this time to focus on the priority of getting the machine funded and working.

The schedule set forth by the Department of Energy is aggressive, yet attainable. State applications will be accepted by the Department between April and August 1987. The National Academy of Sciences and the National Academy of Engineering will review the applications and recommend a few of the most suitable sites to the Secretary of Energy. The Secretary will choose a preferred site by July 1988, and the final site selection will be made in January 1989. The schedule is tight—but, doable. I encourage my friends in Congress to stand behind these proposed deadlines.

The sooner the SSC is built, the sooner we will see the basic ingredients of life itself, a facility to train our own scientists and attract foreign superbrains, and spinoffs which will launch American industries' competitive edge in the world marketplace.

America needs the SSC, and the SSC needs Congress. Let's give this project the support it needs.

Mr. LOWERY of California. Mr. Speaker, I am pleased to join with my colleagues to discuss the merits of an amazing scientific machine—the superconducting super collider [SSC]. I would like to express my thanks to Representative TERRY BRUCE for organizing this important special order and to my fellow Members for their interest in and support for the SSC project. The quest to understand the nature of life and the universe is as old as the human species. Each time we probe and find answers, a new frontier is opened before us.

We find new questions to ask and through them, gain even more understanding.

Today, we are on the threshold of a new frontier. We are asking profound questions: How did the universe begin? What are the basic components of nature, energy and life as we know it? And the answers may be within reach. The SSC is a tool for the future that promises to reveal answers to many of the questions we have asked—and many that we haven't asked.

The super collider will be the world's largest and most advanced particle accelerator or proton-proton collider. The SSC will be a 52-mile circumference, racetrack shaped tunnel that is 10 feet in cross-section diameter and buried 20 to 80 feet below ground. Nearly 10,000 superconducting magnets will focus and guide two beams of protons in opposite directions around the tunnel. The beams will be accelerated to nearly the speed of light and allowed to collide head-on with an energy of 40 trillion electron volts. A flashlight battery has 1.5 volts.

The collisions will shatter protons into their subatomic components which will be detected and analyzed. By forcing collisions at higher speeds than currently possible, scientists hope to release and reveal the particles which are the fundamental building blocks of our universe, the particles that scientists believe existed at the very beginning of the universe.

The prospects for the SSC are thrilling. The implications are profound. This project will thrust the United States into the forefront of the world's high-energy particle physics research. Scientists from around the world will work together at the SSC, enhancing relations in the international scientific community. The remarkable new technology of superconductivity will be utilized and advanced, with great potential for application in other industries. New knowledge in high energy physics holds promise for advances in medicine, electronics and other fields.

The price for exploring this new frontier will be great. Estimates indicate that planning and construction of the SSC over an 8-year period will total $4.4 billion. But I believe the rewards will be worth the investment.

I commend the President for his endorsement of the SSC and call on my colleagues to join with us in supporting this extraordinary project.

Although we cannot predict what the super collider will reveal, as long as there are questions, we must continue searching for answers.

Mr. BONKER. Mr. Speaker, I want to join my colleagues in expressing my enthusiastic support for the superconducting super collider, the SSC.

The SSC facility is an exciting enterprise of considerable international importance. The SSC will contribute enormously to our understanding of the world of the infinitesimal, the subatomic particles that hold our universe together. When complete, it will be the largest and most sophisticated particle accelerator of its kind in the world, placing the United States at the forefront of physics research worldwide.

Research in the area of particle physics is among the most challenging and rewarding research conducted in this country. Fermi National Laboratory, located in Illinois, is world renowned for its contributions to our knowledge of elementary particle physics.

The SSC will be 20 times more powerful than the particle accelerator at Fermilab. I have no doubt that we will gain a commensurate quantum leap in our understanding of elementary particle physics as a result of the innovative SSC.

Even before the first research experiment is conducted at the accelerator, challenges inherent in constructing the SSC will bring together the world's leading scientists and engineers. These scientific and technological ties will strengthen our relations and open new doors for future economic cooperation.

The State of Washington is encouraging the U.S. Department of Energy, the Universities Research Association, and the high energy physics community worldwide to select our State as the site for SSC, and I strongly support this effort. The State of Washington meets all the necessary technical requirements of the SSC—abundance of low-cost power, geology, transportation facilities, major research universities, and available rural land. The quality of life in Washington is unsurpassed with its breathtaking scenery, towering forests, and rugged coastal beaches.

We sincerely hope that the SSC selection committee and the DOE issue a comprehensive and complete set of guidelines for the SSC facility as soon as possible. Until these guidelines are complete, Washington and other States applying for this facility can only guess how to budget in this year's funding cycle for the preparation of an acceptable application to DOE.

Mr. Speaker, in closing, I'd like to express the support of the entire Washington State delegation for the SSC. We would be honored to have such a world-class facility in Washington.

Projects of this magnitude do not come along very often. The scientific and related benefits of the SSC will extend far beyond the local community, beyond the boundaries of our country. I urge my colleagues to support the SSC.

Mr. OWENS of Utah. Mr. Speaker, the significance of the super collider project cannot be over estimated. This "big science" item would provide an incomparable way of looking at the elemental world around us and give us a "time machine" which could eventually take us back to the origins of the universe. The particles, which would collide at near the speed of light, would give scientists the best look yet at the fundamental forces of nature. In short, the super collider would open doors for scientists into what now might be considered new worlds.

Aside from pure science, the contributions of existing particle beam accelerators are well known. Many of the advances in medicine, computers, communications, and even home entertainment have come about because of research associated with the operation of these devices. Virtually every aspect of our lives is touched by the utilization of particle beam technology. We must continue to lead in this area and to move forward.

In regard to our place in the world, a super collider, as currently proposed, would, as a natural consequence move the United States ahead. But the super collider facility would also be a focus of world attention. The super collider would attract the best minds from around the world and the result would be better understanding among nations. Unrivaled scientific advancement and better understanding among the peoples of the world are reason enough to support such a project.

Mr. BOULTER. Mr. Speaker, I would like to thank Congressman BRUCE for organizing this special order on the subject of the SSC, or superconducting super collider, and want to put myself on record as recognizing that the physical and budgetary aspects of the 52-mile long superconducting super collider are, without a doubt, enormous. I am, therefore, certain that historians will characterize the benefits and discoveries derived from this project in the same light.

Just as the new understanding of quantum mechanics during the 1920's led to the establishment of today's semiconductor industry, and just as previous discovery of electromagnetic waves produced most of today's communications technologies, the SSC will yield and further today's understanding of energy and matter. Industries in ion implanation, computer chips, nuclear medicine, and advanced electronics have all been fostered by, and owe a large part of their present state to, earlier developments of the high energy research industry.

As we begin to consider the costs and monetary investments associated with the SSC we cannot forget that similar previous investments in basic research concerns have been the precise reason that we, the United States, now lead the world in technological invovation. Few know, for example, that approximately 100 million Americans each year receive therapeutic or diagnostic help because of the development of this kind of technology. And when the position particle was discovered during the 1930's we know that only a handful of physicians recognized its value as being anything more than a curiosity. Today this tool of medical research provides the basic of technique for the latest studies in bodily organ functions, such as the brain.

Mr. Speaker, the SSC will, unquestionably, be the most concise, powerful, and advanced scienitic research instrument in the world. The benefits of an investment such as this will not apply specifically, and only, to science. They will potentially improve each and each aspect of life as we know it today. This undertaking is something we cannot afford to underestimate.

The superconducting super collider will usher in a new era of U.S. and international science. It will provide us with the capability to go beyond today's knowledge, and explore the forces and structures of God's great universe, looking into the mysteries of subatomic composition. With these thoughts in mind, I give my unequivocal support to the SSC effort, and recommend and encourage its location in the panhandle of Texas.

Mr. BRUCE. Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. BRUCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order this evening.

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Is there objection to the request of the gentleman from Illinois?

There was no objection.

THE RETIREE BENEFITS SECURITY ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. STOKES] is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, on July 17, 1986, the LTV Corp., the Nation's second largest domestic steel manufacturer, filed for protection from its creditors under chapter 11 of the U.S. Bankruptcy Code. On that same day, LTV notified its retirees that it had terminated their life and medical insurance coverage, leaving more than 60,000 senior citizens and their dependents without coverage for serious illness.

This action was frightening to all 60,000 LTV retirees, many of whom reside in my congressional district. But it was devastating to those retirees in the midst of receiving life-sustaining medical treatment. They were given virtually no notice that their benefits were to be terminated and the overwhelming majority of them had no financial resources to fall back upon and nowhere to turn for help.

In response to the callous, insensitive action of LTV, I introduced legislation, H.R. 5283, that would compel LTV to continue paying medical and life insurance coverage to its retirees until a bankruptcy court ordered the cessation of such benefits. While this legislation was not enacted into law, it was instrumental in promoting the inclusion of language into the continuing resolution passed by the 99th Congress.

However, the language in the continuing resolution only grants temporary relief to those retirees for it merely requires the continued payment of health and life insurance benefits until May 17, 1987, which is not so very far away.

Recognizing the need to provide protection not only to retirees of the LTV Corp., but to all of America's retirees who might find themselves vulnerable to the fluctuations of the marketplace and the possible financial failure of their former employees, I introduced H.R. 1186, "The Retiree Benefits Security Act of 1987."

This legislation sends a positive message to all our Nation's seniors—that their significant investment in maintaining good health—will not be treated as a disposable asset. More specifically, H.R. 1186 will prevent corporations such as LTV from abandoning their contractual and moral responsibility to their former employees and will prevent this scenario from ever being acted out again by corporations who view bankruptcy as a way to avoid fulfilling its essential obligation to their retirees.

The "Retiree Benefits Security Act of 1987" says to all retirees, both union and nonunion, that those benefits which they worked a lifetime for, will not be subject to a unilateral modification or termination due to their employers filing of a bankruptcy petition.

H.R. 1186 also clarifies the meaning of title 11 section 1113 of the Bankruptcy Code simply stating that retiree benefits in a collective bargaining agreement receive the same treatment as other benefits. This language will prevent a repeat performance by LTV or any other corporation.

This bill also recognizes the conflict of interest faced by labor organizations when attempting to represent both present employees and retirees. Labor organizations have the option under this bill whether or not they wish to represent the retirees. If they choose not to represent the retirees, the court will intervene and appoint a committee of retired employees to serve as the representative agent.

In addition, new protection for both union and nonunion workers are provided for. Health benefits cannot be modified or terminated under the act, unless ordered so by the court, or unless the retirees representative agent and the employer agree to a modification. Moreover, the court could not order any modification unless it determines such a change is necessary to permit the company to reorganize, is fair to all creditors, and all parties are treated fairly and equitably.

Last, "The Retiree Benefits Protection Act," would allow the retirees to vote as a separate class to agree to a final plan of reorganization, thus protecting their interests coming out of bankruptcy.

In summation, we protect the retirees before bankruptcy, we protect the retirees in bankruptcy and I see no reason not to protect them when the company gets out of bankruptcy.

As the hours tick away, LTV retirees move ever closer to an uncertain and possibly disasterous future. Just yesterday, Mr. Speaker many LTV retirees left their homes to bring a message to us, their representatives. They said in a strong and unanimous voice "we need this legislation."

It is up to us to respond to this call, as they responded to the needs of America during their working years. H.R. 1186 is a response to that call. I ask my colleagues to join with me in cosponsoring this very important legislation.

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Mr. Speaker, I am pleased to yield at this time to the distinguished gentleman from Texas who has worked so very diligently on behalf of LTV retirees, and is a cosponsor of this legislation, the distinguished gentleman from Texas [Mr. FROST].

Mr. FROST. Mr. Speaker, since July 17 of last year, over 78,000 retired Americans have faced uncertainty and dread regarding their ability to obtain vitally needed health care for themselves and their families. On that day, LTV Corp. filed for protection under chapter 11 of the bankruptcy code and unilaterally canceled the health and life insurance of all its retirees nationwide. Thousands of elderly Americans who had been promised during their working years that group health and life insurance would be provided, had the coverage stripped from them, with no warning and little explanation.

Since that time, a combination of pressure by the unions and stopgap legislative action by Congress has forced LTV to reinstate and continue retiree life and health insurance coverage. However, the current stopgap measure expires on May 15 of this year, and retirees could again face the spectre of canceled health care coverage for themselves and their families.

We have before us, however, fair and well-thought-out legislation (H.R. 1186) that will protect retirees from arbitrary cancellation of promised health and life insurance benefits. It will protect not only LTV retirees, but all retirees who are covered by group life and health insurance plans.

This measure amends the bankruptcy code to specifically include retiree benefits under the protections spelled out in section 1113 of the bankruptcy code. It will insure representation of both union and salaried retirees during bankruptcy proceedings, and it will establish retiree life and health insurance benefits as administrative costs, thereby protecting them from any type reduction or modification unless specifically sanctioned by the presiding bankruptcy judge.

In light of the action taken by LTV last summer, this legislation is clearly needed to insure that promises made to employees during their working years are not broken during their retirement years. Cancellation of retirees benefits without explanation and, more important, without justification must not be allowed to happen again.

About 5,000 LTV retirees are from the aerospace division which is located in my district. I have had a chance to visit with many of them and hear firsthand their fears of being left without health coverage. Many are already very ill and in need of long-term health care. Obtaining individual health coverage is impossible because they either cannot afford it, or their health is so bad that coverage is unavailable at any price.

With the measure before us today, we have the opportunity to insure that needed health care will remain available to those retirees who spent their working years earning that coverage and believing that it would be available to them. I strongly urge all my colleagues to join with me in cosponsoring this legislation and working for its quick passage.

Mr. STOKES. I thank the gentleman for his excellent statement on this legislation, and I am pleased at this time to yield to another cosponsor of this legislation, a gentleman who has worked tirelessly on behalf of LTV retirees, the gentleman from Indiana [Mr. Visclosky].

Mr. VISCLOSKY. Mr. Speaker, I rise in strong support of H.R. 1186, as an original cosponsor of this legislation, I would especially like to thank the gentleman from Ohio for his leadership on this issue and his close cooperation with the other body.

On July 17, 1986, the LTV Corp. declared bankruptcy and abruptly terminated the life and health insurance benefits of 78,500 steel division retirees; 4,832 of these retirees live in my district. The company was soon compelled to restore these benefits following a wildcat strike and enormous public protest. Subsequently, language in the Continuing Appropriations Act for fiscal year 1987 required the company to pay benefits to former retirees until May 15, 1987. These past actions have provided for the temporary maintenance of these insurance benefits.

H.R. 1186 will provide permanent protection for the workers of LTV. Accordingly, this legislation would require a company in chapter 11 bankruptcy to continue the payment of benefits to union and nonunion retirees unless a court orders otherwise. Any modification in life and health insurance benefits would have to be approved by a court as a fair and equitable change which is necessary for the company's reorganization.

This bill is good news for the retirees of LTV. If both bodies of Congress act expeditiously, I am hopeful that this measure can be signed into law before May 15. This bill is also good news for all working women and men whose years of dedicated and loyal service have been based upon the promise of economic security in retirement. If enacted, this measure would ensure that a company in chapter 11 bankruptcy can never again attempt to unilaterally terminate the benefits of retirees.

Finally, I would like to express my hope that this effort might be coupled with a comprehensive program of pension reform. Recently, the Pension Benefit Guaranty Corp. terminated the pension plans of the LTV steel division retirees. From this situation, it is apparent that we must seek options to correct minimum pension funding requirements and eliminate incentives which lead companies to underfund their pension plans. The pension system as it exists today is both intolerable and subject to abuse.

Mr. Speaker, the LTV Corp. has behaved as if its retirees are expendable elements in a faceless production process. The legislation which has been introduced by Mr. Stokes refutes this attitude by requiring that a company, even in bankruptcy, must treat insurance benefits as administrative obligations. I believe this measure is necessary for the retirement security of all Americans.

Mr. STOKES. I thank the gentleman from Indiana [Mr. Visclosky] for his excellent statement on this matter, and I am very pleased to have his support on behalf of this legislation.

At this time, I am pleased to yield to another distinguished colleague from the State of Indiana, Mr. Jim Jontz, who is also a cosponsor of this legislation.

Mr. JONTZ. Mr. Speaker, I rise today to express my support for H.R. 1186, the Retiree Benefits Security Act of 1987. The wave of corporate bankruptcies and reorganizations we have recently witnessed in this country especially in the industrial sector of our economy is presenting new and unforeseen problems for retirees. Unfortunately, many of these companies seem to see reorganization as a panacea which will relieve their business difficulties at the expense of their retirees. We are here today to say that that is not an acceptable solution.

LTV Corp.'s action to terminate all health and life insurance benefits for retirees immediately upon filing for reorganization came as a shock to those of us who thought the Bildisco legislation had settled the question. LTV's claim that this termination was required by the bankruptcy law was clearly contrary to congressional intent. The use of the bankruptcy code by corporations to cut themselves loose from their responsibilities to former employees creates a social policy problem of potentially immense proportions.

Perhaps most devastated by the termination of health benefits are those workers who have opted for early retirement. For years, unions have negotiated for lower retirement ages. As unionized employees gained improved retirement benefits, companies extended similar benefits to nonunionized employees. The logic was obvious. Thirty years working in a steel mill or auto plant is plenty in anyone's life. The understanding was that those who had put in their time had earned a decent retirement. Moreover, early retirement served a broader social purpose by opening up jobs for a younger, expanding work force.

Later, as many of our basic industries were faced with economic contractions, early retirement became one means for easing the dislocation of workers as mills shut down and plants closed. In many industries, older employees were offered incentives to retire. The steel industry in general and LTV in particular made extensive use of this alternative.

Today we see these retirees left in the lurch. For many, their company health insurance is the only coverage they are eligible for, and the cost of individual insurance is generally prohibitive.

LTV retirees are again fast approaching the loss of their benefits with the expiration of the current law. As that May 15 deadline approaches, the pressing need is for legislation to insure that corporations do not use the provisions of chapter 11 reorganizations to evade their obligations to retirees.

I want to commend my colleague from Ohio, Mr. Stokes, for providing us with a vehicle to achieve that end. The Retiree Benefits Security Act, H.R. 1186, makes several important revisions to chapter 11. First, it protects retirees from devastating actions such as those taken by LTV last summer. It provides that health and life insurance benefits cannot be modified or terminated prior to a court determination, and it provides a standard for that determination which protects retirees rights. I hope that when enacted this will prove to be a very hard standard to meet. I believe that until we find our way to a system of health care in this country which does not leave people dependent on their employer, we cannot tolerate a situation which allows someone to lose access to health care because of his employer's financial difficulties.

Second, H.R. 1186 protects retirees' rights in the determination of a reorganization plan by recognizing retirees as a separate class before the court and providing for their right to vote on any final reorganization plan. And, moreover, the bill requires that any final plan reduce benefits, if benefits must be reduced, only to the extent necessary to allow for the continuation of benefits.

Courts have generally recognized that retiree benefits are vested, lifetime benefits which may not be reduced once an employee retires. Retiree benefits are earned through a lifetime of work. Retired workers, understandably, believe these benefits are their due, but unlike other creditors' claims, health care needs are immediate and unavoidable. H.R. 1186 provides protection for those benefits during and after the chapter 11 proceeding.

Another important aspect of this bill is that it clarifies the responsibility of unions toward their retired members. If the union believes that a conflict of interest would exist in their representing both employed and retired members, they can withdraw and the court will appoint retiree representatives.

I think it is important to see this bill in context. The employer based group health insurance system is the primary provider of health care in this country. Almost 80 percent of Americans with health coverage are covered by private employer-employee plans. This system developed over the past decades through collective bargaining and by extension to the nonunion sectors of the labor market. American business has assumed the responsibility for providing Americans with a decent standard of health care.

If we are to accept this system for health care, then we must require that the system provide adequate care. We cannot sit by while the corporations on which that system is based try to sidestep their responsibility. H.R. 1186 assures the maintenance of health benefits through reorganization.

Again, let me commend Representative Stokes for introducing this essential piece of legislation. I hope that Congress can pass this bill quickly so that LTV retirees and others under the gun of chapter 11 can again feel secure that their health needs and those of their families will be protected.

□ 1940

Mr. STOKES. I thank the gentleman very much. I am very pleased to have his participation in this special order and his support for this legislation.

Mr. Speaker, I am very pleased to yield to another original cosponsor of this legislation, a gentleman who has worked very hard on behalf of our getting language into the continuing resolution, which passed in the 99th Congress, and who has again resumed with me our efforts on behalf of LTV retirees, the distinguished gentleman from Alabama [Mr. Bevill].

Mr. BEVILL. I thank my good friend and colleague for yielding to me.

Mr. Speaker, I commend the gentleman for his leadership which he is rendering in getting this very important legislation passed.

Mr. Speaker, last month, I joined many of my colleagues to introduce legislation to help LTV/Republic Steel retirees extend their health and life insurance benefits. These benefits were jeopardized last year when LTV filed for chapter 11 under the Bankruptcy Act.

This legislation is badly needed because, under current bankruptcy law, retirees must stand in line behind the creditors before their claims for benefits are considered by the bankruptcy courts.

That leaves many families in a desperate situation, especially when it comes to paying for health care.

The Retiree Benefit Security act of 1987, which we introduced in February, will give retirees more protection than they currently have when their companies go bankrupt.

This bill will put health and life insurance benefits ahead of those other creditors. A company will not be able to arbitrarily stop these benefits when it files for bankruptcy. The protection provided in the bill will extend to both union and nonunion retirees.

When LTV filed for bankruptcy last July, the company notified its retirees that it had terminated their life and medical insurance coverage.

This was quite a blow to thousands of LTV/Republic retirees. Some 3,000 people in Alabama were affected, including 2,500 who live in the Gadsden area in my district.

LTV's action was cruel and unfair to those people who had worked in good faith for the steel company for so many years. That's why the 99th Congress moved quickly to extend those benefits until May 15, 1987.

As that deadline approaches, we are seeking a better solution with this legislation.

This bill, which amends the U.S. Bankruptcy Code, requires a bankrupt company to pay retiree benefits. However, under the legislation, the court may order modification of those payments as the company reorganizes.

The legislation will not automatically insure that the retirees' life and health insurance benefits will be continued indefinitely.

Unfortunately, we can't do that. If the money isn't there, it isn't there. However, this legislation will insure that these benefits will be among the first items paid by a company facing bankruptcy if funds permit.

I think this is a fair and equitable solution to what has become a real heartache for many, many people.

I urge my colleagues to support this bill.

Mr. STOKES. I thank my distinguished colleague for his remarks on this bill. I also appreciate very much his strong support on behalf of this legislation.

Mr. Speaker, at this time I am pleased to yield to the distinguished gentleman from the State of Ohio [Mr. Regula].

Mr. REGULA. I thank the gentleman for yielding.

Mr. Speaker, I want to commend my colleague from Ohio, Mr. Stokes, for reserving the time today to discuss the legislation to protect retiree benefits.

We all know the horrors faced by the LTV retirees in the wake of LTV's chapter 11 filing. Many people were put into a panic, having received terse letters from the company that their hard-earned benefits were being abruptly terminated. For many retirees, the loss of health and life insurance benefits left them without coverage or the ability to buy coverage elsewhere.

It is unconscionable to jeopardize the benefits of America's retirees. These people have worked long and hard to earn these benefits—they are not a gift to be withdrawn during hard times. America's retirees depend heavily on the security of health and pension benefits for their very lives, and to yank these benefits away works a terrible hardship on their financial, physical, and emotional health.

Companies should not be permitted to dip into pension funds whenever the going gets hard. These funds are not to be treated as a slush account to enhance a company's competitive position in the national and global marketplace. These funds should be considered sacred, to be used solely for the purpose for which they are collected—the payment of pension benefits.

I addressed these troublesome issues on February 5, 1987, when I introduced H.R. 1040, a bill designed to protect the benefits of retirees of companies who file under chapter 11.

My bill has two parts. First, it removes the May 15, 1987 cutoff date from the continuing resolution for the payment of retirement benefits, and, instead, requires the trustee in bankruptcy to ensure the payment of these benefits until they naturally expire under the terms of the original benefits agreements.

Second, my legislation guarantees the benefits claims of retirees when a company files for reorganization under chapter 11. The bill secures the benefits claims, granting priority to these claims when a company's assets are distributed.

My bill and the one I have sponsored with Congressman Stokes address the very real issues that are being faced by the LTV retirees. They are not limited to LTV retirees, however, but, rather, extend protection to future retirees who find their former companies in bankruptcy court.

In addition, through the congressional steel caucus, on which I serve as the vice chairman, I have been involved with the Pension Benefit Guaranty Corporation [PBGC] in changing the funding requirements for maintaining pension funds in order to avoid an LTV situation in the future. The PBGC is also proposing a variable funding mechanism for the PBGC which will not penalize responsible companies who have been providing adequate funding for their pension plans. This mechanism will ensure that responsible companies will not be forced to pay the lion's share of LTV's underfunded liability.

Again, I commend my colleague from Ohio for his initiative in conducting this special order today.

GENERAL LEAVE

Mr. STOKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Is there objection to the request of the gentleman from Ohio?

There was no objection.

□ 1950

Mr. STOKES. Mr. Speaker, I thank my distinguished colleague from Ohio for his contribution to this special order. We are very pleased to have his cosponsorship of this legislation.

Mr. Speaker, I want to express my appreciation to all of my colleagues who have participated in this special order this evening. I am very pleased to have had their participation here and also their support of this legislation.

In addition to it, because of the lateness of the hour, many Members were unable, because of other obligations, to be present to participate, but they have also submitted their comments for the RECORD.

Mr. GAYDOS. Mr. Speaker, too often recently, America's retired workers and those looking forward to retiring have been forced to abandon their future plans. These workers have been the victims of plant closings and defaults on company pensions. In order to help protect them, 17 of my colleagues and I have introduced H.R. 1186, the Retiree Benefits Security Act of 1987.

This bill safeguards retiree health and life insurance by keeping companies from suspending benefits as soon as they file a chapter 11 bankruptcy. It also clarifies laws which relate to retiree benefits obtained through collective bargaining and it protects retirees if and when a company reorganizes and comes out of bankruptcy.

All of these provisions are in the best interests of America's retired workers. It appalls me to think that workers who have retired after serving their employers long and faithfully should suffer because of present business problems. We need to protect the interests of these workers and their families.

Besides the problems with health and life insurance benefits, I am also very concerned about the recent defaults of pension plans across the Nation. As the chairman of the congressional steel caucus, I am particularly concerned about defaults in steelworkers' pensions.

The Executive Director of the Federal Pension Benefit Guaranty Corporation [PBGC] recently spoke to the steel caucus about the growing financial problems of the pension insurance program. The PBGC was created by Congress in 1974 as a "safety net" to protect the retirement income of workers who depend on private pension plans for a substantial share of their retirement income. Currently, the plan includes 38 million Americans.

The Director informed us that in the past 18 months the PBGC deficit has grown from $462 million to an estimated $4 billion. In addition, the PBGC is expected to inherit 100 more pension funds this year.

Last week the PBGC announced that it was taking over 27 million dollars' worth of the Kaiser Steel pension plan which covers 1,000 current and former management and other salaried employees.

Two months ago, LTV Steel Corp. saddled the Government insurer with $2.3 billion in unfunded pensions, and they got out of paying health and life insurance benefits to their retirees.

Last year Wheeling-Pittsburgh Steel Co. turned over their pension plan to PBGC with a half-billion dollars in unfunded obligations.

The PBGC is having problems because it insures a number of pensions that are either in default or threatening to default. The plans have these problems primarily because some employers have not responsibly managed their worker pension funds. The plans have either been underfunded or the assets have been withdrawn from the pension trust funds and not replaced.

Recent legislation and enforcement has simply not been adequate to ensure that pensions are available when workers retire. In addition, the flood of foreign imports into our country has forced many companies to unexpectedly close and/or retire workers early. Since there is no end in sight for the foreign trade imbalance, these early retirements will continue to test the limits of the Nation's pension programs.

Defaults on pension plans and the loss of retirement benefits have frightened many workers around the Nation. They can no longer depend on their employers to give them the benefits that they have earned through years of hard work. Let us envision for a minute a similar situation here on Capitol Hill.

With our U.S. Government budget deficit of about $221 billion, if the Government was a business, we probably would have filed for chapter 11 a long, long time ago. This would have meant that millions of retired Federal workers and civil servants could have lost their health and life insurance benefits.

I would certainly not like to have my congressional pension benefits disappear, and I do not think that any of you would either.

Mr. Speaker, I urge you to protect our Nation's present and future retired workers and I urge you to cosponsor and strongly support H.R. 1186, the Retiree Benefit Security Act.

Mr. OBERSTAR. Mr. Speaker, over the past several months, I have traveled throughout my district and have heard the troubling, sometimes heartbreaking stories of my constituents who are retirees of LTV Steel and its Minnesota subsidiary, Reserve Mining Co. These retirees have been caught in the teeth of the July 17 LTV bankruptcy filing and the subsequent unilateral termination of their health and life insurance benefits by the company. This bankruptcy filing and the termination of these benefits by LTV Steel and Reserve Mining has caused tremendous hardship and pain in my congressional district and nationwide. In Minnesota, approximately 2,000 retirees were left to their own devices to provide for their health and life insurance; nationwide, the figure rose to 78,000. This is unconscionable, and reflects the kind of brutal and calculating economic attitude I remember displayed by big business tycoons of the 1930's and 1940's. We cannot and will not allow that attitude to prevail in the 1980's.

For the past several months, retirees with years of dedicated service to LTV and Reserve Mining Co. have been treated as just another in a long line of unsecured creditors, subject to arbitrary changes in or termination of pension and benefit plans to which they had contributed for many years.

In October, as the 99th Congress drew to a close, legislation which I authored passed the Congress and was subsequently signed into law by the President which required the trustee in bankruptcy to continue paying health and life insurance benefits due these workers until May 15, 1987. He has refused, and instead has entered into a settlement agreement with representatives of the hourly workers to establish a Medical Insurance Trust Fund to pay health benefits to hourly retirees and to salaried employees who opt to be covered by the agreement. Further decisions about the final disposition of pension and benefit claims against the estates of these firms will be negotiated between representatives of the salaried and hourly retirees and the trustee, subject to approval by the bankruptcy court.

I am deeply troubled that the health and in some cases the very lives of these retirees is considered a "negotiable" issue, and 2 weeks ago I joined the gentleman from Ohio [Mr. STOKES] as an original cosponsor of the Retiree Benefits Security Act of 1987 to prohibit the unilateral suspension of retiree benefits for firms in bankruptcy. The need for this legislation became clear to me last fall when I was aghast to hear the attorney for LTV testify before the House Judiciary Committee that LTV had decided to abandon its commitments to its employees—many of whom had built the company and sustained it with their labors for the past 30 or 40 years—and walk away from those commitments without apology. We introduced this legislation to send a clear and unambiguous signal to firms considering bankruptcy as simply another management tool: Congress will not allow employee benefits to be a negotiable item.

In addition to clarifying and reaffirming current bankruptcy law regarding the termination of retiree benefits for employees under a collective bargaining agreement, the measure provides for special treatment under the Bankruptcy Code for retirees of firms in bankruptcy by reaffirming the current requirement of those firms to gain approval from the bankruptcy court before suspending benefits. Under the provisions of this act, the court can grant such approval only if failure to do so would seriously jeopardize the life of the company. In addition, the bill requires that health and life insurance benefits be considered an administrative expense, a first priority for companies in bankruptcy.

Further, it recognizes the potential conflict of interest labor organizations face when they are asked to represent the interests of both active employees and retirees. Under the bill, labor organizations have an option to represent both parties, but are not required to do so. If they choose not to represent the retirees, the court would then be required to intervene and appoint a committee of retirees to serve as the representative agent.

Finally, it requires the court to establish a separate class of creditors to be composed solely of claimants for retiree benefits which would allow those retirees to sit at the negotiating table with the other principal creditors.

While I realize several provisions of this measure may be considered unorthodox by some bankruptcy experts, I believe they are absolutely necessary if the rights of workers and retirees to minimum employee benefits are to be protected. I realize that this legislation is no panacea for the problems of Reserve or Erie Mining Co. employees in Minnesota; the complex subsidiary bankruptcy questions in that case will be settled through a negotiated agreement between the parties involved that ultimately must be approved by the bankruptcy court. This legislation is designed to ensure that retirees are given a fair shake in those bankruptcy proceedings. We cannot allow companies to wring from their workers a lifetime of dedication and labor and then abandon those workers without regard for their future.

I urge my colleagues to examine the issues we have presented today and to weigh the ironclad moral and legal commitments made by these companies; I am confident you too will conclude that these protections are necessary if we are to meet minimum standards of justice and provide these essential retiree protections. We have until May 15, 1987, the date provided for in my legislation, before the minimal protections provided in that legislation will expire. I urge my colleagues to move quickly to ensure the continued legal obligation of LTV and its subsidiaries to pay these benefits to its employees.

Mr. RAHALL. Mr. Speaker, I would like to begin this afternoon by thanking Congressman STOKES for organizing this special order to give us an opportunity to discuss the merits of a piece of much needed legislation which he has introduced, the Retiree Benefits Security Act of 1987.

Unfortunately, the need for this legislation was made extremely clear last year when LTV Steel filed for bankruptcy under chapter 11 and unilaterally terminated the health and life benefits of its retirees. Although Congress included language in last session's continuing resolution to grant temporary relief to these retirees, this relief is due to expire on May 17, 1987, at which time the payment of health and retirement benefits could cease. It is our obligation to the working men and women of this country to address this inequitable situation now to ensure not only the fair treatment of these LTV employees but also the fair treatment of all retirees who may face a similar situation in the future. I believe that H.R. 1186 will go a long way to correct the problem.

Specifically, this bill would clarify the meaning of existing Federal law as it relates to collectively bargained retiree benefits and would stipulate that a company would not be allowed to suspend life and health care benefits based only upon the filing of a bankruptcy petition. Additionally, the legislation would ensure that retirees continue to be protected as a company reorganizes and comes out of bankruptcy.

Although I am gravely concerned about all retirees who are affected by LTV's calculated and callous actions, I am especially sympathetic to the plight of some 1,500 mine workers who are suffering. These men and women are coal miners who were employed in mines owned and operated by LTV in West Virginia, Pennsylvania, and Kentucky. LTV is legally responsible for providing health care and other nonpension benefits to these miners who retired under the 1974 pension trust. Among them are over 100 UMWA members who live in my district, primarily in Logan County, who retired from LTV after 1976 and who are not covered by UMWA's retirement and health coverage plans.

It is incomprehensible that, after years of devotion and hard work, during their hard-earned and well-deserved years of retirement, many of this Nation's coal miners and steelworkers are now confronted with an uncertain future with no health and life insurance benefits. What has happened to common decency in this country? These are workers whose health often has been ruined while in the service of their employer. These are people to whom decent health care benefits are especially crucial. These are retirees who can ill afford to pay for benefits on their own. And most clearly, these are benefits to which these workers are clearly and undeniably entitled.

How can we, in good conscience, not enact legislation which would mandate that LTV and other companies live up to their commitments to those workers who have labored long and hard, during the prime years of their lives, for the profit of these very companies? How can we not work to ensure that workers in other industries are not faced with similar unscrupulous attempts by their employers? I say that this is a responsibility to the workers of America that we can not shirk.

These workers have borne the brunt of the erosion of our industrial base. They have been forced to make one concession after another. This is one concession that we cannot expect our workers to accept. If LTV and other companies are allowed to renege on their obligations to their retired workers, the future of many more of America's retirees will be thrown into question.

I urge my colleagues to support the Retiree Benefits Security Act of 1987 and to work toward its immediate passage. As legislators, we have an obligation to the working and retired men and women of the United States to protect and fight for the basic rights due us all. The time to act is now, before other companies, acting due to the pressures of the market place take advantage of special treatment under current chapter 11 bankruptcy law and attempt to follow in LTV's shoes. The future of thousands of workers is at stake.

Mr. WALGREN. Mr. Speaker, I am a cosponsor of H.R. 1186, the Retiree Benefits Security Act. I cannot emphasize strongly enough the importance of swift action to restructure the bankruptcy laws to provide effective protection for retirees under a chapter 11 bankruptcy.

Last summer we were all surprised when LTV Corp. took it on their own to stop payment on the health and life insurance benefits of 78,000 retirees after filing for bankruptcy under chapter 11. In reaction, Congress last fall required continuation of these benefits until May 15, 1987 to prevent these thousands of retirees from having to fund their own health and life insurance out of limited monthly pension allotments. With that deadline fast approaching, the Congress must enact a permanent statute to protect the retirement security of these retirees.

It was my understanding, as a lawyer, that chapter 11 bankruptcy does not give companies unilateral license to abrogate their responsibility to meet the expectations they have created in retirement programs. The recent actions by LTV indicate, however, that current law can be stretched to violate fair expectations of employees and retirees if a company chooses to do so.

Congress must act quickly to protect not only health and life insurance benefits, but pension and early retirement benefits as well. In the past few months since the LTV bankruptcy my office has heard from many people who are suffering from greatly reduced monthly support because Pension Benefit Guarantee Corporation does not provide 100-percent coverage.

What is happening to these steel pensioners was unforeseen in 1974 when the ERISA provisions became law. The steel companies were forced to make huge reductions in employee rolls in order to adjust to a market swollen with imports. To their credit they sought to avoid layoffs by offering bonuses for early retirement. These $400 per month incentives became the main reason for thousands of loyal employees to leave their jobs in the hope that their departure might help to bolster their sagging industry. Now these retirees, through no fault of their own, are seeing this security ripped out from under their feet.

At a recent hearing in Pittsburgh I heard testimony of one family of four which was forced to live on a budget that allowed only $2 per person per day for food because of the cut in their monthly pension payment. This is a striking example of the great stress that is put on the families caught in the aftershock of a chapter 11 bankruptcy.

Mr. Speaker, we cannot afford to let thousands of middleclass Americans fall into poverty. This will be just the beginning of an avalanche of companies trying to avoid their promises, unless we enact legislation that would force corporations to live up to their word. We must take a new look at our pension guarantees to be sure that they are sufficient to fill the need. And we must take a hard look at the bankruptcy laws to be sure that companies are not using chapter 11 as a legalized method of abrogating contractual agreements coldly and unilaterally.

I want to especially salute Congressman STOKES for focusing the attention of the House on this critical issue and urge everyone to support his efforts.

Mr. RANGEL. Mr. Speaker, I thank my colleague, Mr. STOKES, for allowing me the opportunity to speak out on this very distressing issue. Yesterday, I had the chance to meeting retirees from the Aliquippa Chapter of the LTV Corp. Needless to say I was touched by the simple appeals that they came to Washington to share. They asked if I would consider the unimaginable possibility of having worked for a company all my life, and then entering retirement years only to have much needed health and life insurance threatened.

I thought about this situation and that is why I am here today to express my strong support for the legislation introduced by Mr. STOKES. This legislation will insure that companies do not abuse the chapter 11 reorganization procedures in order to evade their obligations to retirees. While I do not have any LTV employees in my district, I realize the potential for the duplication of LTV actions by other U.S. companies. Recent reports indicate that 10 out of the 12 largest steel companies in this country could follow the actions of LTV. If this were to occur, it would threaten the liquidity of the Pensions Benefits Guarantee Corporation, a Federal agency which at least guarantees the pensions of 53 million Americans. I ask you, is that not a frightening thought?

Mr. Speaker, the implications of this prospect are astounding. For the large number of early and disabled retirees who are not yet eligible for Social Security, it means being forced into the unfortunate situation of not having health care coverage and of not being able to afford adequate health care. We all know that health care costs are skyrocketing and costs for the elderly are always compounded. For all of America, it means an increase in the number of people who will require Federal assistance.

Mr. Speaker, I do not feel that dedicated individuals who spent their life working for the opportunity to enjoy their retirement years should have to bear the burden of a corporation unwilling to meet its commitments to its employees. The 99th Congress took limited steps to provide assistance by including language in the continuing resolution to continue payment of health and life insurance benefits until May 17, 1987. Time is running out!

This Congress has an obligation to protect the interest of our retired citizens. I ask you, as the Aliquippa retiree asked me, to think about this situation. Think about this situation and then act. I am sure most of you will do as I did and join in support of Mr. STOKES' bill H.R. 1186.

Mr. REGULA. Mr. Speaker, I want to commend my colleague, Congressman STOKES, for reserving this time to address the House on a matter that affects so many of our constituents.

When the LTV Corp. filed for reorganization under chapter 11 on July 17, 1986, a shock wave was sent through the ranks of LTV retirees. These former employees received word at this time that their health and life insurance benefits—benefits that were earned by these people through their employment with LTV—were being unilaterally terminated by the company.

After congressional intervention, the bankruptcy court ordered LTV to continue the payment of these benefits. Further congressional action through last year's continuing resolution ordered the payment of these benefits until May 15, 1987.

On February 5, 1987, I, along with my colleagues on the executive committee of the congressional steel caucus, introduced H.R. 1040, a bill that requires the continuation of these benefits beyond May 15, 1987, with no cut-off date.

My bill mandates the trustee in bankruptcy to insure the payment of these benefits until they naturally expire under each retiree's retirement plan.

In the event of a successful court challenge to this mandate, or the unavailability of liquid assets, my legislation also secures the benefits claims of retired former employees of companies in chapter 11. This part of my bill insures that retirees' benefits claims have priority when creditors' claims are evaluated. In essence, my bill guarantees these claims.

The legislation I have cosponsored with Mr. STOKES similarly protects the benefits of retirees whose former companies file under chapter 11 of the bankruptcy laws.

It is obvious by the LTV example that American retirees need additional protections in bankruptcy actions involving their former employers. Congressional action is necessary not only for LTV retirees, but also for those retirees who may at some future date find their own benefits in jeopardy by virtue of a bankruptcy proceeding.

We must insure that no retiree in this country is again threatened by the loss of benefits that he or she worked hard to earn while employed by the now-bankrupt company. Companies must be put on notice that they cannot unilaterally ignore their legal obligations to their former employees. Our bankruptcy laws were not designed to panic retired Americans and threaten them with the loss of benefits upon which their very lives depend.

The proper course for this body is to examine the proposed bills and produce a compilation which incorporates the best elements of each into a package that will address and rectify this problem with our bankruptcy laws.

Again, I commend my colleague from Ohio for his efforts on behalf of LTV retirees in addressing this issue. I look forward to working with him to devise a workable plan that will prevent America's retirees from becoming hostages whenever American corporations face reorganization in bankruptcy court.

Mr. CLAY. Mr. Speaker, I am proud to lend my support as an original cosponsor of H.R. 1186, the Retiree Benefits Security Act of 1987.

The importance of this legislation cannot be overemphasized. As evidenced by the recent actions of several major companies—especially the 1986 action of LTV Corp.—it is possible for any employer to file for bankruptcy under chapter 11 of our Federal bankruptcy laws and unilaterally terminate the health and life insurance benefits of its retirees.

The proposed legislation would provide permanent protection not only to LTV retirees, but to all our Nation's retirees. It is both logical and fair that the obligations of an employer to retirees for benefits be afforded the same protection as the obligations of the employer to other creditors under Federal bankruptcy laws. This is particularly true for the many thousands of early and disabled retirees who are not yet eligible for Medicare. The health insurance provided them by their employer is often the only adequate health care protection available to them. This situation is even more outrageous when one considers that many of these retirees were induced to retire early by their companies based on the promise of continued health benefits for life.

Mr. Speaker, I urge my colleagues to support this legislation as a way of showing the House of Representatives recognizes its responsibility and duty to protect and care for our elderly and disabled retired citizens. I also urge them to remember that the continuing resolution passed by the 99th Congress granting temporary relief to the LTV retirees expires on May 15, 1987. Now is the time to enact permanent legislation which sends a positive message to our Nation's retirees, and which ensures that they will never again have their health care benefits subjected to unilateral termination or modificiation.

Mr. ECKART. Mr. Speaker, the retirees of LTV have been ripped off. Plain and simple. The trust they put into the company for which they had worked many years has been abused, violated, attacked, and denigrated. This is wrong. What is worse, though, is that the letter of the law has allowed this to happen.

Ohio has 22,000 retirees who have felt the effects of this scheme—17,000 of these men and women live in or near my district in northeast Ohio. I had the opportunity to meet with a large group of them yesterday when they brought their concerns to Washington in person, 33 busloads of them from all over the Midwest. These people have counted on their benefits as an absolute foundation upon which their retirement security depends.

Bankruptcy court has become an increasingly popular vehicle allowing companies to renege on their contractual obligations to their retired workers. Today, I am proud to lend my support for legislation offered by my friend and colleague, Congressman STOKES to provide fair and equitable treatment of retirees in bankruptcy situations while at the same time recognizing the need for a company to reorganize its financial debts in order to avoid liquidation. Additionally, this legislation extends to all employees, both union and nonunion. Similar legislation has been introduced by my colleague Mr. TRAFICANT and in the other body by Mr. METZENBAUM.

Mr. Speaker, it is time that we take swift and positive action to save our employees from having their financial rug torn out from under them during the years that are supposed to be golden. I heartily endorse this legislation, congratulate its sponsor, Mr. STOKES, and urge other Members to recognize the vital purpose of our bill.

Mr. LAFALCE. Mr. Speaker, the Nation's steel crisis continues to be a matter of grave importance to the Congress because of its severe impact on the American economy and thousands of affected workers. Since 1982, the steel industry has lost over $7 billion, which has forced it to close down dozens of facilities and cut steelmaking capacity by 21 percent to less than 127 million tons annually. As a result, the number of workers employed within this industry has dropped from 450,000 to 200,000 in 1986, a decrease of 55 percent. This crisis has also created a wave of failures within the industry so that over 20 percent of domestic steel producers are currently under the protection of bankruptcy courts in the United States.

While our primary overall goal is to restore the international competitiveness of the industry, which is addressed by various trade measures in H.R. 3, we also need to examine the impact of the increased number of bankruptcies on the current and former employees within this industry. One of the problems we have seen is that steel companies, when faced with declining profits due to unfair competition, have attempted to resolve part of their financial difficulties by terminating the health and life insurance benefits for its current and former employees.

We faced this situation last year when LTV Steel Corp., the second largest steelmaker in the United States, filed for bankruptcy under chapter 11 on July 17, 1986. LTV unilaterally terminated all of its health and life insurance benefits for its 78,000 retirees, which was in violation of title 11, section 113(f) of the bankruptcy laws which require that agreements negotiated by the union are protected against unilateral abrogation. Therefore, I was pleased to cosponsor H.R. 5283 last year to compel the LTV Corp. to continue life and medical insurance coverage to its retirees. Although H.R. 5283 was not enacted, a similar measure was included in the continuing resolution passed by the 99th Congress, which requires the continued payment of life and health insurance benefits for retirees until May 15, 1987.

This deadline of May 15, 1987, is rapidly approaching. Also, this issue has assumed even greater urgency as additional steel companies, both large and small, are faced with bankruptcy. Just this month, Kaiser Steel Corp. filed for protection under chapter 11 of the Federal Bankruptcy Code. While Kaiser has not terminated its retirees' benefits, it has canceled the employees' health benefit plans. Also, Roblin Steel Co., a small steel company headquartered in my district in North Tonawanda, NY, has also recently terminated its health benefits for both current and former employees.

Therefore, the need for the enactment of the Retiree Benefits Security Act of 1987 is great. While this bill only addresses part of the problem with regard to the continuation of benefits for retirees, and does not consider the benefits for the current employees, it is a first step that will assure our Nation's retirees that their health benefits will never again be subject to a unilateral modification or termination.

Mr. FORD of Tennessee. Mr. Speaker, last July the LTV Corp. filed for bankruptcy under chapter 11 and unilaterally terminated the health and life insurance benefits of 78,000 retirees.

Mr. Speaker, I am here to denounce the actions of LTV and other similarly situated businesses that have failed in the industrial sector of our economy.

LTV acted on the premise that retiree pension plans are not protected under section 1113 of the Bankruptcy Code, which establishes procedures for the treatment of collective bargaining agreements in bankruptcy proceedings.

While we acted expeditiously in the 99th Congress by passing legislation to reaffirm Congress' original intent, that section 1113 protects the benefits of retirees, as well as active workers, the legislation is due to expire very soon and requires that we enact legislation which will provide a more permanent solution to the problem.

We must protect these individuals who are the backbone of this great Nation. These people are the diehards who built this Nation. And these are the people who worked long and tedious years to earn their benefits.

We in the Congress, Mr. Speaker, must insure that these individuals are protected—protected to the extent that they receive fair and equitable treatment in situations of this nature.

We must act expeditiously in our efforts to eradicate the continuation of this practice.

My colleague, Mr. STOKES, is to be commended for his leadership and the fine manner in which he has responded to the call of our Nation's seniors.

The Retiree Benefits Security Act of 1987 is a positive response to this health care benefits problem.

This legislation properly addresses the health and life insurance benefits of all workers—both union and nonunion.

No longer will retirees be subjected to a unilateral modification or termination of their benefits due to an employer's filing of a bankruptcy petition.

The retirees of this Nation, can rest assured in knowing that upon the passage of this legislation, their benefits will be intact when they retire.

As a cosponsor of this legislation I am committed to protecting the benefits of these retirees. Therefore I ask all my colleagues to join us in support of this most important piece of legislation.

Mr. DAVIS of Illinois. Mr. Speaker, on July **17, 1986, the LTV Corp. filed for bankruptcy** and unilaterally terminated the health and life insurance benefits of the company's retirees.

Congress was able to respond to the LTV crisis by including in the continuing resolution last year language continuing payments of life and health insurance benefits, but only until May 15, this year.

I am cosponsor of a bill drafted by the congressional steel caucus to set the LTV retirement programs straight—H.R. 1040.

The steel caucus bill seeks to give priority to retirees' health and insurance benefits in chapter 11 bankruptcy proceedings. Retirement benefits already enjoy priority status, as I understand it. All we're doing here is giving retiree health benefits similar standing.

Mr. Speaker, I trust that the Congress will not miss the deadline of May 15, to make permanent the priority for retiree health benefits **under chapter 11 proceedings.**

RUNNING FROM REALITY: THE MODERN DEMOCRATIC LEFT

The SPEAKER pro tempore (Mr. PRICE of North Carolina). Under a previous order of the House, the gentleman from Georgia [Mr. GINGRICH] is recognized for 60 minutes.

Mr. GINGRICH. Mr. Speaker, I want to do a special order tonight entitled "Running from Reality: The Modern Democratic Left."

I want to place it in context. I first did the research for most of this talk in April 1986, when I took 10 hours of debate in the U.S. House and analyzed them as a historian trying to understand the rhetorical patterns of the modern left.

The biggest conclusion I came to is that there is a systematic process by which the modern Democratic left ignores the reality of the Soviet Union and ignores the reality of the world we live in.

Frankly, after we finally got done doing the research, I put it to one side and did not really think about it very much. Then recently I read an article about a Democrat who said a series of things about Central America so fundamentally wrong and so just plain inaccurate that, as a history teacher, I was intrigued.

I am not going to quote by name anyone tonight because I have not given anyone notice. I am just going to refer to liberal Democrats generically, but let me quote from one particular Democrat.

This is from C-SPAN. "The Contras are a pure Communist group." Now, that is not only wrong, it is about as inaccurate as suggesting that the United States bombed Pearl Harbor. It would be almost impossible to responsibly vote in the U.S. Congress on anything if you are not sure who you are voting for. Yet, by definition, the Contras are the freedom fighters who are on the American side against the Communists. The gentleman apparently did not have any idea who the Contras were, although I believe he voted against helping them, apparently on the grounds he thought they were the Communists.

Second, "At one time in history, most of the states in Latin America were communistic." That is just not true. You can make some argument Guyana has leaned Communist. Clearly, Grenada was Communist. Nicaragua is now Communist. Cuba is Communist, and that is it.

Argentina, Chile, Ecuador, Peru, Colombia, Brazil, Panama, Jamaica, the list goes on and on. Most of the countries of South America and Central America have never been Communist. The gentleman was just wrong.

He went on to say, "Then we had an organization formed that—just can't recall the name of it now, but really showed the value of being a democracy." Well, I am presuming that the reference is to the Organization of American States, but in fact, it was formed largely to defeat Nazi Germany around 1940. It was not primarily formed for the purpose of dealing with communism.

It certainly precedes the Communist threat to the Western Hemisphere. The Organization of American States has a long and noble tradition of being what it says, an Organization of American States.

He went on to say, "There are three different groups down there who form the Contras. One is controlled by a man named UNO; the other is controlled by a—well, I don't recall their names."

UNO is, in fact, the initials, UNO, for the organization which is one of the freedom fighter groups. It is not the name of a man.

Finally, "I don't think the country of Nicaragua has enough firepower in the navy or the air force or their army to fight anybody." Now, that is just explicitly systematically wrong. The Nicaraguan military, the Communist Nicaraguan military, is the most powerful military force in Central America.

So what do we have here? This is what intrigued me and led me to decide to do this evening's special order.

Here we have a leftwing Democratic Congressman who thinks the Contras are the Communists, who thinks most of the countries of Latin America are Communist, who thinks that there is a man who is, in fact, an organization, and who thinks Nicaragua does not have an army, navy or air force to confront anyone.

I would suggest, based on those factually wrong statements that the gentleman's vote is perfectly correct. If, in fact, the fantasy world he just described existed, he should vote for the leftwing Democratic proposal to unilaterally surrender in Central America.

But, in fact, it is not correct. I was not intrigued with this passion for leftwing Democrats to be factually wrong about foreign policy that I went back and I reexamined the paper I had written a year ago, based on the debate in March 1986. I was struck with the old French proverb, "The more things change, the more they remain the same."

As I go through this analysis which I hope to upgrade in a couple of weeks with today's debate, notice how relevant this year-old analysis remains. Notice how little the Democratic left has learned about reality.

Notice how, if you do not know anything about the world and you do not understand the factual information and you are not sure what the Soviet Union is and you are not sure who the Contras are and you cannot quite figure out how well-armed Nicaragua is, you can suddenly understand much of modern leftwing Democratic foreign policy because it combines two continuing facts.

First, it lives in a fantasy world driven by a psychological commitment to avoid reality, and second, it is simply ignorant—I mean the word "ignorant" as a college teacher—literally does not know what it is talking about.

I noticed recently, for example, a leading Democrat, who is a subcommittee chairman on the Committee on Foreign Affairs, was quoted as saying that he had always agreed with the Communist Party in its commitment to free speech.

I would suggest to you that anyone who thinks that the Communist Party believes in free speech ought to vote in favor of coexistence with a group which, after all, believes in free speech. I would also suggest that you have to deny the entire history of the Soviet Union since 1917, the entire history of Cuba since 1960, the entire history of the Soviet empire in Eastern Europe, the entire history of what is going on in Nicaragua, and if you deny all of that, and reject all of that factual information, then you can convince yourself of the fantasy which the Democratic left believes in.

I might suggest, by the way, that Timothy Ashby's fine new book, "The Bear in the Backyard, Moscow's Caribbean Strategy," which is just out, is something that any Member who wants to begin to understand what is happening in Central and South America and the Caribbean should read. Ashby goes step by step. What is the historical Soviet interest in Latin America and the Caribbean? What is Cuba's role as a colony of the Soviet empire? How is Cuba used as a base for Soviet power projections? What was the role of Grenada and what was Grenada doing?

What is the role of Nicaragua and Soviet strategy for the Caribbean? What is happening in El Salvador and Honduras? What is happening in Jamaica, Guiana, and Surinam? How does all this fit together?

Timothy Ashby's book ought to be required reading for every leftwing Democrat before they are allowed to vote again. When you read this, the other, much thicker book, which is the Grenada documents published by the U.S. State Department, which ought to be required reading for every leftwing Democrat, because when you read the documents that talk about reality, it begins to be obvious just how out of touch with the real world the Democrats are.

□ 2000

Let me put it in context. The threat of communism in Nicaragua can only be understood within the context of the Soviet empire. The Soviet use the Communist Cuban colonial troops, the historic patterns in which Leninist factions seize power and ally themselves with the Soviet Union is the primary threat to the survival of the United States.

The modern Democratic left ignores the reality of the Soviet empire. It does not understand the role of Castro's Cuba, and by interpreting history in its own distorted way, it denies the seriousness of Leninism as a doctrine for imposing tyranny. Finally, it is blind to the predictability of Communist behavior. Consequently, the modern Democratic left sees no threat to the United States from the Soviet empire.

Modern leftwing Democrats truly believe and are intensely committed to their ideology. They are committed, though, on an emotional level, not an intellectual level. Their rejection of certain factual data is a sign of cognitive dissonance, a psychological condition, not factual disagreement, an intellectual condition.

We will not cure the modern leftwing Democrats of this condition. Thus, taking them seriously and debating them intellectually is a mistake. It legitimizes their fantasy world, as accepting their position as even defensible is anything but a fantasy.

Therefore, we must isolate the modern Democratic left. Our challenge is to convince younger Americans who are untramatized by Vietnam and who are willing and capable of looking reality in the face. Our strategy must be to highlight the Democratic left's fantasy world and contrast it with the grim reality of the world we see on the evening news.

Let me make this very clear. Consistently, if you read leftwing Democratic speeches about the world and you watch the evening news, the world on the evening news is tougher, more dangerous, and more brutal than the fantasies of leftwing Democrats. They cannot explain terrorism in Lebanon, they cannot explain the Soviet army in Afghanistan, they cannot explain the massive increase of Cuban and Soviet forces in a colonial Communist Nicaragua.

Our goal has to be to convince the American people that the survival of honest people depends on honest realism, no matter how repugnant reality may be. Democracy can only survive if the people of that democracy are told the truth and are led to face tough choices in an honest, realistic way.

Success will be found in discrediting the Democratic left as thoroughly as isolationism was discredited in bipartisan fashion between 1946 and 1952.

Victory will be a bipartisan consensus that the Soviet empire is dangerous. We must go beyond that and build a successful strategy for transnational survival and the strengthening of freedom.

Let me start with the debate of March 19 and 20, 1986. The March 1986 House of Representatives debate on President Reagan's proposal to aid Nicaraguan freedom fighters is a case study in the political and intellectual divisions which have undermined America's effectiveness in stopping communism for the past 20 years.

A careful study of the 136 pages in the March 19 and 20, 1986, Congressional Record covering the 10 hours of debate will reveal a leftwing world view which simply prevents intellectual debate on foreign policy.

The average citizen would find it difficult to understand what is happening in the debate due to the passion with which the left advocates their world view fantasy. Since many leftwing politicians have excellent educations and are able to use English brilliantly, they can cloak their delusions and fantasies in pseudolearning. To the unknowing listener their arguments sound plausible. Sometimes one hears an occasional phrase or concept that seems to be in touch with common sense and reality.

The extent of intellectual blindness and psychological delusion among the modern Democratic left is obvious. Some Members used emotional statements, irrational arguments, distortions of history, and false facts to make seemingly intellectual points in the debate. Consider the following patterns in the March 19 and 20 House debate of last year:

Nineteen Representatives found some way to blame America for the rise of communism in Nicaragua;

Ten blamed the United States for forcing the Nicaraguan Communists to be repressive, as if communists are not always repressive;

Four said that President Reagan, if he is really worried about communism in our hemisphere, should go after Cuba and the Soviet Union;

Twelve suggested that violence never works. They ignore the fact that it was violence that brought Castro and Ortega to power in the first place, and violence which was the only thing that worked against Hitler;

Seven suggested we should never aid freedom fighters against a government that we diplomatically recognize. Yet these same seven support a similar policy in Afghanistan, where we support the guerrillas against a government that we do recognize;

Fifteen scoffed at Nicaragua as a threat by simply ignoring the Soviet and Cuban elements of the Communist regime;

Six applied guidelines to United States behavior which, if applied in Afghanistan, would mean an end to all aid to the Afghan freedom fighters;

This happened again, by the way, today. If we had a moratorium on aid to the Afghan freedom fighters until all the aid was audited, we would simply cut off the aid. It is fascinating to me that no one on the left has proposed a moratorium on aid to the Ethiopian Communist Government, a pro-Soviet dictatorship. No one has suggested that we should not send them the American taxpayers' dollars until we audit the Communists. But those on the Democratic left were very confortable in suggesting that we cut off aid to the freedom fighters who were pro-American.

Last year 33 confidently asserted the freedom fighters could not win even with the aid. Some of these were Members who 16 years ago predicted peace and freedom in Cambodia and Vietnam if only we would cut off aid. But we got the peace and freedom of slavery and of death.

Twenty-six wrongly analyzed the Nicaraguan Communists by ignoring the Leninist-Communist-Soviet system of tyranny. That is, they described Nicaragua as though it was a democracy or as though it was somehow just a group of guys who liked designer sunglasses but were basically reasonable people. They ignored all we have learned over the last 70 years about the nature of a Leninist-Soviet state and all we learned from the Grenada documents about the way the Cubans train secret police and organize dictatorships.

Last year 16 suggested America could not afford to send $100 million to the freedom fighters; yet they consistently vote for more spending on virtually everything else in the budget. In fact, 15 of them last year voted for increasing the number of automatic elevator operators for Congress. In other words, there was as much money as we need for more automatic elevator operators to run elevators which will run automatically if you push a button, but not a dime more to defend freedom in Central America.

Two, who have consistently voted against President Reagan's Central American policy and helped defeat many of his requests, piously asserted that Reagan had gotten everything he asked for in Central America over the last 5 years. Again we saw this pattern today. On the one hand, leftwing Democrats do everything they can to block every kind of rational policy from a conservative standpoint in Central America; on the other hand, they blame Reagan because Congress has tied his hands and made it impossible to have an effective policy.

Two suggested the President should declare war on Nicaragua as an alternative to aiding the freedom fighters.

Seventeen suggested we should use American troops if the Nicaraguan Communists are a threat to American security. And I might point out that as recently as today one of the lead-off leftwing Democratic speakers suggested that if we really have a problem in Central America, let us use American troops but vote not to send money to help the freedom fighters. I find it a little bizarre that the correct answer is that American troops should go and fight, but the local people who are willing to fight for themselves should not be helped.

Last year five leftwing Democrats predicted that a "yes" vote would lead to escalation and Nicaraguan Communist attacks into Honduras. None of them would accept that defeating the aid would lead to what really happened, which was in fact that 1,000 Nicaraguan Communists invaded Honduras 2 days after aid was at that point defeated.

Eighteen who opposed the aid did so because they perceived the threat of McCarthyism. They mistook attacks on their record and judgment for attacks on their patriotism and security.

Several bitterly resented any suggestion that their "no" vote would lower freedom fighter morale and thereby encourage Communist aggression. An extreme example of the left's isolation and fear of reality was a particularly odd request by one Democrat. After Representative Bob Walker had spoken, the Democrat protested—and I quote—"Mr. Speaker, I request the gentleman's words be taken down. He is questioning the judgment of other Members of this House."

The Democrat continued: "He questions the judgment of the Members of the House who oppose the Reagan proposition." When asked if he insisted on his request, he continued: "Yes, Mr. Speaker, I do, because it followed a statement that I just made when I indicated that I oppose the President's position, and certainly by inference, he is questioning my judgment and I resent it."

That is found on page 5200, on March 18, 1986.

□ 2010

Now I would suggest if you look at that, that this incident illustrates the degree to which the left now confuses its belief system with moral righteousness and its judgment with patriotism. To question the Democratic left's record is perceived by the left as an assault on their motives. To question the results of their policies is seen by the left as a smear on their patriotism.

Notice that the man was complaining because what was being questioned was, and again I quote the words, "his judgment." But of course in a debate that is what you question. If we thought the judgment was sound, we would vote with him. It is precisely because we think the left's judgment is so bad that we are systematically suggesting that there is a gap between reality and their view of the world.

The fact is, from a historical standpoint, while meaning well, the American left has performed badly. Unable to accept the responsibility of 20 years of failure, they deny their guilt. The Democratic left has been wrong about communism. Their actions made it easier for the Communist dictatorship to thrive in Vietnam. They have accepted Communist massacres in Cambodia. They ignore Communist colonies imposed on Angola and Mozambique. They condone Communist savagery imposed on Ethiopia. And now they facilitate the current Communist regime in Nicaragua.

The results of their policies are refugees from Southeast Asia, Vietnamese and Cuban boat people, the desperate appeals of freedom fighters, the living testimony of Solzhenitsyn, Shcharansky, and Sakharov, and the cries of refuseniks and dissidents throughout the Soviet Empire. It is little wonder that the Democratic left finds it easier to hide in a pleasant fantasy world. They blame America first and seek unrealistic solutions which will somehow allow America to live comfortably with the Soviet Empire and its military bases in our backyard.

Let me quote for just a moment from Ed Feulner's introduction to Timothy Ashby's "The Bear in the Backyard-Moscow's Caribbean Strategy." Dr. Feulner, the head of the Heritage Foundation says, and I quote:

> What Zbigniew Brzezinski has described as a "fourth central strategic front" in the world-wide U.S.-Soviet contest has opened in the Caribbean and Central America. Never before in history has the U.S. been faced with a national security threat of such proportions so close to its borders. What would have been unthinkable to Americans a generation ago has become reality.
>
> The Soviet Union, a rival superpower unprecedented in aggressiveness and strategic capability, has established a major military, espionage, political and cultural presence in the United States' backyard. Having tested and found wanting, the U.S. resolve in protecting its vital Caribbean interests, the Kremlin has declared the Monroe Doctrine dead.

Dr. Feulner and Timothy Ashby, in fact, put their finger on a key point. What we should have been debating in this House today was whether or not we would act to somehow move the Soviet Union out of Cuba, to make sure the Soviet Union left Nicaragua, to reestablish American security in our own backyard.

Instead, the modern democratic left consistently trivializes the issues. Afraid to face up to the big, tough realities, they create tiny fantasies. Afraid to deal with the Soviet empire, they create small issues. Unwilling to deal with literally thousands of Soviet colonial troops in Cuba and thousands of Cuban colonial troops in Nicaragua, they instead propose that we have CPA's and accountants who will magically cure America's problems in the world.

It is impossible to have a rational debate with these deluded ideologues. This 10 hours of "talking past" each other proves we need a new approach to discussing foreign policy. The key to a successful dialog on America's survival and the survival of freedom is to recognize that the American left can be defined and exposed but it cannot be debated.

We must reach beyond them to have a dialog with the American people—through the news media—so they can learn and choose the world view and solutions they agree with.

Since modern leftwing Democrats **live in a fantasy world, true debate is** impossible. After all, watching a debate about medicine between two doctors is one experience. Watching a debate between a doctor and an alcoholic masquerading as a doctor so he can prescribe whiskey is a totally different proposition. The American left replaces fact with fantasy, reality with rhetoric, and security with sentiment.

We are at the end of a 20-year foreign policy debate dominated by left wing language and assumptions. For 20 years congressional subcommittees, in which leftwing Democrats have held very powerful positions, have shaped our foreign policy. Consequently, their policies have been implemented by bureaucracies weakened and made ineffective by two decades of American military and diplomatic decay and withdrawal from the real world.

Because the vision defines and determines tactics, we must create the new consensus in American foreign policy at the vision level first. The specific tactical victories will follow. President Harry Truman convinced America there was a Soviet Empire, and that it threatened America. Only then, he won the vote on aid to Greece and Turkey. He could not have done it in reverse order.

Where are we today, and how did we get here?

Let me start with the basics, and **this is frankly, not believable to** many of leftwing friends because they simply reject this reality.

There is a Soviet Communist Empire. The Soviet Empire is based on the writings of Lenin. It maintains and explains its power and control over its people and its colonies through the Communist Party, the secret police, and the military. The Soviet Empire's grasp reaches to East Germany, Poland, Czechoslovakia, Hungary, Bulgaria, Syria, Libya, the PLO, South Yemen, Ethiopia, Angola, Mozambique, from the Arctic to Afghanistan.

The Soviet Empire continues to expand its grasp by using Communist Cuban colonial troops. It dominates the mouth of the Red Sea. It has a major presence in the Mediterranean. It has bases on both the Indian and Atlantic coasts of southern Africa, Western Pacific, the Caribbean and the Pacific coast of North America.

If you accept that the Soviet Empire is a threat and if you also accept that its allies are part of the empire, then you have to accept that the allies of the Soviets are a threat.

The Nicaraguan Communists promised the United States and the Organization of American States it would quickly hold free elections, thereby gaining vital support in their effort to overthrow Somoza. However, since taking power the Nicaraguan Communists have suppressed true Nicaraguan democrats and imposed a Cuban-style Communist dictatorship. The Nicaraguan Communists followed the Leninist-Soviet doctrine quite well. They are doing precisely what they should to cement their alliance with the Soviets and Cubans against freedom and the United States.

The lesson of 26 years of Communism in Cuba should be clear. Castro has consolidated power and trained terrorists and guerrillas who subvert free countries. (Cuba votes against Israel and the United States in the UN). It provides colonial troops for the Soviets to use against Israel and the Third World. It provides a base for Soviet spying against the United States. It threatens its neighbors with subversion. And now Cuba is training the Nicaraguan Communists to be as anti-American and pro-Soviet, as their Cuban comrades.

A Soviet-Cuba foothold on the North American Continent is a threat to the United States because it gives the Soviets additional bases in our own backyard. It imposes Communism on people who want to be free. It also increases the resources and power of the Soviet Empire at the time when it would otherwise be decaying rapidly.

The rebellion of free Nicaraguans against Communist dictatorship is part of a worldwide rebirth of freedom in defiance of the Soviet Empire and Communism. In Afghanistan, Cambodia, Ethiopia, Angola, and Nicaragua Communist dictatorships and their Soviet and Cuban colonial enforcers are being challenged by nationalist groups determined to free their nations. Both our own security as Americans and our moral hertiage, beginning with the Declaration of Independence, compel us to recognize the threat of the Soviet Empire and our responsibility of aiding freedom fighters.

I must say, to stand in a House which has George Washington's portrait and Lafayette's portrait and hear leftwing Democrats talk about getting accountants to audit the books of guerrilla fighters who are fighting for freedom is almost enough to make one despair. Can you imagine if the French had had people as foolish as leftwing Democrats who said, "Send no money to George Washington at Valley Forge, do nothing to help Benjamin Franklin, after all, we have not audited the American account." Can you imagine what would have happended to our Revolution for freedom if in fact CPA's had been called in by the French King who said, "Oh, we cannot do anything to help freedom until we audit Thomas Jefferson." It is madness. It is absolutely irrational. It is precisely the fantasy world of the modern left which ignores history and is certainly not worthy of either Washington's portrait or Lafayette's portrait.

□ 2020

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Does it not strike the gentleman as somewhat odd that the only time we get worried about having all these accountants come in is when we are dealing with people who happen to be fighting Communist dictatorships?

Just last week the very same people, when given the opportunity on this floor to vote to audit a $500 million account, specifically voted not to do that because it happened to involve heroes of the left who they specifically did not want to have looked at; so that today they come to the floor and argue that somehow we ought to have accountants looking over these books, but last week when we were talking about 10 times as much money they were specifically on record in the CONGRESSIONAL RECORD saying they did not want that account audited.

Mr. GINGRICH. Well, I might say to my friend that in fact the example I used earlier is that if they were concerned about editing, it is just interesting that the Democratic left did not begin with an audit of Communist Ethiopia, which is a pro-Soviet dictatorship, which in fact has gotten far more aid money that the freedom fighters; but you will not find anyone on the Democratic left rushing in to audit a Communist dictatorship that is pro-Soviet; however, if you have the dangerous role in the world of being a pro-American freedom fighter, you have to be very concerned that someone on the left will find a good reason to decide that their CPA has to audit you before you get any more ammunition, even if in fact we cannot stop the Communists from sending in more amunition to their side.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. Well, you know, it is very interesting when we look down through this resolution that the left passed today here on the floor, when we find out that the other thing they want to look at is the accounts of private individuals who may have contributed money to the anti-Sandinista forces in Nicaragua; so you know that they are going after private individuals, but there is absolutely not one word of language in here about the private individuals who have been contributing money to the Communists in Nicaragua, the people who have gone down there and helped the Communist government. Do we find one word in here that maybe we ought to be looking at their accounts as well and finding out whether or not they have done something that should cause us some concern as a nation? Not one word.

We are only going after the Democratic resistance here. We have absolutely no intent in this resolution of going after the Communists.

Mr. GINGRICH. I think it is a little bizarre that the Democratic left manages to write up resolutions whose effect is to make life easier for the Nicaraguan Communists, to make life easier for the Cuban Communists, to make life easier for the Soviet Communists, and by the way, if you are an American who is willing to help the Soviet or Cuban or Nicaraguan Communists, you do not exist in the world of the Democratic left; but if you are trying to help the pro-American side, if you are trying to help freedom, if you are trying to stop communism, obviously then you should be investigated.

Mr. WALKER. Mr. Speaker, will the gentleman yield further?

Mr. GINGRICH. I am glad to yield to the gentleman from Pennsylvania.

Mr. WALKER. And then to have the debate summed up on the House floor by stating that both parties, the majorities in both parties are just as tough on communism as each other, that there is no difference between the two parties, that both are tough stern anti-Communist, makes no sense in the context of what the gentleman has said. That argument is totally specious when seen in that context. These are people who have now a record of accommodating every Communist dictatorship that arises around the world and anybody who stands up to Communist dictatorships, they have a record of attempting to undercut the funding to those people who stand up.

Now, that is not a record of the last 6 months. It is not a record of the last 6 years. It is really a record of the last 20 years that has been accumulated.

You know, McGovern may not have won the election, but at this point he certainly has become the soul brother of the entire Democratic Party because they appear to embrace precisely the kind of appeasement and accommodation that the American people rejected overwhelmingly in his platform in 1972.

Mr. GINGRICH. Well, if I can, I might say to the gentleman, I think if you see the history of the last few years since World War II as a struggle between freedom and the Soviet Empire, it can be divided into three phases. In the first phase Presidents Truman and Eisenhower recognized the threat of communism. I think they were able to educate the American people to the threat and they eventually created the policies which contained the expansion of the Soviets.

The revolution of policies and organizations led by Truman dwarfs anything we have seen since. Six years of strenuous effort and debate by Truman and others against Isolationists of the right and left led to a large peacetime military, the Central Intelligence Agency, the North Atlantic Treaty Organization, the Marshall Plan, Greek-Turkish aid, Point IV, the Unified Department of Defense, the concept of containment, the Berlin Airlift, the Rio Treaty, and fighting a war to stop Communist aggression in Korea.

By 1958, these policies were working. The Soviet empire was contained and Japan and Western Europe were protected against conventional military attack.

The second phase began with the Soviet-Communist strategy of inciting transnational conflicts as the way to extend the Soviet empire. The Communists had found a weakness in the free world policy of containment. using Lenin's strategy for seizing power in Third World countries, the Soviets discovered that the West's legal, political, diplomatic, and military systems had no effective response to transnational conflict. Western policy was based on clear cut distinctions between war and peace, legality and illegality, civil war and foreign aggression. By using the language of the West to disguise Communist transnational strategies, the Soviets confused and divided the West. Ho Chi Minh used the language of the Declaration of Independence to deceive American and European liberals about his intent to impose communism on Vietnam and all of South East Asia. Castro posed as a "reformer" while consolidating power as a Communist. Castro's charade is still believed by many Leftwing Democrats 26 years later, as evidence by the March 19 and 20, 1986 House debate on Nicaragua.

Presidents Eisenhower and Kennedy began to develop a policy for an American response to Communist transnational strategies. The Army's Special Forces were dramatically enlarged by President Kennedy. JFK's Alliance for Progress included both the Peace Corps and Green Beret advisers who trained the Bolivian troops who tracked down Che Guevara and wiped out the Communist guerrillas.

Under Kennedy's leadership communism was challenged from the Berlin Wall to the jungles of Laos and Vietnam. United States political, economic, and military power were used aggressively and risks were taken to, "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty."

Kennedy felt so strongly about stopping communism that he risked nuclear war in the Cuban missile crisis. He mobilized the National Guard during the Berlin Wall crisis. He launched a major buildup of the U.S. military troops in Vietnam. By November 1963 communism was losing the second phase and the free world was developing an effective transnational strategy for freedom.

After Kennedy's assassination, President Johnson proved unable to fill the intellectual, moral, political leadership vacuum that was left by JFK's death. The anti-Communist, Democratic party of Truman, Kennedy, and Senator Hubert Humphrey began to disintegrate. By 1972, the ideologically isolationist Democrats had seized control of their party and nominated George McGovern. McGovern's foreign policy background was as a 1948 Henry Wallace Progressive. He had opposed Truman's policy of aiding Greece in 1947. And he actively opposed the traditional bipartisan policy of anti-communism.

With the landslide of Richard Nixon, there was still hope of continuing a strong anti-Communist foreign policy. However, the newly isolationist Democrats in Congress thwarted his policies. Watergate accelerated the collapse of the American centrist, bipartisan anti-Communist consensus. In the 1974 election, McGovern's antiwar activists won spectacular and improbable victories. The economic pain caused by the oil price increases and the political pain of Watergate corruption lead to political upheaval. The 1974 election winners were overwhelmingly left wing ideologues who were deeply opposed to an active anti-Communist foreign policy.

The McGovernites moved quickly to impose their views in the House and Senate. They voted to cut off aid to South Vietnam. The ensuing North Vietnamese communist offensive captured another colony for the Soviet empire. They cut off aid to Cambodia. The Communists allied with Vietnam and the Soviets proceeded to kill over a million people in a holocaust.

□ 2030

Fresh from permitting freedom to be killed in Southeast Asia, the American left turned to Africa. They cut off American help to anti-Communist forces in Angola and Mozambique. The Soviets responded to the left's timidity by flying 35,000 Cuban troops into Angola to impose a Communist colonial dictatorship.

Let me make this point again, because it is an example of why I talk about the American left running from reality. When they stood on this floor today and talked about a moratorium and talked about being reasonable and talked about negotiating with the Communists in Nicaragua, one had to ask oneself, "Have they learned nothing from the last 25 years?"

The last experiment in unilateral surrender in Africa by the American left led the Soviets to fly 35,000 Cuban troops into Angola. Now what do they think the American collapse in Central America is going to lead to, some kind of newfound reasonableness on the part of the Soviet empire?

Having not entirely wiped out America's ability to aid the cause of freedom, the left in 1975 and 1976 now turned to gutting the Central Intelligence Agency. During this period, Soviet Mig-23's went to Cuba but were nonchalantly explained away by the left as insignificant. A Soviet training brigade in Cuba, in explicit violation of the 1962 agreement, was explained away by the left as immaterial. Now, the Communist threat in Nicaragua is explained away by the left. Again and again, new excuses are found as the left avoided the reality of Communism, the Soviet empire, and the danger to American survival. By the 1979 full-scale invasion of Afghanistan by the Red Army, the free world had lost this phase and the bipartisan anti-Communist consensus had collapsed.

The third phase in the struggle between the Soviet Empire and freedom began in late 1979. The American people were shocked by the Iranian hostage crisis. The boldness of Khomeini and Qadhafi as anti-American revolutionaries, startled the Nation. The growing Soviet presence in Cuba, the continued Soviet military buildup, and growing American weakness slowly sank into the national psyche.

By early 1980, the American Nation was moving toward an active, assertive, anti-Communist, anti-terrorist foreign policy. The first reactions were a reflection of how weak and ineffective the Democratic McGovernite left wing had made America's defense, intelligence, and diplomatic efforts. The failure of the Desert I commando raid was symptomatic of the utter lack of American capability. Our intelligence services were weak in Iran, Libya, Nicaragua, Grenada and elsewhere because the American left had weakened them. Although the Carter grain embargo hurt Iowa farmers, it did nothing to stop Soviet forces invading Afghanistan.

While the Democratic left dominated key Senate and House committees and had debilitated our bureaucracies, President Carter finally began to respond to the obvious threats to our survival. His Defense Secretary announced Defense budget increases and new weapons programs. Carter increased aid to El Salvador and began cutting aid to the increasingly Communist government of Nicaragua.

This is the first point to really drive home about the fundamental misinformation of our friends on the left. It is Carter, not Reagan, who began to move against communism in Central America. It is Carter who finally begins to recognize that in fact the Nicaraguan Communists are anti-American bad people allied with the Soviets and the Cubans. It is Carter who begins to help El Salvador survive.

The American people's rediscovery of the Communist threat and renewed belief that the world was dangerous helped elect Ronald Reagan. That same rejuvenated awareness led to the defeat of a generation of leftwing Senators in the 1980 election.

During the last 6 years President Reagan has worked at developing an active anti-Communist foreign policy. Despite a large military buildup, the liberation of Grenada, and limited success in Central America, the Reagan administration has not created the necessary consensus and understanding of this policy in Congress or the bureaucracy. There are seven reasons the Reagan administration has failed to achieve its foreign policy goals.

First, the administration has not clearly stated its vision in clear language that defines and describes reality. A change from the passive McGovernite approach of the 1960's and 1970's, to an active profreedom strategy, must begin with a clear vision.

Second, it has not developed an explanation ensuring continuity of public awareness and learning. If the Soviet Empire's transnational challenge is as great as President Reagan's occasional speeches imply, then educating the American people and creating a new consensus is a fulltime job. The very absence of focus and continuity reassures many Americans that this debate doesn't require their attention.

Third, this vision level shift from McGovernite passivism to Reaganite activism has not occurred in the Nation's news media and educated leadership. These groups must understand the vision before they can help educate the country at large and eventually the Congress. The Reagan administration has followed precisely the opposite formula for 5 years in its efforts to appease potentially sympathetic Senators and Congressmen who are under pressure from the extreme McGovernite left. This has blurred the vision. Trying to win tactically in a House dominated by leftwing ideologues is a formula for frustration and defeat.

Fourth, the administration has failed to recognize necessary reforms in the executive branch that must occur if it is to implement profreedom transnational strategy powerful enough to meet the Soviet Empire's threat. The current diplomatic, intelligence, and military systems are simply not capable of achieving President Reagan's goals or implementing his vision.

Let me go back and just say for a second that it is no accident that it is taking a very long time for the Defense Department to fill the new Assistant Secretaryship which would precisely begin to fill the gap in transnational conflicts. Even today, a year after this was originally written, this remains true.

While Reagan believes in free enterprise, the Agency for International Development encourages bureaucratic redtape and government-dominated liberal welfare state economics. The gap between the Reagan rhetoric and the Reagan administration performance is huge. The Reagan team can only achieve their goals if they realize they face a massive job of inventing effective systems. A small-scale job of finetuning an otherwise successful system simply will not work.

Fifth, the administration has not made the major changes in management of the bureaucracies that are required for success. Speed is vital if the policy is to be effective. We can promise modern antihelicopter weapons, a Latin American public education campaign about the Soviet Empire, a United Nations fight against Soviet and Cuban colonialism, and setting up Radio Marti type branches in Africa and Honduras. But, unless these projects are carried out rapidly, they are virtually meaningless. "Action this Day" was Churchill's theme for World War II. If Reagan is to leave behind a revitalized, actively anti-Communist bureaucracy, he must impose his will now.

I note again that this was written 1 year ago, and if you read the Tower Commission Report, the problems have not changed.

Sixth, the administration has not accepted the fact that its vision of the Soviet threat will never be accepted by the modern Democratic McGovern left. We are engaged in a struggle between two very different visions of America and the world. These visions are incompatible and exclusive of each other: there is no compromise. The Democratic McGovernite left totally rejects Reagan's version of reality, and therefore is appalled by his proposed response to that reality.

A debate between two visions, or worldviews, is dramatically different from a debate over strategy, operations, and tactics. The gap between Reagan and the Democratic left is the same as the one that existed between Truman and the Henry Wallace Progressives. The two visions are so dramatically opposed that neither one can exist in a world in which the other does. Therefore, it is not a question of a little of one and a little of the other and everything works. One side will win. The other side will lose.

Frankly, I am convinved that in the long run, just as Churchill in the thirties eventually won his argument about the nature of Nazism and Hitler, eventually those of us who are anti-Communist and anti-Soviet will succeed. The question is, how many human beings will die, how many countries will become Soviet colonies, how many people will live in the tyranny of a secret-police state, before we finally convince the American public that the McGovernite Democratic left is simply out of touch with reality?

□ 2040

The Reagan administration should actively and openly court the Democrats who have committed heresy against their party and encourage active anti-Communist transnational policies. Last year, the 13 Democrats who spoke in the House on the side of freedom are the leadership base for a future bipartisan consensus on active anti-Communism. The 46 Democrats last year who voted "yes" on aid to the freedom fighters represent nearly one-fifth of the House Democrats. Today, unfortunately, this number dropped to 40 out of 262 voting. If they were openly recruited by the administration to be a part of a bipartisan consensus, they could survive as politicians. If not, their future in a party dominated by modern McGovernites is suspect.

The Reagan administration goal must be to define, qualify and isolate the Democratic McGovernite left. The "soft-no's" must be encouraged to join the active anti-Communists because they cannot afford to be McGovernites. The strategy must be to divide by defining and polarizing. Out of that, the administration can start to build a stable bipartisan and active anti-Communist majority on foreign policy.

Seventh, the Reagan administration is trying to carry out an enormous shift in public opinion, elected officials' behavior, and bureaucratic effectiveness through incremental changes. It is courting the very groups who have developed the Democratic McGovernite leftwing policies he opposes. What it fails to understand is the fact that McGovernite House Members sought positions on the Foreign Affairs Committee, the Armed Services Committee and on the key appropriations subcommittees precisely to fight for their isolationist, ideological world view. They strongly believe in their world view, and they will do everything possible to fight for their beliefs. That is their right in a free society and we should commend them for the courage of their commitment. But we do not have to agree with it, nor appease it.

The political technicians in the White House keep trying to design conflict avoidance strategies for foreign policy. They fail to understand the dynamics of change in American politics and government. They seek a change through compromise in a situation where compromise means no change.

If President Reagan truly wants to use his last 2 years in office to reshape the public, political, and government systems of American foreign policy, he is going to have to fight more often and more tenaciously, and do so starting from the top down.

Theodore Roosevelt, Franklin Roosevelt, and Harry Truman would have understood the challenge facing President Reagan. They relished a good, spirited political fight because they knew political fights attract media coverage and public attention. This coverage is the first step toward educating the public. Education is the first step toward public support. Public support is the key to organized political power, and organized political power is the key to building a sustainable activist anti-Communist coalition. If no coalition is built, then no success for President Reagan's beliefs will emerge.

The choice is simple. The change is difficult. These seven failures must be solved if the Reagan administration is to achieve its foreign policy goals.

Ultimately, President Reagan's achievement may be measured by the survival or demise of the left-wing fantasy world view. Harry Truman's greatest accomplishment may have been the decline of the Henry Wallace progressives. By 1952, isolationism had become an anachronism, a relic of well-meaning but misguided fringe groups. Reading the March 19 and 20, 1986, debate on Nicaragua is proof that Reagan has failed to define and isolate this era's well-meaning but misguided fringe group. As this 1986 debate and today's debate prove, the modern McGovern left is still alive and powerful. Their vision is consistent, their language clear and their tactics strong. Until it is shown that it all supports a fantasy world, they are sure to keep their power.

Mr. Speaker, it is my intention in the next couple of weeks to get real experts to study leftwing Democratic statements in today's debate, to get them to analyze the factual and historical errors. I then intend to write each Member who spoke with error and ask them to put a statement in the CONGRESSIONAL RECORD indicating where they were factually wrong.

Those who do not want to change their position, even when it is indicated they are factually wrong, I will invite to come to the House floor with some of my colleagues to have a debate, and let me explain why for just a moment.

People can certainly disagree about interpreting history, but they should at least talk about the facts when they discuss history. People can disagree about the Soviet Union behavior, but they should at least agree on what the Soviet Union is.

There are clear facts which are systematically inaccurate when presented by leftwing Democrats. It is legitimate to say that while we may have different opinions we should argue off the same set of facts, or there can be no true dialog.

Mr. WALKER. Mr. Speaker, will the gentleman yield?

Mr. GINGRICH. I will be glad to yield to the gentleman from Pennsylvania, my friend.

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding because I hope in the gentleman's study that he will take a look at a document that came into our possession today that came out of the Democratic whip's office, and which I assume, therefore, has some official nature to it. I have a copy of it right here, and we heard a number of people come to the floor today and explain to us in the course of the debate that the intention of the moratorium was not to cut off aid to the freedom fighters, but simply was to delay it for a period of time while we went through this accounting procedure.

Yet here is this official document and I read a statement to the gentleman. It says down here on the bottom, "The Contras should not receive any more U.S. aid."

Mr. GINGRICH. That is not conditional? Is that a period after that?

Mr. WALKER. No. It goes on to say because they have not solidified their popular support.

Mr. GINGRICH. But it is an antiaid position, not a pro-accountant position?

Mr. WALKER. No; this document specifically says that the Contras should not receive any more U.S. aid.

So according to the paper put out by the Democratic whip, the issue out here on the floor today was really whether or not you are for or against aid to the freedom fighters in Central America. So therefore, what we had was people coming to the floor who totally said something different from what the whip's office was putting out in their official documentation.

I would hope that we get some of that kind of thing cleared up in the gentleman's study too, because it seems to me that the Democrats literally came to the floor here today and said whatever it was they wanted to say about the resolution in the hopes that they could hide from the public the true intent of the measure we had before us.

Mr. GINGRICH. Let me say this to my friend, and this is I think the theme that we need to develop between now and the 1988 elections so the American people can make an informed choice: In Germany the Socialist Party seemed to be on the move 3 or 4 years ago with a very leftwing, very isolationist, very unilateral disarmament, very appease the Soviets' attitude, and as the German people studied reality day by day, fewer and fewer supported what they saw as a threat to the survival of a free Germany. In Britain, the Labor Party has come out for unilateral disarmament, be weak with the Soviets, be anti-American position, and the more the British people have studied, the weaker the Labor Party has become.

Leftwing Democrats in the United States survive only by describing a world that is not real and going home and saying, as many of them have said, and I can cite case after case, "Well, Nicaragua is not a threat." They happen to ignore Cuba, they ignore the Soviet Union, and so an audience at home says why are we afraid of Nicaragua? And of course, the answer is we are not. We are afraid of the Soviet empire; we are afraid of Cuban colonial troops. That is different.

My goal, and I think the goal of every person who is concerned about the Soviet empire, and who wants freedom to win in Central America, must be to pin the debate to the historical record and to clear up factual errors.

I began by quoting, without naming, a gentleman who on C-SPAN, a leftwing Democrat who on C-SPAN was systematically wrong, as wrong as if I were to say to the gentleman, "Isn't it wonderful to be here in an airport?" when we are in the House Chamber. The point I made to begin with, and the point I want to make to close is that over the next few months we should slowly, and calmly, Member by Member and factual mistake by factual mistake, clear up the record and do it in the name of a great Democrat, Al Smith, who used to say, let's look at the record, and used to make people go back to the debate and the facts, and not just debate on the emotions.

□ 2050

Mr. WALKER. Mr. Speaker, will the gentleman from Georgia [Mr. GINGRICH] yield?

Mr. GINGRICH. I yield to the gentleman.

Mr. WALKER. Mr. Speaker, you know the great disappointment to me today about the debate that we had on the floor was it was a nondebate. Because of the rules set up by the leftwing Democrats for handling the debate today, there was no way of really entering into a dialog.

They set a limitation on time, and so therefore everybody was assigned a few minutes of time during which they did not want to yield. I stood up on a couple of occasions and asked people to yield, and they said "I will not yield."

The reason why they would not yield is because they had a limited amount of time, they already had their set speeches. As a result, what we had on the floor was a monolog in which everybody got up and said their set pieces, but where we could not even debate these issues and where, if people made factual errors or made outrageous statements, they got away with it simply because no one was yielding here on the floor.

I think the House processes are day by day in this Congress, in the 100th Congress, in a historic Congress, being perverted; I find it very, very disturbing, and I think the kind of demonstration we saw today where we had an issue on the floor but a nondebate, is very, very disturbing.

I would agree with the gentleman that we ought to go back and confront the people; but, you know, that confrontation ought to take place as a part of the structure here. We actually had one announced Presidential candidate who came onto the floor today who made a statement out, and refused to yield during that statement on something where he was saying that the commitment of American military troops in Nicaragua might be an option in the future.

I think that statement ought to be debated at that point, and I think we ought to have procedures in the House that allow us to debate it at that point. We ought not go back 2 weeks later and try to find out and ascertain what it was that was being said.

Mr. GINGRICH. Mr. Speaker, I must say in closing, I hope that Democratic voters in Iowa and New Hampshire will ask that leftwing Democratic Presidential candidate if he was really serious about being willing to use American troops in Nicaragua, or if that was just a bluff so he could sound good while running and hiding.

Because I think it will be very difficult for him to explain why he is willing to send American troops to Nicaragua but he is not willing to help the freedom fighters defend themselves.

SPEECH BY DEMOCRATIC NATIONAL COMMITTEE CHAIRMAN PAUL G. KIRK, JR.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona [Mr. UDALL] is recognized for 30 minutes.

Mr. UDALL. Mr. Speaker, an important chapter in American politics occurred today when the chairman of the Democratic Party appeared before the National Press Club in Washington, DC, and outlined eight "resolves" designed to keep the campaign for the Democratic nomination focussed and positive.

Mr. Speaker, I agree with Mr. Kirk's efforts to keep the 1988 campaign free of negative influences and personal attacks. I have agreed to serve on the party's task force on Democratic unity to oversee this election and I hope that this effort paves the way for a new spirit of positive campaigns that extends to the other party as well.

Mr. Kirk's speech follows:

1988 DEMOCRATIC VICTORY RESOLVE

(By Paul G. Kirk, Jr.)

A quarter of a century ago, John Kennedy said of politics—"It is the noblest profession of them all." Regrettably, few Americans would agree with that observation today.

Since his time, when he attracted so many of my generation to political life, many things have changed. America has advanced in an age of instant communications, transportation and information. Citizens have greater opportunities to see the impact of politics on their lives. Steps have been taken to make it easier for all to vote. And yet, cynicism toward politics and the political process has risen dramatically. Party loyalty is on the wane among older voters. Party allegiance is a rarity among young people. And voter turnout in the U.S. approaches the lowest of any advanced democracy in the world.

For Democrats, it is not good news that it is not the economic elite—but it is the potentially powerful Democratic base of the future which has no time for politics. For young working couples struggling to make ends meet for themselves and their children, their time and lives are stretched to the limit. For them, political activity—even voting—seems to have less and less relevance to their daily struggle.

The Democratic Party of the United States cannot ignore these trends. Many factors have contributed to the problem over time, and our party cannot control all of them overnight. But as to those factors we can control, I believe the Democratic Party in 1987 and 1988 must contribute to the solution.

A year from today, the campaign for the Democratic Presidential nomination will be well underway. So it is not too early to be candid—about the stakes for 1987, 1988 and beyond; about my responsibilities as Chairman for the remainder of my term; and about the need of the Democratic Party, its candidates and its constituencies to resolve together that we will make a positive difference for the political process, for our Party, and most importantly, for the nation.

In our democracy, there exists an inevitable linkage between campaign politics, competent governance and the national interest.

The tone and conduct of recent campaigns have had a direct impact on voter interest and turnout in America, and on whether we are earning from the people the ultimate in public trust—the right to govern their business.

While we enjoy majorities in the U.S. Senate, the Congress, the Governorships, the State legislatures, and at the local and municipal levels, 1987 is no time for complacency or for "business as usual" in the National Democratic Party.

We have won only one of the last five Presidential elections. 270 electoral college votes are needed to win the Presidency. Of 23 states which now control 202 of those votes, all 23 have supported the Republican ticket in all last five Presidential contests. When the opposition party has a consistent base and record of that size, there is little Democrats can take for granted.

My memory of the 1980 and 1984 Democratic nomination contests is one of self-inflicted political wounds, of meaningless straw-polls, of campaigns devoting considerable expense and effort to tearing down the opposing Democratic candidates, to trashing our traditional base constituencies, to bashing the Party itself, and to bickering about nominating rules and internal procedures.

In the mid-term election of 1986, negative political TV ads reached a new high in quantity and cost—and a new low in tone and content. More live news coverage was devoted to expensive negative TV spots than to serious questions of positive public policy. Those who tuned in were quickly turned off by competing negative messages. They concluded that neither candidate and neither party was worthy of a vote—so they did not turn out on election day.

It is not my contention that campaign decency is the sole ingredient for political success, but earning the right to represent and govern, restoring the public's confidence that what is stated and debated in political campaigns is relevant to the hopes and aspirations of the individuals and families of America—is what campaign politics should be about.

To put it more bluntly, as Party Chairman I believe the single most effective "get-out-the vote" program the Democratic Party and its candidates must undertake in preparing for November, 1988 is to restore respect for our own political process by delivering a positive message of hope to a national audience.

That respect cannot be attained if victory by default, distortion or defamation are the primary political tactics of the day.

Democrats must attract the most qualified of our young people to our party and to public life. But we will fail in that important mission if the best of tomorrow's leaders believe that the first challenge of a winning candidate is not to present a clear image of himself and his ideas but to tear down the image and reputation of his opponent.

Voters do not want to hear about the worst in others; they want to hear why Democrats are best for them. They want to know what we are for; not simply what we are against.

In my opinion, the stakes in the election of 1988 for the political fortunes of the Democratic Party, for our lives as a people and for our future as a nation could not be higher.

After examining the legacy of the Republican Party of the 1980's America will cry out for constructive and positive change—change from an anti-government establishment elite to a pragmatic and principled government founded on competence, courage, compassion, community and credibility.

In a great nation whose recent foreign policy scandal was either based on ignorance or deniability; whose squeeze on working families forces them to buy and borrow from abroad rather than produce and save at home; whose standard of living is falling and whose bills are coming due; whose largest creditor status in 1981 has fallen to world's largest debtor in 1987; whose budget and trade deficits are a felony against our children's future; whose money manipulators are making millions while millions who could be working with their hands are in debt; whose economic policies continue to widen the gulf between races, regions, ages, and economic classes—America's cry for constructive proposals of positive change and shared responsibilities will be critical and compelling in 1988.

Before we can predict with certainty who will respond to that cry for change, certain practical, political questions must be asked—and then answered.

While it seems obvious that eight years of callous and failed Republican policies can unite the Democratic Party—will selfish or short-sighted Democratic tactics divide the Democratic Party?

The question Americans want answered is not, "How could the Republican Party have defaulted on so many responsibilities?" Rather, "Can the Democratic Party bring us together and restore our goodness and greatness as a people and as a nation?"

Can the Democratic Party lay claim to that new mantle of national leadership? Will it respond responsibly to that compelling cry for positive change?

I could answer all these questions if I were certain of the answer to one other central question: "How much do all Democrats want to win in 1988 and why?"

After 8 years of a Republican "survival of the fittest" approach, the challenge and responsibility of the Democratic Party and its nominees is not limited to bringing all Democrats together after the convention—as essential as that will be.

The Democratic Party and its nominees must bring all Americans together during and after the general election, behind a shared vision of our national character—a vision which sees, from the outset that, as a national community, we Americans are all in this together.

That vision will not be attained unless all Americans—Democrats, Independents, and enlightened Republicans—see a party whose politics are based on common sense, and whose appeal to the country as a whole is based on its commitment to a sense of common purpose.

In politics, as in life, we are not given a second chance to make a first impression.

The American electorate will draw its first impression of the Democratic Party of 1988 from the tone and conduct of the campaigns for the Party's Presidential nomination. Americans are a skeptical and discerning audience. They will quickly distinguish if a campaign is being waged for selfish and personal ambition or if it is committed to a larger responsible and sensible national purpose.

If the American people see a Democratic Party tough enough and disciplined enough to conduct its own political business responsibly, it will be a clear and early signal to them that we can be trusted to conduct their business responsibly as well.

As Democrats, we have a special duty to those struggling families of America, now disgusted with and disaffected from politics, who expect more and deserve more from a Party whose heritage, like theirs, is one of hope—and whose dream, like theirs, is to leave a better future than the one we inherited.

To deliver on that dream will require the full cooperation and firm resolve of many within our ranks. Therefore, today I am asking all present and future Democratic Presidential candidates, all Democratic state and local party committees and all the diverse groups and constituencies which have traditionally supported the Democratic Party to join me in endorsing the following formula for a Democratic victory in 1988.

This formula is based on what I call "the politics of common sense." I issue it today as a call to achieve a common political purpose. I call it Resolves for a Democratic Victory, November 1988.

1. Chairman's Resolve to Maintain Neutrality Between all Candidates and Campaigns.—

For myself, I repeat the resolve which I authored and amended to the Charter of the Democratic Party upon my election as Party Chairman—to maintain strict and absolute neutrality between all candidates, and to assure fair and equitable treatment by the Party to all candidates and campaigns until the Democratic Presidential nomination is secured.

2. Resolve of Democratic Party Committees and Candidates to Avoid "Straw Polls".—

To comply with another resolution which I authored and which was passed unanimously by the Democratic National Committee on March 8, 1986, all Democratic Party committees must resolve not to participate in, conduct or condone "straw poll" popularity contests in anticipation of the actual 1988 delegate selection process.

Straw polls orchestrated by Party committees artificially extend an already exhausting and expensive campaign calendar. They impose costly financial burdens on the already strained campaign treasuries of our candidates by forcing them to compete. Those who seek the Democratic Presidential nomination and who wish to prudently budget the scarce resources needed for the actual delegate selection contests must also resolve not to encourage or compete in "straw poll" contests.

3. Resolve of Democratic Candidates, Campaigns and Committees to Support and Abide by Nominating Rules, Procedures, Election Laws, Campaign Finance Statutes, and Regulations.—

In addition to resolving to abide by the letter and spirit of all statutes and regulations relevant to election procedures and to the financing of presidential campaigns, all candidates, campaigns, and committees of the Democratic Party must resolve to support and abide by the national party's delegate selection rules.

Those rules were adopted fairly and openly in March, 1986. They will apply to all states, candidates and campaigns fairly and equitably—without favoritism, discrimination, or exception.

All candidates, party officials and activists who believe a substantive, civil debate on domestic and foreign policy issues is the debate which must be opened by Democrats in 1987 and 1988, must also resolve that the debate over party rules is the debate which was effectively closed by Democrats in March of 1986.

4. Resolve of Democratic Constituencies and Candidates to Maintain Mutual Respect for One Another and for the Need to Win Together in November, 1988.—

No group, constituency or organization with traditional ties to the Democratic Party can be taken for granted in any election, least of all that of November, 1988.

All Presidential candidates must resolve not to run against Democratic constituencies as a short term and short-sighted campaign tactic. They must resolve to compete for the grassroots support of all these groups. The united and enthusiastic support of all loyal groups from all regions of the country will be needed if Democrats are to be truly competitive in the 1988 general election.

But to win in November, 1988 and to govern effectively beginning January 1989, the Democratic Presidential nominee must also reach out to and evoke a positive response from a broad, diverse and increasingly independent national audience. As interest groups, organized constituencies and Democratic activists evaluate our candidates, they must resolve that narrow or single issue litmus tests cannot be the sole criterion. Particular constituencies must resolve to broaden their own standards for support. They must measure our candidates by the qualifications of competence and credibility which the 41st President of the United States will need to understand the broad range of complex global issues, to preserve world peace, to restore respect for government and for all individuals, and to lead America.

The cherished principles of the Democratic Party are not embodied in a single issue. No candidate has ever won—no President will ever govern—from a narrow agenda or by policies of the extreme.

The challenge of the Democratic Party in 1988 is not to reconcile narrow or extreme positions within a national platform. Our challenge in 1988 is to reconcile the National Democratic Party—its nominees and its platform—with the hopes, the aspirations and the decent instincts of a broad majority of Americans.

Traditional Democratic constituency groups and organizations must also resolve to encourage their members to participate at the grassroots level of the delegate selection process. For two years, I have been on record as one who believes that before any activist organization delivers a national, institutional endorsement to one particular candidate it should encourage all candidates to listen first to another important group—a group that is, in my view, the basic unit of politics in America. It can be found, from time to time, around the kitchen table. It is known to most of us as "the typical American family."

5. Resolve of all Democrats to Support the Democratic Party and its Nominees.—

The highest honor a political party can bestow is its Presidential nomination. No Democratic candidate can expect to receive that honor by running against the Party itself as a pre-convention campaign tactic.

All party committees and entities must resolve in advance to treat all Democratic candidates fairly and equitably in the competition for the Presidential nomination. In return, each candidate for the Democratic nomination in 1988 must resolve in advance to forswear the politics of polarization or attacks upon the Democratic Party; and all candidates must resolve in advance to give their early and unqualified support to the Democratic nominee once the nomination is secured and to unite behind the Democratic Party and its national ticket in the general election of 1988.

6. Resolve of the Democratic Presidential and Vice-Presidential Nominees to Participate in the Party-sponsored General Election Debates.—

Each candidate who seeks the Democratic Presidential nomination must resolve in advance that, should he or she be nominated for President or Vice-President, he or she will participate in each of the general election debates to be conducted between the Democratic and Republican nominees under the joint sponsorship of the Democratic and Republican Parties.

7. Resolve of all Democratic Candidates to Assist and Support the 1988 Democratic Party and Presidential Victory Fund.—

Each candidate who seeks the Democratic Presidential nomination must resolve in advance to give his or her full cooperation, assistance, participation and support to—The Democratic Party and Presidential Victory Fund which will include the Democratic National Committee's plans, projects and events for funding its general election campaign financial responsibility under Section 441(a)(d) of the Federal Election Laws.

8. Resolve of all Democratic Candidates to Conduct Positive Campaigns.—

The battle for the Democratic Presidential nomination of 1988 will be hard fought and hard won. Debates and a clash of ideas between the legitimate Democratic candidates seeking the Party's Presidential nomination will be encouraged. These debates must include a vigorous discussion of the great and fundamental decisions facing America and the investments in her future.

However, all Democratic candidates must resolve to cooperate with the Party Chairman throughout the delegate selection and convention process to assure that the debates which *must* take place within our Party in 1987 and 1988 are spirited, substantive, and civil—principled, positive and Presidential.

Each candidate seeking our Party's nomination must resolve to confine the campaign message to positive themes and policy proposals and constructive alternatives consistent with the values and traditional ideals of the Party and designed to meet the domestic, national security and foreign policy needs of the nation and its people.

Negative campaigning through paid TV commercials has lowered the art of politics and, with it, the turnout of American voters. Each candidate must resolve to avoid negative campaigning and personal attacks against any and all other candidates competing for the Democratic Party's nomination.

Joining me in endorsing and supporting these Resolves for a Democratic Victory are many distinguished Democrats who, in recent years, have sought the Party's highest honor, its Presidential nomination.

In addition, to help assure that the debate throughout the nominating process is positive and substantive and to help ensure early Democratic unity in preparation for the general election, I have asked six leading Democrats to serve with me as members of a 1988 Democratic Unity Task Force. They are: Governor Martha Layne Collins (Kentucky); Former Governor John Carlin (Kansas); Senator Albert Gore, Jr. (Tennessee); Senator George J. Mitchell (Maine); Congressman William H. Gray (Pennsylvania); and Morris K. Udall (Arizona).

This task force of respected Democrats will assist me in monitoring the tone and tenor of the debate between the Democratic candidates. Together, we will privately advise, admonish, and—if necessary—publicly bring political pressure to bear upon any candidate, campaign or constituency group indulging in negative campaigning. And we will be a neutral bridge for all candidates to use in their march toward unity as soon as the nomination is secured.

The standards by which the conduct of the candidates and campaigns will be measured during the pre-convention campaign will be: (1) whether the intent of the conduct or message is to accurately educate and correctly and directly inform the voting public, and (2) whether the impact of the conduct and message is to improve the chances of a Democratic victory in November.

Early next month, I will convene a meeting of all announced candidates and all those who are realistically considered to be "potential active candidates" for the Democratic Presidential nomination. We will discuss the Party's agenda for the nominating process and for the general election.

I will suggest at that time a mechanism for keeping all campaigns informed of our progress at the DNC on convention planning as well as general election planning. In all likelihood, that mechanism will be a private meeting—to be held monthly or more frequently if necessary—with the candidates themselves or with the campaign aides authorized to speak for each campaign. These meetings will provide me with an opportunity to receive suggestions from the candidates, and for the candidates to discuss privately any issues or problems that may arise and which might bear on the November election, and to keep open the lines of communications between the campaigns on an ongoing basis.

The American people are anxious to hear a statement of the Democratic Party's hopeful vision of the future. I am convinced they want that vision to include a restoration of confidence in a political process that truly belongs to them. How we conduct the campaign of 1988 will be an important test or whether Democrats can realize that vision; it will be a test of how much we as Democrats want to win, and it will also be a measure of why we want to win.

The Democratic Party must renew its role as the political instrument for expressing the political will—and hopes—and values—and confidence—of the working people of America. In 1987 and 1988, our purpose is not to silence or broker a diverse cacophony of strident and competing interest groups. Our purpose must be to forge the diversity of the Democratic Party—the essence, the strength and the very character of America itself—toward a common political objective. That objective, to be sure, is to win an election. But, in truth, it is more than that. It is to rally and move and govern and lead a nation to greatness.

If we comply with the resolves set forth today, and campaign positively in pursuit of public trust, we will serve the Democratic Party, the political process and the country well. We will also have moved the politics of 1987 and 1988 closer to that professional standard of decency by which President Kennedy described it and practiced it a quarter century ago.

The opportunities which lie ahead of us are equalled only by our obligations. If we fulfill those obligations in 1987 and 1988, we will be entrusted to lead the nation in 1989 and beyond with the toughness needed to govern the people's business and the compassion to care for the people themselves. America will move forward again as one nation in response to a party of common sense united by a sense of common purpose—a party whose vision of hope and common good are at once its heritage and its future—the Democratic Party of the United States.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FRENZEL (at the request of Mr. MICHEL), for today, on account of attending a funeral.

Mr. DENNY SMITH (at the request of Mr. MICHEL), for today, on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KYL) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, today.

Mr. DORNAN of California, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

(The following Members (at the request of Mr. BRUCE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. TORRES, for 5 minutes, today.

Mr. STRATTON, for 5 minutes, today.

Mr. FROST, for 60 minutes, today.

Mr. UDALL, for 30 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KYL) and to include extraneous matter:)

Mr. COURTER in two instances.
Mr. SCHULZE.
Mr. MCKINNEY.
Mr. DUNCAN in three instances.
Mr. GEKAS in two instances.
Ms. SNOWE.
Mr. CRANE in two instances.
Mr. LENT in two instances.
Mr. DANNEMEYER.
Mr. DORNAN of California.
Mr. SCHUETTE.
Mr. GREEN.
Mr. HOUGHTON.
Mr. HANSEN in two instances.
Mr. ROTH in two instances.
Mr. GALLO.
Mr. BOULTER.
Mr. YOUNG of Alaska.
Mr. LAGOMARSINO.
Mr. FRENZEL in two instances.
Mr. COUGHLIN.
Mr. LEWIS of California.
Mr. SUNDQUIST.
Mr. LIVINGSTON in three instances.
Mr. MCGRATH.
Mr. WORTLEY in two instances.
Mr. MACK.
Mr. DAUB.
Mr. LIGHTFOOT.
Mr. BOEHLERT.
Mr. KYL.
Mr. KEMP.

(The following Members (at the request of Mr. BRUCE) and to include extraneous matter:)

Mr. DYMALLY.
Mr. HOYER.
Mr. MARKEY.
Mr. GUARINI.
Mr. STARK.
Mr. HAMILTON.
Mr. STUDDS.
Mr. SMITH of Florida.
Mr. COELHO.
Mr. MRAZEK.
Mr. SKELTON.
Mr. MORRISON of Connecticut.
Ms. OAKAR.
Mrs. BOXER.
Mr. WOLPE.
Mrs. BYRON.
Mr. MOAKLEY.
Mr. MFUME.
Mr. HUBBARD.
Mr. AUCOIN.
Mr. UDALL.
Mr. ANNUNZIO in two instances.
Mr. MATSUI.
Mr. LIPINSKI.
Mr. MAVROULES.
Mr. WALGREN in four instances.
Mr. FRANK.
Mrs. BOGGS.
Mr. HUGHES.

ENROLLED BILL SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1056. An act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week."

ADJOURNMENT

Mr. GINGRICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 53 minutes p.m.), the House adjourned until tomorrow, Thursday, March 12, 1987, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

836. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend 346(b) of the Consolidated Farm and Rural Development Act to modify certain authorizations for fiscal year 1988, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

837. A letter from the Administrator of Veterans Affairs, Veterans Administration,

transmitting a draft of proposed legislation to amend title 38, United States Code, to provide for the exclusion of residents and interns from coverage under the Federal Labor-Management Relations Statute; jointly, to the Committees on Education and Labor and Veterans' Affairs.

838. A letter from the Secretary of Energy, transmitting a report which combines the fourth quarter, 1986 quarterly report and 1986 annual report and discusses activities undertaken with respect to the development of the strategic petroleum reserve, pursuant to 42 U.S.C. 6245(a) and 6245(b); to the Committee on Energy and Commerce.

839. A letter from the Director, Defense Security Assistance Agency, transmitting a report containing an analysis and description of services performed by full-time USG employees as of September 30, 1986 for which reimbursement is provided under section 21(a) or section 43(b) of the AECA; to the Committee on Foreign Affairs.

840. A letter from the Chairman, Tennessee Valley Authority, transmitting a copy of the annual report of the agency's compliance with the Government in the Sunshine Act, calendar year 1986, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

841. A letter from the Chairman, U.S. Nuclear Regulatory Commission, transmitting a report of the Commission's activities under the Freedom of Information Act for calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

842. A letter from the Acting Archivist of the United States, National Archives, transmitting a report of the activities of the National Archives and Records Administration [NARA] under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

843. A letter from the Chairman, Federal Election Commission, transmitting copies of 24 legislative recommendations of the Commission, pursuant to 2 U.S.C. 438(a)(9); to the Committee on House Administration.

844. A letter from the Secretary of Transportation, transmitting a copy of a report regarding truck occupant protection, pursuant to 49 U.S.C. app. 2514(a); to the Committee on Public Works and Transportation.

845. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend the Federal Aviation Act of 1958 to advance the scheduled termination date of the Essential Air Service Program, and for other purposes; to the Committee on Public Works and Transportation.

846. A letter from the Administrator of Veterans Affairs, Veterans Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to authorize a headstone allowance for prepurchased grave markers, and modify eligibility requirements for the plot allowance, and for other purposes; to the Committee on Veterans' Affairs.

847. A letter from the Administrator of Veterans Affairs, Veterans Administration, transmitting a draft of proposed legislation to amend title 38, United States Code, to limit the types of proposed disciplinary actions in which disciplinary boards function, to allow for the delegation of authority of the Chief Medical Director in certain situations and for related purposes; to the Committee on Veterans' Affairs.

848. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend the Internal Revenue Code of 1986 to provide for the collection of fees for certain services; to the Committee on Ways and Means.

849. A letter from the Secretary of the Army and the Secretary of Agriculture, transmitting notification of the intention of the Departments of the Army and Agriculture to interchange jurisdiction of civil works and Forest Service acquired lands at Laurel River Lake in Kentucky; the Corps of Engineers' project lies within the Daniel Boone National Forest, pursuant to 16 U.S.C. 505a; jointly, to the Committees on Agriculture and Public Works and Transportation.

850. A letter from the Secretary of Transportation, transmitting the 12th annual report of activities of the Department's administration of the Deepwater Port Act, pursuant to 33 U.S.C. 20; jointly, to the Committees on Public Works and Transportation and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 1085. A bill to amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes; with an amendment (Rept. 100-22, Pt. 1). Ordered to be printed.

Mr. ASPIN: Committee on Armed Services. H.R. 1085. A bill to amend title 38, United States Code, to make permanent the new GI bill educational assistance programs established by chapter 30 of such title, and for other purposes; with an amendment (Rept. 100-22, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. GAYDOS: Committee on House Administration. House Resolution 108. Resolution providing amounts from the contingent fund of the House for the expenses of investigations and studies by standing and select committees of the House in the first session of the One Hundredth Congress, with an amendment (Rept. 100-23). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. YOUNG of Alaska (for himself and Mr. LAGOMARSINO):

H.R. 1542. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, to permit the use of park entrance, admission, and recreation use fees for the operation of the National Park System, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. APPLEGATE (for himself, Mr. McEWEN, Mr. MONTGOMERY, and Mr. SOLOMON):

H.R. 1543. A bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. APPLEGATE (for himself and Mr. McEWEN):

H.R. 1544. A bill to amend title 38, United States Code, to improve veterans' benefits for former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. BENNETT:

H.R. 1545. A bill to amend the Internal Revenue Code of 1986 to provide that all individuals and corporations shall pay a minimum tax of not less than 10 percent of economic income; to the Committee on Ways and Means.

By Mr. BIAGGI:

H.R. 1546. A bill to prohibit employment discrimination on the basis of a cancer history; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. BILIRAKIS:

H.R. 1547. A bill to amend title 38, United States code, to provide that remarriage of the surviving spouse of a veteran after age 55 shall not result in termination of dependency and indemnity compensation; to the Committee on Veterans' Affairs.

By Mrs. BYRON:

H.R. 1548. A bill to withdraw certain Federal lands in the State of California for military purposes, and for other purposes; jointly, to the Committees on Interior and Insular Affairs, and Armed Services.

By Mrs. COLLINS:

H.R. 1549. A bill to amend the Privacy Act of 1974 in order to improve the protection of individual information and to reestablish a permanent Privacy Protection Commission as an independent entity in the Federal Government, and for other purposes; to the Committee on Government Operations.

By Mr. DONNELLY:

H.R. 1550. A bill to amend title 39 of the United States Code to designate as nonmailable matter solicitations for the purchase of products or services which are provided either free of charge or at a lower price by the Social Security Administration or the Health Care Financing Administration and solicitations which are offered in terms implying any connection with or endorsement of the Social Security Administration or the Health Care Financing Administration unless such matter contains conspicuous notice that the products or services offered are provided free of charge by the Government or that the Government does not endorse the products or services offered, and for other purposes; jointly, to the Committees on Post Office and Civil Service, and the Judiciary.

By Mr. DORNAN of California:

H.R. 1551. A bill to amend the Public Health Service Act to establish a requirement that any public recipient of certain Federal grants for the prevention of acquired immune deficiency syndrome must agree to carry out contact tracing with respect to cases of acquired immune deficiency syndrome; to the Committee on Energy and Commerce.

H.R. 1552. A bill to amend title 18, United States Code, to prohibit the performance of abortions with respect to the Federal penal and correctional institutions; to the Committee on the Judiciary.

By Mr. ENGLISH:

H.R. 1553. A bill to repeal and amend certain sections of the Powerplant and Industrial Fuel Use Act of 1978; to the Committee on Energy and Commerce.

By Mr. GLICKMAN (for himself, Mr. COELHO, and Mr. WILSON):

H.R. 1554. A bill to establish a specialized corps of judges for certain Federal proceedings required to be conducted, and for other purposes; to the Committee on the Judiciary.

By Mr. DAUB:

H.R. 1555. A bill to amend title II of the Social Security Act to phase out the earnings test over a 4-year period for individuals who have attained age 65; to the Committee on Ways and Means.

By Mr. GRADISON:

H.R. 1556. A bill to provide for the temporary suspension of the duty on mixtures of phenyl methyl pyrazolone and phenyl carbethoxy pyrazolone, acetoacet-o-choloranilide, R Salt, para nitro ortho toluidine and tobias acid, meta nitro-o-anisidine, para chloro-o-nitroaniline, meta nitro para anisidine and para nitro-o-anisidine; to the Committee on Ways and Means.

By Mr. GUARINI (for himself, Mr. Solarz, Mr. Rodino, Mr. Weiss, Mr. Howard, Mr. Biaggi, Mr. Roe, Mr. Downey of New York, Mr. Florio, Mr. Garcia, Mr. Hughes, Mr. Owens of New York, Mr. Torricelli, Mr. Manton, Mr. Rinaldo, Mr. Ackerman, Mrs. Roukema, Mr. Hochbrueckner, Mr. Dwyer of New Jersey, Mr. Gallo, Mr. Courter, and Mr. Saxton):

H.R. 1557. A bill to provide that the authority of the Secretary of the Interior under Public Law 99-500 and Public Law 99-591 to impose a fee for entrance or admission to a unit of the National Park System shall not apply with respect to the Statue of Liberty National Monument or Ellis Island; to the Committee on Interior and Insular Affairs.

By Mr. HUTTO (for himself and Mr. Lott):

H.R. 1558. A bill to amend the Congressional Budget Act of 1974 to provide for a 2-year (biennial) budgeting cycle, and for other purposes; jointly, to the Committees on Rules, and Government Operations.

By Mr. LIGHTFOOT:

H.R. 1559. A bill to provide for the shipment of a percentage of imported agriculturally related products on vessels of United States registry and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MATSUI (for himself, Mr. Schulze, Mr. Downey of New York, Mr. Flippo, Mr. Thomas of California, Mr. Mineta, Mrs. Morella, Mr. Dorgan of North Dakota, Mr. Crane, Mr. Ford of Tennessee, Mr. Brown of Colorado, Mr. Archer, Mr. Gephardt, Mr. Daub, and Mr. Waxman):

H.R. 1560. A bill to amend the Internal Revenue Code of 1986 to permit indebtedness resulting from the refinancing of certain indebtedness incurred before August 16, 1986, to qualify for the grandfather provisions of the interest disallowance rules; to the Committee on Ways and Means.

By Mr. MORRISON of Connecticut (for himself and Mr. Feighan):

H.R. 1561. A bill to impose additional sanctions against Chile unless certain conditions are met; jointly, to the Committees on Foreign Affairs, Banking, Finance and Urban Affairs, Ways and Means, and Public Works and Transportation.

By Mr. ST GERMAIN (for himself and Mr. Wylie):

H.R. 1562. A bill to make permanent certain authority of the National Credit Union Administration Board; to the Committee on Banking, Finance and Urban Affairs.

By Mr. STARK:

H.R. 1563. A bill to amend the Internal Revenue Code of 1986 to disallow any deduction for advertising or other promotion expenses with respect to sales of tobacco and tobacco products; to the Committee on Ways and Means.

By Mr. TAUZIN:

H.R. 1564. A bill to conserve the coastal wetlands of the United States; to the Committee on Merchant Marine and Fisheries.

By Mr. WISE:

H.R. 1565. A bill to establish a National Council for International Trade and Economic Policy, and for other purposes; jointly, to the Committees on Foreign Affairs, Ways and Means, and Rules.

By Mr. BOEHLERT:

H.R. 1566. A bill to amend the Internal Revenue Code of 1986 to require certain information relating to fundraising to be included on returns made by tax-exempt organizations; to the Committee on Ways and Means.

By Mr. DeFAZIO:

H.R. 1567. A bill to provide for the use and distribution of funds awarded to the Cow Creek Band of Umpaqua Tribe of Indians in U.S. Claims Court docket numbered 53-81L and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. FRANK (for himself, Mr. Oberstar, Mrs. Vucanovich, and Mr. Wortley):

H.R. 1568. A bill to clarify certain restrictions on distribution of advertisements of State authorized lotteries, and for other purposes; jointly, to the Committees on the Judiciary and Post Office and Civil Service.

By Mr. HUBBARD:

H.R. 1569. A bill to amend title 28, United States Code, to designate Hopkinsville as a place of holding court for the western district of Kentucky; to the Committee on the Judiciary.

By Mr. HUCKABY:

H.R. 1570. A bill to establish an emergency response program within the Nuclear Regulatory Commission; to the Committee on Interior and Insular Affairs.

H.R. 1571. A bill to amend title XVIII of the Social Security Act to exclude the waiver of deductibles and coinsurance amounts with respect to certain veterans from the application of the anti-kickback provisions of such title; jointly, to the Committees on Ways and Means, and Energy and Commerce.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Gradison, Mr. Henry, Mr. Gunderson, Mr. Clinger, Mr. Hyde, Mr. Coughlin, Mr. Livingston, Mrs. Martin of Illinois, Mr. Chapman, Mr. Kolbe, Mrs. Vucanovich, Mr. Fish, Mr. Horton, Mr. Coats, Mr. Michel, Mr. Espy, Mr. McDade, Mr. Martinez, Mr. Rowland of Connecticut, Mr. Ireland, Mr. Nielson of Utah, Mr. de Lugo, Mr. Houghton, Mr. Pashayan, Mr. Wortley, Mr. Lagomarsino, Mr. Ridge, Mr. Frenzel, and Mr. DeLay):

H.R. 1572. A bill to establish a program providing to low-income individuals vouchers for child care services which are necessary for employment or training, to encourage registration, licensure, or certification of child care providers, and to provide revenues for the voucher program by restricting the dependent care tax credit to taxpayers with adjusted gross incomes of less than $70,000; to the Committee on Ways and Means.

By Mr. ROTH (for himself, Mr. Sensenbrenner, and Mrs. Johnson of Connecticut):

H.R. 1573. A bill to provide for the appointment of the Great Lakes Water Levels Director, and to direct the Secretary of the Army to conduct a study regarding indicators which may be used to signal the need for changes in the rate of diversion of water from Lake Michigan at Chicago, IL; to the Committee on Public Works and Transportation.

By Ms. OAKAR:

H.J. Res. 183. Joint resolution authorizing establishment of a memorial to honor members of the American press and other news media who have been killed as a result of hostilities while covering a war or other armed conflict; to the Committee on House Administration.

By Mr. SWINDALL:

H.J. Res. 184. Joint resolution proposing an amendment to the Constitution to require that outlays of the United States in any fiscal year be no more than a certain percentage of the gross national product, and for other purposes; to the Committee on the Judiciary.

By Mr. LENT (for himself, Mr. Thomas A. Luken, and Mr. McGrath):

H.J. Res. 185. Joint resolution to provide for a settlement to the Long Island Rail Road labor-management dispute; to the Committee on Energy and Commerce.

By Mr. de la GARZA:

H. Con. Res. 72. Concurrent resolution to direct the Commissioner of Social Security and the Secretary of Health and Human Services to develop a plan outlining the steps which might be taken to correct the Social Security benefits disparity known as the notch problem; to the Committee on Ways and Means.

By Mr. HUCKABY (for himself and Mr. Udall):

H. Con. Res. 73. Concurrent resolution expressing the sense of the Congress that the United States should enter into a joint high-level scientific study with the Soviet Union to determine the long-term climatic and environmental effects of a nuclear exchange; jointly, to the Committees on Science, Space and Technology, Armed Services, Foreign Affairs, and Interior and Insular Affairs.

By Mr. AuCOIN:

H. Res. 118. Resolution expressing the sense of the House with respect to maintaining the integrity of the Wallop-Breaux Trust Fund; to the Committee on Ways and Means.

By Mr. MOAKLEY:

H. Res. 119. Resolution to amend the Rules of the House of Representatives to authorize certain investigations by the Committee on Standards of Official Conduct and to amend the Code of Official Conduct of the Rules of the House of Representatives to prohibit any Member, officer, or employee of the House from discriminating against any qualified handicapped person with respect to employment; jointly, to the Committees on Rules, and Standards of Official Conduct.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BERMAN:

H.R. 1574. A bill for the relief of Paulette Mendes-Silva; to the Committee on the Judiciary.

By Mrs. COLLINS:

H.R. 1575. A bill for the relief of Ren-Lin Xia; to the Committee on the Judiciary.

By Mr. DORNAN of California:

H.R. 1576. A bill to waive the time limitations relating to the award of the Congressional Medal of Honor to Tibor Rubin for distinguishing himself by acts of valor during the Korean war; to the Committee on Armed Services.

H.R. 1577. A bill to permit Willie D. Harris to present a claim against the United States in the manner provided for in chapter 171 of title 28, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. PRICE of Illinois:

H.R. 1578. A bill for the relief of Ray A. Bonney; to the Committee on the Judiciary.

By Ms. SNOWE:

H.R. 1579. A bill for the relief of Richard W. Ireland; to the Committee on the Judiciary.

By Mr. PASHAYAN:

H. Res. 120. Resolution to refer H.R. 1540 to the Chief Judge of the United States Claims Court; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. Gradison, Mr. Solarz, and Mr. Downey of New York.

H.R. 39: Mr. Ravenel and Mr. Sikorski.

H.R. 42: Mr. Daub and Mr. Armey.

H.R. 44: Mr. Armey.

H.R. 96: Mr. Armey and Mr. Smith of New Hampshire.

H.R. 118: Mr. Davis of Illinois, Mr. Hiler, Mr. Smith of New Hampshire, and Mr. Stump.

H.R. 162: Mr. Mrazek, Ms. Kaptur, Mr. Lowry of Washington, Mr. Rinaldo, and Mr. LaFalce.

H.R. 178: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 179: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 180: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 181: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 260: Mr. Waxman and Mr. Kostmayer.

H.R. 262: Mr. Sabo, Mr. Sikorski, Mr. Oberstar, Mr. Traficant, Mr. Fauntroy, Mr. Savage, Mr. Mrazek, Mr. Dwyer of New Jersey, Mr. Regula, Mr. Hawkins, Mr. Yatron, Mr. Scheuer, Mr. Martinez, Mr. Garcia, Mr. Beilenson, and Mr. Sensenbrenner.

H.R. 285: Mr. Lowry of Washington, Mr. Crockett, and Mr. Rinaldo.

H.R. 286: Mr. Mrazek.

H.R. 287: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 288: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 289: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 290: Mr. Mrazek, Mr. Vento, and Mr. Ackerman.

H.R. 306: Mr. Rinaldo.

H.R. 324: Mr. Savage.

H.R. 378: Mr. Fish and Ms. Kaptur.

H.R. 458: Mr. Henry, Mr. Lagomarsino, Mr. Porter, Mr. St Germain, Mr. Vander Jagt, and Mr. Yates.

H.R. 461: Mr. Rangel.

H.R. 509: Mr. Weber, Mr. Saxton, Mr. Gray of Pennsylvania, and Mr. Sensenbrenner.

H.R. 534: Mr. McEwen.

H.R. 540: Mr. Savage and Mr. Fish.

H.R. 541: Mr. Rangel.

H.R. 543: Mr. Oberstar.

H.R. 570: Mr. DeLay, Mr. Dornan of California, Mr. Solomon, Mr. Rose, Mr. Pashayan, and Mr. Dwyer of New Jersey.

H.R. 575: Mr. Morrison of Washington.

H.R. 592: Mr. Bateman, Mr. Herger, Mr. Feighan, Mr. Campbell, Mr. Rangel, Mr. Houghton, Mr. Owens of Utah, Mr. Coleman of Missouri, and Mr. Fish.

H.R. 612: Mr. Kastenmeier, Mr. Smith of Florida, Mr. Walgren, Mr. Kleczka, Mr. Leland, Mr. Lehman of California, Mr. Lewis of Georgia, Mr. Roe, Mr. Wortley, and Mr. Gray of Illinois.

H.R. 618: Mr. Horton.

H.R. 665: Mr. Dornan of California, and Mrs. Lloyd.

H.R. 718: Mrs. Boxer, Mr. Hayes of Illinois, Mr. Lipinski, and Mr. Ortiz.

H.R. 727: Mr. Garcia, Mr. Gekas, Mr. Clinger, Mr. Penny, Mr. Martinez, Mr. Mineta, Mr. Stenholm, Mr. Brown of California, and Mr. Grandy.

H.R. 791: Mr. Feighan, Mr. Sikorski, and Mr. Fish.

H.R. 792: Mr. Feighan, Mr. Kemp, and Mr. Robinson.

H.R. 910: Mr. Roybal, Mr. Bustamante, Mr. Lowry of Washington, Mr. Walgren, Mr. Young of Alaska, Ms. Oakar, Mr. DeFazio, Miss Schneider, Mr. Dymally, Mr. Smith of Florida, Mr. Eckart, Mr. Owens of Utah, Mr. Savage, Mr. Lewis of Georgia, Mr. Brennan, Mr. Brown of California, Mr. Solarz, Mr. Bilbray, Mr. Horton, and Mr. Fish.

H.R. 931: Mr. Smith of Florida, Mr. Towns, Mr. Stokes, Mr. Ackerman, Mr. Bryant, Mr. Mrazek, Mr. Hertel, Mr. Rowland of Connecticut, Mr. Howard, Mr. Murphy, Mr. Traficant, Mr. Applegate, Mr. Garcia, Mr. Hayes of Illinois, Ms. Kaptur, Mr. Pepper, Mr. Rangel, and Mr. Frost.

H.R. 936: Mr. Applegate, Mr. Gekas, Mr. Ritter, Mr. Herger, Mr. Armey, Mrs. Martin of Illinois, and Mr. Sensenbrenner.

H.R. 951: Mr. Towns, Mr. Hutto, Mr. Davis of Illinois, Mr. Herger, Mr. Brown of Colorado, Mr. Dannemeyer, Mr. Daniel, and Mr. Bilirakis.

H.R. 1000: Mr. Martin of New York, Mr. Armey, and Mr. Kolbe.

H.R. 1051: Mr. Wheat, Mr. Dellums, Mr. Savage, Mr. Gray of Pennsylvania, Mr. Conyers, Mr. Owens of New York, Mr. Edwards of California, Mr. Bates, Mr. Hayes of Illinois, Mr. Fauntroy, Mr. Lewis of Georgia, Mr. Morrison of Connecticut, Mr. Mfume, Mrs. Collins, Mr. Rangel, Mr. Hawkins, Mr. Crockett, Mr. Stokes, and Mr. Clay.

H.R. 1061: Mr. Evans and Mr. Rangel.

H.R. 1063: Mr. Parris and Mr. Pickle.

H.R. 1073: Mr. Torres, Mr. Smith of Florida, Mr. Dwyer of New Jersey, Mr. Gray of Pennsylvania, Mr. DeFazio, and Mr. Edwards of California.

H.R. 1082: Mr. Oxley, Mrs. Bentley, Mr. Stump, Mr. Roberts, Mr. Boulter, Mr. Schaefer, Mr. Dyson, Mr. Inhofe, Mr. Watkins, Mr. Savage, Mr. Gallegly, Mr. Myers of Indiana, Mr. Burton of Indiana, Mr. Hiler, Mr. McEwen, Mr. Wilson, Mr. Nielson of Utah, Mr. Edwards of Oklahoma, Mr. Lungren, Mr. Callahan, Mr. Hall of Texas, Mr. Latta, and Mr. Bunning.

H.R. 1085: Mr. Rinaldo and Mr. Courter.

H.R. 1105: Mr. Espy and Mr. Rangel.

H.R. 1117: Mr. Armey, Mr. Crane, Mr. McEwen, Mr. Davis of Illinois, Mr. Hopkins, and Mr. Badham.

H.R. 1119: Mr. Kostmayer, Mr. Evans, Mr. Wolpe, and Mr. Skaggs.

H.R. 1182: Mr. Savage.

H.R. 1199: Mr. Kastenmeier, Mr. Kostmayer, Mr. Hayes of Illinois, Mr. Dellums, Mr. Savage, Mr. Edwards of California, Mr. Rodino, Mr. Roe, Mr. Penny, Mr. Dixon, Mr. Fauntroy, Mr. Bustamante, Mr. Udall, Mr. Ackerman, Mrs. Collins, Mr. Wise, Mr. Weiss, Mr. Pease, Mr. Biaggi, Mrs. Kennelly, Mr. Evans, Mr. Atkins, Mr. Feighan, Mr. Mavroules, and Mr. Fazio.

H.R. 1211: Mr. Roybal, Mr. Edwards of California, Mr. Eckart, Mr. Kennedy, Mr. Dorgan of North Dakota, Mr. Donnelly, Mr. Synar, Mr. Bilbray, Mr. Flake, and Mr. St Germain.

H.R. 1231: Mrs. Boxer, Mr. MacKay, Mr. Fauntroy, Mr. McCloskey, Mrs. Schroeder, Mr. Hawkins, Mr. Owens of New York, Mr. Hayes of Illinois.

H.R. 1245: Mr. Hastert and Mr. Upton.

H.R. 1253: Mr. Fazio.

H.R. 1313: Mr. Lipinski, Mr. Chapman, Mr. Darden, Mr. Dreier of California, Mr. Herger, Mr. Ortiz, Mr. Wolpe, Mr. Espy, and Mr. Kolbe.

H.R. 1320: Mr. Kostmayer, Mr. Fuster, Mrs. Byron, Mr. Foglietta, Mr. Bilbray, Mr. Smith of Florida, Mr. Edwards of California, Mr. Atkins, Mr. Beilenson, Mr. Rahall, Mr. Studds, Mr. Roe, and Mr. Coelho.

H.R. 1342: Mr. Mfume and Mr. Edwards of California.

H.R. 1397: Mr. Smith of Florida and Mr. Hayes of Illinois.

H.R. 1408: Mr. Yatron and Mr. Ritter.

H.R. 1443: Mr. Gunderson, Mr. Hughes, and Mrs. Martin of Illinois.

H.R. 1450: Mr. Duncan, Mr. Roe, and Mr. Daniel.

H.J. Res. 2: Mr. Jontz, Mr. Bryant, Mr. Coleman of Texas, and Mr. Swift.

H.J. Res. 40: Mr. Brennan, Mr. McGrath, Mr. de Lugo, Mr. McEwen, Mrs. Roukema, Mr. Bartlett, Mr. Parris, and Mr. Lewis of Georgia.

H.J. Res. 87: Mr. Coyne.

H.J. Res. 90: Mr. Oberstar, Mr. Dingell, Mr. Lancaster, Mr. LaFalce, Mr. Atkins, Mr. Nielson of Utah, Mr. Conte, Mr. Young of Alaska, Mr. Manton, Mr. Scheuer, Mr. Towns, Mr. Kildee, and Ms. Oakar.

H.J. Res. 100: Mr. Rinaldo, Mr. St Germain, Mr. Hastert, Mr. Brooks, Mr. Ackerman, Mr. Lantos, Mrs. Collins, Mr. Hayes of Illinois, Mr. Smith of New Hampshire, Mr. Oberstar, Mr. McCollum, Mr. Russo, Mr. Morrison of Connecticut, Mr. Wilson, Mr. Hopkins, Mr. Hochbrueckner, Mr. Volkmer, Mr. Fish, Mr. Parris, Mr. Levine of California, Mr. Mrazek, and Mr. Thomas of Georgia.

H.J. Res. 119: Mr. de Lugo, Mr. Richardson, Mr. Fish, Mr. Dwyer of New Jersey, and Mr. Horton.

H.J. Res. 140: Mr. Kastenmeier, Mr. Hayes of Illinois, Mr. Anderson, Mrs. Kennelly, Mr. Fauntroy, Mr. Feighan, Mr. Lantos, Mr. Rangel, Mr. de la Garza, Mr. Frost, and Mr. Coyne.

H.J. Res. 143: Mr. Herger, Mr. Dornan of California, Mr. DeLay, Mr. Crane, Mr. Kolbe, and Mr. Badham.

H.J. Res. 145: Mr. Staggers, Mr. Roe, Mr. Espy, Mr. Towns, Mrs. Collins, Mr. Dymally, Mr. Leland, Mr. Levin of Michigan, Mr. Erdreich, Mr. Daniel, Mr. Daub, Mr. Atkins, Mr. Mollohan, and Mr. Wise.

H.J. Res. 162: Mr. BEVILL, Mr. BROWN of Colorado, Mr. BONER of Tennessee, Mr. DAUB, Mr. ERDREICH, Mr. FAUNTROY, Mr. HAYES of Illinois, Mr. HORTON, Mr. LAGOMARSINO, Mr. LANCASTER, Mr. MANTON, Mr. MILLER of Ohio, Mr. MRAZEK, Mr. RICHARDSON, Mr. ROSE, Mr. ROBERT F. SMITH, Mr. SMITH of Florida, and Mr. SOLARZ.

H. Con. Res. 7: Mr. PARRIS, Mr. DIOGUARDI, Mr. HENRY, Mr. BILIRAKIS, Mr. FIELDS, Mr. LIGHTFOOT, Mr. DAVIS of Illinois, Mr. SCHAEFER, Mr. STALLINGS, Mr. SWINDALL, and Mr. DANNEMEYER.

H. Con. Res. 28: Mr. ST GERMAIN.

H. Con. Res. 50: Mr. SAXTON, Mr. McGRATH, Mr. LEVIN of Michigan, Mr. GRAY of Pennsylvania, Mr. SENSENBRENNER, Mr. LAGOMARSINO, Mr. FISH, and Miss SCHNEIDER.

H. Con. Res. 52: Mr. ECKART, Mr. GARCIA, Mr. FAZIO, Mr. MRAZEK, Mr. LEVIN of Michigan, Mr. FAWELL, Mr. LAGOMARSINO, Mr. HUGHES, Mr. CROCKETT, and Mr. FISH.

H. Con. Res. 70: Mr. HOYER, and Mr. STOKES.

H. Res. 49: Mr. BADHAM.

H. Res. 68: Mr. EDWARDS of Oklahoma, Mr. DELLUMS, Mr. KASTENMEIER, Mr. MFUME, and Mr. WORTLEY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 200: Mr. KOLTER.

EXTENSIONS OF REMARKS

REGIONAL COOPERATION BETWEEN ISRAEL AND EGYPT

HON. LEE H. HAMILTON

OF INDIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, March 11, 1987

Mr. HAMILTON. Mr. Speaker, I would like to bring to the attention of my colleagues remarks made by our colleague, Henry Waxman, of California, on regional cooperation programs in the Middle East.

Congressman Waxman has provided sustained leadership in the Congress over the last several years in support of the Middle East Regional Cooperation Program which seeks to bring Israelis and Arabs together on scientific and technological cooperative efforts. This small program has generated much support in Israel, Egypt, and the United States. The annual expenditures have averaged less than $5 million but Members should be aware of the scope and promise of this activity and the key role played by the Congress in fostering and promoting it. Congressman Waxman is to be commended for his continuing leadership on it. His suggestions for the future of this program and its future expansion deserve consideration.

Congressman Waxman's remarks of February 6, 1987, at Brandeis University follow:

Regional Cooperation: A Look to the Future

(By Henry A. Waxman)

(Introduction by Susan Miller, Brandeis)

Thank you very much, Susan. It is a tremendous pleasure, and gives me great personal pride, to be here. I have already talked quite a bit with some of you here, and a warm welcome to those who have just joined us.

I'd like to begin by thanking Joe Califano, Baruch Levy, Leonard Houseman, Susan Miller, and all the people at the Center for Social Policy in the Middle East at Brandeis who are responsible for putting this conference together. You have worked for years in support of regional cooperation, through good times and bad, and your dedication is an inspiration to all of us.

For the last four days this conference has worked to outline new areas for trilateral projects in the health field. I understand you have identified four specific ones—hospital and community health management, information systems, water quality, and intervention in several specific diseases. As you may know, I have specialized in public policy relating to health throughout my career, so it is particularly gratifying for me personally to envision such new projects.

But now I want to step back from the health area and address the whole of regional cooperation—where it has come from, and where it should go next.

Most of you know that the Middle East Regional Cooperation Program began in the face of much skepticism. Many people simply did not believe that governments would be interested in having their scientists come together for joint projects.

You also know—if you didn't before this conference—that the program is working. It has established long-term joint projects in several fields, including health, agriculture, and marine science. Most of you have heard about the tangible results it has produced—the strains of salt-tolerant fruits and vegetables, livestock better suited to the desert, controlling shoreline erosion, protecting lakes, and of course, the brilliant work in epidemiology.

Just as important as these science gains have been the remarkable personal ties built between these two nations. We see further evidence of that in this conference.

But now that Regional Cooperation has proven itself, we must become more ambitious. For the fact is that the present program is tiny. It has reached only a few hundred scientists. Its budget of $5 million a year represents only one one-thousandth of the $6 billion the U.S. gives annually to Egypt and Israel.

Regional Cooperation must begin to behave in a more activist way—not simply channeling money to the same projects year after year, but reaching out to new participants, new fields. It must begin to act more like the Brandeis Center, with a vision of what should happen and the commitment to move it forward, and less like a routinized bureaucracy.

Such a change is not likely to happen while the program remains in its current form. The AID structure which now houses it has been crucial in choosing solid projects to begin the program and in overseeing their success. But as a large bureaucracy, AID simply does not offer the active, entrepreneurial approach needed to break through the many barriers Regional Cooperation faces.

Furthermore, AID is unable—through no fault of its own—to put the additional funds into this program that it is going to need in order to expand. Like all agencies of the federal government, AID's budget is under attack because of our massive budget deficit. Indeed, AID's budget will be cut far more than most agencies. In a time when the allotments for many of our other strongest allies are slashed by as much as 50%, it is simply not realistic to seek to expand this program through more U.S. government funds.

So we must look for other ways to do it. I believe several ideas deserve serious study. One of these would be to create a small, U.S. government foundation to take over the running of these programs. Based in Washington, it would be empowered to manage the current programs and launch new ones, bring in new participants and beef up the program's budget.

The Foundation would be a U.S. government entity in that its Board of Directors would be chosen by the President and approved by the Senate, and part of its budget provided annually by Congress. Several of its board members would be U.S. government officials with operational responsibility for policy in the Middle East, such as the Assistant Secretary of State for Near East and perhaps the AID Administrator.

But it would differ from the standard government agency in that a majority of the Board would be private individuals. These would be people with the stature to create new constituencies of support, and raise funds from private, foundation, and corporate sources.

Such an arrangement would cost the U.S. Treasury no more than it currently spends for Middle East Regional Cooperation—about $5 million year. This would guarantee the continued U.S. role as an equal partner in the program, while ensuring it is led by people with a vision of how Regional Cooperation should expand, and the wherewithal to make that happen.

I would hope such an entity would not limit itself to scientific exchange, but would eventually aim to stimulate a variety of joint projects. There are many areas of health, agriculture, rural and economic development in which Egypt and Israel have complementary resources, where joint work can bring great benefits to both nations.

As its reputation grew, such a Foundation could become a magnet for practical bridge-building projects of all kinds, and for donors who want to help build them. If an initiative as grandiose as the 'Marshall Plan' proposed by Shimon Peres and others ever comes about, the Foundation would perhaps have provided a testing ground for some of its ideas.

Let me assure those of you with a strong interest in this program, and strong opinions about how it is organized, that I propose nothing as a fait accompli. I lay this out to stimulate discussion, and invite your comment on it. I welcome any other ideas you may have for expanding the program in a time of shrinking U.S. budgets.

Whatever the final outcome, the keystone of this activity is, and must remain, the recognition that peace is not, by itself, a program. The program is development. Raising productivity; improving infrastructure, managing natural resources; improving health; advancing the general welfare—these are your mandates. These goals transcend religion and nationality; they are shared by all people everywhere. It is in pursuing these fundamentally practical aims that we advance the loftier objective of peace.

Let me close on a personal note. I deeply believe that what we are doing in this endeavor, in the dreams we share and the reality we have already forged is, in a small but critical way, affirming the values of peace, of cooperation, of mutual respect, and of friendship.

Throughout the Regional Cooperation Program, we have, together, rejected the awful legacy of war and moved toward a better future for ourselves and our children.

Today we reaffirm our inalienable commitment to humanity, knowing that if we are deterred, or if we fail, we will have handed a victory to the enemies of peace more precious than any on a battlefield.

It is precisely because of the terror in Lebanon, the carnage in Iran and Iraq, and the daily tensions of the region that we must go forward. If we do, others will follow us.

I am sincerely grateful for your personal commitment, dedication, perseverence, and friendship.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIAL OF CZECHOSLOVAK JAZZ SECTION

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HOYER. Mr. Speaker, today, five members of the jazz section of the Czechoslovak Union of Musicians were sentenced to prison terms ranging from 8 months, suspended for 3 years, to 16 months. They were charged with illegal business activities, but their "crime" was providing cultural alternatives independent of Czechoslovak Government control. The section has answered the need of Czechoslovak citizens to discover art of all genres and styles by and for themselves.

Why should we care about what happens to a band of music lovers in a far-away country? First, these individuals are being persecuted for exercising their rights as set out in the Final Act of the Conference on Security and Cooperation in Europe. Principle VII of this act specifically provides for states "to promote and encourage the effective exercise of civil, political, economic, social, cultural, and other rights and freedoms."

Second, the persecution of the jazz section—which enjoys widespread support beyond its 7,000 members—is symptomatic of a general crackdown in Czechoslovakia, even as we see hopeful signs of change in the Soviet Union. It raises fundamental questions of how far Mikhail Gorbachev's campaign of "openness" will spread into Eastern Europe. And third, the Helsinki Final Act obliges us to care about the freedom of all citizens to exercise their rights without fear of punishment. The Helsinki Final Act makes events even in far-away countries the business of us all.

EARNING OUR WAY INTO THE WORLD MARKET

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. CRANE. Mr. Speaker, with the issue of international trade and U.S. competitiveness rapidly becoming one of the most active pursuits of the 100th Congress, we must search for ways to enhance our prosperity. As our trade deficit is looming in the vicinity of $170 billion, many Americans are calling for Congress to erect a trade shield in the form of protectionist legislation. But as Secretary of Commerce Baldrige points out, "trade legislation which would only deal with the massive trade deficit by imposing barriers to imports would lead to foreigners quickly retaliating."

To prevent this may I suggest another school of thought which would place U.S. industry on the offensive rather than the defensive. I support the argument that Americans should break through the walls of protectionism by being efficient at managing and producing. Americans concerned about the trade deficit should first concern themselves with the efficient production of the best goods in the world.

One such person who believes that success starts with competitive products is Akio Morita, chairman of the Sony Corp. By stressing principles such as mutual respect between managers and the workforce, better attitudes create better products, and an attitude that we're all in this together, Sony's products have become very competitive. In fact, they have become so competitive that the rest of the world is trying to catch up.

It appears that the theory which has blossomed in other parts of the world might just work in the United States as well. Our emphasis should not be placed on building the best walls but rather on producing the best goods. I hope that my colleagues will read this article by David Crook on Akio Morita's thoughts on American business.

[From the Los Angeles Times, Nov. 1, 1986]

SONY CHIEF SAYS U.S. FIRMS NEED TO TAKE LONGER VIEW

(By David Crook)

Clip this article and send it to your boss. Better yet, send it to his or her boss. Better still, send it to the bosses of bosses, the chairman and the board of directors.

Akio Morita thinks most of them are doing a lousy job, especially in the huge international consumer-electronics market for television sets, radios, stereos, videocassette recorders, compact-disc players and other high-tech equipment that his and other Japanese firms dominate.

Morita, chairman and one of the founders of Sony Corp., Japan's $7-billion-a-year post-World War II success story, said in a Lost Angeles interview last week that what's wrong with American industry in the 1980s are its managers and stockholders.

Their short-term views of quarterly profits and annual dividends sap their companies of creativity and innovation, Morita believes.

American electronics companies, he said, have given up their leadership to the point that even products bearing the names of leading U.S. firms—RCA, Zenith and others—rarely are manufactured here. They are built in foreign plants and shipped back to the United States with the names of American companies.

"Today, most of our [Sony] TV sets are made of U.S.-made components, including the picture tubes," he said. "The only things we send over are the electron guns and some special integrated circuits. So you can say that any so-called 'American-made' TV set is about eighty percent foreign-made and that ours is more truly American than theirs."

MYOPIA AT THE TOP

But Morita does not limit his criticism to that one area of America's former industrial might.

Throughout American industry, Morita believes, the people at the top of corporate pyramids are short-sighted and insecure. They demand quick financial returns and annual bonuses that drain corporations of the capital necessary for innovation and expansion. "They cannibalize companies with hostile takeovers and 'golden parachute' deals." They encourage employees to "work only for money" and not for the greater good of either the corporation or society. They treat employees like "tools," whose primary function in life is to produce profit.

And they oversee an industrial economy that, Morita says, grows "weaker and weaker" by the year.

"I'm always criticizing American management rather than the American work force," Morita, 65, said. "The American work force is very good. They can produce a good product. They have high morale, and they work hard.

"You [Americans] should give more incentive to management to run corporations with much longer viewpoints, instead of short-term profit. Give management more security to run companies. At the same time, you should discourage management from taking profit away."

PROMOTING HIS BOOK

The white-haired, charming Sony chairman has been touring this country in recent weeks promoting his new book, "Made in Japan."

It's an account—written with a Japanese journalist and an American journalist—of four decades on the front line in what some see as a contest between Japan and the United States for world-wide industrial supremacy.

It's a contest that, Morita believes, the Americans are losing, often without firing a shot.

"In Japan today there are more makers of civilian industrial products than in any country on earth, including the United States," Morita notes in a chapter titled, simply, "Competition."

The secret of Japan's industrial might and its economic ascendancy, he continues, "lies on the shelves and the showroom floors of stores all around the world: good quality products that people want and in such variety that any consumer whim can be satisfied.

"This is how Japanese goods managed to take so much of the U.S. market. . . . We did not 'invade' the American market as it is sometimes charged; we just sent our very best products to America."

Morita's and Sony's electronics vanguard was a 1946 wire audio recorder, a knock-off of a machine that the occupying Americans had brought with them to war-devastated Japan. Sony, then known as Tokyo Telecommunications Engineering Co., soon learned that the wire recorder was inferior to newer tape-recording machines.

Still to come were the transistor radio, the high-quality state-of-the-art Sony color-TV sets, the videocassette recorder and the ubiquitous Walkman. Sony's latest entry is the compact audio disc player, the first successful use of laser technology in a consumer product and one now threatening to make vinyl records extinct.

The CD, with neither grooves nor stylus, is the "second innovation [in audio] since Edison made the first record," declared Morita, and is right in line with the mission that Sony's founders set out for their company 40 years ago: To "utilize the most advanced technology for the general public."

That mission, which Morita insists is conveyed to every one of Sony's 40,000 employees world-wide, manifests itself not only on the technological cutting edge. It also shows in Sony's and other Japanese firms' improvements to established technologies.

Morita is especially proud of Sony's work in what he termed "mecha-tronics," the combination of mechanical devices with electronics.

"The strength that a Japanese consumer-electronics company has is this combination," Morita said. "That's the only way we can produce video [cassette players] and . . . compact discs."

Morita is quick to point out that his and other Japanese high-tech firms have prospered without the help of a huge defense industry, with its virtually unlimited budgets for research and development. The constitution imposed on the Japanese by the Americans after World War II puts limits on the Japanese military, and the country has virtually no defense industry.

In recent years, however, a debate has raged there about establishing a defense industry. It is a debate to which Morita has been a frequent contributor.

Morally, he said, he supports defense as long as it means "not attacking other people."

"Defense power is the power to avoid war," he said. "From that meaning—backing a defense industry—I don't feel any moral problem." From a business and engineering point of view, however, Morita makes an interesting distinction—one he believes that American high-tech firms have failed to appreciate.

"In the defense business, if you create a fantastic weapon, cost doesn't mean anything," he said. "So the target [product] is more important than the cost."

The laser-based compact disc, he noted, is only the most current example of a high-technology invention fostered, if not developed, with U.S. defense funds, that American firms have failed to bring to consumers.

The transistor was another, developed by Western Electric in the late 1940s and early '50s. The American firm—thinking that the best possible use for the device was in hearing aids—granted Sony a license for it. Sony, instead, developed the transistor radio.

"Defense has created fantastic technology," Morita said. "But [in America] it's not used as an industry to compete with Japanese industry. Why doesn't American industry take advantage?"

The man from Tokyo is rich, traveled, opinionated. He's a bit brash, perhaps, but brazen from prolonged and, he believes, sustainable success, the kind that Americans understand, intuitively.

"If you [Americans] decide to go into service industries, you must not complain of the trade imbalance," Morita said. "You need hardware. You must import hardware. You must import the hardware from somewhere."

And he's betting that the machines of tomorrow, like so many of the machines of today, will be stamped, "Made in Japan."

THE CUMBELAIRES

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. GEKAS. Mr. Speaker, today as the House considers legislation to impose a moratorium on aid to the Nicaraguan Contras, members of the all female Cumbelaires singing group of Shippensburg University of Pennsylvania are representing the United States and Pennsylvania as International Ambassadors of Good Will.

Throughout this week, the Cumbelaires will be performing in London, England, with performances at Newbolt College, Westminster Abbey, and the Central Church of the Royal Air Force at St. Clement Danes, Strand, London.

Mr. Speaker, even during times when nations stand ideologically miles apart, it is still the sharing and exchange of music that brings us closer to the people of other nations.

I would like to ask my colleagues in the U.S. Congress to join me in extending our best wishes to the Cumbelaires for a successful and enjoyable trip.

I would like to enter into the CONGRESSIONAL RECORD a list of the young ladies who are on the tour. Ms. Donna Dee Hardy is director of the Cumbelaires. Members of the Cumbelaires include: Betty-Sue Gerfin, Debbie Ledig, Susan M. Markel, Rhonda Ricker, Kristi Snyder, Judy Topper, Laura Allnutt, Jean Creamer, Jennifer Deutsch, Cora Scott, Carrie Goodlander, Mary Tosten, Deb Clark, Susan Cover, Amey Fisher, Leigh Ann Weakland, and Diana Depp.

WORLD HUNGER

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. SMITH of Florida. Mr. Speaker, the Lorne Greene Celebrity Tennis Classic to End World Hunger will be held in Pompano Beach, FL, on April 3 to 5, 1987. All the proceeds from this event, which is attracting about two dozen well known TV, movie, and sports stars, will go directly to plant self-help food gardens in south Florida. The gardens bring the homeless and hungry together with vacant land in their community so they can grow their own fruits and vegetables.

Work to end hunger in south Florida through unique self-help efforts must be commended.

ADMIRALS ZUMWALT AND BAGLEY EXPOSE SOVIET ABM TREATY VIOLATIONS

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. COURTER. Mr. Speaker, why is there such an eagerness on the part of some in the West to deny or minimize the impact of Soviet arms control treaty violations? Is there no recollection of how arms control agreements were violated by Nazi Germany and Tojo's Japan before World War II, and the awful carnage that followed?

In a recent Washington Times column, retired Navy Admirals Elmo Zumwalt and Worth Bagley critique the latest example of revisionist arms control history, a report on Soviet arms control compliance issued by the Stanford University Center for International Security and Arms Control.

In the Stanford report, Soviet arms control treaty compliance is described as "good." The real villain, according to the report, is the Reagan administration, which has this annoying habit of responding to congressional requests for information on Soviet noncompliance with arms control agreements. By the Stanford report's curious logic, a homeowner who calls the police about a burglary in his house should be severely punished, while the burglar is free to take the good silver.

Zumwalt and Bagley distill this issue to its essence: "The first true test of Soviet compliance ought to be whether the (ABM Treaty) deal that the Senate was led to believe it was approving in 1972 has, in fact, been adhered to by the Soviet Union. It clearly has not. The second true test ought to be whether U.S. security has been harmed by Soviet violations. It clearly has." I commend the entire Zumwalt/Bagley column to my colleagues' attention:

FLAWED REPORT ON ABM

(By Elmo Zumwalt and Worth Bagley)

A report released last week by a subgroup affiliated with Stanford University's Center for International Security and Arms Control is rebuking the Reagan administration's position that the Soviet Union has consistently violated arms control agreements with the United States.

The report contends that U.S. and Soviet compliance with existing agreements, overall, has been "good" and lambastes the White House for "creating" the recent perception that it has been otherwise.

Let us endeavor to put this report into perspective.

One would assume a study conducted by a group affiliated with a prestigious university—such as Stanford—would strive to incorporate a broad range of views on such an important topic as Soviet arms control compliance. It appears no effort was undertaken to do so in this instance.

The study, conducted by a group of individuals who have historically supported arms control at any price, of course, was predisposed toward "apologizing" for Soviet arms control violations at the outset, seeking to dismiss even the most serious violation as being of "little military significance by itself."

That description was attached to the only actual violation the group acknowledges—the construction of a large radar near Krasnoyarsk which, they agree, violates the 1972 Anti-Ballistic Missile (ABM) treaty. But even that acknowledgement was tempered in terms of being only a "technical violation" of the agreement.

In 1984, one of the authors of this column, Adm. Zumwalt, was asked to testify before Congress on numerous alleged violations by the Soviets of arms control agreements. Accordingly, the author had a firsthand opportunity to analyze these alleged violations and the conclusive evidence, much of which was classified, that supported many of them.

It became abundantly clear in reviewing this evidence that extensive violations had, indeed, occurred—not the least of which was the Krasnoyarsk radar.

Despite efforts by the Stanford group to minimize this violation, we believe it does have extensive national security ramifications. For the construction of this radar perverts the whole concept upon which the ABM treaty was built—that the best way to ensure against an offensive strike is for both sides to agree to forego their defensive capabilities. The Krasnoyarsk radar, however, provides Moscow with the defensive capability that the ABM treaty sought to deny. The United States, meanwhile has no similar defensive system.

The business of analyzing Soviet arms control compliance has been made more complex by the slipshod manner utilized by

U.S. negotiators. For example, in 1972, the ABM treaty and the interim Executive Agreement on Offensive Missile Systems were submitted by President Nixon to the U.S. Senate for its approval. These documents were accompanied by a series of "bilateral agreements" between the superpowers which had not been written into the ABM treaty or the interim Executive Agreement. They were further accompanied by so-called "unilateral declarations"—statements by the United States concerning its understanding about what various aspects of the agreements meant.

The Senate was assured by the Nixon administration that U.S. security would be preserved under the agreements because the Soviet Union understood and would be held accountable for all the foregoing—including the U.S. unilateral declarations.

Unfortunately, however, apologists for Soviet misbehavior—such as the Stanford group—have been unwilling to hold Moscow accountable for its violations of the unilateral declarations and the bilateral agreements. They go on to downgrade the significance of outright violations by the Soviets of the Interim Executive Agreement and ABM treaty.

The first true test of Soviet compliance ought to be whether the deal that the Senate was led to believe it was approving in 1972 has, in fact, been adhered to by the Soviet Union.

It clearly has not.

The second true test ought to be whether U.S. security has been harmed by Soviet violations.

It clearly has.

We would urge all Americans to analyze the debate that the badly flawed Stanford report will engender, to study the complexities of Soviet violations—the significance of which the Stanford group has dangerously minimized—and to require elected officials to evaluate Soviet violations in the light of the foregoing true tests.

LITHUANIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. ANNUNZIO. Mr. Speaker, February 16 marks a special day in man's historic struggle for freedom and self-determination for it was on this date 69 years ago in 1918 that the Lithuanian people established their own government and proclaimed their independence.

For almost one-quarter of a century, the Lithuanian people began to enjoy the rewards of their own efforts and to appreciate the sense of security that comes from having the precious rights of self-determination and a democratic form of government. Unfortunately, however, these benefits were shortlived, and with the outbreak of World War II, Lithuania was savagely invaded by Stalin and his brutal Red army. Thousands of Lithuanians lost their lives or were forcibly moved in cattle cars to distant parts of the Communist empire and many Lithuanian patriots were executed as the Soviets attempted to crush the spirit and culture of the Lithuanian people.

Nevertheless, Lithuanians have remained strong in their resolve to resist their Communist oppressor, and our own country has never recognized the forced incorporation of Lithuania into the Soviet Union. Today, the Lithuanians are prisoners in their own homeland, and although the Communists have continued in their efforts to completely destroy the religion and heritage of the Lithuanian people, they have been unable to wipe out the spirit and will of these brave men and women, who continue in their daily struggle for freedom and human dignity.

Mr. Speaker, across the Nation, tens of thousands of Lithuanians commemorate Lithuanian Independence Day, including the members of the Lithuanian American Council, Inc. of Chicago, many of whom reside in the 11th Congressional District of Illinois which I am honored to represent. The Lithuanian American Council is a national organization in the United States which has worked tirelessly to reestablish a free Lithuania, and the names of the officers and members of the council follow:

Honorary President: Kazys C. Bobelis, M.D.

National President: Teodoras Blinstrubas.

First Vice President: Jonas Valaitis, M.D.

Vice Presidents: Stanley Balzekas, Jr., Povilas Dargis, Leonas Kriauceliunas, D.V.M., Viktoras Naudzius, Vladas Simaitis, J.D., Jonas Talandis.

Secretary: Grozvydas Lazauskas.

Recording Secretary: Vytautas Dargis, M.D.

Treasurer: Mykolas Pranevicius.

Financial Secretary: Petras Buchas.

Members: Alexander Domanskis, Stasys Dubauskas, Daina Danilevicius-Dumbrys, Vanda Gasparas, Jonas Siauciunas, Ramune Tricis.

Council's Representative in Washington, DC: Jonas B. Genys, Ph.D.

Director of Information: Rev. Joseph Prunskis, J.C.D.

Office Manager: Irene D. Blinstrubas.

Trustees: Vytautas Abraitis, Alexander Chaplikas, Birute Skorubskas, Vytautas Yucius.

Honorary Members of the Board: Stephen Bredes, Jr., Alena Devenis-Grigaitis, Rev. Joseph Prunskis, J.C.D., Anthony, J. Rudis, Rev. Adolfas Stasys.

The Lithuanian American Council, Inc., under the leadership of its National President, Teodoras Blinstrubas, has issued a statement concerning the struggles of the Lithuanian people to seek self-determination and freedom, and a copy of that statement follows:

LITHUANIA: A WILL TO TRIUMPH

The Lithuanian nation which has existed since the year 3000 BC today stands as a singular beacon against tyranny and as a concrete example of the indominable will of man.

The Lithuanian Kingdom was formed in the 13th century and grew to become one of the largest states in Medieval Europe. In the 15th century the Kingdom traversed central Europe from the Baltic to the Black Seas. Throughout the Middle Ages it stood as a bulwark protecting Western Europe from marauding hordes from the East which were threatening the known civilized world. The Kingdom for many years resisted such foreign invasions and successfully developed its own unique culture. Thus Lithuania boasts one of the oldest universities in the entire region, which was founded by the Jesuit Fathers in the 16th century. The Lithuanians engaged in commerce and fostered the arts and sciences; their cities were graced by both Gothic and Baroque architecture. Despite its peaceful disposition towards its neighbors, Lithuania, nevertheless, in 1795 did fall victim to the foreign aggression of the expanding Russia Czarist empire. In spite of the ensuing repression and Russification, the nation survived. In 1918 at the close of the First World War, Lithuania proclaimed its independence and the re-establishment of the Lithuanian state as a republic.

During the years of independence, Lithuania was a member of the League of Nations. Cultural life, the educational system, and commercial undertakings grew at a rapid pace, making Lithuania a respected member of the international community.

However, on the eve of the Second World War, a secret agreement was signed between Nazi Germany and Soviet Russia which gave the Soviets a free hand to invade and occupy Lithuania and its sister states of Latvia and Estonia, which today share its fate. The terror which followed touched the lives of all the inhabitants. The alternating Soviet and Nazi occupations which swept the country during the course of the Second World War caused great suffering and the loss of countless lives. Stalinist policies of collectivization and national terror resulted in the deportation of some 300,000 people to the wastelands of Siberia. There was almost no family which was not in one way or another affected by the systematic and brutal terror. The entire infrastructure of the country was decimated. Private property was confiscated and the individual farms became subject to a draconian policy of collectivization.

No one was spared, professionals, farmers, laborers, the young and the old, women and children were subjected to this indiscriminate terror. Loss of life was so great that only today—some five decades later—is Lithuania returning to its pre-war population levels.

The foreign occupations of Lithuania and brutalization of its people called forth a heroic resistance. During the Nazi occupation the nation collectively resisted Nazi efforts to form a national SS legion. Thus Lithuania is one of the few countries that successfully thwarted Nazi efforts to form SS legions from among the local populace. When the Soviets reoccupied the country, an intense guerrilla resistance followed. This armed resistance, with practically no outside help, continued through 1956.

Espousing atheistic policies the Soviets vented their vengeance against the Catholic Church which represented some 85% of the population. Numerous bishops, priests and faithful were killed and almost all Church institutions were closed and confiscated including hospitals, newspapers, monasteries and convents. No religious orders are allowed to operate in the country. Persecution of the Church continues unabated to this very day. Despite the repressive policies the Church in Lithuania continues to remain the singular social force representing the interests of the Lithuanian people and the immutable rights to which they are entitled. The Church has developed an extensive underground network and notwithstanding state control and surveillance an underground seminary has been established. There are also some 1,700 underground nuns who outwardly live in a secular fashion, but who inwardly remain faithful to their vocation. This resistance has taken on many other forms. For example, Lithuania has produced more underground publications than any other country in the Eastern

Bloc. These publications vary in their subject matter from documentation of human rights violations to philosophical essays and proscribed literature. While armed resistance has for the most part ceased, other forms of active resistance have been adopted. Petitions protesting arbitrary and illegal Soviet policies have circulated throughout the countryside and hundreds of thousands of signatures have been collected belying Soviet claims that Lithuanians have acquiesced to the Russian Communist occupation. Such petitions smuggled out to the West have focused world opinion on the tyrannical policies of the Soviet regime.

On other occasions mass demonstrations have expressed the underlying hope of the people that they will one day rid themselves of the dreaded foreign occupation. The growing human rights movement throughout Eastern Europe has resulted in the formation of the Helsinki monitoring group as well as the Catholic Committee for defense of believers rights.

The Soviets have repeatedly attempted to obtain recognition of their control of Lithuania and the other Baltic states and have sought various international channels to legitimize their conquest. Nevertheless, neither the United States nor other major Western powers such as Canada, Great Britain or France have recognized the legality of the Soviet occupation. The diplomatic missions of the independent Republic of Lithuania continue to function in the free world and the treaties and agreements entered into by the Republic of Lithuania continue to have legal standing in the international community.

The struggle for the re-establishment of an independent Lithuania is as contemporary as today's paper. The call for Lithuania's freedom is echoed by Lithuanians residing in the free world who through their organizations and agencies continued to raise the issue of the illegal Soviet occupation of Lithuania and the need for Western vigilance so that this question remains on the international agenda. In the United States various Lithuanian organizations have combined to form the Lithuanian American Council which spearheads community action for the re-establishment of a free Lithuania. The Council provides information and maintains contact with Congress and the State Department as well as the Executive Branch so that the American policy of nonrecognition of the Soviet occupation would continue to have the necessary impact on the international community. Besides its informational and coordinating activities the Council sponsors the annual commemoration of Lithuania's independence on February 16 in the United States Congress where elected representatives of this nation reaffirm their stand against Soviet tyranny and reassert their resolve to maintain the principles of international law and justice. The United States also concretely emphasizes its nonrecognition policy through various radio broadcasts which are beamed to Lithuania on a daily basis.

Lithuania today stands as a country which has persistently resisted the tyranny of the most powerful dictatorship in the world today. Despite the intimidation, terror and suppression Lithuania's will to resist has not flagged. This determination represents mankind's ongoing search for truth and justice and gives hope to the people of Lithuania as well as their friends throughout the world that they will eventually prevail in this sacred struggle.

In commemorating Lithuanian Independence Day, I was privileged to add my name as a cosponsor to House Joint Resolution 129, a bill amended and approved by the full House of Representatives to designate February 16, 1988, as Lithuanian Independence Day, and a copy of that legislation follows:

H.J. Res. 129

Whereas February 16, 1988, is the 70th anniversary of the declaration of independence in Lithuania;

Whereas on February 16, 1918, the Council of Lithuania, the sole representative of the Lithuanian people, in conformity with the recognized right to national self-determination, proclaimed the restoration of an independent and democratic Lithuania and ended all ties that formally subordinated Lithuania to other nations;

Whereas a free Lithuania existed until 1940 when the Union of Soviet Socialist Republics took over the country;

Whereas the United States opposes tyranny and injustice in all forms and supports the cause of a free Lithuania; and

Whereas the oppressed people currently living in Lithuania keep the flame of freedom forever burning in their hearts: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That February 16, 1988, is designated as "Lithuanian Independence Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to celebrate such day with appropriate ceremonies and activities.

Mr. Speaker, on this solemn occasion of the 69th anniversary of Lithuanian independence, I am honored to join with Lithuanian Americans throughout this Nation in their hopes and prayers that one day Lithuanian people will achieve self-determination and determine the course of their own destiny in a freed homeland.

STEEL PRODUCT RESEARCH IS IMPORTANT

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. WALGREN. Mr. Speaker, I want to share with my colleagues an excellent essay by Lennard Kruger of the Congressional Research Service on the next logical steps to be taken in Federal support for steel research and technology. With the steel initiative from the 99th Congress which will formally get underway in a matter of weeks, talented researchers from the national laboratories, our major research universities, and the steel industry will begin wrestling with the problem of how we develop the world class steelmaking technologies the United States needs to regain the technological lead from our foreign competitors. This, however, is only one part of the problem.

In response to my inquiry, Mr. Kruger has given considerable thought to the appropriate Federal research role in discovering and developing the steel products of the future. Mr. Kruger has found that the Federal Government largely through the National Science Foundation is spending approximately 100 times as much on structural ceramics and plastics composites research as it is on steel product research. While these technologies are extremely important, we must examine carefully whether we have the proper balance in research between these newer materials and the metals they seek to replace. We have much to learn about steel-related products and great improvements can be made in them. I commend Mr. Kruger's article to my colleagues as we begin to rethink whether steel product research is getting its fair share of the materials research budget.

FEDERAL SUPPORT FOR STEEL PRODUCT TECHNOLOGIES

(By Lennard G. Kruger)

The plight of the domestic steel industry has been caused, in part, by the ability of foreign steelmakers to sell steel at lower prices than their American counterparts. As you know, one of the actions that Congress has taken to address this problem is to provide Federal funding for new steelmaking technologies which will produce steel more efficiently, thereby helping domestic steel producers to become more competitive with foreign steel. This program, called the Steel Initiative, is mostly aimed at improving the steelmaking process.

However, domestic steel faces competition not only from foreign steelmakers, but also from other materials which are vying to replace steel in many applications and markets. Many steel companies have begun to pursue product-oriented technologies which are intended to protect traditional steel markets from other materials. This memo very briefly outlines this "competition" between steel and substitute materials and then explores the question: what role, if any, should the Federal Government play in enhancing and encouraging the type of research that is geared toward protecting steel markets from substitute materials?

The House Science and Technology Committee's report, "New Technology and the Future of Steel" recognized the growing prominence of substitute materials in traditional steel applications: "Plastic, aluminum, composites, and other materials have progressed to a point where they replace steel in many applications, and ceramics will present major challenges in the future. Demand for domestic steel is falling, while the total U.S. market for steel has stagnated." A good indicator of the contracting steel market is the automobile industry. According to American Metal Market (4/7/86, p. 4), the amount of steel in a typical passenger car has fallen from about 2300 pounds in 1975 to an estimated 1780 pounds in 1986. While much of this reduction is due to downsizing, significant amounts of steel have also been replaced by plastic, polymer composites, and aluminum.

Some observers expect plastics and composites to be used more and more in the auto industry of the future. For example, a University of Michigan study predicts that plastic composites will be used for 70 percent of automotive body panels by the year 2000. Currently, polymer composites are used in nonstructural automotive applications (for example, the "skin" or exterior body panels of the Pontiac Fiero which is made of a thermosetting polyester reinforced by glass fibers). The substitution of thermoplastic matrix composites for steel as structural components in automobiles promises lighter vehicle weights (which translates into better gas mileage), better corrosion resistance, and most important of all, sharply reduced tooling costs because there would be fewer parts to assemble.

Already, polymer composite producers are positioning themselves to take advantage of anticipated shifts in the mix of materials used in automobiles. Celanese Engineering Resins plans to open a new automotive research and development center in early 1987 which will develop thermoplastic composite components for automobiles. Meanwhile, General Electric and PPG Industries have announced plans to form a joint venture to produce thermoplastic composite sheet for automotive and other high volume manufacturing industries.

Still, the wholesale adoption of polymer composites in automobiles should not be taken for granted and will not happen overnight. Manufacturing technologies are not yet able to produce polymer composite parts at speeds comparable to high speed stamping of steel. Also, given the many years of experience that automakers have with steel and the massive investments in steel-based assembly plants, any movement toward the composite car will be a very gradual process. In fact, General Motors has recently announced plans to commit over a billion dollars to upgrade and modernize its metal stamping plants.

Research and development activities among the major automakers also indicate that they are not ready to pick a winner in the "plastics versus metals" competition. For example, Chrysler has two separate research programs underway which explore the incorporation of advanced materials engineering into its automobiles. One, called the Genesis Project, seeks to replace traditional auto components with thermosetting and thermoplastic composites and ceramics. The other program is the High Tech Steel Concept in which Chrysler, in concert with major steel producers, is researching new, more cost effective methods to manufacture and use steel in cars.

In view of the competitive threat that other materials pose to steel markets, domestic steel companies have stepped up efforts to produce a product that is more attractive to users. A major part of these efforts is the advent of electrogalvanizing. In the spring of 1986, five new electrogalvanizing lines went into production. Electrogalvanizing is intended to satisfy the auto industry's demands for a more corrosion resistant product; better formability and weldability and smoother more uniform surfaces than traditional hot dip galvanized steel are also additional advantages. In addition, the steel industry has developed and is promoting the use of lighter gauge high strength steels that can help automakers achieve weight savings without sacrificing strength.

Beside performing better in service, higher quality steels can also be used more economically in a manufacturing process. Obviously, one way to make steel a more attractive material to users is to make it a more economical material to work with. The materials needs of General Motor's Saturn Project provide an example: it has been reported in American Metal Market (9/25/85, p. 1) that consistently uniform, higher quality steel could permit reducing the press line from the conventional seven presses to only four presses.

The American Iron and Steel Institute (AISI) has been particularly interested in improving the interface between steel users and steel producers, thereby nurturing steel markets and applications. AISI has commissioned studies on the reduction of auto manufacturing costs and on the relative tooling costs for steel and plastic. A new initiative is the commissioning of a University Steel Resource Center planned for Northwestern University. According to a paper delivered on November 14, 1986 by a representative of USX Corp. at the AIME 12th Annual Mineral Economics Symposium:

"A significant thrust of the new Resource Center would be to bring together steel makers and steel users to work on both technical and nontechnical programs that bridge the supplier/user interface. It is our plan to encourage active automaker and supplier participation in the formulation of programs for the Center. . . . AISI plans to fund this Center for an initial three-year period at a multimillion dollar level. Northwestern intends to leverage AISI funding with other sources of state and local support."

So far, this memo has discussed the market competition between steel and other materials, and has suggested that steel companies have recognized that development of new product technologies is a way to protect steel markets. The question remains: should the Federal Government assist domestic steelmakers with the type of research which leads to improved, more competitive products? If so, what kind of assistance would be appropriate? Recalling the justification for the federally supported Steel Initiative program (in which radical process technologies are funded) might be a useful starting point towards answering this question. According to the House Science and Technology Committee report, "New Technology and the Future of Steel":

"In cases where companies cannot manage the risks involved in a research program, or cannot justify the length of time needed to achieve results, the Federal Government has paid for research when the national interest would be served by fostering such studies. The central role of the steel industry in the economy, and the inability of steel companies to carry out research on their own indicates that the Steel Initiative meets these criteria. Thus it is reasonable to expect the federal government to support this research at this time."

An attempt to use similar justifications for a Federal program that funds new product technologies might be open to attack on two different fronts. First, there may be criticism that the development of product technologies is a proprietary matter that is the responsibility of industry and that any joint projects involving product technologies could run afoul of antitrust laws. Remarks presented by Frank Luerssen, president of Inland Steel Co., at the July 17, 1985, hearing before the House Committee on Science and Technology, indicate that there is ongoing competition within the domestic steel industry to develop new products and that a federally funded, industry-wide research program centered on product technology could be problematical:

"Steel companies are aggressively seeking increased profitability through the development of differentiated products: steels that provide more value per ton to customers because of their unique ability to meet a need. These steels command premium prices in the market and result in improved profitability margins. As I said before, this is a very competitive field for domestic companies—one in which we are uniquely qualified to excel—but also one which is inconsistent with cooperative research programs because of anti-trust implications."

Some may also question how the national interest is served by funding research which is geared toward protecting steel markets from substitute materials. In the Steel Initiative program, the goal is to help the domestic steel industry compete with foreign competition. Such a goal is much less controversial than helping the steel industry compete with other materials industries, which also provide jobs and contribute to the economy and national security of the United States. There may be a perception that the Government is favoring one materials industry over another.

On the other hand, both of these criticisms can be countered. Regarding the first criticism, that product technologies are prohibitively proprietary, it should be recognized that "product technology" is a broad term that can encompass a range of activities, from developing a new alloy which will perform better in a given application, to developing or implementing new processes (such as electrogalvanizing) which produce a new generation of steel products, to studying ways to improve the economics of using steel in a manufacturing process. Certain types of product technologies may be more amenable to joint research efforts than others. The future progress of the AISI funded University Steel Resource Center at Northwestern University may be a useful precedent or model worth examining further since it intends to initiate joint projects related to product technology among steel suppliers and steel users.

There may also be Federal research capabilities in place that could serve as a "starting point" for an examination of the feasibility of a federally funded research program geared toward developing competitive product technologies. For example, a 1984 National Bureau of Standards (NBS) publication, titled "Advanced Technology for Basic Industry: Steel," lists a variety of steel-related research opportunities that it feels qualified to undertake. Included in this listing is a section devoted to "Universal Grades and New Grades," which describes some projects that would fit under the umbrella of "product technologies." A project called "Electrodeposition on Continuous Sheet for Corrosion Protection" seeks to "help industry develop an improved aluminum and aluminum alloy plating process for continuous sheet," and would "reduce the number of unit operations and potentially could lead to a superior product." A project called "Extended Steel Applications Through Ceramic Coatings" is intended to encourage "application of alloys to more severe service environments" and "extend the utility of steel alloys to new product areas, not currently feasible." In FY1987 authorization hearings before the House Science and Technology Committee, NBS listed (p. 54) a stainless steel alloying research project as one of the major accomplishments of the NBS Institute for Materials Science and Engineering:

"Recent research on austenitic stainless steels in collaboration with the steel producers is substantially contributing to the development of stronger and tougher alloys for cryogenic service. New data proven by NBS have proven encouraging and led to new alloys being produced that have higher nitrogen, nickel, and molybdenum content; they are expected to be the strongest, toughest austenitic alloys ever produced."

Thus, there does appear to be precedent for Federal research efforts geared towards developing new steel products with higher levels of performance. On a more general level, in fact, the Federal Government has traditionally funded much more product research than process research. According to the July 17, 1985, hearing testimony (Steel Initiative, House Science and Technology Committee, p. 102) of Dr. Richard Fruehan, director of the Center for Iron and Steelmaking at Carnegie-Mellon University, "the United States has certainly been the leader in product research for several decades, and a lot of that can be traced back to the influx of research money from the Federal Government, in the early 1960's." However, most of this product research was and is geared toward aerospace and defense. At the same hearing, Frank Luerssen added that "a lot of that product research, or research that fell out as product technology was really directed toward defense and aerospace, and then the fallouts came to the metallurgy of iron and steel as well."

The other criticism of a federally funded program in steel product technologies is that the Government may be perceived to favor the steel industry over other materials industries. However, it might be argued that the Federal government currently provides high levels of R&D funding for many of these other materials, particularly ceramics and composites. According to the recently released Office of Technology Assessment (OTA) report, "New Structural Materials Technologies," the Federal Government spent $59.4 million for structural ceramics R&D in FY 1986, and approximately $40 million for plastic composites R&D. The National Science Foundation (NSF) currently funds an Engineering Research Center for Composites Manufacturing Science and Engineering at the University of Delaware. NSF will supply $7.5 million to the Center over a five year period. By contrast, the Industry/University Cooperative Research Center for Iron and Steelmaking at Carnegie-Mellon University is receiving $450 thousand from NSF over a five year period. According to Dr. Fruehan, of Carnegie-Mellon, NSF sponsors less than one million dollars for research in steelmaking at the nation's universities. Given this data, one could argue that the Federal Government is "favoring" ceramics and composites over steel when it comes to R&D dollars.

This memo has presented some possible arguments for and against Federal support of steel product technologies. The issue is complex and probably requires further exploration. Some questions which this memo has raised include: What kind of research is needed to help steel protect its markets against substitute materials? What kind of research related to product technologies would be conducive to joint ventures or some type of collective effort similar to the Steel Initiative approach? How much of this work can be done by the private sector? What kind of legislation, if any, would be appropriate to encourage accelerated development of steel product technologies? Are there Federal R&D capabilities, already in place, which could be used?

We appreciate the opportunity to serve your office. If you have any further comments or questions on this matter, please do not hesitate to call me at 287-7016.

IMPROVE ACCESS TO U.S. TRADE REMEDY LAWS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. PICKLE. Mr. Speaker, today I am introducing a resolution calling for a private sector offensive to assist small businesses in eliminating foreign unfair trade practices.

Much of America's prosperity depends on small- to medium-sized businesses. Entrepreneurs are responsible for generating millions of new jobs, yet they may not have the financial resources to contest unfair practices engaged in by foreign entities or Government enterprises.

The cost of obtaining legal or consulting services in the international trade area has grown enormously in recent years. Changes in U.S. trade law have made the process for obtaining trade remedies more complex and adjudicatory. We are currently in the midst of yet another revision of our trade laws. I believe we must make a special effort to assist small businesses to seek redress against foreign unfair trade practices.

Today, legal and consulting services in the international trade area range from $150 to $250 per hour. Prosecution of a typical antidumping or countervailing duty case entails a minimum of $150,000 to $200,000 in legal and economic consulting fees. Market access cases filed under section 301, and unfair trade practice cases filed under section 337 of U.S. trade law can also exceed $200,000 in fees. These prohibitive costs coupled with lack of expertise force many U.S. businesses to shut their doors rather than fight the abuses which are causing declining sales and worker layoffs.

We believe that the American business, legal, labor and academic communities can work together to address this problem. Such an organization should provide outreach services and necessary legal assistance to those small businesses which have found remedies to unfair trade practices beyond their reach. We are aware of one such organization already established with commitments from trade attorneys to donate time.

This proposal, which entails no expenditure of Federal funds, represents a positive means to assist entrepreneurs and small businesses in dealing with the complexities of U.S. trade laws and the high costs associated with bringing cases under these laws.

I am joined by my colleagues, Congressmen DOWNEY, FRENZEL, MATSUI, ARCHER, and Congresswoman KENNELLY, in introducing this resolution and encourage the support and cosponsorship of all Members.

H. CON. RES. 76

A resolution expressing the sense of the Congress in support of a private initiative established for the purpose of enhancing small business access to U.S. trade laws

Whereas, the American entrepreneur plays a critical role in the development of new technology and the creation of jobs; and

Whereas, America's prosperity depends on small businesses and the jobs they create; and

Whereas, these businesses are increasingly affected by foreign unfair trade practices; and

Whereas, U.S. trade laws have become increasingly complex through successive changes; and

Whereas, many of these businesses lack the financial resources and expertise to seek remedy through U.S. trade laws against foreign unfair trade practices; and

Whereas, these small businesses may refrain from seeking remedy against foreign unfair trade practices due to prohibitive costs or lack of familiarity with U.S. trade laws; and

Whereas, unfair trade practices which go unchallenged may result in the loss of American jobs and technology through runaway plants or plant closings; and

Whereas, legal assistance to small businesses in combating unfair trade practices would increase their ability to compete effectively in the world market: Therefore be it

Resolved, That it is the sense of the Congress that the corporate, legal, labor and academic communities should pursue establishment of an independent organization to provide pro bono legal assistance to small businesses in cases involving foreign unfair trade practices. This organization should

(a) develop an outreach program to inform small businesses of remedies available under U.S. trade law; and

(b) provide pro bono legal assistance to those small businesses lacking adequate resources to seek remedies under U.S. unfair trade laws.

COMMITMENT TO NATIONAL PARKS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. YOUNG of Alaska. Mr. Speaker, I am introducing legislation today along with our distinguished colleague, Mr. LAGOMARSINO, which would authorize needed changes in the statutory limits on entrance fees in units of the National Park System.

As many of the Members of this Chamber are aware, our national parks have seen a resurgence in visitations in recent years. At some parks, it has become increasingly difficult to maintain park infrastructures due to significantly increased use. One area in which we can act to address this problem is to eliminate several obsolete limits on park entrance fees and to earmark the resulting revenue increase to park operation and maintenance. The legislation I am introducing is designed to accomplish this result, while retaining protections to ensure that fee levels will be retained at amounts which are affordable for park visitors, including families.

Mr. Speaker, in an era of budget limitations, we must deal with creative means to meet our obligations. This legislation will maintain a commitment to the maintenance of the national parks so that those who visit and enjoy those parks will be provided with the type of experience promised when the park units were set aside.

The fee initiative proposed by this bill represents one of the highest priorities for the National Park Service in fiscal year 1988 budget. This bill would provide a 10-year constant source of funds for the enhancement of operational activities in the National Park System, including interpretation, and related maintenance, research, and resource management and protection. Given the pressing need to reduce the Federal deficit, I propose to use the fees generated by the parks themselves to increase the level of funding for park operations.

The fiscal 1987 continuing resolution (Public Law 99-591), authorized the establishment of new and increased entrance fees, but only during fiscal year 1987. Enactment of this legislation would authorize new and increased entrance fees as a matter of permanent law, superseding the limited authority in the continuing resolution. The entrance fee provisions of my proposed bill are identical to those adoped by the Congress in the continuing resolution, with five exceptions: First, the cap on a single visit fee would be established at $10 per vehicle and $5 per person—where entry is other than by vehicle—whereas the continuing resolution limited this fee to $5 per vehicle and $3 per person; second, I am recommending a one-time charge of $10 for the golden age passport, whereas the continuing resolution did not include such authority; third, this legislation would specifically authorize volunteers and contractors to collect fees, whereas the continuing resolution did not include such authority; fourth, I am recommending $40 for the golden eagle annual pass, whereas the continuing resolution limited this fee to $25; and fifth, I am recommending a $25 cap for single park annual admission fee, whereas the continuing resolution limited this fee to $15.

Because its provisions are limited only to fiscal year 1987, the continuing resolution appropriated an amount equal to the estimated recreation fee receipts, and provided that, as fees are collected throughout the fiscal year, they would be paid into the general fund of the Treasury. Under the long-term program that I propose in this legislation, no appropriation would be necessary; the fees would be available for expenditure as they are collected, without regard to fiscal year limitation.

Prior to the current fiscal year, park entrance fees had remained essentially at the same level for 14 years. In fiscal year 1986, more than $21 million was collected by the National Park Service in entrance and user fees under a system in which most entrance fees, including the golden eagle passport, had not been changed since 1972. I believe that if park users can be sure their money will go directly to the Park System, they will not object to reasonable increases in entrance fees or expanding the number of parks at which such fees are charged. Accordingly, the second major feature of the bill is a repeal of the 1979 statutory prohibition on increasing park entrance fees or establishing new fees.

I would like to emphasize that, under this proposal:

No entrance fee would be charged where such a fee is now specifically prohibited by law; this legislation contains no park-specific repealers on entrance fees.

No entrance fee in excess of $10 per vehicle would be charged.

No entrance fee would be charged at urban recreation areas where access is publicly available at multiple locations.

No changes would be made to existing policies regarding free or reduced entrance fees for bona fide educational groups.

The authorized price of the golden eagle passport would be increased to $40, and it will continue to be an annual unlimited vehicular admission permit to any unit of the National Park System. In addition, this bill would authorize a one-time charge of $10 for the golden age passport, which is now free to citizens 62 years of age and older. This legislation also authorizes volunteers and contractors to collect fees and sell permits.

Under this proposal, it is estimated that $21.5 million in additional revenues in fiscal year 1988 would be generated. Combined with an estimated $52.8 million from current entrance and user fee collections, this would provide an estimated total of $74 million in revenues which will be used to enhance park operation budgets. The effect of this proposal will enable the National Park Service to provide levels of service that the American people want and expect in their national parks even in this time of fiscal austerity.

The distinguished chairman of the National Parks and Public Lands Subcommittee has introduced similar legislation and scheduled a prompt hearing on these issues. I believe the issues raised by this legislation and other bills on this subject can be resolved in a bipartisan manner.

For these reasons, I urge my colleagues to support this legislation.

COMMITMENT TO NATIONAL PARKS

HON. ROBERT J. LAGOMARSINO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. LAGOMARSINO. Mr. Speaker, I am proud to join with my colleague from Alaska, Representative DON YOUNG, in introducing legislation today to help improve and protect the resources of our Nation's outstanding National Park System. This bill, which is sorely needed, would permanently extend and expand the current 1-year entrance fee program for the national park units enacted into law by Congress last year.

As visitation continues to increase at our national park units, the resources and infrastructures at many units are being strained to the limit. This, in turn, reduces the quality of the park experience for many visitors. Unfortunately, current fiscal constraints prevent additional Federal expenditures needed to correct the problems created by increased visitor use at many part units.

The legislation Mr. YOUNG and I are introducing today would greatly assist in solving this serious problem. It would allow minor increases in entrance fees at many national park units which would generate approximately $75 million in fee revenue annually. Under the bill's provisions, the increased revenue would be directly returned to the National Park Service to enhance resource protection, research, interpretation and maintenance activities at all park units.

Other provisions of the bill include:

First, providing an annual park specific pass at a cost not to exceed $25;

Second, capping single visit entrance fees to $10 per vehicle and $5 per person where entry is other than by vehicle;

Third, increasing the golden eagle pass to $40;

Fourth, authorizing a one-time charge of $10 for the Golden Age pass;

Fifth, prohibiting entrance fees at urban park units;

Sixth, requiring submission to Congress of any proposed changes in the fee program; and

Seventh, authorizing volunteers to sell permits and collect fees.

Mr. Speaker, park entrance fees have not increased since 1972—nearly 15 years ago. Under this legislation fees would be increased to realistic, but certainly not unreasonable levels, by today's living standards. Individuals and families would still be able to afford to visit and enjoy the national park units and, in addition would be provided with the quality type of park experience which was envisioned and promised when the National Park System was established. Therefore, I believe this legislation will assist in accomplishing a number of important objectives. It will help to preserve and protect the national and cultural resources of our National Park System, improve and maintain park visitor facilities and enable a high quality visitor experience all at no additional cost to the Federal Government. For these reasons, I urge my House colleagues to support this important legislation.

IN SUPPORT OF OUR NATIONAL GUARD

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. SKELTON. Mr. Speaker, recently I came across an article written by Brig. Gen. Richard D. Dean, Acting Director, Army National Guard, National Guard Bureau. I include a portion of that article herewith, as it points out the bargain that our country has with the National Guard.

> Where does a soldier's taste for making comparisons begin? Basic training . . . during leadership school . . . on the battlefield? Or is the most important comparison made after the battle: who was stronger, who was smarter, who fought best?
>
> Today's Army lives on a series of comparisions. Whether you are a combat-smart division commander or a recruit, still stiff in new clothes and new surroundings, there are many systems to measure performance and compare you with soldiers from the past and against future threats.
>
> Members of the Army National Guard share every soldier's appetite for comparision. We are constantly being measured and like to make our own calculations of past performance and future expectations. The process keeps us prepared to fight and win.
>
> For the past 350 years, volunteers from virtually every community in the nation

have unselfishly stepped forward to serve in the National Guard. With the support of the President, the Congress, the Active Army, state governments, and the citizens we serve, the Army Guard has grown to be a well-trained, well-led, and better equipped force of nearly 440,000.

WORLDWIDE VISION

Our 3,600 units are deeply ingrained in the economic and social life of 2,600 communities across the nation and its territories. Much of our training, administration, and maintenance is done close to home, but our vision is worldwide. Increasingly, Army National Guard units join with others from the Total Force for demanding assignments that really test the lessons we learn at local armories and training sites. Reforger, Team Spirit, Central America, the National Training Center—these and other places have become proving grounds for Guard performance. And we train as we would fight, following schedules that present vigorous workouts whether you're a front line soldier, part of command and control, or a member of the support structure.

We're still a bargain for the citizens we serve and protect. The Army Guard operated during FY86 with a federal budget of $5.3 billion. At current rates, exclusive of weapons and equipment, the Army Guard operates for approximately six percent of the total Army budget.

Units recieved $1.4 billion in new or displaced equipment during FY85, and a similar amount in FY86. Operating with a "first-to-fight, first-to-be-equipped" policy, the Guard has been steadily improving its readiness through modernization and vigorous training. Using the Measuring Improved Capability of Army Forces computer model, the Guard has identified a 39 percent increase in the capability of our divisions, separate brigades, and armored cavalry regiments from 1980 to 1985. This is hard evidence that the resources provided to the Army Guard are delivering fighting power to combat units.

STRENGTH IN SIMILARITIES

While keeping track of our separate progress is important, the strength found in the similarities among the Active Army, Army Guard, and Army Reserve is critical to the success of the Total Army. Competitiveness is good for espirt and serves to keep our leaders and troops motivated. However, we must work equally hard to demonstrate how we are equal partners. Simply put, we need each other. The luxury of time for lengthy training and equipment modernization after mobilization is not available.

Consider how we are the same. Everyone in the Total Army is enlisted under the same standards. Everyone attends basic training and advance individual training. We wear the same uniform and operate with the same regulations. Official evaluations are conducted by Active Army personnel, to Active Army standards. Increasingly, Capstone and Round-Out agreements between Active and Reserve Component units mean that units train side-by-side in all theatres, all weather, all months, worldwide. Except for the patch on our sleeves, it is difficult to tell a member of the National Guard from a member of the Active Army Reserve.

UNIQUE FORCE

Of course, our state mission will always keep us unique. We're proud of this legacy of service that provides close-to-home assistance during emergencies. During 1985, 27,329 Guard members helped their neighbors in 623 call-ups. These state mobilizations frequently provide solid military training. The emergencies are real, the risk often life-threatening, and the measure of service and sacrifice provided by our troops considerable.

Our subtle differences help make us strong by instilling pride and a competitive spirit to keep the Army National Guard the best fighting force it can possibly be. Our similarities make us even stronger.

GREAT LAKES WATER LEVELS MANAGEMENT ACT OF 1987

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. ROTH. Mr. Speaker, today I am pleased to introduce the Great Lakes Water Levels Management Act of 1987. This legislation is designed to facilitate coordination between the existing Federal, State, local and international organizations for the purpose of providing long term management of the Great Lakes water levels.

The high water levels on the Great Lakes have caused several million dollars worth of damage to shorefront property, shipping docks and municipal facilities. Record high levels were registered on the Great Lakes in 1986 and despite the drier-than-normal winter, lakes Erie, Michigan and Huron are still approximately 3.5 feet above their monthly average. The latest predictions from the NOAA Great Lakes Environmental Research Laboratory in Ann Arbor, MI, estimate that the high water levels will continue for several years. Even with normal precipitation and evaporation the water levels are not expected to return to the average long-term measures for at least 6 to 10 years.

The Great Lakes have gone through three disastrously high cycles and one record low cycle in the last 35 years. Since 1982, a progression of above-normal precipitation years have raised the Great Lakes to levels not observed since the 19th century. NOAA scientists claim that it would take a drought like the one experienced between 1962 to 1965 for the Great Lakes to return to average long-term levels in 3 or 4 years. However, more high precipitation years like the past two, could succeed in pushing the water level of Lake Michigan up another 18 inches and Lake Erie as far as 9 inches in 3 to 4 years. Clearly, now is the time for Congress to take a coordinated approach to address the problem of high water levels on the Great Lakes.

The Great Lakes Water Levels Management Act recognizes that the Army Corps of Engineers should be the lead agency in the implementation of a coordinated Great Lakes water levels management program. Specifically, efforts should be directed toward identifying Great Lakes shoreline areas that are particularly vulnerable to storm surge activity, enhancing long-range forecasting, and improving the advanced storm tracking and warning systems. In addition, an evaluation of the pre- and post-storm emergency relief measures currently available should be undertaken.

My legislation provides for the President to appoint a Great Lakes Water Levels Director. The Director, who shall be employed in an existing Federal agency, will be responsible for working with the various agencies, authorities and organizations engaged in programs relating to research, monitoring, or surveillance of the Lakes in an effort to disseminate up-to-date information to shoreline residents. The Director will essentially serve as an information clearinghouse and will also submit an annual report to Congress outlining recommendations for the improved coordination between the Federal, State, local and international interests.

Last, the Corps of Engineers will be authorized to conduct a study for the purpose of recommending to Congress an indicator or indicators which may be used as a trigger to change the rate of diversion of water at Chicago, IL. The corps will be required to submit its findings to Congress within 180 days.

My legislation does not authorize an increase in the diversion of water from the Great Lakes system. The measure requires the corps to submit data to Congress which may be used in evaluating the implementation of an increased diversion of water from Lake Michigan at Chicago. Adequate safeguards must be in place if the Chicago diversion is to be increased.

If trigger levels were created to signal and manage the diversion at Chicago, the necessary safeguards would be established to prevent water from being diverted for purposes of economic development outside of the Great Lakes Basin. Water would only be diverted in the extreme cases to combat high lake levels threatening shoreline residents.

There is no easy solution to the high water level problem on the Great Lakes. Even if the diversion at Chicago were increased tomorrow to an average rate of 10,000 cubic feet per sound, the effect on the Great Lakes system would be minimal. I certainly support the provisions of the Great Lakes Charter which find that "without careful and prudent management, the future development of diversions and consumptive uses of the water resources of the Great Lakes Basin may have significant adverse impacts on the environment, economy, and welfare of the Great Lakes region," but steps must be taken to rectify the current critical situation.

The underlying problem which Congress should be addressing is the coodinated management of the Great Lakes system. The recognition of the Corps of Engineers as the lead agency and providing for the appointment of a Great Lakes levels director will bring about more stability and cohesiveness to managing the high water level problem.

The high water level problem on the Great Lakes will not readily correct itself as it has in the past and we must not allow a slight reduction in levels to lull us into a false sense of security. Developing an adequate plan of attack to manage the Great Lakes water levels would be an important first step to providing relief to the shoreline residents. This is a long-term problem and the time to act is now.

TIME TO MOVE ON

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. COURTER. Mr. Speaker, as the Newark Star-Ledger said in the following editorial, after President Reagan's speech to the Nation last week on the Iran controversy, It's time to move on.

The President's speech provided us with everything a fair and impartial judge could have expected him to say. Certainly there are facts yet to come to light, and that is one of the main tasks of the Select Committees on Iran. But many more important issues need to be addressed, such as the continuing consolidation of the Soviet hold on Nicaragua, the state of our Nation's defenses, the future of the strategic defense initiative, the possibility of an INF arms reduction agreement, the Federal budget and the Gramm-Rudman deficit targets.

Facing these vital questions about our national economic health and our security, Congress has no right to focus exclusive attention on the past. We have a sworn obligation to move on with the Nation's business.

[From the Newark Star Ledger, Mar. 6, 1987]

TIME TO MOVE ON

There were no wasted words in President Reagan's response to the searing criticism of the Tower commission report on the Iran-contra scandal. His address was to the point and free of rhetorical flourish. Mr. Reagan was contrite for his Administration's serious covert foreign policy transgressions.

The President admitted mistakes had been made, that it was wrong for him to have allowed the lamentable Iran affair to become an arms-for-hostages tradeoff. And he unequivocally accepted blame for the misadventure. Despite the grave momentary lapse, he reaffirmed the validity of his policy barring deals with terrorists and said that policy would again be rigidly pursued.

On a forthright note, Mr. Reagan promised to implement the remedial measures recommended by the Tower commission to put the Administration back on track. He noted he already has moved in a positive manner by the estimable key personnel changes he has made in the White House, the CIA and the National Security Council.

That loose cannon in the White House, the Security Council, would be defused, Mr. Reagan said, and would again become a law-abiding, strictly advisory body, as it was intended to be.

Mr. Reagan did not apologize for his laid-back management style. Delegating responsibility is certainly an acceptable executive technique. What made a difference between the President's first four years and the last two was the change in the White House guard, notably the exit of James Baker as chief of staff and the entrance of Donald Regan in that powerful post. Mr. Regan, scathingly criticized in the Tower commission report for failing the President, has been succeeded by Howard Baker, a veteran former senator who should be a needed stabilizing influence in the White House.

A nagging question remains: What happend to the money paid by Iran for American arms? The Tower commission could not come up with an answer, and the President said "the facts will be left to the continuing investigations" by an independent counsel and congressional committees.

All in all, Mr. Reagan was reassuring in his talk. But a single address, however well crafted and however well delivered, must be constructively implemented with deeds to match the words. That will be the full test of the President's final two years in the White House—an opportunity to restore credibility to his Administration and to get on with the conduct of the nation's business.

THE HOMELESS IN AMERICA

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, March 11, 1987, into the CONGRESSIONAL RECORD:

THE HOMELESS IN AMERICA

Homeless people have become a common sight in America's major cities, and even in some of our smaller towns. Children, adults, and families can be seen sleeping on steam grates, crowding into alleys or deserted cars, or setting up "homes" under freeway overpasses. The number of homeless far exceeds the ability of local governments and charitable organizations to cope with the problem. Cities across the country report that homeless people are routinely turned away from emergency shelters. The exact number of the homeless is impossible to determine, but the estimates range from 250,000 to three million people. The homeless problem is greater than at any time since the Great Depression.

Attention to the problem of the homeless has come upon us with unusual speed. A few years ago it hardly existed; now it is all around us. Why? The main reason may just be compassion. These people are plainly in wretched condition. Also, it is something of an embarrassment for a prosperous country like the United States to have so many homeless people. Another reason may be the concern that the poor are becoming such a burden that they threaten to bring the rest of society down with them. The increased numbers of homeless, the widening concentrations of poor in major cities, the growing welfare rolls in at least half the states, and the rise of teenage pregnancy and drug use reinforce these fears. The homeless may not vote and may not write to their representatives, but their plight is being increasingly recognized by policymakers.

Another reason for the increased attention is that we have learned more about the homeless. We once associated them with "hobos", but the old stereotypes are no longer valid. Many of the homeless today are the "new poor" or even the "working poor," people who until recently had relatively good-paying jobs and homes. At least a third of the homeless are mentally ill, persons released from state institutions under court orders or persons just cast loose in the community. Yet, the fastest-growing segment, estimated to be a fourth to a third of the total, are families and children. In several of our major cities they now represent well over half of the homeless. The overall increase in homelessness has been due to the rise in joblessness, the decline of affordable housing, lower levels of public assistance, and more family breakups.

The homeless have attracted a steadily growing circle of advocates. Public officials stress that local needs have outpaced local resources, and that about one-quarter of those who need emergency food or shelter are turned away. Many charitable groups have been pressing the federal government for action, too. They understand that programs that help provide a meal and a roof for the night do not deal with longer-term issues. These charities, many of which enjoy government support, have developed new working relationships with policymakers, and have begun to speak out more forcefully and with more sophistication about the need for expanded efforts. National and local media have covered extensively the plight of the homeless. For the past year, I have noted the frequency with which Hoosiers have mentioned the homeless during public meetings.

So it should come as no surprise that homelessness has spurred action in Washington. In one of its first actions this year, the Congress passed a $50 million supplemental homeless aid bill. A broader measure promising $500 million this year for emergency food and shelter plus some longer-term housing programs is moving quickly through the Congress. President Reagan, who believes that the homeless are basically the responsibility of private concerns and state and local governments, has nonetheless requested $100 million in his new budget for emergency food and shelter for the homeless. No one contends that these efforts will solve the problems. But the homeless are people who need help, and governments and private groups are responding. For a dollar-conscious Congress, which has been unwilling to expand federal programs or create new ones, these actions in support of the homeless are remarkable.

Who should take the lead in helping the homeless remains part of the debate. Since many state and local governments are in better financial condition than the federal government, they should be encouraged to do more. Individuals and private groups, having already responded to the challenge impressively, will have to do even more. Yet, in this instance, an expanded federal role may be necessary to address unmet needs. Opponents of increased federal aid argue that it would create more bureaucracy, increase dependency of the homeless on the government, and spend resources that we do not have. While the amount of federal assistance proposed is modest (some 1/20 of 1% of our current budget), my view is, nonetheless, that any increase in federal spending for the homeless should be offset by finding savings from other domestic programs. Federal funds for the homeless would be channeled through existing state, local, and private agencies without creating additional bureaucracy. Further, spending some federal dollars now helps us avoid much larger expenditures in the future for long-term physical or mental health costs and welfare payments.

I am encouraged by the increased attention on a variety of levels to the problems of the homeless. We all understand that temporary relief measures, though important, are not enough. Since many of the problems which led to the increased number of homeless involve structural changes in our national economy, we still need to focus our attention on long-term solutions which will boost economic growth and improve job opportunities for all of our citizens.

The federal government's effort to assist the homeless is modest, and only supplements the primary efforts of state and local governments and private groups. The magnitude of this serious problem and the limit on available resources require cooperative efforts on all levels.

RETIREMENT OF CHIEF JOHN TIGHE

HON. LAWRENCE J. SMITH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. SMITH of Florida. Mr. Speaker, on March 2, 1987, Police Chief John Tighe retired after many years of service to the citizens of Pembroke Pines, FL. John Tighe came naturally to the profession of law enforcement. His late father was a Yonkers, NY policeman, and a number of his relatives—including his two sons—were members of various police forces.

In his service, John Tighe drew upon his experience in the Korean war and on the Miami Beach police force when he arrived in Pembroke Pines. In his 8 years of commitment to the Pembroke Pines police force, Chief Tighe saw his responsibilities increase and his force more than double.

The dedication and selfless commitment that John Tighe gave to his community typifies the model police officer. He served in a manner that reflected his integrity and devotion.

John's retirement offers me the opportunity to honor a person who has devoted his life to serving his country as well as his community. I wish him and his wife Amyann smooth roads, pleasant sailing, and clear skies.

TO CELEBRATE 200-YEAR HERITAGE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. GEKAS. Mr. Speaker, on Sunday, March 15, 1987, at 10 a.m., Salem United Church of Christ and Zion Lutheran Church will hold a joint service to celebrate their common 200-year heritage in Harrisburg, PA.

In 1787, when the population of Harrisburg, PA, was 600, there was felt the need for a house of worship. Accordingly, John Harris granted lot 187 at the corner of Third and Chestnut for that purpose.

The first house of worship was a building of logs erected at the rear of lot 187. It was owned and occupied by the German Reformed and the German Lutheran congregations.

In 1822 the present building was completed and dedicated. A bell cast by Thomas Mears, bell founder of London, was hung bearing the inscription:

May all whom I summon to the grave
The blessing of a well-spent life receive.

Mr. Speaker, 200 years later, this church, this institution is intact not because the building has remained firmly planted on the soil, but because the people who have worshiped and continue to worship at Salem Church have committed themselves to their faith and church.

Salem's history has been connected with other churches in the community: Zion Lutheran congregation; the Rev. John Winebrenner, who was pastor when the present church was erected, later became the founder of the Churches of God; members of the Market Square Presbyterian Church met in Salem to organize the Pine Street Presbyterian Church; three Reformed Churches in the city grew from Salem: Second Church, Fourth Church, and St. John's Church. The congregation of St. Stephen's Episcopal Church met there briefly.

In 1975 Salem Church was listed as a historical site by the Commonwealth of Pennsylvania, and listed in the National Register of Historic Places of the U.S. Government.

I would like the CONGRESSIONAL RECORD to reflect my personal congratulations to the members of Salem United Church of Christ and their pastor, the Reverend Dr. Kendall Link, as the church enters its third century of existence.

A BROADER VIEW OF THE U.S. TRADE DEFICIT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. CRANE. Mr. Speaker, as the ranking member of the Ways and Means Subcommittee on Trade, I am dismayed at the hysteria surrounding the latest release of the 1986 trade figures. No doubt the massive trade imbalance should be of concern, but many fail to realize that the effects of our trade deficit can be, and have been, translated into positive benefits to our economy. In our attempt to correct trade imbalances, we must expand our narrow view so that we understand the full impact of the international market.

A statistic which is quite frequently overlooked is the comparison of U.S. goods manufactured abroad to the amount of foreign products built here. U.S.-based corporations that manufacture overseas are far more successful than foreign companies producing in the United States. In fact in 1984, United States companies produced $31 billion more in Japan than the Japanese produced in the United States.

Additional benefits that are not borne out by focusing only on our trade deficit can be measured in the amount of foreign investment into U.S. banks, real estate, and capital. This investment which keeps our interest rates low is directly attributable to the profits of our overseas competitors. What may appear to be lost in a trade war often returns to the United States in the form of investment.

One additional element that directly impacts foreign trade, yet is frequently overlooked, is the monetary policy in the United States. In relation to agricultural commodities, the USDA noted that our decline in exports was a reflection of the strength of the dollar in the early 1980's, the level of U.S. support prices, and the low cash flow of developing countries. These factors which have worked against the United States over the past several years are now reversing and should enhance our trade position in the near future.

As we contemplate enacting restrictive trade legislation I remind my colleagues that there are many results stemming from our trade deficit that are very positive. As a result, any measure enacted by Congress should have as its main objective the competitiveness of American products. Such measures will ultimately give the United States a more favorable balance of trade. I encourage my colleagues to read the following article by John Lawrence titled "Don't Panic Over the U.S. Trade Deficit."

[From the Los Angeles Times, Nov. 2, 1986]

DON'T PANIC OVER THE U.S. TRADE DEFICIT

(By John F. Lawrence)

As ever in an election season, protecting American jobs becomes a hot campaign issue and a lot of misinformation is fed to voters. We're told what we lose by buying so many goods from abroad, but we're seldom reminded how much we gain. The problem is that trade balances are a lot more complex than just the raw numbers of goods bought and sold. Elections are a good time to examine some of these complexities and keep the protectionists in their place.

Japan, of course, is the chief target of much of the attack. Japan currently sells us about $60 billion more each year than we sell to it. But is $60 billion really lost to this country and does it translate directly into disappearing jobs?

The answer is no on both counts.

A couple of factors work to offset that apparent deficit. For one thing, a big share of the dollars that go to pay the Japanese for their goods come right back in the form of investments here. Those investments create jobs and even work to hold down U.S. interest rates. For another, it fails to reflect the real economic influence that American and Japanese companies have on each other's country. A good analysis of these less publicized relationships comes from Kenichi Ohmae, managing director of the Tokyo office of the American consulting firm McKinsey & Co. According to his article in the Japanese monthly, Bungei Shunju, it's even possible to make the U.S. and Japanese numbers match.

Using 1984 figures, he calculates that the United States sold $26 billion worth of goods to Japan. But U.S. companies also produced and sold another $44 billion worth of goods from operations in Japan itself. Meantime, Japan sold $57 billion worth of products to the United States while Japanese companies produced only $13 billion from their facilities located in this country. The numbers add up to $70 billion on both sides.

Granted, goods produced by American interests in Japan produce jobs for Japanese, not Americans. But the flow of investment dollars is important to consider as well. Profits from American operations in Japan find their way back to this country, providing capital for growth here.

In addition, many of the dollars that Japanese companies collect by exporting to the United States flow back here as well. They come in the form of purchases of U.S. government bonds, in investments made on the American stock markets and in funds needed by the Japanese to build plants on American soils.

Looked at in this manner, trade balances get to looking less important. And it leads some Japanese, weary of U.S. complaints about the trade problem, to suggest that if this country really is so worried about the numbers, why doesn't it encourage all those American companies producing goods in Japan to bring those operations home and then export the goods.

It is not a serious suggestion. Obviously, American companies invested in Japan for good reasons. One is that at the time it probably was cheaper to produce the goods there than it was to make them here and then ship them. Another is that it's often easier to crack a foreign market with an operation familiar with the customers and their culture. The Japanese are discovering this about America.

Meantime, amid all the squabbling over free trade and Japan's alleged propensity for protecting its own markets, a major change has taken place that will bring about a good many of the changes that protectionists claim to want. The dollar, worth more than 230 yen as recently as three years ago, now has dropped to about 160 yen. What that means is that U.S. goods made here and sold in Japan can cost the Japanese 30% less than they did. Japanese goods sold here, if ultimately raised in price to match the currency change, will cost Americans more than 30% extra.

That means it's probably no longer cheaper for some American firms to make goods in Japan rather than export them to that country. It means companies such as Sony now have lower labor costs in the United States than they do at home. So, over time, expect to see more Japanese markets opening to U.S. goods and more Japanese companies opening up shop here and hiring U.S. workers.

Trade balances don't shift overnight and, in the modern world, may not matter that much anyway. They shift in response to basic economics and it's best if the politicians don't interfere.

ESTONIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. ANNUNZIO. Mr. Speaker, 69 years ago, on February 24, 1918, the people of Estonia proudly proclaimed their independence, free from the domination imposed upon them for centuries by the Russians.

Shortly after the formation of their free state, Estonians and their allies successfully defended their country from attacks by the Red Army, as Lenin tried to force communism upon the newly independent nation. A peace treaty was signed between the new Republic of Estonia and the Soviet Union, under which Russia "agreed to renounce voluntarily forever all rights over Estonian territory and people," and the Republic of Estonia prospered for 22 years.

Sadly, however, in 1940, the Soviet Union again attacked and invaded this country, attempting to wipe out the culture, religion, and heritage of the Estonian people. The United States has never recognized this brutal seizure of territory by the Communists, and as Americans, we have continued in our strong protests of violations of human rights in Estonia by the Soviets.

The Estonian American National Council has issued a statement concerning the current situation in Estonia, and that statement follows:

ESTONIAN INDEPENDENCE DAY STATEMENT

On February 24, 1987, Estonian Americans and people of Estonian ancestry everywhere in the world—except in their own native homeland—solemnly and publicly commemorate the 69th anniversary of the declaration of independence of the Republic of Estonia in 1918. In Estonia itself, the people can celebrate only in their hearts, although some individuals nevertheless defiantly engage in acts of patriotism and incur the wrath of the Soviet secret police, the KGB.

Estonian Independence Day is a time for Estonians to renew their faith in God, in the goodness of mankind, in the belief that justice will triumph in the end. It is a time for all Estonians living in the Free World—young and old alike, even those who have never even seen Estonia—to declare their solidarity with their brothers and sisters behind the Iron Curtain and to reaffirm that we are one people, no matter how the currents of history may have carried us to the far corners of the world.

This is also a time for Estonian Americans to give thanks that we are able to enjoy living in freedom with the many rights, privileges and responsibilities which a democratic system of government provides. In Estonia today, the freedom to communicate is severely restricted: even the mail is censored. There are no free and open elections. Trials are mostly for show, as evidenced by the occasions when verdicts and sentences are inadvertently published before the trials are even completed. Religious expression is harshly restricted; parents may not even take their school-age children to church. Church membership, although technically permitted, may result in loss of employment.

The fate of Estonia serves as an important lesson. Afghanistan is but a recent example that the Soviet Union has not changed its ways since its troops first marched into the peaceful, democratic, and neutral Republic of Estonia in June, 1940. The night of June 13, 1941 remains indelibly etched on the minds of Estonians—it was then that more than 10,000 men, women, and children were herded into boxcars and shipped to Soviet slave labor camps in the Gulag. The Soviets carried out other such mass deportations in the Baltic States during and after World War II.

The horrible memory of these mass deportations was rekindled only this past summer, as reports filtered out that Soviet authorities had forcibly conscripted hundreds of Estonians, often in the middle of the night, to clean up the area near the Chernobyl nuclear power plant disaster. When some of these conscriptees revolted against the inhumane working conditions and the lack of the most elemental safety gear at the site, a number of them were shot to death by the Soviets.

The Soviet Union continues to engage in cultural genocide with its russification and sovietization programs. Estonians are being sent to various parts of the Soviet Union and Russians and other nationalities are being sent into Estonia. In Tallinn the capital only about 50 percent of the people are Estonians.

The Soviets are doing everything in their power to destroy the identity of the Estonian people as individuals and as a group. On July 30, 1940, President Konstantin Pats was taken to parts unknown by Soviet forces. Nearly 40 years later three messages written by him while imprisoned in a Gulag concentration camp finally reached the Consulate General of Estonia in New York. President Pats wrote, "I am . . . being subjected to degradation in every way and my life threatened . . . [A]ll my personal belongings which I had along with me have been taken away. I have even been refused to use my own name. Here I am only No. 12." President Pats' words have been echoed recently by leading Estonian dissident Mart Niklus, who was sentenced to ten years in a labor camp plus five years exile for demanding independence for the Baltic States on Aug. 23, 1979, the 40th anniversary of Stalin's secret protocol with Hilter. Despite being championed by Andrei Sakharov, Mart Niklus has not been heard from since an April, 1986 letter to his mother which he signed, "From your son who is buried alive".

While under Soviet subjugation the entire Estonian nation is "buried alive" Creative freedoms in all fields of artistic endeavor are severely curtailed. Russian language encroachment at all educational levels, in the mass media, and in public affairs threatens to undermine the Estonian national identity. The historical record of the Republic of Estonia during its brief period of independence was a proud one including universal suffrage, eight-hour work days, land reform, laws protecting the rights of religious and cultural minorities, and significant contributions in the fields of art, music, literature, science, and sports. Today that record of achievement is continually attacked and denied by Soviet historical revisionism and disinformation much of this aimed also at political refugees from communism who fled to the West. Estonian Americans, therefore, are very concerned that the United States Government maintain a steadfast consistent, and logical position regarding the status of Estonia, Latvia, and Lithuania as countries occupied illegally in blantant violation of international law. Most Western nations continue to refuse to accord de jure recognition to Soviet rule in the Baltic States.

In marking Estonian Independence Day, Estonian Americans, Estonians in their occupied homeland—indeed. Estonians and their friends all over the world—reaffirm the dream of restoration of sovereignty, of political and human rights, of freedom from Soviet oppression, and of the universal right of self-determination. These aspirations are shared by freedom-loving people and their governments everywhere. Elagu Vaba Eesti! [Long Live Free Estonia!]—Estonian American National Council.

Mr. Speaker, the Estonian people have never waivered in their determination to resist and overcome their Communist oppressor, and I am honored to join with the Estonian Americans residing in the 11th Congressional District of Illinois which I am honored to represent, and Americans of Estonian descent throughout this Nation, in their hopes and prayers that Estonia will once again take its rightful place in the community of free nations.

WESTINGHOUSE RECOGNIZES OUTSTANDING SCIENCE STUDENTS

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. WALGREN. Mr. Speaker, America has no greater strength in science than bright, young people. Each year, Westinghouse and the Westinghouse Educational Foundation join with Science Service to conduct a national science talent search.

Recently the 46th annual nationwide science talent search singled out the following 10 high school students from a field of 40 winners, awarding a total of $140,000 in Westinghouse science scholarships and awards. They deserve our recognition and we all can be encouraged about the future by the qualities they represent.

Louise C. Chang, 17, of Westmont, IL, completed a cancer research project. Working at the University of Chicago, Louise isolated three genes which are more active in cancerous cells than in normal cells. She found some evidence that one of the genes produces a protein-destroying enzyme that could contribute to the behavior of malignant cells. Louise, who attends the University of Chicago Laboratory Schools H.S., plans a career in cancer research. She was chosen from area schools as the outstanding young scientist of 1986 by the Chicago Museum of Science and Industry. She is the daughter of Dr. and Mrs. Juo-Chin Chang. An accomplished violinist, Louise plays with the University of Chicago Symphony Orchestra.

Elizabeth L. Wilmer, 16, of Scarsdale, NY, submitted a mathematics project relating to three-color theorems as her search entry. Her investigation establishes what properties a graph must have to be three-colorable, with no adjacent edges having the same color. At Stuyvesant High School in New York City, Elizabeth is active in the Junior Academy of Science and the mathematics club. She is also captain, Stuyvesant High School Academic Olympics Team; captain of her school's math team; and editor-in-chief, "Math Survey." She is the daughter of Mrs. Maribeth Wilmer.

Albert Jun-Wei Wong, 16, of Oak Ridge, TN, chose a project in biological cybernetics for the science talent search. Albert created a mathematics model relating to neural networks. Neural networks provide pattern recognition capabilities similar to those that occur in the human brain, and must be thoroughly understood if artificial intelligence is to become a reality. Albert believes that his investigation may provide further insights into the brain's complexities as well as yielding feasible technical applications. In addition to being awarded many scientific and mathematics first-place honors, Albert has received recognition for his abilities in French, music and soccer. He is the son of Dr. and Mrs. Cheuk-Yin Wong.

Joseph Chen-Yu Wang, 17, of Ocala, FL, investigated decametric radiations—radio waves with frequencies from 4 to 40 MHz—for his project in astronomy. The data for his study was collected from the planet Jupiter, a major source of these radio waves, using the University of Florida's radio observatory. Joseph believes that his study, which involved reversing these changes, furnishes new data about the original polarization of the waves generated on Jupiter. The recipient of several science awards and a student at Forest High School where he is active in the Junior Academy of Science and the mathematics club, he plays the piano and enjoys reading and writing. He is the son of the late Ming Kang Wang and lives with his mother, Mrs. Luan Luan Wang.

Daniel Julius Bernstein, 15, of Bellport, NY, submitted a sophisticated mathematics project for "the Westinghouse." His project presented procedures for computing various number, including pi and e—the basis of natural algorithms—to many digits. At Bellport High School in Brookhaven, Daniel is active in the mathematics, computer, French and Latin clubs. He has won several math honors, including two first-place awards from the Suffolk County Math Teachers Association. Daniel is the son of Dr. And Mrs. Herbert Bernstein.

Stephen Alexander Racunas, 16, of New Kensington, PA, selected a project in atomic physics for the science talent search. One goal of his research was to increase accuracy in atomic measurement to enhance understanding of atomic-scale interactions. Stephen developed a Monte Carlo computer simulation to determine the limits of the cooling in an "optical molasses" and believes the program has potential for predicting the behavior and aiding in the development of devices to produce and confine slowed atoms. First in his class at Valley High School, he is president of the science club. A participant in the Research Science Institute, Stephen is a Educational Foundation of America Scholar. His parents are Mr. and Mrs. Bernard J. Racunas.

Maxwell V. Meng, 16, Columbia, MD, chose a biomedical project for the STS. His study of an inherited disorder linked to prematurely diseased heart arteries has provided insights which he believes may result in new directions in therapy for the disease. Maxwell was able to show that these low levels were primarily caused by the high rate at which their bodies catabolize, or destructively break down, the proteins. First in his class at Centennial High School in Ellicott City, Maxwell is captain of the math team and recipient of an Outstanding Research Project Award from the Maryland Academy of Sciences. Maxwell is the son of Dr. and Mrs. Ching I. Meng and the brother of Margaret Meng, a 1983 Westinghouse STS winner.

Todd Alan Waldman, 17 of Bethesda, MD, selected a project in Molecular biology, "Induction of an Amber Mutation in Gene Lon of Escherichia Coli by Oligonucleotide-Directed Mutagenesis," Todd's research suggests that by altering the amount of sugar in the cell;'s growth media, it will be possible to change the amount of protein made by the gene, At Walt Whitman High School, where he is president of the Science club, Todd is also a member of the Junior Academy of Science, a frequent public speaker, and active in school publications. He is the son of Dr. and Mrs. Robert Waldman.

Maria Jose Silveira, 17, of Flushing, NY, chose a project in parasitology for the science talent search. She studied an intracellular parasite, Toxiplasma Gondii, which causes severe neurological damage resulting in blindness, seizure disorders or mental retardation. Her project involved the use of the MCIXC neuroblastoma cell line as a model to study the effects of infections by toxoplasmosis. She believes her experiments help explain the effect of the parasite on the host cell. A student at Bronx High School of science, she has won awards at math fairs and is on the N.Y.C. Chancellor's Honor Roll. She is the daughter of Mr. and Mrs. Jose M. Silveira.

Michael Paul Mossey, 18, of Cincinnati, OH, refined a program for solving a set of problems in pure mathematics using a computer. Called a backtrack algorithm, the program finds optimal sets of up to 14 numbers, called distinct difference sets, no two pairs of which have the same difference. Michael's unique version of the algorithm accomplished the task while reducing both computer time and effort. At Greenhills High School, Michael's many achievements include founder and president of the math club, cocaptain of the academic team and first place awards in State and local science competitions. He is the son of Mr. and Mrs. Paul W. Mossey.

POLITICAL AND LOBBYING ACTIVITIES OF TAX-EXEMPT ORGANIZATIONS

HON. J.J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. PICKLE. Mr. Speaker, several days ago The Washington Post reported that $1.7 million of tax-deductible charitable contributions were transferred to a Swiss bank account to purchase arms for the Contra rebels.

Yesterday, in a Social Security Subcommittee hearing we learned that a tax-exempt organization was using tax deductible contributions to finance lobbying and political activities including promoting candidates for Congress.

It is time for Congress to take a close look at our laws limiting the lobbying and political activities of tax-exempt organizations and find out whether these laws are being enforced.

Mr. Speaker, it is clear that many organizations are playing fast and loose with the law with little or no fear of violating either the law or regulations.

On tomorrow and Friday, the Ways and Means Oversight Subcommittee will hold hearings on this issue. I intend to see that we put an end to abuses of some of the special status that has been granted to tax-exempt organizations.

INTRODUCTION OF LEGISLATION TO PREVENT ANOTHER LIRR WALK-OFF

HON. NORMAN F. LENT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. LENT. Mr. Speaker, in January of this year, after a strike shut down rail service on the Long Island Railroad for almost 2 weeks, the Congress intervened. House Joint Resolution 93 (P.L. 100-2) prohibited strikes or lockouts for 60 days, in order to allow a Congressional Advisory Board to examine the issues in this labor-management dispute and to recommend solutions on the issues that the carrier and the unions could not resolve among themselves.

At the time I introduced the joint resolution, the burden the strike had placed on commuters from Long Island and on the economy of the New York area was intolerable.

So great was the frustration, the inconvenience and the sheer waste engendered by the strike that there were widespread calls for an immediate settlement to be imposed legislatively by compulsory arbitration.

Although I certainly understood the reasons for such demands, I considered it a serious intrusion to leap to compulsory arbitration when, given time, the parties might well be able to resolve matters through the collective-bargaining process that is the heart of labor-management relations in this country.

On the whole, later events have proven my faith in that process justified. Between the appointment of the Congressional Advisory Board and the issuance of the Board's report, virtually all remaining issues were settled. Of the 15 unions representing some 6,800 Long Island Railroad employees, all but five had reached agreements before the joint resolution was enacted. And of the five remaining unions, four had reached an accommodation with the carrier on all outstanding issues before the Board completed its report.

One union, the International Association of Machinists—approximately 200 out of the Long Island's 6,800 union employees—continued to dispute two issues. These two items, which the Congressional Advisory Board addressed in its report, now threaten to disrupt the travel of the Long Island Railroad's 272,000 daily passengers.

What are these issues? First, whether the machinists should abide by the same arbitration machinery agreed to by all other unions for resolving jurisdictional disputes between unions—as, for example, when the carrier opens new maintenance facilities as part of its ambitious capital improvement program. The Congressional Advisory Board agreed with both previous Emergency Boards:

> Common sense requires that all of these (labor) organizations utilize the same basic machinery for resolving these disputes.

Yet, a possible renewed strike is threatened over this issue.

The second issue is whether, after years of having its cars and trucks serviced and repaired by outside mechanics, the Long Island Railroad should be compelled to initiate in-house motor vehicle maintenance using the Machinists Union's members. The Board found "no compelling evidence to support a change of * * * historic practice at this time," but did recommend a feasibility study to see what the actual costs would be.

So here we are. A quarter of a million commuters—and, by the way, the only rail freight service connecting Long Island to the rest of the United States—are at risk because 200 machinists are apparently unwilling—for whatever reasons—to work with management to make the system work. We also should not forget that among the victims of any new strike would be the other workers, the union members who acted responsibly to make collective bargaining function as it should. Those responsible workers will have their paychecks, their livelihoods, held hostage to these peripheral issues if a strike occurs.

No one's pay, or health benefits, or basic working conditions are at issue here. Instead, tangential issues are all that remain. Think for a minute about the enormous disproportion here: it gives new meaning to the phrase "having the tail wag the dog." Two hundred workers, roughly 3 percent of the Long Island Railroad's union work force, can idle over 7,000 employees, strand hundreds of thousands of commuters, cut off all freight service to Long Island, and for what? We simply cannot afford to have the economy of the New York area disrupted so capriciously.

Frankly, I would have hoped that the respect which I believe most union members have for the collective bargaining process would have led all parties to recognize that a strike on the Long Island Railroad in these circumstances is not in the public interest, the interest of the Long Island's workers, or of railway labor in general. But we must deal with the actual situation that confronts us, no matter how ill-advised its creation may have been.

Therefore, I see no reasonable alternative to prevent further disruption of rail service in connection with the current rail dispute. My legislation simply implements the Congressional Advisory Board's recommendations. That Board was established by Congress earlier this year to help end the impasse. It respects and builds on the collective bargaining process, which succeeded with respect to 97 percent of the unionized employees. Specifically, the legislation adopts all settlements already negotiated and the Board's recommendations on the two open issues. Interunion jurisdictional matters are to be resolved under the procedures the Board recommended. The question of possible in-house motor vehicle maintenance is deferred to the next Railway Labor Act Conference unless otherwise agreed to by the parties. Since the agreements already negotiated include a moratorium that extends to 1989, this provides adequate time to conduct the feasibility study recommended by the Board. The legislation, therefore, precludes the possibility of a strike either on the matters previously agreed to or on the two issues addressed by the Board.

I hope that those who have the real interests of working men and women at heart will render this last-resort legislative intervention unnecessary. We are already at the 11th hour. It will take time to pass legislation, and a strike will occur in less than a week. If that happens, it will take at least 2 to 3 days to restart rail service. Precious little time remains for the true friends of railway labor to prevail. If they do not, we may see the rise of perhaps irresistible pressures to alter the fundamentals of the railroads' collective bargaining system.

TRIBUTE TO BRYCE HARLOW

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 10, 1987

Mr. HORTON. Mr. Speaker, last month we lost one of the most respected and admired members of the Washington establishment when Bryce Harlow passed away.

Bryce served as President Eisenhower's counselor and speechwriter. His leadership in the Eisenhower administration was outstanding. He had a truly special talent in communicating with people while ensuring that the President received visibility.

Officials in Washington often talk about the "silent staff," where much of the work is done, but none of the credit is taken. Bryce epitomized that. He knew more about the legislative process than virtually anyone in this city. And he knew more about the players in that process than anyone would ever want to know.

Bryce's position as chief negotiator for a Republican President, in the face of a heavily-Democratic House and Senate, was difficult and time-consuming. But his successes with the two Texans in charge, Lyndon Johnson and Sam Rayburn, were noteworthy.

I remember well working with Bryce when he was with the Nixon administration. I was always struck by the honesty and personal integrity he possessed. A man is only as good as his word, and Bryce Harlow's word was gold as far as I was concerned.

Mr. Speaker, my leader and good friend BOB MICHEL said it best, when he noted on the House floor last month, "There was something about Bryce Harlow, something positive, something fine, that makes us remember him with affection as we mourn his passing."

My wife Nancy and I join in wishing his wife Sarah and the Harlow family the very best. Their loss and sorrow are shared by the many who knew Bryce, and remember him fondly.

LEGISLATION PHASING OUT SOCIAL SECURITY EARNINGS TEST FOR AGES 65 TO 69

HON. HAL DAUB

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. DAUB. Mr. Speaker, today I am introducing legislation to phase-out the Social Security earnings test over a 4-year period for individuals aged 65 to 69. Currently, individuals in this age bracket are subject to a Social Security earnings test for work-related income; the test mandates that Social Security benefits are reduced by $1 for every $2 earned over the current $8,160 threshold.

In view of the national trend toward hiring older workers in all sectors of the economy and the need for many older Americans to supplement their retirement income, my legislation will allow those individuals wishing to work past the age of 65 to reap the full benefits of their needed contributions to America's workforce.

Moreover, phasing out the earnings test will work in conjunction with the recent repeal of mandatory retirement to encourage the continued work contributions of older Americans. In view of fact that fewer younger workers will be available as the baby boom generation approaches retirement, this encouragement is essential to the maintenance of a competitive American workforce. Simply put, America will need the wisdom and experience of older workers in the future.

Mr. Speaker, in addition to the earnings test being an oppressive tax on earnings, it is apparent that the provision dampens work incentive and is complex to administer. The test also illogically discriminates against earned income in favor of nonearned or investment income.

While I recognize that many of my colleagues would prefer to immediately repeal the earnings test for all workers, it has been estimated that an outright repeal of the test would cost between $11 and $12 billion per year. By limiting repeal to workers aged 65 to 69 and by phasing the test out over a 4-year period, my bill is much less costly and would thus not adversely impact the Social Security trust funds.

Further, Mr. Speaker, I want to emphasize that part of the cost of any effort to repeal the earnings test will be recouped through increased Social Security tax receipts and Federal income taxes. It has been estimated that about 20 percent of the additional costs of repealing the earnings test would be recovered by additional Social Security tax receipts and Federal income taxes—assuming no change in work incentive.

However, while it is difficult to predict work incentive, a Social Security Administration study indicates that 79 percent of the additional cost of repeal of the earnings test would be recovered if it is assumed that 10 percent of the persons who are now retired or who are contemplating retirement will decide to return to the labor force or will remain in the labor force.

Mr. Speaker, it is time that we look to the future and improve the work opportunities of older Americans. In view of the labor demographics that this Nation faces, it is absolutely essential to encourage the retention of wisdom and experience in America's workforce, while at the same time ending unfair work penalties for older workers.

I urge the Members support.

WHICH SIDE ARE YOU ON

HON. BEAU BOULTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. BOULTER. Mr. Speaker, as consideration of funding for fiscal year 1988 foreign aid will be coming before the House soon, I want to be one of the first Members to make the 100th Congress aware of the reasons why President Reagan withheld U.S. funding for the United Nations Fund for Population Activities last year. The policy of forced abortion for family planning and population control purposes in China led to President Reagan's decision to keep U.S. dollars from supporting such practices through the UNFPA. I abhor this insidious policy which mandates abortions and stand firm in continuing to support efforts to withhold these funds for fiscal year 1988. We should only renew our support for the UNFPA when UNFPA decides to allocate its funds in a more responsible manner which respects what I feel is an inherent Judeo-Christian and American belief: the sanctity of human life.

I am submitting the following article by Mary Meehan, entitled "Which side are you on?" (National Catholic Register, March 1, 1987), which further portrays the heinous details of China's population control policy.

WHICH SIDE ARE YOU ON?

(By Mary Meehan)

Rep. James Scheuer (D-N.Y.) has fired an opening volley in this year's battle to restore U.S. funding for the United Nations Fund for Population Activities (UNFPA).

In a Jan. 24 column in The New York Times, Scheuer downplayed UNFPA's role in the Chinese program of forced abortion. That role led the Reagan administration to reduce U.S. funding of UNFPA in 1985 and to withhold funding altogether in 1986.

Scheuer said that charges of forced abortion and other coercion were made by "administration conservatives." That's true—but only part of the truth. Administration conservatives apparently read two very respectable publications—the Washington Post and The New York Times—which have reported spine-chilling details about the Chinese program.

Two years ago, Washington Post reporter Michael Weisskopf wrote about China's "one couple, one child" policy after a four-year assignment in that country. He reported that:

If a couple had one child, the mother was required to wear an intrauterine device (IUD). If a couple had two or more children, one parent was required to be sterilized.

Many factories posted blackboards that listed each female worker's contraceptive method and the day her menstrual period should arrive. Women were instructed to place check marks by their names when their periods began. Those who did not check off that the right time face examination.

If a woman had one child and was found pregnant again, she was pressured heavily to have an abortion.

The punishment for giving birth without authorization varied, but could include "loss of farmland, fines of up to $1,000, firing from factory jobs, public censure and the denial of land, medical benefits, grain rations and educational opportunities for the unplanned child."

Doctors killed some "unauthorized" children as they were being born, by crushing their heads with forceps or injecting them with formaldehyde. They killed others shortly after birth.

Female infanticide was rising, since parents felt they needed a son to support them in old age. Many baby girls were abandoned, drowned or suffocated soon after birth—so their parents could try again for a son as their "one child."

Rep. Christopher Smith (R-N.J.) summed up the Chinese program: "This is not population control. This is barbarism." Smith, Rep. Jack Kemp (R-N.Y.) and others have led efforts to condemn it and to ensure that U.S. funds cannot be used even indirectly to support it.

Scheuer called for restoration of U.S. grants to UNFPA, which supports the Chinese program. He claimed that coercion is condemned by Chinese officials. But Chinawatcher John Aird, whose study appeared in the Congressional Record of Nov. 5, 1985, declared that "the campaigns to quell coercion have been turned on and off almost year by year since the late 1970s. What the changes in policy stongly suggest is that the central authorities only oppose and disavow coercion when it backfires." He also suggested that Chinese officials lie to gullible foreigners about their program.

Scheuer's column was based on a 10-day official trip to China; he and his congressional colleagues used U.S. Embassy interpreters. In contrast, Post reporter Michael Weisskopf, who speaks Chinese, did "more than 200 interviews spaced over three years with officials, doctors, peasants and workers."

Scheuer's trip was similar to ones made by Population Institute President Werner Fornos. A tireless advocate of population control, Fornos heads a group which has received substantial sums from the U.N. Fund for Population Activities ($200,000 last year alone).

Soon after publication of Weisskopf's series in the Post, Fornos said that in three trips to China he found that the nation's leaders were "bending over backward to make certain that their programs reflected a spirit of voluntarism."

There is a real danger that naive accounts such as those of Scheuer and Fornos will sweep the Chinese program under the rug. Those who are doing the sweeping are liberals. Most of those accepting their assurances are also liberals. In other circumstances, these people are quick to proclaim their dedication to liberty and to the welfare of women. But then why are they so quiet about China? Most U.S. feminist groups, too, have been strangely silent about the suffering of their Chinese sisters.

In the words of the old union song, it's time to ask the liberals: "Which side are you on?"

OFFICE OF TECHNOLOGY ASSESSMENT

HON. MORRIS K. UDALL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. UDALL. Mr. Speaker, the Office of Technology Assessment serves the needs of the Members of Congress by providing information that is timely, accurate, and incisive. As an original member of OTA's Board of Directors, I am proud of its achievements. As we seek to manage technological change, our actions should be guided by extensive and well planned study. The many individuals who have prepared valuable OTA research materials are to be commended for providing the Congress with a basis to address issues from resource development to national health concerns. As Chairman of the OTA for the 100th Congress, I am inserting remarks into the Congressional Record from the OTA 1986 year end report. I commend to the attention of my colleagues statements from the Chairman and Vice Chairman of the Board, for the 99th Congress, the Technology Assessment Advisory Council Chairman and the Director of OTA.

STATEMENTS BY THE CHAIRMAN AND VICE CHAIRMAN OF THE BOARD, TAAC CHAIRMAN, AND THE DIRECTOR OF OTA

CHAIRMAN'S STATEMENT—SENATOR TED STEVENS

The close of fiscal year 1986 marks the end of the 99th Congress and my second 2-year term as Chairman of the Technology Assessment Board. The 99th was a productive Congress, tackling many issues critical to the Nation's future, and OTA was constantly on the frontlines, providing timely information to assist every stage of the Congressional process.

Just prior to the convening of this Congress, OTA issued a report, *Protecting the Nation's Groundwater From Contamination*, that stated, among other things, that groundwater contamination has occurred in every State and is being detected with increasing frequency. This study provided support for the 99th Congress to expand legislative authority to curb growing groundwater pollution problems. OTA has also, during the past several years, published several reports that were very useful during reauthorization of Superfund, which occurred in the final days of the second session: *Technologies and Management Strategies for Hazardous Waste Control* (fiscal year 1983); *Superfund Strategy* (fiscal year 1985); and *Serious Reduction of Hazardous Waste* (fiscal year 1986). The availability of these detailed analyses before and during the debate preceding congressional action is evidence of OTA's increasing ability to anticipate issues of substantial concern to Congress.

OTA also demonstrated, in the past year, continued improvement in its ability to respond quickly to congressional needs for information—drawing from both completed and ongoing work. A staff paper, *Passive Smoking in the Workplace: Selected Issues*, was produced by OTA's health experts on very short notice as the Congress turned its attention to the subject of workplace health. *A Special Report for the 1985 Farm Bill* contributed to that major piece of legislation from the 99th Congress, and OTA, during the rest of the session, provided testimony and briefings to the Members and staff who continued to work on improving basic farm legislation.

As Congress seeks to balance the need for government services with the need to control government spending, OTA plays an ever more important role. Technology is an increasingly pervasive element in most legislation considered today—whether it concerns genetic engineering, expansion of Medicare benefits, or intellectual property protections—and Congress requires expert information on these issues from a source within the legislative branch of government. OTA provides this service at minimal cost by serving as a shared analytical resource for the Committees. As the Office's skills continue to develop, it is money increasingly well-spent.

VICE CHAIRMAN'S STATEMENT—CONGRESSMAN MORRIS K. UDALL

Throughout fiscal year 1986, the Office of Technology Assessment continued to fill a dual role for Congress—providing assistance with current, urgent concerns, and providing foresight on emerging issues. Many of the documents produced by OTA during the past year were designed to help Congress address issues that are both long term in character and of immediate national concern. For instance, the following studies were completed in fiscal year 1986.

Technologies for Historic and Prehistoric Preservation: Archaeological remains, historic structures, and landscapes are important tangible reminders of this Nation's rich and diverse cultural heritage. Yet population shifts, urban growth, and energy development place great stress on these unique, nonrenewable cultural resources. This assessment provides Congress with specific information on preservation technologies that could be used to reduce these stresses.

Serious Reduction of Hazardous Waste: Since 1983, OTA has been helping Congress examine the problems associated with *cleanup* of hazardous wastes. Now Congress is turning its attention to *preventing* hazardous waste problems by cutting down on the generation of hazardous waste at its source through innovative engineering and management. This report explored the meaning and consequences of giving primacy to waste reduction over waste treatment, and puts waste reduction squarely into the context of industrial production and efficiency, recognizing the current constraints of the American economy.

Alternatives to Animal Use in Research, Testing, and Education: Between 17 million and 22 million animals are used annually in U.S. laboratories, and public interest in animal welfare has sparked an often emotional debate over such uses of animals. In this assessment, OTA analyzed the scientific, regulatory, economic, legal, and ethical considerations involved in alternative technologies in biomedical and behavioral research, toxicity testing, and education. Congress has recently enacted three laws that deal with laboratory animals, and this report illustrates a range of options for further congressional action.

OTA is also helping Congress foresee new technological challenges and opportunities. Major assessments on new composite materials, biotechnology, infertility treatments, and developments in communication technologies got underway in fiscal year 1986 to pave the way for congressional deliberations in 1987 and 1988 on these highly technical and multi-faceted issues.

OTA is uniquely qualified, by the broad expertise of its in-house staff coupled with an unparalleled ability to tap nationwide sources of information, to assist Congress' efforts both to govern and to apply existing and developing technologies for the good of the Nation. Congress is increasingly inclined to make use of this in-house, nonpartisan resource as scientific and technological issues become more prevalent in legislative debates. I am proud of the job the Office has done in the past year, and anticipate a continuing, steady increase in the number of committees served by OTA and in requests for both full assessments and special analyses.

TAAC CHAIRMAN'S STATEMENT—WILLIAM J. PERRY

The Technology Assessment Advisory Council reviewed four of OTA's nine programs this year and were impressed not only with the high quality of OTA's staff, but also with the obvious esprit de corps of the agency. OTA reports merit the excellent press coverage and several awards they have received.

Science Policy: OTA is beginning to play an important role as a focus for the analysis of science policy. We urge OTA to make use of the voluminous data available in the executive agencies to illuminate the difficult issues of science policy confronting Congress and the Nation.

Global Resources: In repeated studies OTA has effectively explored the issues underlying the sustainability of worldwide agriculture and forestry over the next several generations. We strongly encourage OTA's continued effort to address these issues both from the perspective of classical return on investment and from the perspective of preserving resources for future generations.

Health: OTA has found itself in the middle of politically sensitive health issues such as agent orange, indian health, and cost versus quality in health care. We are impressed with OTA staff skill in the analysis of issues with both scientific and social/political components.

Communication and Information Technologies: OTA has produced a study of intellectual property that provides a starting point for any serious thinking about improvements in the current legal framework. The issues here are both difficult and fundamental, since modern information technology was hardly conceivable at the time the U.S. Constitution and Bill of Rights were framed.

Finally, I would like to add my own regard for the thorough job that OTA continues to do in defense analysis. OTA has carefully analyzed the technical options for NATO defense in its recently published *Technologies for NATO's Follow-On Forces Attack Concept*. I look forward to the full study, projected to be published in the winter of 1987.

To sum up, TAAC has found little to criticize and much to admire in OTS's work this year. The agency has come of age and has a capability to tackle virtually any thorny policy issue with a scientific content of interest to Congress. There is a danger, however, that OTA could be overextended by the numerous and detailed requests for analysis that come from Congress. OTA should work carefully with the Technology Assessment Board to guard against an undesirable diffusion of its efforts.

DIRECTOR'S STATEMENT—JOHN H. GIBBONS

People have long had a love-hate relationship with the accelerating pace of scientific discovery and the changes such discoveries create in society. When Henry Adams confronted the dynamo and the profound implications of electric power, "he found himself lying in the Gallery of Machines at the Great Exposition of 1900, his historical neck broken by the sudden irruption of forces totally new." In the early 1970's, Alvin Toffler labeled this human response to overstimulation by the high rate of scientific discovery and new technology "future shock." Soon afterward, Daniel Bell noted that while Mendal's first genetic experiments did not begin until the mid-19th century, it was only half a century between diffusion of those results and Pauling's discovery of the molecular architecture of genes, and then only a decade before Watson and Crick discovered the double helical structure of the DNA molecule. The accelerating pace of change sometimes seems to surpass the capacity of society to accommodate positively.

Yet it can be argued that the importance of the technological revolution pales beside the disruption in social structures that has accompanied diffusion of those developments, Daniel Bell [1] believes that "the claim of being new is the distinctive hallmark of modernity, yet many of these claims represent not so much a specifically new aspect of human experience as a change in scale of the phenomena * * * the revolutions in transportation and communications which have banded together the world society have meant the breakdown of older, parochial cultures and the overflowing of all the world's traditions into a new, universal container, accessible to all and obligatory upon all." From this perspective, the advance of science and technology inexorably erases traditional boundaries that used to buffer the interactions between individuals, families, and nations. Disappearance of these limits—scale change—places new demands on governance, and traditional and treasured notions of freedom and privacy are sorely stressed.

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[1] The Coming of Post-industrial Society: A Venture in Social Forecasting (New York: Basic Books, 1973).

These two perspectives—of a change of pace and a change in scale—are complementary, for, as Toffler noted, technology encompasses both scientific discovery and diffusion of the practical applications of that discovery. Our society recognizes that good governance requires an ability to accommodate swiftly to technological change and to the changes in social and cultural values it engenders. I believe this fact deeply influenced OTA's founders, as evidenced, for example, in a statement by the late Congressman Charles Mosher:

> Nearly every congressional committee today is forced to make extremely important decisions which include signifcant technology components, and that will be increasingly so as we move ahead. We increasingly contemplate projects that require huge expenditures of public funds, prospects that would have huge social, environmental, health, or economic impacts, not very readily evident to us. There is, therefore, a crucial need that we know better and assess more accurately those impacts, before we vote our decisions. We can accomplish that effectively only by the use of highly competent skilled systems and analysis techniques—supplementing the common horse sense and practical instincts on which we traditionally depend."—118 Cong. Rec. 3202-03, Feb. 8, 1972.

Congress saw a threat to the balance of power in our traditional form of government in the deluge of technological proposals sent to it by an executive branch resplendent in scientific resources while Congress remained ill-equipped to evaluate those proposals. Thus, creating OTA was a step toward matching changes in governance to the changes—both in *pace* of life and *scale* requirements—wrought by technology.

In response to its designated role, OTA in fiscal year 1986 released over 40 documents designed to help meet Congress' need for technical analysis. OTA addressed several issues under continuing debate, including biotechnology, acid rain, and industrial competitiveness, and delivered several reports that affected new legislation. The following paragraphs briefly describe a few of these studies.

Ballistic missile defense and anti-satellite technologies are matters of critical concern for Congress at this time. The Strategic Defense Initiative (SDI) will cost billions of dollars for research, and hundreds of billions more if implemented. OTA's two published reports on this issue may aid Congress with the complex decisions required regarding the nature and timing of this research. Confidence in OTA's ability to provide unbiased, expert analysis of SDI and its associated technologies, and to manage highly classified information, was confirmed in the 1986 congressional mandate for OTA to continue this analysis.

OTA's major assessments on hazardous waste contributed substantially to national policy aimed at increasing environmental protection while avoiding excessive costs to the private sector. All three major substantive themes of the recent RCRA amendments (i.e., expansion of the regulated universe, limits on land disposal and use of alternatives, and promotion of source reduction) were supported by OTA's work. The reauthorization of Superfund includes proposals that are directly related to findings and options in the OTA reports, such as use of a waste-end tax, establishment of a technology demonstration program, increased R&D support, technical assistance grants to communities, and fostering alternatives to land disposal.

OTA's technical memorandum on the Federal response to AIDS became the basis of hearings and continuing oversight of the activities of the Public Health Service by the House Committee on Energy and Commerce and the House Committee on Government Operations. Both Committees cited the report as an "invaluable resource document."

Testimony, briefings, and the OTA report, *Technology, Public Policy, and the Changing Structure of American Agriculture*, were used by the Senate Committee on Agriculture, Nutrition, and Forestry, and the House Committee on Agriculture, to develop agricultural policy in the 1985 Farm Bill. Several provisions of the public law, as passed, are directly attributable to OTA's work. Language in the act also requested that OTA follow up with a study (now underway) of the impact of grain quality on U.S. agricultural competitiveness.

Safe transportation of the 4 billion tons of hazardous commodities and radioactive and chemical wastes shipped annually in the United States is a concern and responsibility at all levels of government. This assessment suggested alternatives for improved management of hazardous materials transportation and developed a range of policy options for Congress to consider. One of these options, to establish a national, single-license program for commercial vehicle drivers, was adopted in legislation passed at the close of the 99th Congress. This study also influenced new legislation on community right to know and emergency planning.

OTA's report on *Electronic Surveillance and Civil Liberties* pointed out that technology had outgrown the coverage of existing legislation. OTA identified data communications and electronic mail, cellular telephones, and the changing concept of common carriers as issues that might benefit from legislative attention. The report played a fundamental role in informing the debate on the Electronic Communications Privacy Act of 1986, which passed at the close of the last session.

History is replete with tales of stress-created changes in the established order caused by introduction of new ideas or technologies. A healthy state of tension and testing between innovation and the status quo benefits our Nation, but Congress must be prepared to act for the collective good when faced with the societal impacts of new and powerful technologies. Congress must also be in a position to anticipate, cultivate, and prepare wisely for the advent of new technologies. OTA identifies means of accommodation to the impacts—good and bad—of technology-driven change in pace and scale, thereby assisting Congress' choice among the various paths available to productively match governance to a changing society.

BOEHLERT TO OFFER BILL FORCING GREATER ACCOUNTABILITY ON CERTAIN TAX-EXEMPT ORGANIZATIONS

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. BOEHLERT. Mr. Speaker, how many times have we heard complaints from our constituents regarding direct-mail fund-raising? About the millions raised and the little accomplished? About what we are doing to hold these groups accountable for their solicitation promises?

Today I am introducing legislation which will provide you an answer to all those questions. Many direct-mail solicitors enjoy the privilege of tax-exempt status, but are held to very loose standards of accountability. Our proposal would require public disclosure by tax-exempt organizations of all spending on fund-raising activities. Decent and honest organizations have nothing to fear from such disclosure—but disclosure would be a strong weapon against those which are little more than money-making machines which fail to deliver on their promises and have little credibility on Capitol Hill.

This legislation is not directed at any one group but the actions of many groups—especially those which prey upon our senior citizens. Seniors spend more than 80 percent of their income on housing, food, transportation, health care, and insurance—the absolute essentials. Yet many of these direct-mail solicitors spend 80 percent of their budget—which in the case of some groups runs into the tens of millions—to generate more appeals for money. Through the most misleading and ethically questionable tactics imaginable—the selling of fear—one of these groups, the National Committee to Preserve Social Security and Medicare, raised nearly $10 million in 1984; $29 million in 1985; and an estimated $40 million in 1986—all through the powerful tool of direct mail.

Harping on one group is not my intention; I merely offer the National Committee as a clear-cut example of how easily the public trust is abused. Unless we in Congress seize the opportunity to educate Americans about these groups, and to adopt and enforce legislation requiring stricter accountability upon them, others will see our lack of resolve and feel free to emulate the National Committee's example.

Americans are an intelligent lot, capable of making intelligent decisions. But none of us can make an intelligent decision without first having the facts. Any can of food on the supermarket shelf must list its ingredients; public corporations must publish annual reports; even politicians must disclose their finances and campaign spending. Such disclosure serves a valuable public purpose.

The legislation I have introduced will ensure that tax-exempt organizations, which currently must report expenditures to the IRS, must also provide full public disclosure of their fund-raising activities. Similar statutes already exist in 31 States.

Let's give Americans the facts. I'm certain it will be a valuable first step toward greater awareness of a serious problem, and hopefully, toward a solution.

WADE ANDREW HUGGINS EARNS EAGLE SCOUT RANK

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. GEKAS. Mr. Speaker, Wade Andrew Huggins of Steelton, PA, recently earned his Eagle rank as a member of Troop 95, Boy Scouts of America. Wade is the son of Ella and Jack Huggins.

On Sunday, March 29, 1987, Wade will be presented Boy Scouts' top honor—the Eagle Award—before family, friends, and his Congressman at a ceremony at St. John the Evangelist Roman Catholic Church of Enhaut, PA.

Wade began his Scouting career in January 1977 when he registered as a Cub Scout with Pack 95. He progressed through the Cub Scout ranks earning the Bobcat, Wolf, and Bear badges. In Webelos he earned all 15 achievement awards, the Webelos badge and the Arrow-of-Light. While a Webelos, Wade won the gold medal in the soft ball throw at the Cub Scout Olympics held at the 1979 Keystone Area Scout Show.

In January 1980, Wade became a member of Boy Scout Troop 95. In that same year, Wade was appointed to serve as an assistant patrol leader. His first award as a Scout was Totin' Chip earned from his Scoutmaster.

Wade has served in various leadership capacities as a member of Troop 95, from patrol leader to assistant senior patrol leader to senior patrol leader.

Outside of his Scouting activities, Wade has been active in his church, captain of the varsity soccer team, and a 2-year member of the National Honor Society. He is a member of the ski club at his school, served for 2 years on the student council, played intramural hockey and volleyball for 3 years, and has sung in the school choir for 3 years.

I would ask my colleagues in the U.S. Congress to join me in extending congratulations to Wade A. Huggins for earning this worthy and special award. I wish him great success in his future endeavors.

UKRAINIAN INDEPENDENCE DAY

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. ANNUNZIO. Mr. Speaker, on January 22, 1918, 69 years ago, the independence of the Ukraine was declared and the Ukrainian Central Rada, the Parliament of the Ukrainian people, and Ukrainians entered a new era dedicated to the principles of freedom, justice, and self-determination.

Sadly, this Ukrainian independence was short-lived, because by 1922, the Bolsheviks forced their way into power, and during the last 69 years, millions of innocent Ukrainians have been persecuted and imprisoned by agents of the Soviet Government. Despite severe repression by the Communists, Ukrainian tradition and culture have survived and endured, and the Ukrainians have kept alive their unwavering belief in the ideals of liberty and representative government as embodied in their proclamation of independence.

The Soviet Union continues consistently to demonstrate a complete disregard for international law, and has been brutal in its human rights violations against Ukrainians, breaching the promises it made as a signator of the Helsinki Accords.

On November 9, 1976, the Ukrainian Helsinki monitoring group was founded by 10 people in the city of Kiev in the Ukraine to monitor the Soviet Government's lack of adherance to the Helsinki agreement. During the 10 years of its existence, almost all the members of this group, whose membership grew to 37, have been subjected tragically to imprisonment, labor camps, deportation, or exile, and a few even have died due to harsh Soviet prison conditions. Nevertheless, despite overwhelming odds, the spirit and courage of the Ukrainian people remain strong, as they continue to stand up to the barbaric treatment of the Communists.

In the 99th Congress, I added my name as a cosponsor to House Concurrent Resolution 332, a bill concerning the Soviets' persecution of members of this Ukrainian and other public Helsinki monitoring groups, and this resolution was approved with my strong support by the full House of Representatives on September 30, 1986. A copy of this resolution follows:

H. CON. RES. 332

Whereas on August 1, 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by 33 European states, together with Canada and the United States;

Whereas the signatories of the Helsinki Final Act committed themselves under Principle VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion;

Whereas Principle VII specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and Principle IX of the Final Act confirms the relevant and positive role organizations and persons can play in contributing toward the achievement of cooperation among nations;

Whereas the signing of the Final Act raised the expectations of the peoples of the Soviet Union for greater observance by the Soviet Union of human rights, and engendered the formation of the Moscow, Lithuanian, Georgian, Armenian, and Ukrainian citizens' monitoring groups to inform the peoples of the Soviet Union and the world with regard to the Soviet Government's compliance with the Final Act;

Whereas affiliated groups—the Psychiatric Abuse Commission, the Christian Committee, the Adventists Rights Group, the Catholic Committee, the Ukrainian Catholic Initiative Committee, and the Disabled Rights Group—later were established by citizens to address areas of specific concern;

Whereas four members of Helsinki Monitoring Groups, Oleksiy Tykhy, Yuri Lytvyn, and Vasyl Stus of the Ukrainian Group and Eduard Arutunyan of the Armenian Group, died after years of inhumane treatment in Soviet labor camps.

Whereas November 9, 1986, marks the tenth anniversary of the establishment of the largest such citizens group, the Ukrainian Public Group to Promote the Implementation of the Helsinki Accords;

Whereas the establishment of this group coincides with the opening on November 4, 1986, of the Vienna Review Meeting of the Conference on Security and Cooperation in Europe;

Whereas the Ukrainian Helsinki Monitoring Group opened a new phase in the Ukrainian struggle for human and national rights, providing impetus for human rights activists to demand not only that the Soviet Government uphold the human rights guaranteed by the Soviet Constitution, the Helsinki Final Act, and other international human rights declarations and covenants, but also to assert that the Western democracies have a solemn responsibility to support the struggle for achievement of human rights of Ukrainians and other peoples living under Soviet domination;

Whereas the Soviet Union continues to violate the human rights provisions of the Helsinki Final Act and other international human rights declarations and covenants by denying to the citizens of Ukraine and other Soviet Republics rights of national identity and basic human rights through intensified russification, ethnocide, repression, and imprisonment of the citizens of Ukraine and other Soviet Republics who lawfully engage in calling the Soviet Government to account for violations of human, national, and religious rights as well as the rights of family reunification and emigration; and

Whereas the blatant disregard by the Soviet Union of the humanitarian provisions of the Helsinki Final Act and other international human rights declarations and covenants, in particular its persecution of the members of Ukrainian and other public Helsinki Monitoring Groups, contribute to tensions between East and West and give rise to doubts about Soviet commitments to their international obligations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. DISCUSSIONS WITH THE SOVIET UNION CONCERNING THE UKRAINIAN AND OTHER PUBLIC HELSINKI MONITORING GROUPS.

It is the sense of Congress that the President and the Secretary of State should firmly insist at the Vienna Review Meeting of the Conference on Security and Cooperation in Europe, and at all other appropriate opportunities for discussions with the leadership of the Communist Party and Government of the Soviet Union, that—

(1) imprisoned and exiled members of the Ukrainian and other public Helsinki Monitoring Groups in the Soviet Union be released from their incarceration in the spirit of the Final Act of the Conference on Security and Cooperation in Europe; and

(2) members of the Ukrainian and other public Helsinki Monitoring Groups be allowed to emigrate to the countries of their choice.

SEC. 2. INFORMATION ON HUMAN RIGHTS VIOLATIONS IN THE UKRAINIAN REPUBLIC.

It is the sense of the Congress that—

(1) the Secretary of State should ensure that the United States consulate in Kiev reports on Soviet human rights violations in the Ukrainian Republic, and

(2) information provided by that consulate on those violations should be included in the semi-annual reports on compliance with the Helsinki Final Act which are submitted by the President to the Commission on Security and Cooperation in Europe pursuant to Public Law 94-304.

SEC. 3. TRANSMITTAL OF RESOLUTION TO PRESIDENT AND SECRETARY OF STATE.

The Clerk of the House of Representatives shall transmit copies of this resolution to the President and Secretary of State.

Mr. Speaker, on this 69th anniversary of Ukrainian independence, I pay tribute to the millions of Ukrainians who are continuing in their struggle to secure the blessings of liberty in their own homeland. I am honored to join with Americans of Ukrainian descent in the 11th Congressional District of Illinois which I represent, and Ukrainian Americans all over this Nation, who continue to cherish the hope of independence and a free Ukraine. The spirit of the people of the Ukraine in their quest for freedom is testimony to the fact that no matter how brutal or repressive, tyranny cannot conquer the soul and resolve of a nation and its people.

A TRIBUTE TO WOODY McDANIEL

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. WALGREN. Mr. Speaker, when an individual serves long and faithfully his community through charitable organizations, he deserves special thanks from those who recognize the value of such service.

Norwood A. McDaniel, known to his friends as "Woody," has just completed his term as chief barker of Variety Club's Tent No. 1 in Pittsburgh, the home and place of origin of this distinguished international service organization which began in 1927.

Woody left an indelible mark as Variety's leader for a vigorous year of outstanding leadership and fundraising, guiding and inspiring the members to pursue Variety's precepts to fulfill commitments to the needs of handicapped children.

Mr. Speaker, Variety Club began as a social club in Pittsburgh in 1927, becoming a charity the following Christmas Eve when a distraught mother abandoned her infant girl in the lobby of the Sheridan Theater in Pittsburgh's East Liberty district, with a note asking the show business members "who have a bigheart" to take care of the child. Initially named "Catherine Variety Sheridan," the 11 club members shared the cost of her care until a family adopted her. The child became an honor student, a Navy nurse, and today is a happy grandmother—Mrs. Joan Mrlik.

Meanwhile, the club which began in Pittsburgh has grown to 50 tents in 12 nations. Over its 59 years of service, it has disbursed more than $500 million to help handicapped children.

Woody McDaniel exemplifies all the good works of Variety and its theme "And a Little Child Shall Lead Them." He launched Pittsburgh's first participation in Variety International's Lifeline Program which brought a child from the Dominican Republic to West Penn Hospital for treatment for spina bifida.

Woody, a general insurance broker for more than 35 years, has earned numerous Hall of Fame awards in the insurance industry and the Pennsylvania Sports Hall of Fame. He has served as Potentate of Syria Temple, president of the Circus Saints and Sinners Club, and is active with the YMCA, Fellows Club, Amen Corner, and the Allegheny Club.

I am delighted to call him a friend and constituent and join his many friends in saluting him for his outstanding year as leader of Variety Club's Tent No. 1.

FIVE NEW YORK ISLANDERS WIN NATIONAL HOCKEY LEAGUE'S MILESTONE AWARD

HON. RAYMOND J. McGRATH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. McGRATH. Mr. Speaker, last week, five of hockey's greatest names were honored by the National Hockey League for their lifetime statistical achievements. With each destined for the Hockey Hall of Fame in Toronto, these milestone awards are among the many that will continue to rain on this quintuplet of hockey greats.

When people in the future analyze the NHL in the 1980's, the team that will dominate discussion will be no other than the New York Islanders. While winning four consecutive Stanley Cups, starting in 1980, there were many who figured prominently in each Islander championship season. No hockey fan will forget Bob Nystrom scoring the winning goal in overtime to beat the Philadelphia Flyers for the Cup in 1980. Nor will many forget Butch Goring's gutsy performance in 1981 against the Minnesota North Stars. However, there are five stalwarts who stand out in the minds of the Islander fans who were the heart and soul of those great New York teams.

Al Arbour, the coach of the Islanders during their dominance, was honored for winning more than 500 games, Retiring last year, Al's giant figure, equipped with the ever present wire-rimmed glasses, will always be remembered for his guidance both on and off the ice. Arbour's Islanders played with such determination and tenacity, opposing teams cringed whenever the blue and orange arrived at the rink.

Dennis Potvin, the Captain of the great Islander clubs, is now sidelined with an injury, but is optimistic that he will return shortly. Currently the most prolific scoring defenseman in NHL history, Potvin's role as Captain was to carry the Stanley Cup around the ice in a "victory lap." This was a job that Potvin carried out four straight springs.

Mike Bossy is often overlooked when one looks for a pure goal scorer. Wayne Gretzky, Mario Lamieux, and Jari Kurri are those often associated with putting the puck in the net. A consecutive 50 goal scorer, Bossy has amassed over 400 in his career which netted him the milestone award.

Bryan Trottier, Bossy's linemate, fed the puck with such accurate skill, he relished a great assist more than scoring a goal himself. With over 600 lifetime assists, Trottier's unselfishness with the puck earned him numerous All-Star selections and along with his teammates, four Stanley Cup rings.

Billy Smith was the "Old Guard" of the Islander net. Smith often had opponents shaking their heads in disgust, thinking they were going up against a stone wall. Smith's goaltending was a important cog in the annual Islander march to the Stanley Cup.

These gentlemen did more than bring greatness to the Islanders. They brought hockey hysteria to the entire Long Island community. Their hockey exploits and accomplishments will never be forgotten, nor will their deep devotion to Long Island and their efforts in various local functions. Potvin, Bossy, Trottier and Smith remain with the Islanders and so does their undying competitive spirit. Congratulations gentlemen and good luck in the "Drive for Five!"

MEDICARE CATASTROPHIC ILLNESS LEGISLATION

HON. BILL FRENZEL

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. FRENZEL. Mr. Speaker, I am pleased to join with a number of my colleagues in cosponsoring two measures which represent the starting point in our efforts to provide protection from catastrophic illness.

The Medicare Catastrophic Illness Act, H.R. 1245, which was introduced by my distinguished minority leader, is the product of efforts by the President and the Department of Health and Human Services led by Secretary Bowen. The second measure, which is actually a package of two bills, H.R. 1280 and H.R. 1281, is the Stark/Gradison proposal for Medicare catastrophic coverage.

It is unusual for me to support two bills on the same subject, but the two are close in concept. Both attack the same problem and finance benefits from the beneficiaries themselves. These proposals are worthy efforts in a process toward a consensus on an issue that has become particularly troublesome.

Millions of our elderly live with the fear that the out-of-pocket costs of a major illness will wipe out their savings. Both the Bowen and Stark/Gradison packages address coverage gaps by placing a cap on out-of-pocket expenses and providing Medicare coverage for an unlimited number of days in the hospital.

It is important to note that this legislation does not address the problem of long-term health care. Neither long-term nursing home costs nor home health care are covered in these proposals. They are important, but ought to be handled separately from H.R. 1245 or H.R. 1280 and H.R. 1281. Nursing home care is not covered by Medicare and cost Americans $32 billion in 1986; 1.4 million elderly are currently in nursing homes, with this care averaging $22,000 a year per person.

The legislation also does not address the problem of the millions of working-age Americans who lack adequate health insurance. Approximately 37 million under the age of 65 are now without health insurance during all or part of the year.

There are some differences in these two approaches to Medicare catastrophic coverage. The Bowen out-of-pocket cap is set at $2,000, while Stark/Gradison would bring that down to $1,000. The Bowen plan is financed through a voluntary monthly premium versus the Stark/Gradison scheme of taxing the actuarial value of Medicare benefits. I prefer the latter scheme in which the Tax Code would be used to distribute the burden of financing, thus protecting the lower income elderly against higher costs.

These two proposals represent an important first step in addressing one of the bothersome gaps in the Medicare Program. H.R. 1245, H.R. 1280 and H.R. 1281 represent what I believe is the beginning of an important bipartisan consensus.

EXPEDIENCY, WHATEVER THE COST

HON. WILLIAM E. DANNEMEYER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. DANNEMEYER. Mr. Speaker, It is apparent that Congress, in its finite wisdom, is intent upon abject surrender to hostile forces which threaten our hemisphere, a quick retreat with nary a whimper. As we proceed down this inexorable path to ignominy, it becomes incumbent upon those of us who are appalled by this turn of events to expose the infamous abdication of responsibility for what it is: gross and premeditated negligence.

It is truly sad for me, as a former adherent to the Party of Jefferson, Jackson, and Truman, to witness the complete capitulation of that Party to radical elements hell-bent on national self-immolation. These liberals are determined to achieve short-term solace at the expense of long-term security. The act of cowardice they are perpetrating today is but a palliative for the guilt-ridden consciences of those "America Lasters" who regard the United States as the embodiment of all that is evil in the world.

In so doing, they are—perhaps inadvertently but nonetheless inevitably—determined that one day we shall be forced to commit American troops to combat, that day when conflict becomes unavoidable, when the forces of evil appear on our own doorstep. Like Chamberlain at Munich, these liberals are congenitally incapable of perceiving a threat, let alone dealing with it.

Forget the donkey. The ostrich is a more suitable symbol, one which buries his head in the sand in the vain hope that all the world's unpleasantries will ignore him and simply pass on by. Reality, however, is not so ingenuous. The avoidance of responsibility does not diminish that responsibility.

It is important to remember that throughout the chronology of mankind, customs change, technologies change, economic and political systems change; but principles do not change. The characteristics of life in the American colonies of 1776, or in their youthful progeny of 1823, or in an emergent world power at the advent of the twentieth century are vastly different from those of today. But the basic verities remain intact. One hundred and sixty-four years ago, the fifth President of the United States addressed this body and enunciated a doctrine which has tragically eroded with the passage of time:

"We owe it, therefore, to candor, and to the amicable relations existing between the United States and those powers to declare that we should consider any attempt on their part to extend their system to any portion of this hemisphere as dangerous to our peace and safety."

This policy was valid when the threat was from European powers; it is no less valid today with regard to the Soviet Union. We have already tolerated Cuba. We are about to tolerate Nicaragua. For this tolerance, respect is neither earned nor received, but, rather, contempt. The abandonment of principles has led many a great nation down the road to oblivion. The nature of humans is similar to that of other animals in that perceived fear and debility is an invitation for the adversary to dine on the prey.

It is no betrayal of confidence to admit that U.S. policies in Central America, like American automobiles, have not been entirely free from defects. There is considerable room for improvement in both categories. But I take umbrage at the suggestion by those who extol the virtues of "Buy American" when it comes to trade policy that we espouse a "Buy Soviet" foreign policy.

Theodore Roosevelt's prophetic warning is being confirmed by the actions of those whose not-so-hidden agenda is appeasement and surrender abroad and welfare statism and income redistribution at home:

"The things that will destroy America are prosperity-at-any-price, peace-at-any-price, safety-first instead of duty-first, the love of soft living and the get-rich-quick theory of life."

Those advocating abandonment of democracy in Nicaragua today shall not take their place among the ranks of principled statesman tomorrow.

KINGFIELD NORTON-WUORI POST NO. 61 AMERICAN LEGION LIFE MEMBER RECOGNITION

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Ms. SNOWE. Mr. Speaker, on March 22, the Kingfield American Legion Norton-Wuori Post No. 61 will be inducting six members into the ranks of life membership in the American Legion. As you know, conveying life membership is an honor that is bestowed on very few. A member must have made a special contribution to the post, through leadership, hard work, participation and commitment in order to be considered. The six members of post No. 61 being inducted have shown over the past 39 years that they are indeed worthy of this honor.

Onni Forsten served in the 4th Armored Division (3d Army) and saw action at Normandy in the Allied invasion. He has been decorated not once, but twice, with the Purple Heart. He also holds four battle stars with the Second World War Victory Medal, the European Theater Operations Medal and a Presidential Unit Citation with five oak leaf clusters earned by the members of his unit for outstanding gallantry. Onni is a charter member and a past commander of post No. 61.

Herbert Hall served in the 177th Signal Repair Company as a radio repairman. He saw action in Africa, was in the invasion of Sicily, Southern France, and Germany. He is the holder of the Good Conduct Medal, the "V" Victory Clasp with five battle stars and the European Theater Operations Medal. His unit also holds two Presidential commendations for unit involvement. Herbert is a charter member of post No. 61, has been involved as the finance officer and is currently serving as post No. 61's adjutant.

Fred Parsons, Jr., served with the 9th Air Force as a chemical warfare specialist on fighter planes. He is the holder of the Good Conduct Medal, Second World War Victory Medal, European Theater of Operations Medal and the Air Force Commendation Medal. Fred is a charter member of post No. 61 and has served as commander of the post on three occasions. He has also been active in the color guard and the many youth programs run by the American Legion.

Dwight Hall served in the Air Force and holds the Good Conduct Medal, Second World War Victory Medal and the Air Force Commendation Medal. Dwight was one of the charter incorporators of post No. 61. For 25 years he served as finance officer, keeping the post on sound financial footing.

Harold Woodcock served with the 106th Infantry Division, 592d Field Artillery Battalion. He saw action at the Battle of the Bulge and in the Ardennes Campaign. He holds the Good Conduct Medal, the Second World War Victory Medal, the European Theater of Operations Medal and numerous awards and commendations gained by the 106th Infantry Division at the Battle of the Bulge. Harold is a charter member of post No. 61 and is a past commander as well as a former Adjutant. He is also a past commander of the American Legion for Franklin County.

Representative Edward Dexter served with the 1st Infantry Division in Sicily with the 17th Army under General Patton and in Italy with the 5th Army. He is the holder of the Good Conduct Medal, the Second World War Victory Medal, the "V" Victory Clasp and four battle stars, the European Theater of Operations Medal, the Presidential Unit Citation to 1st Infantry Division and numerous commendations in the invasion of Sicily. Ed is a charter incorporator of post No. 61. He has served the post with distinction for the past 39 years.

These six people have served their country and their community well and with distinction. I am pleased to join the members of the

Norton-Wuori Post No. 61 in offering my congratulations to these six inductees.

ST. FRANCIS MEDICAL CENTER

HON. DOUG WALGREN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. WALGREN. Mr. Speaker, I am pleased to alert my colleagues to the dedication of the St. Francis health system's new facilities on March 16, 1987, and to honor this health care provider for its work for the people of Pittsburgh.

St. Francis Medical Center is one of western Pennsylvania's dynamic health care systems. At the largest medical center in the tristate region with 750 beds, St. Francis is three hospitals in one, with complete medical and surgical services, a comprehensive physical rehabilitation treatment center, and a highly respected department of psychiatry.

Administered by the Sisters of St. Francis of Millvale, the hospital was established in 1865. To this day, St. Francis' philosophy on health care has been to treat the whole person, to heal mind, body, and spirit. This holistic philosophy is reflected in the many programs and services the medical center offers.

One measure of the value of St. Francis is the friends it has made over the years. The late singer and entertainer Liberace credited St. Francis with saving his life during an illness while performing in Pittsburgh and contributed generously to the hospital's construction of a concourse.

On March 16, I will join with others to help dedicate the East Pavillion which is the largest of the new facilities and houses the Department of Psychiatry and Chemical Dependency Program. St. Francis is a pioneer in both fields.

As a member of the House Health Subcommittee and a resident of the Greater Pittsburgh community, I am delighted to congratulate St. Francis on its many years of excellent service and its continued tradition of high-quality health care.

THE FUTURE OF SAN FRANCISCO BAY

HON. BARBARA BOXER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mrs. BOXER. Mr. Speaker, on March 7 at a meeting of the Oceanic Society, my colleague GEORGE MILLER, chairman, Interior Subcommittee on Water and Power Resources, gave an important address concerning the future of San Francisco Bay.

In his speech, Chairman MILLER noted that the bay and delta are no longer capable of withstanding additional large-scale diversion for agriculture or the toxic pollution which is a by-product of those diversions.

Chairman MILLER correctly pointed out that ensuring that the bay and delta have sufficient water "is not waste, it is investment in the economic future of millions of people, and the environment of the bay area."

Mr. Speaker, in his speech, Chairman MILLER has raised a number of fundamental questions concerning the future of irrigated agriculture in California. It is an important address which should be read by all those interested in Western water resource issues.

Mr. Speaker, I include the text of Chairman MILLER's speech at this point in the RECORD:

REMARKS OF CONGRESSMAN GEORGE MILLER, CHAIRMAN, HOUSE SUBCOMMITTEE ON WATER AND POWER RESOURCES BEFORE THE OCEANIC SOCIETY

It is a pleasure for me to address this important conference on the "State of San Francisco Bay."

This conference is particularly timely.

The Bay is fundamental to our way of life. It is a source of livelihood, a transportation link, a recreational playground. It is the cornerstone of the Bay area—a national, even an international, treasure.

But today, because of environmental indifference, industrial abuse and bureaucratic mismanagement, that treasure is gravely endangered.

Unless we make fundamental changes in our water management practices, San Francisco Bay will cease to exist as we know it, perhaps within our own lifetimes.

At our Congressional oversight hearing on the health of San Francisco Bay last fall, the extent of that danger was described in detail:

Fish, shellfish, and birds are showing disturbing evidence of toxic contamination because of the operations of the state and federal water projects.

But we in the Bay Area cannot simply point the finger of blame only at irrigators and water diverters. We who live around the Bay also share responsibility for its deteriorating quality.

Despite billions of dollars spent on improvements in waste treatment facilities, raw sewage and industrial contamination are still routinely dumped in the Bay.

Nor is San Francisco Bay the only local victim of this kind of contamination. Recent reports have documented the alarming levels of nickel and copper from municipal sewage plants, oil refineries and industries on San Pablo Bay, as well. In some cases, this type of contamination has continued in knowing disregard of the law.

In too many cases, State and Federal officials have looked the other way while the polluting has continued. We have heard the reports of wetlands mismanagement and of the intimidation of federal fish and wildlife experts who have raised the warning cries.

We learned that Federal military reservations are a source of deadly chemicals, and that cleanup efforts are cloaked in military secrecy.

It is obvious that we need better information about the nature and extent of toxic contamination, not just about irrigation run-off, but from a wide range of sources, including municipal and industrial discharges, TBT contamination from marine paints and other sources, too.

That is why I have asked the General Accounting Office to investigate toxic threats surrounding the Bay, and to report on Federal cleanup efforts.

Second, we need to understand better how other State and local governments have addressed the problems of managing complex estuaries. In Puget Sound, they are implementing an innovative regional approach for preventing pollution. In the Chesapeake Bay, comprehensive interstate efforts have been undertaken to control non-point pollution.

This comparative data will be useful to officials in the Bay Area who are responsible for the health of the Bay.

But in one very important respect, our Bay is unique. From our Bay-Delta system alone, huge quantities of freshwater are intercepted and diverted by major water projects.

Each year, between 5 and 10 million acre-feet of fresh water are diverted to provide drinking water for millions of people and to irrigate crops in one of the most productive farming regions in the world, our Central Valley.

The drainage problem which results from those diversions far exceeds anything contemplated when the projects were originally designed.

In the short term, huge volumes of contaminated farm waste water are even now channeled back into the Delta and Bay every year by the natural flow of the San Joaquin River.

In the long term, we confront an extraordinary challenge. The original drainage solution—the San Luis Drain—is politically and environmentally unacceptable to the Bay Area, and in all likelihood, financially untenable for Valley irrigators and federal taxpayers.

And so, after nearly 50 years and over $5 billion in State and Federal investments, we have now reached a crisis which no longer can be ignored.

Respected scientific evidence strongly indicates that the Delta and Bay are no longer capable of withstanding either the impacts of additional, large-scale diversions or the toxic pollution which is the by-product of those diversions.

Moreover, the Bureau of Reclamation has shown itself incapable of responding in a timely fashion to the selenium crisis which endangers the very future of water policy in this State.

Kesterson has presented the Bureau with its greatest environmental challenge in 80 years of water development. At a hearing of my Subcommittee in Los Banos in 1985, the Bureau shocked the Central Valley and destabilized local agriculture with threats of precipitous action to control and clean-up the selenium contamination.

Now, two years later, the Bureaus has sent its proposed clean-up plan to the State Water Resources Control Board. I think most of us recognize that plan for what it is—a wait-and-see holding pattern, not a serious clean-up proposal—and I expect that the Board will demand a more far-reaching mitigation plan.

But Kesterson is just the beginning of the toxic drainage crisis. Under the Bureau's current schedule, the studies of the Valley-wide drainage problem won't even be completed for another four years. Solutions, with all of the predictable questions of cost, repayment, and feasibility, are many years away.

And there are nearly twenty more sites strewn throughout the West where irrigation run-off from federal projects threatens wildlife preserves.

I, for one, cannot help thinking that the unspoken deadline for the Department of the Interior is January, 1989, when the current leadership can get out of town, shirk the environmental responsibility, and let the next administration solve the crisis.

But if we allow that to happen, the economic future of the Bay, *and* of irrigated agriculture in the Central Valley, may be irreparably destroyed.

One measure of the Bureau's stubbornness to confront reality is the current effort to sell of huge amounts of irrigation water, frequently without adequate consideration of the drainage or fiscal implications.

The Bureau has applied to the State Board for permission to sell 80,000 acre feet of "uncommitted" CVP water to state contractors in Kern County.

I find this a remarkable proposal, for three reasons:

First, I have been reading in the newspapers for some weeks about the decision of farmers in Kern County to *sell* some of their existing state water because they have surplus irrigation water this year.

Second, the Bureau is planning to sell this water for about $16 an acre foot, about half the price the farmers pay for state water.

Given the $3.5-billion CVP deficit, why don't we demand a higher price from the Kern farmers, or try to find someone willing to pay top dollar for the water?

Third, we are heading for a "critical dry year" in 1987. Who is deciding that, under these circumstances, *any* water is "surplus?"

For too long have we heard that there are only two choices for allocating water resources: either we can transport it south or "waste it" as outflow.

As I look at our Bay, and the enormous financial, scientific and recreational resource it represents, I reject that view. Allocating a reasonable amount of water to Bay and Delta protection is not waste, it is investment in the economic future of millions of people, and the environment of the Bay Area.

Those who fail to understand that fact also fail to appreciate the political change which has occurred in water politics in recent years. And we are not going backward.

That is the emphatic message of two important new laws recently enacted by the Congress.

Over the objections of President Reagan, we passed the Clean Water Act, forcing EPA to include the Bay in the agency's National Estuary Program.

Secondly, the Coordinated Operation Agreement legislation I wrote last year requires the Bureau to operate the Central Valley Project for protection of the Bay and Delta, not just for the convenience of irrigators and diverters.

That legislation was designed to be a peace treaty to end the water wars which have crippled California water resource programs for more than a decade.

As I said when we drafted the legislation, enactment of the COA provides us the ability to consider additional development of our water supply system.

But it doesn't obligate us to protect the illusions or underwrite the pipedreams of the most ambitious water developers.

The COA was not the last step in the development of the state and federal water systems, but rather the *first* step in the redirection of those systems.

Bay and Delta protections today are the first obligation of the projects, not an afterthought.

In the past, that has been our viewpoint. Today, thanks to our COA victory, it is the law.

First and foremost, our goal must be protection of the Bay and Delta systems, as required by state and federal law.

To the extent that an action—whether it be an irrigator's diversion or a refinery's dumping—is inconsistent with that primary goal, it must not be allowed.

As the State Water Board re-writes D-1485 this year, we must make the promise of the COA law a reality. That will require a concerted effort to assure that the new standard fully protects the Delta and extends specific safeguards to San Francisco Bay.

In addition, I would hope that the State Board will quickly approve the amendments to the basin plan recently submitted by the Regional Water Quality Board. These amendments, which I was pleased to support, set for more rigorous standards for monitoring and controlling toxic discharges, and require more thorough clean-ups of "hot spots" which result from pollution of the Bay.

Similarly, we need to pay for greater attention to issues relating to the substantial dredging operations which occur in the Bay, including the penetration of groundwater tables, and the treatment of toxic dredge materials. The Corps of Engineers, the regional Board, the Ports and others affected by dredging activities must address these concerns through development of standardized guidelines which prevent serious environmental damage and the dissemination of toxics throughout the Bay and its wetlands.

I am pleased by the signs which indicate a growing recognition of the need to reassess past practices in order to improve Bay water quality. I am especially pleased when environmentalists and local companies can work together, as is the case with the Chevron facility in Richmond, to alleviate past practices which promoted contamination.

We need that kind of initiative from water diverters, too.

Those who seek additional diversions or new projects are going to have to comply with the reality of the 1980s and 1990s rather than simply resurrect the unfulfilled agendas of the 1950s. And they are going to have to be able to answer some very, very tough questions.

Can we continue to spend billions of dollars to build subsidized projects to grow surplus and price supported crops?

Is it rational to allocate new water supplies to the Central Valley at a time when no known solution exists to the toxic waste drainage crisis?

Does it make sense for the Bureau of Reclamation to sell water to irrigators at bargain basement rates when other customers are willing to pay top dollar for the water?

And should we subsidize a program of water development to replenish groundwater supplies when states and growers refuse to regulate groundwater pumping?

I believe we have reached a critical watershed in the politics of the Bay and Delta.

Given the Federal budget deficit, the toxic contamination at Kesterson, a Valley-wide drainage problem of unknown proportions, and a severe, national farm crisis, we need to bring common sense and orderly direction to the present confusion surrounding water resource policy in California.

There are those who will interpret my words to mean that I oppose all irrigation or all sharing of water resources.

That is not the case at all.

I believe we have sufficient water in this State for all reasonable uses which meet the rigorous tests of environmental safety, financial feasibility and sound management.

That doesn't mean we must *oppose* every request for irrigation water. But neither does it mean we can *approve* every demand for water.

We need not oppose all development around the Bay. But we will not support development which is inconsistent with the needs of the Bay.

As chairman of the Subcommittee on Water and Power Resources, I am prepared to give any responsible interest an opportunity to voice concerns and proposals for the future of our State's water system.

But I am not prepared, and I will not support, proposals which are environmentally unsound, financially irresponsible, or which jeopardize the future of this Bay.

Working together, I believe we can develop and preserve a water policy for this State, and for the West, which is affordable and economically sound. I welcome the participation of all parties, regardless of our disagreements and conflicts in the past.

I fully expect we will have more disagreements in the future.

But I am also hopeful that, by working together, we can minimize the conflicts and move forward for the benefit of all Californians.

If we have learned anything from the past ten years of conflict—over the Peripheral Canal, the San Luis Drain, the Reclamation Act, and many other issues—it is that conflict within the California community means inaction, project delays, increased costs, litigation and failure for our state.

We proved, in writing the COA, that there is a better way to operate.

Representatives in Congress from throughout California—Tony Coelho, Rick Lehman, Chip Pashayan and I—proved that, working together in good faith, we could shape a bill which speaks to the diverse water needs of our state. I believe it is very significant that those congressmen joined in enthusiastic support for my bill, which recognizes that future water policy must be predicated on the protection of the Bay and Delta.

Twenty seven years ago, as a State senator, my father won passage of the California Delta Protection Act. When I passed the Federal equivalent last year, some suggested to me that it was the crowning achievement of my career.

Not at all.

The COA law establishes the baseline of Bay protection on which we can go forward with many new and more difficult challenges, first and foremost, cleaning up and protecting our great Bay for generations of future Californians.

That is a crowning accomplishment to which we are all dedicated here today, and one I look forward with great enthusiasm to helping make a reality.

Thank you for your invitation to join you here today at this very important conference.

RALPH O'BRIEN HONORED MARCH 20, 1987

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. LEWIS of California. Mr. Speaker, on March 20 of this year, Ralph O'Brien will be honored at a reception on the occasion of his retirement from the post of administrator of pupil and adult services to the San Bernardino City Unified School District. It gives me great pleasure to stand before the House of Representatives today and pay tribute to this remarkable man.

Upon graduating from high school in his home town of La Junta, CO, Ralph served in the U.S. Navy. When he decided to attend college, he listed his career goal as teaching profession—which in retrospect demonstrates his tremendous foresight. He pursued his ambition by graduating from Northern Colorado State University with a bachelor of arts degree in fine arts education and business education and later received his master of arts from the University of California Riverside and Claremont Graduate School in fine arts education with a minor in counseling.

He began his career as a teacher at Richardson Intermediate School. He steadily rose through the ranks of the education field as he took positions at San Bernardino High School, which included teacher, counselor, district placement counselor, co-coordinator of vocational guidance, director of pupil services and ultimately his present responsibility of administrator of pupil and adult services. While these are indeed impressive and substantial positions, I would be remiss if I did not describe the many contributions Ralph made during his career.

Ralph played a major role in the development and implementation of career guidance centers in high schools, as well as work experience education and regional occupation programs. In cooperation with Norton Air Force Base, he set up the Stay-in-School Work Program operation for economically disadvantaged high school youth. Ralph also worked with the state department of vocational rehabilitation to establish one of the first student work experience programs for handicapped youth.

While Ralph made many other contributions in his field, he must be commended for his remarkable volunteer efforts as well. Ralph has served his community by acting as representative to the Chamber of Commerce Vocational Education Committee and the Private Industry Council Executive and Planning Committee. A former Sunday school teacher at his church, St. John's Episcopal Church in San Bernardino, he remains active by serving as chairman of the Eagle Scout Review Board. His contributions have been well recognized; Ralph has received several awards, including the Monte Award, which goes to the outstanding educator in the San Bernardino City Unified School District.

After more than 36 years of dedicated service to the teaching profession and his community, Ralph O'Brien's retirement will certainly be felt; he will be sorely missed. His efforts, however, will continue to benefit our community and our children.

Mr. Speaker, I'd like to take this opportunity to ask my colleagues here in the House of Representatives to join with me in wishing Mr. Ralph O'Brien a very happy and healthy retirement.

CONGRESSIONAL SALUTE TO LT. GEN. MARC C. REYNOLDS

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HANSEN. Mr. Speaker, it is with great pleasure that I pay tribute today to a man who is not only a good friend, but also a person whose distinguished leadership and career in the U.S. Air Force has gained him wide recognition and respect. His name is Marc R. Reynolds.

On March 31, 1987, Lt. Gen. Marc C. Reynolds will retire from the Air Force after giving 35 years of his life in service to his country. Throughout his distinguished career, Marc has held positions of great importance such as commander of the Ogden Air Logistics Center, which happens to be located in my congressional district, and later as vice commander, Air Force Logistics Command.

He entered the U.S. Air Force as an aviation cadet in 1951 and was commissioned in February 1952. He was then assigned with the 83d Fighter-Interceptor Squadron at Hamilton Air Force Base, CA, and in April 1953, was transferred to the 4th Fighter-Interceptor Squadron in Okinawa.

His next assignment was with the 437th Fighter-Interceptor Squadron in Massachusetts as a tactical flight commander, flying F-94C's and F-101B's, and later with the 602d Consolidated Maintenance Squadron at Otis Air Force Base as a maintenance officer.

In 1961, General Reynolds was transferred to Europe as part of the 19th Tactical Reconnaissance Squadron, Royal Air Force Station Bruntingthorpe, England, as a flight commander, and later served as chief of the Standardization and Evaluation Branch. After completing Air Command Staff College in 1966, General Reynolds was sent to the 22d Tactical Reconnaissance Squadron, Mountain Home Air Force Base, ID. In 1966, he moved to the 460th Tactical Reconnaissance Wing at Tan Son Nhut Air Base, Republic of Vietnam, and flew 230 combat missions over North Vietnam and the Republic of Vietnam in RF-4C's.

Following his Southeast Asia tour, he served as commander of the 16th Tactical Reconnaissance Squadron at Misawa Air Base, Japan. Upon returning stateside, he was assigned to Shaw Air Force Base, SC, and later graduated from Naval War College in 1973. He was then transferred to McClellan Air Force Base, CA, and subsequently became the center's vice commander. He left California to become the vice commander of the Air Force Acquisition Logistics Division and was subsequently appointed commander of Ogden Air Logistics Center. General Reynolds ends his distinguished career as vice commander, Air Force Logistics Command, Wright Patterson Air Force Base, OH.

During his long career in the Air Force with its many challenging career assignments, Marc added up more than 5,200 flying hours, including 475 combat hours. He has been honored with numerous decorations and service awards, including, but not limited to, the following: Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Meritorious Service Medal with one oak leaf cluster, Air Medal with 15 oak leaf clusters, Air Force Commendation Medal with two oak leaf clusters, and Presidential Unit Citation Emblem.

Marc not only has provided this country with outstanding leadership, but he has been more than willing to provide me and my office with information of importance to the Air Force and, in particular, Ogden Air Logistics Center. I will always value the friendship and expertise he has shown over the years.

It is certainly a privilege to be able to recognize Marc's many achievements here today. I ask that you join me in wishing him and his family the best in all their future endeavors.

CHILD CARE

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. MFUME. Mr. Speaker, our country has taken some important steps to assure the well-being of our children. Programs such as Aid to Families with Dependent Children [AFDC], Medicaid, the Special Supplemental Food Program for Women, Infants, and Children [WIC], Head Start and others together make an important contribution. However, it is what we are not doing that is even more important. With reference to child care expenses, Mr. Speaker, we provide minimal financial support to needy families with children. These families earning power cannot keep pace with rising child care expenses.

One necessity in assuring healthy development and avoiding later failure in our children is a safe setting that provides opportunities for healthy, physical, intellectual, emotional, and social growth in facilities for care outside the family as needed. However, day care for our children is inadequately funded, regulated, and monitored to assure that the care is not only safe, but of good quality.

This brings me to the point of recognizing the gentlelady from Chicago, CARDISS COLLINS, for the legislation which she has introduced to combat this problem. H.R. 95, the "Child and Family Development Act," would establish a comprehensive Federal child care policy. This is legislation which we should all support.

The need for a comprehensive Federal child care policy is evident when on one hand we are debating on the need for welfare reform while the other hand is allowing people to be forced to quit work because there is no adequate or affordable child care. There are those that rant and rage about people on the welfare roles needing to become a self-sufficient, but how can the young or single mothers work or participate in the programs necessary to become self-sufficient if there is no affordable care without facing an even worse situation of makeshift child care arrangements or children caring for themselves. A 1982 Census Bureau survey found that 45 percent of all single mothers not then in the labor force would work if affordable child care were available.

Mr. Speaker, the child care problem that many face today are complex in nature. There is not one simple answer. But one major step in the right direction is for the administration to stop abdicating any leadership role in helping to meet this need. Stop reducing the funding for programs designed to address the problems while simultaneously the need for participation rises. Realize that we must invest our resources and our leadership in working to meet the needs of our children.

The Congressional Black Caucus, in designating this year as the "Year of Educating the Black Child," has done so with the intent of making a difference. Let us pray that the Congress, as a body, will act accordingly and join the caucus and other advocates concerned about the children and their survival. Thank you.

LET'S ALLOW OUR AGRICULTURAL EXPORTS TO BE MORE COMPETITIVE

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. LIGHTFOOT. Mr. Speaker, at a time of record trade deficits when Congress is talking about passing protectionist trade legislation, why are we hampering one of our strongest export areas?

The U.S. Department of Agriculture has paid more than $1.6 billion in subsidies to ship our grain on U.S.-flag vessels since the inception of cargo preference. There is no doubt that cargo preference hampers the competitiveness of our agricultural exports. We're struggling to reduce the cost of our commodities on the world market, yet we're boosting the cost by requiring them to be shipped on U.S. vessels which are often more expensive.

How does cargo preference increase the cost of agricultural exports? For one, the Food for Peace Program—which accounted for 25 percent of all cargo preference shipments in 1981—suffers increased transportation costs, estimated at $109 million for fiscal year 1985. Since the Food for Peace Program is the largest U.S. program providing food assistance to developing countries, the more we have to spend on transportation, the less we can afford to spend on the actual commodity being shipped. That also means less of the commodity being shipped and more surplus in this country.

Another way cargo preference costs U.S. farmers is in its application to blended credit sales. The February 21, 1985, court ruling applied cargo preference to blended credit exports because they receive partial Government financing. This additional cost placed on export promotion negates the benefits derived from providing these credit advantages to our trading customers.

For that reason, I am introducing legislation to day to reduce the costs of cargo preference, and I welcome your cosponsorship of this bill.

The measure stipulates that at least 50 percent of concessional agricultural commodity exports will continue to be shipped on U.S.-registered vessels to the extent that such vessels are available at a fair and reasonable rate. This provision can be waived for a maximum of 6 months whenever Congress or the President declares a national emergency.

This is the time when we need to be more competitive in our agricultural exports, not less competitive. Reducing the impediment of cargo preference would be the best trade bill that agriculture could have.

MEMORIAL FOR MEMBERS OF THE NEWS MEDIA WHO HAVE DIED COVERING WARS AND OTHER ARMED CONFLICTS

HON. MARY ROSE OAKAR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Ms. OAKAR. Mr. Speaker, since the first shot heard around the world, the American news media has kept this Nation informed. Through the bloodiest, dirtiest battlefields, the war correspondent has trudged to bring us an accurate picture of what has transpired. They are the forgotten soldiers whose thankless job it is to report news both good and bad. News of bloodshed and death tolls, of victories and defeats, of heroics and atrocities. The journalist bears witness to all the contradictions of war.

The war correspondent is one of the bravest soldiers. Armed with only pen, camera, and recorder, the war reporter ventures into the hottest battle, not for himself or herself, but for the American people. It is the public's "right to know" that sends the journalist into the midst of live crossfire. I feel that honor should be bestowed for this sacrifice as much as for the military soldier.

The public must be made aware of those in the media who have lost their lives while in pursuit of obtaining the truth. By honoring those who have fallen, public attention will be drawn to the great impact these reporters have made, and future reporters will make, on any armed conflict.

The news media is the flagbearer of democracy, a symbol of this country's democratic ideology. A war correspondent is a watchdog on Government when the Government bears the most watching—during times of military conflict.

We are often too quick to condemn the news media for the messages they bring. In times of war, we tend to cast the media as a pack of hounds hovering over the carcass of bad news. Yet, we tend to forget that it is our demand for accurate information which sends the war correspondent into the fray. Their response to our demand has often cost them their lives, and for this sacrifice the news media should be recognized.

This bill asks that we honor those who have given their lives in order that we might know the truth. It appears to me that such a memorial is long overdue. Journalists have, time and time again, displayed courage and valor in the battlefield. These reporters and cameramen deserve the recognition that their efforts and sacrifices will not go unnoticed. A memorial such as the one I have proposed would fulfill that need.

Only last fall, two journalists were slain while covering armed conflicts. On September 9, 1985, Neil Davis, one of the world's premier combat cameramen, died in an uprising in Thailand. The Australian was on assignment for NBC at the time and literally filmed his own death as rebel tanks opened fire on a loyalist radio station.

The Afghanistan-Soviet conflict has claimed the lives of three journalists. Charles Thornton, a medical reporter for the Arizona Republic, was the first American newsman killed. He was shot on September 19, 1985, during a Soviet helicopter ambush, while researching a story on volunteer doctors in the Afghan wilderness.

In Vietnam, three American reporters, Charles Mohr, David Greenway, and Alvin Webb, rescued a dying marine while under enemy fire. Greenway was wounded and all three received the Bronze Star for their efforts.

During the Korean war, Marguerite Higgins overcame a ban on women at the battlefront and endured incredible hardships at the front line. She helped to save the lives of many seriously injured soldiers, after a particularly heavy enemy attack, when she voluntarily administered plasma to the wounded. This is only one example of her many acts of heroism during her coverage of World War II, the Korean war, and Vietnam. She died at the age of 45 from a tropical disease she contracted in Vietnam.

The most famous of war correspondents, Ernie Pyle, died a hero's death in the Pacific during World War II. He covered the war as realistically as he could—from the infantryman's point of view. He set the standard for war reporting for generations to come—until a bullet ended his life on the island of Iwo Jima, April 16, 1945.

While under enemy fire, Floyd Gibbons lost his eye in a brave attempt to rescue a wounded officer. Gibbons was covering the German effort to capture Paris during World War I. He was awarded the Croix de Guerre for his heroism and also elected to the French Legion of Honor.

These are only a few of the many members of the news media who have died, suffered terrible wounds, and behaved heroically while covering armed conflict. I hope that the members of the National Capital Memorial Advisory Committee realize the importance of this memorial that is so long overdue.

For the record, I have attached a list of other members of the news media that have perished while covering armed conflicts and wars.

MEMBERS OF THE NEWS MEDIA THAT HAVE PERISHED WHILE COVERING ARMED CONFLICTS AND WARS

SOUTHEAST ASIA

Larry Burrows, Life magazine; Robert Cappa, Life magazine; Sam Castan, Look magazine; Dickie Chapelle, Freelance; Charles Eggleston, UPI; Robert J. Ellison, Freelance; Fred Frosh, UPI; Ronald D. Gallagher, Freelance; Bernard Kolenberg, AP; Gerald Miller, CBS; Oliver Noonan, AP; Kent Potter, UPI; Jerry Rose, Freelance; Philippa Schuyler, Manchester (New Hampshire) Union Leader; George Syvertson, CBS; Pieter Ronald van Thirl, Freelance.

KOREA

Frank Emery, International News Service; Wilson Fielder, Time and Life; Albert Hinton, Norfolk (Virginia) Journal and Guide; Ken Inouye, Telenews; William R. Moore, AP; Ray Richards, International News Service; Charles Rosecrans, International News Photo; James O. Supple, Chicago Sun-Times.

WORLD WAR II

John J. Andrew, United Press; Ralph Barnes, New York Herald Tribune; Robert Bellaire, Colliers magazine; Asahel Bush, AP; John R. Cashman, International News Service; William Chickering, Time-Life; Raymond Clapper, Scripps Howard; Harry Crockett, AP; Frank J. Cuhel, Mutual Broadcasting System; Byron Darnton, New York Times; Harold Denny, New York Times; Frederick Faust (Max Brand), Harpers; John F. Frankish, UP; Stanley Gunn, Ft. Worth Star-Telegram; Dewitt Hancock, AP; George Bede Irvin, AP; Melville Jacoby, Time-Life; Harold Kulick, Popular Science Monthly; Lucien A. Labaudt, Life magazine; David Lardner, New Yorker magazine; Ben Miller, Baltimore Sun; Webb Miller, UP; Joseph Morton, AP; Frederick C. Painton, Readers Digest; Damien Parer, Paramount News; Harry L. Percy, UP; Robert P. Post, New York Times; Frank Prist, Acme News Pictures; Ernest T. Pyle, Scripps, Howard Newspaper Alliance; Ben Robertson, New York Herald Tribune; William T. Shenkel, Newsweek magazine; Jack Singer, International News Service; Brydon Taves, UP; John B. Terry, Chicago Daily News; Carl Thus Gaard, Acme News Pictures; Tom Treanor, Los Angeles Times; Joe Alex Morris, Jr., Los Angeles Times; Dial Torgeson, Los Angeles Times.

STAR WARS ENDANGERS ARMS CONTROL AND STRATEGIC DEFENSE

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. MARKEY. Mr. Speaker, an op-ed was published in the New York Times a few weeks ago which charts a course useful to advocates of arms control: If you are interested in finding a way out of today's dangerous nuclear quagmire toward a truly defense-dominated world, you will not support a star wars program that endangers the very heart of arms control, while jettisoning the chance to radically reduce the numbers of strategic nuclear weapons. Its about time we realized that supporters of the star wars program are the worst enemy of a stable transition to a world with fewer nuclear weapons, the true opponents of a world that one day may be able to deploy defenses without triggering a new stage in the nuclear arms race.

I commend the article to my colleagues attention.

The article follows:

[From the New York Times, Feb. 13, 1987]

'STAR WARS' MAY DESTROY STRATEGIC DEFENSES

(By William E. Colby and Robert D. English)

WASHINGTON.—Surely no national security issue has had such a brief yet bizarre history as the Strategic Defense initiative. Announced on a Presidential whim, the program has in four years become the Administration's No. 1 military priority Conceived as a way to render nuclear weapons "impotent and obsolete," S.D.I. could instead spur a major increase in offensive weapons. But the greatest irony is that its proponents may be destroying whatever small chance there is that strategic defenses might one day make the world safe from nuclear war.

For both the United States and the Soviet Union, security ultimately rests on the principle of nuclear deterrence. No attacker could ever strike first and escape a crushing retaliatory blow. Whether we planned it that way or not, the fact is that a state of mutual assured destruction—MAD, as it is called—has existed for many years.

Critics of all persuasions have found mutual assured destruction to be unacceptable as a permanent condition. Some yearn for the bygone days of American nuclear superiority; others believe that negotiated reductions are the only way to ease the nuclear threat. But nobody is very happy with the current state of affairs, with each superpower poised to launch more than 10,000 strategic warheads at the other.

The danger is that, over time, the odds of stumbling into nuclear war are simply too great to ignore. Of course, no rational leader would contemplate a first strike in peacetime. But in a moment of tension or crisis, when attack from the other seemed imminent, a leader might overreact to a false alarm or decide that he had nothing to lose by "going first."

As nuclear weapons become swifter and more accurate, and as warning and reaction times shrink, these dangers grow. Mutual assured destruction may still be strong, but the price of its failure is obscenely high.

So if MAD is unacceptable as a permanent condition, what is the alternative?

The President's answer is "Star Wars." While there are serious doubts about the feasibility of S.D.I. lasers, particle beams and other exotic technologies, it is still too soon to know how effective or ineffective it will be. At the same time, nearly everybody agrees that the research—unstoppable, in any case—should continue. After all, even a small hope is worth pursuing.

But the Administration's approach is all wrong. The President's gung-ho program, under which deployment may begin as early as 1993, will create conditions that kill whatever small chance strategic defenses have for success. This is so because such haste ignores common sense criteria for developing successful technologies.

For the Strategic Defense Initiative, these criteria are the following:

Careful research and development.

The Challenger shuttle disaster is evidence of what can happen when politics pushes science too fast. Many more lives are potentially at stake with S.D.I., yet the program is already under intense political pressure, to the detriment of sound scientific judgment.

A cooperative American-Soviet approach.

The Russians fear that the Strategic Defense Initiative is a cover for American efforts to gain strategic superiority. Hence, they will surely pursue techniques to overcome or circumvent it. The S.D.I. director, Lieut. Gen. James A. Abrahamson, recently admitted that we could find ourselves in another arms spiral of "countermeasure and counter-countermeasure." The only way to allay the Russians' fear is by reaffirming existing arms agreements. We must assure the Russians that we are probing new concepts in science, not fielding a weapon against them.

Deep cuts in offensive weapons.

As "Star Wars" supporters have acknowledged, no strategic defense can work in the face of ever-increasing numbers of missiles and warheads. Yet these are exactly what the Soviet Union will build to counter our unrestrained development of S.D.I. Instead, we should be willing to slow the program a bit while working for major reductions in offensive weapons.

If President Reagan is serious about one day replacing mutual assured destruction with a system of strategic defenses, this is the path he must follow. Unfortunately, he appears convinced that any delay will "kill" the Strategic Defense Initiative. This is not so.

As shown in a recent study by the Committee for National Security, modest restraints on S.D.I. would enable this country to take advantage of Soviet offers for deep cuts in offensive weapons. Moreover, these restraints would hardly "kill" the program, but would allow us to investigate thoroughly the long-term feasibility of the most critical new technologies. Such a compromise would basically let America have it both ways.

It will take at least a decade before we can assess the full potential of strategic defenses. In the end, they may not prove out. In either case, deterrence will be with us for a long time to come. But if strategic defenses are ever going to contribute to nuclear stability, it will only be in cooperation with the Russians in a world of drastically reduced offensive arsenal. We cannot ram "Star Wars" down their throats.

Those who push hardest for early deployment are under the illusion that there is a unilateral, technological fix that can protect us from Soviet nuclear weapons. They are wrong, And not only are they the enemies of arms control, they are the Strategic Defense Initiative's worst enemies as well.

THE QUITO DECLARATION

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. DORNAN of California. Mr. Speaker, in recognition of the increasing challenge being leveled at the Western Hemisphere by the Soviet Union directly, and through the use of regional surrogates, in particular Cuba and Nicaragua, the International Security Council convened a group of 22 renowned international statesmen and scholars in Quito, Ecuador, July 20–22, 1986, to consider the question of collective security in the Western Hemisphere and the OAS. The distinguished participants, representing a wide range of perspectives, have issued the following statement to alert the peoples of the hemisphere to the emerging threat to regional security.

Mr. Speaker, as we again debate President Reagan's policy in support of freedom and democracy in Central America, I urge you and our colleagues to read and ponder the words of the Quito Declaration.

THE QUITO DECLARATION

Freedom and democracy. These words sum up the essence of the Americas. But just as our forefathers fought against the yoke of old colonialisms, so it has fallen to us today to struggle against the new imperialism that has risen in our time.

Contemporary Soviet imperialism is far more complex and devastating than anything experienced heretofore. It poses a major threat to the Americas both by overt military means and the covert subversion of traditional Western values.

Since 1959, when Fidel Castro succeeded in implanting a Marxist-Leninist dictatorship in Cuba—a classic case of the subversion of a popular revolution—the Caribbean—Central American region has become a manifestation of rising tensions. Cuba has undergone a military buildup unprecedented in Latin America.

The Sandinistas in Nicaragua also succeeded in subverting a popular democratic revolution and imposing a Marxist-Leninist dictatorship. The Sandinista regime has likewise engaged in a military buildup totally out of proportion to its legitimate defense requirements with the direct military, political and economic support of both Cuba and the Soviet Union.

The militarism and totalitarianism of Cuba and Nicaragua constitute a clear threat to all American nations. Costa Rica, long recognized as a model of democracy, is now directly menaced by the Sandinista dictatorship as are Nicaragua's other Central American neighbors—Honduras, El Salvador and Guatemala—all ruled by new democratic governments.

The mitigation of this threat calls for collective action by the nations of the hemisphere. Such action, however, must be in the first instance political and economic. Collective military measures should be considered, under existing international treaties, only as a last resort, and only after all political and economic means have been exhausted.

The nations of the hemisphere should act through the long-established procedures of the inter-American system to achieve this objective of settling regional conflicts. Perhaps the Central American democracies can take the necessary steps following the recommendations of the 1986 Esquipula conference of Central American democratic presidents. Other American states should assist those of Central America in containing and resolving the crisis to the extent of their national capacities. In June 1979, the Sandinista regime made a formal pledge to the Organization of American States (OAS) to hold "free elections to establish an authentic democratic regime which will guarantee peace, freedom and justice" in Nicaragua. The American community of states should demand that this pledge be honored.

While the immediate crisis is in Central America, its implications have a far wider scope. Nicaragua's admitted ties to Cuba and the Soviet Union are such as to limit the Sandinista regime's ability to reach a resolution of the worsening problem. This fact places the matter of Nicaragua squarely in the context of the global East-West confrontation, and all that this signifies for the security of the hemisphere. Thus, while it is desirable to localize the problem, it must be recognized that it is not merely a local problem.

Elsewhere in the hemisphere the Marxist-Leninist threat continues to grow. Terrorism and insurrection, often aided and abetted by drug trafficking, have reached crisis levels in several American countries. A Soviet-backed propaganda drive, distorting cherished historical and cultural symbols, is attempting to subvert an entire generation. Furthermore, the emergence of the Soviet Union as a global maritime power carries with it a potential military threat to the countries bordering the South Atlantic and South Pacific waters.

The threat to the collective security of all the American republics is clear. Meeting the threat requires hemispheric solidarity of purpose and resolve. Such solidarity has its roots in the history of the Americas. It was on the basis of solidarity, union, peace and cooperation that Simon Bolivar convened the Congress of Panama in 1826. During World War II, American solidarity and collective security played a significant role in the defeat of the Axis Powers. In 1947, the Treaty of Rio de Janeiro provided further underpinning to the growing system of collective security.

The inter-American system should be provided with adequate mechanisms to cope with the "vertical" war of transnational subversion, guerrilla actions and terrorism that characterizes the efforts of Marxist-Leninists to extend their power in the Americas. We are challenged by the massive effort of an extra-continenal power to utilize ideological imposition as an instrument with which to intervene in and destroy the inter-American system. The Treaty must be updated to deal with this new problem. Therefore, the OAS should be strengthened to enable it to deal decisively with conflicts such as that disturbing the peace in Central America.

Security without economic and social development is not enough—just as development without security is unattainable. Behind the shield of collective security measures, there must be a massive effort to resolve such festering and destabilizing issues as poverty, injustice, inequality, human rights violations and the huge Latin American debt burden. These issues should be addressed by a revitalized Organization of American States, built upon the genuine freedom and solidarity of the American community of nations.

STOP PUBLIC FUNDING OF TOBACCO PROMOTION

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. STARK. Mr. Speaker, tobacco products are dangerous. There is incontrovertible evidence that they contribute to a host of health problems. In spite of the dangers of these products and the huge economic costs associated with the problems that they cause, the people of this country subsidize the promotion of these products by providing tax deductions for their advertising costs. Today I will introduce legislation which would remove the subsidy for promoting these dangerous products. Senator BRADLEY has introduced similar legislation in the Senate.

Tobacco products, cigarettes, and smokeless tobacco products, are associated with 350,000 early deaths each year. This is more than the total number of American lives lost in World War I, Korea, and Vietnam combined and nearly as many as were lost in World War II. Smoking is the largest single preventable cause of illness and death in the United States.

Lung cancer is the health problem most clearly associated with tobacco smoking. Cigarette smoking is responsible for 85 percent of lung cancer cases among men and 75 percent among women—about 83 percent overall. Smoking accounts for about 30 percent of all cancer deaths. Smoking will account for over 136,000 lung cancer deaths. As a result of increased smoking among women, lung cancer has surpassed breast cancer as the leading cancer killer of women. Women have indeed "come a long way!"

Smoking is also associated with death and disability from heart disease, chronic obstructive lung disease, and burns. Pregnant women who smoke are more likely to have low birthrate babies. The use of snuff and chewing tobacco is also associated with a host of medical problems. These products, whose use has increased markedly in recent years among school age children, adolescents, and adults, are far from safe. Although users may be spared from lung cancer, they have a marked increase of oral cancers. Overall, 5-year survival rates for oral cancer patients is about 51 percent. Levels of various carcinogens in smokeless tobacco are much higher than levels in other tobacco products. The users of these products are also at risk from tooth and gum diseases and from cancers of the esophagus. As with smoking tobacco, nicotine enters the blood and causes its adverse effects on the cardiovascular system. Smokeless tobacco users become addicted to nicotine as do smokers.

A study by the National Center for Health Statistics [NCHS] puts overall medical costs for cancer to $71.5 billion for 1985; $21.8 billion for direct costs; $8.6 billion for so-called morbidity costs—cost of lost productivity—and $41.2 billion for mortality costs. The figures show that cancer accounts for 10 percent of the total cost of disease in the United States. Its share of the total cost of premature death is about 18 percent of all causes of death. It takes quite a bit of effort on the part of manufacturers to achieve the "successes" outlined above. Over $2 billion a year is spent on the promotion of cigarettes alone, making them the Nation's most highly advertised product. Multiple techniques are used to promote these dangerous products. Manufacturers of smokeless tobacco products give free samples at rock concerts and other events where young people congregate. They make blatant use of sporting events and sports stars to hawk their wares.

Cigarette companies are precluded by law from advertising on radio and television. However, by sponsoring events which are broadcast, they are still able to use the airways to bring their product to the attention of the public.

The cigarette industry has a voluntary code which is supposed to control their print advertising. This is observed primarily in the breach. They are expected to direct their advertising to those over 21, although they do print ads in Ms., the Rolling Stone, and Inside Sports, publications which are directed toward youth. Supposedly they will not suggest in their advertising that smoking is essential to social prominence, distinction, success, or sexual attraction. Why then do they depict smokers draped in jewels in opulent, sexually suggestive settings? Supposedly they will not show smokers participating in or obviously having participated in vigorous physical activity. Why then do they depict a man smoking a cigarette toweling off in a locker room obviously just having finished a game of tennis?

All of these advertising activities are indirectly supported by the Federal Government. Under the Internal Revenue Code, these promotional activities are deductible from corporate Federal income taxes. Therefore, above and beyond what we spend to cope with the problems that stem from tobacco use, we allow the companies to deduct $2.7 billion per year from their taxable income. My proposal would remove that deduction for any promotional activities—advertising, coupons, sweepstakes, sporting events—for tobacco products. Hopefully this would significantly decrease tobacco advertising. If that does not occur, the Government would raise over a billion dollars per year if the industry continues to advertise at the current rate, thus offsetting some of the added costs of smoking related diseases to Medicare and Medicaid.

SPECIAL COMMUNITY SERVICE AWARD RECIPIENTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. FRANK. Mr. Speaker, one of the most important events that occurs on a regular basis in southeastern Massachusetts is the annual dinner sponsored by O Jornal honoring the Portuguese-American Citizen of the Year. O Jornal, published by Ray and Cathy Castro in Fall River, but serving southeastern Massachusetts and Rhode Island, as well as Portuguese-Americans elsewhere in New England, is a major voice on behalf of an important segment of our community. Both as publishers of this important newspaper, and as active citizens in the greater Fall River community, Ray and Cathy Castro make an enormous contribution to our ability as a society to recognize the ideals set forward in our Constitution.

One of the most significant things they do is to sponsor the annual Portugese-American Citizen of the Year Dinner, at which a leading Portuguese-American is honored. In addition to the Citizen of the Year, this event also recognizes the community services performed by leading Portuguese-Americans in several other fields as well.

This year, I was pleased to be able to attend this dinner as I have almost every year and participate in the honoring of one of the outstanding public figures in Massachusetts, House Majority Whip Robert Correia. I served with Bob Correia in the Massachusetts House when he first entered, when I was not surprised to see him ascend to an important leadership position. He is a first-rate representative of not only his constituents, but of Portugese-American citizens throughout Massachusetts and of the greater Fall River area. The people in southeastern Massachusetts are lucky indeed to have a man like Bob Correia in the legislative leadership where he so ably defends their interests. And all of us who are in elected office benefit from the fact that a man who is so widely admired for his compassion and decency is as prominent as Bob Correia.

In addition to Representative Correia, O Jornal honored Frank Souza, Dr. Manuel Luciano da Silva, George Arruda, James Rainho, and Billy Andrade, all people who have contributed greatly to the community—both the Portuguese-American community, and the larger community of which the Portuguese-American community is so important a part.

Mr. Speaker, this sort of event celebrating the significant accomplishments of a major ethnic group in our society, and highlighting the extent to which all of us benefit from the contribution which various ethnic groups make to our society, deserves wide recognition.

I ask that the special edition of O Jornal which was given out at the dinner and which justly celebrates the activities of the award winners be printed here.

THE 9TH ANNUAL PORTUGUESE-AMERICAN AWARDS DINNER IN HONOR OF REPRESENTATIVE ROBERT CORREIA, MAJORITY WHIP, MASSACHUSETTS HOUSE OF REPRESENTATIVES AT WHITE'S RESTAURANT, WESTPORT

Robert Correia, was first elected to the state House of Representatives in 1977 and has served during that time as a member of the Government Regulations, Human Services and Urban Affairs committees. He was a member of the Joint House and Senate Ways and Means Committee from 1981 to 1984 and is now a member of the Rules Committee. Bob's position as Majority Whip puts him only one step behind the speaker, George Keverian; and Correia is the first area legislator to hold this high post in the Massachusetts House in many years.

A founding member of Our Lady of the Angels Federal Credit Union and its present treasurer/manager, Correia received his bachelor's degree from SMU in 1962 and his master's in education from Bridgewater State College in 1968. He taught for many years at the Henry Lord Middle School in Fall River.

He is a member of the National Education Association; the St. John's and Liberal Clubs of Fall River; a member of the Fall River City Democratic Committee; and the Holy Name Society of Our Lady of the Angels Parish.

Correia is a former trustee of the Earl E. Hussey Hospital and a former director of the Fall River Port Authority. He has been given numerous awards during his years of public service, among which are the Marian Medal presented by the Catholic Diocese of Fall River; a Citation of Appreciation from the American Legion; a Dedicated Service Award from the Firefighters of Massachusetts; and the "State Legislator of the Year given by the Massachusetts Credit Union Association."

Rep. Correia was recently selected to head the new Commission on the Study of the Portuguese in Massachusetts—a commission which he was instrumental in establishing last year; and he has already begun networking with various Portuguese organizations and individuals to define the needs of the more than one-half million Portuguese people in the state.

In announcing the selection of Robert Correia for the Portuguese-American of the Year Award, the Jornal cited his ". . . ongoing contributions to the Portuguese community and to the entire community which he serves."

Bob is the son of the late Manuel Correia, an immigrant from Lisbon and Mary Perreira Gomes, who was born in St. Michael, the Azores.

BUSINESS AND INDUSTRY: FRANK P. SOUSA, JR.

Frank B. Sousa, Jr., President of Colonial Wholesale Beverage Corporation of North Dartmonth is being honored for his contributions in the field of Business. As in the past, O Jornal has based this selection not only on the success of the individual in his given profession, but more importantly, on his charitable endeavors on behalf of the community.

Colonial Beverages was founded in 1938 by the late Frank B. Sousa, Sr. a native of St. Michael. His son has continued a tradition of altruistic endeavors which include scholarships awarded through the Coors Veterans Scholarship program to students at Southeastern Massachusetts University and the co-sponsoring of the Bristol County Pro-Am Cycling race.

Frank is a graduate of Boston College in Chestnut Hill, Massachusetts.

EDUCATION: DR. MANUEL LUCIANO DA SILVA

Dr. Manuel Luciano da Silva of Bristol, Rhode Island, who is being recognized for his contributions to the field of Education, is a graduate of the University of New York with a degree in Biological Science and received his degree in medicine from the University of Coimbra in Portugal. He interned at St. Luke's Hospital in New Bedford and the Lahey Clinic in Boston; and in the early 1960's helped found the Bristol County Medical Center in Bristol, Rhode Island.

Dr. da Silva has written extensively about medicine and is equally well known for his historical research and writings on the Dighton Rock. More than anyone else, Dr. da Silva is the person who made the Historical State Park at the site of Dighton Rock a reality.

The Doctor is affiliated with Roger Williams General Hospital in Providence and serves as the Director of Medicine of the Rhode Island Veterans Hospital.

SOCIAL SERVICE: GEORGE ARRUDA

George Arruda of Fall River, who is receiving his award for contributions to the field of Social Services, discovered six years ago that he was a victim of Machado's Disease. He faced his misfortune by vowing to help others who share his plight; and each minute of his day is spent in that endeavor.

Through local fundraisers, George formed his own Machado's Disease Foundation the primary goal of which is to raise funds for research. He has elicited the help of many physicians in the United States and Canada who are already at work, studying the possibilities of controlling this severe genetic disorder.

ENTERTAINMENT: JAMES RAINHO

James Rainho, who was born in Fermela, Portugal, began to study magic and guitar at a very early age; and has been in the field of entertainment ever since. He emigrated to Cambridge, Massachusetts and within a few years, had played most of the area nightclubs doing a firemagic act.

Jim has created numerous magic devices and effects and markets them through a distributor in Portugal. His present catalog offers over 100 items of his own manufacture.

Also very community oriented, Jim is presently a member of the Parish Council and was chairman of the two-million dollar building project drive for a new parish church which was recently completed. He is a soccer referee and a coach with the City Youth League and a varsity coach at Medford High School.

SPORTS: BILLY ANDRADE

To those who know the world of golf, Billy T. Andrade needs no introduction. He is a senior at Wake Forest University in Winston Salem, North Carolina studying on an Arnold Palmer Scholarship.

He began his career at the age of 16 playing as a member of the PGA Junior Cup Team in Rhode Island. In 1981, he was named Rhode Island Interscholastic League Champion and was selected by the American Junior Golf Association to represent the United States in Dublin, Ireland where his two-man team emerged victorious over 15 other countries.

Billy has been Rhode Island and New England Amateur Champion, a member of the NCA All-American Golf Team, a member of the USGA World Amateur Team in Caracas, Venezuela and this year will serve as a member of the USA Walker Cup Team along with competing in the 1987 Masters Golf Tournament in Augusta, Georgia.

THE DINNER

Now in its 9th year, the Portuguese-American Awards Dinner is an ongoing celebration of men and women who, through their actions, exemplify the qualities of leadership, commitment and care.

All of the recipients here tonight share with those who have come before them in a fellowship of heritage, values and action.

In the judiciary, in education, sports, entertainment, business and social service there is one common thread—a desire to do more than what is expected—a need to get involved, to make things better for future generations.

We are proud to add Representative Robert Correia to our list of Portuguese-American of the Year honorees. He has served his people and the entire community well.

And we are equally proud to add tonights recipients to our community Service Award Category. Their individual contributions prove that one man or woman can, indeed, make a difference.

PAST AWARD RECIPIENTS

1979—Carlton M. Viveiros, Mayor of the City of Fall River.

1980—Cardinal Humberto de Sousa Medeiros of the Archdiocese of Boston (deceased).

1981—State Senator Mary Leite Fonseca.

1982—John R. Correiro, Superintendent of Schools, City of Fall River.

1983—Joe Raposo, Composer.

1984—Ernest C. Ladeira, Regional Manager, U.S. Office of Community Services for New England (Retired).

1985—Meredith Vieria, CBS News Correspondent.

1986—Judge Milton R. Silva, Presiding Justice, Second District Court.

ASAT BAN IN AMERICA'S INTEREST

HON. LAWRENCE COUGHLIN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. COUGHLIN. Mr. Speaker, yesterday I joined Mr. BROWN of California and Representatives TAUKE, ASPIN, PURSELL, AUCOIN, GREEN, FISH, SCHNEIDER, DOWNEY of New York, FAZIO, MOAKLEY, FOLEY, and JEFFORDS in introducing a joint resolution to continue the current ban on the testing of antisatellite [ASAT] weapons against targets in space.

I am supporting this moratorium proposal, which is identical in purpose to amendments I have sponsored with the gentleman from California for the past 3 years, because an Asat test moratorium clearly benefits U.S. national security. There are a number of reasons why this is so.

First, because of amendments enacted for the last 2 years, there is now an effective brake on this important aspect of the arms race. Although the Asat competition is but a small part of this superpower competition, it is also the one that most immediately threatens to take the arms race into space.

Second, this is a mutual and verifiable arms control measure. It precludes either side from testing Asat weapons—indeed, it makes clear that if the Soviets violate the moratorium, the United States would be free to test. As it applies to tests against objects in space, it is fully verifiable. We know that the Soviets have not violated the ban during its 1½ years of existence.

Moreover, Mr. Speaker, continuing the moratorium for another year preserves the rough balance that exists between the Soviet and American Asat capabilities. The Soviets have an unreliable system based on 1960's technology. It has failed in 11 out of 20 tests conducted to date—a 55-percent failure rate—including all six tests of a more advanced version. Even successful tests conducted by the Soviets have demonstrated severe shortcomings in the range and launch capabilities of the Soviet Asat.

The U.S. Asat, on the other hand, is far more sophisticated, but only partially tested. If the United States completes tests against targets in space, however, the Soviets will no longer be interested in an Asat moratorium. They will, in fact, be compelled to replace their currently inadequate Asat with a more sophisticated one.

This point goes to the heart of the matter. Because of America's far-flung security commitments, its superior technology, and the closed nature of the Soviet Union, the United States depends far more heavily on its military satellites than the Soviets do on theirs. At this time, the United States most important satellites are out of range of the Soviet Asat, and the danger to our low-orbiting satellites is minimal. If our Asat becomes fully operational though, we only encourage the Soviets to develop their own sophisticated system. Such a situation decreases U.S. national security, because even if the satellites of both sides are threatened equally, the United States has far more to lose.

We can act to prevent the Soviets from seriously threatening our satellites, by extending the Asat test moratorium for another year. The ban has worked exactly as intended to date. By continuing it, we help guarantee our superiority in deployed satellite technology and enhance our own security. I hope my colleagues will support this important effort.

NATIONAL PARK SERVICE NEGLECTS HISTORIC LANDMARKS

HON. JOE MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. MOAKLEY. Mr. Speaker, I rise today to bring to my colleagues' attention the serious threat which is confronting many of our Nation's historic buildings and artifacts. The March/April issue of Historic Preservation ran a disturbing article on the serious condition of many of the properties which are under the stewardship of the National Park Service. Over the years, lack of funding and staff shortages have resulted in the National Park Service neglecting many of America's landmark sites, as well as millions of invaluable artifacts. Today we find ourselves with an immediate threat to their survival and disturbing questions as to the appropriate public policy.

Although I highly recommend this article, I have two concerns which I feel compelled to address. The first is that I believe the article may understate the problem. In my own district, I have numerous historic buildings under the direction of the National Park Service which are in desperate need of restoration. Two of these buildings, the Old State House and Faneuil Hall, have major structural deterioration. It took congressional action to force the National Park Service in Washington to address the needs of these two buildings.

My other disagreement with the article is that I believe the author has been too lenient on the Reagan administration and the National Park Service for allowing this crisis to occur. During the early days of the Reagan administration, the President decided to withhold purchasing new park land until after the current inventory could be brought back from its state of disrepair. To do this the administration would take funds which would have been spent on acquiring new park land and divert them to repair and restoration. Unfortunately, this repair and restoration program had hardly begun before the administration proclaimed itself victorious. The outcome, of course, was a budget with dramatically reduced repair and restoration funding.

Mr. Speaker, our historic buildings and artifacts are being seriously threatened. To delay answering this threat will not save any money, but rather, will risk our losing precious symbols of our Nation's heritage. We must act.

[From Historic Preservation, March/April 1987]

PARKS IN TROUBLE

(By John S. Mason)

Since its founding in 1872 as the world's first national park, scenic Yellowstone has become a revered icon in the National Park System. But visitors love Wyoming's rugged wonderland of geysers and hot springs for more than just its natural spectacles. Historic man-made wonders like Old Faithful Inn, a 1904 giant of native log and stone, claim their share of attention. Across the park at old Fort Yellowstone, the weathered guardhouse, stables and Victorian houses of "Soap Suds Row," where frugal noncoms' wives took in laundry, evoke the last days of the Western frontier.

Yellowstone's premier status has earned such landmarks devoted care. Here, at first glance, the Park Service seems to be winning its never-ending fight to protect America's heritage against time and the elements.

But look closer—victory grows more elusive every year.

Building maintenance, for example, tends to be catch-as-catch-can. The 1987 park budget contains just $40,000 for painting at Fort Yellowstone, now park headquarters. That's enough to cover only four of its 38 outbuildings. Money for repairs must be spent within a single fiscal year, so when funding is authorized for paint but not carpentry, maintenance workers simply paint over rotting wood.

Available funding—and not a comprehensive plan—determines what structures will and won't be saved. Cultural-resources specialist Sonya Capek estimates the cost of rehabilitating the entire complex of buildings at $3 million. But only a fraction of that amount is available.

Unfortunately, Yellowstone's woes are symptomatic of a far larger problem. Throughout the National Park System, some of its 13,000 buildings are in such bad shape that they are closed to the public. Others remain open despite the lack of modern fire-protection systems.

Perhaps at greatest risk is the Park System's vast collection of artifacts and archives. More than 85 percent of the 20-million-item collection is uncataloged—and thus impossible to monitor for theft and damage. In some cases final reports on archeological and architectural investigations that were completed decades ago remain unwritten. Among them: the report on Philadelphia's Independence Hall.

"It's an enormous problem," admits Jerry L. Rogers, the top preservation official under National Park Service Director William Penn Mott, Jr. "There are 7,500 to 8,000 buildings we need to save. And we don't even know how many archeological sites there actually are in the National Park System, although we are obliged by law to deal properly with them."

But good intentions may no longer be enough to save park treasures. Depsite NPS efforts to redress past neglect, the tide of decay creeps steadily higher. For example:

San Juan National Historic Site in Puerto Rico, with fortifications dating back to 1525, is badly eroding."We've had to deal with it on a fire brigade basis," says a Park Service architect. "If a wall threatens to crumble, then we fix it."

Three million irreplaceable objects and archives at the Thomas Edison House and Laboratories in West Orange, N.J., including the inventor's notes, patents and correspondence, haven't been fully inventoried.

Fort Jefferson, at the far end of the Florida Keys—the largest brick fortification in the Western Hemisphere—is closed to visitors. Its problems, say park officials, are beyond the reach of present preservation technology.

Repairs at the Richmond, Va., home of Maggie Walker, the nation's first black female bank president, are "nickeled and dimed" out of the Park System's tight operating budget, says one park official. Each allocation, it is argued, takes away from important work on Civil War trenches and fortifications at Richmond National Battlefield Park.

Friendship Hill National Historic Site, the Pennsylvania home of Albert Gallatin, Secretary of the Treasury under Jefferson and Madison, has been in the National Park System for nine years. But because of insufficient funds to make repairs, it has never been opened to the public.

The six-vessel National Maritime Museum fleet—timber boats, an oceangoing tug and a World War II Liberty Ship—is moldering away at San Francisco's Golden Gate National Recreation Area. Although some work is being done, full restoration would cost a minimum of $2 million—money not available.

Unfinished projects can be found even a stone's throw from Park Service headquarters in Washington, D.C. At Arlington House, the former Custis-Lee Mansion overlooking Arlington National Cemetery, funding limits are blocking restoration of the north wing.

"Some natural resources can restore themselves if you just leave them alone," says Chief Historical Architect Hugh Miller. "With buildings, deterioration is constant unless you take action to prevent it. I don't know how long we can hold the line on places like Friendship Hill."

The most serious problem with buildings is basic maintenance, as cited in the 1985 study "National Parks for a New Generation," published by the Washington-based Conservation Foundation. The landmark report noted that buildings deteriorate faster when repairs are delayed, increasing the eventual cost of rehabilitation and sometimes threatening the structures' survival.

How did so many of our historic resources get in so much trouble? Many of the problems boil down to staff and funding shortages. Preservationists blame Congress, as well as current and past administrations, for tightfistedness and poor planning. They cite, for example, the paltry $5.2 million allocated throughout the entire National Park System for urgent conservation problems—emergency repairs, stabilization and studies. That's less than one-third of what is needed, according to testimony given by NPS officials before House and Senate appropriations subcommittees.

"There are real differences in what it takes to save the parks and what is available," says one high Park Service official who asked that his name be withheld. "There are good policies and a really good legal code as to what ought to be done with cultural resources. But the budget situation is out of touch with reality."

Other reasons for the problems include unprecedented growth. Between 1977 and 1979, new Alaskan parklands doubled the size of the Park System to nearly 80 million acres—three times the size of England. Says Jerry Rogers, "We're running a decentralized museum that rivals the Smithsonian in scope" Today there are 337 separate units in the system, compared with 166 in 1955. Staffing, meanwhile, has remained static.

"It's really easy to get new units into the park system," says one longtime Park System observer. "It's a lot harder to get funding for the work that needs to be done.

Priorities in new parks are often different too. Former Alaska Regional Director Roger Contor testified before Congress that in some parks he had one ranger in charge of one million acres, fully occupied in handling poachers and squatters. Notes Rogers, "Curatorial training is not the most urgent skill for someone who has to spend part of his time making sure he doesn't get shot."

What much of the problem boils down to, claims Rogers, is "unrealistic expectations." Preservationists on the local scene often fight mightily to get their favorite property added to the National Park System, and then they think it has been saved. This has led to a major problem; new Park units that do not always measure up to national-significance criteria.

"Once a unit has been added, some people expect its *every* cultural resource to be preserved, even the most minor ones," says Rogers. "Others expect restoration of buildings for which the historical appearance is unknown. I have actually been urged by citizen groups to restore a building now and do the research later when money becomes available."

Rogers argues that part of the answer to the problem lies in better coordination and planning between the National Park Service and state historic preservation offices." When you are expected to achieve a great deal in a hurry with an extremely tight budget, you had better have good systems for assigning priorities," Rogers advises.

Federal preservation laws have futher exacerbated the problem of caring for the mountain of uncataloged artifacts and archives. "The Service generates tens of thousands of artifacts each year as a result of compliance with historic preservation laws, but often sufficient money has not been built into the program to provide for cataloging and storage," says Chief Anthropologist Douglas H. Scovill.

The 1979 Resources Protection Act, for example, legally defined archeological resources and set penalties for theft and vandalism." It tells you to protect things, but it doesn't provide any money," say Scovill." Agencies are expected to carry out the law within available staffing and funding."

Last year a House appropriations subcommittee heard testimony on the seriousness of the cataloging backlog. When asked by subcommittee Chairman Sidney Yates why the Park Service's collection of 20 million artifacts was not fully cataloged, Rogers replied: "It was not something given high priority several years ago; now it is." The subcommittee added $250,000 to the cataloging budget and ordered the NPS to provide a plan by this year for solving the problem.

Actually, progress has been made, says Chief Curator Hitchcock, though a task of fearsome scope still remains. "It's like having a Library of Congress without all of the books cataloged," she says. "With people coming in and using the books, how can you know if you're missing any?"

That's essentially what happened a few years ago at the Edison National Historic Site, where a respected researcher was found to be systematically stealing valuable Edison papers. A dealer's suspicions were aroused. He alerted NSP curators who called in the FBI. The culprit was apprehended, and the documents recovered.

Curator Judith Curtis of the Adams National Historical Site in Quincy, Mass., knows what she's got in her collection: four generations of material from the family of John Quincy Adams, including a 14,000-volume library with a New Testament dated 1521.

But caring for the collection is another matter. Although curators have sought funds for a modern climate-control system for the past several years, they still must use a "primitive" system of manually filled humidifiers and dehumidifiers. "It's better than not having anything," says Curtis," but it's not as constant as a closed system." She hopes to get approval for a new system soon.

Curtis is less optimistic about another problem area: The 1721 Old House and the library have smoke detectors only, not modern fire-suppression systems. Funding for these is not expected in the near future.

Internal disputes over what is and isn't worth saving among the Park System's more than 13,000 structures add to preservation problems. For example, officials are divided over the worth of 30 tiny backcountry ranger cabins scattered through the 33 parks of the Rocky Mountain Region. The cabins, most built between 1910 and 1920, need new logs, rafters and stain.

On average, however, only $333 a year is available to preserve each of this region's 1,500 historic structures, estimates Katherine Stevenson, Denver-based chief of the region's Division of Cultural Resources. That's hardly enough to save hundreds of bigger structures, not to mention rapidly deteriorating cabins. In view of limited funding, some park officials are willing to write off the rustic cabins.

Not Stevenson. She argues that at least some are worth preserving for their historical value and for the shelter they offer rangers doing work in the backcountry. "Maybe they're not the most significant structures, but don't they have a place in our history?" she asks. Another official agrees." It's a question of image. Don't we want people to perceive parks as different places?"

But Jerry Rogers says that's not the issue." We have to be honest in deciding what is or is not historic. That has nothing to do with availability of funds. If a backcountry cabin has historic value and can be saved, especially for some continuing use, it usually should be saved.

"However," he says, "sometimes dedicated Park Service employees" want to go too far. It isn't good practice to save everything even if it were possible." The cabin, he says, should not be a top Park Service priority.

Park officials and outside preservationists are also at odds over the old lodge at Crater Lake National Park in Oregon. There, a grass-roots campaign is under way to preserve the 1915 building, even though some Park Service officials question its significance and the practicality of preserving it.

"Crater Lake Lodge is a very sick building," says Hugh Miller. "The costs of rehabilitation are very large. If it is rehabilitated, so much interpretation will be required that very little original fabric will be saved."

Even if the nation's preservation budget were unlimited, Miller and Rogers maintain that a "moldering ruins" approach would be right for some historic properties.

"Many remnants of America's history now in the National Park System are abandoned and neglected," Miller recently wrote. "Sugar plantations in the Caribbean, trappers' cabins in the Rocky Mountains, ranches in California and forts on the prairies were once proposed for restoration or reconstruction in NPS management plans.

"Yet as other priorities take over and as funding is deferred, these structures are deteriorating at an accelerating rate. They could be allowed to decline with dignity, however. . . . One need only walk into a side canyon at ruins of a 12th-century Anasazi 'apartment complex' to know how evocative weathered ruins can be. Restoring these ruins to their original condition would require too much conjecture and too much money. And it would diminish a visitor's intimate involvement with the past."

From Jerry Rogers' standpoint, the Park System hasn't been doing badly, especially in comparison with other national programs. "The National Park System," he says, "simply has not taken the degree of cuts that other federal agencies have taken. And within the NPS budget, the cuts have been in line items like land acquisition and recreation programs."

Colorado's Mesa Verde National Park is an example of one park that has the money to keep deterioration under control. Although the five ancient Indian cliff dwellings that are open to the public are in constant need of repair—even a ruin can only be allowed to fall so far—an ongoing stabilization program has been adequately funded since 1934, officials say. In fact, the park received special Department of the Interior funding for maintenance in the early 1980s.

Nonetheless, annual spending for all NPS cultural resources has remained steady at about $43 million for the last four fiscal years, according to the official record. As a result, many preservationists in the parks are stymied.

"I'm a hard-core preservationist," say Billy G. Garrett, historical architect at Grand Canyon National Park, "but I've got over 312 buildings to deal with and $60,000 [in preservation money] to work with"—maybe enough for five buildings.

"There's an expectation inside and outside the Service that all properties will be taken care of if they are important historic resources," says Garrett. "The Service either needs more money . . . or the expectations have to come down."

Even at "successful" park projects, no onetime allocation, however generous, is ever enough because preservation must be ongoing. Perhaps no park demonstrates this better than Yellowstone, considered a major success story.

The world's first national park, mammoth Yellowstone encompasses more than 2.2 million acres. Its 10,000 geysers and hot springs make it the earth's most prominent geyser area. The largest park in the lower 48 states, Yellowstone boasts lakes, canyons, waterfalls and abundant wildlife, including bison, elk and grizzly bears.

In recent years the Park Service and its concessionaires have spent $38 million to rehabilitate Yellowstone's landmark accommodations, the Old Faithful Inn, Roosevelt Lodge and the Lake and Mammoth Hotels. The Park Service will divvy up another $9 million for these structures before the program to upgrade them ends in 1988.

But according to Sonya Capek at Yellowstone, there isn't enough to finish the work. The hotels may need up to $20 million more to complete the renovation, and there's no provision in future Park Service budgets for additional money. One hope is persuading TW Services, Inc., the concessionaire that operates the facilities, to kick in the extra money.

The additional millions wouldn't go for glamorous restoration work, but for nuts-and-bolts projects like heating and plumbing considered vital to long-term maintenance of these special buildings. And they are special.

The 1889 Lake Hotel, Yellowstone's oldest, is listed in the National Register of Historic Places. Old Faithful Inn is "the premier example of rustic architecture in the Park Service," according to Capek. The giant structure is 700 feet long and has a central core seven stories high, with massive stone foundations, soaring logs and a towering four-way stone fireplace. Designed by architect Robert C. Reamer and completed in 1904, the inn is "a great example of blending into the environment, despite its towering size," Capek says. The inn is one of five Yellowstone buildings nominated as National Historic Landmarks.

Some experts fear that another of Yellowstone's NHL nominees, the 1930s Northeast Entrance Station, won't survive without landmark status. Such designation will guarantee that the remote and little-used entrance station—called "a classic of rustic design" by architectural historian Laura S. Harrison—won't be abandoned some day. A decision on the nomination is expected this spring.

Park officials are also concerned about Yellowstone's 1907 Norris Soldier Station, which the National Association of Park Rangers is considering as a ranger museum. Preservation experts worked on the station's exterior last summer, but lack of funds shelved plans for the interior. The completed station might include one room remodeled as a backcountry ranger's cabin and another as a soldier's squad room.

Yellowstone's major structures, like Old Faithful Inn, are in no danger, maintains Jerry Rogers. They're too popular and too famous to be allowed to fall into disrepair. With regard to such structures at least, he says, the Service is "a strong and popular agency. Most people know about us and support us."

Other parks also reflect the care devoted to well-known major structures, especially hotels. This year the Lake McDonald Lodge at Glacier National Park will get a $1 million rehabilitation, and $1.3 million will be spent on the lodge at Bryce Canyon National Park in Utah.

Many park roadways are also considered historic resources deserving protection. That includes Yellowstone's roads, considered the first good network in the National Park System and a model for other sites. There are proposals to widen the roads and add lanes for bicyclists, but preservationists want to save some of the unique rock retaining walls and log guardrails.

Because preservation is too big a job for the Park Service alone, officials seek help where they can. For example, at popular Lowell National Historic Park, in Lowell, Mass., state and local governments joined forces with business groups to develop shops and offices at the 137-acre park, only 3.5 acres of which is federally owned land. The park in the heart of the city preserves America's first industrial community, complete with its canals and textile mills. Modern shops and offices are housed in historic mill structures.

This kind of cooperation may help do the trick at Hot Springs National Park in Arkansas, where the Park Service soon hopes to lease several long-abandoned, ornate bathhouses to an entrepreneur for use as a bed-and-breakfast inn, a restaurant, an antique exhibit and a spa.

Over the last three years, the Service has leased 66 historic properties, and lessees have spent $5.8 million on preservation work.

Cooperation may also hold the best chance for two problem structures at Grand Canyon National Park: the 1909 Santa Fe

Railroad Station and the 1904 Kolb Studio, a five-story photographic work space on Bright Angel Trail. Both are vacant and in basically sound condition.

While viewed as regionally and nationally significant, according to historical architect Billy Garrett, neither building is appropriate for use as Park Service offices or museum space. So Garrett is looking outside the park for a solution.

Hugh Miller says he'll feel better about the future of the parks if Congress okays a Reagan Administration proposal to dedicate park admission fees for natural and cultural-resource management. The proposal, backed by the Conservation Foundation, would net the parks an estimated $30 million a year, money that now goes to the Treasury Department.

But ask Miller about specific projects, and it's hard to detect much optimism in his outlook. Unfinished work, he'll tell you, limits access to Hamilton Grange National Memorial, the New York City home of Alexander Hamilton; aqueducts are deteriorating at the Chesapeake and Ohio Canal National Historical Park in Sharpsburg, Md.; at the Maggie Walker home in Richmond, Va., two secondary but important structures may be beyond repair in five years; and at the National Maritime Museum in San Francisco Bay, the steam schooner *Wapana* has been in dry dock for four years, with no current prospects for repair.

The depressing list goes on and on. Says Miller, the backlog of historic structures needing repair "looks like the national debt."

A BALANCED RESEARCH PROGRAM: CRITICAL TO COMPETITIVENESS

HON. HOWARD WOLPE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. WOLPE. Mr. Speaker, as public officials of all persuasions call for steps to restore American competitiveness, Congress cannot ignore the misplaced priorities of the research budget proposed by the Reagan administration for 1988.

President Reagan is asking Congress to make defense research 72 percent of the Nation's research budget. In 1981, military research was 51 percent of the Federal R&D budget.

In my view, this heavy concentration of research effort in the military at the expense of civilian research has several adverse results. I would like to share with my colleagues testimony presented by my colleague DOUG WALGREN before the House Budget Committee, in which he argues for better balance in the Nation's research priorities.

STATEMENT OF CONGRESSMAN DOUG WALGREN TO THE HOUSE BUDGET COMMITTEE, FEBRUARY 11, 1987

I appreciate the opportunity to speak to you today as you develop Congress' FY 1988 budget. Your task is not easy. Congress' role in setting—and in the case of the Reagan 1988 budget, reshaping—the nation's priorities is a fundamental one, not to mention a critical one.

For ten years, I have been privileged to serve on four different subcommittees of the House with jurisdiction over some of the nation's most important research: the Subcommittee on Science Research and Technology, with responsibility for the National Science Foundation; the Subcommittee on Health & the Environment, having jurisdiction over the National Institutes of Health and the Alcohol, Drug Abuse and Mental Health Institutes; and two energy subcommittees of both the Science and Technology and the Energy and Commerce Committees. I am fortunate to have had this opportunity for multiple perspectives and to learn about the country's varied and pressing research needs.

My testimony today will focus on what I view as a tremendous overemphasis on military research and development in the 1988 proposed federal budget at the expense of other R&D, such as basic science, health, and energy. This phenomenon has been called by some the "remilitarization" of federal R&D because this skew favoring the military over other R&D has occurred dramatically since 1981.

National Science Foundation figures show that between 1977 and 1987, while overall federal support for R&D increased 40% in constant dollars, military R&D increased 106%.

Between 1981 and 1987, military R&D increased 71% in constant dollars, while during the same period, civilian R&D *declined* 6%. Since 1980, DOD's R&D budget has more than doubled. It is now 70% of the total federal R&D budget; in 1981, it was 51%.

1988 REAGAN R&D BUDGET

The Administration is to be commended for its attention to research and to the importance of a strong research base in rebuilding the nation's competitiveness. The overall FY 1988 budget is up 1%, but R&D overall is up 8% to $62.4 billion in the President's proposal. My quarrel is with the priorities reflected in the Administration's research budget.

DOD

DOD research shows an increase of 18% or $6.8 billion, up to $43.7 billion. As I mentioned, Pentagon research consumes 70% of the federal research budget. Of the $40 billion requested, $37 billion of this is for development. Only $996 million is slated for basic research, with a remaining $2.636 billion for applied research. Between 1977 and 1987 in fact, DOD increased development funding by 300%, with basic and applied research going up 167% and 96% respectively.

DOE

At the Department of Energy, the Administration proposes increasing military R&D by 11% while cutting energy conservation, fossil and solar by a whopping 50%. As a percent of DOE's overall budget, military R&D has gone from 38% in 1981 to 65% in the 1988 proposal.

NIH

For the National Institutes of Health, the Reagan Administration requests $5.5 billion, compared to $6.1 billion which Congress appropriated for fiscal 1987. This is a 10.5% reduction. NIH—the center of the nation's effort to eradicate disease and disability, to prolong and improve life—with its $6 billion budget represents 10% of the nation's research effort. I cannot leave the subject of NIH without nothing that the increase alone in Pentagon research for 1988 is larger than the entire NIH budget. More federal dollars are spent on the defense R&D budget in 15 months than the total spent on biomedical research since NIH's establishment—$50 billion since 1937.

NSF

The National Science Foundation, under the jurisdiction of the subcommittee that I chair, comes in as a "winner" in the Administration's budget, at $1.9 billion—a 17% jump over the previous year. The 1988 request includes a 16% increase for science and engineering education.

IMPACT OF REAGAN RESEARCH PRIORITIES

Those are the raw numbers, but we have to ask ourselves why this heavy bias toward military R&D is not in the nation's interest. Certainly we need defense research, we need to be farsighted, and our military readiness must continually be nourished. But my message today is that this favoring of military research over other types of research represents misplaced priorities, that it in fact has some serious negative effects on our nation and our economy.

Limited economic spinoff

Much of defense research that concentrates on highly-sophisticated weapons systems does not translate readily into commercial activity in the general economy or into commercial technologies. Only a small portion of military R&D is devoted to the advancement of general technology, such as lasers. In fact, from 1980 to 1984, military funds spent on areas with the greatest commercial application, grew only 34% while that for strategic (nuclear weapons) programs increased by over 350%.

Military R&D is concentrated in the aerospace and electronic industries, contributing little to the rest of the economy. Military R&D money "runs around" into a relatively confined economic sphere, with little ripple effect in the economy in general. As for job creation, some jobs result, but the question is what kind of jobs are created? Again, jobs created by military research are concentrated in a relatively small number of industries, according to a 1985 study by the Council on Economic Priorities, notably aircraft, radio and TV equipment, ordnance, nonferrous metals and electrical industrial equipment.

In fairness, I should say that there is some beneficial spinoff. The jet engine for commercial airplanes came from military versions. DOD led the way in computer time sharing and advanced computation with civilian applications. But by and large military R&D dollars have limited commercial application.

Take the case of the coffee pot. The $7,400 "hot beverage unit" for the C-5 aircraft has over 2,000 custom-made parts and is designed to work in gravitational forces greater than the crew or aircraft could survive. The P3 Orion submarine-hunter plane has a $12,000 three-cubic-foot refrigerator to store the crew's lunches. It is designed to meet "rigid vibration standards," survive crashes, and operate in an unpressurized cabin. One has to ask if this is "overdesign" or "gold-plating" in the days of limited budgets and what benefits do they give us on the civilian world? The consumer really doesn't need a refrigerator that can withstand vibrations and crashes.

As military science becomes more exotic and arcane—and more classified—we have to wonder what relevance it has in the nonmilitary world most of us live and work in. In short, the notion that there is great economic spinoff in the general economy is a different case to make.

Absorbs scientists

Another detrimental result of this skew toward military R&D is the drain on our scientific personnel away from the civilian sector to the military. About one-third of all U.S. engineers and scientists are involved in military projects. For example, CBO found that of all aeronautical/astronautical engineers, 47% are in defense. This is matched by actual shortages in many civilian fields, such as computer specialists. One study showed that 28% of all college graduates in science and engineering take jobs in the defense industry. In my view, these numbers represent a substantial diversion of our best scientific minds away from the creation of new civilian products and new technologies. If the military continues to drain our talents, we will continue to face an uphill battle in regaining our competitiveness in the world economy.

Ad hoc economic policy

Finally, this overconcentration in the military represents an ad hoc industrial policy conducted by our government. With little economic planning and coordination, the vast military research program allocates resources, affecting everything from engineering school curricula to profit and investment rates. The Pentagon directs a large chunk of the economy almost by default. If we accept the fact that we have limited federal dollars—and I do—we have to acknowledge that dollars spent in the military sector are dollars not spent in the civilian sector. Inadequate investment in civilian research takes its toll, often surfacing down the road, in large trade deficits, personnel shortages, understaffed schools and colleges, and less economic activity in general.

WHAT'S NOT BEING DONE

I cannot leave this subject without pointing out that from my perspective there are many needs going unaddressed by our government today. I will highlight two areas, health and science research.

As I mentioned, the NIH appropriation for FY 1987 was $6.1 billion, the highest in its history, yet problems cry out. NIH funds only one-third of approved projects. 855,000 Americans are diagnosed each year as having cancer; half will die. One of three babies born will develop cancer during its lifetime. 3.5 million Americans are disabled by stroke. 2 million Americans have Alzheimer's disease. 2 million children have mental disorders so severe they require care. 60 million people suffer from cardiovascular disease. We do not have a cure for AIDS, multiple sclerosis, spina bifida, Huntington's Disease.

In another area, the science and math illiteracy and undereducation of our people is frightening. 30% of all secondary school teachers of science and math are unqualified or underqualified to teach those subjects. One in four students does not finish high school. 30% of our high schools offer no courses in physics and 17% offer none in chemistry. Internationally, in geometry, U.S. students rank in the lowest quartile. The U.S. graduates one-fifth as many engineers as the Soviet Union.

From 1965 to 1968, NSF appropriations for science and engineering education averaged $123 million. In terms of 1987 constant dollars, the $115 million requested for fiscal year 1988 is less than one-half the Congress provided in the late 1960s. This does not quite qualify as a national assault on science and math illiteracy.

CONCLUSION

In my view, this overwhelming dominance of the military in our R&D budget is a debilitating misuse of our fiscal and our human resources. As we put 70% of our R&D dollars into defense, Japan puts 2.8%. As we make exotic weapons systems of limited commercial application, Japan makes calculators, cars, and televisions that reap economic ripples several-fold.

I hope that as you develop the budget resolution for 1988 that you will join me in reordering our priorities in this area. In my view, it is critical to the nation's economic future. After all, what is national security if it is not a constructively employed, healthy people in a productive economy?

REPORT OUTLINES NEW DIRECTIONS FOR BLACKS

HON. MERVYN M. DYMALLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. DYMALLY. Mr. Speaker, today I received a news release that I think deserves to be noticed by my colleagues. The Joint Center for Political Studies has become a center for the study of black people and the advancement of black people in society. The news release concerns a report just issued by the center in which the some of the leading black scholars in the country review the present position of blacks in our country and suggest a program of efforts on the part of black people and on the part of our government to improve the lives of black people. The report points out a growing problem in the black community, that of the widening gulf between blacks who are prospering and those who are not. One-third of those in the black community live in poverty. I request that the news release be included with this introductory statement in the CONGRESSIONIAL RECORD so that our colleagues may avail themselves of the information in this important report.

REPORT OUTLINES NEW DIRECTIONS FOR BLACKS

In a far reaching report issued recently, a group of prominent black scholars clarify "public discussion and confusion" about black community directions. Entitled "Black Initiative and Governmental Responsibility," the report takes issue with "one-sided emphases and single minded approaches" and instead advocates a combination of heightened efforts by blacks themselves and increased, more focused government action.

Co-chaired by Duke University Historian John Hope Franklin and Georgetown University Professor of Law Eleanor Holmes Norton, the Committee on Policy for Racial Justice consists of 30 distinguished black scholars from around the nation who meet periodically under the aegis of the Joint Center for Political Studies to review the condition of blacks in American society.

The Committee offers a tripartite framework for the "new agenda" which black organizations are debating:

The need for blacks to draw more explicitly and openly upon the rich and vibrant tradition of black values that continue to sustain them;

The need for blacks to mobilize and, in some instances, redirect the strong self-help tradition that is hard at work but too often hidden from public view; and

The need to lay out the much obscured case for government's responsibility for disadvantaged citizens in a stable democracy and indicate specific steps that government should take.

The report emphasizes "the black community's values as a basis for action," then turns to the black community itself as the "agent of change," and to the government to meet its responsibility in addressing "new challenges"—loss of jobs, educational deficiency, childhood poverty and welfare dependency facing the nation as a whole and blacks disproportionately.

The scholars advocate "a judicious, concurrent, and sustained mix of both black self-help efforts and public and private assistance from the nation as a whole to meet the complicated problems that have produced a so-called black underclass." The report acknowledges the "genuine progress" blacks have made, but its emphasis is on the one-third of blacks who remain poor.

The Committee begins its review focusing on the "value traditions of the black heritage" which it finds "especially relevant to black people during this period." It cites as core values that have been "fundamental to black survival, the primacy of family, the importance of education and the necessity for individual enterprise and hard work." It calls on black "religious institutions, civic and social organizations, media, entertainers, educators, athletes, public officials and other community leaders to more actively promote these values." The Essay cites as examples of the special value structure of blacks, "the extended family system [that] flourishes today, and historical and existing examples of the self-help tradition . . . so embedded in the black heritage as to be virtually synonymous with it."

The report sorts out work that the black community can do—much of which "continues unheralded today"—from tasks that require government action. For the community, the report cites as an "urgent" need "to develop more effective bridges between the urban poor and the new black middle class outside the ghetto."

But the Essay also analyzes actions that are well beyond the capacity of blacks or any single community to resolve. These include the role of government in restoring an economy of moderate skill, and decent paying jobs, as well as "the deteriorated infrastructure of the cities that provides the physical framework for the ghetto and for ghetto conditions."

The scholars contrast the long history of past and continuing black self-initiated contributions, to government action which it says has been "important, but both recent and modest." Especially since 1981, the federal government "has retreated on all fronts, deepening black problems."

The report details six program priorities which it says are suggestive of the kind of action government should take: The conversion of the welfare system to a training, education and jobs program; the replication of successful models to address the "alarming" spread of structural unemployment, especially among black men; the creation of a comprehensive child development program to prevent costly problems of pre-natal and early childhood health and underachievement; the design of a set of school-to-work transition strategies that respond to dramatic workplace changes in order to avoid the high dropout and jobless rates among black teenagers; the expansion of innovative strategies for improving performance levels in schools and colleges; and the re-introduction of strong enforcement of antidiscrimination efforts which have been "deliberately abandoned."

However, the scholars stress that the black community must take the lead in defining its "new and continuing problems" and in "both prescribing and initiating solutions with at least the vigor and resourcefulness with which it pursued the civil rights revolution when government was either passive or hostile, as it often is today."

The Essay credits civil rights and black community organizations with success in reducing barriers. This success has exposed many "novel" and "ferocious" problems that require blacks to help their institutions "adjust to new circumstances and challenges" and increase their financial support to them.

The Essay stresses that, "self-help can have only a limited impact on the economic environment" but acknowledges that it can "encourage action and teach behavior that can pay handsome dividends for blacks and for the nation as a whole." Seeking a balance the scholars say has been missing from current debate, they conclude that "the inexcusable disparities between whites and blacks that continue today were not created by blacks and cannot be addressed by blacks alone."

EDMUND T. PRATT TO RECEIVE GANTT MEDAL FROM AMERICAN MANAGEMENT ASSOCIATION

HON. BILL GREEN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. GREEN. Mr. Speaker, I am delighted to announce to my colleagues that my good friend, Edmund T. Pratt, chairman and chief executive officer of Pfizer, Inc., will receive the Gantt Medal on March 31 in New York City. This medal presented by the Society of Mechanical Engineers and the American Management Association for distinguished achievement in management as a service to the community. Ed Pratt is deserving of this prestigious award and I am pleased that he is being so honored.

Ed began his business career with International Business Machines Corp. and was controller of IBM World Trade Corporation from 1958 to 1962. During the Kennedy administration he served as Assistant Secretary of the Army for Financial Management. He joined Pfizer as controller in 1964 and moved to Pfizer International in 1969. He was elected to the board and executive committee of Pfizer, Inc., in 1969 and was named president in 1971. He became chairman of the board and chief executive officer in 1972.

Born in Savannah, GA in 1927 he was graduated Phi Beta Kappa and magna cum laude from Duke University in 1947 with a B.S. degree in electrical engineering. He received an M.B.A. degree from the Wharton School of Commerce and Finance, University of Pennsylvania, in 1949. Mr. Pratt served in the U.S. Navy during World War II and the Korean War.

Mr. Pratt is a director of General Motors Corp., International Paper Co., the Chase Manhattan Corp., and the Chase Manhattan Bank, N.A. He is chairman of the emergency committee for American Trade, chairman of the Advisory Committee for Trade Negotiations, and a member of the President's Export Council. Mr. Pratt serves on the policy committee of the Business Roundtable and is a member of the Business Council.

He is a member of the board of trustees of the American Enterprise Institute, a trustee of Duke University and a member of the board of overseers of the Wharton School of Commerce and Finance.

Mr. Pratt is chairman of the Business Council of New York State and chairman of the United Way of Tri-State. He is a member of the board of the New York Chamber of Commerce and Industry, and the New York City Partnership. He is a trustee of the Committee for Economic Development and the U.S. Council for International Business, and a member of the National Industrial Advisory Council of Opportunities Industrialization Centers of America.

I know that my colleagues join me in congratulating Ed Pratt and the American Management Association.

PROGRESS IN TAIWAN: A FIRST-HAND VIEW

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HUGHES. Mr. Speaker, as my colleagues know, the subject of United States-Taiwan relations is of great importance in terms of trade, defense, and host of other critical areas.

Accordingly, last November, I was very pleased to have the privilege of visiting the Republic of China on Taiwan, and having an opportunity to learn first hand about this growing nation, its aspirations, its people, and its many accomplishments. Indeed, Taiwan's progress is remarkable.

During my visit, I was warmly greeted by President Chiang Ching-kuo, Premier Yu Kuo-hwa, Foreign Minister Chu Fu-sung, Foreign Vice Ministers Ding Mou-shih and John Chang. I discussed with my hosts many issues such as the Taiwan Relations Act, the relations between the United States and mainland China, the trade imbalance between the United States and Taiwan, and Taiwan's new political parties. I learned about Taiwan's need for continuing United States understanding and support, and my hosts, in turn, understood the urgency of correcting the trade imbalance between the two countries.

After my return from Taipei, I had the added pleasure of dining with Dr. and Mrs. Fredrick Chien at Twin Oaks. The Yale-educated Chiens were wonderful hosts: erudite, witty, gracious, and warm. They helped me relive my wonderful experiences in the Republic of China.

Last week, Dr. Nathlan Mao drew my attention to an excellent article authored by Seton Hall University's Prof. Winston Yang on Professor Yang's recent visit to Taiwan. For the benefit of my colleagues, I have asked Dr. Mao to translate parts of Professor Yang's article. Dr. Mao's translation is as follows:

TAIWAN'S DRAMATIC CHANGES AND ITS FUTURE

(By Winston Yang, Ph.D.)

After an absence of several years I recently had a chance to return to Taiwan. During the last week of December and the first week of January I held wide-ranging discussions with a number of academicians and government officials, collected data for a specialized book on Taiwan and visited Hsinchu Science Park and factories in Kaohsiung. I was so deeply impressed by what I heard and saw that I have now completely swept away my previous misconceptions about Taiwan.

Taiwan's first dramatic change was its development from a poor, backward, underdeveloped U.S. aid-dependent island country on the verge of collapse into a prosperous economic giant on its way to become a developed nation with a foreign reserve of more than 50 billion U.S. dollars. I clearly recall what Taiwan was like when my relatives and I fled the Chinese mainland in 1949. We were often hungry. Young children (including myself) ran around in wooden sandals in the streets, feeling forlorn and despairing. Yet Taiwan's prosperity today—as seen in its abundance of material goods, its high standard of living, its exquisite cuisine and its stylish men and women's clothing—is the envy of the world.

In 1986 Taiwan's per capita income was US$3,750.00 and will reach US$14,500.00 by the year 2000. Taiwan's growth rate has been averaging ten percent a year for the last ten years. Taiwan's miraculous economic development provides a sharp contrast to that of Communist China, which has a per capita income of US$300.00, projected to reach US$800.00 in the year 2000. In other words, Taiwan's per capita income is twelve times that of the Mainland and will reach eighteen times to one in the year 2000.

The Chinese in Taiwan, Hong Kong and Singapore have achieved spectacular economic success. Why is Mainland China unable to do so? Although the Mainland suffers from the drawback of having too many people, its population density is much smaller than that in Taiwan, Hong Kong and Singapore. Besides, none of the three island countries has any natual resources such as coal, iron or oil. In the case of Hong Kong, it doesn't even have its own water supply; it relies on the Mainland for water. While in Taipei, I reached the conclusion that free enterprise is the key to the success of Taiwan, Hong Kong and Singapore. No communist country, including the USSR, can ever achieve economic prosperity.

Taiwan's second dramatic change was its development from a closed, controlled society to the present pluralistic open society, and from one dominant political party to a democratic country with two and more political parties. In Taiwan I freely perused anti-government books and periodicals, giving me the impression that the press there enjoys just as much freedom as their counterparts in the United States. Non-Kuomintang legislators' frequent harsh criticism of the government and its leaders is yet another proof of Taiwan's democracy at work. Taiwan government's bold and courageous decision to end martial law and to allow new political parties is truly a historic step. This is the first time in Chinese history that the people have attaind such high levels of political freedom.

It's true that democracy in the Republic of China is not the same as in America or in Europe. The main reason is the threat of

Mainland China, which has not yet renounced the use of force as a means of reunifying Taiwan. Once this threat has been removed, the Chinese in Taiwan will be able to fully enjoy American or European-styled political freedoms.

In 1984 and 1985 President Chiang Ching-kuo's popularity suffered a slight setback because of the collapse of a number of financial institutions. However, in the last year or so, after President Chiang announced that he would not permit the military to interfere in politics, that no family member would succeed him, that he would lift martial law and that he would allow the formation of new opposition political parties, he won widespread praise both in Taiwan and abroad. According to a survey released on January 5, 1987, his popularity reached an all-time high of 77.7 percent. His popularity, in the opinion of many scholars, was the major factor in softening Kuomintang conservatives' resistance to political reform. His popularity also greatly contributed to Taiwan's continuing stability.

There's little doubt that the people on Taiwan are concerned about their President's health. I saw President Chiang deliver his New Year's greetings to the nation on television. He appeared fit and in good health. One official who sees him on a regular basis told me that the President is in good health for a man of his age. In any case, the President has not allowed his health to prevent him from making major decisions. One taxi driver said to me, "I hope the President continues to have good health. He is the most important factor in Taiwan's stability and prosperity."

Taiwan's achievements in the last thirty-eight years are impressive. The people are enjoying an economic prosperity and political freedom unheard of in Chinese history. Taiwan must maintain its stability, so it may continue its democratization process. Its people must realize any separatist or independence movement will destroy Taiwan. The ruling Kuomintang and the new opposition party—Democratic Progressive Party—must form a united line against Communist China's threat of taking Taiwan by force.

The Republic of China has a bright future. Taiwan's economic development and process of democratization should serve as a model for Mainland China and as stimulants for Mainland China's economic and political reforms.

We must not allow Taiwan's internal factors such as any separatist or independence movement to destroy Taiwan. We must also not allow external factors like the use of force by Communist China to destroy Taiwan. (Sections on Taiwan's young leaders, middle-level officials, native Taiwanese and non-native Taiwanese, etc., have been omitted)

REMARKS OF MR. SWINDALL BEFORE HOUSE COMMITTEE ON VETERANS' AFFAIRS

HON. PATRICK L. SWINDALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. SWINDALL. Mr. Speaker, today, I testified before the Subcommittee on Hospitals and Health Care of the House Committee on Veterans' Affairs to request funding for expansion of the Veterans' Administration Medical Center in Decatur, GA. Because this issue is important to all Georgia veterans and to proper veterans health care, I want to share with my colleagues the remarks I made on this subject:

REMARKS OF HON. PATRICK L. SWINDALL

Mr. Chairman, I would like to thank you for the opportunity to come before this subcommittee to express to you the need for the clinical addition to the Medical Center in Decatur, Georgia.

As you know, Metropolitan Atlanta has experienced significant growth over the past ten years. It has achieved national stature as one of the fastest growing metropolitan areas in the country. The population in this area has expanded by almost 30 percent from 1.9 million in 1975 to 2.5 million in 1985. The veterans population in this area and throughout north Georgia has increased as well during this period. This hospital's primary service area covers 59 counties containing an estimated population of nearly 4 million people with over 400,000 veterans. The Veterans Administration estimates that by the year 2000, the veterans population will increase by 2% in contrast to a decrease in the national veterans population. In addition to the steady growth of veterans in this area, the number of veterans over 65 years of age served by this Medical Center is expected to rise by an extraordinary 133% by the year 2000.

This Medical Center opened in 1966 and since then, the number of patients, the range of services, and sophistication of medical care has increased substantially. Despite these developments, only limited improvements or expansion of facilities have taken place. Currently, the limited amount of space has caused serious problems for the hospital. Inadequate departmental layouts have led to inefficient workflow, insufficient working space, lack of privacy, storage, and other support elements. In many instances, departments have become fragmented. Functional relationships between many critical areas, such as surgery, intensive care units, and diagnostic services are seriously inadequate, resulting in inefficient operations. Medical and surgical intensive care units are currently separated by three floors, and both intensive care units are several floors from the operating room area. Plans contained in the design of the clinical addition will alleviate this significant problem. By VA standards, this hospital is 47% below space requirements for the various clinical services that provide care for our veteran patients. As the hospital expands its programs in areas such as open heart surgery, chemosurgery, and long term care for the increasing needs for the aging veterans, the need for additional space will grow dramatically.

There are presently 550 hospital beds, and 120 beds in the nursing home. It is estimated that by 1992, the Medical Center must increase the number of hospital beds to 675 in order to continue to provide sufficient health care. Currently, the Atlanta area is served by the smallest number of VA medical beds for any major metropolitan area.

Over the years, this facility has made significant contributions to the community. I cannot neglect to mention these contributions as a vital factor in the need for this project. This hospital is affiliated with the Emory University School of Medicine, which is one of the finest medical schools in the Southeast. There are over 20 various residency programs including rehabilitation, psychiatry, and radiology. The research facility is currently working on 30 VA funded research programs, and over 40 extra-VA funded medical research projects. In order to accommodate the high tech equipment and staff needed for these projects, additional space is needed.

The proposed project includes the construction of a five story clinical addition and alteration to the main building to accommodate the new addition. Approximately 50 percent of the Medical Center will be upgraded and expanded to provide adequate space. The proposed addition will help the hospital achieve the basic space requirements established by the VA.

Also included in the project is the construction of a 750-space parking deck. The 1990 parking analysis shows a need for 1,390 parking spaces. Construction of the new clinical addition will displace approximately 450 spaces. Consequently, a parking structure and realignment of the site circulation is essential to meet the projected requirements.

A significant part of this project is the removal of the remaining asbestos from over 200,000 square feet of the facility. This work is imperative because it is holding up installation of new medical equipment, such as a microscope in the ceiling for eye surgery or x-ray equipment in the walls.

It is estimated that it would cost approximately $20 million for more than 25 different projects which would be required in the next 5 years, if the clinical addition and parking deck are not built. None of these projects would have any positive impact on the space shortage and would only compound the space problems. I am sure you would agree that it is much better to solve the problem now, rather than resort to a patchwork approach to solving the problem. It is my hope that we will not have to continue to compromise medical care for these veterans. As you can tell from the figures that I have presented to you this morning, there is a desperate need that cannot be delayed any further. I strongly urge you to accept the recommendations of the national VA and approve the funding for this project. Thank you for allowing me this time to represent the thousands of veterans who are served by this hospital, and for your deepest consideration of the project.

CLIFT RODGERS LIBRARY TURNS NINETY

HON. GERRY E. STUDDS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. STUDDS. Mr. Speaker, I rise today to commemorate the Clift Rodgers Library in Marshfield, MA, which will celebrate its 90th birthday on Sunday, March 15, 1987.

It all began in 1897, when a leather merchant named Clift Rodgers left behind $5,000 to start a library in his community, the town of Marshfield. The Clift Rodgers Library was the result, and it has since weathered many years of proud public service through the continuing efforts of its trustees and the community at large. Today, nearly a century later, the thriving library offers best sellers, reference materials, classics, a lively selection of children's books, and a wide variety of other materials and services.

The library is open 18 hours each week and operates on an annual budget of $7,000. This modest budget, on which the library depends to provide services free-of-charge to the community, uses no public funds. Instead, it is supported entirely by the efforts of its many friends and neighbors who donate time, energy, enthusiasm, and money to maintain the library as a viable and lively institution.

I am pleased today to join the town of Marshfield, which I am privileged to represent in the U.S. House of Representatives, in helping to celebrate this joyous occasion.

"TRIBUTE TO RAY ROBERTSON"

HON. CARROLL HUBBARD, JR.

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HUBBARD. Mr. Chairman, today I would like to pay tribute to Ray Robertson of Route 2, Eddyville, KY, who died last Friday, March 6, 1987, at the age of 71.

Ray Robertson was a constituent of mine whom I have admired for many years. He was a retired maintenance foreman for the U.S. Army Corps of Engineers, having worked with the corps for 33 years from 1948 until his retirement in 1981.

Active in local government, he was serving his second term as a magistrate for Lyon County, KY, at the time of his death. He also had previously served for two terms—8 years—as a member of the Eddyville City Council. He served in the U.S. Navy during World War II, which included duty in the South Pacific.

Ray Robertson had been a member of Pleasant Hill Baptist Church near Eddyville since his youth. His survivors include his wife, Mrs. Eula Mae Robertson; four sons, Tony Robertson of Paducah, KY, Eddie Robertson of Middlesboro, KY, Pipper Robertson of Crestwood, KY, and Jimmy Robertson of Lexington, KY; three daughters, Kay McCollum and Mossie Combs of Kuttawa, KY, and Vicki Faulkner of Paducah; two brothers, Clyde Robertson and Billy Joe Robertson of Paducah; four sisters, Juanita Blick and Betty Sue Crowder of Paducah, Geneva Schweikhart of Newburg, IN, and Patsy Henderson of Princeton, KY; 18 grandchildren and three great-grandchildren.

Ray Robertson was a great asset to Eddyville, Lyon County, and western Kentucky. Indeed, he will be missed for years to come. My wife Carol and I join with the many friends of this outstanding Kentuckian in extending our sympathy to the family of Ray Robertson.

THE DEVEREUX FOUNDATION: 75 YEARS—JUST THE BEGINNING

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. SCHULZE. Mr. Speaker, it gives me great pleasure today to recognize the 75th anniversary of the Devereux Foundation, headquartered in Devon, PA. For those of you unfamiliar with the history and goals of the Devereux Foundation, I would like to take just a few moments to tell you about its founder and her dreams for children with special learning difficulties.

Helena Trafford Devereux was a young teacher in 1906 when she had assigned to her classroom a few students who had failed to achieve passing grades for a number of years. As she spent time with them, encouraging their successes and minimizing their failures, she saw a remarkable improvement in their attitudes toward themselves and others. Ms. Devereux's peers soon drew attention to her work and before long she was teaching the first special education course in this country at the Philadelphia Normal School. In 1912, Ms. Devereux opened her own school for special children. From a small school, with only eight students, the Devereux Foundation has become the largest and most comprehensive organization in this country devoted to teaching and otherwise helping develop mentally distinguished children, adolescents and adults. With many facilities in Pennsylvania, and others in Arizona, Connecticut, Texas, New Jersey, California, Delaware, Georgia, Massachusetts, and Florida, Devereux's staff of approximaterly 2,500 currently serves 2,000 individuals annually.

The emphasis at Devereux is on developing an individual's abilities for a lifetime of usefulness and self-sufficiency. The programs are individually tailored to meet the specific needs of each client. They focus on and enhance each person's particular abilities. From disturbed or slow learning children, to children and adults with head injuries or physical or mental handicaps, to geriatric patients with nursing care needs, Devereux provides not only the necessary medical attention, but the teaching and support critical to an individual's adjustment in society. Whether it is long-term care or outpatient service, Devereux has made a difference in caring for thousands of special citizens.

As the Devereux Foundation embarks on its next 75 years of service, I am pleased to salute its dedicated staff—past and present—for their commitment to excellence in the service of mankind. Their worthy efforts deserve acknowledgment and support.

DR. JOHN FRANCO ANNOUNCES RETIREMENT

HON. ROBERT J. MRAZEK

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. MRAZEK. Mr. Speaker, at the end of the 1986–87 school year, a noted educator from the Third Congressional District of New York will step down after a 36-year career of guiding young people toward productive and meaningful lives.

Dr. John M. Franco, superintendent of schools for the Westbury, Long Island, Union Free School District, has announced his retirement from education this year. His decision ends a 7-year tenure which saw improved achievement among the district's students, and increased trust in the community's schools among parents.

A native of Rochester, NY, Dr. Franco earned his bachelor's degree from SUNY Brockport and returned to his hometown to begin his career in education in 1951, as an elementary school teacher. He left his chosen career briefly in 1952 to serve in the U.S. Army in Korea, where he was awarded a commendation ribbon with medal pendant. He returned to Rochester after the war and resumed his career in teaching while pursuing graduate work at the University of Rochester.

In 1965, Dr. Franco became director of Project Beacon, a program designed to meet the needs of economically disadvantaged students. He wrote several publications during this time on self-concept and achievement. In 1971, he received his doctorate from the University of Rochester, authoring his dissertation entitled "The Relationship Between Self-Concept and Academic Achievement." The same year, he became superintendent of schools in Rochester, a position he held for 9 years.

Under his leadership, Rochester schools were completely integrated. His personal energy and enthusiasm led to increased rates of achievement in the schools and enhanced staff development. He left the Rochester system in 1980 to head the Westbury Public Schools, seeking a smaller, more personal setting in which to carry out his philosophies.

In Westbury, Mr. Speaker, Dr. Franco has revamped school curricula on every level. His leadership has promoted continuous staff development and a sense of cohesion within the staff and among members of the community. Again, achievement has risen during his watch, bringing recognition to Westbury schools and directly affecting the lives of a new generation of leaders among Westbury students.

As historian Henry Brooks Adams has written, an educator "affects eternity; he can never tell where his influence stops." For 36 years, students in two New York communities have been the direct beneficiaries of Dr. Franco's influence. I wish Dr. Franco well in his future endeavors, and bring his accomplishments to the attention of my colleagues today.

H.R. 1413 WOULD REINSTATE LIMITED CIRCULATION RATE SUBSIDY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. SKELTON. Mr. Speaker, last week my colleague from Iowa, Mr. TAUKE, and I introduced a bill, H.R. 1413, which would reinstate the limited circulation rate postal subsidy for small publications which mail their publications to adjoining counties. As chairman of the Congressional Rural Caucus and chairman of a Small Business Subcommittee I am extremely concerned about the hardships our rural businesses are facing; one group in particular is our small rural newspapers. The purpose of our bill is to provide postal rate relief for small rural newspapers with an out-of-county circulation of less than 5,000.

Last year, this body passed the Budget Reconciliation Act which eliminated the limited circulation rate. Limited circulation rate is the subsidy newspapers receive to defray mailing cost if they have less than 5,000 out-of-county subscribers. The elimination of this subsidy has imposed financial burdens on our small rural newspapers that I am sure the conferees to the Reconciliation Act did not foresee. I am certain, they too have heard from newspaper owners in their districts describing the dismal financial conditions the owners face.

Since 1970, small newspapers have seen their in-county rates skyrocket up to 1600 percent, and their limited circulation rates up to 822 percent. Since December of last year alone, in-county rates have increased by up to 80 percent and limited circulation rates by up to 180 percent.

It is important to remember that rural newspapers provide the most significant source of local information and perhaps more importantly unite the community and provide a firm sense of identity—which often times extends beyond county lines. That is why the limited circulation rate subsidy is so important. This bill restores the subsidy for mailings to adjoining counties only. It provides targeted relief yet does not require additional appropriations to the revenue foregone fund. All that is needed is a shift within the fund of $7.3 million of the $9.3 million currently estimated to be required. The difference is made up due to the cap that our proposal would place on the in-county rate subsidy at 20,000 pieces, which results in a net savings of $2 million.

Preserving the small rural newspapers is important to the fabric of these rural communities and deserves our attention and support.

TRIBUTE TO HAROLD "MAC" McKINNEY

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. COELHO. Mr. Speaker, it is my privilege to honor a fine public servant, Harold "Mac" McKinney, on his retirement as chief of police of Livingston, CA.

Mac has been the chief of police in Livingston for the past 13 years. His innovative ideas and planning for the future resulted in the modernization and computerization of the department as well as the implementation of new police procedures. His dedication to his work has made him a capable and effective chief of police, as well as a friend to the citizens of Livingston.

Mac's success as police chief can be attributed to his loyalty, talent, and high level of ability. It is a great loss to the police department and the entire community of Livingston to lose him, but I wish him a happy and healthy retirement.

TRIBUTE TO GIRL SCOUTS OF AMERICA

HON. ROBERT LINDSAY THOMAS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. THOMAS of Georgia. Mr. Speaker, as this year marks the 75th anniversary of the founding of the Girl Scouts of America, the citizens in my district take a special pride in celebrating this event. They do so not only because there are a large number of Girl Scouts in the First Congressional District of Georgia, but especially because Savannah, GA, is the founding home of the Girl Scouts.

The long and outstanding history of the Girl Scouts can be traced back to Juliette Low's work which started in 1911 overseas. It was that year she began to take an active part in the Girl Guides, which was organized as a counterpart to the Boy Scouts. Her work with seven young girls, teaching them about cooking, first aid, knitting and hygiene, led to the development of two "troops" of Guides in London. Low then moved on to Savannah to set up the Girl Guides programs in the United States.

The group in Savannah met regularly with naturalist Walter John Hoxie, taking nature walks and cooking meals over campfires. Low used the carriage house behind her Savannah home for meetings and even converted a vacant lot into a basketball court for the girls.

A handbook was written in 1913, providing a vision of new roles for women. The handbook contained practical information on the domestic arts and gardening, and also offered advice and encouragement on careers. The book cited many successful career women, providing role models for the young girls.

The United States' involvement in World War I offered the girls an opportunity to serve their country. They assisted the Red Cross, acted as messengers and sold Liberty Bonds. Around this time, the Guides were renamed the Girl Scouts and as a result of their outstanding work during the war, scouting numbers increased and the Girl Scouts became a nationwide organization.

What started out as a small group of girls in London has grown to 2.5 million girls involved with scouting. While the activities may have expanded to include a much wider range of interests, the heart of scouting still drives at developing a well-rounded young lady who is adventurous, self-assured, capable and in tune with the world around her.

An official delegation of these outstanding young women are in town this week from my district to celebrate the Girl Scout's historic 75th anniversary, and I am pleased to note their names in the record here today. Mary Jo Nickodem of Jesup and Judy Hagan of Hinesville are leading the group, which consists of Tina Gordy of Brunswick, Jennifer Hagan of Hinesville, Sherry Hogan of Ellabell, Tammy Kangeter of Ellabell, Anne Parcels of Stateboro, Emily Sollie of Savannah, Jin Hi Soucy of Hinesville and Heather Tuten of Hampton, SC. Serving as alternates are Sarah Lee, Brandee Nickodem and Sherri Wesley.

I salute these young women's achievements through the Girl Scout Program and commend the adult leaders who have given of their time and talents to help these future leaders of tomorrow live up to their full potential.

NEW SOVIET EMIGRATION POLICIES HAVE NOT HELPED THE KARLIN AND MANEVICH FAMILIES OF LENINGRAD

HON. DEAN A. GALLO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. GALLO. Mr. Speaker, for Mikhail and Ema Manevich of Livingston, new Soviet emigration policies have created a mixture of hope and concern.

They hope that their decade-long struggle to help members of their families emigrate from the Soviet union will soon result in Soviet Government approval.

They are concerned by the news that the applications of their family members for visas have already been denied under the new emigration Soviet policy.

In spite of repeated efforts by the congregation of Temple Emanu-El, where Mikhail Manevich is the cantor, as well as petitions to the Soviet Government on their behalf from local and State officials, from religious leaders and from me, the Soviet Government has remained unmoved.

Ema Manevich's mother, father and brother first applied for their visas in 1976 and were denied because of Government claims that her father, David Karlin, held a job as financial administrator of an electronics company that exposed him to state secrets. The family disputes this claim.

Even if he had held a sensitive job, the Government claim is questionable, because Mr. Karlin was dismissed from his job in 1974 after his brother applied for a visa.

This is an all-too familiar story among refuseniks and their families who are denied visas and then fired from their jobs for having applied.

Mikhail Manevich's brother and his family have repeatedly been denied visas since 1980, based on Soviet Government claims that the request would further divide the family.

In spite of well-publicized cases involving emigration of well-known Soviet refuseniks to Israel and the United States, little seems to have changed since my trip to the Soviet Union last May.

The vast majority of requests for visas still results in repeated official denials and continued discrimination against the tens of thousands of Soviet refuseniks.

I returned from my Russian trip with two clear impressions of the official Soviet Government attitude toward emigration. First, decisions appear to be totally arbitrary but, in reality, they are based on cold, calculated self-interest of the moment.

Second, to Soviet officials these refuseniks are merely names on a list.

This second impression is the most important element of Soviet policy for Americans to keep in mind. We must never forget the human faces behind the statistics. We must remember that those lucky few who are allowed to emigrate should not divert our attention from those who must stay behind.

We must make it clear in repeated efforts on behalf of the many refuseniks that it is in the Soviet Government's self-interest to do more than to simply grant a few requests in well-publicized cases.

We must make it clear to officials of the Soviet Government that we see through its public relations campaign.

We must remind Soviet officials that, in spite of their claims that new emigration laws have made it easier to leave, it appears that these laws have, in fact, made it more difficult, based on the cases of these two Leningrad families and thousands of other cases.

And finally, we must remind Soviet officials that we view these people as individuals with individual rights and not simply names on a list.

HOME MORTGAGE INTEREST EDUCATION

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. MATSUI. Mr. Speaker, today, Congressman SCHULZE and I are introducing legislation to correct the uncertainly surrounding the allowance of the home mortgage interest deduction on the refinancing of any type of loan secured by a personal residence.

The uncertainty affects only homeowners who prior to August 16, 1986, had mortgage debt secured by their home that exceeded the cost basis plus the cost of any improvements made on the property, that is, grandfather provision. As you may recall, the conference agreement limits the home mortgage interest deduction that can be taken by an individual to interest on debt secured by a home or second residence, not to exceed the cost basis for the residence plus improvements and qualified medical and qualified educational expenses.

The statutory language of the conference agreement appears to suggest that those persons who are eligible for the August 16, 1986, grandfather provision might lose thousands of dollars in mortgage interest deductions if they refinance their indebtedness on the property to take advantage of lower interest rates.

This problem is a result of the phaseout of the consumer interest deduction and the attempt to prevent taxpayers from circumventing this provision by making consumer purchases and taking the interest deduction through the use of home equity loans. It appears that the statutory language was drafted in such a way that the Department of the Treasury may interpret the new provision to mean that a homeowner refinancing to take advantage of lower interest rates would lose the benefits of the grandfather provision. We believe that such an interpretation would be contrary to our intent with respect to this provision, and it does not make economic sense because allowing individuals to refinance their mortgages lowers the value of the deduction and the cost to the Treasury.

The Department of the Treasury officials have indicated that they intend to issue proposed regulations relating to this problem in the immediate future. We are very concerned that the Department of the Treasury will interpret the statutory language of this provision in such a way that thousands of homeowners will unpleasantly be surprised to find that they have been denied the benefit of the higher limit on the home mortgage interest deduction and are subject to IRS penalty and interest assessments because of the denial of the deduction.

We urge our colleagues to support this legislation and respectfully request that the committee grant the immediate consideration of this matter in order that this inequity may be resolved in the near future.

TRIBUTE TO TARAS SHEVCHENKO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. LIPINSKI. Mr. Speaker, I wish to bring to the attention of my colleagues that on March 9 of every year Americans of Ukrainian descent salute Taras Shevchenko, Ukraine's freedom-fighting bard. Born in 1914, Shevchenko rapidly gained recognition for his courage to speak out against czarist oppression by way of his poetry. By the age of 33, his poems written in the native language and recalling the Ukrainian past attracted so much popularity that Shevchenko was arrested, tried and sentenced to 10 years of exile by the czar with express orders forbidding him to read, write and sketch. Shevchenko is still remembered today as one of the most powerful symbols of Ukrainian freedom and independence.

To understand Ukraine today is to see a country in danger of losing its national identity. Like the forced-famine genocide that occurred under Stalin in 1932-33, a genocide-by-Russification is occurring right now in Ukraine. Ukrainians make up the majority of the country's population but are being denied cultural and social freedom. Knowledge of the Russian language and assimilation into Russian culture are mandatory if one wishes to seek any kind of prominent position in Ukraine.

Shevchenko represents the spirit that is still alive in the hearts and minds of all Ukrainians—the hope for freedom, justice and independence. Certainly that was on the mind of young Ukrainian sailor Myroslav Medvid when he plunged into the Mississippi River last year. Ukrainians today long for the time when they can once again speak, assemble and worship freely. The long list of political prisoners in the country attests to the fact that this is not so.

Mr. Speaker, we must always keep the memory of Taras Shevchenko alive, lest we forget that Ukraine was once an independent country with a long, proud history all its own.

SUPPORT WALLOP-BREAUX, A SUCCESSFUL USER FEE PROGRAM

HON. LES AuCOIN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. AuCOIN. Mr. Speaker, today I am introducing a resolution to support the continued enhancement of our sport fishing resources through the Wallop-Breaux Trust Fund. Generated by excise taxes on sport-fishing equipment, a portion of motorboat gasoline taxes, and import duties on fishing equipment and pleasure boats, the Wallop-Breaux Trust Fund is a user fee program with more than a 30-year history of success. Millions of people who enjoy fishing pay these fees to ensure that fishing resources will continue healthy and growing for themselves and their children.

Ironically, the very success of this program appears to have made it a target for a raid by the administration. The President's budget proposes to transfer $25 million from the Wallop-Breaux Trust Fund to another account in the U.S. Fish and Wildlife Service for general activities. For the Congress to accept this proposal would be to surrender hard-won gains in sportfishing resource programs and would also break faith with those who have paid the fees.

Every State uses funding from Wallop-Breaux for projects ranging from habitat restoration and hatcheries to boating access facilities to research and education. In Oregon, a significant portion goes to the Salmon Trout Enhancement Program [STEP] in which volunteers and students by the hundreds build instream structures to create habitat, maintain streamside hatchboxes, and assist in research and education efforts. Approximately $135 million is expected to be available through the fund in 1987. Oregon's allotment of approximately $3 million assists in maintaining and enhancing a sport fishing industry that is worth well over $300 million to the State each year.

Mr. Speaker, I believe the anglers in this country understand how this user fee program works not only for them and for the economy but also for a healthy environment, and that is why they support it. Let us not disappoint those who paid the fee fully expecting revenues to be dedicated to sport fishing enhancement. I urge my colleagues to support this resolution and to reject the administration transfer of funds proposal.

The House resolution I am introducing reads as follows:

H. RES. 118

Whereas the Congress established the Sport Fish Restoration Account in 1950, through the Federal Aid in Fish Restoration Act (commonly called the Dingell-Johnson Act), to promote the conservation and improvement of natural resources for sport fisheries through the levying of taxes on certain recreational equipment to fund the Account;

Whereas the Congress enhanced the Account (now commonly called the Wallop-Breaux Trust Fund) in the 1984 Deficit Reduction Act by expanding revenue sources for the account, thereby enhancing a user fee program with a long history of success;

Whereas the Dingell-Johnson Act requires the revenues received from the tax to be automatically appropriated for return to the States annually, less limited administrative costs;

Whereas recreationists and conservationists have strongly supported this user fee program, helping States to identify needed projects, providing volunteer labor, and ensuring that required matching funds are appropriated by the States;

Whereas projects funded under this program in every State have greatly enhanced fishing opportunities and created economic benefits by restoring and enhancing habitat, improving and expanding hatcheries, supporting critical research and education in fisheries resources, and in other ways;

Whereas the Executive Branch has proposed transferring $25,000,000 from the Wallop-Breaux Trust Fund to the Resource Management Account of the Fish and Wildlife Service for general purposes in fiscal year 1988;

Whereas the proposed transfer would break faith with those who paid the user fees fully anticipating that the funds would go to enhance sport fishing resources: Now, therefore, be it

Resolved, That it is the sense of the House that—

(1) the Executive Branch should honor and carry out the automatic appropriation provisions of the Wallop-Breaux Trust Fund as required by law; and

(2) no changes should be made in the automatic appropriation provisions of the Wallop-Breaux Trust Fund as presently constituted by law.

NUCLEAR WINTER—A JOINT UNITED STATES-SOVIET STUDY IS NEEDED

HON. JERRY HUCKABY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HUCKABY. Mr. Speaker, today my distinguished colleague from Arizona, the Honorable MO UDALL, and I are introducing a resolution expressing the sense of the Congress that the United States should enter into a joint high-level scientific study with the Soviet Union to determine the long-term climatic and environmental effects of a nuclear exchange. Everyone is familiar with the immediate consequences of nuclear war, including radiation, blast and thermal effects, short-term radioactive fallout, inadequate medical attention for surviving casualties, and long-term biological effects of global fallout.

During the past year, however, the public's interest has been aroused by the scientific debate on the controversial theory that there would be a significant contamination of a large portion of the Earth's atmosphere. Preliminary calculations have suggested that this contamination could lead to cooling of many parts of the Earth's surface—the so-called "nuclear winter." This occurs when massive fires generate large quantities of smoke and fine dust which are carried into the atmosphere and result in the attenuation of sunlight in areas far removed from nuclear target zones.

The most detailed studies recently released here in Washington at a nuclear winter symposium confirm that these significantly lower temperatures would occur. But their extent and duration—and hence their potential impact on people and on the biosphere that supports the surviving population—have yet to be determined.

We believe that more indepth scientific evaluation is needed to determine the long-term climatic and environmental effects of a nuclear war. The impact of these severe surface air temperature reductions and the resulting effects on our fish and wildlife, water quality and resources, food supply, and forests must be thoroughly assessed.

It is appropriate that the United States and the Soviet Union, as the two nations with the most highly developed nuclear weapons arsenals and strategies, should jointly undertake the high-level scientific study that will be necessary to gain the requisite understanding of the problem. We recommend that the conclusions reached in this study would be included in any analysis of the consequences of nuclear war, and that they should also be considered in the nuclear weapons, arms control, and civil defense policies of the United States and the Soviet Union.

Mr. Speaker, we think this would be a worthwhile matter to pursue and we urge timely consideration and support for the passage of this measure.

ESTONIAN INDEPENDENCE DAY

HON. WILLIAM J. HUGHES

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. HUGHES. Mr. Speaker, February 24, 1987, marked the 69th anniversary of the proclamation of the independence of the Republic of Estonia. Before 1939, native Estonians celebrated this day of independence much like we as Americans celebrate our independence on the Fourth of July.

But in 1940, Estonia was invaded by Russia's Red Army and within 2 months, this country, along with the other Baltic nations of Latvia and Lithuania, was incorporated into the Soviet Union. Russians continued their occupation of these countries throughout World War II, and as of today, are still under Soviet oppression. For almost half a century, the people of Estonia, like inhabitants of Latvia and Lithuania, can no longer celebrate the freedom they once enjoyed.

Russian rule over these three Baltic countries in Eastern Europe has not gone without opposition. Nationalism is maintained by separate languages, economic prosperity, and a strong belief in the Christian faith. The Soviet invasion was not only a violation of international law but a violation of human rights. As a result, the United States and most Western countries have refused to recognize such a blatant aggression to this day.

For many Estonians fleeing the Soviet occupation of their native country, New Jersey became the site for their new home in America. After working in the factories of New York, large numbers of Estonians came to New Jersey in hopes of setting up a more permanent community. In 1949, the first Estonians came to South Jersey, settling in the small town of Seabrook. Here they were provided with jobs at Seabrook Farms while their children were educated in local schools. During that same year the Seabrook Estonian Society was established to sponsor many cultural events in commemoration of Estonian national holidays.

In 1950, a Lutheran congregation was organized and a church was set up to fulfill the spiritual needs of the growing Estonian community. The following year a school was built by the Estonians so that the children of Seabrook could learn the history, language, and customs of Estonia. The Seabrook Estonian population grew to some 800, and many of the younger students went on to receive higher levels of education and advanced degrees. Today, while the Seabrook population has declined to 300 Estonians, the desire to preserve their cultural identity has continued to grow stronger with each passing year.

Remembering those remaining under oppressive Soviet rule, Estonian Independence Day is marked to commemorate the hope that one day the citizens living within Estonia's boundaries will be able to celebrate a true Independence Day and see an end to Soviet rule of their country. Estonian-Americans have contributed their hard work and ethnic pride, adding a richness and diversity to the United States. By celebrating Estonian Independence Day we honor the determination and hope of a society that has become an important feature of the United States.

LEGISLATION TO HELP KAISER STEEL RETIREES

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. BROWN of California. Mr. Speaker, I enthusiastically support H.R. 1186, the Retiree Benefits Security Act, by my colleague, Representative LOUIS STOKES. This measure is vitally important to give union and nonunion employees and retirees an improved bargaining position against companies filing for bankruptcy. The smokestack industry in America is a victim of changing times. As one company after another fails, former employees are having their health and life insurance benefits cut, or canceled completely. It is these people, subsiding from month to month, who are among the forgotten sufferers in bankruptcy cases. They have devoted years of their lives to the company, and regrettably have very few realistic options when their health and life insurance benefits are canceled.

The Stokes legislation, a companion bill to one being introduced by Senator METZENBAUM, would give retirees and employees a fighting chance for their health and life benefits should their companies go bankrupt. Without this legislation, companies in bankruptcy are able to unilaterally cancel health and life insurance benefits. With this legislation, company trustees must negotiate in good faith with retirees before any modification in benefit payments are allowed. If the trustees and the retirees cannot come to a solution, then it will be left to the courts to decide.

The Stokes-Metzenbaum legislation was prompted by the problems of retirees of the LVT Corp. This bill, however, also addresses a problem that has become acute in California. Last week, the Kaiser Steel Corp., a Fontana-based steel and mining company, filed for bankruptcy. Just prior to Kaiser's announcement, retirees and employees lost their health and life insurance coverage because Kaiser stopped paying insurance premiums on the group policies. This disaster impacted 5,500 Kaiser employees and retirees who have all been told to find other coverage.

Mr. Speaker, Kaiser retirees are still floundering as a result of their former employer's financial troubles. The Kaiser Steel Corp. has ignored the fact that it is legally bound to continue health and life insurance benefits for workers and retirees under the language included in the continuing resolution passed by the 99th Congress. Whether or not Kaiser Steel will be forced to comply with the law is a matter for the courts to determine. Whatever the legal strategy is taken on behalf of Kaiser retirees, however, I am personally bound to do what I can to ensure former workers and retirees are afforded fair treatment and consideration. While I am sympathetic to the realities facing the business community, my heart goes out to the Kaiser retirees who must not be forgotten.

Although the situation with Kaiser Steel is more a matter of litigation than legislation at this point, congressional action will send a clear message to the courts that the Nation gives a high priority to its retired citizens. By passing the Retiree Benefit Security Act we will not only be helping the former employees of LTV and Kaiser Steel, we will be helping all retirees across America.

THE DISTRIBUTIONAL EFFECTS OF AN INCREASE IN SELECTED FEDERAL EXCISE TAXES

HON. JOE KOLTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. KOLTER. Mr. Speaker, I would like to submit the following study, "The Distributional Effects of an Increase in Selected Federal Excise Taxes."

THE DISTRIBUTIONAL EFFECTS OF AN INCREASE IN SELECTED FEDERAL EXCISE TAXES

This study was prepared at the request of Senator George J. Mitchell of the Committee on Finance, United States Senate. It was written by Frank J. Sammartino of the Tax Analysis Division under the supervision of Rosemary D. Marcuss and Eric J. Toder. Questions regarding this analysis may be addressed to Frank J. Sammartino (226-2688).

SUMMARY

Federal excise taxes accounted for $36 billion in 1985, or 5 percent of all federal revenues. Concern about the rising deficit has prompted some to consider increasing federal excise taxes. This analysis by the Congressional Budget Office shows the distributional effects, among income classes, of a simulated increase of $1 billion in gross excise tax revenues from separate increases in the excise tax on seven commodities: beer, wine, liquor, tobacco, gasoline, airfare, and telephone service.

The distributional effects of the tax increase are measured relative to family income and to total family expenditures. Because total expenditures generally are thought to reflect long-term incomes, total expenditures may be a better measure of a family's permanent economic situation than income in a single year.

When measuring the distributional effects relative to total expenditures, an increase in the airline ticket tax would be slightly progressive across income classes; the average increase in taxes as a percentage of total expenditures would be higher for families in higher income classes. Increases in the tax on wine or, for all but the highest and lowest income classes, the tax on gasoline would have the same effect on all income classes when measured as a percent of total expenditures. Increases in all other excise taxes would be at least marginally regressive; the average increase in taxes as a percentage of total expenditures would be less for families in higher income classes. An increase in the excise tax on tobacco would be the most regressive of all the tax increases considered.

TABLE 3.—AVERAGE EXCISE TAX FOR EXPENDITURES SUBJECT TO FEDERAL EXCISE TAX, BY INCOME CLASS, 1985

	All incomes	Less than $5,000	$5,000 to $9,999	$10,000 to $19,999	$20,000 to $29,999	$30,000 to $39,999	$40,000 to $49,999	$50,000 or more
Average combined excise tax	$252	$113	$129	$201	$267	$317	$353	$439
As a percent of income	0.95	4.89	1.74	1.36	1.08	0.92	0.79	0.61
As a percent of all expenditures	1.10	1.17	1.19	1.24	1.18	1.14	1.04	0.93
Share of combined excise tax	100.0	4.1	7.6	19.1	19.4	16.9	11.8	21.2
Average gasoline excise tax	$93	$37	$43	$73	$102	$121	$137	$161
As a percent of income	0.35	1.62	0.58	0.50	0.41	0.36	0.31	0.22
As a percent of all expenditures	0.41	0.39	0.39	0.45	0.45	0.43	0.40	0.43
Share of gasoline excise tax	100.0	3.6	6.8	18.8	20.0	17.4	12.4	21.0
Average beer excise tax	$17	$9	$9	$14	$19	$23	$23	$28
As a percent of income	0.06	0.37	0.12	0.10	0.07	0.07	0.05	0.04
As a percent of all expenditures	0.08	0.09	0.08	0.09	0.08	0.08	0.07	0.06
Share of beer excise tax	100.0	4.5	7.4	19.8	19.7	17.6	11.2	19.9
Average wine excise tax	$4	$2	$2	$3	$4	$5	$6	$8
As a percent of income	0.01	0.07	0.02	0.02	0.02	0.01	0.01	0.01
As a percent of all expenditures	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
Share of wine excise tax	100.0	4.0	6.3	17.3	17.8	16.5	12.5	25.7
Average liquor excise tax	$39	$17	$18	$29	$40	$50	$54	$76
As a percent of income	0.15	0.76	0.24	0.20	0.16	0.14	0.12	0.11
As a percent of all expenditures	0.17	0.18	0.16	0.18	0.18	0.18	0.16	0.16
Share of liquor excise tax	100.0	4.0	6.7	18.0	18.7	17.1	11.6	23.9
Average tobacco excise tax	$46	$24	$33	$42	$52	$58	$58	$52
As a percent of income	0.17	1.05	0.44	0.29	0.21	0.17	0.13	0.07
As a percent of all expenditures	0.20	0.25	0.30	0.26	0.23	0.21	0.17	0.11
Share of tobacco excise tax	100.0	4.8	10.6	22.1	20.9	17.2	10.6	13.8
Average telephone excise tax	$26	$14	$15	$21	$26	$32	$36	$47
As a percent of income	0.10	0.61	0.21	0.14	0.11	0.09	0.08	0.07
As a percent of all expenditures	0.12	0.15	0.14	0.13	0.12	0.11	0.11	0.10
Share of telephone excise tax	100.0	4.8	8.6	19.0	18.2	16.0	11.5	21.8
Average airfare excise tax	$27	$10	$10	$18	$24	$29	$39	$67
As a percent of income	0.10	0.43	0.14	0.12	0.10	0.08	0.09	0.09
As a percent of all expenditures	0.12	0.10	0.09	0.11	0.11	0.10	0.12	0.14
Share of airfare excise tax	100.0	3.4	5.7	16.3	16.8	14.8	12.5	30.5

Source: CBO tabulations based on data from Consumer Expenditure Survey: Interview Survey, 1982-83. Income and expenditure data have been aged to 1985 and adjusted for underreporting of taxable expenditures. Income includes individual excise tax liabilities.

CANCER PATIENTS EMPLOYMENT RIGHTS ACT

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. BIAGGI. Mr. Speaker, today I am proud to introduce legislation on behalf of a very special constituency—our Nation's more than 5 million cancer survivors. This large and ever-growing population has endured much and triumphed over many obstacles. Yet tragically, they continue to be victimized and stigmatized in our Nation's workplace. This is a grave injustice and one that must not be allowed to continue. It is time we provide these courageous conquerors fair and equal treatment in the workplace—and equal protection under the law.

My legislation, the Cancer Patients Employment Rights Act, will prohibit employment discrimination against persons on the basis of cancer history. It is a fight I have been actively involved in for almost 3 years. During this time, I have learned of the great indignities cancer survivors have suffered in our workplace ranging from job denial to wage reduction, exclusion from and reduction in benefits, lost promotions, and even outright dismissal. This is an outrage affecting one out of every four cancer survivors in this Nation.

There is good news on the medical front with respect to the fight against cancer. We have spent millions of dollars on cancer research and that investment is finally paying off. Today, in fact, 51 percent of people diagnosed with cancer will be cured. By the year 1990, 1 out of every 1,000 children reaching the age of 20 will be childhood survivors of the disease. This medical progress is expected to continue and the ranks of cancer survivors will continue to increase by the hundreds of thousands each year. Yet why have we spent an astronomical sum of money on cancer research, if our society does not permit those benefiting from the research—namely cancer survivors—full recovery and complete rehabilitation. Our Nation must provide persons with a cancer history fair and equal treatment in the workplace.

Under my legislation, an individual has the right to bring civil action against as employer if the employer engages in the following unlawful employment practices:

Fail or refuse to hire an individual or deny a promotion to a person because of a cancer history;

Limit, segregate, or classify employees in any way because of cancer history;

Require that an individual meet medical standards unrelated to essential job requirements or require any individual to reveal medical information unless necessary to reveal qualifications essential to job performance;

Retaliate against an employee if that person has opposed these unlawful practices or participated in an investigation or hearing;

Fail to make reasonable accommodations for an employee to fulfill essential job requirments.

My bill has two major purposes. The first is to outlaw employment discrimination against persons on the basis of cancer history. The second is to increase public awareness and understanding of this disease and, ultimately, the employability of cancer survivors.

I ask all of my colleagues to join me in support of this critically needed legislation. Last year both the House and Senate expressed their opposition to these discriminatory employment practices by passing a resolution I authored to provide cancer survivors fair and equal treatment in the workplace. That resolution was a first and firm step toward passage of this legislation—legislation to provide them equal protection under the law.

We reveal our cruelest side as a society when we allow discrimination of this kind against cancer survivors. Unless we are prepared to take legislative steps to combat it, we simply sanction its continuation. The need for a Federal law specifically outlawing employment discrimination against persons on the basis of cancer history is clear—and long overdue. Quite simply, our Nation can no longer afford to lose the productivity and contributions of these special citizens—"modern profiles in courage."

TOBACCO ADVERTISING: CONSTITUTIONAL RIGHT, OR WRONG?

HON. JOHN J. DUNCAN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. DUNCAN. Mr. Speaker, much has been written in past years about legislation banning the advertisement of tobacco products. Those of us who were in the Congress in 1971, remember well the debate surrounding the ban on cigarette ads on television and radio. Many Members and special interest groups, now support a total ban on tobacco advertising, expanding the present prohibition on television and radio to include magazines and newspapers. Even sporting and charitable events, whose primary sponsors are tobacco product manufacturers, would be prohibited from advertising the participation of the tobacco industry.

At the very heart of the debate is the cornerstone of this country's most revered constitutional amendment, the right of free speech and a free press. Any ban on tobacco advertising is such an enfringement, plain and simple. In fact, this enfringement could lead to the prohibition of advertising for a wide variety of products which may be found offensive by other special interest groups.

The American Bar Association has recently rejected proposals to lend support to efforts banning tobacco advertising, precisely because of the first amendment arguments. Other organizations rejecting such legislation include the American Advertising Federation, the American Association of Advertising Agencies, and the Association of National Advertisers.

At no time is it advisable for the Congress to take steps limiting the first amendment. Such legislative proposals should be soundly defeated.

A CHANCE AT GREATNESS: AMERICA'S ROLE IN WORLD TRADE

HON. GEORGE C. WORTLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. WORTLEY. Mr. Speaker, as leaders from business, labor and government grapple with proposals to improve America's ability to compete in the international marketplace, a few voices stand out from the crowd. Mobil Corp. is such a voice, and I submit the following remarks by Allen E. Murray, the chairman and CEO of Mobil, for the benefit of my colleagues. I do not share Mr. Murray's support for a new consumption tax, but his emphasis on the need to preserve the international trading system—with some necessary modifications—and to lower the budget deficit are imperative challenges for Federal lawmakers.

A CHANCE AT GREATNESS: AMERICA'S ROLE IN WORLD TRADE

Ninety-nine times out of a hundred, a speaker will begin by telling you how glad he is to be with you, and I'm certainly no exception. But I've got to admit that coming back to the oil patch these days is a source of mixed emotions. I'm genuinely happy to see so many old friends. At the same time, I share your concerns and your hopes for the energy industry that will emerge after the trauma of restructuring is behind us.

But that's not really my topic today. I decided a long time ago that I can't control the price of oil. So what I will talk about is something all of us, as concerned citizens with the right to speak our minds, can hope to influence. I want to share some of my concerns about American economic policy. And I'd like to compare America's policies with those of some foreign countries, and see what happens because of the differences.

To my mind, talking about international economic policies is really talking about international trade. I can't think of a single nation anywhere, at any time, that has attained a leadership role in world affairs and achieved a satisfactory standard of living for its people without foreign trade. In fact, I'd go another step and say that today, as in the past, the nations we call the great nations, at least in the free world, owe their status in no small measure to their success as trading nations.

This was true in ancient times of the Egyptians, Greeks, and Romans. It was true of the Phoenicians. It was true of the great city-states of Venice and Genoa. It was true to Holland, Spain, and Portugal. It was certainly true of Britain.

America didn't play a lead role until after the first World War. Up until then, trade wasn't too important to us. We were a big country, with lots of natural resources, and wary of foreign entanglements. We had a continent to tame and to build. We didn't have to give foreign trade the same high priority as the Europeans.

But today, we're neither as young, nor as self-sufficient, as we once were. The newest kids on the block, in economic terms, carry names like Japan, and Korea, and Brazil, and Taiwan. Most of them don't have our size or our resources. So they're dead serious about the role trade has to play in order for their people to prosper.

America, meanwhile, seems to view itself as it used be be. World trade is something our leaders largely seem to ignore—until some industry gets pinched by foreign competition and screams for protection. Or until somebody does some bookkeeping and realizes that we have a huge trade deficit. The proposed answer is usually an even louder cry for tariffs, or import quotas, or some other protectionist measures that would only make matters worse by triggering retaliation, trade wars, and the possibility of a worldwide depression. Am I being too grim? Well, the scenario I just outlined isn't very far from what occurred after Congress passed the Smoot-Hawley Tariff in 1930.

I'm not saying America should roll over and play dead in matters of international trade. There has to be reciprocity—what's come to be called the level playing field. But I am saying that trade is far too important to America—and the world economy—for hip-shooting and the quest for the quick fix.

The fact is, America does have the means to protect itself. Like our trading partners, we have statutes to enforce the GATT prohibitions against dumping and export subsidies. We have Section 301, which gives the President broad authority to retaliate against trade practices by foreign countries which are unfair, unreasonable, and discriminatory. In fiscal '86 alone, duties were imposed in 36 cases, 21 for dumping and 15 involving subsidies.

We have also chosen to negotiate trade differences, as witness the recent semiconductor agreement with Japan. That's perfectly proper; GATT itself is the product of ongoing negotiations. The agenda for the current round of talks is particularly relevant to U.S. needs, because such topics as non-tariff trade barriers, agricultural products, barriers to international investment, and the broad issue of counterfeiting are all included. To me, it hardly makes sense to send our negotiators off to the GATT talks to the accompaniment of a loud protectionist chorus here at home.

My answer to the protectionists is to state a fact they seem to ignore, namely that American businessmen, if given the opportunity, are no slouches at international trade. Yes, we do have a trade deficit that's currently running at an annual rate of some $150 billion a year. Yes, we do have a trade deficit with Japan, every protectionist's favorite whipping boy. But the fact remains that America, and not Japan, is the world's leading exporting nation. And in spite of our trade imbalance with Japan, we sell more American products to that country than to any other country in the world, except Canada.

In fact, U.S. merchandise exports all over the world between January and June of this year directly accounted for almost five-and-a-half million American jobs. If you count the jobs that are indirectly linked to the export trade, the count encompasses more than six percent of the American workforce.

Why, then, if we're such great traders, is the trade imbalance so huge? The trade deficit is part and parcel of the huge budget deficit—which was 220 billion dollars in the fiscal year just ended. The budget deficit keeps real interest rates in the U.S. higher than they should be, so we can keep attracting foreign capital to help finance the deficit. But that also means foreign companies can borrow at lower rates than their American competitors and gain an edge in world markets. The interest rates charged to industrial producers are lower in places like West Germany and Japan than they are here.

The budget gap, because it boosts interest rates, also acts to keep the dollar higher than it ought to be, and that's another handicap for American business. So to cut the trade deficit you must cut the budget deficit.

I know the dollar has fallen sharply against the yen and the mark. But it hasn't dropped against all currencies. It has remained fairly constant with the South Korean won, and the Brazilian cruzado, and the Canadian dollar, to cite just three. So our trade imbalance hasn't improved as quickly as we'd like. It's gotten better, and will improve even more. But that budget deficit still hangs over what could be a much rosier picture.

The trouble is, hardly anybody seems ready to trim the deficit. In the closing days of the Congressional session, anxious to leave town and hit the campaign trail, Congress did vote a budget that managed to slow the annual increase in spending from the level we've been accustomed to. But from what I read in the papers Congress didn't devote nearly as much time, thought, or effort to the deficit crisis as it did to revamping the tax code. Furthermore, the new tax bill, because it had to be "revenue neutral," won't do a thing to narrow the deficit. What it will do, however, is weaken the ability of American industries to compete against their foreign counterparts.

I'm sure most of us would agree that a tax hike of 120 billion dollars over the next five years can't help the competitive posture of American industry. I'm equally sure that the capital-intensive industries in particular will be weakened by the loss of the investment tax credit, less favorable depreciation, and the alternative minimum tax. And they happen to be the very industries facing the stiffest competition from overseas.

The multinational companies are hit especially hard by the tax bill, in areas involving the foreign tax credit and the allocation of interest expenses. That's particularly counterproductive, because the multinationals provide assured customers of American exports through their foreign affiliates. So if you weaken the ability of the multinationals to operate effectively abroad, you also directly eliminate some jobs in the U.S.

But here's the ultimate irony in the tax bill: Consumers with more money to spend because of lower individual tax rates could well use that cash to buy imported products, because American companies may be less able to compete. So we'll be hearing more protectionist cries, leading to more threats of retaliation, and we'll be back at the brink of a rash of trade wars. If that isn't Catch 22, what is?

What saddens me most is that Congress acted with no apparent thoughts to the realities of the world marketplace. Other countries favor their domestic industries. Our leaders often demand a level playing field—and then tilt it against us. In Japan, for example, the tax laws make it cheaper for companies to raise capital. They encourage individuals to save in tax-free accounts, and provide favorable tax treatment of dividends at the corporate and individual levels.

But the tax bill is only one way in which Congress seems to ignore the fact that American industry operates in a global marketplace, and not in a vacuum. Whenever there's a problem that requires money to solve, Congress enacts a special-purpose tax, aimed at an industry it rightly or wrongly considers wealthy enough to pay.

Consider, for example, the Superfund measure passed and signed only a few weeks ago. It's a program to clean up orphan waste dumps that will cost nine billion dollars over the next five years. To help pay for the new giant-sized version, the tax on a single industry—oil—was raised by more than 13 times, to two- and-three-quarter billion dollars over five years. No other industry was asked to pay anything close to this amount.

This congressional proclivity to look toward special taxes to meet societal problems tells me several things. It tells me that some of our political leaders have lost sight of fairness—of the concept that all of us should pay for those things that benefit us all. It tells me that some of our political leaders are willing to yield their duties of proper oversight, review, and supervision over earmarked funds. Instead, the funds are controlled by bureaucracies with their own priorities, direction, and momentum. Most important, it tells me how America's lawmakers regard America's role in the world economy.

Our lawmakers seem to have the attitude that if nobody worries about bolstering foreign trade, why should they. They discern no political constituency for jobs in export industries.

Our lawmakers sometimes seem immature. They cling to the earlier image of a Fortress America. They seem to think American business can keep paying tax after tax after tax and still whip the West Germans, Japanese, and South Koreans. They seem to forget John Wayne doesn't live here any more.

Our lawmakers still prefer a piecemeal, politically expedient approach when they attack a societal or environmental problem. Just add a brick to the load business has to carry, and never mind the foreign competition.

So much for the problems. How about the solutions? How do we get Congress to focus on the trade implications of its actions?

To its credit, Congress has cut spending, although it's still at a near-record percentage of GNP. The budget approved in mid-October seems to restrain defense expenditures, and limit everything else to a one percent hike. But that isn't going to make a real dent in the deficit.

I happen to think there's still room for more spending cuts. But if for political or other reasons they can't be made, then the only other way to narrow the gap is through additional revenue. I don't think that revenue will come from higher income taxes—not after the lengthy reform process. But the money will have to come from somewhere.

Last summer, some sentiment was voiced for a consumption tax, which I personally feel is our best hope to reduce the deficit. The idea seems dormant now, but when the next budget message is due in February, my hunch is the consumption tax will surface again. It's the only tax that captures revenue from the under-ground economy. More important, it remains the most logical way to reduce the deficit without hurting the nation's economic posture as a world competitor. It's levied on domestic consumption, including imports, but not levied on exports—perfectly acceptable under GATT rules. Maintaining our world role is, to me, among the most important challenges we face.

But it won't be an easy battle. In order to get our leaders' attention, we've got to create a constituency for international trade—and for America's position as a world-class trading power.

That means spreading the message about the role trade plays in our economy. To our employees. To our shareholders. To our customers. To our vendors. To our students. And, most important of all, to our political leaders.

I've said in the past, tongue-in-cheek, that we ought to build huge scoreboards, in both Houses of Congress, to keep a tally of how every bill that's discussed affects America's competitive stance. I know such scoreboards aren't about to be built. But if the business and academic communities can get vocal enough about world trade, and if we make enough people aware of its importance to American jobs and America's future, then we'd get the attention of Congress. We'd become the scoreboards—the vocal constituency for world trade that the country so badly needs.

When that happens, America won't have to worry about the West Germans, or the Brazilians, or the Japanese, or the Koreans. We won't be handicapping ourselves, and hurting ourselves. We've handled competition before, and we'd handle it again—on that fabled level playing field.

CALIFORNIA MILITARY LAND WITHDRAWALS OF 1987

HON. BEVERLY B. BYRON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mrs. BYRON. Mr. Speaker, today, I am introducing legislation which would withdraw certain Federal lands in California from public land laws for military purposes. These lands are within both Chocolate Mountain Aerial Gunnery Range and China Lake Weapons Center. The bill would rewithdraw these lands for a period of 15 years. While both of these areas have been used by the Department of the Navy since World War II, congressional approval of a withdrawal of these lands expired in the 1970's. For several years now, unsuccessful attempts have been made to help the needed legislation find its way out of the recesses of the administration's bureaucracy and into Congress. Now that it has, I believe that the time has come for Congress to act.

As a member of the Committees on Interior and Armed Services, I introduced H.R. 1790 in the 99th Congress which allowed the military to rewithdraw six different ranges located throughout the Western United States for military purposes. After a series of negotiations among all the interested parties, the bill was passed by both Houses under unanimous consent during the final days of the 99th Congress.

In order to remain true to my commitment to the agreements made last year, my new bill contains much of H.R. 1790's compromise language. Some of the identical language includes a 15-year withdrawal, a draft environmental impact statement which must be completed no later than 12 years after the law's enactment, and a requirement for ongoing decontamination efforts. Mr. Speaker, for once, I believe that I can say at the beginning of the process that this bill is already consensus legislation at its best. I urge my colleagues to support its passage.

STATUE OF LIBERTY FEE BILL

HON. FRANK J. GUARINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mr. GUARINI. Mr. Speaker, for over a century now the Statue of Liberty has symbolized the freedom which all Americans enjoy. I consider the imposition of a fee at the entrance of this national shrine inappropriate and cheapening.

The American public has contributed generously to renovate and restore the Statue of Liberty. It now stands in the forefront of our country's national symbols as a place truly belonging to all our Nation's citizens. Generations of Americans, countless immigrants, and millions of newcomers to our shores have embraced this monument to the opportunity which our land possesses. There is indeed a part of every American in this statue.

It is inappropriate to put a price tag on Liberty, and impose a fee at this focal point of national consciousness. Last month an entrance charge of $1 was imposed on each visitor to the statue. Mr. Speaker, this is a slap in the face to all those who reached into their pockets to support the Centennial Commission's plans to renovate Lady Liberty.

I am not taking issue with the establishment of entrance fees at other national parks. The 1987 appropriations bill made it clear that there is a need to generate revenue for the upkeep of large nonurban parkland. The Statue of Liberty is distinctly a National Park Service facility in one of the most densely populated urban areas of the United States. The public should not be restricted from visiting this monument which provides residents in this great metropolitan area with needed recreational space.

In addition, the Statue of Liberty should represent the bounty which our Nation makes available to all its citizens. This gift from France was intended to commend our Nation's founders for their perpetual commitment to the principles of freedom. Any restrictions on public access to this place simply will not do.

Today I am joined by my colleagues from both sides of the aisle and both sides of the Hudson River in introducing legislation which will prohibit the collection of an entrance fee at the Statue of Liberty. We recognize that the Statue of Liberty holds a unique place among the sites held in trust by the National Park Service. As a gift commemorating our Founding Father's commitment to the principles of freedom, as a symbol of the bounty which America offers to its people and as a prominent park in our Nation's largest urban area, we oppose any restriction on admission to the Statue of Liberty. Mr. Speaker, I respectfully urge my colleagues' support of this worthy legislation.

MRS. HELEN BENTLEY HONORED BY U.S. PROPELLER CLUB

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 11, 1987

Mrs. BOGGS. Mr. Speaker, one of our colleagues, HELEN DELICH BENTLEY, of Maryland, was honored this week by the U.S. Propeller Club in its annual salute to the Congress. HELEN is only the third recipient of the award, sharing this honor with former House Speaker Tip O'Neill and former Senator Russell Long.

Recognized as an international authority on the merchant marine, HELEN BENTLEY'S opinions and expertise is eagerly sought by the many supporters of this historic industry. Her speech on Tuesday night contained so many insights on the plight not only of the maritime and its allied industries, but also on the eroding industrial base that I feel it imperative that the House have the benefit of her thoughts on this critical issue.

Mr. Speaker, I am submitting the complete text of Congresswoman BENTLEY'S speech for the RECORD today.

MARITIME INDUSTRY SALUTE TO CONGRESS AWARD ACCEPTANCE SPEECH GIVEN BY THE HONORABLE HELEN DELICH BENTLEY

Good evening, ladies and gentlemen. It is a great honor to be named as the recipient of the Maritime Industry Salute to Congress Award, especially in light of the high esteem in which I hold both the maritime industry and this award.

Tonight's event is a wonderful opportunity for all of the representatives of American maritime and port interests to see old friends and meet new ones. It is quite noticeable that as the years go by, this maritime group seems to become smaller and more exclusive. I guess only the toughest ones survive.

As you all know, I am not one to miss a golden opportunity to discuss maritime issues. However, I will make my remarks short and sweet—Helen Bentley style.

I've been around the maritime industry a long time. I can vividly recall when I started to cover Congressional hearings thirty-seven years ago—how everyone in Washington was lamenting the decline of the American merchant marine and complaining that government agencies and bureaucrats were indifferent to that industry's problems.

Everywhere I went, I heard the same litany: we must re-vitalize our merchant marine because it is our fourth arm of defense. We must develop and implement a national maritime policy.

When I was elected to Congress in 1984 and returned to Washington, I really was not surprised to hear the same woeful refrain that I heard thirty, twenty, and ten years ago: "We must re-vitalize our merchant marine because it is our fourth arm of defense. We must develop and implement a national maritime policy.

I could stand up here tonight and repeat that same litany that you've all heard so many times before and probably get away with it because misery loves company. Let's face it, the maritime industry is definitely experiencing its worst depression in years.

I could get away with it because each of you here tonight almost expects to hear the same song—each of you here knows that I can not offer any quick solutions.

With the exception of the Nixon Administration—which did make a commitment to a shipbuilding program to build 300 commercial ships in U.S. shipyards over a ten year period—all of the other seven administrations during my maritime years have ignored the problems of the maritime industry. We can spread the blame around, because both Republican and Democrat administrations are guilty.

Well, when I returned to Washington as a Congresswoman in 1984, I realized the possibilities of any new subsidies, and significant domestic construction programs or any significant new national maritime policy were beyond reach—especially in view of the budgetary restraints and economic realities we must face today.

So, instead of fighting windmills and making futile attempts to accomplish the impossible, I tried a piecemeal approach. Concluding that some relief to our maritime industry would be better than none, I did some research and attacked those government agencies that were guilty of ignoring and even violating our Cargo Preference laws.

After gathering hard evidence of cargo preference violations, I went public with my charges. Many of you here tonight are aware of the fight that ensued between myself and certain bureaucrats in certain federal government agencies. I was astonished—not only at the indifferences shown by these agencies towards the problems of the maritime industry, an industry which is so essential to our economy and our defense posture, I was astonished to discover a belligerence, an animosity directed at the maritime industry that was difficult to understand.

It is an animosity that has become so entrenched that it is now institutional in nature. I am constantly amazed how each succeeding administration views its obligations and priorities. It seems to have become a moral imperative to cater to the whims and wishes of everyone except the American taxpayer—the ones who supply the grease for the pork barrel.

A case in point. The Agency for International Development. The acronym is A.I.D. or "aid" as it is known to its friends—at least, those overseas.

22 U.S.C. Section 292 states, ". . . notwithstanding any other provision of this or any other Act, the President is authorized to furnish assistance to any foreign country. . . . as he may determine, for international disaster relief. . . ."

A.I.D. has interpreted this Section to mean that the CARGO PREFERENCE ACTS DO NOT APPLY TO THIS CARGO. So under this program, millions of tons of aid, purchased by American taxpayers, and shipped from our shores, will be transported on foreign-flag vessels. This came across my desk today, so it will be the very first skirmish we undertake tomorrow.

The thing that perplexed me most about this hostile attitude was that it was self destructive. Blinded by their own narrow interest, entrenched bureaucrats from the Department of Agriculture or the Defense Department or other agencies were defying certain laws just because they could get cheaper transportation on foreign-flag bottoms. All they could think about was saving a few bucks from their budget, making themselves look good and trying to impress their supervisors.

They must begin realizing that by undermining the maritime industry, they are being unpatriotic and hurting their country because they are slowly destroying a vital segment of an integrated system.

They must realize that eventually—sooner, or later—once they have done serious damage to the maritime industry, the adverse impact upon our total economy will also hurt their special interests.

Initially, we tried to fight this hostility by dealing with individual personalities within the agency. Cajoling and attacks through the media failed. Attempting to educate enemies of cargo preference also didn't work. Nothing did!

Gradually, it became apparent that we were not just up against a few obstinate individuals suffering from tunnel vision. It was something far more ominous . . . we were fighting a collective mentality, an inbred, generations-old bureaucratic hostility that was programmed to think in narrow self interests and took a "to hell with everybody else" attitude.

Because I now comprehend the full enormity of the problem, I am here tonight to tell you that what we are up against concerns far more than just our maritime industry.

The decline of the maritme industry foreshadowed the decline of America's industrial base, and our nation is already in the second phase of a true crisis.

So, tonight, instead of just talking to you about the maritime industry, I am going to talk about all American industries because we are dealing with a root cause that affects them all.

I am seriously concerned about the loss of America's industrial base, and if any of you have been following my recent speeches and actions, you are probably aware that I consider this problem a threat to the basic foundation of our nation.

In GNP growth this past year, America was at the bottom of the list of industrialized nations, trailing even Sweden and Norway, strong bastions of socialism. Industrial rot is epidemic in America. Once thriving U.S. plants stand empty and shuttered.

In my own Congressional district, Bethlehem Steel Corporation's vast sprawling steel mills and its adjacent Sparrows Point shipyard—once major employers of skilled highly paid workers—are operating far below capacity and struggling to survive. This local picture is a microcosm of a national crises.

Many economists would have us believe these alarming economic trends are merely signs of a new re-industrialization as America moves towards a service economy based on high technology. We are told the loss of traditional American industries—such as steel and iron production, foundry capacity, mining and smelting, and heavy manufacturing—is irrelevant to the United States in this new world of high technology.

The bottom line is that American industries are being destroyed by cut-throat competition because we are allowing the United States to become the dumping ground for cheaper foreign products that are being sold at below fair-market prices.

These momentous policy decisions which have such far-reaching implications upon our future national well-being have been and are being made in what amounts to a vacuum without adequate national dialogue. Although preceding administrations have given lip service to the value of American industries, and the present administration is now talking about "competitiveness" and the burgeoning trade deficit is now high on our Congressional agenda, the total problem embracing all aspects of the alarming decline of America's industrial base has yet to be fully addressed.

Oblivious to our accelerated slide into an economic quagmire, entrenched bureaucratic and economic "experts" working in compartmentalized government agencies continue to make arbitrary decisions which constitute a threat to both our economic health and national security.

On February 17, The Baltimore Sun carried a story on its business page that illustrated the scope and magnitude of government indifference. It noted that an advisory body to the Department of Defense in a 103-page report warned the United States is losing its competitive edge in semiconductor chip technology and manufacturing knowhow. The report found and I quote: "that a significant number of the chips used in some of the newest weapons systems are either entirely made, packaged or tested abroad, potentially putting the United States at the mercy of foreign sources."

The same report also stated that expertise needed to manufacture other important weapons system devices, including those used in radar, surface warfare systems and laser-guided bombs is now almost completely anchored in Japan and Korea.

Because of the need for a national debate and a national consensus on the direction this country is taking as we move toward the 21st Century, I am urging the formation of a commission of the best and most innovative minds from our private sector to create a Marshall Plan for America. Such a group would not only be responsible for addressing national economic problems—it should and must raise the level of consciousness in this country as to the critical need for establishing broad national economic priorities and for long-range plans to implement those priorities.

Almost forty years ago, the United States embarked on a plan to restore and re-vitalize the war-torn economies of Europe and Asia. Named for Secretary of State George C. Marshall who created it, the Marshall Plan became a spectacular success. It was an integrated economic plan designed to rebuild the destroyed manufacturing facilities and infrastructures of our World War II enemies; it re-instituted labor unions and guilds and implemented a trading structure—the General Agreement on Trade and Tariffs (GATT)—which would allow those defeated nations to become competitive and re-enter world markets.

Ironically, the balance of payments deficit now strangling our own national economy is powerful testimony to the success of George Marshall's dream. Our old World War II enemies, Germany and Japan, have emerged as industrial giants, while the United States, the benefactor and the architect of their marvelous industrial recovery, has become a debtor nation.

This intolerable situation must be reversed, but what is required is drastic and sweeping action, such as a Marshall Plan for America.

A Marshall Plan for America would need a major innovative new technology—a revolutionary engine—a revolutionary form of locomotion—which would create demand in all sectors of the economy for retooling and rebuilding on the ruins of the old industrial base.

A far-a-way dream? Not on your life. High tech ceramic engines are already built in prototype. Cummings Engine is running a large truck rig with a ceramic engine which is almost 100% fuel efficient on gasahol.

Electromagnetic locomotion for a train in northern Germany is on the drawing boards. Were we to commit ourselves as a nation to this technology, the cities of New York and Washington would be one hour apart. Imagine the changes we would see in the northeast corridor of the United States.

Look at the strengths of America for the last two hundred years! Great agricultural resources—great natural resources—great skilled laborers. Much of that wealth is now being perceived as a burden. Grain storage costs are eating us alive; mines and forges, smelters and plants are closed; skilled labor on the highways are being displaced in the "Rust Belt" by destroyed industries.

With a high tech ceramic engine, we can become energy self sufficient and use every kernel of grain we produce. The staggering cost of wasting the wealth of our fields can become money spent productiviely on handling our internal deficit. Independence from Middle Eastern politics can lower our defense costs and make us more secure in the world.

Ceramics should be a great promise to our industries, not a threat. As a technology, it is an extension of many of our old line technologies . . . glass making and steel, machine tools and foundries. Ceramics are poured and molded, drilled and alloyed.

Think of it—a revolution for America in the twenty-first century! To this end, I will introduce a House Joint Resolution next week to create a Commission composed of industrial, technical, economic and educational experts from the private sector to address our chronic economic problems by establishing clear national priorities and long-range goals. A Commission to consider our strengths as we assess the size of our losses—economic and industrial.

I realize that a House Joint Resolution is just that—a resolution—accomplishing little other than focusing attention to a problem. But, even that is important.

However, we are not stopping there. Already, we have been studying other avenues where substantive legislative changes should be made—changes that can make the difference. We are involved in trying to bring these changes about as part of the overall effort to move America forward once again.

The road to recovery might be long and hard, but we must turn this country around. We must begin the long journey back to a time when we worked together as Americans for the common good, not for some faceless bureaucracy. We must change ingrained mental attitudes and shift the focus from selfish, vested interests.

We must revive the spirit of teamwork. Don't just think about the maritime industry—think about and promote all American industries.

It is time to recognize we are backing, without direction, into a position of economic and industrial dependence on the rest of the world.

It is time to admit this position is untenable, and that aggressive, inspired leadership is necessary to initiate the sweeping changes we so desperately need. It is time to re-invest in America. Thank you.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Thursday, March 12, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 13

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Forest Service, Department of Agriculture.
SD-192

Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on uranium mining, reclamation, and enrichment.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Science and Technology Policy.
SD-124

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings to review the economic and foreign policy implications of the decline of the U.S. dollar.
SD-419

Governmental Affairs
Federal Spending, Budget, and Accounting Subcommittee
To hold hearings on the results of a General Accounting Office survey regarding the accounting procedures and processing of seized cash and property by Federal agencies.
SD-342

Labor and Human Resources
Employment and Productivity Subcommittee
Business meeting, to consider S. 514, to establish an incentive bonus to States which successfully train and employ long-term welfare dependents, and amendments proposed thereto.
SD-340

Special on Aging
To hold hearings to review the President's proposed budget request for fiscal year 1988 and its impact on programs for the elderly.
SD-628

MARCH 16

10:00 a.m.
Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense.
S-407, Capitol

Foreign Relations
Terrorism, Narcotics and International Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs, focusing on the international narcotics program.
SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

Labor and Human Resources
To hold joint hearings with the House Committee on Education and Labor's Subcommittee on Elementary, Secondary, and Vocational Education on proposed legislation authorizing funds for programs of the Elementary and Secondary Education Act and the Education Consolidation and Improvement Act.
2175 Rayburn Building

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on reclamation programs of the Department of the Interior.
SD-192

2:30 p.m.
Armed Services
Defense Industry and Technology Subcommittee
To hold hearings to review the status of the defense industrial base.
SR-232A

MARCH 17

9:30 a.m.
Armed Services
Readiness, Sustainability and Support Subcommittee
To resume open and closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on depot maintenance, supply and spare parts programs.
SR-222

Banking, Housing, and Urban Affairs
International Finance and Monetary Policy Subcommittee
To resume oversight hearings on export controls.
SD-538

Environment and Public Works

Superfund and Environmental Oversight Subcommittee

To hold hearings to examine issues surrounding the dumping of PCB's by the Texas-Eastern Gas Pipeline Company in West Amwell, New Jersey.

SD-406

Governmental Affairs

To resume oversight hearings to review nuclear reactor safety issues at Department of Energy facilities.

SD-342

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on a Veterans' Administration compliance with a discovery request of NARS vs Turnage.

334 Cannon Building

Select on Intelligence

To resume closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Food and Nutrition Service, and the Human Nutrition Information Service.

SD-138

Appropriations

Defense Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense, focusing on Army aviation programs.

SD-192

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-146, Capitol

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Bureau of Standards, Office of Productivity, Technology, and Innovation, and the National Technical Information Service, all of the Department of Commerce.

SR-253

Finance

To hold hearings on proposed legislation to improve enforcement of trade agreements, focusing on sections 301 and 303-306 of S. 490, Omnibus Trade Act, sections 111-118 of H.R. 3, Trade and International Economic Policy Reform Act, and section 5007 of S. 539, Trade, Employment, and Productivity Act.

SD-215

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.

SD-192

Energy and Natural Resources

To hold hearings on the nominations of Lawrence F. Davenport, of Virginia, to be an Assistant Secretary of Energy (Management and Administration), Raymond G. Massie, of New Jersey, to be Director of the Office of Minority Economic Impact, Department of Energy, and James W. Ziglar, of Maryland, to be an Assistant Secretary of the Interior (Water and Science).

SD-366

Select on Intelligence

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

MARCH 18

9:30 a.m.

Armed Services

Manpower and Personnel Subcommittee

To resume hearings on proposed legislation authorizing funds, for fiscal years 1988 and 1989 for the Department of Defense, focusing on military health care.

SR-232A

Energy and Natural Resources

To hold hearings on proposed legislation to authorize and extend the Price-Anderson Act, relating to procedures for liability and indemnification for nuclear incidents.

SD-366

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on the health effects of ozone and carbon monoxide in nonattainment areas.

SD-406

Governmental Affairs

Permanent Subcommittee on Investigations

To hold hearings on federal drug interdiction, focusing on command control, communications, and intelligence.

SD-342

Rules and Administration

To resume hearings on S. 2, S. 50, S. 179, S. 207, S. 615, and S. 625, bills to provide for spending limits and public financing for Senate general elections.

SR-301

10:00 a.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on NATO infrastructure and burden-sharing.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.

S-146, Capitol

Finance

To hold hearings to examine the impact of the trade deficit on certain American workers, focusing on provisions relating to workers' rights of S. 490, Omnibus Trade Act, and H.R. 3, Trade and International Economic Policy Reform Act, and on the trade adjustment assistance program as provided for in S. 490.

SD-215

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

2:00 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on solar and renewables, energy research, and environment.

SD-138

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to review fairness in public broadcasting.

SR-253

Select on Intelligence

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

MARCH 19

9:30 a.m.

Governmental Affairs

Oversight of Government Management Subcommittee

To hold oversight hearings on the Independent Counsel Act.

SD-342

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.

SD-124

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-126, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Highway Administration, and the National Highway Traffic Safety Administration, Department of Transportation.

SD-138

Armed Services

Strategic Forces and Nuclear Deterrence Subcommittee

To resume closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense.

S-407, Capitol

Finance

To hold hearings to review catastrophic health insurance issues, focusing on the impact of catastrophic health insurance on consumers and health care providers.

SD-215

Labor and Human Resources

To hold hearings on S. 557, Civil Rights Restoration Act of 1987.

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.

SD-192

Select on Indian Affairs

Business meeting, to consider S. 136, to establish a health promotion and disease prevention program to serve Native Hawaiian communities, and S. 360, to improve the education status of Native Hawaiians.

SR-485

Select on Intelligence

To continue closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

MARCH 20

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Treasury, and the National Treasury Employees Union.

SD-116

Governmental Affairs

Oversight of Government Management Subcommittee

To continue hearings on the Independent Counsel Act.

SD-342

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.

SD-124

MARCH 23

9:30 a.m.

Finance

Taxation and Debt Management Subcommittee

To hold hearings to review the revenue increases proposed in the President's proposed budget for fiscal year 1988.

SD-215

10:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, and the Federal Election Commission.

SD-116

2:00 p.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabilization and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.

SD-138

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.

SD-192

MARCH 24

9:30 a.m.

Commerce, Science, and Transportation

Business meeting, to consider pending calendar business.

SR-253

Governmental Affairs

Permanent Subcommittee on Investigations

To resume hearings on Federal drug interdiction, focusing on command control, communications, and intelligence.

SD-342

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-126, Capitol

Labor and Human Resources

Labor Subcommittee

To hold hearings on overfunding and underfunding on pensions.

SD-430

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Aeronautics and Space Administration's Space Station Program.

SR-253

Judiciary

To resume hearings on the President's proposed budget request for fiscal year 1988 for the Department of Justice, focusing on the Immigration and Naturalization Service.

SD-226

2:30 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold hearings to review the current status of renewable energy technologies.

SD-366

MARCH 25

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

10:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.

SD-138

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Navy and Navy Reserve Components.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State, and the U.S. Arms Control and Disarmament Agency.

S-146, Capitol

Labor and Human Resources

Business meeting, to consider pending calendar business.

SD-430

MARCH 26

9:00 a.m.

Office of Technology Assessment

The Board, to meet to consider pending business.

Room to be announced

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the Federal Aviation Administration's management of the airport and airway trust fund.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on State and local government control efforts in nonattainment areas.

SD-406

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.

S-126, Capitol

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearing on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.

SD-192

Finance

To resume hearings to review catastrophic health insurance issues, focusing on the role of private insurance and financing alternatives for catastrophic protection.

SD-215

Labor and Human Resources

Employment and Productivity Subcommittee

Labor Subcommittee

To resume joint hearings on S. 538, to implement the recommendations of

the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation.
SD-430

2:00 p.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary and the Office of the Inspector General, Department of Transportation.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Telecommunications and Information Administration, Department of Commerce.
SD-253

2:30 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume hearings to review the current status of renewable energy technologies.
SD-366

MARCH 27

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

Finance
Health Subcommittee
To hold hearing to examine the role and performance of utilization and quality control peer review organizations under the Medicare program.
SD-215

MARCH 30

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, international narcotics control, and anti-terrorism assistance.
SD-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 1

9:00 a.m.
Veterans' Affairs
To hold hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Air Force and Air Force Reserve Components.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.
SD-116

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 2

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the St. Lawrence Seaway Development Corporation, and the Architectural Transportation Barriers Compliance Board.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 58, to make permanent and increase the income tax credit for increasing research activities, and proposals regarding the allocation of domestic research expenses.
SD-215

APRIL 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on the Caribbean Basin Construction Program.
SD-192

APRIL 7

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the implementation of the airport improvement program.
SR-253

2:00 p.m.
Energy and Natural Resources
Research and Development Subcommittee
To hold hearings on the President's budget request for fiscal year 1988 for the Department of Energy's Office of Energy Research for the Superconducting Super Collider (SSC).
SD-366

APRIL 8

9:00 a.m.
Appropiations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

9:30 a.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the national airspace system plan.
SR-253

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and nuclear waste management.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Securities and Exchange Commission and the Civil Rights Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.
SD-192

APRIL 9

9:30 a.m.
Energy and Natural Resources
Research and Development Subcommittee
To resume oversight hearings on clean technology program.
SD-366

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.
SD-138

1:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.
SD-192

APRIL 10

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.
SD-192

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.
SD-124

APRIL 21

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.
SD-192

APRIL 22

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.
SD-192

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Small Business Administration, and the Federal Trade Commission.
S-146, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.
SD-116

APRIL 23

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Earthquake Hazards Reduction Act (P.L. 95-124).
SR-253

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Army and Army Reserve Components.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.
SD-116

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.
SD-192

2:30 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.
SD-138

APRIL 24

10:00 a.m.
Appropriations
HUD-Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.
SD-124

APRIL 27

10:00 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.
SD-192

APRIL 28

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.
S-126, Capitol

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.
SD-192

APRIL 29

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Attorney General, Immigration and Naturalization Service, and the Federal Prison System.
S-146, Capitol

APRIL 30

9:30 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.
SD-124

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.
S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.
SD-192

MAY 4

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 5

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-138

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council.
SD-138

MAY 6

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on defense agencies.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals Service.
SD-146, Capitol

2:30
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 7

9:00 a.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.
SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (FAA operations).

SD-138

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 8

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (R, E&D, F&E, airport grants).

SD-138

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 12

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation, and the Equal Employment Opportunity Commission.

S-146, Capitol

MAY 13

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.

S-126, Capitol

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.

S-146, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 14

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.

SD-138

MAY 15

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.

SD-124

MAY 20

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.

S-146, Capitol

JUNE 23

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.

SD-192

CANCELLATIONS

MARCH 12

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Indian Education.

SD-192

MARCH 18

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

MARCH 23

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.

SD-366

HOUSE OF REPRESENTATIVES—*Thursday, March 12, 1987*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, O God, for the spirit of forgiveness in our lives, for that manner of love that transcends the barriers of anger and hatred. We pray that the suspicions and hurts of days past, those attitudes that darken our spirit, be put aside by the overwhelming power of Your reconciliation. And may we, recognizing the bonds we have together as Your people, move forward to know our potential as Your ambassadors of peace and good will. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

NET WORTH CERTIFICATE PROGRAM SHOULD BE RETAINED

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, on February 4, 1987, the House passed and sent to the Senate H.R. 431. The House bill contains several important tools to help the Federal bank regulators deal with troubled financial institutions. It extends, until September 15, 1987, the authority contained in titles I and II of the Garn-St Germain Act to make emergency interstate acquisitions of closed institutions and permits the regulators to issue net worth certificates which give institutions additional time to improve their financial condition.

The bill also contains a temporary extension of the National Credit Union Administration's conservatorship and merger authority. I would like to advise Members at this point that upon completion of this bill I plan to ask unanimous consent to consider a bill that the gentleman from Ohio [Mr. WYLIE] and I introduced to make permanent the NCUA conservatorship and merger authority.

When H.R. 431 was considered in the Senate, an amendment was adopted deleting the Net Worth Certificate Program. Net worth certificates were first authorized in the Garn-St Germain Act of 1982. Since that time, the bank board has assisted over 120 institutions with this program.

I fail to see the wisdom of terminating net worth certificates at a time when the Federal Savings and Loan Insurance Corporation is under continuing pressure.

EXTENDING CERTAIN PROVISIONS OF GARN-ST GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 431) to extend until September 15, 1987, the emergency acquisition and net worth guarantee provisions of the Garn-St Germain Depository Institutions Act of 1982, with Senate amendments thereto, and disagree to the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, strike out lines 1, 2, and 3.

Page 2, line 4, strike out "(c)" and insert "(b)".

Page 2, lines 4 and 5, strike out "or section 206(a)".

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, I do not intend to object, the chairman of the committee has already adequately explained the reason why we are here and the reason why we want H.R. 431 passed this morning.

Mr. Speaker, I rise to join the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, in urging the amending and adoption of H.R. 431.

Mr. Speaker, the very important authorities that H.R. 431 would revive and extend expired on October 13 of last year. These authorities were originally authorized by the Garn-St Germain Act in 1982 and provide the Federal banking regulators with valuable additional tools for dealing with troubled and failing financial institutions. They include measures permitting the regulators to arrange interstate mergers of failed institutions, conservatorship authority for the National Credit Union Administration, and the Net Worth Certificate Program.

The House took action to revive and extend all of these provisions on February 4. Unfortunately, the other body has seen fit to strike the Net Worth Certificate Program. While some have expressed doubts about the effectiveness of the Net Worth Certificate Program, I believe there is general agreement that it provides a valuable additional option—particularly for the Federal Home Loan Bank Board—in dealing with troubled institutions. Given the problems confronting the regulators, now is not the time to limit, in any fashion, the options available to the regulators. Therefore, I urge my colleagues to support the chairman's amendment to restore the net worth certificate provision and to support final passage of H.R. 431.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

A motion to reconsider was laid on the table.

MAKING PERMANENT CERTAIN AUTHORITY OF NATIONAL CREDIT UNION ADMINISTRATION BOARD

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that the Committee on Banking, Finance and Urban Affairs be discharged from further consideration of the bill (H.R. 1562) to make permanent certain authority of the National Credit Union Administration Board, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

Mr. WYLIE. Reserving the right to object, Mr. Speaker, I do so in order to allow the committee chairman an opportunity to explain H.R. 1562.

Mr. ST GERMAIN. Mr. Speaker, will the gentleman yield?

Mr. WYLIE. I yield to the gentleman from Rhode Island.

Mr. ST GERMAIN. Mr. Speaker, the ability to use conservatorships, rather than outright liquidations, has saved the credit union insurance fund substantial sums and has enabled NCUA to remedy problems within sick credit unions. Without this authority, NCUA is faced with taking drastic action to close credit unions and charge the liquidation costs to the insurance fund.

Unfortunately, Mr. Speaker, the authority for the conservatorship died last October when titles I and II of the Garn-St Germain Depository Institutions Act expired. The House passed a renewal of the act on February 4, but the Senate has disagreed on an unrelated section of the act.

Thus, today, we are proposing that the conservatorship authority, which is noncontroversial in both Houses, be acted on separately from the extension of the Garn-St Germain Act. Mr. Speaker, we know of no opposition to granting the NCUA this important authority, and we hope the House will agree to this bill today.

It is simply a bill to give the credit union regulator some flexibility in dealing with problem credit unions and the ability to save valuable insurance funds.

At the moment, Mr. Speaker, I am informed that NCUA has several credit unions that have serious problems where the conservatorship is needed. So it is important that we move expeditiously.

Mr. WYLIE. Further reserving the right to object, Mr. Speaker, I join the distinguished chairman of the Committee on Banking, Finance and Urban Affairs, and compliment him for urging immediate passage of this bill to revive and make permanent the National Credit Union Administration's conservatorship authority.

Conservatorship authority has been extremely useful to the NCUA. This authority gives the NCUA a valuable additional option in dealing with a troubled credit union. Under the authority, rather than closing such an institution, the NCUA, as conservator, can step in with new management and keep the credit union operating while its problems are resolved. Of course, this enables the credit union to continue serving the needs of its members. The credit union's new management, can, in effect, be given breathing room to assess the situation and develop an operational plan for returning the institution to a healthy condition.

A further significant point is that conservatorship authority has saved the share insurance fund a substantial amount of money—more than $43 million over the approximately 4-year period it was available.

Mr. Speaker, as stated earlier, the NCUA's conservatorship authority lapsed on October 13 of last year. Although H.R. 431, which the House just acted on, would revive and temporarily extend this authority until September 15, this measure to make that authority permanent is needed now. Unlike the other provisions being revived and extended in H.R. 431, credit union conservatorship authority should not be regarded as an emergency device designed to enable the NCUA to cope with time-limited difficulties. Rather, this authority will be needed and is necessary on an ongoing basis to keep the share insurance fund, which the industry itself recapitalized several years ago, a strong fund. Adoption of this measure will give the NCUA authorities comparable to those already possessed on a permanent basis by the Federal Home Loan Bank Board.

There are some immediate problems confronting the NCUA which this authority would be extremely useful in resolving.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 141(a) of the Garn-St Germain Depository Institutions Act of 1982 is amended—

(1) by striking out paragraph (8);

(2) by inserting "and" after the semicolon at the end of paragraph (6); and

(3) by striking out "; and" at the end of paragraph (7) and inserting in lieu thereof a period.

(b) No amendment made by section 141(a)(8) of the Garn-St Germain Depository Institutions Act of 1982 to any other provision of law shall be deemed to have taken effect before the date of the enactment of this Act and any such provision of law shall be in effect as if no such amendment had taken effect before such date of enactment.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ST GERMAIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the two pieces of legislation just adopted.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

APPOINTMENT AS MEMBERS OF COMMISSION FOR THE STUDY OF MIGRATION AND COOPERATIVE ECONOMIC DEVELOPMENT

Mr. MICHEL. Mr. Speaker, pursuant to section 601 of Public Law 99-603, I have today appointed as members of the Commission for the Study of Migration and Cooperative Economic Development the following individuals:

Mr. Diego C. Ascencio of Washington, DC;

Ms. Donna Alvarado of Washington, DC; and

Mr. Eric H. Biddle, Jr., of Arlington, VA.

□ 1110

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, if I might, I would ask to proceed for an additional minute so I might inquire of the distinguished majority leader the program for the balance of this week and the program for next week.

Mr. FOLEY. Will the distinguished Republican leader yield?

Mr. MICHEL. I yield to the gentleman from Washington.

Mr. FOLEY. Mr. Speaker, today we will consider, as we have been considering, unanimous-consent requests.

The House will not be in session tomorrow and we will meet in pro forma session on Monday.

On Tuesday the House will meet at noon, as it will on Monday, but will consider two suspension bills, H.R. 1085, to make the new GI bill permanent; and H.R. 1157, the Farm Disaster Assistance Act of 1987.

Recorded votes on suspensions debated on Tuesday will be postponed until the conclusion of the debate on the suspensions, but will be taken on Tuesday afternoon and Members should be advised that those votes will probably occur fairly early in the afternoon.

Mr. MICHEL. I think particularly so since I recall the date is one St. Patrick's Day, and generally speaking, there has not been that much attention to casting votes on that day. But I think Members would be well advised on the majority leader's comments.

Mr. FOLEY. On Wednesday, March 18, the House will meet at 2 p.m. and will consider the conference report on H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act, subject to a rule.

On Thursday, the House will meet at 11 a.m. and consider House Resolution 108, committee funding resolution.

On Friday, March 20, the House will not be in session.

This announcement is made subject to the usual reservations, and that conference reports may be brought up at any time and a further program may be announced later.

Mr. MICHEL. Mr. Speaker, I am happy to see on the program for next week the conference report on the Highway Construction Program. I think all of us have more than passive interest in that piece of legislation.

Could the gentleman enlighten us on how the issue of the 55- to 65-mile-an-hour speed limit has been dealt with? I know it has been a controversial item. We did not have another vote here in the House, but it is my understanding there may be an opportunity through another mechanism by which a vote, or at least an expression of the House, can be made on that issue; is that not correct?

Mr. FOLEY. The gentleman is correct. I expect that the rule will provide for a vote, and perhaps on a separate concurrent resolution which will resolve the question of the 55-mile-an-hour speed limit by an up or down vote in the House. That is my understanding. But I think the Members should expect that there will be a separate vote on that speed limit issue.

Mr. MICHEL. Are we to assume that that vote would come on the same day on which we would take up that issue?

Mr. FOLEY. The gentleman is correct.

Mr. MICHEL. I thank the gentleman.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I am happy to yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Speaker, I would like to follow up what the majority leader said. I will be one of those that will be handling the new GI bill to make it permanent. We think because it is such an important, historic piece of legislation that we will call for a vote on that suspension. I only want to mention it so that Members might be sure that they would be able to be here.

Mr. MICHEL. I appreciate the gentleman's information.

ADJOURMENT TO MONDAY, MARCH 16, 1987

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at noon on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

APPOINTMENT AS MEMBER OF CONGRESSIONAL AWARD BOARD

The SPEAKER. Pursuant to section 4(a) of Public Law 96-114, as amended, the Chair appoints the gentleman from California, Mr. Lantos, as a member of the Congressional Award Board.

APPOINTMENT AS MEMBER OF NATIONAL COMMISSION TO PREVENT INFANT MORTALITY

The SPEAKER. Pursuant to section 203 of Public Law 99-660, the Chair appoints the gentleman from Georgia, Mr. Rowland, as a member, on the part of the House, of the National Commission To Prevent Infant Mortality.

APPOINTMENT AS MEMBER TO COMMISSION ON AGRICULTURAL WORKERS

The SPEAKER. Pursuant to section 304 of Public Law 99-603, the Chair appoints as an additional member to the Commission on Agricultural Workers Mr. Russell Williams of Visalia, CA.

REMOVAL OF NAME OF MEMBERS AS COSPONSOR OF H.R. 1153

Mr. DELLUMS. Mr. Speaker, I ask unanimous consent that all cosponsors of H.R. 1153 be deleted. I would note, Mr. Speaker, that on today a similar piece of legislation has been introduced with slight modifications.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

THE TRAGEDY OF YOUTH SUICIDE

(Mr. LANTOS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANTOS. Mr. Speaker, once again, the tragedy of teenage suicide appears in front page headlines in today's newspapers. Four young people—two sisters and two young men—killed themselves yesterday by carbon monoxide poisoning. The handwritten suicide note indicates they had agreed to a suicide pact.

Suicide among young people is a personal tragedy and a growing national problem. It is a leading cause of death among our teenagers. Each year, more than 5,000 adolescents take their own lives, and perhaps as many as 50,000 more attempt suicide.

For some time, I have been bringing this problem to the attention of my colleagues. Recently, with Mr. Ackerman, Mr. DioGuardi, and Mr. Kildee, I introduced H.R. 457—the "Youth Suicide Prevention Act."

Our legislation establishes a program of grants to aid local suicide prevention efforts. Our modest proposal is a sound investment in saving countless young American lives.

Mr. Speaker, I respectfully call on all of my colleagues to join us in acting to prevent this tragic and unnecessary loss of young lives.

UNEMPLOYMENT INSURANCE BILL

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, yesterday, Congressman Don Pease and I announced at a press conference a major new report on the Nation's unemployment compensation system that was prepared by the Northeast-Midwest Institute.

This report contained a number of fine recommendations on how we can improve our system of providing assistance to the unemployed while at the same time giving those who are out of work an incentive to participate in training programs while they still have a source of income with which to support themselves.

Our unemployment compensation system must continue to maintain those who are unemployed. But it can and should become a more active program, one that contributes to the self-efficiency of individuals and the economic health of their communities.

To that end, Congressman Pease and I will be introducing legislation later this month to restructure our unemployment compensation system and make it easier for States to help people to help themselves.

RETHINKING THE PHILIPPINE SUGAR QUOTA

(Mr. DANIEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DANIEL. Mr. Speaker, I recently had the pleasure of visiting with Arsenio Yulo, chairman of the Philippine Sugar Regulatory Administration. Mr. Yulo is from the sugar island of Negros and has been associated with the sugar industry throughout his life. He is also a prominent attorney of law and has served as president of the Philippine Bar Association. At the request of President Corazon Aquino, Arsenio Yulo left his law practice and his sugar farm to become chairman of the Philippine Sugar Regulatory Administration. It is a job that he accepted because his country needed him and he wanted to assist President Aquino in rebuilding the Philippines and providing a better way of life for the people in the Philippine sugar industry.

Chairman Yulo was recently invited to speak at the International Sweetener Colloquium, held in Palm Springs, CA. I think it is important that not only every Member of Congress, but also all Americans be informed of the role of the Philippines as our most dependable and loyal supplier of sugar throughout history and also to the unfortunate way that we are now treating the Philippine sugar industry.

Therefore, Mr. Speaker, I include Arsenio Yulo's speech to the International Sweetener Colloquium for the RECORD at this time.

SPEECH BY ARSENIO B. YULO, JR., CHAIRMAN OF THE PHILIPPINE SUGAR REGULATORY ADMINISTRATION

Until I was called by President Corazon Aquino to chair the new Sugar Regulatory Administration my life was devoted to actual production of sugar. I have been a sugar farmer in Negros Island for many years and, during the past year at the request of President Aquino, I took leave of my law practice to participate full time in an industry closest to my heart. I was therefore delighted when Mr. Tipton invited me to address this gathering of leaders of the U.S. sugar economy, with which the fortunes of our industry have been intertwined in the closest possible way for almost a century—and indeed for two centuries.

Sugar is only a minute part of your vast and rich economy. But in the Philippines the situation is dramatically the opposite. Sugar has been one of the cornerstones of our economic structure, and has become a significant factor in our social-political life. Consequently, whatever happens in our sugar economy is felt by a very large segment of our population and is known to all. Every move you make with respect to sugar is reported throughout the country and its implications are discussed in almost every village and hamlet. For the future of U.S.-Philippines political and cultural relations—and for the future of Democracy in Southeast Asia—it is important that you and the policy makers of this country understand this.

Let me cite a few simple economic facts. The first fact that must be brought to your attention is that in 1985 the per capita income in the Philippines was $548, as compared with about $17,200 in the U.S.; the second is that over half of our population of 57 million depends on agriculture for their livelihood, as compared with about 3% in your country. The sugar industry alone employed close to half a million workers, and over 3 million persons depended on the industry, directly or indirectly, for the whole or major part of their livelihood. During 1960-75 our sugar exports contributed almost 21% to the total value of our traditional exports, rising in some years to over 30%. The foreign exchange earnings of the sugar industry went a long way to pay for imports of essential foodstuffs, machinery and technical services necessary for our economic development.

These figures will give you an indication of the importance of sugar to our economy. It became so important because of the pull of the great U.S. market. You have heard about the shipload of Philippine sugar to the port of Boston in the first year of your Republic; but until the U.S. occupation of our islands at the turn of the century, nearly all of our production was non-centrifugal by scores of small family-owned mills. But the arrival in my country of U.S. capital and technology coincided with rapid expansion of U.S. consumption of sugar and this changed our sugar economy beyond recognition. Production of centrifugal sugar rose from about 50,000 tons at the end of World War I to an average of almost 1.5 million metric tons between 1930-34, of which about 1.1 million was exported, 85-90% to the U.S. Our Industry was conceived, nourished and trained as an appendage to the U.S. food and drink economies. During the years 1936-38—the last representative prewar years, and after the enactment of the first Sugar Act—U.S. consumption of sugar amounted to 6.1 million metric tons a year, of which almost 2.8 million tons was imported. Cuba supplied 1.8 million (65%), and the Philippines 870,000 tons, almost 32%. The assured market at reasonable prices—the U.S. price was only about 35% above the depressed world prices—made sugar the driving force of our economy, financing schools and universities, the urban and rural infrastructures necessary for economic development, and various industries. Sugar exports to the U.S. were for us what coffee was for Brazil.

Sugar was of critical importance in financing our reconstruction after the devastation of World War II. Notwithstanding population pressure and various social and political problems, our economic progress was steady and even impressive. We developed a class of professional people and skilled technicians which relative to population was second only to Japan's. When your Sugar Act expired at the end of 1974, we produced about 2.7 million tons, 60% of which was exported, nearly all to the U.S. To be precise: 95% of our average exports of 1.44 million tons during 1971-74 went to the U.S. I must remind you that the last expansion of our industry was undertaken, after Castro took over Cuba, at the express encouragement and even urging of the U.S. sugar authorities. Eighteen new sugar factories were built to supply the needs of the U.S. market.

But when the U.S. restored quotas in 1982, the unimaginative bureaucracy did not stop to reflect on the century-old special relationship and applied the same base period to all exporters. Indeed, they did even worse than that: they actually gave quotas to countries which had shipped only token quantities—indeed, even to countries which had not produced any until the last few years. Your officials did not take into consideration the fundamental fact that when the U.S. bought at the world price, world trading houses directed the movement of cargoes so as to reduce transportation costs. That is why Philippine shipments to the U.S. fell off. We had little control, and it would not have made economic sense to do otherwise.

I have limited my discussion to what the U.S. sugar market has meant to us, as I have assumed that you are sufficiently informed on what the Philippine connection has meant to the U.S. I will not dwell on the economic benefits you derived, on our contribution to the war effort, nor on the strategic importance in your global strategy of your air and naval bases close to the Asian mainland. These factors are known to all of you—or I hope they are. But I must at least mention the social, cultural and political aspects of the global conflict going on. It would be unbecoming of me to boast of the democratic revolution which our people have carried through—and peacefully, with hardly any bloodshed at that. Only a few days ago our people demonstrated again their devotion to Democracy and free enterprise by ratifying overwhelmingly this new Constitution. As early as today, hundreds of thousands of Filipinos will flock to EDSA Street in Manila in order to celebrate the first anniversary of the February 25 bloodless democratic revolution. But the challenges are great, both from without and within.

Because of the cuts in U.S. imports, very low world prices and internal political mismanagement we have had to cut production by 50% from the average of 2.7 million metric tons I mentioned earlier to about 1.3 million. This has created gigantic social problems in our sugar producing areas, endangering our political stability and economic reconstruction. The island of Negros, dependent on sugar for about a century, has become a hotbed of communism as jobs and food have become scarce. The people have become increasingly embittered against the U.S. and susceptible to the propaganda of the communist insurgents.

Our people are questioning the fairness of America and the sincerity of its professions of friendship. First she persuades us to invest in the production of sugar when she needs it and then abandons us. She preaches free trade and urges low income countries to open doors to imports, but shuts her own doors to imports when internal political pressures are applied. I must state frankly that if unemployment, poverty and loss of hope bring discouragement to our people, the reverberations would spread to the whole Pacific rim of Asia.

Last year, as you know, your Congress tried to undo some of the injustice and damage, and we are deeply grateful for its efforts. Indeed, we were given hopes of further ameliorations. But during the course of the year it gradually became evident that we are facing an entirely new situation which puts into shade the issue of quota distribution. We are facing the prospect of a rapid decline in total U.S. imports—to zero in two years, according to your Secretary of Agriculture. Whether the U.S. becomes self-sufficient in sweeteners in two years or in five is of little moment; what is important is the logic of the economic forces which the new farm law has created. Absurd as it may sound, these forces, if unchanged, could even make you an exporter of sugar, with the cost of the tremendous subsidies borne by the helpless consumer or taxpayer. A wise and experienced statesman, Senor Jorge Zorregieta, who presided over the 1982-83 International Sugar Conference, and who is here, I'm happy to say, stated with great perspicacity at your last Colloquium, "Funny or absurd though it may seem, we may wonder if the U.S. will not eventually become a surplus producer, which will have to export somehow. We have to remember when the EEC set, at one point, the price of many products (among which was beef, a clear import) it did not have the intention of becoming the important beef exporter it is today. In other words, experience should show us that the same causes sometimes lead to the same effects, even when they are unwanted." I can tell you with absolute certainty that in the EEC, too, neither governments, nor Brussels, nor the industry leaders, foresaw net exports. The most audacious industry leaders spoke of self-sufficiency. But five years or so after prices were raised, the EEC was exporting about 3 million tons net, consumers were paying high prices, and export subsidies cost $200 or $300 million a year.

As did the EEC, you have made sugar production more profitable than almost any other important crop, and you cannot blame farmers for taking advantage of the opportunity, if permitted to do so. At the same time, the high price discourages consumption of sugar and constitutes a tax on the public at large. The consumer loss is estimated by the Council of Economic Advisors at $1.1-$1.8 billion even after allowing for the higher world prices that would result from greater U.S. imports. But if you include the higher cost of HFCS than would otherwise be the case, the tax is probably closer to $3 billion. If production is encouraged and consumption falls, there is only one way to cope with the surpluses when the lines cross.

Your policy makers must reflect on what the new sugar law will do to our economy—and indeed to the economies of the low-income sugar exporters in Asia and Latin America. As President Reagan's last Economic Report points out, the protectionist sugar policies of industrialized countries cost the low income sugar exporters $7.4 billion in lost revenue in 1983, and reduced their real income by about $2.1 billion. These policies also increased price instability in the residual world market by approximately 25%. Your effort to reduce the damage by food donations may be a balm to a guilty conscience but it is no solution to the unemployment and balance of payments which you are creating for us. Exact calculations are difficult; but I am certain for every job which your protectionist policy creates in the U.S., four or five jobs are lost in my country or in other low-income sugar exporting countries. Moreover, in a diversified and highly developed economy such as yours the loss of jobs in one sector need not be a disaster. Not so in my country which depends so much on agriculture and where alternative crops are so difficult to find. I wish your agricultural experts would find suitable alternatives and tell us.

There are many ways for you to correct the course, without imposing unjust hardships on your farmers. Under the older Sugar Acts you combined production discipline, price moderation and protection of vital foreign policy interests, and I am sure you can do that again. If you are going to have quotas you need to analyze realistically how they are to be distributed to accomplish your essential political and social objectives. I am sure that the Philippines would rank high in any such approach.

Your development of a more open and farsighted domestic policy could be as a lever for negotiating similar policy objectives with other countries, both importers and exporters. As you know, discussions are going on about a conference to negotiate a new ISA to stabilize the world price in a range that would cover costs for efficient exporters. An offer by the U.S. to reduce protection so as to provide greater access for imports would be a most effective bargaining chip in negotiating with the EEC and the Big Four exporters generally. The "elephants," as they have been called, have become greatly worn over the long-term effects of the new U.S. sugar legislation.

Moreover, a change in direction by the U.S. would provide a basis for negotiating access changes by Japan, Sweden, Switzerland and other high income countries which are maintaining absurdly high sugar prices to protect domestic producers, to derive revenue and/or, to some, foreign exchange. The latest USDA report on retail food prices in 15 world capitals shows that in Tokyo the price for sugar was $1.50 a kg., 75-80 cents in Washington, and 33 cents in Ottawa. Even the Ottawa price gave some protection to domestic producers, but it is exemplary, in comparison with prices in other high income countries, in reasonableness and consideration of the interest of low income efficient exporters.

An ISA could be of considerable value to you in preventing a price explosion on the world market, from the effects of which even self-sufficiency would not isolate you. I note that Mr. Fry predicted yesterday an explosion in 1988-89. I am sure that effective stock provisions could be set out and negotiated for coping with normal production fluctuations. Experience shows that careful drafting by practical market people would be necessary to forestall loopholes; but I am confident that the overwhelming majority of major exporters would cooperate honestly in the endeavour and implementation. As to the Philippines, we are prepared to give you categorical supply guarantees at reasonable prices, whether in the context of an ISA or in bilateral negotiations. Our long term interest lies in promoting sugar consumption in this country, not in exploitation of emergencies.

I hope I can make you realize the urgency of this matter. The longer you wait the deeper interests vested in exessive protection become entrenched, while the economic, social and political damage on the other side becomes more difficult to repair.

I wish to convey to all the greetings of our beloved President Corazon Aquino and the Filipino people.

Thank you.

□ 1120

IN HONOR OF JAMES MADISON

(Mr. SLAUGHTER of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SLAUGHTER of Virginia. Mr. Speaker, the home of our fourth President, James Madison, is the only home among those of our Nation's Founding Fathers that is not at this time open to the public. That will all change on March 16, Madison's 236th birthday, when Montpelier in Orange County, VA, is finally opened to the public after a thorough renovation project.

The efforts of James Madison in the framing of our Constitution have rightly earned him the title of the "Father of the Constitution," and it is only fitting that we should celebrate the opening of his historic home to the public during our year-long celebration of the bicentennial of the signing of that great document.

It is my hope that through both the bicentennial and the opening of Montpelier Americans will gain a greater understanding of the significant contributions made to our system of government by James Madison.

In addition to his two terms of service as our President and authorship of a significant portion of the Constitution, Madison was a Member of this body during the first session of Congress in 1789 and was the leading proponent of his time for religious freedom in our country, which culminated in the adoption of his first amendment to the Constitution establishing religious liberty in the United States.

On March 15 there will be a public celebration at Montpelier in honor of this great patriot and the opening of his historic home. I certainly commend this event to my colleagues.

REAL CAMPAIGN FINANCE REFORM MUST ADDRESS OVERALL EXPENDITURES

(Mr. BATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BATES. Mr. Speaker, I am encouraged to see congressional interest in campaign finance reform. I feel, however, any proposal that fails to address the fundamental problem of limiting overall spending will fall short of real reform.

An estimated $425 million was spent in the 1986 congressional races—up 3½ times since 1976. The average cost for a winning House candidate rose from $87,209 in 1976 to $346,000 in 1986. Where will the spending cyclone stop?

Contributions and expenditures produce political speech which is entitled to first amendment protection. In the Buckley versus Valeo decision, the court ruled legislation regulating campaign expenditures must be balanced by a sufficiently strong governmental interest. I believe that the fundamental interest in the institutional integrity of the Congress asserts such an interest—and have organized a task force to examine the issue.

My task force is chaired by Leon Billings, former executive director of the Democratic Senatorial Campaign Committee and former administrative assistant to Senator Edmund Muskie. The primary focus of the task force will be to examine options to enact a limit on campaign expenditures, including the use of the House rules. I urge my colleagues to join me in restoring public confidence in our campaign finance system by enacting comprehensive reform which includes expenditure limits.

AN EXTRA MEASURE OF PROTECTION FOR PRISON GUARDS

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, prison guards must patrol unarmed among the prisoners in our overcrowded correctional facilities because they are so vulnerable that a pistol or shotgun could be taken from them in the course of an escape attempt or prison protest. For the same reason, the guards are locked in the cell blocks without a key.

Unlike the guards, however, some of the prisoners are armed, having secretly fashioned homemade knives which they keep hidden.

What is there to deter prisoners serving life terms from murdering prison guards, or for that matter, other prisoners? After all, they are already serving the maximum sentence.

We must protect our prison guards by providing better deterrence.

Accordingly, I am reintroducing legislation to establish capital punishment for Federal prisoners serving life terms who commit first degree murder.

I have offered this legislation in previous Congresses without success. Let's pass it this time, and give our prison guards the extra measure of protection they deserve.

FDA DEREGULATION OF DRUGS FOR TERMINALLY ILL NOT WITHOUT DRAWBACKS

(Mr. BOSCO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOSCO. Mr. Speaker, many of us have felt the frustration of terminally ill friends or loved-ones not being able to use reported wonder drugs that may have a chance of curing them. The argument goes, if the patient is going to die anyway, why not let him take anything he wants because he'll be no worse off if the drug doesn't work.

The Reagan administration has in effect taken this stance in proposed regulatory changes that would allow drugs to be sold to terminally ill patients even if there is no evidence whatsoever that such drugs are effective.

This deregulation, while ostensibly providing comfort to the terminally ill, is likely in the long run to reduce confidence in pharmaceuticals and provide a whole new market for snake oil and curealls, the advertising of which will appeal to some of the most vulnerable people in our society. People will be given false hope, encouraged by rumor to make guinea pigs of themselves, perhaps abandoning hopeful treatments for well advertised miracle cures.

However frustrating it may be, I encourage the FDA to keep effectiveness as a criteria for the marketing and use of drugs. Yes, allow fast tracking of promising cures. Yes, allow clinical experimentation when warranted. But don't subject any class of people, especially those most in need of hope, to be preyed upon by tent show chautauquas, chemical charlatons that will undermine confidence in all medicine by promising effectiveness where none exists.

THE RUDE AWAKENING COMES WHEN OUR PEOPLE LOSE FAITH IN THE CURRENCY

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, Congress is pleading impotence when trying to deal with the burgeoning budget deficit, and is trying to use the dollar as a whipping boy for our horrendous trade deficit. A lot of people are complacent that our deficits will run their course and when they get severe enough, and inflation starts snowballing again, more economy-minded politicians will be returned to Washington at the next election who will set matters right once more.

History does not confirm this assumption. On the contrary, history is replete with examples where if a serious crash occurs, the rabble-rousers move in. When a serious monetary crisis occurs, your chances of a socialistic form of government are at least 10-to-1 stronger than the possibility of your getting an economy-minded government. Just think of the rise of Lenin, Mussolini, Hitler, Mao, and the causes of their assumption of power, and you will recognize that continued monetary debasement lay the foundation stone for dictatorship, socialism, and regulated peoples. Those who slumber in the belief that a continuation of prodigality will hasten the return of common sense in Washington are due for a rude awakening if we ever reach the point when our people lose faith in the currency. It is at that time that we will realize we may have lost the representative form of government that has made us the Nation we are.

FORTIETH ANNIVERSARY OF THE TRUMAN DOCTRINE

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, an urgent note sent in the winter of 1947 by the Government of Prime Minister Clement Attlee informed the American Government that Brittania could no longer provide aid to Greece and Turkey. The English, exhausted and financially broke after their 6-year struggle against Hitler's Germany, had passed the baton of world leadership to the United States.

Under Secretary of State Dean Acheson outlined the seriousness of the problem in the eastern Mediterranean in a meeting at the White House with the congressional leadership. In Greece, 20,000 Communist guerrillas threatened to overthrow the ruling government coalition; in Turkey, Stalin was demanding bases and rights to the Dardanelles. Without assistance from the United States those two countries would slip behind the Iron Curtain.

After a long pause, Republican Senator Arthur Vandenberg, chairman of the Foreign Relations Committee, turned to the President and said, "Mr. President, if you will say that to the Congress and the country I will support you, and I believe that most of its members will do the same."

Forty years ago today President Harry Truman told a joint session of Congress that "it must be the policy of the United States to support free peoples who are resisting attempted subjugation by armed minorities or by outside pressures." He requested $400 million in economic and military aid for Greece and Turkey.

To commemorate this occasion I am introducing a resolution that calls upon the House of Representatives to observe May 22, 1987, the date when the Greco-Turkish aid bill was signed into law, as a day to honor the achievements of the Greek, Turkish, and American peoples in our common commitment to the ideals of democracy.

INTRODUCING THE TENDER OFFER REFORM ACT OF 1987

(Mr. OXLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, just a few years ago, a corporate takeover attempt would make all of the front pages of the newspapers. Today, however, takeover attempts are so commonplace that they are reported on the back pages of the business section.

In spite of our acceptance of takeovers as everyday occurrences, there are 55 million shareholders who have to solve the mysteries of a tender offer when it is their turn to decide whether to sell their shares.

For that reason, Mr. Speaker, I am today introducing the Tender Offer Reform Act of 1987. My bill will broaden the disclosure aspects of the securities laws, give shareholders more time to consider a tender offer, and place restrictions on greenmail.

Mr. Speaker, there has been a great deal written and seen about effects on various communities including Findlay, OH; Bartlesville, OK; Toledo, OH; Pittsburgh, PA; and Akron, OH, just to name a few. My bill also deals with the community impact of those takeover attempts.

The Committee on Energy and Commerce has been studying takeovers, and my legislation will go a long way in taking some of the mysteries and gamesmanship out of the process.

□ 1130

REAUTHORIZING THE CHILD SURVIVAL FUND

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I am pleased to point out that earlier this morning the House

Foreign Affairs Subcommittee on Human Rights and International Organizations adopted three amendments I offered to reauthorize, expand, and fine tune the operations of the child survival fund.

Mr. Speaker, the first amendment that I offered today, reauthorizes the program and boosts its budget authority to $80 million in fiscal year 1988 and $90 million in fiscal year 1989—for a total of $170 million over 2 years.

Two years ago, Mr. Speaker, the child survival fund was slated for zero funding and I, with the strong support of Chairman YATRON, offered an amendment to reauthorize the program and double its budget authority. That amendment was adopted by our subcommittee, as well as the full committee and later by the House of Representatives.

Mr. Speaker, there can be no doubt that the work financed through the child survival fund is today saving millions of innocent lives. In their report on the "State of the World's Children," UNICEF pointed out that in the last 12 months the lives of an estimated 1.5 million children under the age of 5 have been saved. In the last 5 years, over 4 million children have been saved.

Mr. Speaker, without our continued help, through the child survival fund, children will go on being the victims of treatable and preventable ailments such as the measles, polio, diphtheria, tetanus, pertussis, and diarrheal dehydration. But with sustained assistance, millions of children can be saved and the quality of their lives substantially improved for a modest investment. The reauthorization of the child survival fund, with expanded budget authority, will ensure that the low-cost, but life saving techniques—such as immunizations, oral rehydration therapy, breast feeding and growth monitoring—can be brought to more children and thus save more lives.

Mr. Speaker, the second amendment I offered today gives AID the flexibility to participate and promote child survival programs in countries that are for various political reasons currently proscribed from receiving U.S. assistance. Countries that immediately come to mind are Brazil, Peru, Liberia, and Tanzania where AID sees a great need and a potential for protecting millions of kids.

I would point out to my colleague Mr. Speaker, that a third of the approximately 1 million children who die each year in Central and South America are Brazilian and more than 50 percent of Brazil's children suffer some degree of disease or malnutrition. In August 1985, the new civilian government and the Catholic Church launched a major initiative to immunize the children and drastically reduce the nation's child deaths by 1990.

When the program was launched, Mr. Speaker, U.S. AID was eager to support the program. Unfortunately, however, because of restrictions in U.S. law, our support programs have been forced to stay out of the Brazilian immunization project. There is still much work to be done in Brazil and AID would like to be able to lend their expertise and technical assistance. My amendment, Mr. Speaker, will permit them to do so.

Members should know that in drafting this second amendment I took the precaution and consulted with AID, as well as legislative counsel, to ensure that Communist countries, countries who have severed diplomatic ties with the United States, and countries which support terrorist activities will not get any support because of my amendment. The amendment is narrowly targeted at those countries which are poised to receive AID child survival assistance and those which AID desires to help. Needless to say, Mr. Speaker, the administration supports this amendment.

Mr. Speaker, the third amendment adopted today, will enable AID to use funds to reimburse either the Public Health Service or the Centers for Disease Control for technical and professional personnel they may assign to immunization or ORT activities both in the United States and at AID's field missions.

Mr. Speaker, this amendment continues the authority that was previously granted in the fiscal year 1987 continuing budget resolution. That is due to expire at the end of the fiscal year. In my consultations with AID, it became clear that the extension was needed.

I would note that our committee is on record supporting an expansion of the technical expertise available to AID in the health field. My amendment will ensure that this considerable expertise is available and put to work on immunization projects. By making the reimbursement authority part of the Foreign Assistance Act, rather than part of the annual appropriations legislation, we will be providing AID with ability to make longterm arrangements with the CDC and PHS regarding the detail of personnel. Like the previous amendment, Mr. Speaker, this amendment also has the support of the administration.

In conclusion, Mr. Speaker, let me say, that none of us here can fully appreciate the suffering that millions of children needlessly endure because of a lack of access to the components of the child survivial fund. I firmly believe that these three amendments offered and accepted today ensure that the techniques of child survival reach millions of children, and will ultimately serve to alleviate suffering, hardship, and pain.

CHILD SUPPORT ENFORCEMENT IMPROVEMENT ACT OF 1987

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Child Support Enforcement Improvement Act of 1987. This bill will significantly strengthen our current child support enforcement legislation and at no additional cost to the Federal Government.

Two and a half years ago, Congress overwhelmingly approved and the President signed landmark legislation that represented a sea change in Federal policy on this subject. The Child Support Enforcement Amendments of 1984 put the Federal Government firmly on record that child support is not a voluntary commitment, but a legal as well as a moral obligation. In effect the amendments established a premise: The U.S. Congress would no longer turn its back on the children who are being deprived of their legal financial support.

The time has come for Congress to be serious about reforming our national welfare system. Clearly, a strengthened child support enforcement program to protect against family after family from falling onto the welfare rolls must be a major part of any reform. In this respect, this legislation is a "welfare prevention" measure.

My bill will strengthen the Federal role in child support by making five major changes in current law.

It requires mandatory withholding of wages from the time a legal child support decree is ordered, rather than allowing for any period of delinquency before withholding begins. I fought for this key provision when we deliberated over the 1984 amendments and I believe the need for universal withholding is clearer. Waiting for up to 30 days default on payments creates real hardship—children are deprived. Realistically, before the catchup occurs experience shows that it is not uncommon for months to pass before payments are made. This brings emotional and physical stress upon the family. The bills do not stop and the real needs of the children, and food and clothing, still must be met. Many fathers will eventually pay when the money is dragged out of them. Why delay the inevitable?

New Jersey officials state that even though New Jersey law allows for a period of only 14 days before withholding occurs, immediate wage withholding is necessary. These officials state that by the time the employer is located, the noncustodial parent is found and notified of action, and appeals are exhausted, it is months before the wages are actually withheld. This is months, not days, that a child is denied the basic necessities of life. New Jersey estimates that about $20 million is lost in child support payment during this time—and we are only talking about AFDC cases here. The amount would be significantly greater if non-AFDC cases are included. Other State officials have expressed similar views. Many say it is months before any child support is received.

Mandatory wage withholding would relieve some pressure from the crowded court docket and allow State agencies to operate more efficiently and effectively. In addition, the use of universal withholding would standardize our system thoughout the Nation, providing an important tool for interstate enforcement. And, I must stress that varying delinquency provisions add unnecessary confusion to the interstate enforcement efforts.

Second, my bill would require the courts to use State-established guidelines for determining the amount of child support the noncustodial parent should provide.

The 1984 amendments required States to develop these guidelines, but allowed them to be advisory in nature only. No longer should it be possible that two judges in the same county courthouse could hand down widely different support orders for families in identical financial situations.

Under this legislation, the States' support guidelines would be binding on all courts and noncustodial parents would be required to prove why there should be any deviation from them—the legal doctrine of rebuttable presumption. The 1984 amendments required guidelines to be developed. We must now require that they be followed. Only 14 States have set up rebuttable presumption guidelines.

Third, this legislation will mandate States to review and, where necessary, update individual child support orders to ensure their compliance with the State support guidelines. Child support payments must be periodically updated to reflect rising cost of living and any upward or downward movement in the absent parent's income.

However, it is the unfortunate truth that all the guidelines and child support order reviews in the world will not help that family whose father has skipped across State lines to avoid paying support. To strengthen all-important interstate collection efforts, my bill would allow the Federal Parent Locator System [FPLS] or State child support agency direct access to employment security information through nationwide data exchange networks already in operation. Currently, child support agencies have only indirect access to these networks. By allowing direct access to these data, we can provide another tool to FPLS and the child support agencies to assist with interstate enforcement.

Just as is used presently in the IRS intercept, there have been other precedents. The Federal Parent Locator Service and State child support agencies currently have access to IRS, Social Security, Veterans', Selective Service, Defense Department, and National Personnel Records Center Information. There is no reason why they should not be given access to important employment security information. This information, now available in an indirect State-by-State manner, will be very useful in interstate child support enforcement cases—which are 30 percent of all child support cases in this country.

These data exchange networks will help with interstate wage withholding. The only way a State will withhold wages from a noncustodial parent in another State is if the requesting State provides information on the address of the employer and the noncustodial parent. Many States do not have this information. By gaining direct access to this system, they will be able to get this information for use in interstate cases.

Child support enforcement agencies and the Federal Parent Locator Service will be required to protect against unauthorized disclosure of this information. Furthermore, in order to offset any costs to this system, they will be required to reimburse these networks for their information.

Finally, my legislation would increase penalties to the States that do not comply with the federally mandated portions of child support law. Only through stiffer enforced sanctions, will reluctant States recognize the importance the Federal Government has placed on this program.

I firmly believe that in order for our child support enforcement system to work, it must be as easy for the States and the legal system to administer as possible. In summary, these reforms would relieve the crowded court dockets, use existing State agencies as effectively as possible, and keep many families from tumbling onto the welfare roles.

No mother, no child, no family should have to bear the burden of endless expensive, debasing, and destructive legal battles before they can receive the child support to which they are legally entitled. Child support is not a voluntary commitment. It is a legal obligation which all levels of government have responsibility to uphold.

I urge my colleagues to cosponsor this important legislation.

[Excerpt from "A Decade of Child Support Enforcement 1975-1985" Tenth Annual Report to Congress for the Period Ending September 30, 1985, U.S. Department of Health and Human Services]

I. DIMENSIONS OF NONSUPPORT

The Federal Government has been stimulating and encouraging improvements in child support enforcement for 10 years through the Child Support Enforcement (CSE) program.

During the program's 10 years of operation, the American family has been dramatically altered under the impact of divorce and out-of-wedlock births. The duty to support children, a basic obligation of parenthood, has been seriously weakened.

According to the 1983 Current Population Survey on Child Support and Alimony, conducted by the Census Bureau, 8.7 million women were caring for children whose fathers were absent from the home. Only 58 percent of them had court orders or agreements to receive child support and even of this relatively fortunate group who were actually supposed to receive payments in 1983, half received just partial payment or no payment at all during the course of the year. The unpaid child support bill for 1983 alone: $3 billion. Moreover, the average amount of child support received by a family in 1983 was only $2,341. "These figures," said former HHS Secretary Margaret M. Heckler, "document a widespread and shameful situation in our country—the nonsupport of children by their own parents."

8.7 million women in 1983 with children under 21 where the father was not present: Of 42 percent, no support awarded. Of 50 percent support awarded, 50.5 percent full amount received; of 25.5 percent, less than full amount received; of 24 percent, nothing received.

Note.—From 1983 Census Bureau Survey.

One-half of marriages that took place in the 1970's will end in divorce. Out-of-wedlock births as a proportion of live births climbed from less than 11 percent in 1970 to about 20 percent in 1982. As a result, the plight of the single-parent family—90 percent of them headed by women—has become a familiar feature on the landscape of American society. The median annual income of female-headed families in 1983 was $12,800 and fully one-third of these families were poor. The brunt of this poverty falls on the children. The Census Bureau found that in 1983, 55 percent of children living in female-headed households were poor—four times the rate for children in other households. Clearly, the financial abandonment of children by one parent contributes significantly to their poverty.

STATE OF NEW JERSEY,
DEPARTMENT OF HUMAN SERVICES,
Trenton, NJ, March 2, 1987.
Hon. MARGE ROUKEMA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: Knowing of your interest in child support enforcement, I would like to share with you our recommendations for changes at the federal level to strengthen this system. These proposals would result in enormous savings in welfare expenditures for the state, counties and the federal government and a higher standard of living for children living in single parent households.

The following summarizes projects we have initiated or plan to initiate in the near future and the need for federal legislation:

1. ESTABLISHMENT OF CHILD SUPPORT GUIDELINES

Last year the New Jersey Supreme Court released guidelines which are based on a concept called "income shares" that allocates the proportion of disposable income that normally would have been spent on the children of an intact family. We anticipate that these guidelines could more than double child support orders in New Jersey. Persons with incomes below the poverty level will not be subject to the guidelines but will be required to pay a nominal amount.

Federal action needed

Because of the demonstrated success of this program, we propose that states be required to comply with child support guidelines as a matter of law, held to the irreparable harm standard.

2. UPWARD MODIFICATION OF CHILD SUPPORT PAYMENTS

In July 1985, we conducted a pilot project in one of our counties to determine whether prior child support orders were in compliance with the new child support guidelines. Because we found such enormous discrepancy between the orders and the amount the absent parents should pay, we extended this project to 19 of the 21 counties.

We have reviewed about 1500 cases which has resulted in increasing child support orders from $2.2 million to $4.9 million, a 130 percent increase. This represents only about three percent of the 50,000 absent parents with children on welfare who we estimate have incomes below the guidelines. About 26.3 percent of the AFDC cases were closed due to the increase in the child support collections.

Furthermore, we have found that, contrary to popular belief, most of the obligors have incomes high enough to pay their fair share of child support. A review of 650 cases in seven counties found that the average annual gross salary of the obligor was $20,266. Also, virtually all of the cases had health insurance which possibly could be available to the children.

Federal action needed

We propose that states be required to modify child support orders on a regular basis in compliance with specific income guidelines. States should be permitted to do this administratively rather than through the courts. This would reduce administrative costs and increase the number of cases which can be processed.

3. PRIORITIZATION OF CHILD SUPPORT CASES

Currently, federal law requires that we treat all child support cases the same. However, we would like to give priority to those cases in which the custodial parent is participating in REACH.

Under the current system, if a welfare client accepts a job at or slightly above the minimum wage, this individual will suffer a substantial loss in AFDC payments and Medicaid coverage. This results in a disincentive to accept training or entry-level employment. If we were permitted to target our enforcement efforts toward the absent parent in those cases, we could increase the welfare client's total income and assuage her fear that wages from a job would not be sufficient to compensate her for lost welfare benefits.

Federal action needed

The Secretary should be granted clear authority to grant waivers to states that want to target their child support enforcement resources towards cases which will reduce welfare dependency.

4. IMMEDIATE INCOME WITHHOLDING

As part of our welfare reform initiative, we will request state legislation which will result in automatic immediate wage withholding in child support cases at the time the order is issued. The current federal requirement is that wages are withheld when the obligor is 30 days in arrears. The requirement in New Jersey is 14 days, yet we have found that this more stringent standard is also inadequate.

The reason is that by the time we locate the employer, find the obligor, notify him and wait for a response and the exhaustion of all of his administrative appeals, it is months before the wages are actually withheld. During that period we estimate that about $20 million is lost in New Jersey in child support payments. Furthermore, this estimate applies only to AFDC cases. If non-AFDC cases were included, the impact would be even greater.

It is clear that the current system is not working. It is costly, ineffective, and unfair to the child who is denied the basic necessities of life for months at a time. Furthermore, the current system reinforces the attitude that wages withholding is a stigma which it should not be.

Federal action needed

While we plan to initiate this change in New Jersey our success will be limited because 30 percent of all absent fathers owing child support reside in other states. This is an interstate issue which can only be fully addressed at the national level. The federal government should require that wage withholding be automatic for all adjudicated cases at the time an order is entered without the need for presumption of default.

5. SPECIAL PROJECTS TO REDUCE WELFARE DEPENDENCY AMONG TEENAGE PARENTS

The Department has been awarded $1.9 million from the Office of Family Assistance for a program to reduce long term welfare dependency among teenage parents in Camden and Newark. An innovative component of the program will be that teenage fathers will also be required to participate in job training or attend school in order to receive other welfare benefits such as AFDC, food stamps or general assistance. This should result in increasing child support collections.

Federal action needed

States should be permitted to make special efforts to enroll fathers in AFDC or food stamp employment and training programs when the custodial parent and child are also on public assistance.

In conclusion, in order to assist New Jersey and other states to obtain the support children are entitled to, we ask that states be required to comply with child support guidelines as a matter of law; be permitted to modify child support orders administratively to reflect increased earnings of the obligor; be granted the flexibility to prioritize cases to reduce welfare dependency; and that all states be required to withhold wages at the time an order is entered.

Please let me know if I can provide any further assistance. Also, feel free to contact Raymond Castro, Director, Office of Intergovernmental Relations, should you or your staff have any questions. I hope we can meet sometime soon in Washington to discuss this matter and other human services issues that affect our state.

Sincerely,

DREW ALTMAN, Ph.D.,
Commissioner.

[Excerpt from the Interim Report, June 7, 1985, of the Advisory Panel Child Support Models Project, "Development of Guidelines for Establishing and Updating Child Support Orders"]

USE OF FORMULAS

A formula should be used as a rebuttable presumption for the establishment of child support. Any formula should be applicable to a broad range of circumstances. We recognize, however, that there are individual cases in which the rigid application of a formula would lead to inequitable results to one of the parents or the child in question. Examples of such cases might include a terminally ill obligor, a child with unusual educational or social needs, or an emancipated seventeen year old child. In addition, experience in several states has suggested that application of formulas is most difficult at both extremes of the income range. At very low levels of obligor income, ability to pay must be carefully scrutinized in relation to obligor subsistence needs. At high parental income levels (e.g. $50,000 per year or more), child support levels are significantly affected by tax considerations and trade-offs between other elements of an overall divorce settlement, such as property division and spousal maintenance.

As a rebuttable presumption, a formula should be used to set the amount of child support unless one party can demonstrate that its use would lead to an inequitable outcome, or unless the court or administrative agency so determines. In either case, a departure from the formula should be accompanied by a written statement which gives the reasons for deviating from the formula's direct application.

Although the primary use of a formula is to guide the parties and adjudicatory authority (courts or child support enforcement agencies with administrative process) in establishing the level of child support awards, a formula can and should be used to review the levels of negotiated child support amounts as well. Although negotiated settlements are currently given only cursory review by most courts and administrative agencies, such practices do not always adequately protect the interests of the child, who is generally not directly represented in the context of an adversary proceeding between the parents. Thus, an important use of a formula would be to assess the adequacy of negotiated child support settlements in providing for the economic need of children.

TRUTH IN ADVERTISING NEEDED FOR TRUST FUNDS; FEDERAL DEFICIT IS MUCH BIGGER THAN REPORTED

(Mr. FAWELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FAWELL. Mr. Speaker, it's time for some truth in advertising about deficits and truth in lending about what we are doing with the Government's trust fund surpluses. It's time to be honest.

We keep hearing about how much progress we are making in reducing the deficit from its record highs of $212 billion in 1985, $221 billion in 1986, to an estimated $174 billion deficit in 1987, and an estimated $169 billion deficit in 1988. The truth is that a major reason for these alleged reductions in deficits is increased borrowing from trust fund surpluses, including temporary Social Security surpluses; all of which must be paid back with interest.

CBO projects that the 1987 budget deficit will be $174 billion. Accepting that conservative estimate as accurate—which few people do—what is not commonly known is that the general fund in 1987 will have to borrow an additional $19 billion of surplus 1987 Social Security trust funds, along with over $50 billion from other 1987 trust fund surpluses, in order to achieve that estimate.

Thus, Uncle Sam's total borrowing in 1987 and its true 1987 deficit, will be an estimated $244 billion, not the $174 billion CBO reports as its 1987 budget deficit.

It appears that budget deficits under our budget rules are not the same as total borrowing required to enable the general fund to pay all its expenses in 1987. The unhappy truth about the real amount of Federal borrowing in 1987 and the real deficit of 1987 is avoided under our budget rules by simply classifying trust fund surpluses, for budgetary purposes, as "revenues," with no mention of such surpluses being borrowed and spent by the general fund. Of course, borrowing by any other name, or with no name at all, smells, like the rose, just the same. And what is borrowed, from whatever source, must be repaid—with interest. That, alas, is an economic truth that won't go away.

The story is the same with CBO's assumption of a reduced Federal budget deficit of $169 billion in 1988—only worse. What hasn't been told is that in arriving at the 1988 estimate of a $169 billion deficit, $36 billion must be borrowed from the Social Security trust fund surplus as well as an additional $70 billion from other 1988 trust fund surpluses. That's a whopping total of an additional $106 billion of unpublicized borrowing from public surplus trust funds in 1988. Add this to CBO's official 1988 budget deficit estimate of $169 billion and you have a true 1988 deficit estimate of $275 billion.

I'm not saying that trust fund surpluses should not necessarily be loaned to the general fund. An IOU from Uncle Sam, with reasonable interest, should be as good an investment as one made in the private sector. But we should let the public and the trust fund beneficiaries know about the borrowing and spending of their trust fund surpluses and when and how we expect the debt-ridden general fund to raise sufficient revenues to pay it back.

More importantly, we should make it clear that borrowing by the general fund of trust funds increases the annual deficit as much as it increases the national debt. And sooner or later taxes must be raised to pay back such loans, with interest.

We should also understand that Social Security payroll taxes will be increased by 5.8 percent in 1988—a $14 billion hike. All of this $14 billion increase in 1988 revenues will be borrowed by the general fund yet not added to that year's annual deficit. Thus, it will make the official 1988 deficit appear $14 billion smaller.

Truth in lending and truth in advertising is something Congress talks a lot about. It should practice it, too.

EXECUTIVE BRANCH ARROGANCE

(Mr. GREEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN. Mr. Speaker, I rise to call the attention of my colleagues to a classic case of executive branch arrogance. In the March 6 Federal Register the Department of Housing and Urban Development declares that it is canceling the next round of urban action development grants. HUD claims the cancellation is proper because the President's request for a rescission of $225 million of UDAG fiscal year 1987 funding is awaiting congressional action.

The law requires congressional approval to institute a rescission. Inaction is rejection. HUD knows that. Congress refused to endorse a similar rescission request last year. HUD knows that, too.

There will be no approval of the rescission this year. HUD also knows that.

And consider the timing. The rescission request expires March 15. The final date for applications for the grants was not until March 31. Yet HUD declares its cancellation of the grants on March 6. Why not wait the 9 days until the rescission is clearly dead?

Plainly, this is a classic case with the executive branch seeking to force a deferral on the Congress without approval, in violation of law.

U.N. TURNS DOWN U.S. RESOLUTION ON CUBA'S HUMAN RIGHTS ABUSES

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SHUMWAY. Mr. Speaker, last week I was pleased to join with over 40 of my colleagues in introducing a resolution condemning the human rights abuses of Castro's Cuba and calling on the United Nations to place Cuba among the highest priorities of its human rights agenda.

Yesterday the United Nations Human Rights Commission failed to live up to its noble mandate and at the same time it failed the 15,000 political prisoners who languish in Cuban prisons. An effort led by India, which claims to be a nonaligned country, succeeded in preventing consideration of a United States resolution condemning Cuba, one of the world's worst offenders of basic rights and freedoms. As indicated in the article which follows, the motion failed by a vote of 19 to 18 with 6 abstentions.

[From the Washington Post, Mar. 12, 1987]

U.S. RESOLUTION ON CUBA AT U.N. FAILS TO CARRY

GENEVA, March 11.—An effort led by India and supported by Latin American countries prevented the United States from putting its motion condemning Cuba for human rights violations to a vote before the U.N. Human Rights Commission today.

Ambassador E. Robert Wallach vowed a renewed effort next year. The commission session formally closes Thursday.

The U.S. resolution would have condemned Cuba, saying it holds thousands of political prisoners. India countered with a resolution saying the issue of Cuba "should not be debated at this time." It was adopted by 19 votes, including those of Venezuela, Colombia, Peru, Nicaragua, Argentina and Mexico, to 18, with six abstentions.

Wallach later told a news conference he had information from the U.S. Embassy in Caracas that the Venezuelan delegation had been told to change its vote and abstain but did not get its instructions in time. "The vote would have been an 18-to-18 tie and our motion would have gotten to the floor," Wallach said.

Wallach praised France for voting against the Indian resolution and thus, by implication, for the United States. French sources said earlier that Cuban President Fidel Castro had phoned President Francois Mitterrand asking him not to support the U.S. position but that Mitterrand had turned him down.

TRIBUTE TO WAYNE WOODROW "WOODY" HAYES

(Mr. KASICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KASICH. Mr. Speaker, it was with great sadness this morning that, in the sports world and also paticularly in Ohio, most particularly in Columbus, OH, we learned of the death of a real giant, Coach Woody Hayes.

We all, of course, know Coach Hayes for his great accomplishments and achievements on the football field; two national championships, 13 Big Ten titles, 9 Rose Bowls, and of course he did all of this with a spotless record and really was the standard for how to run a football program in America.

But I have to tell you that the people in Columbus, the people in Ohio do not think of Woody Hayes only as a great football coach. We really think of Woody Hayes as a great humanitarian.

He traveled around the world visiting servicemen on ships, in the fields; was part of the Bob Hope tour at one point. We remember Woody Hayes for going to Children's Hospital, where he would go from bed to bed, spending time with the little children right in Columbus, OH, or to the veterans hospitals, or the charities that he was involved in and sponsored actively on literally almost a week-to-week basis.

He represented Presidents and Vice Presidents around the world because they had so much respect for Woody Hayes. The sports world is going to miss Woody Hayes. I know that his players are going to miss Woody Hayes a great deal. But I have got to tell you that personally I am going to miss him, and I know the people in Columbus, OH, not only love him, respect him, but will never forget the great achievements, the great accomplishments and the great unselfishness that Woody Hayes gave us in this world.

Mr. OXLEY. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I am glad to yield to my colleague, the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. I thank the gentleman for yielding.

I thank the gentleman for taking the time this morning.

All of us were shocked, Mr. Speaker, and saddened at Woody's loss. Woody was in the Washington area just last summer for the Lombardi cancer tournament. And was, while not a golfing participant, was there to accept an award from the Lombardi tournament.

I had a chance to talk with him at that point. A lot of people, of course, will remember Woody for only one thing. It is unfortunate that that is the case.

I saw the story this morning on the news and could not help but think that all the years he gave to the university and to the State of Ohio that it would come down to only one thing. I am glad the gentleman took this time to point out some of the great things Woody has done over the years: a Denison graduate, he coached at Miami University, my alma mater, and then came on to Ohio State, where his record was unsurpassed.

We will miss him dearly. He was indeed a great Ohioan, a great football coach and a great American. All of us share our sadness with his family, his son Steve, his wife Ann, all of those people that loved Woody will miss him greatly.

Again, we appreciate your taking the time to honor Woody this morning.

Mr. DONALD E. LUKENS. Mr. Speaker, will the gentleman yield?

Mr. KASICH. I will be glad to yield to my colleague, the gentleman from Ohio [Mr. LUKENS].

Mr. DONALD E. LUKENS. I thank the gentleman for yielding.

Mr. Speaker, it has been my pleasure and privilege to know Woody Hayes for, I guess, over 30 years now. Having been on campus and worked under Woody, more importantly I would like to share with this group two quick stories because I think they embellish the Woody Hayes legend. He is a legend not only for Columbus, as the gentleman from Ohio mentioned, but from all over the United States. It was at every Christmas he would go, and his wife would verify this, he would leave Christmas Day or the day before Christmas looking for hitchhikers, particularly servicemen, and whereever they happened to want to go, Woody would drive them home.

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I had the pleasure of speaking to a young man from Louisville, KY, who said he was picked up at the Air Force Base, and asked if I knew a professor named W.W. Hayes. He had given him a ride home, all the way to Louisville, KY, over 170 miles one way, just to get him home so he could be home for Christmas with his family.

Woody was a legend. He came down to my district several times and worked for me. I never will forget at one fundraiser where he spoke to a 48-year-old businessman who was one of his football players, Bill Wilkes, from Hamilton, OH, and said, "Bill, put that cigarette out." Wilkes did it immediately.

Woody Hayes was more than a legend; he was really a built-in father for anyone who played ball and for any human being who ever knew him.

Mr. KASICH. Mr. Speaker, he had great intensity, but great love for his players. His players have great love for him.

Columbus, OH, will never see another man like Woody Hayes. He is one of the true giants, not only of the sports world, but among men.

MAKING TECHNICAL CORRECTIONS RELATING TO FEDERAL EMPLOYEES' RETIREMENT SYSTEM

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that the Committee on Post Office and Civil Service be discharged from further consideration of the bill (H.R. 1505) making technical corrections relating to the Federal Employees' Retirement System, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. MONTGOMERY). Is there objection to the request of the gentleman from New York?

Mrs. MORELLA. Mr. Speaker, reserving the right to object, I do not object, but would like to respectfully request that the gentleman from New York [Mr. ACKERMAN] explain the nature of the legislation.

Mr. ACKERMAN. Mr. Speaker, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from New York.

Mr. ACKERMAN. Mr. Speaker, this bill has been cleared by the minority.

Mr. Speaker, subsection (a) of H.R. 1505 corrects a technical error in section 302(a)(1)(D)(II) of the Federal Employees' Retirement System Act of 1986. As enacted, that provision inadvertently fails to provide benefits to the survivors of certain employees who elect to transfer from the Civil Service Retirement System [CSRS] to the new Federal Employees' Retirement System [FERS] during the open season beginning in July of this year.

The specific class of employees who would be adversely affected by the current statutory language are those employees who have at least 5, but less than 10, years of service under the CSRS and who die within 18 months of transferring to the FERS. If such event occurred, the surviving spouse and children of the deceased employee would not be entitled to any survivor benefits under either retirement system. Clearly, such an illogical and harsh result was not intended by the committee or the Congress.

The amendment made by subsection (a) of the bill corrects the error by providing that prior creditable service under the CSRS will be creditable for purposes of satisfying the 18-month service requirement for surviving spouse and children's benefits under the FERS.

Subsection (b) of H.R. 1505 corrects a technical error in 5 U.S.C. 8432(b)(4)(A), as added by the Federal Employees' Retirement System Act of 1986. As enacted, that provision inadvertently precludes certain employees from participating in the thrift savings plan established by the FERS until January 1, 1988. The employees affected, generally, are those who were automatically covered by the FERS on January 1, 1987, but who had not had the CSRS retirement contributions withheld from their pay during 1984, 1985, or 1986.

As a general rule, a FERS employee is not eligible to participate in the thrift savings plan until the second election period after becoming subject to the FERS. In effect, an individual must be employed at least 6 months before being eligible to participate in the thrift savings plan. This requirement negates the necessity of establishing thrift savings plan accounts for extremely short-term employees. The committee and the Congress intended that employees hired prior to the establishment of the FERS who were automatically swept under its coverage on January 1, 1987, would not have to wait until the second election period—beginning January 1, 1988—to begin making thrift savings plan contributions. The amendment made by subsection (b) ensures that all such employees will be able to begin thrift savings plan participation on April 1, 1987.

Mrs. MORELLA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 302(a)(1)(D)(II) of the Federal Employees' Retirement System Act of 1986 (Public Law 99-335; 100 Stat. 602) is amended by striking out "8442(b)(1)(B)," and inserting in lieu thereof "8442(b)(1), 8443(a)(1),".

(b) The first sentence of section 8432(b)(4)(A) of title 5, United States Code, is amended to read as follows: "Notwithstanding paragraph (2)(A), an employee or Member who is an employee or Member on January 1, 1987, and continues as an employee or Member without a break in service through April 1, 1987, may make the first election for the purpose of subsection (a) during the election period prescribed for such purpose by the Executive Director.".

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. Donald E. Lukens) to revise and extend his remarks and include extraneous material:)

Mr. Dornan of California, for 5 minutes, today.

Mrs. Bentley, for 60 minutes, on March 17.

Mrs. Bentley, for 60 minutes, on March 18.

(The following Member (at the request of Mr. Ackerman) to revise and extend their remarks and include extraneous material:)

Mr. Annunzio, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. Donald E. Lukens) and to include extraneous matter:)

Mr. Hefley.

Mr. Fields.

Mr. Gilman in two instances.

Mr. Smith of Oregon.

Mr. Donald E. Lukens.

Mr. McKinney.

Mr. Roth.

Mrs. Johnson of Connecticut.

Mr. Shumway.

(The following Members (at the request of Mr. Ackerman) and to include extraneous matter:)

Mr. Hoyer.

Mr. Montgomery.

Mr. Dellums.

Mr. Fascell.

Mr. Coelho.

Mr. Frank.

Mr. Lipinski.

ADJOURNMENT

Mr. DONNELLY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 45 minutes a.m.), under its previous order the House adjourned until Monday, March 16, 1987, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

851. A letter from the Acting Secretary of Agriculture, transmitting a report on the review conducted by the Department of the implementation of the maximum payment limitation provided for in section 1001 of the Food Security Act of 1985, as amended; also a draft of proposed legislation to provide for the fair and equitable application of the maximum limitation on farm program payments that may be received by a person, pursuant to Public Law 99-500 and Public Law 99-591; to the Committee on Agriculture.

852. A letter from the Administrator, Environmental Protection Agency, transmitting a report on the total number of applications for conditional registration of certain pesticides for the fiscal year 1986, pursuant to 7 U.S.C. 136w-4; to the Committee on Agriculture.

853. A communication from the President of the United States, transmitting amendments to the request for appropriations for fiscal year 1988, pursuant to 31 U.S.C. 1107 (H. Doc. No. 100-48); to the Committee on Appropriations and ordered to be printed.

854. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of March 1, 1987, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 100-49); to the Committee on Appropriations and ordered to be printed.

855. A letter from the Secretary of Education, transmitting a copy of notice of final funding priorities—research in education of the handicapped—biennial, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

856. A letter from the Secretary of Education, transmitting a draft of proposed legislation to amend the Higher Education Act of 1965, to make technical corrections and program improvements, to remedy operational problems, to reduce unnecessary costs and program abuse, and for other purposes; to the Committee on Education and Labor.

857. A letter from the Secretary of Transportation, jointly, with the President, National Railroad Passenger Corporation, transmitting the 10th and last annual report and the 7th one issued jointly, on progress achieved and work in progress with respect to the completion of the Northeast corridor improvement project which summarizes and highlights the major accomplishments during fiscal year 1985, pursuant to Public Law 94-210, section 703(1)(D); to the Committee on Energy and Commerce.

858. A letter from the Director, Defense Security Assistance Agency, transmitting a listing of the defense articles, services, and training provided to Chad by the Department of Defense as of March 6, 1987, under the authority of Presidential Determination 87-5, dated December 16, 1986 (Ex. Com. No. 88), pursuant to 22 U.S.C. 2318(b)(2); to the Committee on Foreign Affairs.

859. A letter from the Chairman, Commodity Futures Trading Commission, transmitting the 12th annual report of the Commission's activities for the calendar year 1986 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

860. A letter from the President and Chairman, Export-Import Bank, transmitting a report of the Bank's compliance with the requirements of the internal accounting and administrative control systems in effect during the yeare ended December 31, 1986, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

861. A letter from the Secretary of the Interior, transmitting a draft of proposed legislation to add a representative of Indian tribal governments to the membership of the Advisory Commission on Intergovernmental Relations; to the Committee on Government Operations.

862. A letter from the Comptroller General, General Accounting Office, transmitting the General Accounting Office report and recommendation concerning the claim of Mr. William A. Cassity to be relieved of liability for repayment in relocation expense reimbursements that were erroneously paid to him by the Department of the Navy, pursuant to 31 U.S.C. 3702(d); to the Committee on the Judiciary.

863. A letter from the Director, Office of Personnel Management, transmitting a report of the agency's progress and continuing efforts to date in the implementation of the new Federal Employees' Retirement System [FERS]; to the Committee on Post Office and Civil Service.

864. A letter from the Administrator, General Services Administration, transmitting a draft of proposed legislation to improve the efficiency and effectiveness of management of public building; jointly, to the Committees on Public Works and Transportation and Government Operations.

865. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to extend coverage under the Social Security Act to railroad employment; jointly, to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. UDALL: Committee on Interior and Insular Affairs. H.R. 568. A bill to establish the San Pedro Riparian National Conservation Area in Cochise County, AZ, in order to assure paleontological, scientific, cultural, educational, and recreational resources of the conservation area, and for other purposes; with amendments (Rept. 100-24). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DELLUMS (for himself, Mr. Ackerman, Mr. Atkins, Mr. Bates, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Berman, Mr. Clay, Mrs. Collins, Mr. Conte, Mr. Conyers, Mr. Crockett, Mr. de Lugo, Mr. Downey of New York, Mr. Dymally, Mr. Dyson, Mr. Edwards of California, Mr. Evans, Mr. Espy, Mr. Fauntroy, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank, Mr. Garcia, Mr. Gray of Illinois, Mr. Gray of Pennsylvania, Mr. Hoyer, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Jacobs, Mr. Kastenmeier, Mr. Kostmayer, Mr. Leland, Mr. Lowry of Washington, Mr. Levin of Michigan, Mr. Lewis of Georgia, Mr. Thomas A. Luken, Mr. Martinez, Mr. Markey, Mr. Mfume, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Owens of New York, Mr. Rangel, Mr. Rahall, Mr. Rodino, Mr. Savage, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Udall, Mr. Weiss, and Mr. Wheat):

H.R. 1580. A bill to prohibit investments in, and certain other activities with respect to, South Africa, and for other purposes; jointly, to the Committees on Foreign Affairs, Ways and Means, Armed Services, Banking, Finance and Urban Affairs, Public Works and Transportation, and the Permanent Select Committee on Intelligence.

By Mr. ROSTENKOWSKI (for himself and Mr. Duncan):

H.R. 1581. A bill to delay the increase in the current year liability test for estimated tax purposes, to authorize the waiver of estimated tax penalties in certain cases, to change the date on which withholding certificates are required to take effect, and to revise the estimated tax provisions applicable to corporations; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 1582. A bill to enforce the guarantees of the 1st, 14th, and 15th amendments to the Constitution of the United States by prohibiting certain devices used to deny the right to participate in certain elections; to the Committee on House Administration.

By Mr. ARMEY:

H.R. 1583. A bill to establish the Bipartisan Commission on the Consolidation of Military Bases; to the Committee on Armed Services.

By Mr. BILBRAY (for himself, Mr. Savage, Mr. Towns, Mr. Wheat, Mr. Murphy, Mr. Espy, Mr. Hochbrueckner, Mr. Fuster, Mr. Mfume, Mr. Gejdenson, Mr. de Lugo, Mrs. Bentley, Mr. Moakley, Mr. Ackerman, Mr. Hawkins, Mr. Stokes, Mr. Traficant, Mr. Dyson, Mr. Hayes of Illinois, Mr. Kolter, and Mr. Martinez):

H.R. 1584. A bill to amend the Truth in Lending Act to establish a limitation on the rates of interest which may be imposed on credit card accounts, to provide that such limitation shall take effect on October 1, 1988, unless the determination is made that such rates reflect the cost of funds to creditors and competition among creditors for new credit card accounts, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mrs. BOXER (for herself, Mr. Miller of California, Mr. Williams, Mr. Sikorski, Mr. Lowry of Washington, Mr. Frank, and Mr. Guarini):

H.R. 1585. A bill to amend title 31, United States Code, to improve congressional oversight of programs in the President's budget treated in a manner designed to conceal the existence or scope of the program (commonly referred to as black programs); to the Committee on Government Operations.

By Mrs. BOXER (for herself, Mr. Miller of California, Mr. Williams, Mr. Sikorski, Mr. Lowry of Washington, and Mr. Frank):

H.R. 1586. A bill to improve congressional oversight of defense programs treated in a manner designed to conceal the existence or scope of the program (commonly referred to as black programs); jointly, to the Committees on Armed Services, and Government Operations.

By Mr. DeFAZIO:

H.R. 1587. A bill to authorize the States to prohibit the export of unprocessed logs harvested from lands owned or administered by States; to the Committee on Foreign Affairs.

By Mr. DELLUMS:

H.R. 1588. A bill authorizing the President to issue a posthumous commission of brigadier general to Lt. Col. Charles E. Young, U.S. Army; to the Committee on Armed Services.

By Mr. DORNAN of California:

H.R. 1589. A bill to increase Government economy and improve efficiency and to reduce the deficit by implementing certain recommendations of the President's private sector survey on cost control relating to the consolidation of certain Department of Defense operations; to the Committee on Armed Services.

H.R. 1590. A bill to provide a one-time amnesty from criminal and civil tax penalties for taxpayers who notify the Internal Revenue Service of previous underpayments of Federal tax and pay such underpayments in full with interest, and to provide that the revenues from such payments shall be used to reduce the Federal deficit; to the Committee on Ways and Means.

H.R. 1591. A bill to amend the Internal Revenue Code of 1986 to deny the deduction of medical expenses incurred for certain abortions; to the Committee on Ways and Means.

H.R. 1592. A bill to increase Government economy and efficiency and to reduce the deficit by implementing certain recommendations of the President's private sector survey on cost control regarding the consolidation of border management and the revision of overtime laws for inspectors, and for other purposes; jointly, to the Committees on the Judiciary, Ways and Means, and Agriculture.

By Mr. FIELDS (for himself, Mr. Young of Alaska, and Mr. Shumway):

H.R. 1593. A bill providing for the orderly and timely development of critical energy resources on the U.S. Outer Continental Shelf; jointly, to the Committees on Interior and Insular Affairs, Merchant Marine and Fisheries, and Ways and Means.

By Mr. FRENZEL:

H.R. 1594. A bill to extend the existing suspension of duty on flecainide acetate to January 1, 1992; to the Committee on Ways and Means.

By Mr. GLICKMAN (for himself and Mr. Richardson):

H.R. 1595. A bill to amend title V of the Motor Vehicle Information and Cost Savings Act to allow adjustments in a manufacturer's fleet average fuel economy for automobiles made by the manufacturer which utilize nonpetroleum-based fuels; to the Committee on Energy and Commerce.

By Mr. HOYER (for himself, Mrs. Bentley, Mrs. Byron, Mr. Dyson, and Mrs. Morella):

H.R. 1596. A bill to amend title 28, United States Code, to create two divisions in the judicial district of Maryland; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Boland, Mr. Donnelly, Mr. McKinney, Mr. Atkins, Mr. Rowland of Connecticut, Mr. St Germain, and Mrs. Kennelly):

H.R. 1597. A bill to recognize and grant a Federal Charter to the Franco-American War Veterans, Inc. to the Committee on the Judiciary.

By Mr. LIGHTFOOT (for himself and Mr. Nielson of Utah):

H.R. 1598. A bill to provide for the establishment of a Western Historic Trails Center in the State of Iowa, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. McKINNEY:

H.R. 1599. A bill to promote the interests of consumers and to ensure that the free flow of products in interstate commerce is not impeded by product liability law, and for other purposes; jointly, to the Committees on Energy and Commerce, and the Judiciary.

By Mr. DORNAN of California:

H.R. 1600. A bill to direct the Secretary of the Interior to display the flag of the United States of America at the apex of the Vietnam Veterans Memorial; to the Committee on Interior and Insular Affairs.

By Mr. OXLEY:

H.R. 1601. A bill to amend the Securities Exchange Act of 1934 to improve the procedures for the conduct of corporate tender offers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PETRI:

H.R. 1602. A bill to amend title 18 of the United State Code to provide capital punishment for first degree murders committed by prisoners serving a life sentence; to the Committee on the Judiciary.

By Mr. ROTH:

H.R. 1603. A bill to encourage innovation, promote research and development, and stimulate trade by strengthening intellectual property laws; to safeguard American business interests abroad by establishing United States negotiating objectives designed to increase intellectual property right protections under the General Agreement on Tariffs and Trade; and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, Energy and Commerce, and Government Operations.

By Mrs. ROUKEMA:

H.R. 1604. A bill to amend part D of title IV of the Social Security Act to require that mandatory income withholding of court-ordered child support begin automatically when the court order is issued, to strengthen the presently required State guidelines for child support award amounts, to require that employment security information be made available for child support enforcement purposes through Federal and State telecommunications networks, and to increase the penalties on States telecommunications networks, and to increase the penalties on States for failure to comply with statutorily prescribed procedures; to the Committee on Ways and Means.

By Mr. SHUMWAY:

H.R. 1605. A bill to amend the Act entitled "An Act to authorize the Secretary of the Interior to construct, operate, and maintain the Auburn-Folsom South unit, American River division, Central Valley project, California, under Federal reclamation laws," enacted September 2, 1965, and the Flood Control Act of 1970; to the Committee on Interior and Insular Affairs.

By Mr. ROBERT F. SMITH (for himself and Mr. Stenholm):

H.R. 1606. A bill to achieve the highest possible level of efficiency and cost effectiveness within the Federal Government by requiring the Federal Government to enter into contracts with the private sector for performance of commercial activities when any cost comparison demonstrates that the cost of a contract for a commercial activitity is lower than the cost of performance of the activity by the Government and by establishing in the procurement policy of the Federal Government a greater reliance on private sector sources to provide property and services needed by the Federal Government; to the Committee on Government Operations.

By Mr. TORRES (for himself, Mr. LaFalce, and Mr. Mavroules):

H.R. 1607. A bill to amend title 15 of the Small Business Act; to the Committee on Small Business.

By Mr. VOLKMER (for himself and Mr. Grandy):

H.R. 1608. A bill to clarify the administration of the feed grain crop acreage base provisions of the Food Security Act of 1985; to the Committee on Agriculture.

By Mr. WAXMAN (for himself, Mr. Miller of California, Mr. Dingell, and Mr. Scheuer):

H.R. 1609. A bill to amend the Public Health Service Act to establish school-based adolescent health services demonstration projects; to the Committee on Energy and Commerce.

By Mr. YATRON:

H.R. 1610. A bill to require the Secretary of Housing and Urban Development to provide technical assistance to State and local governments to encourage the incorporation of radon testing requirements in building codes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. GILMAN:

H.J. Res. 186. Joint resolution designating October 16, 1987, as "World Food Day"; to the Committee on Post Office and Civil Service.

By Mr. GILMAN (for himself, Mr. Rangel, and Mr. Dornan of California):

H. Con. Res. 74. Concurrent resolution expressing the appreciation of the Congress to President Virgillo Barco and the people of Colombia for their efforts to combat drug trafficking and drug abuse, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LEACH of Iowa:

H. Con. Res. 75. Concurrent resolution calling for the complete withdrawal of all Vietnamese Armed Forces from Cambodia, and expressing support for the right of self-determination for the Cambodian people; to the Committee on Foreign Affairs.

By Mr. PICKLE (for himself, Mr. Downey of New York, Mrs. Kennelly, Mr. Frenzel, Mr. Matsui, and Mr. Archer):

H. Con. Res. 76. Concurrent resolution expressing the sense of the Congress in support of a private initiative established for the purpose of enhancing small business access to U.S. trade laws; to the Committee on Small Business.

By Mr. LANTOS (for himself, Mr. Gilman, and Mr. Gibbons):

H. Res. 121. Resolution to commend the European Community and the governments of the member states of the European Community for the role which the Community has played in the development of the close relationship existing between the United States and Europe on the occasion of the 30th anniversary of the signing of the Treaty of Rome, which established the European Community; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DORNAN of California introduced a bill (H.R. 1611) for the relief of Joseph W. Newman; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 317: Mr. Owens of New York, Mr. Eckart, Mr. Dellums, Mr. Richardson, Mr. Garcia, Mr. Evans, Mr. Tallon, Mr. Levin of Michigan, Mr. LaFalce, Mr. Bonior of Michigan, Mr. Mineta, Mr. Espy, and Mr. Lantos.

H.R. 637: Mr. Levin of Michigan, Mr. Mrazek, and Mr. Hayes of Illinois.

H.R. 719: Mr. Bilirakis, Mr. Rinaldo, and Mr. Sensenbrenner.

H.R. 720: Mr. Crane and Mr. Solomon.

H.R. 778: Mr. Solarz, Mr. Rose, Mr. Wolpe, Mr. Boland, Mr. Mineta, and Mr. DeFazio.

H.R. 779: Mr. Bustamante, Mr. Smith of New Hampshire, Mr. McHugh, Mr. Gekas, Mr. Brown of California, Mr. Moody, Mr. Dornan of California, and Mr. Pepper.

H.R. 790: Mr. Mack, Mr. Campbell, Mr. Young of Alaska, Mr. Oxley, Mrs. Bentley, and Mr. Gray of Illinois.

H.R. 799: Mr. Borski, Mr. Boucher, Mr. DeFazio, Mr. Kastenmeier, Mr. Hayes of Illinois, Mr. Lewis of Georgia, and Mr. Owens of Utah.

H.R. 898: Mr. Frost, Mr. Lowry of Washington, and Mr. Dowdy of Mississippi.

H.R. 921: Mr. Owens of New York, Mr. Hughes, Mr. Bonior of Michigan, and Mr. Espy.

H.R. 934: Mr. Eckart.

H.R. 1002: Mr. Walgren and Mr. Cardin.

H.R. 1152: Mr. Pashayan, Mr. Gray of Illinois, Mr. Barnard, Mr. Kastenmeier, Mr. Espy, Mr. Atkins, Mr. Sharp, Mr. Lancaster, Mr. Roe, and Mr. DeFazio.

H.R. 1163: Mr. McGrath, Mr. Rinaldo, and Mr. Shaw.

H.R. 1178: Mr. Porter.

H.R. 1249: Mr. Evans, Mr. Walgren, Mr. Kolbe, Mr. Feighan, and Mr. Rinaldo.

H.R. 1293: Mr. Hayes of Illinois, Mr. Whittaker, and Mr. Parris.

H.R. 1356: Ms. Slaughter of New York.

H.R. 1433: Mr. Feighan and Mr. Cardin.

H.R. 1437: Mr. Feighan, Mr. Rinaldo, and Mr. Lagomarsino.

H.R. 1438: Mr. Boehlert.

H.R. 1469: Mr. Gephardt and Mr. Gunderson.

H.J. Res. 32: Mr. Lewis of Georgia, Mr. Waxman, Mr. de Lugo, Mr. Hayes of Illinois, Mr. Wortley, Mrs. Collins, Mr. Rangel, Mr. Ravenel, Mr. Kolbe, Mr. Hertel, and Mr. Fish.

H.J. Res. 103: Mr. Solomon and Mr. Craig.

H. Res. 40: Mr. Lott, Mr. Crane, Mr. Nielson of Utah, Mr. Fields, Mr. Craig, and Mr. Sensenbrenner.

H. Res. 68: Mr. Mollohan, Mr. Espy, Mr. Fish, Mr. Boucher, and Mr. Hefner.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1153: Mr. Ackerman, Mr. Bates, Mr. Bonior of Michigan, Mr. Brown of California, Mr. Berman, Mr. Clay, Mrs. Collins, Mr. Conte, Mr. Conyers, Mr. Crockett, Mr. de Lugo, Mr. Downey of New York, Mr. Dymally, Mr. Edwards of California, Mr. Espy, Mr. Fauntroy, Mr. Flake, Mr. Foglietta, Mr. Ford of Tennessee, Mr. Frank, Mr. Garcia, Mr. Gray of Illinois, Mr. Hoyer, Mr. Hawkins, Mr. Hayes of Illinois, Mr. Jacobs, Mr. Kastenmeier, Mr. Kostmayer, Mr. Leland, Mr. Lowry of Washington, Mr. Levin of Michigan, Mr. Thomas A. Luken, Mr. Martinez, Mr. Markey, Mr. Mfume, Mr. Morrison of Connecticut, Mr. Oberstar, Mr. Owens of New York, Mr. Rangel, Mr. Rahall, Mr. Rodino, Mr. Savage, Mr. Stark, Mr. Stokes, Mr. Studds, Mr. Weiss, Mr. Wheat, Mr. Dyson, Mr. Gray of Pennsylvania, Mr. Evans, and Mr. Udall.

SENATE—*Thursday, March 12, 1987*

The Senate met at 9:30 a.m. and was called to order by the Honorable WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray.

Wonderful, Counsellor, Mighty God, everlasting Father, Prince of Peace, wherever we look there is trouble—and men and women in leadership are expected to have all the answers. Desperately we need Your counsel—Your wisdom—Your guidance. Avarice, greed, lust, and deceit spread their infection among us, insidiously polluting the stream of life, public and private. Grant to the leadership and Members of the Senate Your gracious intervention that they may fulfill the sacred trust to which they have been divinely appointed. Illumine their conscience—strengthen their courage—lead them in truth and righteousness. Encourage them in their moments of frustration when mountains of difficulty and valleys of need intimidate, show them Your way. Work Your perfect will in this place. For Thine is the kingdom and the power and the glory forever. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the majority leader.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF SENATOR PROXMIRE

The PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized.

BANKING'S FUTURE AND WHY CONGRESS MUST ACT

Mr. PROXMIRE. What is the future of American banking? What will this country's credit system look like 15 or 20 years from now? One expert study recently made by a Cambridge, MA, organization called the MAC group predicts that the number of bank branches will decline by one-third in the future. The group also finds that larger branch networks will evolve. Obviously this means a very considerable concentration of banking control in coming years. On what assumptions is this projection based?

First, it is not based on historical experience. Between 1970 and 1981 the number of bank branches grew by more than 80 percent. Since 1981 growth has slowed. But it has not stopped.

Second, this forecast is not based on any new technological experience. Between 1980 and 1985 the number of households using home banking grew by less than one-tenth of 1 percent. That means that by 1985 there was less than one home in a thousand that used home banking. Transactions through automatic clearing houses tripled. But they remained at less than 5 percent. Individuals using direct deposit accounts grew by less than 3 percent.

Third, bank consolidation simply did not occur. The number of banks in 1985 was almost precisely the same as the number of banks in 1980. Medium size banks—not the huge money center banks—grew most rapidly. The number of banks with assets between $1 and $10 billion grew by more than 50 percent. The number of banks with assets over $10 billion grew by less than 30 percent. The number of banks with assets of less than $1 billion remained almost precisely the same.

Fourth, banks with assets between $1 and $10 billion enjoyed sharply increasing returns on their equity. Small banks with less than $1 billion in assets suffered a drop from a 1980 return of 13½ percent on equity to 11½ percent. And the large banks suffered an even greater decline from a 1980 return of more than 13½ percent on equity to an 11 percent return in 1985. Overall during the 5 years from 1981 through 1985, banks earned a higher return on equity than most other financial institutions. For banks it was a 14.5-percent return. For thrifts it was 12.7 percent. For insurance companies 13.5 percent. For full line brokerage firms 10.5 percent. Only investment banks did better. Their return averaged 24.3 percent during that 5-year period.

So where is the evidence that American banking is hellbent for the kind of concentration this MAC study predicts? Certainly not in the historical record I have reviewed. So where is it?

The answer lies in policies adopted in recent years by State legislatures, and a lack of action by the Congress. Here is why: In the past 5 years the prime barrier against financial concentration has started to crumble. That barrier, up until a few years ago, was a nationwide prohibition in most of the States against out-of-State branching. That barrier has now become history. Thirty-nine of the fifty States now permit out-of-State branching. To date most of the States confine their banks to branching from and into neighboring States through regional compacts. But an increasing number of States have opened their borders to banks from anywhere. And many State legislatures have admitted their move into regional banking was in the expectation that full national branching was on the way.

The MAC study finds that the most profitable branches require $30 to $40 million in footings to be profitable. They contend that banks will pay increasing premiums to acquire good new branches. Of course, that means the smaller banks located in prospering communities will be able to sell out at profitable prices. They will be able to make a bundle by surrendering their independence. Many will do just that. The number of banks—including successful, efficient banks—will decline. Concentration will grow. Obviously congressional action to advance interstate branching will accelerate that concentration.

Some of that will come from the pending Senate bill that includes the proposed regulators' bill. That bill for the first time permits the acquisition across State lines in violation of State law of failing banks. A far more massive advance of concentration could come if the Congress fails to close the nonbank bank loophole. Under recent court interpretation, large conglomerate corporations can form institutions that can perform virtually all banking functions, provided they either are selective in the deposits they accept or in the commercial loans they make. These nonbanks can accept most deposits and make all commercial loans. Or they can accept all deposits and make most but not all commercial loans.

The courts have found that such institutions are technically not banks, and therefore escape the law's long time separation of banking and commerce. The result: institutions whose owners escape the regulations imposed on bank holding companies. These are institution's owners who cannot be required to meet safety and soundness requirements. These are also institutions that have a flagrant, conspicuous, built-in conflict of interest.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Now it is true that these institutions do not, to date, absorb a large proportion of the Nation's deposits. Ah, but what a potential if in the future they could take a huge proportion of the deposits that constitute not only the life blood of the Nation's banks—big and small—but the credit lifeblood of independent American business, big and small.

And these nonbanks are owned by the Nation's largest conglomerate corporations. The biggest retail firm on Earth—Sears—has a nonbank bank. So does the biggest brokerage firm, Merrill Lynch. So does the biggest insurance company, Prudential. The nonbank is a time bomb waiting to go off. If the Congress fails to cut the fuse, super financial concentration is right around the corner.

Mr. President, I want to thank my good friend, the majority leader, for so graciously yielding me his time. I am very grateful for that. I thank him.

Mr. President, I yield the floor.

RECOGNITION OF THE MINORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the minority leader.

Mr. BYRD addressed the Chair.

The PRESIDENT pro tempore. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, the distinguished Republican leader is fulfilling an important appointment at the moment.

I ask unanimous consent that the time of the distinguished Republican leader be reserved for his use later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE ABM TREATY INTERPRETATION

Mr. DOLE. Mr. President, the Senate is now fully immersed in the issue of the ABM Treaty interpretation—an issue of profound importance to America's defense. Three committees have undertaken hearings on the subject, and Senators have responded enthusiastically to the President's offer of extensive consultations. Some Senators have spent many hours reading the records and have begun to share their results with us.

As we proceed with this discussion, we should keep two points constantly in mind.

First, there is—and is likely to remain—considerable uncertainty, and difference of opinion, among those who have studied the records. The Senate has not spoken with one voice, and I doubt that it will. I am sure that all my colleagues agree that we owe all who have taken their time to examine this matter careful and courteous examination of their views.

Second, we must keep in mind what we are doing and what we are not doing. We are doing our part to ensure that all relevant factors have been thoroughly examined, and that all points of view have been heard. We are not, should not, and cannot make the President's decision for him. In the final analysis, it is President Reagan who will have to decide upon a reasonable interpretation of our obligations under the treaty.

Some have alleged that President Reagan is unilaterally changing our obligations under the ABM Treaty—nothing could be further from the truth. President Reagan has shared his analyses, and the records upon which they are based, with us. He welcomes our views. Now we must give him our counsel, in recognition of the fact that we have only one President.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand earlier this morning the leaders' time was reserved. Is that correct?

The PRESIDING OFFICER. The Republican leader is correct.

BICENTENNIAL MINUTE

THE VALUE OF THE SENATE ORATORY

Mr. DOLE. Mr. President, I have been giving a series of bicentennial minutes and I have another which I think may be of interest to my colleagues and others who read the Record.

Mr. President, during the Senate's nearly 200 years of existence, only a few of its Members have kept and published diaries. William Plumer, of New Hampshire, carefully recorded his involvement in Senate activities between 1803 and the end of his brief service in 1807. Here is a portion of his entry for the session that met on March 12, 1806, 181 years ago today:

> I have for sometime been convinced that speeches in the Senate, in most cases, have very little influence upon the vote. I believe that in 19 cases out of 20, they do not change a single vote. For this inefficiency there are various causes. All our documents, communications, reports, bills and amendments are printed and laid on our tables, and those of us who examine subjects for ourselves, and do not vote on the faith of others, read and examine and form opinions for ourselves.
>
> Having read and examined a subject we converse with each other, and freely exchange our sentiments. This not only confirms or changes the opinions of some, but fixes the vote of others who never give themselves the trouble of examination. Some Senators are implicitly led by the administration. Others have their "leader". When a Senator is making a long speech, the chairs are deserted, and the vote is often settled in a conversation at the fireside. The conversation is there often so loud as to interrupt the Senator who is speaking, for our Vice President has not the talents requisite for a good Presiding Officer. Under these circumstances, it is often difficult for a man who knows he is not "listened to", to deliver an able and eloquent argument. To this, add that we have no stenographer, and seldom any "hearers" in the galleries * * *. I speak none, and yet my influence on many subjects is not confined to my own vote.

Mr. President, I would only say that probably nothing has changed since then. As I look around, the Chamber is empty. It was not a long speech, and we do have stenographers. We have no fireplace. We have an efficient Presiding Officer. Otherwise, everything is the same.

Mr. BYRD. Mr. President, I ask unanimous consent that I may proceed for 2 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

SUPPORTING THE PEACE INITIATIVE OF THE CENTRAL AMERICAN HEADS OF STATE

Mr. BYRD. Mr. President, the Senate at 9:45, under the previously entered order, will begin debate on Calendar Order No. 29, Senate Concurrent Resolution 24.

This is a concurrent resolution that was offered by Mr. Sanford. It supports the initiative of Central American heads of state, meeting in San Jose, Costa Rica, supporting a regional proposal to bring about an end to the armed conflict in Central America. The yeas and nays will be ordered on the adoption of the concurrent resolution as soon as a sufficient number of Senators are on the floor to order the yeas and nays.

Mr. President, the vote will occur no later than 11:45 a.m. today. I would urge the cloakrooms to inform all Senators that there will be a rollcall vote on the adoption of this concurrent resolution. Mr. Sanford is on the floor at this time.

Mr. President, since no other Senator seeks recognition, I would presume to suggest to the Chair that the Senate now proceed to the consideration of the Sanford concurrent resolution and have it read by the clerk. I so ask unanimous consent.

The PRESIDENT pro tempore. Is there objection?

The Chair hears none. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

> A concurrent resolution (S. Con. Res. 24) supporting the initiative of Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional pro-

posal for bringing about an end to the armed conflict in Central America, and for other purposes.

The PRESIDENT pro tempore. Without objection, the Senate will proceed to its immediate consideration.

The Senate proceeded to consider the concurrent resolution, which had been reported by the Committee on Foreign Relations with amendments, as follows:

(The amendments are shown in italic.)

S. CON. RES. 24

Whereas the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras met in San Jose, Costa Rica, on February 15, 1987, for the purpose of formulating a regional proposal for bringing about an end to the armed conflict in Central America;

Whereas these heads of state have reaffirmed—

(1) their faith in finding a political solution to the problems in the region and have recognized their regional responsibility to seek a stable and durable peace through diplomatic negotiations and political dialog; and

(2) their belief that such a durable peace is only possible within the context of democratic regimes which are committed to eradicating extreme poverty, to establishing an effective means for equal opportunity for all elements of society, and to establishing a pluralistc society where dialog among the various elements of society is permitted to occur and free and periodic elections are held;

Whereas these heads of state specifically endorsed the "Procedure for Establishing a Firm and Durable Peace in Central America" proposed in San Jose by Oscar Arias Sanchez, the President of Costa Rica, as a useful and constructive proposal for discussion with an end toward establishing a definitive timetable for ending the cycle of violence in Central America; and

Whereas the heads of State of Costa Rica, El Salvador, Guatemala, and Honduras intend to transmit this proposal to the Government of Nicaragua and to extend a formal invitation to the President of Nicaragua to participate in discussions with the goal of executing a plan for a definitive and verifiable program for establishing peace in Central America: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That (a) the Congress *appreciates* the recent bold initiative by the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras, and congratulates them on *their* significant *contributions* toward ending armed conflict, and reinforcing democracy, in Central America.

(b) The Congress strongly supports *the thrust of* this initiative and looks forward to the summit meeting in Esquipulas, Guatemala, within the next three months, as the next phase in this historic effort of the Central American heads of state to forge a firm and lasting peace in Central America.

Mr. BYRD. Mr. President, I suggest the absence of a quorum and I ask that the time be charged equally against both sides.

The PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PELL. Mr. President, on Tuesday, the Foreign Relations Committee took united, bipartisan action and unanimously voted to support a regional political/diplomatic solution to the turmoil in Central America. By a 19 to 0 vote, with Senators HELMS, MURKOWSKI, and MCCONNELL signing on as cosponsors, the committee gave its endorsement to Senator SANFORD's concurrent resolution which supports the Costa Rican peace initiative presented at a meeting of the Presidents of El Salvador, Honduras, Guatemala, and Costa Rica in San Jose on February 15. The governments are now preparing for the next step in this new proposal, being carried out within the framework of the Contadora peace process. In the next months, probably in May, the Presidents of the respective nations, including Nicaragua, will meet in Guatemala to discuss and refine the proposal offered by President Arias.

The proposal before the Central American nations calls for extensive dialog with all nonmilitary internal political opposition groups in order to promote national reconciliation; sets up criteria for democratization by calling for political pluralism and complete freedom of the press, radio, and TV; and provides for free elections according to the above criteria which will be used in a regionwide election for a Central American Parliament. On the security side, the proposal requests that all countries suspend aid to insurgents and asserts that the Central American nations cannot permit the use of their territory to support the destabilization of the respective governments; it calls for negotiations to achieve a reduction in armaments and troop levels; and it calls for international supervision and verification of the various provisions of the plan by the Secretaries General of the United Nations and the OAS, as well as the foreign ministers of the Contadora and support groups.

The Costa Rican initiative is extremely significant because it is a statement by the Central American nations themselves that they want to be in control of their own destiny. We should give them the chance to forge their own solutions to their own problems. We in the Senate can make a significant contribution to this Central American effort by declaring our strongest support for this new process through overwhelming approval of the Sanford resolution. At our hearing, the administration, through Assistant Secretary of State Elliott Abrams, declared support for the Sanford resolution. The unanimous vote in the Foreign Relations Committee strongly endorsed the resolution. I urge my colleagues to join with us and cast their vote in favor of the Sanford resolution as a demonstration to the people of Central America that the U.S. Senate supports their intense desire to return to peace once again.

Mr. President, I congratulate the originator of the resolution, Senator SANFORD, who visited Central America and prepared this concurrent resolution after his personal trip there, and I am proud to be an original cosponsor. I yield to the Senator from North Carolina such time as he desires.

Mr. BYRD. Mr. President, will the distinguished Senator from North Carolina yield to me that I might ask for the yeas and nays while the distinguished Republican leader is on the floor?

Mr. SANFORD. Certainly.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. I thank the Senator.

Mr. SANFORD addressed the Chair.

The PRESIDENT pro tempore. The Senator from North Carolina.

BIPARTISAN SUPPORT FOR CENTRAL AMERICAN PEACE

Mr. SANFORD. Mr. President, last month Senator DODD and I were fortunate to be present at an historic meeting in San Jose, Costa Rica. There, under the leadership of Oscar Arias Sanchez, President of Costa Rica, the four Central American democracies launched a united quest for peace, security, and democracy throughout the region. This was the first step in an important initiative that has breathed new life into a stalled peace process.

The response to the Costa Rican peace plan has been heartening. It took Nicaragua only 3 days to accept the invitation to join the four democracies for the next round of talks. The resolution supporting this initiative was approved 19 to 0 by the Senate Foreign Relations Committee. The administration has endorsed it.

In short, there is a growing realization that this might be our last best hope of achieving a peaceful resolution of the conflicts in Central America. This bold initiative deserves the immediate and enthusiastic endorsement of the Senate.

There is another reason the Arias proposal deserves our strong support: It is the recognition that the best hope for achieving peace and stability in Central America lies in the initiative of the Central Americans themselves. Nobody has more at stake than these four countries, whose own stability and democracy are threatened by the conflict in Nicaragua. Nobody can speak more convincingly of the challenges and rewards of the difficult transition to democracy. And nobody is better positioned to pressure or persuade Nicaragua to permit a more open society and rein in its revolutionary army.

In the past, it has been easy for the Nicaraguans to play on old resentments and reject any proposal that bore the mark of the United States. It will be much harder to spurn the sincere overtures of their Central American neighbors.

This initiative is not a magic wand. Rather, it is the first step on the long and arduous road to peace, a road that is full of obstacles and pitfalls. The Central American democracies deserve our support at every step along the way.

The United States will not be a formal participant in the upcoming talks in Esquipulas, Guatemala. But our actions and our leadership could well determine the outcome of these negotiations. For over a century, we have taken it upon ourselves to help share the course of Central American history. In our proudest moments, we have encouraged and nurtured democratic movements.

We have the opportunity to make this a proud moment in our relations with our neighbors to the south. We have the opportunity to support these fledgling democracies in their efforts to achieve peace and stability. We must not fail them.

This is a golden opportunity for the administration to achieve its own stated objectives. For 6 years, we have been pursuing a policy whose negotiated goal is to pressure the Nicaraguans into negotiating. Now, at last, they have agreed to sit down and negotiate with their neighbors. The agenda for these talks includes a cease-fire, honest, open elections, guaranteed civil rights, a reduction in arms, dialog with internal opposition groups, and an end to attempts to destabilize any Central American government. These are exactly our goals for the region.

This administration can elevate itself in the eyes of the world by showing its strong, sincere support for the success of these negotiations. It is a foreign policy that stresses diplomacy, shows respect for international treaties and law, and promotes harmony, cooperation and peace among the nations of this hemisphere.

The administration has endorsed the measure before us today, a resolution of congressional support for the Central American peace initiative. By giving this resolution a strong, bipartisan approval, we will send a message not only to the Central American heads of state, but to our own, as well. We will be supporting our President as he employs our Nation's considerable strength, prestige, and moral leadership in the pursuit of a lasting and durable peace in Central America.

If we succeed, it will be a triumph which we will all look back on with pride.

I thank the Chair.

Mr. ARMSTRONG addressed the Chair.

The PRESIDENT pro tempore. The Senator from Colorado is recognized.

Mr. ARMSTRONG. Mr. President, if this concurrent resolution is our last best hope, we are really grasping at straws. I do not have any objection to this concurrent resolution. I have just read it and it expresses a sentiment that we all support—that we hope the heads of state in the Central American countries, under the leadership of President Arias, can in fact work out some peaceful resolution of the situation in Central America along lines which will honor democratic traditions and which will provide for the political freedom of the people who are directly involved, and for the cessation of hostilities. But, Mr. President, if anybody really thinks that is likely to happen, they are going to be cruelly deceived as events unfold, because while that is certainly possible, it is unlikely in the extreme.

It is true that the passage of this concurrent resolution, which I expect to vote for—it is very difficult, in fact, nearly impossible, to object to the literal formulation of this resolution. But it is true we are sending a message and the message that will go forward as a result of passing this concurrent resolution in the Senate and of the action which occurred in the other body yesterday—in which the House of Representatives made it clear that they do not, presently at least, intend to support any further financial assistance for the presence of the democratic resistance forces in Nicaragua—does not seem likely to enhance the prospects of peace or political freedom in that area.

Mr. President, there is a streak of isolationism that is very broad indeed in this Nation's character and I would have to confide that indeed, I have a sort of isolationist sentiment deep within me as well. There are a lot of days when I get up in the morning and say, "You know, I think we ought to just chuck it all in Central America, in Europe, and everywhere else and come home, everybody come home and let everybody handle their own problems and if that means we do not get any more bananas out of Central America, so be it." There are times when I think the days of America devoting its political and every other form of power to getting bananas are gone.

But we cannot simply evade our responsibilities in Central America, much as we would like to do so. Despite the warnings of Presidents, despite the warnings of journalists and all others going back to George Washington's time to beware of foreign entanglements, the reality is we cannot avoid being entangled in what is going on in Central America. We honestly have no choice.

So here is where we find ourselves: There is a natural aversion, indeed a horror, at the prospect of our country, our Congress, our people, being bogged down year after year in the guerrilla warfare and political intrigue of Central America. But, Mr. President, this concurrent resolution to the contrary notwithstanding, that is exactly what we must prepare for unless—barring a miracle—unless we are prepared to see that region of the world come perpetually under Communist domination; unless we are prepared to see the Communist regime in Nicaragua consolidate its hold on a permanent basis; unless we are prepared to see El Salvador topple; unless we are prepared to see the Caribbean become a Communist lake; unless we are prepared to see the Panama Canal come under the close surveillance, if not the actual domination, of the Soviet Union; unless we are prepared to see this country humiliated and its undertakings in every part of the world, which are already taken with a large dose of salt, further eroded in their credibility.

About 3 weeks ago, Mr. President, I visited Central America, as other Senators have. I did not make all the usual stops, but I made some that were particularly significant and over the next few weeks I expect to share some of the experiences I had. But I only want to mention one this morning, because it really bears on the largest issue here.

The most significant and meaningful contact I had in Central America was not with a head of state; although I was privileged to meet with some of the heads of state; nor with journalists, although I met with many of them and had a fine experience and learned a lot from chatting with Americans on the grounds; nor with businessmen and women, though I chatted with some of them—one of whom was subsequently arrested, by the way, in Nicaragua. The most significant and insightful contact I had occurred in a refugee camp just inside the border of Honduras.

It was a pathetic, miserable place, and it is a blot on the record of the human race that anybody, let alone over 4,500 people, have to live under such circumstances of poverty and deprivation, with dirt streets and dozens of people living in a single tiny room; in fact, in one place we visited, over 140 people were living in one tiny room under conditions that honestly are subhuman. No running water, no electricity, and the only water supply for the camp one tiny pipe which gave out polluted water for a few hours a couple of times a day; practically everybody in the camp suffering from disease as a result.

Mr. President, as I talked to people in this camp, and we talked to lots of them, of every age and many varied backgrounds, we asked a lot of questions. The most profound answer that came back was from a man by the name of Omar Rubio. Mr. Rubio is at least slightly better off than many of the people who live in this camp because he is literate and has access at least periodically to international papers. His background is this. He is a Nicaraguan, has been forced out of his country. He was a member of the democratic resistance in Nicaragua. He is a clergyman. He showed us among other things the wounds he bears from his service with the democratic resistance, or as some call them, the Contras. We shared with him tales of his background, his family. Then I put the question I ask my colleague to consider. I said:

"Mr. Rubio, do you expect you will be able to go home and, if so, when?"

"Well," he said, "That all depends."

I said, "On what does it depend?"

He said, "It depends on whether or not Congress supports President Reagan's policy in Central America."

Mr. President, that is the issue. The issue is not this resolution, which expresses a sentiment we can all endorse. The real issue is whether or not we are prepared to back the President in his support for the democratic resistance in Nicaragua. If we pull the plug on the democratic resistance, or on the Contras, as some like to call them, then it is not just the Contras that are going down the drain; it is Nicaragua; it is El Salvador; it is the whole region. It is another aspect of American credibility that will be sacrificed.

So, Mr. President, I just did not want to let the day go by with anybody thinking that by passing this concurrent resolution, to which I stress I have no objection, but if anybody thinks this is the answer, I just want it on the record that it really is not. It is easy to support a nonbinding resolution, but that is not the question. When we get a chance to support the democratic resistance, the only force which has the power to push everybody to the bargaining table in that region, the only group that is really prepared to fight on the ground for freedom inside Nicaragua, then will come the real test for Senators. I suggest to you that is the question. The underlying issue—and there are a lot of side issues, many of them quite important in my opinion—is freedom or communism; it is repression or free elections.

Now, the issue is not, in my judgment, primarily centered around the collateral or subsidiary issues. They are little more than intellectual cul de sacs although they are important in and of themselves. Human rights is a very important issue in my opinion. The record not only of the Sandinista regime but of the Government in El Salvador and of the democratic resistance, all of these are important considerations that Congress ought to be looking into, and we ought to at every step of the way make efforts to improve the human rights performance, not only by those with whom we are allied but, indeed, with those to which we are opposed. But that is not the main issue. The main issue in the long run is still freedom or communism.

There is a question which has been properly raised about whether or not U.S. funds have been diverted, whether or not somebody's pockets have gotten lined. I do not know the answer to it, but I will tell you my suspicion. My guess is that, if we really knew it, there is a certain degree of diversion which has occurred. I do not know that it is still occurring. In fact, one of the leaders of the democratic resistance military movement told me that the democratic resistance has more accountants than any guerrilla army in the history of the world, and I think that is true.

However, Mr. President, diversion of funds is not the central issue. It is an important collateral issue, but it is not the main question. There are a lot of other issues. There are questions of whether or not the United States has handled its diplomatic policy in that region skillfully, and in my judgment we have a somewhat mixed record there. There are questions of whether or not Congress has been adequately consulted in the formulation of our policy, and I think the verdict is in on that. We have not been adequately consulted. There are questions of whether or not at some time or another the Government has stepped over the line into impermissible, improper, possibly illegal activity. I think the verdict is in on that in that we have done so, and that is reprehensible. But that is not the main issue. The main issue is whether we are for communism or freedom. That is not addressed in this concurrent resolution. This concurrent resolution is a pious hope; it is a worthy hope—I am going to vote for it—but as Senators troop to the floor a couple hours from now to register their approval of a negotiated settlement of the differences in that region of the world, I hope they will not forget that in due course we are going to have a chance to vote on the real issue, up or down, of communism or freedom in Central America.

The PRESIDING OFFICER (Mr. ROCKEFELLER). The Senator from Rhode Island.

Mr. PELL. I yield as much time as he may desire to the Senator from Tennessee.

Mr. SASSER. I thank the distinguished Senator from Rhode Island.

Mr. President, I believe the time has now come for all of us to acknowledge the obvious with regard to Central America. Our policy, if ever there was a policy—and there is some doubt about that—is now in radical disarray. It has been exposed during recent months for what it is, an ad hoc exercise in military adventurism with no clear goals, with no coherent design. As a matter of fact, Mr. President, I had a State Department official, who shares some responsibility for shaping and executing American policy in Central America, confess that the policy was "just to keep things stirred up and maybe something good will happen." I submit that this policy has little or no support from the American people and well it should not.

Now, the recent resignation of Arturo Cruz confirms what many of us have suspected all along. The Contras are not path to peace in Central America. The Contras are the path to chaos. They are the path to continued division in this country and the path to continued division in Central America. The Contras represent a potentiality for war in Central America.

I was shocked to read on the front pages of the New York Times just the day before yesterday a story in which it recited how Contra fighters had descended on a village, attacked a clinic there that was undefended, and these fearless fighters for freedom ended up killing a 15-year-old girl and numerous other undefended citizens of that village, destroyed the clinic. So much for the war for the hearts and minds of the people of Nicaragua.

There is only one path to peace in Central America. It is a difficult path, but it is a path of reasoned diplomacy, which I think will lead inevitably to a political settlement.

This morning we have an opportunity to endorse a peace plan whose origin is the Central American democracies themselves. We have all been encouraged by what has occurred in Central America in recent years, the rise of democratic forms of government there—albeit they are fragile, albeit they are not perfect, but at least they are now a force in being. These Central American democracies have put forth a peace plan that the administration should embrace as its own and should have embraced as its own long ago.

When the Senate passes the resolution which bears the name of the distinguished Senator from North Carolina, the Sanford resolution, we will be sending an important signal to our allies and to the democracies of Central America. It will be a signal that we have abandoned the dark alleyways of covert activity and shadowy arms deals and illegal conduct, as the Senator from Colorado has described, and are pursuing the broad, open road of reasoned diplomacy, a diplomacy that is fitting for a free people.

But the action of the U.S. Senate must not end here. The moratorium passed by our colleagues in the House of Representatives yesterday is but the next step that the Senate must take. That moratorium states clearly for all the world to see that the Congress of the United States has repudiated underground arms networks, repudiated dealing with terrorists who masquerade under the guise of being democrats, and that we believe the attempt to overthrow a government with which we now maintain diplomatic relations, even though we do not agree with the system which that government has in place, is not a policy this country should follow.

The administration claims to support the initiative put forth by the distinguished President of Costa Rica, President Arias, the leader of the oldest democracy in that region, yet the administration continues to prosecute a mindless war which condemns the Arias peace plan to failure, for the Nicaraguans will never negotiate in a climate of war.

A moratorium on Contra funding would be a signal to all the parties in conflict that the United States is willing at long last to give peace a chance in that very troubled region.

When the leaders of the Central American democracies meet in Guatamala in May, they will have an opportunity to negotiate a lasting solution to this conflict that threatens to inflame the whole region. Their success or failure will depend in large part on the willingness of the United States to permit the seeds of peace and accord to germinate and to grow.

Many of us have read the draft of the Arias proposal. Look at what it calls for: It calls for a cease fire. Who could disagree with that? It calls for free elections, something we all favor. It calls for a suspension of military aid, ceasing putting the method of destruction into that war-torn region. It calls for no use of territory for attacks on other states. It calls for a reduction of armament. Last, it calls for international supervision of the agreement.

In other words, the Arias proposal addresses every issue which has been raised by the Government of the United States. It addresses every issue which at one time or the other the administration has said it favors.

The question we must ask is, Will the Arias initiative succeed? We do not know. We pray it will. But one thing is certain: It will not succeed until the United States is willing to halt the funding of the Contra war.

So, Mr. President, I strongly favor the concurrent resolution offered by our distinguished colleague from North Carolina [Mr. SANFORD] and commend him for offering it. But I say to my colleagues that that concurrent resolution, good as it is , is not enough. If we really support the opportunity for peace in Central America, we will pass the moratorium resolution which was approved by the House yesterday afternoon.

Mr. President, even those who have supported the Contras in the past are appalled by what they see today.

When Arturo Cruz resigned, the facade of democratic leadership was stripped away and the harsh reality of exactly what the Contras are has been exposed, just as it was exposed 2 days on the front page of the New York Times as an organization that attacks clinics and takes as its victims 15-year-old, unarmed girls.

The Contra policy has failed, Mr. President. It is time to replace it with a policy of peace. Let us in this body endorse the Arias initiative. Let us halt this senseless war in Central America before it inflames the whole region, before it destroys the fragile democracies of the Central American countries themselves, and before it is too late.

Mr. PELL. Mr. President, how much time does the Senator from Connecticut desire?

Mr. DODD. Five or ten minutes.

Mr. PELL. I yield up to 10 minutes to the Senator from Connecticut [Mr. DODD].

Mr. DODD. I thank the distinguished Senator from Rhode Island.

Mr. President, let me at the very outset congratulate our new colleague from North Carolina for this initiative. It is difficult enough, under most circumstances, to bring matters to the floor. It is always a bit more difficult, I think, for new Members. To have as one of the first measures to be considered by the 100th Congress, a measure brought through the Foreign Relations Committee, by a distinguished new Member of this body, is truly an indication of what we can expect from TERRY SANFORD as a Member of the U.S. Senate.

I am delighted to be an original cosponsor of this resolution and, more importantly, I suppose, to have been with him on February 15 in San Jose, Costa Rica, in the hall called Treatro de Bellas Artes in that city, to watch four democratic Presidents sign a historic agreement. It was a moment of significance and importance in this hemisphere. This resolution seeks to commend that effort and to recognize the valiant attempts by those four Presidents—now with the agreement, as I understand it, of the Nicaraguan Government to participate during these days—to bring about successful agreement in Guatemala sometime later this spring. It may be the most important single occurrence that has happened in Central America not only in the last decade but also possibly in the last century.

Too rarely do people in this country take stock of what happens in this hemisphere. It is regrettable, but our own educational system does not focus enough attention on this hemisphere. Most of our history courses in grammar school or high school are focused on the European linkage, the European tradition, classic Rome and Greece. Rarely do we spend time discussing our own neighbors. Our neighbors have more than a passing familiarity with our own involvement in the region. Many Latin American students will recite in great detail American involvement in this hemisphere over the past two centuries.

Part of the history is that the five countries of Central America are something of an accident—an accident geographically and politically. They were delineated after the Spanish viceroys gave up their domination of that particular region. There are many reasons why the lines should not be drawn the way they are. Nonetheless, they have existed for about 160 years, having all received their independence about the same time. During those last 160 years, these countries have tried to come together in various confederations—Central American common markets and the like. But they have not been successful at it.

They have spent much time fighting one another. There has always been a degree of hostility between the Guatemalans and the Nicaraguans. Both can tell you about it if you care to ask them. There have been problems between Honduras and Nicaragua over the years. They will certainly tell you about that. And it has been problematic how Guatemala perceives itself in relation to Mexico and the other Central American countries.

Each of these countries is different. Theirs is not a homogenized society. They are different people with different backgrounds, different cultures, despite the fact that they share a common language and a somewhat common heritage.

What occurred in San Jose was not an old event. It was a significant event. So far as I am concerned, from a historical standpoint, it is one of the first occurrences in which Central American governments, on their own initiative, have come forward and said, "We are trying to solve our problems on our own." Unfortunately, the history of that region has been one in which others have tried to resolve their problems for them. It goes back to the last century and characterizes this century as well. I mentioned our own involvement, and there has been the recent involvement of others.

What occurred in San Jose is of historic importance. This resolution seeks to recognize that effort by our colleagues here, to endorse that process. Clearly, it is not our business to sit and dot the "i's" and cross the "t's" on the preamble that was signed that evening, or to decide what each paragraph should look like, should they reach an agreement among themselves.

What we should be doing is what the resolution calls for, and that is to stand behind this process, to say to these countries, "You seek solutions to your own problems, solutions which will be fair and equitable, which we can support in this region, and we will back you up." That is what this resolution is designed to do.

I suspect this will carry, I hope unanimously, by every voting Member of the Senate here this morning. It would be the first time certainly since 1979 that either body of the U.S. Congress would have expressed itself unanimously on any issue involving Central America. The fact that we would come together unanimously to support a political and diplomatic effort to try and resolve the problems of this region is of tremendous significance.

While unfortunately far too many people in this country may not pay a great deal of attention on a unanimous vote on a resolution involving Central America in the U.S. Senate on this Thursday, believe me when I tell you people in Central America will take notice of what we do and that is what is significant. A vote by the Senate, an overwhelming vote endorsing their efforts, will be a great boost to their morale, to their confidence, and to their willingness to take another step forward and in a process that will hopefully result, as I mentioned earlier, in agreement to resolve these differences that have existed among these countries for many years and particularly the last few years.

We place our own resolve behind the effort so that we may not see, as the distinguished Senator from Tennessee has pointed out, a conflagration that could reach far beyond El Salvador, or inside Nicaragua, but could inflame that entire region.

What this resolution seeks to do is to support a process that will avoid that.

So, Mr. President, I am delighted this morning to rise and speak on behalf of this, to have supported it in our committee, and, as I mentioned, to have been with my colleagues in San Jose last month to witness that event.

I pay a particular note of tribute to President Arias. President Arias is a leader of the oldest democracy in Central America. He is a highly sensitive, caring individual who believes deeply in democracy. I wish in my conversations with him that my colleagues could have been a witness to his description of what democracy means.

I have heard great speeches given in this body and elsewhere during my 12 years in public life about the meaning of democracy; yet I heard a president living in a region so troubled today talk about democracy in such conviction, caring, and determination that it made me feel proud to be a nation of the Americas, if you will, to have an individual in our midst who is committed and determined to see a democracy survive and to prosper not only in his own country but in that region.

President Cerezo, of Guatemala, shares the same convictions and same determination, as does President Azcona, of Honduras, a quieter man but one I believe deeply committed to democratic principles and values as well.

President Duarte of El Salvador, indeed shares those convictions as well. I suspect there are very few other leaders around the world who enjoy as much support in the United States as does President Jose Napoleon Duarte, a man of truly demonstrated courage not only during his tenure as President of his country but throughout his public career when he has been the victim of persecution by the right and the left, and during which he has struggled in his own little country to try to bring the various competing factions together and to bring some peace and harmony to that land.

The names of these four individuals unfortunately do not fall of the lips of most Americans rather easily, but the names of Arias, Cerezo, Azcona, and Duarte deserve to be remembered not only on this Thursday but throughout these days and weeks so that all Americans would feel the same sense as those of us who have watched these individuals try to bring peace to their land and express in their own small ways the support and endorsement of what they are trying to do. That is what this resolution hopefully will say to them and to others.

So, Mr. President, this morning again I endorse this effort. I would hope that all of our colleagues were here.

I compliment the Senator from Rhode Island, the chairman of our committee, who has done a magnificent job in only a few short weeks in moving legislation in this area and to see to it that this resolution would come out of the committee and get to the floor. And I compliment our distinguished majority leader who saw the wisdom of having not just a vote on Contra aid, yes or no. That is not a debate on policy. I regret deeply that vote even coming up, honestly as it does not say much at all.

This resolution says a lot more. It talks about a path and process and means by which we can bring peace and prosperity to a region in a world that desperately needs it.

So this is perhaps a more significant message than anything that will occur next week. It will not get as much attention unfortunately in the media or the press because it will probably pass unanimously. It will not be a great conflict as a fight over $40 million. This resolution is worth a lot more than $40 million, and it speaks more loudly and clearly about what can happen in this hemisphere in a most specific way. Regrettably it will not get the kind of attention it deserves, but hopefully people in Central America will note that we have gone on record as supporting their efforts.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the chairman of the Subcommittee on Western Hemisphere Affairs for his kind words and cogent remarks.

I believe here that we should call a spade a spade. We refer to the Contras all the time as the Contras. But we should recognize that the actions they take, the activities they follow, the policies they espouse really are those of a terrorist organization. The definition of terrorism, particularly state terrorism, is when one state engages individuals to undertake actions of indiscriminate violence in order to change the policy of another state. That is exactly what we have been doing by engaging the so-called Contras to help us.

I think we ought to call a spade a spade. In reality, they are our terrorists. Some may believe that terrorists serve a good purpose at times. My own view is that one should oppose terrorism all of the time.

Mr. President, at this time I am very glad to yield to the majority leader who will speak for as long as he wishes.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Rhode Island, Mr. PELL, the chairman of the Committee on Foreign Relations.

I compliment those who have preceded me. First of all, I want to compliment Mr. SANFORD, the chief author and chief sponsor of the proposal on which the Senate is going to vote later this morning.

His vision in preparing this measure, I think, is to be highly commended, and I thank him for his leadership that he is giving to the Senate in this area and in this proposal.

I also commend Senator SASSER for the very clear, lucid, cogent address that we heard earlier this morning. He shows a thorough knowledge of the facts and circumstances and a clear vision as to where we ought to go and as to where we are not going if we continue the approach that has been supported by the administration thus far.

I compliment Mr. DODD, who is also one who has been extremely active in calling to the attention of the American people and Congress the unwisdom of the approach that has been followed by the administration. I thank him for his leadership and for his helpful advice.

I thank the chairman of the Foreign Relations Committee for the work he does in the committee and on the floor, in working with his colleagues. Again today he has demonstrated his dedication and knowledge of the subject matter.

Mr. President, President Reagan delivered a short speech to the Nation the other night and he emphasized his recognition that he, like everyone else, makes mistakes. He said that the importance of this recognition is that it should lead to corrective change. You learn your lesson, he said. You change, he said, and you move on, he said.

It is high time for a recognition by this President that his policy in regard to Nicaragua is failing. That reality is conceded by most independent observers and political figures with even a cursory knowledge of the recent history of U.S. policies and actions in Central America.

A renewal of diplomacy, direct and vigorous, by the President would go a long way to putting a fresh new face on the Presidency. It would get us off an unworkable policy and lend credence to the proposition that we are going forward with new and creative solutions to the problems which continue to beg for appropriate, workable, and effective solutions.

The policy of the United States, focused exclusively on the provision of military aid to the Contras, is unworkable.

Mr. President, the administration has offered, as a solution to the Nicaraguan problem, three things: the Contras; the Contras; and the Contras. That is all. Nothing else.

We should have learned from the lessons that were the sad and painful result of our mistaken policy in Vietnam, namely, that unless American people support the administration's foreign policy, it will not work.

And the people of the United States do not support this administration's policy in Nicaragua. The military commanders of virtually all of the four Central American democracies, Nicaragua's neighbors, have recently indicated that the Contras cannot win. That is the evaluation of the leaders of the Central American conference. Their evaluation is that the Contras are not winning, and they cannot win even with new and larger infusions of military aid.

The Contras have not failed for want of assistance. We do not know how much financial assistance they have received through the various conduits—legal and illegal, public and private, developed and maintained by U.S. officials, various and sundry private citizens, arms dealers, and the like. The American people are entitled to an accounting of how much public money has been spent, how much private money has been spent, and how much diverted money has been spent. How much assistance has gone to the Contras?

We are being asked to support a disapproval resolution with respect to the $40 million, that remains out of the original $100 million. But before an additional $40 million goes, why should not the American people know what has happened to the funds already provided? Why should not the American people from whose hard-earned sweat comes the tax dollars have an accounting? We are talking about taxpayers' dollars earned in the sweat of their brow by the American people; their money. Why should they not know what has happened to their money that has already been spent, for what, to whom, and how much? There has been no such accounting.

A number of countries friendly to the United States have had the arm put on them by certain individuals, and we know not all of these yet. They have been asked to contribute to the cause of the Contras. We know not how much money the putting on of the arm has produced. We do not know how many millions, for what it was spent, who received it, and who gave it. Yet, we are being asked by the administration to blindly go on down the road, sinking money into a military enterprise that thus far has produced no positive results.

That is the only solution that the administration has offered—the Contras. The Contras have not been able to agree among themselves as to who will lead, who received the past money, or who should receive the future money.

So what has been the result? In 6 years, the Contras have won no important military victories, hold no piece of Nicaraguan territory, and have not grown into a formidable fighting force. If the Contras had demonstrated that they were indeed a formidable fighting force, if they had won victories, if they had demonstrated that they had the support of the people of Nicaragua, if they offered to the people a legitimate political alternative, then the situation would be different.

They cannot organize themselves. They cannot execute the proper internal reforms, much less pretend to be ready to govern a nation. There are no victories, then, either for the soil—territory—or for sentiment. It is no wonder that the overwhelming majority of the American people do not support this policy.

We hear all of this talk about Soviet base in Central America. Nobody wants a Soviet base in Central America. We are all opposed to a Soviet base in Central America. But what is the best approach to the elimination of Soviet influence in the region? What is the right approach, the effective approach to the elimination of Soviet influence in the region? That is the approach that we all want, and that approach is not being tried. The costly approach that has been tried has not worked, and is not working. It is not eliminating Soviet influence in the region.

No policy is sustainable over the long run unless it has the support of the American people. The American people do not want a Soviet base in Central America. The American people do not want Soviet influence in Central America. Yet, the American people do not support this approach. Why not? If they do not want a Soviet base in Central America, if they do not want Soviet influence in Central America, why then do they not support the administration's approach? Simply because that approach is not working. If they were convinced that it is working and that it will achieve that result, then they will support it.

No policy is sustainable without such support, and that is what our democratic system is all about.

The narrow and increasingly vigorous concentration of United States policy on AID to the Contras, putting diplomacy on the backburner, has had adverse effects on our bilateral relations with Guatemala, Honduras, and Costa Rica. Because of our tunnel vision on Nicaragua, the United States is not actively supportive of, and nurturing of democratic institutions and individuals promoting democracy in, for example, Guatemala and Honduras. The driving force of U.S. policy has been to press all the governments to fall into line behind our efforts to destabilize the Sandinista government, and to deemphasize diplomacy—deemphasize diplomacy—as a hopeless effort.

This administration has used our aid program to the Central American democracies as a stick to make them fall into line behind our Contra policy.

The one conceivable utility that the Contras might have been for this administration—that is, a lever to secure an acceptable negotiated settlement with the Nicaraguan Government—has not been used. In fact, negotiations with the Sandinistas have been anathema to this President, and to this administration. He has never given them a real chance.

I therefore commend the distinguished junior Senator from the State of North Carolina, Mr. SANFORD, for his initiative in supporting the initiative of President Arias, an initiative which has been supported by all the Central American democracies to reinvigorate the track of multilateral diplomacy in the region. I hope that the administration will throw its full political weight behind the forthcoming meeting of the Central American Presidents at Esquipulas, Guatemala, to seek agreement on the 10-point regional peace proposal put forward by Arias on February 15, 1987, in San Jose, Costa Rica.

Mr. President, I ask unanimous consent that the text of this proposal be printed in the Record at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1).

Mr. BYRD. Mr. President, a viable alternative U.S. policy should encompass a two-track bilateral and multilateral negotiating process. The first track should be an attempt to reach a security relationship with the Sandinistas. Our main goal should be the removal of Soviet bloc military presence and influence in Central America. The second track, a multilateral settlement such as has been promoted through the Contadora process and by the Central American democracies, would attempt a regional security agreement, as an opening of Nicaraguan society toward a more pluralistic and democratic dynamic.

Mr. President, the initiative by Mr. Sanford is commendable. Nevertheless, I believe we should go further and place a moratorium on additional aid to the Contras until there has been an adequate accounting of the money which has so far gone to the Contras—all the money, public and private, legal and illegal. The other body spoke clearly on this matter yesterday. I believe the Senate should do likewise, and within the rules of this Chamber I will make every effort to ensure that Senators have an opportunity to vote on this matter.

Mr. President, I again thank the chairman of the committee.

Exhibit 1

A Time for Peace

(Proposal of Costa Rica for a Procedure To Establish A Firm and Lasting Peace in Central America)

The peace of the Americas can only be sustained through the independence of each of its nations; through political and economic cooperation among its peoples; through the enjoyment of the broadest freedoms; through the existence of stable, democratic regimes; through the satisfaction of the basic needs of its inhabitants; and through progressive disarmament.

Peace demands its time. The dictatorships which for so many years have ruled the destinies of many peoples of this Continent have systematically violated man's rights and have submerged the population into poverty, exploitation, servitude, inequality, and injustice.

Peace demands its time. In a few countries of America dictators persist and with them the practices of disrespect for the highest values of man survive. The peace that demands its time thus demands the end of the dictatorships that still continue to exist. It is necessary to foster, together, the replacement of the tyrants where the peoples are the victims of the privation of freedom in any of its forms. That replacement is understood, preferentially, as the peaceful transition, without bloodshed, to democracy.

The peace which demands its time also demands an end to extreme poverty; it demands that equal opportunities for all become effective. Without this commitment to justice, the conflicts will persist.

The peace which demands its time also demands the strengthening of democracy in all the nations of America. Where the doors of freedom and democracy have opened, where men can freely and periodically elect their governors, where political pluralism, dialogue and the free expression of ideas prevail, the armed struggle can only be interpreted as the desire to establish a new dictatorship: it is not a matter of struggles for freedom, but rather of conflicts of fanatics who are trying to impose, by force, the thinking of a minority, whatever their ideological sign may be. Clear examples of these fanatic struggles, whose slogan is to obstruct the development of freedom in democracies, are the guerrillas who persist in El Salvador, Peru, and Colombia.

For Central America, the Governments of Costa Rica, El Salvador, Guatemala, and Honduras demand the time for peace. They want a stable and lasting peace: the peace that can only come about within a democratic regime committed to the neediest. These Governments seek the reconciliation of peoples so that brothers will not keep on killing each other. They reaffirm their faith in the political solution of problems and proclaim that in freedom and democracy, dialogue replaces the rifle, security banishes fear, and cooperation replaces egotism.

In the effort to make peace prevail, Central America is not alone. For four years, the Contadora Group, with its mediation, has expressed the feeling of a Latin America that seeks peaceful solutions among its peoples. The Cantadora Support Group is the expression of brother peoples who, having rediscovered the road to democracy, proclaim that freedom and democracy are irreplaceable for reaching reconciliation in Central America. The Organization of American States has been the witness to solemn promises to establish democracy and has been the protagonist of many efforts on behalf of peace and the respect for the commitments entered into by the parties. The United Nations has been deeply interested in the Central American problem, in keeping with the responsibilities of concern to it in the promotion of peace in the world.

The Governments of Central America have participated actively in the process to obtain security and peaceful coexistence in the region. This process led the five States to agree on the "Document of Objectives" of the Contadora Group and the "Declaration of Esquipulas."

The democratic Governments of Central America, aware that the political responsibility to solve their own problems falls to them, believe that it is urgent to establish the definitive and verifiable action required in order to promote the solution of the regional crisis in clearly determined periods of time.

It is necessary to transform thinking into action and agreements into realities. It is time to act. The carrying out of the agreements enhances dialogue, revives faith among the peoples, and prevents violence and war.

The Governments of Costa Rica, El Salvador, Guatemala, and Honduras, inspired in the "Charter of the Organization of American States" (Bogota Charter), and in the "Charter of the United Nations," in their purpose of promoting the peaceful solution of controversies and urging States to prevent and eliminate threats to peace and to regional security, make to the Government of Nicaragua the proposal that is set down further on to be carried out in the context of Contadora mediation.

In view of the critical situation of Central America and the urgent need to begin together the road that leads to peace, the Nicaraguan Government is urged to accept this proposal within the next 15 days. The Governments of Costa Rica, El Salvador, Guatemala, and Honduras believe that acting promptly is imperative in order to correct the deviations that may arise in a serious conflict.

Oscar Arias Sanchez, President, Republic of Costa Rica; Jose Napoleon Duarte, President, Republic of El Salvador; Vinicio Cerezo Aravalo, President, Republic of Guatemala; Jose Azcona Hoyo, President, Republic of Honduras.

PROCEDURE FOR ESTABLISHING A FIRM AND LASTING PEACE IN CENTRAL AMERICA

The Governments of the five States of Central America commit themselves to follow the procedure that is set forth here, in order to achieve the objectives and develop the principles established in the "Charter of the United Nations," the "Charter of the Organization of American States," the "Declaration of Guatemala," the "Declaration of Punta del Este," the "Communique of Panama," the "Document of Objectives" of the Contadora Group, the "Caraballeda Message for Peace, Security and Democracy in Central America," the draft "Contadora Act for Peace and Cooperation in Central America," and the "Declaration of Esquipulas." For those goals, they shall proceed in the manner set forth below.

I. NATIONAL RECONCILIATION

(a) Amnesty: In the 60 days after the signing of this document by all of the Governments of the Central American States, in those of these countries where armed struggles exist, a general amnesty shall be decreed for political and related crimes. The respective amnesty decrees shall establish all of the provisions that guarantee the inviolability of life, freedom in all of its forms, material goods and the security of peoples.

In addition, those decrees shall create, in each one of said States, a National Commission on Reconciliation and Dialogue, composed of representatives of the Government, of the internal political Opposition, of the Catholic Church, and of the Inter-American Commission on Human Rights, which shall have the functions of attesting to the true observance of the process of national reconciliation.

In a term that shall not exceed six months after the signing of this document, the amnesty decree shall be fully complied with in all of its points, in a real and effective manner, in the opinion of said Commission.

(b) Dialogue: The Governments of the States of Central America which are suffering from armed struggles shall initiate, or strengthen, where appropriate, as of the signing of this document, a full dialogue with all the unarmed groups of the internal political opposition, as a means of patriotic strengthening and of "promoting" actions of national reconciliation in those cases where deep divisions have come about in society, which will permit participation, in accordance with the law, in the processes of a democratic nature (Document of Objectives).

II. CEASEFIRE

Simultaneously with the initiation of dialogue, the belligerent parties of each country shall suspend military actions.

III. DEMOCRATIZATION

As of the signing of this document, an "authentic pluralist and participative democratic process shall be initiated which involves the promotion of social justice, the respect for Human Rights, the sovereignty of the territorial integrity of States and the right of all nations to determine freely and without foreign interference of any kind their economic, political, and social model" (Esquipulas Declaration), and "the measures leading to the establishment and, where appropriate, the perfecting of the democratic, representative, and pluralist systems that will guarantee the effective participation of the people in the decision-making and ensure the free access of the diverse currents of opinion to honest and periodic electoral processes, founded on the full observance of the rights of citizens" shall begin to be adopted in a verifiable manner. For the purposes of verifying the good faith in the development of this process of democratization, it shall be understood that;

(a) After 60 days, counted as of the signing of this document, complete freedom shall exist for television, the radio, and the press. This complete freedom shall include that of opening the media and keeping it in operation for all ideological groups, without exceptions of any nature, and to operate those media without submission to prior censorship.

(b) In the same period of time, total partisan political pluralism shall be displayed. Political groups shall, in that aspect, have full access to the media, full enjoyment of the rights of association and of the rights to hold public demonstrations, as well as the unrestricted exercise of oral, written, and televised publicity to spread their ideas.

IV. FREE ELECTIONS

Once the conditions inherent to any democracy have been created, free, pluralist and honest elections shall be held.

The first joint expression of the Central American States, in finding reconciliation and lasting peace for their peoples, should be the holding of elections for the membership of the Central American Parliament, whose creation was proposed through the "Declaration of Esquipulas," on May 25, 1986.

These elections shall be held simultaneously in all the countries of Central America in the first half of 1988, on the date upon which the Presidents of the Central American States shall agree in due time. They shall be subject to the oversight of the Organization of American States in order to guarantee to the entire world the honesty of the process, which shall be governed by the strictest norms of equal access of all political parties to the media, as well as by extensive facilities for holding public demonstrations and any other type of proselytizing propaganda.

After the elections have been held for members of the Central American Parliament, in each country, with equal international guarantees and oversight, within the time periods established in the respective Political Constitutions, equally free and democratic elections shall be held for the naming of popular representatives in the municipalities, the parliament, and the Presidency of the Republic.

V. SUSPENSION OF MILITARY AID

Simultaneously with the signing of this document, the Governments of the five Central American States shall ask the extraregional governments which, openly or covertly, provide military aid to the insurgents or irregular forces, to suspend that aid, which is considered by the Governments of Central America as an act against the efforts for peace on the Central American Isthmus. They shall simultaneously ask the irregular forces and the insurgent groups that are acting in Central America to abstain from receiving that aid, for the sake of an authentic Latin Americanist spirit. These requests shall be made in compliance with what is established in the "Document of Objectives" with respect to "eliminating arms trafficking, intraregional or coming from outside of the region, meant for persons, organizations, or groups trying to destabilize the governments of the Central American countries."

VI. NONUSE OF THE TERRITORY TO ATTACK OTHER STATES

The five countries which sign this document reiterate their commitment to "prevent the use of their own territory and not to lend or allow military and logistical support to persons, organizations, or groups that are trying to destabilize the governments of the countries of Central America." (Document of Objectives).

VII. ARMS REDUCTION

In a period of 60 days, counted as of the signing of this document, the Governments of the five Central American States shall initiate "negotiations on control and reduction of the current arms inventory and on the number of troops in arms" (Document of Objectives). For that purpose, the five Governments accept the procedure contained in the "Joint Proposal of Costa Rica and Guatemala," presented at the deliberations of the Contadora Group.

These negotiations shall also include measures for the disarmament of the irregular forces acting in the region.

VIII. NATIONAL AND INTERNATIONAL SUPERVISION

(a) Follow-up Committee: Within a period of 30 days, as of the signing of this document, a Follow-up Committee, composed of the Secretary General of the United Nations, the Secretary General of the Organization of American States, the Foreign Ministers of the Contadora Group, and the Foreign Ministers of the Support Group, shall be established. This Committee shall have the roles of supervision and verification of the compliance with the commitments contained in this document. Its follow-up functions shall apply even in those cases in which other oversight and compliance groups are established.

(b) Support and facilities for the supervisory organizations: In order to strengthen the efforts of the Follow-up Committee, the Governments of the five Central American States shall issue statements of support for its work. All nations interested in promoting the cause of freedom, democracy, and peace in Central America may accede to these statements.

The five Governments shall offer all the facilities necessary for the full accomplishment of the work and investigations of which the National Commission on Reconciliation and Dialogue of each country and the Follow-up Committee are in charge.

IX. EVALUATION OF THE PROGRESS TOWARD PEACE

On the date upon which they agree in due time, but in any case within six months after the signing of this document, the Presidents of the five Central American States shall meet in Esquipulas, Guatemala, for the purpose of evaluating the advances in the commitments entered into here.

X. DEMOCRACY AND FREEDOM FOR PEACE AND PEACE FOR DEVELOPMENT

In the climate of freedom which guarantees democracy, the countries of Central America shall adopt the economic and cultural agreements that will make it possible to accelerate development, in order to achieve more egalitarian societies free from poverty.

The points included in this document form a harmonic and indivisible whole. Their signing involves the obligation, accepted in good faith, to carry out, within the time periods established, with all of the points of this "Procedure for establishing a firm and lasting peace in Central America."

This document is effective as of the date on which it is signed by the Presidents of the Governments of the five States of Central America.

Oscar Arias Sanchez, President, Republic of Costa Rica, Vinico Cerezo Arevalo, President, Republic of Guatemala; Daniel Ortega Saavedra, President, Republic of Nicaragua; Jose Napoleon Duarte, President, Republic of El Salvador; Jose Azcona Hoyo, President, Republic of Honduras.

Translated by Deanna Hammond CRS Language Services March 12, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that there be inserted into the RECORD at this point the formal procedure for establishing a firm and durable peace in Central America, which has been advanced by the governments of the four Central American democracies and also the preamble to that proposal.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PROCEDURE FOR ESTABLISHING A FIRM AND DURABLE PEACE IN CENTRAL AMERICA

The Governments of the five Central American countries commit themselves to follow the procedure provided herein in order to achieve the objectives and develop the principles established in the United Nations charter and the OAS Charter, the Declaration of Guatemala, the Declaration of Punta del Este, the Panama Communique, the Document of Objectives of the Contadora Group, the Caraballeda Message for Peace, Security, and Democracy in Central America, the Acts of Contadora for Peace and Cooperation in Central America, and the Declaration of Esquipulas. With the foregoing in mind, they proceed with the following:

1. NATIONAL RECONCILIATION

(a) Amnesty: In the sixty days following the signing of this document by the governments of the Central American states, those countries where armed struggle exist must declare a general amnesty for political and related crimes. The respective amnesty decrees must guarantee the inviobility of life, of liberty in all of its forms, of material goods, and of the security of person.

At the same time these decrees will create in each of said states, a national commission for reconciliation and dialog composed of representatives of the government, the internal political opposition, the Catholic Church, and the InterAmerican Commission for Human Rights, which will have the function of attesting to the real implementation of the process of national reconciliation.

In a period not to exceed six months following the signing of this document, the amnesty decree must be fully implemented in the judgment of said commission.

(b) Dialog: The governments of the Central American states which suffer armed struggles must initiate, or strengthen as the case may be, upon the signing of this document, a broad dialog with all unarmed groups belonging to the internal opposition as a means of strengthening society and of "promoting actions of national reconciliation in those cases where profound divisions have been produced within the society, which permits the participation, in accordance with the law, in processes of a democratic character" (Document of Objectives).

2. CEASE FIRE

Simultaneously with the initiation of the dialog, the belligerent parties in each country will suspend military actions.

3. DEMOCRATIZATION

Following the signing of this document, an "authentic democratic pluralistic process, which implies the promotion of social justice, respect for human rights, territorial integrity of states, and the right of all nations to freely determine, without foreign pressure of any kind, its economic, political, and social model" (Declaration of Esquipulas) must be initiated and they will begin to adopt in a verifiable manner, "the appropriate measures for the establishment or, as the case may be, for the perfecting of democratic systems which guarantee the effective popular participation in the taking of decisions and may assure free access of diverse points of view to honest and periodic electoral processes founded in the full understanding of "citizens rights" (Document of Objectives). In order to affect good faith verification in the development of the demcratization process, it is understood that:

(a) Sixty days following the signing of this document, complete freedom for television, radio, and newspapers must exist: This freedom encompasses that of opening and maintaining functioning means of communications for all ideological groups, without exception for whatever reason, and without any prior censorship.

(b) During the same time period, total political pluralism must manifest itself: Political groupings, accordingly, will have wide access to the communications media, full employment of the rights of association and the facilities to hold public demonstrations as well as the unrestricted exercise of oral, written, or televised statements in order to disseminate their principles, and ideals.

4. FREE ELECTIONS

Inherent in the conditions for democracy are free, pluralistic and honest elections.

The first joint expression of the Central American states, to bring about reconciliation and a durable peace for their people, will be the holding of elections for the Central American Parliament, the creation of which was proposed by virtue of the "Declaration of Esquipulas" of May 25, 1986. These elections will be held simultaneously in all Central American countries during the first half of the year 1988, the date of which will be mutually determined by the Presidents of the Central American states. The elections will be subject to observation by the OAS in order to guarantee before the world a completely honest process, which will be governed by the strictest norms of equal access by all political parties to the social media, as well as ample facilities in order to hold public meetings and disseminate their political programs.

Following the elections for the integrated Central American Parliament, each country must hold, with equal guarantees and subject to international observers within the established periods and to the respective political constitutions, elections which are equally free and democratic for the selection of popular representatives at the local, parliamentary, and presidential levels.

5. SUSPENSION OF MILITARY AID

Simultaneous to the endorsement of this document, the governments of the five Central American states will ask governments outside the region which openly or secretly provide military aid to insurgents or irregular forces that they suspend that aid which is considered by the Governments of Central America prejudicial to the efforts for peace in the Central American Isthmus. At the same time, the irregular forces and insurgent groups which operate in Central America should abstain from receiving this aid for the sake of an authentic Latin Americanist spirit. These requests will be made complementary to the "Document of Objectives" with respect to "eliminating the traffic in arms, interregional or outside the region, destined for persons, organizations, or groups which intend to destabilize the Governments of the Central American states."

6. NO USE OF TERRITORY FOR ATTACKS ON OTHER STATES

The five countries which subscribe to this document reiterate their agreement to "impede the use of their own territory and not to allow it to be used or permit military or logistical support to persons, organizations, or groups which intend to destabilize governments of the other Central American countries" (Document of Objectives).

7. REDUCTION OF ARMAMENTS

Sixty days following the signing of this document, the governments of the five Central American states will begin "negotiations on the control and reduction of their actual inventory of their weapons and armaments and on the size of military forces" (Document of Objectives). To achieve these objectives, the five governments accept the method contained in the "joint proposal of Costa Rica and Guatemala," presented in the deliberations of the Group of Contadora.

These negotiations will also encompass measures for disarming irregular forces which operate in the region.

8. NATIONAL AND INTERNATIONAL SUPERVISION

(a) Compliance Committee: Within thirty days of the signing of this document a compliance committee shall be installed consisting of the Secretary General of the UN, the Secretary General of the OAS, the Foreign Ministers of the Contadora Group and the Foreign Ministers of the Support Group. This committee has the functions of supervision and verification of compliance with the requirements contained in this document. Their functions will apply even in those cases in which other units of observation and compliance are established.

(b) Backing and facilities for the Supervisory Organs: With the objective of strengthening the suggestions of the compliance committee, the governments of the five Central American states will issue declarations of support for its work. All other nations interested in promoting the cause of liberty, democracy, and peace in Central America can adhere to these declarations.

The five governments will make available all necessary facilities for the exact fulfillment of the work and investigations charged to the national commission of reconciliation and dialog of each country and of the compliance committee.

9. EVALUATION OF PROGRESS TOWARD PEACE

At an appropriate time, but within six months of the acceptance of this document, the Presidents of the five Central American states will meet in Esquipulas, Guatemala for the purpose of evaluating the progress made toward achieving the objectives herein stated.

10. DEMOCRACY AND LIBERTY FOR PEACE AND PEACE FOR DEVELOPMENT

In the climate of liberty which guarantees democracy, the countries of Central America adopt economic and cultural agreements which provide for accelerated development in order to achieve more egalitarian societies and societies free of misery and poverty.

The points accepted in this document form a harmonic and indivisible totality. Signing incurs the obligation, accepted in good faith, of abiding by, within the established time frames all of the points of this "procedure of establishing a firm and durable peace in Central America".

This document enters into force upon the date in which it is signed by the Presidents of all five Central American countries.

PREAMBLE—THE HOUR FOR PEACE

Peace in the Americas can only be sustained through the independence of each of its member nations; through political and economic cooperation among its peoples; through the enjoyment of full liberties; through having stable democratic regimes, which serve to satisfy the basic needs of their inhabitants, and through progressive disarmament.

Peace claims its hour. Dictators, who for so many years have controlled the destiny of so many people on this continent, have violated in a systematic manner the rights of many and have subjected the people to misery, exploitation, slavery, discrimination, and injustice.

Peace claims its hour. Dictators survive in very few American countries and with them survive disrespect for the highest values of man. Peace claims its hour; it claims, then, the end of the dictatorships which still exist.

Peace claims its hour; it also seeks to terminate extreme proverty and to establish effective means for equal opportunity for all. Without this effort to achieve greater justice, conflicts will persist.

Peace claims its hour. It also seeks to strengthen democracy throughout the entire American territory. Where the doors of liberty and democracy have been opened, where men can freely and periodically elect their governments, where political pluralism, dialog and open debate prevail, where these conditions exist, armed struggle can only be interpreted as a desire to establish a new dictatorship: it doesn't deal with the struggle for freedom but rather the struggle by fanatics who would impose by force the thinking of a minority, regardless of its ideological orientation. Clear examples of these kinds of struggles, whose hallmark is to impede the development of liberty in the democracies, are the guerrilla groups which persist in El Salvador, Peru, and Colombia.

For Central America the Governments of Costa Rica, Guatemala, Honduras, and El Salvador claim their hour of peace. They want a stable and durable peace: peace that comes only within a democratic framework and is committed to those in greatest need. These governments look for reconciliation among peoples in order that the killing of their brothers may stop. They reaffirm their faith in political solutions to their problems, and they proclaim that through liberty and democracy dialog replaces the rifle, security replaces fear, and cooperation replaces selfishness.

In the effort to make peace prevail, Central America is not alone. For four years the Contadora Group, through its mediation effort expresses the sentiment of a Latin America looking for peaceful solutions among its peoples. The Contadora Support Group is the expression of brothers who, having reencountered the road to democracy, publically proclaim there is no substitute for liberty and democracy in order to achieve reconciliation in Central America. The Organization of American States has been witness to solemn promises regarding the establishment of democracy and has been a catalyst in many efforts in favor of peace and of respect for agreements undertaken by the respective parties. The United Nations has actively involved itself in the Central American problem in conformity with its responsibility to promote peace in the world.

The Governments of Central America have participated actively in the process to achieve security and peaceful coexistence in the region. This process has brought the five states to agree on "the Document of Objectives" of the Group of Contadora and on the "Declaration of Esquipulas".

The democratic governments of Central America are aware of the fact that it is their political responsibility to find solutions to their problems considering that it is urgent to establish definitive verifiable actions that are required to promote a solution to the regional crisis in a clearly determined time frame.

It is necessary to translate thought into action and agreements into realities. The time has come to act. The achievement of agreements enforces dialog, restores faith among our people and prevents violence and war.

The Presidents of Costa Rica, El Salvador, Guatemala, and Honduras inspired by the "Charter of the Organization of American States" (Charter of Bogota) and in the "Charter of the United Nations", in their proposal to promote a political solution to the current controversies and urge their nations to prevent and eliminate threats to peace and regional security, declare that the document presented by the President of Costa Rica, which appears below, as viable, timely and constructive in order to secure peace in Central America through political negotiations.

They agree in their decision to deepen their analysis in order that, with the suggestions and the modifications which they may consider timely, the document will be put forward for discussion and approval at a meeting of the five Central American Presidents, which will be held in Esquipulas within 90 days from today.

The heads of State meeting here ask the Government of Costa Rica to transmit this document to the Government of Nicaragua and to invite President Daniel Ortega Saavedra to attend the meeting in Esquipulas.

The purpose of the Esquipulas meeting will be to review the modifications that the Governments regard as necessary in order to strengthen democracy and thereby establish a firm and durable peace in Central America.

The document will be sent for review to the countries which form the Contadora Group as well as the Support Group in recognition of their interest and the important role that they play in the search for solutions to the regional problem.

The Presidents of El Salvador, Guatemala, and Honduras recognize the valient initiative of President Oscar Arias Sanchez in the peace effort, they toast him in that spirit with their full moral backing and thank him and through him the people and government of Costa Rica, for their warm reception and hospitality extended on this occasion.

Mr. WALLOP addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. WALLOP. Mr. President, all of us in the Senate want to see peace in Central America. Each of us wants to see peace in the world. We want to see the democracies of Central America thrive, and for the democratic process to create greater opportunity for all people in the region. In this regard, the actions taken by President Oscar Arias and the Presidents of the four Central American democracies are to be praised, if they do, in fact, ultimately sign off on it, which they have not done yet.

But I might say, Mr. President, that these plans do not include the Contras in the negotiation for their own democracy. In undertaking this resolution, it appears to this Senator that it is a way for Senators to look the other way while pretending to focus on the problem. It is a pity, but a harmless pity, unless we never do focus and permit these kinds of activities to substitute for the hard choices about the history of communism overtaking nations since the Bolshevik revolution of 1917.

Mr. President, we would do well to remember that these countries, unlike Nicaragua, are already democratic. They are seeking to hold on to their democratic form of government, and all the benefits it bestows on their peoples. It is Nicaraguan expansionism, aided by the Soviet Union and Cuba, which threatens their democratic way of life.

Mr. President, while we seek a peaceful solution, we must recognize that peace alone in Central America can be achieved simply by acceding to the Sandinistas every wish. We therefore seek not merely peace in Central America, but a just peace, a peace as we know it here in the United States.

A peace that is lasting because it is consonant with the highest principle of our way of life, that "all men are created equal," a peace that is consonant because the Government is not at war with its own people.

The problem in Central America, Mr. President, is not the Contras; it is the revolutionary government of the Sandinistas. The Contras are fighting oppression, not causing it. They are seeking freedom, not stamping it out. It is the current regime in Nicaragua that must be open to change, must be accommodating, not the Contras. If the Arias plan is to be part of the solution to the problem of Soviet expansionism in Central America, it must be based on those simple facts and it must meet certain elementary criteria.

First, a plan must be established that ensures the full democratization of Nicaragua before there can be any consideration of the Contras abandoning their struggle. If this condition is not fulfilled, I am afraid we will only set in motion a process by which the Nicaraguan Government will stall its democratization until it has been able to destroy the armed opposition of democratic forces.

The Communists have in the past, throughout the world and here, again, always been open and willingly open to negotiate, and that willingness to negotiate is not in itself a sign of good will for they are only too eager to negotiate when they are weak and then crush their opposition when certain of victory.

Lenin's old dictum "two steps forward and one step back" is alive and well in Managua today.

Second, the Contras, both the political and military components, must have a say in their own future and in the future governance of Nicaragua. These are dedicated freedom fighters who have struggled over the last years with a certain purpose. They are not going to lay down their arms for promises. We should not be a party to that by encouraging them do to so. If the present regime in Nicaragua is ever to be persuaded to give up the reins of power and democratize the country—and I have serious misgivings that a Communist regime will ever allow itself to be voted or negotiated out of existence, they never have—they must understand that they will pay a heavy price in not doing so.

Mr. President, I reject the idea of a suspension of all extraregional military aid to insurgent or irregular forces, as outlined in the Arias plan, unless and until the Nicaraguan people are enjoying a democratic way of life. American aid is being supplied to men and women fighting for their freedom against Communist oppression. How can we equate this with aid from the Soviet Union, even if it is to a so-called legitimate government, which stole its power by the gun and holds it by the gun, and its so-called regular military forces, when we know that this aid is aimed at further enslaving the peoples of Central America, not of Nicaragua alone?

By what perverse logic can we assent to tieing our own hands to aid the forces of freedom in the world while letting the Soviet Union foment revolution and oppression just because they do so through a revolutionary government whose only legitimacy is derived from diplomatic recognition?

Mr. President, we are a long way from any sort of settlement in Central America. We can be sure that the Soviet Union did not make its military and economic commitment to Nicaragua lightly, nor do they continue it lightly, but they at least have consistency, which Congress has refused to permit the President of the United States.

They, the Soviets, will not see their first foothold on the North American Continent lost through a negotiated settlement. Those who believe they will are simply dreaming.

We must have the vision, as the elected representatives of the American people, to see that democracy and a just and lasting peace in Central America are only possible if we give total support to those fighting today for their freedom in Nicaragua.

Mr. President, I would close with a quote from a great American statesman who wrote these words about America's involvement in world affairs long ago. They are as true today as they were then. I hope my colleagues will reflect on its wisdom as we enter a new round of debate on our Central American policy. Theodore Roosevelt said:

> The men who have stood highest in our history, as in the history of all countries, are those who scorned injustice, who were incapable of oppressing the weak, or of permitting their country, with their consent, to oppress the weak, but who did not hesitate to draw the sword when to leave it undrawn meant the inability to arrest triumphant wrong.

Mr. President, if the current regime in Nicaragua is allowed to remain in power, it will not only be a threat to the security of Central America and a threat to this hemisphere and the United States itself, but it will most certainly be a triumphant wrong.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator has 11 minutes.

Mr. PELL. Mr. President, I yield 6 minutes to the Senator from California.

Mr. CRANSTON. I thank my friend.

Mr. President, I first want to pay tribute to the Senator from North Carolina, Senator TERRY SANFORD, for his efforts in getting this concurrent resolution before the U.S. Senate. This is the first of many great contributions that I know the distinguished Senator from North Carolina will make to this body and to our country and, indeed, to the world.

SUPPORT PEACE EFFORTS IN CENTRAL AMERICA

Mr. President, the Sanford resolution offers this body an important opportunity to change our Nation's course in Central America.

It provides this body an opportunity to declare what opponents of Contra funding are for in Central America.

We are for a regional peace plan; we are for an end to foreign military intervention; we are for democratically elected leaders and self-determination; we are for initiatives advanced by Central American leaders free from foreign coercion.

In the days ahead, we will vote on the issue of more aid to Central American democracies—the $300 million package. And, I am confident, we will ultimately vote against more aid to the Contras, against more funding for acts of terrorism carried out in our name and with our tax dollars.

The Sanford resolution—and the money to support democracies—is an affirmative program. It represents what we are for. What we are against is very clear from the headlines of the day.

We are against the futile terrorist war against Nicaraguan civilians, a war which has failed to liberate and hold for a significant time a single inch of Nicaraguan soil, a war which spreads hatred for the American people.

We are against the hapless Contra leadership, which has lost its last figleaf of democratic respectability with the resignation of Arturo Cruz.

We are against daily violations of international law by our Government as we press our undeclared war against Managua.

We are against the poisoning of our entire national security policymaking system which has been infected by a handful of zealots who have been so intent on making war on the Sandinistas that they have corrupted our own democracy.

The Sanford resolution offers a clear statement of what America is for. It offers encouragement to the peace process.

Consider the alternative; consider continued funding of the Contra war effort. Wake up to what our dollars are paying for in the dirty war against Nicaragua. Let me read to my colleagues from the latest dispatch from the Nicaragua front. Let us consider what our taxpayer dollars are being used for.

This is from the New York Times, a dispatch dated March 8, 1987.

> NICARAGUA, March 8.—When gunfire erupted Wednesday night around the Quisilala cattle cooperative, Dominga Solana, 26 years old and quick, dived for cover.
>
> Miss Solana's arm was shattered by a rifle bullet, but she survived and is hospitalized. Her mother and three others at the cooperative, including a 15-year-old girl, were killed.
>
> "The Contras came in shooting, and we had no soldiers to defend us," Miss Solana said from her hospital bed. "They stole cattle and burned our houses."
>
> The raid at Quisilala, near the town of La Esperanza, 225 miles east of Managua, was the most recent in a continuing series of attacks by United States-backed rebels, known as contras, against civilian targets. A trip through the contested zone indicated that contra units operating here have not significantly changed their tactics despite strong pressure on them to do so.
>
> In the small farming village of El Nispero, a group of more than a dozen residents waiting for transportation near the main road Sunday told how six of their neighbors were killed in a contra raid Dec. 9.
>
> Speaking separately, several gave nearly identical accounts of the attack. They said that a 9-month-old infant was bayoneted to death and that two elderly women were shot dead after being forced to lie on the dirt floor of their home.
>
> Also killed in the raid were two men cut down as they ran toward their homes and a pregnant woman who, villagers said, was shot in the stomach.
>
> "They took three of our people away with them, and who knows if they are alive or dead," a resident, Antonio Díaz, said. "It was something terrible."

Mr. President, I submit that this is terrorism. These are not random acts of violence. These acts were not an aberration. They are part of a deliberate campaign of terrorism against civilians—destroying health clinics, blowing up buses full of peasants. That is how the Contras have been prosecuting the war. That is how our taxpayer dollars are being used.

Who is fueling this mayhem? I ask my colleagues, who is behind this? We all know the answer: This body, the U.S. Senate, is fueling it. Congress is fueling it. The administration is fueling it. The American people are fueling it. For the American people pay for those bullets.

And does this effort advance the cause of democracy? No.

Does it deter the spread of communism? No.

Does it engender respect for the American people, for our Government, for our values, for our strategic interests? No.

Mr. President, the time has come to end this dirty war. The time has come to pursue another path. I urge my colleagues to support the Sanford resolution and restore some decency to our Government's policy toward the people of Central America.

Mr. HELMS. Mr. President, I hope that Senators who may be listening on their loudspeakers heard the comments of the distinguished Senator from Wyoming [Mr. WALLOP] a few minutes ago. MALCOLM WALLOP was not so much objecting to this concurrent resolution, because that has been taken care of in terms of language. What Senator WALLOP was emphasizing—and I think he is absolutely correct—is that this is no time to be simplistic and assume that the Communists can be removed through negotiations.

There is nothing wrong with trying. Indeed, there is some merit to making the effort. But what MALCOLM WALLOP was saying, and he said it eloquently for himself, is that we do not want the kind of peace for the people of Central America that the people of Cambodia and Vietnam and Cuba enjoy. Those were negotiated settlements.

I wonder what would be the outcome of the poll if the President of the four significant countries in that region were to be asked, "Do you favor aid to the Contras?" There is a difference in that part of this hemisphere in what people are able to say publicly and what they say privately. I will not attempt to speak for them, but there is a good indication that they do not want a Communist takeover of their area.

It has been said, Mr. President, the Foreign Relations Committee reported Senate Concurrent Resolution 24 unanimously this week. When my distinguished friend and colleague from North Carolina [Mr. SANFORD] originally submitted his concurrent resolution, I told him frankly that I had some problems with it. I told him what they were. He and I discussed modifications which I took the liberty of suggesting to him, and we worked it out. I now not only support Senate Concurrent Resolution 24, I am a cosponsor of it.

This much should be emphasized. The attempt of the Sanford resolution was to demonstrate our support for a peaceful solution to the armed conflict in Central America. Just like motherhood, everybody believes in it, and the distinguished Senator from North Carolina has said it eloquently in his concurrent resolution. We all support that goal. My concern with the original language was that it was perceived by many to be an endorsement of President Arias' peace proposal drafted in Costa Rica on February 15, 1987. That I could not endorse and I never will. There were several other Senators on this side of the aisle who had similar reservations about the Arias plan in its current form.

Mr. President, before outlining some of the reservations with the so-called Costa Rica peace plan, let me emphasize that Senator SANFORD graciously agreed to amend the language of his concurrent resolution in such a way that I was enabled to be a cosponsor. I am grateful to my colleague for making the necessary changes. For the benefit of Senators and for the record, perhaps it would be worthwhile to make clear some of the concerns with the Arias peace plan.

The proposal for peace in Central America which was drafted in Costa Rica last month by the Presidents of the Central American democracies has not yet been signed by anybody. I believe it is obviously unwise for the U.S. Congress to endorse a peace proposal which is not yet even in its final form.

That was one of my concerns. But I must say, Mr. President, that I am pleased, that after being ignored for so long, the four Central American democracies are finally participating actively in regional discussions. That is a plus. But having said that, it needs to be said that in the current draft of the Arias plan there are several vital issues which are not even addressed. I do not intend to get into a critique of the entire Arias proposal, but I think it is important that we look at a couple of the key points in the working draft of this plan. For example, the Arias plan in its current form calls for a dialog between Central American governments and unarmed internal opposition groups. The obvious question, Mr. President, is how can there possibly be a dialog which excludes the freedom fighters? The proposal calls for a cease-fire simultaneous with the initiation of the dialog, but there is no mention of how the cease-fire would be implemented or guaranteed. Once a cease-fire is in effect in Nicaragua, what pressure will there be against the Marxist-Sandinista regime? The answer to that obviously is none. You follow that scenario on down and you see Cuba revisited, you see Cambodia revisited, you see Laos revisited. It is interesting that you hear the same voices today clammering for this sort of negotiated settlement—without even knowing what the details are—who clammered for a negotiated settlement in Cambodia and in Laos. But they never mention the outcome of those situations.

Finally, Mr. President, the draft of the Arias plan does not address clearly, certainly not clearly insofar as I am able to perceive it, the issue of verification. Surely we are not going to be naive on that issue as well. The Sandinistas never lived up to their promises made to the OAS more than 7 years ago. I remember when they came to this Senate, this Congress, and said, "We are good boys; we are going to have free elections, and we are going to give democracy a real go at it." Where is that free election? We all know the answer. There is no democracy in Nicaragua today.

Mr. President, I think we all appreciate the fact that the Central American democracies have taken the initiative to work out a viable solution to the Central American crisis, but the initiative, I would emphasize at this moment on this day, is incomplete. It is my opinion that the changes agreed to by my distinguished colleague from North Carolina eliminate the perception that the U.S. Congress may be endorsing a specific proposal not yet in its final form and not yet signed.

Again I thank the able Senator from North Carolina for his willingness to accept the changes that were proposed to him in trying to find a solution to the grave crisis threatening all of the Western Hemisphere.

Mr. President, I thank the Chair and I yield the floor.

Mr. HUMPHREY. Mr. President, before the Senator yields the floor, will he yield for a question?

Mr. HELMS. I certainly will.

Mr. HUMPHREY. I understand that the thrust of the Senator's remarks were addressed to the resolution before the Senate, but relative to the Arias proposal, am I correct—I am reading a news account, and I am not sure that this as reported is fully on the proposal, but is this news report correct in stating that the Arias plan calls for a halt in external aid to rebel forces throughout Central America?

Mr. HELMS. It does.

Mr. HUMPHREY. Does the Arias plan with which so many are enamored call, likewise, for a halt in the Soviet assistance, the program of aid to Nicaragua?

Mr. HELMS. If it is in there, I have not found it. It is a good point that the Senator is making.

Mr. HUMPHREY. In other words, the Senator is confirming that this proposal would cut off assistance to the anti-Communists in Nicaragua, among others, while allowing the Soviets to continue to pour arms and assistance to the Communist government of Nicaragua unabated?

Mr. HELMS. That is my impression.

Mr. HUMPHREY. What kind of a deal is that?

Mr. HELMS. None at all.

Mr. HUMPHREY. Is that not a setup to ensure that Comrade Ortega and the Communists in Nicaragua go unchallenged in their efforts to consolidate a Communist government in Nicaragua?

Mr. HELMS. It is a very real risk, and I point out to the Senator the only thing I like about it is that it has not been signed yet and there is some hope for it, perhaps, but that is not a very great hope. I must say to the Senator that what he has pointed out with respect to the Arias proposal goes on in this Congress all the time. When was the last time the Senator heard a U.S. Senator advocating the cut off of aid to the Contras also advocate the cutting off of aid by the Soviet Union to the Communist Sandinista government?

Mr. HUMPHREY. Here is one today who is advocating the same. Let us have equal terms for both sides. To cut off the aid to the freedom fighters, to the anti-Communist forces while letting the Soviets pour in military assistance to Ortega and his fellow Communists is insanity. It is stupidity. It is the biggest sucker trap I have heard in a great many years, and I am shocked that so much flowery praise is being heaped on an absolutely stupid proposal. Am I not correct, I ask the Senator, that the Soviets—we quibble about $40 million. Not that $40 million is a trifling amount of money; I believe I could probably retire on $40 million pretty comfortably, but in the scheme of things, relatively speaking, if you compare the $40 million which is hanging in the balance and on which the freedom of the people of Nicaragua and the security of Central American hinges, if you compare that $40 million to the amount of aid the Soviets have poured into their Communist puppet government in Nicaragua, that $40 million appears to be a pittance.

The Senator serves on the Foreign Relations Committee, I do not, but am I not correct the Soviets have poured in $1½ billion to that tiny country in military and economic assistance? How much has our Government succeeded in providing to the anti-Communist forces there?

Mr. HELMS. I do not have the total but it is a pittance.

Mr. HUMPHREY. I would say it is probably less than $100 million. The Soviets have poured in 15 times as much and there are Senators and Congressmen who will stand up and commend this Arias proposal which proposes to let the Soviets continue to pour this massive amount of aid into Nicaragua and its Communist government while we for our part are supported to cut off this trickle going to the anti-Communist forces in the field. And let us remember that these are not phantom fighters. These are real, live human beings. These are young men, most of them teenagers and in their twenties, who are in Nicaragua fighting the Communists. These are anti-Communists. Senators propose to cut them off without a bullet and instead embrace this nonsense postulated in this Arias proposal.

I am going to try to get the floor in my own right subsequently to talk about this sort of thing further, but I thank the Senator for yielding.

Mr. HELMS. I thank the distinguished Senator from New Hampshire. He has made a worthwhile contribution to the perspective of the whole freedom fighter movement in the United States. Whether we can persuade the American people it is their national security that is on the line in this issue of keeping the Soviet Union from taking over Central America, I do not know. Anyway, the Senator has done his best, and I have done my best. We will just see how it comes out. I thank the Senator. I thank the Chair.

Mr. HUMPHREY addressed the Chair.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. Who yields time at this time?

Mr. PELL. How much time——

Mr. HUMPHREY. Mr. President, parliamentary inquiry. Who requested recognition first?

The PRESIDING OFFICER. The Chair announces that the time is under the control of the Senator from Rhode Island and the Senator from North Carolina. The Senator from North Carolina has 26 minutes and 43 seconds left. The Senator from Rhode Island has 5 minutes left.

Mr. HUMPHREY. Mr. President, who requested recognition first?

The PRESIDING OFFICER. A Senator can only get time from either Senator HELMS or Senator PELL.

Mr. HUMPHREY. Mr. President, the manager on this side was not asked if he wished to yield time. I believe that is in order.

Mr. PELL. Mr. President, a parliamentary inquiry.

Am I correct that whoever is in the majority leader's seat is recognized by custom?

The PRESIDING OFFICER. That is correct.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The managers of the measure, the Senator from North Carolina and the Senator from Rhode Island, both seek recognition.

Mr. PELL. Who has precedence?

The PRESIDING OFFICER. It is the call by the Chair.

Mr. PELL. It is not automatically the majority leader?

The PRESIDING OFFICER. Only if the majority leader is on the floor.

Mr. PELL. Not the acting majority leader.

The PRESIDING OFFICER. The Senator is correct.

Mr. PELL. That is not the way I understood it to be.

Who, then, does the Chair recognize?

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. PELL. I thank the Chair.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

Mr. PELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five minutes.

Mr. PELL. I yield 4 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington [Mr. ADAMS] is recognized for 4 minutes.

Mr. ADAMS. I thank the chairman of the Foreign Relations Committee.

Mr. HELMS. Mr. President, will the distinguished Senator yield on my time for 1 minute, for a brief comment to the Chair? I will take no longer than 30 seconds.

Mr. ADAMS. I yield.

Mr. HELMS. Mr. President, I hope the Chair did not say that after a Senator had clearly sought recognition, he was to be denied it. I do not think we have passed on that.

Anyway, it is no big thing. As Howard Baker used to say, "I've got a dog in that fight." I just think we need to be careful in the recognition situation.

The PRESIDING OFFICER. The Chair states that the Chair will recognize the managers of the measure during the final aspects of this debate, and of course the managers of the bill are both authorized to yield time.

The Senator from Washington is recognized for 4 minutes.

Mr. HUMPHREY. A parliamentary inquiry, Mr. President.

Mr. ADAMS. Mr. President, I hope this will not come out of my time.

The PRESIDING OFFICER. Does the Senator yield for that purpose?

Mr. ADAMS. I do not.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. ADAMS. Mr. President, I rise in strong support of Senate Concurrent Resolution 24. I am pleased to be a cosponsor of this concurrent resolution and to have actively supported it during our deliberations in the Foreign Relations Committee. I want to compliment Senator SANFORD and Senator DODD for their leadership on this important issue.

This resolution moves our Central American policy in the right direction—away from support for armed conflict and toward a diplomatic solution to the conflict. Yesterday, the House voted to delay release of the remaining $40 million in aid appropriated last year for the Contras. I am hopeful that next week this Chamber will take a similar action, and that in the near future we will terminate aid for the Contras. Termination of aid for the Contras, combined with strong diplomatic efforts to arrive at a permanent resolution of the Nicaraguan conflict in Central America, is the single best hope for the survival of democracy in that region of the world.

The Costa Rican peace initiative is based on the right premises. President Arias of Costa Rica has recognized that support for the Contras is counterproductive to peace in the region. As an alternative to violence, this effort is aimed at a coordinated effort by all the Central American nations to bring about a permanent peace. The initiative is a logical and constructive outgrowth of the Contadora peace process.

I believe it is a very positive development that the Nicaraguans have agreed to meet with the proponents of the Costa Rican plan. Any negotiated settlement in Central America by necessity must involve the Nicaraguans. By approving this resolution today, the United States Senate will be sending a signal to the Nicaraguans and the other four countries of the region that we are supportive of a diplomatic solution to this conflict. This signal could be very helpful in moving the dialog along, since there has been little indication of U.S. support for such efforts over the past few years.

In the final analysis, the countries of Central America must arrive at their own solutions to their own problems. The United States cannot impose a solution upon them. This is why this Costa Rican initiative is so encouraging, and deserves our full support in the days ahead.

I urge adoption of this concurrent resolution.

Mr. President, I compliment Senator SANFORD and Senator DODD for their efforts, as well as all the other members of the Foreign Relations Committee who supported them, in bringing this measure to the floor.

I yield my time back to the manager.

Mr. HUMPHREY. Mr. President, I apologize to the Senator from Washington. I was not trying to give him a rough time personally. It is just that I did not agree with the ruling of the Chair.

In fact, there has been no real designated floor manager on this side this morning, it is my understanding. Therefore it would appear that as a Senator on this side of the issue rose, he in fact was that floor manager. Inasmuch as I clearly sought recognition first, I believed that I deserved to be recognized.

I assure the Senator from Washington that there is nothing personal involved in my effort to seize the floor. I just felt that I had it by right; that is all.

Mr. ADAMS. If the Senator will yield, I understood that we were on a limited time basis, and there was certainly nothing personal involved in the matter of time.

Mr. HUMPHREY. Mr. President, to address the concurrent resolution before us, Senate Concurrent Resolution 24, in my view this is a large portion of pablum. It is intended to make us look like we are doing something about the situation in Nicaragua. But it is just more talk. At best, it is self-deception on the part of Senators who embrace it. At worst, it is, in my opinion, appeasement.

Let us define the situation we are talking about in Nicaragua.

I recognize that the resolution addresses Central America broadly, but let us focus, if we may, on Nicaragua. The polls show in this country that most Americans are confused about what each side represents. They are confused about these labels—Sandinista, Contra—and they are confusing labels because they are not descriptive to us in this country. They might be descriptive to those in Nicaragua, but they are not to Americans. So, if I may, I would like to try to define the terms.

The Sandinistas call themselves Marxists. That is a polite word for Communists. The Sandinistas are the Communists. The Sandinistas seized power through revolution and deceit in 1979, posing as democratic reformists. They promised free democratic reforms. They promised free elections. That was deceit. They were lies. Communists always lie to gain power, and they lie to keep power, and use military power as well.

So the Sandinistas are the Communists. We should start using accurate labels around here. Let us drop the word "Sandinistas" and use the word "Communists."

The Contras are the anti-Communists, young men for the most part, now in the tens of thousands in number, who are inside Nicaragua, fighting against the Communists, fighting to overthrow the Communists, so that the people of Nicaragua can finally gain the democratic reforms and the free elections they were promised, deceitfully, by Comrade Ortega.

If it is not bad enough that the Communist government of Nicaragua is suppressing the people in the country, one of the leaders—I have forgotten which one—one of Comrade Ortega's comrades, stated quite clearly and frankly: "Our revolution"—speaking of the Communist revolution in Nicaragua—"is a revolution without borders."

What does that mean?

We do not have to theorize about it because we already have plenty of evidence that the Communist government of Nicaragua has been in support of the rebels in El Salvador who seek to topple that government. A revolution without borders means that it is a revolution that is going, as has been the case with the Cuban Government, the Communist government of Cuba, to seek to subvert and overthrow nearby governments as it can in order to install more Communist governments.

Needless to say this pleases the Soviet Union politically and for that reason, as I stated earlier in my remarks in my exchange with Senator HELMS, the Soviets have pumped in $1.5 billion in military equipment and economic assistance to the Communist government of Nicaragua.

Meanwhile we quibble here in Congress about providing to these young men, in the field, laying down their lives in many cases to bring democracy to Nicaragua, to overthrow the Communists and bring democracy, and we quibble about providing them the necessary equipment.

Thank goodness the French in the 18th century were more steadfast and more courageous and more principled than the Congress of the United States or we this day would still be a colony of the British empire. Thank goodness they stood by us and did not sail away, did not sail their ships out of Yorktown Harbor in that decisive battle.

I want to review, Mr. President, the history of efforts to resolve the situation in Nicaragua by diplomacy. It is not going to work. Is there a Senator in this Chamber—I suppose there might be a few. There are not many Senators here at all. I hope a few are listening. Does anyone really believe that the Nicaraguan Communists will be the first Communist government in history to give up their power and make way for democratic reforms and free elections? Does anybody really believe that? Does anybody believe it will encourage the Communist government of Nicaragua to do that, to institute democratic reforms and free elections if we do as the Arias proposal calls for us to do, if we cut off the anti-Communist forces of Nicaragua without even a single bullet? If anybody believes that is going to bring pressure to bear on the Communists in Nicaragua to have free elections, if anybody believes that, they have to be pretty darn naive and ignorant of history.

Nonetheless, I certainly do not oppose keeping the door open. Maybe I will be proven wrong. Maybe this will be the first Communist regime in history to yield to democratic reforms and free elections. I hope so. I believe we ought to keep the door open, but that should not be our only course of action. And many in this body and in the other body would have words supplant bullets, and that will not work when you are dealing with Communists.

I object to this resolution because it gives the appearance that we are doing something. It is a big bundle of babble; it is baloney. It is not going to do a darn thing. It will not do much harm except it confuses the issue and it deceives the American people into thinking we are doing something when in fact quite the opposite is true. We are running away with our tails between our legs leaving the freedom fighters to die in the jungles of Nicaragua, leaving Nicaragua to become ever more deeply pulled into the Soviet empire and leaving the Communist government of Nicaragua as an infection which no one can doubt will spread throughout Central America and which will require ultimately the spilling of American blood to overcome. It is a pay-me-now or pay-me-later kind of proposal. You cannot pay in this kind of babble. It takes bullets. It takes money.

The Soviets have poured in $1.5 billion. We have trickled in on and off, on and off as Congress changes its mind every few months, less than one-fifth of that amount, if my calculations are correct. It is a pretty sorry performance.

I said I wanted to review the record of diplomatic efforts and I will do that now before I conclude.

Mr. President, the United States in truth has bent over backward trying to be reasonable toward the Communist govenment of Nicaragua. In September 1980 and January 1981 the Communist government there was told that U.S. aid to the anti-Communists—strike that. Let me start over again.

Before I cite this point let me provide a little background. I said earlier that the Communists in Nicaragua came to power through deceit. They not only deceived the people, they deceived the Congress and many Members will know that personally because they were personally deceived.

Ortega and company came up here and said, "We are just like you. We just want to have democratic reforms. It might take us a little longer than we thought but we need some economic aid that will hasten the democratic process in Nicaragua. Just give us some of your money." Do you know how much money the Congress gave to that Communist creep? It was $75 million, cash on the barrelhead, and now we quibble about giving a like amount or less to the anti-Communists who are trying to throw this bum out of office.

We gave him $75 million back in 1980. Not me. I was not here. I surely would not have done it. I was here. I opposed.

In any event, in September 1980 and January 1981 the Communist government of Nicaragua was told that this aid program which Congress had created for Nicaragua was jeopardized by the Communist support for the guerrillas in El Salvador. I alluded to that earlier, the revolution without borders. It did not take them long, less than a year or two, to begin making trouble for their neighbors.

In August 1981 the United States offered improved relations with Nicaragua in exchange for an end to the Communist support for the Salvadoran guerrillas.

In April 1982 the United States again offered improved relations with the Communist government of Nicaragua in exchange for an end of support to the Salvadoran guerrillas. That is the same offer which is repeated 6 or 8 months later.

In October 1982 the United States joined in a multilateral demarche—that only the State Department could revel in that terminology. This is a State Department document, incidentally. In October 1982 the United States joined in a multilateral demarche, the Declaration of San Jose, to the Government of Nicaragua. The Sandinistas refused even to receive the proposal.

In April 1983, the United States offered to abide by a comprehensive and verifiable Contadora agreement. No answer from Nicaragua. In late 1983 the United States again stated it would agree to a comprehensive verifiable implementation of the September 1983 Contadora document of objectives.

Do you know what that document of objectives contained among other things? Parties to the Contadora agreement, were one ever to become and be signed by all the parties, including Nicaragua, would have to commit themselves according to the document of objectives, to pluralism. Did you ever hear of a Communist government committing or permitting, for that matter, pluralism within its society and democratic institutions?

No wonder Comrade Ortega and company, puppets of the Soviet Union, self-admitted Marxists, which is the polite word for Communist—no wonder they would not sign the Contador agreement, because it would require them—not that they would care about the terms of a treaty in the sense of implementing them, Communists never do, unless it happens to be in their favor—it would require Comrade Ortega to permit pluralism. He would have to let La Prenza begin publishing again, uncensored. Of course, La Prensa has been shut down, as has been the Catholic newspaper, for quite some time now. Comrade Ortega would have to permit pluralism, free speech, free press, free labor unions, democratic institutions. That means elections. Do you think Ortega is going to permit elections? He came to power promising elections, but like all Communists, he lied. He broke his promise. Within a year or two he said elections are postponed, and for several years now a state of emergency has been declared, which takes away every last vestige of rights that the people of Nicaragua had.

So you can be sure that Ortega is never, ever, ever, ever, ever, never going to agree to the Contadora process as long as the document of objectives requires him to permit pluralism in Nicaragua and democratic institutions. You are wasting your time, friends, if you think that is going to work.

To continue, from June 1984 the United States held nine rounds of bilateral talks with the Communist government of Nicaragua. Bilateral—that is between the United States and the Communists in Managua—bilateral arms reductions in the region and dialog and internal reconciliation were rejected by the Sandinistas.

So we have tried multilateral negotiations, we have tried direct bilateral negotiations, we have tried negotiations through intermediaries, and all of them failed. Why? Because they do not want democracy. The Communists do not want democracy in Nicaragua and never will, like all Communist governments everywhere. And they play around, they keep suckering us in in this diplomatic process, this Contadora process, this San Jose process, this latest Arias proposal. They sucker us in every time, so that years and years go by, more Soviet aid pours in, and the Communists become ever more entrenched and it becomes ever more expensive and difficult to remove them.

Continuing this summary of diplomatic efforts: Throughout 1985, the Communist government in Nicaragua showed little interest in seriously considering United States proposals while stalling Contadora by claiming they had come to an agreement with the United States prior to the Contadora agreement. This is confusing to everyone, because it has become such a mishmash of deceit and lies and twisting and turning by the Communists that you have to be a Ph.D. to understand the history of this business.

Mr. HELMS. Will the Senator yield?

Mr. HUMPHREY. I am happy to yield.

Mr. HELMS. I apologize for interrupting him. May I ask the Chair how much time remains on each side?

The PRESIDING OFFICER. Eight minutes and twenty-seven seconds.

Mr. HELMS. And the other side?

The PRESIDING OFFICER. One minute and thirty-nine seconds.

Mr. HELMS. I thank the Chair. I would yield the rest of the time to Senator HUMPHREY up to 5 minutes before expiration of our time and I yield that time to the distinguuished Senator from Wyoming, Mr. SIMPSON.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. I thank the Chair.

Mr. President, I have said all I have to say, except I want to reiterate that those who are enamored of this odious proposal ought to read it. It requires us to cut off the anti-Communists of Nicaragua without a bullet, without a penny. It permits the Soviets, however, to pour in as much military and economic assistance as they wish. They have already poured in $1½ billion, which makes our effort to aid the anti-Communists look pretty paltry.

The time has come to stop playing games. We are going to have to spill American blood if Congress does not stop this hypocrisy.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 7 minutes.

Mr. SIMPSON. Mr. President, I thank the Senator from New Hampshire, Senator HUMPHREY, and I thank Senator HELMS for his always gracious willingness to accommodate me.

Well, I have listened with interest to this. This is a worthwhile concurrent resolution, obviously. The broad bipartisan cosponsorship and the swift action of the Foreign Relations Committee demonstrates all of that. It is a concurrent resolution supporting peace and a peace process in Central America. It will, obviously, have overwhelming support in the U.S. Senate. Indeed, it could have passed unanimously last night.

Who here will not support peace? Here we get to one of those votes which we are noted for—and demoted for—in this place, a posturing vote in many ways.

But let us not let our hope for peace and our hopes for a positive outcome of this new process be a reason to abandon our support for the Contras, who fight hard for democracy in Nicaragua.

I intend to vote for the concurrent resolution. I also intend to vote to continue our aid to the Contras, for they are an active and effective opposition to the strongest form of communism we have ever had in this hemisphere. And that is the way it is, folks. The Contras are the strongest incentive for the Sandinista government to take steps to distance themselves from the Soviet Union and its intrusion into the mainland of the Americas.

I do not, Mr. President—I guess this is the essence of my brief remarks—I do not wish to be put in the position of voting for peace in the form of this concurrent resolution and then to have this vote tossed back in my chops as some kind of a vote on continuing aid to the Contras, as if there were some indiscriminate misalliance here. If there is such a detonating device in this one, then it is a crude one.

In my opinion, support for an orderly peace process in Central America and support for the Contras are not mutually exclusive propositions. In fact, they may be mutually beneficial, for it might turn out our continued aid for the Contras, as sporadic as it has been, with a strong and very effective opposition generated in this Chamber, has been a significant factor, nevertheless, in forcing the Sandinista regime to look favorably on negotiations with these neighboring States.

If we abandon our support for the Contras, the Sandinistas and President Danny Ortega—he of the dazzling dialog and designer eyeglass frame concept—have no incentive whatsoever to continue these negotiations in good faith.

Mr. President, in this debate on this concurrent resolution we are hearing already the call for a moratorium on Contra aid. We are hearing that this administration obviously is obsessed with freedom fighters. I wish there could have been another term, frankly. That is the way it is. We hear that we have only one overriding, overweening thing commanding our attention: Contras, Contras, Contras, morning, noon, and night. That is not the case. We are hearing of this obsession and we are hearing that this administration's policy has failed to bring peace in Central America.

Mr. President, we are hearing from those who have always opposed this aid, and they have excellent arguments. There are excellent arguments on the other side. That is what makes this a unique place to do business. We get that from the same people who brought up an amendment which suspended American aid at a time when it was desperately needed. The same people are giving us that argument.

We hear criticism of the administration's policy and criticism of the effectiveness of that policy by those who have done the most to hobble and restrain it and doom it.

So I am afraid that this resolution, which is so very well intended by my colleague from North Carolina, Senator SANFORD—whom I have found to be a superb man, a very thoughtful, generous individual; I admire him greatly—I think it is going to turn into, in its final playout, simply another thing to hobble this administration on Central America, once we come in with a moratorium theory and a little of the stuff in the backwater here that has destined us to play games with the issue. That is the sad part, and I want no part of that.

I want it understood that my vote in favor of peace in Central America does not in any way lessen my support for aid to the Nicaraguan Contras. We do have an obligation there. It is not Vietnam. I hope we can all tire of that argument. It is not that many thousands of miles away. It is here.

Would that our friends in Mexico and Honduras and El Salvador and other countries in that area were paying the attention to it that they should, because they should be more spooked up about it than we ever should be, but apparently they are not. If they are not, we should take and fill that vacuum.

There are 8,000 people down there who wear all sorts of uniforms from the Eastern bloc of the Soviet Union and Cuba—and that is a fact—and a 10,000-foot runway, which is not there for Piper Cubs—and that is a fact—and hardware and ordnance coming into that nation from the Communist bloc which is identifiable by shipping processes—and that is a fact.

So while we hear all the stuff that goes on, let us just remember it is not Vietnam. It ain't very far away, and we better not continue to posture, but try to deal with it honestly and openly. And that is my hope in the process.

Mr. PELL. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute and thirty-nine seconds.

Mr. DURENBERGER. Mr. President, I rise in strong support of Senate Concurrent Resolution 24. It is a welcome development for this body to have an opportunity to express support for a promising peace initiative in Central America. I have long argued that the Nicaraguan civil war cannot be settled solely through military means.

We will debate the release of $40 million in aid to the democratic resistance in Nicaragua next week. The House voted yesterday to impose a 6-month moratorium on further funds pending a full accounting of past aid. We have been down the road of debating annual Contra aid installments before. We spend tremendous amounts of time discussing the details of a $14 million or a $27 million or a $100 million aid package. But we rarely tackle the issues within a framework cognizant of the larger regional picture.

In the aftermath of the Tower Commission report, we are all familiar with the details of a policy run amok. I think we all agree that ideological cowboys operating out of the White House basement should not be the driving force behind our policy toward Central America. That does not serve the President, our country, our allies in the region.

But as we continue to clean up after the Iran-Contra debacle, we cannot forget that the conflict in Nicaragua goes on. And I do not think we have a coherent policy toward dealing with that conflict. While the years of a flawed policy that put a paramilitary cart before the political horse have caught up with us, brave young men and women are dying in the Nicaraguan civil war.

As the Reagan administration tries to deal with the consequences of past mistakes, and as the Nicaraguan democratic resistance tries to form a genuinely representative leadership that can appeal to all Nicaraguans, the war goes on. If we have learned anything from our experience with the FDN, it is that they alone cannot be the answer to the tyranny of the Sandinistas.

One of the great failings of our policy has been the inability to gain a strong consensus from the democracies in the region. The democratically elected leaders of Costa Rica, El Salvador, Honduras, and Guatemala do not sympathize with the Sandinista theft of the Nicaraguan revolution. But they also have grave reservations about how our Government has chosen to deal with Nicaragua.

For several years, the so-called Contadora peace process was the only real vehicle for the democrats in the region who wished to see a political settlement in Nicaragua. The Contadora process broke down for many reasons. The Contadora nations and their support group were more willing to accept a treaty that did not fully address regional security than were the Central American democracies. It is easy to be complacent about the Sandinistas from afar.

Nicaragua proved to be reluctant as well when it came to actually signing a document. In September 1984, an agreement was close but, in the words of Costa Rican President Arias,

> Only Nicaragua was opposed, thus demonstrating once again that it has neither an interest in, nor the will for, peace in Central America.

Fundamentally, Contadora was a solution designed by outsiders. Solutions imposed by outsiders will not resolve the Nicaraguan civil war—whether from the Soviet Union or the United States, from Cuba or Colombia. The answer must come from the region itself. That is why I strongly support the peace plan presented by President Arias.

The Arias plan was discussed last month with Presidents Duarte, Azcona, and Cerezo in San Jose, Costa Rica. The four democratic heads of state have once again stated their commitment to finding a political solution to the turmoil in Central America. These leaders know that the search for peace will not be easy. But they also know that without a just peace, the days of democracy are numbered in Central America.

The outlines of the plan are exactly the kind of steps that can lead to a lasting regional settlement: A ceasefire with negotiations to end hostilities; movement toward democracy that would guarantee basic human rights, essential freedoms, and free elections; an end to extraregional military support; and the reduction of arms throughout the Central America.

The details of any settlement are not yet resolved. Exactly how such key issues as verification and election guarantees will be addressed is far from clear. Many obstacles will have to be overcome. But Nicaragua has agreed to join the leaders of the four democracies to discuss the Arias plan next May in Esquipulas, Guatemala. And, for the first time since the Sandinista victory, the United States has a chance to support a peace initiative proposed by those most directly affected by the results of that victory.

I hope my colleagues understand the position of the Central American democracies. They are the one with the most to lose if the Sandinistas are allowed to fully consolidate their Leninist hold on Nicaragua. They are the countries that have been, and will continue to be the object of Sandinista subversion. They have no illusions about what the future holds if the Sandinistas are allowed to pursue their foreign policy without restraint.

But they do not support our policy of military support to the FDN. To once again quote President Arias:

> Because—let's not fool ourselves—although the world does not support the war, this doesn't mean it concurs in the status quo in Nicaragua. There is a distinction between not concurring in a military outcome but wanting important changes in the Managua regime.

For too long, our policy has been paralyzed by the apparent choice between two unacceptable and unworkable alternatives: Support for a military movement with little political credibility or acquiescence in the totalitarianization of Nicaragua. We need a policy that develops and nurtures other options. And we need to strongly support the efforts of Central American democrats to work out their problems.

I applaud the courage and the wisdom of President Arias in proposing a new approach to the turmoil in Central America. I am pleased that this body is taking the opportunity to support the efforts of President Arias and his democratic counterparts in their search for lasting peace. I urge the rapid and unanimous adoption of Senate Concurrent Resolution 24.

Mr. BINGAMAN. Mr. President, I rise today to support Senator SANFORD's resolution commending the initiative of Costa Rican President Oscar Arias to end the conflict in Central America. I am proud to have been an original cosponsor of Senate Concurrent Resolution 24, which reaffirms our Nation's support for the efforts of the Central American democracies to work out solutions to the problems in that region.

The meeting of the presidents of these democracies—Costa Rica, El Salvador, Guatemala, and Honduras—on February 15 in San Jose, Costa Rica was an historic gathering. It was historic, first, in that it represented these countries' desire and will to truly practice self-determination and democracy. There have been previous efforts to negotiate peace in the region, but they have not been initiated by Nicaragua's immediate neighbors. The Arias initiative which we will vote to support today, however, is evidence of these countries' will to assert their right to settle conflict in the region.

The second reason for my noting the historical significance of the San Jose meeting, is that it gives the United States a rare opportunity to reformulate our policy toward the region as a whole and, in particular, toward the Nicaraguan Government. We have the opportunity, with our genuine support for this negotiations process, to begin to heal wounds—wounds in our country's body politic and wounds in our foreign policy. As former Ambassador Robert McNeil said at a Foreign Relations Committee hearing on this resolution, it is time that we embark on a new policy in Central America, a policy of consensus and a bipartisan policy. The Arias initiative gives us an opportunity to end our aid for the Contras, and replace that failed policy with support for negotiations.

Fundamentally, this is what the 10-point Arias initiative is about. It calls for an end to "extraregional government aid"—whether it is Soviet or American—to these countries. It seeks to set limits on arms, future buildup, and numbers of external advisors in the countries of Central America. The plan also calls for free elections and democratization in the region. A true vote for freedom would be a vote to end Contra aid and to support the Arias initiative as the best vehicle for achieving democracy and peace in all of Central America.

The administration has said that supporting the Contras was simply a way to force the Sandinistas to the bargaining table. Well, it has been several years now, and I think they are ready to negotiate. We should take this opportunity, the opportunity opened up to us with the San Jose meeting a month ago, to shift gears, and to launch a new policy in Central America.

I thank Senator SANFORD for introducing this resolution.

THE ARIAS PEACE INITIATIVE

Mr. KERRY. Mr. President, as an original cosponsor of Senate Concurrent Resolution 24, I want to commend our distinguished colleague from North Carolina [Mr. SANFORD], for first proposing, then shepherding through the Senate Committee on Foreign Relations, this important resolution.

It is appropriate that the Senate is about to give our overwhelming endorsement to the 10-point peace plan proposed by Costa Rican President Oscar Arias Sanchez. This concurrent resolution is in recognition of the special role President Arias has played and continues to play in moving the peace process back on track in Central America.

In addition, the heads of state of Guatemala, Honduras, and El Salvador also deserve our praise and support for joining in this effort to bring a political solution to the problems of the region.

I have long believed that those most affected by the conflict in Central America are those who possess the key to unlock the peace process. It is not the military assistance which can be offered by a large power that brings about negotiated solutions—it is the will of those whose own borders and citizens are most effected by the devastation and dislocations caused by war and its prospects, who can make the moves necessary to bring about peace.

President Arias plan provides an opportunity for the kind of comprehensive accord Central America requires and deserves, if it is to turn from focusing too much of its resources on matters of conflict instead of the fundamental issues of social justice and economic progress needed for these nations to move forward.

National reconciliation, cease-fire, civil rights and representative government, free and democratic elections, a suspension of all extraregional military aid, overt and covert to insurgent forces, arms reduction, an end to attempts to destabilize any government in Central America, United Nations and OAS supervision and verification, and regional economic cooperation—these are the sound fundamentals contained in the Arias plan, and they deserve our strongest support not just now, but in the difficult process of implementation should the Arias plan succeed.

Mr. PELL. Mr. President, in the course of the debate here, the concurrent resolution was referred to as "babble." Well, I do not agree with that thought or the thought that bullets are preferable to babble. Here I am reminded a little bit of Winston Churchill's expression where he said that jaw-jaw was a lot more preferable than war-war. I think what we are talking about here is greater reliance on jaw-jaw, the diplomatic process, and less emphasis on war-war.

I am prepared to yield back the remainder of my time.

Mr. HELMS addressed the Chair.

Mr. PRESIDING OFFICER. The Senator from North Carolina has 38 seconds.

Mr. HELMS. Mr. President, let me use those 38 seconds to clear up the question that has been raised in my mind, and I will address it to my distinguished colleague from North Carolina.

Did he present his resolution as a forerunner to cutting off aid to the freedom fighters in Nicaragua? If he did, I will withdraw my cosponsorship.

Mr. SANFORD. I have said in the past that I did not think that suddenly pulling the rug out from under the President was an appropriate approach to this problem. However, I have also said that we should look for an alternative policy that will achieve our goals of bringing peace to Central America. Of course, at that time I did not anticipate that President Arias would proceed in this way. But I think that is the result. I think this initiative by the Presidents of the four democracies needs and deserves our full support and best possible effort.

I regret that it has been made necessary by our rules to vote on the $40 million because, as a practical matter, it is not going to be cut off. It would be far better, I think, if we let that alone until the fall.

Certainly this resolution has no devious purpose. It is a straightforward expression of support for those democracies doing their best in working toward peace, security, and democracy in their own region.

Mr. HELMS. There is no inconsistency, as Senator SIMPSON put it, between voting for this resolution and voting to continue assistance to the freedom fighters?

Mr. SANFORD. Certainly not as I see it.

Mr. HELMS. I thank the Senator.

I think the Senator has demonstrated his good faith in this.

I yield back the balance of my time, if I have any.

The PRESIDING OFFICER. The Senator's time has expired. All time has now expired. The question is now on the first committee amendment.

Mr. PELL. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The committee amendments were agreed to.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the concurrent resolution. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from South Dakota [Mr. DASCHLE] is absent because of attending a funeral.

I further announce that, if present and voting, the Senator from South Dakota [Mr. DASCHLE], would vote "yea."

The PRESIDING OFFICER (Mr. WIRTH). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 30 Leg.]

YEAS—97

Adams
Armstrong
Baucus
Bentsen
Biden
Bingaman
Bond
Boren
Boschwitz
Bradley
Breaux
Bumpers
Burdick
Byrd
Chafee
Chiles
Cochran
Cohen
Conrad
Cranston
D'Amato
Danforth
DeConcini
Dixon
Dodd
Dole
Domenici
Durenberger
Evans
Exon
Ford
Fowler
Garn
Glenn
Gore
Graham
Gramm
Grassley
Harkin
Hatch
Hatfield
Hecht
Heflin
Heinz
Helms
Hollings
Inouye
Johnston
Kassebaum
Kasten
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lugar
Matsunaga
McCain
McClure
McConnell
Melcher
Metzenbaum
Mikulski
Mitchell
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Proxmire
Pryor
Quayle
Reid
Riegle
Rockefeller
Roth
Rudman
Sanford
Sarbanes
Sasser
Shelby
Simon
Simpson
Specter
Stafford
Stennis
Stevens
Symms
Thurmond
Trible
Wallop
Warner
Weicker
Wilson
Wirth

NAYS—1

Humphrey

NOT VOTING—1

Daschle

So the concurrent resolution (S. Con. Res. 24) was agreed to.

Mr. PELL. Mr. President, I move to reconsider the vote by which the concurrent resolution was agreed to.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. BYRD. Mr. President, I thank the Chair. For the information of the Senators, I do not anticipate any additional rollcall votes today.

ORDER FOR REVISION OF SPECIAL ORDERS

Mr. BYRD. Mr. President, I ask unanimous consent that in regard to the special orders for the recognition of Senators entered upon yesterday, the following changes be made: that the time that was ordered for the control by Mr. ARMSTRONG be transferred to Mr. PRESSLER; that the order for Mr. REID be transferred to Mr. BAUCUS; and that the order for the recognition of Mr. HEINZ be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF SENATOR PRESSLER

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. PRESSLER. Mr. President, is it now time for special orders?

The PRESIDING OFFICER. The Senator is correct.

Mr. PRESSLER. I thank the Chair.

RICHARD KNEIP: ONE OF SOUTH DAKOTA'S TWO GREATEST GOVERNORS

Mr. PRESSLER. Mr. President, on Monday of this week, former Gov. Richard Kneip of South Dakota died in Sioux Falls at the age of 54, leaving his wife and eight sons. His funeral will be this afternoon. The untimely loss of Gov. Richard Kneip was sad news for South Dakota. Those of us who had the pleasure of working with him will always recall his vigorous energy and his good-hearted desire to do the best job possible for the people of our State.

Governor Kneip served from 1971 to 1978. I believe that Governor Kneip was one of the two greatest Governors in South Dakota's history, the other being Peter Norbeck, who served 1917 to 1920.

It has been said that Governor Kneip pulled South Dakota's State government into the 20th century. He began a reorganization process to make the State's officials more accessible and more responsive. He proposed a new constitutional system of cabinet officers that was approved by the voters in 1972. His achievements in governmental reform are a lasting legacy.

Under Richard Kneip's administration, there was a wave of innovative, progressive programs. He strengthened the University of South Dakota. He started the South Dakota Investment Council, which brought more then $845 million into the State treasury. A new housing authority made it possible for thousands of South Dakotans to improve their daily living conditions. He implemented a career service act which brought new professionalism to South Dakota's public agencies.

Richard Kneip was successful in these accomplishments while working with a legislature controlled by a political party not his own. His personal qualities of warmth, energy, and humanity made it possible for him to forge a direct link with the citizens of his State.

South Dakota mourns the loss of this great man. Our prayers are with his family. There is a secure place in history and in the hearts of South Dakotans for Richard Kneip.

RECOGNITION OF SENATOR McCONNELL

The PRESIDING OFFICER. The Senator from Kentucky [Mr. McCONNELL] is recognized.

Mr. McCONNELL. I thank the Chair.

THE NATIONAL CHILD SEARCH ASSISTANCE ACT OF 1987

Mr. McCONNELL. Mr. President, I rise today to introduce the National Child Search Assistance Act of 1987. This legislation, passed by this body in the 99th Congress, complements child protection efforts on the national level by providing financial assistance to the States to set up clearinghouses for information relating to missing and exploited children.

Back in 1980, when I was county executive in Jefferson County, KY, we began the policy of developing a program for the location of missing and exploited children. That program was recognized nationally as one of the best in the country. Subsequent to that time, when I was chairman of the Kentucky task force on exploited and missing children, we developed a bill which was subsequently passed in the Kentucky General Assembly, which also became a model for the Nation. One of the features of that bill, Mr. President, was the establishment of a missing children clearinghouse in Frankfort, KY, the State capital.

When I came to the Senate in 1985, I introduced a companion measure very similar to this, which passed the Senate, that set up a fund for the purpose of establishing grants for the establishment of State clearinghouses for missing children. That bill passed the Senate in the 99th Congress but did not pass the House.

Today, I am simply reintroducing that measure. I also wish to mention that in the intervening period, 37 States have now established missing children clearinghouses in their State capitals, an indication of the growing awareness of the importance of doing this. This bill is still timely and needed, as there are gaps in the system. I hope we will be able to secure passage of this bill in the Senate again this year and that the House will view it more favorably.

Although public attention has, to a degree, shifted away from the plight of missing children, the fact remains that tens, perhaps hundreds of thousands of children are missing. The National Center for Missing and Exploited Children alone handled 12,150 cases last year.

The National Center for Missing and Exploited Children, established by the Missing Children's Assistance Act of 1984, serves as a national clearinghouse for information. In addition, the National Center provides a toll-free hotline for reporting information on these children, and provides help to State agencies. However, child search efforts have been hindered by the lack of comparable programs at the State level, on a nationwide basis.

As I have said before, coordination of efforts on all levels, from the local to the national level and across all the States, is essential if we are to succeed in locating missing children and stopping child exploitation.

State and local law enforcement agencies are on the front line when it comes to protecting children from abduction and exploitation. These agencies are hindered, however, by the lack of adequate means to quickly assemble and disseminate information on missing or exploited children. The absence of State information clearinghouses also holds back efforts to coordinate law enforcement activities between State and Federal agencies.

As I have already mentioned as chief executive of Kentucky's largest county, I actively pursued legislation to establish a statewide clearinghouse, and I was gratified when Kentucky moved to the forefront of the campaign to locate missing children, by establishing the Kentucky Missing Child Information Center. This center acts as a central repository of, and clearinghouse for, information about missing children in Kentucky. In 1985, only a few other States, most notably Florida, had established clearinghouses. Today, 37 States have acted to establish clearinghouses for information. However, gaps remain in the nationwide network.

I am convinced that our future success in locating and protecting missing and exploited children depends on the establishment of information clearinghouses on the State level, to create a comprehensive national network. For that to happen, a modest Federal program, such as the one proposed in this bill, must be implemented.

This bill would amend the Missing Children's Assistance Act of 1984, to provide matching grants totaling $2 million in both fiscal years 1988 and 1989 to State law enforcement agencies, for the purpose of establishing or expanding in each State information clearinghouses on missing and exploited children.

Further, this bill would not require any additional appropriation from Congress, as it would be wholly funded through the Office of Juvenile Justice and Delinquency Prevention, by a discretionary grant program for which funds have already been committed.

The historic 100th Congress will be focused on issues affecting this Nation's future, ranging from our world trade position to economic problems and health needs at home. Mr. President, we must not lose sight of the fact that our own children are the most important part of this Nation's future. The legislation I am introducing today will bring abducted and runaway children home, and fight the growing evil of child exploitation.

Mr. President, I urge my colleagues to help the search for America's missing and exploited children, by supporting this bill and working to bring about its early approval.

At this point, Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 726

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "National Child Search Assistance Act of 1987".

SEC. 2. Title IV of the Juvenile Justice and Delinquency Prevention Act of 1974 (42 U.S.C. 5771) is amended by—

(1) redesignating section 402 as section 411;

(2) redesignating section 403 as section 402, and inserting after such section the following:

"PART A—GRANTS FOR RESEARCH, DEMONSTRATION PROJECTS, AND SERVICE PROGRAMS";

(3) redesignating sections 404, 405, 406, 407, and 408 as sections 412, 413, 414, 415, and 416, respectively;

(4) striking out "406" in sections 413 and 415 (as redesignated by paragraph (3)) and inserting in lieu thereof "414";

(5) striking out "this title" in sections 411 through 416 each place it appears and inserting "this part" in lieu thereof; and

(6) inserting after section 416 (as redesignated by paragraph (3)) the following new part:

"PART B—GRANTS FOR STATE CLEARINGHOUSES

"FINDINGS

"SEC. 421. The Congress finds that—

"(1) State and local law enforcement agencies serve an essential role in the location and safe return of missing children;

"(2) State and local law enforcement agencies usually serve as the initial contact point for parents or guardians of a missing child;

"(3) State and local law enforcement agencies have access to data that can aid in quickly locating a missing child, and aid in incidence studies on missing children;

"(4) State and local law enforcement agencies have telecommunications systems in place which enable them to cooperate with other law enforcement agencies;

"(5) State and local law enforcement agencies can work directly with the National Center for Missing and Exploited Children, a not-for-profit corporation operating under a cooperative agreement with the Office of Juvenile Justice and Delinquency Prevention in the United States Department of Justice;

"(6) State clearinghouses will aid in the rapid collection and dissemination of information regarding missing children;

"(7) cooperation among local, State, and Federal law enforcement agencies that operate similar systems will aid in the prompt recovery of missing children;

"(8) Federal assistance is needed to help initiate State clearinghouses; and

"(9) funds appropriated to the Office of Juvenile Justice and Delinquency Prevention, for special emphasis, under section 224 of this Act, can be allocated for the purposes of this part, without additional public expense.

"GRANTS

"SEC. 422. From amounts appropriated in any fiscal year, for special emphasis funds designated by section 224, the Administrator shall make grants for the purpose of establishing and operating, or operating and expanding, Missing Children Information Clearinghouses, to States whose applications are approved under section 423. Each grant shall be made under such terms and conditions as the Administrator shall prescribe. The amount of a grant to a State for a fiscal year shall not exceed 50 percent of the total cost during such fiscal year of establishing and operating, or operating and expanding, the clearinghouse, as determined by the State under section 423. In no event shall any State be entitled to a grant in excess of $75,000.

"APPLICATIONS

"SEC. 423. (a) Each State that desires to receive a grant for a fiscal year under section 422 shall submit an application to the Administrator. The application shall contain such information and assurances as the Administrator deems necessary. The Administrator shall approve an application if the State qualifies under subsection (b) of this section.

"(b) To qualify for a grant for any fiscal year under this part, a State shall—

"(1) agree to provide for the establishment and operation, or operation and expansion, of a Missing Children Information Clearinghouse within its department of justice or law enforcement, alone or in cooperation with other State agencies, that will—

"(A) work in conjunction with the National Crime Information Center by requiring local law enforcement agencies to promptly transmit all information on missing children under investigation to such Center, and to expunge such information regarding a child when such child is found;

"(B) educate parents, children, and community agencies and organizations, in ways to prevent the abduction and exploitation of children;

"(C) provide public information to assist in locating and returning missing children, including, but not limited to, a monthly bulletin to State and local law enforcement agencies with pictures and descriptions that will aid in locating missing children;

"(D) publish a directory of other organizations, such as private voluntary organizations, hospitals, medical clinics, and runaway shelters, that provide assistance in locating missing children;

"(E) establish an in-State toll-free telephone line to allow persons to report a missing child and be provided with information to assist in locating and returning a missing child as quickly as possible;

"(F) cooperate with and act as a liaison for other public and private organizations to locate missing children; and

"(G) work in conjunction with the National Center for Missing and Exploited Children, by providing information collected by State and local law enforcement agencies on the incidence of child abduction and exploitation, and by assisting in the development and dissemination of information on missing and exploited children;

"(2) determine the cost of the establishment and operation, or operation and expansion, of the clearinghouse in such fiscal year and provide assurances that the State will pay at least 50 percent of such cost in cash or in kind; and

"(3) agree to submit to the Administrator a status report on the activities and results of the State's clearinghouse, no later than six months after receipt of a grant under this part, and at the end of each six-month period thereafter, during any fiscal year for which the State received a clearinghouse grant under this part.

"ADMINISTRATIVE PROVISIONS

"SEC. 424. (a) The Administrator—

"(1) may prescribe such rules as he considers necessary or appropriate to carry out the purposes of this part; and

"(2) shall allocate staff and agency resources which are adequate to properly carry out the Administrator's responsibilities under this part.

"(b) Whenever the Administrator, after reasonable notice to any State and opportunity for a hearing, finds that the State has failed to comply substantially with the requirements of section 423, the Administrator shall withhold payments under this part until the Administrator is satisfied that the failure to comply has been corrected.

"(c) The Comptroller General of the United States shall have access, for the purpose of audit and examination, to any books, documents, papers, and records of any State receiving assistance under this part that are pertinent to the sums received and disbursed under this part.

"AUTHORIZATION

"SEC. 425. (a) There are authorized to be allocated to the Administrator for the purpose of making grants under section 422, $2,000,000 for fiscal year 1988 and $2,000,000 for fiscal year 1989.

"(b) The funds authorized under section 425(a) shall be allocated from any special emphasis funds appropriated for the Office of Juvenile Justice and Delinquency Prevention, under section 224 of this Act, for fiscal years 1988 and 1989.

"DEFINITION

"SEC. 426. For purposes of this part, the term 'State' means any State of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.".

EFFECTIVE DATE

SEC. 3. This Act and the amendments made by this Act shall become effective on the date of enactment and shall be effective until the end of fiscal year 1989, at which time this Act and the amendments made by this Act shall be repealed.

RECOGNITION OF SENATOR WILSON

The PRESIDING OFFICER. The Chair recognizes the Senator from California.

Mr. WILSON. I thank the Chair.

SENATOR EDWARD ZORINSKY

Mr. WILSON. Mr. President, I rise, as have so many on this floor in this past week, to say a few words as best I can to try to express my own personal feelings of loss at the departure of our dear friend, Senator Ed Zorinsky.

I was privileged to know Ed Zorinsky I think longer than most on this floor because he and I spent some years together as brother mayors, he as mayor of Omaha, I as mayor of San Diego. In those first years of our acquaintance, I quickly came to have an enormous respect and fondness for him. He was, as everyone privileged to know him came to learn, a man whose sometimes serious demeanor belied a mischievous sense of humor and one that allowed him, while always taking his job very seriously, to never take himself seriously.

Indeed, his last moments on this Earth were spent in entertaining the audience at the Omaha Press Club at their annual gridiron dinner with what I am told was a hilarious skit. In fact, I was privileged to see an early rehearsal of it, a rendition which Ed gave to those of us who were attending a benefit for the Hospice of the Valley in Phoenix, AZ, earlier this year.

The lyric—and I am not sure whether he had written this, but it sounds like his work—was one that was set to a popular tune which said, "I am the great pretender." It described the fact that he had switched parties and that he entertained the notion of switching back. I can only say that anywhere Ed Zorinsky was there was a potential party. Anytime anyone was privileged to spend a few relaxed moments with him they invariably were treated not only to his good humor but to his sense of humor and a sort of sparkle that animated what at other times could be a very sober man, when the feelings of warmth and kindness that so clearly stirred him so often took form in some specific action or some speech. He was, a reporter once told me, a rather quiet man to be a Senator, less loquacious than many of his brethren.

That may be true, but it is also true that when he spoke people listened; that when he spoke, he did so with energy and the passion of honest conviction, which made him not only a zealous but an extraordinary advocate for his State and for any cause in which he believed.

I was privileged to serve with him on the Agriculture Committee, and he remarked to me soon after my arrival in this Chamber that it was interesting and he thought ironic he and I as former large city mayors should find ourselves once again involved in public service but this time in an entirely different arena where our concerns had to do with not urban problems but trying to enhance farm exports, trying to make it possible for the American farmer to be productive and maintain a decent farm income.

Last Sunday, those of us who were able to do so flew out to Omaha in order to attend the funeral services for Senator Zorinsky, to be with his family, to console them insofar as it was possible for friends to do that. Senator HATCH made an eloquent and moving tribute in the eulogy which he gave at the services for Senator Zorinsky. Unhappily, I am told there is no record of the eulogy beyond that of memory. He did commit to paper a poem he had been inspired to write flying out to the services. If he has not yet done so, I will ask that Senator HATCH place that poem in the RECORD.

But I suppose all of us might find, however cogent we think we sometimes can be in argument, there are moments when the English language, with all of its infinite richness, seems a poor and inadequate vehicle to express the kind of feeling which comes when one is so rarely privileged to meet a man like Ed Zorinsky and to enjoy his friendship.

Even in this extraordinary body, in which I have felt privileged to enjoy the friendship of extraordinary men and women, Ed Zorinsky was outstanding in the literal sense of the word. His appeal was bipartisan, not only to his constituency but to the friends he had on this floor. It was an appeal that was based upon our perception of the quality of the man, the extraordinary human quality, not just the intelligence and not just the sparkle and wit and the ability to poke fun at himself that endeared him to all of us but the great warmth and kindness which he exhibited in so many ways, never seeking recognition or thanks for it but taking the reward of satisfaction that came to him from helping others, whether it was sending some good, aged Nebraska beef to a friend who had enjoyed his cooking of it at a barbeque or helping a colleague with a problem in drafting or in gaining support for a cause in which Ed Zorinsky shared the colleague's own belief.

To say that we will miss him so understates the feeling that this is one of the moments to which I referred a moment ago, when even the English language does not permit either me or, I think, anyone else on this floor to say how much we valued him in life, how much we will treasure his memory, how greatly we hope that the sadness of his passing and the pain it has caused will ebb in time for his family and his friends. It is certain that as time goes on and that pain recedes, the happy fact is that the memory of Ed Zorinsky for those who knew him will persist as brightly, as clearly, and as vividly as did his friendship for us in life.

Mr. President, I will take no more time, because I am afraid that neither time nor words could ever express what I feel and what I think many of us would like to say to those whom Ed leaves behind—his loving and wonderful wife, Cece, and his three marvelous children. I hope that they are consoled by some sense of appreciation of the great value her husband and their father has been to all of us.

The PRESIDING OFFICER. The Chair, in his capacity as a Senator from Colorado, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislatve clerk proceeded to call the roll.

Mr BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHELBY). Without objection, it is so ordered.

RECESS UNTIL 1:14 P.M.

Mr. BYRD. Mr. President, I have conferred with Mr. DOLE.

I ask unanimous consent that the Senate stand in recess for 40 minutes.

There being no objection, the Senate, at 12:34 p.m., recessed until 1:14 p.m., whereupon the Senate reassembled when called to order by the Presiding Officer [Mr. GORE].

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, Senators may now speak out of order for up to 30 minutes each for 2 hours.

The Senator from Georgia is recognized.

INTERPRETATION OF THE ABM TREATY

PART TWO: SUBSEQUENT PRACTICE UNDER THE ABM TREATY

Mr. NUNN. Mr. President, in a lengthy speech which I delivered on the Senate floor yesterday, I presented the first of three reports which I have prepared on the subject of the interpretation of the ABM Treaty. In those remarks, I addressed the crucial issues of the Senate's original understanding of the meaning of the treaty and the implications of that understanding for current executive branch conduct.

In my speech yesterday, I stated that I have concluded that the Nixon administration presented the Senate with the so-called Traditional Interpretation of the treaty's limits on the development or testing of mobile/space-based exotics—that is, that such activities were banned. I stated that I have also concluded that the Senate clearly understood this to be the case at the time it gave its advice and consent to the ratification of the treaty. In my judgment, this conclusion is compelling beyond a reasonable doubt.

In my remarks yesterday, I also took sharp exception to the administration's recent claim that statements made by the executive branch to the Senate at the time of treaty ratification proceedings have "absolutely no standing" with other states party to such treaties. In my opinion, this claim is incorrect in the specific case of the ABM Treaty and is squarely in conflict with the constitutional role of the Senate.

Mr. President, today I would like to present a second report to the Senate on the ABM reinterpretation issue.

The report that I am delivering today addresses the available record of United States and Soviet practices since 1972. I stress the words, "available record," because we do not have the entire record. No one should be under a misimpression here. The record we have now is comprised of a 1985 analysis that was submitted by the Department of State to the U.S. Senate and several other documents.

This report addresses the available record of United States and Soviet practices—including their public statement—since the treaty was signed in May 1972. As I noted yesterday, both international law and U.S. domestic law recognize that the practices of the parties, including their statements, provide evidence of their intent with regard to the meaning of a treaty.

The record of United States and Soviet subsequent practice now available to the Senate is far from comprehensive. For example, the Senate has no access to statements made by American and Soviet officials in the 1972-85 timeframe in the course of negotiations in SALT II, START, INF, or the Standing Consultative Commission, known as the SCC. Nor does the Senate have access to statements made by United States or Soviet officials during summit meetings, foreign minister-level discussions, or routine diplomatic contacts.

So my statement today is based on what we now have available. There may be more information forthcoming.

I also stress, though, that this is the record that was examined by Judge Sofaer in arriving at his opinion. So to the best of my knowledge, what we have is what he had, and his opinion was derived therefrom.

President Reagan recently directed the State Department to conduct a thorough review of this issue. It is unfortunate that a rigorous administration study of subsequent practice—which has an important bearing on the whole question of treaty interpretation—was not conducted prior to such a major shift in U.S. policy. The administration has indicated that this study will be completed by April 30 and has promised that it will be submitted to the Senate for its review. Once the Senate has had an opportunity to review this second, or subsequent study, consultations will be—we hope—conducted on its conclusions.

Mr. President, let me now review the various administration positions which have been put forward on this issue.

In an analysis submitted to the Armed Services Committee in a 1985 hearing, the State Department Legal Adviser, Abraham Sofaer, examined the record of subsequent practices. These conclusions were reiterated in an article which he published in the June 1986, Harvard Law Review.

In both of these analyses, Sofaer claims that prior to the Reagan administration's announcement of the reinterpretation in October 1985, the U.S. Government had not held a consistent position on the correct interpretation of the treaty provisions governing mobile/space-based exotics. In short, Sofaer denies that the traditional interpretation is in fact "traditional." Rather, Sofaer insists that the version of the treaty originally presented to the Senate was more consistent with the reinterpretation than the traditional interpretation and that successive administrations fluctuated back and forth between the broader and the more restrictive positions:

> Statements made during the post-ratification period have been mixed. Early statements tended to support the broader interpretation; several later ones presented a more restrictive view, some explicitly. At no time, however, was one interpretation universally accepted.

In support of the reinterpretation, Reagan administration officials have made other claims about subsequent practice. For example, in an appearance before the Senate Armed Services Committee on February 17 of this year, Secretary Weinberger was asked about the treaty's effect on the development and testing of mobile/space-based exotics. The Secretary replied that "you have a situation in which this point was never either specifically considered in the ratification process, nor has it been seriously considered in the years between, because the issue itself never had any importance since no one was on our side working on strategic defense." In short, Secretary Weinberger claims that not only did the issue of restrictions on exotics under the treaty never come up during the 1972 Senate ratification debate, but also that the issue never came up in the intervening years prior to the initiation of the strategic defense initiative [SDI].

The report which I released yesterday totally contradicts the first of Secretary Weinberger's assertions—that is, that the question of the treaty's applicability to the development, testing, or deployment of laser and other exotic ABM systems or components was never addressed during the 1972 Senate ratification proceedings. Today, I will discuss Secretary Weinberger's assertion that the question never arose until work began on SDI, as well as Sofaer's claim that there has been no consistent U.S. view since 1972.

First, let me address U.S. behavior under the treaty. The United States has not tested or developed a mobile/space-based ABM system or component of an exotic design. As late as 1985, the executive branch, in a Department of Defense report to Congress on the SDI Program, expressly endorsed the traditional view of the treaty as the basis for structuring its activities. This pattern of behavior is fully consistent with the traditional view of the treaty.

What about Soviet behavior under the treaty? Neither the Reagan administration nor any of its predecessors has asserted that the Soviet Union has developed or tested a mobile/space-based ABM system or component in contravention of the traditional view of the treaty. No such finding has ever been included in any compliance report submitted by this administration, including the report submitted on March 10, 1987, just 2 days ago.

I have examined the 13-year period from May 26, 1972, until October 6, 1985, with a view toward developing three categories of statements, and this goes to the question of U.S. statements about limitations on so-called exotics. The first category: Those which explicitly support the reinterpretation. The second category: Those which explicitly support the traditional view. The third category: Those which generally address the subject of testifying, development, or deployment of exotics but which do not explicitly support either interpretation.

The first category I will address is those which explicitly support the reinterpretation.

Judge Sofaer has not identified any official statements prior to October 1985 in which the U.S. Government expressly took the position that the treaty permitted testing and development of mobile/space-based exotics—not one statement that I have found.

The second category is U.S. statements that expressly support the traditional view—and there are many such statements. I will name a few of them today.

As noted in my remarks on Wednesday, the Nixon administration clearly took the position in its testimony to the Senate that the treaty banned mobile/space-based ABM's using exotics. This position was announced in public subsequent to the signing of the agreement by the heads of state, but prior to when the treaty entered into force.

With respect to statements made after the treaty entered into force, the available record of both official and unofficial U.S. statements directly contradicts both Secretary Weinberger's assertion that this issue never came up prior to the initiation of SDI and Judge Sofaer's claim that the U.S. position on the issue has not been consistent.

Mr. President, I will give just a few examples.

In 1975, Congress amended the Arms Control and Disarmament Act to require the executive branch to prepare an arms control impact statement for submission with requests for authorization and appropriation of defense and nuclear programs. The first two such submissions, for fiscal year 1977 and fiscal year 1978, were criticized as too general by the chairmen of the Senate Foreign Relations Committee and House Foreign Affairs Committee. A more detailed report was prepared for fiscal year 1979, involving an intensive interagency review process, including final review and approval by the National Security Council. As such, it represented the formal, coordinated views of the executive branch.

The fiscal year 1979 ACIS, which was the first arms control impact statement to address the issue of testing and development of mobile/space-based ABM's using exotics under the

ABM treaty, contained the following key passage:

> PBWs [particle beam weapons] used for BMD [ballistic missile defense] which are fixed, land-based could be developed and tested but not deployed without amendment of the ABM Treaty, and the development, testing, and deployment of such systems which are other than fixed, land-based is prohibited by Article V of the treaty.

This clear statement by the executive branch severely undermines the reinterpretation because it confirms the traditional meaning of the treaty as provided to the Senate in 1972, which was what I spoke to on yesterday.

The arms control impact statements submitted by the executive branch for fiscal year 1980 through fiscal year 1986, including those submitted by the Reagan administration, consistently took the position that mobile/space-based ABM's using exotics could not be tested and developed under the ABM treaty. I want to emphasize that these statements include express reaffirmation by the Reagan administration of the traditional interpretation. These statements were coordinated between the various departments of Government.

The 1985 SDI report, submitted to the Congress in March 1985, contained an appendix on "The Strategic Defense Initiative [SDI] and the ABM Treaty." As Sofaer has noted, this document "expressly embraced the restrictive interpretation." This one has been acknowledged by the administration.

It is further confirmation of the traditional view by the Reagan administration.

Let me now discuss several unofficial statements concerning negotiations.

In the years after the ABM Treaty entered into force, several books were published which provided unofficial accounts of the negotiations and descriptions of the meaning of the treaty's provisions. "Cold Dawn: The Story of SALT", published in 1973, was written by John Newhouse, a former Senate Foreign Relations Committee staff member, based on interviews with the participants. It has also been reported that Newhouse had direct access to classified Nixon administration documents. "Cold Dawn", which was widely regarded as the first comprehensive account of the negotiations, contains the following passages concerning exotics:

> NSDM 127 [the instructions to the negotiators] banned everything other than research and development of fixed, land-based exotics. There remained to convince Moscow that the great powers should remove exotics future threats to stability, as well as the immediate ones.
>
> * * * *
>
> Although the basic AMB agreement would be left for an eleventh-hour White House decision, the delegation managed a major breakthrough toward the end of January when the Soviets accepted the U.S. position on exotic systems. Back in the summer, Moscow's attitude, as reflected by its delegation, had been sympathetic. Then, in the autumn, it hardened, probably under pressure from the military bureaucracy. Washington was accused of injecting an entirely new issue. Moscow would not agree to a ban on future defensive systems, except for those that might be space-based, sea-based, air-based, or mobile land-based. The U.S. Delegation persisted and was rewarded. Land-based exotics would also be banned. The front channel had produced an achievement of incalculable value.

In 1974, John Rhinelander, legal adviser to the U.S. delegation, coauthored a book on the SALT accords which contains the following passages relevant to the exotics issue:

> Article II defines an ABM system as "currently consisting of ABM launchers, interceptor missiles and radars." The prohibitions of the ABM Treaty are not limited to ABMs with nuclear warheads, although current ABM interceptors are nuclear-equipped. Articles II and III provide the treaty framework for the ban on "future ABM systems," which is spelled out further in an agreed interpretation.* [ABM Treaty, Initialed Statement D]
>
> The future systems ban applies to devices which would be capable of substituting for one or more of the three basic ABM components, such as "killer" laser or particle accelerator. Article III of the Treaty does not preclude either development or testing of fixed, land-based devices which could substitute for ABM components, but does prohibit their deployment. Article V, on the other hand, prohibits development and testing, as well as deployment, of air-based, sea-based, space-based, or mobile land-based ABM systems or components, which includes "future systems" for those kinds of environments. The overall effect of the treaty is, therefore, to prohibit any deployment of future systems and to limit their development and testing to those in a fixed, land-based mode.

In 1977, Raymond Garthoff, the Executive Officer of the U.S. SALT I Delegation, published an article in International Security entitled, "Negotiating With the Russians: Some Lessons From SALT". In this article, he made only a cryptic reference to the treaty's limitations on exotics, noting:

> Another example concerns the important provisions of the Treaty and associated Agreed Interpretation banning "futuristic" anti-ballistic systems (Article III and Agreed Interpretation [D]).

In a letter to the editor published in the next issue of this periodical, a Rand analyst, Abraham Becker, argued that a reasonable reading of agreed statement D indicated that there were no limitations on exotics—including no ban on their deployment. Becker stated,

> I am not a lawyer, but "subject to discussion" seems to me to impose no obligation other than, perhaps, to "discuss".

Becker then provided a critique of the traditional interpretation of the treaty which could well be seen as the precursor for the line of argument advanced by Judge Sofaer 8 years later, emphasizing the alleged redundancy of agreed statement D under the traditional interpretation:

> One might ask why Agreed Interpretation [D] was necessary at all. Does not the introductory phase of Article III—"Each Party undertakes not to deploy ABM systems or their components except that"—rule out any deployments other than those permitted by the two following paragraphs? Why then is that special provision necessary for the contingency of exotic systems? The answer seems to be that the Treaty's core limitations in Article III relate to a specific form of AMB technology. Thus there was a need to adapt the limitations of Article III to possible future systems using alternative technologies.
>
> However, this raises the more general problem that Article II, Paragraph 1 defines ABM systems for the purpose of this Treaty as consisting of ABM interceptor missiles, ABM interceptor missile launchers, and ABM radars. Presumably, Article V . . . also refers to such systems. There would, therefore, appear to be no prohibitions against developing, testing or deploying any system . . . that does not employ the canonical ABM triad. The only bar to such an interpretation consists of one word in Article II, Paragraph 1— "currently".

In a rebuttal published in the same issue, Garthoff replied as follows:

> * * * Becker incorrectly interprets Article V as not applying to futuristic types of systems including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars. The reason for his erroneous interpretation is that he curiously assumes that "the only bar to such an interpretation consists of one word." The same could be said of the Ten Commandments. One word can indeed make a critical difference, and the word "currently" was deliberately inserted into a previously adopted text of Article II at the time agreement was reached on the future systems ban in order to have the very effect of closing a loophole to the ban on futures in both Articles III and V (and several others). The wording of the key introductory sentence of Article III was also agreed on at the time and for that purpose.
>
> While admittedly the result has a Rube Goldberg air to it, the interlocking effects of the final wording of Articles II and III and Agreed Interpretation [D] was intentionally devised and clearly understood—by both Delegations—to ban future "ABM systems based on other physical principles and capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars" unless specific limitations short of a ban were agreed on under the amendment procedures. The negotiating history fully supports the interpretation given by the Delegation, Mr. Rhinelander, and myself.

The publication of the Becker/Garthoff correspondence in the summer of 1977 set off a flurry of letters between a number of prominent U.S. strategic thinkers and former, as well as then-current, arms control officials, including Rhinelander, Garthoff, Paul Nitze, Donald Brennan (Hudson Institute), Gerard Smith, Paul Warnke, Sid Graybeal, and Herbert Scoville. A consistent theme in these letters was that the ABM Treaty prohibited the deployment of all exotics, and development and testing of such systems was authorized only for those which were fixed, land-based.

For example, in a July 8, 1977, letter to Brennan, Ambassador Nitze said:

> The specific format of the Treaty, particularly of Article III * * * was to prohibit deployment of everything not specifically permitted. Future systems and their components could thus only be deployed pursuant to amendment of the Treaty after mutual discussion to work out limits appropriate to such future systems. It is therefore correct that Agreed Interpretation [D] was a work of supererogation and not strictly required.

Ambassador Nitze now asserts that the negotiating record supports the reinterpretation. He is the only principal negotiator who now holds that view. I shall return to this matter in my report on the negotiating record.

On July 13, 1977, Rhinelander stated in a letter to Brennan:

> Article V, paragraph 1, prohibits the development, testing or deployment of a sea-, air-, space-, and mobile-land-based ABM systems or components. This encompasses present and future technology.

Finally, in a July 15, 1977, letter, which seemed to put the issue to rest within this circle of experts, Brennan conceded that his initial view of the treaty was incorrect:

> In the face this level of analysis, not to mention the essential concurrence of Smith, Nitze and Garthoff, any further insistence that the Treaty does not necessarily ban the development of (among others) space-based exotic systems would have to be reckoned willful, indeed obstinate, stupidity.

Brennan also noted that he had "no reason to believe that the Soviets disagree with our interpretation of the Treaty."

The third category is comprised of U.S. statements supportive of either interpretation.

Let me first mention testimony to the House in 1972. During the House of Representatives' review of the SALT I accords, the question of the applicability of the ABM Treaty to lasers or other exotic ABM's was only raised on a few occasions and never in any detail. In general, statements by executive branch officials that did touch on this issue in the course of House testimony fell into one or the other of the two categories of imprecise or incomplete comments which I discussed yesterday in my report on the Senate ratification proceedings. These two categories are, first, a general statement to the effect that exotics cannot be deployed unless the treaty is amended but which provided no elaboration as to the limits on development or testing; and second, a general assurance that R&D on laser ABM's could continue, but which did not distinguish between fixed, land-based systems and mobile/space-based systems.

For example, on July 25, 1972, Ambassador Smith told the House Armed Services Committee:

> An additional important qualitative limitation is the prohibition on the development and testing, as well as deployment, of sea, air, space-based and land-mobile ABM systems and components. Of perhaps even greater importance as a qualitative limitation is the prohibition on the deployment of future types of ABM systems that are based on physical principles different from present technology.

As I discussed yesterday, the reinterpretation presumes that if Smith had believed that the traditional interpretation had been agreed to, he would not have said only that futures were not deployable, he would have said that the development, testing, or deployment of futures was banned.

There are three major problems with the logic on which this analysis is based. First, the Smith statement is true and accurate on its face because under either interpretation deployment of exotics is banned. Second, it attempts to build a major case on what was not said. Third, if Smith had said what the reinterpretation postulates he should have said, he would have been wrong. Why? Because under either interpretation the development or testing of fixed, land-based exotics is permitted. Development or testing of mobile/space-based exotics is, of course, banned under the traditional interpretation.

I would note also that Secretary Rogers made a similar statement to the House Foreign Affairs Committee on July 20, 1972.

An example of the second category of statement, including a discussion of research and development, was a July 27, 1972, response by Admiral Moorer, Chairman of the Joint Chiefs of Staff, to a question from Congressman Whitehurst about the treaty's effect on "some kind of technological breakthrough, perhaps something beyond Spartan or Sprint in the state of the art." Admiral Moorer read agreed statement D and then said "there is no restraint on research and development."

Several comments about this reply are in order. First, Admiral Moorer did not differentiate between basing modes; that is, fixed, land-based versus mobile/space-based. Thus under the traditional interpretation, Admiral Moorer's statement is correct as it applies to fixed, land-based laser ABM's. Second, as I mentioned yesterday, the administration, which had been stung by Senator Jackson's criticism of an alleged canceled laser contract, was going to lengths to assure Congress that the then-current U.S. laser ABM Program—which was fixed, land-based—could go forward through the research and development stages. In sum, the statement does not contradict either interpretation; nor does it provide explicit support for this view. Finally, as I noted yesterday, Congress was expressly advised that the Chiefs were aware that the treaty permitted testing and development of exotics only in a fixed, land-based mode, they concurred in that view, and they understood it to be a fundamental part of the treaty.

Turning to postratification statements, in his 1985 submission to the Armed Services Committee, Judge Sofaer identified three cases in which official U.S. reports or statements noted that under the treaty, new ABM systems based on "other physical principles" could not be deployed. The three cases are: An October 23, 1972, speech at the United Nations by Ambassador Bush; the ACDA annual report for 1972; and Secretary Roger's foreign policy report of April 19, 1973. Judge Sofaer does not identify any aspect of these statement that directly addresses testing and development. As with the imprecise and incomplete Smith and Rogers statements which I discussed previously, brief statements to the effect that "exotics cannot be deployed," but which are silent on the question of limits on development and testing, cannot be read as compelling any particular interpretation of the treaty.

These statements are totally consistent with either statement, either the broad interpretation or the narrow interpretation or the so-called traditional view or the reinterpretation.

Since 1972, the Arms Control and Disarmanent Agency has prepared five editions of a publication containing the texts of the principal arms control agreements to which the United States is a party, accompanied by brief narrative descriptions of the texts and the history of the negotiations which led to the agreements.

Each edition, including the most recent—1982—contains a paragraph relevant to the issue of exotics. In his 1985 submission to the committee, Judge Sofaer quotes the following excerpt from the 1982 ACDA compilation report:

> Should future technology bring forth new ABM systems "based on other physical principles" than those employed in current systems, it was agreed that limiting such systems would be discussed, in accordance with the treaty's provisions for consultation and amendment.

Judge Sofaer cites this in his review of subsequent practice for the proposition that: "ACDA's periodic compilation of arms control agreements has consistently supported the 'broad' view of the Treaty." He maintains that although the record of U.S. statements between 1972 and 1985 is "mixed," "the one document that tracks the issue over the 1972-1982 period—the ACDA publication "Arms Control and Disarmament Agreements"—appears to reflect that future systems are regulated only by Agreed Statement D."

There are a number of problems with Judge Sofaer's effort to represent this ACDA publication as a definitive and consistent endorsement of the reinterpretation. As with similar statements made during the ratification hearings, the ACDA report does not compel any particular interpretation of the treaty. It is entirely consistent with either the traditional view—under which exotics may be tested or developed in a fixed, land-based mode, which was then the focus of U.S. research—or the reinterpretation permitting testing and development of all exotics. The preface to the ACDA publication underscores the generality of its content, specifically noting that this material provides a "brief narrative discussion" of the treaties contained therein.

Another difficulty—and I would say this is a key difficulty—is that in his 1985 submission to the Senate Armed Services Committee, Judge Sofaer omitted the crucial first sentence of this paragraph which is being heavily relied on in his analysis as a statement which consistently supports the broad view. I would like to share with my colleagues that particular sentence, which was omitted. It reads:

> Further, to decrease the pressures of technological change and its unsettling impact on the strategic balance, both sides agree to prohibit development, testing, or deployment of sea-based, air-based, or space-based ABM systems and their components, along with mobile land-based ABM systems.

This sentence clearly ties to prohibitions in article V of the treaty against testing and development of mobile systems to the goal of decreasing "the pressures of technological change," thereby implying strongly that the treaty prohibits testing and development of mobile ABM systems which would incorporate future technologies. Judge Sofaer reinserted this sentence in his June 1986 article in the Harvard Law Review, but he fails in any way to deal with its implications for his analysis.

I do not cite this sentence as proving the traditional view. But what is amazing about this dialog and this exchange on this point is that the heart of what Judge Sofaer is relying on to support the broader view contains a sentence which he originally left out, and which implicitly supports the traditional view. So what we have here is that the heart of the case for the reinterpretation as it concerns subsequent practice has an omitted sentence which supports the traditional view, and the sentence which is quoted does not support either view. So an amazing sort of legalistic gymnastics is present here.

A more serious problem for the Sofaer analysis is its failure to reconcile the brief, narrative statement in ACDA's compilation of treaties with the executive branch's express treatment of the prohibition on testing and development of mobile exotics in the fiscal year 1979-86 arms control impact statements [ACIS]. This is typical of the case for the reinterpretation in that the brief ACDA narrative, which Judge Sofaer fails to identify as being a brief narrative, is quoted in full in the text, while the directly applicable analysis contained in the arms control impact statement prepared by the executive branch—is merely referenced in a footnote. It is particularly illogical for Sofaer to assert that a periodical compilation of agreements prepared by one agency (ACDA) should be held up as more revealing and authoritative than the arms control impact statements, which were meticulously prepared through a rigorous inter-agency process, including review by the NSC, and submitted, under close congressional scrutiny, on behalf of the President.

In summary, there are three main problems with Judge Sofaer's reliance on the ACDA compilation. First, the statement which he cites does not support the reinterpretation, and that is fundamental. It does not go to the question one way or the other. Second, the compilation does not purport to be a comprehensive statement of U.S. Government policy. Third, a far more authoritative and comprehensive statement is contained in the arms control impact statements, which were submitted to the Congress on behalf of the President for the express purpose of assisting the Congress in making policy decisions concerning the funding of U.S. defense programs.

Turning to the question of Soviet statements, Judge Sofaer does not rely on any Soviets statements in the case for reinterpretation, but notes that the few remarks by the Soviets on the subject are illuminating. He quotes only one Soviet statement, a 1972 speech by Marshall Grechko generally noting that the "Treaty imposes no limitations on the performance of research and experimental work aimed at resolving the problem of defending the country against nuclear missile attack."

Several comments about this statement are in order. First, Marshall Grechko does not define "experimental work."

He did not use the word "development," nor did he refer to "exotics" in that statement.

But even if he had said those words, and to get much out of his statement you have to assume he said those words—which he did not even if he had said "development," and even if he had linked it specifically to "exotics," that statement would have still been entirely consistent with the traditional view because the traditional view permits the testing and development of fixed, land-based ABM's using exotics. Because this statement makes no reference to mobile/spaced-based exotics, it is simply another general statement consistent with either view of the treaty. It does not reflect on one view or the other.

Judge Sofaer also states that the Soviets did not "begin explicitly to articulate the restrictive interpretation" until the new United States position was announced in October, 1985.

Now, that is an interesting bit of information, but it is not particularly helpful to the case for reinterpretation. The Soviets were on notice of United States adherence to the traditional view not only from the ratification debate, but also from the the official arms control impact statements noted above, and as far as available information shows, they made no objection to the traditional view of the treaty.

In other words, why should the Soviet Union have, prior to 1985, protested and said that we were, in effect, implementing the broad view when we were not and when during that whole period our own official publications said we were adhering to the traditional view.

So I do not think there would really have been a burden on them to comment during that time frame.

Finally, the administration has not provided any information to date demonstrating Soviet practices or statements expressly embracing the reinterpretation. Given the Reagan administration's repeated endorsement of the traditional interpretation in the annual Arms Control Impact Statements it submitted prior to October 1985, any violations of that view presumably would have been brought to the public's attention.

It is possible, of course, that the new administration review which is now under way will uncover some heretofore unknown Soviet activities or statements. I do not in any way contend I know everything the Soviet Union has said on this subject. We will have to rely on the administration for that as a source.

I am only commenting on what we know that has been submitted by the administration. It must be remembered, however, that subsequent statements and practices constitute evidence to be used on treaty interpretation but the context of the practices or statements is crucial. So we will not really be able to examine any statements we may be presented unless we see the overall context. If such evidence is unearthed by the administration, it would certainly have to be weighed carefully in light of all relevant facts and circumstances.

Mr. President, in a speech which I intend to present tomorrow I will turn to the final element in this reinterpretation controversy, and that is the question of the treaty negotiating record itself.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first, while my friend from Georgia is still on the floor, I commend him for the extraordinary effort that he has put into this analysis of the ABM Treaty. He is, as we all know, a Senator of immense distinction and we all put great credence in his word, in his intellectual powers, and in his integrity.

He is performing a function here for the Senate and for the country which nobody else really could perform as well.

I commend him, and we all are indebted to him for what he is doing.

Mr. NUNN. Mr. President, if the Senator from Michigan will yield briefly, I thank him for his kind remarks. I must say the Senator from Michigan was out in front of the Senator from Georgia on this one and has spent a lot of time, and the Senator from Michigan made a report himself which was of great help to me in preparation of my remarks and material.

I thank the Senator for his leadership and kind words.

Mr. LEVIN. I thank the Senator.

Mr. President, after reviewing the ABM Treaty issue, which I have been doing over the period of a year and a half, last December 1, I sent Secretary of State Shultz a detailed critique of the analysis of the ratification proceedings which had been prepared by Judge Sofaer and which the administration has been using to justify the new broad interpretation of the ABM Treaty. That analysis was presented publicly to the Senate in the form of an October 1985 memorandum and in the public testimony of Judge Sofaer before the Armed Services Committee of the Senate.

Now, in a response that was released to the press by the State Department the same day that I sent my December 1986 letter to Secretary Shultz, the State Department defended Judge Sofaer's evaluation as "a thorough, balanced analysis of the issues, more objective and complete than any prior study of the subject." In a letter to me on December 18, 1986, Assistant Secretary of State J. Edward Fox again defended Judge Sofaer's memorandum as reflecting "a thorough, objective review" which had been "carefully reviewed by appropriate officials in this Department, as well as by the designated representatives of other agencies." Mr. Fox rejected my criticisms, claimed that "(m)ost of the questions you now raise were discussed during congressional hearings and more than adequately answered," and invited me to meet with Ambassador Nitze and Judge Sofaer to discuss ABM Treaty issues.

I have taken them up on that offer, but it was not until this morning that the meeting could be arranged.

In my office today, Judge Sofaer explicitly and repeatedly disavowed the October 1985 memorandum regarding the ratification record of the ABM Treaty. He described it as an incomplete review of the ratification record which was prepared by young lawyers on his staff. He said he did not stand behind that memorandum, or those parts of his testimony before House and Senate committees based on that memorandum.

I must note three other points:

One, Judge Sofaer determined that the further review he is now conducting at the direction of the President will withstand public scrutiny.

Two, he has not changed his mind about the validity of the new interpretation of the treaty.

Three, he continues to defend the August 1986 classified memorandum analyzing the negotiating record, which is part of the documents located in the Capitol. That is a classified, private memorandum.

Mr. President, it is almost a year and a half since Judge Sofaer publicly presented to the Senate his memorandum relative to the ratification proceedings which gave support to a radical new interpretation of the ABM Treaty. Only now does he acknowledge that it was, at best, incomplete and that he failed to exercise his obligation to make sure that it was correct. His new found candor is welcome, however belated that it is. But I must say that I find that the way in which this matter was handled was inappropriate for the State Department's senior lawyer.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEINZ. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SIMON). Without objection, it is so ordered.

TRADE ADJUSTMENT ASSISTANCE FUNDING

Mr. HEINZ. Mr. President, I rise to address this body on the subject of trade adjustment assistance. At the outset, I would like to explain that the Trade Adjustment Assistance Program represents the best effort that we have ever had, although not a perfect effort, by any means, to return workers who have lost their jobs due to imports—trade impacted workers, if you will—to meaningful employment. It is a flexible program which trains workers. It makes them eligible for training right up front and thereby it provides early action. It provides cash assistance to keep workers alive, for them to make ends meet while they retrain for new employment.

It does all the things that the President and the Congress and most outside experts say that we ought to do if we want to retrain somebody who has become unemployed through no fault of his own. It is the model displaced workers program.

Under this program, the Trade Adjustment Assistance Program, when a layoff or plant closing is a result of foreign competition, workers of the affected plant go through a certification process and they are certified for trade adjustment assistance benefits. And those benefits include up to 52 weeks of cash assistance, plus retraining, job search, and, if necessary, relocation assistance if the job that they find is a good distance away.

Now, that sounds spectacular, and when it works, it is. But it is only at this moment the sound that is nice because retraining skilled workers, however nice that may sound and however critical a component of our international competitiveness it may be, is at this moment totally meaningless. It is meaningless because the program that I have just described, the program that has been working, this process and support system that has given hope for a new life to so many workers, is totally out of money as of yesterday.

All of the funds available for training trade-impacted workers are gone as of this week. The fiscal year is only one-half over and we have spent all, every penny, of the $30 million made available in last year's continuing resolution for trade adjustment assistance training.

Workers—that includes in my home State of Pennsylvania textile workers, steel workers, mine workers, oil and gas workers, countless other workers, and maybe I should say former workers—who attempt to enroll in training programs this week or next week or next month or next summer when summer session starts are going to find that they are up against a locked door. The door is going to say we are out of business until Congress gets up and does something. They are all going to be turned away because we are doing nothing.

It is not the first time Congress has done nothing in the midst of a crisis but I suppose what makes it particularly poignant and difficult to bear is that we are talking as if we are doing a lot on the floor of this Senate.

Mr. President, every day we hear speeches, remarks, references to how important it is for this country to be competitive, how vital it is that we train our workers, how important it is that we do a better job of reeducating people who are falling by the wayside. We are long on rhetoric and we are short, woefully short, on action.

I say that it is time we put some money—not a lot of money, $2 million, but let us put some money—where our mouths are. A new worker retraining initiative in fiscal year 1988 as the administration proposes, or an expanded Trade Adjustment Assistance Program as the Finance Committee's draft trade bill proposes, does not mean anything to workers who are eligible for, who have a right to, and who want training right now.

Once we turn the workers away from the State employment offices where they have been going and will be going for help, the ball game is pretty much over. It is very doubtful if we will ever get them back again. And in addition, as I suspect, Mr. President, most of my colleagues realize the Trade Adjustment Assistance Program is a program with a time limit.

A worker has only a total of 104 weeks from the time he is laid off to collect benefits before his eligibility period expires. That sounds like a lot of time. But if you are going to have a worker who has been unable to get into the program this week or next month and they start looking for work elsewhere, and they do not come back and check to see that the program is reinstated for another year, a year-and-a-half, maybe, during which time they have some kind of minimum-wage job at McDonald's or at the 7-11 checkout counter, they stand in grave jeopardy of having most of the time in which they might get training be used up. In the end, they will simply not have the time to get the training that they were originally eligible for.

Let me just ask our colleagues, Mr. President, if they really think this is how we are going to return our skilled workers—and these workers I have referred to are among the most skilled, most motivated, best workers in our economy—is this how we are going to get them back into productive employment? Is short-funding, our only meaningful training program, going to enhance our international ability to compete? I will tell you what my answer to that question is, Mr. President. My answer is that we need supplemental funding for this program, and we need it now. We need it right away.

As I mentioned, we are not talking about a great deal of money. The training was only funded at $30 million last year to begin with. We are going to require—and we will need almost—that much again if this program is going to at least stagger through the remainder of the fiscal year. States, I might add, have tried to cut costs in this program. Unfortunately, when States have tried to cut the costs in this program, they have usually done it at the expense of the very people they are supposed to help, the workers themselves.

What happened was this January and February as funds ran low the State employment security offices turned away countless workers who sought higher cost training such as pilot training, engineering, the higher skills programs that would add something to this increasingly high-technology economy that is evolving.

Mr. President, the crisis—believe me, it may not seem like a crisis to all the people in Washington who have secure Government jobs, Members of this and the other body included—but the crisis that is facing one, let alone tens of thousands of import-impacted workers right now, gives lie to our rhetoric about competitiveness. If I hear that word once a day, I hear it a thousand times. Furthermore, it convinces those very workers that we say we are trying to help that we just do not care. The only way to address this impending human disaster is to appropriate the almost infinitesimal amount of money to fund the program—infinitesimal, not that $30 million is not a lot of money judged by the way any normal individual would reckon it. But in a $1-trillion budget—that is where we are—it is truely infinitesimal, and Mr. President, I hope my colleagues have listened to the problem. I hope they understand it. But even more than their understanding and their listening, I hope they join with those of us who care in doing something about it.

Mr. President, I ask unanimous consent that a letter I sent to Secretary of Labor Brock on this subject quite some time ago be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FINANCE,
Washington, DC, March 2, 1987.

Hon. WILLIAM BROCK,
Secretary, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC.

DEAR BILL: I am writing to bring to your attention an imminent crisis in the Trade Adjustment Assistance program (TAA). As of February, only some $5 million remained available for job search assistance, relocation assistance, and training under TAA. Because the Department considers job search and relocation assistance to be entitlements, state requests for training will either be denied or reduced in the immediate future.

As a result, thousands of workers may be denied training in the very near future. I do not believe this is something you want, or that such a disaster would be consistent with the Administration's competitiveness policy.

I am asking you to request an urgent supplemental appropriation for Trade Adjustment Assistance. I do so recognizing the Administration's desire to eliminate TAA and replace it with a new Worker Adjustment Act. Because Congress will not be able to act upon the issue of worker adjustment until well after TAA money has run out, I believe it is only fair to provide existing programs with the resources they need to operate. Some may suggest that states reprogram JTPA funds to TAA. This sounds fine on the surface, but Congress, at the Administration's request, substantially reduced JTPA funds for the current program year. Reprogramming is not an option in most states.

If the Administration now supports enhanced training, I cannot believe that we will allow training programs which are now underway to be terminated. I stand ready to assist you in this matter, and would like to discuss the problem personally, at your earliest convenience.

Sincerely,

JOHN HEINZ,
U.S. Senate.

Mr. HEINZ. Mr. President, I yield the floor.

FOREIGN COMPETITION

Mr. COCHRAN. Mr. President, this morning in our Subcommittee on Agriculture which has jurisdiction over trade legislation and promotion of marketing, both domestic marketing and foreign marketing, of agricultural commodities, we held a hearing looking into the suggestions of people who are directly involved in agricultural trade, suggestions that they may have on improving our competitive situation in the marketplace.

As everybody knows, there is no higher priority of this Congress or our Federal Government this year than trade. The $170 billion deficit last year in our balance of trade clearly illustrates that something is wrong and action ought to be taken to correct the problem.

I am hoping that we can see a cooperative venture develop between the administration and the Congress on this issue. I am encouraged that it is possible.

I think there are several suggestions that have already been made in the form of legislation introduced by the chairman of the Finance Committee, Senator BENTSEN of Texas. It has several components. I have joined in cosponsoring that bill and also the agriculture title of that bill, which was the subject of the hearing this morning in the Agriculture Committee.

I have also joined in sponsoring the antitrust reform initiative that is contained in the administration's competitiveness package that has been submitted to the Congress. I feel very strongly about this title, title II, of that legislation. Senator THURMOND, I believe, is the principal sponsor of that legislation.

I think insofar as the bill deals with section 7 of the Clayton Act, it really deserves the careful and prompt attention of the Judiciary Committee, which I know has already begun a review of this issue. Hearings have been held in the past and I understand are being held again to look at the questions raised by this legislation.

I think we need to make some changes in our existing law in this area as a part of a trade package because I think that our current statutes and regulations are adversely affecting American business and industry as it tries to compete in the international marketplace or compete with foreign firms in the U.S. market.

I think an illustration that I recently heard Secretary of Commerce Malcolm Baldrige use is a good one to point out why reform is needed in this area.

I heard him tell a group about the heavy truck manufacturers, that there were seven or eight principal companies engaged in this business a few years ago: Paccar, which makes the Peterbilt truck; General Motors, Ford, International Harvester, Freightliner, and Mack being some of those who were involved in this industry.

Freightliner decided it wanted to sell, and the attorneys and the management of Paccar decided they would like to explore the possibilities of buying. They both had about 15 to 18 percent of the market in the United States in heavy-duty trucks.

But the lawyers, after looking at the situation, suggested to management that there was a very real possibility that not only would the right to buy this firm be questioned, but it probably would be litigated over time and become a very expensive ordeal. Based on those observations by counsel, Paccar decided not to buy.

What happened? The firm was bought by a West German truck manufacturer, Daimler-Benz, which happens to be, Mr. President, the largest truck manufacturer in the world.

Now, all of a sudden, by reason of that purchase, a West German firm has acquired a distribution system within the United States and a market share of about 17 percent.

Sometime later one of the other truck manufacturers decided that they might sell as well. Paccar again looked at that. Because of the same reasons that were urged upon it not to buy in the first instance from Freightliner, it decided against it.

Renault bought the next truck firm that was up for sale, Renault of France.

Since then, another firm has sold and Volvo purchased it.

Now what used to be a very important, vital U.S. industry, with a large competition among several U.S. firms, has become an area of our economy where foreign interests have a very significant share and are making it difficult for U.S. firms to compete with them because of the strength these other firms have internationally and now in the United States.

These are decisions that were made because of provisions of U.S. laws that are on the books which are designed to protect interests of U.S. consumers and others who might want to get involved in that industry.

What I am suggesting, Mr. President, is that we have clear evidence in this industry and in many others that the 1950 law which was enacted to try to foster competition and to guard against monopolistic practice that would injure consumers in the United States has now come to be one of the serious impediments to U.S. industry health and vitality. I think it is time we took a very careful look at it and were suspicious of those who are trying to alarm the American people by calling mergers and acquisitions and growth of U.S. firms injurious to the U.S. citizen and consumer. I think it is time we questioned those who are crying that merger mania is dominating the United States.

I think if we took a very careful look at what the figures are, Mr. President, we would quickly realize that we no longer dominate in the big business area. Thirty years ago or 40 years ago, that may have been true. The largest firms in the world were U.S. firms. Today, only 11 of the 30 largest firms are U.S. firms. The others are foreign-owned.

Our firms are not just competing with firms from overseas, Mr. President. They are, in many cases, competing with foreign governments as well, industries that have the full backing of their government in negotiations, in the development of trade practices and procedures, and here, in the United States. I am not suggesting that we throw out all the antitrust laws but that we look carefully at those which are making it impossible for U.S. business not only to compete effectively in the foreign marketplace, but which really are making it very difficult for U.S. business and firms to compete for U.S. business in the domestic market.

I hope that, as a part of the review of the antitrust reform proposal, those on the Judiciary Committee will recognize that the impact is felt all the way down the line. The story that I recited, which I borrowed from Secretary of Commerce Malcolm Baldridge, has an ending: not only are the U.S. manufacturing firms now being dominated by foreign firms because of those antitrust considerations, but the suppliers have also fallen on hard times. Cummins Engines made all the diesel engines for the large U.S.-manufactured trucks. As a result of those sales to foreign firms, Cummins has lost half of its business. It has gone to the countries that have bought the large trucking firms. Jobs here, in America, have been lost. People are out of work.

As we look at what we should do to improve our competitiveness, I think a part of that review ought to include our own antitrust laws, specifically section VII of the Clayton Act. The bill that was introduced last week is S. 635, the Omnibus Intellectual Property Rights Improvement Act, containing a number of provisions, one of which I have described in detail.

FARM LEADER OUTLINES PROBLEMS FACING MISSISSIPPI, AMERICAN AGRICULTURE

Mr. COCHRAN. Mr. President, the president of the Mississippi Farm Bureau Federation, Mr. Hugh Arant, recently delivered an address to a meeting of the Soil Conservation Service in our State which I believe very succinctly states the problems facing the agricultural community in our State and Nation.

Hugh Arant is a farmer himself, and he is very knowledgeable about the economic situation on our farms. In his address, Mr. Arant discusses the international market picture and trends which have had such an adverse impact on American agriculture, not only in Mississippi but around the Nation. I ask unanimous consent that a copy of his remarks, as published in the Mississippi Farm Bureau Federation News, be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Background of Farm Problem

Thank you for inviting me to share a few thoughts with you today in regard to Mississippi agriculture.

It certainly is no secret to anyone in this room today that something has happened to Mississippi agriculture over the past decade. And I think that by now we all realize, too, that the problem has a lot more to it than we knew at first. And that we won't be out of it tomorrow or the next day.

My purpose before you today is to try to go a little deeper into the why's and wherefore's of the situation we face in agriculture.

A lot has been said about declining exports and falling prices—about unfair subsidies to European farmers by their governments which place American farmers in a very disadvantageous position.

Probably all of you have heard of the efforts this nation has made to discipline its own surplus farm production only to see our foreign competitors step in and increase their production to take up their slack and create an advantage for themselves at our expense.

Today we are learning a lot more about what really has happened from a government standpoint that has put American agriculture and some other American industries behind the eight ball while others are doing pretty good.

Times are toughest these days for agriculture, the oil companies, fertilizer manufacturers and a few others.

According to Business Week magazine, of the more than 100 public companies in the oil and gas service industry, three-fourths of them are in the red and the other one-fourth are living off non-oil earnings. Sales in the oil industry have plunged downward from $40 billion in 1982 to $9 billion last year.

It has been reported that over 500 exploration and drilling companies and another 400 service companies have gone out of business in the last three years. One-fifth of the integrated basic U.S. fertilizer companies have taken bankruptcy, failed or been acquired since 1981.

The dismal story continues for the coal energy people with 341 coal companies failing in the past two and one-half years.

Yet for some, good times prevail. The Dow-Jones reached an all-time high of 1893 in June of 1986 and then re-broke that record last September. Total returns on long bonds have been at generational highs: 35% in 1985, and 21% in 1986.

Banks, except for those tied to agriculture or energy, investment banking firms, service companies, retailers, defense, publications, communications, media and many other companies are enjoying good to record earnings and growth.

Why us? You might say!

We've probably heard a far better explanation of why God called on Abram to sacrifice Isaac than why high government forces in the United States called on certain enterprises to be placed on our nation's economic altar of sacrifice. But the story now is getting around.

Let's look back to the year 1982 when the major international banks were facing massive loan defaults from Mexico, Brazil, Argentina, Venezuela and other Western Hemisphere borrowers. U.S. commercial banks were especially vulnerable to economic problems in Latin America. At the end of 1982, the U.S. commercial banking system's exposure in Latin America equaled 119 percent of the total capital for all major banks. The Latin American exposure of nine U.S. money center banks equal 176 percent of their combined capital. The total external debt of Latin American debtor nations was $318 billion with yearly interest payments of $38.5 billion. Their trade surplus was only $8.5 billion—$30 billion less than annual interest payments. And they needed billions of additional loans in order to repay principal on time. The possibility of default or unilateral restructuring of the loans was a serious threat to the U.S. banking system, the U.S. economy and international financial stability.

Something had to be done. The response to the crisis saved the banks—at least temporarily—but unfortunately, it sacrificed U.S. farmers and much of U.S. industry including fertilizer companies and other manufacturers of agricultural products. Ironically, it also sacrificed many U.S. farm banks and many rural and small town communities whose economics are tired to agriculture.

Now, who brought this tragedy upon us?

The response to the situation which I have just described was devised by U.S. administration officials, the Federal Reserve, the International Monetary Fund, the World Bank and others.

The response came in four stages:

(1) Debtor nations would increase exports and cut imports to generate dollars to pay interest.

(2) Lenders would give debtor nations more time which amounted to up to 14 years in some cases, to repay maturing loans.

(3) Banks would make new loans so debtor nations could pay interest. (By the way, contrast this with the treatment U.S. farmers and other agricultural borrowers are receiving these days at the hands of the Federal Land Bank, Farmers' Home Administration and many commercial lenders.)

(4) The International Money Fund would lend more money and would insure that debtors implemented economic reforms.

All three groups involved—the banks, the debtor nations and the International Money Fund—pledged compliance with the strategy. And here's what they have done.

A. Latin American debtors decreased imports about 40 percent—from almost $100 billion in 1981 to about $60 billion now. Most of these nations also increased their exports. Argentina, Brazil and Mexico—which account for two-thirds of the region's total external debt—have increased exports by 47 percent, 56 percent and 62 percent since the beginning of the decade.

B. Commercial banks and the International Money Fund made new loans so the debtor nations could pay interest on the old loans. Latin America's outstanding debt has increased by $50 billion to $368 billion since the onset of the crisis. It is scheduled to continue to increase for at least three more years.

C. Major Latin American debtors have implemented austerity programs and have agreed to monitoring by the International Money Fund of their economic policies and performance.

The effects of all of these has been simply devastating to U.S. agriculture! And to certain manufacturing. U.S. exports to Latin American countries decreased at the same time that U.S. imports increased.

Specifically for agriculture, in the 1981-82 crop year, the U.S. supplied 48 percent of the world's wheat exports. Argentina supplied 4 percent. By 1984-85, U.S. exports had fallen to 35 percent while Argentina's doubled. In this same period, world soybean exports declined 15 percent. U.S. soybean exports fell 36 percent while exports by Brazil quadrupled and exports by Argentina doubled. Brazil and Argentina increased their market share to 27 percent from 9 percent three years earlier.

This additional production and competition not only cut U.S. sales both to debtor and non-debtor nations, it also forced prices down. Lower commodity prices in turn make it more difficult for both U.S. and debtor nation farmers to service debt. As this problem comes on stronger, debtor nation farmers are even more hard-pressed to produce and export more. So it has become a vicious circle of activity and embattled wagons with U.S. farmers hovering in the center with their ammunition about gone.

With U.S. ag exports at their lowest level since 1979, it may be useless to put an ear to the ground to pick up the vibrations of the U.S. Cavalry loping to anyone's rescue on the farm front.

Farm bank failures rose by almost 900 percent between 1982 and 1985. By 1985, more than half of all bank failures in the preceding three years were farm banks, even though only a quarter of all commercial banks are classified as farm banks. And according to a recent Federal Reserve Board analysis, between 400 and 1,400 additional farm banks are in danger of failing soon.

In contrast to this, the money center bank, whose loans created the crisis, have prospered. In 1983, while the U.S. government and International Money Fund were making emergency loans to keep debtor nations solvent, these banks were tripling their interest spread or profit margin charged on rescheduled loans to the same borrowers. Spreads have been reduced somewhat since 1983, but are still almost 50 percent higher than pre-crisis levels. As a result, total dividends of these banks rose almost 33 percent in the three years following the onset of the crisis.

A portfolio of 100 shares of each of the nine money center banks would have increased in value by 66 percent between 1982 and 1986 with none of them suffering any significant losses on their syndicated Latin American loans.

Well, my time is getting away. I trust these facts have helped show why agriculture is in such a situation and why we say so often that the basic problem is due to factors beyond farmers' control.

Farmers still can compete effectively in a fair contest. But this one has not been fair and no referee has stepped forward to blow a whistle.

The first step in straightening out this mess is to become informed. That is what we are trying to do here now. Then we are going to have to get others to join forces with the agricultural industry to bring about some changes in policy and certain needed disciplines.

I hope you will help do this!

AMENDMENT OF LAND AND WATER CONSERVATION ACT OF 1965

Mr. JOHNSTON. Mr. President, I am introducing today legislation which would amend the Land and Water Conservation Act of 1965 by creating a special account within the fund. This account would have two funding sources: First, a portion—25 percent—of the revenues due the United States from oil and gas leasing activities inside units of the National Wildlife Refuge System pursuant to leases issued after the enactment of this act; and second, $160 million annually to be drawn from the authorized but unappropriated balance of the land and water conservation fund.

Mr. President, this is a radical change from the present land and water conservation fund, a fund which everyone has supported—I say everyone—almost every Senator has supported it very strongly in the past. It is presently authorized at $900 million a year. But for actual Federal land acquisition—that is, acquisition of national parks or wildlife refuges, and so forth—we have only actually appropriated an average of $160 million over the last 7 years.

What we do in this bill, Mr. President, is create a dedicated account that has two sources: First, the $160 million, being the average amount which has been appropriated in the land and water conservation fund for Federal land acquisition during the past 7 years; and second, 25 percent of the amount from oil and gas leases on the national wildlife refuge system.

What this really means is if we lease the Arctic National Wildlife Refuge in Alaska which many think is as rich as Prudhoe Bay, we will get dedicated to this fund 25 percent of those revenues, whether from bonuses, leases, or royalties, and they will come automatically to the fund. Once in the fund, through the mechanism described in the bill, the money will be automatically transferred to the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service and the Foreign Service in the proportions of 40 percent to the National Park Service, 40 percent to the Fish and Wildlife Service, 15 percent to the Forest Service, and 5 percent to the Bureau of Land Management. They, in turn, will be required under the law to submit a priority list of land acquisitions which they should submit every year to the Congress to the appropriations committees.

The law provides that if the Congress fails to act, or the Appropriations Committees fail to change the list of priorities, then moneys for the Park Service, the Fish and Wildlife Service, the Forest Service or the Bureau of Land Management shall be automatically transferred from the account in the proportions just described and that money shall be spent by them for the priorities which they have previously submitted. So in effect, Mr. President, it is a dedicated fund that is self-executing. Of course, as originally envisioned, the land and water conservation fund was to have been a dedication of revenues from OCS leases, and in fact the law dutifully says it is a dedication. The problem is that unless the money is appropriated, it never reaches the Park Service or the Fish and Wildlife Service. Rather, it remained in that fund until appropriated.

So what this does, Mr. President, is to make it automatic that 25 percent of the funds from future leasing of the wildlife refuges, whether in Alaska or elsewhere will automatically go into this special account in the fund and will be spent on the priorities as designated by the Park Service, the Fish and Wildlife Service, the Forest Service or BLM. It will be spent according to their priorities, subject of course to the right of the Congress and particularly the Appropriations Committee to change those priorities. If the Park Service believes that it ought to acquire an inholding in Yosemite as its first priority and the Congress feels that an inholding in Yellowstone is more important, those priorities can be changed by the Congress. But if not changed, then the Park Service, or the others, will have to acquire the property from among those priorities.

Now, Mr. President, I hasten to say that this bill does not prejudge what we should do with respect to leasing or exploration or development in the Arctic National Wildlife Refuge. The Committee on Energy and Natural Resources is to a large extent the keeper of the keys to the environmental kingdom. Other committees also have jurisdiction over these areas, but we regard that jurisdiction in an especially jealous and careful way because what we do can determine so much of what happens to America's wildlife resources and its environmental treasures.

We will soon receive a report from the Department of the Interior on the question of whether we should lease and under what circumstances and with what restrictions there should be exploration or development of the Arctic National Wildlife Refuge. I, do not, nor do I believe the members of my committee, would want to prejudge the facts to be adduced in that consideration. It may be that we will decide that no exploration at all should take place on the Arctic National Wildlife Refuge, and if that is our judgment then this bill will not in any way affect that judgment. Or it may be that we will determine there should be exploration, perhaps under some carefully constructed matrix designed to protect to the fullest these very valuable, these irreplaceable wildlife resources. If so, then the amount received as a bonus on those bids or the amount received if there is discovery of oil or gas in the Arctic National Wildlife Refuge would inure to the benefit of this fund. But it would not replace moneys that are presently being appropriated because what we do is dedicate from the OCS revenues $160 million annually, which is the average amount that has been appropriated by the Congress for Federal projects over the past 7 years so that in effect these funds would be over and above the average amount appropriated.

So, Mr. President, I hope all of my colleagues who are interested in development of the Arctic National Wildlife Refuge and those who are opposing that development will nevertheless unite this cause which may be our last clear chance to get some real revenues to correct this horrendous backlog of property acquisition for the Park Service, the Fish and Wildlife Service, the BLM, and the Forest Service. We are literally, Mr. President, billions of dollars behind. We have some in holdings in our national parks which create serious management and other problems. We have other potential parks and wildlife areas, and additions to the same, which if not acquired will soon come under the plow or the bulldozer for development and be forever lost as assets to our environment.

So, Mr. President, I hope we will all unite behind this bill and that we can pass a possible means of funding for these great treasures of America's environment.

Mr. President, I send the bill to the desk and ask unanimous consent that it be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 735

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Land and Water Conservation Fund Act of 1965, as amended, is further amended by adding the following new Title:

"TITLE III—SPECIAL ACCOUNT

"SECTION 301. (a) Notwithstanding any other provision of law, all revenues received from competitive bids, sales, bonuses, royalties, rents, fees, interest charges or other income derived from the leasing of oil and gas resources within units of the National Wildlife Refuge System pursuant to leases issued after the date of enactment of this title shall be distributed as follows:

"(1) 50 percent to the State in which the refuge unit is located;

"(2) 25 percent deposited into the fund; and

"(3) 25 percent to miscellaneous receipts in the Treasury.

"(b)(1) Monies deposited into the fund pursuant to subsection (a) shall be credited to a special account within the fund. In addition, there shall also be deposited into this special account, $160 million per annum to be derived from those monies comprising the authorized but unappropriated balance of the fund.

"(2) Funds deposited into the special account shall be available, without further appropriation, for federal purposes as provided in section 7 of this Act and shall be allocated in accordance with this title.

"SEC. 302. (a) At the time of the submission of the President's budget, each federal land managing agency eligible to receive monies from the fund shall provide the Committee on Appropriations of the U.S. House of Representatives and the U.S. Senate with a list, in descending order of priority, of land acquisition projects (hereinafter in this title referred to as the 'priority list').

"(b) The priority lists shall be prepared by the Directors of the Bureau of Land Management, National Park Service, Fish and Wildlife Service, Department of the Interior, and the Chief of the Forest Service, U.S. Department of Agriculture, and shall reflect their best professional judgment regarding the land acquisition priorities of such bureau or agency.

"(c) In preparing such lists the following factors shall be considered: the amount of money anticipated to be made available in any one year; the availability of land appraisal and other information necessary to complete the acquisition in a timely manner; the potential adverse impacts on the park, wilderness, wildlife refuge or other such unit which might result if the acquisition is not undertaken; and such other factors as the land managers deem appropriate.

"SEC. 303. (a) The Secretary of the Treasury shall notify the Appropriations Committees of the Congress on an annual basis as to the amounts available for allocation within the special account established pursuant to this title.

"(b) The Appropriations Committees shall allocate the funds from the special account in accordance with the priority lists submitted pursuant to section 302(a) unless such lists are specifically modified in appropriation acts or reports accompanying such acts.

"(c) In allocating funds from the special account among land managing agencies the Appropriations Committees shall ensure that each agency receives a fair and equitable share in accordance with land acquisition needs, congressional directives, and historical patterns of distribution of the fund: *Provided*, That no agency shall receive more than 50 per centum of the funds available from the special account in any one year.

"(d) In the event that the Appropriations Committees fail to allocate the funds from the special account, the Secretary of the Treasury is authorized and directed to make such funds directly available to the land managing agencies to be used solely for land acquisition projects on the respective priority lists in accordance with the following formula: 40 percent to the National Park Service; 40 percent to the Fish and Wildlife Service; 15 percent to the Forest Service; and 5 percent to the Bureau of Land Management.".

Mr. JOHNSTON. And now, Mr. President, I will yield to my distinguished colleague from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. BOREN. Mr. President, I am very proud to join with the Senator from Louisiana [Mr. JOHNSTON], and others today in introducing a bill which will assist workers in the oil and gas industry who have been laid off because of the flood of imports of energy products coming into our country and because of the artificially depressed prices in that particular industry at this time.

Last year, a valiant effort was made by my colleague from Louisiana and others who joined with him to correct what is a glaring injustice in the way the program of trade adjustment assistance is currently being administered. For a long time we were told we needed this program to help those who were thrown out of work through no fault of their own, men and women in this country who wanted to work but whose jobs were lost because their companies suffered displacement as a result of imported products. It was felt, justifiably, that we should provide an adequate opportunity for increased benefits for those workers during that period of time as some of them would be forced to make a transition to totally different occupations.

I can recall, Mr. President, when times were good in our part of the country, our colleagues came to this floor and made an appeal to us for help. When the textileworkers and the shoeworkers and the steelworkers and others in other parts of this country were laid off, when there simply were not jobs in their communities available for them, they appealed to us to support trade adjustment assistance. And believing strongly as I do that we are one country and one people, that we cannot have one section of this country in serious trouble without it ultimately impacting all of us in the long run, I supported that assistance. I supported it as a legitimate help to those who simply were not in a position to help themselves. And now, Mr. President, we are facing hard times in our region of the country.

Specifically, we are facing a veritable depression in the domestic energy industry in the United States.

In my State, 17,000 oil and gas workers have lost their jobs in the past year. Seventy-one thousand have lost their jobs since 1982.

In 1982, there were over 800 drilling rigs exploring for oil and gas in the State of Oklahoma, actively working, with people employed, working on those rigs and servicing those rigs. As of today, as we meet, there are only 110 rigs actively operating in the State of Oklahoma.

There were over 4,700 rigs operating in this country in 1982, and we now have less than 800 operating as we meet today.

Fifty percent of the oil and gas related businesses in my State have gone out of business during this 4-year period. Fifty percent of them have closed their doors, and those that have remained open have had to lay off approximately 50 percent of their remaining employees.

So we have thousands of people in this country who have worked in the supply and service sector, who have worked on the drilling rigs, who have worked on exploring for oil and gas reserves badly needed by the people of this country, who have been displaced because of the artifically low prices that have been internationally dictated for oil and gas products, and displaced by the flood of imported products coming into this country.

Less than 2 years ago, we were importing only about 24 percent of our domestic energy needs. Today, we are importing more than 43 percent of our domestic energy needs. The cost of that rise in imports has not only been a threat to our national security and a threat to the consumers of this country in terms of their dependence upon OPEC nations and others in future years who will be in a position, once again, to dictate ultimately what the price is to be, but also, it has been reflected in a great human tragedy as thousands and thousands of people have been thrown out of work all across this country in the domestic energy field.

Mr. President, I ask: Why are they not entitled to the same treatment as those who have been thrown out of work, through no fault of their own, in other industries? That unemployed oil and gas worker has house payments to meet and has children to educate, just as much as that unemployed shoeworker or that unemployed steelworker. In the name of equity and fairness, it is time that the same benefits available to those other unemployed workers should be made available to those in the oil and gas industry.

Those are people who want to work. They are people who are tremendously proud of the long hours they have put in, in relatively hazardous work, year in and year out, good weather and bad weather. They are people who do not want to sit at home, who do not want to be a burden on the Federal Treasury. But those are people who are being tossed about by forces that are certainly beyond their control.

It is not the fault of that person who has gotten up early in the morning and gone out to work as a roughneck on a drilling rig that the price of oil has been so manipulated that at times it has been brought below the cost of production, making it impossible to operate the drilling rig or the pumping unit which kept him gainfully employed.

So it is time for us to act. In Oklahoma, 40 oil and gas companies have applied for trade adjustment assistance, but so far, because of an artificially restrictive interpretation of the law, in administering the law, only four applications have been granted.

I am proud to join the Senator from Louisiana in offering legislation that would make it clear that those workers in the oil and gas industry—be they in the service sector or in the exploration sector of that industry—would qualify equally with other unemployed workers for trade adjustment assistance.

The Senate has repeatedly passed resolutions calling on the administration to cover these workers, but to no avail. This bill would cover workers in any firm engaged in exploration, production, or processing and refining of oil and natural gas. In addition, workers in oil and gas service-related businesses would become eligible.

So I am proud to join my colleague. I hope to play a role, as a member of the Finance Committee, in bringing this proposal to the Finance Committee on behalf of Senator BENNETT JOHNSTON and others, to urge its early consideration by our committee.

I repeat what my colleagues have said to me: We are one country. We cannot allow any part of the country to suffer unduly, without it affecting the entire country.

The unemployed oil and gas workers are just as entitled to the same benefits and the same help as those who have been unemployed in steel, textiles, or other industries that have been unfairly decimated in the past by imports. They are entitled to our help. In the name of justice, it is time to act on this measure.

I congratulate my colleague for again taking the lead on this important piece of legislation.

TRADE ADJUSTMENT ASSISTANCE TO OIL AND GAS INDUSTRY

Mr. JOHNSTON. Mr. President, I thank my distinguished colleague from Oklahoma for his kind comments, and especially for his cosponsorship again of this important piece of legislation. He was part of our team on this legislation in the last Congress, when the Senate passed it three times. Each time, it was defeated or deleted by the House, because this unemployment crisis, brought about by the precipitate drop in the price of oil and consequent increase in imports, came so suddenly that we did not have time in the last Congress to go through the committee process.

We attached it to the urgent supplemental, and later as an amendment in disagreement to the urgent supplemental conference report, and later as a freestanding amendment to the Export-Import Act Amendments, which was sent to the House. But each time it was deleted by the House.

This time, we will go through the regular process, have it sent to the Senate Finance Committee, where the Senator from Oklahoma will be our spear carrier, our leader. I trust and hope that it will be reported by the Senate Finance Committee and will be passed on the floor of the Senate. In this form, it will have a much better chance of passing muster with the House of Representatives; because, frankly, our problems in the last Congress were more jurisdictional than they were substantive. That is, this was a bill that related to the jurisdiction of the House Ways and Means Committee but was attached to other legislation, to appropriations legislation and to banking committee legislation.

I hope and think that that was its infirmity in the House and not a matter of substance; because, on the question of substance, this bill is not only a strong one from the standpoint of logic, but also, it is irresistable from the standpoint of human need.

What the bill does is to extend the Trade Adjustment Assistance Program to the traditional secondary suppliers of the oil and gas industry that have been injured due to increased imports of oil and gas. It will cover any affected worker in the whole oil and natural gas chain, such as mud suppliers, drill bit suppliers, seismic companies, crew boat companies, board road suppliers, pipeline installation companies, helicopter operations, and others.

The provisions of this bill generally apply to any affected oil and gas industry worker whose last total or partial separation from work occurred after September 30, 1985. Under the current statutory provisions, some of these workers would not be eligible to apply because they have been out of work for over 1 year.

These workers would be given up to 90 days after the date of enactment to file their petition for certification.

The cost estimate on this bill in the last Congress for 2 fiscal years was only $10 million. We do not have an updated cost estimate. I would suspect that it is in the same order of magnitude.

Mr. President, one final word. Louisiana now has 14.7 percent unemployment. Due to a technicality in the law we are no longer eligible for extended unemployment compensation benefits.

I spoke just this morning to the Secretary of Labor about that. He said he was going to check into the technicalities. That appeared to be an unintended and certainly an unjust result that the State with the highest unemployment in the Nation is not eligible for extended unemployment benefits.

Mr. President, it is as bad in Louisiana today as it was in the Great Depression. We have parishes, or counties as you would call them in another State, which have official unemployment in excess of 30 percent. We have a dozen parishes with unemployment in excess of 20 percent.

What that really means is that when you put those who are officially certified as being unemployed, those who have their name listed with the unemployment compensation people, and if you add to those who have given up because the unemployment people cannot find a job for them or whose unemployment benefits have run out and so they do not bother to sign up, if you add those unofficials to the officials, our actual unemployment rate exceeds 20 percent. That is as high as it was in the Great Depression.

The difficult thing about today's situation is that there are no jobs to be had. Those workers who are skilled and industrious and energetic and are willing to get up early in the morning and go out and apply for a job and do it day after day still cannot find a job, Mr. President, because there are no jobs to be had. The total number of jobs is decreasing, not increasing. There are no opening slots for these people to come into.

So if there was ever a humanitarian case to give some assistance to workers in need, this is it. These are not your traditional unemployed, what we have heard described as welfare queens or welfare kings, or drones or people who are lazy or people who are not industrious or people who do not want to work. These are people who are desperate, who need to put food on the table, who have children to educate and children to feed and house, notes to meet, and, in some cases, bankruptcy fees to pay to lawyers. It is just that bad.

I held a hearing, Mr. President, in Lafayette, LA, on the petroleum situation a few weeks ago. One of our witnesses was the president of the Chamber of Commerce of Lafayette, who testified that a couple of years ago he was a rich man, but today he had a negative net worth of half a million dollars, a typical situation in Louisiana. Now he happened to have fallen from a very high position. There are thousands upon thousands of workers in the oil industry in Louisiana and in the secondary service industry who did not start from such a high and lofty position economically but whose need is as bad as it is anywhere in the country and whose ability to get a job and ability to help themselves is worse than it is anywhere in the country.

If you are unemployed in the State of Virginia, I can show you where you can get a job today. I can get in my car and drive you to a place that will have a help wanted sign on it within 5 minutes of this Capitol. In many States, or perhaps most States, that is possible.

There are no help wanted signs in Louisiana. There are no jobs available.

This is the court of last resort. This is the bill that will do the job at least partially for these people who are unemployed not by their choice but unemployed because imports of foreign crude oil are replacing and driving the price down of an American-made commodity which can no longer be sought because the price is too cheap and the risks are too great to drill for it.

I hope this Senate and this Congress will recognize our need, will realize the justice of this cause, and will quickly pass this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 734

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRADE ADJUSTMENT ASSISTANCE TO OIL AND GAS INDUSTRY.

(a) WORKERS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended to read as follows:

"SEC. 222. GROUP ELIGIBILITY REQUIREMENTS.

"(a) The Secretary shall certify a group of workers (including workers in any agricultural firm or subdivision of an agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that—

"(1) a significant number or proportion of the workers in such workers' firm, or an appropriate subdivision of the firm, have become totally or partially separated, or are threatened to become totally or partially separated,

"(2) sales or production, or both, of such firm or subdivision have decreased absolutely, and

"(3) increases of imports of articles like or directly competitive with articles—

"(A) which are produced by such workers' firm or appropriate subdivision thereof, or

"(B) in the case of workers of a firm in the oil or natural gas industry, for which such workers' firm, or appropriate subdivision thereof, provides essential parts or essential services,

contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

"(b) For purposes of subsection (a)(3)—

"(1) The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(2) Natural gas shall be considered to be competitive with crude oil and refined petroleum products.

"(3) Any firm, or subdivision of a firm, which—

"(A) engages in the exploration for oil or natural gas,

"(B) produces or extracts oil or natural gas, or

"(C) processes or refines oil or natural gas,

shall be considered to be a part of the oil or natural gas industry and to be a firm providing essential services for such oil or natural gas and for the processed or refined products of such oil or natural gas.

"(4) Any firm which provides essential parts, or essential services, to another firm that conducts activities described in paragraph (3) with respect to oil or natural gas, as its principal trade or business, shall be considered to be a part of the oil or natural gas industry and to be a firm providing essential services for such oil or natural gas and for the processed or refined products of such oil or natural gas.".

(b) FIRMS.—Subsection (c) of section 251 of the Trade Act of 1974 (19 U.S.C. 2341(c)) is amended to read as follows:

"(c)(1) The Secretary shall certify a firm (including any agricultural firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines that—

"(A) a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated,

"(B) sales or production, or both, of such firm have decreased absolutely, and

"(C) increases of imports of articles like or directly competitive with articles—

"(i) which are produced by such firm, or

"(ii) in the case of a firm in the oil or natural gas industry, for which such firm provides essential parts or essential services,

contributed importantly to such total or partial separation, or threat thereof, and to such decline in sales or production.

"(2) For purposes of paragraph (1)(C)—

"(A) The term 'contributed importantly' means a cause which is important but not necessarily more important than any other cause.

"(B) Natural gas shall be considered to be competitive with crude oil and refined petroleum products.

"(C) Any firm which—

"(i) engages in the exploration for oil or natural gas,

"(ii) produces or extracts oil or natural gas,

"(iii) processes or refines oil or natural gas, or

"(iv) provides essential parts, or essential services, to another firm that conducts activities described in any of the preceding clauses as its principal trade or business,

shall be considered to be in the oil or natural gas industry and to be a firm providing essential services for such oil or natural gas and for the processed or refined products of such oil or natural gas.".

SEC. 2. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall apply with respect to petitions for certification which are pending on, or filed after, the date of enactment of this Act.

(b) COVERAGE OF CERTAIN CERTIFICATIONS.—Notwithstanding section 223(b) of the Trade Act of 1974, or any other provision of law, any certification made under subchapter A of chapter 2 of title II of such Act which—

(1) is made with respect to a petition filed before the date that is 90 days after the date of enactment of this Act, and

(2) would not have been made if the amendments made by section 1 had not been enacted into law,

shall apply to any worker whose last total or partial separation from the firm, or subdivision of the firm, described in section 222(a) of such Act occurs after September 30, 1985.

The **PRESIDING OFFICER**. The Senator from Iowa.

NO MORE CONTRACTING OUT OF DOD ARSENALS

Mr. HARKIN. Mr. President, I will be introducing a bill today on behalf of the distinguished Senator from Illinois, Senator SIMON, and myself regarding the contracting out at the Department of Defense arsenals in the United States.

We in the Congress have been exposed to a drumbeat of criticism from the Reagan administration concerning our alleged indifference to the defense requirements of the Nation. There is considerable irony therefore, in the news that the Department of Army, under pressure from OMB, is planning to pursue an extensive review of production operations at Federal arsenal and weapons manufacturing facilities to see whether many more jobs can be contracted out to the private sector.

Our post World War II military establishment has demonstrated some serious flaws in its ability to carry out its mission of defending the Nation. We have been plagued by inter- and intra-service rivalry, by structural defects in the procurement process, by disconnects between policy and implementation, to mention just a few of our problems.

We have been relatively successful, however, in maintaining a defense infrastructure which can respond quickly to rapid changes in weapons production requirements. The Federal arsenal system deserves a major share of the credit. Because we have invested in necessary facilities and quality personnel, we have been ready in emergencies with the flexibility and skills required to provide for our soldiers in the field.

After a defense binge on borrowed money, the Reagan administration is waking up to the cold dawn of a yawning budget deficit. While the fiscal 1988 Defense budget request shows that the Pentagon has started to make some choices, it also shows a tendency on the part of the Pentagon to put force readiness at the bottom of the priorities list; in other words, to splurge on force size and new weapons development, and then to scrimp on getting weapons and ammunition to the troops who would have to fight. Now to add insult to injury, the Army threatens to disrupt and potentially break up the winning teams at Federal arsenals.

One of the best of the affected arsenals is the Rock Island Arsenal which employs several thousand residents of Iowa and Illinois. Many of the functions of this arsenal are not themselves attractive to the private sector because of either the small quantity or complexity of the items produced. But the private sector is very interested in the core logistic function at Rock Island and they want a foot in the door. General Dynamics, for example, is already responsible for cutting grass and removing snow at Rock Island Arsenal. I doubt seriously whether General Dynamics wants to just cut the grass and shovel the snow at Rock Island Arsenal. I think they want more than that.

If the private sector ultimately acquires the main industrial area of the Rock Island Arsenal and other arsenals around the United States, I believe that we would see higher prices for the taxpayer, reduced flexibility for the Army, and curtailed benefits for the worker.

I think it is time to say enough is enough. The arsenals have performed their mission well. The Nation appreciates the contributions of the arsenals' work force. We must keep those teams together and not contract out their functions.

As has been said so many times, Mr. President, "If something ain't broke don't fix it," and our arsenals are not broke. They are working well. They provide well for the defense of this country, and the bill which Senator SIMON and I are today introducing does just that.

My concern about contracting out procedures is not limited to the subject of this legislation. Indeed, I question the way the Reagan administration has sought to achieve massive conversions from the Government to the private sector of certain public functions. There are too many indications that comparative cost studies have been performed in an incomplete, sloppy, or biased fashion. Consequently, I am also requesting that GAO perform, on an expedited basis, a review of Government-wide compliance with commonly accepted cost analysis standards in conjunction with Government contracting out activities.

Mr. President, there are just too many indications that the 1987 review process is not all that it is cracked up to be, and this legislation that Senator Simon and myself are introducing today is intended to make certain that the best of our facilities for the defense of this country, our arsenals and depos, are kept in the state of readiness that they have been in for so many years and not be contracted out.

Mr. President, I yield the floor.

Mr. SIMON. Mr. President, today my good friend Senator Tom Harkin and I are introducing a bill to prohibit further contracting out of jobs now being performed at the Nation's defense arsenals and DOD-owned weapons manufacturing facilities. This is a delicate issue directly affecting jobs in a number of States and the health of our defense industrial base.

In my home State of Illinois alone, there are rumored to be some 2,500 jobs at stake should the Army's Rock Island Arsenal proceed with planned contracting out. That affects more than one-third of the total work force at the arsenal. I am told similar steps are being planned or studied at other arsenals and DOD plants, including those in New York, Colorado, Arkansas, Indiana, and Oklahoma.

I have several problems with additional contracting out. First, it assumes that private contractors are going to be more efficient and cost-effective than the Federal arsenal workforce. I think the experience of the past few years, with Pentagon-negotiated prices of $748 for duckbill pliers—down from $2,000 a pair—$437 for a tape measure, and $2,228 for an ordinary wrench shows that this is not always the case. The efficiencies of the marketplace accrue when there is truly a competitive environment. Defense contracting has shown itself to be far less than efficient and cost effective.

Second, many of the jobs under consideration for contracting out will affect older workers, not easily retrainable or terribly mobile. Job security will be a thing of the past for these people, who joined our arsenals under one set of rules and may now have the ground cut out from under them. Benefits will certainly be different as well.

There also is a parallel to the arguments used last year against changing military retirement pay in midstream. Personnel were promised one thing when they signed up, and that ought to be honored. This is what the Armed Services Committee, upheld by the full Senate, did when it changed retirement pay but did so on a prospective basis, not affecting those currently on the rolls.

The Harkin-Simon bill will protect these valuable people who have served their country so long and in so dedicated a fashion. Its enactment will keep prices for arsenal products reasonable, retain skilled people, and keep a good team together and on the job.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. MATSUNAGA. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business, we are operating under a procedure that permits speeches up to 30 minutes.

Mr. MATSUNAGA. I thank the Chair for his explanation.

(Mr. ADAMS assumed the Chair.)

FAITHFUL TO HIS CONSTITUENTS

Mr. MATSUNAGA. Mr. President, it is with a heavy heart that I join my colleagues in paying tribute to the late Senator Edward Zorinsky of Nebraska. He was a good friend of mine and I mourn his passing deeply.

The newspapers, in reporting his passing, termed him a "maverick" with reference to his political allegiances. He never waivered in regard to his primary allegiance, however: He was always faithful to his rural constituency throughout his career here in Washington. The senior Senator from Kansas and distinguished minority leader, Senator Dole, has said "Rural America never had a better friend" and truer words about Ed Zorinsky were never spoken.

In regard to his political affiliations, it should be observed also that he represented a unicameral State where State senators run for office on a nonpartisan basis and no party affiliation appears on the ballot. This is a point the obituary writers overlooked.

He was also known for being frugal in carrying out the duties of his office, but again he came from a State which has known economic hardship frequently in its history and its people are of hearty, thrifty stock. His cornhusker's concern for lean government extended beyond the confines of his own office. The Federal Farm Insurance Corporation is a far more efficient and effective instrumentality thanks to his legislative diligence, to cite but one example. Popularly known among his constituents as "Eddie Z," he served his State and country well.

To his widow, Cece, and his children, Barry, Jeffrey, and Susan, I extend my heartfelt condolences and God's aloha. I pray that they will find some solace in the fact that their great loss and deep sorrow is shared by countless friends, like myself.

Mr. President, I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, first I want to commend my colleague from Hawaii for that tribute to our colleague. I thought the phrase that I have never heard before, "God's aloha," for our colleague, Senator Zorinsky, was an appropriate one. We appreciate that contribution.

Mr. MATSUNAGA. I thank the Senator from Illinois for his observation.

JOB OPPORTUNITIES

Mr. SIMON. Mr. President, my colleague from Louisiana, Senator Bennett Johnston, spoke about unemployment in Louisiana.

Next week, I will be introducing legislation that will call for what I think is the greatest step forward that we must make now, the next great step forward, and that is to guarantee job opportunities everywhere.

It is based in part on something that the pages here would not remember at all, something that I remember and perhaps the Presiding Officer, the Senator from Washington [Mr. Adams], remembers, called the WPA. What we did half a century ago was to take the liability of unemployment and turn it into a national asset.

Senator Johnston just spoke about 17.7 percent unemployment in Louisiana. And what do we do now in this country to unemployed people who are desperate? First of all, they can draw unemployment compensation for a while. Then, after they run out of that, we tell them: "You have to become a pauper before we help you. And then, once you become a pauper, we hand you a check."

We face a very fundamental problem in our society, Mr. President. We have two graph lines. The one graph line shows that the demand for unskilled labor is going down. That line is not going to change.

The second graph line, the pool of unskilled labor, unfortunately is going up. That graph line can change, but it is not going to change quickly nor dramatically. And that means unemployment in a way we have not known before in our society. Unemployment is a permanent part of our society. We ought to encourage all the jobs in the private sector we can. I used to be in business. I am a believer in the free enterprise system.

But with those graph lines, and no one could deny their accuracy, we face a choice of paying people for doing nothing or paying people for doing something. And I think it makes infinitely more sense to pay people for doing something, to pay people for being productive and not simply those who are on welfare. Yes, those who are on welfare. But my bill will call for paying anyone who is out of work 5 weeks or more to be paid for 32 hours a week at the minimum wage, $107 a week, $464 a month—not very much money—or 10 percent above welfare or 10 percent above unemployment compensation.

And, incidentally, $464, some people think 10 percent above welfare, that means we are going to be paying astronomical amounts. It is interesting that the average welfare payment in all but three States is below $464 a month. In the State of Illinois, which is more generous than most States, the average welfare payment is $312 a month.

There are all kinds of things that need to be done in our society. We have, for example, 23 million functionally illiterate adult Americans. And we have all kinds of people who are out there unemployed who know how to read and write. Why do we not take the people who know how to read and write and have them help people who do not know how?

I was just reading a report the other day about flooding in parts of this country being caused because we are tearing down trees. What if, instead of paying people to sit home and do nothing, we said let us plant 200 million trees in this country? What if we helped in the day care centers? What if we repaired sidewalks? What if we did all the things that need to be done? Well, we can do it.

I am pleased to say as I have talked about this bill I am going to be introducing next week there is growing interest, growing interest interestingly—I am pleased to say this—on the part of the business community because in the business community they are getting tired of paying unemployment compensation—on the part of people who see this desperate underclass. Interestingly we have had two major studies just recently about what is called the underclass in this country. And they both came to the same conclusion. The only way you are going to significantly move on the underclass problem is to provide jobs. That is what we have to do, whether it is for the State of Louisiana that Senator BENNETT JOHNSTON was talking about or the State of Washington where you are better off today than you were not too many years ago.

I can remember when in the State of Washington, Boeing was down. They were in desperate straits. In the State of Illinois we have above-average unemployment. Rural communities in the Midwest are desperate. There are all kinds of problems out there. We have all kinds of things that need to be done. Why do we not put 2 and 2 together? We can. We ought to be creative.

So I am going to be making 5-minute talks fairly regularly for a while until people understand what we are talking about. We are not talking about pie in the sky. We are talking about something very practical that can be done. It is interesting that under the WPA—I say this for the benefit of the pages down here who do not remember this—we have 1½ million Americans who learned how to read and write. That in and of itself probably paid for the WPA. All of the orchestras we have in this country today were started by the WPA.

I can remember when I was 11 or 12 years old having one of the most moving experiences of my life by reading a book by Richard Wright. The book was called "Black Boy." It was not as famous as his book "Native Son." But it was the one that really hit me. It was not until a few years ago I was reading, and I learned that Richard Wright learned to become a writer under a WPA project. It enriched me, and it enriched the country.

Well, we can do it again. We have to face the reality that unemployment has not been a priority in this country. Last week's New York Times one day in a front page story indicated that the Japanese are worried about high unemployment. Do you know what high unemployment is over there? It has reached 3 percent. Unemployment is not even 1 percent in Switzerland. It is considerably less in Italy, in Austria, and other countries. Why? Because they have made a priority of putting people to work. We have to do the same.

I hope, Mr. President, that we will have the wisdom, the compassion, and the good sense to do it.

I heard the word "competitiveness" about five times here this afternoon while I was sitting in that chair. It is probably the most overworked word in our lexicon today. But one of the ways of making America competitive is to let our people be productive.

I will explain more of the details on this bill as we move along during the coming days.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL REFERRED TO COMMITTEE—SENATE JOINT RESOLUTION 80

Mr. BYRD. Mr. President, I ask unanimous consent that Calendar No. 30, Senate Joint Resolution 80, be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate now proceed, for not to exceed 10 minutes, into a period for the transaction of morning business and that Senators may be permitted to speak therein up to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CZECHOSLOVAKIAN MUSICIANS CONVICTED

Mr. PRESSLER. Mr. President, on January 14 I spoke to the Senate about human rights abuses in Czechoslovakia. That speech made reference to the arrest of Czechoslovakian jazz musicians who were charged with violating a government order that they could not affiliate together as an organized cultural group known as the "Jazz Section."

On Tuesday of this week, March 10, these advocates of cultural freedom were convicted and sentenced for "unauthorized commercial activities" for publishing cultural newsletters and books. Although the judge in this case commended the high quality and professionalism of their work, the fact remains their cultural expression was punished. This clearly is a violation of human rights. The principal defendant, Karel Srp, was sentenced to 10 additional months in jail. He had already served 6 months in jail before the trial. Vladimir Kouril was given a jail term of 4 months in addition to the 6 months he had already served. The other defendants were placed on probation for 4 years.

This trial provides a fascinating illustration of the quality of justice in Czechoslovakia. As we celebrate the 10th anniversary of the founding of Charter 77, the leading Czechoslovakian human rights advocacy group, we should shine our brightest lights on the facts of life in Czechoslovakia. It is not a pretty sight, but there is hope for reform and democratization if the outside world continues to demonstrate its support for those whose rights and liberties are abused by Czechoslovakian authorities.

Mr. President, Michael T. Kaufman of the New York Times and Jackson Diehl of the Washington Post have been covering the "Jazz Section" trial in Prague. I commend them for their excellent reporting on this important case, and ask unanimous consent that their stories from today's editions of the Post and the Times be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 12, 1987]

FIVE JAZZ FANS ARE CONVICTED IN PRAGUE

(By Michael T. Kaufman)

PRAGUE, March 10.—Five advocates of cultural freedom on trial for refusing to disband their organization of jazz enthusiasts were convicted and sentenced today.

In a proceeding that reflected the ambivalence of the Czechoslovak authorities toward moves for greater economic and cultural openness in the Soviet bloc, Judge Vladimir Stiborik took great pains to commend the defendants for their contributions to Czechoslovak culture before sentencing them to relatively short jail terms.

As he did so, the sound of syncopated hand-clapping filtered into the courtroom from the corridor outside, where 150 supporters of the defendants maintained a vigil. The crowd, mostly young people, kept up the clapping for the entire 20 minutes that the judge took to pronounce his verdict and read the sentences.

"This is something like Soweto," said a young man, likening the spontaneous outburst to the rhythmic applause by blacks during protest rallies in South African townships.

"WANT TO DEVELOP CULTURE"

Judge Stiborik tried to ignore the sound and said: "We don't want in any way to limit cultural movements in our country. We want to develop culture more and more. As there is a young generation with new interests, we want to support their concerns."

"We believe that the defendants took their activities seriously," he said. "They were experts in their professions. I have read the writings of one of the accused and seen the art work of another and while I did not understand everything, they were clearly works of high quality. Their cultural work was commendable, but it required a legal form because social values must be regulated."

He then found all the defendants guilty of unauthorized commercial activities for continuing to publish their newsletters and books after the Interior Ministry ruled in October 1984 that as officers of the 5,000-member Jazz Section they should disband the group.

The judge sentenced Karel Srp, the 52-year-old leader of the Jazz Section and the chief defendant, to 16 months in jail, but credited him with the six months that he has already served in pretrial detention.

Mr. Srp's deputy, Vladimir Kouril, was given 10 months, with the six months he has been in detention also subtracted from this total. The remaining three defendants—Cesmir Hunst, Tomas Krivanek and Jozef Skalnik—were given suspended sentences and placed on probation of up to four years.

FEARED HARSHER SENTENCES

The terms were only a fraction of eight-year sentences for which the defendants were potentially liable and they were less than half of the terms sought by the prosecutor. Many of the Jazz Section's supporters said they had been anticipating harsher sentences, but added that the outcome was still scandalous and that its absurdity had been heightened by the judge's praise for the defendants.

Adding complexity to the case has been a political debate that has erupted within the Communist Party Central Committee, apparently inspired by Mikahil S. Gorbachev's appeals for economic liberalization and cultural openness in the Soviet Union.

Just weeks before Mr. Gorbachev is expected to visit this country, some Czechoslovak Communist leaders have warned that disruptive elements here were eager to exploit Mr. Gorbachev's calls for openness, suggesting a comparison to the period of liberalization of 1968 that led to an invasion by Soviet bloc forces. Arrayed against these voices are those of other leaders who are making tentative nods of approval in the direction of the Soviet changes.

According to diplomats here, these cracks in the unity of the party leadership may have influenced party and judicial officials to allow Western reporters to sit in on the trial and to permit the Jazz Section backers to fill the courthouse corridors and to clap in sympathy with the defendants.

Some diplomats who were in the corridor during the trial also surmised that the judge's speech and the relatively light sentences also were reflections of the atmosphere caused by this debate.

"The judge's speech was his personal alibi," said Vaclav Havel, an award-winning Czechoslovak playwright and a leader of the Charter 77 human-rights group who was imprisoned for his own activities.

OFTEN KAFKAESQUE STRUGGLE

"It is completely absurd to say that what these men contribute to culture is great but that he still must send them to prison," said Mr. Havel, who was one of those who stood outside in the corridor during the entire trial. "The only right sentence would have been to free all the defendants."

The trial was the culmination of an often Kafkaesque struggle in which Mr. Srp and his colleagues sought to preserve the existence of their 16-year-old jazz society in the face of a seemingly unappealable and never fully explained ministerial decree ruling the Jazz Section out of existence.

The group had been highly commended in the party-controlled press in the 1970's, but apparently incurred the wrath of the authorities after it published uncensored works by two of Czechoslovakia's greatest writers, Bohumio Hrabal, the novelist, and Jaroslav Seiffert, the country's Nobel Prize-winning poet.

The Nobel acceptance speech of Mr. Seiffert, who was a signer of Charter 77, had not been published in this country until the Jazz Section did so.

Mr. Srp had written more than 130 letters to party and ministerial officials seeking an explanation of the banning order and, as he told the court, in the absence of any reply, he continued to direct the group's activities.

Today, the workings of the state bureaucracy were shown in somewhat surrealistic fashion by a witness from the Interior Ministry, Jaroslaw Miklos, who told the court he had been involved with the "liquidating committee" formed to take over the assets of the Jazz Section.

He said he had received a letter from Mr. Srp detailing, among other things, the chairs and table owned by the jazz group. He said he had found it insufficiently detailed. He was then asked why he had not written to Mr. Srp for a fuller accounting.

"We could not address letters to an organization that did not exist," said Mr. Miklos, as reported by the three Western reporters who were admitted to the court.

He was then asked if he would have been willing to meet to discuss the situation with the Jazz Section leaders. "If they consented to be liquidated, of course we could have met," he said.

[From the Washington Post, Mar. 12, 1987]

Prague Judge Sentences, Praises Arts Dissidents

(By Jackson Diehl)

Prague, March 11.—A district judge here today ordered light prison terms for two leaders of the popular Jazz Section organization and placed three other members on probation, then praised the group's activity in an apparent effort to reach a compromise settlement of Czechoslovakia's most noted political trial this decade.

Karol Srp (pronounced surp), the 50-year-old chairman of the cultural group, was sentenced to 16 months imprisonment, and a deputy, Vladimir Kouril, received 10 months, both for unlawful economic activity. Another group member, Josef Skalnik, received a suspended 10-month term and three years of probation, and activist Cestmir Hunat and Tomas Krivanek were placed on probation for two years each.

The charges stemmed from the Jazz Section's persistence in publishing uncensored newsletters and books on the arts after it was ordered dissolved by the government 2½ years ago. The court found that the group had violated the law by selling its publications and collecting dues from members until the arrest of the leadership last year.

Judge Vladimir Striborik ordered sentences considerably lighter than those recommended by the state prosecutor and said the Jazz Section's work was "high quality."

"We don't want to limit cultural activity in our country, we want to develop it better and better for a young generation," the judge added. "The work [the section] did was commendable but needs a legalized form."

Supporters of the group described the sentence as an attempt at a compromise that reflected the pressure from both East and West on Czechoslovakia's communist rulers to adopt less restrictive cultural policies. The Jazz Section's trial came at a time when Soviet leader Mikhail Gorbachev is relaxing state controls over culture and dissidents in the Soviet Union, and the case was taken up by many western human rights groups and governments.

"It is a kind of compromise, but it is also a scandal," said Vaclav Havel, a prominent playwright and former political prisoner who waited at the courthouse for the verdict. "The only proper action would have been to free them."

Jazz Section activists, including the three defendants placed on probation today, vowed at a press conference tonight that they would continue to seek full legal status for the group and to continue its activities openly.

About 150 section supporters, ranging from long-haired youths to prominent Czechoslovak intellectuals, packed the narrow hallway outside the courtroom and clapped loudly in rhythm as the verdicts and sentences were announced. As the court adjourned, the group sang the John Lennon song "Give Peace a Chance" before erupting into cheers for Srp, who smiled as he was dragged away by police.

In a final statement to the court Srp predicted that the two-day trial "will go down in history" and maintained that the group had been suppressed in violation of both the Czechoslovak constitution and the Final Act of the 1975 Helsinki Conference on Security and Cooperation in Europe, a landmark East-West accord providing for free expression and other human rights.

"Our organization was a humanitarian and a cultural one, and we did only what the nation wanted," he said, according to accounts provided by three western journalists admitted to the trial. Srp added, "I would like to say that I am not guilty and was simply continuing in my activities as I thought it valuable to society."

Founded in 1971 as a branch of the Union of Musicians, the Jazz Section irked authorities by rejecting communist party tutelage and ignoring official cultural doctrines. It won widespread popularity by supporting new music trends such as punk rock, and took advantage of its printing privileges to publish provocative studies of art trends ranging from dada to the music of the late John Lennon.

In recent years, the group took increasing risks in its publishing activities to support major artists. In 1982, it published an uncensored novel by Bohumil Hrabal, a major Czechoslovak novelist barely tolerated by the authorities. The novel, entitled "I Served the King of England," is now considered a comic masterpiece by many literary critics. In 1984, the group published the acceptance speech of Czech poet Jaroslav Seifert after he was awarded the Nobel Prize for Literature.

These activities surfaced, only indirectly at the trial, which authorities insisted was motivated entirely by the group's economic offenses. During the course of the hearing, government officials repeatedly argued that the Jazz Section had broken the law by continuing its work after the forced dissolution of the musician's union to which it belonged in October 1984.

Srp and Jazz Section lawyers countered with arguments that government agencies had broken the law by failing to explain the ban and refusing to respond to repeated attempts by the group to regularize its status. Despite repeated defense requests, the Jazz Section's longtime counsel, Josep Prusa, was not allowed to testify or attend the trial.

One exchange today between Srp and Jaroslaw Niklas, an official of the Ministry of Culture, seemed to capture the spirit of the proceedings. Srp demanded to know why Niklas, as head of a "liquidation committee" for the union, did not respond to the many letters the Jazz Section sent him.

"We could not answer letters from an organization that does not exist," was Niklas' bland reply.

Prosecutor Petr Snajdr originally requested prison terms of three to four years for Srp, 2½ years for Kouril and Skalnik, and two years for the other defendants, along with heavy fines. He announced that he would appeal today's sentences.

Legal experts said that if the sentences were not lengthened on appeal, Srp should be freed after nine months and Louril after three months, when time already served is deducted. The two men may also be eligible for time off because of good behavior.

THE UNTIMELY DEATH OF SENATOR EDWARD ZORINSKY

Mr. ADAMS. Mr. President, I want to join with my colleagues in expressing both my shock and sorrow at the untimely death of Senator Edward Zorinsky last Friday.

I had an opportunity to get to know Ed and Cece Zorinsky during the years he served in the Senate. And, in the last few months, as I served with him in the Senate and on the Foreign Relations Committee, my admiration for and appreciation of him continued to grow.

I enjoyed watching Ed at work in the Foreign Relations Committee. I saw how his questions and comments always reflected a man who had done his homework and understood the issues. But even more, they revealed that Ed Zorinsky was the kind of Senator who was always willing to listen to differing points of view while also being the kind of person who always knew what his own point of view was.

During the brief time I was privileged to serve with Ed Zorinsky, I was struck by two characteristics. The first was his commitment to his constituents: Our conversations inevitably turned to the plight of the farm community in Nebraska and always communicated his passionate commitment to helping "his people." His open door policy was a sign of an open heart. The second characteristic I observed was Ed's equally passionate attachment to his family and his sense of self. I've known a lot of people who have been in public life—I've never known anyone who was better able to keep "power" in perspective or who was constantly capable of remembering that public power means nothing if it causes you to lose your personal identity.

He was, in short, a good man and a fine Senator. He will be deeply missed.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Emery, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

FEDERAL CREDIT REFORM ACT—MESSAGE FROM THE PRESIDENT—PM 27

The **PRESIDING OFFICER** laid before the Senate the following message from the President of the United States, together with accompanying papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on the Budget and the Committee on Governmental Affairs:

To the Congress of the United States:

The Federal government is the Nation's largest financial intermediary. At the end of 1986, it had $252 billion of direct loans and $450 billion of guaranteed loans outstanding. The government provides credit to many different types of borrowers: homeowners, farmers, students, small businesses, exporters, utilities, shipbuilders, and State, local, and foreign governments. Over the past 20 years, Federal direct loans and guaranteed loans outstanding have grown at a 9 percent annual rate.

Despite the vast size of Federal credit, and its obvious importance to the economy, the present budgetary treatment of Federal credit programs does not show the real cost of these programs. The result is the misallocation of resources and ineffective budgetary control.

Federal credit is provided on more favorable terms and conditions than those available in the private sector. The present value of this difference is a subsidy to the borrower. This subsidy to federally assisted borrowers comes at the expense of taxpayers and of all other borrowers, who pay higher interest rates or fees than they otherwise would have paid, or who are not able to borrow at all.

For direct loans, the present budget measures new loans to borrowers and any associated interest or other costs minus repayments (or sales) of previous loans and interest and fees received. This is misleading in four ways. Disbursement of new loans overstates the cost to the government because the government now owns a financial asset with market value. However, the fact that loans are expected to be repaid leaves the impression that, over time, they are costless; this is not so because Federal credit programs provide subsidies to the borrowers. The subtraction from disbursements related to new loans of repayments and interest on previous loans obscures the effect of current decisions. The budget accounts do not sort through this confusion to show how much of a new loan is a financial asset and how much is a subsidy or expenditure.

For loan guarantees, the present budget does not record any cost unless and until defaults occur. At the time the commitment to guarantee a loan is made, the guarantee is treated as a free good compared with a purchase, a grant, or a direct loan.

The appropriation of budget authority does not provide meaningful control of either direct loans or loan guarantees. Most direct loans are made from revolving funds. Defaults on guaranteed loans are a legal obligation of the government. In both cases, appropriations are unrelated to decisions to provide credit subsidies.

Because of these inadequacies, a separate credit budget was created to record and limit the volume of new direct loan obligations and new guaranteed loan commitments. The credit budget has the advantage of focusing attention on the decisions that commit the government to new expenditures. But it does not show the cost of these expenditures—the subsidies. Instead, it shows the total volume of credit assisted. Thus, it does not distinguish between programs with deep subsidies and those with small ones. Moreover, the credit budget is separate from the unified budget, so trade-offs between credit and other spending cannot be made.

In my Budget Message last January, I promised to send to the Congress legislation "whereby the true cost to the economy of Federal credit programs would be counted in the budget." The proposed legislation I am transmitting today, the "Federal Credit Reform Act of 1987," carries out that pledge. This legislation was developed by the Federal Credit Policy Working Group of the Economic Policy Council. It builds on recommendations made by the President's Commission on Budget Concepts in 1967, on analyses by the Office of Management and Budget and the Congressional Budget Office, and on proposals made in recent years by various members of Congress.

The bill is intended to provide the Congress and the Administration with accurate measures of the benefits of Federal credit programs, to place their cost on a budgetary basis equivalent to other Federal spending, to encourage the delivery of benefits in the form most appropriate to the needs of beneficiaries, to improve the allocation of resources among credit programs and between credit and other spending, and to provide for the efficient financing of obligations issued, sold, or guaranteed by Federal agencies.

To achieve these goals, the bill would change the budgetary treatment of credit transactions by charging Federal agencies for the amount of subsidies inherent in credit programs. These subsidies are the present value of the difference between the terms and conditions on which direct loans or loan guarantees are available to borrowers in the private sector and the easier ones provided by Federal credit programs. If the borrower were given a grant equivalent to this subsidy and then obtained a private loan or loan guarantee, the borrower would be equally well off.

The draft bill would record this grant-equivalent subsidy of credit programs in the budgets of Federal credit agencies. The Congress would be asked to appropriate funds for these subsidies, thereby allocating resources on an equivalent basis among credit programs and between credit programs and other government spending.

The unsubsidized portion of a Federal direct loan is a financial asset. This is the present value of the expected interest and repayments by the borrower. The bill creates a Federal Credit Revolving Fund in the Department of the Treasury to finance the financial asset portion of direct loans.

The most direct way to divide a new loan between its "grant" and "loan" components is to sell it promptly, competitively, and without any government guarantee of future repayment. The bill proposes that agencies do so as an agent for the Fund, unless exempt because of foreign policy or other program considerations.

The most direct way to identify the subsidy inherent in a federally guaranteed loan is to purchase reinsurance in the private market. The cost of purchasing reinsurance, minus any fees paid by the borrower, is the grant equivalent of providing a Federal guarantee. The bill proposes that agencies arrange for the purchase of reinsurance as an agent of the Fund, in order to measure this subsidy.

The Federal Credit Revolving Fund, in consultation with the Federal agency, would be responsible for estimating the subsidy in Federal loans and loan guarantees, using the information from the sales and reinsurance or using standard methods when loans are not sold or reinsured. The Fund would establish an automated accounting and control system to keep track of the status of the Fund's accounts and to ensure that agency credit activity is limited to the amounts appropriated for subsidy costs. In addition, the Fund would serve as a central financing mechanism—providing the financial asset portion of new direct loans, assuming the contingent liability for new guaranteed loans, and receiving subsidy payments from the agencies, all fees, interest, repayments, proceeds from the sale of new loans, and collateral acquired through defaults on guaranteed loans.

Nothing in the bill changes the credit programs that the Congress enacted or changes the existing authority of agencies to operate credit programs. Agencies would continue to arrange and approve direct loans and loan guarantees as they do now, would service those that had not been sold or reinsured, and would arrange for sale or reinsurance. The legal rights of borrowers would not be changed.

The proposed budgetary treatment of credit affects the deficit only to the extent that loan assets are sold and guaranteed loans are reinsured. The net effects of our planned sales and reinsurance were estimated in my 1988 Budget. The "scoring" of this credit reform proposal, itself, is otherwise deficit neutral.

Because the Congress requested submission of the 1988 Budget nearly a month early—and we met that goal—we were not able to include the effect of this credit reform proposal, account by account, in our January 5th and January 28th documents. I am now sending the necessary budget amendments and appropriations language to the Congress. I hope that you will be able to include them in your consideration of the 1988 Budget.

Credit reform is one of numerous management improvement initiatives that I will be transmitting to you in the FY 1988 Management Report. I look forward to working cooperatively with the Congress to make these reforms in the budgetary treatment of credit and in the management of Federal credit programs.

RONALD REAGAN.

THE WHITE HOUSE, *March 12, 1987.*

MESSAGES FROM THE HOUSE

At 9:38 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 240. An act to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The messsage also announced that the Speaker has signed the following enrolled bill and joint resolution:

H.R. 1056. An act to amend the National Housing Act to limit the fees that may be charged by the Government National Mortgage Association for the guaranty of mortgage-backed securities; and

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week."

The enrolled bill and joint resolution were subsequently signed by the President pro tempore [Mr. STENNIS].

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 175. Joint resolution to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 240. An act to amend the National Trails System Act to designate the Santa Fe Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following joint resolution was read the first time:

H.J. Res. 175. Joint resolution to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 12, 1987, he had presented to the President of the

United States the following enrolled joint resolution:

S.J. Res. 65. Joint resolution to designate the week of April 5, 1987, through April 11, 1987, as "National Know Your Cholesterol Week."

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MITCHELL (for himself and Mr. Baucus):

S. 725. A bill to provide for public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Rules and Administration.

By Mr. McCONNELL:

S. 726. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide States with assistance to establish or expand clearinghouses to locate missing children; to the Committee on the Judiciary.

By Mr. EVANS (for himself, Mr. Bradley, Mr. Inouye, Mr. DeConcini, Mr. Adams, and Mr. McCain):

S. 727. A bill to clarify Indian treaties and executive orders with respect to fishing rights; to the Select Committee on Indian Affairs.

By Mr. LEAHY (for himself and Mr. Boschwitz, Mr. Melcher, Mr. Danforth, Mr. Harkin, Mr. Conrad, and Mr. Daschle):

S. 728. A bill to improve the nutrition of the homeless, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WEICKER:

S. 729. A bill to provide for the development and implementation of programs for children and youth camp safety; to the Committee on Labor and Human Resources.

By Mr. INOUYE:

S. 730. A bill to amend the Merchant Marine Act, 1936, regarding vessels eligible for an operating-differential subsidy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

S. 731. A bill to amend section 788(d) of the Public Health Service Act to permit schools of nursing to obtain grants for training projects in geriatrics; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER (for himself, Mr. Dole, Mr. Mitchell, Mr. Lugar, Mr. Pryor, Mr. Riegle, Mr. Danforth, Mr. Heinz, Mr. Kasten, Mrs. Kassebaum, and Mr. Hatch):

S. 732. A bill to establish a program of grants to assist small rural hospitals in modifying their service mixes to meet new community needs and in providing more appropriate and cost-effective health care services to medicare beneficiaries; to the Committee on Labor and Human Resources.

By Mr. DURENBERGER:

S. 733. A bill to amend the Food Security Act of 1985 to provide an exemption from the prohibition on the production of agricultural commodities on converted wetland for land that was used to produce agricultural commodities during at least 3 of the 5 crop years preceding the date of enactment of such Act; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. JOHNSTON (for himself, Mr. Boren, Mr. Bingaman, Mr. Murkowski, and Mr. Nickles):

S. 734. A bill to extend trade adjustment assistance to workers and firms in the oil and gas industry whose services or products are not directly competitive with imports; to the Committee on Finance.

By Mr. JOHNSTON:

S. 735. A bill to amend the Land and Water Conservation Fund Act of 1965, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself and Mr. Simon):

S. 736. A bill to prohibit the performance of certain functions at arsenals and manufacturing facilities of the Department of Defense from being converted to performance by private contractors; to the Committee on Armed Services.

By Mr. SIMON:

S. 737. A bill to amend the Public Health Service Act to establish schoolbased adolescent health services demonstration projects; to the Committee on Labor and Human Resources.

By Mr. KERRY:

S. 738. A bill to amend the Foreign Assistance Act of 1961 to modify provisions relating to the trade and development program; to the Committee on Foreign Relations.

By Mr. PELL (by request):

S. 739. A bill to provide for participation by the United States in replenishments of the International Development Association and the Asian Development Fund and in a capital increase of the African Development Bank, for membership for the United States in the Multilateral Investment Guarantee Agency, for United States acceptance of the merger of the capital resources of the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

S. 740. A bill to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1988 and 1989 for carrying out that Act; to the Committee on Foreign Relations.

By Mr. HEINZ:

S. 741. A bill to amend the Tariff Act of 1930; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. Inouye, and Mr. Danforth):

S. 742. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Commerce, Science, and Transportation.

By Mr. CHAFEE (for himself, Mr. Mitchell, Mr. Stafford, Mr. Heinz, Mr. Reid, Ms. Mikulski, Mr. Lautenberg, Mr. Specter, and Mr. Durenberger):

S. 743. A bill to authorize the Environmental Protection Agency to conduct a study for the purpose of determining the extent to which radon in the Nation's schools poses a threat to children and employees within such schools, and for other purposes; to the Committee on Environment and Public Works.

By Mr. MITCHELL (for himself, Mr. Chafee, Mr. Stafford, Mr. Lautenberg, Mr. Moynihan, Mr. Durenberger, Ms. Mikulski, Mr. Reid, Mr. Dodd, Mr. Kerry, Mr. Heinz, Mr. Gore, Mr. Daschle, Mr. Specter, Mr. Graham, Mr. Wirth, and Mr. Bradley):

S. 744. A bill to assist States in responding to the threat to human health posed by exposure to radon; to the Committee on Environment and Public Works.

By Mr. HEINZ (for himself, Mr. Trible and Mr. Domenici):

S. 745. A bill to ensure the proper budgetary treatment of credit transactions of Federal agencies and to improve management of Federal credit programs; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 8, 1977, with instructions that if one Committee reports, the other Committee has thirty days of continuous session to report or be discharged.

By Mr. BENTSEN (for himself, Mr. Stevens, Mr. Chiles, Mr. Bumpers, Mr. Daschle, Mr. Burdick, Mr. Chafee, Mr. Reid, Ms. Mikulski, Mr. Lugar, Mr. Adams, Mr. Specter, Mr. Pell, Mr. Matsunaga, Mr. Bradley, Mr. Lautenberg, Mr. Glenn, Mr. Stennis, Mr. Gore, Mr. Kerry, Mr. Durenberger, Mr. Leahy, and Mr. McClure):

S.J. Res. 83. A joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week"; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BYRD (for himself and Mr. Dole):

S. Res. 166. A resolution to amend Senate Resolution 352, agreed to April 1, 1986, relating to the commemoration of the bicentennial of the Senate of the United States; considered and agreed to.

By Mr. BIDEN:

S. Res. 167. A resolution concerning constitutional principles pertinent to the making of treaties, and further concerning the interpretation of the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems; to the Committee on Foreign Relations.

By Mr. BAUCUS:

S. Con. Res. 30. A concurrent resolution to endorse the national certification of teachers in elementary and secondary education in the United States; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MITCHELL (for himself and Mr. Baucus):

S. 725. A bill to provide for the public financing of general elections for the U.S. Senate, and for other purposes; to the Committee on Rules and Administration.

SENATE CAMPAIGN COST LIMITING AND PUBLIC FINANCING ACT

● Mr. MITCHELL. Mr. President, I am today reintroducing legislation which I introduced last week providing for partial public financing of Senate general election campaigns. This bill today is identical to S. 645 introduced last week except for the removal of one minor provision increasing the $1 Presidential campaign fund checkoff to $2.

The inclusion of this provision, which would amend the Internal Revenue Code, resulted in S. 645 being referred to the Finance Committee. It is my understanding that by removing this provision, the amended bill I am introducing today will be referred to the Rules Committee.

I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 725

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Senate Campaign Cost Limitation and Public Financing Act".

SEC. 2. The Federal Election Campaign Act of 1971 is amended by adding at the end thereof the following new title:

"TITLE V—PUBLIC FINANCING OF SENATE GENERAL ELECTION CAMPAIGNS

"DEFINITIONS

"SEC. 501. For purposes of this title—

"(1) the definitions set forth in section 301 of this Act apply to this title;

"(2) 'general election' means any regularly scheduled or special election held for the purpose of electing a candidate to the United States Senate;

"(3) 'primary election' means (A) an election, including a runoff election, held for the nomination by a political party of a candidate for election to the United States Senate, or (B) a convention or caucus of a political party held for the nomination of such candidate;

"(4) eligible candidate' means a candidate who is eligible, under section 502, to receive payments under this title;

"(5) 'authorized committee' means, with respect to any candidate for election to the United States Senate, any political committee which is authorized in writing by such candidate to accept contributions or to make expenditures on behalf of such candidate to further the election of such candidate; and

"(6) the term 'immediate family' means a candidate's spouse, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate, and the spouse of such individual, and any child, parent, grandparent, brother, half-brother, sister, or half-sister of the candidate's spouse, and the spouse of such individual.

"ELIGIBILITY FOR PAYMENTS

"SEC. 502. (a) To be eligible to receive payments under this title, with respect to an election—

"(1) a candidate in a general election shall certify to the Commission, in accordance with the provisions of this Act or regulations promulgated pursuant to this Act, that—

"(A) he or she is seeking election to the United States Senate,

"(B) such candidate and the authorized committees of such candidate have—

"(i) received contributions from individuals in amounts of $100 or less, which qualify for matching funds pursuant to this title, for that campaign in a total amount of not less than 5 per centum of the overall expenditure limit; and

"(ii) received such contributions only from individuals who are residents of the State in which such candidate is seeking election;

"(C) at least two candidates have qualified for the election ballot for election to the same seat under the law of the State involved;

"(D) the candidate and the authorized committees of such candidate—

"(i) will not make campaign expenditures in the general election greater than the limitations set forth in section 315(j)(1);

"(ii) will abide by the limitations on campaign expenditures for the primary election pursuant to section 315(j)(2) and section 504;

"(iii) will not accept any contributions in violation of section 315(a); and

"(iv) will not make expenditures from personal funds which exceed the limitation established in section 503;

"(E) he or she will agree to cooperate in the case of an audit and examination by the Commission under section 509 and to pay any amounts required under such section; and

"(F) such candidate and the authorized committees of such candidate have received contributions aggregating not less than the amount of contributions certified under section 505.

"(2) a candidate of a political party in a State that has legal requirements for such candidacy, shall, within seven days after receiving such nomination, certify to the Commission his or her intention to accept payments under section 508 and to comply with applicable provisions of law with respect to such payments;

"(3) an independent candidate or a candidate of a political party in a State other than a State referred to in paragraph (2), shall, within seven days after qualifying for the general election ballot under the law of the State involved, certify to the Commission his or her intention to accept payments under section 508 and to comply with applicable provisions of law with respect to such payments;

"(4) a candidate in an election shall, within seven days after qualifying for the election ballot under the law of the State involved, agree that such candidate and the authorized committees of such candidate—

"(A) will obtain and furnish to the Commission any evidence such Commission may request about the campaign expenditures and contributions of such candidate; and

"(B) will keep and furnish to the Commission any records, books, and other information it may request; and

"(b) A candidate eligible, under this section, to receive payments shall apply to the Commission for the initial matching payment referred to in section 505(b)(1)(A).

"(c) Agreements, certifications, and declarations under this section shall be filed with the Commission at the time and in such manner as the Commission requires.

"LIMITATION ON EXPENDITURES OF PERSONAL FUNDS

"SEC. 503. No candidate who is eligible under section 502 to receive payments under section 508 and who does receive such payments shall make expenditures from the personal funds of such candidate, or the funds of any member of the immediate family of such candidate, aggregating in excess of $35,000, with respect to the election involved.

"LIMITATIONS ON CONTRIBUTIONS AND EXPENDITURES

"SEC. 504. (a) A candidate who is otherwise eligible to receive payments in a general election under section 508 and who receives such payments shall make primary election expenditures in accordance with the provisions of this section to be an eligible candidate.

"(b)(1) In any election in which an eligible candidate receives 70 percent or more of the vote in such election, the limitation on expenditures for candidates in such primary election shall be an amount equal to one-third of the limitation on expenditures in the general election.

"(2) In any election in which an eligible candidate receives less than 70 percent of the vote in such election, the limitation on expenditures for such primary election shall be an amount equal to one-half of the limitation on expenditures in the general election.

"(3) In any election in which an eligible candidate receives payments under section 508 and exceeds the limitation on primary election expenditures established in this section, all such expenditures in excess of such limitation shall be considered general election expenditures for purposes of the limitation on such general election expenditures provided in section 315(j)(1).

"(c) No eligible candidate shall accept contributions from multicandidate political committees which, in the aggregate, exceed 20 per centum of the expenditure limit for the general or primary election.

"ENTITLEMENT TO PAYMENTS

"SEC. 505. (a) Every candidate who meets the eligibility requirements in section 502 is entitled to payments for use in such candidate's general election campaign in an amount equal to the amount of contributions, qualified to be matched pursuant to this title, as such candidate and the authorized committees of such candidate receive for that campaign up to an amount equal to one-half of the amount of allowed expenditures as provided in section 315(j)(1).

"(b)(1) Except as provided in paragraph (2), a candidate eligible to receive payments pursuant to this title shall be entitled to—

"(A) an initial payment in an amount equal to the contributions initially certified under section 502(a)(1)(B); and

"(B) additional matching payments equal to the amount of contributions received from individuals in amounts of $200 or less, to be paid in—

"(i) multiples of $20,000 under section 508, if, with respect to each such payment, the eligible candidate and the authorized committees of such candidate have received, in addition to the amount of contributions certified by the candidate to the Commission under section 502(a)(1)(B), contributions aggregating $20,000 which have not been matched under this section and which qualify for matching funds; and

"(ii) a final payment (designated as such by the candidate involved) of the balance of the matching funds to which such candidate is entitled under this section.

"(2) The total of the payments to which a candidate is entitled under paragraph (1) shall not exceed 50 per centum of the expenditure limitation applicable to such candidate under section 315(j)(1), unless otherwise provided in this title.

"(3) An eligible candidate for whom the limitation on expenditures established in section 315(j)(1) is made inapplicable under section 506, shall be entitled to payments in an amount equal to the difference between the limitation on expenditures applicable to such eligible candidate under section 315(j)(1) and 110 per centum of the total expenditures made by the opponent of such eligible candidate who has made the largest amount of expenditures in such election, up to an amount equal to three times the limitation on expenditures. Such payments shall be made in multiples of $20,000 as such candidate becomes eligible for such amounts, except that the final payment shall be made in an amount equal to the balance of the total to which such candidate is entitled.

"(4) If the expenditures made by a candidate exceed an amount equal to three times the limitations on expenditures which applies to such candidate, the limits in subsection (b)(1)(B) providing that only contributions in amounts of $200 or less are eligible for matching payments shall not apply to the opponents of such candidate who are eligible candidates receiving funds pursuant to this title.

"(c) In determining the amount of contributions received by a candidate and the authorized committees of such candidate for the purposes of providing matching funds pursuant to this title—

"(1) no contribution received by the candidate or any of the authorized committees of such candidate as a subscription, loan, advance, deposit, or as a contribution of products or services, shall be taken into account;

"(2) no contribution shall be taken into account if such contribution is not made by a written instrument which identifies the person making such contribution by full name and mailing address;

"(3) no contribution received from a political committee or any other organization shall be taken into account;

"(4) no contribution received from any individual shall be taken into account to the extent that such contribution exceeds $200 when added to the total amount of all other contributions made by that individual to or for the benefit of such candidate in connection with the general election campaign of such candidate;

"(5) no contribution (A) which is received before September 1 of the year immediately preceding the year in which the general election for the campaign to which the contribution is made is held and (B) which is not maintained in a separate account until the date on which such candidate qualifies for the general election ballot under the law of the appropriate State for election, shall be taken into account;

"(6) no contribution received from any person or source other than an individual shall be taken into account; and

"(7) no contribution received ninety days after the date on which the election involved is held shall be taken into account.

"(d) Notwithstanding the provisions of subsection (a), no candidate is entitled to the payment of any amount under this section which, when added to the total amount of contributions received by such candidate and the authorized committees of such candidate and any other payments made to the candidate under this title for such candidate's general election campaign, exceeds the amount of the expenditures limitation applicable to such candidate for that campaign under section 315(j)(1) unless the provisions of such section have been waived by this title.

"(e) All payments received by a candidate or the authorized committees of such candidate under this title shall be deposited at a national or State bank in a separate checking account which shall contain only funds so received. No expenditures of funds received under this section shall be made except by checks drawn on such account.

"(f) No contribution received and maintained pursuant to subsection (c)(5) shall be used to make any expenditure until the date on which the candidate qualifies for the general election ballot under the law of the appropriate State.

"(g) Each qualified candidate shall receive matching funds equal to the amount of independent expenditures made on behalf of such candidate's opponent or against such candidate when such amount of independent expenditures exceeds 5 per centum of such candidate's overall expenditure limit. Any amounts so received shall not be included in the limits provided for in section 315(j)(1) or subsection (b)(2) or (d) of this section.

"WAIVER OF OVERALL EXPENDITURE LIMITATION; ADDITIONAL PUBLIC FINANCING FOR CERTAIN CANDIDATES

"SEC. 506. (a)(1) Not later than the date on which a candidate qualifies for the general election ballot under the law of the appropriate State, or ninety days before the date of any general election, whichever is earlier, each candidate in the general election for United States Senate shall file with the Commission a declaration of whether such candidate intends to make expenditures in excess of the limitations on expenditures provided under section 315(j)(1).

"(2) Not later than sixty days before the date of such general election, each candidate who has reason to believe that he may make expenditures in excess of such limitations shall notify the Commission to that effect, unless such candidate filed with the Commission a timely declaration that he intended to exceed such limitations, as provided in paragraph (1).

"(3) Each candidate for election shall notify the Commission and each other candidate for the same election within forty-eight hours after such candidate, or any of the authorized committees of such candidate makes any expenditure, or incurs any obligation to make an expenditure, in excess of the limitation on expenditures contained in section 315(j)(1).

"(4) Each candidate for United States Senator filing in a primary election, at the time of such filing, shall file with the Commission a declaration of whether such candidate intends to make expenditures in excess of the limitations on expenditures provided in section 315(j)(2).

"(5) The Commission is authorized to determine, upon its own initiative or upon the request of any candidate for election, whether any candidate has made expenditures or incurred obligations to make expenditures in excess of the limitations contained in section 315(j).

"(b) The limitation on expenditures contained in section 315(j)(1) shall not apply to any candidate for election if any other candidate in the same election—

"(1) fails to file with the Commission a timely declaration as provided in paragraph (1) of subsection (a);

"(2) files with the Commission a notice as provided in paragraph (2) of subsection (a);

"(3) is required to notify the Commission in connection with the making of expenditures as provided in paragraph (3) of subsection (a); or

"(4) is not bound by the limitations on expenditures provided in section 315(j), or does not accept matching payments pursuant to the provisions of this title.

"(c)(1) The provisions of section 505(d) shall not apply to a candidate who elects to receive payments under this title if the expenditure limitation contained in section 315(j)(1) is made inapplicable to such candidate under subsection (b) or (d) of this section.

"(2) The additional amount to which a candidate is entitled under this subsection shall be based only upon the amount of contributions received after the date on which such expenditure limitation is made inapplicable, except that any contribution which is received from an individual after the date on which the limitation on expenditures is made inapplicable shall not be subject to the limitation provided in section 505(c)(4).

"(d) The limitation on expenditures contained in section 315(j)(1) shall not include any matching payments received, pursuant to subsection (b)(3) or (g) of section 505, by a candidate for election.

"CERTIFICATIONS BY COMMISSION

"SEC. 507. (a) No later than forty-eight hours after a candidate files a request with the Commission to receive payments under section 508, the Commission shall certify the eligibility of such candidate to the Secretary of the Treasury for payment in full of the amount to which such candidate is entitled. Such request shall contain—

"(1) such information and shall be made in accordance with such procedures as the Commission may provide by regulation; and

"(2) a verification signed by the candidate and the treasurer of the principal campaign committee of such candidate stating that the information furnished in support of the request, to the best of their knowledge, is correct and fully satisfies the requirements of this title.

"(b) Initial certifications by the Commission under subsection (a), and all determinations made by such Commission under this title, shall be final and conclusive, except to the extent that they are subject to examination and audit by the Commission under section 509 and judicial review under section 513.

"(c) Any candidate who knowingly and willfully submits false information to the Commission under this section shall be punished as provided in section 514.

"PAYMENTS TO ELIGIBLE CANDIDATES

"SEC. 508. (a) The Secretary of the Treasury shall maintain in the Presidential Election Campaign Fund established by section 9006(a) of the Internal Revenue Code of 1986, in addition to any other accounts he maintains under such section, a separate account to be known as the 'Senate General Election Campaign Account' (hereafter in this title referred to as the 'Account'). The Secretary shall deposit into the Account, for use by candidates eligible for payments under this title, the amount available after the Secretary determines that amounts in the fund necessary for payments under subtitle H of the Internal Revenue Code of 1986 are adequate. The moneys in the Account shall remain available without fiscal year limitation.

"(b) Upon receipt of a certification from the Commission under section 507, the Secretary of the Treasury shall pay the amount certified by such Commission to the candidate to whom the certification relates.

"(c) Payments received under this section shall be used only to defray election campaign expenses incurred with respect to the period beginning on the day after the date on which the candidate qualifies for the general election ballot under the law of the State involved, and ending on the date ninety days after the date of the election, or the date ninety days after the date on which the candidate withdraws from the campaign or otherwise ceases actively to seek election, whichever occurs first. Such payments shall not be used (1) to repay any loan to any individual, or (2) to make any payments, directly or indirectly, to such candidate individually or to any member of the immediate family of such candidate.

"(d) Notwithstanding any other provision of this title, a candidate may be reimbursed for an expenditure, not otherwise prohibited, which was made prior to a certification by the Commission pursuant to this section, and made in reliance on such certification.

"EXAMINATION AND AUDITS: REPAYMENTS

"SEC. 509. (a)(1) After each general election, the Commission may conduct an examination and audit of the campaign accounts of the eligible candidates, as designated by the Commission, in order to determine whether the contributions certified for matching payments and the expenditures made from such matching payments complied with the provisions of this title.

"(2) After each special election, the Commission may conduct such an examination and audit of the campaign accounts of each eligible candidate in such election.

"(b)(1) If the Commission determines that any payment or any portion of any payment made to an eligible candidate under section 508 was in excess of the aggregate amount of the payments to which such candidate was entitled, the Commission shall notify such candidate, and such candidate shall pay to the Secretary of the Treasury an amount equal to the excess amount.

"(2) If the Commission determines that a candidate who has received funds under section 508 for use in his general election campaign has campaign funds in excess of the amount of the campaign expenses allowed pursuant to section 315 and this title, the Commission shall so notify the candidate and such candidate shall pay to the Secretary an amount equal to the amount of the unexpended funds. In making its determination under this paragraph, the Commission shall consider all amounts received as contributions to have been expended before any amounts received under this title are expended.

"(3) If the Commission determines that any amount of any payment made to a candidate under section 508 was used for any purpose other than to defray campaign expenditures, it shall notify the candidate of the amount so used, and the candidate shall pay to the Secretary of the Treasury an amount equal to two times the amount of such misused funds.

"(4) No payment shall be required from a candidate under this subsection in excess of the total amount of all payments received by the candidate under section 508 in connection with the campaign with respect to which the event occurred which caused the candidate to have to make a payment or repayment under this subsection.

"(5) Any amount received by an eligible candidate may be retained for a period not exceeding ninety days after the date of the general election for the liquidation of all obligations to pay election campaign expenses incurred during the period specified in section 508(c). At the end of such ninety-day period any unexpended balance remaining in the accounts of the candidate's authorized committees shall be promptly repaid to the Secretary. In making such determination, all amounts received as contributions shall be considered as having been expended before any amounts received under this title are expended.

"(c) No notification shall be made by the Commission under subsection (b) with respect to a campaign more than twenty-four months after the date of the election to which the campaign related.

"(d) All payments received by the Secretary under subsection (b) shall be deposited by him in the appropriate account.

"OTHER POWERS AND DUTIES OF THE COMMISSION

"SEC. 510. (a) The Commission is authorized to conduct examinations and audits, in addition to the examinations and audits under sections 507 and 509, to conduct investigations, and to require the keeping and submission of any books, records, or other information necessary to carry out the functions and duties imposed on such Commission by this title.

"(b) The Commission shall consult from time to time with the Secretary of the Senate, the Clerk of the House of Representatives, the Federal Communications Commission, and other Federal officers charged with the administration of laws relating to Federal elections, in order to develop as much consistency and coordination with the administration of such laws as the provisions of this title permit. The Commission shall use the same or comparable data as that used in the administration of such other election laws whenever possible.

"REPORTS TO CONGRESS

"SEC. 511. (a) The Commission shall, as soon as practicable after the close of each calendar year, submit a full report to the Senate setting forth—

"(1) the expenditures incurred by each qualified candidate, and the authorized committees of such candidates;

"(2) the amounts certified under section 507 for payment to each such candidate; and

"(3) the amount of any payments required from any candidate pursuant to section 509, and the reasons for each such payment.

Each report submitted pursuant to this section shall be printed as a Senate document.

"(b) The Commission shall submit, not later than March 1 of each year immediately following a year in which any election for United States Senator is held, a special report to the Senate setting forth—

"(1) the amounts certified under section 507; and

"(2) an estimate, to the extent practicable, of the amount of money necessary to make all payments to which eligible candidates and the national committees of each political party will be entitled with respect to the next two Federal elections.

"PARTICIPATION BY COMMISSION IN JUDICIAL PROCEEDINGS

"SEC. 512. (a) The Commission is authorized to appear in and defend against any action filed under section 513, either by attorneys employed in its office or by counsel whom it may appoint without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and whose compensation it may fix without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title.

"(b) The Commission is authorized to appear, through attorneys and counsel described in subsection (a), in the district courts and other appropriate courts of the United States to seek recovery of any amounts determined to be payable to the Secretary of the Treasury as a result of any examination and audit made pursuant to section 509.

"(c) The Commission is authorized to petition the courts of the United States for declaratory or injunctive relief concerning any civil matter arising under this title, through attorneys and counsel described in subsection (a). Upon application of the Commission, an action brought pursuant to this subsection shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal from the determination of such court shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"(d) The Commission is authorized on behalf of the United States to appeal from, and to petition the Supreme Court of the United States for certiorari to review judgments or decrees entered with respect to actions in which it appears pursuant to the authority provided in this section.

"JUDICIAL REVIEW

"SEC. 513. (a) Any certification, determination, or other action by the Commission made or taken pursuant to the provisions of this title shall be subject to review by the United States Court of Appeals for the District of Columbia Circuit upon petition filed in such court by any interested person. Any petition filed pursuant to this section shall be filed within thirty days after such certification, determination, or other action by the Commission.

"(b)(1) The Commission, the national committee of any political party, and any individual eligible to vote for a candidate for the office of Senator of the United States are all authorized to institute an action under this section, including an action for declaratory judgment or injunctive relief, as may be appropriate to implement or construe any provision of this title.

"(2) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this subsection and shall exercise such jurisdiction without regard to whether a person asserting rights under the provisions of this subsection has exhausted all administrative or other remedies provided by law. Such proceedings shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28, United States Code, and any appeal shall lie to the Supreme Court of the United States. Judges designated to hear the case shall assign the case for hearing at the earliest practicable date, participate in the hearing and determination thereof, and cause the case to be in every way expedited.

"PENALTY FOR VIOLATIONS

"SEC. 514. Violation of any provision of this title is punishable by a fine of not more than $10,000, or imprisonment for not more than five years, or both.".

LIMITATIONS ON EXPENDITURES IN GENERAL ELECTION CAMPAIGNS

SEC. 3. (a) Section 315 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a) is amended by adding at the end thereof the following:

"(i) For purposes of this section expenditures made on behalf of any candidate (as determined under section 315(b)(2)(B)) for the office of Senator of the United States shall be considered to be expenditures made by such candidate.

"(j) Except as otherwise provided in section 505 of this Act, a candidate who receives payments for use in his general election campaign for the office of Senator of the United States, pursuant to section 508 of this Act may not make expenditures—

"(1) in such general election campaign in excess of $600,000, plus 35 cents multiplied by the voting age population of the State in which the election is held, as certified under subsection (e); and

"(2) in such eligible candidate's primary election campaign in excess of—

"(A) one-third the general election expenditure limit applicable to such candidate if any candidate in such primary receives 70 percent or more of the vote; or

"(B) one-half the general election expenditure limit applicable to such candidate if no candidate in such primary receives 70 percent or more of the vote.

"(k) Every person (other than a political committee) who makes independent expenditures in excess of $50 for or against a candidate under title V of this Act during a calendar year shall file a statement with the Federal Election Commission containing such information and at such times as the Commission by regulation may require.

"(l) No candidate who is eligible to receive payments under section 508 shall accept contributions from multicandidate political committees which, when added to all contributions received by such candidate from such committees exceeds 20 per centum of the expenditure limit for the general or primary election of such candidate, as established in subsection (j).".

(b) Section 315(c)(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)(1)) is amended by striking out "subsection (b) of this section and subsection (d) of this section" and inserting in lieu thereof "subsections (b), (d), (j), (k), and (l) of this section".

(c) Section 315(c)(2)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 441a(c)(2)(B)) is amended by inserting before the period the following: ", except that with respect to the provisions of subsections (j), (k) and (l), the term 'base period' means the calendar year of 1988".

INTERMEDIARY OR CONDUITS

SEC. 4. Section 315(a)(8) of the Federal Election Campaign Act of 1971 is amended by—

(1) striking out "person" the second place it appears and inserting in lieu thereof "person and also the intermediary or conduit";

(2) redesignating such paragraph (8) as paragraph (8)(A); and

(3) adding at the end thereof the following:

"(B) A gift, subscription, loan, advance or deposit of money or anything of value to a candidate shall be considered a contribution both by the original source of the contribution and by any intermediary or conduit if the intermediary or conduit (i) exercises any control or any direction over the making of the contribution; or (ii) solicits the contribution or arranges for the contribution to be made and directly or indirectly makes the candidate aware of such intermediary or conduit's role in soliciting or arranging the contribution for such candidate; or (iii) engages in any activities of the same kind which resulted in the intermediary or conduit reporting such activities to the Commission under subsection (A) prior to January 1, 1987.

"(C) For purposes of subsection (B), a contribution shall not be considered to be a contribution by an intermediary or conduit to the candidate if (i) the intermediary or conduit has been retained by the candidate's committee for the purpose of fundraising and is reimbursed for expenses incurred in soliciting contributions; (ii) in the case of an individual, the candidate has expressly authorized the intermediary or conduit to engage in fundraising, or the individual occupies a significant position within the candidate's campaign organization; or (iii) in the case of a political committee, the intermediary or conduit is an authorized committee of the candidate.".

STUDY AND REPORT BY COMMISSION

SEC. 5. The Federal Election Commission shall, for one year, study and monitor the efficacy of the programs resulting from amendments made by this Act. The Commission shall begin such study one year after the date of the first election in which the amendments made by this Act apply and shall report to Congress no later than April 1 of the year following the completion of such period of studying and monitoring.

BROADCAST RATES

SEC. 6. Section 315(b)(1) of the Communications Act of 1934 (47 U.S.C. 315(b)(1)) is amended by striking the semicolon and inserting in lieu thereof the following: "provided that in the case of a candidate in an election which may directly result in the election of a person to the office of United States Senator, this provision shall only apply if such candidate has been certified by the Federal Election Commission as eligible to receive payments under title V of the Federal Election Campaign Act;".

EFFECTIVE DATE

SEC. 7. This Act and the amendments made by this Act shall apply to any campaign for election to the United States Senate for which the election is held more than one year after the date of enactment of this Act but shall not apply to any election for the United States Senate in 1988 or prior to such elections in 1990.

AUTHORIZATION OF APPROPRIATIONS

SEC. 8. There are authorized to be appropriated, in addition to the amounts available pursuant to section 508 of the Federal Election Campaign Act of 1971, as added by this Act, such sums as may be necessary to carry out the provisions of this Act.●

By Mr. EVANS (for himself, Mr. BRADLEY, Mr. INOUYE, Mr. DECONCINI, Mr. ADAMS, and Mr. MCCAIN):

S. 727. A bill to clarify Indian treaties and executive orders with respect to fishing rights; to the Select Committee on Indian Affairs.

INDIAN FISHING RIGHTS

Mr. EVANS. Mr. President, today I am joining with several of my colleagues to introduce a bill to clarify Indian treaties and Executive orders with respect to fishing rights. The legislation we are introducing today achieves the same result as an amendment offered by myself and Senator BRADLEY and accepted by the full Senate on August 1, 1986, on the debt ceiling bill. For reasons unrelated to the merits of the amendment, however, it did not survive conference on the legislation.

Specifically, the bill will clarify that income derived from the exercise of fishing rights secured by Indian treaties and Executive orders is not subject to taxation. The immediate result of this legislation will be to forestall attempts by the Internal Revenue Service to tax members of the Lummi Tribe of Washington State for the exercise of their rights to fish secured by the Point Elliott Treaty of 1855. The long-range result we believe is to reaffirm our commitment to many Indian tribes to preserve their rights to fish commercially for salmon and steelhead, and to receive unencumbered the fruits of their labors.

For almost 2 years now Senator BRADLEY and I have attempted to convince the Justice Department and the Internal Revenue Service to change their position on this issue. Thus far, in spite of a number of successive opinions of the Interior Department Solicitor that this income is not subject to taxation, they have refused to reconsider. Consequently, a legislative remedy is the only recourse short of many years of litigation.

Mr. President, we are forced to introduced this bill because of the complete and utter failure of the Internal Revenue Service and the Department of Justice to honor the trust responsibilities of the Federal Government under the 1855 treaty to Indian tribes whose members are fishermen. As I previously mentioned, the Solicitor of the Department of the Interior consistently has recognized that income from treaty fishing activities is not subject to taxation. Yet the Internal Revenue Service consistently has ignored the most fundamental canons of construction of Indian treaties to arrive at a seemingly predetermined result. We cannot, and will not, allow this issue to go unresolved.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 727

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDIAN FISHING RIGHTS.

(a) That the Act of March 3, 1871, c. 120, section 1, 16 Stat 566 (25 U.S.C. 71), is amended by adding the following provisio at the end thereof:

"*Provided,* That, such treaties and any executive orders under which any Indian tribe is recognized, shall be construed to prohibit the imposition, under Federal law or under any law of a State or political subdivision thereof, of any tax on any income derived by an Indian from the exercise of rights to fish secured by such treaty or executive order, regardless of whether such rights are limited to subsistence or commercial fishing.".

(b) The provisions of this Act shall apply to any period for which the statute of limitations or any other bar to assessing tax has not expired.

Mr. BRADLEY. Mr. President, I am pleased to join Senator EVANS in introducing this legislation to clarify Indian treaty fishing rights.

Last year, I became involved with this issue when the plight of the Lummi Tribe came to my attention. The Lummi were rightfuly upset when the IRS determined that fishing income would be taxable unless the treaty contained language specifically conferring income tax exemption.

This struck me as strange logic to apply to treaties that were negotiated as long ago as the 1850's—over six decades before the Federal income tax was even adopted. I am sure that had the Indian treaty negotiators known of the future existence of the IRS, they would have been more accommodating at that time.

Last spring, 33 U.S. Senators joined me in signing a letter telling the IRS and the Justice Department that the Indian claims are of substantial merit. These Senators were Republicans, Democrats, easterners, and westerners. It was a broad-based group. It was my hope that the Justice Department might have listened to reason and logic of the Indian position. They didn't. This legislation is designed to settle the issue once and for all.

As the 99th Congress drew to a close, I offered an amendment to the debt ceiling bill. Senator Evans joined me in that effort, and the amendment was adopted unanimously. Unfortunately, the House refused to act on any amendment to the bill, and these efforts were stalled.

We will not be stopped by this Congress. Today, Senators Inouye, DeConcini, Adams, and McCain are also joining as cosponsors of this legislation. We are making clear progress.

The Department of the Interior estimates that the tax revenue is small, roughly $70,000 per year. What is at stake, however, is much more substantial. The U.S. policy of respect and support for treaties with American Indian tribes is an international display of our Nation's commitment to justice and human rights. American Indian treaties should not be subject to further erosion through unilateral reversals of long established principles.

Mr. INOUYE. Mr. President, I am pleased today to join my colleagues, Senators Evans, Bradley, Adams, DeConcini, and McCain, in the introduction of a measure to clarify the tax status of Indian treaty fishing rights.

For some time, the Internal Revenue Service has tried to tax Lummi tribal members when they exercise their treaty fishing rights. The 1855 Point Elliott Treaty guaranteed to the tribe the perpetual right to fish in their usual and accustomed places, a right that has been confirmed many times by the Federal courts.

The IRS has ignored opinions from the Solicitor of the Department of the Interior to the effect that income from treaty fishing is not subject to Federal income tax under the law of the land. Since the Interior Department is the primary agent for the U.S. trust responsibility for Indians, other agencies of Government should not only defer to the Interior Department, but should also be required to uphold the law as defined by the Interior Department. The IRS has not deferred in this instance and the Department of Justice which arbitrates differences between agencies has deferred to the IRS.

We believe it is appropriate for Congress to intervene since it is clear as a matter of law that the trust responsibility is being abrogated by an agency of the executive branch. Consquently, I am lending my full support to the measure being introduced today and hope that the Senate will agree to its early passage.

Mr. ADAMS. Mr. President, I am pleased to join my fellow Senator from Washington State, Mr. Evans, and other distinguished colleagues in introducing this important legislation.

This legislation addresses recent attempts by the Internal Revenue Service in the State of Washington to tax revenues earned by Native American fishermen in the course of fishing enterprises conducted under Native American treaty rights. These arbitrary IRS actions are completely inconsistent with the treaties and Executive orders that form the basis of the relationship between Native American peoples and the U.S. Government. This legislation makes it clear that Congress does not interpret Indian treaties or Executive orders on the subject of fishing rights to permit this type of IRS activity.

In 1982, the IRS initiated action against members of the Lummi Indian Tribe in the northwest corner of Washington State for taxes allegedly owed on the value of reservation-caught catches going back to the late 1970's. About 60 members of the tribe were subject to these assessments, which together total close to $1 million, including back taxes and penalties. Similar actions have also been initiated against fishermen from other tribes.

These IRS actions pose a serious threat to the economic viability of the Lummi Tribe. Fishing is a mainstay of a struggling tribal economy. Individual fisherman rarely make as much as $10,000 a year. Some fisherman face potential tax liabilities several times the value of their annual incomes. There is the very real possibility that the IRS might seize people's boat's and homes, and leave them destitute. The total benefit to the U.S. Treasury flowing from this potential heartbreak is estimated at $70,000 a year.

These IRS actions have also caused controversy within the Federal Government. On two occasions, the Interior Department has publicly stated that the IRS pursuit of tribal fisherman was an attack on treaty law, and a departure from President Reagan's 1983 policy statement affirming the Government's trust responsibility towards Native Americans. The Justice Department, however, has chosen to side with the IRS. The result is that tribal fisherman are forced to seek private representation in court because the Justice Department cannot represent both the Department of Interior and the Department of Treasury.

It is a sorry sight when the Federal Government, pledged by law to protect the treaty interests of Native American peoples, fails in that duty, and permits unwarranted legal persecution. It is particularly unfortunate in a case like this where established principles of law so clearly favor the tribal fisherman. I am happy to join in introducing legislation to clarify this important point, but it saddens me that is necessary.

In closing, I'd like to say I hope we don't find ourselves back here in a couple of years telling the IRS to stop taxing tribal income from oil and gas revenues or mineral rights protected by treaties or Executive orders. I do not believe that in supporting this legislation I am carving out an exemption from Federal taxation for Indian fisherman. Instead, Mr. President, I hope to send a message to the IRS that Congress feels strongly that revenues from tribal resources protected by treaties or Executive orders are in general not subject to taxation, and that we will strongly disapprove of attempts to evade or ignore this policy.

By Mr. LEAHY (for himself, Mr. Boschwitz, Mr. Melcher, Mr. Danforth, Mr. Harkin, Mr. Conrad, and Mr. Daschle):

S. 728. A bill to improve the nutrition of the homeless, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

IMPROVEMENT OF NUTRITION FOR THE HOMELESS

Mr. LEAHY. Mr. President, today I am introducing the Emergency Food Assistance for the Homeless Act cosponsored by Senator Boschwitz, Senator Danforth, Senator Melcher, Senator Harkin, Senator Conrad, and Senator Daschle.

Three million Americans are now homeless and the number keeps growing. The U.S. Conference of Mayors recently reported that homelessness in American cities increased 20 percent last year. To make matters worse the number of homeless families with children rapidly increased.

Families with children now comprise 28 percent of the homeless population. The American Legion estimates that 40 percent of homeless citizens are veterans, many of them with families.

Children in increasing numbers are being seen at homeless shelters.

Our bill is designed to improve the nutrition of low-income Americans who are homeless. While the Food Stamp Act allows homeless persons to apply for food stamps, a lot of homeless people are not aware that they are eligible. This bill encourages States to inform the homeless about food stamps by paying half the costs of these efforts.

President Reagan has asserted more than once that needy citizens do not get assistance because they do not know about the programs designed to help them. Indeed, in a 1982 USDA study a large percentage of elderly households that would have been eligible listed lack of information as the reason that they did not participate in the Food Stamp Program. Allowing States to provide this information is a good method to provide knowledge about food stamps to the homeless.

This bill requires that States provide homeless people with food stamp benefits in 5 days rather than the normal 30-day processing period. Certain types of households can now receive food stamps on an expedited 5-day basis. This bill provides that homeless families who are otherwise eligible for food stamps must also be issued benefits in 5 days. Homeless and hungry Americans should not have to wait up to 30 days to get food stamps.

Current law now provides that if your family expects to receive less than $150 in income for the month and if the family has no more than $100 in cash then they are eligible for expedited service. However, many recently homeless families might have more than $100 or expect to receive more than $150 during a month's period of time; $250 will certainly not cover a month's rent or a month's worth of hotel bills in most cities and counties in America.

This act also requires States to issue coupons in 5 days to households whose combined gross income and cash on hand is less than their monthly rent and utilities. This should help prevent homelessness in that the household can quickly receive food stamps and use the cash and income for rent instead of for food.

This provision will not increase the cost of the program because households who receive their benefits in 5 days will be issued the same amount of food stamps that they would have gotten in 30 days. The act currently requires that benefits, whether expedited or regular, be computed back to the day of application. This new provision effects how quickly otherwise eligible households will receive food stamps.

The last provision of this act increases the authorization for the Temporary Emergency Food Assistance Program by $10 million this fiscal year and $20 million for fiscal year 1988.

This emergency feeding program enables thousands of food kitchens, homeless shelters, food pantries, churches, and other charities to distribute this agricultural surplus to hungry Americans. Over 25,000 primary and local emergency feeding organizations now distribute TEFAP commodities to millions of needy citizens. Substantial numbers of commodity recipients are children, elderly citizens, or persons living in isolated rural communities. The feeding centers mostly operate on slim budgets and with volunteer help but were still able to distribute about $800 million worth of surplus commodities last year.

The funding authorized by this bill will allow existing distribution sites to expand operations to meet demand and will provide assistance to create additional facilities in areas that are not now being served. The total number of meals provided by soup kitchens, food pantries, churches, and other charitable groups has risen dramatically. We should assist States in dealing with these needs and in using the huge stockpiles of agricultural products to feed the hungry while at the same time reducing Federal storage costs.

A July 1985 report on TEFAP entitled "Food in the Warehouses, Hunger in the Streets," by Prof. Michael Lipsky, Massachusetts Institute of Technology, showed the need for a $15 million increase in TEFAP and concluded that even, higher supports for administrative expense reimbursement might be justified. As I mentioned earlier the more recent U.S. Conference of Mayors study, dated December 1986, showed dramatic increases in hunger and homelessness. A $20 million increase in TEFAP authorization for fiscal year 1988 is necessary. Since fiscal year 1987 is half over an increase in authorization for TEFAP of $10 million should handle the increased need over the next 6 months.

This act also instructs the Secretary of Agriculture to distribute through TEFAP a variety of commodities and products thereof so that families who receive TEFAP benefits will be eligible for additional types of commodities should the Secretary determine them to be in surplus. I can not accept the fact that the wealthiest, most powerful nation in the world, with the greatest food stocks of any nation in recorded history can't feed the hungry. The United States is spending millions of dollars to store 2.8 billion pounds of surplus commodities. We need to get those commodities to the hungry.

I urge my colleagues to join with me in supporting this legislation, and I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITION OF HOMELESS INDIVIDUAL.

Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended by adding at the end thereof the following new subsection:

"(s) 'Homeless individual' means—

"(1) an individual who lacks a fixed, regular, and adequate nighttime residence; and

"(2) an individual who has a primary nighttime residence that is—

"(A) a supervised publicly or privately operated shelter (including a welfare hotel or congregate shelter) designed to provide temporary living accommodations;

"(B) an institution that provides a temporary residence for individuals intended to be institutionalized;

"(C) a temporary accommodation in the residence of another individual; or

"(D) a public or private place not designed for, or ordinarily used, as a regular sleeping accommodation for human beings.".

SEC. 2. FOOD STAMP INFORMATION FOR THE HOMELESS.

(a) AUTHORITY TO PROVIDE INFORMATION.—Section 11(e)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(1)(A)) is amended by inserting "except, at the option of the State agency, food stamp informational activities directed at homeless individuals" after "Act".

(b) ADMINISTRATIVE EXPENSES.—The first sentence of section 16(a) of such Act (7 U.S.C. 2025(a)) is amended by striking out ", and (4)" and inserting in lieu thereof "(4) food stamp informational activities permitted under section 11(e)(1)(A), and (5)".

SEC. 3. EXPEDITED FOOD STAMP SERVICE.

Section 11(e)(9) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(9)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D);

(2) by inserting after subparagraph (A) the following new subparagraphs:

"(B) provide coupons no later than five days after the date of application to a household in which all members are homeless individuals and which meets the income and resource criteria for coupons under this Act;

"(C) provide coupons no later than five days after the date of application to any household that has a combined gross income and liquid resources that is less than the monthly rent and utilities of the household; and"; and

(3) in subparagraph (D) (as redesignated), by striking out "the household" and inserting in lieu thereof "a household referred to in subparagraph (A), (B), or (C)".

SEC. 4. VARIETY OF COMMODITIES UNDER TEFAP.

Section 202(d) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by inserting after "shall include" the following: "a variety of commodities and products thereof that are most useful to eligible recipient agencies, including".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR FOOD STORAGE AND DISTRIBUTION COSTS UNDER THE TEFAP PROGRAM.

The first sentence of section 204(c)(1) of the Temporary Emergency Food Assistance Act of 1983 (7 U.S.C. 612c note) is amended by striking out "$50,000,000 for each of the fiscal years ending September 30, 1986, and September 30, 1987" and inserting in lieu thereof "$50,000,000 for the fiscal year ending September 30, 1986, $60,000,000 for the fiscal year ending September 30, 1987, and $70,000,000 for the fiscal year ending September 30, 1988".

SEC. 6. IMPLEMENTATION OF EXISTING VENDOR PAYMENTS EXCLUSION.

Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall prescribe regulations to carry out section 5(k)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(k)(2)(E)).

SEC. 7. EFFECTIVE DATE.

Except as provided in section 5, the amendments made by this title shall become effective and be implemented as soon as the Secretary determines is practicable after the date of enactment of this Act, but not later than 160 days after the date of enactment of this Act.

By Mr. WEICKER:

S. 729. A bill to provide for the development and implementation of programs for children and youth camp safety; to the Committee on Labor and Human Resources.

CHILDREN AND YOUTH CAMP SAFETY ACT

● Mr. WEICKER. Mr. President, today I am pleased to introduce the Children and Youth Camp Safety Act. For well over a decade my former colleague from Connecticut, Senator RIBICOFF, and I have worked to provide protection for younsters who attend our Nation's summer camps. We have urged this body to pass legislation that establishes a Federal role in aiding States to develop camp health and safety standards. Unfortunately, no affirmative steps have yet been taken.

We have pointed out that while 8 to 10 million youth attend summer camps each year, most States make no effort to safeguard our millions of camping youngsters by requiring that minimum safety standards be met. These youngsters' parents assume that their children will have enjoyable and rewarding summers and that the camps they attend are safe, have adequate facilities, and are staffed by trained and competent personnel. Tragically, each summer we see the results: drownings, accidental shootings, blindings, and disabling injuries. To an alarming extent, these are the results of poorly trained camp staffs, many of whom are juveniles themselves, and dilapidated facilities that are somehow thought adequate for camping youngsters under the guise of roughing it. Conditions at many summer camps are simply appalling. All too frequently there is dangerous equipment, unsafe or improperly operated vehicles, poor sanitation facilities, inadequate medical provisions and unqualified personnel.

In March 1978 my constituent, Mitch Kurman of Westport, CT, appeared before the Senate Subcommittee on Children and Human Development and forcefully presented the case for Federal camp safety legislation. Mr. Kurman lost his only son in a tragic camping accident in Maine and he has devoted many years to documenting camp accidents and unsafe camp conditions throughout the United States. He has aroused the conscience of many Americans and I commend him for his tireless efforts on behalf of meaningful camp safety standards.

The protection necessary to safeguard the health and well being of our Nation's youth has not yet materialized. In an effort to prevent future deaths or accidents, this bill would provide for Federal financial and technical assistance to States to encourage them to develop programs for implementing youth camp safety standards.

The children and youth camp safety bill would require the Secretary of Health and Human Services to establish minimum standards for the operation of safe and sanitary camp facilities through an office of youth camp safety. These standards will be developed in cooperation with an advisory council on children and youth camp safety.

To comply with these Federal minimum standards, States will have three options. First, the State may choose to accept and enforce the Federal standards. Second, the State may choose to enforce its own safety regulations, which must be at least equal to the Federal guidelines. Third, the State may grant the Department of Health and Human Services authority to enforce the Federal standards in the State. Financial incentives, including up to 80 percent matching funds, are available to those States choosing to enforce the programs themselves.

In addition, the bill requires that all camp accidents be reported to the Secretary. Repeated or willful violations of safety regulations will subject the camp operator to financial penalties.

Let us work expeditiously, Mr. President, to see that in this session of Congress, prompt and favorable action be taken to alleviate this persistent problem of camp accidents. Early passage will mean one less summer of death or a disability due to preventable camping accidents. I urge my colleagues to join me in supporting this important legislation. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 729

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Children and Youth Camp Safety Act".

STATEMENT OF PURPOSE

SEC. 2. (a) It is the purpose of this Act to protect and safeguard the health and well-being of the youth of the Nation attending day camps, residential camps, short-term group camps, travel camps, trip camps, primitive or outpost camps, and Federal recreational youth camps, by providing for establishment of Federal standards for safe operation of youth camps, to provide Federal financial and technical assistance to the States in order to encourage them to develop programs and plans for implementing safety standards for youth camps, and to provide for the Federal implementation of safety standards for youth camps in States which do not implement such standards and for Federal recreational youth camps, thereby providing assurance to parents and interested citizens that youth camps and Federal recreational youth camps meet minimum safety standards.

(b) In order to protect and safeguard adequately the health and well-being of the children and youth of the Nation attending camps, it is the purpose of this Act that youth camp safety standards be applicable to intrastate as well as interstate youth camp operators.

CONGRESSIONAL INTENT REGARDING STATE INVOLVEMENT

SEC. 3. It is the intent of Congress that the States assume responsibility for the development and enforcement of effective youth camp safety standards. The Secretary shall provide, in addition to financial and technical assistance, consultative services necessary to assist in the development and implementation of State youth camp safety standards.

DEFINITIONS

SEC. 4. For purposes of this Act:

(1) The term "youth camp" means any residential camp, day camp, short-term group camp, troop camp, travel camp, trip camp, primitive or outpost camp, or Federal recreational youth camp located on private or public land, which—

(A) is conducted as a youth camp for the same ten or more campers under eighteen years of age;

(B) may include activities promoted or advertised as something other than a youth camp, but offers youth camp activities;

(C) may include any site or facility primarily designed for other purposes, such as, but not limited to, any school, playground, resort, or wilderness area; and

(D) may include any site or facility advertised as a camp for youth regardless of activities offered.

(2) The term "youth camp activities" includes, but is not limited to, such waterfront activities as swimming, diving, boating, lifesaving, canoeing, sailing, and skindiving such other activities as archery, riflery, horseback riding, hiking, and mountain climbing, and other sports and athletics; and campcraft and nature study activities, under the auspices of a youth camp operator. The term does not include—

(A) the activities of a family and its guests carried out as a purely social activity;

(B) regularly scheduled meetings of voluntary organizations such as the Girl Scouts or Boy Scouts that do not involve camping experience;

(C) regularly scheduled athletic events that do not involve camping experience;

(D) bona fide extracurricular activities conducted under the auspices of the schools;

(E) learning experiences in the arts and drama or conferences of forums; and

(F) activities carried on in private homes.

(3) The term "permanent campsite" means a campground which is continuously or periodically used for camping purposes

for a portion of a day by a youth camp operator, which may or may not include temporary or permanent structures and installed facilities.

(4) The term "residential camp" means a youth camp operating on a permanent campsite for four or more consecutive twenty-four-hour days.

(5) The term "day camp" means a youth camp operated on a permanent campsite for all or part of the day, but less than twenty-four hours a day, and which is conducted for at least five days during a two-week period, but does not include—

(A) swimming facilities operated by a public agency or by a private organization on a membership basis, except where that private organization utilizes such facilities as part of a youth camp;

(B) a day care center, except where the center operates a day camp; or

(C) playgrounds and other recreational facilities provided for neighborhood use by local public agencies.

(6) The term "troop camp" means a youth camp which provides youth camp activities conducted for not less than twenty-four hours a day for organized groups of campers sponsored by a voluntary organization serving children and youth.

(7) The term "short-term group camp" means an organized camping activity of more than twenty-four but less than a ninety-six-hour period for groups, clubs, and troops of campers sponsored by an organization or person.

(8) The term "travel camp" means a youth camp which provides youth camp activities conducted for not less than twenty-four hours a day and which uses motorized transportation to move campers as a group from one site to another over a period of two or more days.

(9) The term "trip camp" means a youth camp which provides youth camp activities conducted for not less than twenty-four hours a day which moves campers under their own power or by a transportation mode permitting individual guidance of a vehicle or animal from one site to another.

(10) The term "primitive or outpost camp" means a portion of the permanent camp premises or other site, under the control of the youth camp operator at which the basic needs for camp operation, such as places of abode, water supply systems, and permanent toilet and cooking facilities are not usually provided.

(11) The term "Federal recreation camp" means a camp or campground which is operated by, or under contract with, a Federal agency to provide opportunities for recreational camping to campers.

(12) The term "camper" means any child under eighteen years of age, who is attending a youth camp or engaged in youth camp activities.

(13) The term "youth camp operator" means any private or public agency, organization, or person, and any individual, who operates, owns, or controls, a youth camp, whether such camp is operated for profit or not for profit.

(14) The term "youth camp staff" means any person or persons employed by a youth camp operator, whether for compensation or not, to supervise, direct, or control youth camp activities.

(15) The term "youth camp director" means the individual on the premises of any youth camp who has the primary responsibility for the administration of program operations and supportive services for such youth camp and for the supervision of the youth camp staff of such camp.

(16) The term "youth camp safety standards" means criteria issued by the Secretary designed to provide to each camper safe and healthful conditions, facilities, and equipment which are free from hazards that are causing, or are likely to cause, death, serious illness, or serious physical harm, including adequate supervision to prevent injury or accident, and safety instruction by properly qualified personnel, wherever or however such camp activities are conducted and with due consideration to the type of camp involved and to conditions existing in nature. The criteria shall address areas including, but not limited to, personnel qualifications for director and staff; ratio of staff to campers; sanitation and public health; personal health, first aid, and medical services; food handling, mass feeding, and cleanliness; water supply and waste disposal; water safety, including use of lakes and rivers, swimming and boating equipment and practices; firearms safety; vehicle condition and operation; building and site design; equipment; and condition and density of use.

(17) The term "Secretary" means the Secretary of Health and Human Services.

(18) The term "State" includes each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the Virgin Islands, and the Trust Territories of the Pacific.

(19) The term "serious violation" means any violation in a youth camp if there is substantial probability that death or serious physical harm could result, unless the operator did not, and could not, with the exercise of reasonable diligence know of the presence of the violation.

(20) The term "consultative services" means (A) advice on the interpretation or applicability of the general duty under section 5, of the general duty under State law required by section 8(b)(2), or of youth camp safety standards, and (B) advice on the most effective methods of complying with such duties and such standards.

(21) The term "Director" means the Director of Youth Camp Safety established under section 6.

(22) The term "special population" means a group of physically or mentally handicapped youth.

GENERAL DUTY

SEC. 5. Each youth camp operator shall provide to each camper—

(1) safe and healthful conditions, facilities, and equipment which are free from recognized hazards which cause, or are likely to cause, death, serious illness, or serious physical harm, and

(2) adequate and qualified instruction and supervision of youth camp activities at all times, wherever or however such youth camp activities are conducted and with due consideration existing in nature.

DIRECTOR OF YOUTH CAMP SAFETY

SEC. 6. (a) There is established in the office of the Secretary an Office of Youth Camp Safety which shall be headed by a Director of Youth Camp Safety. In the performance of his functions under this Act, the Director shall be directly responsible to the Secretary.

(b) The Director shall be appointed by the Secretary and have experience in the field of the operation of youth camps. The position of the Director shall be in the competitive service (as defined in section 2102 of title 5, United States Code).

(c) The Director shall prepare and submit a report to the President and to the Congress, on or before January 1 of each year, on the activities carried out under this Act, including the statistics submitted to and compiled by the Director under section 11(c). Such report shall include the certification required under section 8(d).

PROMULGATION OF YOUTH CAMP SAFETY STANDARDS

SEC. 7. (a) The Director shall develop, with the approval of the Secretary, and shall by rule, promulgate, modify, or revoke youth camp safety standards. In developing such standards, the Director shall consult with the Federal Advisory Council on Youth Camp Safety established under section 15, with State officials, and with representatives of appropriate public and private organizations, and shall consider existing State regulations and standards, and standards developed by private organizations which are applicable to youth camp safety, and shall make such suitable distinctions in such standards as are necessary and appropriate in order to recognize the differences in conditions and operations among residential camps, day camps, short-term group camps, travel camps, trip camps, primitive or outpost camps, Federal recreational youth camps and camps serving special populations. The Director shall promulgate the standards required by this section within one year after the effective day of this Act. Such standards shall take effect in each State at the completion of the first regular legislative session of such State which begins after the date on which such standards are promulgated.

(b) Notwithstanding any other provision of law, the Director shall, before promulgating any standard under subsection (a), or any rule or regulation under any other provision of this Act, transmit such proposed standard, rule, or regulation to each House of the Congress.

STATE JURISDICTION AND STATE PLANS

SEC. 8. (a) During the two-year period after the initial promulgation of Federal standards and annually thereafter any State which, at any time, desires to assume responsibility for development and enforcement of comprehensive youth camp safety standards applicable to youth camps in the State (other than Federal recreational youth camps operated by a Federal agency) shall submit a State plan for the development of such standards and their enforcement.

(b) The Director shall approve a plan submitted by a State under subsection (a), or any modification thereof, if the Director determines that such plan—

(1) designates a State agency as the agency responsible for administering the plan throughout the State,

(2) provides that each youth camp operator has the same general duty under State law as is provided under section 5,

(3) provides, after consultation with youth camp operators and other interested parties in that State, for adoption and enforcement of comprehensive youth camp safety standards which standards (and the enforcement of such standards) are or will be at least as effective in providing safe operation of youth camps in the State as the standards promulgated under section 7, and provides that where penalties are not employed as a method of enforcement of such standards, a system of licensing and loss of license is in effect which is at least as effective as penalties,

(4) provides for the enforcement of the standards developed under paragraph (3) in all youth camps in the State which are op-

erated by the State or its political subdivisions,

(5) provides a procedure under which the State agency may—

(A) petition the appropriate State court to seek injunctive relief, which shall have a priority hearing on the docket of such court, to restrain any condition or practice in a youth camp or a place where camp activities are conducted where a danger exists which would reasonably be expected to cause death or immediate serious physical harm; or

(B) eliminate the imminence of such danger through the enforcement procedures otherwise provided by State law or regulation, which is at least as effective as that provided in section 13,

(6) provides for a procedure for the issuance of variances from standards developed under paragraph (3) upon application by a youth camp operator showing extraordinary circumstances or undue hardship, on terms and conditions at least as effective as that provided in section 14,

(7) provides for consultative services to youth camps in the State with respect to the general duty and comprehensive youth camp safety standards under such State plan,

(8) provides for an inspection of each such youth camp at least once a year during a period that camp is in operation,

(9) provides for a State youth camp advisory committee, to advise the State agency on the general policy involved in inspection and licensing procedures under the State plan, which committee shall include among its members representatives of other State agencies concerned with camping or programs related thereto; persons representative of professional or civic or other public or nonprofit private agencies, organizations, or groups concerned with organized camping; and members of the general public having a special interest in youth camps,

(10) provides for a right of entry and inspection of all such youth camps which is at least as effective as that provided in section 11,

(11) contains satisfactory assurances that such State agency has or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(12) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(13) provides that such State will coordinate the inspection efforts of such State agency so that undue burdens are not placed on camp operators with multiple inspections,

(14) provides that such State agency will make such reports in such form and containing such information as the Director may reasonably require,

(15) provides assurances that State funds will be available to meet the portions of the cost of carrying out the plan which are not met by Federal funds, and

(16) provides such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting of funds received under this Act.

(c) The Director shall approve any State plan which meets the requirements of subsection (b), but shall not finally disapprove any such plan, or any modification thereof, without affording the State agency reasonable notice and an opportunity for a hearing.

(d)(1) The Director shall review annually each of the State plans which he has approved, and the enforcement thereof, and shall certify that each such plan is administered so as to comply with the provisions of such plan and any assurances contained therein, and report such certification to the Congress in the annual report required under section 6(c).

(2) Whenever the Director finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), and such failure would result in the failure to meet the standards developed by the Director under section 7, he shall (A) notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan; and (B) shall notify such State agency that no further payments will be made to the State under this Act (or in his discretion, that further payments to the State will be limited to programs or portions of the State plan not affected by such failure), until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, no further payments may be made to such State under this Act (or payment shall be limited to programs or portions of the State plan not affected by such failure). Any such failure of a State to comply with any provision of the State plan shall not in any way impede any youth camp therein pending action by the Secretary under this section.

(e) The State may obtain a review of a decision of the Director withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Director. A copy of such petition shall forthwith be served upon the Director and thereupon the Director shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Director's decision in rejecting a proposed State plan or withdrawing his approval of such plan is not supported by substantial evidence the court shall affirm the Director's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States as provided in section 1254 of title 28, United States Code.

(f)(1) The Secretary, at the request of the Director, is authorized to make personnel from the Department of Health and Human Services who have the necessary expertise, available to States to assist in developing State plans, and in training State inspectors and other personnel associated with youth camps. The Director may call upon the expertise of organized camping groups for such assistance to Federal and State personnel.

(2) The Secretary, at the request of the Director, shall provide technical assistance and consultative services necessary to assist in the development and implementation of the plan.

GRANTS TO STATES

SEC. 9. (a) The Director shall make grants to the States—

(1) for the development of State youth camp safety plans in accordance with section 8;

(2) to carry out plans approved under section 8;

(3) to assist with plan initiation and training costs; and

(4) for the early operation and improvement of youth camp safety programs.

Any grant made under this section shall be based upon objective criteria which shall be established under regulations promulgated by the Secretary in order to insure equitable distribution. No such grant may exceed 80 per centum of the cost of developing and carrying out the State plan.

(b) Payments under this section may be made in installments and in advance or by way of reimbursement with necessary adjustments on account of underpayments or overpayments.

CONSULTATIVE SERVICES AND ENFORCEMENT

SEC. 10. (a) Upon the request of any youth camp operator or director, or during any inspection under section 11(a), the Director shall provide consultative services to youth camps in States which do not have in effect a State plan approved under section 8. No citations shall be issued nor shall any civil penalties (except penalties for repeated violations under section 12(b)) be proposed by the Director upon any inspection or visit at which consultative services are rendered, but if, during such inspection or visit, an apparent serious violation of the duty imposed by section 5, of any standard, rule, or order provided pursuant to section 7, or of any regulations prescribed pursuant to this Act is discovered, the Director shall issue a written notice to the youth camp operator describing with particularity the nature of the violation, and the action which must be taken within a reasonable period of time specified by the Director for the abatement of the violation. Where a youth camp operator fails to comply with the abatement instructions within the prescribed period, a citation may be issued as provided in subsection (b) or a civil penalty under section 12 may be assessed. Nothing in this subsection shall affect in any manner any provision of this Act the purpose of which is to eliminate imminent dangers.

(b) The Director shall issue regulations and procedures providing for citations to youth camp operators in States which do not have in effect a State plan approved under section 8 for any violation of the duty imposed by section 5, of any standard, rule, or order promulgated pursuant to section 7, or of any regulations prescribed pursuant to this Act. Each citation shall fix a reasonable time for abatement of the violation. The Director may prescribe procedures for the issuance of a notice in lieu of a citation with respect to minor violations which have no direct or immediate or serious relationship to safety or health.

(c) The Director shall afford an opportunity for a hearing in accordance with section 554 of title 5, United States Code, to any youth camp operator issued a citation under procedures promulgated pursuant to subsection (b) or subject to penalties under section 12, or under any other procedure applying enforcement by the Director under this Act. Any youth camp operator adversely affected by the decision of the Director after such hearing may obtain a review of such decision in the United States court of appeals for the circuit in which the youth camp in question is located or in which the youth camp has its principal office by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part such decision. A copy of the petition shall forthwith be served upon the Director, and thereupon the Director shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Such decision, if supported by substantial evidence, shall be affirmed by the court. The judgment of the court shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

INSPECTIONS, INVESTIGATIONS, AND RECORDS

SEC. 11. (a) In order to carry out his duties under this Act, the Director may enter and inspect any youth camp and its records in States which do not have in effect a State plan approved under section 8, may question employees privately, and may investigate facts, conditions, practices, or matters to the extent he deems it necessary or appropriate. The Director shall inspect each such youth camp at least once a year during the period the camp is in operation.

(b) In making his inspections and investigations under this Act the Director may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States, or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides, or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c) To determine the areas in which safety standards are necessary and to aid in promulgating meaningful regulations, camps subject to the provisions of this Act shall be required to report annually, on the date prescribed by the Director, all accidents resulting in death, injury, and serious illness, other than minor injuries which require only first aid treatment, and which do not require the services of a physician, or involve loss of consciousness, restriction of activity or motion, or premature termination of the camper's term at the camp. Camps operating solely within a State which have in effect a State plan approved under section 8 shall file their reports directly with that State, and the State shall promptly forward such reports on to the Director. All other camps shall file their reports directly with the Director. The Director shall compile the statistics reported and include summaries thereof in his annual report required under section 6(c).

(d) Any information obtained by the Director, or his authorized representative, under this Act shall be obtained with a minimum burden upon the youth camp operator and with full protection of the rights of youth camp staff members. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(e) A representative of the youth camp staff director and a representative authorized by the youth camp staff shall be given an opportunity to accompany the Director or his authorized representative during the inspection. Where there is no authorized youth camp staff representative, the Director shall consult with a reasonable number of youth camp staff members concerning the matters of health and safety.

PENALTIES

SEC. 12. (a) Any youth camp operator who fails to correct a violation for which a citation has been issued under section 10(b) or for which a notice has been issued under section 10(a) within the period permitted for its correction may be assessed a civil penalty of not more than $500 for each day during which such failure or violation continues, until the camp closes in its normal course of business.

(b) Any youth camp operator who willfully or repeatedly violates the requirements of section 5, or any standard, rule, or order promulgated pursuant to section 7, or of any regulations prescribed pursuant to this Act may be assessed a civil penalty of up to $1,000 for each day during which such violation continues, until the camp closes in its normal course of business.

(c) Civil penalties assessed under this Act shall be paid to the Director for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district in which the violation is alleged to have occurred or in which the operator has his principal office.

PROCEDURES TO COUNTERACT IMMINENT DANGERS

SEC. 13. (a) The United States district courts shall have jurisdiction, upon petition of the Director, to restrain any conditions or practices in any youth camp, or in any place where camp activities are conducted in States which do not have in effect a State plan approved under section 8, which are such that a danger exists which could reasonably be expected to cause death or immediate serious physical harm or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the presence of any individual in locations or under conditions where such imminent danger exists except individuals whose presence is necessary to avoid, correct, or remove such imminent danger.

(b) Upon the filing of any such petition, the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any campsite or place of camp activity, he shall inform parents or guardians, camp owners, and camp supervisory personnel and shall assure that all affected campers are so informed of the danger and that he is recommending to the Director that relief be sought.

VARIANCES

SEC. 14. The Director, in States which do not have in effect a State plan approved under section 8, upon application by a youth camp operator showing extraordinary circumstances or undue hardship, and upon the determination by a field inspector, after inspection of the affected premises and facilities, that the conditions, practices, or activities proposed to be used are as safe and healthful as those which would prevail if the youth camp operator complied with the standard, may exempt such camp or activity from specific requirements of this Act, but the terms of such exemption shall require appropriate notice thereof to parents or other relatives of affected campers. Such notice shall be given at least annually. Nothing in this Act shall allow the operation of a substandard camp.

FEDERAL ADVISORY COUNCIL ON YOUTH CAMP SAFETY

SEC. 15. (a) The Secretary shall establish in the Department of Health and Human Services a Federal Advisory Council on Youth Camp Safety to advise and consult on policy matters relating to youth camp safety, particularly the promulgation of youth camp safety standards. The Council shall consist of the Director, who shall be chairman, and sixteen members appointed by the Secretary, without regard to the civil service laws, from persons who are specially qualified by experience and competence to render such service, of which there shall be—

(1) one member each from the Department of the Interior, the Department of Health and Human Services, the Department of Agriculture and the Department of Labor;

(2) eight members from appropriate associations representing organized camping;

(3) three members from the general public who have a special interest in youth camps; and

(4) one member from a private nonprofit organization operating a camp for special populations.

(b) The Director may appoint such special advisory and technical experts and consultants as may be necessary in carrying out the functions of the Council.

(c) Members of the Advisory Council, while serving on business of the Advisory Council, shall receive compensation at a rate to be fixed by the Director but not exceeding $100 per day; including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently.

ADMINISTRATION AND AUDIT

SEC. 16. (a) The Director is authorized to request directly from any department or agency of the Federal Government information, suggestions, estimates, and statistics needed to carry out his functions under this Act; and such department or agency is authorized to furnish such information, suggestions, estimates, and statistics directly to the Director.

(b) The Director shall prepare and submit to the President for transmittal to the Congress at least once in each fiscal year a comprehensive and detailed report on the administration of this Act.

(c) The Director and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of States receiving assistance under this Act.

NONINTERFERENCE

SEC. 17. (a) Nothing in this Act or regulations issued hereunder shall authorize the Director, a State agency, or any official acting under this Act, to prescribe, determine, or influence the curriculum, admissions policy, program, or ministry of any youth camp.

(b) Nothing in this Act or regulations issued hereunder shall be construed to control, limit, or interfere with either the religious affiliation of any camp, camper, or camp staff member, or the free exercise of religion of any youth camp which is operated by a church, association, or convention of churches, or their agencies.

(c) Nothing in this Act or regulations issued hereunder shall authorize the Director, a State agency, or any official acting under this Act, to require or authorize medical treatment for a person who objects (or, in the case of a child, whose parent or guardian objects) thereto on religious grounds; nor shall examination or immunization of such person be authorized or required, except during an epidemic or threat of an epidemic of a contagious disease.

AUTHORIZATION

SEC. 18. There are authorized to be appropriated $7,500,000 for the fiscal year 1988, and for each of the four succeeding fiscal years, to carry out the provisions of this Act.

EFFECT ON EXISTING LAWS

SEC. 19. (a) Nothing in this Act shall be construed to supersede or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of youth camp operators and campers under any law with respect to injuries, diseases, or death of campers arising out of, or in the course of, participation in youth camp activities covered by this Act.

(b) Notwithstanding the provisions of this Act, no State law which provides youth camp health and safety standards equal to or superior to standards promulgated under the provisions of this Act shall be superseded by the provisions of this Act.●

By Mr. INOUYE:

S. 730. A bill to amend the Merchant Marine Act, 1936, regarding vessels eligible for an operating-differential subsidy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

MERCHANT MARINE ACT AMENDMENT

● Mr. INOUYE. Mr. President, the Merchant Marine Act of 1936, declares that it is the policy of the United States to have a merchant marine sufficient to:

Carry all of our domestic waterborne commerce;

Carry a substantial portion of our water-borne export and import foreign commerce;

Provide shipping service essential for maintaining the flow of that domestic and foreign waterborne commerce at all times; and

Serve as a naval and military auxiliary in time of war or national emergency.

Within the four corners of the Merchant Marine Act, and in other maritime promotional laws, are found the specific statutory provisions intended to safeguard and further those policy objectives. This statutory scheme for promoting our merchant marine is described in two judicial opinions.

> . . . Congress has taken a number of steps to protect and support the United States shipping and shipbuilding industries. The Jones Act, 46 U.S.C. 883, has since 1920 reserved the U.S. domestic trade exclusively for vessels built in this country and owned by its citizens. The Merchant Marine Act, 1936, 46 U.S.C. 1101 et seq., established a number of programs to help American vessels compete effectively in foreign trade with vessels constructed and staffed abroad. Specifically, Title V of that Act, 46 U.S.C. 1151 et seq., authorizes the Secretary of Commerce to grant a CDS for up to 50% of the cost of constructing a ship in this country. The owners of vessels built with these subsidies are required by 506, 46 U.S.C. 1156, to agree that they will operate only in foreign trade unless they come within one of two explicit statutory exceptions. Neither exception may be invoked unless the owner remits to the Government an appropriate pro rata portion of the outstanding subsidy. (Seatrain Shipbuilding Corp. v. Shell Oil Co., 444 U.S. 572, 574-6 (1980).

And, in *SeaLand Service, Inc.*, v. *Kreps*, (566 F.2d 767, (D.C. Cir. 1977):

> . . . the Act authorizes the payment of ODS in order to promote the development of an American merchant marine, both for national defense purposes and to carry a substantial portion of this country's foreign commerce. ODS is authorized for U.S.-flag vessels in order to meet foreign flag competition and to carry U.S. foreign commerce in particular essential trade routes between American and foreign ports. Where competing U.S.-flag carriers operate, no ODS contracts may be executed, and no additional sailings by subsidized vessels can be authorized, unless existing services provided by all U.S.-flag vessels in a particular trade route are determined to be inadequate.

Mr. President, it is significant to note that the statutory scheme to promote our merchant marine also contains explicit and implicit safeguards to ensure that the subsidies it provides would not be used by the recipient to the detriment of other operators in our Jones Act and international trades. Otherwise our promotional scheme would be frustrated. In other words, it was never the intent that our subsidized operators should canabalize other U.S.-flag operators, subsidized and unsubsidized. Until a few years ago, the agency charged with administering the Merchant Marine Act, did so in a manner consistent with that statutory scheme and the policy it was intended to further.

But then two unrelated events occurred which caused the Maritime Administration to change its policy of interpreting and administering the act.

The administration effectively eliminated the CDS Program; and froze the ODS Program, with the announced intention of letting it expire.

World shipping became severely overtonnaged, and there were many more vessels than there was cargo. From 1980 to 1986, for example, the U.S.-flag share of cargo in our liner trades dropped from an already meager 27 percent to 21 percent.

In view of our national maritime policy, and the "facts of maritime life"—that Government assistance is the price of entry into the competitive world of international ocean shipping—U.S.-flag subsidized operators quite naturally turned to MarAd for help. Since the administration had said no further subsidy, direct or indirect, MarAd attempted to satisfy these operators through other, nonbudgetary means. In a series of administrative interpretations and actions, MarAd in effect neutralized the statutes and policies which are designed to promote and safeguard Jones Act operators and U.S.-flag international liner operators from unfair competition by subsidized operators. The agency's rationale was that "deregulation was necessary to enable U.S.-subsidized flag operators to compete more effectively against foreign flag operators," and to make the benefits of competition available to the shipping public. I am not aware of any emperical evidence to support MarAd's assumptions; and indeed in the international arena, it is just as likely that U.S.-subsidized liners will not compete more effectively with foreign-flag operators as a consequence of MarAd's deregulatory efforts. Rather, there will be more competition among our carriers for the meager share of the cargo they now carry. One of DOT's efforts at deregulation was to adopt a rule relaxing the prohibition against CDS built tankers competing with nonsubsidized domestic operators. In striking down that rule, the court of appeals said:

> Rather than providing a more extensive discussion of the Merchant Marine Act's objectives, the Secretary chooses to rely on other policies in defending the rule. She identifies some of the "most important" reasons for the rule as being "economic efficiency," use of under-employed resources," "increased competition," and "deregulation.". . . The central thrust of her approach, quite obviously, is to subject the merchant marine fleet to the discipline of the free market. This policy may well be defensible, yet it is not among the objectives specified in the Act. The Secretary's [failed] to link the policies served by this rule to the objectives set out in the Merchant Marine Act * * *.
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> In exercising her decisionmaking authority, the Secretary is certainly free to consider factors that are not mentioned explicitly in the governing statute, yet she is not free to substitute new goals in place of the statutory objectives without explaining how these actions are consistent with her authority under the statute. Her failure to link these non-statutory criteria with Congress' stated objectives in the Act thus makes it impossible for us to uphold the Secretary's decision to reject other measures and adopt this rule in response to the current problems of the merchant marine fleet. (Independent U.S. Tanker Owners Committee v. Dole, F.2d (D.C. Cir. 1987). Slip opinion in No. 85-6068.

Two administrative decisions, which are currently before the courts, are of immediate concern. Ordinarily, it is my policy in such cases to let the administrative and judicial processes run their respective courses before seeking remedial legislation. Here, however, the potential for harm to the statutory scheme is so pervasive I believe Congress should act forthwith. Moreover, unless we do I am afraid that the incentive to seek fundamental and necessary statutory changes in our maritime laws will be weakened. Ad hoc administrative palliatives are no substitute for fundamental changes which only Congress can make.

The first of these decisions involved section 805(a) of the Merchant Marine Act which, as I mentioned, is intended to protect Jones Act operators from unfair competition by subsidized operators. During Merchant Marine Subcommittee hearings last July, one Jones Act operator testified that:

> The need to strengthen and clarify Section 805(a) is largely the result of a December 1984 decision of the Secretary of Transportation in Docket No. S-724, Aeron Marine Shipping Company, et al. That decision rendered Section 805(a) virtually meaningless by holding that: (1) There can be no "unfair competition" in the absence of diversion of subsidy funds to the domestic trades. (2) It is not necessary for operating subsidy applicants to disclose the nature and scope of operations they propose to conduct in the domestic trades, or even which domestic trade or trades will be served.
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> (3) Once operating subsidy applicants have shown that there will be no diversion of subsidy funds, the burden shifts to the protestants to establish prejudice to the objects and policy of the Act.
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> (4) Adverse impact on exclusively domestic operators of the entry of operating differential subsidy contractors or their affiliates is irrelevant. The only relevant consideration is the long range impact on the level of service in the trade in question. (Liner Development Act of 1986, Hearing Before the Merchant Marine Subcommittee of the Senate Committee on Commerce, Science and Transportation, 99th Congress, 2nd Session, Serial No. 99-994, at 112.)

The second decision, was Marad's repeal of its General Order 80, last November. General Order 80, was the means by which Marad controlled the noncontract operations of its subsidized operators to ensure that their unsubsidized operators did not in any way conflict with the purposes and objectives of the Merchant Marine Act and the subsidy programs it provides. General Order 80 was issued in 1957, and prior to that time Marad controlled noncontract operations through the provisions in the individual ODS contracts. During last July's subcommittee hearing, one witness testifying on behalf of a smaller U.S.-flag international liner company said:

> [Marad's deregulation program seems to be based solely on economic theory, without regard to the 1936 Act's policy, past administrative policies or any policy considerations as to the value of a Merchant Marine as a whole or the value of diverse operators in the U.S.-flag Merchant Marine. * * * a policy decision of this magnitude * * * should be made by Congress and Congress alone.
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> The proposal to eliminate G.O. 80 restrictions on "nonsubsidized voyages" by subsidized operators in MARAD Docket R-100 contains a basic misnomer in that any voyage by an operator who receives financial aid is more competitive because of those payments, regardless of whether those payments are calculated on the basis of all or less than all of his voyages. Therefore, a subsidized operator is being subsidized to compete with another U.S.-flag operator even when he uses ships which are not named in his subsidy contract. Again, the basic tenet of the 1936 Act that subsidy money should not be used to foster competition between U.S.-flag operators is violated if MARAD does not exercise oversight over "nonsubsidized" operations to prevent that result. (id, at 98).

Mr. President, the legislation I am introducing today would restore section 805 to what it was before the Secretary's decision in the Aeron Marine Shipping Company case; and also make the protections which were in General Order 80 statutory.

Mr. President, our maritime laws unquestionably need revision and modernization; and we have been working to accomplish that goal for several years. I believe we can see a light at the end of the tunnel. Meanwhile, ad hoc, administrative solutions to fundamental policy issues can only exacerbate the problems. In the past few years, I believe we have seen how barren that approach is.●

By Mr. INOUYE:

S. 731. A bill to amend section 788(d) of the Public Health Service Act to permit schools of nursing to obtain grants for training projects in geriatrics; to the Committee on Labor and Human Resources.

PUBLIC HEALTH SERVICE ACT AMENDMENT

● Mr. INOUYE. Mr. President, today I am introducing legislation which would authorize our Nations' schools of nursing to apply for support to develop programs to train specialists in gerontology.

Our population is rapidly aging and very few of our Nation's physicians or professional nurses have any specialized training in gerontological care. In fact, I believe that presently less than 0.001 percent of our Nation's professional nurses have such specialized training.

The measure which I am introducing today authorizes our Nation's schools of nursing to obtain grants under section 788(d) of the Public Health Service Act.

I ask unanimous consent that the text of my bill be made part of the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 731

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 788(d)(1) of the Public Health Service Act is amended by inserting a coma and "schools of nursing (as such term is defined in section 853(2))," after "701(10)".●

By Mr. DURENBERGER (for himself, Mr. DOLE, Mr. MITCHELL, Mr. LUGAR, Mr. PRYOR, Mr. RIEGLE, Mr. DANFORTH, Mr. HEINZ, Mr. KASTEN, Mrs. KASSEBAUM, and Mr. HATCH):

S. 732. A bill to establish a program of grants to assist small rural hospitals in modifying their service mixes to meet new community needs and in providing more appropriate and cost-effective health care services to medicare beneficiaries; to the Committee on Labor and Human Resources.

RURAL HEALTH SERVICES TRANSITION ACT

● Mr. DURENBERGER. Mr. President, along with my colleagues, Senators DOLE, MITCHELL, LUGAR, PRYOR, RIEGLE, DANFORTH, HEINZ, KASTEN, KASSEBAUM, and HATCH, I am pleased to introduce today the Rural Health Services Transition Act of 1987. This bill addresses one of the serious problems facing rural America—the need to assure access to high-quality health care in communities that are attempting to cope with upheaval on many levels. This act will help assure that there will be a health care presence in those communities.

In the center of Minnesota's Red River Valley, where State Highway 1 and U.S. Highway 75 intersect, is the town of Warren—population 1,909. Beyond the streets of Warren are thousands of farm residents who look to the Warren Community Hospital for their health care. And the health needs of this steadfast farming community are changing as the rural profile changes. But one thing that hasn't changed is the vital need to ensure access to quality health care.

Doctors and administrators at Warren Community Hospital struggle with the effects of declining population and admissions, and they face significant changes in practice patterns in a more competitive marketplace. Hospitals like this one, with less than 100 beds, represent 70 percent of all Minnesota hospitals. They are fighting to break even or are losing money while providing inpatient hospital care.

The urgency of the need to preserve access to health care in places like Warren is heightened by the fact that the typical rural resident is older and needs more medical care. Of Warren's hospital load, 69 percent are Medicare beneficiaries. And, increasingly, people in rural areas like Warren just don't have the money to pay for care. Reduced income levels have increased substantially the amount of charity care provided by rural hospitals and have increased the bad debts that have to be written off. Of course, neglect of health insurance and avoidance of routine, preventive and diagnostic health care visits happen when family finances are severely stressed.

The point is that this population must have continued access to health care. The Rural Health Service Transition Act of 1987 will provide new resources to small, financially hard-pressed rural hospitals which will enable them to transform into another kind of health care presence while ensuring that patients have access to inpatient care. These new resources will allow hospitals and the communities they serve to examine their service areas, develop linkages with other health services, and establish an array of services more closely matched to the area's needs.

The act would provide up to $50,000 per year to eligible small rural hospitals. As long as there is preservation of access through appropriate linkages to other hospitals for inpatient services, the money may be used by the hospital in ways as varied and diverse as the hospitals and the communities they serve.

We've all seen the financial crises of American agriculture and our natural resources-based industries, such as oil, have had a dramatic impact on rural Americans, the rural business community and rural governments. But, the economic condition of rural communities is only part of the story. In Minnesota—as is typical of States with a large rural population—the average occupancy rate in rural hospitals with less than 50 beds has plummeted to 34 percent and the average length of stay has narrowed to five days, according to statistics of the American Hospital Association [AHA].

This means that on any given day there may be as few as 17 beds filled. Hospitals can't pay their fixed costs at those vacancy levels. And for services that require frequent use to keep skills up and retain staff, there may be serious quality questions too.

Changes in third party reimbursement and the prospective payment system [PPS] of the Medicare Program have contributed to this decline in hospital inpatient utilization. Americans should be very pleased that the increasing use of ambulatory care services and outpatient surgery, stimulated by the PPS, is helping to reduce health care costs.

But inequities in the PPS, with the economic downturn and changing admission patterns, may prove disastrous for rural hospitals' viability. Despite the actions of the Congress, which quickly and responsibly eliminated some inequities in the payment system, additional reforms clearly are needed.

A recent report from the Prospective Payment Assessment Commission documents the need to adjust payments to "ensure that Medicare's payment policy does not jeopardize access to care for beneficiaries in isolated rural areas." Another report by Steven H. Sheingold in Health Affairs also supports the need for changes in the PPS system to improve distributional equity. Soon, I will present proposals which will address this urgent need for additional reform.

Yet, even if we are successful in our efforts to assure payment equity, other financial problems will force difficult questions. Communities are wondering, "Will our hospital close? Will our doctors leave town? Should we try to keep the hospital's doors open? How can we ensure access to quality health care?"

Many hospitals already have come to the conclusion that change must occur, and occur quickly. But they must have assistance in carrying out those necessary changes. The Rural Health Services Transition Act will help rural communities decide upon and implement strategies for change.

Hospitals will convert to free-standing emergency centers, ambulatory surgery, or home health care centers and will draw heavily on improved communication and transportation capabilities. These revamped facilities will coordinate services with other hospitals, creating regional feeder systems for inpatient care and improving the occupancy rates and financial well being of hospitals receiving inpatients.

Certainly, a great deal of skill and expertise is necessary in choosing among the options. Hospitals must analyze current and future community needs and demands, and must determine potential new uses and linkages. They must assess local competition and carefully review all of their operational, legal and financial obligations.

Once the hospital selects an option, it must explore financing for renovation, and plan for management's communication with the public and for marketing of the new service. Hospital management must select from a host of architecture and engineering firms and consulting companies which are ready to provide hospitals with expertise in implementing conversion projects. New licensing, legal, and political issues may arise as new services and arrangements are discussed.

Obviously, implementation can be costly and time-consuming, especially for a hospital hard-pressed by the requirements of daily delivery of health care and already facing severe fiscal constraints. The grant provided by this act may be used by rural hospitals to assign staff and/or obtain the expertise they need to implement wise choices about the future. The modest expenditures called for in the act will be more than compensated by the substantial savings which will accrue as a result of voluntary reductions of excess inpatient capacity.

More importantly, the act will assure Medicare beneficiaries of continued access to a wide array of services. Such access might well be lost if hospital closure is allowed to occur without having worked out alternate arrangements for admission to inpatient care and for continuation of needed services. If people cannot get adequate and accessible health care—particularly for prevention and early diagnostic services—a minor problem easily may become a major, and costly, illness.

This bill is no "silver bullet" which will save all rural hospitals. But this bill is a strong forward step in assisting rural hospitals to become stronger health service institutions. This bill also sends a strong message to rural America: Washington cares about your problems and wants to help ensure access to quality health care. We look forward to your comments and welcome your support as we continue efforts to improve the health of rural America.

Mr. President, I ask unanimous consent that a copy of the bill be printed at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 732

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Services Transition Act of 1987".

SEC. 2. FINDINGS; DECLARATION OF PURPOSE.

(a) FINDINGS.—The Congress finds that—

(1) small rural hospitals throughout the nation are experiencing severe financial difficulties;

(2) numerous factors have contributed to the financial distress of such hospitals, including—

(A) changes in clinical practice and a resultant decline in the demand for inpatient hospital services, and

(B) changes in public and private systems of making payment for inpatient hospital services;

(3) some small rural hospitals face additional, unique demands, including—

(A) deteriorating physical plants,

(B) staff recruitment and retention problems, and

(C) the need to serve increased numbers of the elderly and poor and unemployed residents who lack health insurance;

(4) the rate of failures among small rural hospitals has increased significantly;

(5) in the absence of new arrangements for alternate care and vertical and horizontal integration of services with other health care in the region, additional small rural hospitals will fail and these failures will jeopardize access to health care for medicare beneficiaries;

(6) small rural hospitals should be encouraged to implement strategies of diversification and to provide health care services other than inpatient hospital services in order to—

(A) maintain reasonable quality of service and access for residents of rural areas, and

(B) provide a more appropriate array of services for the areas in which they are located; and

(7) delays in the implementation of the program of transitional allowances established under section 1884 of the Social Security Act have resulted in the denial of assistance that is critically needed by small rural hospitals.

(b) Purpose.—The purpose of the grant program established under this section shall be to assist eligible small rural hospitals and their communities in the planning and implementation of projects to modify the type and extent of services such hospitals provide in order to adjust for—

(1) changes in clinical practice patterns,

(2) changes in service populations,

(3) declining demand for acute-care inpatient hospital capacity,

(4) declining ability to provide appropriate staffing for inpatient hospitals,

(5) increasing demand for ambulatory and emergency services,

(6) increasing demand for appropriate integration of community health services, and

(7) the need for adequate access (including appropriate transportation) to emergency care and inpatient care in areas in which a significant number of underutilized hospital beds are being eliminated.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM.

(a) In General.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall establish a program of grants to eligible small rural hospitals that desire to modify the type or extent of health care services they provide in order to adjust for one or more of the factors described in section 2(b). The program shall be established through the Administrator of the Health Care Financing Administration (in this section referred to as the "Administrator"), and shall be conducted by the Administrator in consultation with the Assistant Secretary for Health of the Department of Health and Human Services (or a designee).

(b) Definitions.—For purposes of this section, the term "eligible small rural hospital" means any hospital that—

(1) is located in a rural area (as determined in accordance with subsection (d)),

(2) has less than 100 beds,

(3) provides patient services (diagnostic and therapeutic) for a variety of medical conditions, and

(4) is classified as a—

(A) government-nonfederal,

(B) nongovernment not-for-profit, or

(C) osteopathic-church operated or not-for-profit,

hospital under the classification codes of the American Hospital Association.

(c) Applications.—

(1) Any eligible small rural hospital that desires to modify the type or extent of health care services that it provides in order to adjust for one or more of the factors specified in section 2(b) may submit an application to the Governor of the State in which it is located. The application shall specify the nature of the project proposed by the hospital, the data and information on which the project is based, and a timetable (of not more than twenty-four months) for completion of the project. The application shall be submitted on or before a date specified by the Secretary and shall be in such form as the Secretary may require.

(2) The Governor shall transmit any application submitted pursuant to paragraph (1) to the Secretary not later than 30 days after it is received by the Governor, accompanied by any comments with respect to the application that the Governor deems appropriate.

(3) The Governor of a State may designate an appropriate State agency to receive and comment on applications submitted under paragraph (1).

(d) Hospital Location.—A hospital shall be considered to be located in a rural area for purposes of this section if it treated as being located in a rural area for purposes of section 1886(d)(3)(D) of the Social Security Act.

(e) Awarding of Grants.—In determining which hospitals making application under subsection (c) will receive grants under this section, the Secretary shall take into account—

(1) any comments received under subsection (c)(2) with respect to a proposed project;

(2) the effect that the project will have on—

(A) reducing expenditures from the Federal Hospital Insurance Trust Fund,

(B) improving the access of medicare beneficiaries to health care of a reasonable quality;

(3) the extent to which the proposal of the hospital, using appropriate data, demonstrates an understanding of—

(A) the primary market or service area of the hospital, and

(B) the health care needs of the elderly and disabled that are not currently being met by providers in such market or area, and

(4) the degree of coordination that may be expected between the proposed project and—

(i) other local or regional health care providers, and

(ii) community and government leaders,

as evidenced by the availability of support for the project (in cash or in kind) and other relevant factors.

(f) Amount and Term of Grant.—A grant to a hospital under this section may not exceed $50,000 a year and may not exceed a term of two years.

(g) Use of Grants.—

(1) Except as provided in paragraphs (2) and (3), a hospital receiving a grant under this section may use the grant for any of expenses incurred in planning and implementing the project with respect to which the grant is made.

(2) A hospital receiving a grant under this section for a project may not use the grant to retire debt incurred with respect to any capital expenditure made prior to the date on which the project is initiated.

(3) Not more than one-third of any grant made under this section may be expended for capital-related costs (as defined by the Secretary for purposes of section 1886(a)(4) of the Social Security Act) of the project.

(h) Reporting.—

(1) A hospital receiving a grant under this section shall furnish the Secretary with such information as the Secretary may require to evaluate the project with respect to which the grant is made and to ensure that the grant is expended for the purposes for which it was made.

(2) The Secretary shall report to the Congress at least once every six months on the program of grants established under this section. The report shall assess the functioning and status of the program, shall evaluate the progress made toward achieving the purposes of the program, and shall include any recommendations the Secretary may deem appropriate with respect to the program. In preparing the report, the Secretary shall solicit and include the comments and recommendations of private and public entities with an interest in rural health care.

(3) The Secretary shall submit a final report on the program to the Congress not later than 180 days after all projects receiving a grant under the program are completed.

(i) Inapplicability of Certain Provisions.—The provisions of section 1122 of the Social Security Act shall not apply to capital expenditures made with respect to any project for which a grant is made under this section.

(j) Authorization.—For purposes of carrying out the program of grants under this section, there are authorized to be appropriated from the Federal Hospital Insurance Trust Fund $15,000,000 for each of the fiscal years 1988 and 1989.●

Mr. DOLE. Mr. President, I am pleased to join my distinguished colleague from Minnesota, Mr. Durenberger, in introducing the Rural Health Services Transition Act of 1987.

Many of our rural communities are experiencing difficult times. We know that rural health care needs are often different than those of large urban centers and the needs of the rural elderly are sometimes dramatically different. Because of the wide variation in daily census of patients and the declining hospital census in general, many of our rural hospitals have taken the initiative and have started to broaden their services beyond traditional acute inpatient care. For example, they are adding rehabilitation and elderly retirement centers with complete services available including home care, to their vital role.

This bill is part of a series of efforts to address the particular concerns of rural areas. Many of us have long recognized that changes were in order. When the Medicare prospective payment system was first enacted, I supported special efforts to address the concerns of small rural hospitals. For example, the swing bed program which allowed small rural hospitals to more easily provide skilled nursing care was one of our early efforts.

An even earlier effort was the provision enacted as part of the 1981 reconciliation bill which permitted Medicare to assist in financing the closure or conversion of hospital facilities. Unfortunately, this provision has never been put into operation which is part of the reason behind our efforts today.

Since that time, we in the Senate formed a rural health caucus of which I am a founding member. The purpose of the caucus is to pay special attention to the unique needs of those who live and work in rural communities. Recently, we were successful at urging the addition of a rural representative on the Prospective Payment Assessment Commission that reviews hospital payment issues, as well as adding rural representation on the Physician Payment Review Commission to advise us on physician payment concerns.

We were also involved in developing a provision that would increase the rate of reimbursement to rural hospitals, which is referred to as discharge weighting. This allows us to move forward with a more fair and justifiable payment alternative. In addition, we have included in the past, protections for some rural hospitals that are the sole community providers and for some rural referral centers. We have also addressed the issue of prompt payment as rural health care providers are most vulnerable to disruption in cash flow.

While improvements put into place in the reconciliation act of 1986 will make a significant improvement in the equitable treatment of rural hospitals, we all realize our work is not done.

We need to encourage and assist rural hospitals who would like to introduce changes that would continue to allow them to provide health care access to the citizens who live in rural areas. The Rural Health Services Transition Act of 1987 will provide grants to rural hospitals who would like to change their service mix so that they might better serve the needs of the elderly in their communities. In this manner, many hospitals who understand the reasons for altering their mix of services, but who have been unable to do so because of financial restraints, will now have an opportunity to do so. This bill is an important step in assisting our rural hospitals to provide health care in a manner most appropriate for each individual community.

● Mr. KASTEN. Mr. President, I am happy to cosponsor the Rural Health Services Transition Act of 1987, and would like to commend the distinguished senior Senator from Minnesota, Mr. DURENBERGER, for his fine work in drafting this important legislation.

The rural hospitals in this country are in trouble. Unfortunately, the diverse problems confronting rural hospitals make solutions illusive. As we all know, rural America is facing hard economic times, and resultant population decline. The young often must leave their rural homes in order to survive economically, leaving dwindling communities and an increasingly older population behind. Even so, these communities are entitled to quality health care, health care that addresses the specific problems of these communities. How can hospitals afford to provide quality care to the residents of these rural areas, and how can we hope to attract new residents if no care exists?

This legislation addresses one facet of the problem—assisting small, rural hospitals to adapt to their changing situations and changing communities. It will provide a $50,000 grant per year for up to 2 years to qualified small, rural hospitals. Our purpose in this legislation is to help these struggling hospitals to keep their doors open. However, to do so, financial assistance is needed to make the changes necessary for these hospitals to survive.

This bill is revenue neutral—it earmarks $15 million per year for 2 years to be appropriated from the Federal hospital insurance trust fund. I believe this to be an appropriate use of these funds, and necessary for our citizens' health and well-being.

In Wisconsin over one-half of the hospitals are small, rural hospitals. I believe this legislation will go a long way in providing quality care to our rural citizens—and will go a long way toward addressing the special needs of our older rural citizens.●

By Mr. DURENBERGER:

S. 733. A bill to amend the Food Security Act of 1985 to provide an exemption from the prohibition on the production of agricultural commodities on converted wetlands for land that was used to produce agricultural commodities during at least 3 of the 5 crop years preceding the date of enactment of such act; to the Committee on Agriculture, Nutrition, and Forestry.

SWAMPBUSTER SANITY ACT

● Mr. DURENBERGER. Mr. President, I rise today to introduce the Swampbuster Sanity Act of 1987. This urgently needed piece of legislation, while not intended to be the final word on this issue, is designed to reinforce the congressional intent underlying the swampbuster provisions contained in title XII of the Food Security Act of 1985.

When Congress adopted the Food Security Act of 1985, it marked a turning point in our efforts to conserve and protect our most important national resources—the land. The impact of 30 years of unrestrained production of row crops on highly erodible farmland, combined with the draining of precious wetlands, had led us to the brink of ecological disaster. And the driving force behind this tragedy was the Federal Government.

Federal price supports and tax preferences provided a powerful incentive to farmers and investors to drain wetlands and plow up the prairies. In the 1970's, when there were markets for the commodities produced on these environmentally sensitive acres, there may have been some justification for these questionable practices. But faced with the prospects of surplus commodities, Congress correctly moved to protect wetlands and highly erodible acres from continued production.

As a strong supporter of measures to protect our wetlands from further exploitation, I joined with a majority of this body in raising title XII of the Food Security Act as a major environmental breakthrough. It was my understanding, however, that the swampbuster provisions in title XII were to be prospective in their application. Instead, the Department of Agriculture has issued regulations which have been interpreted by State personnel as being retrospective in nature.

Minnesota farmers were surprised to find out that land which had been farmed by their families for the past 100 years were actually "wetlands." If they planted a crop on these acres, or improved their tilling system, the farmer would lose all program benefits according to some interpretations of the swampbuster regulations. This expansive view of the swampbuster provision was about as far removed from congressional intent as a person could imagine.

The bill I introduce today is the simplest way I can think of to help the Department of Agriculture administer this program. I would welcome comment and suggestions by my colleagues and other interested parties on how we can best accomplish this goal. I ask unanimous consent that a copy of the bill appear at this point in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 733

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR PRODUCTION OF AGRICULTURAL COMMODITIES ON CONVERTED WETLAND.

Section 1222(a) of the Food Security Act of 1985 (16 U.S.C. 3822(a)) is amended—

(1) by striking out "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(5) land that was used to produce an agricultural commodity during at least 3 of the 5 crop years preceding the date of enactment of this Act.".●

By Mr. KERRY:

S. 738. A bill to amend the Foreign Assistance Act of 1961 to modify provisions relating to the trade and development program; to the Committee on Foreign Relations.

MODIFICATION OF TRADE AND DEVELOPMENT PROGRAMS

Mr. KERRY. Mr. President, one of the major challenges facing the 100th Congress is the need to enact trade legislation. Confronted with record trade deficits, it is imperative that we tackle this problem as effectively as possible.

For this reason, I am reintroducing legislation which I offered on October 10, 1986. This bill is directed toward assisting American firms in opening new markets on the People's Republic of China. The People's Republic of China is obviously a major, long-term market for the export of United States goods and services. This legislation is an effort to make America more competitive in the largest and most important trade market to emerge in more than 40 years.

Training for trade is the idea behind this proposal. It is not a new idea. It is already being used effectively in the People's Republic of China by nearly a dozen of our trade competitors. Japan, for example, has a $37 million a year training for trade program with the People's Republic. The Japanese Government realizes that if Chinese managers are trained on Japanese equipment in Japan, it is more likely that it will be Japanese equipment that the Chinese will import for use in their industrial modernization programs.

Other countries with similar programs include West Germany, which allocates $18 million a year; Australia, which allocates $13 million a year; and Italy, which has allocated $100 million since 1983 for such purposes. Canada has made available $20 million a year in training for trade programs, and Prime Minister Brian Mulroney recently pledged to double that amount during 1987.

Belgium, Norway, Denmark, and Sweden have funded training programs for China as a means of penetrating Chinese exports markets. The United States has not.

Under the provisions of this legislation, the United States would make available $25 million a year for training programs with United States companies who want to compete in the Chinese market. The money would stay in the United States and be administered by the Trade and Development Program, a United States Government agency with several years of experience working successfully with the Chinese.

Those of our trading partners who have undertaken programs proposed in this legislation realize that China, with a population that includes one of every four people in the world, is a market of unlimited potential. They realize that the United States will be their biggest competitor if we want to be, so they are doing what they can do now to knock us out of the Chinese market. They are trying to establish a strong foothold now, so that when China reaches its full potential, they will have already captured a large share of that market.

The Chinese market already is growing rapidly. Before 1979, China, for all intents and purposes, was a closed market. By 1985, China's foreign trade amounted to nearly $170 billion. And with China's latest 5-year plan calling for a doubling of foreign trade, there will be new opportunities for those countries who want to take advantage of them.

Training for trade is one of the best ways to help American businesses compete fairly with China. One reason this proposal provides the best option for increasing trade with China is the fact that it includes a provision to allocate half the training funds to small businesses as defined by the Small Business Administration.

One of the most economically advantageous ways to reduce our trade deficit is to get more companies in the United States to export. Until now, all but a few small firms have refrained from attempting to do business in China because of the significant expense of training and marketing products in a country as vast and as distant as the People's Republic. Yet, small businesses are particularly well-suited to trade with China. The Chinese like to be able to negotiate deals quickly. Small businesses are oftentimes more flexible in their ability to consummate contracts quickly. By providing small businesses with a $12.5 million incentive, more of them will be persuaded to take advantage of the window of opportunity that is open to them through potential exports to China.

Many people seem willing to leave the China market to our competitors—Japan, Europe, and Canada. In light of the massive trade deficits we have incurred in recent years and the trade deficits we can expect in the coming years, we would be foolish not to begin rectifying the situation if the opportunity presents itself.

Based upon the track record, it is only natural that this initiative should be administered by the Trade and Development Program. TDP already has an impressive presence in the People's Republic of China and has been instrumental in opening up significant markets for United States companies. TDP's activities are not limited just to the People's Republic of China. Since 1980, TDP has obligated $75 million for feasibility studies and other planning services which have been designed to create major export markets for U.S. goods in the developing world. According to independent evaluations of the TDP program, this $75 million has been responsible for actual and estimated future exports of $13.9 billion which are readily identifiable. This is an impressive accomplishment on the part of an agency which has only 16 employees and an operating expense budget which amounts to only about 10 percent of the total program.

The impressive record of the Trade and Development Program was detailed recently by Christian Holmes, the Director of TDP, in recent testimony before the International Economic Policy and Trade Subcommittee of the House Foreign Affairs Committee. I ask unanimous consent that Mr. Holmes' testimony be printed in the RECORD at this point.

Mr. President, I believe the U.S. Government has a special responsibility to facilitate the export of goods and services produced in this country. The trade deficit problem is too serious for us to ignore potential opportunities to correct this imbalance. Therefore, I urge my colleagues to join with me to ensure that this training for trade proposal becomes and integral part of our trade promotion efforts.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF CHRISTIAN HOLMES, DIRECTOR

Mr. Chairman, Members of the Subcommittee: Thank you for this opportunity to testify in support of the Administration's Trade and Development Program (TDP).

The U.S. Trade and Development Program (TDP), a component agency of the International Development Cooperation Agency, is the principal organization in the U.S. Government which uses foreign assistance funds to increase U.S. exports. It does so by financing the planning of projects in developing countries that have significant potential for using U.S. goods and services in the design, construction, and operation of the project. This planning assistance also makes a contribution to the economic development of the countries in which TDP operates.

For fiscal year 1988, the Administration is requesting $20 million to support TDP operating and program expenses. This amount will enable TDP to leverage foreign assistance funds for the benefit of American workers and developing countries alike. Our request will also enable us to continue to concentrate on areas of high priority to your Subcommittee, such as increasing trade and investment in the Pacific Basin.

The principal justification for our request is not just the need of developing countries and U.S. exporters for the services provided by the Trade and Development Program. Fundamentally, the justification is TDP's track record. In this regard, we have just completed an exhaustive evaluation, undertaken by an independent entity, on the impact of TDP studies on U.S. exports. Since 1980, TDP has obligated $75 million for feasibility studies and other planning services which will create major export markets for U.S. goods and services. The evaluation concludes that TDP's feasibility studies since 1980 have been responsible for actual and estimated future exports of an identifiable $13.9 billion, of which $605 million have occurred to date, $6.3 billion are expected in the next 5 years and $6.9 billion are anticipated over the next 5-20 year period. (We believe that the evaluation is conservative as to actual exports generated to date and conclude that we have generated close to $800 million in exports.)

In my testimony today, I plan to concentrate on the impact of the TDP program on the U.S. economy. However, before doing so, I will provide the Subcommittee with: an overview on the fiscal year 1988 budget request; and a description of some successful TDP projects.

TDP FISCAL YEAR 88 BUDGET REQUEST

For fiscal year 1988, the Administration is requesting $20 million to support the activities of the Trade and Development Program. TDP plans to continue its past strategy of assisting U.S. firms in capturing major export markets. Much of our work will concentrate on responding to commercial opportunities. However, we can also project with some certainty the following features of our fiscal year 1988 program:

We will continue to pursue our Congressional mandate to operate in countries where the United States does not have bilateral assistance programs. We will be particularly active in China, Taiwan, Turkey, Korea, Colombia, and Argentina.

We also anticipate significant programs in Thailand, Zimbabwe, and the Philippines.

We will also carry out our Congressional mandate to develop natural resources of strategic interest to the United States. In this regard, we will concentrate on planning the development of titanium, chromite, manganese and cobalt deposits.

We will continue our special initiatives, carried out in the past in close cooperation with representatives of Congress from the Pacific Northwest, to identify markets for U.S. wood products.

We will concentrate on generating both trade and investment in the Caribbean Basin and the Pacific Rim.

And, finally, we plan to keep our operating expenses at approximately 10 percent of our total program.

The following table tracks the growth of TDP.

TDP OBLIGATIONS

[Dollars in millions]

	Fiscal year—							
	1980	1981	1982	1983 [1, 2]	1984 [1]	1985 [1]	1986 [1]	1987 [1, 3]
Program	3.8	4.0	5.5	10.9	15.0	19.3	16.5	19.4
Operations	1.1	1.5	1.3	1.7	1.6	1.7	1.7	2.1
Total	4.9	5.5	6.8	12.6	16.6	21.0	18.2	21.5

[1] This amount includes deobligations from previous fiscal years in which TDP had carryover authority.

[2] Includes $2 million from Department of Energy.

[3] Estimated.

As to operating expenses, the following bar graph depicits the relationship between TDP's operating and program costs. As the graph indicates, TDP's budget grew by 400 percent between 1981 and 1986. The operating expense ratio was reduced from 22 percent of the budget in 1981 to 10 percent of the budget in 1986.

SPECIAL INITIATIVES

In fiscal year 1988, TDP anticipates funding special initiatives in strategic minerals and metals, in training and in wood products. These initiatives, detailed below, reflect TDP's ability to innovate, adjust to new commercial opportunities, and implement special features in its Congressional mandate.

Strategic Minerals & Metals: TDP is undertaking a special effort to identify sources of strategic minerals and metals in the developing world. This initiative was taken pursuant to satutory language in Section 661 of the Foreign Assistance Act of 1961, as amended, which authorizes TDP funds to be used to facilitate access to natural resources of strategic interest to the United States. In 1981, TDP identified a number of strategic minerals and metals for which the United States is paticularly dependent on overseas resources. These included manganese, cobalt, chromite, and the platinum group of metals. Since then, TDP has analyzed the technical and economic feasibility of extracting strategic materials from Mauritania, Gabon, Madagascar, Morocco, the Philippines, Brazil, Turkey, Peru and Senegal.

TDP plans to send project teams to look at titanium deposits in Mozambique and chromite deposits in New Guinea. In fiscal year 1988, TDP intends to fund a study in Madagascar on a ferrochrome mine and production facility.

Training: In fiscal year 1986 and fiscal year 1987, TDP financed a combined effort of U.S. Businesses with community and junior colleges to identify and plan the development of major international training projects, such as vocational training centers in developing countries. These projects present substantial markets for U.S. goods and services. By 1990, the World Bank will be devoting approximately $2 billion a year to financing training projects, and the TDP initiative is targeted in large part on helping U.S. firms capture a significant portion of these World Bank contracts. Already, TDP has dispatched teams to identify and help plan training projects in Indonesia, Malaysia and China. We attach a very high priority to this initiative, as it meets both a critical development need and helps open a new market for U.S. industry.

Wood Products: In an effort to identify and pursue markets for wood products, TDP has financed two major conferences, held in the Pacific Northwest, which have brought together officials from Latin America and Pacific Basin nations with U.S. Government officials and U.S. businessmen. In addition, TDP has financed project identification teams to help identify opportunities in specific nations for the export of U.S. wood products.

SUCCESSFUL PROJECTS

The following are examples of TDP projects where U.S. exporters received significant follow-on contracts for goods and services.

Algeria Irrigation: In 1985, TDP provided a $46,428 grant to the American firm Western Agri-Management (Denver, Colorado). Western Agri-Management competed against firms from France, Italy and Spain to conduct a feasibility study on a major irrigation project. The TDP grant enabled Western Agri-Management to obtain the prime contract to provide some $30 million in equipment from the United States to support this project. Principal suppliers of the equipment were from Nebraska and Wisconsin.

Zhuhai Economic Zone: In 1984, TDP provided a grant of $161,777 to the People's Republic of China to enable H.K. Ferguson Company (San Francisco, California) to conduct a feasibility study on an industrial zone in Zhuhai Special Economic Zone. One of the recommendations of the study was that a compressor factory be established. Based on that recommendation, the People's Republic of China purchased a $2.5 million plant from the United States.

Nepal Hydropower Project: One of the most important aspects of the TDP program is the ripple effect of the feasibility studies TDP finances. For example, in 1986 TDP financed a $650,000 feasibility study carried out by the firm of Morrison-Knudsen (Boise, Idaho) on a major hydropower facility in Nepal. Morrison-Knudsen conducted the study with a partner from the People's Republic of China. The Chinese partner was so impressed with Morrison-Kundsen's expertise on the Nepal project that the Government of China in turn awarded Morrison-Knudsen a $20 million contract for work in China. The TDP study thus gave Morrison-Knudsen significant contacts not only in Nepal but also in China to do work on projects which are of major development importance to both nations.

Thailand Power Projects: In some countries, TDP concentrates on a specific sector and a specific foreign government ministry because the sector will provide major markets for the export of U.S. goods and services. Such has been the case with TDP's work in the power sector with the Electric Generating Authority of Thailand. Since 1981, TDP has provided $5.4 million for 13 studies in the coal, power, and electrical transmission sectors. As a result of this work, some $30 million has been spent on U.S. equipment, primarily dump trucks (from the Terex Corporation and the Caterpillar Tractor Company). The U.S. firm, Med Assistance and Performance Association, received a $1 million consulting and training services contract, and the American engineering firm of Dravo Van Houten received a $400,000 contract, for supervision of coal exploration efforts. In addition, the American engineering firm LEMCO has received some $20 million in a variety of engineering and consulting contracts.

IMPACT OF TDP

As indicated previously, TDP has just concluded an extensive evaluation of TDP's track record in generating U.S. exports. We would be pleased to share this evaluation with members of the Subcommittee and staff. This evaluation was the second major evaluation undertaken on TDP projects in the last 18 months; in order to ensure that we are receiving an objective analysis, we have had different firms conduct these two evaluations. Interestingly, both evaluations reached very similar conclusions as to total exports generated to date and long-term potential exports. In addition to these evaluations, our staff is also in constant contact with TDP contractors on specific projects so as to determine the impact of our studies.

Essentially, our evaluation concludes that:

(1) More than one out of three TDP studies have already produced or are expected to produce substantial U.S. exports.

(2) On a pro-rated basis TDP has invested an average of $10 million a year in feasibility studies and other planning services; it has

averaged an annual return of 86 million dollars in U.S. exports.

(3) TDP's studies have been responsible for actual and estimated future exports of an identifiable $13.8 billion of which $605 million have occurred to date, $6.3 billion are expected over the next 5 years, and $6.9 billion could occur over the next 5-20 year period.

(4) Subcontract activity resulting from TDP-supported projects will clearly involve a much greater number of exports, including small and medium-sized businesses from virtually every state of the union.

(5) Over 60 countries are involved in TDP projects, with 58 percent of all exports expected to go to Asia, 22 percent to the Middle East, 11 percent to Latin America, and 9 percent to Africa.

(6) TDP's activity and impact on U.S. exports have climbed steeply since inception, with actual and expected exports directly attributable to TDP funding growing an average of 80 percent per annum from 1981 through 1985.

(7) TDP's programs are clearly critical to a vast number of U.S. firms, highly productive in terms of their impact on U.S. exports, and a very necessary component of the overall U.S. trade development effort.

(8) Over 200 U.S. firms have been, or are expected to be, major exporters in connection with projects resulting from TDP feasibility studies. These firms come from 24 different states. However, it should be noted that most of the exporters do their manufacturing in a number of plants located in different states and virtually all of them do extensive subcontracting with small, medium and large firms throughout the U.S.

(9) Each dollar spent by TDP on feasibility studies from FY 80-85 has produced about $178 of actual and potential.

(10) Since 1980, each dollar of TDP's administrative expense has produced $1,181 of actual and potential U.S. expots.

EXPORT RECIPIENTS

As shown in the table below, the exports generated by TDP feasibility studies could go to a number of different countries around the world. The largest amount (8.1 billion or 58 percent) could go to the Asian countries. $3.0 billion or 22 percent could go to Middle Eastern countries, $1.5 billion or 11 percent could go to Latin America and $1.3 billion or 9 percent could go to Africa.

U.S. TRADE AND DEVELOPMENT PROGRAM ACTUAL AND ESTIMATED TDP-GENERATED EXPORTS BY REGION

[Estimated export value (millions)]

	Actual	5 years	5 to 20 years	Total
Total Africa	101.4	444.3	748.0	1,293.7
Total Asia	375.3	4,096.9	3,594.0	8.066.2
Total Latin America	78.9	922.7	505.8	1,507.4
Total Middle East	49.7	865.5	2,085.5	3,000.7
Total	605.3	6,329.4	6,933.3	13,868.0

In Asia, the largest potential country destinations are China ($3.6 billion), Thailand ($1.7 billion), Indonesia ($712 million), and Malaysia ($308 million). In the Middle East (including East Europe), the largest buyers are Turkey ($1.8 billion) and Yugoslavia ($400 million). In Latin America, the largest export possibilities proceeding from TDP feasibility studies are in Colombia ($520 million), Argentina ($250 million) and Costa Rica ($215 million). Finally in Africa the largest projects are in Kenya ($412 million), Gabon ($287 million) and Zimbabwe ($190 million). Clearly, the economic condition of some of these countries is a serious impediment to project fulfillment. The arrangement of satisfactory financing is one of the most important elements to achieve full U.S. export potential.

TDP'S EXPORT SECTORS

TDP's projects have been well diversified by sector. In accordance with its charter, TDP has authority to encourage projects in the areas of energy development, food production, minerals development, transportation, communications, technical training, and other sectors of major priority to host governments and international development efforts. The actual and estimated exports resulting from TDP's feasibility studies are summarized below by sector:

U.S. TRADE AND DEVELOPMENT PROGRAM ACTUAL AND ESTIMATED TDP-GENERATED EXPORTS BY SECTOR

[Estimated export value (millions)]

	Actual	5 years	5 to 20 years	Total
Food production	132.7	353.5	518.8	$1,005.0
Energy development	246.4	2,130.7	3,802.0	6,179.1
Industry	123.5	739.2	571.0	1,433.7
Communications	1.8	804.5	466.5	1,272.8
Transportation	9.7	1,883.2	1,280.0	3,172.9
Training	1.9	77.8	0.0	79.7
Minerals development	13.3	197.0	215.0	425.3
Other	76.0	143.5	80.0	299.5
Total	605.3	6,329.4	6,933.3	13,868.0

TDP'S EXPORT ACTIVITY GROWTH

U.S. export potential from TDP support has shown strong and sustained growth since TDP's inception in 1980. This is reflected in the table below.

U.S. TRADE AND DEVELOPMENT PROGRAM ACTUAL AND ESTIMATED TDP-GENERATED EXPORTS BY YEAR JANUARY 1987

[Estimated export value (millions)]

	Actual	5 years	5 to 20 years	Total
Total 1980	6.0	35.5	5.0	46.5
Total 1981	252.6	70.7	325.0	649.3
Total 1982	98.4	361.5	1,119.0	1,577.9
Total 1983	30.4	512.2	561.0	1,103.6
Total 1984	28.5	904.7	1,122.5	2,055.7
Total 1985	33.7	2,252.8	2,288.1	4,574.6
Total 1986	0.3	2,192.0	1,263.7	3,456.0
Total all years	605.3	6,329.4	6,933.3	13,868.0

Included in the totals is $404 million of actual and potential exports resulting from pre-1980 USAID activity which was subsequently administerd by TDP. It may be noted that actual exports are highest as they relate to TDP's feasibility studies of the earliest years. This is due to the long lead time between initial TDP approval of the feasibility study, the time it takes for the U.S. contractor to perform and deliver the study, and the sponsor's decision to proceed with the project, line up financing, start construction, and make its purchases from the U.S. The same factor reduces the amount of anticipated exports arising from TDP's 1986 feasibility studies, many of which are still underway.

IMPACT ON U.S. COMMUNITIES

TDP has had and will continue to have a far reaching impact on U.S. states and cities. Appendix A identifies states and cities which are either actual or potential exporters to projects for which TDP has financed feasibility studies and other planning services. We have deleted from these tables the company names, actual products being sold (or expected to be sold), and names of the TDP projects, as many U.S. contractors feel that our foreign competition would benefit from this information. We would, however, be pleased to share this information separately with the Subcommittee and staff.

In conclusion, Mr. Chairman, we would like to express again our thanks for your Subcommittee support of TDP's efforts to promote both U.S. exports and economic development in the developing world.

APPENDIX A

U.S. TRADE AND DEVELOPMENT PROGRAM ACTUAL AND POTENTIAL U.S. EXPORTERS GENERATED BY TDP FUNDING JANUARY 1987

State and city	Country
Alabama:	
Birmingham	Congo.
Winfield	Thailand.
Arizona:	
N/A	China.
Phoenix	Do.
Arkansas: N/A [1]	Jamaica.
California:	
Anaheim	Colombia.
Berkeley	Dominican Republic.
Burbank	China.
Do.	Honduras.
City of Industry	Turkey.
Fontana	Dominican Republic.
Irvine	Do.
Long Beach	China.
Los Angeles	Do.
Do.	Do.
Do.	India.
Menlo Park [1]	China.
N/A	Do.
N/A [1]	Nigeria.
N/A	Thailand.
N/A	Brazil.
N/A	China.
Oakland	Gabon.
Do.	China.
Do.	India.
Do. [1]	Morocco.
Orange County	China.
Palo Alto	Do.
Do.	Guatemala.
Pasadena	Egypt.
Do.	Do.
Do.	St. Lucia.
San Francisco	Egypt.
Do. [1]	Tunisia.
Do. [1]	Pakistan.
San Jose	Costa Rica.
Do.	Colombia.
Santa Monica	St. Lucia.
Colorado:	
Boulder	China.
Denver	Costa Rica.
Do.	Bangladesh.
Do.	Turkey.
Do.	Brazil.
Do.	St. Lucia.
Fort Collins [1]	Algeria.
N/A [1]	Morocco.
Wheat Ridge	India.
Connecticut:	
Stamford	Dominican Republic.
Do.	Kenya.
District of Columbia:	
Washington	Thailand.
Do.	Do.
Do. [1]	Trin/Tobag.
Do.	Argentina.
Do.	Mozambique.
Do. [1]	Morocco.
Do. [1]	China.
Do. [1]	Bangladesh.
Do.	Thailand.
Do.	Malaysia.
Florida:	
Fort Lauderdale [1]	Jamaica.
Do.	Haiti.
Miami	China.
Do.	Turkey.
Do.	Central America.
N/A	Do.
Orlando	China.
Georgia:	
Atlanta	Turkey.
Do.	Thailand.
Macon [1]	Nigeria.
Do.	Regional.
Hawaii:	
Honolulu	Kenya.

U.S. TRADE AND DEVELOPMENT PROGRAM ACTUAL AND POTENTIAL U.S. EXPORTERS GENERATED BY TDP FUNDING JANUARY 1987—Continued

State and city	Country
Idaho:	
Boise [1]	Morocco.
Do.	China.
Illinois:	
Chicago	Turkey.
Do.	China.
Do.	Guatemala.
Do.	Kenya.
Do.	Mozambique.
Do.	Grenada.
Deerfield	China.
Moline [1]	Jamaica.
Do.	Do.
Do.	Haiti.
N/A	Turkey.
N/A	Do.
N/A [1]	Venezuela.
N/A [1]	China.
Peoria	Venezuela.
Do.	Nigeria.
Do.	Do.
Do. [1]	Thailand.
Do.	Morocco.
Do.	Thailand.
Do. [1]	China.
Iowa:	
Cedar Rapids	Central America.
Des Moines	Nigeria.
Dubuque	India.
Muscatine [1]	Malaysia.
Kansas: Winfield	China.
Kentucky:	
Louisville	Do.
Millersburgh	Thailand.
Louisiana:	
Amile	Kenya.
New Orleans	Do.
Thibedaux	Dominican Republic.
Do.	Kenya.
Maryland:	
Bethesda	Colombia.
Rockville	Pac. Rim.
Do.	India.
Massachusetts:	
Acton	China.
Boston	Thailand.
Foxboro	China.
N/A [1]	Do.
N/A [1]	Gabon.
N/A	Morocco.
N/A	Do.
Waltham	China.
Watertown	Do.
Michigan:	
Detroit	Mozambique.
Do.	China.
Do.	Venezuela.
Livonia	China.
Owosso	Do.
Minnesota:	
Anoka [1]	Do.
Minneapolis	Turkey.
N/A [1]	Do.
Mississippi: Vicksburg	Egypt.
Missouri:	
Chesterfield [1]	Thailand.
Kansas City	Do.
Mexico	Kenya.
N/A [1]	Philippines.
St. Louis [1]	Thailand.
Do. [1]	China.
Do.	Dominican Republic.
Nebraska:	
Broken Bow [1]	Algeria.
Garing [1]	Do.
N/A	Mozambique.
New Jersey:	
Bernardsville	Brazil.
Livingston [1]	Thailand.
Do.	Do.
Mount Laurel	Congo.
N/A	China.
N/A	Central America.
Oradell [1]	Thailand.
Phillipsburg	China.
Trenton	Mozambique.
Woodcliff Lake	Thailand.
Do. [1]	China.
New York:	
Armonk	Thailand.
Do. [1]	Trin/Tobag.
Do.	Thailand.
Barking Ridge	Colombia.
Do.	Chile.
Do.	Philippines.
Elmira	St. Lucia.
Maynard	Thailand.
Do.	Do.
New York [1]	Gabon.
Do.	Kenya.
Do.	Mozambique.
Do.	China.
Do. [1]	Thailand.
Do.	Pakistan.
Rochester [1]	China.
Do.	Taiwan.
Do.	China.
Do.	Do.
Schenectady	Turkey.
Syracuse	Colombia.
Do.	China.
Ohio:	
Barberton	Turkey.
Cleveland [1]	Morocco.
Do. [1]	China.
Hamilton	Kenya.
N/A [1]	Turkey.
N/A	Thailand.
N/A [1]	Jamaica.
N/A	Turkey.
Smithville	Mozambique.
Oklahoma:	
Tulsa	Brazil.
Do. [1]	St. Lucia.
Pennsylvania:	
Allentown	Costa Rica.
Bethlehem	Dominican Republic.
Erie	China.
Do.	Taiwan.
Haimersville	Brazil.
N/A [1]	Venezuela.
Philadelphia	Taiwan.
Do.	Kenya.
Pittsburgh [1]	Philippines.
Do.	Turkey.
Do.	Taiwan.
Do.	Dominican Republic.
Do.	Do.
Do.	Taiwan.
Do. [1]	Philippines.
Do.	Morocco.
Do. [1]	Philippines.
Do.	Morocco.
Do.	China.
Do.	Mozambique.
Do.	Congo.
Do.	Taiwan.
Do.	China.
Reading	Zimbabwe.
Shippensburg	Costa Rica.
Tennessee:	
Memphis	China.
N/A [1]	Venezuela.
Texas:	
Brownsville	Morocco.
Dallas	Philippines.
Do.	Thailand.
Houston	Do.
Do.	Do.
Do. [1]	Gabon.
Do.	Algeria.
Do.	Kenya.
Do. [1]	Venezuela.
Kilgore	Ivory Coast.
Lufkin	Kenya.
N/A [1]	Jamaica.
N/A	Central America.
N/A	Brazil.
Utah:	
Ogden [1]	China.
Do. [1]	Thailand.
Salt Lake City	China.
Vermont: N/A	Tunisia.
Virginia:	
Arlington [1]	Peru.
McLean	China.
N/A	India.
Reston	Thailand.
Do.	Mozambique.
Washington:	
N/A	Venezuela.
Seattle	Costa Rica.
Do. [1]	China.
Do.	Micronesia.
Do.	Colombia.
Do.	Pac. Rim.
Do.	China.
Wisconsin:	
Beloit	Pakistan.
Milwaukee	Costa Rica.
Do.	Thailand.
Do.	China.
Do. [1]	Algeria.
N/A	Mozambique.
Racine [1]	Algeria.
Do.	Nigeria.
Waukesha	Dominican Republic.
N/A:	
N/A	China.
N/A	Do.
N/A [1]	Philippines.
N/A	Dominican Republic.
N/A	Brazil.
N/A	Thailand.

[1] Actual exporters.

By Mr. PELL (by request):

S. 739. A bill to provide for participation by the United States in replenishments of the International Development Association and the Asian Development Fund and in a capital increase of the African Development Bank, for membership for the United States on the Multilateral Investment Guarantee Agency, for U.S. acceptance of the merger of the Capital resources of the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

MULTILATERAL DEVELOPMENT BANK AUTHORIZATION

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference a bill to provide for U.S. contributions to the International Development Association, the Asian Development Bank, the African Development Bank, the Multilateral Investment Guarantee Agency, the Inter-American Development Bank, and for other purposes.

This proposed legislation has been requested by the Department of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the general counsel of the Treasury Department to the President of the Senate received February 20, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 739

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembed,

TITLE I—INTERNATIONAL DEVELOPMENT ASSOCIATION

SEC. 101. The International Development Association Act (74 Stat. 293, as amended, 22 U.S.C. 284, et seq.) is amended by adding at the end thereof the following new section:

"SEC. 20. (a) The United States Governor is hereby authorized to agree on behalf of the United States to pay to the Association $2,875,000,000 to the eighth replenishment of the resources of the Association, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $2,875,000,000 for payment by the Secretary of the Treasury.".

TITLE II—ASIAN DEVELOPMENT FUND

SEC. 201. The Asian Development Bank Act (80 Stat. 71, as amended, 22 U.S.C. 285, et seq.) is amended by adding at the end thereof the following new section:

"SEC. 28. (a) The United States Governor of the Bank is authorized to contribute on behalf of the United States $584,280,000 to the Asian Development Fund, a special Fund of the Bank, except that any commitment to make such contributions shall be made subject to obtaining the necessary appropriations.

(b) In order to pay for the United States contribution provided for in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $584,280,000 for payment by the Secretary of the Treasury.".

TITLE III—AFRICAN DEVELOPMENT BANK

SEC. 301. The African Development Bank Act (95 Stat. 357 at 741, 22 U.S.C. 290i, et seq.) is amended by adding at the end thereof the following new section:

"SEC. 1343. (a) The United States Governor of the Bank is authorized to agree to subscribe on behalf of the United States to fifty-nine thousand, six hundred and forty-eight shares of the capital stock of the Bank, except that the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for the United States subscription authorized in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $719,563,648, for payment by the Secretary of the Treasury.".

TITLE IV—MULTILATERAL INVESTMENT GUARANTEE AGENCY

SEC. 401. This title may be cited as the "Multilateral Investment Guarantee Agency Act".

SEC. 402. This title shall be codified as Subchapter XXVI of Chapter 7 of Title 22 of the United States Code.

ACCEPTANCE OF MEMBERSHIP

SEC. 403. The President is hereby authorized to accept membership for the United States in the Multilateral Investment Guarantee Agency (hereinafter the "Agency") provided for by the Convention Establishing the Multilateral Investment Guarantee Agency (hereinafter the "Convention") deposited in the archives of the International Bank for Reconstruction and Development (hereinafter the "Bank").

GOVERNOR AND ALTERNATE GOVERNOR

SEC. 404. The Governor and Alternate Governor of the Bank, appointed under section 3 of the Bretton Woods Agreements Act, as amended (59 Stat. 512, 22 U.S.C. 286, et seq.), shall serve as Governor and Alternate Governor, respectively, of the Agency.

APPLICABILITY OF BRETTON WOODS AGREEMENTS ACT

SEC. 405. The provisions of section 4 of the Bretton Woods Agreements Act, as amended, shall apply with respect to the Agency to the same extent as with respect to the Bank and the International Monetary Fund. Reports with respect to the Agency under sections 4(b)(5) and (6) of that Act shall be included in the reports made thereunder after the United States accepts membership in the Agency.

RESTRICTIONS

SEC. 406. Unless authorized by law, neither the President nor any person or agency shall, on behalf of the United States—

(a) subscribe to additional shares of stock of the Agency;

(b) vote for or agree to any amendment of the convention which increases the obligations of the United States, or which changes the purpose or functions of the Agency; or

(c) make a loan or provide other financing to the Agency.

FEDERAL RESERVE BANKS AS DEPOSITORIES

SEC. 407. Any Federal Reserve bank that is requested to do so by the Agency shall act as its depository or as its fiscal agent, and the Board of Governors of the Federal Reserve System shall supervise and direct the carrying out of these functions by the Federal Reserve banks.

SUBSCRIPTION OF STOCK

SEC. 408. (a) The Secretary of the Treasury is authorized to subscribe on behalf of the United States to twenty thousand five hundred and nineteen shares of the capital stock of the Agency, except that the subscription shall be effective only to such extent or in such amounts as are provided in advance in appropriations Acts.

(b) In order to pay for United States subscription authorized in subsection (a), there are authorized to be appropriated, without fiscal year limitation, $222,015,580, for payment by the Secretary of the Treasury.

(c) Any payment of dividends made to the United States by the Agency shall be deposited into the Treasury as a miscellaneous receipt.

JURISDICTION OF UNITED STATES COURTS AND ENFORCEMENT OF ARBITRAL AWARDS

SEC. 409. For the purposes of any civil action which may be brought within the United States, its territories or possessions, or the Commonwealth of Puerto Rico, by or against the Agency in accordance with the Convention, including an action brought to enforce an arbitral award against the Agency, the Agency shall be deemed to be an inhabitant of the Federal judicial district in which its principal office within the United States or its agent appointed for the purpose of accepting service or notice of service is located, and any such action to which the Agency shall be a party shall be deemed to arise under the laws of the United States, and the district courts of the United States, including the courts enumerated in section 460 of title 28, United States Code, shall have original jurisdiction of any such action. When the Agency is a defendant in any action in a State court, it may at any time before the trail thereof remove the action into the appropriate district court of the United States by following the procedure for removal provided in section 1446 of title 28, United States Code.

SEC. 410. Articles 43 through 48, inclusive, of the Convention shall have full force and effect in the United States, its territories and possessions, and the Commonwealth of Puerto Rico, upon the entry into force of the Convention for the United States.

SEC. 411. (a) An award of an arbitral tribunal resolving a dispute arising under Article 57 or Article 58 of the Convention shall create a right arising under a treaty of the United States. The pecuniary obligations imposed by such an award shall be enforced and shall be given the same full faith and credit as if the award were a final judgment of a court of general jurisdiction of one of the several States. The Federal Arbitration Act (9 U.S.C. 1, et seq.) shall not apply to enforcement of awards rendered pursuant to the Convention.

(b) The district courts of the United States (including the courts enumerated in section 460 of title 28, United States Code) shall have exclusive jurisdiction over actions and proceedings under subsection (a) of this section, regardless of the amount in controversy.

TITLE V—INTER-AMERICAN DEVELOPMENT BANK

SEC. 501. The Inter-American Development Bank Act (73 Stat. 299, as amended, 22 U.S.C. 283) is amended by adding at the end thereof the following new section:

"SEC. 31. The United States Governor of the Inter-American Development Bank is hereby authorized to agree to and to accept the amendments to the Articles of Agreement in the proposed resolution entitled 'Merger of Inter-regional and Ordinary Capital Resources.' ".

DEPARTMENT OF THE TREASURY,
Washington, February 20, 1987.

Hon. GEORGE BUSH,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Transmitted herewith is a draft bill, "To provide for participation by the United States in replenishments of the International Development Association and the Asian Development Fund and in a capital increase of the African Development Bank, for membership for the United States in the Multilateral Investment Guarantee Agency, for United States acceptance of the merger of the capital resources of the inter-American Development Bank, and for other purposes."

BASIC GOAL

The purpose of the bill is to authorize continued United States participation in multilateral development bank programs that aim at promoting development in the world's poorest developing countries, notably the countries of Sub-Saharan Africa. To this end, the United States pressed successfully in international negotiations for:

Increased concessional lending to the world's poorest countries, commensurate with the absorptive capacity of the borrowing countries;

Institutional reform within the development banks, and, in particular, the development of country strategies, and lending programs consistent with those strategies;

A larger role for the private sector in development by creating the Multilateral Investment Guarantee Agency which will promote foreign direct investment flows by providing guarantees against non-commercial risks; and

A larger role for the institutions in influencing the economic policies of borrowing members.

INTERNATIONAL DEVELOPMENT ASSOCIATION

Title I of the draft bill authorizes a United States contribution of $2,875,000,000 toward the eight replenishment of the International Development Association (IDA). IDA is the World Bank affiliate that lends on concessional terms to the poorest developing countries, and is experienced and effective in dealing with the bottlenecks to development.

The eight replenishment will provide a total of $12.4 billion over three years in concessional assistance. Of this amount, 45-50 percent has been committed to lending to the poorest countries of Sub-Saharan Africa. The replenishment calls for lending with more realistic maturities, speeding the recycling of IDA resources, and using them more effectively.

ASIAN DEVELOPMENT FUND

Title II of the draft bill authorizes a U.S. contribution of $584,280,000 to a replenishment of the Asian Development Fund (ADF), which will help support a four-year $3.6 billion lending program on concessional terms to the poorest countries in Asia.

Key elements of this replenishment will be a greater emphasis on the role of the private sector; significant institutional reforms aimed at developing broad country strategies to set the stage for particular lending programs; and an increased Asian Development Bank role in developing sound economic policies in borrowing members. As in IDA, the replenishment calls for AFD loans to have more realistic maturities, speeding the recycling of ADF resources and using them more effectively.

AFRICAN DEVELOPMENT BANK

A 200 percent capital increase in the African Development Bank (AFDB) will promote further lending and development in the poorer countries of Africa. Accordingly Title III of the bill authorizes a U.S. subscription to 59,648 shares of the African Development Bank. Together with contributions by other countries, the capital increase will support a lending program in the range of $6-$7.8 billion over five years.

Agreed policy measures should make the AFDB a more effective institution. Individual country strategies will guide project selection and efforts will be made to improve project quality (e.g., increased supervision and follow-up measures). Non-project lending, in collaboration with the World Bank, will help implement measures of policy reform in borrowing countries and better administrative systems should improve the Bank's effectiveness.

Because the Bank will rely on callable capital to fund its lending program, the U.S. subscription to the AFDB will involve relatively small budgetary outlays (less than $9 million a year over five years).

MULTILATERAL INVESTMENT GUARANTEE AGENCY

Title IV of the draft bill authorizes the President to accept membership for the United States in the Multilateral Investment Guarantee Agency (MIGA), and to subscribe to 20,519 shares of the capital stock of MIGA.

MIGA is an international institution designed to encourage the flow of direct investment to developing countries. It will issue guarantees against non-commercial risks, carry out a wide range of activities to promote direct investments, and encourage sound investment policies in member countries. MIGA will promote productive investment and strengthen the private sector in developing countries, thereby encouraging long-term sustainable economic growth and development. Most importantly, MIGA will be the first multilateral institution with a clear mandate to persuade developing countries to accept the fundamental principles of an open investment climate. The United States will have a seat on the MIGA Board of Directors to ensure that MIGA focuses on policy reform and economically sound investments.

MIGA will have a relatively small budgetary cost. The United States is to purchase approximately 20.5 percent of MIGA's shares, which will involve budgetary authority of $44.4 million, budgetary outlays of $22.2 million, and program limitations (to permit subscription to callable capital) of $177.6 million.

INTER-AMERICAN DEVELOPMENT BANK

Under the Inter-American Development Bank Act (22 U.S.C. 283), the United States must obtain Congressional authorization to accept an amendment to the Agreement Establishing the Inter-American Development Bank (IDB).

The IDB Governors have proposed amendments to the Agreement that would merge the "ordinary capital" window of the Bank (which has been subject to convenants preventing total IDB borrowings from exceeding the callable capital of the United States) and the "inter-regional capital" window of the Bank (which was created to permit the IDB to borrow against the capital of the non-regional members of the Bank, such as Germany.)

Merger will result in a single capital window backed by consolidated resources and easier access to financial markets on more advantageous terms.

Title V of the proposed legislation authorizes the United States Governor to the IDB to agree to the proposed resolution setting out the amendments to the Articles that will give effect to the merger of the two capital windows.

It would be appreciated if you would lay the proposed bill before the Senate. An identical proposal has been transmitted to the Speaker of the House.

The Office of Management and Budget has advised that there is no objection to the presentation of this proposed bill to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

ROBERT M. KIMMITT,
General Counsel.

SECTION-BY-SECTION ANALYSIS

TITLE I—INTERNATIONAL DEVELOPMENT ASSOCIATION

Section 101 of the bill authorizes a United States contribution of $2,875,000,000 toward the eighth replenishment of the International Development Association. It also authorizes the appropriation of that sum.

TITLE II—ASIAN DEVELOPMENT FUND

Section 201 of the bill authorizes a United States contribution of $584,280,000 to a recently negotiated replenishment of the Asian Development Fund. It also authorizes the appropriation of that sum.

TITLE III—AFRICAN DEVELOPMENT BANK

Section 301 of the bill authorizes a United States subscription to 59,648 shares of the African Development Bank, 3,728 of which will be paid-up shares, and the balance callable shares. The United States subscription will involve budgetary outlays of $44,972,728 to pay for paid-up shares, and a program limitation of $674,590,920 for subscription of callable shares. The total of those sums is authorized to be appropriated by the Title.

TITLE IV—MULTILATERAL INVESTMENT GUARANTEE AGENCY ACT

Section 401 provides that title IV may be cited as the "Multilateral Investment Guarantee Agency Act."

Section 403 authorizes the President to accept membership for the United States in the Multilateral Investment Guarantee Agency (MIGA). Under the Convention Establishing the Multilateral Investment Guarantee Agency (Convention), the President (or his designee) will accept membership by depositing an instrument of acceptance or ratification with the International Bank for Reconstruction and Development (Bank), which will act as despository for the Convention. (Articles 61, 63)

Section 404 provides that the United States Governor and Alternate Governor for the Bank will serve as Governor and Alternate Governor in MIGA. Under the Convention, the United States has the right to appoint a Governor and Alternate (Art. 31(b)). As long as it is one of the largest shareholders, the United States also has the right to elect separately a Director (Arts. 32, 41; Commentary, para. 58), who may appoint an Alternate (Art. 32).

Sections 405 through 408 are similar to provisions contained in legislation for the multilateral development banks. Section 405, for example, provides for oversight, interagency coordination, and reporting to the Congress by the National Advisory Council on International Monetary and Financial Policies. Sections 406 (requiring prior Congressional approval for certain acts) and 407 (authorizing any Federal reserve bank to be depository for MIGA) also parallel provisions in development bank legislation.

Section 408 authorizes the Secretary of the Treasury to subscribe to the 20,519 shares allocated to the United States by the Convention. $222,015,580 is authorized to be appropriated to that end. Of that amount, 10 percent will be paid in cash. An additional 10 percent (which is not expected to result in any budgetary outlays) will be paid by letter of credit or similar instrument, to be encashed by the Board to meet the MIGA's obligations. The Administration will seek appropriations for that 20 percent portion of the price of shares as part of the FY 1988 budget. The balance of the share price will be subject to call by MIGA when required to meet its obligations; the Administration will seek program limitations for the 80 percent portion for FY 1988.

Section 409 contains provisions like those in legislation for the multilateral development banks regarding MIGA's amenability to suit in the United States. In general the MIGA is not subject to suit on actions within the scope of Articles 57 and 58 of the Convention prior to a final arbitral award. Those Articles provide mechanisms (notably arbitration) for resolving disputes between MIGA and members, and disputes arising under a contract of guarantee or reinsurance between the parties thereto. MIGA is also not subject to suit by members or persons acting for or deriving claims from members, or (reflecting current law) on personnel matters.

However, the Convention recognizes the remote possibility that suits may be brought against MIGA in the courts of the United States. An investor holding a MIGA guarantee, for example, may go to arbitration to resolve a dispute arising under a contract of guarantee or reinsurance with MIGA, and then seek to enforce a final arbitral award against the MIGA in the courts of the United States. Section 408 establishes the jurisdiction of United States courts in such a situation.

Section 410 is also like provisions in multilateral development bank legislation, and gives full force and effect, within the United States, its territories, possessions and Puerto Rico, to defined privileges and immunities accorded under the Convention to enable the MIGA to fulfill its functions. Those privileges and immunities will take effect upon the entry into force of the Convention for the United States.

The Convention will enter into force for the United States when a prescribed number of members (including the United States) have deposited ratifications (Article 61), or, of the Convention has already entered into force, when the United States deposits its instrument of ratification.

The privileges and immunities set out in Chapter VII of the Convention, among other things, provide that:

1. The property and the assets of MIGA, wherever located or by whomsoever held, shall be immune from expropriation or any other form of seizure by executive or legislative action. (This provision would not affect the judicial execution of a final arbitral award, as noted above.) That property and those assets are also to be immune from all taxes. Assets are defined as including "other assets administered by the (MIGA) in furtherance of its objective." Those assets could include assets contributed by public agencies and held by MIGA in trust as an insurance fund to promote direct investment in developing countries consistent with MIGA's purposes, but would not include other assets held in trust for reasons unrelated to the MIGA's objective to "encourage the flow of investments for productive purposes among member countries, and in particular to developing member countries. . . ."

2. Taxes are not to be levied on expense allowances, salaries or other emoluments paid by MIGA to its officials or staff, except in the case of local nationals. The provisions in the Convention on this point parallel those in the Articles of Agreement of the Bank, and, in similar fashion, MIGA staff and officials who are United States citizens or nationals will not be exempted by the Convention from tax in the United States on salary income and other emoluments paid by MIGA.

Section 411 follows the language of the Convention on the Settlement of Investment Disputes Act of 1966 (80 Stat. 344), to assure the enforceability within the United States of arbitral awards rendered to resolve disputes arising under Articles 57 and 58 of the Convention. The exemption from the Federal Arbitration Act aims at avoiding some of the questions associated with enforcing awards under that Act. (See e.g., S. Rept. 1374, 89th Cong., 2d Sess.)

TITLE V—INTER-AMERICAN DEVELOPMENT BANK

Section 5 of the Inter-American Development Bank Act, as amended (73 Stat. 299, 22 U.S.C. 283) provides that, unless Congress by law authorizes such action, neither the President, nor any person or Agency, may "accept any amendment under article XII of the" Agreement Establishing the Inter-American Development Bank.

The Committee of the Board of Governors of the Inter-American Development Bank (IDB) has agreed to a proposed resolution entitled "Merger of Inter-regional and Ordinary Capital Resources," which amends many of the Articles of Agreement of the Bank in order to strengthen the financial structure of the IDB.

Section 501 of the proposed legislation authorizes the United States Governor to the IDB to agree to the proposed resolution.●

BY Mr. PELL (by request)

S. 740. A bill amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1988 and 1989 for carrying out that act; to the Committee on Foreign Relations.

BOARD FOR INTERNATIONAL BROADCASTING AUTHORIZATION ACT

● Mr. PELL. Mr. President, by request, I introduce for appropriate reference, a bill to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1988 and 1989.

This proposed legislation has been requested by the Board for International Broadcasting and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with a section-by-section analysis of the bill and the letter from the Executive Director of the Board dated March 12, 1987.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 740

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. Section 8(a)(1)(A) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended to read as follows—

"(A) $203,573,000 for the fiscal year 1988 and $162,300,000 for fiscal year 1989; and".

SEC. 2. Section (b) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is amended by adding after "RFE/RL, Incorporated," and before "may be merged with. . ." the following "shall be certified by the Director of the Office of Management and Budget and placed in reserve only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year. In addition, these amounts. . ."

SEC. 3. Section 8(c) of the Board for International Broadcasting Act of 1973 (22 U.S.C. 2877) is deleted.

SEC. 4. Section 8332 (b) of title 5 U.S.C. is amended be deleting in the final paragraph the final sentence beginning with "The Office of Personnel Management shall accept the certification of the Executive Director. . ." and inserting in lieu thereof the following: "The services for the purposes of this subchapter of the type described in para. (11) of this subsection shall be certified for Civil Service Retirement credit as follows: The Executive Director of the Board of International Broadcasting shall certify the services of employees of the National Committee for a Free Europe; Free Europe Committee; Free Europe, Inc.; Radio Liberation Committee; Radio Liberty Committee and subdivisions of any of those organizations; and Radio Free Europe/Radio Liberty, Inc.,; the Personnel Director, Asia Foundation, shall certify the services of employees of Radio Free Asia and the Asia Foundation; the Administrative Officer, American Forces Information Service, shall certify the services of employees of the Armed Forces Network, Europe (AFN-E)."

SEC. 5. This bill may be cited as "The Board for International Broadcasting Authorization Act, fiscal years 1988 and 1989.

SECTIONAL ANALYSIS

Section 1. This paragraph authorizes appropriations of funds to continue support for the activities of Radio Free Europe/Radio Liberty (RFE/RL) in fiscal years 1988 and 1989. The fiscal year 1988 authorization also includes $41,948,000 for the completion of a three-year program to modernize RFE/RL transmitter sites.

Section 2. This paragraph provides that all appropriations that are excess to the amounts required to fund approved operating levels of RFE/RL, Inc. due to upward fluctuations in foreign currencies (i.e., currency gains) will be placed in reserve by OMB and carried over as no-year funds to cover currency losses in future years.

Section 3. This section eliminates as unnecessary the earmarking of specific amounts for transmitter facilities modernization.

Section 4. This paragraph would amend the requirement that BIB certify to OPM retirement credit for personnel for whom it has no records or direct access to records. In 1980 the Board for International Broadcasting (BIB) was required in P.L. 96-465 (the Foreign Service Act of 1980) to certify the employment of former employees of the National Committee for a Free Europe; Free Europe Committee, Inc.; Free Europe, Inc.; Radio Liberation Committee; Radio Liberty Committee; subdivisions of any of those organizations; Radio Free Europe/Radio Liberty, Inc.; Radio Free Asia; the Asia Foundation; or the Armed Forces Network, Europe (AFN-E), provided that individuals concerned meet certain criteria.

Following the passage of P.L. 96-465, the BIB together with the Office of Personnel Management (OPM), established the procedures for requesting a certification of service for the broadcast entities cited. However, the BIB has no employment records on these employees nor does it have access to these employment records. Since 1980, the BIB has certified the service of these individuals based on information provided by the broadcast entities cited in the law.

The responsibility of certifying the service of the individuals concerned should rest with the respective organizations responsible for the record keeping of the employee's service.

The BIB will continue to certify the service of employees of the listed broadcast entities (RFE/RL, Inc. and related organizations) because BIB has access, if necessary, to the records of those individuals who may request service credit.

BOARD FOR INTERNATIONAL
BROADCASTING,
Washington, DC, March 12, 1987.
Hon. CLAIBORNE PELL,
Chairman, Senate Foreign Relations Committee, Washington, DC

DEAR MR. CHAIRMAN: I am submitting with this letter proposed legislation to make required amendments to the Board for International Broadcasting Act of 1973 and to authorize appropriations for the Board to carry out its responsibilities as specified in that Act.

The bill provides for authorization of appropriations for the Board's operation during fiscal years 1988 and 1989.

A sectional analysis explaining the proposed legislation is enclosed.

The Office of Management and Budget has advised the Board that it has no objection to the presentation of this proposal to the Congress and that its enactment would be in accord with the program of the President.

Respectfully,

BRUCE D. PORTER,
Executive Director.●

By Mr. HEINZ:

S. 741. A bill to amend the Tariff Act of 1930; to the Committee on Finance.

TARIFF ACT AMENDMENTS

● Mr. HEINZ. Mr. President, I am today introducing legislation to make several changes in the way material injury is determined by the International Trade Commission in antidumping and countervailing duty cases. I make this proposal for the purpose of obtaining public comment, since it contains some new ideas, and I have not yet made my own judgment as to its merits. I ask that the text of the bill, along with a statement of explanation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 741

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Paragraph (B) of Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended—

(1) by striking "and" at the end of subparagraph (ii);

(2) by striking the period at the end of subpargraph (iii) and inserting in lieu thereof ", and"; and

(3) by adding the following new subparagraph:

"(iv) the competitive environment for such merchandise in the country of exportation."

(b) Paragraph (C) of Section 771(7) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by adding the following new subparagraph:

"(iv) COMPETITION IN THE EXPORTING COUNTRY.—In examining the competitive environment in the exporting country, the Commission shall consider whether—

(I) Producers in the exporting country are shielded from significant import competition,

(II) Domestic producers of the like product are effectively precluded from selling such product in the country of exportation,

(III) Shielding exporting country producers from import competition has an effect on prices in the exporting country,

(IV) Producers in the exporting country are state enterprises that sell or buy without regard to commercial considerations, and

(V) The imports of the merchandise are effected through brokers or agents unrelated to the producers of the merchandise.".

SEC. 3. Subparagraph (ii) of Section 771(7)(E) of the Tariff Act of 1930 (19 U.S.C. 1677(7)) is amended by striking the period at the end, inserting in lieu thereof a semicolon, and adding the following clause: "*Provided,* That factors other than those enumerated in subparagraph (b) shall not be the basis for a determination of the Commission that there is no material injury or threat of material injury to United States producers.".

MEMORANDUM

Re: Modification of The Injury Test.

There is room for change in the injury test that is applied in antidumping and countervailing duty cases, if only to take into account the fact that the economic analysis of injury found in a number of recent International Trade Commission opinions is based on economic principles that only make sense in the context of a national market. For example, a domestic firm in Maine does not have a protected home market and therefore, cannot with impunity sell at "dumping" prices in other parts of the country because if it does, producers in other parts of the country will sell in its market. Therefore, the Maine firm will only "dump" if it is seeking a monopoly which will ultimately (after market power is achieved) allow price increases to recoup losses.

However, sales in the United States from foreign producers are motivated by different economic rationales than sales by domestic firms. With respect to steel, a commodity product in many cases, foreign producers often sell from protected home markets. Those protected home markets allow greater latitude in the pricing activity that the exporting firm can follow in selling to the U.S. market. Moreover, protected home markets normally give the foreign producer the financial security (through high prices in the home market) to sell at whatever price is necessary in the U.S. market (for example, when the objective is to unload excess inventory, perhaps reflecting a decline in the demand of the country of production). And, where there is excess supply around the world, this can lead to ongoing dumping, particularly where there are social policies that mandate maintenance of employment.

When selling from a protected market, an exporter can discriminate in price without risk that competitors in the target market will use the "backhaul" to take advantage of higher prices in the originating market. The effects of price discrimination are, therefore, more dramatic when there is no practical possibility of selling back into the originating market. In these circumstances the discriminating price effectively becomes the price in the U.S. market. This is true whether or not the discriminating producer achieves "market power," since the U.S. price is supported by the separability of the home market. In many industries, the answer to such discrimination may be for domestic producers to mothball a plant and become importers, a result that appears to have happened to some extent in the cement industry.

Likewise, subsidies exacerbate the effects of pricing decisions made by exporters that have protected home markets. Often, subsidies enable inefficient firms to maintain production when market conditions would have normally forced the decision to shut down. Subsidies also encourage new capacity that would not otherwise be built if commercial considerations were the only criteria for investment.

For these reasons, the law could be improved by requiring the Commission to take into account, in addition to price effects and volume (as well as "other factors") the conditions of competition in the exporting country. Where there is no "real access" for United States producers in the exporting country, then evidence of price erosion in the United States or loss of sales, accompanied by "harm that is not immaterial, inconsequential or unimportant," would require a finding that dumped or subsidized imports are a cause of injury.

The rationale of this approach is that an exporter with a protected home market has far more freedom and latitude to price in the U.S market than would a domestic U.S. producer, that had any intention of gaining "market power." Moreover, the more the imported product is "like" the domestic product (*e.g.,* steel or cement), the more likely it is that small volumes of imports will have a disproportionate effect on prices.●

By Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DANFORTH):

S. 742. A bill to clarify the congressional intent concerning, and to codify, certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance; to the Committee on Commerce, Science, and Transportation.

FAIRNESS IN BROADCASTING ACT

● Mr. HOLLINGS. Mr. President, never, to my knowledge, has any Member of this body ever questioned whether the Fairness Doctrine is an explicit requirement of the Communications Act. We've always known that it is. Why? Because Congress itself placed the Fairness Doctrine in section 315(a) of the act back in 1959. Ask Senator PROXMIRE? He played the crucial role in codifying the Fairness Doctrine.

Now, we are faced with a ruling by Judge Bork of the U.S. Court of Appeals in the TRAC case that says just the opposite is true—that we never codified the Fairness Doctrine in 1959, that it is only part of the general public interest standard, and the FCC can repeal it without our approval.

This decision is just plain wrong. It's distorted. It's illogical.

But, I would not be so concerned if I believed the current FCC could deal fairly and properly with this matter. I have no doubt it will not. Over the past 6 years, the FCC Commissioners have demonstrated unequivocally that they are neither reasonable nor enlightened on the issue of the Fairness Doctrine. Rather, the Chairman and his fellow Commissioners approach this issue with closed minds and misguided views. They have only one goal: Repeal the Fairness Doctrine and don't let the facts stand in the way.

Let me elaborate further on this FCC's actions regarding the Fairness Doctrine, and you will see why we have a problem.

First, this FCC began its tenure by promptly voting to find the Fairness Doctrine unconstitutional and recommending that Congress repeal it. It was only after this vote that the FCC decided it better open an inquiry to gather the facts about this issue. Shoot first, and ask questions later.

Second, the FCC concluded its inquiry by finding—not surprisingly—the Fairness Doctrine to be unconstitutional, but it also found that since the Fairness Doctrine is an explicit part of the Communications Act, it was up to Congress to make the final decision. The Commission then, however, turned right around and said it really did not mean for Congress to be the arbiter of this issue. The Commission used its discretion to make the inquiry a final agency decision subject to court review. Thus, the courts—not Congress—would be the arbiter of this issue.

Third, while the FCC decided it should do a Fairness Doctrine inquiry, it did not have the intellectual honesty to do it correctly. It never examined whether there were alternative ways of administering and enforcing the Fairness Doctrine so as to lessen any concerns. It took an act of Congress to achieve this, and the FCC has until the end of this fiscal year to complete this study.

Fourth, despite an act of Congress, the FCC took its time—more than 3 months after the legislation was signed into law—before it initiated this study into the alternatives. At the same time, the FCC took only 6 days after the recent Appeals Court decision in Meredith to begin an inquiry into whether the FCC should find the Fairness Doctrine not in the public interest or unconstitutional. The FCC acted despite the clear intent of Congress that the Commission take no action regarding the Fairness Doctrine until it completes the study mandated by law.

Fifth, the FCC was under no mandate of the court to begin its inquiry in such a short time. In fact, the Meredith decision is not even effective yet. The effective date has been postponed by the court until a rehearing has been completed. And what happens if the party bringing the Fairness Doctrine complaint against Meredith Broadcasting decides to withdraw it? The case is moot, and the Appeals Court remand is of no consequence.

The Commission's relentless and misguided vendetta against the Fairness Doctrine is truly astounding. Under this regime, statutory language and congressional intent are not taken seriously. We have reached the point where we all know what the Chairman and the Commissioners will do with the Fairness Doctrine—repeal it. That is why Senator INOUYE, Senator DANFORTH, and I are introducing today this simple bill to redo what we already thought we had done some 30 years ago: codify the Fairness Doctrine.

Over the past 6 years, I have heard time and again the arguments of those who seek repeal of the Fairness Doctrine: the spectrum is no longer scarce; the broadcast marketplace is competitive; the Fairness Doctrine chills speech. The facts, however, belie these claims.

While we have seen greater use of the spectrum, we have also seen tremendously greater demand. Experience has shown that the hardest fought battles at the FCC are about spectrum. The result is that scarcity continues. One FCC official put it best when he said about the spectrum, "They (users seeking spectrum) don't want a lot. The problem is, there isn't a lot left." The FCC, in fact, has used the scarcity rationale to justify recent actions. For example, in the 1984 FM subcarrier proceeding, the FCC stated: "* * * the mandate of Section 301 that we provide for the use of channels authorizes the Commission to allocate the Nation's scarce spectrum resources. In attempting to satisfy that mandate, the public's need for new or additional services must be balanced against the limited spectrum available." the broadcast community also acknowledges this fact. In a recent speech, the president of the National Associations of Broadcasters said, "No one challenges the fact that valuable spectrum space is scarce * * * (it) should be used to serve all the public."

The fact of the matter is that you just cannot walk in to the FCC and obtain a license to operate a television or radio station in a major market. There are very few available. In the top 50 markets, there are only about five full power, albeit UHF, commercial television channels available. In the top 225 markets, about 50 commercial channels are vacant. A similar situation exists for radio.

Even though there has been a large increase in the gross number of broadcast stations, this does not necessarily indicate that competition exists. In fact, it does not. Some 2,000 communities are served by a single radio licensee—or AM/FM combination. In other communities, one station clearly dominates. As for television, network affiliates, and major independents continue to have substantial market power. Proof for the domination of broadcast stations can be found in the amounts of money expended by candidates for political office and by noncandidates on ballot issues. The Commerce Committee recently heard testimony that between 50 and 90 percent of the money expended in these campaigns is for broadcast time. Why? It is clearly the best way to quickly and effectively reach the largest amount of people. There is no reasonably available alternative. The talk about all the new competitors is little more than talk. Many of these supposed competitors have never gotten off the ground. Others—such as cable—serve nowhere near the same number of people. In addition, they offer little new programming that deals with the dissemination of issues of public import.

At its heart, the Fairness Doctrine is no more than good journalistic practice. It is just for this reason that many broadcasters support it. One prominent television journalist, Fred W. Friendly, put it best in a statement to the Commerce Committee: "Let me assure you that I am opposed to all prior restraints or any FCC review on a program-by-program basis. But I think we've seen over the past 5 years (since 1979) that the Fairness Doctrine is no longer the chilling threat that broadcasters screamed about. It is true that in the 1960's and the 1970's zealots at the FCC tried to execute the doctrine as though it were a law with sharp teeth. * * * But in 1982, the Fairness Doctrine is once again only a doctrine and one that every responsible journalist should strive for. * * *"

I would not dispute that there have been specific instances when the Fairness Doctrine has made a broadcaster wary about airing a program or advertisement. But, the times have been rare. In fact, a 1984 study by the National Broadcast Editorial Association showed that the two greatest reasons for not airing editorials were: the time it took and the perceived lack of audience interest. Furthermore, it must be remembered that the doctrine obligates broadcasters to air matters of public importance. Any claims that it inhibits the airing of programs or advertises are therefore questionable.

The Fairness Doctrine has permitted those who do not own broadcast stations to have an opportunity to participate in important public debate. it has provided the public with a greater range of views upon which to make informed decisions. It clearly has enhanced speech and furthers first amendment rights. For these reasons, we need to act promptly to ensure it continues in effect.●

● Mr. INOUYE. Mr. President, it is my privilege today to join Senator HOLLINGS and Senator DANFORTH in introducing the Fairness in Broadcasting Act of 1987. This bill enacts the Federal Communications Commission's rules and policies governing the Fairness Doctrine, a principle which has governed broadcasting for 40 years. It is necessitated by two recent developments: a court ruling which found that Congress has ratified the Fairness Doctrine but never codified it, and attempts by the present FCC to abolish it.

The Fairness Doctrine basically ensures that broadcasters air important issues of the day and that they provide opportunities for the discussion of conflicting points of view. It carefully preserves the first-amendment rights of both broadcasters and the public and ensures that the limitations which exist on the number of broadcast licenses available do not stifle debate in a free society.

Because of Judge Bork's ruling in the TRAC case, the Fairness Doctrine today exists only as part of the general public interest standard for broadcasting. The FCC can thus repeal it without congressional approval, something which the current FCC is trying to do. This runs counter to the history of broadcast licensing in the United States and Congress' clear desire to preserve the Fairness Doctrine. The time has come to codify it, a goal which I share with the chairman of the Commerce Committee, Senator Hollings, and our distinguished ranking member, Senator Danforth.

It is my intention to have the Communications Subcommittee move swiftly to report this bill. I have scheduled hearings on March 18 and have invited a panel of experts to debate the Doctrine and our proposed legislation. A bill identical to ours is being introduced by the chairman of the House of Representatives' Commerce Committee and its Telecommunications Subcommittee. We are coordinating our efforts in order to signal our seriousness of purpose and the intent of Congress to deal promptly with this important issue. I thus urge my colleagues to support this legislation and vote for it when it comes before the full Senate.●

● Mr. DANFORTH. Mr. President, today I am cosponsoring the Fairness in Broadcasting Act of 1987, with Senators Hollings and Inouye. If enacted, this bill would codify the Fairness Doctrine.

I have always supported the Fairness Doctrine and I continue to believe very firmly that this doctrine helps protect the rights of all Americans. I believe that broadcasters are entrusted with a valuable and scarce public resource. A license to use this resource gives the licensee the most powerful and effective means to reach the American public.

In spite of all the technological developments in recent years, and in spite of the vast availability of print media, I believe that scarcity still exists. Not only are broadcasters entrusted with this scarce resource, but the power of this resource to influence, educate, and inform the public faces no equal. There is no alternative medium, at this time, which reaches so great an audience and has so great an influence. I believe it is not asking too much of these trustees of the spectrum to require them to devote time to the discussion of controversial issues of public importance and to air conflicting viewpoints so that the public may make informed decisions.●

By Mr. CHAFEE (for himself, Mr. Mitchell, Mr. Stafford, Mr. Heinz, Mr. Reid, Ms. Mikulski, Mr. Lautenberg, Mr. Specter, and Mr. Durenberger):

S. 743. A bill to authorize the Environmental Protection Agency to conduct a study for the purpose of determining the extent to which radon in the Nation's schools poses a threat to children and employees within such schools, and for other purposes; to the Committee on Environment and Public Works.

RADON DETECTION IN SCHOOL BUILDINGS ACT

● Mr. CHAFEE. Mr. President, today I am introducing legislation, along with Senators Mitchell, Stafford, Heinz, Reid, Mikulski, Lautenberg, Specter, and Durenberger, which will enable Congress to evaluate the health risks posed by radon in our Nation's schools.

At the outset let me express my appreciation for the support of my colleague, the distinguished Senator from Maine, in developing this legislation. Senator Mitchell has been a leader in a multitude of well-reasoned environmental efforts. With his help as chairman of the Subcommittee on Environmental Protection I hope we can move this bill forward.

Radon is an invisible radioactive gas which is formed by the natural decay of uranium, found in trace amounts throughout the country. The gas clings to dust particles and, when inhaled, can cause cancer. In the out-of-doors the gas is diluted and poses no threat. Radon can enter insulated homes and buildings through cracks in the foundations or walls, and can accumulate to dangerous levels.

The dangers of high levels of indoor radon contamination are no longer questioned by the scientific and medical communities. The Environmental Protection Agency cites radon as the leading cause of lung cancer among nonsmokers, and estimates that it is responsible for up to 20,000 deaths per year. A GAO report issued last June noted that "30 percent of about 40,000 indoor radon measurements were above the level at which EPA recommends that action be taken to reduce indoor radon levels, indicating that indoor radon contamination is a national problem."

My bill has a specific purpose. Unlike other legislation which addresses the problem of radon in private homes, my bill focuses specifically on the potential problem of radon in school buildings, and for very good reasons:

Children may be more at risk from the adverse effects of radon than adults. Studies of other types of radiation indicate that children, because they are still in the developmental stages, are more sensitive.

Radon experts believe that of all public buildings, one story elementary schools are the most likely to have a radon problem. Also, schools which utilize basement areas for cafeterias or gymnasiums are at risk.

A survey of 140 schools in Pennsylvania turned up 39 schools with recorded radon levels above EPA's recommended target level for remedial action. Children who are exposed at school may also be exposed at home, posing a significant health risk.

My bill authorizes EPA to conduct a statistical study for the purpose of determining the extent of radon contamination in the Nation's school buildings. Radon testing is relatively inexpensive, costing about $15 per test sample. This bill authorizes $1 million to conduct tests in a large sample of the Nation's schools, and $500,000 to test and perfect methods for ridding schools of radon, once it is discovered.

Mr. President, I would like to note that the cost of alleviating a radon problem in a building is usually not exorbitant, and in some cases requires only a readjustment of the ventilation system or sealing the foundation. In the Pennsylvania survey of schools, the average cost of radon remediation was $19,000, and in some schools the cost of remediation was as low as $2,000.

It does not make sense to prescribe the remedy until we have full knowledge of the extent of the problem. My bill will permit Congress to characterize the radon problem in our schools with more extensive data than is currently available. At present we have virtually no information about the incidence of radon to which our children may be exposed in their classrooms. This bill will direct EPA to assess the radon-in-schools problem within each State. This information is critical if Congress is to respond intelligently to the problem posed by indoor radon.

Specifically, EPA will be required to work with the appropriate State agencies to conduct radon testing. EPA will use its laboratories to evaluate the results of the tests, and will have 24 months to complete the testing and report the results to the Congress.

Mr. President, I would like to note that this bill has the full support and backing of the national PTA and the National Education Association.

I urge my colleagues to join with me in supporting this important environmental legislation which will enable Congress to determine the extent of radon contamination in our schools.

I ask unanimous consent that the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 743

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Radon Detection in School Buildings Act."

FINDINGS

SEC. 2. The Congress finds that—

(1) indoor radon contamination poses a significant threat to public health and, according to the Environmental Protection Agency, radon causes between 5,000 and 20,000 lung cancer deaths per year and may be second only to smoking in causing lung cancer;

(2) according to the Environmental Protection Agency, scientific studies of other types of radiation exposure indicate that children may be more sensitive and, consequently could be more at risk than adults from exposure to radon; and

(3) A General Accounting Office report notes that 30 percent of about 40,000 indoor radon measurements were above the level at which the Environmental Protection Agency recommends that action be taken so as to reduce such level, thus indicating that indoor radon contamination is a national problem.

PURPOSE

SEC. 3. The purpose of this Act is to authorize the Administrator to conduct a study to determine the extent of radon contamination in the Nation's school buildings.

DEFINITIONS

SEC. 4. For purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "local educational agency" means—

(A) any local educational agency as defined in section 198 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 3381);

(B) the owner of any non-profit elementary or secondary school building; and

(C) the governing authority of any school operated pursuant to section 6 of the Act of September 30, 1950 (Public Law 874, 81st Congress) relating to impact aid for children of members of the Armed Forces;

(3) "non-profit elementary or secondary school" means any elementary or secondary school (as defined in section 198 of the Elementary and Secondary Education Act of 1965) owned and operated by one or more nonprofit corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual;

(4) "school building" means—

(A) structures suitable for use as classrooms, including school facilities such as laboratories, libraries, school eating facilities, or facilities used for the preparation of food;

(B) any gymnasium or other facility which is specially designed for athletic or recreational activities for an academic course in physical education;

(C) other facilities used for the instruction of students or for the administration of educational or research programs; and

(D) maintenance, storage, or utility facilities essential to the operation of the facilities described in subparagraphs (A), (B), and (C); and

(5) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Northern Marianas, the Trust Territory of the Pacific Islands, and the Virgin Islands.

STUDY OF RADON IN SCHOOLS

SEC. 5. (a) The Administrator shall conduct a study for the purpose of determining the extent of radon contamination in the Nation's school buildings, including in the case of a school using a nonpublic water source (such as a well or other groundwater), radon contamination of the water.

(b)(1) In carrying out such study, the Administrator shall conduct a statistical survey of radon levels in schools, including contributions from soil, water, or other significant sources where appropriate, and compile a list of the school districts within the United States which the Administrator determines have a relatively high probability of exceeding the Environmental Protection Agency's recommended target level for remedial action.

(2) In compiling such list, the Administrator shall make such determinations on the basis of, among other things, the following:

(A) geological data;

(B) data on high radon levels in homes and other structures nearby any such school; and

(C) physical characteristics of the school buildings.

(3) In conducting such study the Administrator shall design a statistical survey which when completed allows Congress to characterize the extent of radon contamination in each State. However, the survey model should be weighted to direct more schools to be tested in those districts identified in paragraph (1) of this subsection.

(c)(1) For the purpose of assisting the Administrator in conducting the study required by this Act, the Administrator is authorized to make available to the appropriate agency of each State, as designated by the Governor of such State, technical advice, publications, and assistance necessary to assist such agencies in testing for radon within school buildings.

(2) In addition to the assistance authorized by paragraph (1) of this subsection, the Administrator is authorized to make available to appropriate agencies of each State, as designated by the Governor of such State, cannisters or other devices suitable for use by such agencies in conducting tests for radon within the schools under the jurisdiction of any such State agency. The Administrator is authorized to make available to such agencies the use of laboratories of the Environmental Protection Agency, or to recommend laboratories, to evaluate any such cannisters or devices for the presence of radon levels.

(d) The Administrator is authorized to select, from school districts identified in subsection (b), school buildings for purposes of enabling the Administrator to undertake diagnostic and remedial efforts to reduce the levels of radon in such school buildings. Such diagnostic and remedial efforts shall be carried out with a view to developing technology and expertise for the purpose of making such technology and expertise available to any local educational agency and the several States.

(e) On or before the expiration of the 12-month period following the date of the enactment of this Act, the Administrator shall submit to the Congress a status report with respect to action taken by the Administrator in conducting the study required by this Act, including the results of his or her diagnostic and remedial work. On or before the expiration of the 24-month period following such date of enactment, the Administrator shall submit a final report setting forth the results of the study conducted pursuant to this Act, including the results of the Administrator's diagnostic and remedial work, and the recommendations of the Administrator.

SCHOOLS NOT AT HIGH RISK

SEC. 6. With respect to school districts not included on the list compiled by the Administrator pursuant to subsection (b) of section 5, the Administrator is authorized to make available to such districts information and other data detailing the risks associated with high radon levels, and advice and other information concerning ways to test for radon within such schools and water supplies.

REGULATIONS

SEC. 7. The Administrator is authorized to issue such regulations as may be necessary to carry out the provisions of this Act.

AUTHORIZATION

SEC. 8. (a) For the purpose of carrying out the provisions of subsection (d) of section 5, there is authorized to be appropriated such sum, not to exceed $500,000, as may be necessary.

(b) For the purpose of carrying out the provisions of this Act other than subsection (d) of section 5, there is authorized to be appropriated such sum, not to exceed $1,000,000, as may be necessary.●

By Mr. MITCHELL (for himself, Mr. CHAFEE, Mr. STAFFORD, Mr. LAUTENBERG, Mr. MOYNIHAN, Mr. DURENBERGER, Ms. MIKULSKI, Mr. REID, Mr. DODD, Mr. KERRY, Mr. HEINZ, Mr. GORE, Mr. DASCHLE, Mr. SPECTER, Mr. BRADLEY, Mr. GRAHAM, and Mr. WIRTH):

S. 744. A bill to assist States in responding to the threat to human health posed by exposure to radon; to the Committee on Environment and Public Works.

STATE RADON PROGRAM DEVELOPMENT ACT

● Mr. MITCHELL. Mr. President, today I am introducing legislation to assist State governments in responding to the health threat posed by radon gas.

I want to express my appreciation to Senator CHAFEE for his support in development of this legislation. Senator CHAFEE is the ranking member of the Subcommittee on Environmental Protection, which I chair. With Senator CHAFEE'S help, and that of other members of the Environment and Public Works Committee, I hope to move this bill forward quickly.

I am also pleased to report that this legislation will be introduced shortly in the House of Representatives by Congressman TOM LUKEN. As chairman of the Subcommittee on Transportation, Tourism, and Hazadous Materials, Congressman LUKEN will have the opportunity to develop this legislation within the Energy and Commerce Committee.

Because of the urgency of this legislation, I plan to hold a hearing of the Subcommittee on Environmental Protection, in conjunction with the Subcommittee on Superfund and Environmental Oversight, addressing radon issues. The hearing, which is scheduled for March 13, will provide an opportunity for testimony on the seriousness of the radon problems, the status of State control programs, and other related issues.

Radon contamination of homes and other buildings is a serious problem. Radon is a naturally occurring element found in soils and granite rock. In its gaseous form, radon seeps into homes and other structures through cracks in basement foundations. Radon gas can also enter homes through a water supply when it is vaporized as water comes out the tap.

Once in a home, radon can build up to hazardous levels. Exposure to radon poses a significant threat of lung cancer, second only to cigarette smoking. The Environmental Protection Agency estimates that as many as 20,000 lung cancer deaths each year are attributable to radon.

In a recent study of environmental and health risks, the EPA ranked exposure to radon gas as posing the greatest overall risk of cancer among a group of 26 pollution sources which were assessed. I should note that radon was tied in first place in the cancer risk category with the problem of worker exposure to chemicals.

In the same study, EPA also assessed a wide range of environmental problems based on cancer and noncancer health risks, ecological effects, and welfare effects. In this overall assessment, exposure to radon was ranked as the fourth most significant problem among the 31 problems identified.

In my home State of Maine, there is evidence of widespread radon contamination. Thirty percent of tests for radon in air exceed the EPA action level 4 picocuries per liter. Readings as high as 500 picocuries per liter have been recorded in the State.

Maine also has a serious problem of radon in water. Although EPA has not yet set a standard for radon in water, the State of Maine considers readings of greater than 20,000 picocuries per liter to pose a health threat. Twelve to fifteen percent of tests of radon in water exceeded this level. Maine has what is thought to be the highest radon in water measurement in the world of about 1.5 million picocuries per liter.

In addition, studies conducted by the University of Maine indicate that as many as 75 people in Maine die each year as a result of exposure to radon gas. This deadly toll may increase as people continue to insulate their homes and reduce the amount of air exchange in winter as a means of conserving home heating costs.

We are moving forward with research of radon at the national level. Last year, Congress enacted legislation, which I introduced, directing the EPA to conduct a national survey of radon, to demonstrate radon mitigation methods, and to carry out other needed research. This national level research effort is essential and must continue.

There is, however, a need to complement this Federal effort with development of programs addressing radon in air and water at the State level. The increase in national attention to the radon problem has increased the public demand for assessment and control of radon contamination. Much of this increased public demand is falling on State governments.

Many States recognize that they have a radon problem but lack the resources to develop needed new programs. Other States are concerned that they may have a radon problem and would like to investigate, but do not have the resources to conduct a survey or carry out related activities.

My bill, which is titled the "State Radon Program Development Act," will direct the Environmental Protection Agency to expand technical assistance to States on radon issues and will provide seed money to help States initiate radon related programs. It is intended to help States get programs up and running.

The bill provides for a comprehensive program of technical assistance from the EPA to States. EPA is to conduct general assistance activities including establishing a clearinghouse on radon issues, conducting training and other seminars, certifying radon measurement devices, and developing a national data base on radon.

At the request of a specific State, EPA is to assist the State in development of programs related to radon including surveys of radon areas, design of educational programs, development of control programs, and assessment of radon mitigation options in unusual structures. EPA is also to provide information concerning radon issues to the private sector design and architecture communities.

The bill also provides for grant assistance to States as seed money to start up State programs related to radon.

States can use Federal assistance for a wide range of activities including surveys of radon problems, development of educational material, purchase of laboratory and related radon measurement equipment, and setting up data management systems.

The bill makes it easy for a State to apply for a grant. A State must simply describe the nature of the radon problem, designate a lead agency, and describe the program to be funded. States are to provide 25 percent of project costs.

There are several limitations on the allocation and use of funds. In order to assure that funds are distributed among all the States that need assistance, not more than 15 percent of the total funds available may be provided to a single State. While States may use funds to assist individuals through purchase of radon detectors and demonstration of mitigation techniques, these uses are each limited to 10 percent of a total grant. General overhead costs are not to exceed 25 percent of the amount of a total grant to a State.

The bill will provide funds to States which need and want the assistance. It would not provide grants to every State under a formula. EPA is given authority to allocate available funds to State programs based on criteria provided in the bill. These criteria include the seriousness of the radon problem, the likelihood of success in radon control, potential for development of innovative program approaches, and the need to assist each State proposing eligible projects.

The bill makes clear that EPA, rather than some other Federal agency, is to provide technical assistance and to manage the grant program. The Administrator, however, may designate another Federal agency to carry out some functions.

An authorization of $10 million is provided for fiscal years 1988, 1989, and 1990. The bill is intended to help States get programs off the ground in this 3-year period. It is not our intention to establish a permanent Federal grant program to States for radon program management.

On a related matter, Mr. President, I want to express my support for legislation addressing radon in school buildings, which my colleague, Senator CHAFEE, is introducing today.

The "Radon Detection in School Buildings Act" directs the Administrator of the EPA to determine the extent of radon contamination in the Nation's schools.

There is evidence that radon poses a health threat in schools. A survey of 140 schools in Pennsylvania identified 39 buildings where radon exceeded the level where EPA recommends action be taken. Children are particularly sensitive to radon and combined exposure in homes and schools may pose a significant risk.

Senator CHAFEE's bill directs the EPA to conduct a statistical survey to learn the extent of radon contamination in the Nation's schools and determine the extent of the health threat. This is an important aspect of the radon problem and I look forward to working with Senator CHAFEE on this issue.

Mr. President, we have convincing evidence that radon is a major public health threat and we are making progress with the issue at the Federal level. But, State governments, which are in the front lines of the radon response effort, need our help in getting their programs up and running.

My bill will help States develop these badly needed radon programs. I hope my colleagues will join me in the support of this legislation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 744

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "State Radon Program Development Act of 1987".

FINDINGS

SEC. 2. The Congress finds that—

(1) exposure to radon poses a serious threat to public health in certain areas of the country and is estimated to cause between 5,000 and 20,000 lung cancer deaths each year;

(2) Federal response to the health threat posed by radon is essential and should continue at existing or expanded levels;

(3) State governments should play a role in responding to the health threat posed by radon; and

(4) Federal assistance to States will make possible a coordinated Federal-State effort to respond to the health threats posed by radon.

DEFINITIONS

SEC. 3. For the purposes of this Act, the term—

(1) "Administrator" means the Administrator of the Environmental Protection Agency;

(2) "radon" means the radioactive gaseous element, and its short lived decay products produced by the disintegration of the element radium; and

(3) "State" means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, the Northern Mariana Islands, American Samoa, and the Trust Territories.

TECHNICAL ASSISTANCE TO STATES

SEC. 4. (a) The Administrator, or another Federal department or agency when designated by the Administrator, shall develop and implement activities designed to assist State radon programs. These activities may include, but are not limited to—

(1) establishment of a clearninghouse of radon related information including mitigation studies, public information materials, surveys of radon levels, and relevant information;

(2) design and implementation of training seminars for State and local officials dealing with radon and addressing topics such as monitoring, analysis, mitigation, health effects, public information and program design;

(3) certification of radon measurement devices and methods;

(4) publication of public information materials concerning radon health risks and methods of radon mitigation;

(5) demonstration of radon mitigation methods in various types of structures and in various geographic settings and publication of findings;

(6) cataloging qualified private firms offering radon related architecture, design, engineering, and mitigation services; and

(7) establishment of a national data base, with data organized by State, concerning the location and amounts of radon.

(b) Upon request of a State, the Administrator, or another Federal department or agency when designated by the Administrator, may provide technical assistance to such State in development or implementation of programs addressing radon. Such assistance may include, but shall not be limited to—

(1) design and implementation of surveys of the location and occurrence of radon within a State;

(2) design and implementation of public information and education programs;

(3) design and implementation of State programs to control radon in existing or new structures; and

(4) assessment of mitigation alternatives in unusual or unconventional structures.

(c) The Administrator, or another Federal department or agency when designated by the Administrator, shall provide appropriate information concerning technology and methods of radon assessment and mitigation to professional organizations representing private firms involved in building design, engineering, and construction.

(d) Within 180 days after the date of the enactment of this Act and annually thereafter, the Administrator shall submit to Congress a plan identifying assistance to be provided under this section and outlining personnel and financial resources necessary to implement this section. Prior to submission to Congress, this plan shall be reviewed by the advisory groups provided for in section 403(c) of the Superfund Amendments and Reauthorization Act of 1986.

GRANT ASSISTANCE TO STATES

SEC. 5. (a) For each fiscal year upon application of the Governor of a State, the Administrator may make a grant, subject to such terms and conditions as the Administrator considers appropriate, under this section to such State for the purpose of assisting the State in the development and implementation of programs for the assessment and mitigation of radon.

(b) An application for a grant under this section in any fiscal year shall contain such information as the Administrator shall require, including—

(1) an assessment of the seriousness and extent of radon exposure in the State;

(2) an identification of the State agency which has the primary responsibility for radon programs and which will receive the grant, a description of the roles and responsibilities of the lead State agency and any other State agencies involved in radon programs, and description of the roles and responsibilities of any municipal, district, or areawide entity involved in radon programs;

(3) a description of the activities and programs related to radon which the State proposes in such year; and

(4) a budget specifying Federal and State funding of each element of activity of the grant application.

(c) Activities eligible for such Federal grant assistance are—

(1) survey of radon levels, including special surveys of geographic areas or classes of buildings (such as, among others, public buildings, school buildings, high risk residential construction types);

(2) development of public information and educational materials concerning radon assessment, mitigation, and control programs;

(3) implementation of programs to control radon in existing and new structures;

(4) purchase by the State of radon measurement equipment or devices, including assistance to persons which the State determines to be low-income;

(5) purchase and maintenance of analytical equipment connected to radon measurement and analysis, including costs of calibration of such equipment;

(6) payment of costs of Environmental Protection Agency approved training programs related to radon for permanent State employees;

(7) payment of general overhead costs and program administration costs, consistent with applicable regulations of the Environmental Protection Agency;

(8) development of a data storage and management system for information concerning radon occurrence, levels, and programs; and

(9) payment of costs of demonstration of radon mitigation methods and technologies, as approved by the Administrator.

(d) The Administrator shall support eligible activities proposed in State applications with the full amount of available funds. In the event that State applications for funds exceed the total funds available in a fiscal year, the Administrator shall give priority to activities or projects proposed by States based on the following criteria—

(1) the seriousness and extent of the radon contamination problem to be addressed;

(2) the potential for the activity or project to bring about reduction in radon levels;

(3) the potential for development of innovative radon assessment techniques, mitigation measures, or program management approaches which may be of use to other States; and

(4) the need to assist each State submitting an application in development and implementation of an appropriate radon program.

(e) The Federal share of the cost of radon program activities implemented with Federal assistance under this section in any fiscal year shall not exceed 75 percent of the costs incurred by the State in implementing such activities and shall be made on the condition that the non-Federal share is provided from non-Federal funds.

(f) Notwithstanding any other provision of this section, not more than 15 percent of the amount appropriated to carry out this section may be used to make grants to any one State, including any grants to local governments or areawide organizations in such State.

(g) Funds not obligated to States in the fiscal year for which funds are appropriated shall remain available for obligation during the next fiscal year.

(h) Funds granted to a State pursuant to this section in a fiscal year shall remain available for obligation by such State for the fiscal year for which appropriated.

(i) States may use funds from grants under this section for financial assistance to persons only to the extent such assistance is related to demonstration projects or the purchase and analysis of radon measurement devices.

(j) States may, at the Governor's discretion, use funds from grants under this section to assist local governments in implementation of activities eligible for assistance under sections 5(c) (2), (3), and (6).

(k) No grant may be made under this section in any fiscal year to a State which in the preceding fiscal year received a grant under this section unless the Administrator determines that such State satisfactorily implemented such grant funded activities in such preceding fiscal year.

(l) The Administrator may request such information, data, and reports of the State as he considers necessary to make the determination of continuing eligibility under this section.

(m) The costs of purchasing radon measurement devices under section 5(c)(4) shall not exceed 10 percent of the amount of the grant in such year. The costs of implementing demonstration programs under section 5(c)(9) shall not exceed 10 percent of the amount of the grant in such year. The costs of personnel and program administration under section 5(c)(7) shall not exceed 25 percent of the amount of such grant in such year.

AUTHORIZATION

SEC. 6. There are authorized to be appropriated to carry out this Act not to exceed $10,000,000 for each of the fiscal years 1988, 1989, and 1990.●

● Mr. LAUTENBERG. Mr. President, I am pleased today to join my colleagues, Senators MITCHELL and CHAFEE, in introducing two bills to address the problem of radon contamination.

Over the last 2 years, radon has emerged as a major public health threat. It's been found to pose a threat in every region of our country, in almost every State. The Environmental Protection Agency has stated that it could affect 1 million homes throughout the Nation. Radon is said to be the No. 2 cause of lung cancer in this country, second only to cigarette smoking. As many as 20,000 lung cancer deaths each year could be attributable to radon.

In spite of the evidence of radon's threat—evidence verified through research around the world—most States have not taken steps to combat the problem. These bills will help provide States with the tools they need.

Last year, the Congress passed the reauthorization of Superfund. Included in that landmark legislation were provisions authorizing, for the first time, a comprehensive National Radon Program at EPA. Those provisions, which Senator MITCHELL and I worked hard to have included in the reauthorization, provided EPA with a mandate to tackle the radon problem. They directed the Agency to assess the problem nationally, to conduct health research, provide information to the public, and develop and improve radon mitigation techniques.

The bills introduced today expand on that mandate. The State Radon Program Act would provide funds to assist States in developing their own radon programs. Those funds would go toward training of health officials, testing of homes and public buildings, public information programs, and mitigation efforts.

The bill authorizes $10 million for each of fiscal years 1987, 1988, and 1989. Those funds would be distributed on a cost-sharing basis, with the EPA bearing no more than 75 percent of the costs of State programs. No State would be eligible to receive more than 15 percent of funds available.

The second bill directs the EPA to conduct statistically significant surveys of schools in each State, to determine the threat posed by radon in those buildings. Generally, high radon levels are not expected to be found in public buildings. However, there are exceptions. Last year, a New Jersey school was tested, and several hot spots were found. A survey of 140 Pennsylvania schools located along the Reading prong found 39 schools with problems.

These may be isolated problems. But when it comes to protecting the health of our children, we can never be too careful or industrious. The program carried out under this bill will identify problem schools. And when problems are identified, they will be taken care of; $500,000 is authorized for this purpose.

Mr. President, radon is a national problem. However, many States have not begun to provide the funding necessary to establish radon programs. The need for such programs is clear.

Radon is a problem that can be dealt with. Significant progress has been made already. With funding I was able to secure for the EPA, a mitigation demonstration program is being conducted in Clinton, NJ. The results of that program are promising. But more can be done. These bills will help ensure that more is done.

I commend my colleagues for their initiative, and look forward to working with them as we continue to address the problem of radon contamination.●

● Mr. DODD. Mr. President, I am pleased to join my colleagues in cosponsoring the State Radon Program Development Act.

Radon is now the most dangerous source of radiation and the No. 1 environmental cancer risk faced by the American people. Health experts estimate that radon gas is responsible for as many as 20,000 lung cancer deaths annually. The Environmental Protection Agency believes that radon may be present in up to 8 million homes all over the country, with the highest concentrations in New England, Pennsylvania, New Jersey, New York, and California.

Despite the serious threat posed by radon, EPA's total budget for randon abatement programs is significantly less than the allotments made by some individual States. Moreover, the efforts of most States are limited to providing radon information to residents.

Last year, Congress established a National Radon Research Program. While this effort is essential in the battle against radon-caused lung cancer deaths, it is not sufficient.

The legislation that I am cosponsoring today would build on the program authorized by the Congress last year. The Federal research effort would be complemented with programs at the State level to address the health threats posed by radon gas. Currently, most States lack the know-how and resources to assess the extent of the radon problem and to develop needed programs.

This legislation would direct the Environmental Protection Agency to provide technical assistance to the States and would provide seed money to assist States in starting radon programs. The bill authorizes spending $10 million per year over 3 years to help the States develop their own programs in response to their own needs.

It is my sincere belief that the State Radon Program Development Act will result in the establishment of successful State programs to combat the deadly threat posed by radon gas.●

By Mr. HEINZ (for himself, Mr. TRIBLE, and Mr. DOMENICI):

S. 745. A bill to ensure the proper budgetary treatment of credit transactions of Federal agencies and to improve management of Federal credit programs; pursuant to the order of August 4, 1977, referred jointly to the Committee on the Budget and the Committee on Governmental Affairs.

FEDERAL CREDIT REFORM ACT

● Mr. HEINZ. Mr. President, it is with great satisfaction that I join my colleagues in introducing the administration's credit reform legislation. I am delighted to join in this effort not only because reform is long overdue, but because this proposal incorporates major elements of the plan I put forward in both the 99th and 100th Congresses to implement credit reform.

The administration is proposing a comprehensive reform of the process for budgeting and managing Federal credit programs. It would provide a uniform basis for measuring the cost of credit, and would for the first time permit accurate comparisons and tradeoffs among credit programs and between credit and direct spending programs.

The issue is important because of the more than $1 trillion of Federal credit outstanding that affects nearly every sector of the U.S. economy. It is also of concern because we have been making major program decisions and restructuring entire Federal programs on the basis of budget accounting rules that provide only the vaguest notion of the costs involved.

I do not believe that the issue before us is a minor problem of "cleaning up the books"—of interest only to a few accountants at OMB and CBO. It is a problem that adversely affects the operation of the Federal Government and the welfare of the American people. To continue on this basis would be to serve our constituents poorly indeed. For this reason, I believe it is essential that we address credit reform not as an interesting sidelight of the 1988 budget process, but as a crucial element of our efforts to control the budget deficit.

Any proposal this large and complex will raise many questions and no doubt includes some elements that will have to be altered in the legislative process. I cannot say that I endorse every word of the proposal. But I am enthusiastic that the issue has been placed before us and I look forward to an active debate and implementation of comprehensive credit reform as part of our efforts to control the budget deficit.●

● Mr. TRIBLE. Mr. President, I am pleased to join in introducing, and to cosponsor, the administration's Federal Credit Reform Act of 1987.

Since 1984, Representative Bill Gradison and I have argued that the current budgetary treatment of Federal credit programs—loans and loan guarantees—is seriously defective and misleading. We have argued that the Federal budget should reflect the true cost of these programs, that is, the subsidies they convey. And we have shown that one way to identify these costs and to bring them into the budget is for the Federal Government to sell its new loans to private investors, and to reinsure new Federal guarantees with private insurers.

I am delighted that the administration's Federal Credit Reform Act of 1987 so clearly reflects the three bills we introduced: S. 2500 in 1984, S. 502 in 1985, and S. 2142 in 1986. And I am particularly pleased that the Administration plan will use private loan and insurance markets as one mechanism to help determine the costs and subsidies in Federal credit programs.

The struggle for better understanding and control of Federal credit programs, through improved budget accounting for their costs, has been a long and lonely fight—especially until the accounting reform bill. We are delighted to have the administration as an ally.

The administration's proposal blends the best elements of the Trible-Gradison and Heinz bills. The Federal Credit Reform Act of 1987 is a very positive proposal, and I fully support it. It addresses and answers major shortcomings of current budget accounting for credit programs. It brings the true costs of loan and guarantee programs into the budget, and attributes them to the responsible agencies.

If this bill is adopted, the Congress will have far better information about the costs and consequences of our vast Federal credit programs, and it will be able, for the first time, to make meaningful comparisons and tradeoffs among credit programs and between credit and other spending programs.

I ask all of my colleagues interested in good government to support the administration proposal, and I intend to do all I can to make it law. ●

● Mr. DOMENICI. Mr. President, I am pleased to join my colleagues today in introducing the Federal Credit Reform Act of 1987.

If enacted, this legislation would put in place the President's proposal to change the budgetary treatment of Federal credit programs.

I want to commend the administration for submitting a very thoughtful piece of legislation and for making this issue a priority. This Senator does not agree with every aspect of the administration's bill, but I believe that it provides an important starting point for congressional deliberations.

Two of our colleagues also deserve credit for the work they have done in developing and pushing this kind of reform.

The Senator from Virginia, Senator Trible, first brought the issue to our attention 3 years ago this month with the introduction of the Credit Accounting Reform Act of 1984. The Senator from Pennsylvania, Senator Heinz, has also taken an active interest in credit reform.

Mr. President, this is a complicated proposal with a simple purpose—to improve the way we handle loan programs in the Federal budget.

Virtually everyone familiar with the process agrees that the current cash-based system does not accurately reflect the cost of Federal credit activities. The Congressional Budget Office, the General Accounting Office, and the Office of Management and Budget all agree that we need to make a change.

We need to change the budgetary treatment of credit to give Congress and the public a better understanding of the long-term cost of these programs.

We hear a lot of complaints around here about smoke and mirrors in the budget process. Well, this bill offers us a chance to clear up some of that smoke, by introducing into the budget a more accurate measure of the cost of credit activities.

Mr. President, credit reform is not just a nice theory. And it is not simply an attempt by a conservative administration to reduce Government spending.

Mr. President, this legislation represents a serious effort to improve the Federal Budget Process, a goal on which we can all agree. The Senate Budget Committee has already held a hearing on the proposal and, I am certain, will consider the measure further before too long.●

By Mr. BENTSEN (for himself, Mr. Stevens, Mr. Chiles, Mr. Bumpers, Mr. Daschle, Mr. Burdick, Mr. Chafee, Mr. Reid, Ms. Mikulski, Mr. Lugar, Mr. Adams, Mr. Specter, Mr. Pell, Mr. Matsunaga, Mr. Bradley, Mr. Lautenberg, Mr. Glenn, Mr. Stennis, Mr. Gore, Mr. Kerry, Mr. Durenberger, Mr. Leahy, and Mr. McClure):

S.J. Res. 83. Joint resolution designating the week of April 19, 1987, through April 25, 1987, as "National Minority Cancer Awareness Week;" to the Committee on the Judiciary.

NATIONAL MINORITY CANCER AWARENESS WEEK

Mr. BENTSEN. Mr. President, today I am introducing a joint resolution providing for the designation of the third week in April as "National Minority Cancer Awareness Week."

We all know that cancer is a deadly disease that strikes thousands of Americans each year, throwing their lives, and the lives of those close to them, into turmoil. In recognition of this, and to promote awareness of the causes, types, and treatments of cancer, the month of April in each year has been designated as "National Cancer Month."

But many of us are not aware of the fact that cancer has a disproportionately severe impact on certain segments of our population. Two of those segments that are unfortunate enough to be burdened with such a distinction are the minority and economically disadvantaged communities in our Nation. The overall incidence of cancer is higher among blacks and Hispanics as compared to the population in general. And while the overall cancer survival rate is improving steadily, the survival rate has actually dropped among blacks and Hispanics. In addition, the incidence of cancer and fatality rates among our economically disadvantaged population are higher than that in the general population.

National Minority Cancer Awareness Week will play an important role in our national fight against cancer. It will foster increased awareness of the causes, types, and treatments of cancer among these population segments affilicted with higher cancer rates. It will also give health care professionals and researchers an opportunity to focus on the characteristics of these at-risk populations and formulate new approaches to attacking their unique cancer problems. Finally, this week will focus attention on the need for increased collection of data regarding cancer and its impact in these groups.

Steps have already been taken in this fight against cancer in our minority and economically disadvantaged communities. During the third week in April, the University of Texas System Cancer Center, M.D. Anderson Hospital and Tumor Institute, in conjunction with the American Cancer Society's Texas division, will sponsor a national symposium on cancer and minorities. The largest undertaking of its kind, this conference will bring together leading cancer specialists, health professionals and lay people to address this important problem.

I believe it is appropriate, and even necessary, for us to set aside 1 week each year to assess the problems posed by cancer to these groups as part of our overall struggle against cancer. A successful effort against cancer in its stronghold among minorities and the disadvantaged is a crucial element in the battle against cancer.

ADDITIONAL COSPONSORS

S. 24

At the request of Mr. Moynihan, the name of the Senator from Colorado [Mr. Wirth] was added as a cosponsor of S. 24, a bill to amend title II of the Social Security Act to waive, for 5 years, the 24-month waiting period for Medicare eligibility on the basis of a disability in the case of individuals with acquired immune deficiency syndrome [AIDS], to require the Secretary of Health and Human Services to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-cell lymphotrophic virus and to make grants to eligible State and local governments to support projects for education and information dissemination concerning acquired immune deficiency syndrome, and for other purposes.

S. 26

At the request of Mr. Moynihan, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 26, a bill to extend authorization of the Federal Crime Insurance Program under the National Housing Act.

S. 34

At the request of Mr. Moynihan, the name of the Senator from Maryland [Ms. Mikulski] was added as a cosponsor of S. 34, a bill to establish an independent agency, governed by a bipartisan board, to administer the Old-Age, Survivors, and Disability Insurance Program under title II of the Social Security Act, the Supplemental Security Income Program under title XVI of such act, and the Medicare Program under title XVIII of such act, and for other purposes.

S. 38

At the request of Mr. Moynihan, the name of the Senator from Maryland [Mr. Sarbanes] was added as a cosponsor of S. 38, a bill to increase the authorization of appropriations for the Magnet School Program for fiscal year 1987 to meet the growing needs of existing Magnet School Programs, and for the establishment of new Magnet School Programs.

S. 58

At the request of Mr. Danforth, the name of the Senator from Arizona [Mr. McCain] was added as a cosponsor of S. 58, a bill to amend the Internal Revenue Code of 1986 to make the credit for increasing research activities permanent and to increase the amount of such credit.

S. 69

At the request of Mr. Trible, the name of the Senator from Rhode Island [Mr. Pell] was added as a cosponsor of S. 69, a bill to amend the Internal Revenue Code of 1986 to repeal the basis recovery rule for pension plans.

S. 79

At the request of Mr. Metzenbaum, the name of the Senator from Rhode Island [Mr. Chafee] was added as a cosponsor of S. 79, a bill to notify workers who are at risk of occupational disease in order to establish a system for identifying and preventing illness and death of such workers, and for other purposes.

S. 104

At the request of Mr. Inouye, the names of the Senator from Kansas [Mr. Dole] and the Senator from Kansas [Mrs. Kassebaum] were added as cosponsors of S. 104, a bill to recognize the organization known as the National Academies of Practice.

S. 123

At the request of Mr. Inouye, the name of the Senator from South Dakota [Mr. Pressler] was added as a cosponsor of S. 123, a bill to amend title XVIII of the Social Security Act to provide that psychologist services are covered under part B of Medicare.

S. 220

At the request of Mr. Symms, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 220, a bill to require the voice and vote of the United States in opposition to assistance by international financial institutions for the production of commodities or minerals in surplus, and for other purposes.

S. 265

At the request of Mr. Humphrey, the name of the Senator from Wyoming [Mr. Wallop] was added as a cosponsor of S. 265, a bill to require executive agencies of the Federal Government to contract with private sector sources for the performance of commercial activities.

S. 322

At the request of Mr. Sarbanes, the name of the Senator from North Carolina [Mr. Sanford] was added as a cosponsor of S. 322, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia.

S. 328

At the request of Mr. Sasser, the names of the Senator from New Jersey [Mr. Bradley], the Senator from Colorado [Mr. Wirth], the Senator from North Dakota [Mr. Conrad], and the Senator from Massachusetts [Mr. Kennedy] were added as cosponsors of S. 328, a bill to amend chapter 39, United States Code to require the Federal Government to pay interest on overdue payments, and for other purposes.

S. 334

At the request of Mr. Pressler, the name of the Senator from Iowa [Mr. Grassley] was added as a cosponsor of S. 334, a bill amending the Food Security Act of 1985 to define alfalfa and other legumes as agricultural commodities under the conservation title of the act.

S. 340

At the request of Mr. Bentsen, the name of the Senator from Texas [Mr. Gramm] was added as a cosponsor of S. 340, a bill to extend the tariff suspension applicable to certain imported cantaloupes.

S. 350

At the request of Mr. Durenberger, the name of the Senator from Utah [Mr. Hatch] was added as a cosponsor of S. 350, a bill to amend the Tax Reform Act of 1986 to extend for 1 year the waiver of estimated penalties for underpayments by individuals attributable to such act.

S. 397

At the request of Mrs. Kassebaum, the name of the Senator from Idaho [Mr. Symms] was added as a cosponsor of S. 397, a bill to amend the Federal Deposit Insurance Act.

S. 416

At the request of Mr. Roth, the names of the Senator from Pennsylvania [Mr. Heinz] and the Senator from Mississippi [Mr. Cochran] were added as cosponsors of S. 416, a bill to provide for a 2-year budget cycle, and for other purposes.

S. 429

At the request of Mr. Durenberger, the name of the Senator from Utah [Mr. Hatch] was withdrawn as a cosponsor of S. 429, a bill to amend the Tax Reform Act of 1986 to delay for 2 years the exception for certain technical personnel from certain rules for determining whether an individual is an employee or independent contractor for employment tax purposes.

S. 457

At the request of Mr. Symms, the name of the Senator from Alabama [Mr. Heflin] was added as a cosponsor of S. 457, a bill to amend the Tax Reform Act of 1986 to delay for 1 year the increase from 80 to 90 percent in the current year liability for estimated tax payments by individuals, and for other purposes.

S. 471

At the request of Mr. Bingaman, the names of the Senator from Missouri [Mr. Danforth] and the Senator from Indiana [Mr. Lugar] were added as cosponsors of S. 471, a bill to amend title 10, United States Code, to revise the method for pricing tobacco products for sale in commissaries, exchanges, and ships' stores, and for other purposes.

S. 498

At the request of Mr. RIEGLE, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 498, a bill to amend the Trade Act of 1974, to define as an unfair trade practice, the denial of internationally recognized worker rights, and for other purposes.

S. 612

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. MATSUNAGA] and the Senator from Michigan [Mr. LEVIN] were added as cosponsors of S. 612, a bill to repeal a provision of Federal tort liability law relating to the civil liability of Government contractors for certain injuries, losses of property, and deaths, and for other purposes.

S. 723

At the request of Mr. DANFORTH, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Oklahoma [Mr. BOREN] were added as cosponsors of S. 723, a bill to amend the Merchant Marine Act, 1936, to exempt shipment of all agricultural commodities and products thereof from cargo preference requirements.

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 39

At the request of Mr. SIMON, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Virginia [Mr. TRIBLE] were added as cosponsors of Senate Joint Resolution 39, a joint resolution to provide for the designation of the 69th anniversary of the renewal of Lithuanian independence, February 16, 1987, as "Lithuanian Independence Day."

SENATE JOINT RESOLUTION 47

At the request of Mr. CRANSTON, the names of the Senator from Connecticut [Mr. DODD] and the Senator from Missouri [Mr. BOND] were added as cosponsors of Senate Joint Resolution 47, a joint resolution to designate "National P.O.W. Recognition Day."

SENATE JOINT RESOLUTION 75

At the request of Mr. THURMOND, the names of the Senator from Utah [Mr. GARN], the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], the Senator from Kansas [Mr. DOLE], the Senator from Connecticut [Mr. WEICKER], the Senator from New Jersey [Mr. BRADLEY], the Senator from Nebraska [Mr. EXON], the Senator from Maine [Mr. MITCHELL], the Senator from Hawaii [Mr. MATSUNAGA], the Senator from Michigan [Mr. RIEGLE], the Senator from Rhode Island [Mr. PELL], and the Senator from Alabama [Mr. HEFLIN] were added as cosponsors of Senate Joint Resolution 75, a joint resolution to designate the week of August 2, 1987, through August 8, 1987, as "National Podiatric Medicine Week."

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. DANFORTH, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Oklahoma [Mr. BOREN], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution expressing the sense of Congress in opposition to the proposal by the European Community for the establishment of a tax on vegetable and marine fats and oils and urging the President to take strong and immediate countermeasures should such a tax be implemented to the detriment of U.S. exports of oilseeds and products and inconsistently with the European Community's obligations under the General Agreement on Tariffs and Trade.

SENATE CONCURRENT RESOLUTION 22

At the request of Mr. KENNEDY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Concurrent Resolution 22, a concurrent resolution to congratulate Hadassah, the Women's Zionist Organization of America, on the celebration of its 75th anniversary.

SENATE CONCURRENT RESOLUTION 24

At the request of Mr. SANFORD, the names of the Senator from Arizona [Mr. DECONCINI], the Senator from Colorado [Mr. WIRTH], and the Senator from Oklahoma [Mr. NICKLES] were added as cosponsors of Senate Concurrent Resolution 24, a concurrent resolution supporting the initiative of Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America, and for other purposes.

At the request of Mr. COHEN, his name was added as a cosponsor of Senate Concurrent Resolution 25, supra.

SENATE RESOLUTION 157

At the request of Mr. COHEN, the names of the Senator from Rhode Island [Mr. PELL], the Senator from Florida [Mr. CHILES], the Senator from Vermont [Mr. STAFFORD], the Senator from Virginia [Mr. WARNER], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Maine [Mr. MITCHELL], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of Senate Resolution 157, a resolution expressing the sense of the Senate on continued funding for vocational education.

SENATE RESOLUTION 164

At the request of Mr. WILSON, the name of the Senator from Minnesota [Mr. DURENBERGER] was added as a cosponsor of Senate Resolution 164, a resolution calling on the President to respond to the violations by Japan of the United States-Japan agreement on semiconductors.

SENATE CONCURRENT RESOLUTION 30—FAVORING THE NATIONAL CERTIFICATION OF TEACHERS IN ELEMENTARY AND SECONDARY EDUCATION

Mr. BAUCUS submitted the following concurrent resolution; which was referred to the Committee on Labor and Human Resources:

S. CON. RES. 30

Whereas, the United States must become more competitive internationally if it is to maintain its leadership role in a global economy and maintain a high standard of living for its citizens;

Whereas, one critical element in improving America's competitiveness is to strengthen its educational system, to a highly capable teaching force is essential to ensuring a well-educated workforce, the most important asset a nation can possess;

Whereas, one essential step toward improving the educational system of America begins with up-grading the teaching force through a rigorous certification process and providing incentives to attract and retain highly capable teachers in our school; and

Whereas, a system of national professional teacher certification in elementary and secondary education has been endorsed by the National Education Association and the American Federation of Teachers, the National Governors' Association, and the Carnegie Forum on Education and the Economy: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), It is the sense of the Congress that—

(1) an independent, nonprofit National Board for Professional Teaching Standards be established for the certification of teachers;

(2) in order to ensure appropriate participation by the educational community, this national board should be professionally controlled, and be composed primarily of teachers, with appropriate representation by other education professionals, the public interest, and State and local government officials with responsibility for elementary and secondary education;

(3) the assessments conducted under such a system of certification should include examination of the subject matter competency of a teacher, professional, pedagogical, and classroom knowledge and skills of a teacher;

(4) such assessments should safeguard objectivity, avoid racial bias and avoid endorsing any one best method of teaching;

(5) the certification process should be designed to enhance and not eliminate State licensing processes by providing a uniform and technically valid assessment instrument for recognizing teachers meeting rigorous certification standards; and

(6) the certification should initially be implemented on a voluntary basis, allowing each State to decide if certification should be prerequisite for obtaining a State teaching license.

SEC. 2. The Congress encourages the States to recognize this certification process by providing incentives to teachers to acquire national certification and give serious consideration to adopting professional certification standards promulgated by the National Board as a basis for teacher licensure requirements of each State.

SEC. 3. The Congress encourages the States to enlarge the scope of the certification process to include other education professionals, such as administrators and counselors.

Mr. BAUCUS. Mr. President, I have risen repeatedly on this floor to speak about the urgent need to—as the Senator from Pennsylvania just a moment ago alluded to—improve America's international competitiveness.

Today I am submitting a concurrent resolution to support the establishment of a National Board for Professional Teaching Standards for the certification of teachers in primary and secondary education in the United States.

STATEMENT OF THE PROBLEM

We all know that today we have a crisis in education. A recent study by the National Assessment of Educational Progress, examining 11th grade writing, reports that "fewer than one-fourth of the tested students performed adequately on writing tasks involving skills required for success in academic studies, business, or the professions."

Among the top 20 industrialized countries tested, American 8th graders ranked 12th and 16th in algebra and geometry skills. Japanese students consistently ranked first.

To turn this around, we need a fundamental reform of our Nation's education system. A first step—and I repeat a single first step—should be to establish an independent national board for teacher certification.

The resolution I am introducing today has been endorsed by the two major teacher unions, the National Education Association and the American Federation of Teachers. Moreover, it is endorsed by the National Governors' Association, and the Carnegie Forum on Education and the Economy.

We must remember that our economy is changing dramatically. In a high-technology, information-based economy such as ours, factory workers increasingly will need to do more than perform routine, mechanical tasks. We cannot have low-technology workers performing high-technology jobs.

American workers must be able to adjust to a rapidly changing society.

We cannot be productive as a nation, unless we are productive as a people. Japan's work force is the best trained in the world. It is the key to their economic success. Their education system fuels this success. In fact, Mr. President, not too long ago Japan realized it did not have many natural resources. So, it tried to develop one resource that it does have; and that is brainpower. The Japanese people are no smarter nor dumber than Americans. But Japanese people have utilized their brainpower exceedingly well. It is the key to their economic success.

And their success has been considerable. When Japanese students graduate from high school, they have the equivalent of 4 more years of education than their American counterparts. We must at least match those achievements.

RESOLUTION DESCRIPTION

Mr. President, this resolution suggests that a National Board for Professional Teaching Standards be established. The Board would assess a teacher's professional knowledge, subject matter competency, and performance in the classroom. Certification would be issued only to those meeting the Board's rigorous standards.

Mr. President, teachers are best equipped to certify other teachers. This resolution proposes that the Board would be composed primarily of teachers with appropriate representation by other educators, the public interest, and State and local government officials with responsibility for elementary and secondary education.

In addition, this resolution satisfies the general desire that education remain a State prerogative. The resolution states that certification would be voluntary, and designed to enhance, not eliminate, the State licensure function.

The States would continue to license teachers, but are encouraged in this resolution to provide incentives for teachers to acquire national certification. States also would be encouraged to give serious consideration to adopting national certification as a prerequisite for State licensure.

ARGUMENTS FOR CERTIFICATION

Mr. President, virtually every professional occupation requires that those in the profession be certified. Lawyers, doctors, accountants, and nurses all must be certified. Is the future of our children any less important than the accurate computation of our tax returns?

Certification will boost teacher status. Too often teaching is perceived as a career with low salaries, low social status, and poor working conditions. Many college students do not enter the profession because of these perceptions. All too often, those who do enter are not the best and the brightest.

Almost half of the college students enrolling in teaching programs graduate high school from general and vocational program tracks, which are not academically designed to prepare student for college.

Certification will not only raise standards—it will change perceptions by creating a truly professional corps of teachers.

Certification should have a domino effect on education in the United States. For starters, parents are going to want their children taught by certified professionals and a high ratio of certified teachers will, in turn, boost a school's rating. Eventually, college teaching programs will be judged by the passing rate of its graduates.

According to a recent Rand Corp. study, toughening teaching standards may make it a more respected, and therefore, attractive profession. The Rand study demonstrates that throughout the 20th century America has raised teaching standard, yet still attracted enough teachers.

CONCLUSION

Mr. President, national teacher certification is critical to this country's economic future. We cannot have a world class economy if we do not have world class schools. I urge my colleagues to support this resolution.

Furthermore, Mr. President, I note that the Presiding Officer, the Senator from Illinois [Mr. SIMON], is probably one of the foremost Senators in this body with an interest in education. I must say, Mr. President, it is my honor to work with the Presiding Officer upon this and similar matters, and many of us look forward to his leadership because we know that during this year and in this Congress the Presiding Officer, the Senator from Illinois, will be in the forefront in addressing this and similar problems of raising America's educational position.

SENATE RESOLUTION 166—COMMEMORATION OF THE BICENTENNIAL OF THE SENATE

Mr. BYRD (for himself and Mr. DOLE) submitted the following resolution; which was considered and agreed to:

S. RES. 166

Resolved, That section 2 of Senate Resolution 352, agreed to April 1, 1986, is amended—

(1) in clause (c) by striking out "two" and inserting in lieu thereof "three";

(2) in clause (d) by striking out "two" and inserting in lieu thereof "three"; and

(3) by adding at the end thereof the following: "The term of a Member of the Senate appointed under clause (c) or (d) during the 99th Congress shall terminate at the expiration of the 99th Congress. A Member of the Senate appointed under clause (c) or (d) to serve during the 100th Congress shall serve until the termination of the Commission.".

SEC. 2. Section 3 of Senate Resolution 352 is amended by striking the first sentence and inserting: "The Majority Leader, or his designee, shall serve as the Chairman of the Commission and the Minority Leader, or his designee, shall serve as the Vice Chairman of the Commission.".

SEC. 3. Section 6 of Senate Resolution 352 is amended to read as follows:

"SEC. 6. The Commission shall have the staff support and the expertise of Senate support staff including the Senate Historical Office and the Office of Senate Curator, under the jurisdiction of the Secretary of the Senate, and the assistance of the United States Senate Commission on Art and Antiquities. The Chairman shall designate an Executive Secretary of the Commission.".

SEC. 4. Section 7 of Senate Resolution 352 is amended to read as follows:

"SEC. 7. (a) The actual and necessary expenses of the Commission, including the employment of consultants at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the Contingent Fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved by the Chairman of the Commission or his designee.

"(b) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.".

SENATE RESOLUTION 167—THE "ABM TREATY INTERPRETATION RESOLUTION"

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 167

Resolved, That this resolution may be referred to as the "ABM Treaty Interpretation Resolution".

THE TREATY POWER

SEC. 2. The Senate finds as follows:

(1)(A) Article II, section 2, clause 2 of the United States Constitution provides that the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur".

(B) If, following Senate advice and consent, the President proceeds to ratify a treaty, the President may ratify only the treaty to which the Senate advised and consented.

(2)(A) Under the United States Constitution, during the period in which a treaty is in force, the meaning of that treaty is what the Senate understands the treaty to mean when it gives its advice and consent, a meaning which is informed by reference to expressions of intent by the Senate as well as Senate acquiescence in any interpretation communicated by the Executive.

(B) In the absence of any evidence concerning how the Senate understands such treaty, it is properly interpreted by reference to its text, as reasonably construed, in light of its context and object and purpose.

(C) To the extent the meaning of a treaty is clear under subparagraphs (A) and (B), anything not transmitted to the Senate at such time, including the negotiating record, is not relevant to the meaning of the treaty.

(3) The President may not amend a treaty without the agreement of the Parties and the advice and consent of the Senate.

(4)(A) Under Article II, section 3, clause 4 of the Constitution, the President is required to "take care that the laws be faithfully executed".

(B) For purposes of such provision, during the period in which a treaty is in force, it constitutes a law.

(C) The President is required to take care that each such treaty be faithfully executed.

SENATE CONSIDERATION OF THE ABM TREATY

SEC. 3. The Senate further finds as follows:

(1) On May 26, 1972, the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (hereafter in this resolution referred to as the "Treaty") was signed by the two Parties.

(2) On June 13, 1972, the President of the United States transmitted the Treaty to the Senate and requested that the Senate advise and consent to its ratification.

(3) On August 3, 1972, the Senate, by a vote of 88-2, gave its advice and consent to ratification of the Treaty.

(4) Between June 6, 1972, and August 3, 1972, representatives of the President communicated to the Senate the interpretation of the President concerning various provisions of the Treaty.

TEXT OF THE ABM TREATY

SEC. 4. The Senate further finds as follows:

(1) Article I of the Treaty provides that "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense", except for certain limited deployments of fixed, land-based systems as stipulated in Article III.

(2) Article II of the Treaty provides that an "ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory" and notes that such systems "currently" consist of ABM interceptor missiles, ABM launchers, and ABM radars.

(3) Article V of the Treaty provides that "Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based.".

(4) Article XIV of the Treaty provides that "Each Party may propose amendments to this Treaty.".

(5) Article XV of the Treaty provides that "This Treaty shall be of unlimited duration.".

(6) Article XV of the Treaty provides further that "Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests".

(7) Agreed Statement D, which was transmitted to the Senate as part of the Treaty, is intended "to insure the fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty", by providing that, if fixed land-based "ABM systems based upon other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future", their deployment would be subject to amendment by the Parties in accordance with Article XIV.

INTERPRETIVE COMMUNICATIONS OF THE EXECUTIVE DURING SENATE CONSIDERATION OF THE TREATY

SEC. 5. The Senate further finds that, during Senate consideration of the Treaty, representatives of the President communicated to the Senate—

(1)(A) with respect to Article II thereof, that the term "ABM systems and components" should be construed functionally, meaning that the term was not limited to currently existing technology or any specific technology, but applied to any ABM systems and components functionally able to counter strategic ballistic missiles or their elements in flight trajectory;

(B) that among such representations affirming that Article II should be construed functionally was the Secretary of State's formal Letter of Submittal, dated June 10, 1972, which stated that "Article II(1) defines an ABM system in terms of its function as 'a system to counter strategic ballistic missiles or their elements in flight trajectory,' noting that such systems 'currently' consist of ABM interceptor missiles, ABM launchers, and ABM radars"; and

(2) consequently, with respect to Article V thereof, that the undertaking not to develop, test, or deploy any sea-based, air-based, space-based, or mobile land-based ABM system or components should be construed as applicable to any ABM system functionally able to counter strategic ballistic missiles or their elements in flight trajectory.

INTERPRETIVE COMMUNICATIONS OF THE EXECUTIVE FOLLOWING RATIFICATION OF THE ABM TREATY

SEC. 6. The Senate further finds as follows:

(1) After ratification of the Treaty, representatives of the President formally and consistently reaffirmed that the prohibition in Article V of the Treaty applies to the development, testing, and deployment of any sea-based, air-based, space-based, or mobile land-based ABM systems and components designed to counter strategic ballistic missiles or their elements in flight trajectory.

(2) Beginning in 1978 (the first year an annual Arms Control Impact Statement was required to be submitted to Congress), the Arms Control and Disarmament Agency, on behalf of the President, consistently reaffirmed that the Treaty prohibits the development, testing, and deployment of all types of sea-based, air-based, space-based, or mobile land-based ABM systems and components, including ABM systems and components involving technologies not in existence when the Treaty was ratified.

(3) Among such statements was the 1985 Arms Control Impact Statement, which stated that "the ABM Treaty prohibition on development, testing, and deployment of space-based ABM systems, or components for such systems, applies to directed energy technologies (or any other technology) used for this purpose.".

OBJECT AND PURPOSE OF THE ABM TREATY

SEC. 7. The Senate further finds as follows:

(1) The object and purpose of the ABM Treaty is set out in Article I of the Treaty, in which each Party undertakes "not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense".

(2) Inasmuch as Article XV stipulated a Treaty of unlimited duration, the functional interpretation of Article II is central to such object and purpose of the Treaty because technological advancement would render significant prohibitions in the Treaty inoperative if Article II were construed to apply only to ABM systems and components existing on the date of ratification.

(3) Also central to such object and purpose is the prohibition against the development, testing, or deployment of any sea-based, air-based, space-based, or mobile land-based ABM systems or components for the purpose of countering strategic ballistic missiles or their elements in flight trajectory, including ABM systems or components involving exotic technologies.

(4) This prohibition was communicated to the Senate during its consideration of the Treaty.

(5) This prohibition is supported by interpretive communications of the Executive

while the Treaty was under consideration, by expressions of Senate intent during such period, and by subsequent, consistent practice and interpretation by both Parties to the Treaty.

DECLARATION OF POLICY

SEC. 8. The Senate therefore declares that—

(1) under the Constitution, a treaty made by the United States is a treaty to which the Senate advised and consented, and is properly interpreted by reference to the text placed before the Senate, subject to any relevant and material Executive communications to the Senate during its consideration of the treaty and any interpretation expressed by the Senate in advising and consenting to ratification;

(2) the development, testing, or deployment of any sea-based, air-based, space-based, or mobile land-based ABM systems or components for the purpose of countering strategic ballistic missiles or their elements in flight trajectory, including ABM systems or components involving technologies not in existence when the Treaty was ratified, would be inconsistent with the provisions of the Treaty and would require an amendment to the Treaty; and

(3) no amendment to the ABM Treaty may occur without the agreement of the Parties and the advice and consent of the Senate.

Mr. BIDEN. Mr. President, I am today introducing a resolution entitled the "ABM Treaty Interpretation Resolution," designed to provide the vehicle for the Senate to make a formal and forceful statement concerning the treaty power in general and the ABM Treaty in particular. Since October 1985, the administration has, through its pronouncements concerning a new and so-called broad interpretation of the treaty, moved slowly but inexorably toward a constitutional confrontation with the Senate. The time is nearing for the Senate to be heard.

Introduction of this resolution is timed to coincide with joint hearings conducted by the Judiciary and Foreign Relations Committees on its subject matter. These hearings have been designed to treat thoroughly the issues involved, and to establish a basis for action on the resolution. The hearings will elicit testimony concerning the interpretation of the ABM Treaty as it was presented by the executive branch in 1972, the interpretation as then understood by the Senate, and the constitutional imperatives which flow from the Senate having approved the treaty on the basis of that interpretation.

THE TREATY POWER

Mr. President, earlier in this century the distinguished historian Edward Corwin formulated a classic description of the Constitution's dispensation of power as between the executive and legislative branches in the shaping of American foreign policy. Through the Constitution, Corwin said, the Founding Fathers extended to the two branches a permanent "invitation to struggle." In counterpoise against the President's role as Commander in Chief and his responsibility to conduct American diplomacy, the framers established the power of Congress to legislate and, more specifically, to control national expenditures. This balance, and the ability of both branches to appeal directly to the American electorate, was a sure formula by which to limit the power of either branch and to guarantee a robust and continuing democratic competition between the two.

In one crucial area of foreign policy, the Constitution offered less an invitation to struggle than a clear delineation of role. According to article II, section 2, clause 2, the President "shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur." The President was to be the Nation's treaty "maker"—the negotiator and executor of international agreements. But he was to "make" only those treaties to which the Senate consented.

As with all aspects of constitutional practice, exercise of the treaty power has, from time to time, engendered dispute—usually over policy, sometimes over the precise nature of the treaty power itself. Once recurrent dispute has centered on the Presidential tendency to bypass the constitutional requirement of legislative approval by undertaking so-called executive agreements. In the making of a treaty itself, however, the roles and responsibilities of President and Senate have generally, over 200 years of constitutional history, reflected the clarity of the Constitution in this area.

THE ASSAULT ON THE ABM TREATY

In the fall of 1985, a profound question concerning this apparently clear delineation of power appeared on the constitutional horizon. High-ranking officials of this administration announced that they had determined, after review of the Anti-Ballistic Missile Treaty of 1972, that it should be "reinterpreted." Their declared rationale was that certain executive branch lawyers had found in still-secret portions of the treaty's negotiating record the justification for a so-called broader interpretation, which would have the effect of assigning to the treaty a drastically changed meaning.

Although audacious in its treatment of the treaty power, this development was far from surprising in the policy it implied. For several years, executive branch officials, known for their opposition to the entire structure of superpower arms control erected by the past four Presidents, had questioned the merits of the ABM Treaty—the very foundation of this structure. And in March 1983, the President had surprised the Nation with a speech outlining his vision for an astonishing and fundamental change in American nuclear strategy, which ran directly counter to the premises on which the ABM Treaty was based.

No longer, said the President, should American security in the nuclear age depend upon an energetic diplomacy backed by the capability to retaliate decisively against any attacker. No longer, he implied, should we need to buttress American security with superpower arms agreements designed to stabilize the nuclear balance. Rather, the President announced, he envisaged the construction of a complete antinuclear astrodome over the United States—a "strategic peace shield."

The immediate consequence of this Presidential vision was increased spending on technological research programs that the President's aides quickly agglomerated under the appealing title, "Strategic Defense Initiative." But another consequence lay in wait. For an active pursuit of this dream meant not only the overturning of long-standing American strategy. It also required an assault on the foundations of that strategy, and paramount among these was the ABM Treaty. The President's star wars speech was indeed an implicit declaration of war on that treaty.

Under article I of the ABM Treaty, each party undertakes "not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense." The President's aim was directly contrary to this stated purpose, codified in treaty and law. His vision entailed spending heavily on the research, development, and testing of ABM systems, and then deploying such systems as soon as feasible. The administration's "reinterpretation" of the ABM Treaty thus represented a direct and purposeful manifestation of the President's wish to transform American strategic policy.

One considerable obstacle, however, blocks the way of this unilateral Executive action: it is called the U.S. Constitution. Interpretation of the ABM Treaty, or any other, is not, constitutionally, subject to whim. In 1972, the ABM Treaty was formulated through the negotiation of a text of considerable clarity of meaning and purpose. Subsequently, representatives of the executive branch presented the treaty to the Senate with equal clarity, whereupon the Senate deliberated at length, reflecting through its questioning and debate an understanding of the treaty consistent with the Executive presentation. And it was on that basis that the Senate, in the performance of its constitutional role, approved the treaty's ratification—enabling the Chief Executive to "make" the treaty to which the Senate had consented.

During the 15 years since the ABM Treaty's entry into force, the United States and the Soviet Union have, in practice and with limited exceptions, abided by its terms as explained by the Executive and understood by the Senate in 1972. This "subsequent practice" has given to the treaty's original and long-standing interpretation additional weight under international law. Accordingly, the situation today may be plainly stated. Unilateral Executive action to implement a new interpretation of the ABM Treaty would represent not only a cavalier arrogance toward international law but a direct challenge to the Constitution's delineation of the treaty power.

ABM TREATY CONTENT: CLEAR REFLECTION OF CLEAR PURPOSE

The extent of this challenge is underscored by a review of the treaty's text, for its negotiators were operating upon clearly established premises and they proceeded to devise a text which accomplished their purpose. The essence of that purpose was to codify, and render permanent, a condition of mutual nuclear vulnerability between the superpowers. This was not an act of friendship, born of mutual trust. Rather, it represented, for each, a considered calculation of self-interest.

For both parties, the act of precluding a competition in strategic defensive systems constituted the only realistic means of preventing an uncontrolled race in offensive systems—a spiraling proliferation of offensive, defensive, and still more offensive systems that would render each side both poorer and less secure. Further, the parties recognized that reductions of offensive systems could only be accomplished on the basis of strick limits on defensive systems.

The parties did, however, attribute value to a carefully limited use of defensive systems—to protect fixed sites. They believed that the objective of enhancing nuclear stability would be served if each side was permitted to defend one grouping of ICBM silos, to help preserve a retaliatory capability in case the other struck first. And they believed, similarly, that stability would be strengthened if each side was permitted to defend its national capital, to help ensure against a "decapitating" first strike.

Because they recognized an inexorability in the advance of technology, and because they had identified two defensive functions that contributed favorably to nuclear stability, they did not seek to prohibit the improvement of ABM-related technology. Indeed, the American side was optimistic that the development of lasers could eventually enhance the defensive functions which the treaty was designed to permit. But the negotiators plainly did wish to constrain and channel technological development, in accord with their overall purpose of preventing a defensive-offensive race.

To prevent such a race, they realized, meant not only preventing the deployment of ABM systems, except for those two types explicitly identified as useful. It also meant preventing the development and testing of systems with an inherent nationwide capability up to a point of readiness to deploy. To allow such activity would defeat the purpose of the treaty by rendering each side vulnerable to a "break out"—a surprise, treaty-violating deployment by the other.

With the aim of codifying this arrangement, the negotiators began the treaty with an explicit obligation by each side "not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense." The remainder of the treaty was designed to facilitate, permanently, the upholding of this mutual obligation.

The treaty's definition of an ABM system was provided in article II: "a system to counter strategic ballistic missiles or their elements in flight trajectory." And an essential prohibition was stated in article V: "Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based."

With regard to those ABM systems permitted by the treaty—fixed, land-based systems to protect each side's national capital and a single grouping of ICBM's—Article III provided detailed specifications as to precisely what was allowed, the purpose being to ensure that the permitted systems did not, on either side, expand into a "defense of the territory of its country," as prohibited by article I.

To buttress this framework, the negotiators added a number of articles and agreed statements. One such statement, Agreed Statement D, took account of the technological advance which the two sides recognized as inevitable and which indeed the treaty sanctioned as regards the development and testing of fixed, land-based systems. Agreed Statement D was intended, in its own language, "to insure the fulfillment of the obligation not to deploy ABM systems and their components except as provided in article III." It stipulated that if "ABM systems based upon other physical principles and including components capable of substituting for—current ABM systems—are created in the future," the parties would consult and deploy only by means of an agreed amendment to the treaty.

This provision, today subject to considerable controversy and distortion, is easily understood in light of the intent and purpose of the parties. They recognized that technology would advance, and they saw in laser technology particular promise for enhancement of the ABM functions they deemed stabilizing: the protection of fixed points on each side's national territory. But not knowing exactly what form a system "based upon other physical principles" might take, and wishing to protect the framework they were establishing, they pledged to consult and agree before incorporating such technology even into defensive functions permitted by the treaty. Far from inviting technology to erode the treaty's goals, they aimed to limit technology to serving the treaty's goals.

ABM TREATY RATIFICATION: UNANIMITY OF UNDERSTANDING

Having negotiated these arrangements, the executive branch transmitted the treaty to the Senate in June 1972, accompanied by the SALT I Interim Agreement on Strategic Offensive Arms. The extensive hearings and debate which ensued were marked by a considerable diversity of view on United States-Soviet relations and arms control. Many Senators—for example, Senators Fulbright and Aiken of the Foreign Relations Committee—supported the accords as negotiated. Others, led by Senators Jackson and Allott, were concerned about certain disparities, which they regarded as inequitable, in the negotiated limits on offensive systems. Some, including Senator KENNEDY, argued that the effort—sanctioned by the ABM Treaty—to erect a defense of the national capital represented the wasteful pursuit of an impossible goal. Two others—Senators Buckley and Allen—opposed the ABM Treaty as an immoral foreclosure of all hopes ever to erect an antinuclear national defense.

Throughout these proceedings, however, one thread was unbroken. The executive branch presented the ABM Treaty, and the Senate understood the ABM Treaty, as an accord that would codify, permanently, a mutual United States-Soviet obligation "not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based." This obligation was central to the treaty's fundamental purpose—not to deploy or provide a basis for a nationwide defense.

Two examples from these proceedings illustrate the clarity of this understanding. First, Secretary of Defense Laird, in a written response to a question from Senator Goldwater of the Armed Services Committee concerning "development of a boost-phase intercept capability of lasers," replied:

> There is * * * a prohibition on the development, testing, or deployment of ABM systems which are space-based, as well as sea-based, air-based, or mobile land-based. This U.S. side understands this prohibition not to apply to basic and advanced research and exploratory development of technology which could be associated with such systems, or their components.
>
> There are no restrictions on the development of lasers for fixed, land-based ABM systems.

Second, Senator THURMOND, in the Senate floor debate, expressed reservations about the ABM Treaty precisely because it "effectively prevents us from ever having the means to protect our population from a Soviet first strike. It also prevents us from developing new kinds of systems to protect our population. The most promising type appears to be the laser type, based on entirely new principles. Yet we forgo forever the ability to protect our people." Equally explicit statements were made, in opposition to the treaty, by Senators Buckley and Allen.

THE "REINTERPRETATION": AN EXCERCISE IN DISTORTION AND ILLOGIC

President Reagan's star wars speech of March 1983 represented a revival, more than 10 years after the ABM Treaty's ratification, of the notion that we could and should "protect our people" from a Soviet nuclear attack. Most strategists continued to believe that the best means of protecting the American people consisted in preserving the ABM Treaty and continuing the effort to constrain and reduce offensive systems in a stable balance. And most scientists continued to doubt the feasibility of either superpower erecting an effective population defense, particularly in view of the proliferation of offensive weapons and countermeasures against defensive systems that such an effort would almost inevitably induce on the part of the other superpower. The specter of such a futile competition had indeed been invoked by American leaders in their successful effort to persuade the Soviet Union to negotiate the ABM Treaty in the first place.

Nonetheless, the President's fascination with a "strategic spaced shield," and his unbounded confidence that technology could somehow cure the condition of nuclear vulnerability, soon produced a strategic defense initiative with considerable momentum. In part, this thrust came from innocent hope, in part from the self-interest of those who saw profit in an enormous Pentagon program, and in part from the ideological conviction of those who viewed the SDI as an alternative to the existing structure of superpower arms agreements which they had never trusted or approved.

In 1985, the administration's self-imposed dilemma—of trying to develop a population defense while pretending to honor an ABM Treaty expressly designed to prevent such a development—was delivered, as many such problems are, into the hands of lawyers, in this case the lawyers of the State Department. But their task was considerable, and their effort to accomplish it through a tortured "reinterpretation" of the treaty has run afoul not only of the Constitution but of the practical requirement that the "reinterpretation" possess the appeal of at least some internal logic. It does not.

The so-called reinterpretation is built upon an unpersuasive argument, atop which is constructed an edifice of illogic. Article II of the treaty, having defined an ABM system functionally, as "a system to counter strategic ballistic missiles or their elements in flight trajectory," proceeded to note that such systems "currently" consist of ABM interceptor missiles, ABM launchers, and ABM radars. This was appropriate and indeed necessary because, for example, article III of the treaty stipulates limits on the missiles, launchers, and radars at the permitted ABM sites.

The "reinterpretation" builds its unpersuasive base by arguing that the negotiators, in defining an ABM system, were not illustrating their functional definition by reference to existing systems but rather limiting their definition to existing systems. And on this argument—so totally inconsistent with the treaty's express intent of permanently preventing either side from deploying ABM systems for a territorial defense or even of creating the base for such a defense—the edifice of "reinterpretation" is built. Since future systems, embodying new technology, are not captured in the dubiously limited definition of an ABM system, such systems—it is asserted—are not subject to the article V prohibition against the development, testing, and deployment of mobile systems. Accordingly, the argument goes, the body of the treaty constrains future systems in only one way—through the article III provision specifying that at fixed sites the parties may deploy only existing systems.

The implausibility of the negotiators having had any such intent cannot be overemphasized, particularly when it is remembered the parties deemed effective ABM systems at two fixed sites to be stabilizing and all other ABM systems to be destabilizing. Yet, according to the "reinterpretation," they negotiated the body of a treaty that would have allowed the deployment of futuristic ABM systems in all mobile modes, while constraining the deployment of future technology in the one area—fixed sites—where they anticipated that more effective systems could enhance stability.

According to the "reinterpretation," only by appending to the body of the treaty the language of Agreed Statement D, under which the parties pledged to deploy future systems only by agreement, did the negotiators manage to place future systems under any constraint at all. Thus does the "reinterpretation" purport to take an auxiliary understanding—designed to reaffirm the parties' intent to develop future fixed-point systems but not to deploy them except by agreement—and turn it into the most significant provision in the "reinterpreted" treaty.

Is it conceivable that, in the early 1970's, a team of distinguished and highly intelligent American public servants, laboring for 2 years to enhance this Nation's military security, would produce an ABM Treaty text which entirely contradicts its express purpose and which is salvaged, and then only partially, by a statement appended to the treaty text?

The implicit accusation that this occurred, and that this failure went unnoticed for 13 years, insults not only the negotiators of the treaty and the Senate of that period, but also those expected to be duped by this sophistry today. Those involved in the creation of the ABM Treaty, who now associate themselves with the "reinterpretation," apparently have a chameleon-like capacity for conformity with political fashion.

THE "REINTERPRETATION" APPLIED: ILLOGIC COMPOUNDED

According to the absurd logic of the so-called "reinterpretation," the negotiators created a treaty of unlimited duration without attempting to regulate significant developments in the future, and they sought to prevent either side from providing a base for a territorial defense without prohibiting the development and full-scale testing of space-based systems with an inherent nation-wide capability.

But equally defiant of logic is the administration's apparent hope to apply the "reinterpretation" so as to justify a forthcoming ABM test in space. The "reinterpretation" is based entirely on the argument that somehow ABM systems based on "other physical principles" escaped the treaty's prohibition against the testing of space-based and other mobile systems. Yet the ABM system which the administration reportedly wishes to test—in order to break through the traditional treaty interpretation—is a so-called "kinetic kill" weapon that relies on a rocket for propulsion and a "kill" mechanism no more futuristic than the rock David hurled at Goliath.

Such a system, similar to one tested by the United States before the ABM Treaty went into effect, can hardly be described as based on physical principles not known at the time the treaty was ratified. To test a system of that description now would thus violate not only the traditional interpretation, which prohibits all space-based testing, but also the so-called broad interpretation, which purports to allow space-based tests of systems based on new physical principles. The administration's rush to violate the ABM Treaty is clearly not born on a tide of persuasive logic.

CONSEQUENCES OF THE "REINTERPRETATION"

Were the administration to apply its "reinterpretation" and thereby undercut the ABM Treaty, the predictable consequences are numerous and severe:

COMPREHENSIVE ARMS CONTROL PRECLUDED

First, application of the "reinterpretation" would destroy any lingering chance of achieving a comprehensive arms control agreement during this administration, and perhaps for far longer. At Reykjavik, the opportunity to achieve an historic agreement to reduce strategic offensive forces was missed principally because the President insisted on maintaining the right to pursue his "strategic peace shield" under the "reinterpretation." Actual testing in violation of the ABM Treaty would doom current talks on strategic arms.

As to intermediate-range missiles, it is certainly possible that a deal might still be cut, but only because the Soviets can perceive a direct benefit from an arrangement that ratchets United States missiles out of Europe and helps to "decouple" the Atlantic alliance—all in exchange for Soviet dismantlements that reduce only marginally the Soviet capability to threaten Western Europe. With that as an aim, the Kremlin might well proceed on an INF deal regardless of events on the strategic front. But a sound strategic deal can be based only on a reaffirmed ABM Treaty.

DEFEATS GOAL OF ABM TREATY

Application of the "reinterpretation" would, at the same time, defeat the fundamental goal of the ABM Treaty, as set out in article I—"not to deploy ABM systems and not to provide a base for such a defense." Allowing full-scale engineering development and testing of space-based futuristic ABM systems and components would eliminate the treaty's crucial protection from a possible "break out."

ACCELERATE SOVIET RESEARCH

Meanwhile, sanctioning Soviet development and testing of mobile, futuristic ABM systems would dramatically increase the likelihood of a Soviet effort to build a nationwide defense and "break out" of the ABM Treaty. Given the extent of the existing Soviet ABM research and development program, unleashing a Soviet effort of this kind would be foolhardy and would seriously threaten U.S. national security.

PROLIFERATION OF OFFENSES

Sanctioning efforts by both sides to accelerate their strategic defensive programs will result in an escalating arms competition in both offensive and defensive systems. Secretary Weinberger, in a memorandum to the President, insisted that "Even a probable [Soviet] territorial defense would require us to increase the number of our offensive forces and their ability to penetrate Soviet defenses to assure that our operational plans could be executed." The Soviet Union would undoubtedly respond similarly.

WEAKENS THE ATLANTIC ALLIANCE

Action to undercut the ABM Treaty would be vehemently opposed by our NATO allies as a drastic shift in the alliance approach to collective security. Since the administration's original reinterpretation announcement in October 1985, the allies—among them Chancellor Kohl of West Germany and Prime Minister Thatcher of Great Britain—have expressed intense concern that the ABM Treaty be upheld. Rejecting their pleas would exacerbate existing doubts about American leadership of the alliance.

WEAKENS THE FABRIC OF INTERNATIONAL LAW

Treaties are not only the law of this land; they also represent a solemn engagement between nations, binding in international law. To a significant extent, world stability depends on a regime of good faith compliance with that law—a regime the creation and maintenance of which owes much to past American leadership. That inherently fragile regime would be seriously weakened by perceptions of a calculated American distortion of an international obligation long and widely perceived as crucial to world peace.

CONSTITUTIONAL CONFRONTATION

Finally, action to implement the reinterpretation without formal acceptance by the Senate would provoke a constitutional crisis. The clarity of the ABM Treaty text, as explained by the executive branch in 1972 and as understood by the Senate in consenting to ratification, leaves the executive no latitude for the adoption of a changed interpretation, particularly one so drastic as has been promulgated. For the executive branch to act on its reinterpretation would represent a severe challenge to the Constitution's delineation of the treaty power.

THE IMPERATIVE OF A STRONG SENATE RESPONSE

In the event of such a challenge, the Senate would face the question of recourse. One technique—that of legislating compliance with the treaty's correct interpretation—could be effective on a policy level but would fail to meet the constitutional issue head-on. On the other hand, to bring the issue to resolution in the courts—to render the question "justiciable"—could be complex and time-consuming. It is therefore important, both to avoid court action if possible and to provide a basis for such action if necessary, that the Senate speak clearly and forcefully at an early point. Passage of the "ABM Treaty Interpretation Resolution" would provide that statement.

While the text of the resolution is self-explanatory, one aspect within it warrants emphasis. In recent weeks public attention has been focused on the significance of the negotiating record—inevitably, since the administration cited that record in justifying the reinterpretation and then proceeded to deny Senate requests for access to the record. The general impression thereby created was that the negotiating record held a decisive significance as to the proper interpretation of this treaty.

To accept that proposition, however, was to take a bite of the administration's apple. For as eminent constitutional scholars have affirmed and as the resolution expressly states, "during the period in which a treaty is in force, the meaning of that treaty is what the Senate understands the treaty to mean when it gives its advice and consent, a meaning which is informed by reference to expressions of intent by the Senate as well as Senate acquiescence in any interpretation communicated to the Senate." And, to the extent such meaning is clear, "anything not transmitted to the Senate, including the negotiating record, is not relevant to the meaning of the treaty."

In the case of the ABM Treaty, there can be little doubt that the harmony of the treaty text, the presentation of the executive branch in 1972, and the clearly evident interpretation of the Senate as a whole leaves no latitude at all for the kind of reinterpretation the administration, with its lawyers, has conceived. The negotiating record—while conceivably a relevant reference on minor, technical issues—cannot in any way be determinative of proper interpretation of the ABM Treaty on the major questions the administration's actions have brought to issue. In the absence of a formal treaty amendment, which would require the formal consent of the Senate, those questions have been decided unalterably.

CONCLUSION: A PROFOUND STRATEGIC AND CONSTITUTIONAL ISSUE

Mr. President, what is at issue here is decidedly not a lawyers' quarrel. We are witnessing a major assault on the premises and structure of a national nuclear strategy which a decade ago was supported overwhelmingly by the Senate, which on Monday of this week was reaffirmed by six former Secretaries of Defense, but which has been brought to issue by this administration. We are also witnessing a subtle but equally significant assault on the Constitution's allocation of the treaty power.

My colleagues in the Senate may disagree on the wisdom of continuing the national strategy embodied in the ABM Treaty, although my expectation is that a substantial majority remains convinced that a reaffirmed ABM Treaty, without which comprehensive nuclear arms limitation will be impossible, offers the most reliable means of protecting this Nation in the years ahead. Where I hope all of my colleagues could agree, however, is on the imperative of upholding the constitutional responsibilities of the Senate, as reposed in this body by the Founding Fathers. Justice Felix Frankfurter stated this:

> The accretion of dangerous power does not come in a day. It does come, however, slowly, from the generative force of unchecked disregard of the restrictions that fence in even the most disinterested assertion of authority.

The Senate's duty with the regard to the issue of ABM "reinterpretation" is, I believe, clear. The resolution I now introduce offers a means to begin the performance of that duty.

NOTICES OF HEARINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LEAHY. Mr. President, I wish to announce that the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on Wednesday, March 18, 1987, at 2 p.m. in SR-332 to receive testimony on "The 1985 Farm Bill Revisited: Competing Views." For further information please contact Carolyn Brickey of the committee staff at 224-2035.

SUBCOMMITTEE ON AGRICULTURAL CREDIT

Mr. LEAHY. Mr. President, I wish to announce that the Subcommittee on Agricultural Credit of the Committee on Agriculture, Nutrition, and Forestry will hold a hearing on March 26, 1987, at 9 a.m., in SR-332 to receive testimony on farm credit proposals. Senator DAVID BOREN will preside. For further information, please contact Kellye Eversole of Senator BOREN's staff at 224-4721.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. FORD. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, March 18, at 9:30 a.m., to continue the hearing begun on March 5, 1987. The committee will be receiving testimony from Senators on congressional election campaign finance reform proposals referred to the committee.

The committee will be focusing on the following bills: S. 2, introduced by Senators BOREN and BYRD, to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate general election campaigns, to limit contributions by multicandidate political committees, and for other purposes; S. 50, introduced by Senator MOYNIHAN, to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns, to change certain contribution limits for elections, and for other purposes; S. 179, introduced by Senator SIMON, to amend the Federal Election Campaign Act of 1971 to provide for the public financing of Senate general election campaigns; S. 207, introduced by Senator GORE, to provide for the partial public financing of general elections for candidates for the U.S. Senate, and for other purposes; S. 615, introduced by Senator HELMS, to amend the Federal Election Campaign Act of 1971 to prohibit the use of compulsory union dues for political purposes; S. 625, introduced by Senator DOMENICI, to amend the Federal Election Campaign Act of 1971 to limit candidate expenditures of personal funds; and Pell amendment No. 36, intended to be proposed by Senator PELL to S. 2, to amend the Federal Election Campaign Act of 1971 to better inform the electorate in elections for the office of Senator or Representative in the U.S. Congress; and S. 725, introduced by Senator MITCHELL, to provide for the public financing of general elections for the U.S. Senate, and for other purposes.

For further information regarding this hearing, please contact Mr. Jack Sousa, election counsel of the Rules Committee, on 224-5648.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON INTERNATIONAL FINANCE AND MONETARY POLICY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs, Subcommittee on International Finance and Monetary Policy be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to hold oversight hearings on export controls.

The PRESIDING OFFICER. Without objection, it is so ordered.

LABOR AND HUMAN RESOURCES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to resume oversight hearings on activities of the Mine Safety and Health Administration, Department of Labor.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ENERGY REGULATION AND CONSERVATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources, Subcommittee on Energy Regulation and Conservation be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to hold hearings on S. 85, to repeal the end use constraints on natural gas and to repeal the incremental policy requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations, Subcommittee on African Affairs, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to hold hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs, focusing on African assistance.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DOMESTIC AND FOREIGN MARKETING AND PRODUCT PROMOTION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry, Subcommittee on Domestic and Foreign Marketing and Product Promotion, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to resume hearings on proposed legislation to promote the export of U.S. agricultural commodities and the products thereof, including S. 308, S. 310, S. 399, S. 500, S. 512, and H.R. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to hold oversight hearings to review nuclear reactor safety issues at Department of Energy facilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CONVENTIONAL FORCES AND ALLIANCE DEFENSE

SUBCOMMITTEE ON PROJECTION FORCES AND REGIONAL DEFENSE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, Subcommittee on Conventional Forces and Alliance Defense and Subcommittee on Projection Forces and Regional Defense, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, at 2 p.m., to hold joint hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on the Aircraft Carrier Replacement Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL SPENDING, BUDGET, AND ACCOUNTING

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Spending, Budget, and Accounting, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, at 2:30 p.m., to examine Federal spending costs associated with the incarceration of illegal aliens.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to hold joint hearings with the national ocean policy study to review coastal management policy.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES AND NUCLEAR DETERRENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services, Subcommittee on Strategic Forces and Nuclear Deterrence, be authorized to meet during the session of the Senate on Thursday, March 12, 1987, to hold closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on the capabilities of United States and Soviet strategic forces.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 12, 1987, at 2:30 p.m., to hold a business meeting to consider proposed legislation authorizing funds for housing and community development programs administered by the Department of Housing and Urban Development and the Department of Agriculture, and the nomination of Alfred J. Fleischer, Sr., of Missouri, to be a member of the Board of Directors of the National Corporation for Housing Partnerships.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INTERNAL REVENUE POSITION ON THE TAX CONSEQUENCES OF PARTICIPATING IN THE DAIRY TERMINATION PROGRAM

● **Mr. BOSCHWITZ.** Mr. President, earlier this year I sent a letter to the Internal Revenue Service asking several questions about the tax consequences of participating in the "Dairy Termination Program," which we authorized by section 101(b) of the Food Security Act of 1985.

To refresh the memory of my colleagues, farmers who participated in the Dairy Termination Program—better known as the whole herd buyout—were obligated to sell all of their dairy cattle for slaughter or export and, in addition, to idle all milk producing facilities for at least 5 years. In return, the Commodity Credit Corporation made payments to the farmer to compensate for loss receipts from two sources: First, the amount of money the farmer lost by selling the cattle for export or slaughter under the program, as opposed to selling the cattle for dairy. Second, the payments were also intended to replace income foregone through participation in the dairy program.

As I said, I sent the Internal Revenue Service a broad range of questions on the potential tax consequences of participating in the program. I have now received the IRS response to my inquiries, and I ask that that response, together with its attachment, be printed in the RECORD.

To summarize that response, the IRS has taken the position that payment made by the Commodity Credit Corporation to compensate the farmer for selling cattle at a lower price will be eligible for capital gains treatment. The payments received by the farmer to replace income foregone through participation in the program will be treated as ordinary income, subject to self-employment taxes. Sale of cattle for export or slaughter can trigger recapture of previously claimed investment tax credits and depreciation deductions. Finally, although the idling of facilities as required by the program will not result in depreciation recapture, it will cause recapture of previously claimed investment tax credits.

I asked the Internal Revenue Service to respond to one other question. As my colleagues will recall, those participating in the program made elections which gave them the right to receive the bulk of their payments either in 1986, 1987, or 1988. For those who elected to receive the bulk of their payments in 1986, income averaging is available under the old tax law. Those receiving the bulk of their payments in 1988 will not have the benefit of income averaging, but they will have the benefit of significantly lowered income tax rates under the new tax law—the maximum tax rate will be 28 percent.

Unfortunately, those receiving the bulk of their payments in 1987 will not be able to use income averaging, nor will they have the full benefit of lowered tax rates—the maximum rate in 1987 is 38.5 percent. This will certainly catch those participating in the program by complete surprise. At the time they had to make their payment election they had no idea the disadvantageous situation they would find themselves in by electing to receive the bulk of their payments in 1987.

Many of us saw the situation for those electing to receive the bulk of their payments in 1987 and encouraged the Commodity Credit Corporation to help eliminate the unfairness. I have been informed that the Commodity Credit Corporation did allow farmers to reschedule their 1987 receipts to avoid a stiff tax hit.

So the final question I asked the Internal Revenue Service was whether a farmer who changed his payment schedule would be taxed in the year in which the payments were actually received, as opposed to the year in which they were originally scheduled to be received. The Internal Revenue Service answer was, in short, "it depends."

Mr. President, assuming that the Internal Revenue Service is correct in their interpretation of the law, I think we need to be able to give our farmers a better response than "it depends" when they call and write us asking the year in which their payments will be taxed.

In addition, I do not agree that the recapture provisions of the tax law should be applied to a farmers idling their facilities as required under the program. First, unlike the situation where cattle are sold, the farmer will not have money coming in to help defray the cost or recapture—which can be a substantial cost in some cases. In addition, the farmer may decide to go back into the dairy business after 5 years. At that time, based on the current law, the credit will not be available.

Mr. President, upon receiving the Internal Revenue Service response today, I asked legislative counsel to draft a bill which would provide that farmers participating in the program will not have investment tax credit recapture as a result of idling facilities as required under the program. In addition, I instructed legislative counsel to include language to provide that farmers will be taxed on their program receipts in the year in which those receipts are actually received, removing the "it depends" from the equation. We should be able to give the farmer a firm and fair answer to his question on this matter.

Mr. President, I will introduce my bill as soon as it is ready. I simply want to alert my colleagues to the situation.

The material to be printed in the RECORD is as follows:

DEPARTMENT OF THE TREASURY,
INTERNAL REVENUE SERVICE,
Washington, DC, March 6, 1987.

Hon. RUDY BOSCHWITZ,
U.S. Senate, Washington, DC.

DEAR SENATOR BOSCHWITZ: This is in response to your inquiries dated January 20, and February 4, 1987, concerning the federal income tax consequences of participation in the "Dairy Termination Program" (Program).

Under the Program the Commodity Credit Corporation (CCC) contracts with certain farmers to terminate their dairy business for a minimum of five years. Among the conditions imposed upon the farmers participating in the Program are that they sell all of their dairy cattle for slaughter or for export and that they idle all milk producing facilities for at least five years.

On February 26, 1987, the Service released Notice 87-26, a copy of which is enclosed. The Notice provides guidance on some of the questions you present regarding the Program.

Briefly, the Notice states that if the two-year holding period requirement of section 1231 of the Internal Revenue Code has been met the amounts received from the sale of the cattle for slaughter or export will be treated as capital gains. The portion of the payments from CCC that compensates a milk producer for selling dairy cattle at a lower price will also constitute capital gains if the holding period requirement has been met. The excess amount will be considered a replacement for milk production receipts and thus, ordinary income. This excess amount is includible in determining a milk producer's net earnings from self-employment and is subject to the taxes on self-employment. The Notice explains how the allocation should be made.

In addition to the questions covered by Notice 87-26, you pose three further questions regarding the Program. First, you inquire whether the sale of cattle for slaughter or export will result in investment credit and/or depreciation recapture. Section 47 of the Code provides the general "recapture rule" that applies to property that is disposed of, or otherwise ceases to be "section 38 property" (property for which credits against tax are allowed) before the end of the estimated useful life used in computing the qualified investment in the property.

Section 1.47-1(a)(1) of the Income Tax Regulations defines when a "disposition" of property has occurred thereby triggering recapture of investment credits. Under the terms of the Program, dairy producers must sell their cattle for slaughter or export. Such a sale is a disposition which will trigger recapture of investment credit under section 47 of the Code.

Section 1245 of the Code provides for the treatment of gain from disposition of certain depreciable property. Section 1.1245-3(a)(4) of the regulations provides that livestock depreciation will be subject to depreciation recapture. Thus, the sale of the cattle for slaughter or export under the Program will also result in depreciation recapture.

Your second question concerns whether the idling of the facilities will result in recapture of investment credits and depreciation deductions. Section 1.47-2(1)(2) of the regulations defines when a "cessation" has taken place which will trigger recapture of investment credits. Pursuant to the terms of the Program, the facilities will no longer be used in a trade or business or for the production of income since they must be kept idle. Thus a cessation, within the meaning of section 1.47-2(a)(2) of the regulations, will have occurred and the property will be subject to investment credit recapture under section 47 of the Code.

The facilities will not be subject to depreciation recapture under sections 1245 or 1250 of the Code, as there has been no disposition (within the meaning of those sections) which would require such recapture. However, because the facilities are no longer used in a trade or business (or held for the production of income) no depreciation deductions are allowable during the period of idleness.

Finally, you inquire when dairy producers will be taxed on amounts received pursuant to the Program if they change their payment schedules. You state that because of the change in the tax rates, some producers who elected in 1986 to receive the bulk of their payments in 1987 for terminating production, now wish to receive the payments evenly over the next three years.

Section 451 of the Code provides that any item of gross income shall be included in gross income for the taxable year in which received by the taxpayer unless, under the method of accounting used in computing taxable income, such amount is properly accounted for as of a different period.

Section 1.451-2(a) of the regulations provides that income, although not actually reduced to a taxpayer's possession, is constructively received by the taxpayer in the taxable year during which it is credited to the taxpayer's account, set apart for the taxpayer or otherwise made available so that the taxpayer may draw upon it at any time, or so that the taxpayer could have drawn upon it during the taxable year if notice of intention to withdraw had been given. Income is not constructively received if the taxpayer's control of its receipt is subject to substantial limitations or restrictions.

What constitutes a substantial restriction or limitation is controlled by the facts and circumstances of each case. If a dairy producer enters into a contract and agrees to a specific payment schedule, the subsequent ability to alter that payment schedule may or may not result in application of the doctrine of constructive receipt. In general, a taxpayer will not be considered to be in constructive receipt of income until there is performance under the contract or there is a meaningful commitment to perform under the contract. Whether there has been meaningful commitment will depend on all the facts and circumstances surrounding each particular case.

We hope that this information is helpful to you in responding to your constituents' questions.

Sincerely yours,

PETER K. SCOTT,
Associate Chief Counsel, Technical.

Enclosure: Notice 87-26.

PART III—DAIRY TERMINATION PROGRAM (NOTICE 87-26)

In response to questions from the public, the Internal Revenue Service provides guidance in this notice concerning the federal income and self-employment tax treatment with respect to participation by milk producers in the Dairy Termination Program, which was authorized by section 101(b) of the Food Security Act of 1985, Pub. L. No. 99-198, 99 Stat. 1354, 1363 (1985), as implemented by the regulations of the Commodity Credit Corporation published in the Federal Register on March 7, 1986 (51 Fed. Reg. 7, 913).

Under the Dairy Termination Program (DTP), the Commodity Credit Corporation (CCC) will make payments to a milk producer who enters into a contract that provides that the milk producer will sell all the producer's dairy cattle for slaughter or export and who, for a period of five years beginning on the date specified in the contract, agrees not to acquire any interest in dairy cattle or in the production of milk or make available to any person any milk production facility. The payments under the DTP are intended to compensate the milk producer for lost receipts from two sources. First, the payments compensate the producer for the difference between the amount received when the dairy cattle are sold under the DTP and the higher price that could have been received if the cattle were sold for dairy purposes. Second, the payments are also intended to replace receipts from the milk production operation.

The following guidance is provided for filing tax returns for 1986 with respect to the federal income and self-employment tax treatment of participation in the DTP.

(1) To the extent that a portion of the DTP payment compensates the milk producer for selling dairy cattle at a lower price, that portion represents an additional amount realized on the sale of the cattle. If the two-year holding period requirement of section 1231(b)(3)(A) of the Internal Revenue Code is met on the date the milk producer sold raised dairy cattle, whose costs have been previously expensed, the total amount realized on the sale of the cattle is eligible for reporting as gain under section 1231 of the Code. Such sales should be reported on Form 4797, Part I. If the two-year holding period was met on the date the milk producer sold purchased diary cattle, the gain (other than the depreciation recapture under section 1245) or loss is also eligible for reporting under section 1231. The total amount realized from such sales should be reported on Form 4797, Part III. Any recapture of investment credit in a case of purchased dairy cattle should be reported on Form 4255. If the two-year holding period requirement is not met, all gains and losses constitute ordinary gains and losses. Part II of Form 4797 should be used to report proceeds from such sales of dairy cattle, regardless of whether raised or purchased, held less than two years.

(2) The portion of the DTP payment in excess of the amount that compensates the milk producer for selling dairy cattle at a lower price is not an amount realized on the sale of cattle, but is a replacement for milk production receipts, and thus is ordinary income. Such amounts should be reported on Form 1040, Schedule F.

(3) The portion of the payment that compensates the milk producer for a below market sale of the cattle must be determined with reference to all of the facts and circumstances. The remainder of the DTP payment is the portion of the payment that replaces milk production receipts. The milk producer must show specific evidence that the milk producer's cattle were actually sold for less than the producer could have obtained for them had they been sold for dairy purposes, at the same general time and at the same general geographical location as the producer actually sold them. The DTP payment will be considered as an additional amount realized on the sale of dairy cattle to the extent of such a difference. The Internal Revenue Service will accept as specific evidence of the price at which a milk producer could have sold the cattle for dairy purposes the price published in "Agricultural Prices", by the United States Department of Agriculture, National Agricultural Statistics Service, Agricultural Statistics Board, for milk cow sales in the state in which the milk producer sold the cattle during the year and month in which the milk producer actually sold the cattle. The extent to which the applicable price published in "Agricultural Prices" exceeds the price at which the milk producer actually sold the cattle may thus be treated as an amount realized on the sale of the cattle and is taxable as described in paragraph 1 above. The remaining amount of the DTP payment would be taxed as described in paragraph 2 above.

(4) The portion of the DTP payment that is not treated as an amount realized on the sale of the dairy cattle is includible in determining a milk producer's net earnings from self-employment and subject to the taxes imposed on self-employment income if the milk producer operated the milk production unit personally or through agents or employees, or if the milk production unit was operated by others and the milk producer participated materially in the production of the milk or in the management of the milk production unit.●

JEWISH COMMUNITY SERVICE OF WEST PALM BEACH, FL

● Mr. CHILES. Mr. President, I would like to bring to the attention of my colleagues a significant anniversary celebration in the State of Florida. The Jewish Community Center, comprehensive senior service center of West Palm Beach, FL, is today celebrating a decade of distinguished service to the seniors of Palm Beach County.

The Jewish Community Center comprehensive senior service center was formed in February 1977, as a result of a Federal grant awarded to the Jewish Community Center to provide transportation for transit-disadvantaged persons 60 years or older. The many requirements of the increasing older population demanded the development of a variety of services and activities and the Jewish Community Center responded to this need. The center has come a long way since the first $35,000 transportation grant in 1977. This service became and still is the lifeline to persons 60 years and older.

Two years later the center was awarded another grant by the Department of Transportation providing two more vehicles which enabled an expansion of services. As the years went on, more moneys were awarded to the center and fine recreation and education programs were developed, making the center a place for stimulation, enrichment, and good fellowship. In 1983, a long-time request for funds to develop a kosher meal program was finally granted and the Jewish Community Center established the first kosher nutrition program in Palm Beach County, both in a group setting and to homebound persons. This year the Jewish Community Center's grant, under the Older Americans Act will enable them to provide six different services. They now have expanded service provision to two sites, the original in West Palm Beach, and another in Delray Beach.

Over the past 10 years, the center has provided 228,850 transportation trips to persons who had to go to doctors, to treatment centers, to hospitals, and nursing homes to visit spouses; they have provided 100,740 hours of general education and 52,741 hours of recreation to persons who attend the many classes such as writers workshop, yoga, timely topics discussion group, speakers club, exercises in the chair, you and your health, sex after 60, Second Tuesday Club, holiday celebrations, cooking for one, and many, many more. The kosher meals program is only 4 years old, but in that time it has served 117,266 meals in the center's dining room, sent 91,363 meals home to shut-ins, and offered 8,956 hours of nutrition education.

All these grants have provided the "bare" essentials needed to develop these various services and the center has called upon numerous community resources to help offer the best for older adults. The center has collaborated with various agencies and professionals who provided their expertise and time to enhance the program. Hundreds of volunteers have spent thousands of hours at the Jewish Community Center these past 10 years serving in many capacities to augment the very small staff.

Besides offering a variety of everyday life sustaining services, the senior center has become a warm, friendly place to be with people, to attend a class or lecture, to enjoy a good kosher meal, or even more important to meet a new friend. The center is known for its concern for older adults and the staff can be proud that they have been able to develop a program that has enhanced the lives of all those whom they have touched.

In this year when we take up the reauthorization of the Older Americans Act, I can't think of a better example of Federal, State, and community interaction toward reaching the goals set out in that legislation. I know that all of my colleagues join me in expressing a hearty "well done" to this fine center on the occasion of their 10th anniversary.●

NEW JERSEY DAIRY SKIMS MILK PRICES

● Mr. LAUTENBERG. Mr. President, I want to call attention to an article which appeared in a recent issue of Crain's New York Business. Since 1979, New Jersey dairy owner Marc Goldman has been fighting for the right to sell milk in New York. Under State law, out-of-State dairies have been denied entry into New York City markets. This restriction has caused predictably higher milk prices for New York consumers.

I was pleased to assist Marc whenever possible in his efforts to obtain a New York license. In 1985, Farmland Dairy won the right to sell milk in Staten Island. In December 1986, a Federal judge ruled that Farmland could sell throughout New York City.

It is a bit ironic, but fitting, that a New York publication should recognize Marc Goldman as one of "Crain's All-Stars." Thanks to Marc Goldman, New York's consumers will save an estimated $100 million in 1987. I commend him for his tireless efforts.

Mr. President, I ask that the article be printed in the RECORD.

The article follows:

CRAIN'S ALL-STARS: MARC SKIMS MILK PRICES OUR WHEY

Seven-year-old Eve Goldman was perusing a newspaper last week while vacationing with the family in Florida. Asked what she was reading, she replied, "It says that there's enough milk in New York now."

For Eve's father, Marc Goldman, president of Farmland Dairies Inc., that remark was particularly telling. In December Mr. Goldman completed an eight-year fight to defeat New York City's milk cartel and in the process will help save the city consumers about $100 million in 1987. It's an accomplishment he hopes will teach his three children an important lesson in business activism.

"My children know we did something for New York and that it had to do with milk," says Mr. Goldman.

Reforming the state's milk-licensing laws has long been a priority of local consumer groups, including the New York Public Interest Research Group, a spokesman for the organization says. But he notes that mild-mannered Mr. Goldman, by his tenacity, made the difference.

Since 1979, Mr. Goldman had sought a license for Farmland to sell milk in New York City, where state laws prevent out-of-state dairies from selling milk. (Five New York-based dairies have controlled milk sales in the city for years.) In 1985 Farmland was licensed to sell milk in Staten Island, and in December a federal judge ruled that the state's refusal to grant Farmland a license to sell milk throughout the city hindered free trade.

The impact of Farmland's victory has been dramatic. Milk prices have fallen an average of 40 cents a gallon, even for milk supplied by the New York-based dairies.

"Our intention in the beginning was to make a difference for consumers," says the 39-year-old Mr. Goldman.

But the fight also made good business sense. Some grocery chains increased their January orders from Farmland by at least 10% over a year ago, he says. Even in areas like Westchester and New Jersey, where stores have long sold the Farmland brand, the dairy's milk sales have swelled.

To serve New York and to fill a backlog of new orders, Farmland bought 35 new trucks last month, and it has increased its milk-bottling capacity by 50%.

In addition, Farmland is installing special equipment that will improve the plant's efficiency and enable it to make some dairy products not yet available in this country. That is a project Mr. Goldman hasn't been deeply involved with until recently, because of his preoccupation with the milk fight.

Now, as his business has boomed, Mr. Goldman's own life has become quieter. Last month's crush of news-hungry reporters has tapered off, along with the flood of letters and phone calls from grateful consumers.

"I find myself with more time to focus on the business—major projects that don't necessarily require my full attention."

But Mr. Goldman, consumerist executive, isn't just concentrating on business. He and Farmland's top managers plan to form a not-for-profit organization to create "greater public awareness of things that inhibit the distribution of food." The plan involves raising money—perhaps through a benefit concert—to improve the way food is distributed nationwide.

The notion is in character, for Mr. Goldman has been an activist since the early 1970s, when he led environmentalists "fighting the establishment" in Colorado.

Today, as the third-generation head of his family business, Mr. Goldman promises to keep fighting New York's milk laws, which haven't been reformed even though the state was forced to grant Farmland a license. He employs a lobbyist in Albany, and will continue to retain her, until the state's milk-licensing laws are rewritten to ensure free trade, "so nobody else has to go through the same types of things we did," he says.●

WILD FREE-ROAMING HORSE AND BURRO ACT

● Mr. WALLOP. Mr President, in 1971, Congress unanimously approved the Wild Free-Roaming Horse and Burro Act to "require the protection, management, and control of wild free-roaming horses and burros on public lands." This legislation reflected concern that these animals were "fast disappearing from the American scene." At the time the law was passed, it was estimated that about 17,000 wild horses and burros inhabited public lands administered by the Secretary of the Interior through the Bureau of Land Management [BLM] and the Secretary of Agriculture through the Forest Service.

The law does not apply to horses and burros on lands administered by other agencies, such as the National Park Service, the U.S. Fish and Wildlife Service, or the Department of Defense.

Mr. President, under Federal protection and with no natural predators, wild horse and burro herds increased steadily, creating unforeseen conflicts and pressures on certain areas of the public lands. The controversial nature of many of the issues involved in the program made efficient administration more and more difficult. By 1976, improved census techniques indicated wild horse and burro populations of about 63,000, and the need to amend the act became clear. In that year, and amendment to the act authorized the use of aircraft and motor vehicles in the management of wild horses and burros on those public lands administered by BLM and the Forest Service.

By 1978, wild horse and burro populations were estimated to be nearly 67,000, and Congress amended the act again, providing for the following:

First, transfer of title to as many as 4 animals per year to an adopter who maintained the animals humanely for 1 year. The purpose of this change was to encourage adoptions.

Second, an order and priority for removal and disposition of excess wild horses and burros. This change recognized the increasing need for control of wild horse and burro numbers.

Third, a research study to be conducted through the National Academy of Sciences.

Mr. President, the 1976 and 1978 amendments sought to increase the efficiency of program administration in light of changing conditions. However, controversy over issues such as appropriate herd management levels and disposition of excess animals continued.

Mr. President, for several years, the number of excess animals removed from the range has exceeded the number of animals for which an adoption demand exists. The 1978 PRIA amendments provided an order and priority for removal and disposition of excess animals and directed that healthy excess animals for which there is no adoption demand be humanely destroyed. However, the agencies have maintained a moratorium on destruction of healthy animals since 1982. In 1982, BLM and the Forest Service established uniform adoption fees of $200 per horse and $75 per burro. Some horse interest groups charged that the fees were excessive and would create the need to destroy animals by decreasing adoption demand. Because of these concerns, the agencies placed a moratorium on destruction of healthy animals until the effect of the fees could be evaluated. The adoption fee for a horse was eventually lowered to $125, but by then unadopted horses had begun to accumulate in Government corrals and the moratorium was continued. More than 10,000 unadopted horses are now being maintained in BLM corrals and contract facilities at a cost to the public of approximately $25,000 per day, or more than $9 million a year. Meanwhile, as many as 20,000 wild horses above the estimated appropriate herd management levels remain on the public lands.

In February 1986, the Secretaries of the Interior and Agriculture chartered the Wild Horse and Burro Advisory Board for a period of 2 years. The nine members appointed to the board and the interests they represent are listed below.

Norman B. Livermore, former Reagan State game and fish director in California, San Rafael, CA, chairman, public-at-large.

Helen A. Reilly, International Society for the Protection of Mustangs and Burros, Reno, NV, wild horse and burro management.

Laurence R. Jahn, Wildlife Management Institute, Washington, DC, wildlife management.

William E. Towell, American Forestry Association and National Wildlife Federation, Southern Pines, NC, conservation.

Dennis J. White, American Humane Association, Denver, CO, humane organizations.

James H. Magagna, sheep rancher, Rock Springs, WY, livestock management.

Brad Little, rancher, Emmett, ID, rangeland management.

Michael J. Pontrelli, biologist, Reno, NV, research.

Terry D. Swanson, horse veterinarian, Littleton, CO, veterinary medicine.

In the summer and early fall of 1986, the board heard public testimony at meetings in Washington, DC, Reno, NV, and Ontario, CA. After a review of the issues, the board focused on two major problems.

First, large numbers of unadopted horses being maintained in corrals.

Second, presence on public lands of an estimated 15,000 to 20,000 wild horses and burros in excess of appropriate herd management levels.

SUMMARY OF BOARD RECOMMENDATIONS

I. DISPOSITION OF EXCESS WILD HORSES AND BURROS

A. That the Secretary implement the five-step process which provides several opportunities for disposition of the excess animals, and subsequently evaluate it. The five steps are: 1. Regular adoption program at full fees, 2. special adoptions at altered fees, 3. training of horses at prisons by inmates, with the trained animals to be made available for adoption. Animals not adopted within 30 days after training should be handled through steps 2 and 4, and if not adopted within 30 days, destroyed in accordance with step 5, 4. placement of horses on private sanctuaries, with the animals maintained with non-Federal funds, and 5. euthanasia for any animal not disposed of within 90 days following BLM's certification of its availability for adoption.

B. That the agencies continue the current adoption fees of $75 per burro and $125 per horse, with variances to be made administratively to resolve specific placement problems. The agencies should also periodically compile a study of the grade horse market in relation to adoption fee levels.

C. That the concept of private sanctuaries for wild horses and burros be explored further and encourage by and receive assistance (but not funds) from BLM and the Forest Service to monitor the efforts and establish a system of accountability for the animals.

D. That old, sick, or lame wild horses and burros be disposed of humanely in the field whenever possible, with a veterinarian determining the need for destruction.

E. That BLM review the existing policy and establish specifications to ensure that equipment used to transport wild horses minimizes the risk of injury to the animals, yet is reasonably cost effective.

F. That BLM require and constantly urge its employees, as well as contractors, to carry out quality control to maintain equipment to prevent and minimize risks of injury to horses and burros processed for adoption. BLM should also review veterinary contracts to assure they require appropriate techniques and medications.

G. That BLM seek the assistance of a marketing expert to review the strategy and publicity efforts to place excess animals through adoption. The BLM also should develop an aggressive adoption policy and seek approval for use of paid advertising when free advertising cannot be obtained.

H. That the adopter be given certificate of title 1 year after the adoption date, thus automatically conveying title unless complaints of inhumane care or conditions are registered to BLM or humane officials.

II. MANAGEMENT

A. That BLM and the Forest Service continue to establish appropriate herd management levels through their existing resource management planning processes. The agencies should increase their effectiveness in using the planning process.

B. That fertility control, if available and practicable, be used on a temporary basis where deemed necessary in specific herd management areas.

C. That excess animals be removed in the following priority: 1. from private lands when requested by the landowner, and 2. from the public lands where resource degradation is the most significant.

D. That the agencies endeavor to develop and utilize more reliable inventory methods for wild horses and burros, recognizing habitat differentials.

E. That the rate of herd increase be established for each herd area through repeated censusing of the herd, undertaken at the same time of year and using the same technique each time.

F. That the agencies (1) emphasize continued monitoring of habitat condition, trend, and utilization within herd management areas, and (2) develop and publish a policy statement that outlines the criteria that will be used and clearly articulates the basis for adjustments in wild horse and burro numbers.

G. That management for particular herd characteristics continue to be determined for each herd area through the planning process.

III. RESEARCH

A. That all research on wild horse and burro herds and habitats be coordinated by BLM at the national level; that BLM reevaluate long-term research needs when the results of research in programs are available; and that BLM establish and maintain a list of short-term, site-specific projects to be considered for a share of any future wild horse and burro research funding.

IV. LEGISLATION

A. That sale authority is not recommended at this time. The five-step process should be given priority for disposition of excess animals. If the five-step process does not prove effective, consideration should be given to this and other alternatives for disposition of excess wild horses and burros.

B. That Public Law 86-234 be amended to allow Federal agencies besides BLM and the Forest Service to use helicopters and motor vehicles to remove horses and burros from lands under their jurisdiction.

C. That the Wild Free-Roaming Horse and Burro Act be amended to replace the requirement for public hearings before the use of helicopters and motor vehicles with a requirement for public notification of such use.

D. That Section 1 of the Act be amended to delete the language indicating the animals are in danger of disappearing. The section should be further amended to establish, as a policy of Congress, that wild horses and burros are to be managed under the principles of multiple-use land management.

E. That Section 11 of the Act be amended to eliminate the joint biennial report requirement and replace it with an annual reporting requirement that can be incorporated in each agency's primary annual report to Congress.

CONCLUSION

The board believes that changes are needed in many areas to improve the administration of the Wild Free-Roaming Horse and Burro Act. However, the board affirmed its conviction that the Forest Service and the Bureau of Land Management are committed to the protection and management of wild horses and burros on the public lands, based upon the principles of multiple-use land management.

The board stated that BLM, which is responsible for more than 95 percent of all wild horses and burros, and current policy has resulted in a program where increasingly larger portions of funds are spent to maintain thousands of excess wild horses for an indeterminate period of time, rather than to manage and protect animals in their natural habitat.

The board found that the present situation fulfills neither the spirit nor the letter of the law. The board strongly urged the Secretaries to give careful consideration to the recommendations in their report and to develop a clear policy statement that will guide them in administering the act in the future. Both Secretaries are mulling the recommendations over as of this date.

Mr. President, I support the advisory board's recommendations with certain cautions. All interested parties must agree on "appropriate herd management levels". They must also agree on inventory numbers—how many animals are in a given area at a given time. This was done in the Rock Springs, WY, district of BLM. The arguments and noise diminished. The allocation of forage, protection of range values, enhancement of wildlife, and the grazing of appropriate number of domestic animals continued without the controversy.

Mr. President, I urge that my colleagues and the public support: Increased adoption of excess wild horses and burros, the establishment of private sanctuaries for excess animals, increased and improved marketing of the adoption program, and experimental training and horse breaking program at prisons so that more gentle animals can be adopted.

Mr. President, I have reservations about killing healthy animals and laying them down in a ditch or on the range. I prefer other solutions. Hopefully if the board's recommendations are followed, there will be no excess animals to destroy. Sale authority, although the practical solution, is probably not politically feasible. Nevertheless we must resolve the problem and expense of holding large numbers of animals at Federal expense. If practical solutions are not feasible, then feasible solutions which will work become practical and necessary.●

AFFORDABLE HOUSING

● Mr. ADAMS. Mr. President, I rise in support of H.R. 1056 which is identical in content to S. 607 introduced by my esteemed colleagues, Senator CRANSTON and Senator D'AMATO.

Mr. President, the purchase of a home is the cornerstone dream for most Americans. This bill retains that dream for many potential home buyers with modest incomes, little downpayments, and a small savings account. A proposal to increase fees of the Government National Mortgage Association from 6 to 10 basis points is a significant sum when passed on to the firsttime home buyer. Based on the $82 billion of securities GNMA guaranteed in fiscal year 1986, home buyers closing costs would have been increased an average of $187 per family.

Further, Mr. President, the homebuilding industry is important to my State. But what is more important to me is the impact on society. As we restrict and limit access to the market, we reduce the opportunity to fulfill fundamental needs of our citizens. Home ownership not only provides physical shelter for a family, but also increases independence and self-esteem. By owning a home, citizens become inevitably involved in their neighborhoods, schools, and communities. It provides the emotional anchor we all seek in our lives. These are ideals we should promote and not discourage.

In conclusion, Mr. President, GNMA is an effective and actuarially sound program with a large reserve fund. I see no reason why such increases should take place. It is our responsibility to maintain the affordability of housing for all our citizens. I urge my colleagues to favorably consider this proposal.●

ENGLISH PROFICIENCY ACT

● Mr. McCAIN. Mr. President, I would like to thank my distinguished colleague from New Mexico, Senator BINGAMAN, for introducing the English Proficiency Act. I am very pleased to join him on behalf of this important measure.

This bill seeks to provide grants to help support community-based literacy programs directed to limited English proficient adults and out-of-school youth, focusing on those whose native language is not English.

The number of Americans who cannot read, write, or even speak the English language is tragic. The U.S. Department of Education estimates that nationwide, from 17 to 21 million adults, 20 years of age older, are illiterate. By definition, these individuals have a reading comprehension no greater than the fourth grade level. The demographics of illiteracy reveal why enactment of this bill is so vital. Nationally, 37 percent of those classified as illiterate are individuals for whom English is a second language. In my home State of Arizona, of the estimated 300,000 adults classified as illiterate, nearly 50 percent are Hispanic or native American, many of whom speak a non-English language at home.

The inability of so many Americans to communicate proficiently in English poses a litany of serious problems for our Nation. Our country needs all its people to participate in its social, political, and economic life. Without English skills, many individuals are cut off from the mainstream of society. They lack the means of communication necessary to fully contribute to and take advantage of the many opportunities and benefits this Nation has to offer. Indeed, those limited in their English proficiency are prevented from realizing their full potential, and, regrettably, so is America. I would submit that our society cannot afford to allow this vast wealth of human potential to go unrealized.

Clearly, if we are to effectively address illiteracy in our Nation, we must assist those whose native language is not English. However, we must do more than espouse the importance of English proficiency or spend our energies on symbolic measures reiterating the need. We must, instead, invest in America by providing opportunity for these individuals.

Across the country, limited English proficient Americans have nowhere to turn for competent help to improve their skills. The English Proficiency Act turns concern into action. The act would help furnish a myriad of outreach organizations with the means to provide English skills programming to the segments of our population that traditional educational institutions and strategies have failed to reach. Enactment of this measure would be a progressive step not only on behalf of those most limited in their English skills, recent immigrants, but for all those who need to upgrade their capabilities to functional levels.

There is no single step that can be taken to guarantee the English proficiency of all Americans. Language capabilities can depend greatly on the initiative and desire of the individual and can be impacted by such factors as one's social and economic environment. However, I believe the English Proficiency Act is an effective means to help ensure that all Americans, no matter what their age, ethnic heritage, or educational background, have the opportunity to acquire the fundamental skills necessary to pursue their goals and dreams.●

RULES OF COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

● Mr. LEAHY. Mr. President, I submit for printing in the RECORD, the Rules of the Committee on Agriculture, Nutrition, and Forestry as required by rule XXVI, paragraph 2, of the Standing Rules of the Senate.

RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

1. Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

2. Voting by proxy as authorized by the Senate Rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

3. To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

4. A majority of the committee shall constitute a quorum for the purpose of reporting bills, nominations, matters or recommendations. Six members shall constitute a quorum for the purpose of transacting committee business: Provided, that one member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony.

5. Official attendance of all Committee markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance of all Subcommittee markups and executive sessions shall be kept by the Subcommittee Clerk.

Official attendance of all hearings shall be kept, provided that, Senators are notified by the Committee Chairman and Ranking Member, in the case of Committee hearings, and by the Subcommittee Chairman and Ranking Member, in the case of Subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.●

ADMINISTRATION'S PHYSICIAN PAYMENT PLAN

● Mr. DURENBERGER. Mr. President, the administration has proposed, in the budget for fiscal year 1988, that Medicare payments to physicians whose practices are based in hospitals—radiologists, anethesiologists, and pathologists [RAP's]—be incorporated in the set price for each hospital procedure.

I am very concerned that such a proposal is premature and could waste time and scarce resources in implementing a payment system that may not be the way Congress wants to proceed.

I have substantial concerns that a hurriedly designed Medicare reimbursement system for physician services based on DRG's may diminish both access to care, particularly in rural areas, and quality of care to Medicare beneficiaries.

Implementing such a reimbursement system, even if only for hospital-based physicians, might necessitate incorporating mandatory acceptance of assignment of Medicare benefits, which could result in the inequitable distribution of services and compensation and which policy has been rejected by Congress.

Congress has established an impressive Physician Payment Review Commission to study, review, and report recommendations to Congress regarding modifications in reimbursement for physicians' services under the Medicare Program and has specifically required the Secretary of Health and Human Services, taking into account a thorough examination of input costs for physicians' services, to report by July 1, 1989, concerning development of a relative value scale for implementation in 1990. The Commission has already issued its first report and the Commissioners have started a number of studies which will inform Congress about the nature of the problem and possible solutions.

I believe that any drastic change in the Medicare payment methodology for physicians' services—including those incorporating payment for hospital-based physicians as part of a fixed payment for inpatient hospital services—should not be undertaken without receipt of the results of the reports required under legislation enacted in the 99th Congress and a detailed analysis of the long-range impact of any such change on quality of care and access to care for Medicare beneficiaries.●

DEATH OF SENATOR ZORINSKY

● Mr. PRYOR. Mr. President, last week the Senate lost one of its most independent voices with the passing of Ed Zorinsky. I want to join my colleagues in paying special tribute to this Midwesterner who reminded us regularly about the virtue of using common sense when dealing with the many problems that confront our Nation and our world.

Ed Zorinsky was not one to shrink at walking alone if necessary. Some would term it being a maverick. But Ed Zorinsky put what he thought best for the people of Nebraska and the Nation ahead of partisan politics.

I have had the privilege of working with Ed in the Agriculture Committee. I think the people of Nebraska can be comforted to know that they had no better advocate of what was good for agriculture in this country than Ed. In fact, rural America has had no better friend than Ed Zorinsky.

His service on the difficult Foreign Relations Committee has been equally as exemplary. Always a quick study, Ed Zorinsky got to the core of difficult international dilemmas with ease.

Barbara joins me in offering our condolences and prayers to Ed's wife, Cece, and their children.●

TRIBUTE TO JOE PURCELL

● Mr. PRYOR. Mr. President, with the death of Joe Purcell, the State of Arkansas lost one of the finest men who has ever served in political office. Joe served as attorney general, Lieutenant Governor, and for a brief time as Governor of our State. He was at one time the chairman of the Democratic Party of Arkansas—a party he loved and devoted himself to.

One of the headlines telling of his death called him a statesman. Another rather crusty columnist spoke of the fact that Joe Purcell never played the role of a nice guy, "he was a nice guy." He was a politician that "ran on his own qualifications, not on the disqualifications of his opponents," the columnist pointed out.

Others have credited him with moving the State of Arkansas into modern politics. His manner of politicking, however, never changed. He loved to get out with the voters, to shake hands, eat catfish, and speak at old time political rallies. He was trusted by all. The people knew he was telling the simple truth when he would respond to thorny political questions with the simple answer "I'll do what is right."

Joe served as Lieutenant Govenor during my tenure as Governor. During that time, he also assumed the chairmanship of the State bicentennial commission—a thankless and seemingly never-ending job that entailed everything from choosing the plans and erecting a memorial on the grounds of the capitol, to leading a wagon train across the State of Arkansas.

This was a job that was perfect for Joe Purcell. He was one of the best ambassadors we could have offered to the many bicentennial events across our Nation. He loved our State and our political system and never missed a chance to promote either one of them.

Yes, I think Joe Purcell is one of the few people we can say who "did what was right" even at the expense of his own political career. He will be sorely missed by the people of Arkansas.●

THE EMERGENCY FOOD ASSISTANCE FOR THE HOMELESS ACT

● Mr. DANFORTH. Mr. President, I am pleased to be a cosponsor of the Emergency Food Assistance for the Homeless Act. During the last few years, there have been several studies and numerous reports that have cited vastly different estimates of the numbers of homeless people. There are many different thoughts about the causes of homelessness and about the solutions. However, very few people would argue that the problem does not exist, that it is not extremely serious and that it is not growing.

During the last few weeks, the House and the Senate have both been working on major pieces of emergency legislation to help the homeless. This bill will almost certainly be folded into a larger bill. Its purpose is to ensure that some extremely important provisions will not be overlooked during the debate. First, the Emergency Food Assistance for the Homeless Act extends expedited food stamp services to those whose combined assets and income are below 1 month's rent and utilities. This is a first step in trying to help those people who are threatened with homelessness. Once people have lost their homes, their problems become much more difficult to solve and the cost to society increases significantly. Expedited services are also extended to the homeless themselves. People in both these groups who are eligible for food stamps will receive them within 5 days. Outreach services are provided so that homeless people who are not aware that they are eligible to receive food stamps will be able to eat. Finally, this bill reauthorizes TEFAP, the Temporary Emergency Food Assistance Program, and provides increased Federal money for its administration. The program is an extremely important one as it provides funds for temporary relief through the distribution of surplus commodities. Food that would otherwise be wasted is made available to the needy.

While the budget deficit is the most serious issue facing the Nation today, we can not solve our fiscal problems on the backs of the poor and the needy. We must continue our struggle against hunger in the United States. For this reason, I strongly urge the passage of this bill.●

LIBRARIES—A VITAL ROLE IN DEMOCRATIC SOCIETY

● Mr. SARBANES. Mr. President, I am pleased to join in sponsoring Senate Joint Resolution 26, to authorize and request the President to call a White House Conference on Library and Information Services no later than October 1989. The public library provides a unique and vital service to many communities in Maryland and throughout the Nation by providing a multitude of resources and programs to all citizens, usually at no cost. The library has always been an integral part of what our country represents; an educated citizenry, freedom of information, and an open and enlightened society. I am proud to join in the effort to ensure a strong public library system.

The resolution I have joined in sponsoring is the result of a recommendation put forth by the 1979 White House Conference that similar conferences be held at the Federal level every 10 years to establish the national information goals and priorities for the next decade, to assure effective transfer of knowledge to the citizenry, and to accomplish this goal in light of accelerated changes in information technology and practices. The conference would solicit input from a wide range of the American public including library users, civic leaders, lawmakers, librarians, and others in identifying unmet library service needs, examining library and information service issues, and developing recommendations for future library and information services.

As indicated by the Citizens for Maryland Libraries, a group of individuals from all parts of Maryland dedicated to strengthening libraries to better serve their communities and increasing public awareness of the services available from libraries, a further White House Conference on Libraries and Information Services is much needed to deal with the technological advances of the past decade which are revolutionizing both libraries and information services. Libraries play a vital role in a democratic society that depends upon the informed participation of its people. We should continue our commitment to provide the means for our citizens to pursue knowledge and education, and should strongly encourage that pursuit. I urge my colleagues to support this resolution which will reaffirm our commitment to our libraries and provide a forum for the discussion of the important issues facing our library and information services communities today.●

THE 1986-87 YOUNG WRITER'S CONTEST

● Mr. WALLOP. Mr. President, we are all proud Americans here assembled, but within many of our constituencies there are some who are prouder still this week. I speak of the 105 first through eighth graders who are winners in the 1986-87 Young Writer's Contest. Their reward for winning is not monetary, however. Their prize is to be published in the third edition of "Rainbow Collection: Stories and Poetry by Young People," sponsored by Ronald McDonald's Children's Charities, it is the anthology of winning entries from this year's competition.

I am pleased to say that there is a second grade student winner this year, Beth Hanson, from Kaycee, WY. But those who capture the gold ring are not the only winners. There is a triumph for our Nation in each girl and boy who enters the competition, and who brings to our attention their impressions of our complicated world and provides insight into the traditional and changing heritage that compromise America.

Guided by their teachers in elementary, middle, and junior high school classrooms all over our great country, these children set a goal for themselves, and that goal was to express their creativity, their imaginations and their feelings in writing. Some chose poetic expression; others conjured up fables or short stories or preferred an essay format.

Because, we all, from time to time, find ourselves quoting statistics, reviewing, often critiquing, the educational system of our country, and measuring the impact of television on this Nation's success with the written word, it follows that as a matter of national conscience, we must also spotlight individual and collective efforts to improve our citizen's ability to write.

Writing can be inconvenient; writing is hard work. Pericles said, "One who has ideas but lacks the power to express them clearly is no better off than one who has no ideas at all." If we are to challenge young people to take up pens, to withstand the tedium of composing a perfect paragraph, we must first show them that their effort is important, their goal laudable.

Please join me in applauding the efforts of the thousands of students who entered the Young Writer's Contest, and in congratulating Beth Hanson and the 104 other winners. I submit for the RECORD, their names:

The list follows:

YOUNG WRITER'S CONTEST FOUNDATION

Name	School	Age	Grade	Sex	City and State	Zip Code
Johnson, Emily	Sterling Elem Sch	10	5	Female	Sterling, AK	99672
Lee Shelly	Hartselle, JHS	13	8	Female	Hartselle, AL	35640
Gordon, Joseph	MacDermott Sch	8	2	Male	Little Rock, AR	72207
Broyles, Lex	Richland Elem Sch	9	4	Male	W. Memphis, AR	72301
Lorenz, Lucas	Sirrine Elem Sch	8	3	Male	Chandler, AZ	854224
Atkinson, Jamie	Hydesville Sch	1	6	Female	Hydesville, CA	95547
Clarallo, Lauren	Willow Creek ES	7	2	Female	Englewood, CO	80112
Evers, Kelly	Newton School	13	8	Female	Littleton, CO	80122
Kingsbury, Douglas	Park Hill Sch	11	5	Male	Denver, CO	80207
Morris, Josh	Idalia School	13	8	Male	Idalia, CO	80735
Wilson, Elizabeth	Bloomfield JHS	13	8	Female	Bloomfield, CT	06002
Woodward, Heath	Palma Sola Sch	9	4	Male	Bradenton, FL	33529
Birr, Andrew	Howey Gftd. Ctr.	7	2	Male	Howey-in-the-Hills, FL	32737
McKeeby, Eric	do	8	3	Male	do	32737
Penland, Kim	Southwood JHS	12	7	Female	Miami, FL	33176
Dumford, Stacy	Venice Mdl Sch	14	8	Female	Venice, FL	33595
Riley, Ryan	Sterling Elem Sch	9	4	Male	Agana, GU	96910
Makino, Valerie	Maleililani-Uka Es	11	6	Female	Mililani Town, HI	96789
Okubo, Shannanrei	Ma'ema'e Elem Sch	10	5	Female	Honolulu, HI	96817
Stortz, Mitch	N. Winneshiek Sch	10	4	Male	Decorah, IA	52101
Modica, Matt	Intermediate Sch	11	6	Male	Lake Villa, IL	60046
Foerster, Stephanie	Barrington Mdl Sch	13	8	Female	Barrington, IL	60010
Ravnic, Jacqueline	Mark Sheridan Acad	8	3	Female	Chicago, IL	60616
Troupe, Ieachea	Randolph Sch	9	4	Female	do	60636
Diamantopoulos, Dennis	DeWitt Clinton Sch	13	8	Male	do	60659
Kulbida, Jane	J. Kinzie Sch	13	8	Female	do	60638
Simon, Carrie	J. Kinzie Sch	8	3	Female	do	60638
McGinnis, Francoise	LaSalle Lang Acad	13	8	Female	do	60614
Farfan, Wendy	Ninos Heroes Sch	13	8	Female	do	60617
Rivas, Alfredo	Schubert School	7	2	Male	do	60639
Becerril, Isabelle	Hawthorne Sch. Acad	13	8	Female	do	60657
Carrera, Joel	Hawthorne Sch. Arts	12	7	Male	do	60641
Daitsman, Linda	Sayre Lang Acad	9	4	Female	do	60641
Wright, Jenna	Riverview Sch	10	5	Female	E. Peoria, IL	61611
Robinson, Ruby	Lake Ridge Mdl Sch	13	8	Female	Gary, IN	46408
Rueger, Lydia	Perry Elem Sch	10	5	Female	Leopold, IN	47551
Chung, Christine	A. Arnold School	11	6	Female	Manhattan, KS	66502
Westerman, Paula	Westview Elem Sch	11	5	Female	Olathe, KS	66010
Sutherland, Jennifer	Wnthrop School	10	5	Female	Ipswich, MA	01938
Kennedy, Jennifer	Maleaces Lane Mdl Sch	13	8	Female	Cambridge, MD	21613
Reich, Robert	Randall School	9	4	Male	Taylor, MI	48180
Pemberthy, Lisa	Pinconning ES	12	6	Female	Pinconning, MI	48650
Hager, Rachel	Field Elem Sch	10	5	Female	Minneapolis, MN	55409
Beyer, Emily	J. Lewis Elem Sch	7	2	Female	Blue Springs, MO	64015
Fair, Clayton	Blue Ridge ES	9	5	Male	Columbia, MD	65202
Heatherly, Amy	Church Str. ES	7	3	Female	Tupelo, MS	38801
Robinson, Molly	Thomas Str. ES	10	5	Female	do	38801
McLendon, Tara	Konnoak School	10	5	Female	Winston-Salem, NC	27104
Thompson, Paulette	Highland Mdl Sch	13	7	Female	Mt. Gilead, NC	27306
Nall, John	C. Erwin Open Sch	10	5	Male	Greensboro, NC	27405
Rogers, Sarah	do	10	5	Female	do	27405
King, Gretchen	Alamance Elem Sch	10	5	Female	do	27406
Decasper, Hester	Claxton School	7	2	Female	do	27410
Osborne, Elizabeth	do	7	2	Female	do	27410
Smith, Sonya	Zebulon Mdl Sch	13	8	Female	Zebulon, NC	27597
Delaney, Carolyn	West Essex JHS	12	7	Female	N. Caldwell, NJ	07006
Han, Eric	W. Wndsr/Pinsbro, HS	12	7	Male	Princeton Jct, NJ	08550
Engleka, Jason	do	12	7	Male	do	08550
Gmitter, Bryan	Grice Mdl Sch	13	8	Male	Hamilton Twp., NJ	08610
Gieck, Alicia	J. Adams Mdl Sch	13	7	Female	Albuquerque, NM	87120
Soule, Robert	Cannon JHS	13	8	Male	Las Vegas, NV	89120
Sears, LaShawn	Traner Mdl Sch	13	7	Female	Reno, NV	89512
Armisto, Adam	Garden Str. Sch	10	5	Male	Brewster, NY	10509
Rainer, Marta	White Plains Int Sch	10	5	Female	White Plains, NY	10606
Powers, Brad	Ward School	11	6	Male	New Rochelle, NY	10804
Rosen, Danielle	do	10	5	Female	do	10804
Ellis, Jeffrey	Willow Rd Sch	9	4	Male	Franklin Squa, NY	11010
Greenspan, Jeffrey	Chestnut Hill Sch	7	2	Male	Dix Hills, NY	11746
Jackson, Marion	Berlin Ctrl. Sch	9	4	Female	Cherry Plain, NY	12040
Foore, Jason	Cloverbank ES	10	5	Male	Hamburg, NY	14075
Krohn, Leeann	Perry Elem Sch	7	2	Female	Perry, NY	14530
Cottrell, Andrew	Franklin Altv Sch	11	6	Male	Columbus, OH	43214
White, Alieah	St. Joseph Sch	9	3	Female	Sylvania, OH	43560
Hennessy, Erin	Brookfield JHS	12	7	Female	Brookfield, OH	44403
DeJongh, Julie	Black Lane ES	8	3	Female	Fairborn, OH	45324
Stevens, Brian	Wright Elem Sch	10	4	Male	do	45324
Howard, Amy	Calumet School	12	7	Female	Calumet, OK	73014
Orr, Rachel	Evans City ES	12	6	Female	Evans City, PA	16033
Wickham, Tyler	Lorane Elem Scho	10	5	Male	Reading, PA	19606
Gerlack, William	Tiverton Mdl Sch	12	7	Male	Tiverton, RI	02878

YOUNG WRITER'S CONTEST FOUNDATION—Continued

Name	School	Age	Grade	Sex	City and State	Zip Code
Sohn, Sherry	J.J. Deering JHS	12	7	Female	W. Warwick, RI	02893
Jones, Cyndi	E. Field School	10	5	Female	Mitchell, SD	57301
Torgerson, David	Gray Elem Sch	7	1	Male	Gray, TN	37615
Whitney, Manya	Chilhowee School	6	1	Female	Knoxville, TN	37914
Carlson, Brian	Germantown Mdl Sch	11	5	Male	Germantown, TN	38138
Shipley, Eva	Woodland Elem Sch	10	5	Female	Oak Ridge, TN	37830
Rohlfs, Kristin	Shady Brook Sch	11	6	Female	Bedford, TX	76021
Gregg, Sara	L. Archer Elem Sch	11	6	Female	Vienna, VA	22180
McCoy, Janice	do	11	6	Female	do	22180
Trause, Amanda	Belle View ES	8	3	Female	Alexandria, VA	22307
Burns, Casey	Culpeper Christian Sch	12	7	Female	Culpeper, VA	22701
Sittner, Wendy	South Anna ES	8	4	Female	Montpelier, VA	23192
Bingham, Katherine	Salem Chruch Mdl Sch	12	7	Female	Richmond, VA	23237
Meredith, Sarah	Poquoson Elem Sch	9	4	Female	Poquoson, VA	23662
Quillin, Christy	Poquoson Mdl Sch	13	8	Female	do	23662
Boylston, Fairlight	North Cross Sch	11	6	Female	Roanoke, VA	24014
Hall, Nathan	Huddleston ES	8	3	Male	Huddleston, VA	24101
Mayberry, Leigh Ann	Huddleston Elem Sch	7	2	Female	do	24104
Elder, Jeremy	Forest Elem Sch	9	4	Male	Forest, VA	24551
Fine, Esther	Seattle Hebrew Acad	12	7	Female	Seattle, WA	98112
Root, Phillip	Brooklyn Elem Sch	8	2	Male	Brooklyn, WI	53521
James, Heather	Oregon Mdl Sch	10	5	Female	Oregon, WI	53579
Barroilhet, Lisa	do	9	4	Female	do	53575
Myers, Abigail	do	11	5	Female	do	53579
Hanson, Beth	Kaycee Elem Sch	8	2	Female	Kaycee, WY	82639●

THE SPIRIT OF LIFE AWARD

● Mr. DIXON. Mr. President, I would like to call the Senate's attention to two outstanding individuals who have devoted themselves and their resources to countless humanitarian causes.

I refer, Mr. President, to Morton and Sylvia Cohen, lifelong Chicago residents, who have stood up for the future of patients in need. For this, the Cohen couple is being honored by the Palm Springs, CA, chapter of the City of Hope, March 14, 1987.

Morton and Sylvia have been continuously involved in various civic and philanthropic organizations, devoting hard work and providing various fund-raising campaigns and have given generously of themselves to these organizations.

Morton and Sylvia also take special pride in their devotion to the City of Hope and its world class reputation for patient care and research into catastrophic diseases. They have worked closely with the City of Hope in the study of genetic engineering and donated a wing of a building dedicated to research in this area.

In recognition of their devotion and contribution to the City of Hope, the Cohens are the recipients of the Spirit of Life Award.

Such effort and sacrifice should not go unnoticed. The incessant work of my fellow Illinoisans serves to highlight truly unselfish service for the betterment of our society.●

AFGHANISTAN: LETTERS FROM THE STATE OF MASSACHUSETTS

● Mr. HUMPHREY. Mr. President, last December the brutal Soviet occupation of Afghanistan entered its eighth year. The horrible condition of human rights in Afghanistan was recently described in a United Nations report as: "A Situation Approaching Genocide."

As chairman of the Congressional Task Force on Afghanistan, I have received thousands of letters from Americans across the Nation who are outraged at the senseless atrocities being committed today in Afghanistan. Many of these letters are from Americans who are shocked at this Nation's relative silence about the genocide taking place in Afghanistan.

In the weeks and months ahead, I plan to share some of these letters with my colleagues. I will insert into the RECORD two letters each day from various States in the Nation. Today, I submit two letters from the State of Massachusetts.

The letters follow:

FRANKLIN, MA.

MR. HUMPHREY: I would think the United States government would react more strongly to the barbarous way the Soviet Union is systematically butchering the people of Afghanistan. Why haven't we and the western countries put more pressure on the Soviets and their leadership?

I get ill when I read about the terrible atrocities committed against these fearless people.

Please do something to help the people of Afghanistan.

Sincerely,

Joan Jungharrs.

BROCKTON, MA.

DEAR SENATOR HUMPHREY: We are writing to voice our protest to the calculated campaign of butchery that is being imposed upon the people of Afghanistan. It is no better than the same genocide methods that the Nazis perpetrated on the Jewish people during the Second World War. Our country has a moral obligation to help put a stop to such atrocities. In turning our back on those innocent people, we are in effect contributing to it by pretending that we don't know what is going on. GOD HELP US, AND THE WORLD, if we don't protest such actions, because if it continues, it could ONE DAY happen right here in our country.

Could we wish such a terrible thing on our children, or our grandchildren?

We are supposed to be the Land of the Free, and the Home of the Brave. Let us now prove it!!! Freedom for all or freedom for none!!!

Sincerely,

Marcel D. and Edith A. Richard.●

SANCTIONS ON SOUTH AFRICA

● Mr. KERRY. Mr. President, the Secretary of State's Advisory Committee on South Africa issued its report on United States policy toward South Africa on January 29 of this year. The advisory committee consisted of a distinguished group of Americans, cochaired by Frank Cary, former chairman of IBM, and William T. Coleman, former Secretary of Transportation under President Ford. The advisory committee, after a year of study and first-hand observation of the situation in South Africa, issued an excellent and thoughtful report.

Unfortunately, that report and its conclusions have been ignored by the Reagan administration. Not only have Secretary Shultz and President Reagan ignored the findings of their own advisory committee, but the State Department has criticized the committee's conclusions. This administration seems to have learned nothing from its embarrassing defeat in the Congress last year, nor from the universally acknowledged failure of their policy of "constructive engagement."

The advisory committee stated in their findings and recommendations:

> The most urgent challenge facing the United States and other members of the international community is to convince President P.W. Botha and his supporters that it is in their interest to negotiate now rather than later. Unfortunately, they appear unlikely to accept this reality until a further combination of internal and external pressures raises the financial costs of maintaining apartheid with its present monopoly of white power. Sanctions alone will not change the attitudes of South Africa's ruling white minority. They must be combined with efforts to dissolve the atmosphere of fear that has so narrowed white visions of a postapartheid South Africa. * * *

There must be no confusion or uncertainty in the minds of the present South African government, or in the minds of these struggling to create a non-racial South Africa, as to the preconditions for the resumption of normal political and economic relations with the United States. For this reason, the Advisory Committee recommends against U.S. endorsement of "reforms" that fail to address the fundamental concerns of black South Africans. Applause for piecemeal reforms has proven counterproductive.

Mr. President, while this administration ignores the report of its own advisory committee on South Africa, and drags its feet on the implementation of sanctions, it continues to applaud piecemeal reforms in South Africa. This attitude has caused the U.S. Government to lose all credibility with the South African black populace as an honest broker. It has hurt our image throughout Africa. And by failing to pressure the South African regime in a meaningful way to enter into negotiations with black leaders, it has increased and hastened the likelihood of a violent and bloody civil war in South Africa.

Owen Bieber, the president of the United Auto Workers Union and a member of the State Department Advisory Committee on South Africa, has written a thoughtful editorial piece on our policy toward South Africa. He points out that:

> Regardless of ideology or party, no one benefits from a vacuum of presidential leadership on foreign policy—and on South Africa, Reagan has been so out of touch with reality that he's lost even his own party . . . By rejecting key conclusions of its own South Africa panel, the administration undercuts pressure on the apartheid government and makes an escalation of sanctions in the future more likely and necessary.

Mr. President, I hope that a newly engaged President will start by reading the report of his own Advisory Committee on South Africa, and acting on its recommendations. I ask that the article by Owen Bieber, entitled "Clinging to Quiet Diplomacy," be printed in the RECORD.

The article follows:

[From the Washington Post, Mar. 10, 1987]

CLINGING TO QUIET DIPLOMACY AGAINST THE ADVICE OF THE PRESIDENT'S OWN COMMITTEE, THE ADMINISTRATION STILL RESISTS SANCTIONS ON SOUTH AFRICA

(By Owen Bieber)

Constructive engagement, never a particularly robust specimen of U.S. foreign policy, died a belated public death last October when Congress overwhelmingly voted to override President Reagan's veto of modest South Africa sanctions legislation.

The report from the president's own advisory committee on South Africa released last month gave the administration a new opportunity to stop trying to revive the corpse of quiet diplomacy and bury it once and for all. Instead, the administration rejected its own panel's conclusions that constructive engagement failed and strong international sanctions must be imposed against South Africa.

Reagan officials, who have argued for more time for their six-year-old approach of muting public criticism of Pretoria, saw no inconsistency in pronouncing congressional sanctions ineffective after only a few weeks in place.

They could not avoid, however, the obvious irony implicit in the report's embrace of international sanctions, given the fact that the president had created the advisory committee as part of his executive order aimed at successfully heading off very mild congressional sanctions in 1985.

The State Department criticized key conclusions of the Reagan panel the same day the report was formally presented to Secretary of State Shultz by its co-chairs, William Coleman, a former Republican Cabinet member, and Frank Cary, former IMB chairman. This is particularly unfortunate for three reasons.

First, the report's recommendation that the president consult with U.S. allies to enlist their support for sanctions is not something easily dismissed by the administration—it's the law of the land. The Anti-Apartheid Act of 1986 calls upon the president to convene a meeting of industrial democracies for the purpose of reaching cooperative agreements to impose sanctions against South Africa.

In denigrating multilateral sanctions, is the administration indicating its intention to violate the will of Congress? Given the apparent chasm between the law and the actions of key White House officials on Iran-contra issues, this is hardly an idle question.

Second, by clinging to its soft-on-Pretoria approach, the administration signals to the white apartheid government that there is no penalty for escalation of violence against blacks, detention and torture of thousands including children, the suspension of press and speech rights, military attacks on neighboring countries and other reprehensible actions by the Botha regime.

Republicans and Democrats in Congress have concluded the United States should respond to South Africa's repression with sanctions, and so have the American people. The legislation now being implemented was drafted by members of the president's own party and stopped far short of what many Democratic members sought. The administration's intransigence, including the recent U.S. veto in the U.N. Security Council of a sanctions resolution, can only be a source of hope for apartheid advocates seeking to outlast economic pressures imposed from abroad.

Third, the continuing void of presidential leadership on South Africa, a problem even before the Iran-contra problems fully occupied the foreign policy apparatus at the White House and the State Department, adds momentum to perceptions of our international allies and enemies alike that the president isn't in charge.

Regardless of ideology or party, no one benefits from a vacuum of presidential leadership on foreign policy—and on South Africa, Reagan has been so out of touch with reality that he's lost even his own party.

The president and Secretary Shultz would be well served to get on with the vigorous enforcement of the Anti-Apartheid Act—to make the law of the land and administration policy one and the same. Should the congressional sanctions not result in South Africa's taking steps toward ending apartheid, the United States then will be confronted with two basic choices: Do we abandon economic pressures or do we escalate them?

Abandoning such pressures would not be likely to speed apartheid's destruction any more than constructive engagement has. Escalation of sanctions through measures such as those adopted by the House last June would be the key nonviolent form of significant pressure available to our government.

But rejecting key conclusions of its own South Africa panel, the administration undercuts pressure on the apartheid government and makes an escalation of sanctions in the future more likely and necessary.●

SAYING "YES" TO THE PROMPT PAYMENT BILL

● **Ms. MIKULSKI.** Mr. President, one of my first official acts as a U.S. Senator, and as a member of the Small Business Committee, was to cosponsor S. 328, the Prompt Payment Act of 1987. Overall, this legislation requires all Federal agencies to pay their bills within 30 days.

My family once owned a small grocery store in Baltimore. We understood the importance of having the necessary cash flow coming into the business, to meet current expenditures. Many small businesses, in order to survive, and to meet payroll, depend on their customers, especially the Federal Government, to pay their bills on time.

This legislation will have a major impact on the entire small business communities. For those small businesses that deal with the Government, their growth and survival may well depend on the Government's prompt payment of its bills.

In closing, Mr. President, I would like to share with my colleagues in the Senate an excellent article that appeared in the Montgomery County Journal on Monday, February 2, 1987, entitled: "Slow Payment by Fed Creates 'Nightmare' for Contractor."

This article and the GAO report to which it refers, sum up the views which the vast majority of Maryland small business owners hold—that is: The Government pays its bills too slowly.

I ask that the article be printed in the RECORD.

The article follows:

SLOW PAYMENT BY FED CREATES "NIGHTMARE" FOR CONTRACTORS

CONTRACTORS RAP FEDS FOR DELAYING PAYMENTS

(By James B. Moore)

If it were up to government contractors to approve credit for Uncle Sam, he might not have any.

The General Accounting Office, Congress' fiscal watch dog, estimates that up to a quarter of the $200 billion in payments the federal government makes each year for goods and services are at least 30 days late, frustrating business people who have their own bills to pay.

Contractors doing business with the government paint a gloomy picture of a bureaucracy hamstrung by red tape and unable to process the paper it requires for payment, which can be delayed for months and sometimes years.

The result: lost invoices, frequent rebilling, accounts long overdue and cash flow problems especially troublesome for small businesses that don't have the luxury of large cash reserves.

The U.S. Small Business Administration has called measures to speed the payment process "a top small-business priority," as have 1,800 business people who attended the SBA's White House Conference on Small Business last August.

Sen. Richard Trible, R-Va., continuing his fight for tougher "prompt payment" legislation, is proposing amendments to existing law that would force federal bureaucrats to get the checks in the mail within 30 days.

But many business people say that if it comes down to a "you can pay me now, or you can pay me later" decision, Uncle Sam will find a way to choose the latter.

"It's an absolute nightmare. You don't know how difficult this can be," said John Griffin, director of government marketing for Data Graphics Inc., which provides equipment that transfers computerized data to microfilm.

"We've had bills that haven't been paid in more than a year," said Griffin, whose Bethesda company has waited almost two years for the National Institutes of Health to pay a bill "that must be up to $300,000 or $400,000 by now."

"Even with a large company, that gets to be a problem for the books," said Griffin, who added that the Department of the Navy has not paid his company for more than $200,000 of work done about 18 months ago.

"The thing I keep getting over and over again is: 'I didn't get the invoice; can you submit another one?' " said a Bethesda television producer who asked not to be named. "So you sit there thinking you're going to get paid, and then you find they don't have the invoice.

"With my situation, I pay people to help with these jobs," said the producer, who has waited four or five months for the government to pay him for video productions he's done. "They get paid before 30 days. Everybody's been paid except the guy who got the contract."

Although government officials concede that late payment can present serious problems for business, especially small business, they say the problem is not that widespread.

According to figures from the Office of Management and Budget, federal government agencies paid 273,000 interest penalties on late payments for a total dollar value of $7 million in 1985, the most recent year for which figures are available.

The number of bills government agencies paid penalties on—those that were paid 45 days after receipt of the invoice—amounted to less than 1 percent of the 30 million payments made to contractors in 1985, according to the OMB.

Small business people argue, however, that the OMB's figures represent only the tip of the iceberg because many government agencies fail to pay the late fees, a conclusion shared by officials at the General Accounting Office.

"OMB's annual reports on performance have been misleading," said a report done by the GAO last year. "Since agencies do not always pay interest penalties where required, the statistics reported do not accurately reflect all interest payments owed."

After conducting a four-month review of 13 departments and agencies in 1986, the GAO noted that 24 percent of federal payments totaling $7.7 billion were made after the due date. The GAO report concluded that interest penalties of $15 million should have been paid during that four-month period alone.

While OMB concluded that the government pays 99 percent of its bills by the due date, the GAO report estimated that 25 percent of the government's payments to vendors are late.

The confusion about the statistics is further compounded by the fact that contractors and government officials don't always agree when a payment is past due. While the 1982 Prompt Payment Act states that federal agencies must pay their bills within 30 days of receiving the invoice, federal bureaucrats often lose the initial bill and follow-up bills, which can stall payments for months, said Kenton Pattie, director of the Coalition for Prompt Pay.

The Fairfax-based coalition was formed in 1982 when "federal bureaucrats began skirting the Prompt Payment Act," Pattie said.

"And they don't call you up and say they lost it," Pattie said. "You have to call them up."

Although disagreement exists about the extent of the problem, government officials and business people seem to agree that the slow payments are not intentional, but the result of a complex, unwieldy bureaucracy swamped with paper.

"The problem with the government is the procurement people are separated from the users (of the goods and services) and they are separated from the people that write the checks," Griffin said. "And they all double check each other."

Under the present procurement system, both the invoice and a receiving report proving the product was delivered must be sent from the agency that issued the contract to its finance department, which orders the Treasury Department to cut a check.

The problems arise when the paperwork takes a detour en route to the various offices or gets lost before it makes its journey to the finance officials who order payment.

"The problem exists in getting the paper from the people who get the goods to the people who do the paying," said an OMB official, who asked not to be identified.

The difficulty getting a bill paid by federal officials is in part due to design. With the government contracting for about $200 billion of goods and services a year, the potential for fraud would be tremendous if bureaucrats didn't insist on documentation and a lengthy approval process, the OMB official said.

"We have to put some controls to make sure we get the goods we're paying for," the OMB official said. "We don't want to pay for something we haven't received, so we wait for the receiving report."

For small businesses, though, that process often separates them from their money, and that can be disastrous for the company that has a minimum of cash between them and the red ink.

"It basically strikes at cash flow. You've paid your people, you bought the supplies . . . you paid the subcontractors and then you can wait 120 days for the government to pay," Pattie said. "When you wait seven or eight months for your money, you're playing Russian roulette."

"A young company that works for the government and is inexperienced can be gone. They can either make a lot of money or go under because, they can't afford not to get paid," said Harry Zalewski, vice president of Rockville-based Video Labs Corp., which has not yet been paid for $1,100 of work it did for the government last June.

"You have one of two things you can do (if the money isn't forthcoming). You go into your savings account or you go to the bank and borrow money," said the Bethesda producer who asked not to be identified. "It all depends on how desperate you are."

As to what can be done to alleviate their problems with government payments, business people seem divided. Some recommend that government business be avoided. Other suggest getting every agreement in writing and badgering payment officials.

Pattie is putting his faith in proposed legislation that would amend the Prompt Payment Act. The bill would eliminate over two years a 15-day grace period that allows bureaucrats to withhold payments for 45 days before encountering late payment penalties.

The legislation would also require agency officials to forward invoices and receiving reports to finance offices within five days of the time they receive them from contractors, Pattie said.

PROMPT PAYMENT PERFORMANCE

The following figures, compiled by the U.S. Office of Management and Budget, Show totals of late payments of bills to private companies by 20 federal government departments during 1983, 1984 and 1985.

The charts also show, in the second column of figures, the number of interest penalties the departments paid in each of the three years. Government agencies pay an interest penalty if a bill is not paid within 45 days of the billing.

The third column of figures shows the percentage of payments that were late.

Department	Dollar penalties	Number of penalties	Percent late payments
1983			
Defense	$2,051,121	120,782	0.88
DOT	178,923	15,761	1.75
VA	119,861	12,245	0.25
Interior	119,396	3,082	0.37
Agriculture	111,171	10,009	0.73
HHS	89,220	6,276	0.46
Energy	63,723	2,354	2.08
GSA	56,927	2,374	0.10
Justice	52,672	3,706	0.59
Treasury	16,111	1,073	0.18
Labor	5,641	455	0.93
SBA	4,786	203	0.54
Commerce	4,736	502	0.24
NASA	4,389	233	0.16
State	4,180	160	0.06
Education	1,349	123	1.09
HUD	422	39	0.06
OPM	338	30	0.09
NSF	37	1	0.02
EPA	29	6	0
Total	2,885,032	179,414	
1984			
Defense	$3,990,000	173,926	1.08
Agriculture	520,406	20,430	1.26
DOT	383,418	18,887	1.70
VA	366,352	28,318	0.70
Interior	277,359	10,524	0.97
GSA	214,572	9,409	0.40
HHS	170,799	9,805	0.65
Justice	124,919	2,987	0.40
Energy	98,400	3,166	2.60
Treasury	65,117	2,563	0.37
Commerce	56,684	841	0.34
Labor	35,797	470	0
HUD	34,425	2,342	1.94
NASA	28,900	769	0
State	9,338	184	0.08
Education	6,836	324	3.70
SBA	3,857	89	0.31
OPM	316	14	0.03
EPA	121	13	0
NSF	0	0	0
Total	6,389,616	285,061	

Department	Dollar penalties	Number of penalties	Percent late payments
1985			
Defense	$3,607,598	127,3990.81	
GSA	623,637	23,3201.04	
DOT	540,079	21,5261.85	
Agriculture	514,376	21,6611.57	
VA	381,839	29,0670.83	
Interior	349,473	17,6961.46	
HHS	222,184	10,4720.66	
Commerce	209,957	9,4152.96	
Treasury	161,949	4,4000.60	
Justice	118,792	1,8140.20	
Energy	95,413	2,6902.40	
NASA	34,700	1,0660.40	
State	27,811	100	
Labor	20,284	1,2030.90	
Education	17,255	6253.70	
HUD	13,550	7200.70	
SBA	13,536	1300.35	
EPA	187	200	
OPM	168	130.02	
NSF	0	00	
Total	6,952,788	273,247	

WPA

● Mr. SIMON. Mr. President, the Granite City Press Record of Granite City, IL, printed an editorial about my proposal to have a guaranteed job opportunity program, a program modeled somewhat after the WPA program of a half-century ago.

The Press Record editorial notes the positive contributions the WPA made.

There is no question that we could turn the liability of unemployment into a great national asset, and we ought to be doing that.

I urge my colleagues to read the editorial from the Granite City Press Record which I submit for the Record.

[From the Granite City Press Record, Jan. 15, 1987]

WPA Met a Big Need, May Again

Hundreds of families in Granite City and environs have vivid memories of the WPA. The Depression-era Works Progress Administration provided jobs for those having trouble putting food on their tables. The pay was minuscule, but far better than nothing.

Thoughts of the '30s are being revived by legislation announced Jan. 13 by U.S. Sen. Paul Simon, who once represented Granite City in the Illinois legislature.

His plan for guaranteed job opportunities would turn a "national liability," unemployment into a "national resource," he said as the first witness at hearings of the Senate Committee on Labor and Human Resources.

It is said that the Reagan era will live on for decades after the Reagan presidency, due to its expansion of the federal debt; legislators will be inhibited in pushing for bold new ventures to help low-income persons, it is reasoned.

While there will be no new Lyndon Johnson-style "Great Society" spending, Sen. Simon is moving ahead with an employment plan which has a yearly price tag of about $8 billion. The pay to individuals would be minimum wage or 10 percent above welfare or unemployment stipends.

He regards the program as affordable, predicting that much or all of the cost would be offset by savings in welfare and unemployment compensation outlays.

The image of WPA workers leaning on shovels was partly accurate; there were inefficiencies in utilizing the men's energies and talents. But they did accomplish much, such as building many roads and drainage channels in Madison and St. Clair counties.

Simon envisions a wider role for the men and women, qualifying for 32 hours of work a week. He testified, "Local boards would propose and oversee the projects, which could range from constructing sidewalks to tutoring illiterate adults to creating parks." He also suggested "testing, tutoring and counseling to equip job applicants with skills to improve their chances of finding private-sector jobs."

The Illinois lawmaker, ranked in national polls as a presidential contender, makes a valid point in citing the adverse impact of an individual's inability to find a job. It is directly related to family stability, personal dignity, crime levels and governmental burdens.

The 1930s were difficult, but Granite City families in some ways were better able to cope with poverty then than they are today.

Mass transit, including street car service, was available nearly everywhere in the bistate region. Residential neighborhoods offered more services; one could easily walk to a nearby store for food or other essentials. Nowadays, it is tougher to function without cash flow; the family auto still won't run without gasoline, and it is much more important. Access to a vehicle is truly a necessity, not a luxury.

As the senator said, unemployment takes a devastating toll on families, communities, the economy and national resources. He stresses the value of restoring hope, and of giving those trapped in the poverty cycle a new stake in society. Noting successes in curbing joblessness in several European democracies, he asserts that "a free society can tackle unemployment and win; it is not something beyond our control, like the weather."

We have always found work to be rewarding in itself, not just as a way of obtaining income. We think most, when given the opportunity, would choose a job rather than accept welfare benefits.

For those denied the chance to work due to such factors as layoffs, nearly every aspect of their lives is placed in jeopardy. Some way of meeting this challenge, perhaps the Simon approach, needs to be devised and put into effect.●

NAUM MEIMAN

● Mr. SIMON. Mr. President, the Soviet Union has indicated a desire to improve relations and promote a policy of greater openness. I welcome recent actions by the Soviet Government, especially the release of a number of prisoners of conscience. However, a few isolated instances are not enough. The Soviet Government must comply with the human rights agreements it has signed to demonstrate their sincerity to the United States.

The level of emigration from the Soviet Union remains alarmingly low. Soviet Jews, in particular, continue to be persecuted. The case of Naum Meiman exemplifies this. Naum, who is in his seventies, has little left to look forward to in life. His beloved wife Inna recently died of cancer in the United States. Naum was cruelly denied permission to comfort his wife during the final stage of her illness or to attend her funeral. He has only one dream left—to live in the West. The Soviets refuse to grant Naum this simple wish.

Secretary Gorbachev's advocacy of glasnost is insignificant if the Government continues to violate the rights of Jews. I urge my colleagues to put pressure on Secretary Gorbachev and the Soviet Government to release Naum Meiman and other refuseniks. I also suggest that we utilize the Soviets' desire to improve relations to ensure their compliance with human rights.

I implore the Soviet Government to grant Naum Meiman an exit visa immediately.●

SAY "NO" TO SDI FUNDS

● Mr. SIMON. Mr. President, Prof. John Kogut of the University of Illinois has led a movement among scientists of the Nation urging that some rationality be applied to our consideration of the strategic defense initiative.

He has written an article for the Scientist magazine urging that institutions reject attempts to encourage them to do research on this project.

Whether you agree with his conclusion or not, it does seem obvious to me that the administration has been spreading money around like manna from heaven to various institutions and even to other countries in order to secure support for a very questionable project.

I urge my colleagues in the House and the Senate to read his remarks and I urge institutions around this country to weigh seriously what Professor Kogut has to say.

I ask to insert his statement into the Record.

The statement follows:

Say "No" to SDI Funds

(By John B. Kogut)

Nearly 7,000 research scientists at more than 100 physics, computer science, chemistry and other hard science departments at leading universities in the United States have signed a pledge to neither solicit nor accept funding from the Strategic Defense Initiative Organization (SDIO). This figure includes more than 3,800 senior faculty members and nearly 60% of the combined faculties of the top 20 physics departments in the country. [does 'top 20' mean largest or most prestigious? Top 20 sounds wrong.] Our position against SDI was summarized in a letter circulated to Congress last spring:

"The overriding reason for our boycott is that SDI will increase the chance of nuclear war and will offer only imaginary protection from its consequences. Space weapons would both threaten and invite a first strike. Possession of such space weapons by the United States and the Soviet Union would inexorably lead to nuclear war."

The Scientists Campaign Against the Strategic Defense Initiative has convinced many members of Congress and many concerned citizens that SDI is, in the words of

Sheldon Glashow, one of the 21 Nobel laureates who have signed the pledge, "dumb, destabilizing and damned dangerous." Ninety-eight percent of the members of the National Academy of Sciences in fields relevant to SDI estimated that SDI could not provide an effective defense of the U.S. [OK to add U.S. here?] population if the Soviets try to overwhelm the defense.

The SDI was born in the inner circle of the Reagan White House. Retired Lt. Gen. Daniel Graham of the High Frontier [can you explain 'High Frontier'? Our readers probably won't know it.] and Edward Teller played crucial roles in convincing the president to launch a crash program to develop third-generation weapons to attain military superiority of the Soviet Union. Consultation with experts from the White House Science Council and the Pentagon was avoided before the president's infamous Star Wars speech of March 1983.

The first task of the SDIO and its Office of Innovative Science and Technology (IST), which deals directly with university-based research, was to secure extravagant funding from Congress by buying legitimacy and scientific endorsement for the program. Academic scientists and engineers who inquired about or wrote proposals for SDI research were cited by James Ionson, IST's director, in his lobbying efforts on Capitol Hill. In Ionson's words: "This office is trying to sell something to Congress. If we can say that this fellow at MIT will get money to do such and such research, it's something real to sell." [can you provide a citation here for Ionson's quote?]

Ionson proved to be an overzealous salesman when in May of 1985 [is 1985 correct here? Original said 'last year.'] he incorrectly announced that Cal Tech and MIT had joined SDI consortia. The presidents of those two institutions publicly denounced this publicity stunt. These and similar scandals showed that participation in SDI will be used by the program for political purposes. It is impossible for a researcher to accept SDI funding without accepting part of the responsibility for the political and military aims of the program.

CONTRIBUTING TO FRAUD

Accepting money from SDI contributes to a fraud. President Reagan attempts to sell the program to the voters as a nonnuclear means of defending the population from a massive Soviet attack. However, the nuclear bomb-powered X-ray laser has been described by the Department of Defense to Congress as "very much at the center of our thinking." The director of SDI, Lt. Gen. James A. Abrahamson, has stated repeatedly that his program does not consider "a perfect Astrodome defense" realistic. Instead, he claims to be "enhancing deterrence," although most military experts in the Pentagon agree that our present deterrent force is more than adequate. In fact, SDI weapons appear to be most useful as part of a first strike. Paul Brown, associate director for arms control at the Livermore weapons lab, states that "if the laser works as predicted it could be overwhelming as an offensive weapon . . . it certainly looks better as an antisatellite weapon than a defensive one."

As scientists we pride ourselves on our integrity. The research that drives the SDI is work of a different color. The joint staff of Sens. Proxmire (D-Wisc.), Johnston (D-La.) and Chiles (D-Fla.) recently investigated SDI research at the national weapons labs. They reported that key scientists feel that the program's highly publicized demonstration tests were "sleazy stunts" designed to fool the Congress into further funding. The Proxmire-Johnson-Chiles report concluded that "there have been no major breakthroughs in SDI research which make a 1990's development of comprehensive missile defenses more feasible than it was before the President's speech."

The SDI research program was riddled with fraudulent and misleading demonstration tests over the past year. Most prominent among them were underground nuclear explosions to test Livermore's X-ray laser. Leaks from scientists at Livermore revealed that these experiments, each one costing more than $30 million, were inconclusive because of known flaws in the detection equipment used. Nonetheless, Edward Teller acquired $100 milion directly from President Reagan to pursue these tests. These events lead to the resignation of R[full first name, please] Woodruff, the head of the Physics Division of the Livermore lab, and may have convinced Peter Hegelstein, William Broad's premier Star Warrior and Hertz Foundation fellow, to leave the lab for an academic position at MIT. [apparently Hegelstein will still consult for them. Thus, this should be modified in some way.]

The trade journal Defense Week reported in October 1986 (P. [please fill in] that such scandals continue. Roger Hagengrube, director of systems studies at Sandia National Laboratory, stated that most SDI experiments have been conducted prematurely to boost public support. Defense Week has reported that the Department of Energy is striking back to discourage federal scientists from talking to journalists. In an unsigned memorandum, DOE proposes limiting interviews on SDI to two designated scientists per laboratory.

It has become clear that the decision to develop and deploy SDI has already been made within this administration. The program's advocates will cite their fraudulent demonstration tests before Congress as evidence of progress. The unilateral underground nuclear test ban of the Soviets has been ignored in order to develop new third-generation nuclear weapons. The administration has scrapped SALT II and the ABM treaty is endangered. The Iceland summit was undercut by the President's insistence on going ahead with SDI. The scientists Campaign Against SDI is convinced that the program should be terminated. The most meaningful stand a scientist can take to further this cause and work for peace is to reject SDI's "research" program and pledge non-participation.●

PROPOSALS FROM THE U.S. DEPARTMENT OF EDUCATION

● Mr. SIMON. Mr. President, James Barry, who is the vice president and assistant to the president of Loyola University in Chicago wrote a compelling editorial in the Chicago Tribune on the President's student aid proposals for the coming fiscal year.

The impact, the specific numbers and programs to be affected or eliminated are clearly spelled out in the editorial, which I ask be included in the Record at this point.

The editorial follows:

[From the Chicago Tribune, Feb. 24, 1987]

A Quiet Retreat From Student Aid?

(By James D. Barry)

When President Reagan submitted his budget to Congress on Jan. 5, he started a clock ticking. Unfortunately, not very much attention is paid to this clock, although it is a significant indicator of a key relationship between the President and Congress. It has to do with the making of spending legislation.

Most of us have confidence in our overall knowledge of the process by which laws are made. When, for example, the House and the Senate pass an appropriations bill and the President signs it, it becomes law, right? And if the President were to veto the bill, and if the House and the Senate then were to override the veto by the required two-thirds vote, the bill would become law, right?

Not necessarily: When the President sent his fiscal year 1988 budget to Congress, he made proposals for spending that Congress is to respond to during this calendar year. There were, however, other sections in that budget message that overshadowed the proposals for new spending.

The focus here is on the President's requests for rescissions—requests not to spend what was authorized and approved the previous year by both Congress and the President. His budget message asks Congress not to spend the more than $1 billion slated for needy students. That's money he and the 99th Congress thought would be necessary to help educate the next generation. But never mind—Reagan has changed his mind about that $1 billion: more than $400 million in educational grants for needy students and nearly $600 million for the college work-study program. These are only two of many rescissions requested.

The 1974 Congressional Budget and Impoundment Control Act and a 1983 Supreme Court decision [*Immigration and Naturalization Service* v. *Chadha*] make available to the President methods of controlling or influencing spending after a money bill has been passed by Congress and he has signed it.

There are requests for deferrals, for transfers and for recissions. With a request for rescission, the President announces that he does not intend to spend the money appropriated. That starts a clock. If Congress does not approve the rescission within 45 working days, the President must release the funds.

The rules governing presidential requests for rescissions are, of course, part of the larger issue of checks and balances, of the powers and responsibilities of the three branches of government. Indeed, the 1983 Chadha decision was very far-reaching, as it affected more than 200 laws dating back to 1932, laws in which Congress had provided for legislative vetoes by one or both houses. The Supreme Court view was that such vetoes allow excessive involvement by the legislative branch in the workings of the executive branch. And as recently as Jan. 20, a federal appeals court ruled that the President does not have the authority to defer the spending of funds appropriated by Congress for purposes he does not approve of.

But let's return to the student-aid programs that would be affected: Although college costs are up and student's resources are eroding, President Reagan would remove a Supplemental Educational Opportunity Grant of $575 from each of 720,000 exceptionally needy students. And although the small nation of Japan graduates twice the engineers the U.S. does, the President would take back $750 from each of 787,000 ambitious students who want to work their way through school. The amount saved, from the President's perspective: $1 billion. The amount lost, from the nation's human resources: incalculable.

The $1 billion question here is whether the rescission maneuver is truly designed to give the President flexibility in administering laws, or to allow him a public show of generous support for education in one session of Congress and a quiet retreat in the next.

These numbers have names, and the percent cuts and increases in indebtedness have real consequences.

A student at Greenville College, a small, private liberal arts college in Illinois, would face the elimination of much needed aid if the administration's proposal for cuts in Federal student assistance is accepted by Congress. For example, Anne is a sophomore at Greenville. Her father is a minister and earns $25,056 a year. Both she and her brother are in college. The cost of attendance at Greenville is $9,525 and Anne's family is expected to contribute $2,015 to Anne's costs. In addition, Anne receives a Pell Grant of $710, a Federal supplemental grant of $1,800, an Honor Scholarship from Greenville of $1,000, a minister's discount of $500, a national direct student loan of $1,000 and $2,500 in a federally guaranteed student loan, a part of which is applied to the expected family contribution. In total Anne receives $2,510 in grants, $1,000 in scholarships, a special $500 discount, and loans in the amount of $3,500. Under the administration proposal, Anne would be eligible for $2,500 under the Guaranteed Student Loan Program, an NDSE loan which because of the proposed elimination of Federal capital contributions may be lower than her current NDSL $1,000 loan, and we assume the same minister's discount and merit scholarship of $1,500. Anne would receive assistance in the amount of no more than $5,000 of which no more than $3,500 is from Federal loan programs. Anne's unmet need for the cost of attendance would be more than $2,500.

At Illinois State University [ISU], freshman Mary N. is from a single parent home with two brothers in college and receives a package of grant, loan, and work assistance based on family income and the expected family contribution to meet the current cost of attendance at ISU of $5,576. Mary's mother earns $24,000 and the expected family contribution is $1,210. The current aid package for Mary includes $2,050 in grant assistance, $1,000 in college work study and $1,500 in a federally guaranteed student loan. Throughout a 4-year college career for Mary, expected family contributions increase, as does the annual level of indebtedness. Under the new administration proposal, most grant and work opportunities would be eliminated for Mary, resulting in debt burden more than 30 percent above the current student assistance system.

Mary's current package is as follows:

Four year total cost of attendance at ISU	$24,443
Four year total family contribution	7,900
Four year total grants (includes state grants)	6,530
Four year total work study	2,000
Four year total loans	10,850

Under the administration's proposal, the total for work study would be zero; the total for grants, assuming continuation of the state grant program would be $3,000; and the unmet need would be $13,543, for which Mary would be eligible for $7,140 in guaranteed student loans with unmet need in her first 2 years of school at the level of $1,403 on top of an expected family contribution ranging from $1,210 in Mary's freshman year to $3,080 in her senior year.

It is clear that the administration proposal puts an added burden on a student aid formula which already asks the students and their families for a substantial contribution.

These examples put names and actual family situations together to illustrate the impact of proposed cuts which are described in the Tribune editorial. It is not a question of a certain program here and certain dollars for fiscal year 1988 there. We are talking about real people with real needs and the devastating impact the administration proposes with their package of grant, work, and loan support to continue their education and their part of the American dream.

The Reagan administration's quiet retreat from supporting the aspirations and hopes for a better life through postsecondary educational opportunities is inconsistent with its call for quality higher education and lowered costs. Although I do not share the Secretary of Education's reasoning—I do agree that the cost of a college education must be kept within the reach of low- and middle-income families. The Secretary's fiscal year 1988 budget for higher education, however, will do nothing to advance his stated goals. In fact, it will reduce access to the lowest cost institutions for exactly those students who need our help the most.

It is unfortunate that the Secretary elected to sit out last year's reauthorization of the Higher Education Act. All of his new and revolutionary ideas for improving student aid, reducing costs, and improving quality should have been presented in the 99th Congress. His proposals are hundreds of days late and many thousands of dollars short of what this Nation needs to do to assure access to and some measure of choice in American higher education.●

RECORD OPEN UNTIL 5 P.M. AND AUTHORITY FOR CERTAIN ACTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that the RECORD remain open until 5 o'clock p.m. today for the introduction of bills, resolutions, and statements, and that the committees may have until 6 o'clock p.m. to report.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMPOSITION OF A MORATORIUM ON UNITED STATES ASSISTANCE FOR THE NICARAGUAN DEMOCRATIC RESISTANCE

Mr. BYRD. Mr. President, the House yesterday passed House Joint Resolution 175. This joint resolution would place a moratorium on additional funding for the Nicaraguan democratic resistance until previous moneys have been accounted for. The President would provide to Congress information as to an accounting of any proceeds diverted to the Contras from the sales to Iran of military equipment provided by the U.S. Government; any such proceeds from sales to Iran of military equipment with the approval or knowledge of the U.S. Government; information and an accounting with respect to the $27 million that was appropriated for humanitarian assistance by the Supplemental Appropriations Act of 1985; any assistance for the Contras that was made available by any person or foreign government if the furthering of that assistance was encouraged by any contact with that person or government by any officer or employee of the U.S. Government. It would provide for a moratorium on the expending of the remaining $40 million pending such an accounting.

This joint resolution, passed by the House on yesterday, would place a moratorium on the $40 million until sufficient accountings have been made by the President of the United States to the Congress.

Mr. President, I have indicated to the distinguished Republican leader that I intend to ask unanimous consent to proceed to the consideration of this joint resolution forthwith. The distinguished leader is on the floor, and I do ask unanimous consent that the Senate proceed to the consideration of the House message at the desk on House Joint Resolution 175.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. The objection is heard.

UNANIMOUS CONSENT REQUEST—HOUSE JOINT RESOLUTION 175

Mr. BYRD. Mr. President, I make one further request: I ask unanimous consent that on tomorrow, following the swearing in of the new Senator from the State of Nebraska, the Senate proceed to the consideration of House Joint Resolution 175.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I ask that the Senate proceed with the first reading of House Joint Resolution 175.

The PRESIDING OFFICER. The clerk will read the joint resolution by title for the first time.

The legislative clerk read as follows:

A House joint resolution (H.J. Res. 175) to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance.

Mr. BYRD. Mr. President, in order to expedite the operation of rule XIV and get the joint resolution on the calendar at the earliest possible date, an objection to the immediate consideration thereof having been made appropriately under the rules, I ask for a second reading.

The PRESIDING OFFICER. Is there objection?

Mr. DOLE. I object.

The PRESIDING OFFICER. Objection is heard.

The bill will remain at the desk pending the next reading or the next legislative day.

SENATE BICENTENNIAL COMMEMORATION

Mr. BYRD. Mr. President, I send to the desk a resolution on behalf of myself and Mr. Dole and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 166) to amend Senate Resolution 352 as agreed to April 1, 1986, relating to the commemoration of the bicentennial of the Senate of the United States.

Mr. BYRD. Mr. President, I ask unanimous consent that further reading of the resolution be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the resolution.

Mr. BYRD. Mr. President, on March 4, 1989, the Senate will commemorate its 200th anniversary. Since 1980, plans have been underway to ensure that this unique historical event will be observed in an appropriate and beneficial manner. In 1982 a special Senate bicentennial study group, following 2 years of deliberation, issued a report that outlined a program of suitable activities. These included publications, conferences, exhibits, and ceremonial events. Since that time, the offices of the Senate Historian and the Senate Curator, under the direction of the Secretary of the Senate, have been working to turn these plans to reality.

Early in 1986 the Senate adopted a resolution creating a Senate Bicentennial Commission. The purpose of that commission was to oversee the many bicentennial plans underway and to coordinate ceremonial events with such related panels as the Commission on the Bicentenary of the House of Representatives and the Commission on the Bicentennial of the United States Constitution.

The Senate Commission held a meeting in July and began work on a specific agenda of activities for the 100th Congress. Now that the 100th Congress has arrived, there is a need to add certain technical and substantive amendments to the 1986 resolution. These amendments have been worked out in cooperation with the Republican leadership. We believe that they will provide the necessary structure and resources to ensure that the occasion of the 1989 Senate Bicentennial will be effectively used to enrich popular understanding of this body's history, traditions, and vital contemporary role within the American system of government.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The resolution (S. Res. 166) is as follows:

S. Res. 166

Resolved, That section 2 of Senate Resolution 352, agreed to April 1, 1986, is amended—

(1) in clause (c) by striking out "two" and inserting in lieu thereof "three";

(2) in clause (d) by striking out "two" and inserting in lieu thereof "three"; and

(3) by adding at the end thereof the following: "The term of a Member of the Senate appointed under clause (c) or (d) during the 99th Congress shall terminate at the expiration of the 99th Congress. A Member of the Senate appointed under clause (c) or (d) to serve during the 100th Congress shall serve until the termination of the Commission.".

Sec. 2. Section 3 of Senate Resolution 352 is amended by striking the first sentence and inserting: "The Majority Leader, or his designee, shall serve as the Chairman of the Commission and the Minority Leader, or his designee, shall serve as the Vice Chairman of the Commission.".

Sec. 3. Section 6 of Senate Resolution 352 is amended to read as follows:

"Sec. 6. The Commission shall have the staff report and the expertise of Senate support staff including the Senate Historical Office and the Office of Senate Curator, under the jurisdiction of the Secretary of the Senate, and the assistance of the United States Senate Commission on Art and Antiquities. The Chairman shall designate an Executive Secretary of the Commission.".

Sec. 4. Section 7 of Senate Resolution 352 is amended to read as follows:

"Sec. 7. (a) The actual and necessary expenses of the Commission, including the employment of consultants at a rate not to exceed the maximum daily rate for a standing committee of the Senate, shall be paid from the Continent Fund of the Senate, out of the account of Miscellaneous Items, upon vouchers approved by the Chairman of the Commission or his designee.

"(b) The Secretary of the Senate is authorized to advance such sums as may be necessary to defray the expenses incurred in carrying out the provisions of this resolution.".

THE EXECUTIVE CALENDAR

Mr. BYRD. Mr. President, I ask the distinguished Republican leader if he is ready to proceed with the confirmation of the nominations on the Executive Calendar beginning under New Reports on page 2, under the headings of Securities Investor Protection Corporation, Department of Housing and Urban Development, and the Federal Home Loan Bank Board.

Mr. DOLE. Yes. They have been cleared on this side.

Mr. BYRD. Mr. President, I thank the Republican leader.

EXECUTIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations beginning under New Reports, calendar orders numbered 40 through 43, inclusive.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I ask unanimous consent that the nominations be considered and agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations confirmed en bloc are as follows:

Securities Investor Protection Corporation

James G. Stearns, of Nevada, to be a member of the Board of Directors of the Securities Investor Protection Corporation for a term expiring December 31, 1988. (Reappointment)

Department of Housing and Urban Development

J. Michael Dorsey, of Missouri, to be General Counsel of the Department of Housing and Urban Development, vice John J. Knapp, resigned.

Judith Y. Brachman, of Ohio, to be an Assistant Secretary of Housing and Urban Development, vice Antonio Monroig, resigned.

Federal Home Loan Bank Board

Lawrence J. White, of New York, to be a member of the Federal Home Loan Bank Board for the term of four years expiring June 30, 1990, vice Mary A. Grigsby, resigned, to which position he was appointed during the recess of the Senate from October 18, 1986, until January 6, 1987.

Mr. BYRD. Mr. President, I move to reconsider en bloc the nominations which have been confirmed.

Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of the nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, that Senators be permitted to speak therein for not to exceed 15 minutes each, and that the period not extend beyond 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PEACE INITIATIVE OF THE CENTRAL AMERICAN HEADS OF STATE

Mr. HUMPHREY. Mr. President, I wish to address again the issue of the concurrent resolution agreed to by the Senate 2 or 3 hours ago, Senate Concurrent Resolution 24.

I was not surprised that this concurrent resolution passed. I was shocked by the margin at which it passed, 90 something to 1. I was the one in that tally and rather proud of it, frankly. If Senators have an opportunity to read this resolution, I think they will understand why I voted against it and why that was a correct vote and why it may well be that many, many Senators made a mistake in supporting this resolution. I know that we pass a great many resolutions around here. Most of them are just a lot of hot air and many are viewed as apple pie and yet get only the most cursory examination before Senators vote. But I want for the RECORD to review this concurrent resolution so overwhelmingly adopted this afternoon and point out why it is so seriously and dangerously flawed and why I believe the Senate made a mistake in adopting this resolution.

I will just read parts of it and then offer a critique if I may.

> Concurrent resolution supporting the initiative of Central American heads of state, meeting in San Jose, Costa Rica, in formulating a regional proposal for bringing about an end to the armed conflict in Central America, and for other purposes.

I am not going to read the whole thing. The text is available to Senators and other interested parties, but let me just skip to what I regard as the important and operative sections.

> Whereas these heads of state specifically endorsed the "Procedure for Establishing a Firm and Durable Peace in Central America" proposed in San Jose by Oscar Arias Sanchez, the President of Costa Rica, as a useful and constructive proposal for discussion with an end toward establishing a definitive timetable for ending the cycle of violence in Central America.

Well, what is this procedure for establishing a firm and durable peace in Central America offered by President Arias? It is a proposal containing a number of points, one of which is that all outside assistance to so-called rebel organizations in Central America, including that in Nicaragua commonly referred to as the Contras, better described as the anti-Communist—in other words, the Arias proposal requires that the United States cut off any further assistance to the anti-Communist forces in Nicaragua who are struggling to overthrow Mr. Ortega and his fellow puppets of the Kremlin.

The Government of Nicaragua is a Communist government. The Sandinistas are Communists. They call themselves Marxists, but it is the same thing.

The proposal referenced in this concurrent resolution overwhelmingly adopted by the Senate calls for a unilateral cutoff. That is, we would cut off assistance to the anti-Communists, leaving them twisting in the wind, while the Soviet Union, under this proposal, is perfectly free to continue, as it has been doing increasingly, to pump in military supplies and economic assistance to the Communist government in Nicaragua.

What a deal that is for Ortega. What a deal that is for Gorbachev. What a deal that is for Communist imperialism. They can do all they wish in pumping in military supplies and economic assistance. But under Arias' proposal, implicitly endorsed in this resolution—and I will get to that in a moment—we are required to cut off assistance to the anti-Communists. That is a really good deal for the other side. I wonder if Senators realize that.

> Now, therefore, be it resolved by the Senate (the House of Representatives concurring), That the Congress appreciates the recent bold initiative by the heads of state of Costa Rica, El Salvador, Guatemala, and Honduras, and congratulates them on their significant contributions toward ending armed conflict, and reinforcing democracy, in Central America.
>
> The Congress strongly supports the thrust of this initiative and looks forward to the summit meeting in Escuipulas, Guatemala, within the next 3 months.

"Congress strongly supports the thrust of this initiative." I just described the thrust. It is a trap into which only fools would walk. It requires us to cut off assistance to the anti-Communists, and it permits the Soviets to do just as they have been doing, to pump in military supplies and economic assistance to the puppet government which they are installing with ever greater permanence in Nicaragua. That government describes itself as a revolutionary government. That means they are going to try, as they have already begun to do, to foment difficulties throughout Central America; to subvert, for instance, the lawfully elected government in El Salvador, and make trouble for everyone else.

If you think Cuba has been trouble, just give Danny Ortega a few more years. Walk into this trap. Cut off U.S. assistance to the anti-Communists.

There is no restriction in this Arias proposal on the Soviet Union, and we are going to have ourselves one big, bloody mess. That is why I am confident that my vote was correct, and I believe that a great many Senators probably voted for this resolution without considering the consequences or without knowing explicitly the points of the Arias proposal which this resolution adopted by the Senate, by implication, endorses.

Mr. President, I have nothing further to say. I know that the majority leader is ready to close shop. So, if there is time remaining that was set aside—I have forgotten what the agreement was—if it is in order, I yield it back.

The PRESIDING OFFICER. The Senator has yielded back the remainder of his time. The Senator has yielded the floor.

The Chair recognizes the majority leader.

Mr. BYRD. I thank the Chair, and I thank the distinguished Senator.

ORDERS FOR TOMORROW, FRIDAY, MARCH 13, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection?

The request is that the Senate stand adjourned until the hour of 9:30 a.m. tomorrow. Is there objection? The Chair hears none. Without objection, it is so ordered.

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the two leaders have been recognized under the standing order, the following Senators be recognized, each for not to exceed 5 minutes: Messrs. PROXMIRE, ARMSTRONG, and HEINZ.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERIOD FOR SENATORS TO SPEAK OUT OF ORDER

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the orders for the recognition of Senators just entered, there be a period in which Senators may speak out of order for not to exceed 30 minutes each and that that period not extend beyond 11 o'clock.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

SWEARING IN CEREMONY FOR NEW SENATOR FROM NEBRASKA

Mr. BYRD. Mr. President, I ask unanimous consent that at the conclusion of that period during which Senators may speak out of order for not to exceed 30 minutes each, which is to end not later than 11 o'clock tomorrow morning, the Senate then proceed with the swearing in of the new Senator from Nebraska.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow, after the swearing in of the new Senator, there be a period for the transaction of routine morning business not to exceed 30 minutes, and that Senators may speak therein not to exceed 5 minutes each.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

ORDER FOR NO CALL OF CALENDAR TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow there be no call of the calendar under rule VIII.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RESOLUTIONS COME OVER UNDER THE RULE TOMORROW

Mr. BYRD. Mr. President, I ask unanimous consent that on tomorrow no resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, there will be no further rollcall votes today. There will be no rollcall votes on tomorrow.

ORDER FOR ADJOURNMENT FROM TOMORROW UNTIL 2:30 P.M. TUESDAY, MARCH 17, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 2:30 p.m. on Tuesday.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, I have cleared the adjournment over with the distinguished Republican leader, and he has indicated that he has no objection if I proceed to adjourn. He has no other business he wishes to transact, and nobody else on his side who wishes to speak.

Mr. President, the program for tomorrow is as follows:

The Senate will convene at the hour of 9:30 a.m.

After the two leaders or their designees have been recognized under the standing order, three Senators will be recognized, each for not to exceed 5 minutes, after which there will be a period during which Senators may speak out of order for not to exceed 30 minutes each. That period will end at 11 o'clock a.m.

Senator NUNN has indicated that he will want to continue the series of speeches he has been making with respect to the interpretation of the ABM Treaty. So I would anticipate that at the conclusion of the orders for the recognition of those three Senators, Senator NUNN will seek recognition and will speak under the order for that period.

At 11 o'clock, the Senate will proceed to swear in the new Senator from Nebraska, after which swearing-in there will be a period for the transaction of morning business, during which Senators may be permitted to speak for not to exceed 5 minutes each.

I do not anticipate a long day tomorrow. There will be no rollcall votes.

Upon the conclusion of business tomorrow, the Senate will adjourn over until Tuesday next, at the hour of 2:30 p.m. I will state the program tomorrow for Tuesday of next week and as far into next week as I can see.

I would anticipate that perhaps on Wednesday of next week—having discussed this with the distinguished Republican leader—a vote will occur on the disapproval resolution with respect to the $40 million in Contra aid. The law provides that there be a time limitation of 10 hours on the resolution. No amendments may be offered. No motion to postpone, no motion to recommit, no motion to table, no motion to reconsider will be in order. A motion to proceed can be made by any Senator, and that motion is not debatable, and no motion to reconsider the action on that motion will be in order.

I would hope that the vote on the disapproval resolution could occur on next Wednesday. As I say, I have discussed this only briefly with the Republican leader, and he and I will be discussing it further on tomorrow, and perhaps a time can then be set for the vote on next Wednesday. As of now, that time has not been set. We will be able to inform other Senators as soon as I have been able to discuss this further with the Republican leader and with Mr. WEICKER, the author of the disapproval resolution.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 9:30 o'clock tomorrow morning.

The motion was agreed to; and at 3:58 p.m. the Senate recessed until tomorrow, Friday, March 13, 1987, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 1987:

IN THE ARMY

The U.S. Army Reserve officers named herein for appointment as Reserve commissioned officers of the Army, under the provisions of title 10, United States Code, sections 593(a), 3371, and 3384:

To be major general

Brig. Gen. Vance Coleman, [redacted].
Brig. Gen. Richard E. Collier, [redacted].
Brig. Gen. Jackson L. Flake, Jr., [redacted].
Brig. Gen. Richard H. MacMillian, Jr., [redacted].
Brig. Gen. Michael A. Schultz, Jr., [redacted].

To be brigadier general

Col. Ran L. Phillips II, [redacted].
Col. Arthur H. Baiden III, [redacted].
Col. Kent H. Hillhouse, [redacted].
Col. James H. Mukoyama, Jr., [redacted].

The following officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 3353:

MEDICAL CORPS

To be colonel

Richard P. Lewis, [redacted].
Huey G. McDaniel, [redacted].
Joseph H. Moll, [redacted].
Ralph G. Oriscello, [redacted].
Clifford L. Tartalia, [redacted].

To be lieutenant colonel

Mario E. Bertoni, [redacted].
Mark F. Blum, [redacted].
Preston W. Deshan, Jr., [redacted].
Melba M. Fiorentino, [redacted].
Herminio L. Gamponia, [redacted].
Gerhard M. Grieser, [redacted].
Warren J. Holtey, [redacted].
Darran N. Huggins, [redacted].
David A. Hughes, [redacted].
Timothy Janeway, [redacted].
James M. Johnson, [redacted].
Christopher M. King, [redacted].
Michael H. Leakan, [redacted].
George S. Manning, [redacted].
Francis K. Moll, [redacted].
Alan H. Morris, [redacted].
Robert L. Morrow, Jr., [redacted].
Ruben D. Pechero, [redacted].
Jose Peralta, [redacted].
Jae Y. Rhee, [redacted].
Ronald T. Staubly, [redacted].
Choong J. Whang, [redacted].
Peter B. Yaw, [redacted].

IN THE ARMY

The following-named Army National Guard of the United States officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3385:

ARMY PROMOTION LIST

To be colonel

Barsolo, Vincent J., [redacted].
Chaney, Irvin K., [redacted].
Clayton, Charles W., [redacted].
Heng, Stanley M., [redacted].
Hoop, James S., [redacted].
Leyva, Miguel A., [redacted].
Marler, Arnold D., [redacted].
Neel, Gerald G., [redacted].
Perdue, George P., [redacted].
Poole, Willie E., [redacted].
Self, Dennis R., [redacted].
Watanabe, Robert M., [redacted].
Yaklin, Robert O., [redacted].
Youngdoff, Lawrence E., [redacted].

CHAPLAIN

To be colonel

Owens, Clifford W., [redacted].

MEDICAL CORPS

To be colonel

Brockman, Ronald C., [redacted].
Urbauer, Craig L., [redacted].

MEDICAL SERVICE CORPS

To be colonel

Blair, John E., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Abernathy, Charles G., xxx-xx-xxxx
Arabian, Gordon L., Jr., xxx-xx-xxxx
Barnhill, Nathan C., xxx-xx-xxxx
Berry, Edward R., xxx-xx-xxxx
Blair, David H., xxx-xx-xxxx
Buckey, Otis D., xxx-xx-xxxx
Bullock, Joseph W., xxx-xx-xxxx
Constantine, John R., xxx-xx-xxxx
Craig, Wesley E., Jr., xxx-xx-xxxx
Crump, John C., xxx-xx-xxxx
Derue, Thomas K., xxx-xx-xxxx
DiAngelo, Joseph J., xxx-xx-xxxx
Doherty, Charles F., xxx-xx-xxxx
Donnelly, Charles W., xxx-xx-xxxx
Duenas, Eduardo R., xxx-xx-xxxx
Edwards, Daniel K., Jr., xxx-xx-xxxx
Ellis, Eric T., xxx-xx-xxxx
Flammia, Harold W., Jr., xxx-xx-xxxx
Fulda, John C., xxx-xx-xxxx
Giger, John R., xxx-xx-xxxx
Gregory, James D., xxx-xx-xxxx
Hall, William H., xxx-xx-xxxx
Hartmann, Harold R., xxx-xx-xxxx
Karlen, Robert E., xxx-xx-xxxx
Kennedy, Roy D., xxx-xx-xxxx
Lund, Ralph S., xxx-xx-xxxx
Meeks, Gary W., xxx-xx-xxxx
Natterstad, John L., xxx-xx-xxxx
Olson, Richard L., xxx-xx-xxxx
Parrish, Joe J., xxx-xx-xxxx
Parry, Floyd D., xxx-xx-xxxx
Reed, Terry L., xxx-xx-xxxx
Rich, Ronald G., xxx-xx-xxxx
Robinson, George J., xxx-xx-xxxx
Ruotolo, Leonard J., xxx-xx-xxxx
Stebner, Darald R., xxx-xx-xxxx
Walker, Robert D., xxx-xx-xxxx
White, Julius A., xxx-xx-xxxx
Willey, Allan C., xxx-xx-xxxx
Williams, Anderson H., III, xxx-xx-xxxx
Wilson, Ted O., xxx-xx-xxxx
Wright, Edwin H., xxx-xx-xxxx

CHAPLAIN

To be lieutenant colonel

Bryant, Joe R., xxx-xx-xxxx
Hinsvark, John A., xxx-xx-xxxx
Mallard, James W., xxx-xx-xxxx
Mizzell, Joe B., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Lee, Gerald R., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Moore, Rodney L., xxx-xx-xxxx

The following-named Army National Guard of the United States officers for appointment in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, sections 593 and 3353:

MEDICAL CORPS

To be lieutenant colonel

Latimer, William E., xxx-xx-xxxx

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3383:

ARMY PROMOTION LIST

To be colonel

Carlson, Glenn A., xxx-xx-xxxx
Carricarte, Michael, xxx-xx-xxxx
Dixon, Albert D., xxx-xx-xxxx
Dragics, David L., xxx-xx-xxxx
Littlejohn, Bobby J., xxx-xx-xxxx
Masso, Frank J., Jr., xxx-xx-xxxx
Paige, Kurt R., xxx-xx-xxxx
Parkin, Richard B., xxx-xx-xxxx
Takamiya, George, xxx-xx-xxxx
Wilkes, Bernard F., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Dorsey, John M., Jr., xxx-xx-xxxx
Miller, Frank C., xxx-xx-xxxx
Sanchez, Peter A., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Brust, Richard A., xxx-xx-xxxx
Holmes, Garth H., xxx-xx-xxxx
Kelly, Bruce B., xxx-xx-xxxx

ARMY PROMOTION LIST

To be lieutenant colonel

Anderson, Louis F., xxx-xx-xxxx
Aoki, George T., xxx-xx-xxxx
Au, Baldwin K.S., xxx-xx-xxxx
Barr, Charles J., xxx-xx-xxxx
Boyce, Sandra L., xxx-xx-xxxx
Brown, Stanley D., xxx-xx-xxxx
Burgess, Donnie R., xxx-xx-xxxx
Carr, Frank, xxx-xx-xxxx
Danielson, James E., xxx-xx-xxxx
Easterling, Albert, xxx-xx-xxxx
Garcia, Joseph, xxx-xx-xxxx
Heer, Bernard D., xxx-xx-xxxx
Hodges, Robert W., xxx-xx-xxxx
Hulting, Jeffrey V., xxx-xx-xxxx
Ladner, David B., xxx-xx-xxxx
Levin, Ronald V., xxx-xx-xxxx
Lundin, Richard A., xxx-xx-xxxx
Mathis, James U., xxx-xx-xxxx
McCabe, Richard E., xxx-xx-xxxx
McCurry, Michael C., xxx-xx-xxxx
Mulligan, Robert J., xxx-xx-xxxx
Najera, Luis M., xxx-xx-xxxx
Nakano, Ronald, xxx-xx-xxxx
Noll, James P., xxx-xx-xxxx
Patrick, Paul, xxx-xx-xxxx
Pearson, Philip, xxx-xx-xxxx
Price, Steven M., xxx-xx-xxxx
Ramaeker, Gary W., xxx-xx-xxxx
Ranesses, Michael E., xxx-xx-xxxx
Revel, James L., xxx-xx-xxxx
Rogers, Nicklas, xxx-xx-xxxx
Seeman, Michael J., xxx-xx-xxxx
Snow, John T., xxx-xx-xxxx
Ugalde, Arthur E., xxx-xx-xxxx
Waggoner, Philip A., xxx-xx-xxxx
Watt, Merrill W. II, xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Miller, June E., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Acrement, Larry J., xxx-xx-xxxx
Kwak, Yun-Sik, xxx-xx-xxxx
Preimesberger, Ken, xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Lakomia, Lynne I., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Otte, Vern E., xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, United States Code, section 3370:

ARMY PROMOTION LIST

To be colonel

Adams, Gary L., xxx-xx-xxxx
Adkison, Donald L., xxx-xx-xxxx
Adolphi, Ronald L., xxx-xx-xxxx
Albino, Salvatore W., xxx-xx-xxxx
Alewel, Roger L., xxx-xx-xxxx
Alford, Robert M., xxx-xx-xxxx
Allar, Thomas D., xxx-xx-xxxx
Allen, Cecil L., xxx-xx-xxxx
Allen, William F., xxx-xx-xxxx
Alligood, Ray L., xxx-xx-xxxx
Altier, Robert E., xxx-xx-xxxx
Alvarez, Jose M., xxx-xx-xxxx
Alverson, William K., xxx-xx-xxxx
Andrae, Michael G., xxx-xx-xxxx
Armstrong, Lewis A., xxx-xx-xxxx
Austin, Louis W., xxx-xx-xxxx
Babb, Heinrich N., xxx-xx-xxxx
Babl, Clark H., xxx-xx-xxxx
Baca, Gilbert S., xxx-xx-xxxx
Bailey, Don M., xxx-xx-xxxx
Baize, Billy D., xxx-xx-xxxx
Baker, Darrel P., xxx-xx-xxxx
Baldwin, Joseph A., xxx-xx-xxxx
Ballard, Terry O., xxx-xx-xxxx
Balough, Daniel C., xxx-xx-xxxx
Barcelo, Richard A., xxx-xx-xxxx
Barham, Charles B., xxx-xx-xxxx
Basler, Willie L., xxx-xx-xxxx
Beahm, Robert H., xxx-xx-xxxx
Bean, Robert R., xxx-xx-xxxx
Beardsley, Richard, xxx-xx-xxxx
Becker, Howard A., xxx-xx-xxxx
Beebe, John C., xxx-xx-xxxx
Begley, Bobby J., xxx-xx-xxxx
Behie, Edward H., xxx-xx-xxxx
Bell, Henry N., III, xxx-xx-xxxx
Bell, James E., xxx-xx-xxxx
Bennett, Robert W., xxx-xx-xxxx
Bennette, Jerry C., xxx-xx-xxxx
Benson, Robert M., xxx-xx-xxxx
Bentzen, Donald H., xxx-xx-xxxx
Bergson, Paul C., xxx-xx-xxxx
Beth, Ewald E., xxx-xx-xxxx
Biddle, Richard D., xxx-xx-xxxx
Biesel, Roger E., xxx-xx-xxxx
Bimler, Joseph R., xxx-xx-xxxx
Blaisdell, George I., xxx-xx-xxxx
Blake, William L., xxx-xx-xxxx
Blazier, John C., xxx-xx-xxxx
Blum, Steven H., xxx-xx-xxxx
Blysak, George J., xxx-xx-xxxx
Boatright, Spessard, xxx-xx-xxxx
Bockel, David R., xxx-xx-xxxx
Boggs, Thomas H., xxx-xx-xxxx
Bogle, Charles S., xxx-xx-xxxx
Bolton, Raymond D., xxx-xx-xxxx
Bonnell, James F., xxx-xx-xxxx
Boone, Claude W., xxx-xx-xxxx
Borgstrom, Prudence, xxx-xx-xxxx
Boswell, Peyton, III, xxx-xx-xxxx
Bouchell, J.E., xxx-xx-xxxx
Bowman, Joseph M., xxx-xx-xxxx
Bray, Kenneth W., xxx-xx-xxxx
Brehm, Philip A., xxx-xx-xxxx
Briganti, Francis L., xxx-xx-xxxx
Brimhall, Denis T., xxx-xx-xxxx
Brown, Raymond A., xxx-xx-xxxx
Brueggeman, James A., xxx-xx-xxxx
Brunton, John C., xxx-xx-xxxx
Buchanan, Gale A., xxx-xx-xxxx
Bullen, Joseph W., xxx-xx-xxxx
Bunek, Emil S., xxx-xx-xxxx
Bunker, Edward A., xxx-xx-xxxx
Buntyn, William A., xxx-xx-xxxx
Burstein, Richard I., xxx-xx-xxxx
Butterworth, Billy, xxx-xx-xxxx
Butzler, John R., xxx-xx-xxxx
Cademartori, James, xxx-xx-xxxx
Cahill, Bernard J., xxx-xx-xxxx
Calagaz, Frank J., xxx-xx-xxxx
Caldwell, James E., xxx-xx-xxxx
Caliguire, Joseph A., xxx-xx-xxxx
Callahan, Thomas J., xxx-xx-xxxx
Camp, Joseph W., xxx-xx-xxxx
Campbell, Clinton A., xxx-xx-xxxx
Carlson, George E., xxx-xx-xxxx
Carter, Merrill R., xxx-xx-xxxx
Castka, Bruce W., xxx-xx-xxxx

Cellini, Frank A., [redacted]
Charles, Craig E., [redacted]
Chase, Neil W., [redacted]
Childers, Carroll, [redacted]
Clark, Glen D., [redacted]
Clark, William B., [redacted]
Coleman, Martin W., [redacted]
Collins, Larry W., [redacted]
Collins, Lydia S., [redacted]
Comstock, James W., [redacted]
Conerly, James M., [redacted]
Conger, Paul S., [redacted]
Cook, Gerald L., [redacted]
Cooper, Carl B., [redacted]
Coriell, Lynn V., [redacted]
Cortinez, Robert R., [redacted]
Cotner, Calvin B., [redacted]
Crogan, Thomas W., [redacted]
Cross, Charles H., [redacted]
Cudlip, James D., [redacted]
Cullen, James P., [redacted]
Cunningham, John, [redacted]
Curl, Robert L., [redacted]
Daddona, Richard A., [redacted]
Dales, Bertram B., [redacted]
Daltillio, Michael, [redacted]
Dalton, Richard O., [redacted]
Damore, Francisco J., [redacted]
Davis, John C., [redacted]
Dean, Shirley D., [redacted]
Decker, Dale H., [redacted]
Denney, Everett W., [redacted]
Deppa, Ronald L., [redacted]
Derrickson, Edward, [redacted]
Diaz, Jose A., [redacted]
Dickens, Homer Q., [redacted]
Dietrich, Joseph K., [redacted]
Donaldson, Gerald R., [redacted]
Donovan, Kenneth W., [redacted]
Dorn, Norman K., [redacted]
Downs, Arthur C., [redacted]
Drew, Garland A., [redacted]
Drewer, Donnie L., [redacted]
Duffy, Vivan F., [redacted]
Duncan, Bobby S., [redacted]
Duncan, Floyd H., [redacted]
Dupre, Charles C., [redacted]
Dussich, John P., [redacted]
Edmundson, George L., [redacted]
Edwards, Ernest T., [redacted]
Edwards, Lannie S., [redacted]
Egan, Peter F., [redacted]
Eisenmann, Theodore, [redacted]
Endress, Charles A., [redacted]
Engelage, James R., [redacted]
Erdley, Larry L., [redacted]
Estes, Stokes R., [redacted]
Ewing, Donald M., [redacted]
Fahrion, Daniel L., [redacted]
Faircloth, Joseph S., [redacted]
Falkner, Larry G., [redacted]
Fanning, John W., [redacted]
Ferguson, Gilbert J., [redacted]
Fetters, William E., [redacted]
Flanagan, John J., [redacted]
Flint, Fred R., [redacted]
Fogle, Philip R., [redacted]
Francis, William G., [redacted]
Frederick, Carrol J., [redacted]
Frederickson, Fredde, [redacted]
Fritz, Roger A., [redacted]
Fruscione, Santo J., [redacted]
Furman, Leroy F., [redacted]
Gaffney, Charles A., [redacted]
Gall, Jerome S., [redacted]
Garciacorrea, Jose, [redacted]
Garland, Joseph, [redacted]
Garrett, George T., [redacted]
Gentry, Albert C., [redacted]
Gilbert, Richard S., [redacted]
Gilman, Larry E., [redacted]
Giltner, Andy J., [redacted]
Giroux, Norman R., [redacted]
Givens, George R., [redacted]
Goar, Douglas J., [redacted]
Gonzales, Refugio J., [redacted]
Gonzales, Reynaldo, [redacted]
Goodrich, Roger L., [redacted]
Gore, William W., [redacted]
Gorecki, Delroy J., [redacted]
Gosdin, John M., [redacted]
Grace, Ronald D., [redacted]
Grammel, Ronald G., [redacted]
Gray, Richard L., [redacted]
Green, John J., [redacted]
Greenberg, William, [redacted]
Grissom, Michael W., [redacted]
Guthrie, Ronnie, [redacted]
Hadley, Peter A., [redacted]
Hager, Andrew J., [redacted]
Halliday, James P., [redacted]
Halstead, Larry A., [redacted]
Hamilton, William G., [redacted]
Hannon, John J., [redacted]
Hara, Henry S., [redacted]
Hargett, Gus L.J., [redacted]
Harkins, John F., [redacted]
Harrington, James C., [redacted]
Harris, Michael H., [redacted]
Harrison, Ronald O., [redacted]
Hartman, William G., [redacted]
Harvey, James R., [redacted]
Harvie, James C., [redacted]
Hauck, Betty C., [redacted]
Heisler, James D., [redacted]
Hering, David L., [redacted]
Higginbotham, Hesto, [redacted]
Hocutt, William H., [redacted]
Holmes, James W., [redacted]
Huff, Keith M., [redacted]
Huggins, James F., [redacted]
Hughes, Delma L., [redacted]
Humberson, Sidney A., [redacted]
Huselton, Robert G., [redacted]
Hyams, Milton M., [redacted]
Hyde, William D., [redacted]
Ice, Thomas R., [redacted]
Ihrer, Leroy H., Jr., [redacted]
Jackson, John H., [redacted]
James, Hal D., [redacted]
Jenkins, John A., [redacted]
Jenkins, Richard, [redacted]
Johnson, Darwin E., [redacted]
Johnson, Peter L., [redacted]
Johnson, Thomas E., [redacted]
Jones, James R., [redacted]
Jones, James W., [redacted]
Joyce, Daniel H., [redacted]
Jurin, Jerrold L., [redacted]
Kelley, Stephen P., [redacted]
Kelly, Donald P., [redacted]
Kelsey, John P., [redacted]
Kennedy, Robert J., [redacted]
Kercado, Miguel, [redacted]
Kimbrough, Charles, [redacted]
Kleven, Duane A., [redacted]
Kludt, Ronald A., [redacted]
Kohler, Robert D., [redacted]
Koopika, Bruce W., [redacted]
Kough, Harold R., [redacted]
Kowalski, Maxim A., [redacted]
Kuempel, Robert H., [redacted]
Lafornara, Anthony, [redacted]
Lamude, Douglas J., [redacted]
Lane, Roger L., [redacted]
Langdon, Billy J., [redacted]
Lapins, Juris, [redacted]
Laprise, William A., [redacted]
Larsen, Charles G., [redacted]
Leedom, Terrence E., [redacted]
Legowik, Leroy S., [redacted]
Lehr, Robert F., [redacted]
Lentz, Charles I., [redacted]
Lewis, William A., [redacted]
Lindquist, Edwin B., [redacted]
Livingston, Edwin K., [redacted]
Livingston, Stephen, [redacted]
Locke, William L., [redacted]
Lomax, Manning N., [redacted]
Losel, Glenn W., [redacted]
Lowsley, James P., [redacted]
Lum, Tom, [redacted]
Lundy, Robert J., [redacted]
Madewell, Richard J., [redacted]
Mahaffy, Paul D., [redacted]
Mallory, James E., [redacted]
Mangone, Albert A., [redacted]
Mansfield, John L., [redacted]
Marsh, Samuel W., [redacted]
Martin, Paul D., [redacted]
Martinez, Urban B., [redacted]
Massoglia, Dennis J., [redacted]
Matthews, Thomas J., [redacted]
Mauras, Ramon, [redacted]
May, Harrison, [redacted]
McClintock, Stephen, [redacted]
McCollam, Paul E., [redacted]
McCormick, Frederic, [redacted]
McCullough, Thomas, [redacted]
McDaniel, Lloyd D., [redacted]
McGilbra, Allen F., [redacted]
McGrath, John D., [redacted]
McIntyre, Peter E., [redacted]
McKinley, Michael J., [redacted]
McLoughlin, Charles, [redacted]
McRaney, Johnny B., [redacted]
McWhirter, Johnny, [redacted]
Meadows, Glenn C., [redacted]
Mercurio, William C., [redacted]
Metcalf, Richard W., [redacted]
Middeler, Thomas A., [redacted]
Miker, Joseph, Jr., [redacted]
Miller, Burnett III, [redacted]
Mitchell, Robert J., [redacted]
Moll, David R., [redacted]
Monroe, Paul D., [redacted]
Moreno, Gilberto, [redacted]
Morgan, Audy C.J., [redacted]
Moynihan, Charles E., [redacted]
Murchie, Thomas B., [redacted]
Murdock, Benton D., [redacted]
Nahlik, Charles V., [redacted]
Neely, William W., Jr., [redacted]
Nelson, Steven J., [redacted]
Newell, Dale E., [redacted]
Norman, Joel W., [redacted]
Nowlin, Angelo M., [redacted]
Oleson, James E., [redacted]
Oliver, Glenn O., [redacted]
Olson, James R., [redacted]
Osborne, William H., [redacted]
Osteen, Michael, [redacted]
Owen, Johnny L., [redacted]
Osawa, Walter M., [redacted]
Pagenkopf, Donald R., [redacted]
Pais, Randall M., [redacted]
Parks, William C., [redacted]
Paulus, Ronald B., [redacted]
Pearce, Cecil L., [redacted]
Pearse, William D., [redacted]
Peay, Phillip O., [redacted]
Pena, Gilberto S., [redacted]
Pennington, James R., [redacted]
Perry, Myles A., [redacted]
Petelle, Kent R., [redacted]
Petersen, Richard G., [redacted]
Petty, Charles C., [redacted]
Piker, Roderick G., [redacted]
Porcaro, Anthony, [redacted]
Porter, Benjamin G., [redacted]
Powell, David E., [redacted]
Powell, Edward R., [redacted]
Premore, Leland C., [redacted]
Preston, Robert A., [redacted]
Prewitt, David E., [redacted]
Provost, Rene C., [redacted]
Pugh, Joel N., [redacted]
Purrington, James W., [redacted]
Racine, Maurice D., [redacted]
Ray, George F., [redacted]
Reciosanchez, S., [redacted]
Redmond, Leland D., [redacted]

Rees, Raymond F., [redacted]
Rescorla, Richard C., [redacted]
Reyes, Guadalupe A., [redacted]
Rice, Charles O., [redacted]
Rice, David K., [redacted]
Rich, John E.J., [redacted]
Richar, William C., [redacted]
Riguzzi, Evo, Jr., [redacted]
Riley, Gene R., [redacted]
Ritterpusch, David, [redacted]
Robertson, Paul W., [redacted]
Robinson, Paul J., [redacted]
Romanosky, Joseph V., [redacted]
Roosma, Garret G., [redacted]
Ropp, Robert H., [redacted]
Russell, James W., [redacted]
Russo, Alphonse F., [redacted]
Sadek, Charles H., [redacted]
Sagsveen, Murray G., [redacted]
Samuel, Arthur R., [redacted]
Sanders, Eddie R., [redacted]
Sato, Edwin M., [redacted]
Satterfield, James, [redacted]
Scabia, John R., [redacted]
Schalin, James G., [redacted]
Schofield, Linn J.I., [redacted]
Schott, Karlheinz M., [redacted]
Schwanecke, Louis H., [redacted]
Scully, John J., [redacted]
Seymour, Joel W., [redacted]
Shank, David M., [redacted]
Sherman, Richard D., [redacted]
Shillinglaw, John P., [redacted]
Shonka, Bernadette, [redacted]
Shuler, John A., [redacted]
Sievers, Donald R., [redacted]
Smith, Donald P., [redacted]
Smith, Edwin W., [redacted]
Smith, Gregory A., [redacted]
Smith, James B., [redacted]
Smith, John A., [redacted]
Smith, John W., [redacted]
Smith, Kenneth W., [redacted]
Smith, Raymond L., [redacted]
Smith, Robert G., [redacted]
Smith, Timothy T., [redacted]
Snyder, Daniel M., [redacted]
Soltes, Charles R., [redacted]
Soto, Raul, [redacted]
Speck, Thomas L., [redacted]
Sprague, John C., [redacted]
Staniforth, Bruce J., [redacted]
Stanley, Jimmy W., [redacted]
Stanley, William L., [redacted]
Steenson, Morris R., [redacted]
Steinharut, Norbert, [redacted]
Stephens, Thomas J., [redacted]
Stewart, Larry B., [redacted]
Stewart, Walter L., [redacted]
Stiglets, Jimmy W., [redacted]
Stiglich, Jacob J.J., [redacted]
Stocking, Herbert G., [redacted]
Stone, Eric L., [redacted]
Strong, Kenneth D., [redacted]
Struble, Franklin J., [redacted]
Stuart, Edward, III, [redacted]
Tarabini, John W., [redacted]
Teague, Kenneth P., [redacted]
Terragna, Onofrio P., [redacted]
Terrell, Francis D., [redacted]
Terrell, Richard D., [redacted]
Thomas, William, III, [redacted]
Thompson, Joseph L., [redacted]
Thompson, Ray L., [redacted]
Thurston, John C., [redacted]
Torrini, Donald G., [redacted]
Tourville, Kenneth, [redacted]
Trang, Myron L., [redacted]
Trocchia, Dominick, [redacted]
Tyler, Stephen A., [redacted]
Uhl, Chell B., [redacted]
Undem, Robert J., [redacted]
Vandervorst, Gerald, [redacted]
Vann, Harry J., [redacted]
Vaughan, Randall B., [redacted]
Vinyard, Sherman L., [redacted]
Vowell, Leonard G., [redacted]
Wade, Edwin E., [redacted]
Wandsky, Charles N., [redacted]
Warnicky, Victor A., [redacted]
Watson, William B., [redacted]
Webber, James Q., [redacted]
Weil, William E., [redacted]
Wells, Albert L., [redacted]
West, J.B., [redacted]
Wheeler, Mason W., [redacted]
Whicher, James A., [redacted]
White, William C., [redacted]
Whitesell, David L., [redacted]
Whitman, William T., [redacted]
Whitworth, Robert, [redacted]
Wicks, Robert G., [redacted]
Wigington, Edward H., [redacted]
Wilhelm, Richard D., [redacted]
Wilkerson, James N., [redacted]
Wilkins, Daniel B., [redacted]
Wilkins, Jerry, [redacted]
Willey, Keith E., [redacted]
Williams, James R., [redacted]
Wilson, Charles H., [redacted]
Wilson, Winfield S., [redacted]
Wood, Walter R., [redacted]
Woodson, Ronald P., [redacted]
Woolfork, Robert, [redacted]
Wrightson, Wilford, [redacted]
Wyatt, Jerry R., [redacted]
Wynne, Marion K., [redacted]
Yates, Robert E., [redacted]
Young, William D., [redacted]
Zigo, Paul E., [redacted]

CHAPLAIN

To be colonel

Alcorn, Wallace A., [redacted]
Boyle, Patrick J., [redacted]
Christopherson, Ger, [redacted]
Cleveland, Herbert, [redacted]
Cohen, Gary G., [redacted]
Curcio, Ralph V., [redacted]
Delgehausen, Loren, [redacted]
Gott, Harold P., [redacted]
Hill, Philip W., [redacted]
Jett, Billy C., [redacted]
Kresken, Albert S., [redacted]
Leblanc, Harold E., [redacted]
Macaulay, William, [redacted]
O'Connor, Daniel J., [redacted]
Russell, John E., [redacted]
Seidel, Andrew B., [redacted]
Steffer, Robert W., [redacted]
Wall, Fred M., [redacted]
Wilson, Hoytt, [redacted]

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, section 3366:

CHAPLAIN

To be lieutenant colonel

Bannan, Daniel E., [redacted]
Behrends, Arnold L., [redacted]
Bellamy, Gordon T., [redacted]
Bryan, James L., [redacted]
Caputo, Louis, [redacted]
Carter, Reginald C., [redacted]
Colclough, Franklin, [redacted]
Cook, Kenneth W., [redacted]
Day, Michael H., [redacted]
Der, Justin J., [redacted]
Dickson, Johnnie L., [redacted]
Edwards, Kenneth P., [redacted]
Finger, Howard L., [redacted]
Freemesser, Paul J., [redacted]
Frost, Donald C., [redacted]
Gallagher, William, [redacted]
Gamblin, Douglas T., [redacted]
Gunter, Tony, [redacted]
Hanke, Karl W., [redacted]
Harris, George E., [redacted]
Hollfelder, E.F., [redacted]
Johnson, Lee E., [redacted]
Jurgenson, Stanley, [redacted]
Knoche, Ernest J., [redacted]
Lawton, Gerald R., [redacted]
Leonard, Stephen W., [redacted]
Mason, Paul H., [redacted]
McCabe, Kenneth D., [redacted]
McCarthy, James C., [redacted]
McGowin, William D., [redacted]
McShane, James J., [redacted]
Metzler, Lyle R., [redacted]
Moller, Donald R., [redacted]
Moore, Rufus H., [redacted]
Murray, Robin G. E., [redacted]
O'Carroll, Michael, [redacted]
Ralls, Richard N., [redacted]
Spiegel, Thomas J., [redacted]
Tomasiewicz, Frank, [redacted]
Warren, William E., [redacted]
Wiedman, Richard H., [redacted]

ARMY NURSE CORPS

To be lieutenant colonel

Osterman, Kathleen, [redacted]
Rozmus, Irene P., [redacted]
Smith, Georgia M., [redacted]
Smith, Willie O., [redacted]

MEDICAL CORPS

To be lieutenant colonel

Anton, Joseph C., [redacted]
Amster, Steven M., [redacted]
Andress, Philip, Jr., [redacted]
Bennett, Jack L., [redacted]
Mamam, Arie, [redacted]
O'Neill, Brian P., [redacted]

MEDICAL SERVICE CORPS

To be lieutenant colonel

Bilodeau, Roland A., [redacted]
Clapp, Charles R., [redacted]
Putnam, Joe A., [redacted]
Schwicker, Dale H., [redacted]

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, United States Code, section 3359:

DENTAL CORPS

To be lieutenant colonel

Adams, George E., [redacted]
Parks, Ralph D., Jr., [redacted]

MEDICAL CORPS

To be lieutenant colonel

Lasersohn, William, [redacted]
Ramirez, Hector, Jr., [redacted]
Reed, Kendall, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate March 12, 1987:

SECURITIES INVESTOR PROTECTION CORPORATION

James G. Stearns, of Nevada, to be a member of the Board of Directors of the Securities Investor Protection Corporation for a term expiring December 31, 1988.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

J. Michael Dorsey, of Missouri, to be general counsel of the Department of Housing and Urban Development.

Judith Y. Brachman, of Ohio, to be an Assistant Secretary of Housing and Urban Development.

FEDERAL HOME LOAN BANK BOARD

Lawrence J. White, of New York, to be a member of the Federal Home Loan Bank Board for the term of 4 years expiring June 30, 1990.

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

OUR VERY FREEDOM DEPENDS ON AN INFORMED CITIZENRY

HON. BOB LIVINGSTON

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. LIVINGSTON. Mr. Speaker, I want to take this opportunity to bring to my colleagues' attention an example of how unprofessional journalism can detract from the quality of the debate on national defense issues.

The media, printed and broadcast, play a crucial role in this country. As a democracy, our very freedom depends on an informed citizenry, and we are generally well served by our media. However, there are occasional shortcomings—shortcomings that ought to be recognized and remedied.

I have in mind an example of just plain awful news reporting that yanks a single quote out of context and holds that quote aloft to make a case that certainly wasn't intended by the person quoted. This happened on NBC's "Today Show" on February 5. What the viewers of that show saw was a discourse on the B-1 bomber. Here's what happened:

The NBC newscaster. Mr. Jim Miklaszewski, says: "After months of defending the B-1 bomber the Air Force now admits it can't do the job."

To back up his claim, Mr. Miklaszewski produces a film clip of a speech by Gen. Lawrence Skantze. We hear General Skantze speak only three sentences. They are: "Are we delivering B-1B's today that are as capable as we had planned, Frankly, no. The B-1B is not yet as capable as we had planned."

That's all the viewer saw. An Air Force general seemingly supporting the NBC contention that the B-1B—in NBC's words—"can't do the job."

Was that what General Skantze really said? I turn now to the full transcript of General Skantze's address. It is to the National Press Club on February 4, 1987. I am inserting the address along with the NBC transcript.

Listen to General Skantze on whether the B-1B "can do the job." The very next sentences General Skantze uttered after those quoted by NBC are these: "We are absolutely certain that as the aircraft matures it will be (as capable as we had planned.) Even given its maturation problems, as it sits on alert right now at Dyess AFB, the B-1B is the best strategic bomber in the world." Let me emphasize the general's next sentence: "(The B-1B is) capable of meeting the threat it faces today, and ready to perform its mission."

Now, I think we will all agree, no matter where we come down on the B-1 issue, that what the general actually said in assessing the B-1 is quite different from the impression NBC left its viewers with on February 5.

The material follows:

B-1 BOMBER EXCERPT

(The Today Show, February 5, 1987, Jim Miklaszewski, NBC News, Washington)

JOHN PALMER: The Air Force Wednesday openly admitted that its multibillion-dollar B-1 Bomber is not all it was promised to be. Pentagon correspondent Jim Miklaszewski has a report.

JIM MIKLASZEWSKI: After months of defending the B-1 Bomber the Air Force now admits it can't do the job.

General LAWRENCE SKANTZ (Air Force Systems Command): Are we delivering B-1Bs today that are as capable as we had planned, Frankly, no. The B-1B is not yet as capable as we had planned.

MIKLASZEWSKI: The Pentagon agreed to spend $28 billion on 100 B-1s, and even though 15 have been delivered only one is in good enough shape to put on alert.

The controversial B-1 was revived in 1981 by President Reagan and was considered a symbolic gesture to rebuild the U.S. military. But the plane was rushed into production before developers had a chance to work out the bugs.

The plane is supposed to fly low-level bombing missions, ducking under Soviet radar to penetrate deep into Soviet territory, but the plane's electronic defenses and terrain-following radar don't work. And critics contend it's too heavy to maneuver.

The Air Force says it will now take at least $600 million and years to fix the B-1. The Air Force says after that the B-1 should be in shape to carry out its mission. It may not get the chance as some members of Congress want to cut off funding for the trouble-plagued bomber.

B-1B PROGRAM IN PERSPECTIVE

(An address to the National Press Club, February 4, 1987, By Gen. Lawrence A. Skantze, Commander, Air Force Systems Command)

Good Afternoon Ladies and Gentlemen. It's a pleasure to have the opportunity to address this distinguished gathering.

Many of you will recall that on October first last year, I appeared before the Pentagon Press Corps to announce that the Air Force had placed the first B-1B on operational alert according to a plan laid out five years earlier. This significant milestone in our Nation's quest for a modern penetrating bomber—a quest that spans most of my 28 years in weapons system acquisition—was accomplished on schedule, but not without a certain amount of risk and a certain amount of pain.

Acquiring the B-1B, or any other weapon system for that matter, entails developing, testing and producing new technology. In any high tech endeavor, the Defense acquisition team faces a continuous challenge: That of managing risk, whether it be technical, cost, schedule—or all of the above. The B-1B, a vital element of President Reagan's Strategic Modernization Program, provides a timely lesson in the art of risk management, and we have a B-1B today thanks to a significant risk management decision made in 1981.

In the late stages of the previous administration, there was a strong consensus that the Nation needed to modernize the bomber leg of the strategic triad. Congress itself recognized this need as early as 1980 and, in the FY 81 Defense Authorization Act, directed the Secretary of Defense to develop a multirole bomber for both nuclear and conventional missions. Congress directed us to bring that bomber on line as soon as practicable, but not later than 1987. I was the commander of the Air Force's Aeronautical Systems Division then and thus became immediately and heavily involved in the alternative studies that Congress directed beginning in the early fall of 1980. Congress told us to look at the B-1, Derivatives of the B-1, derivatives of the FB-111, or a new technology bomber.

The new administration immediately picked up the challenge to implement the new bomber program. Our goal was a single new bomber which could rapidly redress a growing strategic imbalance and provide an enduring capability to penetrate Soviet defenses.

Based solely on its projected capabilities, the advanced technology bomber, or ATB, easily would have been the choice in a one-bomber approach. In the spring of 1981, Secretary Weinberger, General Richard Ellis, then CINCSAC, and I discussed the bomber issue at SAC headquarters in Omaha, Nebraska. We all recognized the dramatic potential of the ATB, but we also recognized that, first and foremost, we needed time to reduce a number of major technical risks to assure ourselves that the ATB could be successfully designed and engineered.

There was little hope of seeing the emergence of a viable ATB force before the early nineties. In the final analysis, the only way to quickly modernize the manned bomber leg was to build a limited number of highly effective B-1Bs, deploy them as rapidly as possible and, in effect, buy the time for ATB development, since the B-1B, alone, could not provide the long-term enduring penetration capability that an ATB offered.

That's the background for why this administration proposed the two bomber program: 100 B-1Bs, for a highly capable, near-term modernization and as a hedge against ATB technology uncertainty; and the ATB, for the long-term capability. That decision, like all major acquisition programs, carried with it the management of a significant degree of risk. For the ATB, the management focus was to attack the unknown risks in the technology to establish a firm base to ensure we could move into full scale development and production on a confident and predictable basis. In the case of B-1B, we decided on a totally concurrent development and production program to expedite the fielding of the system and minimize the acquisition cost.

In January 1982, I signed both the B-1B development and production contracts and we began a challenging production schedule; specifically, to deliver all 100 aircraft by June 1988. Our plan was twofold: Rapid development and production of 100 B-1Bs with an initial operational capability in 1986 for a cost of $20.5 billion in constant 1981 dollars; and, in parallel, long-term risk reduction, development and production of 132 ATBs to be deployed in the early 1990s.

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

That was our plan in 1981, it remains our plan today, and it will be our plan tomorrow.

Well, where does the B-1B program stand today? We have all 100 B-1Bs on contract, we achieved the initial operational capability in September, on schedule, and to date we have delivered thirty-four aircraft, on schedule.

The major program challenge was and still is meeting the production schedule. Eighty-four percent of the $20.5 billion—which by the way is a Presidentially-certified and congressionally-imposed cost cap—is devoted to production. We currently spend $500 million per month on production. At that rate, a slip of even one month means big financial trouble. So, production demands intense and constant management attention. For example, had we elected to delay the production contract for one year past development start and hold the production rate at three aircraft per month, as opposed to four, we certainly would have reduced the overall risk associated with high concurrency. But we also would have increased the cost by about $3 to $4 billion and delayed the achievement of the full operational capability by a year and seven months.

It's impossible to overstate how much planning and management effort went into making the four aircraft per month rate happen. We went from one aircraft per month to four aircraft per month in less than one year and achieved rate in November 1986 as planned. In fact, we delivered five aircraft in December. There was great risk. For example, final checkout and assembly was tough. To contain costs, we had to reduce checkout time from 3.5 months, for the first aircraft, to 20 days, at rate production. And we did it. Had we not achieved this reduction in checkout time, stretchout costs could have grown by over $1 billion. Meeting rate production is a significant achievement for the over 3,000 contractors involved in the program and something in which they, and we, can and do take great pride. It is truly a great Defense-industry production story which I hope will be told someday.

The question raised in the media, and I'm sure on your minds, is: Are we delivering B-1Bs today that are as capable as we had planned? Frankly, no. The B-1B is not yet as capable as we had planned. However, we are absolutely confident that as the aircraft matures, it will be. Even given its maturation problems, as it sits on alert right now at Dyess AFB, the B-1B is the best strategic bomber in the world, capable of meeting the threat it faces today, and ready to perform its mission. The B-1B can deliver large weapon payloads over intercontinental ranges, penetrating sophisticated defenses at very low altitudes and very high speeds. The Soviets are very well aware of this.

Not surprisingly, most of the problems we have experienced relate to areas where we changed the B-1B design. When we embarked on the B-1B program, we purposely, and very wisely, incorporated new technology and design changes in selected areas to increase capability and survivability. In some of these areas, results have already been successful; in other areas, we've experienced what I characterize as development problems and delays in achieving the full capability of the system. We are finding and fixing problems in the test program which is what a test program is for. It has simply taken longer to mature the system than we had planned. Here are the facts:

One of the changes made in the design of the airframe was to increase its gross weight capability to permit it to carry cruise missiles externally in addition to internal weapons. We did this very deliberately so that when the threat increases to where the B-1B is no longer an effective penetrator, it can perform the role of a standoff cruise missile launch platform. The same thing was done with the B-52. I might add that had we built the B-1A, we would have eventually modified it to carry cruise missiles and would have also increased its gross weight to do so. Specifically, the empty weight of the B-1B was increased by about 7,000 pounds to beef up its structure to carry the added weight of cruise missiles. As a result, the weapon payload was increased from 75,000 to 125,000 pounds and its fuel capacity with maximum payload was increased by 25,000 pounds. This 82,000 pound increase in gross weight was possible because the B-1B had excess energy over that required for the low altitude, high subsonic penetration mission of the B-1B.

As so-called evidence that this gross weight capability increase is bad, some critics point out that the plane can't fly as high as a B-52 or even a 747. That's absolutely true, but I would quickly add that a B-52 or a 747 can't fly as low and as fast as a B-1B. The point is the B-1B was designed as a low, not high, altitude penetrator and was optimized for that mission with a penetration speed fifty percent greater than that of the B-52. The bottom line is that the aircraft meets the weight and range specifications we contracted for.

About a year after we signed the contracts, when we began evaluating flight test performance, we recognized that we could take advantage of the available lift at higher angles of attack, where the B-1B does not have pronounced stall warning, through the development of a stall inhibit system. Later we started developing the stability enhancement function which allows the aircraft to operate safely in regions beyond the inherent design capability. This will not only increase performance throughout the operational flight envelope, but will significantly add to our ability to operate at very high gross weight during terrain following, thus increasing range over that specified in the contract. The contractor agreed to do the improvement within the cost baseline, though it is primarily needed for cruise missile carriage gross weight missions which are still some years away.

We wanted to have the stall inhibit system in the aircraft last September and the stability enhancement function about a year later. Regrettably, development of both has lagged. Strategic Air Command will have the stall inhibit system capability in April, and we will complete retrofit of the first 16 aircraft by the end of the year. We will begin flight test of the stability enhancement function this spring and should complete testing in early 1988.

We made another major change in the B-1A airframe to increase survivability. We reduced the radar cross section by a factor of ten over the B-1A and 100 over the B-52. We redesigned various areas of the aircraft, including the engine nacelles, usng technology developed in the Stealth Program. The redesign was totally successful, with no degradation in aircraft performance.

We also incorporated a new offensive avionics suite in the B-1B. The 1960's vintage F-111 radar in the B-1A was replaced with a new, state-of-the-art derivative of the F-16 radar, and new avionics based on the B-52 developed offensive avionics system were added. The result is increased capability and unparalleled navigation and weapon delivery accuracy, with sharply reduced radar emission signature. The offensive avionics development has been a great success.

Another innovation was to use this same F-16 radar derivative not only for navigation but also for terrain following. While this approach reduces cost and the amount of electronics, it adds to the software complexity. However, software, once developed, doesn't break like hardware. Again this was another risk management decision made to balance aircraft cost, schedule, and performance. As some of you know, development of this software proved to be a very tough integration job—which is nearly complete. However, we are late in releasing the automatic terrain following capability to the Strategic Air Command for routine training. It should be noted that all of the aircraft at Dyess AFB have had terrain following capability for wartime use since September. We have demonstrated that the system works and have flown it repeatedly at low altitude and high speed as designed, and we will release the capability for training to the Strategic Air Command this month.

This brings me to the most ambitious development challenge we undertook in the B-1B program: the electronic countermeasure system. We took the ECM system from the B-1A and redesigned it to incorporate lessons learned from the bomber penetrativity evaluation that was conducted after the cancellation of the B-1A production. We also improved the design to handle new threats.

That task entailed taking a system with 88 black boxes weighing over 5,000 pounds, and increasing it to 118 black boxes weighing under 5,000 pounds. This is the first totally integrated and the largest electronic countermeasure system we have ever attempted. By comparison, the latest ECM system we developed for the B-52 has 23 black boxes. Clearly this area was the greatest challenge from a program concurrency standpoint, and quite simply, development is not complete. But then, ECM development and upgrades never really end anyway!

Our ECM problems fall into two categories. First, although each of the black boxes checked out individually, they don't yet function well as a system. This is the integration problem I mentioned earlier. Secondly, electronic countermeasures are always a cat and mouse game—you have to know a great deal about the threat in order to counter it. The first thing we collect about an electronic threat is its transmitted signals. But, to effectively counter it, we need to know about, or make judgements about, the receiver, processor and logic of the radar operations. In the absence of hard intelligence, we have to make assumptions. Once we get the good information, we sometimes find that we are surprised. That's partially the case with the B-1B. Fortunately, and for that very reason, we designed the B-1B system to be very flexible and reprogrammable so that we can respond to changes in the threat. It is important to understand that the design of the ALQ-161 defensive avionics system is sound and constitutes the most flexible, robust ECM system we have ever built. There's a consensus among the experts who have examined it that it will achieve the expected performance.

The early focus in the program was on the production challenge. The AIL Division of Eaton Corporation had an excellent technical reputation, but no one had ever attempted to build such a large, complex electronic countermeasure system on an accelerated production schedule. There was also real concern that the defense industrial base could not provide the required numbers of high quality radio frequency, or "FR", components, such as high frequency traveling wave tubes, to support the program's rate production needs. Because the production contract with AIL is roughly 10 times the magnitude of the development contract, because the system worked so well in the laboratory tests, and because of the industrial base concerns that I just mentioned, our focus was properly on production. As we began flight testing the more sophisticated aspects of the system, the problems became evident—starting in February of last year.

There is no question that we have been disappointed in our ECM development progress to date. But I am equally confident that we have a good game plan to mature the system and that we will achieve the design capability. I'm confident because some of the best minds in the country, some very skeptical, have taken independent looks at the system. They've concluded that our recovery plan is solid and the system design is sound. I might add that there have been a number of excellent recommendations to improve the get-well plan, all of which are being implemented. A three-step maturation process lies ahead. Capability is increased with each step, beginning this summer and ending in about two years.

The last problem area I want to discuss is fuel leaks. We made no basic change in the design of the fuel containment system between the B-1A and the B-1B. The B-1 uses a design concept called "integral fuel tanks" to contain fuel in which the aircraft structure is also the "fuel tank." There are no internal bladders or tanks, only the structure. This design is used in most modern aircraft, but not as extensively as in the B-1B. Why this concept instead of bladders? Bladders would decrease the range of the aircraft by 10-30 percent. That in turn, would require a larger, more expensive aircraft to meet the range requirement. This decision, like others, was made to balance cost, schedule and technical risk.

In the fall of 1985, the B-1B's at Dyess began to experience fuel leaks at a higher than anticipated rate. I'd add at this point that all aircraft, particularly those with integral tank designs, develop leaks. Most of the leaks, 69 percent to date, have been what I termed in October "weeps and seeps." So far, we have experienced only two leaks that would have prevented immediate wartime use. nevertheless, the minor leaks are a problem.

In July of last year, as I stated in October, the leaks were seriously impacting the flying operations at Dyess AFB—in other words the leaks prevented us from flying when we wanted to. Although we had taken a number of actions to correct the problem beginning in the fall of 1985, we intensified our efforts last summer and continue with monthly manufacturing audits to ensure that corrective actions are implemented. As a result, fuel leaks no longer seriously impact flying operations. That's not to say that we don't have some minor leaks, but the number of leaks is decreasing as the aircraft matures. For example, in July we were experiencing 6.25 leaks per aircraft per month; in January the rate was less than two leaks per aircraft per month. By way of comparison, the leak rate for the B-52 was still at one leak per month thirteen years after delivery of the last aircraft.

That sums up the B-1B's major problems but, since I know the media likes balanced reporting. I would also like to point out some areas which have plagued other aircraft that the B-1B has not experienced. For example, take the F-101 engine manufactured by General Electric. As far back as I can remember, new aircraft have experienced engine problems. The P-51, B-29, B-52 and our modern fighters have all had problems with engines that, in some cases, caused loss of aircraft. The B-1B hasn't had these problems. Its engine is not only meeting all specification requirements but, in fact, has a higher thrust and lower specific fuel consumption than contracted for. A second "non-problem" that comes to mind is cost. We are confident that all of the problems that I have discussed can be corrected within the $20.5 billion cost cap.

I must admit, however, that the support for the B-1B cost cap has been a severe disappointment. When we committed to the $20.5 billion in FY81 dollars in late 1981, we were criticized by the Congress and GAO during the 1982-83 congressional cycle. I know, because I was the Air Force's Deputy Chief of Staff for Research, Development and Acquisition and in testimony on the Hill I was asked—point blank—when the Air Force would own up to the fact that we couldn't do the program within the cap. By 1984-85, the charge became, "you have too much money in the program," and despite our insistence that we needed the contingency funds for our high program concurrency risk, a little over $1.0 billion was removed from the program in fiscal 1986 with the promise, "well, if you need some more later come back and ask us." Thus, to tout the FY88 request as additional costs for the B-1B is a cheap shot.

Now I'd like to shift the focus of my remarks to a broader issue, one central to the weapon system acquisition process—managing risk. As you know, our Nation's military capability is dependent—absolutely so—on developing and fielding the highest technology systems our scientific base can offer. It is the only effective tool we have to counter an adversary who consistently outspends us, outproduces us and outnumbers us. We must continue to grow and exploit our technological advantage so that our military forces can deter aggression and, if necessary, fight outnumbered and win. That means taking risks, prudent ones, and managing them to the best of our ability.

Risk is inherent to the weapon system acquisition process, and is essential if we are to keep expanding the technological frontier. But, by accepting risks, we also build uncertainty into defense acquisition programs—uncertainty that increases the further we push into the technology future. One of our jobs is to ensure that the risks we take at each step of the acquisition process are prudent when balanced against the technical challenges, the national urgency, and the resource requirements of a prospective new system.

That's what we did with the Peacekeeper ICBM, a remarkably successful program and a perfect example of one in which we pursued a prudent risk approach at each sequential step of the weapon system acquisition process. Peacekeeper went into development in 1979, did not enter production until 1984, and achieved a successful inital operational capability in December 1986. The development and production steps were accomplished largely sequentially, and total time spent from development to IOC—seven years—is representative of a "normal" or prudent risk program, one in which we understood reasonably well the uncertainties we were accepting at each step in the acquisition cycle.

The acquisition cycle for the B-1B, on the other hand, was compressed and development and production proceeded concurrently. This involved more risk than in the more classic, sequential process, and entailed more uncertainty. The Congress of the United States and the current administration fully recognized these risks, and accepted them as prudent when balanced against the urgency to bolster the increasingly obsolescent bomber leg of the triad.

My point is that the problems we are seeing in the B-1B today are products of the risks we accepted when we decided to develop and produce the aircraft concurrently. In the short term, problems attrack great attention and require great energy and careful management to resolve. However, in the longer term, we will view these problems as part of the normal maturation process all programs and all systems experience.

That was precisely the case with today's frontline air superiority fighter, the F-15. We fielded the F-15 in the early seventies, not without some of the same maturation pains, but we bought a decade of air superiority which is now being eroded by the capabilities of new Soviet aircraft. We must buy that margin back, and we will, with the advanced tactical fighter in the 1990's. The ATF will have not only superior performance but greater reliability and maintainability as a result of a little-known, quiet revolution in our technical thrust for greater reliability and maintainability. In 1980, the F-15 was criticized as being too complex and "always" out of commission. Today, the more "mature" F-15 enjoys an in-commission rate far greater than older, more simple aircraft. The F-16 fighter has an even higher in-commission rate and can, on a continuing schedule, generate more sorties per aircraft per day than could an F-4, F-86 or even the P-51, each the technology standard-bearer of its day. We achieved this by pressing the frontier of technology and shouldering the associated risks, which were substantial.

Our challenge, then, is to create and foster a development environment which brings realistic expectations to the acquisition process but that allows us to field weapons as rapidly and affordably as possible. All systems entail risks—be they cost, schedule or technical, or all three. Given realistic goals, a prudent amount of risk generates a great deal of technology leverage and ultimately superior combat capability. Technological superiority remains the wellspring of defense for this country—and that's why we simply cannot accept a "no risk" policy in acquiring and fielding our future weapons systems.

As members of the media, you have an important responsibility in conveying to the public a balanced account of defense acquisition stewardship. I believe strongly in the need and in your right to tell that story. But I also believe strongly that weapon system acquisition must be portrayed for what it really is—an undertaking in risk management. In his book *Governing America*, Joe Califano offers some advice to those who would try to understand American politics: "Try to tell the difference between tides, waves and ripples." The same advice is appropriate for those who report on the business of Defense acquisition.

I think we all share the view that technical problems in development, cost growth or schedule slips do not, of themselves, tell us whether a program is worthwhile or not. We must make our "go-ahead" decisions judgementally, measuring the goals of an undertaking against its expected payoff, a calculation that requires estimates of risk and uncertainty. We didn't stop the Space Program, or the Panama Canal or the Nation's great experiment with democracy when we encountered the growing pains associated with risk. And we cannot afford to create an environment in which decision makers will, under perceived pressure, accept only those decisions which guarantee zero risk because zero risk translates to zero achievement.

In closing, I'd like to say that we have a lot to be proud of in the B-1B. It is a magnificent aircraft. The problems, both business and technical, that remain to be solved are trivial when compared to the ones we've put behind us during development and production. I expect the B-1B to mature rapidly—and to perform even better than we expected when be began the program. It will serve us well for many years, largely because of the risks we took to incorporate new technology. And, had we chosen to delay production by a year or two, with a certain cost increase of three to four billion dollars, we probably would still not have averted all the problems.

The B-1B is the most advanced bomber in the world. It is here today, on alert at Dyess AFB and capable of carrying out its strategic mission—and that's exactly what we set out to do when we committed to the program. This aircraft, like other upgrades to the combat capability and deterrent power of the U.S. military, did not result from improvements "at the margin." If aviation history teaches any lesson at all, it is this: "No risk" means "no payoff."

Thanks very much for your time.

INTERNATIONAL DEMOLAY WEEK

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. COELHO. Mr. Speaker, the week of March 15-22, 1987 is International DeMolay Week, and I take this opportunity to wish the Modesto, CA, chapter much success as its members mark the 68th anniversary of the order.

The Order of DeMolay was founded in Kansas City, MO, in 1919, as a junior auxiliary to the Freemasons. It is estimated that DeMolay has initiated more than 4 million members since its inception, teaching these young men important lessons in citizenship, community service, and educational values. The Modesto chapter has a rich tradition to these precepts, and has long been an important part of the community.

As society tries to help our young people battle temptations such as drug abuse, we need to encourage participation in organizations such as DeMolay, as members are taught the objective of "the encouragement and development of good citizenship and sound character among our youth." As the Modesto chapter continues in this effort, I wish them well.

THERE IS NO WISDOM IN REPEALING THE FUEL USE ACT

HON. NICK JOE RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. RAHALL. Mr. Speaker, a concerted effort is being made once again to repeal the Powerplant and Industrial Fuel Use Act of 1978. This law, basically, prohibits the construction of new base load electric utility powerplants using oil or natural gas as their primary fuel. It was instituted at a time when the Nation faced a shortfall in natural gas supplies and rapidly rising oil prices. Today, prices are low and there is a surplus of natural gas on the market. For this reason, there are those who believe the Fuel Use Act's restrictions are no longer necessary.

I have submitted that this type of thinking is shortsighted, that we will revisit the threat to our energy security the Nation experienced during the decade of the seventies and that natural gas is too valuable of an energy resource to use as an electric utility boiler fuel. Mine has been a lonely voice in this regard. Due to the current slump in oil prices and the high unemployment levels in the oil and natural gas industries, many believe, or rather, would like to believe, that by repealing the Fuel Use Act there will be an immediate and significant increase in oil and gas demand and consequently, employment levels in those industries. While this is a highly improbable for a number of reasons, including the long lead times necessary for the construction of new powerplants and the fact that known domestic natural gas reserves will not be available to accommodate such an increase in demand, by repealing the Fuel Use Act we would be dismantling one of the few laws on the books that has as its purpose the long-term energy security of the United States.

This argument was eloquently stated by a representative of the United Mine Workers of America during yesterday's hearing on the Fuel Use Act before a subcommittee of the Committee on Energy and Commerce. Aside from a concern for our Nation's energy security, the testimony also raises an issue that has apparently been lost on those seeking the repeal of the Fuel Use Act. That is, while there may be a genuine concern for the plight of oil and gas industry workers, removing the Fuel Use Act's restrictions would displace 7,000 to 10,000 workers in the coal industry by the turn of the century.

I insert the testimony of the UMWA dated March 11, 1987:

STATEMENT OF MICHEAL BUCKNER, UNITED MINE WORKERS OF AMERICA

Mr. Chairman, my name is Micheal Buckner. I am the Research Director of the United Mine Workers of America, which represents nearly a quarter of a million working, laid-off and retired coal miners throughout the United States and Canada.

We appreciate the opportunity to testify on proposals before this committee to repeal the Power Plant and Industrial Fuel Use Act of 1978. The UMWA strongly opposes efforts to repeal this law. We firmly believe that the policies established in response to the energy crises of the 1970s made sense then—and still make sense today. A wise national energy policy should ensure that coal is used to generate steam for electricity and that our smaller domestic oil and gas reserves are preserved for more important uses, such as heating homes, schools and hospitals.

The UMWA is keenly aware of the economic plight in the oil and gas producing states. We understand what those people are going through because we have had the same experiences over the past eight years. In 1979, over 255,000 workers were employed in the bituminous coal and lignite mining industry. Today, there are approximately 168,000 people employed in the coal industry, a loss of 87,000 jobs. Because of the economic devastation that has visited our members, the UMWA has a great deal of sympathy for those in other industries who are struggling.

The current economic difficulties in the oil patch and the energy crises of the 1970s have a common thread and a common cause. Both are the result of actions by the Organization of Petroleum Exporting Countries (OPEC). The crises of the 1970s occurred when OPEC cut off our oil supplies in an attempt to influence U.S. foreign policy. The current problem in the oil and gas producing states stemmed from a realization on the part of OPEC that production and conservation efforts in the United States were working. OPEC made a conscious decision that the only way to reverse the trends that were weakening their hold on the western economies was to flood the market with oil and drive down prices. Thus, Saudi Arabia announced in late 1985 that it would increase oil output substantially. The result was a temporary glut of oil and rapidly declining prices.

As OPEC flooded the market with oil, an unfortunate and dangerous mindset developed in the United States. It appears that we have forgotten the difficult lesson of the 1970s and are operating under the assumption that plentiful energy at cheap prices will be available in the future. We should not be so naive as to believe that such conditions will prevail once OPEC has re-established its control over oil markets. Rather, we should conduct our energy policies as if we had certain knowledge of an impending oil shock.

Mr. Chairman, the proponents of the Fuel Use Act repeal assert that long range forecasts for natural gas are not only optimistic, but that they can be made with a degree of certainty that all but eliminates the risk of future shortages. The Congressional Office of Technology Assessment and the U.S. Department of Energy have examined natural gas supplies and their assessments are more pessimistic than those of the gas industry. There is little question that we have a current gas surplus of about 2 trillion cubic feet. However, that surplus is expected to disappear in the coming decade and we will become more dependent on imported supplies.

The OTA, in its report entitled U.S. Natural Gas Availability said "that the uncertainty of both future production and total recoverable resources of natural gas is still high, and the range of plausible gas 'futures' is greater than is generally acknowledged." OTA concluded that we have 25-50 years of remaining conventional gas resources, based on current production patterns.

In the Annual Energy Outlook for 1985, the Department of Energy's Energy Information Administration said: "Domestic natural gas production is projected to increase slightly through this decade and then to decline through 1995." EIA further concluded that "total U.S. gas reserves are expected to be 30 trillion cubic feet lower in 1995 compared to 1985."

But we need look no further than the gas industry itself for public admissions that future gas supplies may not accommodate demand for residential and commercial users of gas.

Theodore Eck, chief economist for Amoco, said last year that "the forecast is that we'll add between 7 and 10 trillion cubic feet of gas reserves a year, compared to production of more than twice that." Mr. Eck thought that level was too optimistic and that actual reserve additions would be closer to "four or five trillion cubic feet." If Mr. Eck is correct, our gas reserves could decline 10-12 trillion cubic feet per year over the next decade.

The situation with regard to gas prices is equally uncertain. Robert Thomas, the President of Tennessee Gas Transmission Company, put it best when he said: "Oil pricing is the dog and gas pricing is merely the tail." In other words, OPEC actually controls the price of gas in the United States. In the coming decade, non-OPEC oil production is expected to decline and the free world is likely to depend more on Middle East oil. Once we slide back into the economic grip of OPEC, we can anticipate substantial price increases.

Mr. Chairman, have we not learned our lesson from history? Have we really forgotten the circumstances that led to the passage of the Fuel Use Act and that were the basis for guiding utilities away from long term reliance on natural gas as a boiler fuel?

There is a great deal of uncertainly about the future availability of natural gas. While future technology may open up unknown reserves from "unconventional sources", our domestic reserves from conventional sources may last only 25-50 years.

Contrast this with the nation's coal reserves. The U.S. has a demonstrated coal reserve base of 478 billion tons. Even at minimal recovery rates, our coal reserves will last for the next 250 years. And with current technology, new power plants burn coal in an extremely clean manner.

Given the large known reserves of coal and the much smaller known reserves of natural gas, we should seek to preserve gas supplies. Gas is an inherently clean, efficient fuel that shouldn't be wasted in large scale boiler applications. Virtually anything can be used to generate steam; natural gas should be saved for higher uses, such as heating homes, schools and hospitals.

Some Members support repeal of the Fuel Use Act because they have a genuine concern about the economic difficulties facing workers in the oil and gas industry. We applaud those who are motivated by a desire to help those workers. You should be aware, however, that attempts to help them by repealing the Fuel Use Act will result in economic harm among other workers in the coal industry.

The American Gas Association has stated that removing the Act's restrictions would increase natural gas demand by 15-20 percent in the year 2000. If this is accurate, utility demand for coal would decrease by about 30 million tons. This will add 7,000 to 10,000 miners to the unemployment rolls by the turn of the century.

Employment should not be the sole basis for retaining or repealing the Fuel Use Act. Rather, such decisions should be made on the basis of rational energy policy and national security. It is irrational to use limited supplies of oil and natural gas as a boiler fuel. And we are more secure as a nation if we utilize our vast coal resources. We urge you to reject efforts to repeal the Fuel Use Act.

Mr. Chairman, that concludes my prepared statement. I would be happy to answer any questions you may have.

H.R. 1609, SCHOOL-BASED ADOLESCENT HEALTH SERVICES

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. WAXMAN. Mr. Speaker, today I am pleased to introduce with my colleagues Congressman MILLER of California, Congressman DINGELL, and Congressman SCHEUER, H.R. 1609, the School-Based Adolescent Amendments of 1987. H.R. 1609 is identical to the adolescent health services bill I introduced in the 99th Congress.

The purpose of this legislation, Mr. Speaker, is to provide funds on a demonstration basis for the establishment of local school-based programs that would offer preventive and primary health care services to adolescents. As recent experience clearly demonstrates, Mr. Speaker, the need for such services—especially among low-income children—has never been greater.

Despite the common belief, Mr. Speaker, that older children are healthy and strong, there is increasing evidence that thousands of such children are, in fact, in poor health or have special health care needs. Some of the health problems confronting adolescents are, of course, experienced by all children. There are, however, additional health concerns which, while not unique to older children, are of special significance:

Use of drugs and alcohol among adolescents remain at startingly high levels. The 1985 national survey of drug use among high school seniors found that 45 percent of boys and 28 percent of girls reported heavy drinking; 20 percent are daily cigarette smokers; 5 percent smoke marijuana daily; and 6 out of 10 have experimented with illegal drugs.

Nearly 1 in 10 young teens suffer from emotional or behavioral illnesses. Poor, nonwhite, males and chronically ill children all have higher rates of mental or behavioral problems.

Nationally, teens age 15 to 19 are among those at highest risk of contracting sexually transmitted diseases. One inner-city study has found that among the nearly 200 girls served, 11 percent tested positive for gonorrhea while 28 percent tested positive for chlamydia.

Suicide now ranks among the leading causes of death for older children. Statistics show that although the overall death rates for children age 10 to 19 are declining, suicide rates are increasing. The overall risk of death among 15- to 19-year-olds is greatest for white males, whose death rate now stands at 122 per 100,000.

The rate of pregnancy among teenagers remains high. Indeed, a 1985 cross-national study of teenage pregnancy and fertility found that among the six developed countries surveyed, the United States was the only one in which the rate of teenage pregnancy is rising. Today, an estimated 5 million teenage girls and 7 million teenage boys are sexually active. Almost half of all girls between the ages of 15 and 19 are sexually active and 1 in 6 will experience an unintended pregnancy. Each year more than 1 million teens become pregnant. Pregnant teenage girls are more than twice as likely as all mothers to receive either inadequate or no prenatal care until the final 3 months of pregnancy. And babies born to teens are disproportionately likely to be born at low birthweight, the No. 1 cause of infant mortality.

As we all well know, Mr. Speaker, appropriate health care for all these conditions is essential to success in school and social settings, as well as to maintenance of good health.

Yet, the evidence is clear that such care is either not available or accessible to the vast majority of adolescents who are in need of services. A national survey conducted between 1980 and 1981 revealed that older children have the lowest physician visit rate of any age group. And services such as comprehensive physical examinations, health counseling, and vision and hearing testing are often not available or performed. Furthermore, the survey reported that children between ages 12 and 18 are the least likely of any age group to have a regular source of health care. Indeed, the statistics show that 10% of these children do not see a physician or other health care provider on a routine basis.

To a great extent, Mr. Speaker, this situation can be attributed to a lack of insurance coverage for children's preventive and primary health care services. This is particularly true for poor teenagers who depend on public insurance programs such as Medicaid. Statistics show, for example, that children between ages 12 and 18 who are eligible for Medicaid services are the least likely to have full-time coverage.

All of these problems have been compounded in recent years by both the elimination of public health projects designed specifically to serve this special population and the cutbacks in other, nontargeted health programs. In 1981, for example, Federal maternal and child health program requirements to develop and fund comprehensive health clinics for children and youth—known as C&Y projects—were abolished under the newly created maternal and child health block grant, title V of the Social Security Act. The elimination of these requirements, coupled with reductions in funding levels for all health programs, has resulted in the termination of these projects in most States. Consequently, many States now have no maternal and child health services targeted to their adolescent population while many others are able to meet only a fraction of the need.

In reaction both to the continuing unmet health needs of older children and to the inadequate response of the Federal Government, a number of model health care programs designed to serve teenagers have sprung up across the country. These comprehensive clinics often have been placed within schools, but depending on local needs, various other settings such as community health centers or hospitals have proven more appropriate, but equally effective.

The almost 80 clinics now in operation throughout the country have demonstrated remarkable success, Mr. Speaker, not only in reaching teenagers and getting them to use services, but in improving their overall health, lowering the number of teenage pregnancies, and reducing the school dropout rate. In addition, these programs have proven effective in saving precious education-related dollars.

In Chicago's school-based program, teens made nearly 500 visits to the clinic during its first 2 months of service. In the first month alone, 50 students were found to be in need of eyeglasses and five cases of previously undiagnosed diabetes and six cases of previously undiagnosed cases of high blood pressure were found through routine examinations. A significant number of youths were also found to be infected with sexually transmitted diseases. The initial 500 visits made to the clinic represent at least that number of days of class not missed by students who might otherwise have spent a day at home or a day seeking medical attention elsewhere. This improved attendance record saved the school $8.73 per day for each absence prevented.

The school-based clinic program in St. Paul, MN, have made tremendous progress in reducing that city's teenage pregnancy rate and school dropout rate. Currently, about 33 percent of the female students in the school use family planning services that have helped to reduce the fertility rate among these teens by 37 percent; 80 percent of adolescent mothers remain in school and among these students, only 1.4 percent have a repeat pregnancy within 2 years or until graduation.

In Mississippi, a 1-year followup study of student mothers who were patients of an adolescent health clinic found that there were only four repeat pregnancies and that each teen mother served graduated with her class.

Two Baltimore school-based clinic programs have been successful both in lowering teenage pregnancy rates and in delaying the age of onset of sexual activity. Studies show that for those who participated in the programs, the pregnancy rate decreased by over 30 percent during a 2-year period while among those who did not join, the pregnancy rate increased by almost 58 percent. The findings also indicate that teenage boys used the clinic as freely as girls of the same age.

Kansas City high schools with adolescent health programs have experienced the greatest decline in absenteeism in the school district. School suspensions have been reduced and not one student who completed the treatment program for alcohol and drug abuse—designed to substitute for suspensions—has been cited again for substance-related disciplinary action.

Over the years, programs like those I have just described, have been supported through the contributions of private organizations such as the Robert Wood Johnson Foundation. Such entities recognize the value of providing early and comprehensive services to older children in order to avoid unnecessary pain and disability as well as the need for complicated, more costly health care later in life. But the private sector cannot continue alone to provide all the resources required to initiate and maintain successful adolescent health programs. And it cannot continue alone to do the job of Government to help ensure that every child has access to appropriate health care services.

The time has come, Mr. Speaker, for the Federal Government to do its fair share to make these programs possible for the many communities which want to replicate these projects' real and measured success but which lack the resources to do so entirely on their own. It is this strong conviction that is the basis for our introduction today of H.R. 1609.

In brief, Mr. Speaker, H.R. 1609 would establish a demonstration grants program under which funds would be made available for up to 4 years for the development and operation of comprehensive adolescent health services projects. The specifications for this program are based on the lessons learned from the privately financed programs outlined above.

Under H.R. 1609, projects would be required to offer various preventive and primary health care services to older children and would have to make such services available on a year-round basis. Services would have to be provided within or adjacent to schools located in the area to be served by the applicant or in any other location that might better meet the needs of its adolescent population. Authorizations for the grants program would be $50 million for each of the next 4 fiscal years. Grants would be provided on a matching fund basis, with communities required to increase their matching payments over time. Participation in the grants program would be totally voluntary; no community would be required to apply for funding or to otherwise provide health services to their teenagers under this type of arrangement.

Mr. Speaker, this legislation simply would help provide the startup funds for those areas which under current economic and social conditions cannot afford the entire cost to initiate new programs, but at the same time, cannot afford to ignore the growing health needs of their teenager population. We believe school and community-based adolescent health projects can and do make a significant difference in the health and well-being of older children and that this bill will go a long way in helping to make such projects an integral part of local health service efforts.

Despite the success of existing school-based programs and the great interest in developing new projects, I am well aware, Mr. Speaker, that some groups are very much opposed to our proposal. Their opposition is grounded, however, not on the basis of a lack of need or demand for comprehensive services targeted to teenagers, but rather on the premise that the availability of one service in particular—family planning—is not appropriate for adolescents. They argue the provision of this service—among many, many others—will encourage older children to engage in sexual activities that they might otherwise avoid, delay, or forego altogether. They argue, too, that schools are not a proper setting for adolescent health services programs because they make it too convenient for teenagers both to obtain family planning services and to withhold information from their parents.

I believe this opposition is without merit and indeed, flies in the face of reality. Virtually all of the young girls and boys who have participated in adolescent health programs across the country were sexually active before they entered the clinics. And most were sexually active without knowledge or permission of their parents. The same is true with regard to those teenagers who have been involved with drugs and/or alcohol.

I recognize, however, that the views to the contrary are strongly held. But under this bill, a community which believes that school-based clinics would encourage sex among its teenagers has no obligation whatsoever to establish such a program. Conversely, the legislation would enable the Federal Government to provide assistance on a demonstration basis to a community which thinks that this program could improve the health status of its adolescents and is willing to contribute some of its own funds for this purpose. In this way. H.R. 1609 accommodates both perspectives on this issue. Thus, those who would oppose this legislation on the grounds that it promotes or encourages teenage sexuality are, in effect, imposing their own moral judgments on every community in this country. Such action is most inappropriate in our democracy with its tradition of religious pluralism and its protection of local self-determination.

The evidence is clear, Mr. Speaker: school-based clinics are not the cause of the health-related problems our teenagers face today; instead, they are a proven method of helping to resolve these problems in a way that meets the needs of adolescents and communities alike. Given such strong and compelling evidence, Mr. Speaker, it only makes sense for the Federal Government to make funds available to those localities that wish to establish comprehensive programs of their own.

I urge my colleagues to support this legislation and look forward to working with them on meeting the health needs of all America's children.

FAIR HOUSING

HON. DON EDWARDS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. EDWARDS of California. Mr. Speaker, for nearly 20 years the Federal Government has struggled to alleviate the problem of housing discrimination in this country. Yet, recent national surveys by HUD estimate that blacks seeking to buy housing in metropolitan areas stand a 48-percent chance of encountering discrimination, and blacks seeking to rent stand a 72-percent chance of discrimination. The Government has been unable to limit discrimination because the Civil Rights Act of 1968 left out any serious enforcement mechanism. With the Fair Housing Amendments Act of 1987, H.R. 1158, Congress now has the opportunity to change this situation.

[From the Washington Post, Mar. 7, 1987]

FAIR HOUSING

The Federal fair housing law is an anvil without a hammer. In the Civil Rights Act of 1968, Congress forbade discrimination in the sale and rental of most housing, but as part of a compromise to break a Senate filibuster, left out any serious enforcement mechanism. The Department of Housing and Urban Development is empowered only to seek conciliation agreements; the Justice Department can file suit only in major "pattern and practice" cases. An aggrieved party's only other resort at the federal level—there are state and local anti-discrimination laws and procedures as well—is to hire a lawyer and go to court. It is left to the victims to vindicate the right that this law so proudly declares.

For years civil rights groups have tried to strengthen the enforcement provisions. The closest they came was after the presidential election in 1980, when a House-passed bill was killed by a filibuster as the Senate was about to change from Democratic to Republican hands. Now the proponents are trying again.

Their bill would create an enforcement mechanism inside HUD. The Secretary would receive complaints, refer them to state agencies in states with strong laws of their own and otherwise, where he found "reasonable cause," refer them to administrative law judges. Such judges who found discrimination could then issue cease-and-desist orders, award damages and take such other steps as "necessary to make the aggrieved person whole." The judges' orders could be appealed to the federal courts.

The administration and the National Association of Realtors have resisted such a structure in the past. The administration has proposed giving the Justice Department power to take individual as well as pattern-and-practice cases to court instead. But the Justice Department is not going to solve this problem in any administration, and the courts are already overburdened. HUD estimates from national surveys in which testers were used that as many as 2 million cases of housing discrimination occur a year, that blacks seeking to buy in metropolitan areas stand a 48 percent chance of encountering discrimination and blacks seeking to rent, a 72 percent chance. Though marginal progress has been made, housing segregation persists, and other forms of segregation continue to flow from it.

Administrative law judges are used in many areas of government. Their addition here would energize the enforcement process, speed the development of the law and, given the penalties at their disposal, create a powerful deterrent to a form of behavior that needs deterring. The politics are finally right, the bill is overdue, and Congress ought to pass it.

There is one aspect of the legislation of which we remain unsure. It would create a new protected class. Housing discrimination would be illegal not just on the familiar bases of race, color, religion, national origin, sex and (for the first time here) handicap, but against families with children. There could still be retirement communities, and children could be barred where an apartment was too small. Otherwise, no.

It's not a game. A fourth of the rental housing in the country is now barred to families with children. For the poorer among such families decent housing is often impossible to find. Twenty percent of the nation's children now live below the federal poverty line, and the housing programs for the poor are in a shambles. The proposal is to create a new right to help solve an important social problem. Maybe. But racial discrimination occupies a very different place in our history from the current problems of low-income families with children. Where in this flow of analogy from group to aggrieved or disadvantaged group do you break off, or do you? We don't know the answer, but Congress, as it moves this worthy bill, needs to ask that question.

WESTERN HISTORIC TRAILS CENTER

HON. JIM LIGHTFOOT

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. LIGHTFOOT. Mr. Speaker, all over the United States we have monuments, parks, historic sites, and other units of the National Park System to commemorate and recognize important periods and events in American history. However, one aspect of our history—the westward movement on a system of trails during the 19th century—could be forgotten unless the Federal Government provides the leadership necessary to properly recognize its historical and cultural significance.

As recently as 200 years ago the trails that guided our Nation west ended at the Mississippi River. What lay beyond was a vast, unknown land, inhabited by native peoples, but traveled by only a few rugged European fur traders brave enough to endure its hardships. The existence of this uncharted land prompted President Thomas Jefferson in 1803 to commission Lewis and Clark to explore this territory.

Spurred by accounts of Lewis and Clark Expedition, the Prussian naturalist Prince Maximilian and the Swiss artist Karl Bodmer together embarked on a 5,000-mile scientific expedition in 1833 up the Missouri River to study and record the Plains Indians.

Twenty years later, the Latter Day Saints opened another trail 1,300 miles long in their flight from religious persecution. Starting in Illinois, the Mormon trail wound through Iowa, Nebraska, and Wyoming, stopping in Utah where the Mormons finally settled and found the freedom for which they searched.

At the same time, thousands of gold seekers, homesteaders, and pioneers followed the Oregon Trail and its promise of a new life in the West. Within the brief span of 50 years, the dream of an American continent open from sea to sea became a reality.

Lewis and Clark, Maximilian and Bodmer, the Latter Day Saints, and thousands of the nameless travelers of the Oregon Trail share a common bond in their routes across the American continent: their separate paths converged and crossed in southern Iowa on the banks of the Missouri River near the area now known as the Council Bluffs-Omaha region. Because of its ideal location in the plains region—at the spot that marked the upper and lower boundary of the Missouri River—the Council Bluffs-Omaha area became a natural stopping point that provided both provisions and security to those who sought its refuge.

The convergence of these trails at the Missouri River near Council Bluffs-Omaha was more than just a meeting of paths. Rather, it became a crossroads of the cultures of thousands of travelers who stopped, took stock, and indelibly left their mark on history.

Few Americans understand the significance of these designated national historic trails in our Nation's development. In fact, an analysis of nearly 140 historic and cultural sites in the Midwest revealed that not one of them has educational facilities or programs which directly interpret and celebrate this important era in our history. Volumes of historic data and artifacts from the 19th century westward movement remain scattered across the country and in Europe. Clearly, the Nation needs a central information, archival, and interpretive facility where the role of the western historic trails can be recognized, researched, interpreted, and celebrated.

It is for this reason that Mr. NIELSON of Utah and I are introducing legislation to establish a Western Historic Trails Center at Council Bluffs, IA, as a unit of the National Park System. This legislation directs the Secretary of the Interior to appoint a 9-member commission to develop a management plan for the Western Historic Trails Center. The plan will include the development of a library which offers materials and space for the study of the western historic trails, the development of a national repository of historic documents relating to the westward movement of the United States, authentic recreations of historic sites, storage and presentment of artifacts of major historic events surrounding the westward expansion of the United States, and educational and cultural programs to encourage appreciation of major historic events surrounding the westward expansion of the United States. Major emphasis will be placed on ensuring that the entire concept of the Western Historic Trails Center is historically authentic and of educational value.

The cost of the Western Historic Trails Center will depend largely upon the scope of the management plan which the commission develops and the Secretary of the Interior approves. However, the management plan will have to be developed according to strict budgetary guidelines. To help ensure that the cost of the Western Historic Trails Center will be the absolute minimal, the bill states that non-Federal sources must provide at least 25 percent of the total cost of the center.

Mr. Speaker, it is time for the Federal Government to provide the leadership necessary to recognize and preserve this important period in the United States' history for future generations. By establishing the Western Historic Trails Center, we can provide for this in the most historically authentic, nationally significant, and cost effective manner possible. The public support is already there—enthusiasm overflows at the State and local levels and across the Nation among members of national organizations with an interest in this area. I therefore urge my colleagues to support this legislation so that we can proceed with the Federal support that is absolutely essential to this effort.

TRIBUTE TO LES BROOKS

HON. TONY COELHO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. COELHO. Mr. Speaker, I wish to pay tribute to a fine public servant, Les Brooks, on his 41 years of service to the Modesto Irrigation District.

Les began his career with the Modesto Irrigation District in 1946 working as a draftsman, survey rodman, and water gauge reader. Through hard work and dedication to his profession he worked his way up through the ranks to his present position as chief executive officer of the Modesto Irrigation District.

Les Brooks is a prime example of the success that loyalty, ability, and talent can bring. Upon his retirement the Modesto Irrigation District will lose an excellent and extremely capable leader, but Les is deserving of the new found freedom and leisure time he will now be able to devote to his family and friends.

FRANCO-AMERICAN VETERANS BILL

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mrs. JOHNSON of Connecticut. Mr. Speaker, today I have the privilege of introducing legislation, along with Representatives BOLAND, DONNELLY, KENNELLY, ROWLAND of Connecticut, ST GERMAIN, MCKINNEY, and ATKINS to recognize and grant a Federal charter to the Franco-American War Veterans organization.

The organization was founded over 50 years ago and performs a variety of volunteer services to VA hospitals, local senior citizen centers, and other nursing and hospice care programs.

The group is active in many States, especially in the support of rehabilitation centers for the blind, raising funds, and providing clinical assistance.

Their national commander, Emile A. Groleau of New Britain, is an able and hard working community leader and a friend who has done a great deal for veterans and their families.

This legislation will enable the Franco-American War Veterans to expand their membership and voluntary services which are provided at no cost to the public.

My bill which was also introduced in the 98th and 99th Congress, is virtually identical to legislation enacted to recognize the Italian-American War Veterans, the Polish Legion of American Veterans, the Catholic War Veterans, and the Jewish War Veterans Organization.

Mr. Speaker, we should all keep in mind that this legislation would incur no cost to the Federal Government, no additional burden on the taxpayer, and no upward pressure on the deficit.

In fact, this bill promotes the spirit of voluntarism and supports those who dedicate long hours to assist VA hospital personnel and improve the quality of life and health care in our communities.

I encourage you to continue your support for these types of volunteer organizations and add your name as a cosponsor to this well-deserved recognition bill.

H.R. 1597

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FEDERAL CHARTER

SECTION 1. The Franco-American War Veterans, Incorporated, organized and incorporated as a nonprofit entity under the laws of the State of Massachusetts, hereby is recognized as such and granted a Federal charter.

POWERS OF CORPORATION

SEC. 2. The Franco-American War Veterans, Incorporated, shall have only the powers granted to it through its bylaws and articles of incorporation filed in the States in which it is incorporated and subject to the laws of such States.

PURPOSES OF CORPORATION

SEC. 3. The purposes of the corporation shall be as provided in its articles of incorporation and shall include a continuing commitment, on a national basis—

(1) to preserve, protect, and defend the constitutions and laws of the United States and the States;

(2) to commemorate the wars, campaigns, and military actions of the United States in order to demonstrate respect, honor, for the dead and surviving veterans of such wars, campaigns, and actions and provide all Americans with a better understanding of and appreciation for the sacrifices of the individuals who participated in such wars, campaigns, and actions on behalf of all Americans;

(3) to increase the interest of the entire Nation in the problems of veterans and their widows and orphans;

(4) to cooperate with other veterans organizations in common projects designed to serve the interests of the veterans of all wars, campaigns, and military actions in which the United States has participated;

(5) to encourage the study of historical events pertaining to the wars, campaigns, and military actions of the United States, and to collect and preserve chronicles and mementos of such events;

(6) to promote an enduring love of country, a deep and abiding sense of partriotism, and a profound commitment to Americanism among all the people of the United States;

(7) to encourage, among the young people of the Nation, respect for the flag, anthem, and traditions of the United States;

(8) to preserve the freedoms, peace, prosperity, tranquility, good will, free institutions, and defense of the United States;

(9) to promote peace, prosperity, and good will between the peoples of the United States and France; and

(10) to function as a veterans and patriotic organization as authorized by the laws of the States in which it is incorporated.

MEMBERSHIP IN CORPORATION

SEC. 4. Eligibility for membership in the corporation, and the rights and privileges of such membership, shall be as provided in the articles of incorporation and bylaws of the corporation.

BOARD OF DIRECTORS OF CORPORATION

SEC. 5. The board of directors of the corporation, and the responsibilities of the board, shall be as provided in the articles of incorporation and bylaws of the corporation and in conformity with the laws of the States in which it is incorporated.

OFFICERS OF CORPORATION

SEC. 6. The officers of the corporation, and the manner of election, terms of officer, and powers and responsibilities of such officers, shall be as provided in the articles of incorporation and bylaws of the corporation and in conformity with the laws of the States within which it is incorporated.

RESTRICTION ON CERTAIN ACTIVITIES

SEC. 7. (a) No part of any income or asset of the corporation may inure to any member, officer, or director of the corporation or be distributed to any such individual while the charter granted in this Act is in effect. Nothing in this subsection may be construed to prevent the payment of reasonable compensation to any officer of the corporation or reimbursement for actual necessary expenses in amounts approved by the board.

(b) The corporation may not make any loan to any director, officer, or employee of the corporation.

(c) The corporation, and any director or officer of the corporation acting as such director or officer, may not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) The corporation may not issue any share of stock or declare or pay any dividend.

(e) The corporation may not claim the approval of the Congress or the authority of the Federal Government for any of its activities.

LIABILITY OF CORPORATION

SEC. 8. The corporation shall be liable for any act of any director, officer, employee, or agent acting within the scope of the authority of such director, officer, employee, or agent.

SERVICE OF PROCESS ON CORPORATION

SEC. 9. With respect to service of process, the corporation shall comply with the laws of the States in which it is incorporated and the States in which it carries on its activities in furtherance of its corporate purposes.

TAX-EXEMPT STATUS OF CORPORATION

SEC. 10. The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1954.

BOOKS AND RECORDS OF CORPORATION; INSPECTION

SEC. 11. (a) The corporation shall keep correct and complete books and records of accounts and shall keep minutes of any proceeding of the corporation involving any member of the corporation, the board, or any committee having authority under the board. The corporation shall keep at its principal office a record of the name and address of any member entitled to vote.

(b) Any book or record of the corporation may be inspected by any member entitled to vote, or any agent or attorney of such member, for any proper purpose and at any reasonable time.

(c) Nothing in this section may be construed to contravene any applicable State law.

AUDIT OF FINANCIAL TRANSACTIONS OF CORPORATION

SEC. 12. The first section of the Act entitled "An Act to provide for audit of accounts of private corporations established under the Federal law", approved August 30, 1964 (36 U.S.C. 1101), is amended by inserting at the end thereof the following new item:

"(68) Franco-American War Veterans, Incorporated.".

ANNUAL REPORT TO THE CONGRESS

SEC. 13. The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. Such report shall be submitted at the same time as is the report of the audit required in section 12. Such report may not be printed as a public document.

DEFINITIONS

SEC. 14. For purposes of this Act:

(1) The term "board" means the board of directors of the corporation.

(2) The term "corporation" means the Franco-American War Veterans, Incorporated.

(3) The term "State" means each of the several States, the District of Columbia, and Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

EXPIRATION OF CHARTER

SEC. 15. If the corporation fails to comply with any of the provisions of this Act, the charter granted in this Act shall expire.

RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER

SEC. 16. The right of the Congress to alter, amend, or repeal this Act is expressly reserved.

OFFSHORE ENERGY SECURITY ACT OF 1987

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. FIELDS. Mr. Speaker, I am pleased to introduce, along with several of our colleagues, the Offshore Energy Security Act of 1987.

The purpose of this legislation is to provide some badly needed relief to our vital but struggling domestic energy industry.

As a ranking minority member of the House Panama Canal/Outer Continental Shelf Subcommittee, I have been a strong advocate of developing our offshore energy resources in a timely, safe, and orderly manner.

While the precipitous decline in petroleum costs has provided temporary benefits for certain regions of our country, this collapse in the energy market has caused severe economic hardships for thousands of Americans. On balance, I am sure most would agree that these oil price developments have been, at best, a mixed blessing for this Nation.

As a result of falling energy prices, we have seen a dangerous decline in exploration activity on the Federal Outer Continental Shelf. In fact, just last week the number of offshore rigs in the Gulf of Mexico under the contract or involved in drilling stood at 83. This figure represents a utilization rate of only 35 percent which compares most unfavorably with the 93-percent utilization rate of January 1984.

Mr. Speaker, while these figures indicate a serious decline in energy exploration in this country, they don't begin to tell the whole story.

What they fail to show is that U.S. oil imports have increased from 27 percent to over 40 percent of our energy needs. Oil imports from Persian Gulf countries, particularly Saudi Arabia, have increased by 400 percent since last year.

At the same time, our Nation's foreign oil bill is growing at the rate of $1 billion a month with imports now representing nearly one-fourth of our total trade deficit.

Without significant new energy discoveries, we can expect to be dependent upon foreign sources for 60 to 70 percent of our petroleum needs by the year 2000.

Mr. Speaker, these figures also fail to place in proper perspective the fact that investments by the 13 largest domestic oil companies declined by $19.2 billion, or 25.2 percent, from 1985 to 1986 and that 144,000 Americans employed in the domestic energy industry have lost their jobs.

In short, the decline in energy prices has sharply increased our Nation's dependence on foreign crude oil—thereby enhancing the power of the OPEC cartel. It has created widespread economic dislocation and misery for tens of thousands of Americans. It has depressed offshore energy exploration and development—making it likely, if we do not act, that our Nation soon could face a serious energy supply disruption.

History need not repeat itself. We must renew our efforts to achieve energy independence by enacting new incentives to encourage additional offshore energy exploration.

We must not wait for the next energy crisis to be upon us before moving ahead to explore, develop, and produce our offshore energy resources.

Unlike our onshore reserves, which are being rapidly depleted, the U.S. Geological Survey has estimated that the Federal OCS contains up to 60 percent of our undiscovered energy resources representing some 70 billion barrels of oil and 230 trillion cubic feet of natural gas.

Regrettably, these energy resources cannot be developed overnight. In fact, a well drilled on a lease on the OCS today will not produce energy for America's homes, schools, or factories for a number of years.

Under normal conditions, it takes 2 years for the Department of the Interior to organize a lease sale, several years to find a commercially producible field, and 8 to 10 years to develop the resources once they are found.

Mr. Speaker, we do not have the luxury of that kind of lead time and unless we act now the return of gasoline lines, factory and school closings, and double digit inflation becomes increasingly likely.

With each passing day, this Nation becomes more dependent on unstable foreign energy sources.

What we are witnessing today is a calculated effort by OPEC to wipe out our stripper well production and to halt all exploration activities by manipulating oil prices in order to reestablish their control over the energy market.

Without being melodramatic, I want decisions affecting the future of our energy supply made in places like Houston, TX; New Orleans, LA; and Washington, DC, and not in Geneva, Switzerland or Riyadh, Saudi Arabia. We can control our own destiny and the Offshore Energy Security Act is a positive step in that direction.

As I indicated earlier, the purpose of this bill is to establish an adequate level of exploration, development, and production on the Outer Continental Shelf to help meet the energy needs of this Nation.

This bill will accomplish that purpose by making five important changes in existing law. First, the bill lowers from $150 to $25 or less per acre the amount of the minimum up-front bonus payment that a company must spend to obtain a lease on the Federal Outer Continental Shelf.

At today's oil prices, the $150 per acre minimum is a major disincentive to leasing. In fact, during a recent hearing before the Panama Canal/OCS Subcommittee, the Department of the Interior's Director of the Minerals Management Service, Mr. William Bettenberg, noted that:

> $150 an acre is a fairly substantial amount. It costs about $900,000 just to get a tract to lease, and since most tracts are dry, that is typically $900,000 for dry tracts.

Mr. Speaker, I agree completely with Mr. Bettenberg's assessment and hope the administration will endorse a return to the pre-1981 rate of $25 per acre. In my view, this change alone will serve as a major incentive for exploration activity, not only in the Gulf of Mexico but also in the frontier offshore areas.

Second, my bill allows the Secretary of the Interior to reduce the royalty rate for both new and existing leases. With crude oil prices now at $17 per barrel the existing royalty rate of 16⅔ percent is causing many companies to forgo participation in a lease sale and to prematurely abandon existing leases because the value of the resource does not cover the company's operating costs.

While the costs of production are low in the initial phase of development, as production proceeds, reservoir pressure declines and production costs per barrel incrementally increase.

By reducing the royalty rate toward zero, particularly as a lease approaches exhaustion, everyone involved in the leasing process will benefit. Profits to the operator will be higher, additional royalties will accrue to the Federal Government, employment will increase, and the Nation will receive additional energy production at costs below that of imported oil.

Mr. Speaker, the value of oil and gas development must not be measured as the sum of royalties and up-front bonus payments. The real benefits of this program are reflected in the increase in domestic production of oil and gas and its positive impact on the energy security of this Nation.

The third change I have proposed in this legislation is simply an attempt to encourage the Secretary of the Interior to utilize his existing authority to offer large economic units during any future lease sale.

By offering a number of tracts as a large economic unit, instead of individually, both the Federal Government and the oil industry can maximize their efforts to find commercially producible quantities of oil and gas.

By expanding the initial tract size, the Government would provide a much improved opportunity to include any potential fossil fuel reservoir.

Fourth, my bill establishes an Offshore Safety Advisory Committee. While this is not a new proposal, there is considerable support for the idea of establishing a committee of individuals, representing oil companies, drilling contractors, fabricators, and general support services which would make recommendations to the U.S. Coast Guard on the safety aspects of offshore oil, gas, and other mineral operations.

As someone who has been a strong supporter of offshore safety, I believe that the need for this advisory committee has been demonstrated.

Finally, Mr. Speaker, this bill will repeal one of the most onerous, unfair, and counterproductive taxes ever enacted by the Congress. I am referring, of course, to the Federal Windfall Profit Tax.

This ill-conceived and antifree enterprise tax has, since 1980, sapped more than $78 billion from the investment and exploration budgets of our domestic energy industry.

I would say to my colleagues that you do not have to be from an oil State to want this tax repealed, if you believe in the free enterprise system.

While no revenues are currently being collected, since there are no profits—much less windfall profits—its existence continues to serve as a major impediment to offshore drilling activity.

With investment capital in such short supply, the mere possibility that this tax could be reactivated has caused dozens of exploration projects to be postponed or abandoned.

Mr. Speaker, there is no logical reason not to immediately repeal the windfall profits tax. It is not collecting any revenues, it is costing the Federal Government money, and it is killing energy exploration for America's future.

Mr. Speaker, in order to maintain current levels of reserves and production, the United States needs to find the equivalent of nine million barrels of oil and nearly 50 billion cubic feet of natural gas every day. We are falling short of that target, and we have no time to lose.

While this proposal will not solve all of the problems facing our energy industry, it is an important component of comprehensive effort to increase the amount of energy exploration and production in this Nation.

In combination with other changes, like immediate decontrol of all natural gas, repeal of the Fuel Use Act, incentives for stripper well production and an oil import fee, we can stop the perilous decline of our domestic energy industry.

It is clearly not in the best interest of American consumers to leave ourselves at the mercy of foreign oil and gas producers.

In fact, as many Americans may recall, the last time we became overly dependent on foreign energy sources, oil prices made their fastest climb in history.

Mr. Speaker, from my perspective, a centerpiece of any comprehensive energy program is the development of the 1 billion acres which comprise the Federal Outer Continental Shelf.

By moving ahead in a timely way to explore, develop, and produce our offshore energy resources, we assure future dependable supplies of energy, we strengthen our economy, we create thousands of jobs, we decrease our dependence on imports, and we reduce our trade deficit.

Mr. Speaker, I urge each Member to support this important legislation and to join with me in promoting the early passage of the Offshore Energy Security Act of 1987.

I insert the text of this legislation.

H.R. 1593

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Offshore Energy Security Act of 1987".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the timely development of America's outer Continental Shelf energy resources would create employment opportunities, improve our international balance of trade, increase investment in domestic industries, create a favorable climate for economic growth, and help ensure our national security;

(2) the United States outer Continental Shelf contains up to 60 percent of our undiscovered energy resources—about 25,000,000,000 to 70,000,000,000 barrels of oil and 160,000,000,000,000 to 230,000,000,000,000 cubic feet of natural gas—and thus is capable of providing the fuel this Nation needs to run its factories, heat its schools, generate electricity for our homes, provide transportation, and meet our national defense;

(3) only 2.5 percent of the outer Continental Shelf of the United States is currently under lease while over 30 percent of the worldwide outer Continental Shelf of other nations is currently being developed;

(4) 10 to 15 years can elapse from the time that a well is first drilled offshore and the time the first oil and gas from that well is produced;

(5) while it is true that the United States has proven oil reserves of approximately 27,000,000,000 barrels, domestic consumption of approximately 5,700,000,000 barrels per year promises to exhaust such reserves rapidly;

(6) we as a Nation continue to import more than 40 percent of our oil requirements, which represents some $40,000,000,000 per year, or approximately 30 percent of our overall trade deficit;

(7) the Federal Outer Continental Shelf program provides employment opportunities for Americans in nearly every State in the Union, including thousands of jobs in Texas and Louisiana alone;

(8) it has been estimated that one new job in the oil and gas industry creates 3.7 new jobs in other sectors of our economy and results in almost $48,000 in wages, dividends, and royalties, almost $30,000 in Federal, State, and local taxes, and $528,000 in gross receipts economy wide;

(9) the sudden and precipitous drop in crude oil prices has had a disastrous effect on domestic energy exploration, in particular on the Outer Continental Shelf;

(10) this Nation cannot afford to lose the expertise, knowledge, and skills of our offshore energy workforce, including not only offshore oil workers but also fabricators, steel workers, supply boat operators, service industry workers, and many others;

(11) the Outer Continental Shelf Lands Act Amendments of 1978 attempted to provide a stimulus for exploration, development, and production of energy resources on the outer Continental Shelf, but because of subsequent world events has failed to do so sufficiently; and

(12) raising the minimum bid for the right to lease outer Continental Shelf lands from $25 to $150 per acre, accomplished in 1981, served to inhibit such leasing for exploration, development, and production activities.

SEC. 3. PURPOSES.

It is the purpose of this Act to provide the stimulus necessary to maintain a level of exploration, development, and production on the outer Continental Shelf adequate to meet the energy needs of this Nation.

SEC. 4. ECONOMIC STIMULUS ACTIONS.

(a) Except as provided in subsection (b) the Secretary of the Interior shall—

(1) establish $25 or less per acre as the minimum bid for the right to lease lands under the Outer Continental Shelf Lands Act;

(2) alter the royalty rate applied to both new and existing leases under such Act to a level necessary to provide an economic stimulus to production; or

(3) do both paragraphs (1) and (2).

(b) This section shall not apply to those tracts to which section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) applies.

SEC. 5. LARGE ECONOMIC UNIT.

Notwithstanding section 8(b)(1) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(b)(1)), the Secretary of the Interior shall, as the Secretary deems advisable to serve the purposes of this Act, offer for lease under the Outer Continental Shelf Lands Act areas of the outer Continental Shelf that constitute large economic units.

SEC. 6. OFFSHORE SAFETY ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established a National Offshore Vessel Operators Safety Advisory Committee (hereinafter in this section referred to as the "Committee"). The Committee shall advise, consult with, and make recommendations to the Secretary of the department in which the Coast Guard is operating (hereinafter in this section referred to as the "Secretary") on matters relating to the safety aspects of offshore oil, gas, and other mineral operations subject to regulation by the Secretary. The Secretary shall, whenever practicable, consult the Committee concerning proposed or desirable actions affecting the safety of such offshore operations. Any advice or recommendation made by the Committee to the Secretary shall reflect the independent judgment of the Committee on the matter concerned. The Committee is authorized to make available to Congress any information, advice, and recommendations which the Committee is authorized to give to the Secretary. The Committee shall meet at the call of the Secretary, but in any event not less than once during each calendar year. All proceedings of the Committee shall comply with the Federal Advisory Committee Act (5 U.S.C. App. 1 et seq.).

(b) MEMBERSHIP.—(1) The Committee shall consist of fifteen members who have particular expertise, knowledge, and experience regarding the transportation and other technology, equipment, and techniques that are used, or are being developed for use, in the exploration for, or the recovery of, offshore oil, gas, or other mineral resources as follows:

(A) Four members representing enterprises engaged in the production of oil, gas, or other mineral resources, except that not more than one member may represent companies included on the list of restricted joint bidders prepared by the Department of the Interior.

(B) Three members representing enterprises specializing in offshore drilling.

(C) Three members representing enterprises specializing in the supply of offshore oil, gas, or other mineral exploration or recovery operations by water.

(D) Three members representing general support services for offshore oil and gas activities, including construction diving, geophysical, and helicopter services.

(E) Two members representing individuals employed in offshore operations.

(2) The Secretary shall appoint the members of the Committee after first soliciting nominations by notice published in the Federal Register. The Secretary may request the head of any other Federal agency or department to designate a representative to advise the Committee on matters within the jurisdiction of that agency or department.

(3) The Committee shall elect, by majority vote at its first meeting, one of the members of the Committee as the Chairman and one of the members as the Vice Chairman. The Vice Chairman shall act as Chairman in the absence or incapacity of, or in the event of a vacancy in the office of, the Chairman.

(4) Terms of members appointed to the Committee shall be for three years, except that the terms of those members first appointed under paragraph (1) (A) and (B) shall be for two years. The Secretary shall, not less often than once a year, publish notice in the Federal Register for solicitation of nominations for membership on the Committee.

(c) COMPENSATION AND TERMINATION.—(1) Members of the Committee who are not officers or employees of the United States shall serve without pay and members of the Committee who are officers or employees of the United States shall receive no additional pay on account of their service on the Committee. While away from their homes or regular places of business, members of the Committee may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code. The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are considered necessary for the conduct of its business.

(2) Unless extended by subsequent Act of Congress, the Committee shall terminate five years from the date of enactment of this Act.

SEC. 7. REPEAL OF WINDFALL PROFITS TAX.

(a) Chapter 45 of the Internal Revenue Code of 1986 (relating to windfall profit tax on domestic crude oil) is hereby repealed.

(b) The repeal made by subsection (a) shall apply to oil removed after the date of the enactment of this Act.

SEC. 8. DEFINITION.

As used in this Act, the term "outer Continental Shelf" has the meaning given such term in section 2(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331(a)).

SENATOR INOUYE RECEIVES VFW'S HIGHEST HONOR

HON. G. V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. MONTGOMERY. Mr. Speaker, on March 3, the Veterans of Foreign Wars presented its highest honor—the VFW Congressional Award—to Senator DANIEL K. INOUYE. I was present at the awards dinner and was witness to a hushed crowd, one that listened intently to every eloquent phrase of Senator INOUYE's remarks and nodded in agreement with his special insight into the meaning of freedom and democracy.

Senator INOUYE—through his heroism in battle for his country, his leadership and achievements in the Congress, and his ability to so eloquently express his patriotic pride—has proven himself many times over to be a great and loyal American. Therefore, it is a pleasure for me to share with my colleagues the gentleman's very moving words, preceded by introductory remarks from VFW Commander in Chief Norman G. Staab.

INTRODUCTORY REMARKS OF VFW COMMANDER IN CHIEF NORMAN G. STAAB

It is my honor to present to this great gathering, a distinguished American who has been chosen to receive the 1987 VFW Congressional Award.

A Congressman and U.S. Senator from Hawaii for 27 years, our honoree has served the Congress and the Nation with distinction. His widely acclaimed leadership within the Congress and his party have thrust him into positions of national prominence.

He is the third-ranking leader among Senate Democrats and is Secretary of the Democratic Conference.

He gained national exposure and respect as a Member of the Senate Watergate Committee. Again last December, because of his dedication, integrity, and ability, he was called upon by his colleagues in the Senate to be chairman of a special Senate Committee investigating the Iran-Contra foreign policy crisis.

Our distinguished guest was appointed the first chairman of the Senate Select Committee on Intelligence. Today he is a member of the influential Senate Appropriations Committee and the Senate Committee on Commerce, Science and Transportation. He is also a member of the Senate Rules and Administration Committee as well as chairman of the Select Committee on Indian Affairs.

His ability to assess issues and provide leadership account for his chairmanship, in 1984, of the Senate democratic Central America study group. His knowledge of U.S. foreign policy led to his selection, that same year, as the senior counselor to the National Bipartisan Commission on Central America.

Our honored guest, at 18, enlisted in the Army. He was severely wounded in Italy while serving with the famed 442d Regimental Combat team, one of the most highly decorated units in World War II.

He was awarded the Distinguished Service Cross, our Nation's second highest award for military valor, the Bronze Star, Purple Heart with cluster as well as 12 other military medals and citations.

Ladies and gentlemen, it is with great pride that I present the VFW Congressional Award—to a great statesman, an American patriot, and a fellow member of our Veterans of Foreign Wars. The Honorable DANIEL K. INOUYE.

REMARKS OF HON. DANIEL K. INOUYE

VETERANS OF FOREIGN WARS CONGRESSIONAL AWARD DINNER, MARCH 3, 1987

I have been privileged to serve as a member of Congress for over 27 years. During this period, my amazement at, and respect for, the miracle of democracy has grown with each passing day.

I was in Washington when America elected and inaugurated her first Catholic President, and mourned with my fellow Senators when he met with an untimely death by an assassin's bullet.

The hours which followed the assassination were disquieting ones. Even among United States Senators the questions most often heard were "What now?", "What do we do?", "Where do we go from here?".

But somehow our system worked. A new President was sworn in, the business of this country continued. Notwithstanding the rumors of a conspiracy, our country settled down without martial law, without armed troops in our streets, without a military junta.

This was followed by the Vietnam decade. A decade of alienated youth, of violent demonstrations, of burning draft cards, and the exodus to Canada. Our democracy was sorely tested, but then it once again demonstrated its resiliency and strength.

Our nation cried out to those who left—"Come home, all is forgiven". And the long process of giving the men and women who had served our nation the gratitude they deserved, began.

I was in Washington when our capital city began to burn. It was a tense moment when it appeared that open racial warfare was a possibility. A great black leader was murdered, and his angered and frustrated followers put to torch New York, Detroit, Washington and other cities. But even while the ashes were still warm, Congress continued its work on the civil rights package. Once again the strength and resiliency of our nation and our people carried us through the dark nights.

Then in 1974 when our President relinquished his office in disgrace and left our Nation's capital, I was once again awed by the strength of our democracy. There were no tanks on our streets, no armed divisions of men. The resignation, and the inauguration of a new President were carried out in an almost "business as usual" manner. Men and women reported for work on schedule in the morning and left their offices in the afternoon in the Washington traffic jam.

In recent days, headlines throughout this land have once again employed the words that were common place a few years ago—"cover up", "scandal" "what did he know?"

Throughout those recent traumatic years, in fact through the stress and strains of more than 200 years, our nation has persevered. What is the secret of all this? Is it the Constitution?

Many political scientists would respond in the affirmative. But yet, other countries have similar Constitutions. In fact, the Constitution of the Soviet Union is a beautiful document. Its speaks of rights and privileges similar to that of ours.

A wise scholar—Chief Justice Charles Evans Hughes—once wrote:

"You may think that the Constitution is your security—it is nothing but a piece of paper. You may think that the statutes are your security—they are nothing but words in a book. You may think that the elaborate mechanism of government is your security—it is nothing at all, unless you have a sound and uncorrupted public opinion to give life to your Constitution, to give vitality to your statutes, to make efficient your government machinery."

This year we observe the Bicentennial of our Constitution, but our Constitution like similar documents throughout the world is as described by Chief Justice Hughes, "it is nothing but a piece of paper"—"unless you . . . give life to your Constitution."

I really do not know the entire answer to the source of our strength, but I am certain that it lies in the hearts of the conglomeration of people we call Americans.

We Americans can be justly proud of ourselves and our country because throughout these 200 years, we have given life to our Constitution. Ours is a living Constitution. The process to giving life to our Constitution has never been easy.

We have witnessed the tragedy of a Civil War, where father battled son and neighbor killed neighbor. We have witnessed great and heated debates in our Congress. We have witnessed bloody demonstrations. But, in each case, the people prevailed and our Constitution was made stronger.

I am proud to live in a land which freely gives us the opportunity to speak out and criticize the government. The author of our Declaration of Independence, Thomas Jefferson once said: "The spirit of resistance to government is so valuable on certain occasions that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all."

I am proud to live in a land which does not burn books, but, instead permits us to read all books, even if the prose be ugly, vile and profane.

I am proud to live in a land which provides free public education to all those with the capacity and ability to learn.

I am proud to live in a land in which, for the first time in history, over one-half of our young people are going on to higher education.

I am proud to live in a land which is trying not to forsake its elder citizens and provides them with medical and hospital care in their autumn years.

I am proud to live in a land which is trying its best to eradicate from its midst, poverty and hunger and the age-old curse of bigotry and discrimination.

The pace may be slow—but we are stepping forward to our goals.

I am proud to live in a land where the people are free to elect representatives to serve them in their councils of government.

I am proud to live in a land where every person, including the criminal, has his rights protected in the courts—where the phrase "due process of law" is a meaningful and living phrase.

I am proud to live in a land where one may pray as he chooses to his God or Gods, or not worship at all.

I am proud to live in a land where the promise of success and advancement is real.

And I am proud to live in a land which has produced men and women like Thomas Jefferson, Abraham Lincoln, Susan B. Anthony, Oliver Wendell Holmes, Helen Keller, John F. Kennedy, and Martin Luther King.

And as we face the very difficult challenges that lie ahead, it is important to remember that resiliency has always been a part of the American character. I believe it still is. Americans have always bounced back when beset by adversity—in business, in space exploration, in art, in politics, and in personal relationships. It is time we commit our skills, our intelligence, our determination and our resiliency to curing the ills we have spent the past dozen years in diagnosing. This job is as much yours as it is mine. With confidence born and nurtured by knowledge and truth, and with the courage of free men and women, I believe we shall prevail.

THE 200TH ANNIVERSARY OF THE UNITED STATES-FRENCH ALLIANCE

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. FASCELL. Mr. Speaker, this year marks the bicentennial of the United States alliance with France. This occasion gives us an important opportunity not only to commemorate a significant historical event but also celebrate the importance of two centuries of French-American relations.

Two hundred years of close relations remind us that France was America's first friend and ally. Marquis de Lafayette and other French patriots played a critical role in the defeat of British forces at Yorktown. Without French military and financial support, American independence would likely have been impossible. The people of the United States should never forget this.

As well, both the French and American peoples must never forget the bonds of friendship forged by our joint struggle for freedom in two tragic world wars. No events symbolize that struggle more poignantly than the struggle along the western front in 1917-18, and the battle on the beaches of Normandy on June 6, 1944.

The bicentennial of the alliance with France is an important reminder of the revolutionary and democratic traditions shared by our two countries. I hope that this commemoration will help us to reflect on the deep significance and meaning of that alliance, and remind us of our unique relationships with France, and the historic ties that help to preserve and strengthen French-American relations.

GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. WILLIAM H. NATCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. NATCHER. Mr. Speaker, today marks the 75th anniversary of the Girls Scouts of the United States of America and I join with the Girl Scouts as they celebrate their anniversary with the theme "Tradition with a Future."

Girl Scouts of the United States of America was founded by Juliette Gordon Low on March 12, 1912 in Savannah GA with a group of 18 girls. Today there are approximately 2,247,000 Girl Scouts in five program levels: Daisy Girl Scouts, Brownies, Junior Girl Scouts, Cadette Girl Scouts, and Senior Girl Scouts. Membership was extended to girls in kindergarten—or age five—in 1984, creating the Daisy Girl Scouts. This was one of a series of changes that has added a contemporary flavor to the Girl Scouts' traditional values.

The Girl Scouts continue to face the future with optimism and pride and have responded promptly to contemporary issues facing the Nation and the world, by joining the campaign against substance abuse and child abuse. The organization also addresses the girls' current interests, as well as their future roles as women.

The Kentuckiana Girl Scout Council serves the girls in the Second District of Kentucky, which I have the privilege of representing in the Congress. This council continues to be active and has a membership of more than 25,000.

The Girl Scouts of the United States of America is a fine organization with a right successful past and at this time I would like to wish the Girl Scouts continued success in all their future endeavors.

LEGISLATION TO REFORM THE TORT LAWS

HON. STEWART B. McKINNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. McKINNEY. Mr. Speaker, today I am introducing legislation to reform the tort laws as they apply to product liability litigation.

This bill is the culmination of over 3 months of studying, debating, sifting, and piecing together the best provisions of prior bills, White House recommendations and other materials. I am proud of this effort, and am convinced that if product liability legislation is enacted during the 100th Congress, many of these provisions will be included.

Let me highlight the major sections of my legislation:

GENERAL LIABILITY STANDARD

Any person who sells any product in a defective condition unreasonably dangerous to the user or consumer is subject to liability for physical harm caused by the product to the user or consumer or the property of the user or consumer if: First, such person is engaged in the business of selling such product, and Second, it is expected to and does reach the user or consumer without substantial change in the condition in which it is sold.

COMPARATIVE NEGLIGENCE

A person is not liable to a user or consumer under the general liability standard if the physical harm to the user or consumer was more the result of the negligence of the user or consumer than the negligence of such person.

AVAILABLE DEFENSES

First, a person shall not be liable under the general standard if the physical harm to the user or consumer is the result of an unreasonable misuse of a product even if the misuse is foreseeable and can feasibly be prevented.

Second, a person shall not be liable under the general standard because of the condition of a product if at the time the product was made there was not available on the market, through reasonable research methods or published materials, the technique to discover and eliminate the defective condition.

JOINT AND SEVERAL LIABILITY

This standard will only be applicable as between persons acting in concert where the concerted action proximately caused the injury for which one or more of such persons are found liable for damages. Otherwise, a person found liable for damages in any such action may be found liable, if at all, only for those damages directly attributable to the person's pro rata share of fault and responsibility.

LIMITATION OF DAMAGES

First, noneconomic damages—including punitive damages—may not be awarded in excess of $250,000, in any product liability action subject to this act.

Second, punitive damages may not be awarded in a product liability action subject to this Act unless: First, it is shown that the person subject to liability acted with flagrant indifference to consumer safety, and Second, there is an award of compensatory damages. Furthermore punitive damages may not be awarded against manufacturers or product sellers of a drug or medical device if that drug was subject to premarket approval by the Secretary of Health and Human Services, or the drug is generally recognized as safe and effective pursuant to conditions established by the Secretary, unless fraud is shown.

PERIODIC PAYMENT OF DAMAGES

Allows a court to award future economic damages in periodic or other payments consistent with the needs of the plaintiff.

COLLATERAL SOURCES OF COMPENSATION

Any award of damages to a person in a product liability action subject to this act shall be reduced by the court by the amount of any past or future payment or benefit covered by this section which the person has received or for which the person is eligible on account of the same personal injury or death for which such damages are awarded.

CONTINGENCY FEES

The contingency fee schedule recommended by the White House in its February 1986 Report on Tort Policy is included. The schedule is as follows: 25 percent of the first $100,000 recovered; 20 percent of the next $100,000 recovered; 15 percent of the next $100,000 recovered; and 10 percent of the remainder of the judgement or settlement.

STATUTE OF LIMITATIONS

A 2-year statute of limitations is imposed on product liability actions. This statute will run from the time the claimant in the action discovered, or in the exercise of due diligence should have discovered, the harm for which the action is brought.

STATUTE OF REPOSE

No product liability action subject to this act may be commenced more than 10 years after the date a product which caused physical harm to the claimant in the action is sold, unless the person selling the product expressly represented in writing that the product could be used safely for a longer period. However, a product liability action may be brought within 15 years after the sale of the product involved in the action if the physical harm to the claimant in the action was caused within 10 years after the date of the sale but did not manifest itself within such 10-year period.

ALTERNATIVE DISPUTE RESOLUTION

The Attorney General is ordered to report to Congress within 1 year of enactment of this bill, recommendations to implement alternative dispute resolution policies with regard to civil disputes filed in Federal court.

In February 1986, the White House report on tort policy raised the red flag on the insurance crisis and on the role that product liability laws have played in it. The report pointed out that the number of product liability cases filed in Federal district courts has increased from 1,579 in 1974 to 13,554 in 1985—a 758-percent increase. Yet, Congress did not heed the warning.

In March 1986, I brought the House Small Business Subcommittee on General Oversight and the Economy to Stamford, CT, to hear the problems that small businessmen in my district were facing. The overwhelming view was that Congress needed to move quickly to remove the burden under which these businessmen found themselves. This was not the only such local hearing—the story of mounting insurance premiums, and worse, the complete unavailability of liability insurance was heard throughout the Nation. Yet, Congress did not heed the warning.

Mr. Speaker, I hope that this year with the mood of Congress so riveted on competitiveness we can begin to move forward on the insurance availability and affordability crisis. Product liability should be the first item on this agenda, but it cannot be the last. Similar trends in both medical malpractice and in claims filed against municipal and county officials are apparent.

I urge the Congress to heed the insurance crisis warning this year. Let's start by making sure that any competitiveness package considered by this House contains a product liability section. The White House package recently introduced by our distinguished Minority Leader ROBERT MICHEL contains such a section. That's a good start—now let's keep moving forward.

HON. JOHN E. GROTBERG

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. HASTERT. Mr. Speaker, I wish to submit additional tributes to former Congressman John Grotberg for the RECORD:

A MEMORIAL STATEMENT HONORING THE LIFE AND DISTINCTIVE CONTRIBUTIONS OF THE HONORABLE JOHN E. GROTBERG, MEMBER OF CONGRESS

(By Willard C. Rasmussen, Vice President, Program Services, Lutheran Social Services of Illinois)

In the Summer of 1972, John Grotberg agreed to be consultant to and manage Hotel Baker, a lovely old hotel in St. Charles, Illinois which was being coverted into a retirement hotel for older persons by Lutheran Social Services of Illinois. The hotel, which was to be made a Historical landmark a few years later, was a gift of Ms. Dellora Norris to the Social Service Organization.

John took complete responsibility for a task that was in need of his individual touch, sensitivity and business-like approach. He then proceeded to make the Hotel Baker a home for 55 older persons, and a place for meetings, banquets and community functions. He created a central downtown base for community activity in the Hotel Baker sharing the beauty and interesting art objects with the many visitors. John's leadership skills and close relationship with the donor of the Hotel fostered gifts and support which was important to the growth and development of a solid, essential service program to older persons.

John complemented the array of services to older persons, by facilitating the location and construction of Carrol Tower, a subsidized rent facility of 106 apartments, overlooking the Hotel Baker gardens and the Fox River.

John's concern and interest extended beyond the older generation. His work as a Member of the Illinois General Assembly will long be remembered by the Hospice Movement and Childrens Services.

Lutheran Social Services of Illinois was blessed with his gift of time, talent and money for thirteen years. His memory will long live in our hearts.

BELVIDERE TOWNSHIP,
Belvidere, IL, March 2, 1987.

J. DENNIS HASTERT,
Member of Congress,
515 Cannon Building,
Washington, DC.

DEAR DENNY: Pursuant to your letter of February 20, 1987 requesting statements from friends and colleagues of John Grotberg—I have the honor to submit the following:

"John Grotberg was a sincere, dedicated person . . . he cared. His fairness, wit and humor will never be forgotten. As government lost a leader and his family lost a loved one . . . we—lost a friend."

Belvidere Township—Boone County, Illinois, Robert L. "Bob" Turner, Supervisor, March 2, 1987.

Your invitation to come to Washington and witness this tribute to John was most appreciated. Sorry I am unable to attend in person. Good luck in your effort to name the post office in St. Charles in his honor. Go for it!

Kindest personal regards,
ROBERT L. "BOB" TURNER,
Supervisor,
Belvidere Township.

LUTHERAN SOCIAL SERVICES OF ILLINOIS,
Des Plaines, March 4, 1987.

Hon. J. DENNIS HASTERT,
Member of Congress,
515 Cannon Building,
Washington, DC.

DEAR CONGRESSMAN HASTERT: It is a privilege to join with you in memory of Congressman John E. Grotberg. John was a colleague at Lutheran Social Services of Illinois and a personal friend. He was a statesman, a true representative of his constituents. John was one who was willing to listen and to act.

As a member of Congress and the Illinois Senate and House, John was committed to a positive partnership between the public sector and the voluntary not-for-profit human service agency. Even as I write today, the Grotberg cost-related reimbursement law in Illinois is being spread to all services contracted by the Illinois Department of Children and Family Services.

John's memory lives on—his impact is felt.

Sincerely,

Donald M. Hallberg,
President.

St. Charles Chamber of Commerce,
St. Charles, IL, March 6, 1987.

Hon. J. Dennis Hastert,
27 South River Lane,
Batavia, Ill.

Dear Dennis: John Grotberg was the 1982 Charlemagne Award winner which is St. Charles' highest award given annually by the St. Charles Chamber of Commerce to an outstanding citizen.

This award was presented that particular evening by Ruby Frank a past president of the St. Charles Chamber of Commerce and past Charlemagne Award winner. In her introduction Frank asked, "What counts for success in life and what makes one person succeed and become a community leader?" Then she stated, "To me success in life is the joy we get from service to others; the joy that comes when we feel we have contributed something to someone else's life. Our winner, (John Grotberg) has contributed a great deal of joy in service to others and he does so quietly and without fanfare." When John accepted the award, he made a statement that epitomized his lifelong philosophy, "You have to pay the rent for the space you take up in society . . . one neighbor to another, that's how it works folks, and I'm glad and proud." Grotberg's philosophy of political office was in sync with his personal attitude of life. He often stated, "These damn seats don't belong to anyone; it's just a lease." "I've believed, and tried to live by that attitude."

To further evidence his contribution to the City of St. Charles and Kane County, let me name some of the local organizations that he served as founder and/or officer: Tri-City Family Project, Fox Valley Hospice, Playmakers, St. Charles Community Chest, Baker Memorial United Methodist Church, YMCA Indian Guides and the Hotel Baker Retirement Center.

To paraphrase a telegram from President Reagan read on that memorable evening, our nation and community was enhanced because of people like John Grotberg.

Sincerely,

Phyllis M. Jeske,
1987 President.

HUMANE ANALYSIS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. FRANK. Mr. Speaker, I am pleased that there is a great deal of interest both in Congress and in the executive branch on the subject of improving our welfare system. In a recent article in the Boston Sunday Globe, Robert Greenstein, director of the Center on Budget and Policy Priorities wrote an important article which underlines some of the important facts about welfare, and makes points which policymakers must keep in mind if we are to treat the needy in our society with the fairness and justice that our values require.

Unfortunately, many of those involved in this debate—particularly in the Reagan administration—are trying to ignore or deny some of the fundamental points Mr. Greenstein makes, and the result of this denial will be a further degradation of the lives of some of the poorest and most vulnerable people in our society.

I ask that Mr. Greenstein's cogent and humane analysis be printed here and I hope that those participating in the effort to improve the way in which the welfare system serves both those in need and our overall economy will bear the points he makes in mind.

Humane Analysis of Welfare System

(By Robert Greenstein)

While welfare reform is likely to be an important concern in the 100th Congress, no one should expect dramatic reductions in poverty or striking improvements in the welfare system in the next two years. Major barriers limit the reforms that can be enacted—as well as the impact they may have.

First, large scale welfare reform in 1987 or 1988 faces a lack of strong presidential leadership and the oversized federal deficit. Second, the impact of reforms that do make their way into law is likely to be limited by the continuing lackluster performance of the economy.

In 1978, the last year before the large upsurge in poverty, 11.4 percent of the population, or 24.5 million Americans, were poor. By contrast, in 1985, 33.1 million Americans—or 8.6 million more—were poor, and the poverty rate stood at 14 percent.

Many assume this upsurge in poverty is due in large part to increased teenage pregnancies and out-of-wedlock births, especially among blacks. Yet the out-of-wedlock birthrate for black women, while still very high, is lower today than in the latter half of the 1950s and the 1960s. And poverty is somewhat less feminized today than in 1978.

In that year, 36 percent of all people living in poverty lived in families with children headed by a non-elderly female. By 1985, this figure had declined to 33.5 percent. Moreover, people in such families account for less than 28 percent of the increase in poverty since 1978. A much larger percentage of the increase—some 47 percent—occurred in families with children headed by either a non-elderly married couple or a non-elderly male.

IMPACT OF NATION'S ECONOMY

While the increasing proportion of families that are headed by single women has surely increased poverty rates, it has not been the principal cause of the record increase in poverty since the late 1970s. During this period, poverty grew much faster among two-parent families than among families headed by single females. And this occurred because of the economy.

When the economy stagnates or declines, poverty rises most rapidly among those groups with the strongest attachments to the work force. Thus, poverty among two-parent families has increased most since the late 1970s.

Indeed, the prime factor behind the poverty increase has not been an erosion of values, increases in premarital sexual activity, or the like. Rather, it has been the disappointing performance of the economy.

Last year marked the sixth consecutive year that the unemployment rate equaled or exceeded 7 percent. There has been no comparable stretch of unemployment since the end of World War II.

In addition, the number of long-term unemployed has skyrocketed, climbing 45 percent from 1980 to 1986. The proportion of the unemployed who are long-term unemployed is at its highest level ever for this point in the business cycle. This is of particular importance, because poverty rates among the long-term unemployed are far higher than among those jobless for shorter periods.

Similarly, the number of "discouraged workers" and those looking for full-time work but finding only part-time jobs has also grown sharply.

These economic trends are of special significance to minorities and those with low incomes. Recent research has shown that when unemployment rises, low-income workers—and especially black men—are hit hardest.

INCREASE IN LOW-PAYING JOBS

These persistently high unemployment rates have been accompanied by a decline in real wages and a large increase in the number of working poor. Wage levels for non-agricultural jobs are now lower than at any point in the 1970s, after adjustment for inflation. A recent congressional study by the Joint Economic Committee found that 44 percent of the net increase in employment from 1979 to 1985 consisted of jobs paying less than $7,400 a year.

To grasp the significance of these figures, consider that in almost every year in which unemployment has risen and real wages have fallen, poverty has increased. Conversely, in almost every year in which unemployment has fallen and real wages have increased, poverty has declined. Moreover, changes in poverty rates for the non-elderly population and changes in median family income follow each other very closely.

As a result, no series of welfare reforms is likely to provide more than modest results in increasing self-sufficiency and reducing dependency while the economy remains sluggish and unemployment remains high. Bringing down unemployment levels may not be sufficient in itself to make major gains in shrinking the size of what some have called the "underclass," but it is probably a necessary precondition.

An obvious point? Perhaps, but it has been missing from much of the poverty debate of the last 20 years. The designers of the Great Society in the 1960s often spoke as though education, job training and community-action programs would themselves somehow end poverty—as though the economy were not a part of the equation. As unemployment climbed in the 1960s and 1970s, it should have been no surprise that these programs made a relatively small dent in the numbers living in poverty.

In the 1980s, some conservatives have looked at the presence of an enlarged poverty population alongside social welfare programs and branded the programs the cause of the problem. Like liberal Great Society architects in the 1960s, they have failed to recognize the importance of the economy in setting the boundaries for what can be achieved.

The pivotal role played by unemployment and low wage levels in determining the severity of poverty has implications for both the longer-term debate and shorter-term strategies for welfare reform.

That a 7 percent unemployment rate has become tolerable to many political leaders is a major problem in itself. One of the first principles of those seeking welfare reforms should be that unemployment rates at such high levels are not acceptable during an economic recovery. Economic policies need to be adjusted to bring unemployment rates down.

THE BALANCED-BUDGET ISSUE

With a major contraction since the 1970s in the number of new entrants into the work force, some economists who counseled a decade ago that a 6 percent unemployment rate was the best achievable without exerting too much pressure on inflation now state that a 5 percent unemployment rate may be possible. Moreover, persistently high unemployment rates—which disproportionately affect minorities and those with low incomes—should not be the government's primary tool for combating inflation. Other mechanisms that spread the burden more equitably can be used.

There are also important implications for action to reduce the federal deficit this year. While reducing the deficit from its current high levels should ultimately strengthen the economy, slashing the deficit too much, too fast would slow down the economy—raising unemployment rates and increasing risks of a recession.

The Gramm-Rudman-Hollings balanced budget law calls for slicing the deficit to $108 billion in fiscal year 1988, far below the $175 billion deficit anticipated this year. Deficit reduction of such magnitude would be unprecedented for a year when unemployment is already high. There is growing consensus among liberal and conservative economists alike that reducing the deficit this much in fiscal year 1988 would be too risky, seriously increasing chances for a recession.

Not only would a recession send deficits back upward, but increased unemployment would aggravate the problems of poverty and a growing underclass, hitting minorities—and especially black men—most severely. The adverse impacts would likely outweigh the positive effects of all other welfare-reform measures that the 100th Congress might pass.

Despite the limitations posed by the lack of presidential leadership, the oversized federal deficit and the sluggish economy, important steps on the path to welfare reform can still be taken in the next two years. With an emerging consensus on the need to assist low-income families in attaining self-sufficiency, legislative action in a number of areas now seems possible.

Work-and-welfare initiatives: Given the increasing interest in state initiatives to move welfare recipients into employment, such as the Massachusetts ET program, passage of legislation that would require states to mount work or training programs for welfare recipients and that would provide more federal funding for such efforts now seems likely. Unfortunately, however, such legislation may produce much less impressive results than many members of Congress expect. Recent analyses of existing state initiatives show that most state programs provide little education, training or skills improvement. Many state programs also offer relatively little assistance to those recipients who have the greatest barriers to employment and who, without help, are likely to remain on welfare rolls the longest (ET is an exception to these patterns). Instead, job-search programs that do little to upgrade skills are the norm in most areas, and employment gains in such programs have been found to average only 3 to 8 percentage points.

While expanding such programs should yield positive results, the results will likely be quite modest. One piece of legislation to counter this trend is a bill introduced last month by Sen. Edward M. Kennedy (D-Mass.), which would give states financial incentives to improve skills and find jobs for those welfare recipients who have the greatest employment barriers and are at risk of remaining of the rolls the longest.

Improving the transition from welfare to work: Currently, when a mother leaves the welfare rolls to take a job. Medicaid coverage for her family is cut off after four months, and assistance with child care generally is not provided. If the mother lands a low-wage job that fails to provide health insurance, the cost of health care and child care can make her worse off than when she was on public assistance. Interest is growing in providing Medicaid coverage for a longer period, such as a year, after a mother leaves welfare to take job without health-care coverage, and in providing a child-care subsidy for a transition period, as well.

Ending discrimination against two-parent families: Half the states now fail to provide benefits to two-parent families with children, no matter how destitute the family is. In these states, a father generally must leave his family before poor children can receive cash assistance and health-care coverage. In both 1985 and 1986, the House of Representatives passed legislation to require all states to serve two-parent as well as single-parent families, but the Senate leadership buckled to White House pressure and refused to accept this provision. With the Senate now under Democratic control, a measure to end the bias against two-parent families is likely to be sent to the president, forcing the White House to choose between living up to its own pro-family rhetoric and its rigid ideological opposition to federal standards in low-income programs.

Stiffer child-support enforcement measures: Measures requiring states to stiffen child-support efforts are likely to win broad bipartisan support. There is growing consensus that a crackdown is needed on parents evading child-support responsibilities and that the lack of adequate child-support collections is a significant factor increasing child poverty.

Other measures, ranging from the rather timid White House proposal to authorize welfare-reform pilot projects to proposals boosting incentives to work by repealing a 1981 Reagan budget cut that reduces welfare benefits a dollar for each additional dollar a recipient earns, are also likely to be considered this year.

REORDERING SPENDING PRIORITIES

These various proposals, while fairly modest, do entail some cost—perhaps a few hundred million dollars in the initial year and in the range of $1 billion a year eventually. One billion dollars amounts to one-tenth of 1 percent of the federal budget. Congress should be able to trim enough in other areas to make room for initiatives of this sort while still keeping the deficit on a downward path.

Last year, for example, Congress expanded funding for several programs for poor children and covered the costs through retrenchments in other domestic programs (such as the elimination of General Revenue Sharing). This same pattern—of reordering priorities to reduce poverty among children and give poor families a better chance to gain self-sufficiency—can and should be continued.

Signs of bipartisan interest in such an approach are beginning to emerge. For example, Sen. Pete Domenici (R-N.M.), former chairman of the Senate Budget Committee, spoke recently of "national needs that are, for me, as just one senator, compelling and deserve new resources," identifying "welfare" as one of these needs, and calling for action to attack "the seamless web of poverty, homelessness, hunger and mental illness." Domenici proposed finding new resources for these needs by reducing spending in other less critical areas.

With growing attention being placed on problems of poverty and the underclass, along with an emerging bipartisan consensus on the need for new measures to foster self-sufficiency, and polling data showing that a majority of Americans now believe government should do more to help the poor, it would be unfortunate if the 100th Congress missed the opportunity to strengthen the Nation's low-income assistance system.

GIRL SCOUTING CELEBRATES ITS 75TH ANNIVERSARY

HON. LINDY (MRS. HALE) BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mrs. BOGGS. Mr. Speaker, it is a pleasure for me to announce that March 12, 1987, marks the 75th anniversary of Girl Scouting in the United States—a diamond jubilee celebration of three quarters of a century serving our Nation's young women—through girlhood to emerging adulthood. In the process the Girl Scouts serve as a vital social force in strengthening our society.

From the vision of one woman, Juliette Gordon Low, the Girl Scout movement has expanded to touch the lives of millions of girls, women, and men across the Nation.

Girl Scouting is a movement that gives girls from all segments of American life a chance to develop their potential, to make friends, and to become a vital part of their community. Its program is a continuous adventure in learning that offers girls a broad range of activities which address both their current interests and their future roles as women.

Girl Scouts of the U.S.A. is the largest voluntary organization for girls in the world. It is open to all girls ages 5 through 17—kindergarten through 12th grade. Girl Scout membership is approximately 3 million spread through five program levels: Daisy Girl Scouts for 5-year-olds, kindergarten; Brownie Girl Scouts for those aged 6 through 8, grades 1, 2, 3; Junior Girl Scouts for those aged 9 through 11, grades 4, 5, and 6; Cadette Girl Scouts for those aged 12 through 14, grades 7, 8, and 9; and Senior Girl Scouts for those aged 14 through 17, grades 9, 10, 11, and 12.

There are 624,000 adult members of the Girl Scout organization. These women and men include volunteer leaders, consultants, board members, and staff specialists in such areas as child development, adult education, outdoor education, and administration. Employed executives account for less than 1 percent of the total adult membership.

Girls and leaders participate in Girl Scouting through group activities in troops. There are 166,000 troops, including USA Girl Scouts overseas in 62 countries—these overseas members come generally from U.S. military and civilian families living abroad. The Girl

Scouts also participates as part of a worldwide family of girls and adults in 108 countries through its membership in the World Association of Girl Guides and Girl Scouts.

Girl Scouting prepares our Nation's young women for responsible adulthood—with an appreciation for the part each young woman plays as a member of society, an understanding of each other, and a broadening of horizons.

Let us celebrate this significant anniversary of the Girl Scouts of the U.S.A.

THE 75TH ANNIVERSARY OF THE GIRL SCOUTS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Ms. KAPTUR. Mr. Speaker, today, March 12, 1987, marks the 75th anniversary of Girl Scouting in the United States. For three-quarters of a century, this great American institution has been providing unique opportunities for young women across the country.

As a former Girl Scout, I have experienced the confidence and self-reliance that scouting helps build in a young woman. It instills in young women the virtues so important for success in adulthood: honesty, hard work, patriotism, community spirit, family values, and a love of the outdoors. The Girl Scout movement is strengthened by its openness, fairness, and flexibility. It is truly a vital social force in our country.

I know my colleagues in the House of Representatives join me in congratulating the Girl Scouts of the United States of America on its 75th anniversary. We offer our best wishes to all present and future Girl Scouts.

THE U.S. DISTRICT COURT FOR THE DISTRICT OF MARYLAND

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. HOYER. Mr. Speaker, Mrs. BENTLEY, Mrs. BYRON, Mr. DYSON, Mrs. MORELLA, and I are introducing legislation to create two divisions within the U.S. District Court for the District of Maryland. This measure is identical to H.R. 5525, which I introduced in the 99th Congress.

The demographic realities and trends for Maryland justify the creation of two divisions. Further, in a society founded on the rule of law, it is imperative that all citizens have access to the Federal courts.

Within the fourth judicial circuit, Maryland is the only State with one district or without divisions. But, the population of Maryland now exceeds that of several multidistrict States in the fourth circuit at the time they became multidistricts. The 1980 population figures provided by the Bureau of the Census for this circuit are: North Carolina, 5,874,429; Virginia, 5,346,818; Maryland, 4,216,975; South Carolina, 3,119,208; and West Virginia, 1,949,644.

There are three judicial districts in North Carolina—eastern, central, and western. There are two judicial districts in Virginia—eastern and western. South Carolina, which is a single district, has 10 divisions. In West Virginia, there are two judicial districts—northern and southern.

The U.S. District Court for the District of Maryland covers the entire State. The court, based in the city of Baltimore, encompasses 23 counties and 1 city.

The five-county region of Maryland that would comprise the southern division—Calvert, Charles, Montgomery, Prince Georges, and St. Mary's—had a population of 1,411,408 in 1980. By 1990, it is projected that this area will have 1,576,500 people, or almost 35 percent of the total population of Maryland. These counties are the fastest growing in Maryland in terms of population; business activity and development; and legal activity, as measured by civil, criminal, and bankruptcy court filings. These trends will certainly continue, Also, approximately 33.4 percent of currently practicing Maryland attorneys reside in what would be the Southern Division.

Under the auspices of Senator Charles McC. Mathias, Jr., the Task Force on the Organization of the U.S. District Court for the District of Maryland submitted a report on June 1, 1986. The task force, which endorsed the establishment of a southern division, included three former presidents of the Maryland State Bar Association; two judges; senior attorneys from the public and private sectors; and a distinguished layman. A senior member of the Eastern Shore trial bar chaired the task force, a group that collectively provided broad geographic diversity.

The report of the task force noted:

> Federal courts should be located where the people and the lawyers reside so as to maximize their participation and access to these courts. It appears clearly that one-third of the lawyers and approximately 40 percent of the people of Maryland [originally, the Task Force had included Anne Arundel County in a six-county Southern Division] live in the area proposed for the new division.

In addition, as noted by the task force, the existing judicial and law enforcement organization already serving what would be the Southern Division—the Bankruptcy Court, the U.S. magistrate and his clerk, 18 members of the probation office, approximately 5 members of the clerk's office, and a satellite office of the Federal Bureau of Investigation—lends credence to the proposal for two divisions.

Cost, even at a time of fiscal constraints imposed by the Gramm-Rudman-Hollings Act should not be an issue as the additional costs would be approximately 2 percent more than the current operating budget. Also, under the weighted caseload system for determining judicial manpower needs, there is more than sufficient work to justify the assignment of two judges to a newly created division.

The task force reported, "[T]he arguments are just too compelling in support of the need and right of the public to have a Southern Division with an accessible courthouse and an available judge or judges to conduct the daily business of a Federal court which will be as busy as this proposed one will inevitably be." In conclusion, the report read, "Accordingly, we recommend that the process of implementing this concept be begun at once; and that Congress create a new division of the District of Maryland, to be known as the 'Southern, Division', and to comprise the counties of Montgomery, Prince George's, Calvert, Charles, and St. Mary's."

TRIBUTE TO GIRL SCOUTING

HON. ELIZABETH J. PATTERSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mrs. PATTERSON. Mr. Speaker, it is with great pleasure that I mark the 75th anniversary of an American institution that has given girls from all segments of American life a chance to develop their potential—the Girl Scouts.

Born from the extraordinary vision of Juliette Gordon Low, Girl Scouting was born March 12, 1912 in Savannah, GA. It was Mrs. Low's desire to create an organization for girls similar to the Boy Scouts. The Girl Scout organization was revolutionary for its time, because the lives of girls and young women were still relatively constrained. But Mrs. Low was not to be deterred.

From a small beginning of one 18-girl troop, Girl Scouting flourished. By 1913, a national headquarters had been established here in Washington. Community service, membership badges, proficiency badges, an official handbook and uniforms all became part of Girl Scouting.

Juliette Low devoted herself entirely to Girl Scouting during the organization's early years, traveling extensively to introduce the program, assist new leaders and enlist support. She paid all expenses and salaries as well. During World War I, Mrs. Low had to sell her jewelry to have enough money to carry on.

In 1917, Mrs. Woodrow Wilson, the country's First Lady, became the Girl Scouts' first honorary president, a tradition that continues with Mrs. Ronald Reagan serving today.

By 1920, only 8 years after its founding, Girl Scouts had nearly 70,000 girl members in over 3,000 troops in every State but one.

Through the years, Girl Scouting continued to grow. Girl Scout camps developed and the international organization blossomed. During the Depression of the thirties, when funds were difficult to raise, a new fundraising idea was born—Girl Scout cookies. By the end of the thirties Girl Scout cookies sales had become an important money-earning project with over 2 million boxes of cookies sold in 1939 alone.

Girl Scouting continued to grow, topping the 1 million member mark in 1944. Throughout the fifties and sixties Girl Scouting grew nationally and internationally. The group began to stress the Girl Scout Motto—"Be Prepared" and helped its members become good citizens. As women's roles in society changed, Girl Scouting reflected those changes with badges designed to foster career exploration. The group continued to stress the uniqueness and variety found among troops.

Today's Girl Scouting program extends to all girls ages 5 through 17, and claims approximately 3 million members in 108 countries. The scouting program continues to offer girls a broad range of activities addressing their current interests and future roles as women, and stimulating self-discovery and community involvement. Membership was, and still is, open to girls from all walks of life, rich and poor, able-bodies and disabled, and from every race and religion.

Speaking as a former Girl Scout and as the mother of a Scout, I can think of no more fitting tribute to the ideals espoused for 75 years by Girl Scouting than the words found in the Girl Scout Promise: "On my honor, I will try: To serve God and my country, To help people at all times and to live by the Girl Scout Law."

COLORADAN ELECTED TO HEAD NATIONAL TRUCKING GROUP

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. HEFLEY. Mr. Speaker, I am pleased to call to the attention of my colleagues the fact that Mr. Byron Raznick, president of C.O.D.E., Inc. in Denver, CO, was elected yesterday as head of the Interstate Carriers Conference.

An affiliate of the American Trucking Associations, the conference represents nearly 600 trucking companies and 150 allied members throughout the United States and Canada.

Mr. Raznick, who resides in Greenwood Village, has held numerous positions within the conference, the Colorado Motor Carriers Association, and is past chairman of the ATA National Accounting and Finance Council. My colleagues know him through his testimony on transportation issues before committees of this body in his position as chairman of the conference's Federal relations committee.

Byron Raznick has been in the trucking business since 1952 following military service and graduation from Creighton University in Omaha, NE. He is a native of Omaha and still maintains business operations in that city.

Recogizing the abilities of more than 35 years of trucking experience, the conference has chosen well.

INTELLECTUAL PROPERTY PROTECTION ACT OF 1987

HON. TOBY ROTH

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. ROTH. Mr. Speaker, today I am introducing comprehensive legislation that will provide more effective protection for U.S. creativity, inventions, and the established reputation of U.S. products both at home and abroad. Estimates of lost domestic and export sales due to counterfeiting and piracy range in the billions of dollars. Thousands of U.S. jobs have been lost to these illegal activities as well.

The Intellectual Property Protection Act of 1987 will address both old and new grievances of U.S. intellectual property owners. It shall:

(a) Eliminate the "injury to a domestic industry" requirements under section 337 of the Tariff Act of 1930;

(b) Enable the owner of a U.S. patent to exclude others from using, selling, or importing products made by the patented process;

(c) Provide a form of copyright protection for industrial designs;

(d) Restore the terms of patents covering certain agricultural and chemical products to compensate for the period of the patent term lost due to Federal premarketing regulatory review and testing; and

(e) Prohibit the importation and sale of digital audio recording devices which do not contain copy-code scanner technology to prevent the unauthorized recording of copyrighted material;

The U.S. must also promote more effective protection for U.S. intellectual property rights abroad. To this end, the act established negotiating objectives for an intellectual property agreement at the Uruguay GATT round.

The act further recognizes the detriment to U.S. competitiveness caused by unduly restrictive regulations on intellectual property licensing arrangements. It legislates a more flexible judicial standard of review for intellectual property licensing arrangements. It also encourages the licensing of patented technology by allowing certain patent licensing practices—formerly prohibited as "misuses of a patent"—as long as they do not violate the antitrust laws.

This bill addresses the damage to the Government and private interests caused by mandatory disclosure of information under the Freedom of Information Act [FOIA]: It broadens the definition of trade secret under the FOIA; likewise, it expands confidential commercial information under the FOIA so as to allow agencies to withhold information if disclosure would be harmful to an identifiable private or governmental interest. It also exempts from mandatory disclosure under the FOIA technical data that cannot be exported lawfully from the United States without approval.

America's ability to maintain its technological edge as well as her competitiveness in the years ahead will depend heavily on her promotion of research and development activity. This work will only occur in a climate where the creator and inventor can reap the benefits of their innovation. Through its encouragement of intellectual property licensing arrangements and its protection of intellectual property rights at home and abroad, this bill takes a significant step in keeping American ingenuity prosperous and safeguarding U.S. business interests abroad. I encourage my colleagues on both sides of the aisle to support its passage.

H.R. 1581

HON. DAN ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. ROSTENKOWSKI. Mr. Speaker, today, along with Congressman JOHN DUNCAN, I am introducing H.R. 1581, a bill that provides significant relief to the taxpayers of America, who have been caught up in the complexity of the W-4 withholding form issued earlier this year and delayed issuance of a simplified W-4A form.

The bill provides relief in three areas to individual taxpayers. First, the bill expressly authorizes the waiver of individual estimated tax penalties for taxpayers who file revised W-4 forms by June 1, 1987. Second, the bill delays for 1 year the increase from 80 percent to 90 percent in the required percentage of estimated tax payments. Third, the bill requires that employers put into effect revised withholding certificates more promptly than they are required under present law. These three provisions provide comprehensive relief to wage earners who have been caught in the confusion and uncertainty of IRS's revision of form W-4.

Also, I understand that Treasury is considering providing relief from the corporate estimated tax rules. A question has arisen as to whether the Secretary has statutory authority to do so. However, I share the concern expressed by many businessmen that the absence of regulations on certain corporate provisions in last year's Tax Reform Act has created uncertainty and a lack of guidance in filing estimated tax quarterly returns. As a result, my bill would provide explicit authority to the Treasury Department so that corporations may use their 1986 tax in order to determine their estimated tax installments due for any period on or before June 15, 1987, without an addition to tax imposed on any underpayments for that period.

It is clear that the Treasury Department will encounter significant difficulty in issuing regulations early in the year to provide guidance to companies which have a large amount of foreign source income. Both the foreign tax credit and the interest allocation rules regulations may not be issued until later in the year. Consequently, in addition to the authority provided in this legislation, I would consider it appropriate to authorize the Treasury to provide some additional relief in appropriate circumstances. I would like to discuss what potential relief is appropriate in this circumstance with other Members of the Congress and Treasury Department officials.

A number of corporations have said to me that the corporate estimated tax rules can be complex and confusing. Therefore, the bill also simplifies the corporate estimated tax rules. In 1984, the individual estimated tax rules were simplified; and the bill makes corresponding simplification changes for corporations.

POSTHUMOUS PROMOTION FOR COL. CHARLES YOUNG, VICTIM OF WORLD WAR I DISCRIMINATION

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. DELLUMS. Mr. Speaker, Col. Charles Young was an American hero. A graduate of West Point, he served his country honorably in the United States and overseas, once even rescuing a group of fellow soldiers under siege from fire. Colonel Young served as a military attaché, representing America in two countries. He was a cartographer, a poet, a musician, an author, a diplomat. When his body was brought home to rest, thousands turned out in the streets of Washington, DC, as the caisson passed the White House on its way to Arlington Cemetery.

His accomplishments in any decade would be remarkable. But, Colonel Young died in 1922. He was a black man, the son of slaves. Despite his outstanding military career, despite overcoming enormous obstacles, he was denied promotion to brigadier general during World War I because of his race. I am introducing legislation today to rectify that wrong.

Born in 1864, one year after the Emancipation Proclamation, Colonel Young was the third black American to graduate from the U.S. Military Academy at West Point. It was only the beginning of a lifetime of distinguished service. During the Spanish-American War Colonel Young recruited and trained troops for military campaigns in the Caribbean and the Philippines. He served 2 years in the Philippines, and later was assigned as military attaché in Haiti. Riding his horse across the island, Colonel Young designed the first map of Haiti ever, and even authored a dictionary of Haitian French Creole. He went on to diplomatic service as military attaché in Liberia. Later, during the invasion of Mexico, Colonel Young served under General John Pershing. In 1916, he was promoted to lieutenant colonel, then the highest rank ever achieved by a black officer.

Despite these honorable achievements and steady promotions, Charles Young's military life was not an easy one. The U.S. Army of the early 1900's reflected the prejudices of the time. As a black officer, Colonel Young suffered indignities and disrespect. In spite of this, he remained steadfast in his desire to serve his country. When the United States declared war against Germany in April 1917, Colonel Young was ready to serve and hoped to receive a combat command. Many other officers were promoted to brigadier rank as the Army prepared for the war. However, there were some junior white officers, some with political connections to the Congress and the White House, who were more than reluctant to serve with a senior black officer, even if he were in command of an all-black combat unit.

In May 1917, Colonel Young was ordered to report for observation and treatment at a California hospital. Despite some medical problems, Colonel Young at the time felt vigorous and fit for field service. To demonstrate his strength and his sincerity, Colonel Young rode his horse 497 miles, from Ohio to Washington, DC, walking one quarter of the way, in June of that year. He reported to Secretary of War Newton D. Baker, who received him politely but offered no help. All efforts were to no avail. In July 1917, with political pressures from President Woodrow Wilson and Secretary of War Baker, Col. Charles Young was forcibly retired from active duty.

He spent the war years in limbo status, first assigned to a battalion which soon disbanded, and then to Wilberforce University, OH, where he taught military science and tactics. His desire to serve did not diminish during this time. He wrote in the local paper that although his retirement was due ostensibly to health reasons,

> I am in fighting shape trim and mean to do duty for my country. I can't do anything else. I was reared in the service of my country and when the call comes I am like an old fire horse: I must be there. As to retirement I blame no one, but . . . I am in excellent physical condition and fit for the front.

Just 5 days before the Armistice was signed in November 1918, Colonel Young was suddenly returned to active status. Despite the way his country had treated him, Colonel Young continued to serve America faithfully, as a military attaché in Liberia until his death in 1922.

Mr. Speaker, I have introduced legislation to provide posthumous justice and recognition to Colonel Young by bestowing upon him the well-deserved rank of brigadier general. We cannot rewrite history, we cannot change the fact that Colonel Young's selfless and steadfast service to our country was not fully acknowledged during his lifetime. During his forced retirement, Colonel Young wrote to General Pershing, asking: "Have I not served the country well enough and you loyally enough?" Let us not respond with silence today. Let us honor this American hero in death as we should have in life.

HUMAN, CULTURAL, AND SELF-DETERMINATION RIGHTS OF HUNGARIANS IN ROMANIA

HON. DONALD E. "BUZ" LUKENS

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. DONALD E. LUKENS. Mr. Speaker, on March 9, 1987, I sent a letter to Secretary of State George Shultz which was cosigned by 234 of my colleagues regarding the human, cultural, and self-determination rights of the 2.5 million Hungarian minority living in Romania. I ask unanimous consent to insert into the CONGRESSIONAL RECORD the text of the letter and the list of the signatories.

The plight of the national minorities in Romania constitutes only one facet of the political, religious, and social oppression by the Ceausescu regime. The population is also suffering from the grave economic deprivation imposed by it on the population.

However, the national minorities receive an extra share of persecution and opposition because of the severe curtailment of their education in the mother tongue, police terror, and the merging of their cultural institutions with their Romanian counterparts.

Hate literature is now printed by state publishing houses as if President Ceausescu had decided to give the suffering and oppressed Romanian population a sop of being able to vent their chauvinism on the Hungarian minority in order to deflect their rage against the government.

In the meantime, our State Department continues to treat Romania as a maverick Warsaw Pact country which deserves our support. It also downplays the repression of the national minorities in Romania for the above reason. The reality is, however, that Romania abandoned most of its maverick foreign policies by 1982 and remains one of the worst violators of human rights in the Soviet bloc. I hope that Congress will take the real situation into account when we vote on continuing most-favored-nation treatment of Romania this summer.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 1987.

Hon. GEORGE SHULTZ,
Secretary of State,
Department of State,
Washington, DC.

DEAR SECRETARY SHULTZ: My colleagues and I would like to call your urgent attention to the violation of the human, cultural and self-determination rights of the 2.5 million Hungarians living in Romania.

Despite the 1947 Paris Peace Treaty, the International Covenant on Civil and Political Rights and the 1975 Declaration of the Conference on Security and Cooperation in Europe at Helsinki, the Government of the Socialist Republic of Romania has abolished almost every course in the Hungarian language on the college and university levels and has closed numerous Hungarian sections on the high school and grade school level. The Romanian government has eliminated most training for teachers of the Hungarian sections. Hungarian cultural institutions have been merged with their Romanian counterparts and may only serve as conveyor belts of Romanian culture. This policy of denationalization has intensified since 1981.

Police terror has become pervasive. In three countries with a Hungarian majority (Covasna, Hargita and Mures) there were nine disappearances of public figures and workers in the last three years. There has also been a number of alleged suicides such as that of the famous actor Arpad Visky. Between January 1 and October 15, 1986, 7009 Hungarians were detained and 917 of them convicted.

The Romanian government is also dispersing the few Hungarian university graduates into other areas of Romania in order to deprive the minority of its leadership. The documents and relics of the millennial Hungarian past of Transylvania have been made inaccessible to researchers while many Hungarian books and museum objects have been transferred to Bucharest.

Anti-Hungarian literature has been published since 1982 inciting national hatred against the minority.

We ask that you raise the above questions with the Romanian government on the highest level in order to affect some remedies.

Besides an end to the repression of the Hungarian culture, the police terror and the printing of anti-Hungarian literature we would like to see two reforms in the educational field. First, we would like to see independence restored to the Hungarian Bolyai University which is now completely submerged into the Babes-Bolyai University in Cluj-Napoca (Kolozsvar). Second, we would like to see a substantial change in the number of petitions needed by nationality parents to open a Hungarian class. Right now, 36 parents must petition for a Hungarian high school class, but only three Romanian parents are sufficient to open a Romanian class.

We are looking forward to hearing from you about your efforts in these areas.

Sincerely,

Donald E. Lukens, Doug Walgren, Newt Gingrich, Tony P. Hall, James L. Oberstar, Tom Bliley, Bob Stump, Cass Ballenger, Donald Sundquist, Hal Daub, Vin Weber, Bill Boner, George Wortley, Barney Frank,

William O. Lipinski, Dan Burton, Guy Vander Jagt, Don Ritter, Joe Moakley, Mike DeWine, Gary L. Ackerman, Bill McCollum, Claudine Schneider, Duncan Hunter, Peter H. Kostmayer, Robert A. Roe, Tom Tauke, James J. Howard, Peter W. Rodino, Jr.,

Larry Smith, Herbert W. Bateman, Michael Bilirakis, Gerry Studds, J.A. Traficant, Beau Boulter, Jim Courter, Major Owens, Mac Sweeney, Tom Carper, Robert J. Mrazek, Ed Markey, Bob Lagomarsino, Dan Daniel, Daniel K. Akaka,

Joseph McDade, Hamilton Fish, Jr., Clarence Miller, Donald Pease, Connie Mack, Morris Udall, Doug Bosco, Liz Patterson, Dale E. Kildee, Philip M. Crane, Matthew McHugh, Mervyn M. Dymally, Jim Leach, Bill Lowery, Ron Packard, Bill Schuette,

Barbara F. Vucanovich, Ben Gilman, Don Young, Henry Hyde, Cardiss Collins, Austin J. Murphy, John Edward Porter, Matthew G. Martinez. Arthur Ravenel, Jr., Charles Pashayan, Dave McCurdy, Ronald Coleman, Andy Jacobs, Esteban Torres, Bruce F. Vento, Sidney R. Yates,

Tony Coelho, Ron de Lugo, Buddy MacKay, Joe DioGuardi, Bob McEwen, Helen Delich Bentley, Thomas J. Downey, Marilyn Lloyd, Curt Weldon, Richard H. Stallings, Jim Kolbe, Bill Emerson, Robert C. Smith, James H. Quillen, Thomas J. Manton, Sander Levin,

David E. Bonior, Frank Horton, Charlie Rose, Louis Stokes, Albert G. Bustamante, Bill Dannemeyer, David E. Skaggs, Christopher Smith, Charles Stenholm, John Miller, Roy Dyson, Frank R. Wolf, James Saxton, Ernie Konnyu, Howard L. Berman, Harris W. Fawell,

Marcy Kaptur, Bob Smith (Oregon), Barbara Boxer, William J. Coyne, Thomas M. Foglietta, Lane Evans, Jerry Lewis, Stewart McKinney, Charles E. Schumer, Mickey Leland, Ralph M. Hall, Bill Green, Marvin Leath, Mike Espy, William Hughes, Nicholas Mavroules,

Robert E. Badham, Earl Hutto, Steve Neal, Matthew Rinaldo, Mike Synar, Andy Ireland, Bob Livingston, Patricia Schroeder, Frank McCloskey, William Gray, Mickey Edwards, Phil Sharp, Vic Fazio, Silvio Conte, James Scheuer, Mike Lowry,

Robert L. Matsui, William L. Dickinson, Norman F. Lent, Guy V. Molinari, Bill Richardson, Jon Kyl, Tom Petri, Ike Skelton, Martin Frost, Harold Volkmer, Beverly Byron, Nancy L. Johnson, Gerry Sikorski, John Hiler, Mary Rose Oakar,

Arlan Stangeland, Jack Fields, John J. Rhodes III, Dick Schulze, Julian C. Dixon, Robert Walker, Bob Dornan, Jaime B. Fuster, David Dreier, Gerald Solomon, Claude Pepper, Matthew McHugh, Howard Coble, George E. Brown, Robert Garcia,

Clyde C. Holloway, Al Swift, Edolphus Towns, Stephen J. Solarz, Bill Clinger, Michael G. Oxley, Barbara B. Kennelly, Gus Savage, Dan Schaefer, Richard Armey, Bruce A. Morrison, George Miller, Solomon P. Ortiz, Peter A. DeFazio, Jim Moody, John R. Kasich,

Tom Lewis, Dennis E. Eckart, Jack Davis, Howard Wolpe, Denny Smith, J. Dennis Hastert, Robin Tallon, Bob Borski, Wiliam S. Clay, Glenn M. Anderson, Gus Yatron, Bill Young, Mario Biaggi, Ben Erdreich, Jack Kemp,

John Paul Hammerschmidt, Bernard J. Dwyer, Lynn Martin, Neal Smith, Charles Wilson, William Broomfield, William Thomas, Carlos J. Moorhead, Chester G. Atkins, Dan Mica, Ralph Regula, Judd Gregg, Tim Johnson, Norman Mineta, Robert H. Michel,

Ronnie Flippo, Henry A. Waxman, James A. Hayes, Sherwood Boehlert, James M. Inhofe, Ben Blaz, Constance A. Morella, Sam Gejdenson, Fofo I.F. Sunia, Wayne Owens, Walter E. Fauntroy, Jack Buechner, Howard C. Nielson, Tim Valentine, Joe Skeen, Joe Barton, Edward F. Feighan, Jim Bates, Carl Pursell, James J. Florio,

Members of Congress.

WHY DOES THE CONGRESS PAY SO LITTLE ATTENTION TO NATIONAL SECURITY POLICY?

HON. LES ASPIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. ASPIN. Mr. Speaker, the Defense Policy Panel of the Armed Services Committee is holding some hearings the likes of which have never, at least in my memory, been held before. The usual hearings on what the defense budget is to be will come later; these hearings concentrate on what the budget is for. We are, at long last, digging down to the bedrock on which our defense budgets are—or should be—based: national security policy.

For the benefit of the Members and the public at large, I would like over the next few days to try to set the context of these hearings through a series of floor speeches on the general subject of national security policy and the Congress. I'd like to start today with some remarks on why the Congress has paid so little attention to national security policy when it considers the defense budget.

Mr. Speaker, it is no longer a novel proposition that the Congress tends to deal too much with the pieces and parts, and too little with the whole of the defense program, much less what the program is intended to accomplish. Indeed, one of the growing criticisms of congressional oversight of the defense program is the charge of micromanagement—detailed congressional instructions to the executive branch on the management of the defense program, particularly regarding individual weapon systems. There are at least four reasons for the situation:

First, the issues of fundamental national security policy are inherently complex and intractable. A preference for more tangible issues is understandable, and by no means restricted to the legislative branch.

Second, in its annual budget presentations to the Congress, the executive branch has tended neither to stress matters of fundamental national security policy in more than the most general, unarguable, and largely uninformative terms, nor to invite the attention of the Congress to such matters.

Third, high technology in general and new weapon systems in particular tend to be more interesting, comprehensible, and glamorous than most of the rest of the defense program. They therefore tend to attract more public and, consequently, Congressional attention.

And, fourth, Members of the Congress, in their role as representatives of the people, understandably feel obliged to take particular interest in weapon system projects that could affect the economic well-being of their States and districts.

The situation, however understandable, represents a deep flaw in Congressional oversight of national security matters. The defense program—the budget, the schedules, the force structure, the research and development, the weapons buying, the personnel, the bases and all the rest on which the Congress lavishes so much time and attention—is no more than just that: a program. It is not national security policy. It is no more than the means proposed to implement the ends of national security policy.

Thus, when the Congress has considered the defense program, most of its attention has been devoted to the means rather than the ends. The point is not that the Congress should ignore the means, but that it should not ignore the ends:

First, unless the Congress understands the ends being sought, it cannot competently judge the means proposed to achieve them. For example, the Congress can hardly judge whether it should authorize funds for more airlift unless it understands, among other things, what our policy is with regard to assuring access to Persian Gulf oil, and how much airlift it would take to implement that policy.

And second, from a more fundamental point of view, the Congress should not only be able to judge the means in light of the ends being sought, but also to judge the ends themselves in light of the means they would require. It's not enough to judge whether we need more airlift to carry out some particular Persian Gulf policy; the Congress should also be able to judge whether that particular Persian Gulf policy, or some alternative to it, would be preferable in light of the importance of the ends being sought, the cost of the means that those ends would entail, and the pressures stemming from other demands on our national resources.

That is not meant to imply that policy has been totally neglected by the Congress; policy is and always has been the focal point of the Foreign Affairs and Foreign Relations Committees. The problem lies in integrating the ends that policy seeks with the means of implementing them. Insofar as those means entail military force, the Armed Services Committees cannot—or should not—fail to ponder the ends embodied in the national security policies proposed by the executive branch, as well as in reasonable alternatives to them.

Mr. Speaker, in subsequent floor speeches in this series, I will deal with, first, the problem of reconciling ends and means, second, a process to do that, and third, what is necessary for proper Congressional involvement in national security policy.

GIRL SCOUTS OF AMERICA CELEBRATES 75TH ANNIVERSARY

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mrs. SCHROEDER. Mr. Speaker, today marks the 75th anniversary of Girl Scouting in America. I'm proud to be one of the 50 million women and girls who have helped the Girl Scouts to expand and become a vital social force in our Nation.

On March 12, 1912, Juliette Gordon Low made her dream a reality when she founded the Girl Scouts of the U.S.A. and registered 18 girls. Today, more than 2 million Girl Scouts participate in a broad range of activities concerning their current interests and their future roles as women.

When America entered World War I, Girl Scouts enthusiastically devoted their energy to efforts such as food production and conservation, Red Cross assistance, teaching English to foreign-born soldiers, and selling war bonds.

In the 1920's community service continued to be a central theme in Girl Scouting. Girl Scouts were in the news for rescuing drowning victims, saving children from burning buildings, and capturing runaway horse-drawn wagons.

During World War II, Girl Scouts launched three new projects to help the war effort: Hospital Aide, Child Care Aide, and Occupational Therapist Aide. In addition, Girl Scouts in the Farm Aide project worked on tens of thousands of farms, weeding, cultivating, spraying, picking, and haying. They fed livestock, repaired small tools, and helped with canning.

In 1942, girls interested in aviation founded the Wing Scouts. This project was so popular that Mr. Piper himself presented a Piper Club training plane to the national organization.

As opportunities for women expanded during the postwar years, the Girl Scout program offered career exploration along with traditional activities such as community service, camping and conservation. In the past 15 years, Girl Scouts have toured space flight centers, participated in archaeological digs, and explored career options in aeronautics, engineering, administration, and the arts.

The Girl Scout organization continues to broaden the scope of its career exploration activities. Today's Girl Scout resources for girls and their leaders identify many options now available for women as well as those to emerge in the future.

For 75 years, Girl Scouting has contributed its leadership to American society, becoming the largest and most popular voluntary organization for girls and women in the world. As a former Girl Scout, I join in the 75th anniversary celebration of Girl Scouting—truly, a tradition with a future.

THE AUBURN DAM REVIVAL ACT OF 1987

HON. NORMAN D. SHUMWAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. SHUMWAY. Mr. Speaker, it was just over a year ago that the frightening flood of 1986 hit northern California. Our State capital, Sacramento, was spared catastrophic loss of life and property by the narrowest of margins. Had the 7-day rains continued for just a few more hours, the waters would have come crushing over the American River's Folsom Dam at a rate of 175,000 cubic feet per second—a rate which would have surely threatened hundreds of thousands of lives, and caused perhaps billions of dollars of devastation to the area's State, business and residential properties.

The 1986 flood was the third time since completion of the Folsom Dam in 1955 that the project's flood design capacity has actually been exceeded. Each time one of these near-miss floods occurs, the margin of escape for Sacramento gets smaller. The 1986 flood was a dramatic reminder that unless the Sacramento area comes to grips with the need for an Auburn Dam, it is living on borrowed time.

The Auburn Dam was originally authorized by Congress more than 20 years ago in response to another near-miss flood in the Sacramento area in 1964. Almost $300 million in Federal funds was spent before construction on the dam was halted 12 years ago due to concerns about the seismic safety of the dam's design and location. Fortunately, that controversy has long been put to rest. However, since that time rising costs and environmental concerns for the lower American River has created a paralysis in local and Federal decisionmaking which has prevented construction from resuming. Meanwhile, the pressing need for the flood control protection the project would provide for our State capital has been seemingly forgotten—forgotten, that is, until the near catastrophic flood in the American River basin last February.

Mr. Speaker, to provide the Nation, the State, and the city with the flood control protection California's capital desperately needs, I am introducing the Auburn Dam Revival Act of 1987.

Enactment of this legislation will result in a streamlined multipurpose water project with the flood control capacity to prevent the billions of dollars of flood damage and loss of life that we have so narrowly averted in the past.

Furthermore, this legislation will redefine the Auburn Dam in terms which account for the specific environmental concerns that have led to Sacramento's hesitancy toward the project. Additionally, it will redefine the project to allow flexibility, based on local interest, regarding the project's reservoir capacity. Finally, and perhaps most importantly from a national perspective, my bill will redefine the project in terms that are acceptable given the Federal fiscal realities of 1987, and those facing us in the next decade.

While I have introduced Auburn Dam legislation in past Congresses, I am convinced that the need for this project has never been greater than it is presently. Likewise, the local support for the project has never been more widespread. And with the new provisions of this bill for resolving past concerns, I believe the prospects of making this project a reality are encouraging.

Mr. Speaker, essential flood control protection for Sacramento is by no means the only significant benefit to be derived from completion of an Auburn Dam. As defined by my legislation, this project will produce many needed accomplishments:

It will guarantee that the wild and scenic lower American River is protected in order to continue to provide the recreational and fisheries benefits that it supports presently, and it will do so on a permanent basis and at a minimum. Without an Auburn Dam, present American River flow levels are not protected and will predictably decrease as other water uses increase. This guarantee to maintain present fisheries and recreational capacities, since it could not be accomplished without an Auburn Dam, is actually a significant river flow and recreational enhancement.

It will create new recreational opportunities in the new Auburn Reservoir; it will enhance existing recreational and fisheries benefits at the existing Folsom Reservoir by creating a more stable lake at a higher level, and by authorizing a new Nimbus Fish Hatchery.

It will allow for the implementation of a new and more efficient, more conservationist approach to meeting the water needs of San Joaquin County—an alternative approach to reaches three and four of the Folsom South Canal which Sacramento has viewed, historically, as a threat to the river's flow levels.

It will generate a new and needed water supply of up to 330,000 acre-feet which can be used for irrigation or municipal and industrial purposes.

It will generate a new and needed supply of up to 650 kilowatt hours of clean hydroelectric power.

And my legislation will ensure that the project will do all of this in a fiscally responsible manner through the implementation of specific, non-Federal, up-front cost-sharing requirements—requirements which are consistent with those spelled out for Army Corps of Engineer projects in the recently enacted H.R. 6 from the 99th Congress.

LOCAL PARTICIPATION—A NEW KIND OF FUNDING AND DECISIONMAKING

The significance of a new national water policy based on non-Federal cost sharing is not simply that the Federal Government will be spared a large portion of the construction costs of these new projects. It is also that decisions on design and operation of these jobs will no longer be made solely by the Federal Government, with Federal interests in mind. Instead, those who share in the costs of these projects will share proportionately, and on an up-front basis, in making decisions about the kind of project to be built. The result will no doubt be a new breed of water projects that are more efficient, multipurpose oriented, conservation minded, less expensive and truly needed.

In the case of the Auburn Dam, this new policy of non-Federal cost sharing contained in my legislation will mean that if this project is to finally move ahead, it will be based on legitimate, demonstrated need and widespread local support. It will also mean that the four counties most directly affected, along with the State; will be responsible for significant and early financing; accordingly, they will also be responsible for decisionmaking about what kind of project is ultimately built.

Specifically, the non-Federal beneficiaries, or partners, will now be involved in determining the project's size. With the Federal Government no longer willing or able to pick up the price tag for the presently authorized 2.3 million-acre-foot project, new, smaller alternatives are being examined and proposed in addition to the full size project. The legislation I am introducing today recognizes the need to consider small dams by making the dam size a discretionary matter.

This "freedom of choice" for the non-Federal partners regarding the dam's ultimate size, coupled with the requirement for local cost sharing, serves to inject a kind of marketplace effect—based on local demand and ability to pay—into the overall process. This role should assure the selection of the Auburn Dam alternative that is the most economically viable to the beneficiaries and environmentally acceptable to the affected communities.

THE NEED TO CLEARLY DEFINE THE NEW FEDERAL/STATE/LOCAL DECISIONMAKING PROCESS

To date, the process of getting the non-Federal beneficiaries to determine what level of benefits they need and are willing to pay for has been like trying to get a dog to catch his tail—the process has been one of running in circles. The reason for this futility has been twofold. First, although since the flood, greater Sacramento support for the project has emerged, the Sacramento area as a whole has not yet come fully to grips with the need for an Auburn Dam. Second, while all of the project supporters basically agree that we can't play the project financing game by the old rules—where the Federal Government pays for the whole thing—the new rules to the game have yet to be spelled out. As I envision it, these two hurdles can be overcome in the following fashion:

HURDLE NO. 1—SACRAMENTO'S DECISION TO SUPPORT THE PROJECT

For the Sacramento area to come to grips with the project, it must realize that:

There are no viable alternatives to an Auburn Dam when it comes to safe and long-term flood protection options.

An Auburn Dam can be defined, constructed and operated to protect the Lower American River permanently; the Sacramento area actually needs an Auburn Dam as an insurance policy to protect the river from a future of otherwise decreasing flows.

The Army Corps of Engineers is presently conducting a comprehensive study of the flood control needs and alternatives for the various levels of protection for the Sacramento area. It is becoming apparent as their study nears an end, that the only alternative to provide the area with the Corps' recommended standard project flood protection is to create new additional water storage capacity upstream from Folsom. In essence, the only realistic upstream alternative is some version of an Auburn Dam.

There are some who believe standard project flood level protection—the standard used to protect human life as well as property—is not needed to achieve significant improvement in the area's protection capacity. The alternative, they point out, is to modify Folsom Dam to increase its flood control capacity along with downstream levee improvements. These changes could, possibly, bring the area up to FEMA's minimum level of protection—a level based on Federal insurance needs, not human life protection needs. However, such modifications would still mean high insurance rates for new development, and those who reside in high flood plain areas. They would still mean raising many new and existing buildings or residences up on stilts to ensure that they are above certain areas in the flood plain. They would mean a loss of Folsom's recreational capacities. And they would mean that the wild and scenic Lower American River would be left unprotected, perhaps to shrink to a mere trickle during the summer months within 20 years as an already-State-granted water rights to American River water are increasingly used.

Another historical argument made by the Sacramento area—leaving aside the whole question of flood control for the moment—is that the Auburn Dam means an extension of the Folsom South Canal, and that means water diversions at Folsom which will ruin the fisheries and recreational aspects of the Lower American River.

This is simply not the case anymore. Included in my legislation are two new provisions that eliminate that possibility.

The first provision is a requirement for maintenance of minimum-flow levels which guarantee flows significantly above either the existing State water resource control board's guarantee—D 893—or the State board's post-Auburn guarantee—D 1400. Without my legislation and an Auburn Dam, there are simply no real protections for the river.

The second legislative provision to protect the river allows for the possibility of an alternative plan to constructing reaches three, four, and five of the Folsom South Canal. It would provide for the water needs of the Folsom South service area, particularly the needs of San Joaquin County—a county which has a long-recognized assurance of American River water—by authorizing implementation of a conjunctive use plan to make more efficient use of the available water. During average or wet years, surface water would be delivered to the Folsom South service area through cooperative operations of the Auburn, Folsom, and New Melones Reservoirs. This would allow for ground water recharge. During dry years, the replenished ground water supply would augment any shortfall in surface supply.

All of this can be done without extending the Folsom South Canal and after meeting the Lower American River minimum-flow levels contained in the legislation.

Inclusion and adoption of these two provisions should be viewed as a major victory for Sacramento and the area's vigilant river-minded community.

In summary, the soon-to-be-released Corps' report will document that the non-Auburn Dam alternatives for flood control protection are inadequate to protect human life and property. The non-Auburn alternatives for flood control will not only result in inadequate flood protection, they will surely signify the end of the Wild and Scenic Lower American River as we know it. Finally, an Auburn Dam can provide both the needed flood protection and river protection Sacramento needs.

The prospect of an Auburn Dam should not be a difficult one for the city and county of Sacramento to support under these conditions. Indeed, they have everything to gain from such a project, and everything to lose without it.

HURDLE NO. 2—DAM SELECTION AND COST SHARING DECISIONS

The next hurdle—the need to define the new rules for cost sharing and begin making decisions on dam selection—can be overcome after the Bureau of Reclamation has released the cost sharing allocations for the various project size alternatives.

The specific cost allocations will tell us how much of the overall cost of each project is directly attributable to each of its functions, that is, flood control, recreation, power generation, and water generation. The non-Federal cost sharing percentages contained in my bill for each of these project functions would then be applied to each project's cost allocation. The project alternative which generates the most non-Federal interest—here's where the "marketplace" forces come into play based on local demand and ability to pay—would be the preferred alternative.

In general terms, the smaller the project the more of a single-purpose flood control project it will be. Conversely, the larger the project—up to the full size 2.3 million acre-feet reservoir—the more multipurpose it will be. To decide on the smaller project will mean that the flood control cost sharing beneficiaries will have to pay more, both in terms of a percentage of the overall project's cost and in terms of actual dollars needed up front.

On the other hand, the larger the project, the more water and power it will generate. These two added project benefits would be paid for by the water and power interests, thereby offsetting some of the flood control costs of the smaller, flood-control-only project. In essence, the larger the project the more the costs are spread out over a wider spectrum of project functions and non-Federal cost sharing partners.

Once the Bureau has its cost allocations completed, the process for making specific proposals and decisions needs to be defined and streamlined. The Auburn Dam Task Force is a group of public officials set up in 1984 by the Secretary of the Interior and the Governor. It includes representatives of the Federal administration, the State administration, the Congress, the State legislature and each of the counties. Also, there is a working group comprised of technical staff experts from the various Federal and State agencies to assist the task force. These two panels will be critical in the decisionmaking process.

I will encourage each of the four counties to set up a local Auburn Dam working group so that each can make decisions among themselves, as well as communicate their proposals to each other. The American River Authority [ARA] is already such an organization for El Dorado and Placer Counties. The ARA has recently decided to explore the possibility of including Sacramento County in their organization.

Congress can play a major role in moving the process along. Water and Power Subcommittee hearings should be held to assess the local interest and give the non-Federal beneficiaries guidance as to what the Federal Government is willing to accept. Such hearings could demonstate to the local communities that the Federal Government, after 12 years of gridlock, is willing to consider moving ahead with this project with non-Federal support and cost sharing.

Ultimately, with local participation and the creation of a united front, the Congress, through enactment of this legislation, will be in a position to put its final stamp of approval on the project, the cost sharing package and process.

When that day comes, the Sacramento area can rest easy knowing that they are protected from disastrous flood damage which threatens human life and property. In addition, they can rest easy knowing that the Wild and Scenic Lower American River is protected for future generations.

In addition, when that day comes, El Dorado, Placer, and San Joaquin Counties can rest easy knowing that the project that has been promised them for so long will be a reality, and that their future water needs will be met.

And finally, when that day comes, the Congress will have made a giant step down the road to a new and responsible water policy that can be applied to other needed, yet seemingly forgotten, Bureau of Reclamation projects—and a policy which will enable the West, with its unique water demands, to meet its needs for generations to come.

EAGLE SCOUT JOHN J. SEGVICH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. LIPINSKI. Mr. Speaker, it is with great pleasure that I call to the attention of my colleagues an exemplary young citizen, John J. Segvich. He will be recognized on March 29, 1987, for achieving the highest rank in scouting, Eagle Scout.

In becoming an Eagle Scout, he will join the ranks of a very select group. The individual tasks which he had to complete are impressive alone. These tasks challenged every facet of his personality—mental, physical, psychological and more. His accomplishment becomes even more notable when it is viewed cumulatively. That is, the entire sum of achievements and the perseverance of character demanded illustrate just what a high caliber young man John is.

In today's society, our youth are truly bombarded with a variety of lifepaths to choose from. While the freedom of choice is in itself good, too often we hear of young people who are led astray by the ignorance of their years to a lifestyle they do not deserve. It is always refreshing to recognize young men who choose a constructive way of life and also excel at it. Though some credit should be given to the family of this young man and to the scout leaders who provided support, John today knows that he can participate in society in a manner that will benefit himself as well as his community.

The achievement of attaining the rank of Eagle Scout lays an excellent base for a productive future. I'm sure my fellow Members of Congress join me in wishing John the best of luck in his endeavors.

COMPETITION SAVINGS ACT

HON. ROBERT F. (BOB) SMITH

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. ROBERT F. SMITH. Mr. Speaker, today I have the pleasure of offering, with my good friend and colleague from Texas, CHARLIE STENHOLM, legislation which many of us have wanted: A bill capable of shaving billions off the Federal budget without sacrificing Federal programs or services.

It's called "The Competition Savings Act of 1987."

While we fully recognize the risk in using this year's "trendy" word in the title of significant legislation, the fact is that our bill is a competition-driven engine of change for this Government.

No other name could so perfectly describe a bill that uses competition to create an estimated $2 to $3 billion in annual budget reductions.

Our bill directly links "competition" and "savings" in the work that's done by the Federal Government. In the doing, the Competition Savings Act of 1987 saves taxpayer money, improves the work done by Federal forces, restores peace of mind to the often-downtrodden Federal employee, creates private sector jobs, takes the Government out of competition with private business, and maybe best of all, enhances the Federal treasury while it shouts to the world that, "We, members of the Congress of the United States, are willing to live by our system's most important principles."

While we recognize that the use of the words "competition" and "Federal Government" in the same sentence sound to some in Congress like a paradox, believe me, they are not.

Competition has fueled the fires of industrial and commercial progress in the United States virtually since the birth of the Nation.

Every Member of this Congress, every school child, every successful entrepreneur in the free world, recognizes competition as the lifeblood of a free enterprise system which made America the strongest Nation on Earth.

Competition has improved the products we buy and the services we use. Competition has driven down prices and driven up quality. Competition has broadened the horizons of every American consumer.

As the world's largest consumer, the U.S. Government has reaped countless benefits from the competition of its producers. In return, the United States has actively served as the world's official Voice of Free Enterprise for more than two centuries.

We've been so effective at it that, in some cases our blazing successes have come back from abroad to haunt us. But overseas successes haven't hurt us as much as the message's misinterpretation inside our own Government.

Since Franklin Roosevelt's administration, this Government has grown beyond the title of World's Biggest Consumer.

Today, we're also the world's largest competitor, and we're hurting our own private businesses because of it.

Virtually everywhere you look in this Government today you'll find a Federal employee doing a job which is duplicated nearby in a private business, often in direct and unfair competition.

In reality, we hurt those businesses twice: Once by winning their customers with a product or service that has been artificially sweetened by Federal subsidy, the second time by our failing to defer services for the customers to the private work force.

I'm not one of those wild-eyed private enterprise advocates who insists that everything the Federal Government does should be contracted-out to private business. Our bill doesn't demand any such thing.

We don't demand it because it is neither realistic nor cost-effective. We know that Federal employee is capable of doing a job just as well, just as cheaply, just as efficiently in most cases as any private business.

We know if all else is equal, the profit factor at the very foundation of private enterprise would decide a head-to-head competition in favor of Government-performed work every time.

But true equality in Federal and private competition is impossible to find today. That's why we're offering this bill.

We want to even the board in competitive positions, right from the start. We want to eliminate the advantages and disadvantages which are arbitrarily handed to competitors for government work.

The differences which exist today exist because of the history of most commercial-type Federal functions. Rather than developing in the competitive market, Federal commercial activities have been nurtured in a comparative vacuum.

Many started as make-work or skills-perpetuation programs while private businesses were down on their luck. Others were begun because there were simply no private businesses yet created or located near enough to do the job on contract.

No matter how they began, these Federal positions have been buffered from the forces of change, they grow or constrict at the will of their administrators. They are, in other word, virtually immune from the progressive pressures of competition.

While outside the Federal window, products and services grow, change and improve as the competitive forces of the marketplace force them to change, inside the cocoon of bureaucracy, changes follow only individual progressive leadership or the power of the dollar.

Today, the Federal Government employs roughly 2.1 million civilian workers. More than half of those, 1.3 million, are estimated by the Office of Management and Budget [OMB] to be doing work which is "commercial" in nature, for which there's a non-Government business and market.

But 40 percent of that half work in a position which can't be contracted out to private business because Congress has laid a legislative wall of prohibitions against it. Our bill won't tear down that wall. Not yet, anyway. Once the benefits of this concept have been realized in the available areas, we think the prohibitions will melt away on their own.

Nevertheless, after subtracting for prohibited areas, we're still left with a core of more than half a million Federal employees who could be doing what they do for this Government as part of a private payroll under contract to perform the services or deliver the products Government needs.

But why rely on competition? And why create it now?

It's a fact of the free enterprise system that competition keeps you on your toes. Competition forces private industry to constantly revise and update methods and ideas.

Whether competitive change is the product of technological advance, productivity enhancement, industrial improvement or simply new marketing opportunities, private business can't affort to ignore it.

In the face of competition, the last to know is the first to go. In private business, the first manager to win new profits in the face of competition wins the reward.

On the other hand, Federal managers are awarded grade and rating—and their salary—based on the number of employees they supervise. It's easy to understand how efficiencies which might cost Federal jobs, or even suggestions of them from ambitious employees, would be unwelcomed.

It's also easy to understand that without the drive of competition, efficiencies won't occur. Yet when a private businessman bids on a job now being held by Federal employees, he knows he has a fight on his hands.

When they have the chance to offer productivity and money-saving suggestions for their own departments, Federal employees are both quick and precise.

Their ability to compete is proven by statistics which show that Federal employees win half of the cost comparisons with private business. They win by finding ways to streamline their workplace, to agree on a critical staff size, to improve the way they do their job.

That process wins for them. Most of all, that process wins for us.

Remember, the keystone of this bill is competition. It doesn't matter who wins the competition, Federal or private. The desire to win unleashes creative forces which we just can't reach any other way.

Just as in the private market, competition-driven creativity drives prices down. Postcompetition costs are consistently 10 to 40 percent below precompetition costs and service quality remains constant, regardless of winner.

So far, I've addressed two critical elements of the call to competition I'm issuing here today: savings to the Government—GAO and OMB tell us to expect $2 to $3 billion yearly—and maintenence of service to the constituent.

But those aren't the aspects of contracting out you should expect to hear about. Expect instead to hear stories about what happens after our Government contracts for services.

First you'll hear that the price goes up when private business takes a contract. Usually that's true. In the past two decades, I haven't heard of prices going down for virtually any service.

But the truth is that private costs will rise whether the job is contracted out or stays in house. It can increase because of bad job specs at the time of award. It can increase because new responsibilities are added.

But when it's time for an increase, private providers can often work with management techniques which aren't available to Government supervisors. They have a capability to effect change where and when change is needed or beneficial, without climbing a mountain of redtape. The result is most often a slower incline of cost growth for contracted jobs than leaving them in house.

And private contractors being with them an assurance of satisfaction. A job well done isn't simply a matter of pride, its their livelihood.

On the other hand, when Federal employees win a competition, they experience a boost in morale, a better work attitude, a confidence that they have met and beaten the best that the private sector has to offer.

Of course, the final fact is that a competition frequently pushes Federal employees out of their job.

Work force reduction is a fact of life and, honestly, it's one of the ways we save through competition. Within that force of more than 500,000 current Federal employees whose activities fall into the "commercial" category covered by our bill, some can expect to be displaced.

It's all right to feel a responsibility for those employees. But let's make it a realistic concern.

Very few authoritative studies have been done to give us concrete statistics in this matter, but one that does came from the General Accounting Office (GAO/NSIAD-85-49) which I'd like to tell you about.

GAO studied a random sample of 31 Department of Defense functions which were contracted out in fiscal year 1983, affecting 2,535 Federal employees. Their report indicated that 1,881, or 74 percent of those employees found other Federal jobs after contracts were let to contractors.

The remaining 654 fell into four categories: Those who voluntarily resigned, those who retired, those who went to work for the contractor who won the competition and, finally, those who were involuntarily separated.

The total number of Federal employees who were "put on the street" amounted to 129, less than 5 percent of the starting Federal work force of more than 2,500.

As a followup, GAO (GAO/NSIAD-85-90) went back later to those 129 with questionnaires to find out just what happened to them. The received responses from 94 of the 129, and found that 53 of them actually drew unemployment and/or public assistance payments which cost the taxpayer, according to the study, some $215,000.

GAO then offered the comparison of cost versus savings. It cost the taxpayers $215,000 to achieve DOD savings of $65.5 million in these 31 functions.

I agree entirely with those of this body who want to be responsive to the anguish of unemployment. But keeping that in perspective is critical to our success. It just isn't good policy to trade $65.5 million savings for $215,000 worth of transfer costs.

Here are some other "perspective building" thoughts about this issue.

First, work force reductions are not the exclusive result of shifting commerical activities to private contractors. They happen when Federal employee units win contracts, too.

Most—but not all—of those employees will stay on in such a circumstance, but the only way to achieve maximum efficiency in any workplace is to eliminate overstaffing.

If a task requires 50 employees, then both the Federal and private supervisor will bid the job at 50 employees. Anything less will jeopardize job performance and contract renewal; anything more will jeopardize competitive contract award.

With competitive pressure, though, Federal employees don't have any incentive for paring down to a most efficient organization size.

Second. When personnel cuts are made by either private or Federal contract changes, they start with elimination of those employees who are eligible for retirement and they follow through as closely as possible to the expected rate of attrition.

Nor are we displacing Federal employees with senior status. Those who find themselves short of retirement but without a private offer have the chance to transfer civil service grade and status to another Federal department without losing any pay or benefits.

Third. A share of the Federal employees to be replaced by private contractors go directly to work for the private firms which win the competition.

Because they are, obviously, already familiar with the job, many end up doing the same work, in the same place, with a different boss.

And they'll do it in most cases for pay and benefits which are equivalent or better than those they received from the Federal Government.

Just last week, the president of a major Federal employee union was quoted in the Washington Post as saying that "* * * contractors often pay their employees much more than the Government pays civilian Federal employees doing the same jobs, often in the same locations."

Fourth, while we're on the subject of unions. Contrary to what you might hear, the American orgnaized labor movement doesn't lose from contracting out, it gains.

Many of this Nation's largest labor unions today care conducting their most ambitious—and most successful—recruitment drives to pull in private sector employees who are under contract employed to do Government work.

The former Federal worker who was part of a Federal employee union frequently joins the civilian labor union associated with his or her new workplace. Civilian union locals are delighted to welcome those new members who have been added to a contractor's crew.

I won't try to pull the wool over anyone's eyes. The Competition Savings Act of 1987 has opponents, even before introduction.

Some of our opponents would like you to believe that replacing Federal employees with a private work force under contract is patriotic heresy. They would have you promise that once the Federal Government hires a worker, it's a position guaranteed for life.

That same element will also suggest that you can't control or trust a contractor or that contractor prices are uncontrollable. Hopefully, we know better by now.

On the other side of the issue are the opponents I referred to earlier, the all-out free enterprise zealots who insist that no public employee should be doing, at taxpayer cost, something that can be done by private business.

Just 3 short years ago, legislation was introduced in the other House of Congress which would have given every commercial activity to the private sector—regardless of cost. Our bill doesn't go far enough fast enough to please them.

But I consider that side of the opposition to be just as short-sighted and just as unfair as the other. They deny the very real fact that savings are possible and excellence is achievable in a Federal employee shop.

It's the extreme ends of this spectrum where we find the losers. But they are few. And if there are few losers, in this issue, then there are many winners.

That point was made to millions of Americans as recently as the publication of a story entitled "A Painless Way to Slash the Deficit" printed in the March edition of "Readers' Digest."

The Treasury, wins for one thing. In addition to everything else, private businesses pay business taxes. Which means that for every dollar we spend to do the work we had to have done anyway, we'll get a little bigger share of it back by spending it in the private sector.

But future taxes from future private sector employees isn't our goal. We want to create a competitive atmosphere inside this Government capable of achieving the savings we need to keep from bankrupting this Nation.

And this is an effective way to do that.

In a report prepared at my request by the General Accounting Office [GAO] and delivered to me on New Year's Eve, 9 months after it was requested, GAO predicted that we could cut $2 to $3 billion annually off our budget by passing this bill.

GAO also said we could effectively presserve Federal programs.

That's important to anyone who, like I, through 3 months of Gramm-Rudman-Hollings Deficit Reduction Act debates. What I most remember hearing was the Members of this House who insisted that they only wanted to cut dollars, not programs.

Well, here's your chance.

By leveling the playing field with this bill, we'll assure that the competition between private and public sector employees is fair, and that the result of the competition will be what was intended it to be: An efficiency-building improvement for the way things are done in the Government.

On the strength of the General Accounting Office's report [GAO/GGD-87-30], the Office of Management and Budget's endorsement of that report, the recommendation of other agencies, including the Congressional Budget Office and specialists within both Federal and private study foundations, I proudly offer the Competition Savings Act to this 100th Congress.

For all that needs to be done, for all that this bill can do, I urge you to join me as a cosponsor and as an enthusiast.

GIRL SCOUT ANNIVERSARY

HON. OLYMPIA J. SNOWE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Ms. SNOWE. Mr. Speaker, I would like to take this opportunity to congratulate the Girl Scouts of the USA on the occasion of their 75th anniversary. This week nearly 3 million Girl Scouts will celebrate scouting by observing this important anniversary.

Founded in 1912 by Juliette Low of Georgia, Girl Scouts is now the largest voluntary organization for girls in the world, with membership in 108 countries. Girl Scouts provides girls from all segments of life with a chance to develop their potential, to make friends, and to become a vital part of their community. This organization plays an important role in shaping the leaders of tomorrow.

I would like to commend the over 600,000 adults who serve as leaders and staff for the organization. These leaders deserve high praise for their devotion to the ideals of Girl Scouting. I would especially like to commend National President Betty Pilsbury from Center Lovell, ME, for the excellent leadership she has demonstrated.

I hope every Member of this body will join me in congratulating the Girl Scouts of the USA on their 75th anniversary, as they continue to provide excellent programs and opportunities for the young women in this Nation.

JAMES MADISON DAY

HON. BRUCE A. MORRISON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 12, 1987

Mr. MORRISON of Connecticut. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the observation of James Madison Day on March 15, 1987, in Madison, CT.

As you know, this year we are observing the bicentennial of our Constitution, a time to reflect on the crucial role the framers of the Constitution, including James Madison, played in drafting the document that has served our Nation so well. As a member of the Constitutional Convention, Madison helped to translate the theories of democratic government outlined in the Federalist into the practical blueprint that brought these theories to life and are still in use today.

Like 26 other communities throughout the United States, Madison, CT has taken its name from this important historical figure. Celebrations like James Madison Day serve as a reminder of the contribution that Madison made to our young Nation through his scholarship and public service. I would like to commend the people of Madison for their role in assuring that future generations will understand and appreciate this great American's contribution to establishing and protecting the freedoms we enjoy today.

Furthermore, I would like to take this opportunity to enter into the RECORD an official statement by Connecticut Gov. William A. O'Neill designating March 15, 1987, as James Madison Day:

"The American People have traditionally rallied around our Nation's Constitution as the symbol of our freedom and opportunity. Throughout our history, this vital document has provided a stable foundation for our Nation's growth.

The principles of liberty, justice, dignity, and responsibility embodied in the text of our Constitution are the signposts which have guided our citizens through periods of crisis and inspired them to strive for great achievements and the betterment of all people.

It is a great tribute to the wisdom and foresight of its framers that our Constitution, in its simplicity and practicality, has proven to be the most effective and enduring document ever drafted, and has remained basically unchanged through history, amended only to clarify its intent.

This year, as we celebrate the bicentennial of our Constitution, it is fitting that we pay tribute to James Madison, our fourth President, the principal author and leading defender and interpreter of the United States Constitution. Born March 16, 1751, in Virginia, James Madison combined scholarship, keen intelligence, a commitment to democratic government, and a realistic understanding of politics to implement ideas into policy, plan, or law. He drafted the text of the Constitution when he was 36 years old.

This year, the citizens of Madison, CT are hosting a special birthday celebration to honor James Madison and foster a greater awareness and understanding of his contributions and importance in our Nation's history. Similar events will be held in 26 Madison communities throughout our country.

Therefore, in conjunction with this event and as a tribute by the people of Connecticut to the "Father of Constitution" as we begin the bicentennial celebration, I am proud to designate March 15, 1987, as James Madison Day in the State of Connecticut."

SENATE—*Friday, March 13, 1987*

The Senate met at 9:30 a.m. and was called to order by the Honorable JOHN BREAUX, a Senator from the State of Louisiana.

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

Spirit of the living God, breathe Your life and love upon the Senate of the United States. Touch with Your quickening power the hearts of national leaders that they may sense the claim of service and commitment to the profound needs of our generation. Enlighten their minds to comprehend the imponderable issues—their causes and the solutions. Quiet them inwardly to hear the still small voice that directs the way to go. Reinforce their wills to obey. Save them from all the corrupting forces which conspire to diminish the determination to fulfill the sacred trust. Prosper their labors. Surprise them with joy in achievements exceeding their largest expectations. In the name of the all-wise, all powerful Lord we pray. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. STENNIS].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 13, 1987.*
>
> *To the Senate:*
>
> Under the provisions of Rule I, Section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN BREAUX, a Senator from the State of Louisiana, to perform the duties of the Chair.
>
> JOHN C. STENNIS,
> *President pro tempore.*

Mr. BREAUX thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader.

Mr. BYRD. Mr. President, I thank the Chair.

THE JOURNAL

Mr. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings be approved to date.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER RESERVING LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that the time of the distinguished Republican leader be reserved until later in the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. BYRD. Mr. President, there will be three Senators recognized under the orders entered yesterday, each for not to exceed 5 minutes, Senators PROXMIRE, ARMSTRONG, and HEINZ.

There will then be a period for speeches out of order, and I anticipate that Senator NUNN will be continuing the delivery of his series of speeches anent the interpretation of the ABM Treaty.

Following that period, which is not to extend beyond 11 o'clock this morning, in which Senators may speak up to 30 minutes out of order, the new Senator from Nebraska will be sworn in, after which there will be a short period for the transaction of morning business with Senators permitted to speak therein for not to exceed 5 minutes.

No rollcall votes are anticipated today, and upon the conclusion of business the Senate will go over until Tuesday next at the hour of 2:30 p.m.

On Tuesday next, I anticipate that the Senate will begin consideration of the disapproval resolution with respect to Contra aid funding. I have not had an opportunity to discuss this with the distinguished Republican leader or with Senator WEICKER, the author of the disapproval resolution. I hope that it will be possible to set a definite hour on next Wednesday at which time the Senate may vote up or down on the disapproval resolution.

There is a time limitation on that resolution of 10 hours. No motion to table, no motion to recommit, no motion to reconsider, no motion to postpone will be in order and an amendments will be in order.

Consequently, there will be a vote and, as I say, I hope it will be next Wednesday, and I also hope we can announce, well in advance, the hour at which that vote will take place so that all Senators may be prepared, and on notice.

ORDER RESERVING LEADERSHIP TIME

Mr. BYRD. Mr. President, I ask unanimous consent that I may reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AGENDA

Mr. BYRD. Mr. President, while the first speaker under the order of yesterday is arriving, I should alert Senators that, beginning next week, the business and the pace of action on the floor will pick up.

Senators have for several days not had to be on the floor, for rollcalls or quorum calls and the transaction of business, to a great extent. Therefore, committees and subcommittees have had ample opportunity to meet to conduct oversight responsibilities under the Constitution and to conduct hearings and markups on legislation and on nominations.

A good bit of work has been reported by committees already to the calendar and the Senate has acted thereon. Several nominations have been processed and confirmed, and several important pieces of legislation, including the Clean Water Act, the highway bill, the emergency legislation for the homeless, appliance standards legislation, emergency agricultural assistance, limitation on Government Mortgage Association fees, and other measures have been acted upon.

Beginning next week, of course, as I have indicated, there will be the action on the disapproval resolution dealing with Contra aid, and then during the remainder of the week I would anticipate that there will be floor debate and, in all likelihood, some rollcall votes in relation to the moratorium resolution on Contra funding which came over from the House on yesterday.

I made the effort yesterday to call up the moratorium resolution, and it was objected to, which was quite properly done under the rules. I also attempted to get unanimous consent to have that moratorium legislation as the first order of business after the swearing in of the new Senator from Nebraska today, and an objection to that unanimous-consent request was made, all in accordance with the rules.

That legislation, therefore, is now advancing to the calendar by virtue of my having initiated rule XIV, and by midweek next week the legislation will be on the calendar and subject to a

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

motion to be called up. I anticipate that there will be some difficulties in getting the legislation up.

I have been forewarned of that by the distinguished Republican leader who has exercised his rights under the rules, and all Senators will, of course, have an opportunity to exercise their rights under the rules, but I would anticipate that there will possibly be rollcall votes on every day of next week.

It will not be long thereafter, as a matter of fact, I would imagine that even beginning next week, we will see a greater flow of legislation from committees. The Committee on Banking, which is chaired by the able and eloquent Senator from Wisconsin, [Mr. PROXMIRE], has been extremely active this year already. I am informed by the chairman that we may expect legislation to reach the calendar from his committee at some point next week. I would hope that I could work out an arrangement with the distinguished Republican leader, the chairman of the committee, the ranking member, and others to take up that legislation soon and under a time agreement.

Mr. PROXMIRE. Will the majority leader yield?

Mr. BYRD. Yes.

Mr. PROXMIRE. I commend the majority leader on this. I want to tell him we not only have reported out the day before yesterday a major banking bill, a very controversial bill, but yesterday, under the subcommittee chairmanship of Senator ALAN CRANSTON, who did a superb job, we reported out a major housing bill. So we have two big bills that will be in the Senate, each of which will take considerable time and effort by this body.

Mr. BYRD. Very well. I thank the chairman. I thank him not only for the excellent work he is doing as chairman of the committee in pressing forward with the Nation's business, but also for his statement today which is a clear indication that the Senate will soon have more work to do in session. Of course, committees will continue to meet, but we can expect a greater flow of legislation now that committees have had ample opportunities to meet, and they have taken advantage of those opportunities. I want to compliment and thank all chairmen and ranking members and, as a matter of fact, all members of committees on both sides of the aisle.

Mr. President, I yield the floor.

ANGOLAN FREEDOM FIGHTERS CONTINUE STRUGGLE

BATTLE GOES ON IN ANGOLA

Mr. DOLE. Mr. President, our attention is focused now on the question of aid for the democratic resistance, the Contras, in Nicaragua. We will be making an important decision on that question within the next several days.

But I also want to remind the Senate that, while the struggle for a free Nicaragua goes forward, similar struggles are also going on in other places around the world.

One of the most critical battles is being fought in Angola, where the democratic resistance organization [UNITA], led by Jonas Savimbi, is carrying on a highly effective effort to establish a democratic government.

LETTER FROM SAVIMBI

Recently, Dr. Savimbi sent me a letter, direct from his headquarters in the liberated section of Angola, updating me on the status of the resistance effort, and expressing appreciation for American assistance to UNITA. I would like to share this letter with the Senate, and ask that the text be printed in the RECORD.

POLITICAL GOALS OF UNITA

I would also like to take special note of two sections of the letter. One stresses the political goals of UNITA, which are, and this is a quote: "To persuade the other side to accept political dialog and national reconciliation; withdrawal of all foreign forces—namely, the 45,000 Cubans; holding of free elections, and establishment of governing institutions representing Angola's natural diversity of political opinion."

The bottom line is this: UNITA wants negotiations, not the surrender of the other side; peace, not victory; democracy, not power for itself. It seems to me that is what we all want, not only for Angola, but for all countries torn by internal conflict.

UNITA CONDEMNS APARTHEID IN SOUTH AFRICA

The other point in the letter I would stress is the categorical and strong condemnation of apartheid in South Africa, and his pledge to, and this is another quote, "work for the effective demise of apartheid." The charge that support for UNITA somehow represents support for South Africa, or apartheid, is as phony as a 3 dollar bill.

The fact is, the root issue in Angola is exactly the same as the issue in South Africa. In both countries, blacks are being oppressed by nondemocratic regimes. In Angola, the crime is compounded by the fact that the Marxist MPLA is propped up by foreign forces—Soviets, Cubans—mercenaries in the truest, darkest sense of that word. Let's end apartheid in South Africa; and let's also end Marxist repression of blacks in Angola.

BLACK AMERICANS FOR A FREE ANGOLA LUNCHEON

Mr. President, I would also like to make brief mention of an event I had the privilege of sponsoring here on Capitol Hill earlier this week. It was a luncheon held under the auspices of a newly formed organization called "Black Americans for a Free Angola."

The guest of honor at the luncheon was the foreign affairs secretary of UNITA, "Tito" Chingunji (chin-guhn-gee), who has himself suffered grievously through Angola's long struggle for freedom—eight of his brothers and sisters have been killed; first, in the war for independence against the Portuguese and, now, in the war against the Marxist MPLA. As Dr. Savimbi did in his letter, Mr. Chingunji outlined to those at the luncheon the status of UNITA's struggle and its goals for Angola.

DAWKINS MOVING FORCE BEHIND NEW GROUP

The moving force behind the new organization is one of the most respected and well-known religious leaders of our country, The Reverend Clarence Dawkins. At the luncheon, Reverend Dawkins spoke compellingly—and I should say, that whenever Reverend Dawkins speaks, and I've heard him on a number of occasions, he is very compelling. Reverend Dawkins spoke with great conviction and effect about the struggle of black Angolans to achieve their freedom. And I know he intends to work to bring the true story of what is going on in Angola to a wider audience in America, especially among black Americans. Reverend Dawkins believes, rightly, that the struggle of black Angolans for their freedom is directly related to the struggle of blacks in this country for their rights and dignity, and the similar struggle of blacks and other oppressed people around the world.

Their being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITA,
Jamba, March 3, 1987.

Hon. ROBERT DOLE,
U.S. Congress,
Washington, DC.

DEAR SENATOR DOLE: Ten months ago the United States began to assist us in our resistance to the Soviet-Cuban occupation of our country. The assistance came at a very critical time when another massive Soviet-Cuban-MPLA military offensive was being launched against our liberated positions of Angola. Bolstered by fresh arrival of Soviet military hardware, the enemy was desperately trying to regain some of the losses he incurred in the period 1983-1985 when UNITA doubled the size of the territory under our control.

Fortunately, as a result of the timely US support, forty-one Soviet-made enemy aircraft (including the Mig-23 and Mig-21 fighters, the SU-22 Sukhoi bombers, the MI-8, MI-17 and MI-25 helicopter gunships) were shot down by our forces between May and October 1986 when the offensive ended. This represents more than $250 million enemy losses, or a third of the enemy airpower.

The assistance did not only enable us to effectively repulse the offensive, it also enabled us to maintain intact the territory under our control, consolidate our penetration in the northern part of the country where the support from local population has become quite impressive, inflict the heaviest enemy losses in aircraft and, most importantly, bring the enemy closer to understanding that the war in Angola may, indeed, be unwinnable no matter how much more weapons and expeditionary forces the Soviets may pour into the country, and that negotiations and national reconciliation are, therefore, the only way out of the conflict.

UNITA's goal, in fact, is to persuade the other side to accept dialogue and national reconciliation, withdrawal of all foreign forces (namely the 45,000 Cubans), holding of free elections and establishment of governing institutions representing Angola's natural diversity of political opinion and basic aspirations to life liberty and happiness. Last August, our VI Congress issued our Peace Platform calling on UNITA and MPLA to engage without further delay, in the process leading to peace and stability in our country.

While the MPLA's leadership has not responded to this energetic patriotic appeal, we are nevertheless encouraged by the continuing response of the rank and file MPLA sympathizers who are rising up in "dissident" groups in manifest support to our goals. The enemy troop morale continues to deteriorate rapidly, while the wanton atrocities by Cubans against the civilian populations alienate further the people from the occupying forces, resulting in enormous increase in popular participation in our struggle.

It is obviously impossible to pursue peace and justice from a position of military weakness, particularly when the enemy seeks domination instead of democratic power sharing, physical elimination of the opposition instead of coexistence, confrontation instead of dialoque, and military victory instead of durable political settlement. Fortunately, the US help is now lending the much-needed weight to our long-held goals of dialogue, national reconcilication and durable peace in Angola.

Whether a settlement is indeed in sight or not will definitely depend primarily on the continuity of the United States commitment to help us find the solution. The US assistance is of utmost significance militarily, politically and diplomatically. By virtue of a massive Soviet-Cuban military build-up, the Angolan conflict is well beyond the ability of Angolans alone to deal with: the US assistance is essential.

The problems in this region of Southern Africa are compounded by the existence of the apartheid system in South Africa, a system unanimously condemned by all mankind. Whatever the disagreements on the methods to bring about an end to apartheid, the fact is it must be brought to an end without, however, forcing a choice between the evils of apartheid and Soviet aggressive expansionism. We totally support and work for the effective demise of apartheid. But we totally reject the demagogic oversimplification of complex issues by those who, just because South Africa is sympathetic to anti-Communist causes, argue that to support the resistance to Soviet-Cuban aggression is "to go to bed with apartheid". We stand firm against racism in any form or color. Racial injustice in South Africa is no more undesirable than racism in my country where the far-away white Russians have imposed an oppressive minority rule on us, recolonizing and ravaging Angola.

We remain, however, convinced that the settlement to the Angolan conflict may enhance the prospects of settlement to the other regional problems.

I hope the above may help to bring you up to date on the situation in Angola where your understanding and leadership in the United States Congress is of paramount importance to the whole future of this region as well as to the defense of important US interests.

We owe much of the currently positive United States policy to your personal commitment over the past few years, starting with the historic act of the repeal of the Clark Amendment.

We count on you for the continuation of adequate policies on Angola where the Free World, the United States and the Angolan freedom-seekers stand to win.

Yours sincerely,

JONAS MALHEIRO SAVIMBI,
President.

BICENTENNIAL MINUTE

MARCH 13, 1893: SENATE COMMITTEE REORGANIZATION

Mr. DOLE. Mr. President, 94 years ago today, on March 13, 1893, the New York Times carried a story on the reorganization of Senate committees that followed the Democratic victory in the election of 1892. The shift in majorities meant considerable change in the committee structure. Whereas today, the Senate has 16 standing committees and 5 select or special committees, in 1893 the Republican and Democratic conferences were faced with 44 standing committees, and 16 select committees.

In point of fact, however, there existed about the same number of important committees then as now. The many other committees existed primarily to give their chairmen a room in the Capitol, and at least one staff person. The Democratic conference hoped to give every member of their party a committee chairmanship.

Thus, along with such familiar standing committees as Finance and Foreign Relations, the Senate had standing committees to audit and control the contingent expenses of the Senate; on epidemic diseases; to examine the several branches of the civil service; on fisheries; on the improvement of the Mississippi River; on private land claims; on public buildings and grounds; on transportation routes to the seaboard; and on revolutionary claims—more than a century after the revolution. There also existed select committees on the transportation and sale of meat products; on Indian depredations; to establish the University of the United States; and to inquire into all claims of citizens of the United States against the Government of Nicaragua.

The new Democratic majority also planned to allot five committee chairmanships to senior members of the Republican Party, the same number that the Democrats had held in the minority. That was one Senate tradition that senior members of the minority would certainly have no objection to reviving.

RECOGNITION OF SENATOR PROXMIRE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin [Mr. PROXMIRE] is recognized for not to exceed 5 minutes.

Mr. PROXMIRE. Thank you, Mr. President.

THE TIME TO RAISE THE MINIMUM WAGE IS NOW

Mr. PROXMIRE. Mr. President, why shouldn't we raise the minimum wage? Here is the one way we can help millions of struggling low-income people without increasing Federal spending one nickel. Consider the gross injustice. In the past 6 years the minimum wage has not gone up one penny. Meanwhile the cost of living has risen by 27 percent. During the same period the monetary compensation of the very top executives of 300 of the largest nonfinancial corporations increased by an unbelievable 78 percent. Members of this body are constantly singing the blues about how underpaid we are. So how much do we as Members of the Congress earn now as compared to 1981? $89,500 today compared to $70,900 in 1981. And that does not include one penny for honoraria income. Including the full honoraria income, Senators in 1981 could earn $92,170. Today we can earn $125,380. Compare that for the minimum wage worker whose $6,700 earnings today are the same as he made in 1981. Inflation has stolen $1,340 of that annual earning of the minimum wage worker since 1981. And how many minimum wage workers earn honoraria income?

It gets worse. The overwhelming majority of persons who work for the minimum wage are not employed full time. This includes literally millions who work part time for what the Bureau of Labor Statistics calls economic reasons. Typically these part-time workers work 20 hours per week and earn only $3,350 per year. Of course, some of these workers live in families where other members of the family also earn income. But this is also true of persons who earn $50,000 or $100,000 per year.

This Congress faces a serious dilemma. We are all aware of the enormous deficits. We are intensely conscious of the iron necessity of holding down Federal spending. We know we have restrained spending on social programs including programs designed to help low-income people with their housing, their health, and even to provide enough food through food stamps.

So how can we help low-income Americans? How can we help them without carting hundreds of truckloads of money out of the U.S. Treasury? An increase in the minimum wage is a reasonable answer. It is the best answer. Let low-income people earn more than the pittance we pay them now.

How can any Senator who has enjoyed a $15,000 increase in his pay in the last few months hesitate to permit his low-income constituents from receiving an increase in the minimum wage that would recognize the grim, in fact, the savage reduction in pay that our country's low-income earners have suffered because of the failure of this Congress to raise the minimum wage for 6 years? Strictly because of this congressional neglect low-income workers have, in effect, suffered a real cut of 20 percent in their income and that income is well below the poverty standard even for those low-income workers lucky enough to have full time 40 hour a week jobs.

Mr. President, the Congress has not only cruelly hurt low-income workers by failing to act on the minimum wage. It has stunted economic development in this country. If the Congress had simply maintained the same worker purchasing power for minimum wage workers since 1981, demand in this country would have risen by tens of billions of dollars a year. One sure thing about low-income people. In most cases, they spend every nickel they earn. They have to spend to live, to buy the food, the housing, the clothing that are the essentials of life. That spending by itself requires more production and more jobs. That spending leads to higher incomes for persons and corporations. It means higher tax receipts for the Federal Government. There is another dividend in a higher minimum wage. It spells less welfare. It means less Federal spending. It reduces the deficit on both sides of the ledger—more revenues, less spending.

Mr. President, of course, there is a negative side to any economic action of this kind that the Congress takes. The minimum wage, by its very existence, prevents some employers who are willing to hire workers for very low pay from actually hiring those workers, since they must be paid a minimum wage. And, let's face it, the higher the minimum wage, the fewer persons employers can afford to hire. An increased minimum wage would also have some inflationary effect. The bigger the increase the more certain and substantial the inflationary effect. But the increased income of low-income persons, income that would be spent, income that would surely stimulate the economy would largely counterbalance these adverse effects. Our historical experience underlines this. In the 1960's when the minimum wage reached its apex in "real" terms, that is allowing for inflation, unemployment was at its lowest. In the 1980's when the "real" minimum wage has dropped well below its "real" levels of the 1960's and 1970's unemployment has been consistently higher.

Some would argue that the increase in the minimum wage will hurt the country's international trade balance. It won't for two reasons. First, the minimum wage does not come close to affecting wages in either our export sensitive or import sensitive industries. Second, there is the vivid historical experience. In the 1980's while the real minimum wage has sunk almost out of sight our trade balance has become more adverse than at any time in American history.

Think of it, Mr. President, here is a way to reduce Federal spending, raise Federal revenues, stimulate the economy and do justice to our poorest working citizens. It is time the Congress acted. And now.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The absence of a quorum is noted and the clerk will please call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I understand that two of the orders will not be used today by Mr. ARMSTRONG and Mr. HEINZ. I, therefore, ask unanimous consent that those orders be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 10 A.M.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate stand in recess until 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, at 9:49 a.m., the Senate recessed until 10 a.m.; whereupon, the Senate reassembled when called to order by the Acting President pro tempore [Mr. BREAUX].

The ACTING PRESIDENT pro tempore. The Chair recognizes the majority leader.

RECORD OPEN UNTIL 5 P.M. TODAY

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 p.m. today to have statements appear in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE REPORTS UNTIL 5 P.M. TODAY

Mr. BYRD. Mr. President, I also ask unanimous consent that committees may have until 5 p.m. today to submit committee reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PERMISSION FOR COMMITTEES TO FILE REPORTS ON MONDAY, MARCH 16, 1987

Mr. BYRD. Mr. President, I ask unanimous consent that during the hours between 2 p.m. and 5 p.m. on Monday next, committees may submit committee reports.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I anticipate the arrival of Senator NUNN momentarily. I see no other Senators seeking recognition. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CONRAD). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NUNN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, Senators may now speak out of order for up to 30 minutes each, not to extend beyond the hour of 11 a.m.

INTERPRETATION OF THE ABM TREATY

PART III: THE ABM NEGOTIATING RECORD

Mr. NUNN. Mr. President, in my remarks today, I will present the third segment of my report on the ABM Treaty reinterpretation controversy.

On Wednesday, I addressed the original meaning of the treaty as presented to the Senate in 1972. Yesterday, I discussed the statements and practices of the parties from the time the treaty was signed in 1972 until the reinterpretation was announced in late 1985.

Today I will address the record of the ABM Treaty negotiations in 1971 and 1972 as provided to the Senate by the Department of State.

Mr. President, I again apologize to the Chair and my colleagues for my raspy voice this morning, but I am still battling laryngitis, though it is getting a little better.

In my remarks on Wednesday, I concluded that the Nixon administration explicitly told the Senate during the treaty ratification proceedings that the treaty prohibits the development and testing of mobile/space-based ABM's using exotics. I also concluded that the Senate clearly understood this to be the case at the time it gave its advice and consent to the treaty, and that the evidence of this is compelling beyond a reasonable doubt.

Yesterday, I reviewed the available record of the United States and Soviet practices and statements during the 13-year period between the signing of the treaty and the announcement of the reinterpretation which occurred in October of 1985.

Under both international and domestic law, such evidence may be considered in determining the meaning of the treaty.

Based on the information provided to the Senate to date by the State Department, I found no evidence which contradicted the Senate's original understanding of the meaning of the treaty. On the contrary, I noted that successive administrations, including the Reagan administration, had prior to 1985 consistently indicated that the treaty banned the development and testing of mobile/space-based ABM's using exotics.

Summarizing then, where the situation now stands after the first two reports: First, the Reagan administration made a case for a broader reading of the treaty based, in part, on an analysis of the Senate ratification proceedings, arguing that the record of this debate supported the reinterpretation. I found this case not to be credible. Second, the Reagan administration made a case for a broader reading of the treaty based, in part, on subsequent practice, arguing that the record of the United States and Soviet statements and practices supported the reinterpretation. I also found this case not to be persuasive.

Some advocates of the broader reading—including its principal author, Judge Sofaer—now appear to be hanging their hats on the negotiating record, arguing that this negotiating record provides persuasive or compelling support for their case. As I noted on Wednesday, the administration's focus on the negotiating record as a primary source of treaty interpretation confronts us with three separate possibilities:

The first possibility: If the negotiating record is consistent with the original meaning of the treaty as provided to the Senate by the executive branch, the traditional interpretation would prevail beyond question.

The second possibility: If the negotiating record is ambiguous or inconclusive, there would be no basis for abandoning the traditional interpretation. Absent compelling evidence that the contract consented to by the U.S. Senate was not the same contract entered into between the Nixon administration and the Soviet Union—and we do not have that kind of evidence—the treaty presented to the Senate at the time of ratification should be upheld.

There is a third possibility: If the negotiating record clearly establishes a conclusive basis for the reinterpretation, this would mean that the President at that time signed one contract with the Soviets and the Senate ratified a different contract. Such a conclusion would have profoundly disturbing constitutional implications and as far as I know would be a case of first impression.

Because of the grave constitutional issues at stake, and my responsibilities as chairman of the Armed Services Committee and cochairman of the Arms Control Observer Group, I have taken a personal interest in this matter and have spent countless hours in S-407 reviewing the negotiating record, which is still classified.

It is important to note that the material presented in terms of the negotiating record consists of a disjointed collection of cables and memoranda.

This is not unusual. A lot of people really do not understand what a negotiating record is. It is not a clear transcript of a dialog between the two superpowers as they negotiate around the table—far from that. That is not what a negotiating record is. There is no single document or even set of documents that constitutes an official negotiating history. There is no transcript of the proceedings. Instead, what we have is a variety of documents of uneven quality—some of them precise, some of them well structured, some of them done hastily, some of them simply notes in the margin. Some involve detailed recollections of conversations, others contain nothing more than cryptic comments.

Nonetheless, this is the record on which the Reagan administration's decision was based. If the State Department identifies and submits other relevant documents, I shall be prepared to review them as well. I want to stress to my colleagues that what I have examined is a negotiating record presented by the State Department to the U.S. Senate. If there are other matters which I have not seen, then, of course, my remarks cannot possibly cover those matters. We have been assured that we have been given the negotiating record as known to the State Department.

Having been through the material, I will understand why, as a matter of international law, the negotiating record is the least persuasive evidence of a treaty's meaning. It does not have the same standing, of course, as the treaty itself under international law; it does not have the same standing as the conduct of the parties subsequent to entering into the agreement; it does not have the same standing as the ratification proceedings whereby the Senate takes formal testimony and has formal debate and has formal presentation of matter by administration witnesses. To put this in the right international legal framework Lord McNair, who is an expert on treaties and interpretations thereof, states as follows:

> The preceding review of the practice indicates that no litigant before an international tribunal can afford to ignore the preparatory work of a treaty, but that he would probably err in making it the main plank of his argument. Subject to the limitations indicated in this chapter, it is a useful makeweight but in our submission it would be unfortunate if preparatory work ever became a main basis of interpretation. In particular, it should only be admitted when it affords evidence of the common intention of both or all parties.

This same general view is set forth in the commentary on the second restatement of the foreign relations law of the United States, which notes that "conference records kept by delegations for their own use * * * will usually be excluded" from consideration under international law, although they may be considered by national courts for domestic purposes.

The materials in the negotiating record provided the Senate simply do not compare in quality to the debates and reports normally relied upon for interpretation of legislation. Nonetheless, the records provided to the Senate contain a significant amount of material bearing on the issue of the development and testing of exotics.

Based on my review, I believe that Judge Sofaer has identified some ambiguities in this record. One cannot help but wish that the United States and Soviet negotiators had achieved a higher level of clarity and precision in their drafting of this accord. Of course, as we in the Senate well know, writing clear law is a worthy goal but one which is not easily attained. These ambiguities are not, however, of sufficient magnitude to demonstrate that the Nixon administration reached one agreement with the Soviets and then presented a different one to the Senate.

I want to repeat that sentence, because I think it is important: These ambiguities are not, however, of such magnitude to demonstrate that the Nixon administration reached one agreement with the Soviets and then presented a different one to the Senate.

Notwithstanding the ambiguities, the negotiating record contains substantial and credible information which indicates that the Soviet Union did agree that the development and testing of mobile/space-based exotics was banned. I have concluded that the preponderance of evidence in the negotiating record supports the Senate's original understanding of the treaty—that is, the traditional interpretation.

I have drafted a detailed classified analysis which examines Sofaer's arguments about the negotiating record at great length. Over the next few days, I intend to consult with the distinguished majority leader, Senator BYRD, about submitting this report for the review of Senators in room S-407. I will also work with the State Department to see how much of this analysis can be declassified and released for public review.

I would, of course, like for all of it to be released.

Mr. President, I believe it is appropriate at this juncture to pause for a moment and reflect on how the administration could be in such serious error on its position on this very important issue. First, the administration, in my view, is wrong in its analysis of the Senate ratification debate. I think I have set that forth in great detail.

Second, I think the Reagan administration is wrong in its analysis of the record of subsequent practice, at least insofar as we have been given information on that subject.

Third, I believe the administration is wrong in its analysis of the negotiating record itself. I believe that we need to take a look at the procedure by which the administration arrived at its position. I think the procedure itself, as people find out more about it, will reveal itself as having been fundamentally flawed.

At the time the decision was announced by the Reagan administration in 1985, the administration was divided as to the correct reading of the negotiating record, with lawyers at the Arms Control and Disarmament Agency, the Defense Department, and even within Judge Sofaer's own office holding conflicting views. By his own admission, Judge Sofaer had not conducted a rigorous study of the Senate ratification proceedings or the record of United States and Soviet practice, even though these are critical—indeed crucial—elements of the overall process by which one interprets treaties. Judge Sofaer made no effort to interview any principal ABM negotiator except Ambassador Nitze—even though most of these gentlemen were still active professionally and living in or near Washington, DC. Finally, there was no discussion with the Senate, despite the Senate's constitutional responsibilities as a conguarantor of treaties.

Mr. President, to say that this is a woefully inadequate foundation for a major policy and legal change is a vast understatement. I hope that we can now begin to address the real problems, begin to address the real problems that confront our Nation in the areas of strategic balance and arms control.

There are a number of specific steps which I believe our Government should take in trying to bring a final resolution to this legal controversy, which I think is an unfortunate controversy. First, I believe the State Department should declassify the ABM Treaty negotiating record after consulting with and informing the Soviet Union of our intentions. The only downside I can see to declassification, since this record is at least 15 years old, is the diplomatic precedent, and that is to be considered. However, if the Soviet Union is informed and consulted in advance of declassification, it seems to me that there would be no adverse precedent.

Second, we must recognize that by upholding the traditional interpretation of the treaty we certainly will not eliminate all the ambiguities with respect to the effect of the treaty. Some ambiguities remain. The United States and the Soviet Union have not reached a meeting of the minds on the precise meaning of such important words as "development," "component," "testing in an ABM mode," and "other physical principles." The appropriate forum for attempting to remove these ambiguities is the Standing Consultive Commission [SCC], as specified in the treaty. I strongly recommened that the SCC be tasked with the very important job of discussing these terms with the Soviet representatives and trying to come to mutual agreement.

Third and most important, we should continue to negotiate toward agreement in Geneva on a new accord limiting offensive as well as defensive systems, which would supersede the ABM Treaty as well as SALT II, and that would, of course, render moot this whole debate about narrow versus broad interpretation. Nothing would be better than to render this argument moot by entering into a comprehensive agreement on offense and defense and to have the terms defined with precision, clear up these ambiguities, and move on into the new arms control era.

Finally, we must develop an objective analysis of what tests are necessary under the strategic defense initiative which cannot be conducted under the traditional interpretation. We were told last year by General Abramson, the head of this project, that there were no tests which would be adversely impacted by the traditional interpretation before the early 1990's. If that has changed, we need to know what changes have taken place and what has driven those changes. I want to emphasize that our Armed Services Committee needs this analysis and we need it before we begin the markup of our committee bill, because any discussion of what this SDI money is going to be used for has to have as a foundation the overall interpretation and the tests that will be conducted thereunder.

I emphasize also that the determination should be based on a sound technological assessment and not on an ideologically driven kind of judgment. It is important for us to know that we are getting an analysis of scientists and not ideologs who have some agenda that has nothing to do with the technology and the tests at hand.

Mr. President, I hope to speak on this subject again in the future. I would like to be able to make my analysis of the negotiating record available to the public, but it is classified so I can only state the conclusions which I have given this morning. I will, however, be filing in the next several days a comprehensive analysis that will be classified. At some juncture in the future, as I have explained, I hope that that will be available for public dissemination.

I also repeat that I hope that we will be able to declassify this whole record. There will be many lawyers who would be interested in the analysis that has taken place. I hope our country could move out of the legalistic debate now and get down to the crucial substance of the SDI Program and the arms control issues with which we are faced.

Mr. President, I should like to read for the RECORD what I think is a very important statement by six former Secretaries of Defense of our country on the ABM Treaty. The statement, dated March 9, 1987, is signed by the Honorable Harold Brown, the Honorable Melvin Laird, the Honorable Elliot Richardson, the Honorable Clark Clifford, the Honorable Robert McNamara, and the Honorable James Schlesinger—as I count it, three Republicans and three Democrats who served under different administrations.

STATEMENT BY FORMER SECRETARIES OF DEFENSE ON THE ABM TREATY

MARCH 9, 1987.

We reaffirm our view that the ABM Treaty makes an important contribution to American security and to reducing the risk of nuclear war. By prohibiting nationwide deployment of strategic defenses, the Treaty plays an important role in guaranteeing the effectiveness of our strategic deterrent and makes possible the negotiation of substantial reductions in strategic offensive forces. The prospect of such reductions makes it more important than ever that the U.S. and Soviet governments both avoid actions that erode the ABM Treaty and bring to an end any prior departures from the terms of the Treaty, such as the Krasnoyarsk radar. To this end, we believe that the United States and the Soviet Union should continue to adhere to the traditional interpretation of Article V of the Treaty as it was presented to the Senate for advice and consent and as it has been observed by both sides since the Treaty was signed in 1972.

HAROLD BROWN.
MELVIN R. LAIRD.
ELLIOT L. RICHARDSON.
CLARK M. CLIFFORD.
ROBERT S. MCNAMARA.
JAMES R. SCHLESINGER.

I thank the Chair, and again I thank the majority leader for giving me the opportunity to make this series of presentations before the Senate.

Mr. President, there are three members of my staff to whom I express my appreciation for the countless hours they have worked on the issues which I have presented during the last 3 days: Mr. Bob Bell of my staff, who is an expert on arms control, formerly worked for the Library of Congress and the Foreign Relations Committee of this body. He has spent several hundred hours in S. 407 reviewing the tedious details of the negotiating record. He is one of six Senate staff members who have had access to those records.

I also express my thanks to Mr. Andy Effron, who is an attorney who formerly served with the Office of General Counsel in the Department of Defense and is now on the Senate Armed Services Committee staff. Although he has not had access to the negotiating record, he has been of tremendous assistance in the analysis of legal and international law matters relating thereto.

Also, I want to thank Mr. Jeff Smith, who is an attorney who was formerly in the legal adviser's office in the State Department and has been a staff member of the Armed Services Committee for the last couple of years. Mr. Smith has many other duties, including advising me on intelligence matters, but he has given us a lot of his time in helping analyze the ABM reinterpretation issue from an international law perspective. So I thank all of these dedicated staff members for very, very long hours on a very tedious but important subject.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 11 A.M. TODAY

Mr. BYRD. Mr. President, the swearing in of the new Senator from Nebraska will take place at 11 o'clock this morning. No Senator seeking recognition, I therefore ask unanimous consent that the Senate stand in recess until 11 a.m. today.

There being no objection, at 10:30 a.m. the Senate recessed until 11 a.m.; whereupon, the Senate reassembled when called to order by the Vice President.

SENATOR FROM NEBRASKA

The VICE PRESIDENT. The Chair lays before the Senate the Certificate of Appointment of the Honorable David Kemp Karnes as a Senator from the State of Nebraska.

Without objection, it will be placed on file, and the certificate of appointment will be deemed to have been read.

The certificate of appointment is as follows:

> TO THE PRESIDENT OF THE SENATE OF THE UNITED STATES
>
> This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Nebraska, I, Kay A. Orr, Governor of said State, do hereby appoint David Kemp Karnes a Senator from said State to represent said State in the Senate of the United States until the vacancy therein caused by the death of Edward Zorinsky is filled by election as provided by law.
>
> Witness Her Excellency our Governor Kay A. Orr and our Seal hereto affixed at Lincoln this 11th day of March 1987.
>
> KAY A. ORR,
> *Governor.*

The VICE PRESIDENT. If the Senator-designate will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

Mr. Karnes of Nebraska, escorted by Mr. EXON, advanced to the desk of the Vice President; the oath prescribed by law was administered to him by the Vice President; and he subscribed to the oath in the official oath book.

(Applause, Senators rising.)

Mr. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LAUTENBERG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS FOR SENATOR KARNES

Mr. BYRD. Mr. President, I join with my colleagues in congratulating our new Senator from Nebraska. Mr. KARNES is the 1,782d Senator to have served since the Senate first established a quorum on April 6, 1789.

It is a great honor for him to be a U.S. Senator, and I know I speak for all Senators in saying that we look forward to our service with him in this great institution.

I congratulate him.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. EXON. Mr. President, I am pleased this morning to have the opportunity to take part in the swearing-in ceremony for a very outstanding Nebraskan who is the brand new U.S. Senator.

I just heard over there some of the younger Members of the Senate who indicated that, I believe, DAVID KARNES is by 8 days the youngest Member of the U.S. Senate.

That allows some of our more younger Members to finally move up in seniority in the U.S. Senate. So, for that, they thank you.

I am looking forward to working with my colleague in representing our great State. We have lots of problems, and we will be working on them.

I also want the Senate to know that I went as far as I could possibly go this morning in true bipartisan spirit. Without even checking with the majority leader, I said we would be pleased to seat him on this side of the aisle. He respectfully declined, which indicates, I think, that he already has learned a great deal about the U.S. Senate. I am looking forward to working with him.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DOLE. Mr. President, let me echo what was said by the distinguished majority leader and the distinguished Senator from Nebraska, Senator EXON.

Let me also congratulate the Governor of Nebraska, Gov. Kay Orr. We are honored to have her in our presence this morning. She has made an outstanding choice. We also welcome our colleagues from the House side, Congressman BEREUTER and Congresswoman SMITH.

I have told our distinguished and most junior colleague of the body that as No. 100, you do not have any extra duties, but you have no privileges, either.

We will be working together. It will be exciting in the next few days. I think, as we have indicated privately, you do have some big shoes to fill. Ed Zorinsky was a man respected by all of us. He was our friend. We certainly will miss him.

But I think your interests and Ed's interests and Senator EXON's interests are pretty much the same.

I have indicated to the distinguished majority leader that perhaps somehow we can work out a seat for Senator KARNES on the Agriculture Committee. I know that has been a Nebraska tradition for a long time. I hope we are able to accomplish that.

In any event, we certainly welcome you to this distinguished group.

I have asked Senator BYRD to check and see what number I was. I never thought of your being No. 1,782, but it is an interesting bit of information.

So welcome to the U.S. Senate. We certainly look forward to working with you.

Mr. BYRD addressed the Chair.

The **PRESIDING OFFICER**. The majority leader.

MORATORIUM ON ASSISTANCE FOR NICARAGUAN DEMOCRATIC RESISTANCE

Mr. BYRD. Mr. President, the Senate will shortly adjourn over until Tuesday. I wonder if the distinguished Republican leader would be agreeable to our proceeding now with the next step in connection with the joint resolution that came over from the House without waiting until the conclusion of morning business today.

Mr. DOLE. Yes.

The **PRESIDING OFFICER**. The clerk will read House Joint Resolution 175 for the second time.

The legislative clerk read as follows:

A joint resolution (H.J. Res. 175) to impose a moratorium on the United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance.

Mr. BYRD. Mr. President, this being the second reading, I object to any further proceedings on this measure at this time.

The **PRESIDING OFFICER**. Objection having been heard after the second reading, the joint resolution will be placed on the calendar.

ROUTINE MORNING BUSINESS

Mr. BYRD. Mr. President, may we now proceed with morning business?

The **PRESIDING OFFICER**. Under the previous order, there will now be a period for the transaction of routine morning business for a period not to exceed 30 minutes, with statements therein limited to 5 minutes each.

SUPPORT FOR PRESIDENT'S DEFENSE BUDGET

Mr. WARNER. Mr. President, on February 22, the Washington Post featured a front page article entitled "GI's Waiting for New War Machines," which described field training of the U.S. Army's 1st Infantry Division at Fort Riley, KS. I ask unanimous consent that this article be printed in the Record following my remarks. The essence of the article is that these units were equipped with outdated M-60 tanks and M-113 personnel carriers rather than the Army's new M-1 tank and M-2/M-3 Bradley fighting vehicle.

The facts in this story are basically correct. While the Reagan buildup is the most ambitious undertaken in modern peacetime history, we are by no means close to completing the modernization of our Armed Forces. The Army, in fact, has completed only about one-third of its moderization program.

One should not conclude, however, that we have not made significant progress nor that the money has been wasted. Recent defense budgets have been structured to achieve an appropriate balance between modernization and readiness.

A large portion of the budget has gone into recruiting and sustaining high quality soldiers who are fully capable of operating sophisticated equipment.

In the Army alone 55 combat arms battalions have been added to Active and Reserve Forces since 1980 with no increase in Active Army end strength.

Special Operating Forces [SOF] have been similarly improved since 1980 with the addition of a Ranger regimental headquarters and a Ranger battalion, plus increased capabilities in Special Forces, psychological operations and SOF aviation—again with no increase in Active Army end strength.

War reserve stocks in Europe have been increased substantially over 1980 levels. The percentage of our goals for onhand stocks of munitions, major items and secondary items have increased by factors of 11 percent, 23 percent, and 28 percent, respectively.

Stocks of prepositioned overseas materiel configured in unit sets [POMCUS] have doubled since 1980.

Troop and maintenance facilities have been upgraded and the operating tempos of combat units have been increased.

Despite these indications of progress in readiness, the rate of modernizing our Armed Forces has been slowed simply because the total defense budgets approved by the Congress over the past 2 years have been inadequate. We must continue to push for timely modernization of the remaining two-thirds of our Army as well as continuing the modernization of our Navy, Marine Corps, and Air Force.

The Armed Services Committee has recently voted to support the President's Defense budget request and sent to the chairman of the Budget Committee letters expressing support for the President's request of $312 billion for defense. Some in the Congress, I am sure, will consider this budget request too high. On the contrary—even if approved at the requested level, it is not enough to continue the modernization of our forces at a reasonable rate. Within this budget proposal of $312 billion, it is necessary to reduce the production rates for M-1 tanks from 840 to 600 tanks per year, Apache helicopters from 101 to 67 aircraft per year, and to terminate the Army's AHIP Scout helicopter program.

Any reduction from the President's request will delay further the modernization efforts which we began several years ago. The soldiers at Fort Riley as well as our servicemen and women throughout the world deserve the finest equipment available. We should not expect them to go to war nor to train for combat with less than that.

However, the soldiers at Fort Riley, KS, and those elsewhere in the Army will continue to train and prepare for war with equipment that is rapidly becoming obsolete unless we provide sufficient resources to continue a reasonable modernization program for our Armed Forces.

I therefore urge my colleagues to support the President's budget request for defense and resist the temptation to make the kinds of precipitous cuts that have been made the past few years in the Defense budget.

There being no objection, the article was ordered to be printed in the Record, as follows:

GI's Waiting for New War Machines

(By Molly Moore)

Fort Riley, Kan.—Huddled against the biting winter wind, Spec. 4 Kevin Jackson and his company climbed into their tanks and personnel carriers and gunned the motors, ready for a day of field exercises. Engines growled, thick black smoke spewed across the icy knoll—and nothing moved. The fleet of hulking machines sat motionless glued to the frozen Kansas muck.

"If there was a war in Kansas, we'd be stuck on this hill," Jackson muttered as he used a hammer and screwdriver to chip ice clumps of mud from the metal treads of an aging M113 armored personnel carrier.

Six years after President Reagan launched his $2 trillion effort to modernize the nation's armed forces—with special emphasis on a major infusion of new equipment and weapons—many soldiers say they've only read about the promised new hardware in magazines or seen it in television commercials promoting Army careers.

The Army, which originally estimated its modernization program would peak by 1987, has completed about a third of its upgrading and estimates that it will not complete the buildup until well into the next decade. The much-publicized modernization also is behind schedule in the Air Force, Navy and Marine Corps, officials said. Military leaders said the completed modernization also will fall short of initial expectations in all of the services.

Although the armed forces have been successful in efforts to improve the quality of their troops with better pay and benefits and have increased military readiness in some areas—especially the front-line units in West Germany—much of the modernization has not reached Army posts and naval and air bases.

In many cases, weapons and equipment—the basic hardware of war—are more representative of the battlefields of Vietnam than the combat arena of the future.

Fort Riley's 1st Division, which would be among the first Army units to deploy to Europe in a crisis, was scheduled to complete most of its modernization effort by 1988. As of early January, with about 8 percent of the new weapons and equipment it was promised, Fort Riley had barely begun to modernize. Some battalions will not get their new equipment for several years.

"From a firepower standpoint, we're where we were in 1975 or '76—that's the reality," said John Denning, director of Fort Riley's forces modernization office, adding, "It's especially frustrating when a soldier sees something new and says, 'Why can't we have it?'"

Military officials blame the snail's pace on a tangled combination of budget squabbles, changes in military priorities and nagging development and performance problems with new equipment.

It is in the Army, of all the services, that the problems are perhaps most visible. The Army was allocated $415 billion from 1980 to 1986 for its improvement programs. The Congressional Budget Office has reported that the Army has fallen short of its goals in many areas despite 10 percent annual budget increases in the early years of the Reagan buildup.

Army officials describe Fort Riley, which sprawls across more than 97,000 acres of treeless eastern Kansas hills, as an accurate snapshot of the Army's modernization. Home to mechanized infantry and armored battalions that periodically rotate to duty in West Germany, Fort Riley is listed as being about midway in the modernization priorities.

M60 TANKS IN USE SINCE THE '60S

Fort Riley began receiving the first of its major new weapons systems, the M1 Abrams tanks, last month, almost two years after post officials said they were first told they'd get the tanks. The powerful, sophisticated tanks, which will not be assigned to companies until the end of March, will replace the M60 tanks that have been in service since the early 1960s.

Many of the soldiers at Fort Riley are assigned to tanks, personnel carriers, helicopters and other equipment that was put into service long before the GIs were born. Some said they were trained on the newer, more sophisticated equipment during their initial Army training or during rotations to West Germany, only to be assigned and retrained on aging, less capable equipment at Fort Riley.

"These are dinosaurs," Lt. Tom James groused as he clambered aboard the M60 tank he had just run through a practice maneuver.

Minutes earlier, his company commander, Capt. William Kelso, stood in a tower squinting through binoculars at an M60 that had just broken down on the snow-dusted practice range because of a hydraulics problem. They're chomping at the bit [for the new tanks]," Kelso said. "These are at least a generation old. . . . The wires only last so long before you start having electrical problems."

In addition to delays in receiving the M1 tank fleet, which will not be fully operational for 18 more months, Fort Riley is not scheduled to get the new Bradley Fighting Vehicle to replace its old M113 armored personnel carriers until 1991, and some post officials are doubtful about that date.

The M1 tank and the Bradley, which is faster, more powerful and more technologically advanced than the smaller M113, are considered the cornerstones of the Army's modernization. In many battalion-level units, modernization can hinge on one of those major systems.

For Lt. Col. Joseph G. Terry Jr.'s 2nd Battalion, 16th Infantry—a mechanized infantry unit—that essential system is the Bradley Fighting Vehicle, "When I'll get it, I don't know," said Terry, who took over the battalion 11 months ago. "First it was '87, then '88, '89. . . . We have NCOs [noncommissioned officers] and officers coming out of school ready to train with the Bradley, but we don't have it."

Terry's battalion, part of the 1st Mechanized Infantry Division (which has its headquarters at Fort Riley), has 742 soldiers. The battalion is divided into six companies: four infantry units, an antitank company and an administrative headquarters company.

Not only have some equipment allotments been delayed, others have been cut sharply. Fort Riley will receive about one-fourth the new Blackhawk utility helicopters originally planned for delivery, according to forces modernization chief Denning. In a few cases, the cutbacks will be slightly offset by other new weapons systems, such as the Apache attack helicopter now scheduled for delivery to Fort Riley between 1991-93, according to Denning.

The delays and juggling of equipment are the results of budget cuts by Congress, continuing changes in the way the Pentagon chooses to deploy its weapons and soldiers, and unexpected performance problems with new equipment.

Defense Secretary Caspar W. Weinberger is quick to blame Congress for slashing his original budget requests: "If we had more, we could do better. . . . We'd like to order at more economic rates of production—840 tanks instead of 600. We'd like to get more of the Bradleys, more ammunition. When you have the totals reduced you have to satisfy as many of the urgent needs as you can."

In its report, the Congressional Budget Office noted, "The Army would be unable to meet all of its goals—or even come near meeting them—if its budget does not increase in real terms."

CHANGING PRIORITIES AFFECT SUPPLY

But Defense Department officials concede that the problems are far more complex than money alone. Reagans military priorities have changed significantly over the last six years. His Strategic Defense Initiative (SDI) did not exist when the military modernization efforts were drafted six years ago.

The military's internal priorities also change from year to year, frequently turning weapons allotments into a chessboard of moves and countermoves. The Pentagon's first priority in the modernization effort is its front-line forces in Western Europe. Troops in the continental United States generally have been modernized in order of their expected rates of deployment during emergencies overseas. In some instances, that means a reserve unit coupled with an early deployment active-duty unit will be upgraded long before some active-duty units further down the deployment list.

"We outfit our units generally with the rule that the first to fight are the first to be equipped," said Lt. Gen. Louis C. Wagner Jr., the Defense Department's deputy chief of staff for research, development and acquisition.

Some delays, however, have been caused by faulty equipment, inadequate testing or production problems. Early problems in the development of the Bradley Fighting Vehicle and the M1 tanks contributed to initial delays in fielding the equipment, according to Wagner. Officials withheld the Patriot air defense missile for up to a year because it "was less reliable than we thought it should have been," he said.

Other key components of the equipment modernization program, such as the SINCGARS radio system that is expected to dramatically improve battlefield communications, have been plagued by reliability problems, according to Wagner. That could push back even further the 1991-93 scheduled delivery dates for the high-technology communications equipment at Fort Riley, according to officials.

Soldiers in the field, however, often receive little explanation for why they don't have the weapons and equipment they have heard about or used before they were assigned to posts such as Fort Riley.

"They have been training to fix a certain piece of equipment," said Denning, noting that if the equipment is not in use at Fort Riley the soldier eventually will have to "have a refresher course to bring him back up to speed from two years ago."

The delays translate into lower war readiness rates and hamper the Army's new air-land battle war plans that concentrate on training units for greater coordination between air and land forces.

The rate of modernization also affects a battalion's readiness ratings, the measure of its ability to go to war and win. The statistics for Lt. Col. Terry's 2nd Battalion point to the uneven results of the modernization.

While the battalion's personnel strength and some supplies have increased, there has been a decline in equipment readiness and percentages of senior-level officers. Other areas, such as the percentage of qualified specialists assigned to the unit, have shown little or no change despite the increased funding.

The most dramatic and consistent improvement in the Army since 1980 has been the quality of the soldiers. Today's recruits are better-educated, better-behaved, more easily trained and more committed to their jobs than their counterparts of six years ago, according to Pentagon statistics as well as field commanders.

Military leaders attribute the improvement in the quality of recruits to a combination of better pay and education benefits, a dimming of the antimilitary sentiment that followed the Vietnam war and rapid swings in the nation's economy.

EDUCATED SOLDIERS ARE SIGNING UP

"Johnny is a cut above the Johnny that came in in 1980," said Col. Mike Shaller, Fort Riley's chief of staff.

In Terry's battalion, 91 percent of all soldiers have a high school diploma, a mirror of the Army-wide average and almost double the Army's average of 54 percent in 1980.

The improvement in the education levels of the soldiers has been critical to the Army's efforts to meet the increasingly taxing human demands created by its more sophisticated and complicated equipment. Although modern equipment in many cases requires far more training and knowledge, Army officials said the higher education levels of enlistees have kept it from having to dramatically lengthen the time soldiers must devote to training on new equipment.

Army officials said that they are far from being satisfied with the quality of their troops, however. The Army still ranks behind all other armed services in the education levels of its enlistees. Last year, despite the number of high school graduates, 28 percent of the soldiers in Terry's battalion were rated as being deficient in reading and writing and were recommended for enrollment in the Army's basic English courses.

The improved education level of the soldiers, coupled with a major shift in the composition of the Army from primarily bachelor troops to substantially larger numbers of married men and women, also has contributed to declines in disciplinary problems and crime rates, according to officials.

"The number of married soldiers has changed the nature of the Army," said Fort Riley's Shaller. "The soldiers are much more responsible. [On a recent] weekend there was no report of a soldier going to a local bar and punching anybody out."

At the same time, these married and better-educated soldiers have imposed tougher demands on the Army and its leaders. On the training field, soldiers are more aggressive and demanding of the commanders, forcing military officials to be more selective in the men and women they choose to lead squads and platoons and companies.

"Young men and women today want to know more the 'why' than they used to," Shaller said. "Be prepared to explain the big picture. In training, expect a lot of questions."

The soldiers are no less demanding in the quality of life they expect the Army to provide them. They want more regular working hours, improved housing and better services and benefits. Those expectations are greatest among the married troops. Young military families are taxing day-care and family services as never before.

While the Army has addressed some of the demands through changes in leadership attitudes and superficial improvements in housing and family services, many of the concerns have been barely touched by the modernization efforts at posts such as Fort Riley.

The post child-care center's capacity of 176 has remained unchanged in the last six years. In December, there were 143 children on its waiting list.

At any time, 1,400 to 1,500 Army families are waiting to obtain housing on post, according to Fort Riley officials. The delays can last from one to 12 months depending on the soldier's rank. Almost half of the families on the waiting list in December were living in housing considered substandard or too distant from Fort Riley, according to the post's housing office.

Fort Riley has built no new housing for married soldiers since the Reagan modernization effort began. The primary contribution of the modernization has been to upgrade some housing and to start a program that gives civilian landlords incentives to improve their housing for military families.

"It's just as difficult for them to find housing this year as in 1980," one housing official said. "The difference is, better housing is available."

TERRY: "I AM NOT A WORKAHOLIC"

In contrast, the post has 1,059 vacancies in its bachelor's quarters because of the decline in the numbers of single soldiers living on post since 1980, when the units were packed. Of the bachelor units still in use, however, 242 are substandard with inadequate bathroom facilities or other major problems, according to Lt. Col. Steven Whitfield, director of Fort Riley's engineering and housing office.

But there have been substantial changes in the approach of military leaders toward their soldiers. Lt. Col. Terry, who assumed command of the 2nd Battalion last March, issued an unusual "philosophy of command" to his troops shortly after he arrived. It included statements such as: "I am not a workaholic. Mission comes first, but you will never be evaluated on how long you work. How much you do is much more important. . . . I will take leave and time off: so will you."

Still, both soldiers and officers express continuing frustration over what many of them consider the most important aspects of military life: the equipment they spend their days shooting or driving or flying or repairing.

"If there's something new on the block, you want to play with it," Terry said. "I say to the platoon leaders, 'I would like to have the Bradley, too, but we don't have it. It's coming. If you get yourself immersed in your platoon, you won't concern yourself as much with it.' "

TRIBUTE TO SISTER M. TERESITA BERRY

Mr. BRADLEY. Mr. President, as we prepare to celebrate St. Patrick's Day this year, I would like to call attention to an outstanding New Jerseyan, Sister M. Teresita Berry, who has recently been selected "Irish Woman of the Year" by the St. Patrick's Day Parade Committee of Jersey City.

Sister Teresita has a distinguished record of community service. During her 61-year teaching career, she has passed on a wealth of knowledge to hundreds of students throughout the State. In 1983, she was selected by the Jersey Journal to receive the Woman of Achievement Award for her work in the community.

Although Sister Teresita is now semiretired, at 82 years of age she continues to remain active in community service, volunteering her time whenever possible. One very successful program that she has been directing for the past 11 years is called "T for C," "Technology for Children." In the basement of the convent where she resides, Sister Teresita conducts classes in sewing, woodworking, typing, and elementary computer science.

For the past 15 years, she has been active with the senior citizens in Jersey City. Twice a week she conducts an aerobic exercise class for interested seniors, and once a month she visits the patients at the geriatric hospital. She also visits other sick and homebound persons whenever possible.

We can all learn a lesson from Sister Teresita's life. Her endless energy, her compassion, and her desire to help others are all values worthy of striving for, and I think it is fitting that she be honored today for her contributions to her community. Because of Sister Teresita, Jersey City is a better place to live.

TRIBUTE TO THE LATE EDWARD ZORINSKY OF NEBRASKA

Mr. DODD. Mr. President, I was greatly saddened by the untimely death of our good friend and colleague Ed Zorinsky. To his wife, Cece, and his family, I express my deepest condolences.

In the Senate, Ed was neither a showman nor a follower. Quietly and effectively, he allowed his personal judgments and insights to guide him through the mine field of politics and the mire of Senate business. He had an uncanny capacity, most notably as ranking minority member of the Agriculture Committee, of forging consensus policy from very divergent views. I know that considerable time was spent reflecting on his contributions and his style during a meeting of that committee this week.

Back home in Nebraska he was an attentive and concerned representative of all of his constituents. In a well known act of rebellion he took his office door off of its hinges saying: "I never close my door on anything." He has influenced major farm legislation of real consequence to the farmers of his State and others, at a time when those folks are less than happy with elected officials in Washington.

I perhaps knew him best in the context of the Foreign Relations Committee, where he was chairman of the Subcommittee on Western Hemisphere Affairs until serving as ranking minority member there when our colleagues on the other side of the aisle controlled the institution.

Because of Ed's work in Latin America, and my longstanding interest in issues of import to that region, we developed a closer relationship than might otherwise have been the case. When Democrats regained control of the Senate this year, I talked to Ed about subcommittee assignments, and expressed to him my very deep personal interest in assuming the chairmanship of the Subcommittee on Western Hemisphere Affairs. He had been at the helm for a long tme and had a deep interest and thorough knowledge of the issues confronting Latin America. But Ed Zorinsky responded to my appeal by setting seniority aside, and for reasons of personal accommodation and consideration, he acceded to my request. It was an act of great generosity.

That is the kind of Senator Ed Zorinsky was. He was a good friend, a dear colleague, and there will always be a soft spot in my heart and all of our hearts where his memory will remain bright.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that on March 12, 1987, he had approved and signed the following enrolled joint resolution:

S.J. Res. 20. Joint resolution to designate the month of March 1987, as "Women's History Month."

S.J. Res. 46. Joint resolution declaring 1987 as "Arizona Diamond Jubilee Year."

MESSAGES FROM THE HOUSE

At 10:28 a.m., a message from the House of Representatives, delivered by Mr. Berry, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1505. An act making technical corrections relating to the Federal Employees Retirement System; and

H.R. 1562. An act to make permanent certain authority of the National Credit Union Administration.

The message also announced that pursuant to the provisions of section 4(a) of Public Law 96-114, as amended, the Speaker appoints Mr. LANTOS as a member of the Congressional Award Board, on the part of the House.

The message further announced that pursuant to the provisions of section 601 of Public Law 99-603, the minority leader appoints as members of the Commission for the Study of Migration and Cooperative Economic Development, the following from the private sector: Mr. Diego C. Ascencio, of Washington, DC; Ms. Donna Alvarado, of Washington, DC; and Mr. Eric H. Biddle, Junior, of Arlington, VA.

The message also announced that pursuant to the provisions of section 203 of Public Law 99-660, the Speaker appoints Mr. ROWLAND of Georgia as a member of the National Commission to Prevent Infant Mortality, on the part of the House.

The message further announced that pursuant to the provisions of section 304 of Public Law 99-603, the Speaker appoints Mr. Russell Williams, of Visalia, CA, as an additional member to the Commission on Agricultural Workers, from the private sector.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 1562. An act to make permanent certain authority of the National Credit Union Administration; to the Committee on Banking, Housing, and Urban Affairs.

MEASURES PLACED ON THE CALENDAR

The following joint resolution was read the second time and placed on the calendar:

H.J. Res. 175. Joint resolution to impose a moratorium on United States assistance for the Nicaraguan democratic resistance until there has been a full and adequate accounting for previous assistance.

MEASURES HELD AT THE DESK

The following bill was ordered held at the desk by unanimous consent until the close of business March 17, 1987:

H.R. 1505. An act making technical corrections relating to the Federal Employees Retirement System.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-699. A communication from the Secretary of Agriculture and the Secretary of the Army transmitting, pursuant to law, notice of the intention of the Departments to interchange jurisdiction of civil works and Forest Service lands at Laurel River Lake in Kentucky; to the Committee on Agriculture, Nutrition, and Forestry.

EC-700. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to change certain price levels and supports for wheat, feed grains, upland cotton, and rice; to the Committee on Agriculture, Nutrition, and Forestry.

EC-701. A communication from the Acting Secretary of Agriculture transmitting a draft of proposed legislation to improve the Commodity Credit Corporation's export programs; to the Committee on Agriculture, Nutrition, and Forestry.

EC-702. A communication from the Secretary of Agriculture transmitting a draft of proposed legislation to increase the borrowing authority of the Commodity Credit Corporation; to the Committee on Agriculture, Nutrition, and Forestry.

EC-703. A communication from the Secretary of Agriculture and the Secretary of the Army transmitting, pursuant to law, notice of the interchange of jurisdiction over civil works and Forest Service lands at Lake Ouachita, Arkansas; to the Committee on Agriculture, Nutrition, and Forestry.

EC-704. A communication from the Director of the Office of Management and Budget transmitting, pursuant to law, a report on the reapportionment of certain appropriated funds for Radio Free Europe/Radio Liberty, Inc.; to the Committee on Appropriations.

EC-705. A communication from the Secretary of Agriculture transmitting, pursuant to law, a report on two overobligations of apportioned authority; to the Committee on Appropriations.

EC-706. A communication from the Secretary of the Treasury transmitting, pursuant to law, a report on an overobligation of an apportionment; to the Committee on Appropriations.

EC-707. A communication from the Assistant Secretary of Defense transmitting, pursuant to law, a secret report on 99 Selected Acquisition Reports; to the Committee on Armed Services.

EC-708. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a confidential report on a foreign military assistance sale to Korea; to the Committee on Armed Services.

EC-709. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize supplemental appropriations for the Department of Defense for fy 1987; to the Committee on Armed Services.

EC-710. A communication from the Chairman of the Board of Directors of the Panama Canal Commission transmitting a draft of proposed legislation to convert the Commission from an appropriated-fund agency to a revolving-fund agency; to the Committee on Armed Services.

EC-711. A communication from the Principal Deputy Assistant Secretary of Defense transmitting, pursuant to law, a report on the value of property, supplies and commodities provided by the Berlin Magistrate for the quarter ended December 31, 1986; to the Committee on Armed Services.

EC-712. A communication from the General Counsel of the Department of Defense transmitting a draft of proposed legislation to authorize appropriations for the Department of Defense for fiscal years 1988 and 1989; to the Committee on Armed Services.

EC-713. A communication from the President and Chairman of the Export-Import Bank of the U.S. transmitting, pursuant to law, a report on loan, guarantee, and insurance transactions by the Bank with Communist countries during January 1987; to the Committee on Banking, Housing, and Urban Affairs.

EC-714. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effect of airline deregulation on air safety; to the Committee on Commerce, Science, and Transportation.

EC-715. A communication from the Secretary of Transportation transmitting a draft of proposed legislation to authorize appropriations for maritime programs for fiscal years 1988 and 1989; to the Committee on Commerce, Science, and Transportation.

EC-716. A communication from the Secretary of Commerce transmitting, pursuant to law, a report on foreign fishing fees assessed by the U.S. on foreign nations; to the Committee on Commerce, Science, and Transportation.

EC-717. A communication from the Administrator of the Federal Aviation Administration transmitting, pursuant to law, a report on airliner cabin air quality and safety; to the Committee on Commerce, Science, and Transportation.

EC-718. A communication from the Secretary of Commerce transmitting a draft of proposed legislation to repeal the Anadromous Fish Conservation Act; to the Committee on Commerce, Science, and Transportation.

EC-719. A communication from the Assistant Secretary of Energy transmitting, pursuant to law, a report on the effectiveness of including electric vehicles in the calculation of average fuel economy standards; to the Committee on Commerce, Science, and Transportation.

EC-720. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on truck occupant protection; to the Committee on Commerce, Science, and Transportation.

EC-721. A communication from the Assistant Vice President of AMTRAK transmitting, pursuant to law, a report on AMTRAK's annual review of routes for fiscal year 1987; to the Committee on Commerce, Science, and Transportation.

EC-722. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the effects of airport defederalization; to the Committee on Commerce, Science, and Transportation.

EC-723. A communication from the Secretary of Transportation transmitting, pursuant to law, the annual report on the administration of the Pipeline Safety Act for 1985; to the Committee on Commerce, Science, and Transportation.

EC-724. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the automotive fuel economy program; to the Committee on Commerce, Science, and Transportation.

EC-725. A communication from the Administrator of the Energy Information Administration transmitting, pursuant to law, the Administration's annual energy outlook for 1986; to the Committee on Energy and Natural Resources.

EC-726. A communication from the Executive Director of the U.S. Holocaust Memorial Council transmitting a request that the President pro tempore fill two vacancies on the Council; to the Committee on Energy and Natural Resources.

EC-727. A communication from the Secretary of Energy transmitting, pursuant to law, a report on emerging clean coal technologies; to the Committee on Energy and Natural Resources.

EC-728. A communication from the Secretary of Transportation transmitting, pursuant to law, a report on the administration of the Deepwater Port Act; to the Committee on Environment and Public Works.

EC-729. A communication from the Administrator of the General Services Administration transmitting a draft of proposed legislation entitled "Public Buildings Amendments of 1987"; to the Committee on Environment and Public Works.

EC-730. A communication from the General Counsel of the Department of the Treasury transmitting a draft of proposed legislation to authorize appropriations for the Customs Service for fiscal years 1988 and 1989; to the Committee on Finance.

EC-731. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on the medicare information transfer; to the Committee on Finance.

EC-732. A communication from the Secretary of Health and Human Services transmitting, pursuant to law, a report on prenatal care for eligible low-income women; to the Committee on Finance.

EC-733. A communication from the Assistant Secretary of State transmitting, pursuant to law, a report on a travel advisory issued for Suriname; to the Committee on Foreign Relations.

EC-734. A communication from the Director of the Defense Security Assistance Agency transmitting, pursuant to law, a report on foreign military assistance customers with approved cash flow financing in excess of $100 million; to the Committee on Foreign Relations.

EC-735. A communication from the Assistant Secretary of the Army transmitting a draft of proposed legislation to authorize the Director of the USIA to provide DOD with photographs of military activities in Vietnam for purposes of developing military histories; to the Committee on Foreign Relations.

EC-736. A communication from the Administrator of the Agency for International Development transmitting, pursuant to law, a report on the progress in conserving biological diversity in developing countries; to the Committee on Foreign Relations.

EC-737. A communication from the Acting Secretary of State transmitting a draft of proposed legislation to authorize additional development and security assistance programs for fiscal year 1988; to the Committee on Foreign Relations.

EC-738. A communication from the Deputy Director of the CIA transmitting, pursuant to law, a report on a new Privacy Act system of records; to the Committee on Governmental Affairs.

EC-739. A communication from the Chairman of the Federal Home Loan Bank Board transmitting, pursuant to law, a report on the Board's accounting system for 1986; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. KASSEBAUM (for herself and Mr. Gore):

S. 746. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit applicants to file abbreviated applications for registration of pesticides or new uses of pesticides under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HOLLINGS (for himself, Mr. Breaux, Mr. Inouye, Mr. Ford, Mr. Riegle, Mr. Exon, Mr. Gore, Mr. Rockefeller, Mr. Pressler, Mr. Kasten, Mr. Trible, Mr. Nunn, Mr. Pryor, Mr. Bumpers, Mr. Heflin, Mr. Bingaman, Mr. DeConcini, Mr. Sasser, and Mr. Nickles):

S. 747. A bill to establish a motor carrier administration in the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER:

S. Con. Res. 31. Concurrent resolution commending the Czechoslovak human rights organization Charter 77, on the occasion of the 10th anniversary of its establishment, for its courageous contributions to the achievement of the aims of the Helsinki Final Act; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. KASSEBAUM (for herself and Mr. Gore):

S. 746. A bill to amend the Federal Insecticide, Rodenticide, and Fungicide Act to permit applicants to file abbreviated applications for registration of pesticides or new uses of pesticides under certain circumstances, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

PESTICIDE PRICE COMPETITION ACT

Mrs. KASSEBAUM. Mr. President, the legislation I am offering, on behalf of myself and Mr. Gore, eliminate the data compensation provisions of the Federal Insecticide, Fungicide, and Rodenticide Act [FIFRA]. In addition, it provides for the use of an abbreviated application for registration of generic pesticides. Enactment of this amendment would, in effect, place manufacturers of generic pesticides on equal footing with generic pharmaceutical manufacturers.

My purpose in offering this measure is simply to cut production costs for farmers. I think there is little understanding of what these costs have become. This could provide savings in the range of $200 to $500 million annually in the pesticide bills of American farmers. These savings would be achieved by making it easier and quicker to bring generics onto the market.

Let me emphasize that this bill is not intended to deprive manufacturers who originate pesticides from receiving an ample return on their investment. Current law recognizes the substantial research and development costs involved in pesticide production by providing a 17-year exclusive marketing right over registered pesticides. Manufacturers are eligible for research and development tax deductions and credits as well.

I believe these provisions offer adequate incentives for innovation. Yet, the truth is that barriers to market entry do not end with the expiration of a patent when it comes to pesticides. In short, at the same time we have gone to great lengths to protect the investments of original manufacturers, we have done nothing to advance the interests of pesticide consumers who would benefit from greater generic competition.

When we granted patent term extension to pharmaceutical products in 1984, we at the same time made it easier for generic products to come onto the market. Rather than duplicating tests of a drug, a generic manufacturer now only has to prove to the Food and Drug Administration that it can produce an identical chemical compound in order to begin marketing it.

This general approach has also been endorsed by the administration. In a March 10, 1986, letter to Senator Strom Thurmond, Health and Human Services Secretary Otis Bowen strongly recommended that legislation providing for patent term extension of veterinary drugs be amended. The Secretary proposed that a provision be added to enable manufacturers to obtain premarket approval of generic drugs without having to duplicate the safety and effectiveness studies required for approval of the original drug. Mr. President, I ask unanimous consent that the full text of Secretary Bowen's letter appear in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. KASSEBAUM. I would like to explain briefly how onerous the road blocks are for the production of generic farm chemicals. Current law requires that an enormous amount of health and safety data be submitted to the Environmental Protection Agency [EPA] in order to register a pesticide product. Without EPA registration, a pesticide may not be put on the market. A generic producer has two options for meeting this requirement.

One, the producer can generate his own data—which takes anywhere from 5 to 7 years. In so doing, the generic producer is duplicating work that has already been done.

The producer's second option is to buy the right to cite the data previously submitted to EPA by the originator of the product. The amount of the data compensation due is determined by a system of binding arbitration which was setup in the 1978 amendments to FIFRA.

The law does not contain any explicit standard for determining compensation. Thus, the only guidance we have as to the effects of the arbitration process is the single case which has been completed under it—Stauffer Chemical Co. versus PPG Industries (1983).

In that case, the arbitration award to the original manufacturer—Stauffer Chemical—amounted to 50 percent of the cost of the data plus a 10-year royalty. The royalty amount was intended to represent the value to the generic manufacturer of being able to enter the market much sooner than would otherwise be possible. In all, the value of the award is estimated to exceed $15 million—an amount five times the actual cost of producing the data.

Commenting on this case, an analyst with the Congressional Research Services notes:

> This award was so large that it could effectively foreclose secondary registrants by making the cost of entering the market so uncertain that few if any firms would be willing to take the risk, and for smaller firms, making the up-front costs so high they could scarcely take the risk.

This system simply does not make sense. Generic drug manufacturers have never had to pay for data which has already been filed with the Food and Drug Administration. Why should pesticides be different?

Clearly, this situation works against the American farmer who is trying to cut costs and operate at maximum efficiency. The monopoly held by original pesticide producers extends long beyond the expiration of a patent, as a potential generic competitor must either spend 5 to 7 years duplicating data or debate whether it is worth the financial risk to purchase that data.

Either way, the bottom line is that farmers pay more for pesticides. Mr. President, I ask unanimous consent that an article on this subject by George Anthan of the Des Moines Register be printed in the RECORD along with an article by Stephen Fehr in the Kansas City Times following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mrs. KASSEBAUM. Farmers spend about $3.4 billion on pesticides every year. Competition within the industry would significantly reduce prices, as illustrated by past experience when generics have come onto the market. The price of Phostoxin, for example, has dropped nearly 20 percent since a generic version became available in 1982. Treflan has seen a price drop of nearly 25 percent since a generic appeared on the market last year.

It is particularly important that we act now to address this situation. Over the next 5 years, 21 pesticides widely used by American farmers will come off patent. These pesticides constitute about 43 percent of the entire pesticide market.

Congress, by deciding to inject a healthy dose of competition into the pesticide industry, could give the farmer a real break. And, this could be done without further drain on the U.S. Treasury.

EXHIBIT 1

THE SECRETARY OF
HEALTH AND HUMAN SERVICES,
Washington, DC, March 10, 1986.

Hon. STROM THURMOND,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: There is pending before the Committee, S. 1093, a bill "To amend the patent law to restore the term of the patent in the case of certain products for the time of the regulatory review period preventing the marketing of the product claimed in the patent." We take this opportunity to inform you of our views on that bill. We understand that S. 1093 is scheduled for mark-up on March 11, 1986 before the Subcommittee on Patents, Copyrights and Trademarks.

Our views focus on S. 1093 as it would affect veterinary drugs, which are regulated by the Food and Drug Administration (FDA) under the Federal Food, Drug, and Cosmetic (FDC) Act, S. 1093 would authorize the restoration of patent time lost due to Federal premarket requirements for veterinary drugs, pesticides, and agricultural chemicals.

In summary, we support patent restoration for veterinary drugs, but urge the Committee to add an additional provision that would enable manufacturers to obtain Federal premarket approval to market generic versions of these drugs without having to duplicate the potentially costly and time-consuming safety and effectiveness studies that are required of pioneer manufacturers. Without such a provision, there would appear to no need for patent restoration since the current Federal requirement for duplicative testing would continue to serve as an effective economic barrier to competition even after the expiration of patents that would be restored by this legislation.

The Department of Health and Human Services traditionally has supported patent restoration for the products that require the premarket approval of FDA. These products often entail high development costs, the risk of failure and small potential markets. In addition, innovators typically lose years of patent exclusivity because of testing requirements and regulatory review. We are mindful of the paradox that the careful and time-consuming scientific review needed to confirm safety and effectiveness may be reducing initiatives to develop new veterinary drugs. Streamlining the regulatory process will help. However, the FDA premarket approval system must continue to be thorough enough of assure safety and efficacy even if that means living with a process that takes longer than we would ideally prefer. We want to encourage innovation, but not at the expense of safety. Consequently, we support patent extension for veterinary drugs as a means of encouraging innovative research.

Patent restoration would have little, meaning, however, if Federal regulatory barriers had the effect of preventing the marketing of virtually identical generic products after patents expire. Such a situation existed for human drugs until 1984, when the Congress enacted legislation that both extended patents associated with human drugs and removed regulatory barriers that effectively prevented the development of many generic human drugs. The situation still exists, however, for veterinary drugs.

Consequently, in addition to patent extension, we strongly support the enactment of an explicit statutory authority that would allow a manufacturer to market a generic version of a veterinary drug without having to duplicate the time-consuming and costly studies that are necessary to demonstrate that the original version of the drug is safe and effective. The generic manufacturer only would have to demonstrate in an "abbreviated" application for marketing approval to FDA that it is capable of manufacturing an equivalent product.

FDA presently allows abbreviated applications for generic versions of veterinary drugs that were approved before 1962, the year in which Congress amended the FDC Act to require that both human and veterinary drugs be shown to be effective as well as safe. A similar procedure has not been established for post-1962 veterinary drugs. As a consequence, the duplicative testing for safety and effectiveness that generic manufacturers must conduct for post-1962 drugs constitutes an effective economic barrier to their development. In this respect, the Federal drug approval process unwittingly serves as a quasi-patent whose term never expires.

We have concluded, therefore, that both patent restoration and an abbreviated approval procedure ought to be included in the same legislation so that they may be considered and, hopefully, enacted together.

We continue to believe that it is good public policy to link the two concepts in order to foster research for new products and at the same time encourage competition and lower prices. In our view, it would be unfair to consumers as well as to the industry as a whole if one were enacted but not the other or if a substantial time lag occurred between the enactment of both. We would be pleased to work with the Committee to add an abbreviated application provision to S. 1093.

We are advised by the Office of Management and Budget that there is no objection to the presentation of this report from the standpoint of the Administration's program

Sincerely,

OTIS BOWEN,
Secretary.

EXHIBIT 2

[From the Des Moines Register, Sept. 14, 1986]

FARMERS' PURSE STRINGS MAY TIE UP CHEMICAL LEGISLATION

(By George Anthan)

The already shaky agreement over legislation to re-authorize the Federal Insecticide, Fungicide and Rodenticide Act could unravel because of an important sticking point involving farmers' pocketbooks.

The lengthy and complex debate in Congress over FIFRA, under which farm and garden chemicals are regulated, has involved representatives of the chemical industry and environmentalists, but farmers have a huge financial stake in the situation.

Negotiations have taken years, but a series of compromises this year involving the industry and environmental groups has cleared the way for both houses of Congress to take up the bill before they adjourn this fall.

The House and Senate Agriculture committees have approved versions of the new bill under which FIFRA would be extended for five years. The new law would require that pesticides must be "registered" by the Environmental Protection Agency and that some 600 pesticides in use when the original law was passed in 1971 must be tested for their health effects. The "re-registration" of these pesticides would be financed through fees paid by the manufacturers.

The controversy is over "data compensation," splitting the mostly big companies whose research brings pesticides into the market and the mostly smaller companies and cooperatives who later want to enter the market and produce the same pesticides as generic products at a lower cost to farmers.

Farmland Industries, Inc., a farm cooperative based in Kansas City, has estimated that over the next five years, patents on some 45 percent of pesticides now in use will expire and that if these products can be produced by generic manufacturers, the potential saving to farmers would range from $420 million to $500 million a year.

Tim Galvin, an aide to Congressman Berkley Bedell, whose subcommittee developed the House version of FIFRA, says the issue of how to compensate the big pesticide "innovators" is "very divisive, almost intractable."

The larger chemical companies pay for the research necessary to bring new pesticides into the market and to get them registered by the EPA. In return, they get a 17-year exclusive right to sell the products. Once the patent expires, other firms, in most cases smaller, can move in and produce the pesticides under "generic" labels.

But, under current law, companies seeking to enter the market with a pesticide on which the patent has expired have been forced to compensate the innovators more than five times their cost of generating the data filed with EPA.

Farmland Industries officials told Congress recently that "when a human drug comes off patent, for example, a generic producer has only to prove to the Food and Drug Administration that it is capable of producing an identical chemical compound and is then authorized to begin marketing. . . ."

But FIFRA provides that the question of how much a pioneering firm is to be compensated for the scientific data it generated to gain approval for the pesticide will be determined through binding arbitration. In a case involving Stauffer Chemical Co., the original developer of a product, and PPG Industries Inc., which wanted to enter the market, arbitrators gave Stauffer an award valued at almost $16 million, 90 times what PPG had considered reasonable.

The Congressional Research Service notes in a report that "this award was so large that it could effectively foreclose secondary registrants by making the cost of entering a market so uncertain that few firms would be willing to take the risk. . . ."

The Senate version of the FIFRA bill greatly pleases the large chemical companies because it allows patents on new pesticide products to be extended for up to five years, depending on how long the product was undergoing regulatory review by EPA. The Senate bill also gives smaller companies the right to begin health tests on such a pesticide up to two years before the patent expires.

The House bill includes some provisions for non-binding arbitration. But Farmland emphasizes that any new law that's passed should include a ceiling on the amount of compensation that could be paid to a company which developed a pesticide.

Farmland cites data showing dramatic drops in the prices of some pesticides that were produced under generic labels. The data show that Phostoxin, a product that has been produced generically since 1982, has dropped in price by almost 20 percent. Treflan has had generic competition since last year, Farmland stated, and has experienced a price cut of almost 25 percent.

In contrast, the cooperative contends, several leading pesticides that have no generic competition have had significant price increases in recent years.

[From the Kansas Times, Dec. 10, 1984]

GENERIC PESTICIDES GET A BOOST

(By Stephen C. Fehr)

WASHINGTON.—Kansas Sen. Nancy Landon Kassebaum, at the urging of Farmland Industries Inc. of Kansas City, is leading an effort in Congress to greatly expand the production of generic pesticides, a move that Farmland says could save farmers up to $500 million a year on pesticide bills.

But Kassebaum's proposal, as well as other more modest plans by other congressmen, has run into stiff opposition from 14 of the nation's largest chemical companies, which are a lucrative source of lawmakers' campaign money.

Furthermore, some of the big farm organizations, such as wheat and soybean growers and the American Farm Bureau Federation, have been lukewarm to Kassebaum's idea, in part because backers of the proposal say the large chemical companies funnel huge amounts of money to the farm groups in the form of seminars, awards and advertising in farm publications.

At stake in the fight over the proposal are billions of dollars in the U.S. agrichemical industry. Last year farmers, ranchers and other users bought $4 billion in pesticides, $2.6 billion in herbicides and $269 million in fungicides.

If Kassebaum's proposal passes, opponents say, as much as $5 billion a year in agrichemical sales would shift from the large chemical companies to generic producers such as Farmland because farmers would have more alternatives to name-brand chemicals, which usually cost more than generic pesticides.

"This (proposal) is not intended to deprive manufacturers who originate pesticides from receiving an ample return on their investment," said Kassebaum, who will push for Senate consideration of her plan when Congress reconvenes next month. "My purpose . . . is simply to cut production costs for farmers."

Under the current system, large agrichemical companies spend at least seven years and an average of $25 million on research and development of a new pesticide product. Part of that process involves registration with the U.S. Environmental Protection Agency.

In return for that investment, Congress gives the companies an exclusive right to sell the products for 17 years. The manufacturers also get tax breaks for their research.

When the 17-year patent expires, other companies may produce the same chemicals under generic labels.

But first, the smaller companies and cooperatives must obtain EPA registration. They do this by spending the seven or so years duplicating the research of the original manufacturer or by compensating the original manufacturer for the research data it submitted to the EPA.

Forced to choose between the two, the smaller companies and coops say they offer to pay for the data. The current law says that if the two companies can't agree on the amount to be paid, a federal arbitration panel determines it. In the one case decided since the law went into effect in 1978, the company wanting to produce the generic pesticide had to compensate the original manufacturer $15 million, or five times the actual cost of registering the chemical.

In the face of such large amounts, Kassebaum, working with Farmland officials, has proposed wiping out the requirement that the smaller companies pay the original manufacturers once the 17-year patent expires.

"This system simply doesn't make any sense," Kassebaum said. "Generic drug manufacturers have never had to pay for data which has already been filed with the Food and Drug Administration. Why should pesticides be different?"

She said the 17-year period and the tax breaks are adequate incentives to the large companies. In the next five years, she said, the patents of 21 pesticides, or 43 percent of the market, will expire, making the issue more urgent.

But opponents, who want to keep the current system, said the issue isn't as black and white as Kassebaum paints it.

For one thing, they said, some of the cooperatives such as Farmland, the largest U.S. farm supply co-op, are bigger than some of the chemical companies that produce pesticides. And they said the relative difference in costs to farmers, has been exaggerated.

"Generic competition will reduce the price of that particular product to the farmers," said Robert J. Fields, a lobbyist for FMC Corp., a large chemical concern based in Chicago. "But compared to the other costs a farmer has per acre, the chemical costs are relatively insignificant."

The large-chemical companies' main argument against Kassebaum's proposal is its potential to hurt the agrichemical industry, already mired in a slump partly because of spiraling research costs. They worry that the loss of compensation for their research would force more companies to pull out of the agrichemical business, giving foreign competitors a larger toehold in the U.S. pesticide market.

"In the long term, you'll reduce the incentive of manufacturers to do research and development to benefit the farmer," Fields said. "We think the best competition which benefits the farmer is among the patented manufacturers."

Mark A. Maslyn, a lobbyist for the American Farm Bureau Federation, the nation's largest farm organization, and Margie Williams, of the National Association of Wheat Growers, said farmers benefit from the large companies' research.

"The chemical industry will make the investment in research and development of better and safer products," Maslyn said. "Given the lack of return (under Kassebaum's and others' proposals), that investment won't be there, and the number of products the farmer has will be less efficient and less environmentally sound."

Still, Maslyn said, if the Farm Bureau were pressed to take a position, it probably would side with the generic producers because the resulting competition would lower farmers' costs. However, he said, the original manufacturers ought to be paid a reasonable amount by the generic producers for the manfacutuers' research data.

Though Kassebaum's proposal was backed by the American Agriculture Movement, the National Grange and the National Farmers Organization, its chances would be helped a great deal if such groups as the Farm Bureau and wheat growers endorsed it.

"The thing that will turn this is if a couple of commodity groups come in on our side," said Jerry Waters, a Washington lobbyist for Farmland.

Farmland will push the proposal next year, but the smaller companies aren't sure yet whether they join in. A group of about 60 small chemical companies and co-ops called the Pesticide Producers Association, of which Farmland is a member, is to meet this week to decide whether it can afford a $350,000 lobbying effort over the next two years. Last year the group spent $100,000.

Farmland suffered its worst year in fiscal 1986. Its interest in the generic pesticide is not so much for its own financial benefit, because Farmland officials aren't sure to what extent their firm would produce generics, but for the sake of its members, officials said.

"If we can show 20 to 25 percent drop in the price on these products because of someone else—Farmland or anyone—coming in to the market, that's an overall savings to all of our members and the farmers," said John M. Wise, Farmland's regulatory affairs manager.

In October, when the Senate considered legislation to overhaul pesticide laws, Mrs. Kassebaum offered her plan as an amendment but later withdrew it because it threatened passage of the whole bill. As it turned out, the bill died and probably is going to be considered again next year.

Kassebaum, a Republican, is now in the minority in the Senate, but she still hopes that the plan will come up again early next year.

"I think we're going to get a groundswell going this time that members of Congress are going to have a hard time coming out against this," Wise said.

By Mr. HOLLINGS (for himself, Mr. BREAUX, Mr. INOUYE, Mr. FORD, Mr. RIEGLE, Mr. EXON, Mr. GORE, Mr. ROCKEFELLER, Mr. PRESSLER, Mr. KASTEN, Mr. TRIBLE, Mr. NUNN, Mr. PRYOR, Mr. BUMPERS, Mr. HEFLIN, Mr. BINGAMAN, Mr. DECONCINI, Mr. SASSER, and Mr. NICKLES):

S. 747. A bill to establish a motor carrier administration in the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ESTABLISHMENT OF A MOTOR CARRIER ADMINISTRATION IN THE DEPARTMENT OF COMMERCE

● Mr. HOLLINGS. Mr. President, today I am introducing, with my colleague Senator BREAUX, legislation to establish a Motor Carrier Administration within the Department of Transportation [DOT]. This bill is similar to one I introduced, but which was not acted upon, during the 99th Congress. Senator BREAUX sponsored this measure as a Member of the House of Representatives. The bill's purpose is to promote efficiency and enhance the development of a coordinated national transportation system. I am pleased to have as cosponsors of this measure Senators INOUYE, FORD, RIEGLE, EXON, ROCKEFELLER, PRESSLER, KASTEN, TRIBLE, NUNN, PRYOR, BUMPERS, HEFLIN, BINGAMAN, DECONCINI, SASSER, and NICKLES.

As most of us well know, motor carriers serve an essential role in our national transportation network. The trucking industry is the largest and most pervasive of all modes of transportation in this country. It carries the most freight, travels the greatest number of miles, employs the most people, and offers the greatest variety of transportation services.

Unlike other methods of transporting goods—rail, air, and water—trucking is not limited to a few terminals and byways. Its operations are conducted on the streets, roads, and highways of the Nation—in every county, town and city. It has a daily impact on the traveling public, and on the homes, businesses, farms, and factories along those routes. In addition, trucking very significantly affects the governmental entities responsible for maintaining and operating those roads.

The intercity bus industry also serves as an important component of our passenger transportation network. The industry estimates that in 1985 alone, intercity buses carried over 325 million passengers and traveled approximately 995 million miles over our Nation's highways.

Since Congress created it in 1966, the Department of Transportation has been home to a number of administrative agencies which represent specific modes of transportation. The Federal Aviation Administration, the Urban Mass Transportation Administration, and the Federal Railroad Administration, among others, are examples of how the consolidation of functions has improved Government's role in enhancing transportation safety, efficiency, and productivity.

Yet, curiously, there is no single organizational entity in the Federal Government which can represent the motor carrier industry and serve as the principal outlet for information to the public. Questions on motor carrier safety are diverted to the Federal Highway Administration and the National Highway Traffic Safety Administration, while decisions on regulatory and taxation matters seem to bubble up out of nowhere.

The bill we are introducing today would address this obvious deficiency. It represents a very simple legislative step—the creation without DOT of a modal administration that would consolidate bus and trucking functions now spread throughout the Department. This would be known as the Motor Carrier Administration. The bill would also require the Secretary of Transportation and the chairman of the Interstate Commerce Commission [ICC] to report to Congress within 6 months of enactment, outlining which ICC functions should be transferred to the new agency.

The Motor Carrier Administration would serve several important functions. First, it would facilitate truck and bus operations to benefit the public interest now and in years to come. Second, it would fulfill the purposes of the Department of Transportation Act relative to transportation policy, technological development, transportation safety, protecting the environment, improving transportation systems, and protecting consumer interests. Finally, the Motor Carrier Administration would provide comprehensive research, planning and programming that will enable Congress and the Federal Government to make well founded and properly directed legislative and regulatory decisions.

This bill has strong support within the trucking and bus industries. Other groups also realize the potential benefits and have endorsed its passage. Supporters of a Motor Carrier Administration include:

American Bus Association.
American Pulpwood Association.
American Retreaders Association.
American Trucking Associations.
Food Marketing Institute.
Motor Vehicle Manufacturers Association.

National Association of Truck Stop Operators.
National Automobile Dealers Association.
National Council of Farmer Cooperatives.
National Farmers Union.
The National Grange.
National Safety Council.
Service Station and Automotive Repair Association.
Towing and Recovery Association.
Trucking Industry Alliance.
Truck Trailer Manufacturers Association.
United Bus Owners of America.
United Fresh Fruit and Vegetable Association.

Mr. President, the creation of a Motor Carrier Administration will promote efficiency. Such an administration would be relatively small in size, but would benefit virtually all Americans by providing better access, ensuring improved coordination and resulting in an improved national transportation system.

I urge my colleagues to support the passage of our bill, which would accomplish these objectives.

Mr. President, I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 747

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress finds that—

(1) within the Federal Government there is, for each mode of transportation (other than motor carrier), one organizational entity responsible for coordinating activities to ensure the safe and efficient operation of transportation by such mode;

(2) such coordination for motor carrier transportation has been lacking with regard to advising Congress, conducting research, planning and programming, and developing and integrating policies and programs within our total national transportation network;

(3) the establishment of a Motor Carrier Administration within the Department of Transportation will increase productivity and efficiency, and will provide cost savings resulting from the elimination of duplicative activities within the Federal Government;

(4) motor carrier safety is an area of increasing public concern, and the establishment of a Motor Carrier Administration would reflect the intent of Congress to give the highest priority to safety on the Nation's highways; and

(5) the Motor Carrier Administration will facilitate improved access and interaction among the Federal, State, and local governmental agencies, motor carrier, shippers, and the traveling public, thereby furthering the public interest.

Sec. 2. (a) Section 104 of title 49, United States Code, is amended—

(1) in subsection (c), by (A) inserting "and" immediately after the semicolon at the end of paragraph (1), (B) striking paragraph (2), and (C) redesignating paragraph (3) as paragraph (2); and

(2) by striking subsection (d).

(b)(1) Chapter 1 of subtitle I of title 49, United States Code, is amended by adding at the end thereof the following new section:

"**§ 111. Motor Carrier Administration**

"(a) The Motor Carrier Administration is an administration in the Department of Transportation.

"(b)(1) The head of the Administration is an Administrator who is appointed by the President, by and with the advice and consent of the Senate. The Administrator reports directly to the Secretary of Transportation.

"(2) The Administration has a Deputy Administrator who is appointed by the Secretary, with the approval of the President. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

"(c) The Administrator shall carry out—

"(1) duties and powers related to motor carrier safety vested in the Secretary by chapters 5 and 31 of this title; and

"(2) other functions, powers, and duties of the Secretary relating to motor carriers prescribed by the Secretary, except for the authority to promulgate motor vehicle safety standards applicable to the manufacture of trucks and buses, which authority shall remain in the National Highway Traffic Safety Administration.

"(d) A duty or power specified in subsection (c)(1) of this section may be transferred to another part of the Department only when specifically provided by law or a reorganization plan submitted under chapter 9 of title 5. A decision of the Administrator in carrying out those duties or powers and involving notice and hearing required by law is administratively final.".

(2) The analysis for chapter 1 of subtitle I of title 49, United States Code, is amended by adding at the end thereof the following: "111. Motor Carrier Administration.".

(c)(1) Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following:

"Administrator, Motor Carrier Administration, Department of Transportation.".

(2) Section 5316 of title 5, United States Code, is amended by adding at the end thereof the following:

"Deputy Administrator, Motor Carrier Administration, Department of Transportation.".

Sec. 3. Within six months of the date of enactment of this Act, the Secretary of Transportation, in consultation with the Chairman of the Interstate Commerce Commission, shall—

(1) review all activities of the Interstate Commerce Commission which affect transportation by motor carriers, to determine which activities could be more efficiently performed by the Motor Carrier Administration; and

(2) tramsmit to the Congress the results of this review conducted under paragraph (1) of this section, together with such recommendations for legislation or other action necessary to achieve such efficiencies.●

● Mr. BREAUX. Mr. President, I am pleased to join with the distinguished Senator from South Carolina and chairman of the Senate Commerce Committee, Mr. Hollings, to introduce legislation to establish a Motor Carrier Administration within the U.S. Department of Transportation. During the 99th Congress, I had introduced a Motor Carrier Administration bill in the House. At that time, Senator Hollings had introduced a similar Senate bill. It is my privilege and honor to join with him in the Senate in the 100th Congress to reintroduce Motor Carrier Administration legislation.

As proposed, the bill would authorize consolidation of motor carrier policy, management, and operations into one office. By purpose, the legislation is designed to improve and enhance the policy and regulatory framework of motor carrier programs, as well as to enable more efficient and effective program development and implementation.

Intended beneficiaries of the Motor Carrier Administration are the motor carrier industry, the public, and the Federal Government.

The motor carrier industry is composed of private and for-hire trucks and buses. Daily, the industry serves the public through freight and passenger transportation. Grouping motor carrier programs into a single unit, namely, the Motor Carrier Administration, would allow the industry to serve the public better and the Federal Government to work more effectively with the industry.

Unifying these programs under the Motor Carrier Administration would facilitate administration motor carrier productivity, safety, vehicle size and weights, environmental protection and taxation issues. Just as important, program duplication could be eliminated.

A Motor Carrier Administration would allow for a better coordinated and more cohesive development and implementation of motor carrier policy, management and operations. Identification of and solutions to problems could be improved. Industry and Government could communicate and work together more effectively and efficiently. Motor carrier operations could be made safer and more productive as the result of a consolidation, to the benefit of the public, the industry, and the Federal Government.

The concept of consolidating transportation programs and administering them under a single agency has precedent. Established and operational today are the Federal Aviation Administration, the Maritime Administration, and the Federal Railroad Administration.

I join with Chairman Hollings in welcoming Senators to cosponsor the bill to show support for establishment of a Motor Carrier Administration within the Department of Transportation.●

● Mr. SASSER. Mr. President, I am joining today as an original cosponsor of legislation to establish a Motor Carrier Administration within the Department of Transportation. This is identical to legislation I cosponsored in the 99th Congress.

The trucking industry is the largest means of transportation in the United States by any standard—freight carried, miles traveled, people employed. It directly effects millions of people daily—the traveling public, businesses, factories, and farms. Indirectly, it touches the lives of virtually all Americans daily. It carries our food, our fuel, and our clothing.

The industry is particularly important in rural areas. Thousands of my constituents in Tennessee are totally dependent on the trucking industry to move goods to and from their communities. They live in areas which have few alternative transportation options and trucking is vital to their economic development.

One issue that has been of particular concern in my State is that of truck safety. In 1980, in Tennessee, there were 81 accidents involving combination trucks resulting in 89 fatalities. By 1985, those figures had climbed to 108 accidents and 121 deaths. Clearly, much work remains to be done on safety issues.

Despite its importance, there is no single agency of the Federal Government responsible for coordinating trucking policy. We have the Federal Aviation Administration for airlines, we have the Federal Railroad Administration for railroads. But the responsibility for the most important transportation mode in the country is scattered all over the Federal Government.

The legislation we are introducing today will correct that deficiency. It creates a Motor Carrier Administration in the Department of Transportation. This modest step offers important advantages.

First of all, it will provide a central point in the Federal Government for transportation policy, technological development, transportation safety, protecting the environment, improving transportation systems, and protecting consumer interests. Currently, responsibility for these areas is so scattered throughout the Federal Government that one hand often does not know what the other is doing.

In addition the Motor Carrier Administration would provide comprehensive research, planning, and programming. It will enable Congress and the executive branch to implement the soundest and most effective trucking policies. The result will be better service to carriers, shippers, and the traveling public.

So, I am pleased to join in cosponsoring this bill and I urge its early consideration by the Senate.●

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. CRANSTON, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Indiana [Mr. LUGAR], the Senator from Iowa [Mr. HARKIN], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 12, a bill to amend title 38, United States Code, to remove the expiration date for eligibility for the educational assistance programs for veterans of the All-Volunteer Force; and for other purposes.

S. 24

At the request of Mr. MOYNIHAN, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 24, a bill to amend title II of the Social Security Act to waive, for 5 years, the 24-month waiting period for Medicare eligibility on the basis of disability in the case of individuals with acquired immune deficiency syndrome [AIDS], to require the Secretary of Health and Human Services to make grants to State and local governments for the establishment of programs to test blood to detect the presence of antibodies to the human T-Cell lymphotrophic virus and to make grants to eligible State and local governments to support projects for education and information dissemination concerning acquired immune deficiency syndrome, and for other purposes.

S. 51

At the request of Mr. HATCH, the name of the Senator from Wyoming [Mr. SIMPSON] was added as a cosponsor of S. 51, a bill to prohibit smoking in public conveyances.

S. 63

At the request of Mr. STEVENS, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 63, a bill to establish a National Commission on Acquired Immune Deficiency Syndrome.

S. 109

At the request of Mr. INOUYE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 109, a bill to permit the naturalization of certain Filipino war veterans.

S. 450

At the request of Mr. ARMSTRONG, the names of the Senator from Colorado [Mr. WIRTH], the Senator from Nevada [Mr. HECHT], the Senator from Nevada [Mr. REID], the Senator from Idaho [Mr. SYMMS], the Senator from South Dakota [Mr. PRESSLER], and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 450, a bill to recognize the organization known as "the National Mining Hall of Fame and Museum."

S. 542

At the request of Mr. ARMSTRONG, the names of the Senator from Tennessee [Mr. GORE], and the Senator from Arkansas [Mr. BUMPERS] were added as cosponsors of S. 542, a bill to recognize the organization known as the "Retired Enlisted Association, Inc."

S. 552

At the request of Mr. CRANSTON, the names of the Senator from Colorado [Mr. WIRTH], and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 552, a bill to improve the efficiency of the Federal classification system and to promote equitable pay practices within the Federal Government, and for other purposes.

S. 585

At the request of Mr. DURENBERGER, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 585, a bill to provide relief to State and local governments from Federal regulations.

S. 660

At the request of Mr. DURENBERGER, the name of the Senator from Washington [Mr. EVANS] was added as a cosponsor of S. 660, a bill to create a fiscal safety net program for needy communities.

S. 729

At the request of Mr. WEICKER, the name of the Senator from Connecticut [Mr. DODD] was added as a cosponsor of S. 729, a bill to provide for the development and implementation of programs for children and youth camp safety.

SENATE JOINT RESOLUTION 5

At the request of Mr. D'AMATO, the names of the Senator from Minnesota [Mr. DURENBERGER], the Senator from Nebraska [Mr. EXON], and the Senator from Utah [Mr. HATCH] were added as cosponsors of Senate Joint Resolution 5, a joint resolution designating June 14, 1987, as "Baltic Freedom Day."

SENATE JOINT RESOLUTION 14

At the request of Mr. HELMS, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of Senate Joint Resolution 14, a joint resolution to designate the third week of June of each year as "National Dairy Goat Awareness Week."

SENATE JOINT RESOLUTION 52

At the request of Mr. HATCH, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Alabama [Mr. SHELBY], the Senator from Washington [Mr. EVANS], the Senator from Pennsylvania [Mr. HEINZ], the Senator from Idaho [Mr. SYMMS], and the Senator from Connecticut [Mr. WEICKER] were added as cosponsors of Senate Joint Resolution 52, a joint resolution designating the week of May 10, 1987, through May 16, 1987, as "National Fetal Alcohol Syndrome Awareness Week."

SENATE JOINT RESOLUTION 56

At the request of Mr. INOUYE, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of Senate Joint Resolution 56, a joint resolution designating the third week in May of each year as "National Tourism Week."

SENATE JOINT RESOLUTION 63

At the request of Mr. Bradley, the names of the Senator from Rhode Island [Mr. Chafee], the Senator from Connecticut [Mr. Dodd], the Senator from New Mexico [Mr. Domenici], the Senator from Utah [Mr. Garn], the Senator from Iowa [Mr. Grassley], the Senator from Pennsylvania [Mr. Heinz], the Senator from Kansas [Mrs. Kassebaum], the Senator from Idaho [Mr. McClure], the Senator from Alaska [Mr. Murkowski], the Senator from South Dakota [Mr. Pressler], the Senator from Pennsylvania [Mr. Specter], the Senator from Idaho [Mr. Symms], the Senator from Virginia [Mr. Trible], the Senator from Wyoming [Mr. Wallop], and the Senator from California [Mr. Wilson] were added as cosponsors of Senate Joint Resolution 63, a joint resolution to designate March 21, 1987 as "Afghanistan Day."

SENATE JOINT RESOLUTION 73

At the request of Mr. D'Amato, his name was added as a cosponsor of Senate Joint Resolution 73, a joint resolution designating the week of April 26, 1987, through May 2, 1987, as "Youth Commitment to Ending Hunger Week."

SENATE CONCURRENT RESOLUTION 20

At the request of Mr. Gore, the names of the Senator from Maryland [Ms. Mikulski], the Senator from North Dakota [Mr. Burdick], the Senator from Maryland [Mr. Sarbanes], the Senator from West Virginia [Mr. Rockefeller], the Senator from Alabama [Mr. Shelby], the Senator from Pennsylvania [Mr. Heinz], and the Senator from South Carolina [Mr. Hollings] were added as cosponsors of Senate Concurrent Resolution 20, a concurrent resolution to express the sense of Congress that funding for the Vocational Education Program should not be eliminated.

SENATE RESOLUTION 167

At the request of Mr. Biden, the names of the Senator from Michigan [Mr. Levin], the Senator from Rhode Island [Mr. Pell], the Senator from California [Mr. Cranston], the Senator from Massachusetts [Mr. Kennedy], the Senator from Massachusetts [Mr. Kerry], and the Senator from Illinois [Mr. Simon] were added as cosponsors of Senate Resolution 167, a resolution concerning constitutional principles pertinent to the making of treaties, and further concerning the interpretation of the treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems.

SENATE CONCURRENT RESOLUTION 31—COMMENDING THE CZECHOSLOVAK HUMAN RIGHTS ORGANIZATION, CHARTER 77, ON ITS 10TH ANNIVERSARY

Mr. PRESSLER submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. Con. Res. 31

Whereas on August 1, 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed at Helsinki, Finland, by 33 European states, together with Canada and the United States;

Whereas the signatories of the Helsinki Final Act committed themselves under principle VII to "respect human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief, for all without distinction as to race, sex, language or religion";

Whereas principle VII specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights, and principle IX confirms the relevant and positive role organizations and persons can play in contributing toward the achievement of the aims of the Helsinki Final Act;

Whereas the Helsinki Final Act raised the expectations of the peoples of Czechoslovakia for greater observance of human rights by the Government of Czechoslovakia, and engendered the formation of Charter 77 in 1977 as a mechanism whereby private citizens could maintain a dialogue with that Government;

Whereas since 1977, when 257 people signed the Charter 77 manifesto, the number of signatories has risen to over 1,000;

Whereas in April 1978, Charter 77 signatories founded the working group VONS, the Committee for the Defense of the Unjustly Persecuted, which complements the work of Charter 77;

Whereas Charter 77 has informed many in the West of important developments in Czechoslovak society and the world, and it has willingly engaged in dialogue with other East European activists, as well as West European organizations and individuals;

Whereas individuals involved in Charter 77 and VONS activities have spoken out honestly and forthrightly in a society beset by routine human rights violations, and they have done so at the risk—and sometimes the certainly—of imprisonment, exile, harrassment, and other punishment by the Government of Czechoslovakia;

Whereas the Government of Czechoslovakia persecutes not just the people actively involved in Charter 77's activities, but also family members, including children;

Whereas at present, seven signatories of the Charter 77 manifesto are serving prison terms of are in detention: Walter Kania, Frantisek Veis, Jiri Wolf, Lenka Mareckova, Stanislav Pitas, Herman Chromy, and Jan Dus; and

Whereas January 1987 marks the tenth anniversary of the establishment of Charter 77: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) commends the Czechoslovakia human rights organization Charter 77, on the occasion of the 10th anniversary of its establishment of the aims of the Helsinki Final Act;

(2) calls upon the Government of Czechoslovakia to cease its persecution of those involved in Charter 77 and other human rights activities; and

(3) commends the United States representatives to the Vienna Review Meeting of the Conference on Security and Cooperation in Europe for raising with the representatives of the Government of Czechoslovakia the issue of the persecution of those involved in Charter 77 and other human rights activities, and encourages them to continue to raise this issue.

NOTICES OF HEARINGS

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Select Committee on Indian Affairs will be holding a markup on March 19, 1987, at 2 p.m., in Senate Russell 485, on the following bills:

S. 136. A bill to improve the health status of Native Hawaiians; and

S. 360. A bill to improve the education status on Native Hawaiians, and for other purposes.

Those wishing additional information should contact the committee at 224-2251.

ADDITIONAL STATEMENTS

TRIBUTE TO VAL BJORNSON

● Mr. DURENBERGER. Mr. President, one of the true giants of public service in Minnesota, former State treasurer Val Bjornson, died Tuesday night at his home in South Minneapolis. He was 80 years of age.

I first came to know Val Bjornson as a young worker in the Republican Party in Minnesota. Val upheld the progressive and pragmatic tradition of the Minnesota Republican Party—as State treasurer for a total of 22 years and as our party's candidate for the U.S. Senate against the late Hubert H. Humphrey in 1954.

I also had the privilege of working with Val in 1966 when he and my law partner, Harold LeVander, campaigned together for statewide office. Later as then Governor LeVander's executive secretary, I saw firsthand the diligence with which Val Bjornson carried out his responsibilities as State treasurer.

Val Bjornson was particularly conscious of his accountability to the people who elected him time and again between 1950 and 1975. I recall, a time in 1972, when I was executive secretary to the Minnesota Constitutional Study Commission, an impassioned presentation by Val arguing against making the State treasurer position appointive. Although the commission voted against his recommendation, Val kept a careful eye on the treasurer's method of selection even after he left office. Perhaps partly due to his vigilance, the office is still elected.

Val Bjornson was well known for his booming voice and his great sense of humor. His Icelandic heritage was a frequently cited oddity in a State dominated by Norweigians and Swedes—German-Polish politicians with names like Durenberger are a relatively recent phenomenon. And, Val was always quick to point with pride to his family, particularly his children, as evidence of the substantial contributions of Icelanders to his State.

Mr. President, an important part of Minnesota's history died the other night with one of its outstanding and most devoted public servants, Val Bjornson. Because of his outstanding contributions, I request that the following tribute published in the Minneapolis Star and Tribune be printed in the RECORD:

The article follows:

EX-STATE TREASURER BJORNSON DIES AT 80

(By Robert Wheratt)

Val Bjornson, the deep-voiced orator who served as state treasurer longer than anyone else in Minnesota history—a total of 22 years—died Tuesday night at his south Minneapolis home. He was 80.

A daughter, Maja Bjornson, said her father died of congestive heart failure.

Gov. Rudy Perpich ordered flags lowered to half-staff in the State Capitol complex today and Friday in memory of the man whom at least three generations of politicians and political devotees simply called "Val."

"He was one of Minnesota's most liked and most respected public servants," Perpich said. "He served with honor and distinction in state office, and brought honor and distinction to his political party."

Valdimar Bjornson gave up a newspaper and radio career in 1950 to run for state treasurer as a Republican. He would need no other job; it was his for as long as he wanted it.

In 1954 he ran unsuccessfully for the U.S. Senate against the incumbent freshman, Hubert Humphrey. Bjornson sat out of politics for two years and then ran again for his treasurer's seat, which he regained in 1957 and held until 1975, when he retired because of ill health.

He brought to the job a voice strong enough to snub microphones, a deep sense of Minnesota history, an appreciation of his Icelandic heritage and a regard for his office.

He was a conversationalist, a raconteur and an orator who frequently was heard at Lincoln Day festivities favored by Republicans. He liked good stories and good drink, and enjoyed combining the two.

He was multilingual and often conversed in fluent Norwegian with Gov. Karl Rolvaag, a close friend from college days.

Rolvaag the Norwegian and Bjornson the Icelander would sometimes speak in Norwegian at Executive Council meetings, much to the consternation of Secretary of State Joseph Donovan and Auditor Stafford King. They would scheme in Norwegian in front of the two, come back to English and complete their plan.

Rolvaag laughed at that recollection yesterday, saying he could not confirm or deny it. But he remembered his old friend.

"Val was a very decent, very humane person," Rolvaag said.

"Val Bjornson was more of a Democrat than a Repubican (by today's standards). He was a very liberal Republican. He certainly would be very uncomfortable in the Republican Party today," the former DFL governor said.

Former Republican Gov. Harold LeVander called Bjornson "a great fellow, a good politician and a very able speaker."

With his Icelandic background, "He got both the Swedes and the Norwegians to vote for him," LeVander said.

Bjornson was a power within the Republican Party. In 1956, when he returned to office after losing the Senate race to Humphrey, he was the only Republican on the state ticket to win.

The Democratic-Farmer-Labor Party conceded the office to Bjornson, fielding token opponents against him. Only Stafford King, who was state auditor for 38 years, and Mike Holm, who was secretary of state for 31 years, held constitutional office in the executive branch longer than Bjornson.

Russell Fridley, the retired director of the Minnesota Historical Society, said Bjornson was a man of "scholarly interest and ability who brought a strong sense of history to his office."

Bjornson was born in Lyon County in 1906, the son of Icelandic immigrants. His father owned the Minnesota Mascot, a weekly newspaper, and Val served as editor before and after he attended the University of Minnesota. In 1930 he graduated Phi Beta Kappa and five years later became a Twin Cities radio commentator on news, farm and political topics.

He worked for the old Minneapolis Journal and later the Minneapolis Tribune. In 1947 he was named associated editor of the St. Paul Pioneer Press and Dispatch.

He spent four years in the Navy during World War II in Iceland. While stationed there he married a native Icelander, Gudrun Jonsdottir. He was discharged as a lieutenant commander.

Besides his wife, Bjornson is survived by daughters Helga Visscher of Northport, Ala., Kristin Ode of St. Paul and Maja Bjornson of Minneapolis; sons Jon and Valdimar, both of Minneapolis; brothers Bjorn and Jon, both of Minneapolis; sisters Helga Brogger of Minneapolis and Stefania Denbow of Athens, Ohio, and four grandchildren.●

THE HELSINKI COMMISSION

● Mr. D'AMATO. Mr. President, I rise today to begin an effort to sum up my experiences as Chairman of the Commission on Security and Cooperation in Europe since April 1985 and to set forth my views on the future of the Helsinki process and U.S. policy toward the process. By operation of Public Law 99-7, I relinquished the chairmanship of the Commission with the beginning of the 100th Congress, so I am taking this opportunity to highlight for my colleagues and the American people certain important issues which I strongly believe warrant urgent and thoughtful attention.

The Commission, which is popularly known as the Helsinki Commission, was established to oversee the implementation of the Helsinki Final Act. There are 21 Commissioners, of whom 9 are Senators, 9 are Representatives, and 3 are from the executive branch. I want to begin my remarks by thanking individually everyone who served as a Commissioner during my chairmanship.

The distinguished Members of this body who served on the Commission during my chairmanship were Senators JOHN HEINZ, JIM MCCLURE, MALCOLM WALLOP, GORDON HUMPHREY, CLAIBORNE PELL, PATRICK LEAHY, RUSSELL LONG, and DENNIS DECONCINI. The distinguished Members of the House of Representatives who served as Commissioners are STENY HOYER, DANTE FASCELL, SIDNEY YATES, TIMOTHY WIRTH, ED MARKEY, DON RITTER, CHRIS SMITH, JACK KEMP, and JOHN EDWARD PORTER. Our distinguished colleague Senator FRANK LAUTENBERG was appointed to the Commission after this past November's election, replacing RUSSELL LONG. The distinguished executive branch Commissioners were Assistant Secretary of Defense Richard N. Perle and Assistant Secretary of State Richard Schifter. The Commerce Department's seat on the Commission has been and remains vacant.

Each of these Commissioners has contributed to the Commission's efforts in his own way. Without the help and support of each of them, the Commission could not have accomplished its assigned oversight task and could not have been effective in its efforts to advance the cause of human rights.

While the individual contributions of Commissioners have been too numerous to mention in detail, I do want to make special mention of the dedication, knowledge, leadership ability, and commitment of my distinguished and able cochairman, Representative STENY HOYER of Maryland, who was appointed Chairman for the 100th Congress on February 11. Our distinguished colleague, the senior Senator from Arizona, Senator DENNIS DECONCINI, was appointed Cochairman for the 100th Congress on February 26. Knowing both of these gentlemen well and having the highest respect for their talents, I am confident that the Commission's leadership for this Congress is in good hands and that they will aggressively and successfully pursue the Commission's mandate in the Helsinki process.

The Commission is a bipartisan, bicameral, legislative branch agency which includes executive branch members and deals with foreign policy in a particularly complex multilateral area. With STENY's very capable assistance, we were able to function effectively, advancing the cause of human rights and working toward the kind of world in which we all want to live—a secure world at peace and marked by growing trust, confidence, and cooperation among nations.

I will not try to tell you that there were not disagreements among the

Commissioners about various aspects of United States/Helsinki policy. There were, as anyone who attended any of our hearings could honestly report. Regardless of these disagreements, we were able to achieve a sound bipartisan understanding of the shape and content of Helsinki process policy and to employ our efforts to improve and enhance that policy and its implementation. I want to commend all of my fellow Commissioners for their contributions to that understanding and our joint efforts. On the issues before the Commission, we have shown how a bipartisan approach to foreign policy can work for our long-term national interests.

The Commission's annual reports for 1985 and 1986 are published by the Government Printing Office as individual documents and are included as well in the records of the Commission's budget presentatations before the House Appropriations Subcommittee on Commerce, Justice, State, the Judiciary, and related agencies. These reports present the detailed record of the Commission's activities during my chairmanship. Instead of repeating here the information provided in our annual reports, I refer those interested in this information to those reports, which are available from the Commission or the Government Printing Office.

Today, I will present a summary of the Commission's activities. In future remarks, I will discuss the way that United States Helsinki policy is made, Soviet policy, NATO policy, the role of the neutral and nonaligned states in the Helsinki process, and interactions between Helsinki policy and other important areas of United States bilateral and multilateral foreign policy. I will conclude by looking at the future of the Helsinki process from my perspective at the end of 2 years as Commission chairman.

During 1985, the Commission held hearings on the following topics: The Ottawa Human Rights Experts' meeting and the future of the CSCE process; human rights abuses in Cyprus; use of forced labor in the Soviet Union; restrictions on artistic freedom in the Soviet Union; Budapest cultural forum; and Soviet violations of the Helsinki accords in Afghanistan. Also in 1985, the Commission participated in the following formal international events in the Helsinki process: The Ottawa Human Rights Experts' meeting; the Stockholm Conference on Confidence and Security building measures and disarmament in Europe—better known as the C.D.E. talks—and the Budapest cultural forum.

During 1986, the Commission held hearings on the following topics: 1952 McCarran-Walter Act; a two-part hearing on the future of the CSCE process; a two-part hearing on the Bern human contacts experts' meeting; the Stockholm Conference and the future of the CSCE process; Soviet and East European emigration policies; Natan Shcharansky and the 10th anniversary of the Moscow Helsinki monitoring group; the Vienna C.S.C.E. followup meeting; and the conclusion of the Stockholm C.D.E. talks. Also in 1986, the Commission participated in the following formal international events in the Helsinki process: the Bern human contacts experts' meeting; the C.D.E. talks; and the opening round of the Vienna C.S.C.E. followup meeting.

Commissioners were able to visit and participate in each Helsinki process meeting except the Budapest cultural forum. Because of the legislative schedule, it was impossible to organize a visit to the forum. Commission staff was heavily and continuously involved in both preparations for and conduct of United States participation in each of these Helsinki events.

Finally, in 1986, the Senate adopted Senate Resolution 353, appropriating $200,000 to support an investigation by the Commission into the Miroslav Medvid incident. The Commission has hired two professional investigators, a staff attorney, and an administrative assistant to form the investigative unit performing this inquiry. They have been hard at work since last summer and have made substantial progress. I expect them to finish their work in time to meet the May 14, 1987 deadline for submission of a report to Congress on their findings. In the interim, the investigation is being conducted in confidence by the Commission, so that a professional, comprehensive, and objective examination of the facts and circumstances can be concluded and so that we can meet the terms of the mandate set forth in Senate Resolution 353.

This is a bare outline of the Commission's activities. Against this outline, let me describe the Commission's operations for you. In the words of our establishing statute, 22 U.S.C. 3002, "The Commission is authorized and directed to monitor the acts of the signatories which reflect compliance with or violation of the articles of the final act of the conference on security and cooperation in Europe, the Helsinki accords, with particular regard to the provisions relating to human rights and cooperation in humanitarian fields." To perform this function, the Commission had a fiscal year 1986 appropriation of $526,000. These funds were used to pay the salaries and expenses of the Commission's staff and to pay for Commission operations.

In order to accomplish its monitoring function, the Commission's staff participates in interagency working groups which make United States Helsinki process policy. They work very closely with the Departments of State, Defense, and Commerce, with A.C.D.A., the National Security Council staff, and other U.S. agencies. They draft position papers, provide background material, and write speeches and other documents for use by United States delegations at Helsinki process events.

When a Helsinki process meeting is taking place, Commission staff is fully integrated into the official United States delegation, serving as officers in various positions of responsibility. For the Vienna C.S.C.E. followup meeting which began on November 4, 1986, the Commission's Deputy Staff Director, Sam Wise, was appointed to the rank Ambassador by the President and serves as Deputy Chairman of the U.S. delegation. In recognition of the Commission's vital role in the Helsinki process, both my distinguished cochairman, STENY HOYER, and I were appointed vice chairman of the United States delegation to the followup meeting and had the opportunity to make personal contributions to our work at Vienna during the first round of talks.

In addition to the staff's work with official United States agencies, the foundation of our efforts rests upon our contacts with persons and nongovernmental agencies interested in the Helsinki accords and their success. We do a great deal of case work. Our case work consists of assembling files on every person who comes to our attention with a problem which falls under the provisions of the final act. Relatives, friends, organizations, and other sources provide us with information concerning prisoners of conscience, persons who are denied permission to emigrate, persons who are persecuted because of their religious beliefs, political activities, or cultural activities, and divided families or separated spouses, among other cases. We also assemble thorough documentation on government policies and practices which violate their Helsinki commitments.

The Commission's staff is selected for its familiarity with the languages and cultures of the nations which have the worst records of compliance with the human rights and humanitarian affairs provisions of the Helsinki final act. Needless to say, we are talking about the Warsaw Pact states, led by the Soviet Union. The Commission's files provide the verbal ammunition for our efforts to achieve better compliance with the final act by Eastern bloc states. The names, dates, places, copies of laws and regulations, and stories of great personal suffering and hardship contained in our files provide the facts we use to prepare speeches, talking points, letters, telegrams, press releases, and to develop position papers and proposals.

At this point, having recognized the contributions of the Commissioners and explained the work of the staff, I want to call to the attention of my colleagues and the American people the Commission's staff and commend them individually by name for their exemplary efforts, high professionalism, dedication, and knowledge. The members of the staff are Michael R. Hathaway, Mary Sue Hafner, Samuel G. Wise, Meredith Brown, Deborah Burns, Barbara Jeanne Cart, Cathy Cosman, Lynne Davidson, Orest Dechakiwsky, Mildred Donahue, Barbara Edwards, John Finerty, Robert Hand, Frank Heath, Judy Ingram, Jesse Jacobs, Paul Lamberth, Ron McNamara, and Lenny Steinhorn. Thomas Warner is on detail to the Commission from the Government Printing Office.

I especially want to recognize the important role Mike Hathaway played as staff director of the Commission during the 99th Congress. Responding to the need to substantially increase the Commission's level of activity and expand its role in all aspects of the Helsinki process, he exercised effective and energetic leadership of the staff to develop and implement the program I felt was necessary. He built an active agenda of hearings and events based upon an incisive analysis of the Helsinki process. He forged a cooperative relationship with Mary Sue Hafner, the cochairman's chief staffer and the Commission's general counsel, which complemented and supported the close relationship between myself and my cochairman. We were able to sustain the Commission as a stable and expert organization under steady and confident administration, greatly enhancing our effectiveness.

The Commission's new leadership has selected Sam Wise to serve as staff director, replacing Mike. Sam's unquestioned expertise, long experience, and substantial abilities will ensure that the Commission's work continues to meet the highest standards. I commend him on his appointment and look forward to working with him in my continued role as a member of the Commission.

Returning to the subject of the Commission's work, let me note that some signatory states outside the Warsaw Pact have problems regarding compliance with some of their Helsinki obligations. Unlike Eastern bloc states, we usually have more effective means of influencing their behavior in these areas than through open criticism in the public fora of the Helsinki process. The Helsinki process is, however, the best way to reach and influence the human rights and humanitarian affairs compliance policies of the totalitarian Eastern bloc states. In this group, we have had more effect on non-Soviet Warsaw Pact states than we have had on the Soviets themselves. This is a topic I will discuss in more detail as I progress through this review.

During my tenure as chairman, the central fact of the Helsinki process was the Warsaw Pact states' violation of their Helsinki human rights commitments. Despite recent promising developments in the Soviet Union, this remains the case today and will remain the case until the Soviets and their allies decide to comply in fact with the promises they made when they agreed to the Helsinki Final Act and the Madrid concluding document.

Confronted with deliberate violations of Soviet and other Warsaw Pact states' Helsinki promises as a direct result of state policies, the Commission had to address the question of the credibility of the Helsinki process in the eyes of the American people. Prominent critics of the process charged that the Soviets got the best of us at Helsinki in 1975—that the Soviets were seeking the equivalent of a formal peace treaty ending World War II, therefore legitimizing the Red army's redrawing of Eastern European borders by force, and that the Soviets and their allies made human rights promises to the West that they had no intention of keeping in order to achieve this goal. Moreover, the critics allege, by continuing to talk to the Soviets and their allies in the fora of the Helsinki process, we implicitly grant them international political legitimacy, tolerating with a diplomatic nod and wink their gross failure to meet their Helsinki obligations, and tacitly abandoning the exercise of real leverage to get them to stop violating their citizens' human rights.

These criticisms gained public prominence because they struck a responsive chord in the American people. As a member of the Commission since 1981, I have long held the view that what is necessary from the U.S. perspective is the coordinated application of a combination of effective traditional diplomacy and aggressive and skillful public diplomacy. The goal of this enterprise is either to obtain Soviet and Warsaw Pact compliance with their promises or to cause them to pay a cost in their international relations directly proportional to the seriousness of their violations of their promises. A well-coordinated combination of these two approaches was lacking and, to an extent, still is lacking in the executive branch's Helsinki process efforts. I will explore this question in greater detail in subsequent remarks.

The Commission's response to this situation was to capitalize on our unique composition and take full advantage of the public visibility and attractiveness of our issues. If the executive branch of the United States Government was reluctant to raise publicly and discuss in a frank, factual, and specific manner Soviet and other Warsaw Pact states' human rights violations, the Commission could, to some extent, compensate for that failing. If the United States did not want to confront the policy issues involved in the exercise of leverage, through our hearings we could at least bring the issues before the public and give interested experts and leaders from outside the Government the opportunity to comment and recommend courses of action.

Accordingly, during the past 2 years, my distinguished cochairman and I held hearings on the entire range of issues in the Helsinki process. We attempted to hold hearings both before and after every international Helsinki process meeting. We also held hearings intended to address the basic state of health of the Helsinki process and to deal with the public criticisms of the process.

Our objectives were to raise the public profile of the Helsinki process as a whole, to allow the processes' public constituencies in the United States the opportunity to present their views on the process and to remain fully informed about United States Helsinki policy, to place on the record the United States' position, to provide Commissioners the public opportunity to compliment, criticize, or make recommendations to United States officials and to provide an opportunity to review performance and assess the results. In private, we also engaged administration officials in a continuing dialog about United States Helsinki process policy.

We sought to highlight for the American people the lack of credibility of the Soviet Union's Helsinki process promises, hoping that the Soviets would respond with steps to improve their compliance in order to avoid collateral damage to their public credibility across the board. In other words, the Commission's focus and emphasis was on the public diplomacy element of United States Helsinki process policy. We sought to foster public support for the Helsinki process by directly addressing the criticisms of the process I have previously noted.

While those criticisms struck a responsive chord in the American people, I believe an aggressive, active, and well-coordinated United States Helsinki policy is the best answer to the critics. The process has profound inherent value to the United States and the West as a whole, but to realize its possibilities requires a deep understanding of it and a willingness to press ahead with determination over the long haul. After more than a decade's experience with the process, it is clear that any expectation of rapid, meaningful progress is bound to be disappointed.

In my view, traditional diplomacy could accomplish little within the Helsinki process. The only role for traditional diplomacy when faced with obdurate Soviet violations is the exercise of leverage. But the imposition of the grain embargo by President Carter showed the outer limits of the effectiveness of our leverage over Soviet behavior. Accordingly, what was needed was a skillful combination of the exercise of leverage, recognizing its limited potential for modifying Soviet behavior, with a forceful, consistent, high-profile public diplomacy campaign designed to employ the Soviet's own misdeeds to impeach their credibility.

We achieved a recognition of this need in the executive branch. In fact, United States public diplomacy in the Helsinki process has noticeably improved. What has not improved is the coordination of traditional diplomacy and public diplomacy. I completed my term as chairman with the clear impression that much more could be done than was being done.

Now, conditions are changing. In the Soviet Union, we have "glasnost" and "perestroika" ("openness" and "restructuring," respectively). Some political prisoners are being released and there has been a small increase in emigration. Cultural freedom is improving somewhat. But hundreds of political prisoners remain incarcerated, families remain divided, religious repression has not eased, and many other serious problems remain. Still, Gorbachev's "reforms" have had an effect on American public opinion and on American public diplomacy.

This new and complex situation poses serious challenges to the Commission and to United States Helsinki policy. I will address these matters in greater detail in subsequent remarks.

In conclusion, Mr. President, I have set forth in these short remarks an overview of the Commission's responsibilities, composition, function, activities, and method of operating under my chairmanship. It was an enjoyable, active, and challenging 2 years. I would not have missed the opportunity to lead the Commission. I take away from my term as chairman the memory of the people I was personally able to help—people like Mikhail Stukalin and Rimma Braave—and the privilege to have met and worked with some of the moral heroes of our time—Natan Sharansky, his wife Avital, and Yuri Orlov, among others—and the deep feeling that I was able to accomplish something to ease the suffering of those who are still denied freedom behind the Iron Curtain.

I treasure my associations with the concerned Americans who form the groups of private citizens pressing for improved Soviet and other Warsaw Pact compliance with their Helsinki obligations. They give freely of their time, effort, and money, from the heart, for people who they do not know. They march, they speak, they write, they organize, trying to bring the benefits of respect for human rights and fundamental freedoms to the oppressed millions. They are living proof that the spirit of our democracy is alive as a beacon to our own people and to the people of the world. Their courage and their sacrifices are an example to us all.●

YOUTH'S COMMITMENT TO ENDING HUNGER WEEK

● Mr. D'AMATO. Mr. President, I rise today to cosponsor legislation designating the week of April 26, 1987, through May 2, 1987, as "Youth's Commitment to Ending Hunger Week." I commend my distinguished colleague, Senator DODD, for recognizing the vital role of our Nation's youth in mobilizing this country's efforts to eliminate world hunger.

Hunger is the cause of more than 35,000 deaths worldwide every day. Of the 24 victims claimed by hunger every minute, 18 are children. More and more of our Nation's young are becoming aware of these tragic statistics, and translating that awareness into action is an effort to bring the issue of hunger into focus for the entire Nation.

A number of youth organizations have organized in response to the world hunger crisis. One such organization, called Youth Ending Hunger, has committed itself to the effort to end hunger by the end of this century. As a demonstration of that commitment, they are gathering signatures of over 100,000 students who share their goal.

I am pleased to support Senator DODD's resolution designating a week in their honor. I encourage my colleagues to lend their support to this legislation.●

THE SIOUX NATION BLACK HILLS ACT—S. 705

● Mr. BRADLEY. Mr. President, on Tuesday, March 11, I, along with Senators INOUYE and PELL, introduced S. 705. By a mistake, the Senator from Washington [Mr. EVANS] was listed as a cosponsor. As the statement he filed with our bill clearly indicates, he is not a cosponsor of the bill. He is, however, supportive of our efforts to resolve the issue and has promised his cooperation.

Senator EVANS is always thoughtful and I am certain his insight will be invaluable. His interest is most welcome. Although he is not a cosponsor at this time, I hope to see him become one in the future.

Mr. EVANS. Mr. President, I thank my colleague and friend from New Jersey for that clarification. As I stated on the day the Sioux Nation Black Hills Act was introduced, I have grave concerns about several of the provisions of this bill as currently written. I can assure the Senator from New Jersey, however, that I am sympathetic to his cause, and that I will work with him, the other cosponsors of the bill, and the Senators from South Dakota to fashion a fair and equitable solution to this issue. I believe it is possible to reestablish the Great Sioux Reservation, consistent with the long-settled expectations and rights of the non-Indian citizens of South Dakota. I can assure Senator BRADLEY and the people of the Sioux Nation that I will work diligently with them to bring this dream to fruition.●

PROPOSED REINTERPRETATION OF ABM TREATY

● Mr. SIMON. Mr. President, yesterday the Foreign Relations and Judiciary Committees held joint hearings on the Reagan administration's proposed reinterpretation of the ABM Treaty. I sit on both committees, so I took a special interest in this first of two hearings. It was very instructive.

The issue in question is really very simple. It is whether the Senate in 1972 agreed to a specific understanding of what the treaty allows and what it forbids, and whether the President now will faithfully execute the supreme law of the land. It is only secondarily, although no unimportantly, a matter of what kind of development and testing can occur under the ABM Treaty.

Senator JOSEPH BIDEN has introduced a bill, Senate Resolution 167, which I am proud to cosponsor. It is a responsible resolution that simply says a treaty's interpretation stems from the materials placed before the Senate by the Executive, and that in the case of the ABM Treaty any deviation from the traditional understanding prohibiting development, testing, or deployment of sea-based, air-based, space-based, or mobile land-based ABM devices is inconsistent with the treaty's provisions. It further states that any amendment offered to the ABM Treaty must occur with the agreement of the parties and with the advice and consent of the Senate.

I would like to cite just a few passages from the testimony given on these matters. Prof. Louis Henkin, university professor and former Harlan Fiske Stone professor of constitutional law at Columbia University, told the committees:

> The President can only make a treaty that means what the Senate understood the treaty to mean when the Senate gave its consent. The Senate's understanding of the treaty to which it consents is binding on the President.

A future President cannot then attach a different meaning to the treaty as its has been traditionally understood.

Senator SAM NUNN, the chairman of the Armed Services Committee, has examined the treaty's negotiating record and ratification proceedings in detail. He has "examined the reinterpretation's analysis of the Senate ratification proceedings and found its conclusions with respect to this record not to be credible." Senator Nunn testified that the Nixon administration presented the traditional interpretation and "the Senate clearly understood this to be the case at the time it gave its advice and consent to the ratification of the treaty."

Senator J. William Fulbright, chairman of the Foreign Relations Committee and floor manager of the treaty during the Senate's consideration of the treaty, said that "neither the President, the Secretary of State, nor any of the President's arms control advisers suggested that the treaty would permit of development, testing and deployment of antiballistic missiles in space of under any technology not then existing." The meaning of a treaty, he says, "is informed by the interpretations spelled out in its legislative history as well as by all relevant executive communications" and not "what a later generation of policymakers would like it to mean."

And Prof. Laurence Tribe, Tyler professor of constitutional law at Harvard University, testified that to "ascertain the meaning of a treaty one must understand what the Senate that gave its consent to the making of that treaty had before it. To permit that meaning to be changed by reference to something that the consenting Senate did not have before it, and particularly by reference to something that was deliberately withheld from the Senate during the debates on ratification, would profoundly pervert the entire process."

Invoking the negotiating record to the virtual exclusion of the Senate's ratification proceedings, as the administration holds, would apportion more responsibility to Soviet negotiators and what they may or may not have said in secret than to the 100 Senators who constitutionally share in the treaty-making power. In this regard, Abram and Antonia Chayes recently asked in a June 1986 Harvard Law Review article on the ABM Treaty reinterpretation whether it was "consistent with the constitutional structure for the Executive, more than a decade after the treaty was ratified, to advance an interpretation, based on secret materials that were not before the Senate when it gave its advice and consent." I think the answer must be it is not consistent.

Mr. President, recently I came across an article, again written by Abram and Antonia Chayes, that has direct bearing on these hearings and on the matter of reinterpreting the ABM Treaty. The article appeared in the January/February 1987 issue of Arms Control Today, and is sobering reading. The message is that at the 1986 Reykjavik summit and in Geneva today we are still miles apart on negotiating limits on strategic offensive and defensive arms. A major stumbling block is the pace and scope of the SDI Program and, hand in hand with this, the respect for the traditional and logical understanding of the ABM Treaty.

The Chayes' point out that the United States is pushing for a 10-year period of unlimited testing and development in space, leading to a scrapping of the treaty after this period of time. The Soviet delegation is saying that some testing and development may be acceptable, but within the basic framework of the ABM Treaty and after which time the treaty will still be in force. Clearly, this is not the stuff of which fruitful negotiations are made.

I hope we will be more forthcoming in Geneva in the strategic area, and I hope that the administration will not let its apparent commitment to revising the ABM Treaty get in the way of a good agreement. I commend to my colleagues the article by Abram and Antonia Chayes, "The Future of the ABM Treaty," and I ask that it be printed in the Record in full. I also commend to my colleagues' attention the Chayes' article in the June 1986 Harvard Law Review, "Testing and Development of 'Exotic' Systems Under the ABM Treaty: The Great Reinterpretation Caper," and I ask that this too be printed in the Record in full.

The material follows:

THE FUTURE OF THE ABM TREATY

(By Abram Chayes and Antonia Chayes)

(Abram Chayes, the Felix Frankfurter Professor of Law at Harvard Law School, and Antonia Chayes, Chairman of the Board of ENDISPUTE, Inc., a consulting firm on alternative forms of conflict resolution, and former under secretary of the Air Force, jointly delivered the keynote address at the annual meeting of the Arms Control Association on December 5, 1986. Some of Antonia Chayes' remarks refer to her participation on December 3 and 4 in the Dartmouth Conference Arms Control Task Force, an ongoing U.S.-Soviet exchange. *Arms Control Today* is pleased to publish the text of their remarks at the annual meeting.)

Antonia Chayes: Right after the Reykjavik summit, we wrote that the United States and the Soviet Union were within reach of an across-the-board agreement for drastic reductions in strategic offensive and intermediate nuclear forces, but that the talks obviously foundered on the future of the Strategic Defense Initiative. No formula was found that could bridge what appeared to be a narrow gap between the Soviet and American positions on the pace and nature of research and development of space-based defensive systems.

The positions are technically close, but in concept and political thrust they are miles apart. We have been meeting with a group of Soviet academicians, and we've gotten very deeply into the subject. It certainly made some of us on the American side feel there was more tragedy than triumph because of what could be. On the other hand, we haven't given up completely.

The United States proposal on July 25 was that for five years the U.S. would adhere to the ABM Treaty, performing, and I quote in part ". . . development and testing, which is permitted by the ABM Treaty." And that's a very important comma and "which". After five years, either side could move out of the treaty, but would be obligated to make a proposal first that would eliminate all ballistic missiles, and second, would share the benefits of SDI technology. That proposal would be negotiated over a two-year period, at the end of which either party was free to deploy.

At Reykjavik, the President extended the period to meet the Soviets, who had come down from 15 to 10 years in their proposal. He extended the period up to 10 years, but conditioned it, first, on the elimination of all ballistic missiles in the second five years of the strategic offensive forces agreement.

The Soviet proposal at Reykjavik was written in the form of a draft directive to the foreign ministers and was handed to the President at the beginning of the summit. We spent a few days looking at that text. What it says is very important and explains a great deal about the breakup of the meeting. The Soviet statement says that for the purpose of strengthening the ABM Treaty, the United States and the Soviet Union should make a commitment for 10 years not to exercise their right to withdraw and that both sides should strictly adhere to all the obligations of the treaty in their entirety. According to the Soviet proposal, testing of all spaced-based elements—and note the word "elements"—of ballistic missile defense systems in outer space, except research and testing in laboratories, should be prohibited. This, the proposal said, will not ban testing of fixed ground-based systems and their components, which is allowed by the ABM Treaty.

We spent a lot of time, as have many government officials, trying to grasp the import of this proposal. It clearly meant something more than a 10-year commitment not to withdraw. There were some buzz words in the proposal, and the buzz words really set off some of the people at the summit, and especially the President. One buzz word was "strengthening" the ABM Treaty, which was understood to mean amending the ABM Treaty. That is the way it was read by the President.

Then came the word "element." The Soviets proposed that research and testing of space-based "elements" be restricted to the laboratory, which was read by the Americans as a more restrictive interpretation of the ABM Treaty. The U.S. delegates thus thought the Soviets wanted to amend the treaty.

Some of the Soviet academicians and officials we talked to have made clear that they did expect at Reykjavik to be asked what all of this meant. What the Soviets want is an assurance that the United States won't be aggressively developing defensive systems that would be capable of deployment and that would permit U.S. forces to strike first and cripple the Soviet retaliatory capability—at the same time that the Soviet Union and the United States are reducing their nuclear forces by 50 percent.

Abram Chayes: You ought to see the difference here between the U.S. and the Soviet positions. The U.S. position is 10 years and out. It was originally seven years and out. At the end of seven years the treaty would be over; everybody would be free to do what they wanted. We would abide by the treaty for seven years, or abide by the new arrangement for seven years, but at the end of that time both sides were free to deploy. Whereas the Soviet position was to agree not to withdraw for 10 years, but at the end of 10 years we would still be under the ABM Treaty. That's a very major difference in the conception of what the 10-year period means.

Antonia Chayes: It is impossible to believe that five years, or even 10 years, of technology testing, which is in fact allowed by the traditional interpretation of the treaty, would lead to a point where a decision could be made on whether the technology was promising and we were ready to deploy strategic defense systems. We couldn't possibly deploy without a long period of testing.

I think the Soviets are willing to live for a 10-year period under the treaty because they realize that there would be another 10-year period of very intensive testing before there would be anything ready to deploy.

What is close to tragedy is that, it certainly appears to me after conversations of the last few days, the Soviets could have relaxed their proposal to strengthen the treaty, and the United States could have proposed a 10-year period of robust, well-paced research to learn about the technology fully within the parameters of the ABM Treaty. On that basis there would be a bridge between these two positions, which now seem so unbridgeable.

But this compromise doesn't really meet the President's vision, nor of the SDI enthusiasts. For them, the value of testing is not scientific, but is to obtain the same or higher level of funding for SDI. Also, there are people within the government who don't want any arms control and seize on this as a very good way to avoid an agreement. It's perfectly clear there cannot be reductions in offensive forces without some commitment on the part of the United States not to build defense.

Abram Chayes: Everybody talks about SDI One—this total, complete defense against all missiles. Then there's SDI Two, which is a point defense of missile silo sites. Then there's SDI Three, which is a complete defense against arms control. And it's really SDI Three that is the administration's position.

It looks like the two sides are actually close together. You can bridge this with some lawyer's language. What you have here is a couple of soggy words like "components" and "elements" that one side translates one way and the other side translates another. You could get some intermediate ground that would accommodate the interests of both sides.

Antonia Chayes: And that's still true, technically.

Abram Chayes: Technically. But if you examine the underlying directions on both sides, you hear the United States saying: we want a 10-year period of unlimited testing and development in space, at the end of which the treaty, I'm afraid, no longer applies. And you hear the Soviet side saying: we are prepared to accept a somewhat expanded notion of testing and development of elements in space, but under the treaty regime for a period of 10 years in which you can't withdraw from the regime and thereafter the regime continues. So those are very, very different outlooks towards the future. When you try to bridge those outlooks you find that it's very difficult.

This ABM story is characteristic of the arms control story generally in the last several years. The Soviets are taking what I would say is a "pro-arms control position" and they're showing us a degree of moderation, imagination, and flexibility in responding to the situation as it develops. Meanwhile, the United States is digging in and refusing to alter its fundamental resistance to an agreement.

In the intermediate nuclear forces (INF) area, it was clear long before Reykjavik that the Soviets were willing to go to zero-zero levels of missiles in Europe. In fact, I think it was clear at the time of the "walk in the woods" that you could have gotten an agreement on INF at very low numerical levels. Since then the Soviets have said they are prepared to limit their Asian SS-20s to 100.

Antonia Chayes: And that's been a really huge move foreward.

Abram Chayes: At the Stockholm negotiations [on confidence- and security-building measures in Europe] the Soviets moved to meet U.S. objections on a number of counts: on the size of the military exercises to be subject to the notification requirement; on inspection and verification, and so on. In the test ban area the Soviets have repeatedly come forward with new and attractive proposals and a moratorium in which they have persisted over a long period of time despite almost provocative refusal to accept it on our part.

The Soviets have also made new verification invitations, some of them practical, some of them only rhetorical, but at least verbally the Soviets have said that they are prepared to accept on-site inspection in ways that were not previously available.

Antonia Chayes: In general, consider the distance the Soviets have moved on verification from where they were before. The whole notion of on-site inspection, which was considered very intrusive before by the Soviets, has been a logjam. That is now at least theoretically broken in the context of the proposals that have been made.

Abram Chayes: Across the whole spectrum the Soviets have been much more receptive to ideas about intrusive verification techniques. On the test ban they suggested that they were prepared to think about a phased movement to a comprehensive test ban over a period of years. Now, all of these facts I think are well known to the people in this room. But they are not widely known and their true significance is not appreciated by the American public.

The administration has a standard response to every new Soviet proposal. It is to discuss it as a propaganda ploy by a statement out of The White House the day after the proposal is announced. The effect of that is simply to cut off discussion, analysis, and careful consideration of the pros and cons of that proposal. We in the arms control community have contributed to what has become a major mis-education of the American public on the arms control situation. We've all grown up in an era when it was necessary to maintain our credibility, our political credibility, by being "even-handed" in the arms control business. That has meant in the last few years, that if we criticize the United States and its positions, then we also have to criticize the Soviet Union, or at least not say anything nice about the Soviet Union. The effect is to reinforce the stereotypes that dominate this whole business, the stereotypes that arms control negotiations are a zero-sum game in which the object is to come out better than the other side. True, we're pursuing a common interest, but at the end the treaty ought to leave us better than the other guy.

Another stereotype is that if it's a zero-sum game, the Soviets are trying to win it and they're trying to best us by the use of guile and chicanery. I believe, of course, that Soviet arms control offers, and positions, and proposals, like American offers, and positions, and proposals, must be subject to careful and political analysis. There's no reason to let anybody off the hook on that. They certainly shouldn't be taken at face value. But, as Tony said about the ABM proposal, often they're not really intended to do any more than open the conversation or set a framework for more detailed and careful negotiation.

But I think we cannot let reasonable caution obscure some fundamental and basic truths. At least since the Gobrachev-era began, the Soviets have shown a willingness to negotiate in good faith on arms control matters across the board. They have demonstrated this by coming forward with a wide range of constructive and serious proposals in many fields. They have maintained flexibility and they have kept the decibel level and the rhetorical level relatively low, all things considered.

My personal view is that we don't need any fancy theories about bargaining chips or muscle or negotiating constraints to explain this phenomenon. I think it can be explained by a rational and human concern on the part of the Soviet Union for the future of their own country. And indeed for the future of the planet.

By contrast, here in the United States the dominant factions and people in the administration, though there are some exceptions, don't want an agreement and have resisted it at every turn. The administration has moved, when it has moved, only so far as it has been forced to move by public and congressional opinion. Even when the administration has moved, it has not come forth with serious substantive proposals. It has tended to rely on public relations, like the Reykjavik spin, and anti-Soviet rhetoric.

The chief responsibility for lack of progress in arms control lies with the United States, and not with the Soviet Union. It is important that the American people understand that. I think that is a task that those of us who believe in arms control have to take very seriously for the future.

[From the Harvard Law Review, June 1986]

[COMMENTARIES*]

TESTING AND DEVELOPMENT OF "EXOTIC" SYSTEMS UNDER THE ABM TREATY: THE GREAT REINTERPRETATION CAPER

(By Abram Chayes** and Antonia Handler Chayes***)

In October 1985, the Reagan Administration proposed a sweeping new interpretation of the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems (the ABM Treaty).[1] Under this new dispensation, the ABM Treaty would permit the development and testing of anti-ballistic missile weapons based in space and using lasers, particle beams, and other novel technologies. The new interpretation is directly contrary to the position taken by the United States since 1972, when the Treaty was signed.

The issue is not simply a lawyer's quarrel or an academic exercise in textual analysis. The ABM Treaty is the only bilateral arms control agreement in full force and effect between the two superpowers. It is central to the present strategic arms control regime. Its demise would end the era of arms limitation by agreement, for if this treaty collapes, it is hard to see why either country would want to enter another one.

The new interpretation must be seen in the context of President Reagan's Strategic Defense Initiative (SDI). On March 23, 1983, the President launched this new program, challenging American science and technology to devise a defensive shield that would protect the nation against strategic nuclear missiles—that would render such weapons "impotent and obsolete."[2] Until October 1985, the SDI had been defended by government lawyers on the ground that it was confined to "research," which is not prohibited by the Treaty.[3] The proposed reinterpretation would insulate SDI from the ban of the Treaty beyond the research phase, through the stages of development and testing. The Treaty would by this interpretation prohibit only the actual deployment of a space-based system. Such a reading is a gross distortion of both the language and purpose of the Treaty.

I. THE TREATY TEXT

It should be said at the outset the realization of the goal set by President Reagan is prohibited by the Treaty. In article I(2), "Each Party undertakes not to deploy ABM systems for a defense of the territory of its country and not to provide a base for such a defense. . . ." Indeed, the basic purpose of the Treaty is to prevent the parties from ever acquiring the capability to establish the nationwide defense against strategic ballistic missiles that the President seeks. The question is how closely a party can approach that goal without fatally rupturing the Treaty.

A. Articles II and V

Article V(I) of the Treaty bans the testing, development, and deployment of all ABM systems other than fixed land-based systems. It states: "Each Party undertakes not to develop, test, or deploy ABM systems or components which are sea-based, air-based, space-based, or mobile land-based." The comprehensiveness of this prohibition is confirmed by the equally sweeping definition of ABM systems in article II of the Treaty: "For the purpose of this Treaty an ABM system is a system to counter strategic ballistic missiles or their elements in flight trajectory, *currently* consisting of: (a) ABM interceptor missiles, . . . (b) ABM launchers, . . . ; and (c) ABM radars, . . ."[4]

Despite the clarity of these provisions, the new interpretation asserts that the United States *can* develop and test space-based anti-ballistic missile systems without violating the Treaty provided they are based on "other physical principles"[5] (such as lasers or particle beams) than those employed by the systems in use when the Treaty was concluded in 1972.

By what legerdemain can the straightforward prohibition of article V(i) be converted into a limited ban on development and testing of 1970's technology only? The State Department Legal Adviser sought to accomplish this result by turning the comprehensive definition of ABM systems contained in Article II(i) into a limiting defintion, confined to systems comprising the three conventional components: missiles, launchers, and radars. According to the Legal Adviser's testimony: "[Article II] can more reasonably be read to mean that the systems contemplated by the treaty are those that serve the functions described *and* that currently consist of the listed components."[6]

Article II is on its face a *functional* defintion. It defines the prohibited systems on the basis of performance, not technology. The word "and" does not appear in the Treaty text. Even if it did, it is hard to see how it would convert the language of subparagraphs (a), (b), and (c) into words of limitation. The natural reading of the phrase "currently consisting of" makes the system description that follows illustrative, not limiting.

The legislative history supports this common-sense interpretation. When the ABM Treaty was transmitted by the President to the Senate for advice and consent, it was accompanied by a detailed "Report by Secretary of State Rogers to President Nixon on the Strategic Arms Limitation Agreements."[7] Statements made by the President and his senior officials in presenting the Treaty to the Senate have particular weight on questions of the interpretation of the treaty. The Senate's understanding of the treaty on which it acts depends on the interpretations provided by the President, who negotiated the treaty. Such interpretations are decisive with respect to the obligations assumed by the United States.[8]

The report of Secretary Rogers expressly and unambiguously affirms the functional character of the Article II definition: "Article II(i) defines an ABM system in terms of its *function* as 'a system to counter strategic ballistic missiles or their elements in flight trajectory,' noting that such systems 'currently' consist of ABM interceptor missiles, ABM launchers, and ABM radars."[9] This passage appears at the beginning of the section of the report entitled "*Future ABM Systems,*" and obviously is intended to explain the applicability of the Treaty to such future systems. The quoted passage directly contradicts the contention of the Legal Adviser that the definition is limited to systems using conventional technology. Secretary Rogers' report makes clear that the enumeration of the components is an illustrative reference to systems currently in use, not a limitation of the coverage of the Treaty.

The Legal Adviser is able to adduce no support for his position that article II is a limiting definition, either in the legislative history or in contemporaneous or later accounts by officials associated with the negotiating or ratification process. In fact, as Dr. Raymond Garthoff, the Executive Secretary and a Senior Adviser in the United States delegation that negotiated the Treaty, tells us:

"The word "currently" was deliberately inserted into a previously adopted text of Article II at the time agreement was reached on the future systems ban in order to have the very effect of closing a loophole to the ban on futures in both Articles III and V (and several others)."[10]

If the draftsmen had wanted a limiting definition, they had it in the "previously adopted text" to which Dr Garthoff refers. We know from his account that this penultimate text defined an ABM system as "a system to counter strategic ballistic missiles . . . in flight trajectory, consisting of . . . missiles, . . . launchers, . . . and radars," There could be no conceivable reason for deliberately inserting the word "currently" into that sentence if the intention had been to maintain a limiting definition. As the discussion below of the negotiating history shows, the purpose of this drafting change was to ensure the comprehensive coverage of future systems by means of the definition of the term "ABM systems," instead of dealing with the matter by special language in the substantive provisions of the Treaty, as had been originally sought by the United States.

Once the functional character of the article II definition is established, the reading of article V to ban development and testing of space-based systems using future technology is inescapable. This reading is also fully supported by the legislative history. The Rogers report itself does not state expressly that article V applies to "exotic" as well as conventional systems. But other key administration witnesses testifed categorically that it does so apply. Secretary of Defense Laird, for example, in a written response to a question from Senator Goldwater of the Senate Armed Services Committee concerning "development of a boost-phase intercept capability or lasers," replied:

"There is . . . a prohibition on the development, testing, or deployment of ABM systems which are space-based, as well as sea-based, air-based, or mobile land-based. The U.S. side understands this prohibition not to apply to basic and advanced research and exploratory development of technology which could be associated with such systems, or their components.

"There are no restrictions on the development of lasers for fixed, land-based ABM systems. The sides have agreed, however, that deployment of such systems . . . shall be subject to discussion in accordance with article XIII . . . and agreement in accordance with article XIV . . ."[11]

This is an explicit confirmation by the Secretary of Defense that article V does prohibit development and testing of space-based systems embodying new physical principles, such as lasers. It is not cited by the Legal Adviser in his testimony and memorandum in support of the reinterpretation. Dr. John Foster, Director of Defense Research and Engineering, the official in the defense Department directly responsible for all research on exotic ABM systems, also confirmed this interpretation of article V.[12]

The Senate fully understood the import of these statements by high-ranking administration witnesses. Senator Thurmond supported the Treaty, but mentioned among his reservations: "It also prevents us from developing new kinds of systems to protect our population. The most promising type appears to be the laser type, based, on entirely new principles. Yet we forgo forever the ability to protect our people."[13] Senator Buckley, one of the two who voted against the Treaty, was even more specific: "[A]rticle V of the ABM treaty . . . would have the effect . . . of prohibiting the development and testing of a laser type system based in space . . . The technological possibility has been formally excluded by this agreement."[14]

There is not a single positive statement in the legislative history interpreting article V as limited to current technology. Secretary Rogers does not mention exotic systems in describing that article, but he does expressly adopt a functional reading of the article II definition of ABM systems. That reading necessarily entails that the ban on development and testing in article V apply comprehensively to all space-based ABM systems, whether composed of 1972-type components or using other physical principles. Witnesses sometimes referred to the ban on deployment of exotic ABM systems without mentioning the limitations on development and testing. But whenever the Senate expressly addressed the issue of future systems, administration witnesses stated unequivocally that such systems were covered by article V.

B. Article III and Agreed Statement D

Although articles II and V are the most directly relevant to the present controversy, two other provisions, article III and Agreed Statement D, are also closely involved. Article III contains the only explicit exception to the Treaty's sweeping prohibitions. It permits deployment of fixed land-based systems at two sites—one around a party's national capital and one at a missile field—and it circumscribes in detail the type and quantity of allowable components.[15] Agreed Statement D is one of a set of Agreed Statements initialed by the heads of the two delegations and appended to the Treaty. The statements were used as a drafting device to clarify specific points or remove possible ambiguities in more general language in the body of the Treaty. They were transmitted to the Senate as part of the Treaty.[16] Agreed Statement D provides:

> In order to insure the fulfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty, the Parties agree that in the event ABM systems based on other physical principles and including components capable of substituting for ABM interceptor missiles, ABM launchers, or ABM radars are created in the future, specific limitations on such systems and their components would be subject to discussion in accordance with Article XIII [establishing the Standing Consultative Commission] and agreement in accordance with Article XIV [the amending article] of the Treaty." [17]

The legal Adviser argues that because agreed Statement D is the only part of the Treaty that specifically mentions future technologies, it must be taken as setting forth the rules that govern their treatment. Thus, as to systems "based on other physical principles," only deployment is prohibited. This argument assumes the validity of the interpretation of article II as a limiting definition, embracing only conventional ABM systems and excluding all exotic systems from the prohibitions on testing and development in article V. The Legal adviser denies that the prohibition in Agreed Statement D is addressed to fixed land-based systems only: "Nothing in that statement suggests that it applies only to future systems that are fixed land based. . . ." [18]

But the Agreed Statement *does* indicate that it is confined to fixed land-based systems. The inducing clause recites that its purpose is to "insure the fullfillment of the obligation not to deploy ABM systems and their components except as provided in Article III of the Treaty." And as we have seen, the deployments permitted under article III are fixed land-based systems using 1970s-type technology.[19]

The Legal Adviser would have us believe that the Agreed Statement, tacked on at the end of the Treaty, imposed a new and reaching substantive prohibition on the deployment of exotic systems not found elsewhere in the instrument. The statement's role is much more modest, however, and much more appropriate to the character of such statements. As suggested in the inducing clause, it clarifies and strenthens the obligations of article III. In that article, the limits on deployments at the permitted sites are expressed in terms of missiles, launchers, and radars, the components of systems then in use. Because article III begins with an undertaking "not to deploy ABM systems or their components except" as provided in the article, the implication is that only systems using such components, that is, conventional technology, could be deployed. Agreed Statement D makes this implicit limitation explicit by stating expressly that deployment of systems based on exotic technology is prohibited by the obligations undertaken in Article III.

There is a further special reason for a statement emphasizing the prohibition on the deployment of fixed land-based exotics. As noted above, article III establishes strict limitations on the firepower and targeting capabilities of systems deployed at the permitted ABM sites. These limitations are designed to ensure that deployments at those sites could not function as systems for the defense of national territory or as a base for such systems, in violation of article I. The constraints were expressed in terms of the then-current technology—primarily as quantitative ceilings on the number of missiles, launchers, and radars.[20] These quantitative restrictions would have no meaning in relation to systems "based on other physical principles." If such systems were "created in the future," therefore, the parties would have to discuss how or even whether comparable restrictions on firepower and capability of the new technology could be devised.

Finally, the Legal Adviser's reading of Agreed Statement D makes an absurdity out of the text of the Treaty proper. In his analysis, the body of Treaty would not prohibit deployment of exotic systems unless they were fixed land-based. But for Agreement Statement D, he says, the Treaty would prohibit deployment on such systems only where conventional deployment was permitted, and allow deployment in all environments where conventional systems were prohibited. Is it conceivable that a treaty text, hammered out over two years of arduous negotiations and review, would mandate such an absurdly self-contradictory result, to be rescued, and then only partially, by the device of an Agreed Statement, appended at the last moment?

C. The Purpose of the Treaty

The interpretation of solemn obligations affecting the security of the United States and the world demands more than playing word games with the text to see what meanings it can be made to bear. The fundamental reason why the reinterpretation of the treaty is unacceptable is that it reflects no intelligible policy or purpose.

The essential assurance each side sought in the ABM Treaty was that the other was not working to achieve an effective territorial defense against ballistic missiles. For this purpose, a simple prohibition on deployments was not enough. If only deployment were prohibited, one side might bring a system through the process of research, development, and testing to the very brink of development—and then escape the treaty constraints by withdrawal (permitted on six months notice under article XV($_2$)) or simply by repudiation.

The United States was particularly concerned to guard against this "breakout" possibility. It sought positive limitations to increase the lead-time between the moment when a party might decide to try for an ABM system and the time when it could achieve one. Expanding this lead-time itself reduced any incentive for noncompliance, because it meant that the United States would have time to respond to a breakout attempt before the Soviets could capitalize on it. Many of the detailed provisions of the Treaty reflect this concern.[21]

There is simply no basis for distinguishing between conventional and exotic technologies in terms of the danger of breakout. It would have made no sense at all to spend four years in painful negotiation to ensure against breakout from the Treaty with conventional systems, while at the same time permitting free testing and development of "future" systems, as to which the uncertainties were very much greater, right up to the point of deployment.[22]

Consistent with these interests and concerns, many U.S. officials, as noted below, initially wanted a complete ban on futuristic systems.[23] The bureaucratic muscle of the Army, which had a research and development program for fixed ground-based lasers under way, was strong enough to prevent this comprehensive solution.[24] The final U.S. position reflected an internal compromise: development and testing in the fixed land-based mode but not otherwise, and no deployment at all. According to U.S. participants in the negotiations,[25] that was the position that ultimately prevailed. The limited compromise made sense given the configuration of domestic bureaucratic and political forces. To have accepted a treaty that severely limited conventional technologies but let exotics run free, however, would have negated the very purpose for which the negotiation was begun in the first place.

In summary, the basic aim of the Treaty is to bar defense of the national territories of the parties against strategic ballistic missiles. It thus embodies the strategic theory of mutual deterrence based on assured retaliatory capacity of each side. In addition, it would reduce the impetus for an upward spiral in offensive arms, which was to be controlled by the companion Interim Agreement on the Limitation of Strategic Offensive Arms.[26]

Accordingly, the definition of ABM systems in article II is cast in terms of system function rather than system technology, and covers future as well as "current" systems. It follows that the article V prohibition against testing, development, and deployment of all but fixed land-based systems applies to systems based on exotic as well as 1972-type technologies. The only exception to these prohibitions is the testing and development at agreed test ranges and deployment of fixed land-based systems at two sites (now one), subject to strict quantitative and qualitative limitations, as provided in articles III and IV. The limits in article III refer to missiles, launchers, and radars, thus implicitly confining deployment to systems using conventional technology. Agreed Statement D clarifies article III by making explicit this prohibition against replacing any or all of the permitted deployments by exotic fixed land-based systems, except with the concurrence of the other party.

II. THE NEGOTIATING RECORD

The Legal Adviser asserts that the reinterpretation is supported by the classified negotiating record. "The parties," he says, "did not agree to ban development and testing of such systems or components, whether on land or in space."[27] He contends that although U.S. negotiators tried to obtain a ban on development and testing of future systems, "the record of the negotiations fails to demonstrate that they actually succeeded in achieving their objective . . . [T]hey failed to obtain the ban they sought . . . . "[28] In a recent address to the American Society of International Law, he stated that the Soviets refused to accept language proffered by the American delegation (presumably as a part of what became article V) prohibiting development and testing of "future devices."[29]

Because the record is secret, these statements cannot be directly contradicted. But contemporaneous accounts, the recollections of participants in the negotiations, and on-the-record statements of officials with access to the classified materials provide glimpses of the negotiating history. According to the recollections of Ambassador Gerard C. Smith, the head of the delegation, and other delegation members no longer in government, the Soviets understood and accepted article V as a ban on development and testing of future exotic systems and components.[30]

No doubt there were disagreements between the two sides over language and draftsmanship. Such semantic battles are common in long and hard-fought negotiations. In the end, as Dr. Garthoff stated before the present controversy arose,[31] they were resolved by the insertion of the word "currently" into the definition of ABM systems in article II to ensure that systems using new technologies and composed of different components would be covered by the ban on testing and development in article V.

John Newhouse, in his authoritative book Cold Dawn, gives an account of the evolution of the U.S. negotiating position. He tells us that at first U.S. officials favored a complete ban on exotic systems. On July 2, 1971, it was proposed "to ban exotics by specifying that everything not allowed in a SALT agreement was forbidden."[32] The proposal was the subject of debate within the U.S. government. The controversy was resolved by National Security Decision Memorandum 127 that "banned everything other than research and development on fixed land-based exotics."[33] When the position was presented in Geneva, there was at first some hesitation by the Soviet Union. But, Newhouse relates, "toward the end of January . . . the Soviets accepted the U.S. position on exotic systems."[34]

If, as the Legal Adviser asserts, "the Soviets refused to go along, and no such agreement was reached," [35] established State Department procedures would have required the delegation to send a reporting telegram explicitly stating that they had failed to carry out their instructions on that issue. Indeed, the delegation could not have agreed to a text that rejected the U.S. position on such an important point without express permission from Washington. Such a telegram would be a part of the negotiating record. The Legal Adviser's theory of an undocumented "failure to agree" is simply implausible to anyone familiar with State Department procedures.

Moreover, the practice in the SALT I negotiations when the Soviets refused to accept a major U.S. position was not simply to walk away in silence. A special device, the unilateral statement, was used to deal with such situations. These statements acknowledge that the parties have failed to reach agreement on a point of particular interest to the United States and assert in substance that the United States will regard conduct inconsistent with the U.S. position as inconsistent with the agreement.[36]

The unilateral statement technique was used in the Interim Agreement with respect to land-mobile missiles.[37] In that case, the Soviets refused an explicit prohibition on mobility that had been a major U.S. negotiating objective. The unilateral statement put the U.S. position on the public record so that the Soviets would have no doubt about it. If that format was appropriate with respect to the disagreement over land-mobile ICBM launchers, why not as to testing and development of exotic ABM systems?

Finally, the Legal Adviser's reliance on the still-classified negotiating record raises an issue of principle that is not affected by the actual content of that record.[38] Members of the Senate Armed Services Committee have requested access to the negotiating record, so far unsuccessfully.[39] The Senate, under the Constitution, is a full partner in the treaty-making process. Is it consistent with the constitutional structure for the Executive, more than a decade after the Treaty was ratified, to advance an interpretation, based on secret materials that were not before the Senate when it gave its advice and consent and are not now available to it? More broadly, is such a procedure consistent with the requirements of accountability in a democratic policy?

If the Legal Adviser continues to rely for his conclusion on an admittedly arguable reading of the negotiating record, it seems to us that he is under an obligation to make the relevant portions public. If that is impossible because of the requirements of confidentiality in international negotiations, then interpretation of the Treaty must be based solely on the text and the public record.

III. SUBSEQUENT INTERPRETATION

As a matter of United States law and under international canons of construction, consistent interpretation of the meaning of an enactment by the administrative bodies charged with its implementation is entitled to very great weight.[40] The consistent interpretation of article V by the U.S. agencies supports the traditional interpretation.

Each year since 1978, the Arms Control and Disarmament Agency has been required by law to prepare an Arms Control Impact Statement for presentation to Congress.[41] Through fiscal year 1985, each of these statements, without exception, including those prepared by the Reagan Administration, explicitly endorses the traditional interpretation.[42] The latest such statement for fiscal 1985 says: "The ABM Treaty prohibition on development, testing and deployment of spacebased ABM systems, or components for such systems, applies to directed energy technology (or any other technology) used for this purpose." [43]

Moreover, the Strategic Defense Initiative Organization (SDIO), the entity in the Department of Defense with responsibility for the conduct of the Star Wars program, has heretofore operated on the assumption that the traditional interpretation of the Treaty applies to the program. In its 1985 report to Congress on the compliance status of the program, it acknowledges that:

"The ABM Treaty prohibits the development, testing, and deployment of ABM systems and components that are space-based, air-based, sea-based, or mobile land-based. However, that agreement does permit research short of field testing of a prototype ABM system or component. This is the type of research that will be conducted under the SDI program." [44]

The report then justifies each of the fifteen tests or experiments proposed through fiscal year 1988 as falling into one of three categories, none of which, it contends, are prohibited by the Treaty: (1) "research," (2) development of "subcomponents," or (3) anti-satellite weapons testing.[45] Although these justifications can be challenged on their own terms, there would have been no need whatever for this elaborate legal analysis in the SDIO report if the Legal Adviser's reinterpretation were an accurate statement of the law.

CONCLUSION

A dozen years after the United States undertook in the ABM Treaty "not to deploy ABM systems for a defense of the territory of its country," the current U.S. Administration has decided that it wants to do just that if it can. From this perspective, it is not hard to deduce the origin of the reinterpretation. Although the SDI test program through 1988 might be plausibly defended under the traditional interpretation of the Treaty, subsequent stages cannot. Assistant Secretary of Defense Richard Perle testified before the Subcommittee on Strategic and Theater Nuclear Forces of the Senate Armed Services Committee that we cannot "make an intelligent decision [on whether to develop an SDI system] on the basis of the kind of testing permitted under the restricted [interpretation of the ABM Treaty]." [46] The Administration seeks to escape this difficulty by the simple expedient of reinterpreting the Treaty to read out the constraints, always assumed to be part of the Treaty, on development and testing of space-based exotic systems.

Such a procedure has a number of disturbing implications. Treaties are the supreme law of the land. They are not made by the President alone, but by the President with the advice and consent of the Senate. Although the Executive Branch has always contended that the President can unilaterally terminate a treaty, even the State Department has never argued that he can modify or alter a treaty obligation without the consent of the Senate.[47] Moreover, treaties are not only the law of this land. They also represent a solemn engagement between nations, binding at international law. The terms of that engagement cannot be altered by one of the parties without the consent of the other.

The interpretation of treaties, like the interpretation of statutes and contracts, is the business of lawyers. In our system, lawyers represent clients, and the Canons of Ethics impose an obligation of zealous representation of the client's interest, to the subordination of almost all other consideration.[48] The extent of that obligation has been questioned even in the context of the representation of private clients by private lawyers.[49] But nobody has ever supposed that it applied in anything like its full force to government lawyers. Attorney General William D. Mitchell is reputed to have said, "The government wins when justice is done."

Government lawyers whose field is international law—State Department lawyers—labor under an even heavier constraint. Many of the questions they are asked to consider are nonjustifiable. Their zeal on behalf of their client cannot be reviewed and, if necessary, righted by a neutral tribunal. They have, in a certain sense, the final responsibility for the integrity of the international legal system in which they work.

That responsibility has a special force when the questions at issue implicate arms control treaties. Some significant part of the safety and security of the globe depends on a regime of good faith compliance and action under such treaties, on both sides. It is a fragile skein, easily torn and not quickly mended. To maintain and foster that regime is a prime responsibility of international lawyers, outside of government or in. It is a responsibility equal in dignity to the one we owe our clients. It invokes the highest duty of the lawyer—fidelity to the law itself.

The administration's proposed reinterpretation of the ABM Treaty does not meet these standards.

FOOTNOTES

[*] The authors of these Commentaries have not seen drafts of each other's pieces. The Commentary format is not meant to be a debate, but rather is meant to present different perspectives on current issues of public importance.

[**] Felix Frankfurter Professor of Law, Harvard University. A.B. Harvard, 1943; LL.B. 1949.

[***] Chairman, Endispute, Inc. A.B. Radcliffe, 1949; J.D. George Washington University, 1953. We acknowledge with thanks the assistance of Stuart Fullerton, Harvard Law School class of 1987.

[1] Treaty between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, May 26, 1972, 23 U.S.T. 3435, T.I.A.S. No. 7503 [hereinafter cited as ABM Treaty]. On October 16, 1985, Robert McFarlane, Assistant to the President for National Security Affairs, said during a television interview: "[The terms of the ABM Treaty] make clear that on research involving new physical concepts, that that activity, as well as testing, as well as development, indeed, are approved and authorized by the treaty. Only deployment is foreclosed. . . ." 85 Dep't. of State Bull. No. 2105, at 32-33 (Dec. 1985). On October 8, 1985, this position was affirmed at a White House background briefing. Wash.; Post, Oct. 17, 1985, at A4. But on October 14, 1985, Secretary of State Shultz told a gathering of NATO officials that President Reagan had decided as a matter of policy to abide by the traditional interpretation of the treaty, although the new interpretation was "fully justified." *Id.*

[2] Address of President Reagan to the Nation on Defense and National Security, Pub. Papers 437, 443 (Mar. 23, 1983).

[3] Dep't of Defense, Report to Congress on the Strategic Defense Initiative 1985, app. B.

[4] ABM Treaty, *supra* note 1, art. II, 23 U.S.T. at 3439, T.I.A.S. No. 7503, at 5 (emphasis added).

[5] ABM Treaty, *supra* note 1, Agreed Statement D, 23 U.S.T. at 3456, T.I.A.S. No. 7503, at 22.

[6] *ABM Treaty Interpretation Dispute: Hearing Before the Subcomm. on Arms Control, Int'l Security and Science of the House Comm. on Foreign Aff.*, 99th Cong., 1st Sess. 4, 13 (1985) (statements of Abraham D. Sofaer, Legal Adviser, Department of State) [hereinafter cited as *Hearings on Interpretation*]. Following his testimony, the Legal Adviser presented to the committee a memorandum he had prepared for Ambassador Nitze entitled "Analysis of United States and Soviet Postnegotiation Public Statements Interpreting the ABM Treaty's Application to Future Systems." *Id.* app. 15, at 200 [hereinafter cited as Sofaer Memorandum].

[7] 67 Dep't of State Bull. 3 (1972) [hereinafter cited as *Report by Secretary of State Rogers*].

[8] *See* Restatement (Revised) of Foreign Relations Law of the United States § 326(1) & comments a & b (Tent. Draft No. 6) (1985).

[9] *Report by Secretary of State Rogers, supra* note 7, at 6 (emphasis added).

[10] Int'l Security, Summer 1977, at 107, 108 (replying to a letter to the editor which commented on an article written by Dr. Garthoff entitled *Negotiating with the Russians: Some Lessons from SALT*, Int'l Security, Spring 1977, at 3).

[11] *Military Implications of the Treaty on Limitations of Anti-Ballistic Missile Systems and the Interim Agreement on Limitation of Strategic Offensive Arms: Hearings before the Senate Comm. on Armed Services*, 92nd Cong., 2nd Sess. 40-41 (1972) [hereinafter cited as *Hearings on Military Implications*]. At the time the Army had a fixed land-based laser research and development program to which it and its supporters in the Senate attached great importance. *See Id.* at 30-31. Thus, the colloquy quoted in the text is designed to establish that despite the sweeping prohibitions on testing and deployment of space-based exotics, the Treaty protects the Army program. The reference in the testimony to "basic and advanced research and exploratory development" is to standard Pentagon budget categories and excludes field testing and development.

[12] The following dialogue took place between Dr. Foster and Senator Jackson before the Armed Services Committee.

"Senator Jackson. . . . does the SALT agreement prohibit land-based laser development?

"Dr. Foster. No sir, it does not. [Deleted.] . . . .

"Senator Jackson. . . . Article 5 says each party undertakes not to develop and test or deploy ABM systems or components which are sea based, air based(,) space based or mobile land based.

"Dr. Foster. Yes sir; I understand. We do not have a program to develop a laser ABM system.

"Senator Jackson. If it is sea based, air based, space based, or mobile land based. If it is a fixed land-based ABM system, it is permitted; am I not correct.

"Dr. Foster. That is right." *Hearings on Military Implications, supra* note 11, at 274-75.

[13] Cong. Rec. 26,700 (1972).

[14] *Id.* at 26,703.

[15] The number of permissible sites was later reduced to one by a protocol adopted in 1974. Protocol on the Limitation of Anti-Ballistic Missile Systems, July 3, 1974, art. I, 27 U.S.T. 1645, 1648, T.I.A.S. No. 8276. Article III of the Treaty provides detailed limitations on the area of a permitted ABM system site (a radius of 150 kilometers), the number of missiles and launchers (100 each), and the number of radars that may be deployed at each permitted site. ABM Treaty, *supra* note I, art. III, 23 U.S.T. at 3440, T.I.A.S. No. 7503, at 6. In addition, under article IV, testing of fixed land-based ABMs is severely restricted. *See id.*, art. IV, 23 U.S.T. at 3441, T.I.A.S. No. 7503, at 7.

[16] *See Report by Secretary of State Rogers, supra* note 7, at 4 (explaining transmittal of Agreed Statements with Treaty text).

[17] ABM Treaty, *supra* note 1, Agreed Statement D, 23 U.S.T. at 3456, T.I.A.S. No. 7503, at 22.

[18] *Hearings on Interpretation, supra* note 6, at 6. Note that Agreed Statement D itself, contrary to the Legal Advisers' position, uses the term of art "ABM systems" when referring to systems using exotic technology. ABM Treaty, *supra* note 1, Agreed Statement D, 23 U.S.T. at 3456, T.I.A.S. No. 7503, at 22.

[19] *See infra* p. 1961 & note 15.

[20] *See supra* note 15. There are qualitative limitations as well. *See* ABM Treaty, *supra* note 1, art. V(2), 23 U.S.T. at 3441, T.I.A.S. No. 7503, at 7 (prohibiting development, testing, and deployment of multiple warhead ABM missiles or rapid-reload launchers).

[21] *See, e.g.,* ABM Treaty, *supra* note 1, arts. III, IV, & V (limiting development and testing); art. III (restricting deployment in permitted areas); art. V(2) (prohibiting rapid-reload launchers and multiple warhead missiles); art. VI(a) (attempting to limit the possibility of "up-grading" anti-aircraft systems and prohibiting "testing in an ABM mode"); art. VI(b) (limiting radar deployment).

[22] Moreover, although the discussion of the reinterpretation has focused to date on its application to space-based systems, it would necessarily apply as well to mobile land-based ABMs, which are also covered in article V. In 1972, U.S. worries about mobile land-based systems were particularly acute, as they are today. A provision permitting development and testing of such systems if they employed exotic but not conventional technologies would have raised serious verification problems.

[23] *See infra* pp. 1966-67 & notes 32-33.

[24] *See supra* note 11.

[25] *See infra* p. 1966 & note 30.

[26] *See, e.g., Hearings on Military Implications, supra* note 11, at 286 ("The treaty, by permitting only a small deployment of ABMs, tends to break the offense/defense action and reaction spiral in strategic arms competition.") (statement by Ambassador Gerard C. Smith); *The Moscow Summit: New Opportunities in U.S.-Soviet Relations*, Address by President Nixon to the Congress, 66 Dep't of State Bull. 855, 857 (1972) ("[T]he [ABM] agreements forestall a major spiraling of the arms race. . . .").

[27] *Hearings on Interpretation, supra* note 6, at 7.

[28] *Id.* at 8.

[29] Speech by Abraham D. Sofaer, Legal Adviser, Dep't of State, American Society of International Law Annual Meeting, in Washington, D.C. (Apr. II, 1986) (tape on file at the Harvard Law School Library).

[30] *See Reagan Team Justifies Star Wars Plan By Claiming Loophole in ABM Treaty,* Wall St. J., Oct. 22, 1985, at 64, col. 1. For example, John Rhinelander, the Legal Adviser to the delegation, writing shortly after the adoption of the Treaty, lays out in detail the traditional interpretation of articles III and V and Agreed Statement D:

"The future systems ban applies to devices which would be capable of substituting for one or more of the three basic ABM components, such as a "killer" laser or a particle accelerator. Article III of the treaty does not preclude either development or testing of fixed land-based devices which could substitute for ABM components, but does prohibit their deployment. Article V, on the other hand, prohibits development and testing, as well as deployment, of air-based, sea-based, space-based, or mobile land-based ABM systems or components, which includes "future systems" for those kinds of environments. The overall effect of the treaty, therefore, is to prohibit any deployment of future systems and to limit their development and testing to those in a fixed land-based mode."

SALT: The Moscow Agreements and Beyond 128 (M. Willrich & J. Rhinelander eds. 1974), *reprinted in Hearings on Interpretation, supra* note 6, app. 23, at 247, 250. On November 21, 1985, Mr. Rhinelander confirmed this account in testimony before the Subcommittee on Strategic and Theater Nuclear Weapons of the Senate Armed Services Committee.

[31] *See supra* note 10 and accompanying text.

[32] J. Newhouse, Cold Dawn: The Story of SALT 230 (1973).

[33] *Id.* at 231. For a discussion of the importance the Army attached to its fixed land-based laser program, see note 11 above.

[34] J. Newhouse, *supra* note 32, at 237.

[35] *Hearings on Interpretation, supra* note 6, at 7.

[36] United States Arms Control and Disarmament Agency, Arms Control and Disarmament Agreements 146-47, 156-57 (1980). This technique was used with respect to the definition of "tested in an ABM mode" within the meaning of article VI, increases in the defenses of Soviet early warning radars, the definition of "heavy" ICBM's, and deployment of land-mobile ICBM launchers. The latter two unilateral statements are appended to the Interim Agreement on Limitation of Strategic Offensive Arms, concluded simultaneously with the ABM Treaty. The unilateral statements were presented to the Senate along with the Treaty.

[37] The unilateral statement on land-mobile ICBM launchers in the companion Interim Agreement on strategic offensive weapons is as follows: "[I]n the interest of concluding the Interim Agreement the U.S. Delegation now withdraws its proposal that Article I or an agreed statement explicitly prohibit the deployment of mobile land-based ICBM launchers. I have been instructed to inform you that, . . . the U.S. would consider the deployment of operational land-mobile ICBM launchers during the period of the Interim Agreement as inconsistent with the objectives of that Agreement." *Id.* at 156.

[38] *See* Case Concerning the Jurisdiction of the European Commission of the Danube, 1927 P.C.I.J., ser. B, No. 14, at 32 (Dec. 8, 1927) (refusal by the Permanent Court of International Justice to consider "confidential" negotiating record).

[39] National Campaign to Save the ABM Treaty, Fact Sheet No. 5: Legal Issues Relating to Reinterpreting the Anti Ballistic Missile Treaty 4.

[40] *See* Restatement (Second) of Foreign Relations Law of the United States § 152 (1965); *see also, e.g.,* Factor v. Laubenheimer, 290 U.S. 276, 294-98 (1933) (noting that executive interpretation of a treaty provision is entitled to considerable weight). For the position at international law, see Vienna Convention on the Law of Treaties, art. 31(3)(b), at 49 (1978) and 14 M. Whiteman, Digest of International Law 399-402 (1970).

[41] *See* 22 U.S.C. § 2590 (1982).

[42] The first such statement, for fiscal year 1979, reads as follows: "Article V . . . prohibits the development, testing or deployment of all types of ABM systems or their components that are sea-based, air-based, space-based, or mobile land-based. . . . Article II defines an ABM system as a 'system to counter strategic ballistic missiles or their elements in flight trajectory' and describes current systems as consisting of ABM interceptor missiles, ABM launchers and ABM radars, [deleted][sic] Thus, [particle beam weapons] used for [ballistic missile defense] which are fixed land-based could be developed and tested but not deployed without amendment of the ABM Treaty, and the development, testing, and deployment of such systems which are other than fixed land-based is prohibited by article V of the treaty." Fiscal Year 1979 Arms Control Impact Statements, 95th Cong., 2d Sess. 231 (1978) (footnotes omitted).

[43] Fiscal Year 1985 Arms Control Impact Statements, 98th Cong., 2d Sess. 252 (1984); *accord* Fiscal Year 1984 Arms Control Impact Statements, 98th Cong., 1st Sess. 266-67 (1983); Fiscal Year 1981 Arms Control Impact Statements, 97th Cong., 2d Sess. 321 (1982); Fiscal Year 1982 Arms Control Impact Statements, 97th Cong., 1st Sess. 393-94 (1981); Fiscal Year 1981 Arms Control Impact

Statements, 96th Cong., 2nd Sess. 453 (1980); Fiscal Year 1980 Arms Control Impact Statements, 96th Cong., 1st Sess. 100 (1979).

[44] Dep't of Defense, *supra* note 3, app. B at B-2.

[45] *Id.* app. B at B-4 to B-9.

[46] *SDI Testing Is Reviewed in Light of Treaty Terms,* Wash. Post, Mar. 26, 1986, at 6, col. 5.

[47] *See Treaty Termination: Hearings Before the Senate Comm. on Foreign Relations,* 96th Cong., 1st Sess. 214 (1979); *see also, e.g.,* Coplin v. United States, 6 Ct. Cl. 115, 144–45 (1984) (holding that the President cannot unilaterally modify a treaty obligation on the basis of documents not approved by the full Senate), *rev'd on other grounds,* 761 F.2d 688 (Fed. Cir. 1985).

[48] Canons of Professional Ethics Canon 15 (1952); *see* Model Rules of Professional Conduct Rule 1.3 (1983); Model Code of Professional Responsibility Canon 7, EC 7-1 (1980).

[49] *See, e.g.,* J. Auerbach, Unequal Justice (1974); *President of Harvard Brands Legal System Costly and Complex,* N.Y. Times, Apr. 22, 1983, at A1, col. 6 (criticism of the adversary system by President Derek Bok of Harvard University).●

SAINT PATRICK'S DAY

● Mr. D'AMATO. Mr. President, we will have cause to celebrate next Tuesday. It will be March 17, the day this Nation sets aside each year to join in peace and friendship and in the spirit of Saint Patrick, the patron saint of Ireland. All across the country Irish-Americans, and many others who simply wish to join in the fun, will be marching and parading through the streets.

The Irish are very proud of their patron saint, a beloved friend and a symbol of hope that someday peace and equality will return to their troubled land. But Tuesday all the troubles will be forgotten, replaced with thoughts of glad tidings and good cheer. In many cities in Ireland, across America and around the world, people set this day aside to celebrate the goodness of life and the hope for a better life in the future.

From New York to Chicago and Boston to Baton Rouge, millions of Irish-Americans will be on hand to parade through the streets. In fact, it is an occasion for the biggest annual parade held in New York City. As many as 125,000 people will tread the 2½-mile parade route, which passes by St. Patrick's Cathedral, replete with bands, floats and highstepping marchers.

Many of my colleagues will participate in their home State parades. I will not miss mine. But no matter where we will celebrate, we join with the Irish and in the spirit of Saint Patrick. I know I speak for my colleagues, Mr. President, in sending blessings and wishing the best to the Irish people. I thank all those who will honor Saint Patrick's Day, and all those who will proudly wear the green.●

ADMINISTRATION RESISTANCE TO SOUTH AFRICAN SANCTIONS LAW

● Mr. SARBANES. Mr. President, earlier this week Mr. Owen Bieber, president of the United Auto Workers Union and member of the Advisory Committee on South Africa, wrote an excellent editorial piece for the Washington Post about the administration's rejection of a report by its own advisory panel regarding the value and effectiveness of economic sanctions against South Africa. As Mr. Bieber points out, regardless of the administration's position on the question of sanctions, the provisions of the Anti-Apartheid Act of 1986 are now law and must be implemented in good faith. I would ask that his thoughtful commentary be printed in the RECORD.

The editorial follows:

CLINGING TO QUIET DIPLOMACY

(By Owen Bieber)

Constructive engagement, never a particularly robust specimen of U.S. foreign policy, died a belated public death last October when Congress overwhelmingly voted to override President Reagan's veto of modest South Africa sanctions legislation.

The report from the president's own advisory committee on South Africa released last month gave the administration a new opportunity to stop trying to revive the corpse of quiet diplomacy and bury it once and for all. Instead, the administration rejected its own panel's conclusions that constructive engagement failed and strong international sanctions must be imposed against South Africa.

Reagan officials, who have argued for more time for their six-year-old approach of muting public criticism of Pretoria, saw no inconsistency in pronouncing congressional sanctions ineffective after only a few weeks in place.

They could not avoid, however, the obvious irony implicit in the report's embrace of international sanctions, given the fact that the president had created the advisory committee as part of his executive order aimed at successfully heading off very mild congressional sanctions in 1985.

The State Department criticized key conclusions of the Reagan panel the same day the report was formally presented to Secretary of State Shultz by its co-chairs, William Coleman, a former Republican Cabinet member, and Frank Cary, former IBM chairman. This is particularly unfortunate for three reasons.

First, the report's recommendation that the president consult with U.S. allies to enlist their support for sanctions is not something easily dismissed by the administration—it's the law of the land. The Anti-Apartheid Act of 1986 calls upon the president to convene a meeting of industrial democracies for the purposes of reaching cooperative agreements to impose sanctions against South Africa.

In denigrating multilateral sanctions, is the administration indicating its intention to violate the will of Congress? Given the apparent chasm between the law and the actions of key White House officials on Iran-Contra issues, this is hardly an idle question.

Second, by clinging to its soft-on-Pretoria approach, the administration signals to the white apartheid government that there is no penalty for escalation of violence against blacks, detention and torture of thousands including children, the suspension of press and speech rights, military attacks on neighboring countries and other reprehensible actions by the Botha regime.

Republicans and Democrats in Congress have concluded the United States should respond to South Africa's repression with sanctions, and so have the American people. The legislation now being implemented was drafted by members of the president's own party and stopped far short of what many Democratic members sought. The administration's intransigence, including the recent U.S. veto in the U.N. Security Council of a sanctions resolution, can only be a source of hope for apartheid advocates seeking to outlast economic pressures imposed from abroad.

Third, the continuing void of presidential leadership on South Africa, a problem even before the Iran-contra problems fully occupied the foreign policy apparatus at the White House and the State Department, adds momentum to perceptions of our international allies and enemies alike that the president isn't in charge.

Regardless of ideology or party, no one benefits from a vacuum of presidential leadership on foreign policy—and on South Africa, Reagan has been so out of touch with reality that he's lost even his own party.

The President and Secretary Shultz would be well served to get on with the vigorous enforcement of the Anti-Apartheid Act—to make the law of the land and administration policy one and the same. Should the congressional sanctions not result in South Africa's taking steps toward ending apartheid, the United States then will be confronted with two basic choices: Do we abandon economic pressures or do we escalate them?

Abandoning such pressures would not be likely to speed apartheid's destruction any more than constructive engagement has. Escalation of sanctions through measures such as those adopted by the House last June would be the key nonviolent form of significant pressure available to our government.

By rejecting key conclusions of its own South Africa panel, the administration undercuts pressure on the apartheid government and makes an escalation of sanctions in the future more likely and necessary.●

WORK OR WELFARE

● Mr. SIMON. Mr. President, the community of Rockford, IL, is one of those that has been hit by unemployment.

The Register Star of Rockford is considered to lean on the conservative side, and that is added weight to their editorial saying that we have to take a look at new ideas or revisit and modify old ideas to break the cycle of dependency and to encourage people to work.

The bill I will be introducing shortly to guarantee job opportunities is described briefly in the editorial.

That measure would help Rockford, IL, and would help a great many other communities and States in this Nation.

We have the strange combination of people unemployed who want to be working and all kinds of things that need to be done.

I believe that we can put these things together.

I ask that the Rockford Register Star editorial be printed in the RECORD, and I urge my colleagues to read it.

The editorial follows:

WORK OR WELFARE DILEMMA DIFFICULT

Today's problems are very different from those of the 1930s when President Roosevelt created the Works Progress Administration (WPA) to put Depression-plagued America back to work.

Yet, a spinoff of the WPA idea might have some value today. Illinois Sen. Paul Simon thinks so and has proposed a modified WPA-style work program for welfare recipients to get them off straight public aid.

Simon's plan would provide 32 hours of work a week at minimum wage for program participants. Communities would select projects, including such things as work at day-care centers, tree-planting projects, graffiti-cleaning and sidewalk repair.

A rather similar program, on a much smaller scale, is being used successfuly by Rockford Township for its welfare program.

Other state and national officials have made similar proposals, Gov. James Thompson among them. In his inaugural address, Thompson hinted at work programs for welfare recipients, but specifies are yet to come.

President Reagan has been critical of the welfare system as we have come to know it, but he has launched no national initiatives to change it other than to try to cut back.

Yes something must be done to break the generation-to-generation cycle of welfare dependency. But it must be done in the style of the 1980s and 1990s when the marketplace demands high-tech skills for a changing industrial base. New jobs are being created, yet studies show six of 10 new jobs created in recent years are in low-paying, service-sector fields.

Jobs must be created that will not only benefit society as a whole but provide healthy, productive futures for the individuals who are placed in them. Breaking the dependency cycle is not simply a question of whether to work or whether to take welfare.

Simon, Thompson and Reagan, like many others, have identified a problem. We hope the seeds of their ideas will eventually grow into a lasting solution to benefit all of the people.●

UNDERGROUND NUCLEAR TESTS

● Mr. SIMON. Mr. President, I am catching up on my reading and came across the February 15, Washington Post with an article by Cristine Russell headed "Underground Nuclear Tests Called Crucial for SDI."

The clear implication of this article is that we have refused to join the Soviets in knocking out all nuclear tests because we want to develop a special type of x-ray laser connected with SDI.

This has been published elsewhere also, but it is the first time I have seen as authoritative of source as George H. Miller of the Lawrence Livermore National Laboratory quoted.

The clear implication of the article is that we are refusing to restrain the arms race because we want to pursue this senseless dream of the strategic defense initiative. Even if we could rely completely on the computers and the technology to provide that shield, the reality is the Soviets will simply shift the type of nuclear warheads they produce to evade the concepts now under consideration.

To fail to put a halt to the arms race to chase after this particular possibility is madness. If we were to develop it, the lesson in history is clear that the Soviets will simply do the same and neither side is better off.

I urge my colleagues who may have been out of the Washington, DC, area during the recess and may not have seen the article to read it. It is not comforting reading.

I ask that the article be printed in the RECORD at this point.

The article follows:

UNDERGROUND NUCLEAR TESTS CALLED CRUCIAL FOR SDI

(By Cristine Russell)

CHICAGO, February 14.—A top U.S. weapons expert yesterday defended the use of underground nuclear testing as a crucial component in the development of the Reagan administration's Strategic Defense Initiative, but said its role has been "greatly distorted."

George H. Miller of the Lawrence Livermore National Laboratory said "nuclear testing will be required" to test the "survivability" of President Reagan's proposed space-based antimissile system in the event of attack by Soviet nuclear weapons.

Miller, who heads the nuclear weapons program at the Livermore, Calif., facility, funded by the Department of Energy, said, "The importance of nuclear testing for the survivability of any SDI assets has not received proper attention."

In a paper presented at the American Association for the Advancement of Science meeting here, Miller described the SDI system, popularly called "Star Wars," as "non-nuclear."

He said portrayal of future nuclear bomb-driven weapons, such as an x-ray laser, "as the flag ship and driving force behind SDI" has been "overblown." He said the "primary focus" of U.S. research into such weapons is to study the possible threat of the Soviet Union using such weapons to defeat a space-based defense system.

Miller said research involving nuclear explosive-powered lasers is a "small part" of SDI research, comprising a few hundred million dollars out of a national program of more than $3 billion.

"It will take approximately 10 to 20 nuclear tests to provide decision makers with relevant data on a counterdefense X-ray laser, not the several hundred reported by the media," he said.

Miller spoke at a session on technical and scientific issues involved in the ongoing global debate over whether to ban nuclear testing.

Citing U.S. refusal to join in a test ban, the Soviet Union announced this month that it was lifting its 18-month moratorium on nuclear testing, after the U.S. conducted its first nuclear test of 1987.

Miller said the United States typically conducts "less than 20" underground nuclear tests annually. And he said that while computer simulations of such tests are "very important," they cannot be a substitute for nuclear testing. He argued that testing is needed to maintain stockpiled weapons, to measure the survivability of weapon systems in general, to modernize existing weapons and to keep up with Soviet weapons development.

As a result, Miller and Richard L. Wagner, Jr., a former Defense Department official now with Kaman Sciences Corp., said nuclear testing is needed for the foreseeable future. Miller said a comprehensive nuclear test ban would be a "disastrous first step" for the United States to take in arms-control pact.

Physicist Richard L. Garwin, a fellow at the IBM Thomas J. Watson Research Center affiliated with several major universities, criticized the administration's nuclear testing stance, saying, "It would be very much in U.S. interests to have a ban on all nuclear tests." He said a superpower ban would help prevent nuclear proliferation by other nations and prevent further development of nuclear-powered weapons such as the x-ray laser by either side.

Lynn R. Sykes of the Lamont-Doherty Geological Observatory of Columbia University said seismic monitoring and other technologies make it possible to verify "with high confidence" compliance with a comprehensive test-ban treaty.

Today marked the start of the 153rd national meeting of the AAAS, the nation's largest general scientific organization. The five-day gathering includes more than 130 sessions on subjects ranging from criminal justice to neuroscience.●

BILL HELD AT DESK—H.R. 1505

Mr. BYRD. Mr. President, I have cleared this request with the Republican leader.

I ask unanimous consent that H.R. 1505 be held at the desk until the close of business on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, MARCH 17, 1987

RECOGNITION OF CERTAIN SENATORS

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday, after the two leaders have been recognized under the standing order, the following Senators be recognized each for not to exceed 5 minutes: Senators PROXMIRE, ARMSTRONG, WILSON, REID, LEAHY, BENTSEN, and BINGAMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD. Mr. President, I ask unanimous consent that the call of the calendar be waived on Tuesday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO RESOLUTIONS OVER UNDER THE RULE TO COME OVER

Mr. BYRD. Mr. President, I ask unanimous consent that on Tuesday next no resolutions over under the rule come over.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD. Mr. President, earlier today, I stated for the RECORD the outlook for next Tuesday and for the week as far as I could foresee. I indicated that rollcall votes could very well occur at any time next week during the days of Tuesday, Wednesday, Thursday, and Friday.

I ask unanimous consent that my statement of the program, which has already been made, appear in the RECORD just prior to the motion to adjourn over.

The PRESIDING OFFICER. Hearing no objection, it is so ordered.

PERMISSION TO SUBMIT BILLS AND JOINT RESOLUTIONS

Mr. BYRD. Mr. President, I ask unanimous consent that Senators may have until 5 p.m. today to submit bills and joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD. Mr. President, on Tuesday next, I anticipate that the Senate will begin consideration of the disapproval resolution with respect to Contra aid funding. I have not had an opportunity to discuss this with the distinguished Republican leader or with Senator WEICKER, the author of the disapproval resolution. I hope that it will be possible to set a definite hour on next Wednesday at which time the Senate may vote up or down on the disapproval resolution.

There is a time limitation on that resolution of 10 hours. No motion to table, no motion to recommit, no motion to reconsider, no motion to postpone will be in order and no amendments will be in order.

Consequently, there will be a vote and, as I say, I hope it will be next Wednesday, and I also hope we can announce, well in advance, the hour at which that vote will take place so that all Senators may be prepared, and on notice.

ADJOURNMENT UNTIL TUESDAY, MARCH 17, 1987, AT 2:30 P.M.

Mr. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in adjournment until the hour of 2:30 o'clock next Tuesday afternoon.

The motion was agreed to and, at 11:21 a.m., the Senate adjourned until next Tuesday, March 17, 1987, at 2:30 p.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 1987:

DEPARTMENT OF JUSTICE

Dwight G. Williams, of Mississippi, to be U.S. Marshal for the northern district of Mississippi for the term of 4 years, reappointment.

Robert W. Foster, of Ohio, to be U.S. Marshal for the southern district of Ohio for the term of 4 years, reappointment.

Basil S. Baker, of Texas, to be U.S. Marshal for the southern district of Texas for the term of 4 years, reappointment.

HOUSE OF REPRESENTATIVES—*Monday, March 16, 1987*

The House met at 12 noon.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Gracious God, in whose strength is our strength and in whose promise is our hope, we remember those held hostage in our world. We pray that Your still, small voice will be heard above the clamor of threats and conflict and give to each person in need that peace that passes all human understanding. We also remember in prayer the families of those who know not the liberties we enjoy. Give them the gift of faith and hope and love and make Your presence a living reality in their lives.

This we pray. Amen.

THE JOURNAL

The **SPEAKER**. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLIGHT OF HOMELESS CHILDREN

(Mr. **VENTO** asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. **VENTO**. Mr. Speaker, this day brings an alarming report to my attention in terms of the USA Today newspaper. It reveals a study that was done by the Child Welfare League of America and the Travelers' Aid International that demonstrates and answers the question as to who are the homeless in our society.

What this study points out is that for every 10 adults that are homeless 8 children are homeless, Mr. Speaker, and the average of these homeless children is 6 years of age.

In years past, a great leader from my State, the late Hubert H. Humphrey, pointed out that a society and a government is judged on how it treats the most vulnerable at various stages in life. Mr. Speaker, I am proud that this House in the past couple of weeks has answered this particular problem, I think, in a meaningful way. Our job is not done, but we have provided some help and some assistance on an urgent basis for the homeless for these children that are affected most dramatically in this way. We must convince our colleagues in the other body that that action is necessary and we must take further action in putting really the money to the goals that we set forth in that bill for the homeless.

I hope that my colleagues that have been asking who are the homeless, are they the deinstitutionalized, are they people with an abuse problem on the streets, will contemplate for a moment and recognize that such a significant number of these are the youth of our society, those that I think all of us would take to our breast and would shelter from the type of harm that occurs when they do not have the barest necessities of life.

So we need to solve this problem in a cooperative way.

Mr. Speaker, I commend you and others in this House who have championed this cause, and I suggest that we ought to be forthright in pursuing this and resolving this issue so that we can provide these children with some hope, and avoid the deep scars that invariably will occur if we do not address this particular problem.

[From USA Today, Mar. 16, 1987]

"IT'S SCARY AT NIGHT"; "I MISS MY DOG"

(By Christopher P. Winner)

Jammie and Rene Smith are identical twins who share an identical fate—they are homeless.

The 8-year-old girls live in the Bible Tabernacle Shelter in Venice, Calif. With them are 100 other children plus single parents and families.

"I miss my dog Jackie. I really get scared when the lights are out," says Jammie. Rene sleeps with her cat, Ellie. "She makes me feel warm."

Farther north at Rafael House in downtown San Francisco, 2-year-old Elizabeth Mitchell grips her Cabbage Patch doll. Gina Roy, 23, Elizabeth's mother, has been homeless and jobless since being evicted from her Pittsburg, Calif., apartment five months ago. Elizabeth has been acting up.

"Elizabeth is not the type to normally slap people in the face, say 'no' to me," says Roy. "She doesn't have a stable environment, a place that she knows she lives."

A report released today by the Child Welfare League of America and Travelers' Aid International says homeless children and their families are increasing throughout the USA. The study notes that for every 10 homeless adults, 8 children were affected. Average age: 6.

Congress is listening. The report comes less than two weeks after the House passed an authorization bill for $725 million to aid the homeless. The Senate is expected to address the issue by month's end. Funding for the House bill is pending.

About $500 million would go to 10 programs now, including shelter, food and health care, and the remaining $225 million would be spent over four years.

Despite congressional movement, the study's findings are stark.

One hundred sixty-three families interviewed from October through December 1986 had 331 children with them and 73 children living elsewhere, most with a former or current spouse. The 404 single adults interviewed had 103 children elsewhere, most staying with a spouse or relatives.

It is based on data from Travelers' Aid agencies in Detroit, Milwaukee, Salt Lake City, San Francisco, Los Angeles, Houston, Tampa, Fla., and Washington, D.C. Traveler's Aid is a national social service organization with agencies in 43 states.

The study, being released in Washington at the national conference of the Child Welfare League of America, found among the children:

43 percent who were school age did not attend school.

10 percent needed health care.

10 percent were suspected of being abused and/or neglected—three times the national average.

27 percent spent the previous night with friends or relatives, 21 percent had stayed outside, in a car or at a bus or train station and 25 percent had been in an emergency shelter.

Says Rep. Bruce Vento, D.-Minn., active in pushing a House homeless bill: "It is surprising. It is disappointing . . . This study indicates the serious impact homelessness has on the most vulnerable people in our society—kids. They didn't choose this type of life. The programs we're proposing will help."

But when?

"Our concern is the long-lasting impact homelessness has on a child's development. For most of them, it occurs during their prime developmental years when they are doing the most changing and growing," says Dr. Judy Hall, executive director of Traveler's Aid International.

Repeatedly, the children stand out, telling tales that sit precariously between fear and hope.

Says Andy Mills, 7, at the Bible Tabernacle Shelter: "It's scary at night here. Every time I go to the bathroom, I see a globby monster with a big head and a big body. My sisters are here too. Lisa is 8, and Christina is 3. My dad is black and my mom is Korean. I would like to live in a house with a swimming pool."

But swimming pools are a dream away. Rafael House, run by the Holy Order of Mans, opened in 1977. It takes in families and holds 50 people in separate rooms. Currently, there are about 35 people, including 20 children, from infants to 14. Most are between ages 2 and 6.

"This is as close to home as you can get in an emergency crisis," says the Rev. David Lowell, chaplain.

The Bible Tabernacle Shelter is also church-run. Most of the children in the facility sleep on pews or on mattresses on the floor. Children fight, but "it's better than them sleeping in the streets. For the most part they get along great. A lot of friendships are made," says Lori Lanthier, daughter of the Rev. Fred Hilst, both volunteers at the shelter. She estimates 300 reside in the shelter, 100 of them children.

In Detroit, brothers Roderick, 10, and Dedtric Jackson, 7, from Birmingham, Ala., live at St. John's Congregational Church, which sees that they go daily to nearby Irving Elementary School.

The brothers moved around the city quite a bit. One of their homes burned down. Yound Dedtric woke up during the night and saved his mother and brother from the fire. Robbed and severely beaten 18 months ago, mother Rosa Jackson, 31, has a large scar dividing her forehead and is blind in her left eye.

Roderick wants to go home to Birmingham where, he says cheerfully, "all I had to do to see my grand-daddy was walk one block this way and one block that way."

Maria Foscarinis, spokeswoman for the National Coalition for the Homeless, an advocacy group that includes shelter providers, says the House bill "is an urgent measure to provide basis assistance immediately. It'll provide money for emergency shelter and health care. It would address some of the emergency shelter needs of kids."

"These children represent a growing national tragedy and that doesn't say anything about the mothers—they're young, too," said Dr. Ellen Bassuk of Harvard Medical School.

The average age of mothers surveyed in an eight city study by Traveler's Aid and the Child Welfare League of America was 29.

Gerri Reuber, 31, mother of twins Jammie and Rene, and two other children, Jason, 13, and Naomi, 16 months, has been living at the Tabernacle for six weeks. "I got involved in drinking and drugs to where I took away from my own children," she says.

"When we brought them (the children) here, their behavior is a lot better. They used to be very disobedient, very hard to control and I let them go. Disciplining me helps me discipline them. My oldest takes it as being a lot better than being out in the street."

At Lieu Cap, another shelter in Venice, Calif., Duane Styles, 8, one of three brothers, tries to look to the future: "I'd like to go back to Lincoln, Neb. But if I can't, I'd like to move into Michael Jackson's house."

CONSTITUTIONAL AMENDMENT FOR A BALANCED FEDERAL BUDGET

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, today State senators in the great State of Montana will be asked to take another step in the long journey toward forcing us in the U.S. Congress to balance the Nation's books.

The Montana Senate's State Administration Committee will vote on a resolution calling for a Constitutional Convention to propose an amendment requiring a balanced Federal budget. A similar measure passed the State house last month.

That means that if the full senate approves the measure and the Governor signs it, Montana will be the 33d State to call for such a convention. That would be just one short of the number of States required to force a Constitutional Convention.

Together with 13 other new Republican Members of the House, I have written Montana legislators urging them to press for a constitutional amendment to balance the budget.

With recent annual deficits in excess of $200 billion, the reason for such a measure is clear. Despite our rhetoric, we still have not been able to make the tough choices that will bring our spending in line with our revenue.

My freshman colleagues and I support the efforts of Montana and the other States in the fight against deficit spending. But their efforts should not absolve us from quickly seizing control of our own problem and proposing a balanced budget amendment of our own.

THE ABM TREATY

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKS. Mr. Speaker, I rise to express my appreciation for the detailed analysis that the senior Senator from Georgia [Mr. NUNN] has provided the Congress with respect to the true application of the ABM Treaty to the type of systems being researched under the strategic defense initiative. His study is comprehensive and conclusive, there is no basis for the claim made by the administration that the treaty does not prohibit the development and testing of exotic technologies that are sea based, air based, space based, or mobile land based. I include in the RECORD an editorial from yesterday's Washington Post on this issue.

This is an important issue because of its implications for our arms control policy and overall national security. But it is even more important because of its potential precedent for all treaties. We are a nation governed by laws, not men. Yet, the effort has been made to unilaterally restate the application of the ABM Treaty, counter to the negotiating record, subsequent practice, and representations made to the Senate during the ratification process. If we allow this to take place, the integrity of the entire treatymaking process would be seriously undermined.

Judge Sofaer is now reexamining aspects of this issue. I hope that he will on this occasion make an objective review of the record, not try to build a case on bits and pieces that are construed to support a predetermined conclusion. Frankly, his initial analysis raises serious questions of integrity in the research process.

Ultimately, the executive and the Congress will have to decide together how we wish to proceed with respect to strategic defenses and the ABM Treaty. But, to unilaterally change the interpretation of this treaty, in my mind, is a serious mistake, and I believe that the administration will be better served if, after consultation with the U.S. Congress and the other body that it continues to abide by the restrictive interpretation which was clearly what the other body ratified on this issue. I think the administration will do better in terms of this effort to present the SDI Program to the Congress if it follows the narrow, restrictive interpretation.

The editorial referred to follows:

[From the Washington Post, Mar. 15, 1987]

SENATOR NUNN AND THE ABM TREATY

Sam Nunn's care in defense analysis and his political deftness have established him as the one legislator who can single-handedly validate a moderate position. So everybody quieted down when he took the floor on three consecutive days last week to speak on the 1972 Anti-Ballistic Missile Treaty. It was a political event. On a seemingly arcane issue of treaty interpretation may rest the prospects for Soviet-American relations over the next few years.

Sen. Nunn plowed through the Senate's ABM ratification hearings, the subsequent practices of the two superpowers and the original negotiating record between them. He said he would be guided by the record. He demolished the administration's retroactive 1985 reinterpretation, which would have permitted more expansive testing of the Strategic Defense Initiative. In the process he laid claim to the position and intent of the late senator Henry Jackson—the same person the administration claims as patron of its treaty reading. He savaged—there is no other word—the handiwork of the principal presenter of the new reading, State Department counsel Abraham Sofaer, who ended up disavowing his key 1985 memorandum, attributing it to "young lawyers" on his staff.

The debate over the ABM treaty may go on for a bit. But it would seem the administration has lost for good the legal basis on which some officials have been arguing for more aggressive SDI testing and for an early start on SDI deployment. With the first or "traditional" interpretation reaffirmed, the administration is in a position to move forward in a measured way on SDI research and development and to stay engaged with the Soviet Union on negotiations on strategic offensive and defensive arms.

Will the administration go this way? Presumably, Mr. Reagan's new White House team can see the advantages. And they don't exactly need an ABM reinterpretation battle. Given the effect of the Iran-contra affair, the administration could have beat down Congress only at a prohibitive political cost. And were it to sustain and act on its reading, Sen. Nunn believes, it would still lack the authority needed to proceed toward early deployment. An accommodation with Congress can leave Mr. Reagan with enough legal room to conduct the SDI work that was logical and feasible in the first place.

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE CONFERENCE REPORT ON H.R. 2, SURFACE TRANSPORTATION AND UNIFORM RELOCATION ASSISTANCE ACT OF 1987

Mr. GRAY of Illinois. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until 6 p.m. today, March 16, 1987, to file a conference report on H.R. 2, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

Mr. Speaker, I state further that this has been cleared with the minority.

The SPEAKER pro tempore (Mr. BENNETT). Is there objection to the request of the gentleman from Illinois?

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC, *March 12, 1987.*

Hon. JIM WRIGHT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House at 12:14 p.m. on Thursday, March 12, 1987 and said to contain a message from the President whereby he transmits proposed legislation entitled, "Federal Credit Reform Act of 1987."

With great respect, I am,
Sincerely yours,
DONNALD K. ANDERSON,
Clerk, House of Representatives.

FEDERAL CREDIT REFORM ACT OF 1987—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 100-50)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Banking, Finance and Urban Affairs; the Committee on Government Operations; the Committee on Rules; the Committee on Ways and Means; the Committee on Education and Labor; and the Committee on Energy and Commerce, and ordered to be printed.

(For message, see proceedings of the Senate of Thursday, March 12, 1987, at page 5598.)

□ 1220

THE BERNE CONVENTION IMPLEMENTATION ACT OF 1987

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. KASTENMEIER] is recognized for 15 minutes.

Mr. KASTENMEIER. Mr. Speaker, 11 years ago Congress passed the Copyright Act of 1976, the first general revision of our copyright law since 1909. We did so only after years of work—starting in the early fifties, continuing with 22 days of hearings and 51 days of markup in 1965, and ending with 17 days of hearings and 25 days of markup in 1975-76. I committed much of my first 18 years in Congress to this endeavor.

The Copyright Act of 1976 was a bipartisan legislative achievement of the first magnitude. Legislators of both parties understood that copyright legislation raises unique difficulties. While a relatively obscure discipline, copyright touches every American in their homes, schools, libraries, and workplaces. Determining the scope of a law which deeply affects how all of us may enjoy books, films, television programming, computer software, information products and services, music, and the visual arts requires great caution, particularly in a rapidly changing society such as ours that seeks both the free flow of information and the free marketplace.

With the memory of the 1976 revision still fresh in mind, I am introducing legislation today to amend the 1976 Copyright Act. Although narrow in scope and seemingly technical, these amendments contemplate fundamental changes in our copyright system. My legislation responds to the same "brooding presence" that has lurked in the background of U.S. copyright legislation for 100 years—the Berne Convention for the Protection of Literary and Artistic Works. In many ways we drafted and passed the 1976 act with a weather eye on Berne. The bill I introduce today—the Berne Convention Implementation Act of 1987—removes from law provisions incompatible with the proscriptions of the Berne Convention—as revised at Paris on July 24, 1971—and adds to our law provisions required by that convention not now present in the statute.

The objective of the bill is simple: To permit the adherence of the United States to the Berne Convention, if, after hearings and consultations, we determine that Berne adherence on balance serves the interests of this country and its citizens. I am honored to have Mr. MOORHEAD join me as a cosponsor. This kind of bipartisan tradition reaches back to the 1976 act. I am aware of the administration's conceptual support for adherence to Berne and I look forward to working together with the executive branch on the implementing legislation. I also anticipate a close working relationship with the World Intellectual Property Organization [WIPO] and its director general, Dr. Arpad Bogsch, on this important subject. In preparing this bill, I have been guided by the hard-learned lessons of history—both the history of our domestic copyright revision struggles and that of our several unsuccessful efforts in the past to adhere to Berne.

My bill is based, in part, on the toil of the Ad Hoc Working Group on U.S. Adherence to the Berne Convention. I would like the record to reflect the hard work of the members of that group, and in particular those of its chairman, Irwin Karp, and of its guiding hand in the executive branch, Harvey Winter, from the Office of Business Practices in U.S. Department of State. I would be remiss if I did not mention the efforts last Congress of Senator Charles McC. Mathias, Jr., who introduced similar legislation in the Senate.

Like our law, the Berne Convention has changed over time. Its 76 adherents now include most of the industrialized world, a number of developing countries, and a few nations in Eastern Europe. The United States, the Soviet Union, and the People's Republic of China do not adhere. The United States and the Soviet Union along with another 76 nations, belong to a more recent treaty, the Universal Copyright Convention [UCC]. Both treaties are administered by United Nations organizations: Berne by the World Intellectual Property Organization, and the UCC by Unesco. The United States has a seat on the committee that oversees the UCC, but, since we withdrew from Unesco, we have a smaller voice, and no formal vote, in the overall planning and budgeting process affecting UCC-related activities.

Many nations adhere to both treaties, and the United States enjoys copyright relations, either through the UCC, or a formal bilateral relationship, with almost 100 states. If we adhere to Berne, we gain or clarify or improve our relations with 24 nations that adhere to Berne but not the UCC, and with whom our copyright relations are now nonexistent, unclear, or otherwise problematic.

The interest in adherence to the Berne Convention that sparked this initiative is rooted in part in the desire to promote the international protection of works of American authors. This arguably would be achieved, by having the United States embrace particular legal rules accepted by 76 nations, including our major trading partners in Western Europe, Canada, and Japan. But we now have copyright relations with most, if not all, of these states by virtue of the Universal Copyright Convention; and, Berne membership would not, by itself, increase the level of protection we now enjoy in those states.

Upon closer scrutiny, the benefit most frequently pointed to in support of United States adherence to the Berne Convention appears to be enhanced political credibility in our global effort to strengthen copyright norms, to suppress piracy, and to secure in all the countries of the world a realistic minimum standard of protection for creative works. A major forum in which this policy objective is being sought is the Uruguay round of the General Agreement on Tariffs and Trade [GATT], where we are seeking the adoption of a code or standard of conduct relating to protection of intellectual property within the GATT. For copyrights, that standard or code may well be the minimum economic rights of the Berne Convention. And, if we join Berne, our trade negotiators around the world could insist on these standards as those that constitute adequate protection for GATT as well as bilateral purposes.

While we all agree that protection of our creative works abroad is often inadequate, everyone does not agree that this is the case with respect to our own works under our own copyright law. We are nevertheless being called upon to modify the equilibrium of our domestic copyright law in order to help secure better protection for our authors in other countries. We want to protect and promote the copyright export earnings of U.S. industry, but we should not do so at the expense of the unique needs and traditions of our society and our preferences as to the proper mix of rights, limitations, and conditions we have come to rely on over the years.

The legislation I am introducing today seeks to raise all of the questions that must be asked for the fullest range of private and public interests to be aware of what Berne adherence will mean now and tomorrow. The goal of the bill is to stimulate debate about the issues and to further understanding about the Berne Convention in a democratic and open setting. I have never seen a copyright bill that failed to evoke some controversy, and this one will be no exception. It will stir debate within the framework of full public hearings, and give my subcommittee—the Subcommittee on Courts, Civil Liberties and the Administration of Justice—the information it needs to decide how to proceed. The bill is a first draft and undoubtedly will undergo refinements.

The United States chose not to join the Berne union in the past because we did not then want for our society the kind of copyright laws that the convention required. A fresh look is needed, and I encourage my colleagues to do so.

This legislation was drafted after assessing both the level of Berne obligations under the current Paris act, conscious of the practices of those states party to Berne at a similar stage of development as the United States that generally share our values of free speech and artistic freedom. Also examined were the literally dozens of bills introduced over the last 60 years to bring the previous copyright laws into conformity with Berne. Conforming our law with Berne may not involve many major changes to the Copyright Act of 1976; it will, however, require Congress to move that act a few inches further along in several areas where the 1976 act stopped just short of a point of Berne compliance. We may also have to add a few rights proposed, but not accepted, in the 1976 revision. The ultimate political question may become whether or not the country is prepared to accept copyright notions that were unacceptable scarely a decade ago.

Copyright experts disagree on the extent to which we have to change current copyright law. Whatever the case, none of these experts has testified before my subcommittee. I look forward to giving them this opportunity in the very near future. Serious issues must be confronted. For example, adherence to Berne will require the elimination of the formality of the copyright notice; and, perhaps more importantly, will preclude the future conditioning of the existence of the author's copyright upon any sort of formality. Many will feel this to be a just and long-overdue step; some will have doubts. Everyone must consider, however, whether the elimination of such formalities upsets the balance of rights and privileges copyright proprietors now live under and of which formalities have long been a part. Berne also appears to require some modification of the compulsory license for the public performance of music on so-called jukeboxes. Finally the moral rights section of the bill will engender lively debate.

In order to examine the Berne issue with some specificity, I am proposing a bill that would, if enacted, clearly place U.S. law in substantial compliance with the provisions of the treaty. My bill errs on the side of legislating compliance with Berne rather than remaining silent on the issues. During the hearing process, the subcommittee we will learn whether all of the proposed amendments are necessary and desirable, whether the treaty compels other changes as well, and whether adherence to the treaty is worth the price.

The proposed legislation clearly proceeds upon the presumption that the Berne Convention is not self-executing and requires implementing legislation. There is, as well, serious doubt as to whether copyright treaties such as the Berne Convention are constitutionally susceptible of self-execution in any event. Under article I, section 8 of the Constitution, the power to enact this Nation's copyright and patent laws is allocated exclusively to the Congress and this power is not diminished or qualified by any potential executive authority to conclude international copyright arrangements under which all or part of those benefits are extended to foreign nationals and their works.

Let me now turn to a description of the bill. It contains 16 sections.

Section 1 of the bill sets forth the short title: the "Berne Convention Implementation Act of 1987."

Section 2 provides, for drafting clarity, that whenever in the proposed legislation an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 17, United States Code.

Section 3 sets forth several congressional declarations, including: First, that the Berne Convention is not self executing under the Constitution and laws of the United States; second, that the proposed legislation together with current law, will enable the United States to meet its obligations as a nation adhering to the Berne Convention and no further legislation will be needed; and third, the provisions of Berne shall be given effect under title 17, United States Code as amended, and shall not be directly enforceable in any action brought pursuant to the provisions of the Berne Convention itself.

In section 4, the bill would modify chapter 1 of 17. It would add definitions of "architectural works," "Berne Convention" and "Berne Convention work," to section 101. In the same section, the definition of "pictorial, graphic, and sculptural works" is modified expressly to exclude "architectural works."

In section 5, section 102(a) is amended to add "architectural works" to the list of types of copyrighted works. Although an aspect of the Berne Convention not examined with serious scrutiny by any group, the protection of architectural works appears to be required by the Berne Convention in a fashion not now fully available under title 17. Specifically, while rights holders in two-dimensional architectural plans or blueprints may enjoy copyright protection in such works as considered "pictorial" works, such a copyright has not extended to the exclusive right to control the building of the structure so depicted in three dimensions. The right of an architect to control the construction of his or her work is therefore given a basis in our Copyright Act by these amendments.

Section 6 of the bill relates to the national origin of Berne Convention works. It amends section 104 of title 17 in two ways: Protection for foreign works is explicitly extended to "Berne Convention works" and the proscription against self-execution is codified. This letter codification is fundamental to the entire question of implementing legislation and of adherence to the convention. It should be absolutely clear that all copyright rights available in courts in the United States must be found exclusively within the provisions of title 17. It should also be clear that State law rights that are not preempted by section 301 are not affected in any way by this legislation or by Berne adherence.

Section 7 sets forth a major change in chapter 1 of the Copyright Act. This change is found in a new section 106a, the "moral rights of the author" section. This section creates important Berne rights in works other than works made for hire. The rights of "paternity" and "integrity," are provided, and are independent of the economic rights in the work. The right of paternity means that authors may claim authorship in their works, independently of any license or conveyance of their copyrights; the right of integrity gives them power to object to any distortion, mutilation, or alteration of their works that would prejudice the author's honor or reputation. Again, such objections could be made by the author even where the author has parted with the copyright. Since the 1950's, when close examination of the moral rights question under United States law began, it has been argued that rights substantially equivalent to moral rights as they exist in States of the Berne Union are provided for in a variety of laws considered together: The Lanham Act, rules of unfair competition, certain of the economic rights under copyright and the common law of the 50 States. There is no doubt that the Berne Convention requires recognition of these rights. The question is whether such rights exist with the degree of national uniformity and predictability which should be provided in order fairly to comply with Berne requirements. I therefore propose a provision recognizing moral rights. While statesmanship and the spirit of political compromise may, in the final reckoning, work a different solution to the moral rights question, I am reluctant to reject at the outset the necessity of recognition of moral rights which may be a great interest to authors and artists, if not to those who deal with their works.

A second major change in current law occurs in the complete revision of section 116, dealing with the jukebox "compulsory license." Section 8 of the bill strikes subsections (a) through (e) of current law. A new section 116 makes the present jukebox compulsory license system—that seems clearly incompatible with Berne—subordinate to negotiated licenses where such licenses come into force. The new provisions would authorize where such licenses as they come into force and would formalize a negotiating process that could totally supplant the compulsory license. If, after a year, negotiations fail to provide consensual licenses for virtually all music, or if negotiations are terminated at some future date, then a compulsory license substantially the same as that in the present section 116 is "standing by" to ensure that jukebox music will always be available to the public. The Copyright Royalty Tribunal would retain jurisdiction over ratemaking and distribution functions only to the extent that negotiations fail or consensual licenses expire or are terminated. I am aware that the provisions of the Berne Convention do not allow expressly for compulsory licensing of nonbroadcast public performances of music as is done presently in the jukebox business. The outright elimination of the compulsory license would, of course, be a solution. But, the different mixes of antitrust and copyright regulations which exist in the United States and many of the Berne Union's member states may warrant an intermediate position to be taken in the matter. In effect, the system proposed in the bill would condition Government review of voluntary negotiations upon the failure of negotiations—a result which may be fairly analogous to similar sorts of reviews permitted under the laws of Berne countries. In any event, several years ago in my presence, jukebox operators and the performing rights societies entered into an arrangement whereby compliance with the compulsory license provisions can lead to rebates on statutory royalties. In this wholly worthwhile step toward close, voluntary cooperation, both groups have agreed not to propose changes in the compulsory license without consultation. My proposal here is intended to precipitate such consultations, looking toward a balanced solution which preserves the interests of both the groups and those of the consumer in being able to enjoy in small, local, establishments, some reasonably priced popular music.

Section 9 creates a new section 119 of title 17. The new section limits the moral rights granted by new section 106a by providing that they are freely alienable and subject to waiver, in keeping with traditional property doctrine in this country. New section 119, also provides that, unless otherwise provided, traditional editing, adapting, and arranging practices of publishers, broadcasters, motion picture studios, and the like shall not infringe an author's moral rights. Section 9 also sets forth a new section 120, which clarifies the scope of copyright in architectural works by limiting protection to the artistic character and artistic design of a building, rather than to its processes or methods of construction. New section 120 also permits others to make two-dimensional reproductions of a copyrighted building without infringing the building copyright, when the building is in a location to which the public has access. Even when a building is protected by copyright, remedies for another's construction of an infringing building are limited. If construction of an infringing building has substantially begun, that is, if structural work has been at least partially completed, no injunctive relief will be available to stop construction, nor shall an infringing building be subject to demolition or seizure. Unsaid, but worth noting, is the fact that architectural works would be subject to all of the limitations and exceptions found in the present copyright law, most particularly fair use. Further, owners of buildings embodying architectural works are allowed to modify such structures without fear of violating either the economic or moral rights of the architect, so long as the modifications are minor, or are necessary to enhance the utility of the building.

Section 10 of the bill amends chapter 4 of title 17 in several areas. The intent of all these changes is to make the law with respect to the use of the copyright notice, the registration system, and the system for building the collections of the Library of Congress compatible with Berne while simultaneously doing no more to the present law than is absolutely necessary. The amendments to sections 401 and 402 make use of the copyright notice voluntary—a work will no longer be injected into the public domain at any time because it is first published without notice. At the same time, if a copyright owner elects to use a notice, its form is specified in the law.

A requirement of notice of copyright on copies of published works has been a feature of United States copyright law, in one form or another, for almost 200 years. Many user groups, particularly noncommercial, have come to rely upon the information it provides. Certain commercial users have supported the copyright notice as a means of injecting works into the public domain. There is apparently unanimity as to the necessity of eliminating the copyright notice in order to comply with Berne. My bill, however, assumes that at least on a transitional basis, the informational utility of the notice as a means of conveniently distinguishing the protected from the unprotected is sufficiently great so as to warrant encouraging its use. It is entirely possible that elimination of the notice formality may not in the end curtail its use. Old habits die hard; it remains useful under the Universal Copyright Convention; and, it is, in all probability, the cheapest deterrent to infringement which a copyright holder may take. The propriety and efficacy of these incentives can be considered in the course of hearings on the bill.

In new section 403, the Copyright Office is given the authority to promulgate regulations concerning how publishers of works consisting in whole or in part of uncopyrightable works of the U.S. Government shall apprise the public of those portions of the work that are in the public domain and therefore freely copiable.

The bill repeals section 404, since no notice whatsoever need appear on a collective work, or on contributions thereto.

Sections 405 and 406, which deal with omissions of and errors in the copyright notice, are amended so as to apply only to works published in the United States—with or without a copyright notice—subject to mandatory deposit in the Library of Congress. This should have little functional effect, since virtually all publications in which the Library is interested now bear a copyright notice, and it seems likely that the Library's compliance activities will remain largely unchanged.

Section 11 of the bill contains a technical amendment to section 407(a) of current law, eliminating the notice requirement.

Section 12 amends section 408 of current law, concerning registration, to delete reference to section 405(a), since "cure" of a publication without notice is no longer necessary, and to further delete subparagraph (c)(2)(A), since the "collective works notice" section has been deleted.

Section 13 of the bill amends chapter 5 of title 17, relating to copyright infringement and remedies. Section 501(a) is amended to reflect the fact that violations of the moral rights provided in new section 106a are not copyright infringements. New section 511 addresses infringements of moral rights and provides that potential remedies include injunctions, actual and statutory damages, and costs and attorney's fees.

Section 14 of the bill amends chapter 8 of title 17, by providing that if the Copyright Royalty Tribunal ever has to adjust jukebox compulsory license fees, it shall give great weight both to its "final" rates prior to implementation of new section 116 and to the rates contained in any new consensual licenses that are negotiated.

Section 15 clarifies that title 17, United States Code, as amended by this act, does not provide copyright protection for any work that is in the public domain in the United States.

Section 16 provides that this act, and any amendments made thereby, shall take effect on the day after the date on which the Berne Convention enters into force with respect to the United States. Section 16 also specifies that any cause of action arising under title 17, United States Code, before the effective date of the act shall be governed by the provisions of such title as in effect when the cause of action arose. In other words, the act is not retroactive.

It may be useful to explain why certain provisions which might have been included in the bill were not. To reiterate, the approach of the legislation is to include, rather than exclude, proposals where the plain meaning of the convention and the practices of Berne Union states—particularly those sharing our legal tradition—appear to require changes in current copyright law. Nonetheless, the elimination or modification of the provisions of the 1976 Copyright Act which govern the renewal of copyrights which were in their first term of protection when the new law came into effect is not proposed. The renewal provisions of the 1976 Copyright Act are essentially transitional in nature; they do not apply to works which acquired copyright protection under Federal law after the effective date of the 1976 act. The renewal system is replaced by the wholly new approach of the 1976 act: A unitary term of protection; and, provisions for the termination of transfers by authors or certain of their successors, after the lapse of a number of years from the date of original assignments.

Consideration was given to eliminating the renewal provisions, even with respect to works then enjoying Federal copyright protection. But a whole set of expectancies, reflected in contracts with authors, with their families, have been embedded in contracts since the turn of the century. Congress maintained the renewal provision for copyrighted works predating the new law in order to respect these contracts and, also, as the Register of Copyrights remarked in 1965, "Most people have recognized that any attempt to improve the language now in effect would compound the present confusion and * * * it would be better to retain the present language which at least has a background of many years of interpretation and practice." [1965 Supplementary Report of the Register on Copyright Law Revision at 95.]

Additionally, the bill does not propose the retroactive protection of works which may have fallen into the U.S. public domain due to reasons other than the expiration of their terms of copyright. There seems to be general agreement among those who have examined the question that article 18 of the Berne Convention leaves considerable scope to national discretion in dealing with the retroactive protection of the convention. Because the public domain is precisely what it says it is—the common property of the people to use as they see fit, in or out of commerce—I am strongly disinclined to restore controls over this heritage to proprietary interests.

This brief summary, Mr. Speaker, suggests that even under the best of circumstances, Berne adherence faces an uphill climb. I have highlighted some of the dangers off the beaten track, and I urge all of my colleagues to study the bill closely. It could be one of the most historic efforts we undertake in the 100th Congress, or it could be a difficult endeavor to start. Let us commence.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McMILLAN of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes, on March 17.

Mr. LAGOMARSINO, for 60 minutes, on March 18.

Mr. DeWINE, for 60 minutes, on March 18.

(The following Members (at the request of Mr. GRAY of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. KASTENMEIER, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McMILLAN of North Carolina) and to include extraneous matter:)

Mr. FAWELL.

Mr. YOUNG of Alaska.

Mrs. MORELLA.

Mr. GILMAN.

Mr. CONTE.

Mr. THOMAS of California.

Mr. RINALDO.

(The following Members (at the request of Mr. GRAY of Illinois) and to include extraneous matter:)

Mr. FRANK.

Mr. CARDIN.

Mr. RODINO in two instances.

Mr. ANDERSON in 10 instances.

Mr. GONZALEZ in 10 instances.

Mr. BROWN of California in 10 instances.

Mr. ANNUNZIO in six instances.

Mr. JONES of Tennessee in 10 instances.

Mr. BONER of Tennessee in five instances.

Mr. BEILENSON.

Mr. FAZIO.

Mr. HOWARD in two instances.

Ms. KAPTUR in two instances.

Mr. LEVINE of California.

ADJOURNMENT

Mr. GRAY of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 13 minutes p.m.), the House adjourned until tomorrow, Tuesday, March 17, 1987, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

866. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to amend the Federal Crop Insurance Act; to the Committee on Agriculture.

867. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to authorize the planning and construction by the Secretary of Agriculture of a facility to provide additional storage space and the renovation of existing facilities to provide laboratories at the National Seed Storage Laboratory, Fort Collins, CO; to the Committee on Agriculture.

868. A letter from the Secretary of Defense, transmitting five reports of violations of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

869. A letter from the Assistant Secretary of Defense (Force Management and Personnel), transmitting the "Defense Manpower Requirements Report for FY 1988," which in conjunction with Secretary Weinberger's "Annual Report to the Congress for FY 1988," addresses the Department's total manpower resources: Active, Reserve, and retired military personnel and civilian employees; manpower readiness; mobilization; and efforts to improve management, efficiency, and productivity, pursuant to 10 U.S.C. 115(b)(3); to the Committee on Armed Services.

870. A letter from the General Counsel of the Treasury, transmitting a draft of proposed legislation to authorize appropriations for the U.S. Mint for fiscal years 1988 and 1989, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

871. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation to amend and extend certain Federal laws relating to housing, community and neighborhood development, and related programs, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Banking, Finance and Urban Affairs.

872. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Review of DAS Contract No. 0110-AA-NS-03-CC With Government Vending Management Services, Inc.," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

873. A letter from the Auditor, District of Columbia, transmitting a copy of the report entitled, "Fiscal Year 1986 Annual Report on Advisory Neighborhood Commissions," pursuant to D.C. Code section 47-117(d); to the Committee on the District of Columbia.

874. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Energy Information Administration's [EIA] annual report, which describes the organization, program, and accomplishments of the agency in calendar year 1986, pursuant to 15 U.S.C. 790f(a)(2); to the Committee on Energy and Commerce.

875. A letter from the Secretary of Health and Human Services, transmitting the Department's report on the experiences of Medicaid recipients in health maintenance organizations, pursuant to 42 U.S.C. 1396a nt.; to the Committee on Energy and Commerce.

876. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. 01-87, concerning a proposed memorandum of understanding with the Governments of Canada, France, Germany, Italy, the Netherlands, Spain, Turkey, and the United Kingdom for the cooperative development and production of a 155mm autonomous precision guided munition [APGM], pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

877. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on Foreign Affairs.

878. A letter from the Assistant Secretary of State, Legislative and Intergovernmental Affairs, transmitting a draft of proposed legislation to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Foreign Affairs.

879. A letter from the Director, Office of Information Resources Management, Department of the Interior, transmitting notice of an altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

880. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting the agency's report of activities under the Freedom of Information Act during calendar year 1986, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

881. A letter from the Assistant Secretary for Administration, Department of Commerce, transmitting the Department's annual report of activities during calendar year 1986 under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

882. A letter from the Acting Assistant Attorney General for Administration, Department of Justice, transmitting notice of a proposed altered Federal records systems, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

883. A letter from the Secretary of Transportation, transmitting the Department's 12th annual report of its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

884. A letter from the Executive Secretary, Board of Regents, Uniformed Services University of the Health Sciences, transmitting a report of activities under the Government in the Sunshine Act covering March 12, 1986 to March 11, 1987, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Operations.

885. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's 1986 annual report on its activities under the Freedom of Information Act, pursuant to 5 U.S.C. 552(d); to the Committee on Government Operations.

886. A letter from the Chairman, U.S. International Trade Commission, transmitting the Commission's report during the fiscal year 1986, concerning its activities to ensure that competition in contracting practices are being followed, pursuant to 41 U.S.C. 419; to the Committee on Government Operations.

887. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

888. A letter from the Deputy Associate Director for Royalty Management, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Interior and Insular Affairs.

889. A letter from the Secretary of the Interior, transmitting notification of leasing systems, sale 110, for the central Gulf of Mexico, scheduled to be held in April 1987, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Interior and Insular Affairs.

890. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a report on the status of physical security at the Panama Canal with respect to the threat of international terrorism, pursuant to 46 U.S.C. app. 1801 nt.; to the Committee on Merchant Marine and Fisheries.

891. A letter from the Director of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to reform the civil service retirement system, and for other purposes; to the Committee on Post Office and Civil Service.

892. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to ensure the equitable application of a general schedule alternative plan or other pay limitation to certain other Federal employees, and for other purposes; to the Committee on Post Office and Civil Service.

893. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation to amend title 5, United States Code, to reform the financing of the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Post Office and Civil Service.

894. A letter from the Special Counsel, U.S. Merit Systems Protection Board, transmitting a copy of a report of the Secretary of the Army, setting forth the findings and conclusions of the Secretary's investigation into allegations of fraudulent time and attendance practices and improper use of incentive awards, pursuant to 5 U.S.C. 1206(b)(5)(A); to the Committee on Post Office and Civil Service.

895. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation authorizing appropriations

to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on Public Works and Transportation.

896. A letter from the Administrator, General Serivces Administration, transmitting an informational copy of an amended lease prospectus to acquire 58,840 occupyable square feet of space for the Nuclear Regulatory Commission in the Philadelphia, PA area, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

897. A letter from the Secretary of Energy, transmitting the sixth annual report on the Methane Transportation Research, Development and Demonstration Program—fiscal year 1986, pursuant to 15 U.S.C. 3808; to the Committee on Science, Space, and Technology.

898. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to authorize appropriations for carrying out the National Climate Program for fiscal years 1988 and 1989; to the Committee on Science, Space, and Technology.

899. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the foster care and adoption assistance programs under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

900. A letter from the Secretary of Labor, transmitting a report, "Training and Employment Report of the Secretary of Labor, 1985," which also fulfills the requirements relating to the Work Incentive Program and that relating to veterans' training and employment activities, pursuant to Public Law 97-300, section 169(d); 42 U.S.C. 640 SSA, section 440; 38 U.S.C. 2007(c); jointly, to the Committees on Education and Labor and Veterans' Affairs.

901. A letter from the Chairman, Federal Election Commission, transmitting a supplemental appropriation request for fiscal year 1987, pursuant to 2 U.S.C. 437d(d)(1); jointly, to the Committees on House Administration and Appropriations.

902. A letter from the Secretary of Transportation, transmitting the Secretary's 1985 annual report on the administration of the Natural Gas Pipeline Safety Act of 1968, pursuant to 49 U.S.C. App. 1683(a); jointly, to the Committees on Energy and Commerce and Public Works and Transportation.

903. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to provide for the operation and maintenance of certain fish propagation facilities constructed in the Columbia River basin, and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Merchant Marine and Fisheries.

904. A letter from the Assistant Secretary, Legislative and Intergovernmental Affairs, Department of State, transmitting a draft of proposed legislation to facilitate implementation of the 1980 Hague Convention on the Civil Aspects of International Child Abduction, and for other purposes; jointly, to the Committees on the Judiciary and Ways and Means.

905. A letter from the Secretary of the Interior, transmitting notification of the submittal of a draft Proposed Final Oil and Gas Leasing Program for areas offshore California, pursuant to Public Law 99-591; jointly, to the Committees on Appropriations, Interior and Insular Affairs, and Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follow:

Mr. de la GARZA. Committee on Agriculture. H.R. 1157. A bill to provide for an acreage diversion pilot program applicable to the wheat program for the 1987 and 1988 crops; with an amendment (Rept. 100-25). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROE (by request):

H.R. 1612. A bill to authorize appropriations under the Earthquake Hazards Reduction Act of 1977 for fiscal years 1988 and 1989; jointly, to the Committees on Science, Space, and Technology and Interior and Insular Affairs.

By Mr. ARCHER:

H.R. 1613. A bill to amend the Internal Revenue Code of 1986 to increase the rate of percentage depletion for oil and gas wells to 27½ percent; to the Committee on Ways and Means.

By Mr. ARCHER (for himself, Mr. Lott, Mr. Boulter, Mr. Livingston, Mr. Lagomarsino, Mr. Combest, Mr. Wilson, Mr. Barton of Texas, Mr. Sweeney, Mr. Armey, Mr. Edwards of Oklahoma, Mr. DeLay, Mr. Kemp, Mr. Roberts, Mr. Fields, Mr. Leath of Texas, and Mr. McEwen):

H.R. 1614. A bill to encourage the continued exploration for and production of domestic energy resources, to remove certain Federal controls over domestic energy production and utilization, and for other purposes; jointly, to the Committees on Energy and Commerce and Ways and Means.

By Mr. BROWN of California (for himself, Mr. Owens of New York, Mr. Solarz, Mr. Boner of Tennessee, Mr. Garcia, and Mrs. Boxer):

H.R. 1615. A bill to establish the Government Information Agency to enhance the economic, scientific, and technological position of the United States by acquiring, processing, and distributing the fruits of federally performed and federally sponsored research, development, and analysis, and for other purposes; jointly, to the Committees on Government Operations; Rules; and Science, Space, and Technology.

H.R. 1616. A bill to prescribe requirements relating to scientific and technical information used in the performance of contracts awarded by the Federal Government, and for other purposes; jointly, to the Committees on Government Operations and Armed Services.

By Mr. ENGLISH:

H.R. 1617. A bill to promote U.S. trade in agricultural commodities, and for other purposes; jointly, to the Committees on Foreign Affairs; Agriculture; and Banking, Finance and Urban Affairs.

By Mr. FAUNTROY (for himself and Mr. Dellums):

H.R. 1618. A bill to recognize the organization known as the Montford Point Marine Association, Inc.; to the Committee on the Judiciary.

By Mr. FAWELL (for himself and Mr. Gunderson):

H.R. 1619. A bill to improve the quality of teaching in American schools and enhance the competence of American students and thereby strengthen the economic competitiveness of the United States, and for other purposes; to the Committee on Education and Labor.

By Mr. FRANK (for himself, Mr. Rodino, and Mr. Solarz):

H.R. 1620. A bill to establish a Commission To Investigate Federal Involvement With the Immigration of Nazi Collaborators; to the Committee on the Judiciary.

By Mr. GLICKMAN:

H.R. 1621. A bill to direct the Secretary of Transportation, in consultation with the National Research Council, National Academy of Sciences, and National Academy of Engineers, to carry out certain highway research; jointly, to the Committees on Public Works and Transportation, and Science, Space, and Technology.

By Mr. HUCKABY (for himself, Mr. Coelho, Mr. de la Garza, Mr. Derrick, Mr. Emerson, Mr. Espy, Mr. Flippo, Mr. Lott, Mr. Stangeland, Mr. Tallon, and Mr. Thomas of California):

H.R. 1622. A bill to provide that all U.S. cotton producers participate in defraying costs of their research and promotion program and that imported cotton and products be subject to the program assessments, and for other purposes; to the Committee on Agriculture.

By Mr. KASTENMEIER (for himself, and Mr. Moorhead):

H.R. 1623. A bill to amend title 17, United States Code, to implement the Berne Convention for the Protection of Literary and Artistic Works, as revised at Paris on July 24, 1971, and for other purposes; to the Committee on the Judiciary.

By Mr. McMILLAN of North Carolina:

H.R. 1624. A bill to amend the Tariff Act of 1930 to require that certain revenues attributable to tariffs levied on imports of textile machinery and parts thereof be applied to support research for the modernization of the American textile machinery industry; to the Committee on Ways and Means.

H.R. 1625. A bill relating to the tariff treatment of trifluromethylaniline (also known as m-Aminobenzotrifluoride); to the Committee on Ways and Means.

By Mr. RINALDO:

H.R. 1626. A bill to amend the Older Americans Act of 1965 to establish a program to make grants to States to provide home health services to older individuals; to the Committee on Education and Labor.

By Mr. ROE (by request):

H.R. 1627. A bill to amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972, as amended, to authorize appropriations for fiscal years 1988 and 1989; jointly, to the Committees on Science, Space, and Technology, and Merchant Marine and Fisheries.

By Mr. THOMAS of California:

H.R. 1628. A bill to require the updating of the reports submitted in accordance with the Wine Equity and Export Expansion Act of 1984; to the Committee on Ways and Means.

By Mr. GRAY of Illinois:

H. Con. Res. 77. Concurrent resolution to make a correction, relating to the maximum speed limit, in the enrollment of the bill H.R. 2; jointly, to the Committees on House Administration and Public Works and Transportation.

By Ms. KAPTUR (for herself, Mr. Burton of Indiana, Mr. Montgomery, Mr. Solomon, Mr. Rowland of Georgia, Mr. Rowland of Connecticut, Mr. Gray of Illinois, Mr. Smith of New Hampshire, Mr. Harris, Mr. Davis of Illinois, Mrs. Patterson, Mr. Florio, and Mr. Ridge):

H. Con. Res. 78. Concurrent resolution expressing the sense of Congress with respect to the Veterans' Administration Home Loan Program; to the Committee on Veterans' Affairs.

By Ms. KAPTUR (for herself, Mr. Ridge, Mr. Burton of Indiana, Mr. Montgomery, Mr. Solomon, Mr. Rowland of Georgia, Mr. Rowland of Connecticut, Mr. Gray of Illinois, Mr. Smith of New Hampshire, Mr. Harris, Mr. Davis of Illinois, Mrs. Patterson, and Mr. Florio):

H. Con. Res. 79. Concurrent resolution reaffirming the sense of Congress that the 1-percent fee charged by the Veterans' Administration to veterans obtaining a home loan guaranteed by such Administration should not be increased; to the Committee on Veterans' Affairs.

By Mr. PARRIS:

H. Con. Res. 80. Concurrent resolution reaffirming that deposits, up to the statutorily prescribed amount, in federally insured depository institutions are backed by the full faith and credit of the United States; to the Committee on Banking, Finance and Urban Affairs.

MEMORIALS

Under clause 4 of rule XXII.

12. The SPEAKER presented a memorial of the Legislature of Minnesota, relative to the Federal highway program; to the Committee on Public Works and Transportation.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. Florio, Mr. Downey of New York, Mr. Hawkins, Mr. Kolter, Mr. Bustamante, Mr. Howard, Mr. Oberstar, and Mr. Swift.

H.R. 21: Mr. Florio, Mr. Downey of New York, Mr. Hawkins, Mr. Kolter, Mr. Howard, Mr. Oberstar, and Mr. Swift.

H.R. 52: Mr. Dwyer of New Jersey.

H.R. 74: Mr. Sunia.

H.R. 118: Mr. DioGuardi.

H.R. 164: Mr. Weiss, Mr. Robinson, Mrs. Collins, Mr. Roe, Mr. Lehman of Florida, Mr. Atkins, Mr. Kanjorski, Mr. Leland, Mr. Gray of Illinois, Mr. Smith of Florida, Mr. Towns, Mr. Espy, and Mr. Solarz.

H.R. 176: Mr. Brennan and Mr. Durbin.

H.R. 205: Ms. Snowe.

H.R. 281: Mr. Lowry of Washington, Mr. Perkins, Mr. Walgren, Mr. Dyson, Mr. Lehman of Florida, Mr. Leland, Mr. Swift, Mr. Bilbray, Mr. Stokes, Mr. Fish, Mr. Florio, Mr. Hayes of Illinois, Mr. Lewis of Georgia, Mr. McDade, Mr. Sunia, and Mr. Wheat.

H.R. 317: Mr. Roybal, Mr. Stark, Mr. Bates, Mr. Torres, and Mr. DeFazio.

H.R. 457: Mrs. Roukema, Mr. Gray of Illinois, and Mr. Russo.

H.R. 497: Mr. Penny.

H.R. 578: Mr. Davis of Michigan, Mr. Hamilton, Mr. Traxler, Mr. Nowak, Mr. Clinger, and Mr. Kanjorski.

H.R. 618: Mr. Mineta, Mr. Crockett, Mr. Darden, Mr. Gejdenson, and Mr. Gilman.

H.R. 628: Mr. Tallon.

H.R. 637: Mr. Owens of Utah.

H.R. 654: Mr. Beilenson.

H.R. 656: Mr. MacKay.

H.R. 693: Mr. Dornan of California, Mrs. Roukema, Mr. Hastert, Mr. Sunia, and Mr. Lewis of Florida.

H.R. 757: Mr. McDade.

H.R. 898: Mr. Sikorski.

H.R. 916: Mr. Edwards of Oklahoma, Mr. Crane, Mr. Petri, Mrs. Vucanovich, Mr. DeWine, Mr. Swindall, Mr. Weber, Mr. Bliley, Mr. Ritter, Mr. Burton of Indiana, and Mr. Houghton.

H.R. 925: Mr. Lewis of Georgia, Mr. Mavroules, Mrs. Morella, Mr. Stokes, and Mr. Wolpe.

H.R. 980: Mr. Saxton, Mr. Rinaldo, Mr. Owens of Utah, and Mr. Mrazek.

H.R. 1101: Mr. Olin.

H.R. 1105: Mr. Fazio and Mr. Solarz.

H.R. 1141: Mr. Dymally, Mr. Atkins, Mr. Nielson of Utah, Mr. Bustamante, Mr. Frank, Mr. Savage, Mr. Williams, Mr. Stark, Mr. McKinney, Mr. Wortley, Mr. Pursell, Mr. Sabo, Mr. Downey of New York, Mr. Penny, Mr. Owens of New York, Mr. Kostmayer, Mr. Armey, Mr. Eckart, Mr. Ridge, and Mr. Goodling.

H.R. 1188: Mr. Panetta.

H.R. 1213: Mrs. Boxer, Mr. de Lugo, Mr. Coyne, Mr. Atkins, Mr. Henry, Mr. Gray of Illinois, Mr. Wortley, Mrs. Collins, Mrs. Johnson of Connecticut, Mrs. Martin of Illinois, and Mr. Traxler.

H.R. 1259: Mr. Slattery, Mr. Hutto, Mr. Russo, Mr. Fields, Mr. Quillen, Mr. Sundquist, Mr. Jenkins, Mr. Evans, Mr. Dicks, Mr. Leland, Mr. Sweeney, Mr. Coelho, Mr. Gray of Illinois, Mr. Andrews, Mr. Bonior of Michigan, Mr. MacKay, Mr. Wilson, Mr. Fazio, Mr. Lightfoot, Mr. DioGuardi, Mr. Bennett, Mr. Price of Illinois, Mr. Boner of Tennessee, Mr. Frost, Mr. Pickle, Mr. Daub, Ms. Kaptur, Mr. Mrazek, Mr. Florio, Mr. Yatron, Mr. Neal, Mr. Boland, Mr. McDade, Mr. Dyson, Mr. Scheuer, and Mr. Towns.

H.R. 1326: Mr. Jones of Tennessee, Mr. Lewis of Georgia, and Mr. Ravenel.

H.R. 1327: Mr. Jones of Tennessee and Mr. Traficant.

H.R. 1368: Mr. Petri.

H.J. Res. 1: Mr. Alexander, Mr. Anthony, Mr. Boehlert, Mr. Bonior of Michigan, Mr. Brennan, Mr. Brown of Colorado, Mr. Bryant, Mr. Bustamante, Mr. Campbell, Mr. Cardin, Mr. Carper, Mr. Clarke, Mr. Clinger, Mr. Courter, Mr. de Lugo, Mr. Dwyer of New Jersey, Mr. Feighan, Mr. Frenzel, Mr. Frost, Mr. Gallo, Mr. Glickman, Mr. Johnson of South Dakota, Mr. Jontz, Mr. Kolbe, Mr. Lowery of California, Mrs. Martin of Illinois, Mr. Mavroules, Mr. Mfume, Mr. Morrison of Washington, Mr. Nagle, Mr. Owens of New York, Mr. Pease, Mr. Price of North Carolina, Mr. Pursell, Mr. Rangel, Mr. Roybal, Mr. Sharp, Mr. Sikorski, Ms. Slaughter of New York, Ms. Snowe, and Mr. Towns.

H.J. Res. 8: Mr. Tauzin.

H.J. Res. 43: Mr. Chapman, Mr. Torricelli, Mr. Stump, Mr. Levine of California, Mr. Montgomery, Mr. Erdreich, Mr. Fazio, Mr. Davis of Illinois, Mrs. Lloyd, Mr. Hutto, Mr. Clarke, Mr. Weber, Mrs. Boxer, Mr. Saxton, Mr. Horton, Mr. Nielson of Utah, Mr. Campbell, Mr. Shumway, Mr. Dwyer of New Jersey, Mr. Wortley, Mr. Lewis of Florida, Mr. McCollum, Mr. Ortiz, Mr. Harris, Mr. Jenkins, Mr. Neal, Mr. Lipinski, Mrs. Patterson, Mr. McMillen of Maryland, Mr. Brennan, Mr. Frost, Ms. Kaptur, Mr. Owens of New York, and Mr. Sikorski.

H.J. Res. 62: Mr. Sensenbrenner.

H.J. Res. 90: Mr. Horton, Mr. Frost, Mr. Dyson, Mr. Dellums, Mr. Downey of New York, Mr. Traxler, Mr. Gunderson, Mr. Traficant, Mr. Moakley, Mr. Fazio, Mr. Fuster, Mr. Sunia, Mr. de la Garza, Mr. Owens of New York, Mr. Weldon, and Mr. Dwyer of New Jersey.

H.J. Res. 110: Mr. Wolpe, Mr. Rahall, and Mr. Hayes of Illinois.

H.J. Res. 155: Mr. Gunderson, Mr. Levin of Michigan, Mr. Ritter, Mr. Fazio, Mr. Lewis of Florida, Mr. Conte, Mr. Horton, Mr. Akaka, Mr. Bustamante, Mr. Lancaster, Mr. Gray of Illinois, Mr. Bilbray, Mr. Pickett, Mr. Scheuer, Mr. Bliley, Mr. Davis of Illinois, Mr. Ackerman, Mr. Young of Florida, and Mr. Hayes of Illinois.

H. Con. Res. 32: Mr. Wolpe and Mr. Hayes of Illinois.

H. Res. 17: Mr. Coble.

EXTENSIONS OF REMARKS

CONGRESSMAN GILMAN INTRODUCES WORLD FOOD DAY 1987

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. GILMAN. Mr. Speaker, I have reintroduced House Joint Resolution 186 which would designate October 16, 1987, as "World Food Day," celebrating the founding of the Food and Agriculture Organization of the United Nations in 1945. For the past 6 years, Congress has supported this commemorative day which has been an effective tool in increasing the public's awareness of the global problems of hunger and malnutrition.

Since 1979, the National Committee for World Food Day, under the leadership of its distinguished chairwoman, Patricia Young and the auspices of the World Food and Agriculture Organization [FAO] has undertaken hundreds of projects and programs related to the world's hunger problem. Without World Food Day and the organizations involved with its celebration, the ground swell needed that made America's response to the African famine possible would never have existed.

As the critical nature of world hunger grows, the importance of special days like World Food Day increases. Hundreds of colleges, universities, and other organizations participated in various activities to help educate their communities on the problem of hunger last year. These activities contribute to the significant worldwide movement that is needed to give the hungry the support needed to succeed. Public concern has already created enormous resources for Africa and is stimulating the political commitment needed to achieve long-term success.

By designating October 16, World Food Day, Congress will join these communities and initiatives in a committed national effort to alleviate hunger in the world.

Accordingly, I urge my colleagues to support House Joint Resolution 186.

Mr. Speaker, at this point, I am inserting the full text of the House joint resolution designating October 16, 1987, as "World Food Day."

H.J. RES. 186

Whereas hunger and malnutrition remain daily facts of life for hundreds of millions of people throughout the world;

Whereas the children of the world suffer the most serious effects of hunger and malnutrition, with millions of children dying each year from hunger-related illness and disease, and many others suffering permanent physical or mental impairment because of vitamin or protein deficiencies;

Whereas the United States and the people of the United States have a long tradition of demonstrating humanitarian concern for the hungry and malnourished people of the world, recently manifested by the American response to African famine;

Whereas efforts to resolve the world hunger problem are critical to the maintenance of world peace and, therefore, to the security of the United States;

Whereas the United States, as the largest producer and trader of food in the world, has a key role to play in assisting countries and people to improve their ability to feed themselves;

Whereas although progress has been made in reducing the incidence of hunger and malnutrition in the United States, certain groups, notably Native Americans, migrant workers, the elderly, and children, remain vulnerable to malnutrition and related diseases;

Whereas the Congress is acutely aware of the paradox of immense farm surpluses in the United States despite the desperate need for food by people throughout the world;

Whereas the United States and other countries should develop and continually evaluate national policies concerning food, farmland, and nutrition to achieve the well-being and protection of all people and particularly those most vulnerable to malnutrition and related diseases;

Whereas improved agricultural policies, including farmer incentives, are necessary in many developing countries to increase food production and economic growth;

Whereas private enterprise and the primacy of the independent family farmer have been basic to the development of an agricultural economy in the United States and have made the United States capable of meeting the food needs of most of the people of the United States;

Whereas increasing farm foreclosures threaten to destroy the independent family farmer and weaken the agricultural economy in the United States;

Whereas when developing countries improve their ability to feed their people, free and unfettered trade in agricultural commodities can enable farmers in all countries to benefit from the advantages in raising agricultural commodities particularly suited to their respective climates and locations and can result in world food supplies being distributed most efficiently in the best interests of both producers and consumers;

Whereas conservation of natural resources is necessary for the United States to remain the largest producer of food in the world and to continue to aid hungry and malnourished people of the world;

Whereas participation by private voluntary organizations and businesses, working with national governments and the international community, is essential in the search for ways to increase food production in developing countries and improve food distribution to hungry and malnourished people;

Whereas the member nations of the Food and Agriculture Organization of the United Nations unanimously designated October 16 of each year as World Food Day because of the need to increase public awareness of world hunger problems;

Whereas past observances of World Food Day have been supported by proclamations by the Congress, the President, the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States, and by programs of the Department of Agriculture, other Federal departments and agencies, and the governments and peoples of more than 140 other nations;

Whereas more than 375 private voluntary organizations and thousands of community leaders are participating in the planning of World Food Day observances in 1987, and a growing number of these organizations and leaders are using using such day as a focal point for year-round programs; and

Whereas the people of the United States can express their concern for the plight of hungry and malnourished people throughout the world by fasting and by donating food and money for them: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That October 16, 1987, is designated as "World Food Day", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe that day with appropriate ceremonies and activities, including worship services, fasting, food and money donations collections, educational endeavors, and the establishment of year-round food and health programs and policies.

VA HOME LOAN FEE

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Ms. KAPTUR. Mr. Speaker, I am pleased to offer legislation today reaffirming the sense of the Congress that the 1-percent fee charged by the Veterans' Administration to veterans obtaining a guaranteed home loan should not be increased.

For the last 3 years, the President's budget has contained proposals to increase this fee. They have been consistently rejected by the Congress on the basis that this would be a form of selective taxation on home buying veterans; and last year Public Law 99-576, which became effective on November 2, 1986, specifically expressed the sense of the Congress that this fee not exceed 1 percent.

The fiscal year 1988 budget, however, contained yet another proposal to increase this fee. This time, it called for an increase to 2.5 percent effective June 1, 1987. This means, should such a proposal be enacted, that veterans would be charged an average amount of $1,500—up from $600—just for the privilege of using the program.

At hearings before the committee on February 3 and 4, 1987, spokesmen from veterans' organizations stated its implementation would negate the beneficial aspects of the program. It could also be considered as a down payment requirement without giving the veteran the benefit of reducing the principal.

Additionally, it should also be emphasized that this discriminating tax would eliminate a substantial number of potential veteran home buyers from participating in the program. Ac-

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

cording to the Congressional Budget Office an increased rate to 2.5 percent could result in 20,250 fewer veterans from using their entitlement to purchase a home in fiscal year 1988.

Mr. Speaker, interest rates are at their lowest point in the last 10 years and some veterans are in a position for the first time to buy their own homes. To now impose an increased user free on these potential home buyers would place an undue burden upon them—in particular, Vietnam-era veterans who account for 42.1 percent of all VA guaranteed home loans.

This sense-of-the-Congress resolution reaffirms our strong opposition to a proposal which would diminish the program's effectiveness.

TRIBUTE TO MSGR. JOHN P. HOURIHAN

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. RODINO. Mr. Speaker, it gives me great pleasure to take this opportunity to pay tribute to my friend, Msgr. Hon P. Hourihan of St. John's Church, the oldest Catholic parish in the Newark Archdiocese, known as the "immigrants' parish."

To most Newark residents, the name John Hourihan—or as he prefers to be called, "Father John"—is synonymous with compassion. For years, Father John has spent his days meeting the needs of the homeless, the elderly, and the sick in Newark. Thanks to his tireless devotion, hundreds of people receive hot meals every day. In these harsh times of budget cuts and recession, the efforts of Father John and his parishoners truly make the difference in the survival of Newark's poor and dispossessed.

Mr. Speaker, I salute Monsignor Hourihan and his countless contributions to our community, and I ask consent to reprint an article about him, published in the Newark Star-Ledger on February 23, 1987.

[From the Newark (N.J.) Star-Ledger, Feb. 23, 1987]

EACH HIS BROTHER'S KEEPER—SIBLING PRIESTS TEAM UP ON NEWARK INNER-CITY PROGRAM

(By Monica Maske)

The Rev. Timothy F. Hourihan said his older brother, John, always wanted to be a priest, ever since he was a young boy. Msgr. Johh P. Hourihan said his younger brother, Tim, on the other hand, broke a lot of hearts when he entered the priesthood after a stint in the U.S. Army.

Although separated by a four-year age difference, Tim's military service and John's honorary title of monsignor, the brothers have shared the same profession as parish priests for more than 30 years.

And in all that time, the Hourihan brothers have never really teamed up.

Until now.

The two are joining forces at a combined fund-raising event on Saturday. Father Tim's parish, Our Lady of the Lake, in Verona, decided that ths year a portion of the funds raised would be used to help the extensive inner-city soup kitchen program at Monsignor John's parish, St. John's, on Mulberry Street in Newark.

The fund-raising cocktail party and silent auction will take place at the Prudential Insurance Co. complex in Roseland at 7 p.m.

"Time has people looking for authenitic Christianity," said the St. John's pastor of his brother's parishers. "When you come from the middle or upper class, you don't see poverty."

"We're not taking care of poor people at St. John's we're dealing with the destitute—alcoholics, spaced-out Vietnam vets, people who came from other states looking for jobs in Newark, hippies who thought the secret of life was to be found in Greenwich Village."

For surburbanites, "it's scary to see his church, surrounded by all the poor people," said the Verona pastor.

"We thought it would be great to help them," said Father Tim. "We thought it was time to help them."

St. John's, the oldest Catholic parish in the Newark Archdiocese, is located in downtown Newark a few feet from McCarter Highway and across the street from the Catholic archdiocesan chancery office.

There is one family on the parish rolls, said the monsignor, the same number as when he arrived as pastor in 1972.

Such is the sense of humor of St. John's pastor that when the parish grew briefly to three families, he proudly reported a "300 percent increase" in church membership in his annual statistics.

Clearly, however, St. John's has no parish in the conventional sense. But it has a parish in the sense of "authentic Christianity."

St. John's attention is turned to the homeless, elderly and hungry of the city, who every day flock by the hundreds to the church for a hot meal. The other constituency is the Newark business community, for whom the pastor provides Masses and spiritual counseling at special chapels in the Gateway One office complex and at the YMCA on Broad Street.

"St. John's always gave out sandwiches," said the pastor, who expanded the chairty to a seven-day-a-week lunch program 14 years ago.

At 3:30 p.m. any day of the year, a line of people, sometimes numbering several hundred, are waiting for the hot lunch that the church provides.

Some 600,000 meals are handed out yearly, and often there is soup, an entree and dessert. Volunteers and a small staff prepare the meals, which the pastor estimates cost $1 each.

Surprisingly, and the reason for the brotherly assistance from Our Lady of the Lake, in Verona, St. John's relies entirely on donations to underwrite its soup kitchen program. The pastor boasts that he manages without any subsidy from the Archdiocese of Newark or any state or federal funding.

At Our Lady of the Lake, said the Verona pastor, "Father John" from Newark is as well-known as his work.

Each fall, the parish youth group "collects food from the parishioners and rents a truck to bring it down to St. John's around Thanksgiving."

"Our kids work in the kitchen there," he continued. "And some of our adults work in the kitchen too."

When Our Lady of the Lake's annual fund-raiser was being planned, the suggestion arose to "think of my brother's parish as well," said the pastor.

Our Lady of the Lake, with 2,400 families on the parish rolls, is one of the largest Catholic churches in the area.

Father Tim came to the Verona parish 10 years ago after serving for 22 years at St. Aloysius Church in Jersey City. He was ordained in 1954 while his older brother was ordained in 1949.

During his tenure in Jersey City, Father Tim served as a member of the Hudson County Planning Board. He was also chairman of the Hudson County Arts and Cultural Society.

Father Tim has also been on the board of directors of Goodwill Industries of New Jersey Inc., in Harrison, for more than a decade. He was the first priest to serve on the board of the nationwide, nonsectarian organization, which provides vocational rehabilitation and job training for the handicapped.

While both brothers have been active in their concern for those less fortunate, Father John was given the honorary title of monsignor by the late Newark Archbishop Thomas A. Boland for his work with the deaf.

The monsignor, who said he prefers to be called Father John, recalled that his involvement with the deaf began after he had learned sign language as a seminarian. The course was mandated by the then-Bishop Thomas J. Walsh for all candidates to the priesthood.

"He wanted his priests to be qualified to deal with the rejected people of society," the older Hourihan said.

While attending Catholic University of America in Washington, Hourihan would go down the road to nearby Gallaudet College, the only institution of higher education founded by Abraham Lincoln for the deaf. It was at Gallaudet he "acquired a skill" in sign language by giving sermons at Sunday Mass to the deaf Catholic students.

After getting a master's degree in special education at Columbia University, he began working with the deaf in the Newark Archdiocese, becoming the first archdiocesan director of the apostolate for the deaf and helping to establish clinics and testing centers for the deaf.

GASOLINE LINES PREDICTED BY ADMINISTRATION IN 2 YEARS

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. HOWARD. Mr. Speaker, the Secretary of the Interior, Donald P. Hodel, has predicted that the gas lines of the 1970's will return in 2 to 5 years. With gas lines in the future, I believe it would be folly to vote to lift the 55-mile-per-hour speed limit as we will be asked to do on Wednesday.

Many of the opponents of the speed limit claim it is no longer needed because the energy crisis has disappeared. It is clear from the statements of Mr. Hodel and others that the energy crisis is very real and imminent.

The people of this Nation would not want to see a resumption of the gas lines. It makes no sense to remove a major energy conservation measure at a time these predictions are being made.

I ask permission to reprint an article from the New York Times of February 17, 1987, on the energy situation. I hope my colleagues will recognize the necessity of maintaining the 55-mile-per-hour speed limit because of the need for energy conservation.

[From the New York Times, Feb. 17, 1987]

U.S. OIL SHORTAGES SEEM UNAVOIDABLE TO MANY ANALYSTS—$18 PRICE CALLED INSUFFICIENT TO END FURTHER PLUNGES IN DOMESTIC PRODUCTION

(By Robert D. Hershey, Jr.)

Despite higher prices and a more stable market, the United States is almost inevitably headed toward new oil shortages that could be as disruptive as those of the 1970's, according to increasingly urgent warnings by Government policy makers and other analysts.

After nearly a year of wild fluctuations in which the oil price was cut roughly in half, the OPEC countries now seem to be maintaining a price of about $18 a barrel. But while this price, which is almost double the lows of last summer, has the unofficial blessing of the Reagan Administration and some major oil companies, it is generally regarded as insufficient to prevent further sharp declines in domestic production.

As a result, many specialists say, American dependence on foreign oil could by 1990 soar to new peaks and could reach a dangerous 60 percent by 1995. This, in turn, implies renewed control of the oil market by the Organization of Petroleum Exporting Countries.

"SITTING IN GAS LINES"

The latest, and perhaps strongest, warning came last week from Interior Secretary Donald P. Hodel, formerly Secretary of Energy. "People will be sitting in gas lines" again, he flatly predicted, "anytime within the next two to five years."

With OPEC back "in the driver's seat," Mr. Hodel added, the organization will have restored its ability to use oil for political ends, such as the 1973-74 embargo by its Arab members. He said he had been told by a Middle Eastern source that, if it had not been for the glutted market, such a cutoff would have been imposed after American air strikes against Libya last year.

Although a world price of $18 a barrel—equivalent to about $19.50 for the benchmark American grade of West Texas crude—is considered a "survival" level for most larger companies, analysts agree it gives the United States almost no chance of halting what Government figures published last month show was an unexpectedly sharp drop in oil production in 1986.

When combined with rising consumption, this lag in domestic output points to dangerously high levels of imports, with adverse implications for national security, foreign policy, the trade balance and the general health of the economy.

"We are today sowing the seeds of the next energy crisis," James R. Schlesinger, formerly Secretary of Energy and Secretary of Defense, told Congress recently. "The same falling oil price that provides consumer benefits and provides a macroeconomic stimulus while easing inflation and interest rates also implies serious problems for domestic oil supply and national security."

Although the nation has taken steps in the last decade to reduce the impact of such supply disruptions—the most important step may be the building of a large strategic stockplie with more than 510 million barrels—the brutal geopolitical facts of world oil remain stacked against the United States and its similarly situated allies.

About two-thirds of the world's reserves not controlled by Communist countries—and currently unused production capacity—are in the politically volatile Persian Gulf. There, the oil is so easy to recover that the nations that control it can undersell and drive from the market virtually any competitor.

At the same time, the industrialized countries account for two-thirds of non-Communist consumption, much of it absolutely essential. In the United States, for example, 97 percent of the fuel used for transportation is oil for which there is no ready substitute.

Because of the current world surplus, reflected in lower prices, "many people have lost sight of the fact that the oil market is not only very fragile, but it is also controlled by others," said Senator James A. McClure of Idaho, the ranking Republican on the Senate Energy Committee.

Although American vulnerability in oil cannot be gauged simply by the percentage of imports—the source, price and other factors are also important—it is agreed that heavy dependence on Mideast supplies is highly risky.

SAUDI ARABIA A KEY SUPPLIER

While United States reliance on Persian Gulf oil is far less than it was 15 years ago, the amount imported from the Persian Gulf has climbed of late and Saudi Arabia is becoming an increasingly important supplier. In addition, under an international Energy Agency agreement, the United States is obliged to share oil with the other members of the organization in the face of an oil shortage.

"Overdependence on costly and insecure foreign sources of oil could well be the major national problem of the 1990's," said Charles J. DiBona, president of the American Petroleum Institute, a trade association. "Few people comprehend that today's problems for the industry threaten the security and economic well-being of the whole nation tomorrow."

While consumption is climbing—and at an accelerating pace—it is the sharply falling level of American production that most distresses policy makers, industry officials and strategic analysts.

9 PERCENT OUTPUT PLUNGE IN 1986

After rising slightly for four years in response to higher prices, output plummeted by a stunning 833,00 barrels a day, or about 9 percent, between February and December 1986, according to Energy Department data. This decline, to 8.35 million barrels a day, brought the nation's production rate down to the lowest levels since 1977, when import dependence reached its peak of 48 percent. Imports of crude oil and refined products currently account for about 38 percent of American consumption, up from 31 percent a year ago. At the time of the Arab embargo, the level was 33 percent.

"In less than one year, manipulation of crude oil prices by the dominant Arab OPEC producing countries has offset all of the production gains realized between 1982 and 1985," said Raymond H. Hefner, chairman of the Independent Petroleum Association of America, a trade group representing thousands of medium-size and small operators that drill most of the country's new oil and gas wells.

This year, according to various projections, production will fall an additional 300,000 to 500,000 barrels, to about 17 percent below the peak production of 9.6 million barrels a day reached in 1970.

Most analysts believe that $18 oil is not enough even to arrest this drop, much less reverse it. "I don't think it gets the job done," said G. Henry Schuler, an energy specialist at the Center for Strategic and International Studies here. "It's not enough to assure the activity we need in this country."

Moreover, he and other analysts maintain, the fact that oil collapsed to below $10 a barrel in recent memory makes oilmen and their bankers unwilling to assume that the current price will hold. There are signs this week of cheating on OPEC quotas, and a major test will occur when the winter heating season ends in the next several weeks.

"The thing in the back of everybody's mind is that the $18 price is attached to a high degree of risk," said Herbert W. Krupp, senior energy economist for the Bankers Trust Company. "Once you've seen $10 oil, you're scared."

Theodore R. Eck, chief economist for the Amoco Corporation, estimated that it would take an oil price "in the mid-$20's" before there was a significant rise in the exploration activity required to find new oil for the 1990's. In the current situation, moreover, the industry is losing—or failing to attract—vital talent. "I'm really afraid about the 'critical mass,'" he said.

Another reason for concern, according to the chairman of the Chevron Corporation, George M. Keller, is that, unlike the situation in the 1970's, there are no longer any major oil discoveries, such as at Alaska's Prudhoe Bay and in the North Sea, that await development.

DRILLING IN PROVEN AREAS

And while the cost of drilling has fallen, too, the inclination is to drill in proven areas rather than to explore offshore and other frontiers where there is the best chance of finding sizable quantities.

Despite the dim prospects for maintaining even current levels of self-sufficiency in oil, the Reagan Administration believes there is relatively little the Government can, or should, do about it.

Secretary Hodel and many others believe, in fact, that the Government was mainly responsible for the oil problems of the 1970's because of its controls on prices and its counterproductive efforts to allocate diminished supplies. "We caused the shortage," Mr. Hodel maintains.

A major review ordered by President Reagan of energy-dependency and national security—now due to be unveiled next month—is expected to lay out the impact and costs of possible Government interventions, such as imposing an import fee on foreign oil. But Secretary Hodel said the report would make no recommendations for fear this would reduce the prospects for serious debate of a high-stakes problem with no easy solution.

NATION'S COMPETITIVENESS EXPLORED BY COMMERCE SUBCOMMITTEE

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. RINALDO. Mr. Speaker, recently the Subcommittee on Commerce, Consumer Protection and Competitiveness on which I serve, chaired by my colleague, Representative JAMES J. FLORIO, began exploring our Nation's trade deficit through an initial hearing on capital formation and the impact of corporate mergers on our competitiveness.

One of the most important issues facing our Nation today concerns a spiraling trade deficit and an erosion of U.S. competitiveness in the world market. In the first of a series of hearings to be held by this subcommittee, we were able to focus on the impact of corporate takeovers, restructurings, and mergers on trade and the value of the dollar.

Chairman FLORIO pointed to the unsuccessful takeover effort of Owens-Corning Fiberglas Co. last year as an example of the impact a hostile takeover bid can have. In order to beat back the takeover bid, Owens-Corning was forced to go $2.5 billion in debt and as a result, the firm had to reduce its workforce by 14,000 workers, from 29,000 to 15,000 employees. Of these employees, 800 were laid off at the firm's Barrington, NJ, plant, which was closed as part of the company's restructuring.

Mr. Speaker, I would like to direct the attention of my colleagues to the following article from the February 26, 1987, edition of the Star-Ledger. The article highlights several key areas that will be explored by the Commerce, Consumer Protection and Competitiveness Subcommittee under Chairman FLORIO's direction.

[From the Star-Ledger, Feb. 26, 1987]

“THRIFT” CALLED KEY TO OVERCOMING TRADE WOES

(By J. Scott Orr)

WASHINGTON.—Americans should spend less and save more if the U.S. is to rebound from its current international trade woes, a noted financial expert and businessman told a House competitiveness subcommittee yesterday.

George Hatsopoulos, chairman and president of Thermo Electron Corp. and a member of the board of directors of the American Business Conference, suggested a consumer tax as the only means of stemming U.S. personal spending.

“The first step is to get back to the savings rates we had in the 50s, 60s and even in the 70s,” Hatsopoulos said. He pointed out that the Japanese spend far less and save at rates far greater than Americans.

Rep. James Florio (D-1st Dist.), during his first hearing as chairman of the newly created subcommittee on commerce, consumer protection and competitiveness, said a key to increasing U.S. competitiveness in world markets is to increase the availability of capital.

“The subject is how we raise and use capital in our domestic economy and how that affects the ability of our companies to compete internationally,” Florio said.

“If our industries are at a disadvantage versus their foreign competitors in their ability to raise capital, we must respond,” he added.

Rep. Matthew Rinaldo (R-7th Dist.), a senior member of the Florio subcommittee, noted that the cost of capital in the U.S. is nearly twice the cost of capital in Japan.

“We have only to look at the international trade deficits of the last several years to see that there has been an erosion of U.S. competitiveness,” Rinaldo said.

Hatsopoulos, an expert on the economics of capital formation, explained that saving makes more money available for investment in research and development that can help U.S. industries become more efficient and more competitive.

He also stressed that reducing the federal deficit would be another key element in any move to ease trade deficits and boost U.S. productivity. The federal deficit is the biggest offender when it comes to tying up U.S. capital, he said.

At the same time, Hatsopoulos urged caution in making capital available too quickly or shifting too rapidly from a big spending nation to a nation of big savers.

“We are in a classic ‘Catch 22’ situation and in order to weave through it we have to have very careful planning,” he said. For example, cutting back spending too rapidly might help certain industries, while at the same time hurting others.

Florio, who is shifting his primary legislative focus to international trade for the first time this year, said that another problem facing the economy and business is the current wave of corporate takeovers.

“Clearly, our laws are not working to keep our companies competitive. We need to examine our policies to make sure that American firms are provided the opportunity to grow and will not always be looking over their shoulders and worrying about the short-term threat of a raider,” Florio said.

Testifying on the problems of corporate raiders yesterday was William W. Boeschenstein, chairman, president and chief executive officer of Owens-Corning Fiberglas.

Owens-Corning, as part of a reorganization to avoid a hostile takeover, was forced last year to close down its plant in Florio's South Jersey district putting more than 800 people out of work.

In addition to the closure of several Owens-Corning plants, the streamlining that successfully headed off the buy-out involved a major cutback in research and development investment.

Boeschenstein called the current takeover wave “a pervasive threat to virtually every American corporation and may well cause irretrievable harm both to our society and to our industrial competitiveness.”

“Ultimately, the question of corporate takeovers comes down to this: How many companies that made America the great nation it is today would have developed, survived, and flourished in the current business environment?

“And how many will do so in the future if the current situation is allowed to continue?” Boeschenstein asked.

DIANE IPPOLITO IN THE NEWS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mrs. MORELLA. Mr. Speaker, a prominent Montgomery County, MD, educator, Diane Ippolito, was recently spotlighted in a news article for her outstanding contributions to education.

Mrs. Ippolito is currently principal of Woodward High School in Potomac, MD, which is closing, but she will continue to serve Montgomery County as the new principal of Winston Churchill High School.

I would like to share with my colleagues this insightful article by Tracey O'Shaughnessy that was recently printed in the Potomac Almanac and therefore am reprinting it here.

Diane Ippolito still has trouble talking about Woodward High School's final homecoming. She still breaks up just a little when she recalls how her students presented her with a gold heart on the Wildcats' football field at half-time. The heart, which she wears around her neck, bears the initial “D” on one side. On the other side are the words “All our love, Charles W. Woodward students.”

“That special bond we've established means a lot to me,” says Ippolito, who is serving her last months as Woodward's principal. “It's something we've created together and something I'll always treasure.”

Ippolito will take over the reins of Churchill High School July 1, just 24 hours after Woodward High School's 21st and final graduation. She will replace Mary Helen Smith, who moves to an Area One administrative position March 1.

Ippolito, a former physics research scientist with a penchant for chocolate, Bach, chicken wings and Ayn Rand, talks about Woodward as if she is talking about her family. And she talks about the closing as if it were the end of the family's long stay in an old Victorian house that has grown too expensive to maintain.

“At the beginning of her year, people said, ‘There's going to be a lot of crying here, a lot of talking about our last home game or our last prom,” she said. “And we just decided, no, it's not going to be like that. It's going to be a celebration. A celebration of our 21 years here.”

Ippolito reaches for the box of Cote d'Or Chokotoffs that sits on the round table in her Woodward office. She unwraps the candy, slips it in her mouth and follows it with a gulp of hot coffee.

“Chocolate is my one vice,” she says with a laugh. “I'm a health nut in all respects. I believe a healthy body is a healthy mind. I golf, bicycle and take long walks.” She takes another bite from the chocolate. “Just don't take my chocolate away.”

Diane Ippolito is a medium-sized 40-year-old with long, spindley legs, thick brown hair and a quick wit. She says she doesn't leave Woodward much and likes to think of it as her home base. She attends virtually all the school's functions, from high school plays to football games to choir practices. She jokes that she was the oldest woman at I. Magnin's buying a prom gown.

In fact, if you take away the cement-block walls, her office—with its rocking chair, potted plants, brass lamps, latch hook rug and oversized maple veneer file cabinet—

looks more like a comfortable den than an office. On her desk, right behind the bright red ceramic apple, is a 5-by-7 piece of embroidery, a Valentine's Day present from her cafeteria manager, that reads: "You're the rose of Woodward."

"I think she's an excellent principal," says Woodward senior Laura Gross. "She's always there for the students. And whenever you need to talk to her, she's there to listen."

Senior Alisson Murphy remembers the time last year when her girls' soccer team went to the county finals and Ippolito called the squad into her office and gave them all a long-stemmed red rose.

"She's done a lot for the school," senior Mike Kelleher says. "This is closing year, and she's just made it easier to bear."

"This is my goal in life," Ippolito says. "This is it: to be a high school principal and to stay a high school principal. I always get the comment from people, You're young, you've got a lot to do with the rest of your life. But this is what I want to do with the rest of my life."

This from a 4.0 physics major at Trinity who wrote her master's thesis on an interferometric ranging system utilizing lasers and who went to former state Sen. Joe Tidings to get her an interview for a job at NASA.

Diane Ippolito was a math and science nut who finally did get a job with the National Aeronautics and Space Administration and spent her days in the research laboratory and her nights sitting out in a field at Goddard Space Center tracking satellites with lasers.

It was only a fluke, she says, that she got into education. Her husband, Tom, was in the military and was stationed at Fort Knox, Ky. While there, Ippolito helped young Army men study for their Graduate Equivalency Diploma.

"I had found the perfect match," she says. "I really liked working with kids and watching their development." She left NASA, and when she and her husband returned to Montgomery County, she entered teaching, first as a math teacher at E. Brooke Lee Junior High School and then as a math resource teacher at that same school.

Ippolito says it was her experience as a research teacher that gave her the desire to become a principal. "I just loved working with instruction and working with young teachers. I figured, instructionally, if you could make an impact on what was going on in the classroom, you could have an even greater effect as a principal."

So she set her path logically, scientifically: first, a couple of years as assistant principal at Parkland Junior High; second, a couple of years as an administrative assistant; third, some time working in the Area Two administrative offices to get an overview of how the system works. And finally, the objective is attained: Ippolito becomes principal at Montgomery Village Junior High School in 1979. She came to Woodward in 1983.

"I'm a strong believer in finding out what you want and going for it," she says, "When I came to Woodward, people said because we were a small school, things couldn't be done. I didn't believe it."

Her get-it-done attitude has brought results:

She worked to establish the county's first computer centers for computer science and English writing instruction;

She designed an internship program for Woodward students that lets them work with researchers at the National Institutes of Health and at other local businesses.

She worked to set up a program for the severely profound handicapped that trains handicapped students ages 15-21 to care for themselves so they can function effectively in group home situations;

She established intensive advanced placement periods in art, biology and chemistry for students who want to take the College Board's advanced placement exams.

"I think with creative scheduling, you can do something that people say can't be done," she says. "I have a real willingness to try."

Ippolito says she looks forward to Churchill and has always said that if she couldn't be a principal at Woodward, Churchill would be her first choice.

While she has met with former Churchill Principal Frank Bready, current principal Smith, the PTA president, the area supervisor and some of the students, she said that during the next few months she will focus on the school that has been her life for the past four years.

"Woodward has been a part of my family," she says. "I've gotten to know the families—really know them. It's been a very special place. I hope I can bring to Churchill that sense of love and caring. But until we close in June, this is my home. And my direction is in making this the best."

WHEN A GUN WOULD HAVE COUNTED

HON. JON L. KYL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. KYL. Mr. Speaker, as every Member of this Chamber is aware, gun control is an issue that is often before this body. It also is an issue on which most Americans have strong opinions.

This editorial from the Phoenix Gazette recently was brought to my attention, and I believe it will be of interest to our colleagues. I ask that it be printed in full in the RECORD.

[From the Phoenix Gazette, Nov. 21, 1986]

WHEN A GUN WOULD HAVE COUNTED

A man down, being beaten—with a metal pipe—and robbed in the afternoon in a downtown alley. The pictures in Wednesday's *Gazette* were indeed worth a thousand words about violent crime here. And those words lead to a conclusion: Too bad there was not a citizen close by, trained in the use of firearms and carrying a concealed weapon.

The photographer, M. Adrian Clack, called police after taking only seconds to snap pictures that may prove useful in tracking down and prosecuting the robbers. The call was futile. As usual, the thugs had fled before police arrived. The victim was gone, too.

Phoenix has a fine police force, one of the nation's best, but police can't routinely protect victims against violent crime. At best, they can solve the case. If everything goes right, maybe the criminals will go to prison. Probably not, though.

If an armed citizen had been on the scene, he or she could have stopped this attack. Almost surely without firing a shot. Unfortunately, the Arizona Legislature is stubborn about guns. Only criminals are allowed to carry concealed weapons in this state.

Judging from the pictures, it would have been unnecessary to shoot. The display of the weapon and a shouted warning, however, no doubt would have changed the situation. The assailants, uncertain about what they were up against, probably would have fled. The beating would have been stopped.

Suppose, though, that their three-to-one odds, or whatever, encouraged the thugs to abandon their victim and take on the citizen with a gun. By maneuvering to the side of the alley, just as the photographer did, the citizen could get off a clean shot, with no bystanders in the background.

"Stop where you are!" If that command didn't work, the goon armed with the pipe should take the first round, right in the midsection. If that shot didn't discourage the other two, then two more well aimed shots would.

The future is not bright when it comes to violent crime. One occurs every 24 seconds in the United States. There would be far fewer, however, if the Arizona Legislature would authorize concealed weapons to law-abiding citizens who are trained in use of firearms.

THIRD YEAR OF CAPTIVITY FOR HOSTAGE TERRY ANDERSON

HON. LOUISE M. SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Ms. SLAUGHTER of New York. Mr. Speaker, we must not forget Terry Anderson.

I rise today to remind my colleagues that this day, March 16, marks the beginning of Terry Anderson's third year of captivity.

Two years ago, today, Terry Anderson, chief Middle East correspondent for the Associated Press, was abducted from the streets of Beirut by Moslem extremists. He has been held the longest of the 8 American hostages still in captivity in Lebanon—300 days longer than the 52 American hostages released in 1981 after 444 days in Iranian captivity.

These 2 years have been difficult ones for his family. Three months after his abduction, his wife gave birth to a daughter. Sulome Anderson is almost 2 years old now and has never known the embrace of her loving father.

On February 15, 1986, Terry's father, Glenn Anderson Sr., died; 4 months later, Glenn Jr., Terry's brother, died. Thought Terry knows about the birth of his daughter, he is probably not aware of the passing of his father and brother.

Terry's sister, Peggy Say, has been inspirational in her tireless efforts on his behalf. She has spent the last 2 years publicizing her brother's plight, meeting with representatives of the State Department and the Ambassadors of the countries involved in the Middle East conflict.

Peggy was here in Washington yesterday at a special service of the First Baptist Church as part of a "Day of Prayer for Hostages" declared by the country's American Baptist congregations. Today she is in Valley Forge, PA, with former hostages Father Lawrence Martin Jenco and Rev. Benjamin Weir, at a prayer breakfast for her brother and the other hostages.

I would like to add my prayer to those offered today on Terry's behalf:

Please, Dear God, see Terry Anderson home safely. Let him hold his wife and children close to him. Let him know the smile of the daughter he has never seen. Let him embrace and thank the sister who has worked so hard on his behalf. Let him mourn the loss of his father and brother. And let this Nation learn from this remarkable man who risked his life to inform us, the citizens of this Nation, about the bloody battles going on in the Middle East, about the symptoms and causes of terrorism, about America's role in this conflict. And let us not forget his ordeal, which he has suffered simply because he is American. Please, God, set him free.

VA HOME LOAN GUARANTY PROGRAM

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Ms. KAPTUR. Mr. Speaker, on March 6, 1987, in Phoenix, AZ, the Veterans' Administration guaranteed its 12 millionth home loan, bringing the total value of loans guaranteed under this program to $275.4 billion.

I am therefore pleased to offer legislation today expressing the sense of the Congress with respect to the VA Home Loan Guaranty Program.

Mr. Speaker, the VA Home Loan Guaranty Program provides credit assistance to eligible veterans and service personnel through guarantees of loans made by private lenders on more reasonable terms than generally available to nonveterans, without the assumption of undue risk by the Government.

I wish to emphasize that through fiscal year 1986, more than 7.5 million of these loans totaling $102.7 billion have been repaid. This demonstrates the program's effectiveness from both the perspective of providing housing opportunities for millions of American families and as a continuing stimulus to the economy.

I am also pleased to state that more than 1 million loans have been guaranteed by this program in the last 3 years alone.

Mr. Speaker, we in the Congress should be committed to this viable ongoing program for veterans. Therefore, the resolution I offer today is for the purpose of expressing the Congress' firm support to the goals and objectives of the VA Home Loan Guaranty Program and to the veterans and service personnel whom it has served so well.

TRIBUTE TO SENATOR CHARLES GOODELL

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. RODINO. Mr. Speaker, recently the Nation lost one of its greatest leaders, Senator Charles E. Goodell, who passed away on January 21.

Mr. Goodell was first elected to Congress in 1959, and represented Jamestown, NY. In 1968, a strange twist of events sent him to the U.S. Senate: He was appointed to complete the late Senator Robert Kennedy's term after Senator Kennedy's assassination. Senator Goodell lost his bid for reelection in 1970, but he distinguished himself during his term by leading congressional opposition to the Vietnam war and sponsoring legislation to cutoff funds for the war effort.

Although his time in the Congress was brief, his voice of reason prevailed, and his wisdom and leadership during that turbulent time in our history will be long remembered.

Mr. Speaker, I join with my colleagues in expressing condolences to Senator Goodell's family, and I ask consent to reprint an article on Senator Goodell, published in the New York Times on January 22, 1987.

CHARLES E. GOODELL, SENATOR AGNEW ASSAILED, DIES

(By Frank Lynn)

Charles E. Goodell, who shifted from establishment Republican to critic of the Vietnam War and the Nixon White House as he moved from the House of Representatives to representing New York in the United States Senate, died yesterday in Washington. He was 60 years old and had been a Washington lawyer and lobbyist for the last 16 years.

Mr. Goodell, appointed to the Senate in 1968 by Gov. Nelson A. Rockefeller to succeed Robert F. Kennedy after his assassination, served only two years in the Senate, but he emerged as a leading critic of the Vietnam War and as a result, a leading target of President Richard M. Nixon and Vice President Spiro T. Agnew.

Mr. Goodell joined liberal Democrats in sponsoring legislation to cut off money for the war effort, legislation that was essentially adopted five years later after he had left Congress.

Before his appointment to the Senate he was a moderate to conservative member of the House of Representatives from Jamestown in western New York State.

RADICAL LIBERAL

Two years later and now a liberal Republican with Mr. Agnew publicly castigating him as a "radical liberal" and even Mr. Rockefeller publicly questioning his "undercutting" of the President, Mr. Goodell sought a full six-year term.

He failed largely because he split the moderate to liberal vote with Representative Richard. L. Ottinger of Westchester, a Democrat, permitting James L. Buckley, running on the Conservative Party line, to win the Senate seat with less than a majority.

Senator Daniel Patrick Moynihan, Democrat of New York, referred to the heat and emotions of that campaign and that time when he said yesterday that Mr. Goodell was "called to public services at a time of travail and tragedy." He added that "I have not known a finer member of Congress."

"He fell on his sword politically," said a former aide, Michael C. Smith, a former city official and now a vice president of E. F. Hutton & Company.

ONE OF YOUNG TURKS

Another former aide, George Mitrovich, who had also worked for Mr. Kennedy, noted that there had been considerable criticism of the Goodell appointment originally because he was not a statewide figure but that Mr. Goodell proved to be "a worthy successor of Senator Kennedy."

As a member of the House for 10 years, he had been part of a group of Republican "young Turks" who helped oust Charles A. Halleck as House Republican leader and elect Gerald R. Ford as the new Republican leader.

Later, Mr. Ford appointed him chairman of the presidential Clemency Board, which reviewed in 1976 clemency applications by 21,729 Vietnam War resisters, including many who had fled to Canada and other countries to avoid conscription.

After leaving the Senate and practicing law in New York City for two years, Mr. Goodell became chairman of the board of DGA International, a public relations and lobbying concern.

His second wife, Patricia Goldman, was another continuing link to government. She is vice chairman of the National Transportation Safety Board.

Mr. Goodell was born and raised in Jamestown and was a varsity baseball and football player at both Jamestown High School and Williams College, where he was also elected to Phi Beta Kappa, the national honorary society. He graduated from Yale Law School and received a master's degree at the Yale Graduate School of Government.

He first went to Washington in 1954 as a Congressional liaison assistant at the Justice Department and then returned to Jamestown to practice law and eventually become the Chautauqua County Republican chairman in 1958. A year later, following the death of the veteran Representative Daniel A. Reed, he won a House seat in a special election.

Survivors, in addition to his wife, include five sons, William R., Timothy B., Roger S., Michael C. and Jeffrey H.

A memorial service is scheduled for tomorrow in Washington. The funeral and burial will be in Jamestown, but plans were incomplete yesterday.

SPEED LIMIT IS AN EASY VOTE

HON. JAMES J. HOWARD

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. HOWARD. Mr. Speaker, yesterday the Washington Post gave an excellent description of the speed limit issue. The Post said the House would have the easiest vote of the year because we will be weighing human lives against the opportunity to save a few minutes traveling.

I urge my colleagues to join me in voting for human lives and against death and injuries. The 55-mile-per-hour speed limit should not be changed.

I request permission for republication of the Washington Post editorial for the assistance of my colleagues.

The editorial follows:

[From the Washington Post, Mar. 15, 1987]

YES TO 55

The question of whether to raise or keep the 55 mph national speed limit now returns to the House, which is scheduled to vote on it this week. The Senate, though it wants to raise the limit, has agreed to be bound by the House vote in order to send the president a highway bill for what will be left of this year's construction season. Last time it was asked to raise the limit, the House voted no. It should do so again.

There are a lot of federal requirements meant to protect us the People from ourselves. We do not always find ourselves in favor of these requirements; the price sometimes seems greater than the gain. But not here. We've said it before: the equation is minutes versus lives. It's not even close.

The 55 mph standard was imposed as a condition for receipt of federal highway funds in response to the oil embargo and energy shortage in 1973. It does save fuel, but that is not its prime importance. It also saves lives, an estimated 2,000 to 4,000 a year, and another 2,500 to 4,500 serious injuries.

The critics don't dispute that. Nevertheless, their proposal is to allow states to raise the limit to 65 on rural stretches of their Interstates. That is more than 70 percent of the system.

The pressure for the increase comes mainly from western states, which are stronger in the Senate and which have more miles and fewer people. Proponents say there is less need for the requirement in states such as these than in other, more crowded states; that the required policing of the limit causes a misallocation of state police, who could be better employed at another tasks; that states have the right in our system to make this kind of decision for themselves (and will make it well); and that the current limit isn't being much enforced anyway, thereby adding to general disrespect for the law.

But raise the limit and people would break that too; even in breaking the limit they drive slower than they would if the limit were higher. A hundred miles at 55 mph take about 17 minutes longer than at 65. That's the price of those lives. It ought to be the easiest vote the House takes this year.

LEGISLATION TO EXPAND HOME SERVICES UNDER THE OLDER AMERICANS ACT OF 1965

HON. MATTHEW J. RINALDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. RINALDO. Mr. Speaker, in 1965 when Congress enacted the Older Americans Act, we put in place a nationwide network to provide aging services at the local level. Today, I am improving this program by introducing legislation to amend the Older Americans Act to help this structure keep up with the changing times.

As many of my colleagues know, the implementation of the Medicare DRG system, has meant that more Medicare patients than ever are being discharged from the hospital in greater need of support services. The consequent burden upon the network currently in place under the Older Americans Act has been strained due to the increased demand for services.

As the National Council of Senior Citizens and the National Governors Association have already recognized, the need for locally based home services is great. The legislation which I am introducing today would expand the authorized activities of State and local agencies of aging to help them meet this increased demand for home services.

My proposal would add a new part D under title III of the act to authorize area agencies on aging to develop a home health care program which would provide the services of part-time or intermittent nursing care, physical or speech therapy, and necessary medical supplies used as an integral part of this treatment. My bill would also allow these agencies to develop an outreach service to locate and identify recipients, health educational programs, and programs to utilize the skills and talents of families and private voluntary organizations.

This legislation is not an attempt to create a new health program. It is modeled after the highly successful home nutrition program currently being run by area agencies on aging and, like that program, would allow for voluntary contributions to help cover the costs of the program. Further, it would not duplicate programs already in place under Medicare, Medicaid, or other federally funded programs. My legislation contains a prohibition against providing duplicate services to individuals already receiving assistance under any other substantially similar federally funded program. The bill also provides for very important quality of care assurances for home health programs.

I urge my colleagues to review my legislation and join me in this efforts to expand the Older Americans Act.

TEACHER TRAINING BILL INTRODUCED

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. FAWELL. Mr. Speaker, today I am introducing legislation which will improve teaching and administration in our Nation's schools. The Christa McAuliffe Teacher Training and Improvement Act implements many recommendations of major education reports released in the past few years.

Reports and studies of the National Governor's Association, the Carnegie Forum on Education and the Economy, and the Committee on Economic Development have focused on the need to improve the quality of teaching. These groups drew three startling conclusions: First, teachers and administrators often do not receive the rewards and recognition typically available to other professionals; second, education has not established mechanisms for attracting and training talented people from other professional fields into teaching; and third, teachers and administrators seldom have the opportunity to receive quality in-service education or pursue advanced research in order to stay current in their subject matter areas.

The Christa McAuliffe Teacher Training and Improvement Act addresses the issues raised in the various education reports. First, it would provide opportunities for improving the subject matter competence and professional skills of teachers and administrators. Unfortunately, many teachers are not receiving the necessary training to remain current in their subject matter areas. Second, it would recognize outstanding teachers and administrators, give them opportunities for pursuing further education, and encourage them to stay in the education field. Third, this legislation would encourage States to set up programs for attracting qualified persons from other fields into teaching. Finally, it would improve the preservice education of teachers and administrators.

The current math/science program under title II of the Education for Economic Security Act is significantly amended by this proposed legislation. Presently, title II limits funding to math, science, foreign language instruction, and computer learning. My bill would improve teaching in all academic subjects. States would be required to give priority to improving the teaching of English, math, the physical and natural sciences, the social sciences, the humanities, foreign languages, and other academic subjects.

This initiative also repeals three smaller categorical programs: territorial teacher training, Leadership in Educational Administration Development, and the Christa McAuliffe talented teacher awards. These categorical programs, whose purposes would be duplicated under the Christa McAuliffe Teacher Training and Improvement Act, are too narrow in focus. My proposal provides for a more general teacher training program that gives increased flexibility for State and local school officials. This bill vastly improves the existing math/science program by broadening title II to serve teachers in all academic disciplines and streamlining many of the current program's reporting and set-aside requirements.

The bill authorizes $80 million in 1988 and such sums in fiscal years through 1992 for teacher training programs. Up to 20 percent of the funds would be retained by the Secretary of Education for national programs. Activities financed under the Secretary's discretionary fund could include teacher training centers and summer institutes, exchange programs, information collection and dissemination, and demonstration training programs. The remainder of the funds would go to the States. The States would be required to pass through at least 90 percent of their funds to eligible recipients—local educational agencies, colleges, and so forth. The States could use 5 percent of the funds for special teacher training projects.

Meeting the challenges of teacher quality is the purpose of the Christa McAuliffe Teacher Training and Improvement Act. This objective is achieved by ensuring that all critical academic disciplines are eligible for training and improvement funds. I urge my colleagues to join as cosponsors of this measure, which was developed by the Secretary of Education.

A letter from the Secretary of Education, a section-by-section analysis of the bill, follow:

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY.

Hon. JAMES C. WRIGHT, Jr.,
Speaker of the House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Enclosed for consideration of the Congress is the Christa McAuliffe Teacher Training and Improvement Act, a legislative proposal to support the improvement of teaching and administration in the public and private nonprofit elementary and secondary schools of the United States. This legislation is submitted as a amendment to Title II of the Education for Economic Security Act, which authorizes the existing Science and Mathematics Education program, and would repeal three other statutory authorities.

Mr. Speaker, the tragedy that befell Christa McAuliffe and her fellow astronauts aboard the space shuttle Challenger one year ago is fresh in our minds. Her enthusiasm, pioneering spirit, and desire to expand the realm of human knowledge and understanding, qualities which made her an excellent representative of teachers throughout America, touched us profoundly. As the President observed, in the midst of tragedy, Mrs. McAuliffe, and all the crew members of the space shuttle, honored us by the manner in which they lived their lives. Enactment of this legislation, designed to improve the quality of teaching in American schools, would be an especially appropriate means of commemorating her life and honoring her profession.

The improvement of teaching in elementary and secondary classrooms is one of the most critical tasks facing American education. As Governor Thomas H. Kean of New Jersey reported to the Nation from his position as Chairman of the National Governor's Association Task Force on Teaching:

"Why is reform of the teaching profession still on the Governors' agenda? It remains because the nation still faces both a quality and a quantity problem in the teacher work force. These problems are massive, pervasive, and intertwined with the quality of our economic, civic, and personal lives."

The National Governor's Association is not alone in making this point. Other recent major reports, including studies by the Holmes Group, the Carnegie Forum on Education and the Economy, and the Committee on Economic Development, have focused on the importance of improving the quality of teaching and have identified a number of teaching-related factors that may adversely affect our educational system in the coming years. These studies have found, first of all, that teachers and school administrators do not often receive the rewards and recognition typically available to other professionals, and that this can have a negative impact on the retention of outstanding educators in the profession. Second, education has established mechanisms for attracting and training talented people from other fields who want to become teachers. Finally, teachers and administrators seldom have the opportunity to receive quality in-service education or pursue advanced research in order to stay current in their subject matter areas. Although current research does not indicate that the country faces a major, impending shortage of teachers, the literature does support the need for an effort to upgrade teaching and teacher education.

In our decentralized system of education, the responsibility for improvement of teaching and teacher education lies principally with governors, chief State school officers, and other officials at the State and local levels. Yet because of the national interest in educational excellence, it is also appropriate for the Federal Government to encourage and provide some support for State and local efforts in this area. The Christa McAuliffe Teacher Training and Improvement Act would recognize this limited Federal role by authorizing support for programs to: (1) provide opportunities for in-service education of teachers and administrators in order to improve their subject matter competence and teaching and administrative skills; (2) provide recognition for excellent performance by teachers and administrators; (3) provide opportunities for training of teachers in the skills needed to maintain an orderly classroom environment conducive to learning; (4) attract qualified persons from business and the professions, including retired military personnel, into teaching; (5) encourage outstanding teachers and administrators to remain in education; and (6) as a secondary objective, improve the preservice education of American's teachers and administrators.

The bill would authorize $80 million for fiscal year 1988 and such sums as are necessary for succeeding fiscal years through 1992. Of the amount appropriated, up to 20 percent would be set aside by the Secretary of Education for national discretionary projects and the remainder would be made available to the States. Of the State portion, 1 percent would be used for programs serving the Outlying Areas and the schools supported by the Bureau of Indian Affairs, and 99 percent would be allocated to the States, the District of Columbia, and Puerto Rico on the basis of their respective numbers of children ages 5 through 17, inclusive. Any State that desires to participate in the program would submit an application, every three years, containing a description of priority areas for the use of funds under the Act and procedures that the State will use for soliciting applications and selecting projects to be funded. The State would also describe how teachers at private nonprofit schools would be assured of equitable participation in the program and benefits of the Act.

States would be required to distribute at least 90 percent of their allocations to eligible recipients (local educational agencies, institutions of higher education, private schools, and other public and private institutions and organizations) for the conduct of locally based teacher training and improvement programs. Up to 5 percent of the State's allocation could be used for State administration, and any remaining funds would be used for teacher training and improvement activities carried out at the State level. State and local activities would include in-service education for teachers and administrators to improve their subject matter competence and teaching and administrative skills; retraining of teachers who wish to move into new subject areas; and programs for persons outside the teaching profession who wish to enter teaching but lack course work in education. If State needs in these areas have been met, funds could then be used for activities to improve the preservice teacher education programs in order to attract the most academically capable high school and college students into the teaching profession. Programs to recognize excellent performance by teachers and administrators and programs for the exchange of professional personnel between education and other fields would also be authorized.

States would be encouraged to fund projects carried out by a broad range of service providers, including cooperative projects bringing together the resources of different organizations and institutions. In addition, States would be required to give priority to improving the teaching of English, mathematics, the natural and physical sciences, the social sciences, the humanities (including foreign languages), and other academic subjects.

As previously mentioned, the Secretary would be authorized to retain up to 20 percent of the appropriation for nationally significant projects of research, development and testing, demonstration, data collection, and dissemination. Such projects might include summer institutes for advanced study by teachers and administrators; development of industry-education exchange programs; grants to institutions of higher education to develop and test innovative teacher education programs; and model programs to train teachers in maintaining an orderly classroom environment.

The Department of Education recommends prompt and favorable action on this legislative proposal. The bill is a major improvement over the existing Science and Math program, because it would broaden the authority to serve teachers in all academic disciplines and would not carry over the many burdensome requirements and funding set-asides that hamper current program operations. The bill would also replace the current Territorial Teacher Training, Leadership in Educational Administration Development (LEAD), and Christa McAuliffe (Talented Teacher) Fellowships programs. Enactment of the more comprehensive Christa McAuliffe Teacher Training and Improvement Act clearly would make these narrow categorical authorities redundant and unnecessary. Furthermore, the Act would be superior to the collection of teaching-related activities recently enacted under Title V of the Higher Education Act, because Federal support for the improvement of teaching is far more likely to succeed if significant resources are provided to the States through flexible grants than if those resources are dispersed among a variety of small categorical programs reflecting narrow priorities determined in Washington.

In all, because the Christa McAuliffe Teacher Training and Improvement Act would make funds available under a flexible grant mechanism that can be used by the States for improvement of teaching and educational administration in all areas, it would be the best means of providing Federal support for efforts to meet the challenges of teacher quality and supply in the schools of our Nation.

The Office of Management and Budget advises that there is no objection to the submission of this legislation to the Congress and that its enactment would be in accord with the program of the President.

An identical letter is being sent to the President of the Senate

Sincerely,

WILLIAM J. BENNETT.

CHRISTA MCAULIFFE TEACHER TRAINING AND IMPROVEMENT ACT—SECTION-BY-SECTION ANALYSIS

The bill, the Education for Economic Security Amendments of 1987, would comprehensively amend the existing Title II of the Education for Economic Security Act, P.L. 98-377, reauthorized through fiscal year 1988 by P.L. 99-159. The basic purpose of the bill is to strengthen the economic security of the United States by improving the quality of instruction in our Nation's elementary and secondary classrooms. As amended, Title II of the Education for Economic Security Act, known as the Christa McAuliffe Teacher Training and Improvement Act, would make funds available to the States to improve the effectiveness of public and private nonprofit elementary and secondary education under a broad and flexible grant, rather than through a series of narrow categorical authorities. The Act would be a major improvement over the existing Science and Math Program, under the current Title II, because it would broaden the authority to serve teachers in all academic disciplines and would eliminate many burdensome requirements and funding set-asides that hamper current program operations. the bill, which would take effect October 1, 1987, would also repeal unneeded and duplicated program authority under section 1525 of the Education Amendments of 1978 (Territorial Teacher Training Program); Title V, part C, subpart 2 of the Higher Education Act of 1965, as amended, ("HEA") (Leadership in Educational Administration Development Program); and Title V, part D, subpart 2 of the HEA (Christa McAuliffe Fellowship program).

The major provisions of the Christa McAuliffe Teacher Training and Improvement Act ("Act") are explained in the following section-by-section analysis.

Section 202. Section 202 of the Act would state the purpose of the act as strengthening the economic security of our Nation by improving the effectiveness of public and private nonprofit elementary and secondary education in the United States. To accomplish these basic purposes the act would authorize programs of inservice education for teachers and school administrators in elementary and secondary schools, recognizing outstanding teachers and school administrators and encouraging them to remain in their profession, attracting qualified persons in other professions, including retired military personnel, to careers as teachers and school administrators, as well as improving the preservice education of teachers and school administrators.

Section 203. Section 203 of the act would authorize the appropriation of $80 million for fiscal year 1988 and such sums as may be necessary for each of the four succeeding fiscal years to carry out the Act.

Section 204. Section 204 of the Act would define a number of terms used in the Act. The term "eligible recipient" would be defined as a local educational agency, institution of higher education, cultural institution, professional association, or other public or private agency, organization, or institution capable of carrying out a local project under this title. In addition, the term "preservice education" would be defined as the education or preparation of a person who has not received a bachelor's degree to become a teacher or school administrator.

Section 205. Section 205 of the Act would prescribe how funds appropriated under the Act would be allotted. First, the Secretary would be authorized to reserve up to 20 percent of the amount appropriated for each fiscal year for national programs. For the remainder, the Secretary would be required to reserve one-half of one percent for programs in Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands and a like amount for programs to benefit children in elementary and secondary schools serving Indian children which are supported by the Department of the Interior. Finally, the Secretary would be required to allot to each State an amount which bears the same ratio to the remainder of the funds as the number of children aged five to seventeen, inclusive, in a State bears to the number of such children in all the States. Under certain circumstances, section 205 of the Act would also authorize the Secretary to make appropriate reallotments of funds among the States.

Section 206. Section 206 of the Act would require the Secretary to allot the funds reserved under section 205 to benefit children in elementary and secondary schools serving Indian children which are supported by the Department of Interior to that Department. Activities that could be supported with such funds would include inservice education for teachers and administrators in such schools, as well as scholarships for additional training and cooperative exchange programs with public and private employers. The Secretary of Interior would be required to consult with the Secretary of Education regarding the administration of funds under section 206 and to provide whatever information the Secretary reasonably requires.

Section 207. Section 207 of the Act describes the three-year State application a State would be required to submit to the Secretary in order to participate in this program. Among other things, the State would be required to assure the Secretary that the State educational agency will be responsible for the administration of the State's program; that at least 90 percent of the State's allotment will be distributed on a competitive basis to eligible recipients to carry out local projects, and that no more than 5 percent of its allotment will be retained for State administration, thereby leaving between 5 and 10 percent of the State's allotment available for State projects; and that no funds may be used to improve the preservice education of teachers and school administrators or to improve teacher education programs unless the State, with less than its full allotment, has met its needs to provide teachers and school administrators with inservice education or retraining, or to attract persons in other professions, including retired military personnel, to become teachers or school administrators. The State would also be required to include in its State plan a description of its priorities and goals and how they relate to the State's needs for improved education of teachers and school administrators at the elementary and secondary level; how the State has taken into account the needs of public and private nonprofit elementary and secondary schools which desire to have their staffs participate in the program; how the State will ensure the participation of a variety of eligible recipients and the criteria the State will use to select local projects; how a broad variety of public and private educational, cultural, professional, and other interested agencies, organizations, and institutions have been involved in the development of the State's priorities and goals; and any State projects the State will carry out. Each State application after the first would contain information on the State and local projects carried out under the preceding application, including data on the number and characteristics of the participants and an assessment of the extent to which those projects accomplished their goals.

Section 208. Section 208 of the Act would require eligible recipients to submit an application to the State educational agency to carry out a local project. Section 208 would also authorize the State to support, at either the State or local level, activities which include the following: inservice education for teachers and school administrators; retraining teachers who wish to teach different subjects; scholarships and internships for qualified persons in other professions, including retired military personnel, who wish to become teachers or school administrators but lack coursework in education; recognizing practicing teachers and school administrators for excellent preformance by supporting opportunities for further study, research, and writing in their respective fields; professional exchange programs; improving preservice education of teachers and school administrators; and improving teacher education programs in order to attract the most academically capable students to careers as teachers or school administrators. A State could not use funds under the Act to support either of the last two activities unless it determined that it had met its needs for the first three activities with less than the State's full allotment. In making awards for local projects the State would be required to give priority to improving teaching in English, mathematics, the natural and physical sciences, the social sciences, the humanities (including foreign languages), and other academic subjects. States would be authorized to require program participants to remain either teachers or school administrators for a reasonable period of time, or to repay the cost of their training. Finally, local projects would, to the extent feasible, be developed cooperatively with, and involve the combined efforts of, a wide variety of public and private educational, cultural, professional, and other interested agencies, organizations, or institutions.

Section 209. Section 209 of the Act would require eligible recipients and State educational agencies to ensure equitable participation in the purposes and benefits of their respective projects for teachers and school administrators in participating private nonprofit elementary and secondary schools, consistent with the enrollments in such schools. Eligible recipients and State education agencies would be required to consult with appropriate nonprofit school representatives during the design and development of projects under the Act to determine which schools desire to participate and the needs of their teachers and school administrators. Funds under the Act could not be used for religious worship, to provide or improve any program of religious instruction, or to provide benefits to teachers or school administrators in a private school which is denied a tax-exempt status under section 501(c)(3) of the Internal Revenue Code.

Section 210. Section 210 of the Act would authorize the Secretary to use funds reserved under section 205 to carry out research, development, evaluation, demonstration, dissemination, and data collection activities which are of national significance and are consistent with the purposes of the Act. The Secretary would be authorized to carry out these activities directly, or through grants, cooperative agreements, or contracts. Among the activities that would be specifically authorized are: developing centers and summer institutes for teachers and school administrators to enhance their skills; awarding scholarships and fellowships for additional study in the recipients' respective fields; developing personnel exchange programs between school districts and between education and private industry; developing and testing teacher education programs; awarding Presidential teacher internships to persons in other professions and recent college graduates with excellent academic records who wish to become teachers; collecting and disseminating information about teacher education programs, the supply of teachers, and their qualifications;

supporting research on teaching and improving preservice and inservice education for teachers and school administrators; and developing model programs designed to provide teachers with the skills needed to maintain classroom discipline. The Secretary would be authorized to issue regulations requiring program participants to remain either teachers or school administrators for a reasonable period of time, or to repay the cost of their training.

Section 211. Section 211 of the Act would require that State and local educational agencies use funds under the Act to supplement and, to the extent practicable, increase the amount of non-Federal funds that would in the absence of Federal funds be made available for the purposes of the Act, and not to supplant such non-Federal funds. Section 211 would also clarify that no funds under the Act could be used to benefit teachers or school administrators in private, for-profit schools.

THE MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972 AS AMENDED

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. ROE. Mr. Speaker, the Marine Protection, Research, and Sanctuaries Act of 1972 [MPRSA], as amended, provides for, among other things, the regulation of ocean dumping—title I—and research on the effects of ocean dumping and other activities on the marine environment—title II. Sections 201, 202, and 204 of title II are administered by the Secretary of Commerce.

Section 201 of the act directs the Secretary of Commerce to carry out a comprehensive program of monitoring and research on the effects of ocean dumping. The National Oceanic and Atmospheric Administration initiated its ocean dumping program in fiscal year 1974. Present research includes identification of the most harmful constituents of ocean-dumped wastes, investigation of rates and patterns of waste dispersal, and the local effects of ocean dumping. The results of this research are presented in annual reports to Congress and in a series of site evaluation reports.

Section 202 of the act directs the Secretary of Commerce, in close consultation with other appropriate Federal departments and agencies, to establish a comprehensive and continuing program of research on the possible long-range effects of pollution, overfishing, and other activities on ocean ecosystems. In carrying out this research, the Secretary of Commerce must take into account factors such as existing and proposed international policies affecting oceanic problems, economic considerations involved in the protection and use of the oceans, possible alternatives to existing programs, the development of methodologies for disposal of waste materials to minimize degradation of the marine environment, and ways in which the health of the oceans may be preserved for the benefit of future generations. Section 204 requires the Secretary of Commerce to report annually to the Congress on his activities under title II.

The authorization of appropriations will expire on September 30, 1987. This draft bill would reauthorize appropriations for title II at a level not to exceed $4,835,000 for fiscal year 1988, and such sums as may be necessary for fiscal year 1989.

PROTECTIONISM ENDANGERS CALIFORNIA

HON. MEL LEVINE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. LEVINE of California. Mr. Speaker, we will soon take up the omnibus trade bill once again. It has never been clearer that we must take some action to improve our trading situation. The question we face is what measures we can take that will actually improve our economy, and what measures may backfire by triggering retaliation from other nations. This concern is a deep and real one for Californians because about 60 percent of America's trade with the Pacific Rim nations is conducted through California. We must be careful in attacking our trade deficit not to harm this fruitful and constantly growing relationship.

Former Senator John Tunney recently wrote a very incisive piece on this subject for the Los Angeles Times. I recommend it highly to all of my colleagues as we move into the debate on this very important topic.

PROTECTIONISM ENDANGERS CALIFORNIA—THREATENS PACIFIC TRADE, COULD CUT JOBS AND INVESTMENT HERE

(By John V. Tunney)

Wake up, Californians. Our state's prosperity is endangered. The threat is from restrictive trade bills that are being introduced in the 100th Congress as hoped-for solutions to America's record-breaking trade deficit and the loss of American jobs to foreign competitors.

California cannot afford restrictive legislation, because so much of our state's economy now depends on foreign trade and direct foreign investment in our corporations, factories and real estate.

Approximately 60% of all U.S. trade with the Pacific Rim nations—a market growing at the rate of $3 billion a week—now passes through California, generating enormous revenues.

As America's gateway to the Pacific Rim, Los Angeles has gained uncounted thousands of new jobs. An estimated 10% of all jobs here are linked to trade with Asia, according to attorney Douglas Ring in a recent study of the city's Pacific trade link.

California's booming foreign trade has also yielded millions of dollars in additional tax revenues, and it is responsible for the revival of entire communities—such as downtown Long Beach, where the $550-million World Trade Center is now under construction. The opportunity to export U.S.-manufactured goods to thriving Pacific Rim nations is one reason California gained 132,000 manufacturing jobs between 1982 and 1985 while the rest of the nation lost 800,000 such jobs during the same period.

Restrictive legislation would not only limit this vital trade, it would also indirectly discourage foreign investment in California. Japan's Shuwa Investments Corp., for instance, recently purchased the twin Arco Plaza office buildings in downtown Los Angeles for a record $620 million. Singapore's Wearnes Technology has acquired several troubled Silicon Valley computer-component firms in hopes of turning the companies around. And Japan's Sanyo Corp. has opened a compact refrigerator factory in San Diego County that will eventually employ 750 people.

This year California can expect even further increases in foreign investment, especially from cash-flush Japan. The high value of the yen encourages Japanese companies to shift production to America—and especially to California, where the Japanese already have made 40% of their U.S. investments in recent years. In fact, one-third of all Japanese-owned companies in the United States already are located in California, providing jobs for 47,000 people.

These factors promise a prosperous future for California—unless Congress passes restrictive trade legislation. Such restrictions have failed in the past. In 1930, for example, Congress passed the protectionist Smoot-Hawley Act in an effort to protect domestic jobs. In response other nations hurriedly erected trade barriers, and U.S. exports dropped 70% between 1929 and 1933, at the expense of American jobs.

Restrictive trade legislation won't work any better today. When the United States placed high tariffs on European pasta last year, to cite one tit-for-tat example, the European Community placed high tariffs on American walnuts and lemons.

Protectionist legislation, whether in the form of retaliatory tariffs or additional import quotas, would be a calamity for California—and not just because these measures would slow the all-important trade through our ports or reduce direct foreign investment in our state.

Consider California's own exports to other nations. In 1985, the most recent year for which complete figures are available, California exported $7.5 billion worth of goods to Japan. Higher Japanese tariffs, enacted in retaliation for new American tariffs, would hurt these California manufacturers and farmers.

Additional import quotas will harm California in other economic areas as well. Consider the existing import quotas on Japanese cars, which were enacted to save U.S. auto-manufacturing jobs. California has been the loser, because our state has only two auto plants, and the Toyota-General Motors joint venture in Fremont is one of them. Thus the real effect of the auto-import quotas for California has been to reduce competition and create artificially higher prices for all cars—Japanese and protected American models alike.

In today's global economy, protectionism can even encourage American companies to open factories in other countries at the expense of local jobs. A recent series of U.S. import quotas, for instance, included foreign-made items used by Davis Walker Corp. for manufacturing wire products in Los Angeles. Because of the quotas, the company purchased the items from domestic mills despite recurring quality problems. To make matters worse, the company's Canadian rivals, who were not affected by the American import quotas, still purchased the foreign-made components and undersold Davis Walker in the United States. To remain competitive, Davis Walker expanded its Canadian facilities at the expense of its operations in Los Angeles.

Of course, something must be done about America's record-breaking trade deficits. And members of Congress, business leaders and academicians are proposing plenty of possible solutions. But another round of tariffs and import quotas is not the answer to the pressing trade-deficit problem. And no one has a greater stake in spreading the word than Californians have.

THE GOVERNMENT INFORMATION ACT OF 1987 AND THE CONTRACTUALLY OBTAINED FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION ACT OF 1987: IMPROVING ACCESS TO ALL FEDERAL INFORMATION

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. BROWN of California. Mr. Speaker, I rise today to introduce a bill titled the "Government Information Act of 1987" and an additional bill which is titled the "Contractually Obtained Federal Scientific and Technical Information Act of 1987."

On August 11, 1986, I introduced the "Government Information Act of 1986"—H.R. 5412. The two bills I am introducing today, taken together, form a simplified and clarified version of H.R. 5412. Before beginning my remarks today, I would like to indicate that my statement of introduction for H.R. 5412 may be found in the CONGRESSIONAL RECORD of August 13, 1986, pages 21449 through 21451.

FEDERAL INFORMATION: A NATIONAL RESOURCE

Mr. Speaker, I do not think I exaggerate when I say that Federal information is one of this Nation's most valuable and critical resources. Not only does that information contain the record of the history of this Nation, it contains a large portion of its potential wealth. Properly made available and properly used, Federal information is one of the means of ensuring that the science, industry, commerce, and general well-being of this country can be enhanced. Auguste Comte, the French philosopher, stated: "All good intellects have repeated since Bacon's time, that there can be no real knowledge but that which is based on observed facts." To extend Comte's view, I would add that information has become the means by which our commerce and competitiveness can be made more vital and our lives better: in a way, information, as much as money, has become a commodity or a new legal tender. Anyone who doubts this ought to examine some of the court cases which are not in process against some of those who had access to information and who worked on Wall Street.

Federal information has never been properly managed from a national standpoint. It has been neglected, like the poorest of relations, until we find, now that we are well into an age of information, that we have done so badly by this relation that it is virtually moribund. There is still time to take the situation in hand, nurture this metaphorical relation, and bring it back to health and hardiness. To do this, however, we must remember several things: We must keep in mind that Federal information has intrinsic value; we must remember that much of Federal information makes up our history; and we remember that much of Federal information is scientific or technical and can be used to help us to regain our technological leadership in the world: the leadership which has provided us such a phenomenal standard of living. Federal scientific and technical information, in particular, because of the exigencies we now face in world markets, must be accommodated in such a way that those who need it will have easy access to it. The time has come, and almost gone, for us to give consideration to this national resource known as Federal information. As for Federal scientific and technical information, we had better recognize it as the strategic resource it is, or we may find ourselves considerably worse off, in the world's markets, than we are now. And when I refer to Federal scientific and technical information as a strategic resource, only in part do I mean that pertaining to defense, which is but a small part of the totality. The strategic aspect of Federal information about which I am concerned here and now is that larger part which can afford us new technologies, better health, and greater knowledge about ourselves, our world, and our universe.

THE GOVERNMENT INFORMATION ACT OF 1987

The bill titled Government Information Act of 1987, which I am introducing today, is one which will establish a new Federal organization, the Government Information Agency [GIA]. The GIA will be a congressionally mandated organization and will be operated with congressional oversight. For too long, the vagaries of administrations have toyed with, given no attention to, or tried to dictate how Federal information ought to be collected, processed, organized, or disseminated. If we as a Congress have been remiss in our attention to forming a Federal information policy, the current administration has been repressive in whatever information policies it has designed to put forth.

This bill would allow American businesses, industries, academic institutions, private citizens, and Federal, State, and local governments to have access to the vast majority of federally sponsored or produced information from one central source. The information will be uniformly processed, logically, reasonably, and uniformly priced, and available from just one source.

With only one source to which to go, the transfer of Federal technology to the private sector will be enhanced. Additionally, under the conditions of the Government Information Act of 1987 and its companion bill, the Contractually Obtained Federal Scientific and Technical Information Act of 1987, more information will be available, and in a greater variety of formats.

The members of the Information Industry Association will have but one source from which to obtain Federal information which they can reformat or repackage and make available. It is not within the purview of the Government Information Agency either to reformat or repackage the information it will receive from other agencies. This is something best left to the private sector.

Through easier access to Federal information, there should be a great lessening of unnecessary duplicated Federal research or development. This one feature, alone, should fully justify the passage of the bill.

The Government Information Act appropriates a modest amount of but $10 million for the initial expense of establishing the Government Information Agency. An additional $5 million is requested as initial capital to create a revolving fund to accommodate capital expenditures. I fully expect the appropriation to be repaid to the Treasury, via the patent licensing fees of the agency, within 3 years. As for the revolving fund, it is only a line of credit extended to an agency which is expected, in some regards, to act in a businesslike fashion. The agency's assets, were it to come to that, would undoubtedly exceed the value of its revolving fund.

FEDERAL INFORMATION POLICY: A MORASS IN A PARTIAL VACUUM

The Federal Government is the largest producer and consumer of information, certainly in this country, and probably the world. For over a decade, the Federal Government has annually produced over 150,000 separately titled unclassified documents—the majority of which are made available, in one way or another, to the American public, to Federal, State, and local governments, to academic institutions, and to business and industry.

A large portion of this information is given away, as part of the missions of Federal agencies, to Federal contractors. A vary large portion is sold to citizens, schools, and private industry. A little of this information is provided freely to citizens, for example, by the Consumer Information Center, in Boulder, CO.

If a citizen, or school, or business wants to obtain a specific document or piece of information, that citizen or institution has to have some knowledge of where that document or information may be obtained. To know that such a document or piece of information exists is not sufficient—it is necessary to know how to get access to it. Mr. Speaker, what with the Government Printing Office, the Consumer Information Center, the National Technical Information Service, the Geological Survey, the National Institutes of Health, the Census Bureau, the National Bureau of Standards, the Bureau of Labor Statistics, the Occupational Safety and Health Administration's Technical Data Center, the Federal Aviation Administration's Information System Branch, the Department of Transportation's Transportation Information Management Branch, the National Clearinghouse of Aging of the Department of Health and Human Services—all of these and scores more—making information available, how is anyone to know where and how to get the information he or she needs?

As if this profusion of information providers were not enough, we have virtually no Federal information policy, except for the paltry few guidelines and a few random pieces of legislation, except for that information which carries security classifications. This is why I refer to the situation regarding Federal information policy as "a morass in a partial vacuum." We have allowed each agency of the Federal Government to create, absent an overall Federal information policy, its own means and organization for collecting and disseminating Federal information, and these agencies have done it with a vengeance. Despite the best intentions of the Paperwork Reduction Act of 1980, and its numerous amendments, the information programs of Federal agencies have spread, like a blight of kudzu, to try to fill that partial vacuum of Federal information policy.

THE NEED FOR THE GOVERNMENT INFORMATION ACT OF 1987

I think the Congress knows it is time to deal with a problem when the administration decides that there is a problem and that the Office of Management and Budget can provide all the solutions. OMB Circular A-130, in particular, takes the mandate given OMB under the Paperwork Reduction Act and extends it to give OMB and information producing agencies the ability to disseminate Federal information on the basis of whether that information is going to provide benefits to the public and private sectors. Before providing such information, who can determine such a thing? Certainly, Federal information should be provided in the most cost effective manner, but to prejudge whether specific information will be beneficial to the public is mere fatuity. We all know instances of some person taking a piece of information which had been known for decades or centuries, and transforming that piece of information into a new product, a new scientific theory, even a new government. Are we, in Government, so omniscient as to foretell what information can occasion such transmutations? As omniscient as we may think ourselves to be, I sincerely doubt that we can assume the mantle of a genius of that order.

Additionally, OMB Circular A-130 is brought to us by the same administration which has brought us that linguistic and technical curiosity: "classified" but unclassified information. Only this administration could have created so ludicrous an oxymoron and made it dangerous by giving it life. We have, now, unclassified but "sensitive" information: a creation so ridiculous that it would occasion laughter if it were not a serious matter. We have had the opportunity to see this administration at work for well over 6 years. Do we, in Congress, now really want to trust this administration implicitly with one of our most valuable resources, our information? Do we want the administration to determine what are the information needs of ourselves and our constitutents? I am not so sanguine about the intentions or abilities of this administration as that.

I am pleased to indicate here that I have received the encouragement of Dr. Robert L. Park, executive director of the Washington, DC Office of the American Physical Society. He writes, in a letter dated December 3, 1986:

> Our concern is that current Administration policy is carrying the United States in a direction just counter to the GIA (i.e., the Government Information Act). I hope that Congress will asset itself in reversing the restrictive policies of the Administration with regard to information flow. Your bill is certainly a step in that direction.

FEDERAL INFORMATION AND THE ECONOMY

There is no longer any doubt that information is a commodity, this is no less the case for Federal information. If we needed proof of information being of economic value, the mere existence of the Information Industry Association [IIA] is evidence enough. Some of the largest corporations in the United States are represented by this organization.

As a commodity, information has potential value and, again, this is no less the case for Federal information. Yet, for decades, there has been no coherence, no overall logic, no planning given to how best collect, manage and disseminate this commodity. Further, there has been no attempt to place rationally assigned monetary values on Federal information. Only one agency, the National Technical Information Service, has provided Federal information on a full cost-recovery basis. For 17 years this agency has made the results of federally funded or supported research and development available to both the public and private sectors in a self-supporting fashion and for all that time the value of this agency as a paradigm has been ignored. Surely, with the economic problems which beset this country, and especially since we are in the process of losing our primacy in many world markets, Mr. Chairman, I say, surely, we should be learning from the experiences of an agency which provides a public service and yet costs the taxpayers essentially nothing.

Although scientific and technical information is of primary concern to all who believe that, through the effective dissemination of it we may regain our place in the marketplace of the world, scientific and technical information is but a portion of the Federal information which is needed in both the private and public sectors. Other Federal information is necessary to ensure that the actions and decisions of Government are capable of being scrutinized by general public. There is a local discount clothing distributor who says, in his commercials, that "an informed consumer" is this company's best customer. The reason being, an informed consumer is one who will recognize real bargains. This is true, in a sense, of our electorate. An informed electorate is one which will best be able to make truly informed choices in all his or her voting, and for us to have an informed electorate, we must make Federal information available in a logical and reasonable way—something we have not yet set our minds to.

CONTRACTUALLY OBTAINED FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION ACT OF 1987

This bill is one which will require Federal contractors to provide all contractually required information not only in whatever form is specified by the contracting agency, but also in electronic form. This will, without doubt, save the Federal Government many millions of dollars, since the Federal Government will not have to provide data entry resources of its own in order to be able to transform this information into a machine-readable format.

Further, before a Federal agency awards a contract which requires familiarity with scientific and technical information for the effective performance of the contract, the potential contractor must demonstrate to the agency head, or his designee, that the potential contractor has conducted an exhaustive review of the available literature relating to the contract. This will certainly help prevent undesired replication of research, development or analysis which is paid for with taxpayers' money.

This bill also prohibits a contractor from charging to a Federal contract the costs of indexing, cataloging or otherwise organizing scientific and technical information furnished to the contractor by the Federal Government, since such information has already been indexed, cataloged or otherwise organized. It has been a practice of some contractors to charge such costs back to the Federal Government on the supposition that their needs require additional indexing, cataloging, et cetera, and that these needs should be considered a routine cost of doing business. This is a form of institutional egotistical arrogance for which the taxpayer should not be required to pay.

The requirements of this bill are made additionally explicit to the Department of Defense to ensure that this department may not construe itself to be exempt from the Contractually Obtained Federal Scientific and Technical Information Act of 1987.

SUMMARY OF THE GOVERNMENT INFORMATION ACT OF 1987

TITLE I

Establishes the Government Information Agency [GIA] as an independent agency of the Federal Government and indicates that it shall be administered by an administrator and deputy administrator, both of whom are to be appointed by the President, by and with the advice and consent of the Senate. Describes the required professional qualifications of the administrator and deputy administrator.

Defines the term "Government information" to include all scientific, technical, business and economic information and data, in any form, which is in the possession or control of any Federal agency and which is obtained by any Federal agency from a State or local government, a foreign entity, or any other public or private source, and which pertains to or derives from federally performed or federally sponsored research, development, or analysis or incorporates the results of such research, development, or analysis, with the except for such information which carries a security classification, is provided to the Federal agency by a contractor in connection with a Federal contract and which constitutes or may contain trade secrets or is information the sale, disclosure or distribution of which is otherwise prohibited or restricted by applicable Federal law or regulations.

Defines the mission of the GIA as being the enhancement of the economic, scientific and technological position of the United States by acquiring, processing Federal information, primarily the fruits of federally performed and federally sponsored research, development, and analysis. Requires that the GIA shall collect Government information, in electronic form to the maximum extent possible, and to establish and maintain an electronic bibliographic database of all Government information collected. Also requires the GIA make such information available to business, industry, academe, other Federal, State, and local agencies and to the general public and to foreign governments and other foreign entities to the extent not inconsistent with treaties, international agreements, and so forth on reasonable terms and conditions.

Directs the GIA to collect and maintain, to the maximum extent possible, information on the results of foreign research, development, and analysis to help insure that American enterprises will have available to them the information necessary to keep abreast of foreign competition.

Establishes, in the Treasury, a revolving fund to provide working capital for the GIA, with the contents of the fund to come from an initial appropriation of $10 million for the initial expense of establishing the GIA and an additional $5 million as initial capital for the revolving fund, with other funding to be obtained from fees for products and services, and so on.

Transfers, in toto, the National Technical Information Service, including its assets and personnel, to the GIA and also transfers to the GIA all the functions of any Federal agency which relate to the sale or distribution of Government information, as determined by the Director of the Office of Management and Budget, and so on.

Requires each Federal agency to provide a copy of all information developed or received by the Federal agency in connection with research, development, or analysis performed or sponsored by the agency, including information obtained or received pursuant to research, development, or analysis contracts, and that such information will be provided without cost except for those involved in materials or reproduction. If the information is received in more than one form, the GIA shall be provided with a copy of such information in each form.

Remaining sections cover administrative provisions, including rules, delegation, personnel and services, contracts, use of facilities, acquisition and maintenance of property, copyrights and patents, gifts and bequest, transfers of funds from other Federal agencies, agency seal, annual report, salaries of the administrator and deputy administrator, transitional, savings and conforming provisions transfer and allocations of appropriations and personnel, incidental transfers, effects on personnel, savings provisions, separability, transition, effective date, interim appointments, and authorization of appropriations. Enables the administrator to establish and impose reasonable fees and charges with respect to the provision of services and assistance, and so on.

TITLE II

Establishes a Joint Committee on Government Information to have oversight responsibility for the GIA; the joint committee to consist of eight members: four from the U.S. Senate, appointed by the President pro tempore of the Senate on the recommendations of the majority and minority leaders—two from the majority party and two from the minority party, and four from the U.S. House of Representatives, appointed on the recommendations of the majority and minority leaders—two from the majority party and two from the minority party.

SUMMARY OF THE CONTRACTUALLY OBTAINED FEDERAL SCIENTIFIC AND TECHNICAL INFORMATION ACT OF 1987

Requires Federal contractors provide all contractually required information not only in whatever form is specified by the contracting agency, but also in electronic form. Also requires that, before a Federal agency awards a contract which requires familiarity with scientific and technical information for the effective performance of the contract, the potential contractor must demonstrate to the agency head, or his designee, that the potential contractor has conducted an exhaustive review of the available literature relating to that information. Prohibits a contractor from charging to a Federal contract the costs of indexing, cataloging or otherwise organizing scientific and technical information furnished to the contractor by the Federal Government. Makes specific that the Department of Defense shall not be excluded from these provisions.

HIGHWAY RESEARCH AND DEVELOPMENT BILL

HON. DAN GLICKMAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. GLICKMAN. Mr. Speaker, today I am introducing legislation to direct the Secretary of Transportation, in consultation with the National Research Council, the National Academy of Sciences, and the National Academy of Engineers, to establish a highway research and development program focused on increasing the quality and durability of high-cost highway materials.

The highway infrastructure of the United States, in spite of enormous expenditures on maintenance and reconstruction, is deteriorating at a rapid rate. Nearly 10 percent—4,000 miles—of the Interstate Highway System is in need of immediate or near-term repair or resurfacing. By 1995, an estimated 26,000 miles—56 percent—of our interstate highways will need resurfacing or major repair work. Beyond the Interstate System, 50 percent of our primary road system will reach the end of its design life during this decade. Nearly 40 percent of our Nation's bridges are nearing the end of their 50-year design life, and over 20 percent have already been identified as structurally deficient.

Although the Federal Government has increased funding for the Nation's highway system, the research and development necessary to support this effort has not kept pace. Research for improving highways has been seriously neglected by all measures. In fact, in 1982, only 0.15 percent of the Nation's highway expenditures were devoted to research and development. This 0.15 percent is smaller than the research commitment of virtually all other industries in the United States.

Mr. Speaker, recent reports by the Transportation Research Board, as well as a 1984 report by the Space, Science, and Technology Committee, identified a number of key areas where a relatively small technological improvement in the average life of asphalt pavement could save $1 billion annually within a few years. Development of a noncorrosive deicer could save much of the $6 billion annual expenditure related to corrosion to bridge decks and vehicles. The application of various new materials to highway surfaces and bridge construction likewise offer substantial savings.

My State of Kansas alone spends almost $64 million a year maintaining its highways. Of that $64 million, $23 million is spent on materials. In these days of budget reduction, I would rather see the money spent on materials that are durable and have a longer life span so as to avoid too frequent repairs.

Mr. Speaker, my legislation is directed at assuring that the research is conducted to address these problems. Clearly, if we are serious about reducing the costs of Government programs, we must make the necessary investments now to identify the new technologies which could be used to reduce the cost of maintaining our highway infrastructure in the future.

I urge my colleagues to support this important legislation.

GREGORY FOSSEDAL QUESTIONS ARMS TALKS SECRECY

HON. JIM COURTER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. COURTER. Mr. Speaker, it is generally understood and accepted that the United States Government classifies and restricts access to information which might harm United States interests if it became known to the Soviet Union. It is not so easy to understand why the United States Government withholds from the American people and the news media information that the Soviet Union already has in its possession. This, however, is the case with the proceedings of the joint United States-Soviet Standing Consultative Commission on arms control matters.

As syndicated columnist Gregory Fossedal explains in the following essay from the New York Times, the "confidentiality" of the Standing Consultative Commission's proceedings gives rise to a great number of rumors and misconceptions about Soviet arms control compliance behavior and arms control treaty interpretations. Much of this confusion would disappear if the Commission's proceedings were made public.

The Soviets certainly already know what the proceedings contain, since they were in attendance at all the Commission's meetings. Perhaps some of the American delegation's members do not want the American people to know how Soviet violations of arms controls agreements were simply glossed over in the interest of maintaining cordial United States-Soviet relations. But shouldn't the American people have the right to know how their security is being negotiated away through diplomatic exchanges across an ornate table in Geneva, Switzerland? I urge my colleagues to read the following column on this very important subject.

[From the New York Times, Feb. 11, 1987]

LET'S GET THE FACTS ON THE ARMS TALKS

(By Gregory A. Fossedal)

PALO ALTO, CALIF.—Debate swirls in Washington over a pair of arms deals with the Soviet Union. The public is confused. Read the opinion pages of a few newspapers and you will see why.

On one side of the page, a respected Government official tells us that the Soviet Union has violated the second strategic arms treaty, a pact signed by President Jimmy Carter but never ratified by the

Senate, which limits the quantities and types of nuclear weapons we and the Soviet Union can build. The result, the officials says, is a grave threat to American security.

On the other side of the page, however, an equally respected Senator or Congressman tells us equally flatly that the Soviet Union has not cheated or that any such cheating is minor.

Similarly, on any given day strategic expert X assure the public that the Antiballistic Missile Treaty, a 1972 agreement that prohibits all but a quite small defense against nuclear weapons, is basically intact.

The next day, strategic expert Y writes that in fact the Soviet Union is building a large-scale antiballistic missile system that provides a thick defense of Moscow and its missile fields and a light defense of the entire Soviet Union.

Interestingly, this very issue of Soviet compliance has been debated for some 15 years before an obscure but vital panel, the Standing Consultative Commission. Under the terms of the ABM treaty, if either side has a complaint about the other one's behavior it can bring the complaint to the commission.

To promote a frank exchange of views, these discussions are kept secret. The public, therefore, remains uninformed. The time has come to let the public in on the debate. This is particularly important as the President considers reinterpreting or abrogating the ABM treaty to deploy parts of a "Star Wars" defense plan and Congress moves to prevent him from implementing a previous decision to nullify the strategic arms treaty.

Minutes of the Standing Consultative Commission meetings kept by United States negotiators should be released. Reports to the Congress on commission activities should be declassified. Perhaps even the secret record of how the ABM treaty was negotiated—which Senator Sam Nunn has seen, but the public has not—should be put out in the open along with intelligence data containing our assessment of a reportedly vast Soviet Unions's ABM capability.

Such a release could settle once and for all the flurry of flat accusations and flat denials that now thwarts a productive debate.

As early as 1974, for example, the Soviet Union began conducting tests that appeared to violate the Antiballistic Missile Treaty, especially tests of mobile missiles and radar easily concealed from future verification. Arms control enthusiasts say the test issue was "resolved" by the commission. Opponents say that United States officials simply agreed to ignore the violations. Who's right? It's a secret.

Several years ago, the Soviet Union began construction of a large radar near Krasnoyarsk that could serve as the final link to an illegal ABM defense. Even such vigorous defenders of the treaty as the former Secretary of Defense Robert S. McNamara say the radar is a clear-cut prima facie violation of the treaty.

According to published reports, the matter again went to the commission—several times. It was also brought up at both of the summit meetings between President Reagan and Mikhail S. Gorbachev, a recent report said.

If the commission record reveals plausible explanations for Soviet activity, President Reagan's harsh rhetoric about Moscow would be discredited. If it does not reveal such reasons, then the discredited people would be the ABM treaty's defenders. What can the American people know and when can we know it?

Some may object that the release would undermine trust needed to conduct future arms control talks. Yet history suggests that if mutual interest in agreement is strong, temporary frictions caused by the release of sensitive information will not hurt. Indeed, if one partner has been stubborn, publicizing that fact may help break the ice. On Jan. 25, 1972, for example, President Richard M. Nixon released the contents of several years of secret negotiations with North Vietnam. Prominent Democrats such as Senators Edmund Muskie and Hubert H. Humphrey reacted enthusiastically.

Within days, the Vietcong announced important concessions in their own hard line. "We found them off stride," Henry A. Kissinger wrote. "This was new in our experience." The result was a stronger American negotiating hand that helped make possible the Paris accords.

The release of intelligence information equally embarrassing to the Soviet Union also helped push the Cuban missile crisis toward resolution. Did the Soviet Union refuse to deal after its humiliation at the United Nations? No, it looked for a way to save face. And the Kennedy Administration, backed by world opinion, was able to press for the complete withdrawal of Soviet missiles.

Interest in a release of the Standing Consultative Commission's record or a report on it is bipartisan; it embraces Congressmen on the right as well as arms control advocates to their left.

My own guess is that the commission's record would document a long history of Soviet stonewalling. That conviction is based on, first, suspicions about the Soviet Unions and, second, my trust in the press, which surely would have uncovered by now any plausible explanations the Russians have for their behavior. But Whatever the Commission's minutes show, they should be put on the record. Then and only then can the debate move forward.

Foreign policy, as Senate majority leader Robert Byrd has said, is too important in today's world to be decided in the dark. Seantor Byrd was commenting on a more famous covert arms deal, the one with Iran. Yet his observation applies as much, if not more, to one of the most important diplomatic exchanges of this century: the still secret arms deal with the Soviet Union.

TRIBUTE TO TERRY FRIEDMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to an outstanding member of my community, Terry Friedman. I ask my colleagues to join me in honoring this exceptional individual.

A man devoted to public service, Terry began a career in public interest law in 1976 as a staff attorney for the Western Center on Law and Poverty in Los Angeles, where he specialized in the educational rights of handicapped children.

Terry continued his work in aiding the disadvantaged with his appointment as executive director of Bet Tzedek in 1978, a legal assistance agency covering the primarily elderly and Jewish poor of Los Angeles' Fairfax District. When Terry joined Bet Tzedek, it was a tiny storefront service with a three-member staff and a small roster of volunteers. However, under his extraordinary leadership, Bet Tzedek succeeded in overcoming severe threats to its survival and achieved tremendous growth, unprecedented stability, and unmatched effectiveness in the delivery of free legal service to the poor. Terry worked selflessly to truly make Bet Tzedek, as its name translates, into a "House of Justice." By 1986, Bet Tzedek had expanded into a multiprogram law center with a staff of more than 40 legal professionals and support personnel and 300 volunteers, who serve low-income clients regardless of race, religion, or national origin.

Thanks in significant measure to Terry's vision, drive, managerial prowess, legal brilliance, and zealous devotion to the rights and needs of the disadvantaged, Bet Tzedek earned national acclaim for the quality and efficiency of its services. By his splendid contributions, Terry has left a legacy of continuing and incalculable benefit, not only to the needy people of Los Angeles, to whom Bet Tzedek brings material protection, psychological security, affirmation of personal dignity and renewed faith in the legal system, but to all, through Bet Tzedek's ongoing proof that equal justice and human compassion are significant and vital forces in our society.

Yet Terry's dedication to public service did not stop here. He is presently serving as the elected representative for the 43d District in the California State Assembly, where he sits on the following key committees: Education, judiciary, public safety, human services, and aging and long-term care.

Terry Friedman has fulfilled the highest standards of humanitarian service not only in his professional life, but also in his private life, having served on the executive committee of the Los Angeles Commission on Soviet Jewry and as a member of the Jewish Big Brothers. His dedication and service has made a lasting impact on his community. I am honored to join with my colleagues in paying tribute to Terry Friedman, a devoted public servant, an invaluable member of the community, and a truly remarkable human being.

ARMS ARE COSTA RICA'S LAST NEED

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. FRANK. Mr. Speaker, Dr. Howard Hiatt is a former dean of the Harvard School of Public Health and one of the best informed and thoughtful people in this country on the question of public health and public policies to advance it.

An article he published in the New York Times last December is an excellent statement of a prospective that has been lacking in the Reagan administration's foreign policy. Dr. Hiatt reminds us that American foreign policy ought to have as one of its primary goals the improvement of life for people elsewhere in the globe, not only for its moral value, but also because that improvement will make it a more secure world for us.

I ask that Dr. Hiatt's very thoughtful article about the successes which Costa Rica has been able to achieve in part by minimizing its military expenses be printed here.

[From the New York Times, Dec. 9, 1986]

ARMS ARE COSTA RICA'S LAST NEED

(By Howard H. Hiatt)

BOSTON.—Reports that the Reagan Administration is pushing Costa Rica to rearm are particularly distressing to those acquainted with the most recent United Nations data on the dramatic health improvements in that country since it shifted resources from military to social programs.

Costa Rica offers one of the little known success stories of our time. In 1949, it abolished its army; since then, its population of 2.5 million has been protected by a small police force. It remains poor. In 1983 (the last year for which the United Nations has dependable data), Costa Rica's per capita gross national product was $1,020—in effect, not very different from the gross national product levels of its close neighbors Guatemala and Honduras.

But in 1982, Guatemala and Honduras each spent more than 15 percent of their gross national products on their militaries while Costa Rica spent less than one-quarter as much for its police force.

By contrast, Costa Rica's public expenditures for health and education were 11 percent of the gross national product—more than three times as much as in Guatemala and twice as much as in Honduras.

Through today, the large share of Costa Rica's meager resources directed at health and education has been accompanied by striking improvements in the human condition. For example, Costa Rica has taken vigorous steps to control infectious diseases, which are the principal causes of death and disability in infants and small children. Polio and diphtheria were eliminated by 1974. Whooping cough, tetanus and measles decreased by 94 percent between 1970 and 1980.

Death rates for the entire population declined precipitously during that decade, primarily as a result of saving infants and children. Infant mortality (death in the first year of life) fell from 85 per thousand in 1960 to 19 per thousand in 1983. The rates for Guatemala and Honduras also dropped but are now about where Costa Rica was 20 years ago.

From 1960 to 1983, Costa Rica's birth rate decreased by 35 percent. This should be of special interest to those who worry that increased survival rates will intensify the population explosion.

The improvements in child health resulted largely from three initiatives.

The first was control of diarrheal diseases by improving the water supply (79 percent of Costa Ricans had safe water in 1982, compared with half as many Guatemalans and Hondurans), greater attention to sanitation, and encouragement of breast feeding, which reduces exposure to contaminated milk and water.

The second, a universal immunization program, led to a profound decline in deaths and disability from diseases such as measles and polio, which are preventable by vaccine.

Third, medical care was extended to everybody. As a result, treatment could begin early for pneumonia and other infections that are readily curable. Among its many benefits, prompt treatment led to a marked fall in rheumatic fever, a complication of untreated strep infections.

The prevention and early treatment of infectious diseases played a crucial role in decrease of 80 percent in serious malnutrition among children. Malnutrition in third world children is caused partly by inadequate food, but often a larger part results from repeated bouts of serious infections, which diminish appetite and sap the energy of sick children.

Primarily because of control of deadly infectious diseases, life expectancy rose from 60 years in 1960 to 73 years in 1983. Comparable figures were 60 in Guatemala and Honduras and 74 in the United States.

The marked decrease in serious illnesses among infants and children and a reorganization of Costa Rica's medical care system permitted the elimination of several hundred pediatric hospital beds. The malnutrition ward of the National Children's Hospital was closed in 1977.

Costa Rica has a long tradition of attention to public education and other social programs. Therefore, the dramatic improvements in health cannot be tied to any single initiative. However, Dr. Leopold Mata, director of the Institute for Health Research of the University of Costa Rica and one of the world's leading authorities on child nutrition, says that the shift in resources from the military to social programs was a major factor. Dr. Lars Hanson, a Swedish professor of pediatrics who has worked in Costa Rica and other third world countries, has nominated Costa Rica for the Nobel Peace Prize because of its achievements.

Costa Rica's experience has important implications for other third world countries. First, major improvements in health are possible without industrialization or a marked increase in economic productivity. Thus, disease prevention resulting from purifying water, improving sanitation, immunization, breast feeding and health education could save most of the 15 million third world children who die each year before the age of 5.

Second, the fall in Costa Rica's birth rate recalls 19th and early 20th century experience in Europe and the United States. A fall in death rates among infants and children may be the most effective way to achieve population control. Presumably, when prospective parents are assured that their first born will survive into adulthood they are then motivated to accept family planning.

Costa Rica's experience may offer lessons for industrialized countries that are attempting to achieve security by encouraging the flow of arms into third world countries.

We in the United States, for example, may be overlooking a "secret weapon" in our efforts to make more secure our Central American neighbors and other third world countries. Rather than urging Costa Rica to rearm, should we not be encouraging other countries such as Guatemala and Honduras to shift a sizable part of their gross national products (and of our economic grants to them) from military purposes to health and education programs?

If they did, their literacy, infant mortality, life expectancy and population growth patterns might more closely follow those in Costa Rica. In the process, we might promote closer friendships, more stability and greater security than we have achieved over the decades with our military assistance.

CLARENCE COLEMAN WILL NOT BE QUICKLY FORGOTTEN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to honor Clarence Coleman, a long-time Alaskan who will be remembered for his activities in the civil rights movement, as well as for his community involvement.

Clarence came to Anchorage, AK, in 1951 and founded his own business there, managing it until ill health forced him to retire in 1982. In the 1960's he served as a member of the President's Alaska Advisory Committee to the United States Commission on Civil Rights. He was also president and a charter member of the Anchorage branch of the National Association for the Advancement of Colored People.

Clarence was a dedicated family man. He celebrated his 55th wedding anniversary shortly before his death and earlier this year. He is survived by his wife, Flossie, their two surviving children, Don and Loretta, and two grandchildren.

He was involved in numerous community activities and worked to promote a better environment for his children and neighbors. He was also active in Alaska politics.

Clarence Coleman was a man of integrity and dedication and his death will be mourned by all who knew him. He was an Alaskan pioneer who helped build the State on the principles of equality and justice. He served as an inspiration to many and I know his accomplishments will not be quickly forgotten.

WINE EXPORTS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. THOMAS of California. Mr. Speaker, today I am introducing legislation requiring the United States Trade Representative to update 1985 reports on U.S. progress in reducing foreign trade barriers to our wine exports.

This measure should be viewed as noncontroversial. The bill does not impose sectoral reciprocity requirements or force the President to take new kinds of trade actions. The Wine Equity and Export Expansion Act of 1984 granted the President tremendous, permanent power to address trade barriers and that authority does not appear to need alteration at this time.

In fact, our negotiators have used the mandate Congress provided in 1984 to make some progress in reducing barriers to international trade in wines. For example, Ambassador Yeutter convinced Colombia to end that country's ban on wine imports, a ban imposed for foreign exchange reasons. Taiwan recently announced significant changes in its marketing and treatment of imported wines after Ambassador Yeutter initiated an unfair trade case on this subject. Mexico ended its ban on wine imports, imposing instead a quota our negotiators are pressing to have removed. Even Japan has seen fit to make a few concessions. Japan recently announced tariff cuts and excise tax reforms that will make United States wines more competitive with heavily protected Japanese wines.

These examples do not mean the wine industry's export problems are over. Our negotiators still need to address remaining barriers. For example, Japan's tariffs are now as high as 21 percent on some United States wines, even after the so-called reforms Japan recently announced; in fact, Japan has a minimum tariff that can mean the rate is as high as 27 percent. These tariffs are the world's highest and they are galling because it is so clear Japan is using them to protect a Japanese alcoholic beverage industry that cannot compete.

Canada, too, maintains barriers that provide significant protection to its wine and bottling industries. As a result of Wine Equity Act-instigated consultations in 1985, Canada has begun discussing reforming its provincial liquor board system to end discrimination against imported wines. We have yet to see meaningful reforms; U.S. wines remain subject to discriminatory markups as well as listing and distribution practices that prevent U.S. wines from being widely and competively sold in stores.

South Korea presents other examples of trade barriers that must be corrected. Korea places a 100 percent tariff on imported wines, in addition to other substantial taxes, and restricts sales of imported wines to selected "tourist" hotels. It is virtually impossible for United States wines to be sold to Korean consumers.

While our trade agencies are making use of the power they have been granted, it is important that Congress have an up-to-date picture of our progress in reducing trade barriers so that the need for future action can be properly assessed. Equally important, the report required by the bill will remind our trading partners that Congress is still very concerned about reducing barriers to expanded wine trade.

Again, the legislation should not be controversial insofar as it only requires a report that would provide Congress with a tool for assessing progress made in eliminating trade barriers to U.S. wine exports. It will send an important message to our negotiators and foreign governments concerning Congress' continuing interest in this field of international trade. I hope my colleagues will join me in cosponsoring and passing this legislation.

TRIBUTE TO EDWARD JOSEPH MUHL AND SEAN D. TALBOTT

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. CARDIN. Mr. Speaker, I would like to take this opportunity to bring to the attention of my colleagues the achievement of two fine young men from my district, Edward Joseph Muhl and Sean D. Talbott, who were recently honored for achieving the highest rank in Scouting, that of Eagle Scout.

I am certain that this is a very proud moment for both of these young men. Indeed it is a proud occasion for all of us, because Maryland's Eagle Scouts of today are America's leaders of tomorrow.

These young men have been tested in a variety of tasks. Some of these tasks required intellectual acuity and creativity while others demanded physical strength and agility. Some tasks required participation in community activities in service to others while some called for independent work that helped develop personal growth and maturity. In all of these challenges, Sean and Edward have displayed initiative and determination in striving for their goals.

The achievement of the rank of Eagle Scout marks the end of a long and determined effort toward self-improvement and community service. Looking at the list of past Eagle Scouts, however, also tells me that these two young men have not finished challenging themselves. They have joined a tradition of leaders in government, business, and public service.

Edward and Sean, your achievement of becoming Eagle Scouts is commended and applauded. It is my sincere pleasure to congratulate you both before my fellow Members of Congress.

LET'S BE SURE WE HELP THE HOMELESS WISELY AND WELL

HON. ANTHONY C. BEILENSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. BEILENSON. Mr. Speaker, last week the House of Representatives passed legislation which allocates $725 million for emergency aid to the homeless. I voted against this legislation, not because I disagree with my colleagues about the importance of this issue, but because I feel that, in this case, hasty and incomplete consideration has produced a bill that will cost more money than the Federal Government should be spending at this time and which will direct much of that money to programs that will not get help quickly to those who need it most.

The problem of the homeless in this country is a pressing issue and one which should be addressed in part by the Federal Government—although primary responsibility should remain at the State and local levels.

I'm not sure exactly how much the Federal contribution should be at this time, but probably something between $200 and $300 million in emergency relief is appropriate. These funds should be used largely to help local and State governments establish additional facilities to provide emergency shelter and food for the homeless.

The bill recently passed by the House, although well intentioned, went far beyond these basic immediate needs, not only by raising the spending level to $725 million, but also by including programs which are probably unwise and which certainly were not carefully explored by the appropriate committees here in Congress.

For example, the bill allocates $100 million to provide section 8 housing for approximately 4,000 homeless families. We are told, however, that there are between 1 and 3 million homeless in the United States. If we are to make a meaningful effort to provide this most-needed of services—that is, shelter—it makes no sense whatsoever to spend such large amounts per capita. At this rate—$100 million for 4,000 families—it would cost billions of dollars and take a great many years to provide shelter for even a modest fraction of the homeless.

Also included in this bill is $100 million for new Federal mental and physical health services for the homeless. Such services are unquestionably needed by a great many Americans, not just the homeless—and if we want to attack that problem rationally and thoughfully, we should do so. But it makes little sense, either fiscally or practically, to initiate such potentially huge, new health service programs in such an offhand manner by including them in a bill designed to get emergency help to the homeless of this country.

Compounding this problem is the fact that the bill contains no definition of homeless. We were advised that it is extremely difficult to describe such a class of persons in legislative language. That is quite true but, as a result, we are left with a bill which provides a package of services for which any number of Americans may well qualify. There is thus no guarantee whatsoever that the persons to whom we are quite properly trying to direct this help are those who will end up getting it.

This omnibus bill to help the homeless includes some decent and needed programs—but it is not a very well or carefully thought out piece of emergency legislation. And, there is not much hope, in my opinion, that most of the services to be bought with the $725 million will soon reach those who need them most.

The homeless will not soon disappear from the streets of America. If we are seriously interested in responding to the issue in a meaningful and sustainable way, we should proceed carefully and with much serious forethought. Let's not, at the outset, spread money in a large number of different directions before we consider seriously just exactly what we are doing and where we are going.

Let's make this first effort to respond to this problem a sensible and useful one whose benefits will be evident to everyone. Let's avoid the large mistakes we made in passing the Emergency Jobs Act of 1983, the implementation of which has been described by the GAO as "not effective and timely in relieving the high unemployment caused by the recession. * * * Funds were spent slowly, and relatively few jobs were created when most needed in the economy. Also * * * unemployed persons received a relatively small proportion of the jobs provided."

This time we should take our time, start more modestly, and focus on programs which we are confident will be able to provide immediate, emergency help to those who need it most—help which all of us agree they should have.

HONORING MR. ALLAN KELLY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. PACKARD. Mr. Speaker, today the Costa Real Municipal Water District is honoring Mr. Allan Kelly for his service to the district. Mr. Kelly campaigned for formation of and sponsored the Carlsbad Municipal Water District—The name was later changed. When the district was created on March 24, 1954, he was elected to the original board of directors. Since that time he has held several offices including that of president from October 1958 to January 1965 and representative for the district on San Diego County Water Authority for approximately 15 years from October 1963 to November 1975.

Mr. Kelly was born in Carlsbad and still lives on the Kelly Ranch. His commitment to improving the Carlsbad area is apparent through his public service record. He was chairman of the County Farm Bureau for a term after World War II and was on the County Planning Commission for 4 years. He was also very involved in the formation of the city of Carlsbad and is an active member of the Carlsbad Historical Society.

So, Mr. Speaker, on this 16th day of March 1987, I would like to join the Costa Real Municipal Water District in honoring Mr. Allan Kelly on the event of his retirement. I sincerely hope that he is as proud of his accomplishments during his 33 years on the board of directors as are his colleagues and I.

JOHN F. KENNEDY AWARD RECIPIENT, MR. DENNIS DAY

HON. SILVIO O. CONTE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 16, 1987

Mr. CONTE. Mr. Speaker, I rise today to pay tribute to a man whose talent, creativity, and quest for excellence have brought joy to literally millions of people throughout the world: Dennis Day. Each year, the St. Patrick's Day Parade Committee of Holyoke, MA, honors an American of Irish descent who has distinguished himself in his chosen field of endeavor, and this year they have honored Dennis Day.

It has been said that millions of people find Dennis Day and St. Patrick's Day synonymous because of the happiness and pride they evoke. For more than 45 years, Mr. Day has entertained audiences with his boisterous humor, beautiful singing voice, and legendary acting skills. Like a leprechaun, however, he is tough to pin down. His talents reach beyond one genre to include all that is entertaining, and despite the fact that he has 10 children and 12 grandchildren, his boyish smile brings audiences everywhere the joys and freedom of youth.

As one who has marched in the Holyoke St. Patrick's Day Parade for nearly 40 years in a row, I can think of no more fitting John F. Kennedy Award Recipient than Dennis Day. The people of Holyoke each year put together one of the Nation's largest St. Paddy's Day Parades and this year they have recognized one of our greatest Irish personalities.

The prestigious Kennedy Award has been awarded to many outstanding individuals and represents the bond between all peoples that we celebrate on St. Paddy's Day. We all may have a bit of the Irish in us on St. Patrick's Day, but Dennis Day is "the Irish," and I join my friends in Holyoke in congratulating him on receiving this great honor.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Any changes in committee scheduling will be indicated by placement of an asterisk to the left of the name of the unit conducting such meetings.

Meetings scheduled for Tuesday, March 17, 1987, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 18

9:30 a.m.

Armed Services
Manpower and Personnel Subcommittee
To resume hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on military health care.
SR-232A

Budget
Business meeting, to mark up the concurrent resolution on the fiscal year 1988 budget for the Federal Government.
SD-608

Energy and Natural Resources
To hold hearings on proposed legislation to authorize and extend the Price-Anderson Act, relating to procedures for liability and indemnification for nuclear incidents.
SD-366

Finance
Business meeting, to consider S. Con. Res. 21, relating to practices of the European Community with regard to fats and oils, S. Con. Res. 27, relating to Canadian countervailing duty practices, and S. Res. 50, in support of Canadian-American comprehensive trade negotiations.
SD-215

Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on the future of U.S. relations with the Republic of Korea, and on the nomination of Daryl Arnold, of California, to be Ambassador to the Republic of Singapore.
SD-419

Governmental Affairs
Permanent Subcommittee on Investigations
To hold hearings on Federal drug interdiction, focusing on command control, communications, and intelligence.
SD-342

Rules and Administration
To resume hearings on S. 2, S. 50, S. 179, S. 207, S. 615, S. 625, and S. 725, bills to provide for spending limits and public financing for Senate general elections.
SR-301

10:00 a.m.

Agriculture, Nutrition, and Forestry
Business meeting, to mark up S. 659, to establish agricultural aid and trade missions, to assist foreign countries to participate in United States agricultural aid and trade programs.
SR-332

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on NATO infrastructure and burden-sharing.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Information Agency, and the Board for International Broadcasting.
S-146, Capitol

Finance
To hold hearings to examine the impact of the trade deficit on certain American workers, focusing on provisions relating to workers' rights of S. 490, Omnibus Trade Act, and H.R. 3, Trade and International Economic Policy Reform Act, and on the trade adjustment assistance program as provided for in S. 490.
SD-215

Labor and Human Resources
Business meeting, to mark up S. 514, to establish an incentive bonus to States which successfully train and employ long-term welfare dependents, and to consider pending nominations and other pending calendar business.
SD-430

10:30 a.m.

*Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on health effects of ozone and carbon monoxide in non-attainment areas.
SD-406

2:00 p.m.

Agriculture, Nutrition, and Forestry
To hold oversight hearings on the Farm Bill of 1985 (P.L. 99-198).
SD-226

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, fo-

cusing on solar and renewables, energy research, and environment.

SD-138

Armed Services
Projection Forces and Regional Defense Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense, focusing on airlift, sealift, and amphibious shipping programs.

SR-222

Budget
Business meeting, to mark up the concurrent resolution on the fiscal year 1988 budget for the Federal Government.

SD-608

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on S. 742, to clarify the congressional intent, and to codify certain requirements of the Communications Act of 1934 that ensure that broadcasters afford reasonable opportunity for the discussion of conflicting views on issues of public importance.

SR-253

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs for the Near East and South Asia.

SD-419

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

MARCH 19

9:30 a.m.
Appropriations
Defense Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for the Department of Defense, focusing on the strategic defense initiative.

SD-192

Budget
Business meeting, to mark up the concurrent resolution on the fiscal year 1988 budget for the Federal Government.

SD-608

Governmental Affairs
Oversight of Government Management Subcommittee
To hold oversight hearings on the Independent Counsel Statute.

SD-342

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Marketing Service, Federal Grain Inspection Service, and the Food Safety and Inspection Service.

SD-124

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.

S-126, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Highway Administration, and the National Highway Traffic Safety Administration, Department of Transportation.

SD-138

Armed Services
Strategic Forces and Nuclear Deterrence Subcommittee
To resume closed hearings on proposed legislation authorizing funds for fiscal years 1988 and 1989 for the Department of Defense.

S-407, Capitol

Finance
To hold hearings to review catastrophic health insurance issues, focusing on the impact of catastrophic health insurance on consumers and health care providers.

SD-215

Foreign Relations
To resume hearings on proposed legislation authorizing funds for the Department of State, focusing on the U.S. contribution to the United Nations.

SD-419

Labor and Human Resources
To hold hearings on S. 557, Civil Rights Restoration Act of 1987.

SD-430

1:15 p.m.
Judiciary
Antitrust, Monopolies and Business Rights Subcommittee
Business meeting, to mark up S. 431 and S. 432, bills to strengthen the premerger reporting requirements of the Hart-Scott-Rodino Antitrust Improvements Act of 1976.

SD-226

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the National Endowment for the Arts, National Endowment for the Humanities, and the Institute of Museum Services.

SD-192

Budget
Business meeting, to mark up the concurrent resolution on the fiscal year 1988 budget for the Federal Government.

SD-608

Foreign Relations
Western Hemisphere and Peace Corps Affairs Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs for the Western Hemisphere.

SD-419

Governmental Affairs
To hold hearings on S. 328, Prompt Payment Act Amendments of 1987.

SD-342

Judiciary
Business meeting, to consider pending calendar business.

SD-226

Select on Indian Affairs
Business meeting, to consider S. 136, to establish a health promotion and disease prevention program to serve Native Hawaiian communities, and S. 360, to improve the education status of Native Hawaiians.

SR-485

Select on Intelligence
To continue closed hearings on proposed legislation authorizing funds for fiscal year 1988 for the intelligence community.

SH-219

MARCH 20

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary of the Treasury, and the National Treasury Employees Union.

SD-116

Armed Services
To resume hearings on the national security strategy of the United States.

SR-222

Budget
Business meeting, to mark up the concurrent resolution on the fiscal year 1988 budget for the Federal Government.

SD-608

Governmental Affairs
Oversight of Government Management Subcommittee
To continue hearings on the Independent Counsel Statute.

SD-342

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Emergency Management Agency.

SD-124

Foreign Relations
International Economic Policy, Trade, Oceans and Environment Subcommittee
To hold hearings to review the economic and foreign policy implications of the decline of the U.S. dollar.

SD-419

Labor and Human Resources
Education, Arts, and Humanities Subcommittee
Business meeting, to mark up S. 320, School Dropout Demonstration Assistance Act of 1987.

SD-430

2:00 p.m.
Budget
Business meeting, to mark up the concurrent resolution on the fiscal year 1988 budget for the Federal Government.

SD-608

MARCH 23

9:30 a.m.
Finance
Taxation and Debt Management Subcommittee
To hold hearings to review the revenue increases proposed in the President's proposed budget for fiscal year 1988.

SD-215

2:00 p.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Agricultural Stabiliza-

tion and Conservation Service, Commodity Credit Corporation, and the Federal Crop Insurance Corporation.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Power Marketing Administration.
SD-192

MARCH 24

9:30 a.m.

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Government Affairs
Permanent Subcommittee on Investigations
To resume hearings on federal drug interdiction, focusing on command control, communications, and intelligence.
SD-342

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain activities of the Agency for International Development.
S-126, Capitol

Labor and Human Resources
Labor Subcommittee
To hold hearings on overfunding and underfunding on pensions.
SD-430

2:00 p.m.

Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Land Management, Department of the Interior.
SD-192

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Aeronautics and Space Administration's space station program.
SR-253

Judiciary
To resume hearings on the President's proposed budget request for fiscal year 1988 for the Department of Justice, focusing on the Immigration and Naturalization Service.
SD-226

2:30 p.m.

Energy and Natural Resources
Research and Development Subcommittee
To hold hearings to review the current status of renewable energy technologies.
SD-366

MARCH 25

9:30 a.m.

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.

Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Rural Electrification Administration.
SD-138

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Navy and Navy Reserve Components.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of State, and the U.S. Arms Control and Disarmament Agency.
S-146, Capitol

Finance
To hold hearings to examine the impact of imports and foreign investment on national security, and related provisions as contained in S. 285, S. 490, S. 470, S. 694, and H.R. 3.
SD-215

Labor and Human Resources
Business meeting, to consider pending calendar business.
SD-430

MARCH 26

9:00 a.m.

Agriculture, Nutrition, and Forestry
Agricultural Credit Subcommittee
To resume oversight hearings on the status of the farm credit system.
SR-332

Office of Technology Assessment
The Board, to meet to consider pending business.
EF-100, Capitol

9:30 a.m.

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to review the Federal Aviation Administration's management of the airport and airway trust fund.
SR-253

Environment and Public Works
Environmental Protection Subcommittee
To hold hearings on State and local government control efforts in nonattainment areas.
SD-406

10:00 a.m.

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Peace Corps, African Development Foundation, and the Inter-American Foundation.
S-126, Capitol

Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Federal Energy Regulatory Administration, and the Nuclear Regulatory Administration.
SD-192

Finance
To resume hearings to review catastrophic health insurance issues, focusing on the role of private insurance and financing alternatives for catastrophic protection.
SD-215

Labor and Human Resources
Employment and Productivity Subcommittee
Labor Subcommittee
To resume joint hearings on S. 538, to implement the recommendations of the Secretary of Labor's Task Force on Economic Adjustment and Worker Dislocation.
SD-430

2:00 p.m.

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of the Secretary and the Office of the Inspector General, Department of Transportation.
SD-192

Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the National Telecommunications and Information Administration, Department of Commerce.
SR-253

2:30 p.m.

Energy and Natural Resources
Research and Development Subcommittee
To resume hearings to review the current status of renewable energy technologies.
SD-366

MARCH 27

10:00 a.m.

Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Environmental Protection Agency, and the Council on Environmental Quality.
SD-124

Finance
Health Subcommittee
To hold hearings to examine the role and performance of utilization and quality control peer review organizations under the Medicare program.
SD-215

MARCH 30

10:00 a.m.

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

MARCH 31

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, in behalf of funds for the Foreign Agricultural Service, Food for Peace Program (P.L. 480), and the Office of International Cooperation and Development.
SD-138

Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for migration and refugee assistance, U.S. emergency refugee assistance fund, international narcotics control, and anti-terrorism assistance.
S-126, Capitol

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Foreign Relations
To resume hearings on proposed legislation authorizing funds for fiscal year 1988 for foreign assistance programs.
SD-419

2:00 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

9:00 a.m.
Rules and Administration
Business meeting, to consider pending legislation and administrative business.
SR-301

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative priorities of AMVETS, Vietnam Veterans of America, and the Jewish War Veterans.
334 Cannon Building

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

10:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Commodity Futures Trading Commission, and the Food and Drug Administration of the Department of Health and Human Services.
SD-138

Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Air Force and Air Force Reserve Components.
SD-192

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for international organizations of the Department of State.
S-146, Capitol

1:30 p.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Office of Personnel Management, the Federal Election Commission, and the Advisory Commission on Intergovernmental Relations.
SD-124

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Strategic Petroleum Reserve, Naval Petroleum Reserve, and the Office of Emergency Preparedness.
SD-116

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

April 2

9:30 a.m.
Commerce, Science, and Transportation
Foreign Commerce and Tourism Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 1988 for the U.S. Travel and Tourism Administration, Department of Commerce.
SR-253

Energy and Natural Resources
Research and Development Subcommittee
To hold oversight hearings on the clean coal technology program.
SD-366

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development.
SD-124

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs.
SD-192

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the St. Lawrence Seaway Development Corporation, and the Architectural Transportation Barriers Compliance Board.
SD-138

Foreign Relations
Business meeting, to mark up proposed legislation authorizing funds for fiscal year 1988 for the Department of State, U.S. Information Agency, Board for International Broadcasting, and the U.S. Arms Control and Disarmament Agency.
SD-419

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Indian Health Service of the Department of Health and Human Services, and the Navajo and Hopi Indian Relocation Commission.
SD-138

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs
SD-192

APRIL 3

9:30 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the United States Postal Service.
SD-116

Finance
Taxation and Debt Management Subcommittee
To hold hearings on S. 58, to make permanent and increase the income tax credit for increasing research activities, and proposals regarding the allocation of domestic research expenses.
SD-215

April 6

9:00 a.m.
Appropriations
Agriculture, Rural Development and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.
SD-138

10:00 a.m.
Appropriations
Military Construction Subcommittee
To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing

on Caribbean Basin Construction Program.

SD-192

APRIL 7

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the implementation of the airport improvement program.

SR-253

Environment and Public Works

Environmental Protection Subcommittee

To hold hearings on S. 675, authorizing funds for fiscal years 1988-1992 for programs of the Endangered Species Act.

SD-406

2:00 p.m.

Energy and Natural Resources

Research and Development Subcommittee

To hold hearings on the President's budget request for fiscal year 1988 for the Department of Energy's Office of Energy Research for the Superconducting Super Collider (SSC).

SD-366

APRIL 8

9:00 a.m.

Appropriations

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

9:30 a.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to review the national airspace system plan.

SR-253

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on nuclear fission, uranium enrichment, and the nuclear waste management.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Securities and Exchange Commission and the Civil Rights Commission.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Fish and Wildlife Service, Department of the Interior.

SD-192

APRIL 9

9:30 a.m.

Energy and Natural Resources

Research and Development Subcommittee

To resume oversight hearings on clean coal technology program.

SD-366

10:00 a.m.

Appropriations

HUD—Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.

SD-124

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Interstate Commerce Commission, and the Research and Special Programs Administration of the Department of Transportation.

SD-138

1:00 p.m.

Appropriations:

Agriculture, Rural Development and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Agriculture, rural development, and related agencies.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Energy Information Administration and the Economic Regulatory Administration, Department of Energy.

SD-192

APRIL 10

9:30 a.m.

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Treasury, U.S. Postal Service, and general government.

SD-192

10:00 a.m.

Appropriations

HUD-Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the National Aeronautics and Space Administration.

SD-124

APRIL 21

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

to hold hearings on proposed budget estimates for fiscal year 1988 for the Bureau of Indian Affairs, Department of the Interior.

SD-192

APRIL 22

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on the Office of the Secretary, and salaries and expenses.

SD-192

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Small Business Administration, and the Federal Trade Commission.

S-146, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Geological Survey, Department of the Interior.

SD-192

Appropriations

Energy and Water Development Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on the Department of Energy national laboratories.

SD-116

APRIL 23

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on compensatory education for the disadvantaged, special programs, impact aid, bilingual education, immigrant and refugee education, education for the handicapped, rehabilitation services and handicapped research, special institutions (includes American Printing House for the Blind, National Technical Institute for the Deaf, and Gallaudet College), and vocational and adult education.

SD-192

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Earthquake Hazards Reduction Act (P.L. 95-124).

SR-253

10:00 a.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on Army and Army Reserve Components.

SD-124

Appropriations

Energy and Water Development Subcommittee

To hold closed hearings on proposed budget estimates for fiscal year 1988 for energy and water development programs, focusing on Atomic Energy Defense activities.

SD-116

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Coast Guard, Department of Transportation.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Office of the Secretary and the Office of the Solicitor.

SD-192

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Education, focusing on student financial assistance, guaranteed student loans, higher education, higher education facilities loans and insurance, college housing loans, Howard University, education research and statistics, and libraries.

SD-138

APRIL 24

10:00 a.m.

Appropriations

HUD—Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Home Loan Bank Board, Neighborhood Reinvestment Corporation, and the National Institute of Building Sciences.

SD-124

APRIL 27

10:00 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for energy and water development, focusing on certain activities of the Department of Energy.

SD-192

APRIL 28

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for security assistance programs.

S-126, Capitol

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on the Bureau of Mines, and the Office of Surface Mining, Reclamation and Enforcement.

SD-192

APRIL 29

10:00 a.m.

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Justice, focusing on the Office of Attorney General, Immigration and Naturalization Service, and the Federal Prison System.

S-146, Capitol

APRIL 30

9:30 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial governments.

SD-124

10:00 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for defense security assistance programs.

S-126, Capitol

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Urban Mass Transit Administration of the Department of Transportation, and the Washington Metropolitan Transit Authority.

SD-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of the Interior, focusing on territorial affairs.

SD-192

MAY 4

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-192

MAY 5

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee.

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

S-138

2:00 p.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Smithsonian Institution, Woodrow Wilson International Center for Scholars, and the Holocaust Memorial Council

SD-138

MAY 6

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee.

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Military Construction Subcommittee

To resume hearings on proposed budget estimates for fiscal year 1988 for military construction programs, focusing on defense agencies.

SD-192

Appropriations

Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the U.S. Supreme Court, and for the Department of Justice, focusing on the Federal Bureau of Investigation, Drug Enforcement Administration, and the U.S. Marshals, Service.

S-146, Capitol

2:30 p.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

MAY 7

9:00 a.m.

Appropriations

Interior and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for fossil energy, and clean coal technology programs.

SD-192

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.

SD-116

10:00 a.m.

Appropriations

Transportation and Related Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration, and the General Accounting Office (FAA operations).

SD-138

2:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-116

MAY 8

9:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Federal Aviation Administration of the Department of Transportation, and the General Accounting Office (R, E & D, F & E, Airport Grants).
SD-138

2:30 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Labor, Health and Human Services, Education, and related agencies.
SD-192

MAY 12

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for certain export financing programs.
SD-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies
To hold hearings on proposed budget estimates for fiscal year 1988 for the Legal Services Corporation, and the Equal Employment Opportunity Commission.
SD-146, Capitol

MAY 13

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for foreign assistance programs.
SD-126, Capitol

Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Commerce, Justice, State, the Judiciary, and related agencies.
SD-146, Capitol

Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Departments of Transportation and related agencies.
SD-138

MAY 14

10:00 a.m.
Appropriations
Transportation and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Transportation and related agencies.
SD-138

MAY 15

10:00 a.m.
Appropriations
HUD—Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Department of Housing and Urban Development, and independent agencies.
SD-124

MAY 20

10:00 a.m.
Appropriations
Commerce, Justice, State, the Judiciary, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for the Judicial Conference, Commission on the Bicentennial of the Constitution, U.S. Sentencing Commission, and the State Justice Institute.
S-146, Capitol

JUNE 23

10:00 a.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings to review proposed budget estimates for fiscal year 1988 for the Department of State.
SD-192

CANCELLATIONS

MARCH 17

2:00 p.m.
Appropriations
Interior and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1988 for energy conservation, and the National Capital Planning Commission.
SD-192

MARCH 18

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

MARCH 23

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review the Department of the Interior's proposed 5-year Outer Continental Shelf leasing plan.
SD-366